

**VILLAGE OF RIVER FOREST
REGULAR VILLAGE BOARD OF TRUSTEES MINUTES
Monday, February 11, 2019**

A regular meeting of the Village of River Forest Board of Trustees was held on Monday, February 11, 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 7:01 p.m. Upon roll call, the following persons were:

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

Absent: None.

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, Fire Chief Kurt Bohlmann, Public Works Director John Anderson, Finance Director Rosemary McAdams, Village Attorney Greg Smith

2. PLEDGE OF ALLEGIANCE

President Adduci led the pledge of allegiance.

3. CITIZEN COMMENTS

Debra Hill, 908 Park, spoke in reference to item 9a and stated her opposition to “reconsideration” (Rule 6). She stated that this rule would mean many decisions could be subject to a holding period and that this delay is counterproductive. Additionally, she stated Rule 6 does not impose specific guidelines as to when reconsideration could be invoked and could therefore potentially circumvent the commission process. Finally, she stated she does not believe the rule should apply retroactively. She urged that it is important to not allow one specific situation to undermine the Board’s process.

4. ELECTED OFFICIAL COMMENTS & ANNOUNCEMENTS

Trustee Gibbs wished everyone a Happy Valentine’s Day.

Trustee Henek welcomed everyone to the meeting.

Trustee Vazquez urged everyone to drive safely in this weather.

Trustee Cargie asked for suggestions for new projects for the Collaboration Committee and encouraged everyone to check out www.RFHappenings.com.

Trustee Corsini thanked everyone for attending and also urged everyone to drive carefully. She noted that Presidents' Day is coming up and wished President Adduci a happy belated birthday.

President Adduci announced the Metropolitan Mayors Conference is holding a breakfast meeting on March 11 from 8am-10am at the Drake Hotel in Oak Brook. The topic of discussion is the legalization of marijuana and the social and financial effects it has on local communities. She also wished everyone a Happy Valentine's Day.

a. Recognition as a Dementia Friendly Community – Resolution

Trustee Vazquez made a motion, seconded by Trustee Gibbs, to approve a Resolution Supporting the Efforts of Becoming a Dementia Friendly Community.

President Adduci read the resolution aloud and stated this recognition is a badge of leadership for our community. She noted that River Forest is only the fifth community in Illinois to have received this recognition. She thanked Dr. Lydia Manning from the Concordia University Chicago's Center for Gerontology for all her work.

Dr. Manning stated this is a collective recognition for the collaborative effort of many stakeholders. She stated Dementia Friendly River Forest's goal is to reach out to Oak Park, Maywood, and Austin and bring them aboard. They will also be going to the schools to teach K-12 students about aging and dementia. She invited anyone interested in training to contact her organization.

Trustee Corsini stated it was so impressive to see the collaboration to support this effort, which hits close to home for her, and that it is very special to have this awareness and services available.

Roll call:

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

Absent: None

Nays: None

Motion Passes.

5. CONSENT AGENDA

- a. Regular Village Board Meeting Minutes – January 28, 2019
- b. Committee of the Whole Meeting Minutes – January 28, 2019
- c. Change to the Annual Meeting Schedule Regarding the Regular Meeting Date and Time for the Board of Fire and Police Commissioners
- d. Monthly Department Reports
- e. Monthly Performance Measurement Report
- f. Village Administrator's Report

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

Roll call:

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

Absent: None

Nays: None

Motion Passes.

6. CONSENT ITEMS FOR SEPARATE CONSIDERATION

None.

7. RECOMMENDATIONS OF BOARDS, COMMISSIONS AND COMMITTEES

None.

8. UNFINISHED BUSINESS

None.

9. NEW BUSINESS

- a. Amend Title 1 of the Village Code Regarding Rules and Order of Village Business of the Village Board – Ordinance

Dan Lauber, 7215 Oak, spoke first in reference to item 9a. He stated Rule 3 is unclear about what constitutes “repetitious comments” and suggested the Board convene a Committee of the Whole meeting to clarify this with residents. He also suggested that the Board implement a signup sheet prior to an item being heard rather than at the start of the meeting, which would allow the public to attend only the portions of the meeting on which they wish to speak. Mr. Lauber expressed concern about the “total of thirty minutes of citizen comments.” Additionally, Mr. Lauber suggested the Board consider two readings of ordinances, which he believes would allow sufficient time for residents to comment on ordinances before they are voted on. Mr. Lauber also expressed concern about permitting reconsideration of an item at a later meeting, and he suggested providing a reason for the reconsideration. Lastly, he suggested this rule not be applied to items voted on prior to this ordinance’s adoption. Next, Mr. Lauber addressed item 9d. He stated he was on the Zoning Board of Appeals when this change (allowing nonconformities to extend horizontally but not vertically) to the Zoning Code was adopted, and that the rationale then was this needed to be considered on a case by case basis. He stated this rule ensures the neighbor is not unfairly affected, and that letting the nonconformity to extend vertically should not be allowed as a right.

Susan Altier, 12 Ashland, spoke in reference to item 9a. She expressed enthusiasm for Mr. Lauber’s suggestion of two readings of an ordinance. Ms. Altier asked for the rationale of adding the word “substantially” to Rule 1. She stated having a reasonable time limit on the length one person can speak is fair, but she expressed concern about the inclusion of “repetitious comments” and public comment being limited to thirty minutes. Ms. Altier also agreed with Ms. Hill’s comments related to Rule 6 and asked for clarification on the phrasing

“postponed to a later date certain.” Lastly, she stated her neighbors had also expressed concern about the limitations on public speaking but could not attend the meeting.

In response to Ms. Altier’s questions, Village Attorney Smith stated that postponing an item to a later date certain means to a definite meeting date, whereas a motion to table an item puts it to rest indefinitely. He also clarified that “substantially” was added to Rule 1 because it allows Staff some flexibility with the agenda rather than amending the rule every time Staff has a different phrasing.

Erika Bachner, 7298 Le Moyne, also spoke in reference to item 9a. She echoed the comments of the other speakers and stated she did not believe Rule 6 is needed. In regards to Rule 3, she stated there should not be a limit to the number of public speakers at meetings and that codifying that “repetitious comments” not be permitted feels stifling. She encouraged the Board to broaden communication with residents and said she would speak to Trustee Cargie about ideas she has for the Collaboration Committee.

Deb Wolkstein, 1138 Franklin, also spoke in reference to item 9a. She expressed concern over limiting public comment. She stated speaking at public meetings is how the Board hears from the public and that she does not know any of the Board members personally. She stated that being tax-payers means the public should have a voice at the meetings. She objected to prohibiting “repetitious comments” and urged the Board not to limit the ability of residents to speak at meetings.

Mary O’Brien, 39 Thatcher, agreed with the statements already made about public comment. She expressed concern about item 9a and changing Robert’s Rules related to reconsideration (Rule 6). She questioned how this would improve the process and what obstacles have led to thinking this change is necessary.

Trustee Cargie made a motion, seconded by Trustee Gibbs, to approve an ordinance to Amend Title 1 of the Village Code Regarding Rules and Order of Business.

In response to a question from President Adduci, Village Attorney Smith stated that with regard to Rule 6 and motions to reconsider, municipalities are free to adopt Robert’s Rules and amend sections in response to local issues. He stated that under Robert’s Rules, you can only make a motion to reconsider at the same meeting at which the vote occurred; however, most of his firm’s municipal clients have adopted an amendment to allow reconsideration of an item at the first meeting after the meeting at which the motion was passed or failed.

In response to a follow-up question from President Adduci, Village Attorney Smith stated it is difficult to create parameters under which to apply reconsideration because they would need to be flexible enough to apply to a variety of situations. Some circumstances under which to reconsider an item include when new information comes to light after a meeting or if a trustee who voted on the prevailing side has a change of mind.

President Adduci emphasized that the thirty-minute time limit only pertains to Village Board meetings and does not apply to any public hearings, and that the intent is to make meetings

efficient, not to limit conversation. She summarized an email submitted by Melissa Diglio, who shared her experience at a D-200 meeting where the speaking time per person was limited to two minutes and a written statement was required. President Adduci also highlighted that the “repetitious comments” phrasing was only included as a means of streamlining the conversation if people had similar views, not to mute them. She stated she agrees that thirty-minute speaking time seems very limited.

Trustee Gibbs stated he feels the same way about the thirty-minute time limit. He stated he was told we are proposing these changes now because the Board is not currently discussing anything controversial, so it cannot be misconstrued as a response to any particular item, and that they are only to serve to streamline the process of the meetings. He also stated the five-minute limit per person is to be considerate of everyone’s time and gives each speaker the incentive to have prepared remarks. He commented that it is a tool that allows the Board to deal with that evening’s agenda.

In response to a question from Trustee Gibbs, Village Attorney Smith stated that the Board’s authority to reconsider is subject to vested rights of the person who has received their approval; if this person has acted in reliance on their approval, the Board’s option to reconsider has evaporated. In short, the Board does not have limitless discretion to reconsider.

Trustee Gibbs stated that he does not see that they are necessarily solving any problems with these proposed rules but rather cleaning up the ability to have future board meetings, and that by not having a controversial topic before them, their judgment is not clouded.

Trustee Cargie stated he does not see the purpose of the “repetitious comments” provision and agrees with striking the thirty-minute limitation. He stated he felt five minutes is enough time per person. In reference to reconsiderations, Trustee Cargie emphasized the importance of being consistent with regard to zoning matters and stated he felt he had made a mistake at the previous meeting, and through reconsideration, that mistake could be fixed. He observed that reconsiderations would likely be of denials, not approvals. He felt it was better to fix it now rather than make a petitioner go back through the process.

Trustee Vazquez stated he liked the idea of a two meeting reading and agreed to strike the “repetitious comments” provision. In reference to reconsiderations, Trustee Vazquez stated the motions should be made based on new grounds, such as new evidence or new law, so that the discussion is not re-hashed. He commented that the discussion needs to have a point of finality and be set to a maximum time period in which it can be postponed to.

Trustee Henek agreed with what had already been said regarding the thirty-minute time limit. She also agreed that limiting time to speak to 5 minutes per person would let people be concise and share their comments in as short of time as possible. She stated she liked the idea of people signing up for a specific item on the agenda rather than requiring it at the start of the meeting. In reference to reconsideration, Trustee Henek stated their job as trustees is to research and prepare to vote on what is before them. She asked when reconsideration would be invoked and expressed concern that decisions would not have a sense of being final. She stated that overall she was not comfortable with reconsideration.

Trustee Conti thanked everyone for their thoughtful comments. She agreed with Mr. Lauber's suggestion for a second reading of an ordinance. She stated the 5-minute time limit per person seemed fair and did not think there were many occasions where people abused that. She stated she was in favor of removing the thirty-minute limit and thought the "repetitious comments" inclusion was too strict. She stated she understands the desire for reconsideration but was unsure where she stands on that matter.

In response to a question from Trustee Conti, Village Attorney Smith stated reconsideration is currently allowed at the same meeting at which an item is voted on, but the proposed change would allow an item to be reconsidered at the next regular meeting.

Trustee Corsini emphasized that there is no impetus for changing these rules now and that they are just updating policies. She stated the language on timing should be softened, but highlighted that it only applies to public comment before the Village Board of Trustees. She stated that the proposed changes are not intended to stifle public comment during public hearings but would allow comments to be consolidated during regular business items. She agreed with the other comments about removing the "repetitious comments" rule and the thirty-minute time limit.

In response to a question from Trustee Corsini, Village Attorney Smith stated that under the Open Meetings Act, if they Board is going to apply rules to public comment, they must approve them and be made available to the public. He stated that the Board can vary the rules as long as they are consistent in varying them.

Regarding reconsideration, Trustee Corsini stated she has wished she could reconsider a vote at times and it is not simply for lack of preparation. She stated, however, that there would need to be a compelling reason to reconsider an item. She stated having a second reading of an ordinance could be beneficial to discuss something fully and digest it.

President Adduci stated that if there is an ordinance before the Board that they are uncomfortable with, they do table it, and it happens organically. She cautioned that they continue to do that and she encouraged it. In reference to reconsideration, she stated they need to apply the same reasoning equally and fairly, and urged everyone to consider that especially when the decisions are about people's homes. She agreed that the thirty-minute time limit did not make sense and that the 5-minute limit does. However, she stated the repetitiveness rule cuts both ways, referring to restraining special interest groups. She stated these rules are intended to make government more efficient and effective.

The Board discussed modifying the language in the proposed change to the rules and settled on removing the thirty-minute total time limit, keeping the 5 minute per person time limit, changing the requirement to sign in at the start of the meeting to just asking speakers to sign in to address the Board, and changing "repetitious comments" to "disruptive behavior." The Board further discussed reconsideration and ultimately decided to table the item.

Trustee Cargie made a motion, seconded by Trustee Conti to table the discussion of an ordinance to Amend Title 1 of the Village Code Regarding Rules and Order of Business until the next regular Village Board of Trustees Meeting.

Roll call:

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

Trustee Henek suggested the notices sent to property owners for zoning cases be reviewed and updated to guide them better on how to submit their concerns about a case.

Trustee Corsini made a motion, seconded by Trustee Henek, to refer the review of the ZBA and DRB notification process to Committee and report back to the Board.

Roll call:

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

- b. Zoning Board of Appeals - Recommendation regarding a Variation Request – 346 Park Avenue (Side-Yard Setback) – Ordinance
 - i. Motion to Suspend the Rules (2/3 vote of the Board of Trustees)
 - ii. Motion to Reconsider the January 28, 2019 Vote on 346 Park Avenue (Side-Yard Setback) – Ordinance (majority vote of the President and Board of Trustees)
 - iii. Recommendation from the Zoning Board of Appeals regarding a Variation Request – 346 Park Avenue (Side Yard Setback) – Ordinance (2/3 vote of the Board of Trustees)

Village President Adduci announced that this item was removed from the agenda prior to the start of the meeting.

- c. Amend Title 3 of the Village Regarding Hours of Work for Residential Contracts – Ordinance

Trustee Corsini made a motion, seconded by Trustee Conti, to approve an ordinance to Amend Title 3 of the Village Code Regarding Hours of Work.

Village Administrator Palm summarized the proposed amendment to the ordinance, which prohibits work from being done on a Sunday that is being performed under a building permit, regardless of who is performing the work. He stated the new language prevents people from being disinclined to pull a permit and also creates a bright line from an enforcement perspective. The Board briefly discussed this item, and Assistant Village Administrator Scheiner stated Staff will provide an update to the Board in the future regarding the impact of this change, if any.

Roll call:

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

Absent: None
Nays: None
Motion Passes.

- d. Discussion and Direction Regarding Potential Text Amendments to the Zoning Ordinance:
 - i. Second Story Additions in Side-Yard Setbacks for Pre-Existing Non-Conforming Walls

Trustee Gibbs made a motion, seconded by Trustee Cargie, to direct staff to file a petition to amend Section 10-8-7 of the Village Code and to request the Zoning Board of Appeals to conduct a public hearing and report its findings back to the Village Board.

Village Administrator Palm summarized the Board's previous discussion of the side yard setback requirement and the history of the relevant Zoning Code changes.

The Board discussed this item and was generally in favor of having this reviewed by the ZBA. However, Trustee Henek expressed concern about the impact on neighbors of extending the height of a nonconforming wall vertically.

In response to a question from Trustee Corsini, Assistant Village Administrator Scheiner stated that under the proposed amendment, if the new eave matches the existing encroachment into the setback, and is therefore not worsening the nonconformity, it would become a matter of right and would not require a variation.

In response to a question from President Adduci, Assistant Village Administrator Scheiner stated 10 (or one-third) of variation applications since 2012 were requests related to this section of the Zoning Code.

Roll call:

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

- ii. Daycare Centers in the PRI Zoning District as a Special Use

Trustee Corsini made a motion, seconded by Trustee Conti, to direct staff to file a petition to amend Section 10-21-3 Appendix A of the Village Code and to request the Zoning Board of Appeals to conduct a public hearing and report its findings back to the Village Board.

Village Administrator Palm stated this modification is a result of Mosaic Montessori's request to offer services to infants and young children, a use which would be classified as a daycare center. He summarized the proposed text amendment.

In response to a question from Trustee Cargie, Village Administrator Palm stated adding child day care center as a Special Use in the PRI district allows the Village to define where the use can go rather than allowing petitioners to apply in any district.

In response to a question from Trustee Corsini, Village Administrator Palm stated this proposed text amendment does not apply to home daycare centers, which is defined as a separate use. Assistant Village Administrator Scheiner provided the definitions of child day care center and child daycare home to the Board.

Roll call:

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

Absent: None

Nays: None

Motion Passes.

- iii. Modification to the Standards for Planned Developments Regarding Individuals with Disabilities

Trustee Corsini made a motion, seconded by Trustee Conti, to direct staff to file a petition to amend Section 10-19-3(K) of the Village Code and to request the Zoning Board of Appeals to conduct a public hearing and report its findings back to the Village Board.

Village Administrator Palm stated this discussion began with the Concordia University Planned Development Application. He summarized the intent to evaluate the Village's codes as it relates to building accessibility for persons with disabilities, and incorporating relevant language into the standards of review for planned development. The Board briefly discussed this item and concluded that adding the additional standard for review would enforce consideration of building access for individuals with disabilities at a higher standard than just meeting ADA or Illinois Accessibility Code guidelines.

Roll call:

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

Absent: None

Nays: None

Motion Passes.

- e. On-Street Parking License Agreement – 400 Lathrop

Trustee Conti made a motion, seconded by Trustee Vazquez, to approve an on-street parking license agreement at 400 Lathrop.

Village Administrator Palm summarized the agreement. The Board briefly discussed this item.

Roll call:

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

Absent: None
Nays: None
Motion Passes.

10. EXECUTIVE SESSION

None.

11. ADJOURNMENT

Trustee Corsini made a motion, seconded by Trustee Cargie, to adjourn the regular Village Board of Trustees Meeting at 10:08 p.m.

Roll call:

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

Kathleen Brand-White, Village Clerk