

**VILLAGE OF RIVER FOREST
REGULAR VILLAGE BOARD OF TRUSTEES MINUTES
Monday, April 22, 2019**

A regular meeting of the Village of River Forest Board of Trustees was held on Monday, April 22, 2019 at 7:00 p.m. in the Community Room of Village Hall, 400 Park Avenue – River Forest, IL.

1. CALL TO ORDER/ROLL CALL

The meeting was called to order at 7:00 p.m. Upon roll call, the following persons were:

Present: Trustees Cargie, Conti, Corsini, Gibbs, Henek, Vazquez

Absent: President Adduci

Also Present: Village Clerk Kathleen Brand-White, Village Administrator Eric Palm, Assistant Village Administrator Lisa Scheiner, Assistant to the Village Administrator Jonathan Pape, Management Analyst Sara Phyfer, Police Chief James O’Shea, Police Commander James Greenwood, Public Works Director John Anderson, Finance Director Rosemary McAdams, Village Attorney Greg Smith

Trustee Gibbs made a motion, seconded by Trustee Vazquez, to appoint Susan Conti as Temporary Presiding Chairperson for the meeting.

Roll call:

Ayes: Trustees Cargie, Conti, Corsini, Gibbs, Henek, Vazquez

Absent: None

Nays: None

Motion Passes.

2. PLEDGE OF ALLEGIANCE

Trustee Conti led the pledge of allegiance.

3. CITIZEN COMMENTS

Erika Bachner, 7208 LeMoyne, spoke in regard to the building heights matrix in the draft Comprehensive Plan. She cautioned against listing the potential maximum heights because they have not been discussed by the Zoning Board of Appeals and are not approved. She suggested adding wording that the ZBA might discuss the maximum heights in the future. She also suggested adding more language with respect to accessibility and people with disabilities in the Plan. She stated she knows the Village follows ADA guidelines but that doing more than that would be beneficial.

4. ELECTED OFFICIAL COMMENTS & ANNOUNCEMENTS

Trustee Corsini welcomed everyone to the meeting. She acknowledged the Fenwick AP Government students who were in attendance and expressed hope that they would find this meeting beneficial. She highlighted the upcoming citizen-led River Forest Tree Walk, which will be on May 19. She reminded everyone not to have too much mulch on parkway trees, which can damage the roots. She stated she had read several interesting articles about pension reform and noted that despite a bull market, pensions are woefully underfunded.

Trustee Vazquez reminded everyone about the Quarterly Community Crime Prevention Meeting on Wednesday, April 24. Administrator Palm noted that it will be on Facebook Live as well.

Village Clerk Brand-White wished everyone a happy Earth Day and thanked everyone for joining the meeting.

Trustee Henek stated she would like clarifications to the building heights chart in the draft Comprehensive Plan. The Board agreed to further discuss this matter under Unfinished Business.

Trustee Gibbs welcomed the students to the meeting. He expressed his condolences for the loss of former Oak Park police officer Lacey Fox-Dickson.

Trustee Conti wished everyone a great holiday and announced that the Village had won an award.

Administrator Palm explained they won the GreenQuality Achievement Award from West Cook County Solid Waste Agency, and that he, Director Anderson, and the members of the Sustainability Commission accepted at the reception earlier that day.

5. CONSENT AGENDA

- a. Regular Village Board Meeting Minutes – April 8, 2019
- b. Special Village Board Meeting Minutes – April 8, 2019
- c. Award Bid and Contract to Denler, Inc. for \$34,850.00 for 2019 Pavement Crack fill
- d. Award Bid and Contract to Denler, Inc. for \$56,260.00 for 2019 Pavement Preservation
- e. 2019 Village Compensation Plan Approval
- f. Amend Title 5 of the Village Code Regarding Water Rate Increase – Ordinance
- g. Monthly Financial Report – March 2019
- h. Accounts Payable – March 2019 - \$1,415,661.00
- i. Waiver of Formal Bids (Due to Sole Source Provider) and Award of Purchase to MegaSecur, Inc. for \$25,173.46 for the purchase of the MegaSecur Water-Gate WL60 for Flood Protection Dam Equipment
- j. Authorization to Pay Accela, Inc. for Springbrook Annual Maintenance Fee in the Amount of \$24,923.00
- k. Village Administrator's Report

Trustee Cargie made a motion, seconded by Trustee Vazquez, to approve the Consent Agenda items A through K.

In response to a question from Trustee Corsini, Director Anderson stated the pavement crack fill is different from the one used in the past.

In response to a question from Trustee Henek, Administrator Palm confirmed the amended April 8 Regular Meeting minutes are what will be approved.

Roll call:

Ayes: Trustees Cargie, Conti, Corsini, Gibbs, Henek, Vazquez

Absent: None

Nays: None

Motion Passes.

6. CONSENT ITEMS FOR SEPARATE CONSIDERATION

- a. Payment for the Madison Street TIF Fund for \$98.03 & Payment for the Economic Development Fund for \$4,611.14 (*Trustee Vazquez Common Law Conflict of Interest*)

Trustee Gibbs made a motion, seconded by Trustee Henek, to approve payment for the Madison Street TIF Fund for \$98.03 & Payment for the Economic Development Fund for \$4,611.14.

Roll call:

Ayes: Trustees Cargie, Conti, Corsini, Gibbs, Henek

Absent: None

Nays: None

Abstain: Trustee Vazquez

Motion Passes.

7. RECOMMENDATIONS OF BOARDS, COMMISSIONS AND COMMITTEES

- a. Zoning Board of Appeals – Side Yard Setback and Height Variations for a Garage at 559 Ashland – Ordinance

Trustee Corsini made a motion, seconded by Trustee Gibbs to approve an Ordinance granting the requested variations to Sections 10-9-6 and 10-9-7 of the Zoning Ordinance at 559 Ashland Avenue.

Administrator Palm stated this request is fairly straightforward and has been previously approved, but that variation expired. He noted the request was approved unanimously by the Zoning Board of Appeals.

Paul Harding, petitioner, briefly explained his request. He stated his house was designed by Frank Lloyd Wright and is on the Significant Homes list. He further stated that he and his wife are proposing to construct the garage so it matches the architecture of the house, and that the proposal includes notching the garage to avoid damaging a 90-year-old Oak tree on the property.

Roll call:

Ayes: Trustees Cargie, Conti, Corsini, Gibbs, Henek, Vazquez

Absent: None

Nays: None

Motion passes.

b. Zoning Board of Appeals – Text Amendment – Planned Development Standard for Individuals with Disabilities – Ordinance

Trustee Gibbs made a motion, seconded by Trustee Corsini, to approve an Ordinance Amending the Village of River Forest Zoning Ordinance Relative to a Planned Development Standard for Individuals with Disabilities.

Administrator Palm summarized the text amendment, stating this request stems from the Board’s discussion regarding the Concordia Link. He stated this makes progress to address issues for those with disabilities.

In response to a question from Trustee Gibbs, Village Attorney Smith stated this requirement could impose additional regulations beyond ADA and the Illinois Accessibility Code, but it would be dependent on the added cost and whether it is deemed reasonable to design. He explained that including this language would allow more authority for the Board to have the discussion in the first place and adds additional consideration.

In response to questions from Trustees Corsini and Henek, Village Attorney Smith reiterated that it allows for consideration of people with disabilities and that all Planned Development applicants must meet the State and Federal regulations, but that if the Village Board of Trustees thought it was appropriate, they could require the applicant to redesign their plans to their satisfaction for this standard. He further noted that each application is guided on its own merits.

In response to a question from Trustee Gibbs, Village Attorney Smith stated single-family homes are not subject to Planned Development standards but that multi-family homes are.

Roll call:

Ayes: Trustees Cargie, Conti, Corsini, Gibbs, Henek, Vazquez

Absent: None

Nays: None

Motion passes.

c. Zoning Board of Appeals – Text Amendment – Allowing Child Daycare Centers as a Special Use in the PRI Zoning District – Ordinance

Trustee Vazquez made a motion, seconded by Trustee Corsini to approve an Ordinance Amending the Village of River Forest Zoning Ordinance Relative to Child Daycare Centers as a Special Use in the PRI Public, Recreational, and Institutional Zoning District.

Administrator Palm summarized this request. He stated it came out of a request from Mosaic Montessori, which currently operates as a school, and they have asked for the ability to have a child daycare center. Administrator Palm explained that home daycares are allowed, but that child daycare centers are not specifically allowed in the Village's land use chart and this would allow them as a Special Use in the PRI. He affirmed that the Village does not have many Special Use requests, but that this avenue would require a level of oversight and that neighbors would be given notice of the request and public hearing. Additionally, he stated, this route allows the Village to impose certain reasonable conditions related to the use. He affirmed that this text amendment was approved unanimously by the Zoning Board of Appeals.

In response to a question from Trustee Cargie, Administrator Palm stated creating the Special Use designation sets expectations and that it makes more sense to have uses reside as Special Uses rather than as a Variation (not permitted).

In response to a question from Trustee Corsini, Village Attorney Smith stated daycares are primarily regulated by the State and do not require business licenses from the Village. Administrator Palm noted that the Village does not have the Department of Children and Family Services licenses on file.

Roll call:

Ayes: Trustees Cargie, Conti, Corsini, Gibbs, Henek, Vazquez

Absent: None

Nays: None

Motion passes.

d. Zoning Board of Appeals – Text Amendment – Horizontal Extensions of Non-Conforming Eaves in Side Yard Setbacks – Ordinance

Trustee Cargie made a motion, seconded by Trustee Gibbs to approve an Ordinance Amending the Village of River Forest Zoning Ordinance Relative to Horizontal Extensions of Non-Conforming Eaves in Side Yard Setbacks.

Administrator Palm summarized this request, stating it clarifies and adds additional language as it relates to eaves. He noted that the 3-ft side yard setback is maintained, but that this amendment would allow eaves of an addition to be constructed with a side yard setback equal to the nonconforming side yard of the existing wall. He affirmed that this amendment was approved unanimously by the Zoning Board of Appeals.

Roll call:

Ayes: Trustees Cargie, Conti, Corsini, Gibbs, Henek, Vazquez

Absent: None

Nays: None

Motion passes.

e. Zoning Board of Appeals – Text Amendment – Vertical Additions to Non-Conforming Walls in Side Yard Setbacks – Ordinance

Trustee Gibbs made a motion, seconded by Trustee Cargie, to approve an Ordinance Amending the Village of River Forest Zoning Ordinance Relative to Vertical Additions of Non-Conforming Walls in Side Yard.

Administrator Palm summarized this request. He noted that this matter went back to the Zoning Board of Appeals for review after the Board denied the variation request at 346 Park. Administrator Palm stated that there were approximately 12 requests of this nature in the last decade. He explained that the reasoning for its review is that when a variation is frequently approved, it may make more sense to amend the law. He noted the ZBA unanimously denied the text amendment.

Frank Martin, Chairman of the Zoning Board of Appeals stated that this matter was unanimously denied 7 years ago as well when the ZBA first considered it. He explained that the ZBA does not agree that the variation process delays the applicant or comes with an excessive cost. He remarked that the Zoning Code benefits the property owners, adjoining owners, and the Village, and that the variation process gives neighbors the opportunity to be protected and to discuss their neighbors' projects. Chairman Martin expressed concern about the impact of allowing vertical extensions by right, specifically with regard to cutting off direct sunlight and airflow for neighbors. He further asserted that this process is not a burden to the ZBA or the Board to review these applications but that this type of project could be a burden to the neighbors.

Trustee Cargie expressed concern about the cost incurred for putting plans together that could be denied or having to redesign plans.

Trustee Conti noted that at one point a 3-ft side yard setback was conforming but since the Code changed to requiring a 5-ft setback, the homes are now nonconforming.

In response to a question from Trustee Corsini, Administrator Palm affirmed that there is no grandfathering clause for those homeowners.

Chairman Martin stated the important part from the ZBA's viewpoint is to give notices to neighboring property owners and have the petitioner satisfy the standards.

Trustee Corsini stated her concern is the notification requirement and the relinquishing of the right to have a comment on what is happening next door.

Trustee Henek stated the reality is that with any Code changes, some will benefit and some will not.

Trustee Corsini suggested Staff do a comprehensive review of the Zoning Code.

Trustee Gibbs expressed concern about those affected by the setback change and the

aesthetics of having a second floor jut in to meet this requirement.

Dan Lauber, 7215 Oak, agreed that this should be rejected by the Board and that the Board has shown it will protect neighbors. He stated this ordinance as it exists gives neighbors rights and protections from a change in a neighbor's use that will adversely affect them. He encouraged the Board hold off approving this amendment and study the matter to see what the effect has been on neighbors.

Trustee Conti expressed concern that the current regulation is discriminatory to those who fall within the 3-ft setback. She stated consistency and setting expectations are why we have the Zoning Code.

Trustee Corsini stressed that she is not suggesting these types of requests not be allowed but rather encouraging the Board review them on a case-by-case basis.

Trustee Cargie noted the discussion for 346 Park made him reflect on this regulation. He stated it is unfair to homeowners whose property fell within the 3-ft setback and are now nonconforming due to the Code change. He expressed concern that the Village is forcing residents to build ugly houses and additions, and that the setback change was not based on residents' complaints.

Administrator Palm noted that the variation process is not a design review and that the petitioners still must meet the hardship requirement.

Trustee Henek stated that there are fewer people who want to build up than back and that the Code change allowing people to build horizontally into a nonconforming side yard setback allowed the most homeowners to do what they want.

In response to a question from Trustee Gibbs, Village Attorney Smith stated that under State law, the hardship requirement is related to something unique about the property; however, the Village could add a hardship definition that is different for one variation than for others.

Trustee Cargie expressed concern that defining a hardship as wanting to extend a nonconforming wall would result in a rubber stamp process.

Trustee Vazquez stated he did not agree that the variation process is a substantial burden or cost, and that many applicants get approved. He further remarked that he did not see anything before him that would make him change the current regulation.

Trustee Conti stated one reason to vote for this amendment is consistency because the Board has been allowing the variations to occur.

Trustee Henek concurred with Trustee Vazquez that many requests get approved but they are not supposed to be precedent setting, and that in each request they were able to make their case to get approval.

Trustee Corsini commented that there are compelling reasons on both sides. However, she stated that even if the hardship standard is not met, the Board could still work with the homeowner to put a condition on an approval to prevent adverse effects.

Roll call:

Ayes: Cargie, Conti, Gibbs
Absent: None
Nays: Corsini, Henek, Vazquez
Motion fails.

8. UNFINISHED BUSINESS

The Village Board continued their discussion on the draft Comprehensive Plan. The Board members discussed the tables on pages 37 and 103 regarding the matter of building heights in commercial zoning districts in certain corridors. Members of the Board expressed concern that the height matrix would be misinterpreted by readers as to what is allowed; the text is not strong enough to reinforce that the numbers are just recommendations; removing the matrix is not transparent about what residents or developers could expect. After much consideration, the Board determined that the table would remain in the document but with modified wording in the title and column heading.

9. NEW BUSINESS

- a. Amend Title 8 of the Village Code – Allow One Day Temporary Liquor Licenses for Private Businesses Under a Class 5 License – Ordinance

Trustee Gibbs made a motion, seconded by Trustee Vazquez to approve an Ordinance Amending Chapter 8-5 of the River Forest Village Code with Regard to Liquor Licenses for Special Events

Administrator Palm summarized the impetus for this change. He stated that River Forest Chocolates will have a short-term tenant in the retail space to the west of them, and that they wanted the ability to allow for a glass of champagne at their grand opening. He noted that the Code currently allows nonprofits to apply for temporary special event liquor licenses, so this change would allow for private businesses as well. In response to questions from the Board, he also clarified how Staff processes liquor licensing.

Roll call:

Ayes: Trustees Cargie, Conti, Corsini, Gibbs, Henek, Vazquez
Absent: None
Nays: None
Motion Passes.

10. EXECUTIVE SESSION

At 8:51 p.m. Trustee Vazquez made a motion, seconded by Trustee Gibbs, to adjourn to Executive Session for the purpose of discussing the purchase or lease of real property for use of the public body, including discussing whether a particular parcel should be acquired.

Roll call:

Ayes: Trustees Cargie, Conti, Corsini, Gibbs, Henek, Vazquez

Absent: None

Nays: None

Motion Passes.

The Village Board returned to regular session at 9:11 p.m. with the following members:

Ayes: Trustees Cargie, Conti, Corsini, Gibbs, Henek, Vazquez

Absent: President Adduci

Also Present: Village Clerk Kathleen Brand-White

11. ADJOURNMENT

Trustee Cargie made a motion seconded by Trustee Vazquez, to adjourn the regular Village Board of Trustees Meeting at 9:11 p.m.

Roll call:

Ayes: Trustees Cargie, Conti, Corsini, Gibbs, Henek, Vazquez

Absent: None

Nays: None

Motion Passes.

Kathleen Brand-White, Village Clerk