

**MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
OF THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF WESTCHESTER
15 September 2009**

CALL TO ORDER:

The meeting was called to order at 7:00 PM and present / responding to roll call were Trustees Boyle, Casey, Fox, Novak, Sloan and Steker and Pres. Pulia. President Pulia stated that Mr. Urban was on his way to the meeting from out of town. Also present was Village Attorney Storino.

NEW BUSINESS:

Financial Update: Ms. Kelly Zabinski gave an overview of the financial issues that are being identified and addressed with the Finance Committee since she has been hired. She said a little over a year ago the Village entered into a contract with a company called Azabar which audits the amount of taxes utilities give to the Village. She says Azabar gets a percentage of the money they recover and thinks that NICOR will be the first to settle. She didn't have an amount, and said part of the negotiations include how many years the audit will go back. Ms. Zabinski said that ATT, Comcast and COMED are putting up brick walls, even though agreements say that they can be audited at any time. Trustee Fox stated that he asks about amount to make sure that the money we are going after if worthwhile. He suggests our attorneys and perhaps the media get involved if the stone walling continues. Ms. Zabinski said NICOR has fixed all the groups that were not previously included and the Village is now getting those revenues.

Ms. Zabinski said she would follow up and try to get some estimates.

Ms. Zabinski said another issue she has been dealing with is water billing. She said under FCC law the Village should not be sending out information on postcards as our water bills are. We are looking at outsourcing and in house full page bills. She will bring forward presentation with the vendors in a future meeting. Ms. Zabinski reported that we received the final draft for our tax levy. She said the County hopes to get the final numbers out in a few weeks but the Village does not expect to get any tax revenue until December. She said she was hoping to roll over some investment CDs, but because of the lateness of the property taxes some of those will have to be rolled over into the operating budget. She said at this point the State is three months behind on income tax where a one month lag time is normal. She said our expenses are slightly under budget.

Mr. Fox requested that the information regarding what CD's the Village has, what will be rolled into the operating budget and what amount we are talking about, and what policies will be in place. Ms. Zabinski reported that the general fund is \$1.1 million in the hole; revenues are at 19% primarily because of the County property tax; revenues are 37% overall; regarding expenditures, she does not think that the \$750,000 was taken into consideration when a cash flow analysis was done. She said literally every week when a check run is made, she has to make sure that there is cash on hand. Trustee Fox clarified that the Village has the money, it is just not in a liquid cash format. Ms. Zabinski agreed that there is over \$4 million in the bank, but she has to make sure the money is where it needs to be so that our bills get paid. Ms. Zabinski said that when she first started Trustee Sloan asked her opinion on the reserve policy and she said she would recommend 3-5 months so that cash is available due to the possibility of like late funds coming from the County or State. Trustee Casey stated that the reserve policy was put in place for this reason. Trustee Novak stated that the Finance Committee is looking at a more solid cash management policy.

Stop Sign Study: Police Chief Matt Evans reported that he has received reports of heavy traffic flow on Drury Lane and residents have asked for stop signs. He presented a traffic study and indicated that the volume of vehicles warranted a stop sign and recommends that stop signs be erected at Drury Lane and Newcastle Avenue. Trustee Casey agreed with the recommendation of Chief Evans and the rest of the Board concurred.

Resident Mr. Adrian Romero of 10067 Drury Lane stated he was surprised at the results of the survey that indicated speed was not an issue on Drury Lane. He said that there are about 35 kids under the age of 12 years old, and the neighbors sit and watch the speeders go by. Trustee Boyle asked if there was anyone opposed to the stop sign. Mr. Romero said that they received support from 80% of the residents on the street and attributed the other 20% to either moving residents or vacant homes.

Leaf Removal Program: Ms. Hope Garrett, Public Works Intern, reviewed the recommendation to continue with the current leaf removal program, which consists of residents bagging their leaves for pick up by Waste Management and Public Works picks up loose leaves. Ms. Garrett stated that the current leaf vac is not operational. She is recommending the renting of a leaf vac for two months at \$4500 per month. Trustee Sloan stated that when the Public Works came to the Board with equipment purchase request that the leaf vac was not on the list. Ms. Garrett reported that she remembers doing the specs for replacement of the vac. President Pulia says it begs the questions why it was not replaced. Ms. Fister stated she believed that the vac was on the original longer wish list. Trustee Fox stated that it did not "make the cut". Trustee Sloan said that it did not make the cut because it was still operational. Trustee Boyle stated that some towns do have leaf (leave) removal programs but are set up for that program and Westchester does not have a policy which allows leaves to be raked into the streets. He thinks that residents should be required to bag leaves and a leaf bag program which gives five bags to each residence does not promote leaf

bagging. Trustee Sloan said that not having a leaf bag program promotes residents raking leaves into the street (not raking leaves). Trustee Fox thinks part of the problem was the lack of communication of what the policy/program is; and if everyone, employees and board members have the same answers the residents will know what the requirements are. Trustee Sloan said he thinks it is ridiculous to spend \$750,000 to clean out the sewers but not spend \$10K for leaf bags that Waste Management gives us.

Trustee Casey stated that anyone who thinks giving 5 bags to each household is going to make people rake their leaves is ridiculous. He thinks that if giving 5 bags to each household as a kick off program to promote bagging is fine, but still rent the leaf vac to get the leaves off the street and out of the sewers. Trustee Sloan asked that staff look into the repair costs of the current equipment, the option to buy the vac equipment and that he would contact Menards and Home Depot for discount for leaf bags. Trustee Sloan said that he is contacting local businesses for possible donations for leaf bags. The Board members concurred that the program of requiring residents to bag leaves and use the current equipment to clean the street of excess leaves will remain in place.

Sidewalk Replacement Program: Ms. Garrett presented the sidewalk replacement program bid results. She asked for direction from the board regarding continuing the current program of the Village sponsoring a 50/50 replacement program where any resident can pay 50% of the cost to replace their sidewalk. The Board members agreed that all sidewalk trip hazards within the Village should be replaced. Trustee Novak stated that he would like to see the Village pay to fix the trip hazards and the residents fix those replaced for cosmetic reasons on their own expense. Trustee Casey commented that some of the stats presented were probably cosmetic since most residences don't need 20 some squares replaced for trip hazards. Trustee Steker stated that he would like a certain number of squares per year allotted for hardship cases where the Village deemed there was a trip hazard. Attorney Kiehl stated that according to the Tort Immunity Act where the Village does become liable if aware of a hazard. The board members concurred that the 50/50 program should continue and that anyone asking for help under a hardship situation should be considered on a case by case basis.

Vehicle Maintenance Report: Ms. Garrett reported that the Public Works department is implementing a vehicle maintenance system currently used by the Fire Department. President Pulia stated that this was a good first step in keeping track of the maintenance of the village vehicles.

Trustee Steker entered the meeting at this time.

OLD BUSINESS:

Zoning Ordinance: Ms. Kate Reifsnyder presented the Draft Adult (s) Use ordinance drafted by a committee consisting of herself, Ken Rathje, Paul Bourke, Brian Gorka and Dennis DiPasquale. She said the the village can regulate these uses but since they fall within the 1st amendment under free speech and must allow a "reasonable avenue of communication". Ms. Reifsnyder gave a broad stroke overview of the draft ordinance. She said through Public hearings before the Plan Commission the Village must put forth findings and testimony that say why adult uses impact the community in a negative way. She said the decisions before the board at this point are what the hearing process will be; and what fees will be. She said the committee just took fee schedules from other towns. Trustee Casey asked why there was a court preference regarding the revocation issue if the hearing process or letter or notice of appeal. Ms. Reifsnyder said the Committee decided on the written notice of appeal since it would be more cost effective for the Village. She stated that any establishment that held a liquor license would be prohibited from allowing total nudity.

Mr. Stan Urban entered the meeting at this time, approximately 8:20 pm.

Trustee Sloan asked some questions in regard to the definition of structures in the instance of the towers. Ms. Reifsnyder said she would check on those issues. Mr. Urban said that he thought it was tied to PIN numbers. Trustee Fox asked about the barriers and gratuities for the staff in a nude or semi-nude condition. Ms. Reifsnyder stated that if any staff is nude or seminude the ordinance states that they would have to be 6 feet from patrons. She said the Committee recommends hitting the 5% mark of Village required by statute to be allowed to be Adult use, to have a constitutional defensive ordinance. She said the Board needs to decide what locations will be considered to be allowed as Adult Use. Trustee Casey asked about suggestive wording as descriptions of the business for instance sexual connotation or a play on words for the name of a business. Ms. Reifsnyder did not know of any restriction of that kind. Trustee Fox stated that there is nothing prohibiting businesses from advertising in other towns in explicit form. Fees were discussed in general and Ms. Reifsnyder said the committee went with standard fees from other towns because towns run the risk of being punitive which is a restriction of free speech. Ms. Reifsnyder said that fees can be changed at any time but vagueness was not favorable either.

Ms. Reifsnyder stated that the committee is looking for feedback from the Board and then will incorporate that into the ordinance and will come back to the Board at the November 3, 2009 committee of the whole meeting.

Mr. Urban said he spoke with attorney Storino regarding perhaps taking the new Plan Commission out of the equation and hold the hearings before the Village Board.

Mr. Paul Bourke from Burke Engineering reported that the Committee looked at the possible sites for Adult use, 5% of net buildable area equates to 89 acres. He said they looked at the most innocuous places –the industrial area in town which is only 3.1 acres; looked for a buffer area of 350 feet which did not reveal any unprotected areas. He said this lead to the Sexton Landfill site which is more than the 89 acres required by statute, and could include a 350 foot interior buffer. He said another alternative is to put adult uses into areas zoned B-2 with buffer zones around them. Mr. Urban stated that staff recommends that the committee pursue the sexton landfill site as possible adult use zoned area.

Ms. Reifsnnyder reported that Mr. Ken Rathje had a concern regarding any changes to the Zoning Ordinance had to be reflected on the Zoning map which should be republished every year. Mr. Brian Gorka stated that another way around it is to rename the Adult Use area as zoned “AU” or “Overlay District 1” when published on the map. Trustee Sloan asked a question regarding solicitation of a gratuity. Ms. Reifsnnyder said they did not expressly distinguish between cash or credit gratuity. Ms. Kiehl reported that in regard to video gaming it is only allowed where alcohol is served; and each municipality can prohibit it within its boundaries. She said she has prepared a memo on the subject and will forward it to the Village.

Trustee Steker asked about adding language that would protect sensitive areas in our communities that border other communities. Ms. Reifsnnyder said that neighboring Villages were not taken into consideration when drafting Westchester ordinance since they found a way to make the 5%. Trustee Boyle asked what would happen if a church wanted to build in our Adult Use overlay district. Ms. Reifsnnyder stated that in a case like that, the underlying zoning would apply since the Adult Use is just an overlay district.

OTHER BUSINESS: None

INFORMATION ONLY:

Mr. Dennis DiPasquale updated the Board on the permit requests from the Chicago Highlands Golf course for maintenance facilities and a swimming pool area.

Chief Evans reported that the new police officer would be starting the next day and a new part time Community Service Officer would start next week. He said that they are looking at security cameras for Gladstone Park and would be paid by the forfeiture fund. Other sites being considered are West Blvd and the bridge, and Roosevelt Road and the Blvd, and Community Park. He said current cameras will be converted to wireless cameras that will tie into the cameras at the water tower and Crestwood. President Pulia suggested Chief Evans contact the Village of Bellwood regarding joint camera areas. Chief Evans said that they had conversations and would continue talking about sharing costs.

President Pulia thanked everyone for their participation in the Village 9/11 ceremony. He said Mr. Urban sent him photos of the event and it was obvious a lot of care and work went into the event.

Chief Evans said that the Back to School picnic was a great success and thanked all participants, even though they lost to the girls again.

PUBLIC PARTICIPATION:

Mr. Steve Battersby of 1905 Balmoral stated that he thought the sidewalk program should be paid by the Village, since it is Village property and some of the time the contractors don't do the job right and residents shouldn't pay for that kind of shoddy work. He said he would prefer public works personnel doing work on the street not handing out leaf bags. He recalls that the vac truck had a bad water pump and should be fixed for less than \$9K. He said that vehicle maintenance reports should just be a matter of keeping track of the mechanic's activities on a time sheet. He suggested a police radar unit be placed in areas where residents think speeders are an issue on their street. Chief Evans replied that speed was not the issue for that particular spot, but radar units are constantly used in town for that purpose. Mr. Battersby said Trustee Casey made a point about excessive stop signs and he suggests some be removed and if they are put up “cross traffic does not stop” signs. Mr. Battersby suggested that Red Light funds be used for sidewalk replacement. President Pulia said that all options are being considered. Mr. Battersby suggested lowering the rates on red light violations. Chief Evans said the fees were set by statute. Mr. Gutsch from Hancock stated that the Gardner Road project was a typical a grind and replace, not a reconstruction, curbs replaced as needed.

With no further business to discuss, Trustee Casey made a motion, seconded by Trustee Boyle, for the meeting to be adjourned and on the roll call vote, the Board unanimously passed said motion. (Aye 7) and the meeting was adjourned at 9:40 PM.

Emily M. Fister, Deputy Village Clerk