

**THE REGULAR MEETING OF THE COUNCIL OF THE
VILLAGE OF FOREST PARK, COOK COUNTY, ILLINOIS
HELD ON MONDAY EVENING MAY 9, 2005**

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 PREVIOUS MEETINGS

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

ROLL CALL:

AYES: Commissioners Hosty, Doolin, Steinbach and Mayor Calderone

NAYS: None

ABSTAIN: Commissioner Gillian

The motion carried.

PUBLIC COMMENT

Steven Backman of 7452 Warren asked Mayor Calderone to tell us what he can about Senate Bill 1296. Mayor Calderone reminded Mr. Backman that we are receiving public comment now and asked if Mr. Backman had anything else to offer. Mr. Backman expressed his opinion and concern that the passing of Senate Bill 1296 would cause serious harm to the well-being of the residents of Forest Park.

Carol Good of 844 Hannah stated that she would like to see a regulation added for parkway planting structures to be situated away from the sidewalk and curb in the proposed parkway planting ordinance.

Mr. Rich Carollo of the Oak Park Area Convention and Visitors Bureau requested permission to include Jackson Blvd., from Madison Street to Harlem Avenue, as part of their official route during their first annual "Wright Ride" for bicyclists scheduled for Sunday, August 21, 2005. There were no objections from Council members. Mayor Calderone directed the Clerk to notify Mr. Carollo that permission will be granted.

**WRIGHT RIDE, AUGUST 21,
2005 APPROVED**

Mr. Charles Cairo, Commander of the Forest Park American Legion Post No. 414, along with the V.F.W. post #7181 requested permission to host their annual "Poppy Day" fundraiser on Thursday, May 26, 2005.

**POPPY DAY, MAY 26, 2005
APPROVED**

There were no objections from Council members. Mayor Calderone directed the Clerk to notify Mr. Cairo that permission will be granted.

Ms. Christine J. Thompson, Vicar of St. Paul's Lutheran Church requested permission to block off Brown Street and to erect a temporary "slow" sign on Dixon Street on the afternoon of Saturday, May 14 during St. Paul's Festival. There were no objections from Council members. Mayor Calderone directed the Clerk to notify Ms. Thompson that permission will be granted.

**ST. PAUL'S FESTIVAL,
MAY 14, 2005
APPROVED**

DEPARTMENT REPORTS:

- Finance Report

Commissioner Steinbach inquired about the procedure for line item overages and stated that for legal services for the Village Prosecutor there was \$125,000.00 appropriated and the anticipated actual expenditure will be near \$200,000.00. She also stated that for the lobbyist there was \$15,000.00 appropriated and we paid out \$30,000.00. Commissioner Steinbach asked what happens when the actual expenditures are more than the appropriated amount. Mayor Calderone referred the question to legal counsel. Attorney Durkin stated that if the Finance Director notices a line item going above the appropriated amount, the state statute allows the municipality to amend the appropriation ordinance to move the allocated funds from one line item to another within the same department as long as you are not reducing a line item below the amount that has already been spent or committed. Mr. Durkin added that there should be periodic amendments to the ordinance to reflect what the actual day-to-day operations are as the year goes on, if necessary. Commissioner Steinbach questioned if the Village could be fined or if there could be punitive damages levied against the village for exceeding line item amounts in the appropriation ordinance. Mr. Durkin answered "no". Commissioner Gillian advised that he will speak to the Finance Director, Judy Kovacs about amending the appropriation ordinance. There were no further questions or comments from the council. Mayor Calderone advised that we will receive the report into the records.

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

**R-25-05
RESOLUTION FOR THE
PAYMENT OF BILLS**

available. The bills totaled \$430,864.50

ROLL CALL:

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

NAYS: None

ABSENT: None

The motion carried unanimously.

UNFINISHED BUSINESS

It was moved by Commissioner Gillian and seconded by Commissioner Hosty that the Ordinance amending section 3-5A-7 of the code of the Village of Forest Park regarding Door-To-Door Solicitation be adopted.

Commissioner Steinbach asked if all children would be exempt under paragraph E-5. Mayor Calderone referred the question to Commissioner Doolin. Attorney Durkin replied that any student soliciting for school supported activities would be exempt. Commissioner Doolin stated that although he has not had a lot of experience with solicitors, he wondered whether the Village will be litigating this ordinance in the future. Attorney Durkin advised that according to the Illinois Public Action Council, organizations that perform canvassing would not be covered under this ordinance. This ordinance would regulate commercial solicitors or persons raising funds for a profit and not charitable, non-commercial organizations. Mr. Durkin kept the most recent U.S. Supreme Court decisions which have upheld language similar to this in mind when drafting the ordinance. He added that nobody can predict whether we will be challenged or not. Mr. Durkin stated that simply passing the ordinance will allow our Police Officers the opportunity to know what these people are required to have if these people are engaged in a commercial activity. If they are engaged in a charitable activity, they are required to notify the village. The ordinance will give the police officers a tool to hopefully prevent the criminal activity that may be going around. Commissioner Doolin asked if it is okay to have different time limitations on different class of solicitors. Attorney Durkin advised that according to precedent it is allowed. Commissioner Doolin asked if the \$60.00 licensing fee is adequate to cover the costs for processing the applications. Commissioner Steinbach requested that the Clerk notify the Police Department when a solicitor's permit is issued. There being no further questions, Mayor Calderone directed the Clerk to take the roll call.

**O-17-05
ORDINANCE AMENDING
DOOR-TO-DOOR
SOLICITATION LICENSING
APPROVED**

ROLL CALL:

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

NAYS: None

ABSENT: None

The motion carried unanimously.

It was moved by Commissioner Steinbach and seconded by Commissioner Doolin that the Ordinance amending section 1 entitled "Private Use" of chapter 2 entitled "Use of Public Ways" of title 7 entitled "Public Ways and Property" of the Village Code to regulate Private Parkway Plantings be adopted.

**O-18-05
ORDINANCE REGULATING
PRIVATE PARKWAY
PLANTINGS AS AMENDED
APPROVED**

Attorney Durkin pointed out that the space for the permit fee is blank. Commissioner Doolin suggested \$15.00. As the maker of the motion, Commissioner Steinbach agreed to that amendment to the motion and Commissioner Doolin agreed as well.

Commissioner Steinbach stated that the set back from the sidewalk is 2 feet. Commissioner Steinbach further stated that the planters and the irrigation system language have been removed from the original draft of the ordinance.

Commissioner Gillian asked whether the existing irrigation systems will be "grandfathered". Commissioner Hosty stated that the irrigation language was removed from the original draft and that there is no provision to "grandfather" existing irrigation systems. Commissioner Gillian suggested that there be language allowing professionally installed irrigation systems.

Commissioner Gillian asked that the language stating "Parkway irrigation systems installed prior to the adoption of this section shall be allowed to remain if kept in proper working order and subject to Village inspection, etc". Commissioner Hosty requested that the two deleted sections referencing parkway irrigation system requests and parkway irrigation systems be reinstated as a modification to the motion and that we accept this ordinance. As the maker of the motion,

Commissioner Steinbach agreed to that amendment to the motion and Commissioner Doolin as seconder agreed as well.

Commissioner Steinbach asked Commissioner Gillian if he wanted to have the language allowing planters to be included in the ordinance as well. Commissioner Gillian stated that he does not wish to include the planters as he considers them a potential hazard. There being no further discussion, Mayor Calderone asked the Clerk to take a roll call vote.

ROLL CALL:

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

NAYS: None

ABSENT: None

The motion carried unanimously.

NEW BUSINESS

Mayor Calderone introduced a request by Jerry Webster to install a stop sign at the corner of Circle and Lehmer. Mayor Calderone advised the council that if they felt that it was appropriate, then it can be referred to the Traffic and Safety Committee. There was no response from the council. Mayor Calderone advised that the request will die and instructed the Clerk to communicate that in writing to Mr. Webster.

**REQUEST FOR STOP SIGN
AT CIRCLE AND LEHMER
DENIED**

Mayor Calderone introduced a complete ordinance authorizing the issuance of general obligation bonds for first round review. Mayor Calderone stated that preferably, there will be no action taken tonight and that the ordinance will come back to the Council for action on May 23rd. Commissioner Gillian moved and Commissioner Hosty seconded that the Ordinance authorizing and providing for the issuance of an aggregate principal amount not to exceed \$10,000,000.00 General Obligation Bonds (Alternate Revenue Source) Series 2005, 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 sales tax revenues be tabled until the May 23, 2005 meeting of the Council.

**ORDINANCE AUTHORIZING
ISSUANCE OF GENERAL
OBLIGATION BONDS NOT
TO EXCEED \$10,000,000.00
TABLED**

ROLL CALL:

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

NAYS: None

ABSENT: None

The motion carried unanimously.

It was moved by Commissioner Doolin and seconded by Commissioner Steinbach that the Ordinance amending Chapter 3, entitled "Liquor Control" of Title 3 of the municipal code affecting class "E" licenses be adopted.

**O-19-05
ORDINANCE AMENDING
CHAPTER 3 OF TITLE 3
AFFECTING CLASS "E"
LIQUOR LICENSES
APPROVED**

ROLL CALL:

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

NAYS: None

ABSENT: None

The motion carried unanimously.

Mayor Calderone asked the Clerk to read the proclamation designating the week of May 15-21, 2005 as "National Public Works Week" in the Village of Forest Park.

ADMINISTRATOR'S REPORT

No Report

COMMISSIONER'S REPORTS

Commissioner Doolin reported the Public Works Open House banner is displayed at Circle and Madison. The Open House is going to be on the 21st. Bob Kutak and Katie Murphy and some of the guys have been collecting donations for the raffle, there will be a "jumpie" for the kids and it should be a nice afternoon. Commissioner Doolin invited all to attend.

Commissioner Steinbach brought up the issue of Senate Bill 1296 and stated that this bill redefines "meeting" in the open meetings act to say "in the case where a municipality has a commission form of government consisting of 4 commissioners and a mayor, a meeting shall mean any gathering of a majority of the members held for the purpose of discussing public business". She further stated that that means that two of us could talk about Village business without circumventing the open meetings act. Commissioner Steinbach then declared that in light of the controversy in January and February of 2004, she personally does not support this Senate bill. She further stated that after talking to our lobbyist, Jack Kubik, she was told by Mr. Kubik that he was instructed by our mayor to draft this bill and have it proceed through the legislature. Commissioner Steinbach went on to say that she has two issues to discuss at this time. The first issue is that, as mentioned previously, the village overspent, by double, the amount that was appropriated for the lobbyist and the second issue is that the Council does not know what the lobbyist is doing. She further stated that the Village spent \$1,000.00 for legal counsel with regard to the bill. Commissioner Steinbach voiced her opinion that she thinks the lobbyist should work on behalf of the Village Council and taxpayers and that the lobbyist should not work on behalf of the Mayor. She feels that the lobbyist should take direction from and be accountable to the Council and would like to see a change in the procedure with regards to legislative action and would like to see the Council meet and set the Lobbyists agenda for the upcoming session. She voiced dissatisfaction with not being advised that the commencement date of the new sales tax referendum would be January 1st as opposed to July 1st as discussed in the open sessions. She added that the businesses were not aware that they were to collect the ½ of 1% effective January 1st even though a letter was distributed by the department of revenue, and that these business owners were forced to pay the tax out-of-pocket because they did not collect it. Commissioner Steinbach stated that when she asked the Mayor what the closed session meeting was about, the Mayor responded that if "Senate Bill 1296 passed, I could have told you, but I can't tell you." She declared that to change any of the open meetings act is a detriment to any form of government and governing. She would like to see the council take action on having the council devise a legislative agenda prior to the Senate sessions.

Mayor Calderone stated to Commissioner Steinbach that he would not interrupt her in the commissioner report because technically the commissioner reports are really for the commissioners to report upon the matters of their respective departments. The mayor added that he did not want to be criticized for not allowing the commissioner report and therefore allowed Commissioner Steinbach to talk without interruption.

Commissioner Hosty stated for the record in response to Commissioner Steinbach's unfounded accusations, yet again, about violating the open meetings act 18 months ago, the accusations have not been proven, there have been discussions with the Illinois Attorney General's office, they were misquoted by Commissioner Steinbach in these chambers, and we have letters stating that from the

Illinois Attorney General's office. Commissioner Hosty requested that Commissioner Steinbach either come up with proof or apologize for the accusation. He stated that they did not violate an act.

Commissioner Steinbach referred back to the Mayor's comment and asked if they have something that they would like to discuss, how that should be handled. The mayor responded that should be forwarded and we will try to get it as an item on the agenda. Commissioner Steinbach stated that since the mayor has total control over items on the agenda, sometimes things don't get on the agenda when we ask. Mayor Calderone pointed out that in the past, although not on Commissioner Steinbach's schedule, items that Commissioner Steinbach has requested be on the agenda, have made it to the agenda. Mayor Calderone asked Commissioner Steinbach whether any item that Commissioner Steinbach has requested has been disallowed on the agenda. Commissioner Steinbach replied that she is not saying she has been denied items on the agenda. Commissioner Steinbach reiterated that she thinks there is a lack of communication with regard to what the paid consultants are doing on behalf of the village. She added that if this is not the proper forum, then there should be a place that we can bring things up that do not have to be an agenda item. She asked when else are we going to do it. The Mayor suggested that Commissioner Steinbach discuss with Administrator Sturino or email the Mayor, as done in the past, rather than waiting until she has a public audience to unnecessarily, prematurely over-alarm the public. Mayor Calderone went on to explain that the Senate bills are all available on the world wide web as public information. The status is available at any given time. Senate bill 1296 is under the purview of the Mayor. The Mayor is commissioner of public affairs and matters like this are under the domain of the Mayor. Just like the commissioners make decisions within their department without bringing to the village council. For example, Commissioner Doolin, rightfully so, within his authority, denied a curb cut request at 916 Elgin. That is under Commissioner Doolin's domain and the Mayor has no problem with that. This illustrates that each one of us has responsibilities in your own department and you make decisions that you have the authority to make. This bill is intended to give the Village of Forest Park and the forty other communities in the State of Illinois that operate under the commission form of government, the ability to operate efficiently just like every other form of government. In every other form of government, two people can meet and talk. Mayor Calderone went on to explain that this is his job and he intends to perform his job and under this form of government, the commissioners cannot trump the mayor's authority. This bill has already passed out of the senate. 50 senators voted yes for this bill, one voted no and 8 were absent. Contrary to popular belief, the mayor does not have empirical power over the senators who decide to vote yes on bill 1296. This bill gives two commissioners or the mayor and one commissioner the opportunity to meet on executive and administrative, not legislative issues. The intent of the open meetings act is to keep elected officials from gathering to discuss legislative matters and Mayor Calderone expressed that he agrees with that. Senate bill 1296 is intended to give our government the opportunity to work more efficiently, and in fact, functions that only pertain to the commission form of government were never considered when the open meetings act was re-written. Further research has show that prior to the major re-write of the open meetings act there was an exception to the commission form of government and as best as we can tell, it was innocently not included, there was no debate. This makes sense because as you will experience Friday, you and Commissioner Doolin will be interviewing some candidates for director of public works. I believe that both of you should be able to interview candidates for your department. But, because of the current language in the open meetings act, we have to convene a full council meeting for the purpose of you going into closed session. Further, your interview is not going to be discussed in public because it is a personnel matter, which falls under executive or administrative rather than legislative. Commissioner Steinbach stated that the commission form of government has worked fine. She also added that Mayor Calderone and she have very different philosophical perspectives on government. Commissioner Gillian asked what was "public" about the time when he and Commissioner Doolin interviewed the candidates for the Village Administrator, and how the public benefited by that. Commissioner Steinbach replied "That's just one instance and it worked. If it's not broken, why change it?" Commissioner Gillian replied "Let's go just a little bit further. Next

Saturday, when you are having the Public Works open house, you know that you and Patrick can't talk to each other". Steinbach responded "About Village business, that's correct". Gillian retorted "so if Patrick says to you "hey I think we're out of pop. Do you think we should get more pop?", that's illegal". Steinbach stated "you're taking it to the extreme, Tim". Gillian replied "well that's the degree it's to. If one person hears you talking to Patrick and the word Village is mentioned in the conversation, that's a violation. Does that seem reasonable?" Steinbach replied "on that instance no, but the law just doesn't address that one issue. It addresses bigger things". Mayor Calderone expressed that we understand that Commissioner Steinbach is philosophically opposed to this bill. Steinbach stated that it "would have been nice if you would have shared with your fellow elected officials that you were working on this". Commissioner Steinbach further inquired "Why couldn't you tell us that you were working on getting the date moved up for collecting the sales tax, especially when I was selling it on the fact that we were doing it July 1st? What is the harm of telling us what you are having our lobbyist do that we pay for and on top of it we are paying him twice what we appropriated and we are paying legal fees for this?" Mayor Calderone asked Commissioner Steinbach to curb the comments she makes to the public because they are positively misleading. He then explained that the work that the lobbyist has done on Senate bill 1296 has not cost the Village of Forest Park one extra dollar. In fact, the lobbyist is paid the same amount no matter which or how many issues he works on for the Village of Forest Park. He continued to ask Commissioner Steinbach why she never brought her concerns up before tonight when the invoices for the lobbyist show up every month and she checks those bills. Commissioner Steinbach replied that she is consistently slapped down when she tries to review the bills. Commissioner Gillian asked Commissioner Steinbach what she meant when she said "consistently she has been slapped down". Commissioner Steinbach said "about reviewing the bills". Gillian asked "Have I ever said you can't go back to Judy and review a bill? Steinbach answered "No, the Mayor has mentioned when I brought up specific items in previous council meetings". Mayor Calderone stated that what he said is that Commissioner Steinbach is not in charge of the finance department, which is a truth. Steinbach replied, "yes and look what happened, we overspent, we didn't amend our ordinances, it slipped through the cracks. Now we have what I think is a competent finance director and I don't think this kind of thing is going to slip through the cracks anymore because Judy is going to be a great finance director." Mayor Calderone agreed that's what can happen when you have personnel turnover and the fact of the matter is this is a bill already supported by the Illinois Senate, it is yet to be determined what will happen with the Illinois Representatives, and we are pretty certain that the Illinois Press Association is going to support this. The mayor reiterated that the commissioners have executive authority over their respective departments in the commission form of government. That's why this bill makes sense, particularly with combined departments where the both commissioners are going to have to discuss the affairs of their department. Not legislative matters, but for operational aspects. Operational aspects are not required to be discussed in public in other municipalities, only those matters that are converted into law. He went on to explain that the law is flawed because the state statute allows the mayor the authority, on an executive level, to talk to the other executive heads of the departments, which are the commissioners. Then the open meetings act contradicts that. Mayor Calderone stated "My only goal is to make it right". The open meetings act should speak to the way the state statute is written without any fear on my part with any one commissioner unnecessarily alarming the public that something underhanded is going on. It has happened and I'm not going to allow that to continue to happen. It's disheartening at best. Commissioner Doolin stated that the curb cut was denied because there was a light pole in the way. The mayor explained that he used that as an example of how the commissioners can make a decision without checking with the council. He continued that when he would like to make any legislative changes, he has to ask the permission of the council and when he has responsibilities within his domain he will make decisions that pertain to his department. The mayor has the authority to get legal counsel without asking for approval and technically the commissioners can not. There was no more discussion on this issue.

Mayor Calderone reported that at our last council meeting, resident Art McGrath expressed his concerns about proposed concrete grinding at the Residences at the Grove site on Van Buren. He stated that he met with Village Administrator, Mike Sturino and Art McGrath at the job site with the contractor to understand how they are doing the grinding. He continued that they reviewed the concerns about dust and they took us through the equipment and time frame and the procedure and where the grindings will be stored. He reported that they had a good meeting and felt that Art walked away feeling very good. The mayor further stated that the Village is concerned with the residents that live across the railroad tracks from Abel-Howe, so he asked Focus Development to send a fact sheet for distribution to the residents on the property immediately adjacent to the Abel-Howe development and to the Commissioners as well. He added that we don't want the residences on the 7700 block of Wilcox, Adams and Monroe, to be unnecessarily alarmed. They thought there was going to be cancer causing agents and asbestos in the air and Mayor Calderone felt the meeting brought some rest to those concerns as the asbestos has already been abated.

It was moved by Commissioner Hosty and seconded by Commissioner Doolin that the council recess into closed session to consider the purchase or lease of real estate for the use of the public body.

RECESS INTO
CLOSED SESSION
8:30 P.M.

ROLL CALL:

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

NAYS: None

ABSENT: None

The motion carried unanimously.

It was moved by Commissioner Gillian and seconded by Commissioner Steinbach to adjourn closed session.

CLOSED SESSION ENDED
8:48 P.M.

ROLL CALL:

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

NAYS: None

ABSENT: None

The motion carried unanimously.

It was moved by Commissioner Hosty and seconded by Commissioner Steinbach to reconvene regular session.

RECONVENE REGULAR
SESSION 8:49 P.M.

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 Hosty motioned to adjourn the meeting. Commissioner Steinbach seconded the motion. The motion carried.

Mayor Calderone declared the meeting adjourned at 8:50 P.M.

Respectfully submitted,

Vanessa Moritz
Village Clerk