

REGULAR MEETING
PRESIDENT AND BOARD OF TRUSTEES
VILLAGE OF BURR RIDGE

March 13, 2017

CALL TO ORDER The Regular Meeting of the President and Board of Trustees of March 13, 2017 was held in the Meeting Room of the Village Hall, 7660 County Line Road, Burr Ridge, Illinois and called to order at 7:02 p.m. by President Straub

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was led by Shayaan Mussani, Burr Ridge Middle School.

ROLL CALL was taken by the Village Clerk and the results denoted the following present: Trustees Franzese, Grasso, Paveza, Bolos, Schiappa and President Straub. Also present were Village Administrator Steven Stricker, Community Development Director Doug Pollock, Police Chief John Madden, Public Works Director Dave Preissig, Finance Director Jerry Sapp and Village Clerk Karen Thomas.

RESIDENT COMMENTS Resident Marty Gleason, stated institutional memory is important and said how pleased he is that Community Development Director Doug Pollock will be replacing Village Administrator Steve Stricker.

Mr. Gleason introduced Candidate for Downers Grove Township Trustee Mehrunisa Qayyum.

Ms. Qayyum, resident for 20 years, showed a sign that a resident was asked to remove. She said she would hate for anyone to have to remove any sign or any flag that speaks to their values.

Community Development Director Doug Pollock said the Village has regulations prohibiting temporary signs. This regulation is to prevent sign clutter. There are specific regulations about the placement of temporary signs. He said the Village had an inquiry about a sign and the resident voluntarily removed the sign, we did not ask them to.

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

On Roll Call, Vote Was:

AYES: 5 – Trustees Franzese, Paveza, Schiappa, Bolos and Grasso

NAYS: 0 – None

ABSENT: 0 – None

There being five affirmative votes, the motion carried.

APPROVAL OF REGULAR BOARD MEETING FEBRUARY 27, 2017 were approved for publication under the Consent Agenda by Omnibus Vote.

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APPROVAL OF AN ORDINANCE GRANTING A SPECIAL USE PURSUANT TO THE BURR RIDGE ZONING ORDINANCE TO PERMIT INDOOR SALES OF AUTOMOBILES IN A GI GENERAL INDUSTRIAL DISTRICT (Z-03-2017: 60 SHORE DRIVE – RESTAND)

The Board, under the Consent Agenda by Omnibus Vote, approved the Ordinance.
THIS IS ORDINANCE NO. A-834-07-17

APPROVAL OF AN ORDINANCE AMENDING SECTION 35-11-1315 (b) OF CHAPTER 35 (MOTOR VEHICLES) OF THE BURR RIDGE MUNICIPAL CODE (NO PARKING ON STEEPESIDE DRIVE)

The Board, under the Consent Agenda by Omnibus Vote, approved the Ordinance.
THIS IS ORDINANCE NO. A-668-01-17

APPROVAL OF AN ORDINANCE AMENDING THE BUILDING LEASE ADOPTED BY ORDINANCE NO. 784 (NANOPHASE TECHNOLOGIES CORPORATION)

The Board, under the Consent Agenda by Omnibus Vote, approved the Ordinance.
THIS IS ORDINANCE NO. A-784-01-17

APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR THE PUBLIC WORKS GARAGE DOOR REPLACEMENT PROJECT

The Board, under the Consent Agenda by Omnibus Vote, awarded the contract for to DuPage Overhead Garage Doors, Inc., of Homer Glen, Illinois, in the amount of \$28,750.

APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR THE PURCHASE OF A PUBLIC WORKS MULTIFUNCTION LARGE-FORMAT PRINTER

The Board, under the Consent Agenda by Omnibus Vote, awarded the contract for a HP DesignJet T2530 Postscript Multifunction Printer to Clifford-Wald, of Rolling Meadows, IL, in the amount of \$6,745.00.

APPROVAL OF RECOMMENDATION TO APPROVE AN INCREASE TO THE PURCHASE ORDER FOR THE PUBLIC WORKS AERIAL LIFT TRUCK BY \$1,345.87 TO PROVIDE BACK-UP WARNING SYSTEMS AND OTHER ITEMS OMITTED IN THE ORIGINAL CONTRACT

The Board, under the Consent Agenda by Omnibus, approved the increase in purchase order #2016-4444 to provide the additional necessary equipment on the Public Works Aerial Lift Truck replacement Unit 27 in the amount of \$1,345.87 for a total and final amount of \$126,892.87.

APPROVAL OF RECOMMENDATION TO APPROVE AGREEMENT REGULATING VIDEO SURVEILLANCE CAMERAS FOR THE NEIGHBORHOOD VIDEO SURVEILLANCE PROGRAM – FIELDSTONE SUBDIVISION

The Board, under the Consent Agenda by Omnibus Vote, approved the agreement.



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APPROVAL OF RECOMMENDATION TO APPOINT TRUSTEE AL PAVEZA TO THE SCAVENGER FRANCHISE AGREEMENT SUB-COMMITTEE The Board, under the Consent Agenda by Omnibus Vote, approved the appointment.

APPROVAL OF VENDOR LIST IN THE AMOUNT OF \$322,157.90 FOR ALL FUNDS, PLUS \$255,617.98 FOR PAYROLL, FOR A GRAND TOTAL OF \$577,775.88, WHICH INCLUDES SPECIAL EXPENDITURES OF \$21,686.40 TO WINKLER'S TREE SERVICE FOR AREA 6 TREE TRIMMING AND \$32,130.00 TO HD SUPPLY WATERWORKS FOR WATER METERS AND ACCESSORIES The Board, under the Consent Agenda by Omnibus Vote, approved the Vendor list for the period ending March 13, 2017 in the amount of \$322,157.90 and payroll in the amount of \$255,617.98 for the period ending February 25, 2017

CONSIDERATION OF RESOLUTION OPPOSING ANY ADVANCEMENT OF SENATE BILL 1451 Village Administrator Steve Stricker explained that recently the Village passed an Ordinance regulating small wireless facilities. He continued that current legislation, House Bill 1451, severely limits municipal authority to regulate, site, or charge permit fees for these wireless facilities. He said that the current act will allow a telecommunication company to put these facilities on Village equipment, light poles, traffic lights, and we have no say in the matter. They will also be able to install tall towers anywhere in the right-of-way. They could be in a residential area a foot off the road and they could be 100 feet tall, or as tall as anything within 500 feet. He continued that the Ordinance the Village approved regulates the heights and allows for certain distances between any of these devices and a resident but all those would be preempted under this House Bill. He said it is very important for municipalities to ban together and oppose any advancement of this Bill. He presented the Resolution opposing this Bill and a letter he prepared that outlines the Village's opposition. There was a brief discussion.

Motion was made by Trustee Paveza and seconded by Trustee Grasso to adopt the Resolution opposing any advancement of House Bill 1451 and to direct Staff to send a letter in opposition to HB 1451 to our legislators.

On Roll Call, Vote Was:

AYES: 5 – Trustees Paveza, Grasso, Bolos, Schiappa, Franzese

NAYS: 0 – None

ABSENT: 0 – None

There being five affirmative votes, the motion carried.

THIS IS RESOLUTION R-07-17

CONSIDERATION OF RESOLUTION OPPOSING ANY ADVANCEMENT OF HOUSE BILL 2557 AND SENATE BILL 1388 Village Administrator Steve Stricker said these are companion Bills that would require a communication provider who is issued a certificate of public convenience and necessity from the Illinois Commerce Commission to be treated like public utilities with regard to the public rights-of-way. He said this is specifically written for a company



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called Mobilitie and similar companies that are not telecommunication companies, but companies that build towers and poles that are then leased out to telecommunication companies without Village approval.

Motion was made by Trustee Schiappa and seconded by Trustee Grasso to adopt the Resolution and direct Staff to send a letter to our legislators in opposition to House Bill 2557 and Senate Bill 1388.

On Roll Call, Vote Was:

AYES: 5 – Trustees Schiappa, Grasso, Franzese, Paveza, Bolos

NAYS: 0 – None

ABSENT: 0 – None

There being five affirmative votes, the motion carried.

THIS IS RESOLUTION R-09-17

CONSIDERATION OF PLAN COMMISSION RECOMMENDATION TO APPROVE VARIATIONS TO ACCOMMODATE THE EXPANSION OF AN OFFICE BUILDING PARKING LOT TO PERMIT PARKING TO BE LOCATED 60 FEET FROM THE FRONT LOT LINE (BURR RIDGE PARKWAY) RATHER THAN 79.76 FEET AND TO PERMIT ADDITIONAL PARKING BETWEEN THE BUILDING AND THE CORNER SIDE LOT LINE (NORTH LINE ALONG SOUTH FRONTAGE ROAD) (V-01-2017: 1333 BURR RIDGE PARKWAY – IN SITE REAL ESTATE) Community Development Director Doug Pollock presented a letter from the petitioner asking for this to be tabled for another two weeks.

Motion was made by Trustee Grasso and seconded by Trustee Schiappa to table this item to the March 27, 2017 Meeting.

On Roll Call, Vote Was:

AYES: 5 – Trustees Grasso, Schiappa, Franzese, Paveza, Bolos

NAYS: 0 – None

ABSENT: 0 – None

There being five affirmative votes, the motion carried.

CONSIDERATION OF RECOMMENDATION TO AWARD CONTRACT FOR 2017 ROAD PROGRAM Village Engineer Dave Preissig presented an update on the 2017 Road Program. He said the 79th Street Resurfacing is part of the 2017 Capital Program and it is under development and going to IDOT for the state letting on April 28. He continued that there is a 75% STP grant for this project of \$339,000, the Village portion is \$113,000.

Mr. Preissig said that the 2017 Road Program includes the resurfacing of 61st Place and Park Avenue, 62nd Street & Cove Creek Court, Steepleside Drive, Greystone Court and the Babson Park, Subdivision. The bids were received on February 28, 2017 and are \$95,000 under estimate, for a Village cost of \$530,430.



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Mr. Preissig continued that in July and August the interns will complete the Street Rating Survey and this will be used to develop the rest of the program. He explained that because the resurfacing project is \$95,000 under budget some of the IMRA surplus account transfer funds can be used to increase the preventative maintenance, supplemental paving/patching contract and the Wolf Road pedestrian crossing at Pleasantdale Middle School.

Mr. Stricker explained that the Street Policy Committee met with Staff in December to prioritize the program for this year and it was discussed at a Board Meeting and at the Goal's Workshop. During this time, Staff decided to take money out of the IMRA surplus account to help cover part of the \$180,000 deficit.

In reply to Trustee Franzese, Mr. Preissig said the proposed pedestrian crossing at Pleasantdale Middle School will be similar to what is at 60th and County Line Road, including a flashing beacon that will be activated when a pedestrian wishes to cross. There was some discussion.

Motion was made by Trustee Franzese and seconded by Trustee Paveza to award the contract for the 2017 Road Program Resurfacing to Schroeder Asphalt Services, Inc., of Huntley, Illinois, in the amount of \$530,429.98.

On Roll Call, Vote Was:

AYES: 5 – Trustees Franzese, Paveza, Bolos, Schiappa, Grasso

NAYS: 0 – None

ABSENT: 0 – None

There being five affirmative votes, the motion carried.

DISCUSSION REGARDING POSSIBLE WIDENING OF I-294

Village Administrator Steve Stricker explained that this is not a public hearing, it is a meeting to inform the Board and receive input concerning an initial letter that will be sent to the Illinois Toll Highway Authority concerning the possibility of widening I-294. It is the Village's position that it is premature to have any public hearing, there are no plans to review and everything that will be discussed is conjecture and only our best guess. The letter will outline the Village's concerns, it will ask for confirmation that our understandings are correct and request a meeting with the Tollway Authority. Mr. Stricker continued that the Village Engineer has had conversations with some of the Tollway consulting engineers and that has lead us to some of the understandings that we will be discussing.

Mayor Straub read a letter he received from Cindy Klima, Chief of Communications and Marketing. The letter says that as part of the Move Illinois capital program, the Tollway is developing a master plan to determine improvements, costs, and funding options for the reconstruction of the Central Tri-State Tollway (I-294) between 95th Street and Balmoral Avenue. The research and proposed concept will be presented to the Tollway Board of Directors in the coming months and once approved a detailed design process will follow. She said no decisions have been made to date and a final design has not been developed.



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The Village Administrator presented a list of concerns that will be incorporated in the letter to the Tollway Authority. The list includes:

- Any work requiring permanent easements or property acquisition from Burr Ridge residents would be strongly opposed.
- The Village reserves the right to review any plans that may be forthcoming to determine any negative impact to our residents.
- If it is the intent to add more than one lane, we would like to be informed of this immediately, as it may negatively impact our residents.
- Any expansion of the Tollway on the west side, south of the oasis, would severely impact Burr Ridge residents.
- We request a noise study prior to final decision and we expect that any additional noise impacts on Burr Ridge residents will be fully mitigated.
- The state of the existing sound walls be reviewed and inspected to determine if there is a need for replacement.
- If the oasis is removed, that it be removed in its entirety.
- If the oasis gas station remains, the facility on the west side be renamed to "Burr Ridge Oasis" and that all revenue generated be directed to the Village of Burr Ridge.

Mr. Stricker said that it is not realistic to think that the revenues would be directed to Burr Ridge but it could be a talking point in terms of our position in negotiations with the tollway. If the gas station is allowed to remain maybe we should be compensated in some way.

Mayor Straub pointed out that the Hinsdale Oasis is not in Hinsdale. It was strip annexed in the late 1950s and early 1960s to get the revenue and Burr Ridge residents have paid the price for it all these years.

There was a lengthy discussion. The Trustees and residents suggested that the following be included in the letter:

Additional noise impacts be fully mitigated and existing noise impacts reduced.

Truck parking along the south bound ramp be eliminated.



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Gaps in the sound walls be closed up and secured. The walls cleaned up and secured.

Lighting from the oasis be reviewed.

Air quality study at the oasis to determine ways the health effects of the diesel truck exhaust fumes can be mitigated.

Areas adjacent to the fencing repaired and debris cleaned up.

The safety and security of the residents not be reduced.

Resident Ms. Scanlon stated she attended a Tollway Authority Board Meeting and they have information and suggested that the Village request it.

Mr. Stricker suggested that the Village hire a noise consultant when there is a plan in place. He said that any additional information regarding this issue, will be included in the e-briefs and on the website.

Motion was made by Trustee Schiappa and seconded by Trustee Grasso to direct Staff to send the letter to the Illinois Toll Highway Authority Chairperson, as amended, based on the comments submit regarding lighting, air quality, mitigating and reducing noise, immediate elimination of truck parking along the ramps, the immediate repairs to the walls and fencing, the safety and security of the residents not be compromised or reduced and to request a meeting at their earliest convenience.

On Roll Call, Vote Was:

AYES: 5 – Trustees Schiappa, Grasso, Franzese, Paveza, Bolos

NAYS: 0 – None

ABSENT: 0 – None

There being five affirmative votes, the motion carried.

CONSIDERATION OF RECOMMENDATION TO AWARD CONTRACT FOR THE COMMONWEALTH EDISON TRANSMISSION LINE CLEARANCE TREE TRIMMING

Village Administrator Steve Stricker explained that in 2009 the Village entered into an agreement with Commonwealth Edison in order to reduce the impact that the proposed tree removal along the transmissions line would have on the Village. He continued that Commonwealth Edison will trim trees every five years but within the five year period, if any trimming needs to be done, the Village is responsible to pay for the cost. The last regularly scheduled Commonwealth Edison 5-year trimming cycle was in 2014. In January, the Village was contacted by Commonwealth Edison regarding their annual clearance survey, which identified 23 locations with numerous encroachments into the clear zone. In order to document and corroborate these locations, Gary Gatlin, Village Arborist met with Commonwealth Edison representatives and was able to reduce the number to 17. Commonwealth Edison identified a cost of \$41,600 to perform the work with their



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contractor Lewis Tree Service, for which the Village will have to reimburse Commonwealth Edison. He continued that we tried to get better numbers but the only quote we received was \$73,140.

Motion was made by Trustee Paveza and seconded by Trustee Bolos to authorize Commonwealth Edison to award a contract for transmission line tree trimming to Lewis Tree Service in an amount not to exceed \$41,600 and approve reimbursement to Commonwealth Edison for an amount not to exceed \$41,600.

On Roll Call, Vote Was:

AYES: 5 – Trustees Paveza, Bolos, Schiappa, Franzese, Grasso

NAYS: 0 – None

ABSENT: 0 – None

There being five affirmative votes, the motion carried.

OTHER CONSIDERATIONS Trustee Franzese asked when and by who the trash will be removed from the County Line Road/I55 Interchange. Mr. Preissig said it is IDOT's responsibility and he will contact them.

RESIDENT COMMENTS There were none

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS Trustee Paveza said that the Secretary of State will be at the Village Hall on Wednesday, March 15 from 9am to 3pm.

NON-RESIDENTS COMMENTS Ben Silver, attorney with the Citizen Advocacy Center at 182 North York Street, Elmhurst, Illinois said they are a non-for-profit, non-partisan organization dedicated to promoting the democratic rights of Illinois residents. He continued that a Burr Ridge resident brought to their attention that residents of the Village face restrictions on yard signs based on the content of those signs. He said a 2015 Supreme Court decision, reaffirmed that local governments cannot promulgate, disperse rules for signs based on the content of each sign. Such regulations are restrictions on the freedom of speech, in violation of the First Amendment. The Burr Ridge Village Code, as it currently stands, calls for different size, coverage and duration requirements for various types of signs based on their content. He said that an official may have spoken to a resident about which signs they could or could not display, that is problematic because that goes to the content of that sign and it also does not seem to be consistent with the Burr Ridge Code. It does seem that those signs should be allowed.

Mr. Silver continued that while researching the Village code he discovered that the Village disallows comments from non-residents on agenda items unless they can show an interest in the agenda item and that also, non-residents have to speak at a different time. The Public Access Bureau of the Illinois Attorney General's Office issued a binding opinion in 2014 that said that



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public bodies may not require speakers to share their addresses, as such the provisions of the Village Code appear to violate the Open Meetings Act and should be changed as soon as practical.

Mr. Silver said he would be happy to answer any questions or assist in any way to make sure Burr Ridge residents are afforded their full constitutional rights.

ADJOURNMENT Motion was made by Trustee Schiappa and seconded by Trustee Grasso that the Regular Meeting of March 13, 2017 be adjourned.

On Roll Call, Vote Was:

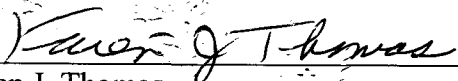
AYES: 5 – Trustees Schiappa, Grasso, Franzese, Paveza and Bolos

NAYS: 0 – None

ABSENT: 0 – None

There being five affirmative votes, the motion carried and the meeting was adjourned to 8:48 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.



Karen J. Thomas
Village Clerk
Burr Ridge, Illinois

APPROVED BY the President and Board of Trustees this 27th day of March, 2017.

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

**MARCH 13, 2017
7:00 p.m.**

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
Shayaan Mussani – Burr Ridge Middle School

- 2. ROLL CALL**

- 3. RESIDENTS COMMENTS**

- 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.

- 5. MINUTES**

*A. Approval of Regular Board Meeting of February 27, 2017

- 6. ORDINANCES**

*A. Approval of An Ordinance Granting a Special Use Pursuant to the Burr Ridge Zoning Ordinance to Permit Indoor Sales of Automobiles in a GI General Industrial District (Z-03-2017: 60 Shore Drive – Restani)

*B. Approval of An Ordinance Amending Section 35-11-1315 (b) of Chapter 35 (Motor Vehicles) of the Burr Ridge Municipal Code (No Parking on Steepleside Drive)

*C. Approval of Ordinance Amending the Building Lease Adopted by Ordinance No. 784 (Nanophase Technologies Corporation)

- 7. RESOLUTIONS**

A. Consideration of Resolution Opposing any Advancement of Senate Bill 1451

B. Consideration of Resolution Opposing any Advancement of House Bill 2557 and Senate Bill 1388

EXHIBIT A

8. CONSIDERATIONS

- A. Consideration of Plan Commission Recommendation to Approve Variations to Accommodate the Expansion of an Office Building Parking Lot to Permit Parking to be Located 60 feet from the Front Lot Line (Burr Ridge Parkway) rather than 79.76 feet and to Permit Additional Parking between the Building and the Corner Side Lot Line (north line along South Frontage Road) (V-01-2017: 1333 Burr Ridge Parkway – In Site Real Estate)
- B. Consideration of Recommendation to Award Contract for 2017 Road Program
- C. Discussion Regarding Possible Widening of I-294
- D. Consideration of Recommendation to Award Contract for the Commonwealth Edison Transmission Line Clearance Tree Trimming
- *E. Approval of Recommendation to Award Contract for the Public Works Garage Door Replacement Project
- *F. Approval of Recommendation to Award Contract for the Purchase of a Public Works Multifunction Large-Format Printer
- *G. Approval of Recommendation to Approve an Increase to the Purchase Order for the Public Works Aerial Lift Truck by \$1,345.87 to Provide Back-Up Warning Systems and Other Items Omitted in the Original Contract
- *H. Approval of Recommendation to Approve Agreement Regulating Video Surveillance Cameras for the Neighborhood Video Surveillance Program – Fieldstone Subdivision
- *I. Approval of Recommendation to Appoint Trustee Al Paveza to the Scavenger Franchise Agreement Sub-Committee
- *J. Approval of Vendor List in the Amount of \$322,157.90 for all Funds, plus \$255,617.98 for payroll, for a grand total of \$577,775.88, which includes Special Expenditures of \$21,686.40 to Winkler's Tree Service for area 6 tree trimming and \$32,130.00 to HD Supply Waterworks for water meters and accessories
- K. Other Considerations – For Announcement, Deliberation and/or Discussion only – No Official Action will be Taken

9. RESIDENTS COMMENTS

10. REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

11. NON-RESIDENTS COMMENTS

12. ADJOURNMENT