

GENERAL GOVERNMENT COMMITTEE MINUTES

June 17, 2020

11:00 a.m.

This public meeting was held using the Zoom on-line platform as authorized by the CDC directive of no more than 10 persons in attendance at a group meeting and Illinois Governor Disaster Proclamation dated May 29, 2020, and Executive Order 2020-38 implementing Phase 3 of the "Restore Illinois" Plan and Executive Order 2020-39, extending the Governor's prior Executive Orders relating to the COVID-19 pandemic.

Present

Chair Tyrrell, Member Chen, Village President Gallagher, Village Manager Velkme, Directors Baer, Scott and Supert, Village Attorney Jurusik, and Dave Bennett, St. John of the Cross Parish

Chair Tyrrell moved to open the committee meeting, seconded by Member Chen. The motion passed on a roll call vote. Voting aye: Chair Tyrrell and Member Chen. The General Government Committee meeting was called to order at 11:00 a.m.

Agenda Items

1. Public Comment

There were no public comments.

2. Approval of Minutes

Chair Tyrrell moved, seconded by Committee Member Chen, to approve the minutes of the meeting of March 12, 2020 as read. The motion passed on a roll call vote. Voting aye: Chair Tyrrell and Member Chen. Voting nay: None.

3. St. John of the Cross Raffle License Request

Dave Bennett, representing St. John of the Cross Parish, explained a raffle license request which was submitted to the Village. Unfortunately, due to the Corona virus pandemic, this year's event was cancelled. Mr. Bennett said St. John of the Cross makes about \$125,000 each year on the fest which is money that the parish counts on and this raffle is an attempt to make some of that money back. The request before the committee today is for a standalone raffle with no changes to prior years other than not in conjunction with the carnival. In past years, St. John has made \$25,000 - \$30,000 on its raffle. The committee had no objection to recommending approval of the request to issue a raffle license to St. John for the raffle with a license fee waiver and waiver of the bond requirement. The raffle will commence on June 23, 2020 and run through July 26, 2020 with the winners determined at 6:00 p.m. on that day.

Chair Tyrrell moved to recommend the Board approve this resolution approving a raffle

license issuance to St. John with waiver of the bond requirement and license fee, seconded by Member Chen. The motion passed on a roll call vote. Voting aye: Chair Tyrrell and Member Chen. Voting nay: None.

The Board of Trustees will consider this matter on June 22, 2020.

4. Illinois State Toll Highway Authority Permit (42" Village Storm Water Pipe Project)

Village Attorney Jurusik explained the need for a permit from the Illinois State Toll Highway Authority which grants permission to the Village of Western Springs to own, operate and maintain a 42-inch diameter concrete storm sewer pipe on Tollway property along the Tri-State Tollway beginning at the end of Spring Rock Park, extending southwest about 50 feet and ending at an outlet structure to Flagg Creek. A Western Springs Park District property easement will be brought to the committee and Board for consideration of approval in July in addition to this permit.

President Gallagher said she is sensitive to flooding and Ridgewood's burden with water flowing to Flagg Creek. Director Supert explained that this sewer pipe will benefit Old Town North by alleviating flooding in that area of the Village. Future improvements to Central Avenue will also improve the Old Town South flooding situation as well as another combined sewer separation plan. Director Supert said this is not actually adding more water but is eliminating a bottleneck issue in Old Town North. A slight modification will be made to the approval resolution to reflect that the General Government Committee, not the Public Works & Water Committee, reviewed this matter prior to Board consideration. Director Supert explained that the Tollway, as part of their construction project, is paying for the entire storm system sewer and then deeding it to the Village for ownership and maintenance. A permanent easement with the Western Springs Park District will be needed as well because a portion of this pipe runs through Park District property.

With no objection from the committee, Chair Tyrrell moved, seconded by Member Chen, to recommend Board approval of the resolution providing for execution of this permit by the Village with the Tollway. The motion passed on a roll call vote. Voting aye: Chair Tyrrell and Member Chen. Voting nay: None.

The Board of Trustees will consider approval of this resolution and permit on June 22, 2020.

5. Code Amendment Ordinance (Director of Engineering and Department of Engineering Services)

Director Baer provided the committee with an overview explaining the need for this ordinance which Attorney Jurusik prepared for the Village. A change in the Village code is needed as staff is looking at hiring a full-time engineer for the Village and the code amendment reflects changes that are required in order to accommodate that new title and full-time employee rather than an engineer that is out-of-house. Attorney Jurusik said a

survey of other communities was conducted and the proposed amendments which define this in-house engineer position and describe the duties tracks with other communities. The amendment includes language that tracks with current code positions and what work Village staff thought the person in this new position would be performing. This was all consistent with the study that was conducted by Northern Illinois University for the Village. Chair Tyrrell asked when the new person would be on board and what their experience would be. Director Baer said we are working on recruitment right now and looking for someone with engineering experience with specific qualifications in terms of certification as a licensed public engineer. Director Baer said she would provide a link to Chair Tyrrell, Member Chen and President Gallagher to the Village website where the position is posted. A recruitment brochure is included on the website which lists the qualifications for the position but also gives some history of the Village, and our current engineering program and how this position fits in with the broader organization. Closing date is tentatively set for July 15, 2020 and the hope is to bring someone on within a month or so. Village Manager Velkme said she would ask for the advice and consent of the Board once a solid candidate has been identified and put forth. Discussion of the particulars of the ordinance followed.

Chair Tyrrell moved to recommend Board approval of this ordinance which amends various sections of Village code and creates a new Engineering Department and position of Director of Engineering, seconded by Member Chen. The motion passed on a roll call vote. Voting aye: Chair Tyrrell and Member Chen. Voting nay: None. This matter will be on the June 22, 2020 Board agenda for consideration of approval.

6. Referendum Question on Marijuana

Attorney Jurusik provided information on advisory referendum procedures, advisory referendum questions for November 3, 2020 election and a draft advisory referendum resolution to the committee for consideration. There are certain guidelines and restrictions so it is important to review the advisory referendum process especially since for many members on the Board this may be the first referendum we deal with. We are proposing that we do an advisory referendum, which is different than a mandatory referendum. When the Village issues bonds, the Village does a back-door referendum, that is a statutory requirement. We must do a referendum question which is a referendum question which is a question put to the voters during an election. This time, we are not talking about something that is a statutory requirement, we are talking about an advisory referendum. An advisory referendum is really just a citizen survey, but the citizen survey happens through the election ballot process. Municipalities or the public can put advisory referendum on an election ballot. The public can do it through a petition writing process. A municipality, the Village Board, can do it by adopting a resolution. That is what is being proposed. For advisory referendums, a maximum of three (3) questions can be put on the ballot. That is the maximum any municipality can have on its ballot slot. We have proposed three (3) advisory referendum questions that are dealing with public policy issues that staff feels may be helpful to a citizen survey on. Discussion about putting

three questions on the ballot and possible issues to include as referendum questions followed. Statutory deadlines for advisory referendum questions were provided to the committee. If one, two or three advisory questions are to be placed on the November 3, 2020 ballot, the Board must approve a resolution sometime in July to meet the August 16, 2020 deadline. The approved resolution must be filed with the Cook County Clerk by August 27, 2020. The goal would be to finalize the questions in June and July, obtain Board approval in July, and get the questions filed to avoid running up against any deadlines.

Attorney Jurusik said there are serious restrictions on how elected officials and employees, acting in their official capacities, promote any referendum. Questions cannot be supported with public money, for example through advertising campaigns. While municipalities may not take any action to suggest support for or against a referendum, they may disseminate factual information relating to a referenda question. Violating the election code in this way is a Class B misdemeanor with a fine and potential jail time. As an elected official, Board members really wear one hat, as a Board member, in election season with regard to referendum and must not get involved in promoting it. Discussion followed.

With staff input, Attorney Jurusik prepared several potential referendum questions. One question, regarding cannabis, is important because the Board, as part of its adoption of Ordinance No. 19-2979 at the November 25, 2019 Village Board meeting, imposed a temporary moratorium on the cannabis business regulation. The Board agreed to place an advisory referendum on the November 3, 2020 election to assess public opinion surrounding Adult-Use Cannabis Establishments and decide whether sale of cannabis by recreational use cannabis dispensaries should be allowed within the Village. If the community says “no” to cannabis businesses, we need to make the public aware and we all need to be aware that we cannot prohibit medical cannabis dispensaries. They have a statutory right to exist anywhere in the state and any municipality and the new cannabis acts laws prohibit a municipality from prohibiting or banning a medical cannabis dispensary from opening up. Regardless of the outcome of the cannabis question on November 3, 2020, we will be amending our zoning code after the referendum is passed to provide a zoning location for a potential medical cannabis dispensary.

Discussion on what other two questions to include on the ballot followed. Several proposed public policy questions include a feasibility study on relocating Village Hall to make way for commercial redevelopment or commercial/residential mixed development and a fiber optic cable project. The fiber optic cable project numbers are not well-defined at all which would not make a question on that topic a good bell-weather from the community. There is not much time between now and August to obtain a concrete number for fiber network construction, a data center, etc. A feasibility study alone would run in the neighborhood of \$200,000. The Planning and Zoning Committee met on June 16, 2020, and they recommended each committee discuss the policy perspective of

construction of a fiber network before we proceed any further. Also, there is no guarantee that the cell providers would even lease those from the Village. There is also nothing that would prohibit them from installing equipment in town if we did build a fiber network. We cannot force them to use the fiber network. Several referenda would also have to be put before the public should the Village move forward with this idea. Attorney Jurusik said the Village cannot take action that would prohibit telecom companies from competing and installing equipment in town because that would be a violation of the Federal Communication Act. Trustee Tyrrell said a feasibility study question might be the best first step to flesh out all the issues. Another possible question could be about flooding, roads improvements and infrastructure projects which might be considered. The committee will look for input from other colleagues on the Board about what questions 2 and 3 will look like. Question 1, regarding cannabis, will be on the ballot.

The current recession is also a factor to consider since it impacts any strategic planning. The feasibility study for moving Village Hall would include many elements such as a space study, design, retrofitting, etc. Discussion followed about possible questions which would be guided by the Village's strategic plan and what might be included in questions. Other policy questions will also be considered. President Gallagher said Tower Topics would be a good vehicle for disseminating factual information on any advisory referenda question.

Other possible questions could be about flooding, road improvements and infrastructure projects might be considered. The committee will look for input from other colleagues on the Board about what questions 2 and 3 will look like. Question 1, regarding cannabis, will be on the ballot. There will be discussion on how many and what questions to include on the November 3, 2020 ballot at the Board meeting on Monday, June 22, 2020. Also, the other committees will also be discussing potential public policy questions.

Chair Tyrrell moved, seconded by Member Chen, to propose discussion on June 22, 2020 by the Board of Trustees of advisory referenda procedures and a recommendation to include question #1 regarding allowing the sale of recreational cannabis on the November 3, 2020 ballot as well as discussion of possible public policy advisory referenda questions #2 and #3 for that election. The motion passed on a roll call vote. Voting aye: Chair Tyrrell and Member Chen. Voting nay: None.

7. Declaration No. 2020-02

Attorney Jurusik explained that President Gallagher signed Declaration No. 2020-02 on June 16, 2020. Attorney Jurusik said the Declaration restates the state of emergency based on Governor Pritzker's 4th gubernatorial state of emergency declaration and also picks up and authorized the new amendments to the Open Meetings Act. The legislature approved amendments to remote electronic attendance at meetings. They have changed how municipalities are supposed to do it. The two significant changes are the

requirements to take a roll call vote on everything you do, whether it's a motion, resolution or ordinance. The other requirement is that one of three people have to be in attendance, physically present, at Village Hall during a virtual or remote meeting. Either the President, Village Manager or Village Attorney must be present under these new rules. Governor Pritzker signed these amendments on June 12, 2020 but they didn't get released until Monday, June 15, 2020. President Gallagher signed the Declaration on June 16, 2020. The Board will be asked to ratify the Declaration on Monday, June 22, 2020.

8. Schedule Next Committee Meeting

The Board meeting schedule for July was still being determined at the close of this meeting. The July 27, 2020 Board meeting needs to be kept on schedule as a public hearing as that date has been published. A determination of whether to hold a July 13, 2020 workshop will need to be made. There is one meeting schedule in August on August 17, 2020. After the Board meeting on June 22, 2020, a determination will be made on the July meeting schedule. A decision on the next committee meeting was not made at this time.

9. Adjourn

With no further business to discuss, Chair Tyrrell moved, seconded by Member Chen to adjourn the committee meeting at 12:13 p.m.

The motion passed on a roll call vote. Voting aye: Chair Tyrrell and Member Chen. Voting nay: None. Committee was reconvened at 8:20 p.m.

Respectfully submitted,



Deputy Clerk Elaine Haeske