

MINUTES

VILLAGE OF LA GRANGE
BOARD OF TRUSTEES REGULAR MEETING
Village Hall Auditorium
53 South La Grange Road
La Grange, IL 60525

Monday, April 28, 2014 - 7:30 p.m.

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

The Board of Trustees of the Village of La Grange regular meeting was called to order at 7:32 p.m. by President Livingston. On roll call, as read by Village Clerk John Burns, the following were present:

PRESENT: Trustees Kuchler, McCarty, Nowak and Palermo

ABSENT: Trustees Holder and Langan

OTHERS: Village Manager Robert Pilipiszyn
Assistant Village Manager Andrianna Peterson
Village Attorney Betsey Gates
Finance Director Lou Cipparrone
Community Development Director Patrick Benjamin
Assistant Community Development Director & Planner Angela Mesaros
Public Works Director Ryan Gillingham
Fire Chief William Bryzgalski
Police Chief Michael Holub

President Livingston requested Village Clerk John Burns to lead the audience in reciting the pledge of allegiance.

2. PRESIDENT'S REPORT

President Livingston attended the recent Arbor Day tree planting at Spring Avenue School and expressed thanks to Principal Liz Webb and teacher Erin McGinnis for coordinating the event.

Advising that electric aggregation would be discussed later this evening under the Village Manager's Report, President Livingston indicated that after a thorough review with the Village's consultant and considering market conditions it seems advisable to return to ComEd as the supplier of electricity. President Livingston noted the past savings through the electric aggregation program and stated the Village will continue to monitor all opportunities.

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

None

4. OMNIBUS AGENDA AND VOTE

- A. Ordinance (#O-14-14) – Variation – Minimum Total Interior Side Yards, 842 S. Catherine Avenue
- B. Ordinance (#O-14-15) – Replacing Class A-1 Liquor License for A-2 License, Lucca's Pizzeria, 106-108 W. Burlington Avenue
- C. Ordinance (#O-14-16) – Creating a Class B Liquor License, 7-Eleven, 6 East 47th Street
- D. Professional Services Agreement – Traffic Engineering Services
- E. Ordinance (#O-14-17) – Disposal of Surplus Property / Miscellaneous Personal Property
- F. Minutes of the Village of La Grange Public Hearing and Board of Trustees Regular Meeting, Monday, April 14, 2014
- G. Consolidated Voucher 140428 – (\$474,442.11)

It was moved by Trustee Nowak to approve items A, B, C, D, E, F and G of the Omnibus Agenda, seconded by Trustee Palermo.

Approved by a 4 to 0 roll call vote.

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

5. CURRENT BUSINESS

- A. Ordinance (#O-14-18) – Proposing the Establishment of a Special Service Area (SSA) / Sidewalks on the 700 Block of 12th Avenue: Referred to Trustee Palermo

Before Trustee Palermo presents this item, Village Manager Pilipiszyn advised that the corrected date for the public hearing is Monday, July 14, 2014 not Monday, June 23, 2014 as was printed on the ordinance. For the record President Livingston noted this correction.

Trustee Palermo provided detailed information on the petition process by which residents on the 700 block of 12th Avenue expressed a desire to construct sidewalks

on their block through the creation of a Special Service Area (SSA). Trustee Palermo noted the areas for the sidewalks and stated that an agreement with Baxter and Woodman was executed to complete the preliminary design, engineering and cost estimates for the project.

Adding that the next step is for the Village Board to adopt an ordinance proposing the establishment of a Special Service Area (SSA#8), Trustee Palermo detailed the provisions which included project area boundaries; a public hearing; the amount of tax; and terms. Trustee Palermo provided the timeline for the scheduled list of activities.

Trustee Palermo moved to adopt an ordinance proposing the establishment of a Special Service Area #8 for sidewalks on the 700 block of 12th Avenue, seconded by Trustee McCarty.

Trustee Palermo asked if other areas within the neighborhood could be considered as special service areas for sidewalks and if so how many. Village Manager Pilipiszyn responded affirmatively and noted there are potentially nine other block segments.

Approved by a 4 to 0 roll call vote.

Ayes: Trustees Kuchler, McCarty, Nowak and Palermo

Nays: None

Absent: Trustee Holder and Langan

B. Ordinance (#O-14-19) – Amending La Grange Code of Ordinances Regarding Abandoned, Feral, and Wild Animals: Referred to Trustee Kuchler

Before presenting this item, Trustee Kuchler noted a typographical error in section 98.11 (D)(5) which should state that every outdoor animal feeding container must be located at least three (not two) feet above ground level.

Trustee Kuchler explained that the current nuisance provisions in the Village code are in need of updating to address recent concerns related to feral and wild animals. Trustee Kuchler noted that considerable research including information provided by Cook County deem the need for nuisance-type regulations regarding the feeding and sheltering of wild and feral animals.

Detailing the new standards to be included, Trustee Kuchler added that the proposed amendments would provide more specific authority to enforce the prohibition on feeding nuisance wildlife while allowing humane treatment by giving the Village flexibility to use resources such as Triple R Pets, a licensed entity to trap, neuter, and release feral cats through a program adopted by Cook County.

Trustee Kuchler moved to adopt an ordinance amending the La Grange Code of Ordinances regarding abandoned, feral and wild animals, seconded by Trustee McCarty.

Trustee McCarty asked for additional information on the number of complaints and who they are directed to. Community Development Director Patrick Benjamin responded that complaints average about 30 per year mostly regarding coyotes and are directed to his department as well as the Police.

Rose Hilgberg requested permission to speak and President Livingston so granted open discussion to the public. Ms. Hilgberg noted her involvement in the feral cat program and expressed concerns related to the amendments presented. Village Manager Pilipiszyn responded that the intent is to effectively manage wildlife for public safety.

Mr. Frank Holas feels the issues are directly applied to him and verbally explained his concerns for the feral cats he shelters. Mr. Holas requested the item be tabled as he would like the opportunity to provide additional information.

President Livingston noted that public health across the Village is taken very seriously. Believing that ample time and consideration had been given to this matter, President Livingston noted the motion on floor for Trustee discussion.

Trustee Palermo indicated he would have no objection to tabling the motion. Trustee Palermo inquired if the amendments would apply to other wild animals and Village Attorney Betsey Gates responded affirmatively.

Trustee Kuchler noted his favor in adopting the amendments as residents work with Triple R Pets for safe and humane care.

Trustee McCarty also supports the amendments as it is important to set limits with the growing wildlife population.

Trustee Nowak added his favor and thanked all involved in presenting factual information.

Approved by a 4 to 0 roll call vote.

Ayes: Trustees Kuchler, McCarty, Nowak and Palermo

Nays: None

Absent: Trustee Holder and Langan

- C. Approval of Change Order – Stone Avenue Train Station Renovation Project:
Referred to Trustee Nowak

Trustee Nowak provided background information relevant to the renovation of the Stone Avenue Train Station through grant funding received from the RTA and CMAQ and gratitude to Congressman Lipinski. Noting the Village Board had awarded the contract to Boller Construction Company, Trustee Nowak described the renovation improvements completed thus far.

Trustee Nowak explained the financial background and additional alternate items to be considered. Providing a detailed description and financial impact of each alternate item, Trustee Nowak noted staff's recommendations for specific items to the original contract be paid for with funding from the West Suburban Mass Transit District.

Trustee Nowak moved to recommend that the Village Board approve a change order with Boller Construction Company in the amount of \$104,213 to sandblast the existing paint finish and paint the outbound platform structure; perform station interior renovations including plaster work, painting and tile repair; upgrade the planned asphalt driveway on Burlington Avenue to concrete; provide a custom wood sign on the south platform; and that the Village Manager be authorized to approve individual change orders for unforeseen conditions within his purchasing authority in a total amount not to exceed \$7,555, seconded by Trustee Palermo.

Trustee Palermo inquired about the redesign of the Hillgrove Avenue shelter and parking. Assistant Village Andrianna Peterson responded that this area will be designed separately because the Village is using a different funding source. Ms. Peterson added that the final design concept would be presented to the Board for their consideration.

Approved by a 4 to 0 roll call vote.

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

6. MANAGER'S REPORT

A. Electricity Aggregation

Village Manager Robert Pilipiszyn explained that the Village's contract with First Energy Solutions to supply electricity to residents and certain businesses will expire after the June 2014 meter reading. Providing detailed information on the success of this program, Mr. Pilipiszyn noted that considerable consultation has occurred to determine the future course of action. Providing additional information on the purpose of this evening's workshop, Mr. Pilipiszyn requested Assistant Village Manager Andrianna Peterson to elaborate.

Ms. Peterson provided information on the number of participants and savings incurred to residents over the past year. Ms. Peterson added that after thorough

review of market pricing and the renewal quotation from First Energy Solutions, the Village's consultant feels it is in the best interest of the Village to return residents to the ComEd default rate. Ms. Peterson provided the timeline and manner in which residents would be notified of the options available to them and introduced consultant Mr. Mark Pruitt of the Illinois Community Choice Aggregation Network to answer any questions.

Indicating the desire to provide the Village with the most economical solutions, Mr. Pruitt referenced that the default rate would not be available until mid May. Mr. Pruitt explained that higher market prices and severe weather conditions factor into the uncertainty. Mr. Pruitt feels that municipal accounts are best referred back to ComEd, however encourages continued monitoring.

President Livingston opened the floor for Trustees discussion.

Trustee Palermo inquired about the delay in pricing; current rates; and if it would have been more beneficial for a two year contract with First Energy. Mr. Pruitt responded to Trustee Palermo's inquiries adding that ComEd does not charge a fee to residents that return and residents will have the option of selecting another supplier for up to two billing cycles after which they will be required to remain with ComEd for an additional ten billing cycles.

Although not a voting Trustee at the time this program evolved, Trustee McCarty inquired how First Energy was able to offer lower or meet ComEd's supply rate. Mr. Pruitt explained that ComEd does not participate in the open market.

Trustee Nowak inquired about other municipalities and Mr. Pruitt believes there will be a large number returning to ComEd. Trustee Nowak asked if future changes are anticipated. Mr. Pruitt feels the installation of Smart Meters by ComEd will have an impact on future rates.

President Livingston expressed thanks to Mr. Pruitt for the information provided and advised that this is an open topic which will continued to be monitored.

B. Amendments to Zoning Code Regarding Medical Cannabis Dispensaries

Village Manager Pilipiszyn explained that in anticipation of the upcoming Compassionate Use of Medical Cannabis Pilot Program Act the Village Board adopted a resolution directing staff and the Plan Commission to study zoning standards relating to medical marijuana dispensaries. Mr. Pilipiszyn added that the State Act strictly limits the authority of municipalities to prohibit these facilities, however does allow municipalities to regulate the location of dispensaries in terms of zoning.

Mr. Pilipiszyn requested Village Attorney Betsey Gates to provide additional information on the legal aspect and summarize the Plan Commission's deliberations related to zoning.

Ms. Gates provided a detailed overview of the State Act specifically as it addresses limitations on the locations of cultivation centers and dispensaries. Relative to the growing and packaging of medical cannabis, Ms. Gates advised that due to State regulations, cultivation centers cannot be located anywhere within the Village. Relative to the dispensaries, Ms. Gates advised that they would be allowed in the C-1 Central Commercial District, C-3 General Service Commercial District, and I-1 Light Industrial District.

Ms. Gated supplied information from the public hearing held by the Plan Commission and annotated the recommended proposed amendments to the Zoning Code. Although dispensaries would be permitted under the State Act within a small portion of the C-1 District along Burlington Avenue east of La Grange Road, the Plan Commission did not recommend that this use be added to the C-1 Central Commercial District.

Summarizing that this information is being provided as a topic of discussion to address changes in the Village's zoning and land use regulations and to provide the Board with an opportunity to publicly discuss this item prior to any formal action, President Livingston opened the floor for discussion.

Trustee Kuchler inquired if dispensaries would offer items to be sold thus generating sales tax. Attorney Gates responded possibly but not likely.

Trustee Palermo inquired why the Plan Commission omitted recommending the area in the C-1 District and how the Village could defend this omission. Attorney Gates responded that it was her understanding that the Plan Commission chose to omit it the C-1 District because the dispensary does not generate sales tax, however this is a policy decision afforded to the Board. Trustee Palermo inquired about the boundaries for the I-1 District and Mr. Benjamin responded.

Trustee McCarty shares Trustee Palermo's concerns in separating a portion of the C-1 District and would prefer to review further.

Trustee Nowak noted the importance of the Board's representation for the entire community and welcomes resident comments on this issue.

Trustee Palermo expressed his desire for additional information on other township areas. Attorney Gates noted the intent is to distribute the dispensaries geographically in more highly populated areas.

President Livingston indicated discussion on this matter is continued and invited the public to submit their comments. President Livingston inquired if Village Manager Pilipiszyn had any further topics to announce.

Mr. Pilipiszyn provided the dates and locations of two upcoming Household Hazardous Waste Collection events. Mr. Pilipiszyn advised of repairs and track resurfacing project on Metra's Burlington Northern Santa Fe Railway and encouraged residents to visit Metra's website for additional information.

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

Ms. Tanya Griffin of Growth Management Consulting and Marketing of Western Springs stated that her group owns a number of companies that are interested in opening a dispensing organization in the La Grange area. Ms. Griffin provided additional information relevant to the positive aspects of a dispensary in the C-1 area and is open for any questions the Board may have.

Desiring additional information, Trustee Nowak believes there is a need for reasonable understanding why La Grange should be accepted as a location for a dispensary.

Trustee Kuchler asked Ms. Griffin how confident her group is in achieving a license for a dispensary. Ms. Griffin responded they feel the C-1 location would be a positive area for the dispensary and is confident they would meet the basic requirements.

Trustee McCarty noted that the application process to be a licensed facility is very expensive.

President Livingston believes education on this matter is relevant for all concerned with the vibrancy of the downtown area.

8. EXECUTIVE SESSION

9. TRUSTEE COMMENTS

None

10. ADJOURNMENT

At 9:30 p.m. Trustee Nowak moved to adjourn, seconded by Trustee Palermo. Approved by voice vote.


Thomas E. Livingston, Village President

ATTEST:


John Burns, Village Clerk
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Approved Date: May 12, 2014