

**MINUTES OF THE REGULAR MEETING OF THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF OAK PARK  
HELD ON MONDAY, DECEMBER 2, 2002 AT 7:30 P.M.  
IN THE COUNCIL CHAMBERS OF THE VILLAGE HALL**

**OFFICIAL RECORD:**

REGULAR  
MEETING  
12/02/2002

**PRESENT:** Trustees Carpenter, Ebner, Gockel, Kostopulos and Turner and President Trapani. Trustee Hodge-West was delayed but arrived shortly after the start of the meeting.

**ABSENT:** None

**QUORUM:** President Trapani convened the Regular meeting of the Village Board at 7:30 p.m. and declared that a quorum was present.

President Trapani explained that Item C-3 was removed from the Agenda and that Item M is being moved to the end of the meeting. Due to the length of the agenda and because there will be a public hearing on this issue, testimony regarding Item M will be restricted to 3 proponents and 3 opponents.

**MINUTES:**

MINUTES OF  
11/18/02  
APPROVED

It was moved by Trustee Ebner, seconded by Trustee Kostopulos, that the Minutes of the regular meeting of November 18, 2002 be adopted as submitted. The motion was unanimously adopted.

**NON-AGENDA PUBLIC COMMENT:**

NON-AGENDA  
PUBLIC  
COMMENT

Maureen Kleinman, 245 N. Kenilworth Avenue, stated that she wished to speak about the tax base in Oak Park and economic development in general terms. She said that the increase to the tax base due to economic development is never as great as predicted and that the benefits are often offset by subsidies and tax breaks given to developers, with a net cost to the Village. There have been many developments in the last 10 years which have added to the tax base but which tax Village services in terms of fire and police, the schools and the parks; and they add to the parking problems. Additionally, she is concerned that new businesses will hurt existing neighborhood businesses.

Kurt Munson, 538 S. Highland Avenue, spoke in opposition to the proposed parking structure at Madison and Highland. His belief is that the Village failed to communicate with area residents concerning the development of that property. Residents received a July 2002 letter relating mostly to the issue of the Village aiding residents by developing temporary parking, with little discussion concerning development of the property. The RFP sent out stated that development would include, "analysis of the benefits to the community and the

impact on residents' quality of life." Mr. Munson stated that the Village did not provide the residents with a needs assessment for parking in that area and that when individuals met with Mr. Chen, he "gave no indication whatsoever that there were any studies on this topic of need for parking in that area."

In response to a question from President Trapani, Village Manager Swenson said the RFP referenced includes a Staff analysis indicating that there is a need for parking in that area and requests proposals that include public parking. He added that the Village will be glad to share the parking analysis with residents.

Paul Hammer, 737 Lyman, noted that he was opposed to the Planned Unit Development Ordinance when it was presented a few years ago, predicting that the Village would see many "dense proposals." At meetings with Staff over the years, he has reiterated his opposition to density and the response is that the Village is losing population and that if the population falls below 50,000, we will lose our Home Rule status and some federal funding will not be available to the Village. Other people in town indicate that these are not necessarily facts. Mr. Hammer asked that the Village Attorney be directed to create an opinion as to the consequences the Village will suffer if the population falls below 50,000. He commented that if there are no consequences, then some of the economic development decisions have been without merit.

President Trapani responded that State revenue received by the Village is based on population, although Home Rule status is not affected by population. A component of the CDBG Block Grant monies is based on population. She said that Staff will provide him with information to answer his questions.

Jacqueline Charette-BassiriRad, 521 S. Harvey Avenue, expressed her concern regarding the RFP for the project at Madison and Highland. She believes that the project may impact issues related to security, aesthetics and real estate values for the neighborhood. The position paper offered by the Village indicates a need for 200 parking spaces. She thinks this is an inflated number and that 100 or fewer spaces are needed. She spoke of area parking lots that are underutilized and said that she does not believe the Village has justified the need for the proposed structure.

Ms. Charette-BassiriRad commented that the Village has been "slow and selective" in providing information to area residents, with neighbors sometimes learning about an aspect of the project only when an article has appeared in the newspaper. It is important that there be meaningful participation by neighborhood residents. It appears to her that the Village has made critical decisions regarding the project, while "allowing the residents only to have a superficial role. . . during the Plan Commission stage when the best plan for the RFP has probably already been chosen." President Trapani explained that the Plan Commission holds one or more public hearings on the plan at which they are looking and receives input from all those who wish to testify. The plan has not been chosen. President Trapani said that Staff will provide Ms. Charette-BassiriRad with the process format, explaining how it is carried out.

Robert Bole, 516 S. Highland, spoke on the issue of the proposed development at Madison and Highland. He believes that the parking component—a two level, 200 space garage—is the only part of the RFP that is explicit. He received and reviewed a parking demand analysis from Staff; and he stated that he does not know where the demand is coming from. He stated, "There are fewer than 20 cars parked within the 27,000 square feet with three parking lots right now."

Mr. Bole commented on the recently passed referendum and said that having an opportunity for input is very important to Village residents. He thinks residents should be contacted before a project reaches the Plan Commission stage.

Margaret Quirk, 1028 Ontario Street, spoke to the subject of traffic within the Village, saying that traffic is a huge issue. She wants to know, with all the developments being planned, if there is a traffic study being conducted and what models are used for traffic studies that are done. Because of the proposed development at Harlem and Ontario, a study is being conducted now. She wishes to understand how traffic will be impacted and what additional parking will be required due to increased tenants. President Trapani noted that with every new development that falls outside of the base Zoning Ordinance, the developer is required to do a traffic study. She said that the Village will be glad to provide Ms. Quirk with traffic information.

Ron Murphy, 1016 Superior Street, commented that the residents in his neighborhood have great respect and admiration for the dedication of President Trapani and all the Trustees. He was in attendance for the Gallery of Presidents presentation and noted that the common theme of those who spoke was development and that night he heard concern voiced about the Village's plan for development. The 14,000 residents who voted for the advisory referendum said that the Village's process with regard to development is a problem. The Board is being asked not to make "monumental decisions" without the input of residents. He submitted that Agenda Item Q is "taxation without any representation" and he asked that this motion be tabled so that the Village Board can ask what residents think about the issue.

## **PUBLIC HEARING**

### **A. Truth in Taxation Public Hearing on the Proposed 2002 Tax Levy**

Finance Director Greg Peters explained that State law requires all municipalities in Cook County to conduct a public hearing on the proposed 2002 property tax levy for taxes to be collected in 2002. The hearing must occur on the first Monday of December, prior to the adoption of a municipality's annual tax levy. The legal notice announcing the Village's public hearing was published on November 20, 2002 and it invited citizens to present written or oral comments. Interested persons may speak at this hearing. Mr. Peters said that his office received no written correspondence on this matter.

TRUTH IN  
TAXATION  
PUBLIC  
HEARING

Mr. Peters provided a slide presentation. The Village Budget for 2003 contains a property tax decrease in the Village's portion of the 2002 tax levy of 0.91%, while maintaining or improving the level of services in all operating departments. The Village, at the request of the Library Board, levies the Library component of the tax bill every year. The Village levied the debt for the construction of the new library. The debt service for the Library is reflected in the Library portion of the levy, and the portion of the tax levies that normally would be in the General Debt Service Fund have been abated. The overall impact on the Library portion of the levy is a decrease of \$177,190. This is due to the fact that all of the bonds for the Library debt have been issued, and the bond issued in October of 2002 provided significant savings in what was estimated to be the debt service. In 2001, the extended Levy for the Village and Library was \$19,512,347. The Levy request for 2002 is \$19,335,157, which is a 0.91% decrease.

Since no one wished to speak on the proposed 2002 tax levy, President Trapani concluded the public hearing.

**First Reading**

FIRST  
READING

- B. Ordinance Amending Chapter 7 Article 3 of the Code of the Village of Oak Park Adopting the International Code Council (ICC) Codes with the Accumulative Supplements, and Adopting the 2002 Edition of the NFPA 70 National Electric Code (NEC); and Amending Chapter 10 Article 1 Adopting the ICC International Fire Code

ORDINANCE  
ADOPTING ICC  
INTER-  
NATIONAL  
CODES & 2002  
EDITION OF  
NFPA 70  
NATIONAL  
ELECTRIC  
CODE (NEC)

Village Manager Swenson noted that the Board engaged in a preliminary review of this item in a study session. This item is not yet ready for adoption, and he recommended that it go back to the Village Board study sessions for some additional work. It is proper to hold the formal first reading tonight.

Mr. Swenson noted that the Building Code Advisory Commission has been reviewing all of the Village's building codes and standards and is recommending that they be updated. Considerable review is needed, and Staff needs to do further analysis. He added that residents who are interested in the subject are welcome to contact Building and Property Standards Director Nicholas Gadzekpo.

Trustee Kostopulos noted that he doesn't have a problem with the Code itself or the adoption of the Code, though, professionally, he would like to debate parts of it. He thinks there should be great discussion, though, about the administration of the Code and what it can mean to the citizens of the community. He stated that "administration" covers not only enforcement but procedures and "other facets that I think will make a significant negative impact on the community, especially in the building and work that we would like to do on our houses."

**Consent Agenda**

- C. Ordinance Adopting the Annual Budget for the Village of Oak Park for its Fiscal Year Beginning January 1, 2003.

ANNUAL  
BUDGET FOR  
FISCAL YEAR  
BEGINNING

Village Manager Swenson introduced the item and noted that while we are not a large municipality, the Village of Oak Park is a complex municipality with a complex budget that requires adoption of a number of ordinances and resolutions.

JANUARY 1,  
2002

The Village's portion of the 2002 property taxes is being decreased by nearly one percent. There are some fee increases and pass-throughs.

Ordinance 2002-0-63 entitled **ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE VILLAGE OF OAK PARK FOR ITS FISCAL YEAR BEGINNING JANUARY 1, 2003** was submitted for adoption.

1. An Ordinance Amending Section 26-2-2 of the Village Code Relating to the Meter Charges for Water Services

METER  
CHARGES FOR  
WATER  
SERVICES

Finance Director Peters noted that the City of Chicago has recently sent a letter indicating they intend to impose four percent increases annually for the next four years. This Ordinance provides for a pass-through charge of eleven cents per thousand gallons of water.

Ordinance 2002-0-64 entitled **ORDINANCE AMENDING SECTION 26-2-2(A) OF THE VILLAGE CODE RELATING TO THE METER CHARGES FOR WATER SERVICES** was submitted for adoption.

2. An Ordinance Amending Section 23A-2-3 of the Village Code Relating to the Tax Imposed for Alcoholic Liquor Purchased at Retail

TAX IMPOSED  
FOR  
ALCOHOLIC  
LIQUOR PUR-  
CHASED AT  
RETAIL

President Trapani asked if there were any questions. When there were none, she explained that it was at the five budget hearing study sessions that the Village Board addressed the budget and asked questions relating to various items.

Ordinance 2002-0-65 entitled **ORDINANCE AMENDING CHAPTER 23A-2-3 OF THE VILLAGE CODE RELATING TO THE TAX IMPOSED FOR ALCOHOLIC LIQUOR PURCHASED AT RETAIL** was submitted for adoption.

4. An Ordinance Amending Chapter 23A of the Village Code by Adding Article 8 Entitled Municipal Gas Use Tax

MUNICIPAL  
GAS USE TAX

Trustee Ebner referred to a portion of the Ordinance amendment that talks about "accurate books and records" and said she assumed that refers to the utility, not the consumer. Village Attorney Ray Heise, responded, "Right." He added that Mr. Peters reported that after a conversation with Nicor that day, the startup date will be February 1, rather than April 1.

Ordinance 2002-0-66 entitled **ORDINANCE AMENDING CHAPTER 23A OF THE VILLAGE CODE BY ADDING ARTICLE 8 ENTITLED MUNICIPAL GAS USE TAX** was submitted for adoption.

Trustee Hodge-West, referring back to the budget ordinance, noted that no mention was made in the summary of the adjudication department. Mr. Peters said that was actually a 2002 budget amendment, continued over to 2003. Trustee Hodge-West said that dollars were added in 2002 for technology and then personnel was to be added in 2003. Mr. Peters said the hiring of some personnel has been done, with more than half of the positions filled. The additional personnel are budgeted for in the 2003 budget.

Trustee Gockel noted that this is his second year of working through the budget process. He suggested having an initial budget session for the Board earlier on in the year, perhaps even as early as June, where the Board can talk about what the priorities of the Village should be. His feeling is that currently the Board reacts to proposals that come from Staff. If the Board defines priorities, that will provide Staff with better direction so that they will be "better equipped to provide a budget that would be responsive to the Board." President Trapani said, "That's a good point." She added, however, that throughout the year, through various committee meetings and study sessions, the Board does make decisions as to whether or not programs should be maintained, increased or deleted. Village Manager Swenson said that Staff will be happy to arrange a session that would clarify the Board's direction going into the budget process.

D. Ordinances for the Levy and Assessment of Taxes

TAX LEVY  
ORDINANCES

Village Manager Swenson introduced each of the 2002 tax levy ordinances.

1. Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning January 1, 2002 and Ending December 31, 2002 of the Village of Oak Park, County of Cook, State of Illinois
2. Ordinance Providing for the Levy and Assessment of Taxes for the 2002 Tax Levy in and for the Village of Oak Park Special Service Area Number One
3. Ordinance Providing for the Levy and Assessment of Taxes for the 2002 Tax Levy in and for the Village of Oak Park Special Service Area Number Four
4. Ordinance Providing for the Levy and Assessment of Taxes for the 2002 Tax Levy in and for the Village of Oak Park Special Services Area Number Five
5. Ordinance Providing for the Levy and Assessment of Taxes for the 2002 Tax Levy in and for the Village of Oak Park Special Service Area Number Six

Trustee Gockel noted that these are taxes that will be paid in 2003. The Village levies in one year and the taxpayers pay the next year. He added that tax bills received in 2003 will be affected by the new reassessment. It is possible that some taxpayers will end up with higher or lower tax bills, not because of the levies but because their "individual assessed valuation might be either more or less than the community average." The Village's levy is actually smaller than it was last year.

Ordinance 2002-0-67 entitled **AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF \$19,335,157 IN PROPERTY TAXES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2002 AND ENDING DECEMBER 31, 2002 OF THE VILLAGE OF OAK PARK, COUNTY OF COOK, STATE OF ILLINOIS** was submitted for adoption.

Ordinance 2002-0-68 entitled **AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2002 AND ENDING DECEMBER 31, 2002 IN AND FOR VILLAGE OF OAK PARK SPECIAL SERVICE AREA NUMBER ONE** was submitted for adoption.

Ordinance 2002-0-69 entitled **AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2002 AND ENDING DECEMBER 31, 2002 IN AND FOR VILLAGE OF OAK PARK SPECIAL SERVICE AREA NUMBER FOUR** was submitted for adoption.

Ordinance 2002-0-70 entitled **AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2002 AND ENDING DECEMBER 31, 2002 IN AND FOR VILLAGE OF OAK PARK SPECIAL SERVICE AREA NUMBER FIVE** was submitted for adoption.

Ordinance 2002-0-71 entitled **AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2002 AND ENDING DECEMBER 31, 2002 IN AND FOR VILLAGE OF OAK PARK SPECIAL SERVICE AREA NUMBER SIX** was submitted for adoption.

E. Ordinances Providing for the Tax Levy Abatements

TAX  
ABATEMENTS

Finance Director Peters explained that the Village is using funds from sources of previously collected revenues rather than the property tax levy to retire debt. If there were no abatements, the tax levy for debt service would be \$7,243,000. Instead the tax levy is just over \$1 million.

1. Ordinance Providing for the Abatement of \$551,050 of the 2002 Tax Levy for the Series 1988 General Obligation Bonds
2. Ordinance Providing for the Abatement of \$150,850 of the 2002 Tax Levy for the Series 1992A General Obligation Bonds
3. Ordinance Providing for the Partial Abatement of \$477,401 of the 2002 Tax Levy for the Series 1995A General Obligation Bonds
4. Ordinance Providing for the Partial Abatement of \$807,775 of the 2002

Tax Levy for the Series 1995B General Obligation Bonds

5. Ordinance Providing for the Partial Abatement of \$118,000 of the 2002 Tax Levy for the Series 1996 General Obligation Bonds

6. Ordinance Providing for the Abatement of \$234,038 of the 2002 Tax Levy for the Series 1996A General Obligation Refunding Bonds

7. Ordinance Providing for the Abatement of \$337,005 of the 2002 Tax Levy for the Series 1996B General Obligation Bonds

8. Ordinance Providing for the Abatement of \$806,000 of the 2002 Tax Levy for the Series 1998 General Obligation Bonds

9. Ordinance Providing for the Partial Abatement of \$185,287 of the 2002 Tax Levy for the Series 1999 General Obligation Bonds

10. Ordinance Providing for the Partial Abatement of \$400,000 of the 2002 Tax Levy for the Series 2000 General Obligation Bonds

11. Ordinance Providing for the Abatement of \$607,666 of the 2002 Tax Levy for the Series 2001 General Obligation Bonds

12. Ordinance Providing for the Abatement of \$1,340,560 of the 2002 Tax Levy for the Series 2002 General Obligation Bonds

Ordinance 2002-0-72 entitled **AN ORDINANCE PROVIDING FOR ABATEMENT OF \$551,050 OF THE 2002 TAX LEVY (General Obligation Corporate Purpose Bonds, Series 1988)** was submitted for adoption.

Ordinance 2002-0-73 entitled **AN ORDINANCE PROVIDING FOR ABATEMENT OF \$150,850 OF THE 2002 TAX LEVY (General Obligation Corporate Purpose Bonds, Series 1992A)** was submitted for adoption.

Ordinance 2002-0-74 entitled **AN ORDINANCE PROVIDING FOR PARTIAL ABATEMENT OF \$477,401 OF THE 2002 TAX LEVY (General Obligation Corporate Purpose Bonds, Series 1995A)** was submitted for adoption.

Ordinance 2002-0-75 entitled **AN ORDINANCE PROVIDING FOR PARTIAL ABATEMENT OF \$807,775 OF THE 2002 TAX LEVY (General Obligation Corporate Purpose Bonds, Series 1995B)** was submitted for adoption.

Ordinance 2002-0-76 entitled **AN ORDINANCE PROVIDING FOR PARTIAL ABATEMENT OF \$118,000 OF THE 2002 TAX LEVY (1996 General Obligation Bond Issue)** was submitted for adoption.

Ordinance 2002-0-77 entitled **AN ORDINANCE PROVIDING FOR ABATEMENT OF \$234,038 OF THE 2002 TAX LEVY (General Obligation Refunding Bonds, Series 1996A)** was submitted for adoption.

Ordinance 2002-0-78 entitled **AN ORDINANCE PROVIDING FOR ABATEMENT OF \$337,005 OF THE 2002 TAX LEVY (1996B General Obligation Corporate Purpose Bonds)** was submitted for adoption.

Ordinance 2002-0-79 entitled **AN ORDINANCE PROVIDING FOR ABATEMENT OF \$806,000 OF THE 2002 TAX LEVY (1998 General Obligation Corporate Purpose Bonds)** was submitted for adoption.

Ordinance 2002-0-80 entitled **AN ORDINANCE PROVIDING FOR PARTIAL ABATEMENT OF \$185,287 OF THE 2002 TAX LEVY (1999 General Obligation Corporate Purpose Bonds)** was submitted for adoption.

Ordinance 2002-0-81 entitled **AN ORDINANCE PROVIDING FOR PARTIAL ABATEMENT OF \$400,000 OF THE 2002 TAX LEVY (2000 General Obligation Corporate Purpose Bonds)** was submitted for adoption.

Ordinance 2002-0-82 entitled **AN ORDINANCE PROVIDING FOR ABATEMENT OF \$607,666 OF THE 2002 TAX LEVY (2001 General Obligation Corporate Purpose Bonds)** was submitted for adoption.

Ordinance 2002-0-83 entitled **AN ORDINANCE PROVIDING FOR ABATEMENT OF \$1,340,560 OF THE 2002 TAX LEVY (2002 General Obligation Corporate Purpose Bonds)** was submitted for adoption.

- F. Resolution Authorizing the Village Manager to Enter into an Agreement for Professional Auditing Services with the Accounting Firm of Sikich, Gardner & Company

AGREEMENT  
FOR PRO-  
FESSIONAL  
AUDITING  
SERVICES

President Trapani recalled that this item was discussed at a recent study session. Trustee Hodge-West asked if the Village is changing companies for this service. Mr. Peters said the formerly-used company did quote, but their fee was the highest fee proposed. Trustee Turner noted that he was pleased that the analysis prepared by Staff for this item was so detailed. This company has a great deal of experience in performing audits for municipalities.

Resolution 2002-R-192 entitled **RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL AUDITING SERVICES WITH THE ACCOUNTING FIRM OF SIKICH, GARDNER AND COMPANY** was submitted for adoption.

- G. Resolutions Authorizing Execution of Partner Agreements
1. Oak Park Residence Corporation
  2. Oak Park Regional Housing Center

PARTNER  
AGREEMENTS

3. Oak Park Development Corporation
4. Oak Park Visitors Bureau
5. Downtown Oak Park
6. Oak Park Area Arts Council

In introducing these items, Village Manager Swenson said that these agreements are with key community partners who support Village programs in the areas of economic development and housing. President Trapani added that the Village works with the partner agencies to provide a variety of services for the Village of Oak Park and its citizens.

Resolution 2002-R-193 entitled **RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS BETWEEN THE VILLAGE OF OAK PARK AND THE OAK PARK RESIDENCE CORPORATION FOR THE PERIOD OF JANUARY 1, 2003 THROUGH DECEMBER 31, 2003 FOR GENERAL AND TAXABLE HOUSING FUNDS** was submitted for adoption.

Resolution 2002-R-194 entitled **RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS BETWEEN THE VILLAGE OF OAK PARK AND THE OAK PARK REGIONAL HOUSING CENTER FOR THE PERIOD OF JANUARY 1, 2003 THROUGH DECEMBER 31, 2003 FOR GENERAL AND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS** was submitted for adoption.

Resolution 2002-R-195 entitled **RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS BETWEEN THE VILLAGE OF OAK PARK AND THE OAK PARK DEVELOPMENT CORPORATION FOR THE PERIOD OF JANUARY 1, 2003 THROUGH DECEMBER 31, 2003 FOR GENERAL AND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS** was submitted for adoption.

Resolution 2002-R-196 entitled **RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF OAK PARK AND THE OAK PARK AREA CONVENTION AND VISITORS BUREAU FOR THE PERIOD OF JANUARY 1, 2003 THROUGH DECEMBER 31, 2003** was submitted for adoption.

Resolution 2002-R-197 **RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF OAK PARK AND THE LAKE AND MARION CORPORATION (DOWNTOWN OAK PARK) FOR THE PERIOD OF JANUARY 1, 2003 THROUGH DECEMBER 31, 2003** was submitted for adoption.

Resolution 2002-R-198 entitled **RESOLUTION AUTHORIZING**

**EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF OAK PARK AND THE OAK PARK AREA ARTS COUNCIL FOR THE PERIOD OF JANUARY 1, 2003 THROUGH DECEMBER 31, 2003** was submitted for adoption.

H. Resolution Authorizing Execution of an Amendment to Park District Agreement

AMENDMENT  
TO AGREE-  
MENT WITH  
PARK DISTRICT

Village Manager Swenson indicated that this is the second amendment to a five-year agreement that expired last year. It is this agreement that forms the basic relationship between the Village and the Park District wherein the Village transfers over \$1.5 million to the Park District to support the Park District's recreation program.

President Trapani noted that the infrastructure study is complete and a report has been provided to the Park District and will be forwarded to the Village Board. She thinks it might be important to ask that the Park District provide specific information with regard to how the \$1.5 million is being spent. Village Manager Swenson said that he will pass the request along. He indicated that in meeting with Mr. Balling, there was discussion about having the Park Board and the Village Board meet to talk about moving forward with a joint planning process.

Responding to a question from Trustee Hodge-West, Mr. Swenson explained that the Village and the Park District entered into a five-year agreement which expired in 2001. At that time both the Park District and the Village felt that the agreement needed to be significantly reworked. The Park District was about to undertake their infrastructure study and it was decided to extend the agreement one year. The study took longer than anticipated and a report was delivered to the Park Board only recently, which is why the agreement is being extended as opposed to being renegotiated at this time. There is money in the 2003 budget should the Village Board desire outside assistance in evaluating service delivery.

Trustee Gockel indicated that the Village is not in a position to dictate the structure of recreational services, but the Village's contribution to their budget is substantial and he thinks there are recommendations in the infrastructure report that will require considerable discussion. The community is likely to be interested in these discussions, as well. Village Manager Swenson agreed that the issues involved are very important to the community and it is important that policy discussions involving both Boards begin soon.

Resolution 2002-R-199 entitled **RESOLUTION AUTHORIZING EXECUTION OF AN AMENDED AGREEMENT FOR INTERGOVERNMENTAL COOPERATION WITH PARK DISTRICT OF OAK PARK** was submitted for adoption.

- I. Resolution Authorizing Execution of Agreement for Intergovernmental Cooperation Between Village of Oak Park and Village of River Forest for Environmental Health Services

AGREEMENT WITH RIVER FOREST FOR ENVIRONMENTAL HEALTH SERVICES

Resolution 2002-R-200 entitled **RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT FOR INTERGOVERNMENTAL COOPERATION BETWEEN VILLAGE OF OAK PARK AND VILLAGE OF RIVER FOREST FOR ENVIRONMENTAL HEALTH SERVICES – 2003** was submitted for adoption.

- J. Resolution Authorizing Execution of Cooperative Agreement with U. S. Department of Health and Human Services for the Department of Public Health to Develop a Medical Reserve Corps from September 30, 2002 through September 29, 2003

MEDICAL RESERVE CORPS TO BE DEVELOPED

President Trapani asked Director of Public Health Georgeen Polyak to explain for the community the purpose of the project and how it will benefit residents.

Dr. Polyak explained that this Federal grant was awarded through a competitive process and will provide additional resources to enable the Village to continue the work begun in preparing for bioterrorism events and other public health emergencies. This money will allow the hiring of a full-time volunteer coordinator who will develop an inventory of health professionals and other support people such as pharmacists, nurses, physician assistants and veterinarians who will be trained and ready in the event of a large-scale disaster. The grant is flexible enough so that the volunteer corps can be used for ongoing public health initiatives. It will be a part of the overall disaster plan, with the Department of Public Health, in cooperation with other Village departments, coordinating the activities of the Medical Reserve Corps. This is a one-year grant, although there is a possibility for second and third year funding, for which the Health Department will apply.

President Trapani thanked Dr. Polyak for her outstanding efforts in this regard.

Resolution 2002-R-201 entitled **RESOLUTION AUTHORIZING EXECUTION OF COOPERATIVE AGREEMENT BETWEEN THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES WITH THE DEPARTMENT OF PUBLIC HEALTH TO DEVELOP A MEDICAL RESERVE CORPS FROM SEPTEMBER 30, 2002 THROUGH SEPTEMBER 29, 2003** was submitted for adoption.

- K. Resolutions Authorizing Intergovernmental Agreements for Information Technology Services

INTERGOVERNMENTAL AGREEMENTS FOR INFORMATION TECHNOLOGY SERVICES

- 1. Resolution Authorizing Execution of Agreement for Intergovernmental Cooperation Between Village of Oak Park and West Suburban Consolidated Dispatch Center for Information Technology Services

Dispatch Center for Information Technology Services

2. Resolution Authorizing Execution of Agreement for Intergovernmental Cooperation Between Village of Oak Park and Village of River Forest for Computer Services

Resolution 2002-R-202 entitled **RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR INTERGOVERNMENTAL COOPERATION BETWEEN THE VILLAGE OF OAK PARK AND THE WEST SUBURBAN CONSOLIDATED DISPATCH CENTER FOR INFORMATION TECHNOLOGY SERVICES** and Resolution 2002-R-203 entitled **RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR INTERGOVERNMENTAL COOPERATION BETWEEN THE VILLAGE OF OAK PARK AND THE VILLAGE OF RIVER FOREST FOR COMPUTER SERVICES** were submitted for adoption.

L. Resolution Authorizing the Execution of the Renewal of an Agreement with O'Connor and Hannan, LLP, for I-290 Assistance

RENEWAL OF  
AGREEMENT  
FOR I-290  
ASSISTANCE

In introducing this item, Village Manager Swenson noted that this firm is based in Washington, D. C. and provides the Village with technical, legal and lobbying assistance.

President Trapani asked Assistant to the Village Manager Pete Dame to explain to the community the issues regarding the I-290 extension and what kinds of support the firm supplies. She noted that Mr. Dame has done a fine job staffing the Advisory Committee, dealing with attorneys and visiting with legislators.

Mr. Dame explained that the support offered is two pronged: there is lobbying assistance with elected and agency officials and legal and technical assistance which helps with the understanding of the legal, technical and environmental laws governing transportation projects. The Village is using two firms, with O'Connor and Hannan of Washington, D. C. being the lead firm. We are also using the Sorling firm in Springfield. O'Connor and Hannon coordinates the work out of Washington. They help with the lobbying of State and Federal legislators and work to ensure that IDOT follows all State and Federal regulations governing the planning and construction of major transportation projects. They will develop and review technical issues that involve environmental compliance and engineering and transportation design. It is expected that in 2003, IDOT will announce their plans for what the "highway expansion might look like" which will require a lot of engineering and technical review. This year has involved substantial legal work—establishing the Village's position and introducing that position in as many forums as possible. They've also laid the foundation for litigation should the Village decide, as some point, that litigation is necessary. They've reviewed all the Village's public pronouncements to ensure that there is consistency in our approach to the subject. Additionally, they work closely with planning organizations like CATS, with IDOT, and with local, regional, State and Federal governmental and quasi-governmental entities. There is a comprehensive program.

Trustee Turner asked what the law firm has done specifically to justify the expenditure. Mr. Dame said the Village has been successful in "not having negative things happen to us." One of the most positive things, however, is that the Village obtained a grant of \$250,000 to study the capping of the Eisenhower. Both firms assisted in this effort. Moreover, IDOT has asked the RTA to study transit options in the corridor, which is in addition to what they had planned to do.

Trustee Ebner noted that recently there seems to be great interest at the Federal level of relaxing environmental standards and that there might be an uphill battle ahead. Mr. Dame said O'Connor and Hannon actually alerted the Village to that fact before the order was issued.

Trustee Carpenter said that she was one of the Trustees representing the Village in Washington, D. C. in the Spring. She was very impressed with the abilities of O'Connor and Hannan. She believes there is hard work ahead and she thinks that the Village has excellent representation in Washington and in Springfield.

Trustee Hodge-West asked when the Board can expect "some timetable where we will get to the end goal, which is to get what we want here." Mr. Dame indicated that the last time federal transportation programs were reviewed was six years ago. During 2003, all Federal highway programs, all surface transportation programs—including transit programs—will be reauthorized. This will be an opportunity for communities and State transportation agencies to set forth key projects and try to get monies for them.

President Trapni commented that the Illinois Department of Transportation may wish to move forward with the idea of HOV lanes. It is good that the Village has a grant to study the capping. Additionally, the Village is concerned about whether a full environmental impact statement will be provided or just an environmental assessment.

Trustee Hodge-West stated that because there will be a reauthorization of transportation spending at the Federal level, it is important for the Village to have a continuing relationship with our representatives in Congress. Mr. Dame commented that there may be a major shift in Springfield with regard to the approach to the Eisenhower corridor, but that the Village will want to pursue community improvements related to the Eisenhower, such as a "cap."

Trustee Turner asked Mr. Dame to speak about a "cap" and what that might mean. Mr. Dame said a cap would be a cover over the Eisenhower so that cars would travel through a tunnel. Over the Eisenhower, then, the Village would be reconnected as if the highway were not there. A number of things could take place on top of a cap—such as creation of a park, rebuilding of transit stations, linking pedestrian walkways, and bike paths.

Resolution 2002-R-204 entitled **RESOLUTION AUTHORIZING EXECUTION OF THE RENEWAL OF AN AGREEMENT WITH O'CONNOR**

**& HANNAN, LLP FOR I-290 ASSISTANCE** was submitted for adoption.

- N. Resolution Authorizing the Execution of an Agreement with Illinois Risk Management Services, Inc. for Third Party Administrator Services for the Village of Oak Park

AGREEMENT  
FOR THIRD  
PARTY  
ADMINISTRATOR  
SERVICES

Resolution 2002-R-205 entitled **RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT FOR THIRD PARTY ADMINISTRATOR SERVICES WITH ILLINOIS RISK MANAGEMENT SERVICES, INC.** was submitted for adoption.

- O. Resolution Authorizing Agreement with Attorney Richard A. Martens

AGREEMENT  
WITH  
ATTORNEY  
RICHARD A.  
MARTENS

Resolution 2002-R-206 entitled **RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH RICHARD A. MARTENS** was submitted for adoption.

- P. Resolution Authorizing Execution of a Contract with Antunovich Associates for Architectural and Engineering Design Services for the Tasty Dog Restaurant at the Northwest Corner of Lake and Euclid

CONTRACT  
FOR ARCHITECTURAL  
AND ENGINEERING  
DESIGN  
SERVICES FOR  
TASTY DOG  
RESTAURANT

Resolution 2002-R-207 entitled **RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH ANTUNOVICH ASSOCIATES FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE TASTY DOG RESTAURANT AT THE NORTHWEST CORNER OF LAKE AND EUCLID** was submitted for adoption.

1. Ordinance Amending 2002 Annual Budget to Provide an Additional \$51,000 for Consulting Services in the Redevelopment Program of the Downtown Special Tax Allocation Fund

BUDGET  
AMENDMENT  
TO PROVIDE  
FOR  
CONSULTANT  
SERVICES

Ordinance 2002-0-84 entitled **ORDINANCE AMENDING THE 2002 ANNUAL BUDGET TO PROVIDE AN ADDITIONAL \$51,000 FOR CONSULTANT SERVICES IN THE REDEVELOPMENT PROGRAM OF THE DOWNTOWN SPECIAL TAX ALLOCATION FUND** was submitted for adoption.

- X. Motion Referring an Application for a Planned Development Located at 915 South Oak Park Avenue (Former Post Office Site) to the Plan Commission for the Purpose of Holding a Public Hearing and Preparing Findings

REFERRAL OF  
APPLICATION  
FOR PLANNED  
DEVELOPMENT  
AT 915 S. OAK  
PARK AVENUE  
TO PLAN  
COMMISSION

Village Manager Swenson commented that it is customary to refer these applications to the Plan Commission to hold public hearings and then to provide recommendations back to the Village Board. Responding to a question from President Trapani, Mr. Swenson said that Village Planner Craig Failor will include a letter under President Trapani's signature that outlines the concerns the Board expressed in their study session. Trustee Kostopulos asked that the Board be provided with a copy of the letter.

The **MOTION REFERRING THE APPLICATION FOR A PLANNED DEVELOPMENT LOCATED AT 915 SOUTH OAK PARK AVENUE TO THE**

**PLAN COMMISSION FOR THE PURPOSE OF HOLDING A PUBLIC HEARING AND PREPARING FINDINGS** was submitted for adoption.

R. Resolutions Authorizing the Designation of Special Tax Allocation Fund Balances

DESIGNATION OF SPECIAL TAX ALLOCATION FUND BALANCES

1. Resolution Authorizing the Designation of Special Tax Allocation Fund Balances in the Downtown TIF Fund to Projects for the 2002 Fiscal Year

2. Resolution Authorizing the Designation of Special Tax Allocation Fund Balances in the Madison Street TIF Fund to Projects for the 2002 Fiscal Year

Resolution 2002-R-208 entitled **RESOLUTION AUTHORIZING THE DESIGNATION OF SPECIAL TAX ALLOCATION FUND BALANCES IN THE DOWNTOWN TIF FUND TO PROJECTS FOR THE 2002 FISCAL YEAR** and Resolution 2002-R-209 entitled **RESOLUTION AUTHORIZING THE DESIGNATION OF SPECIAL TAX ALLOCATION FUND BALANCES IN THE MADISON STREET TIF FUND TO PROJECTS FOR THE 2002 FISCAL YEAR** were submitted for adoption.

Z. Motion Accepting the 2003 Village Board Meetings Calendar

2003 VILLAGE BOARD MEETINGS CALENDAR

The **MOTION ACCEPTING THE 2003 VILLAGE BOARD MEETINGS CALENDAR** was submitted for adoption.

**Approval of Consent Agenda**

APPROVAL OF CONSENT AGENDA

It was moved by Trustee Turner, seconded by Trustee Carpenter, to approve the items under the Consent Agenda. True and correct copies of the Ordinances and Resolutions are to be filed in the Office of the Village Clerk.

The roll call on the vote was as follows:

AYES: Trustees Carpenter, Ebner, Gockel, Hodge-West, Kostopulos and Turner and President Trapani

NAYS: None

The motion was unanimously adopted.

President Trapani said that she wanted to thank Finance Director Peters and his staff for their hard work in preparing the budget document. The Board is pleased with this budget and they appreciate Mr. Peter's being so responsive to their many questions and requests. On behalf of the Board, she thanked the Village Manager and his staff for their work in the preparation of the budget.

Village Manager Swenson noted that it is a complicated budget and takes a lot of review and work. He thanked the Board for their leadership and for the time

and effort they expended as they reviewed the budget. President Trapani added her thanks to the Trustees who spent many, many hours reviewing the budget documents.

Following a short break, the meeting continued.

**Citizen Advisory Boards and Commissions**

CITIZEN AD-  
VISORY  
BOARDS &  
COMMISSIONS

Historic Preservation Commission Recommendation

- S. Ordinance Authorizing Amendment of Section 7-9-8F of the Village Code Relating to Historic Landmarks Designating 300-304 N. Grove Avenue/818 Erie Street and 321 N. Euclid Avenue as Oak Park Landmarks as Reviewed at the November 18, 2002 Regular Village Board Meeting

DESIGNATION  
OF HISTORIC  
LANDMARKS  
APPROVED

It was moved by Trustee Kostopulos, seconded by Trustee Carpenter, that Ordinance 2002-0-85 entitled **ORDINANCE AUTHORIZING AMENDMENT OF SECTION 7-9-8f OF THE VILLAGE CODE RELATING TO HISTORIC LANDMARKS** be adopted as submitted, a true and correct copy of said Ordinance herewith being ordered filed in the Office of the Village Clerk.

The roll call on the vote was as follows:

AYES: Trustees Carpenter, Ebner, Gockel, Hodge-West, Kostopulos and Turner and President Trapani

NAYS: None

The motion was unanimously adopted.

Housing Programs Advisory Commission Recommendations

- T. Resolutions Authorizing Execution of Marketing Services Agreement MSA-0234/A with Grant and Housing Bond Loan HB-0213

MARKETING  
SERVICES  
AGREEMENT  
MSA-0234/A &  
REHAB LOAN  
HB-0213  
APPROVED

1. Resolution Authorizing Execution of Marketing Services Agreement – MSA-0234/A with Grant

2. Resolution Authorizing a Rehabilitation Loan - HB-0213

It was moved by Trustee Carpenter, seconded by Trustee Ebner, that Resolution 2002-R-210 entitled **RESOLUTION AUTHORIZING EXECUTION OF MARKETING SERVICES AGREEMENT – MSA-0234/A** and Resolution 2002-R-211 entitled **RESOLUTION AUTHORIZING A REHABILITATION LOAN – HB-0213** be adopted as submitted, true and correct copies of said Resolutions herewith being ordered filed in the Office of the Village Clerk.

The roll call on the vote was as follows:

AYES: Trustees Carpenter, Ebner, Gockel, Hodge-West, Kostopulos and Turner and President Trapani

NAYS: None

The motion was unanimously adopted.

U. Resolution Authorizing a Security Improvement Grant: SIG-160

SECURITY IM-  
PROVEMENT  
GRANT – SIG-  
160 APPROVED

It was moved by Trustee Carpenter, seconded by Trustee Ebner, that Resolution 2002-R-212 entitled **RESOLUTION AUTHORIZING A SECURITY IMPROVEMENT GRANT – SIG-160** be adopted as submitted, a true and correct copy of said Resolution herewith being ordered filed in the Office of the Village Clerk.

Trustee Hodge-West noted that the Minutes mentioned a GIS report, and she asked that Max Dieber, Chair of the Housing Programs Advisory Committee, explain what a GIS report is. Mr. Dieber said that GIS refers to Geographic Information Systems which is technology enabling users to look at information spatially to make evaluations. For example, the System allows the Committee to see the "distribution of security improvement grants against changes in crime statistics." He indicated that at some point a summary report will be generated for the Board.

The roll call on the vote was as follows:

AYES: Trustees Carpenter, Ebner, Gockel, Hodge-West, Kostopulos and Turner and President Trapani

NAYS: None

The motion was unanimously adopted.

Retail Rehab Grant Committee Recommendations

V. Resolution Authorizing a Retail Rehab Grant of \$24,000 from the Special Tax Allocation Fund for the Rehabilitation of the Retail Space at 734 Lake Street to Become Cafe' Le Coq

RETAIL REHAB  
GRANT FOR  
734 LAKE  
STREET  
APPROVED

It was moved by Trustee Kostopulos, seconded by Trustee Ebner, that Resolution 2002-R-213 entitled **RESOLUTION AUTHORIZING A RETAIL REHAB GRANT – RET-060** be adopted as submitted, a true and correct copy of said Resolution herewith being ordered filed in the Office of the Village Clerk.

The roll call on the vote was as follows:

AYES: Trustees Carpenter, Ebner, Gockel, Hodge-West, Kostopulos and Turner and President Trapani

NAYS: None

Trustee Kostopulos recused himself for personal reasons. Trustee Kostopulos' vote is an abstention and is legally deemed to be an "Aye" vote. Therefore, the motion was unanimously adopted.

1. Ordinance Amending the 2002 Annual Budget to Provide an Additional \$7,293 for the Retail Rehab Grant Program in the Downtown Special Tax Allocation Fund

BUDGET AMENDMENT TO PROVIDE ADDITIONAL FUNDS FOR RETAIL REHAB GRANT PROGRAM APPROVED

It was moved by Trustee Ebner, seconded by Trustee Carpenter, that Ordinance 2002-0-86 entitled **ORDINANCE AMENDING THE 2002 ANNUAL BUDGET TO PROVIDE AN ADDITIONAL \$7,293 FOR THE RETAIL REHAB PROGRAM IN THE DOWNTOWN SPECIAL TAX ALLOCATION FUND** be adopted as submitted, a true and correct copy of said Resolution herewith being ordered filed in the Office of the Village Clerk.

The roll call on the vote was as follows:

AYES: Trustees Carpenter, Ebner, Gockel, Hodge-West, Kostopulos and Turner and President Trapani

NAYS: None

The motion was unanimously adopted.

**Regular Agenda**

REGULAR AGENDA

M. Ordinance Authorizing Execution of Redevelopment Agreement with Whiteco Residential, L.L.C. for the Redevelopment of the Site Located at the South East Corner of Harlem and Ontario

REDEVELOPMENT AGREEMENT WITH WHITECO RESIDENTIAL, L.L.C. APPROVED

Director of Development Services Mike Chen indicated that the Redevelopment Agreement with Whiteco Residential is for the property located at the southeast corner of Harlem and Ontario and it involves approximately 52,675 square feet.

The Comprehensive Plan of 1990 noted that Oak Park is "strictly population based" and suggested that the Village should permit the development of higher density residential buildings "at reasonable intervals." Chapter 5 of the document calls for expansion of the tax base, stimulation of private investment and the retention/attraction of businesses. A point made was that the Village should restrict "its highest residential and commercial development to what is essentially the western Lake Street corridor." A map included in this section of the Plan identifies the southeast corner of Harlem and Ontario as a possibility for the development of a multi-family residential project. The Lakota Plan of 1994 also identifies this site as having potential for residential development, noting that parking lost through development should be included in the development. The Tracy Cross market analysis of 2001 identified Oak Park's declining

population and said that declining population can lead to decay. The analyst said that Oak Park "must create enough critical mass to offset future demographic erosion." He suggested that residential developments such as Prairie Court or 100 Forest Place should be considered as sites become available.

There has been surface parking at this location for a long time. Two development restrictions existed, which kept the Village from being able to develop the site. The Village worked to end the restrictive covenants to pave the way for development of the site.

Whiteco's proposal was for a mixed-use development—220 apartments, a health club and retail, with 600 public parking spaces. The Board directed Staff to "create some definition to their proposed business terms." Once that occurred, the Board directed Staff to publish a public notice announcing the receipt of an unsolicited proposal, describing the site and calling for alternative proposals for the Village Board to consider. The notice was published on August 14, 2002.

At the Village Board's direction, Staff also presented the project to the public through community meetings, business associations and neighborhood groups. The Village received three responses to the public notice. Staff presented the alternative developments being considered to the community and to the newspapers, while the Board evaluated the three responses and compared each to the Whiteco proposal.

The Board selected the Whiteco proposal, which is evidenced by the Ordinance Authorizing Execution of the Redevelopment Agreement with Whiteco now before the Village Board for adoption. The next step will be for the Village Board to refer the application for the planned development to the Plan Commission for the purpose of holding a public hearing and preparing recommendations. The Plan Commission will hear testimony from anyone having an interest in the project and this is done through advertised public meetings. The public hearing establishes a record of testimony. Once the public hearing has ended, the Plan Commission will forward their findings and recommendations to the Village Board. At that time, the Village Board can approve the project as presented, can deny the project as designed or can approve the project with design modifications.

Trustee Hodge-West, referring to Mr. Chen's identification of the unsolicited interest on the part of the developer, asked when that occurred. Mr. Chen stated that the question has been asked before and that he cannot pinpoint an exact date. There had been numerous meetings between the developer and Village Staff during which the developer explored an interest in Oak Park and in the site, while Staff explored what kind of projects the developer worked on and what their experience was. Conversations were general for some time and then at some point Whiteco presented business terms. It was at that point, Staff considered that a proposal had been made and brought it to the Village Board for direction. Trustee Hodge-West asked if Mr. Chen could give an estimate of when a conversation took place between the developer and Staff. Mr. Chen stated, "I would say it was approximately this time last year when they first started putting defined business

terms on the table."

President Trapani noted that three people wished to speak regarding this item.

Kevin Murphy, 210 Forest Avenue, indicated that he was going to share some numbers to illustrate the concerns of his neighbors. The parcel is 52,675 square feet, which is about five times the size of most residential lots on his street and less than twice the size of a number of the lots on his street. He stated that it's not such a large piece of land.

Currently, there are 156 parking spaces in the parcel. There are 650 parking spaces being proposed. Additionally, there will be substantial retail, health club and residential uses.

The Zoning Ordinance allows 70 dwelling units for this parcel. Whiteco proposes 220 dwelling units, which is more than three times the maximum number allowed in the Zoning Ordinance for Downtown Oak Park mixed uses. And the number could be increased to 280 units if the developer determines that the health club is not economically viable.

If the land were to be developed as a hotel in Downtown Oak Park, 146 hotel guest rooms would be allowed under the Zoning Ordinance. The Whiteco proposal calls for 352 bedrooms, not counting living and dining rooms and kitchens. If the health club space is converted to residential use, the number could increase to 450 bedrooms.

The Zoning Ordinance establishes the maximum height for buildings in Downtown Oak Park at 125 feet. The building being proposed is 180 feet high.

Eighty-six percent of the voters in Oak Park believe that the development process in the Village does not allow sufficiently for timely input from residents. Mr. Murphy stated that 100% of the residents in the Ontario Street neighborhood would tell the Village Board that "the intensity of use proposed for this parcel is far too great." He does not believe that residents will have the opportunity to address the Village Board about their concerns with regard to this project.

Michelle Wheeler, 219 Forest Avenue, thinks development of this parcel is a good idea, but she questions the appropriateness of building an 18-story building in an historic district. She noted that Frank Lloyd Wright built structures to complement the surroundings and she believes the proposed development is out of character with the neighborhood and is inappropriate for Oak Park. It is a high rise and the development will tax Village services. She said that she lives in the shadow of Holley Court and she does not want an 18-story building behind that structure. She expressed concern about the noise level such a development will produce and suggested that noise will be bouncing off the walls. Such a large building will use "a disproportionate amount of energy," she said and she finds that irresponsible in an age when there is such concern about conserving energy. She believes the development will further clog traffic in the Downtown area and

thinks people will avoid shopping in the area because of the traffic and the lack of parking.

Al Berggren, 155 N. Elmwood, spoke as President and general partner of the Tennis and Fitness Center in Oak Park, and indicated that he is unhappy about the proposal to use public funds to subsidize the building of a large fitness center at Harlem and Ontario. Mr. Berggren provided some background information on the Tennis and Fitness Center and noted that approximately 40 people are employed there and that 90% of the employees live in Oak Park and River Forest. The Center has not received any money from the Village—nor have they asked for financial assistance. Competition in the industry is "fierce" and Mr. Berggren stated that "supply and demand are in close balance right now." He and his investors are concerned that the proposed 50,000 square foot fitness center will need to take clients from existing clubs in order to be successful. If the proposed fitness center is not successful, it may be difficult to find someone else to take the space.

The investors of the Tennis and Fitness Center asked if an economic impact study is required by Oak Park and they were told one is not required. An environmental impact study is being required for the Eisenhower project. The investors of the Center would like an economic impact study to be performed in connection with this project, and the study might show that the Village could achieve the parking it needs for less money than it will cost the Village for this project. Oak Park is an attractive place to work and live. The owners of the Center object to the Village subsidizing a new development that will "unfairly take away our business."

It was moved by Trustee Hodge-West, seconded by Trustee Kostopulos, that Ordinance 2002-0-87 entitled **ORDINANCE AUTHORIZING EXECUTION OF REDEVELOPMENT AGREEMENT WITH WHITECO RESIDENTIAL, L.L.C. FOR THE REDEVELOPMENT OF THE SITE LOCATED AT THE SOUTHEAST CORNER OF HARLEM AND ONTARIO** be adopted as submitted, a true and correct copy of said Resolution herewith being ordered filed in the Office of the Village Clerk.

A lengthy discussion followed. Trustee Kostopulos noted that the Board would be voting on an agreement for the construction of a building before it has a hearing with the Plan Commission. He asked what would happen if substantial changes are recommended. Village Attorney Heise said the Village has a right in the planned use development process to exercise any of the options previously mentioned by Mr. Chen: to approve the project as presented, deny the project as designed or approve the project with design modifications. The redevelopment agreement makes that clear. President Trapani asked, "so the redevelopment agreement itself in no way commits us if the product in the end is not what we bargained for?" Mr. Heise responded, "Correct." In the event the Village Board completely rejects the project, the agreement provides for a capped liability of up to \$50,000 in developer expenses. . . ." Trustee Kostopulos referred to a portion of the agreement which indicates to him that there will be no changes. Attorney Heise asked Richard Friedman of Earl Neal & Associates to respond.

Mr. Friedman identified himself and said that he is acting with Mr. Heise as the TIF counsel and has worked with respect to the drafting of the redevelopment agreement. The agreement is "the skeleton and overall form of the development." Many of the details such as location of parking, materials and intensity of use are not addressed in the redevelopment agreement. Mr. Friedman noted that if the Board approves a redevelopment plan after the Plan Commission public hearing that is substantially different than the redevelopment agreement, the developer can walk away from the project. Mr. Chen noted that the particular section Trustee Kostopulos referred to has to do with "retenanting" should the health club operator not be able to complete the lease--it does not relate to design. President Trapani noted that in the planned development process, the Plan Commissioners may recommend criteria that the developer cannot meet. If that should occur, Mr. Friedman said that the maximum liability of the Village is \$50,000.

Trustee Hodge-West asked Mr. Friedman to explain how the maintenance responsibilities, based on the current structure of the properties, will be structured. Mr. Friedman said following discussions by the Board, there were several meetings between him and the Whiteco attorneys where they talked about a mechanism for allocating expenses for the operation of common elements, such as elevators that would serve the parking garage and the retail unit. The exact proportions will be determined at the time of the final drawings.

President Trapani noted that the Village will own the parking garage. Village Manager Swenson indicated that the Village will own and operate the parking garage in the same way as the other Village-owned parking garages are operated.

Trustee Kostopulos said it appears that there are four owners in the project: the apartment owners—Whiteco; the health club; the Village and the owner of the commercial space. He wondered who controls the project and if the other owners have anything to say about who moves into the space if the health club doesn't work out. Mr. Friedman said the redevelopment agreement will govern that issue—uses are established in the agreement for the future.

President Trapani asked about the difference between a negotiated format and an RFP. Mr. Friedman responded that it's the same thing. The RFP invites proposals and the government entity decides who would be the best developer to work with, selects that one and then negotiates to develop a mutually agreeable development plan. Mr. Heise added that with regard to the use of TIF funds, it is required that a request for proposals from the public be published. That process was followed. The property will be conveyed to the developer for \$2 million.

Mr. Friedman noted that minor changes were discussed in executive session, with one being to add a provision for a Village representative who would be present during construction and be able to report to the Board. Village Manager Swenson said that the Village would contract with an outside firm to act as our owner's representative and report back to the Board. Trustee Hodge-West noted that the agreement says the developer or his agent will "manage the MBE,

WBE participation reports to the Village's director of development services. . . ." She indicated that the decision in executive session was to have an owner's rep who would coordinate all those activities. Mr. Swenson said, "That is correct—that is the intent."

Responding to a concern expressed by Trustee Kostopulos regarding soil borings, President Trapani asked Mr. Chen if the soil borings were done. He responded that the soil borings will be done around the site prior to conveying the site to Whiteco. Trustee Kostopulos wondered if it they would be done on the site of the building or all over the site. Mr. Chen responded that the Board's direction would be followed—random borings across the site could be performed. A Phase I environmental report indicated that there is no historical use of the site that indicates there should be contamination. Soil borings can be done at the direction of the Board.

Trustee Gockel commented that he shares Trustee Kostopulos' concern that there will be action on a redevelopment agreement before an application has gone through the Plan Commission process. Mr. Friedman said it is typically done in this order. The developer needs to have an agreement with the municipality in order to obtain a commitment for financing. Attorney Heise stated that "this process of attempting to control use on property that we own. . . is a very common one for us." The same process was used with the shops of Downtown Oak Park, at 825 S. Oak Park Avenue and at Roosevelt and Oak Park Avenue. It is common for the municipality as seller of the land to attempt to control how the land will be developed. He added that it's an agreement allowing the developer to go forward to the planned use process. The development agreement before the Board lets the developer know the Board's stand "with regard to issues of height, density and use."

President Trapani said that if the Board adopts the ordinance and moves the application onto the Plan Commission, the Plan Commission will hold the public hearing, and provide the Board with their findings and recommendations. Then the Board can consider it again. Mr. Heise said that the recommendation of the Plan Commission carries some weight. To overturn the recommendation requires a supermajority vote of the Village Board.

Some of the Trustees offered comments as they voted. Trustee Hodge-West noted that at a recent Board meeting a resident said that she did not trust the decision-making of the Board. This troubled her. She drives through many communities and looks for signs of vitality. Recently, she drove through her old neighborhood in Evanston; nothing had changed and there was no vitality. The issues surrounding density need to be discussed and thought through. The strong economy of the last six years has allowed the Village to do things it would not otherwise have been able to do. A few years ago, developers were not interested in Oak Park. The Plan Commission was directed to look at the planned unit development ordinance. Despite a slowing economy, Oak Park continues to be a strong community. People take pride in their homes and invest in them. Property values have risen tremendously and there has been no significant property tax increase on the part of the Village of Oak Park. She thinks a goal of the Board is

to "take property that we own. . . , control the growth. . . and do that in a manner that is responsible and that yields the highest return for the Village."

Trustee Kostopulos will be glad to have the process with the Plan Commission proceed and feels better understanding that the Village's liability is limited to \$50,000.

Trustee Carpenter noted that there have been many discussions about what is best for the Village and what the responsibilities of the Board are. She referred to Trustee Hodge-West's comments about vitality in the Village, saying that it is economic development that gives one a good feeling. *Money* magazine named Chicago as one of the ten best cities to live in. This year, the magazine also named suburbs that surround the large cities—Naperville and Oak Park were named. Oak Park was chosen for its housing stock, proximity to the City, and its development. The Board actively works to make the community a better place.

Trustee Gockel noted that in the interest of time, he would shorten his remarks, reading only the first and last paragraphs of a prepared statement. He indicated that he would provide the entire statement to the Board and to others who might be interested.

The statement said that the redevelopment agreement is the product of countless hours of work on the part of Village Staff, the developer and the Board. It is disappointing to him that the agreement does not require that some rental units be made available to low or moderate-income tenants. This runs contrary to existing policy statements, including policy number 5 of the Comprehensive Plan. The Diversity Statement, originally passed in 1973 and adopted by each incoming Village Board, has been broadened beyond the original focus of race to embrace diversity "on all human characteristics and conditions." The agreement does not take into consideration the Village's stated commitment to economic diversity. This project is a major undertaking and would provide an important opportunity for the Board to confirm its stated belief in the Comprehensive Plan and the Diversity Statement. Some people are afraid that if the Village asks too much of developers, they will go elsewhere. That may have been true at one time, but builders are eager to invest in Oak Park. People in Oak Park appreciate the diversity of the community—racial and economic. He quoted a former colleague, Paul Wellstone, who said, "Government is about improvement of people's lives, lessening human suffering, advancing the cause of peace and justice in our country and in the world." He does not believe that spirit is reflected in the proposed agreement.

Trustee Turner agreed that this project required a lot of study and many discussions. He stated that he's been in Oak Park for a long time and knows that whenever something very different is going to occur, there will be opposition from people who aren't sure what the result will be. He recalled the Stankus Hole and said that he was opposed when he heard about the proposed development for Forest and Lake Street—it was such a massive project. There were great discussions and many concerns. The decision was made, the project was built and Oak Park has, as a result, a fine residential building in 100 Forest Place.

This proposal will produce high-end rental units, a high-end health club and a high-end business. It must be recognized that Oak Park needs to increase the tax base as well as provide parking and satisfy the needs of a lot of people. He is concerned about the height, but he said, "We are changing as our neighbors to the east move more this way." He noted that in Naperville there are great restaurants bordered by tall buildings, and there is plenty of parking for people coming to that area. The Woodfield Shopping Center provides a shuttle service to help bring people into the area. Oak Park has become a neighborhood. For it to be a destination shopping opportunity, people need to feel that they can find interesting things here on which to spend their money. He thinks "we will lose that edge if we don't continue the momentum that we have." The Plan Commission will look at this proposed development and the community will have the opportunity to provide input.

President Trapani said that she would like for the developer to "reexplore" the height of the building. She believes that the Plan Commission will do a good job with the public hearings and will be able to "isolate issues of high density and use."

The Tracy Cross study indicates that dense buildings should be near transportation centers. The multi-modal transportation system allows people to use the El or the Metra trains. The close proximity of the proposed development to transportation might encourage people to take public transportation rather than driving their cars. President Trapani believes the project responds to the Lakota study and to the Comprehensive Plan. She does have concerns with respect to affordable housing but she said that there are low, medium and high-end housing opportunities all over town.

She does not understand the notion that the Village Board should not be trusted. All of the people she has worked with at any time on the Board served the Village "with an extraordinary ethic."

Oak Park has a process in place and the process is lengthy. In making decisions, the members of the Board view the long-term beneficial interest to the community as they look at the Village in its entirety—the schools, the tax base, funding issues for schools, parks and all services provided.

She hopes the developer hears the stated concerns and that Mr. Murphy and his neighbors attend the Plan Commission hearings and articulate their concerns.

The roll call on the vote was as follows:

AYES: Trustees Carpenter, Ebner, Hodge -West, Kostopulos and Turner and President Trapani

NAYS: Trustee Gockel

The motion was adopted.

- Q. Motion Referring an Application for a Planned Development Located at 487 North Harlem Avenue and 1131-1149 Ontario Street (Southeast Corner of Harlem Avenue and Ontario Street) to the Plan Commission for the Purpose of Holding a Public Hearing and Preparing Findings

It was moved by Trustee Hodge-West, seconded by Trustee Carpenter, to **REFER AN APPLICATION FOR A PLANNED DEVELOPMENT LOCATED AT 487 NORTH HARLEM AVENUE AND 1131-1149 ONTARIO STREET (SOUTHEAST CORNER OF HARLEM AVENUE AND ONTARIO STREET) TO THE PLAN COMMISSION FOR THE PURPOSE OF HOLDING A PUBLIC HEARING AND PREPARING FINDINGS.**

Responding to a comment from Trustee Carpenter, President Trapani said she has talked with the Plan Commission and they believe "they can begin the process expeditiously."

Trustee Gockel noted that the Agenda Item Commentary indicates that Whiteco submitted their application on December 2, the day of the Board meeting. He wondered if it is typical that a developer applies for a planned development a few hours before the redevelopment agreement is signed. Village Attorney Heise stated that the developer has made it clear that they want to move through the process as quickly as possible. They've been working on their application while the development agreement was being worked on. Mr. Heise noted that when he spoke to Village Planner Failor he asked if the application was complete and Mr. Failor said that it is not. There are several things that the developer has been requested to supply. Once those are received, the application will be complete.

Trustee Hodge-West commented that over the last six months the Board has spent a lot of time and effort negotiating and evaluating critical aspects of the project. Now it is time for the public to have an opportunity for input, and the Plan Commission will provide a forum for that input. Concerns raised by colleagues and citizens can be publicly discussed. Voters have said that citizen input is central to the development process and this is consistent with current Board policies and practices. Passing this application onto the Plan Commission provides "the public the opportunity to have a voice." The issue of affordable housing needs to be discussed on a regional basis with neighboring communities. Oak Park is fortunate to have ResCorp, an entity whose "sole mission is to provide affordable housing."

Trustee Ebner noted that it is likely that most of the members of the Board will be at some of the Plan Commission meetings in order to hear public comments.

President Trapani agreed with a comment by Trustee Hodge-West that the Plan Commission is established by State Statute and is charged with taking public testimony and forwarding findings to the Village Board. It is the Plan Commission's obligation to "refine any proposal that comes before them" and it is the Village Board's obligation to review the Commission's findings and

recommendations and to refine them, if necessary.

The roll call on the vote was as follows:

AYES: Trustees Carpenter, Ebner, Gockel, Hodge-West, Kostopulos and Turner and President Trapani

NAYS: None

The motion was unanimously adopted.

### **Village Manager Reports**

VILLAGE  
MANAGER  
REPORTS

#### W. Reports

##### 1. Village Board Calendars – December 2002 and January 2003

CALENDARS

Village Manager Swenson noted that a meeting for December 16 needs to be added to the calendar. The item for this meeting will be insurance, followed by a discussion with the School Board regarding funding issues.

##### 2. Barrie Park Report

BARRIE PARK  
REPORT

Village Manager Swenson indicated that a written report from Assistant to the Manager Lisa Shelley is in the packet. Ms. Shelley stated that activity has increased at the Barrie Park site as they prepare to build the 80' tall structure where most of the remediation activity will occur. The Park District, Village and the IEPA continue to talk because of the revised work plans that are submitted. Many items are being reviewed and resolved. It is intended that the project will begin at the end of December or first part of January, depending on the weather. Monthly meetings continue to occur the 2<sup>nd</sup> Wednesday of the month at Village Hall.

Trustee Gockel said that he appreciated the detail contained in the report, which helped him to understand some things more clearly. He would appreciate continuing to receive such detailed reports and the photocopies of "primary documents that are in the public domain."

The Barrie Park icon on the Village's website tracks many of those documents. The documents are also mentioned at the monthly citizens' meetings.

Trustee Ebner requested that Board members receive copies of the materials that are distributed at community and advisory group meetings, since they are fairly detailed and provide helpful information.

It was moved by Trustee Kostopulos, seconded by Trustee Ebner, to adjourn the meeting. The motion was unanimously adopted. The meeting adjourned at 10:50 p.m.

ADJOURNMENT

SUBMITTED AND RECORDED IN  
THE OFFICE OF:

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By: Kathleen M. Cannon  
Deputy Village Clerk