



DRAFT MINUTES

REGULAR MEETING OF THE PARK RIDGE CITY COUNCIL

**CITY HALL COUNCIL CHAMBERS
505 BUTLER PLACE
PARK RIDGE, IL 60068**

MONDAY, APRIL 7, 2014 AT 7:05 P.M.

I. Roll Call

City Clerk Henneman read the Roll Call and the following Elected Officials indicated their presence:
Ald. Sweeney, Milissis, Smith, Shubert (arr. 7:11 p.m.) Knight, Mazzuca, Maloney, and Mayor Schmidt

II. Pledge of Allegiance

Boy Scout Troop #24 from St. Paul of the Cross Parish led meeting attendees in the Pledge of Allegiance.

III. Approval of Minutes

A. Regular City Council Meeting – March 19, 2014

Moved by Ald. Mazzuca. Seconded by Ald. Smith.

Motion carried, voice vote. Ald. Sweeney abstained.

B. Budget Meeting – March 19, 2014

Moved by Ald. Mazzuca. Seconded by Ald. Milissis.

Motion carried, voice vote. Ald. Sweeney abstained.

C. Committee of the Whole Meeting – March 24, 2014

Moved by Ald. Mazzuca. Seconded by Ald. Milissis.

Motion carried, voice vote. Ald. Sweeney abstained.

D. Budget Meeting – March 31, 2014

Moved by Ald. Mazzuca. Seconded by Ald. Smith.

Motion carried, voice vote. Ald. Sweeney abstained.

IV. Consent Agenda

*All items listed with an asterisk are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of those items unless an Alderman so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

V.A.6. Fair Housing Commission Annual Report: 04/01/2013 – 03/31/2014

VII.E.2. Approve Resolution appointing a delegate and alternate delegate to the NIPSTA Board of Directors

VII.E.3. Approve first reading of modifications to Article 15-7-5: General Powers and Duties and 15-7-7: Regulatory Powers of the Commission, and the elimination of Article 19: Signs and Canopies

- VII.E.4. Approve first reading of Ordinance creating re-inspection fees: Article 20-10 Administrative Procedure, Inspection Fees; and modifications to Article 12-2 Businesses and Occupations, Commercial Buildings
- VII.F.1. Approve final reading of Ordinance establishing a 30-minute Parking Zone on Brophy Avenue, east side, from Higgins north to first alley
- VII.F.2. Approve Purchase Order Increase for auto parts, Golf Mill Ford, 9401 North Milwaukee Avenue, Niles, Illinois 60714, in the amount of \$1,600.00
- VII.F.3. Approve Purchase Order Increase for truck parts, Leach Enterprises Inc., 4304 Illinois Route 176, Crystal Lake, Illinois 60014, in the amount of \$1,200.00
- VII.F.4. Approve Purchase Order for diesel fuel, Al Warren Oil Co., 7439 West Archer Avenue, Summit, Illinois 60501, in the amount of \$24,434.20
- VII.F.5. Approve Purchase Order for emergency sewer main repair, DiMeo Brothers, 720 Richards Lane, Elk Grove, Illinois 60007, in the amount of \$6,836.56
- VII.H.1. Approve warrants reviewed by Ald. Smith for the period ending March 30, 2014 in the amount of \$1,918,883.37
- VII.H.2. Approve bid award for concrete replacement for the Fire Department Training Tower to Marvel Construction Company, 5150 N. Pittsburgh Avenue, Norridge, IL 60706 and purchase order in the amount of \$23,625.00
- VII.H.3. Approve Purchase Order for Post-Employment Health Plan (Fire Department) to Nationwide Retirement Solutions, Post Office Box 182797, Columbus, Ohio, 43218, in the amount of \$57,998.53

Moved by Ald. Sweeney. Seconded by Ald. Milissis.

ROLL CALL

AYES: Ald. Milissis, Smith, Shubert, Knight, Mazzuca, Maloney and Sweeney (7)

NAYS: None (0)

ABSENT: None (0)

Motion carried.

V. Reports of City Officials

A. Mayor

1. Proclamation - Fair Housing Month

Mayor Schmidt read a Proclamation recognizing Fair Housing Month which marks the 46th anniversary of the passage of the Fair Housing Act of 1968. The act sought to eliminate discrimination in housing opportunities and to affirmatively further housing choices for all Americans. The Proclamation was presented to Fair Housing Chairman Charles Melidosian.

2. Proclamation - Healthy Living Month

Mayor Schmidt read the Healthy Living Month Proclamation recognizing the community-wide initiative to promote healthy bodies and healthy minds. Representatives from School District 64 accepted the Proclamation.

3. Proclamation - Volunteer Appreciation Month

Mayor Schmidt read a Proclamation recognizing all volunteers within our community who unselfishly donate their time and effort to help others through their church, community organizations, service clubs, schools, hospitals, charitable organizations and other worthy endeavors, making our community a better place to live. He thanked the volunteers for their service.

4. **Approve new appointment of Joan Mattingly to the Youth Commission – term ending 4/30/2017**

Moved by Ald. Mazzuca. Seconded by Ald. Smith.

Motion carried, voice vote.

5. **Approve Mayoral re-Appointment of Joseph Egan to Board of Trustees of the Firefighters Pension Fund term ending 4/30/2017**

Moved by Ald. Milissis. Seconded by Ald. Shubert.

Motion carried, voice vote.

6. **Fair Housing Commission Annual Report: 04/01/2013 – 03/31/2014 / Approved pursuant to the Omnibus Vote Designation**

7. **Approve Resolution regarding House Bill 5485 preventing Collective Bargaining Negotiations to mandate Fire Staffing levels**

Mayor Schmidt explained that HB5485 passed in the State House last week and is now being presented to the Senate for a vote. He was disappointed to learn that this bill passed with three votes. He also learned that three local State Representatives, McAuliffe, D'Amico, and Moylan, all voted for its passage and in doing so, took away the City's ability to determine how to staff its Fire Department. He welcomed input from Senators Kotowski and Mulroe regarding this bill. The cost could have a detrimental effect to the City's budget.

Ald. Mazzuca requested staff to research the actual cost impact to the City, per Fire Fighter.

B. City Council

1. **Statutory reconsideration to sustain the Mayoral veto of the contract between the City of Park Ridge and the International Union of Operating Engineers (Local 150) per the period beginning 5/1/2012 and ending April 30, 2017. This may or may not include a motion to override the Veto**

Moved by Ald. Sweeney. Seconded by Ald. Milissis.

Ald. Sweeney explained that a YES vote would sustain the veto; a NO vote would over-ride the veto. Five votes are required to overturn the Mayor's veto.

Ald. Mazzuca indicated that he provided City Manager Hamilton with information demonstrating typical levels of benefits for municipal employees, including contributions rates for single or family coverage obtained from the Bureau of Labor Statistics. He questioned City Manager Hamilton about the typical contribution rate for Park Ridge and if there was anything that City Manager Hamilton believed was not appropriate for the national average. City Manager Hamilton indicated the majority of the units contribute 13% (not including police). Hamilton was unable to complete an analysis in the data, and therefore, was not prepared to comment on the national contribution rates.

Ald Sweeney questioned the grandfather clause relative to the City's current plan. City Manager Hamilton learned that any changes made to an existing plan would convert your plan to a non-grandfathered status. He learned it was more advantageous to make changes to the City's plan, and as a result, the cost of insurance decreased. He spoke about the changes to the plans, premiums, deductibles, co-pays, which places more cost responsibility on the employee or user of the plan. He explained that Local 150 had flat amount and have a separate agreement. Hamilton opined that the City and Public Works employees would both realize a savings having the Public Works employees on a separate plan. He also spoke about retirees remaining on the City's plan which impacts renewal rates. Employees with Local 150 are provided insurance for themselves and their spouse, free for life.

Ald. Mazzuca spoke about national averages for wage increases for government employees. He believes locking in the two year wage increases was a concession to the City rather than a benefit.

Ald. Smith questioned what happens if the Mayor's veto was sustained. City Manager Hamilton explained that the City would need to defend its unfair labor practice charge, or if there is no contract, determine if the two sides come to agreement. In response to Ald. Shubert's question, City Manager Hamilton did not have an update on the subpoena. Ald. Sweeney also questioned the individual claims from Public Works employees with the IL Department of Labor which claimed that the City has taken improper deductions for insurance.

Ald. Milissis does not believe the City should be bullied by the Union. He will be voting to sustain the veto and would like to renegotiate the contract.

Ald. Mazzuca will vote to sustain the veto. He believes the City could negotiate a better contract. He believes members of Local 150 should be given a choice for insurance and make a contribution to their coverage, similar to other City employees.

Mayor Schmidt admitted to liking the novel approach and would have welcomed more discussion on the idea. He does not like the uncertainty of years three and four. He would have like to seen a wage reopener included.

ROLL CALL

AYES: Ald. Knight, Mazzuca, Maloney, Milissis and Shubert (5)

NAYS: Ald. Smith and Sweeney (2)

ABSENT: None (0)

Motion carried.

2. **Discussion of the possible referral to the Finance and Budget Committee the issue of using a referendum to determine public support for the past, and presumably ongoing, practice of the Library exceeding a statutorily imposed tax rate. In the past the City Council has used its home rule authority to enable the Library to exceed the statutory rate.**

Ald. Knight explained that since the Director of the Library and most of the Library Board believe That the Library funding is inadequate, he has become convinced that a referendum is something that should be considered. The matter should be brought before the taxpayers of the community for them to decide. The Council has proven otherwise in the past few years. He welcomed discussion on the matter in hopes of reaching a consensus among the Aldermen determining whether this matter should be placed on a Finance and Budget Committee of the Whole agenda. He hopes that Library Board members and staff would work together with the City to craft a question that would be easily interpreted and placed on the November 2014 election ballot.

Ald. Knight presented various questions to Attorney Hill. He asked for the start and end date window to request that a referendum be placed on the November 2014 and April 2015 ballots. Attorney Hill explained that an ordinance would need to be passed to call for such referendum. The Council would need to take action 365 days 78 days prior to the election. For November 2014 election , the period started November 15, 2013 and would end August 18, 2014, the City Clerk would need to file the Ordinance with Cook County by August 28, 2014. For the April election, April 8, 2014 to January 17, 2015 and filed before January 28, 2015. Attorney Hill explained that there is a limit of three public policy questions per election which applies to the City as a unit a government. He also explained the differences of binding and non-binding referendum. A binding referendum was defined as one that is binding on the Aldermen as a legislative body because of a statute which says it's binding. Attorney Hill referred to this referendum as a hybrid explaining that if it failed, the city could use its home rule authority to limit the .15 rate. If it passes, the City would be bound to follow what the Library levies.

Attorney Hill also spoke about the Illinois Library Act. In his opinion, the Cook County Clerk's similarly recognizes Libraries as if they were home rule municipalities. The referendum question would be tied to the .15 EAV rate. Attorney Hill believes the question could be crafted so that it would be easily understood by the tax-payers. Ald. Knight questioned this because the Library Act dictates specific language. Attorney Hill was confident that because the City is a Home Rule Municipality, it is not bound to use the Library Act language verbatim and could craft the question as it sees fit.

Ald. Knight also questioned if a sunset provision within the question is possible. In Attorney Hill's opinion, the question could contain this provision since the City is Home Ruled.

Ald. Knight questioned the procedure: Attorney Hill explained that the question would need to be approved by the Committee of the Whole (COW) as an action item and would proceed to the City Council for formal approval on two occasions; once as a first reading of Ordinance and 2 weeks later, the final reading of an Ordinance. If the referendum failed, there would be a one-year wait period to present the same question. Ald. Knight requested to have this information put into writing.

According to Attorney Hill, the Ordinance would need to be brought forward either by petition of by Ordinance approved by the City Council.

Ald. Sweeney would like the Library officially request that City Council moved forward with an Ordinance for a referendum.

Margaret Harrison, 1321 Crain, President of the Library Board, reported that the Library Board has not yet officially discussed this topic yet and would be doing so at the latter part of the month.

Ald. Smith believes the City had budgeted to right amount for the library and that going to a referendum will create more problems. Mayor Schmidt reminded Ald. Smith that the Library cannot use public funds to organize a campaign. However, the Friends of the Library can do as they please with their funds.

Ald Maloney questioned the process, procedurally, and understood that the matter would start as a discussion item at the COW and move on as an Action item. Ald. Knight confirmed. Ald. Maloney favors moving this forward in that capacity. He also sees little downside going to referendum.

Ald. Milissis believes this situation is worthy of a referendum.

Ald. Knight believed that Ald. Smith's comment was misguided. He agreed that this is a perfect situation for a referendum question. The Council has made it clear that they do not believe the levy should be increasing. The Library has made it clear that they cannot work with the budget the City is levying.

Ald. Shubert supports the referendum idea. The taxpayers will decide the matter and the City can follow their direction.

Mayor Schmidt recognized that there was consensus to move the matter forward. He also favored the referendum. He explained that the Council made a commitment to keep the property taxes levy as low as possible. Sacrifices have been made by all departments which he appreciates.

After discussion between Ald. Maloney and Ald. Knight regarding policy and procedure, Ald Knight indicated that he would like to have this matter placed as an Action item on the next Finance and Budget Committee meeting agenda.

C. City Attorney

No report.

D. City Clerk

No report.

E. City Manager

1. Approve Resolution authorizing Klein, Thorpe, and Jenkins (KTJ) to represent the City of Park Ridge in any PTAB protests during the 2010-2012 triennial

Moved by Ald. Sweeney. Ald. Seconded by Ald. Milissis.

Ald. Mazzuca questioned City Manager Hamilton if the City was required to use KTJ or if they are able to go out to bid. City Manager Hamilton confirmed that this would be biddable. The proposed change is to streamline the process. Ald. Mazzuca questioned if this could be a Policy Statement so clarification could be spelled out when the attorney would intervene. City Manager was not prepared to answer the question. Attorney Hill explained that most communities represented by KTJ have a standing Resolution. Ald. Mazzuca would prefer that a policy be in place and that it go out to bid.

ROLL CALL

AYES: Ald. Shubert, Knight, Maloney, Sweeney, and Milissis (5)

NAYS: Ald. Mazzuca and Smith (2)

ABSENT: None (0)

Motion carried.

VI. Citizens Who Wish to Address the City Council on a Non-Agenda Item

Dan Calamari (1316 Francis Parkway) requested a variance for plumbing work he would like to have performed in his parkway. He has a clog in the front of his home and would like to place a check valve in the parkway which would require a cleanout. The City indicated this would create a trip hazard and therefore the City would be liable for any accident. He is willing to bury it one foot below the surface. He has talked to staff and his Alderman. Public Works Director Zingsheim explained that this has been the City's policy, even if it is buried. Ald. Maloney explained that the resident wants to address a City flooding problem at his own home and the City will not allow him to do so. Ald. Maloney would like to discuss the legality of the issue. It was decided that the matter would be discussed at the next Public Works Committee of the Whole.

Lee Tate (1729 Park Ridge Pointe) spoke before the Council about fairness in taxation. He is a resident at Park Ridge Pointe and pays taxes just like any other homeowner. He is requesting that Park Ridge Pointe homeowners receive the same services from the City as other tax payers receive: garbage pickup, street maintenance, improvements, etc. He read a portion of the PUD related to the development and the responsibilities of a homeowner within this development. In his opinion, there is no rationale, it is unfair, and would like to find out more how these responsibilities originated. Mayor Schmidt understood that Mr. Tate was looking for a change in City policy. Mayor Schmidt recalls having a similar discussion with Ald. Mazzuca before he was an Alderman. Ald. Mazzuca recalled addressing this issue at a COW meeting last year. The vote failed 3-3. The determination was that the City does not maintain private property. Ald. Mazzuca requested that the item be placed on the next Procedures and Regulations agenda and that Mr. Tate contact him to discuss this matter further.

VII. Reports of Boards, Commissions and Committees

A. Planning and Zoning Commission – Ald. Sweeney

1. Approve the acceptance of the Planning and Zoning Commission's certification of the Stage 2 Development Plan for the proposed Community Park at 733 North Prospect Avenue, Zoning Case Number PD-13-04

Moved by Ald. Sweeney. Seconded by Ald. Knight.

Community Preservation and Development Director Testin indicated that this is certification acknowledges consistency of the previous approvals through the Planning and Zoning Commission and

is conformed pursuant to a 7-0 vote, with two members absent. The landscape plan presented by the Park District is consistent with the City's Code. Absence of the City Forester should have no impact with compliance to the plan. The Planning and Zoning Commission found that changing the gazebo to picnic facility was consistent with the original intent. The sign plan does not add any additional exceptions due to the new Ordinance.

Debbie Kelly (722 N. Washington) lives on the perimeter of the Youth Campus. She welcomes the park near her property and spoke about tree preservation, including those closest to her property. Terry Wolfe, Superintendent of Building & Grounds for the Park District, explained that there was a change made to grading. He believes the trees Ms. Kelly spoke about will remain. He welcomed her to speak with him outside of the meeting.

Steve Hellberg of Planning Resources (Wheaton, IL) explained changes made to enhance the drainage plan. He also provided a full description of the construction of the swales.

ROLL CALL

AYES: Ald. Knight, Mazzuca, Maloney, Sweeney, Milissis, and Shubert (6)

NAYS: Ald. Smith (1)

ABSENT: None (0)

Motion carried.

2. Approve the first reading of an ordinance for a map amendment change from B2 to R4 Zoning District at 200 N. Northwest Highway, Zoning Case Number MA-14-02

Moved by Ald. Sweeney. Seconded by Ald. Milissis.

Community Preservation and Development Director Testin explained that the developer has requested a change from B-2 to R-4 for the area located south of Northwest Highway, also known as 200 N. Northwest Highway. Modifications were made by the developer based on public input at the Planning and Zoning meeting. There are no variances. The Planning and Zoning Commission has the final administrative decision for site plans.

Mayor Schmidt explained that this parcel is an irregular shaped property that has no rear yard. It has a front and three side yards. He had an opportunity to talk to Director Testin outside of the meeting with some disagreement. Per the Mayor's request, Director Testin provided explanation. Testin indicated that open space and density requirements have been met.

Judy Barclay (524 N. Courtland) believes there is a problem with the interpretation of the Ordinance and indicated that the process listed in Section 4 was not followed. A form for an interpretation should have been completed. She believes this could affect density and that is why it was circumvented.

Approve to table the matter until an interpretation can be provided to the City Council.

Moved by Ald. Mazzuca. Seconded by Ald. Smith.

ROLL CALL

AYES: Ald. Mazzuca, Smith, and Knight (3)

NAYS: Maloney, Sweeney, Milissis, and Shubert (4)

ABSENT: None (0)

Motion failed.

ROLL CALL (for the Map Amendment)

AYES: Ald. Maloney, Sweeney, Milissis, Smith, Shubert, Knight, and Mazzuca (7)

NAYS: None (0)

ABSENT: None (0)

Motion carried.

B. Zoning Board of Appeals – Ald. Sweeney

No report.

C. Liquor License Review Board – Mayor Schmidt

No report.

D. O’Hare Airport Commission – Ald. Maloney

No report.

E. Procedures and Regulations Committee – Ald. Mazzuca

- 1. Approve first reading of modifications to Article 2 Chapter 5: Corporate Seal, Emblems, and Policies: Ethics Provisions**

Ald. Mazzuca recused himself from this Agenda item.

Moved by Ald. Shubert. Seconded by Ald. Smith.

Attorney Hill responded to Ald. Smith’s question regarding the adoption of the Ordinance, which he said must be adopted according to State law regardless of whether or not Park Ridge has its own Ethics Ordinance.

Ald. Smith presented an amendment which failed due to a lack of a second.

ROLL CALL

AYES: Ald. Sweeney, Milissis, Shubert, Knight, and Maloney (5)

NAYS: Ald. Smith (1)

ABSENT: None (0)

ABSTAIN: Ald. Mazzuca (1)

Motion carried.

- 2. Approve Resolution appointing a delegate and alternate delegate to the NIPSTA Board of Directors / Approve pursuant to the Omnibus Vote designation**
- 3. Approve first reading of modifications to Article 15-7-5: General Powers and Duties and 15-7-7: Regulatory Powers of the Commission, and the elimination of Article 19: Signs and Canopies / Approve pursuant to the Omnibus Vote designation**
- 4. Approve first reading of Ordinance creating re-inspection fees: Article 20-10 Administrative Procedure, Inspection Fees; and modifications to Article 12-2 Businesses and Occupations, Commercial Buildings / Approve pursuant to the Omnibus Vote designation**

F. Public Works Committee – Ald. Maloney

- 1. Approve final reading of Ordinance establishing a 30-minute Parking Zone on Brophy Avenue, east side, from Higgins north to first alley / Approved pursuant to the Omnibus Vote designation**
- 2. Approve Purchase Order Increase for auto parts, Golf Mill Ford, 9401 North Milwaukee Avenue, Niles, Illinois 60714, in the amount of \$1,600.00 / Approved pursuant to the Omnibus Vote designation**
- 3. Approve Purchase Order Increase for truck parts, Leach Enterprises Inc., 4304 Illinois Route 176, Crystal Lake, Illinois 60014, in the amount of \$1,200.00 // Approved pursuant to the Omnibus Vote designation**

4. **Approve Purchase Order for diesel fuel, Al Warren Oil Co., 7439 West Archer Avenue, Summit, Illinois 60501, in the amount of \$24,434.20 / Approved pursuant to the Omnibus Vote designation**
5. **Approve Purchase Order for emergency sewer main repair, DiMeo Brothers, 720 Richards Lane, Elk Grove, Illinois 60007, in the amount of \$6,836.56 / Approved pursuant to the Omnibus Vote designation**
6. **Approve contract for the 2014 Street Resurfacing Program, Arrow Road Construction Co., 3401 South Busse Road, Mt. Prospect, Illinois 60056 and a FY15 Purchase Order in the amount of \$1,048,811.81**

Moved by Ald. Maloney. Seconded by Ald. Ald. Sweeney.

Ald. Sweeney believed the City dedicated \$1M annually to street resurfacing and questioned the reason for the increased amount. Director Zingsheim explained that the proposal was more than expected and that extra remaining funds from last year will be applied to this year's contract.

Ald. Mazzuca researched contractors within the state who are approved by IDOT. He believes staff went above and beyond by supplying bid packets to five companies. There are seven contractors that were not sent an invitation that were similarly qualified. Director Zingsheim explained that some vendors picked up their package. The bid was publicized in print and also posted in the IDOT bulletin creating equal fairness.

ROLL CALL

AYES: Ald. Milissis, Smith, Shubert, Knight, Maloney, and Sweeney (6)

NAYS: Ald. Mazzuca (1)

ABSENT: None (0)

Motion carried.

G. Public Safety Committee – Ald. Milissis

No report.

H. Finance and Budget Committee – Ald. Knight

1. **Approve warrants reviewed by Ald. Smith for the period ending March 30, 2014 in the amount of \$1,918,883.37 / Approved pursuant to the Omnibus Vote designation**
2. **Approve bid award for concrete replacement for the Fire Department Training Tower to Marvel Construction Company, 5150 N. Pittsburgh Avenue, Norridge, IL 60706 and purchase order in the amount of \$23,625.00 / Approved pursuant to the Omnibus Vote designation**
3. **Approve Purchase Order for Post-Employment Health Plan (Fire Department) to Nationwide Retirement Solutions, Post Office Box 182797, Columbus, Ohio, 43218, in the amount of \$57,998.53 / Approved pursuant to the Omnibus Vote designation**

VIII. New Business – For announcement, deliberation, and/or discussion only; no official action will be taken.

IX. Adjournment

The meeting adjourned at 9:29 p.m.