

VILLAGE OF



KENILWORTH, IL

**Board of Trustees Meeting  
November 17, 2014**

**CALL TO ORDER**

Village President William Russell called to order the regular meeting of the Board of Trustees of the Village of Kenilworth in the Kenilworth Village Hall, Kenilworth, Illinois at 7:30pm on November 17, 2014.

**ROLL CALL**

President Russell requested Management Analyst Constantino to call the roll:

**Trustees:**

Trustee James Hughes	Present
Trustee Kevin Lennon	Present
Trustee Scott Lien	Present
Trustee James McClamroch	Present
Trustee Ann Potter	Present
Trustee Peter Shadek	Present
President William Russell	Present

**A quorum was present.**

**Others Recorded as in Attendance:**

*Village Officials and Staff:*

Patrick Brennan	Village Manager
David Miller	Chief of Police
Barbara Adams	Village Attorney – arrived at 7:53p
Justin Constantino	Management Analyst

**Others, Signing In:**

Eleanor Prince  
David Ward  
David Joyce

Eileen Madigan  
Justin Mohr  
John Mick                      Baxter and Woodman

**APPROVAL OF THE MINUTES**

Trustees addressed the draft October 20, 2014 Village Board meeting minutes as presented at the meeting. Trustee Potter stated that both referenced hearing dates would occur and requested that the last sentence of the paragraph, ending "... could be canceled." be deleted. Other minor typographical changes were noted for correction.

President Russell requested a motion to approve the draft minutes of the Village Board of Trustees Meeting of October 20, 2014. Trustee Hughes moved and Trustee Potter seconded the motion to approve the draft minutes of the October 20, 2014 Board of Trustees Meeting as amended. The minutes of the October 20, 2014 Board of Trustees Meeting were approved, by voice vote, without dissent.

**AGENDA ITEM III. Village President's Report**

President Russell discussed the current status of the gateway pillar on Sheridan Road that had been removed due to it encountering vehicular damage. He stated that with the pillar deconstructed, it was an appropriate time to consider if it should be moved further back from the roadway. He said that he spoke to Chief Dave Miller about the location of the pillar as it related to both proximity to traffic and traffic visibility. President Russell also indicated that the Kenilworth Historical Society had expressed his concerns about moving the pillar. The Trustees asked a number of questions about the symmetry of the pillars, need to move the remaining pillar and potential costs. Upon conclusion of the discussion, President Russell stated that he would be asking a board committee or commission to solicit additional comments before a decision would be made.

President Russell mentioned that when he was driving to the Village Board meeting he noticed several crews working on the water main on Warwick Road south of Kenilworth Avenue. He stated that this type of water main work is a good reminder of need to make repairs to our aged infrastructure.

**AGENDA ITEM IV: Business from the Public Related to Items not on the Agenda**

Resident David Ward asked about the status of the safety study of the groin at Kenilworth Beach. Village Manager Brennan said that the study was on hold due to the possible overlap with the storm sewer project. He stated that the coastal engineers may be able to address the questions within the scope of the storm water work. Mr. Ward provided the Village Board with an update concerning a complaint he recently registered with the IDNR regarding their ability to issue the breakwater permits to requestors that may not have riparian rights.

Resident David Joyce introduced himself as the president of the condos facing 512 Green Bay Road. Mr. Joyce cited the Village Code of Ordinances, saying that the neighboring parking lot of Fenner Plastic Surgery uses snow plowing trucks and snow blowers for snow removal during restricted hours of the day per the Kenilworth noise ordinance. Mr. Joyce said that he spoke with Chief Miller about the issue last winter and cited Chief Miller's report, saying that Chief Miller has stated on many occasions that snow removal does not fall under the village noise ordinance. Trustee Potter asked if there was any attempt on behalf of the residents to contact Fenner Plastic Surgery. Mr. Joyce said that he has made some attempts, but Fenner Plastic Surgery has been unresponsive. President Russell stated that the issue would be referred to the Public Safety Committee. Trustee Shadek asked if any part of the Village Code referenced plows or snow blowers. Chief Miller said that it did not. Trustee McClamroch said that the Public Safety Committee would schedule a meeting to address the issue within the next month.

#### **AGENDA ITEM V: Approval of the Warrant List**

Trustee Hughes, Finance Committee Chair, reported he had reviewed all bills for the month of October. Trustee Hughes stated the October total for the Class A warrants equals \$460,323.58. Trustee Hughes stated April Class B warrants total \$214,560.06. Trustee Hughes noted all invoices reviewed appeared to be in order and expenditures are ready for approval by the Village Board.

Trustee Hughes made a motion to approve the items on the October Warrant List, with Class A warrants in the amount of \$460,323.58, and Class B Warrants in the amount of \$214,560.06, and further moved that the payment to Northwest General Contractors, Inc. in the amount of \$191,474.10 shall be subject to receipt of a properly completed pay request and submission of necessary waivers of lien satisfactory to the Village Manager and Village Attorney. Trustee McClamroch offered a second to the motion.

**A roll call vote was taken as follows:**

**For: Hughes, Lien, Lennon, McClamroch, Potter, Shadek**

**Against: None**

**Absent: None**

The motion was approved, six votes in favor and none opposed. President Russell declared the motion passed.

#### **AGENDA ITEM VI: Regular Scheduled Business**

##### **A. Items for Consideration by Omnibus Vote**

**1. Authorization to Designate the Intersection of Roger Avenue and Exmoor Road as a 4-Way Stop Intersection and Erect the Necessary Signage**

Police Chief Dave Miller stated that a traffic study of the intersection had been conducted by Baxter & Woodman in regards to the safety of the intersection and possible need for a 4-way stop. Baxter & Woodman concluded that a 4-way stop met the traffic warrants due to the location being a school route for the Joseph Sears School and the unique layout of the intersection negatively impacting sight lines.

## **2. Adoption of an Ordinance Declaring Certain Village Property as Surplus and Authorizing the Sale or Disposal Thereof**

President Russell requested that Village Manager Brennan address item number two. Village Manager Brennan explained that the Village and the Park District cooperatively purchased a wood chipper circa 1992. Village Manager Brennan said that after suffering a break-down a repair cost was obtained with the estimate exceeding \$7,000. Due to both the age and damage to the chipper, he recommended that the Village Board declare the item surplus and authorize the equipment to be sold. He reported that the Park Board had recently taken the same action. Due to the need for the equipment Village Manager Brennan added that staff had located a refurbished chipper authorized by a factory-authorized repair center in the amount of \$18,000. Village Manager Brennan said that the cost of purchasing the refurbished wood chipper would be split between the Village and the Park District, with the Village cost totaling \$9,250. Trustee Potter asked if there were repair costs associated with the refurbishing of the wood chipper. Village Manager Brennan said that the \$18,000 cost includes a fully restored chipper.

## **3. Adoption of a Resolution Estimating the Amounts to be Raised by Ad Valorem Taxes for the Tax Year 2014**

President Russell requested that Village Manager Brennan address item number three. Village Manager Brennan explained that a required step in the process for adopting the tax levy is that the Village Board estimates the amount of the proposed tax levy and files the Village's tax needs for the next year at least 20 days prior to adoption of the levy. Village Manager Brennan said that regarding changes to the amount of property taxes extended in the previous tax year, the Village is restricted to the lesser of the change in the Consumer Price Index for the previous year, or 5%. Village Manager Brennan said that for the 2014 Tax Levy, the CPI is 1.5%. Village Manager Brennan said that the Village Board will be considering an ordinance for the 2014 Tax Levy during the December Village Board Meeting.

## **4. Adoption of an Ordinance Amending Title III of the Village Code to Designate the Village Clerk an Appointed Official**

Village Attorney Barb Adams said that as requested she had prepared the necessary documents for consideration of converting the elected position of Village Clerk to an appointed position. She stated that the proposed ordinance would be effective upon the earlier of either: (1) no one being elected to fill the current vacancy during the April 2015 Consolidated Election or (2) the end of the existing term of office for the Village Clerk in the event a resident was elected to the position.

Resident Eileen Madigan introduced herself as the Vice President of the Kenilworth Citizens Advisory Committee (KCAC). Mrs. Madigan said that several members of the KCAC were concerned that if the Village Clerk position became an appointed rather than elected position, there was a chance that the position would become a paid position and held by a non-resident. Mrs. Madigan said that several members were concerned that the KCAC were not consulted, and that if the Village Clerk position became appointed rather than elected, the official village records had the potential to become less transparent and potentially more partisan. President Russell said that the strain of the Village Clerk position makes it difficult for the Village Board to find willing applicants. Trustee Hughes asked if previous Village Clerks were allowed to talk and offer their opinions regarding Village issues at previous Village Board meetings. Trustee Lien said that when he was the Village Clerk, he did offer his opinions on Village issues, and added that former Trustee Hastings accepted the responsibility of documenting the minutes to provide former Village Manager and Deputy Village Clerk Brad Burke relief in duties. Trustee Lien said that when he was first appointed Village Clerk, he met with then-President Fred Steingraber to discuss how minutes should be written, including incorporating Robert's Rules of Order but also accounting for resident input. Trustee Lien said that he thinks it is important to make sure the minutes are an accurate representation of what occurred at the Village board meeting and not a word for word transcript. Trustee Hughes asked about the official duties and responsibilities of the Village Clerk. Attorney Adams said that the Village Clerk serves as the official keeper and custodian of all Village records. Trustee Hughes asked if the Clerk also had Village duties outside of meetings. President Russell said that the concept of having a resident serve as the Village Clerk sounds good, but that it is often difficult for a resident to make a commitment to the position and can often disrupt Village business if the necessary documents are not signed and completed in time. Trustee Shadek asked if the Board would consider postponing the item until after either the May 2015 or May 2017 election, depending upon if someone is elected to fill the remaining term.

Eileen Madigan said that the KCAC may not have enough time to discuss a recommendation for Village Clerk prior to their next meeting on December 1<sup>st</sup> but offered to help recommend candidates for appointment by President Russell if he wished. President Russell stated that he was in favor of any recommendations that would be offered from the community. He asked the Village Manager to use the website and Kenilworth Contact to notify residents that the Clerk's position needed to be filled. Trustee Shadek made a motion to postpone Agenda Item IV to a date uncertain. Trustee McClamroch seconded the motion. After a voice vote, President Russell declared the motion passed.

**5. Adoption of an Ordinance Providing for the Issue of General Obligation Bonds in the Amount not to Exceed \$600,000 for the Purpose of Paying for the Cost of Capital Improvements and Other Lawful Purchases, and Providing for the Levy of a Direct Annual Tax Sufficient to Pay the Principal and Interest of Said Bonds and Authorizing the Village General Fund to Purchase the General Obligation Bonds**

Village Manager Brennan introduced the item, saying that the Village annually sells non-referendum bonds that are repaid within one year. Village Manager Brennan said that

proceeds from the bonds are used to fund capital projects, equipment and other items with a life-span exceeding one year. Village Manager Brennan said that the Village conducted a public hearing required by the Bond Information Notification Act at the October 20<sup>th</sup> Board of Trustees meeting to discuss the sale of bonds up to \$600,000. Village Manager Brennan said that during the meeting no members of the public spoke either for or against the bond issuance, and upon closing the public hearing, the board reached a consensus to proceed with the bond process.

Trustee Lennon moved and Trustee Lien seconded the motion to approve omnibus items 1-3, and 5 as presented.

**A roll call vote was taken as follows:**

**For: Hughes, Lien, Lennon, McClamroch, Potter, Shadek**

**Against: None**

**Absent: None**

President Russell declared the motion passed with six votes in favor and none opposed.

**B. Items for Consideration by Individual Vote**

**6. Authorization to Execute a Change Order for the 2014 Water Main Improvement Program for a Net Addition of \$35,758.75**

President Russell requested that Village Manager Brennan address item number six. Village Manager Brennan discussed the background of the water main improvement program and said that a second change order was requested by Northwest General Contractors (NWGC). He stated that a large portion of the overage was due to the need to locate the new water main below the existing underground electric lines. He stated that at the time the water plans were released for bidding, the location of the electric lines was not known. Trustee Potter inquired about the reasons for the error. Brennan stated that the water project plans were released before the utility locations were all identified, leading to the location conflict. He stated that he had discussed the error with those involved and that it would not be repeated in the future. Upon conclusion of the discussion, Trustee Hughes offered a motion and Trustee Lien seconded the motion to approve agenda item 6.

A roll call vote was taken as follows:

For: Hughes, Lennon, Lien, McClamroch, Potter, Shadek

Against: None

Absent: None

President Russell declared the item passed.

**7. Action on the Following Items Pertaining to the Fiscal Year 2015 Village Budget:**

**a) Conduct a Public Hearing Concerning the FY15 Budget**

**b) Adoption of the Annual Fee Ordinance with an Effective Date of January 1, 2015**

**c) Adoption of an Ordinance Approving the Calendar Fiscal Year 2015 Budget**

a) President Russell called the Public Hearing to order and requested that a roll call be taken at 8:37 pm. Upon roll call, President Russell, Trustees Hughes, McClamroch, Lien, Lennon, Potter, and Shadek were physically present. President Russell then opened the floor to both trustees and members of the public for discussion and comments. No members of the public came forward to be heard.

Village Manager Brennan said that the Finance Committee met on November 12, 2014 to discuss the proposed FY15 Village budget. Village Manager Brennan distributed a document detailing the changes to the Proposed FY15 Budget since it was last presented to the Village Board. The changes were designated with bold text and Manager Brennan discussed the changes on each page.

Upon calling for additional questions and hearing none, Trustee Shadek moved to close the public hearing and Trustee Hughes seconded the motion. The public hearing was adjourned at 9:01 pm.

b) The Village Manager stated that the Village transitioned to a new method of adopting fees and fines with the adoption of a new Village Code in 2012. He stated that annually the Village Board reviews and approves an Annual Fee Ordinance that contains a majority of the fees imposed by the Village. He explained that the new method was a best-practice and provided for additional transparency in fees and allowed staff to more easily determine if Village fees were in line with those of neighboring agencies.

For 2015, the Village Manager stated that the only fees recommended for adjusting related to the refuse and recycling service for the Village. The fees were a pass-through of increased contract costs. For 2015, the increase is tied to the CPI and was set at 2.5%. Trustee Potter asked what percentage of residents currently receive the twice-a-week refuse and recycling collection option. Management Analyst Constantino said that very few residents use the twice-a-week option, far less than 10%.

Village Manager Brennan was next asked to present the Proposed FY2015 Village Budget for adoption by ordinance. He reported that the Proposed budget had been publically available since October 20<sup>th</sup>, discussed at the Finance Committee meeting, and most recently during the Public Hearing. He asked if there were any additional questions regarding the budget and none were heard.

Trustee Hughes offered a motion to adopt the Fiscal Year 2015 Annual Fee Ordinance and Trustee Potter seconded the motion.

**A roll call vote was taken as follows:**

**For: Hughes, Lennon, Lien, McClamroch, Potter, Shadek**

**Against: None**  
**Absent: None**

President Russell declared the motion passed with six votes in favor and none opposed.

c) Village Manager Brennan was next asked to present the Proposed FY2015 Village Budget for adoption by ordinance. He reported that the proposed budget had been publically available since October 20<sup>th</sup>, discussed at the Finance Committee meeting, and most recently during the Public Hearing. He asked if there were any additional questions regarding the budget and none were heard.

President Russell stated that he would accept a motion to adopt the Fiscal Year 2015 budget. Trustee Shadek offered a motion to adopt the Ordinance Approving the Calendar Fiscal Year 2015 Village Budget and Trustee McClamroch seconded the motion.

**A roll call vote was taken as follows:**

**For: Hughes, Lennon, Lien, McClamroch, Potter, Shadek**  
**Against: None**  
**Absent: None**

President Russell declared the motion passed with six votes in favor and none opposed. President Russell stated he would like to address the Committee reports.

## **COMMITTEE REPORTS**

### **Building, Planning & Zoning Committee**

Trustee Potter reminded the board that the Building, Planning & Zoning Committee would be holding meetings on Monday December 8<sup>th</sup> and Wednesday, December 10<sup>th</sup> at 7:30 pm at Village Hall to hold a public hearing of a resident request for a moratorium on construction activity along the shoreline.

Trustee Potter asked about the status of the drainage and grading request for proposals. Village Manager Brennan said that the RFP had not yet been finalized but that staff was continuing to work on it.

### **Finance Committee**

Trustee Hughes stated that the business of the Committee had been discussed as part of the budget.

### **Public Safety Committee**

Trustee McClamroch said that he would work with Chief Miller to determine a date in the near future to hold a Public Safety Committee meeting to discuss the use of snow plows and snow blowers and their relation to the Kenilworth Code of Ordinances per the request of Mr. David Joyce.



### **Public Works Committee**

President Russell mentioned that the Village had recently submitted water samples for testing. Trustee Hughes asked what the Village was testing. Village Manager Brennan said that the Village was testing for nitrogen, phosphorus, chloride, ammonia, e. coli, conductivity, nitrites and nitrates. Trustee Hughes asked about the status of the Village purchasing water from Wilmette. Village Manager Brennan said that the Village was in preliminary discussions with the Village of Wilmette and that the Village is currently working with Stanley Consultants on the details of a booster pump station. Village Manager Brennan said that he would bring the board more information on the status of the water plant when it becomes available.

Trustee Shadek asked how much was budgeted for the construction of the outfall. Village Manager Brennan said \$1.5 million. Resident Eleanor Prince suggested that the Village consider the quality of water from the Village of Wilmette and to consider touring the Wilmette water plant prior to making a decision about the water plant. President Russell stated that the Public Works Committee is reviewing all variables related to the water plant.

### **CHIEF OF POLICE REPORT**

Police Chief Miller reported that he met with Joseph Sears School Superintendent Kalinich about the about the traffic study. Chief Miller said that the new high school drop off location will be north of New Trier due to the recent referendum that had passed. President Russell requested that Chief Miller meet with representatives of New Trier to coordinate their rerouting of traffic.

### **VILLAGE MANAGER REPORT**

Village Manager Brennan stated that there had been several articles recently regarding the loss of investments in the IMET fund. He informed the Trustees that the Village does not participate in that local government investment cooperative.

The Manager updated the Village Board regarding the recent departure of Management Analyst Kiwala who recently accepted a full-time job offer from the Kenilworth Park District. Brennan stated that he was evaluating the need to fill the position and the structure of the Village Manager's Office.

The Village President inquired about the outcome of the Plan Commission work as it related to the preferred site for a cellular monopole. He stated that the Commission had been asked to prioritize potential sites should the Village need to relocate the existing cellular antennas from the water tower. Trustee McClamroch provided an overview of the discussion and stated that it would be helpful to develop a matrix of criteria to direct the decision should it be necessary. President Russell confirmed that the Public Works facility appeared to be the most likely site at this time.

### **ADJOURN**

With no further business, Trustee Hughes moved and Trustee Lennon seconded to adjourn the meeting. The meeting was concluded by voice vote at 9:23 pm.

Respectfully Submitted,

Justin Constantino  
Management Analyst

Patrick Brennan  
Deputy Village Clerk