

**MINUTES OF THE  
HIGHWOOD CITY COUNCIL COMMITTEE OF THE WHOLE  
COUNCIL CHAMBERS, HIGHWOOD CITY HALL  
JANUARY 5, 2010**

**1. CALL TO ORDER**

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

**2. Roll Call**

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

Absent: Aldermen Linari and Sepulveda

Also present: M. Burke, City Clerk; T. Lenzi, City Treasurer, G. Jackson, City Manager; A. Marin, Assistant City Manager; J. Harding, Director of Community Development & Water Distribution; M. Zimmerman and J. Stein, City Attorneys

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

**3. Executive Session**

Attorney Zimmerman announced the need for an Executive Session under 2(c)(1) personnel issues, 2(c)(2) collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees, and 2(c)(11) pending or current litigation, when an action involving the public body has been filed and is pending, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

Alderman Harpster made a motion that was seconded by Alderman Bruni to go into executive session under exceptions 2(c)(1) personnel, 2(c)(11) litigation, and 2(c)(2) collective bargaining as described by Mr. Zimmerman. All aldermen present voted yes, the motion passed, and the COW recessed to go into executive session at 6:01 p.m.

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At 7:25 pm, Mayor Pecaro called the COW back into session. Alderman Harpster made a motion that was seconded by Alderman Falberg to reconvene the COW meeting. Vote:

Ayes: Aldermen Bruni, Cahnmann, Fiore, Harpster, Falberg, and Murphy-Pieri

Nays: --

Absent: Aldermen Sepulveda and Linari

The motion passed and the meeting reconvened at 7:27 pm.

Alderman Harpster made a motion, seconded by Alderman Bruni, to recess the COW until the completion of the regular meeting of the Highwood City Council. Vote:

Ayes: Aldermen Bruni, Cahnmann, Fiore, Harpster, Falberg, and Murphy-Pieri

Nays: --

Absent: Aldermen Sepulveda and Linari

The motion passed and the meeting recessed at 7:28 p.m.

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Alderman Falberg made a motion, seconded by Alderman Murphy-Pieri to reconvene the COW meeting at 9:12 p.m. The motion was passed unanimously by voice vote.

**4. Any Action Necessary Coming Out of Executive Session**

none

**5. Review of Minutes**

Done at regular meeting

**6. Appointments**

Made at regular meeting

**7. Review of Bills**

n/a

**8. Special Business**

None

**9. New Business**

**9.1. Discussion of Morningside (Fort Sheridan Place) Settlement Agreement**

**9.2. Discussion of Permit Approval for Façade Improvements (Vinyl Siding) at Fort Sheridan Place.**

**9.3. Discussion of Permit Approval for Roof Improvements at Fort Sheridan Place.**

All items of new business were handled at the regular meeting of the Council

**10. Old Business**

**10.1. Discussion of Review of Executive Session Minutes for Release Under the Open Meetings Act**

Discussed at the regular meeting of the Council

**10.2. Discussion of Amending the Appearance Review Code to Permit Sandwich (A Frame) Signs**

ARC turned sandwich signs down again. Alderman Falberg wants to look at sandwich signs but wants a strict standard. He pointed out that Lake Forest allows such signs. The concern had been that these signs would clog the sidewalks. This was not seen as a problem by council members. The general agreement appeared to be to allow both sandwich and menu signs – but to require that they meet strict standards. Clerk Burke and Treasurer Lenzini had developed a template for a sign ordinance was based on the sign ordinances of a number of local communities. This will be provided to the Council for their consideration.

Lisa Cervac asked to address the COW on this. She said the Appearance Review Code was modeled after those of a number of other communities. She said that it gives the city a lot of control and is a good tool if used properly with good legal advice.

**10.3. Discussion of Sprinkler Retrofit Ordinance**

Discussed in council meeting.

**10.4. Discussion of payment to Raysa & Zimmerman Invoices.**

Deferred to the regular city council meeting.

**11. New Business**

**11.1. Discussion of allowing expanded hours for our establishments.**

Alderman Fiore noted that our ordinance does not allow for expanded hours for eating and drinking establishments. After some discussion, there seemed to be significant interest in a six or seven month trial on allowing later closing times on Thursday, Friday, and Saturday. The pilot should allow bars and restaurants to stay open until 4 am on Thursday, Friday, and Saturday and the night before certain holidays. Restaurants could still stop serving food at 11. Outdoor music would still have to stop at the current earlier hour. Trial to end day after Labor Day.

**11.2. Proposed Organizational Chart**

The Mayor said that he had given the chart to the council earlier this evening and that they needed to move forward on it. He explained that they were trying to do a few things. One was that they were redefining the Assistant City Manager's job. Mr. Jackson also said that we need a more senior, visionary person over public works and water.

Several aldermen said that wanted a chart that showed the level of each job in relation to one another. It was also noted that there appeared to be new positions and new levels and asked if there was there work that was not being done. A more streamlined organizational chart was requested.

**12. Adjournment**

Upon a motion made by Alderman Harpster, seconded by Alderman Linari, and passed unanimously by voice vote the meeting was adjourned at 7:30 p.m.

RESPECTFULLY SUBMITTED,

/s/ MBURKE \_\_\_\_\_

MARCIA BURKE, CITY CLERK

REVIEWED AND ACCEPTED BY THE HIGHWOOD CITY COUNCIL ON: JANUARY 19, 2010





**MINUTES OF THE REGULAR MEETING OF THE  
HIGHWOOD CITY COUNCIL  
COUNCIL CHAMBERS, HIGHWOOD CITY HALL  
JANUARY 5, 2010**

**1. CALL TO ORDER**

Mayor Pecaro called the regular meeting of the Highwood City Council to order at 7:30 p.m.

**2. Pledge of Allegiance**

Everyone present rose to say the pledge of allegiance

**3. Roll Call**

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

Absent: Aldermen Linari and Sepulveda

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

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

**4. Review of Minutes**

**4.1. Committee of the Whole minutes: December 15, 2009**

Motion to accept the minutes as presented: Alderman Murphy-Pieri; Second: Alderman Falberg. Vote:

Yes: Aldermen Bruni, Cahnmann, Falberg, Fiore, and Murphy-Pieri

No: --

Absent: Aldermen Linari and Sepulveda

Abstain: Alderman

Accepted by a vote of 6 yes, 0 no, 2 absent, 0 abstain

**4.2. Regular meeting of the City Council: December 15, 2009**

Motion to accept the minutes as presented: Alderman Murphy-Pieri; Second: Alderman Falberg. Vote:

Yes: Aldermen Bruni, Cahnmann, Falberg, Fiore, and Murphy-Pieri

No: --

Absent: Aldermen Linari and Sepulveda

Abstain: Alderman

Accepted by a vote of 6 yes, 0 no, 2 absent, 0 abstain

**4.3. Executive Session of the Committee of the Whole: December 15, 2009**

Tabled

**4.4. Special meeting of the City Council: December 21, 2009**

Motion to accept the minutes as presented: Alderman Murphy-Pieri; Second: Alderman Falberg. Vote:

Yes: Aldermen Bruni, Cahnmann, Falberg, Fiore, and Murphy-Pieri

No: --

Absent: Aldermen Linari and Sepulveda

Abstain: --

Accepted by a vote of 6 yes, 0 no, 2 absent, 0 abstain

**5. Special Business**

None

6. **Appointments**

Mayor Pecaro proposed the following appointments:

**Joint Planning Commission:** James Levi, 832 Lyster, for the term 2009-2012

**Library Board of Trustees:** Jaime Barazza, , for the term that started 2008 and will end 2011

Mr. Barazza was present and addressed the Council. He said that he was a teacher at Northwood Junior High School. He brings to the library board the perspective of the school district and the perspective of the Latino community.

Alderman Falberg made a motion, seconded by Alderman Harpster, to approve the appointment of James Levi to the Joint Planning Commission for the term 2009-2012. Vote:

Yes: Aldermen Bruni, Cahnmann, Falberg, Fiore, and Murphy-Pieri

No: –

Absent: Aldermen Linari and Sepulveda

Abstain: –

Mr. Levi's appointment was approved by a vote of 6 yes, 0 no, 2 absent, 0 abstain

Alderman Murphy-Pieri made a motion, seconded by Alderman Falberg, to approve the appointment of Jaime Barazza to the Library Board of Trustees, for the remainder of the 2008-2011 term. Vote:

Yes: Aldermen Bruni, Cahnmann, Falberg, Fiore, and Murphy-Pieri

No: –

Absent: Aldermen Linari and Sepulveda

Abstain: –

Mr. Barazza's appointment was approved by a vote of 6 yes, 0 no, 2 absent, 0 abstain

7. **Presentation and Approval of Bills**

Next meeting

8. **Public Input regarding items not on agenda**

Paula Bernstein, 144 Ronan. Had an FYI for the Council that related to what she had spoken about at a previous meeting – shrink from within. Metra has announced that it is eliminating company cars as a perquisite to save money. She said that this is an example of how companies are reducing costs.

Lisa Cervac, 239 Burchell. Ms. Cervac asked about the billboards that have recently been installed by Metra. She asked if they had to go to ARC for approval and noted that they did in the past. Specifically, Metra was not allowed to put up billboards.

Alderman Murphy-Pieri asked if such billboards were anyplace else in the area.

Ms. Marrin said that she had spoken with Metra and was told that they are doing this to try to reduce the need for rate hikes. They also said that it was their property and they could do what they want.

Alderman Falberg talked about the number of billboards at the Highwood station versus the Fort Sheridan station and said that the city needs to enforce limits on the number of signs. There should be no more at the Highwood Station than there are at the Fort Sheridan station.

9. **Mayor's Report**

none

10. **Committee Reports.**

**Long Term Planning** – Alderman Harpster, Chair

**Finance** - Alderman Linari, Chair

**Public Safety** – Alderman Cahnmann, Chair

**Parks and Recreation** – Alderman Fiore, Chair – no report

**Mayor's Committee on Special Events** - Alderman Falberg, Chair and **Public Outreach**-Alderman Murphy-Pieri, Chair

**Legislative** – Alderman Murphy-Pieri, Chair

There were no committee reports as there were no committee meetings in December. Mr. Jackson reported that the Finance Committee would meet on Monday, January 11 at 5 p.m. instead of on committee night. Alderman Falberg said that he might have to change the date of the Special Events/Public Outreach meeting and would advise Ms. Marrin of any

change.

#### 11. City Manager's Report

- Grease trap inspections will be outsourced. A quote will be presented to the Council at the next COW meeting as well as an amendment to Ordinance 2007-O-29.
- Mr. Jackson, Treasurer Lenzini, and Messrs. Harding and Mansfield will be reviewing the water study prior to sending it to the Finance Committee. They will also meet with a representative of the company that sells the wireless meter reading systems.
- The health insurance opt-out plan has been sent to all the aldermen. It will be reviewed by the Finance Committee at their next meeting.
- Final bids will be in this week on City Hall telecommunications. The bids will be brought to the Finance Committee for review.
- Procedures will be developed for every license and permit staff handles.
- Handicapped parking fines will be made uniform at the level that complies with the state. Alderman Harpster reminded Mr. Jackson of the Bocce Court request for an additional two handicapped parking spots to meet the needs of their membership.
- Mr. Jackson, Alderman Harpster and the Mayor met with Lake County Partners to try to get some incentive money for businesses locating in Highwood.
- Lake Forest has waived \$35,000 in dispatch fees from the prior two fiscal years. This waiver covers all the costs incurred that were over budget for those two years. Alderman Falberg asked if we had that in writing. Mr. Jackson said that he was expecting a letter.

#### 12. Treasurer's Report

Will report in two weeks

#### 13. Clerk's Report

- Payroll Procedures Audit: reviewing procedures per agreement with Mr. Jackson. Proposed work plan has been sent to Mr. Jackson and all elected officials. Will also provide background material on FLSA as well as some links to the Department of Labor web-site that the material was taken from.
- Executive session minutes review and report: Report went out today. Recommendations reflect Mayor Pecaro's goal of starting to release at least older minutes. Council review was recommended for a number of items. For these items and the type of item they represent, Clerk Burke asked for some guidelines or general direction from the Council on how to handle them. She noted that now that she has sent out her recommendations, a procedure on what the Council does with it is needed. Mr. Zimmerman will provide Clerk Burke with the guidelines he follows. He will also provide the Council with his semi-annual recommendations. Both Alderman Falberg and Alderman Bruni stressed that legal fees should not be run up on this.
- Requested that the Council formalize that the Clerk does not have FOIA responsibilities.
- Requested that term dates be included on the Agenda for all appointments.
- Noted that the final version of the minutes she had provided were not always the ones posted on the city web-site. She will send Mr. Jackson the pdf versions of the regular and COW meeting minutes since this council took office to replace the ones on the web-site.
- Asked about the removal of the plate covering the parking fee slots for spaces that were only available on a monthly basis

#### 14. Action Items

##### 14.1. Motion to approve the Morningside (Fort Sheridan Place) Settlement Agreement

Alderman Fiore made and Alderman Harpster seconded the following motion:

Motion to approve the settlement agreement with Morningside substantially in the form as presented authorizing the Mayor to make changes to the agreement and authorizing the mayor and city manager to execute any documents necessary to carry out the agreement.

Discussion: Alderman Falberg asked what happened if the settlement gets approved by the council. He asked for confirmation that if any changes are made it would have to go back to Morningside.

Public Input: Paula Bernstein said that none of the motions relating to Fort Sheridan Place on the agenda to be voted on tonight had ever had a 1<sup>st</sup> reading. She said that the community was given no opportunity to

understand what settlement the Council was being asked to accept. She also pointed out that the council had said no to vinyl siding at an open meeting and were talking about an alternative that made everyone in the community happy and now we're back to vinyl siding with no notice to the community. Mr. Zimmerman explained the need for confidentiality because Morningside has filed suit against us.

Alderman Fiore made the point that the council's job was to control costs and that's what they were doing here in not fighting this.

Vote:

Yes: Aldermen Bruni and Fiore, and Harpster

No: Aldermen Cahnmann and Murphy-Pieri

Absent: Aldermen Linari and Sepulveda

Abstain: Falberg

3 Yeas; 2 Nays; 2 Absent; 1 Abstain. Motion fails. Majority of corporate authorities required.

After some discussion, Alderman Cahnmann moved to reconsider the vote just taken. Alderman Murphy-Pieri seconded. Vote:

Yes: Aldermen Bruni, Cahnmann, Falberg, Fiore, and Murphy-Pieri

No: --

Absent: Aldermen Linari and Sepulveda

Abstain: --

Motion to reconsider passed by a vote of 6 yes, 0 no, 2 absent, 0 abstain

Alderman Falberg said that it was very frustrating that aldermen have been put in the difficult position of having to vote on things with no advance notice.

Alderman Bruni made and Alderman Cahnmann offered the same motion again

Public Input: Lisa Cervac said that this property has been the #1 issue for the city. She said that vinyl siding is as low as you could get. She pointed out that there are health and safety issues that have been raised over the years and not addressed. She asked if the city had the authority to define the appearance of a building in a PUD. She said that the developer has never cooperated with the city. She asked the city council to please turn this down. She told them that this will be an opportunity Highwood missed because this council didn't do its job. She also said that the Council should hold people accountable for allowing this to get to this point. That there had been ordinances that would have given the city the power to stop this that were flicked away. She said that this was an opportunity missed because the Council didn't do its job.

Paula Bernstein said that this is the developer that told the city to take it or leave it.

Aldermen Fiore and Cahnmann both asked if this vote could be postponed for two weeks. The problem with that, the council was told, was that there was a status call with the judge before that.

Mr. Zimmerman told that council that to spend money, five yes votes were required. He also said that if four aldermen vote in favor of the motion, the Mayor can vote with the majority. Vote:

Yes: Aldermen Bruni, Cahnmann, Fiore, and Harpster

No: Alderman Murphy-Pieri

Absent: Aldermen Linari and Sepulveda

Abstain: Alderman Falberg

The Aldermen voted 4 Yes, 1 No, 2 Absent, and 1 Abstain. The Mayor voted yes and the motion to approve the settlement passes.

**14.2. Motion to approve issuing the permit for the façade improvements (vinyl siding) for Fort Sheridan Place.**

Motion made by Alderman Fiore and seconded by Alderman Bruni to approve the issuance of a permit for the vinyl siding façade improvement for Fort Sheridan Place subject to the settlement agreement being accepted by Morningstar. Vote:

Yes: Aldermen Bruni, Cahnmann, Fiore, and Harpster

No: Aldermen Falberg and Murphy-Pieri

Absent: Aldermen Linari and Sepulveda

Abstain: --

The vote was 4 Yes; 2 No; 2 Absent; 0 Abstain and the motion passes to approve issuing the permit for vinyl siding subject to the settlement agreement being accepted passes.

**14.3. Motion to approve issuing the permit for the roof improvements for Fort Sheridan Place**

Motion made by Alderman Fiore and seconded by Alderman Harpster .

Discussion: Alderman Murphy-Pieri asked if they were going to remove the existing roof. Mr. Harding told her that they were doing nothing but the shingles. Alderman Harpster asked what additional work would be required to get into the interior of the building. Mr. Harding said that the mansard roof was just cosmetic so they would not be close to getting into the interior.

Lisa Cervac informed the council that firewalls were required when the building was built and that it was not built to code. Alderman Harpster asked if it were required. He said that if it was in the code and they weren't there, the developer should do it. Ms. Cervac said that it was required by the Fire Department. Alderman Murphy-Pieri said that B&F has previously told Highwood that the fire walls are required.

Alderman Harpster asked if the work on the roof was going to be substantial enough to require that any subroofing be taken up . He also said the B&F report should be shared with the entire council.

Paul Diambri, 300 Green Bay Road, said that it is tough to see who the council's counsel is representing. He said that it was ludicrous that the city not require that this be done He said that they were ignoring a fire hazard in a large building that they had been warned about by the Fire Chief. He questioned the city for approving vinyl siding in a rush and then letting people live there without fire separators. He told that council that it was time for them to figure out what's important. That it wasn't saving money – that it was saving lives

Alderman Harpster requested that the council be provided with proper documentation of everything that was talked about.

Alderman Falberg said that this should be brought to the State Fire Marshall.

Mr. Zimmerman asked if the city had given a certificate of occupancy when the building was built so we already accepted it.

Vote:

Yes: Aldermen Bruni, Cahnmann, Falberg, Fiore, Harpster, and Murphy-Pieri

No: 0

Absent: Aldermen Linari and Sepulveda

Abstain: --

The vote was 6 Yes; 0 No; 2 Absent; 0 Abstain and the motion passes to approve issuing the permit for vinyl siding subject to the settlement agreement being accepted passes.

Mr. Jackson said that he had told Mr. Harding not to issue any permits until the settlement agreement was executed.

He also summarized the settlement agreement for the audience and said that a copy would be available at City Hall.

**14.4. Approval of the release of Executive Session minutes that are no longer sensitive.**

Tabled until January 19, 2010

**15. UNFINISHED BUSINESS**

**15.1. Discussion of Sprinkler Retrofit Ordinance**

Alderman Falberg explained that a lot of buildings in the community are do not have sprinklers. He said he had found a step-by-step process developed and published by Hodgkins, IL on retrofitting. Alderman Falberg

recommended that all buildings of four units or more be covered by any new requirements as there was precedent for this in other communities. Also, buildings of four units or more are already required to be alarmed.

He said that Highwood needs to start from scratch on developing an ordinance that was fair but strict. He will be spearheading this effort and promised to have an ordinance ready for the first reading at the first meeting in May. Alderman Falberg said that his goal was to have a safe community and he didn't feel we did at this time.

**15.2. Discussion and disposition of Raysa Zimmerman Invoices**

Tabled. To be on both the COW and the regular Council meeting agendas for January 19.

**16. NEW BUSINESS**

Alderman Bruni noted that the Police Department had been awarded a grant.

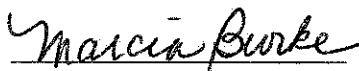
**17. Executive Session**

none

**18. ADJOURNMENT**

There being no further business, a motion to adjourn was made by Alderman Bruni, seconded by Alderman Cahnmann, and passed unanimously by voice vote. The meeting was adjourned at 9:10 p.m.

RESPECTFULLY SUBMITTED,



MARCIA BURKE, CITY CLERK

REVIEWED AND ACCEPTED BY THE HIGHWOOD CITY COUNCIL ON: JANUARY 19, 2010