

Committee of the Whole Meeting November 29, 2012

Mayor Pro Tem Senicka called the meeting to order at 7:00pm

ROLL CALL

PRESENT

Mayor Pro Tem Senicka ~~Rahn~~, Clerk Szymiski and Attorney Zemenak ~~Perez~~.

Trustees: Fleming, Emery, ~~Klebenow~~, Nero, Scott and Senicka.

Staff: Searl, Parker, Ziegler, Malik, Mulhearn, Carlson, Skala, May

Open Forum

Participants are advised that the Open Forum procedure is a privilege and should not be abused. Persons will be recognized, given the chance to speak and then the question or request will be answered, if necessary, referred to Village Staff for a response. Rules of Order and common courtesy will be rendered and expected. Time limit for each person is 3 minutes, unless previous arrangements with the Mayor have been agreed upon.

Items that will take more than 3 minutes should be placed on the next Committee of the Whole Meeting Agenda. Contact the Village Manager for placement on the agenda.

- Mr. Bob Reid. 4215 W. Traube. Requested a change in the restriction hours near Miller School on Traube Avenue. Staff was asked to review this.

Reports

Reports

- Mayor
 - Nothing
- Clerk
 - Commented on the Frosty and Friends Parade.
 - The State has changed the last day for candidate filing to December 26, 2012 by 5:00pm.
- Attorney
 - Commented on the State of Illinois' decision to move the Spring election filing deadline to from December 24, 2012 to December 26, 2012.
- Manager
 - Discussed the Home Rule Referendum vote certification
 - Multi-Family Licensing Program **PLACED ON THE DECEMBER 3, 2012 REGULAR BOARD MEETING FOR CONSIDERATION.**

Board to consider a motion to temporarily postpone enforcement of the village's Multi-Family Licensing Program until further direction from the Village Board of Trustees.

- **Appointment Of Special Counsel PLACED ON THE DECEMBER 3, 2012 REGULAR BOARD MEETING FOR CONSIDERATION.**

Board to consider a motion approving the appointment of special counsel to the Village on home rule issues, and authorizing the execution of a letter of engagement.

- **Requested executive session:** personnel, pending litigation and hire special legal counsel
 - Stated that the **Finance Ordinance Amount** is: \$719,749.14
- Trustee Items
 - Trustee Nero
 - Commented on the Frosty and Friends Parade.
 - Trustee Fleming
 - Commented on the Frosty and Friends Parade.
 - Announced Combined Building & Zoning/Code Enforcement Committee meeting on Monday, December 3, 2012 at 6:00pm
 - Trustee Scott
 - Announced Economic Development Committee meeting on Wednesday, December 5, 2012 at 9:00am
 - Trustee Emery
 - Regretted missing the Frosty and Friends Parade regarding illness
 - Commented on compliments for the Holiday decorations.
- Trustee Senicka
 - Congratulated the Westmont Rotary for the success of the 5K race
 - Congratulated the Public Works Department on the excellent downtown holiday decorations
 - Announced Santa's Knights of Columbus breakfast on Saturday, December 1, 2012
 - Commented on shopping Westmont "Small Businesses"
 - Asked to place on a future Board agenda discussion of the Board member Salaries.

Items To Be Removed From Consent Agenda PLACED ON THE DECEMBER 3, 2012 REGULAR BOARD MEETING FOR CONSIDERATION.

Consent Agenda (Omnibus Vote) PLACED ON THE DECEMBER 3, 2012 REGULAR BOARD MEETING FOR CONSIDERATION.

Village Board Minutes

Village Board Meeting Minutes

MINUTES Board to consider approving the minutes of the Committee of the Whole Meeting held November 15, 2012 and the Village Board Meeting held November 19, 2012.

Background Of Subject Matter

Required parliamentary procedure.

Additional Background

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Recommendation

Approval.

Type

Motion

Budgeted

N/A

Budgeted Explanation

*

Documents: [2012-11-19 VILLAGE BOARD MEETING MINUTES.PDF](#), [2012-11-15 MEETING MINUTES-COMMITTEE OF THE WHOLE.PDF](#)

Finance Ordinance

Finance Ordinance #15

*to be determined

Background Of Subject Matter

*

Type

Motion

Purchase Orders

PO 11029918

Burns & McDonnell \$114,119.92

Background Of Subject Matter

Pasquinelli-Ogden Reconstruction Phase 3

Additional Background

Board approved 10/17/11

Type

Purchase Order

Budgeted

Yes

Documents: [PO 11029918.PDF](#)

PO 11029876

Downers Grove Township Highway Department \$50,000.00

Background Of Subject Matter

Downers Grove Township resurface of Westmont section.

Type

Purchase Order

Budgeted

Yes

Documents: [PO 11029876.PDF](#)

PO 11029897

Harris MSI Merger\$21,424.68

Background Of Subject Matter

MSI Software Maintenance

Additional Background

December 2012 to November 2013

Type

Purchase Order

Budgeted

Yes

Budgeted Explanation

Cost is \$2000 above budgeted amount

Documents: [PO 11029897.PDF](#)

PO 11029912

Mid American Water, Inc. \$15,100.00

Background Of Subject Matter

7 Hydrants: 5 WB67 5-6 & 2 6, all yellow

Type
Purchase Order
Budgeted
Yes
Documents: [PO 11029912.PDF](#)

PO 11029890

Google, Inc. \$7,282.00
Background Of Subject Matter
Postini Archive
Type
Purchase Order
Budgeted
Yes
Documents: [PO 11029890.PDF](#)

Purchase Orders Total

\$207,926.60
Background Of Subject Matter
*
Type
Purchase Order
Budgeted
Yes

Unfinished Business

New Business

15 South Cass Avenue, James D. Fiala Paving Company, Special Use Request

Board to consider an ordinance approving the following requests from John Pelton of James D. Fiala Paving Company to operate a ground floor office in the B-1 Limited Business District: **PLACED ON THE DECEMBER 3, 2012 REGULAR BOARD MEETING FOR CONSIDERATION.**

1. Special use permit.
2. Development permit.

Background Of Subject Matter

B-1 District occupancies require a development permit which is approved by the Village Board. Ground floor offices also require a special use permit in the B-1 District. The request is for a temporary field office through approximately May 2013.

Additional Background

An interior floor plan and a site plan that designates private parking are included. There are no parking concerns, & the tenant space has been vacant for several years. The field office is intended to help coordinate the 55th Street construction project.

Recommendation

Approval of the special use would support the Village of Westmont and DuPage County Department of Transportation working together for the completion of the 55th Street construction project. The Planning & Zoning Commission recommended unanimous approval.

Type
Ordinance
Budgeted

N/A

Documents: [FINDINGS OF FACT - 15 SOUTH CASS - FIALA SPECIAL USE.PDF](#), [2012-11-14 PLANNING AND ZONING COMMISSION STAFF REPORT - FIALA OFFICE SPECIAL USE - 15 SOUTH CASS.PDF](#)

6002 South Cass Avenue, Unit B, Wrestling School Special Use Request

Board to consider an ordinance approving the following requests from Remigiyus Sukevicius to operate a wrestling school in the B-2 General Business District: **PLACED ON THE DECEMBER 3, 2012 REGULAR BOARD MEETING FOR CONSIDERATION.**

1. Special use permit.

Background Of Subject Matter

The applicant is seeking approval of a special use permit to operate a wrestling school in the Spree Mart shopping center. Adequate shared parking exists, & most of the classes will be in the evening, after many businesses close.

Additional Background

The Planning and Zoning Commission asked if tournaments would be held, & the applicant responded no. The Special Use Ordinance will restrict the studio from holding special events. The applicant noted small retail sales of wrestling equipment would occur.

Recommendation

There were no concerns about the proposed operating hours, which could potentially change depending on class availability and need. The applicant would like to open in January 2013. The Planning and Zoning Commission unanimously recommended approval.

Type

Ordinance

Budgeted

N/A

Documents: [FINDINGS OF FACT - 6002 SOUTH CASS - WRESTLING SCHOOL SPECIAL USE.PDF](#), [2012-11-14 PLANNING AND ZONING COMMISSION STAFF REPORT - WRESTLING SCHOOL SPECIAL USE - 6002 SOUTH CASS.PDF](#)

NICOR Settlement- Release Of Claims

Board to consider an ordinance authorizing the execution of a Release of Claims with NICOR. **PLACED ON THE DECEMBER 3, 2012 REGULAR BOARD MEETING FOR CONSIDERATION.**

Background Of Subject Matter

The Village's consultant, Azavar Technologies, initiated litigation on behalf of several municipal clients, including the Village of Westmont, asserting that NICOR owed municipal utility taxes for certain annexed areas to the various communities.

Additional Background

Azavar's audit determined that NICOR had failed to make these payments. This Release provides resolution and settlement of this lawsuit.

Recommendation

Recommend approval.

Type

Ordinance

Budgeted

N/A

Documents: [NICOR RELEASE.PDF](#)

2012 Tax Levy

Board to take the following actions: **PLACED ON THE DECEMBER 3, 2012 REGULAR BOARD MEETING FOR CONSIDERATION.**

1. Conduct a public hearing on December 3, 2012 regarding the property tax levy and continue the public hearing until the Village voting meeting on December 17, 2012..
2. A motion to postpone ordinance to adopt the 2012 Tax Levy Ordinance until the December 13, 2012 and December 17, 2012.

Background Of Subject Matter

As published in the paper, the Village will hold a public hearing to approve a property tax levy on 12/3/2012. At the 11/5/12 meeting, the Board approved a proposed aggregate levy of \$7,758,139.00.

Additional Background

This total included \$1,791,050 for Police Pension, \$4,150,860.00 for other Village Costs, & \$1,816,229.00 for the Westmont Public Library. This is less than we estimate the Village would be allowed under the tax cap.

Type

Ordinance

Documents: [2012-11-29 LEVY - PROPOSED AGGREGATE LEVY SUMMARY.PDF](#), [2012-11-29 LEVY - DRAFT ORDINANCE - ORIGINALLY PROPOSED LEVY - AO.PDF](#), [2012-11-29 LEVY - PROPERTY TAX TIMELINE.PDF](#)

Miscellaneous

Adjourned to Executive Session at 7:40pm