

**MINUTES OF THE REGULAR MEETING OF THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF OAK PARK  
HELD ON MONDAY, MAY 3, 2004, AT 7:40 P.M.  
IN THE COUNCIL CHAMBERS OF THE VILLAGE HALL**

**OFFICIAL RECORD:**

REGULAR  
MEETING 5/03/04

**PRESENT:** Trustees Carpenter, Gockel, Johnson, Kostopulos, Milstein and Pope and President Trapani

**ABSENT:** None

**QUORUM:** President Trapani convened the meeting at 7:40 p.m. and declared that a quorum was present

President Trapani offered belated anniversary greetings to Trustee and Mrs. Kostopulos who recently celebrated their 50<sup>th</sup> anniversary.

**MINUTES:**

MINUTES

There were no Minutes to be approved.

**PROCLAMATION: PRESERVATION WEEK IN OAK PARK – MAY 3-9, 2004**

PROCLAMATION:  
PRESERVATION  
WEEK IN OAK  
PARK – MAY 3-9,  
2004

It was moved by Trustee Kostopulos, seconded by Trustee Milstein, to concur in the issuance of a Proclamation by President Trapani entitled  
**PROCLAMATION: PRESERVATION WEEK IN OAK PARK – MAY 3-9, 2004.**

The motion was unanimously adopted.

**PRESENTATION: HISTORIC PRESERVATION AWARDS**

PRESENTATION:  
HISTORIC  
PRESERVATION  
AWARDS

President Trapani asked Mr. Douglas Gilbert, Chair of the Preservation Commission, to come forward for the presentation of the 2004 Historic Preservation Awards.

Mr. Gilbert indicated that there were sixteen submissions this year and that ten Awards and two Honorable Mentions would be given in four different categories: restoration, rehabilitation, additions and new construction and adaptive reuse. He explained that restoration is bringing a structure back to its original condition and removing alterations that may have occurred; rehabilitation involves repairing deteriorated components of a building; and adaptive reuse involves providing a new use for an old building while bringing it up to "more contemporary standards." Mr. Gilbert noted that the category "additions and new construction" is self-explanatory.

The jury was comprised of a preservation architect, a preservation planner and Kate Susmilch, who represented the Commission.

Mr. Gilbert noted that he would show a slide of each building and indicated that if owners, architects or contractors were present, they could come forward to receive the award as the slide for their building was presented.

The following projects were highlighted: 163 N. Ridgeland Avenue – restoration and new construction. The exterior was painted, windows were restored and a new garage, reflecting the character of the original building, was built. Owner/Contractor – Charles Moelter; Architect – Gus Kostopoulos. 403 N. Scoville Avenue – addition. A new porch was added to the front of the building, making a "dramatic" change to the character of the historic house. Owners – Jay and Betsy Tharp; Architects – Sher Bergstrom; Contractor – A. S. Madden & Sons. 525 S. Elmwood Avenue – restoration, rehabilitation and new addition. Mr. Gilbert pronounced this "a dramatic project." Synthetic siding was removed to restore the original wood siding; the front porch was restored and an addition was made to the rear of the house. Owners – Mike and Karen Iannaccone; Architects – Wagner & Manalang; Contractor - Kevlar Construction Inc.

209 S. Scoville Avenue – restoration and addition. The project involved removal of synthetic siding and restoration of original siding and the addition/restoration of the front porch. Owners – Ken and Sue Boyer; Contractor – James Butler. 244 Clinton Avenue – restoration. Synthetic siding was removed and the original wood siding was restored. Owner/Contractor – Ken Javor. 605 Iowa Street – restoration. The asphalt shingle roof was replaced with a slate roof. Owner – Sam Gewisenheit; Contractor – Connoisseur Ltd.

1001 N. Oak Park Avenue – restoration. A fire destroyed the roof of this building. This extensive project involved reconstruction of the roof framing and brick masonry restoration. Owners – Chris and Robin Dunn; Architect – Maria Rolhe & Associates; Contractor – Coffman & Wicklow. 643 N. Oak Park Avenue – restoration. Both the porch and the existing, deteriorated wood siding were restored. The owners conducted extensive research at the Historical Society to determine how best to restore their home. Owners – Bill Bango and Lori Malinski. 1116 Washington Boulevard – restoration. The owners of this apartment building restored the balconies and replaced windows with those of a higher quality and better design to reflect more accurately the appearance of the original windows. Owner – Cagan Management Group with Michael Daniels. 641 N. Ridgeland Avenue – restoration. Synthetic siding was removed and the original wood siding was restored and painted. Owners – Jeffrey and Heather Nelson; Contractor – Lazzeroni and Associates.

Honorable Mentions were given for the following: 822 N. Humphrey Avenue – addition. This project involved the addition of a rear porch. The Commission recommends additions at the rear of a structure so that they don't change the historic character of the building as seen from the street. Owners – David and Sandra Lentz; Architects – Sher Bergstrom; Contractor – Fidelity Construction Co. 331 S. Ridgeland Avenue – adaptive reuse. This structure was formerly a church

that was converted to condominiums after the church vacated the building. Many original windows on the front of the building were restored. Owner/Contractor – Peter Robinson/Goldfinger L.L.C.; Architect – HSP Ltd.

Applause greeted all people involved in these projects. Mr. Gilbert thanked all the property owners who applied and received awards, as well as the architects and contractors. He stated that preservation is about people who care about their properties and the character of the community; and he noted that Oak Park is known for its architecture.

Upon completion of the presentation, the Board took a short break to greet those who received awards.

**PROCLAMATION: MUNICIPAL CLERKS' WEEK: MAY 2 – MAY 8, 2004**

It was moved by Trustee Pope, seconded by Trustee Johnson, to concur in the issuance of a Proclamation by President Trapani entitled **PROCLAMATION: MUNICIPAL CLERKS' WEEK – MAY 2-MAY 8, 2004**. The motion was unanimously adopted.

PROCLAMATION:  
MUNICIPAL  
CLERKS' WEEK  
– MAY 2-MAY 8,  
2004

President Trapani, on behalf of the Village Board, offered thanks to Village Clerk Sandra Sokol for her help and support throughout the year.

**PROCLAMATION: MENTAL HEALTH MONTH: MAY 2004**

It was moved by Trustee Milstein, seconded by Trustee Kostopoulos, to concur in the issuance of a Proclamation by President Trapani entitled **PROCLAMATION: MENTAL HEALTH MONTH – MAY 2004**. The motion was unanimously adopted.

PROCLAMATION:  
MENTAL HEALTH  
MONTH – MAY  
2004

**PROCLAMATION: NATIONAL BIKE MONTH: MAY 2004**

It was moved by Trustee Carpenter, seconded by Trustee Pope, to concur in the issuance of a Proclamation by President Trapani entitled **PROCLAMATION: NATIONAL BIKE MONTH – MAY 2004**. The motion was unanimously adopted.

PROCLAMATION:  
NATIONAL BIKE  
MONTH – MAY  
2004

**PROCLAMATION: NATIONAL POLICE WEEK, MAY 10-14, 2004 and  
NATIONAL LAW ENFORCEMENT OFFICERS'  
MEMORIAL DAY – MAY 15, 2004**

It was moved by Trustee Pope, seconded by Trustee Johnson, to concur in the issuance of a Proclamation by President Trapani entitled **PROCLAMATION: NATIONAL POLICE WEEK, MAY 10-14, 2004 and NATIONAL LAW ENFORCEMENT OFFICERS' MEMORIAL DAY – MAY 15, 2004**. The motion was unanimously adopted.

PROCLAMATION:  
NATIONAL  
POLICE WEEK,  
MAY 10-14, 2004  
& NATIONAL  
LAW ENFORCE-  
MENT  
OFFICERS'  
MEMORIAL DAY  
– MAY 15, 2004

**Citizen Advisory Boards and Commissions**

Housing Programs Advisory Committee Recommendations

HPAC RECOM-  
MENDATIONS

Village Manager Swenson indicated that Items A and B could be taken together should the Board choose to do so.

A. Resolution Authorizing a Security Improvement Grant: SIG-186

There were no questions or discussion on this item.

B. Resolution Authorizing Execution of Marketing Services Agreement MSA-0408/B with Grant

Trustee Milstein noted that on April 29, 2004, Mr. Dieber, Chair of the Housing Programs Advisory Committee, issued a memorandum indicating that the "question of the impact of the diversity program is being investigated." Mr. Milstein also noted that the memo indicated that HPAC received preliminary results at its April meeting and that the Committee concluded that further analysis was required before presentation to the Village Board. Trustee Milstein indicated that Trustee Kostopulos has asked for information with regard to the effectiveness of the program. The memo seems to imply that at this point "We're still looking." He asked if he was correct in this understanding. Mr. Dieber responded, "Right" and added that the Committee looked at buildings Village-wide to see "if the measures were meaningful." The conclusion was that more work was needed.

Trustee Kostopulos indicated that often when an agreement comes to the Board, the subject building has previously been involved in a program. He would like to have a history of the building's involvement in Village programs to see if the building's diversity has been improved or maintained, and he noted that he doesn't think the brief information the Board receives is adequate. Mr. Dieber indicated that there is no history on this particular building because it is new to the program.

Trustee Milstein requested that Items A and B be voted on separately.

It was moved by Trustee Pope, seconded by Trustee Kostopulos, that Resolution 2004-R-87A entitled **RESOLUTION AUTHORIZING A SECURITY IMPROVEMENT GRANT – SIG 186** be adopted as submitted, a true and correct copy of said Resolution herewith being ordered filed in the Office of the Village Clerk.

SECURITY IM-  
PROVEMENT  
GRANT – SIG 186  
APPROVED

The roll call on the vote was as follows:

AYES: Trustees Carpenter, Gockel, Johnson, Kostopulos, Milstein and Pope and President Trapani

NAYS: None

The motion was unanimously adopted.

It was moved by Trustee Carpenter, seconded by Trustee Johnson, that Resolution 2004-R-88 entitled **RESOLUTION AUTHORIZING EXECUTION OF MARKETING SERVICES AGREEMENT MSA 0408-B** be adopted as submitted, a true and correct copy of said Resolution herewith being ordered filed in the Office of the Village Clerk.

MARKETING SERVICES AGREEMENT MSA-0408/B APPROVED

The roll call on the vote was as follows:

AYES: Trustees Carpenter, Gockel, Johnson, Kostopulos and Pope and President Trapani

NAYS: Trustee Milstein

The motion was adopted.

Telecommunications Commission Recommendations

- C. Ordinance Granting Comcast of Illinois IV, Inc. a Franchise Extension to October 10, 2004

COMCAST OF ILLINOIS IV, INC. FRANCHISE EXTENSION APPROVED

In introducing this item, Village Manager Swenson noted that the Village is in the process of renegotiating the cable television franchise agreement.

It was moved by Trustee Pope, seconded by Trustee Carpenter, that Ordinance 2004-0-19 entitled **ORDINANCE GRANTING COMCAST OF ILLINOIS IV, INC. A FRANCHISE EXTENSION TO OCTOBER 10, 2004** be adopted as submitted, a true and correct copy of said Ordinance herewith being ordered filed in the Office of the Village Clerk.

Trustee Johnson noted that the Agenda Item Commentary indicates that the Village received a notice from AT&T in April 2001 to begin the renewal process. He expressed concern that so much time has passed and that now the Board is being asked to approve an extension. Mr. Steve McIntyre, Chair of the Telecommunications Commission, explained that when the process began, the Commission spent a lot of time gathering the information that would be required for the formal process of renewing the franchise agreement. A needs assessment was undertaken which involved surveying members of the community. Currently, the Commission is attempting an informal negotiation, which is quicker and easier than the formal process. The lengthy period of time has occurred because the Commission was trying to get everything in order in case the formal process is required.

Trustee Johnson asked if the Commission looked at other providers of cable service, as well. Mr. McIntyre responded that it did but that Comcast is nearly a monopoly in the Chicago area. Other options are almost non-existent.

Trustee Milstein indicated that a few weeks ago, some Union people talked about the quality of Comcast's equipment and service. He asked if the Commission received a copy of the material; Mr. McIntyre stated that it was received. Trustee Milstein wondered if Mr. McIntyre was able to speak to those issues. Mr. McIntyre responded that a consultant was brought in as part of the assessment study to look at Comcast's physical plant and to look at such things as its performance in wiring to residences. Comcast was found to be "technically competent." Trustee Gockel noted that it was the International Brotherhood of Electrical Workers that raised concerns. He indicated that he wished to make it clear that this is a six-month extension of the current franchise agreement and not a renewal.

The roll call on the vote was as follows:

AYES: Trustees Carpenter, Gockel, Johnson, Kostopulos, Milstein and Pope and President Trapani

NAYS: None

Trustee Milstein voted to abstain. This is legally deemed to be an Aye vote. Therefore the motion was unanimously adopted.

**NON-AGENDA PUBLIC COMMENT:**

NON-AGENDA  
PUBLIC  
COMMENT

Daniel Fore, 255 S. Marion, read a Proclamation issued by President George Bush declaring May 6, 2004 as a National Day of Prayer. At the end of the reading, Mr. Fore noted that there will be a non-denominational Day of Prayer observance at the Oak Park Conservatory on May 6, 2004 from 11 a.m. to 1 p.m. The focus will be on the men and women who have served and are serving the in the country's Armed Services. Mr. Fore encouraged members of the public to attend and noted that there will also be an observance in Village Hall at 7 p.m. President Trapani asked Mr. Fore to provide Village Clerk Sokol with a copy of his material.

Patricia Spagat, 945 N. Elmwood, asked President Trapani to take immediate action with regard to the Animal Control issue—to appoint a committee to meet regularly on the matter and to create better conditions for the animals at Hanover's. She asked that the Board deal in good faith and that President Trapani use her leadership skills to see that the required decisions are made.

Karen Richards, 10000 Fifth Avenue, Countryside, stated that she was present to obtain justice for her son who was brought in dead on arrival to Oak Park Hospital. He and two friends, one of whom is the son of a retired Oak Park police lieutenant, had been at his grandmother's home. She indicated that one of the friends brought drugs with him to the house. While she did not state what occurred with her son, Ms. Richards said that the friends must have put him in the bathtub and that they brought him to the hospital wearing only a pair of pants and a shirt. She felt the police officer who came to the hospital should have questioned the two friends and turned them both over to Forest Park, but she said that one friend went back and cleaned up the house. Ms. Richards stated that the officer spoke to the Medical Center where the autopsy was to be performed and indicated that he'd spoken to a family member who said the "choice of drugs was coke and

heroin." She stated that the officer did not speak to a family member at that time. A tape turned up missing as did a file and she said, "The autopsy wasn't right."

Ms. Richards filed a complaint with the Citizens Police Oversight Committee but said that her questions were not answered.

President Trapani asked if Village Manager Swenson could provide the report to the Board. He indicated that he's spoken with Ms. Richards, that the matter was referred to the Citizens Police Oversight Committee and that information will be provided to the Village Board with regard to this matter.

**Consent Agenda**

CONSENT  
AGENDA

- D. Resolution Authorizing the Lease of the Premises Located at 8 and 10 Chicago Avenue, Oak Park, Illinois 60302 By and Between the Village (Landlord) and Robinson's No. 1 BBQ Ribs LLC (Tenant)

LEASE OF  
PREMISES AT 8  
AND 10  
CHICAGO  
AVENUE TO  
ROBINSON'S NO.  
1 BBQ RIBS LLC.

Mr. Swenson, in introducing this item, said that this is a building that the Village purchased a number of years ago. There are a variety of tenants in the building, including a police substation and a prosecutions office. Now Robinson's Ribs will join the other tenants.

Trustee Carpenter noted that the Board has worked on business retention agreements. This is a fine example of a successful Oak Park business that is expanding into another area of the Village, and the Board is pleased to see this expansion. As the business at the new location becomes successful, perhaps Mr. Robinson will consider other locations, as well; and other businesses may follow his lead. She expressed the Board's appreciation to Mr. Robinson for working with the Village on this expansion.

Resolution 2004-R-89 entitled **RESOLUTION AUTHORIZING THE LEASE OF THE PREMISES LOCATED AT 8 AND 10 CHICAGO AVENUE, OAK PARK, ILLINOIS 60302 BY AND BETWEEN THE VILLAGE (LANDLORD) AND ROBINSON'S NO. 1 BBQ RIBS LLC. (TENANT)** was submitted for adoption.

- E. Motion Referring Application for Special Use Permit by Enterprise Leasing Company to the Community Design Commission

MOTION  
REFERRING  
APPLICATION BY  
ENTERPRISE  
LEASING  
COMPANY TO  
DESIGN  
COMMISSION  
MOVED TO THE  
REGULAR  
AGENDA

Trustee Milstein asked why this Application is being referred only to the Community Design Commission and asked if this wasn't a zoning relief request. Responding to a question from Mr. Nicholas Gadzekpo, Director of the Building and Property Standards Department, Trustee Milstein indicated that the application is requesting relief from Section 64.4.B of the Zoning Ordinance which requires parking lots with 6 to 100 spaces to have five percent of the total interior area landscaped. Since the request is for a zoning variation, he wondered why the application was being referred to the Design Commission. Mr. Gadzekpo responded that the applicant is meeting the five percent requirement but that the landscaping is not throughout the lot but is rather in one particular area. It was

felt that the Community Design Commission should look at this.

Trustee Milstein asked Village Attorney Heise who, under the law, can approve variations in the Zoning Ordinance. Attorney Heise responded that the Village Board can appoint the Zoning Commission and has latitude in doing so. He asked what elements are being considered beyond the parking lot limitations. Mr. Gadzekpo said that in addition to the parking lot limitation, there is an existing wall that will not be demolished. It will remain as a fence and there is a question as to whether the wall meets the zoning requirement.

Trustee Kostopulos indicated his understanding that the Design Committee serves in an advisory capacity. In this instance, the Design Committee would review the landscaping and give an opinion to the Zoning Board of Appeals. He understands that, by law, the ZBA was "established to be the keeper of our Zoning Ordinances and interpret them."

Attorney Heise said he's never seen the Board make a referral like this before but that there is an entire article relating to parking lot treatment that didn't exist before. He needs to look at that as it may be appropriate "to make this referral with regard to parking lot treatments."

Trustee Kostopulos noted that he works in a lot of communities and that most have standards for the handling of parking lots. It has always appeared to him to be a zoning issue, because the Zoning Ordinance governs the basic use of the lot.

President Trapani asked if anything prohibits the Board from referring the application to the Community Design Commission. Attorney Heise said that if the Board would take a short break, he would look at the Zoning Ordinance. President Trapani then asked if the Board wished to table the item or bring it back in two weeks.

Trustee Johnson indicated his understanding that the Community Design Commission will simply provide a review of the item and that it will ultimately come back to the Board for a vote. Mr. Gadzekpo indicated that the review will meet the standards of the Zoning Ordinance because the Board will ultimately vote for or against the recommendation.

Attorney Heise reiterated that the Board can appoint a Zoning Commission and that Zoning Commission can be the Zoning Board, or the Plan Commission or any other body that the Board chooses. He said that there may be specific language that refers to the Community Design Commission in relation to parking lot standards. He added, "Irrespective of that, you've got a right to appoint the Zoning Commission."

President Trapani, at this point, asked that the item be moved from the Consent Agenda to the Regular Agenda and that the Village Board move on to Item F.

- F. Motion to Approve a Six-Foot High Wrought Iron Fence with Six Foot Four Inch Brick Piers Located Along the South and West Lot Line of the Property at 600 N. Euclid

MOTION TO APPROVE SIX-FOOT HIGH WROUGHT IRON FENCE AT 600 N. EUCLID

Trustee Pope indicated that he and Mr. Gadzekpo have discussed this request. He has concerns about the process, however, wherein through an administrative procedure that is at the discretion of staff, a resident can request an allowance to do something outside the current zoning code. A commercial business wanting to do the same thing would need to go before the ZBA.

The applicant indicated that there are several houses in the area built around the same time that have original fences that exceed the six foot standard. Trustee Pope noted that he drove by the property. He saw that with regard to fence height, there is a nearby property with a five foot fence original to the property and another property which "in terms of the era of the home" has a fence that is three feet high. Another fence half a block away is six feet and another a couple blocks further is six feet. It seems to him that the criteria being applied is that it be acceptable to the immediate neighbors. He is concerned that there is no real uniformity and that the criteria might seem ambiguous or arbitrary in the way it is applied.

Because of the process currently in place, Trustee Pope said that he will support this request, but he suggested that the Board ask staff to look at the process and come back to the Board with recommendations. He thinks such requests might be better handled through the Zoning Board of Appeals or the Community Design Commission. Given their area of expertise, Trustee Pope indicated that he would feel comfortable allowing either the ZBA or the Design Commission to have a final say, without the Board needing to enter into the dialog. President Trapani said those referrals can be made and when the item comes back, the Village Board has the authority to override the recommendation. Village Attorney Heise stated that with regard to a variation, the final administrative authority rests with the Zoning Board. If the Village Board chooses to set this process up in that way, it can. Historically, because of some problems that occurred, the Village Board wanted to retain some control. The reasons for doing so may no longer exist.

There was some question about whether or not the property is in the Historic District. Trustee Kostopulos said that the structure is historic as it was built in 1910, and it seemed to him that the Board should obtain the opinion of the Historic Preservation Commission on this matter. Trustee Pope stated that his point is that the decision should not be "subject to the sole opinion of one administrative person at the staff level." He thinks that the Board should refer the requests and that criteria should exist that should be applied evenly. If the Board decides to change the five-foot limit to six feet, or whatever, the standard should be applied to everyone. He thinks the standard and the process should be decided upon.

President Trapani stated that the owner of the property wishes to erect the fence and, as happens periodically, the Board is being asked to grant a variance.

Staff cannot make the decision and permit the owner to erect the fence; so the request comes to the Board through the Building and Property Standards Department. Trustee Kostopulos thinks that the Board is setting a dangerous precedent since the Zoning Ordinance is involved, because there are regulations regarding fence heights. If a resident can come to the Board with requests that relate to zoning matters and the Board gives its opinion, he thinks that the Zoning Ordinance is not being followed legally.

Village Manager Swenson, referring to the statements of Mr. Heise, said that prior to his coming to the Village, the Village Board "retained for itself. . .the sole discretion to make these kinds of decisions." So though the process for other zoning code variances require that they be sent to the Zoning Board of Appeals, the fence height variance requests do not—instead, they come, by Code, to the Village Board. He noted that these requests are not frequently made, but that when they do come to the Board the questions are asked, "Why do we get this—why is this here?" Mr. Swenson said that perhaps the Board will want to look at whether or not these fence variance requests should continue to come to the Village Board. He suggested that the Board consider this request, however, since the applicant followed codified procedure.

Trustee Johnson commented that, to him, it doesn't make sense for staff to review whether or not requests should go to the ZBA since it still has to come through the Board. He continued that he thinks it is ironic that the Board spent more time talking about the request for an extra foot of fence height than it spent talking about the \$75,000 investment to support the expansion of Robinson's Ribs, a project he finds exciting.

The motion **TO APPROVE A SIX FOOT HIGH WROUGHT IRON FENCE WITH SIX FOOT FOUR INCH BRICK PIERS LOCATED ALONG THE SOUTH AND WEST LOT LINE OF THE PROPERTY LOCATED AT 600 N. EUCLID AVENUE** was submitted for adoption.

**Approval of Consent Agenda**

APPROVAL OF  
CONSENT  
AGENDA

President Trapani called for a Motion and Village Clerk Sokol clarified that the motion would be to approve Items D and F together as the Consent Agenda.

It was moved by Trustee Kostopulos, seconded by Trustee Pope, to approve the items submitted under the Consent Agenda. A true and correct copy of the Resolution is to be filed in the Office of the Village Clerk.

The roll call on the vote was as follows:

AYES: Trustees Carpenter, Gockel, Johnson, Kostopulos, Milstein and Pope and President Trapani

NAYS: None

The motion was unanimously adopted.

At the time of the vote, several Trustees made comments with regard to Item F. Trustee Kostopulos indicated that he has no problem with this particular item but is concerned that the Village be sensitive with respect to the "ambience of the various neighborhoods" and he thinks in that regard the Historic Preservation should be involved. In the future on these issues, he would like to have a recommendation from one of the Village's commissions. Trustee Pope agreed with Trustee Kostopulos and said that assuming everyone is treated equally, he would be willing to have a commission make the final decision. Trustee Milstein commented that the Board spent hours in executive session discussing the Robinson's Ribs issue. The fence issue at hand is about policy issues "as experienced through actual day-to-day things that happen."

**Regular Agenda**

REGULAR AGENDA

- E. (Continued) Motion Referring Application for Special Use Permit by Enterprise Leasing Company to the Community Design Commission

AMENDED MOTION REFERRING APPLICATION FOR SPECIAL USE PERMIT BY ENTERPRISE LEASING COMPANY (Item moved from Consent Agenda)

It was moved by Trustee Johnson, seconded by Trustee Carpenter, **TO REFER THE APPLICATION FOR A SPECIAL USE PERMIT BY ENTERPRISE LEASING COMPANY TO THE COMMUNITY DESIGN COMMISSION.**

Trustee Pope stated that it seemed to him that the Board would be referring the item to the Community Design Commission with the expectation that the ZBA would also become involved and he wondered if it would be better to send it directly to the ZBA. He indicated that allowing Attorney Heise to do some background work as Mr. Heise suggested might be helpful, but he said that it may be worthwhile to think of coming back to the issue in two weeks as President Trapani suggested.

President Trapani noted that the Village Board has the authority ask any of the Boards or Commissions to act as arbiter. In order to provide relief quickly, the Board might consider whether or not the Zoning Board and the Plan Commission are involved with other issues right now and if the Community Design Commission is available to facilitate a hearing in a more expedient way. The Board can create a Zoning Commission to hear this particular special use application. She added that the motion is to refer the Application to the Community Design Commission.

Trustee Pope referred to the Agenda Item Commentary which indicates that the existing structure will be demolished but that the fourteen foot seven inch wall will remain and function as a fence. He noted that the current parking lot is enclosed within a building so that the noise is contained within the structure. The proposal is to open up the parking area which will then be shielded behind the wall. He thinks the impact of having a functioning parking lot behind a wall is different from having the parking activities occurring inside the building and he is not sure that the Community Design Commission should address the application, as opposed to the ZBA. Trustee Carpenter said she thought that the reason the

Community Design Commission was chosen is that it is to consider the appearance of the parking lot. The Zoning Board tends to look strictly at zoning issues and not at appearance and impact on other businesses. With it being in the middle of the block as it is, she is concerned with how it will look, how the lot will be landscaped and how it will appear with cars going in and out. Attorney Heise suggested that it would make sense to send this to the Zoning Board and request that there be input from the Community Design Commission in front of the Zoning Board.

President Trapani asked if Trustee Johnson could amend his motion to refer the application to the Zoning Board of Appeals. He responded that he could and Trustee Carpenter, as the person who seconded the motion, agreed.

The amended motion **TO REFER APPLICATION FOR SPECIAL USE PERMIT BY ENTERPRISE LEASING COMPANY TO THE ZONING BOARD OF APPEALS WITH INPUT FROM THE COMMUNITY DESIGN COMMISSION** was submitted for adoption.

Trustee Kostopulos asked that the Board request the Zoning Board to handle this matter as expeditiously as possible.

The roll call on the vote was as follows:

AYES: Trustees Carpenter, Gockel, Johnson, Kostopulos, Milstein and Pope and President Trapani

NAYS: None

The motion was unanimously adopted.

**Village Manager Reports**

VILLAGE  
MANAGER  
REPORTS

G. Reports

(1) Village Board Calendar for May and June

CALENDARS

Village Manager Swenson called attention to the rescheduled Citizen-Board Dialog meeting on Wednesday, May 12, from 7 to 10 p.m. He encouraged residents to come to speak with the Board at that meeting.

The Police Department would like to set a date for the Grand Opening of the new police substation on Austin Boulevard. He suggested that an Open House prior to a Village Board meeting might work well. If the Board were having a meeting at 7 or 7:30 p.m., perhaps the Open House could occur at the site 45 minutes or an hour before the Board meeting. He said that Johan Walsh will contact Board members to determine their availability for such an event.

(2) Barrie Park Update

BARRIE PARK  
UPDATE

(3) National Public Works Week

NATIONAL  
PUBLIC WORKS  
WEEK

Mr. Swenson noted the events scheduled for National Public Works Week and commented that the Public Works Open House is always a fun event. It will be held at the Public Works Center on South Boulevard on Saturday, May 22.

Trustee Gockel said he finds that some of the information in the Barrie Park report with respect to the wells and what is being found is quite serious. He thinks that there is a potential for the Park remediation to be substantially delayed. Apparently the solvents that have been found there were not tested for during the first testing process. He stated that a potential exists "for de novo testing involving all of the grids." He believes the Village Board needs to receive detailed direct information more promptly than the current process provides. He thinks whenever there is correspondence from the IEPA, the Park District, the utilities or the Village Board to any one of the other entities, the Board should have a copy of the correspondence. The community needs more information with regard to next steps and potential delays; and the Board needs to know of potential delays, especially if the delays are to remediation in the parkways that will impact the Village's work.

President Trapani commented that it appears to her that the memo provides an analysis by the Village's consultant with regard to the Park District's concerns about the wells. She thought the discussion suggests that the Park District "would probably get an NFR letter from the IEPA" and that the IEPA told the Park District that several of the wells would present no problem or difficulty if they were capped. Village Manager Swenson offered an update based upon his conversation with the Park District's Executive Director on the previous Friday. The Park District has asked the utilities to test within the wells for solvent compounds that were "not necessarily part of the coal gas plant." These are not elements that have been remediated throughout the process. The Park District has given the utilities ten days in which to conduct the testing. If the utilities won't perform the testing in the ten-day time frame, the Park District will conduct the testing itself. Mr. Balling indicated that it is the District's goal that the project not be slowed down. From a liability standpoint, the Park District wants to be certain that these elements are not at a near-surface level. The wells are old and some of them are 1000+ feet deep. Mr. Balling has given Manager Swenson some degree of confidence that the District is moving head expeditiously. Their goal is protect against liability and to stay as close to the reconstruction schedule as possible.

President Trapani determined that Trustee Gockel would like to have the Park District provide its reports and she asked Mr. Swenson to speak with the Park District and to tell Mr. Balling that Trustee Gockel would like to them. Mr. Swenson said he would ask the Park District to share its reports. Trustee Gockel said he thinks the Board should be copied on correspondence to or from the IEPA and the utilities. Trustee Kostopulos said that he wouldn't mind getting the correspondence, but since some things may be beyond the understanding of the Board, it will be helpful to have the Village's consultants available to answer questions.

Trustee Milstein agreed with Trustee Gockel that all Board members should receive the correspondence. Some may choose not to read it, but all should receive it so that all members have the same information. He said that there are elements of the report that are very disturbing to him. He will ask the Manager or others for clarification.

President Trapani asked Trustee Gockel to call Manager Swenson tomorrow morning to let him know what materials Mr. Gockel would like to receive. Mr. Swenson said that would be fine. He noted his understanding that what is being requested is correspondence between the Park District and the utilities, since there is no correspondence between the Village and the utilities. He will be happy to talk with Mr. Gockel. Whatever materials are made available to Trustee Gockel will be made available for the rest of the Board. If any of the other Board members do not want the material, they should let the Manager's office know.

It was moved by Trustee Kostopulos, seconded by Trustee Carpenter, to adjourn to Executive Session. The motion was unanimously adopted.

ADJOURNMENT

The Village Board adjourned to Executive Session relating to Property Acquisition at 9:30 p.m.

SUBMITTED AND RECORDED  
IN THE OFFICE OF:

By: Kathleen M. Cannon  
Deputy Village Clerk