

**VILLAGE OF LAKEWOOD
MINUTES OF THE VILLAGE BOARD MEETING
FEBRUARY 9, 2021**

The Zoom Village Board Meeting was called to order at 7:00 p.m. by President Stephan. Present via Zoom were Trustees Alexander, Augustine, Berman, Odom, and Ulrich. Trustee Eddy was absent. Also present via Zoom were Chief Administrative Officer Jeannine Smith; Village Attorney Michael Smoron; Village Clerk Janice Hansen, Interim Chief of Police Rossi, and many members of the public.

President Stephan turned the floor over to Village Attorney Smoron to address the issue of the Police investigation of former Officer Pluviose's statements about racism in his resignation letter. Attorney Smoron stated that the investigation showed that an offensive statement was made and that the Officer making the offensive statement was to be suspended without pay. The Officer's supervisor, who heard and witnessed the statement and did not take corrective action, was also suspended without pay as well.

PUBLIC COMMENTS:

John Kavalunes of 8790 Shade Tree Circle noticed the item on the agenda regarding the Village of Lakewood's purchase of a lot at 8732 Shade Tree Circle for \$22,000. He asks that when the sale comes up for discussion, would the Village let him know what the rationale is for the purchase of the lot by the Village.

Mike Fischer of 9332 Beaver Pond Court wanted to make a comment about agenda item 13 – the motion to put a FOIA counter on the Village website. Item #4 of the Village's adopted mission statement is to encourage resident participation in Village government. Mr. Fischer doesn't believe that a FOIA counter will encourage resident participation in Village government. This would do the direct opposite. It's an attempt to discourage people from making FOIA requests and doesn't promote an open and honest government. He further states that Illinois is ranked the most corrupt state in the nation and has the 3rd lowest level of trust in government at 28% according to a Gallup poll. Mr. Fischer would encourage the Board to investigate why there are so many FOIAs. The Village should follow in the footsteps of Algonquin Township and post the most common FOIAs requested such as our bills. The Board can track month over month requests and begin benchmarking to see if it reduces the number of requests, the stress on Village Staff and a reduction in attorney's fees while promoting open and transparent government. The Board should not approve the agenda item as it discourages residents' involvement while decreasing the ability to hold elected officials accountable.

Judy Minsley of 436 Wiltshire Lane also commented on Agenda item #13. The FOIA.gov website states that the basic function of the FOIA is to "ensure informed citizenry, vital to the functioning of a democratic society". And it provides the means to obtain non-privileged information that hasn't been made public. She also commented that just like we trust doctors to explain any tests or procedures, we should trust our officials to provide factual data to support how our tax dollars are being used. In 1991 the Board promised, with very good intentions, a cash cow with purchase of RedTail Golf Course. Due to the way it was financed and the

misjudgment of anticipated revenue, every household's taxes increased by a few hundred dollars per year. More recently, the 2017 Board's decision to combine the Manager, Deputy Manager and Finance Manager into the single position of Chief Administrative Officer position has also come into question. Taxpayers should be watchdogs about how their money is spent and not be vilified for watching it. She sees the President, CAO and Village Board majority using power by deflecting attention and covering up the truth like expecting us to believe that the FOIAs are the root cause of the astronomical legal bills. She also feels that the truth is being covered up by a resident's November 10th comments that fact checked President Stephan regarding Trustee Odom's litigation was admitted from notes. Resident Minsley is also upset that she was accused of fraud. The FOIA counter will only be a counter of how many times things don't seem right.

April Runge of 423 Wiltshire Lane mentioned that she was surprised about the Police investigation compared to previous investigations. She commented on President Stephan's comment that the Police vehicles were not unsafe. She referenced the Police car tire situation. She then got an email from Trustee Berman asking if she tested the tires. A 2nd email from Trustee Berman questioned her motives. She said that she thinks the tires were bald. Resident Runge feels like she is only hearing excuses and blame directed at Village Staff and wants the President to take accountability.

Tricia Babischkin of 404 Trevino Way publicly asked to fix the minutes editing her comment from the last Board meeting to reflect that she said (in the minutes from July 23, 2019 Board meeting) that the Board approved the funding from the General Fund not the General Capital Fund as is currently on the consent agenda. The Board voted on the agenda item, they can't change it later if they don't like it. She states that that's only 1 of the things wrong with that single project, the Hampshire Road project wasn't paid for with the fund that the Board approved, and the project wasn't budgeted prior to the work being done. It should have been a loan to pay back the Impact Fund with interest.

Andy Knapp of 7314 Fairway Drive stated that on or around the November 24th Board Meeting there was discussion about the Turnberry Golf Course structure, fuel tank and storage container. The storage container is still there but the fuel tank has been removed. Now, 3 months later, no action has been taken about the storage container.

President Stephan addressed John Kavalunes regarding the Village's purchase of the Shade Tree Circle lot. He explained that the lot was donated to the Village and that the lot was put up for sale as surplus property. He further noted that the couple that lives behind the lot wants to purchase it to remain as open space. The lot no longer has to be maintained by the Village.

President Stephan discussed the typo about the Hampshire Lane project money coming from the General Fund being changed to the General Capital Fund. The money came from the correct account. Village Attorney Smoron backed up President Stephan and said that minutes **can** be changed from time to time.

Trustee Odom moved that Consent Agenda items 1a and 1b be pulled. She said that it was not a typo and that it was they way it was written and approved.

President Stephan pulled items 1a and 1b from the Consent Agenda.

CONSENT AGENDA: The following were considered and enacted on a single motion by Trustee Berman, seconded by Trustee Augustine:

APPROVAL OF BILL LISTS:

- a. Accounts Payable Invoices Dated January 27, 2021 in the Amount of \$50,403.99
- b. Accounts Payable PrePaid Invoices Dated January, 2021 in the Amount of \$9,046.91
- c. Accounts Payable Invoices dated February 10, 2021 in the Amount of \$171,322.62

Voting Aye: Trustees Alexander, Augustine, Berman, and Ulrich. Voting Nay: Trustee Odom. Absent: Trustee Eddy. Motion declared carried.

ITEMS REMOVED FROM THE CONSENT AGENDA:

APPROVAL OF MINUTES:

- a. January 12, 2021 Regular Village Board Meeting
- b. July 23, 2019 Amended Regular Village Board Meeting

Trustee Ulrich, seconded by Trustee Berman, moved to approve the minutes in 1a and 1b. Voting Aye: Trustees Alexander, Augustine, Berman, and Ulrich. Voting Nay: Trustee Odom. Absent: Trustee Eddy. Motion declared carried.

APPROVAL OF RESOLUTION NO. 2021-R02 – A RESOLUTION FOR CONSTRUCTION ON A STATE HIGHWAY:

Trustee Alexander, seconded by Trustee Augustine, moved to approve Resolution No. 2021-R02. Voting Aye: Trustees Alexander, Augustine, Berman, Odom, and Ulrich. Voting Nay: None. Absent: Trustee Eddy. Motion declared carried.

President Stephan asked to table agenda items 6, 7 and 8 (all pertaining to the sale of 8732 Shade Tree Circle). It will be put on our next agenda,

6. **APPROVAL OF ORDINANCE NO. 2021-03 – AN ORDINANCE TO AUTHORIZE THE SALE OR DISPOSAL OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF LAKEWOOD:**
7. **APPROVAL TO ACCEPT AN OFFER TO PURCHASE A LOT AT 8732 SHADE TREE CIRCLE IN THE AMOUNT OF \$22,000:**
8. **APPROVAL TO AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO EXECUTE A CONTRACT FOR THE PURCHASE A LOT AT 8732 SHADE TREE CIRCLE IN THE AMOUNT OF \$22,000.**

APPROVAL OF ORDINANCE NO. 2021-04 – AN ORDINANCE AMENDING CHAPTER 8, 2021 GOLF RATES, REDTAIL GOLF CLUB, OF THE LAKEWOOD MUNICIPAL CODE:

Trustee Alexander, seconded by Trustee Augustine, moved to approve Ordinance No. 2021-04. Voting Aye: Trustees Alexander, Augustine, Berman, Odom, and Ulrich. Voting Nay: None. Absent: Trustee Eddy. Motion declared carried.

APPROVAL TO AUTHORIZE CHIEF ADMINISTRATIVE OFFICER TO EXECUTE A PLEDGE AGREEMENT WITH BMO HARRIS:

Trustee Augustine, seconded by Trustee Berman, moved to approve the authorization for the Chief Administrative Officer to execute a Pledge Agreement with BMO Harris. Voting Aye: Trustees Alexander, Augustine, Berman, and Ulrich. Voting Nay: Trustee Odom. Absent: Trustee Eddy. Motion declared carried.

APPROVAL TO AUTHORIZE CHIEF ADMINISTRATIVE OFFICER TO EXECUTE A PLEDGE AGREEMENT WITH BANK OF AMERICA:

Trustee Augustine, seconded by Trustee Ulrich, moved to approve the authorization for the Chief Administrative Officer to execute a Pledge Agreement with Bank of America. Voting Aye: Trustees Alexander, Augustine, Berman, and Ulrich. Voting Nay: Trustee Odom. Absent: Trustee Eddy. Motion declared carried.

AUTHORIZATION FOR A SPEED LIMIT REDUCTION IN THE WOODLAND HILLS SUBDIVISION FROM 30 MPH TO 25 MPH:

Trustee Augustine, seconded by Trustee Berman, moved to authorize a speed limit reduction in the Woodland Hills Subdivision from 30 mph to 25 mph.. Voting Aye: Trustees Alexander, Augustine, Berman, Odom, and Ulrich. Voting Nay: None. Absent: Trustee Eddy. Motion declared carried.

APPROVAL TO DIRECT THE CHIEF ADMINISTRATIVE OFFICER TO PLACE A FOIA COUNTER ON THE VILLAGE WEBSITE:

FOIA COUNTER DISCUSSION: Trustee Berman stated that the FOIAs were being used to “weaponize” Village Hall, mostly by one Village resident. The Village Attorney stated that he sees weekly correspondence requesting assistance to draft FOIA responses. He stated that the firm is also having to respond to the Attorney General explaining that the Village properly responded to the FOIA request. If a FOIA is not done properly the Village can be sued and have to pay attorney’s fees for the person requesting the FOIA. When the Attorney General complaint is found to have no merit, the Village doesn’t get their attorney’s fees paid. Trustee Odom stated that other things are contributing to the FOIA issues - meetings with ZRFM and Village Trustees. She wants to know why aren’t we getting the info we requested? Trustee Augustine disagrees with Trustee Odom. He states that he sees the reports on email requests and FOIAs and he sees the responses. He feels that people are being responded to appropriately. Village Clerk

Hansen asked if all FOIAs are to be posted (including vendor and permit FOIAs). The consensus was yes, it will show full transparency.

Trustee Ryan, seconded by Trustee Ulrich, moved to direct the Chief Administrative Officer to place a FOIA counter on the Village website. Voting Aye: Trustees Alexander, Augustine, Berman, Odom, and Ulrich. Voting Nay: None. Absent: Trustee Eddy. Motion declared carried.

REPORTS:

Interim Police Chief Rossi thanked the staff and Police Officers for being welcoming to him and being receptive.

President Stephan asked the Village Attorney to speak to the litigation brought by Trustee Odom against the Village. The Village Attorney said that when the litigants are asked what documents or information they are missing, the litigants state that they aren't missing anything – not one single document. The Village Attorney encourages the Trustees to read the transcripts from court.

Trustee Alexander encouraged everyone to go to the website and look at the State of the Community presentation.

Trustee Berman stated that when he filed his Election objections that he filed as a resident, not as a Trustee. He filed his objections after Jason McMahon filed his complaints to see if there were any errors in their petitions. He said that it appeared to him that there were signature forgeries. He additionally was upset that the candidates signed a sworn affidavit saying that they witnessed residents signing their names and then pled the 5th Amendment during the Electoral hearings.

Trustee Berman then stated that, in his opinion, the Village Clerk is not capable of doing her job. He states that she admitted under oath to shredding documents and giving one candidate's packet to another candidate. He asks that the Board consider removing her from her position as her actions under oath create significant risk for the Village. President Stephan then asked for direction from the Board regarding the Village Clerk's removal. A straw poll was taken.

The straw poll results for removing the Village Clerk Hansen. Voting Aye: Trustees Alexander, Augustine, Berman, and Ulrich. Voting Nay: Odom. Absent: Trustee Eddy. Motion declared carried.

With nothing further to discuss, Trustee Ulrich, moved to adjourn the meeting. Voting Aye: Trustees Alexander, Augustine, Berman, Odom, and Ulrich. Voting Nay: None. Motion declared carried... The meeting adjourned at 8:37 p.m.

Karen M Crowe
Deputy Village Clerk

Approved: _____ Dated: _____, 2021