



**VILLAGE OF BARTLETT  
COMMITTEE MINUTES  
April 18, 2017**

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President Wallace called the Committee of the Whole meeting to order at 7:22 p.m.

PRESENT: Chairman Camerer, Carbonaro, Deyne, Hopkins, Reinke, and President Wallace

ABSENT: None

ALSO PRESENT: Acting Village Administrator Paula Schumacher, Assistant to the Village Administrator Scott Skrycki, Interim Finance Director Todd Dowden, Community Development Director Jim Plonczynski, Director of Public Works Dan Dinges, Public Works Engineer Bob Allen, Building Director Brian Goralski, Food and Beverage Manager Paul Petersen, Chief Patrick Ullrich, Deputy Chief Geoff Pretkelis, Deputy Chief Chuck Snider, Village Attorney Bryan Mraz and Village Clerk Lorna Gilles.

**PLANNING & ZONING COMMITTEE**

1. Alden Estates of Bartlett

Chairman Reinke stated that they have Alden Estates of Bartlett up for discussion only, the petitioner is requesting forwarding to the Plan Commission.

Community Development Director Jim Plonczynski stated that this is for lot 2 of the Artis Senior Living project. The property was annexed in 1978 and subdivided with the Artis Senior Living project as a PUD. This is primarily a rehab facility. It is a preliminary/final PUD plan for a 68 bed facility with both short and long-term care. It is a beautiful facility on a 4.7 acre lot, three-story building, average height is 44 feet, it is 66,400 SF and includes a penthouse on the roof for the mechanicals. The design is a nice brick with concrete cast stone. It is subject to staff review of final engineering and landscape plans and then on to the Plan Commission for review.

Chairman Reinke stated that he was curious to see what the neighbors will have to say about all of this. He thought it was a little easier when they were considering the front part of the property but now we are a little closer to the residents and talking about a 44 foot tall building.

Chairman Camerer asked about the setback.

Randi Schullo, President, Alden Bartlett stated that it was about 182 feet. She stated that they were happy to be there tonight to introduce their proposed development. She understood the concerns of neighbors and they will meet with them prior to the next meeting. They have met with the church to host a meet and greet over there.



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She thanked Roberta Grill and Tony Fradin for their assistance in finding the perfect site. Being on the Artis site is a perfect location because it would have the sense of a continuum care. They own 35 healthcare facilities and 11 independent senior living communities. They are a local growing organization.

Michael Bailey, President of Alden Design stated that the building is 94 feet from the south property line and approximately 235 feet from the north property line. They have tried to hold the building in the southwest corner, specifically to keep it as far away from the neighbors as possible.

**2. Administrative Site Plan Review-Text Amendment**

Mr. Plonczynski stated that this was previously discussed as a potential for expediting the development of projects that don't require special uses, subdivision PUD's, variances, where there is no Public Hearing necessary. He particularly sees this in the industrial parks. He stated that they will need to change the existing ordinances for site plan that's in the zoning code. The proposed administrative site plan review process would remove the review by the Plan Commission and Village Board. They anticipate some commercial buildings in the business parks as well as Blue Heron Business Park where things can be expedited and approved through the building permit application process.

Acting Village Administrator Paula Schumacher stated that the Plan Commission is in support of this. They suggested that they were seeing a number of things that they really didn't feel that they had anything to react to. They felt that these particular projects could be moved along quicker. This process will reduce our development schedule by three months and is a significant savings in time. Several of our neighbors use this process as well and it dovetails nicely with the Board's direction to shorten the development process.

Chairman Reinke stated that they will move this on to the Zoning Board of Appeals for a Public Hearing.

President Wallace stated that one of the directions they gave the Acting Village Administrator was just this and he thanked her for spearheading these types of things that make us a little more business friendly.



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**FINANCE & GOLF COMMITTEE**

**1. Cook County Minimum Wage**

Chairman Deyne stated that this was Tabled at the April 4<sup>th</sup> Board meeting for further discussion.

Village Attorney Bryan Mraz stated that in October, 2016, the county board adopted the Cook County Minimum Wage ordinance and it is different than state or federal law. The current state minimum wage act provides for \$8.25 per hour. Cook County is proposing that the Cook County Minimum Wage Ordinance goes into effect July 1, 2017 and the hourly rate which starts at \$10 per hour and goes up to \$13 per hour in 2020, and thereafter, increases by the consumer price index. Local businesses have approached the Village requesting that the Village adopt its own ordinance so as to opt out from the Cook County ordinance. The Cook County Minimum Wage ordinance does not apply to the Village itself, as it is exempt as to wages of Village employees. The Village has to adopt an ordinance that is in conflict with the Cook County ordinance and thereby supersede it. At the last meeting, Chairman Reinke raised the question of what authority Cook County has to adopt this ordinance. He was able to find a confidential opinion online from the State Attorney's Office to the Cook County Board questioning the County's authority to pass this ordinance or enforce it. He stated he can only surmise that certain Cook County Commissioners who were opposed to it may have posted that opinion on line. He stated that Bartlett has a stronger reason to opt out than most Cook County municipalities because Bartlett lies in three counties, and if the Village does not opt out, the Village will have different wages for different parts of the Village that businesses would have to comply with. The applicability of the Cook County Ordinance is not just where your principal office is located. If a Bartlett business has an employee that works more than a two week period in Cook County, then the Cook County minimum wages would apply, and not the State minimum wages.

Chairman Reinke asked if there would be any exposure or liability to the Village.

Attorney Mraz stated that he did not believe so. He believes the Cook County ordinance would be challenged either by a business or potentially a municipality. He thought Cook County would eventually chase businesses to try to enforce it and penalize as appropriate. Cook County programs such as the 6-B real estate tax benefit would likely not be available to a business if it is not paying minimum wages. It is unknown if they would penalize the whole village.

Chairman Reinke asked if they would need to have an automatic repealer if the Cook County ordinance is struck down or amended out.



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Attorney Mraz stated that he did not include one in the draft ordinance and recommends the Board address that issue if that happens. He stated that the purpose of the Bartlett Minimum Wage ordinance is to opt out of the Cook County Minimum Wage Ordinance.

2. Cook County Earned Sick Leave

Attorney Mraz stated that this is the same general issue. It is just not as clear because you don't have the equivalent of a State minimum wage law when it comes to sick leave. With sick leave, it's a little more ambiguous in terms of what the state law is. The state law does not require paid sick leave and effective January 1, 2017 the state adopted a sick leave statute but it doesn't require paid sick leave. But some of the same problems that existed with the minimum wage relate to sick leave also because you're going to have different rules for different parts of the Village. Cook County is mandating that Cook County employers provide paid sick leave benefits to their employees. A lot of businesses may offer sick leave, but not paid sick leave. There is still the federal FMLA that supersedes some of this but it deals more with time off for sick children and family members. The proposed Bartlett Sick Leave Ordinance would certainly not circumvent or affect the Family Medical Leave Act. The proposed Bartlett Sick Leave Ordinance puts employers in the Village back to whatever the state and federal law might require and eliminates the additional Cook County requirements that suffer from the same maladies that he just talked about for minimum wage which is that sick leave is more of a statewide concern or even a federal concern. It is not a local or regional concern which begs the question of what power does the Village have to do it. The State's Attorney opined that Cook County did not, but if you look at what the Village is doing, it is just trying to get us back to what the state and federal rules are and treating all our businesses in town so they are operating under the same rules. That is what the proposed Bartlett Sick Leave Ordinance will accomplish.

**LICENSE & ORDINANCE COMMITTEE**

1. Bartlett Municipal Code – Appointment Amendment

President Wallace stated that he has talked about this with staff and there were some interesting things going on with the municipal code regarding appointments of the Village officers.

Acting Village Administrator Schumacher stated that this amendment cleans up some things that were not clear in our ordinance. It specifically adds information for "Acting" positions and clears up what offices are appointed or what positions are employees.

Attorney Mraz stated that the agenda package did not include Section 1-8-1 through 1-9-10 dealing generally with "Appointed Officers" and he passed the handout to the



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Board. He stated that he did not add any municipal officers nor take away any municipal officers from what is in the current Bartlett Municipal Code. Some of the confusion that came up was over the powers granted to the prior Village Administrator and a subsequent amendment expanding those powers regarding hiring and removing all village employees. That issue caused us to look at our process and he stated that the Village had not appointed officers on an annual basis as provided in different sections of the Bartlett Municipal Code. When the Village creates an office in the Bartlett Municipal Code, sometimes officers have been treated as employees in personnel matters dealing with benefit issues, so they have been treated as both. He is speaking with the Village's labor attorney to make sure that they are coordinating with the Village's Personnel Manual. This Code clarifies that there should be the annual appointment of officers. The Village Administrator provision is a little different in it provides that the term of that office will be as provided by contract, but it cannot be longer than the term of the current mayor. That gives you some flexibility when you get to an employment contract situation. You could make the term one year, the same as all the other officers. If you are an Officer (village administrator, village attorney, village treasurer, village budget officer, director of public works, building director, electrical inspector, plumbing inspector, health officer, chief of police), they are appointed by the Village President with the advice and consent of the Board. As far as removal goes, it mirrors the language of the state statute. There is a little carve out for fire and police, we have a police commission and the hiring there is governed by a separate statute. Police are hired through a process with the Village Police Commissioners. What is a little unusual under the Bartlett scenario is that you have historically had the same person acting as the Finance Director, the Village Treasurer and the Village Budget Officer. A Village Treasurer is an officer under both this ordinance and state statute. If this ordinance gets passed at the next meeting, it is anticipated that the Village President will then appoint officers and that the Board will vote upon whether to consent to those appointments. This will be done on an annual basis.

Chairman Camerer questioned why some of the verbiage that read "village president and trustees" has been changed to "with the advice and consent of the board of trustees". What is the reasoning for that?

Attorney Mraz stated that he was trying to be consistent with all officers. Typically, officers are appointed by the Village President with the advice and consent. He was trying to be consistent and clear up some of the confusion.

Chairman Hopkins referred to a section stating "the village administrator may be removed from office anytime by a simple majority vote of the corporate authorities". He stated that it was adopted in 1982 and there must have been a reason for it. He thought it should stay in the ordinance.



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Attorney Mraz stated that he talked about this with Chairman Reinke as far as where they should go with removal. The draft ordinance before you mirrors the state statute. He thought it was better than the hybrid of whatever those two amendments combined were in that office. He is suggesting that they use this new language as it mirrors the statute on removal of officers that is in the Illinois Municipal Code. This will make it consistent across the board with all officers and is more easily defensible.

Chairman Hopkins disagreed with this and felt if there was four board members that felt there was a reason for removal, there is probably a pretty good reason for it.

Attorney Mraz stated that if the mayor removed the administrator, the Board could override that decision by a 2/3 vote and restore the administrator. It all follows the state statute. The two thirds vote is in the state statute and he would be reluctant to vary from that. Staff is trying to fix some of the problems that exist with the current Code.

Chairman Camerer asked if it could be worded as “the Village President with the consent and advice of the Board of Trustees”?

Attorney Mraz stated that removal is treated differently.

Chairman Reinke stated that one of the things that struck him in the way the Village Code was worded was that it was literally a hodgepodge. This notion of a separation of powers that you see at the federal or state level applies to municipalities as well. There are certain authority vested in us as members of the Board of Trustees and certain authority vested in the Village President because he’s the executive. What the Village Code had done was sort out the mishmash all that together were eliminated it. When you take what apart you have to decide what’s the proper rule of the Village Board or the proper role of the executives and this is why it’s important to pay attention to who is the village president. This is why as members of the Village Board of Trustees, it is important to act as legislators. If we don’t like what’s going on, there are things that we can do. He understood Chairman Hopkins concern because it is ceding authority. He thinks it is authority that is properly vested in the Village President. It is also hard to have these discussions because we know these individuals. If there is a problem in the center seat, we have things we can do. He does not want to see this in Bartlett, but there are things they can do. When it comes to that point he would like to see our code mirror the Illinois Municipal Code because when you go to court or hire your own legislative attorney, then we have a frame of reference or common ground. We have no idea why this was done 20 or 30 years ago and it really just changes that balance.

Chairman Camerer stated that this gives the President the ability to let go of the Village Administrator on his own accord. However, it also puts him in a position to be judged on that decision and depending on the factors that bring him to that decision, could be bad. Therein lies the balance of power. We have to be careful of that.



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Attorney Mraz stated that he recommended they mirror the state statute and not get to the hodgepodge of cherry picking provisions.

Chairman Reinke stated that he is amenable to going back and changing things if they find from experience that things are not working. Have that conversation at that time.

President Wallace stated that the Village Attorney brought up some valid points with one person wearing one hat - that is where we really need to start focusing on what we are going to do with some of those offices. Do they need to be eliminated or consolidated? This is a good draft and it puts the Village in a position where it should be from a local standpoint and from a balance of power standpoint. From this point forward we are going to need to keep discussing the tweaks to this thing.

Chairman Hopkins asked if officers will be appointed every year? What about the Village Administrator?

Attorney Mraz stated that you will likely be dealing with an employment contract and that will change the dynamic a little bit. He allowed for a little longer period of time there instead of annually, so there is a little better feeling of security, but not exceeding the authority of the Municipal Code which says it cannot be beyond the mayor's term.

Chairman Hopkins asked if that follows state statute?

Attorney Mraz stated "no". There is nothing in the state statute that says officers only serve a one-year term. They cannot have a term that is longer than the mayor's term. The Board has the authority to limit the Village Administrator's term to one year.

Chairman Hopkins stated that if all the other officers are appointed annually then he thinks the Village Administrator should follow the same procedure.

President Wallace stated that the appointment would be somewhat ceremonial because the Village Administrator would be under contract and that contract would be longer than a year.

Attorney Mraz stated that he can make that change to make it consistent to the term.

Chairman Camerer asked what purpose does it serve?

Chairman Hopkins stated that they did not have any power to remove the village administrator and in the old ordinance they do. They are taking that power away.

Chairman Reinke stated that perhaps a reasonable compromise is an annual reappointment.



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Chairman Deyne stated that he really has a problem with the one year. We just appointed Paula to the “acting” roll and she is under six months with that. He would like to see it changed because he thought she was doing an outstanding job and it’s ridiculous but she is still “acting”. We should just give her the office of the Village Administrator. We are asking Paula to move back into the village and you want to review her position on an annual basis? The contract should be keeping with the mayors term. How can you ask the Village Administrator to make the commitment that we have asked her to make and not award her with a four year contract?

Chairman Hopkins stated that you could say that about all the officers.

Chairman Deyne stated that we are talking about the leader of our Village. It should be equivalent to the length of her contract.

President Wallace stated that he thought it would be acceptable to make it the equivalent to the length of her contract as the entire board determines.

Chairman Hopkins stated that this is not about one particular person. This is about a village ordinance that was adopted many years ago and now we are changing it - he had an issue with it. You’re taking power away for no reason. If there is an issue in that position, we do not have the authority to do anything.

President Wallace stated that we have one person’s opinion as well as all of the rest of our opinions so we should just leave it as is and go to discussion at the next Board meeting. There is one person opposed and all the rest are in favor of leaving it the way it is written.

Chairman Reinke stated that he is willing to entertain the annual appointment just to keep it with everyone else. We could be talking about a Village Administrator and the requirement to live within the Village or not. We should decide if we give them a certain amount of time to move here. The Village Board had all this authority and no one really knew it was there. We had a history of not following our code the way that you and I would like to see it followed. This will hopefully bring us into alignment and focus our attention on what we want to see the future look like.

Chairman Carbonaro stated that this was an anomaly because we never had a Village Administrator with a contract. We have never been confronted with that before so that is why it has never been an issue.

Chairman Camerer asked if it was imperative to follow the state statute?

President Wallace stated that if you are not following state statute and you take action that is disputed by the person or office that you are taking that action against, it will have





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a lot more power if you don't have what the Illinois Municipal Code says is the right way to do it.

Attorney Mraz stated that there are different forms of government and we had a little bit of a hodgepodge of ordinances that followed the managerial form of government as opposed to the non-statutory where it's an administrator. In the old days, the usual distinction was that the village managers were from larger municipalities that had adopted the managerial form by referendum, and village administrators were not, they had lesser powers and authority than village managers. There are two schools of thought as to whether if you haven't adopted the managerial form of government by referendum as to whether a village administrator could be granted some broader powers as Bartlett did. There are municipal attorneys who would say that unless you have the managerial form you can't do this or that. From town to town people started using "village administrator" interchangeably with "village manager" and then you have these different ordinances. The question becomes, where do you draw the line if you are not following state statute. If there were ever a removal, it would be an extra fight. He understood that it seems like the trustees are giving up a power that they had. The cleanest and most defensible position is to mirror the removal provisions in the Illinois Municipal Code.

President Wallace stated that Chairman Hopkins concern is with appointing the Village Administrator annually.

Attorney Mraz stated that he could draft the ordinance with "option 1" and "option 2", and the Board could approve one of the two options.

**PUBLIC WORKS COMMITTEE**

**1. Metra Platform Discussion**

Chairman Camerer stated that they are discussing realignment of the Metra platform to review the project scope and determine the ability to seek Metro's approval and a funding source for a project of this scope.

Mr. Plonczynski stated that they last discussed this when Chairman Carbonaro brought it up at the Village Board meeting on February 21 about the possibility of seeking federal funding to realign the commuter platforms east of Oak Avenue. He did some research on this project and it was last discussed in 2013 when there were some issues with mid-track crossings at Berteau Avenue. They met with the Metra engineers back then and discussed the reconfiguration of the split platform design going back to the realign. When this was discussed with the Metra engineers, they stated that there was no funding source at Metra and the Village would have to seek some kind of outside



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funding source for this work. The Village would have to bear the entire cost because Metra had put money into the current station and split platform. In 2013, there was some cost estimates which equated to approximately \$2 million. He did not get an update on these figures because they would have to invite Metra to go over the estimates. He did talk to some Metra staffers and they generally said that the cost estimates are accurate plus the cost of inflation over the last couple of years. There was also discussion that we would have to pay for the demolition of the existing platform and there is a possibility that a new platform, if we did a realignment, there would be some ComEd poles that may have to be relocated. He had other discussions with Metra officials regarding the train loading and unloading and dwell time. When we did the split platform the dwell time was a big issue because at that time, traffic would backup all the way down to Devon. The dwell time is still 5 to 7 minutes. The ridership figures from Metra are 1,081 riders per day. They did not have the 2016 rider count but it could be a change. They did some analysis of the trains and the last time they did the analysis there was no Canadian Pacific freight carrier in the mix. The freight line traffic has increased tremendously from 1,807 trains in 2009 to 6,629 trains in 2016. Metra trains have remained basically the same. The mid-track crossings was a discussion at that time. The surface crossing was estimated at 500,000 and indicated that if they did a surface crossing at Berteau, it could negatively impact the quiet zone we worked so hard to achieve. They believed that the mid-track crossing was a safety issue. He researched the possibility of an underpass and he looked into the Lombard station which had a project cost totaling \$7.8 million. The tunnel portion was approximately \$4 million. At this time, there is no cost estimate for a Bartlett pedestrian tunnel. Staff is looking for direction on how to proceed with this matter. A follow-up with Metra or hiring an engineering firm could allow for more up-to-date cost estimates and determine sources of funding. They may need more engineering to get it to that point. To get this kind of estimate for a good grant or funding application they should have something a little firmer.

Chairman Carbonaro asked if a grant application asked for anything firmer. Do we have to spend more money on engineering to fill out the grant application?

Mr. Plonczynski stated that he did not know. The better numbers you have for applying for competitive grants, the better your chances are of getting it.

Chairman Carbonaro reiterated that Mr. Plonczynski said that he had a conversation with Metra and he said the estimates were pretty concrete. He asked for clarification.

Mr. Plonczynski stated that the numbers he presented were from 2013 and you would have to increase it by the CPI.

Chairman Deyne asked if the Village could recoup these funds through parking or is it just an expenditure? Where will this money come from?



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Acting Administrator Schumacher stated that they can dedicate parking revenue towards this but they usually use these funds to maintain the parking lots. She didn't know of another revenue stream from the railroad. She stated that Chairman Carbonaro did have a conversation with Senator Roskam's office that there may be some grant money available from the state. She questioned what they are applying for - relocating the platforms or the underpass? Her understanding is that this would be the earmarked grants that come through the Senator's office rather than our bike path grants that went through the IDNR.

Chairman Camerer asked if motor fuel tax could be used for this project?

President Wallace stated "no".

Mr. Plonczynski stated in previous years there were other grant monies available. Metra contributed money from their capital expenditures and they have stated that they will not do that at this time.

Chairman Deyne asked about the history of the train station and why it has a split platform.

Mr. Plonczynski stated that it probably took 8 to 9 years to make that decision. They had numerous meetings and various alternatives. They proposed a platform between Oak and Western around the old station; upgrading the old station; a platform that was all the way east close to Prospect Avenue and the split platform.

Chairman Deyne stated that the split platform was based on the waiting time that the residents had and the backups. Didn't the local businesses in the downtown area request the split platform?

Mr. Plonczynski stated that the local businesses wanted to keep the train station in the downtown - that was a key and only certain options did that. The dwell time and keeping the gates down was one of the big reasons to do the split platform.

President Wallace asked if they could just tweak what they have here and submit the grant and roll the dice.

Chairman Carbonaro stated that his conversation was to advise Congressman Roskam that we had several conversations with Metra and we went to the RTA Board and nobody has any money. He would like to apply for the grant and if we don't get it then we don't get it. If we do get it, perhaps we could improve the downtown area.

Acting Administrator Schumacher stated that they will work with the Congressman's office and find out what kind of information they need to forward their process and see if



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we have alignment with what we have. If there are some gaps, we will bring it back to the Board. If not, we will put it together and submit it.

Chairman Carbonaro stated that it is first come, first serve, so they should get it in as soon as possible.

Chairman Deyne asked if the request is for combining the platforms or the underpass?

Chairman Carbonaro said platforms first because it would probably increase the traffic down there. If the grant comes through and they give us \$11 million then I guess we can ask for all of it.

Chairman Deyne stated that he wanted to make sure that this does not rest on the tax payers of the community.

There being no further business to discuss, Chairman Camerer moved to adjourn the regular Committee of the Whole meeting and that motion was seconded by Chairman Carbonaro.

**ROLL CALL VOTE TO ADJOURN**

**AYES:** Chairmans Camerer, Carbonaro, Deyne, Hopkins, Reinke

**NAYS:** None

**ABSENT:** None

**MOTION CARRIED**

The meeting adjourned at 8:37 p.m.

Lorna Gilles  
Village Clerk