

Committee of the Whole Meeting

June 27, 2013

7:00 p.m.

Mayor Gunter called the meeting to order at 7:00pm

ROLL CALL

PRESENT

Mayor Gunter, Clerk Szymski and Attorney Zemenak Perez.

Trustees: Addington, Barker, Barry, Nero, Scott and Senicka.

Staff: Searl, Weiss, May, Nicoll, Ziegler, Parker, Malik, and Mulhearn.

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.

- Sharon Luckhard, 137 N. Cass Avenue. Commented and objected to closing additional spaces on Thursday nights during the Westmont Street Fair.
- Larry McIntyre. Commented on discussions with Dr. Luckhard and Dr. Maise.
- Mr. Joe Hrncirik. Commented in favor on the 1.5% Food and Beverage Tax.

Reports

Reports

- **Mayor**
 - Requested that the Village Attorney report on the Concealed Carry Law and Assault Weapons ban.
 - Asked Fire and Police Chief to make a special volunteer recognition of Dawn King. Announced that this will be an annual award named after Dawn King.
 - Asked Larry McIntyre to report on the upcoming 4th of July events activities
 - Asked Larry McIntyre to introduce the Westmont Renaissance Alliance group members
- **Clerk**
 - Commented on the Westmont High Schools "Annie" production

- Go out to the Westmont Street Fair instead of watching the Board meeting.
- Asked to add to the consent agenda minutes from the 5/22/13 and 6/26/13 meetings
- **Attorney**
 - Requested pending litigation involving Alarm Detection Systems
- **Manager -**
 - Mentioned that on Monday, 7/1/2013, we will have retirement recognitions for the following Village Employees:
 - Mike Chorney - PW 36 years
 - Frank Kulas - PW 31 years
 - Greg Compton - 17 years
 - George Mossman - PW 17 years
 - Announced that on Monday at 6:00pm there will be a Administration & Finance Committee Meeting
 - Mentioned that this is our last Committee of the Whole meeting
 - Cautioned residents against IGS Energy solicitors that have been going door to door stating that they are representing the Village's Natural Gas Aggregation Program. Manager Searl stated that a Village Natural Gas Aggregation Program does not exist.
- **Trustee Items**
 - Trustee Scott
 - Announced the July 3, 2013 Economic Development Committee meeting at 9:00 am
 - Trustee Addington
 - Congratulations to the Westmont High School on their "Annie" production
 - Announced that he will miss the next Board meeting because he will be attending the International Lions Club Convention in Germany.
 - Stated that he had asked the Manager to gather commercial garbage rates comparisons for Monday's Administration & Finance Committee meeting.
 - Trustee Barry
 - Reminded recent flood victims that the SBA (Small Business Administration) loan applications are due July 9, 2013.
 - Trustee Senicka.
 - Congratulated the Chief, Dawn and staff on successful squad car night.
 - Offered sympathies to the Rich Doms family
 - Asked Public Works Director May to comment on the special brush pick up collection
 - Trustee Barker

- Nothing.
- Trustee Nero.
 - Gave a Storm Water Ad Hoc Community meeting report.

Items To Be Removed From Consent Agenda PLACED ON THE MONDAY, JULY 1, 2013 VILLAGE BOARD AGENDA FOR CONSIDERATION.

Consent Agenda (Omnibus Vote) PLACED ON THE MONDAY, JULY 1, 2013 VILLAGE BOARD AGENDA FOR CONSIDERATION.

Village Board Minutes

Village Board Minutes

Board to consider approving the minutes of the Committee of the Whole Meeting held June 13, 2013 and the Village Board Meeting held June 17, 2013.

Background Of Subject Matter

Required parliamentary procedure.

Additional Background

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Recommendation

Approval

Type

Motion

Budgeted

N/A

Budgeted Explanation

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Documents: [2013-06-17 MINUTES VILLAGE BOARD MEETING.PDF](#), [2013-06-13 COMMITTEE OF THE WHOLE MEETING MINUTES.PDF](#)

Finance Ordinance

Finance Ordinance #5

in the amount of \$940,744.64

Background Of Subject Matter

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Purchase Orders

PO 11031292

Village of Downers Grove \$485,826.00

Background Of Subject Matter

Westmont percentage of the VOC for fiscal year 2014, includes both Police and Fire.

Additional Background

This will be paid in monthly installments of \$44,166.00 for 11 months. The first installment having been paid.

Type

Purchase Order

Documents: [PO 11031292.PDF](#)

PO 11031208

Meade Electric Company \$60,000.00

Background Of Subject Matter

Street Light locates and repairs for fiscal year 2014.

Type

Purchase Order

Budgeted

Yes

Documents: [PO 11031208.PDF](#)

PO 11028915

Sentinel Technologies, Inc. \$19,243.00

Background Of Subject Matter

Maintenance Agreements from 5/1/13-4/30/14 on network equipment.

Type

Purchase Order

Budgeted

Yes

Documents: [PO 11028915.PDF](#)

Purchase Order Total

\$ 565,069.00

Background Of Subject Matter

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Type

Purchase Order

Prevailing Wage Ordinance

Board to consider approval of an ordinance to ascertain the prevailing wages as defined in said Act.

Background Of Subject Matter

The Village of Westmont is required by Illinois State Law to adopt the attached ordinance and mail certified copies to the State of Illinois.

Additional Background

This particular state law requires the Village to ascertain the prevailing wages, as defined in State law, for laborers, mechanics & other workers in the locality of the Village who are employed in performing construction of public works.

Type

Ordinance

Documents: [PREVAILINGWAGEORDINANCEFOR2013.PDF](#), [DU PAGE COUNTY PREVAILING WAGE FOR JULY 2013.PDF](#)

Unfinished Business

Central Business District TIF, Adoption Of Ordinances

Board to consider the following ordinances adopting the Central Business District Tax Increment Financing (CBD TIF) District: **PLACED ON THE MONDAY, JULY 1, 2013 VILLAGE BOARD AGENDA FOR CONSIDERATION.**

1. An ordinance designating the redevelopment project area.
2. An ordinance adopting the TIF in connection with the designation of the CBD redevelopment project area.
3. An ordinance approving the redevelopment plan and project.

Background Of Subject Matter

On May 2, 2013 the Village Board conducted a public hearing for the proposed CBD TIF where interested parties could ask questions, make comments, & file written objections. The TIF consultant from Teska Associates gave a background presentation.

Additional Background

On April 26, 2013 the Joint Review Board for the CBD TIF met and provided a favorable recommendation regarding the proposal.

Recommendation

Staff recommends approval of the SWBD TIF Ordinance.

Type

Ordinance

Budgeted

Yes

2013 Westmont Street Fair Street Closures

Board to consider an ordinance allowing for additional street closures during the 2013 Westmont Street Fair events on Thursday evenings from 5:00pm to 9:30 pm during June, July and August: **PLACED ON THE MONDAY, JULY 1, 2013 VILLAGE BOARD AGENDA**

FOR CONSIDERATION.

1. Cass Avenue from Irving to Norfolk.
2. Irving Street from the alley east of Cass to the alley west of Cass.

Background Of Subject Matter

Due to the success of the Westmont Street Fair, including the Westmont Fresh Market and Cruisin' Nights, the Westmont Special Events Corporation is requesting the additional street closures to accommodate the growth in attendance.

Type

Ordinance

New Business

132 South Linden Avenue, Berbaum Variance Approval Requests

Board to consider an ordinance approving the following requests from Jon Berbaum for a front yard deck in the R-3 Single Family Detached Residential District: **PLACED ON THE MONDAY, JULY 1, 2013 VILLAGE BOARD AGENDA FOR CONSIDERATION.**

1. Zoning Code variance to allow lot coverage greater than the 35% maximum allowed for the purpose of approving a front yard deck on a lot with existing non-conforming lot width
2. Zoning Code variance to allow the construction of a front yard deck within the required front and side yard setbacks
3. Zoning Code variance to allow the construction of a front yard deck larger than 100 square feet

Background Of Subject Matter

The applicant's property slopes toward the front of the lot, has a mature tree in the rear yard, & a rear door does not exist in the rear of the house to access a rear yard deck. The narrow lot width does not allow outdoor living space without a variance.

Additional Background

Applicant proposes a pervious deck material & to remove the house's rear walkway. Staff recommends also using pervious pavers to replace the side walkway so infiltration will occur on the lot, & lot coverage will increase slightly to 40.2% from 38%.

Recommendation

Planning & Zoning Commission made a unanimous favorable recommendation for approval, noting separation from the street, mature vegetation, lack of access from the rear of the home, & use of pervious materials to allow for stormwater infiltration.

Type

Ordinance

Documents: [BERBAUM VARIATION - FINDINGS OF FACT.PDF](#), [BERBAUM VARIATION - LETTER IN SUPPORT.PDF](#), [BERBAUM VARIATION - PRELIM ENG REVIEW.PDF](#), [BERBAUM VARIATION - REVISED DECK PLANS - REDUCED.PDF](#), [BERBAUM VARIATION - PLANNING AND ZONING COMMISSION STAFF MEMO.PDF](#), [BERBAUM VARIATION - PLANNING AND ZONING COMMISSION SUBMITTAL FROM APPLICANT.PDF](#)

31 N. Cass, Downtown Development Grant Request

Board to consider an ordinance approving a Downtown Development Grant Request from Danielle Kirin of The Sweet and Savory Spot in the amount of \$1,250. **PLACED ON THE MONDAY, JULY 1, 2013 VILLAGE BOARD AGENDA FOR CONSIDERATION.**

Background Of Subject Matter

The applicant is requesting assistance with the \$2,500 awning installation for the new bakery and cafe. The work is eligible for the facade improvement portion of the Downtown Development Grant. A brown awning with magenta lettering/logo is proposed.

Additional Background

The Grant Committee met on 6/18/13 and made a recommendation to approve a matching grant in the amount of \$1,250 for the facade work. Interior cosmetic improvements such as countertops, tile, and paint were not considered eligible.

Recommendation

At the time of the filing, the applicant also proposed fire safety work. The Committee recommended tabling this portion of the grant request in order to obtain additional information from the applicant and her contractor.

Type

Ordinance

Budgeted

Yes

Documents: [31 N CASS APPLICATION MATERIALS.PDF](#)

33 N. Cass Ave, Downtown Development Grant Request

Board to consider an ordinance approving a Downtown Development Grant Request from John Hagedorn of Uncle Jon's Music in the amount of \$2,820. **PLACED ON THE MONDAY, JULY 1, 2013 VILLAGE BOARD AGENDA FOR CONSIDERATION.**

Background Of Subject Matter

The applicant is requesting assistance with the \$5,640 fire alarm system installation fee. The work is considered a life safety improvement eligible for a matching grant of up to 50%.

Additional Background

The Grant Committee met on 6/18/13 and made a recommendation to

approve a matching grant in the amount of \$2,820 for the life safety work.

Type

Ordinance

Budgeted

Yes

Documents: [33 NORTH CASS ATTACHMENT.PDF](#)

38 N. Cass Ave. Downtown Development Grant Request

Board to consider an ordinance approving a Downtown Development Grant Request from Al Kohout of 38 North Cass (Alkaye Media/Sound Memories) in the amount of \$149.50.

PLACED ON THE MONDAY, JULY 1, 2013 VILLAGE BOARD AGENDA FOR POSTPONEMENT CONSIDERATION.

Background Of Subject Matter

The applicant is requesting assistance with the \$299 fee to connect the building's wireless monitoring equipment to Norcomm. The work is considered a life safety improvement eligible for a matching grant of up to 50%.

Additional Background

The Grant Committee met on 6/18/13 and made a recommendation to approve a matching grant in the amount of \$149.50 for the life safety work.

Recommendation

At the time of filing, the applicant also proposed facade improvements including a new awning. The Committee recommended tabling the facade work in order to allow the applicant time to revise the submittal.

Type

Ordinance

Budgeted

Yes

Documents: [38 N CASS APPLICATION.PDF](#)

Class 2 Liquor License

Board to consider an ordinance increasing the number of Class 2 Liquor Licenses to accommodate a request by Neat Kitchen and Bar located at 246 N. Cass Avenue. **PLACED ON THE MONDAY, JULY 1, 2013 VILLAGE BOARD AGENDA FOR CONSIDERATION.**

Background Of Subject Matter

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Type

Ordinance

Class 4 Liquor License

Board to approve an ordinance to increase the number of Class 4 Liquor Licenses to accommodate a request by Dotty's located at 6188 S. Cass Avenue. **PLACED ON THE MONDAY, JULY 1, 2013 VILLAGE BOARD AGENDA FOR CONSIDERATION.**

Background Of Subject Matter

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Type

Ordinance

312-364 North Warwick - Map Amendment Request

Board to consider an ordinance approving a Map Amendment request to rezone properties located at 312 -316, 320, 324, 328, 360 & 364 North Warwick Avenue from R-4 General Residence District to R-3 Single Family Detached Residence District. **PLACED ON THE MONDAY, JULY 1, 2013 VILLAGE BOARD AGENDA FOR CONSIDERATION.**

Background Of Subject Matter

The attached memo provides more detailed information regarding the Planning and Zoning Commission public hearing, including the detailed public comments that were made from individual property owners.

Additional Background

The apartment complex property owner at 312-316 N. Warwick requested to retain the existing R-4 zoning to avoid a non-conforming situation under R-3. The Commission clarified the apartment complex would still be non-conforming if the R-4 zoning remained.

Recommendation

The Commission unanimously recommended keeping R-4 zoning for the apartments at 312-316 North Warwick, & to rezone the rest of the block from 320-364 North Warwick to R-3 single family. The apartments are currently existing non-conforming under R-4.

Type

Ordinance

Budgeted

N/A

Documents: [2013-06-27 BOARD ACTION SHEET - WARWICK REZONING.PDF](#), [2013-06-12 PLANNING AND ZONING COMMISSION STAFF MEMO AND ATTACHMENTS - WARWICK REZONING.PDF](#), [2013-05-24 LETTER TO HOMEOWNERS - WARWICK REZONING.PDF](#)

Award Of Bid Proposal

Board to consider an ordinance approving the bid and awarding the construction contract to ERA Valdivia Contractors for the South tower Tank Repainting Project. **PLACED ON THE MONDAY, JULY 1, 2013 VILLAGE BOARD AGENDA FOR CONSIDERATION.**

Background Of Subject Matter

Construction project consists of repainting the interior & exterior metal surface of the 1,000,000 gallon elevated water storage tank; including

surface preparation, collection & disposal of surface debris, painting & other miscellaneous items of work.

Additional Background

On June 4, 2013 the Village received bid proposals from 5 contractors. The low bidder, ERA Valdivia Contractors, has a bid in the amount of \$310,000.00 which is approximately 30% below the Engineer's Estimate of \$450,000.00.

Recommendation

Staff recommends award of contract to ERA Valdivia Contractors.

Type

Ordinance

Documents: [BID TUBULATION FOR SOUTH TOWER REPAINTING PROJECT.PDF](#)

Adoption Of Revisions To The DuPage County Stormwater-Flood Plain Ordinance

Board to consider an ordinance adopting the 2013 DuPage County Stormwater and Flood Plain Ordinance Amendments and General Certifications. **PLACED ON THE MONDAY, JULY 1, 2013 VILLAGE BOARD AGENDA FOR CONSIDERATION.**

Background Of Subject Matter

An update to the DuPage County Countywide Stormwater & Flood Plain Ordinance has been approved by the Stormwater Management Committee & County Board. This ordinance is effective April 23, 2013.

Additional Background

It has corrected scrivener's errors, added clarification, & addressed organizational/operational issues left unresolved by the last comprehensive text amendments.

Recommendation

As a Partial Waiver community, the Village is required to duly adopt a resolution or ordinance of the corporate authorities of our community.

Type

Ordinance

Documents: [REVISIONS TO THE COUNTY CODE - APRIL 2013 RESOLUTION.PDF](#)

2010 Note Redemption

Board to consider an ordinance authorizing redemption of the 2010 series general obligation notes. **PLACED ON THE MONDAY, JULY 1, 2013 VILLAGE BOARD AGENDA FOR CONSIDERATION.**

Background Of Subject Matter

In 2010 the Board issued general obligation notes that could be redeemed early if desired. As discussed at the 5/16/2013 Admin/Finance Committee meeting, one of the things that could be done to pledge revenue to fund a bond is to pay off the debt early.

Additional Background

With 45 days notice, the Village can redeem these notes with a 1% penalty. We owe \$25,339 in July, & estimate additional redemption cost at approximately \$1,265,000. As noted in the previous meeting, we have the cash balance available to do this.

Type

Ordinance

Budgeted

No

Budgeted Explanation

This can be included in the appropriation ordinance.

Declaration Of Surplus Property - Fire Department

Board to consider an ordinance to declare certain unusable radio equipment from the Fire Department as surplus property. **PLACED ON THE MONDAY, JULY 1, 2013 VILLAGE BOARD AGENDA FOR CONSIDERATION.**

Background Of Subject Matter

With the required implementation of the state-wide communication system, Starcom radio equipment is no longer usable. The detailed posted list of Starcom equipment can be sold, once declared as surplus.

Additional Background

This equipment will be sold at an online auction or as otherwise directed by the Village Manager. The sale of this equipment should generate an estimated \$5,000.00 in revenue to the Village.

Type

Ordinance

Documents: [2013 WFD SURPLUSRADIO.S.PDF](#)

Declaration Of Surplus Property - Police Department

Board to consider an ordinance to declare unused property of the Westmont Police Department as surplus. **PLACED ON THE MONDAY, JULY 1, 2013 VILLAGE BOARD AGENDA FOR CONSIDERATION.**

Background Of Subject Matter

In 2009 the Westmont Canine (K-9) Program ended. The K-9 equipment has remained unused by the Police Department for the past four years.

Additional Background

The Naperville Police Dept. has offered to purchase this unused equipment. To be sold, the Board must first declare the items as surplus.

Recommendation

Staff recommends sale of the equipment.

Type

Ordinance

Hiring Freeze

Board to consider a motion to temporarily lift the hiring freeze for the sole purpose of hiring a full Police Officer and a part time Property Control position. **PLACED ON THE MONDAY, JULY 1, 2013 VILLAGE BOARD AGENDA FOR CONSIDERATION.**

Background Of Subject Matter

Due to retirement, there is an open police officer position and the part-time property control opening will replace a full-time position.

Type

Motion

Budgeted

Yes

Miscellaneous

Adjourned at 9:37pm