

**APPROVED MINUTES - SPECIAL BOARD MEETING
PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OAK PARK
HELD ON MONDAY, MAY 6TH, 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 6:30 P.M.

II. ROLL CALL

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

ABSENT: None

III. 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.

V. MINUTES

It was moved and seconded that the minutes of the Special Tri-Board Meeting of April 24, 2013 be approved. A voice vote was taken and the minutes were approved as presented.

IV. PUBLIC COMMENT

Matt Baron, 237 S. Marion St. Mr. Baron encouraged residents to participate in activities planned for Celebrating Seniors Week, May 16 through 23.

VI. REGULAR AGENDA

- A. It was moved and seconded that an **Ordinance Amending Chapter 3 of the Village Code Related to Alcoholic Liquor Dealers** be adopted.

Marianne Schiavone, 721 Ontario St., #109. Ms. Schiavone stated that, as Chairman of the Board of Trustees of West Suburban Hospital, she has learned to be expeditious and that this Board should be expeditious as well and adopt the revision to the liquor ordinance.

Martin Noll, 839 N. Oak Park Ave. Mr. Noll urged the Board to adopt the liquor ordinance revision without delay.

James Solnes, 137 N. Oak Park Ave. Mr. Solnes also asked that the Board adopt the liquor ordinance revision this evening.

Keith Vogt, 735 S. Kenilworth. Mr. Vogt spoke about the bill signed by Governor Quinn removing the impediment for Mr. Abu-Taleb to hold office.

Gary Cole, 934 N. Marion St. Mr. Cole stated that the Board has a responsibility to honor the Village's mandate regarding their election of Anan Abu-Taleb as President and to approve the liquor ordinance revision in order to eliminate the conflict.

John Gearen, 721 Ontario St. Mr. Gearen stated that the Board should not suspend the liquor ordinance if they wish to conduct further study. It could be adopted this evening and referred to the Liquor Control Review Board for additional input.

Doris Davenport, 1136 S. Elmwood. Ms. Davenport remarked that the Board has many complicated issues before them to address; this ordinance is not one of them.

President Pope clarified that there is no question regarding whether or not Mr. Abu-Taleb will be installed tonight as Village President. He will, under any circumstance, with respect to the discussion of this issue. Also, he will not be Liquor Commissioner regardless of anything that occurs this evening due to State law. After the next Board is seated, they will designate someone to serve in that capacity. The only question presently on the table is the issue of the local ordinance that currently prohibits the Village President from having a liquor license and how the Board should address and prospectively resolve that issue.

Trustee Salzman stated that he believes it is important to maintain a collegial and productive working relationship between all Board members going forward and that the proposed ordinance changes are within the spirit and intent of State law. He is comfortable voting in favor of the amendments.

Trustee Johnson remarked that no Board member ever stated that the new president shouldn't be sworn in. Policy changes, though, should not be made due to popularity, but because they are the right thing to do and must go through due process. However, he was putting this aside in order to move forward. He offered a compromise that included review by the Liquor Control Review Board

Trustee Lueck's concern was the process by which this issue has come before the Board. She added that it would have been more respectful of the Board if Mr. Abu-Taleb had come to them prior to filing election papers. Other business people in the community who hold a liquor license may have wanted to run for office, which is currently not allowed under local ordinance. In addition, to be asked to vote to amend an ordinance benefiting another elected official seemed to her like an abuse of power.

Trustee Tucker supported the amended ordinance and commented that it will bring the Village into compliance with State law as well as removing any responsibility regarding liquor in the community from Mr. Abu-Taleb or others in his position.

Trustee Brewer suggested adding language in the amendment regarding who would be responsible for selecting the chair and appointing the members of the Liquor Control Review Board.

Trustee Hedges commented that one of the likely reasons the ordinance was written so conservatively was due to Oak Park being dry in 1934; he would like to see the Village look at relaxing some of the rules. However, it was difficult for him to change a policy so established in the community without having broader community input.

President Pope discussed alternatives. The proposed change can be approved tonight, in which case the issue will be resolved, or, if not approved tonight, the Board will begin a process of some duration.

If this issue were to go before the Liquor Control Review Board for review, this would require a multi-meeting process due to the necessity of public input and a finding of recommendations written in legal language, then be referred back to the commission. Once that process is complete, recommendations would be brought back to the Village Board, where there are two potential outcomes with respect to whether or not those in elected offices in the Village can hold a liquor license. Those would be to approve what would be identical to what's on the table tonight or not approve the changes in front of the Board tonight. Whether the changes are approved tonight or a few months from now, the Board will in essence be making the same adjustment.

If the Board does not approve the proposed changes, two other alternatives will remain: either require divestment of ownership of Maya del Sol or resignation on the part of Mr. Abu-Taleb to comply with the local ordinance. There are a couple of possible outcomes regarding divestment; there is an actual divestment or there's a legislative change at the State level regarding changes imposed on Oak Park, which would result in the position existing tonight. In terms of resignation, the same situation exists: either there is a resignation or a State override of the local ordinance and an imposition of the proposed change.

President Pope stated that by not approving this amendment tonight, a process will be started that has a potential outcome that could lead to a resignation or divestment and introduces an element of uncertainty. The Board could end up in a situation that would harm the reputation of Oak Park and harm the ability of both the new President and new Board to be able to function effectively to best represent the interests of the community. He hoped that the Board would be able to move forward with something that gives certainty tonight.

Trustee Tucker referred to Trustee Brewer's concern regarding appointments to the Liquor Control Review Board and proposed that language be added stating that in the event that the Village President has recused him or herself, the President Pro Tem shall make appointments to the Liquor Control Review Board with the approval of the Village Board.

The motion was withdrawn.

It was moved and seconded that Ordinance 2013-0-38 entitled **ORDINANCE AMENDING CHAPTER 3 OF THE VILLAGE CODE RELATED TO ALCOHOLIC LIQUOR DEALERS** with noted changes be adopted.

Trustee Johnson reiterated his request that the Liquor Control Review Board assess the ordinance and any other proposed changes, clarifying that this would be after its adoption tonight.

The roll call on the vote was as follows:

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

NAYS: Trustee Lueck

ABSENT: None

The ordinance was adopted.

President Pope asked that this be referred, as discussed, to the Liquor Control Review Board and ask them to conduct an evaluation process with the expectation that they will bring back to the Board recommendations of modifications they believe are appropriate following an appropriate public process. There were no objections.

ADJOURN

It was moved and seconded to adjourn. A voice vote was taken and the motion was approved. The meeting adjourned at 7:44 P.M. Monday, May 6, 2013.

SUBMITTED AND RECORDED IN THE OFFICE OF:

Teresa Powell, Village Clerk

By: MaryAnn Schoenneman
Interim Deputy Village Clerk