

CITY OF HIGHWOOD
COMMITTEE OF THE WHOLE OF THE HIGHWOOD CITY COUNCIL
MINUTES OF THE REGULAR MEETING – COUNCIL CHAMBERS- JUNE 2, 2009

1. CALL TO ORDER

Mayor Pecaro called the regular meeting of the Highwood City Council Committee of the Whole to order at 6:00 p.m.

2. ROLL CALL

- a. Present: Mayor Pecaro, Aldermen Sepulveda, Harpster, Murphy-Pieri, Linari, Falberg, Cahnmann, Bruni, and Fiore.
- b. Absent: --
- c. Also present: M. Burke, City Clerk; P. Lenzini, City Treasurer; G. Jackson, City Manager; A. Marrin, Assistant City Manager; Jeff Harding, Director of Community Development & Water Distribution; and J. Stein and D. Blondin, City Attorneys

There being a quorum, Mayor Pecaro announced that the meeting was in session.

3. Executive Session

Alderman Murphy-Pieri moved that the Committee of the Whole go into Executive Session under Open Meeting Act exceptions 2c(2) Collective Negotiation and 2c(1) Personnel. Alderman Falberg seconded. Clerk Burke called the roll:

Vote

Yes Aldermen: Bruni; Cahnmann; Falberg; Fiore; Harpster; Linari; Murphy-Pieri;
Sepulveda

No --

Absent --

Abstain--

By a vote of 8 Yes 0 No the motion to go into Executive Session was approved.

4. Return from Execution Session

The Committee of the Whole meeting reconvened at 6:36 p.m.

5. Review of the Minutes of the Highwood City Council Committee of the Whole

- a. Minutes from COW meeting on 5/12/09: to be accepted as corrected
- b. Minutes from COW meeting on 5/19/09: to be accepted as corrected

6. Appointments

None

7. Mayor's Report

- a. Code of Conduct: Mayor Pecaro said that he felt it was important to move forward on this. He pointed out that it would cover all City of Highwood committees, boards, and commissions.

Alderman Falberg suggested that we should not address this now in light of the expected changes in state statute. Mr. Jackson pointed out that Highwood had previously adopted

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an Ethics Ordinance that mirrors the State Statute. The Code of Conduct is in addition to the Ethics Ordinance.

Alderman Fiore stated that he wanted the Council to review this. He added that former Alderman Hospodarsky thought this should go to public comment.

- b. Council Rules and Procedures: Mayor Pecaro stated that he wanted to allow public comments on an item by item basis and noted that this is not provided for in the Council's current procedures. He said that updating the Procedures of the Council was the more important task.

Alderman Falberg said that it should go back to committee. Alderman Fiore explained that it was important to know what the current aldermen thought about it. Alderman Murphy-Pieri asked if The Council could just amend the current rules and procedures ordinance (7-O-24) to allow people to speak to the Council and how the agenda was to be laid out. Mayor Pecaro asked the aldermen to submit the changes they want in writing to Mr. Jackson. There was some discussion about amending the current ordinance to have the COW start time be 6 p.m. rather than 6:30, but there was no consensus on this. Mayor Pecaro told the Council that the start time of the COW meeting, the rules regarding public input, and the agenda were the only items under Council Rules and Procedures that will be handled at the next meeting. He said that he and Clerk Burke would work on the agenda process. He asked that any other requests for alterations be submitted to the Legislative Committee in writing.

Mayor Pecaro then spoke again about the proposed Code of Conduct. He said that the Code of Conduct is just to make sure that everyone knows what he or she can and cannot do. This is not the ethics ordinance and that Dan Blondin should take out any items in the Code of Conduct that are also in the Ethics Ordinance.

Alderman Falberg stated that you have to show ethics and accountability by showing it, that having a piece of paper doesn't do it. Alderman Sepulveda asked if this is an extra thing that we need. Mr. Jackson noted that the Code of Conduct was a Council initiative, not a staff initiative. Mayor Pecaro responded that the Council could kill the Code if they want to. He requested that the aldermen submit their comments in writing to Mr. Jackson who would forward them to the Legislative Committee.

Mayor Pecaro requested that the remaining time be spent on items that were on the Consent Agenda. There were no objections.

1. Temporary construction easement for 50 Pleasant. Alderman Murphy-Pieri requested that PIN's rather than addresses be used in all future ordinances since addresses can be changed and PIN's cannot. Treasurer Lenzini (who is also the Deputy Assessor) noted that the PIN used in the Ordinance is inactive and that she believed that the correct PIN ended in 003.
2. Modification of Highwood's Class 8 liquor licenses to extend the allowable hours of operation. There was some discussion about the type of business the establishment requesting this change is. The business was described as a retail wine store that has wine tastings and serves hors d'oeuvres.
3. Confirmation that all fees, fines, etc paid before issuance of any new license. The Council had no further issues on this item.
4. Variation from the City of Highwood Appearance Code (Fort Sheridan Place Apartment Project). It was noted that this variation request was packaged with changes to the exterior of the building. In response to questions from the Council, Mr. Harding said

that the variance was only for the size of the sign. He further said that the Council would be approving the exterior portion of the renovation project, but explained that only the size of the project signage required approval of an Ordinance for a variance.

Alderman Falberg said that 6.2.1 or 6.2.2 of the appearance code appeared to say otherwise. Mr. Harding informed the Council that the changes to the exterior were discussed at the Appearance Review Committee's (ARC) meeting. He was asked if the ARC understood that a variance was required.

Alderman Falberg said that he wanted the Council to take a closer look at this issue and that he thought that an ARC variance was needed for the siding. He said that if the proposal meets the standards of the Appearance Review Code then they just needed the ARC to agree that the standards were met. He asked if the ARC had an adequate explanation of what was required. Alderman Cahnmann said that as the ARC understood it, they did not have a choice about the vinyl siding.

Alderman Murphy-Pieri requested permission to read from the minutes of the ARC meeting to understand what they approved. According to the minutes, the ARC approved the signage variance plus the amended exterior façade changes. Mr. Harding said that at this point the only thing before the Council was the variance on the sign, that everything else relating to the exterior had been approved. The question was raised about what has to be approved by Council vs. what has to come before the Council.

Alderman Falberg again stated that he thought that the ARC had not had an adequate explanation of its responsibilities and authorities and that he wanted Mr. Harding to take a closer look at it. He said that there were also some other issues, including major moisture issues concerning the stucco that had not been addressed as well as possible mold issues. The Council was informed that the ARC handled issues of aesthetics only; that mold and moisture issues were handled by the Building Department.

Mr. Blondin reminded the Council that they only had to approve an ordinance if a variance was required. Alderman Linari stated that the only thing that was before the Council was the sign.

Mayor Pecaro asked if the ARC had considered the moisture issue. Alderman Harpster asked if they even understood the moisture issues and stated that if there are concerns about mold, they should be investigated.

Alderman Falberg said that there appear to be a lot of things that are required that have not been fulfilled and that the Council needed to take a look at the project before they allowed anything to go forward. Alderman Murphy-Pieri noted that whether or not something was within the standards set by the Code was up to the Council.

Mr. Harding explained that his department had done a sale inspection report. B&F assisted the City on several units but that the City did most of the inspections of the units. Alderman Falberg requested a copy of the report on every unit. Alderman Murphy-Pieri asked if there was a Fire Report.

Mayor Pecaro asked the Council what they wanted to do about this project. Alderman Falberg said that there was a lot to resolve before the developers could move ahead. He pointed out that this is a big project for the community and that the Council needed to take a careful look at it.

Mayor Pecaro asked what the repercussions would be if this were to fail. Mr. Blondin said that he preferred to prepare a report to answer that.

It was noted that Under Section 3.7.3 of the Appearance Review Code, the Mayor may notify the petitioner that the city objects to the ARC approval. Alderman Falberg stated that it was not too smart to vote on something they had questions about and said that he was going to move to table consideration of the Ordinance.

Ray Gerard, the attorney for Morningside was in the audience and asked to speak. He said that the issue is whether Highwood was going to adopt the ARC recommendations on aesthetics – the other issues were for the Building Department. If the Council were going to table the vote on this Ordinance, what, he asked, would it be for? He stated that Morningside wants to improve the building for the benefit of the community.

Mr. Blondin said that the question at hand was what the scope of the ordinance is and what the scope of the decision is. He said that the Council wanted to have a better understanding of its role. He said that he would provide a memo by the next meeting that clarified what it is that they are being asked to vote on and what is beyond their scope.

Alderman Falberg stated that he would be making a motion to table consideration of this ordinance at the City Council meeting.

8. Unfinished Business

Given the time, Mayor Pecaro asked if there was any remaining business to consider at this meeting. Mr. Jackson said that the only remaining items were for information only, not for Council action. Mayor Pecaro then asked for a motion to adjourn.

9. Adjournment

Motion to adjourn: Alderman Linari.

Second: Alderman Bruni.

Vote:

Aye: Aldermen Bruni; Cahnmann; Falberg; Fiore; Harpster; Linari; Murphy-Pieri; Sepulveda

No: --

Absent:--

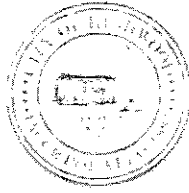
Abstain: --

The vote being 8 Aye, 0 No, 0 Absent, 0 Abstain, the meeting was adjourned at 6:36 p.m.

Respectfully submitted:

Minutes accepted by the Committee of the Whole:

_____, 2009
Marcia Burke, City Clerk



CITY OF HIGHWOOD
MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
CITY COUNCIL CHAMBERS - TUESDAY, JUNE 2, 2009

1. Call to Order

Mayor Pecaro called the meeting to order at 7:41 p.m.

2. Roll Call

Present: Mayor Pecaro; Aldermen Bruni, Cahnmann, Falberg, Fiore, Harpster, Linari, Murphy-Pieri, Sepulveda

Absent: --

Also present: M. Burke, City Clerk; P. Lenzini, City Treasurer; G. Jackson, City Manager; A. Marrin, Assistant City Manager; J. Harding, Director of Community Development & Water Distribution; D. Blondin and J. Stein, City Attorneys

There being a quorum present, the Mayor announced the meeting to be in session

3. Pledge of Allegiance

Everyone present rose to say the Pledge of Allegiance

4. Executive Session

none

5. Any Action Necessary Coming Out of Executive Session

n/a

6. Approval of Minutes

a. Regular Council Meeting minutes: May 19, 2009 – deferred, not reviewed

7. Appointments.

None

8. Special Business

The Executive Director of the North Shore Special Recreation Association (NSSRA) gave a presentation about NSSRA. They provide the same programs to people with disabilities that a Park District or municipality offers to the general community. Alternatively, they provide support for people with disabilities who want to participate in the regular programs. They also provide door-to-door transportation to and from their programs.

Alderman Cahnmann is the City of Highwood's contact person. At this time, nine (9) people from Highwood participate in these programs.

Alderman Falberg invited the NSSRA to have a booth at the Wednesday Gourmet Farmers' Market to provide information about their programs.

9. Public Input

Lisa Cervac, 239 Burchell, spoke in reference to the Committee of the Whole discussion about Morningside's proposed redevelopment of North Shore Estates.

a. After noting that anything is a variance that deviates from Highwood's standards comes before the Council, Ms. Cervac stated that Highwood does have standards about the use of natural materials.

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- b. Over the course of the past 1½ years, Morningside has appeared before the Council several times discussing their intent to provide first luxury condos, now luxury rentals. And yet there are still allegations of moisture problems and balcony maintenance required by ordinance that has not been completed.
- c. Required change of ownership inspections have not been done. Only the City Council has the authority to waive this requirement.
- d. The Council should be notified of a significant change in plans relating to a PUD (Planned Uniform Development). Since vinyl siding represents a lower standard than stucco, the Council should have been explicitly notified of, and could have not allowed, this change.
- e. Ms. Cervac wants to hear a clear statement from this Council that they do not want to lower standards.
- d. Any mold issues should have been dealt with long ago and should not be coming up now.

10. Mayor's Report

- a. Standards of Conduct -- discussed in the Committee of the Whole and referred to the Legislative Committee.
- b. Council Rules and Procedures -- discussed in the Committee of the Whole and referred to the Legislative Committee.

Mayor Pecaro said that it was his belief that elected and appointed City officials should be held to a higher standard than was covered by the Ethics Ordinance that was drafted to mirror state law in 2007.

Mayor Pecaro took the opportunity provided by tonight's Council meeting to publically recognize and thank Vince Cimbalo for the very welcome change in the appearance of Council Chambers.

11. Committee Reports.

Finance - Alderman Linari, Chair

Next week's agenda will include an update on the FY 09-10 Appropriation; the water sales contract, claims in vacation, and a review of the Landscape Ordinance.

Legislative - Alderman Murphy-Pieri, Chair

The Codification process will be discussed at the 8pm meeting on June 9. Other items to be considered at the June 9 meeting include:

- An update on the Department of the Interior and the park property
- Fire safety legislation
- Salary Ordinance
- Ethics
- Code of Council Rules and Procedures

Public Safety - Alderman Cahnmann, Chair

Alderman Cahnmann invited anyone who has any issues to discuss to come to this 6 p.m. meeting. Currently on the agenda are the Rienzi Lane traffic flow and the DeRoo Loop parking issues.

Public Outreach -- Alderman Murphy-Pieri, Chair

Will consider recommendations on "Welcome to Highwood" and political signs. Mr. Blondin will attend and will report on the practices of other municipalities.

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Long-Term Planning - Alderman Harpster, Chair

At their 5 pm meeting, the Long-Term Planning Committee will consider: how to proceed on developing a comprehensive plan; establishment of goals and criteria on how to move forward on a Long Term Plan (LTP); public works issues including the lift station; the construction project on 50 Pleasant; and water sales. Alderman Harpster has been in contact with Richard Turner, the Illinois Department of Commerce and Economic Opportunity (DCEO) person who is doing the Highwood Water Study. Alderman Harpster noted that Mr. Turner said that the water fee schedule would be covered in the study.

Parks and Recreation - Alderman Fiore, Chair
Invited people to attend meeting.

Mayor's Committee for Special Events - Alderman Falberg, Chair

First event will be the evening Gourmet Farmers' Market which opens on Wednesday and will continue until it's too cold. A Jazz Trio will play the first week. Alderman Falberg expects the number of vendors to increase from week to week and says that this on-going event should bring people into the community. He noted that this was pulled together in one month.

Alderman Falberg invites everyone to:

"Come and enjoy Highwood at its best!"

12. City Manager's Report

A copy of the City Manager's Report was distributed immediately prior to the Committee of the Whole Meeting. Key points are:

- SWALCO – resolution approving appointment to Board of Directors needs to be expedited; Alderman Harpster is to be appointed to this. Mr. Jackson expects to have the resolution at the next Council meeting.
- Science Camp – not holding due to too few registrations
- Verizon – work completed
- Department of Interior (DOI) ---- The Mayor has authorized a conditional permit for the sign and a committee has been formed to work on the park. Mr. Jackson said that he will be reaching out to the alderman who was appointed chairman (alderman who was appointed chair was not identified). Target disposition date for all DOI issues is 6-15-09
- Car Show -- sponsor has applied for a special events permit
- Miramar – has been referred to the Finance Committee
- Legislative Agenda and request to Senator Garrett has resulted in \$350,000 infrastructure grant; have received \$150,000 CDBG; have also applied for \$300,000 through Karen Mays office
- Ft Sheridan golf course – will work with Highland Park and Lake Forest to present a united front to the Lake County Board and supporting a joint plan for the development of a golf course
- Highwood will outsource fuel and engineering to Highland Park
- An RFP for snow removal and landscaping is being developed. Cost/benefit analysis on this will be presented.
- 20 Fifth Graders wrote to the Mayor about wanting to bring recycling to North Shore Estates. As a result of that, 15 recycling bins are being delivered to the complex. Mayor Pecaro said that it is very important that our children feel like they can have an impact.

12-a Car Show

Alderman Fiore again stated that we have a parking shortfall. He said he really appreciates the Car Show, but he really dislikes the cones on the City streets. Alderman Fiore said that there was no parking available on the day of the previous car show. This issue was referred to the Special Events Committee.

Car show sponsor and Buffo's owner, Lenny Innocenzi, requested and received permission to

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He reminded that Council that he has been doing this car show since 1992. He said that the cones go up at 2:30 on car show days and that he does that because otherwise the spaces are likely to be taken by a valet. He said that the valets often park their own cars on the street and just leave them there until the end of their shifts.

Mr. Innocenzi informed the Council that he has consistently allowed the customers of businesses located near Buffo's to use the Buffo's lot. He also reminded the Council that people from all areas are coming to Highwood just for the Car Show – but often stay for dinner at one of Highwood's restaurants – and that it pleases him to be able to send his fellow restaurant owners this additional business. He told the Council that he wants to hear any complaints from neighboring businesses directly.

Alderman Sepulveda asked Mr. Jackson if the City had received any complaints regarding the parking situation during Car Shows. Mr. Jackson did not know of any except for ones relayed by an Alderman.

Mr. Innocenzi was invited to attend the Special Events Committee meeting. He and Alderman Fiore, a committee member, were asked to discuss this further and to try to resolve it at that meeting.

13. Consent Agenda

a. Removed from the Consent Agenda

- i. AN ORDINANCE ESTABLISHING POLICY AND RULES FOR ISSUANCE OF LICENSES, CERTIFICATES, AND/OR PERMITS REGARDING PAYMENTS OF UNPAID CHARGES AND ASSESSMENTS**

Requested by Alderman Murphy-Pieri

- ii. AN ORDINANCE GRANTING A VARIATION FROM THE CITY OF HIGHWOOD APPEARANCE CODE (Fort Sheridan Place Apartment Project)**

Requested by Mr. Blondin

b. Amended Consent Agenda

- i. Ordinance 09-O-21: AN ORDINANCE APPROVING A GRANT OF TEMPORARY CONSTRUCTION EASEMENT (50 Pleasant)**

- ii. Ordinance 09-O-22: AN ORDINANCE AMENDING THE CITY OF HIGHWOOD LIQUOR CODE (Ordinance 2005-O-32) TO AMEND THE HOURS OF OPERATION FOR CLASS 8 LICENSES**

Alderman Harpster: motion to approve the Consent Agenda as amended

Alderman Falberg: second.

Vote:

Aye: Aldermen: Bruni, Cahnmann, Falberg, Fiore, Harpster, Linari, Murphy-Pieri, Sepulveda

No: --

Abstain: --

Absent: --

The motion carried.

The Ordinances on the Amended Consent Agenda were each adopted by a unanimous vote

14. Unfinished Business.

- a. Ordinance 09-O-23: Consider disposition of AN ORDINANCE ESTABLISHING POLICY AND RULES FOR ISSUANCE OF LICENSES, CERTIFICATES, AND/OR**

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PERMITS REGARDING PAYMENTS OF UNPAID CHARGES AND ASSESSMENTS

i. Motion to adopt this ordinance made by Alderman Murphy-Pieri; second by Alderman Cahnmann

ii. Discussion:

Several aldermen felt that Mr. Jackson's approval authority should be much lower. Mr. Jackson told the Council that he would report any waiving of fees or fines due to the Treasurer. He said he hopes we never have to use this and that he expected to use it only rarely.

Mr. Jackson reminded the Council that he has the authority to purchase goods and services costing up to \$10,000 without prospectively coming to the Council for approval. He further said that the Council had hired him to run the city's business; that most City Managers have such authority in the amount of \$20,000 but that he felt the \$10,000 limit was appropriate since he is Highwood's first City Manager. Alderman Sepulveda stated that there was a big difference between a \$10,000 purchase and a \$10,000 waiver and asked for examples of such waiver authority in other municipalities. Mayor Pecaro told the Council that they have had this before them for two meetings and that if this was a problem it should have been raised in a previous meeting.

Vote:

Aye: Aldermen: Bruni, Cahnmann, Falberg, Fiore, Harpster, Linari
No: Aldermen: Murphy-Pieri, Sepulveda
Abstain: --
Absent: --

The motion carried by a vote of 6 Yes to 2 No. The Ordinance was adopted.

b. AN ORDINANCE GRANTING A VARIATION FROM THE CITY OF HIGHWOOD APPEARANCE CODE (Fort Sheridan Place Apartment Project)

Alderman Falberg made a motion to table consideration of the ordinance to the next meeting. Alderman Murphy-Pieri second.

Vote:

Aye: Aldermen: Cahnmann, Falberg, Harpster, Murphy-Pieri, Sepulveda
No: Aldermen: Bruni, Fiore, Linari
Abstain: --
Absent: --

The motion carried by a vote of 5 Yes to 3 No. The discussion of the Ordinance was tabled. It will be on the June 16 agenda for both the Committee of the Whole and the City Council.

c. Motion to send City of Highwood Water Sales Agreement – Contract with William R. Balling to the Finance Committee for review
Referred by Mayor Pecaro with no objections voiced.

15. New Business

Mr. Stein had two items of New Business for the Council

a. He informed the Council that a recommendation is needed from the Parks and Recreation Committee on certain items such as maximum number of people and fees in the Park Rental Ordinance. He also said that Raysa and Zimmerman would provide guidance on these items.

b. He told the Council that a "weed/lien" ordinance was needed. He informed the Council that most communities have ordinances that level off the height of weeds. The specific height used is a local modification to property maintenance codes. No such local modification was made by Highwood when the 2006 property maintenance code was adopted.

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He also pointed out that Highwood had not adopted a corollary to the State statute to be first in line if put a lien on any property to cover such maintenance costs. Alderman Sepulveda asked about how that would apply to foreclosures if the City had to clean up a property. Mr. Stein responded that a lien for costs relating to the hourly rate of workers doing the clean up, administration fees, and a charge for equipment, if filed properly, would be the superior lien on the property. Aldermen were asked to give a list of properties that are a problem in their wards to Mr. Jackson or Jeff Harding.

Alderman Murphy-Pieri asked if Highwood had an Ordinance to take care of garbage on someone's property. Mr. Jackson said that someone should file a complaint in City Hall; Jeff Harding will be asked to provide a complaint tracking report. Mayor Pecaro directed the Legislative Committee to address the weeds/lien issue. Alderman Falberg suggested that this eventually be referred to the Public Outreach Committee so that the community can be informed about how property must be maintained.

- d. Mayor Pecaro referred the new FOIA requirements to both the Legislative Committee and the Clerk.

16. Adjournment.

Motion to adjourn: Alderman Fiore

Second: Alderman Falberg

Vote:

Aye: Aldermen: Bruni, Cahnmann, Falberg, Fiore, Harpster, Linari, Murphy-Pieri,
Sepulveda

No: --

Abstain: --

Absent: --

The motion carried. The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Marcia Burke, City Clerk

_____, 2009