

**JOURNAL OF THE PROCEEDINGS
OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF PARK RIDGE, ILLINOIS
PARK RIDGE CITY HALL
COUNCIL CHAMBERS
505 BUTLER PLACE, PARK RIDGE, ILLINOIS
July 6, 2009
CALLED TO ORDER BY
Mayor David F. Schmidt at 7:30 p.m.**

ROLL CALL

City Clerk Henneman read the roll call and the following Elected Officials indicated their presence at the meeting: Mayor Schmidt, Ald. DiPietro, Bach, Allegretti, Ryan, Carey, Wsol and Sweeney. There was a quorum.

APPROVAL OF MINUTES

Ald. Bach moved approval of the June 15, 2009 regular City Council Meeting minutes.
Motion seconded.

On voice vote, motion carried. Ald. Sweeney abstained.

Ald. Bach moved approval of the June 15, 2009 City Council Workshop Meeting minutes.
Motion seconded.

On voice vote, motion carried. Ald. Sweeney abstained.

Ald. Bach moved approval of the June 29, 2009 Special City Council Meeting minutes.
Motion seconded.

On voice vote, motion carried.

CONSENT AGENDA*

Mayor Schmidt read the following consent agenda items into the record:

PUBLIC WORKS COMMITTEE

- Final approval of an Ordinance / Parking Meters on Summit Avenue, east of Washington Avenue, 13-16-8

FINANCE AND BUDGET

- Approve warrants, reviewed by Ald. Ryan, for the period ending June 29, 2009 in the amount of \$2,098,190.86 and for the period ending June 28, 2009 in the amount of \$72,824.21

PUBLIC SAFETY COMMITTEE

- Final approval of modifications to Section 13-4-4 of the Municipal Code to prohibit use of skateboards and similar devices in the underground parking garage in Target Area 2.

Moved by Ald. DiPietro. Motion seconded.

ON ROLL CALL VOTE:

AYES: Ald. Bach, Allegretti, Ryan, Carey, Wsol, Sweeney and DiPietro

NAYS: None

ABSENT: None

Motion carried.

REPORTS OF CITY OFFICIALS

MAYOR

Mayor Schmidt commented on the fireworks display held at Maine East High School on July 3, 2009. He thanked those who were instrumental in organizing the event in addition to those who made monetary donations, including that received from American Eagle, a Park Ridge company owned by a Park Ridge resident.

Mayor Schmidt announced that the Chamber of Commerce and Illinois Development Council jointly presented the Edie Award to PRC Partners for its Uptown Development Project. The award honored those who imagine, design, invest, build and bring jobs, growth and prosperity to Illinois communities. Some City staff attended the event.

Mayor Schmidt accepted the following appointments to various Boards and Commission, as recommended to him by the Mayor's Advisory Board:

- Daniel Craig: Appointment to Youth Commission
- John Sciafani: Appointment to Zoning Board of Appeals
- Brian Kidd: Re-appointment to Appearance Commission
- Randy Derifield: Appointment to Appearance Commission
- Ronald Jablon: Re-appointment to Community Health Commission
- Anita Rifkind: Re-appointment to Planning and Zoning Commission
- Gary Ziols and Jennifer Perry: Appointment to O'Hare Airport Commission
- Alice Boghosian and Natalie Bontumasi: Re-appointment to Public Art Commission
- Margaret Harrison, Dorothy Hynous and Richard Van Metre: Re-appointment to Library Board of Trustees

Motion to approve appointments by Ald. Wsol. Motion seconded.

On voice vote, motion carried.

City Clerk Henneman presented First Ward Alderman Joe Sweeney with his Aldermanic badge. Ald. Sweeney was sworn into office on June 15, 2009.

City Clerk Henneman swore in the City's new Chief of Police, Frank J. Kaminski administering the standard Oath of Office in addition to the International Oath of Office for Law Enforcement Officers. Chief Kaminski thanked Mayor Schmidt, the City Council and City Manager Hock for their confidence in appointing him as Chief of Police. Chief Kaminski said he has committed himself for the last 35 years learning the value and personal rewards of being a public servant. He said he is honored and privileged to have been given the opportunity to serve the residents of Park Ridge, a community that has nurtured his family, given him life-long friends and fond memories. He asked that residents join him as he pledges his support and commitment to develop a policing philosophy that encourages building partnerships, encourages collaborations and solving problems. He said he is amazed by the City's police force and their desire to help the citizens and their attitude to move the department forward. He recognized family members, friends and former co-worker who were in attendance. He also recognized Commanders Jogman, Keller and Polka, Acting Commander Hansen and Deputy Chief Swoboda for their assistance with the transition within the department. Mayor Schmidt also recognized Deputy Chief Swoboda for his service as Acting Police Chief during the interim period.

Mayor Schmidt called for a 5-minute recess at 7:46 p.m. The Council reconvened at 8:00 p.m.

CITY MANAGER

City Manager Hock commented on the City's Flood Relief Action Plan, which included immediate, intermediate and long-term plans. He offered an explanation for each item. City Manager Hock announced that the consultants hired to view a number of flooding areas within the community, Burke Engineering, would be presenting their report and making recommendations at the July 29, 2009 Flood Control Task Force meeting.

He reminded the Council that they would need to address financing aspects of the proposed ideas as they come forward.

City Manager Hock said he is arranging for ComEd to come before the Council to address the repeated power outages in various areas of the community. ComEd would explain their long term plans for infrastructure improvements.

City Manager Hock provided an update regarding AT&T U-Verse. Based on an opinion from City Attorney Hill, AT&T must pay the City for any required permit fees relative to the installation of their U-Verse system and also for parkway utility boxes. AT&T disagreed and has therefore said they would not provide services to Park Ridge. After City Manager Hock mentioned other forms of compensation, the Council agreed they would welcome the opportunity to discuss the matter with an AT&T representative at an upcoming Committee of the Whole meeting.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Jorge Zavala (1925 S. Courtland) believes the City and engineers know that the problem of flooding has to do with the infrastructure. He believes too much time and money is being wasted on consulting. He said that problems need to be resolved now for the residents and if necessary, the City should borrow the money. He also spoke about the need to control traffic at the entrance of Maine South High School and suggested having a few police officers assist in traffic control.

Joan Sandrick (409 S. Clifton) said she attended a past City Council meeting that included representatives from ComEd. She asked City Manager Hock to ask them to provide information and respond in layman's terms, including time parameters for their improvements.

Kevin Hett (145 Vine street) believes the intersection of Summit and Prospect is very dangerous. He thinks that drivers are too hurried and fail to stop at the signs. He said that cars creep into the intersection to get across and that he is afraid to cross at the intersection. He believes someone will get hurt. He asked for the City to find a solution to better control the traffic pattern that has become chaotic at this intersection.

Mayor Schmidt said that he spoke to Deerfield's Village Attorney. Their attorney had filed a lawsuit against ComEd a few years ago on behalf of the village due to frequent power outages. Deerfield's attorney informed Mayor Schmidt that the lawsuit was dismissed at the trial court level on the grounds that Deerfield should have brought their complaints forward to the IL Commerce Commission (ICC), not a court of law. Deerfield is currently in the appeals stage, fully briefed and under consideration in the Appellate Court level. Mayor Schmidt said he would keep the Council abreast of Deerfield's actions, which would be indicative of how Park Ridge might want to proceed.

Ald. Bach suggested registering a complaint with the IL Commerce Commission.

Deputy Clerk Peterson added that she received many calls from distraught residents regarding the recent ComEd power outages. She said that callers have been given the suggestion to contact the IL Commerce Commission to register a complaint against ComEd, if they so desired. In closing, Mayor Schmidt requested that the news reporters offer this suggestion to residents in a press release.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

A. SPECIAL COMMITTEES, BOARDS AND COMMISSIONS

Planning & Zoning Commission – Ald. Sweeney

Ald. Sweeney moved final approval of an ordinance for map amendments to the Zoning Ordinance to change the zoning to either the R-3 Two-Family Residential District or the R-4 Multi-Family Residential District for three properties located at 200 Meacham Avenue, 229-235 North Northwest Highway and 255-257 North Northwest Highway,

Zoning Case MA-09-01. Motion seconded.

George Arnold, Attorney for Bill Napleton, sought clarification of having 200 Meacham in the aforementioned motion. In his opinion, it is not proper protocol to allow residents to decide how their neighbor's property should be zoned. He believes that leaving the current zoning on said property would be advantageous to the city by allowing any type of development proposal to be brought before the City. Mr. Arnold explained his client views this as an impingement of his property rights and that Mr. Napleton would most likely defend his rights.

Bob Trizna (716 N. Merrill) agreed with comments made by Mr. Napleton's attorney. Mr. Trizna believes the City should leave its options open for future development opportunities of the Napleton property. In his opinion, there is no apparent reason for the City to address this matter immediately.

George Kirkland (1909 Des Plaines) questioned the reason for the City moving forward on this issue. He suggested having a low volume business at the Napleton location that would generate high dollars in addition to revenue for the City.

Tony Svanascini (736 N. Merrill) agreed that this issue is being addressed with no substantial reason. He reiterated comments made by previous speakers and favors leaving the property zoned at its current state.

Jeannie Markech (1305 Tyrell) questioned whether or not the Council polled their staff members to find out if they believe spot zoning is prudent and if taking a commercial property off the tax roll is a wise decision. She believes, over long term, it would not be wise for the City to zone the property residential and that the City is impinging on Mr. Napleton's property rights. In closing, she believes the Council should follow the recommendations of the Planning and Zoning Commission.

Jorge Zavala (1925 S. Courtland) believes the City should have a mixed used development for the Napleton property. He would like to see commercial businesses on the first level and hotel and condominium use above.

Ald. Ryan spoke of the concerns raised by area residents. He recited an excerpt of recommendations taken from Uptown Plan, which promotes residential development as a buffer to Uptown retail. In Ald. Ryan's opinion, it protects and maintains the integrity of the residential neighborhood.

Ald. DiPietro said he believes that the motion before the Council, as printed on the agenda, may be incorrect, "229-235 N. Northwest Highway," and is not referenced in the final ordinance brought before the Council. He requested direction from the City Attorney. Attorney Hill accepted Ald. DiPietro's correction to the agenda and stated that no other action is required.

Ald. DiPietro moved to delete 200 Meacham Avenue from being rezoned according to the Ordinance before the Council. Motion seconded.

Ald. DiPietro stated that he is making the motion based on recommendation previously stated by Commissioner Provencher at a Planning & Zoning meeting. Provencher suggested that rezoning be considered when a proposal comes before the City.

Jeannie Markech (1305 Tyrell), once again, questioned whether or not the Council polled their staff members and obtained their opinion on the issue.

George Yaluris (1510 S. Greenwood) asked if the City has consulted with its attorney regarding legal ramifications based on Mr. Napleton's possible threat to sue the City. He does not want to see the City waste thousands of dollars in a legal battle.

Jorge Zavala agrees with Napleton's attorney that the best use of the property would be

mixed-use. Zavala believes there will be a decline of bank lending for residential properties over the next 2-3 years.

George Kirkland (1909 Des Plaines) sought the approval of the City Attorney for the Council to address the item since it was written incorrectly on the agenda.

Pat Livensparger (413 Courtland) told the Council to proceed in a manner that they believe is right and told them not to change their decision based on a threat.

Tony Svanascini (736 N. Merrill) spoke about the ramifications that a suit would have on the City based on press coverage. He does not believe the City should pursue this matter, especially with the other problems it is facing. The decision made by the Council would affect someone's life. As a business owner, he views the Council's action as an insult. For someone who pays property taxes, he said it is an incentive for him never to own any other piece of property within the City, other than his home.

Natalie Bontumasi (803 S. Chester) believes that residents should not predetermine that a business is not the best use for the Napleton site. She tends to believe that a mixed-use would work very well.

Mayor Schmidt asked Attorney Hill if the City is able to legally rezone a specific property. Attorney Hill replied in the affirmative.

Ald. DiPietro asked Ms. Davis to comment on the staff and Planning and Zoning Commission's views regarding the proposed rezoning of 200 Meacham. Ms. Davis replied that the Planning and Zoning Commission recommended that the zoning at 200 Meacham remain unchanged. Ms. Davis said she would typically recommend that the zoning remain unchanged, allowing future developers to bring their plan forward for City review. However, Ms. Davis said the proposed zoning change remains in compliance with stipulations of the Uptown Plan.

Ald. Bach learned from Ms. Davis those who were instrumental in developing the Uptown Plan in 2002. He also learned that the current Planning and Zoning Commission had a different opinion than the Commission that originally developed the plan. Ald. Bach believes there is a need to protect the plan.

Ald. Sweeney referred to the Uptown Plan as a plan, not a directive. He said plans are flexible and can be changed. In his opinion, the City should leave its options open.

Ald. Ryan believes some of the Planning and Zoning Commission members feared a lawsuit. He believes that residential zoning of the property will support the commercial businesses in the area.

City Manager Hock commented and said it is common for City's to rezone property in conformance of the City's master plan. It does not prohibit a developer from coming forward and request that the property be rezoned. Ald. DiPietro said the opposite would also be true.

On voice vote (removing 200 Meacham from the main motion), motion was defeated.

City Attorney Henn read the motion on the floor:

Final approval of an Ordinance for map amendments of the Zoning Ordinance to change the zoning to R-3 two-family residential district for two properties located at the southern parcel of 200 Meacham Avenue and 255-257 N. Northwest Highway, Zoning Case Number MA-09-01.

Moved by Ald. DiPietro. Motion seconded.

ON ROLL CALL VOTE:

AYES: Ald. Allegretti, Ryan, Wsol and Bach

NAYS: Ald. Carey, Sweeney and DiPietro



ABSENT: None
Motion carried.

Ald. Sweeney moved final approval of an Ordinance for various text amendments to the Zoning Ordinance, Zoning Case TA-09-01. Motion seconded.

Ald. DiPietro requested a division of the question, allowing Section 11.4 to be voted on separately.

Director Davis reviewed the changes made to the Ordinance based on requests made by the Council at their June 29, 2009 Special meeting. A memo was made available to Aldermen and the public regarding specific changes.

ON ROLL CALL VOTE (excluding Section 11.4):

AYES: Ald. Ryan, Carey, Wsol, Sweeney, DiPietro, Bach and Allegretti

NAYS: None

ABSENT: None

Motion carried.

The Council addressed Section 11.4.D – Generators.

Ray Warner (909 Austin) reminded the Council that generators are powered by natural gas and used for emergency purposes. He said they are quieter than trucks, contractors or machinery used by the City. He believes the Council is addressing this matter in too complex of a manner. He suggested testing be done on weekdays during normal business hours. He recited the City's Zoning Ordinance's definition of a "yard." He requested that the Council keep the Ordinance simple.

George Yaluris (an engineer residing at 1510 S. Greenwood) believes, as much as the Council wants to help the residents, there is no immediate thing they can do to help. Mr. Yaluris said that it is important to have emergency backup power available for homes, regardless of the season (ice storms, wind storms, etc). He also addressed the decibel level specifications of a generator relative to the placement in a yard. He provided data regarding decibel levels from OSHA. He would only hope that a person using a gas generator would not get ticketed because he is exceeding the acceptable decibel level. He said neighbors help other neighbors in an emergency and that the need for a generator outweighs the nuisance of the noise. He requested that the "65 decibel level at the property line" wording be removed from the Ordinance.

Jorge Zavala (1925 S. Courtland) said that the City would be avoiding this issue if the sewer infrastructure and electrical power worked properly.

Pat Livensparger (413 Courtland) explained what she thought to be the interpretation of the words "may" and "shall" within the Ordinance. Ms. Davis assisted her with comprehension.

Ald. Bach moved to amend the Ordinance, removing the words "that operate at 65 decibels or less at the property line, as certified by the manufacturer or contractor," throughout Section 11.4.D. Motion seconded.

Ald. Bach hopes the City refrains from ticketing residents using their generators at night during a power outage.

George Yaluris (1510 S. Greenwood) said he did not understand the allowances in the front yard. In addition, Pat Livensparger (413 Courtland), Ray Warner (909 Austin) and Joan Sandrick (409 S. Clifton) were still unclear about the allowable placement of a generator. Ms. Davis provided an explanation of the proposed language.

Mayor Schmidt voiced his concern about residents having difficulty interpreting the Ordinance. For this reason, he suggested referring Section 11.4.D. back to committee level for revisions of the language pertaining to generators.

George Kirkland (1909 Des Plaines) was concerned that a generator could be placed on a corner of a major intersection, blocking the view of traffic.

Ald. Ryan agreed that he would like to see the language revised, making it easier to understand.

Ald. DiPietro moved to refer the matter to the July 13, 2009 Committee of the Whole meeting for further discussion and clarification of Section 11.4.D. of the Park Ridge Zoning Ordinance. Motion seconded.

On voice vote, motion carried.

B. STANDING COMMITTEES

Public Works Committee – Ald. Bach

a. *Final approval of an Ordinance / Parking Meters on Summit Avenue, east of Washington Avenue – 13-16-8.

Moved by Ald. DiPietro. Motion seconded.

ON ROLL CALL VOTE:

AYES: Ald. Bach, Allegretti, Ryan, Carey, Wsol, Sweeney and DiPietro

NAYS: None

ABSENT: None

Motion carried.

Finance and Budget Committee – Ald. DiPietro

a. *Approve warrants, reviewed by Ald. Ryan, for the period ending June 29, 2009 in the amount of \$2,098,190.86 and for the period ending June 28, 2009 in the amount of \$72,824.21

Moved by Ald. DiPietro. Motion seconded.

ON ROLL CALL VOTE:

AYES: Ald. Bach, Allegretti, Ryan, Carey, Wsol, Sweeney and DiPietro

NAYS: None

ABSENT: None

Motion carried.

b. Ald. Wsol moved the City Council approve an immediate suspension of permit fees for owners of “existing” single-family homes adopting flood mitigation/prevention projects performed on single-family residences, including townhouses. Motion seconded.

Ald. DiPietro called for a Point of Order (for agenda items b. and c.) and explained that the matter came before the Council without standing committee action (referring to pages 4-7 of 3P Manual). He said if his Point of Order is not upheld, he would move to refer the matter to the July 13, 2009 Finance and Budget Committee of the Whole meeting. Ald. DiPietro requested a ruling on his Point of Order.

Attorney Hill said he would uphold Ald. DiPietro's Point of Order. He indicated that there is not a legal requirement for every matter to be presented before a committee. He also said that the language read by Ald. DiPietro is not mandatory language contained within the 3P Manual. According to Attorney Hill, it has been regular practice for the Council to bring matters to committee before changing the City Code. He knows of no exceptions in his tenure as City Attorney.

Ald. Wsol said that the decision to hire Burke Engineering was not done initially at a committee level but instead, brought directly before the Council for approval. City Attorney reiterated, he knew of no instances of any matter that would have directly impacted the City Code.

Ald. Bach sought confirmation that both items would be referred to the July 13, 2009 Committee of the Whole meeting.

Mayor Schmidt struck Finance and Budget Items b. and c. from the agenda.

c. Park Ridge Flood Rebate Program – stricken from the agenda
With permission granted by Mayor Schmidt, Ald. Wsol was allowed to read the following motion into the record:

Move the City Council immediately adopt a Flood Rebate Program. This program will allow for flood rebates to owners of “existing” single family homes up to a maximum of a \$2,500.00 rebate based on 25% of the actual cost of the verifiable construction of flood mitigation/prevention projects performed on a single-family residence, dating back to January 1, 2008. Only existing single-family homes (and townhouses) will be eligible whether owner occupied or not. Landlords may apply. All new construction is required to meet all appropriate building codes and is specifically excluded from this program. Projects covered by the program will include improvements for: overhead sewers; backwater valves in basements or yards; lift stations in yards; glass block basement windows in cases where a home is subject to flooding through window wells; drain tile with sump pumps; backup battery sump pumps; emergency generators for flood control systems, “French drains” which can demonstrate their effectiveness at retaining significant rainwater that causes home flooding and sump pump connections to storm sewers. The types of projects not covered include maintenance items such as normal plumbing repairs, sump pump replacements, valve replacements, sewer clean-outs and repairs. Funding for this program will be from General Fund property tax reserves in an amount of \$420,000 through April 30, 2010.

Although Ald. DiPietro found Ald. Wsol's intent well founded, he called for a Point of Order and repeated the aforementioned protocol. City Attorney Hill said his previous comments would be applicable, just the same.

Public Safety Committee- Ald. Wsol

a. *Final approval of modifications to Section 13-4-4 of the Municipal Code to prohibit use of skateboards and similar devices in the underground parking garage in Target Area 2

Moved by Ald. DiPietro. Motion seconded.

ON ROLL CALL VOTE:

AYES: Ald. Bach, Allegretti, Ryan, Carey, Wsol, Sweeney and DiPietro

NAYS: None

ABSENT: None

Motion carried.

NEW BUSINESS

Ald. Bach said he distributed his vision of a comprehensive organizational chart of the City before the Aldermen and Mayor. He said he had conversations with City Manager Hock regarding this matter and requested validation of the chart by City Manager Hock. He would like the Council to commence discussions of his proposed reorganization plan. In his belief, the proposed organization would allow the City to pay for additional expenses such as flood relief, repaving, etc.

Ald. Ryan said he spoke to the City Manager regarding unmaintained properties with noxious weeds. He suggested that the Ordinance be amended reducing the height from twelve (12) inches to eight (8) inches. Ald. DiPietro suggested referring the matter to the Procedures and Regulations Committee. Mayor Schmidt requested that it be placed on the July 13, 2009 Committee of the Whole agenda.

City Clerk Henneman suggested having a group photograph of the Elected Officials before the July 20, 2009 regular Council Meeting.

ADJOURNMENT

The City Council adjourned the Regular meeting at 9:58 p.m.

Transcribed by:

Cheryl L. Peterson, Deputy Clerk

Attest:

David F. Schmidt, Mayor

Betty W. Henneman, City Clerk

**THE NEXT REGULAR CITY COUNCIL MEETING IS SCHEDULED FOR
Monday, July 20, 2009 at 7:30 p.m.**