

The City of Lake Forest  
CITY COUNCIL MEETING  
*Proceedings of the Monday, September 7, 2021*  
City Council Meeting - City Council Chambers  
**REMOTE ACCESS MEETING**

CALL TO ORDER AND ROLL CALL: Honorable Mayor Pandaleon called the meeting to order at 6:30pm, and the City Clerk Margaret Boyer called the roll of Council members.

Present: Honorable Mayor Pandaleon, Alderman Morris, Alderman Karras, Alderman Rummel, Alderman Notz, Alderman Preschlack, Alderman Goshgarian, Alderman Buschmann and Alderman Weber.

Absent: none

**CALL TO ORDER AND ROLL CALL**

**PLEDGE OF ALLEGIANCE** was recited.

**REPORTS OF CITY OFFICERS**

**COMMENTS BY MAYOR**

Mayor Pandaleon made the following statement as required by the Open Meetings Act. In accordance with state statute, Mayor Pandaleon has made a determination that it was not practical or prudent to schedule an in-person City Council meeting because of the COVID-19 pandemic, which is why this September 7, 2021 City Council meeting is being held remotely.

Mayor Pandaleon spoke about the recent music festival and antique car show.

**COMMENTS BY CITY MANAGER**

**A. Community Spot Light**

- **Open Lands, Susie Hoffman, Director of Education and Center for Conservation Leadership**

City Manager Jason Wicha introduced Open Lands, Director of Education, Susie Hoffman, to provide an update on their upcoming events. She provided the City Council with information on their latest events including the recent Land Blessing, Helping Hands, and their signature event, Bagpipes and Bonfire. Ms. Hoffman stated that Bagpipes and Bonfire is scheduled to take place on September 19 from 4 pm – 8 pm.

**OPPORTUNITY FOR CITIZENS TO ADDRESS THE CITY COUNCIL ON NON-AGENDA ITEMS**

Members of the public can provide public comment by calling into the following number during the meeting: 847-810-3643

**COMMITTEE REPORTS**

**ITEMS FOR OMNIBUS VOTE CONSIDERATION**

- 1. Approval of August 2, 2021, City Council Meeting Minutes**
- 2. Approval of the Check Register for the Period of July 24 – August 27, 2021**
- 3. Approval of an Amendment to the City Council Schedule of Regular Meetings Previously Adopted by the City Council for the Year 2021**

**COUNCIL ACTION: Approval of the three (3) Omnibus items as presented**

Mayor Pandaleon asked members of the Council if they would like to remove any item or take it separately.

Seeing none, he asked for a motion. Alderman Rummel made a motion to approve the three (3) Omnibus items as presented, seconded by Alderman Weber. The following voted "Aye": Alderman Morris, Karras, Rummel, Notz, Preschlack, Goshgarian, Buschmann and Weber. The following voted "Nay": None. 8-Ayes, 0 Nays, motion carried.

*Information such as Purpose and Action Requested, Background/Discussion, Budget/Fiscal Impact, Recommended Action and a Staff Contact as it relates to the Omnibus items can be found on the agenda.*

**ORDINANCES**

**OLD BUSINESS**

**NEW BUSINESS**

- 1. Consideration of an Appeal of a Decision of the Historic Preservation Commission to Deny a Certificate of Appropriateness for the Third Condominium Building in the McKinley Road Multi-Family Planned Development. (Action by Motion)**

Mayor Pandaleon made a statement providing details of the process the City Council will follow for the item presented. Specifically, Mayor Pandaleon stated that the Council would not be conducting a public hearing on this appeal as that hearing had been held by the Historic Preservation Commission. He also noted that the zoning and development approvals were not the subject of this hearing. He addressed various communications submitted by an attorney for neighboring residents, and noted that in his opinion, the City Council had jurisdiction to consider the appeal tonight.

City Attorney, Julie Tappendorf, then provided additional information regarding the appeal process. She stated that the City Council had the authority to consider an appeal of the Historic Preservation Commission's decision to deny an application for a certificate of appropriateness. She also noted that the Council had been provided with a significant amount of information and documentation relating to the Commission's hearings and proceedings. She stated that the City Code provides that the Council is to consider the same standards as the Commission but that is not the only consideration and the Council is to consider the standards in the context of the Council's other responsibilities to the City, including the responsibility to promote the public health, safety, and welfare and its fiduciary responsibilities to the City.

Director of Community Development, Catherine Czerniak, presented a brief background of the McKinley Road development. Ms. Czerniak began by providing the history of the first two Phases of the project that are completed. Additionally, she explained the timeline of this project, and the outcomes at its various levels of discussion.

The Appellant, Peter Witmer, made a presentation about its appeal, explaining the changes that were made to the proposed project to address concerns raised by the Historic Preservation Commission about the project. Mr. Witmer stated that he believe the Commission erred in denying his application when it adopted findings that were contrary to its decision, and requested the decision of the Historic Preservation Commission be overturned.

Alderman Morris provided a statement recusing himself from the proceedings of this item.

Mayor Pandaleon asked members of the City Council to provide brief preliminary comments regarding the McKinley Road development project to see where the Council stands before going to public comment.

Alderman Notz offered comments in support of overturning Historic Preservation Commission decision, including his opinion that the application satisfies the standards and that the process was thorough and fair to all parties.

Alderman Buschmann offered comments in support of upholding the Historic Preservation Commission decision. He stated that the Commission did make findings that the standards weren't met and that the Council should affirm the Commission and deny the appeal.

Alderman Rummel offered comments in support of upholding the Historic Preservation Commission decision for numerous reasons, including that the application failed to meet all of the standards and based on the Council's fiduciary responsibility.

Alderman Weber stated she was inclined to uphold the Historic Preservation Commission decision.

Alderman Karras also stated she was in favor of upholding the Historic Preservation Commission decision.

Alderman Preschlack offered comments in support of overturning Historic Preservation Commission decision. He stated his opinion that upholding the Commission does not strike the right balance. He stated six reasons for his opinion, including the potential legal liability if the City Council denied the appeal, the potential chilling effect on future development.

Alderman Goshgarian offered comments in support of overturning Historic Preservation Commission decision. He stated his opinion that the standards were met and that the Commission erred in denying the application.

Mayor Pandaleon opened public comment.

Robert Grabemann, Attorney for the Neighbors, provided comments to the City Council on behalf of the residents in the historic district. He stated that the appeal is based on a misrepresentation of the Commission hearing and that Commission members stated that certain standards were not met. He asked the Council to uphold the HPC decision.

Regina Lind offered comments to the City Council including her opinion that the north façade is not compatible.

Tim Downey offered comments to the City Council including his opinion that the application did not meet the standards and that there would be litigation either way.

Mark Pasquesi offered comments to the City Council including that upholding the Commission would chill future development and be a setback for Lake Forest and asked the Council to overturn the Commission.

Susan Athenson offered comments to the City Council in her role as President of the Lake Forest Preservation Foundation. She asked the Council to uphold the Commission and stated her opinion that the application failed standards 1, 8, 10, 14, 2-6, 8, 9, and 11 and that it is not visually compatible.

Tom Prarie offered comments to the City Council, including that he had submitted a letter to the Council. He expressed his opinion that the rooftop use was a problem and asked the Council to uphold the Commission.

Leslie Lardino offered comments to the City Council, stating that she was not opposed to a building but that the proposed building does not fit and the scale and brick do not match the houses in the area.

Tom Swarouth offered comments to the City Council, including his agreement with Alderman Preschlak and provided examples of previous developments that had opposition. He stated his opinion that the decision to deny the project was a big disappointment to him and most of Lake Forest.

Reed Dailey offered comments to the City Council including his opinion that the project would impact his home and a condo project was not a transition to the neighborhood

Stephanie Capparelli offered comments to the City Council, including her opinion that the building was not visually compatible and she appreciated the Commission's decision to deny the project.

Jeff Torosian offered comments to the City Council including that the Commission's decision was not close and that the Council should listen to the Commission.

Arthur Miller offered comments to the City Council including that he supported the Commission's decision.

Patrick Corsiglia offered comments to the City Council, stating that when he purchased a unit in a neighboring building he knew there would be a third building and that the City should live up to its commitment to the developer.

Bud Angelus offered comments to the City Council including that the proposed rooftop use caused problems with residents.

Tom Sweeny offered comments to the City Council including that the City's treatment of residents is unjust and nobody wants to live in Lake Forest.

James Sharron offered comments to the City Council, including his opinion that the City should protect single family homes.

Mayor Pandaleon then provided an opportunity to the Appellant to respond to public comments.

Mr. Witmer asked about a statement made regarding potential conflicts of interest. Attorney Tappendorf responded that she was aware of no conflict of interest that would preclude an Alderman from voting on this appeal.

Following public comment, Mayor Pandaleon asked the Council if they had additional remarks.

Alderman Buschmann provided his opinions as to the proposed development. He then stated his disagreement with the Appellant's claim in its appeal that the HPC found all relevant 17 criteria were met, stating that based on the record and HPC's deliberations, the HPC had determined several specific standards were not met. He suggested a remand to the HPC if the Council felt the HPC's real intentions were not clear. Otherwise he asked for the opportunity at the appropriate time to make a motion to deny Petitioner's appeal and affirm the HPC's decision to deny a Certificate of Appropriates for three reasons. First, he stated his opinion that the basis of the appeal is faulty and without merit. Second, he stated that a review of the

record confirms that several relevant standards are not met, including the reasons stated in a communication from the Lake Forest Preservation Foundation dated 9-1-21. And third, he stated that the Council's broader responsibility for the welfare of its citizens and its fiduciary responsibility justifies denial. Alderman Goshgarian provided comments regarding the completion of the project, and the Historic Preservation Commission meeting minutes. He also discussed the existing zoning of the property and the PUD approval, and that development should be considered as a whole.

Alderman Weber provided comments regarding the architectural aspects of the project. She stated that she is in favor of multi-family but wants the building redesigned to be a better transition and had hoped the Commission would have approved a better project.

Alderman Karras provided comments regarding development in the historic district and discussed 4 factors, including the responsibility to all Lake Forest residents, the Commission finding that 5 standards were not met, the Council following Commission decisions, and that it would be bad precedent to overturn the Commission.

Alderman Rummel provided additional comments regarding the Historic Preservation Commissions decision and how it relates to the 17 standards of appropriateness. She stated that an application only needs to fail one standard to justify a denial. She stated that standards 1, 8, 2, 6, 7, 10, 4, 11, and 14 were not met. She stated that many of these were discussed during the Commission hearings, and she referenced building height compatibility, roof shapes, building massing, entrance porch, building materials, architectural style as standards that were not met. She stated that the City Code allows the Council to consider its fiduciary responsibility, as well as the health, safety, and welfare. She stated that the Council should listen to the Commission, Preservation Foundation, and residents, reject the applicant's and staff's findings, and uphold the Commission.

**COUNCIL ACTION: Options for Council action are offered below in the form of possible motions. Any of these require a motion and a second along with a roll call vote.**

1. **Deny the appeal and uphold the Historic Preservation Commission's decision to deny a Certificate of Appropriateness for the third condominium in the McKinley Road Multi-Family Planned Development.**

**OR**

2. **Grant the appeal and overturn the Historic Preservation Commission's decision.**

**OR**

3. **Remand the matter to the Historic Preservation Commission for further consideration, public testimony and action.**

Mayor Pandaleon asked if members had any questions of the petitioner. Seeing none he asked for a motion.

Mayor Pandaleon asked the City Attorney to clarify what a particular vote on a motion means prior to the City Council voting.

Alderman Buschmann asked for assistance from the City Attorney in framing a motion based on option 1. He then made a motion to deny the appeal and uphold the Historic Preservation Commission's decision to deny a Certificate of Appropriateness for the third condominium in the McKinley Road Multi-Family Planned Development. He based his motion on the three grounds he had noted earlier, as well as the statements and findings presented by Aldermen Rummel, Weber and Karras, statements made by certain Commissioners at the July 12, 2021 hearing of the Historic Preservation Commission, as well as other

evidence supporting the Commission's decision and the finding that the appeal is without merit and the application did not meet the applicable standards to justify a certificate of appropriateness. Seconded by Alderman Rummel.

The City Attorney explained that a yes vote means that an Alderman agrees with the HPC decision to deny the application and a no vote means an Alderman does not agree with the HPC decision to deny the application.

The following voted "Aye": Alderman Karras, Rummel, Buschmann and Weber. The following voted "Nay": Alderman, Notz, Preschlack and Goshgarian. The following Abstained: Alderman Morris. 4-Ayes, 3-Nays, 1-Abstention. The motion to deny the appeal and uphold the Historic Preservation Commission's denial carried.

<b>ADDITIONAL ITEMS FOR COUNCIL DISCUSSION/COMMENTS BY COUNCIL MEMBERS</b>
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<b>ADJOURNMENT</b>
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There being no further business Mayor Pandaleon asked for a motion. Alderman Rummel made a motion to adjourn, seconded by Alderman Weber. Motion carried unanimously by voice vote at 9:23 pm.

Respectfully Submitted  
Margaret Boyer, City Clerk

*A video of the City Council meeting is available for viewing at the Lake Forest Library and on file in the Clerk's office at City Hall. You can also view it on the website by visiting [www.cityoflakeforest.com](http://www.cityoflakeforest.com). Click on I Want To, then click on View, then choose Archived Meetings Videos.*