



DRAFT MINUTES

**JOURNAL OF THE PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING
OF THE CITY OF PARK RIDGE, ILLINOIS**

City Hall - Council Chambers
505 Butler Place
Park Ridge, IL 60068

July 16, 2012

Mayor Schmidt called the regular meeting to order at 7:00 p.m.

I. ROLL CALL

City Clerk Henneman read the roll call. The following Elected Officials indicated their presence at the meeting: Ald. Sweeney, Di Pietro, Smith, Raspanti, Knight, Mazzuca and Mayor Schmidt. There was a quorum. Ald. Maloney was absent.

Staff present: Stutts, Zywnski, Kaminski, Hill, Peterson, Testin, Zingsheim and Mitchell

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

Ald. Di Pietro moved approval of the following minutes:

Committee of the Whole - July 9, 2012
City Council Regular Meeting – June 18, 2012
Budget Workshop - January 11, 2012
Budget Workshop – January 18, 2012
Budget Workshop – January 25, 2012
Budget Workshop – February 8, 2012
Budget Workshop – February 15, 2012
Budget Workshop – March 14, 2012

Seconded by Ald. Raspanti.

Voice vote, motion carried.

IV. CONSENT AGENDA

Items listed under the Consent Agenda were considered as routine by the City Council and were enacted by one motion. No separate discussion took place on the listed items unless indicated.

B. Zoning Board of Appeals

1. Final approval of ordinance for two variances at 235 Imperial Street to allow the construction of a garage within the rear yard setback, Section 11.4.F3.e, and within the designated separation between an accessory building and the principal building, Section 11.4.A.5

A. Public Works Committee

1. Approve fuel purchase from Al Warren Oil, in the amount of \$24,154.28
2. Approve fuel purchase from Avalon Petroleum, in the amount of \$20,328

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H. Finance and Budget Committee

1. Approve warrants reviewed by Ald. DiPietro for the period ending June 29, 2012 in the amount of \$2,273,151.44 and warrants reviewed by Ald. Raspanti for the period ending July 15, 2012 in the amount of \$1,183,042.76

2. Final approval of Ordinance amending Article 11, Chapter 1, Section 9 of the Park Ridge Municipal Code which modifies the water and sewer rate structure

3. Approve funding, not to exceed \$2,100 for the O'Hare Airport Commission's appeal letter to the FAA

Ald. Mazzuca requested the removal of item H.2. from the Consent Agenda.

Ald. Di Pietro moved approval of the Consent Agenda, as amended.

Seconded by Ald. Sweeney.

Roll Call:

AYES: Ald. Sweeney, Di Pietro, Smith, Raspanti, Knight and Mazzuca (6)

NAYS: None (0)

ABSENT: Ald. Maloney (1)

Motion carried, 6-0.

V. REPORTS OF CITY OFFICIALS

B. Mayor

1. Report of Interim City Manager Search

Mayor Schmidt reported, to date, he had received nine resumes and was informed that two more were received as of the start of this meeting. He performed a "Google" search of the candidates and in his opinion, three or four merited an interview. He intends to schedule the interviews for the upcoming week. He believes the ideal candidate would have a combination of private and public sector experience. Mayor Schmidt considered appointing Finance Director Stutts to take on the interim position but it was a mutual belief that doing so would have a detrimental affect on the day-to-day operations of the Finance Department. Mayor Schmidt removed the Closed Session item from the agenda which was relative to this matter.

C. City Council

No report.

D. City Attorney

No report.

E. City Clerk

No report.

F. City Manager

No report.

V. CITIZENS WISHING TO BE HEARD ON NON-AGENDA ITEMS

Pat Livensparger (413 Courtland) made a suggested that an item be placed on the Procedures and Regulations Committee of the Whole meeting agenda. She would like to know how the Department of Community Preservation & Development was organized under the direction of the former City Manager. She indicated that the Zoning Ordinance and the Municipal Code clearly calls for a Director to lead that department. During the reorganization, the job was part of Administrative Services Department under direction of the Deputy City Manager which the City will no longer have in its employment. Although the City has hired an employee who is capable of running the department, he does not have the authority that would be given to a Director, as defined in the City's code. The Director would have the capability of appointing a Zoning Administrator, mentioned on numerous occasions by Ms. Livensparger. Several duties performed by the Zoning Administrator are legally

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binding. She requested that the Municipal Code and the Zoning Ordinance be reviewed to determine what authority should be extended to the person in charge of that department.

Mayor Schmidt indicated, the Municipal Code states that the City Manager has the hiring and firing authority for all employees and the power to organize City departments as he deems appropriate.

Ald. Di Pietro suggested addressing the matter at the August 27, 2012 Procedures and Regulations, Committee of the Whole meeting.

VI. REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES

A. Planning & Zoning Commission

Ald. Sweeney moved that the Council concur with the recommendation of the Planning and Zoning Commission of a denial for a text amendment to Section 14.6.C. and 14.12.B of the Zoning Ordinance regarding replacement of sign panels of non-conforming ground pole signs in the B-1 District. Seconded by Ald. Di Pietro.

Ald. Sweeney explained that the Planning and Zoning Commission recommended at its hearing that the text amendment should be denied. The case involves Dunkin Donuts located at the southeast corner of Touhy and Greenwood. Mayor Schmidt, Attorney Hill, Ald. Knight and Ald. Di Pietro questioned the validity of a motion when the item was listed as a discussion item on the agenda.

Ald. Raspanti moved to direct staff to prepare an Ordinance for the text amendments as outlined in the memorandum from staff dated July 16, 2012 with the proposed language for Section 14.6.C.4 and 14.12.B. Seconded by Ald. Sweeney.

Ald. Di Pietro opposed overturning the unanimous decision made previously by the Planning and Zoning Commission.

Mayor Schmidt referred the matter to the City Attorney for direction since no motion was indicated on the agenda. Attorney Hill viewed this matter as a "hybrid" situation. He explained that it has not been the practice of the Council to entertain any motions on an item listed on the agenda as a discussion item.

Ald. Sweeney provided information derived from the Planning and Zoning meeting where it was recommended that the pole be removed. Currently, ground pole signs are not permitted in the City.

Ald. Smith was uncertain of the City's prejudice against pole signs.

Ald. Di Pietro moved to table the item.

Seconded by Ald. Smith.

Roll Call:

AYES: Ald. Di Pietro, Smith, Raspanti, Knight, Mazzuca and Sweeney (6)

NAYS: None (0)

ABSENT: Ald. Maloney (1)

Motion carried, 6-0.

In the future, Mayor Schmidt requested that similar items in nature require a motion to refer to committee for discussion or motion to approve the denial.

B. Ald. Sweeney moved approval of the first reading of ordinances for Text Amendments to allow a New proposed use "Heritage Center" as a special use in the B-1 District and a special use for a "Heritage Center" at 255 and 257 North Northwest Highway, Case Numbers SU-12-03 and TA-12-05.

Seconded by Ald. Smith.

Ald. Di Pietro requested a division of the question:

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Approval of the first reading of ordinance for Text Amendments to allow a new proposed use “Heritage Center” as a special use in the B-1 District, TA-12-05.

(Seconded by Ald. Smith)

Judy Barclay (524 Courtland), co-vice-president of Kalo Foundation and Chairman of Historic Preservation, explained the reason for defining a Heritage Center, which includes the allowance of an onsite caretaker.

Ald. Sweeney indicated that the addition of a Heritage Center as a new use would also involve modifications for off-street parking requirements.

Roll Call:

AYES: Ald. Raspanti, Knight, Mazzuca, Sweeney and Di Pietro (5)

NAYS: Ald. Smith (1)

ABSENT: Ald. Maloney (1)

Motion carried, 5-1.

Approval of first reading of ordinance for a special use in the B-1 District and a special use for a “Heritage Center” at 255 and 257 North Northwest Highway, Case Numbers SU-12-03 subject to:

1. **Granting an exception to allow the existing building to encroach 10.86 feet into the required 15-foot rear yard setback required by Section 8.3, Table 4; and**
2. **Granting an exception to allow the existing building to encroach 3.45 feet into the required five-foot interior side yard setback required by Section 8.3, Table 4; and**
3. **Granting an exception to allow for less than the required number of parking spaces, per Section 12.13, Table 9; and**
4. **Granting an exception to allow the existing parking area to remain within five feet of the south property line, per Section 12.7.B; and**
5. **Waiving the rear yard and interior side yard transitional yards required by Section 13.12; and**
6. **The applicant must promote and publicize the use of required parking lots.**

(Seconded by Ald. Smith.)

Ald. Di Pietro moved to amend Item #6 of the motion:

The applicant shall maintain an agreement with the owner of property within proximity of the Heritage Center that provides spaces for the parking of Heritage Center guests selected lot. In addition, the Heritage Center shall provide and publicize the use of the selected lot and Northwest Highway public lot collectively. Alternative parking as follows:

1. **Parking in the alternative parking facilities shall be specified and encouraged on the Heritage Center’s website and the Heritage Center’s Facebook page; and**
2. **A permanent sign shall be posted on the front door of the Heritage Center encouraging visitors to use the alternative parking; and**
3. **Heritage Center employees and Board members shall be required to use the alternative parking; and**
4. **Guests shall be directed to use alternative parking in any invitations or other mailings publicizing a Heritage Center event.**

Seconded by Ald. Sweeney.

Ald. Di Pietro explained that his amendment would not prohibit any guest of the Heritage Center from parking in the neighborhood. Instead, the motion was suggested to help educate visitors and encourage them to park in designated areas. Ald. Di Pietro was receptive to allowing the replacement of the word “understanding” with “agreement.”

Mayor Schmidt disclosed that he was a member of the Kalo Foundation, and therefore, would not vote in the event of a tie.

Ald. Mazzuca questioned Ald. DiPietro regarding the requirement to maintain the Facebook page.

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Judy Barclay (524 Courtland) distributed a copy of the Center's Facebook and website page to each Elected Official. She spoke about the investment made by the community in order to establish the Heritage Center. Although Ms. Barclay indicated that it is the Center's intention to be friendly neighbors, she found the amendment to be one-of-a-kind- and onerous. She indicated that no other business has received restrictions similar to what has been presented. She believes the proposed ordinance makes for unintended consequences for future businesses. She asked Aldermen to vote no to the amendment. She responded to questions from Ald. Raspanti regarding the capacity of the facility, the Center's parking arrangements and her specific objection to the verbiage in the agreement or document.

Atul Karkhanis (316 Root), resident and Zoning Board of Appeals Commissioner, is an area resident who supports Kalo. He understands the concerns about parking which were also acknowledged by Ms. Barclay. He believes Ald. Di Pietro's motion memorializes those concerns.

Bobbi Oshgar (311 Root) lives in close proximity to the Kalo property. She welcomes the Heritage Center to the community but believes that parking has created problems during Kalo's special events. She and her immediate neighbors on either side do not have a driveway for off-street parking and believes that problems will worsen without intervention from the City. She would like to have Kalo place a permanent sign at the front door informing its visitors to use alternate parking across the street from their facility. She asked that the same wording be used on event invitations.

Missy Langan, (1924 Canfield) member of the Zoning Board of Appeals, also opposed the amendment which has never been imposed on any other parking matter. Streets are public and restrictive parking could not be guaranteed. She spoke about the sign posted by Nonna Silvia's six years before they requested a parking variance. She believes that neighbors should take them by their word and settle with a gentleman's agreement, just as with Nona Silvia's. She urged Aldermen not to support the amendment.

Raymond Oshgar (311 Root) favored having the stipulations memorialized so that future Board of Directors of the Heritage Center continue to direct visitors to use alternate parking. He requested that Aldermen support the amendment.

John Gullo (309 Root) spoke in support the amendment.

Herbert Zuegel (739 Elmore) opposed the amendment. He is a member of the Kalo Board. He admitted that Kalo inadvertently forgot to notify residents and apologized. He suggested residential parking stickers could be issued as a last resort. He does not believe sticker would be necessary since guests will now be parking across the street on Northwest Highway.

Pat Livensparger (413 Courtland) believes it would be nonsensical to include something in the Ordinance that could not be enforced.

Ald. Sweeney moved to offer a friendly amendment, changing the word "agreement" to "understanding."

Ald. Di Pietro agreed to the change.

Ald. Di Pietro explained that there is no provision to stop parking on Elm Street or Root. The agreement simply states that the Heritage Center will continue to provide information, which is a typical stipulation of a Special Use for which he provided examples (St. Paul, Bredemann). The effort is to help inform Heritage Center visitors of the alternative parking that is available. It does not prohibit any parking in the area.

Ald. Smith believes the amendment is unnecessary; it is a hypothetical problem. He suggested revisiting the matter if the problem escalates in the future.

Ald. Knight questioned the City Attorney about future recourse of the area residents.

Roll Call:

AYES: Ald. Raspanti, Sweeney and Di Pietro (3)

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

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ABSENT: Ald. Maloney (1)
Motion failed (lack of affirmative vote).

Roll call (main motion):

AYES: Ald. Knight, Mazzuca, Sweeney, Di Pietro, Smith and Raspanti (6)

NAYS: None (0)

ABSENT: Ald. Maloney (1)

Motion carried, 6-0.

B. Zoning Board of Appeals

1. **Final approval of an Ordinance for two variances at 235 Imperial Street to allow the Construction of a garage within the rear yard setback, Section 11.4.F3.e, and within the designated separation between an accessory building and the principal building, Section 11.4.A.5. / Approved by the Omnibus vote designation**

C. Liquor License Review Board

1. **Final approval of modifications to Article 12, Chapter 6 – Alcoholic Liquors**
Moved by Ald. Di Pietro. Seconded by Ald. Sweeney.

Roll Call:

AYES: Ald. Mazzuca, Sweeney, Di Pietro, Smith, Raspanti and Knight (6)

NAYS: None (0)

ABSENT: Ald. Maloney (1)

Motion carried.

D. O'Hare Airport Commission

No report.

E. Procedures and Regulations

No report.

F. Public Works Committee

1. **Approve fuel purchase from Al Warren Oil in the amount of \$24,154.28 / Approved by the Omnibus vote designation**

2. **Approve fuel purchase from Avalon Petroleum in the amount of \$20,328 / Approved by the Omnibus vote designation**

G. Public Safety Committee

No report.

H. Finance & Budget Committee

1. **Approve warrants, reviewed by Ald. Di Pietro for the period ending June 29, 2012 in the amount of \$2,273,151.44 and warrants reviewed by Ald. Raspanti for the period ending July 15, 2012 in the amount of \$1,183,042.76 / Approved by the Omnibus vote designation**

2. **Ald. Knight moved final approval of ordinance amending Article 11, Chapter 1, Section 9 of the Park Ridge Municipal Code which modifies the water and sewer rate structure. Seconded by Ald. Di Pietro.**

Ald. Mazzuca moved to amend and replace the rates found in A.1.A of the proposed Ordinance of Article 11-1-9 of the Park Ridge Municipal Code for Item A. Fixed charge based on meter size:

5/8" @ \$ 8.94; 3/4" @ \$ 8.94; 1" @ \$21.64; 1 1/2" @ \$4327; 2" @ \$69.23; 3" @ \$194.72; 4" @ \$432.72; 6" @ \$865.43; and 8" @ \$1730.87

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Seconded by Ald. Di Pietro.

Ald. Mazzuca voiced his concern about the Baxter and Woodman proposal, which he believes would place a disproportionate burden on single-family homeowners. The original rate structure would not provide adequate funding for the level of infrastructure maintenance and would fail to coincide with the City of Chicago water rate increases. He provided estimated cost savings realized by homeowners relative to his amendment. He believes his amendment would significantly reduce the disproportionate burden placed on older single-family homes. He also provided the Aldermen with a report reflecting his personal analysis of the Baxter Woodman proposal. In response to a question from Mayor Schmidt, Ald. Mazzuca confirmed his proposal was revenue neutral and would only affect the fixed water charge.

Ald. Sweeney indicated his support for the original rate study provided by Baxter Woodman, a professional organization hired by the City. He acknowledged the detailed report provided by Ald. Mazzuca.

Ald. Knight presented questions to Chris Buckley, project manager from Baxter Woodman who also resides in Park Ridge (242 Belle Plaine). He disclosed that he did not write the report but was familiar with the information and principles contained within. Ald. Knight requested that Mr. Buckley comment on the difference in meter starting sizes; Baxter and Woodman's verses that proposed by Ald. Mazzuca.

Mr. Buckley indicated that his company follows standards set by the American Water Works Association for water rate studies and are created by nationwide professionals. The study included directives given by the City to include the 1" and 1 ½ " meters. He also explained that larger meters require more inspections and maintenance by the City, such as annual calibrations, which results in an escalation of cost. In this case, it was recommended not to include a fixed charge for the sewer since there was no need. When pricing, Mr. Buckley indicated that it is not normal practice to include weighted averages.

Public Works Director Wayne Zingsheim indicated that the 1" meters were mandated by Ordinance as a result of the City trying to standardize the meters and pipe feeds leading to the homes. The 1 ½ meter was required when the Fire Department mandated sprinkler systems in homes.

In response to a question brought forth from Ald. Mazzuca, Mr. Buckley indicated that the most common grouping for small meters is up to one inch. Ald. Mazzuca also questioned Mr. Buckley on water average methodology.

Ald. Sweeney questioned Director Zingsheim about the estimated size of meters for various proposed commercial developments and the meter sizes at Lutheran General Hospital.

Raymond Oshgar (311 Root) has a sprinkler in his home with a 1.5" water line. He is billed an average of five to six thousand gallons per billing period and believes he will be greatly impacted by the increase.

Joan Sandrick (409 S Clifton) supports the increase. "It is the cost of doing business."

Ald. Raspanti appreciated the thorough work of Ald. Mazzuca. It is his opinion that the increases for the larger meters used by businesses are costs that will be passed along. He also reminded the Aldermen that communications are underway regarding reconsideration of the TIF agreements. Ald. Raspanti did not believe that Ald. Mazzuca's proposal would be viewed favorably.

Ald. Mazzuca views his proposal as a refinement and solution to what had been originally imposed. In his opinion, larger users were receiving a benefit which was paid for by the homeowners for many years.

Ald. Smith was impressed with Ald. Mazzuca's report, which in his opinion took a sensible business approach. Although some consumers will pay more, 81% will be paying less. Schools, which make up 72% of the property tax levy, will be paying more. the City's tax levy portion is 10%.

Ald. Knight explained that the increase is due to a correction of a long-standing error. He will favor the amendment.

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Roll Call (on the amendment):

AYES: Ald. Di Pietro, Smith, Knight and Mazzuca (4)

NAYS: Ald. Sweeney, Raspanti, (2)

ABSENT: None (0)

Motion carried, 4/2.

Ald. Sweeney did not believe it was in the Council's best interest to pass the amendment. Therefore, he did not wish to support the amended motion.

Roll Call (main motion, as amended):

AYES: Ald. Di Pietro, Smith, Knight and Mazzuca (4)

NAYS: Ald. Raspanti and Sweeney (2)

ABSENT: None (0)

Motion carried, 4/2.

Ald. Knight briefly conversed with Finance Director Stutts about the timing of the increase and the release of notices to all billed accounts.

3. Approve funding, not to exceed \$2,100 for the O'Hare Airport Commission's appeal letter to the FAA / Approved by the Omnibus vote designation

VII. NEW BUSINESS

VIII. ADJOURNMENT

The Council adjourned the regular meeting at 8:49 p.m.

Approved by the Council this 20th day of August, A.D., 2012.

Transcribed by Cheryl Peterson, DC

Attest:

David F. Schmidt, Mayor

Betty W. Henneman, City Clerk

Next Regular Meeting: Monday, August 20, 2012 at 7:00 p.m.