

**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
COUNCIL CHAMBERS
October 15, 2007
CALLED TO ORDER BY Mayor Howard P. Frimark
at 7:31 p.m.**

ROLL CALL

The following indicated their presence at the meeting on roll call vote:
Ald. Schmidt, Di Pietro, Bach, Allegretti, Ryan, Carey, Wsol and Mayor Frimark

A quorum was present.

The City Council and guests pledged allegiance to the flag.

APPROVAL OF MINUTES

Mayor Frimark requested a motion to approve the minutes from the regular City Council meeting held October 1, 2007. Moved by Allegretti. Seconded by Ald. DiPietro.

On voice vote, the motion passed.

Mayor Frimark requested a motion to approve the minutes of the Special Town Hall (ComEd) Meeting held September 26, 2007. Moved by Ald. DiPietro. Seconded by Ald. Allegretti.

On voice vote, the motion passed.

CONSENT AGENDA

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

- Final approval to convert Parking Time Limits on Meacham Avenue and Morris Street, 13-15-5 to 13-12-6
- Approve warrants, reviewed by Ald. DiPietro, for the period ending October 15, 2007 in the amount of \$621,028.37
- Approve Renewal of Private Parking Enforcement Contracts for Advocate Lutheran General Hospital, Bristol Condominium Assn., Community Consolidated School District 64, Jeanine Schultz Memorial School, Maine Township High School East, James C. Davis & Arlene H. Engert, LaSalle National Bank as Trustee UTA #106357, Gillick Joint Venture Partnership (800 W. Devon), Gillick Joint Venture Partnership (Fairview Avenue at Talcott Road), Winston Park LLC/Glen R. Wherfel, Mgr.

Moved by Ald. Wsol. Seconded by Ald. Carey.

On Roll Call Vote:

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

NAYS: None

ABSENT: None

The motion carried with 7 favorable votes.

REPORTS OF CITY OFFICIALS- MAYOR

Mayor Frimark invited Fire Chief Dubowski to come forward and explain an extraordinary live saving mission involving some of the City's Fire and Police personnel. Fire Lt. Jeffrey Sorensen, Firefighter/Paramedic Derek Decker, Firefighter/Paramedic Gregory

Garland and Police Officer David Delgado were commended for their life-saving efforts during the Charity Classic 5K Run in Park Ridge on September 22, 2007. A 70-year old male participant collapsed near the finish line and was in full cardiac arrest. Life saving efforts were achieved. The wife of the person they saved, Lynn Quinton, was on hand and presented those employees aforementioned with a rose, thanking them for their outstanding work and stating, "You are my heroes."

Mayor Frimark read a memorandum sent to the Park Ridge Point Homeowners from their homeowner association thanking Mayor Frimark, Senator Dan Kotowski and Ald. Richard DiPietro for their perseverance in reaching an agreement for the noise barrier sound wall at Park Ridge Point and I-294. The noise wall will be built at no cost to the residents. Senator Kotowski procured funding for 100% of the project and said construction is to begin immediately. Mayor Frimark also explained that an extension sound wall south of Northwest Highway is still under consideration and being negotiated.

Mayor Frimark also announced that he, City Manager Schuenke and Economic Director Uhlig traveled to Washington D.C. to meet with Illinois U.S. Senators Durbin and Obama, Representative Schakowsky and their staff in addition to members of the Federal Highway and Transit Authority. He believes the fact-finding mission was successful and informative.

Ald. DiPietro moved the City Council consent to the following mayoral appointments:

- Patricia Lofthouse - Library Board
- Shlomo Crandus - Library Board
- Kathleen deGrasse - Library Board
- Joseph A. Baldi - Planning And Zoning
- Ellen Upton - Appearance Commission
- Judy Brady - Public Art Commission
- Rich DuSold - Public Art Commission
- Melissa Ryan - Youth Commission
- Daniel Schallmo - Youth Commission
- Laura C. Smail - Youth Commission
- Francesca D. Skowronski - Youth Commission
- Dara Soljaga - Youth Commission
- Alderman Frank Wsol – Liaison for Community Health Commission

Seconded by Ald. Bach.

On voice vote, the motion passed.

Former Ald. Joe Baldi and Melisa Ryan spoke briefly about their appointment and their intentions.

CITY ATTORNEY

Attorney Hill explained that his office is compiling information requested by Ald. Wsol. His office will be providing the Council with procedure and protocol for potential referendum questions along with the date petitions would be due along with proper procedures.

CITY CLERK

City Clerk Henneman announced the Cook County Clerk’s office is in great need of equipment managers and election judges for the 2008 elections. Equipment Manager and Election Judges would receive compensation for their time.

CITY MANAGER

City Manager Schuenke announced that State Tax bills have been printed and will be mailed out shortly with a due date of December 1, 2007. He said Director Lembesis had advised him that the City has sufficient funds to pay bills without the need to borrow money.

CITIZENS WISHING TO ADDRESS THE COUNCIL ON NON-AGENDA ITEMS

Joan Sandrik, a resident 409 S. Clifton commented on remarks made by Mayor Frimark in a recent newspaper. Based on the article, she said the Mayor indicated the need for an overpass or underpass on Cumberland Avenue, north of Touhy Avenue. She was puzzled why he would encourage drivers’ to use Park Ridge streets as a means of travel to O’Hare. She also questioned whether or not the businesses on Cumberland would be affected and what the result of increased traffic near the Hinkley Park would be. She suggested using tax dollars for a study that would include other North/South streets and let experts render their opinion.

REPORTS OF BOARDS, COMMISSIONS & COMMITTEES

LIQUOR REVIEW BOARD-Mayor Frimark

Mayor Frimark requested a motion, creating a resolution for a Class-L Liquor License for TD Bell Corporation (Winestyles).

Moved by Ald. DiPietro. Seconded by Ald. Schmidt.

On Roll Call vote:

AYES: Carey, Wsol, Schmidt, DiPietro, Bach, Allegretti and Ryan

NAYS: None

ABSENT: None

The motion passed with 7 favorable votes.

ZONING BOARD OF APPEALS-Ald. Schmidt

Ald. Schmidt moved the City Council approve a variance to allow construction of a new single family residence with attached garages extending in front of the main front facade of the residence located at 208 North Dee Road, Case Number: V-07-12. Seconded by Ald. DiPietro.

Senior Planner Carrie Davis gave a brief overview of the case. Pertinent information relating to the case was provided to the elected officials and staff prior to the meeting. Ms. Davis said the significant grade change (from the front of the property to the rear) and the poor soil conditions both create a hardship of the property.

Ald. Ryan said he was surprised that soil testing was not performed prior to purchasing the property.

Ald. Wsol asked Ms. Davis if any feedback was received from neighboring properties. Davis said she was not aware of any feedback.

The applicant's attorney, Jack Owens, provided further information relative to the soil condition of the land, the aesthetics of the proposed residence and the decision rendered by the Zoning Board of Appeals. He explained, if the variance was approved by the City Council, the case would be brought before the Appearance Commission.
On voice vote, the motion passed.

PLANNING & ZONING – Ald. Schmidt

Ald. Schmidt moved the City Council approve of the Planned Development at 225 Touhy Avenue and 1 and 111 South Washington Avenue, Case Number PUD-06-02.

Ald. Schmidt moved to postpone case number PUD-06-02 until November 5, 2007. Seconded by Ald. Wsol.

Ald. Schmidt requested that an email sent from him to other City officials be included in the minutes of the City Council Meeting. The following email was read aloud:

From: Schmidt, David F.
Sent: Sunday, October 14, 2007 5:39 PM
To: Schmidt, David F.
Subject: EOP Senior Housing Covenant

I finally got a chance to read the proposed language which supposedly protects the senior nature of the Touhy Avenue building. It is clear to me we need to continue this matter yet again to clarify the language of the covenant.

I read the proposed ordinance three times. You all know I am a lawyer; I read statutes and contracts for a living. I can only say that the language in the proposed ordinance is at best confusing and at worst consists of two enormous loopholes that render it virtually meaningless for our purposes. As I read it, the senior building need only meet the standard for exemption from anti-discrimination laws, 80% of the units must be occupied by individuals over age 55. That means this ordinance permits Norwood to get away with only 40 senior units in the 50 unit building. I also note that it mentions nothing about whether individuals under age 55 can live with "seniors". If they can, then it's not really a senior building is it? Worse yet, the ordinance appears to give Norwood an easy out if it experiences difficulty in keeping just 40 units populated by 55 and up, or if Pres Homes has trouble signing seniors up for activities being offered by Pres Homes, activities which Pres Homes steadfastly refuses to commit to both as to location and price. REMEMBER- Norwood is justifying the extra 8 units because it is filling a "dire need" for senior housing, yet it has dropped its threshold to 40 units and negotiated itself an easy out, including if Pres Homes bails on the "partnership." If true, those loopholes are absolutely galling.

Now, perhaps I am wrong. But if I am, it's because this ordinance is written in such a confusing manner, including the introduction of a brand new, never-discussed standard based on federal law, that this experienced lawyer cannot understand it. On the other hand, if this experienced lawyer is right about how this proposed ordinance is meant to operate, then you must ask yourself whether it is really worth going against the express wishes of a vast majority of the citizens most directly affected by the development to vote in favor of such a completely illusory promise of "senior housing."

Remember, no "reply all."

Ald. Schmidt said issues tying this ordinance to federal law were never debated, nor was an “out” clause ever discussed with the Council or the Planning and Zoning Commission. He believes “the tradeoff for these extra units must be iron clad guarantee that the property is and always will be completely and totally a senior housing facility.”

Ald. Wsol agreed with Ald. Schmidt’s request to defer. He said residents have voiced their concerns to him relative to the tax implication of Executive Plaza. He believes the financial liability of the water retention pond has not been fully disclosed. The cost for water retention is estimated at 2 million dollars (based on an estimate from a professional engineer) of which Neri would be responsible for two to three hundred thousand. Furthermore, he was told by the City Manager 100% would be the responsibility of the developers. However, Ald. Wsol fails to see evidence in any documents indicating Norwood’s 1.6 million dollar input for the water retention. He asked the City Manager if he is correct to assume the City would be responsible for some of the cost, and if so, has it been budgeted? According to City Manager Schuenke, the amount has not been budgeted. Without proper disclosure, Ald. Wsol questioned Norwood’s decision to proceed.

Ald. Wsol expressed dissatisfaction with the language pertaining to senior services. He explained, as written, senior housing could be eliminated within 18 months. He said the Council is willing to be flexible and open-minded. However, Ald. Wsol said he still has not been provided with sufficient economic explanation of why Norwood is requesting 8 additional units.

Ald. DiPietro requested to hear comments from the applicant relative to those brought forth by Ald. Schmidt. In addition, he suggested a “Special” meeting if the motion to defer is adopted.

Ald. Schmidt questioned Attorney Hill about the language within the Ordinance pertaining to the number of senior housing units. Attorney Hill took full responsibility of the new language added to the ordinance and explained his reasoning. He said the federal regulation was provided to him by the petitioner, in fear of discrimination. The regulation states senior housing must be in effect for at least 20 years. Decline in senior services can only be invoked if the City consents. He was trying to give definition of questions previously raised by the Council.

Ald. Schmidt explained the new language prohibits the City from creating their own standards pertaining to the number of senior units. He asked if there is any way to modify the language, requiring 50 senior units and include the federal register regulation. Attorney Hill did not think so. Furthermore, Attorney Hill explained, the ordinance as written, would start with 50 senior units but a time could come to pass that 40 would need to be occupied by people 55 and over.

Ald. Schmidt referred to a statement that indicated Presbyterian Home's services could be invoked by the City’s consent only. He requested clarification of “City”. Attorney Hill assured him it means the City Council. In addition, Ald. Schmidt said that there is no indication of the services that would be provided by Presbyterian Homes.

Ald. Wsol referred to the Federal Register 16-3-27 as it relates to this issue and the 80/20 split. Attorney Hill comprehended the language in the section and “community” meaning the facility itself, not a unit of government.

Ald. Ryan was content with the changes made to the ordinance and had no problem comprehending the language.

Ald. DiPietro understood the new language was placed in the ordinance by Attorney Hill and therefore decided to forego comments from the applicant.

Ald. Schmidt referred to the language regarding the “out” clause and who placed it in the ordinance. Attorney Hill said it was his own idea to place the language into the ordinance.

On voice vote, the motion to defer until November 5, 2007 passed.

Mayor Frimark requested that the Aldermen forward Attorney Hill any questions prior to any meeting. Ald. Schmidt requested ample time be given to Aldermen so they can thoroughly review any new language placed in an ordinance.

Ald. Schmidt would like the applicant to include all senior services that would be offered to the senior residents of the development in the ordinance.

Mayor Frimark announced a 5-minutes recess at 8:37 p.m.

City Council reconvened at 8:53 p.m.

STANDING COMMITTEES

PROCEDURES AND REGULATIONS COMMITTEE – Ald. James Allegretti

No report

PUBLIC WORKS COMMITTEE – Ald. Bach

*Final approval to convert parking time limits on Meacham Avenue and Morris Street 13-15-5 to 13-12-6.

Moved by Ald. Wsol. Seconded by Ald. Carey.

On Roll Call Vote:

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

NAYS: None

ABSENT: None

The motion carried with 7 favorable votes.

Ald. Bach moved the City Council approve an Automated Refuse and Recycling Program.

Ald. Wsol moved to amend the automated cart program and requested the following wording be deleted from the contract: “The City at its sole discretion and at any time during the contract, may require the Contractor to establish and institute a sticker program for all refuse exceeding the capacity of the 95-gallon cart (or 65 or 35-gallon cart if applicable). The Contractor will receive 10% of the sticker fees collected for administration of this program.” Seconded by Ald. Schmidt.

Ald. Wsol requested to remove all sticker cost possibilities for items placed outside the carts, discouraging an added cost to residents for waste pick-up. Also, he believes the new garbage carts will be burdensome for residents living on Canfield Avenue.

Acting Public Works Director explained the language Ald. Wsol is speaking of is in the contract for the best interest of the City. Furthermore, City Manager Schuenke stated the contract could not be amended without the approval of the vendor in agreement. Mr. Rick Bultheis explained it was the City who placed the language into the contract.

Mr. Gregory Toulon, a resident at 536 Dee Road explained, bringing a cart from behind his house to street may be difficult in the snow and requested clarification for the use of trash bags.

Ms. Virginia Schambari, a resident at 1936 Linden concurred with Ald. Wsol's suggestion of removing "sticker" language from the contract.

Ms. Judy Barclay, a resident at 524 Courtland does not want to have another tax for trash.

Ald. DiPietro believes the wording should remain in the contract and would give the City an option of using "stickers" at a later date. Ald. Allegretti was also against the amendment and that residents do not need to be alarmed of another tax. Ald. Schmidt concurred.

On voice vote, the motion to delete "sticker" language from the Arc Contract was defeated.

Mr. Robert McCarthy, a resident at 422 S, Dee Road requested to hear the method of cart distribution.

Mr. Bultheis from Arc explained that cart delivery would start in April 2008. Residents would receive a 95-gallon waste cart and 65-gallon recycle cart initially. Residents would be able to exchange the 95-gallon cart for a smaller size, if requested. The City would have 35-gallon carts available for residents who request a smaller size. He explained that all trash must be placed in the carts. First time offenders who leave trash outside the carts would receive a warning. If a resident continued to leave garbage outside the cart, ARC would not pick-up the excess trash and Public Works would be notified by Arc to contact the resident.

Ald. Carey said he would appreciate any expediting of the process for the cart exchange, either by the City and/or ARC.

On Roll Call Vote:

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

NAYS: None

ABSENT: None

The motion carried with 7 favorable votes.

Ald. Bach moved the City Council approve the contract for Phase 2 Traffic/Parking Consultant. Seconded by Ald. Wsol.

On Roll Call Vote:

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

NAYS: None
ABSENT: None

The motion carried with 7 favorable votes.

Ald. Bach moved the City Council approve the Purchase of Bulk Rock Salt. Seconded by Ald. Wsol.

On Roll Call Vote:

AYES: Ald. DiPietro, Bach, Allegretti, Ryan, Carey, Wsol and Schmidt
NAYS: None
ABSENT: None

The motion carried with 7 favorable votes.

Ald. Bach requested permission to suspend the rules and approve Public Works Agenda Items #E, #F and #G in one reading. Seconded by Ald. Wsol.

On voice vote, the motion passed.

Ald. Bach moved the City Council approve an Ordinance Amending Article 9, "Public Ways," Chapter 2, "Construction in Public Rights-of-Way" of the Park Ridge Municipal Code Establishing Standards for the Construction of Facilities in the Rights-of-Way.

Seconded by Ald. Wsol.

On Roll Call Vote:

AYES: Ald. Bach, Allegretti, Ryan, Carey, Wsol, Schmidt and DiPietro
NAYS: None
ABSENT: None

The motion carried with 7 favorable votes.

Ald. Bach moved the City Council approve an Ordinance Amending Article 12, "Businesses and Occupations," of the Park Ridge Municipal Code Establishing Customer Protections for Cable and Video Customers (Ord. Prep.). Seconded by Ald Wsol.

On Roll Call Vote:

AYES: Ald. Allegretti, Ryan, Carey, Wsol, Schmidt, DiPietro and Bach
NAYS: None
ABSENT: None

The motion carried with 7 favorable votes.

Ald. Bach moved the City Council approve an Ordinance Amending Article 12, "Businesses and Occupations," of the Park Ridge Municipal Code Establishing Cable/Video Service Provider Fee and Peg Access Support Fee (Ord. Prep.) Seconded by Ald. Wsol.

On Roll Call Vote:

AYES: Ald. Ryan, Carey, Wsol, Schmidt, DiPietro, Bach and Allegretti
NAYS: None
ABSENT: None

The motion carried with 7 favorable votes.

FINANCE AND BUDGET COMMITTEE – Ald. Richard DiPietro

*Approve warrants, reviewed by Ald. DiPietro, for the period ending October 15, 2007, in the amount of \$621,028.37

Moved by Ald. Wsol. Seconded by Ald. Carey.

On Roll Call Vote:

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

NAYS: None

ABSENT: None

The motion carried with 7 favorable votes.

PUBLIC SAFETY COMMITTEE – Ald. Wsol

*Approve Renewal of Private Parking Enforcement Contracts for Advocate Lutheran General Hospital, Bristol Condominium Assn., Community Consolidated School District 64, Jeanine Schultz Memorial School, Maine Township High School East, James C. Davis & Arlene H. Engert, LaSalle National Bank as Trustee UTA #106357, Gillick Joint Venture Partnership (800 W. Devon), Gillick Joint Venture Partnership (Fairview Avenue at Talcott Road), Winston Park LLC/Glen R. Wherfel, Mgr.

Moved by Ald. Wsol. Seconded by Ald. Carey.

On Roll Call Vote:

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

NAYS: None

ABSENT: None

The motion carried with 7 favorable votes.

NEW BUSINESS

Ald. DiPietro commended Public Works in their assistance to the Library's temporary maintenance needs.

ADJOURNMENT

Ald. Carey moved the City Council adjourn the regular meeting at 10:00 p.m. Seconded by Ald. Wsol.

On voice vote, the motion passed.

Howard P. Frimark, Mayor

Attest:

Betty W. Henneman, City Clerk