

Village of Homer Glen

**14933 South Founders Crossing
Homer Glen, Illinois 60491**

September 10, 2013

**Board of Trustees
Board Meeting**

**Village Board Room
14917 South Founders Crossing
Homer Glen, IL**

A. CALL TO ORDER

The meeting was called to order on September 10, 2013 by Mayor Jim Daley at 7:30 p.m. in the Village Board Room, 14917 S. Founders Crossing, Homer Glen.

B. PLEDGE OF ALLEGIANCE TO THE FLAG**C. ROLL CALL**

Present at 7:30 p.m. were Mayor Jim Daley, Trustees Mike Costa, Marcia DeVivo, Tedd Kagianas, Margaret Sabo, Sharon Sweas and George Yukich. Also present on behalf of the Village were Village Clerk Gale Skrobuton, Village Manager Cameron Davis, Economic Development Director Janie Patch, Assistant to the Village Manager-Planning and Zoning Erin Venard and Village Attorney Mark Sterk.

A quorum was established.

D. AMENDMENTS TO THE AGENDA

There were no Amendments to the Agenda.

E. APPROVAL OF MINUTES**1. August 13, 2013 Village Board Meeting**

Trustee Yukich made a motion to approve the Board Minutes of August 13, 2013; second by Trustee Costa.

Voice Vote:

All in favor: (6) Trustees Costa, DeVivo, Kagianas, Sabo, Sweas and Yukich

Nays: (0) None

Absent: (0) None

Motion carried.

F. RECOGNITION AND PROCLAMATIONS**1. Motion to Approve a Proclamation Designating September 19th as Clara Marzec Day in the Village of Homer Glen in Honor of Mrs. Marzec's 90th Birthday.**

Trustee Costa made a motion to approve the Proclamation; second by Trustee Yukich.

The Mayor asked the Clerk to call the Roll:

Roll Call Vote:

Ayes: (6) Trustees Costa, DeVivo, Kagianas, Sabo, Sweas and Yukich

Nays: (0) None

Abstained: (0) None

Absent: (0) None

The Mayor did not vote.

Motion Carried.

Mayor Daley noted that Mrs. Marzec was not feeling well and couldn't be at the meeting this evening. Mrs. Marzec's son Joseph accepted the proclamation on his mother's behalf. The Mayor read the proclamation.

2. Motion to Approve a Proclamation in Support of National Public Lands Day and Designating September 28, 2013 as Homer Glen Lands Day.

Trustee Sabo made a motion to approve the Proclamation; second by Trustee Kagianas.

The Mayor asked the Clerk to call the Roll:

Roll Call Vote:

Ayes: (6) Trustees Costa, DeVivo, Kagianas, Sabo, Sweas and Yukich

Nays: (0) None

Abstained: (0) None

Absent: (0) None

The Mayor did not vote.

Motion Carried.

The Mayor read the Proclamation.

G. REPORTS AND COMMUNICATIONS FROM MAYOR AND OTHER OFFICERS

1. Mayor Daley reported on the items listed below.

- The law firm of Brumund, Jacobs, Hammel, Davidson & Andreano, LLC has signed a lease for a 2,600 sq. ft. space at 13963 S. Bell Road next to La Crepe Bistro. The firm will be bringing numerous attorneys and support staff to the Homer Glen location. The build out plans have already been submitted to the Village for staff review.
- Mayor Daley reported that this week he will be distributing the following letter to all 150 homes in the Oak Valley subdivision regarding the Village's outstanding stormwater improvement project in that subdivision.

Dear Oak Valley Subdivision Residents:

Greetings from the Village Hall. I am happy to write to you today as the Village's 2013 Oak Valley Stormwater Improvement Project is moving towards completion. The newly improved Oak Valley Stormwater Improvement detention area has certainly been transformed. Over 100 truckloads of material were removed from the old detention area resulting in significantly improved stormwater storage capacity for your subdivision.

The Village was happy to improve this important stormwater resource in the Oak Valley subdivision. I want to thank your Homeowner's Association Board and all of the residents of Oak Valley who patiently experienced the improvement project.

The Village of Homer Glen works. We are looking forward to achieving more stormwater improvements in the community over the coming years. We will work hard to ensure that all of our future improvements turn out as great as your Oak Valley project.

Respectfully,

Jim Daley
Mayor

- The Mayor congratulated Homer Glen resident and LTHS sophomore lacrosse player Bryan Potesta for being honored with the Coaches Award for the New Wave Volt team. New Wave is an elite travel program based in Naperville. Last year, Bryan was also the only freshman on the LTHS varsity lacrosse team and was named All-Conference.
- Mayor Daley commented that he has become aware of some misinformation being spread across the community regarding why the Plan Commission has been discussing medical cannabis zoning in the Village of Homer Glen. The Mayor stated that on August 1, 2013 Governor Quinn signed into law the legalization of medical cannabis. The new State law allows for a qualified patient to obtain 2.5 oz. of cannabis every fourteen (14) days. In order to be considered as a qualified patient a person must suffer from a specific debilitating medical condition. Qualified patients must register with the Department of Public Health and obtain a written certification from their physician in order to obtain

their medical cannabis from a State licensed and regulated medical cannabis dispensary organization. According to the new State law, there can be up to sixty (60) dispensary organizations in the State of Illinois. Dispensing organizations must be geographically spaced and cannot be located within 1,000 ft. of the property lines of any existing school or child care facility. They also cannot be located in any apartments, condominiums, homes or any areas zoned residential and the cannabis that is distributed at the dispensary organizations is permitted to be grown at cultivation centers. These cultivation centers cannot be located within 2,500 ft. of the property lines of any existing school or child care facility or any areas zoned for residential use.

With the approval of this new cannabis law, many communities in Illinois, including Homer Glen, have been studying their zoning codes to determine how these new cannabis dispensaries and cultivation centers fit into the existing municipal code. The goal is to be proactive and not reactive in Homer Glen and to make sure Homer Glen's zoning ordinance appropriately regulates newly approved State uses. According to the Medical Cannabis Act, a local government, like Homer Glen, may enact reasonable zoning ordinances or resolutions not in conflict with the Act or with the Department of Agriculture or Department of Public Health rules regulating registered cannabis cultivation centers and/or medical cannabis dispensary organizations. Homer Glen's Plan Commission continues their very professional review of this matter.

Village staff has already recommended that these medical cannabis dispensaries and cultivation centers only be allowed in the Village's industrial zoned property and only as a Special Use. The Mayor stated that Village attorney Sterk has advised him that, as a general proposition, the Village has the authority to zone cannabis dispensaries into specific areas. Mayor Daley stated that no one has applied to the Village for a medical cannabis dispensary. The discussions by the Plan Commission are to determine the specific zoning classification and area where a dispensary would be located, if approved, in the future. The Mayor thanked the Plan Commission for their proactive approach. A recommendation from the Plan Commission should be presented in the next few month.

- . The Northern Will County Water Agency met on Monday, September 9th in Woodridge. At the meeting, \$77,337.93 in legal and engineering invoices were approved for payment, \$15,889.85 of which will be Homer Glen's responsibility. In addition, the Water Agency Board approved the 2013-14 fiscal year budget for the Agency in the amount of \$662,500.00.

The Agency Board approved the hiring of Michael Drey as an agent and consultant for the Agency in relation to the ongoing litigation with American Lake Water/Illinois American Water regarding the purchase of the Bedford Park Water transmission line. Mr. Drey's entire salary, as a consultant, will be paid for by the Village of Bolingbrook. Mr. Drey had a long history of working on water issues as a Bolingbrook staff member prior to his recent retirement.

In terms of the litigation with American Lake Water/Illinois American Water, the Water Agency of which Homer Glen is a part, has agreed to the following:

- September 30th is the deadline for the Agency to respond to American Lake Water's first set of interrogatories and requests for information.
- American Lake Water's depositions related to traverse issues are to be completed before December 13, 2013, unless continued; and
- December 20, 2013 is the deadline for American Lake Water/Illinois American Water to file a traverse.

2. Trustees:

- a. Trustee Costa reported on the items listed below.

- . Homer Harvest Days was held this past weekend and we received some tremendous comments from attendees, vendors and demonstrators of how well it was run and how much they enjoyed the expanded activities.

- b. Trustee Yukich reported on the items listed below.
- . Trustee Yukich thanked the Homer Harvest Days Committee and the volunteers for a great job in making this event so successful and enjoyable.
 - . The Public Services and Safety Committee will meet on Wednesday, September 11th at 7:30 p.m. in the Village Board Room to continue the discussion on outdoor leaf burning in the Village.
- c. Trustee Sabo reported on the items listed below.
- . Natural Path Consultants began the tree inventory on Homer Glen public property and public right-of-ways. Workers are identified by orange tee shirts and vests and carry identification. The goal is to identify trees, their conditions and if they are infested with harmful insects such as Emerald Ash Borer (EAB). The work will not be done on private property. The Village is seeking volunteers to help with data collection. A training session is set for Saturday, September 21st starting at 8:30 a.m. where volunteers will learn how to identify species and record measurements. Anyone interested in volunteering can contact Sue Steilen at the Village office. Additional information is available on the Village's website, www.homerglenil.org.
 - . The Environment Committee will be rescheduling their September 8th meeting to Wednesday, September 18th at 7:00 p.m.
 - . The Environment Committee is reviewing the draft amendments to the existing Outdoor Lighting Ordinance that were discussed at the Joint Sub-committee meetings with the Community and Economic Development Committee (CED). The information will be shared with both CED and Environment Sub-Committees.
 - . Homer Glen Lands Day Community and Nature in Harmony Awards will be given to fifteen (15) deserving recipients at the Village Board meeting of October 8th. Recognition will be given to individuals, businesses, groups, or organizations for their demonstration and commitment to the environment and contributing to community pride. The Homer Township Library grounds will be the site for the tree planting. The date will be announced in the near future.
- d. Trustee Kagianas reported on the item listed below.
- . The Economic Development Committee will meet on Thursday, September 12th at 7:00 p.m. in the Village Board Room. The Committee looks forward to continuing their efforts to review and discuss Village ordinances that may be barriers to the success of Homer Glen's businesses and residents.
- e. Trustee Sweas reported on the items listed below.
- . Homer Harvest Days proved to be a very successful event with an estimated attendance of 4,000 who enjoyed beautiful weather. The demonstrations were very popular, especially the firing of the Civil War canon replica. Children had a great time from riding the ponies to making waxed hands and corn husk dolls and all the other kid-friendly activities. The Civil War demonstrators from Taylor's Battery sent an email stating that it was a well-run event and fun for them to be a participant. They stated it was a better historical day event than some of the others they attend and they hope to come back next year. Trustee Sweas thanked the many terrific volunteers, the Village of Homer Glen, Homer Township, Village of Homer Glen EMA, the Homer Township Highway Department and the Will County Sheriff's Auxiliary for helping with the event.
 - . The next Stargazing event will be held on Friday, September 27th starting at 8:00 p.m. at the Trantina Farm.

f. Trustee DeVivo reported on the item listed below.

- . The construction of the Erin Hills Park is moving forward. The play equipment is being put together and the permeable pavers are being installed. Trustee DeVivo encouraged everyone to visit the park and see the progress.

4. Treasurers Report – No Report

5. Village Clerk – No Report

6. Village Attorney – No Report

7. Task Force Chairperson(s) – No Report

8. Public Safety Officials – No Report

9. Village Manager Davis reported on the items listed below.

- . The Long Run Creek Clean-up project will be taking place in late October. It will be the first clean-up program that the Village and the Township Highway Department have done together, along with the residents who live along the creek. A letter will be going out next week to all the Long Run Creek residents. We will be asking residents to remove debris from the creek, adjacent to their home, and to set the debris on the curb for collection by the Highway Department.
- . The Victorian Village project is moving ahead. Manager Davis showed a current picture on the screen in the Village Board Room of the progress of the new construction at Victorian Village. The project is slightly behind schedule, but they are moving forward.

H. PUBLIC COMMENT

1. Marvin Pickering, 15525 Gougar Road, gave a summary of the teleconference regarding the request for an air monitor in our area. He stated that the EPA did not grant the request for an air monitor; however, some important information was obtained regarding ozone and acid rain levels in the area.
2. Rose Reynders, 14065 S. Bell Road, owner of *Tazza Italian Ristorante* in Homer Glen, stated that when she applied for a sign permit for her new store, *Something Sweet Cupcake Boutique*, the Village denied her request. She was told that the sign was too large and it was also a box sign which is not allowed in the Village's sign ordinance; however, she could apply for a sign ordinance variance at a cost of \$800.00 to \$1,400.00. Mrs. Reynders voiced her concern about the excessive cost for a business in Homer Glen to apply for a sign variance and it is very discouraging and causes enormous hardships for the businesses. She noted that the actual frontage area of her business is larger than was originally determined by the Village, as her store's space goes beyond the visibility of the outside columns. If recalculated, the actual store frontage would put the size of her businesses' sign into compliance with the Village sign ordinance.

Mayor Daley suggested that, based on the construction of the columns on the outside of the building that do not clearly define the actual sq. footage of her store, Mrs. Reynders apply for a variance with a hardship and ask the Plan Commission and Village Board for a reduced fee for the variance. The variance would also be needed because Mrs. Reynders' sign is a box sign which is prohibited by the Ordinance.

Manager Davis stated that since 2006 the Village has required individual letter signs for businesses in Homer Glen and the ordinance does not currently allow the type of box sign that Mrs. Reynders is requesting. He noted that the fees for a sign variance were established long before 2006 and he suggested that the Village Board might want to look at reducing the fees for a sign variance.

3. Joseph A. Marzec, 14139 Rado Drive W, thanked the Mayor and Village Board, on behalf of his mother, for the Proclamation celebrating her 90th birthday.
4. David Galowich, 200 W. Madison, Chicago, consultant for a lender group that foreclosed on the Amberfield subdivision, thanked the Village staff for getting the subdivision improvements completed and for working with the lender group over the past few years to try to make Amberfield a place where they can attract builders to complete the subdivision. Mr. Galowich noted that he would welcome any questions during this evening's Village Board Workshop discussion regarding the Draft Agreement for the Open Space Nature Area property and park donation for this subdivision.
5. Dennis Gerwing, 12250 W. Derby Lane, voiced his concern about the Village Board approving a liquor license category for Homer Glen beauty salon/spas. He noted that there is nothing specific in the Illinois Liquor Commission statute that addresses this type of license and if the Village issues a license to a beauty salon it should be monitored closely.
6. Michelle Kokaly, 14051 S. Bell, spoke on behalf of the Homer Founders Club regarding their upcoming 5K Run that will be held on Saturday, September 21st on the Konow Farm property. Proceeds from the race will be given to *Operation Care Package*.
7. Bernard Kucharski, 13730 Long Run Drive, suggested that the Village include a list of all Public Hearings on the website.

I. LEGISLATION AND ACTION ITEMS

1. **Motion to Approve Three (3) Special Event Applications for: (1) The Founders Club 5K Race; (2) Konow's Farm Maze; and (3) LTHS 35th Class Reunion which will be held on the Konow Farm Property. It is understood that approval of these three (3) special event applications will exceed the Village's established limit of two (2) allowed special event occurrences per calendar year, for each zoning lot, as spelled out in Ordinance No. 08-040.**

Trustee Kagianas made a motion to approve the special event applications; second by Trustee Yukich.

The Mayor asked the Clerk to call the Roll:

Roll Call Vote:

Ayes: (6) Trustees Costa, DeVivo, Kagianas, Sabo, Sweas and Yukich

Nays: (0) None

Abstained: (0) None

Absent: (0) None

The Mayor did not vote.

Motion Carried.

2. **Motion to Approve the Closure of 167th Street Between Cedar Road and Parker Road, for the Homer Founders Club 5K Race on Saturday, September 21, 2013 between the Hours of 8:00 a.m. or 11:00 a.m. or Until the Roads are Re-opened by the Will County Sheriff's Department and EMA Traffic Control Personnel.**

Trustee Yukich made a motion to approve the closure of 167th Street, second by Trustee Costa.

Manager Davis stated that the City of Lockport is aware of this event and are very supportive.

Trustee Yukich noted that all the residents that live off of 167th Street have been notified of the date and time of the race and the road closures.

Trustee Sweas asked if the Homer Founders Club event is covered by an insurance policy.

Chief Building Official Joe Baber commented that the Homer Founders Club has submitted a Special Event Permit and proof of insurance.

The Mayor asked the Clerk to call the Roll:

Roll Call Vote:

Ayes: (6) Trustees Costa, DeVivo, Kagianas, Sabo, Sweas and Yukich.

Nays: (0)

Abstained: (0) None

Absent: (0) None

The Mayor did not vote.

Motion Carried.

3. Motion to Assign a Class E Liquor License (Temporary License) to Assumption Greek Orthodox Church for Sunday, September 22nd for Assumption Greek Night Picnic Located at 15625 S. Bell Road, Homer Glen.

Trustee Kagianas made a motion to approve the Class E Liquor License; second by Trustee DeVivo.

The Mayor asked the Clerk to call the Roll:

Roll Call Vote:

Ayes: (6) Trustees Costa, DeVivo, Kagianas, Sabo, Sweas and Yukich

Nays: (0) None

Abstained: (0) None

Absent: (0) None

The Mayor did not vote.

Motion Carried.

4. Motion to Change the October 8th Village Board Meeting Start Time from 7:30 p.m. to 7:00 p.m. for the Benefit of the Community and Nature in Harmony Awards Ceremony.

Trustee Sabo made a motion to change the October 8th meeting start time; second by Trustee Costa.

The Mayor asked the Clerk to call the Roll:

Roll Call Vote:

Ayes: (6) Trustees Costa, DeVivo, Kagianas, Sabo, Sweas and Yukich

Nays: (0) None

Abstained: (0) None

Absent: (0) None

The Mayor did not vote.

Motion Carried.

5. Ordinance No. 13-050 – An Ordinance to Approve a Text Amendment to Ordinance 08-048 Entitled “The Village of Homer Glen Zoning Ordinance” Amending the Table of Permitted and Special Uses in Non-Residential Districts.

Trustee Kagianas made a motion to approve Ordinance No. 13-051; second by Trustee DeVivo.

Trustee Sabo commented that she had previously expressed her displeasure to allowing carry-out restaurants in the C-1 thru C-6 zoning districts, especially in this zoning districts that are close to

residential areas. Trustee Sabo stated that she had hoped the Village would give more consideration to our residents by not including carry-out restaurants as a permitted use, but rather a special use.

Trustee Sweas commented that she would rather see carry-out restaurants in C-3 or higher zoning districts and suggested that the Village might consider reducing the fee for the special use process. Trustee Sweas commented that she would like the Village Board to review and make the final decision when a business is considering going into a zoning district that is close to a residential area.

Mayor Daley stated that any plans for future business development will be discussed and reviewed by the Village Board, at which time the Board can determine if the type of business development is inappropriate for that particular zoning area. The Mayor noted that the purpose of this ordinance is to put carry-out restaurants in a zoning classification and to support economic development in Homer Glen.

Trustee Kagianas noted that drive-thru restaurants will still need to go through the Special Use process.

Manager Davis stated that drive-thru restaurants are not allowed in the C-1 zoning district, but they are a Special Use in C-2 and C-3 zoning districts.

The Mayor asked the Clerk to call the Roll:

Roll Call Vote:

Ayes: (4) Trustees Costa, DeVivo, Kagianas and Yukich

Nays: (2) Trustees Sabo and Sweas

Abstained: (0) None

Absent: (0) None

The Mayor did not vote.

Motion Carried.

6. Ordinance No. 13-050 – An Ordinance Authorizing the Issuance of a Special Use to Permit a Planned Unit Development and a Special Use to Permit the Co-location of a Wireless Communications Facility on an Existing Cell Tower in a C-1 Neighborhood Commercial Zoning District at 12320-12330 W. 143d Street, Homer Glen, Illinois (AT&T Wireless) Conditioned Upon the Following: (1) The installation of twelve (12) arborvitae trees of at least 6' in heights along the west side of the lease area; and (2) The on-site generator is not exercised between the hours of 4 p.m. and 8 a.m. daily.

Trustee DeVivo made a motion to approve Ordinance No. 13-050; second by Trustee Kagianas.

Manager Davis noted that Amy Baloo from SBA Network Service was available to answer any questions from the Mayor or Village Board regarding the request for the Special Use Permit.

Trustee Yukich voiced his concern that the landscaping at this existing facility has not been maintained.

Manager Davis stated that the ordinance specifically says how many arborvitae trees are to be planted and if any of the trees die the Village will require that they are replaced. If the weeds exceed the ordinance height, a ticket will be issued by the Village's Code Compliance Officer.

Trustee Sweas asked if the on-site generator was going to be added to the wireless communications facility site and questioned if the noise from the generator would be heard by neighboring residents.

Ms. Baloo stated that this is a back-up generator that needs to be tested once a month for ten (10) minutes. This generator will only be used if the tower loses power.

Trustee Sabo commented that planting twelve (12) arborvitae trees would not provide adequate screening. She voiced her concern about the differences in the set-backs. Trustee Sabo asked the Village Board to look at the differences in the set-backs which are very close to the perimeter of the

property and are there in order to accommodate the large equipment. Trustee Sabo commented that because of this wireless communication facility's exposure to 143rd Street, this is an inappropriate location.

The Mayor asked the Clerk to call the Roll:

Roll Call Vote:

Ayes: (5) Trustees Costa, DeVivo, Kagianas, Sweas and Yukich

Nays: (1) Trustee Sabo

Abstained: (0) None

Absent: (0) None

The Mayor did not vote.

Motion Carried.

I. WORKSHOP ITEMS

1. Presentation and Discussion Regarding the Draft Agreement for the Open Space Nature Area Property and Park Donation Fees for the Amberfield Townhome Subdivision.

Manager Davis thanked Mr. Galowich for working with the Village staff and Village attorney on developing the proposed Amberfield agreement.

Manager Davis gave a power point presentation on the proposed Draft Agreement regarding the Open Space Nature Area and Park Donation fees for the Amberfield subdivision which included the following overview.

- . Lot #19 (Open Space Nature Area) would be deeded by the owner to the Amberfield Homeowners Association.
- . Lot #19 should remain as open space and utilized, in perpetuity, as an open space nature area. The Homeowners association shall have no obligation to create a park on Lot #19, but would have the right to make improvements it desired.
- . All subsequent parties that build units in the subdivision will be responsible for paying the Village's Park Donation fee.
- . Park Donation fees are required for twenty-seven (27) units located on the nine (9) remaining lots, including the three (3) unit building that were built on Lot #2, but never occupied.
- . Subsequent parties that build units in the subdivision will be able to pay the Village's Park Donation fees at the earliest of the following: (1) At the issuance of the certificate of occupancy; or (2) One year (365 days) after the issuance of a building permit for the lot.

Manager Davis commented that staff would like to put this Proposed Draft Agreement on the agenda for the next Village Board meeting. There was no opposition to this request.

2. Discussion Regarding the Village Attorney's Review of Liquor Licenses and Special Use Permits.

Manager Davis stated that the Village Attorney has provided the Village Board with an initial review and is still reviewing all of the special use permits going back to the start of the Village that involve liquor. Attorney Sterk will be providing the Village Board with a 2nd memo with his suggestions and recommendations.

K. OLD BUSINESS

Trustee Kagianas made a motion to reconsider the extension of the Special Use Permit to Kane Brothers that was approved by the Village Board at the August 27th meeting; second by Trustee DeVivo.

Mayor Daley commented that after the last Village Board meeting he visited the Kane Brothers site and found there were more cars, large trucks and equipment than what the Kane Brothers had previously indicated were parked on the property each day. The Mayor voiced his concern that there was a large asphalt pile stored outside close to their buildings and a burn pile was within 25 ft. of the commercial building. Also, the Mayor stated that there was a large metal vent on top of the building that indicates there is some type of a heating mechanism in the building. The Mayor also noted that there is a watershed behind the property. Mayor Daley asked for a motion to table reconsidering the approval of the extension to Kane Brothers to allow the Village Trustees to visit the Kane Brothers site and meet with representatives from the fire district to discuss their concerns.

Trustee Yukich noted that Kane Brothers is a landscaping business and their equipment will be parked on the property when not being used on a job. Trustee Yukich commented that if Kane Brothers is not in compliance with Village ordinances, this is something that should be addressed by the Village's Code Compliance Officer and should not be part of a discussion to reconsider approving an extension of the Special Use permit for outdoor storage.

Trustee DeVivo asked for clarification as to what Kane Brothers is storing and how it is being stored on their property. She noted that the property is a part of the Spring Creek Watershed, with natural underground springs, and asked if the Village needs to monitor Kane Brothers a little closer than previously. Trustee DeVivo asked if the Village would be liable if there was a fire on the site since the Village Board voted to approve the Special Use permit extension and went against the First District's recommendation. She commented that she would like to give Kane Brothers an opportunity to put in the fire alarm and fire suppression systems, but questioned if the Village Board's granting of one (1) additional year extension was too much time.

Attorney Sterk stated that according to the Local Governmental and Governmental Employees Tort Immunity Act that immunizes units of local governments and their officers from liability arising from certain types of conduct. In this situation, one that involves a legislative enactment, there is no liability that would be attached to the Village of Homer Glen or to the Mayor and Village Board.

Trustee Sabo commented that the Village Board previously voted to approve a one (1) year extension for Kane Brothers to comply with the Fire District's requirements inside of their building. She questioned why the Board was now discussing what Kane Brothers were storing on the areas outside of their building, since this is a separate issue and was not previously discussed by the Board. Trustee Sabo commented that because these are two (2) separate issues, the Board should not be tabling or reconsidering the extension to Kane Brothers.

Mayor Daley commented that what is being stored outside is another reason why Kane Brothers needs a fire suppression system. If they are storing equipment so close to their commercial building where diesel fuel is being used, this creates a life safety issue.

Manager Davis clarified that these two (2) issues relate to each other because Kane Brothers was seeking an extension to a Special Use Permit for outdoor storage and the Plan Commission and Village Board placed a condition on the Special Use permit for outdoor storage that required them to have a sprinkler and alarm system installed in their building.

Trustee Sabo commented that Kane Brothers should be given the opportunity to clean up the outside within a certain period of time.

Trustee Costa agreed that if Kane Brothers is in violation of storing goods on their property that are too close to the building they should be cited for it. He commented that the Village Board should only be

discussing the extension of the Special Use permit and everything else should be addressed by the Code Compliance Officer. Trustee Costa questioned how the Village Board could vote on this issue when it was not posted on the agenda.

Attorney Sterk stated there is no problem that the motion to reconsider is not on the agenda because it is part of Old Business; otherwise, there would be no way for anyone to bring up a motion to reconsider a prior action item.

Mayor Daley stated that it is his understanding that a motion to reconsider can only take place at the very next Village Board meeting.

Attorney Sterk confirmed that the law allows any decision that is taken by any parliamentary body at a meeting can be reconsidered at the next meeting.

Trustee Kagianas voiced his concern that flammable materials are being stored on the property and could also be hazardous to the environment and the watershed.

Trustee Kagianas made a motion to table this item.
The Mayor asked for a second. There was no second.
Motion Failed.

Mayor Daley asked the Village Clerk to call the roll on the original motion reconsider the extension of the Special Use Permit to Kane Brothers that was approved by the Village Board at the August 27th meeting.

Roll Call Vote:

Ayes: (1) Trustee Kagianas

Nays: (4) Trustees Costa, Sweas, Sabo and Yukich

Abstained: (1) Trustee DeVivo

Absent: (0) None

The Mayor did not vote.

Motion Failed.

L. NEW BUSINESS

There was no New Business.

M. ADJOURNMENT

Trustee Sabo made a motion to adjourn the meeting; second by Trustee Sweas.

Voice Vote:

All in favor: (6) Trustees Costa, DeVivo, Kagianas, Sabo, Sweas and Yukich

Nays: (0) None

Absent: (0) None

Motion Carried.

The meeting was adjourned at 9:07 p.m.

Gale Skrobuton, Village Clerk

Approved at the Board of Trustees Meeting dated