

**MINUTES OF THE REGULAR MEETING OF THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF OAK PARK  
HELD ON MONDAY, OCTOBER 21, 2002, AT 7:30 P.M.  
IN THE COUNCIL CHAMBERS OF THE VILLAGE HALL**

**OFFICIAL RECORD:**

REGULAR  
MEETING  
10/21/02

PRESENT: Trustees Carpenter, Ebner, Kostopulos and Turner and  
President Pro Tem Gockel

ABSENT: Trustee Hodge-West and President Trapani

QUORUM: President Pro Tem Gockel convened the meeting at 7:30 p.m. and  
declared that a quorum was present.

President Pro Tem Gockel indicated that President Trapani was unable to be  
present at the meeting and he stated that he wanted to acknowledge the passing of  
Trustee Hodge-West's grandmother at the age of 102.

**MINUTES:**

MINUTES OF  
10/07/02  
MEETING  
APPROVED

It was moved by Trustee Kostopulos, seconded by Trustee Ebner, that the  
Minutes of the regular meeting of October 7, 2002 be adopted as submitted. The  
motion was unanimously adopted.

**STAFF INTRODUCTION:**

STAFF INTRO-  
DUCTION

Village Manager Swenson introduced the Village's new Chief Property  
Maintenance Inspector, William Hudson. Mr. Hudson is a resident of Oak Park  
and his experience includes working in both the private and public sectors. Most  
recently, he worked for the City of Evanston. He earned a Bachelor of Arts degree  
from Asbury College in Kentucky and has done graduate work at Trinity College in  
Deerfield.

Mr. Hudson was welcomed with applause.

**NON-AGENDA PUBLIC COMMENT:**

NON-AGENDA  
PUBLIC  
COMMENT

President Pro Tem Gockel stated that he wanted to welcome the American  
Government class from Fenwick High School, as well as representatives from the  
Boy Scouts.

Dan Fore, 255 S. Marion, read excerpts from a letter sent to the Village  
Board by disabled residents of the Oak Park YMCA. The concern centered on the  
"air circulation in the residence areas" during the summer when the temperature

was often "over 100 degrees." He stated that a number of residents were taken from the building by ambulance due to heat-related incidents. He described the situation of a particular resident who was treated in the building and who, within hours of treatment, was ordered by management to move out. The resident contacted an attorney who wrote a letter to the YMCA on the resident's behalf. Mr. Fore read from a local newspaper article that reported the incident, which indicated that the Health Department would be meeting with the YMCA staff as a result of the complaint. He said that residents have not received any response and they don't know if any inspection has been done. He also registered a complaint about the sanitary conditions of the bathrooms.

Village Manager Swenson indicated he is aware that there has been some Village contact with the YMCA. He will report back to the Village Board. Mr. Swenson asked Mr. Fore to speak with Assistant Village Manager Ray Wiggins so that the Village can respond thoroughly to his remaining questions.

Charlotte Cohen, 605 S. Taylor Avenue, said that the Village should work on building up the downtown area. There are a lot of "pretty good" restaurants, but the Village needs stores. She recalled the large stores of the past, especially Wieboldts, where one could buy household items. She stated, "We need a downtown" and suggested that property taxes might be lower if we had a "great downtown."

**First Reading**

FIRST  
READING

- A. First Reading of an Ordinance Authorizing a Text Amendment to the Zoning Ordinance Relative to the "Teardown" Issue for Residential Properties

ZONING  
ORDINANCE  
TEXT  
AMENDMENT  
RE:  
"TEARDOWNS"

Village Manager Swenson introduced the item and noted that this amendment has been the subject of several Village Board study sessions. He indicated that Village Planner Craig Failor was present and could give an overview of the draft ordinance and that Plan Commission Chair Colette Lueck was present to answer questions.

Mr. Failor explained that in November 2001, the Village Board asked the Plan Commission to look at the issues of "teardowns" and lot coverage in single family zoning districts and, additionally, to look at the portion of the Zoning Ordinance relating to additions to nonconforming buildings and uses. The Plan Commission held several public meetings and then came to the Village Board with recommendations. The Board reviewed the recommendations and asked the Plan Commission to hold a public hearing on the draft ordinance, which occurred on September 19, 2002. It is the draft ordinance, containing the recommendations of the Plan Commission, that is before the Village Board for a first reading.

The draft ordinance does not prohibit building demolition, but it does try to control what is built after the demolition occurs, except on properties in the historic overlay districts, where a different type of review occurs. In residential districts R-1 through R-5, new limitations have been created regarding lot coverage. Height restrictions have also been modified to limit the bulk on properties in those

districts.

At this point, Village Manager Swenson stated that it would be a good time for Board members to ask questions of Staff or of the Commission.

President Pro Tem Gockel asked what can happen after a first reading. If amendments are made, does that mean starting the process all over? Would there have to be another first reading? Mr. Swenson said that the first reading indicates, typically, that the bulk of the work has been done between the Village Board and the designated Commission, through review and public hearings. The first reading is intended to make the community aware that the change is anticipated or imminent. Changes to the proposed ordinance can be made at any time and the document can be remanded back to the Plan Commission for further work.

A lengthy discussion followed. Trustee Kostopulos expressed concern about how additions to existing buildings will be handled since a lot of information is not available. It was suggested that Sanborn Maps provide helpful information, although it was agreed that the Sanborn Maps probably need to be updated. Trustee Kostopulos stated that if the Village is going to implement and enforce the ordinance, it is important to have accurate information. Trustee Ebner wondered if the GIS will help, saying that they should be "fairly accurate." Trustee Kostopulos said that he thinks the Village must "be able to account for every square foot that is calculated" and he does not think the GIS do that.

Ms. Lueck responded that the Plan Commission spent a lot of time discussing this issue because they felt if accurate data cannot be obtained, that it is placing an "undue burden" on people to limit what they can do. Commission members felt that while individual sources of information may be incomplete, using the Sanborn Maps, the GIS and other information available, it is likely that accurate data can be obtained. Staff has said that there is a light sensor that can be used to measure property that does not involve actually stepping on the property so that no one's privacy is being violated.

Trustee Carpenter asked what the Plan Commission is thinking in terms of re-evaluation of the proposed changes. Ms. Lueck responded that the hope of the Commissioners is that the ordinance will be re-evaluated within a year to see whether the changes have been effective or if there has been too big a hardship placed on residents. Good data will need to be available to the Commission in terms of what happens within the year.

Trustee Kostopulos indicated that he attended the last Plan Commission meeting. It was his understanding that the Commission thought that what was asked of them was a little narrow and that they had other thoughts they would like to share with the Board. He thought the Commission felt that it would be better to spend more time on these issues now to save residents from the possibility of being treated unfairly by coming to the Village early after passage of the ordinance, having their plans rejected and then later having the ordinance changed. Trustee Kostopulos said that he thought that the Commission had concerns, not about

what the ordinance "was trying to achieve, but how it was going to be done."

Ms. Lueck said that the Commission was asked by the Village Board to address specific questions and specific issues. Public meetings were held and Commissioners did a lot of reading on the subjects. During the course of this review time, other options and ideas were presented to the Commission about how to address the "teardown" issue. She thinks the Commission is comfortable with its recommendations. She said that she does not believe the Commissioners would say that this is a complete response—or the only response. The Commission heard repeatedly that a lot of different strategies must be used to address the issue.

An issue that came up was limiting garages in the front when there are alleys, since that would make a big difference in the bulk of a house built on a property where a "teardown" has occurred. Ms. Lueck indicated that the Commission is willing to look at the issue as ongoing.

Trustee Turner asked how results achieved by the "teardown" amendments will be monitored. There have to be parameters to be sure that goals are achieved. He asked, "What are we watching?"

Ms. Lueck responded that the Commission was given the direction to write recommendations about the ordinance. During their study there was consensus about what was working well and what was not working well. Oak Park is a small village. If there is another "teardown" and something occurs that people are not happy about, the Village will be informed quickly. Likewise, if people want to enlarge their homes and are not permitted to make them as big as they want to, the Village will hear about that also. She thinks that Staff's role will be to monitor feedback, gather information and provide it to the Commission at the Board's direction. Village Manager Swenson agreed.

Trustee Ebner commented that she hopes the Commission will continue to think about this because clearly they had ideas about various things in connection with the issue that the Board did not ask specifically about. She hopes that they will come back to the Board with some recommendations. She added that she hopes all Commissions feel they have the right to ask the Board to look at particular issues.

She would like for people who are in a situation where they feel that this ordinance is going to affect them to talk to the Plan Commission in terms of their particular problem so that the Commission and Staff can gain insight as to whether people are running into problems or that they are happy "because a problem has been averted." Ms. Lueck agreed and said that she believes the Commission will be happy to continue looking at this issue.

Trustee Kostopulos stated, "This is an ordinance to stop teardowns" but he doesn't see where it stops "teardowns"; and he thinks the current ordinances already limit the size of buildings. He thinks this ordinance puts more pressure on the single-family owners in these areas. He added that when someone wants to build on their property they don't have time to spend with the Plan Commission

"and go through a process." There has to be a process to expedite matters.

President Pro Tem Gockel indicated that he had a question concerning process and offered the following scenario: If the Village Board passes the ordinance on December 1 and a person has applied for a permit five days earlier than that, is that person subject to the terms of the ordinance? Assistant Village Attorney Jack Tibbetts said that the date of the issuance of the permit, not the date of application for the permit, would actually govern whether or not the development falls under the purview of the ordinance. If Village Staff issued a permit on one day and the very next day the ordinance was passed, the law would not affect the development. Mr. Tibbetts further explained that a permit is a property right. Simply applying for a permit does not give a person any rights.

Rosalind Larsen, 615 Forest, stated that she wanted to thank the Village Board, Staff, the Plan Commission and the residents who have supported this issue. She finds the amendment very encouraging. She urged all people to "continue looking at best practices across the nation."

President Pro Tem Gockel stated that he wanted to be sure that the public understands what this ordinance does and he explained that it limits the amount of a lot that can be covered. To illustrate this concept, he quoted sentences from the ordinance pertaining to the R-3 zone: "The lot coverage for the principal building shall not be greater than 30 percent of the lot" and "All buildings, structures, service walks, driveways and areas devoted to parking spaces shall not cover, in the aggregate, more than 60 percent of the lot." He added that in R-1 and R-2 zones there is something called, "contextual zoning." Trustee Kostopulos suggested that Trustees living in zones other than R-1 or R-2 might sit down with paper and pencil and see what can be done on their property. He said that there is a requirement for a lot of open land—that is, land not covered by buildings, pavement, or patio. Trustee Kostopulos suggested that if Board members work with the numbers, they might be surprised at what would be allowed on their properties.

President Pro Tem Gockel indicated that he has a concern with the R-5 zone which permits two-unit buildings to be constructed even though that is not the dominant use in the R-5 zone. Most buildings in the zone are single-family dwellings, with two-flats scattered around. If someone wants to build a two-unit building in the R-5 zone, under the ordinance, that person is permitted to cover more of the lot in that zone than if they were to build a single-family home on the lot. He believes that is an issue to be watched and noted that at 212 Home Avenue, there is potential that the building currently there might be demolished and a two-unit building erected.

President Pro Tem Gockel said that he thinks the Plan Commission did an admirable job with this issue.

There being no other comments or questions on this item, Village Manager Swenson said Staff would anticipate bringing the ordinance back to the Village Board for action at the next regular Board meeting.

### Consent Agenda

CONSENT  
AGENDA

- B. A Resolution of the President and Board of Trustees of the Village of Oak Park to Determine the Amount of the Aggregate Tax Levy for the 2002 Tax Year to be \$19,335,157

DETERMINA-  
TION OF  
AGGREGATE  
TAX LEVY FOR  
2002 TAX YEAR

Village Manager Swenson introduced this item and indicated that State Statute requires the Village to determine the aggregate levy for all funds each year. The determination is an estimate and can be modified.

President Pro Tem Gockel noted that this is a combined levy, covering the operations of the Village and the Library. Finance Director Greg Peters agreed, saying that the Village is empowered to levy for the Library. In the last three years, the Village has borrowed \$30 million for the construction of the new Library and the debt service for the three bond issues is part of the \$19 million levy. \$6.4 million is being levied for the Library and almost 2.4 million of that is for debt service on those bond issues. The Village levy is just over \$12.9 million.

Trustee Turner asked a question regarding debt service with regard to the Library. Mr. Peters explained that the Village borrowed money on behalf of the Library, but that it is actually Village of Oak Park debt. The Village and the Library Board agreed that the \$2.3 will be shown as part of the Library levy. In December three ordinances will be presented that will abate the Library's debt for the 2000, 2001 and 2002 bond issues. In effect the whole amount is levied and shown to be an operating expense of the Library. When people pay their tax bills, they will see the \$6.3 million as Library-related expenditures.

President Pro Tem Gockel, noting that review of the budget for 2003 is in process, asked if this is the year 2002 levy for taxes that will be collected and spent in year 2003. Mr. Peters stated, "That is correct."

Resolution 2002-R-163 entitled **A RESOLUTION OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OAK PARK TO DETERMINE THE AMOUNT OF THE AGGREGATE TAX LEVY FOR THE 2002 TAX YEAR TO BE \$19,335,157** was submitted for adoption.

- C. Resolution Authorizing Execution of Agreement with Illinois Department of Public Health – Amendment #2: Grants to Locals for Public Health Preparedness and Response for Bioterrorism, July 1, 2002

AMENDMENT  
TO AGREE-  
MENT WITH IL  
DEPARTMENT  
OF PUBLIC  
HEALTH

Village Manager Swenson explained that the Health Department has been working on bio-terrorism related prevention and communication for the Village. These funds will be used to improve the Village's communication network in the event of any bio-terrorist activities.

Trustee Kostopoulos asked if the computer system to be purchased and installed is a dedicated system, only for use in connection with bio-terrorism. Dr. Polyak indicated that it is not a dedicated system, but, rather, that it can be used

for communicable disease or any other public health purpose.

Resolution 2002-R-164 entitled **RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH ILLINOIS DEPARTMENT OF PUBLIC HEALTH – AMENDMENT #2: GRANTS TO LOCALS FOR PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO BIOTERRORISM** was submitted for adoption.

- D. Motion Referring an Application for a Zoning Ordinance Text Amendment for "Assisted Living Facility" and a Planned Development at 1027-1045 Madison Street (Madison at Wenonah) to the Plan Commission for the Purpose of Holding a Public Hearing and Preparing Findings

MOTION REFERRING APPLICATION FOR ZONING ORDINANCE TEXT AMENDMENT AND PLANNED DEVELOPMENT TO PLAN COMMISSION

President Pro Tem Gockel indicated his understanding that the item will be referred to the Plan Commission by way of a letter signed by the Village President. Village Manager Swenson confirmed this, saying that the letter becomes the Village's direction to the Plan Commission "with respect to any areas of height, density and use for which the Board has had a particular interest."

The **MOTION REFERRING AN APPLICATION FOR A ZONING ORDINANCE TEXT AMENDMENT FOR "ASSISTED LIVING FACILITY" AND A PLANNED DEVELOPMENT AT 1027-1045 MADISON STREET (MADISON AT WENONAH) TO THE PLAN COMMISSION FOR THE PURPOSE OF HOLDING A PUBLIC HEARING AND PREPARING FINDINGS** was submitted for adoption.

- F. Resolutions Authorizing Execution of Contracts for Snow Removal in Village Parking Lots for 2002/2003 Season

CONTRACTS FOR SNOW REMOVAL IN VILLAGE PARKING LOTS FOR 2002/2003 SEASON

1. Resolution Authorizing Execution of a Contract with A & B Landscaping for Snow Removal in Village Parking Lots for 2002/2003 Season

2. Resolution Authorizing Execution of a Contract with Independent Paving Company for Snow Removal in Village Parking Lots for 2002/2003 Season

3. Resolution Authorizing Execution of a Contract with McAdam Landscaping for Snow Removal in Village Parking Lots for 2002/2003 Season

Village Manager Swenson explained that while Village staff performs most of the snow removal and ice on Village streets and public ways, the Village uses contractors to remove snow and ice in Village owned or leased parking lots.

Trustee Kostopoulos commented that the Proposal Summary notes that calcium chloride can be purchased in bulk by the companies and the savings will be passed onto the Village. He thought the Village purchased salt through a State contract. Acting Public Works Director Ray Wiggins agreed that the Village purchases salt and calcium chloride through the State contract, but that contract does not cover snow removal for the parking lots. Mr. Swenson added that the contractors bring their own salt supplies. The Village will assist in replenishing

their supply, if necessary.

Trustee Turner commented that he had encouraged Staff to purchase as much salt as could be stored in the Village and to investigate the possibility that another close-by municipality might have extra storage space where the Village might store salt so that if equipment ran low of salt while in that area, instead of having to come back to Public Works, replenishment of the salt supply might be made at that extra storage area. He asked what the minimum equipment requirement is, noting that the Agenda Item Commentary says that some companies did not submit a proposal because they didn't have the minimum pieces of equipment. Mr. Wiggins referred him to the schedule provided which shows equipment requirements.

Trustee Kostopulos remembered that the Village ran short of salt in a recent snow season and had to pay premium prices to replenish our supply. He is glad to see that "our contractors will carry us over on this at a more reasonable ton price than we could pay otherwise."

Trustee Carpenter noted that the low bid was A & B Landscaping. She asked if the other two companies being awarded contracts have agreed to service the lots at the same price as the low bid. Mr. Wiggins responded that they will service the Village at the rates they provided in their proposals.

President Pro Tem Gockel commented on the fact that the Village owns or leases a total of 118 parking lots, saying, "That's a lot."

Resolution 2002-R-165 entitled **RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH A & B LANDSCAPING FOR SNOW PLOWING AND SALTING OF VILLAGE LEASE/OWNED PARKING LOTS FOR A ONE-YEAR PERIOD WITH TWO OPTIONAL YEARS**, Resolution 2002-R-166 entitled **RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH INDEPENDENT PAVING CO. FOR SNOW PLOWING AND SALTING OF VILLAGE LEASED/OWNED PARKING LOTS FOR A ONE-YEAR PERIOD WITH TWO OPTIONAL YEARS**, and 2002-R-167 entitled **RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH MC ADAM LANDSCAPING FOR SNOW PLOWING AND SALTING OF VILLAGE LEASED/OWNED PARKING LOTS FOR A ONE-YEAR PERIOD WITH TWO OPTIONAL YEARS** were submitted for adoption.

- G. Staff Recommendation to Adopt an Ordinance to Install North-South Yield Sign Controls on Humphrey Avenue at its Intersection with Pleasant Street

INSTALLATION  
OF YIELD  
SIGNS ON  
HUMPHREY AT  
PLEASANT

Trustee Carpenter commented that when Austin Boulevard was being repaved, there were temporary stop and yield signs placed along Humphrey at some of the east-west streets. She found these signs were very helpful at controlling traffic. When the repaving was complete, the signs were removed and she noticed a change in the traffic. She is pleased that there will be a yield sign at this corner. Responding to a comment from Trustee Turner, Trustee Carpenter continued that Humphrey becomes a street that people use when they want to

avoid Austin Boulevard during busy hours. Humphrey and the alley between Austin and Humphrey carry a lot of traffic by people trying to avoid Austin at busy times. A lot of cars go by this corner and she is glad there will be a yield sign.

Ordinance 2002-0-55 entitled **ORDINANCE AMENDING SECTION 15-1-12 OF THE OAK PARK VILLAGE CODE RELATING TO YIELD RIGHT-OF-WAY SIGNS** was submitted for adoption.

- H. Resolution Ratifying and Affirming the Execution of Agreed Final Judgment Order in the Eminent Domain Lawsuit Captioned Village of Oak Park vs. Shenouda, Case Number 00 L 51110

EXECUTION OF  
AGREED FINAL  
JUDGMENT  
ORDER  
RATIFIED AND  
AFFIRMED

President Pro Tem Gockel asked, for the record, if this is the parcel on the northeast corner of Madison Street and Oak Park Avenue. Mr. Swenson confirmed that it is.

**Approval of Consent Agenda**

APPROVAL OF  
CONSENT  
AGENDA

It was moved by Trustee Kostopulos, seconded by Trustee Carpenter, to approve the items submitted under the Consent Agenda. True and correct copies of the Ordinance and Resolutions are to be filed in the Office of the Village Clerk.

The roll call on the vote was as follows:

AYES: Trustees Carpenter, Ebner, Kostopulos and Turner and President Pro Tem Gockel

NAYS: None

The motion was unanimously adopted.

**Regular Agenda**

REGULAR  
AGENDA

Village Manager Swenson indicated that there were no items on the Regular Agenda and nothing from the Village's Advisory Boards or Commissions.

**Village Manager Reports**

VILLAGE  
MANAGER  
REPORTS

- I. Reports

- (1) Village Board Calendars: October and November

CALENDARS

Village Manager Swenson noted that this is a busy time of year due to scheduled budget sessions. There was a question about the starting time of the second budget session, scheduled for October 22. The meeting will begin at 7:00 p.m.

A motion was made by Trustee Turner, seconded by Trustee Ebner, to adjourn the meeting. The motion was unanimously adopted and the meeting adjourned at 8:30 p.m.

ADJOURNMENT

SUBMITTED AND RECORDED IN  
THE OFFICE OF:

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By: Kathleen M. Cannon  
Deputy Village Clerk