

VILLAGE OF ALSIP
MINUTES OF
BOARD OF TRUSTEES
COMMITTEE MEETING
April 26, 2010

Mayor Kitching called the meeting to order at 7:30 p.m. Clerk Venhuizen called the roll with the following in attendance: Trustees Shapiro, Godfrey, McGreal, Michaels, Daddona, Quinn, Mayor Kitching and Clerk Venhuizen, and Village Attorney Sue Glover.

MAYOR'S REPORT: Mayor Kitching read the following into the record: By the authority vested in me as the Village President of the Village of Alsip, I herewith return, without my approval the Motion approved at the Village Board meeting of April 19, 2010 titled, "Approval of a 100% Waiver of the Future Permit Fees, with the exception of the inspection fee, required for the Alsip Park District project at Sears Park at 123rd and Trumbull." (Future Permit Fees Motion"). Veto and withhold my approval of this Motion for the reasons set forth below.

The Future Permit Fees Motion could not be adopted as a motion pursuant to applicable law. The Motion suspends the enforcement of numerous Municipal Code provisions and ordinances regarding permit fees applicable to the Park District's project, including, but not limited to, those fees set forth in Chapter 6 ("Buildings and Building Regulations"), Article V ("Permit Inspection, Occupancy and Engineering Fees") of the Municipal Code. Any enactment by a municipality that suspends the enforcement of Village ordinances cannot be done by resolution or motion. Gary-Wheaton Bank v. Village of Lombard, 84 Ill.App.3d 125, 39 Ill.Dec.524, 404 N.E. 2d 1115 (2nd Dist. 1980); Phillips Petroleum Co. v. City of Park Ridge, 16 Ill.App.2d 555, 562-63, 149 Ill.App.2d 555 (1st Dist. 1958). It may only be done by ordinance. The court stated in the Gary-Wheaton Bank case cited above, "Existing ordinances of a municipality cannot be modified, suspended or amended by resolution or motion."

I, as President, have the authority to veto any ordinance pursuant to Section 3.1-40-45 of the Illinois Municipal Code 65 ILCS 5/31-40-45 (2010). As the Future Permit Fees Motion should have been adopted by ordinance I have the authority to veto it. I further have the authority to veto any motion which creates a liability against the village and any motion that provides for expenditure. The Future Permit Fees Motion creates a liability by obligating the Village to waive the applicable fees, and it provides for expenditure by taking funds out of the Village's coffers before they were ever received.

As you all know, the Village is under severe financial constraints at the present time and cannot afford to waive its permit fees for any entity, including another governmental body. The Park District must pay its fair share for the services provided to it by the Village including those services that would be provided pursuant to the permit fees for the project. These fees are applicable to the Park District without any exception contained in the Municipal Code, as well as to any other public body or private entity.

For this reason, I veto and return without my approval the Future Permit Fees Motion.

Mayor Kitching further commended the board and administration for acting in a fiscally responsible way which is reflected with a AA bond rating, and explained we are experiencing the worst economic downturn since the great depression and cannot allow further reduction of revenue sources which asking our employees for concessions. Mayor Kitching further advised any ordinance passed by this body that reduces revenues will be vetoed. Mayor Kitching also advised any Board member in receipt of a Golden Ticket from the Park District review the State Statute concerning Gift Ban and any Board member with a family member employed by the Park District review the Village of Alsip Ethic's Ordinance.

Mayor Kitching addressed the request from the Park District for full building fees waiver. Years ago the Alsip Park District was in receipt of a gift from the Village of Alsip which was a retention pond. As you know in order for the development of Home Depot and L.A. Fitness the Park District turned to the Village for the sum of \$50,000 with an agreement to help on a case by case basis with their projects.

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69 The Park District along with other taxing bodies now receive thousands of dollars annually as
70 property tax revenues from that project, while the Village of Alsip repays a debt of 2.5 million
71 dollars, for the cost of remediation from problems with the property through our share of the
72 sales tax on that project. The Village has lived up to that commitment many times permits
73 already given on other projects, liquor license and entertainment license fees of \$1.00 each. As
74 the economy rebounds the Park District requests will be considered on a case by case basis.
75

76 Trustee Quinn advised the motion was not for waiver of all future permit fees only the Sears
77 project which was a single action passed by the Board. Attorney advised any reduction of this
78 matter would have to be done by resolution because of amending an ordinance. Trustee Quinn
79 pointed out that this procedure was not previously followed by the Board for the past five years
80 and felt since the attorney is paid on a monthly basis to advise the Board the attorney is
81 responsible of malpractice procedures for not correctly advising the Board. Attorney Glover
82 advised they were never asked to review any previous action taken by the Board related to this
83 issue. Discussion followed on future permit fees vs. waiver of permit fees. Trustee Quinn pointed
84 out that papers signed tonight for the TIF District asked the Park District accept frozen real estate
85 taxes for the next 23 years. Trustee Quinn advised the attorney to review all previous action
86 taken by the Board as to legal or not legal.
87

88 Mayor Kitching will present a Resolution Opposing the Reduction of Local Government
89 Distributed Funds.
90

91 CLERK'S REPORT: No report.
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93 FINANCE REPORT: Trustee Godfrey presented: a) A list of bills dated April 26, 2010.
94 b) Application for 6b classification renewal from Berry Plastics Corporation for building located
95 at 5750 West 118th Street. c) Application for 6b classification renewal from Berry Plastics
96 Corporation for building located at 11600 South Central Avenue. d) Statement of Conflict of
97 Interest for Alsip Pulaski Road Corridor Tax Increment Financing District. Pursuant to Part 65
98 ILCS5/11-74.4-4(n) of the Illinois Municipal Code, the Village must determine if any officials,
99 employees or consultants of the Village of Alsip involved in the planning of a new TIF District
100 may have a direct or indirect financial interest in the area.
101

102 FIRE DEPARTMENT REPORT: Trustee Michaels presented: a) Report the old generator at
103 Station #1 was replaced last year due to the unavailability of parts for the obsolete 1968 model
104 year unit. The value of this old generator is approximately \$600.00. In exchange for the old
105 generator Metro Power will disconnect and move the unit and provide one year service
106

107 POLICE DEPARTMENT: No report.
108

109 PUBLIC WORKS DEPARTMENT REPORT: Trustee McGreal presented: a) Report that
110 NICOR will be performing gas service replacements at various locations throughout the Village.
111 A gas service replacement requires that the copper gas line be replaced with a new plastic line
112 from the gas main in the parkway all the way to the gas meter that is mounted on the home or
113 business. This project will start during the month of May and run through the summer months.
114 Any questions contact NICOR at 1-888-642-6748.
115

116 BUILDING DEPARTMENT REPORT: Trustee Shapiro presented: a) Request for approval for
117 the use of advertising teardrop (4) flags at Cash City Jewelry & Loan at 12213 South Cicero
118 Avenue, for the months of May, June and July, during regular business hours. b) Request for a
119 variance to have a 20' x 24' extension put on garage located at 4633 West 128th Place to store
120 race cars, which will be forwarded to Planning & Zoning. c) Request for approval of a
121 Resolution from GC America for the signing of linen for the grant of an easement.
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123 HEALTH & POLLUTION: No report.
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125 SEWER & WATER: No report.
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134 LICENSE REPORT: Trustee Quinn presented: a) List of licenses dated April 26, 2010.

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136 PLANNING/ZONING REPORT: Trustee Michaels presented: a) Request for approval of a
137 zoning change from an R2 to an R3 for property located at 12748 S. LaCrosse; referred to
138 Planning & Zoning Commission.

139
140 REPORTS OF SPECIAL COMMITTEES

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142 VILLAGE PROPERTY: Trustee Michaels presented: a) Request for approval of a 3-year
143 contract with JRK Landscaping at a cost of \$43,360.00 for the first year of service, \$43,680.00
144 for the second year of service and \$45,720.00 for the third year of service. These prices include
145 all seven properties that were included on the bid. b) Request for approval of a one year contract
146 with Metro Power for generator maintenance at a cost not to exceed \$750.00.

147
148 INSURANCE COMMITTEE: Trustee McGreal presented: a) The Scottsdale renewal reflects a
149 5% increase in our current rates. The ESIP coverage for the Fire Department reflects a 2%
150 increase over current rates. Trustee McGreal requested and received a consensus form the Board
151 to renew the Village's Property & Casualty coverage with Scottsdale and ESIP at a total annual
152 cost of \$314,000. Trustee McGreal reported a special meeting will be called if formal approval is
153 required prior to April 30, 2010.

154
155 ORDINANCE & LEGISLATION: Trustee Godfrey presented: a) Request for approval of the
156 ASCAP Music License Agreement. b) Request for approval of an Ordinance Amending Chapter
157 15 ½ ("Personnel"), Article II ("Employee Requirements and Benefits") Section 15 ½-33.2
158 ("Employee and Retiree Health Insurance Plan") of the Municipal Code for the Village of Alsip.
159 Trustee Godfrey explained that as discussed in closed session normally 15% of the employee
160 monies go toward two different funds; 11% goes to general fund and 4% goes to special fund for
161 retirees. This ordinance allocates 15% to the general fund to help increase revenues for one year
162 only. c) Request for approval of an Ordinance Amending Chapter 2 (Administration), Article VI
163 (Plan Commission), Section 2-202 (Composition: qualifications; appointment), of the Municipal
164 Code for the Village of Alsip. Trustee Godfrey explained this a reduction of members from nine
165 to seven. Discussion followed on the potential savings and the size of the Board.

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167 LOCAL IMPROVEMENT REPORT: No report.

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169 BOAT LAUNCH: Trustee Daddona reported: a) The Marine I is out of service due to
170 mechanical problems noticed during normal unit inspections. This boat was custom built for the
171 United States Coast Guard in or about 1976. The cost of repairs is approximately \$5,260.0 (labor
172 included); however, due to the age of the boat repairing is not advisable.

173
174 PRESENTATIONS, PETITIONS, COMMUNICATIONS: None.

175
176 UNFINISHED BUSINESS: Trustee Quinn requested a motion on the Consent Agenda
177 overriding the Mayor's veto of the 100% waiver of permit fees for the Alsip Park District Sears
178 Park Improvement project.

179
180 NEW BUSINESS: Trustee Quinn questioned a reduction of the election official salaries, and
181 pointed out the minutes say the governor can approve such action and it would take the general
182 assembly and the governor (line 316). Trustee Quinn questioned Village Trustees waiving the
183 health benefits given by the Village and explained he is waiting for exact savings numbers.
184 Trustee Quinn requested reduction of Board salaries by 10%. Mayor Kitching responded the
185 Board froze raises for two years which equals a 6% reduction. Further discussion was held on
186 reducing Board salaries by 10%. Trustee Michaels reported working at least 20 hours a week as
187 a Board member and pointed out he could have easily secured a second job. Trustee Michaels
188 asked if all Board members were expected to give up all benefits, and noted that if he worked the
189 low number of hours as Trustee Quinn he would return his entire check.

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199 EXECUTIVE SESSION: Motion by Trustee Godfrey to move into executive session to discuss
200 the appointment, employment, compensation, discipline, performance, or dismissal of specific
201 employees of the public body; seconded by Trustee Michaels. Roll #1: Voting "aye": Trustees
202 Shapiro, Godfrey, McGreal, Michaels, Daddona, and Quinn. Motion carried.

203

204 ADJOURNMENT: Motion by Trustee Shapiro to adjourn; seconded by Trustee Michaels.
205 Motion carried.

206

207 Respectfully submitted,

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Deborah Venhuizen
Village Clerk, Alsip, Illinois