

REGULAR MEETING
MAYOR AND BOARD OF TRUSTEES
VILLAGE OF BURR RIDGE

September 28, 2020

CALL TO ORDER The Regular Meeting of the Mayor and Board of Trustees of September 28, 2020, was held in the Meeting Room of the Village Hall, 7660 County Line Road, Burr Ridge, Illinois and called to order at 7:01 p.m. by Mayor Gary Grasso.

PLEDGE OF ALLEGIANCE Pledge of Allegiance was led by Mayor Grasso.

ROLL CALL was taken by the Deputy Village Clerk and the results denoted the following present: Trustees Franzese, Schiappa, Paveza, Snyder, Mital and Mayor Grasso.

Trustee Mottl answered that he was present telephonically.

Mayor Grasso stated he needed a motion to allow Trustee Mottl to participate by phone. Motion was made by Trustee Franzese and seconded by Trustee Schiappa.

Trustee Mottl called a point of order stating that he did not feel that a motion was necessary per the Governor's Executive Order which suspends those portions of the Open Meeting Act and does not require any motion. Trustee Mottl argued that the Board is being subjective and punitive in deciding when he can participate in the meetings. Mayor Grasso stated that he has consulted with counsel and that under Section 7a, a motion is required because we are having a regular meeting with a full quorum present in the boardroom. Trustee Mottl wanted to know why the board members were willing to make a motion this time and not at the last meeting. Village Attorney Mike Durkin responded by saying that in all the prior meetings since March 9, there was no physical quorum which is required by Section 7e of the Open Meetings Act that was amended during the COVID crisis to allow boards to meet without a quorum being physically present. Since today a physical quorum is present, that provision is not operative and Section 7a, which requires consent of a majority of the Board to allow remote attendance, is applicable. Mayor Grasso called for a roll call.

On Roll Call, Vote Was:

AYES: 2 – Trustees Franzese, Paveza

NAYS : 3 – Trustees Schiappa, Snyder, Mital

ABSENT: 1 – Trustee Mottl

There being three negative votes the motion failed.

Mayor Grasso informed Trustee Mottl that he could not participate but he could listen.

In addition, present in the Board Room were Village Administrator Doug Pollock, Police Chief John Madden, Assistant Village Administrator/Deputy Village Clerk Evan Walter, Public Works Director David Preissig, Assistant Finance Director Amy Nelson, and Village Attorney Mike Durkin.

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PRESENTATIONS AND PUBLIC HEARINGS - There were none.

CONSENT AGENDA – OMNIBUS VOTE After reading the Consent Agenda by Mayor Gary Grasso, motion was made by Trustee Mital 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. Any item removed from the Consent Agenda will be discussed by the Board, opened for public comment, and voted upon during this meeting.

Mayor Grasso asked if there was any discussion. There was none.

On Roll Call, Vote Was:

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

NAYS : 0 – None

ABSENT: 1 – Trustee Mottl

There being five affirmative votes the motion carried.

APPROVAL OF REGULAR BOARD MEETING OF SEPTEMBER 14, 2020 were approved for publication, under the Consent Agenda by Omnibus Vote.

RECEIVE AND FILE PATHWAY COMMISSION MEETING OF SEPTEMBER 10, 2020 were noted as received and filed under the Consent Agenda by Omnibus Vote.

RECEIVE AND FILE PLAN COMMISSION MEETING OF SEPTEMBER 21, 2020 were noted as received and filed under the Consent Agenda by Omnibus Vote.

APPROVAL OF PLAN COMMISSION RECOMMENDATION TO AMEND THE SIGN ORDINANCE AND APPROVE A VARIATION TO THE BURR RIDGE SIGN ORDINANCE (S-03-2020: 16W36 SOUTH FRONTAGE ROAD – PRICE) the Board, under the Consent Agenda by Omnibus Vote, Approved the Recommendation.

APPROVAL OF RECOMMENDATION TO RATIFY EMERGENCY PURCHASE OF PARTS AND SERVICES FOR THE TEMPORARY PUMPING SYSTEM AT THE CHASEMOOR SANITARY SEWAGE LIFT STATION FROM UNIQUE PLUMBING COMPANY OF BROOKFIELD, ILLINOIS IN THE AMOUNT OF \$24,622.24 the Board, under the Consent Agenda by Omnibus Vote, Approved the Recommendation.

APPROVAL OF RECOMMENDATION TO AMEND A PROFESSIONAL SERVICES CONTRACT WITH RJN GROUP, INC. OF WHEATON, ILLINOIS TO INCLUDE DESIGN ENGINEERING SERVICES FOR THE CHASEMOOR SANITARY SEWAGE LIFT STATION IN THE AMOUNT OF \$54,780.00 the Board, under the Consent Agenda by Omnibus Vote, Approved the Recommendation.

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APPROVAL OF EMPLOYMENT TRAINING AGREEMENT WITH PATROL OFFICER ROBERT DUMITRU the Board, under the Consent Agenda by Omnibus Vote, Approved the Agreement.

RECEIVE AND FILE LETTER OF RESIGNATION OF PROBATIONARY PATROL OFFICER RAUL CAMPOS the Board, under the Consent Agenda by Omnibus Vote, noted the letter as received and filed.

APPROVAL OF RECOMMENDATION TO HIRE REPLACEMENT PATROL OFFICER TO FILL THE VACANCY CREATED BY THE RESIGNATION OF RAUL CAMPOS the Board, under the Consent Agenda by Omnibus Vote, Approved the Recommendation.

APPROVAL OF VENDOR LIST DATED SEPTEMBER 28, 2020 IN THE AMOUNT OF \$695,886.92 FOR ALL FUNDS, PLUS \$191,570.19 FOR PAYROLL FOR THE PERIOD ENDING SEPTEMBER 5, 2020 FOR A GRAND TOTAL OF \$887,457.11, WHICH INCLUDES NO SPECIAL EXPENDITURES the Board, under the Consent Agenda by Omnibus Vote, Approved the Vendor List.

ORDINANCES – There was none

RESOLUTIONS – There was none.

CONSIDERATION OF PLAN COMMISSION RECOMMENDATION TO APPROVE AMENDMENTS TO THE VILLAGE CENTER PLANNED UNIT DEVELOPMENT INCLUDING REVISIONS TO THE LIST OF PERMITTED AND SPECIAL USES AND MODIFICATIONS TO THE STREET AND SIDEWALK PLAN

Evan Walter, Assistant Village Manager explained that this was a petition from the ownership of the Village Center to close one of the blocks of Village Center Drive as well as amend some of the uses that are listed at the Village Center. Some of the special uses would be moved to permitted uses and some other uses that are not currently named into some specifically names uses. Also, the ownership is attempting to petition the Village to allow three separate leasing corridors or districts at the Village Center. Those three districts would include a retail and general services district, a health, wellness, and medical offices district and lastly, a restaurant and entertainment district.

Mr. Walter added that the petitioner is additionally requesting consideration for the addition of a veterinary clinic as a permitted use in Building 5B and 6 at the Village Center. Restaurants were recommended for approval with liquor and live entertainment in buildings 2, 3, 4, & 5 which would become a permitted use. Entertainment could include a comedy club, escape rooms, indoor mini golf, arcades and an axe lounge. Mr. Walter noted there were two items requiring conditional review. Mr.

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Walter explained that a conditional review requires Plan Commission and Board review and approval to put into legal practice but does not necessarily require a public hearing notice. This saves time but allows the village to retain control over what does ultimately gets approved. Mr. Walter went on to state there was an overwhelming amount of support for this petition. Two open houses were held with approximately 50 people in attendance and with 90% in support of the petition.

Mayor Grasso asked if any of the Trustees had any questions or comments on this item.

Mayor Grasso asked if there would still be access to the circle if you are coming off Burr Ridge Pkwy. Mr. Walter stated there would be. Mayor Grasso asked what an axe lounge was and if it is an axe similar to those found in Colorado. Mr. Walter stated yes, that he had done it personally, and it is actually quite safe. It is family friendly but also could have alcohol there. Mayor Grasso was very glad to see the residents from the Village Center showing up in support of these changes. Mayor Grasso believes that the Village was showing flexibility and were willing to work with the Village Center to remake itself. Trustee Franzese wanted to know the percentages of each building that were permitted general office space. Mr. Walter advised it was 40% in building 1, 20% in buildings 2 & 3 and it would be a special use in building 4 and 5A and a permitted use in buildings 5B and 6. Trustee Franzese commented on the valet staging in the proposed sketch and the lack of valet lanes in the entertainment and restaurant district. Mr. Walter reminded the Board that they are looking at a concept tonight not a final plan, and all suggestions would be taken into consideration. Mr. Hassan talked about ideas that they were hoping to include for the winter to make it a year round district.

Mayor Grasso advised that anyone who wishes to call in and comment were permitted to do so at this time.

A resident of the Village Center Building 6 called in and stated that he supported the plan. He attended the Plan Commission meeting and was against the Veterinary Clinic being added on tonight. He felt it would be a disaster. Discussion continued about the possibility of a Vet Clinic and the concerns of boarding and keeping dogs overnight.

Mayor Grasso asked for a motion. Motion was made by Trustee Franzese and seconded by Trustee Schiappa.

Mayor Grasso asked if there was any further discussion by the Trustees or any other comments from the public. There were none.

On Roll Call, Vote Was:

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

NAYS : 0 – None

ABSENT: 1 – Trustee Mottl

There being five affirmative votes, the motion carried.

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DISCUSSION OF FY 2020-21 BUDGET AND BUDGET WAITLIST

Assistant Finance Director Amy Nelson pointed out the highlights of the FY 2020-21 budget that was included in the Trustees packets. She pointed out the general fund surplus from FY 2019-20 of \$178,798 and the anticipated revenue that will be coming in from FEMA and the CARES funding of over \$430,000. Ms. Nelson stated that the sales tax revenue exceeded the budgeted forecast in both May and June and we have seen an increase in use tax that includes a portion of the online sales. Places of Eating Tax are following the same trends as the sales tax increasing since May and income tax revenue surpassed our projections by 16%. Shortfalls to date include permits and fees, telecommunication tax and fines and forfeitures. Some of these are due to the rebates given on liquor license fees and the courts being closed. Ms. Nelson went on to review expenditures by department, the hotel/motel fund, motor fuel tax fund and the water fund.

Mayor Grasso asked if there were any questions from the Trustees.

Trustee Franzese asked which month the Village had data about water consumption. Ms. Nelson said data was available through September. Mayor Grasso advised he had gotten several emails from residents about the higher water bills. Mayor Grasso explained they were higher due to the drier summer, people being home and increase in water rates. The Trustees thanked the staff for being fiscally prudent and putting such a comprehensive report together.

Mayor Grasso asked if there was any comments from the public. There was none.

Mr. Pollock wanted to give the Board the opportunity to talk about the budget waitlist. These items were all removed from the budget with the intention that the Board would revisit them once funds were available. The waitlist is based on the Staff's priorities but it is ultimately up to the Board to decide. Staff is recommending proceeding with a handful of these items that staff believes are important and critical to the Village now that we have funds available.

Mr. Pollock reviewed the waitlist and went through the items that Staff recommended moving forward. Those items included Guard Rail Replacement, Parkway Tree Trimming, Enterprise Leasing Contract, Public Works Garage Light Replacement, Public Works Union Cola's and Additional Pension Funding. Mr. Pollock stated that the department heads are present to answer any questions and take any feedback the Board may have. Mr. Pollock also added that any items given the OK to move ahead with tonight would still come back to the Board in the form of a contract or an approval on a future agenda before the money was spent.

Discussion followed on some of the items listed in the second priority list. Trustee Franzese commented on how the private sector has had to take pay cuts, layoffs and have lost benefits such as employer 401K contributions to keep their jobs. The village employees have had no layoffs or pay

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cuts. He would like to see the employee recognition and promotional increases be moved from priority #2 down to #3 or #4. Trustee Paveza stated that with all the uncertainty in the economy right now, that he felt a little uneasy about the extra funding for the police pension at this time. Mayor Grasso agreed and wanted to have a more comprehensive plan on funding the police pension before they committed to the \$100,000 at this time. Mr. Walter added that at the DuPage Mayors and Managers Conference (DMMC) there is a lot of discussion that the State will take action on extending the amortization schedule from 2040 to 2050 on the employee pension side. With this in mind, it might be better to wait and take a year and see what happens before committing to the additional funding. Mayor Grasso agreed that it would be best to wait and see at this time.

Mr. Pollock summarized the direction the Board wanted to proceed. This would include proceeding with all of priority #1 items and only the part time positions in the #2 priorities. For future consideration, the Village Hall HVAC Controls Upgrade would move to a higher priority. Mayor Grasso stated that was the consensus.

UPDATE AND DISCUSSION REGARDING VILLAGE ADJUDICATION PROGRAM

Police Chief John Madden gave an update on the Village Adjudication Program project. Chief Madden stated that staff are currently working on lining up hearing officers for the Board to interview, have finalized the software contract, and are working toward a holding the first hearing in January 2021. Chief Madden wanted to make sure that the Board understood the scope of adjudication. Violations that cannot be adjudicated include speeding violations, suspended licenses violations and almost all vehicle code offenses that are reportable to the state. Those violations have to go to field court, which is currently in Downers Grove but will soon move to Wheaton. Chief Madden stated that one of the many advantages of municipal adjudication is that the burden of proof at a hearing is preponderance of the evidence not beyond a reasonable doubt, which means that the officer does not have to be at the hearing for the tickets they wrote. Chief Madden emphasized that was a huge advantage and improvement over the current process. Chief Madden then went over examples of what can be brought into the adjudication hearing. These included vehicle tows and impound fees, compliance violations, parking tickets and building or zoning violations. Violations under the Burr Ridge Municipal Code Chapter 41, which include criminal trespass to land, residence or property, disorderly conduct, retail theft and offenses involving alcohol and minors. Solicitor and animal code violations are also included. Chief Madden explained how we could charge administrative fees for costs related to towing and impoundment and those related to booking and processing prisoners. These fees are not considered punitive and unrelated to the criminal case. These fees can range from \$20-\$500.

Chief Madden went over a sample of an adjudication fine schedule from another municipality. The schedule included a discount on some types of violations to help gain compliance. Chief Madden advised that they were currently looking at this type of fine schedule. Chief Madden explained that Deputy Chief Marc Loftus is currently seeking quotes from hearing officers that neighboring

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municipalities are using. They have three solid responses back and hope to present three hearing officers to the Board to interview. Chief Madden reviewed the qualification for the hearing officers and added that they were staying away from any residents of Burr Ridge for a possible conflict of interest. Discussion went on about having a retired judge as a hearing officer, the amount the hearing officer would be paid, the need for a prosecutor and how they are hired and paid. Chief Madden believes that a prosecutor is necessary to read the case into the record and they plan to have the hearings in the boardroom where everything can be recorded. Mayor Grasso thanked the Chief for the presentation and advised him to continue program development.

CONSIDERATION TO DIRECT THE PLAN COMMISSION TO HOLD A PUBLIC HEARING TO CONSIDER TEXT AMENDMENTS TO ALLOW FOR STAFF APPROVAL OF TEMPORARY INDOOR ACTIVITIES AT RESTAURANTS

Assistant Village Administrator Evan Walter explained to the Board that when the staff was directed to proceed with the outdoor dining program (tent program), this action required no zoning approval because the Zoning Ordinance empowers the staff to approve “temporary outdoor activities”. However, there is no such ordinance in reference to “temporary indoor activities”. Mr. Walter stated that there are two restaurants looking to expand their indoor space to create a safer indoor dining environment for the winter. This would be for a temporary basis. Staff is requesting that the Board direct the Plan Commission to hold a public hearing to amend the Zoning Ordinance to allow “temporary indoor activities” which can be approved by staff, including waiver of any parking requirements that may be otherwise required under normal circumstances. This would only apply to current restaurants.

Mayor Grasso asked for a motion. Motion was made by Trustee Snyder and seconded by Trustee Mital.

Mayor Grasso asked if there was any discussion by the Trustees or any comments/questions from the public. There were none.

On Roll Call, Vote Was:

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

NAYS : 0 – None

ABSENT: 1 – Trustee Mottl

There being five affirmative votes the motion carried.

PUBLIC COMMENTS

Mayor Grasso asked if there was any comments from the public on any item. There was none.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

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Mayor Grasso asked if any of the Trustees had any announcements.

Trustee Mital reported on the Events Committee and mentioned that Janet Kowal, the Communications and Public Relations/Event Coordinator has put together some COVID friendly events for this fall. One of these events is the Turkey Trot, which will be on Saturday, November 21, 2020, and the Santa Stop at the Village Hall, which will be held in December. It will be a drive thru setting like the mask give-a-ways where people can stop and pick up a bag of goodies and drive thru.

Trustee Mital thanked the Census Committee, including Patricia Schiappa and staff, who has put in a lot of work. The current self-response rate is at 79.8%, which does not include Census workers who have gone door to door.

Trustee Franzese asked about the \$60,000 proposal from McFarlane Douglas on Christmas decorations. Mr. Pollock apologized and stated he had skipped over it when they were talking earlier about the waitlist. Mr. Pollock stated that last year the Village spent about \$22,000 on holiday decorations. This year's budget has \$9,000 and he has received requests to increase that. The proposal from McFarlane Douglas for Village decorations is for \$36,180 and includes all of the entry markers and stone monument entryways along with the I-55 exchange. Mayor Grasso stated he had spoken to Ms. Kowal and it appeared that we would have extra money because event expenditures had not been made. Mayor Grasso asked staff to work with McFarlane Douglas on preparing a final quote. Ms. Kowal spoke to the Board about the usual decorations that the Village does at Christmas, and that this year there was consideration to add the entryways into Burr Ridge with some holiday décor and to work with the Homeowner Associations to see if they might want to incorporate some of our designs into their entryways. It would be up to the Homeowner Associations if they wanted to do it and the cost to them would be around \$1000. Mayor Grasso added that he would like the village to stand out this holiday season to show that we are all going to come out of this. Mr. Pollock stated the staff would come back next meeting with a contract.

Mayor Grasso stated that early voting begins on October 19 at various locations in Cook and DuPage County. You can find these locations on your counties website or call the Village Hall. There is none in Burr Ridge. Mayor Grasso added that the first Presidential Debate would air Tuesday evening. The final movie night at the Village Center will be October 7 at 7pm. Visit the Village Center website for more information and to sign up for tickets. The next two Sundays will be your final chance to support out local farmers and small businesses at the Farmers Market. It is open from 9am to 1pm at the Village Center.

Mayor Grasso wanted to thank the five trustees, especially Trustee Franzese, for how closely they have worked with him and the staff over the last several months. Mayor Grasso stated that the five trustees have worked well together through these difficult times.

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Finally, Ms. Kowal spoke about Halloween. She stated that the Village Hall had been getting many calls on Halloween. She presented a flyer with information and recommendations from the CDC. The board reviewed the recommendations and agreed to go forward with them. The information will be posted online, posted on social media and sent out in the E-briefs. The hours for Halloween this year will be from 1pm to 4pm.

CLOSED SESSION

Motion was made by Trustee Schiappa and seconded by Trustee Paveza that the Regular Meeting of September 28, 2020 be adjourned to a Closed Session to discuss the Appointment, Employment, Compensation, or Performance of Specific Employees of the Public Body(ILCS 120/2(c)(1).

On Roll Call, Vote Was:

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

NAYS : 0 – None

ABSENT: 1 – Trustee Mottl

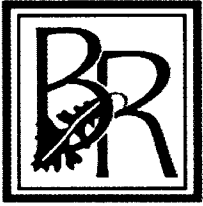
There being five affirmative votes, the motion carried and the meeting was adjourned at 9:09 p.m.

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.



Evan Walter
Deputy Village Clerk
Burr Ridge, Illinois

APPROVED BY the Mayor and Board of Trustees this 12 day of October, 2020.



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

AGENDA

**Monday, September 28, 2020
7:00 P.M.**

The September 28, 2020 meeting of the Mayor and Board of Trustees will be held at the Village Hall. **THE MAYOR AND TRUSTEES ARE REQUIRED TO ATTEND IN PERSON EXCEPT AS MAY BE ALLOWED BY SECTION 7 OF THE OPEN MEETINGS ACT (5 ILCS 120/7) AND CHAPTER 2, ARTICLE XI, SECTION 2.64 OF THE BURR RIDGE MUNICIPAL CODE.** The public may attend the meeting or may watch the meeting live on cable channels 6 or 99 and call (630) 850-7222 at the designated time for public comment.

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **PRESENTATIONS AND PUBLIC HEARINGS**
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, discussed by the Board, opened for public comment, and voted upon during this meeting.

5. **MINUTES**
 - A. * Approval of Regular Board Meeting of September 14, 2020
 - B. * Receive and File Pathway Commission Meeting of September 10, 2020
 - C. * Receive and File Plan Commission Meeting of September 21, 2020
6. **ORDINANCES**
7. **RESOLUTIONS**
8. **CONSIDERATIONS**
 - A. Consideration of Plan Commission Recommendation to Approve Amendments to the Village Center Planned Unit Development including Revisions to the List of Permitted and Special Uses and Modifications to the Street and Sidewalk Plan
 - B. Discussion of FY 2020-21 Budget and Budget Waitlist
 - C. Update and Discussion Regarding Village Adjudication Program

- D. Consideration to Direct the Plan Commission to Hold a Public Hearing to Consider Text Amendments to Allow for Staff Approval of Temporary Indoor Activities at Restaurants
- E. * Approval of Plan Commission Recommendation to Amend the Sign Ordinance and Approve a Variation to the Burr Ridge Sign Ordinance (S-03-2020: 16W361 South Frontage Road – Price)
- F. * Approval of Recommendation to Ratify Emergency Purchase of Parts and Services for the Temporary Pumping System at the Chasemoor Sanitary Sewage Lift Station from Unique Plumbing Company of Brookfield, Illinois in the Amount of \$24,622.24
- G. * Approval of Recommendation to Amend a Professional Services Contract with RJN Group, Inc., of Wheaton, Illinois to include Design Engineering Services for the Chasemoor Sanitary Sewage Lift Station in the Amount of \$54,780.00
- H. * Approval of Employment Training Agreement with Patrol Officer Robert Dumitru
- I. * Receive and File Letter of Resignation of Probationary Patrol Officer Raul Campos
- J. * Approval of Recommendation to Hire Replacement Patrol Officer to Fill the Vacancy Created by the Resignation of Raul Campos
- K. * Approval of Vendor List Dated September 28, 2020, in the Amount of \$695,886.92 for all Funds, plus \$191,570.19 for Payroll for the Period Ending September 5, 2020, for a Grand Total of \$887,457.11, Which Includes No Special Expenditures.

9. PUBLIC COMMENTS

10. REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

11. CLOSED SESSION

- A. The Appointment, Employment, Compensation, or Performance of Specific Employees of the Public Body (5 ILCS 120/2(c)(1))

12. ADJOURNMENT