



Village of Oak Park

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

Meeting Minutes

President and Board of Trustees

Tuesday, September 6, 2016

7:00 PM

Village Hall

I. Call to Order

Village President Abu-Taleb called the meeting to order at 7:03 P.M.

II. Roll Call

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

Absent: 1 - Village Trustee Button Ott

III. Consideration of Motion to Adjourn to Executive Session to Discuss Personnel and Litigation.

It was moved by Village Trustee Barber, seconded by Village Trustee Tucker, to enter into Executive Session pursuant to 5 ILCS 120/2(c)(1) - discussion of personnel and 5 ILCS 120/2(c)(11) - litigation. 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 Salzman, Village Trustee Tucker, and Village President Abu-Taleb

NAYS: 0

ABSENT: 1 - Village Trustee Button Ott

V. Reconvene to Regular Meeting in Council Chambers and Call to Order

The Regular Meeting reconvened at 7:36 P.M.

VI. Roll Call

Present: 7 - Village Trustee Barber, Village Trustee Brewer, Village Trustee Button Ott, Village Trustee Lueck, Village Trustee Salzman, Village Trustee Tucker, and Village President Abu-Taleb

Absent: 0

VII. Agenda Approval

Village Manager Pavlicek noted that Items L and T have been moved from the Consent Agenda to the Regular Agenda, and Item V has been tabled to a future meeting.

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

VIII. Minutes

- A. [MOT 16-106](#) **Motion to Approve Minutes for July 18, 2016 Regular Meeting and August 11, 2016 Regular Meeting of the Village Board.**

It was moved by Village Trustee Tucker, seconded by Village Trustee Brewer, to approve the minutes. A voice vote was taken and the motion was approved.

IX. Non-Agenda Public Comment

Rich Schurr. Mr. Schurr spoke on behalf of the residents of the 1200 block of N. Euclid Avenue who would like a cul-de-sac built to deter traffic from their block. He noted that the Village's moratorium on cul-de-sacs expires this month.

X. Village Manager Reports

- B. [ID 16-268](#) **Review of the Village Board Meeting Calendars for September, October, November, December 2016**

Village Manager Pavlicek gave a brief overview of the meeting schedule for the remainder of the year and asked Board members to advise her of any conflicts.

XI. Village Board Committees

Village Trustee Lueck described the work and structure of the I-Gov Committee. Village Trustee Barber noted that the next assembly is on Saturday, October 29. All I-Gov meetings are open to the public.

Village Trustee Tucker noted when the Finance Committee will be meeting to continue with their work in regards to the annual budget.

XII. Citizen Commission Vacancies

- C. [ID 16-267](#) **Board and Commission Vacancy Report for September 6, 2016.**

There were no comments.

XIII. Citizen Commission Appointments, Reappointments and Chair Appointments

- D. [MOT 16-107](#) **Motion to consent to the Village President's Appointment of:**
Community Design Commission- Douglas Chien, Reappoint as Chair
Community Development Citizens Advisory Committee - Phyllis Russell, Reappoint as Member
Community Relations Commission - Jordan Mann, Appoint as Chair
Community Relations Commission - Thomas Zapler, Appoint as Member
Housing Authority - Doris Kelley, Reappoint as Member
Plan Commission - Greg Marsey, Reappoint as Member

It was moved by Village Trustee Button Ott, seconded by Village Trustee Tucker, that this Motion be approved. A voice vote was taken and the motion was approved.

XIV. First Reading

E. [ORD 16-099](#) **First Reading of an Ordinance Amending Chapter 23A ("Taxes"), Article 4 ("Hotel/Motel Tax") of the Oak Park Village Code to Include Transient Occupancy Rental Units**

Village Manager Pavlicek stated that in response to requests from Oak Park hotel and B & B owners, staff was looking at whether owners of transient occupancy rental units should be subject to the 4% hotel/motel user tax per Village ordinance. Staff is recommending that the ordinance be amended to include those rental units. In addition, if the Board approved the ordinance, they would enter into an agreement with AirBnB, who would collect the tax on behalf of the Village.

Valerie Leon Criminger. Ms. Criminger spoke about her experience with her short term rental property and commented that this makes home ownership more affordable as well as being beneficial to businesses in the community that guests patronize. She also explained why this does not compete with local hotels and B & Bs.

Stephen Kelly. Mr. Kelly spoke in favor of short term rentals and noted that language in the ordinance would make it impossible for some of the owners to continue.

Vered Noy. Ms. Noy, a former short term rental owner, stated that short term rental of her property enabled her to keep her home in Oak Park, as well as provide accommodations to visitors that could not afford to stay in a hotel. She also noted that the ordinance language regarding the rights of Village personnel to enter their homes to inspect records was an invasion of privacy.

Tara Zinger. Ms. Zinger discussed how short term rentals have allowed her to travel to places where she could not otherwise afford to go.

Village President Abu-Taleb clarified that they are not trying to eliminate AirBnB rentals. He asked Development Customer Services Director Tammie Grossman to address concerns.

Ms. Grossman stated that the Village was contacted by B & B owners who also use AirBnB to list their rooms. They are required to pay the hotel/motel tax and felt it was unfair that private homeowners who list their spaces on AirBnB are not. AirBnB would collect the tax on behalf of the Village and pay in aggregate, not by individual rental. In regards to record inspection, Ms. Grossman stated that this would be done through AirBnB and only in response to a complaint. There would be no direct contact between the Village and the owner. She also clarified that the tax would be paid by the user, not the owner.

Village Trustee Salzman stated that if the Board is considering a new tax, they should take a look at where the proceeds would be best spent. If the current ordinance restricts where they may spend it, perhaps the entire ordinance needs review.

Village Trustee Button-Ott asked for information regarding an estimate of how many Oak Park properties are listed on AirBnB and the range of prices for the Second Reading in order to get an idea of the amount of revenue they are looking at. She felt that it was fair to impose the tax and didn't think that it would deter people from booking on AirBnB.

Village Trustee Tucker was interested in what some of the surrounding communities are

doing. Ms. Grossman noted that Oak Park is only the second municipality to impose a tax.

Village Trustee Barber spoke highly of AirBnB and agreed that the tax would not be a burden. He was interested in knowing if comparable communities are planning on taxing.

Village Trustee Brewer raised the subject of discrimination on the part of AirBnB and wanted them to address that issue.

Village Trustee Lueck asked for details regarding AirBnB's screening process. Ms. Grossman clarified screening is done by an individual based on host and user reviews.

Village President Abu-Taleb stated that the 4% tax levels the playing field regarding visitor rentals. He also wanted to address time limits in the ordinance in the future.

F. [ORD 16-098](#) **First Reading of an Ordinance Amending Chapter 7 ("Buildings"), Article 7 ("Signs"), Section 7-7-13 ("Temporary Signs") of the Oak Park Village Code to Delete the Permit Requirement for A-Frame Signs in the Public Way**

Ms. Grossman explained that these signs are what businesses use on the sidewalk from time to time to advertise, for example, daily lunch specials or to indicate a sale on various items. The ordinance currently requires businesses to secure a permit in order to display those signs and noted that this has never been enforced. Staff recommends that the permit requirement be removed.

XV. Second Reading

G. [ORD 16-106](#) **Second Reading and Adoption of an Ordinance Amending Chapter 2 ("Administration"), Article 6 ("Finance Department") of the Oak Park Village Code by Adding a new Section 2-6-20 ("Living Wage")**

Village Trustee Barber commented that at the First Reading, it was noted that the added cost to bring certain contractors up to \$12 per hour would be passed on to the Village. He asked how this will impact the Village's annual budget.

Village Manager Pavlicek stated that competitive bids on contracts being awarded for 2017 have been completed prior to the adoption of this ordinance. It will not have any impact on the Village until late 2017, when those contracts come up for 2018. She estimated that the parking garage security contract will increase by approximately \$40,000.

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

AYES: 7 - Village Trustee Barber, Village Trustee Brewer, Village Trustee Button Ott, Village Trustee Lueck, Village Trustee Salzman, Village Trustee Tucker, and Village President Abu-Taleb

NAYS: 0

ABSENT: 0

XVI. Consent Agenda

Approval of the Consent Agenda

It was moved by Village Trustee Button Ott and seconded by Village Trustee Brewer to approve the items under the Consent Agenda. The motion was approved. The roll call on the vote was as follows:

AYES: 7 - Village Trustee Barber, Village Trustee Brewer, Village Trustee Button Ott, Village Trustee Lueck, Village Trustee Salzman, Village Trustee Tucker, and Village President Abu-Taleb

NAYS: 0

ABSENT: 0

- H.** [ORD 16-095](#) An Ordinance Amending Chapter 12 ("Housing"), Article 2 ("Residential Rental License"), Section 12-2-1 ("License Required") And Chapter 13 ("Human Rights") Of The Oak Park Village Code
This Ordinance was adopted.
- I.** [ORD 16-096](#) An Ordinance Authorizing the Sale of a Surplus Vehicle Owned by the Village of Oak Park
This Ordinance was adopted.
- J.** [ORD 16-107](#) An Ordinance Amending the Fiscal Year 2016 Annual Budget.
This Ordinance was adopted.
- K.** [ORD 16-111](#) An Ordinance Approving a Fifth Amendment to the Lease Agreement between the Village of Oak Park and Robinson's No. 1 Rib, Inc. and Authorizing its Execution
This Ordinance was adopted.
- M.** [RES 16-288](#) A Resolution Approving a Settlement Agreement in Cook County Circuit Court Case No. 2013 L 11761 and Authorizing its Execution
This Resolution was adopted.
- N.** [RES 16-289](#) A Resolution Approving Settlement Agreements in Workers' Compensation Case Nos. 14 WC 09436 and 12 WC 00008 and Authorizing their Execution
This Resolution was adopted.
- O.** [RES 16-290](#) A Resolution Approving an Amendment to a Service Agreement between the Village of Oak Park and McAdam Landscaping, Inc. for FY 2016 Parkway Tree Watering in an Amount not to Exceed \$50,000.00 and Authorizing its Execution
This Resolution was adopted.
- P.** [RES 16-291](#) A Resolution Approving an Amendment to a Professional Services

Agreement with Altamanu, Inc. for Fiscal Year 2016 Landscape Consulting Services for an Amount not to Exceed \$30,000.00 and Authorizing its Execution

This Resolution was adopted.

- Q. [RES 16-293](#) A Resolution Approving an Amendment to a Purchase Price Agreement with HD Supply Waterworks Group, Inc. for Materials for Installation and Repair of Water Mains, Fire Hydrants, Water Services and Sewer Services in an Amount not to Exceed \$80,000.00 in Fiscal Year 2016 and Authorizing its Execution

This Resolution was adopted.

- R. [RES 16-294](#) A Resolution Awarding a Small Rental Property Rehabilitation Loan and Authorizing the Execution of a Loan Commitment and Agreement for the Property Located at 1110 South Austin Boulevard (SRP-031)

This Resolution was adopted.

- S. [RES 16-298](#) A Resolution Approving a Professional Services Agreement with Claassen, White & Associates, P.C. for Project 16-21, Establishment of Vertical Benchmark Monuments, in an Amount not to Exceed \$85,000.00 and Authorizing its Execution

This Resolution was adopted.

- U. [MOT 16-103](#) Motion to Direct Staff to Submit an Application with the State of Illinois Department of Human Services for a Maternal and Infant Health Program Family Case Management Grant

This Motion was approved.

- W. [MOT 16-102](#) Motion to Approve the Bills in the Amount of \$4,006,935.16 from July 30, 2016 through September 1, 2016

This Motion was approved.

- X. [MOT 16-099](#) A Motion to Approve the Monthly Treasurer's Reports for All Funds

This Motion was approved.

XVII. Regular Agenda

- Y. [ORD 16-100](#) Concur with the Zoning Board of Appeals' Recommendation and Adopt an Ordinance Amending Article 3 ("Zoning District Regulations"), Section 3.1 ("Summary Use Matrix") of the Village of Oak Park Zoning Ordinance by Adding Buildings Ancillary to Church, Mosque or Temple as a Permitted Use in the B1/B2 General Business District, and Amending Article 9 ("Definitions") of the Zoning Ordinance by adding a new Subsection 9.26 ("Buildings Ancillary to Church, Mosque or Temple")

Village Planner Craig Failor stated that this is a recommendation from the Zoning Board of Appeals to amend the Zoning Ordinance to allow ancillary building use of churches, mosques or temples in the General Business District. He added that this is specifically a request from Unity Temple for the property located at 1019 South Boulevard.

ZBA Chair Mike Quinn added that this text amendment would apply to any church, mosque or temple that would like to have ancillary buildings in the B-1/B-2 General Business District.

Representatives from Unity Temple stated that they are looking to expand classroom space in order to accommodate the increased number of children registered in their religious education program. The space will also consolidate their administrative offices, which they currently rent various spaces for. The space will be used for congregational activities and community use as well.

Village Trustee Tucker expressed concern that other non-retail businesses will follow suit, and also that there will be an increase of properties off the tax roll. Mr. Quinn clarified that in order for a property to be tax exempt, both the owner and the user must be exempt. He noted that the Board has the option to approve this particular entity as a special use or change language in the ordinance to reflect that this is not Village wide. However, that is not what this ordinance reflects. He also noted that the Village should be able to address this generally, as any religious institution can outgrow their space and require additional locations.

Village Manager Pavlicek stated that typically, municipalities have not been able to regulate religious functions through zoning with a great deal of exclusiveness. If, for example, a for-profit office or day care within a zoning district is a permitted use, why would the Village treat the user differently because they're a religious activity. Staff feels comfortable with the ZBA's recommendation, which is consistent with other municipalities. However, they could do further research if the Board desires.

There was continued discussion regarding whether a variance for individual applicants versus a Village side ordinance would be best for the Village. Village Trustee Barber commented that this particular area is now becoming more retail oriented. He agreed with Village Trustee Tucker's concerns; he did not want to open the door to that kind of extended use.

Village Trustee Button Ott saw value in the use for community space and asked how they anticipate using it. A representative from Unity Temple stated that it will be used daily as offices and on weekends for religious studies. Several rooms will be available for meetings of various organizations and community functions.

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

AYES: 7 - Village Trustee Barber, Village Trustee Brewer, Village Trustee Button Ott, Village Trustee Lueck, Village Trustee Salzman, Village Trustee Tucker, and Village President Abu-Taleb

NAYS: 0

ABSENT: 0

L. [RES 16-262](#) A Resolution Approving the Village of Oak Park's RainReady Grant Program

in the Amount of \$13,000 for Fiscal Year 2016 and Authorizing the Execution of the Applicable Grant Agreements

Village Manager Pavlicek stated that the RainReady Grant Program is a supplement to the Sewer Backup Grant Program that will provide residents with an opportunity to build flood mitigation systems on their properties to divert storm water from the sewer system.

Village Engineer Bill McKenna noted that the program will provide cost sharing for single family homeowners to construct green infrastructure improvements on their properties such as rain gardens, bioswales, permeable pavements, etc. This is not meant to prevent basement flooding but flooding within the homeowners' yards that could cause damage to their property. The grants would fund up to \$1,300 per household at a 50% cost share for approved projects. Staff included \$25,000 for the RainReady Grant Program in the 2016 Budget.

Mr. McKenna stated that the Public Works Department entered into an agreement with the Center for Neighborhood Technology (CNT) to develop and administer the program. CNT will be responsible for the outreach and screening of applicants, home assessments and developing the scope of work for the individual projects. They will also evaluate the program. The Neighborhood Services Division of the Development Customer Services Department will administer the grant program with assistance from the Engineering Division.

The \$13,000 remaining in the FY 2016 Budget for the project will fund an initial pilot program, which will consist of improvements on ten properties. CNT will be doing the initial outreach as well as hosting a community meeting to describe the program. They will select the homes that have the most suitable conditions and which will obtain the most benefits.

Village Trustee Lueck discussed why the Sewer Backup Grant Program was initiated. Starting with a pilot program will enable staff to find out where the most troublesome spots in the Village are, what methods are successful and get an estimate of the dollar amount needed to fund the program. She also discussed the rationale behind spending public dollars on private property in this particular situation.

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

AYES: 7 - Village Trustee Barber, Village Trustee Brewer, Village Trustee Button Ott, Village Trustee Lueck, Village Trustee Salzman, Village Trustee Tucker, and Village President Abu-Taleb

NAYS: 0

ABSENT: 0

T. [MOT 16-101](#) Motion to Direct Staff to Issue a Request for Proposals for the Purchase and Redevelopment of Village Owned Parking lots at 710-728 Madison Street Consistent with the Recommendations of the Oak Park Economic Development Corporation (Oak Park EDC)

Village Manager Pavlicek noted that the Oak Park Economic Development Corporation is requesting for staff to issue a Request for Proposals (RFP) to solicit development on this Village owned property. It is currently used as a parking lot and the Village issues permits for use by Fenwick High School students

Chris Donovan. Mr. Donovan believed that the Board should approve the Madison Street Road Diet design with the bend included prior to issuing RFP's for any Madison Street development.

Executive Director of the OPEDC John Lynch clarified that this is simply a recommendation to issue an RFP for the Village owned parking lot on Madison and Oak Park Avenue, and predetermining a bend or non-bend is not part of this proposal. The RFP is being reviewed by staff and he is hoping to have it out sometime this week. Mr. Lynch gave a brief timeline and stated that ideally construction on the project will begin in late summer or early fall of 2017.

Village Trustee Button Ott asked for a description of the RFP process used by the OPEDC. Mr. Lynch described the process and what is included in the RFP. Village Manager Pavlicek noted that the RFP must go through the Village. It will be posted on the website and a notice will be published in the paper, as it is in a TIF district.

Village President Abu-Taleb was excited about the development. In regards to the bend, he clarified that the Village has contracted out engineers to design the street straight, the way it is, with the proposed streetscape and also a design of the street bent that would allow for a space on one side that is deep enough for a retail store. Taking all that together, he believed that it would be very beneficial for that neighborhood and the community as a whole.

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

AYES: 7 - Village Trustee Barber, Village Trustee Brewer, Village Trustee Button Ott, Village Trustee Lueck, Village Trustee Salzman, Village Trustee Tucker, and Village President Abu-Taleb

NAYS: 0

ABSENT: 0

Z. [ORD 16-101](#) Concur with the Zoning Board of Appeals' Recommendation and Adopt an Ordinance Granting a Special Use Permit to Operate a Health, Athletic, Recreation and Amusement Facility in the B-4 Downtown Business District at 1136 Lake Street

Mr. Quinn stated that a special use permit is required to allow a health, athletic, etc. facility in the Downtown Business District. the applicant's proposed space is located in the rear of 1136 Lake Street.

The applicant spoke about her business, which offers one hour classed comprised of 20 minutes of spin, 20 minutes of strength training and 20 minutes of yoga.

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

AYES: 7 - Village Trustee Barber, Village Trustee Brewer, Village Trustee Button Ott, Village Trustee Lueck, Village Trustee Salzman, Village Trustee Tucker, and Village President Abu-Taleb

NAYS: 0

ABSENT: 0

AA. [RES 16-292](#) A Resolution Authorizing the Submission of a Section 108 Loan Guarantee Program Application with the U.S. Department of Housing and Urban Development

Village Manager Pavlicek stated that on August 1, the Board approved release of the draft program application for a 30 day public comment period, which has expired without comment. Staff is seeking permission to submit the application to HUD in order to get the program started.

Ms. Grossman stated that the typical user would be a business trying to retrofit a building that was not designed for their type of business. They would apply for a loan with the Village under the Section 108 Loan Program at a very low interest rate. She also described the application process and answered questions from the Board.

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

AYES: 7 - Village Trustee Barber, Village Trustee Brewer, Village Trustee Button Ott, Village Trustee Lueck, Village Trustee Salzman, Village Trustee Tucker, and Village President Abu-Taleb

NAYS: 0

ABSENT: 0

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

Village President Abu-Taleb and Village Trustee Brewer recused themselves from the meeting and Village President Pro Tem Salzman presided over the following Item.

[ORD 16-102](#) 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 Section 3-8-2 ("Licensees by Name and Address Per License") of the Oak Park Village Code Regarding the Craft Brewery D-15 Liquor License Classification

Village Attorney Paul Stephanides stated that this ordinance extends the required closing time from 10:00 P.M. to 12:00 A.M. for the Village's solo Class D-15 Liquor License holder. It also changes their doing-business-as name to Kinslagher Brewing Company.

The owner of Kinslagher Brewing Company spoke about his business. Mr. Stephanides added that the Liquor Control Review Board unanimously recommended the changes to the ordinance.

It was moved by Village Trustee Tucker, seconded by Village Trustee Button 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 Button Ott, Village Trustee Lueck, Village Trustee Salzman, and Village Trustee Tucker

NAYS: 0

ABSENT: 0

ABSTAINED: 2 - Village Trustee Brewer, and Village President Abu-Taleb

XIX. Call to Board and Clerk

Village Clerk Powell spoke about voting and related tasks that may be done online at the Cook County Clerk's website.

Village Trustee Brewer felt that the Board accomplished a great deal this evening. He also noted that school is in session and asked that drivers be alert to children that may be present.

XX. Adjourn

It was moved by Village Trustee Tucker, seconded by Village Trustee Barber, to adjourn. A voice vote was taken and the motion was approved. Meeting adjourned at 9:52 P.M., Tuesday, September 6, 2016.

Respectfully Submitted,

**MaryAnn Schoenneman
Deputy Village Clerk**