



CITY OF PARK RIDGE

MINUTES

DRAFT

PROCEDURES AND REGULATIONS COMMITTEE

March 4, 2008

7:00 p.m.

Mayor's Conference Room

Aldermen Present: Chairman Jim Allegretti, Ald. David Schmidt, and Ald. Thomas Carey

Other Alderman Present: Ald. Richard DiPietro

Staff Present: Mayor Frimark, City Manager Pro-Tempore Juliana Maller, Assistant to the City Manager Cathy Doczekalski, City Attorney Everette Hill, Economic Development Director Kim Uhlig, Environmental Health Officer Laura Dee, and Sr. Administrative Assistant Raluca Bruce

I. APPROVAL OF MINUTES – February 5, 2008 Meeting

Moved by Ald. Allegretti, the Committee approved the minutes of the February 5, 2008 meeting.

II. NON-MEMBER ALDERMEN WISHING TO BE HEARD OF NON-AGENDA ITEMS

None

III. CITIZENS PRESENT WISHING TO BE HEARD ON A NON-AGENDA ITEM

None.

IV. ACTION ITEMS

A. Modification to Article 12, Chapter 6 – Employee list/BASSET Training

The Committee reviewed a proposed modification to Article 12, Chapter 6 – Employee list/BASSET Training. The Liquor License Review Board met in December to review the renewal applications for 2008. The Liquor Board raised a concern that restaurants were not updating employee lists and Beverage Alcohol Sellers and Services Education and Training (BASSET) Certificates as new employees began working throughout the year. Attorney Henn prepared a modification to section 12-6-7 that requires liquor license applicants to provide a sworn statement as to the current employees and adds a requirement that it must be updated within 30 days if there are any changes. At the last Committee meeting, Ald. Allegretti asked this item be deferred until the next meeting so that he could review in more detail this issue in conjunction with the Liquor Ordinance currently in effect. Ald. Allegretti stated that this requirement would bring additional burden on businesses and that he doesn't see a need for this change. Assistant to the City Manager Doczekalski explained that there is a provision in the Liquor Ordinance already and the businesses are supposed to provide a certificate of BASSET training within 60 days of a new hire. The proposed change would just move it up to 30 days. Ald. Carey questioned the benefit of such a change of the BASSET training requirements, and asked what guarantees that they will respond within 30 days if they currently are not responding within 60 days. Ald. Carey moved to defer this item until the next meeting, in order to receive additional information from City staff and from the Liquor Board as to why this change is necessary. The motion passed.

Action: Place on next P&R agenda as action item.

B. Modification to the Fair Housing Ordinance - Complaint Procedure

Ald. Allegretti moved to strike this item from the agenda, as a new version of the ordinance was in the packet that the Committee had yet to review. The motion passed.

Action: Place as a discussion item on a future agenda.

C. Modification to Article 5, Chapter 3.1 - Outdoor Cafes

The Committee reviewed a proposed modification to Article 5, Chapter 3.1 - Outdoor Cafes. A section of the outdoor café ordinance was modified in 2006 to allow the cafes any day of the year due to nice weather days between November 1 and April 14. Section 5-3.1-5 was modified, however the language in 5-3.1-6 was not changed. This is a housekeeping item to make both sections of the ordinance uniform. Ald. Schmidt moved to delete any date restrictions from the ordinance and also to amend the Liquor Ordinance accordingly. The motion passed.

Action: Place on the next City Council agenda for first reading.

D Recusal, to go along with disclosure, if a direct, ongoing economic relationship with an applicant exists.

The Committee reviewed the proposed language from Ald. Schmidt regarding recusal, to go along with disclosure, if a direct, ongoing economic relationship with an applicant exists.

At the Committee's November 6, 2007 meeting, Park Ridge resident Judy Barclay requested that the Committee discuss requiring recusal in addition to disclosure in regards to an economic interest. City Attorney Hill drafted a memo outlining the issue and recommended no action. Ald. Schmidt has proposed the following language:

Any elected official or member of a commission who has a current economic relationship with any individual, company or other entity requesting action by the City Council or commission shall recuse himself from consideration and voting on the action.

Ald. Carey said that in his opinion this issue is addressed in the Ethics Ordinance. He raised the question as to why this additional action is required. Ald. Allegretti stated that City Attorney Hill had written a memorandum recommending no change to the ordinance. Ald. Schmidt explained that in his opinion this change would preserve or enhance the public's confidence that its officials are acting in their best interest. Ald. Schmidt moved to amend Article 2-5-2d, by adding the proposed language. The motion did not pass (Ald. Allegretti and Ald. Carey voted against the motion). Ald. Schmidt asked that this item be placed on the next City Council meeting as a *minority report*.

Action: Place on the next City Council agenda as a minority report.

E. Modification to Article 5, Chapters 3 and 4 - Health Inspections

The Committee reviewed the proposed modification to Article 5, Chapters 3 and 4 - Health Inspections. The proposed changes simplify the restaurant inspection process and scoring and bring the process in line with state regulations. The number of inspections per year is dependent upon the facility's category. A category I facility is inspected at least 3 times per year unless certain conditions are met. A category II facility is inspected at least annually. A category III facility is inspected at least once every two years. Environmental Health Officer Dee explained the proposed point system and other modifications and how these changes are in accordance with the state health regulations regarding restaurants inspections. City Manager Pro-Tempore Maller suggested scheduling a City Council Workshop/Town Hall Meeting to bring in someone from the state, as well as members of our health department to walk through what the regulations are for the different risk levels and categories. Ald. Allegretti moved to approve this item with the amendment that these changes will go into effect

60 days after the educational presentation at the City Council Workshop/Town Hall Meeting (Presentation on April 7, 2008 - go into effect on June 7, 2008). The motion passed.

Action: Place on the next City Council agenda for first reading.

V. DISCUSSION ITEMS

A. Modification to the Fair Housing Ordinance - Requirement to Display Brochures

This item was removed from the agenda.

Action: No action.

B. Modification to Liquor Ordinance based on Business Requests

Over the past several months, the City has received requests from two restaurants that hold liquor licenses regarding entertainment options they wish to provide. The first request is from Tandoor Restaurant (715 Devon), where they wish to bring in a group of Indian belly dancers that tour the United States and would perform at the restaurant. The second request came from El Famous Burrito (28 Main), where they wish to place pool tables, dart boards and other video games in the restaurant. Currently, the liquor ordinance states the following, "No video or arcade games or dancing shall be permitted."

The Committee discussed these suggestions and the idea of considering other entertainment options for children and young adults, to make restaurants more family friendly. Ald. Carey stated that he would like to take a more in-depth look at the ordinance and the proposed changes. The Committee decided that Ald. Carey and Assistant to the City Manager Doczekalski work together to bring some additional information and suggestions to the next P&R meeting regarding this matter.

Action: Place on the next P&R agenda as a discussion item.

C. Ordinance providing for Sunset Provisions for Compliance – Food Service

The Committee reviewed a proposed resolution providing for compliance with all applicable codes for food service establishments. The proposed resolution will provide current restaurant owners with notice that the City intends to enforce all provisions of the Municipal Code and Zoning Ordinance related to food service establishments, including retail food stores.

When the Health Code was first passed, the City's policy was to allow established restaurants to be "grandfathered" in with respect to certain issues that were not health hazards. The Health Department has determined that it is in the City's best interest to enforce all of the provisions of the ordinances, and wishes to allow existing restaurants time to come into compliance.

Environmental Health Officer Dee explained that there are several restaurants that are currently not in compliance with the health requirements or state regulations and they need to upgrade their structure and/or equipment. She stated that the Health Department has been sending out letters to request the necessary upgrades, but these actions did not achieve compliance. Environmental Health Officer Dee said that the only remaining recourse the Health Department has is to either write a ticket or to bring these businesses before the Administrative Hearing Officer.

The Committee discussed the necessity of bringing restaurants and retail food stores into compliance with the Code, but also the economic impact to these businesses. Economic Development Director Uhlig stated that some of these businesses might face major expenses in order to bring their establishment into compliance. She said that the City should inform these business owners about financial help that could be provided in the form of a low-interest loan or tax incentives for equipment

purchases. She said that communicating these options to the business owners is a very important part of implementing the new provisions.

City Attorney Hill said that the Health Department must have a plan at the end of those two years in case the establishments still have not met the requirements. He advised that, after sending out a certain number of letters, the Health Department should start bringing the business owners before the Administrative Hearing Officer if they do not take any action to comply with the new requirements. City Attorney Hill stated that these businesses can be “grandfathered” in terms of zoning or any other codes, but when there is a life safety issue there should not be any “grandfathering” and they should operate under the Code. Ald. Carey moved to defer this as a discussion item for the May 6, 2008 meeting, in order to get more information. The motion passed.

Action: Place on the May 6, 2008 P&R agenda as a discussion item.

D. Ordinance – Appointment Process

The Committee reviewed a memo and draft ordinance regarding the appointment process of council committees, boards, commissions and other officers of the City. This memo was drafted by City Attorney Hill upon the request of Chairman Allegretti who desired to bring consistency to the appointment process while achieving an appropriate balance of authority among the Mayor, the City Council and the City Manager. Ald. Schmidt asked why the current system has to be changed. City Attorney Hill explained that in certain instances our procedures call for the Mayor to make an appointment with the “consent” of the Council, while other instances require the “advice and consent” of the Council. He stated that bringing consistency to these matters should be fairly simple. Ald. Schmidt stated that the proposed change would shift the balance of power to the Mayor, and away from the City Council.

The Mayor proposed to give Ald. Schmidt the contact names for two municipalities that have similar appointment process, so he could do some research and understand how this system works for some municipalities, but does not work for others. The Committee decided unanimously to defer this item until the next meeting.

Action: Place on the next P&R agenda as a discussion item.

E. Ordinance – Breach of Confidentiality

The Committee reviewed materials provided by Ald. DiPietro with regards to closed sessions and breach of confidentiality. At the February 5, 2008 P&R Committee meeting, Ald. DiPietro asked that the Committee review the City’s ethics ordinance to see if it could be amended to include breach of confidentiality issues. The Mayor presented an interoffice memorandum from the City of Des Plaines dated March 20, 2007. Ald. DiPietro explained that Rule 35 in this memorandum was actually tabled a year ago. He also said that he believes that the City Council’s statement from the last City Council meeting adequately address the issue of breach of confidentiality.

Action: No action.

VI. ADMINISTRATION REPORT

City Manager Pro-Tempore Maller confirmed the next P&R meeting on April 15, 2008 at 7:00 p.m.

VII. NEW BUSINESS

None.

VIII. PENDING ITEMS

A. Historic Preservation Ordinance (April)

IX. ADJOURNMENT

With no further business, the meeting was adjourned at 10:00 p.m.