



# Village of Oak Park

123 Madison Street  
Oak Park, Illinois 60302  
www.oak-park.us

## Meeting Minutes President and Board of Trustees

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Monday, July 20, 2015

7:30 PM

Village Hall

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### I. Call to Order

Village President Abu-Taleb called the meeting to order at 7:30 P.M.

### II. Roll Call

**Present:** 6 - Village Trustee Barber, Village Trustee Brewer, Village Trustee Lueck, Village Trustee Ott, Village Trustee Salzman, and Village President Abu-Taleb

**Absent:** 1 - Village Trustee Tucker

### III. Agenda Approval

It was moved by Village Trustee Barber, seconded by Village Trustee Ott, to approve the agenda. A voice vote was taken and the motion was approved.

### IV. Minutes

- A. [MOT 15-087](#) Motion to Approve Minutes for June 29, 2015 Special Meeting Minutes, June 30, 2015 Special Meeting Minutes, July 6, 2015 Regular Meeting Minutes and July 13, 2015 Special Meeting Minutes of the Village Board.

It was moved by Village Trustee Barber, seconded by Village Trustee Ott, to approve the minutes of the June 29, June 30, July 6 and July 13 meetings. A voice vote was taken and the motion was approved.

### V. Non-Agenda Public Comment

John Troelstrup. Mr. Troelstrup spoke about Tom Lynch's retirement from the Oak Park Visitors Bureau.

### VI. Village Manager Reports

Village Manager Pavlicek announced that the Village's Forestry Program was honored for its innovation by the Chicago Regional Trees Initiative. Much of this was due to the Board's approval of the Village's application to become an Arboretum Village, which was ultimately awarded to the Village. Oak Park is the fourth municipality in the country and the first in Illinois to receive that recognition.

### VII. Village Board Committees

There was nothing to report.

### VIII. Citizen Commission Vacancies

**B. [ID 15-235](#) Board and Commission Vacancy Report for July 20, 2015.**

There were no comments.

**IX. Citizen Commission Appointments, Reappointments and Chair Appointments**

- C. [MOT 15-088](#) Motion to consent to the Village President's Appointment of:**
- Board of Health** - Jonathan Mizgala, Appoint as Member
  - Community Development Citizens Advisory Committee** - Lisa Taddei, Appoint as Member
  - Community Relations Commission** - Reggie Wright, Appoint as Member
  - Environment & Energy Commission** - Erin Daughton, Appoint as Member
  - Public Art Advisory Commission** - Ava Bjornson, Reappoint as Member
  - Public Art Advisory Commission** - Reappoint as Member, Nancy Nield, Reappoint as Member

**It was moved by Village Trustee Ott, seconded by Village Trustee Salzman, that this Motion be approved. The motion was approved. The roll call on the vote was as follows:**

**AYES:** 6 - Village Trustee Barber, Village Trustee Brewer, Village Trustee Lueck, Village Trustee Ott, Village Trustee Salzman, and Village President Abu-Taleb

**NAYS:** 0

**ABSENT:** 1 - Village Trustee Tucker

**X. First Reading**

- D. [ORD 15-069](#) First Reading of an Ordinance Amending Chapter 5 ("Animals"), Article 1 ("Purposes and Definitions") Through Article 5 ("Prohibited Activities of Owners and Others") of the Oak Park Village Code**

Village Manager Pavlicek stated that staff recommends updating several provisions of the Village Code relating to dog/animal bites, animal impoundments and recovery of animals and associated fees. The updates comply with revisions in State Statutes. A Second Reading will be brought back on August 3 for adoption by the Board.

Village Trustee Lueck noted that dogs are allowed off leash inside public dog parks, which conflicts with language in this ordinance stating that it is a violation for dogs to be off leash in public. Village Manager Pavlicek stated that she would look into that further and get back to the Board.

Village Manager Pavlicek answered questions from the Board that included explanation of the microchip process, the roles of the Health Department and the Village Manager and an overview of the appeals process regarding vicious animal designation.

**XI. Second Reading**

**E. [ORD 15-131](#) Second Reading and Adoption of an Ordinance Amending Chapter 23A ("Taxes") of the Oak Park Village Code by adding a New Article 11 ("Medical Cannabis Privilege Tax").**

Village Manager Pavlicek stated that this is in anticipation of a license for a medical cannabis distribution center pending before the end of the year. Staff is recommending a 6% privilege tax imposed on the cultivation center engaged in the privilege of selling medical cannabis or medical infused product to a dispensing facility located in Oak Park. The Village Attorney has done extensive research in regards to the ability to do this under the Village's Home Rule authority.

Michele Haptonstahl. Ms.Haptonstahl stated that the 6% will ultimately be passed on to patients who cannot afford the additional tax. These patients are suffering from severe and debilitating illnesses; this seems like a penalty or vice tax.

Brad Zerman, representing Seven Point. Mr. Zerman is the founder and CEO of Seven Point, the State of Illinois authorized medical cannabis dispensary to be located in Oak Park. He urged the Board to postpone a decision regarding this ordinance, which unfairly focuses on a single start-up business. In addition, this tax can result in higher patient costs, driving business to the black market and unfair competition which can result in forcing business to neighboring dispensaries.

Ross Morreale, representing Medical Cannabis Alliance of IL (MCAI). Mr. Morreale informed the Board that the Village is prohibited from implementing the tax proposed in this ordinance per State Statute. On behalf of his organization, he requested that the Board table this Item to further contemplate the statutory authority or lack thereof.

Jim Blaha, representing the OPRF Chamber of Commerce. Mr. Blaha urged the Board to postpone consideration of the ordinance for one year. Not only is this a start-up business, it is a start-up industry and Oak Park was chosen over other communities. In addition, patients from Oak Park and surrounding areas may choose to patronize another location that has not imposed this type of tax.

Village Trustee Ott asked what other municipalities will have dispensaries. Mr. Zerman stated that the locations closest to Oak Park are Lyons and Elmwood Park. Village Trustee Ott asked if any other municipalities have imposed a tax. Village Manager Pavlicek stated that staff has worked closely with Evanston, which has adopted a similar ordinance but could not speak for other municipalities. She explained how staff decided on what the percentage would be based on the State tax and the Village's liquor tax and tobacco taxes.

Village Trustee Barber commented that he did not like the comparison to liquor and tobacco; this is not recreational but medicinal. As much as he wants to bring additional revenue to Oak Park, he agreed with most of the commentary regarding unfairness in taxing a new type of business before it has even opened. He was in favor of a year's delay or tabling this altogether.

Village Trustee Brewer raised the subject of exemption from the Federal Banking Law and the types of businesses that some banks are prohibited from dealing with. If this is a cash-only business, they would require greater police protection which would justify the 6% tax. Mr. Zerman indicated that the business does have a bank account, in which the cash would be picked up regularly and deposited in.

Village Trustee Lueck was sympathetic that this is medication and would not be taxed if

it were available through a pharmacy. She suggested that they wait three months to see if there are increased police calls; then perhaps they can look at ways to get compensated for those calls.

Village Trustee Salzman was in favor of deferring this a for month or six weeks. He also wanted the Village Attorney, who was not present, to review what was discussed at this meeting before making a decision.

President Abu-Taleb suggested that this item be brought back to the Board with an amendment at one of the September meetings.

**It was moved by Village Trustee Barber, seconded by Village Trustee Ott, that this Ordinance be amended to discuss by the second meeting in September. The motion was approved. The roll call on the vote was as follows:**

**AYES:** 6 - Village Trustee Barber, Village Trustee Brewer, Village Trustee Lueck, Village Trustee Ott, Village Trustee Salzman, and Village President Abu-Taleb

**NAYS:** 0

**ABSENT:** 1 - Village Trustee Tucker

## **XII. Consent Agenda**

### ***Approval of the Consent Agenda***

**It was moved by Village Trustee Ottand seconded by Village Trustee Lueck to approve the items under the Consent Agenda. The motion was approved. The roll call on the vote was as follows:**

**AYES:** 6 - Village Trustee Barber, Village Trustee Brewer, Village Trustee Lueck, Village Trustee Ott, Village Trustee Salzman, and Village President Abu-Taleb

**NAYS:** 0

**ABSENT:** 1 - Village Trustee Tucker

- F. [ORD 15-122](#) Motion to Concur with the Zoning Board of Appeals and Adoption of an Ordinance Granting a Special Use Permit to Operate an Exterior Automatic Teller Machine in the B-4 Downtown Business District at 1010 Lake Street**

**This Ordinance was approved.**

- G. [ORD 15-124](#) An Ordinance Amending Chapter 15 ("Motor Vehicles and Traffic"), Article 1 ("In General") Section 15-1-14 ("Prohibited Turn Locations") of the Oak Park Village Code**

**This Ordinance was adopted.**

- H. [ORD 15-128](#) An Ordinance Amending the Fiscal Year 2015 Budget.**

**This Ordinance was adopted.**

- I. [ORD 15-130](#) An Ordinance Authorizing the Disposal of Surplus Equipment**

This Ordinance was adopted.

- J. [RES 15-334](#) A Resolution Approving a Purchase Price Agreement for the Acquisition of Personal Computer Workstations with JW Affinity IT, LLC in an Amount not to Exceed \$79,905.90 and Authorizing its Execution

This Resolution was adopted.

- K. [RES 15-342](#) A Resolution Approving an Easement Agreement with Altierra Development Group, LLC-1133, for the Property Located at 1133 Chicago Avenue and Authorizing its Execution

This Resolution was adopted.

- L. [RES 15-354](#) A Resolution Approving Various Service Agreements with Call One Inc. to Provide Telephone Line Services at an Annual Cost not to exceed \$90,000 and Authorizing Their Execution and Waiving the Village's Bid Process

This Resolution was adopted.

- M. [RES 15-361](#) A Resolution Authorizing the Execution of a Right of Entry Agreement with the Owner of 6645 North Avenue for Village Demolition Activities at 6641-43 North Avenue

This Resolution was adopted.

- N. [RES 15-362](#) A Resolution Authorizing the Renewal of a Contract with Waste Management, Inc. for Village Wide Street Sweeping Services in an amount not to exceed \$120,000.00.

This Resolution was adopted.

- O. [RES 15-366](#) A Resolution Authorizing the Execution of an Independent Contractor Agreement with Allied Water Proofing, Inc. for Concrete Repairs and Installation of a Traffic Coating Membrane at the Public Works Center in an amount not to exceed \$153,000.00.

This Resolution was adopted.

- P. [RES 15-369](#) A Resolution Authorizing a Change Order for the Professional Services Agreement with Strand Associates, Inc. for the Marion and Ridgeland Viaduct Enhancement Project, for an Additional \$18,432.

This Resolution was adopted.

- Q. [RES 15-370](#) A Resolution Authorizing Execution of a Professional Services Agreement with Ciorba Group, Inc. for Design Engineering Services for the North and South Pump Station Rehabilitation Project in an amount not to exceed \$38,000.

This Resolution was adopted.

- R. [RES 15-371](#) A Resolution Authorizing the Execution of a Settlement Agreement in United States District Court for the Northern District of Illinois Case No. 2014 CV 1040  
This Resolution was adopted.
- S. [RES 15-372](#) A Resolution Authorizing Subordination of a Lien for the Property Located at 1114 South Lombard Avenue (BPIP- 048)  
This Resolution was adopted.
- T. [MOT 15-083](#) Referral of a Petition for a Zoning Text Amendment and a Special Use Permit Application to the Plan Commission with an Accompanying Height Allowance from the R-3 Single-Family District for Verizon Wireless  
This Motion was approved.
- U. [MOT 15-084](#) Referral of a Special Use Permit Application to the Zoning Board of Appeals from Fenwick High School, to Construct an Accessory Parking Lot for Vehicles and Busses at 516, 520 and 544 Madison Street.  
This Motion was approved.
- V. [MOT 15-085](#) Refer Draft Non-Residential and Multi-family Design Standards to the Community Design Commission for a Public Hearing.  
This Motion was approved.

### XIII. Regular Agenda

- W. [RES 15-329](#) A Resolution Approving the Oak Park Neighborhood Greenways System Study and Bike Share Feasibility Study as an Addendum to The Oak Park Bicycle Plan.
- Village Engineer Bill McKenna stated that the Village contracted with Active Transportation Alliance to conduct a study regarding a Neighborhood Greenways System, which is a local street network for riders of all ages and abilities, and a Bike Share Feasibility System, which identifies locations for bike share stations, as an addendum to the Oak Park Bicycle Plan. The study was presented at meetings of both the Plan Commission and the Transportation Commission and input from commissioners and the public has been incorporated into the final version, which is being presented tonight. If approved, staff would implement these recommendations as well as take advantage of any available grant opportunities.
- Heather Schady of Active Transportation Alliance gave a review of the study. There was a brief discussion. These items would be budgeted for and implemented in segments in relation to the five year Capital Improvement Plan.
- It was moved by Village Trustee Salzman, seconded by Village Trustee Barber, that this Resolution be adopted. The motion was approved. The roll call on the vote was as follows:**

**AYES:** 6 - Village Trustee Barber, Village Trustee Brewer, Village Trustee Lueck, Village Trustee Ott, Village Trustee Salzman, and Village President Abu-Taleb

**NAYS:** 0

**ABSENT:** 1 - Village Trustee Tucker

**X. [ORD 15-106](#) An Ordinance Amending Ordinance Number 2009-O-089, as Previously Amended, to Approve Certain Extensions of Time for the Construction of the Madison Highlands Planned Development**

Village Manager Pavlicek stated that the property owner has requested a one year extension of the entitlements that were previously granted for the development generally known as Madison Highlands.

David Kralik. Mr. Kralik was opposed to another extension, as the developer has been granted eight yet has still failed to bring the project to fruition.

John Murphy. Mr. Murphy agreed with Mr. Kralik and asked what is the point of having a deadline if it continues to be extended.

Village Trustee Barber asked Village Planner Craig Failor what the ramifications would be if the extension was not granted. Mr. Failor stated that this would void the existing planned development ordinance. Any new development proposal with variances or modifications would be required to go through the entire planned development process.

Nevin Hedlund of Madison Highlands LLC discussed reasons for the delay of the project and noted that there will be some changes to the original planned unit development.

**It was moved by Village Trustee Ott, seconded by Village Trustee Brewer, that this Ordinance be adopted. The motion was approved. The roll call on the vote was as follows:**

**AYES:** 5 - Village Trustee Brewer, Village Trustee Lueck, Village Trustee Ott, Village Trustee Salzman, and Village President Abu-Taleb

**NAYS:** 1 - Village Trustee Barber

**ABSENT:** 1 - Village Trustee Tucker

**XIV. Regular Agenda for Items Pursuant to Village Code Chapter 2 Alcoholic Liquor Dealers or Related (President Pro-Tem Salzman)**

Village President Abu-Taleb recused himself from the meeting and Village President Pro Tem Salzman presided over the following items.

**Z. [ORD 15-127](#) An Ordinance Amending Chapter 3 ("Alcoholic Liquor Dealers"), Article 8 ("List of Licenses for Each License Class"), Section 3-8-1 ("Number of Licenses to be Issued Per License Class") and Section 3-8-2 ("Licenses by Name and Address Per License") of the Oak Park Village Code for the Issuance of a Liquor License to Royale Liquors LLC, DBA Pete's Fresh Market located at 259 Lake Street**

A representative for Pete's Fresh Market announced that opening day is September 2.

**It was moved by Village Trustee Barber, seconded by Village Trustee Ott, that this Ordinance be adopted. The motion was approved. The roll call on the vote was as follows:**

**AYES:** 5 - Village Trustee Barber, Village Trustee Brewer, Village Trustee Lueck, Village Trustee Ott, and Village Trustee Salzman

**NAYS:** 0

**ABSENT:** 1 - Village Trustee Tucker

**ABSTAINED:** 1 - Village President Abu-Taleb

- Y. [ORD 15-126](#) **An Ordinance Amending Chapter 3 ("Alcoholic Liquor Dealers"), Article 4 ("Term and Classification"), Section 3-4-2 ("Classification and Number of Liquor Licenses and Fees") and Article 8 ("List of Licenses for Each License Class"), Section 3-8-1 ("Number of Licenses to be Issued for Each License Class") and Section 3-8-2 ("Licenses by Name and Address Per License") of the Oak Park Village Code for the Issuance of a Class C-1 Liquor License to Sugar Beet Food Store Cooperative**

A representative for Sugar Beet announced that opening day is July 31.

**It was moved by Village Trustee Ott, seconded by Village Trustee Lueck, that this Ordinance be adopted. The motion was approved. The roll call on the vote was as follows:**

**AYES:** 5 - Village Trustee Barber, Village Trustee Brewer, Village Trustee Lueck, Village Trustee Ott, and Village Trustee Salzman

**NAYS:** 0

**ABSENT:** 1 - Village Trustee Tucker

**ABSTAINED:** 1 - Village President Abu-Taleb

## **XV. Call to Board and Clerk**

Village Trustee Barber stated that he would like a discussion regarding flooding in north Oak Park on an agenda in the near future. He also expressed concern that some businesses aren't treated as fairly as others and that the Board needs to be more sensitive to that going forward.

Village Trustee Brewer clarified that the Eisenhower reconstruction and any expansion of the Blue Line are two different projects. The CTA controls the Blue Line while IDOT controls the expressway. He also noted that one size does not fit all in regards to Village Trustee Barber's comment regarding treating businesses fairly.

Village Trustee Lueck stated that there are no current plans to extend the Blue Line; however, there is talk of redesigning the Forest Park station and possibly increasing

parking there. She felt that questions asked to the business owners this evening were fair. A tentative date of October 24 has been scheduled for the next all-board meeting.

Village Trustee Salzman spoke about the Village Board Retreat the past weekend.

## **XVI. Adjourn**

**It was moved by Village Trustee Ott, seconded by Village Trustee Barber, to adjourn. A voice vote was taken and the motion was approved. Meeting adjourned at 9:12 P.M., Monday, July 20, 2015.**

**Respectfully Submitted,**

**MaryAnn Schoenneman  
Deputy Village Clerk**