

REGULAR MEETING
PRESIDENT AND BOARD OF TRUSTEES
VILLAGE OF BURR RIDGE

August 27, 2018

CALL TO ORDER The Regular Meeting of the President and Board of Trustees of August 27, 2018 was held in the Meeting Room of the Village Hall, 7660 County Line Road, Burr Ridge, Illinois and called to order at 7:00 p.m. by President Straub

PLEDGE OF ALLEGIANCE Pledge of Allegiance was recited.

ROLL CALL was taken by the Village Clerk and the results denoted the following present: Trustees Franzese, Mottl, Paveza, Mital, Snyder, Schiappa and President Straub. Also present were Village Administrator Doug Pollock, Police Chief John Madden, Finance Director Jerry Sapp, Assistant to the Administrator Evan Walter and Village Clerk Karen Thomas.

MOMENT OF SILENCE FOR VILLAGE ARBORIST GARY GATLIN

Village President Straub requested a moment of silence for Village Arborist Gary Gatlin. Gary was well known by Village residents. Village Administrator Doug Pollock thanked Gary's family for spending time with Village employees. He was a very valued member of the Village Family. His contributions in preserving the trees were much appreciated by residents throughout the community. He will be greatly missed.

Gary's daughter, Candice Gatlin, spoke on behalf of the family, commenting on his passion for his work and that he left his footprints throughout the Village.

RESIDENT COMMENTS

David Palzet, Superintendent of Pleasantdale School District 107, expressed concerns for children's safety if school buses are not permitted to utilize the gate between Arrowhead Farm and Highland Fields subdivisions. The students would have to walk a much longer distance to get to the bus. They are simply asking the Board to legitimize a practice that has been in place for over a decade.

CONSENT AGENDA – OMNIBUS VOTE After reading the Consent Agenda by President Straub, motion was made by Trustee Franzese and seconded by Trustee Mital 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: 6 - Trustees Franzese, Mital, Snyder, Schiappa, Mottl, Paveza

NAYS: 0 – None

ABSENT: 0 – None

There being six affirmative votes, the motion carried.

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APPROVAL OF REGULAR BOARD MEETING MINUTES AUGUST 13, 2018 were approved for publication under the Consent Agenda by Omnibus Vote.

RECEIVE AND FILE PLAN COMMISSION MEETING MINUTES OF AUGUST 20, 2018 were noted as received and filed under the Consent Agenda by Omnibus Vote.

APPROVAL OF AN ORDINANCE ANNEXING CERTAIN REAL ESTATE (MARSHEH - 8400 OAK KNOLL DRIVE) The Board, under the Consent Agenda by Omnibus Vote, approved the Ordinance.

THIS IS ORDINANCE NO. 1179

APPROVAL OF AN ORDINANCE REZONING PROPERTY FROM THE R-1 DISTRICT TO THE R-2A DISTRICT OF THE BURR RIDGE ZONING ORDINANCE (Z-18-2018: 8400 OAK KNOLL DRIVE – MARSHEH) The Board, under the Consent Agenda by Omnibus Vote, approved the Ordinance.

THIS IS ORDINANCE NO. A-834-14-18

APPROVAL OF ORDINANCE AMENDING THE VILLAGE OF BURR RIDGE PERSONNEL MANUAL ADOPTED BY ORDINANCE NUMBER 661 The Board, under the Consent Agenda by Omnibus Vote, Approved the Ordinance.

THIS IS ORDINANCE NO. A-661-03-18

ADOPTION OF RESOLUTION APPROVING PLAT OF EASEMENT AND VACATION – MEADOWBROOK PLACE SUBDIVISION The Board, under the Consent Agenda by Omnibus Vote, Adopted the Resolution.

THIS IS RESOLUTION NO. R-30-18

APPROVAL OF PROCLAMATION DESIGNATING SEPTEMBER 17-23, 2018 AS CONSTITUTION WEEK IN THE VILLAGE OF BURR RIDGE The Board, under the Consent Agenda by Omnibus Vote, Approved the Proclamation.

APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR REPLACEMENT OF CHASEMOOR-LINCOLNSHIRE PATHWAY TO GLOBE CONSTRUCTION, INC., OF ADDISON, ILLINOIS, IN THE AMOUNT OF \$119,886.00 The Board, under the Consent Agenda by Omnibus Vote, Awarded the Contract.

APPROVAL OF PLAN COMMISSION RECOMMENDATION TO APPROVE A PRIVATE SANITARY SEWER SYSTEM FOR A NEW SINGLE FAMILY RESIDENCE (PC-09-2018: 8600 COUNY LINE ROAD – CAMARENA) The Board, under the Consent Agenda by Omnibus Vote, approved the Recommendation.

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APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR REPLACEMENT OF WINDOWS AT VILLAGE HALL TO YOUR AMERICAN WINDOWS, LLC, OF BURR RIDGE, ILLINOIS, IN THE AMOUNT OF \$13,639.00 The Board, under the Consent Agenda by Omnibus Vote, Awarded the Contract.

APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR REPAIRS TO THE POLICE DEPARTMENT HVAC SYSTEM TO DYNAMIC HEATING & PIPING COMPANY, OF CRESTWOOD, ILLINOIS, IN THE AMOUNT OF \$14,950.00 The Board, under the Consent Agenda by Omnibus Vote, Awarded the Contract.

APPROVAL OF KLEIN, THORPE & JENKINS LEGAL FEES FOR 2019 The Board, under the Consent Agenda by Omnibus Vote, Approved the 2% increase, \$5 per hour, in Legal Fees effective January 1, 2019.

APPROVAL OF PROCLAMATION DESIGNATING OCTOBER 2018 AS ARTS DUPAGE MONTH The Board, under the Consent Agenda by Omnibus Vote, Approved the Proclamation.

RECEIVE AND FILE LETTER OF RESIGNATION FROM LOCAL SCHOOL COMMITTEE MEMBER ALAN HRUBY EFFECTIVE AUGUST 17, 2018 The Board, under the Consent Agenda by Omnibus Vote, to received and filed Letter

APPROVAL OF VENDOR LIST IN THE AMOUNT OF \$625,345.41 FOR ALL FUNDS, PLUS \$184,339.00 FOR PAYROLL, FOR A GRAND TOTAL OF \$809,684.41, WHICH INCLUDES NO SPECIAL EXPENDITURES The Board, under the Consent Agenda by Omnibus Vote, approved the Vendor List for the period ending 8/27/18 in the amount of \$625,345.41 and Payroll in the amount of \$184,339.00 for the period ending August 11, 2018.

CONSIDERATION OF REQUEST FROM PLEASANTDALE SCHOOL DISTRICT 107 TO PERMIT USE OF ARROWHEAD FARM/HIGHLAND FIELDS GATE BY SCHOOL BUSES

Village Administrator Doug Pollock explained the gate located at Omaha Drive and Johnston Road was erected approximately 17 years ago by the developer of Highland Fields Subdivision. At that time, the Village Board made a commitment to the residents of Highland Fields and Arrowhead Farm Subdivisions that the gate would only be used by emergency vehicles. Subsequently the gate has been utilized by school buses. Mr. Pollock presented suggestions made by Pleasantdale School which might be helpful in allowing the school buses to continue using the gate.

1. Improved signage which warns motorists they are not permitted to use the gate, it is for emergency vehicles and school buses only.
2. Installation of cameras on either side of the gate.
3. Installation of temporary speed bumps when the gate is not operable.

When gate has been inoperable at times in the past, typically it is left open allowing access for emergency vehicles however it does allow motorists access as well.



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Trustee Schiappa questioned why this issue, which has been allowed for over ten years, is now coming before the Board. Mr. Pollock explained he has received requests from residents that the bus issue be resolved before the new school year begins.

Trustee Mital questioned if residents in both subdivisions have an issue with buses utilizing the gate. Mr. Pollock stated he has only received complaints from residents in Arrowhead Farm Subdivision. He further stated that the President of Highland Fields Homeowners Association has expressed support for allowing buses to use the gate.

Trustee Snyder questioned if the two Subdivisions have discussed the issue together before coming to the Board. Mr. Pollock suggested they meet together first, but does not know whether that happened.

Trustee Mottl, after confirming this is a public street, asked if there are any other gates like this in the Village. Mr. Pollock explained all other gates are privately owned and maintained.

Trustee Mital asked if the purpose of the gate was just to separate the two subdivisions. Mr. Pollock explained it was initially agreed to connect the street between Arrowhead Farm and Highland Fields Subdivisions. The gate was erected to decrease cut through traffic due to concerns from residents in Arrowhead Farm.

Mayor Straub asked if the Fire Department was involved in the decision. Mr. Pollock stated the Fire Department, as well as the Police Department, wanted street access between the Subdivisions.

Trustee Paveza stated Arrowhead Farm residents were apprehensive about the traffic. The Board was hesitant at that time to erect the gate but eventually agreed in an effort to decrease the traffic.

Resident of Arrowhead Farm Anes Alzoobi questioned the need for the gate.

Resident of Highland Fields Matt Petrich, stated there has been one maintenance issue in three years and that is in the circuit board. This is due to weather and suggested possibly it could be put in a water tight enclosure. Cameras and signage already exist at the entrance to Highland Fields, stating there is no thru traffic. He does not see traffic being an issue. The safety of the children should be the main concern. In response to Trustee Franzese's question, Mr. Petrich explained they are typically notified by someone noticing the gate was open or the School District would notify them that their remote control was not working.

Highland Fields resident Adnan Arif stated it would cause undue hardship to children walking down Johnston Road to get to the bus. He supports the use of the gate by the school buses.

President of Arrowhead Farm Homeowners Association, Denise Kent, stated she is in favor of the buses utilizing the gate. She is concerned about safety and high speed traffic through Arrowhead if

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the gate does not exist. In response to Trustee Mottl, Ms. Kent stated she has heard from only two or three residents opposed to the buses utilizing the gate.

Resident of Arrowhead Farm William Stone acknowledged both Subdivisions are in support of buses utilizing the gate so no further discussion should be needed.

Resident of Arrowhead Farm Leslie Hickey questioned why the bus company believes it is a safety issue. She notices an increase in traffic when the gate is left open. She is opposed to removing the gate.

David Palzet stated the bus service is contracted by First Student Bus Company and explained it is difficult to turn the buses around and it violates state statute to back up when students are on the bus. In response to Trustee Franzese, Mr. Palzet confirmed it is only Grade School and Middle School buses utilizing the gate for a total of six times a day.

Trustee Schiappa requested clarification as to why this is before the Board if both Subdivisions are in agreement that buses should be allowed to utilize the gate. Mr. Pollock stated it is a Village agreement that prohibits the buses using it.

Trustee Paveza suggested a four to six-month study when the gate is left open to determine the traffic flow.

Motion was made by Trustee Mottl and seconded by Trustee Snyder to allow buses to use the gate for access between the Highland Fields and Arrowhead Farm Subdivisions.

Trustee Franzese suggested including formal procedure for notifying the Village and Highland Fields when the gate is inoperable. Mr. Pollock stated such a procedure already exists.

Trustee Franzese said he is a property owner in Arrowhead Farm and recused himself from the vote.

On Roll Call, Vote was:

AYES: 5 – Trustees Mottl, Snyder, Schiappa, Paveza, Mital

NAYS: 0 - None

ABSENT: 0 – None

PRESENT: 1 – Trustee Franzese

There being Five affirmative votes, the motion carried.

CONSIDERATION OF PLAN COMMISSION RECOMMENDATION TO APPROVE A SPECIAL USE AS PER SECTION VIII.B.2x OF THE BURR RIDGE ZONING ORDINANCE TO AMEND THE CONDITIONS OF A PRIOR SPECIAL USE APPROVAL FOR OUTDOOR DINING AND TO DENY A VARIATION FROM SECTION XI.C.13 OF THE BURR RIDGE ZONING ORDINANCE FOR THE EXPANSION OF AN EXISTING



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RESTAURANT WITHOUT THE REQUIRED NUMBER OF PARKING SPACES (Z-19-2018: 324 BURR RIDGE PARKWAY – GRASSO)

Assistant to the Administrator, Evan Walter, explained the petitioner, Capri, being represented by Attorney Gary Grasso seeks to expand the outdoor sidewalk seating capacity within the existing fenced area to the left of the primary entryway door. Currently there are four tables and eight chairs in this dining area. They are seeking to add an additional eight chairs to this area. The proposed expansion would also allow an additional four tables and sixteen chairs with full service dining to the right of the primary entryway.

Mr. Walter explained there is also a request for a parking variation. Village Ordinance requires one parking space for every one hundred square feet of restaurant space plus one for every employee. The expansion of 280 square feet would require three additional parking spaces. Zoning Ordinance regulations require 483 parking spaces for County Line Square based on current occupants. There are currently 432 parking spaces available. The Plan Commission recommended denying the parking variation. The Special Use cannot be permitted without an additional three parking spaces being provided within County Line Square unless the variation is granted. There was much discussion at the Plan Commission hearing about the parking situation.

Trustee Schiappa questioned if the parking variation would be necessary if the extra dining area was not being added. Mr. Walter confirmed the variation is necessary to accommodate the expanded dining area. The Zoning Ordinance has a space restriction for outdoor seating of one chair per ten square feet so adding the additional eight chairs to the existing area would be allowed.

Trustee Snyder questioned if the property owner is willing to work with the Village to address the parking issue. Mr. Walter stated Village staff worked with the property owner to establish a PUD however that petition has subsequently been withdrawn. County Line Square is currently fully tenanted so there could be leverage to induce the property owner to address the parking issue by not allowing variations to future tenants.

Trustee Mottl inquired about the legal basis for allowing a parking variance. Mr. Walter explained a variance cannot cause disruption of development in the area or do any harm to neighboring property. Mr. Pollock stated findings of fact require there be some physical condition of the property which creates difficulty or hardship for the property to be in compliance with the Zoning Ordinance.

Trustee Mottl asked if this is an issue with the tenant or with the property owner. Mr. Walter stated there are no additional spaces available and that the property owner has not been willing to pursue other options to add parking.

Plan Commissioner Mike Stratis explained there was great debate at the Plan Commission. They are supportive of the Special Use but hardship for the parking has not been proven. The property owner is uncooperative in efforts to resolve the parking issue.



Gary Grasso, attorney for property owners, Mr. and Mrs. Rovito, stated the parking hardship arises from the special use since the Ordinance requires three more spaces for the additional dining area. This is actually a seasonal situation and will only exist six months of the year. He stated there is valet parking and the use of the PACE parking lot so there is no parking problem. He also explained there is a more traditional calculation for parking, which if used would not require a variation. Mr. Grasso is requesting the Board overrule the Plan Commission recommendation.

Trustee Mottl questioned the hardship aspect since Capri is choosing to create the hardship by adding the additional dining area which requires the extra three spaces.

In answer to Trustee Paveza, Mr. Grasso confirmed Capri has an agreement with PACE to use that lot for valet parking. Trustee Paveza questioned if those spaces could be counted as the three spaces that are needed. Mr. Grasso explained the extra spaces need to come from County Line Square.

Trustee Snyder stated in his opinion there is a parking problem and suggested Mr. Grasso talk to the property owner to resolve the problem. Mr. Grasso disputes that there is actually a parking problem and talking to the property owner is not going to add extra parking spaces.

Trustee Paveza stated that the valet should utilize PACE parking lot first, allowing closer spaces for individual parking. Mr. Grasso responded that his client could address this but it should not delay the action before the Board.

Trustee Franzese stated that by continuing to grant parking variations they are ignoring the parking problem. Currently, by Ordinance 483 parking spaces are required but only 432 are available. He asked what parking violations the Police are able to enforce. Chief John Madden responded that without an agreement they can only enforce handicap parking. With an agreement, they can only enforce parking that has proper signage. Mr. Franzese presented pictures showing cars parked in fire lanes and double parked. He stated that PACE parking lot is not being utilized by the valet or the employees. He suggested that first 40 cars should be parked in PACE parking lot, that additional valets are added and that employees are reminded to park in the PACE lot. In addition, the property owner is required to have eight fire lane signs and currently there are only six.

Mr. Grasso stated the owners of Capri would be willing to address the valet and employee parking.

Motion was made by Trustee Schiappa and seconded by Trustee Paveza to amend the conditions of the prior special use to expand the current outdoor seating capacity and to allow dining/full service for outdoor sidewalk seating on the right of the entryway door and to grant the variation for the expansion of the existing restaurant without the required number of parking spaces and direct staff to prepare the Ordinance.

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Mr. Pollock stated requiring overflow parking should be parked in PACE lot which cannot be enforced. If there is a specific number, or a requirement that all valet must park there, that could be enforced.

After further discussion Motion was amended by Trustee Schiappa and seconded by Trustee Paveza to amend the previous motion to include that the first twenty valet cars after 6:00 must park in the PACE parking lot on Thursday, Friday and Saturday, there be a minimum of two valet drivers for Thursday, Friday and Saturday and employees are to park in the PACE lot after 5:30 and direct Staff to prepare the Ordinance.

Mr. Pollock stated that a motion to overturn a Plan Commission recommendation requires four votes.

On Roll Call, Vote Was:

AYES: 3 – Trustees Schiappa, Paveza, Franzese

NAYS : 3 – Trustees Mottl, Mital, Snyder

ABSENT: 0 – None

There being only three affirmative votes the motion failed.

Motion was made by Trustee Mottl and seconded by Trustee Mital to accept Plan Commission recommendation to amend the conditions of prior special use approval for outdoor dining and deny the variance for the expansion of an existing restaurant without the required number of the parking spaces and to direct staff to prepare Ordinance.

On Roll Call, Vote Was:

AYES: 4 – Trustees Mottl, Mital, Snyder, Mayor Straub

NAYS : 3 – Trustees Schiappa, Franzese, Paveza

ABSENT: 0 – None

There being four affirmative votes, the motion passed.

CONSIDERATION OF PLAN COMMISSION RECOMMENDATION TO APPROVE A SPECIAL USE AS PER SECTION VI.F.2.h OF THE BURR RIDGE ZONING ORDINANCE FOR A PLANNED UNIT DEVELOPMENT AND TO APPROVE A VARIATION FROM SECTION VI.F.3.b(6) OF THE BURR RIDGE ZONING ORDINANCE TO PERMIT A PLANNED UNIT DEVELOPMENT ON 8.87 ACRES RATHER THAN THE REQUIRED MINIMUM OF 40 ACRES (Z-04-2018: 7950 DREW AVENUE – PATERA)

Assistant to Village Administrator Evan Walter presented the Plan Commissions recommendation to approve a special use for a PUD to accommodate an eight-unit subdivision at 7950 Drew Avenue as well as a variation to permit a PUD in the R-3 Residential District on an 8.87-acre property instead of the required 40-acre minimum. The proposed PUD is for 8 Units, which is allowed by standard R3 zoning. The public benefit of this PUD is additional amount of stormwater capacity and retaining natural areas on the property. The Village has more control over architecture, what types of homes



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and elevations, that are developed with a PUD than a "by right" subdivision. Mr. Walter explained there is a federally protected wetland of 3.5 acres on the north end of the property. This wetland has been a challenging flood area. The petitioner stated the land to be developed is uphill from the wetland so the rain water flows uncontrolled downhill filling the wetland at a fast rate. The engineering would retain all the water and reduce it at a slower rate which would control the flooding issue. Mr. Walter explained the engineering has to be approved by twelve different governing bodies including the Plan Commission and the Village Board. This represents a preliminary plat of approval and is a consideration of lot lines.

Mayor Straub requested more zoning history. Village Administrator Doug Pollock stated this is zoned R-3 with minimum lot size requirement of 20,000 square feet. Properties in the surrounding area are zoned R-3 over to County Line Road and R-2B to the South which is two acres minimum, to the West is R2-A and to the North is R2-A. The existing zoning would allow an eight lot subdivision. Mr. Walter explained the proposed site plan meets all setback requirements. Adjustments were made to allow for parking in driveways rather than on the right of way.

Trustee Franzese inquired about additional recommendations for landscaping on the west property line. Mr. Walter said the Plan Commission is recommending additional landscaping be added to the west property line to provide a screen of the southern as well as the western property line. The petitioner agreed to recommendations to incorporate anti-monotony standards for building elevation as well as garage orientation. Mr. Pollock stated those conditions would be presented to the Plan Commission and the Board in the final PUD plans.

Resident Greg Morrissey expressed concerns of approving a PUD for 8.7 acres rather than 40 acres. He requested an independent engineer verify that the plan meets storm water retention. He is concerned about setting a precedent of allowing eight homes on 4.5 buildable acres.

Trustee Schiappa asked for clarification as to why a PUD is being requested. Mr. Pollock explained the main reason a PUD is necessary is all the yards in the PUD are common space rather than eight separate lots with private yards around the homes. There will be no tennis courts or swimming pools, just open space. He confirmed that there will be a retention pond also.

Trustee Franzese questioned if the ponds were wet ponds or dry ponds. Nick Patera, on behalf of owner Anthony Perino, advised the two ponds would be shallow wet bottom ponds. Trustee Franzese expressed concerns about the density.

Trustee Franzese asked for explanation of building pads encroaching on the wetland buffer. Mr. Walter explained wetland buffers are a semi-protected area. They have to keep a 50-foot average. The impact to the wetland buffer will be part of the Engineering approval from at least four different agencies.

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Trustee Mottl asked if the wetlands would be expanded. Mr. Walter explained the wetlands cannot be utilized for stormwater retention thus the wetland is basically untouchable.

Trustee Paveza inquired if the water problems would be alleviated. Mr. Pollock stated this will not alleviate any flooding because the County will not allow any significant work in the wetland area. They are detaining 21% more stormwater than the code requires which will be captured in the ponds and released at a slow rate.

Motion was made by Trustee Schiappa and seconded by Trustee Mottl to Accept Plan Commission Recommendation to Approve a special use for a Planned Unit Development and direct staff to prepare the Ordinance

Mr. Pollock clarified there are some subdivision improvements and conditions the Plan Commission recommended which will be presented for review at a later date.

On roll call, vote was:

AYES: 5 – Trustees Schiappa, Mottl, Paveza, Mital, Snyder

NAYS 1 – Trustee Franzese

ABSENT: 0 – None

There being five affirmative votes the motion carried.

RESIDENT COMMENTS Resident John Bittner commented that 47 parking spaces in County Line Square disappeared when Chase Bank was built which contributed to current parking problems.

Mr. Pollock clarified that the ownership of the Chase Bank property is separate from County Line Square.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

Trustee Mottl expressed concerns about toxic gas released from the Sterigenics facility in Willowbrook which may have affected Burr Ridge. Mayor Straub read a portion of the statement prepared by Frank Trilla the Mayor of Willowbrook. The EPA stated the emissions are not an immediate threat to public health and are not considered to be an emergency situation. A forum was planned for Wednesday, August 29, 2018 to answer questions. Mr. Straub requested the complete letter be posted online.

Mayor Straub stated Shirley Ryan Ability Lab was number one Rehabilitation Institute in the Country for the 28th year in a row.

NON-RESIDENT COMMENTS There were none




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Motion was made by Trustee Mottl and seconded by Trustee Paveza to table closed session until the next Board Meeting. Motion carried by voice vote.

ADJOURNMENT Motion was made by Trustee Schiappa and seconded by Trustee Mottl that the Regular Meeting of August 27, 2018 be adjourned.

Motion carried by voice vote and the meeting was adjourned at 10:06 P.M.

PLEASE NOTE: Where there is no summary or 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 10th day of September, 2018.

