

C.W.D.

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT
AND BOARD OF TRUSTEES OF THE VILLAGE OF OAK PARK,
ILLINOIS HELD MONDAY EVENING, MAY 6, 1968 AT 7:35 P.M.
IN THE HIGH SCHOOL AUDITORIUM, 201 N. SCOVILLE AVE., O.P.

OFFICIAL RECORD:

Present: Trustees Brooks, Fixman, Gearen, Hanson, Vician, and
Wenzel, and President Donaker
Absent: None

QUORUM: The President then declared that a quorum was present.

MINUTES:

It was moved by Trustee Vician, seconded by Trustee Wenzel that the Minutes of the Special Meeting held Sunday, April 14, 1968 of the President and Board of Trustees, be approved, as submitted by the Village Clerk. The motion was unanimously adopted.

MONTHLY REPORTS:

President Donaker stated this item will be deferred.

1. Commendations for Sgt. Gaynor, Sgt. McDaniels and Officer Stryker

Chief Nester related that during a hold-up of the Tri-City Savings & Loan Association on April 18, 1968, Sgt. Gaynor was alerted by a call from an eye-witness that a robbery was going on at this location - Austin and Roosevelt. He kept this party on the phone and relayed the information to the squads on the streets. The robbers were apprehended by Sgt. McDaniels and Officer Stryker when they forced the robbers into a fence at Wesley and Harrison when they turned into an alley. The officers recovered \$15,000 in cash, a sawed-off shot gun, a pistol and all equipment that was used in the robbery, plus a stolen car. They arrested the men and later found that they both had criminal records of murder, bank robbery and many other charges. The Chief stated he was very proud of the officers and commended them highly.

President Donaker then presented each man with a certificate of commendation and congratulated them.

Mrs. Frances Vander Velde, a representative of the Tri-City Savings & Loan Association made the following statement: It is a great pleasure for me to represent the Tri City Savings & Loan Association. We wish to commend Sgt. Gaynor and all those who were in any way responsible in apprehending the robbers on April 18, 1968. We are proud of the high standards of the police force in Oak Park and would like to especially commend Chief Nester for his inspirational leadership and his excellent police force in Oak Park.

President Donaker stated that Oak Park has always been proud of its Police Department and the Village Board has always given complete support to their work and will continue to do so.

2. Proclamation - National Music Week

President Donaker read a Proclamation proclaiming the week of May 5th -12th, 1968 as National Music Week and asked concurrence of the Board.

2. Proclamation - National Music Week (Continued)

It was moved by Trustee Hanson, seconded by Trustee Gearen, that the Board concur with President Donaker and approve the proclamation for the week of May 5th to 12th, 1968 as National Music Week. The motion was unanimously adopted.

3. Ordinance Amending Chapter 37- $\frac{1}{2}$ of of the Code of the Village of Oak Park, re: Sewer Rates

President Donaker asked Mr. Thorpe, the Corporation Counsel to explain this Ordinance.

Mr. Thorpe stated that about a year ago the sewer rate Ordinance was adopted pursuant to the revenue bond issue. The financing of the sewer system was through revenue bonds which must be paid through the collection of rates from users of the system. In any revenue bond ordinance, in the early years of the ordinance, it is necessary to accumulate funds in reserve accounts to assure the holders of the bonds will be adequately financed and eventually paid. After one years' experience with our rate structure, it has now become apparent through engineering studies, that the rates we are charging are more than adequate to establish the necessary reserve funds and to pay the current principle and interest due on these bonds. It was therefore recommended and made possible through the engineering study that a 10% reduction be made in the sewer rates and an ordinance has been prepared for your consideration reducing the rates from 66.2% to 60% of the water rates, or a reduction of about 10%. A reduction was previously made last Fall providing for a maximum quarter billing of \$18.00 for single family users. I might also add that as time goes by and our experience under the bond issue becomes greater and as the reserve funds are accumulated, this matter can be reviewed again. This major reduction had to be deferred until we had adequate experience to show that the system and the rates would be sufficient to pay the bonds.

It was moved by Trustee Gearen, seconded by Trustee Fixman that proposed Ordinance Amending Chapter 37- $\frac{1}{2}$ of the Code of the Village of Oak Park, be adopted, a true and correct copy of Ordinance 1968-0-17 herewith being ordered filed in the office of the Village Clerk.

On the call of the roll, the vote was as follows:

Ayes - Trustees Brooks, Fixman, Gearen, Hanson, Vician, and Wenzel, and President Donaker.

Nays - None

The motion was unanimously adopted.

4. Fair Housing Issue

President Donaker reminded the visitors that this is a Village Board meeting which is held in public as required by law - it is not a public hearing. This issue has been before the Community for many months. The Community Relations Commission has spent long hours studying the problem. They held two public hearings - first to get an expression of opinion from the Community and secondly to explain a proposed ordinance which they had drawn up. Many people were given an opportunity at that time to express opinions. The ordinance was recommended to the Village Board, however, because of the adoption of a Federal law, the Village Board felt that it was necessary to study the situation again in connection with the Federal law; its effect on the Community in relation to the proposed

4. Fair Housing Issue (Continued)

ordinance. Therefore, an additional public hearing was held in this room two weeks ago, at which time many people again were given an opportunity to express their feelings on the Federal law and the proposed Village ordinance and their inter-action.

The time has come when the Village Board must discuss this matter themselves and to make a decision as to what they feel in their conscience is in the best interest of the Community, and at this time the Village Board will take up this matter of Fair Housing for Oak Park, in connection with the requested referendum, the ordinance and all the related problems. We hope that our visitors will give each Trustee as they express their opinions, the courtesies they themselves would expect to receive when expressing an opinion in public. The Trustees have lived with this problem for months. We have received communications from many people in the Community. We have read them and studied the problem in other Communities and studied the recommendations of the Commission and discussed this matter with many individual citizens so the Board is now in a position where they can discuss the matter and make a decision of their own for the best interest of the Village.

Trustee Brooks addressed President Donaker and fellow Trustees: I feel that the first question that should come before this meeting under the item of Fair Housing issue, is the matter of the petition filed with the Village Clerk pursuant to Article 28.1 of the Election Code requesting that the proposition -"Shall the Village Board pass any ordinance regulating the transfer of property on the basis of race?" be submitted to the voters of Oak Park at the Primary election to be held June 11, 1968. You will recall that in his letter dated April 15th to the Village Board, Mr. Thorpe advised that a referenda is legal since it is advisory only and not binding on the Village Board. Because this referenda is legal, there is nothing left for this Board to do but direct the Village Clerk to prepare the ballots and publish public notice of election. I therefore move that this Board direct him to do so.

Trustee Fixman seconded the motion and made the following statement:

We are not discussing the academic problem as to whether the proposed referendum should have come into existence in the first place. If, as an individual, I had been asked to sign this petition for a referendum, I would have declined to do so. I am not acting as an individual to-night. I am a member of the Board of Trustees that must consider the written request of 10,156 citizens of this Village. It is true that a referendum of this type would create distinct divisions in the Village and would bring upon all of us the kind of publicity that we abhor. The question before this Board, however, is not whether this Board likes the language in which the proposed referendum is written or whether or not the referendum is good or bad - it is not whether we like the literature that is being distributed by the proponents of the referendum - it is not a question as to whether we think the referendum is arbitrary, biased or unjust. We must concern ourselves with a very basic question --a question that goes to the very root of the American concept of freedom of speech and democracy. Now, hear this, do the citizens have the right to petition this Board through a referendum and express themselves in an advisory capacity to this Board? Our own Village Attorney advises that this referendum is legal. To deny the citizens the right, when they are entitled to this right, is grave responsibility on our part. 10,156 citizens have said - we want to advise this Village Board. 10,156 citizens is more than one-half the citizens that would vote in a Village Election. Can this Board say "No"?

4. Fair Housing Issue (Continued)

I have been on this Board three years and I am convinced that this Board has always acted after careful deliberation and has shown a high degree of responsibility and concern for the people of Oak Park. We have bent over backwards to hear opposing points of view - yes, even to listening to extremists with far-out ideas. How can we possibly deny a petition to be heard that is signed by 10,156 citizens? This Board of honest, decent people might, in good faith, deny this petition because they feel it is not in the best interest of Oak Park. However, consider the dangers inherent in this decision. We are not a court of law interpreting liberty, freedom or democracy. We are not a dictatorship of superior human beings. We are not professional politicians - we are just a group of citizens elected at large and sworn to protect the rights of the citizens of this Village. We would be bitterly criticized if we ignored a few of the fundamental rights of a few of our citizens, how can we ignore the fundamental rights of thousands?

I urge this Board to direct the Village Clerk to publish a notice for the referendum for June 11th and to have ballots printed and to take such other legal steps as are necessary.

Trustee Wenzel stated: I am not unaware of Trustee Fixman's great dedication to his point of view. I have known him many years and I respect him highly, but I think in this particular instance, aside from the fact that the wording of the petition is ambiguous and I think had it not been there would be no question as to its unconstitutionality. That the intent of the referendum is clear, which is namely that we should not pass any kind of legislation regarding the transfer of property regardless of race, creed or color. Perhaps a month ago one might have taken a different view but the fact that the Federal act has been passed recently, completely alters the situation in my mind. In order to lock-step with the Federal act which is certainly, in my opinion, the least that we must do, if we are to maintain any kind of local control over conciliation and complaints, then we must pass some kind of an ordinance and the thrust of the question is not what kind of an ordinance, but whether or not we should pass any ordinance and for this reason, I would be opposed to placing this on the ballot.

Trustee Hanson made the following statement:

I am opposed to the referendum for a number of reasons, two of which are - 1st, it is now doubtful after passage of Federal legislation that 10,000 Oak Parkers would sign the petition and even though the majority of citizens would endorse the question as proposed for the referendum, it is my conviction that to deny local government any flexibility to function in this critical area at this time of national abrasive change, would be hazardous; and 2nd, I am convinced that local regulation and control is crucial and the time for it is now. June 11th is not far away yet even with the affirmation of this Board, a referendum on June 11th is doubtful because the local Human Rights Committee and the Chicago Conference on Religion and Race now stand prepared with legal staff and adequate financing to carry the question of the legality of this referendum to the Supreme Court, if necessary. This may take a long, long time and vulnerable as we are, government here can not wait action on what the courts may finally decide.

Trustee Vician stated: In principle, I also oppose the idea of a referendum mainly because it can do nothing but divide the Community. Bitterness and hatred would be generated out of such a referendum and it would be a divisive force in total. Our Attorney has told us that to

4. Fair Housing Issue (Continued)

hold such a referendum if this Board were to pass an ordinance, would be a moot question. Secondly, he has advised us that because of the nature of the petition itself and the question it raises, that the end result would create an ambiguous situation wherein this Board could pass no legislation having to do with race, religion or source of National origin.

I move that the motion be tabled until we have had an opportunity to consider whether or not we will pass an ordinance and thereafter we will be in a position to respond to our attorney's advice that such a referendum would be moot and ambiguous.

Trustee Gearen seconded the motion.

On the call of the roll, the vote was as follows:

Ayes - Trustees Gearen, Hansoh, Vician, and President Donaker

Nays - Trustees Brooks, Fixman and Wenzel.

The motion was adopted.

President Donaker stated the motion to hold a referendum has been tabled and consideration of a Fair Housing Ordinance is now in order.

Trustee Gearen stated: The Community Relations Commission has worked diligently to research the need for Open Occupancy legislation, held public meetings and hearings and it prepared and presented a recommended Ordinance. They and all the other citizens who have made a contribution to the dialogue and consideration of this issue are to be commended for their service to Oak Park. As the result of testimony at public hearings, the recommendations of the Oak Park Board of Realtors and study of the recently enacted Federal law, there have been suggestions for certain changes and modifications which is believed will achieve a more clear and workable law. I am prepared to move the adoption of the substitute Ordinance but before doing so, would ask Mr. Thorpe to explain the changes that have been included in it.

Mr. Thorpe stated that after the public hearing, the recommendations prepared by the attorneys for the Real Estate Board were reviewed and several of the suggestions as to the language in the ordinance were recommended to the Trustees. As a result of those recommendations, changes have been made in the draft of the ordinance as prepared by the Community Relations Commission. The Ordinance was clarified so that it will apply only to real estate located in the Village of Oak Park. The language of the attorneys for the Real Estate Board was installed in Sub paragraphs A through E of Section 5 of the Ordinance. Sub paragraph F through J of the old ordinance were then added to these provisions. In general, the change to Section 5 would take out of the ordinance those matters regulating Real Estate Brokers that do not pertain to Fair Housing. Those matters that were taken out were also in the State law regulating Real Estate Brokers, it was thought this would be better placed in the Chapter licensing brokers, if at some future time, the Board should see fit to do so. It was felt that at this time, the issue should be limited to the Fair Housing issue.

Sub paragraphs A through E of Section 6 of our original ordinance have been replaced with paragraphs A through E of the Federal Fair Housing act and sub-paragraph F has been copied from Section 805 of the Federal act. The purpose of this was two-fold. In the first place, the language in the Federal act was clearer than the language it replaced in

4. Fair Housing Issue (Continued)

our proposed ordinance. Secondly, as long as property owners are going to be faced with regulations along this line, it was felt that it would be better to have our language, in so far as the Board wishes it so, as a substantive matter, to correspond with the Federal act. This means that people will not have two different sets of regulations to consider and will also mean that litigation that develops under the Federal act will apply to our local act, as well as help in interpreting the ordinance, if it is adopted.

In Section 7, an exemption was added in the local ordinance for the rental of owner occupied dwelling units of four units or less, to correspond again with the provisions of the Federal act. The former ordinance applied to any building of more than one tenant.

In discussing the ordinance with the Trustees, it was obvious that there was a difference of opinion on the Board on a substantive matter. Some of the Trustees that I discussed it with requested an ordinance that would apply to single family home owners. In other words, it would be substantially the Federal act but extended to single family home owners whereas the Federal act controls these sales only when made through a real estate broker. Other Trustees indicated that they wanted the Ordinance prepared so that it did not apply to single family home owners except in those instances where the Federal act would apply.

Accordingly, you have before you two ordinances drafted by my office. Ordinance A is the ordinance that would apply to single family home owners. In Ordinance B, you will note, that in Section 7 a new Paragraph E was added which provided that the ordinance should not apply to any single family home sold or rented by an owner without the services of a real estate broker, and this language is copied from the exemption in the Federal act. This section is the only change between the A Ordinance and the B. Ordinance that are before you for your consideration.

Trustee Gearen stated: In moving the adoption of Ordinance A, there are a few points I would like to make.

There is discrimination in Oak Park on the basis of color. It is unjust that human beings should not have equal rights. Much pain and suffering, hatred, turmoil and destruction has already resulted from unjust and unequal treatment of negroes. Legislation for open occupancy can be helpful in righting this wrong in the opinion of the Congress of the United States. Many States and municipalities in more than one-half the Country is under open occupancy separated from the Federal law, and in the opinion of the governing bodies of approximately 40 local Illinois municipalities. I believe also that legislation can be helpful and is necessary in Oak Park. The proposed substitute Ordinance A is a strong ordinance which included coverage of single family home owners whether they deal directly or through a real estate broker. To place the burden of the law solely on the real estate broker would prolong the injustice rather than correct it.

In my opinion this ordinance faces up to the realities of our time and place. It faces up to Oak Park's geographical position in the path of racially changing neighborhoods. It faces up to our historical progression from almost exclusively white Protestantism to a peaceful integration of people of all religious persuasion. It squares with the progressive heritage of Oak Park and its citizens in many areas of culture education in the professions. Many people feel there should be no ordinance - many people feel this ordinance goes too far - too soon. We have listened to them and respect their opinion as to what is best for this

4. Fair Housing Issue (Continued)

Community. For my own part, charged with the responsibility of voting for laws which will serve the best interest of this Community, its citizens - and may I assure you that after extended and deeply concerned deliberations, and consideration for the Community in which I have lived for 45 years, I vote in favor of open occupancy and move the adoption of sub-amendment A.

Trustee Hanson seconded the motion.

Trustee Hanson addressed President Donaker and stated that with his permission, she would like to state her reasons for this action. President Donaker consented and she then made the following statement:

Although the subject of Fair Housing has traveled the gamut of discussion these past troubled weeks, the Trustees have been spectators - not participants, but now that the hour for decision has arrived, I think in fairness to ourselves and the public, we should reveal our thinking on this subject.

First, however, I too, want to express gratitude to Mr. Dwyer and members of the Commission for the time, study and dedication they have given to the preparation of an ordinance. Their proposal is remarkably thorough and the Federal legislation and further legal advice have necessitated some modifications. The proposed changes are no reflection on their sound judgment. It is regrettable that during the heat of battle dissatisfaction and criticism have focused on the Commission and it should be made unmistakably clear that the Commission only carried out the directives of this Board. It is disgraceful that members of the clergy serving the Commission met with vitriolic censure, as their specialized training and experience in human relations have been valuable assets. We are deeply indebted to all these fine people.

The question this evening is whether local fair housing legislation will further the interests of Oak Park. I indorse this comprehensive Ordinance. In fact it is my conviction that for us not to take action would be a dereliction of duty because the problem here is immediate and urgent and will not go away by ignoring it. The risk of doing nothing is very great indeed. We have already waited too long. For years discrimination in real estate practices has prevented a reasonable influx of negro neighbors. We have stubbornly refused to recognize the right of all Americans to live where they choose. Time is running out for orderly change but we can try - even at this late date to meet this challenge, to exert our skills, apply intelligence, and prevent what we all fear and must avoid - the extension of the ghetto.

We can preserve the stability of this Community, if we will. Strict enforcement of zoning and housing codes, a high standard in public works and government services and creative planning for improvements. All these operations must continue plus Section 9 of the proposed ordinance for it offers another tool for regulation and control. People who suggest we rest with the Federal legislation would cripple our ability to help ourselves. The Federal legislation is general - it applies everywhere. The local ordinance is written to serve this specific location. It places responsibility for administration - not in Washington, but in Oak Park and with local staff and officials. People who are keenly aware of the situation and are greatly concerned as we all are, in maintaining and protecting Oak Park's fine traditional standards, there is no other rational alternative but to face the problem squarely and with an ordinance do something about it.

4. Fair Housing Issue (Continued)

Mr. President, I am aware that the legality of certain parts of the ordinance have been in question, such as the exempt locations section and the inclusion of the single family home and I understand attorneys differ in their opinions. They are reluctant to give judgments - as this is a comparatively new field in legislation. No one can read the future - no one can deny the possibility that if tested, the Court may render negative decisions. However, there is also the hopeful probability that for us, in our particular situation, the Court may rule the Ordinance just, fair and workable. But even the possibility of defeat in Court should not deter positive action now. Some people have asked - will adoption of an ordinance solve this distressing problem? Certainly not, no one expects racial harmony to be realized automatically with the passage of a law. For no housing legislation will touch the tragic and insuperable economic barrier. So many Negroes are so desperately poor. But passage of the ordinance will keep Oak Park in step with the times. We can then join the other 38 Illinois Communities who recognize and protect the rights of all citizens to buy and rent homes they can afford in a free market. I fear that failure to pass the ordinance would relegate the image of Oak Park to that of a backward and frightened community. And despite the prevailing climate of controversy, Mr. President, the choice is undeniably clear.

After Trustee Hanson's statement the crowd became very unruly and would not allow Trustee Wenzel to make his statement. Trustee Wenzel declared that this is a most disgraceful demonstration and I think that we should make it clear that a number of groups that are here are quite well known to us. Unless the crowd is kept in order, Mr. President, I think those that are raising the trouble should be removed from the auditorium as they are attempting to keep the Board from its legal business. Under the circumstances, I call for the question.

Trustee Fixman asked to make a statement before the question is placed before the Board.

I do hope that the audience will accord not only me - but to others, the courtesy which I think the Board is entitled to. I would hope that at no time that I am making this statement that demonstrations will be made - either favorable, or unfavorable towards what I will say. I respectfully ask that of the audience.

A moral issue in open housing must be faced. I favor open housing. I feel very strongly that every person has a right to live where he pleases. A motion has been made and seconded to vote on a proposed and particular A-Ordinance on Open Housing. I had hoped that consideration of an ordinance would be postponed until after the courts had acted on the referendum or until June 11th had passed. This apparently will not happen. This legislative matter has been of deepest concern to the people of this Village. The pressure on the Trustees by proponents of both sides of the issue has been vigorously sustained but the duty of this Board has always been crystal clear. A legislative proposal requires objective appraisal and objective decision entirely free from personal prejudice and pressure, emotional or otherwise.

I will quote from the Community Relations Commission report of March 18th to the Board of Trustees.

"The Commission is pleased to report to the Trustees that its goals in many areas have been achieved. We are proud of the record of most Oak Parkers in respecting the dignity and worth of all persons

4. Fair Housing Issue (Continued)

in according fair and equally courteous treatment to all and extending local job opportunities on the basis of merit alone, and in welcoming newcomers of all races, religions and national backgrounds to full participation in Community life.

At the same time an extended series of meetings with representatives of local groups and particular testimony presented by citizens of Oak Park at the public hearing held on February 4th, has brought to light the inescapable fact that discrimination in housing persists in Oak Park."

I agree with these statements. I will also suggest that a fair and impartial review of the Commission's report will indicate that I have not removed these sentences out of context.

I must now ask this question. Why does the proposed ordinance provide limitations, restrictions, regulations and penalties that are not in harmony with the spirit of the Commission's own quoted statements? I am not a lawyer, I am an electrical engineer, but I have sought legal advice on the interpretation of the proposed A-ordinance. In fact, I have had considerable legal advice on interpretations forced upon me. It has not been an easy task to unscramble the legalities, but I must make a few general statements.

1. There is considerable doubt as to whether parts of the ordinance will withstand legal attack.

2. A massive opinion questions the practicability of the ordinance.

3. There is some doubt from an administrative point of view that parts of the ordinance are realistic. Some of my neighbors have said - Don't enact a housing ordinance; others have said - You must enact a housing ordinance. Unfortunately, many people believe there is only one possible type of housing ordinance. This is obviously not so. It is well now to speak of the strong opinions on open housing held by various segments of the citizens of our Village. Unquestionably, this divisiveness threatens the unity and integrity of our Community. The Trustees must face this problem with courage; yes, we must face the moral issue and in addition come up with a solution that will tend to heal the strife that divides neighbor and friend on this problem.

I earnestly and strongly suggest that you consider a substitute ordinance - Ordinance B, which has been prepared and is now in your hands. The substitute ordinance is identical to the A-ordinance except that Section 24- $\frac{1}{2}$.7-E has been added which exempts single family homes from the provisions of the ordinance, providing that they are not sold through a real estate broker. The addition of this section would make the Oak Park ordinance correspond to the provisions of the Federal Fair Housing act with the exception that Ordinance-B is effective immediately without the time schedule indicated in the Federal act. I repeat - in all other respects this Ordinance-B is the same as proposed Ordinance A. The Village attorney has previously concurred in the statement which I have just read.

Now, why do I suggest this substitute B-Ordinance in place of the one that you are now considering? Why am I now willing to approve parts of an ordinance to which I previously objected? The answer is that I know of no other solution to this difficult matter. The solution lies in exempt single family owners from the provision of the proposed A-Ordinance, provid-

4. Fair Housing Issue (Continued)

there is a diversity of opinion on this question. Attorneys, whose judgment I highly respect, believe that it is beyond our power to enact such an ordinance. It is my opinion however, that based on the police power granted to us in the Illinois Municipal Code, that a court will sustain the provisions of this ordinance. It is not free from doubt, I grant, but this is my opinion and it is my opinion that you would not be acting contrary to law if you would adopt either the A ordinance or the B ordinance.

It was moved by Trustee Fixman, seconded by Trustee Brooks that substitute Ordinance A be laid on the table.

On the call of the roll, the vote was as follows:

Ayes - Trustees Brooks, and Fixman.

Nays - Trustees Gearen, Hanson, Vician, and Wenzel, and President Donaker.

The motion was defeated.

As a point of information, Mr. Thorpe advised the Board that a motion to adopt Ordinance A is before you and at such time as discussion is concluded, you may vote on that ordinance. It has not been tabled.

It was moved by Trustee Gearen that the question be presented.

Mr. Thorpe advised that if you are going to move the question without unanimity, the question would have to be voted on. I would suggest that you, Mr. President, see if there is unanimity of the members of the Board to vote on the question.

Trustee Gearen then withdrew his motion.

President Donaker then asked if the Board was ready for the question? There being no comment, he then asked the Village Clerk to call the roll which was as follows:

Ayes - Trustees Gearen, Hanson, Vician, and Wenzel, and President Donaker.

Nays - Trustees Brooks and Fixman

Trustee Vician asked to make a statement before voting on this matter, which was as follows:

Oak Park is at a point of time when we can learn constructively from the experience of communities across the county who have already gone through the problems we are now facing. The principal lesson we have learned in the face of social upheaval taking place around us is that without strong laws and strong enforcements, the wrong kinds of things are going to happen. I vote Aye.

President Donaker announced that the motion is passed and the Fair Housing Ordinance A is adopted.

President Donaker then declared a five-minute recess.

5. Explanation of the Extensive Repair Work to be undertaken on the Eisenhower Expressway between June 3rd and August 28th.

The Director of Public Works gave a report on the extensive repair work which is scheduled to start June 3rd and explained how it will affect Oak Park. He stated the entire Eisenhower Expressway will be re-surfaced. They plan to remove the guard rails and install cross-overs east of Central Avenue, between 9th and 17th Avenue in Maywood and east of Wolf Road. The Harlem and Austin ramps will be affected. During Phase #1 of the Harlem Avenue ramps - eastbound - will be closed and the Austin ramps - both exit and entrance ramps will be closed. On Phase #2, we will have the opposite - the west-bound ramps will be closed, and the eastbound ramps will be open. We expect some problems but the State has promised that they will try to keep the inconvenience to a minimum.

Trustee Gearen suggested that all pressure possible be placed on the sewer contractor to get Jackson and Washington Boulevard completed before the Expressway repair is started as these two streets will receive a lot of traffic. Mr. Sunde stated the contractor will have the work completed on Jackson Boulevard before June 3rd.

President Donaker asked Mr. Sunde to prepare a clear schedule of this report for the press so that the people will know what to expect and will be able to avoid the construction as much as possible.

Trustee Vician spoke of the safety of the youngsters riding bicycles this summer and thought something should be done to minimize these dangers.

President Donaker stated that the Recreation Department, the Park District and the schools should also be advised of this program so that they can help publicize this to the children. He then thanked Mr. Sunde for his report.

6. Bids to be received on bridge deck repairs for all bridges over the Eisenhower Expressway

Trustee Fixman stated that in reading the State Construction news, he noted that bids on this particular type of job have been running high and then within the last few months, due to the contracts being let, they seem to be going higher and higher. He then asked Mr. Sunde if this is true that the contracts are running higher?

Mr. Sunde stated this is true. He stated they were disappointed to receive only two bids for the deck repairs over the Lombard and East Avenue bridges over the Expressway. He recommended that the bids not be accepted and that we be authorized to re-advertise for bids and discuss this problem with the State Division of Highways. He explained that the higher prices are due, in this instance, to the protection we wrote into the specifications - that a flagman be on duty 24 hours, on both sides of Lombard Avenue and East Avenue Bridges.

It was moved by Trustee Fixman, seconded by Trustee Brooks that the bids for bridge deck repairs over the Eisenhower Expressway, be deferred for further discussion with the bidders, and the decision to re-advertise for bids be left in the hands of the Public Works Department. The motion was unanimously adopted.

President Donaker stated that some time ago we were discussing the condition of these bridges and at that time there was some question as to whether there was some faulty design in the work. Mr. Sunde advised that he had written to the state about this and received a letter from them stating that the maintenance of these bridges was our responsibility.

6. Bids to be received on bridge deck repairs for all bridges over the Eisenhower Expressway (Continued)

Trustee Hanson stated that we had complaints about the curbs being too high and mothers with baby carriages were finding it difficult to go up and down. She asked Mr. Sunde if these curbs could now be squared which might make them safer. Mr. Sunde stated that this could not be done as the radius was cut for the protection of the motorists and the pedestrians.

7. Proposed Agreement with Family Service

The Village Manager stated that this item has been on the Agenda for the past few meetings and Trustee Brooks raised the question at the last meeting as to whether or not the Township should not be responsible for this. He stated that he has discussed this with Mr. Watters of the Township who advised that they do not have the funds in their budget this year, but he will take it up with the newly formed Youth Commission so that it will be included in their budget next year. Inasmuch as the Township does not have the funds and since the Village does have an appropriation for this, I recommend that this agreement be approved. He then read the agreement.

It was moved by Trustee Brooks, seconded by Trustee Wenzel that proposed Agreement with Family Service Association of Oak Park for the term January 1, 1968 to December 31, 1968, be approved.

On the call of the roll, the vote was as follows:

Ayes - Trustees Brooks, Fixman, Gearen, Hanson, Vician, and Wenzel, and President Donaker.

Nays - None

The motion was unanimously adopted.

8. Chamber of Commerce Dues

The Village Manager explained that the Village of Oak Park has been a member of the Chamber of Commerce for a number of years and membership in this organization benefits the Village as a whole and the members of the Board as representing the Village. He explained that the dues have been raised 10% and he highly recommended that this expenditure be approved.

It was moved by Trustee Gearen, seconded by Trustee Fixman that the Chamber of Commerce dues for 1968-1969 in the amount of \$550.00, be approved for payment.

On the call of the roll, the vote was as follows:

Ayes - Trustees Fixman, Gearen, Hanson, Vician, and Wenzel, and President Donaker

Nays - None

Trustee Brooks abstained.

The motion was adopted.

9. Bids on Conventional Truck Chassis

The Purchasing Agent reported that the following bids were received for one Conventional, Heavy Duty, Truck Chassis to be used by the Street Lighting Division in conjunction with the Mobile Aerial Platform and Crane unit, and he recommended that the contract be awarded to the low bidder G.M.C. Truck and Coach Division at their bid of \$3,692.00.

	<u>Milo-Brooke Inc.</u>	<u>Oak Park Dodge</u>	<u>GMC Truck & Coach</u>	<u>International Harvester</u>
Conventional Heavy-Duty Truck Chassis	\$5,747.00	\$3773.61	\$3992.00	\$4,289.01
Less Trade-in, Unit #33	<u>1,750.00</u>	<u>10.00</u>	<u>300.00</u>	<u>125.00</u>
Net Cost	\$3,997.00	\$3763.61	\$3692.00	\$4,048.99*

* Subtraction mistake on bid.

It was moved by Trustee Gearen, seconded by Trustee Brooks that the contract for one Conventional, Heavy Duty, Truck Chassis be awarded to the low bidder, GMC Truck and Coach in the amount of \$3,692.00.

On the call of the roll, the vote was as follows:

Ayes - Trustees Brooks, Fixman, Gearen, Hanson, Vician,
and Wenzel, and President Donaker
Nays - None

The motion was unanimously adopted.

10. Bids on Mobile Aerial Platform and Crane Unit

The Purchasing Agent reported that the following bids were received for the Mobile Aerial Platform and Crane Unit, and he recommended that the contract be awarded to the low bidder Elliott Manufacturing Company, in the the amount of \$10,616.00.

	<u>Hillsmen Equipment</u>	<u>Tractor & Equip.</u>	<u>Elliott Mfg. Co.</u>
1-Mobile Aerial Platform & Crane Unit	\$13,943.00	\$9,875.00*	\$10,616.00

* Does not meet basket spec.

It was moved by Trustee Wenzel, seconded by Trustee Fixman that the contract for one Mobile Aerial Platform and Crane Unit, be awarded to the low bidder, Elliott Manufacturing Company, in the amount of \$10,616.00.

On the call of the roll, the vote was as follows:

Ayes - Trustees Brooks, Fixman, Gearen, Hanson, Vician,
and Wenzel, and President Donaker
Nays - None

The motion was unanimously adopted.

11. Bids on 2-Way Communicators

The Purchasing Agent reported that only one bid was received for the 12 Two-way Communicators and Appurtenant Equipment as follows, and recommended that the contract be awarded to Motorola C & E Inc. in the amount of \$7,901.00. He stated that specifications were sent to RCA and GE.

<u>Motorola C & E Inc.</u>	
12-Solid State Communicators	\$6,408.00
1-12 unit charger	236.00
3-Single unit chargers	117.00
21-Rechargeable Batteries	1,008.00
12-Carrying cases	<u>132.00</u>
	\$7,901.00

Chief Nester stated there is the utmost urgency in securing this equipment. It is in constant use - they are used in stake-outs and actually sometimes a policeman's life depends on these units. We have three - over 16 years old. We tried to get them last year and they are needed urgently. Motorola has been building this unit for several years. I believe that RCA and GE have just started building this equipment. He stated he felt very strongly that we should get the equipment as quickly as possible.

It was moved by Trustee Gearen, seconded by Trustee Vician that the contract for 2-way Communicators be awarded to Motorola C & E Inc., in the amount of \$7,901.00.

On the call of the roll, the vote was as follows:

Ayes - Trustees Brooks, Fixman, Gearen, Hanson, Vician,
and Wenzel, and President Donaker
Nays - None

The motion was unanimously adopted.

12. Request for Letter of Endorsement for solid wastes disposal study by Metropolitan Sanitary District

The Village Manager read a letter from the Metropolitan Sanitary District requesting that the Village of Oak Park endorse their application for Federal funds of \$140,000 for study and investigation grant from the Solid Wastes Program of the National Center for Urban and Industrial Health, U. S. Public Health Service, Department of Health, Education and Welfare. They state that the District would be adding \$70,000 of its own funds for a total study cost of \$210,000. He then asked Mr. Chapman to comment on this.

Mr. Chapman stated that this study will be for a large waste disposal site. There is approximately 36 million yards of solid waste per year. The Metropolitan Sanitary District will have about 6 million yards of rock, dirt, etc., from their deep tunnel project and they must have a place to dispose of it. Land fill operations are getting extremely difficult to find and he recommended the endorsement of this study. The proposed sites will be along the Sanitary Canal and will be used for recreational purposes - tobogganning, sledding, skiing, etc., with chalets with restaurant facilities.

It was moved by Trustee Vician, seconded by Trustee Hanson that the Village of Oak Park endorse the Metropolitan Sanitary District's

12. Request for Letter of Endorsement for solid wastes disposal study by Metropolitan Sanitary District (Continued)

application for Federal funds of \$140,000 for study and investigation grant from the Solid Wastes Program, in accordance with their letter of May 2, 1968. The motion was unanimously adopted.

13. Ordinance Amending Sections 10.2 and 10.3 of the Oak Park Village Code

President Donaker stated that with the adoption of a Fair Housing Ordinance, one of the safe guards which we fully intend to rigorously enforce, is the licensing of real estate brokers. Real estate brokers having their business in Oak Park have been licensed for some time, however, real estate brokers having offices elsewhere but doing business in Oak Park were not licensed. We have an ordinance before us that will accomplish this and all brokers will come under this amendment.

It was moved by Trustee Vician, seconded by Trustee Wenzel that proposed Ordinance Amending Sections 10.2 and 10.3 of the Oak Park Village Code, be adopted, a true and correct copy of Ordinance 1968-0-19 herewith being ordered filed in the office of the Village Clerk.

On the call of the roll, the vote was as follows:

Ayes - Trustees Brooks, Fixman, Gearen, Hanson, Vician,
and Wenzel, and President Donaker
Nays - None

The motion was unanimously adopted.

14. Referendum originally tabled

President Donaker stated that the Corporation Counsel has given the Board an opinion that if a Fair Housing Ordinance was adopted, the question of a referendum was moot and it was not appropriate to hold a referendum under these conditions. Inasmuch as such an Ordinance has been adopted, it is in order to instruct the Village Clerk as to his responsibilities and a motion is in order to instruct him not to prepare the ballots and not to publish a Notice of Election.

It was moved by Trustee Vician, seconded by Trustee Wenzel that inasmuch as a Fair Housing Ordinance has been adopted, that a referendum not be held and the Village Clerk be instructed not to have ballots prepared and not to publish Notice of Election for same.

On the call of the roll, the vote was as follows:

Ayes - Trustees Gearen, Hanson, Vician, Wenzel, and President
Donaker
Nays - Trustees Brooks and Fixman

The motion was adopted.

15. Communications

a) Mr. Dieter K. Schroeder, 418 South Elmwood Avenue addressed the Board and discussed the requested referendum which has been denied tonight. He assured the Board that the Referendum group will organize more than ever and take this matter to the Courts for a decision.

15. Communications (Continued)

b) Mr. Howard Allen, 462 N. Austin Boulevard discussed air pollution and requested that the Planning Department write up an amendment to the Air Pollution ordinance to relieve him and the area surrounding the West Suburban Hospital of air contamination.

Mr. Allen also spoke on the referendum that was requested by the people, and stated the adoption of the Fair Housing Ordinance was taking away his legal rights as a property owner and he assured the Board that he will join the other citizens in taking this matter to the courts.

Miscellaneous:

Trustee Brooks stated the laws regarding bicycle safety are not being enforced as he has seen many violations in the past few weeks. He asked that the Village Manager direct the Chief of Police to have these laws enforced, and if they have the time during their normal operation, to stop the children when a violation is in evidence and explain to them the laws that are on the books regarding bicycle safety.

Mr. Ted Swenson, 512 S. East Avenue spoke about the parking situation in the vicinity of the Oak Park Hospital. He stated they have not left the parking spaces that they promised to leave when they requested a zoning variation. He asked that the Board reconsider the zoning variation they have asked for. The Village Manager stated that he would meet with the Oak Park Hospital officials and report at the next meeting. Trustee Vician stated that in this regard and in view of the large addition they are building, suggested that when Mr. Stevens meets with the officials that they be asked if they have any plans for additional parking. Mr. Stevens agreed to do this.

ADJOURNMENT:

It was moved by Trustee Hanson, seconded by Trustee Brooks that the meeting be adjourned to an executive session to discuss the purchase of real estate. The motion was unanimously adopted.

It was moved by Trustee Wenzel, seconded by Trustee Vician that the next regular meeting will be held on Monday, May 20, 1968, at 7:30 P. M. in the Council Chambers, Municipal Building. The motion was unanimously adopted.

Submitted and recorded in the office of:

CLARENCE W. SCHILKE
Village Clerk

CWS:rl

Note: Due to mechanical difficulties with the microphone on the floor, reports and statements made from that instrument are not verbatim.