

MINUTES

CHATHAM, ILLINOIS
REGULAR VILLAGE BOARD MEETING
6:00 PM, SEPTEMBER 10, 2013

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL

Trustees Present: Clayton, Kimsey, Boyle, Holden, Kavanagh, Schatteman.
Trustees Absent: None. Others present: Clerk Schad, Treasurer Dierking,
Public Works Director Branham, Village Manager McCord, and Village
Attorney John Myers.

HEARING OF CITIZENS

The Owner of BP discussed a desire to remodel the dilapidated car wash into a liquor store. The village will need to approve another liquor license. Attorney Myers had reservations about approving a new liquor license before the business is ready to open. If the new license is approved before the business is ready to open anybody can apply and obtain that license if they meet qualifications. The Liquor store is property separate but adjacent to BP. Attorney Myers is researching but thinks the village can accommodate BP.

Former village trustee Mathew Mau had comments about the water plant, which he "adamantly opposed", and water rates. His initial comments regarded the debt service which he said appeared to increase every year which will, he said, affect water rates every year. His also wondered how the result of our suit with Springfield, when settled, will affect water rates. Attorney Myers suggested Matt come to a South Sangamon Water Commission (SSWC) meeting and talk with finance officer Bill Pfeffer for a detailed explanation of finances.

Mr. Mau also discussed a 9/3/09 draft contact from Springfield that offered to remove boundary restrictions. He disagreed with Village Manager McCord's past statement that Ironbridge Estates could not have been built had the village stayed with CWLP. Mr. Mau said the 9/3/09 contract removed boundary restrictions. Mayor Gray said if the village had agreed to this draft contract, water rates would have been much higher to make up for removing the boundary restriction.

Mr. Mau discussed raises for non-union employees (an item under old business) specifically the raise of village manager. He said, because of "the water plant and other issues", accountability needs addressed and asked the board to consider the village manager's raise separately. He said all employee raises could be acted on separately if the board saw fit but all these raises should be done on merit.

Paul Baldwin, accompanied by his wife, had a concern for the affect of rate increases on senior citizens with fixed incomes. He said while a \$1/1000 gal increase might not seem large to most, it affects people on fixed incomes and the increase is actually \$1.5/1000 when sewer fees are taken into account. Village treasurer Dierking said his judgment of the affect on sewer fees wasn't correct and tried explaining that the sewer charge is based on consumption. Trustee Schatteman discussed water rate language found in the village code of ordinances.

Gayle Stone discussed her confusion and concern with rates. Specifically, she had issue with being charged minimal fees. She said she returned from vacation, expecting an inexpensive bill, but was "overcharged" and regardless of the amount of water consumed her sewer bill "is always 60%" of her water bill. Mayor Gray reminded attendees that sewer rates are

passed onto Chatham customers from the Sanitary Sewer District. Ms. Stone seem to accept a minimal water fee but didn't agree with a sewage minimal fee based on water she didn't consume. Mayor Gray explained that it's the result of the Sanitary Sewer District's billing structure, not Chatham's, and Trustee Kavanagh also mentioned the impact of the construction costs of the new Sanitary Sewer District plant. In summary, Ms. Stone just didn't think the rate structure is clear and fair and it needs to be changed.

Taking into consideration citizen's comments, Trustee Boyle said "there are a lot of individuals in the community", including him, that have questions and concerns that must be addressed. He said answers and information hasn't been provided by (McCord) as the village manager and/or the SSWC chairman and that a rate increase shouldn't be approved without finding a "bigger solution." Ms. Stone asked why he (McCord) wasn't present. Mayor Gray said this was a village board meeting, not a SSWC meeting. Trustee Boyle asked why Mr. Pheffer hasn't ever come to a board meeting to explain finances. Attorney Myers said Mr. Pheffer would be happy to come if asked.

Paula Baldwin's wife asked how the plant was built, why wasn't it put to a referendum, etc. Mayor Gray said that discussions to build a water plant had been happening for 20 years. Trustee Boyle said, "Citizens were not given that opportunity" (for a referendum). Mrs. Baldwin said Attorney Myers had no real interest in the happenings of Chatham because he's from Springfield and asked why we don't have an attorney from Chatham. Trustee Boyle said, "The village manager and mayor decided to pay our attorney a lot of money to represent us." Mrs. Baldwin asked, "Why?" to which Mayor Gray said, "John is a competent municipal attorney." Eventually, after Mrs. Baldwin realized there were two attorneys on the board, she asked, "Is there a reason we have two attorneys on the board?" Trustee Boyle said that he

was an elected official and doesn't serve the village as an attorney. In summary, there was more general talk about contracts, raises, rate increases, and accountability.

Dan Mulinsky asked for water rate documentation. Trustee Schatteman said all rates are approved by ordinance and gave Mr. Mulinsky information from the village code of ordinances.

CONSENT AGENDA

Main Motion

Trustee Kavanagh motioned to approve the Consent Agenda; seconded by Trustee Holden.

Consent Agenda item(s):

1. Warrants (Resolution 31-13)
2. Minutes (08-27-13 Regular Board Meeting)

Motion to Amend

Trustee Boyle motioned to remove payment to village economic development lobbyist Timothy S. McAnarney from Resolution 31-13; Seconded by Trustee Clayton.

Amend Discussion

Trustee Boyle said, "We have an employee with an open ended contract, a perpetual contract, for over ten years" being paid \$2000/monthly, "roughly \$250,000 in ten years", without any accountability, documentation, or reports to indicated his performance, value, and services to the village. According to Trustee Boyle, Mr. McAnarney was asked to verbally report his services but Trustee Boyle thought the village was "beyond that" and

demanded documentation of services rendered. According to Trustee Boyle, Mr. McAnarney is not a member of the Chatham Chamber of Commerce. Further, Trustee Boyle said we should discuss discontinuing this contract. He said we're discussing water rate increases when "\$250,000 was spent without any accountability." How was he (McAnarney) hired and why hasn't he provided any reports? We should withhold payment until thorough documentation of services is provided by Mr. McAnarney and Trustee Boyle requested an Executive Session to discuss who he thinks is accountable for this situation.

Amend Action

There being no further discussion, the motion to amend to remove Mr. McAnarney's payment from Resolution 31-13 was NOT passed by roll call vote 3 yes, 4 no, 0 absent, as follows: Clayton=yes, Kimsey=no, Boyle=yes, Holden=no, Kavanagh=yes, Schatteman=no, Gray- no.

Mayor Gray said Mr. McAnarney will be reporting on his services but Trustee Boyle insisted on receiving written reports, including reports of past services. Treasurer Dierking has no reports from Mr. McAnarney.

Incidental Motion

Trustee Boyle motioned to go into an Executive Session to discuss the subject of hiring, firing and discipline of personnel (after Calendar of Events); Seconded by Trustee Schatteman.

Incidental Discussion

In Trustee Boyle's opinion the performance of Economic Development Consultant Tim McAnarney is sorely lacking, his reports are non-existent and the expenditures for Mr. McAnarney services have been a waste of

taxpayer's money. Trustee Boyle thinks the fault lies with Village Manager McCord.

Incidental Action

Without further discussion, the incidental motion for an Executive Session passed by roll call vote 6 yes 0, no 0, 0 absent, as follows: Clayton=yes, Kimsey=yes, Boyle=yes, Holden=yes, Kavanagh=yes, Schatteman=yes.

Main Action

There being no further discussion, the main motion to approve the Consent Agenda passed by roll call vote 5 yes, 1 no, 0 absent, as follows: Clayton=yes, Kimsey=yes, Boyle=no, Holden=yes, Kavanagh=yes, Schatteman=yes.

PRESIDENT'S REPORT - None

OLD BUSINESS

Main Motion

Trustee Kavanagh motioned for consideration of **Ordinance 13-25, An Ordinance in Reference to Salaries of Village Employees**; Seconded by Trustee Holden.

Motion to Amend

Trustee Boyle, considering earlier comments by Mr. Mau, motioned to consider the raises in Ordinance 13-25 individually; Seconded by Trustee Clayton.

Amend Discussion

Trustee Kimsey said the raises were properly budgeted, and the employees and their raises were properly evaluated. Trustee Boyle said he was approached by some residents opposed to giving administrative raises when

rates are increasing and particularly a raise to the village manager, whom Trustee Boyle thinks hasn't performed well.

Amend Action

There being no further discussion, the Motion to Amend to act on raises individually did NOT pass by roll call vote 3 yes, 4 no, 0 absent, as follows: Clayton=yes, Kimsey=no, Boyle=yes, Holden=yes, Kavanagh=no, Schatteman=no, Gray=no.

Main Action

There being no further discussion, the main motion to approve ordinance 13-25 passed by roll call vote 4 yes, 2 no, 0 absent, as follows: Clayton=no, Kimsey=yes, Boyle=no, Holden=yes, Kavanagh=yes, Schatteman=yes.

Item 2, **Approving the Final Plat of Subdivision, Glendale Estates, Plat 3**, lacking a Letter of Credit, was not ready for action. It will remain in old business until acted upon or removed.

NEW BUSINESS

An Ordinance Amending Section 35.056 of the Chatham Code of Ordinances, Pertaining to Compensation for Non-Bargaining Unit Employees was not ready for action. This ordinance pertains to authorizing raises for non-bargaining unit employees by the village manager. Attorney Myers was unclear as to what happened to police officers who are also non-bargaining unit employees. This ordinance will become Old Business and remain there until acted upon or removed.

Main Motion

Trustee Schatteman motioned for consideration of **Ordinance 13-28, An Ordinance Approving Agreements with Chatham Baseball & Softball**

Incorporated (CBSI) and Chatham Community Football League (CCFL), Inc.; Seconded by Trustee Kavanagh.

Main Discussion

Following many months of meetings of the Parks and Recreation Commission (PRC) and talks between that commission and CBSI, CCFL and Ball Chatham Soccer, Inc. (BACH) these agreements, except with BACH, were approved by PRC and forwarded for consideration to the Public Properties Committee (PPC). The Agreements from PRC required an annual meeting with a report consisting of financial and operational sub-reports. The PPC removed the financial reports requirement from the agreements and forward for consideration these agreements to the village board. Ordinance 13-28 does NOT include BACH. An agreement with that organization is expected to be forthcoming.

Trustee Schatteman notice an error in the term of the agreements.

Motion to Amend and Action

Trustee Kavanagh motioned to amend Ordinance 13-28 by changing the term of the enclosed agreements from 5 years to 1 year; Seconded by Trustee Holden. There being no discussion, the Motion to Amend passed by roll call vote 6 yes, 0 no, 0 absent, as follows: Clayton-yes, Kimsey-yes, Boyle-yes, Holden-yes, Kavanagh-yes, Schatteman-yes.

Main Action

There being no further discussion, the main motion to approve Ordinance 13-28 passed by roll call vote 6 yes, 0 no, 0 absent, as follows: Clayton-yes, Kimsey-yes, Boyle-yes, Holden-yes, Kavanagh-yes, Schatteman-yes.

Item 3, **Approving an Ordinance Regarding Public Property Usage Fees** was not ready for action. It will become Old Business and remain there until acted upon or removed.

Main Motion

Trustee Holden motioned for consideration of **Ordinance 13-29, An Ordinance Fixing Rates and Charges for Water Furnished by the Waterworks System and Amending the Village of Chatham Code of Ordinances**; Seconded by Trustee Kavanagh.

Main Discussion

Trustee Holden said he doesn't want to raise rates but "if this isn't addressed the hole gets deeper." Attorney Myers said he removed a provision that originated in the code of ordinances in 1982 that says anytime there's a wholesale rate increase retail rates are increased the exact same percentage. That provision was made obsolete in 13-29. Trustee Kimsey said there should be rate structure improvements, but we need to move on. Mayor Gray reviewed water rates from other communities and said they were very difficult to understand. He thinks the board has been transparent but the structure could be better explained. Trustee Schatteman suggested the board look at the rate structure and develop a solution that's easier to understand and easier with which to budget. He wasn't sure if the board should pass 13-29 because there are still a lot of questions. Trustee Clayton was concerned with the debt structure and annual rate increases that don't do a better job of resolving the debt.

Trustee Boyle said the village manager also being the SSWC chairman creates a potential conflict of interest. Trustee Boyle asked Attorney Myers about such a conflict. Attorney Myers said, when you study the Water

Commission section of the Illinois Municipal Code, the Commissioners of the Water Commission can be Elected Officials. So the Commission could have a Trustee or a Mayor. Further, he said a municipality can have an officer designated or appointed by a village president with the consent of the village board. So, the IML says you can have an elected or other official of a municipality on the commission; there is no conflict of interest. Furthermore, a water commission is an agency with an intergovernmental agreement with municipalities. In a sense, with 90% of customers and usage, this village board "is the water commission." Trustee Clayton asked to see that opinion in writing and also wondered who is financially accountable. Mayor Gray suggested Mr. Pheffer address the board. Trustee Boyle said the Chairman should be just as knowledgeable about finances as the SSWC finance officer.

Main Action

There being no further discussion, the main motion to approve Ordinance 13-29 passed by roll call vote 4 yes, 3 no, 0 absent, as follows: Clayton-no, Kimsey-yes, Boyle-no, Holden-yes, Kavanagh-yes, Schatteman-no, Gray-yes.

Mayor Gray said the board will revisit this as quickly as possible but the board needed to approve this now to meet minimal obligations.

Main Motion

Trustee Holden motioned for consideration of **Ordinance 13-30, An Ordinance Approving the Sale of Personal Property via E-Bay;** Seconded by Trustee Kimsey.

Main Discussion

Trustee Holden explained that 13-30 approves the sale of a Martin Yale Burster Model 970A and a New 3M DC600A Data Cartridge 60 MG on E-bay. These items are no longer necessary or useful to the village.

Main Action

There being no further discussion, the main motion to approve Ordinance 13-30 passed by roll call vote 6 yes, 0 no, 0 absent, as follows: Clayton-yes, Kimsey-yes, Boyle-yes, Holden-yes, Kavanagh-yes, Schatteman-yes.

CALENDAR OF EVENTS

Regular Village Board meetings are every 2nd and 4th Tuesday at 6:00 PM, except in December when there is only one on the 2nd Tuesday. Committees meet every 1st and 3rd Tuesday at 6:00 PM. Planning Commission meetings, when scheduled, are the 3rd Thursday at 6:00 PM. Public Parks and Recreation Commission meetings are the 2nd Monday at 6:00 PM. All meetings are open to the public, unless in executive session, and are posted in advance on the municipal hall bulletin board and/or public door.

EXECUTIVE SESSION

Trustee Holden motioned to go into Executive Session to discuss the subject of hiring, firing and disciplining personnel; Seconded by Trustee Kavanagh. The motion passed by roll call vote 6 yes, 0 no, 0 absent, as follows: Clayton-yes, Kimsey-yes, Boyle-yes, Holden-yes, Kavanagh-yes, Schatteman-yes.

RECONVENE OPEN SESSION

Trustee Kavanagh motioned to reconvene the open session of the regular village board meeting; Seconded by Trustee Holden. The motion passed by

roll call vote 6 yes, 0 no, 0 absent, as follows: Clayton-yes, Kimsey-yes, Boyle-yes, Holden-yes, Kavanagh-yes, Schatteman-yes.

There was no action taken as the result of the Executive Session.

ADJOURNMENT

Having no further business to come before the board Trustee Kavanagh motioned to adjourn. Seconded by Trustee Boyle, the motion passed by voice vote.

Respectfully Submitted,
Pat Schad, Village Clerk