

**APPROVED MINUTES - REGULAR BOARD MEETING  
PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OAK PARK  
HELD ON MONDAY, MARCH 19<sup>TH</sup>, 2012 AT 6:30 P.M.  
IN THE COUNCIL CHAMBERS OF OAK PARK VILLAGE HALL**

**I. CALL TO ORDER**

President Pope called the meeting to order at 6:30 p.m.

**II. ROLL CALL**

PRESENT: Trustees Brewer, Hedges, Johnson, Lueck, Salzman and Tucker; President Pope  
ABSENT: None

**III. ADJOURN TO EXECUTIVE SESSION TO DISCUSS SALE OF PROPERTY, LABOR, PERSONNEL AND LITIGATION**

In compliance with the Open Meetings Act, it was moved and seconded to adjourn to Executive Session to discuss sale of property, labor, personnel and litigation in Room 130.

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.

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

PRESENT: Trustees Brewer, Hedges, Johnson, Lueck, Salzman and Tucker; President Pope  
ABSENT: None

The Regular Meeting reconvened at 7:45 p.m. in Council Chambers.

**V. AGENDA APPROVAL**

A report regarding Intergovernmental Meetings was added. Item T was removed. It was moved and seconded to approve the agenda for the meeting. A voice vote was taken and the agenda was approved as amended.

**VI. MINUTES**

It was moved and seconded that the minutes of the Special Meetings of February 27, 2012, March 1, 2012 and March 12, 2012 be approved. A voice vote was taken and the minutes

were approved as presented. Trustees Salzman abstained from February 27; Trustees Brewer and Salzman abstained from March 1.

#### **VII. NON-AGENDA PUBLIC COMMENT**

Patricia McMillen, 206 Le Moyne Pkwy. Ms. McMillen spoke in favor of making downspout disconnection mandatory for all residents.

#### **VIII. PROCLAMATION – COMMEMORATING THE 100<sup>TH</sup> ANNIVERSARY OF THE PARK DISTRICT OF OAK PARK, APRIL 2, 2012**

President Pope read the proclamation aloud. It was moved and seconded that the proclamation entitled **COMMEMORATING THE 100<sup>TH</sup> ANNIVERSARY OF THE PARK DISTRICT OF OAK PARK, APRIL 2, 2012** be adopted. A voice vote was taken and the proclamation was adopted.

#### **IX. PROCLAMATION – EARTH MONTH**

President Pope read the proclamation aloud. It was moved and seconded that the proclamation entitled **EARTH MONTH** be adopted. A voice vote was taken and the proclamation was adopted.

#### **X. PROCLAMATION – ARBOR DAY**

President Pope read the proclamation aloud. It was moved and seconded that the proclamation entitled **ARBOR DAY** be adopted. A voice vote was taken and the proclamation was adopted.

#### **XI. VILLAGE MANAGER REPORTS**

Interim Village Manager Cara Pavlicek announced that a workshop sponsored by Energy Impact Illinois would be held on March 21 from 7:00 to 9:00 p.m. in Council Chambers at Village Hall. Resurfacing on North Avenue and IDOT construction on Harlem Avenue will begin in April.

#### **XII. VILLAGE BOARD COMMITTEES**

Trustee Lueck spoke about items discussed at a meeting of the Intergovernmental Committee. Recommended short term projects include expanding the OP FYI to incorporate news from all taxing bodies. There was also unanimous support for increasing financial assistance for the Early Childhood Collaboration. Medium term projects consist of exploring the concept of shared space, increasing minority state representation and supporting the Irving School yard project. Long term projects include better utilization of products and resources and cost sharing of items such as vehicles, as well as installation of indoor pools.

**XIII. CITIZEN COMMISSION VACANCIES**

President Pope referred to the Board and Commission vacancy report, and urged residents to volunteer.

**XIV. CITIZEN COMMISSION APPOINTMENTS, REAPPOINTMENTS, REMOVAL, RESIGNATION AND CHAIR APPOINTMENTS**

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

**Public Art Advisory Commission**

Appointment of Lorenza Perelli, as Member, with a term to expire March 19, 2015

**Transportation Commission**

Appointment of Michael Stewart, as Member, with a term to expire March 19, 2015

A voice vote was taken and the motion was approved.

**XV. SECOND READING****B. First Readings Related to Teen Alcohol, Cannabis and Tobacco Use**

1. Ordinance Amending Chapter 8, Article 6 of the Village Code Entitled "Comprehensive Regulation of Tobacco Products"
2. Ordinance Creating Chapter 17, Article 2, "Offenses Relating to Underage Drinking and Illicit Drug Use" and Amending Section 3-5-9(A) of the Village Code
3. Ordinance Amending Chapter 29, Article 1 of the Village Code Related to the Scope of Authority of Administrative Law Judges

George Thompson, 1128 N. Ridgeland, representing IMPACT. Mr. Thompson spoke in favor of education and counseling in lieu of punitive consequences regarding the tobacco ordinance.

David Boulanger, 207 N. Euclid, representing Oak Park Township. Mr. Boulanger spoke favorably about a meeting held with representatives from the School District, Oak Park and River Forest Police Departments and Village staff regarding the proposed ordinances.

Sharon Patchak-Layman, 512 Lyman. Ms. Patchak-Layman expressed concern in regards to juvenile confidentiality issues in the adjudication process.

Director of Adjudication Robert Anderson clarified that in order for any local juvenile adjudication records to be accessed, one would have to specifically know that a particular juvenile came into adjudication, was adjudicated liable or not liable and make a FOIA request for the records. The change in the FOIA law now requires that some of this information be disclosed if someone requests something specific. Beyond

that, this information would not be shared. Trustee Salzman suggested establishing a formal policy regarding confidentiality of juvenile records.

Village Attorney Simone Boutet stated that although adjudication is a public process, these violations are not reportable and would not remain on someone's record. She also reiterated Mr. Anderson's remarks about the process one would have to go through to access any of these records.

## **XVI. REGULAR AGENDA**

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

### **D. Ordinances Related to Teen Alcohol, Cannabis and Tobacco Use**

- 1.** It was moved and seconded that an **Ordinance Amending Chapter 8, Article 6 of the Village Code Entitled "Comprehensive Regulation of Tobacco Products"** be adopted.

Trustee Johnson stated that this could create unintended consequences that counter what the Board is trying to achieve. President Pope asked if there was a way to modify the current adjudication system to allow confidentiality to be granted. Ms. Boutet stated that there is nothing in the Freedom of Information Act that protects juvenile adjudication records from release. President Pope recommended that Ms. Boutet do some research as to what extent the Village can shield youth records or youths who go through the adjudication process and bring that information back to the Board. Therefore, no action will be taken on these items at this meeting.

Trustee Tucker initiated a conversation regarding Section 17-2-6 "Exceptions" in Item D.2.

George Thompson, 1128 N. Ridgeland, representing IMPACT. Mr. Thompson discussed this Section, noting it is unenforceable whether the language is changed or left as it is.

Ms. Boutet clarified the intent of the language in Section 17-2-6.

Trustee Lueck did not agree with (b), regarding checking I.D.'s and (f), regarding advising law enforcement that one will be departing their residence for a length of time, under "Reasonable Steps". Trustee Tucker did not agree with (f), adding that it can be interpreted as an automatic out for the parent(s). Ms. Boutet stated that this is a reasonable thing to do in order to prevent a party at one's residence; those going on vacation often alert police to keep watch on their homes.

Trustee Johnson also thought (f) should be removed, adding that it should still be an option for residents but should not be considered a reasonable step to prevent alcohol consumption. Following discussion, he also agreed with Trustee Lueck regarding (b) and asked that it be removed as well.

Trustee Lueck stated that she disagreed that it be unlawful for an underage person to attend a party or event where alcohol or illicit drugs are being consumed. One should be responsible for just one's own behavior. Trustee Salzman agreed.

President Pope reiterated his instructions to Ms. Boutet regarding the issue of disclosure.

The motion was withdrawn.

**2. Ordinance Creating Chapter 17, Article 2, "Offenses Relating to Underage Drinking and Illicit Drug Use" and Amending Section 3-5-9(A) of the Village Code**

Tabled.

**3. Ordinance Amending Chapter 29, Article 1 of the Village Code Related to the Scope of Authority of Administrative Law Judges to Authorize Administrative Law Judges**

Tabled.

**E. Discussion and Public Comment Regarding the Village Manager Search**

Trustee Johnson explained that an RFQ will be issued to obtain an outside firm to recruit candidates for the Village Manager position. There will be a meeting held on May 1 at 6:30 p.m. to interview up to three firms that respond.

**1. It was moved and seconded to Release the RFQ for Consultant Services for Assistance with the Village Manager Search.**

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.

**H. Consideration of a Recommendation from the Public Art Advisory Commission (PAAC) to Approve the Development of a Temporary Sculpture Exhibition in the Greater Downtown Area**

**1. It was moved and seconded to Accept the Recommendation from the PAAC and Area and Direct Staff to Prepare the Necessary Documents and Budget Amendment..**

Public Art Advisory Commission (PAAC) Chair David Sokol stated that this would include 12 sculptures placed throughout the Greater Downtown Area in both public and private locations yet to be determined. The exhibit would run from June through October and coincide with The International Sculpture Commissions Annual Meeting held in Chicago. He also was requesting that a temporary position be created to help coordinate this with members of the PAAC and any other interested parties.

Trustee Johnson asked Staff Liaison Loretta Daly to give more details on the process and expressed concern regarding the liability issues at private residences. Ms. Daly

stated that the PAAC will be meeting later this week to put together the call for artists. She also has knowledge of several individuals qualified for the coordinator position. Regarding liability, she noted that she and Ms. Boutet are continuing to look at that issue prior to selecting any sites. Ms. Boutet added that the Village may want to consider providing liability insurance to the participant, as they are being asked to assist in a Village program.

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.

**G. Resolution Authorizing the Implementation of a Sewer Backup Protection Grant Program in an Amount of \$225,000.00 for Fiscal Year 2012**

Director of Public Works John Wielebnicki summarized what had been agreed to during the prior meetings addressing this subject. He added that the Housing Programs Division will be administering the Grant Program.

It was moved and seconded that Resolution 2012-R-55 entitled **RESOLUTION AUTHORIZING THE IMPLEMENTATION OF A SEWER BACKUP PROTECTION GRANT PROGRAM IN AN AMOUNT OF \$225,000.00 FOR FISCAL YEAR 2012** be adopted.

Trustee Lueck explained the rationale of the Board's decision regarding a grant program versus a loan program. Trustee Johnson added that there was lengthy discussion on the topic of public health concerns and the impact of public sewage in one's home. For this reason, making this a shared responsibility with homeowners was determined to be appropriate under the grant proposal.

Trustee Brewer disagreed, noting that lead paint is also a health hazard but the Village addresses this issue with a loan program. Trustee Salzman noted that lead paint in one's home is not the result of infrastructure failure; it is appropriate to move in the direction of grants. Trustee Hedges stated that residents below the low-income threshold of \$113,700 may not be able to afford their portion of a new flood control system with a grant; those that need it most will not consider improvements.

Housing Services Manager Tammie Grossman clarified that the lead paint program is grant-based; H.U.D. requires removal of lead paint in any rehab activity. Only the rehab portion of the program is loan-based. She added that some residents are hesitant to take on loans, especially those who do not have a mortgage.

There were discussions regarding retroactivity of the program and the capacity design of the sewer system.

The roll call on the vote was as follows:

AYES: Trustees Johnson, Lueck, Salzman and Tucker

NAYS: Trustees Brewer and Hedges; President Pope

ABSENT: None

The resolution was adopted.

- X. **Presentation and Discussion of the Village of Oak Park 2012 TIGER Grant Application**  
Tabled.

#### **XVII. CONSENT AGENDA**

- J. Resolution 2012-R-56 entitled **RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED AGREEMENT BETWEEN THE VILLAGE OF OAK PARK AND THE OAK PARK REGIONAL HOUSING CENTER FOR 2012 IN AN AMOUNT NOT TO EXCEED \$385,000**
- K. Resolution 2012-R-57 entitled **RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE PRICE AGREEMENT WITH HD SUPPLY WATERWORKS OF CAROL STREAM, IL FOR MATERIALS FOR INSTALLATION AND REPAIR OF FIRE HYDRANTS, WATER SERVICES, WATER MAINS AND SEWERS IN AN AMOUNT NOT TO EXCEED \$62,000.00 IN FISCAL YEAR 2012**
- L. Resolution 2012-R-58 entitled **RESOLUTION AUTHORIZING THE EXECUTION OF A ONE-YEAR CONTRACT EXTENSION WITH DISPOSALL WASTE SERVICES, LLC OF FOREST VIEW, IL FOR VILLAGE WIDE REFUSE/RECYCLING CONTAINER PICK UP SERVICES IN AN AMOUNT NOT TO EXCEED \$132,000.00**
- M. Resolution 2012-R-59 entitled **RESOLUTION AUTHORIZING THE EXECUTION OF A COOPERATIVE AGREEMENT BETWEEN THE VILLAGE OF OAK PARK AND IFF IN THE AMOUNT OF \$2,215,666 AS A SUB-RECIPIENT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY CHALLENGE PLANNING GRANT**
- N. Resolution 2012-R-60 entitled **RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH CERNIGLIA COMPANY FOR PROJECT 12-5, HARLEM AVENUE SEWER IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$177,197.00**
- O. **Motion Authorizing the Release of an Amendment to the 2011 US HUD Annual Action Plan for a 30-Day Public Comment Period**
- Q. Resolution 2012-R-61 entitled **RESOLUTION DECLARING A DISTRIBUTION OF \$619,917 IN TAX INCREMENT REVENUES FROM THE MADISON STREET TIF DISTRICT TO TAXING DISTRICTS BASED UPON 2010 TAX RATES**
- R. Resolution 2012-R-62 entitled **RESOLUTION AUTHORIZING A ONE YEAR AGREEMENT WITH DOWNTOWN OAK PARK FOR THE INSTALLATION AND MAINTENANCE OF SEASONAL PLANTINGS IN VILLAGE LANDSCAPING FOR THE YEAR 2012**
- S. Resolution 2012-R-63 entitled **RESOLUTION AUTHORIZING THE EXECUTION OF A ONE YEAR AGREEMENT WITH CHRISTY WEBBER & COMPANY OF CHICAGO, ILLINOIS FOR THE 2012 COMMERCIAL DISTRICT PLANTER PROGRAM IN AN AMOUNT NOT TO EXCEED \$53,595.00**
- U. Resolution 2012-R-64 entitled **RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT FOR AN EMPLOYEE LEASE AGREEMENT WITH GOVTEMPS**

- V. **Technical Corrections to Ordinance Further Amending Ordinance 2010-0-14, as Previously Amended by Ordinance 2010-0-91 and 2011-0-15, Authorizing Issuance of an Amended Special Use Permit to Permit a Planned Development for a Mixed Use Residential and Commercial Development with Residential Apartments, Retail Space and Public Parking**
- W. Resolution 2012-R-65 entitled **RESOLUTION AUTHORIZING THE VILLAGE OF OAK PARK TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE TEAMSTERS, LOCAL 705 CONCERNING TERMS AND CONDITIONS OF EMPLOYMENT FOR EQUIPMENT OPERATORS AND RELATED JOB CLASSIFICATIONS FOR A TERM COMMENCING APRIL 1, 2012 AND ENDING MARCH 31, 2014**
- XVIII. **Motion to Approve the Bills for the weeks beginning March 5<sup>th</sup> through March 16<sup>th</sup> in an amount of \$896,317.09**

### **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 spoke about the book "Silent Spring" and encouraged all to read it. Trustee Tucker noted that the "Green Tuesdays" environmental lecture series will begin at the Oak Park Library. He also spoke favorably about the outdoor spaces of area restaurants.

Trustee Lueck suggested that the Board take another look at the Living Wage ordinance. She added that there has been some concern regarding the RFQ process for the web re-design and stated that an official response from the Board is in order.

Trustee Salzman spoke about the bike paths. He agreed with Trustee Lueck's recommendation regarding the Living Wage ordinance. He also noted that there will be a Plan-It-Green presentation at the Oak Park Conservatory on March 22.

Trustee Johnson announced that there was a 47% increase in the number of home sales in the Village over the past two months as well as increased home values. He also suggested that technology be used more effectively in regards to reporting problems to Public Works. He also spoke about Item M on this meeting's agenda and his concerns were addressed by Trustee Lueck. Trustee Johnson also expressed reservation in regards to the method being used for the web re-design RFQ.

Trustee Hedges stated that the responsibilities of Board Committees should be reviewed.

Interim Village Manager Pavlicek spoke about the web re-design and stated that more detailed information would be distributed tomorrow.



President Pope expressed appreciation to Human Resources Director Frank Spataro and other staff involved in negotiation of Item W, a new police contract, as the new agreement has been completed prior to the expiration of the old one.

**ADJOURN**

It was moved and seconded to adjourn. A voice vote was taken and the motion was approved. The meeting adjourned at 10:56 P.M. Monday, March 19, 2012.

**SUBMITTED AND RECORDED IN THE OFFICE OF:**

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Teresa Powell, Village Clerk

By: MaryAnn Schoenneman  
Interim Deputy Village Clerk