

AGENDA

RULES MEETING OF THE BOARD OF TRUSTEES VILLAGE OF PARK FOREST, COOK AND WILL COUNTIES, ILLINOIS

Village Hall

8:00 p.m.

June 1, 2009

Roll Call

1. Fiscal Year 2009/2010 Budget Presentation
2. An Ordinance Granting a Conditional Use for a Day Care Center, located at 266 Somonauk Street (Grace United Protestant Church)
3. An Ordinance Granting a Conditional Use for a Leasing Office for the Thorncreek Townhomes, located at 3324 Western Avenue
4. An Ordinance Authorizing the Village of Park Forest, Cook and Will Counties, Illinois to Borrow Funds From the Illinois Environmental Protection Agency (IEPA) Water Pollution Control Loan Program (Sewer-\$880,000)
5. An Ordinance Authorizing the Village of Park Forest, Cook and Will Counties, Illinois to Borrow Funds From the Illinois Environmental Protection Agency (IEPA) Water Pollution Control Loan Program (Sewer-\$657,000)
6. An Ordinance Authorizing the Village of Park Forest, Cook and Will Counties, Illinois to Borrow Funds From the Illinois Environmental Protection Agency (IEPA) Public Water Supply Loan Program

Mayor's Comments

Manager's Comments

Trustee's Comments

Attorney's Comments

Audience to Visitors

Adjournment

Agenda Items are Available in the Lobby of Village Hall

AGENDA BRIEFING

DATE: May 29, 2009

TO: Mayor John Ostenburg
Board of Trustees

FROM: Tom Mick, Village Manager
Mary G. Dankowski, Deputy Village Manager/Finance Director

RE: Fiscal Year 2009/2010 Budget Presentation

BACKGROUND/DISCUSSION: The draft Fiscal Year 2009/2010 Budget was distributed May 1, 2009. There was a public introduction to the Budget at the Rules Meeting on Monday, May 4. The Board held five review sessions to discuss every department and fund on May 2, 4, 5, 27 and 28. First reading of the ordinance and the public hearing is scheduled for June 8, with the final reading and discussion scheduled for June 22. Copies of chapters one and two have been available for the public at each of the Board meetings. All review sessions were open to the public. Also, copies of the entire budget were forwarded to the Park Forest Public Library and available for review at Village Hall. A PowerPoint presentation will summarize the budget for residents at the June 1 meeting.

The budget, as presented, is balanced with the use of a portion of the General Fund balance. Board goals established and initiated with the 2008 tax levy, of economic development, infrastructure maintenance and citizen involvement are included in the Budget presented. The Budget addresses and defines the following financial challenges:

Major Financial Challenges

1. Weathering the Storm (Impacts of the Economic Downturn on the Village)
2. Preparation for Stimulus Funding and Economic Turnaround
3. Village Infrastructure and Maintenance
4. Continuation of New Initiatives

The Budget also includes implementation programs to address the 2009/2010 Budget Priorities established by the Board.

2009/2010 BUDGETARY PRIORITIES:

- Maintain excellence in governing and create a more participatory government.
- Become a change agent for amending the state school funding mechanism.

- Develop methods for improving Board and Staff relations with School District 163.
- Increase commercial, business and residential development in the Village.
- Improve Village services and infrastructure.
- Increase citizen involvement in, and awareness of, the life of the Village.

In addition, the budget includes a continuation of efforts to achieve the Vision for 2012 established in the prior year's document.

Vision for 2012

- 1) Legacy Square Phase II complete
- 2) Hidden Meadows development well underway
- 3) Aqua Center renovated and thriving
- 4) New logo fully integrated in signage, vehicles, water towers and all Park Forest designations
- 5) Residential marketing campaign successful in generating interest in housing of targeted population
- 6) Western Avenue resurfaced and widened
- 7) Orchard Avenue reconstructed
- 8) Water main replacement program enhanced by grant funds received
- 9) Norwood Square operating as a sales tax generating center

Also included in the budget is the continuation of several initiatives begun this year and includes:

- Crime Free Housing
- Land Acquisition
- Transit Oriented Development (TOD)
- Strategic Plan for Land Use and Economic Development
- Marketing and Public Relations

The Village has had to monitor economic conditions closely as the economy has struggled. Following are actions taken during the economic downturn:

Village of Park Forest Pro-active response to Economic Downturn

- In August, 2008 the Village refinanced debt, paying off TIF Debt in advance and saving a future \$2.5 million in debt service payments.
- In October 2008, the Board decided to maintain a reserve in excess of 3 months to prepare for an economic downturn.
- In February 2009, \$600,000 was needed to offset declining revenues and increased costs.

- In March 2009, budget guidelines included:
 - A 0% increase in department controllable expenses
 - Reduced capital spending in the General Fund
 - Reduction in staff related to slowdown in new construction
 - Reduced annual increases for management staff
 - 0% increase, Manager
 - 1% increase, Department Heads and Upper Management
 - 2% increase for Supervisor

- May 1, 2009, Budget presented includes 3.3 months reserve or \$500,000 over 3 months.

- April/May 2009, presented 3 shovel ready projects to IEPA.

- May 2009, received notification of OSLAD Grant for \$400,000 requiring \$400,000 match (fund balance to be utilized).

- Going forward:
 - Continue to monitor revenues, expenses, stimulus funding opportunities, grants and overall economy

After approval of the Budget a copy will be placed on the Village website.

SCHEDULE FOR CONSIDERATION: This matter will appear on the Agenda of the Rules Meeting of Monday, June 1, 2009 for discussion.

AGENDA BRIEFING

DATE: May 21, 2009

TO: Mayor Ostenburg
Board of Trustees

FROM: Hildy L. Kingma, AICP
Director of Economic Development and Planning

RE: Consideration of an Ordinance granting a Conditional Use for a Day Care Center, located at 266 Somonauk Street (Grace United Protestant Church)

BACKGROUND/DISCUSSION:

The Village has received a request from Grace United Protestant Church (property owner) for a Conditional Use to permit the operation of the Tender Touch Day Care in their building. The Church previously hosted the Busy Bee Day Care center, which operated in the same facility for approximately three years. Busy Bee closed their operation in August 2008. Previous to that, Children's World operated a day care center for approximately 30 years. Neither the Busy Bee Day Care Center nor Children's World had been approved as Conditional Uses, and any grandfathered status that might have existed was lost when the Busy Bee Day Care closed their operation at this location. This request is described in more detail in the Staff report to the Plan Commission (see attached).

Consistent with Section 118-28 of the Park Forest Zoning Ordinance, the Plan Commission conducted a public hearing on this request at their May 19, 2009, meeting. Notice of the public hearing was published in the *Southtown/Star Newspaper* on April 19, 2009. The applicants were present at the meeting, but no other members of the public attended the public hearing. After taking public comment and discussing this request, the Plan Commission voted unanimously to approve the requested Conditional Use with the conditions outlined in the attached memo from Plan Commission Chair Wickliffe-Lewis.

The attached Ordinance has been reviewed by the Village Attorney.

SCHEDULE FOR CONSIDERATION: This item will appear on the agenda of the Rules Board meeting of June 1, 2009, for discussion.

MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Vernita Wickliffe-Lewis, Chair
Park Forest Plan Commission

DATE: May 20, 2009

RE: Recommendation – Request for a Conditional Use in the R-1, Single Family Residential Zoning District, for a day care center at 266 Somonauk Street

At our regular meeting on May 19, 2009, the Plan Commission conducted a public hearing and considered a request for a Conditional Use in the R-1, Single Family Residential zoning district to permit a day care center at 266 Somonauk Street (Grace United Protestant Church).

After taking public comment and discussing this item, the Plan Commission voted unanimously to recommend approval of the Conditional Use requested by Grace United Protestant Church as described in the attached Staff memo (April 29, 2009) with the following conditions:

- The building must be in compliance with all building, fire and health codes related to the day care occupancy.
- The parking lot and access drive must be improved, including seal coat and re-striping.
- Approval of the conditional use will not affect the existing reciprocal use agreement between the Village and Grace United Protestant Church.

Best regards,
Vernita A. Wickliffe-Lewis, Chair

PLAN COMMISSION MEMO

TO: Plan Commission

FROM: Hildy L. Kingma, AICP
Director of Economic Development and Planning

DATE: April 29, 2009

RE: NEW BUSINESS – Plan Commission Meeting of May 5, 2009
Public Hearing to consider a Request for a Conditional Use in the R-1, Single Family Residential Zoning District, for a day care center at 266 Somonauk Street

A request has been submitted by Grace United Protestant Church (property owner) for a Conditional Use to permit a day care center in the Church building located at 266 Somonauk Street. The Church previously hosted the Busy Bee Day Care center, which operated in the same facility for approximately three years. Busy Bee closed their operation in August 2008. Previous to that, Children's World operated a day care center for approximately 30 years. Neither of the previous day care centers had been approved as Conditional Uses, and any grandfathered status that might have existed was lost when the Busy Bee Day Care closed their operation at this location.

As required by the Zoning Ordinance, notice of this public hearing was published in the *Southtown/Star Newspaper* on April 19, 2009.

Section 118-53 of the Park Forest Zoning Ordinance specifies the conditional uses that are permitted in the R-1, Single Family zoning district. Among these uses are "nursery schools, day nurseries and day care centers". It is under this provision that the applicant makes this request. In describing the process for approval of conditional uses, Section 118-28(a) of the Zoning Ordinance states that in addition to those uses allowed by right in a particular zoning district,

It is recognized that there are certain other uses which may be necessary or desirable to allow in a given district but which on account of their potential influence upon neighboring uses or public facilities need to be carefully regulated with respect to location or operation for the protection of the community.

When considering a request for a conditional use, the Plan Commission and Board of Trustees would typically consider such issues as on-site parking and loading facilities, vehicular and pedestrian access, proper protection of adjacent properties and other site development issues.

Grace United Protestant Church proposes to lease space in their building for the operation of the Tender Touch Day Care. This day care is licensed through the Illinois Department of Children and Family Services for a total of 42 children, aged eight (8) weeks to six (6) years old. Six teachers will be employed to serve these children. The day care will occupy three classrooms in the church building and it will use the kitchen in the basement of the church to prepare breakfast, lunch, and snacks. The church is adjacent to Somonauk Park, and outdoor play will be

conducted in the park until such time as a play area can be constructed on the west side of the building. The day care center will operate from 7:00 a.m. to 6:00 p.m., Monday through Friday.

Attached is a site plan for the entire church property. This site plan shows the location of the proposed day care (“exist church school”), the entrance to the day care, the parking lot, and the driveway access to the parking lot. The area to the east and north of the church property is Somonauk Park. The Village of Park Forest and Grace United Protestant Church have an existing reciprocal easement agreement dated May 1958 which allows for the joint use of the driveway access and parking. Maintenance of the driveway (from Somonauk Street to Shabbona Drive) and parking is also shared between the two property owners.

Traffic to the day care center would enter the property from Somonauk Street and park in the Church’s parking lot. The parking lot has approximately 29 parking spaces and two handicapped spaces (the parking lot striping is faded so it is difficult to determine the exact number of spaces). The Village’s Zoning Ordinance establishes standards for the number of required parking spaces based on the type of land use. Parking for school buildings, which would include day care centers, is based on the meeting capacity of the largest single area in the school likely to be used for a meeting, or the number of classrooms, whichever is greater. In this case, there is no common meeting room for the day care operation; therefore, the parking requirement is based on the number of classrooms. The Ordinance requires one (1) parking space for each classroom. As noted above, three (3) classrooms are proposed to be used for the day care center. Therefore, only (3) parking spaces are required to conform to the Village’s parking requirements. However, with six (6) teachers and parents bringing 42 potential students to the day care, the actual need for parking will be much greater. Given the operating hours of the day care center, the fact that parents will not likely park longer than it takes to drop-off or pick-up a student, and the typical use of a church building, the existing parking lot should be sufficient to meet the needs of the day care center without infringing on the operation of the church.

The Church property is located within a single family neighborhood. Single family homes are directly adjacent to the church only on the west side of the building. Single family homes are also located south of Somonauk Street. Somonauk Park is located across the access driveway east and north of the church. There is a chain link fence and a line of vegetation located on the west boundary of the Church property. The day care operator proposes to install an outdoor play area for the day care center on the west side of the building, although they may use the play equipment that is located in Somonauk Park until a new play area can be built.

Prior to the Public Hearing, Village Staff from the Departments of Community Development, Public Works, Planning, Health and Fire conducted courtesy inspections of the facility in order to allow the Church and the day care operator to understand the code issues that will have to be addressed in order for the day care center to open. While there were a number of issues that were identified, the main concerns revolve around ADA accessibility, upgrades in the restrooms to conform to code, and improvements to the parking lot. Subsequent to Plan Commission and Board consideration of this request, the property owner will be required to submit plans for renovation of those areas of the building that will be occupied by the day care center to meet all Village building, fire, and health codes. Staff in the respective departments will review and approve the plans and inspect all construction on the site to ensure compliance.

Based on the review of the site for the proposed use, Staff recommends the following conditions:

- The building must be in compliance with all building, fire and health codes related to the day care occupancy.
- The parking lot and access drive must be improved, including seal coat and re-striping.
- Approval of the conditional use will not affect the existing reciprocal use agreement between the Village and Grace United Protestant Church.

Plan Commission Action: After conducting the public hearing, the Plan Commission is asked to consider this request for a Conditional Use to permit a day care center at 266 Somonauk Street, and make a recommendation to the Board of Trustees on this request.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE
FOR A DAY CARE CENTER,
LOCATED AT 266 SOMONAUK STREET,
IN THE VILLAGE OF PARK FOREST, ILLINOIS**

WHEREAS, the Village of Park Forest Zoning Ordinance (“Zoning Ordinance”) requires the individual approval of certain uses (known as “conditional uses”) in specific zoning districts after consideration by the Plan Commission and approval by the Board of Trustees; and

WHEREAS, Grace United Protestant Church (“Applicant”) has submitted an application for a conditional use in the R-1, Single Family Residential Zoning District pursuant to Section 118-53 of the Zoning Ordinance (“Application”) to allow for a day care center to be operated by Tender Touch Day Care at Grace United Protestant Church, 266 Somonauk Street, Park Forest, Illinois, P.I.N. 31-35-411-084-0000 (“Subject Property”); and

WHEREAS, on April 19, 2009, a notice of public hearing for the Application was published in the Park Forest edition of *The Southtown/Star*, a newspaper of general circulation within the Village; and

WHEREAS, the public hearing was scheduled for May 5, 2009, before the Park Forest Plan Commission (“Plan Commission”) and the Plan Commission continued the public hearing to May 19, 2009; and

WHEREAS, the Plan Commission conducted the public hearing to consider the Application on May 19, 2009; and

WHEREAS, upon the conclusion of the public hearing, the Plan Commission unanimously recommended approval of the requested conditional use, subject to the conditions set forth below; and

WHEREAS, the Mayor and Board of Trustees have determined that allowing the conditional use for a day care center serves a public purpose and will be in the best interests of the Village of Park Forest.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Park Forest, Cook and Will Counties, Illinois, in the exercise of the Village’s home rule powers, as follows:

Section 1. **Recitals Incorporated.** The recitals set forth above constitute a material part of this Ordinance as if set forth in their entirety in this Section 1.

Section 2. Adoption of Findings and Recommendation. The findings and recommendation of the Plan Commission, together with all reports and exhibits submitted at the public hearing, are hereby incorporated by reference herein and are approved.

Section 3. Additional Finding. In addition to the findings set forth in Section 2 above, the Board of Trustees further finds that no deviations from district regulations are necessary to accommodate the conditional use.

Section 4. Conditional Use Granted. A conditional use is hereby granted to the Property Owner pursuant to the Plan Commission's recommendation and Section 118-28 of the Village Code for the operation of a day care center at the Subject Property as permitted pursuant to Section 118-53 of the Zoning Ordinance.

Section 5. Conditions of Conditional Use Grant. The conditional use granted herein is subject to the following conditions in the interest of the public health, safety and welfare as prescribed by Section 118-28 of the Zoning Ordinance:

1. **Compliance with Applicable Laws.** The Applicant shall comply with all applicable federal, state and local laws and ordinances relating to permitting, construction and similar actions.
2. **No Authorization of Work.** This Ordinance does not authorize the commencement of any work on the Subject Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Subject Property until all conditions of this Ordinance precedent to such work have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.
3. **Compliance with Village Codes.** The Applicant shall ensure that those portions of the Subject Property which will be used for the day care center are in compliance with all building, fire, and health codes related to the day care occupancy.
4. **Building Permits.** The Applicant shall submit all required building permit applications and other materials in a timely manner to the appropriate parties, which materials shall be prepared in compliance with all applicable Village codes and ordinances.
5. **Compliance with R-1 Single Family Residential Zoning District.** The conditional use shall comply with all other applicable requirements of the R-1, Single Family Residential Zoning District.

6. Compliance with Plans. Any construction pursuant to the conditional use granted herein shall be in accordance with the plans, testimony and other evidence presented by the Property Owner at the public hearing, with the exception of minor changes that will not alter the essential character of the development as presented.

7. Conditional Use Limited to Applicant. The conditional use shall be limited to the Applicant and shall not be transferable except upon reapplication, hearing and approval in the manner provided by the Village Code.

8. Agreement to Terms of Ordinance. This Ordinance shall be signed by an authorized officer of the Property Owner to signify their agreement to the terms hereof.

9. Parking Lot. The Property Owner must improve the parking lot and access drive at the Subject Property, including seal coating and re-striping of the lot.

10. Reciprocal Use Agreement. Approval of the requested conditional use I shall not alter the existing reciprocal use agreement dated May 1958 between the Village of Park Forest and Grace United Protestant Church for the Subject Property.

11. Day Care Center Development. The day care center on the Subject Property shall be developed consistently with the attached Exhibit A.

12. Duration of Conditional Use. The conditional use granted herein shall be permitted for as long as the Subject Property is used as a day care center by the Applicant.

Section 6. Violation of Condition or Code. Any violation of (i) any term or condition set forth in this Ordinance or (ii) any applicable code, ordinance, or regulation of the Village shall be grounds for the immediate rescission by the Board of Trustees of the approvals granted in this Ordinance.

Section 7. Severability and Repeal of Inconsistent Ordinances If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All other ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. Effective Date. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

PASSED this _____ day of _____, 2009.

APPROVED:

Mayor

ATTEST:

Village Clerk

ACKNOWLEDGMENT BY APPLICANT: I AGREE TO THE CONDITIONS OF THIS ORDINANCE:

GRACE UNITED PROTESTANT CHURCH

By: Authorized Agent

Date

EXHIBIT A

AGENDA BRIEFING

DATE: May 29, 2009

TO: Mayor Ostenburg
Board of Trustees

FROM: Hildy L. Kingma, AICP
Director of Economic Development and Planning

RE: Consideration of an Ordinance granting a Conditional Use for a Leasing Office for the Thorncreek Townhomes, located at 3324 Western Avenue

BACKGROUND/DISCUSSION:

A request has been submitted by Foresite Realty Management, LLC, on behalf of BV Thorncreek, LLC, for a Conditional Use to permit a Leasing Office at 3324 Western Avenue to support the operations at the apartment property. In May 2008, the previous owner of the property, Atlantic Management Corporation, lost control of the property when it was re-possessed by Fannie Mae. Earlier this year, the property was finally assigned to an asset management company, BV Thorncreek LLC. Foresite Realty Management is the management company hired by the asset management company to undertake the necessary upgrades to the property and leasing operations in order to position the property for sale. More detail about this request is contained in the staff memo prepared for the Plan Commission (see attached).

Consistent with Section 118-28 of the Park Forest Zoning Ordinance the Plan Commission conducted a public hearing on this request at their May 19, 2009, meeting. Notice of the public hearing was published in the *Southtown/Star Newspaper* on April 19, 2009. The applicants were present at the meeting, but no other members of the public attended the public hearing. After taking public comment and discussing this request, the Plan Commission voted unanimously to approve the requested Conditional Use with the conditions outlined in the attached memo from Plan Commission Chair Wickliffe-Lewis.

The attached Ordinance has been reviewed by the Village Attorney.

SCHEDULE FOR CONSIDERATION: This item will appear on the agenda of the Rules meeting of June 1, 2009 for discussion.

MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Vernita Wickliffe-Lewis, Chair
Park Forest Plan Commission

DATE: May 20, 2009

RE: Recommendation – Request for a Conditional Use in the R-2A Multiple Family Residential Zoning District for a Leasing Office at 3324 Western Avenue

At our regular meeting on May 19, 2009, the Plan Commission conducted a public hearing and considered a request for a Conditional Use in the R-2A Multiple Family Residential Zoning District for a Leasing Office at Thorncreek Townhomes.

After taking public comment and discussing this item, the Plan Commission voted unanimously to recommend approval of the Conditional Use requested by Foresite Realty Management, LLC, as described in the attached Staff memo (April 30, 2009) with the following conditions:

1. The electrical service to the proposed Leasing Office at 3324 Western Avenue must be upgraded to 100 amp service prior to occupancy.
2. The parking lot depicted in Exhibit SK-1, including the ramp from the parking lot to the Leasing Office, must be constructed prior to occupancy.
3. The proposed remodel to 3324-A must be completed to provide an ADA accessible restroom prior to occupancy.
4. Storage in the Leasing Office must conform to the standards for “Low Hazard Storage Occupancies” as defined by the Village’s building codes.

Best regards,
Vernita A. Wickliffe-Lewis, Chair

PLAN COMMISSION MEMO

TO: Plan Commission

FROM: Hildy L. Kingma, AICP
Director of Economic Development and Planning

DATE: April 30, 2009

RE: NEW BUSINESS – Plan Commission Meeting of May 5, 2009
PUBLIC HEARING: Consideration of a Request for a Conditional Use in the R-2A, Multiple Family Residential Zoning District for a Leasing Office at 3324 Western Avenue

A request has been submitted by Foresite Realty Management, LLC, on behalf of BV Thorncreek, LLC, for a Conditional Use to permit a Leasing Office within the Thorncreek Townhomes property. The petitioner is seeking approval of this Conditional Use in order to open a Leasing Office at 3324 Western Avenue to support the operations at the Thorncreek Townhomes.

As required by the Zoning Ordinance, notice of this public hearing was published in the Park Forest edition of the *Southtown/Star Newspaper* on April 19, 2009.

Section 118-133 of the Zoning Ordinance specifies the Conditional Uses that are permitted in the R-2A zoning district. Among these uses are “governmental and public utility buildings and structures and uses, including a business service office as an adjunct use.” It is under this provision that Foresite Realty Management LLC makes its request. In describing the process for approval of Conditional Uses, Section 118-28(a) of the Zoning Ordinance states that in addition to those uses allowed by right in a particular zoning district,

It is recognized that there are certain other uses which may be necessary or desirable to allow in a given district but which on account of their potential influence upon neighboring uses or public facilities need to be carefully regulated with respect to location or operation for the protection of the community.

When considering a request for a Conditional Use, the Plan Commission and Board of Trustees would typically consider such issues as the need for additional parking and loading facilities, vehicular and pedestrian access, proper protection of adjacent properties and other site development issues.

In May 2008, the previous owner of the property, Atlantic Management Corporation, lost control of the property when it was re-possessed by Fannie Mae. Earlier this year, the property was finally assigned to an asset management company, BV Thorncreek LLC. Foresite Realty Management is the management company hired by the asset management company to undertake the necessary upgrades to the property and leasing operations in order to position the property for sale.

A similar request for a Conditional Use for a Leasing and Business Office to be located at 3300 Western Avenue (where the leasing office is still located) was considered by the Plan Commission in June 2007. The 2007 request was made by Atlantic Management Corporation. At that time, the Plan Commission recommended approval of the requested Condition Use contingent upon:

1. The electrical service to the office to be upgraded to 100 amp service by end of the 2007 calendar year.
2. The parking requirement of 34 legal spaces, including one (1) handicapped accessible space, to be accomplished by 8/31/07 (note this parking requirement included the parking required for the dwelling units in addition to the leasing office).
3. The bathroom itself must be ADA accessible by 12/31/07.
4. The ramp to the office door may not extend to the sidewalk or the property of the adjacent unit, and it must be installed by 8/31/07.

None of these recommended conditions were addressed by the previous property owner, so the Board of Trustees denied the requested Conditional Use in August 2008.

Some basic elements of the current request are:

- The applicant has submitted their required annual plan of management, although some of the items in their 2009 plan are still under consideration by the Building Department.
- The proposed Leasing Office will be located at 3324 A and B (first and second floor dwelling units). Together, these dwelling units are approximately 1,430 square feet in size. The Zoning Ordinance requires a minimum of eight (8) parking spaces for this size of commercial space. The petitioner proposes to construct a small parking lot to the north of the building in order to accommodate the required parking (see attached exhibit). The proposed parking lot conforms to the Village's design standards for parking. If this parking lot is constructed as proposed, the parking provided/required for the dwelling units will not be impacted.
- The petitioner proposes to provide a ramp from the new parking lot to the Leasing Office that conforms to ADA standards (see attached exhibit).
- The interior of the dwelling units will be remodeled to accommodate the office use. The plans for remodel include converting the kitchen on the first floor to an ADA accessible bathroom for customers. Access to the second floor unit will be via a staircase, but the second floor will only be used by staff. The second floor will be slightly altered to create two offices. Floor plans for the existing dwelling units (A and B units) and the proposed remodel are attached.
- The proposed Leasing Office currently does not comply with the Village's electrical code requirement for 100 amp electrical service. However, the applicant has informed Village Staff that they have already met with ComEd officials to begin the planning required to upgrade the service to the entire apartment complex to 100 amp electrical service.
- The petitioner has indicated that the basement of the unit may be used for storage. The Village's building codes would only permit "Low Hazard Storage Occupancies" in this location due to the residential occupancy and zoning of the remainder of the property.

- The site plan shows the location of a permanent sign to identify the new Leasing Office. This sign will be installed after the consideration of the Conditional Use. Meanwhile, the petitioner has been approved for a temporary sign permit to create visibility to the property.

While it appears that the Plan Commission's conditions related to the previous request will be addressed by the current asset manager and property manager, it would still be appropriate to make these items conditions of the current request for a Conditional Use to ensure that they are addressed prior to occupancy of 3324 Western Avenue as a Leasing Office. Therefore, Staff would recommend the following conditions on this request:

5. The electrical service to the proposed Leasing Office at 3324 Western Avenue must be upgraded to 100 amp service prior to occupancy.
6. The parking lot depicted in Exhibit SK-1, including the ramp from the parking lot to the Leasing Office, must be constructed prior to occupancy.
7. The proposed remodel to 3324-A must be completed to provide an ADA accessible restroom prior to occupancy.
8. Storage in the Leasing Office must conform to the standards for "Low Hazard Storage Occupancies" as defined by the Village's building codes.

Plan Commission Action: After conducting the public hearing, the Plan Commission is asked to consider this request for a Conditional Use to permit a Leasing Office for Thorncreek Townhomes, to be located at 3324 Western Avenue, and make a recommendation to the Board of Trustees on this request.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE
FOR A LEASING OFFICE FOR THE THORNCREEK TOWNHOMES,
LOCATED AT 3324 WESTERN AVENUE,
IN THE VILLAGE OF PARK FOREST, ILLINOIS**

WHEREAS, the Park Forest Zoning Ordinance requires the individual approval of certain uses (known as “conditional uses”) in specific zoning districts after consideration by the Plan Commission and approval by the Board of Trustees; and

WHEREAS, Foresite Realty Management, LLC, on behalf of BV Thorncreek, LLC, (“Applicant”) has submitted an application for a conditional use in the R-2A, Multiple Family Residential zoning district (“Application”), to allow for a leasing office at the property commonly known as 3324 Western Avenue, Park Forest, Illinois, P.I.N. 31-36-200-034-1045 and P.I.N. 31-36-200-034-1046 (“Subject Property”) to support the operations of Thorncreek Townhomes; and .

WHEREAS, on April 19, 2009, a notice of public hearing for the Application was published in the Park Forest edition of *The Southtown/Star*, a newspaper of general circulation within the Village; and

WHEREAS, the public hearing was scheduled for May 5, 2009, before the Park Forest Plan Commission (“Plan Commission”) and the Plan Commission continued the public hearing to May 19, 2009; and

WHEREAS, the Plan Commission conducted the public hearing to consider the Application on May 19, 2009; and

WHEREAS, upon the conclusion of the public hearing, the Plan Commission unanimously recommended approval of the requested Conditional Use, subject to the conditions as set forth below; and

WHEREAS, the Mayor and Board of Trustees have determined that allowing the Conditional Use for a leasing office serves a public purpose and will be in the best interests of the Village of Park Forest.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Park Forest, Cook and Will Counties, Illinois, in the exercise of the Village’s home rule powers, as follows:

Section 1: Recitals Incorporated. The recitals set forth above constitute a material part of this Ordinance as if set forth in their entirety in this Section 1.

Section 2: Adoption of Findings and Recommendation. The findings and recommendations of the Plan Commission, together with all reports and exhibits submitted at the public hearing, are hereby incorporated by reference herein and are approved.

Section 3: Additional Finding. In addition to the findings set forth in Section 2 above, the Board of Trustees further finds that no deviations from district regulations are necessary to accommodate the conditional use.

Section 4: Conditional Use Granted. A conditional use is hereby granted to the Applicant pursuant to the Plan Commission's recommendation and Section 118-28 of the Village Code for the operation of a leasing office at the Subject Property as permitted pursuant to Section 118-133 of the Zoning Ordinance.

Section 5: Conditions of Grant. The conditional use granted herein is subject to the following conditions in the interest of the public health, safety and welfare as prescribed by Section 118-28 of the Village Code:

1. Compliance with Applicable Laws. The Applicant shall comply with all applicable federal, state and local laws and ordinances relating to permitting, construction and similar actions.
2. No Authorization of Work. This Ordinance does not authorize the commencement of any work on the Subject Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Subject Property until all conditions of this Ordinance precedent to such work have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.
3. Compliance with Village Codes. The Applicant shall ensure that those portions of the Subject Property which will be used for the day care center are in compliance with all building, fire, and health codes related to the day care occupancy.
4. Building Permits. The Applicant shall submit all required building permit applications and other materials in a timely manner to the appropriate parties, which materials shall be prepared in compliance with all applicable Village codes and ordinances.
5. Compliance with R-2A Multiple Family Residential Zoning District. The Applicant shall comply with all other applicable requirements of the Village's R-2A Multiple Family Residential zoning district.
6. Compliance with Plans. Any construction pursuant to the conditional use granted herein shall be in accordance with the plans, testimony and other evidence presented by the Applicant at the hearing, excepting only very minor

changes which would not alter the essential character of the development as presented.

7. Conditional Use Limited to Applicant. The conditional use shall be limited to the Applicant and shall not be transferable to a new owner except upon reapplication, hearing and approval in the manner provided by the Village Code.

8. Agreement to Terms of Ordinance. This Ordinance shall be signed by an authorized officer of the Property Owner to signify their agreement to the terms hereof.

9. Electrical Service. The electrical service for the Subject Property shall be upgraded to 100 amp service prior to occupancy,

10. Parking Lot. The parking lot depicted in Exhibit SK-1 must be constructed and installed prior to occupancy.

11. Proposed Remodel of 3324-A Western Avenue. An ADA accessible restroom must be provided as part of the proposed remodel of 3324-A Western Avenue prior to occupancy.

12. Storage in Leasing Office. Storage in the leasing office must conform to the Village's standards for "Low Hazard Storage Occupancies" as set forth in the Village's building codes.

13. Leasing Office Development. The leasing office and related parking shall be developed consistent with the attached Exhibit A.

14. Duration of Conditional Use. The conditional use granted herein shall be permitted for as long as the Subject Property is used as a leasing office by the Applicant.

Section 6: Violation of Condition or Code. Any violation of (i) any term or condition set forth in this Ordinance or (ii) any applicable code, ordinance, or regulation of the Village shall be grounds for the immediate rescission by the Board of Trustees of the approvals made in this Ordinance.

Section 7. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All other ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

PASSED this _____ day of _____, 2009.

APPROVED:

Mayor

Attest:

Village Clerk

ACKNOWLEDGMENT BY APPLICANT: I AGREE TO THE CONDITIONS OF THIS ORDINANCE:

FORESITE REALTY MANAGEMENT, LLC, ON BEHALF OF BV THORNCREEK, LLC

By: Authorized Agent

Date: _____, 2009

EXHIBIT A



EXISTING UNIT 3324-A

FIRST FLOOR

(706 SQ. FT.)

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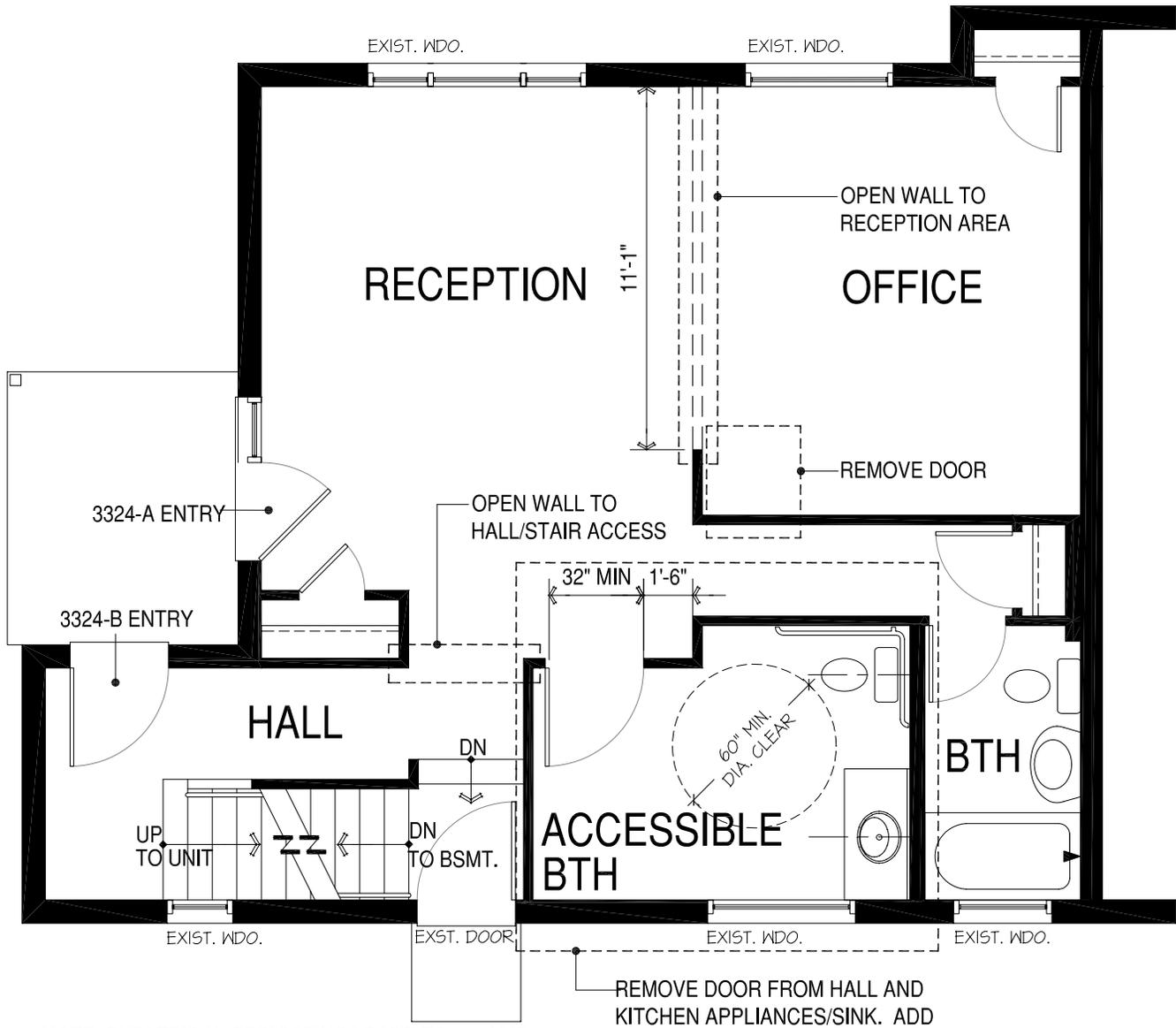
DATE: 04/02/2009
JOB NO: 2009-14

SK-2

SHEET

THORNCREEK TOWNHOMES
Park Forest, Illinois
PRELIMINARY - LEASING OFFICE

JMA
DESIGN/BUILD
RESIDENTIAL • COMMERCIAL • PLANNING



NOTE: ELECTRICAL SERVICE UPGRADE TO 100AMP

REMOVE DOOR FROM HALL AND KITCHEN APPLIANCES/SINK. ADD ACCESSIBLE WATER CLOSET AND SINK

PROPOSED UNIT 3324-A

FIRST FLOOR

(706 SQ. FT.)

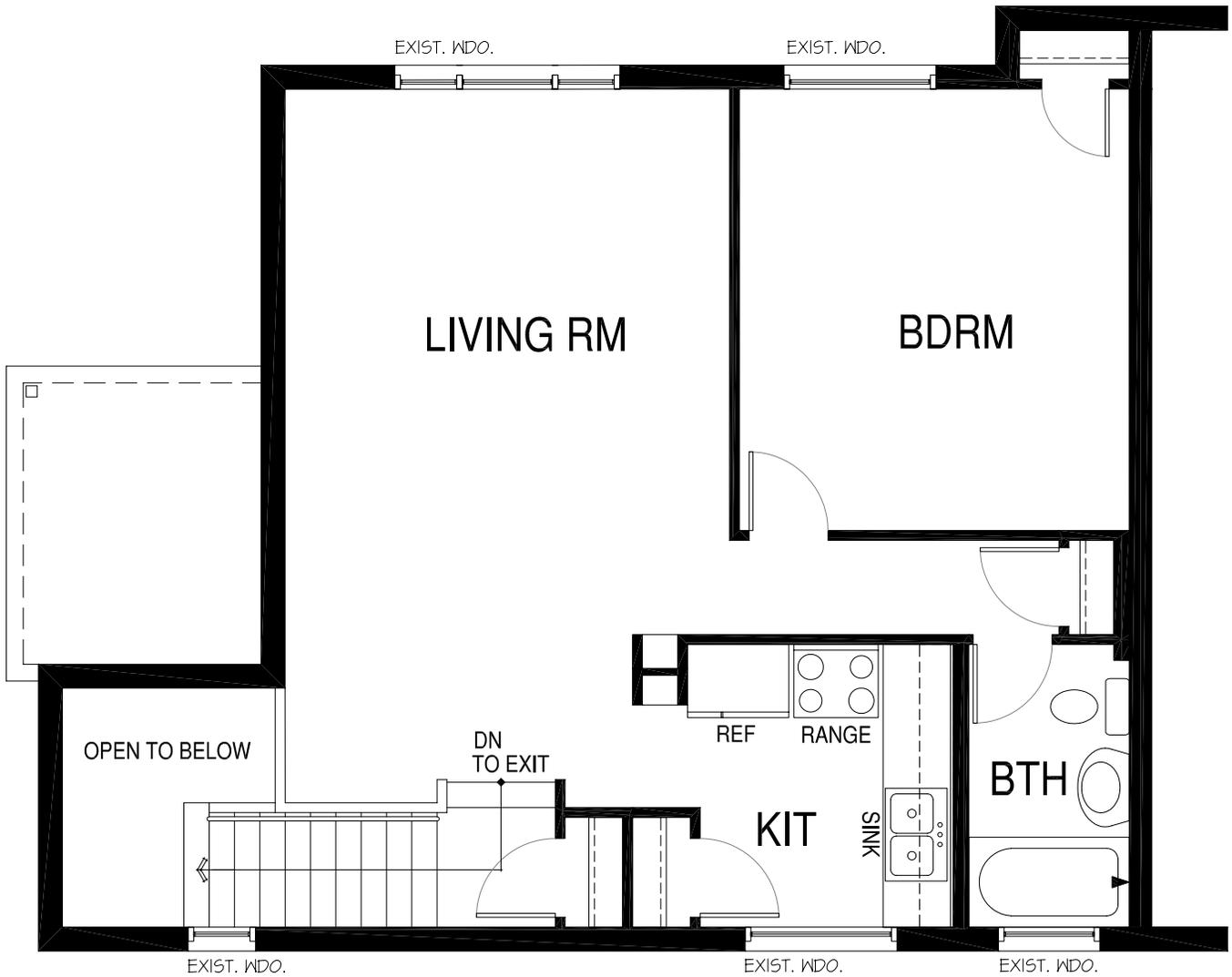
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DATE: 04/02/2009
JOB NO: 2009-14

SK-3
SHEET

THORNCREEK TOWNHOMES
Park Forest, Illinois
PRELIMINARY - LEASING OFFICE

JMA
DESIGN/BUILD
RESIDENTIAL • COMMERCIAL • PLANNING



EXISTING UNIT 3324-B

SECOND FLOOR

(724 SQ. FT.)

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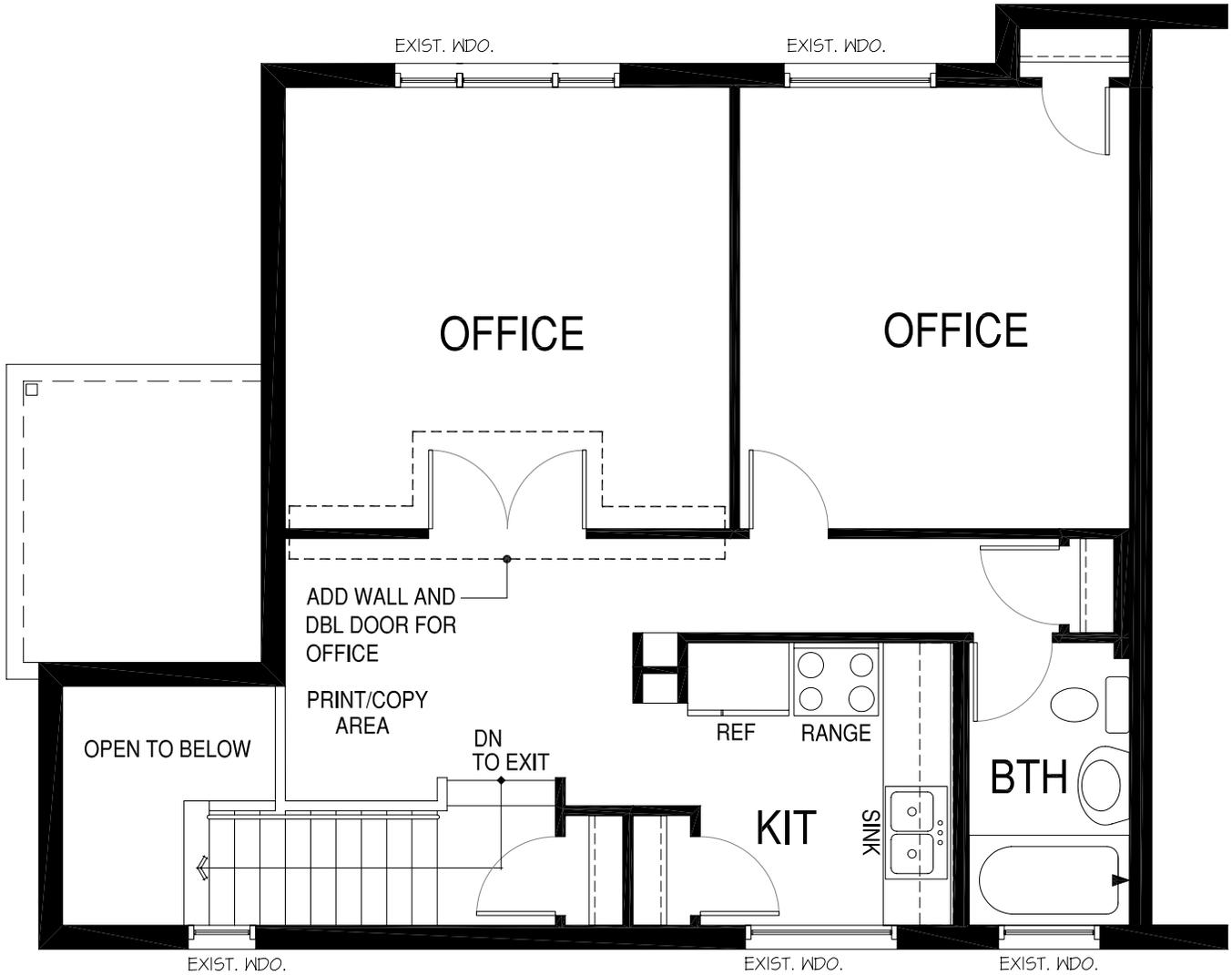
DATE: 04/02/2009
JOB NO: 2009-14

SK-4

SHEET

THORNCREEK TOWNHOMES
Park Forest, Illinois
PRELIMINARY - LEASING OFFICE

JMA
DESIGN/BUILD
RESIDENTIAL • COMMERCIAL • PLANNING



NOTE: ELECTRICAL SERVICE UPGRADE TO 100AMP

PROPOSED UNIT 3324-B SECOND FLOOR (724 SQ. FT.)

THESE PLANS AND SPECIFICATIONS ARE PROTECTED UNDER FEDERAL COPYRIGHT LAWS. © JMA DESIGN MAINTAINS OWNERSHIP OF SUCH AND ALL RIGHTS AND PRIVILEGES.

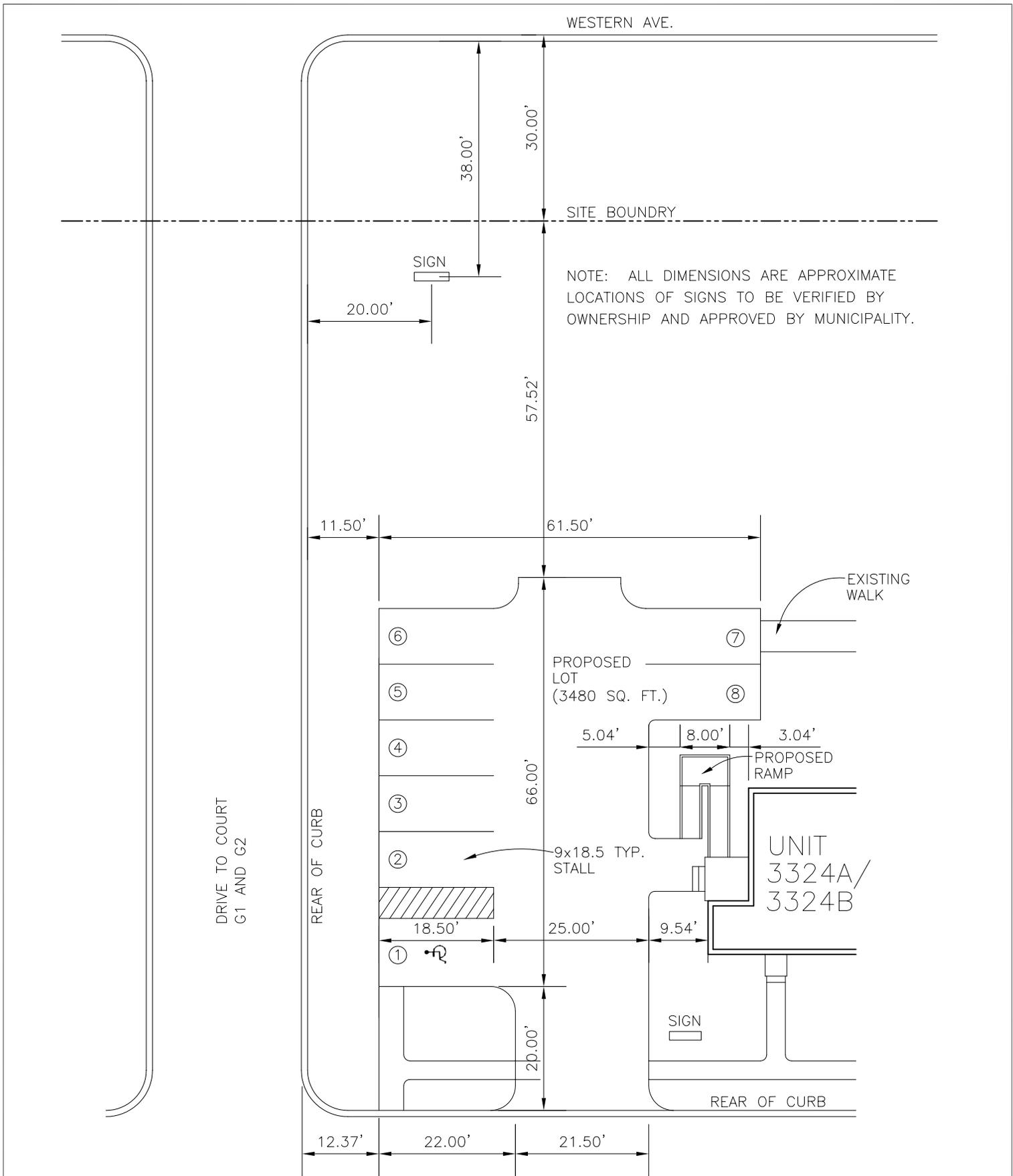
DATE: 04/02/2009
JOB NO: 2009-14

SK-5

SHEET

THORNCREEK TOWNHOMES
Park Forest, Illinois
PRELIMINARY - LEASING OFFICE

JMA
DESIGN/BUILD
RESIDENTIAL • COMMERCIAL • PLANNING



DATE: 04/02/2009
 JOB NO: 2009-14

SK-1
 SHEET

THORNCREEK TOWNHOMES
 Park Forest, Illinois
 PRELIMINARY - SITE PLAN

JMA
 DESIGN/BUILD
 RESIDENTIAL • COMMERCIAL • PLANNING

AGENDA BRIEFING

DATE: May 29, 2009

TO: Mayor John Ostenburg
Board of Trustees

FROM: Mary G. Dankowski, Deputy Village Manager/Finance Director

RE: An Ordinance Authorizing the Village of Park Forest, Cook and Will Counties, Illinois to borrow funds from the Illinois Environmental Protection Agency (“IEPA”) WATER POLLUTION CONTROL LOAN PROGRAM (Sewer-\$880,000)

BACKGROUND/DISCUSSION: The attached ordinance authorizes the Village to borrow \$880,000 from the Water Pollution Control Loan Program with the Illinois Environmental Protection Agency (IEPA). These funds will be used to rehabilitate approximately 25,411 lineal feet of sanitary sewers and 106 manholes to remove infiltration and inflow from the sewer system, address structural deficiencies, and alleviate system surcharging.

This initiative will enhance compliance with the “Inflow and Infiltration Plan” adopted by the Village and presented to Thorn Creek Basin Sanitary District, March 2006.

This ordinance is part of an application for Federal stimulus funds being administered by the IEPA. Should the application be approved the estimated impact will be as follows:

<u>Terms</u>	<u>Total Project</u>	<u>Amt. Borrowed</u>	<u>Annual Debt Service</u>	<u>20-year Debt Service</u>
2.5%	\$880,000	\$880,000	\$ 56,182	\$1,123,640
0%	880,000	880,000	44,000	880,000
25% Forgiveness + 0% Interest on Balance	880,000	660,000	33,000	660,000

As you can see, should the Village receive approval for a 0% interest loan, the overall debt service savings would be \$243,640. If the Village receives 25% forgiveness and 0% interest on the balance of the loan, the savings would be \$463,640 over the life of the debt. This savings is the savings compared to the standard 2.5% IEPA loan. Savings compared to conventional bond funding would be double.

Sewer rates will pay the initial debt service and will be evaluated after 2011 to ensure sufficient annual funding.

SCHEDULE FOR CONSIDERATION: This matter will appear on the Agenda of the Rules Meeting of June 1, 2009.

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE VILLAGE OF PARK FOREST,
COOK AND WILL COUNTIES, ILLINOIS TO BORROW FUNDS FROM
THE ILLINOIS ENVIROMENTAL PROTECTION AGENCY (“IEPA”)
WATER POLLUTION CONTROL LOAN PROGRAM**

WHEREAS, the Village of Park Forest, Cook and Will Counties, Illinois (“Village”), operates its public sewerage system (“the System”) and in accordance with its home rule authority, pursuant to Article VII, Section 6(a) of the 1970 Illinois Constitution, and the Local Government Debt Reform Act, 30 ILCS 350/1 *et seq.* (2009) (collectively “the Act”); and

WHEREAS, the Mayor and Board of Trustees of the Village (“the Corporate Authorities”) have determined that it is advisable, necessary, and in the best interest of the public health, safety, and welfare to improve the System, including the following:

Rehabilitation of approximately 25,411 lineal feet of sanitary sewers and 106 manholes to remove infiltration and inflow from the sewer system, address structural deficiencies, and alleviate system surcharging;

together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation (“the Project”), all in accordance with the plans and specifications prepared by the consulting engineers of the Village, which Project has a useful life of 50 years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$880,000, and there are insufficient funds on hand and lawfully available to pay these costs; and

WHEREAS, the costs are expected to be paid for with a loan to the Village from the Water Pollution Control Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid from revenues of the System and the loan is authorized to be accepted at this time pursuant to the Act; and

WHEREAS, the loan shall bear an interest rate as defined by 35 Ill. Adm. Code 662, which does not exceed the maximum rate authorized by the Bond Authorization Act, as amended, 30 ILCS 305/0.01 *et seq.*, at the time of the issuance of the loan; and

WHEREAS, the principal and interest payment shall be payable semi-annually, and the loan shall mature in 20 years, which is within the period of useful life of the Project; and

WHEREAS, in accordance with the provisions of the Act, the Village is authorized to borrow funds from the Water Pollution Control Loan Program in the aggregate principal amount of \$880,000 to provide funds to pay the costs of the Project; and

WHEREAS, the loan to the Village shall be made pursuant to a Loan Agreement, including certain terms and conditions between the Village and the Illinois Environmental Protection Agency.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Park Forest, Cook and Will Counties, Illinois, in the exercise of the Village's home rule powers, as follows:

Section 1. Recitals. The Corporate Authorities hereby find that the recitals contained in the preambles are true and correct, and incorporate them into this Ordinance by this reference.

Section 2. Determination to Borrow Funds. It is necessary and in the best interests of the Village to construct the Project for the public health, safety and welfare, in accordance with the plans and specifications, as described; that the System continues to be operated in accordance with the provision of the Act; and that for the purpose of construction of the Project, it is hereby authorized that funds be borrowed by the Village in an aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed \$880,000.

Section 3. Additional Ordinances. The Corporate Authorities may adopt additional ordinances or proceedings supplementing or amending this Ordinance, providing for entering into the Loan Agreement with the Illinois Environmental Protection Agency, prescribing all the details of the Loan Agreement, and providing for the collection, segregation and distribution of the revenues of the System, so long as the maximum amount of the Loan Agreement as set forth in this Ordinance is not exceeded and there is no material change in the Project or purposes described herein. Any additional ordinances or proceedings shall in all instances become effective in accordance with the Act or other applicable laws. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for entering into the Loan Agreement under applicable law.

However, notwithstanding the above, the Village may not adopt additional ordinances or amendments which provide for any substantive or material change in the scope and intent of this Ordinance, including but not limited to interest rate, preference or priority of any other ordinance with this Ordinance, parity of any other ordinance with this Ordinance, or otherwise alter or impair the obligation of the Village to pay the principal and interest due to the Water Pollution Control Loan Program without the written consent of the Illinois Environmental Protection Agency.

Section 4. Loan Not Indebtedness of Village. Repayment of the loan to the Illinois Environmental Protection Agency by the Village pursuant to this Ordinance is to be solely from the revenue derived from the user charges of the System, and the loan does not constitute an indebtedness of the Village within the meaning of any constitutional or statutory limitation.

Section 5. Application for Loan. The Village Manager is hereby authorized to make application to the Illinois Environmental Protection Agency for a loan through the Water

Pollution Control Loan Program, in accordance with the loan requirements set out in 35 Ill. Admin. Code Sec. 365.

Section 6. Acceptance of Loan Agreement. The Corporate Authorities hereby authorize acceptance of the offer of a loan through the Water Pollution Control Loan Program, including all terms and conditions of the Loan Agreement as well as all special conditions contained therein and made a part thereof by reference. The Corporate Authorities further agree that the loan funds awarded shall be used solely for the purposes of the Project as approved by the Illinois Environmental Protection Agency in accordance with the terms and conditions of the Loan Agreement.

Section 7. Reserve Accounts. As long as the Village has outstanding revenue bonds payable from revenues of the system that are senior to the revenue bond authorized by this Ordinance, the Village shall maintain an account, coverage and reserves equivalent to the accounts, coverages and reserves required by the outstanding ordinances.

Section 8. Authorization of Mayor to Execute Loan Agreement. The Mayor is hereby authorized and directed to execute the Loan Agreement with the Illinois Environmental Protection Agency. The Corporate Authorities may authorize by resolution a person other than the Mayor for the sole purpose of authorizing or executing any documents associated with payment requests or reimbursements from the Illinois Environmental Protection Agency in connection with this loan.

Section 9. Severability. If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 10. Repealer. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 11. Effective Date. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this _____ day of _____, 2009.

APPROVED:

Mayor

ATTEST:

Village Clerk

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

CERTIFICATE

I, Sheila McGann, Village Clerk of the Village of Park Forest, Cook and Will Counties, State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, AN ORDINANCE AUTHORIZING THE VILLAGE OF PARK FOREST, COOK AND WILL COUNTIES, ILLINOIS TO BORROW FUNDS FROM THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“IEPA”) WATER POLLUTION CONTROL LOAN PROGRAM,” which was adopted by the corporate authorities of the Village of Park Forest, on _____, 2009, and approved by the Mayor of the Village of Park Forest on the same said date, the original of which is part of the books and records within my control as Village Clerk of the Village of Park Forest.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Park Forest, Illinois, at the said Village, in the County of Cook and State of Illinois, on _____, 2009.

Sheila McGann, Village Clerk

(SEAL)

AGENDA BRIEFING

DATE: May 29, 2009

TO: Mayor John Ostenburg
Board of Trustees

FROM: Mary G. Dankowski, Deputy Village Manager/Finance Director

RE: An Ordinance Authorizing the Village of Park Forest, Cook and Will Counties, Illinois to borrow funds from the Illinois Environmental Protection Agency (“IEPA”) WATER POLLUTION CONTROL LOAN PROGRAM (Sewer-\$657,000)

BACKGROUND/DISCUSSION: The attached ordinance authorizes the Village to borrow \$657,000 from the Water Pollution Control Loan Program with the Illinois Environmental Protection Agency (IEPA). These funds will be used to rehabilitate the excess flow treatment facility, which will provide a means for the Village to comply with the infiltration and inflow limits implemented by Thorn Creek Basin Sanitary District in 2005.

This initiative will enhance compliance with the “Inflow and Infiltration Plan” adopted by the Village and presented to Thorn Creek Basin Sanitary District, March 2006.

This ordinance is part of an application for Federal stimulus funds being administered by the IEPA. Should the application be approved the estimated impact will be as follows:

<u>Terms</u>	<u>Total Project</u>	<u>Amt. Borrowed</u>	<u>Annual Debt Service</u>	<u>20-year Debt Service</u>
2.5%	\$657,000	\$657,000	\$ 41,945	\$ 838,900
0%	657,000	657,000	32,850	657,000
25% Forgiveness + 0% Interest on Balance	657,000	492,750	24,638	492,750

As you can see, should the Village receive approval for a 0% interest loan, the overall debt service savings would be \$181,900. If the Village receives 25% forgiveness and 0% interest on the balance of the loan, the savings would be \$346,150 over the life of the debt. This savings is the savings compared to the standard 2.5% IEPA loan. Savings compared to conventional bond funding would be double.

Sewer rates will pay the initial debt service and will be evaluated after 2011 to ensure sufficient annual funding.

SCHEDULE FOR CONSIDERATION: This matter will appear on the Agenda of the Rules Meeting of June 1, 2009.

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE VILLAGE OF PARK FOREST,
COOK AND WILL COUNTIES, ILLINOIS TO BORROW FUNDS FROM
THE ILLINOIS ENVIROMENTAL PROTECTION AGENCY (“IEPA”)
WATER POLLUTION CONTROL LOAN PROGRAM**

WHEREAS, the Village of Park Forest, Cook and Will Counties, Illinois (“Village”), operates its public sewerage system (“the System”) and in accordance with its home rule authority, pursuant to Article VII, Section 6(a) of the 1970 Illinois Constitution, and the Local Government Debt Reform Act, 30 ILCS 350/1 *et seq.* (2009) (collectively “the Act”); and

WHEREAS, the Mayor and Board of Trustees of the Village (“the Corporate Authorities”) have determined that it is advisable, necessary, and in the best interest of the public health, safety, and welfare to improve the System, including the following:

Rehabilitation of the excess flow treatment facility, which will provide a means for the Village to comply with the infiltration and inflow limits implemented by Thorn Creek Basin Sanitary District in 2005;

together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation (“the Project”), all in accordance with the plans and specifications prepared by the consulting engineers of the Village, which Project has a useful life of 50 years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$657,000, and there are insufficient funds on hand and lawfully available to pay these costs; and

WHEREAS, the costs are expected to be paid for with a loan to the Village from the Water Pollution Control Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid from revenues of the System and the loan is authorized to be accepted at this time pursuant to the Act; and

WHEREAS, the loan shall bear an interest rate as defined by 35 Ill. Adm. Code 662, which does not exceed the maximum rate authorized by the Bond Authorization Act, as amended, 30 ILCS 305/0.01 *et seq.*, at the time of the issuance of the loan; and

WHEREAS, the principal and interest payment shall be payable semi-annually, and the loan shall mature in 20 years, which is within the period of useful life of the Project; and

WHEREAS, in accordance with the provisions of the Act, the Village is authorized to borrow funds from the Water Pollution Control Loan Program in the aggregate principal amount of \$657,000 to provide funds to pay the costs of the Project; and

WHEREAS, the loan to the Village shall be made pursuant to a Loan Agreement, including certain terms and conditions between the Village and the Illinois Environmental Protection Agency.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Park Forest, Cook and Will Counties, Illinois, in the exercise of the Village's home rule powers, as follows:

Section 1. Recitals. The Corporate Authorities hereby find that the recitals contained in the preambles are true and correct, and incorporate them into this Ordinance by this reference.

Section 2. Determination to Borrow Funds. It is necessary and in the best interests of the Village to construct the Project for the public health, safety and welfare, in accordance with the plans and specifications, as described; that the System continues to be operated in accordance with the provision of the Act; and that for the purpose of construction of the Project, it is hereby authorized that funds be borrowed by the Village in an aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed \$657,000.

Section 3. Additional Ordinances. The Corporate Authorities may adopt additional ordinances or proceedings supplementing or amending this Ordinance, providing for entering into the Loan Agreement with the Illinois Environmental Protection Agency, prescribing all the details of the Loan Agreement, and providing for the collection, segregation and distribution of the revenues of the System, so long as the maximum amount of the Loan Agreement as set forth in this Ordinance is not exceeded and there is no material change in the Project or purposes described herein. Any additional ordinances or proceedings shall in all instances become effective in accordance with the Act or other applicable laws. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for entering into the Loan Agreement under applicable law.

However, notwithstanding the above, the Village may not adopt additional ordinances or amendments which provide for any substantive or material change in the scope and intent of this Ordinance, including but not limited to interest rate, preference or priority of any other ordinance with this Ordinance, parity of any other ordinance with this Ordinance, or otherwise alter or impair the obligation of the Village to pay the principal and interest due to the Water Pollution Control Loan Program without the written consent of the Illinois Environmental Protection Agency.

Section 4. Loan Not Indebtedness of Village. Repayment of the loan to the Illinois Environmental Protection Agency by the Village pursuant to this Ordinance is to be solely from the revenue derived from the user charges of the System, and the loan does not constitute an indebtedness of the Village within the meaning of any constitutional or statutory limitation.

Section 5. Application for Loan. The Village Manager is hereby authorized to make application to the Illinois Environmental Protection Agency for a loan through the water

Pollution Control Loan Program, in accordance with the loan requirements set out in 35 Ill. Admin. Code Sec. 365.

Section 6. Acceptance of Loan Agreement. The Corporate Authorities hereby authorize acceptance of the offer of a loan through the Water Pollution Control Loan Program, including all terms and conditions of the Loan Agreement as well as all special conditions contained therein and made a part thereof by reference. The Corporate Authorities further agree that the loan funds awarded shall be used solely for the purposes of the Project as approved by the Illinois Environmental Protection Agency in accordance with the terms and conditions of the Loan Agreement.

Section 7. Reserve Accounts. As long as the Village has outstanding revenue bonds payable from revenues of the system that are senior to the revenue bond authorized by this Ordinance, the Village shall maintain an account, coverage and reserves equivalent to the accounts, coverages and reserves required by the outstanding ordinances.

Section 8. Authorization of Mayor to Execute Loan Agreement. The Mayor is hereby authorized and directed to execute the Loan Agreement with the Illinois Environmental Protection Agency. The Corporate Authorities may authorize by resolution a person other than the Mayor for the sole purpose of authorizing or executing any documents associated with payment requests or reimbursements from the Illinois Environmental Protection Agency in connection with this loan.

Section 9. Severability. If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 10. Repealer. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 11. Effective Date. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this _____ day of _____, 2009.

APPROVED:

Mayor

ATTEST:

Village Clerk

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

CERTIFICATE

I, Sheila McGann, Village Clerk of the Village of Park Forest, Cook and Will Counties, State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, AN ORDINANCE AUTHORIZING THE VILLAGE OF PARK FOREST, COOK AND WILL COUNTIES, ILLINOIS TO BORROW FUNDS FROM THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“IEPA”) WATER POLLUTION CONTROL LOAN PROGRAM,” which was adopted by the corporate authorities of the Village of Park Forest, on _____, 2009, and approved by the Mayor of the Village of Park Forest on the same said date, the original of which is part of the books and records within my control as Village Clerk of the Village of Park Forest.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Park Forest, Illinois, at the said Village, in the County of Cook and State of Illinois, on _____, 2009.

Sheila McGann, Village Clerk

(SEAL)

AGENDA BRIEFING

DATE: May 29, 2009

TO: Mayor John Ostenburg
Board of Trustees

FROM: Mary G. Dankowski, Deputy Village Manager/Finance Director

RE: An Ordinance Authorizing the Village of Park Forest, Cook and Will Counties, Illinois to borrow funds from the Illinois Environmental Protection Agency (“IEPA”) PUBLIC WATER SUPPLY LOAN PROGRAM

BACKGROUND/DISCUSSION: The attached ordinance authorizes the Village to borrow \$3,300,000 from the Public Water Supply Loan Program with the Illinois Environmental Protection Agency (IEPA). These funds will be used to replace approximately 12,000 lineal feet of 8-inch water main, 240 water services, and 3 booster stations.

This initiative was discussed relative to the institution of the \$3.00 per month infrastructure maintenance fee.

This ordinance is part of an application for Federal stimulus funds being administered by the IEPA. Should the application be approved the estimated impact will be as follows:

<u>Terms</u>	<u>Total Project</u>	<u>Amt. Borrowed</u>	<u>Annual Debt Service</u>	<u>20-year Debt Service</u>
2.5%	\$3,300,000	\$3,300,000	\$210,681	\$4,213,627
0%	3,300,000	3,300,000	165,000	3,300,000
25% Forgiveness + 0% Interest on Balance	3,300,000	2,475,000	123,750	2,475,000

As you can see, should the Village receive approval for a 0% interest loan, the overall debt service savings would be \$913,627. If the Village receives 25% forgiveness and 0% interest on the balance of the loan, the savings would be \$1,738,627 over the life of the debt. This savings is the savings compared to the standard 2.5% IEPA loan. Savings compared to conventional bond funding would be double.

The water infrastructure fee will pay the debt service.

SCHEDULE FOR CONSIDERATION: This matter will appear on the Agenda of the Rules Meeting of June 1, 2009.

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE VILLAGE OF PARK FOREST,
COOK AND WILL COUNTIES, ILLINOIS TO BORROW FUNDS FROM
THE ILLINOIS ENVIROMENTAL PROTECTION AGENCY (“IEPA”)
PUBLIC WATER SUPPLY LOAN PROGRAM**

WHEREAS, the Village of Park Forest, Cook and Will Counties, Illinois (“Village”), operates its public water supply system (“the System”) and in accordance with its home rule authority, pursuant to Article VII, Section 6(a) of the 1970 Illinois Constitution, and the Local Government Debt Reform Act, 30 ILCS 350/1 *et seq.* (2009) (collectively “the Act”); and

WHEREAS, the Mayor and Board of Trustees of the Village (“the Corporate Authorities”) have determined that it is advisable, necessary, and in the best interest of the public health, safety, and welfare to improve the System, including the following:

The replacement of approximately 12,000 lineal feet of 8-inch water main, 240 water services, and 3 booster stations;

together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation (“the Project”), all in accordance with the plans and specifications prepared by the consulting engineers of the Village, which Project has a useful life of 100 years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$3,300,000, and there are insufficient funds on hand and lawfully available to pay these costs; and

WHEREAS, the costs are expected to be paid for with a loan to the Village from the Public Water Supply Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid from revenues of the System and the loan is authorized to be accepted at this time pursuant to the Act; and

WHEREAS, the loan shall bear an interest rate as defined by 35 Ill. Adm. Code 662, which does not exceed the maximum rate authorized by the Bond Authorization Act, as amended, 30 ILCS 305/0.01 *et seq.*, at the time of the issuance of the loan; and

WHEREAS, the principal and interest payment shall be payable semi-annually, and the loan shall mature in 20 years, which is within the period of useful life of the Project; and

WHEREAS, in accordance with the provisions of the Act, the Village is authorized to borrow funds from the Public Water Supply Loan Program in the aggregate principal amount of \$3,300,000 to provide funds to pay the costs of the Project; and

WHEREAS, the loan to the Village shall be made pursuant to a Loan Agreement, including certain terms and conditions between the Village and the Illinois Environmental Protection Agency.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Park Forest, Cook and Will Counties, Illinois, in the exercise of the Village's home rule powers, as follows:

Section 1. Recitals. The Corporate Authorities hereby find that the recitals contained in the preambles are true and correct, and incorporate them into this Ordinance by this reference.

Section 2. Determination to Borrow Funds. It is necessary and in the best interests of the Village to construct the Project for the public health, safety and welfare, in accordance with the plans and specifications, as described; that the System continues to be operated in accordance with the provision of the Act; and that for the purpose of construction of the Project, it is hereby authorized that funds be borrowed by the Village in an aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed \$3,300,000.

Section 3. Additional Ordinances. The Corporate Authorities may adopt additional ordinances or proceedings supplementing or amending this Ordinance, providing for entering into the Loan Agreement with the Illinois Environmental Protection Agency, prescribing all the details of the Loan Agreement, and providing for the collection, segregation and distribution of the revenues of the System, so long as the maximum amount of the Loan Agreement as set forth in this Ordinance is not exceeded and there is no material change in the Project or purposes described herein. Any additional ordinances or proceedings shall in all instances become effective in accordance with the Act or other applicable laws. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for entering into the Loan Agreement under applicable law.

However, notwithstanding the above, the Village may not adopt additional ordinances or amendments which provide for any substantive or material change in the scope and intent of this Ordinance, including but not limited to interest rate, preference or priority of any other ordinance with this Ordinance, parity of any other ordinance with this Ordinance, or otherwise alter or impair the obligation of the Village to pay the principal and interest due to the Public Water Supply Loan Program without the written consent of the Illinois Environmental Protection Agency.

Section 4. Loan Not Indebtedness of Village. Repayment of the loan to the Illinois Environmental Protection Agency by the Village pursuant to this Ordinance is to be solely from the revenue derived from the user charges of the System, and the loan does not constitute an indebtedness of the Village within the meaning of any constitutional or statutory limitation.

Section 5. Application for Loan. The Village Manager is hereby authorized to make application to the Illinois Environmental Protection Agency for a loan through the Public

Water Supply Loan Program, in accordance with the loan requirements set out in 35 Ill. Admin. Code Sec. 662.

Section 6. Acceptance of Loan Agreement. The Corporate Authorities hereby authorize acceptance of the offer of a loan through the Public Water Supply Loan Program, including all terms and conditions of the Loan Agreement as well as all special conditions contained therein and made a part thereof by reference. The Corporate Authorities further agree that the loan funds awarded shall be used solely for the purposes of the Project as approved by the Illinois Environmental Protection Agency in accordance with the terms and conditions of the Loan Agreement.

Section 7. Reserve Accounts. As long as the Village has outstanding revenue bonds payable from revenues of the system that are senior to the revenue bond authorized by this Ordinance, the Village shall maintain an account, coverage and reserves equivalent to the accounts, coverages and reserves required by the outstanding ordinances.

Section 8. Authorization of Mayor to Execute Loan Agreement. The Mayor is hereby authorized and directed to execute the Loan Agreement with the Illinois Environmental Protection Agency. The Corporate Authorities may authorize by resolution a person other than the Mayor for the sole purpose of authorizing or executing any documents associated with payment requests or reimbursements from the Illinois Environmental Protection Agency in connection with this loan.

Section 9. Severability. If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 10. Repealer. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 11. Effective Date. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this _____ day of _____, 2009.

APPROVED:

Mayor

ATTEST:

Village Clerk

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

CERTIFICATE

I, Sheila McGann, Village Clerk of the Village of Park Forest, Cook and Will Counties, State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, AN ORDINANCE AUTHORIZING THE VILLAGE OF PARK FOREST, COOK AND WILL COUNTIES, ILLINOIS TO BORROW FUNDS FROM THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“IEPA”) PUBLIC WATER SUPPLY LOAN PROGRAM,” which was adopted by the corporate authorities of the Village of Park Forest, on _____, 2009, and approved by the Mayor of the Village of Park Forest on the same said date, the original of which is part of the books and records within my control as Village Clerk of the Village of Park Forest.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Park Forest, Illinois, at the said Village, in the County of Cook and State of Illinois, on _____, 2009.

Sheila McGann, Village Clerk

(SEAL)