



## CITY OF PARK RIDGE

### MINUTES

#### Committee of the Whole Of the City Council

**APPROVED**

Monday, July 13, 2009  
7:00 p.m.  
Council Chambers

Mayor Schmidt called the Committee of the Whole meeting to order at 7:03 p.m.

#### 1. Roll Call

City Clerk B. Hennemann read the roll call and the following elected officials indicated their presence: Ald. DiPietro, Bach, Allegritti, Ryan, Carey, Wsol and Mayor Schmidt. There was a quorum. Ald. Sweeney arrived at 7:10 p.m.

#### 2. Approval of Minutes

Ald. DiPietro made the motion to approve the draft minutes from the Committee of the Whole Meeting of June 8, 2009. The motion passed.

#### 3. Citizens Wishing to be Heard on a Non-Agenda Item

A resident that currently resides on Busse Highway requested a parking pass for permission to park on Meacham since no parking is allowed on Busse. City Mgr. Hock suggested the gentleman speak to staff regarding his request, with Director W. Zingsheim advising the gentleman to see him later for assistance.

At this time Ald. Bach read a letter from Cathy McCue, 2905 Scottlynne Dr. regarding an incident involving an attack by a pit bull and her involvement with members of the police department.

Mayor Schmidt announced the presence of a camera for the recording of the meetings. The plan is to record and post the meetings on a website. Eventually, Mayor Schmidt would like the posting to be on the city's website; this is currently a work in progress.

Mayor Schmidt congratulated all those involved in the Taste of Park Ridge. It was a wonderful event.

#### 4. FINANCE & BUDGET

##### 1. Citations for Failure to Read Water Meter

Ald. DiPietro began by recommending the Committee of the Whole approve the first reading of an ordinance that amends Article 11, Chapter 1, Section 13 of the Municipal Code so that the finance Director or his/her designee is authorized to issue notices of violations. Director D. Lembesis explained there are currently about 300 customers that refuse to read their water meters, with the City relying on the police department to issue these tickets. This change would allow for greater efficiency.

Ald. Sweeney inquired why the system isn't automated, but due to costs (approximately 3.5 million dollars) the city has not pursued this. Other options were discussed, with Ald. Bach asking for the percentage of people who did not read their meters to the total billing. Ald. Bach would also like to know what actions the Adjudication Hearing Officer would take in the process. Ald. Wsol would like a document with exact procedures regarding the fines.

Janet Krull, 517 S. Western suggested the city explain the process to new homeowners. Ald. DiPietro made the following motion: **"Approve the first reading of ordinance that amends Article 11, Chapter**

language remains in the text. Lastly, the vote was to extend the hours and add Saturday from 8:00 a.m. to 5:00 p.m. and this passed unanimously. Ald. DiPietro made the motion **“to adopt the revisions as amended”** and this too passed unanimously.

Ald. DiPietro made the motion to **“move the Committee of the Whole direct the City Attorney to prepare the ordinance to modify Section 14-9-4 of the Municipal Code to create an exception for emergency electrical generators.”** There being no further discussion, the motion passed with Ald. Sweeney voting against.

## **2. Appeals Process for Text Amendments Denied by the Planning and Zoning Commission**

Ald. Carey made the motion that City Council ask the Planning & Zoning Commission to consider a text amendment to Section 4.8.D.2.c of the Zoning Ordinance to have a report of all denials of text amendment by the Planning & Zoning Commission read into the record of a City Council meeting not more than thirty days after the denial. The City Council would then have the right, on its own motion to review the denial. An extraordinary majority vote be required by the City Council to override the denial of the text amendment. The motion was seconded.

Ald. Allegritti moved to amend this motion, stating if the City Council sends an item to the Planning & Zoning Commission and it is denied, the City Council can approve it with a simple majority vote, any others would require an extraordinary majority vote. Ald. DiPietro opposes the amendment because he believes it undermines the Planning & Zoning Commission, and would circumvent residents from going before the Planning & Zoning Commission. Further discussion ensued, with City Attorney B. Hill, explaining a yes vote keeps the motion as read, with added language, **“except when instances where matters are referred to Planning & Zoning by the City Council only a simple majority vote would be required.”** Four were in favor and three against. The motion passed.

The vote on the main motion then took place, with the main motion noted **“as amended.”** All in favor for the motion as amended: four were in favor, three against; the motion passed.

## **3. Amendment to Article 2, Chapter 5 of the Municipal Code regarding Ethics Provisions**

Ald. Bach made the motion to **approve the ordinance amending Article 2, Chapter 5, Sections 1,3,6 and 13.** The motion was seconded. Ald. Bach inquired as to how this is different than the city’s current ethics ordinance; with Attorney Hill responding the differences occur primarily in the penalties section and the amount. This will be verified at the City Council meeting. There being no further discussion, the motion passed.

## **4. Consider text amendments to the Zoning Ordinance to allow billboard signs in certain commercial districts**

Ald. Bach made the recommendation the Committee of the Whole refer to the Planning & Zoning Commission, the consideration of modifying the city’s sign ordinance in certain commercially zoned districts to allow for billboard signs along the expressway corridors in the city. Ald. DiPietro stated this affects the 2<sup>nd</sup> and 3<sup>rd</sup> ward. Location of billboards was discussed, as was the amount of money to be paid to the city for these billboards. The proposal was \$400,000 for a 20-year lease, which Ald. DiPietro did not believe to be a good deal. This company is asking for a text amendment to allow for larger square footage.

After a lengthy discussion, Director C. Davis suggested the applicant apply directly to the Planning & Zoning Commission since there are several layers that will need to be reviewed for a situation such as this one. Ald. DiPietro urged the committee members to vote no, adding that the applicant needs to supply much more information. Ald. Allegritti believes the payment is substantial, and there will be permit fees as well. Ald. Sweeney stated he believes fees should be resolved at the council level, and not by the Planning & Zoning Commission. City Attorney Hill explained the process and additional information that will need to be covered. Ald. Carey confirmed Director Davis’ recommendation, which was that the applicant should bring this before the Planning & Zoning Commission.



Mayor Schmidt reminded the aldermen that they could attend any and all other meetings if concerned with the process. Additional information will be required from this company when they go before the Planning & Zoning Commission. Ald. DiPietro advised aldermen to vote no on this motion, with Ald. Allegretti recommending aldermen vote yes to send to Planning & Zoning. After further discussion on the process for items sent to Planning & Zoning, a vote was taken, and the result was **four in favor with three against**, advising that this request should be sent to the Planning & Zoning Commission for consideration.

A ten-minute break was taken with the meeting resuming at 9:20 p.m.

## **B. Discussion Items**

### **1. Consider a text amendment to the Zoning Ordinance to allow for A-frame signs**

Deputy City Mgr. J. Maller explained the Chamber of Commerce has requested the City allow retailers to advertise their businesses using A-frame signs (also known as sandwich boards), placed on the sidewalk. This would require a text amendment to the Zoning Ordinance. Ald. Ryan stated he would like the chamber to apply directly to the Planning & Zoning Commission.

Gail Haller, Executive Director of the Chamber of Commerce spoke on behalf of the retailers, explaining the need for the A-frame signs is to bring in more business. Ald. Carey suggested a sample A-frame sign be brought before the commission. Ald. DiPietro suggested going straight to the Planning & Zoning Commission, but advised there should probably be a time limit for the signs being placed on the sidewalk. Ald. Bach would like to be sure the signs are esthetically pleasing, and to keep safety in mind, with Ald. Ryan agreeing the signs should be pleasing and attractive to keep in line with the recent Uptown redevelopment. The Committee agreed that the property owner should apply directly to the Planning & Zoning Commission for a text amendment rather than the City Council sending it.

### **2. Consider modifications to Sections 5-11-3 and 5-11-4 of the Municipal Code regarding a reduction in weed height.**

Ald. Ryan mentioned there have been a large number of vacant lots, along with some residential sites with tall weeds and grass and would favor an 8" weed height instead of the current 12 inches. Weeds could be a deterrent to new homebuyers. Ald. Bach favors this reduction as well and would like this as an action item at the next Committee of the Whole Meeting for either Public Works or Procedures & Regulations. All were in agreement.

### **3. Modification to the Liquor Ordinance to allow Existing Park Ridge Liquor License Holders to be able to Sell Liquor at the Taste of Park Ridge at no additional expense**

Cathy Doczekalski stated there is an additional expense, listing two options currently available, which are an offsite catering fee of \$200 for the year, or a single day license which is \$75. Both types were purchased for the Taste. Deputy City Mgr. J. Maller stated this will allow for five days for a year, and suggested defining a "Special Event." Discussion ensued whether this should apply to just the Taste of Park Ridge, or should include a more general Special Events category. Mayor Schmidt mentioned that this fee could be an additional burden to businesses in town that already have a liquor license. Ald. DiPietro suggested limiting this to the Taste of Park Ridge, as did Ald. Ryan. It was suggested placing this item as an action item on the next P & R agenda with multiple alternatives/options presented by the city attorney.

## **6. PUBLIC WORKS**

### **A. Action Items**

#### **1. Approval of a Telecommunications Licensing Agreement with KDL**

Ald. Bach made the motion to "recommended to the City Council to approve a franchise agreement for use of city right-of-way for the installation and maintenance of a fiber optic telecommunications system with Kentucky Data Link of 3701 Communications Way, Evansville, IN 47715." City