

**APPROVED MINUTES - REGULAR BOARD MEETING
PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OAK PARK
HELD ON TUESDAY, SEPTEMBER 18th, 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 6:33 p.m.

II. ROLL CALL

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

**III. CONSIDERATION OF MOTION TO ADJOURN TO EXECUTIVE SESSION
TO DISCUSS COLLECTIVE BARGAINING, LITIGATION AND SALE OF PROPERTY IN ROOM 130**

In compliance with the Open Meetings Act, it was moved and seconded to adjourn to Executive Session to discuss collective bargaining, litigation and sale of property 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 7:33 p.m. in Council Chambers.

V. AGENDA APPROVAL

President Pope noted that Item I was removed from the agenda. It was moved and seconded to approve the agenda for the meeting. A voice vote was taken and the agenda was approved as presented.

VI. MINUTES

It was moved and seconded that the minutes of the Regular Meeting of September 4, 2012 and the Special Meeting of September 10, 2012 be approved. A voice vote was taken and the minutes were approved as presented.

VII. NON-AGENDA PUBLIC COMMENT

Tim McDonald, Vice-President of Service Employees International Union Local 73. Mr. McDonald expressed dissatisfaction regarding negotiations for collective bargaining unit members.

VIII. VILLAGE MANAGER REPORTS

There were no reports from the Village Manager.

IX. VILLAGE BOARD COMMITTEES

There were no reports from the Village Board Committees.

X. CITIZEN COMMISSION VACANCIES

President Pope referred to the Board and Commission vacancy report, and urged residents to volunteer. Trustee Johnson commented that the Zoning Board of Appeals was short-staffed, noting that a referral to that commission was on tonight's agenda. He asked if there were any potential appointments. Village Clerk Powell replied that there was one interested candidate and that the Citizen Involvement Commission was actively seeking others.

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

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

Community Design Commission

Appointment of Lindsay Salvatore, as Member, with a term to expire September 18 2015

Historic Preservation Commission

Reappointment of Joerg Albrecht, as Member, with a term to expire September 8, 2015

Liquor Control Review Board

Appointment of Jane Miller, as Member, with a term to expire September 18, 2015

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.

XII. SECOND READING

B. Second Reading of Ordinance Amending Section 4-1-6 of the Village Code Entitled “Village Ambulance Services; Fees”

Trustee Salzman asked if the current fees covered the cost of the service. Fire Chief Tom Ebsen stated that these fees have not increased in three years and were based on 2005 labor costs. Oak Park’s rates have fallen behind those of other municipalities, and labor and vehicle maintenance costs have both gone up significantly as well. Trustee Salzman did not want to burden residents with a rate increase and felt it wasn’t necessary at this time. President Pope’s recollection of the discussion during the First Reading was that Oak Park’s rates were towards the bottom and costs incurred were significantly higher than fees being charged. In addition, the expectation of the insurance companies picking up as much of the cost as possible would offset any increase to the taxpayers.

XIII. REGULAR AGENDA

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

- C. It was moved and seconded that Ordinance 2012-0-50 entitled **ORDINANCE AMENDING SECTION 4-1-6 OF THE VILLAGE CODE ENTITLED “VILLAGE AMBULANCE SERVICES; FEES”** be adopted.

The roll call on the vote was as follows:

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

NAYS: Trustee Salzman

ABSENT: None

The ordinance was adopted.

D. Overview and Discussion of Madison Street TIF

Ron Burke, 616 Wenonah. Mr. Burke urged the Board to move forward with the Madison Street streetscape improvements.

Chief Financial Officer Craig Lesner presented an overview of the financial history of the Madison Street TIF and projections up to 2018. There is currently a cash balance of \$7.5 million available for projects related to the development of Madison Street. He also noted proceeds from various TIF-owned properties would go back into the TIF if sold.

Trustee Johnson suggested that the Board discuss their priorities in regards to the various proposed development projects and how the available monies are spent.

There was a discussion regarding the proposed new building for District 97 and the Park District. It was clarified that TIF dollars, not Village funds, would be used.

Trustee Johnson asked for a breakdown of contractual services for the past five years.

- E. It was moved and seconded that a **Motion to Approve Application for the Urban Sustainability Directors Network (USDN) Founders Network Sustainability Grant with the Oak Park River Forest (OPRF) Community Foundation** be approved.

Sustainability Manager K.C. Poulos spoke about the USDN Founders Network. The grant offers a 100% match up to \$75,000 and the Foundation would provide a matching grant for a potential \$150,000 in funding. Seven areas of sustainability are being emphasized. The rain garden initiative would qualify for one of them, major behavioral change.

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.

- F. **Motion to Refer an Application For Special Use Permit From Oak Leaf Academy LLC. to Operate a Day-Care Center at 206-208 S. Marion Street to the Zoning Board of Appeals to Hold a Public Hearing**

Village Manager Cara Pavlicek discussed the history of this application. President Pope suggested referring this to the Plan Commission due to their current composition, as the Zoning Board of Appeals is short-staffed and may lack a quorum to hear this. There were no objections.

It was moved and seconded that a **Motion to Refer an Application For Special Use Permit From Oak Leaf Academy LLC., to Operate a Day-Care Center at 206-208 S. Marion Street to the Plan Commission to Hold a Public Hearing** be approved.

Melissa Lumkes, River Forest. Ms. Lumkes, one of the partners from Oak Leaf Academy, spoke about her business and why 206-208 S. Marion would be the ideal location.

JoAnn Gantar, 308 S. Kenilworth. Ms. Gantar also discussed the advantages of this location for Oak Leaf Academy.

Joseph Terry, 909 Lathrop, Forest Park. Mr. Terry spoke highly of Ms. Lumkes and Ms. Gantar, adding that their establishment would exceed conventional day-care in Oak Park.

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.

N. Ordinances and Resolutions Related to the Sale of the Residential Retail and Townhouse Parcels in the Harlem-Ontario Mixed-Use Development (commonly known as the Whiteco Development)

Ms. Pavlicek stated that Whiteco Residential LLC is selling the residential, retail and townhouse parcels of this property and is requesting Village approval of the sale, pursuant to the 2004 Redevelopment Agreement.

Village Attorney Simone Boutet clarified that item **N.1, Ordinance Authorizing The Approval of The Sale of The Residential, Retail And Townhouse Parcels of The Harlem-Ontario Mixed Use Development by WR XXIV, LLC To OPP Apartments LLC**, gives authorization from the Village for the sale of the property.

In regards to Item **N.2, Ordinance Authorizing the Execution of a Certificate of Completion and Partial Termination and Release of the Amended and Restated Redevelopment Agreement and Authorizing the Execution of an Amended and Restated Operating Easement Agreement Related to the Harlem-Ontario Mixed Use Development**, Ms. Boutet noted that the majority of the Redevelopment Agreement has been completed, as most of the terms were related to construction of the facility. What has not been completed, but has been negotiated between the purchaser, Whiteco and the Village, is to maintain the rental status of the property for 10 years and to maintain the obligation to purchase 200 mandatory parking spaces as well as the right to purchase additional spaces. The significant change to the agreement refers to the retail parcel of the property. The original redevelopment agreement gave the Village the right to approve any change from Trader Joe's as the retail tenant. The request from the purchaser was for that to be a finite amount of time. Staff believes that the transit-related overlay district is sufficient to protect the Village's interests in maintaining that property and that agreeing to expiration in 2016 was reasonable in order to facilitate the sale.

Trustee Johnson was uncomfortable with the concept that the retail overlay district would protect the Village, as a new use may not generate the same level of income as Trader Joe's. Ms. Boutet noted that the new owner maintains the same interest as the current owner in keeping Trader Joe's a viable business. Their concern was that if Trader Joe's were to move out of that space, they couldn't guarantee putting the same use back in that site, as stated in the agreement.

Trustee Tucker asked why the Village should give up that right. Ms. Boutet stated that the new owner didn't want to be required to replace a grocery store and limit the use of the property when they didn't believe there was a sufficient market for this type of smaller store on a smaller footprint. Ms. Pavlicek added that there were zoning conditions put in place after the original agreement, such as the transit overlay district. Part of their request for the Village's consideration was that they did not want to be subjected to different zoning regulations than any other property. She noted that the Board does have the right to deny the sale of the property based on eliminating that condition.

Ms. Pavlicek stated that the proposed purchaser, OPP Apartments, LLC, is owned by a public employee statewide consolidated retirement system. Upon review, it was

concluded that this retirement system is considered a top tier statewide system with adequate resources to procure and maintain the property.

President Pope commented that the prospective purchaser is likely interested in engaging in this transaction as a long-term investment, as the anticipated revenue streams would help contribute to payment requirements to their retirees. This property in all probability will not be sold again for quite some time. Instead of focusing on revenue that will come in from the real estate transfer tax, which the Village will acquire eventually at some point, the Board should look at what the rationale is behind giving up that condition in the agreement without getting something of value in return.

Whiteco President Tim Connelly stated that Trader Joe's is expected to remain for a long time, as the store is very successful as well as a tremendous amenity of the building. He saw no incentive for the new owner to remove Trader Joe's or have anything less than a first-class tenant in that spot. Mr. Connelly spoke about Whiteco's past contributions to affordable housing as well as commitments regarding the Village-owned garage. He urged the Board to consider those past contributions to counter balance that release.

Trustee Brewer asked how the transit overlay district protects the Village if they give up that provision. Village Planner Craig Failor explained that the transit overlay district provides for specific land uses for that area. It also prohibits certain uses from the first 50 feet of the floor, the retail space. That protection is more refined than an overall B-4 district.

Trustee Salzman commented that Trader Joe's has more revenue-generating potential due to the liquor tax. With the transit overlay district substantially broader in terms of the uses permitted in that space, this could result in a significant revenue shortfall.

There was a discussion regarding financial analysis and revenue projection. President Pope stated that those projections were made specifically with Trader Joe's in mind.

It was clarified that the lease for Trader Joe's expires in 2018. Changing that date for the purchaser to 2018 would mitigate some of these concerns, as Trader Joe's has the option to leave in 2018 based upon the terms of their lease.

There was a discussion regarding repairs to the garage portion of the property. The language regarding the requirement to purchase parking spaces should the rental units become condo units needed to be clarified. The actual dates of the transit overlay district needed to be clarified as well.

The Board directed staff to discuss the items identified, get clarification and bring this back to them in two weeks.

- H. It was moved and seconded that a **Motion Authorizing the Release of the 2013 Draft Action Plan of CDCAC Award Recommendations for a 30-Day Public Comment Period** be approved.

Walter Afable of the Community Development Citizens Advisory Committee (CDCAC) spoke about the work of the committee, reviewing proposals and projects from various agencies in Oak Park and the surrounding areas, and the recommendation process.

Grants Manager Janis Akerstrom noted that Community Development Block Grant (CDBG) funding has been declining each year.

Trustee Johnson recollected more significant public works allocations in CDBG for sidewalk, alley and street improvements, noting that these categories scored fairly low on the recent citizens' survey. He asked if there was a way to reconfigure this to reduce the allocation to administration and move more money into public infrastructure improvements. Ms. Akerstrom stated that funds for public services can be utilized for non-public service activities; other avenues can possibly be reduced and applied to public works as needed.

Trustee Hedges asked when the priorities for how this money is spent were developed. Ms. Akerstrom stated that it was in 2010 and discussed the changes in allocation.

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.

XV. CONSENT AGENDA

- J. Ordinance 2012-0-51 entitled **ORDINANCE AMENDING AND CORRECTING STAFF TITLES IN §2-1-7 OF THE MUNICIPAL CODE**
- K. Resolution 2012-R-200 entitled **RESOLUTION APPROVING THE SELECTION OF CORPORATE BENEFITS CONSULTANTS, INC. (CBC) AS THE INSURANCE BROKER FOR 2013 INSURANCE PLANS (HEALTH, DENTAL AND LIFE) AND ADMINISTRATIVE SERVICES RELATED TO COBRA ADMINISTRATION AND IRS SECTION 125 PLANS FOR VILLAGE EMPLOYEES AND EMPLOYEE'S OF AGENCIES COVERED UNDER THE VILLAGE'S INSURANCE PLANS**
- L. Resolution 2012-R-201 entitled **RESOLUTION DECLARING A DISTRIBUTION OF \$3,447,439.15 IN TAX INCREMENT REVENUES FROM THE DOWNTOWN TIF DISTRICT TO TAXING DISTRICTS BASED UPON 2011 TAX RATES**
- M. Resolution 2012-R-202 entitled **RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH WISS, JANNEY, AND ELSTNER ASSOCIATES, INC., FOR ONGOING CONSULTING ENGINEERING SERVICES AT THE HOLLEY COURT PARKING GARAGE IN AN AMOUNT NOT TO EXCEED \$21,000 AND WAIVING THE BID PROCESS**
- P. Resolution 2012-R-203 ENTITLED **RESOLUTION AUTHORIZING A SUBORDINATION OF LIEN, BPIP-002**
- O. **Motion to Approve the Bills in the Amount of \$843,192.54 for the Week Beginning September 3rd through September 14th**

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 Green Living and Learning 2012. She reminded those not registered to vote to do so and discussed options available.

Trustee Lueck discussed the I-Gov meeting, noting that each member was asked to go back to their boards and ask them to direct staff to create a common document that describes the history and accomplishments of intergovernmental cooperation. She added that there was confusion among I-Gov members regarding costs for their section of the OP/FYI that need to be clarified. Trustee Lueck suggested a board outreach at Barrie Fest this weekend.

President Pope gave an update on the Village Manager search.

ADJOURN

It was moved and seconded to adjourn. A voice vote was taken and the motion was approved. The meeting adjourned at 10:30 P.M. Tuesday, September 18 2012.

SUBMITTED AND RECORDED IN THE OFFICE OF:

Teresa Powell, Village Clerk

By: MaryAnn Schoenneman
Interim Deputy Village Clerk