

REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF PHILO, IL
AUGUST 14, 2013

The meeting was called to order by President Franks in the Eileen Painter Room of the R.E. Franks Meeting Center at 7:05 p.m.

ROLL CALL: Present: Trustees Messman, Pioletti, Garret and Brady. Absent: Trustee Mumma. Trustee Sappenfield arrived at 7:30 p.m.

GUESTS: Tom Graham, Linda Swaney, David Traxler, Herschel Hammerschmidt, Chris Luth, Richard Brand, Chris Payne, Susan Helmink, Crystal and Mike Vecchio, Karl Harris, Mike Swaney, Dan and Judith Conley, Rod Schweighart, Christine Walsh, Dave Atchley, Paul Hendren, and Mary Harris.

MINUTES: Trustee Pioletti made a motion, seconded by Trustee Paul Brady, to approve the Minutes of July 10, 2013, with the changes noted by Attorney Hendren, on page 5. Voice vote; all "aye's," motion carried unanimously.

ACCOUNTS PAYABLE: Trustee Pat Pioletti made a motion, seconded by Trustee Steve Messman, to approve the bills as presented. Roll call vote; "aye's," Trustees Messman, Pioletti, Garrett and Brady. Motion passed unanimously.

RICHARD BRAND: Richard lives at 702 S. Cleveland and indicated he would like to build a 3 foot high picket fence on his property and was told he may need a variance. The fence would be 14' on the Village's easement. Richard indicated he would take down the fence if the Village needed to get in that area. When Trustee Brady asked why he wanted to fence it, Richard said "for looks." Attorney Hendren commented the Board should consider precedent and it probably wouldn't be a good idea. After a brief discussion, President Franks stated the majority of the Board agrees not to allow putting the fence on the Village's easement.

GROUP HOME: The realtor called about two (2) months ago regarding question on ordinance and Deputy Clerk Helmink called Paul Hendren. President Franks called the realtor and the realtor said the ordinance was fine and Larry asked them to come to the meeting in July. The Board asked many questions and Paul Hendren questioned the ordinance. We felt group home person would contact Paul. Chris Payne, Chair of the Zoning Board indicated closing to happen. After July 17th meeting, it was Attorney Hendren's expectation that prospective owner to seek "Special Use", since our R-1 didn't intend to have a facility like this. A Special Use is the discretion of the Trustees, if the Board chooses to do it. On July 31, 2013, received letter from their attorney which said family/single family (zoning) would include a group home. Informed President Franks and Paul Hendren conclusion never discussed. Paul H. believes purchase is complete.

Mr. Hendren stated this is a sensitive issue. He has received a thick stack of documents, including primarily Fair Housing statutes that provides for rights municipalities have. When he received this information he realized the complexity. Paul feels a legal expert is needed and is researching to find the names of those that handle this type of issue. Trustee Brady indicated there are detailed regulations from the State of Illinois regarding square footage.

Trustee Pioletti asked if Federal Fair Housing “trumps” business in R-1 zone. How does process go if we conclude (it doesn’t)? Can we compel them to appear? Paul H. indicated “no.”

If invited, Paul H. would assume they come, they want people to understand. Chris Payne stated “information only, because they know they can close.” Trustee Brady said another concern would be fires, as there have been 1900 fires a year in group homes. It was also noted that this is one of the busiest intersections in town. President Franks agrees fully and seems this was done backward, not comfortable with the situation and assumed they would be here at the meeting. It is a ticklish situation and he wants to exhaust every effort with legal. Resident Crystal Vecchio asked what we (Philo) had to offer and asked how they get there (Champaign/Urbana). It was explained that residents are picked up and dropped off by a vehicle or bus. Chris Payne said there is always a staff member at the home. President Franks believes an attorney would represent the people of Philo. The Village may need to work to tighten up zoning ordinance. Other comments were that 2 bathrooms are required for an 8 resident home and residents mentioned this area already has concerns about septic. Resident Tom Graham inquired as to if the Village had done a background check and when the State comes in to do inspection. Attorney Hendren said he has known Mr. Ryles for 25 years through the Board of Champaign County Health Clinic and Mr. Ryles owns lots of these homes, which are very strongly regulated by the State. Trustee Brady has forwarded some information to Dave Atchley, the Village Engineer. Trustee Pioletti feels we need to schedule a special meeting and agrees with special council advice if this is a done deal, to know where we stand. Pat asked Paul H. if this attorney would tell us if issue is “slam dunk,” and he replied he would. Resident and Chair of Zoning Board, Chris Payne indicated the State wants to move residents from institutions into group homes. President Franks again stated the issue is having in a residential area (instead of place zoned for business). Resident Graham asked who pays the taxes. It is obviously not a not-for-profit. President Franks suggested Paul H. get a hold of owner to come to a special meeting Sept. 4, 2013.

Trustee Paul Brady made a motion, seconded by Trustee Steve Sappenfield, to direct that Paul Hendren seek to retain special council for Fair Housing law expertise. Voice vote, all “aye’s” motion carried unanimously.

VILLAGE ENGINEER: Dave Atchley reported that the MFT road work has been completed. He indicated the sidewalk work is ready for bids to be let. Trustee Pat Pioletti made a motion, seconded by Trustee Steve Sappenfield, to solicit bids for the sidewalk work. Roll call vote; “aye’s,” Trustees Messman, Sappenfield, Pioletti, Garrett and Brady. Motion carried unanimously.

Dave A. stated three qualified bids have been received so far for the demolition of the house at 103 McKinley. A question about the trees and shrubs was discussed and the Board decided not to amend the original bid information. Trustee Pioletti suggested protecting the larger trees on the property.

The judicial deed has been filed. Attorney Hendren stated 4 of the 5 Cope family has executed the agreement, with additional agreement releasing all rights to property. The 5th person is expected to sign very soon. The documents are in Paul Hendren’s possession.

It was noted that bids are good for 30 days after their opening on 8-21-13. Dave Traxler is to get a hold of an exterminator. The power has been turned off, gas is on until the 26/30th of the month and the water meter is gone.

VILLAGE ATTORNEY: Due to President Franks' possibility of not returning in time for the August 21, 2013, meeting, it was suggested he recommend someone be appointed Temporary Chair or President Pro Temp in his absence. Trustee Pioletti made a motion, seconded by Trustee Brady to appoint either Trustee Mumma or Trustee Sappenfield if President Franks is absent. Voice vote; all "aye's" motion carried unanimously. President Franks noted that an agenda will be prepared for the 8-21-13 meeting.

DAVE TRAXLER: Brush pick up went well. There was one building permit for July. There was no update regarding the culvert on Roosevelt. Washington Street drainage project information to Paul Hendren regarding documents for easement. Trustee Pioletti asked if the Village furnishes culverts for new drive-ways. Dave T. indicated we do not.

VILLAGE TREASURER: Rod Schweighart met with auditor Stan Feller to pick up the annual audit. Copies of the audit report were distributed to the Board. Rod told the Board that Stan is guiding him to prepare the State of Illinois abandonment report for outstanding water deposit refund checks that have not been cashed.

LEASE AGREEMENTS: Trustee Pioletti and Building Coordinator Helmink reported that Sourceline Media's renewal has already passed. Pat reported that they are happy and we're happy with same conditions. The Hugs and Bugs Daycare lease is up for renewal within the next 30 days. Trustee Pioletti typically meets with them to see if they have any concerns. Susan Helmink suggest Pat speak to Allan Miller prior to meeting with Dorella and Michelle. Trustee Pioletti will report back to the Board at the next meeting.

OLD BUSINESS:

ESDA: Chris Lueth stated they have been looking online for radios because Barbeck prices are outrageous. He knows Tolono purchased some handheld units from Amazon at \$38.00 each. These are easier to use for the groups of 2 that go out to spot. They would need 4 radios. Trustee Pioletti felt this was a good idea. Trustee Sappenfield made a motion, seconded by Trustee Brady, to authorize Chris Lueth to purchase four radios at an estimated cost of \$200.00 to be reimbursed by the Village. Roll call vote; "aye's," Trustees Messman, Sappenfield, Pioletti, Garrett and Brady. Motion carried unanimously.

DRINKING FOUNTAIN: Susan would like to resolve the drinking water issue as basketball practice rentals start in October. After reviewing the options presented, Trustee Pioletti made a motion, seconded by Trustee Steve Messman, to approve Option 1 for Culligan bottled water deliver service. Roll call vote; "aye's," Trustees Messman, Sappenfield, Pioletti, Garrett and Brady. Motion carried unanimously.

OLD BUSINESS:

REFMC REPORT: Susan Helmink presented her report and no questions were presented.

MULCH: A request was made for the Village to pay for half of the mulch and hauling expense for the Caleb O'Neill Park in the Willow Run Subdivision. In the past Trustee Mumma hauled the mulch from Effingham. Rod Schweighart will find out name of company where the mulch was purchased. Action was tabled due to lack of information.

TRUSTEE COMMITTEE ASSIGNMENTS: Copies of the committee assignments were distributed to the Board.

GOLF CART REGISTRATIONS: President Franks asked the proper way to obtain a registration. Trustee Brady stated they complete an application, pass the technical inspection and pay a fee of \$15.00 for seniors 65 years and up or \$30 otherwise. People can contact Trustee Brady or Susan Helmink and the payments go to Susan.

MISCELLANEOUS DISCUSSION:

TRUSTEE MESSMAN: Nothing

TRUSTEE SAPPENFIELD: Steve suggested Dave Traxler clean the mower this fall and deal this winter for a new mower for the spring. The mower used by Terry is 10 years old.

TRUSTEE PIOLETTI: Nothing

TRUSTEE GARRETT: Nothing

TRUSTEE BRADY: Nothing

PRESIDENT FRANKS: Larry reminded everyone of the August 21st meeting at 7:00 p.m.

Resident Karl Harris returned to the meeting and questioned who would pay the taxes on the group home and also if there could be a conflict of interest with our attorney, since he worked with Mr. Ryles.

MOTION TO ADJOURN: Trustee Sappenfield made a motion, seconded by Trustee Pioletti to adjourn the meeting.

VILLAGE CLERK

VILLAGE PRESIDENT