

**MINUTES OF THE COMMITTEE OF THE WHOLE MEETING  
OF THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF WESTCHESTER  
3 November 2009**

**CALL TO ORDER:**

The meeting was called to order at 7:01 PM and present/responding to roll call were Trustees Boyle, Casey, Fox, Novak, Sloan, and President Pulia. Also present were Village Manager Urban and Village Attorney Kiehl. Trustee Steker would be late.

**OLD BUSINESS:**

3) D. Chief Belmonte reported that the village must be compliant with the guidelines of the National Incident Management System (NIMS). All village officials need to take course IS-100.a which can be done online. Chief Evans explained that when the village departments apply for grants they look to see if village officials have taken the course. Certification right now is good for life. The old board was certified four years ago but they may not have it in the system. The board members would need to have the certificate received from the class. Chief Evan suggested that the entire board take the course.

3) A. Village Manager Urban reported on the progress of the negotiations between FHMC, an agent of Clearwire and the Village of Westchester to place a WiMax Antenna on top of the water tower. The company has offered \$2,000 monthly with a 4% annual increase as well as a \$2,500 signing bonus. This agreement is for five years with an option in place to extend the agreement in five-year periods up to thirty years. Mr. Urban requested that he be allowed to enter into agreement to allow the installation of these antennas at the water tower. Village council approved the agreement. Trustee Boyle asked what the money would be used for. Mr. Urban explained that it is not earmarked for anything at this point and would go into the general fund. Monies from other carriers that are received now go into the general fund. President Pulia suggested that when the new budget process begins to review where this money is earmarked. He reported that the inside of the water tower is in need of painting so the funds could be used for that. Trustee Fox questioned the term of the contract and who has the discretion of extending the agreement. Mr. Urban is working with the attorney to make sure the village has the control to extend or not extend the contract. Trustee Novak asked if a onetime transfer into a specific fund could be done instead of designating all revenue into a fund. Mr. Urban will verify if this is possible. This will be on the next or the following board agenda.

3) B. Council has researched the ability of the village to regulate dogs that may pose a threat to the community. Although the Village may not impose "breed specific" regulations, the Village may impose regulations that apply to "dangerous" or "vicious" dogs. Presently the fine for violations of the current ordinance is \$25 with a maximum of \$50. Trustee Boyle stated that the present ordinance gives the dog potential to do harm before any fine is given. He suggested requiring residents to have some type of insurance holding them accountable. Trustee Casey stated that he was opposed to any legislation that targets a specific breed. Trustee Novak suggested making the fines stiffer. Mr. Urban said that staff will review the whole ordinance on pets and exotic animals. President Pulia will request a five-year history of dog bites from Chief Evans.

Tom Sullivan from the Veterans event has requested \$30,000 from the board for the Friday night entertainment. The cost for the bands is \$15,000 and the rest would be used for the tent and other incidentals of the entertainment. The board agreed that in the original resolution, \$30,000 was the amount allotted for the Veterans Event.

3) C. The Video Gaming Act has been signed into law and Attorney Kiehl stated that the village could prohibit video gaming if it chooses. Based upon review of the establishments currently holding a Village liquor license, it appears that there are no establishments that would comply with the restrictions. All establishments holding a liquor license are either carry-out facilities or restaurants and so would not meet the criteria. Assuming that the restaurants allow patrons under 21 years of age, they would not be able to allow video gaming. In order to do so, they would need to "create" an area within the establishment where only those 21 years of age and older are allowed. Trustee Boyle stated that the law reads that all businesses with liquor licenses must have their primary business that of a restaurant and so they could not have video gaming. President Pulia suggested that a restaurant such as Giordano's could use their downstairs as an "over 21" area. Attorney Kiehl stated that any business would have to come before the Liquor Commission requesting a new license for video gaming. Manager Urban pointed out that many

neighboring communities have passed an ordinance prohibiting video gaming. It can always be rescinded at a later date. He also noted that it is at least 2 years away. Trustee Sloan was concerned that the village may be turning away funds for infrastructure and capital improvements since there was talk in Springfield about withholding funds from municipalities that passed ordinances banning video gaming because the funds would not be generated by these towns. Since it is at least 1 ½ to 2 years away, Trustee Sloan suggested would it be better to restrict the license so that all businesses would have to go before the liquor commission. Trustee Casey would like to go with an outright ban. Trustee Fox stated that the board needs to take into account what effect this would have on other businesses in town and is in favor of banning it. Trustee Boyle is in favor of banning this right now and change it later if needed. Trustee Novak was worried about possibly losing state money but is against gaming. President Pulia noted that the policing of these establishments would fall on the village police and we do not need this in town and he is in favor of banning. Trustee Novak would be in favor of whatever council suggests. Attorney Kiehl stated that the village could do either. Manager Urban was concerned about possible lawsuits if the village gave a license to certain businesses. Trustee Fox would rather move forward and have the ban in place in case the gaming board moves quickly. President Pulia said this will be put on next week's agenda.

### **OLD BUSINESS:**

Ms. Kate Reifsnnyder presented a draft of an ordinance regulating adult uses in the Village for the Board's review. The Village Engineer has also identified potential locations for adult uses in the Village. The ordinance, which amends the Village's business licensing and zoning regulations, must be presented to the Plan Commission for a public hearing. Ms. Reifsnnyder reported that other case law can be used in defending the ordinance but each case is heard separately. President Pulia would like to make sure a hearing is in place for any violations of ordinance. Ms. Reifsnnyder stated that the norm for distance requirements from patrons is 6 feet and that is what the ordinance reads. The state statute will be used which recommends a distance of 1 mile from churches, schools, etc. unless this is overturned by the courts. The adult use operator license ran from \$250-\$2,000. The ordinance now states \$500 and \$50 for employees. Manager Urban asked if the \$50 charge for the license of employees can be changed to cover the cost of background checks and any costs associated with the license and staff will research the actual costs.

Trustee Steker arrived at 8:27 PM.

President Pulia questioned if the inspection is different from the type of inspection the police and fire routinely do. Ms. Reifsnnyder stated that the type of inspection required is only for public space and she will add the language to the ordinance to point out the difference. The ordinance is in the "I district" but will actually be in the overlay district. It is up to the board's discretion as to what the new district will be called. If a zoning change is made, it needs to be reflected on the map. Currently the zoning map just has residential, business and industrial. The Public Hearing is scheduled for some time in December.

### **MANAGER'S REPORT:**

The Folkurt family donated a 60-foot tree from their yard for the village holiday tree and the tree will be placed on the eastern end of the fire department. Next Tuesday is Government Day and Mr. Urban has asked all board members to come early to spend time with their student. The 50/50 sidewalk program has begun and should be completed by Thursday, weather permitting.

### **PRESIDENT'S REPORT:**

Public Works was able to get a metal grater to attach to the bobcat to help with leaf pick up. It is going very well and the Public Works Department is doing a great job.

Mr. DiPasquale reported on requests from the town hall meeting and most were responded to the next day. All issues were resolved within two days.

### **PUBLIC:**

Mr. Thomas Moore represents the Catholic Bishop of Chicago and spoke about the property leased to Chicago Highlands Golf Course, which was annexed by the Village of Westchester from the Archdiocese of Chicago. He stated that the Bishop is against

public nudity on church property. In the annexation agreement, it was agreed upon what the usage would be and it would be unfair to change the that at this stage. It is also unfair to Chicago Highlands to have this next to their property. State Statute states a cemetery cannot be within 350 feet, as well as residential and daycare which would include Queen of Heaven, Ashley Woods and the towers. Mr. Moore reiterated that the Bishop would like to make it clear that this is their property and they are against any adult usage on it.

Mr. Steve Battersby contacted an engineer from the Water Reclamation Dept. and asked if Addison Creek would be cleaned up. President Pulia stated that it was cleaned up and will be re-graveled and it looks great. Manager Urban said that it was pressure from many people that caused them to clean it up. Mr. Battersby is also in favor of a stronger dog ordinance.

Mr. Tim Hinsdale stated that he is in favor of restrictive regulation on video gaming instead of an all out ban. The current dog ordinance is sufficient and laws that are on the books should be enforced. He has received compliments on Addison Creek and also feels the Building Dept. is doing a great job.

With no further business to discuss, Trustee Sloan made a motion, seconded by Trustee Boyle to adjourn and on the roll call vote, the Board passed said motion (AYE 7) and the meeting was adjourned at 9:08 PM.

Respectfully Submitted

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Catherine M. Booth  
Village Clerk