

**MINUTES FOR THE REGULAR MEETING OF THE MAYOR AND BOARD
OF TRUSTEES OF THE VILLAGE OF BOLINGBROOK – SEPTEMBER 27, 2016**

CALL TO ORDER

The Regular Meeting of the Mayor and Board of Trustees of the Village of Bolingbrook was called to order at the hour of 8:00 p.m., September 27, 2016, in Bolingbrook, Illinois, by Mayor Roger C. Claar.

PLEDGE OF ALLEGIANCE

Mayor Claar requested Anthony Turano of Turano Bakery lead the Pledge of Allegiance.

ROLL CALL

Village Clerk, Carol S. Penning, called the roll. Present were: Mayor Roger C. Claar, and Trustees Leroy J. Brown, Michael T. Lawler, Ricardo Morales, Joseph B. Morelli and Maria A. Zarate

Absent: Patricia E. Schanks

Also present were: Village Clerk - Carol Penning, Village Attorney - James Boan, Public Safety Director - Thomas Ross, Director of Public Services & Development – Lucas Rickelman and Finance Director – Rosa Cojulun

Representing the press: No press attended.

JOURNAL OF PROCEEDINGS

Motion Brown, second Zarate to approve the minutes of the regular meeting of September 13, 2016, Village Board meeting as submitted by the Village Clerk.

Voice vote. Motion carried.

APPROVAL OF AGENDA/ADDITIONS

There were no deletions or additions to the agenda.

Motion Morales, second Zarate to approve the agenda as submitted.

Voice vote. Motion carried.

COMMISSION APPOINTMENTS/REAPPOINTMENTS

None

PROCLAMATIONS

FIRE PREVENTION WEEK, October 9th through October 15th, 2016: Mayor Claar proclaimed Sunday, October 9th, through Saturday, October 15th, as FIRE PREVENTION WEEK in Bolingbrook and called upon residents to remember the Fire Prevention Week 2016 theme, "Don't Wait - Check the Date! Replace Smoke Alarms Every 10 Years". He urged everyone to find out how old their fire alarms were and change them out if they were over ten (10) years old. Fire Marshall Jeff LaJoie accepted the proclamation and talked about the events being held by the Fire Department during that week.

KIWANIS PEANUT DAYS, October 8th through October 9th, 2016: Mayor Claar proclaimed Friday, October 8th and Sunday, October 9th, as KIWANIS PEANUT DAYS and encouraged all residents to support the Kiwanis Club of Bolingbrook/Romeoville during their semi-annual Kiwanis Peanut Days fundraiser. Funds raised will benefit Student Leadership Clubs in all five (5) middle schools, Bolingbrook High School Key Club, and Romeoville High School Key Club. Pat Fiaccato, President, accepted the proclamation.

CITIZENS AGAINST ABUSE PRESENTATION, October 13, 2016: Mayor Claar proclaimed October 2016 DOMESTIC VIOLENCE AWARENESS MONTH and asked citizens of Bolingbrook to gather for the 18th ANNUAL CITIZENS AGAINST ABUSE RALLY & MARCH on Thursday, October 13th, at 5:30 p.m. at DuPage Township Levy Center to purposely demonstrate concern for victims of violence and raising awareness to prevent future acts of violence. Pat Fiaccato, Chairperson, accepted the proclamation.

PRESENTATIONS

WILL COUNTY CENTER FOR COMMUNITY CONCERNS: Kris White, Executive Director, presented Mayor Claar with a plaque in honor of his 30 years of service on the Board for the Will County Center for Community Concerns. He was a founding Board member and had seen the group through many changes. Mayor Claar had to step down from the Board as he had been appointed to the the PACE Board which presented a conflict as both Boards met on the same time, same day.

Other Will County Center for Community Concerns members present were: Linda Pote, Board Chair, Ruth Newell, Board Member and Sheldon Watts, Board Member presented

PROMOTIONS/SWEARING IN

Police Department: Sergeant Anthony Columbus to Lieutenant; and

Detective Thomas Gallas to Sergeant

Public Safety Director, Tom Ross, and members of the Fire & Police Board present were Barbara Provo - Chair and Ray Macri.

BILL APPROVAL

Motion Morelli, second Lawler to approve expenditures submitted as Bill Listing A - Payables in the amount of \$1,348, 019.86 and Bill Listing B - Pre-pays in the amount of \$1,825,415.94 totaling \$3,173,435.80. (Copies were made available in the Finance Dept. and Clerk's Office.)

ROLL CALL: Yea 5 Brown, Lawler, Morales, Morelli, Zarate
 Nay 0 None
 Absent 1 Schanks

Motion carried.

TAX RECEIPTS

1. June, 2016 State Income Tax - \$397,547.59 (June, 2015 State Income Tax - \$447,185.88) – a 11.1% Decrease

2. July, 2016 Sales Tax - \$2,703,971.11 (July, 2015 Sales Tax - \$2,706,068.81) – a .1% Decrease

3. July, 2016 Motor Fuel Tax - \$159,403.61 (July, 2015 Motor Fuel Tax - \$178,311.59) – a 10.6% Decrease

MOTIONS

MOTION TO ACCEPT LOW BID FROM PATRIOT PAVEMENT MAINTENANCE IN THE AMOUNT OF \$200,860.00 FOR THE 2016 FIBERIZED CRACK FILLING PROGRAM (VARIOUS STREETS) – NON MFT

Motion Brown, second Lawler to accept a motion to accept the low bid from Patriot Pavement Maintenance in the amount of \$200,860 for the 2016 Fiberized Crack Filling Program for various streets - Non-MFT.

This motion accepted the low bid from Patriot Pavement Maintenance for the 2016 Non-MFT Street and Crack Filling Program. Three (3) bid packets were sent out and three (3) bids returned. The low bid was \$200,860; \$49,140 under the budgeted amount of \$250,000.

ROLL CALL: Yea 5 Brown, Lawler, Morales, Morelli, Zarate
 Nay 0 None
 Absent 1 Schanks

Motion carried.

MOTION TO APPROVE FINAL BALANCING CHANGE ORDER FOR GLOBE CONSTRUCTION IN THE AMOUNT OF \$54,559.80 (MFT SIDEWALK PROGRAM)

Motion Morales, second Zarate to accept a motion to approve a final balancing change order for Globe Construction in the amount of \$54,559.80 (MFT Sidewalk Program).

This motion approved a final balancing change order with Globe Construction, Inc., for the 2016 MFT Sidewalk Program. The original bid was for \$219,120. This change order added \$54,559.80 to the contract. Total project cost was \$273,679.80; \$1,302.20 under the budgeted amount of \$275,000.

ROLL CALL: Yea 5 Brown, Lawler, Morales, Morelli, Zarate
 Nay 0 None
 Absent 1 Schanks

Motion carried.

MOTION TO TERMINATE AGREEMENT RE MUNICIPAL SERVICES AND FEES APPROVED BY ORDINANCE NO. 04-145 AND TO AUTHORIZE VILLAGE FINANCE DIRECTOR TO GIVE NOTICE OF TERMINATION

Motion Brown, second Lawler to accept a motion to terminate an agreement regarding Municipal Services and Fees approved by Ordinance No. 04-145 and to authorize the Village Finance Director to give Notice of Termination.

This motion authorized the Finance Director to send notice to Arena Auction (Manheim) giving them notice that the Village was terminating the current Municipal Service Fee Agreement and would be "implementing a Vehicle Transfer Tax" into the Municipal Code.

ROLL CALL: Yea 5 Brown, Lawler, Morales, Morelli, Zarate
 Nay 0 None
 Absent 1 Schanks

Motion carried.

RESOLUTIONS

RESOLUTION 16R-044
APPROVING QUOTATION OF STRYKER FOR PURCHASE OF A POWER PRO XT COT FOR USE BY THE FIRE DEPARTMENT

Motion Morales, second Zarate to adopt a resolution approving a quotation from Stryker for the purchase of a Power Pro XT Cot for use by the Fire Department.

This resolution approved the purchase of a replacement stretcher for Ambulance #5. The current stretcher is nine (9) years old (manufacturer life expectancy is seven (7) years). The purchase of a Power Pro Cot was from Stryker. This was the manufacturer of the stretchers used in all of the ambulances. The cost was \$17,259; \$3,741 under the budgeted amount of \$21,000. The Public Safety Committee reviewed the quote and recommended approval.

ROLL CALL: Yea 5 Brown, Lawler, Morales, Morelli, Zarate
 Nay 0 None
 Absent 1 Schanks

Motion carried.

ORDINANCES

PC 16.27
APPROVAL OF AN AMENDMENT TO A SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT WITH VARIANCES AND FINAL DEVELOPMENT PLAN, BOLINGBROOK CROSSINGS, 1077 S. WEBER ROAD; DW BOLINGBROOK, LLC, JEFF SCALES, APPLICANT

Motion Morales, second Morelli to accept a Plan Commission PC 16.27 for approval of an amendment to a Special Use Permit for a Planned Development with variances and Final

Development Plan, Bolingbrook Crossings, 1077 S. Weber Road; DW Bolingbrook, LLC, Jeff Scales, Applicant.

Voice vote. Motion carried.

ORDINANCE 16-081
APPROVING AMENDMENT TO SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT WITH VARIANCES AND FINAL DEVELOPMENT PLAN (BOLINGBROOK CROSSINGS) – 1077 S. WEBER ROAD (TILTED KILT PLAZA – JIMMY JOHN’S)

Motion Brown, second Lawler pass an ordinance approving an amendment to a Special Use Permit for a Planned Development with variances and Final Development Plan (Bolingbrook Crossings) – 1077 S. Weber Road (Tilted Kilt Plaza – Jimmy John’s).

Bolingbrook Crossings was located at 1007 S. Weber Road and was a Multi-tenant Retail Center (Tilted Kilt). Jeff Scales, on behalf of ownership, has applied for an amendment to the existing Special Use Permit to redevelop the building to provide for a Jimmy John’s carry-out restaurant with outdoor seating and drive-thru window. The eatery would occupy 2,200 sq. ft. of tenant space. The parking lot would need to be reconfigured to accommodate the drive-thru lane. This ordinance approved the amended Special Use Permit, Final Development Plan and a Parking Variance. The Plan Commission reviewed the request and recommended approval.

ROLL CALL: Yea 5 Brown, Lawler, Morales, Morelli, Zarate
 Nay 0 None
 Absent 1 Schanks

Motion carried.

PC 16.29
APPROVAL OF A SPECIAL USE PERMIT FOR A CARRY-OUT RESTAURANT WITH EXTENDED HOURS OF OPERATION AND OUTDOOR DINING; SHARIF ISLAM, APPLICANT

Motion Morelli, second Zarate to accept Plan Commission report PC 16.29 for approval of a Special Use Permit for a carry-out restaurant with extended hours of operation and outdoor dining; Sharif Islam, Applicant.

Voice vote. Motion carried.

ORDINANCE 16-082
APPROVING SPECIAL USE PERMIT FOR A CARRY-OUT RESTAURANT WITH EXTENDED HOURS OF OPERATION AND OUTDOOR DINING (HEN HOUSE CHICKEN & SHRIMP) – 126 W. BOUGHTON ROAD (OLD CHECKER’S BUILDING ON BOUGHTON ROAD)

Motion Lawler, second Brown to pass an ordinance approving a Special Use Permit for a carry-out restaurant with extended hours of operation and outdoor dining at Hen House Chicken & Shrimp located at 126 W. Boughton Road (old Checker’s Building on Boughton Road).

This restaurant building was located in the Market Place Shopping Center at 126 W. Boughton (formerly Checkers and Harold’s Chicken) and had been vacant for several years. Sharif Islam

wanted to redevelop the 2,304 sq. ft. building into "Hen House Chicken and Shrimp", a carry-out restaurant with outdoor dining and extended hours of operation. The applicant would like to operate until 10:00 p.m. Sunday through Thursday and until Midnight on Friday and Saturday. This ordinance approved the Special Use. The Plan Commission reviewed the request and recommended approval.

ROLL CALL: Yea 5 Brown, Lawler, Morales, Morelli, Zarate
 Nay 0 None
 Absent 1 Schanks

Motion carried.

PC 16.30

APPROVAL OF A SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT, TOBACCO EXPRESS, 354 N. SCHMIDT ROAD, FAROOQ MIR ALI; APPLICANT

Motion Brown, second Lawler to accept Plan Commission Report PC 16.30 for approval of a Special Use Permit for a Planned Development called Tobacco Express, 354 N. Schmidt Road, Farooq Mir Ali, Applicant.

Voice vote. Motion carried.

ORDINANCE 16-083

APPROVING SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT (TOBACCO EXPRESS) – 354 N. SCHMIDT ROAD

Motion Morelli, second Morales to pass an ordinance for approval of a Special Use Permit for a Planned Development called Tobacco Express, 354 N. Schmidt Road; Farooq Mir Ali, Applicant

Tobacco and smoking material uses required a Special Use Permit. Farooq Mir Ali would like to open a tobacco store at 354 N. Schmidt Road in the Riverwood Plaza. "Tobacco Express" would occupy 1,200 sq. ft. of tenant space next to Hieroglyphics Hair Supply and will be limited to the sale of cigarettes, cigars and pipe tobacco. This ordinance approved the Special Use Permit. The Plan Commission reviewed the request and recommended approval.

ROLL CALL: Yea 5 Brown, Lawler, Morales, Morelli, Zarate
 Nay 0 None
 Absent 1 Schanks

Motion carried.

PC 16.31

APPROVAL OF A SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT WITH VARIANCES AND FINAL DEVELOPMENT PLAN, TURANO BAKERY, 556 ST. JAMES GATE; KRUSINSKI CONSTRUCTION COMPANY, STEVE MOELLER, APPLICANT

Motion Lawler, second Zarate to accept Plan Commission Report 16.31 for approval of a Special Use Permit for a Planned Development with variances and Final Development Plan for Turano Bakery, 556 St. James Gate; Krusinski Construction Company, Steve Moeller, Applicant.

Voice vote. Motion carried.

ORDINANCE 16-084

APPROVING SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT WITH VARIANCES AND FINAL DEVELOPMENT PLAN (TURANO BAKERY) – 556 ST. JAMES GATE

Motion Morelli, second Brown to pass an ordinance approving a Special Use Permit for a Planned Development with variances and Final Development Plan for Turano Bakery at 556 St. James Gate.

Turano Bakery operated a 149,171 sq. ft. plant at 556 St. James Gate. They sought approval of a Special Use Permit with variances and Final Development Plan to allow a building addition(s). The Phase 1 addition was a 189,248 sq. ft. bakery addition. The future Phase 2 would add a 126,432 sq. ft. refrigeration addition. At completion, the Turano building will contain 464,851 sq. ft. Seven (7) associated variances were needed to complete the additions. The expansion would add approximately 100 jobs. This ordinance approved the Special Use Permit with variances and Final Development Plan. The Plan Commission reviewed the request and recommended approval.

Anthony Turano, member of the Turano family, talked about the company. Mayor Claar noted that Turano Bakery was 3rd generation owned and operated. He gave a short history of the company and how they came to occupy their current location on St. James Gate. Turano Bakery opened and operated in Bolingbrook at that location twenty (20) years ago. Anthony expressed that the company was excited to expand their current space.

ROLL CALL: Yea 5 Brown, Lawler, Morales, Morelli, Zarate
 Nay 0 None
 Absent 1 Schanks

Motion carried.

PC 16.32

APPROVAL OF A SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT WITH VARIANCES AND FINAL DEVELOPMENT PLAN, ALDI, 351 BROOKVIEW LANE,; MANHARD CONSULTING, LTD, DAN MILETIC, APPLICANT

Motion Morales, second Brown to accept Plan Commission Report PC 16.32 for approval of a Special Use Permit for a Planned Development with variances and Final Development Plan for the Aldi located at 351 Brookview Lane; Manhard Consulting, LTD, Dan Miletic, Applicant

Voice vote. Motion carried.

ORDINANCE 16-085

APPROVING AMENDMENT TO SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT WITH VARIANCES AND FINAL DEVELOPMENT PLAN (ALDI) – 351 BROOKVIEW LANE

Motion Lawler, second Morales to pass an ordinance approving an amendment to a Special Use Permit for a Planned Development with variances and Final Development Plan (Aldi) – 351 Brookview Lane.

Aldi, located at 351 Brookview Lane, consisted of 16,130 sq. ft. The grocer requested to add an additional 2,100 sq. ft. on the east side of the building. The addition would reduce the number

of required parking spaces from eighty-one (81) to sixty-nine (69). This ordinance allowed for the construction of the addition, granted the parking variance and approved the revised Development Plan. The Plan Commission reviewed the request and recommended approval.

A spokesman representing Aldi gave details on the addition to the store.

ROLL CALL: Yea 5 Brown, Lawler, Morales, Morelli, Zarate
 Nay 0 None
 Absent 1 Schanks

Motion carried.

ORDINANCE 16-086
APPROVING FINAL PLAT OF SUBDIVISION (CARLOW CORPORATE CENTER WEST PHASE 1A)

Motion Morales, second Zarate to pass an ordinance approving the Final Plat of Subdivision for Carlow Corporate Center West Phase 1A.

Northern Builders recently annexed the Mary Kelley farm east of the Golf Club. They started construction on a 615,000 sq. ft. distribution building for Best Buy. Their initial purchase was for 75.83 acres of property. They now requested that the property be subdivided. This ordinance subdivided the property into three (3) lots. Lot 1 would be 13.681 acres, Lot 2 would be 17.363 acres and Lot 3 (Best Buy) would be 33.435 acres. Access to Lot 3 would be off Remington while access to Lots 1 and 2 would be off of Dalton. This ordinance approved the Final Plat of Subdivision. The Plan Commission reviewed the project and recommended approval.

ROLL CALL: Yea 5 Brown, Lawler, Morales, Morelli, Zarate
 Nay 0 None
 Absent 1 Schanks

Motion carried.

ORDINANCE 16-087
RE PLANT AND WEED CONTROL

Motion Lawler, second Zarate to pass an ordinance regarding plant and weed control in Chapters 20 and 27 of the Municipal Code.

This ordinance was a "housekeeping" measure requested by Code Enforcement. It rewrote Article 4 of Chapter 27 regarding plants and weeds and eliminated Article 2 of Chapter 20. This amendment would move "plant and weed control" from property maintenance to Code Enforcement sections of the Municipal Code. This change implemented tougher lawn mowing regulations. It further strengthened and enhanced the enforcement and penalty provisions in the Code including posting of non-compliant signs in front of properties under certain circumstances.

ROLL CALL: Yea 5 Brown, Lawler, Morales, Morelli, Zarate
 Nay 0 None
 Absent 1 Schanks

Motion carried.

ORDINANCE 16-088

AMENDING CHAPTER 13 OF THE MUNICIPAL CODE AND INCREASING CLASS "D-2" (INDOOR/ALCOHOL) FROM SEVENTEEN (17) TO EIGHTEEN (18) – PORKCHOP (PORKCHOP BOLINGBROOK LLC) AT THE PROMENADE

Motion Lawler, second Zarate to pass an ordinance amending Chapter 13 of the Municipal Code and increasing Class "D-2" (Indoor/Alcohol) Liquor Licenses from seventeen (17) to eighteen (18) – Porkchop (Porkchop Bolingbrook LLC) at the Promenade.

Johnny Rockets previously occupied Suite 105 in the Promenade. The 2,399 sq. ft. restaurant was being remodeled into "Porkchop" a BBQ eatery. The business requested a full service liquor license. This ordinance increased the number of "D-2" Liquor Licenses to accommodate the request.

ROLL CALL: Yea 5 Brown, Lawler, Morales, Morelli, Zarate
 Nay 0 None
 Absent 1 Schanks

Motion carried.

ORDINANCE 16-089

AMENDING CHAPTER 13 OF THE MUNICIPAL CODE AND DECREASING CLASS "C-6" FROM ONE (1) TO ZERO (0) – LOS 7 MARES FORMERLY LOCATED IN THE INDIAN OAKS SHOPPING CENTER (2ND FLOOR)

Motion Morales, second Zarate to pass an ordinance amending Chapter 13 of the Municipal Code and decreasing Class "C-6" Liquor Licenses from one (1) to zero (0) – Los 7 Mares (formerly located on the 2nd floor of the Indian Oaks Shopping Center).

Los 7 Mares was located in the Indian Oaks Shopping Center (2nd Floor). The restaurant closed in July. This ordinance decreased the number of Class "C-6" licenses from one (1) to zero (0) to reflect the closing.

ROLL CALL: Yea 5 Brown, Lawler, Morales, Morelli, Zarate
 Nay 0 None
 Absent 1 Schanks

Motion carried.

PUBLIC COMMENTS

None

TRUSTEES' COMMENTS AND REPORTS

Trustee Zarate gave details on the Heart Haven Hustle 5K Walk/Run on Sunday, October 16th, 2016, at the Promenade Bolingbrook Mall.

Trustee Morelli had no comment.

Trustee Brown gave information about Valencia Boxing Show on Friday, September 30th, 2016, at the Bolingbrook Community Center. Valencia Boxing gave at-risk youth a place to go and goals to reach in a positive environment.

Trustee Morales gave details on the Citizens Against Abuse 18th Annual Rally & March on Thursday, October 13th, at the Levy Center from 5:30 to 8:00 p.m.

Trustee Lawler gave information on the DuPage Township 9th Annual Job Fair at the Levy Center between 9:00 a.m. and 1:00 p.m. He also announced that the last day to register to vote for the November election is Tuesday, October 11th.

Mayor Claar talked about the letter sent out to residents concerning the electricity supply contract that the Village along with other municipalities (Electric Consortium) negotiated to get the lowest cost for the supply side of electricity. While Com Ed still did billing and repairs, Homefield Energy had the present contract with the Consortium. It was estimated that, over the last four (4) years, since the Consortium was formed, it was estimated that the average household had saved \$400.

Currently, Com Ed had lowered their rates to compete for business and had a cost about 1/2 cent below the negotiated aggregation program price. The contract would expire in September 2017 but the Village recommended that residents leave the program with Homefield without penalty to obtain the lower price with Com Ed. (Letter sent to residents attached.)

Mayor Claar reiterated his comments from the last meeting concerning the visit of the Republican candidate to Bolingbrook Golf Club for a fundraiser tomorrow. He noted that there would be protestors outside that would probably cause traffic problems and asked residents to be careful driving near the Golf Club. He re-read the Diversity Statement from the September 13th Board meeting.

EXECUTIVE SESSION

None