

Village of Bartonville Council Meeting Minutes
July 13, 2020 6:00 p.m.

Mayor Ricca called the July 13, 2020 Board of Trustees meeting to order at 6:03 p.m. with roll call.

Present: Trustees Donley, Leibach, Carroll, Zachman (electronically), and Lawless.

Absent: Trustee Hoopingarner. Quorum present.

Pledge of Allegiance.

Trustees Donley and Lawless motioned for the approval of the June 22, 2020 Board minutes and communications.

Ayes: Trustees Donley, Leibach, Carroll, Zachman and Lawless.

Nay: None. Motion Passed.

Trustees Donley and Carroll motioned for the approval of the Expenditures and any Supplementals.

Ayes: Trustees Donley, Leibach, Carroll, Zachman and Lawless.

Nay: None. Motion Passed.

DEPARTMENT HEADS

Public Works- Randy Sweeter presented his monthly report and spoke of street patching and the recent storm damage. Randy discussed the need for a Public Works meeting next month to discuss Lawndale Avenue and matters relating to ownership of trees.

Police Chief Fred Kernn presented his monthly report and stated that last month was fairly quiet and how the new Ordinance officer was in full swing and doing a great job. Chief Kernn stated that after reviewing with attorney, a proposed traffic ordinance won't be feasible.

Fire Chief Mike Cheatham presented his monthly report and gave the stats for the month of June. There were 15 fire calls and 55 rescue calls. The 4,170-man hours this month saved the Village \$72,975.00 for the month and \$275,742.50 year-to-date in donated hours and labor minus their small stipend.

Chief Cheatham spoke about resuming their training schedule and the availability of lock boxes that allow the Fire department access to an individual's home in an emergency if a resident requests a free lock box.

Trustee Hoopingarner entered the meeting electronically at 6:06 p.m.

VILLAGE ATTORNEY

Chris Jump

MAYOR

Mayor Ricca made the Declaration of State of Emergency and explained to a resident that questioned what in fact that was. Mayor Ricca stated that this was regarding the COVID-19 pandemic and that local governments have the authority to declare an emergency and activate emergency actions within their jurisdiction. Mayor Ricca stressed that the only action that has been carried out was the executive order for a COVID-19 Fire Department duty crew.

Trustees Lawless and Leibach motioned to approve the sale of Nitro to his handler for \$1.00. Mayor Ricca opened the discussion for public comments.

Resident Bill James questioned who brought this for vote and asked that the Village not get rid of the dog.

Resident Mike Lewis stated that he had been a cop for most of his life and has six kids. He stated that this dog has went to bat for us with and has a 90% success rate finding missing persons, goes places that officers can't, keeps drugs out of the schools and it would be detrimental to the Village by retiring it. Mike also stated that if the Village believes that the K9's from the city will be able to assist, we are mistaken.

It was questioned who proposed getting rid of the dog and Mayor Ricca stated that it had been suggested due to financial budgetary matters.

Resident Richard McSorley questioned if the Village wanting to put lives on the line to save a few bucks.

Resident Jess Carrington questioned why the decision shouldn't be the residents.

Resident Hope Solo stated that she and her family know Nitro and they feel like he protects their family and the families of the all residents on top of keeping drugs out of the schools.

Trustee Zachman stated that it was nothing against the Police Department or the K9 handler. Trustee Zachman also stated that during budget cut discussions, Chief Kern had suggested numerous times that there was a possibility that the handler could be getting a job at another department. It was stated that the dog had may years of service and once the budget is on tract, the Village could pursue obtaining another K9. Chief Kern stated that K9 handler, Officer Howard had tested at another department, that previous administration had let the insurance on Nitro expire and that the Chief was told to cut 25% of the Police department budget. Chief Kern made it clear that he didn't want to get rid of the dog.

It was stated that the Village had not received a formal resignation from Nitro's handler.

Trustee Lawless stated that is was his understanding that you just couldn't transfer the dog to another handler. It was clarified that the dog had originally been assigned to Officer Barker and then to Officer Howard. Trustee Lawless stated that he can see the consensus from the residents.

Trustee Lawless stated that revenues are down quite considerably. Trustee Lawless stated that Nitro has one to two years left and felt that it should be considered if the handler remains, we keep the dog. If the handler leaves, we revisit. We would have to figure another way to pay for it.

Discussion on how to proceed with withdrawing the original motion was had and Trustee Leibach chose not to withdraw his motion. The vote proceeded.

Ayes: Trustee Leibach.

Nays; Trustees Donley, Carroll, Zachman, Hoopingarner, and Lawless.

Motion failed.

Trustees Lawless and Donley motioned to approve **ORDINANCE #1836**-AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO PAY SPECIFIED MONTHLY EXPENSES OF THE VILLAGE WITH THE USE OF ACH PAYMENTS.

Ayes: Trustees Donley, Leibach, Carroll, Zachman, Hoopingarner, and Lawless.

Nays: None.

Motion passed.

Trustees Leibach and Donley motioned to approve waiving any permit fees for ETSB- E911 5912 S. Adams building additions.

Ayes: Trustees Donley, Leibach, Carroll, Zachman, Hoopingarner, and Lawless.

Nays: None.

Motion passed.

Trustees Carroll and Donley motioned to approve a closed session pursuant to 2 (c) 1 of the Open Meetings act to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body.

Ayes: Trustees Donley, Leibach, Carroll, Zachman, Hoopingarner, and Lawless.

Nays: None.

Motion passed.

Mayor Ricca spoke of Care Act federal funds passed down from the State of Illinois and that smaller municipalities were being made to document and request reimbursements from DCEO when five counties received the Care Act money without having to go through these same 4 pages of rules and processes. Mayor Ricca encouraged residents to contact our State representatives and request that the State change these rules.

VILLAGE ADMINISTRATOR

Trustees Donley and Carroll motioned for the authorization to pay the Police Pension Fund \$90,470.05 from the 2019 Tax settlement sheets receive July 7, 2020. (\$71,637.90 minus over-payment in FY 2020 of \$4273.41 = \$67,364.49 + \$23,105.56).

Ayes: Trustees Donley, Leibach, Carroll, Zachman, Hoopingarner, and Lawless.

Nays: None.

Motion passed.

Mayor Ricca thanked Joy and Trustee Lawless for their work and explained that the Village has been able to keep the pension funded at an 88 to 89% rate.

VILLAGE CLERK

Trustees Carroll and Donley motioned to approve moving forward with the necessary steps to obtain a public vote referendum on next election.

Attorney Chris Jump explained that the he has assisted the Clerk with getting options to have either an advisory question or a "back door" referendum item related to a Fire Department Duty crew on the November 2020 ballot. It was stated that the matter of a Duty Crew would be an advisory question on the ballot, thus giving voters the opportunity to decide if the Village should spend the funds to keep the firehouse staffed during certain hours. Chief Cheatham stated that there were different options for staffing numbers. Mayor Ricca indicated that the details would be worked out.

Cecil Simmons questioned if there had ever been no response to any calls. It was stated that the Police department has always responded. Chief Cheatham stated that they have had calls were there was no response from Fire Department volunteers but AMT had responded. Chief Cheatham stated that there are no guarantees that AMT is coming.

It was also stated that it would cost tax payers approximately \$110,000.00 to \$120,000.00 for the Duty Crew.

Ayes: Trustees Donley, Leibach, Carroll, and Lawless.

Abstained: Zachman.

Nays: None.

Motion passed.

Trustees Donley and Zachman motioned to waive fee and to approve Special Event Permit Application for Bartonville VFW's July 25, 2020 Josh Woodson Outdoor Memorial Event.

Ayes: Trustees Donley, Leibach, Carroll, Zachman, and Lawless.

Nays: None.

Motion passed.

TRUSTEE REPORTS

Trustee Donley set a Public Safety/Police/Fire/ESDA committee meeting for Saturday, July 18, 2020 at 10:00 a.m. to discuss revenues and funding for the Police and Fire Departments.

Trustee Leibach thanked Trustee Zachman and stated that Trustee Zachman works hard for the Village. Trustee Leibach requested that residents be considerate of their neighbors and mentioned that fireworks are illegal and complaints should be forwarded to the Police Department. Trustee Leibach requested the speed limit trailer be placed on Dorthy Court due to speeding complaints. Deputy Chief Segree explained the trailer was currently in use on Keller, but could be placed on Dorthy Court at a later date.

Trustee Carroll

Trustees Carroll and Donley motioned to approve **ORDINANCE #1835**- AN ORDINANCE AMENDING CH. 70-Impoundment of Motor Vehicles.

Ayes: Trustees Donley, Leibach, Carroll, Zachman, and Lawless.

Nays: None.

Motion passed.

Trustees Carroll and Zachman motioned to approve the lateral transfer of a part-time officer to full-time officer with certain contingencies. Trustee Carroll stated that the contingencies were that the Village get a contract with LCHS for an SRO officer. Attorney Jump suggested tabling the matter until a contract with LCHS was agreed upon. Trustee Hoopingarner entered the meeting again electronically and stated that a full-time officer was needed now, why are we going to wait for a contract. Mayor Ricca stated if we were going to hire them tonight regardless of the contingency, we are going to be hiring a full-time officer. He didn't believe that it would be right to hire the full-time officer and then if an SRO contract didn't come to fruition, we tell the officer that you aren't hired. Attorney Jump believed that an intergovernmental agreement first would be beneficial. Trustee Zachman stated the idea of this was that we are working with LCHS for the full-SRO officer and this officer could be working for the Village to assist filling shifts when not working at the high school. Trustee Hoopingarner stated that we are in need of two full-time officers now and we need to get one working now. Trustee Zachman spoke of conversations that were held with the Police Union representatives and that Union was going to work with the Village to get through the budget crisis. Trustee Zachman stated that due to the budget crisis, the Village should probably only be hiring for one full-time officer today. Trustee Leibach stated that this officer would be the SRO officer coming from the Village Police Department and it would only benefit the Village and the School. Mayor Ricca stated that we still don't have a contract with LCHS and that he will be speaking with them this week.

Kristy Watson questioned what would happen to the officer if LCHS doesn't go back in to session. Mayor Ricca responded that we would have to cross that bridge when we get to it.

Attorney Jump stated that it was his understanding that the way the motion stands the officer wouldn't be transferred until the contingency (LCHS SRO agreement) was met. Trustee Carroll agreed.

Chief Kerrn stated that we need this lateral transfer done now regardless of SRO agreement and that we need two officers. Chief believes that the Village could lose part-time officer Williams if he isn't hired as a full-time officer now. Chief Kerrn doesn't want the contingency in place for the lateral transfer. Chief would like to work on the other position later and work on the SRO officer.

Mayor Ricca restated the motion on the floor as being "approve the lateral transfer of a part-time officer to full-time officer with certain contingencies". Attorney Jump wished for the record to reflect that the contingencies are for an intergovernmental agreement with LCHS for an SRO officer.

Ayes: Trustees Donley, Leibach, Carroll, Zachman, Hoopingarner, and Lawless.

Nays: None.

Motion passed.

Trustees Carroll and Zachman motioned to approve moving forward with "Save the Bowen" foreclosure proceedings. Mayor Ricca indicated that he had not received a check from involved parties.

Chad Campen spoke to those present and stated that he and Mr. Weiss are prepared to finish the Bowen project and pay off the contract with the Village. Chad indicated that they would like to retain the property and move it back to Agriculture 2 zoning and if this could be done, they could provide proof of funds and get the project paid off ahead of time without the proceeds from the sale of the materials. Chad stated that he had spoken with Mayor Ricca extensively regarding the matter and that his plan is to build a million-dollar farm shop there, the only downfall being there would not be any sales tax revenue there. Mayor Ricca indicated that the repayment amount was \$400,000.00 to the Village with the Village retaining the parcels. If Campen and Weiss retain the individual Bowen parcel the payment amount would be \$683,000.00. It was stated that discussion with the Attorneys and the possibility of a need to advertisement.

Nancy Lawless asked what the contingency plan was if the parcel wasn't zoned back to Ag 2 and questioned what good faith effort Chad and Richard would produce. Mayor Ricca stated that it would be something that would have to be worked out in the contract. Chad stated that the building was torn down and it is a nice-looking parcel now. Administrator Morris questioned when the drop-dead date would be and Chad again stated that he would need to get the property zoned to Ag 2 because he cannot utilize the property if it isn't.

Trustee Leibach mentioned that the Board has been waiting for communication with the him and Chad stated that he had been speaking with Mayor Ricca extensively regarding the matter. Chad stated that the Board never formally reached out to the two to invite them to a meeting.

Trustee Donley stated that there was a standing invitation and a spot on the agenda for the two for months and that the two had promised they would attend every meeting and hadn't attended. Trustee Zachman was agreement with Trustee Donley and stated that there has been a standing invitation. Trustee Zachman indicated that the Board had been told multiple times that they would attend and that they were going to bring a check. Trustee Zachman would like to finish this matter and requested that the two work with the Village to get the taxing bodies their funds. Chad agreed and felt that his proposal was the best option for the Village due to the appraisal opinions that were previously produced.

Village Administrator Joy Morris asked for the proof of funds letter be delivered July 14, 2020. Chad stated that he could do that but there would have to be a contingency for putting the parcel to Ag 2. Joy

requested the proof of funds letter prior to moving forward on the rezoning to show the Village that funds are available. Chad agreed with this.

Trustee Hoopingartner stated that he had put his neck out for Chad and had the Board agreeing to less money if he would produce a check and constantly gets excuses. Trustee Hoopingartner recommended moving forward with foreclosure proceedings. Richard Weiss stated that there have been underlying issues that people do not know about.

Attorney Jump stated that if the Board would like to move forward with litigation proceedings his office could do so and in the meantime if Chad and Richard would like to produce a good faith offer in writing with specific terms on how they would like to proceed. Attorney Jump stated that once that offer had been received, he would present to the Board and possibly reach a resolution in the interim. Mayor Ricca stated that moving forward with the motion, allowing a couple of weeks for the attorneys to meet to get this done.

Trustee Leibach stated that the pair had been on the agenda for a whole year and that the TIF has been closed for three years. Trustee Leibach stated he doesn't understand why the discussions between the Mayor and Chad would take six months. Leins of \$200 to \$300k on the back parcels were mentioned.

Chad questioned if any of the new Board members had read the contract and then stated that the contract only states the repayment of funds if "Save the Bowen" made money. Attorney Jump directed the Board not to respond.

Chad stated that he really didn't need to build a building on the property but was willing to come forward and put the money forward to finish this project out to get it done and he doesn't have to because that is not what the contract says and unfortunately, he believes the contract wasn't written very well. Trustee Hoopingartner stated that he agreed that there had been problems throughout the process and told Chad that if he wanted to stop the foreclosure, save CCS's name, Chad Campen's name, Save the Bowen's name he needs to cough up the money and we will stop the proceedings.

Chad Campen and Richard Weiss indicated that they would litigate the matters.

Mayor Ricca clarified that the motion made by Trustee Carroll and seconded by Trustee Zachman was moving forward with "Save the Bowen" foreclosure proceedings and if a letter of settlement is obtained, we would review.

Trustees Donley, Leibach, Carroll, Zachman, Hoopingartner, and Lawless.
None.

Ayes:

Nays:

Motion passed.

Trustee Zachman thanked the public for coming out and showing their support and noted that the Trustees only want to do what is best for the taxpayers.

Trustee Hoopingartner thanked the community for coming out. He stated that the motion regarding hiring a full-time officer will be pulled so the Board may discuss it further on Saturday. Trustee Hoopingartner also stated that he had originally requested that his retirement from the Board of Trustees be placed on the agenda but had since decided that there are too many things going on right now, and promised residents that he would not leave them in a hole and would wait until this job is complete.

Trustee Lawless explained that the referendum information would be presented to the public as soon as possible and that the Village is very fortunate to have an active Volunteer Fire Department with a lot of participation. Trustee Lawless requested that residents think about the referendum matter as a part of why they came out tonight, to protect this community. He requested that residents review it, talk to their neighbors and say look, if we want the type of protection that we expect it's going to cost money.

PUBLIC COMMENT

Resident Bill James questioned if Trustee Leibach had voted on the COVID-19 duty crew and stated that it would have been inappropriate for him to vote on the matter. It was indicated that he had voted in consensus on that matter. The COVID-19 duty crew was an Executive Order given by Mayor Ricca on April 16, 2020 in which no actual Board vote was necessary. Bill James stated that any matter with the Fire Department the Trustees that are on the Fire Department should abstain.

Resident Julia Jones stated that she had lived in the Village for many years and the thought of cutting any public safety is utterly ridiculous. She didn't feel that you could put a cost on people's lives. Julia stated that she works at one of the credit unions and has had to have Police response down there. Julia also stated that any cuts to public safety would produce for sale signs so quickly, heads would spin. Julia stated that if Bowen people were serious, they would have already had a certified check in their hands ready to hand over.

Village Administrator agreed with Julia Jones and stated that we have a fantastic Police and Fire Department. She also stated that the residents had voted for these Village officials whom had a fiduciary responsibility with the resident's tax dollars and that they do a fantastic job for something that is very difficult and people have no idea what they go through so that the PD, FD and Dispatchers may do their jobs.

Mayor Ricca indicated that he is in favor of hiring an SRO officer and another full-time officer due to having approximately 35 or 36 shifts of overtime for July. Mayor Ricca stated that the Village only has approximately \$22,000.00 in debt and for a community our size this is tiny. Mayor Ricca suggested selling bonds with our local bank in order to assist paying for any budget shortfalls and pay off over the next few years at minimal cost the tax payer. Trustee Donley stated the committee meeting on Saturday was to discuss the options. It was indicated that this as all meetings was an open to the public meeting unless it were to go into executive session.

Clerk Carr-Bruce stated that the Village Calendar would have the agenda and meeting information.

Meeting was moved to executive session at 7:38 p.m.

Meeting was moved back to regular session at 8:11 p.m. with roll call.

Present: Trustees Donley, Leibach, Zachman, Hoopingarner, and Lawless.

Absent: Trustee Carroll.

Quorum present.

Trustee Hoopingarner stated that he had listened to Administrator Morris and we have her running ragged. He stated that as elected officials it is their jobs to sit and make policy and pass policy and it is the Mayor that will direct the Village Administrator. Trustee Hoopingarner spoke of Trustees asking

questions to Village employees and cleaning the Police Department basement and stated that this is not the duties of a Trustee and is none of our business to tell the officers their job duties.

Trustee Leibach refuted these allegations and stated that he was going on his own time to clean up the basement.

Matters of Police department conversations with the Trustees was mentioned and Trustee Zachman stated that officers should be following their chain of command and not coming to his home to discuss.

A social media incident was mentioned and Mayor Ricca will handle it.

With no further business being brought before the Board, the meeting was adjourned at 8:18 p.m.

Michelle Carr-Bruce, Village Clerk.