

**THE REGULAR MEETING OF THE COUNCIL OF THE
VILLAGE OF FOREST PARK, COOK COUNTY, ILLINOIS
HELD ON TUESDAY EVENING OCTOBER 11, 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.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

It was moved by Commissioner Hosty and seconded by Commissioner Doolin that the minutes from the regular Council meeting on September 26, 2005 be approved 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.

PUBLIC COMMENT

Tom Liss of 1412 Marengo urged the Council to vote no on the Ordinance related to building a single family home on a minimum 25' lot. He further stated that building houses on 25 foot lots is in character with the community and should be allowed

Roger Masson of 734 Lyman, Oak Park (formerly 1416 Marengo) stated that on 6/28/05 the contract for the sale of his house was annulled and it cost him \$20,000 and 2 months market time because of the freeze on the issuing of permits for new construction on lots less than 30' in width. He further stated that approval of the ordinance before the council would hurt the homeowners of Forest Park and urged the council to vote no.

Beth Strong of 1315 Elgin asked the Council to re-evaluate and urged them to vote no to the 25' minimum lot size zoning text amendment.

Martha Glynn of 734 Lyman, Oak Park (formerly 1416 Marengo) urged the council to vote no on the 25' lot ordinance because it would force owners to go through the Zoning Board of Appeals to receive variances in order to build.

COMMUNICATIONS:

Carlo Cavallaro of Comcast Cable sent a letter to the Mayor outlining the upgrades to Comcast's cable plan and services.

DEPARTMENT REPORTS:

The Police, Finance and Public Health and Safety Departments submitted their September reports. Commissioner Steinbach asked whether the Public Health and Safety report could include a list of permits with the address and the nature of the work. Commissioner Hosty stated that the type of work is listed on the report along with the total dollar value. Commissioner Hosty further stated that this form has been adopted by the Department of Public Health and Safety and has been in use for several months. This is the first time this report has been submitted to the Council. Mayor Calderone suggested that Commissioner Steinbach either recommend to the Council to change the report or get the specific information that she is requesting via the Village Administrator.

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 \$667,253.87. Commissioner Steinbach stated that the \$96,000.00 payment to C-A Cement for the CDBG work to the 400 Ferdinand/Beloit alley is included in the above referenced bills. Commissioner Steinbach further stated that she has a copy of a letter from Jim Amelio of Christopher Burke Engineering to C-A Cement which asks C-A Cement to provide a \$7,035.00 bond that is valid for 12 months and asked whether there is a warranty on the work. Mike Stirk of Christopher Burke Engineering stated that this was an IDOT project and the IDOT policy and standards do not specify a warranty, only a 5% retention for 1 year. He further explained that they released the retention and negotiated a \$7,000.00 credit on the invoice and a \$7,000.00 maintenance bond for a total of \$14,000.00 to cover the problems with the work in this alley. Commissioner Steinbach asked whether Mr. Stirk felt that 1 year is a sufficient period of time to determine whether repairs will be needed. Mr. Stirk stated that they feel the work will hold up nicely and that this is the best option based on experience and traditional practices. Commissioner Steinbach asked whether we could ask to extend the bond for 3 years. Mr. Stirk stated that 3 years would be an unfair length of time to require from the contractor since any necessary repairs would be apparent after a winter season of freezing and thawing and that the repairs could be done next summer, if necessary. He further stated that the expected life of the alley work is approximately 50 years. Mayor Calderone asked what exactly the problems with the alley were. Mr. Stirk stated that the problems were aesthetic and the quality is not compromised.

**R-45-05
RESOLUTION FOR THE
PAYMENT OF BILLS IN THE
AMOUNT OF 667,253.87
APPROVED**

ROLL CALL:

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

NAYS: None

ABSENT: None

The motion carried unanimously.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Mayor Calderone introduced Mr. Scott Gaalass, President of the West Cook YMCA for the purpose of presenting a site plan and bringing the Council up to date on the developments over the last few months. Mayor Calderone explained that if the Council does not favor the site plan, then discussing price is meaningless. Mayor Calderone stated that they need further direction from the council to proceed. Mr. Gaalass explained that the YMCA is a 501C3 Illinois Non Profit Organization. 80percent of the members live in the communities of Forest Park, Oak Park and River Forest. The YMCA has existed since 1902, and since 1954 in Oak Park. The Oak Park Y served 12,000 people last year. The YMCA has many services that can be favorable for the community, including a possible evacuation site for Village and School facilities, providing disaster volunteer coordination through the American Red Cross, being the only fully handicap accessible indoor warm water pool to name a few. The primary issues and concerns from the Forest Park, River Forest and Oak Park Communities are 1) affordable, needs-based school aged and preschool child care, 2) more healthy alternative activities for school age and teenage youth to reduce gang and drug activities while developing leadership skills, 3) more opportunities and activities for families to interact in a wholesome and healthy environment and 4) quality affordable health education and fitness programs for youth, families and seniors including those with disabilities. Mr. Gaalaas also stated that the YMCA is raising millions of dollars over the next 18 months to fund this project. Two site plans were presented showing different layouts of the buildings and playing fields. The proposed site consists of 6 acres. Mayor Calderone then opened the discussion up for feedback and ideas. Commissioner Hosty asked for clarification on how much land the YMCA was planning to purchase and whether the ball fields would be owned by the YMCA or the Village. Mayor Calderone stated that those questions have not been answered to date. The YMCA could purchase the entire 6 acres or a portion and ask the Village to retain ownership of the ball fields with the YMCA maintaining the fields and

**PRESENTATION BY
MR. SCOTT GAALAAS,
PRESIDENT OF THE WEST
COOK YMCA**

managing their use.
Commissioner Hosty

expressed his opinion that he did not want the YMCA to purchase only the front portion of the land, leaving the back, less desirable, portion to be retained by the Village. Commissioner Hosty suggested that if the YMCA only wishes to purchase a portion of the 6 acre parcel, that they purchase the rear part of the property. Commissioner Gillian stated that the Village of Forest Park does not need to be in the Park business and asked to see different options on the site plan. Mayor Calderone agreed with Commissioner Gillian and explained that the YMCA would be required to make a substantial investment for the land and a 60-80,000 square foot building. Mayor Calderone suggested that maybe the Village would own the land and the YMCA would maintain and run the ball fields. Commissioner Doolin asked for clarification that the YMCA is not proposing SRO facilities. That was confirmed by Mr. Gaalaas. Commissioner Doolin then asked whether the YMCA is projecting an increase in membership. Mr. Gaalaas stated that they would expect an increase; however these members would probably be using the facility during off peak hours. Commissioner Doolin asked whether the Council could visit a like-type YMCA facility to get a better idea of what the facility would look like. Mr. Gaalaas suggested Lake Zurich or Glen Ellyn. Commissioner Doolin asked whether there would be a duplication of existing services. Mayor Calderone stated that in addition to having ample meeting rooms and community rooms, the staff and services available at the Community Center such as Senior services and before and after child care could possibly be moved over to the YMCA, which could allow the real estate that the Community Center currently sits on to be disposed of. Commissioner Doolin stated that he is in favor of the concept and that despite the fact that the Village may be able to make a better profit by selling to a developer, he believes that the YMCA would be a more beneficial use for this property and for the community as a whole. Commissioner Doolin then asked whether the YMCA envisions offering soccer and baseball programs. Mr. Gaalaas stated that it is common to enhance and complement the existing programs and added that there have been conversations with Dave Novak of the Park District and Dan O'Connor of the Little League program and both are in favor. In addition, Mr. Gaalaas stated that the age group of children with the highest frequency of drowning is second graders who are age 7 or 8. He would like to propose a swimming lesson program in coordination with the local schools for all second graders. Commissioner Steinbach stated that she is in favor of the YMCA moving to Forest Park; however she did not notice any difference between this proposal and the proposal a few months ago and wondered what the difference may be. Mayor Calderone stated that the layout is similar; however it shows the commercial property to the north of the Grove. He

further stated that it would seem to be likely that in the future, if the owner of the commercial property thought about selling, it would be most likely be additional residential living there. In addition, the picnic grove itself has been expanded on the site plan. The expansion would have to be in cooperation with the Altenheim in anticipation of a greater use by the public and the YMCA. Mayor Calderone further stated that the site plan more accurately defines the entrances to the property. One additional thing that was considered was the possibility of moving the cemetery to the adjacent cemetery, which would open up about another acre of land. Mayor Calderone asked the Council to give clarity on 1) overall price, 2) whether we want to consider the sale of all or nothing and 3) the Village's financial desire to either make a financial windfall or recapture our investment in this piece of property. Commissioner Steinbach asked for an indication of the offer price and added that the concept is great but we need to know the dollar amounts. Commissioner Hosty agreed with Commissioner Steinbach and stated that if there is something more they can look at before talking about price, it would be talking about use. Commissioner Hosted stated that he would like to know how much of the land the YMCA wants, what they want from the Village of Forest Park and where the specific property that they desire is located on the site. Mayor Calderone stated that the use would be 100% use of 6 acres of the land. Commissioner Gillian stated that we also need to know if 100% of the land used by the YMCA is also owned by the YMCA. Commissioner Hosty added that if the section of the land closest to the front of the property is sold and the remainder is in the back, the property is virtually useless in the future and would rather sell the entire property to the YMCA. Commissioner Gillian agreed that we want the YMCA in Forest Park, however we need the YMCA to come to the Village of Forest Park with an offer on the 6 acres of land and then we can work with the plan. Mayor Calderone then took a voice poll to see if the elected officials would like to sell 100% of the 6 acre property for recreational use. All commissioners replied that they would agree to that. Mayor Calderone further stated that he and the YMCA will go back to the table and focus on dollars and cents and hopefully within the next 30 to 45 days come back to the Council to talk price.

Commissioner Gillian left the meeting at 8:20 p.m.

It was moved by Commissioner Steinbach and seconded by Commissioner Hosty that the resolution approving an intergovernmental agreement for the provision of environmental health services be adopted.

ROLL CALL:

AYES: Commissioners Hosty, Doolin, Steinbach and Mayor Calderone

NAYS: None

**R-46-05
RESOLUTION FOR
PROVISION OF INTER-
GOVERNMENTAL
AGREEMENT
APPROVED**

ABSENT: Commissioner Gillian
The motion carried.

Commissioner Gillian returned to the meeting at 8:25 p.m.

It was moved by Commissioner Gillian and seconded by Commissioner Steinbach that the Ordinance approving text amendments to Zoning Ordinance regarding the term “Lot of Record” be adopted as amended.

Village Attorney, Michael Durkin explained that in conducting a legal analysis it is better to begin with the current status of the Village’s regulation of this topic. There has been a perception that new construction on existing lots of record is authorized by the existing language in 3 sections of the village code regarding the definition of lots of record. Mr. Durkin stated that his opinion is that language does not authorize new construction on those properties. The Council adopted a comprehensive Zoning Ordinance in the 1950s that states that in R-1 the minimum lot width is 50’, for R-2 the minimum lot width is 40’ and for R-3, the minimum lot width is 50’. At the same time, language was adopted identifying lots that were already developed pre-1950 (non-conforming uses). Three sections were placed into the Village Code, 9-3A-4A, 9-3B-4A, and 9-3C-4A, each stating “notwithstanding the regulations of this article an existing lot of record may be **used** for a single family dwelling or any of the non-dwelling uses permitted in section 9-3A-1 of this article and **accessory** buildings and uses not involving the conduct of a business and including a private garage may be erected thereon with a side yard of 10% of the width of the lot. That means that lots of record may continue their existing uses and that you can construct or erect thereon **accessory** buildings, not principal residential structures. This is based on standard principals of statutory construction and in the context of a municipal code; an ordinance is interpreted using those principals of statutory construction. The primary principals that attorneys use and judges adopt in interpreting what language that legislators chose to use is based on a Latin expression “expressio unus est exclusio alterias”, which means the expression of one is to the exclusion of others. This means that since the council chose to express one type of building that could be constructed (accessory buildings); it is to the exclusion of all others. There is no mention of 25’ in these paragraphs whatsoever and it is not authorized in the code language. The language needs to be amended or you need to adopt a minimum lot width. If you decide to allow construction on all lots of record, Mr. Durkin urged the Council to impose some minimum lot width to avoid someone building a structure on a 20’ wide lot. Mr. Durkin warned people who have a house on a 50’ lot with 25’ vacant where the existing

**O-53-05
ORDINANCE APPROVING
TEXT AMENDMENTS TO
ZONING ORDINANCE RE:
LOT OF RECORD
APPROVED AS AMENDED**

house is set to the 25' line, that if they think they can build on the vacant 25', they will put the existing structure in jeopardy of becoming illegal because there is a 10% side yard requirement.

Michael Boyle, Director of Public Health and Safety took the floor and informed the Council that in the process of researching this issue, he identified the lots of record that were less than 30' in width. Less than 33 lots were found with two adjoining lots of record with a house on one and the vacant property next to it. 161 were found where the principal residence straddled the lot line so they were built on both properties. In looking at this, staff felt it was important to try and support and encourage the board to go in this direction because the new language does clarify this in great detail. It does not automatically slam the door shut on those properties with a structure on one lot and vacancy on the adjoining lot. It would leave open the opportunity for a Zoning variation. Mr. Boyle did not think that all of the 161 lots would be good candidates to receive a variance. Where there is a single house on two lots of record, to tear down the house and try to build two would create a self-imposed hardship. Mayor Calderone asked Mr. Durkin how the Village of Forest Park has allowed building homes on a 25' lot to happen in the past and whether the fact that there may have been a mistake means that we have to continue to allow that mistake to be repeated. Mr. Durkin stated that the fact that there is a mistake does not mean that the Zoning Ordinance is interpreted in a different manner. He further stated that the number of times the mistake occurs could be interpreted as a practice of that number is extremely high, like 100 times. Mayor Calderone asked Mr. Boyle how many of these homes were allowed to be built. Mr. Boyle did not have the exact number but guessed that it was less than 6.

Commissioner Gillian agreed that the language needs to be cleaned up so that it makes sense and is enforceable. He further stated that we need to put a minimum lot size in. Commissioner Gillian made reference to the possibility of having the property owners go through the administrative review process to speed things up. If the property owner is denied by the Zoning Administrator, they still have the option of appealing to the Zoning Board and the Council would still see it. Mr. Durkin pointed out that the process with the hearing officer would still require public notice. Commissioner Steinbach asked Mr. Durkin what effect this ordinance would have on any existing structures on lots less than 30' in width with regard to refinancing, insurance, etc. Mr. Durkin stated that the existing building has always been allowed to continue their use and this amendment clarifies they can reconstruct those buildings in case of fire. In addition the 25' vacant lot is not impacted by this language. Commissioner Steinbach

expressed her desire to have the minimum width be 25' because many 25' wide lots currently exist. Mayor Calderone asked Mike Boyle whether he counted the number of 25' lots in the Village. Mr. Boyle stated that there are 1,005 lots of record under 30' wide with the vast majority being 25' wide.

Commissioner Doolin expressed his concern that the Administrative Zoning Review for building on 25' lots wouldn't make sense since most would be approved anyway if all other requirements were met. He further stated that he felt that 25' wide is wide enough to build on for vacant lots. In addition, 20 years ago, those side lots added very little value. Now they do add value and there is a certain property right to capitalize on that value. Commissioner Doolin stated that density is not a concern for him since at the most, only 30 or 40 new houses could be built; however he is concerned with developers tearing down a single home that straddles a double lot and building two separate houses where there currently is one. Commissioner Doolin stated that he favors a 25' minimum width for new construction if the lot is currently vacant.

Commissioner Gillian stated that he would like to move forward with the proposed ordinance as written and substitute 25' for the 30'. Mr. Durkin stated the language to specify the Commissioner's desire to change the 30' to 25' and to specify that the lot must be vacant as of June 27, 2005. Mr. Durkin explained that the 50 lot with one house straddling two lots would not be allowed to have a principal or accessory building constructed. Commissioner Hosty expressed his concern that the amended language would force someone with any lot less than 50' with a house on it to go through the ZBA process. Commissioner Steinbach suggested voting on the motion tonight and directing staff to research and come up with an Ordinance that would address teardowns. Commissioner Gillian reiterated his amended motion to include a change from 30' to 25' and to add language allowing building only on currently vacant lots.

ROLL CALL:

AYES: Commissioners Gillian, Doolin, Steinbach and Mayor Calderone

NAYS: Commissioner Hosty

ABSENT: None

The motion carried.

It was moved by Commissioner Steinbach and seconded by Commissioner Doolin to have staff review tear down ordinances and provide the Council with a draft ordinance for discussion and come to an agreement to forward to the Zoning Board of Appeals for their review.

ROLL CALL:

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

**STAFF DIRECTED TO
REVIEW TEAR DOWN
ORDINANCES AND DRAFT
ORDINANCE FOR COUNCIL
REVIEW
APPROVED**

NAYS: None

ABSENT: None

The motion carried unanimously.

Mayor Calderone introduced a proposal for three automatic defibrillators to potentially be placed in Village Hall, the Community Center and the Public Works Garage. He further stated that this was not a budgeted item but would like the Council to review and consider purchasing this life saving device. Commissioner Steinbach asked whether it would be a good idea to install a defibrillator in the Library. Chief Glinke stated that the Library already has a defibrillator.

Commissioner Gillian asked whether it makes sense to install a defibrillator at Village Hall with the paramedics being right next door. Chief Glinke stated that it still makes sense since the paramedics are not always in-house. Mayor Calderone further stated that the Fire Department would be able to train the Village employees on the use of the portable defibrillators. Commissioner Gillian made a motion to approve the proposal. Commissioner Steinbach asked whether we need 3 bids according to the procurement Ordinance. Chief Glinke stated that only one price was obtained and offered to solicit two more bids. The motion died due to a lack of a second.

It was moved by Commissioner Hosty and seconded by Commissioner Doolin to recess into closed session to discuss minutes of meetings lawfully closed under the Open Meetings Act, whether for the purpose of approval by the body of the minutes or for semi-annual review of the minutes as required by the Open Meetings Act.

ROLL CALL:

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

NAYS: None

ABSENT: None

The motion carried unanimously.

ADMINISTRATOR'S REPORT:

Administrator Sturino reported that staff is moving forward with the emergency plan and will be performing a table top exercise of a draft including NIMS requirements that have been incorporated into the plan. He further stated that we hope to be able to present the plan to Council for its consideration shortly thereafter. Mr. Sturino then reported that the Zoning administrative hearing matter will hopefully be up for consideration and recommendation by the ZBA for a text amendment to have a Zoning Administrative Hearing process in place. Staff and Commissioner Hosty have been discussing

**DISCUSSION RE:
PURCHASE OF THREE
SEMI-AUTOMATIC
DEFIBRILLATORS**

**RECESS INTO CLOSED
SESSION 9:45 P.M.**

the details of what exactly will go before that hearing. Mr.

Sturino also reported that we are finalizing the fleet policy as well and a draft of that should be coming to the Council's attention in the near future. A couple of weeks ago we showed our appreciation to our office workers. About 17 of our employees came out to an afternoon in the city, saw a show and had dinner. A good time was had by all. The employees appreciated being appreciated and felt that the Council and Management does appreciate the front line workers. Finally, Mr. Sturino is hoping to present more information concerning our refuse and recycling RFP and recommendations and moving forward on that at the next Council meeting.

COMMISSIONER REPORTS:

Mayor Calderone pointed out that Forest Park got some notoriety today when the Mayors of Chicago and Anaheim California made a baseball wager and Mayor Daly pledged that if Chicago loses, he will send Lemon Heads and Atomic Fire Balls from Ferrara Pan Candy Company to Anaheim.

The Council recessed into closed session at 9:45 p.m.

Commissioner Gillian exited the meeting at 9:45 p.m.

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

**RECONVENE OPEN
SESSION 10:05 P.M.**

ROLL CALL:

AYES: Commissioners Hosty, Doolin, Steinbach and Mayor Calderone

NAYS: None

ABSENT: Commissioner Gillian

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 10:08 P.M.

Respectfully submitted,

Vanessa Moritz
Village Clerk