

ZONING, PLANNING & ORDINANCE COMMITTEE MEETING MINUTES

Public Hearing - Wednesday, September 29, 2004 - 7:00 p.m.

Chairman Hay called the meeting to order at 7:00 p.m. Committee members present: Aldermen Hay, Berg, Dikun and Nolan. Also present were Mayor Henning, City Clerk Wells, City Administrator Nelson, Aldermen Marzahl, Perkins and Hinterlong and City Attorney David McArdle and members of the press and audience. A court recorder was present to document the entire proceedings.

Mayor Henning made a brief opening statement with respect to the community enhancement program that was implemented by the City Council in 2001 called Harvard W.O.W. which was designed to protect the property rights of our citizens and make our community a safer and more attractive place to live. The city has conducted 237 inspections under the guidelines of the WOW Program since it was introduced in 2001 and the neighborhood being discussed represents a natural progression of the WOW Program.

Chairman Hay turned the meeting over to City Attorney David McArdle to serve as Hearing Officer for the Public Hearing. Attorney McArdle introduced Carlos Arévalo who is both an English and Spanish speaking attorney from his law firm. Attorney Arévalo translated the mayor's statement. Attorney McArdle stated that Attorney Arévalo would continue to translate the balance of the public hearing as it took place.

Attorney McArdle reviewed the outline of procedure for the meeting. City staff will present their case of areas that need to be inspected and will testify under oath. Testimony will be presented through questions asked by City Administrator Nelson to city employees. After testimony is presented, both the committee and audience can ask questions of the witnesses. Attorney McArdle requested that questions be limited to the testimony that is presented. Opportunity will be made for public statements to the Committee at the end of the meeting.

The following individuals were sworn in: Carlos Arévalo, Steve Santeler and Jim Kruckenberg.

City Administrator Nelson presented City Staff Exhibits A through E as part of the record:

Exhibit A: Certified Minutes of the Zoning, Planning & Ordinance Committee Meeting, July 28, 2004

Exhibit B: Certified Regular City Council Meeting Minutes, August 4, 2004

Exhibit C: Certified Copy of Section 19.13 of Harvard Municipal Code

Exhibit D: Certificate of Publication/Northwest Herald - setting time and date of public hearing

Exhibit E: Proof of Delivery - Mailed Public Notice of Hearing in English and Spanish to residents at 1200 N. Division and 347 S. Division St., Harvard, Illinois

City Administrator Nelson made a brief statement with respect to the housing inspection program which was designed based upon guidance from the United States Supreme Court to improve the lives of Harvard residents. Further that it was the intent of City staff to establish a probable cause so that the City may conduct housing inspections of mobile homes at 347 S. Division and 1200 N. Division. Testimony will be presented as it relates to the general conditions of these areas, the age of the structures in these areas and the substandard building practices in these areas. The hearing and testimony is designed to provide data to the committee so that the committee can promote the public health, safety, and general welfare of the citizens of Harvard by securing adequate lighting, ventilation, ingress and egress and preventing or correcting unhygienic, unsanitary or unsafe conditions caused by those substandard structures.

Administrator Nelson submitted Exhibit F highlighting the educational experience of James Kruckenberg, City Building and Zoning Officer since 1996 and asked that he be considered an expert witness. Mr. Kruckenberg presented testimony pertaining to his involvement in inspections of multi-family dwellings over thirty years of age conducted after the adoption of Section 19.13 in 2002, particularly in the area of S. Park Ave. and Admiral Dr. and the correlation between the outside appearance of the properties and code violations discovered on the inside of the properties. Administrator Nelson submitted Exhibit G, copies of all past housing inspections. Building Inspector Kruckenberg presented testimony with respect to the outside inspection conducted at 347 S. Division St. and 1200 N. Division St. on June 29, 2004. Mr. Kruckenberg identified Exhibit H as the Housing Inspection Report prepared by the Building Department for property located at 347 S. Division St. and 1200 N. Division St. and explained specific code violations at both locations as depicted on the pictures displayed on the photograph board. Administrator Nelson submitted Exhibit H, the Housing Inspection Report. Mr. Kruckenberg presented testimony as to age of the trailers located at 1200 N. Division and 347 S. Division. Administrator Nelson submitted Exhibit I, which is a list of trailer unit numbers indicating the age of each trailer at both locations. Mr. Kruckenberg presented testimony reference construction of older mobile homes in particular a specific mobile home damaged and ordered removed as a result of a traffic accident; said construction would be considered substandard by today's standards. Administrator Nelson submitted Exhibit J, a photograph of said trailer. Mr. Kruckenberg replied affirmatively when

asked if it was his opinion of the area located at 347 S. Division and 1200 N. Division, that said properties are of a nature to pose a threat to the public health, safety and general welfare of the residents of the City.

Administrator Nelson submitted Exhibit K highlighting the educational experience of Steve Santeler, City Building & Zoning Officer since 1991, and asked that he be considered an expert witness. Mr. Santeler presented testimony pertaining to his involvement in inspections of multi-family dwellings over thirty years of age conducted after the adoption of Section 19.13 in 2002, particularly in the area of S. Park Ave. and Admiral Dr. and a correlation between the outside appearance of the properties and code violations discovered on the inside of the properties. Mr. Santeler identified Exhibit H as the Housing Inspection Report prepared by the Building Department for property located at 347 S. Division St. and 1200 N. Division St. and explained specific code violations at both locations as depicted on the pictures displayed on the photograph board. Mr. Santeler replied affirmatively when asked if it was his opinion of the area located at 347 S. Division and 1200 N. Division, that said properties are of a nature to pose a threat to the public health, safety and general welfare of the residents of the City.

After the witnesses presented their testimony, Attorney McArdle opened the meeting to questions from members of the audience and the Zoning, Planning and Ordinance Committee members.

Administrator Nelson made a closing statement and indicated that there were issues raised during the hearing which are the responsibility of the trailer park owner which will be addressed by the City. Attorney McArdle opened the meeting to public statements.

Attorney McArdle turned the meeting over to Chairman Tom Hay for deliberation and recommendation by Committee.

Moved by Nolan, seconded by Dikun that this Committee make the following findings of fact:

1. From exterior inspections conducted in the areas of 347 S. Division and 1200 N. Division, extensive violations of City regulations and codes exist, including unsafe and dangerous porches, damaged electrical service cables, and unsanitary debris surrounding the housing units. These violations pose a threat to the public health, safety and general welfare of residents of the City; and
2. From previous City staff experience, there is a direct correlation between the presence of external violations and the presence of additional internal violations; and
3. In order for the City to ensure that substandard or unsafe conditions are corrected to protect the public health, safety and general welfare, it is necessary to conduct internal inspections in these two areas of the City.

Roll call vote: Nolan, aye; Berg, aye; Dikun, aye and Hay, aye. Motion approved four to zero.

Moved by Berg, seconded by Nolan that based on these findings of fact that the City Council designate the areas of 347 S. Division and 1200 N. Division as areas which by the age, construction and use of the buildings contained therein pose a threat to the public health, safety and general welfare of residents therein and of the residents of the City of Harvard and that after such designation, the City Council authorize City staff to conduct interior inspections limited solely to the detection of ordinance violations which pose a threat to the public health, safety, and general welfare of the occupants of the residents of those areas and of the residents of the City of Harvard. Roll call vote: Nolan, aye; Berg, aye; Dikun, aye and Hay, aye. Motion approved four to zero.

Moved by Berg, seconded by Dikun that the proceedings be adjourned at 8:40 p.m. All ayes. Motion carried.

Submitted by:
Chairman Tom Hay