

Minutes of a **REGULAR MEETING** of the  
**PRESIDENT and BOARD OF TRUSTEES**  
Village of Evergreen Park, Cook County, IL  
**Monday, August 15, 2011**

**CALL TO ORDER** The meeting was called to order at 7:30 P.M. by Mayor Sexton in the second floor Council Chambers of the Village Hall.

**ROLL CALL** Clerk Aparo was asked to call the roll with the following results:  
Physically Present:

Mayor James Sexton  
Trustee Carol Kyle  
Trustee Mark Marzullo  
Trustee James McQuillan  
Trustee Mary Keane  
Trustee Jerome Bosch  
Trustee Mark Phelan

Also present were Village Attorney Joseph Cainkar, Village Treasurer John Sawyers and Village Engineer Tim Klass.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Trustee McQuillan.

**PUBLIC HEARING**

Motion by Trustee Bosch second by Trustee Marzullo for the Village Board to act as a Zoning Commission for the Village of Evergreen Park to act upon the comprehensive amendment to the Evergreen Park Zoning Code. Upon roll call, voting YES: Trustees Kyle, Marzullo, McQuillan, Keane, Bosch and Phelan voting NO: NONE. The motion was passed and so ordered by the Chair.

Motion by Trustee Marzullo second by Trustee Phelan to temporarily suspend the Regular Board meeting and open the Zoning Meeting at 7:35 p.m. Upon roll call, voting YES: Trustees McQuillan, Keane, Bosch, Phelan, Kyle and Marzullo; voting NO: NONE. The motion was passed and so ordered by the Chair.

The Public Hearing opened at 7:32 p.m. Village attorney, Joe Cainkar explained the purpose of the meeting to make comprehensive changes to the Evergreen Park Zoning Code. He explained commercial uses are limited to commercial retail stores that generate tax revenues. All tax exempt uses, residential uses and uses otherwise permitted or allowed as a special use in residential zoning classification are proposed to be prohibited. Special uses are proposed for the "B" multi family residential District. Mr. Cainkar noted number 97 in the ordinance which should be deleted.

Trustee McQuillan asked if this affects the previous special use category. Mr. Cainkar answered some special uses stay where they were such as hospitals and multi family. The Chair asked for comments from the Board and the audience; there being none, the Chair asked for a

motion to close the meeting. Motion by Trustee Phelan second by Trustee Bosch to close the Public Hearing at 7:38 p.m. Upon roll call, voting YES: Trustees McQuillan, Keane, Bosch, Phelan, Kyle and Marzullo; voting NO: NONE. The motion was passed and so ordered by the Chair.

**OPEN PUBLIC FORUM**

The Chair made the following announcements:

1. The Chair recognized PW Director Lorenz, Commissioner Clohessy and Sewer Director, Mike Knieps for their help regarding a program for overhead sewers to alleviate flooding conditions in Evergreen Park. The Chair added there will be an announcement forthcoming next month regarding the program.
2. PW Director Lorenz and Engineer Tim Klass have been working on implementation of various ideas for the west section of the golf course property. Sketches will be displayed at future board meetings.
3. Thank you to Capt. Greg LeCompte and Capt. Florian Karkoska as they retire after thirty years (30) with the Evergreen Park Police Department.
4. Congratulations to the Evergreen Park Athletic Association's 11-12 year old All Star baseball players. They competed against 150 teams and finished 4th Place in State (Illinois).
5. School is open. There will be additional traffic enforcement in local school zones.
6. State Rep. Kelly Burke is hosting a grant writing seminar at the Evergreen Park Library on September 29, 2011 from 10:00 a.m. to 1:00 pm.
7. The Village Hall will be closed on Monday, September 5, 2011 in observance of Labor Day. The next Board meeting will be held on Tuesday, September 6, 2011 at 7:30 p.m.
8. The EP Car Show will be held on Friday, October 7, 2011 at Yukich Fields from 3-10 pm. Proceeds will benefit the wounded warrior program.
9. Farmers Market continues on Thursdays from 7 am -1 pm.

**OPEN PUBLIC AUDIENCE**

Helen Cuprisin, 9233 S. Homan stated the decorative tall grasses planted in the medians on 95<sup>th</sup> Street are obstructing the view and creating a traffic hazard. The Chair directed Mr. Lorenz to cut the check the medians and correct any hazards.

**REGULAR AGENDA**

Motion by Trustee Kyle second by Trustee Bosch to waive the reading of the minutes of the August 1, 2011 Regular Meeting of the President and Board of Trustees and approved as presented was passed by unanimous voice vote and so ordered by the Chair.

**RESOLUTION NO. 20-2011**

Motion by Trustee Phelan second by Trustee McQuillan, to approve **Resolution NO. 20-2011** with expenditures of the General Corporate Fund of \$402,451.46 and the Sewer and Water Fund in the amount of \$143,044.36 and the 95<sup>th</sup> Street TIF Fund, \$6,492.60 and the Street

Bond Fund \$4,250.00 for a total of \$556,238.42. Upon roll call, voting YES: Trustees Bosch, Phelan, Kyle, Marzullo, McQuillan and Keane; voting NO: NONE. The motion was passed and so ordered by the Chair.

#### **TREASURER'S REPORT**

Motion by Trustee Bosch second by Trustee Kyle to approve the Village Treasurer's report for July 2011 with totals of \$5,0937,121.22 in the General Fund and \$2,294,321.94 in the Sewer and Water Fund. The motion was passed by unanimous voice vote and so ordered by the Chair.

#### **BUSINESS CERTIFICATES**

Motion by Trustee Phelan second by Trustee Keane, to accept the application for Business Regulation Certificate and License for **CALABRIA IMPORTS** to conduct a deli, grocery, carries out and catering business located at 3512 W. 95<sup>th</sup> Street. Trustee Kyle asked if they will have nightly specials like the store in Chicago. The Chair responded they intend to do daily specials. Upon roll call voting YES: Trustees Phelan, Kyle, Marzullo, McQuillan, Keane and Bosch; voting NO: NONE. The motion was passed and so ordered by the Chair.

#### **UNTABLE ZBA MINUTES 7/12/2011**

Motion by Trustee Marzullo second by Trustee Bosch to remove from the table the Minutes of the July 12, 2011 Zoning Board of Appeals Meeting regarding a special use variance for Planet Fitness in the Evergreen Plaza. Upon roll call voting YES: Trustees Kyle, Marzullo, McQuillan, Keane, Bosch and Phelan; voting NO: NONE. The motion was passed and so ordered by the Chair.

Trustee Kyle stated she and Clerk Aparo visited the Melrose Park location and she was impressed with the facility and the staff. The Chair acknowledged the many audience members who work and own businesses at the Plaza and thanked them for their continued efforts on behalf of business in Evergreen Park. He stated unlike the recent newsletters from the Plaza suggest the Village Board is not antagonistic and the negative newsletters from Plaza management are counterproductive. The Chair suggested the Plaza concentrate on hiring more people, doing more business and creating more sales tax which benefits everyone, owners, customers, the Plaza and the Village.

Mr. Bryan Rishforth, owner and developer, and Mr. Joe Shew of Planet Fitness presented drawings of the completed facility to the Board and the audience. A discussion took place regarding the facility, personnel and a possible request to change to a twenty four hour operation in the near future. Trustee Bosch noted a previous business (Curves for Women) was denied 24 hour operation because they requested the use of closed circuit cameras and did not provide personnel on site to monitor patrons. Trustee McQuillan questioned the number of staff on site. Mr. Rishforth stated staff will be present at the Plaza facility; a maximum of 8 or 10 during the day and 2 or 3 at night.

The Chair asked about the hours of operation. Mr. Rishforth answered the hours are 12 am to 10 pm (Sunday thru Friday) and (Saturday and Sunday) 7:00 am to 7:00 pm. The hours are like the Melrose Park store which is moving toward a 24/7 operation.

The Chair expressed concerns for extra security since the

business will be open after the mall closes. He asked if Mr. Rishforth has discussed with Mr. Provo of the Plaza the need for extra security/janitorial services during the late night hours. Mr. Rishforth said he has not but added there will be a barrier keeping people in the facility with no access to the mall. The Chair noted the Village will speak to Mr. Provo regarding this issue.

Trustee Marzullo asked who goes to the gym at two o'clock in the morning. Mr. Rishforth answered usually people working second and third shifts. Trustee Marzullo stated he approves of the business with the stipulation of monitoring and reviewing the facility and the business hours.

**ZBA  
MINUTES**

Motion by Trustee Marzullo second by Trustee Kyle to approve the minutes of the Zoning Board and to accept the recommendation of special use zoning for the Planet Fitness facility located at 9500 S. Western Avenue, Evergreen Park, Illinois. Any/all State license required businesses used in the facility, barber, hair styling, etc will present necessary certifications and obtain business licenses as required by Village Code. Upon roll call voting YES: Trustees Keane, Bosch, Phelan, Kyle, Marzullo and McQuillan; voting NO: NONE. The Motion was passed and so ordered by the Chair.

**BUSINESS  
LICENSE**

Motion by Trustee Bosch second by Trustee Phelan to approve the business application for PLANET FITNESS to operate a fitness center located at the Plaza, 9500 S. Western Avenue; (Space A-01) with the caveat that the Village has the right to review/change the business hours and monitor the hours of operation and monitor activity in the facility and expects additional security to be provided by the Plaza for this business. Upon roll call voting YES: Trustees McQuillan, Keane, Bosch, Phelan, Kyle and Marzullo; voting NO: NONE. The Motion was passed and so ordered by the Chair.

**ORDINANCE  
NO. 12-2011**

Motion by Trustee Kyle second by Trustee McQuillan to approve ORDINANCE NO. 12-2011 "AN ORDINANCE PROVIDING FOR A COMPREHENSIVE AMENDMENT TO THE EVERGREEN PARK ZONING CODE FOR THE VILLAGE OF EVERGREEN PARK, COOK COUNTY, ILLINOIS." Upon roll call voting YES: Trustees Keane, Bosch, Phelan, Kyle, Marzullo and McQuillan; voting NO: NONE. The Motion was passed and so ordered by the Chair.

**RESOLUTION  
NO. 12-2011**

Motion by Trustee Marzullo second by Trustee Bosch to approve Resolution NO. 12-2011, "A RESOLUTION AUTHORIZING DISPOSAL BY PUBLIC AUCTION /SALE OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF EVERGREEN PARK." Upon roll call voting YES: Trustees Bosch, Phelan, Kyle, Marzullo, McQuillan and Keane; voting NO: NONE. The Motion was passed and so ordered by the Chair.

**EPPD  
VACANCY**

Motion by Trustee Keane second by Trustee McQuillan to approve Police Chief Saunders' declaration of (1) vacancy in the Police Department due to the retirement of Capt. Greg LeCompte. Upon roll

call voting YES: Trustees Phelan, Kyle, Marzullo, McQuillan, Keane, and Bosch; voting NO: NONE. The Motion was passed and so ordered by the Chair.

**EPPD  
HIRE**

Motion by Trustee Phelan second by Trustee Kyle to approve the Police Chief's request to hire (1) probationary police officer from the existing list of qualified candidates to fill (1) vacant position. Upon roll call voting YES: Trustees Kyle, Marzullo, McQuillan, Keane, Bosch and Phelan; voting NO: NONE. The Motion was passed and so ordered by the Chair.

**PROCLAMATIONS  
SCHOOL OPEN /GOLD STAR MOTHERS**

Motion by Trustee Kyle second by Trustee Keane to proclaim August 22-26, 2011 as "School's Open Safety Week" and to proclaim the week of September 19-25, 2011 as "Gold Star Mother's Week in the Village of Evergreen Park." Upon roll call voting YES: Trustees McQuillan, Keane, Bosch, Phelan, Kyle and Marzullo; voting NO: NONE. The Motion was passed and so ordered by the Chair.

**SOCCER GOAL  
POLICY**

Motion by Trustee Phelan second by Trustee McQuillan to adopt the policy entitled, "Soccer Goal Safety Act (A/k/a Zach's Law) and Education Policy of the Village of Evergreen Park, Cook County, Illinois." The Chair noted Gov. Quinn has mandated this policy in the State of Illinois due to a tragic accident causing the death of a youngster. Recreation Director, Dennis Duffy stated all of the Village goals are made of plastic PVC pipe and do not represent a hazard. Upon roll call voting YES: Trustees Marzullo, McQuillan, Keane, Bosch, Phelan and Kyle; voting NO: NONE. The Motion was passed and so ordered by the Chair.

**CENTRAL  
JR. HIGH/PBIS EVENT**

Motion by Trustee Kean second by Trustee Kyle to approve the request from Central Junior High School to hold their annual PBIS (Positive Based Intervention Supports) block party on Friday, September 9, 2011 from 12:30 -2:30 pm. at 94<sup>th</sup> & Sawyer. Upon roll call voting YES: Trustees McQuillan, Keane, Bosch, Phelan, Kyle and Marzullo; voting NO: NONE. The Motion was passed and so ordered by the Chair.

**RIB FEST  
ST. BERNADETTE**

Motion by Trustee McQuillan second by Trustee Phelan to approve the request form St. Bernadette's Parish for a liquor license and temporary closure of Francisco Avenue from 93<sup>rd</sup> Street to the Quonset hut from 4:00 p.m. to midnight, Saturday, September 10, 2011 for "Rib Fest" in the St. Bernadette School parking lot. Upon roll call voting YES: Trustees Keane, Bosch, Phelan, Kyle, Marzullo and McQuillan; voting NO: NONE. The Motion was passed and so ordered by the Chair.

**ENGINEER'S  
REPORT**

Tim Klass reported the paving program is ending this week with a little sod work to be finished. The next phase will be starting after the bid is awarded later tonight.

**ATTORNEY'S  
REPORT**

The Attorney had no report.

**BIDS**

Motion by Trustee Phelan second by Trustee Kyle to approve PW Director Lorenz's request to sell two (2) old walk behind lawn mowers; model numbers #930010 and #934010. Upon roll call voting YES: Trustees Bosch, Phelan, Kyle, Marzullo, McQuillan and Keane; voting NO: NONE. The Motion was passed and so ordered by the Chair.

**BIDS**

Motion by Trustee Phelan second by Trustee Keane to approve PW Director Lorenz's recommendation to accept the low bidder of K-Five Construction at \$1,011,900.47 for the 2011 Street Paving Phase III Bid project. The Chair noted phase III is \$100,000 less than originally anticipated. Upon roll call voting YES: Trustees Phelan, Kyle, Marzullo, McQuillan, Keane and Bosch; voting NO: NONE. The Motion was passed and so ordered by the Chair.

**MISC.**

NONE.

**ADJOURNMENT**

With nothing further to come before this meeting, motion by Trustee Bosch second by Trustee McQuillan that this Regular Meeting of the President and Board of Trustees adjourn. Upon roll call voting YES: Trustees Kyle, Marzullo, McQuillan, Keane, Bosch and Phelan; voting NO: None. The motion was passed and so ordered by the Chair at 8:15 P.M.

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Catherine T. Aparo, CMC, Village Clerk