

**MINUTES OF THE REGULAR MEETING OF THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF OAK PARK
HELD ON MONDAY, JUNE 21, 2004, AT 7:45 P.M.
IN THE COUNCIL CHAMBERS OF THE VILLAGE HALL**

OFFICIAL RECORD:

REGULAR
MEETING 6/21/04

PRESENT: Trustees Carpenter, Gockel, Johnson, Milstein and Pope and
President Trapani

ABSENT: Trustee Kostopulos

QUORUM: President Trapani convened the meeting at 7:45 p.m. and declared
that a quorum was present

Before calling the roll, Village Clerk Sokol requested that all cell phones be
turned off.

MINUTES:

It was moved by Trustee Pope, seconded by Trustee Carpenter, that the
minutes of the regular meeting of June 7, 2004 be approved as amended. The
motion was unanimously adopted.

MINUTES OF
6/07/04 MEETING
APPROVED

Village Clerk Sokol requested that all people speaking at the podium please
identify themselves.

APPOINTMENTS:

APPOINTMENTS

It was moved by Trustee Johnson, seconded by Trustee Carpenter, to concur
in the following appointments by President Trapani:

Citizen Involvement Commission

Appointment of Cheryl Anderson, as Member, with a term to expire August
7, 2005

Farmers Market Commission

Appointment of Jeffrey Avila and Barbara Pendleton, as Members, each with
a term to expire December 31, 2006

Plan Commission

Appointment of Steve Ruszczyk, as Member, with a term to expire June 21,
2007

Ms. Pendleton was present in the audience. President Trapani thanked her
for being willing to serve on the Commission and the audience greeted her with

applause.

Citizen Advisory Boards and Commissions

Barrie Park Investment Oversight Committee

BARRIE PARK
INVESTMENT
OVERSIGHT
COMMITTEE

Village Manager Swenson noted that the two recommendations coming from this Committee are the first to come to the Board under the Barrie Park Investment Program Grant and Loan Program. He invited Deputy Manager Rogene Hill to provide an overview of the program.

Ms. Hill explained that she has been charged with administering the Barrie Park Investment Program, along with Trustees Carpenter and Gockel and several staff people. Additionally, a representative from First Bank of Oak Park, the Chair of the Board of the Residence Corporation, the Executive Director of the Residence Corporation and three citizens serve on the Committee.

The Committee has met three times and has held a public information session for the Barrie Park residents to discuss Program guidelines and to answer questions.

One item before the Board for approval will provide reimbursement for work that was completed before initiation of this Program. The Board, as part of its policy, has indicated that receipts for necessary repairs made to property since the beginning of the Barrie Park project will be accepted. The second recommendation involves work going forward. Ms. Hill noted that Rehab Specialist Frank Pond has worked closely with the owners of each of the properties and there has been a lot of support provided by staff of the Building and Property Standards Department, as well.

Ms. Hill said that an update will be provided to the Board within the next week or two regarding the status of each of the properties in the Loan and Grant Program and in the Buyout Program.

It was determined that the two recommendations should be taken together.

- A. Resolution Authorizing a Barrie Park Investment Program Grant and Loan: BPIP-001
- B. Resolution Authorizing a Barrie Park Investment Program Grant and Loan: BPIP-002

BARRIE PARK
INVESTMENT
PROGRAM
GRANTS AND
LOANS: BPIP -
001 AND BPIP-
002 APPROVED

It was moved by Trustee Pope, seconded by Trustee Milstein, that Resolution 2004-R-111 entitled **RESOLUTION AUTHORIZING A BARRIE PARK INVESTMENT PROGRAM GRANT AND LOAN – BPIP-001** and Resolution 2004-R-112 entitled **RESOLUTION AUTHORIZING A BARRIE PARK INVESTMENT PROGRAM GRANT AND LOAN – BPIP-002** 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, Milstein and Pope and President Trapani

NAYS: None

The motion was unanimously adopted.

President Trapani thanked staff for doing such a fine job in bringing these items forward.

Parking and Traffic Recommendation

- D. Recommendation to Approve a Petition to Install a 3-Vehicle Parking Space Enclave for Overnight Permit Parking on the 600 Block of North Cuyler Avenue

PARKING & TRAFFIC RECOMMENDATION

PETITION TO INSTALL THREE-VEHICLE PARKING SPACE ENCLAVE FOR OVERNIGHT PERMIT PARKING ON 600 BLOCK OF NORTH CUYLER AVENUE APPROVED

Janis Morgan, 607 N. Cuyler Avenue, indicated that she was speaking on behalf of herself and her parents who could not attend the meeting because of serious health problems. Her family is one of three families that would be directly affected by the construction of a parking enclave. The family did not initiate the parking enclave effort and they have never been included in the planning process. She believes the family's position has been documented through letters and at the March Parking & Traffic Commission meeting.

The family has given the proposal a lot of thought and they have questions about final costs, tax assessments, a handicap space, and snow and garbage removal. Since there have been different responses to their questions, they would like a written response to their questions.

If the family decides not to purchase a permit for the space in front of their home, family members would have limited access to their property from 6 p.m. to 8 a.m., which would present a hardship to her handicapped parents. If they decide to purchase a permit, they may have to pay more than they currently pay for their off-street parking.

Ms. Morgan stated that the neighbor who is most interested in having the enclave will be moving soon and will not have to contend with the construction or the cost. She thinks the new neighbors should have the opportunity to express their opinion. She said that the enclave plan seems to create more problems than it solves and she suggested that a less costly plan might be to issue on-street overnight parking passes for the three homes. Ms. Morgan stated, "The underhanded way the entire process was begun makes one wonder why the Village was willing to review this issue in the first place." All three homeowners involved currently have off-street parking and she suggested leaving things as they are for the present. She thinks the parking study now underway should be completed and reviewed before more enclaves are built.

Ray Morgan, appearing on behalf of his father Marvin Morgan of 607 N. Cuyler Avenue, noted that an alternative to the enclave was discussed and maybe

should be reconsidered and that is to allow the affected homeowners the right to build a driveway in front of their homes. He believes this solution offers several advantages and removes some of the controversy. The driveways would preserve the "neighborhood look." It is not uncommon to see a home with a driveway. Additionally, this solution would preserve the overnight parking ban.

His parents have a handicapped placard. If the family were to rent one of the enclave spaces, there would have to be handicap parking. The driveway would solve that issue. Additionally, the driveway would not complicate garbage or leaf pick-up services or snow removal. Mr. Morgan referred to a driveway example on the 700 block of Cuyler where "there is a driveway that is on the parkway and it does not have a garage in front of it." He noted that people already park on the parkway portion of driveways and that it doesn't disturb the neighborhood.

Kathleen Klavon, 605 N. Cuyler, asked the Village Board to vote in favor of constructing the enclave. She said that the enclave will offer a permanent parking solution to the needs of the three "landlocked houses" on the block. The idea of the enclave was developed by the Village engineers in response to her initial request for an overnight parking permit. The block is not zoned for overnight permit parking and has no possibility of being rezoned. People on the block seeking resolution to the overnight parking problem have been told "repeatedly by all levels of Village government" that the parking enclave is the only viable solution. Petitions were presented to the Parking & Traffic Commission requesting the construction of the enclave. When there were questions about the petition, she stated, "we were again able to secure the number of signatures to bring this matter before you." The question shouldn't be about aesthetics, but rather about whether the construction of the enclave is the right thing to do. She believes the enclave is a workable solution and she urged the Board to vote in favor of its construction. She thanked all Village staff who have helped "in guiding this potential solution to tonight's vote."

Mr. Thomas Murtha, Chair of the Parking & Traffic Commission, was asked to provide an overview of the Commission's hearing and deliberations. Mr. Murtha said that a parking enclave "is an area set aside in the public right-of-way for 'off-street' overnight parking." The proposal is to build a "bulb" out into the existing street right-of-way to create an enclave where people would be able to park overnight legally. The parking problems on the block are longstanding. In 1996, there was a petition for on-street overnight parking at this location. He added that most issues "don't go away with the Parking & Traffic Commission—and this one didn't."

Earlier this year when Trustee Milstein made him aware that residents of the block had parking concerns and that petitioners weren't having success, Mr. Murtha asked staff about the issue and was told that staff was aware of concerns and was working on the matter.

With regard to on-street overnight parking permits, there is no R-7 zone anywhere nearby. While there are businesses nearby "where essentially a lot of the same uses could take place," business zones aren't eligible for on-street overnight permit parking. The idea of a driveway without a garage was discussed and the Commission was told that that solution is no longer used. There are no alleys on this block so parking behind a person's house is not an option.

An additional problem for two of the affected homeowners is that the overnight spaces they are renting will no longer be available. Mr. Murtha said that the Commission held a hearing regarding the issues. He said, "I have to tell you that. . .nobody felt good about this option." The issues regarding snow removal and access troubled several Commission members. Additionally, staff's proposal to limit parking on the other side of the street troubles him because parking in Oak Park tends to be on both sides of the street with "one through lane of traffic in the center of the road." Staff's proposal provides for two 12-foot lanes of traffic, with no parking on the other side of the street, which will affect property owners on that side of the street. He hopes that as part of the parking study, community friendly parking standards can be developed that will enable the Village to provide solutions that will not have bad effects for others in the neighborhood.

A couple of proposals were put before the Commission. The residents were in favor of the proposal calling for the smallest enclave, which was to be built into the parkway. The Commission suggested minimizing the size of the enclave and minimizing parkway reduction by putting the enclave in the street.

Mr. Murtha stressed that Commission members expressed frustration "at the current legal status of the overnight parking system in the Village."

It was moved by Trustee Milstein, seconded by Trustee Carpenter, to **APPROVE THE RECOMMENDATIONS OF THE PARKING & TRAFFIC COMMISSION TO BUILD A PARKING ENCLAVE FOR OVERNIGHT PERMIT PARKING THAT MINIMIZES GREENSPACE LOSSES AND THE NUMBER OF PARKING SPACES AND TO HAVE THE VILLAGE BOARD OF TRUSTEES RECONSIDER THE OVERNIGHT PERMIT PARKING ORDINANCE FOR CHANGES.**

Trustee Milstein noted that there was a petition presented in 1996 by the Morgan family living at 607 North Cuyler. He stated his belief that the petition was denied. Mr. Murtha agreed, saying that it was not within "legal bounds" to actually grant permits at that location. He said, "And there wasn't an alternative but to look at this Village-wide, which the Commission never did in the context of developing the parking policies that we developed back in 1998 and 1999." Trustee Milstein referred to the two-part recommendation to build the enclave and to look at Village-wide overnight parking. Mr. Murtha said that the intention is to look at issues in the context of the parking study.

Trustee Milstein referred to Ms. Morgan's use of the word "underhanded" in connection with the process and asked Mr. Murtha to explain what happened with regard to the petitions, saying that some residents said they were confused by the petitioning process. Mr. Murtha explained that the petitioning process requires that the signatures in support of a petition be obtained from the majority of the residents on the block. Trustee Milstein stated that he understands the 51% rule. Twenty out of twenty-five households responded, with thirteen households in favor of the enclave and seven households opposed to the enclave construction. Five households did not respond. He asked if those households were considered as "yes" votes. Mr. Murtha's response was that after the petition was approved by the Parking & Traffic Commission, questions were raised with staff who went back to the neighbors with the design approved by the Commission and "sought

verification that most of the residents supported that."

Trustee Milstein asked Village Engineer Jim Budrick why the enclave format was chosen. Mr. Budrick said that no other alternatives were available to solve this parking problem—an enclave is the only viable option available to these residents. Staff designed several alternatives for review by the Commission and by the public. The three-space enclave was the option selected. Trustee Milstein asked who polled the residents and Mr. Budrick said that his staff performed that job. Trustee Milstein asked if there was a 73.8% response in favor of the enclave, including the non respondents. Mr. Budrick stated that the letter sent to the residents clearly stated that the Village would assume that those households that did not respond were in favor of the enclave construction project. He agreed with Trustee Milstein that the intent of the letter was to be clear about what the residents were being asked to comment on.

Responding to questions from Trustee Milstein about the vote of the Commission, Mr. Murtha said it was a 4 to 1 vote, with the dissenting person being mainly concerned about expanding the amount of overnight parking in the Village by allowing overnight parking in this residential area. Mr. Milstein wondered if the police looked at the area and what they said about the proposal. Mr. Murtha responded that as he recalled, the police did not object to an enclave in this area.

Trustee Milstein asked about impact on emergency vehicles or the dangers involved with getting in and out of the enclave. Mr. Budrick stated that the design provides room for vehicles to pass on the street in both directions. That's why staff recommends no parking on the east side of the street. Responding to a question about impact on refuse pick-up and snow removal, Mr. Budrick explained that those normal operations are "designed into it." Mr. Milstein asked about the number of parking enclaves in front of private homes in North Oak Park and when they were created. Mr. Budrick responded that he couldn't answer that question. Trustee Milstein asked how many parking enclaves exist in Oak Park and Mr. Budrick answered that there are "well over thirty" and that construction of enclaves started in the 70s and continued to the 90s. Village Attorney Heise said, "Just to set the context for this, a parking enclave is an exception to the overnight parking ban. . . ." He explained the mechanics of the process, saying that the Village Board would direct him to prepare an ordinance that would satisfy the findings required for the enclave parking as found in the Village Code Chapter 15, Article 5, Section 15. The criteria for establishment of a parking enclave include not having a substantial negative impact on police protection, being in or adjacent to an area having severe parking shortages and not causing a substantial negative effect on grassed parkways. He indicated that he would request information on the criteria so that he could prepare findings that would support an ordinance if the Board directed him to prepare one.

Trustee Johnson, referring to comments by the Morgan family, asked if one of the three spaces could be designated as a handicapped accessible space for their specific use. Mr. Budrick said that could be done and that the process would involve their buying a permit for that space. The costs for signage for the space and the enclave construction will be paid out of the Parking Fund.

Trustee Johnson noted that he drove to the neighborhood and saw that Dole Learning Center is at the other end of the block. He was confused and concerned about the proposed "no parking anytime" restriction on the east side of Cuyler, since the enclave spaces will be used only for overnight parking. He wondered about the possibility of changing that restriction to coincide with the overnight parking time frame so that cars are not being moved to the other end of the block. Mr. Budrick said that staff does not see a problem with taking four parking spaces away from the east side of the street. The restriction is to enhance traffic flow and only one resident on the east side of the street is affected. The homeowner's house faces the east/west street and there is side frontage. The resident is in favor of giving up the parking along that side of the property and has indicated that willingness in writing. Responding to further questioning by Trustee Johnson, Mr. Budrick explained that the area parking review shows that this portion of the street is not heavily used. The enclave design moves the curb out into the street and adds more green space in the enclave area. Because an obstruction is physically placed in the roadway, a "no parking" restriction on the other side will provide for clear, accessible driving for both directions of travel.

Trustee Pope said that the "no parking anytime" area ends at a driveway and he added that the driveway was his driveway when he was growing up at 608 North Cuyler. He does not think that the restriction will impact parking with respect to Dole because he doesn't think anyone "actually parks on that stretch now to be able to walk up to Dole." He indicated that he has questions relating to how this enclave is going to fit into "the overall approach" that the Village wants to take with regard to parking in the community. He asked how many single-family homes there are in the community that do not have a garage with access through an alley or a driveway on which the householder can park. Mr. Murtha responded that it's not a large number, but there are more than a few. And sometimes there are complications. He referred to several single-family homes across from his home, which have an alley behind the homes. The alley, however, is privately owned by someone other than the people living in those homes. Trustee Pope said it seems to him that the Board is being asked to make a decision regarding a particular location that will have broader policy implications. He would like to know that this particular issue is being addressed in a way that is consistent with the way the issue will be addressed in other parts of the Village. Mr. Murtha responded, "But I have to say that all these decisions tend to be local." He continued that in other locations, there may be other parking available. Mr. Pope said that he was not looking for a "one size fits all" solution but rather he is looking for consistency.

Trustee Pope asked what the implications would be if the Village, instead of creating an enclave, simply designated specific permitted spots. Mr. Budrick said that by law, the Village does not have that option. Village Attorney Heise explained that the fact is that the Village Board has determined that it is appropriate for the Village to have an overnight parking ban. Hard earned exceptions, supported by five pages of findings, have been made in the R-7 zoned district. One of the criteria for exceptions is that the area for the exception must be in or adjacent to areas having the severest parking space shortages in the Village. This criterion applies, for the most part, to the highest density areas which are the R-7 zoned areas. Responding to Trustee Milstein's earlier question about how many enclaves there are in front of private homes, Mr. Heise said that he is not

sure that there are any. He does not know if the area on Cuyler complies with the criteria for exceptions or not; there are no findings with regard to severe parking space shortages or to police protection. He does think that this is an effort to maintain green space.

Mr. Heise continued that years ago a planning agency recommended enclave parking for Harrison Street. He said that a definition of "enclave" is found in the ordinance and indicates that a "curb cut enclave must be separate from the physical flow of normal street traffic." Thus an area is created by cutting out the parkway or by creating "knuckles" that extend out onto the street. These enclaves create another exception to the overnight parking ban.

Trustee Pope asked about the implications of setting a precedent if the enclave is approved, if enclaves aren't found in "core residential areas" of the community. Mr. Heise responded that each exception to the overnight parking ban weakens the ban.

President Trapani commented that an enclave is "apart from the flow of traffic, thereby making it sort of a separate entity from the street." She wondered, then, if an exception to the parking ban is really being created by an enclave, because the enclave is off the street and apart from the flow of traffic. Attorney Heise said that the parkway goes from sidewalk to street. People are not permitted to park on that part of their driveway, except on corners where garages come up to the sidewalk "and there was a permitting system for that." The enclave is out of the flow of traffic and enclaves have been created mostly in high density areas as an exception to the overnight parking ban. President Trapani said that it is her understanding that there is a parking challenge and this solution is providing specific relief for a specific area, without "whittling away at the overnight parking ban."

Trustee Pope asked Attorney Heise to talk about the criterion relating to severe parking shortages. Mr. Heise responded, "The area must be in, or adjacent to, areas having the severest parking space shortages in the Village." Trustee Pope asked if no available parking on a single-family homeowner's property—no garage or driveway—would meet the criterion or if the criterion means an actual parking shortage. He noted that the testimony indicated that the affected homeowners actually have other arrangements for parking at this time. Mr. Heise said he was glad Mr. Pope mentioned this and added that if one examined the Minutes from when the ordinance was adopted, he/she would see that the reference is to areas of the Village, not individual properties. Referring to Mr. Murtha's comments about his own neighborhood, Mr. Heise said that there was a similar proposal offered to the residents there and the proposal was not accepted for whatever reason. The alternative was to find off-street parking for those people in other areas.

Trustee Pope noted that the Morgan family would prefer not to have the enclave. He wondered how much latitude the Parking & Traffic Commission has when making a decision about something in front of a particular property with respect to the homeowner's agreement or disagreement with the proposal. Mr. Murtha said that essentially it is the Board's decision. The Commission considered all testimony and issues and decided this is the best overall solution. Residents cannot demand parking regulations and do not have veto power over parking

regulations.

Trustee Carpenter asked if the three spaces are considered on-street overnight parking. Mr. Budrick said they are considered enclave parking from 6 p.m. to 8 a.m. After 8 a.m., the spaces are available to anyone. The spaces will be rented on a "first come, first-served" basis and the permit cost is \$75 per quarter.

Trustee Carpenter indicated that a vast majority of her time during the past twenty years has been spent in R-7 zones. Parking issues are constant with multi-family residences. She reminded everyone that multi-family residents pay taxes, too—the taxes they pay are included in the taxes that the building owner pays. She noted that multi-family building owners pay more percentage-wise than do single-family home owners. It is important to remember that fact because multi-family buildings are a large part of the Village's housing stock, which also includes condominiums and single-family homes.

There have been discussions about parking stresses and the need to continue seeking ways to share parking among all groups—multi-family, commercial, condo and residential. She doesn't believe that other residents in homes without alleys or driveways will rush to find enclave parking. Situations vary and in various locations it is possible to find alternative parking solutions.

A number of years ago, residents could find parking with single-family homeowners and were able to rent on a month-to-month basis. Now people in a household often have multiple vehicles and those rental parking spaces are less available.

The solution offered for the current parking problem "is the smallest proposal possible." She noted that the question was asked about how many enclaves are in residential areas and she said that the answer is "four." These enclaves "are abutting, or are in a multi-family residential area" and she said that she is familiar with three of the enclaves. Village services in those enclaves are extremely good. The fear that the enclave will not be cleaned or serviced is not based on reality.

On-street overnight passes can be obtained on a temporary basis for two weeks at a time, for a total of six weeks while one seeks a permanent parking solution. Trustee Carpenter read from a letter from Cindy McDonald Eismueller which indicates that Ms. Eismueller doesn't think the enclave will be unsightly or that it will have a negative effect on the property values. In fact, she thinks the enclave might increase the value of the three properties by offering parking near their properties and she added, "This will help to maintain property values for everyone in the area." Trustee Carpenter noted that she has a concern that properties such as these might not increase in value as might other properties on the block. She thinks the enclave parking will work to everyone's benefit by allowing the block to work as well as possible.

Trustee Gockel complimented the residents of the block. Those who submitted written testimony and those who spoke this evening presented their points well, in a clear and civil manner. He joked with Mr. Murtha about the Navy's having offered hazardous duty pay to people in various positions during the

time he was in the Service. He suggested that the Chair of the Parking & Traffic Commission might deserve extra pay due to the hazardous nature of his task and said he thought the Board would be glad to increase his remuneration [zero] by 50%. The Board and the audience enjoyed the joke and greeted it with laughter.

Trustee Gockel noted that he shares Trustee Johnson's concerns about the parking on the east side of the street. He thinks it makes sense that the restrictions on the east side correlate with those on the west side of the street. He asked if there had been consideration given to limiting the enclave to two spaces, rather than three since the family on the north side of the subject property is opposed to the enclave. Mr. Murtha said that such a solution was considered. He added that with that design, parking would be eliminated in front of that house because of the way the curb would have to extend into the street. It seemed better to include them in the enclave and provide a space for them if they want or need it.

Trustee Gockel commented that the three properties all face the same problem, with no alley or driveway. He asked about 611, 615 and 619 and was told they share a driveway. Trustee Gockel congratulated the citizens, the Commission and staff on their work.

Trustee Johnson noted that it was said the permits would be sold on a first come, first served basis. He said that if one household purchased all three permits, the others would not have an opportunity to apply. Mr. Heise said permits would be sold on a one per household basis.

Trustee Milstein said that he would call the question, but first wanted to note that there are two parts: one is to approve the construction of the enclave and the other is the overnight permit parking ordinance review. He asked if these items should be taken separately. President Trapani responded, "Yes" and said that the vote should be taken on the enclave—that it should be to approve a petition to install a three vehicle parking space enclave.

The roll call on the vote was as follows:

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

NAYS: Trustee Pope

The motion was adopted.

Trustee Milstein noted that there is a second part. President Trapani indicated that her agenda said that the item is to approve the enclave. Mr. Milstein stated, "It says to have the Village of Oak Park reconsider the overnight permit parking ordinance for changes." President Trapani responded that that is in the issue—it is not on the agenda. Mr. Milstein commented, "So we are not going to deal with that tonight." Village Manager Swenson indicated that the Board could discuss it. The Parking & Traffic Commission asked the Board several weeks ago if it wanted the Commission to hold hearings and make recommendations with respect to changes to the existing overnight parking ban. At the time, the Board "chose not to direct them to do that." He noted that the

Commission is asking again that the Board consider the question. President Trapani asked if the Board can discuss the item since it is not on the agenda. Attorney Heise responded that no formal action is to be taken and it is not a contract so his opinion is that the issue can be raised again.

President Trapani asked if it was the Board's decision to raise the issue which is "to have the Village Board of Trustees reconsider the overnight permit parking ordinance for changes." She said that the Board would refer the ordinance to the Parking & Traffic Commission for review. She said she thought Mr. Murtha previously talked about public hearings being held. President Trapani said that if the Board wanted to talk about the matter now, that would be fine. If Board members want to discuss it at a study session, that will be fine, as well.

Trustee Pope said he thought the Board discussed this three weeks ago and came to some conclusions. He thinks the Board provided direction at that time to the Parking & Traffic Commission. He stated, "I guess I would be comfortable with the Board sustaining its commitment to the direction that we provided with respect to looking at the overarching issues addressing parking in the community and leave it at that." Village Manager Swenson commented that staff has begun to follow that direction. Mr. Murtha interjected, "I need to make a point that this recommendation is almost two months old now."

President Trapani asked Mr. Swenson to introduce item J.

Historic Preservation Commission Recommendations

HISTORIC
PRESERVATION
COMMISSION
RECOMMENDA-
TIONS

It was determined that the Board would vote separately on the four properties being recommended for Landmark status. Mr. Swenson noted that this item was created as one ordinance, but new ordinances can be prepared. He will read them individually, the Board can vote on the items individually, and the ordinances can be created.

J. Ordinance Authorizing Amendment of Section 7-9-8F of the Village Code Relating to Historic Landmarks Designating 220 N. Euclid, 615 Garfield Street, 173-181 N. Grove Avenue and 605 Lake Street as Oak Park Landmarks as Reviewed at the June 7, 2004 Village Board Meeting

1. Ordinance Authorizing Amendment to Section 7-9-8F of the Village Code Relating to Historic Landmarks (220 N. Euclid Avenue)

APPROVAL OF
ORDINANCE
DESIGNATING
220 NORTH
EUCLID AVENUE
AS AN OAK
PARK
LANDMARK
DENIED

It was moved by Trustee Pope, seconded by Trustee Johnson, that **AN ORDINANCE AUTHORIZING AMENDMENT TO SECTION 7-9-8F OF THE VILLAGE CODE RELATING TO HISTORIC LANDMARKS** (designating 220 North Euclid as an Oak Park Landmark) be adopted.

The roll call on the vote was as follows:

AYES: Trustees Johnson and Pope and President Trapani

NAYS: Trustees Carpenter, Gockel and Milstein

The motion failed.

Trustee Pope asked if this will return to a future agenda. Village Attorney said that it cannot be brought back for a year, except on a motion to reconsider at the next meeting by the successful side, which would mean one of the three Board members who voted "no." President Trapani reminded the audience that the subject property is the Cheney Mansion and that the vote was against making the Cheney Mansion a designated Landmark.

2. Ordinance Authorizing Amendment to Section 7-9-8F of the Village Code Relating to Historic Landmarks (615 Garfield Street)

ORDINANCE
DESIGNATING
615 GARFIELD
STREET AS AN
OAK PARK
LANDMARK
APPROVED

It was moved by Trustee Carpenter, seconded by Trustee Pope, that Ordinance 2004-0-26 entitled **ORDINANCE AUTHORIZING AMENDMENT TO SECTION 7-9-8F OF THE VILLAGE CODE RELATING TO HISTORIC LANDMARKS** (designating 615 Garfield Street as an Oak Park Landmark) be adopted, 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 Gockel, Johnson and Pope and President Trapani

NAYS: Trustees Carpenter and Milstein

The motion was adopted.

Trustee Pope noted that this property is known as the Oak Park Conservatory.

President Trapani commented that she wanted to talk about the two Park District properties. At the last Village Board meeting, Historic Preservation Commission Chair Doug Gilbert explained that the Landmark designation would not harm either property and said that the Commission and the Park District were in favor of the designation in both cases. A packet of information provided included some data that suggests that historic validation of a property does not negatively impact a parcel in any way. She said that it is personally disappointing to see that the Cheney Mansion will not be a candidate for Landmark status.

3. Ordinance Authorizing Amendment to Section 7-9-8F of the Village Code Relating to Historic Landmarks (173-181 North Grove Avenue)

ORDINANCE
DESIGNATING
173-181 NORTH
GROVE AVENUE
AS AN OAK
PARK
LANDMARK
APPROVED

It was moved by Trustee Pope, seconded by Trustee Johnson, that Ordinance 2004-0-27 entitled **ORDINANCE AUTHORIZING AMENDMENT TO SECTION 7-9-8F OF THE VILLAGE CODE RELATING TO HISTORIC LANDMARKS** (designating 173-181 North Grove Avenue as an Oak Park Landmark) be adopted, a true and correct copy of said Ordinance herewith being ordered filed in the Office of the Village Clerk.

President Trapani invited Planner Doug Kaarre or Mr. Gilbert to explain the process involved in formulating these recommendations. Mr. Gilbert said the

Commission determined that these properties were eligible to be Landmarks. In the case of the Grove property, the owner or the owner's representative approached the Commission with regard to landmarking. He said that Mr. Kaarre would be able to indicate whether the Village approached the other owners or if the owners approached the Village. Once it is determined that a property is eligible for Landmark status, information is gathered and a report is written and provided to the Village Board. The normal notification process is followed, and a public hearing is held and testimony is received. Although the ordinance does not require it, the Commission obtains owner consent; and following the hearing, the Commission votes. If it is approved, the recommendation is forwarded to the Village Board.

Trustee Pope stated his understanding that the owner of 173-181 N. Grove Avenue presented his/her request for Landmark designation to the Historic Preservation Commission, which then received testimony from the community. Eligibility for Landmark status was determined, the Commission made its recommendation to the Village Board and the Board directed staff to create an ordinance "designating 173 to 181 North Grove as a building that warranted Landmark status." Mr. Gilbert agreed that this was the process.

The roll call on the vote was as follows:

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

NAYS: Trustee Carpenter

The motion was adopted.

4. Ordinance Authorizing Amendment to Section 7-9-8F of the Village Code Relating to Historic Landmarks (605 Lake Street)

It was moved by Trustee Pope, seconded by Trustee Johnson, that Ordinance 2004-0-28 entitled **ORDINANCE AUTHORIZING AMENDMENT TO SECTION 7-9-8F OF THE VILLAGE CODE RELATING TO HISTORIC LANDMARKS** (designating 605 Lake Street as an Oak Park Landmark) be adopted, a true and correct copy of said Ordinance herewith being ordered filed in the Office of the Village Clerk.

ORDINANCE
DESIGNATING
605 LAKE
STREET AS AN
OAK PARK
LANDMARK
APPROVED

The roll call on the vote was as follows:

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

NAYS: None

The motion was unanimously adopted.

Following a short break, the meeting resumed.

NON-AGENDA PUBLIC COMMENT:

Daniel Fore, 255 South Marion Street, offered pictures depicting some

NON-AGENDA
PUBLIC
COMMENT

existing conditions at the Oak Park YMCA. The photos showed, among other things, a Fire Command vehicle present in response to a false alarm; dumpsters and couches blocking the emergency daycare exit; a laundry hamper blocking an emergency stairwell; paint peeling off the wall of a resident's room and trash in the hallway of the residents' area. Mr. Fore said that though the Fire Department makes weekly checks, these things are missed. Photos showed black mold on the wall of the showers and a toilet from which sewage has leaked at the bottom for four years, with stains that remain even after being cleaned. Buses that do not deliver children park outside of the YMCA. He asked why the bike rodeo, which is "a good thing" was held in the YMCA parking lot, which is damaged.

Trustee Milstein indicated that a report is being written on the YMCA and it should be complete in a few weeks. He would like to know if violations of the building or fire codes exist. After looking at the pictures, Mr. Milstein thinks the conditions are real. He knows that staff has performed inspections and that there are limitations regarding what the Village can do. Some of these conditions seem fairly serious. President Trapani asked Village Manager Swenson to ensure that the inspections are made and that a report be given to the Village Board. Mr. Swenson indicated his belief that each time Mr. Fore has raised an issue, there has been follow-up—sometimes with inspections and sometimes with data searches. He will continue to follow up in these ways.

Willis Johnson, 603 Rogers Street, Downers Grove, indicated that he is the property owner of the Lake Theater and President of Downtown Oak Park.

Mr. Johnson thanked the Village Board for not passing the open planning initiative. He believes in citizen input, but there is a lot going on in the Downtown area with the RSC development, the potential parking deck, the Whiteco proposal process and the new Downtown planning process that will occur with Crandall Arambula; and the imposition of new regulations would halt the forward movement that is currently occurring. Crandall Arambula has indicated its intention to meet with the community and he thinks that reflects a sensitivity to public participation. Downtown Oak Park is "comfortable with the direction you are taking and looks forward to the continued opportunities that will benefit all of the citizens of Oak Park." On behalf of Downtown Oak Park, Mr. Johnson thanked the Board for its consideration of the DTOP "employee parking situation."

Patricia Spagat, 945 N. Elmwood, stated "Oak Park's record on animal abuse continues to soar during this high season of lost and abandoned animals." She noted that 100 adoptable dogs were recently sent out of Oak Park with no real attempt to have them adopted. Fifty of the dogs were killed. She asked that the timeframe for holding animals be expanded. Hanover's is overcrowded and lacks leadership. Workers are not supervised or provided with guidance. Oak Park has been told that Hanover will house our animals until the end of the year. Ms. Spagat said, "And then what? Another extension?" She has been told that changes cannot be made until a site is found. The Village has been looking for a site for 4 ½ years. She stated that killing animals is not acceptable.

Dee Leonard, 716 W. Ontario, said that she was present as a member of the Community Relations Commission. There is going to be a 4th of July parade and she encouraged the Board members to be a part of it. This will be the fourth

parade and the CRC has put a lot of effort into it. The Oak Park Independence Day Parade will honor men and women serving in the United States Armed Forces around the world and their families. Ms. Leonard thinks that this year's parade will be bigger and better than ever. Anyone needing a car in order to participate should let her know. The parade will occur on Sunday, July 4th from 2 to 4 p.m. and it will be a great day with opportunities to eat Downtown and then attend the fireworks in the evening. The parade will start at Jackson and Ridgeland. There will be a concert sponsored by the Park District and there will be "things for the kids, too."

Gloria Ryan, 408 S. Grove Avenue, urged the Board to obtain a site for the animal shelter, given the recent news "about the senseless killing of our Oak Park animals." She asked if the Board is considering any sites now that might be appropriate and wondered who could answer the question. President Trapani said that someone will get back to her.

David Spagat, 945 N. Elmwood Avenue, said that the talk about a permanent shelter overlooks the problems created by the interim use of Hanover's. He went there a few times and was told he was the only volunteer that ever came. The Ark supporters testified that there are many interested volunteers in Oak Park, but none of them are going to the Hanover facility. He asked why and was told it is "bureaucratic." The Animal Control Department requires that a recently modified statement be signed and that a volunteer call Animal Control to obtain an Okay before he/she goes to Hanover's. He said that Animal Control makes it difficult for people to help out over there. The few workers at Hanover are very busy. The facility is a veterinary office and animals are brought in for professional care. Additionally there are two or three other shelters that bring their animals to the facility. He said, "So the place is loaded, and the animals are not getting the attention that they should." He thinks there are many people in Oak Park who would like to help and he called for a volunteer program to be initiated to help with the animals until a permanent site is found.

Jean Hayes, 715 N. Taylor Avenue, said that she's been a member of an animal rescue network for a number of years. The group works to save the lives of animals that are adoptable. In talking with volunteers from the Naperville animal adoption agency, she asked what criteria exist for taking animals to that agency. She was told the animals must be spayed and/or neutered, inoculated, tested for obvious diseases and have a good temperament. Ms. Hayes stated that Oak Park taxpayers pay for all these services performed for animals taken in by Animal Control. She was "shocked" to learn that approximately 50% of the Oak Park animals that leave Oak Park for other shelters are euthanized. Thus, good animals are lost and taxpayers' money is lost. She urged that a shelter be established and that we stop asking other people to take our animals. Ms. Hayes said that the idea that Oak Park euthanizes five to ten percent of the animals is a myth because Oak Park sends the animals to other facilities to be euthanized, rather than euthanizing the animals itself. She called for something to be done now with regard to a site so that the shelter does not become an election issue.

Donna LaSage, 1020 Washington Boulevard, was present to speak about the animal shelter but indicated that she didn't have anything different to offer than what had already been said. She asked Trustee Johnson if he'd read the book

given to him at the last Board meeting. He responded that he had and that it was good. Ms. LaSage said that the former managers of the Ark facility were present and they are serious about helping. She, herself, is willing to volunteer at Hanover if the volunteer program can be set up. She would be glad to share the file she has with drawings for a site and other pertinent information.

Barbara Alexander Mullarkey, 204 S. Elmwood Avenue, indicated she would speak about ACCOLADE, the adult daycare center at 112 S. Humphrey. The Center is wonderful and was a "light in a dark tunnel" for her family when her husband had Alzheimer's. It is a wonderful facility and a model for others.

Ms. Mullarkey said that she called Senator Don Harmon about the forthcoming closure of ACCOLADE, and Senator Harmon wrote a letter to the President of Rush Oak Park Hospital, which was copied to her. He indicated that he'd been contacted by several people regarding the announced closing of the facility and that he shared their concern that the needed services for seniors in the community will no longer be available. Senator Harmon said that he places a high priority on ensuring healthcare access to seniors living in his district. He knows that Rush has the freedom and the responsibility to make prudent economic decisions, but he also knows that Rush has long recognized its responsibility to the community.

Senator Harmon asked what alternatives are available to those people currently served by ACCOLADE and whether or not Rush might plan to offer such services at another nearby facility.

Ms. Mullarkey noted that a copy of the letter was also sent to David Boulanger and President Trapani. She asked if the Board is going to write a similar letter. Many residents gathered on this issue last week. They want to hold a fundraiser. President Trapani said that the Village has talked to Bruce Elegant and that there is a 30-day extension. The Board members discussed ACCOLADE at a meeting the previous week and determined that the program is not eligible for CDBG monies. She thinks the facility is an invaluable asset and she believes the Board agrees. The Board is doing everything it can. She said that the Village Manager will let Ms. Mullarkey know what is being done and "how we intend to make certain that the service for the number of people who live in Oak Park continues." Ms. Mullarkey noted her understanding that it is the Residence Corporation that owns the building and not Rush.

Consent Agenda

- E. Resolution Authorizing Annual Execution of Agreement with Illinois Department of Human Services to Provide Family Case Management Services and Adolescent Health Services: July 1, 2004 – June 30, 2005.

Resolution 2004-R-113 entitled **RESOLUTION AUTHORIZING ANNUAL EXECUTION OF AGREEMENT WITH ILLINOIS DEPARTMENT OF HUMAN SERVICES TO PROVIDE FAMILY CASE MANAGEMENT SERVICES AND ADOLESCENT HEALTH SERVICES – JULY 1, 2004 – JUNE 30, 2005** was submitted for adoption.

CONSENT
AGENDA

AGREEMENT
WITH ILLINOIS
DEPARTMENT
OF HUMAN
SERVICES FOR
FAMILY CASE
MANAGEMENT &
ADOLESCENT
HEALTH
SERVICES

- F. Resolution Authorizing a Rehabilitation Loan, a Lead Hazard Reduction Grant and a Garage Repair Grant: CDS-468

REHAB LOAN,
LEAD HAZARD
REDUCTION
GRANT &
GARAGE REPAIR
GRANT: CDS-468

Trustee Pope noted that this item involves a large expenditure from the fund, but he wanted to remind people "that the rationale for this is that it is as a result of requirements from the Federal government with respect to how these funds end up being distributed." He noted that the Board might choose to distribute the funds differently, but that it has no latitude given the Federal government's requirements. President Trapani indicated that she agrees but added that she thinks lead reduction is an important undertaking in buildings to which citizens, and children especially, have access.

Resolution 2004-R-114 entitled **RESOLUTION AUTHORIZING A REHABILITATION LOAN, A LEAD HAZARD REDUCTION GRANT, AND A GARAGE REPAIR GRANT – CDS-468** was submitted for approval.

- G. Resolution Authorizing Execution of the Intergovernmental Agreement for the Youth Interventionist Program for July 2004 through June 2006.

INTERGOVERN-
MENTAL
AGREEMENT
FOR THE YOUTH
INTERVEN-
TIONIST
PROGRAM

President Trapani noted that support for the Youth Interventionist Program comes from other taxing bodies, as well. Village Manager Swenson added that all the governmental units in Oak Park and River Forest participate in this intergovernmental agreement. Oak Park has the largest share of participation, supporting the Program financially and through a working relationship involving the Police Department and Community Relations. Trustee Johnson remarked on his interest in looking at the intergovernmental arrangements in regard to the percentage of allocation to the cost for the program. He would like be certain that "these percentages are still equitable, mainly between River Forest and Oak Park" and to see how they fit together with regard to our total contribution. Mr. Swenson agreed that can be done.

Resolution 2004-R-115 entitled **RESOLUTION TO APPROVE YOUTH INTERVENTIONIST AGREEMENT** was submitted for approval.

- H. Motion to Direct Staff to Pursue the Vacation of Village-Owned Property Located Between 836-838 South Taylor Avenue

MOTION TO
DIRECT STAFF
TO PURSUE
VACATION OF
VILLAGE-
OWNED
PROPERTY
BETWEEN 836-
838 SOUTH
TAYLOR

Village Manager Swenson explained that this item is coming to the Board to determine if the Board is interested in moving ahead with it. Additional staff work is needed in discussing the issue with property owners and "looking at the actual land."

The motion **TO DIRECT STAFF TO PURSUE THE VACATION OF VILLAGE-OWNED PROPERTY LOCATED BETWEEN 836-838 SOUTH TAYLOR AVENUE** was submitted for approval.

- K. Resolutions Authorizing the Execution of the Extension of Partner Agreements (July 1 - December 31, 2004)

EXTENSION OF
PARTNER
AGREEMENTS
TO DECEMBER
31, 2004

1. Resolution Authorizing the Execution of the Extension of an Agreement Between the Village of Oak Park and the Oak Park Area Convention and Visitors

Bureau for the Period of July 1, 2004 – December 31, 2004

OAK PARK AREA
CONVENTION
AND VISITORS
BUREAU

Resolution 2004-R-116 entitled **RESOLUTION AUTHORIZING EXECUTION OF THE EXTENSION OF THE AGREEMENT BETWEEN THE VILLAGE OF OAK PARK AND THE OAK PARK AREA CONVENTION AND VISITORS BUREAU FOR THE PERIOD OF JULY 1, 2004 THROUGH DECEMBER 31, 2004** was submitted for adoption.

2. Resolution Authorizing the Execution of the Extension of an Agreement Between the Village of Oak Park and the Oak Park Area Arts Council for the Period of July 1, 2004 – December 31, 2004

OAK PARK AREA
ARTS COUNCIL

Resolution 2004-R-117 entitled **RESOLUTION AUTHORIZING EXECUTION OF THE EXTENSION OF THE AGREEMENT BETWEEN THE VILLAGE OF OAK PARK AND THE OAK PARK AREA ARTS COUNCIL FOR THE PERIOD OF JULY 1, 2004 THROUGH DECEMBER 31, 2004** was submitted for adoption.

3. Resolution Authorizing the Execution of the Extension of an Agreement Between the Village of Oak Park and the Oak Park Development Corporation for the Period of July 1, 2004 – December 31, 2004

OAK PARK
DEVELOPMENT
CORPORATION

Resolution 2004-R-118 entitled **RESOLUTION AUTHORIZING EXECUTION OF THE EXTENSION OF THE AGREEMENT BETWEEN THE VILLAGE OF OAK PARK AND THE OAK PARK DEVELOPMENT CORPORATION FOR THE PERIOD OF JULY 1, 2004 THROUGH DECEMBER 31, 2004** was submitted for adoption.

4. Resolution Authorizing the Execution of the Extension of an Agreement Between the Village of Oak Park and the Oak Park Regional Housing Center for the Period of July 1, 2004 – December 31, 2004

OAK PARK
REGIONAL
HOUSING
CENTER

Resolution 2004-R-119 entitled **RESOLUTION AUTHORIZING EXECUTION OF THE EXTENSION OF THE AGREEMENT BETWEEN THE VILLAGE OF OAK PARK AND THE OAK PARK REGIONAL HOUSING CENTER FOR THE PERIOD OF JULY 1, 2004 THROUGH DECEMBER 31, 2004** was submitted for adoption.

5. Resolution Authorizing the Execution of the Extension of an Agreement Between the Village of Oak Park and the Oak Park Residence Corporation for the Period of July 1, 2004 – December 31, 2004

OAK PARK
RESIDENCE
CORPORATION

Resolution 2004-R-120 entitled **RESOLUTION AUTHORIZING EXECUTION OF THE EXTENSION OF THE AGREEMENT BETWEEN THE VILLAGE OF OAK PARK AND THE OAK PARK RESIDENCE CORPORATION FOR THE PERIOD OF JULY 1, 2004 THROUGH DECEMBER 31, 2004** was submitted for adoption.

6. Resolution Authorizing the Execution of the Extension of an Agreement Between the Village of Oak Park and the Lake and Marion Corporation (Downtown Oak Park) for the Period of July 1, 2004 – December 31, 2004

LAKE AND
MARION
CORPORATION
(DOWNTOWN
OAK PARK)

Resolution 2004-R-121 entitled **RESOLUTION AUTHORIZING EXECUTION OF THE EXTENSION OF THE AGREEMENT BETWEEN THE VILLAGE OF OAK PARK AND THE LAKE AND MARION CORPORATION (DOWNTOWN OAK PARK) FOR THE PERIOD OF JULY 1, 2004 THROUGH DECEMBER 31, 2004** was submitted for adoption

- L. Ordinance Granting Approval for 2004 Gala Fourth of July Fireworks Display

2004 GALA
FOURTH OF
JULY
FIREWORKS
DISPLAY

Ordinance 2004-0-29 entitled **ORDINANCE GRANTING PERMISSION FOR SUPERVISED PUBLIC DISPLAY OF FIREWORKS** was submitted for adoption.

- M. Ordinance Amending Section 17-1-16 of the Village Code Relating to Curfew for Minors

ORDINANCE
RELATING TO
CURFEW FOR
MINORS

Village Manager Swenson explained that there was a court case that impacted the ability of municipalities to enforce curfews for minor citizens. This ordinance will bring the Village into conformance with the legal change.

Trustee Gockel noted that the defense for prosecution of a curfew violation would be that the defendant was attending "a meeting or a recreational activity sponsored by the Village, a civic organization or another similar entity." He asked if this covers other local taxing bodies, such as the two school districts. Attorney Heise responded, "Other similar entities would take responsibility." He agreed that the two school districts and the Township are included and added that it is the responsibility of the police officer stopping the individual to ask the proper questions and to obtain information "on these things before citing the minor."

Ordinance 2004-0-30 entitled **ORDINANCE AMENDING SECTION 17-1-16 OF THE VILLAGE CODE RELATING TO CURFEW FOR MINORS** was submitted for adoption.

Approval of Consent Agenda

APPROVAL OF
CONSENT
AGENDA

It was moved by Trustee Pope, seconded by Trustee Johnson, to approve the items submitted 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, Milstein and Pope and President Trapani

NAYS: None

The motion was unanimously adopted.

Regular Agenda

REGULAR
AGENDA

O. Resolution Authorizing Proposed Settlement with Oak Park Medical Office Building Regarding Real Estate Taxes

PROPOSED SETTLEMENT WITH OAK PARK MEDICAL OFFICE BUILDING REGARDING REAL ESTATE TAXES

Mr. Swenson noted that this is an issue that the Oak Park Hospital and all of the taxing bodies within the Village have been working on. The joint effort was successful in reaching an agreement with regard to the real estate tax issue. Attorney Heise said that two issues are covered by the agreement. One is the agreed-upon payment of \$1.2 million by the Hospital to the taxing districts, with the payment to be divided among the entities according to their tax rate percentages. The second item agreed upon is the assessed valuation "that will take us through 2007" and which Mr. Heise thinks will be a benefit to everyone involved, including the Hospital.

Mr. Swenson said he thinks the fact that successful agreement was reached can be attributed to the positive and mutually supportive relationships in existence between the governmental entities in the Village, which include the school districts and the Township. President Trapani commented that this kind of agreement is unprecedented in that this amounts to a "refund." She stated that it is important to note that Colette Lueck, Chair of the Plan Commission, "was instrumental in making certain that the Village responded to the tax appeal by the Hospital. Attorney Heise added that Ali El Saffar responded to that information, did a great deal of work and got things going in the right direction.

Trustee Gockel noted that the County Assessor signed off of this and asked, "So there are no potential impediments with respect to County agencies?" Mr. Heise responded, "That is correct."

Trustee Pope commended the ability of the taxing bodies to work together on this issue. This situation occurred because of misrepresentations made to the Plan Commission regarding the "contractual nature between the developer and Oak Park Hospital." He stated that in moving forward with development, it is important to "insulate Oak Park against such misrepresentations in the future." He said, ". . .it has been done in other communities with respect to guarantees in terms of the economic return that will be generated from projects. . .if that economic return is going to be considered as part of the benefit, that is factored into the granting of variances through a consideration of a development project." He thinks the developer should be chagrined that facts were misrepresented to the community.

It was moved by Trustee Gockel, seconded by Trustee Carpenter, that Resolution 2004-R-22 entitled **RESOLUTION OF THE PRESIDENT AND TRUSTEES OF THE VILLAGE OF OAK PARK, COOK COUNTY, ILLINOIS, APPROVING THE SETTLEMENT OF PENDING LITIGATION (OAK PARK HOSPITAL MEDICAL OFFICE BUILDING)** 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, Gockel, Johnson, Milstein and Pope and President Trapani

NAYS: None

The motion was unanimously adopted.

N. An Ordinance Implementing the Provisions of the State Officials and Employees Ethics Act (5 ILCS 430/1-1Et Seq.) in the Village of Oak Park

ORDINANCE
IMPLEMENTING
PROVISIONS OF
STATE
OFFICIALS AND
EMPLOYEES
ETHICS ACT

In introducing this item, Village Manager Swenson said that this ordinance change was necessitated by a change in State law.

It was moved by Trustee Pope, seconded by Trustee Johnson, that Ordinance 2004-0-31 entitled **AN ORDINANCE IMPLEMENTING THE PROVISIONS OF THE STATE OFFICIALS AND EMPLOYEES ETHICS ACT (5 ILCS 430/1-1 ET SEQ.) IN THE VILLAGE OF OAK PARK** be adopted as submitted, a true and correct copy of said Ordinance herewith being ordered filed in the Office of the Village Clerk.

Attorney Heise noted that Trustee Gockel had contacted him earlier with a couple of questions and he realized he had not included pages that he had intended to include in the packet with regard to the Act. He went through the lists found in the Act and the provisions are pretty straightforward. There is nothing shocking. They are things done in the normal course of business here and most are provided for in the Village's Ethics Ordinance, the Personnel Manual or "fundamentally in our form of government." He offered to run through the provisions and President Trapani agreed that would be important.

The definition of "officers" is the same as is found in the Village's Ethics Ordinance. An officer is an elected official or an appointed official. Board and Commission members are appointed and so are considered officers for this purpose. Employees are full, part-time or contractual employees and are covered by the Ethics Ordinance.

The prohibited political activities list includes the following: organizing political meetings and rallies; soliciting contributions; political fundraising; doing surveys; working the poll; soliciting votes; circulating petitions; making contributions; political fundraising; campaigning; distributing, preparing or mailing campaign literature or signs; managing or working on a campaign; participating in a recount or challenge. Mr. Heise said he thinks the activities involve any active participation in an election process other than voting. The above are neutral election activities. Particularly important are the six limitations that the Statute indicates concerning officers and employees with regard to those activities. Those limitations include the following: Employees are not to perform prohibited political activities during compensated time. They are not to intentionally misappropriate property or resources, or engage in any prohibited political activity. No officer or employee in authority over other employees shall require an employee to perform any prohibited political activity as part of his/her duties, as a condition of employment or during compensated time off. An employee shall not be required to participate in a prohibited political activity for additional compensation, benefits or continued employment and shall not be awarded additional compensation or benefits for participating in such prohibited political activity. Nothing in the

section prohibits an employee from doing "the things you are able to do legally in a voluntary sense, which is all of these things on your own time, voluntarily."

A basic tenet is that employees are hired on the basis of merit, without regard to political affiliation.

The provisions of the Gift Ban Act are also a part of Oak Park law. The fundamental provision is that no officer or employee is to intentionally solicit or accept any gift from a prohibited source. This includes gifts to the spouse and immediate family living with the officer or employee. Prohibited sources include a person or entity seeking official action from the officer or employee; a person or entity who does business or seeks to do business with the officer or employee; a person or entity who conducts activities regulated by an officer or employee; a person or entity who has an interest that may be substantially affected by the performance or nonperformance of the official duties of an officer or employee; or any person or entity that is a registered lobbyist or is required to be a registered lobbyist. Exceptions to the Gift Ban Act include those things that are available to the general public on the same terms and conditions; anything for which fair market value is paid; contributions lawfully made under the Election Code and fundraising activities in support of a political organization or candidate; educational materials; travel expenses for legitimate business reasons and gifts from relatives.

Mr. Heise said, "This is where the State starts to strain a little but the basic point is there." Anything provided on the basis of personal friendship can be accepted, unless the officer or employee has reason to believe that under the circumstances the gift was provided because of the position or employment of the officer or employee and not because of the friendship. The following circumstances must be considered in making such a determination: the history of the relationship between the gift giver and the recipient; whether, based on actual knowledge of the officer or employee, the gift giver paid for the gift or sought a tax deduction or business reimbursement for the gift; whether, based on actual knowledge of the officer or the employee, the individual gave same or similar gifts to other officers or employees.

Further exceptions include food or refreshments not exceeding \$75 per person in value on a single calendar day providing that they are consumed on the premises from which they are purchased or prepared, or they are catered--which means they are purchased ready to eat and delivered by any means. Mr. Heise said that in the Village of Oak Park, the limit is \$50. Another exception is for food, refreshments, lodging, transportation or other benefits resulting from outside business or employment activities of the officer or his/her spouse, or employee or his/her spouse if such benefits have not been offered or enhanced because of the official position or employment of the officer or employee and are customarily provided to others in certain circumstances. The final exceptions relate to intragovernmental gifts between officers and employees in the same organization; intergovernmental gifts to an officer or employee of one entity by an officer or employee of another entity; bequests, inheritance or transfers at death; and items from any one prohibited source during any calendar year with a cumulative total value of less than \$100.

Mr. Heise noted that Section 10-30 of the Act indicates that a violation doesn't occur if the officer or employee takes prompt action to return a gift or give it to charity, or if an amount equal to the value of the gift is given to charity. Section 10-40 indicates that the municipality can enact more restrictive provisions. He stated that this completes the summary and noted that these are all things with which he thinks the Village of Oak Park is familiar and comfortable.

The roll call on the vote was as follows:

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

NAYS: None

The motion was unanimously adopted.

Village Manager Reports

VILLAGE
MANAGER
REPORTS

I. Reports

Village Manager Swenson said that he wanted to note that while there were many ordinances and resolutions on the night's agenda that may seem routine, Mr. Heise had to put forth a lot of effort with regard to some of the items, and he said that he wanted to commend Mr. Heise's work. He also commended Village Clerk Sokol for her work with respect to the Ethics Act. Responding to a question from President Trapani, Ms. Sokol indicated that she is responsible for the Ethics forms and that they will be distributed soon.

CALENDARS

(1) Village Board Calendar for June and July

Village Manager Swenson indicated that the Operations Committee intends to schedule discussion on the animal shelter issue once Trustee Kostopulos is back in town.

With regard to June 28th, Trustee Johnson noted that a Special Board Meeting has been scheduled for the adoption of the Downtown Oak Park planning contract and he requested that the Downtown Oak Park employee parking pilot program be added to that special session, as well. He noted that a previous calendar listed a study session on that topic. Mr. Swenson agreed that the topic was scheduled for the following study session. He said that if the Board wishes to have the item scheduled for action at the June 28 meeting, it can be moved. He did add a caveat, however, saying that staff is doing some additional legal research on the proposal. He will let the Board know within the next day or so whether the requested schedule change is possible.

President Trapani commented that at the last meeting Trustee Pope asked about having something on the calendar. She said that she wanted to wait until the Board has the Crandall Arambula contract but that Trustee Pope's question needs to be kept in the forefront.

Trustee Gockel recalled that about a month ago Trustee Pope proposed that

the meeting of the 28th be partially devoted to a "kick-off of our budget setting for 2005." Trustee Pope said that there are some things that have to be scheduled through the Village Manager before that meeting occurs. He anticipates that those items will be complete by the end of July. Trustee Gockel indicated his concern that the Board "not unnecessarily delay the beginning of our budget-setting process" as he considers this to be a priority. Trustee Pope agreed that it is a priority. He and Trustee Milstein are working with Finance Director Peters to develop information that will serve as a context for the budget process. He said that they want to ensure that the process is structured in a way that the Board is enabled set the policy level direction so that staff can respond to that direction in the formulation of the budget. He thinks they will be ready to have the meeting shortly after the 28th. Trustee Milstein commented that he and Trustee Pope are talking about a six-day delay, which he does not think will postpone the process in a significant way.

(2) Barrie Park Update

Mr. Swenson said that the standard Barrie Park update is included in the packet.

BARRIE PARK
UPDATE

He said that before the Board members are two items that were not included in the packet. The first is an update on the Chicago/Ridgeland development. The owner of the space has identified a tenant and staff is communicating with the neighborhood about that tenant. The second item is a status report on the Oak Park Shuttle from Deputy Manager Pete Dame.

Trustee Pope stated that he agrees strongly with Trustee Johnson that the Downtown Oak Park employee parking item should be on the agenda for June 28. He asked Village Manager Swenson to have the information about the program ready for delivery to the Board on Friday, if at all possible, so that Board members will have the weekend to review it. Mr. Swenson indicated that the intent is to have the information to the Board by Thursday. When the Board reviewed the item, significant suggestions were made with regard to encouraging mass transit ridership and ride sharing and, he noted, there usually are financial incentives that go along with such programs. It is a complicated project and is more a transportation program than a parking program. It is a "significantly different program than simply parking," which is why it was originally scheduled to come back to the Board in a study session.

It was moved by Trustee Pope, seconded by Trustee Milstein, to adjourn the meeting to Executive Session. The motion was unanimously adopted.

ADJOURNMENT

The meeting adjourned at 9:45 p.m.

SUBMITTED AND RECORDED
IN THE OFFICE OF:

By: Kathleen M. Cannon
Deputy Village Clerk

