



**THE CITY COUNCIL SPECIAL TELECONFERENCE MEETING MINUTES  
OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PROSPECT HEIGHTS  
HELD ON MONDAY, AUGUST 10, 2020 AT 6:30 P.M.**

**CALL TO ORDER AND ROLL CALL** – Mayor Helmer called to order the August 10 Special Teleconference City Council Meeting. Deputy Clerk Schultheis read the preamble to the Meeting. City Clerk Prisiajniouk called the roll. A quorum was present.

**ELECTED OFFICIALS PRESENT** - Mayor Helmer, Treasurer Tibbits, City Clerk Prisiajniouk, Aldermen – Quinn, Cameron, Ludvigsen, Morgan-Adams, Dolick

**OTHER OFFICIALS PRESENT** – City Administrator Wade, Assistant City Administrator Falcone, Police Chief Zawlocki, Police Chief Zawlocki, Deputy Clerk Schultheis, Assistant Finance Director Tannehill, Digital Communications Technician Colvin, and City Attorney O’Driscoll.

**APPROVAL OF MINUTES**

**A.** July 27, 2020 Regular Teleconference City Council Meeting Minutes – **Alderman Dolick moved to approve the July 27, 2020 Regular Teleconference City Council Minutes as presented; seconded by Alderman Morgan-Adams. There was unanimous approval.**

**ROLL CALL VOTE:**

AYES -	Dolick, Morgan-Adams, Ludvigsen, Quinn, Cameron
NAYS -	None
ABSENT -	None

Motion carried 5 - 0

**APPOINTMENTS/CONFIRMATIONS AND PROCLAMATIONS** - None

**PUBLIC COMMENT ON AGENDA MATTERS (*Five Minute Time Limit*) –**

Mr. Scott Lehor requested to speak and present a slide show regarding the Crown Castle cell tower. The Mayor asked that the presentation and commentary be presented prior to the OLD BUSINESS vote on the monopole/monopine Ordinance.

- There was no other public comment.

**STAFF, ELECTED OFFICIALS, and COMMISSION REPORTS**

Assistant Finance Director Tannehill – Said that the Finance Department was working on closing the month of July, which means that about 25% of the fiscal year has been expended. He noted that income tax, sale tax and use tax receipt at 30% of budget. Vehicle stickers are at about 32% of budgeted revenue. Places for eating tax is at 14% of budgeted revenue. Building and Zoning fees are at 30% of the budgeted revenue. He added that rental inspections were 8% of what was budgeted.

Alderman Ludvigsen noted that vehicle stickers at 30% of this year’s budget, but there was a delay in the collection of stickers this year. He said that the high number is because part of last year is coming in. Typically, the City would only be collecting late fees at this time.

Director Peterson – said that the rentals seemed so low because of the timeframe in which they are collected. He said that most rental revenue is in the last quarter of the year. the spike in revenue ends January or march. He said that the rental inspections had not been affected by the economy because the rents are still being collected.

Director Peterson – said that there will be a PZBA Meeting on August 27. There are three variances scheduled, the Hawthorné sports wagering and the front yard recreational equipment amendment. He noted that it had been a busy summer.

Police Chief Zawlocki – noted that there will be a new officer starting on August 17. Barrett Loehrer will be sworn in by Mayor Helmer at 4 PM on August 17.

Assistant City Administrator Falcone – discussed the City’s Census drive. He said that the event scheduled for September 12 had been cancelled because of COVID restrictions, and that a series of smaller events would be held in conjunction with the Library and the Park District. A drive-in concert is planned at the Morava Center – Focal Point will be the band. He suggested that residents check the Enews or check with the Park District for more information. Residents must be pre-registered and is for Prospect Heights residents only.

- He stated that City Clerk Prisiajniouk and Treasurer Tibbits had discussed the use of Zoom. He said that there was a concern that the Staff and Elected officials were not on the video, because the City does not have the PC’s with cameras. iPads that the Council has, does have that capability. The City Clerk would like this brought to the Council to get direction.

City Administrator Wade – said that there is no Public Works update. He said that there was ongoing tree debris removal from the storm.

- He also noted that the Regular August 24, 2020 City Council Meeting had been cancelled.

- He said that the CARES Act allocation amount that the County Commissioner had said was available to the City - \$331,000 is only available for COVID-related protective equipment. This is an allocation, City must only submit expenses for coronavirus materials; and secondly, the City needed to go through FEMA first. Our expenses will not come close to \$331,000. The City had asked if it could add expenses from the Public Library, Park District and Fire District. The County denied that request.

City Attorney O’Driscoll – Said that the Attorney was looking at the directive from the President regarding payroll.

City Clerk Prisiajniouk – said that she had sent an email to the Council regarding a community power deal. That is headed up by the Citizens Utility Board. Asking to inquire about what type of deal the City would get. She will work with Staff. She would like it as a Workshop item at the September 14 meeting. Mayor Helmer asked that it would be put on the next Workshop Agenda.

Treasurer Tibbits – Would like to have a hybrid meeting, which would involve Council and Staff at City Hall being recorded, and the public members on Zoom, TV or a streaming service, and participating via Zoom.

Alderman Quinn – Ward 2 – Thanks Assistant City Administrator Falcone for the Newsletter, saying that there has been good feedback on issues. Also, thanks Chief Zawlocki for addressing the traffic issues in Rob Roy.

Alderman Morgan-Adams – Ward 3 – Asked when Council would be coming back to City Hall? Mayor Helmer said that his intention was to hold off meeting in person at City Hall until January, 2021. Attorney O’Driscoll said that the Governor would be giving his next update on August 27.

Alderman Ludvigsen – Ward 4 – Commented on the Electric Aggregation – he noted that the last time the City engaged in this residents thought that the differential was too small to make a difference; and it was difficult to tell if the rates would go up or down with the aggregation. Residents wanted their own say in who they selected. City Clerk Prisiajniouk said that it was time to revisit aggregation. Alderman Ludvigsen did not like forcing residents into the aggregation. The City Clerk said that residents could opt out. City Administrator Wade said that there are opt out two times before initiated, but then once City goes down that path, residents are locked in.

**NEW BUSINESS**

**A.Request for 1st Read Waiver O-20-24** Staff Memo and Ordinance Approving a Special Use Permit for a Sitdown Restaurant with Outdoor Seating at 1421 N. Rand Rd - Park Local (**1st Reading**) – **Alderman Ludvigsen moved to Approve a Waiver of First Read for O-20-24 Ordinance Approving a Special Use Permit for a Sitdown Restaurant with Outdoor Seating at 1421 N. Rand Rd - Park Local; Seconded by Alderman Morgan-Adams. There was unanimous approval.**

**ROLL CALL VOTE:**           AYES -           Morgan-Adams, Ludvigsen, Quinn, Cameron, Dolick  
                                  NAYS -           None  
                                  ABSENT -       None

Motion carried 5 - 0

**B.O-20-24** Staff Memo and Ordinance Approving a Special Use Permit for a Sitdown Restaurant with Outdoor Seating at 1421 N. Rand Rd - Park Local (**2nd Reading**) – **Alderman Ludvigsen moved to approve O-20-24 Ordinance Approving a Special Use Permit for a Sitdown Restaurant with Outdoor Seating at 1421 N. Rand Rd - Park Local; seconded by Alderman Quinn. There was unanimous approval.**

**ROLL CALL VOTE:**           AYES -           Ludvigsen, Quinn, Cameron, Dolick, Morgan-Adams  
                                  NAYS -           None  
                                  ABSENT -       None

Motion carried 5 – 0

Owner Jay Brizzolara was in the audience. The PZBA approved the restaurant unanimously. The restaurant is the former Nikko’s and will be a family-owned, sit down restaurant. Mr. Brizzolara said there would be outdoor seating, a bar and a lot of shareable plates and entrees and appetizers. They are looking at lunch specials for high school students.

**C.O-20-25** Letter of Request and Ordinance Increasing the Number of Class C Liquor Licenses (full liquor) from 3 to 4 and Reducing the Number of Class C-1 Liquor Licenses (beer and wine only) from 4 to 3 at the request of Park Local Restaurant, 1421 N Rand Road (**1st Reading**) – lowering the amount of C-1 licenses by one as per Nikko’s license to add a new C license as per Park Local. – **No action was taken.**

**D.O-20-26** Staff Memo and Ordinance Approving Certain Variations for 905 Edward Rd., Prospect Heights (**1st Reading**) – Director Peterson said that the owners had applied for a permit to expand their driveway to access their yard, and it was discovered that the owner shifted the driveway too close to side yard requiring a variation. they have a 37 foot, recreational camper that they are intending to park on the property. The PZBA recommended denial.

Since then photos were submitted and the plan adjusted, and all of the neighbors have agreed to it. Based on the new plan and no neighbors disapproving, Staff recommends that it go back to the PZBA.

Alderman Ludvigsen noted that this was an unusual case, and he emphasized that not all cases go back to the PZBA after they have been denied. Director Peterson said that this was a changed application, and the neighbors were now in favor of the application.

It was noted that there were three choices for the Council – a) overturn the PZBA decision, b) support the PZBA decision, or c) recommit back to the PZBA.

**Alderman Ludvigsen moved to recommit the O-20-26 Ordinance Approving Certain Variations for 905 Edward Rd., Prospect Heights back to the PZBA; seconded by Alderman Morgan-Adams. There was unanimous approval.**

**ROLL CALL VOTE:** AYES - Cameron, Dolick, Morgan-Adams, Ludvigsen, Quinn  
NAYS - None  
ABSENT - None

Motion carried 5 - 0

**E. Request for 1st Read Waiver O-20-27** Staff Memo and Ordinance Directing the Sale of Surplus Property: Public Works Vehicle - 2010 Ford Crown Victoria VIN#2FABP7BV6AX131951 – 110,550 miles (*1st Reading*) – **Alderman Dolick moved to Approve the Waiver of First Read for O-20-27 Ordinance Directing the Sale of Surplus Property: Public Works Vehicle - 2010 Ford Crown Victoria VIN#2FABP7BV6AX131951 – 110,550 miles; seconded by Alderman Morgan-Adams. There was unanimous approval.**

**ROLL CALL VOTE:** AYES - Dolick, Morgan-Adams, Ludvigsen, Quinn, Cameron  
NAYS - None  
ABSENT - None

Motion carried 5 - 0

**F. O-20-27** Staff Memo and Ordinance Directing the Sale of Surplus Property: Public Works Vehicle - 2010 Ford Crown Victoria VIN#2FABP7BV6AX131951 – 110,550 miles (*2nd Reading*) – **Alderman Dolick moved to approve O-20-27 Ordinance Directing the Sale of Surplus Property: Public Works Vehicle - 2010 Ford Crown Victoria VIN#2FABP7BV6AX131951; seconded by Alderman Quinn. There was unanimous approval.**

**ROLL CALL VOTE:** AYES - Cameron, Dolick, Morgan-Adams, Ludvigsen, Quinn  
NAYS - None  
ABSENT - None

Motion carried 5 - 0

**G. R-20-20** Resolution Authorizing a Civil Engineering Servicers Agreement with Gewalt Hamilton Associates, Inc., for Phase II Design Engineering Services for Surface Transportation Program Funded Old Willow Road/Seminole Lane Resurfacing – **Alderman Morgan-Adams moved to Approve R-20-20 Resolution Authorizing a Civil Engineering Servicers Agreement with Gewalt Hamilton Associates, Inc., for Phase II Design Engineering Services for Surface Transportation Program Funded Old Willow Road/Seminole Lane Resurfacing; seconded by Alderman Quinn. There was unanimous approval.**

**ROLL CALL VOTE:** AYES - Dolick, Morgan-Adams, Ludvigsen, Quinn, Cameron  
NAYS - None  
ABSENT - None

Motion carried 5 - 0

City Administrator Wade noted that the City had been in a competitive process and was able to obtain a grant to cover 70% of the costs. The City will pay \$240,000. The engineering for this Resolution is not more than \$66,000. It was noted that the worst street is Old Willow and Seminole. This is part of the STP – Surface Transportation Program

## **OLD BUSINESS**

Resident Scott Lehor was allowed to make a presentation as part of his Public Comment – He noted that 70% of the people listening in to the Meeting were concerned about the cell tower. He also noted some confusion regarding what was being voted upon – whether any cell tower could go up or just whether it was a monopole or monopine.

He said that he had met with the Fire District and Alderman Ludvigsen. He noted that the Fire Chief had told him that the decision was up to the City.

Mr. Lehor noted that the cell tower would be 35 feet from his backyard – he said that it was an eyesore for him, his neighbors and the City. He noted that the tower would lower property values; and that a study had shown that 94% of homebuyers did not want to be near a cell tower. He said that the price of his house could be lowered by 20%, which in his case would be \$100,000. He also said that the new Deli-4-You revamped area would be ruined. He stated that there was no windfall profit in this for the Fire District – only \$18,000.

Attorney O’Driscoll asked if there any other comments from the public.

Attorney Karl Camilucci, representing Crown Castle objected to the presentation given, and wanted to know why he had not been given the same right to do a power point presentation. He noted that the public meeting on this matter had already been held. He said that there was a possibility that the presentation could prejudice the decision. He told the Council that there was no variation being sought – a setback variation was not required. He said that it was the same use as 1998. He warned that the Telecommunications Act limited the power of the City to deny wireless service.

Ali Dela Riva – said that residents had asked Crown castle for different plans and sizes. She said that nothing had been offered. She said that the tower was a remove and replace not a modify; and she believed that a variation was required. Director Peterson said that this was first introduced by Crown Castle in 2019, and there were two hearings, and Crown Castle applied for a monopole. The PZBA then asked for concealment and Crown Caste suggested a monopine. The PZBA heard the monopine case in January, 2020. In March, 2020; the City Council sent the case back to the PZBA after it was voted down. In July, 2020, Crown Castle came back to the City Council for a vote. The PZBA had denied the monopole 2 – 3 rejection; and the monopine 1-4 rejection.

Alderman Ludvigsen asked if it was only and either or? Attorney O’Driscoll said that the City could vote to deny both; or could pick one or the other.

Paul Nawrot – questioned why no variation was needed. Director Peterson replied that in 1998 Sprint built the new tower and got a variation that established the Ordinance. The variation goes with the property. As the use has not changed, there is no need for a variation. Also, the Fire District requires a tower 110 feet or higher. Paul Nawrot claimed that what was built in 1998 was not an eyesore. Director Peterson replied that in 1998, no one realized that phones would be used for so many different functions. The technology needs to be updated on the tower. Sprint engineers testified to that.

Alderman Ludvigsen said that he approves of the three collocates and tower but not the technology. Director Peterson replied that the technology goes to the need for a new tower to cover the gaps. Alderman Ludvigsen stated that the footprint is bigger; to which Director Peterson replied that in 1998, the area leased was allowed by the Fire District to expand, but not encroach further into residential areas. The Special Use is for the entire lot line of the Fire District – that is the way the variation is written.

Alderman Morgan-Adams said that the City was never told that there were only two possible designs. She asked if the poles were a derivation from special use. Director Peterson replied

That the application from the applicant is what is shown. Alderman Morgan-Adams asked if Crown castle would be willing to show alternate designs.

Mr. Camilucci stated that two designs were already presented. Alderman Morgan-Adams asked if Crown Castle “could” provide alternate designs not would they.

Mr. Camilucci replied that the theoretically there could be another design but that depended on the needs of the carriers. He noted that the monopole was the most common design; and that other designs would have wider structures.

Alderman Peterson said that there was a concealed antenna in 1998. Mr. Camilucci noted that the structure built in 1998 was built by Sprint. What they put up was for their own use. He said that the model for cell towers has changed to multiple carriers, and the technology has evolved.

Alderman Ludvigsen said that he agrees with adding carriers, and he is not trying to keep the tower out. He disagrees that Crown Castle got the beneficial use of the larger footprint on the Fire District land. He added that the new tower is a different design, and not a concealed tower.

Mr. Camilucci said that if the City denied the ordinance it would be in violation of the Telecommunications Act. Alderman Ludvigsen retorted that Crown Castle should stick with the concealed antenna. Mr. Camilucci responded that Crown Castle could not put three carriers on the existing pole.

Alderman Morgan-Adams said that no one said the City would not approve a cell tower, only that a new design is needed. She would like to see a concealed design.

Alderman Ludvigsen said that at previous meetings, the other carriers were not available. Mr. Camilucci noted that the other carriers are consulted to create the new design that works.

Alderman Ludvigsen said that it sounded like the design of the new carrier was in its “infancy” and thought it could still be set up to be concealable.

Travis Schenk – Crown Castle Real Estate Project Manager – said that when the design gets changed, all of the parameters get changed. He said that Crown Castle had attempted to have more conversation with the Community, but that there had been no acceptable recommendations supplied to Crown Castle. He added that the community had ignored inquiries on what would be acceptable to the community. He offered that it was now too late to change.

Alderman Dolick – asked why a concealed tower would be larger? He said that the City would approve the right tower. He would like to see specifics. Mr. Camilucci replied that Crown Castle has been presenting to the City since Spring, 2019. He said that it was too late to have continued discussion regarding design change. He also noted that Crown Castle has extended its time limit beyond the expiration date. Alderman Dolick said that the City was not trying to buy time, it was only looking for a better solution.

Alderman Ludvigsen stated that even if the City did not approve the tower, Crown Castle would still need to go through a process. He agrees that there should be a tower, but not by modifying special use. Mr. Camilucci said that he could not say with certainty that a concealed tower would work, and he noted that in the entire process this was the first time this “overture” was being made to Crown Castle. Any change in design could add another 6 – 8 months to the process.

Alderman Ludvigsen noted that the carriers were still unknown. Mr. Camilucci said that it was not the issue as a monopine or a monopole could accommodate the carriers.

Alderman Morgan-Adams said that the extra time that Crown Castle allotted was due to Covid-19.

Mayor Helmer said that the issue should be tabled for two weeks to give the City and Crown Castle an opportunity to come up with a new design. Mr. Camilucci replied that he did not have the

authority to allow the delay. He attempted to contact his client but could not get through. He asked if there would be some sort of commitment from the City. Alderman Ludvigsen said that he would meet with Karl Camilucci or Crown Castle, and a resident spokesman as early as Tuesday, August 11.

Alderman Cameron noted that the August 24, 2020 meeting had been cancelled. Mayor Helmer asked that a Special Meeting be held on August 24<sup>th</sup> to continue discussion and decision for O-20-23.

**Alderman Morgan-Adams moved to defer the vote on O-20-23 Granting a Special Use August 24, 2020 when a special meeting would be held; seconded by Alderman Quinn. There was unanimous approval.**

**ROLL CALL VOTE:** AYES - Dolick, Morgan-Adams, Ludvigsen, Quinn, Cameron  
NAYS - None  
ABSENT - None

Motion carried 5 - 0

**A.O-20-23 Staff Memo and Ordinance Granting a Special Use for the Property Located at 10 E. Camp McDonald Road (Crown Castle LLC –PZBA #20-02SU: “mono-pine” design) (*2nd Reading*) – Deferred until the August 24, 2020 Special Meeting**

**B.O-20-23 Staff Memo and Ordinance Granting a Special Use for the Property Located at 10 E. Camp McDonald Road (Crown Castle LLC –PZBA #20-02SU: “mono-pole” design) (*2nd Reading*) - Deferred until the August 24, 2020 Special Meeting**

**DISCUSSION TOPICS FOR NEXT MEETING:**

**A.**Traffic Safety Policy and Procedures Discussion

**APPROVAL OF WARRANTS**

**A.** Approval of Expenditures

General Fund	\$100,761.97
Motor Fuel Tax Fund	\$0.00
Palatine/Milwaukee Tax Increment Financing District	\$1,474.00
Tourism District	\$29,414.30
Development Fund	\$0.00
Drug Enforcement Agency Fund	\$4,888.00
Solid Waste Fund	\$29,570.09
Special Service Area #1	\$0.00
Special Service Area #2	\$0.00
Special Service Area #3	\$0.00

Special Service Area #4	\$0.00
Special Service Area #5	\$0.00
Special Service Area #8 – Levee Wall #37	\$0.00
Special Service Area-Constr #6 (Water Main)	\$0.00
Special Service Area- Debt #6	\$0.00
Capital Improvements	\$3,904.13
Palatine Road Tax Increment Financing District	\$1,474.00
Road Construction	\$0.00
Road Construction Debt	\$1,804.00
Water Fund	\$8,744.89
Parking Fund	\$101.53
Sanitary Sewer Fund	\$41,426.27
<u>Road/Building Bond Escrow</u>	<u>\$19,991.50</u>
<b>TOTAL</b>	<b>\$243,554.68</b>
<b><u>Wire Payments</u></b>	
<b>7/31/20 PAYROLL POSTING</b>	<b>\$159,805.93</b>
<b>JULY ILLINOIS MUNICIPAL RETIREMENT FUND</b>	<b><u>\$34,035.51</u></b>
<b>TOTAL WARRANT</b>	<b>\$437,396.12</b>

City Clerk Prisiajnouk read the warrants.

**Alderman Dolick moved to approve the warrants as presented; seconded by Alderman Quinn to include TOTAL of \$243,554.68; 7/31/2020 PAYROLL POSTING of \$159,805.93; JULY ILLINOIS MUNICIPAL RETIREMENT FUND of \$34,035.51; and TOTAL WARRANT of \$437,396.12. There was unanimous approval.**

**ROLL CALL VOTE:**       AYES -       Dolick, Morgan-Adams, Ludvigsen, Quinn, Cameron  
                               NAYS -       None  
                               ABSENT -   None

Motion carried 5 - 0

**PUBLIC COMMENT ON NON-AGENDA MATTERS (*Five Minute Time Limit*) - None**

**EXECUTIVE SESSION - None**

**ACTION ON EXECUTIVE SESSION ITEMS, IF REQUIRED**



**ADJOURNMENT - At 8:40 PM, Alderman Morgan-Adams moved to Adjourn; seconded by Alderman Quinn. There was unanimous approval.**

**VOICE VOTE:** All Ayes, No Nays.

Motion carried 5 - 0

Approved by the City Council of Prospect Heights this the 14th day of September, 2020.



Deputy Clerk Schultheis



Mayor Nicholas J. Helmer

