

SPECIAL MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF PHILO, ILLINOIS  
October 1, 2013

The meeting was called to order by President Larry Franks at 7:02 p.m. at the R.E. Franks Meeting Center in the Eileen Painter room.

GUESTS: Jeremy Rieman, Alyx Parker, Julia Leatherwood, Susan Ward and Paul Hendren

ROLL CALL: Present-Trustees John Mumma, Steve Sappenfield, Pat Pioletti, and Paul Brady. Absent-Trustees Steve Messman and Rachael Garrett.

DISCUSSION OF PLANS FOR 908 SOUTH ADAMS STREET:

Paul Hendren explained that Mr. James Rhodes, special counsel to the Village, is not available but that his partner and associate, Mr. Lance Malina, will join the meeting by phone. Mr. Malina will make summary comments about the legal opinion and take questions from Trustees and the audience. The opinion is a confidential document and will not be available to the public, media or Alan G. Ryle Companies. Mr. Hendren noted that representatives from Alan G. Ryle Companies are present: Jeremy Rieman, Director of Operations and Alyx Parker, Attorney.

Mr. Malina of Klein, Thorpe & Jenkins Ltd. joined the meeting by telephone at 7:07 p.m. This issue - an eight-bed group home located in a residential neighborhood - has not been encountered before in Philo. As detailed in the opinion, the situation is not controlled by the zoning ordinance. The Federal Fair Housing Act Amendments passed in 1988 preempt zoning regulations in conflict with it. In addition, reasonable accommodations must be made for an eight-bed group home, the industry standard. In other words, the zoning code must be interpreted to allow it.

The trustees and audience were invited to ask questions. There were not at this time.

Mr. Hendren stated the Village has two alternatives: 1) Interpret existing zoning provisions to permit and allow the eight-bed group home, or 2) If zoning provisions do not allow the group home, accommodate the eight-bed group home to meet federal standards.

Trustee Sappenfield ask if there is anything the Village can change in the zoning ordinance to control where these types of properties are located in the future. Mr. Malina responded that in cases to date it has been found that one can limit the number of unrelated individuals in a household beyond 8 persons, and one can require a minimum amount of spacing between group homes to address density concerns.

Trustee Mumma inquired about street parking - are the Village ordinances enforceable or require accommodation? Mr. Malina said we would have to look at how it would apply. Who at the group home would be affected? How would the company be affected? Any regulations regarding parking would have to be enforced equally across the Village.

Trustee Pioletti noted that early in the process the Village discussed the group home perhaps being similar to a nursing home which qualifies as a special use in the Village zoning ordinance. Now it appears the group home is a unique use. Mr. Malina responded that yes, the group home is unique. Federal law has intervened to create a unique category.

Trustee Mumma inquired if the group home will have to follow other Village ordinances. Mr. Malina said courts have upheld that group homes have to comply with fire codes, safety codes, weed control, etc.

Mr. Hendren summarized that these provisions are based on federal and state laws that remove or eliminate normal Village discretion and control over property use in the Village. Mr. Malina said many cases involving municipalities have been decided since 1988.

Trustee Brady noted that one thing that has troubled constituents is that A. G. Ryle Companies is a for-profit business. Mr. Malina said that cases addressing this point have been struck down. The focus is on the patients and residents, rather than the property ownership.

Mr.'s Hendren and Malina agreed that no decision needs to be made by the Board at this time. The company is not seeking permission or authority. The Board has a regular meeting Wednesday, October 9 and that would be an appropriate time to discuss and perhaps consider a motion on the matter. Mr. Hendren will draft a motion for consideration and consult with Mr. Malina. Mr. Malina left the meeting at 7:33 p.m. Village President Franks asked for any further discussion. There was none.

MULCH HAULING FOR CALEB O'NEILL PARK IN WILLOW RUN:

Country Arbors Nursery has 30 cubic yards available for \$31/yd, or \$999.75 total. The Village will have to haul the mulch. It is believed that the cost will be split between the Village and Bill O'Neill. Trustee Pat Pioletti made a motion, seconded by Trustee John Mumma to pay \$499.88 for half of the mulch and haul the mulch for Caleb O'Neill Park. Roll call vote; "aye's", Trustees Mumma, Sappenfield, Pioletti and Brady. Motion passed unanimously.

LIGHT POLES AT BIG BALL DIAMOND:

The two poles removed per the September 11, 2013 meeting were not in good shape. The poles are over 20 years old. This would be a good time to change all of the light poles at the big ball diamond. Six poles are needed. The estimate is for grade 3 (medium grade) poles that should last 20 years or more. Bill O'Neill will pay for two, 60-foot poles (\$1,034 each) at a cost of \$2,068. The Village is asked to purchase four poles - two, 60-foot poles (\$1,034 each) and two, 70-foot poles (\$1,644 each) - at a cost of \$5,356. It is believed that the installation will be donated. Lights also need to be purchased and new wire run.

Trustee Pat Pioletti made a motion seconded by Trustee John Mumma to purchase two 60-foot light poles and two 70-foot light poles for the big ball diamond at a cost of \$5,356. Roll call vote; "aye's", Trustees Mumma, Sappenfield, Pioletti and Brady. Motion passed unanimously.

MOTION TO ADJOURN: Trustee John Mumma made a motion, seconded by Trustee Pat Pioletti, to adjourn the meeting.

---

DEPUTY VILLAGE CLERK

---

VILLAGE PRESIDENT