

**THE REGULAR MEETING OF THE COUNCIL OF THE
VILLAGE OF FOREST PARK, COOK COUNTY, ILLINOIS
HELD ON MONDAY EVENING, SEPTEMBER 22, 2003**

Mayor Calderone led all assembled in the Pledge of Allegiance.

ROLL CALL

Commissioners Gillian, Hosty, Doolin, Steinbach and Mayor Calderone answered the Roll Call.

READING OF THE MINUTES OF THE PREVIOUS MEETING

It was moved by Commissioner Steinbach and seconded by Commissioner Doolin that the minutes from the previous Council meeting be passed without reading, as everyone has received copies thereof and found same to be correct.

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin, Steinbach and Mayor Calderone

NAYS: None

ABSENT: None

The motion carried unanimously.

PROMOTIONS

Mayor Calderone administered the oath of office to Russell Nelson upon his promotion to Fire Lieutenant. Mayor Calderone congratulated Lt. Nelson and his family upon his promotion.

**RUSSELL NELSON:
PROMOTION TO FIRE
LIEUTENANT**

Mayor Calderone administered the oath of office to Robert McDermott upon his promotion to Fire Captain. Mayor Calderone congratulated Cpt. McDermott and his family upon his promotion. Cpt. McDermott stated that the firefighters should buckle themselves in for a good ride.

**ROBERT MC DERMOTT:
PROMOTION TO FIRE
CAPTAIN**

Commissioner Gillian motioned to recess the meeting in order to celebrate the promotions. Commissioner Hosty seconded the motion.

**MOTION TO RECESS
AT 7:15PM**

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin, Steinbach and Mayor Calderone

NAYS: None

ABSENT: None

The motion carried unanimously.

Commissioner Gillian motioned to reconvene the regular meeting. Commissioner Hosty seconded the motion.

**MOTION TO RECONVENE
AT 7:50PM**

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin, Steinbach and Mayor Calderone

NAYS: None

ABSENT: None

The motion carried unanimously.

PUBLIC COMMENT

Mayor Calderone stated that the Public Comment portion of each Village Council Meeting will henceforth occur towards the beginning of the meeting, so that a resident who attends the meeting solely to comment on a particular issue does not need to stay for the entire meeting to comment at its very end. Mayor Calderone put forward rules for Public Comment and they include a three minute speaking time for each individual and direction that every speaker must state his or her name for the record. In addition, Mayor Calderone stated that speakers should not expect answers to any questions posed during Public Comment; rather it is the time when people can state their views on issues.

Steve Backman from 329 Burkhardt Court stated that residents living within 250 feet of Doc Ryan’s were not aware of redevelopment activities taking place there until demolition was begun because of “sidestepped” notification procedures. Mr. Backman called the Council’s attention to a petition, signed by 14 property owners, that states that the 250 feet notification rule was violated re: the 7430 Madison Street redevelopment, as 50% of the property owners were not included on the notification list. Mr. Backman asked Village Attorney, Mike Durkin, to stop construction at the 7430 Madison site and rescind any building permits associated with this project until such a time when the notification process is repeated, this time adhering to the Municipal Code and Zoning Ordinance.

James Papa from 612 Ferdinand stated that the field located at Ferdinand and Lehmer has been used by water project contractor, Martam Construction, as a sort of staging area and noted that the sod laid there is inferior and full of weeds.

Catherine Ditto from 333 Burkhardt Court stated that under oath, the architect and owner of 7430 Madison stated that property owners within 250 feet of the project were notified of the public hearing associated with the project. Ms. Ditto stated that all eligible owners were not notified, and noted that the message should be not to skirt the notification process, but to treat all projects the same.

COMMUNICATIONS

Mayor Calderone asked Village Attorney, Mike Durkin, to speak to the petition associated with 7430-7432 Madison Street.

Mr. Durkin stated that he has had the opportunity to review the Zoning Ordinance, Backman exhibits, and state statutes as they relate to this matter. Mr. Durkin stated that the petition begins with a statement that a violation of the Zoning Ordinance has occurred and a request to repeat the entire process according to procedures outlined in Code, the Zoning Ordinance, and state statute. Mr. Durkin continued that in his review of state statute, notification in this case involves publication in a general circulation newspaper 15 to 30 days before the public hearing and added that there is no statutory requirement to notify property owners within 250 feet of the project. In addition,

**CORRESPONDENCE REGARDING
THE ZONING VARIANCE
FOR 7430-7432 MADISON**

Mr. Durkin stated that the Zoning Ordinance outlines notification for a public hearing as publication of a notice in a newspaper 15 to 30 days prior to a hearing. In the case of petitions for private work, notification must also include the notification of adjacent property owners. Mr. Durkin emphasized that there is no notation of informing people within 250 feet of the project, and stated that based on review of those who were notified, adjacent owners of 7430-7432 Madison were appropriately informed. Mr. Durkin stated that he believes that there was no violation of state statutes, Zoning Ordinance, or Municipal Code associated with this project and added that if the Village had denied this variance, the owner could have called foul as other owners on Madison Street have received it. Adding to the dilemma is that the property has already been demolished and the rights of the property owner now intervene as the Village has already granted the zoning variance. Mr. Durkin stated that the Village cannot reverse its ruling, since adjacent property owners were notified and it is current practice that not everyone in a 250 foot radius of a project is notified. Mr. Durkin ended by stating that the Ordinance on the books has been satisfied, and challenging the ruling would not be looked well upon as time has passed and all that was supposed to be done was done. Mayor Calderone admitted that in the future the Council has agreed that it wants to increase notification requirements by posting variance signage on the actual property associated with the zoning variance, as well as having the Village notify all property owners within 250 feet of a project. Commissioner Doolin stated that Mr. Durkin has found the Village to be in compliance, and added that the Code Department may be confusing and misdirecting property owners with the use of materials calling for a 250 foot notification rule. Commissioner Steinbach added that she would like staff to address stronger notification laws now, as the Abel Howe property is awaiting development and resident feedback will be important. Mike Durkin declined further comment re: any recourse the public may have for overturning the zoning variance decision involving 7430-7432 Madison, as he wanted to give no one advice about this matter, except the Village Council.

The Clerk read a letter from Randy Tinder, superintendent of District 91, requesting permission for teacher use of the Village owned parking lot across the street from Grant White School at 7418 Randolph Street. Mayor Calderone stated that the lot is not improved, and if there is no objection, staff could be directed to prepare an agreement or resolution re: lot use. Commissioner Steinbach stated that her department is looking into viable parking and a similar project associated with the Village owned lot at 408 Beloit. Commissioner Gillian explained that he is concerned re: the liability associated with parker injury in an unimproved lot and added that plowing snow would be difficult. Commissioner Hosty asked who would pay for plowing. Commissioner Doolin added that enforcement issues

**GRANT WHITE
SCHOOL TEACHERS
PARKING AT
7418 RANDOLPH LOT**

will arise if residents see cars parked in the lot during the daytime and park in the lot at night. Mayor Calderone suggested that the Council members allow staff to do its work, looking at the issues associated with teachers parking at 7418 Randolph, in order to bring a plan back to Council members for voting. There were no objections from Council members.

DEPARTMENT REPORTS

The Police Department submitted its report for August 2003.
The Community Center submitted its report for August 2003.

APPROVAL OF BILLS

It was moved by Commissioner Gillian and seconded by Commissioner Hosty that the Resolution providing for the payment of bills be adopted. The Commissioner of Accounts and Finance has reviewed the bills as applicable to each department and found the aggregate amounts to be correct and recommends payment when funds are available. The bills totaled \$353,421.22.

**R-76-03
RESOLUTION FOR THE PAYMENT
OF BILLS**

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin, Steinbach and Mayor Calderone
NAYS: None
ABSENT: None

The motion carried unanimously.
Commissioner Steinbach asked how the Village will print further newsletters this year, as \$15,000 has already been spent on the newsletter this fiscal year. Mayor Calderone stated that this is a legitimate concern and will be taken up at a later date in a different forum that includes people responsible for the newsletter.

UNFINISHED BUSINESS

None

NEW BUSINESS

Commissioner Hosty motioned to appoint Susan Bale to the Library Board with her term expiring May 1, 2004 and to reappoint Karen Childs to the Library Board with her term expiring May 1, 2009. Commissioner Steinbach seconded the motion.

**LIBRARY BOARD APPOINTMENTS:
SUSAN BALE AND KAREN CHILDS**

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin, Steinbach and Mayor Calderone

NAYS: None

ABSENT: None

The motion carried unanimously.

Mayor Calderone invited Ms. Bale and Ms. Childs to come forward and introduced them to those assembled.

Commissioner Gillian moved to approve the specifications submitted for the Dog Park fence, as compiled by the Recreation Board, and further move to enter into a contract with Midwest Fence Corporation for the purchase and installation of a steel fence, with a 5 foot fabric top rail and coil wire, in an amount not to exceed \$14,000.00, without advertising for bids, pursuant to 65 ILCS 5/4-5-11 and Section 1-7A of Chapter 1 of the Code of the Village of Forest Park. Commissioner Steinbach seconded the motion. Commissioner Steinbach stated that the Recreation Board has investigated many different kinds of fencing, and the Animal Shelter Director, Elliott Serrano has determined that chain link fencing is best for keeping dogs in the park, preventing other animals from entering the park, and boasts the need for little maintenance. Mayor Calderone stated that he would like to see a more decorative, wrought iron fence surrounding the Dog Park, and added that he worried that it is difficult to compare these proposals, as the specifications are not consistent over all of them. Commissioner Steinbach stated that the Village Administrator and Attorney were consulted, and they stated that going out to bid would cost the Village more money. She added that the pair had stated that due diligence had been done overall by reviewing many fence proposals. Matt O'Shea stated that 9 fence proposals were reviewed by the Recreation Board.

MOTION TO APPROVE THE SPECIFICATIONS SUBMITTED FOR THE DOG PARK FENCE AND ENTER INTO A CONTRACT WITH MIDWEST FENCE FOR THE PURCHASE AND INSTALLATION OF SAME

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin, and Steinbach

NAYS: Mayor Calderone

ABSENT: None

The motion carried.

Commissioner Gillian moved that the Ordinance Authorizing and Providing for the Issuance of an Aggregate \$1,230,000 General Obligation Bonds Series 2003A of the Village of Forest Park, Cook County, Illinois, and for the levy of a direct annual tax sufficient to pay the principal and interest on said bonds, and for the collection, segregation and distribution of certain tax increment revenues of said Village be passed.

**O-34-03
ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF AN AGGREGATE \$1,230,000 GENERAL OB LIGATION BONDS, SERIES 2003A**

Commissioner Steinbach seconded the motion. Phil McKenna, Village bond consultant from Kane-McKenna, stated that there is full expectation that all the tax service will be covered via incremental revenue in the Mall. Commissioner Steinbach asked if the Village received a copy of the executed loan agreement from the Mall's lender. Mr. McKenna stated that the Village received the signature page of the document today and will receive the entire agreement tomorrow.

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin, Steinbach, and Mayor Calderone

NAYS: None

ABSENT: None

The motion carried unanimously.

Commissioner Hosty motioned to pass the Ordinance Ratifying and Authorizing the Purchase of 2 Police Pursuit Vehicles through the Suburban Purchasing Cooperative. Commissioner Steinbach seconded the motion. The Ordinance provides for the purchase of two Crown Victoria police vehicles in the amount of \$20,431.00 each and directs that one used police vehicle, with a trade-in value of \$5,500, be conveyed in connection with one of the purchases. Commissioner Doolin asked why the authorizing ordinance was not on the September 8th, 2003 Council agenda. Mayor Calderone stated that the purchase request came too late to be placed on the September 8th agenda.

**O-35-03
ORDINANCE RATIFYING AND
AUTHORIZING THE PURCHASE
OF 2 POLICE PURSUIT VEHICLES
THROUGH THE SUBURBAN
PURCHASING COOPERATIVE**

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin, Steinbach and Mayor Calderone

NAYS: None

ABSENT: None

The motion carried unanimously.

Commissioner Hosty motioned to approve the Resolution Approving a Local Agency Agreement for Federal Participation and a Preliminary Engineering Services Agreement. Commissioner Gillian seconded the motion. The Resolution, in part, provides for certain Local Agency Agreement for Federal Participation between the Village and the State of Illinois, acting by and through its Department of Transportation, for the preliminary engineering for channelization of intersection, traffic signal modernization, and interconnect, for Des Plaines Avenue, from Harrison Street to Wilcox Street.

**R-77-03
RESOLUTION APPROVING A
LOCAL AGENCY AGREEMENT FOR
FEDERAL PARTICIPATION AND A
PRELIMINARY ENGINEERING
SERVICES AGREEMENT**

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin, Steinbach and Mayor Calderone

NAYS: None

ABSENT: None

The motion carried unanimously.

Commissioner Gillian motioned to place a 15 minute loading/unloading sign in front of 200 Des Plaines and further motioned to remand back to the Traffic and Safety Commission the issue of taking down the 2 hour parking sign in front of 7319 Madison Street and replace it with a sign that reads, "No Parking Mon-Sat 7:00AM-9:00AM TOW ZONE." Commissioner Steinbach seconded the motion.

**SIGNAGE: 200 DESPLAINES/
15 MIN. LOADING/UNLOADING
7319 MADISON STREET/
REMANDED BACK TO
TRAFFIC AND SAFETY**

ROLL CALL:

AYES: Commissioners Gillian, Doolin, Steinbach and Mayor Calderone

NAYS: None

ABSENT: None

The motion carried unanimously.

Discussion ensued re: the ability of the Village to restrict an individual from holding office in two different taxing bodies simultaneously. Mr. Durkin stated that one cannot impose a more stringent law than is outlined by state statute, since the Village is a non-rule entity and the statute puts no such restriction on officials. Commissioner Doolin stated that there are 16,000 residents in Forest Park and the more active residents there are, the better off the town is. Commissioner Doolin continued that there are about 17 elected officials throughout the Village of Forest Park and he thought that encouraging more people to get involved as stakeholders would be best and member duplication among boards is not a good thing. Commissioner Doolin asked if the Village is able to self impose a restriction on holding office in two different bodies by writing a Resolution. Mr. Durkin stated that people holding positions within the Village of Forest Park can be restricted, while those classified as officials cannot be. Mr. Durkin continued that if an elected official is disqualified from holding office somewhere else in the community, he may feel discriminated against. Commissioner Steinbach asked if members of the Zoning Board of Appeals and the Plan Commission need to be Village residents and Mr. Durkin agreed that they should be. Commissioner Steinbach then stated that certain members may not be residents and asked Mr. Durkin to look into the legalities of the situation. Commissioner Hosty stated that he is involved in the Chamber of Commerce and believes that those people who want to get involved will. Commissioner Hosty added that it would be silly to legislate against somebody who wants to get involved. Commissioner Doolin stated that if you choose to run for an elected office, you should concentrate only on that position and not be able to hold another. Commissioner Gillian stated that the more people involved the better, but reported that over the past 20 years, the number of school board members

**DISCUSSION RE: GUIDELINES
AND RESTRICTIONS FOR
COMMITTEES, COMMISSIONS,
AND BOARD MEMBERS**

who have run unopposed has been great and added that it would be great if more people wanted to be active on these boards, but they don't. Commissioner Gillian added that the Council comprises a good check and balance system, and a person could be denied placement on a Board by Council vote if members thought the person's appointment would be conflictual. Mayor Calderone stated that names of parties interested in serving on a Village board should be forwarded to him, as he is happy to get more people involved in their government. Commissioner Doolin requested that a draft of a Resolution be brought forward, encouraging the Village Council to make every effort not to duplicate individuals on Boards and Commissions. There were no objections from Council members.

Commissioner Doolin stated that he believes that department heads, who are Village decision makers, should be residents of the Village and added that a person needs to live in town to be a stakeholder in the community. Commissioner Doolin added that demanding residency of the department heads will both increase knowledge about community issues and concerns and therefore productivity will increase. Upon discussion, Mr. Durkin stated that the Village can adopt a residency requirement for employees, where the only exception to the rule would be collective bargaining unit members. Mayor Calderone stated that residency is a "flat out" political issue, adding that it was rescinded in 1996-1997, as issues of calling Police and Fire back emergently were resolved via mutual aid agreements. Mayor Calderone stated that the Council could certainly discuss an ordinance re: residency in the future. Commissioner Hosty suggested that legal counsel draft an Ordinance re: residency for the next Council meeting. Commissioner Doolin stated that the residency requirement should pertain to the department heads only, clarifying that the rank-and-file employees would not share this requirement. Commissioner Gillian suggested that department heads are dedicated to the community, although some don't live in Forest Park, and added that he sees them as "pseudo" members of the community who visit this town many weekends for Village events. Mayor Calderone said that he is not one of those people who believes that our employee pool is limited if we only hire residents, and added that if a department head can get to work on time and is doing satisfactory work, it is alright if he or she is a non-resident. Mayor Calderone instructed the Village Attorney to write an ordinance pertaining to residency and department heads. Mr. Durkin stated that some don't live in town now and asked for some direction about a grandfather clause for those people. Commissioner Doolin said that if a current department head lives out of town, he would not be required to move into town unless he was moving during his tenure here. Additionally, Commissioner Doolin stated that any open department head position would be filled by a Forest Park resident. There were no objections from Council members.

RESIDENCY REQUIREMENTS WITH REGARD TO DEPARTMENT HEADS

The Clerk read the "National Good Neighbor Day" Proclamation into the record that promotes the endurance of human values and consideration for others as the prime importance of survival of civilization. "National Good Neighbor Day" was celebrated on September 28, 2003.

**SEPTEMBER 28, 2003
"NATIONAL GOOD
NEIGHBOR DAY"**

ADMINISTRATOR'S REPORT

None

COMMISSIONER REPORTS

Commissioner Hosty stated that instances of overcrowding in the Village are currently being investigated, and if necessary, adjudicated.

Commissioner Hosty stated that on October 1, 2003, all members of the Code Department will take a class on decks and porches.

Commissioner Doolin stated that the CDBG alley reconstruction will begin Wednesday, September 24, 2003 instead of today due to a miscommunication.

Commissioner Doolin stated that the grassy knoll on Lehmer and Ferdinand is on Martam Construction's punch list to resod.

Commissioner Steinbach stated that she has developed an ethics ordinance that speaks to the solicitation of campaign contributions. Commissioner Steinbach stated that she has forwarded the draft ordinance to the Village Administrator, who will share it with legal counsel and a future meeting will be set up to discuss it. Commissioner Steinbach added that she would like to present it to Council members at the next Council meeting.

Commissioner Steinbach stated that 408 Beloit has been a vacant lot for one year and added that she would like to enter into a discussion at the next Council meeting in regards to making this lot temporary parking.

Commissioner Steinbach stated that the Animal Care and Control Fundraiser entitled, "The Bark-beque" will take place Sunday, September 28, 2003 at the Forest Park Picnic Grove. All are invited to attend.

Commissioner Steinbach stated that Tuesday, September 23, 2003 marks the season's last "Groov'n in the Grove." All are invited to attend.

Mayor Calderone stated that he has been copied on Commissioner Steinbach's draft ethics ordinance and told all the elected officials that none of them have the power to draft ordinances. Mayor Calderone continued to state that if a Council member would like to advance an issue, the issue comes to the Council members for advisement, and if the Council agrees, the village attorney will then be directed to draft an ordinance or resolution for discussion and voting.

Mayor Calderone announced that our state representative, Karen Yarbrough, will host a town hall meeting at the Community Center on Wednesday, September 24, 2003 at 7:00PM.

Mayor Calderone stated that the staff has been overburdened with an egregious amount of requests for financial information that impairs staff's ability to take care of business and impedes progress. Mayor Calderone stated that it is impossible for five elected officials to scrutinize every single expenditure of the Village and believes that this practice is not an elected official's responsibility, and is, in fact, poor practice. Mayor Calderone added that the fiduciary responsibility is in the hands of

independent auditors and that the auditors are looking at expenses, and will bring forward any issue re: misappropriation of funds. Mayor Calderone stated that the true responsibility of elected officials is the promulgation of policies and procedures and that the officials should trust in the people who have been hired to do the job. Mayor Calderone recommended that a policy be drafted that details the minimum dollar amount at which staff could be asked to research an expenditure. Commissioner Gillian stated that he is not prepared to discuss parameters tonight. Commissioner Steinbach stated that Mayor Calderone is addressing her practice tonight, after sending Mr. O'Shea a question re: a \$10.00 expenditure that turned out to be payment for Mayor Calderone's belt clip. Commissioner Steinbach stated that she questions all bills because of past practice of certain officials who used their American Express credit cards to purchase merchandise at Best Buy on December 31, 2002, at Costco in Florida on December 24, 2002, and LaBella and Famous Liquors on December 19, 2002. Commissioner Gillian asked Commissioner Steinbach if all these dates listed above were before she was an elected official and asked if all her questions were answered re: these expenditures. Commissioner Steinbach stated that the expenses were incurred before her election, and added that she had no problem with answers given to her about the individual expenses, but felt that she needed to defend her bill checking practice this evening. Mayor Calderone stated that in order to exercise fiduciary responsibilities, all bills should be brought before the Council every two weeks. Commissioner Hosty suggested that some people are looking for a "smoking gun" and encourages everybody to get back down to business. Commissioner Steinbach agreed that the Village needs to continue to move forward and noted that her intervention associated with bills for Illinois Development Services encouraged a more professional billing process with that vendor. Commissioner Steinbach reiterated that some good has come out of her practice of bill review, stated that she is looking for no "smoking gun", and added that her expertise is finance. Mayor Calderone again stated that he wanted parameters set so that staff is guided correctly. Commissioner Gillian stated that it is clear that all wish to spend money appropriately and account for it appropriately, but nobody should be overburdened. Commissioner Gillian added that he and Mr. O'Shea would talk together about guidelines re: the minimum dollar amount at which staff could be asked to research an expenditure. There were no objections from Council members.

Commissioner Doolin motioned to move into closed session to consider the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body; and

To set a price for the sale or lease of property owned by the public body. Commissioner Hosty seconded the motion.

**MOTION TO MOVE INTO
CLOSED SESSION
9:55PM**

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin, Steinbach and Mayor Calderone

NAYS: None

ABSENT: None

The motion carried unanimously.

Commissioner Doolin motioned to end closed session and reconvene regular session. Commissioner Steinbach seconded the motion.

**MOTION TO RESUME
REGULAR SESSION
11:15PM**

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin, Steinbach and Mayor Calderone

NAYS: None

ABSENT: None

The motion carried unanimously.

ADJOURNMENT

There being no further business to be addressed, Commissioner Gillian motioned to adjourn the meeting. Commissioner Hosty seconded the motion. The motion carried unanimously.

Mayor Calderone declared the meeting adjourned at 11:20PM.

Respectfully submitted,

Joan M. White
Village Clerk