

**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, June 9, 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, June 9, 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 Carol Coleman
Trustee Norman L. Schnauffer
Trustee Matthew P. Walsh

ALSO PRESENT:

Steve Busa, Treasurer
Joseph V. Consolo, Village Clerk
Richard Ramello, Counsel, Storino, Ramello & Durkin
Edward Santen, Water/Public Works Superintendent

NOT PRESENT:

Frank Alonzo, Chief of Police/Administration

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

In commemoration of Memorial Day and Independence Day that is approaching, Mayor Andrews thanked all of the men and women who have served past and present in the armed forces and in particular those that gave their lives in defense of our Country and to protect our freedom.

Mayor Andrews noted that in connection with a Memorial Day ceremony, the Village was able to make additional use of the Heritage Center property to grant use of the parking areas for World War II vehicles. He further noted a resident next to the Heritage Center, John Ayres, is involved with the American Legion and he participated in a parade with his World War II vehicles.

Mayor Andrews stated that the Village’s channel 6 on Comcast cable services was disrupted due to a power surge that affected a piece of equipment, a replacement part is on order and the West Central Cable Commission will provide IHP reimbursement for the equipment.

Mayor Andrews extended personal thanks to Ashbrook resident Susan Kiley who donated her time and money along with other residents to obtain plants for the Heritage Center garden areas.

Mayor Andrews stated that effective September 1st only senior citizens that are in the Illinois Department of Aging Circuit Breaker Program will continue to receive free rides on the RTA system. Seniors that are not in that program will be eligible to obtain a senior pass for half fares.

Mayor Andrews noted the annual Water Quality Assurance Report will be published in the June/July issue of Smoke Signals as required by the Illinois EPA.

Mayor Andrews reported that several temporary real estate and various other ground signs have been installed throughout the Village along Joliet Road and Wolf Road. He noted the Village does have sign code regulations to authorize temporary signs only for specified periods of time each year including a sign fee. Mayor Andrews stated that several letters were sent to businesses concerning signs that are permitted and the process to receive approval according to the code requirements.

Trustee Anne Bermier stated that recently a fire in a townhome unit in Acacia occurred that could have spread to several attached units. She noted that when the emergency call was received, the Indian Head Park Police Department was on the spot within minutes to alert residents to evacuate the area in proximity of the fire until the fire department arrived on the scene. Trustee Bermier stated fire trucks and police departments from Glen Ellyn, McCook, Riverside and other communities responded to assist the Pleasantview Fire Protection District. Trustee Bermier stated the fire wall in the Acacia townhome unit installed in the early 1970's helped to hold back the fire from spreading to further units and there were no injuries as a result of the fire.

CONSENT AGENDA

Approval of a Proclamation Regarding Welcome Home Parade to Honor Veterans

Reappointment of Matthew Walsh to the E911 Board for the term ending June 13, 2012.

Reappointment of Carol Coleman to the E911 Board for the term ending June 13, 2012.

Reappointment of Joseph Consolo to the E911 Board for the term ending June 13, 2012.

Reappointment of Fire Chief Dan Hermes to the E911 Board for the term ending June 13, 2012.

Approval of Prevailing Wage Rate Ordinance for 2011 (Ord. #2011-1)

Trustee Coleman moved, seconded by Trustee Schnauffer, to approve the Consent Agenda, as presented. Carried by unanimous roll call vote (6/0/0).

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnaufer, Walsh

Nays: None

Absent: None

FINANCIAL REPORT – TREASURER STEVE BUSA

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

Treasurer Busa presented the financial report for the month ending May 31, 2011. For the month of May, he noted: (1) total revenues were \$189,141.31; (2) expenditures were \$205,982.75 and; (3) total fund balances in all accounts at the end of May were \$932,434.13.

Trustee Schnaufer moved, seconded by Trustee Bermier, to approve the financial report for the month ending May 31, 2011 as presented by Treasurer Busa. Carried by unanimous roll call vote (6/0/0).

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnaufer, Walsh

Nays: None

Absent: None

Treasurer Busa stated the bulk of the revenues received in May came from the Village's portion of property tax revenues from the first installment.

APPROVAL OF BOARD MEETING MINUTES

Minutes of the Regular Board Meeting – May 12, 2011

After review of Board meeting minutes, Trustee Schnaufer moved, seconded by Trustee Anselmo, to approve the May 12, 2011 regular Board meeting minutes, as amended. Carried by unanimous voice vote (6/0/0).

AGENDA ITEMS (DISCUSSION AND POSSIBLE VOTE)

1. Acacia Speed Limit Reduction

Mayor Andrews stated at the April Board meeting, Frank O'Connor on behalf of the Acacia Association, requested that the speed limit on Acacia Drive and Cascade Drive be reduced from 25 mph to 20 mph.

Mayor Andrews further stated that staff has researched the cost to replace speed limit signs. Superintendent Santen stated that if the Board approved for the speed limit to be reduced, the cost for the new signage would be about \$480.00, the stainless steel mounting hardware would be about \$300.00 and Public Works staff would install the signs. He noted that the new speed limit signs would be consistent with Federal requirements and standards.

Mayor Andrews pointed out that Acacia Drive is a street that the Village Engineer is reviewing to determine if that street can be qualified as a Federal collector street to be recorded on the Federal mapping system. He noted if Acacia Drive is approved as a collector street, that street would achieve the same status as Blackhawk Trail to possibly qualify in the future for Federal stimulus funding that might be available for street repairs. Counsel Ramello stated that there is specific Federal criteria to determine whether a street is a collector, local or arterial street. He noted that only arterial and collector streets are eligible for Federal aid and the minimum speed limit on a collector street is 25 mph and lowering the speed limit on Acacia Drive would work against the Village to obtain collector street status.

Mayor Andrews stated that reducing the speed limit on Acacia would affect the Village's ability to have that street qualified as a collector street. Trustee Bermier asked if the speed limit could be reduced on Cascade Drive to 20 mph and keep the speed limit on Acacia Drive at 25 mph. Mayor Andrews stated that if the Board is in favor of reducing the speed limit on Cascade Drive, that street will always be designated as a local street because the road is entirely within the Acacia area and does not meet the criteria for a collector street so the speed limit can be reduced on that street, if there is a safety issue. Mayor Andrews stated that Acacia Drive is also utilized by residents of Wilshire Green and Indian Ridge and he suggested input from those associations before the Board considers a reduction in the speed limit on Acacia Drive.

Trustee Bermier stated that cars are always speeding throughout Acacia on Cascade Drive and Acacia Drive and the speed limit should be reduced for safety reasons. Frank O'Connor, President of the Acacia Association, pointed out that Cascade Drive does not have sidewalks so many residents use the street to walk for exercise, children cross that street going to and from school to pick up the sidewalk along Wolf Road by Ashbrook Development and he supported a reduction in the speed limit from 25 mph to 20 mph on Cascade Drive.

Trustee Coleman stated during the day cars are parked on Cascade Drive which adds to the congestion. She further stated that she is not in favor of lowering the speed limit on Acacia Drive so that street can possibly be designated as a collector street for possible future Federal funds that may be available for street improvements for a designated collector street. Trustee Coleman stated she also supported seeking input from residents of Wilshire Green and Indian Ridge before considering a reduction in the speed limit for Acacia Drive. Trustee Bailey asked Mr. O'Connor if the problem in Acacia appears to be more of a speed limit problem or the enforcement of the speed limit. He noted that if a 15 mph speed sign is posted most people might go faster if they know someone is not there to enforce the speed limit.

Frank O'Connor stated that he would withdraw the request to reduce the speed limit on Acacia Drive so the Village could pursue having the street designated as a collector street. He further stated that he was in favor of a reduction in the speed limit on Cascade Drive from 25 mph to 20 mph. Eileen Henkel, of 14 Alongquin, stated that the speed limit in the Indian Ridge complex is 20 mph and residents always go faster than the speed limit that is posted. Trustee Andrews entertained a motion to direct counsel to prepare an ordinance for the July Board meeting agenda to approve a reduction in the speed limit on Cascade Drive from 25 mph to 20 mph.

Trustee Bermier moved, seconded by Trustee Bailey, to direct counsel to prepare an ordinance for the Board's consideration at the July meeting to reduce the speed limit on Cascade Drive from 25 mph to 20 mph. Carried by unanimous roll call vote (6/0/0).

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnauffer, Walsh

Nays: None

Absent: None

Mayor Andrews stated once the Board approves the ordinance, the Public Works Department can proceed with ordering signs for Cascade Drive to reduce the speed limit from 25 mph to 20 mph. Trustee Coleman suggested that if it is not too cost prohibitive, the new speed limit signs on Cascade Drive could be flagged so residents are aware of the new speed limit.

2. Amendment to Chestnut on the Green Street Dedication/Snow Removal Agreement

Mayor Andrews stated that a request was received from Chestnut on the Green Association asking that the arterial street over the bridge on 72nd Street in the development be dedicated to the Village. Mayor Andrews stated that the Village Engineer reviewed the request for dedication of the street and recommended that if the issue is for the Village to assume snow removal responsibility of that section of street, the Board could possibly enter into a snow removal agreement with the Association rather than dedicating that portion of street to the Village. Counsel Ramello pointed out that if the Village decided to accept the dedication of that portion of street, there would be various fees involved including surveying of the street, inspection fees to determine if any future street repairs might be needed and recording as well as legal fees to accept dedication of the street. Mayor Andrews stated rather than asking the Chestnut on the Green Association to assume those fees, possibly the matter could be remanded backed to the Association asking if they are in favor of expenses with dedication of the street or are they in favor of a snow removal agreement that would pertain to that street.

Trustee Walsh asked if there would be any liability issues if the Village entered into an agreement for snow removal on that portion of street in Chestnut on the Green without the street being dedicated to the Village. Counsel Ramello stated there would be less liability if the Village entered into a snow removal agreement. Mayor Andrews stated that he would discuss the snow removal agreement option with representatives of Chestnut on the Green Association.

3. Heritage Center Maintenance

Becky Glasscock, a docent representative from the Heritage Center reported that she has been working with head docent Jane Kuhn to develop more ideas to enhance the Heritage Center Library. Becky stated there are 210 library cards, quite a few people use the Heritage Center Library, there are many popular best seller books, she thanked Susan Kiley for donating her time and money to plant new perennial plants on the Heritage Center grounds and the annual book sale will be held on Saturday, October 1st. Becky stated additional book cases are also needed.

Mayor Andrews stated that improving the appearance of the Heritage Center was put on hold previously due to lack of funds in the budget for siding, painting and other restoration that was needed at the Heritage Center.

He noted that structural repairs to the building were previously completed and an estimate for exterior maintenance, siding and new windows was provided by the contractor J. Eck and Sons, Inc. The total project is about \$25,000 for aluminum siding and window replacement. Mayor Andrews stated he hopes the work on the Heritage Center can be completed by Labor Day or thereafter. Mayor Andrews entertained a motion to ask Superintendent Santen and Chief Alonzo to seek a bid for painting of the exterior of the Heritage Center as well as an alternate bid for siding and window replacement that is required to complete that scope of work for the Heritage Center project.

Trustee Bermier stated she received a letter from the Indian Head Park Heritage Center Foundation that was read into the record: *“at our annual meeting held on May 3, 2011 the Indian Head Park Heritage Foundation, our historical society, voted unanimously to host a fundraising effort to assist in the funding of the renovations of the Indian Head Park Heritage Center. As you know, the Indian Head Park Heritage Foundation is a 501 charitable foundation as defined by the Federal Tax Code. All donations are deductible to the full extent of the law”*.

Mayor Andrews noted that the Indian Head Park Woman’s Club also made a donation of \$100.00 to be used for the Heritage Center. He noted that Trustee Coleman is also a Board member of the Indian Head Park Woman’s Club and the Village Board extended thanks to that organization for their donation. Mayor Andrews stated the two bids for the Heritage Center maintenance would be to compare the cost for siding, window replacement or painting the building. Mayor Andrews entertained a motion to seek bids for the Heritage Center Maintenance Project. Trustee Walsh moved, seconded by Trustee Bermier, to seek bids for the Heritage Center maintenance for siding, window replacement and, alternatively, for painting of the building. Carried by unanimous voice vote (6/0/0).

4. Ordinance Amending Title 13, Entitled “Public Services” of the Indian Head Park Municipal Code – Water/Sewer Rates (Ordinance #2011-2)

Mayor Andrews stated that an ordinance was distributed to the Board for review regarding certain water fees imposed under the Village of Indian Head Park Municipal Code. He noted that after discussion by the Board Counsel Ramello will be directed to finalize the ordinance to conform it with the discussion and vote by the Board this evening to update the increase in the water rate to be effective April 1, 2011.

Trustee Coleman stated that the City of Countryside passed along a water increase to Indian Head Park effective May 1st and she suggested the Board consider raising the Indian Head Park water rate. Trustee Coleman stated in the last six years, there have been water-main system breaks totaling over \$200,000 in repairs, in the last two years, there have been expenses for water-main repairs of \$43,000 and that is only the cost to outside vendors. She further noted that most water-main breaks occur during off hours or weekends and additional overtime expenses are incurred for staff to come in, those employees have not had an increase in salary for two years and that needs to be taken into consideration when increasing the water rate. Trustee Coleman stated that thanks to Superintendent Santen and his staff they have nursed along a Public Works vehicle since 1993 that is used for many dual functions including snow plowing. However, the vehicle now needs to be replaced. Trustee Coleman stated there are also water testing fees that are mandated by the State that the Village is required to complete which adds to the costs.

Trustee Coleman stated that the Village Engineer previously provided an estimate a few years ago of \$250,000 for the Cochise water-main replacement project, which still needs to be done. She noted that all of those expenses need to be taken into consideration when increasing the water rates. Mayor Andrews noted that for budget purposes, the water department budget is based on the sale of 108 million gallons of water per year which more accurately reflects the volume of water sold instead of the estimated 115 million gallons of water used in prior years. Trustee Coleman stated that a chart was provided to the Board detailing how much revenue would be received based on the amount of the increase to cover Village water expenses. Mayor Andrews stated the Village currently charges \$6.98 per 1,000 gallons of water used and bills are sent on a quarterly basis, there is a 12,000 gallon minimum charge for water per quarter whether water is used or not and that is consistent with other utility companies that charge a base fee for those services. Mayor Andrews stated that based on an average of 1,500 households in the calculations and using the minimum quarterly charge of 12,000 gallons the total volume of gallons of water used for the year may be a lesser amount than 108 million gallons.

Trustee Coleman stated that that current water rate is \$6.98 per 1,000 gallons of water and the recommendation is to increase the water rate to \$7.95 per 1,000 gallons of water. The rate increase would sufficiently cover the anticipated capital water expenses, also to budget for the purchase of a new Public Works vehicle and provide a salary increase in the next budget year for water department employees that have not received an increase in two years. Trustee Coleman stated a sewer rate increase is not proposed at this time.

Trustee Coleman pointed out the following water rates in surrounding communities per 1,000 gallons of water: (1) Western Springs - \$8.10; (2) Burr Ridge - \$7.48; (3) Clarendon Hills - \$8.72. Mayor Andrews stated that many people do not take into consideration the cost of providing water should also factor in overhead, the cost for water department vehicles, cost for fuel for those vehicles, staff to read meters, staff to generate bills and reconcile accounts and deposits for revenues received. Mayor Andrews pointed out that it has been two years since employees have received a pay increase. Mayor Andrews entertained a motion to direct counsel to conform the draft ordinance distributed to the VBT regarding a .97 cent per 1,000 gallon water rate increase consistent with the recommendations by the Village Board effective as of April 1, 2011.

Trustee Coleman moved, seconded by Trustee Walsh, to direct counsel to finalize and conform the ordinance increasing the Village of Indian Head Park water rate to \$7.95 per 1,000 gallons of water effective April 1, 2011. Carried by unanimous roll call vote (6/0/0). (**Ordinance #2011-2**).

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnauffer, Walsh

Nays: None

Absent: None

5. Property Transfer Inspection and Fee

Mayor Andrews stated that the topic of a property transfer inspection was placed on the agenda for Board discussion and possibly to direct counsel to prepare an ordinance consistent with the Board's discussion. Mayor Andrews further stated that on occasion some residents leave town without notifying the Village and there is an outstanding water bill for the property and currently there is no mechanism in place to collect that money due to the Village. He noted that home rule communities in some towns have the opportunity to enact a real estate transfer tax where a transfer stamp is issued and a deed cannot be recorded until a stamp is issued. He added that does not apply to Indian Head Park. He noted non-home rule communities have other options according to counsel to recoup outstanding bills that may be due to the Village at the time ownership of a property is transferred to a buyer. Mayor Andrews stated the purpose of establishing an ordinance would be to set forth requirements when a property transfers ownership that a stamp must be issued to record the deed and at that time the Village can also collect any outstanding fees owed the Village.

Mayor Andrews stated there are a few situations in the Village where a property may be considered a blight situation the Village may need to step in to address that issue and the Village would incur expenses to remove debris, trim weeds or cut grass.

Mayor Andrews stated the purpose of a property transfer process would allow the Village to conduct an inspection and determine if there are any outstanding debts owed the Village before a deed can be recorded. He noted there would be exemption if a property owner placed their property in trust. Jan Kourmados, of Arrowhead Trail, stated her concern that implementing a property transfer process would place an undue burden on the administrative office staff and the water department. Trustee Anselmo stated that the Village presently incurs an expense every time a property transfers ownership because the water department needs to go out for a final meter reading and a final bill needs to be generated, there are some bank owned properties in town, the Village is sometimes not notified of changes and the owner should pick up the cost of finalizing the business on properties when they change ownership. Mayor Andrews stated that the Village will not be inspecting a property for structural integrity or other deficiencies. He noted the law requires that properties have working carbon monoxide detectors and smoke detectors, there are ordinances regarding sump pump discharges into the sanitary sewer system and the Village could determine whether someone put a room addition on without obtaining a proper permit from the Village. Mayor Andrews stated that the property transfer inspection would allow the Village to determine if there are any outstanding debts owed to the Village before the property transfers ownership. He added there may be properties that are vacated where there are outstanding water bills and the property may be deteriorated to a point where there are health and safety concerns and the Village may need to become involved and incur expenses in doing so.

Jan Kourmados, of Arrowhead Trail, asked if the seller of a property or the bank would have to pay the appropriate fees to the Village before a stamp could be obtained for the property to transfer ownership. She asked what is the end result if the property owner is not willing to pay the fees and the property continues to go down hill while the Village may still be cutting their grass or incurring other expenses. Mayor Andrews stated that some point if a water bill is not paid, the water is shut off for non-payment, the Village will hire a service to cut the grass and a lien can be placed on the property. Trustee Anselmo stated that if a property owner is not taking care of their property they may not be paying their mortgage or their taxes either so the bank pays the debts on the property before it is transferred to a new owner.

She added that a lien can be placed on the property so the Village would have recourse to collect any debts owed to the Village. Jan Kourmados stated that there are many situations when a property owner may be paying their mortgage and their taxes but they are not taking care of their property.

Trustee Bermier stated there was a townhome in Acacia a few years ago where a property was severely deteriorated, the property owner refused to address the problem so the Village had to become involved and placed a lien on the property to recoup its expenses. Jan Kourmados asked if the Village could place a lien on a property for being in a state of disrepair. Counsel Ramello stated that a lien could be placed on a property for an unpaid water bill, demolition of a structure or repairs for unsafe property conditions. Counsel Ramello stated that the proposed ordinance being discussed by the Board pertains to property owners that sell their properties and do not pay the final bills outstanding with the Village, the ordinance would allow the Village to collect any outstanding debts to the Village before the property transfers ownership and the Village could determine if there are any other code violations.

Mayor Andrews suggested that a fee be established in the amount of \$150 to \$200 for the cost of a property inspection, a fee to complete the final bookkeeping and collect any outstanding fees owed to the Village before a property transfers ownership. Also, transfers of property into a trust would possibly be exempt from the inspection requirement. Trustee Anselmo suggested a different type of fee based on the circumstances such as a property that may be a foreclosure where there may be damage to the property. Mayor Andrews asked the Board to provide comments on the proposed ordinance so those suggestions may be forwarded to Counsel Ramello for review prior to preparation of the ordinance for the Board's consideration. Mayor Andrews entertained a motion to direct counsel to prepare a property transfer inspection ordinance consistent with the discussion by the Board to be considered at the July meeting. Trustee Coleman moved, seconded by Trustee Anselmo, to direct counsel to prepare a property transfer inspection fee ordinance consistent with the discussion by the Board. Carried by unanimous roll call vote (6/0/0).

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnauffer, Walsh

Nays: None

Absent: None

6. Amendment to Zoning Code Regarding B5 Business Use – Truck Parking

Mayor Andrews stated there is one area of land in the Village that is zoned B5 Business District which is along 70th Place. He noted the Village was approached by one land owner for approval to allow for owner operated overnight truck parking on that particular parcel of land located in the B5 Business District with a portion of revenue to the Village through an agreement with the Village.

Mayor Andrews stated that B5 zoning currently does not allow for that type of use. He added that there is also potential for the Village to gain revenue from truck parking if the Village decides to allow it by amending the B5 Business District regulations. Mayor Andrews stated there has been wear and tear on the roadway of 70th Place which the heavy trucks use and eventually the road will also need some work. He stated that possibly a fair amount of money per truck could be generated possibly \$100 per truck per month. Mayor Andrews stated that B5 zoning has certain permitted uses and if that section of the code is amended to allow for overnight truck parking it would be a special use. He added that the issue becomes problematic because the Village is not home rule and cannot limit the number of special use permits or force someone to pay the Village money for a certain zoning status so if the code allows for a certain use, it would be deemed a permitted use by the courts. Mayor Andrews stated that the Village would need to enter into a separate contact with a property owner to work out the details to allow for a special use and the Village needs for revenue so in the end it would work out for both parties. If the Village had home rule authority, it could hypothetically allow a special use for overnight truck parking and limit the number of trucks that would be allowed to park in that zoning district thereby generating revenue for the Village but limiting the impact on the street and local traffic.

Mayor Andrews stated that once the Village amends the code to allow for certain uses in a zoning district, all parcels in that zoned district would be able to take advantage of that zoning use. He noted that although one person may be willing to enter into a contract to negotiate a fee to the Village, the next person may not want to pay a fee. Mayor Andrews stated that the situation may become one where the Village may receive some revenue for a certain number of trucks in that B-5 zoning district and the rest of the properties may follow suit and obtain the special use permit but the Village may get no revenue from it and there would be more wear and tear on those roads. The end result would be that all of the residents would pay for that wear and tear with property taxes.

Counsel Ramello stated that generally special uses are not limited in duration and once a special use is granted it runs with the land. He noted on occasion a sunset clause can be placed on a special use that would expire over a period of time. Mayor Andrews asked if a one year limitation was placed on the special use could the property owner petition the Village to continue the use for another year or if the Village decided that it wished to discontinue the use altogether. Counsel Ramello stated a new zoning hearing process would be needed to consider a special use that expired and the Village could consider discontinuing the use if it had an adverse impact on the surrounding properties. He added it would be difficult not to renew a special use when it was fine when it was originally granted but now the only change is that the Village does not want that use to continue. Mayor Andrews asked if the Village could require the owner of a different parcel of land to go through a zoning process to consider a request for a special use for truck parking on a different parcel. Counsel Ramello stated, yes.

Counsel Ramello stated that the Village of Schaumburg attempted to limit zoning for certain professions in exchange for revenue considerations and the Illinois Court system determined that was improper. Mayor Andrews stated that by amending the zoning code and allowing a special use for overnight truck parking there may be no revenue to the Village even though that business will take advantage of the special use. Counsel Ramello pointed out that an agreement with a particular property owner to allow for overnight truck parking would only be with a current owner of a parcel and any subsequent owners of that parcel would not be required to adhere to that agreement.

Trustee Walsh asked if a business license fee could be established for overnight truck parking. Counsel Ramello stated that the fee for a business license needs to reasonably relate to the cost of regulation of the business that the license is granted to and cannot be excessive. Trustee Bailey asked if a special use can be limited to the size of parcel such as allowing truck parking on parcels over six acres of land, the parking spaces to be paved and of a certain size to provide adequate space. Trustee Bailey stated that at some point if the Board decided overnight truck parking was a bad idea, the Village could be stuck with trucks parking all over the place in that zoning district.

Trustee Andrews asked if a new zoned business district could be created such as B5(b) and a property owner could request rezoning to that district if it allows for overnight truck parking.

Counsel Ramello stated a new business district could be established but if the Village denied granting a rezoning from B5 to B5(b) for another parcel the denial could be held to be arbitrary and capricious and a court may deem that decision by the Village to be unconstitutional. Trustee Coleman stated that even though we might have a contract with one property owner that owner may decide he does not want to pay under the terms of the contract. Counsel Ramello stated that possibly a special service area could be created to impose a special tax in that zoning district that would run with the land and those funds could pay for wear and tear on the road. Mayor Andrews stated that the concept of raising the overnight truck issue was the possibility of generating revenue for the Village to be used for other purposes and not limited to wear and tear on that road only. Counsel Ramello stated that a special service area tax would be limited to improvements only within the special service area to benefit that area.

Trustee Andrews stated that ***Title 17, Zoning***, of the Municipal code has a section that pertains to off-street parking and loading. He noted the following reference from that section of the code ***17.20.090***: “*every parcel of land hereafter used as a public or private parking area including a commercial parking lot and also an automobile or trailer sales lot shall be designed, developed and maintained in accordance with the following zoning requirements*”. Mayor Andrews stated one requirement is that all open off-street parking areas shall be graded with proper drainage and shall be improved with a compacted macadam base or equal not less than four inches thick and a surface which has concrete or a comparable hard surface all weathered material as approved by the Village Board. Mayor Andrews stated that if the Village were to grant a special use for overnight parking for the subject property it would have to be granted for a gravel parking lot as part of the special use. Furthermore, Mayor Andrews stated that if the requirement is waived now for this purpose, it would likely set precedent for future businesses who would seek the same type of waiver. Counsel Ramello stated that generally waiving requirements of the Village code pertain more to a Planned Unit Development and a special use goes above and beyond the Village code with certain requirements to minimize impact to the adjoining neighborhood.

Mayor Andrews asked the Board if there is a desire to pursue this matter. Trustee Bailey asked if there is other business going on at 70th Place other than someone who wants to have overnight truck parking. Mayor Andrews stated that there is a business operating out of the building next to the Public Works garage that does automotive repair, there is business conducted at 7000 Wolf Road, there is an existing home on Eastern Avenue and there is a residential property on 70th Place.

Trustee Coleman stated she is not in favor of moving forward with allowing overnight truck parking, Trustees Bailey, Anselmo, Bermier, Schnaufer and Walsh stated that more analysis is needed before a decision can be made.

7. 2011/2012 Budget

Trustee Norman Schnaufer thanked Dave Brink, Frank Alonzo, Village staff and Board members for their input on the budget. He noted that a preliminary budget was provided for the Board's review and given a difficult economic year, a balanced budget was presented. Trustee Schnaufer stated that many of the financial challenges with the economy have carried over to this year's budget and the budget does not include salary increases for employees again this year. Trustee Schnaufer stated that in about two years the bond payments will increase substantially and the Village will need funds to make those payments. He asked the Board to provide any comments or suggestions on revenues that could enhance the budget to off-set some of the expenses. Mayor Andrews stated that the Village does not spend every dollar that is budgeted and he asked Board members to provide any input before a final budget is presented at the July meeting along with the Appropriations Ordinance that will be presented for Board approval.

QUESTIONS AND/OR COMMENTS FROM THE AUDIENCE

Thomas Prendergast, of 6450 Apache Drive, stated that he has a problem with his street in front of his house with asphalt that has deteriorated. He asked if Public Works could place an asphalt patch in that area. Superintendent Santen stated he would follow-up with Mr. Prendergast.

EXECUTIVE SESSION

Trustee Walsh moved, seconded by Trustee Anselmo, to adjourn to executive session pursuant to 5 ILCS 120/2 (c 1) to discuss the appointment, employment, compensation, discipline or performance of specific employees. Carried by unanimous roll call vote (6/0/0).

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnaufer, Walsh

Nays: None

Absent: None

RETURN TO THE REGULAR BOARD MEETING

Trustee Bermier moved, seconded by Trustee Coleman, to return to the regular Board meeting. Carried by unanimous voice vote (6/0/0).

ADJOURNMENT

There being no further business to discuss, Trustee Walsh moved, seconded by Trustee Anselmo, to adjourn the regular Board meeting at 10:20 p.m. Carried by unanimous voice vote (6/0/0).

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