

# MINUTES

## VILLAGE OF LA GRANGE

### PUBLIC HEARING AND BOARD OF TRUSTEES REGULAR MEETING

Village Hall Auditorium  
53 South La Grange Road  
La Grange, IL 60525

Monday, February 11, 2013 - 7:30 p.m.

#### 1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

The Board of Trustees of the Village of La Grange public hearing and regular meeting was called to order at 7:31 p.m. by President Asperger. On roll call, as read by Village Clerk Thomas Morsch, the following were:

PRESENT: Trustees Holder, Horvath, Langan, Nowak, and Palermo with President Asperger presiding.

ABSENT: Trustee Kuchler (Present at 8:51 p.m.)

OTHERS: Village Manager Robert Pilipiszyn  
Assistant Village Manager Andrianna Peterson  
Village Attorney Mark Burkland  
Community Development Director Patrick Benjamin  
Assistant Community Development Director / Planner Angela Mesaros  
Finance Director Lou Cipparrone  
Public Works Director Ryan Gillingham  
Police Chief Mike Holub  
Fire Chief Bill Bryzgalski

#### 2. PUBLIC HEARING – Draft Plan of Operation and Governance for Electric Aggregation Program Pursuant to Public Act 96-0176: Referred to President Asperger

President Asperger explained that this was the second Public Hearing to accept comment in order to finalize the draft Plan of Operation and Governance for Electric Aggregation. President Asperger provided detailed background information which included voter approval of a referendum question asking whether the Village should seek to create an electricity aggregation program; Village Board adopting an ordinance authorizing an opt-out electricity aggregation program; and entering into a contract with the Illinois Community Choice Aggregation Network for electric aggregation consulting services.

President Asperger indicated that notice of both Public Hearings have been posted and published according to State Statute. Adding that the draft Plan of Operation and Governance describes how the program will operate; qualifications for potential electricity suppliers; pricing methodology; enrollment; options to withdraw; options related to energy supply mix; contract terms; and possible fees, President Asperger noted that staff has proceeded in the most cost effective manner as understood by the Board's direction.

President Asperger introduced the Village's consultant Mr. Mark Pruitt of the Illinois Community Choice Aggregation Network who will provide a PowerPoint presentation and opportunity for public input.

Mr. Pruitt began by referencing that detailed information as well as all items being discussed this evening has been posted and will continue to be updated and available on the Village website. Mr. Pruitt noted that a Plan of Operation and Governance must be approved by an ordinance adopted by the Village Board. As there are several items for discussion this evening prior to finalizing the Plan of Operation and Governance, Mr. Pruitt invited both the audience and Trustees to interrupt him with questions or comments at any time during his presentation.

Joseph Fitzer, who resides at 80 Malden asked how electricity suppliers can offer cheaper rates than ComEd. Mr. Pruitt responded that Com Ed is a wires company and State government deregulated the electricity market thus allowing consumers to seek competitive prices. Mr. Pruitt added that one of the terms in the Plan of Operation and Governance is a requirement that any supplier must either meet or beat Com Ed's price for electricity supply services, thus providing protection for consumers.

Cynthia Schilsky, who resides at 420 S. Edgewood noted her concerns that cheaper is not always better. Mr. Pruitt explained that when determining an electricity supply company it is not just a price driven determination, but numerous qualifications are required including no interruption in service; maintaining a sufficient level of communication; as well as taking into consideration what is important to the community as a whole.

President Asperger stated that two additional comments had been received by electronic mail and proceeded to provide the information to be included as part of the public record.

Gail Pyndus who resides in a condominium building which currently receives discounted electricity from Com Ed, would like to be considered eligible for the electric aggregation program if the Village's supplier offers a lower rate.

Ed Auer expressed his interest in supporting a one-year term for an electric supplier; waiver of enrollment fees; however is in favor of a small termination fee.

Trustee Horvath inquired if the Electric Aggregation Program would cause a change in the Village's franchise with ComEd. Mr. Pruitt indicated municipal aggregation agreements do not change the franchise in any way.

Trustee Palermo inquired if residents are currently in a program would they be informed of the pricing and possible savings through the Village. Mr. Pruitt responded yes that there is universal access, however noted that residents should check on their current agreement as some suppliers carry cancellation fees.

President Asperger noted that after the Board provides direction to staff and the consultant on the discussion issues for the final Plan of Operation and Governance there would again be an opportunity for public input and or comments this evening.

Consultant Fees – It was necessary to determine how consulting fees associated with creating the program be paid. The Board previously discussed and concurred that the consultant be paid by the selected supplier.

Supplier Selection – It was necessary to determine what process the Village should utilize in the selection of a supplier for the program. The Board previously determined and concurred that a Request for Qualifications should be utilized in order to obtain a pool of qualified bidders, thereafter making a selection based on pricing submittals.

Trustees expressed concerns in being notified about the auction pricing process. Mr. Pruitt suggested a representative of the Board could be chosen to be present. President Asperger noted the recommendation to utilize the consultant's expertise.

Agreement Term – The Board needed to determine how long the initial supplier agreement should be. Discussion ensued regarding the value of a shorter term for competitive pricing and what market issues may be forthcoming. Mr. Pruitt provided information on his experience with the length of supplier agreements noting it being a judgment policy decision of value or stability. After much discussion, it was the consensus of the Board to solicit pricing for various terms and thereafter enter into an agreement for an equal term. The Board also agreed not to solicit for any term that would exceed three years.

Power Supply Mix – Discussing what renewable energy options should be offered to the members in the program it was the Board's preference to meet State of Illinois minimum requirements yet giving members options of purchasing additional renewal energy credits if those individual members desired to do so.

Administrative Costs – A determination needed to be made if the Village should seek reimbursement for internal expenses associated with creating and managing the program. It was the Board's preference for the Village to account for staff time and internal costs. The selected supplier would be responsible for the cost of the consultant and managing the program.

Pricing Methodology – A determination was needed on how program pricing should be structured. It was the Board's preference to negotiate a fixed price for all program participants which includes all of the years of the agreement.

Entry / Exit / Switching Fees – The Board determined that no fees to enter or exit the program should be assessed.

Education Plan – The Board concurred that the supplier be responsible for ongoing member education which provides the lowest cost while maintaining access to necessary information.

As the discussion portion concluded, President Asperger indicated that the final Plan of Operation and Governance would be presented to the Village Board at their next regularly scheduled meeting on February 25, 2013. President Asperger asked if there were any additional questions or comments.

Trustee Horvath asked who would be the designated person in the choice of an electricity supplier and how is the decision making process being handled when auction bids are presented. President Asperger responded that she welcomes any thoughts on the process.

At 8:48 p.m. with no additional oral or written comments President Asperger closed the public hearing.

At 8:49 p.m. the regular Village Board meeting was convened.

3. PRESIDENT'S REPORT

4. PUBLIC COMMENTS REGARDING AGENDA ITEMS

Mr. Dan Bolin, Attorney for the Park District noted his attendance for any questions in reference to the agenda item regarding the subdivision of lots.

Mr. Tom Ryan, Architect for the property at 233 S. Ashland Avenue noted his attendance for any questions in reference to the agenda item regarding the variation for maximum building coverage.

At 8:51 p.m. Trustee Kuchler arrived.

5. OMNIBUS AGENDA AND VOTE

- A. Award of Contract – FY 2012-13 Sewer Televising Program
- B. Material Purchase – Spring Flower Planting Program
- C. Consolidated Voucher 130211 (\$787,345.30)
- D. Minutes of the Village of La Grange Public Hearing Electric Aggregation and Board of Trustees Regular Meeting Monday, January 28, 2013

It was moved by Trustee Langan to approve items A, B, C and D of the Omnibus Agenda, seconded by Trustee Holder.

Approved by roll call vote.

Ayes: Trustees Nowak, Kuchler, Langan, Horvath, Palermo, and Holder  
Nays: None  
Absent: None

6. CURRENT BUSINESS

- A. Resolution (#R-13-03) –Direction to Staff and Plan Commission Regarding Study of Zoning Standards for Medical Marijuana Distribution Facilities: Referred to President Asperger

President Asperger explained that the Village has become aware that the Illinois General Assembly is considering House Bill 30 which references the need for distribution facilities to grow, harvest, and distribute cannabis to patients for medical purposes diagnosed by a physician. Although the bill preempts municipal authority to wholly prohibit medical marijuana distribution facilities within municipal borders, it does allow municipalities to regulate the location of such facilities in terms of zoning.

As the Village's Zoning Code does not address uses of this sort, President Asperger noted the importance for the Village to be prepared if this legislation is passed. President Asperger indicated that staff has also advised the importance of informing the public and property owners of the possible changes to the code in order to comply with any upcoming legislation.

President Asperger moved to approve a Resolution that would direct staff and the Plan Commission to evaluate the zoning classification for Medical Marijuana Distribution Facilities; determine whether Medical Marijuana Distribution Facilities should be considered as a special use under the Zoning Code; and consider whether other related regulations are necessary and appropriate for such facilities, seconded by Trustee Langan.

Trustee Holder noted this is a mandated program and if legislation is passed the requirement would be to have one facility distribution center for each Senate District. President Asperger noted the importance of being proactive as the Village is located within three Senate Districts.

Attorney Burkland commented that if House Bill 30 as proposed is approved the Village's current Zoning Code is silent and it would be detrimental if the Village had not addressed the possible issues related to zoning for a Medical Marijuana Distribution Facility.

Trustee Horvath inquired whether these distribution facilities would be allowed in the residential area. Attorney Burkland responded they are not allowed in the Village's residential area. Due to the fact that HB 30 is in the preliminary stages, Trustee Horvath feels it may be futile to move forward as changes are possible.

Trustee Langan noted his favor in having the Plan Commission review the matter thereby the Village would be in a better position should the legislation pass.

Approved by roll call vote.

Ayes: Trustees Nowak, Kuchler, Langan, Horvath, Palermo, and Holder  
Nays: None  
Absent: None

B. Ordinance (#O-13-03) – Variation – Maximum Building Coverage / Deirdre Brown, 233 S. Ashland Avenue: Referred to Trustee Nowak

Trustee Nowak explained that the property owner has applied for a variation for maximum building coverage in order to renovate and expand the front porch and construct an addition to accommodate a home office. Trustee Nowak provided detailed information on the unique characteristics of the home and the owner's desire to maintain the historic character. Explaining the circumstances under the previous owner's renovations, Trustee Nowak indicated the proposed expansion of this request would exceed the building coverage requirements.

After a public hearing conducted by the Zoning Board of Appeals was held in January, four out of seven commissioners recommended that the variation be granted as requested. Trustee Nowak identified the reasoning given by the Commissioners in favor and opposed.

Trustee Nowak moved to approve an ordinance granting a zoning variation for construction of a front porch and related improvements at 233 South Ashland Avenue, seconded by Trustee Horvath.

Trustee Horvath noted his favor of this item and concurs with the Zoning Board of Appeals.

Trustee Palermo noted his attendance at the Zoning Board of Appeals meeting and will also be voting in favor of this request for a variation.

Trustee Holder inquired whether or not the code is up-to-date on home offices. Community Development Director Patrick Benjamin responded that the Zoning Code does not reference rooms for private homes.

Trustee Langan noted he will not be voting in favor of this variation based on the building coverage.

Trustee Nowak indicated he would be voting in favor as he believes a home office is the norm. Upon studying the variation, Trustee Nowak found it to be unique in nature as the property in question sits on a smaller lot.

Trustee Kuchler stated he would also vote in favor and concurs with Trustee Nowak.

As a former commissioner on the Zoning Board of Appeals, Trustee Holder understands the thought process on making decisions which set precedence and understands the need to up-date within the maximum allowable building coverage.

Approved by 5 to 1 roll call vote.

Ayes: Trustees Nowak, Kuchler, Horvath, Palermo, and Holder  
Nays: Trustee Langan  
Absent: None

C. Ordinance (#O-13-04) – Subdivision of Lots – Gordon Park, Park District of La Grange and Village of La Grange: Referred to Trustee Nowak

Trustee Nowak explained that the Park District of La Grange has filed an application for subdivision of three parcels of property which includes portions of Gordon Park and vacated Shawmut Avenue. Providing detailed historical data on the three lots in reference to the redevelopment of the property and the expiration of the land exchange agreement, Trustee Nowak noted the Park District has filed for this subdivision so that the recorded plat would define the boundaries of the parcels.

Trustee Nowak added that a public hearing was conducted in January, 2013, whereby the Plan Commission found the proposed subdivision meets the requirements of all applicable codes and unanimously recommended that the Village Board approve the subdivision.

Trustee Nowak moved to adopt an ordinance approving a plat of subdivision relating to property owned by the Village of La Grange and the Park District of La Grange, seconded by Trustee Langan.

Approved by roll call vote.

Ayes:	Trustees Nowak, Kuchler, Langan, Horvath, Palermo, and Holder
Nays:	None
Absent:	None

7. MANAGER'S REPORT

None

8. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

None

9. EXECUTIVE SESSION

10. TRUSTEE COMMENTS

Trustee Holder referenced the replacement of water meters throughout the Village in order to accurately account for usage and update the billing system. Sharing his own experience in the water meter replacement process, Trustee Holder expressed congratulations to Public Works Director Ryan Gillingham on the efficiency by which water meters are replaced.

President Asperger expressed thanks to all of those who participated in the successful Restaurant Week and encouraged residents to continue to dine in La Grange.

11. ADJOURNMENT

At 9:18 p.m. it moved by Trustee Langan to adjourn, seconded by Trustee Horvath. Approved by voice vote.



Elizabeth M. Asperger, Village President

ATTEST:



Thomas Morsch, Village Clerk

Approved Date: February 25, 2013