

**APPROVED MINUTES - REGULAR BOARD MEETING  
PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OAK PARK  
HELD ON MONDAY, JUNE 3<sup>RD</sup>, 2013 AT 6:30 P.M.  
IN THE COUNCIL CHAMBERS OF OAK PARK VILLAGE HALL**

**I. CALL TO ORDER**

President Abu-Taleb called the meeting to order at 6:30 P.M.

**II. ROLL CALL**

PRESENT: Trustees Barber, Brewer, Johnson, Lueck, Salzman and Tucker; President Abu-Taleb  
ABSENT: None

**III. CONSIDERATION OF MOTION TO ADJOURN TO EXECUTIVE SESSION  
TO DISCUSS LITIGATION**

In compliance with the Open Meetings Act, it was moved and seconded to adjourn to Executive Session to discuss collective bargaining and litigation in Room 130.

The roll call on the vote was as follows:

AYES: Trustees Barber, Brewer, Johnson, Lueck, Salzman and Tucker; President Abu-Taleb

NAYS: None

ABSENT: None

The motion was approved.

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

PRESENT: Trustees Barber, Brewer, Johnson, Lueck, Salzman and Tucker; President Abu-Taleb  
ABSENT: None

The Regular Meeting reconvened at 7:34 P.M. in Council Chambers.

**V. AGENDA APPROVAL**

It was moved and seconded to move Items B and C ahead of the First Reading on the agenda. A voice vote was taken and the motion was approved. 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 Regular Meeting of May 6, 2013 and the minutes of the Special Meeting of May 13, 2013 be approved. A voice vote was taken and the minutes were approved as presented.

**VII. NON-AGENDA PUBLIC COMMENT**

Timothy Curtin, 1224 Fair Oaks. Mr. Curtin spoke about the unsolicited delivery of the Tribune's Red Plum advertising paper and his unsuccessful attempts to have it stopped.

Sara Faust, President of OPDC, 104 N. Oak Park Ave. Ms. Faust discussed the photography contest featuring images of Oak Park sponsored by the Oak Parks Arts Council, Village of Oak Park and Y.M.C.A.

Tom Broderick, 201 S. Ridgeland. Mr. Broderick spoke in favor of a living wage ordinance in Oak Park.

### **VIII. PRESENTATION – OAK PARK AREA ARTS COUNCIL FINE ARTS SCHOLARSHIP PROGRAM**

Oak Park Area Arts Council President John Troelstrup presented the 2013 Oak Park Area Arts Council's Fine Arts Scholarships to the following recipients:

Olivia Boen, Vocal Performance, Oberlin Conservatory-Ohio  
Scott Daniel, Music, Williams College- Massachusetts  
Lian Dick, Dance, Alvin Ailey School of Dance/Fordham University-New York  
Abigail Resek, Music, Allegheny College-Pennsylvania  
Richard Wheelock, Creative Writing & Visual Arts, Emerson College-Massachusetts  
Serena Brewer (Russell C. Lissuzzo Scholarship Recipient), Architecture, Ohio State University-Ohio

### **IX. VILLAGE MANAGER REPORTS**

Village Manager Cara Pavlicek referred to the Meeting Calendars for June, July and August, noting that these will be presented to the Board for review the first meeting of every month. President Abu-Taleb stated that no action will be taken regarding the Meeting Calendars, as the Board is still working on protocols.

### **X. VILLAGE BOARD COMMITTEES**

Trustee Salzman discussed the Intergovernmental Committee Meeting held on Saturday, June 1. The focus of the meeting was getting information from the Council of Governments in the form of a multi-jurisdictional budgeting document that would permit them to look at opportunities for sharing facilities, services and staff. Trustee Johnson added that the committee drafted a letter that is ready for Board review prior to submitting for publication regarding the need for and benefits of collaboration.

### **XI. CITIZEN COMMISSION VACANCIES**

President Abu-Taleb referred to the Board and Commission vacancy report and urged residents to volunteer.

As Liaison to the Citizen Involvement Commission, Trustee Johnson noted that there were currently only seven Board and Commission vacancies. He commended Village Clerk Powell and the CIC for their efforts. He asked for verification that the appointment procedure would be part of the protocols discussed at the June 8 meeting and asked that an update on the Procedure Manual for Boards and Commissions be available for that meeting as well.

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

There were no appointments, reappointments, removals, resignations or chair appointments.

## **XIV. REGULAR AGENDA**

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

- B.** It was moved and seconded that Resolution 2013-R-95 entitled **RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH A.C. PAVEMENT STRIPING COMPANY FOR PROJECT 13-6, MICROSURFACING AND CRACKFILLING OF VARIOUS STREETS IN AN AMOUNT NOT TO EXCEED \$300,000** be adopted.

Village Engineer Jim Budrick stated that this is the annual contract for microsurfacing streets in the Village and described the process. He noted that Oak Park has again this year partnered with River Forest and has included quantities for their microsurfacing program into the bid documents to obtain better pricing for a larger purchase. Mr. Budrick answered questions from the Board, explaining that the contract is for \$300,000 despite a bid of \$394,660.73 from A.C. Pavement. Once \$300,000 of work is completed, the project will stop. He also noted that the low number of bids for this project is due to the specialized work; only a limited number of communities use this material for their maintenance product. Oak Park uses asphalt for many streets, whereas other municipalities use concrete.

The roll call on the vote was as follows:

AYES: Trustees Barber, Brewer, Johnson, Lueck, Salzman and Tucker; President Abu-Taleb

NAYS: None

ABSENT: None

The resolution was adopted.

- C.** It was moved and seconded that Resolution 2013-R-96 entitled **RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH SCHROEDER & SCHROEDER OF SKOKIE, ILLINOIS FOR PROJECT 13-4, LOCAL ALLEY IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$825,679.50** be adopted.

Mr. Budrick stated that this is the annual contract for alley work in the Village. Schroeder and Schroeder was the lowest bidder in the amount of 825,679.50. The contract consists of 14 alley segments. In addition, concrete patching of streets with concrete surfaces in need of repair will be completed. He added that Schroeder and Schroeder did the alley work last year and completed each segment in approximately one week.

President Abu-Taleb, noting that \$825,679.50 was a large amount of money, asked where any residual funds would go should the project go under budget and where the funds for the project originally came from. Mr. Budrick replied that any unused funds would go back into the capital budget for future projects and discussed the sources of funds in the capital budget. He also stated that this contractor has historically finished their projects within budget.

There was further discussion and Mr. Budrick answered additional questions from the Board.

The roll call on the vote was as follows:

AYES: Trustees Barber, Brewer, Johnson, Lueck, Salzman and Tucker; President Abu-Taleb

NAYS: None

ABSENT: None

The resolution was adopted.

### **XIII. FIRST READING**

- I. It was moved and seconded to hear a **First Reading of an Ordinance Amending Section 2.2.4 of the Zoning Ordinance Related to the Standards for Granting Variations from those Use Restrictions and Amending Article 3 of the Oak Park Zoning Ordinance to Add Additional Use Restrictions in the Transit Related Retail Overlay District and Use Matrix.**

Dan Haley, Vice-President of the Hemingway District, 327 S. Humphrey. Mr. Haley urged the Board to maintain the retail and restaurant focus of the district.

Sara Faust, President of OPDC, 104 N. Oak Park Ave. Ms. Faust commented that the OPDC supported the proposed changes and noted that they address the current concerns regarding the business mix within these existing transit overlay districts.

Cathy Yen, Executive Director of OPRF Chamber of Commerce, 1021 S. Grove Ave. Ms. Yen relayed the opinions of the various business associations regarding overlay districts. The entire business community, however, would like clarification of the ordinance.

C.K. Palani, 817-23 S. Oak Park Ave. Mr. Palani stated that a unit in his building in the retail transit overlay district has sat vacant since 2007 because of zoning in that area.

Alan Raphael, 525 N. Grove Ave., on behalf of the Zoning Board of Appeals. Mr. Raphael stated that the ordinance language that is proposed is consistent with what the ZBA has been doing in considering variances although making it more explicit is a good idea.

Carla Gini, President of the Pleasant District Association 1124 Lake St., Unit 413. Ms. Gini spoke about the Pleasant District. She stated that businesses wanted clarification regarding what a retail overlay district is and that special uses and variances should be categorized as two separate items.

Village Manager Pavlicek explained that the proposed ordinance and alternate proposed ordinance include changes based on the Board's request at their last meeting in terms of criteria by the ZBA for use variances. The next item is a request to receive the recommendations of the ZBA regarding the review process at the Board and Commission level. The final item is a motion to direct staff to prepare the necessary amendments concerning use variance review.

Village Planner Craig Failor described the changes, noting that existing language has been recrafted to make it more understandable. Also, "unique history and vacancy rate" has been added to the criteria in the alternate proposed ordinance. He noted that is the only difference between the two proposed ordinance changes.

Trustee Barber asked about the rationale behind the creation of transit overlay districts. Mr. Failor stated that they were created to bring in more retail near transit, noting that businesses other than retail are allowed but certain uses are restricted from the first floor and first 50 feet. Trustee Lueck stated that she was on the Plan Commission during that time and noted there was a lot of public input regarding which blocks to include. The make up of the blocks and their potential for retail was considered. Trustee Barber added that the boundaries are not clear. Mr. Failor gave a history of the overlay districts and their expansions and noted the boundaries.

Trustee Tucker discussed the addition of unique history and vacancy rates to the criteria. He stated that the language refers to the entire district and is not property specific, which suggests a change in zoning, not a variance.

Following discussion, Trustee Salzman stated that on one hand, the clearest and most effective criteria is being offered but noted that this is a zoning issue that perhaps should be revisited by the Plan Commission. The current market may reflect something other than how the different districts are currently designated.

Trustee Lueck stated that the items of concern this evening were the standards for variances, who the hearing body will be for these variances and what role the Board will play. She noted that some of the required materials listed are difficult to provide, with unique history and vacancy rates being an example. Other than that, she felt that the list was a good one. Mr. Rafael noted that applicants have had appraisers and brokers testify regarding the surrounding area. He also indicated that applicants may now provide an explanation of why they cannot provide some of the required materials.

Trustee Barber also felt the criteria were appropriate. However, he expressed concern regarding interpretation and implementation and that this was not necessarily solving the problem of confusing requirements. Regarding vacancies, he questioned whether this will be helpful or hurtful. The boundaries and implementation process needed to be better defined. Trustee Lueck commented that the history must be fully understood first. Village Manager Pavlicek stated that staff will compile a historical background complete with maps for the Board.

President Abu-Taleb stated that Oak Park is perceived as over-regulated and spoke about the various districts, noting how vacancies are affecting business owners in a negative way. He discussed how location can also affect a business. He agreed that some areas need to be kept very strict but that the market should decide in other areas. Regarding market decisions, Trustee Johnson noted that the market allowed three businesses in the Hemingway District that are not conducive to their retail environment. That is why regulations are needed. Business owners want regulations when they are struggling to create a certain environment. A large window of time to capture sales tax is needed, thus a business with hours of operation from 9:00 a.m. to 9:00 p.m. is preferable over one whose hours are 10:00 a.m. to 3:00 p.m. Trustee Johnson wished to move forward and review the boundaries later.

Trustee Salzman stated that the business community should be empowered, as they know their market best. He believed the Plan Commission should reconsider the designation in those districts.

Trustee Brewer commented that transit overlay districts were created to maximize the value of transit coming through the community; reviewing the historical documentation would be a good place to start. Trustee Lueck noted that business owners are not the ultimate users; the citizens of Oak Park are. The only way to grow the tax base is to make the best use of every available piece of land.

President Abu-Taleb stated that it should be kept simple and in an area where it works. South Town and Oak Park Avenue south of the Green Line have a different composition and contain some long term vacancies.

It was moved and seconded for a Second Reading of the Alternate Proposed Ordinance.

It was moved and seconded to direct the Plan Commission to hold hearings on whether South Oak Park Avenue and South Town should remain overlay districts.

Trustee Salzman stated that Trustees Lueck and Brewer made key points regarding history. He appreciated the history and the work that went into creating these districts. However, decisions should be made based on the present.

Trustee Johnson remarked that this would create uncertainty in these districts. He could not support opening the boundaries without review.

The roll call on the vote was as follows:

AYES: Trustees Barber, Salzman and Tucker

NAYS: Trustees Brewer, Johnson and Lueck

ABSENT: None

ABSTAIN: President Abu-Taleb

The motion was defeated.

It was moved and seconded to direct the Plan Commission to hold hearings on whether South Town should remain an overlay district.

Trustee Lueck commented that the direction to the Plan Commission should be more specific. Also, reviewing the historical documentation before this would be helpful and give the Board some perspective.

Trustee Barber also appreciated the history but felt that this could be considered simultaneously. Trustee Salzman agreed.

The roll call on the vote was as follows:

AYES: Trustees Barber, Salzman and Tucker; President Abu-Taleb

NAYS: Trustees Brewer, Johnson and Lueck

ABSENT: None

The motion was approved.

The roll call on the vote (Second Reading) was as follows:

AYES: Trustees Barber, Brewer, Johnson, Lueck, Salzman and Tucker; President Abu-Taleb

NAYS: None

ABSENT: None

The motion was approved.

- H.1 It was moved and seconded that a **Motion to Receive Zoning Board of Appeals' Recommendation and Findings of Facts Regarding Use Variance Procedures (related to the authority of the Village to approve such applications) in the Transit-Related Retail Overlay District and the Perimeter Overlay District as Referred by the Board of Trustees on March 18, 2013** be approved.

Trustee Johnson agreed that the Board of Trustees should be the final decision makers. As elected officials, they are accountable to the citizens of Oak Park whereas the ZBA is not. Trustees Lueck and Barber agreed.

The roll call on the vote was as follows:

AYES: Trustees Barber, Brewer, Johnson, Lueck, Salzman and Tucker; President Abu-Taleb

NAYS: None

ABSENT: None

The motion was approved.

- H.2. It was moved and seconded that a **Motion to Direct Staff to Prepare an Ordinance to Amend Article 2 – Administration Relative to Jurisdiction and Authority Regarding Use Variance Requests** be approved.

Trustee Brewer commented that the motion didn't include the recommendation that the ZBA remain the hearing body versus the Plan Commission.

It was moved and seconded to amend the motion to **Motion to Designate the ZBA as the Hearing Authority with the Board of Trustees as the Ultimate Authority and Direct Staff to Prepare an Ordinance to Amend Article 2 – Administration Relative to Jurisdiction and Authority Regarding Use Variance Requests.**

The roll call on the vote was as follows:

AYES: Trustees Barber, Brewer, Johnson, Lueck, Salzman and Tucker; President Abu-Taleb

NAYS: None

ABSENT: None

The motion was approved.

Trustee Lueck discussed legal versus administrative responsibility and noted that the Plan Commission understands the intent of the overlay districts more than anyone. Trustee Salzman commented implementation of the zoning code needs to be judicial and is more likely to be applied in a consistent manner by the ZBA. The final policy check will be with the Board of Trustees in any case.

The roll call on the vote was as follows:

AYES: Trustees Barber, Brewer, Johnson, Salzman and Tucker; President Abu-Taleb

NAYS: Trustee Lueck

ABSENT: None

The motion was approved.

## **XV. CONSENT AGENDA**

It was moved and seconded to waive the reading of the Consent Agenda.

The roll call on the vote was as follows:

AYES: Trustees Barber, Brewer, Johnson, Lueck, Salzman and Tucker; President Abu-Taleb

NAYS: None

ABSENT: None

The motion was approved.

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

- A. Resolution 2013-R-94 entitled **RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH SCHROEDER ASPHALT SERVICES, INC. OF HUNTLEY, ILLINOIS FOR PROJECT 13-7, PAVEMENT PATCHING IN AN AMOUNT NOT TO EXCEED \$120,000**
- D. **Motion to Accept the Transportation Commission Recommendations Identified herein and Ordinance 2013-O-41 entitled ORDINANCE AMENDING AN ORDINANCE ESTABLISHING TRAFFIC CONTROL DEVICES**
- F. Ordinance 2013-O-42 entitled **ORDINANCE AUTHORIZING THE DISPOSAL OF SURPLUS EQUIPMENT**
- G. Ordinance 2013-O-43 entitled **ORDINANCE GRANTING PERMISSION FOR SUPERVISED PUBLIC DISPLAY OF FIREWORKS**
- K. **Motion to Approve the Bills in the Amount of \$1,240,911.25 for the Week Beginning May 20th through May 31st.**

A voice vote was taken and the motion was approved.

### **CALL TO THE BOARD AND CLERK**

Village Clerk Powell spoke about a pending class-action lawsuit against Red Plum.

Trustee Lueck spoke about the rainy weather for Day in Our Village and Uncork Illinois, which were successful events nonetheless. She reminded all about the sculpture walk.

Trustee Barber also spoke about Day in Our Village. He congratulated the Park District for the opening of Scoville Park. He hoped that the meeting on June 8 will focus on goal setting.

Trustee Johnson noted that the citizen commission process is critical to achieving the Board's goals and also looked forward to June 8 meeting. In closing, he gave the web address for information on the sculpture walk and thanked Public Works and Loretta Daly for their roles regarding placement of the sculptures.

Trustee Salzman spoke well of Day in our Village; his only complaint was there too much candy.

Trustee Brewer thanked the OP Area Arts Council for providing scholarships and commended this year's recipients. He noted that the parents should be more than pleased, not only for the acknowledgment of their child's hard work but for the additional revenue for college expenses.

President Abu-Taleb spoke about the technology room opening at Hephzibah and commended those who work with the children there.



**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. Monday, June 3, 2013.

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

By: MaryAnn Schoenneman  
Interim Deputy Village Clerk

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Teresa Powell, Village Clerk