



draft- Administration & Finance Committee- Meeting Minutes
September 13, 2018

CALL TO ORDER: 4:30 p.m. by Chair - Trustee Liddle

ROLL CALL:

<u>Committee</u> Trustee Liddle (as Chair) Mayor Gunter Clerk Szymiski Trustee Addington Trustee Barker Trustee Barry Trustee Nero	<u>Staff</u> Village Manager May Finance Director Parker PW Director Ramsey Deputy Fire Chief Riley Police Chief Gunther Deputy Liq Comm Mulhearn Deputy Clerk Richards Interim Community Dev Director Bourke Communications Director McIntyre Economic Development Director Forssberg
<u>Visitors</u> Mr. Bill Baum - property owner	

I. CALL TO ORDER

II. ROLL CALL - by observation

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC COMMENTS - A member of the public, Mr. Bill Baum 272 Oxford Avenue, Clarendon Hills, and owns two properties in Westmont: 240 and 300 W. Quincy. At the end of July the parking lot was resurfaced, by permit. The inspector came and stated that the framing work that was done with top soil around the perimeter, with the sections mapped for concrete to place the garbage and recycle bins on needed to be reviewed by the engineering department.

Mayor Gunter asked the name of the inspector, response was Dave Chapman and the date, the response was July 2018. The engineering that signed off on the permit, Mike Todorovic asked that he update the submitted drawing to show the concrete section and the permit would be updated to show this addition to the parking lot; stating that the railroad right of way needed to be confirmed. Mr. Todorovic left him a message stating that the right of way was confirmed and he could proceed from that point of view, however the Building Commissioner informed him that the permit was closed and he would

have to apply for a new permit. Mr. Baum came in to Village Hall and filled out the permit request for the slab, stating that the counter person stated it should read “dumpster slab” on the permit form (the form was presented to the board). The section measured 5’x18’ rounded up and the cost of the slab was estimated by Mr. Baum to be \$120.00. When the permit was approved, he came in to pick up the permit and was told that the cost of the permit was \$350.00 regulatory fee. Mr. Baum stated that this is almost 3 times the cost of laying the slab. He did pay the fee, and then later that evening decided he could not justify the cost of the permit. He came back in and had the charge removed from his credit card and then returned the permit to the Building Department.

Mr Baum went home and removed the framing he had placed in the ground and filled it in with dirt and grass seed. He decided that he would consider permeable pavers, however he has not at this time as he is worried about the permit fees for all the required inspections. Then, he received an invoice in the mail for the cost of cancelling the permit. He stated that he is amazed that this is the case when there is no listing for such a fee posted anywhere.

Mayor Gunter asked him what the charge was on the invoice? Mr. Baum replied it was \$65.00. He is requesting the Board refund his money, and a letter acknowledging this to make sure his property is clear of a possible future lien. Mr. Baum remarked that the first permit he ever applied for in Westmont for this parking lot was in 1989 and cost him \$30.00; he does not understand why the Village now needs 3 times the regulatory fee of the cost of work.

Manager May stated that he did not want to interrupt Mr. Baum as he spoke, but would like to describe the process. The fees are published and available. The permit comes in to be processed. The concrete is different than the dirt. The various items that staff must review: stormwater, right of way, lot coverage are the reason for the charges. The fee for the permit is actually \$150.00, the \$200.00 is for the two extra inspections - pre pour and post pour, \$100.00 each. The ratio to your cost is high because you were doing the work yourself and not hiring a contractor. The \$65.00 fee is for the staff time of multiple staff people that worked on the \$150.00 permit. The recover costs for time that was already spent on the permit even though the work was not done in the end. The invoice system is done as people will begin the process and staff time is involved and then never even pick up the permit once it is processed.

Mr. Baum feels that there are laws that protect people when they change their mind and return a purchase or cancel a service. Manager May responded that he understood Mr. Baum’s frustration, he was itemizing the \$65.00 charge for Mr. Baum’s understanding. Trustee Barry asked if the concrete had been apart of the original permit would it have cost as much?

Manager May stated that the \$100.00 per inspection would have still applied. Mr. Baum asked about the permeable pavers being an alternative? Manager May replied that permeable pavers are not the concrete pavers that Home Depot sells, it is a stormwater management solution that allows the rain to go through. Landscape pavers are different, and Mr. Baum needs to talk to staff downstairs. Mr. Baum states that this is not a new project it was just finishing work. He requests that the Village Board waive the \$65.00 fees that he has been invoiced.

Trustee Nero stated that combining the permits might be an option.

Trustee Barker thanked Mr. Baum for working with the staff and stated that if the \$65.00 had been taken at the time of the original refund he would not have complained - it was the surprise of the invoice that has him concerned. Mr. Baum replied that he is surprised by the amount of the charge and believes that a scrupulous business would post the fees involved. The fees here are 3 times the cost of the job. Trustee Barker responded that is because Mr. Baum is doing the work himself. Mr. Baum then stated that the parking lot permit fee was only \$250.00 so this little concrete piece was \$350.00. Making more of the job than it was to begin with.

Trustee Barry stated that the inspections and process are there to protect the homeowner. Mr. Baum replied that he understood that and felt that contractors should be held to the standard.

Mayor Gunter informed Mr. Baum that he stated his case well. Asked Committee Chair Liddle to consider waiving the permit closure fee and combine it with the first permit as it was so close together. Trustee Barry agreed, Trustee Liddle stated that the permit could have just been reopened and moved forward.

The Trustees all agreed that the fee should be waived in this case. Manager May informed Mr. Baum that the email chain regarding this situation with the Building Commissioner would be responded to show this decision. Chair Liddle thanked Mr. Baum for taking such good care of his property. Mayor Gunter thanked Mr. Baum for his politeness.

V. NEW BUSINESS

A. Hotel/Motel Grant Request in the amount of \$728.25 for the Lions Sister City Twinning Day Event - Finance Director Parker stated that the Lion's Club hotel/motel grant request is the 50% reimbursement for the cost of the Sister City event held by the Lions.

B. Update to the Brush Pick-Up Program Ordinance - Interim Community Development Director presented the item stating that the 2005 section of the

Village Code did not match the current program for brush pick up. The solid waste contract with Waste Management and the ordinance that is focussed on the curb pick up by staff have different requirements. The language in Section 3801 should be updated to reflect current and/or future practice of vendor services. Currently there is a conflict between the two requirements. The Trustees all agreed that this should be on the next Village Board agenda.

- C. Responsible Bidder Resolution - Manager May presented this resolution, that has been requested, to prevent contractors from taking advantage. It has been reworked by the Village Attorney and you will see the redline changes. Noting that we already follow these bidding procedures, this just puts it in resolution format to keep any bidders from trying to undermine the other bidder. This will be on tonight's agenda with the recommended language, and if the motion at the time could be presented with the language, as discussed at the admin finance committee.

Trustee Barry asked if this protects us? Do we currently research and make sure contractors are not in debt to the IRS? Manager May gave the example that 90% of our work is done by monies that are regulated by IDOT and there requirements are already there. This is more an affirmation that we will follow the regulations, and now have added the labor based language at the end regarding apprenticeships.

Trustee Addington mentioned that he has discussed this with people, and remininiced regarding the building of the library. Manager May replied that a check sheet will be placed in the bid packet for self acknowledgement.

Trustee Addington remarked that so many of the bidders are people that we have worked with before. Manager May replied that we have never worked with a non-union contractor. Mayor Gunter stated that things can happen. Manager May remarked that we already follow these guidelines this just puts the guidelines into the record.

Trustee Barry asked if we follow these guidelines for lower amounts in contracting out work? Manager May referred to the Purchasing Policy and the various levels of dollar amounts and authorities; collecting various quotes. The small items are not put out to bid for smaller items.

Trustee Liddle thanked Trustee Addington for the history lesson. Discussion ensued over the building problems in the 1990's of the Library, the Fitness Center and Holy Trinity.

Trustee Liddle asked for a motion for this item to be left and considered on tonight's agenda. All ayes.

MISC: Trustee Addington reminded everyone that Lion's Candy Day was October 13th. The proper insurance will be in place in the Clerk's Office and how do we proceed? The permit is issued in the Clerk's Office and does not have to be placed on an agenda for a local service organization.

VI. REPORTS

A. Chairperson - Nothing

B. Village Manager -

1. The Economic Development Committee has a lot of staff, trustees, and public. The voting and participation members are two different things. The official voting component will be separated out so that the Board or P&Z participants do not vote on projects to be presented to themselves. This will be presented at the next Administration and Finance Committee.
2. The Cass Avenue Dream Homes permit holder will build as the original permit specifies. The plan is that it will then be sold to an entity that plans to make the units rentals. There is nothing in the agreement that can prevent the rentals.
 - a) Trustee Barry stated that the original plan was for sales.
 - b) Trustee Barker remarked that the back and forth with the number of buildings and sales + rentals that we have had with this builder has shown that there is a federal law that allows for the builder to do this, and if this had been the plan that we knew from the beginning we would have voted different. Trustee Barry agreed.
 - c) Manager May reminded everyone that while we cannot stop this from happening, we can limit things. Signage on Cass Avenue for rentals, no billboards. That is part of the sign code.
 - d) Trustee Barry asked how long is the extension for the permit is dated? Manager May replied that it is a year in a half, so he is currently trying to move forward quickly.

- e) Trustee Liddle asked about the condos having individual tax numbers? Manager May responded that the units are townhouses.
- f) Trustee Barker asked if the way out is that you are going to sell to one owner and you need to do that. Mayor asked if we have any grounds per Attorney Zemanek? Manager May replied no we do not, Mayor remarked that we gave 6 extensions on the permit.

VII. APPROVAL OF MINUTES

- A. August 2, 2018 Administration Finance Committee - Motion to approve by Trustee Addington seconded by Mayor Gunter. All ayes.

Deputy Liquor Commissioner: Trustee Addington asked Deputy Liquor Commissioner Mulhearn when the closed businesses will be brought before the board to have the liquor licenses numbers amended. Commissioner Mulhearn stated that it requires 30 days. There were others pending and video gaming license requests that will be coming forward again.

Manager May asked that NEAT be reported to dispel the rumors. Deputy Liquor Commissioner reported that the IL Liquor Control Commission reported that the State Liquor License expired June 30th. The owners have closed the business. The current Westmont license is held 30 days awaiting the renewal of a state license. The current owners of the building have informed us that there are 8 tenants looking to rent the space.

Trustee Barry stated that the owners of NEAT were operating without a valid liquor license for months, how can we reinstate the license? Commissioner Mulhearn replied that the state is investigating.

Trustee Barry asked Finance Director Parker where NEAT stood with funds owed the Village? Director Parker stated that NEAT has been on a payment plan for back taxes and had been making payments. Currently about 40% of back taxes has been paid. Commissioner Mulhearn remarked that we have a few businesses that are in that situation.

Trustee Barker asked if we have businesses that refuse to pay their taxes do we to supply them with water? Commissioner Mulhearn stated if the business has a liquor license we can revoke that but he did not know if water could be revoked. Director Parker replied that we have the attorney send a letter and lien the business for non-payment - taking them to court.

Trustee Nero asked what recourse do we have now for a business that owes us thousands and has gone out of business? Mayor Gunter said that if they own the building we

might have recourse. Attorney Perez stated that the business can not be liened, only property could be liened. Discussion of the various possible recourse suggestions and the legal implications as to why such recourse is not possible was discussed. Trustee Barry remarked that it just seems wrong that the Village takes a \$40,000.00 loss.

Mayor Gunter and Commissioner Mulhearn discussed video gaming licensing and the businesses that are interested, the limiting factors, and criteria including the consistency in determining factors.

Communications: Police Department is requesting a facebook page and the policy and or guidelines for social media. An email was sent with a document link to allow you to review.

Trustee Liddle asked for a motion to adjourn. Motion by Trustee Nero second by Trustee Addington. All ayes.

VIII. ADJOURN: 5:45 p.m. (next meeting is scheduled for October 11, 2018)