

City Council Meeting
Of the City of Palos Hills
held **Thursday, March 20, 2014**
City Hall Council Chambers
10335 S. Roberts Road
Palos Hills, Illinois 60465

1) **CALL TO ORDER:** Mayor Bennett called the City Council Meeting to order at 7:00 p.m.

2) **PLEDGE TO THE FLAG:** Mayor Bennett led everyone in the Pledge to the Flag.

3) **ROLL CALL:** Upon roll call the following Aldermen responded as present: Knox, Brachman, Hanson, Marrotta (via electronic attendance), Schultz, Kleefisch, Stratton, Moore, Williams

ABSENT: Pasek

4) **QUORUM:** Mayor Bennett declared a quorum was present.

5) **READING OF THE PREVIOUS MEETING MINUTES:**

Ald. Kleefisch, I MOVE to approve the City Council Meeting Minutes dated March 6, 2014 as presented. SECONDED by Ald. Williams. Upon roll call the following Ald. voted:

AYE: Brachman, Marrotta (via electronic attendance), Schultz, Kleefisch, Stratton, Moore, Williams, Knox

ABSTAIN: Hanson

ABSENT: Pasek

NAY: None

MOTION CARRIED.

6) **CITIZENS PETITION:**

City Clerk Mulderink, Mr. Jerry Roberts from Webb Chevrolet who requested to be put on the Agenda to speak at tonight's Council Meeting.

Mayor Bennett, Ladies & Gentleman I had mentioned last week at the Committee Meeting about the buyer of the Sid's property and last week I met with Jerry Roberts along with his Attorney representing the family, and I had a pretty heart to heart conversation. I expressed my concerns about the purchase of the property and some misunderstanding about the zoning on the property, it is B-2, however under our ordinances a Special Use would be required for a Car Dealership, which is allowable under B-2.

We had a long conversation about some of the intent of the property. I think the family because of their circumstances wants to make an appeal to the City Council. They certainly understand a Plan Commission hearing must take place; they have to file for the Special Use for Car Dealership on the property.

So therefore I had asked them to come to the City Council to explain their situation, and ask the City Council (inaudible) considerations. I also had Ben make up a couple of maps of the property so when they talk you can follow them.

Joe Splain, from the Law Office Michael Davies, we represent Goodnow Grove LLC who purchased the former Sid's property exactly one week ago. The Webb Family owns Goodnow Grove LLC; Webb is a third generation car dealer in the area, local family, has some really great plans for this property. They are going to make a substantial capital investment in the community, create jobs, create property tax revenue, and create sales tax revenue.

We do understand the necessity to proceed with the special use application; we do find ourselves in an emergency situation from a business perspective in that it had been my clients understanding that the property could be immediately used to store vehicles. We now clearly understand that is not the case, we are seeking a temporary solution, with a commitment to proceed with all due diligence to prepare and file a special use application.

We are here tonight specifically seeking what I term a special use license, which my client is willing to pay for on a (inaudible) basis to sort of supplement or replace the sales tax revenue that it anticipates that we would be contributing to the community based on the sales that will take place when actual sales are committed to occur on the facility.

What I would really like to do is to introduce Mr. Jerry Roberts who is here with me tonight; he is the General Manager of Webb Chevy of Oak Lawn, and at this point I would like to turn the floor over to Mr. Roberts who has a presentation.

Mr. Jerry Roberts, General Manager of Webb Chevrolet of Oak Lawn (inaudible) primarily selling and servicing parts. Three weeks back (inaudible) Real Estate Investment Company (inaudible) opportunity to purchased the property at 10926 Southwest Highway for the purposes of creating Webb (inaudible) Car Dealership, Service Center and (inaudible).

After some discussions with Mayor Bennett it became (inaudible) such approval given to the Broker do to the misunderstanding of the properties zoning. I stand here today requesting a limited temporary special use until such a time that we can obtain the appropriate city approval for a special use. We are facing a business emergency we, will be losing a lease on one of our storage lots the end of this week. We are currently requesting a temporary special use on the property for the purpose of storing new vehicles while we apply for (inaudible).

We are willing to pay \$1,000.00 a month (inaudible) replacement sales tax revenues for one year until such a time when we obtain the appropriate license to operate a Dealership through Palos. If Palos temporary special use (inaudible) as soon as possible. I have drawn up a time line, which will help you with any concerns; you may have regarding the information of this temporary special use.

Step 1. Seek City approval of temporary occupancy for storage and preparation of automobiles, based upon proposed business plan.

Step 2. Begin temporary license/sales tax replacement payments to city to be paid in the amount of \$1,000.00 per month.

Step 3. Within 3 weeks submit the initial paperwork to city Planning Commission for special use permit.

Step 4. Within 45 days of city approval for special use we will replace the existing privacy fence and add the landscaping as prescribed in the approved plan.

Step 5. Within 30 days we will submit a Used Car Dealer License application to the State and a copy to the City Attorney.

Step 6. We expect to receive approval from the city in 9 months because the Dealer Licenses is at the discretion of the state our time line will be adjusted accordingly if we are able to obtain the license in less time. During that same time we will apply for business and all necessary permits for repurposing/construction and demolition of structures for their intended use.

Step 7. Begin landscaping and construction within 30 days of city approval of permits and plans with intended completion within 120 days of start.

At this point I will ask that you approve our request for a temporary special use permit and (inaudible).

Mayor Bennett, one of the things I talked to Mr. Roberts about in our conversation was that subject to a hearing before the Plan Commission, then a recommendation before the City Council; is that absolutely the City Council is the last paragraph in that ordinance that would eventually allow this to take place, would be that they must open up a sales dealership there, that it can not at any point just remain as a storage area. That would be put in the ordinance and he fully understands that if for some reason if the dealership, the sales of cars do not take place then you are in violation.

City Attorney Pappas, this limited special use that you are requesting is for storage of new cars?

Mr. Roberts stated that is correct.

Several comments and questions followed between the City Council Members and Mr. Roberts.

Mayor Bennett, the motion to be made tonight would be to allow them to move the vehicles on a temporary situation, but within 2 weeks we will put that in writing by Ordinance as the City Attorney is recommending.

Ald. Williams, I MOVE to allow the City Attorney to draw up the Ordinance. Ald. Moore, and the allow immediate occupancy for parking cars, I SECOND that motion.

Mayor Bennett, moved by Ald. Williams, and seconded by Ald. Moore to allow the temporary use along with the City Attorney drawing an Ordinance guaranteeing what is being said here tonight submitted in writing by the property owner and certainly verifying that by our City Attorney putting it in writing to them back.

City Attorney Pappas, before the City Council votes I will provide copies to everybody so that you are aware of it and what ever input you have and your suggestions.

Mayor Bennett, there will be a motion tonight to do what we are doing, and also be a motion by (interrupted).

City Attorney Pappas, what will be the first Thursday to (interrupted)?

Mayor Bennett, in two weeks the Council will verify that by Ordinance to be passed. If there are no further questions will the City Clerk please call the roll call.

Upon roll call the following Ald. voted:

AYE: Hanson, Marrotta (via electronic attendance), Schultz, Stratton, Moore, Williams, Brachman

ABSENT: Pasek

NAY: Kleefisch, Knox

MOTION CARRIED.

Mayor Bennett, we look forward in working with you, and quickly getting that Plan Commission hearing going, and any input that you need from the city the Building Commission is here or my office to work with you on getting plans together and quickly getting that filed so we can have that hearing.

7) CITIZENS HEARING:

Mayor Bennett, the meeting is open to the public for any comments or questions.

There were no comments or questions from the public; the public portion of the meeting was closed.

8) REPORTS & COMMUNICATIONS FROM MAYOR AND OTHER CITY OFFICIALS:

A. CITY CLERK: No report.

B. CITY ATTORNEY:

City Attorney Pappas, everyone should have a copy of the Special Use Tobacco Ordinance for the property at 10322 S. Harlem Ave. There is a new page 2 and everyone should have that they can substitute to the draft that I previously provided.

Also, apparently the Green Oaks situation is somewhat under control there is no reason for the City Council to take any action. The garbage has been picked up and they seem to be moving in the correct direction.

Mayor Bennett, I think Ald. Marrotta has sent an email to the Council Members as to

some of the updates going on. The only thing Joe is you mentioned about is all of them coming up here on a Council Meeting night, is there any way they can do that on a Committee Meeting night?

Ald. Marrotta, we can have them come to the Committee Meeting scheduled on April 10, 2014, that would be fine I will let them know. I am happy with the way they are going, they have a long way to go but we are moving forward instead of reverse or standing still.

C. MAYOR

Mayor Bennett, Ladies & Gentlemen under my portion of the meeting other than what was discussed tonight, and again I appreciate the City Council in your action tonight I think it is a great opportunity for the city for Economic Development, and believe me and understand me I think you heard my expression last week I was pretty upset myself, and after meeting this Family and knowing their reputation I feel more than confident that we may have something good happening in our community.

**9) PRESENTATION OF PETITIONS, COMMUNICATIONS, RESOLUTIONS
ORDERS AND ORDINANCES BY ALDERMEN:**

A. BUILDING & LICENSE: No report.

B. CITY ADMINISTRATION/GOLF:

Ald. Moore, I have nothing under City Administration or Golf tonight. But I would like to say that when the Green Oaks Condo's does come up the second week in April I am going to send them a clear message. What was going on over there is outrageous, it's unacceptable, and I will do everything in my power to stand against a slum in the middle of our city, and that is basically what it was.

So that they are talking about making progress that we have had some verbal exchanges, so emails exchanged, that's great. But I can't wait to talk to them because I am going to make my concerns; to say that it angered me would be putting it very mildly what was going on over there, just filth, garbage, slum, period.

C. COMMUNITY RESOURCES:

Ald. Marrotta, I have nothing this evening.

D. ECONOMIC DEVELOPMENT:

Ald. Schultz, I have nothing except Webb Chevrolet and that was great.

E. FINANCE:

Ald. Knox, you all have before you a Vendor Warrant dated March 20, 2014 in the amount of \$301,627.47. I MOVE to authorize the expenditure of same. SECONDED by Ald. Williams. Upon roll call the following Ald. voted:

AYE: Marrotta (via electronic attendance), Schultz, Kleefisch, Stratton, Moore, Williams, Knox, Brachman, Hanson

ABSENT: Pasek

NAY: None

MOTION CARRIED.

I have also set up the following dates for our Budget Meetings, and I will follow up with Department Heads if they need to be changed out. So on April 3rd at 5:30 pm will be the Police Department, April 10th at 5:00 pm will be City Administration and Golf, April 17th at 5:00 pm will be Public Works and Building Department, and April 24 at 5:00 pm will be Parks and Community Resources.

I will send all this out in a detailed list to everybody and if there is a change I will let you all know.

F. LEGISLATION & ORDINANCES:

Ald. Knox, I want to thank everyone who was here tonight to work on the Fence Ordinance. I now MOVE to have the City Attorney amend the draft that he has given us. SECONDED by Ald. Kleefisch. Upon roll call the following Ald. voted:

AYE: Schultz, Kleefisch, Stratton, Moore, Williams, Knox, Brachman, Hanson, Marrotta (via electronic attendance)

ABSENT: Pasek

NAY: None

MOTION CARRIED.

Ald. Knox, I MOVE for consideration of a proposed Ordinance Granting A Special Use To Permit The Sale Of Tobacco And Smoking Related Products At 10322 South Harlem Avenue, Palos Hills, Illinois. SECONDED by Ald. Moore. Upon roll call the following Ald. voted:

AYE: Kleefisch, Stratton, Moore, Williams, Knox, Brachman, Hanson, Marrotta (via electronic attendance, Schultz

ABSENT: Pasek

NAY: None

MOTION CARRIED.

City Clerk Mulderink assigned Ordinance number 2014-6 to a proposed Ordinance entitled: An Ordinance Granting A Special Use To Permit The Sale Of Tobacco And Smoking Related Products at 10322 South Harlem Avenue, Palos Hills, Illinois.

Ald. Williams, I MOVE to WAIVE the reading. SECONDED by Ald. Moore. Upon roll call the following Ald. voted:

AYE: Stratton, Moore, Williams, Knox, Brachman, Hanson, Marrotta (via electronic attendance), Schultz

ABSENT: Pasek

NAY: Kleefisch

MOTION CARRIED.

Ald. Knox, I MOVE for PASSAGE of Ordinance 2014-6, An Ordinance Granting A Special Use To Permit The Sale Of Tobacco And Smoking Related Products At 10322 South Harlem Avenue, Palos Hills, Illinois, as presented. SECONDED by Ald. Moore. Upon roll call the following Ald. voted:

AYE: Moore, Williams, Knox, Brachman, Hanson, Marrotta (via electronic attendance), Schultz, Kleefisch, Stratton

ABSENT: Pasek

NAY: None

MOTION CARRIED.

G. PARKS:

Ald. Stratton, the Bunny Brunch will be held on Saturday, April 5th at 10:00 am at the Community Center. Tickets sell out fast, \$7.00 for children and \$5.00 for adults. Entertainment by Dave Rudolf.

The Easter Egg Hunt is an amazing event that last roughly 3 minutes. The Bunny will hide over 4,000 candy, toy filled eggs, some with a special prize tags inside. The Hunt is free and will take place at 11:30 am sharp also on April 5th.

Last week as you all know we had an Executive Session to review Executive Session Minutes, by law we must do this twice a year. I MOVE not to release the minutes from the Executive Sessions. SECONDED by Ald. Moore. Upon roll call the following Ald. voted:

AYE: Moore, Williams, Knox, Brachman, Hanson, Marrotta (via electronic attendance), Schultz, Kleefisch, Stratton

ABSENT: Pasek

NAY: None

MOTION CARRIED.

H. PLANNING & ZONING:

Ald. Hanson, just for everybody's information the Zoning Board of Appeals met on March 4th on an applicant looking for a side yard variance at 10535 S. 81st Ave., they unanimously voted to approve the petitioner's request.

The only other thing I have Mr. Mayor is I know we don't have the application in or paperwork at all for Webb, but can't we set a date of April 7th for a Plan Commission Hearing?

Mayor Bennett, as long as they file and then there is 15 days after Alderman, that is why I didn't want to commit to a date or time here because they actually have to come in.

Ald. Hanson, then pending them getting it to us in order to legally be able (inaudible) use the April 7th date.

City Attorney Pappas, lets set the date lets move it along.

Ald. Hanson, I MOVE to set a hearing date before the Plan Commission of April 7th. SECONDED by Ald. Stratton. Upon roll call the following Ald. voted:

AYE: Williams, Knox, Brachman, Hanson, Marrotta (via electronic attendance), Schultz, Kleefisch, Stratton, Moore

ABSENT: Pasek

NAY: None

MOTION CARRIED.

City Attorney Pappas, I will contact them tomorrow and tell them that the date has been set, to get their paperwork together and get it in to us.

Mayor Bennett, the only reason I am saying this too is because I want them to do a good job on their presentation because obviously there are some concerns about the residential area over there and whether or not, in fact he's already indicated that he got a hold of Sid's Landscaping to do some stuff. But I don't know what the expectation is because they are talking about enhancing all the buildings and all the structures over there.

City Attorney Pappas, when I talk to them tomorrow if they tell me that they can't get everything together within a few days and getting it submitted, then I will contact (inaudible) and let the City Council know next Thursday.

I. PUBLIC SAFETY:

Ald. Kleefisch presented and read the Palos Hills Police Department Activity Report for the month of February 2014 as follows: 409 traffic tickets were issued, 301 parking tickets were issued, there were 62 misdemeanor complaints, 4 felony complaints, 3 aggravated assaults, 2 burglaries, 7 thefts, and our C.I.D. Division handled a total of 95 cases.

We received a check from Consolidated High School District 230 in the amount of \$9,437.67. We also received 2 checks from the U S Marshall Service in the amount of \$6,750.40 and \$3,260.00.

J. PUBLIC WORKS/SEWER & WATER: No report.

10) REPORTS OF SPECIAL COMMITTEES: None.

11) UNFINISHED BUSINESS: None.

12) MISCELLANEOUS BUSINESS:

Mayor Bennett, I do have one item under miscellaneous business. The Aldermen did ask me about Electric Aggregation. Next Thursday the NIMEC going out to do their bid on Electric Aggregation so therefore next Thursday I will let you know what that rate is going to be, and again we then have George write whatever documents we need regarding this.

Comm. Nelson, regarding the hearing date that was set for Webb Chevrolet on April 7th, we will not meet the legal guidelines for publication that we need to do to get it to the paper.

Mayor Bennett, that is what I said we have to have that information before we can set that date. We need 15 days after the date of publication.

Ald. Hanson, all right then we will set another date.

Mayor Bennett, again hopefully at the very latest by the next Council Meeting, which we then vote on having, a hearing then we can set the hearing date.

Ald. Hanson, regarding Green Oaks situation is should we be asking the Homeowners Association to give us a financial report twice a year because one of the problems they ran

into is they had no money, and how did they have no money went they are charging every month their fees, where this will sort of let them know we are watching that.

Mayor Bennett, Alderman without speaking for the Council, and understanding the general State Statutes condominium laws they are their own entity. I am not aware of any wrights of a local government to demand records from them. Other than the fact in this case is come before us and demand to know what are they doing with their property, in the Health, Safety, and Welfare of their property from that point.

I understand where you are coming from but I don't think we can legally get that (inaudible). If there was a question that come up, and what has taken place in the past is AG investigating possibly which has been done, Management Companies or the operation of an Association, which I think falls again under State Statute with the Attorney General. We could possibly ask them to come in and take a look at it but I don't think we individually as a municipality have a wright to see the books.

We can step in with what happened and demanded some action on their part. We can if we send our Building Inspectors over to the buildings and take a look at the general hallways, if not trying to get into the units themselves based upon a complaint of a citizen as to their condition, and then citing them or the worse scenario putting a not fit for occupancy on the building. But beyond they own those properties, it's not like they are renters, they own those buildings.

In the mean time George has done some research as to (inaudible) all the owners over there so we can build a record as to who in fact does own those properties.

City Attorney Pappas, even if we were allowed, authorized to obtain financial statements; we can't step in and force them to spend their money in a particular way. What we can do as a municipality under severe circumstances force them, not only force them to make repairs but also we can put them into the Receivership. Where you go into court and ask the Judge to appoint a Receiver to govern and take care of the buildings. He collects all the rents, he collects all the assessments and everything else, and that is about as far as we can go.

13) ADJOURNMENT:

No further business, Mayor Bennett entertained a motion to adjourn. SO MOVED by Ald. Stratton. SECONDED by Ald. Moore. By voice vote, all voted AYE.

The Meeting adjourned at 8:11 p.m.

Submitted by

Rudy A. Mulderink
City Clerk
City of Palos Hills