

**APPROVED MINUTES - REGULAR BOARD MEETING
PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OAK PARK
HELD ON MONDAY, JULY 18TH, 2011 AT 6:30 P.M.
IN THE COUNCIL CHAMBERS OF OAK PARK VILLAGE HALL**

I. CALL TO ORDER

President Pro-Tem Johnson called the meeting to order at 6:30 p.m.

II. ROLL CALL

PRESENT: Trustees Brewer, Lueck, Salzman and Tucker; President Pro-Tem Johnson

ABSENT: Trustee Hedges; President Pope

III. ADJOURN TO EXECUTIVE SESSION TO DISCUSS LABOR

In compliance with the Open Meetings Act, it was moved and seconded to adjourn to Executive Session for discussion of labor in Room 130.

The roll call on the vote was as follows:

AYES: Trustees Brewer, Lueck, Salzman and Tucker; President Pro-Tem Johnson

NAYS: None

ABSENT: Trustee Hedges, President Pope

The motion was approved.

IV. RETURN TO OPEN MEETING 7:30 PM IN COUNCIL CHAMBERS

PRESENT: Trustees Brewer, Hedges (9:42), Johnson, Lueck, Salzman and Tucker;
President Pope (9:42)

ABSENT: None

The Regular Meeting reconvened at 7:30 p.m. in Council Chambers.

V. AGENDA APPROVAL

It was moved and seconded to approve the agenda for the meeting as presented. Trustee Johnson suggested that Item VIII be moved to the front of the agenda. A voice vote was taken and the agenda was approved as amended.

VIII. RESOLUTION – IN MEMORIAM OF GUS KOSTOPULOS

Trustee Johnson read the resolution aloud. It was moved and seconded that a **RESOLUTION IN MEMORIUM OF GUS KOSTOPULOS** be adopted.

Trustees Lueck and Johnson spoke admirably of Former Trustee Kostopulos. Mr. Kostopulos' daughter Elaine gave thanks on behalf of her family.

The roll call on the vote was as follows:

AYES: Trustees Brewer, Johnson, Lueck, Salzman and Tucker

NAYS: None

ABSENT: Trustee Hedges, President Pope

The resolution was adopted.

VI. MINUTES

It was moved and seconded that the minutes of the Special Meeting of June 27, 2011 be approved. A voice vote was taken and the minutes were approved as presented.

IX. VILLAGE MANAGER REPORTS

Deputy Village Manager Lisa Shelley stated that construction continues on South Marion Street and Roosevelt Road and street resurfacing has begun. Residents who would like additional information regarding these projects may contact Public Works. She noted the cooling centers open throughout the Village and reminded residents to check on their neighbors during the current heat wave.

XII. CITIZEN COMMISSION APPOINTMENTS, REAPPOINTMENTS, REMOVAL, RESIGNATION AND CHAIR APPOINTMENTS

Village Clerk Teresa Powell read aloud the names of those recommended for appointment this evening.

It was moved and seconded to concur in the following appointments:

Board of Health

Appointment of Nathan Pimentel, as Member, with a term to expire July 18, 2012

Community Development Citizens Advisory Committee

Appointment of Lynn Kessen, as Member, with a term to expire July 18, 2014

Environment and Energy Commission

Appointment of Brian Chang, as Member, with a term to expire July 18, 2014

Madison Street Coalition

Appointment of Rita Atwood, as Member, with a term to expire July 18, 2014

Plan Commission

Appointment of Douglas Gilbert, as Member, with a term to expire July 18, 2014

Zoning Board of Appeals

Appointment of Mike Quinn, as Chair, with a term to expire July 18, 2016

The roll call on the vote was as follows:

AYES: Trustees Brewer, Johnson, Lueck, Salzman and Tucker

NAYS: None

ABSENT: Trustee Hedges, President Pope

The motion was approved.

XI. CITIZEN COMMISSION VACANCIES

Village Clerk Powell referred to the Board and Commission vacancy report, and urged residents to volunteer. She added that interested residents may contact the Clerk's Office for more information and added that the online volunteer application is now live.

Trustee Johnson congratulated Village Clerk Powell regarding the low number of commission vacancies.

VII. NON-AGENDA PUBLIC COMMENT

There were no comments.

XIII. PUBLIC HEARING

A. Public Hearing on the Draft Plan for the Village of Oak Park's Community Choice Aggregation

Sustainability Manager K.C. Poulos gave a PowerPoint presentation regarding the history of the aggregation plan.

Trustee Johnson noted that there will be a second public hearing on August 1 and asked for comments.

Gary Barnes, 627 S. Humphrey. Mr. Barnes was not in favor of consumer choice of electric service.

Ms. Poulos explained that the I.C.C. has separated the supplier and distributor rates within electric bills, allowing consumers to secure a rate lower than that of Exelon, the current energy supplier. She noted that many larger businesses have already done this; typically small businesses and residents do not conduct the due diligence to research these companies on their own. The aggregation process allows the Village to do this on behalf of the residents and enables them to bundle these accounts, making them more competitive in the market when seeking a better rate.

Jim Dickert, 303 N. Oak Park Ave., #1C. Mr. Dickert said he would like to see the Village choose a 100% green option for energy.

Trustee Tucker asked for a timeline for the process. Ms. Poulos replied that she hopes to have a recommendation for the Board for finalization in September.

Trustee Brewer asked if an alternative energy supplier would offer 100% green as well as other mixes and if they can be offered on an individual customer basis. Ms. Poulos said that the aggregation plan is typically based on one rate for the entire group, but noted that some California communities offer a "light green" and "dark green" alternative to choose from.

Trustee Brewer asked if someone could opt out of the program. Ms. Poulos explained that all residential and small commercial retail customers are automatically included in the plan, with the exception of those who already use a third party supplier, and will have an opportunity to opt out if they choose.

Trustee Lueck commented that it would be helpful to have an average usage pattern to determine the impact on citizens of various rate proposals.

Trustee Johnson expressed concern regarding the possibility of Com Ed challenging deregulation. Ms. Poulos stated that Com Ed would have no reason to do that, as they are the distributor. It would be the retail suppliers, such as Exelon, who would want to influence the I.C.C. She noted that there has been an attempt at the state level to limit the definition of small commercial retail businesses that would be covered by the aggregation plan; the Village has addressed this in a letter to the I.C.C. asking them to maintain the current broader definition.

XIV. FIRST READING

B. Ordinance Amending Article 26, of Chapter 2 Relating to the Elimination of the Telecommunications Commission and Establishment of a New Digital Technology Commission

Telecommunications Commission Chair John Shuler spoke about the purpose of a proposed new commission dealing with information technology and related issues and the need for this new commission. He asked the Board to consider the potential opportunities as well as the policy advice on best practices that the new commission will provide.

Due to time constraints, Trustee Johnson suggested referring this item to a work group and bring it back to the Board. Trustee Lueck suggested that each trustee highlight their main comments and save any in-depth feedback for the second reading.

Trustee Johnson noted that two different recommendations have been presented to them; one completed by staff and the other by the CIC and Mr. Shuler. Board comments can give direction to a new version for the Board to review.

Trustee Tucker said that the direction he would like to send back to staff is that the new commission should be viewed as a strategic partnership, not an outside agency telling staff what to do.

Trustee Lueck said with advances in technology being so uncertain, it is more practical to create a broader ordinance that doesn't have to be redrafted because it was written

too narrowly. She expressed concern regarding language stating that this commission acts as liaison to cable and telecommunications providers, adding that this is typically staff responsibility and should be removed. She concluded by stating that members of this commission should be expected to have knowledge of the areas addressed by this commission and it was important to include these expectations in the enabling language.

Trustee Salzman preferred the name Civic Information Technology as opposed to Digital Technology, stating it more adequately captured the scope of the commission.

Trustee Johnson said that it was important to have professional requirements detailed in the enabling language.

Trustee Johnson summarized what was discussed and directed staff to prepare an ordinance for a second reading with these recommended changes.

XV. SECOND READING

C. Second Reading of an Ordinance Amending Chapter 3 of the Village Code Entitled "Alcoholic Liquor Dealers"

Village Clerk Powell discussed the changes that were recommended during the first reading of the ordinance and noted that it had been amended to reflect them.

XI. REGULAR AGENDA

All Ordinances and Resolutions adopted herein are herewith ordered filed in the Office of the Village Clerk

F. It was moved and seconded that Ordinance 2011-O-43 entitled AN ORDINANCE AMENDING CHAPTER 3 OF THE VILLAGE CODE ENTITLED "ALCOHOLIC LIQUOR DEALERS" be adopted.

The roll call on the vote was as follows:

AYES: Trustees Brewer, Johnson, Lueck, Salzman and Tucker

NAYS: None

ABSENT: Trustee Hedges, President Pope

The ordinance was adopted.

D. Presentation by the Chicago Metropolitan Agency for Planning on Preliminary Data for Homes for a Changing Region Report for the Village of Oak Park

Housing Services Manager Tammie Grossman presented the preliminary data gathered by the Chicago Metropolitan Agency for Planning (CMAP) regarding housing trends. She stated that there will be a community meeting on September 8 at the Nineteenth Century Club, allowing community stakeholders to decide what housing

choices they would like to see in two focus areas, the Oak Park Blue Line and Madison and Oak Park, based on the information in this report.

Representatives from the Metropolitan Planning Council and the Metropolitan Mayors Caucus spoke about the history of the project and gave a PowerPoint presentation that covered existing housing supply, matches and mismatches by age, household income and tenure. The report will be refined pending the outcome of the September 8 meeting.

After discussion and questions from the Board, Ms. Grossman invited the chairs of the Universal Access Commission, Madison Street Coalition and Housing Programs Advisory Commission to convene in Room 101 for further discussion.

Trustee Johnson proposed a five-minute break.

After the break, President Pope and Trustee Hedges joined the meeting.

E. Recommendation to Establish a Speed Table Policy in the Village of Oak Park and Direct Staff to Prepare the Necessary Documents

Tabled.

O. Resolution Authorizing Agreement for Legal Services with Raymond L. Heise

Trustee Salzman moved to narrow the scope of representation to the specific items detailed in Attachment A, Items A through F, striking the final paragraph and reducing authorized billable hours from 599 to 300. Trustee Johnson seconded.

Trustee Tucker requested that Mr. Heise secure malpractice insurance as part of the agreement. He added that the Board should monitor how much is spent on outside counsel.

Trustee Lueck stated that it is logical for Mr. Heise to finish up the projects on Attachment A, but the Board should be made aware of any new assignments.

Trustee Brewer expressed concern that not putting a cap on the hours could result in an additional \$80,000 paid to a retiree and he could not justify that.

Trustee Johnson preferred limiting the hours and projects during the Reinventing Government work group's discussions regarding the status of the Legal Department. He added that if the Village used another attorney for these duties, they would still be paying a pension to an employee in addition to legal fees to outside counsel, but at a much higher rate than what Mr. Heise is offering.

President Pope stated that he understood the rationale of trying to reach an expedited conclusion regarding how to proceed in terms of the provision of legal services but questioned whether the Board was treating Mr. Heise differently than other attorneys with whom they have contractual relationships. He noted that all legal contracts that come up before the Board should be treated equally. The need to act quickly should be made clear and it should be acknowledged that this is not a

commentary on the legal services or the costs associated with the provision of those services.

The motion was withdrawn.

It was moved and seconded to approve the following amendments: change "will retire" to "retired" (paragraph 3); change "June 30, 2011" to "July 18, 2011" (paragraph 6); change "599" to "300" (Item 1); remove "This agreement will be renewable for additional periods of time by written agreement of the parties" and replace with "This agreement will not be renewed without a written agreement approved in advance by the Board of Trustees" (Item 2); remove "Mr. Heise will provide legal services on those projects that are assigned to him in writing, including by email, by the Village Manager or the Acting Village Attorney. The initial projects are listed in Attachment A" and replace with "Mr. Heise will provide legal services on only those projects listed in Attachment A" (Item 3); use the term "Acting Village Attorney" consistently throughout the document; and add "Mr. Heise shall obtain attorney's malpractice insurance, provided that the amount and limit of coverage will be approved by the Village Manager and Village Attorney" (Item 12).

The roll call on the vote was as follows:

AYES: Trustees Brewer, Hedges, Johnson, Lueck, Salzman and Tucker; President Pope

NAYS: None

ABSENT: None

The motion was approved.

It was moved and seconded that Resolution 2011-R-121 entitled **RESOLUTION AUTHORIZING AN AGREEMENT FOR LEGAL SERVICES WITH RAYMOND L. HEISE** be adopted as amended.

The roll call on the vote was as follows:

AYES: Trustees Brewer, Hedges, Johnson, Lueck, Salzman and Tucker; President Pope

NAYS: None

ABSENT: None

The resolution was adopted.

XVII. CONSENT AGENDA

- G. Resolution 2011-R-122 entitled RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT REGARDING THE NEAR WEST SUBURBAN HOUSING COLLABORATIVE WITH THE VILLAGE OF MAYWOOD ENTERING INTO AN INDEPENDENT CONTRACTOR SERVICES AGREEMENT FOR AN INTER-JURISDICTIONAL HOUSING COORDINATOR**
- H. Ordinance 2011-O-44 entitled ORDINANCE AUTHORIZING THE DISPOSITION OF SURPLUS BICYCLES ON AN "AS IS" BASIS FOR BICYCLES**
- I. Ordinance 2011-O-45 entitled ORDINANCE AUTHORIZING THE DISPOSAL OF SURPLUS EQUIPMENT ON AN "AS IS" BASIS FOR EQUIPMENT**

- K. Motion to Refer Application for Special Use Permit from Oak Leaf Academy LLC. To Operate a Day-Care Center at 149-155 S. Oak Park Avenue to the Zoning Board of Appeals to Hold a Public Hearing
- L. Resolution 2011-R-123 ENTITLED RESOLUTION AUTHORIZING AND DIRECTING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF OAK PARK AND THE PARK DISTRICT OF OAK PARK FOR INTERGOVERNMENTAL USE OF PARKING FACILITIES
- M. Motion to Refer Application for Special Use Permit from Little Legends to Operate a Day-Care Center at 210 Chicago Avenue to the Zoning Board of Appeals
- N. Resolution 2011-R-124 entitled RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH WISS, JANNEY, ELSTNER ASSOCIATES, INC. FOR ENGINEERING SERVICES RELATED TO THE PUBLIC WORKS CENTER IN AN AMOUNT NOT TO EXCEED \$84,575.80 AND WAIVING THE VILLAGE'S BID PROCESS
- P. Resolution 2011-R-125 entitled RESOLUTION AUTHORIZING A CONTRACT WITH A&B LANDSCAPING & TREE SERVICE OF RIVERSIDE, IL FOR 2011 EMERGENCY STORM DAMAGE CLEAN UP SERVICES IN AN AMOUNT NOT TO EXCEED \$31,920
- Q. Approval of Current List of Bills

APPROVE THE CONSENT AGENDA

It was moved and seconded to approve the items under the Consent Agenda.

The roll call on the vote was as follows:

AYES: Trustees Brewer, Hedges, Johnson, Lueck, Salzman and Tucker; President Pope

NAYS: None

ABSENT: None

The Consent Agenda was approved.

CALL TO THE BOARD AND CLERK

Village Clerk Powell again stated that the volunteer application is live online, noting Former Trustee Gus Kostopoulos' lifetime of service to the Village began as a commission volunteer. She urged residents to participate in the online energy aggregation survey and the CMAP meeting on September 8. Village Clerk Powell stated that Public Art Advisory Commission Chair David Sokol suggested there be a meeting of all past trustees and clerks to bring together their wisdom and tap into it in a way that might be helpful to the current Board of Trustees. She offered to coordinate such a meeting if the Board was interested. She concluded by recommending the current production at Festival Theatre and urged all to attend.

Trustee Salzman announced that the dedication of the Arched Rings sculpture at Harlem and Ontario was scheduled for Thursday, July 21 at 6:30 and encouraged residents to attend. He suggested that the Board address the texting while driving issue

Trustee Lueck was in favor of meeting with former trustees and village clerks. She agreed with Trustee Salzman regarding texting while driving. She spoke about the Illinois Civil

Union law and noted that since it is not a Federal law, individuals will be taxed on the amount of money used towards their partner's health insurance on their federal income taxes.

Trustee Johnson also liked the idea a discussion with former trustees and clerks; the Board will likely learn something and potentially avoid some pitfalls. He discussed the cooling centers and reminded residents to check on their neighbors, especially the elderly and those with disabilities. Trustee Johnson spoke enthusiastically about the CMAP presentation, and encouraged residents to attend the September 8 meeting.

Trustee Brewer also praised the CMAP presentation and looked forward to the September meeting.

Trustee Tucker was also interested in meeting with former trustees and clerks. He noted that the annual bike sale will be held on Saturday, July 23, and urged residents to register their bikes.

Trustee Hedges mentioned the cooling centers and told residents not to hesitate to use them; he also reminded citizens to check on their neighbors.

ADJOURN

In compliance with the Open Meetings Act, it was moved and seconded to adjourn to Executive Session for discussion of litigation in Room 130. A voice vote was taken and the motion was approved. The meeting adjourned at 10:17 P.M. Monday, July 18, 2011.

SUBMITTED AND RECORDED IN THE OFFICE OF:

Teresa Powell, Village Clerk

By: MaryAnn Schoenneman
Interim Deputy Village Clerk