

VILLAGE BOARD OF TRUSTEES REGULAR MEETING NOTICE/AGENDA

TO BE HELD AT THE RICHARD T. FLICKINGER MUNICIPAL CENTER SCANLON CONFERENCE ROOM

NOVEMBER 14, 2016 6:00 pm

(The hour between 6:00 and 7:00 pm is set aside for Executive Session per 1-5-7A of the Village of Morton Grove Municipal Code.

If the Agenda does not include an Executive Session, the meeting will begin at 7:00 pm.)

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Executive Session

THE BALANCE OF THE MEETING SHALL COMMENCE AT 7:00 PM IN THE COUNCIL CHAMBERS OF THE RICHARD T. FLICKINGER MUNICIPAL CENTER

- 4. Reconvene Meeting
- 5. Pledge of Allegiance
- 6. Roll Call
- 7. Approval of Minutes Regular Meeting October 24, 2016
- 8. Special Reports
 - Swearing-in Ceremony for New Fire Chief Frank Rodgers to be Made by Fire and Police Commission Chairperson Mike Simkins
 - b. Presentation by American Legion Post #134 Regarding Naval Recruit Thanksgiving Dinner

- 9. Public Hearings
- 10. Residents' Comments (agenda items only)
- 11. **President's Report** Administration, Northwest Municipal Conference, Council of Mayors, Strategic Plan, Comprehensive Plan
 - a. Proclamation World Champion Chicago Cubs Month November 2016
- 12. Clerk's Report Community Relations Commission
- 13. Staff Reports
 - a. Village Administrator
 - 1) Miscellaneous Reports and Updates
 - b. Corporation Counsel
- 14. Reports by Trustees
 - a. Trustee Grear Police Department, Community and Economic Development Department, Fire and Police Commission, Police Facility Committee, NIPSTA, Lehigh/Ferris TIF, Frairie View TIF, Special Events Commission (Trustee Witko)
 - 1) Ordinance 16-24 (Introduced October 24, 2016) (Second Reading)
 Amending Title 6, Chapter 7 of the Municipal Code Entitled "Cannabis and Drug
 Paraphernalia" and Title 1, Chapter 4 Entitled "Monetary Penalties and Fines for Specific
 Violations and Offenses"
 - b. Trustee Minx Natural Resource Commission, Plan Commission/Zoning Board of Appeals, Building Department (Trustee Pietron)
 - 1) Ordinance 16-25 (Introduced October 24, 2016) (Second Reading)
 Approving a Special Use permit for a Parking Waiver in Excess of 30% and to Establish the Required Number of Parking Spaces for the Expansion of the Existing Building at 5628 Dempster
 - c. **Trustee Pietron** Public Works Department, Condominium Association, Economic Development Commission, Dempster Street Corridor Plan, Chamber of Commerce (Trustee Minx)
 - 1) Resolution 16-67 (Introduced November 14, 2016)
 Authorizing the Execution of a Contract Change Order with Mondi Construction, Inc. for the 2016 Concrete Replacement Program

14. Reports by Trustees (continued)

- c. Trustee Pietron (continued)
 - 2) Resolution 16-68 (Introduced November 14, 2016)
 Authorizing the Execution of a Change Order to a Task Order with Ciorba Group, Inc. for Design Engineering Services for Sites I & J Development Drainage Engineering Project
- d. Trustee Ramos Legal, Finance Advisory Commission, Traffic Safety Commission, Waukegan Road TIF, Capital Projects (Trustee Thill)
- e. **Trustee Thill** Fire Department, Emergency Management Agency, RED Center, Environmental Health, Solid Waste Agency of Northern Cook County, Appearance Commission, Advisory Commission on Aging (Trustee Ramos)
- f. **Trustee Witko** IT Communications, Strategic Plan Committee, Finance Department, Family and Senior Services Department (Trustee Grear)
- 15. Other Business
- 16. Presentation of Warrants \$1,150,445.24
- 17. Residents' Comments
- 18. Executive Session Personnel Matters, Labor Negotiations, Pending Litigation, and Real Estate
- 19. **Adjournment -** To ensure full accessibility and equal participation for all interested citizens, individuals with disabilities who plan to attend and who require certain accommodations in order to observe and/or participate in this meeting, or who have questions regarding the accessibility of these facilities, are requested to contact Susan or Marlene (847/470-5220) promptly to allow the Village to make reasonable accommodations.



MINUTES OF A REGULAR MEETING OF THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE COOK COUNTY, ILLINOIS, HELD AT THE RICHARD T. FLICKINGER MUNICIPAL CENTER OCTOBER 24, 2016

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Village President Daniel P. DiMaria called the meeting to order at 7:00 p.m. in the Richard T. Flickinger Municipal Center Council Chambers. After leading the assemblage in the Pledge of Allegiance, he directed the Clerk to call the roll.

II. ROLL CALL

Village Clerk Travis called the roll. Present were: Trustees Bill Grear, Rita Minx, John Pietron, Ed Ramos, John Thill, and Janine Witko.

III. APPROVAL OF MINUTES

Regarding the Minutes of the October 10, 2016, Regular Board Meeting, Trustee Minx moved, seconded by Trustee Witko, to accept the minutes as presented. There was one correction; that being "Shore does not take TV monitors, etc. . .". There being no additional concerns, a motion to approve the **minutes passed unanimously** via voice vote.

IV. <u>SPECIAL REPORTS</u>

There were no special reports held this evening.

V. <u>PUBLIC HEARINGS</u>

There was no public hearing held this evening.

VI. <u>RESIDENTS' COMMENTS</u> (Agenda Items Only)

There were no residents' comments on Agenda Items this evening.

VII. PRESIDENT'S REPORT

a. Mayor DiMaria requested confirmation from the Board for the appointment of Frank Rodgers to the position of Fire Chief. Trustee Thill made a motion, seconded by Trustee Minx to appoint Frank Rodgers as Acting Fire Chief until his swearing-in on November 14, 2016. There were no questions or discussion.

Tr. Grear aye Tr. Minx aye Tr. Pietron aye Tr. Ramos aye Tr. Thill aye Tr. Witko aye

Motion passed: 6 ayes, 0 nays, 0 absent

Mr. Rodgers briefly thanked the Village Board for the opportunity to serve the Village in

this capacity and he believes he is up for the challenge.

b. Mayor DiMaria then requested confirmation from the Board for the Chairmanship appointment of Steve Blonz to the Plan Commission/Zoning Board of Appeals. He stated Ron Farkas was stepping down after approximately 12 years of service as Chairperson. Mr. Farkas will however remain on the Board. A motion was then made by Trustee Pietron and seconded by Trustee Grear to confirm the appointment. A general unanimous voice vote was taken to confirm the appointment.

Mr. Farkas then stated it had been a privilege to serve as Chairperson of this very important commission; however, he felt it was time to step down and let someone else chair the meetings.

c. Mayor DiMaria then presented Resolution 16-64 Authorizing the Appointment of a Delegate and Alternate Delegate to the Intergovernmental Risk Management Agency. Mayor DiMaria explained the Village has been a member of this agency for some time and delegates are needed to represent the Village in IRMA matters. This resolution will designate Ralph E. Czerwinski as the Risk Manager and Thomas J. Friel as the Alternate. Trustee Pietron moved, seconded by Trustee Minx to approve Resolution 16-64.

Tr. Grear aye Tr. Minx aye Tr. Pietron aye Tr. Ramos aye Tr. Thill aye Tr. Witko aye Motion passed: 6 ayes, 0 nays, 0 absent

d. Mayor DiMaria then presented Resolution 16-65 Authorizing the Appointment of Delegates to the Intergovernmental Personnel Benefit Cooperative. Mayor DiMaria stated the Village has been a member of this agency for some time and delegates are needed to represent the Village. This resolution will designate Ralph E. Czerwinski and Thomas J. Friel as the Village's representatives. Trustee Minx moved, seconded by Trustee Thill to approve Resolution 16-65.

Tr. Grear aye Tr. Minx aye Tr. Pietron aye Tr. Ramos aye Tr. Thill aye Tr. Witko aye Motion passed: 6 ayes, 0 nays, 0 absent

e. Mayor DiMaria then presented Resolution 16-66 Authorizing the Appointment of a Delegate and Alternate Delegates to the Illinois Municipal Retirement Fund. Being a member of the Illinois Retirement Fund the Village is required to send a representative from the Village regarding IMRF matters. This resolution will designate Ralph Czerwinski as the Village's representative with Hanna Sullivan and Thomas J. Friel as alternates. Trustee Pietron moved, seconded by Trustee Minx to approve Resolution 16-66.

Tr. Grear aye Tr. Minx aye Tr. Pietron aye Tr. Ramos aye Tr. Thill aye Tr. Witko aye Motion passed: 6 ayes, 0 nays, 0 absent

- f. Mayor DiMaria then did a quick summary of upcoming events and relevant dates that the Village Board and residents should be aware of:
 - The replacement of the Meade/Moody sewer is now completed. The Village saved a great deal because this work was done in-house by Public Works crews. He

- thanked those involved for all their hard work.
- Mayor DiMaria noted the Street Resurfacing Project is currently on budget and on time.
- The free leaf pick-up service around town started on October 10. Mayor DiMaria noted residents should only put leaves in the street for pick-up and not branches or grass or other debris. If residents have questions they should contact the Public Works Department at 847.470.5235.
- Mayor DiMaria congratulated Jerusalem Lutheran School located at 6218 Capulina
 for their pursuit and receipt of an accreditation through the Wisconsin Evangelical
 Lutheran Synod School Accreditation Program and the National Counsel for Private
 School Accreditation. They received the highest level of accredited status "exemplary". He went on to state this rating is rare for a school to achieve on its first attempt at accreditation.
- Mayor DiMaria noted the Artists Performance will be held this weekend at 4:00pm on October 29 at the Civic Center.
- Halloween will be celebrated throughout the Village on October 31 from 3:00pm to 7:00pm.
- November 6 will be the Veterans Day Ceremony at the Civic Center grounds. As has been customary in past years, there will be no parade this year.
- November 22 pictures are due for the Fall Photo Contest.
- The Winter Farmers' Indoor Market will be held from 9:00am to 2:00pm on December 3 at the Civic Center.
- The Village Board will be meeting at 6:00pm on October 27, November 3, and November 15 to conduct budget workshops. These meetings will be held in the Scanlon Conference Room of Village Hall.
- Mayor DiMaria concluded with a heartfelt good luck to the Cubs as they embrace the upcoming World Series. Go Cubs!

VIII.

CLERK'S REPORT

Clerk Travis had no formal report; however, she did state the Community Relations Commission was working diligently on next year's projects. The fall photo contest photographs are due on November 22.

IX.

STAFF REPORTS

a. <u>Village Administrator</u>

1) Miscellaneous Reports and Updates. Mr. Czerwinski thanked the Village Board for their concurrence of Frank Rodgers as Fire Chief. He believes Frank will be a great addition to the management staff of the Village and looks forward to working with him. Mr. Czerwinski then thanked staff for their work on the Exchange newsletter. He stated there is a lot of information contained within that publication and looks forward to residents giving feedback and/or comments on what is going on around town.

b. <u>Corporation Counsel</u>

Corporation Counsel had no formal report.

X.

REPORTS BY TRUSTEES

a. <u>Trustee Grear</u>

- Trustee Grear presented Ordinance 16-24 Amending Title 6, Chapter 7 of the Municipal Code Entitled "Cannabis and Drug Paraphernalia" and Title 1, Chapter 4 Entitled "Monetary Penalties and Fines for Specific Violations and Offenses" for a First Reading. He noted this amendment will add monetary penalties for violations associated with the possession of paraphernalia with associated minimum amounts of illegal cannabis and/or other drugs. These changes will allow for local ordinance prosecution consistent with state statutes resulting in fines of between \$100 and \$750. The Second Reading for this ordinance will be on November 14 when a formal vote will be taken.
- Trustee Grear stated Ordinance 16-25 Approving a Special Use Permit for a Parking Waiver in Excess of 30% and to Establish the Required Number of Parking Spaces for the Expansion of the Existing Building at 5628 Dempster would be presented by Trustee Minx.

b. <u>Trustee Minx</u>

Trustee Minx then presented Ordinance 16-25 Approving a Special Use Permit for a Parking Waiver in Excess of 30% and to Establish the Required Number of Parking Spaces for the Expansion of the Existing Building at 5628 Dempster for a First Reading. This parking waiver in excess of 30% will set the number of parking spaces for this project (expanding an existing building to three stories) at 14.

Before moving on, Trustee Thill made a motion to waive the second reading for this ordinance (Ord 16-25) in order to give the developer additional time to get this project started since the weather will be deteriorating as the season closes out for the year. Trustee Witko seconded the motion.

Trustee Grear felt it important to give the neighbors an opportunity to speak on this matter and a second reading was required. He also stated there had been no formal request by the developer to waive the second reading. Mr. Farkas stated Mr. Israel as well as another property owner (who sent a letter) had been at the Plan Commission meeting when this item was on their agenda. Trustee Grear again reiterated there appears to be no urgency regarding this project and it should go through the proper channels. The developer of the property stated he did not know there was an option. Mr. Czerwinski stated there will be really no time lost since the drawings have yet to be received by the Building and Inspectional Services department. Those will take time to review once submitted and he believes by the time the second reading will take place (November 14) the documents will have been reviewed and permits ready to issue. There being no additional comments, a roll call vote was taken:

Tr. Grear nay Tr. Minx nay Tr. Pietron nay Tr. Ramos nay Tr. Thill aye Tr. Witko nay Motion passed: 1 ayes, 5 nays, 0 absent

The motion was denied and as a result, this ordinance will be up for a second reading on November 14.

C. <u>Trustee Pietron</u>

Trustee Pietron had no report.

d. Trustee Ramos

Trustee Ramos had no report.

e. Trustee Thill

Trustee Thill had no formal report; however he stated developers should be advised they have the option of requesting the waiving of a second reading of a particular ordinance which pertains to their project.

f. Trustee Witko

Trustee Witko had no formal report.

OTHER BUSINESS

NONE

XI.

WARRANTS

Trustee Witko presented the Warrants for October 24, 2016, in the amount of \$714,073.80. She moved to approve the Warrants which was seconded by Trustee Thill.

Tr. Grear aye Tr. Minx ave Tr. Pietron aye Tr. Ramos aye Tr. Thill ave Tr. Witko aye Motion passed: 6 ayes, 0 nays, 0 absent

XII.

RESIDENTS' COMMENTS (non-agenda items)

There were no resident comments.

&IIIX XIV.

ADJOURNMENT/EXECUTIVE SESSION

There being no further business to come before the Board, Trustee MInx moved to adjourn the meeting at 7:28 pm. Trustee Thill seconded the motion which was unanimously approved via voice vote.

PASSED this 24 th day of October 2016.	
Trustee Grear	
Trustee Minx	
Trustee Pietron	
Trustee Ramos	
Trustee Thill	
Trustee Witko	
APPROVED by me this 24 th day of October 2016. Daniel P. DiMaria, Village President Village of Morton Grove Cook County, Illinois	
APPROVED and FILED in my office this 25 th day of October 2016	
Connie Travis, Village Clerk Village of Morton Grove Cook County, Illinois	s by: Susan Lattanzi

I, Frank P. Rodge support the Constitution of the Ordinances of the faithfully discharge Village of Morton Constitution of the Signed S	SS. FFICIAL OATH gers, do solemnly swear (affirm) that I will institution of the United States, and the
I, Frank P. Rodge support the Constitution of the Ordinances of the faithfully discharge Village of Morton Constitution of the Signed S	gers, do solemnly swear (affirm) that I will astitution of the United States, and the
support the Constitution of the Ordinances of the faithfully discharge Village of Morton Constitution of the Signed Signed: Signed: Effective Date of Appointment:	nstitution of the United States, and the
Effective Date of Appointment:	e State of Illinois, the Rules, Regulations, and e Village of Morton Grove, and that I will ge the duties of the Office of Fire Chief of the Grove according to the best of my ability.
Effective Date of Appointment:	
	Frank P. Rodgers
Subscribed and sworn to before 1	October 24 2016
	000001 2 T, 2010
	me this day of November, A.D., 2016
Clerk, Village of Morton Grove	

Frank Rodgers

Chief Frank Rodgers began his service with the Morton Grove Fire Department in 1990 as a Firefighter/Paramedic. Frank was promoted to Lieutenant in 2004, and appointed to the position of District Chief in 2007.

Frank brings a high level of diverse talent and experience to the position, serving the department throughout the years as apparatus engineer, fire investigator, CPR instructor, MABAS Special Rescue Team member, Apparatus Coordinator and the department's Training Officer.

Frank says that he is honored to be named the new Fire Chief, and intends to build upon the department's strong foundation, created by his five predecessors.

Frank is thankful having Jennifer in his life. Together they enjoy spending time with his four boys, Michael, Matthew, Marco, Franco and his daughter Gina, while skiing, fishing motorsports, and riding horses.



Village of Morton Grove

WHEREAS, the Chicago Cubs, on Wednesday, November 2, 2016, finished their amazing 2016 season by beating the Cleveland Indians and winning the World Series; and

WHEREAS during the post-season, the Cubs beat the San Francisco Giants in the National League Division Series, and won the National League Pennant by beating the Los Angeles Dodgers;

WHEREAS during the World Series, the Cubs were down three games to one, and rallied to win the final three games including a thrilling tenth-inning Game 7 victory; and

WHEREAS, this 2016 World Series win is the Cubs' first World Series Championship since 1908 and was celebrated by over five million jubilant Cub fans with a victory parade and ceremony at Grant Park on November 4, 2016; and

WHEREAS, the 2016 Cubs delighted Morton Grove residents all season long with:

- 103 regular season game wins, the best in the major league and the Cub's best record since 1910;
- Phenomenal pitching including the best combined ERA in the major leagues, a no-hitter by Jake Arrieta, and stellar performances from Cy Young finalists Jon Lester and Kyle Hendricks;
- · Outstanding defense lead by Golden Glove winners Anthony Rizzo and Jason Heyward;
- Outscoring their opponents by over 250 runs;
- · Great offense by the entire starting lineup including the National League MVP favorite Kris Bryant;
- · Outstanding leadership by 2015 Manager of the Year and 2016 MOTY finalist Joe Maddon; and
- Anthony Rizzo and Jake Arrieta were awarded the NL Silver Slugger Awards.

WHEREAS, this year's extraordinary accomplishments honors the spirit and perseverance of Cubs greats like Ron Santo, "Sweet-Swinging" Billy Williams, and "Mr. Cub" Ernie Banks, as well as generations of Cubs fans who have stood by the team, despite black cats, Billy goat curses and the heartbreaks of 1969, 1984 and 2003; and

WHEREAS, the team's 2016 motto: "We never quit" is an inspiration to us all; and

WHEREAS, the Village of Morton Grove has been proud to "Fly the W" during the 2016 World Series.

NOW, THEREFORE, I, Daniel P. DiMaria, Mayor of the Village of Morton Grove, Illinois, do hereby proclaim November 2016, as

WORLD CHAMPION CHICAGO CUBS MONTH

In Morton Grove, and on behalf of all our residents, I congratulate the Cubs players, Chairman Tom Ricketts, President Theo Epstein, Manager Joe Maddon, and all the coaches and staff, for this epic World Series Championship season;



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the Village of Morton Grove.

Legislative Summary

Ordinance 16-24

AMENDING TITLE 6, CHAPTER 7 OF THE MUNICIPAL CODE ENTITLED "CANNABIS AND DRUG PARAPHERNALIA" AND TITLE 1, CHAPTER 4 ENTITLED "MONETARY PENALTIES AND FINES FOR SPECIFIC VIOLATIONS AND OFFENSES"

Introduced

October 24, 2016

Purpose

Title 6, Chapter 7 of the Municipal Code amendment will add monetary penalties for violations associated with the possession of paraphernalia with associated minimum amounts of illegal cannabis and/or other drugs. These changes will allow for local ordinance prosecution relating to the possession of small amounts of illegal cannabis and paraphernalia consistent with state statues.

Background:

Village staff periodically reviews Village codes and ordinances to ensure they are in compliance with state statute and current practices. A recent state law changed increasing the minimum amount of cannabis a person can possess and provided for a minimum amount of cannabis or other drugs along with accompanying paraphernalia before it is a criminal offense. This ordinance will allow for the prosecution of possession of small amounts of illegal cannabis and accompanying paraphernalia as a local ordinance violation resulting in fines between \$100 to \$750 and will authorize the local Adjudication Hearing Officer to require offenders to perform community service and/or attend drug education training as part of said penalty.

Programs, Departments or Groups Affected

Police enforcement practices

Fiscal Impact:

Not applicable.

Source of Funds:

Not applicable.

Workload Impact:

The implementation of this ordinance will be performed by the Police Department, Administration and Legal Departments as part of their normal workload.

Administrator

Recommendation:

Approval as presented.

Second Reading:

Required - Code Amendment

Special Considerations or

Requirements:

None

Administrator Approval

Ralph E. Czerwinski, Village Administrator

Michael Simo Chief of Police

Reviewed by:

Teresa Hoffman Listón, Corporation Counsel

ORDINANCE 16-24

UPDATING TITLE 6, CHAPTER 7 OF THE MUNICIPAL CODE ENTITLED "CANNABIS AND DRUG PARAPHERNALIA" AND TITLE 1, CHAPTER 4 ENTITLED "MONETARY PENALTIES AND FINES FOR SPECIFIC VIOLATIONS AND OFFENSES"

WHEREAS, the Village of Morton Grove (Village), located in Cook County, Illinois is a home rule unit of government under the provisions of Article 7 of the Constitution of the State of Illinois, can exercise any power and perform any function pertaining to its government affairs, including but not limited to the power to tax and incur debt; and

WHEREAS, the Village has a policy of regularly reviewing and revising its Municipal Code, as necessary, to insure the provisions of the Code remain compliant with contemporary statutes and relevant to the current operations and requirements within the Village; and

WHEREAS, State statue changed increasing the minimum amount of cannabis a person can possess and provided for a minimum amount of cannabis or other drugs to accompanying paraphernalia before paraphernalia is a criminal offense; and

WHEREAS, the option to prosecute such offenses as a local ordinance violation in situations not involving aggravating factors will free up police resources and may result in a more deterrent effect; and

WHEREAS, staff has reviewed and is suggesting Title 6, Chapter 7 currently entitled Cannabis and Drug Paraphernalia be updated with edits to Section 1 to comply with Statutory changes and include a new Section 3 which will better serve the Village; and

WHEREAS, Title 1, Chapter 4 be updated to include monetary penalties for violations relative to the above mentioned chapter for offenses referenced therein; and

WHEREAS, the proposed amendment is in the Village's best interest.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS AS FOLLOWS:

SECTION 1: The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into this Ordinance as though fully set forth therein thereby making the findings as hereinabove set forth.

SECTION 2: Title 6, Chapter 7, entitled <u>Cannabis and Drug Paraphernalia</u> is hereby repealed and a new Title 6, Chapter 7 entitled <u>Cannabis and Drug Paraphernalia</u> is hereby amended to read as follows:

Chapter 7

CANNABIS AND DRUG PARAPHERNALIA

SECTION:

6-7-1: Possession of Cannabis or Cannabis Infused Products

6-7-2: Items Designed or Marketed for Use with Illegal Cannabis or Drugs

6-7-3: Unlawful Possession of Drug Paraphernalia

6-7-1: POSSESSION OF CANNABIS OR CANNABIS INFUSED PRODUCTS:

A. Definitions:

- 1. As used in this section, cannabis shall have the same meaning as defined in the Illinois Cannabis Control Act, 720 ILCS 550/3, as may be amended.
- 2. As used in this section, cannabis infused products means food, oils, ointments, or other products containing usable cannabis that are not smoked.
- 3. Usable cannabis is defined as the seeds, leaves, buds, and flowers of the cannabis plant, but not the stalks and roots of the plant.

B. Possession:

- 1. It shall be a violation of this section for any person to knowingly grow, possess, sell, give away, barter, exchange, distribute, or administer up to one hundred (100) grams of any substance containing cannabis except as specifically permitted by Illinois law.
- 2. It shall be a violation of this section for any person to produce, possess, sell, give away, barter, exchange, distribute, or administer any cannabis infused products containing up to one hundred (100) grams of usable cannabis except as specifically permitted by Illinois law.
- C. Minors: It shall be unlawful to sell or give items containing up to one hundred (100) grams of cannabis as defined in 720 ILCS 550/3 to any minor under twenty-one (21) years of age.
- D. Responsibility of Owner or Occupant: It shall be a violation of this section if any person who has ownership or control of any motor vehicle, watercraft, room, dwelling, shed, garage, yard, or other area to knowingly permit one or more persons under twenty-one years of age (21) to assemble or be assembled in these defined areas while said persons are in possession of any cannabis or cannabis infused products.

6-7-2: ITEMS DESIGNED OR MARKETED FOR USE WITH ILLEGAL CANNABIS OR DRUGS:

- A. License Required: It shall be unlawful for any person or persons as principal, clerk, agent, or servant to sell any items, effect, paraphernalia, accessory, or thing which is designed or marketed for use with illegal cannabis or drugs, as defined by the Illinois Compiled Statutes, without obtaining a license therefore. Such licenses shall be in addition to any or all other licenses held by the applicant.
- B. Application: Application to sell any item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs shall, in addition to any other requirements of this Village, be accompanied by affidavits by the applicant and each and every employee authorized to sell such items that such person has never been convicted of a drug related offense.
- C. Minors: It shall be unlawful to sell or give items as described in subsection A of this section in any form to any male or female child under eighteen (18) years of age.
- D. Records: Every licensee must keep a record of every item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs which is sold and this record shall be open to the inspection of any peace officer or code enforcement officer at any time during the hours of business. Such record shall contain the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the licensee or agent of the licensee's signature. Such records shall be retained for not less than two (2) years.
- E. Regulations: The applicant shall comply with all applicable regulations of the police department.
- F. Penalty: In addition to any other penalties contained in this code for violation of this section, conviction of a violation of the section by any person, firm or corporation holding a business license in the Village or by any agent or employee of such license holder, shall result in the revocation of such business license and shall be deemed cause for failure of the Village to renew said business license. (Ord. 82-10, 3-22-1982; Ord 13-16, 11-11-13)

6-7-3: UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA:

A. Definitions:

- 1. As used in this section, cannabis shall have the same meaning as defined in the Illinois Cannabis Control Act, 720 ILCS 550/3, as may be amended.
- 2. As used in this section, paraphernalia means all equipment, products and materials of any kind which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging,

repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act.

- B. Possession: It shall be unlawful for any person or persons to possess any items, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs, as defined by Illinois Compiled Statutes except as specifically permitted by Illinois law.
 - 1. Possession of paraphernalia as defined in this chapter in conjunction with less than ten (10) grams of cannabis.
 - 2. Possession of paraphernalia as defined in this chapter in conjunction with ten (10) grams or greater of cannabis or cannabis infused products, or any other drug as defined in the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act.
- C. Penalty: In addition to any other penalties contained in this code for violation of this chapter, a violation of the section by any person shall result in fines and penalties as defined in Title 1 Chapter 4 of this Code.

SECTION 3: Title 1, Chapter 4, entitled <u>Monetary Penalties and Fines for Specific</u>

<u>Violations and Offenses</u> is hereby amended to add monetary penalties for violations relative to cannabis and drug paraphernalia which shall read as follows:

1-4-2: MONETARY PENALTIES AND FINES FOR SPECIFIC VIOLATIONS AND OFFENSES: The minimum and maximum monetary penalty for violations of the following Code sections, or offenses referenced therein shall be as follows:

Code Section	Description of Violation	Penalty
6-7-1-B	Possession Cannabis1 grams-10.0 grams	\$100.00 \$200.00
6-7-1-B	Possession Cannabis—10.1 grams-30grams	\$200.00 - \$750.00
6-7-1-B	Possession Cannabis—30.1 grams-100.0 grams	\$500.00 - \$750.00

6-7-1-C*	Providing Cannabis to Minors	\$750.00
6-7-1*	Possession Cannabis	In addition or alternative to any monetary penalty, a violator of this section may be required to perform community service or attend drug education training.
6-7-1-D	Owner Responsibility	\$300 - \$750.00
6-7-3-B-1	Possession of Drug Paraphernalia (less than 10 grams of Cannabis)	\$100.00
6-7-3-B-2	Possession of Drug Paraphernalia(greater than 10 grams of Cannabis or other drugs)	\$200.00

(Ord. 11-16, 6-13-2011)

SECTION 3: The terms and conditions of this ordinance shall be severable and if any section, term, provision, or condition is found to be invalid or unenforceable by any reason by a court of competent jurisdiction, the remaining sections, terms, provisions, and conditions, shall remain in full force and effect.

SECTION 4: In the event this ordinance or any Code amendment herein is in conflict with any statute, ordinance, or resolution or part thereof, the amendments in this ordinance shall be controlling and shall supersede all other statutes, ordinances, or resolutions but only to the extent of such conflict. Except as amended in this ordinance, all chapters and sections of the Village of Morton Grove Village Code are hereby restated, readopted, and shall remain in full force and effect.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form according to law.

PASSED this 14 th day	of November 2016.	
Trustee Grear		
Trustee Minx		
Trustee Pietron		
Trustee Ramos		MANA distributura and
Trustee Thill		
Trustee Witko	· · · · · · · · · · · · · · · · · · ·	
		Daniel P. DiMaria, Village President Village of Morton Grove Cook County, Illinois
ATTESTED and FILI this 15 th day of Noven	ED in my office nber 2016.	
Connie Travis, Villag Village of Morton Gro Cook County, Illinois	ove	

Legislative Summary

Ordinance 16-25

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A PARKING WAIVER IN EXCESS OF 30% AND TO ESTABLISH THE REQUIRED NUMBER OF PARKING SPACES FOR THE EXPANSION OF THE EXISTING BUILDING AT 5628 DEMPSTER STREET

Introduction:

October 24, 2016

Purpose:

To approve a special use permit for a parking waiver in excess of 30% and to established the required number of parking spaces at 14, based on the proposed uses within the proposed expanded building at 5628 Dempster Street.

Background:

Mr. Pavlo Derbedyenyev, co-owner of North Shore Faucets at 5628 Dempster Street, filed an application to expand the existing 1-½ story, 5,210 sq. ft. commercial building to a 3 story, 13,599 sq. ft. structure. North Shore Faucets will occupy the first and second floors of the expanded building, and the third floor will be used as limited general office space. Based on the parking requirements in Section 12-7-3:I, the proposed uses within the expanded building require 25 parking spaces. The applicant is seeking a special use for a parking waiver in excess of 30%, per Section 12-7-3:K, and to establish the number of required spaces at 14 spaces.

In accordance with Unified Development Code, the applicant hired Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA) to complete a traffic and parking study for the proposed expanded building ("Parking Evaluation North Shore Faucets Expansion", prepared by KLOA, dated July 8, 2016; Revised: August 9, 2016; Revised: September 12, 2016). Based on their observation of area street parking and the project parking demand for the proposed uses within this building, KLOA concluded the parking demand for this project can be accommodated by the five (5) onsite parking spaces and adjacent street parking.

The Appearance Commission reviewed the project at their August 1, 2016, and September 7, 2016, meetings and made certain recommendations. The Traffic and Safety Commission reviewed the project at their August 4, 2016, meeting and made certain recommendations on suggested conditions. Based on the application, supporting documents and testimony presented at the August 15, 2016, and September 19, 2016, public hearings and the recommendations from the Appearance and Traffic Safety Commissions, the Plan Commission voted 7-0 to recommend approval of the request for the parking waiver in excess of 30% and to establish the required parking at 14 spaces, with conditions.

Programs, Departs or Groups Affected

Community and Economic Development

Fiscal Impact:

N/A

Source of Funds:

N/A

Workload Impact:

Community and Economic Development in the normal course of business.

Admin Recommend:

Approval as presented

Second Reading:

November 14, 2016

Special Consider or

Requirements: /

None

Submitted by:

alph Czerwinski, Village Administrator

Reviewed by

Teresa Hoffman Liston, Corporation Counsel

Prepared by:

ancy M. Radzevich, Community and Economic Development Director

ORDINANCE 16-25

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A PARKING WAIVER IN EXCESS OF 30% AND TO ESTABLISH THE REQUIRED NUMBER OF PARKING SPACES FOR THE EXPANSION OF THE EXISTING BUILDING AT 5628 DEMPSTER STREET

WHEREAS, the Village of Morton Grove (Village), located in Cook County, Illinois, is a home rule unit of government under the provisions of Article 7 of the 1970 Constitution of the State of Illinois, can exercise any power and perform any function pertaining to its government affairs, including but not limited to the power to tax and incur debt; and

WHEREAS, the applicant, Mr. Pavlo Derbedyenyev, co-owner of 5628 Dempster Street, Morton Grove, IL 60053 and North Shore Faucets, has made a proper application to the Plan Commission in the Village of Morton Grove under case number PC16-08 requesting a waiver in excess of 30% of the required number of on-site parking spaces to allow for the expansion of an existing 1-½ story, 5,210 sq. ft. commercial building to a 3 story, 13,599 sq. ft. commercial building at the property commonly known as 5628 Dempster Street, Morton Grove, Illinois 60053; and

WHEREAS, the property is located in the C1 General Commercial District; and

WHEREAS, the proposed expanded structure complies with all the dimensional controls and bulk requirements for commercial buildings in the C1 General Commercial District; and

WHEREAS, the employee and customer parking for the existing building material sales use is accommodated by five on-site parking spaces, which will be maintained with the expansion project, as well as area public street parking; and

WHEREAS, based on the parking requirements in Section 12-7-3:I of the Unified Development Code, the proposed expansion of this building requires 25 on-site parking spaces; and

WHEREAS, Section 12-7-3:K allows for a reduction in the number of off-street parking spaces, based on the actual peak demand of a use or combination of uses as demonstrated by an independent traffic study completed by a traffic engineer. Parking variations in excess of 30% for buildings that are 10,000-50,000 square feet in area require a special use permit; and

WHEREAS, in accordance with Section 12-7-3:B, for special uses, the proposed parking standards identified in Section 12-7-3:I, "Required Spaces By Use", are advisory only. The final parking required for a special use shall be decided by the Village Board based on the submitted, independent traffic and parking study and any traffic and parking recommendation or study prepared by Village Staff or Village Consultants or any pertinent Village Commission and the recommendation of the Plan Commission; and

WHEREAS, as part of their special use application, the applicant submitted a parking study, "Parking Evaluation North Shore Faucets Expansion," by Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA), dated July 8, 2016, Revised: August 9, 2016, Revised: September 12, 2016; and

WHEREAS, pursuant to the applicable provisions of the Unified Development Code, notice of a public hearing on PC16-08 to be held on August 9, 2016 was published in the <u>Pioneer Press</u>, a newspaper of general circulation in the Village of Morton Grove, on July 28, 2016; a sign was posted on the subject property on August 5,2016; and written notification was sent to all property owners within 250 feet of the subject property on July 29, 2016; and

WHEREAS, on August 1, 2016, and September 7, 2016, the Appearance Commission reviewed the applicant's design for the expanded building and recommended certain conditions; and

WHEREAS, on August 4, 2016, the Traffic Safety Commission reviewed the application and traffic study and recommended certain conditions; and

WHEREAS, at the August 15, 2015, and September 19, 2016, public hearings, the Plan Commission reviewed the application and heard the applicant's presentation, at which time all concerned parties were given the opportunity to be present and express their views for the consideration by the Plan Commission; and

WHEREAS, at the public hearing, the applicant presented the details of the KLOA parking study, including the parking demand calculation of 14 parking spaces for this project, which was based on the existing expanded building material sales use, which will fully occupy the first and second floors and is projected to have a total of ten employees, and a limited general office use on the third floor, which is currently limited to no more than four employees; and

WHEREAS, at the public hearing, the applicant also reviewed the findings of the KLOA existing area parking survey and presented their observations that there currently is available street parking spaces, during peak hour times, along Parkside Avenue; and

WHEREAS, in an effort to promote and foster economic development activities along Dempster Street, the Village will be constructing new angled parking spaces on the west side of Parkside Avenue and on the east side of Major Avenue, north of Dempster and south of the public alley, which will also increase the number of available street parking spaces; and

WHEREAS, at the public hearing, KLOA presented their conclusion that the 14 space parking space demand, based on the proposed uses within this expanded building, can be accommodated through a combination of the five on-site parking spaces and the adjacent public street parking; and

WHEREAS, the Plan Commission considered all the evidence and testimony presented to it, discussed the merits of the Application in light of applicable law and voted to recommend approval of

a parking waiver in excess of 30% and to establish the required number of parking spaces for this project, as proposed, at 14 spaces, which can be accommodated by the five on-site parking spaces and area street parking, with conditions, through a report dated September 30, 2016, a copy of which is attached hereto and made a part hereof and marked as Exhibit "A";

WHEREAS, the Corporate Authorities have considered this matter at a public meeting and find pursuant to the relevant provisions of the Unified Development Code, this special use for a parking waiver and to establish the required number of parking spaces for the expansion of the existing commercial building, will result in the expanded building being used and operated in such a way that the public health, safety and welfare will be protected and will not cause substantial injury to the other properties in the surrounding neighborhood; and

WHEREAS, pursuant to the provisions of the Village of Morton Grove Municipal Code, the Corporate Authorities have determined a special use permit for a parking waiver in excess of 30% and establishing the required parking spaces at 14 for the expanded building at 5628 Dempster Street, shall be approved subject to the conditions and restrictions as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into this Ordinance, as though fully set forth herein, thereby making the findings as hereinabove set forth:

SECTION 2: The property located at 5628 Dempster Street, Morton Grove, Illinois 60053, is granted a request for a parking waiver in excess of 30%, in accordance with Section 12-7-3:K, and to establish the required number of parking spaces for the expanded building at 5628 Dempster Street at 14 spaces, which may be accommodated by a combination of five on-site parking spaces and adjacent street parking, with the following conditions:

- 1. The building and site shall be developed and operated consistent with the plans and supporting documents in the application, amended as necessary to comply with the conditions from the Appearance Commission, Traffic Safety Commission, Plan Commission and/or Village staff, prepared by Arzoumanian & Company, dated July 14, 2016, unless otherwise noted, including the following:
 - a. Proposed Site Plan;
 - b. Proposed Elevations;
 - c. Proposed 1st and 2nd Floor Plans;

- d. Proposed 3rd Floor and Roof Plans; and
- e. Rendering Studies, prepared by Arzoumanian & Company;
- f. Proposed Site Plan Trash Locations, dated May 4, 2016, Revised: May 13, 2016; and
- g. "Parking Evaluation North Shore Faucets Expansion", prepared by KLOA, dated July 8, 2016, Revised: August 9, 2016; Revised: September 12, 2016
- 2. This parking waiver is granted based on the proposed material sales and ancillary support uses on the 1st and 2nd floors and limited general office use with up to four employees on the 3rd floor, in accordance with the plans and supporting documents listed in condition 1, above, the special use application dated September 9, 2016, and correspondence from Arzoumanian & Company, dated September 15, 2016.
- 3. The applicant shall advise the Director of Community and Economic Development of any of the following:
 - a. Any proposed change in ownership of the subject property, the principal business use as a building material sales use on the 1st and 2nd floors, or the limited general office use, with up to 4 employees, on the 3rd floor;
 - b. Any change in hours of operation;
 - c. Any alterations to or changes in the layout or use of the interior spaces;
 - d. Any increases in staffing levels above those projected in the KLOA traffic study "Parking Evaluation North Shore Faucets Expansion", dated September 12, 2016; and
 - e. Any other changes to the existing and proposed future uses that could increase the intensity of such uses and/or could increase parking demand.

Such changes may require the owners, lessees, and users of 5628 Dempster Street to submit an updated parking analysis, and may subject the owners, lessees, and users of 5628 Dempster Street to additional conditions and may serve as the basis for further amendment to the special use permit.

- 4. The applicant shall comply with all the recommendations suggested by the Traffic Safety Commission as follows:
 - a. Trash removal shall be conducted in a manner courteous with the neighbors.
 - b. Deliveries shall be conducted in a manner courteous with the neighbors and scheduled before business hours or after closing hours when possible.

SECTION 3: The owners, lessees, occupants, and users of 5628 Dempster Street, their successors and assigns allow employees and authorized agents of the Village of Morton Grove access

to the premise at all reasonable times for the purpose of inspecting said premise to verify all terms and conditions of this special use permit have been met.

SECTION 4: The special use is granted so long as the owner, occupant and users of this property utilize the area for the purposes as herein designated.

SECTION 5: The Village Clerk is hereby authorized and directed to amend all pertinent records of the Village of Morton Grove to show and designate the special use as granted and amended hereunder.

SECTION 6: The applicant shall comply with all requirements of the Village of Morton Grove Ordinances and Codes, as applicable.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form according to law.

PASSED this 14th day of November 2016.

Trustee Grear		
Trustee Minx		
Trustee Pietron		
Trustee Ramos		
Trustee Thill		
Trustee Witko		
	d	
APPROVED by m	e this 14 th day of Noven	nber 2016.
APPROVED by m	e this 14 th day of Noven	Daniel P. DiMaria, Village President Village of Morton Grove Cook County, Illinois

Connie Travis, Village Clerk Village of Morton Grove Cook County, Illinois



Incredibly Close & Amazingly Open

To:

Village President and Board of Trustees

From:

Ronald Farkas, Chairperson, Plan Commission

Nancy Radzevich, AICP, Community and Economic Development Director Dominick A. Argumedo, AICP, Zoning Administrator/Land-Use Planner

Date:

September 30, 2016

Re:

Plan Commission Case PC16-08: Request for Special Use Permit to grant a parking waiver in excess of 30% of required parking spaces for the expansion of the existing 1-1/2 story commercial building to 3 stories, in accordance with Section 12-7 of the Unified Development Code

(Ordinance 07-07)

Commission Report

Public Notice

The Village of Morton Grove provided Public Notice for the August 15, 2016 Plan Commission public hearing for PC 16-08 in accordance with the Unified Development Code. The *Pioneer Press* published the public notice on July 28, 2016, and the Village notified surrounding property owners via mail on July 29, 2016 and placed a public notice sign on the subject property on August 5, 2016.

Overview of the Application

Mr. Pavlo Derbedyenyev, one of owners of the property and North Shore Faucets located at 5628 Dempster Street, filed an application to allow the expansion of the existing $1-\frac{1}{2}$ story building to three stories. The 6,801 sq. ft. subject property is located at the northwest corner of Dempster Street and Parkside Avenue and is currently improved with a 5,210 sq. ft. commercial building. The expanded building is proposed to be 13,599 sq. ft. in area and 40 ft. in height and would comply with all dimensional controls and bulk requirements in the C1 District, however, a parking waiver is required. The property is zoned C1 General Commercial District.

When comparing the proposed uses within of the expanded building (showroom, storage, and office) against the technical requirements of the Unified Development Code, the expanded building would require 25 parking spaces. The property currently has five (5) parking spaces on-site, which will be maintained after the proposed expansion. For buildings between 10,000 sq. ft. and 50,000 sq. ft. in area, a parking waiver greater than 30% requires a special use permit (Section 12-7-3:K). In this case, the applicant is seeking a waiver of 80% of the number of required spaces, based on the parking requirements established in the Code.

Per Section 12-7-3:B of the Unified Development Code, proposed parking standards identified in the code as "Required Spaces By Use" shall be advisory only for Special Use applications as the required parking will be reviewed and established as part of the Special Use Permit. The final number of required parking spaces for Special Use Permits is set by the Village Board based on the submitted, independent traffic and parking study and any traffic and parking recommendations by the Traffic Safety and Plan Commissions and/or staff.

August 15, 2016 Public Hearing

Mr. Dominick Argumedo, Zoning Administrator/Land-Use Planner, introduced the case and summarized the Plan Commission staff report dated August 10, 2016, which was entered, in its entirety, into the public record. (Attachment 1)

Mr. Raffi Arzoumanian, the architect representing Pavlo Derbedyenyev, gave an overview of the proposed building design and materials. He explained that North Shore Faucets are proposing to expand the showroom on the ground floor and administrative offices on the second floor, and provide added storage space on both floors.

Mr. Luay Aboona, Principal with Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA), presented his firm's parking study of the proposed project. He noted that based on the existing and proposed expanded uses, KLOA projected the overall parking demand for the expanded building at 19 parking spaces, broken down as follows: existing demand of five (5) parking spaces, plus an additional five (5) space parking demand for the new expanded second floor office space and nine (9) spaces parking demanded for the proposed third floor general office space.

Mr. Aboona stated KLOA examined on-street parking from Dempster Street to Greenwood Street along both Parkside and Major Avenues, in order to gauge the existing parking demand. Specifically, KLOA surveyed and observed the current on-site and street parking locations during the hours of operation for North Shore Faucets on a weekday and one Saturday. Based on their findings, he stated that 30-35% of the available parking spaces were occupied at peak times, in the overall study area, and that less than 40% of available parking between Dempster Street and the alley to the north was occupied. In addition to the five (5) on-site parking spaces, there are seven (7) existing angled parking spaces on the east side of Parkside and 3-4 parallel parking spaces on the west side, between Dempster and the alley. Mr. Aboona noted that the Village is planning to modify the public parking on the west side of Parkside from parallel to angled parking, which will add 2-3 parking spaces. He stated that based on their observations and finding, the increased parking demand can be met by the available parking in the area.

Commissioner Dorgan stated that he is a long-time patron of North Shore Faucets and has never had a problem parking there. He spoke to the nature of the business, noting that the tradesmen that utilize this business typically do not park there for longer than 30 minutes. He asked whether the new angled parking would include an accessible parking space. Mr. Argumedo stated there would not be an accessible parking space along Parkside, but that an accessible parking space will be provided on-site.

Commissioner Shimanski asked if the public parking on Parkside Avenue between Dempster Street and the alley had time limits, and specifically if any such time limits would be imposed for the new angled parking. Commissioner Shimanski expressed concern that future employees would not be able to use any public parking, if they had time limits. Ms. Radzevich stated it had not yet been determined if there would be time limits on the new angled parking spaces.

Commissioner Shimanski also expressed concern about the unknown nature of the proposed third floor commercial space. He stated that more information should to be provided before the Plan Commission can provide a recommendation to the Village Board.

Mr. Arzoumanian said the third floor is the smallest footprint of the floors in the building and the General Office use should not have a great impact on the overall parking demand. Arzoumanian said the projected demand is based on the overall size of the third floor space, not

on the actual proposed use. So, if the third floor ended up only being used by two or three employees, for example, then parking would not be an issue.

Ms. Radzevich advised the Commission that staff has suggested a condition such that if the actual third floor use is more intensive than what is proposed in this application, the owner would need to seek an amendment to the special use. Ms. Radzevich suggested that if the applicant is willing to do so, the current application could be modified to reduce the overall parking waiver and demand by limiting the maximum number of employees on the third floor to no more than 2-3 employees until the use is actually defined, as Mr. Arzoumanian suggested.

Chairperson Farkas pointed out that one of the five on-site parking spaces is also the loading area. He questioned how deliveries and pickups are handled, particularly when all of these spaces are in use by employees or customers.

Chairperson Farkas read aloud a letter submitted to the Village from Ye Shook Ahn, the owner of 5632 Dempster, expressing concern about existing parking issues within the area and how this will be impacted by the proposed development. (Attachment 2). Mr. Aboona responded by saying that based on their surveys and observations, there is currently sufficient parking available in the area, and specifically along Parkside between Dempster and the alley. He concluded that he believes North Shore Faucets is not causing an imposition to the neighborhood.

Randy Israel, property owner of 5631, 5641, and 5645 Dempster, commended the architect on the design of the project and said it will be a welcomed addition to Dempster Street. However, he expressed concern that parking in this area will be an issue, as it is already tight. He further noted he has suggested the Village build an additional parking lot along this block. He also suggested a more comprehensive approach to address parking issues along Dempster.

Commissioner Shimanski reiterated his concerns about the possible time limits on the public parking along Parkside and the projected nine space parking demand for the third floor and asked if the petitioner would be interested in continuing this case to allow for additional information and/or clarifications. Chairperson Farkas concurred, and reiterated his concerns about the potential conflict between deliveries and the on-site employee/customer parking.

Mr. Arzoumanian, on behalf of the owner, stated they want to make sure the Board is satisfied and asked to continue the case. Commissioner Shimanski moved to continue Case PC 16-08 to the September 19, 2916 meeting. The motion was approved 5-1 (Blonz opposed; Khan absent)

September 19, 2016 Public Hearing

Dominick Argumedo provided an overview of the modifications and clarifications to the application. He first noted the applicant submitted an updated application, which proposes to limit the number of potential employees for the third floor commercial space to no more than four (Attachment 3). If the owner decides to lease the third floor space to a more intensive use, with a higher parking demand, they will need to provide an updated parking analysis for review and seek approval to do so.

Mr. Argumedo discussed the question on parking time limits on Parkside Avenue. He noted the parking spaces on the east side currently do not have time limits and, after discussion with the Village Administrator, the new angled parking on the west side, similarly, will not have time limits. He stated the Village is also proposing to add similar angled parking on the east side of

Major Avenue. It is anticipated both of these public parking projects will be initiated in mid-to late spring 2017, and will be completed before or in conjunction with this expansion project.

Finally, Mr. Argumedo noted the applicant has clarified their delivery process. They indicated they typically have 2-4 deliveries/pick-ups per week, which take no more than 30 minutes. These are scheduled in advance, typically early morning (7:00-9:00AM) or later in the day (4:00-6:00PM), to minimize conflicts with employee parking. Pick-ups are usually completed within several minutes as they typically involve small orders. On the limited occasions when the all parking spaces are occupied when the deliver/pick-up truck arrives, the owners or employees temporarily move their vehicles to facilitate the trucks.

Mr. Aboona provided an overview of the updated parking evaluation, taking into consideration the additional future angled parking on both Parkside and Major Avenue and the reduced parking demand for the third floor. By limiting the third floor use to no more than four employees, the expected overall parking demand for the expanded building will be fourteen (14). He again concluded that the area has available parking to meet expected demand.

Commissioner Blonz asked for clarification of the nature of the business. Aaron Kiser, co-owner of North Shore faucets, explained the business sells plumbing replacement parts, bathroom fixtures, and all items related to the plumbing field, and their patrons are a 50/50 mix of professionals and home owners. Commissioner Blonz asked about the projected number of customers on the second floor, which is estimated to be three (3) per month. Mr. Kiser confirmed that they currently have this same level of intermittent support people – accountants, suppliers – coming to their store. This would continue at the same level and should not add to the parking demand. Mr. Kiser noted that having sufficient available parking is important to his business and he is trying to negotiate with neighboring property owners for additional parking spaces, in case parking becomes an issue.

Mr. Blonz asked how the Village would know if a commercial entity occupied the third floor with more than four employees. Mr. Argumedo stated it would be tracked as part of the Village's general permitting and Business Compliance Certificate processes.

Chairperson Farkas asked for clarification on the parking waiver. Ms. Radzevich clarified that through the special use process, the evaluation of parking is a two-tiered process. Initially, parking is evaluated based on the general land use classifications established within the Unified Development Code. It is also evaluated based on the projected parking demand for the specific nature of the uses proposed for the site. Under the special use process, the Board can establish the parking requirement for the specific project, based on the parking demand. The Code requirements are only advisory as they reflect general industry standards of potential parking as opposed to the parking demand based on the actual proposed uses. Ms. Radzevich further explained that the waiver, based on the Code requirements hasn't changed, but the projected parking demand for this particular project has been reduced by the applicant proposing to limit the number of employees on the third floor no more than four.

Mr. Shimanski stated that the modifications to the application and the additional testimony have addressed his concerns and he made a motion to recommend approval of Case #PC16-08, a request for a parking waiver from Section 12-7-3:I and to establish the required number of parking spaces for the expanded building at 5628 Dempster Street at 14 spaces, which may be accommodated by a combination of 5 on-site spaces and adjacent area public parking, with the following conditions:

- The building shall be developed and operated consistent with the plans and supporting documents in the application, amended as necessary to comply with the conditions from the Appearance Commission, Traffic Safety Commission, Plan Commission and/or Village staff, prepared by Arzoumanian & Company, dated 7/14/16, unless otherwise noted, including:
 - a. Proposed Site Plan;
 - b. Proposed Elevations;
 - c. Proposed 1st and 2nd Floor Plans;
 - d. Proposed 3rd Floor and Roof Plans; and
 - e. Rendering Studies, prepared by Arzoumanian & Company;
 - f. Proposed Site Plan Trash Locations, dated 5/4/16,REV: 5/13/16 and
 - "Parking Evaluation North Shore Faucets Expansion", prepared by KLOA, dated July 8, 2016; Revised: August 9, 2016; Revised: September 12, 2016
- 2. This parking waiver is granted based on the proposed material sales and ancillary support uses on the 1st and 2nd floors and limited general office use with up to four employees on the 3rd floor, in accordance with the plans and supporting documents listed in condition 1., above, the Special Use application dated September 9, 2016, and correspondence from Arzoumanian & Company, dated September 15, 2016.
- 3. The applicant shall advise the Director of Community and Economic Development of any of the following:
 - a. any proposed change in ownership of the subject property, the principal business use as a building material sales use on the $1^{\rm st}$ and $2^{\rm nd}$ floors, or the limited general office use on the $3^{\rm rd}$ floor;
 - b. any change in hours of operation;
 - any alterations to or changes in the layout or use of the interior spaces;
 - d. any increases staffing levels above those projected in the KLOA traffic study "Parking Evaluation North Shore Faucets Expansion", dated September 12, 2016; and
 - e. any other changes to the existing and proposed future uses that could increase the intensity of such uses and/or could increase parking demand.

Such changes may require the owners, lessees, and users of 5628 Dempster Street to submit an updated parking analysis, and may subject the owners, lessees, and users of 5628 Dempster Street to additional conditions and may serve as the basis for further amendment to the special use permit.

- 4. The applicant shall comply with all the recommendations suggested by the Traffic Safety Commission as follows:
 - Trash removal shall be conducted in a manner courteous with the neighbors.
 - b. Deliveries shall be conducted in a manner courteous with the neighbors and scheduled before business hours or after closing hours when possible.

The motion passed unanimously 7-0.

Legislative Summary

Resolution 16-67

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE ORDER WITH MONDI CONSTRUCTION, INC. FOR THE 2016 CONCRETE REPLACEMENT' PROGRAM

Introduced:	November 14, 2016
Synopsis:	To authorize the Village Engineer to execute a contract change order with Mondi Construction, Inc. for the 2016 Concrete Replacement Program.
Purpose:	To make additional needed repairs to concrete curbs, sidewalks, and pavement.
Background:	Resolution 16-20 authorizes the Village President to execute and the Village Clerk to attest to a contract with Mondi Construction, Inc. for the 2016 Concrete Replacement Program. The majority of the work was completed in May 2016. There have been additional utility repairs that need to be restored and sidewalk and pavement Public Works staff recommends should be repaired before winter.
Programs, Departments or Groups Affected	Public Works.
Fiscal Impact:	The original contract value is \$122,610.00. The adjusted contract value is \$146,057.25. Since this is a unit price contract, the final contract amount will be based on the actual quantity of work performed.
Source of Funds:	Public Works: A/C #025017-552290 Construction Services \$112,794; Enterprise: A/C #405033-552230 Concrete Replacement \$20,374; and Capital Projects: A/C #305060-553300 Street Improvements \$12,890.
Workload Impact:	The Public Works Department as part of their normal work activities will perform the management and implementation of the program.
Administrator Recommendation:	Approval as presented.
First Reading:	N/A
Special Considerations or Requirements:	None

Respectfully submitted:

Reviewed by:

Reviewed by:

Reviewed by:

Reviewed by:

Reviewed by:

Reviewed by:

Teresa Hoffman Liston, Corporation Counsel

RESOLUTION 16-67

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE ORDER WITH MONDI CONSTRUCTION, INC. FOR THE 2016 CONCRETE REPLACEMENT PROGRAM

WHEREAS, the Village of Morton Grove (Village), located in Cook County, Illinois, is a home rule unit of government under the provisions of Article 7 of the 1970 Constitution of the State of Illinois, can exercise any power and perform any function pertaining to its government affairs, including but not limited to the power to tax and incur debt; and

WHEREAS, the 2016 Concrete Replacement Program is an annual program intended to repair concrete curb, sidewalk, and pavement; and

WHEREAS, Resolution 16-20 was approved March 28, 2016, and authorizes the Village President to execute and the Village Clerk to attest to a contract with Mondi Construction, Inc. based upon their bid for the 2016 Concrete Replacement Program in the amount of \$122,610.00; and

WHEREAS, the majority of the work was completed in May 2016; and

WHEREAS, Change Order No. 1 in the amount \$7,302.25 was executed for additional work to adjust the contract amount to \$129,912.25; and

WHEREAS, there have been additional utility repairs that need to be restored and sidewalk and pavement Public Works staff recommends should be repaired before winter, which is estimated to cost \$16,145.00; and

WHEREAS, the estimated adjusted contract amount including all foreseeable work is \$146,057.25; and

WHEREAS, funding for the above work in the cumulative amount of \$130,000 is available for concrete replacement in the Village of Morton Grove's 2016 Adopted Budget in Account Numbers 025017-552290 and 405033-552230; and

WHEREAS, Public Works staff forecasts unobligated funding in the Village of Morton Grove 2016 Adopted Budget Account Numbers 025017-552290, 405033-552230 and 305060-553300 that would be appropriate to use for this expense.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS AS FOLLOWS:

SECTION 1. The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into this Resolution as though fully set forth therein thereby making the findings as hereinabove set forth. SECTION 2. The Corporate Authorities authorize the Village Administrator, Director of Public

Works, and the Village Engineer to execute Change Order #2 (attached Exhibit "1") to amend the contract amount of 2016 Concrete Replacement Program with Mondi Construction, Inc. to \$146,057.25.

SECTION 3. This Resolution shall be in full force and effect upon its passage and approval.

PASSED THIS 14 th DAY OF NOVEMBER 2016	
Trustee Grear	_
Trustee Minx	_
Trustee Pietron	_
Trustee Ramos	_
Trustee Thill	_
Trustee Witko	_
APPROVED BY ME THIS 14 th DAY OF NOVEMI	BER 2016 Daniel P. DiMaria, Village President
	Village of Morton Grove Cook County, Illinois
	Cook County, Infinois
ATTESTED and FILED in my office This 15 th DAY OF NOVEMBER 2016	Cook County, Inmois



Village of Morton Grove

Department of Public Works 7840 Nagle Avenue Morton Grove, Illinois 60053

Request for Approval of Change in Plans

Date:	11/14/2	2016					County:	Cook	. ,
Request No	2	Final			F	Road District or Mu	ınicipality:	Morton Grove	
Contractor:	Mondi C	onstruction Inc.				S	ection No.	N/A	
Address:	1827 E	Blackhawk Dr.	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1			Con	tract Name <u>2016</u>	Concrete Replacement F	rogram
	West Chcia	ago, Illinois 601	35						
l recomme	***************************************	addition	be made	to to	the above con	ntract.			

The estimated quantities are shown below and the contractor agrees to furnish the materials and do the work at the unit prices.

Item Description	Unit	Quantity	Unit Price	Addition(A) or Deduction(D)	Total Addition	Total De	duction
CONC SIDEWALK REM & REPL	SQ FT	500.00	6.25	Α	\$ 3,125.00	\$	-
					\$ -	\$	-
CLASS B PATCHES, 8"	SQ YD	200.00	58.00	А	\$ 11,600.00	\$	-
					\$ -	\$	
COMB CONC C&G REM & REPL	FOOT	50.00	22.00	Α	\$ 1,100.00	\$	-
					\$ -	\$	-
DETECTABLE WARNING TILES	SQ FT	10.00	32.00	A	\$ 320.00	\$	-
					\$ 	\$	_
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			Tot	al Changes:	\$ 16,145.00	\$	-

Total Net C	Change:	\$	16,145.00	
Amount of	Original Contract:	\$	122,610.00	· ·
Amount of	Previous Change Orders:	\$	7,302.25	
Amount of	adjusted/final contract:	\$	146,057.25	
Total net	addition to date \$ (addition, deduction)	23,447.25	_ which is	19.12344 % of the contract price.
Contract Co Original Co	ompletion: ntract Completion			
Previous ex	tensions			
Adjusted Co	ontract Completion			
State fully th	ne nature and reason for the char	nge: There hav	∕e been additi	onal utility repairs that need to be restored and sidewalk
and paveme	ent that need urgent repair before			Jan
\ A //s = 4/s				
decreased b	et increase or decrease in the cos by 30 days or more, one of the fol	st of the contract is \$1 llowing statements mu	0,000.00 or n	nore, or the time of completion is increased or d:
X	The undersigned has determined the time the contract was signed	d that the circumstand	es which nec	essitate this change were not reasonably foreseeable at
	The undersigned has determined	d that the change is o	ermane to the	original contract as size at
	and an area area area area area area area a	u mat mis change is ir	the best inte	rest of the Local Agency and is authorized by law.
Annessad				
Approved			Prepared.	by: Chris R. Tomich
				Village Engineer
				Title of Preparer
-	Village Enginee	er		
Approved	Date		Approved	
			Approved	
	Director of Public W	/orks		Contractor's Officer
Approved	Date		•	Title of Contractor's Officer
-	V511 A-1		****	Date
_	Village Administra	itor		
	Date			
lote: Make	out separate form for change in l	ength quantities.		

Legislative Summary

Resolution 16-68

AUTHORIZING THE EXECUTION OF A CHANGE ORDER TO A TASK ORDER WITH CIORBA GROUP, INC. FOR DESIGN ENGINEERING SERVICES FOR SITES I & J DEVELOPMENT DRAINAGE ENGINEERING PROJECT

Introduced:	November 14, 2016
Synopsis:	To authorize the Village Engineer to execute a change order to a task order with Ciorba Group, Inc. for design engineering services for Sites I & J Development Drainage Engineering Project to complete additional design engineering for Sites I & J Development Drainage Engineering Project in the not-to-exceed amount of \$36,943.40.
Purpose:	To design additional improvements not foreseen in the original concept, to make design modifications for changes in scope and to review Site J developer's engineering drawings for compatibility with Sites I & J Development Drainage Engineering Project.
Background:	Resolution 15-66 authorized the Village Engineer to execute a task order contract with Ciorba Group, Inc. for professional engineering services. Resolution 16-05 authorized the Village Engineer to execute a task order for Ciorba Group, Inc. to complete design engineering for Sites I & J Development Drainage Engineering Project in the not-to-exceed amount of \$32,613.40. Changes to the project scope were made by the Village during the process of designing the improvements, which resulted in additional work needed to complete the design.
Programs, Departments or Groups Affected	Public Works, Community and Economic Development.
Fiscal Impact:	Increase of \$4,330.00 from \$32,613.40 to \$36,943.40
Source of Funds:	2016 Lehigh-Ferris TIF Account 151079-571029.
Workload Impact:	The management and supervision of this contract will be performed by the Engineering Division of Public Works and the Community and Economic Development Departments as part of their normal operations.
Administrator Recommendation:	Approval as presented.
Special Considerations or Requirements:	None
	Pare De Danto
Respectfully submitted: Ralp	Reviewed by: And De Monte, Director Public Works
Prepared by:	Reviewed by:

irector community and Economic Development

Teresa Hoffman Liston, Corporation Counsel

Reviewed by:

Chris Tomich, Village Engineer

RESOLUTION 16-68

AUTHORIZING THE EXECUTION OF A CHANGE ORDER TO A TASK ORDER WITH CIORBA GROUP, INC. FOR DESIGN ENGINEERING SERVICES FOR SITES I & J DEVELOPMENT DRAINAGE ENGINEERING PROJECT

WHEREAS, the Village of Morton Grove (Village), located in Cook County, Illinois, is a home rule unit of government under the provisions of Article 7 of the 1970 Constitution of the State of Illinois, can exercise any power and perform any function pertaining to its government affairs, including but not limited to the power to tax and incur debt; and

WHEREAS, Resolution 15-66 was approved on October 26, 2015, and authorized the Village Engineer to execute a task order contract with Ciorba Group, Inc. for professional engineering services; and

WHEREAS, Resolution 16-05 was approved on January 25, 2016, and authorized the Village Engineer to execute a task order for Ciorba Group, Inc. to complete design engineering for Sites I & J Development Drainage Engineering Project in the not-to-exceed amount of \$32,613.40; and

WHEREAS, changes to the project scope were made by the Village during the process of designing the improvements, which resulted in additional work required to complete the design; and

WHEREAS, the contract authorized by Resolution 15-66 includes provisions for change orders to authorized work; and

WHEREAS, Ciorba Group, Inc. is requesting the additional amount of \$4,330.00 in compensation for the additional work as described in the attached Exhibit "1"; and

WHEREAS, the 2016 Adopted Budget contains an allocation of \$4,300,000 in the Lehigh-Ferris TIF Fund Account 151079-571029 for potential projects within or adjacent to the Lehigh-Ferris TIF District, which includes sufficient funding for the supplemental cost of the work.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS AS FOLLOWS:

SECTION 1: The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into this Resolution as though fully set forth therein thereby making the findings as hereinabove set forth.

SECTION 2: The Corporate Authorities hereby authorize the Village Engineer to execute a change order to the task order for Ciorba Group, Inc. to complete additional design engineering for Sites I & J Development Drainage Engineering Project in the not-to-exceed amount of \$36,943.40.

SECTION 3: This Resolution shall be in full force and effect upon its passage and approval.

PASSED THIS 14 th DAY OF NOVEMBER 20	016
Trustee Grear	
Trustee Minx	
Trustee Pietron	
Trustee Ramos	
Trustee Thill	
Trustee Witko	
APPROVED BY ME THIS 14 th DAY OF NOV	Daniel P. DiMaria, Village President Village of Morton Grove Cook County, Illinois
ATTESTED and FILED in my office This 14 th DAY OF NOVEMBER2016	
Connie Travis, Village Clerk Village of Morton Grove Cook County, Illinois	



Village of Morton Grove

Attachment D

CHANGE ORDER

In accordance with Article 35 of the Consulting Services Contract dated 11/1/2015 ("Contract") between the Village of Morton Grove ("VILLAGE") and Ciorba Group, Inc. ("CONSULTANT"), this Change Order modifies the Contract as follows:

Contracted Services: 1

Additional design work to separate sewers on Hennings Court, to extend storm sewer northward along Narragansett Avenue, and relocate the storm sewer from Narragansett Avenue to the alley

	ne east, and additional work to review charagement system.	nges to the Moretti's development stormwater
2	Time of Performance (attach schedule	if appropriate):
No c	change to schedule	waste.
3	CONSULTANT's Compensation:	
Add	litional \$4,330.00 to adjust the not-to-exce	eed contract amount to \$36,943.40
All	other terms and conditions remain unchan	ged.
	VILLAGE	CONSULTANT
	Signature	Signature
	Village Engineer	President

24 of 24 Attachment 3 Issued: 11/3/2016

Date

Form Revision: 4/6/11

Date

SITES I & J DEVELOPMENT DRAINAGE ENGINEERING VILLAGE OF MORTON GROVE SUPPLEMENTAL SCOPE 10/31/2016

Additional tasks beyond the original scope of services are required for the Sites I&J Development Drainage Engineering Project. These tasks are summarized as follows:

- Design additional storm sewer along Hennings Court in order to separate existing combined sewers.
- Design additional storm sewer along Narragansett Avenue to provide an extended north drainage route.
- Review changes in developer's plans after final design to determine cohesiveness with Village plans.
- Eliminate proposed storm sewer on Narragansett Avenue, and add proposed storm sewer on alley to the east of Narragansett. This includes revisions to the drainage, erosion control & restoration, and summary of quantities sheets.

Ciorba's engineering fee for this supplemental scope of work will be \$4,330.00 calculated based on contract hourly rates as shown in the following tables.



CIORBA GROUP Consulting Engineers

Cost Estimate of **Consultant Services**

Firm Client	Ciorba Group, Inc Village of Morton Grove	Date	10/31/16
County Job No.	Cook 20458.03		

ITEM	MANHOURS (A)	PAYROLL (B)	DIRECT COSTS (D)	SERVICES BY OTHERS (E)		TOTAL (C+D+E)	% OF GRAND TOTAL
Meetings, Data Collection & Coordination	4	\$ 528.00			18	528.00	12.19%
Water Resources	28	\$ 2,796.00	\$ 270.00	***************************************	Ì	3,066,00	70.81%
Engineering Plans	2	\$ 214.00			†÷	214.00	4.94%
QC/QA	1	\$ 174,00	 		† <u>š</u>	174.00	4.02%
Project Management & Administration	2	\$ 348.00			\$	348.00	8.04%
TOTALS	37	\$ 4,060.00	\$ 270.00		\$	4,330.00	100,00%

STAFF HOURS

Village of Morton Grove

Sites I & J Development Drainage Engineering - Supplement #1

Г	Sites I & J Development Drainage Engineering - Suppleme	nt #1			
	Sub-Task Activity	Grand Total	Senior Project Manager	Senior Project Engineer	Staff Engineer II
1.		37	3	15	19
"	Meetings, Data Collection & Coordination Task Total:	4		4	
	011 Coordination Subtotal:	4		4	
	Coordination with Village	4		4	
		· · · · ·			 -
2.	Water Resources Task Total:	28		10	18
	031 Stormwater Facility Design Subtotal:	28		10	18
	Storm Sewer	4		4	
	Drainage Sheets	18		4	14
	Erosion Control & Restoration Plans	6		2	4
3.	Engineering Plans Task Total:	2		1	1
	055 Contract Plans Subtotal:	2		1	1
	Summary of Quantities	2		1	1
					····

STAFF HOURS

Village of Morton Grove

Sites I & J Development Drainage Engineering - Supplement #1

Г	Ortes 1 & 5 Development Drainage Engineering - Supplement	1t #1			
Task	Sub-Task Activity	Grand Total	Senior Project Manager	Senior Project Engineer	Staff Engineer II
4.	QC/QA Task Total:	1	1		
	090 QC/QA Subtotal: Water Resources	1	1		·····
5.	Project Management & Administration Task Total:	2	2		
	100 Project Management & Administration Subtotal:	2	2		
	Project Management	2	2		



FIRM NAME
PRIME/SUPPLEMENT
Client

Ciorba Group, Inc.
Prime
Village of Morton Grove

DATE 10/31/16

ESCALATION FACTOR

0.00%

CLASSIFICATION	CURRENT RATE	ESCALATED RATE
Senior Project Manager	\$174.00	\$174.00
Senior Project Engineer	\$132.00	\$132.00
Staff Engineer II	\$82.00	\$82.00

IN-HOUSE DIRECT COSTS

Village of Morton Grove

Sites I & J Development Drainage Engineering - Supplement #1 PHASE II

Water Resources

Description	Unit	Unit Cost		Quantity	Exten	Extended Cost	
CADD Charges	hour	\$	15.00	18	\$	270.00	
				Tota	ıl: <u>\$</u>	270.00	