

**THE LISLE PARK DISTRICT
JOURNAL OF PROCEEDINGS
REGULAR MEETING
MARCH 17, 2011**

CALL TO ORDER AND ROLL CALL: President Cook called the meeting to order at 7:01 p.m. in the Lisle Park District Community Center Board Room, 1825 Short Street, Lisle, IL 60532.

Roll Call: Commissioners Present: Hough
Kanzler
Carballo
Morse
Cook

Park District Attorney: Holtz

Also Present:
Director Garvy
Superintendent of Recreation Toohey
Superintendent of Operations Leone
Superintendent of Parks Cerutti
Superintendent of Finance Silver
Human Resources Manager Welge
General Manager Zajicek
Golf Operations Manager Culbertson

PLEDGE OF ALLEGIANCE: President Cook led those assembled in the Pledge of Allegiance.

PRESENTATIONS:

None.

PUBLIC COMMENT:

Mr. Tom Hummel of 824 59th Street, Lisle stated he does not agree with spending money on Item F, the restaurant kitchen equipment, doesn't think the park district should be in the restaurant business and thinks the restaurant should be privatized.

APPROVE MEETING AGENDA

MOTION: Commissioner Hough moved to approve the meeting agenda for the regular meeting for Thursday, March 17, 2011. Commissioner Kanzler seconded the motion.

There was no further discussion and the motion passed unanimously by voice vote.

CONSENT AGENDA ITEMS

MOTION: Commissioner Hough moved to approve consent agenda items:

- A. Minutes of Regular Meeting of February 17, 2011
- B. March 17, 2011 Voucher List in the amount of \$249,197.08
- C. Renew contract with Service Sanitation for 2011 portable restroom services for an amount not to exceed \$17,187.50
- D. Renew contract with Veolia ES Solid Waste Midwest for 2011 trash removal and recycling services for an amount not to exceed \$28,846.00
- E. Renew contract with McCloud Aquatic Services for 2011 aquatic weed control services for an amount not to exceed \$11,315
- F. Purchas restaurant kitchen equipment from Losurdo Inc. in an amount not to exceed \$17,495.00
- G. Reserve Community Park for the 2011 Leukemia & Lymphoma Society Light the Night Walk.

Commissioner Kanzler seconded the motion.

Roll Call:

Ayes: Hough, Kanzler, Morse, Carballo, Cook

Nays: None

Motion passed.

COMMUNICATIONS

A. Illinois Association of Park Districts Membership

President Cook referenced the following letters: IAPD requesting the park district rejoin, indicating we have informed them we won't be rejoining due to the \$6,600 annual dues; Giant Steps thanking the park district for our participation in their silent auction for autism; Village of Lisle Public Works advising that the Short Street Bridge will be closed March 30th for construction.

UNFINISHED BUSINESS

None.

NEW BUSINESS

A. Petitions from Hunt Club of Corporate Woods to disconnect from the Lisle Park District

Ms. Cynthia Moderi of 2547 Pebble Creek Dr, Lisle acknowledged that one of the petitions contained a format error in referencing the library district, but stated the intent was the same. She stated the reasoning behind the petition is she feels her subdivision is underserved by the park district. She added that she does not think Commissioner Kanzler should be allowed to comment on the issue due to her husband's comments made on a local news blog. Attorney Holtz stated commissioners and their spouses' comments are separate and in her opinion there is no reason for Commissioner Kanzler to refrain from participating in the decision.

Mr. Vipul Patel of 2504 Pebble Creek Drive, Lisle stated he believes it would be a conflict of interest for Commissioner Kanzler to vote.

Mr. Brian McClure of 2248 Hidden Creek, Lisle stated there are a plethora of attorneys in the Corporate Woods subdivision who are willing to pursue this issue at no cost. He stated his family never attended any park district programs or facilities because his children attend Naperville schools and therefore use Naperville amenities. He said that if the board votes against the disconnection, the issue will go to referendum and the subdivisions will take the issue to court.

Mr. Brad Hettich of 5323 Pennywood, Lisle stated he thinks this would set a bad precedent and the board should deny the disconnection request. He feels a community should work together to pay for services that promote safety and wellness. He also stated the disconnection could hurt future homeowners who may want to participate in the park district as residents. He suggested the residents instead petition for a lower tax assessment and bring their concerns to park district staff.

Ms. Mary Lynn Zajdel of 2524 Pebble Creek Dr, Lisle stated she has inquired with Naperville and Wheaton park districts about annexing into their park districts.

President Cook stated the park district has received various documents from persons purporting to act on behalf of certain individuals represented to be registered voters and residents of the Hunt Club of Corporate Woods Subdivision and the Corporate Woods Subdivision. He said the documents appear in one form or another to be seeking ultimately the disconnections of property from the Lisle Park District. He then asked the Director to summarize the documents received relative to each of the subdivisions.

Director Garvy reported that on February 9, 2011 he received a package from Ms. Moderi that appeared to be a petition signed by 11 residents out of the 17 Hunt Club parcels requesting disconnection from the park district. He also received a similar petition from Corporate Woods signed by 24 residents out of the 41 parcels. In review of Illinois Park District Code, he stated the petition must be signed by the owners of record of the land, however there is no mention he saw that mentioned whether the common areas are to be included in this tally. He found nothing in the code regarding disconnection via referendum and stated it would have to be an ordinance passed by the board.

Attorney Holtz stated there is no provision under park district code for disconnection by referendum. The park district board would lack authority to approve disconnection based on the documentation being deficient and submitted incorrectly. The petition needs to be signed by the legal owners of the homes. Also the petition for Corporate Woods subdivision didn't have it corrected to read Lisle Park District and not the library, and it too indicated a referendum. She added that even if the documents were corrected to meet requirements of the code, the board still has total discretion on whether or not to allow a disconnect. Ms. Moderi asked how she would obtain signatures for the common area. Attorney Holtz suggested they seek their legal attorney's advice..

President Cook read an email from Joseph Accurso of 5610 Riverview Dr, Lisle stating he does not support the disconnection from the park district as the parks contribute to the value of the community.

President Cook cited the other subdivisions in Lisle whose children attend Naperville schools but use Lisle Park District programs He also stated many residents from Hunt Club of Corporate Woods have used park district programs and facilities in the past and have been respondents to the park district surveys. He explained there is no park in the subdivision because the developer at the time chose to give a cash donation in lieu of land for a park per Village ordinance. Mr. Patel stated he has no issues with the park district; he would like to use the services in other towns that are more convenient and not pay taxes for services he does not use. Ms. Zajdel stated she did use the park district programs in the past but her children did not enjoy them and wanted to utilize Naperville Park District facilities where their friends live.

Commissioner Carballo stated the board has to consider what is best for the entire community, adding that the subdivisions are considered important to Lisle and the park district. By allowing them to disconnect, the board would be setting a negative precedent. Being a part of the park district provides wellness, social, environmental, and economical benefits. He stated the petitions should not be granted.

Commissioner Hough stated she agreed with Commissioner Carballo and President Cook, noting the residents knew where their house was located when they bought it. She added her kids were in school district 203 and thinks it enriched their growth experience to go beyond their comfort level and participate in Lisle Park District program.

MOTION: Commissioner Hough moved to reject the documents submitted with respect to the disconnection from the Lisle Park District of the Hunt Club of Corporate Woods Subdivision as not meeting the requirements of the Park District Code for disconnection petitions. Commissioner Kanzler seconded the motion.

Roll Call:

Ayes: Hough, Kanzler, Carballo, Morse, Cook

Nays: None

Motion passed.

MOTION: Commissioner Hough moved that the Park Board in the exercise of its discretion determines and finds the disconnection from the Lisle Park District of the Hunt Club of Corporate Woods Subdivision is not in the best interests of the Lisle Park District. Commissioner Kanzler seconded the motion.

Roll Call:

Ayes: Hough, Kanzler, Carballo, Morse, Cook

Nays: None

Motion passed.

B. Petitions from Corporate Woods to disconnect from the Lisle Park District

President Cook stated Ms. Julie Schell submitted the petition and asked if the petitioner was present. She was not.

MOTION: Commissioner Hough moved to reject the documents submitted with respect to the disconnection from the Lisle Park District of the Corporate Woods Subdivision as not meeting the requirements of the Park District Code for disconnection petitions. Commissioner Kanzler seconded the motion.

President Cook read an email from Chantel Sejuy of 2288 Hidden Creek Ct, Lisle stating she would like to disconnect from the park district because her children attend school in district 203 and participate in more Naperville programs.

President Cook read an email from Ms. Becky Cosentino of Corporate Woods, stating she had no idea about the petition and is not in favor of the request to disconnect. Her family used many of the park district programs and attended Naperville schools.

Roll Call:

Ayes: Hough, Kanzler, Carballo, Morse, Cook

Nays: None

Motion passed.

MOTION: Commissioner Hough moved that the Park Board in the exercise of its discretion determines and finds the disconnection from the Lisle Park District Corporate Woods Subdivision is not in the best interests of the Lisle Park District. Commissioner Kanzler seconded the motion.

Roll Call:

Ayes: Hough, Kanzler, Carballo, Morse, Cook

Nays: None

Motion passed.

STAFF REPORTS

A. Arboretum Landmark Development

Director Garvy reported Opus Development Corporation would like a special meeting to give a presentation about their new residential development and a request for relief from the park district impact fee since their intent is to provide a wide range of recreational amenities to their residents. Director Garvey cautioned there is a precedent to be considered. Commissioner Kanzler asked what would be the estimation of what the park district would receive annually. Commissioner Morse stated she has questions for Director Garvy to pass on to the developer. President Cook stated he questions it when

the developer says their residents won't be using the park district, especially since Arbor View park is nearby. He cited other area developments where developers claimed the same point but that they have in fact used the park district regularly. He added they should come to the regular board meeting in April rather than scheduling a special meeting.

Director Garvy stated he will inform the developer they need to justify the request for a reduction. Attorney Holtz added they need to be very specific to the size of the facilities because those projects can end up being downsized.

B. 1925 Ohio Street

Commissioner Kanzler asked if construction could begin around the current tenants to avoid any delay. Director Garvy stated they are willing to work with the park district as much as possible but they have a very tightly regulated contract with the FDA which may not allow us in the work area. He stated that given the information and dialogue to date, he feels the worst case scenario would be a two week delay in opening preschool. He reported staff is considering various program options to accommodate the early childhood program to offset any inconvenience this may cause to families.

Commissioners Morse and Kanzler expressed their concerns that it would be very disruptive to kids going to preschool for the first time.

Commissioner Hough asked if the park district can seek financial reimbursement for damages. Director Garvy stated we need to consider the owners of the building are residents of the district and they are having moving difficulties on their end due to permitting issues in Woodridge. He stated the current occupants have been very accommodating throughout the process and in all reality this predicament may not be as disruptive as it seems. Commissioner Kanzler stated they should compensate us for the \$12,000 we would have to pay in monthly rent for the Meadows.

Director Garvy stated while the project will go to the lowest responsible bidder, staff can discuss the project's schedule and this delayed departure with the winning contractor. .

PARTNERS FOR PARKS REPORT

Superintendent Leone stated they are working on the next Scarecrow Scramble scheduled for October.

SEASPAR REPORT

Director Garvy reported there will be an open house next Thursday from 5:00 to 9:00 pm to celebrate SEASPAR's 35th year anniversary. He stated that Lisle Park District is an original member of SEASPAR.

OFFICER REPORTS

A. President

President Cook discussed the meetings he has attended.

B. Treasurer Financial Reports ending February 28, 2011

Superintendent Silver reported expenses this year are down compared to last year.

C. Commissioners' Reports

COMMITTEE REPORTS

A. Buildings and Grounds

None.

B. Recreation and Golf

None.

C. Personnel/Technology

None.

D. Policies and Procedures

None.

E. Intergovernmental

Commissioner Morse reported she and Director Garvy had attended the meeting.

F. Finance

None.

MOTION TO ADJOURN INTO CLOSED SESSION

MOTION: Commissioner Hough moved to go into Closed Session at 9:00 p.m. for the purposes of discussing items under Open Meetings Act Section 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body. Commissioner Morse seconded the motion.

Roll Call

Ayes: Hough, Morse, Carballo, Kanzler, Cook

Nays: None

Motion passed.

RECONVENE OPEN MEETING

Commissioner Hough moved to reconvene the Open Meeting at 9:28p.m. Commissioner Kanzler seconded the motion. There was no further discussion and the motion passed unanimously by voice vote.

ACTION ON CLOSED SESSION ITEMS

MOTION: Commissioner Hough moved to approve the director's employment agreement as discussed in closed session. Commissioner Kanzler seconded the motion.

Roll Call

Ayes: Hough, Kanzler, Carballo, Morse, Cook

Nays: None

Motion passed.

ADJOURN OPEN MEETING

MOTION: Commissioner Hough moved to adjourn the open meeting at 8:58 p.m. Commissioner Kanzler seconded the motion. There was no further discussion and the motion passed by voice vote.