

REGULAR MEETING

MAYOR AND BOARD OF TRUSTEES
VILLAGE OF BURR RIDGE, IL

June 10, 2013

CALL TO ORDER The Regular Meeting of the Mayor and Board of Trustees of June 10, 2013 was held in the Meeting Room of the Village Hall, 7660 County Line Road, Burr Ridge, Illinois and called to order at 7:11 p.m. by Mayor Straub.

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was conducted by Niki Chronis of Pleasantdale Elementary School.

ROLL CALL was taken by the Village Clerk and the results denoted the following present: Trustees Paveza, Ruzak, Franzese, Bolos, Grasso, Manieri, and Mayor Straub. Also present were Village Administrator Steve Stricker, Public Works Director Paul May, Community Development Director Doug Pollock, Police Chief John Madden, Village Attorney Scott Uhler, and Village Clerk Karen Thomas. There being a quorum, the meeting was open to official business.

AUDIENCE Carolyn Grela, 8045 Creekwood Drive, addressed the Board regarding the Audience Comment Ordinance, Agenda Item 6A. Ms. Grela emphasized the benefit of freely permitting comment at the beginning of the meeting without restriction to agenda items in order to benefit from the contribution, knowledge and ideas of the audience members. Ms. Grela stated comments should not be restricted due to the potential for criticism. She also encouraged residents to attend Board Meetings in person.

Conrad Fialkowski, 110 Waterside Place, discussed the five minute time limit with regard to the Audience portion of the Agenda. Mr. Fialkowski suggested that the time be tracked by someone other than the Mayor to allow him to focus on the comments.

Dolores Cizek, Former Trustee and resident of LaGrange, discussed the American Flag in the Board Room and suggested it be replaced with a mural. Ms. Cizek stated she feels Trustee Grasso should have recused herself from the Chase Bank Ordinance vote at the May 28, 2013 Board Meeting due to the campaign contributions made to her husband, former Mayor Grasso's campaign by the property owner of the Chase Bank site. Ms. Cizek questioned the location of the proposed hotels on South Frontage Road and their proximity to residential areas of the Village. Ms. Cizek discussed Robert's Rules of Order in relation to the previous Board Meeting noting that when there is a motion on the floor, discussion of other items should not take place.

Elaine Milota, 8921 Royal Drive and former Trustee, stated she received several resident phone calls regarding the Chase Bank Ordinance vote at the May 28, 2013 Board Meeting. Those who contacted her, she stated, questioned why Trustee Grasso did not recuse herself from the vote due to the campaign contributions provided to Former Mayor Grasso by the property owner. Ms. Milota indicated it is perceived as a question of ethics. In response to Ms. Milota, Trustee



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Grasso stated she discussed the matter with Village Attorney Scott Uhler to obtain a legal opinion knowing that the vote could be reconsidered at this Board Meeting. Mr. Uhler advised that there is no statutory requirement that Trustee Grasso recuse from the vote. Ms. Milota indicated that although there is no legal requirement, residents are concerned about the ethics.

Michael Byrnes, 203 Kenmare Drive, discussed the special use Ordinance for HBG / Chase Bank. Mr. Byrnes stated he feels the Agreement denies the Village and its residents a significant amount of sales tax revenue had the property remained zoned as it was, B1. In addition, Mr. Byrnes indicated the contribution should have inflationary indexes. Mr. Byrnes pointed out that if a vote is changed at this Board Meeting, the Ordinance could be remanded back to the Plan Commission for further study. He reminded the Board members that they are elected by the taxpayers, not the business owners. Mr. Byrnes pointed out that the vote was controversial since the Trustee vote resulted in a tie and had to be broken by Mayor Straub. He encouraged residents to use Freedom of Information Requests annually to ensure the HBG voluntary contribution is paid to the Village.

In response to Mr. Byrnes, Mayor Straub indicated he did take the residents into account when casting his tie-breaking vote.

John Bittner, 2 Hidden Lake Drive, discussed the Agreement with HBG / Chase Bank and pointed out that in his business experience, access to the funds from a Letter of Credit can be prohibited by filing a lawsuit.

Tom O'Toole, 15W115 79th Street, discussed the Agreement with HBG / Chase Bank and the discussion at the Board Meeting of May 28, 2013. Mr. O'Toole observed that Trustees Manieri, Bolos, and Franzese attempted to defend the residents of Burr Ridge in trying to obtain written protection from the property owner for the Village. Mr. O'Toole also discussed the campaign contributions by the landowner to former Mayor Grasso and Trustee Grasso's unwillingness to recuse herself from the vote. He commended Trustee Paveza for his work on the Board but feels Trustee Paveza was "asleep at the wheel" in voting in favor of the Agreement. Mr. O'Toole discussed Trustee Ruzak's association with Mayor Straub, thus predicting how he would vote on the matter. He also implied that Mayor Straub was indirectly influenced by the monetary campaign contributions.

Trustee Paveza responded to Mr. O'Toole's comments noting that he did spend time reviewing the Agreement and initiated a conference call with Village Administrator Steve Stricker, Trustee Ruzak, and Village Attorney Terry Barnicle in order to ensure the Village was protected under the Agreement. After review and discussion, Mr. Barnicle conveyed that the Village is well-protected in the Agreement which influenced Trustee Paveza's vote on the matter.

Dolores Cizek, Former Trustee and resident of LaGrange, inquired if Village Attorney Terry Barnicle was aware of the campaign contributions by the property owner, Aristotle Halikias, to



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Former Mayor Gary Grasso. Village Attorney Scott Uhler replied that Mr. Barnicle is fully aware of the matter.

CONSENT AGENDA – OMNIBUS VOTE After reading the Consent Agenda by Mayor Straub, motion was made by Trustee Grasso and seconded by Trustee Ruzak that the Consent Agenda – Omnibus Vote, (attached as Exhibit A), (except 5A) and the recommendations indicated for each respective item, be hereby approved.

On Roll Call, Vote Was:

AYES: 6 – Trustees Grasso, Ruzak, Paveza, Franzese, Manieri, Bolos

NAYS: 0 – None

ABSENT: 0 – None

There being six affirmative votes, the motion carried.

RECEIVE AND FILE VETERANS MEMORIAL COMMITTEE MEETING OF APRIL 24, 2013 were noted as received and filed under the Consent Agenda by Omnibus Vote.

RECEIVE AND FILE (DRAFT) PLAN COMMISSION MEETING OF JUNE 3, 2013 were noted as received and filed under the Consent Agenda by Omnibus Vote.

APPROVAL OF SPECIAL VILLAGE BOARD MEETING OF JUNE 3, 2013 – PLAN COMMISSION CANDIDATE INTERVIEWS were approved for publication under the Consent Agenda by Omnibus Vote.

ADOPTION OF RESOLUTION ADOPTING THE PREVAILING WAGE RATE FOR LABORERS, WORKERS AND MECHANICS EMPLOYED IN PUBLIC WORKS OF THE VILLAGE OF BURR RIDGE, COOK AND DUPAGE COUNTIES, ILLINOIS The Board, under the Consent Agenda by Omnibus Vote, adopted the Resolution adopting the prevailing wage rate for laborers, workers, and mechanics employed in Public Works of the Village of Burr Ridge, Cook and DuPage Counties, Illinois.

THIS IS RESOLUTION NO. R-10-13.

APPROVAL OF PLAN COMMISSION RECOMMENDATION TO APPROVE SPECIAL USE TO ALLOW FOR THE EXPANSION OF AN OUTDOOR DINING AREA FOR AN EXISTING RESTAURANT (Z-08-2013 : 200 BURR RIDGE PARKWAY – DAO SUSHI AND THAI RESTAURANT) The Board, under the Consent Agenda by Omnibus Vote, directed staff to prepare an ordinance granting special use to allow for the expansion of an outdoor dining area for an existing restaurant (Z-08-2013: 200 Burr Ridge Parkway – Dao Sushi and Thai Restaurant).

APPROVAL OF PLAN COMMISSION RECOMMENDATION TO APPROVE SPECIAL USE TO PERMIT AN AUTOMOBILE SALES AND SERVICE BUSINESS IN A GI



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GENERAL INDUSTRIAL DISTRICT (Z-09-2013: 60 SHORE DRIVE – MUCHA / BRAND MAX) The Board, under the Consent Agenda by Omnibus Vote, directed staff to prepare an ordinance granting special use to permit an automobile sales and service business in a GI General Industrial District (Z-09-2013: 60 Shore Drive – Mucha / Brand Max).

APPROVAL OF PLAN COMMISSION RECOMMENDATION TO APPROVE SPECIAL USE TO PERMIT AN AUTOMOBILE POWDER COATING BUSINESS WITH LIMITED OUTSIDE STORAGE OF VEHICLES (Z-10-2013: 15W308 NORTH FRONTAGE ROAD – BRYJAK) The Board, under the Consent Agenda by Omnibus Vote, directed staff to prepare an ordinance granting special use to permit an automobile powder coating business with limited outside storage of vehicles (Z-10-2013: 15W308 North Frontage Road – Bryjak).

APPROVAL OF PLAN COMMISSION RECOMMENDATION TO APPROVE VARIATION TO PERMIT A FENCE THAT EXCEEDS THE MAXIMUM PERMITTED HEIGHT OF FIVE FEET (V-03-2013: 8611 CREST COURT – SCHULZ) The Board, under the Consent Agenda by Omnibus Vote, directed staff to prepare an ordinance granting a variation to permit a fence that exceeds the maximum permitted height of five feet (V-03-2013: 8611 Crest Court – Schulz).

APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR LEAK DETECTION SERVICES FOR VILLAGE WATER MAINS The Board, under the Consent Agenda by Omnibus Vote, awarded the contract for a system wide leak detection survey to M.E. Simpson Co., Inc., of Valparaiso, the amount of \$14,560.00

APPROVAL OF VENDOR LIST IN THE AMOUNT OF \$352,473.21 FOR ALL FUNDS, PLUS \$193,997.49 FOR PAYROLL, FOR A GRAND TOTAL OF \$546,470.70 The Board, under the Consent Agenda by Omnibus Vote, approved the Vendor List in the amount of \$193,997.49 for the period ending June 10, 2013, and payroll in the amount of \$193,997.49 for the period ending May 25, 2013.

**POLICE DEPARTMENT PROMOTION RECOGNITION
CORPORAL DAVID ALLEN PROMOTION TO SERGEANT**

Police Chief John Madden introduced Corporal David Allen to Mayor Straub and the Board. Village Clerk Karen Thomas conducted the Oath of Office.

APPROVAL OF REGULAR MEETING OF MAY 28, 2013 This agenda item was removed from the Consent Agenda at the request of Trustee Bolos. Trustee Bolos noted that the motion for the Resolution Authorizing the Agreement with Chase Bank is inaccurate as the Agreement is not with Chase Bank but rather HBG Corporation and Northstar Trust. Trustee Bolos stated that she would like the motion corrected.



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Village Clerk Karen Thomas noted that the title of the Resolution cannot be changed and the motion was based upon the Resolution title.

Village Attorney Scott Uhler stated that the minutes are a summary of what occurred at the meeting and the minutes are correctly reflecting the motion. Trustee Bolos again responded that she would like the minutes to indicate the Agreement is with HBG Corporation and Northstar Trust. Village Attorney Scott Uhler noted that it could be added to the minutes that the discussion clarified that the agreement is with Northstar Trust.

Trustee Bolos contended that in light of the Agreement legally existing with Northstar Trust, the Village should not have a Resolution indicating the Agreement is with Chase bank and asked if it could be amended. Village Attorney Scott Uhler explained that the Agreement is an exhibit to the Resolution and the Agreement is what was approved by the Resolution. He went on to explain that it is clearly indicated in the Agreement that the Agreement is with Northstar Trust and has been entered into the Village Records as such. The title of the Resolution reflects a reference for staff to identify the nature of the transaction.

Trustee Bolos inquired how the minutes could be changed to reflect that the Resolution is with Northstar Trust / HBG Corporation. In response, Village Attorney Scott Uhler stated that a motion could be made to make an amendment to the minutes of the previous meeting or the nature of the clarification should be stated and suggest that the minutes be brought back at the next meeting for discussion.

Motion was made by Trustee Bolos and seconded by Trustee Franzese that the minutes reflect that the Agreement is with Northstar Trust and HBG Corporation and not with Chase Bank for Fee in Lieu of Sales Tax.

On voice vote, the motion carried.

Motion was made by Trustee Manieri and seconded by Trustee Franzese to approve the minutes of May 28, 2013 with an Amendment stating that the Agreement is with Northstar Trust and HBG Corporation.

On Roll Call, Vote Was:

AYES: 6 – Trustees Manieri, Franzese, Grasso, Ruzak, Paveza, Bolos

NAYS: 0 – None

ABSENT: 0 – None

There being six affirmative votes, the motion carried.

CONSIDERATION OF ORDINANCE AMENDING SECTION 2.67 OF ARTICLE XI OF CHAPTER 2 OF THE BURR RIDGE MUNICIPAL CODE (ADDITION OF “RULE 16, AUDIENCE COMMENT”) Village Administrator Steve Stricker stated that the Ordinance is based upon discussion at the Board Meeting of May 28, 2013 where it was proposed that the first



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Audience Section of the Agenda shall be for the public to address matters on the agenda if they cannot remain until that agenda item is discussed.

Trustee Bolos stated she feels the Ordinance is restrictive and questions the necessity of the change. She feels the time limit is not necessary and that the Village Board Meetings are for the people and they should be permitted to be heard. Trustee Bolos added that the Board Members are elected officials by the residents. She added that transparency is important and residents and citizens should be encouraged to speak on any subject.

Trustee Grasso stated she has mixed feelings about the change. She values the opinions of the audience but feels that the comments unrelated to the current agenda could be addressed at the end of the meeting to allow the business of the meeting to progress. Trustee Grasso acknowledged that those who wish to speak on agenda items have an opportunity at the beginning of the meeting and again as the agenda item is discussed. Trustee Grasso concurs with Ms. Grella in that the audience members have valuable input and should be heard.

Trustee Franzese pointed out that a resident might have an urgent concern for the Board unrelated to the agenda and if they are unable to remain for the entire meeting, the opportunity to address the Board would not be an option for them.

Trustee Paveza added that he feels that the Ordinance is not an attempt to stifle the audience. He stressed that he feels the first Audience portion of the meeting should be restricted to the agenda items only since frequently there are representatives present to address agenda items and it would allow those to get addressed promptly. Trustee Paveza added that in the second audience portion of the meeting, he would welcome any comments from audience members. He observed that recently, there have been many individuals at the meeting discussing various topics yet in the highly contested April election, less than 20% of the residents voted.

Trustee Manieri expressed concern in regard to asking residents to wait until the end of the meeting to discuss items of importance to them, regardless of whether they are on the agenda. He feels the service to the residents is crucial since they elected the Trustees and Mayor.

Trustee Bolos pointed out the current wording in the Municipal Code noting that there are two audience portions with no restrictions. She feels the format has been successful in the past and should continue.

Mayor Straub added that the Ordinance does not contain any wording limiting the audience discussion to residents only. In response, Trustee Bolos stated that the Ordinance is then unnecessary. Mayor Straub added that the Ordinance is not to restrict who can speak at the Audience sections but rather limiting the first Audience portion of the meeting to agenda items only. Trustee Bolos stated that she feels discussion should not be restricted in any Audience portion of the meeting and the Ordinance is unnecessary as the Board Meeting format has been



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successful for many years. She feels that amending the Municipal Code at this time only serves to stifle the audience.

Motion was made by Trustee Grasso and seconded by Trustee Ruzak to approve the Ordinance amending Section 2.67 of Article XI of Chapter 2 of the Burr Ridge Municipal Code (Addition of "Rule 16, Audience Comment")

Trustee Bolos requested clarification from Trustee Grasso regarding the motion adding that the Ordinance will limit group discussion in that only one group or individual may speak. Trustee Grasso responded that if the Ordinance restricts discussion to one group member, it might prohibit comments. Village Administrator Steve Stricker clarified that if an organized group is present, Audience discussion would be limited to one member of the group who would serve as a spokesperson for the group.

Trustee Franzese cited the example of a homeowners association that might be present at a Board meeting and an appointed spokesperson would address the Board, rather than the entire group.

Conrad Fialkowski, 110 Waterside Place, discussed a past matter with his subdivision, Chasemoor, related to the replacement of the walking path. He explained that the subdivision chose to attend the Board meeting without a spokesperson and several residents spoke providing their personal experience with the condition of the walking path. Mr. Fialkowski pointed out that this Ordinance change would have diminished the importance of the discussion in this situation.

On Roll Call, Vote Was:

AYES: 1 – Trustee Ruzak

NAYS: 5 – Trustees Grasso, Franzese, Paveza, Bolos, Manieri

ABSENT: 0 – None

There being only one affirmative vote, the motion failed.

OTHER CONSIDERATIONS Trustee Bolos questioned Rule 9 in the Municipal Code and asked for interpretation on its meaning. She pointed out that it states, "The vote of a member who has not been excused from voting, who passes or refuses to vote, shall be counted as voting with the majority." Village Attorney Scott Uhler explained that the law in Illinois is that every Trustee is expected to vote anytime a vote is taken. He explained that this rule means that the vote counts with the majority. Mr. Uhler added that the exception to the rule states that if a super majority is required to pass a matter, then that vote cannot count with the majority and is counted as a Nay vote. He suggested that the rule could be clarified and Trustee Bolos indicated it might be a good idea to do so.

Trustee Franzese inquired as to the interpretation of a Trustee vote when it is stated as "Present", as he has heard in past meetings. Village Attorney Scott Uhler responded it is considered an



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abstention and would be counted with the majority. Mr. Uhler further explained that a Board Member can recuse from the vote and the vote would not be counted in that case.

Mayor Straub discussed the following announcements:

- the Car Show will be held at the Village Center on June 23rd from 12 p.m. to 4 p.m. and a band is scheduled to perform during the last half of the show;
- the mobile Secretary of State office will be at the Village Hall on Wednesday, June 26th from 10 a.m. to 2 p.m.

Trustee Grasso announced that the Concerts on the Green got off to a great start on Friday, June 7th. She added the venue is beautiful, complete with a new sound system and stage. Trustee Grasso encouraged all to attend

AUDIENCE Dolores Cizek, Former Trustee and resident of LaGrange, discussed her concern with regard to the precedent set when Trustee Grasso did not recuse from the vote on the Chase Bank matter. She discussed a Doings Editorial with regard to the Open Meetings Act and meeting discussion. She also discussed House Bill 5483 which states any person shall be given an opportunity to address public officials and does not state a residency requirement.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS Trustee Manieri inquired about a complaint with regard to overnight parking on Soper Road. Police Chief John Madden responded that there were two complaints for overnight truck parking and truck through-traffic. Police Chief Madden noted that the through traffic is regulated in that area due to the weight restriction. He added that officers have been directed to conduct traffic enforcement in the area.

ADJOURNMENT Motion was made by Trustee Manieri and seconded by Trustee Paveza that the Regular Meeting of June 10, 2013 be adjourned to Closed Session to discuss

- A. Approval of Closed Session Minutes of May 28, 2013
- B. Pending Litigation

On Roll Call, Vote Was:

AYES: 6 – Trustees Manieri, Paveza, Ruzak, Franzese, Bolos, Grasso

NAYS: 0 – None

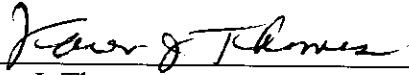
ABSENT: 0 – None

There being six affirmative votes, the motion carried and the meeting was adjourned at 8:21 P.M.

PLEASE NOTE: Where there is no summary of discussion on any items in the minutes, this reflects that no discussion occurred other than the introduction of the item.



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Karen J. Thomas
Village Clerk
Burr Ridge, Illinois

APPROVED BY the President and Board of Trustees this 24th day of
June, 2013.



RECONVENED REGULAR MEETING

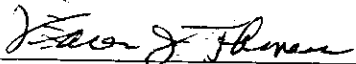
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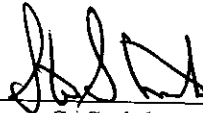
CALL TO ORDER The Regular Meeting of the Mayor and Board of Trustees of June 10, 2013 was reconvened at 8:55 p.m. with the same Trustees in attendance as immediately preceding the Closed Meeting from 8:25 p.m. to 8:55 p.m.

RECONVENE AND ADJOURN REGULAR MEETING Motion was made by Trustee Manieri and seconded by Trustee Grasso that the Regular Meeting of June 10, 2013 be adjourned.

On Voice Vote, the motion carried and the Regular Meeting of June 10, 2013 was adjourned at 8:55 p.m.



Karen J. Thomas
Village Clerk
Burr Ridge, Illinois



Steven S. Stricker
Village Clerk Pro-Tempore
Burr Ridge, Illinois

APPROVED BY the President and Board of Trustees this 24th day of June, 2013.

**AGENDA
REGULAR MEETING – MAYOR & BOARD OF TRUSTEES
VILLAGE OF BURR RIDGE**

**June 10, 2013
7:00 p.m.**

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE
– Niki Chronis, Pleasantdale Elementary School**
- 2. ROLL CALL**
- 3. AUDIENCE**
- 4. CONSENT AGENDA – OMNIBUS VOTE**

All items listed with an asterisk (*) are considered routine by the Village Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member or citizen so request, in which event the item will be removed from the Consent Agenda.

**7:00 p.m.
Police Department Promotion Recognition
Corporal David Allen Promotion to Sergeant**

5. MINUTES

- *A. Approval of Regular Meeting of May 28, 2013
- *B. Receive and File Veterans Memorial Committee Meeting of April 24, 2013
- *C. Receive and File Draft Plan Commission Meeting of June 3, 2013
- *D. Approval of Special Village Board Meeting of June 3, 2013 – Plan Commission Candidate Interviews

6. ORDINANCES

- A. Consideration of Ordinance Amending Section 2.67 of Article XI of Chapter 2 of the Burr Ridge Municipal Code (Addition of "Rule 16. Audience Comment")

7. RESOLUTIONS

- *A. Adoption of Resolution Adopting the Prevailing Wage Rate for Laborers, Workers and Mechanics Employed in Public Works of the Village of Burr Ridge, Cook and DuPage Counties, Illinois

8. CONSIDERATIONS

- *A. Approval of Plan Commission Recommendation to Approve Special Use to allow for the expansion of an outdoor dining area for an existing restaurant (Z-08-2013: 200 Burr Ridge Parkway – Dao Sushi & Thai Restaurant)

EXHIBIT A

- *B. Approval of Plan Commission Recommendation to Approve Special Use for an Automobile Sales and Service business in a GI General Industrial District (Z-09-2013: 60 Shore Drive – Mucha/Brand Max)
- *C. Approval of Plan Commission Recommendation to Approve Special Use to permit an automobile parts powder coating business with limited outside storage of vehicles (Z-10-2013: 15W308 North Frontage Road – Bryjak)
- *D. Approval of Plan Commission Recommendation to Approve Variation to permit a fence that exceeds the maximum permitted height of five feet (V-03-2013: 8611 Crest Court – Schulz)
- *E. Approval of Recommendation to Award Contract for Leak Detection Services for Village Water Mains
- *F. Approval of Vendor List in the amount of \$352,473.21 for all funds, plus \$193,997.49 for payroll, for a grand total of \$546,470.70
- G. Other Considerations – For Announcement, Deliberation and/or Discussion Only – No Official Action will be Taken

9. AUDIENCE

10. REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

11. CLOSED SESSION

A. Approval of Closed Session Minutes of May 28, 2013

B. Pending Litigation

12. RECONVENED MEETING

13. ADJOURNMENT