

**Village of Indian Head Park
201 Acacia Drive
Indian Head Park, IL 60525**

**MEETING MINUTES
BOARD OF TRUSTEES**

“Pursuant to 5 ILCS 120/c.06 (3) minutes of public meetings shall include, but need not be limited to a general description of all matters proposed, discussed, or decided and a record of votes taken.”

Thursday, August 11, 2011

7:30 p.m.

CALL TO ORDER – MAYOR RICHARD ANDREWS

The regular scheduled meeting of the Village of Indian Head Park Board of Trustees was held on Thursday, August 11, 2011 at the Municipal Facility, 201 Acacia Drive, and was called to order at 7:30 p.m. by Mayor Richard Andrews. Village Clerk Joseph Consolo called the roll as follows:

ROLL CALL: JOSEPH CONSOLO, VILLAGE CLERK

PRESENT (AND CONSTITUTING A QUORUM):

Mayor Richard Andrews
Trustee Debbie Anselmo
Trustee Brian T. Bailey
Trustee Anne Bermier
Trustee Norman L. Schnaufer

ALSO PRESENT:

Frank Alonzo, Chief of Police/Administration
Steve Busa, Treasurer
Joseph V. Consolo, Village Clerk
Richard Ramello, Counsel, Storino, Ramello & Durkin

NOT PRESENT:

Trustee Carol Coleman
Edward Santen, Water/Public Works Superintendent
Trustee Matthew P. Walsh

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Andrews and the Board of Trustees led the audience in reciting the Pledge of Allegiance to the Flag: *“I Pledge Allegiance to the Flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all”*.

MAYOR’S REPORT

Mayor Andrews stated residents may be wondering why they received two water bills for the last billing period. He noted the first batch of water bills were sent to the LaGrange Post Office to be mailed to residents but the post office sent them out of their facility to a bulk mail distribution center. The duplicate bills were reprinted in case the first bill was not sent back for delivery to residents in Indian Head Park.

Mayor Andrews stated that the Village Engineer has reviewed the plans for the proposed renovations to Blackhawk Park pursuant to the Lyons Township Park Bond that was approved several years ago.

Mayor Andrews stated that an ordinance authorizing the exterior work to be completed on the Heritage Center will be considered by the Board on the Consent Agenda this evening. He noted several people have commented about the appearance of the Village south of Joliet Road in the vicinity of the I-294 and I-55 expressways where it intersects Wolf Road. Mayor Andrews pointed out the area of concern is not Village owned property. However, the Village did follow-up I.D.O.T. and the Tollway Authority regarding those property maintenance concerns and were able to have the grass cut and some clean-up.

SERVICE RECOGNITION CERTIFICATE PRESENTED TO JOAN PIERI, THE VILLAGE’S S.E.A.S.P.A.R. REPRESENTATIVE

On behalf of the Village Board, Mayor Andrews presented Joan Pieri with a service recognition certificate for her years of dedicated service to the Village of Indian Head Park as the Village’s S.E.A.S.P.A.R. representative from 1993 to 2011. Joan thanked the Board and stated it was her pleasure to serve as the Village’s representative, S.E.A.S.P.A.R. is a wonderful organization and she also thanked the Board for all of their hard work over the years. Mayor Andrews and the Village Board will be representing S.E.A.S.P.A.R. for the present.

SERVICE RECOGNITION CERTIFICATE PRESENTED TO DENISE INGRAM, PLANNING/ZONING COMMISSIONER

On behalf of the Village Board, Mayor Andrews presented Denise Ingram with a service recognition certificate for her years of dedicated service to the Village of Indian Head Park as Commissioner on the Planning/Zoning Commission from 2005 to 2011.

Denise Ingram stated she enjoyed her time on the Planning/Zoning Commission, Indian Head Park is a great place to live and she is retiring and moving to central Illinois.

APPROVAL OF FINANCIAL REPORTS – TREASURER STEVE BUSA

Approval of Financial Report for the month ending June 30, 2011

Approval of Financial Report for the month ending July 31, 2011

Treasurer Busa presented the financial report for the months ending June 30, 2011 and July 31, 2011. For the month of June, he noted: total revenues were \$170,359.81; expenditures were \$311,510.95 and fund balances in all accounts at the end of June was \$799,499.38. For the month of July, he noted: total revenues were \$418,580.56; expenditures were \$233,840.81 and fund balances in all accounts at the end of July were \$798,604.84.

Trustee Schnauffer moved, seconded by Trustee Bermier, to approve the financial report for the months ending June 30, 2011 and July 31, 2011, as presented by Treasurer Busa. Carried by unanimous roll call vote (4/0/2).

Ayes: Trustees: Anselmo, Bailey, Bermier, Schnauffer

Nays: None

Absent: Coleman, Walsh

CONSENT AGENDA

Approval of an Ordinance Authorizing the Waiving of Bids and Issuing a Notice of Award for the Heritage Center Exterior Renovations by the Village of Indian Head Park (Ordinance #2011-6)

Trustee Bailey moved, seconded by Trustee Anselmo, to approve the Consent Agenda, as presented. Carried by unanimous roll call vote (4/0/2).

Ayes: Trustees: Anselmo, Bailey, Bermier, Schnauffer

Nays: None

Absent: Coleman, Walsh

APPROVAL OF BOARD MEETING MINUTES

Minutes of the Regular Board Meeting – July 14, 2011

After review of Board meeting minutes, Trustee Bailey moved, seconded by Trustee Bermier, to approve the July 14, 2011 regular Board meeting minutes, as amended. Carried by unanimous voice vote (4/0/2).

AGENDA ITEMS (DISCUSSION AND POSSIBLE VOTE)

1. Approval of a Real Estate Inspection Ordinance (Ordinance #2011-6)

Mayor Andrews reported that the real estate inspection ordinance presented to the Board this evening reflects the changes that were discussed at the last meeting.

He noted the following: (1) the first paragraph of the ordinance entitled “resale inspection” clarifies the extent of the inspection and identifies exemptions for a property that is placed in a land trust; (2) procedures for a property in foreclosure that is owned by a financial institution; (3) the notice requirement was changed to require sixty days’ notice prior to sale or transfer of ownership of a property; (4) if a contract for the real estate provides for a closing less than sixty days after the date of the contract the seller should notify the Village not more than five days after the execution of the contract; (5) the ordinance clarifies that condominiums and townhomes are included as a residential property and; (6) the effective date of the ordinance will be October 1st to allow for administrative procedures to be implemented such as purchasing the real estate inspection stamps to be issued as well as a certificate of inspection.

Rita Mayer, of Pontiac Drive, stated that she is a real estate attorney and is aware the Board has been considering such an ordinance for a while. She asked whether there is a particular reason the ordinance is needed in the community when there are ample resources available to the Village to go after someone who does not pay their water bills or takes care of their property. Rita Mayer felt the ordinance is drawn so broadly that a seller may have a difficult time determining what needs to be done to comply, specifically Section 15.33.010 of the draft ordinance states in part “*the seller must comply with any and all other applicable codes, rules, laws, or ordinances of the Village or other governing body*”. She suggested that possibly the ordinance could be narrowed down.

Rita Mayer also stated there are many instances where people may have a short sale where there could be a lot of violations, someone might buy a property for tear down to rebuild so why have someone meet code to be in compliance for that reason, there is no provision in the ordinance for certain situations and she believed the Village Administrator does not have much discretion under the provisions of the ordinance. She noted that Section 15.33.030, states that a transfer without an inspection was illegal and asked whether there was a criminal or civil penalty.

Counsel Ramello stated that tear downs and short sales would not require remediation, the ordinance only requires that an inspection be conducted with any violation being noted and the inspection is only informational to notify the buyer if any code violations exist. Counsel Ramello further stated that a real estate inspection stamp would be issued even if a violation exists. Counsel Ramello stated that the only penalty provision is for an ordinance violation. There are no criminal penalties. He noted that other laws might pertain to the property such as lack of smoke detectors that are required by Illinois law.

Frank O’Connor, of Acacia, asked if the in-home inspection would also be required for a townhome or condominium as well as a single family home. Counsel Ramello responded, yes. Mr. O’Connor asked what would trigger the need for an inspection. Counsel Ramello stated that when a property is listed notification should be given to the Village that there is intent to sell the property and the inspection should be completed when the contract is signed and prior to closing.

Counsel Ramello further stated that many Villages have properties that are vacant for long periods of time due to foreclosures and hopefully before the properties are transferred an inspection can be done so a buyer is aware of any code violations that exist.

Chris Metz stated that he agrees with Rita Mayer that the ordinance is very broad. He asked if there is no required remediation is it only important that the Village gets the inspection fee. Counsel Ramello stated it is important that the buyer is aware prior to purchasing a property if there are code violations that exist and it would be up to the buyer and seller to correct those violations. Mr. Metz asked if there would be an inspection checklist to follow. Counsel Ramello stated administration would prepare the necessary paperwork in order to issue an inspection stamp. Rita Mayer asked if the Village finds something that is potentially a dangerous situation but does not require remediation what procedures would be followed. Counsel Ramello stated that citations for code violations could be issued but that would be a separate proceeding.

Mayor Andrews stated that in addition to water bills that are sometimes not paid when a property is being sold there also may be other issues to address such as refuse left on the site, overgrown weeds and grass and nuisances that constitute a health and safety issue. He added the real estate inspection ordinance will help the Village take a step to address some of those issues. Mayor Andrews stated the Village is being proactive, there could be a double dip recession and there are a few properties in town that are being watched for property maintenance issues. He noted that if there is a foreclosure on a property the Village will receive notice and the Village can determine whether there are other code violations before the bank transfers the property. The ordinance protects all of the property values in the Village. Mayor Andrews also mentioned that he was notified by the Des Plaines Valley Mosquito Abatement District that because of the poor economy some swimming pools owners may not be maintaining their pools which then become a breeding ground for mosquitoes. Mayor Andrews stated the real estate inspection ordinance is a mechanism to allow the Village to enforce certain codes.

Mrs. Metz asked if the ordinance only applies to someone selling a home and what the Village normally would do previously if a property was not being maintained. Mayor Andrews stated that there is language in the ordinance authorizing the Village President, upon receipt of sufficient information, to direct that an inspection take place. If the property is not for sale, there are other mechanisms in place if a property owner does not comply. Counsel Ramello stated that if a property is abandoned and the weeds and grass are long, the Village can impose a lien on the property for any maintenance expenses incurred which stays with the property until the property is sold so the Village would recoup its expenses. If there is a violation that affects the life and safety of residents, an ordinance violation with a court date can be issued and a judge would require either the property owner to fix the condition or impose a fine. Trustee Bermier stated there have been problems with deteriorated decks in the past where some property owners refused to fix the problem and the building inspector would have to visit the site to notify the property owner of an unsafe condition.

Sue Dodge, of 6370 Pontiac Drive, asked if she decided to sell her house by owner and the buyer agrees to have a home inspection could that be the only inspection that is necessary. She added that if there is something wrong which needs to be fixed it would be done before the sale.

Mrs. Dodge also stated there is a property on her street that is occupied and has been deteriorating for many years. She stated that she believed the Village has been informed about this property on several occasions and determined the owner was in violation of some ordinances but that the property maintenance issues have not yet been fully addressed. Mayor Andrews stated that the Village would follow-up and if there are issues to be addressed with the property owner the Village will notify them of any violations. Mr. Dodge asked if the buyer has an inspection will the Village still require the seller to have an inspection. Mayor Andrews stated the buyer inspection is for the buyer's own benefit and not required by law. The Village's inspection will protect the Village's interests and help determine if there are any code violations.

Mr. Metz asked about who will be conducting the Village inspections and will they have proper qualifications. Mayor Andrews stated the Village contemplates the inspections will be done in-house by Public Works Department staff and that the person conducting the inspection will be qualified. Pursuant to the ordinance, the inspector will not be inspecting for structural integrity or behind walls. Mrs. Metz asked if a checklist is available to homeowners who might be selling so they can check to determine whether some items have to be been to eliminate the need possibly for a visit to the property. Frank O'Connor stated the Village should be specific on the items that will be checked on the inspection so a property owner can try to address those items prior to the inspection. Mayor Andrews stated a checklist will be developed for the inspector to follow consistent with the provisions of the ordinance. He noted the ordinance, if approved, would become effective on October 1, 2011.

Diane Andrews stated the Village already has adopted an ordinance regarding stormwater discharge compliance and possibly that can be included also in the real estate inspection ordinance checklist. Trustee Anselmo stated that Village Administration will work to finalize the necessary paperwork and procedures to implement the real estate inspection process once the Board approves the ordinance.

There being no further questions or comments, Mayor Andrews entertained a motion to approve the real estate inspection ordinance as presented. Trustee Bailey moved, seconded by Trustee Anselmo, to approve the real estate inspection ordinance. Carried by unanimous roll call vote (4/0/2). **Ordinance #2011-6.**

Ayes: Trustees: Anselmo, Bailey, Bermier, Schnaufer

Nays: None

Absent: Coleman, Walsh

QUESTIONS AND/OR COMMENTS FROM THE AUDIENCE

Trustee Schnaufer mentioned that Dave Brink, the Village's Finance Director, completed a bike across Iowa to raise funds for Stand Up to Cancer and he commended him for all the miles he traveled in 90 plus degree weather.

Trustee Bermier mentioned that the annual book sale will be held at the Heritage Center on October 1st proceeds will benefit the Heritage Center and volunteers are needed.

Mrs. Metz asked if the Village has made any updates to the Village's Website. Mayor Andrews stated that updates are planned and will be made to the Website as time permits.

ADJOURNMENT

There being no further business to discuss, Trustee Schnauffer moved, seconded by Trustee Bermier, to adjourn the regular Board meeting at 8:30 p.m. Carried by unanimous voice vote (4/0/2).

Respectfully submitted,
Kathy Leach, Deputy Village Clerk/Recording Secretary