

VILLAGE OF STICKNEY

6533 West Pershing Road
Stickney, Illinois 60402-4048
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Kathleen Fuentes
Mitchell Milenkovic

Village Trustees
Mary Hrejsa
Sam Savopoulos

James Lazansky
Jeff White



Deborah E. Morelli
Village President

Kurt Kasnicka
Village Treasurer

Audrey McAdams
Village Clerk

REGULAR MEETING BOARD OF TRUSTEES

Tuesday, August 2, 2016

7:00 p.m.

Meeting Agenda

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approve Minutes of Budget Hearing
5. Approve Minutes of Previous Regular Meeting
6. Approve Minutes of Special Meeting
7. Authorize Payment of Bills
8. Pass and Approve Ordinance 2016-18, "An Ordinance Amending Chapter 58, Sections 58-1, 58-3 and 58-5 And Adopting Chapter 58, Section 58-7 of the Municipal Code, Village of Stickney, Illinois Regarding Peddlers and Solicitors"
9. Pass and Approve Ordinance 2016-19, "An Ordinance Granting a Special Use Permit for the Property Commonly Known as 4433 S. Harlem Ave."
10. Report from the Mayor
11. Report from Clerk
12. Trustee Reports/Committee Reports
13. Reports from Department Heads
14. Public Comment
15. Motion to Adjourn to Closed Session
 - a. Discussion Regarding YBanc, Inc. v. the Village of Stickney: Filed and Pending Litigation (Consideration Of This Matter Held In Closed Meeting/Executive Session Pursuant to 5 ILCS 120/2 (C)(11)(2014)
 - b. Convening into executive session under Section 2 (c)(21) of the Open Meetings Act for discussion of minutes of meetings lawfully closed under this Act, whether for purposes for approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06
16. Motion to Return to Open Session
17. Adjournment

Posted July 28, 2016

July 19, 2016

Budget Hearing

State of Illinois
County of Cook
Village of Stickney

A Public Hearing of the Board of Trustees of the Village of Stickney was called to order by Mayor Deborah Morelli on Tuesday, July 19, 2016 at 6:30 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 and Savopoulos

Trustees Absent:
Trustees Milenkovic and White

The purpose of the Public Hearing was to present the "Proposed Annual General Appropriation for the Fiscal Year, beginning May 1, 2016 and ending April 30, 2017.

The Clerk read the official notice of the public hearing as published in the *Suburban Life* Publication on Wednesday, July 6, 2016. The clerk read the summary of the Proposed Annual General Appropriation for the Fiscal Year, beginning May 1, 2016 and ending April 30, 2017.

Comments from the board: Trustee Fuentes asked, "I noticed that you have only \$4,800.00 budgeted for the prosecutor. At this point, I think, we are occurring \$3,600.00 so how are we going to anticipate spending only \$1,200.00 more for the next 10 months?" Treasurer Kurt Kasnicka explained, "The amount that we have had in the budget in the previous years is \$21,600. That is basically \$1,800.00 per month at two dates of \$900.00 each. For twelve months that is \$21,600.00. In the finance committee meetings, it was changed to \$4,800." Trustee Lazansky asked, "Are we going to be able to do it for \$4,800.00 since it has been that amount for so long. That is a big drop." Treasurer Kurt Kasnicka said, "If we stay with the number of \$4,800.00 obviously at the end of the year you will be over expended in that account. You knowingly will be over expended in that account. It is up to the board if they wish to revise that number to the \$21,600.00. The additional amount.....what we would also do....it is added to miscellaneous revenue that way you maintain a balanced budget." Trustee Lazansky said, "I felt that it probably should be raised to that as it has been over the years. So we stay in the proper area. Everything else I looked at looked pretty good except for that area." Trustee Fuentes said, "I just can't understand if we already approved \$3,600.00 in two months how we are going to make it the rest of the year. Trustee Hrejsa asked, "Who is our prosecutor?" Trustee Fuentes replied, "I don't know that actually matters right now. We have two prosecutors showing up at each call. We are actually at \$7,200.00 if we have to pay each firm for showing up." Trustee Hrejsa asked, "Why would we pay both firms, we voted out one firm." Trustee Lazansky said, "I wasn't clear yet on that one... that he was voted out." Trustee Hrejsa then said, "I vote that we stay at \$4,800 until we figure it out." Trustee Fuentes said, "The name of the firm is irrelevant." "It is \$900.00 a call

regardless." Trustee Hrejsa again said, "Then we should stay at \$4,800.00 if the firms are going to do it for that price." Treasurer Kurt Kasnicka explained, "One of the things that it is, it is not like we are hiring the lowest bidder. This price has been established. It doesn't matter who the name of the prosecutor is. Right now the price that the village is being invoiced by the firm doing the work is \$900.00 per day. Obviously it is not an ongoing chess match where everybody is to see what the next move is. As a treasurer I just put in the numbers as directed. That is what it is. This is not where someone comes along and it is the lowest bidder. That is what establishes the price." Trustee Fuentes wanted clarification, "Regardless of the firm, they both have billed us \$900.00 per day. Correct?" The treasurer said, "Correct." Trustee Hrejsa asked, "We are paying two firms?" She was told by Trustee Fuentes and Lazansky, "We haven't paid anyone yet." Trustee Hrejsa told them, "We need to decide who the firm is before we pay anybody." Trustee Lazansky responded, "Let's have a vote right now who the firm is." Village Attorney Mike Del Galdo explained, "This is a budget hearing." Treasurer Kurt Kasnicka told us, "This is an ongoing discussion and we are not going to solve anything at this time. Do you have any other questions?"

Trustee Fuentes asked, "I know that we have \$6,000.00 for other professional fees. It is my understanding that the company that is doing the TIF consultation is coming out of that. I haven't gotten any status on any TIF updates. Is \$6,000.00 going to be enough to pay for this consultation?" Treasurer Kasnicka answered, "Right now we completed Phase I and there are no provisions to pay for Phase II. What I understand is that it is on hold." He then directed Trustee Savopoulos to explain, "Right now we are placing Phase II on hold. We had a development that we were hoping was going to happen on the east side. I, the Mayor and Mr. Del Galdo had a meeting with Richard Klass who was ready to go. Now we can't get a hold of him. I sent him emails and left him messages. Village Attorney Mike Del Galdo has called and left him messages. Until we know what is going on down there, I think we should put it on hold." Trustee Fuentes asked, "When did you determine it exactly? We have not discussed it. I thought it was a board decision." Trustee Savopoulos responded, "I am working on it. I called Tom Walsh. He is trying to get Ricky Rockets over there. Until I have something, I don't have anything to tell you." Treasurer Kasnicka told us, "With the TIF proceeding, Phase II is on hold." Village Attorney Mike Del Galdo clarified, "It is my understanding that the TIF advisor recommended to the Village not to move forward at this time because there was no development." Trustee Fuentes said, "Where is the communication? This is the first I am hearing of it. Who did they inform? Where is the communication?" Village Attorney Mike Del Galdo told her, "I thought they sent it to the Village that is how I got it." Trustee Fuentes said, "Phase II is on hold so that \$6,000.00 is. . . . (Inaudible)." Treasurer Kasnicka confirmed, "Right now that is all we have is \$6,000.00 for other professional fees." "Are there any other questions?"

PUBLIC COMMENTS: There were no questions or comments

There being no further business, Trustee Lazansky moved, duly seconded by Trustee Fuentes, that the meeting be adjourned. Upon which, said Board of Trustees adopted the motion unanimously at 6:43 p.m. and Mayor Morelli declared the motion carried and the meeting adjourned.

Respectfully submitted,

Audrey McAdams
Village Clerk

Approved by me, this day of 2016.

Deborah Morelli, Mayor

July 19, 2016

State of Illinois
County of Cook
Village of Stickney

The Board of Trustees of the Village of Stickney met in regular session on Tuesday, July 19, 2016 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 and Savopoulos
Absent: Trustees Milenkovic and White

Trustee Lazansky moved, duly seconded by Trustee Fuentes, to approve the minutes of the previous regular session on Tuesday, July 5, 2016.

Upon the roll call, the following Trustees voted:
Ayes: Trustees Fuentes, Hrejsa, Lazansky and Savopoulos
Nays: None
Absent: Trustees Milenkovic and White
Mayor Morelli declared the motion carried.

Trustee Lazansky moved, duly seconded by Trustee Fuentes 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 and Savopoulos
Nays: None
Absent: Trustees Milenkovic and White
Mayor Morelli declared the motion carried.

Trustee Fuentes moved, duly seconded by Trustee Hrejsa to accept the report from the Illinois Department of Revenue for sales tax collected for the month of April, 2016 indicating the sum of \$34,255.41.

Upon the roll call, the following Trustees voted:
Ayes: Trustees Fuentes, Hrejsa, Lazansky and Savopoulos
Nays: None
Absent: Trustees Milenkovic and White
Mayor Morelli declared the motion carried.

Trustee Lazansky moved, duly seconded by Trustee Savopoulos to accept the report from the Illinois Department of Transportation for the month of June, 2016 in the amount of \$9,672.59.

Upon the roll call, the following Trustees voted:

Ayes: Trustees Fuentes, Hrejsa, Lazansky and Savopoulos

Nays: None

Absent: Trustees Milenkovic and White

Mayor Morelli declared the motion carried.

The Mayor introduced Jamie Kucero, CEO of PAV YMCA concerning programs available and the possibility of working with Stickney and utilizing our Recreation Center. She admitted that Stickney is under served by the YMCA. Several programs were discussed. She told us that she has a team ready to assess the needs of Stickney. Program and membership information was left for Stickney to review.

Trustee Savopoulos moved, duly seconded by Trustee Hrejsa to pass and approve Ordinance 2016-17, "An Ordinance for the Annual Budget and Appropriations for the Village of Stickney, Cook County, Illinois for the Fiscal Year, Beginning May 1, 2016 and Ending April 30, 2017.

Prior to the vote Trustee Fuentes asked to amend the Prosecutor to the historical amount of \$21,600, Trustee Lazansky duly seconded it. He then said, "If that is too much then maybe we could make some sort of adjustment to the amount. I feel that at this time it is way low." Trustee Savopoulos commented, "I think that Village Attorney Mike Del Galdo would be able to do it for \$4,800. Right Mike?" Village Attorney Mike Del Galdo suggested, "How about I deal with a procedural matter. You have a motion and a second to approve. You have a motion to amend. You have a motion pending that was discussion. If you are not in favor of approving the budget as presented, then you would vote NO. Following that you could make a motion to amend the budget which would require a second and a roll call." In addition, Village Attorney Mike Del Galdo told us, "For the record, I am just happy to serve the Village of Stickney for whatever amount."

Upon the roll call, the following Trustees voted:

Ayes: Trustees Hrejsa and Savopoulos

Nays: Trustee Fuentes and Lazansky

Absent: Trustees Milenkovic and White

Trustee Lazansky moved, duly seconded by Trustee Fuentes to amend the Prosecutor position on that budget. The following commentary took place. Trustee Savopoulos told him, "Why do you want to spend more money?" Trustee Lazansky told us, "I want the amount to be \$21,000 is the ceiling. If you come up with a different figure, let's come up with a more realistic figure." Trustee Savopoulos told them, "Mike will do it for \$4,800." Trustee Fuentes said, "We have already spent \$3,600 and it has been only two months." Village Attorney Mike Del Galdo told us, "I am just happy to serve the Village of Stickney." Trustee Lazansky said, "\$4,800 is too low, let's compromise and come up with a different figure and I would be willing to say yes. It is too low." Trustee Fuentes said, "We are going to end up spending more than we are budgeting." The clerk asked, "Your budget is to increase the budget to what figure Kathleen (Fuentes) \$21,600? Trustee Savopoulos told them, "You are going to pay somebody more money." Trustee Fuentes asked, "Do you have some sort of agreement that you are going to pay someone \$4,800?" Trustee Savopoulos told her,

"We have a verbal agreement. You just called me out for not spending money and I have to check in with you when I don't spend money. Now all of a sudden you want to spend more money." Trustee Fuentes answered, "Not that I want to spend more money, but I don't want to go over the budget. And, at \$4,800.00 we surely will go over the budget. It has only been two months." Village Attorney Mike Del Galdo explained, "You would appropriate \$4,800.00 that is the maximum that is your liability. If you chose to approve bills in excess of \$4,800 then you would go over budget. If you don't approve the bills because they would exceed it, then your liability is limited to the amount that is appropriated. If someone keeps sending bills and the board decides to approve those bills in excess of that, then you would go over budget. If the board votes "no" because they exceed the amount budgeted then your legal liabilities are capped at \$4,800.00 for this budget period. For the period going backwards, yes, you have the exposure for the amount billed that was budgeted. On the going forward basis from the date a new budget is adopted going forward the liability exposure is limited to the amount appropriated." Trustee Lazansky asked, "If you were at a court call and you were there longer than the time they most you could bill the village is that amount of money? Even if you were there three or four hours? Village Attorney Mike Del Galdo told us, "It is a flat fee whether you are there for five minutes or nine hours." Trustee Fuentes said, "Basically from here out if we receive bills every single meeting we are going to have to vote "no" to the prosecutor's bills because we are going to hit the cap. We probably already hit cap." Trustee Savopoulos told her, "We haven't paid anybody." Trustee Fuentes said, "We already paid Mike \$3,600.00." Trustee Savopoulos asked Mike, "Have we paid you \$3,600.00?" Village Attorney Mike Del Galdo told us, "My office has never been paid for prosecutions." Trustee Fuentes clarified, "Those are bills we received." Village Attorney Mike Del Galdo responded, "Correct, we are billing it but we are not being paid. And, he asked Treasurer Kurt Kasnicka when is the budget period?" Treasurer Kasnicka said, May 1, 2016 to April 30, 2017 which is our fiscal year. Village Attorney Mike Del Galdo said, "So whatever that period is for those bills that follow before that budget period than those arguably the Village has exposure to pay those were properly incorporated. On a go forward basis you appropriate so much and that is the limit of your exposure." Trustee Savopoulos said, "I don't think we should spend the money. We should stay at \$4,800.00." Trustee Fuentes asked, "What if Mike doesn't want to do it for \$4,800.00. You are banking on (not audible)." Village Attorney Mike Del Galdo said, "I think it should be based on finances and not who the service provider is. I could tell you, am I going to quit if you reduce the budget, absolutely not. Is John Xydakis going to quit, I have no idea. It is not going to motivate me one way or the other how this vote comes out. I will continue to serve at whatever the board deems appropriate for our compensation. So your options, that is the discussion. You could discuss whether it is a different amount. You could call a roll call on the \$21,000.00." He asked Trustee Lazansky, "Is that his motion?" Trustee Lazansky responded, "My motion is to come up with a solution other the small amount that I know that the lawyers would not agree upon most of the time. \$4,800.00, let's make it \$15,000 or \$16,000.00 to make it \$600.00 per call. That way the budget would be justified. If you are going every line item we could probably reduce of other things too." The clerk told them that his motion was to increase it to \$21,600.00. Now you are making another one. Village Attorney Mike Del Galdo said, "It is for discussion." Trustee Lazansky asked, "Is anyone interested in raising it from the \$4,800.00 to \$21,000? I made the motion to \$21,000.00 but if it

came too high let's reduce it to another area." Trustee Savopoulos said, "For the record, I am not interested in raising it." Kurt Kasnicka spoke, "I have just one comment. If you go on past experience it is \$900.00 per day. Out of the \$21,600 it comes up with twice a month for \$900.00 for twelve months. We have been under budgeted for the past three years. There are some months that have only one court call, or one day per month not two days. We were under budget because we don't expend the full amount." Trustee Fuentes said, "If you guarantee \$4,800.00 and we are not going to go over the budget." Village Attorney Mike Del Galdo told us, "There is a motion pending to amend the budget. The passage if the budget failed. There is now a motion to amend the prosecutor's amount and then adopt the budget as amended."

The mayor asked for a roll call and if everyone understood what this was for. It was agreed upon that the motion Trustee Lazansky originally made was for \$21,600.00.

Upon the roll call, the following Trustees voted:

Ayes: Trustees Fuentes and Lazansky

Nays: Trustees Hrejsa and Savopoulos

Absent: Trustee Milenkovic and White

Village Attorney Mike Del Galdo told us, "The mayor is entitled to vote. I do not know whether or not the passage of a budget requires a super majority vote. In the event of a tie the mayor is entitled to vote. I just reserve the right to supplement the record whether or not it requires a super majority vote required since it is a budget. He directed the mayor to vote if she wished for the record." The clerk asked, "When will you find out if it needs a super majority?" Village Attorney Mike Del Galdo responded, "As soon as I have access to the Illinois Compiled Statute. It is your budget and I prefer not to shoot from the hip." Trustee Savopoulos asked, "She didn't vote from the first motion and that was a tie." Village Attorney Mike Del Galdo told us, "It is her option; she is not required to vote in the event of a tie, if she wants to vote. It is up to her whether she wanted to vote on the original one and up to her whether she wanted to vote on the amendment. Tomorrow I will let you know. I didn't anticipate a tie. I will check to see what the voting requirement is on a budget. I would rather get the answer accurately." The mayor asked, "Can I give my vote?" Village Attorney Mike Del Galdo told her, "You can give your vote however you want and record it. The declaration of the carried motion failed would be dependent on what the statute says. Is it a majority, or is it a majority those present voting, is it a majority of all the members, is it a super majority vote based on the number of members of the board. I would rather not give an answer." Trustee Savopoulos asked, "Could this not end up as a tie?" Village Attorney Mike Del Galdo told him, "Then you wouldn't have a budget. Then you would go back at it and come up with some sort of compromise." The mayor said, "I don't want the budget to fail. If I voted, would it pass, for the budget?" Village Attorney Mike Del Galdo explained, "There is a two-to-two tie. You have the right to vote in the event of a tie. All I am hedging on is I don't know if that is declared motion carried simply because I would like to look at the statute." The mayor then voted yes on the budget. Village Attorney Mike Del Galdo said, "Record the mayor as voting yes on the amendment. It passed. I will provide written correspondence to the board tomorrow." Trustee Savopoulos asked, "Which one is she voting yes on?" The clerk asked, "Is this for the increase to \$21,600.00?" The

mayor said, "It was for the first one to pass the budget." Village Attorney Mike Del Galdo explained, "It is my understanding that you did not vote on the original budget as presented. You voted on Trustee Lazansky's motion to amend the budget to make the prosecutor's" (There was private conversations going on between the mayor and the attorney.) Village Attorney Mike Del Galdo continued, "The first motion to pass the budget as presented which was the prosecutor's salary of \$4,800.00 failed in a tie. Then there was a motion to amend it and that is pending right now. You voted yes on the amendment which gets recorded and that would go down and presumably I will send correspondence tomorrow whether or not it passed or failed based on the super majority requirement." The clerk asked, "And, if it doesn't?" Village Attorney Mike Del Galdo said, "Then the motion fails." The mayor was asking Village Attorney Mike Del Galdo if it should go on the next agenda. Village Attorney Mike Del Galdo said, "I would wait to put it on the next agenda because to put it on the next agenda to repeal the budget that just passed. The fact that they are opposed to it you would just put it on the next agenda to amend it again and take it back down. I think probably either way it will end up on another agenda. Record the mayor voting yes on the amendment." The mayor was discussing the actions with the attorney.

Trustee Lazansky moved, duly seconded by Trustee Savopoulos to approve the Resolution for Improvement by Municipality Under the Illinois Highway Code for 2016 Street Resurfacing East Avenue—43rd Street to 41st Street MFT Section No. 16-00058-00-RS

Upon the roll call, the following Trustees voted:

Ayes: Trustees Fuentes, Hrejsa, Lazansky and Savopoulos

Nays: None

Absent: Trustees Milenkovic and White

Mayor Morelli declared the motion carried.

Trustee Savopoulos moved, duly seconded by Trustee Lazansky to approve Resolution 10-2016, "A Resolution Authorizing the Village President to Enter into a Preliminary Engineering Service Agreement Regarding the Resurfacing or Rehabilitation of Certain Streets with Novotny and Associates, Inc.

Upon the roll call, the following Trustees voted:

Ayes: Trustees Fuentes, Hrejsa, Lazansky and Savopoulos

Nays: None

Absent: Trustees Milenkovic and White

Mayor Morelli declared the motion carried.

Trustee Hrejsa moved, duly seconded by Trustee Savopoulos to approve Block Party for August 6, 2016 for 4300 and Maple Avenue.

Upon the roll call, the following Trustees voted:

Ayes: Trustees Hrejsa, Lazansky and Savopoulos

Present: Trustee Fuentes

Nays: None

Absent: Trustees Milenkovic and White

Mayor Morelli declared the motion carried.

Trustee Lazansky moved, duly seconded by Trustee Savopoulos to approve Block Party for August 6, 2016 for Lorraine Terrace between Wisconsin and Wenonah.

Upon the roll call, the following Trustees voted:

Ayes: Trustees Fuentes, Hrejsa, Lazansky and Savopoulos

Nays: None

Absent: Trustees Milenkovic and White

Mayor Morelli declared the motion carried.

Trustee Savopoulos moved, duly seconded by Trustee Fuentes to approve Block Party for August 13, 2016 for 3900 block of Scoville.

Upon the roll call, the following Trustees voted:

Ayes: Trustees Fuentes, Hrejsa, Lazansky and Savopoulos

Nays: None

Absent: Trustees Milenkovic and White

Mayor Morelli declared the motion carried.

MAYOR'S REPORT: No report

CLERK'S REPORT: The clerk provided information about working for Cook County Clerk David Orr's Office on the November 8, 2016 election day. Handouts are available in the lobby. In addition, she informed the people about a potential redistricting amendment on the November ballot. The amendment would ask the voters if a change should be made in the method of redrawing legislative districts each time the census is taken and released. The clerk announced that item 20 will be stricken from the agenda. There is no need to adjourn to go into executive session.

TRUSTEES' REPORTS: Trustee Fuentes last week's Music in the Park was cancelled at the last minute due to rain. The next Parks & Rec meeting will be August 1. On August 20, at 9:00 a.m. they will be having a Back to School clean-up day. They will meet at Haley Park and separate into other areas of the village. There is a rain date of August 21.

Trustee Hrejsa referred to an Attorney General Lisa Madigan article in the paper concerning Storm Chasers. The Attorney General refers to them as scammers. There are many complaints that these people are not registered. They take advantage of people who have experienced damage. It is suggested that people call their local law enforcement.

Trustee Lazansky gave the Police Department Total Monthly Activity Report for the month of June, 2016: Total number of calls for service; 1,663; Total number of E911 calls received; 564; Arrest by type: Traffic: 111; Village Ordinance Offences: 33; Warrants and Complaints: 9; Parking violations: 315; Total number of arrests/citations issued: 468; Total number of squad miles: 10,041; Total amount of gasoline used: 1,290.9; Average gas mileage/squad: 7.778.

Ordinance Activity Report for the month of June, 2016. Ordinance Investigations: 326; Business License Investigations: 7; Violation Notices Issued: 25; Miscellaneous Details: 164; S.L.O. Tickets: 2; Parking Citations Issued: 118; Tow Tag: 0;

Trustee Savopoulos informed us of the July 26, 2016 Zoning Board of Appeals meeting at 6:30 p.m. It concerns the car wash on Harlem Avenue. The notice has been posted in the newspaper. The agenda will be posted at the end of the week.

DEPARTMENT REPORTS: Police Chief John Sladetz informed us that our new squads will be up fitted very soon. We hope to have them on the street within two weeks. Our Tahoe is currently being repaired. Pending the forecast of extremely hot weather, he asked that we check on our neighbors. The Chief made a statement over the negative occurrences to our police community. He mentioned the negative attitude received from the news media and the Federal Government. He described his worry for our officers. He asked people for support.

Public Safety Supervisor Jeff Boyajian gave us an update of the park grooming they have been doing. This includes mulch and cutting of trees. He thanked the board for getting the process going in having East Avenue paved. They will be starting the job of painting around the schools. He asked people to watch out for his men.

Fire Chief Larry Meyer reported that the hydraulic lines on the ladder truck have been replaced. He told us that one of the Chinese lanterns was sent aloft by the heat of a candle. The object landed in a tree and caught it on fire. It could have been a house.

There being no further business, Trustee Lazansky moved, duly seconded by Trustee Savopoulos that the meeting be adjourned. Upon which the Board adopted the motion at 7:44 p.m.

Respectfully submitted,

Audrey McAdams, Village Clerk

Approved by me this day of , 2016

Deborah E. Morelli, Village Mayor

July 25, 2016

Special Meeting

State of Illinois
County of Cook
Village of Stickney

A notice is hereby given that at the call of a least three (3) member of the Board of Trustees, the Mayor and Board of Trustees of the Village of Stickney, Illinois will hold a special meeting at the Stickney Village Hall, 6533 Pershing Road, Stickney, Illinois 60402 on July 25, 2016 at 6:00 p.m. (Trustees Hrejsa, Savopoulos and Milenkovic called for the meeting)

Upon the roll call, the following Trustees were present:
Trustees Hrejsa, Milenkovic, Savopoulos and White
Trustees Absent: Trustees Fuentes and Lazansky

Trustee Savopoulos moved, duly seconded by Trustee White to strike line 4 and 5 of the agenda.

Upon the roll call, the following Trustees voted:
Trustees Hrejsa, Milenkovic, Savopoulos and White
Nays: None
Trustees Absent: Trustees Fuentes and Lazansky
Mayor Morelli declared the motion carried.

Trustee White moved, duly seconded by Trustee Savopoulos to rescind authorization for the payment of bills previously approved at the Regular Meeting held on July 19, 2016.

Upon the roll call, the following Trustees voted:
Trustees Hrejsa, Milenkovic, Savopoulos and White
Nays: None
Trustees Absent: Trustees Fuentes and Lazansky
Mayor Morelli declared the motion carried.

Trustee White moved, duly seconded by Trustee Hrejsa to authorize the payment of bills previously presented at the Regular Meeting held on July 19, 2016 other than those bills related to the Prosecution of Village Ordinances.

Upon the roll call, the following Trustees voted:
Trustees Hrejsa, Milenkovic, Savopoulos and White
Nays: None
Trustees Absent: Trustees Fuentes and Lazansky
Mayor Morelli declared the motion carried.

Trustee Milenkovic moved, duly seconded by Trustee Savopoulos to approve Resolution 11-2016, "A Resolution Regarding the Payment of Bills Related to Village Prosecutions for the Village of Stickney.

Upon the roll call, the following Trustees voted:
Trustees Hrejsa, Milenkovic, Savopoulos and White
Nays: None
Trustees Absent: Trustees Fuentes and Lazansky
Mayor Morelli declared the motion carried.

(Since this is a special meeting, the clerk included public comment in the minutes)

The question was asked to explain the resolution that was passed.

Village Attorney Mike Del Galdo explained the resolution. "There are competing positions regarding who the prosecutor is for the Village. One position is that the Village Attorney, or my law firm, is the prosecutor. The other position is that the Mayor's appointee, or John Xydakis or his law firm, is the prosecutor. Both of us send bills. There exists a dispute that will probably be resolved by the courts. It certainly cannot be resolved by anyone up here myself included. This resolution sets forth that the prosecutor bills, Del Galdo Law Group and Xydakis' Law Firm, will be listed separately on each agenda. That way they will not be lumped in with all the other bills every time bills are submitted. There will have to be a separate vote, one for all the bills and a second vote just for the prosecutor's bills. "

The question was asked that Mr. Xydakis if he was only appointed by the Mayor and not the board is he still considered appointed? Is his appointment credible?

Village Attorney Mike Del Galdo said, "He is appointed by the mayor not confirmed by the board and the law says that he can remain as a hold over appointee until someone is proven and qualified. That is not the issue. His issue, or difference of opinion, is he was not properly appointed. It is whether or not the passage of an ordinance eliminating the position of prosecutor was approved or failed to be approved. That is the issue."

There being no further business, Trustee White moved, duly seconded by Trustee Savopoulos, that the meeting be adjourned. Upon which, said Board of Trustees adopted the motion unanimously at 6:12 p.m. and Mayor Morelli declared the motion carried and the meeting adjourned.

Respectfully submitted,

Audrey McAdams
Village Clerk

Approved by me, this day of 2016.

Deborah Morelli, Mayor

ORDINANCE NO. 2016- 18

**AN ORDINANCE AMENDING CHAPTER 58, SECTIONS 58-1, 58-3 AND 58-5 AND
ADOPTING CHAPTER 58, SECTION 58-7 OF THE MUNICIPAL CODE, VILLAGE OF
STICKNEY, ILLINOIS REGARDING PEDDLERS AND SOLICITORS**

WHEREAS, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to the growth of the local economy and protecting the interests and welfare of the residents of the Village; and

WHEREAS, currently, the Municipal Code, Village of Stickney, Illinois (the "Village Code") regulates the issuance of licenses for peddlers and solicitors within the Village (the "Existing Regulations"); and

WHEREAS, in order to clarify the Existing Regulations, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 58, Sections 58-1, 58-3 and 58-5 and to adopt Chapter 58, Section 58-7 of the Village Code as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend Chapter 58, Sections 58-1, 58-3 and 58-5 and to adopt Chapter 58, Section 58-7 of the Village Code to clarify the Existing Regulations and to authorize the President or his or her designee to take all actions necessary to carry out the intent of this Ordinance.

ARTICLE II.
AMENDMENT OF CHAPTER 58, SECTIONS 58-1, 58-3 AND 58-5 AND ADOPTION OF
CHAPTER 58, SECTION 58-7 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY,
ILLINOIS

SECTION 3.0. AMENDMENT OF CHAPTER 58, SECTION 58-1

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 58, Section 58-1, which Section shall be amended as follows:

Sec. 58-1. - Registration.

It shall be unlawful for any person to engage in business as a canvasser or solicitor, calling at residences for the purpose of soliciting orders, sales, subscriptions, or business of any kind, or seeking information or donations without first having registered in the office of the village clerk. The registrant shall give the following submissions and information:

- (1) The name, address, and telephone number of the applicant and length of time at such address; also, the business address and business telephone number of the applicant;
- (2) The name, address and telephone number of the person, firm, corporation or association by whom the applicant is employed, or whom the applicant represents as well as the state issued license number of the person, firm, corporation or association, as may be applicable;
- (3) The names and addresses of the people organizing and supervising the solicitation;
- (4) The purpose(s) for which any solicited funds will be used;
- (5) The method to be used in conducting the solicitation;
- (6) The date and time when the solicitation is to take place;
- (7) Whether a permit previously issued to this applicant or organization under this chapter has ever been revoked;
- (8) Whether the applicant, organization, or organization's members who will be soliciting have ever been convicted of a violation of any provision of this chapter or any of the village's ordinances, or any solicitor's ordinance of any municipality;
- (9) Whether the applicant, organization, or organization's members who will be soliciting have ever been convicted of a felony under the laws of any state, and if so, the date of each such conviction, the nature of each offense, and the penalty assessed;
- (10) Security in the amount of \$1,000.00 in the form of a surety bond in substance as described in section 2-3 of this Code as from time to time amended or replaced, or a cash deposit to ensure that the applicant and the employer of the applicant, if any, shall comply fully with all applicable ordinances of the village and statutes of the state. Such security will be restored within 30 days after the expiration of the

certificate of registration issued pursuant to the provision of this chapter, provided that no charges or citations under this Code have been brought against the applicant or employer of the applicant. If charges or citations are brought, the security shall be held pending the outcome thereof and may be used, applied or retained by the village to pay any fine and/or costs which may result from any such charges or citations.

Each person that will solicit or canvass within the village shall complete a separate application, and each registrant shall pay to the village clerk a registration fee of \$250.00 500.00, ~~which shall apply for any applications by the registrant during a period of one year.~~ The security submission described in subparagraph (10) above and the registration fee shall be waived for any person soliciting on behalf of an entity registered with the State of Illinois as a charitable organization under 225 ILCS 460/2, provided that the applicant provide the village clerk with evidence of such registration, and proper documentation showing the applicant's affiliation with such entity.

Any registration may be revoked by the president, a majority vote of the Board of Trustees or the chief of police because of any violation by the registrant of this chapter or of any other ordinance of the village, or of any state or federal law.

SECTION 3.1. AMENDMENT OF CHAPTER 58, SECTION 58-3

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 58, Section 58-3, which Section shall be amended as follows:

Sec. 58-3. - Entrance to premises restricted.

(a) It shall be unlawful for any peddler or solicitor to enter upon any private premises when such premises are posted with a sign stating, "No Peddlers Allowed" or "No Solicitations Allowed," or other words to such effect. Residents may obtain such signs from the village clerk at no cost. A sign described in this section shall be posted on or near the main entrance of the residence. Any unlawful or unpermitted entry onto any private premises when such premises is posted with a "No Soliciting" sign or a sign to a similar effect shall be grounds for the revocation of the license.

(b) In addition to posting a sign under this provision, residents that wish to forbid solicitation and/or peddling on their properties may submit their addresses to the village clerk. The village clerk shall keep a database showing the addresses submitted by residents that have posted a sign under this section, and shall provide that database to registrants along with the certificate described in section 58-2 of this Code. Registration under this subsection is optional, and this subsection applies in addition to, and not instead of, the requirement that a resident must post a sign on his or her property, in conformance with the first paragraph of this section, in order to forbid soliciting on that property.

SECTION 3.2. AMENDMENT OF CHAPTER 58, SECTION 58-5

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 58, Section 58-5, which Section shall be amended as follows:

Sec. 58-5. - Certificate effective period; nontransferable; number of licenses.

(a) Certificates issued by the village clerk shall be effective for no longer than 21 calendar days. Permits issued by the village clerk are nontransferable. No individual who has received a license for peddling or solicitation for a commercial purpose may obtain more than one such license within the same calendar year.

(b) There shall be no more than 5 peddler and/or solicitor licenses in effect at any time. Peddler and solicitor licenses shall be issued on a first come, first served basis. This limitation shall not apply to any person soliciting on behalf of an entity registered with the State of Illinois as a charitable organization.

SECTION 3.3. ADOPTION OF CHAPTER 58, SECTION 58-7

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by adopting Chapter 58, Section 58-7, which Section shall be adopted as follows:

Sec. 58-7. - Penalties; revocation.

Any person found guilty of violating any section of this chapter shall be fined not less than \$250.00 or more than \$750.00 for each offense. Additionally, the license of any person found guilty of violating this chapter shall be revoked upon the direction of the president, a majority vote of the Board of Trustees or the chief of police.

SECTION 3.4. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES, PUBLICATION,
EFFECTIVE DATE**

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative,

unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be effective and in full immediately upon its passage and approval.

(REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

PASSED this ____ day of _____, 2016.

AYES:

NAYS:

ABSENT:

ABSTENTION:

APPROVED by me this ____ day of _____, 2016.

Deborah Morelli, President

ATTESTED AND FILED in my
office this ____ day of _____, 2016.

Audrey McAdams, Village Clerk

ORDINANCE NO. 2016-19

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY COMMONLY
KNOWN AS 4433 SOUTH HARLEM AVENUE, STICKNEY, ILLINOIS**

**Published in pamphlet form
by the authority of the President
and the Board of Trustees of the
Village of Stickney**

Date of Publication:_____

ORDINANCE NO. 2016-19

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY COMMONLY KNOWN AS 4433 SOUTH HARLEM AVENUE, STICKNEY, ILLINOIS

WHEREAS, the property located at 4433 South Harlem Avenue, Stickney, Illinois (the "Property") is located in the Business zoning district in the Village of Stickney (the "Village"); and

WHEREAS, Ramiro Espinoza (the "Applicant") desires to operate a car wash and tire repair shop (the "Proposed Use") at the Property; and

WHEREAS, pursuant to the Village of Stickney Zoning Ordinance-1980, as amended (the "Zoning Ordinance"), before the Proposed Use can be operated in the Business zoning district, the Village's Board of Trustees (the "Village Board") must first grant a special use permit; and

WHEREAS, accordingly, the Applicant submitted a request to the Village for a special use permit (the "SUP") to allow for the establishment of the Proposed Use at the Property; and

WHEREAS, the Village's Zoning Board of Appeals (the "ZBA") held a public hearing, pursuant to proper notice, on the Applicant's request for the SUP; and

WHEREAS, based on the Applicant's petition and on the testimony given at said public hearing, the ZBA made certain findings of fact and conclusions with respect to the requested SUP and made a recommendation to the Village Board that the SUP be granted (collectively, the "Findings and Recommendation"); and

WHEREAS, a copy of the Findings and Recommendation is attached hereto as Exhibit A and is incorporated herein by reference as if set forth in full; and

WHEREAS, the Village Board has determined that granting the SUP is in the best interests of the Village and is in furtherance of the public health, safety and welfare; and

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Stickney, County of Cook, State of Illinois, in the exercise of its home rule powers as follows:

Section 1. Recitals. The foregoing recitals are herein incorporated and made a part of this Ordinance as if fully set forth herein.

Section 2. Grant of Special Use Permit; Term; Condition. The Village Board concurs with and adopts the Findings and Recommendation and, in accordance with the findings and conclusions stated therein, hereby grants the requested SUP to allow for the operation of the Proposed Use at the Property, subject to the conditions specified by the ZBA and set forth in the Findings and Recommendation. The term of the SUP shall be until the Applicant transfers, leases or otherwise assigns its interest in the Property, and upon the occurrence of any of those transactions, the SUP granted hereunder shall terminate.

Section 3. Savings Clause. This Ordinance shall not affect suits pending or rights existing at the time this Ordinance takes effect. Such suits and rights shall continue in full force to the same extent and with like effect as if this Ordinance be taken, construed or held to avoid or impair any cause of action now existing under any ordinance of the Village, or any amendment thereto, but as to any consideration of action now existing, such ordinance and amendment thereto, shall be continued in full force and effect.

Section 4. Effective Date. This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Passed this _____ day of _____, 2016.

Deborah Morelli, President

ATTEST:

Audrey McAdams, Village Clerk

Date of Passage:

Date of Publication:

EXHIBIT A

FINDINGS AND RECOMMENDATION

FINDINGS OF FACT AND RECOMMENDATION OF THE ZONING BOARD OF APPEALS

RE: 4433 South Harlem Avenue, Stickney, Illinois 60804 (the “Property”)

GRANT OF A SPECIAL USE PERMIT

On July 26, 2016, the Village of Stickney Zoning Board of Appeals (the “ZBA”) recommended granting a special use permit to allow for the operation of a car wash and tire repair shop (the “Proposed Use”) located at the Property, based on the following:

1. The Property is located in the Business zoning district;
2. Car washes are permitted in the Business zoning district with a special use permit;
3. Ramiro Espinoza (the “Applicant”) submitted a request to the Village of Stickney (the “Village”) seeking a special use permit (the “Zoning Relief”) to allow for the operation of the Proposed Use at the Property;
4. In accordance with the Illinois Compiled Statutes and the Village’s Zoning Ordinance, notice of the hearing regarding the Applicant’s requested Zoning Relief (the “Hearing”) was published in one or more newspapers published in the Village;
5. At the abovementioned Hearing, the Applicant provided credible evidence showing that the use of the Property was not changing, as a car wash has operated at the Property previously, and, therefore, granting the special use permit would not: (a) endanger the public health, safety or general welfare of the neighborhood; (b) harm the use or enjoyment of property in the immediate vicinity or damage neighboring property values; (c) impede upon the normal and orderly development and improvement of surrounding property; or (d) alter the essential character of the area and would, in fact, contribute to the community as the Property has been vacant for approximately three (3) years;
6. The Applicant provided testimony that the car wash will be operated as a hand car wash, and car detailing services will be provided by appointment, and therefore traffic congestion on the Property will be limited, as such services are less likely to draw great numbers of customers at any one time than an automated car wash, which previously operated at the Property;
7. The Applicant further provided testimony that three (3) parking spaces on the Property will be utilized for employee parking, and therefore employee parking will not contribute to parking issues on Harlem Avenue and nearby streets and

alleys;

8. The Applicant further provided credible evidence of his ability to manage ingress and egress onto the Property in a manner reasonably designed to minimize traffic congestion, subject to certain traffic control devices;
9. The Applicant further showed that adequate utilities, access roads, drainage and other necessary facilities are provided;
10. The car wash provides a valuable service to individuals residing in or visiting the Village and granting the special use permit will contribute to the Village's tax base.

CONCLUSION; CONDITION

The Applicant showed that the requested land use relief would comply with the requirements set forth in the Zoning Code. The Applicant demonstrated that there is a public necessity for the operation of the Proposed Use at the Property, as such use provides essential services to Village residents and visitors and will contribute to the Village's tax base. Based on the foregoing, the ZBA recommends granting the requested special use permit to allow for the operation of the Proposed Use at the Property, subject to the following condition:

A. The Applicant, at his sole cost and expense, must

- (1) install appropriate entrance and exit signage on the Property in accordance with the traffic study provided to the ZBA to control the ingress and egress of traffic;
- (2) have directional pavement paintings placed on the Property to direct the flow of traffic; and
- (3) install a "No Left Turn" to prevent vehicles from exiting the Property and turning left onto Harlem Avenue.

Chairman of the Zoning Board of Appeals for the Village of Stickney