

VILLAGE OF HOMEWOOD
BOARD OF TRUSTEES MEETING
TUESDAY—NOVEMBER 10, 2020
VILLAGE HALL BOARD ROOM
and audio conferencing

CALL TO ORDER: Village President Hofeld called the regular meeting of the Board of Trustees to order at 7 p.m. The meeting was conducted by President Hofeld from the Boardroom.

PLEDGE OF ALLEGIANCE: President Hofeld dispensed with the Pledge of Allegiance.

ROLL CALL: Clerk Marilyn Thomas called the roll. Those present were Village President Richard Hofeld at Village Hall, with Trustee Barbara Dawkins, Trustee Lisa Purcell, Trustee Karen Washington, Trustee Lauren Roman, Trustee Jay Heiferman, Trustee Larry Burnson, and Clerk Thomas via audio conference.

President Hofeld introduced staff Village Manager Jim Marino, Village Attorney Chris Cummings in the board room; Assistant Village Manager Napoleon Haney managing the Zoom feed; Public Works Director John Schaefer and Director of Finance Dennis Bubenik were present via Zoom.

NOTE: Due to the Governor's emergency order because of the COVID-19 pandemic and social distancing recommendations, and the Village President finding that, pursuant to Public Act 101-0640, an in-person meeting is not prudent, elected officials are permitted to participate via video/audio. The public was invited to listen into the meeting live via audio. The public was invited to submit comments by email before the meeting. All elected officials were able to hear one another and all discussion.

MINUTES: The minutes of the General Board Meeting of October 27, 2020, were reviewed. There were no comments or corrections.

A motion was made by Trustee Burnson and seconded by Trustee Washington to accept the minutes as presented.

Roll Call: AYES—Trustees Dawkins, Washington, Roman, Heiferman and Burnson. NAYS -None. ABSTAINED—Trustee Purcell. Motion carried.

CLAIMS LIST: The Claims List in the amount of \$717,971.73 was reviewed. There were no questions from the Trustees.

A motion was made by Trustee Washington and seconded by Trustee Purcell to approve the Claims List as presented.

Roll Call: AYES—Trustees Dawkins, Purcell, Washington, Roman, Heiferman and Burnson. NAYS –None. Motion carried.

President Hofeld noted two items totaled 75 percent of the Claims List: \$306,459.81 to the City of Harvey for water, and \$230,097.98 for employee health insurance for November.

HEAR FROM THE AUDIENCE: President Hofeld announced that all public comments received before the meeting were distributed to the entire Board of Trustees and will be included in the meeting minutes. As provided in the rules for public comment adopted by the board, the village clerk will not read aloud those comments that repeat statements made previously.

OMNIBUS AGENDA: Clerk Thomas presented the Omnibus Agenda:

- A. THIRD AMENDMENT - PURCHASE AND SALE AGREEMENT/FORMER TRIUMPH BUILDING: Approve the third amendment to the Real Estate Purchase and Sale Agreement to extend the inspection period and closing date of the former Triumph Building at 2033-2045 Ridge Road and 18042-18048 Martin Avenue due to financing concerns because of COVID-19.
- B. ORDINANCE M-2150/EASEMENT AGREEMENT/VERIZON WIRELESS: Pass an ordinance approving a utility easement agreement between the Village of Homewood and Chicago SMSA Limited Partnership D/B/A Version Wireless for the Village owned property at 17755 Ashland Avenue for a lump-sum compensation to the Village of Homewood in an amount of \$12,500.
- C. ORDINANCE M-2151/PARKING VARIANCE/A PLACE OF ZEN: Pass an ordinance granting a parking variance to allow the operation of A Place of Zen salon/spa at 18360 Governors Highway.
- D. ORDINANCE MC-1043/AMENDING THE MUNICIPAL CODE/LIQUOR LICENSES: Pass an ordinance amending Section 10-58 of the Homewood Municipal Code increasing the number of Class 14E Liquor Licenses from zero to one so the liquor commissioner may issue the license to DSLR, LLC., formerly, Copper Still Martini Bar and Lounge. The business is under new ownership.
- E. BID AWARD/PURCHASE OF MOBILE VEHICLE LIFT SYSTEM: Waive the competitive bidding process due to a joint purchasing program, and purchase one Rotary Flex 419 Lift System through the Sourcewell Joint Purchasing Program (Contract#: 061015-RRL) for a not-to-exceed cost of \$47,973.77.

A motion was made by Trustee Burnson and seconded by Trustee Heiferman that the board pass the Omnibus Agenda as presented.

Roll Call: AYES—Trustees Dawkins, Purcell, Washington, Roman, Heiferman and Burnson. NAYS –None. Motion carried.

NEW BUSINESS:

DISCUSSION/LIQUOR LICENSE REQUEST/SAUCY CRAB HOMEWOOD INC.: A proposal for a liquor license from The Saucy Crab Homewood, Inc., 17620 Halsted St. was reviewed. The board instructed staff to prepare an ordinance increasing the number of 75/25 liquor licenses (75percent food/25 percent liquor sales) for consideration at a future meeting.

PRESENTATION/WATER TRANSMISSION MAIN PROJECT:

Village Manager Marino introduced Randy Patchett, Steve Crede and Stephen Boden of Burns & McDonnell who gave a presentation on construction of a new water transmission main that would allow Homewood to purchase Lake Michigan water from Chicago Heights instead of Harvey in late 2022. The village has a contract to purchase land in Thornton to construct a booster pumping station. Burns & McDonnell has prepared engineering plans for the project and will supervise installation of the pump station and construction of the new water main linking the Chicago Heights main to the Homewood water system.

Working with Public Works Director Schaefer and his staff, Burns & McDonnell reduced the initial costs by agreeing to eliminate brick construction for a prepackaged building for the booster station. It also agreed convert from iron piping to plastic piping.

This project will require digging along railroad lines, under Halsted Street and through the Izaak Walton Preserve. The estimate is work will start in December/January and the pipeline and booster should be complete by the end of 2022. In addition to engineering the pipeline construction, Burns & McDonnell is conducting loop testing at Chicago Heights' pump station in Lansing to insure that there is no adverse impact on the village's water supply when it changes water suppliers.

Clerk Thomas read a letter into the record from John Brinkman, president of the board of the Izaak Walton Preserve, commending John Schaefer for his efforts in keeping the Izaak Walton board informed on the project.

President Hofeld said he expects this to be the largest public works project the village has undertaken and he commended Homewood staff, led by Mr. Schaefer, and the team from Burns & McDonnell.

Finance Director Bubenik told trustees the Village has been saving money since it paid off the 2005 water bond, so the Village can pay for the entire project without borrowing.

Trustees commended Bubenik and Public Works staff for their due diligence on this project. Trustees said the safety and concern for residents is paramount to them,

and they appreciate every step that's been taken on this project to guarantee that the Village's water source will meet all safety requirements.

AGREEMENT/WAIVE COMPETITIVE BIDDING/CONSTRUCTION OF WATER TRANSMISSION MAIN AND BOOSTER PUMP STATION: Consider a motion to waive competitive bidding and contract with Burns & McDonnell Engineering Company, Inc. of Kansas City, MO to construct a new water transmission main and booster pump station for a total cost of \$11,670,475 contingent upon final contract approval by the Village Attorney.

A motion was made by Trustee Dawkins and seconded by Trustee Heiferman to approve the contract with Burns & McDonnell Engineering Co. of Kansas City for \$11,670,475 contingent upon final contract approval.

Roll Call: AYES—Trustees Dawkins, Purcell, Washington, Roman, Heiferman and Burnson. NAYS –None. Motion carried.

GENERAL BOARD DISCUSSION: Trustees again urged residents to wear masks and follow CDC guidelines to protect themselves and others from spreading the COVID-19 virus.

President Hofeld reminded residents free leaf pick-up dates are November 18 and 25.

A motion was made by Trustee Burnson and seconded by Trustee Purcell to adjourn the regular meeting of the Board of Trustees.

Roll Call: AYES—Trustees Dawkins, Purcell, Washington, Roman, Heiferman and Burnson. NAYS –None. Motion carried.

The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Marilyn Thomas

Village Clerk

Public Comments received prior to the Regular Board Meeting on 11/10/2020

From: R. Predny [mailto:rpredny@yahoo.com]

Sent: Thursday, November 5, 2020 10:11 PM

To: Marino, Jim <jmarino@homewoodil.gov>

Cc: PublicComments <comments@homewoodil.gov>

Subject: Re: Disappointment in Homewood Elected Officials and Police Department

Dear Mr. Marino,

I will be sending the following letter to Mama and Me Pizza tomorrow. If there is any noise from the bands in the future, I will be filing a lawsuit that will include the restaurant, as well as the village and the police department for violating its own ordinances, as well as negligence in remedying the situation by holding Mama and Me's owner accountable for the ordinances. If necessary, I will also file for an injunction to stop the bands from playing again.

Once again, I am stating for the record that not a single person from the restaurant, the village or the police department has been inside my home. The music from Mama and Me Pizza's bands is so loud that you can easily hear it inside my home, over the raised volume on my television set. I have been unable to hear my colleagues on my Zoom work training calls because the band's music is so loud. I have tried to discuss the matter with the owner without success. I have also tried to get help from the Homewood Police Department with mixed results, depending upon which officer is on shift. I first emailed the Homewood Village Board about this matter back in August. I have yet to have any relief from the music. Despite the acknowledgement from yourself that the music is loud, no one is willing to hold the restaurant accountable for its neglect and nuisance, so it continues to be an issue months later. For the record, not a single person from the village board nor the village mayor has called me or talked with me, despite my numerous emails. The assistant village manager called me once and never returned my follow-up phone call. You emailed me, telling me that the bands were to stop playing on October 30th, 2020. I responded with information about bands playing past that date and I did not receive further communication from you.

Robin Predny

[attachment]

"The greatest moment of our lives is when our mind or our body is stretched to its limits in the voluntary pursuit of something both difficult and worthwhile." Csikszentmihalyi

Kim Phillipos
Mama and Me Pizzeria
18219 Dixie Hwy.
Homewood, IL 60430

5 November 2020

Ms. Phillipos,

Be advised: Mama and Me Pizzeria is negligent in its duty to follow the noise codes found in the Homewood zoning permits and the State of Illinois Municipal Code, disturbing the residential neighborhood on Gottschalk Avenue with loud music from bands.

On Thursday evenings from 6-9 p.m., on Friday evenings from 6-9 p.m., and on Saturday evenings from 6-10 p.m., the music is so loud that residents can clearly hear the music and lyrics over other devices within the household despite closed windows and doors. Noise codes in Homewood and Illinois specifically forbid noise at this volume at this distance from a residential area. The volume of noise is considered a nuisance.

The total lack of concern for the neighborhood you adjoin, your flagrant flouting of Homewood and Illinois noise ordinances, and your total disregard for the rights of the residents in the neighborhood is affecting not only me, but the other members of my household. My work and my personal life has been affected by this noise. Our rights to the quiet enjoyment of our home and the right to work have been impinged, as well as our health.

Consider this **constructive notice** that as owner of Mama and Me Pizzeria, you have a vicarious liability and non-delegable duty to provide the neighborhood the quiet enjoyment of their premises. This is a responsibility that is quite important to this community and is one you cannot transfer.

You have a duty which you are breaching. If you don't take corrective action to rein it in completely, that breach of such duty will be a proximate cause of injury (disruption to work for one, pain and suffering for another). You have sufficient authority and control to bring an end to the bands' flouting of the noise codes.

Previous court cases in Illinois have found that noise qualifies as a nuisance. "A nuisance is an interference with the interest in the private use and enjoyment of the land...consists of an invasion by something perceptible to the senses...something that is offensive, physically, to the senses and by such offensiveness makes life uncomfortable." The Illinois Supreme Court has found that "an intentional invasion occurs when the defendant knows that an invasion of

another's interest in the use or enjoyment of his or her land is resulting or is substantially certain to result." (Dobbs v. Wiggins, 401 Ill. App. 3d 367, 376). Proof in the form of detailed records and audio recordings taken from inside my home on multiple occasions will show that you have been negligent in your duties and that you have been contacted several times regarding the nuisance of the noise level from the bands and have been asked on numerous occasions to lower the volume to more reasonable levels by multiple people without adherence.

I maintain that you have breached your duty and you must take immediate corrective action. If you fail to do so, you will be liable for:

Breach of Duty: you have a duty to manage the noise from your property appropriately.

Gross Disregard: for not only my rights, but the rights of my household members and the neighborhood.

Wanton and Willful Disregard: for the facts and past complaints.

This is a simple matter to correct, and if the volume of noise and nuisance continues, I will bring a lawsuit against you as the owner of Mama and Me Pizzeria for negligence. This is the last time you will be so warned. If this doesn't stop immediately and for good, the next thing you will receive from me is a summons to appear.

Robin Predny