

**JOURNAL OF THE PROCEEDINGS  
OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF PARK RIDGE, ILLINOIS  
AT 505 BUTLER PLACE, PARK RIDGE, ILLINOIS  
September 19, 2005,  
CALLED TO ORDER BY Mayor Howard P. Frimark  
at 7:31 p.m.**

On roll call, the following answered present:

Ald. Crampton, Machon, DiPietro, Markech, Bateman, Jones, Radermacher, Allegretti, Baldi, Anderson, Ryan, Parker, Wsol, Cox, Mayor Frimark

Absent: None

There being a quorum present, the meeting was called to order by Mayor Howard Frimark.

The Council pledged allegiance to the flag.

Mayor Frimark asked for approval of the minutes of the Regular City Council meeting held September 6, 2005.

Moved by Ald. Cox.

Seconded by Ald. Machon.

On voice vote the motion passed.

**\*CONSENT AGENDA** (Motions included in the consent agenda are discussed in the body of these minutes).

Mayor Frimark read the consent items into the record:

- Approve warrants for period ending 9/15/05 in the amount of \$2,153,459.94
- Approval of modification to Council Policy Statement 29 – On street handicapped parking
- Approval of final payout for the Central Parking Lot reconstruction and resurfacing project in the amount of \$2,800.00

Moved by Ald. DiPietro.

Seconded by Ald. Cox.

On Roll Call Vote:

AYES: Ald. Radermacher, Allegretti, Baldi, Anderson, Parker, Ryan, Wsol, Cox, Crampton, Machon, DiPietro, Markech, Jones

NAYS: None

ABSENT: None

There being 14 favorable votes, the motion carried

**MAYOR** (Community Service Award / Boards and Commissions / Residential beautification and lighting awards / O'Hare Compatibility Commission)

Mayor Frimark said it was his pleasure to present Community Service awards to John Pflaumer and David Mangian who served on the Library Board. He summarized their accomplishments and thanked them for their service to the community.

John Pflaumer was not present to receive the award. The Mayor requested the plaque be delivered to his home.

Mayor Frimark presented David Mangian with a Community Service Award Plaque for his service on the Library Board.

David Mangian said it was his privilege to serve on the Library Board and urged residents to volunteer.

Mayor Frimark then presented additional Community Service Awards to Phyllis Ehert and Kate Kerin who served on the Youth Commission. He summarized their accomplishments.

Kate Kerin thanked City staff for their assistance to the Youth Commission, and thanked the City for the plaque.

Phyllis Ehert was not present. Kate Kerin accepted the plaque on her behalf.

Mayor Frimark recommended that Carl Brauweiler be reappointed to the Police Pension Board.  
Moved by Ald. Anderson.  
Seconded by Ald. Ryan.  
On voice vote the motion passed.

Mayor Frimark recommended that Anthony LaPelusa be appointed to the Liquor Commission.  
Moved by Ald. DiPietro.  
Seconded by Ald. Machon.  
On voice vote the motion passed.

Mr. La Pelusa said he looked forward to giving back to his community on this commission.

Mayor Frimark asked Sue Tedeschi, Assistant to the Director of Public Works, to step forward and assist him in presenting the 2005 Residential Beautification and Lighting Awards. She said the Garden Club has been an active part of our community for many years. The time and energy that its members devote to this and other programs benefit the entire City.

Ms. Tedeschi read off the names of the winners of the 2005 Beautification awards:

Terry & Kathi Schultz	116 N. Wisner
Robert & Stacey Wesselkamper	239 Lake
Cliff Gross & Kim Hopman	1305 S. Clifton
S. Alexei Gitter	910 S. Crescent
Lisa Guidi	119 S. Chester
Michelle Priefer Walbert	305 S. Delphia

Beautification Awards (continued)

Cindy Tauber	1617 Marguerite
Michael & Michelle Staerzl	1315 Good
Steve & Susan Dolan	825 Forestview
Maria & Peter Samaan	545 Forestview

Lighting Awards:

Robert & Stacey Wesselkamper	239 Lake
Robert F. Sitek	805 S. Greenwood

The winners of the Beautification Awards were given a check for \$100 from the City. The winners of the residential lighting awards were given a check for \$100 donated by Russ Gentile of Brophy Electric. All recipients were given a lawn sign indicating that they were the recipients of the award.

The City Council thanked and applauded the winners.

Mayor Frimark asked Ald. Markech to report on the O'Hare Compatibility Commission Intergovernmental Agreement and Gate Report.

Ald. Markech brought the new ONCC Agreement to the Council's attention with the request that it be reviewed and approved by the City Council by the end of the year. She added that the Gate Report for O'Hare Airport that was requested has not been received and she hoped to obtain that in the near future.

Mayor Frimark said that in the October 2005 issue of the Chicago Magazine, Park Ridge was named the healthiest communities among 195 towns in the six-county metropolitan region. In their study of the healthiest places to live, Park Ridge rates #1 among communities with populations between 25,000-49,999. The study looked at 15 variables in three categories – Public Health, Safety and Environmental Health – for each town, and the towns were then ranked in comparison with their peers. Park Ridge ranked #1 in Environment and Safety and #3 in Health.

**CITY ATTORNEY** (Settlement on Wireless Class Action Settlement)

City Attorney Hill asked the City Council to approve a settlement in the PrimeCo Wireless Class Action Settlement. He summarized that for many decades, Illinois Municipalities were able to enter into franchise agreements with public utilities for use of right of ways which included some type of payment for the use. The U.S. Supreme Court in 1980 held that those charges to the public utilities for the use of the right of way were invalid and we were left in limbo for a number of years as to whether existing franchise agreements were still enforceable. In mid 1990, the Illinois legislature and municipalities agreed to adopt legislation to compensate the municipalities and be a substitute for the franchise fees (Infrastructure Maintenance Fee). It allowed a municipality to have a percentage tax added to all of the electronic communications that either were started or received in the municipality and the City collected on that for a number of years. Primco, as a wireless provider, challenged it because they said they did not use the rights of way since they were wireless. Ultimately, the IL Supreme Court agreed with them and the other wireless providers who joined them in the lawsuit. The landline also joined but the judge dismissed the case because there is a connection between their use of the right of way and the tax.

The City agreed to join in with other municipalities to save litigation costs and had one law firm represent us. When the Supreme Court decided that we would be liable for what had been paid to us from the wireless usage, it was inevitable that we needed to settle this litigation. He believed it has been settled on favorable terms. The agreement is (if approved by the judge) that we will pay back into the class 70% of what we have received from the wireless providers over the years. There is also a possibility that over the next 5-7 years we may even receive some of this back. The settlement figure for Park Ridge is \$114,000. The City has been anticipating this for the last year. At this point, the only alternative to paying this amount is appearing at a Fairness Hearing where the judge decides whether the settlement to the class is a fair one to all involved. There is every indication that the judge intends to approve this. He felt it was an appropriate settlement given that the Illinois Supreme Court has definitely ruled against us. We agreed in the agreement that whatever the result was, that would be the result.

Ald. Crampton said this issue is not an action item because we already agreed to it by the action that the Council took when it joined the class action suit.

Ald. Baldi reminded the Council that this is not in the budget.

The Aldermen discussed some of the options of the lawsuit.

**CITY CLERK** (Closed Session minutes)

City Clerk Henneman stated that the review of the Closed Session minutes were to have been reviewed in closed session this evening, however the Agenda has been revised. Some Aldermen have requested a personal review of the closed Session meeting before voting on their release. She asked any Aldermen interested in reviewing the minutes should contact the Clerk's office to schedule an appointment to review the minutes until the 30<sup>th</sup> of September. The City Attorney and City Manager decide which ones could and could not be released at this time. She said the Closed Session minutes are very brief by nature and by Statute.

Ald. Anderson: suggested taking out "these minutes are approved for content." In the proposed Resolution.

**CITY MANAGER** (Adjourn to Closed Session regarding pending ad threatened litigation / Reciprocal Easement Agreement for Target Area 2)

City Manager Tim Schuenke asked for a motion to adjourn to Closed Session to discuss Pending and Threatened Litigation Section 2 (c)(11))

Moved by Ald. Cox.

Seconded by Ald. DiPietro.

On Roll Call Vote:

AYES: Ald. Allegritti, Baldi, Anderson, Parker, Ryan, Wsol, Cox, Crampton, Machon, DiPietro, Markech, Bateman, Jones, Radermacher

NAYS: None

ABSENT: None

There being 14 favorable votes, the motion carried

City Manager Schuenke asked the City Council for Approval of Reciprocal Easement Agreement as required for Target Area 2 Redevelopment. The developer will be responsible for maintenance and security in the various parking areas of the development and the agreement detailed various aspects of that. This is the parking lot that will be associated with the parking lot on former Bredemann Buick property.

City Attorney Hill reviewed that this agreement provides for the manner in which the parties are going to be able to use each other's property (ingress and egress, utility placement, repair of damage to property, insurance, etc.) the parties being the residential property owners, the commercial property owners and the City. The City's only interest is the service parking lot.

Ald. DiPietro moved approval of the Reciprocal Easement Agreement for Phase 2 of Target Area 2.

Seconded by Ald. Markech.

Aldermen discussed the following:

- The City will be paying a part of the salaries, wages and fringe benefits of operators and employees who work on maintenance at this city facility based on the City's 100 parking spaces only.
- If the City's standards are not met from the employees who work at this facility, we can charge back without incurring costs to the City. There will be unannounced inspections of the facility.
- The City's Police Department will patrol this area.

On Roll Call Vote:

AYES: Ald. Allegritti, Baldi, Anderson, Parker, Ryan, Wsol, Cox, Crampton, Machon, DiPietro, Markech, Bateman, Jones, Radermacher

NAYS: None

ABSENT: None

There being 14 favorable votes, the motion carried

#### **CITIZENS WISHING TO ADDRESS THE CITY COUNCIL ON NON-AGENDA ITEM:**

Cynthia Funkhouser 1020 Hamlin Avenue, Park Ridge, IL and mother of a student at Maine South High School felt that Ald. Parker and Ryan were correct in their effort to have a traffic officer placed at the Maine South Talcott crossing. She felt this was a community problem that has been in existence for a long time.

Sue Daul 1447 Bonita Drive, Park Ridge, IL was concerned about traffic and safety around Maine South especially with the recent accident involving a student that was hit crossing Talcott over the Labor Day weekend. She urged the Council to take some action to solve the traffic areas in the Maine South Area since there is no safe crosswalk. She suggested a police officer or that there be conversations with IDOT to solve this problem.

Rita Hamby 1447 Garden, Park Ridge, IL felt there are key issues the City Council should consider such as congested areas, increased enrollment, and time schedules of the school. She felt the City needs to protect students in our area and we need safety management in this area for a safer environment.

Rex Parker 612 S. Greenwood Park Ridge, IL (Alderman of the 6<sup>th</sup> Ward) said that Maine East has dedicated traffic signals. Maine West has committed and paid dollars to make their school safe. He felt the Council should step up and protect the students at Maine South. He felt that the Police should deploy personnel morning and afternoons in the interim until a better solution is reached.

Ald. DiPietro suggested a flashing yellow light could be installed to slow down the traffic during busy traffic periods. He confirmed the cost could be approximately \$200,000 for that safety device.

Ald. Anderson advised that the Public Safety Committee meeting is working on this issue and will come up with a practical and effective solution.

Ald. Parker asked if the Council would consent to deploy a police officer when they get a plan from the City Engineer for mornings and afternoons at Maine South High School.

Ald. Wsol reminded the Council that at the Public Safety Committee meeting, Ald. Parker requested that the Police Chief use a three-week period to assign staff to patrol the area on Talcott. The Police Chief came back and said that that was not necessarily what we would be doing. He asked what path would be taken now?

Police Chief Caudill said that this incident happened on 9/2/05 and since then he has spoken with staff, the Public Safety committee, and District 207 to solve the traffic safety at this area. They are looking at the best options that are available and practical which were discussed at the Public Safety meeting. Since this happened on 9/2/05, it has been a concern. He also was concerned and they are looking at options that could be enforced in that area.

Director of Public Works Joe Saccomanno said that there would be more information in the near future. They are looking at installing school zone signs on Talcott within 1-2 days. They are also in contact with the school to conduct a traffic study in that area which is critical. Maine South will take that idea to their Board and see what their reaction is. We need to make sure that 207 is on board with this issue. He said Principal Claypool said that the gate on Talcott was locked and someone must have opened it.

Ald. Cox asked if the City could have increased fines for speeding through all the City's school zones?

City Attorney answered yes.

Ald. Cox requested this issue be referred to Procedures and Regulations.

Ald. Parker requested a Police Officer in the area now, twice a day, until long-term remedies were addressed.

Ald. Ryan said the gate off Talcott was wide open today. She was in favor of an officer at the site as soon as possible.

Ald. Radermacher stated that there is an officer now that rotates between schools in the area to slow traffic down in the school areas.

Ald. Markech felt that the issue of jaywalking should be addressed and the City should enforce the laws we have. Individuals should be reminded about safety and where they can cross and where they cannot.

Ald. Baldi felt that Public Works should find the best crosswalk location for pedestrians to cross. Access in and out of Maine South, cars coming off of Talcott and the pedestrians are the three issues that need to be addressed.

Ald. Wsol suggested a short and long term solution. He suggested for the next 3 weeks we ask the Police Department to monitor this area for two hours, write tickets for speeding, and jaywalkers until staff can come up with a comprehensive plan.

Police Chief Caudill said 50% of the students were crossing inappropriately into the gate that was open off Talcott that the school said they would keep it closed which would help eliminate a good part of the problem. There are crossing guards at Talcott/Seminary and Talcott/Western. He said they plan on making some adjustments regarding longer hours. When the school zone signs are put in place and officers will start writing tickets for speeding. Other solutions are being addressed.

Ald. Anderson expressed his faith in Public Works and the Police since they are the experts.

Ald. Radermacher said that there are also safety issues at Carpenter School also and he hoped that the safety officers would still spend time there and not be relocated to other schools in the area.

Mayor Frimark requested that Chief Caudill and Public Works Director get together and discuss this issue and report back to the Public Safety Committee.

## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES: SPECIAL COMMITTEES, BOARDS AND COMMISSIONS**

**PLANNING & ZONING COMMISSION – Ald. Crampton, Liaison** (Special Use St. Paul of the Cross Church / Text Amendment for planned developments in Target Area 2)

Ald. Crampton moved City Council direct the City Attorney prepare an Ordinance approving a Special Use Amendment for parking lot lighting at 225, 231 Ridge Terrace and refuse storage screening at 239 Ridge Terrace which is also to be incorporated into the St. Paul of the Cross campus Zoning Case Number SU-05-01, as discussed at the last meeting relating to refuse containers, 239 Ridge Terrace Special Use, and lighting.

Seconded by Ald. DiPietro.

Ald. Crampton summarized the issues associated with parking lot lighting, refuse collection and adjacent church property was discussed. He summarized it was agreed there would be an enclosed garage for the refuse.

City Attorney Hill drew the Council's attention to a handout including suggested language that be substituted for Subparagraph 4/Section 1. He explained that there is certain language that is put in every Special Use permit. One of them is language that is Paragraph 4/Section 1, which is meant to say that we approve only those items that actually appear in the Ordinance. This language only pertains to this Ordinance.

Ald. DiPietro made a friendly motion to accept the suggested language in the handout.

Ald. Crampton accepted the amendment.

Ald. Anderson felt that this was not specific enough and requested it be “tightened up” to try to avoid further misunderstandings.

Mayor Frimark asked for a roll call vote on the Ordinance as amended.

On Roll Call Vote:

AYES: Ald. Wsol, Cox, Crampton, Machon, DiPietro, Markech, Bateman, Jones,  
Radermacher, Allegretti, Baldi

NAYS: Ald. Ryan, Parker, Anderson

ABSENT: None  
There being 11 favorable votes, the motion carried

Ald. Crampton moved final approval for the Text Amendment for planned development for Target Area 2 Zoning Case #TA-05-01.

Seconded by Ald. DiPietro.

On Roll Call Vote:

AYES: Ald. Ryan, Parker, Wsol, Cox, Crampton, Machon, DiPietro, Markech, Bateman,  
Jones, Radermacher, Allegretti, Baldi, Anderson

NAYS: None

ABSENT: None  
There being 14 favorable votes, the motion carried

**LIQUOR COMMISSION – Ald. Frimark, Commissioner** (Hay Caramba location change)

Mayor Frimark said that on September 19, 2005 Hay Caramba filed a request to change the location for Liquor License Number 36. The current location, 146 Euclid in Summit Mall, will be closing this week Tuesday. The new location at 122 South Prospect is expected to open this week Wednesday. Per Article 12, Chapter 6, Section 19 of the Municipal Code a change of location can be made in writing by the Liquor Commission after reporting to the City Council. The new location is a restaurant and meets the requirements for the sale of alcoholic liquor – a Class B-1 liquor license.

**STANDING COMMITTEES:**

**PROCEDURES & REGULATIONS COMMITTEE – Ald. Cox, Chairman** (Final

\* Approval of Modification to Council Policy Statement 29 – On Street Handicapped Parking

On Roll Call Vote:

AYES: Ald. Radermacher, Allegretti, Baldi, Anderson, Parker, Ryan, Wsol, Cox,  
Crampton, Machon, DiPietro, Markech, Jones

NAYS: None

ABSENT: None  
There being 14 favorable votes, the motion carried



Ald. Cox reported that at the Procedures and Regulations Committee meeting, the committee deferred the creation of an Economic Advisory Commission until January 1, 2006 as called for in the reorganization of the Economic Development Commission.

**PUBLIC WORKS COMMITTEE – Ald. Jones - Chairman** (Central Parking Lot Reconstruction)

\* Approval of the Final Payout for the Central Parking Lot Reconstruction and Resurfacing Project - \$2,800.00.

On Roll Call Vote:

AYES: Ald. Radermacher, Allegretti, Baldi, Anderson, Parker, Ryan, Wsol, Cox,  
Crampton, Machon, DiPietro, Markech, Jones

NAYS: None

ABSENT: None

There being 14 favorable votes, the motion carried

**FINANCE & BUDGET COMMITTEE - Ald. Crampton, Chairman** (Warrants for period ending September 15, 2005)

\* Approve warrants for period ending September 15, 2005 in the amount of \$2,153,359.94.

On Roll Call Vote:

AYES: Ald. Radermacher, Allegretti, Baldi, Anderson, Parker, Ryan, Wsol, Cox,  
Crampton, Machon, DiPietro, Markech, Jones

NAYS: None

ABSENT: None

There being 14 favorable votes, the motion carried

**PUBLIC SAFETY COMMITTEE – Ald. Anderson - Chairman**

Ald. Anderson said that at the last meeting, diversity in hiring and recruiting for the Police Department and the Fire Department was discussed. He invited the Public Works Committee and the Library Board to address this issue.

Ald. Anderson reported that a few days ago there was an alcohol compliance check. The state police sent an underage individual into all of our liquor license holders and he attempted to purchase alcohol. He felt it was disheartening that 6 of the 18 establishments that were checked failed and agreed to serve the underage person. The Committee's general consensus was that we should ask the Police and the Liquor Review Board to pursue these matters with diligence.

Ald. Anderson reported that there have been some issues regarding carnival workers and background checks. The committee has asked the Police Department to look into an Ordinance to enhance the safety of our children and others when the City has traveling attractions.

**NEW BUSINESS**

Ald. Parker said that he would be sending a new Ordinance to Public Works to be reviewed entitled "You choose it - cable ordinance". The new Ordinance will direct the City to arrange at least one additional service provider to give our residents an alternative to Comcast who is now our sole provider. Arlington Heights and other suburbs provide residents with a choice. He felt this would provide more competition.

Ald. Wsol suggested that the businesses that were in compliance regarding the liquor checks, the positive results of the restaurant owners should be shared with the press. He wanted to see the Liquor Commission come back to the repeat offenders and for the offender that had an underage person serving alcohol to minors, that the Liquor Commission consider suspending their license perhaps for a year and enforcing a substantial fine.

Mayor Frimark said that the 6 servers have appeared in court and 5 have been fined \$1,000 for serving minors. We are in the process of sending letters out this week to all the restaurants that were in compliance congratulating them. The other 6 restaurants that were guilty of serving minors are being notified this week that they are to appear before the Liquor Review Board for further review and consequences.

Ald. Wsol announced that on September 22, 2005, Maine South, Maine Community Youth Assistance Foundation is having a meeting at 8:30 a.m. to demonstrate canine associates international cocaine detection services. He invited the Aldermen and residents to attend.

Ald. Anderson announced that the Fire Department is hosting an Open House on October 1, 2005 from 12:00 p.m. to 4:00 p.m.

Ald. Radermacher said he has received requests from residents for the City's plan for emergency situations. He asked the Public Safety Committee to find a way to communicate this to the residents.

Mayor Frimark reported that the 1<sup>st</sup> City fundraiser for Hurricane Katrina would be held on Sunday, September 25, 2005 from 5-11 p.m. at Walters Restaurant. He invited everyone to attend.

The Second all City event will be held October 2, 2005 at Hodges Park from 2-6 p.m.

Ald. Cox moved the City Council adjourn to Closed Session at 9:18 p.m.  
Seconded by Ald. DiPietro.

The City Council took a 5-minute recess.

Ald. Crampton moved the City Council return to Open Session at 10:20 p.m.  
Seconded by Ald. Machon.

## **ADJOURNMENT**

Ald. Crampton moved to adjourn the City Council meeting.  
Seconded by Ald. Machon.  
On voice vote the motion passed.

The regular meeting of the City Council of the City of Park Ridge was adjourned at 10:21 p.m.

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Howard P. Frimark, Mayor

Attest:

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Betty W. Henneman, City Clerk