

**MINUTES OF THE COMMITTEE OF THE WHOLE  
OF THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF WESTCHESTER  
4 May 2010**

**CALL TO ORDER:**

The meeting was called to order at 7:05 PM and present / responding to roll call were Trustees Casey, Gattuso, Novak, Sloan, Steker and Pres. Pulia. Also present were Village Manager Urban and Attorney Durkin. Trustee Boyle was absent.

**NEW BUSINESS:**

**C. Petition filed by New Generations Ministries, Inc., for a text amendment to list churches, rectories, and parish houses as a special use; Petition filed by New Generations Ministries, Inc., and for special use permit to open and operate a church in the Industrial Zoning District at 9825 W. Roosevelt Road:** Attorney Durkin reiterated the findings of the Plan Commission as submitted by Neil James, Chairman Pro Tem. The Plan Commission of the Village of Westchester held a public hearing on each of the above-referred petitions on April 22, 2010. New Generations, Inc., made a presentation to the Plan Commission through its designated representatives. As a result of the public hearing, the Plan Commission recommends to the President and Board of Trustees the denial of the petition submitted by New Generations Ministries, Inc. for a text amendment to list churches, rectories, and parish houses as a special use in the Village of Westchester's industrial zoning district. Churches, rectories, and parish houses are more appropriate and should be located within districts that typically house people who frequent those establishments. A zoning district set aside for industrial uses is not an appropriate location for a church or gathering place. The Plan Commission recommends the denial of the petition submitted by New Generations Ministries, Inc., for a special use permit to open and operate a church in the Village of Westchester's industrial zoning district. The Plan Commission determined the establishment and operation would not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. The location of a church will disrupt any established industrial land uses in the immediate vicinity but would likely not diminish property values but could impede development and improvement of any industrial-type uses. Adequate measures cannot be taken to minimize traffic congestion and does not provide a safe environment for children. The vote to recommend the denial of the petition submitted by New Generations Ministries, Inc., for a text amendment to list churches, rectories, and parish houses as a special use in the Village of Westchester's industrial zoning district, and the vote to recommend the denial of the petition submitted by New Generations Ministries, Inc., for a special use permit to open and operate a church in the Village of Westchester's industrial zoning district was unanimous among the commissioners present at the public hearings. The Plan Commission is an advisory body and the Village Board has the final decision making power. Trustee Novak asked Attorney Durkin for clarification of #1, p. 15 on the agenda packet. Attorney Durkin stated that it means that the use would not have a detrimental effect on the general public. Trustee Steker asked how large the congregation is. The Attorney for New Generations Ministries, Lavita Williams, stated that the congregation is about 60 members. Trustee Gattuso asked how many meetings they would have and what the church does. Attorney Williams stated that they would have day and night office hours, and congregational Thursday and Sunday meetings. They wanted to relocate to Westchester from Forest Park. The Ministry started three years ago with a 20% increase in three years. Attorney Durkin stated that the current zoning ordinance does not allow a church in the industrial district regardless of size. They would need to change the zoning scheme to grant a text amendment. If this is allowed then it must be allowed in other districts. This would be a tax exempt church on a high tax piece of industrial property. Attorney Williams stated that the first two years would be a lease only and this would not affect the tax base. Attorney Durkin disagreed with that statement and felt the property would be assessed at a different tax rate. Trustee Sloan stated that the Village has very limited industrial space and do not feel we can reduce the current industrial space which would reduce the tax base. He was also concerned with the traffic flow and doesn't feel it was a good location for after school programs. Attorney Williams stated that there would be security during the times when children would be present and the building and parking lot is off the street. President Pulia stated this is a COW meeting and the vote will be on May 11<sup>th</sup>. Attorney Williams pointed out that the property manager stated that this space has been vacant for over ten years. Trustee Gattuso asked if they had intentions to buy after the two-year lease and Attorney Williams stated that it will be leased in two year increments. President Pulia pointed out that the zoning map has been in existence for years and places of worship have been zoned for residential district. He does not feel it is a good idea to set a precedent for the industrial area. The zoning map is currently being rewritten. Ms. Elizabeth Francis stated that the Ministry believes in paying full taxes and want to benefit the community. Pastor James Frances has a financial background so he understands the need for taxes. Education is an important part of the church and did not feel they were listened to at the planning meeting. They do not want to be a not for profit but want to pay taxes. He does not understand how this property cannot be used for children and families and there is no issue regarding parking. A residential area would not be financially prudent for the church so the industrial zone is affordable. Attorney Durkin stated that there is adequate off-street parking and this is not the issue. Mr. Dennis DiPasquale stated a permit was issued for a build out but there was never a permitted use for a Day Care. When the Village Manager found out a stop was put to it. Mr. Dominic Luciano stated it was approved at a board meeting for a Day Care in 2006. Mr. Luciano is part owner of the property. Village Manager Carl approved it and the fire department stopped it. President Pulia stated that there would have had to of been a text amendment and we need to find the paperwork from 2006 to see if we did. Village Manager Urban would like to have Mr. DiPasquale look into the documentation. Mr. DiPasquale stated the space is primarily corporate office with some adult physical therapy. Village Manager Urban would like to reserve putting this on the next agenda so the board has adequate time to review the information and will notify the board if it will be on the May 25<sup>th</sup> agenda. Trustee Casey asked if there is a time frame for them. Attorney Williams stated they have extended their lease in Forest Park but would prefer sooner than later.

**D. Petition filed by Village of Westchester for text amendment to clarify and prohibit specific assembly-type uses in the Industrial Zoning District:** Attorney Durkin stated staff had a sense of a need to tighten up zoning language to make sure all uses were compatible with the industrial districts. Trustee Sloan requested the exact text and Village Manager Urban said it will be provided to the board and Attorney Williams.

**A. Resolution Authorizing Application for Cook Co. Justice Assistance Stimulus grant for Police Department:** The Village of Westchester is

eligible to receive grant funds through the Judicial Advisory Council of Cook County and the Police Department is preparing a grant application for submission to address crime prevention and crime reduction. Chief Evans will submit a grant application for Cook County Justice assistance Stimulus Grant Funds in an amount not to exceed \$69,505 for the Federal Fiscal Year of 2009. He explained this will be for a community surveillance project.

**B. Resolution Authorizing Application for Cook Co. Justice Assistance Grant:** The second grant not to exceed 20,813 for a grant for tactical patrols in the summer. Trustee Novak asked if the grant money was part of the budget and Chief Evans said it was from asset seizure money. Mr. Egeberg stated the grant money is in the budget and the \$17,040 is from the police forfeiture fund which by law can be used for this. Trustee Casey would like to put this on the consent agenda for next week.

**E. Appointing Neil James as plan Commission Chairman-discussion:** The board concurs on his appointment.

**F. Resolution for Construction on State Highways:** A resolution passed by the Village will stand in place of a surety bond if work needs to be completed. This covers any work on state right-of-way including location, construction, operation and maintenance of driveways and street returns, water mains, sanitary and storm sewers, street light, traffic signals, sidewalk, and landscaping. Attorney Durkin will give the board an updated copy from another village.

#### **OLD BUSINESS:**

**A. Liquor Ordinance Licenses:** President Pulia would like to rewrite the ordinance taking into consideration increasing application fees, change in hearings, adding new license classification, add annual resubmitted or renewal of application fee, require BASSET training, BYOB. Policies of other towns will be investigated and President Pulia asked the board to send him any questions.

**B. 2010 Street Improvement Project:** Hancock Engineering stated that they are concentrating their efforts on the top five streets and will go out to bid this year. 1.7 million is estimated but should come down to 1.2. August 1<sup>st</sup> would be the start date. In order to complete construction of this year's streets, plans and bid packets need to be turned in to IDOT by May 15, 2010. The timing will not allow everything to be done at once. Village Manager Urban stated that he feels the timing is right and interest rates are not expected to go up. Trustee Gattuso would like to see if some of the streets can be repaired.

**C. Budget Policy-Discussion:** Trustee Sloan requested an addendum be added to the budget to reduce the budget if possible. Trustee Novak concurs that the budget needs to be reduced where applicable and P.O's issued on time. Trustee Casey stated we've appointed Mr. Urban and Mr. Egeberg and we should give them a chance to do their job and Trustee Gattuso and Steker agreed. Trustee Sloan would like to see only residents are hired for summer work. Mr. Egeberg would like to attend the National Conference for Finance Managers in Atlanta and the cost is in the budget.

#### **INFORMATION ONLY:**

President Pulia interviewed Mr. Peterson for Citizens Advisory and is waiting on a resume from another person.

With no further business to discuss, Trustee Gattuso made a motion, seconded by Trustee Casey to adjourn and on the roll call vote the Board passed said motion (Aye 6) and the meeting was adjourned at 10:15 PM.

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Catherine M. Booth, Village Clerk