

~~residentially zoned areas and none were deemed feasible. T Mobile held a neighborhood meeting in May and no residents attended. Three people attended the Plan Commission meeting and spoke about the height and negative impact on property values. Staff believes that both the required standards for a communication tower and a special use have been met. The Plan Commission recommended approval, with one Commissioner voting against the request. The dissenting member had concerns about the proximity of the equipment and tower to sporting events. Staff concurs with the Plan Commission's positive recommendation.~~

~~Mayor Sandack said Council has reviewed a number of telecommunication tower requests and recognizes the constraints of their authority.~~

- c. **Moratorium of Parking Restrictions on north side of Jefferson Avenue, east of Brookbank Road.** The Manager said that residents of the neighborhood submitted a petition requesting this moratorium. The street has a 14' wide pavement with a 66' right-of-way, and was built in 1975 with no changes to the street since that time. On-street parking is available. The residents are also looking for the ability to park in the grassy area. The Transportation and Parking Commission (TAP) recommended approval of the moratorium, but staff recommends denial since parking on any parkway is not permitted by Code. Other options were considered including the construction of a 6' wide gravel shoulder at a cost of about \$5,000. Residents who filed the petition were present to explain their request.

**Maria Brummel**, 1121 Jefferson Avenue, explained that this request came about because she teaches a childbirth class in her home. Seven couples arrived this summer, and parked in the grassy area. Apparently someone reported cars parked there and a police officer started issuing tickets. This never happened before, and Mrs. Brummel paid the parking tickets. She found out later that they were issued in error, saying that the cars were parking on private property. Ms. Brummel said that driving on the street when there are cars parked is hazardous. Her immediate concern is short term, since she has a class starting in early December, and is concerned that students will park in the grass and they will be issued parking tickets. With pregnant women, parking in that area might be the easiest way for them to get in and out.

Ms. Brummel said a moratorium on tickets issued until the problem is solved would be acceptable to her and other residents who use that area. She just wants a simple answer to the problem. She is aware of the Council's concern about setting a precedent, but doesn't know how this applies because this street is so unique. She thanked the Council for their time and hoped they would consider her request.

**Mark Cronin**, 1117 Jefferson, has lived at that address for 22 years and he has parked on the grass for most of those years with no problem. The Nelson family owned the property when Mr. Cronin moved into his home and had no problem with parking by the neighbors. He specified that the area is not used as a parking lot, but is used when people have guests, or classes. It has only become a problem recently. He thought someone complained to the police and suddenly the law is being applied there. Mr. Cronin explained that it is a bothersome situation and it's a safety concern as well. The residents park there when their driveway is full and they have to keep the roadway open. He's wondering why it hasn't been policed for 22 years, and now it is being policed.

**John Schofield**, 1125 Jefferson Avenue, remarked that this is about special occasions, family gatherings, graduations, holiday dinners, social occasions, community activities, etc. When you drive around the Village you see many streets that have no curb and gutter and people park with

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two or four wheels off the road to allow space for cars to pass on narrow streets. In fact, they are following the Illinois rural area requirement that instructs drivers to pull off the road for safety reasons. Mr. Schofield said that this street is unique in its narrow width, and the way it came to be built. It's clear that two Prius' can get by, but the FedEx man is forced onto the grass as are any other large vehicles. This came about because residents went to the Village staff to see if this could be handled on an exception basis by calling the police when there are special circumstances. Staff advised that this should come through the normal process and they placed a petition with the TAP for a parking warrant. The Commission had a slightly different view, unanimously sympathized with the situation, and they suggested a parking moratorium. A suggestion was made also to spread gravel to establish a hard surface, and residents would be fine with that as well. Residents just want to return to the status quo and park without the threat of the tickets that have been issued recently. He said that Mrs. Reardon and Mr. Weeks also spoke at the TAP meeting.

The Mayor said that some of what he hears has the feel between the lines of a neighborhood disagreement and asked whether attempts at détente have been made. The former owner, Mr. Nelson, may have had an agreement, but he asked if the present owner has been approached. Mr. Cronin responded that the 35' in question is not private property, but is a right-of-way. He said he did speak to the person in question and asked him whether there was some way that this could be resolved; however, there doesn't appear to be a chance of the situation changing.

**Commissioner Schnell** asked if there are any other areas in the Village with a half street with a grassy 35' right-of-way where there is a problem existing between residents. She then asked, when there is a street with a gravel shoulder on either side, what kind of maintenance is required by the Village, and whether it has to be done every year, and its effect on snow plowing, etc. The Manager said there are rural cross section streets in the Village with a small gravel shoulder. Staff's concern is that if the gravel area became used as parking, the area would not be able to be plowed in the winter on the gravel area.

Mr. Schofield responded to that concern saying that the neighborhood has established that it works together during snowstorms. He plows the entire block's sidewalks, and everyone pitches in and moves the snow. They have already moved snow out of that grassy area when needed.

**Commissioner Durkin** noted that currently, if a resident has to leave a car parked on the street after 2:00 a.m., they can notify the Police Department. He asked if that could be applied in special situations such as this. The Manager responded that staff is looking for policy direction because this is a "no parking at any time" situation. If Council wants that pursued, staff could review the options.

**Commissioner Neustadt** said that this street is unique in that it is only 14' wide. There is some parking there, but it is a tight squeeze. He would like to see some sort of resolution and apply some regulation to an area with a 14' wide roadway.

Commissioner Waldack said this has existed for 34 years, and he thinks it is a downright shame that this can't be addressed. He doesn't see why there has to be 6' wide restrictions for parking areas. There are neighborhoods where people park on grass. He thinks the Village should find a way to accommodate this situation, and the people on the block need to know that they will not be ticketed until this is resolved. He would go along with some sort of moratorium until a final conclusion is reached. He could also go along with putting gravel on the area to accommodate these residents and allow them to live the way they have been for the past 34 years in that

neighborhood. It doesn't make sense to him not to find some accommodation for the residents while some other resolution is found.

Commissioner Beckman commented that he has lived on a restricted parking block for many years. The practice is if there is some construction situation, or guests from out of town, they simply call the Village and make arrangements for these individuals not to be ticketed. If this property is used for special occasions, gatherings, parties, he asked why that same practice cannot be extended to this environment. They know that it's grassy and there may be a problem in inclement weather. The Manager said that the difference here is they are parking in an area that is prohibited by Village Code. They cannot park on parkway. Commissioner Beckman said he would agree to put down some gravel. He thinks the funds are available. If not, he suggested applying the practice that exists in other parts of the Village.

**Commissioner Barnett** said he doesn't like the idea of modifying ordinances or creating special situations for what is clearly some neighborhood dissent for whatever reason. For 34 years things were going fine. He doesn't like the idea of legislating from the dais, or removing police discretion in this matter. It seems as though the question is passage on the street, and if this is 14' wide his preference would be to pave this. He asked if this were a regular half street with a packed 24" shoulder if it would allow for easier passage. He doesn't like the idea of putting 6' of parking area because it would become a parking lot. He'd rather pave the whole thing. He thinks it is important to note that when you call the police to keep your car on the street overnight, there is an existing environment that is designed for parking.

Commissioner Schnell said when people have company and ask to park on the street, they obviously park on some of the gravel and some of the grass and are not ticketed. She thinks putting in a small ribbon of stone could work so they would not be ticketed. Mr. Fieldman said staff wanted a general policy direction and many ideas have been made by the Council. Staff will review those ideas and attempt to work it out on a staff level. Commissioner Schnell said she didn't want to see a huge parking area created that would require additional maintenance.

The Mayor said he doesn't think a moratorium is a good idea. If the rule in its essence makes sense, they should follow it, or revisit it if it doesn't make sense. He would rather make permanent changes to that street, as was initially contemplated; however, with the economy, plans have been delayed by the developer. He said that with Council's discussion he hoped staff had enough information to resolve the situation. Mr. Fieldman said staff will work with the neighborhood and report back.

~~d. **An Ordinance Prohibiting Video Gaming.** The Manager said the State approved a video gaming act a few months ago, but municipalities may prohibit video games in their individual communities. The current Village Code prohibits gambling, and this would expand that prohibition to prohibit video gaming.~~

~~e. **FY2010 Recommended Budget.** The Manager made a PowerPoint presentation reviewing the status of the budget process since it began in May 2009. He reviewed the numerous meetings that have been held since then, noting that the budget was planned for a final approval on December 1.~~

~~The Manager said the Village is facing a projected \$4.5 million budget deficit in FY 2010. There has been an unprecedented revenue decline in several major categories. He showed graphs depicting the changes in revenue source growth over the past 3-4 years. In addition, there are increasing personnel costs in terms of pensions, health insurance and contractual salary increases.~~