

**MINUTES OF THE REGULAR MEETING OF THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF OAK PARK
HELD ON MONDAY, DECEMBER 1, 2003 AT 7:30 P.M.
IN THE COUNCIL CHAMBERS OF THE VILLAGE HALL**

OFFICIAL RECORD:

REGULAR
MEETING
12/01/03

PRESENT: Trustees Carpenter¹, Gockel, Kostopulos, Johnson, Milstein and Pope² and President Trapani³

ABSENT: None

QUORUM: President Trapani convened the Regular meeting of the Village Board and declared that a quorum was present.

MINUTES:

It was moved by Trustee Kostopulos, seconded by Trustee Carpenter that the Minutes of the Regular meeting of November 17, 2003, be approved as submitted. The motion was adopted.

MINUTES OF
11/17/03
APPROVED

**COMMENDATION: POLICE DEPARTMENT CITIZEN
COMMENDATIONS**

POLICE
DEPARTMENT
CITIZEN COM-
MENDATIONS

Citizen Al Garbe
Citizen Joan Shrigley (Family Accepting in Memory of Ms. Shrigley)

Police Chief Tanksley announced that the Police Department was pleased to present citizen commendations to two Radio Emergency Associated Communication Teams (REACT) volunteers. He indicated that one award would be presented posthumously to the family of Jean Shrigley, who passed away in October. The other was to be presented to retired volunteer Al Garbe.

The Chief explained that REACT was founded more than 40 years ago to provide a network of volunteer radio operators who could provide supplementary communications in emergency situations and to respond to people in need. West Suburbs REACT was established in 1976 as an affiliate and the volunteers provide whatever assistance is required, including traffic and crowd control at fire and accident scenes and at parades. Their assistance allows police officers to remain on patrol in such situations and, in addition, the volunteers provide auxiliary communications in emergency situations.

¹ Trustee Carpenter was present for the meeting except during the vote on Agenda Item C-3.

² Although not physically present for the meeting, Trustee Pope was present through use of electronic technology.

³ President Trapani was present except during the Taxi Cab License Hearing portion of the meeting.

The successful "Extra Eyes" program was established in 1988, with REACT members acting as "extra eyes and ears" for the police by reporting suspicious activities or problems. REACT volunteers donate thousands of community service hours annually.

Chief Tanksley noted that recently retired volunteer Al Garbe was a member of REACT for 27 years and the late Joan Shrigley served as a REACT member for 24 years. He indicated that when there is a blizzard and power lines are down, the first call goes to the utility and the second call goes to REACT. When volunteers would love to be spending time with their families during special events or on holidays, they are often helping to coordinate parade routes or providing traffic control.

Chief Tanksley invited Mr. Garbe and his family to come forward and then asked Sergeant Vitale to read the commendation, after which Mr. Garbe was greeted with applause and congratulations. Mr. Garbe thanked the Village Board, Police and Fire Departments and their support groups, including the dispatchers. He stated that it has been rewarding for him to work with police and fire personnel and thanked them for being supportive.

Chief Tanksley asked Frank Van Zanton, son of Joan Shrigley, to come forward to receive the commendation, being presented posthumously. Following Sergeant Vitale's reading of the commendation, Mr. Van Zanton noted that his mother loved Oak Park and that she taught him how important the Police and Fire Departments are and how important it is to be a volunteer. Following her death, he was able to see how valuable her work with REACT was and came to realize that many people cared about the work that she did. Following applause, the Chief asked that other REACT volunteers present in the audience stand to be recognized and then he invited members of the Village's Disabled Parking Patrol to be recognized, as well. President Trapani thanked the Chief and on behalf of the Village Board expressed appreciation for the commitment of all Village volunteers with special thanks to the REACT members.

PRESENTATION: OAK PARK MEDICAL RESERVE CORPS

PRESENTATION:
OAK PARK
MEDICAL RE-
SERVE CORPS

Village Manager Swenson noted that at the November 17 Village Board meeting, the Village Board authorized receipt of a grant to develop a Medical Reserve Corps Program. At that time, there was a Board request for more detail. The Health Department and the Health Board had already been working on a presentation, which is being offered tonight for the Board's information.

Health Department Director Georgeen Polyak explained that the Medical Reserve Corps volunteer group is a national program that is being funded by the Office of the Surgeon General. Last year, the Village of Oak Park was one of 42 recipients of a grant to fund the program. The grant is for \$49,500 per year and pays the salary for Doug Helgerel, the Health Department's Volunteer/Emergency Coordinator. The federal government decided to expand the program this year and there are 167 grantees, with Oak Park again being successful in

obtaining funding. It is anticipated that Oak Park will receive a third year of funding, as well.

The purpose of the Medical Reserve Corps project is to develop "local volunteer medical emergency and public health response capability" and a group of people with the skill and training to respond to specific situations where they are needed. The 40 volunteers in the local program will increase the Health Department's capacity for handling major emergency situations, such as bioterrorism incidents, but members of the Corps will also help with routine public health initiatives. They are trained not only to work with microbial agents in case of a bioterrorism event, but also to deal with natural disasters such as tornados.

Doug Helgerel has been working to build the program that the volunteers will participate in. Some of the people recruited are physicians, nurses, pharmacists, EMTs, veterinarians, and mental health counselors; and approximately half of the volunteers possess organizational skills and can provide administrative support that would be needed in case of a disaster. The Police, Fire and Health Departments have shared with the volunteers how disasters in the Village have been handled in the past, and volunteers have received training in emergency response and weapons of mass destruction.

Ongoing participation opportunities offered to the volunteers include car seat safety and smoking cessation programs and the flu clinic. Some volunteers were actors in a scenario drill simulating an anthrax-type situation and some participate in the auto-dial notification system.

A major goal for the coming year is to have every business in Oak Park prepared for any disaster that might occur. A second important goal is to develop a plan for working efficiently with spontaneous volunteers in an emergency setting. Additionally, staff and volunteers will be working toward emergency preparedness certification.

Dr. Lois Halstead, Chair of the Board of Health, read the names of volunteers who were present in the audience: Agnes Cooper, Denise Top-Rhine, Judy Davis, Erika Luhn, Garry Cooper, Gerrie Paulon, Grace Taladinas, Janie Nelson, Jay Fahn, Lara Pullen, Laurie Dunn, Paul Setlak, Peter Tortaricci, Rosalyn Lytz, Sarah Shirk, Susan Rosanski, Veronica Zemgulys and Violet Sabo. They were greeted with thanks and applause.

LOCAL FILM SCREENING: I KNOW WE CAN. . . A SIMPLE FILM ABOUT STAYING DRUG FREE

A LOCAL FILM ABOUT STAYING DRUG FREE

Village Manager Swenson introduced this item, saying that the film was funded by a BADGE Grant and involved students from Holmes School. He noted that writer and director Carol Hutchins and BADGE Grant Coordinator Commander Ambrose were present. He invited Commander Ambrose to introduce the program.

Commander Ambrose explained that the Oak Park Police Department has been the recipient of a BADGE Grant from the Judicial Advisory Council for the past five years which is to be used for drug and gang prevention programs. He said that as a police officer and as a parent, he felt that more was needed than simply telling kids to "Just Say No"; so he contacted Carol Hutchins, who is very involved with students in Oak Park, and told her that a program was needed now and that there wasn't much money available to fund it.

Ms. Hutchins said that she feels fortunate to live in a community with police officers who are so dedicated to the well being of the Village's children. She enthusiastically accepted Commander Ambrose's challenge and began by talking with fourth graders at Holmes School, asking what they knew about drugs and what their questions were. More than 50 adults volunteered to help with and be involved in the project. It was decided that the message of the film would be positive, with an emphasis on what positive contributions the children can make to the community.

Ms. Hutchins thanked Joe Kreml of VOP-TV, for his "brilliant" job of filming and editing the production.

The film began with children proclaiming, "I know I can be what I want to be. . . ." In response to film guide "Frederick" asking questions, the children responded by saying what they wanted to do with their lives and what effects drugs might have. There were several questions asked and comments offered by the kids, with additional suggestions and comments by various adults. Following a brief exercise, the children stated that during the process they learned team building, to respect each other, to trust each other and how to communicate. They learned how they might respond to a friend's pressure to try using drugs or who they can go to for help. The children had advice for parents: respect our curiosity, be a good role model, really listen to what we're saying, love us. And they decided for themselves some rules to follow: stay in school, don't be mean, help each other, respect everyone, believe in your dreams.

Citizen Advisory Boards and Commissions

Environmental & Energy Advisory Commission

- A. Recommendation to Amend Leaf Blower Ordinance (Village Code Section 17-1-30) and Direct Staff to Prepare Necessary Documents

In introducing this item, Village Manager Swenson recalled that it was approximately one year ago that the Village Board received recommendations from the Commission and passed the leaf blower ordinance with the idea the Commission would review the effectiveness of the ordinance and make recommendations to the Board after one year. The Commission engaged in a review of the ordinance and met with members of the landscaping community. The recommendations of the Commission are before the Board for review.

Waste Reduction Coordinator Karen Rozmus indicated that she was the

CITIZEN AD-
VISORY BOARDS
& COMMISSIONS

ENVIRON-
MENTAL &
ENERGY AD-
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MISSION
RECOMMENDA-
TION RE:
AMENDMENTS
TO LEAF
BLOWER
ORDINANCE
ACCEPTED

staff person who worked with the Commission and members of the industry to reach a compromise that would be good for the landscapers, as well as for the Village. She indicated that she and Commission Chairperson Melanie Weiss would be glad to answer questions.

It was moved by Trustee Kostopulos, seconded by Trustee Carpenter, **TO ACCEPT THE RECOMMENDATIONS OF THE ENVIRONMENTAL & ENERGY ADVISORY COMMISSION FOR AMENDMENTS TO THE LEAF BLOWER ORDINANCE AND TO DIRECT STAFF TO PREPARE THE NECESSARY DOCUMENT TO AMEND THE ORDINANCE.**

Trustee Kostopulos asked who will be enforcing the ordinance and who will measure the sound to assure compliance. Ms. Rozmus responded that primary enforcement will be through the Police Department and that she and others in the Public Works Department will measure the noise level of equipment. Landscapers will be able to come to Public Works with their equipment and demonstrate it. Trustee Kostopulos asked what happens if there is a complaint and Ms. Rozmus indicated that many complaints come into the Public Works Department, as well as to her directly. There is follow-up on all complaints received. There will be more discussions with the Building and Property Standards Department and the Police Department regarding enforcement. Mr. Kostopulos asked if the Village has the equipment to properly measure the noise level of equipment and Ms. Rozmus said that the Health Department has the equipment.

Trustee Milstein noted that landscapers do not have to be licensed in the Village. He asked if other communities require that they be licensed. Ms. Rozmus responded that larger landscaping businesses that do permitted work within the Village, such as installing pavers, are licensed. Landscapers are encouraged to register with the Village. Village Clerk Sokol added that if landscapers are located in Oak Park, they are registered in the Office of the Village Clerk. If they are located outside of the Village, they are registered through the Building and Property Standards Department.

Ms. Weiss indicated that when the Commission was working on the recommendations for amendments, it was thought that if there were a fluorescent sticker on a piece of equipment, residents would be able to recognize that the equipment has been approved and can be used in the Village. Trustee Carpenter asked if the registering of equipment would be done through Ms. Rozmus; Ms. Rozmus responded affirmatively. Trustee Carpenter noted that Number 4 of the Item Policy Commentary indicates that violation of the ordinance carries with it a monetary fine. She asked how the fine would be determined. Ms. Rozmus said that would be left to the Legal Department, as the Village Code outlines monetary penalties for violations. Attorney Heise added that for violations of Village ordinances where a specific rate is not established, the general penalty provision governs. He indicated that the maximum fine under that provision is \$750 per violation. And he agreed with Trustee Carpenter's observation that a person in violation of the ordinance who appears in court could be fined by the Judge for an amount up to \$750.

Trustee Carpenter expressed concern about how smaller landscaping businesses, employing only two or three people, or individuals who use leaf blowers, will be notified of the provisions. She noted that during the summer individuals could be seen using leaf blowers that were very loud and she said that she would be hesitant to call the police in such a case. Ms. Rozmus said that the Village has a data base of approximately 130 landscapers who are registered in the Village. When a resident calls in, she can also work with the Illinois Landscape Association to obtain additional information about a landscaper working in the Village if that business is not part of the Village's data base. Ms. Carpenter asked what the procedure would be if a homeowner was using an unauthorized piece of equipment and the police stopped to talk to that person. Ms. Rozmus said at that point, the homeowner would be given the brochure and informed of the ordinance.

President Trapani asked if the equipment covered includes only the gasoline powered leaf blowers; Ms. Rozmus responded, "Yes."

Ms. Weiss said that the Commission considered the use of the gasoline powered leaf blowers over a period of three years, as residents were concerned about noise and pollution in connection with the equipment. The overriding issue was noise. Ms. Weiss said that she explained the current recommendations to one of the residents who initially brought the issue forward because noise was a real problem for her; the resident thinks that she can live with the changes.

The Commission thought that the brochure should be bilingual; so they have been printed in English and Spanish.

President Trapani invited Scott McAdam to testify. Mr. McAdam introduced himself and said that he has one of the larger landscaping businesses in the area. He thanked the Commission for meeting with the landscaping business community over the past several months in an attempt to reach a compromise. He finds it refreshing that the Village and businesses can work together. He commented that as a licensed landscaper in Oak Park, his business "will be your best police force and make sure that this ordinance is enforced."

The roll call on the vote was as follows:

AYES: Trustees Carpenter, Gockel, Johnson, Kostopulos, Milstein and Pope and President Trapani

NAYS: None

The motion was unanimously adopted.

Housing Programs Advisory Committee Recommendations

HPAC RECOM-
MENDATIONS

In introducing the Committee's recommendations, Village Manager Swenson noted that item C-3 was moved to the Regular Agenda at the request of

a Trustee.

B. Resolutions Authorizing Security Improvement Grants

1. Resolution Authorizing a Security Improvement Grant: SIG-180
2. Resolution Authorizing a Security Improvement Grant: SIG-181
3. Resolution Authorizing a Security Improvement Grant: SIG-182

SECURITY
IMPROVEMENT
GRANTS SIG-
180, SIG-181 AND
SIG-182
APPROVED

It was moved by Trustee Carpenter, seconded by Trustee Johnson, that Resolution 2003-R-194 entitled **RESOLUTION AUTHORIZING A SECURITY IMPROVEMENT GRANT – SIG-180**, Resolution 2003-R-195 entitled **RESOLUTION AUTHORIZING A SECURITY IMPROVEMENT GRANT – SIG-181**, and Resolution 2003-R-196 entitled **RESOLUTION AUTHORIZING A SECURITY IMPROVEMENT GRANT – SIG-182** 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, Gockel, Johnson, Kostopulos, Milstein and Pope and President Trapani

NAYS: None

The motion was unanimously adopted.

C. Resolution Authorizing Execution of Marketing Services Agreements

1. Resolution Authorizing Execution of Marketing Services Agreement MSA-0101/A with Additional Grant

MSA-0101/A
WITH
ADDITIONAL
GRANT
APPROVED

It was moved by Trustee Carpenter, seconded by Trustee Johnson, that Resolution 2003-R-197 entitled **RESOLUTION AUTHORIZING EXECUTION OF MARKETING SERVICES AGREEMENT WITH GRANT – MSA0101-A** be adopted as submitted, a true and correct copy of said Resolution herewith being ordered filed in the Office of the Village Clerk.

Trustee Kostopulos noted that Community Relations receives periodic reports on the diversity of a building. He believes those reports would help the Board in making their decisions and he asked that the reports be provided on at least a quarterly basis.

The roll call on the vote was as follows:

AYES: Trustees Carpenter, Gockel, Johnson, Kostopulos, Milstein and Pope and President Trapani

NAYS: None

The motion was unanimously adopted.

It was decided to consider items C-2 and C-4 together.

2. Resolutions Authorizing Execution of Marketing Services Agreement
MSA-0328/A with Grant and Housing Bond Loan HB0306

MSA-0328/A
WITH GRANT &
HB0306
APPROVED

4. Resolution Authorizing Execution of Marketing Services Agreement
MSA-0330/B with Grant

MSA-0330/B
WITH GRANT
APPROVED

It was moved by Trustee Carpenter, seconded by Trustee Kostopulos, that Resolution 2003-R-198 entitled **RESOLUTION AUTHORIZING EXECUTION OF MARKETING SERVICES AGREEMENT MSA0328/A**, Resolution 2003-R-199 entitled **RESOLUTION AUTHORIZING A REHABILITATION LOAN – HB0306** and Resolution 2003-R-200 entitled **RESOLUTION AUTHORIZING EXECUTION OF MARKETING SERVICES AGREEMENT MSA0330/B** 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, Gockel, Johnson, Kostopulos, Milstein and Pope and President Trapani

NAYS: None

The motion was unanimously adopted.

NON-AGENDA PUBLIC COMMENT

NON-AGENDA
PUBLIC
COMMENT

Margaret Amato, 1110 North Boulevard, stated that she is the current President of the Oak Park-River Forest Chamber of Commerce. She read a statement from the Chamber stating that with regard to proposed budget amendments "any additional taxes placed on businesses in our communities is counter-productive." Communities are better served by creating an environment that attracts more businesses to a community, since the more established businesses there are, the more sales tax revenue will be generated to support civic programs.

Daniel Fore, Oak Park, invited the Village Board, congregations of Oak Park and residents to participate in the "Adopt a Sailor" Program for the holidays. The program provides for interested persons to host a service person from Great Lakes Naval base for Christmas or New Years Day. These service people are folks who are away from home and who otherwise will not be able to get off the base for the holidays. Interested persons were invited to call (847) 688-5670 or 763-0973.

Mr. Fore read from an October 2003 letter, from Don Register and Scott Gaalaas of the Oak Park YMCA which said, "When people are unreasonable, illogical, self-serving and arrogant, love them anyway." Mr. Fore stated, "That's what they think about the residents of Oak Park." He then read from a November 2003 memo that he said was attributed to Scott Gaalaas, which said, "Sorry for failure to follow the rules." Mr. Fore said that it is rare for Mr. Gaalaas to apologize for anything.

When President Trapani invited Mr. Al Harford to speak, Mr. Fore said he'd been asked to read a letter for Mr. Harford. President Trapani asked if he would be reading letters for Melvin Foggy, Lester (no last name given), Paul Jordan, Charlie Clark, Dalino Hastings and Stanley Jackson, as well. Mr. Fore responded, "Yes." When President Trapani indicated that these people should be present to speak for themselves, Mr. Fore said that under Federal Reasonable Accommodations Request they have a right to request that someone read something for them and that he was making the requests in their names. President Trapani ascertained that the persons named are persons with disabilities who have no way to get to Village Hall. She suggested that if the letters are similar, Mr. Fore might read one letter and leave a copy of each of the letters which would then be distributed to the Village Board. Mr. Fore agreed and said that he would read the letter from Mr. Harford, age 92. The letter stated that a 92 year old, 30-year resident of the YMCA was cooling off in the first floor snack area on a Saturday in mid-summer, because the resident's room was very hot. The resident was told to leave the area because residents cannot loiter in the members' area. After the resident refused several times to leave, the staff finally left him alone. Mr. Fore said, "Despite the fact of having lived there for 30 years, that's how they treated him."

President Trapani asked Mr. Fore to provide the letters, or the excerpts from the letters that he had available, to the Village Clerk who will distribute them to the Village Board so that Board members can read them.

Gloria Ryan, 408 S. Grove Avenue, expressed concern that not enough money has been included in the 2004 budget to establish a permanent animal shelter. She stated that it looks like about \$6,000 per month, plus medical and consulting vet fees have been spent this year. She believes the Village cannot afford not to establish a permanent shelter. She thinks that there are various places in the budget where money could be found for the shelter. She said, "The animals matter, too."

Irene Clute, 827 S. Cuyler Avenue, said than some time ago, the residents made clear their concerns about the way animals are handled in the Village. The Board responded by "promising to correct the abuses." She said that the animal control facility should be a safe place, where animals find "comfort and care." She stated that as of December 1, strays will again be taken to A American Animal Hospital, "a facility that is grossly inadequate for this purpose." She would like a timetable from the Village Board regarding establishment of an adequate animal control facility in the Oak Park area.

Patricia Spagat, 945 N. Elmwood Avenue, said that the Village is looking for an animal shelter in the wrong places, with focus on finding temporary accommodations rather than a permanent facility. She believes a committee of people concerned with animal care should be appointed to find a facility that would provide humane care. She believes the Village has not dealt in good faith with concerned residents.

Barbara Alexander Mullarkey, 204 S. Elmwood Avenue, expressed her concern about the November 21 staff response to her testimony before the Village Board on November 3. She said that she asked six questions but that she did not get responses to all of her questions. The staff memo mentioned electromagnetic radiation and she wants to know what was meant by the statement regarding "emissions on any given day from various sources in homes." She wants to know what type of emissions the memo is referring to, "the intensity, the fields and the measurement of these." Ms. Mullarkey expressed concern with regard to notices that went out to owners of property in connection with the cell tower antenna at 169 N. Grove. Only two notices went out. She was informed that the data base of residents is not readily available "and may never accurately reflect who occupies a unit in contrast to who the real owners are." She thinks this is unacceptable.

Following a short break, Trustee Kostopulos announced that President Trapani excused herself for the following item and asked that he act in her stead.

Taxi Cab License Hearing

TAXI CAB
LICENSE
HEARING

K. Petition for Red Cab Company Taxicab License

Village Manager Swenson offered to provide a brief introduction. He said that hearings on public convenience and necessity, such as this one required in connection with the petition for a Red Cab taxicab license, are rare. The potential operator must provide information and certifications to the Village for review by various departments and also submit his/her vehicles for inspection. A hearing is then held, with an opportunity for people to speak for and against the operation of a new taxicab company. The Board should then close the hearing, direct staff to review the information presented and report back to the Board at a later time.

Village Clerk Sandra Sokol explained that Village Code requires a public hearing to determine whether or not there is need, or necessity, for another taxicab company. She said that Gina Koontz, owner of Red Cab Company of Oak Park, Inc., was present to answer questions and noted that Ms. Koontz has cooperated in providing required documents and in having the five vehicles in the fleet tested by the Oak Park Police Department. The cabs will be red and white. Speaking to Ms. Koontz, Ms. Sokol said that while there has not been discussion in terms of taxicab rates, the information is in the ordinance and she assumes that Ms. Koontz will cooperate in terms of the Village's rate schedule.

President Pro Tem Kostopulos asked if Ms. Koontz had anything to add. She introduced herself, saying that she is a lifelong resident of Oak Park. She

thinks it is important that the residents of Oak Park have a choice in their taxicab service.

A lengthy question/answer period and discussion followed. Trustee Milstein asked if Red Cab has been operating taxicabs in the Village without a license. Ms. Koontz responded that she came to Oak Park Village Hall to inquire about the need to be licensed and was told that because her office is a dispatch office that is located in Maywood and not in Oak Park, that she did not need a license in Oak Park. She asked if other cab companies, such as Express Cab and American Taxi, had licenses and was informed that because they are not located in Oak Park, they do not.

Responding to additional questions from Trustee Milstein, Ms. Koontz said that there are not any phone numbers, or offices in Oak Park that have been used by Red Cab, that she is the owner of the company and that Mr. Gamal is her husband. There are five cars in her fleet. She had someone design the Red Cab logo and she does not believe it looks like the "competitors" cab logo. The number to call for a Red Cab taxi is 848-1010. She indicated that one of the Red Cab taxis was impounded when a driver, who no longer is in her employ, illegally picked up a fare at Midway Airport. In response to Mr. Milstein's question, "Who drives your cabs?", Ms. Koontz responded, "We have several drivers."

Trustee Johnson asked Village Attorney Ray Heise to direct his attention to Section 24-1-5 of the Village Code which reads in part, "no vehicle shall be licensed as a taxicab, whether upon new application or renewal, unless it is less than four years old. . . ." He said that in looking at the vehicle information provided, all of the vehicles are more than four years old. He asked if that would not preclude the Village Board proceeding on this issue. Ms. Koontz asked if that portion of the ordinance is enforced, saying that she doesn't believe that any taxicab serving the Oak Park area is less than four years old. Mr. Johnson said those cabs could have been four years old or less at the time of licensing. He said that in the Red Cab fleet, four of the five vehicles have over 100,000 miles and one is close to that. He assumes that the reason the ordinance contains the four-year old or less requirement has to do with safety features involved with an older vehicle with so many miles. Attorney Heise indicated that he could not speak at this time to the "reasonableness" of the four year requirement. But that has been the requirement for a long time and it has not been debated or amended. Following a short discussion about whether or not the four-year age requirement applies only at the time of application, Mr. Heise clarified that the requirement applies at the time of application and at the time of renewal.

Trustee Johnson said that since the vehicles do not meet the minimum standards set by Code with regard to the vehicle age requirement, he thinks additional questions at this time are moot. Trustee Kostopulos asked if the issue of over-age vehicles was enough to pull the item from the Agenda. Mr. Heise responded, "The ordinance requires vehicles to be four years or younger." He said that he couldn't speak to the issue of other licensed vehicles in the Village and suggested that the Village Clerk speak to that issue. He thinks the ordinance addresses the licensing of other taxicabs that pick up in the Village

but that are not located here.

Trustee Milstein said that he agreed with Trustee Johnson but that he had a few more questions. Noting that Ms. Koontz said the phone number for Red Cab is 848-1010, he asked if that is the only telephone number. Ms. Koontz responded that the number 410-0011 is also a Red Cab number. He asked if that number goes only to Maywood and not to a location on South Scoville or Harrison. She indicated that she is the person answering all calls and dispatching all cabs. If she leaves the office, she has the office phone forwarded to her cell phone. Trustee Milstein indicated at this point that he did not think the Board should continue with the hearing.

Trustee Pope asked that Village Attorney Heise elaborate somewhat on the impact of the Village Code with regard to cab companies that are not licensed in Oak Park making pick-ups or drop-offs in the Village. Mr. Heise said that Section 24-1-4 of the Code states that a taxicab is not to pick up passengers in Oak Park unless a taxicab license, issued by the Village, exists for that taxicab. Taxicab licenses are to be issued annually. Mr. Heise stated that the ordinance relates to taxicabs making pick-ups of passengers in the Village and not to "the location of the calling center or the actual housing of the vehicles." Trustee Pope asked if that means that any company not licensed by the Village but that picks up passengers in the Village is violating the ordinance. Mr. Heise responded, "That's correct." He added that cab companies picking up passengers in Oak Park should be licensed in Oak Park. Trustee Pope asked about a penalty provision for violation of the ordinance. Mr. Heise indicated that he thinks a taxicab not licensed by the Village but picking up passengers in the Village could be subject to the general penalty provision of the Village Code, with, he believes, a maximum fine of \$750 per violation. Trustee Pope asked if the four-year old age requirement applies also to renewals and Mr. Heise responded, "That's correct."

Assuming that Ms. Koontz' statements are correct regarding cab companies functioning in Oak Park without a Village license or operating with vehicles that are older than four years, Trustee Pope asked if cab service might be unavailable within the Village if the ordinance were strictly enforced and at renewal time a company doesn't come forward with a new fleet of cars or cars that meet the vehicle age requirement. Mr. Heise indicated that he thinks the Village needs to investigate the issues of whether or not the cab companies servicing customers in the Village of Oak Park are licensed and if the vehicles used to service those customers meet the age requirement of the ordinance. Responding to Trustee Pope's question regarding the number of taxicab companies currently licensed in Oak Park, Village Clerk Sokol said that there is only one. She said that her office can supply a list of the vehicles being used and their age. License renewal time is approaching.

Trustee Pope stated that if Ms. Koontz is not in compliance with the Village Code, he thinks the Board "would not be looking to approve her application for a license at this point." He continued that an issue may exist with regard to "the matching up of Village Code and the economic realities of the situation" for

companies interested in providing taxicab service within the Village. He suggested that a review of the ordinance might be required. Trustee Pope added that he thinks that competition for taxicab service in Oak Park would be a good thing and that the Village should look at providing opportunities for residents to have a choice of taxicab companies they might use.

Responding to Ms. Koontz asking what the next step is for her, Village Manager Swenson said that the hearing was still open and that a determination had not yet been made. He noted that another person wished to speak and then the hearing would be closed. She will be contacted either way concerning the Board's determination.

Jim Bennett, indicated that he was from Blue Cab and Village Cab, 7417 Roosevelt Road, Forest Park. He asked that the Board postpone licensing discussions for Red Cab until a pending lawsuit Blue Cab filed against Red Cab has been settled. He highlighted some points from the lawsuit and, again, requested that a discussion or decision about licensing Red Cab be postponed. One of the points Mr. Bennett mentioned was a "non compete" clause and Trustee Milstein asked, referring to that clause, if there was a person who was a driver for Blue Cab who is now driving for Red Cab." Mr. Bennett responded, "Yes." Trustee Milstein asked if Blue Cab requires individual drivers to sign the clause and how long the non compete clause is in effect. Mr. Bennett said owner/operators are required to sign and the clause is in effect for three years. Trustee Milstein offered a scenario of how that clause might work and Mr. Bennett agreed. Responding to Trustee Milstein's saying that he had another question that might be part of the lawsuit and that he didn't know if it was acceptable to ask, Attorney Heise stated, ". . .I don't believe it is within the purview of the Board's consideration to deal with the non competition issues that might be set forth in a private civil suit." He added that the Village is concerned with public issues, such as financial responsibility, insurance, public safety, and quality of the vehicles.

Trustee Pope asked Mr. Bennett to comment on the age requirement and the age of the vehicles his company uses to service customers in Oak Park. Mr. Bennett said that in his experience, "it has always been four years from the time the vehicle was put in service. . . ." Trustee Pope questioned if that means that the vehicle could operate in Oak Park for a maximum of four years from the day it was put into service. Mr. Bennett said, "Correct." Mr. Pope asked if, typically, there is a consistency with regard to age when a vehicle is put into service. Mr. Bennett responded that there is not, as long as it is a late model vehicle in good condition and that it has been inspected. He said that currently the cars being put into service are 1997s and 1998s. Trustee Pope asked if a 1997 model put into service in the next few months would still be eligible to operate until 2008, making the vehicle 10 or 11 years old. Mr. Bennett responded, "Correct."

Trustee Pope noted that except in situations "where intellectual property rights or significant training and development come into play," he is not a "big fan" of non compete clauses since he thinks people should be able to work if they are in a position to provide services that a company needs.

Village Clerk Sokol indicated that she wanted to state for the record that all of Ms. Koontz' vehicles that were inspected were "deemed in excellent condition."

Trustee Milstein stated that no one is opposed to competition. Companies have agreements, including non compete clauses. It is adults who sign these agreements and they can choose to sign or not to sign. But once signed, they are legal agreements that should be binding. Competition is fine as long as it conforms to the existing ordinance. If the Board wants to change the ordinance, it can refer the ordinance to a committee for review and recommendation. He thinks that at this point, the Board must act within the "context of the existing ordinance."

Trustee Pope agreed that the Board should act in accordance with the existing ordinance. He added that it should also ensure that the opportunity for competition within the Village exists and indicated that the Board needs to review the ordinance to make sure that competition is possible. He thinks such a review should be a priority.

Trustee Gockel said that he understands that the non compete issue is not one for the Board to consider. He indicated, however that he is confused about the four-year age requirement, saying that he thought, at first, that a vehicle could not be more than four years old when it was put into service; but Mr. Bennett's testimony indicated something different. Village Attorney Heise said that the ordinance requires that a car not be more than four years old when it is put into service. But the practice within the Village does not appear to match the language of the ordinance, and that is an issue that needs to be addressed.

Trustee Gockel said the Board has before it a "very specific licensing application. . .and I think, within the four corners of that application, we have to decide whether the ordinance is being violated or not." He added that he thinks a study session or further discussion of some kind should address a review of the ordinance and a review of the extent to which it is being violated and to which it is being enforced. He asked if he was correct in recalling that staff is waiting for direction from the Board on this issue. Mr. Swenson said that direction could come "in the form of asking for clarification" or in setting up a session with the Board where issues could be discussed and explained. Trustee Johnson commented that he thinks a "more broad discussion" would be helpful. The Red Cab company was just incorporated in July and it would be helpful to have an understanding of such things as the experience of the drivers.

Trustee Milstein asked if what is being said is that the existing cab company might not be following the requirements of the ordinance, or that the Village is not enforcing it. Attorney Heise responded, "It would appear so." Mr. Milstein expressed the importance of being fair to the potentially competitive company as well as to the existing company.

Mr. Swenson commented that the issues raised regarding past and current

practices, how the ordinance is being administered and the rationale for how it is being administered need to be discussed. He noted that sometimes with old ordinances—and he thought that this one would fall into such a category—administrative changes develop that "may not be in strict conformance with what is written." He indicated that he would look at this issue with the Village Clerk and report back to the Board. Ms. Sokol said that this ordinance is from 1981. In 1997, the rate structure was reviewed and because the ordinance is outdated, the Village "was to look at rewriting it."

Trustee Pope stated his expectation that in looking at the ordinance from a strict interpretation standpoint, the existing licensed taxicab company will be treated in the same way for renewals with a four-year old age limit required for vehicles as is being required for the licensing of Red Cab. He anticipates that the Village will apply a strict four-year old standard to any new license or any license renewal and he thinks the Village has the responsibility of acting quickly with regard to how it is going to proceed. Village Clerk Sokol indicated that the time for license renewals is approaching. President Pro Tem Kostopulos commented that the Village has an application from another taxicab company wishing to operate in the Village. The Village has laws that are being misinterpreted. He asked how the Village should handle the situation and wondered if the issue should be tabled.

Village Manager Swenson suggested that the hearing be closed and that staff be directed to provide the information that has been discussed. When the Board receives the information, it can make decisions with regard to granting the license to Red Cab and extending a new or renewed license to the Blue Cab Company, based upon the same standards. It can also then decide whether the ordinance should be changed. Trustee Milstein indicated that in fairness to both companies, he thinks the Board should move forward quickly. Mr. Swenson indicated that he will speak with Ms. Sokol, Mr. Heise and Ms. Speelman in the morning and get back to the Board right away. President Pro Tem Kostopulos stated that the Board should have some idea within a month or two.

It was moved by Trustee Johnson, seconded by Trustee Milstein, to close the hearing. The motion was unanimously adopted.

President Trapani returned for the remainder of the meeting.

Consent Agenda

- D. Ordinance Authorizing the Disposition of Surplus Equipment On An "As Is" Basis for Retired Vehicles and Equipment

CONSENT
AGENDA

DISPOSAL OF
SURPLUS
EQUIPMENT ON
AN "AS IS" BASIS

Village Manager Swenson said that this item involves the disposition of retired police vehicles and other surplus Village equipment that is to be sold on an "as is" basis.

Trustee Carpenter asked if the Village has sold other surplus equipment in the manner that is being proposed in this instance, noting that she is aware that

sometimes in the past, the Village has made use of the West Central Municipal Conference auction. Public Works Director John Wielebnicki said that to his knowledge, the proposed process has not been used before. The WCMC cancelled its Fall auction, so this method is being suggested in an attempt to move the vehicles. Trustee Carpenter wondered where people will be able to view the vehicles. Mr. Wielebnicki responded that the location has not yet been determined but it will be at a surface lot that is owned by the Village. Ms. Carpenter asked about public notification and Mr. Wielebnicki responded that legal ads will be placed in the newspapers, and notices can appear on the Village's Web site and on TV6.

Ordinance 2003-0-52 entitled **ORDINANCE DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING ITS DISPOSITION ON AN "AS IS" BASIS** was submitted for adoption.

- E. Resolution Authorizing Execution of an Amendment to an Agreement with Clyde Printing Company for Printing Year 2004 *OP/FYI* and Related Materials

EXTENSION OF AGREEMENT WITH CLYDE PRINTING COMPANY

Trustee Kostopulos asked if this item went out for bid. Village Manager Swenson said that originally, there was a competitive process. This item is to extend the existing contract. Mr. Swenson said that he thinks next year the Village will again go out for bids. Trustee Carpenter recalled that this bid was considerably lower than others received last year. She noted that sometimes when a bid is received that is significantly lower, the first year of working with the bidder will indicate whether or not it was a good choice. Her understanding is that Clyde Printing has done a very good job. Communications Director David Powers agreed. He said that in extending the contract other factors were considered. For instance, other taxing bodies have expressed interest in providing inserts for the *OP/FYI* and those groups would like to combine their printing bids with those of the Village. It was decided that taking time to investigate that possibility would be a good idea, rather than the Village just going out for another one-year bid. Trustee Carpenter stated that during the budget process, there was discussion about how the Village might help other taxing bodies defray some of their costs. She thinks this will provide an excellent opportunity to assist in those efforts, and she added that the Library insert is very informative.

Resolution 2003-R-201 entitled **RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO THE AGREEMENT BETWEEN THE VILLAGE OF OAK PARK AND CLYDE PRINTING CO. FOR PRINTING OF *OP/FYI*, INSERTS and *PARKING NEWS*** was submitted for adoption.

- F. Motion to Receive the Plan Titled, "A Plan for the Redevelopment of Roosevelt Road" and Direct the Plan Commission to Review and Comment on the Plan

RECEIPT OF PLAN TITLED, "A PLAN FOR THE REDEVELOPMENT OF ROOSEVELT ROAD"

Village Manager Swenson said that this Plan is the result of a partnership

ROAD" &
DIRECTION TO
PLAN COM-
MISSION TO
REVIEW IT AND
MAKE RECOM-
MENDATIONS

between the Village of Oak Park and the Berwyn Development Corporation whose purpose was to provide an overview of the Roosevelt Road business corridor. Funding for the project came from a grant received by the Berwyn Development Corporation with some additional support from the Village of Oak Park. Farr Associates Architecture & Urban Design was the company hired to conduct the planning process, which was a very community-involved process. There were several well-attended community meetings where input from citizens and business owners was obtained. The resulting document has been provided to the Board. The motion is a request to forward the Plan for Redevelopment document to the Plan Commission for its review and recommendations, such as was done with the UIC studies undertaken in the Harrison and Oak Park-Eisenhower business districts.

Trustee Kostopulos said he thinks this is an excellent Plan—the best that has been presented to the Board. He added that "It's a good map, even for the future, to apply to rejuvenate the whole south border of our community." He indicated that this is a Plan he can support. Mr. Swenson agreed, saying that he thinks Farr Associates did an excellent job—they are a very professional organization. He added that he thinks this is the first time that the Village of Oak Park and the City of Berwyn have worked together on a cooperative project like this. The Berwyn Development Corporation, which acts as a planning entity for Berwyn, spearheaded the project. The Corporation was very positive to work with and Mr. Swenson stated that he appreciated working with the development corporation.

Trustee Johnson expressed his agreement with Trustee Kostopulos' statements—he, too, thinks this is a great plan. The Board will be recommending that the Oak Park Plan Commission hold hearings on the Plan and he thinks it would be interesting and, perhaps, helpful to collaborate with the Berwyn Plan Commission, as well—to bring the two Commissions together for some dialogue about the Plan and to review what steps might be needed "to collaborate from that perspective." He said that when he reviewed the implementation table, if the Village were to agree with the recommendations of the study, a goal is to complete the first five tasks by June, 2005. One of the first tasks is to create a joint redevelopment authority, and Trustee Johnson wondered if that is something that was discussed by the previous Board and whether any work has been done in that regard. Mr. Swenson said that there has not been any discussion of that yet. Staff is waiting for Board receipt of the plan and for direction with regard to what steps should be implemented.

Trustee Gockel asked if when the Plan is referred to the Plan Commission, there will be any stated expectations with regard to what the Board would like to receive back from the Commission. He said it seems to him that the Board would want the Plan Commission "to investigate some very specific follow-up activities. . . ." He thinks forwarding it to the Commission without any direction would not be very efficient. President Trapani said that the Board might want the Commission to look at the entire plan and to come back to the Board with findings and recommendations. Then, at some point, a joint meeting could be scheduled.

Trustee Kostopulos noted that a purpose of forwarding it to the Plan Commission is to gather comments from citizens and to forward recommendations to the Board based upon their review and the information they gather from residents.

Trustee Milstein said when the UIC report was passed onto the Plan Commission, he said, "So now what?" He thinks this report is significantly better than the UIC report. There are objectives and strategic points made in each category and he thinks the Plan Commission's role will be to look at each category and subcategory and each objective and ask, "Is this something that we can do and hold it open to public scrutiny, as well?" He thinks "in essence, it's an open hearing" where the Plan Commission will offer their professional input and the public will offer input. He said, "I think we ask them to look at it and to make some determinations and to divide it up into some meaningful context for us, and then bring it back to us and we can decide at that point whether we go ABC or ABDE, or however we want to follow it, or not." President Trapani agreed, saying the Commission needs to look at the entire document, hold a public hearing and come back to the Board with recommendations.

The **MOTION TO RECEIVE THE PLAN TITLED, "A PLAN FOR THE REDEVELOPMENT OF ROOSEVELT ROAD" AND DIRECT THE PLAN COMMISSION TO REVIEW AND COMMENT ON THE PLAN** was submitted for adoption.

- G. Staff Recommendation to Approve an Ordinance to Install "No Left Turn" Signs on Harlem Avenue for Southbound Traffic Turning Eastbound onto Westgate Street.

INSTALLATION OF "NO LEFT TURN" SIGNS ON HARLEM FOR SOUTHBOUND TRAFFIC TURNING ONTO WESTGATE

Trustee Carpenter asked about placement of the signage. Village Engineer Jim Budrick responded that the signage will be on both sides of the street, "on the near right and far left of the intersection." He explained that this is a State highway and the State of Illinois will place the signs at Harlem and Westgate. Trustee Carpenter asked about the height of the diverter, noting that high diverters can damage a car and that people drive over low ones. Mr. Budrick said that the design of the diverter has to meet State specifications. The State requires a six inch high curb diverter that is completely enclosed so that people cannot drive over it.

Ordinance 2003-0-53 entitled **ORDINANCE AMENDING SECTION 15-1-14 OF THE OAK PARK VILLAGE CODE RELATING TO PROHIBITED TURN LOCATIONS** was submitted for adoption.

- H. Resolution Authorizing Execution of Agreement with Richard A. Martens

AGREEMENT WITH RICHARD A. MARTENS

In introducing this item, Village Manager Swenson explained that this is an annual renewal of the agreement with Mr. Martens who provides services for the Plan Commission, the Zoning Board of Appeals and other functions. Mr. Swenson commented that Mr. Martens has done an excellent job over the years.

Trustee Gockel added that he thinks the Village gets its money's worth from Mr. Martens. Trustee Pope agreed and added that he felt fortunate to have been able to work with Mr. Martens while he [Trustee Pope] served on the Plan Commission. President Trapani commented that Mr. Martens does an outstanding job, with good humor and patience.

Resolution 2003-R-202 entitled **RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH RICHARD A. MARTENS** was submitted for adoption.

Approval of Consent Agenda

APPROVAL OF
CONSENT
AGENDA

It was moved by Trustee Kostopulos, 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, Gockel, Johnson, Kostopulos, Milstein and Pope and President Trapani

NAYS: None

The motion was unanimously adopted.

Regular Agenda

REGULAR
AGENDA

C. Resolution authorizing Execution of Marketing Services Agreement

1. Resolution Authorizing Execution of Marketing Services Agreement MSA-0329/B with Grant and Housing Bond Loan HB0307

MARKETING
SERVICES
AGREEMENT
MSA-0329/B
WITH GRANT
AND HOUSING
BOND LOAN
HB0307
APPROVED

Village Manager Swenson noted that this item was moved from the Consent Agenda.

It was moved by Trustee Kostopulos, seconded by Trustee Carpenter, that Resolution 2003-R-203 entitled **RESOLUTION AUTHORIZING EXECUTION OF MARKETING SERVICES AGREEMENT MSA0329-B** and Resolution 2003-R-204 entitled **RESOLUTION AUTHORIZING A REHABILITATION LOAN – HB0307** 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 Gockel, Johnson, Kostopulos, Milstein and Pope and President Trapani

NAYS: None

The motion was unanimously adopted.

I. Ordinance Authorizing Execution of Documents Relating to the Acquisition of a 13-Unit Condominium Building at 461-467 N. Harlem Avenue

ACQUISITION OF
PROPERTY AT
461-467 N.
HARLEM
AVENUE
APPROVED

It was moved by Trustee Kostopulos, seconded by Trustee Carpenter, that Ordinance 2003-0-54, entitled **ORDINANCE AUTHORIZING EXECUTION OF DOCUMENTS RELATING TO THE ACQUISITION OF 461-467 NORTH HARLEM** be adopted as submitted, a true and correct copy of said Ordinance herewith being ordered filed in the Office of the Village Clerk.

A very lengthy discussion followed. Trustee Milstein said that he opposes the adoption of this ordinance since he has some serious questions concerning the historical aspects of the building. In 1975 the Historic Preservation Commission, then known as the Landmarks Commission, sponsored a survey to inventory commercial buildings in and around the Oak Park Mall, now called Downtown Oak Park. The Avenue district was added when the survey was updated in 1981. It was updated again in 2003 and was published 1/9/2003. The survey was provided to the Library and then was removed because the working plan of the urban planner in charge of the review did not authorize the 2003 survey.

The 2003 document indicated that the Historic Preservation Commission (HPC) reviewed the Downtown as though it were part of a historic district, although it is not. Buildings were labeled as "significant, contributing and noncontributing." The label "significant" was given to a building "having important historical or architectural elements worthy of preservation." A contributing building is one that "retained enough of its original architectural integrity to be able to contribute to the historic and architectural character of the district." A noncontributing building is one that is less than 50 years old, or which has been physically altered and does not contribute to the historical character of the district. Some of the "significant" and "contributing" structures included the Shaker building, the Maple Tree Restaurant, the Cozy Corner Restaurant, the Cosi building which was renovated in 2000, the Prairie Bread Kitchen and Quiznos. Since the 2003 document was pulled, the plan in effect is the one from 1981, which does not utilize the same three designations.

Trustee Milstein stated that though the Downtown Oak Park area is not a historic district, the HPC felt the building the Board is considering tonight was important enough to be considered as a contributing building and a part of Oak Park's history. Now the Village is thinking about buying and removing the building to replace it with a tower that "is not in our historic context" and which he thinks should not be built.

He does not know who released the 2003 document, or why. But the public is aware of its existence and he thinks all Board members are aware of the document. He wondered why the Board was not informed about the document originally. He would like to know the impact of the acquisition of this building on

other buildings in the area, such as the Marshall Field's building, in terms of historical context. He is also concerned that some members of the HPC were "under the impression that the 1/09/03 survey was the valid survey." Some preservationists think the building in question is a contributing structure and that though it is not in a historic district, "it should be looked at in the context of the whole."

Trustee Milstein stated that in the absence of a development plan, he believes that the building should not be demolished and that it will be an additional \$1.9 million tax burden for residents "for a building that we simply. . . should not be purchasing in favor of a building we should not be building."

Trustee Pope indicated that he will vote "No" on this ordinance. While he's willing to accept that it is "possible that this proposed acquisition may make any prospective development at Harlem and Ontario more economically beneficial to the Village," he believes the "acquisition ought to be evaluated in the context of the overall economic impact that we are looking to achieve. . . ." at Harlem and Ontario. An economic analysis has not yet been done and he thinks the Board should know the "overall economic impact we are trying to effect before we decide to make this type of significant expenditure of Village funds," which would be an expenditure of TIF funds in this instance.

Trustee Pope understands that there are questions about the building's historical contribution to the area, but since it is not in a historic district that argument does not rule. He wants to be certain that the adding of this parcel makes economic sense with regard to the development at Harlem and Ontario.

Trustee Johnson, too, thinks it is important to look "at this in the context of the whole" and he noted that the "whole" includes Downtown Oak Park and the residential neighborhood to the north. In view of that, he supports acquisition of the building because he thinks any development on that site will only be improved by the removal of this building. Dividing the \$1.9 million by 13 (the number of units in the building) comes to an average cost per unit of \$148,500. The 2003 Community Profile lists the average cost of condos/townhomes at \$158,000 and the median cost at approximate \$142,000. The condos in his building on Austin are selling at a higher price. Thus, Trustee Johnson does not see that paying \$1.9 million for the building should be viewed as irresponsible.

Mr. Johnson thinks that the acquisition of this building will enhance the opportunities for Whiteco or for other projects that might come forward if the Village does not proceed with the Whiteco development. He does not think that retaining a small residential building in the "midst of our Downtown business district" is prudent.

President Trapani indicated that three individuals wished to speak on this item and that discussion would continue following public comment.

Barbara Mullarkey, 204 S. Elmwood, said that she is concerned about the

461-467 N. Harlem building because the architectural survey that was published 1/09/03 labeled the building as a contributing structure, meaning that it is worth preserving. She asked several questions including who made the appraisal and when it was done. Is this an under-valuation building? She would like to know about the real estate taxes for the building covering the last ten year period.

Ms. Mullarkey stated that the Village owns a number of parcels on Lake Street and she understands that "Mike Chen brokered a deal" for 1113 Lake Street. She wonders if that building will be demolished, noting that the 2003 survey considers that to be a contributing structure also. Ms. Mullarkey asked about the 1118 Westgate building, as well, saying that she thinks "we have to pay attention and preserve this Village." She stated that she does not understand how the Board can go against the Historic Preservation Commission.

Greg Marsey, 1107 Holley Court, was copied on an e-mail that was addressed to Trustees Milstein and Gockel. He said he received permission from both Trustees and the author to read the communication. The message indicated that a summary report with information regarding the 461-67 N. Harlem building was attached and Mr. Marsey said that he will share the report with members of HOCA and other interested persons.

The author said that there are several concerns in connection with the building. One is that the acquisition is being considered without public disclosure and discussion and it is not clear how the property will be used and what the benefits to the public will be. The Historic Preservation Commission said that the building is a contributing structure but that value "has been rescinded without knowledge or discussion by the Trustees, or the Commission or the citizens." Additionally, it appears that acquisition of the property, is not allowed by Section 7-9-11 of the Village Code which indicates that the HPC is to be notified in a timely manner "of all proposed or pending acquisitions, sales or changes in use by the Village of any property designated as a Historic Landmark or located within 250 feet of a landmark. The Commission shall advise the Village Board as to the effects of such actions on the special historic, architectural, community or aesthetic interests or value of such properties to Oak Park." Mr. Marsey said that while the 461-467 N. Harlem building is not a landmark, the Marshall Field's building, which is within 250 feet of that building, has been listed on the National Register of Historic Places since 1988. Paragraph A.4. of Section 7-9-5 of the Village Code entitled "Criteria for Designation of Historic Landmarks and Interior Historic Landmarks" lists as one of the criteria, "Existence on the National Register of Historic Places." Mr. Marsey thinks that the Harlem Avenue building "falls within the scope of the Code" and stated that if this is true, he would "stipulate" that a vote tonight on the acquisition of the building is not possible.

Jim O'Malley, 731 S. Maple, said that he, along with John Hoppe and James Preston, are owners of property at 461-467 N. Harlem Avenue. He said that they've had discussions about whether or not they would be interested in selling the building. They met with Mr. Chen over the course of several months and then he spoke with Mr. Heise. He thinks a fair price was negotiated. The

Village is going to do something in that area at some point and Mr. O'Malley said that at that time, if the Village does not vote to acquire the building now, the Village will have to condemn the building or negotiate with the owners again. The owners are now willing to sell but, he said, "If you don't buy it, and this is no way a threat, we are not going to sell it again." It took a lot of time and negotiation to get all owners onboard. He thinks the owners have been treated fairly. The owners lowered their opening offer and the Village raised its offer. He said that this transaction will benefit Oak Park and will benefit the taxpayers by broadening the tax base.

President Trapani asked that Urban Planner Doug Kaarre come forward to talk about the building and its condition in terms of preservation or landmark status. Mr. Kaarre said that the Historic Preservation Commission undertook a Downtown survey to identify buildings that were "individually significant" and that would potentially be eligible for designation as a local landmark. The intent was not to create a Downtown Historic District. He said, "They were strictly following standard survey procedures" and he added that the Commission was not aware that the survey might cause confusion. Mr. Kaarre said, "So they felt that revising the nomenclature from 'contributing' and 'noncontributing' would be beneficial at this time, because they have not requested to initiate a Downtown District or to do research on it. So the building specifically at 461 Harlem was not identified as being an individually significant building architecturally or historically, although the survey was strictly architectural." Trustee Carpenter asked if the Village Board gave direction to the Commission to perform this survey and Mr. Kaarre said, "No."

Trustee Johnson and Mr. Kaarre agreed that the Commission came up with a list of buildings that were potential landmarks. Mr. Johnson continued that the list would come to the Board and the Board would have to approve or disprove of any particular building, which has not happened with this building. Mr. Kaarre agreed, saying that if a building on the list were nominated for landmark status, the nomination would come to the Village Board for approval by ordinance. That has not happened with the Harlem Avenue building. Trustee Johnson added that there could be several buildings on the list, but until the Village Board acts on the advisory recommendation of the Commission to approve the building as being a "significantly contributing structure," it is not final. Mr. Kaarre responded, "That is correct."

Trustee Kostopulos asked what it means when a building is "significant." He asked, "Is it significant because of its architecture, its site or some other feature that should be preserved?" Mr. Kaarre said that with regard to the Downtown survey, it was architectural. Trustee Kostopulos asked if the survey looked at the relationship of a contributing structure to the surrounding buildings—"the scale and different features." He asked what the building is contributing to--the parking lot or the other buildings on that site? Mr. Kaarre indicated that he believed the HPC looked at the age of the building and its physical condition. Trustee Kostopulos noted that it seems as though "almost every building" looked at in the community today is a "significant" or "contributing" building. He said, "Rightfully, there are some."

Trustee Pope asked Attorney Heise for clarification with the provision that Mr. Marsey spoke about in his testimony regarding the 250 foot distance from a designated landmark. Mr. Heise said, "That provision relates to Historic Landmarks designated under the Oak Park ordinance." The Marshall Field's building has not, at this time, been designated a Historic Landmark under the Oak Park Ordinance. He added that the Marshall Field's building has potential and meets one of the criteria set forth for designating a building as a landmark—that is being listed on the National Register. If it were a landmark, the Village Board would be able to obtain input from the HPC regarding the impact relating not just to the landmark but "to changes that might take place on the public way near landmarks." He gave as an example the replacement of a slate sidewalk with concrete.

Trustee Gockel said he finds this to be a difficult decision. He indicated that Mr. Marsey was reading from an e-mail sent by resident Mike Iverson, who teaches in the Architecture Department at UIC. He noted that he does not know if the e-mail was distributed to the other Trustees.

Mr. Gockel commented that in early discussions, it was thought that a continuous stretch of mixed use from Borders to Ontario, with retail on the first floor and residential above, would add considerable appeal to the area, both economically and aesthetically. In order to make that happen, however, something has to be decided about this building because it is standing in the way. Also needing to be considered, though, is the historic nature of the building. Is it a contributing structure? The historic preservation issue relating to the Marshall Field's building must also be considered. He said he appreciated Attorney Heise's explanation about the difference between a building on the National Register of Historic Places and one that has been designated a landmark under the Village's ordinance. But he is not sure it is a distinction with substantial difference. If the Field's building were a landmark under the Village's ordinance, the 250 foot radius would apply and notification to the HPC would have to be made.

The economic issue concerns him because there will be a \$1.9 million expenditure for a building that will be conveyed to the developer. He is concerned that there it will be conveyed without additional compensation from the developer. He understands that negotiations have not yet begun with Whiteco or any other developer. A redevelopment agreement will look at the extent to which the Village offers incentives and the extent to which there is a return on the Village's investment. He is skeptical about the Village receiving a return on its \$1.9 million investment.

Trustee Carpenter commented that Oak Park is an old community, made up mostly of older buildings. The seven members of the Board look at things with different points of views and discussion allows the airing of personal thoughts and ideas. She noted that the Board makes decisions hoping that they will benefit the entire Village. She does not know if the HPC had the survey on their work plan, but she does know "the historic preservationists are zealous at

looking at properties and finding value for everything that is here in Oak Park." During discussions of the "tear-down" ordinance, the Board talked about the value of balance between the old and the new—the construction of the new must balance with the look of the old. Trustee Carpenter stated that new vitality must be added to the community on a regular basis and the new must be appreciated along with the old. She said that Oak Park's Downtown must be strong and that the Village needs to help the other taxing bodies, since the health of those entities affects the health of the Village.

Trustee Carpenter said that the acquisition of this building will give the Village "the huge opportunity to have more land and to be able to look at a better development for the Harlem/Ontario site." She thinks the investment of the condo owners in that building could decrease with the build-up of new stores and businesses around it.

Most multi-unit buildings of that style were built in the 1920s—there are many throughout the community with property values that continue to increase. The average cost per unit is not out of line with what other condos in the Village are selling for. With regard to the issues of economic impact and return on investment, she thinks that often the benefits are not seen in the short term.

Trustee Carpenter thinks that if land is added to the site and the project is redesigned, something can be found that will "meet everyone's expectations in a better way." She said, "And I remind everyone that our interest in this is largely based on parking," adding that the Village continually needs to find parking. When Downtown Oak Park was asked about its major needs during the Budget sessions, parking was the first thing named. She thinks the Village has an obligation to provide enough parking for retail customers and for others who come to the Downtown area.

Trustee Milstein commented that Mr. O'Malley said, "This is in no way a threat" enough times that Mr. Milstein perceived it as a threat. He thinks the condo owners negotiated in good faith and that Mr. Chen did a fine job. He also believes that Trustees Johnson and Carpenter are correct about the value of the condominiums. He said, ". . . this building is currently assessed at about 50% of the relative value comparable to other properties of this nature in that for many years it has been under assessed. . . ." The cost of acquisition is \$1.9 million and this does not include the demolition and all other factors that go into the cost of developing a site.

Mr. Milstein agreed with Trustee Carpenter that there needs to be a balance between the old and the new. But since there is an absence of a complete plan, it's difficult to make some of the decisions that need to be made "in what I consider to be a total vacuum at times and in the absence of receiving full information from our staff at times." There needs to be a better way of providing for parking than just knocking down buildings.

Trustee Milstein emphasized the need for public input on issues and said that it can be called "community planning" instead of "open planning." Without

such input, he thinks the Board "will make some fairly poor decisions." History and culture are important and he thinks "somehow we can integrate the new into the old." He noted that Ms. Mullarkey asked how many buildings the Village is going to knock down and he said, "Are we going to knock down a bulk of our history just for particular types of economic gain?" He acknowledged that the Village needs a good tax base but he wonders how good decisions can be made in the absence of a plan. He thinks there is a distorted value "that favors heavily development over planning."

Trustee Kostopulos said he thinks the Village is at a stage where it is fighting change. He said, "Every civilization has contributed to its history, architecturally as well as socially." He noted that Oak Park is proud of the its architecture but that there are some structures that may not be significant.

Many Boards prior to the current one have had some kind of vision for the Harlem/Ontario site. Currently, this Board has an opportunity to purchase "the last real building on that site to do as we wish to." We will be adding land to the site, and he thinks that if this Board does not do something with the total site, future generations will. A few years ago the Board looked at purchasing this building and it was not possible. Now it is possible and it's going to cost \$1.9 million. He thinks that in a couple of years, it will cost more. Trustee Kostopulos said, "We have to think out of the box" and ". . .we have to think larger and think of how we can help steer this community to do the right thing."

Trustee Kostopulos said before this discussion, he'd written some notes and would like to read them into the record. He said that he recognizes that some people think this building should be preserved, but it isn't within a Historic District and it hasn't been designated as a historic structure; so he doesn't think there is any directive requiring that the building be maintained. He is somewhat familiar with the building and has looked at it carefully. He doesn't believe it would "add to or contribute to" the historic character of the Village. He is pleased that the Village has been able to work with the building owners to negotiate the Village's acquisition of the building. He looks forward to including "this area in the total redevelopment of our Downtown area"

The roll call on the vote was as follows:

AYES: Trustees Carpenter, Johnson and Kostopulos and President Trapani

NAYS: Trustees Gockel, Milstein and Pope

The motion was adopted.

At the time of her vote, President Trapani indicated that she wanted to give some reasons for her vote. A few years ago, the then-Board realized that Downtown Oak Park needed an "infusion of interest"—both municipal and public. The Board worked with shops and projects that would form Downtown Oak Park. She thinks that has had a "profound effect" on the business district

and on the tax base of Oak Park. She noted that municipal investment is usually designed to encourage private investment. However, a dollar for dollar return is probably not going to be seen. President Trapani said that what will be seen "is a return on our investment that is divided up among the taxing bodies. There is a great property tax burden in the Village. The schools and Park District could use an "infusion of capital." There are, and have been, instances "in which municipal development is structured so that a greater good is served." This building and the parking lot are built upon land formerly occupied by homes, including Trustee Gockel's home, which the Village purchased for the project. Village Hall has served the community well over the years. She believes "that it is incumbent upon us to add some new and interesting architecture."

President Trapani stated that it's important to note that there is great interest on the part of developers in the Village of Oak Park. Six years ago Trustee Kostopulos "talked about reinvigorating this Village." She noted that the things people did and the decisions they made in the 1970s and 1980s are probably what caused us to be here today. She agrees with Trustee Kostopulos that regardless of the development that occurs on the site, "this parcel allows us to make a municipal investment [on which] the return is guaranteed and divided among our taxing bodies. . . ."

Village Manager Reports

VILLAGE
MANAGER
REPORTS

J. Reports

1. Village Board Calendar for December

CALENDARS

President Trapani noted that there has not been an opportunity to schedule meetings to "review public discussion of Whiteco or the Downtown development plan" and she asked that Administrative Assistant Lisa Shelley poll the Board tomorrow to obtain dates where those items might be put on the calendar, sometime at the beginning of January. She stated that it is important that the Board move forward and she said that it is also important that interested parties are notified in advance of those dates so that they can participate with the Board. Trustee Pope asked if this will be for discussion of the proposed development on the north side of Lake Street. President Trapani responded, "Yes, and other concerns that we have had in terms of scheduling some planning discussions."

There was some discussion about changing the date of the meeting tentatively scheduled for December 11 as Trustee Kostopulos is unavailable for that date and would like to be present for the discussion.

2. Board Meeting Schedule 2004

2004 VILLAGE
BOARD MEETING
SCHEDULE

Mr. Swenson noted that as the end of each year approaches, a draft calendar of Board meetings for the following is prepared.

3. Update on Draft Resolution for Patriots Act

RESOLUTION
UPDATE RE
PATRIOTS ACT

Village Manager Swenson commented that some weeks ago, the Board discussed the Patriots Act and directed that a draft resolution be prepared that would take into consideration the Board's "feelings and positions" with respect to the Act. The draft has been provided for the Board's review. President Trapani indicated that it might be good for the Board to read it, make whatever comments or changes it might have and then submit it to Village Attorney Heise for revision.

Trustee Gockel said that he would like the Community Relations Commission to look at the draft, since Commission members invested a considerable amount of time reviewing and discussing it; the meeting is scheduled for December 17 and he will be in attendance at the meeting. He requested that staff mail copies of the draft to the CRC members prior to the meeting.

Trustee Pope suggested that to the extent that a hearing might be necessary, the Board might sit as a hearing body. President Trapani said that if it is agreeable, the item could be brought back for adoption at the first Board meeting in January as part of the Agenda. Mr. Pope said he thought that would be fine.

(4) Barrie Park Update

BARRIE PARK
UPDATE

Mr. Swenson noted that in addition to the material in the packet, there was the standard memo at their places from Tom Hahn.

(5) Health Department "Know Your Numbers" Program

"KNOW YOUR
NUMBERS"
PROGRAM

This program provides an opportunity for citizens to have cholesterol and other screenings performed free of charge at the main Library. Residents were encouraged to contact the Health Department for information regarding the program.

(6) Parks & Recreation Master Planning 2004 Meeting Schedule

PARK DISTRICT
MASTER
PLANNING 2004
MEETING
SCHEDULE

It was moved by Trustee Kostopulos, seconded by Trustee Pope, to adjourn the meeting. The motion was unanimously adopted. The meeting adjourned at 11:00 p.m.

ADJOURNMENT

SUBMITTED AND RECORDED
IN THE OFFICE OF:

By: Kathleen M. Cannon
Deputy Village Clerk

