

**APPROVED MINUTES OF THE REGULAR MEETING
OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OAK PARK
HELD ON TUESDAY, JANUARY 20TH, 2009 AT 7:30 P.M.
IN THE COUNCIL CHAMBERS OF OAK PARK VILLAGE HALL**

OFFICIAL RECORD:

PRESENT: Trustees Hale, Lueck, Marsey, Pate and President Pro-Tem Hedges
ABSENT: Trustee Johnson and President Pope
QUORUM: President Pro Tem Hedges called the meeting to order at 7:42 P.M. and declared that a quorum was present.

REGULAR
MEETING
1/20/2009

AGENDA:

President Pro Tem Hedges suggested that the Agenda dated 1/20/2009 at 4:35 P.M. be approved as written. It was moved by Trustee Pate, seconded by Trustee Marsey, that the agenda be approved as written.

AGENDA FOR
THIS
MEETING
APPROVED

A voice vote was taken and the agenda was approved.

MINUTES:

It was moved by Trustee Marsey, seconded by Trustee Hale, that the draft minutes of the Special Board Meeting of January 5th, 2009 be approved.

MINUTES FOR
1/5/2009
APPROVED

A voice vote was taken and the minutes of January 5th, 2009 were approved as written.

NON-AGENDA PUBLIC COMMENT

Larry Griffin, 200 E. Randolph Dr., Chicago, Illinois. Attorney with Kirkland & Ellis LLP on behalf of Daniel E. Fore. Mr. Griffin wanted to ensure Mr. Fore had equal access to any materials related to the upcoming election.

NON-AGENDA
PUBLIC
COMMENT

Daniel E. Fore, P.O. Box 1104. Mr. Fore showed color photographs of sailors from Great Lakes Naval Base enjoying holiday dinners in the homes of Oak Park residents.

Tom Broderick, 201 South Ridgeland. Mr. Broderick urged that action be taken on the Living Wage referendum, which was approved by 60%.

Jean Darling, 131 South Humphrey Avenue. Reverend Darling asserted that Oak Park needs a living wage, and the immediate goal is \$10 per hour in 2010.

Ron Baiman, 205 South Humphrey Avenue. An economist working for the State of Illinois, Mr. Baiman feels it a disgrace that a forward community like Oak Park lacks a Living Wage Ordinance.

Ron Chew, 512 North Ridgeland. Mr. Chew reminded listeners that Village subcontractors need the living wage, and even at \$10 per hour they will make only about \$20,000 per year.

VILLAGE MANAGER REPORTS

A. Reports

Village Manager Tom Barwin addressed the excitement surrounding the Inauguration of President Barack Obama, and how that new American vision can inspire change in Oak Park.

VILLAGE
MANAGER
REPORTS

CITIZEN ADVISORY BOARDS AND COMMISSIONS RECOMMENDATIONS

Citizen Involvement Commission

B. Citizen Commission Vacancies

A Commissions Vacancy Report was distributed.

CITIZEN
ADVISORY
BOARDS AND
COMMISSIONS

C. Citizen Commission Appointments

There were no appointments.

SECOND READING

SECOND
READINGS

D. Second Reading Ordinance Amending Section 12-3-5 of the Village Code Relating to the Schedule of Multi-Family Dwelling License Fees

SECOND
READING
ORDINANCE
INCREASING
MULTI-FAMILY
DWELLING
LICENSE FEE

PUBLIC COMMENT

Timothy Davis, 315 North Maple, representing BOMA and M&M Property Management, Inc. Mr. Davis explained that a 400% increase in the fee, from \$5 to \$20 per unit, is too much and suggested staggering the increase over a few years.

Owen Dowling, President, Building Owners & Managers Association in Oak Park. The four-fold increase is too much, too fast. This increase cannot be passed along to renters. Along with the very cold winter and fuel prices, and real estate taxes, it is difficult for building owners to just break even.

Michael Lennox, 202 North Ridgeland, representing Morlen Realty. Mr. Lennox suggested spreading this increase out over several years. He also reminded listeners of the increase in Village water charges, and increases in county assessments and sales taxes.

Patricia A. O'Connor, 631 South Maple. An owner of one Oak Park building with three Section Eight units, Ms. O'Conner stated that she lost money on this building last year. With water bills increasing six-fold, this increase in license fees will drive property owners out of Oak Park.

D. Jake Goldner, 1756 North Mohawk, Chicago, Illinois, Property Manager for Kushner Management. Mr. Goldner, who manages buildings in Oak Park, declared this fee increase "exorbitant," and advocated a gradual increase instead of 400% all at once.

Daniel E. Fore, P.O. Box 1104. Mr. Fore asserted that Oak Park Residence Corporation buildings should be inspected too, as well as the rooms at the YMCA.

- E. **Second Reading Ordinance Amending Section 8-2-1 of the Village Code Entitled “Business Licenses – Fee Schedules” Deleting “Scavengers” and \$50 Fee and Adding Waste Haulers and \$1,000 Basic Fee and \$1,000 Per Truck Fee.**

SECOND
READING
ORDINANCE
INCREASING
WASTE
HAULERS
BASIC AND
PER TRUCK
FEE

PUBLIC COMMENT

Joe Anderson, 1105 Algonquin, Arlington Heights, Illinois, representing Disposal Management Systems (DMS). Mr. Anderson described his company as a small, roll-off dumpster service without steady routes. Customers call when a dumpster is needed. This fee amounts to \$5,000 to cover his trucks, which is nowhere near what other villages charge (about \$200).

Jens Lauesen, 1019 Apple Lane, Lombard, Illinois, representing J.L. Roll-Off Service. Mr. Lauesen also felt that roll-off dumpster services should fall into a different category from waste haulers, and licensed accordingly. If these fees are passed he would simply not do business in Oak Park.

Daniel E. Fore, P.O. Box 1104. Mr. Fore suggested that haulers who engage in ‘green destruct’ – or the certified recycle or reuse of materials from demolition – should be given a credit of some form.

REGULAR AGENDA

REGULAR
AGENDA

Because the Board had just been discussing Item E, the second reading of the Ordinance concerning “Waste Haulers,” Trustee Hale suggested that the Regular Agenda begin with Item I, the adoption of that Ordinance.

- I. It was moved by Trustee Hale, seconded by Trustee Lueck, that Ordinance 2009-O-06 entitled **ORDINANCE AMENDING SECTION 8-2-1 OF THE VILLAGE CODE ENTITLED “BUSINESS LICENSES – FEE SCHEDULES” DELETING “SCAVENGERS” AND \$50 FEE AND ADDING WASTE HAULERS AND \$1,000 BASIC FEE AND \$1,000 PER TRUCK FEE** be adopted, true and correct copies of said Ordinance herewith being ordered filed in the Office of the Village Clerk.

ORDINANCE
INCREASING
WASTE
HAULERS
BASIC AND
PER TRUCK
FEE

It was moved by Trustee Marsey to table the consideration of the Ordinance until calculations of Village staff internal costs can be made available. The motion to table died for lack of a second.

It was moved by Trustee Hale, seconded by Trustee Pate, to amend the Ordinance to remove any reference to roll-off dumpster fees and the per truck fee.

The roll call on the vote was as follows:

AYES: Trustees Hale, Lueck, Marsey, Pate and President Pro Tem Hedges

NAYS: None

ABSENT: Trustee Johnson and President Pope

The amendment was approved.

The roll call on the amended Ordinance was as follows:

AYES: Trustees Hale, Lueck, Pate and President Pro Tem Hedges

NAYS: Trustee Marsey

ABSENT: Trustee Johnson and President Pope

The amended Ordinance was adopted.

ORDINANCE
INCREASING
MULTI-FAMILY
DWELLING
LICENSE FEE

- H.** It was moved by Trustee Marsey, seconded by Trustee Pate, that Ordinance entitled **Ordinance Amending Section 12-3-5 of the Village code Relating to the Schedule of Multiple-Family Dwelling License Fees** be tabled until Village staff internal costs information is made available to building management companies and rental property owners.

The roll call on the vote was as follows:

AYES: Trustees Hale, Marsey, Pate and President Pro Tem Hedges

NAYS: Trustees Lueck

ABSENT: Trustee Johnson and President Pope

The motion to table was approved.

- F1.** It was moved by Trustee Marsey, seconded by Trustee Pate, that Resolution 2009-R-013 entitled **RESOLUTION AUTHORIZING AN INCREASE BY \$38,000 IN THE AGREEMENT WITH BEARY LANDSCAPING FOR SNOW PLOWING AND SALTING OF VILLAGE LEASED/OWNED PARKING LOTS FOR A ONE-YEAR PERIOD** be adopted, true and correct copies of said Resolution herewith being ordered filed in the Office of the Village Clerk.

RESOLUTION
INCREASING
THE SNOW
PLOWING
AGREEMENT
WITH BEARY
LANDSCAPING
BY \$38,000

PUBLIC COMMENT

Daniel E. Fore, P.O. Box 1104. With regard to snow management, Mr. Fore observed that road salt gets into the paws and skin of pet animals. He also said that sidewalk curb cuts are being plowed over which is a danger to the elderly and disabled.

The roll call on the vote was as follows:

AYES: Trustees Hale, Lueck, Marsey, Pate and President Pro Tem Hedges

NAYS: None

ABSENT: Trustee Johnson and President Pope

The Resolution was adopted.

- F2.** It was moved by Trustee Hale, seconded by Trustee Lueck, that Resolution 2009-R-014 entitled **RESOLUTION AUTHORIZING AN INCREASE BY \$57,000 IN THE AGREEMENT WITH G.A. PAVING CONSTRUCTION COMPANY FOR SNOW PLOWING AND SALTING OF VILLAGE LEASED/OWNED PARKING LOTS FOR A ONE-YEAR PERIOD** be adopted, true and correct copies of said Resolution herewith being ordered filed in the Office of the Village Clerk.

RESOLUTION
INCREASING
THE SNOW
PLOWING
AGREEMENT
WITH G.A.
PAVING
CONSTRUCTION
BY \$38,000

The roll call on the vote was as follows:

AYES: Trustees Hale, Lueck, Marsey, Pate and President Pro Tem Hedges

NAYS: None

ABSENT: Trustee Johnson and President Pope

The Resolution was adopted.

- F3. Director of Public Works John Wielebnicki reported the reasons why 55% of our road salt has been consumed, and why research should be done into purchasing additional amounts of road salt for this winter.

MORE ROAD SALT MAY BE NEEDED THIS WINTER

- G. It was moved by Trustee Pate, seconded by Trustee Lueck, to concur in **Referring the Plan Development Application for 6603-6609 North Avenue to the Plan Commission for a Public Hearing in February 2009.**

PLAN DEVELOPMENT APPLICATION FOR 6603-09 NORTH AVE. REFERRED TO PLAN COMMISSION

The roll call on the vote was as follows:

AYES: Trustees Hale, Lueck, Marsey, Pate and President Pro Tem Hedges

NAYS: None

ABSENT: Trustee Johnson and President Pope

The motion was approved.

- M. It was moved by Trustee Hale, seconded by Trustee Marsey, to concur in a **Motion Accepting the Zoning Board of Appeals' Recommendation and Findings of Facts As Proposed And Direct Staff to Prepare The Necessary Documents For a Special Use Located at 217 Madison Street.**

MOTION TO ACCEPT ZBA'S FINDINGS FOR SPECIAL USE FOR DUNKIN' DONUTS AT 217 MADISON STREET

PUBLIC COMMENT

Thomas Hafner, 609 South Harvey. Mr. Hafner observed that Oak Park would have to change its rules to allow Dunkin' Donuts to operate as they would like, and he suggests that we don't. This business will not benefit the property owners, or teenagers, or children who live in this neighborhood.

Jason Malley, 636 South Harvey Avenue. Mr. Malley felt that property values would suffer should Dunkin' Donuts locate at 217 Madison, and would threaten the health and safety of children. The area is not zoned for this business.

Chris Tavalacci, 512 South Harvey, representing Concerned Citizens for the 500 Block of South Harvey. Ms. Tavalacci articulated her concerns about the fence and landscaping planned as a sound and light barrier on one side; it is needed on both sides. Outside seating should be eliminated to prevent loitering. The morning start should be limited to 6 a.m., not 4 a.m. The fifteen foot sign is not needed.

Christee Snell, 535 South Harvey. Ms. Snell urged the Board not to approve the Zoning Board of Appeals recommendation. Dunkin' Donuts wants to open at 4 a.m., but construction job sites do not open until 7 a.m.

Alan Stefaniak, 216 W. Higgins, Schaumburg, Illinois, of the firm Demonte & Stefaniak, representing Shree Oak Park, LLC. Attorney Stefaniak asserted that the site was zoned

commercial, and that the owner had made several concessions to the neighbors already. The outside seating would be seasonal, and not year round. The landscaping was put back into the plan. The fence height was increased.

Dennis Marani. Mr. Marani noted that the project is consistent with the Madison Street Corridor Plan, and the curb cuts had been reduced by one.

Jason Malley spoke once more quoting the business plan which estimated the vehicular traffic at 60 to 100 cars per hour through the drive-thru. Mr. Malley asserted that there were over forty children residing on Harvey Avenue.

It was moved by Trustee Hale, seconded by Trustee Lueck, that the Motion be amended by opening the Dunkin' Donuts drive-thru at 5 a.m. and reviewing the operation after one year. This motion was withdrawn with the consent of the mover and seconder.

It was moved by Trustee Marsey, seconded by Trustee Lueck, that the Motion be amended by opening the Dunkin' Donuts at 4:30 a.m. and closing at 10 p.m.

The roll call on the vote was as follows:

AYES: Trustees Hale, Lueck, Marsey, Pate and President Pro Tem Hedges

NAYS: None

ABSENT: Trustee Johnson and President Pope

The amendment was approved.

The roll call on the amended Motion was as follows:

AYES: Trustees Hale, Lueck, Marsey, Pate and President Pro Tem Hedges

NAYS: None

ABSENT: Trustee Johnson and President Pope

The amended Motion was approved.

- 01.** It was moved by Trustee Marsey, seconded by Trustee Hale, that Resolution 2009-R-015 entitled **RESOLUTION AUTHORIZING ANNUAL RENEWAL OF BUSINESS LICENSE FOR AMERICAN JEWELERS & LOAN LTD., 6149 NORTH AVENUE, OAK PARK, ILLINOIS** be adopted, true and correct copies of said Resolution herewith being ordered filed in the Office of the Village Clerk.

RESOLUTION
AUTHORIZING
RENEWAL OF
PAWN
LICENSE FOR
AMERICAN
JEWELERS &
LOAN, 6149
NORTH AVE.

PUBLIC COMMENT

Daniel E. Fore, P.O. Box 1104. Mr. Fore declared that the pawn shops are drop sites for stolen goods from Chicago.

The roll call on the vote was as follows:

AYES: Trustees Hale, Lueck, Marsey and President Pro Tem Hedges

NAYS: None

ABSENT: Trustees Johnson, Pate and President Pope

The Resolution was adopted.

- 02.** It was moved by Trustee Marsey, seconded by Trustee Lueck, that Resolution 2009-R-016 entitled **RESOLUTION AUTHORIZING ANNUAL RENEWAL OF BUSINESS LICENSE FOR CASH AMERICA, INC. OF CHICAGO D/B/A CASH AMERICA PAWN OF CHICAGO, 6303 NORTH AVENUE, OAK PARK, ILLINOIS** be adopted, true and correct copies of said Resolution herewith being ordered filed in the Office of the Village Clerk.

RESOLUTION
AUTHORIZING
RENEWAL OF
PAWN
LICENSE FOR
CASH
AMERICA,
INC., 6303
NORTH AVE.

The roll call on the vote was as follows:

AYES: Trustees Hale, Lueck, Marsey, Pate and President Pro Tem Hedges

NAYS: None

ABSENT: Trustee Johnson and President Pope

The Resolution was adopted.

- 03.** It was moved by Trustee Hale, seconded by Trustee Pate, that Resolution 2009-R-017 entitled **RESOLUTION AUTHORIZING ANNUAL RENEWAL OF BUSINESS LICENSE FOR IRVING PARK JEWELRY & COINS, 6147 NORTH AVENUE, OAK PARK, ILLINOIS** be adopted, true and correct copies of said Resolution herewith being ordered filed in the Office of the Village Clerk.

RESOLUTION
AUTHORIZING
RENEWAL OF
PAWN
LICENSE FOR
IRVING PARK
JEWELRY &
COIN, 6147
NORTH AVE.

The roll call on the vote was as follows:

AYES: Trustees Hale, Lueck, Marsey, Pate and President Pro Tem Hedges

NAYS: None

ABSENT: Trustee Johnson and President Pope

The Resolution was adopted.

- U. REPORT/DIRECTION ON AN INTERIM 2009 PEOPLESOFT SYSTEM MAINTENANCE**

REPORT
/DIRECTION
ON AN
INTERIM 2009
PEOPLESOFT
SYSTEM
MAINTENANCE

PUBLIC COMMENT

Daniel E. Fore, P.O. Box 1104. Mr. Fore commented on the Village website, saying that he is unable to access meeting agendas and materials.

Village Manager Tom Barwin reported that PeopleSoft had been down for two consecutive days the previous week. Although the problems were resolved in-house this time, the Information Technology Department may need to seek help from an outside source for system maintenance for future failures. The Board found estimates prepared by IT Director Nepomuceno inadequate to serve as a contract, and asked for better documentation.

- V.** It was moved by Trustee Marsey, seconded by Trustee Hale, that Resolution 2009-R-018 entitled **RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH RE WALSH IN AN AMOUNT NOT TO EXCEED \$5,000 TO PERFORM INVESTIGATIVE AND CONSULTING SERVICES REGARDING PEOPLESOFT MAINTENANCE CONTRACT** be adopted, true and correct copies of said Resolution herewith being ordered filed in the Office of the Village Clerk.

RESOLUTION
AUTHORIZING
CONTRACT
FOR
INVESTIGATIVE
SERVICES
REGARDING
PEOPLESOFT
MAINTENANCE
CONTRACT

PUBLIC COMMENT

Daniel E. Fore, P.O. Box 1104. Mr. Fore voiced his opinion that PeopleSoft is oversized, overpriced and numerous FOIA requests were denied.

Gary Schwab, 316 North Oak Park Avenue. Mr. Schwab pointed out that there was no formal, public qualification process and that a gap survey did not constitute an emergency thus justifying such quick action.

William B. Sullivan, 624 South Harvey. The Board should be the fact finders, Mr. Sullivan asserted, no more consultants. He also recommended suspending Village Manager Barwin with pay, without delay. Further, he felt it lunacy that board meetings last five hours long and urged the Board to be more efficient.

The roll call on the vote was as follows:

AYES: Trustees Hale, Lueck, Marsey, Pate and President Pro Tem Hedges

NAYS: None

ABSENT: Trustee Johnson and President Pope

The Resolution was adopted.

CONSENT AGENDA

CONSENT AGENDA

PUBLIC COMMENT

Daniel E. Fore, P.O. Box 1104. Mr. Fore said that he was not able to view the CIC “Manual for Chairs” online before the meeting.

Given the hour, the Trustees agreed to dispense with a reading of the Consent Agenda items.

- J. Resolution 2009-R-019 entitled RESOLUTION AUTHORIZING EXECUTION OF RELEASE TO UNION PACIFIC RAILROAD FOR VIADUCT ENHACEMENT WORK AT OAK PARK AVENUE** RELEASE BY UNION PACIFIC RR FOR VIADUCT WORK
- K. Resolution 2009-R-020 entitled RESOLUTION AUTHORIZING A BARRIE PARK INVESTMENT PROGRAM GRANT AND LOAN: BPIP-089** BARRIE PARK GRANT & LOAN BPIP-089
- L. Motion to Accept the Zoning Board of Appeals’ Recommendation and Findings of Facts as Proposed and Direct Staff to Prepare the Necessary Documents for a Special Use Located at 169 North Grove Avenue** ACCEPT ZBA FINDINGS FOR SPECIAL USE AT 169 N. GROVE
- P1. Resolution 2009-R-021 entitled RESOLUTION AUTHORIZING THE SETTLEMENT OF EXECUTION OF A WORKER’S COMPENSATION COMMISSION SETTLEMENT CONTRACT 06-WC-55768 AND 06-WC-55769** WORKER’S COMP. SETTLEMENTS 06-WC-55768 & 55769 AND 07-WC-40461
- P2. Resolution 2009-R-022 entitled RESOLUTION AUTHORIZING THE SETTLEMENT OF EXECUTION OF A WORKER’S COMPENSATION COMMISSION SETTLEMENT CONTRACT 07-WC-40461**

Q. Resolution 2009-R-023 entitled RESOLUTION ADOPTING THE CITIZEN INVOLVEMENT COMMISSION'S "MANUAL FOR CHAIRS OF BOARDS, COMMISSIONS AND COMMITTEES IN THE VILLAGE OF OAK PARK"

T1. Motion to Change the Existing No Parking 4pm-6pm Wednesday Restriction to a Drop Off/Pick Up 6pm-9pm Wednesday Restriction on the South Side of the 1100 Block of Berkshire Street Adjacent to Oak Park Temple

T2. Motion to Remove the Existing No Parking 6pm-10pm Monday Restriction on the South Side of the 1100 Block of Berkshire Street Adjacent to Oak Park Temple

ADOPTION OF
CIC "MANUAL
FOR CHAIRS"

MOTIONS TO
CHANGE
PARKING
RESTRICTIONS
ON 1100
BERKSHIRE
ADJACENT TO
OAK PARK
TEMPLE

Approval of the Consent Agenda

It was moved by Trustee Pate, seconded by Trustee Hale, to approve the items under Consent. True and correct copies of the Resolutions and Motions are herewith ordered to be filed in the Office of the Village Clerk.

APPROVE
CONSENT
AGENDA

The roll call on the vote was as follows:

AYES: Trustees Hale, Lueck, Marsey, Pate and President Pro Tem Hedges

NAYS: None

ABSENT: Trustee Johnson and President Pope

The Consent Agenda was approved.

CALL TO BOARD AND CLERK

Trustee Pate responded to the comment about the length of the meeting, noting the lengthy agenda tonight and the unusually large number of citizens wishing to speak. She admitted efficiencies are always possible. Trustee Pate thanked Stacy Sorg and her committee for their efforts on the "Manual for Chairs."

Trustee Marsey thanked Trustee Hedges for serving as President Pro Tem. He also thanked those speaking in favor of the Living Wage, and acknowledged this as a good thing, but this being a difficult time to implement it.

Trustee Hale said President Obama symbolizes the diversity Oak Park stands for, and he wished President Obama "Good Luck."

Trustee Lueck reminded everyone that we are witnessing history. On the lengthy meeting topic, Trustee Lueck agreed that five hours on a straightforward agenda is 'absurd.' She pointed out that items at the beginning of the agenda seem to take an hour, while items at the end are given five minutes.

Trustee Hedges agreed with Trustee Lueck's assessment, and suggested there were policy and procedure decisions that the Board struggles with, that perhaps they shouldn't be making at all.

CALL TO
BOARD AND
CLERK

ADJOURN

ADJOURN

It was moved by Trustee Lueck, seconded by Trustee Pate, to adjourn the meeting. A voice vote was taken and the motion was approved. The meeting was adjourned at 12:26 A.M. Wednesday, January 21st, 2009.

SUBMITTED AND RECORDED IN THE OFFICE OF:

Sandra Sokol, Village Clerk

By: Karen Morris Muriello
Deputy Village Clerk