

*MINUTES OF MAYOR NELSON AND BOARD OF TRUSTEES FOR THE REGULAR MEETING OF
THE VILLAGE OF FLOSSMOOR, ILLINOIS HELD ON AUGUST 16, 2021*

VILLAGE HALL / ZOOM MEETING

AUGUST 16, 2021

7:30 pm

Mayor Nelson called the meeting to order at 7:31 pm.

Village Clerk Gina A. LoGalbo took roll.

PRESENT: Mayor Nelson, Trustees Bradley-Scott, Daggett, Driscoll, Hoag, Lofton, Mitros

ALSO PRESENT: Village Manager Bridget Wachtel; Assistant Village Manager Allison Matson; Police Chief Tod Kamleiter; Fire Chief Bob Kopec; Finance Director Scott Bordui; Director of Public Works John Brunke; Building & Zoning Administrator Scott Bugner; Attorney Kathi Orr; Village Clerk Gina A. LoGalbo; 5 residents.

Mayor Nelson called the meeting to order. Mayor Nelson noted that the meeting was being held in person and via Zoom. She noted that public participation would be permitted during the citizen comment portion of the agenda, and that citizens could submit comments via email at info@flossmoor.org.

Citizens Present Wishing to Address the Board:

Mayor Nelson asked if there were citizens wishing to address the board on an agenda or non-agenda item.

No citizen wished to address the board on a non-agenda item in person or via Zoom.

Liz Agbarah addressed the board on an agenda item regarding the sport court at her home. She and her husband had it built for their three children in the back yard for safety reasons due to Heather Road being a busy street, which is the street in front of their home. It's a busy street so they are concerned about kids running in the street to chase after basketballs. The sport court is bothersome to their neighbors; Mrs. Agbarah stated that they tried to discuss the issue with their neighbors but they declined. The Agbarahs presented some proposed rules at the planning meeting. Mrs. Agbarah stated that due to the pandemic and the kids doing remote learning, they were home more as were the neighbors. She noted that with things returning to normal, there wouldn't be as much noise outside. She stated that with the proposed rules, including a fence, it should be a quieter and safe environment.

Stephanie Anglin addressed the board on an agenda item. She stated that she lives immediately west of the Agbarah's home. She stated that the Agbarahs didn't reach out to her or the neighbors to the east, even though they were instructed to do so at the last Plan Commission meeting that was held on the issue. Mrs. Anglin stated that the amount of noise emanating from the Agbarah's property isn't a normal level of noise in a background setting and is more like a playground. She stated that the noise was from the children, Mr. Agbarah, and his friends playing basketball and other sports, which violated the noise ordinance of Flossmoor. The noise, which lasted all hours of the day, made many rooms of their home unenjoyable. She stated that there is a light in the Agbarah's back yard that shines into her home. She stated that she is not opposed to back yard fun. She stated that she has other neighbors with children who she has no issue with. She stated that she has had to call the police due to violations of the noise ordinance by the Agbarah family. She stated that she went in front of the committee [Plan Commission] to address these issues since the

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Agbarahs didn't get a permit before erecting the sport court and actually got a patio permit. She also stated that the sport court was in addition to the other activities that are causing disruption to the neighbors. She requested that the Board not allow the Agbarah family to have the sport court because it will be one more activity that will create noise.

Trustee Mitros asked whether Flossmoor has a noise ordinance.

Village Manager Bridget Wachtel stated that Flossmoor's ordinance refers to sound amplifying devices, but it's not an actual noise ordinance.

Mayor Nelson asked the Chief of Police whether any citations were issued to the Agbarah family.

Chief Kamleiter stated that there were no citations issued.

Emmanuel Agbarah addressed the board on an agenda item. He stated that he tried to speak with Mr. Anglin, but Mr. Anglin wasn't interested in speaking with him. Mr. Agbarah mentioned that he has Ring cameras on the side of his home. He stated that he doesn't know how bouncing a ball could make that much noise. He did a test at his home and didn't find that they made a lot of noise. He stated that they came up with a plan of putting up a fence to mitigate the noise, a rebounding barrier to prevent the ball from going into neighbors' yards, and other compromises to try and appease their neighbors.

Assistant Village Manager Allison Matson reported that one email was submitted to info@flossmoor.org by Mrs. Anglin, which was distributed to the Board members.

Mayor Nelson referred to Recognitions and Appointments

There were no recognitions or appointments scheduled for tonight's meeting.

Mayor Nelson referred to the Consent Agenda (which encompassed Agenda Items 1-5):

Mayor Nelson called for a motion to approve the Consent Agenda. Trustee Mitros so moved, seconded by Trustee Hoag. Mayor Nelson called for a vote on the motion as presented. Motion passed by a roll call vote.

<i>AYES:</i>	<i>Trustees Bradley-Scott, Daggett, Driscoll, Hoag, Lofton, and Mitros.</i>
<i>ABSENT:</i>	<i>None</i>
<i>ABSTAIN:</i>	<i>None</i>
<i>NAYS:</i>	<i>None</i>

Mayor Nelson referred to Reports of Committees, Commissions or Boards

There were no reports of committees, commissions, or boards.

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Mayor Nelson referred to Action Items

Mayor Nelson referred to Agenda Item #6 – Consideration of an Ordinance of the Village of Flossmoor, Cook County, Illinois, Approving a Special Use for a Sport Court at 2705 Heather Road. Trustee Mitros so moved, seconded by Trustee Bradley-Scott.

Building & Zoning Administrator Scott Bugner stated that this item was for a request of a Special Use Permit for a sport court at 2705 Heather Road. The Agbarahs previously obtained a permit for a patio in 2018, which was later turned into a sport court. In April 2021, the Village started receiving complaints about the noise levels including calls to the police department. Building & Zoning pursued the matter since there was no special use permit for it. One citation was issued to the Agbarahs after they were told not to use it until there was a hearing for the special use. The Agbarahs appeared before the Plan Commission in June and July. They were told in June to approach their neighbors and try to come up with a solution. Mr. Agbarah returned to the Commission with the report that he was unable to speak with the neighbors, and came up with some court rules including fencing and no court lighting. The Plan Commission approved the request with the proposed rules.

Mayor Nelson asked if the Trustees had any questions.

Trustee Mitros stated that the sport court was done incorrectly, and that they could limit the hours from 9 to 8 pm. He stated that the illumination from the house onto the court should be limited as well.

Trustee Hoag stated that if the Board was going to grant the special use, there should be more restrictions on it. He stated that he is opposed to their petition. He stated that really they should have to remove the sport court and start over with the process to request a special use permit. He stated that he doesn't think they can have a sport court move forward when they have neighbors on both sides of them opposed to it unless they go through the appropriate process including neighbors' input. He stated that they may have to be required to take it down.

Trustee Lofton inquired about whether the Agbarahs were required to reach out to the neighbors before the Plan Commission voted on the issue, and what the vote was about.

Building & Zoning Administrator Scott Bugner stated after the June 2021 meeting, the Plan Commission recommended to the Agbarahs to speak with the neighbors. He also stated that Mr. Abgarah came back with a plan to mitigate the noise and the Plan Commission voted at the subsequent meeting to accept the mitigation plan. He stated that the neighbors were in attendance at the subsequent meeting.

Trustee Daggett asked if the neighbors had an opportunity to weigh in on the Agbarah's plan, and whether the conditions had been met. He recommended that the parties try to sit down and work together to come up with solutions.

Building & Zoning Administrator Scott Bugner stated that Mrs. Anglin was present for the July meeting. The Plan Commission asked both sets of the Agbarah's neighbors for their comments on the petition, and both specifically said no. Mr. Bugner stated that the conditions haven't been met yet and that they were conditions if the ordinance were approved. Trustee Daggett stated that he would prefer that the community members have a conversation before it moves forward.

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Trustee Bradley-Scott stated that it put the Village in an awkward situation because the options inconvenience all parties. She asked for clarification on when the patio was installed.

Building & Zoning Administrator Scott Bugner responded when the patio was installed but then stated that he wasn't sure when the sport court was installed. The rules are not in place because the ordinance has not been passed. He stated that the light was a patio light that is angled toward the sport court.

Trustee Hoag stated that the rules were unenforceably vague except for the fence and illumination.

Trustee Driscoll discussed the importance of requesting the special use in the correct order, and whether the sport court could revert to a patio. He stated that the restriction for the times of use of the sport court should be until dusk like public parks.

Trustee Hoag asked whether the neighbors would speak with the Agbarahs.

Discussion ensued regarding whether the parties would speak with each other.

Mayor Nelson suggested using the Chicago Center for Conflict Resolution for the parties to talk about the issues and a possible compromise related to the sport court.

The Agbarahs stated that they would be willing to meet.

Mrs. Anglin stated that she would be willing to meet.

Attorney Kathi Orr stated that the matter could be continued until the Village Board meeting after the parties meet.

Mayor Nelson called for an amended motion to table the matter to the next regular meeting subsequent to the Petitioners and neighbors' completion of mediation through the Center for Conflict Resolution. Trustee Hoag so moved, seconded by Trustee Mitros. Motion passed by a roll call vote.

AYES: Trustees Bradley-Scott, Daggett, Driscoll, Hoag, Lofton, and Mitros.

ABSENT: None

ABSTAIN: None

NAYS: None

Mayor Nelson referred to Agenda Item #7 - Discussion on the Use of State Capital Grants and the American Rescue Plan Act (ARPA) Funding and the Establishment of a Fund in the Fiscal Year 2021-2022 Budget to Account for ARPA Funding and Expenses and Amend the Municipal Parking Lots Fund.

Director of Public Works John Brunke stated that in anticipation of the legislative appropriations that the Village may receive, staff wanted to provide a list of project options that could be funded with the various funding sources. He cited a list of various appropriations. He stated that each funding source will need to be further investigated to determine specific project requirements to verify if the options are feasible. He stated that through ARPA, the Village is supposed to receive \$1,244,569.00. He stated that the best use of

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the funding would be the water supply improvements associated with the Chicago Heights water supply conversion estimated at \$1,681,000, which is an immediate need. He also referred to stabilizing the Municipal Lots Fund and putting funds toward the Flossmoor Road Viaduct and Berry Lane Drainage Improvement projects.

Mr. Brunke stated that Flossmoor would receive \$112,500 from SB 2800, section 7840, for costs associated with roadway improvements. He stated that some of the money can go towards engineering, and some of the money can go towards construction. They identified the Brumley Drive Reconstruction Project for use of this money. Mr. Brunke stated that Flossmoor would receive \$50,000 from SB 2800, section 2615, for costs associated with infrastructure improvements. Staff thought that the money should go towards the Village Hall emergency back-up generator replacement project. He stated that the Board didn't need to take action on the money from SB 2800, section 2270, which will be used for costs associated with engineering and reconstruction of the Brookwood Bridge Deck Reconstruction Project. He stated that money received from SB 2800, section 2965, will be used for costs associated with the Flossmoor viaduct improvements. He stated that the \$1 million that the Village received for costs associated with capital improvements from SB 2800, section 1229, could be used for the Flossmoor Road Viaduct Project and Berry Lane Drainage Improvement Projects which would allow more money to go towards the street rehab program. Another project for the funds could be the small water meter replacement project if it qualifies.

Mr. Brunke requested the Village Board's feedback on the funding plan. If the Board approves the plan, there is a budget amendment memo to account for the ARPA monies.

There was discussion amongst the Trustees about the proposal.

Mayor Nelson inquired about the Brookwood Bridge and culvert project and whether the project would be delayed if not prioritized with the new funding.

Mr. Brunke stated that there is state road funding for that project which is anticipated to be 100% funded.

With regard to the budget amendments, Finance Director Scott Bordui stated that the Board would be creating line items and establishing a fund which they can do by motion, and then the Village staff would bring it to the Board in resolution form on the next quarterly budget amendment resolution.

The Board agreed on the plan as presented. In addition, Mayor Nelson called for a motion to establish the American Rescue Plan Fund in Fiscal Year 2021-22 as and approve the associated budget amendments as presented. Trustee Bradley-Scott so moved, seconded by Trustee Driscoll. Motion passed by a roll call vote.

<i>AYES:</i>	<i>Trustees Bradley-Scott, Daggett, Driscoll, Hoag, Lofton, and Mitros.</i>
<i>ABSENT:</i>	<i>None</i>
<i>ABSTAIN:</i>	<i>None</i>
<i>NAYS:</i>	<i>None</i>

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Mayor Nelson asked if there were any other business.

Village Manager Bridget Wachtel stated that the Village is a finalist for two 3CMA awards. 3CMA is an offshoot of the ICMA organization for communication professionals of which staff member Amy Kent is a member. Mrs. Wachtel commended Amy Kent and Assistant Village Manager Allison Matson for their efforts on the projects (Village newsletter and Discover Flossmoor campaign), and that the Village is a finalist for both awards.

Mayor Nelson commended the Police, Fire, and Public Works Departments for their work on Bike the Gem and National Night Out. She commended Amy Kent and Allison Matson for their work on the Back to School event.

Mayor Nelson stated that on Saturday night, Chief Kamleiter would be the guest DJ at Flossmoor Station. She stated that Chamber Night with the Illinois Philharmonic Orchestra event would be on Wednesday and would take place in downtown Flossmoor near the library.

Mayor Nelson stated the Strategic Planning Community Input Sessions would be on three upcoming dates, and that postcards regarding the surveys were sent to residents' homes.

Mayor Nelson referred to Agenda Item #8: A Motion to go into Executive Session to Discuss the Employment of Specific Individuals, Property Acquisition and Litigation

There was no need to enter into Executive Session.

As there were no other items to discuss, Mayor Nelson called for a motion to adjourn the meeting. Trustee Mitros so moved, seconded by Trustee Bradley-Scott and passed by a voice vote.

<i>AYES:</i>	<i>Trustees Bradley-Scott, Daggett, Driscoll, Hoag, Lofton, and Mitros.</i>
<i>ABSENT:</i>	<i>None</i>
<i>ABSTAIN:</i>	<i>None</i>
<i>NAYS:</i>	<i>None</i>

The Regular Meeting was adjourned at 8:16 p.m.

Respectfully Submitted,



*Gina A. LoGalbo
Village Clerk*