

**APPROVED MINUTES - REGULAR BOARD MEETING  
PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OAK PARK  
HELD ON MONDAY, MARCH 18<sup>TH</sup>, 2013 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 6:32 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 PERSONNEL IN ROOM 130**

In compliance with the Open Meetings Act, it was moved and seconded to adjourn to Executive Session to discuss personnel 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 AT 7:30 PM IN COUNCIL CHAMBERS**

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

ABSENT: None

The Regular Meeting reconvened at 7:54 P.M. in Council Chambers.

**V. AGENDA APPROVAL**

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 March 4, 2013 and the minutes of the Special Meeting of March 11, 2013 be approved. A voice vote was taken and the minutes were approved as presented.

**VII. NON-AGENDA PUBLIC COMMENT**

Jan Pate, 617 Washington, #2S. Former Trustee Jan Pate expressed appreciation towards President Pope and wished him success in his future endeavors.

Terry Grace, 227 S. Taylor, representing Move to Amend. Mr. Grace urged the Board to support an amendment to the Constitution regarding corporate personhood.

Ralph H. Lee, 333 N. Cuyler, representing Move to Amend. Dr. Lee also spoke in favor of the amendment and asked the Board to adopt the resolution presented by Move to Amend that supports this.

Irena Kovalsky, 1105 W. Superior, representing Move to Amend. Ms. Kovalsky stated that excessive campaign funding from undisclosed sources skews elections and can allow different interest groups to influence them.

Karla Chew, 512 N. Ridgeland, representing Move to Amend. Ms. Chew also asked that the Board adopt the resolution, adding that local jurisdictions should be allowed to set limits on campaign contributions.

Leslie Roberts, 735 S. Scoville Ave., representing Move to Amend. Ms. Roberts asked the Board to acknowledge that 85% of Oak Park voters agreed to support a Constitutional amendment clarifying that corporations are not people and that money is property not speech by adopting the resolution that they have presented.

Paul Sokol, 1009 S. Clinton Ave., representing Move to Amend. Mr. Sokol also spoke in favor of the resolution, adding that corporations should not have more influence than individual voters.

**VIII. PROCLAMATION COMMEMORATING THE 100<sup>TH</sup> ANNIVERSARY OF THE OAK PARK  
& RIVER FOREST DAY NURSERY AND THE WEEK OF THE YOUNG CHILD  
APRIL 14 THROUGH APRIL 20, 2013**

President Pope read the proclamation aloud. It was moved and seconded that the proclamation entitled **PROCLAMATION COMMEMORATING THE 100<sup>TH</sup> ANNIVERSARY OF THE OAK PARK & RIVER FOREST DAY NURSERY AND THE WEEK OF THE YOUNG CHILD APRIL 14 THROUGH APRIL 20, 2013** be adopted. A voice vote was taken and the proclamation was adopted.

**IX. PROCLAMATION - OLDER AMERICANS MONTH 2013**

President Pope read the proclamation aloud. It was moved and seconded that the proclamation entitled **OLDER AMERICANS MONTH 2013** be adopted. A voice vote was taken and the proclamation was adopted.

Pat Koko received the proclamation on behalf of the Celebrating Seniors Coalition.

**X. PRESENTATION – NICOR GAS ENERGY EFFICIENCY PROGRAM COMMUNITY CHALLENGE**

Housing and CDBG Programs Manager Tammie Grossman gave an overview of this initiative. Oak Park and Evanston are the first two communities selected to participate in the challenge. For each resident and/or business that enrolls in one of NiCor's energy efficiency programs, \$50 will be awarded towards a local energy conservation project for a non-profit community organization. The West Cook YMCA was chosen as the beneficiary of this award. Ms. Grossman added that Oak Park has already raised approximately \$15,000 towards the maximum of \$25,000 and is ahead of Evanston. Lionell Martin of NiCor spoke about opportunities for residents to get involved and urged all to participate. West Cook YMCA CEO Jan Pate thanked NiCor and the Village for supporting this project. She added that they plan to replace the controls on their boiler with the award. Ms. Pate also encouraged residents to sign up for the EnergyBUZZ piece of the program, which is a free online tool that helps track energy usage.

**XI. STATE OF THE VILLAGE ADDRESS: VILLAGE PRESIDENT DAVID G. POPE**

President Pope gave a presentation of the history of the Village. Items of note included area development over 100 years, density, diversity and increasing property values. He raised the subject of decisions being made at the State and Federal levels that have the prospect of passing costs down to the real estate taxpayer, which may undermine the possibility of Oak Park continuing to be a healthy and successfully diverse community. He also discussed various accomplishments such as fiscal responsibility, financial stability, grants received, an outstanding public safety record and a number of sustainability initiatives. In closing, President Pope stated that the most recent National Citizen Survey data reflects that 90% of residents rate the overall quality of life in Oak Park as excellent or good.

**XII. VILLAGE MANAGER REPORTS**

Village Manager Cara Pavlicek stated that there is a pilot parking sign program in effect and encouraged residents and visitors to provide feedback. The new signage is along the South Boulevard corridor from Austin to Harlem.

**Q. Marion and Ridgeland Viaduct Enhancement Project Update**

Village Engineer Jim Budrick stated that the original bid response for this project was \$400,000 over budget in terms of the grant received from the Illinois Transportation Enhancement Program. Staff then revised the scope of the project and it was re-bid; all four responses were still over budget by approximately \$250,000. Mr. Budrick recommended moving ahead with the project with additional modifications that would eliminate the overhead sign structure at Ridgeland and reduce the panels under the center portion at Marion. Village Manager Pavlicek noted that if the Board chose not to proceed with the project this construction season and go back out to bid, it is likely that no improvements will be made this calendar year.

Trustee Lueck asked Mr. Budrick why he isn't requesting additional funding from the Board for the project. Mr. Budrick stated that there is nothing in the Capital Improvement Budget that could be sufficiently reduced to cover the cost. He added

that he would rather get the project started and try to secure additional grant dollars to fund what was removed from the original design.

Following discussion, the Board concurred that the project should move forward per Mr. Budrick's strategy.

### **XIII. VILLAGE BOARD COMMITTEES**

Trustee Lueck announced that the next I-Gov meeting is April 13 from 9:00 a.m. to 10:30 a.m.

### **XIV. CITIZEN COMMISSION VACANCIES**

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

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

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

#### **Community Development Citizens Advisor Committee**

Appointment of Larissa Hisatomi, as Member, with a term to expire March 18, 2016

#### **Community Relations Commission**

Appointment of Thomas Zapler, as Member, with a term to expire March 18, 2016

#### **Public Art Advisory Commission**

Appointment of Linda Carlisle, as Member, with a term to expire March 18, 2016

Trustee Johnson commended the Village Clerk and the Citizen Involvement Commission for the low number of vacancies on Boards and Commissions. He also wanted to arrange time to formally discuss the chair vacancy on the Community Relations Commission.

A voice vote was taken and the motion was approved.

### **XVI. FIRST READING**

#### **A. First Reading of a Zoning Ordinance Text Amendments Relative to Requiring the Plan Commission to Review Use Variance Applications**

Village Planner Craig Failor stated that this text amendment will require the Plan Commission to review any use variances in the same manner as they review special use requests and refer to the Board of Trustees for final approval. Currently, the Zoning Board of Appeals has the power to hear all variances without referral from the Board or final approval by the Board.

Plan Commission Chair Linda Bolte stated that while the Plan Commission supports the change in the Zoning Ordinance, they suggest that the language in the standards as they are currently reflected in the guidelines for the Zoning Board of Appeals be clarified with additional information as to how and in what context variances are considered.

Trustee Lueck commented that the current process has been in place for years without significant negative feedback. Two unpopular decisions prompted the Board to give this direction but perhaps more information is needed as to how these decisions were made instead of changing policy.

Trustee Salzman agreed, adding that there may be options less severe than removing this entire policy area from the purview of the ZBA.

Trustee Brewer noted that after reviewing the Plan Commission's Findings of Fact and Recommendations, the Board's original direction may need to be reassessed. He believed that the intent of the Board was to have greater input into decisions on variances in overlay districts but perhaps they needed to take another look at how they can accomplish this in the most efficient and effective way.

Trustee Tucker agreed that looking at this again with a more thoughtful approach would be the best way to proceed.

Trustee Johnson found great value in the aligned commentary from the ZBA and Plan Commission, adding that bringing the two commissions together to come up with a recommendation to bring back to the Board makes sense. He referred to the narrowly defined definition of hardship and added that the Business Associations are asking for consistency and removal of ambiguousness and noted that there are circumstances when it is appropriate for the Board to have final authority. Trustee Lueck asked if the Board would need to have the final say if some of these problems, such as defining hardship, were solved.

Trustee Hedges agreed that there were issues that needed to be corrected and asked if the Zoning Board of Appeals acts independently in other communities. Mr. Failor stated that in most communities, the ZBA functions the same as in Oak Park. However, many communities do not have use variances, which are considered a rezoning and are not allowed. The use variances that the Village processes deal with the two overlay districts, which are typically reviewed by the Plan Commission. Those variations are setback and height. Use variances are not allowed in that district. Trustee Hedges asked what the rationale behind the ZBA's independence is. Mr. Failor replied that prior to Home Rule, the ZBA acted as a judicial body and maintained their quasi-judicial status after the inception of Home Rule.

President Pope asked Village Manager Pavlicek if she saw any implications or downsides if the Board were to allow the Plan Commission and Zoning Board of Appeals to conduct the review that they are requesting. She stated that this could occur within the next 60 days.

Following further discussion, it was moved and seconded to refer to the Plan Commission, and to ask the Plan Commission to solicit the input of the Zoning Board

of Appeals in partnership, to review the list of uses and also the standards and the criteria that ought to be employed in the consideration of use variances within the transit retail overlay districts and the perimeter overlay districts.

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

There was a discussion regarding a moratorium on use variance applications.

**XVIII. CONSENT AGENDA**

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

- C. Ordinance 2013-0-24 entitled **ORDINANCE AMENDING CHAPTER 3 OF THE VILLAGE CODE RELATING TO ALCOHOLIC LIQUOR DEALERS TO CREATE AN E-2 SPECIAL EVENTS LICENSE AND PROCESS ASSOCIATED WITH ISSUANCE OF AN E-2 LICENSE**
- D1. Resolution 2013-R-54 entitled **RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH SCHROEDER & SCHROEDER, INC. FOR PROJECT 12-3, SIDEWALK AND CURB REPLACEMENT IN AN AMOUNT NOT TO EXCEED \$150,000**
- D2. Resolution 2013-R-55 entitled **RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH THE CERNIGLIA COMPANY FOR PROJECT 12-12A, WATER AND SEWER MAIN IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$743,926.50**
- D3. Resolution 2013-R-56 entitled **RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH G.E. RIDDIFORD ROOFING CO. OF ARLINGTON HEIGHTS, ILLINOIS TO REPLACE THE ROOF AT THE CENTRAL PUMPING STATION AND TO INCLUDE REPLACEMENT OF THE SKYLIGHT IN THE AMOUNT NOT TO EXCEED \$65,800.00**
- E1. Resolution 2013-R-57 entitled **RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH IMS INFRASTRUCTURE MANAGEMENT SERVICES FOR 2013 PAVEMENT MANAGEMENT PROGRAM UPDATE**
- F1. Resolution 2013-R-58 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 2013**
- F2. Resolution 2013-R-59 entitled **RESOLUTION AUTHORIZING THE RENEWAL OF A ONE-YEAR AGREEMENT WITH CHRISTY WEBBER & COMPANY OF CHICAGO, ILLINOIS FOR THE 2013 COMMERCIAL DISTRICT PLANTER PROGRAM IN AN AMOUNT NOT TO EXCEED \$58,840.00**

- F3. Resolution 2013-R-60 entitled **RESOLUTION AUTHORIZING THE EXECUTION OF A ONE-YEAR CONTRACT EXTENSION WITH G.A. PAVING COMPANY, INC. OF OAK BROOK, ILLINOIS FOR VILLAGE WIDE UTILITY PAVEMENT PATCHING SERVICES IN AN AMOUNT NOT TO EXCEED \$150,000.00**
- F4. Resolution 2013-R-61 entitled **RESOLUTION AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT FOR LANDSCAPE AND ON-DEMAND MAINTENANCE WITH CLAUSS BROTHERS, INC. OF STREAMWOOD, IL FOR 2013, IN AN AMOUNT NOT TO EXCEED \$107,282.00**
- H. Resolution 2013-R-62 entitled **RESOLUTION AUTHORIZING THE PURCHASE OF ONE 2013 FORD F-550 4X4 TRUCK WITH SERVICE BODY IN THE AMOUNT OF \$56,689 FROM CURRIE MOTORS FLEET OF FRANKFORT, ILLINOIS THROUGH THE SUBURBAN JOINT PURCHASING PROGRAM, WAIVING THE VILLAGE'S BID PROCESS**
- H1. Ordinance 2013-O-25 entitled **ORDINANCE AUTHORIZING THE DISPOSITION OF SURPLUS VEHICLE ON AN "AS IS" BASIS**
- I. Resolution 2013-R-63 entitled **RESOLUTION AUTHORIZING A SUBORDINATION OF LIEN, BPIP-093**
- J. Resolution 2013-R-64 entitled **RESOLUTION AWARDDING A SMALL RENTAL PROPERTIES REHABILITATION LOAN SRP-022**
- K. Resolution 2013-R-65 entitled **RESOLUTION AWARDDING A SMALL RENTAL PROPERTIES REHABILITATION LOAN AND ENERGY EFFICIENCY LOAN SRP-025**
- L. Ordinance 2013-O-26 entitled **ORDINANCE REINSTATING ORDINANCE NO. 2007-O-42 RELATIVE TO THE HOME AVENUE TOWNHOMES (A.K.A. SOHO) LOCATED AT THE SOUTHWEST CORNER OF SOUTH BOULEVARD AND HOME AVENUE**
- M. Ordinance 2013-O-27 entitled **ORDINANCE AMENDING CHAPTER 3, ARTICLE 8 OF THE CODE OF THE VILLAGE OF OAK PARK CREATION OF A CLASS A-4 CATERING LIQUOR LICENSE FOR TZOD VOGEL, INC., D/B/A FOOD OBSESSION, 809 SOUTH BOULEVARD, OAK PARK, IL**
- N. Ordinance 2013-O-28 entitled **ORDINANCE AMENDING AN ORDINANCE TO PROHIBIT RIGHT TURNS ON NORTH AVENUE AT WOODBINE AVENUE FOR EASTBOUND TRAFFIC 7AM-9AM, 4PM-6PM MON-FRI**
- O. **Motion to Approve the Bills in the Amount of \$356,686.40 for the Week Beginning March 1<sup>st</sup> through March 15<sup>th</sup>**
- P. Resolution 2013-R-66 entitled **RESOLUTION AUTHORIZING EXECUTION OF A LETTER OF COMMITMENT TO BE A MUNICIPAL PARTNER IN THE MIDWEST SOLAR CONSORTIUM APPLICATION FOR THE U. S. DEPARTMENT OF ENERGY SUNSHOT INITIATIVE**

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.

## **XVII. REGULAR AGENDA**

### **B. Presentation on the Harlem Avenue Underpass Phase I Study and Further Direction to Staff**

Village Manager Pavlicek stated that the Village was successful in securing a substantial grant to make improvements at the Harlem Avenue underpass through an Intergovernmental Agreement with neighboring communities River Forest and Forest Park. The Steering Committee of the project has recommended a draft Project Development Report and the Village Planner has provided additional comments for the Board's review. President Pope added that because Oak Park has a 50% portion of the underpass, the Village is responsible for 50% of the costs associated with the planning effort. This is the first presentation made to the Board since the commencement of the agreement in 2008.

Dave Shannon, project consultant from the engineering firm H.W. Lochner, spoke about the history of the bridge. He noted that the scope of this project includes improvements affecting vehicle traffic and non-motorized traffic such as bikes and pedestrians. The overall social, physical and environmental effects of such a project need to be considered. As a Federally funded project, all requirements of the National Environment Policy Act must be met. All the impacts of any improvements must be looked at based on an alternative build design that is compared against the current state of the bridge. No decisions can be made until this is completed. He gave an historical overview of public involvement activities thus far.

After several meetings with the Steering Committee during which all potential improvements that could be made were discussed, Mr. Shannon drafted a presentation that incorporated all of these options, with the exception of a bike lane on South Boulevard, in addition to satisfying the IDOT criteria. Once permission is granted by IDOT, the public will be allowed to give input on the project at a Public Hearing.

Trustee Johnson expressed concern that IDOT may change the design before there is any chance for public input, as the Steering Committee did not include members of the general public. President Pope noted that there has not been an opportunity for the general public, nor any of the elected bodies from the three communities, to offer input during the last five years.

Mr. Shannon stated that the traffic and crash studies have been completed and presented a diagram of accident clusters. The summation of these and other studies are included in the Project Development Report submitted to IDOT for approval. Mr. Shannon presented and explained various engineering specific diagrams in regards to the footprint of the project, which would include land acquisition and changes that



could affect parking, traffic flow and a possible development site. He and Village Engineer Jim Budrick answered questions from the Board. Mr. Shannon clarified that IDOT has already approved the structure itself; everything else is still under review.

President Pope and Trustee Johnson expressed concern that this design had been forwarded to IDOT without any input from them or the other two communities and that it contained changes that would negatively impact Oak Park.

Mr. Shannon continued the presentation with diagrams of where pedestrian crossing would be located and discussed architectural treatments and lighting options. The estimated cost is \$19 million to complete the project.

President Pope clarified that this project could not proceed without Federal funding and that no significant funding would be done at the local level.

Village Manager Pavlicek stated that no action needed to be taken this evening, but perhaps a special workshop could be held in order to give a comprehensive statement of the Village Board's perspective on this to IDOT through the consulting engineer.

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

Village Clerk Powell thanked Trustee Johnson for his comments about the Citizen Involvement Commission. She also spoke about early voting and absentee voting. Any questions from residents may be directed to the Clerk's Office.

Trustee Salzman asked for staff feedback regarding the Move to Amend resolution.

Trustee Brewer thanked his colleagues for agreeing to take another look at the Zoning Board of Appeals issue. He also expressed appreciation to President Pope regarding his State of the Village Address.

Trustee Lueck reiterated Trustee Salzman's comment and also thanked President Pope for his comments.

Trustee Hedges stated that he is pleased about the new signage on South Boulevard.

Village Manager Pavlicek stated that she would follow up on the resolution and schedule it for a future Board Meeting.

President Pope spoke about United Power for Action and Justice's event regarding their efforts to encourage the adoption of reasonable gun safety regulations. He noted that there are opportunities to help advance these types of regulations that would both preserve and respect the rights that the Supreme Court has identified as reflected in the language of the Second Amendment while at the same time keeping neighborhoods and communities in the region safe.

### **ADJOURN**

It was moved and seconded to adjourn. A voice vote was taken and the motion was approved. The meeting adjourned at 11:32 P.M. Monday, March 18, 2013.

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

By: MaryAnn Schoenneman  
Interim Deputy Village Clerk

\_\_\_\_\_  
Teresa Powell, Village Clerk