

November 17, 2015

State of Illinois

County of Cook

Village of Stickney

The Board of Trustees of the Village of Stickney met in regular session on Tuesday, November 17, 2015 at 7:00 p.m. in the Stickney Village Hall, 6533 W. Pershing Road, Stickney, Illinois.

Upon the roll call, the following Trustees were present:

Trustees Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White

Trustee Milenkovic moved, duly seconded by Trustee Savopoulos, to approve the minutes of the previous regular session on Tuesday, November 3, 2015.

Upon the roll call, the following Trustees voted:

Ayes: Trustees Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White

Nays: None

Mayor Morelli declared the motion carried.

Trustee White moved, duly seconded by Trustee Savopoulos that the bills, approved by the various committees of the Board, be approved for payment, and to approve warrants which authorize the Village Treasurer to draw checks to pay the bills, to be signed by the authorized signers, as provided for by the Ordinances of the Village of Stickney.

Upon the roll call, the following Trustees voted:

Ayes: Trustees Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White

Nays: None

Mayor Morelli declared the motion carried.

Trustee White moved, duly seconded by Trustee Lazansky to accept the report from the Illinois Department of Revenue for sales tax collected for the month of August, 2015 indicating the sum of \$33,931.20.

Upon the roll call, the following Trustees voted:

Ayes: Trustees Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White

Nays: None

Mayor Morelli declared the motion carried.

Discussion was held concerning a proposed license agreement with Chicago Eye Consultants. Trustee Lazansky began the subject by giving some history of this topic. Two meetings ago the board agreed to allow the business to put parking on 44th Street in the parkway. At that time, the board wanted them to pay for legal fees and engineering fees. The eye doctor felt that the legal fees (\$1900) should be the obligation of the village. They would agree to pay for the \$700 in engineering fees. Without this agreement the project wouldn't proceed. Trustee Lazansky argued that this parking space will be used by the business 50% of the time and the residents 50% of the time. Trustee Lazansky asked if anyone was paying for parking in other

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areas of the village. This business is paying \$40,000 to construct this parking. They are paying \$100.00 to the village per month for the rent. Trustee Lazansky continued to argue for this benefit to the Chicago Eye Consultants. Trustee Fuentes asked for clarification on the arrangement agreement. Trustee Lazansky explained at great length that the business wants us to pay for the legal fees and they would pay the engineering fees. Trustee Milenkovic suggested that the business should split the cost with the village. Village Attorney Del Galdo offered to clarify that the legal fees are done at this point. Anytime we speak between now and when it is finalized. . . . it certainly isn't about billing a couple of conversations. He remarked that if the board wanted him to cap it at what it is right now, he would cap it. Trustee White recommended that the rent could be increased to cover the legal fees. Trustee White questioned just how Trustee Lazansky knew that the legal fees were going to be a deal breaker when we already decided that our law firm was handling this. Trustee Lazansky mentioned that Jessica from the Village Attorney's law firm called him and told him that it was a deal breaker. Trustee White asked Trustee Lazansky what he meant when he said the business would do some maintenance on the weekends. Trustee Lazansky explained that if there was four inches of snow, they will handle it.

Trustee White enforced the fact that we should not spend a penny on a private business. Otherwise, we would have to do this for any other private business in town. Trustee Lazansky retorted by saying that other businesses park in the village lot without paying. Trustee Savopoulos reminded him that it is not exclusive. There was considerable verbal bantering going on. Finally, Village Attorney Del Galdo explained that this item is listed on the agenda as discussion, then asked, "Trustee White, when you made the statement at the last meeting, that they pay the fees." "Was it your intention to say that if they don't, was the vote contingent on the payment of the fees?" Trustee White said there was no objection when he said that. He just has a problem spending tax payer's money for a private business. There was additional banter going on. Trustee Lazansky wanted to get this resolved before the weather turns bad.

Trustee Hrejsa wanted to know the outcome of this parking issue. At this point a comment came from audience member Daniel Fuentes. Trustee Hrejsa said, "Could we please not have discussion from the audience." She then looked to Village Attorney Del Galdo to say something. Village Attorney Del Galdo told the audience that pursuant to Robert's Rules of Order, the business meeting of the Village Board is for the Village Board in which, according to the Open Meetings Act, the public is allowed to watch and witness. However, it is not allowed to participate. Public comment is reserved at the end of the meeting for public participation. If you have any public participation, you should sign up and step up to the podium which at that time have your voices and opinions be heard.

At this time Trustee Hrejsa expressed that her opinion is not set in stone. She was concerned over the employees working past the 7:00 p.m. closing time. She gave examples of not plowing and questioned public works. Again Trustee Lazansky provided the plowing rules. Village Attorney Del Galdo admitted that there was a lot of up and back with the Chicago Eye Consultants. At first they wouldn't agree to plow to maintain it or be liable for it unless they were open for business. That includes alternating Saturdays and week days. The law firm took the position that they didn't care if they were open for business or not. The law firm then named the following

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terms: You are responsible for all plowing; all the liability from 7:00 a.m. to 7:00 p.m.; On Saturday when the public can use it, the village is responsible for all liability; They are responsible for all maintenance such as snow plowing: They came back with the following: Would the village consider on the weekends only for a threshold of four inches or more? This way they don't have to send someone back there for a light dusting. The law firm then prepared the lease agreement that was presented to the village board. They agreed to 100% of the maintenance. If there are taxes levied by the county, they are responsible for the payment of all that. A multitude of other stipulations were given by Village Attorney Del Galdo.

Trustee Savopoulos asked if it was offered to them to pay half. Village Attorney Del Galdo said, "No". "What was offered to them by him personally was," "Here's the bill." Trustee Savopoulos then said, "We don't even know if they are going to agree to half." Village Attorney Del Galdo replied, "They never said that to me." "We offered them payment of 100% of the legal fees and 100% of engineering fees." "This equals \$1,900 and \$700." He was then told that they were not going to go forward with it. He was never told half. He didn't know if the Village said half. . . . Trustee Savopoulos questioned Trustee Lazansky who told them half. Trustee Lazansky then replied, "Nobody heard them say half." Trustee White and Savopoulos said in tandem, "Then how do you know they are going to say no for another \$600." Trustee Lazansky then said that if they say no again we will be liable for the whole cost. Trustee White agreed to vote with the majority to wave it. Trustee Lazansky at this time would say to wave the \$1900 and take the \$700 that they will pay and send it back to us. Village Attorney Del Galdo told us that we never put in the provisions of payment of fees in the actual licensing documents. It was added by oral motion. If the intention of the motion to make the yes vote contingent to the fees, it would take another vote. Trustee Savopoulos asked the treasurer, Kurt Kasnicka, if he requested the engineering fees from the eye clinic.

Additional comments were given by Trustee Lazansky. Trustee White knew that the only way we could do this was by leasing the parking. Trustee Savopoulos asked if we could meet in the middle, \$1300 and \$1300. Trustee Savopoulos mentioned that they were never asked and he offered to ask them himself. Finally, Village Attorney Del Galdo said, "How about if I agree not to bill them." Clapping could be heard in the courtroom. "I won't bill them, how about that."

Trustee White stated that if they come back and say they would pay the \$1300 you could tell them go ahead, you have a deal. Village Attorney Del Galdo explained that whenever they have been told to tally up the total amount of fees, it was just after the last board meeting. He had no idea we made a phone call. How about from that very day until present, I will write off all our legal fees. If it is a good project for the community, and everyone wants it, I certainly not as a lawyer, going to stand in the way over a few phone calls. We will just write off the time from that time to the present. At least you will know what your exposure is. And we can convey back to them 50%, and they say I agree, are we then authorized to then send the document out to them for signature without it coming back to the board. Trustee Lazansky then questioned, "What if they say no." "And, they say they are going to pay the \$700 and not the legal fees." Village Attorney Del Galdo responded by saying, "Then I am going to bill it." Trustee Savopoulos thanked Village Attorney Del Galdo for waving those

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legal fees. Trustee Savopoulos asked Trustee Lazansky if he was ok with this. Trustee Lazansky agreed to let the lawyer handle this just like they have been. He just wanted to see the project get done to alleviate the parking.

Village Attorney Del Galdo summarized that he will convey this and they accept, everyone will sign it, and write up something that they are responsible for the \$1300 and then we will convey it back to the board.

The next agenda item was explained by Trustee Savopoulos. This is to transfer a file from former Village Attorney Kreger concerning possible litigation from the Metropolitan Water Reclamation District and turn it over to Village Attorney Mike Del Galdo. Trustee Fuentes didn't understand. Village Attorney Del Galdo explained that a vast majority of the conversation took place during a closed session. It was held under the exemption of possible litigation. He provided a quick overview and offered to provide her with more off the record. The Village has a water tower on MWRD property. There is a cell phone antenna attached to it from Sprint. They pay the village a fee. In his opinion it appears that MWRD is looking for ways to find more money. The MWRD said the village should be sharing that revenue with them. The original agreement between MWRD and the Village from many years ago never contemplated the Village subleasing the water tower, which is on their property, to a cell phone company. It doesn't say that they are entitled to revenue, but that is the position. The board met in closed session and directed to go a certain way. It is his understanding that hasn't occurred.

Trustee White agreed that the file has to go to our Village Attorney so we could move forward with it. It is currently stagnant. Trustee Savopoulos mentioned that we have been working on this for two years. Trustee Milenkovic agreed that Village Attorney Del Galdo should take it over.

Trustee Savopoulos moved, duly seconded by Trustee White to transfer the Pending Legal File from Outside Counsel to Village Attorney Del Galdo.

Upon the roll call, the following Trustees voted:

Ayes: Trustees Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White

Nays: None

Mayor Morelli declared the motion carried.

MAYOR'S REPORT: Mayor Morelli offered Thanksgiving greetings. She thanked everybody who participated with the movie night.

TRUSTEE'S REPORTS: Trustee Fuentes thanked the Morton College representatives for coming out last on Thursday. Hopefully those who attended will be able to use this information. She reminded us of the Village of Stickney coat drive. There is a box in our lobby and one in the library. We are collecting new and gently used kid's coats to fit Kindergarten to fifth grade. There is a mitten tree to hang hats and gloves.

Trustee Hrejsa reminded us that Christmas tree trimming will take place on Saturday, November 28. There should be flyers. The Village of Stickney Annual Senior Christmas luncheon will be on Saturday, December 5, 11:00 to 1:30 at the

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Stickney Fire House. Registration is needed. The Children's Family Christmas Party will be on December 5, 3:30 to 6:30 at the Stickney Recreation Center.

Trustee Lazansky gave the police report for the month of October, 2015. The total number of calls for service; 1,862; Total number of E911 calls received; 545; Arrest by type: Traffic: 98; Village Ordinance Offences: 28; Warrants and Complaints: 10 Parking violations: 310; Total number of arrests/citations issued: 446; Total number of squad miles: 10,004; Total amount of gasoline used: 1,135.6; Average gas mileage/squad: 8.809.

Ordinance Activity Report for the month of October, 2015. Ordinance Investigations: 370, Business License Investigations: 7, Violation Notices Issued: 12, Miscellaneous Details: 179, S.L.O. Tickets: 1, Parking Citations Issued: 131.

Trustee Milenkovic reported on the Tree Board meeting held on November 12. The Board discussed the dead trees in Mount Auburn Cemetery and along Oak Park Avenue. There is a no fee permit for planting/trimming trees on private property and planting trees in the parkway. There will be a tree lottery in the spring. This board will determine how many trees. A permit was approved to plant three trees in the parkway. The 2016 Tree Board Meeting schedule is posted in the lobby. He reminded us of the donations for the troops that will continue until the end of this month.

Trustee Savopoulos informed us that there will be a Zoning Board meeting on November 19, at 6:30. They are considering and approving a text amendment to our zoning ordinance to clarify our notice for text and map requirements.

Trustee White updated us on the report that was prepared by our lobbyist. House Bill 4305 was voted upon on November 10. The House passed it 115 - 1. The Senate is not set to meet until after the New Year. This bill basically mandates the release of the funds to municipalities that are being held up by the budget impasse.

DEPARTMENT REPORTS: Police Chief John Sladetz announced that there was an armed robbery at the Shell Gas Station that took place at 1:30 a.m. this morning. It was a veteran criminal that used a Taser as his weapon. The clerk dialed 911 immediately after this guy left. Corporal Lockridge was in the Jewel parking lot and immediately answered the call. The thief was parked in the 3800 block of Maple. A short chase took place through Berwyn and on to Ogden Avenue. It continued to Ridgeland. At that time the offender turned onto 42nd off of Ridgeland. He couldn't keep control of the car and hit a fence and turned left onto Elmwood. At that time he hit three cars. Our officers were able to apprehend him. The offender was 68 years old with a 50-year criminal background. He had 55 total arrests. Most of them were larceny, robbery and there were two homicides and out of 55 arrests there 20 convictions. He had seven alias names. No one was hurt. He is sitting in Cook County on \$500,000 bond.

In addition, the Chief reminded us of the State mandating combining our 911 dispatch centers. As an example of this recent crime, our dispatcher had squad cars there within seconds. This is the reason why he is fighting this mandate. It will jeopardize

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the safety of our residents. He is working on this with Deputy Chief Jaczak and our dispatch supervisor. They have been down to Springfield a number of times. He will try to update everyone.

Public Works Supervisor Jeff Boyajian announced that they are not working on Thursday or Friday due to the Thanksgiving holiday. They are extending the leaf program until December 11. Snow is expected. Snow takes precedence to leaves. There was an inordinate amount of plastic bags filled with leaves. They cannot take these.

Treasurer Kurt Kasnicka reminded us that the administrative offices will be closed next Thursday and Friday due to the Thanksgiving holiday.

There being no further business, Trustee Lazansky moved, duly seconded by Trustee Fuentes that the meeting be adjourned. Upon which the Board adopted the motion at 7:55 p.m.

Respectfully submitted,

Audrey McAdams, Village Clerk

Approved by me this 1st of December, 2015

Deborah E. Morelli, Village Mayor