

CALL TO ORDER:

President Bartels calls to order the Village of East Dundee regular board meeting at 7:00 pm

ROLL CALL:

Michael Ruffulo, Paul VanOstenbridge, Frank Scarpelli, Jr., Dan O'Leary, Jim Carlini and Jerald Bartels. Also in attendance are T.J. Moore, Trish Terrill, Joe Heinz, Terry Mee and Pat O'Connor. Trustee Gorman is attending via teleconference.

PLEDGE OF ALLEGIANCE: Recited

Motion to allow Trustee Gorman to participate in the meeting via teleconference by O'Leary/Carlini.
Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Carlini, President Bartels), 0 Nays, Motion carries.

CONSENT AGENDA-CONSIDERATION OF AN "OMNIBUS VOTE": None

PUBLIC PARTICIPATION/PERSONS TO BE HEARD FROM THE FLOOR:

Jack VanAcker – Springcrest Road - Inquires about the lawn service the Village is hiring to cut the grass in certain areas of the Village and if the area near his residence is included. Mr. Moore will look into this and get back to Mr. VanAcker.

Motion to approve the January 8, 2007 special board meeting minutes and the January 16, 2007 regular board meeting minutes by Ruffulo/Carlini.

Roll: 7 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, President Bartels), 0 Nays, Motion carries.

Motion to move up New Business item number 6, AT & T Project Lightspeed, followed by the Kane County presentation by O'Leary/Carlini.

Roll: 7 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, President Bartels), 0 Nays, Motion carries.

President Bartels asks Attorney O'Connor about the ruling received this week and the legality of Trustee Scarpelli both participating as well as casting votes on a subsequent outcome. Attorney O'Connor has taken the view that Trustee Scarpelli has not been removed from his seat as there has been no mandate, however, he recommends that Trustee Scarpelli not take any votes, as he cannot say if the votes would be illegal. Although President Bartels states his opposition, the Board seems to be in consensus to allow Trustee Scarpelli to keep his seat for the evening.

Small Cities Grant Presentation By Kane County

Christie Sabdo gives a presentation on Smart Growth. She states that Kane County has exceeded the 2010-year projections for growth. The County does not have money for all these improvements so they come up with suggestions for improvements. One option is to reduce the increase of travel demand on the roads. Smart Growth suggests mixed-use community, housing diversity and transportation options including walkability.

Sharon Dixon discusses the Kane County Small Cities grant that East Dundee was awarded. The grant requires a project with commitment to Economic Development. The grant expires on 12/12/07 and funds are not dispersed until the successful completion of the grant project. The project should reflect one prerequisite of the 2030 Land Resource Management Plan and East Dundee qualifies under the Urban Area Corridor. The grant is \$25,000 with a \$25,000 match for the downtown revitalization project.

Kate Crowley of Vandewalle and Associates states that they will do some work on this grant.

NEW BUSINESS:

6) Project Lightspeed Franchise Agreement

David Strahl with AT&T states that they launched Project Lightspeed in early 2006. They would like to test the Village's interest with regards to video competition in East Dundee. Project Lightspeed is a \$4.6 billion dollar infrastructure upgrade across the AT&T thirteen state network and its intent is to deliver video competition with the cable television providers. He believes this competition will stimulate lower costs to residents, increase innovation and provide higher service quality standards. He is asking for the opportunity come into our Village and build out this network. He proposes using their existing telephone network and bringing fiber optic technology throughout the community. Mr. Strahl asks the Board to direct Staff to continue discussion to see if an agreement makes sense.

Motion to direct Staff to continue investigation with AT&T and moving ahead with Project Lightspeed and finding out how fast they can move forward on their construction process by Carlini/Ruffulo.
Roll: 7 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, President Bartels), 0 Nays, Motion carries.

Mr. Moore inquires if this gives him authority to negotiate a franchise agreement, but not a final agreement. Trustee Carlini states that the Utilities Commission will look at that along with him.

REPORTS OF VILLAGE OFFICIALS:

- **Village Administrator** - Dominick's is closing 15 stores in the Chicagoland area, one of which is in East Dundee. The anticipated closing date is March 27th. He will work with them to ensure the Village receives a refund on the rebate agreement and will forward this information to the Village attorney.

- **Village Attorney** - No Report

- **Village President** - Reads a letter from Dennis and Judy Gade, Holiday decoration contest winners.

Village Trustees:

- **Trustee Ruffulo** - The Community Events Committee met to discuss Art in the Park for Heritage Fest and the shredding event, which will be April 21st. The Depot Committee suggests using the Depot for the finance and the building department. There is more parking for residents and this would open up space in the in the front office for the police department. Trustees Ruffulo and Carlini have suggested giving a 90 day notice to the Visitors Center, re-evaluating fees, opening the Depot one Saturday a month for different festivals, evaluating the Farmers Market and reserving the Depot for the Village on Heritage Fest weekend. There is consensus to place this on the next COTW meeting agenda. The Finance Committee is continuing discussion on the budget. The next meeting is March 5th and Staff will have rough numbers at that time. The Committee will bring this in front of the full Board on March 19th.

- **Trustee VanOstenbridge** - States that the Public Safety Committee would like to recommend moving forward with the bond fee. Chief Mee states that it would be for bookable offenses and is basically an administrative fee. A fee of \$30 would go to the Village as the bond goes to the circuit court.

Motion to have the attorney draft that Ordinance by VanOstenbridge/Ruffulo.

Roll: 7 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, President Bartels), 0 Nays, Motion carries.

There is discussion concerning roadway solicitation and the dangers involved. The consensus of the Public Safety Committee is to move forward with the full Board's input.

Motion to have the attorney draft an Ordinance banning roadway solicitation in East Dundee by VanOstenbridge/Ruffulo.

Roll: 7 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, President Bartels), 0 Nays, Motion carries.

- **Trustee Scarpelli** – No Report
- **Trustee O'Leary** – Vandewalle has met with Lincoln properties and a hotel operator. He has asked Vandewalle to update the task list. On a different subject, Mike Spiro is working on a method to create the agenda and build a packet of that agenda. It is decided that Trustees O'Leary, VanOstenbridge and President Bartels will meet with Mike Spiro at 6:30 pm next Monday before the COTW meeting.
- **Trustee Carlini** – The Utilities Committee has drafted a mission statement and they would like to move forward with Project Lightspeed. Trustee Carlini asks about the RFP on the waste transfer station and Mr. Moore states that the refuse contract is coming up and the RFP is already out.
- **Trustee Gorman** – Vandewalle has suggested we adopt a TIF policy to guide developers as they may have different ideas on how the TIF funds should be used. The policy which was distributed refers to a key piece of the statute, which requires that TIF funds only be used to incent development that could not have happened "but for" the TIF funds. A resolution adopting this policy should be on a future agenda.

OLD BUSINESS:

1) Ordinance Granting Approval Of An Amendment To The Final Development Plan For Dundee Citgo, 1097 E. Main Street, East Dundee, Illinois

Motion to approve Ordinance Granting Approval Of An Amendment To The Final Development Plan For Dundee Citgo, 1097 E. Main Street, East Dundee, Illinois by VanOstenbridge/Carlini.

Motion Withdrawn.

Trustee Ruffulo states that this is an amendment to the PUD to allow for the electronic sign at the Citgo station. For point of order, Trustee O'Leary distributes a printout of the Ordinances referenced within this new Ordinance. In order to adopt this Ordinance, it should have done it pursuant to Ordinance 157.246. This is based on recommendation from the P & Z, however, they have never heard a variance; therefore, it appears that the Board cannot approve it. President Bartels states that the Board took a vote to approve the sign if the attorney was okay the change. All correspondence from the attorney's office stated that the change was fine. Trustee O'Leary feels this Ordinance doesn't support this and Trustee Scarpelli suggests amending the PUD Ordinance. President Bartels states that Victoria Benson's memo stated that the sign was a minor change and the vote at the last meeting should have been sufficient. He would like to follow the advice from our legal counsel.

It is suggested by some that the Ordinance should be changed, while others will take the opinion of the attorney. Attorney O'Connor reads Ms. Benson's memorandum stating "that it is permissible for the Village to grant the minor changes to the Citgo sign without conducting a public hearing. 157.248 of the Village's Code of Ordinances states that minor changes in the location, siting and height of buildings and structures of a PUD are permitted without additional public hearing. The only exceptions are where those changes amount to a change in the use of character of the development, an increase by more than five percent (5%) in the overall coverage of structures, an increase in the density or intensity of use, a reduction of more than one percent (1%) in approved open spaces, and a reduction of off-street parking and loading spaces. If the dimensions of the sign now provided, namely 4 x 12 electronic automatic changing reader board (previously submitted dimensions were 12 x 12 illuminated sign), are determined to be minor, then it is permissible for the Village to allow the new sign without a public hearing."

President Bartels states that there is no motion needed as this topic was already voted on at the last Board meeting. Trustee O'Leary unsuccessfully makes a motion to reconsider the vote. He did not vote in the majority on this topic at the last meeting, therefore, he cannot make such a motion. President Bartels states that this issue is over.

2) Marathon Gas Station Liquor License

Trustee O'Leary would like closure on this since the Building Department reported that it doesn't meet measurement. He asks President Bartels how he measured the floor space and President Bartels states that his findings were based on the applicant's submittal. After the Liquor Commission reviewed the architectural drawing, it was decided at the meeting on January 16, 2006 that the Marathon does exceed the 2,000 square feet requirement. President Bartels recognizes that Trustee O'Leary doesn't agree, however, it was reviewed by the Liquor Commission and a decision was made. He believes it meets the Ordinance and if some are still unsatisfied then they can take it to the State Liquor Commission Board. Trustees Scarpelli and O'Leary would like to keep it in house and change our Ordinance. Trustee Gorman asked President Bartels as to whether Bartels measured the Marathon and wanted confirmation that he came up with more than the required 2,000 sf and Bartels responded Yes. Trustee Gorman also asked Trustee VanOstenbridge the same question and Trustee VanOstenbridge indicated yes he had. Trustee Ruffulo indicated he had never seen the drawing or any of the documents. Trustee Carlini asked President Bartels what he used and Bartels responded that he used AutoCad and had gotten the measurements from the architectural drawing.

Motion to move on from this subject by VanOstenbridge/Carlini.

Roll: 4 Ayes (VanOstenbridge, Gorman, Carlini, President Bartels), 3 Nays (Ruffulo, Scarpelli, O'Leary), Motion carries.

NEW BUSINESS:

1) Motion To Approve Advertising For East Dundee With The Northern Kane County Chamber Of Commerce 2007 Directory And Map

Motion to Approve Advertising for East Dundee with the Northern Kane County Chamber of Commerce 2007 Directory and Map by VanOstenbridge/Carlini.

Roll: 2 Ayes (VanOstenbridge, President Bartels), 3 Nays (Ruffulo, Scarpelli, Carlini), 2 Present (O'Leary, Gorman), Motion failed.

2) Resolution For Approval Of Comcast Franchise Agreement

Motion to approve Resolution to accept the Comcast Franchise Agreement by Carlini/Ruffulo.
Motion Withdrawn.

Motion to adopt Resolution 03-07, Approval of Comcast Franchise Agreement by Carlini/Gorman.

Roll: 7 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, President Bartels), 0 Nays, Motion carries.

3) Motion To Approve Authorization To Execute A One Year Agreement With Bonkoski Lawn Care For Grounds Maintenance

Motion To Approve Authorization To Execute A One Year Agreement With Bonkoski Lawn Care For Grounds Maintenance not to exceed \$16,705 by VanOstenbridge/Ruffulo.

Motion Withdrawn.

Motion to table New Business item number 3 by VanOstenbridge/Carlini.

Roll: 7 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, President Bartels), 0 Nays, Motion carries.

4) Motion To Appoint Representative Of The Board To Act On Their Authority To Approve Administrative Steps For The Hiring Of The Village Administrator Position

The Board agrees that Mr. Moore should continue to assist Mr. Sagona in this search.

5) A Resolution Approving A Request For Permit To Close State Of Illinois Highway, State Route 72, From The Illinois Department Of Transportation In Connection With The Annual Memorial Day Parade 2007

Motion to Approve a Request For Permit To Close State Of Illinois Highway, State Route 72, From The Illinois Department Of Transportation In Connection With The Annual Memorial Day Parade 2007 by VanOstenbridge/Carlini.

Motion amended to reflect this Resolution as number 04-07 by VanOstenbridge/Carlini.

Roll: 7 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, President Bartels), 0 Nays, Motion carries.

7) Fourth Street Parking

Motion to accept the approval to move forward and look at the 4th Street parking and alleviate the parking downtown by Carlini/Ruffulo.

Roll: 7 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, President Bartels), 0 Nays, Motion carries.

8) Motion To Authorize Replacement Of Part-Time Officer For Current Vacancy

Trustee VanOstenbridge states that this is being brought to the Board's attention because of the direction that all personnel changes should come in front of the Board. Officer Alvarez has resigned.

Motion to approve the replacement of a part-time officer by O'Leary/Carlini.

Roll: 7 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, President Bartels), 0 Nays, Motion carries.

9) Discussion: IL Code Changes Regarding Open Meetings And Electronic Communication

Mr. Moore has forwarded to the Village attorney questions on teleconferencing, Ordinances and emails with regards to the Open Meetings Act. Attorney O'Connor states that if someone knows they are planning to participate via teleconference, they should contact the Clerk. This will be discussed at the next COTW meeting.

Trustee Ruffulo would like to discuss Old Business numbers 1 and 2 but is advised against it by the attorney since the Board has already moved passed these agenda items.

FINANCIAL REPORTS:

Motion to approve Warrants List dated February 5, 2007 in the amount of \$140,836.35 by VanOstenbridge/Ruffulo.

Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, Gorman, Carlini, President Bartels), 0 Nays, 1 Present (O'Leary), Motion carries.

EXECUTIVE SESSION:

Motion to recess to Executive Session by VanOstenbridge/Carlini.

Motion Withdrawn.

Motion to recess to Executive Session, closed to the public and media under the provisions of the Illinois Open Meetings Act, 5ILCS, 120/2, (2) (21), Discussion of Minutes, (C) (6), Pending Litigation, 2 (C) (1), Personnel and 2 (C) (5) Acquisition of Property by VanOstenbridge/Ruffulo at 9:20 pm.

Roll: 7 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, President Bartels), 0 Nays, Motion carries.

Motion to open regular session by Scarpelli/Carlini at 10:15 pm.

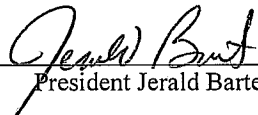
Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Carlini, President Bartels), 0 Nays, Motion carries.

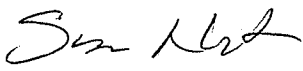
Motion to approve Executive Session minutes dated September 5, 11, 18, 25, 2006; October 2, 9, 16, 23, 30, 2006; November 6, 13, 20, 2006 and December 4, 18, 2006 by Scarpelli/O'Leary.
Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Carlini, President Bartels), 0 Nays, Motion carries.

Motion to adjourn regular session by O'Leary/Carlini at 10:20 pm.
Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Carlini, President Bartels), 0 Nays, Motion carries.

Respectfully Submitted,

Susan Norton

By: 
President Jerald Bartels

Attest: 
Village Clerk Susan Norton