

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS  
HELD ON MONDAY, SEPTEMBER 21, 2009  
209 NORTH YORK STREET  
ELMHURST, ILLINOIS**

**EXECUTIVE SESSION 7:00 P.M. – PERSONNEL, LAND ACQUISITION & LITIGATION**

1. Executive session was called to order at 7:05 p.m. by Mayor DiCianni for the purpose of discussing Personnel, Land Acquisition & Litigation.

Present: Diane Gutenkauf, Paula Pezza, Pat Shea, Michael J. Bram, Kevin L. York, Chris Healy, Steve Morley, Jim Kennedy, Mark A. Mulliner, Patrick Wagner

Absent: Norman Leader, Susan J. Rose (arrived at 7:08 p.m.), Stephen Hipskind, Chris Nybo

Also in attendance: City Treasurer Dyer, Attorney Peppers, City Manager Borchert

Alderman Bram moved to convene into executive session for the purpose of discussing Personnel, Land Acquisition & Litigation. Alderman Gutenkauf seconded. Roll call vote:

Ayes: Bram, Gutenkauf, Pezza, Shea, York, Healy, Morley, Kennedy, Mulliner, Wagner

Nays: None

10 yeas, 0 nays, 4 absent  
Motion duly carried

Alderman York moved to adjourn executive session. Alderman Morley seconded. Voice vote. Motion carried. Executive session adjourned at 7:30 p.m.

**CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL**

Attendance: 48

2/4. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:40 p.m.

Present: Diane Gutenkauf, Paula Pezza, Pat Shea, Norman Leader, Susan J. Rose, Michael J. Bram, Kevin L. York, Chris Nybo, Chris Healy, Steve Morley, Jim Kennedy, Mark A. Mulliner, Patrick Wagner

Absent: Stephen Hipskind (arrived at 7:59 p.m.)

Also in Attendance: Attorney Peppers, City Treasurer Dyer, City Manager Borchert, Deputy Police Chief Doherty, Deputy Police Chief Panico

**AMERICA THE BEAUTIFUL – PERFORMED BY KEVIN SHEHAN & SUE KIM**

3. Lincoln School student Kevin Shehan and Ms. Sue Kim performed *America the Beautiful* on the cello.

The Mayor thanked Kevin and Ms. Kim for their performance. Mayor DiCianni explained that after a fire destroyed Ms. Kim's cello last spring, Kevin raised funds to replace the instrument. The Mayor stated that the community is very proud of Kevin's fundraising efforts. He stated this is Character Counts rising to the occasion.

**RECOGNITION – CHARLIE KERN, WORLD MASTERS ATHLETICS CHAMPION MEN'S 1,500 METER RUN**

5. Mayor DiCianni introduced Charlie Kern, the fastest runner in the world. Former York High School (YHS) runner and distance coach for the YHS cross country team, Charlie Kern won the Men's 1,500 meter event at the World Masters Athletics Championships in Lahti, Finland this past August. The Mayor played a portion of the movie *The Long Green Line* which highlighted Mr. Kern's coaching style. Mayor DiCianni invited Mr. Kern to the podium to share his experience.

Mr. Kern expressed what the victory has meant to him and his family. He stated this wouldn't

have been possible without the support and fundraising efforts of the community.

**SWEARING-IN OF RECRUIT POLICE OFFICERS KYLE DIELING & ADRIAN RAVELO**

6. Mayor DiCianni asked Deputy Police Chief Panico and Deputy Police Chief Doherty to join him at the podium.

Deputy Chief Doherty introduced Police Officer recruit Kyle Dieling. Mayor DiCianni invited Mr. Dieling's family to join them at the podium. The Mayor administered the oath of office for Police Officer Dieling.

Deputy Chief Panico introduced Police Officer recruit Adrian Ravelo. Mayor DiCianni invited Mr. Ravelo's family to join them at the podium. The Mayor administered the oath of office for Police Officer Ravelo.

**RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC**

7. None.

**PUBLIC FORUM**

8. Brian Sheahan  
5 St. Regis Ct.  
Elmhurst, IL 60126

Spoke as a representative of the Neighborhood Coalition against Gambling. He thanked that City Council for their leadership on banning video gambling in Elmhurst.

David Ore  
958 Bryan St.  
Elmhurst, IL 60126

Spoke of the skunk problem in Elmhurst. He stated this problem could be a health threat of rabies. He recommended a solution of fewer restrictions on caging or having the City take it away.

Sue Hansel  
473 N. Howard  
Elmhurst, IL 60126

Spoke regarding pawn shops in Elmhurst and the C3 Zoning District. She stated an ordinance for tattoo parlors etc., should also be put into place.

Richard Wilbert  
509 Howard  
Elmhurst, IL 60126

Spoke on pawn shops in Elmhurst. He asked for the ordinance to include tattoo parlors etc.

Ronald Bottens  
652 Van Auken  
Elmhurst, IL 60126

Spoke on pawn shops in Elmhurst. He asked that the ordinance be broad enough to include tattoo parlors etc.

**CONSENT AGENDA**

9. The following items on the Consent Agenda were presented:

a. MINUTES OF THE REGULAR MEETING HELD ON TUESDAY, SEPTEMBER 8, 2009 (City Clerk Spencer): Approve as published

b. ACCOUNTS PAYABLE – SEPTEMBER 21, 2009 TOTAL \$ 1,944,610.28

- c. BID, DESIGN-BUILD PRECAST CONCRETE PACKAGE FOR THE FIRST STREET PARKING GARAGE (City Clerk Spencer): Refer to the Public Works and Buildings Committee

September 17, 2009

TO: Mayor DiCianni and Members of the City Council  
RE: Bid, Design-Build Precast Concrete Package for the First Street Parking Garage

In response to an invitation to bid on the Design-Build Precast Concrete Package for the First Street Parking Garage advertised in the Elmhurst Press on Friday, August 21, 2009, bids were received from three contractors.

Bids were opened at 10:00 a.m. on Tuesday, September 1, 2009, and following is a summary of the bids received:

<u>Contractor</u>	<u>Total Cost</u>
Illini Precast (Westchester, IL)	\$1,984,000.00
IPC, Inc. (DesMoines, IA)	\$1,984,300.00
Dukane Precast, Inc. (Naperville, IL)	\$2,350,000.00

Respectfully submitted,  
/s/ Patty Spencer  
City Clerk

- d. BID, SPRING ROAD SIDEWALK IMPROVEMENTS (City Clerk Spencer): Refer to the Public Works and Buildings Committee (see item 9h)

September 9, 2009

TO: Mayor DiCianni and Members of the City Council  
RE: Bid, Spring Road Sidewalk Improvements

In response to an invitation to bid on the Spring Road Sidewalk Improvements advertised in the Elmhurst Press on Friday, August 21, 2009, bids were received from ten (10) area contractors.

Bids were opened at 10:00 a.m. on Tuesday, September 8, 2009, and following is a summary of the bids received:

<u>Contractor</u>	<u>Total Cost</u>
Schroeder & Schroeder, Inc. (Skokie, IL)	\$281,949.00
TBS Construction & Excavating, Inc. (Naperville, IL)	\$290,562.50
Copenhaver Construction, Inc. (Gilberts, IL)	\$301,653.00
Triggi Construction, Inc. (West Chicago, IL)	\$328,670.00
G & M Cement Construction, Inc. (Addison, IL)	\$336,066.06
Alliance Contractors, Inc. (Woodstock, IL)	\$341,761.60

Kings Point General Cement, Inc. (Bensenville, IL)	\$378,102.00
Landmark Contractors, Inc. (Huntley, IL)	\$400,533.78
Continental Construction Company, Inc. (Evanston, IL)	\$418,740.00
Martam Construction, Inc. (Elgin, IL)	\$483,903.00

Respectfully submitted,  
/s/ Patty Spencer  
City Clerk

- e. REGULATION OF PAWN SHOPS AND PAYDAY LOAN ESTABLISHMENTS (City Manager Borchert): Refer to the Public Affairs and Safety Committee

September 17, 2009

To: Mayor DiCianni and Members of the City Council  
Re: Regulation of Pawn Shops and Payday Loan Establishments

It is respectfully requested that the attached memorandum from Alderman Susan Rose be referred to the Public Affairs and Safety Committee for their evaluation and recommendation back to the City Council.

Respectfully submitted,  
/s/ Thomas P. Borchert  
City Manager

- f. REPORT – ILLICIT DISCHARGE DETECTION AND ELIMINATION ORDINANCE AND INTERGOVERNMENTAL AGREEMENT The following report of the Public Works and Buildings Committee was presented for passage:

September 14, 2009

TO: Mayor DiCianni and Members of the City Council  
RE: Illicit Discharge Detection and Elimination Ordinance and Intergovernmental Agreement

The Public Works and Buildings Committee met on Monday, September 14, 2009 to review a modification to the City's Ordinance on Stormwater and Floodplains. The City of Elmhurst has adopted and follows the DuPage County Countywide Stormwater and Flood Plain Ordinance. The principal purpose of the Ordinance is to promote effective stormwater management measures.

The United States Congress adopted the Clean Water Act and, thereafter, the Water Quality Act to combat water pollution. The Illinois Environmental Protection Agency has issued a General National Pollution Discharge Elimination System (NPDES) permit for discharges from small municipal separate storm sewer systems. The NPDES permitting program requires municipalities to develop, adopt and implement an ordinance for the detection, prohibition and elimination of illicit discharges into the storm sewer system. The DuPage County Stormwater Management Division worked closely with the municipal engineers to develop a program to prevent water pollution and to comply with the requirements of the general NPDES Phase II permits. On May 26, 2009 the DuPage County Board approved the adoption of the DuPage County Illicit Discharge Detection and Elimination (IDDE) Ordinance.

An Intergovernmental Agreement (IGA) between DuPage County and the City of Elmhurst outlines the responsibilities for full participation in the DuPage County's illicit discharge detection and elimination program. DuPage County will monitor the outfalls, trace illicit discharges and provide information to the City as necessary for the City to carry out enforcement proceedings if violations occur. DuPage County will also prepare the IDDE section of the annual NPDES report on behalf of the City. The City will provide storm sewer atlas information to the County and assist the County with access to the storm sewer system for tracing activities. The City is required to provide DuPage

County with documentation of any enforcement action and prosecution for inclusion in the annual report.

It is therefore, the recommendation of the Public Works and Buildings Committee that the City Attorney prepare a resolution to adopt the DuPage County Illicit Discharge Detection and Elimination Ordinance and that the appropriate City officials be authorized to sign the Full Participation Intergovernmental agreement between the City of Elmhurst and DuPage County for the implementation of the illicit discharge detection and elimination program.

Respectfully submitted,  
Public Works and Building Committee

/s/ Jim Kennedy

Chairman

/s/ Michael J. Bram

Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- g. REPORT – STATE OF ILLINOIS JOINT PURCHASE CONTRACT FOR ROCK SALT The following report of the Public Works and Buildings Committee was presented for passage:

September 14, 2009

TO: Mayor DiCianni and Members of the City Council

RE: State of Illinois Joint Purchase Contract for Rock Salt

The Public Works and Buildings Committee met on Monday, September 14, 2009 to review the price for rock salt in the FY 2009-10 Joint Purchase Contract awarded by the State of Illinois, Department of Central Management Services (CMS).

The City uses rock salt to deice roadways during winter snow storms. The State Joint Purchase program provides the City delivery performance, material quality assurance, and pricing that the City could not achieve by contracting on its' own. Terms of the CMS contract are provided in Attachment "A".

The City requested 3,500 tons of rock salt for the 2009-10 winter season. The Joint Purchase Contract requires the City to purchase a minimum of 80% (2,800 tons) of that amount, and up to a maximum of 120% (4,200 tons) of the amount requested. The City will receive rock salt from Cargill Incorporated Salt Division at a bid price of \$66.61 per ton. The cost of salt has increased by \$7.36 per ton over last year's State contract price.

Funds have been provided in the FY2009/10 budget, in account number 110-6042-433-40-46, in the amount of \$157,500 for the purchase of rock salt. Funding in the amount of \$186,508 is required to purchase the minimum 2,800 tons. Funding in the amount of \$279,762 would be required for the City to purchase the maximum 4,200 tons. The dollar amount over the budgeted amount will be allocated to the Parking System Fund. Due to anticipated receipt of federal grant funds the Parking System Fund has sufficient funds to pay for the additional salt..

It is, therefore, the recommendation of the Public Works and Buildings Committee that the purchase of rock salt from Cargill Incorporated Salt Division, through the State of Illinois Joint Purchase Contract, at the contracted price of \$66.61 per ton, not to exceed \$279,762 be approved and a resolution authorizing this contract be prepared.

Respectfully submitted,  
Public Works and Building Committee

/s/ Jim Kennedy

Chairman

/us/ Michael J. Bram

Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- h. REPORT – BIDS, SPRING ROAD BUSINESS DISTRICT SIDEWALK IMPROVEMENTS The following report of the Public Works and Buildings Committee was presented for passage:

September 14, 2009

TO: Mayor DiCianni and Members of the City Council  
RE: Spring Road Business District Sidewalk Improvements

The Public Works and Buildings Committee met on Monday, September 14, 2009 to review bids for the Spring Road Business District Sidewalk Improvements. Bids were received from ten (10) area contractors and are summarized on Attachment “A”.

The bids received will provide for partial replacement of existing concrete sidewalk, removal of existing trees, installation of new trees and tree grates, decorative benches and trash receptacles, traffic control, and other related work. The contract requires that the above work be completed by November 20, 2009.

Schroeder & Schroeder, Inc. submitted the lowest responsible bid meeting all of the bidding requirements. Schroeder & Schroeder has performed similar work for the Villages of River Forest, Schaumburg, and Winnetka. It is reported that the work was completed in a satisfactory manner. Monies for this work have been provided in the amount of \$300,000 in the FY09/10 Budget in account number 110-6041-432-80-15.

It is, therefore, the recommendation of the Public Works and Building Committee that the low bid in the amount of \$281,949.00 from Schroeder & Schroeder, Inc. be accepted and that a resolution authorizing this contract be prepared.

Respectfully submitted,  
Public Works and Building Committee

/s/ Jim Kennedy  
Chairman

/us/ Michael J. Bram  
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- i. REPORT – VIDEO GAMING IN ELMHURST The following report of the Public Affairs and Safety Committee was presented for passage:

September 14, 2009

To: Mayor DiCianni and Members of the City Council  
Re: Video Gaming in Elmhurst

The Public Affairs and Safety Committee met on August 24, 2009 and again on September 14, 2009 to consider the recently passed State of Illinois Public Act 096-0034 legalizing Video Gaming in the State of Illinois as a way to generate revenue.

It is the belief of the Public Affairs and Safety Committee that video gaming is inappropriate for Elmhurst due to the possible negative social costs. Video gaming would also place an additional burden upon the Elmhurst Police Department.

The law includes a provision for local governments to prohibit video gaming. Section 27 reads: “Prohibition of video gaming by political subdivision. A municipality may pass an ordinance prohibiting video gaming within the corporate limits of the municipality.”

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council authorize the City Attorney to prepare the appropriate ordinance prohibiting video gaming in Elmhurst.

Respectfully submitted,  
Public Affairs and Safety Committee

/s/ Patrick Wagner

Chairman  
/s/ Chris Nybo  
Vice-Chairman  
/s/ Paula Pezza

- j. REPORT – HILLSIDE AND FAIRFIELD AVENUES AT WILSON STREET STOP SIGN REQUEST The following report of the Public Affairs and Safety Committee was presented for passage:

September 14, 2009

To: Mayor DiCianni and Members of the City Council  
RE: Hillside and Fairfield Avenues at Wilson Street Stop Sign Request

The Public Affairs and Safety Committee met on September 14, 2009 to discuss the status of the request for Stop Signs at the intersections of Hillside and Fairfield Avenues at Wilson Street.

In response to a neighborhood request, Brent Coulter of Coulter Transportation Consulting reviewed the intersections of Hillside and Fairfield Avenues at Wilson Street. The request was to install stop signs at the intersections. Mr. Coulter's findings cite that yield signs are warranted on the Wilson Street approaches to both Hillside and Fairfield Avenues, based on existing intersection sight distances of between 60 to 100 feet.

During the process of performing the requested reviews, Mr. Coulter noted that the geographical area bounded by Vallette and Madison Streets, Berkley Avenue, and Spring Road would have one remaining uncontrolled intersection. Upon further investigation, Mr. Coulter found sight lines which support installation of yield signs on the Hillside Avenue approach to McKinley Avenue.

Therefore, staff recommends that yield signs be placed at this intersection as well. The Public Affairs and Safety Committee concurs with the City Engineering recommendation.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the appropriate ordinances be drafted and adopted by the City Council to provide Yield Signs at the Wilson Street approach to Hillside and Fairfield Avenues at Wilson Street and the Hillside Avenue approach to McKinley Avenue.

Respectfully submitted,  
Public Affairs and Safety Committee  
/s/ Patrick Wagner  
Chairman  
/s/ Chris Nybo  
Vice-Chairman  
/us/ Paula Pezza

- k. REPORT – BENSENVILLE FIRE PROTECTION DISTRICT #1 SIX-MONTH EXTENSION The following report of the Public Affairs and Safety Committee was presented for passage:

September 14, 2009

To: Mayor DiCianni and Members of the City Council  
RE: Bensenville Fire Protection District #1 Six-Month Extension

On September 14, 2009, the Public Affairs and Safety Committee met to discuss the status of the intergovernmental agreement with the Bensenville Fire Protection District #1 (BFPD). Per council action in the fall of 2008, the BFPD #1 was given a one-year extension to develop a plan to provide funding to continue fire protection services through the City of Elmhurst.

At the September 8, 2008 Public Affairs and Safety Committee meeting, a number of residents of BFPD #1 stated that they preferred to have Elmhurst as their first responding fire department and that they would work with the Fire Protection Board and their neighbors to find a way to pay the agreement calculated annual service fee and to catch up to the past payment short falls.

The City of Elmhurst sent out a survey with three options:

1. Annexation into the City of Elmhurst

2. Develop a Special Service Area
3. Terminate Service

The vast majority of responses selected termination of service with the stipulation that they develop their own fire protection district and levy a tax of .40%. The research was done on the possibility of implementing a new district and increasing the tax levy to .40%. This process would be time consuming and difficult. After a meeting with the District Board, the Board offered to place a referendum on the February 2010 ballot to increase the tax levy to .40% which would allow the district to pay its fair share for fire protection services.

It is therefore the recommendation of the Public Affairs and Safety Committee that a six-month extension would be appropriate to allow the referendum to be proposed and the results to be determined to allow the district to pay their fair share of payments to the City of Elmhurst.

Respectfully submitted,  
Public Affairs and Safety Committee  
/s/ Patrick Wagner  
Chairman  
/s/ Chris Nybo  
Vice-Chairman  
/s/ Paula Pezza

1. REPORT – REAL ESTATE CONSULTANT SERVICES The following report of the Finance, Council Affairs and Administrative Services Committee was presented for passage:

September 15, 2009

To: Mayor DiCianni and Members of the City Council  
Re: Real Estate Consultant Services

The Finance, Council Affairs and Administrative Services Committee meet twice, most recently September 14, 2009, to review real estate consultant services provided by Van Slyke Enterprises, Inc.

As the City Council is aware, the City of Elmhurst has utilized the real estate consultant services of Mr. Charles R. Van Slyke, Jr., president of Van Slyke Enterprises, Inc., since February 1988. Mr. Van Slyke has consulted with the City Manager and City Council concerning matters relating to City property records, tax exempt status, matters relating to economic development and redevelopment of the City of Elmhurst, including but not limited to, real estate development and redevelopment and negotiations of leases, easements and the purchase and sale of property and all related matters on a project by project basis as directed. Mr. Van Slyke brings unique technical expertise relative to commercial real estate management, and efficiency and effectiveness in dealing with DuPage County relative to Elmhurst and County real estate issues. Mr. Van Slyke's extensive real estate experience has been utilized to assist with projects in the Mayor/Manager's office and in the Planning, Zoning and Economic Development department.

The consultant agreement between Mr. Van Slyke and the City of Elmhurst has expired, and staff recommends entering into a new agreement with Van Slyke Enterprises, Inc. The Finance Committee reviewed the real estate consultant's responsibilities, and the number of hours worked in the recent past (1,004 in fiscal 2007, 809 in 2008, 1,024 in 2009 and 201 during first quarter of 2010). It was the consensus of the Finance Committee that a consultant for real estate services provided the City with flexibility to use the services as needed, and that Mr. Van Slyke was well-qualified to provide that service. The Finance Committee also agreed on a cap, without further review by City Council, of 1,040 hours annually (20 hours per week average), a contract term of three years, and an hourly rate of \$100 for the duration of the contract. After review and discussion, the Finance Committee concurred with staff recommendation to enter into a new agreement with Van Slyke Enterprises, Inc.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council direct the City Attorney to prepare a consultant agreement with Van Slyke Enterprises, Inc., for real estate consultant services as described above.

Respectfully submitted,  
Finance, Council Affairs and  
Administrative Services Committee  
/s/ Stephen Hipkind  
Chairman  
/s/ Kevin York  
Vice-Chairman  
/s/ Mark Mulliner  
/s/ Diane Gutenkauf

- m. REPORT – RENTAL RESIDENTIAL REGULATIONS – REQUEST FOR REVIEW The following report of the Development, Planning and Zoning Committee was presented for passage:

September 9, 2009

TO: Mayor DiCianni and Members of the City Council  
RE: Rental Residential Regulations – Request for Review

The Development, Planning and Zoning Committee met to review the topic of rental residential regulations on June 8, July 13 and 27, and September 14, 2009. The Committee has reviewed similar requests in the past, as they related to property maintenance issues primarily for residential locations. Most recently, this was considered as a separate request for review of vacant properties, in March 2009.

At all DPZ Committee meetings, the Committee and Staff, including at times Police Chief Neubauer, Fire Chief Kopp, PZED Director Said and Zoning & Planning Administrator Werner, discussed current status of rental properties in the community. Some existing issues with rental homes are partly attributable to the current economic situation, which has resulted in more homeowners (who may have little to no experience in rental property) renting out properties that would have otherwise sold.

It was specifically noted that both the Police Chief and Fire Chief support the Chronic Nuisance Ordinance, and believe it can effectively control property issues through its use. The Chronic Nuisance Ordinance, as a “performance” measurement of a property, allows the City to pursue owners of those locations with persistent illegal activities, such as physical maintenance or resident behavior (whether owners or tenants), and it has been especially useful for single-family properties. The following additional comments were identified by the Committee as factors in this review:

- In situations of problematic resident conduct, Police Chief Neubauer stated that the Police Department responds when promptly informed of such complaints. Chief Neubauer emphasized that neighbors should call 911 when disruptive behavior is observed.
- Review of rental residential *licensing* from other communities indicates that such programs are more appropriate for multi-family residential areas due to the concentration of dwelling units (typically be a single ownership party) in relatively close proximity. This translates to easier enforcement, inspection and overall administration for such multi-family applications.
- No data has been found or provided to support the need for a new rental residential ordinance, especially considering the predominance of single-family housing in the Elmhurst community. Current city budget restrictions and limited funds from rental licensing program fees would not cover the significant costs for staff administration of a rental residential program. The Committee therefore concluded that the implementation of this type of program is cost prohibitive.
- The Committee also concluded that the impending local adjudication process would further help code enforcement in the community. Local adjudication is a process whereby the City will create its own “code hearing unit” with a local hearing officer, who will conduct hearings locally regarding all matters of code enforcement, including the Chronic Nuisance Ordinance, as well as other matters. This translates to more efficient and timely review of violations, thereby speeding up corrective action and compliance.

- Even before implementing local adjudication, the Police Chief indicates that the City's Chronic Nuisance Ordinance continues to be a very effective tool for code enforcement for single-family home properties (including rental properties). Since the program started at the beginning of 2008:
  - 1) There have been a total of 93 cases; 17 cases addressed code enforcement issues such as property maintenance, while the remaining 76 were for parties, drinking, drug, and other behavioral violations.
  - 2) The Police Department has experienced a 95% "success rate" for the Program. Of the 93 properties identified, only 5 received a second violation notice within 180 days, while no properties have risen to a level of 3 violations within 180 days. If there were 3 violations on the property within 180 days, the owner could be fined up to \$1000 per day.
  - 3) Using the Chronic Nuisance ordinance the Police Department has received good cooperation from property owners to reconcile issues on their properties in all cases except one.

In conclusion, the Committee supports continued City enforcement efforts through existing tools such as the Chronic Nuisance Ordinance and impending local adjudication. The Committee does not support creating a new ordinance for rental residential licensing. Therefore, it is the recommendation of the Development, Planning and Zoning Committee that no new ordinance be created at this time.

Respectfully submitted,  
Development, Planning and Zoning Committee  
/s/ Steven Morley  
Chairman  
/s/ Susan J. Rose  
Vice-Chairman  
/us/ Norman Leader

- n. REPORT – ZONING ORDINANCE TEXT AMENDMENTS FOR PAYDAY LOAN ESTABLISHMENTS – REQUEST FOR REVIEW The following report of the Development, Planning and Zoning Committee was presented for passage:

September 15, 2009

TO: City Manager Thomas P. Borchert

RE: Zoning Ordinance Text Amendments for Payday Loan Establishments – Request for Review

Based on Development, Planning and Zoning Committee discussion at the September 14, 2009 Committee meeting regarding pawnshops and payday loan businesses, we respectfully request that the City Council authorize City application for text amendments regarding payday loan establishments. This would allow Staff to submit an application on the City's behalf for detailed review by the Zoning & Planning Commission. The DPZ Committee proposes that more restrictive zoning controls be put in place for payday loan establishments. The Committee notes that in difficult economic times, it is possible that such businesses could become more prevalent, and even predominant, without more restrictive controls.

The Committee proposes these restrictions to protect the community due to the potentially predatory nature of payday loan establishments. Such businesses provide short-term loans at interest rates that are very unfavorable for the typical consumer. In a more difficult economic climate, there can be an increase in the number of consumers with short-term financial difficulties, prompting them to pay bills and expenses on a "paycheck-to-paycheck" basis.

On a related note, Alderman Rose submitted a separate request for review of licensing and related regulations for these types of establishments, to establish comprehensive City controls regarding payday loan (and pawnshop) businesses.

It is therefore respectfully requested that the City Council authorize City staff to file application to the Zoning and Planning Commission for text amendments regarding payday loan establishments.

Respectfully submitted,

Development, Planning and Zoning  
Committee

/s/ Steven Morley

Chairman

/s/ Susan J. Rose

Vice-Chairman

/us/ Norman Leader

- o. O-35-2009 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-35-2009 was presented for passage.

- p. O-36-2009 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER TWELVE OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2009 AND ENDING APRIL 30, 2010

Ordinance O-36-2009 was presented for passage.

- q. O-37-2009 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER THIRTEEN OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2009 AND ENDING APRIL 30, 2010

Ordinance O-37-2009 was presented for passage.

- r. O-38-2009 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE LICENSE AGREEMENT BY AND BETWEEN ELMHURST KNIGHTS OF COLUMBUS AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-38-2009 was presented for passage.

- s. O-39-2009 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF RESTATED AND AMENDED COOPERATION AGREEMENT BETWEEN THE ELMHURST HERITAGE FOUNDATION AND THE CITY OF ELMHURST, DUPAGE COUNTY, ILLINOIS

Ordinance O-39-2009 was presented for passage.

- t. R-32-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ELMHURST, ILLINOIS, AND UTILITY DYNAMICS CORPORATION, FOR THE SPRING ROAD BUSINESS DISTRICT LIGHTING IMPROVEMENTS

Resolution R-32-2009 was presented for passage.

- u. R-33-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE ORDER BETWEEN THE CITY OF ELMHURST, ILLINOIS AND STEINER ELECTRIC COMPANY, FOR THE SPRING ROAD BUSINESS DISTRICT STREETLIGHT MATERIALS

Resolution R-33-2009 was presented for passage.

- v. R-34-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE ORDER BETWEEN THE CITY OF ELMHURST, ILLINOIS, AND INSITUFORM TECHNOLOGIES (SUB-CONTRACTOR IS SUBURBAN GENERAL), FOR THE 2009 SANITARY SEWER CIPP LINING CHANGE ORDER

Resolution R-34-2009 was presented for passage.

- w. R-35-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE ORDER BETWEEN THE CITY OF ELMHURST, ILLINOIS, AND CARGIL, INC. SALT DIVISION, FOR THE 2009-10 STATE OF ILLINOIS JOINT PURCHASE CONTRACT FOR ROCK SALT

Resolution R-35-2009 was presented for passage.

Alderman Rose removed item **9e. Regulation of Pawn Shops and Payday Loan Establishments**. Alderman Wagner removed item **9k. Report – Bensenville Fire Protection District #1 Six-Month Extension**. Alderman Pezza removed item **9l. Report – Real Estate Consultant Services**.

Alderman Bram moved to approve the contents of the Consent Agenda less items **9e. Regulation of Pawn Shops and Payday Loan Establishments, 9k. Report – Bensenville Fire Protection District #1 Six-Month Extension and 9l. Report – Real Estate Consultant Services**. Alderman Hipkind seconded. Roll call vote:

Ayes: Bram, Hipkind, Gutenkauf, Pezza, Shea, Leader, Rose, York, Nybo, Healy, Morley, Kennedy, Mulliner, Wagner

Nays: None

Results: 14 ayes, 0 nays, 0 absent  
Motion duly carried

Alderman Rose moved to approve item **9e. Regulation of Pawn Shops and Payday Loan Establishments**. Alderman Pezza seconded.

Alderman Rose stated even though it is a referral she pulled item **9e. Regulation of Pawn Shops and Payday Loan Establishments** to make sure that the Public Affairs and Safety Committee includes payday loan establishments, etc. for a thorough review. She stated not only zoning, but other regulations and enforcements should be recommended.

Item **9e. Regulation of Pawn Shops and Payday Loan Establishments** was referred without objection to the Public Affairs and Safety Committee.

Alderman Wagner stated he pulled item **9k. Report – Bensenville Fire Protection District #1 Six-Month Extension** to postpone it for two (2) weeks. Alderman Nybo seconded. Item **9k. Report – Bensenville Fire Protection District #1 Six-Month Extension** was postponed for two (2) weeks.

Alderman Pezza moved to approve item **9l. Report – Real Estate Consultant Services**. Alderman Wagner seconded.

Alderman Pezza stated she pulled item **9l. Report – Real Estate Consultant Services** so that she could on record requesting that the City Attorney include items in the consultant agreement that will further define the City's agreement with Van Slyke Enterprises.

Roll call vote on item **9l. Report – Real Estate Consultant Services**:

Ayes: Pezza, Wagner, Gutenkauf, Shea, Leader, Rose, Bram, Hipkind, York, Nybo, Healy, Morley, Kennedy,

Nays: None

Results: 13 ayes, 0 nays, 1 absent  
Motion duly carried

## COMMITTEE REPORTS

10. a. REPORT – CASE NUMBER 09 P-06/CITY OF ELMHURST ZONING ORDINANCE TEXT AMENDMENT The following report of the Development, Planning and Zoning Committee was presented for passage:

September 15, 2009

TO: Mayor DiCianni and Members of the City Council

RE: Case Number 09 P-06/City of Elmhurst Zoning Ordinance Text Amendment

Request by the City of Elmhurst, as petitioner, to amend certain provisions of the Elmhurst Zoning Ordinance with respect to pawnshop uses in Commercial Districts.

The Development, Planning and Zoning Committee met on September 14, 2009, to review the application and details regarding this request. The Committee reviewed applicable sections of the Zoning Ordinance, and the transcript of the public hearing.

The City of Elmhurst, as applicant, is requesting amendments to the Zoning Ordinance as follows:

- Delete Pawnshops as a permitted use in the C-1, C-2, and C-4 Districts;
- Pawnshops would continue to be a permitted use in the C-3 District. (*Note: The Zoning & Planning Commission determined that pawnshops should be a Conditional Use in the C3 district which the DPZ Committee also supported*);
- Add a definition for Pawnshops. (*See attached*)

The DPZ Committee's discussion focused on a number of aspects associated with pawnshops and zoning regulations. They concluded, based on advice of Staff and City Attorney, that it is advisable to provide a mechanism to allow such uses in a limited area of the community. After discussion, the Committee concurred with the recommendation that the most appropriate area for such uses is the C-3 District, and they noted that there are 4 areas of C-3 zoning located in various areas of Elmhurst.

The Committee emphasized that it is important to provide significant controls in the Zoning Ordinance regarding pawnshops, hence they concurred with the recommendation that such uses only be allowed as conditional uses. The Committee reviewed the Standards for Conditional Uses and agreed that these Standards address potential issues associated with pawnshops, such as public health and safety.

The Committee then discussed other related matters, including pawnshop licensing, and zoning and licensing matters related to payday loan establishments. The Committee noted that pawnshops are financial institutions by definition, not retail stores, as they loan money in exchange for goods received as collateral. The Committee will submit a separate report recommending review of zoning regulations for payday loan establishments, and Ald. Rose provided a report recommending further review of licensing matters related to such businesses.

The Committee concluded review and discussion with a positive recommendation regarding the proposed text amendments as detailed above. Therefore, the Development, Planning and Zoning Committee recommend approval of the requested text amendments as outlined in the Zoning and Planning Commission report. The City Attorney is hereby directed to prepare the necessary documents for City Council approval.

Respectfully submitted,  
Development, Planning and Zoning  
Committee  
/s/ Steven Morley  
Chairman  
/s/ Susan J. Rose  
Vice-Chairman  
/us/ Norman Leader

Alderman Morley moved to approve item **10a. Report – Case Number 09 P-06/City of Elmhurst Zoning Ordinance Text Amendment**. Alderman Rose seconded.

Alderman Morley stated the Development, Planning and Zoning Committee reviewed the Zoning and Planning Commission (Z&P) report and approve what the commission put forth. He stated the Z&P Commission report recommends restricting pawn shop use in the C3 District to conditional use only.

Aldermen Rose and Leader urged the Council to vote in favor of the recommendation.

Alderman Bram asked for clarification on the bullet point items in the committee report and asked if it was necessary to make an amendment to the motion.

Attorney Peppers assured Alderman Bram that the definitions in the report will be in the ordinance.

Roll call vote on item **10a. Report – Case Number 09 P-06/City of Elmhurst Zoning**

**Ordinance Text Amendment:**

Ayes: Morley, Rose, Gutenkauf, Pezza, Shea, Leader, Bram, Hipkind, York, Nybo, Healy, Kennedy, Mulliner, Wagner

Nays: None

Results: 14 ayes, 0 nays, 0 absent  
Motion duly carried

**REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS**

11. a. UPDATES (Mayor DiCianni)

Mayor DiCianni announced several appointments to the Senior Commission.

Alderman Gutenkauf, point of order, stated these appointments were not on the Consent Agenda.

City Manager Borchert stated the Mayor's announcement was informational. The appointments will appear in two (2) weeks on the Consent Agenda for Council approval.

**ORDINANCES**

12. a. MCO-18-2009 – AN ORDINANCE PROHIBITING VIDEO GAMING WITHIN THE CITY OF ELMHURST

Ordinance MCO-18-2009 was presented for passage.

Mayor DiCianni stated his opposition to allow gambling in Elmhurst. He stated the DuPage Mayors & Managers Conference opposes gambling for all of their communities as well.

Alderman Mulliner, point of order, before Council can vote on item **12a. MCO-18-2009 – An Ordinance Prohibiting Video Gaming Within the City of Elmhurst**, a vote must be taken to suspend the rules. Alderman Mulliner moved to suspend the rules. Alderman Hipkind seconded. Voice vote, motion carried.

Alderman Hipkind moved to approve item **12a. MCO-18-2009 – An Ordinance Prohibiting Video Gaming Within the City of Elmhurst**. Alderman Mulliner seconded. Roll call vote:

Ayes: Hipkind, Mulliner, Gutenkauf, Pezza, Shea, Leader, Rose, Bram, York, Nybo, Healy, Morley, Kennedy, Wagner

Nays: None

Results: 14 ayes, 0 nays, 0 absent  
Motion duly carried

**OTHER BUSINESS**

13. Alderman Bram asked Mayor DiCianni to report on the meeting he attended last week on the O'Hare Airport Expansion, Western Access.

Mayor DiCianni stated he was not able to attend, but City Manager Borchert, Public Works Director Hughes, and Acting Assistant City Manager Kopp attended.

City Manager Borchert stated they are moving forward with the east/west access and at the southern end of the airport to Grand Avenue and reconnect to 294. He stated the City will be asked to sign a resolution as to ramps and/or how to access them. City Manager Borchert stated there could be impact for northeast Elmhurst, pro and con. He stated he would follow-up.

Alderman Bram asked what option will be connecting 294 to Grand Avenue?

Mayor DiCianni replied option 203D. Mayor DiCianni stated the Western Cook County and Eastern DuPage Mayors are working together.

City Manager Borchert stated clarification for Council will come from the PW&B Committee. Staff needs to understand the details.

Alderman Rose stated northeast Elmhurst cannot be sacrificed for the region. That is asking for a critical sacrifice for Elmhurst homeowners.

Alderman Bram stated he is receiving O'Hare noise complaint calls. He asked about the suburban noise commission.

Mayor DiCianni stated we are fighting for sound proofing. It is a work in progress.

The City Manager stated Elmhurst is a member of the Suburban O'Hare Commission (SOC) and mobile vans will be used to monitor noise.

Alderman Healy suggested the Council receive an update on drugs in our community. He stated he is getting questions on what is the City doing about drugs in town.

Mayor DiCianni stated the Police Department will be involved in intervention and enforcement. The City Manager will give a report at the next Council meeting.

Alderman Pezza stated on a positive note Elmhurst's proximity and easy access to O'Hare is an attraction which brings people to live in Elmhurst.

#### **ANNOUNCEMENTS**

14. Alderman Wagner reminded the community to visit the City's website link to nuisance wildlife. He stated it is full of suggestions for managing wildlife problems, particularly skunks. He stated it's a "stinky issue." Alderman Wagner reported that the City tries very hard to react to this problem; more so than surrounding communities.

Alderman Bram concurred with Alderman Wagner's statements regarding the skunk population in Elmhurst.

#### **ADJOURNMENT**

15. Alderman Gutenkauf moved to adjourn the meeting. Aldermen Hipskind seconded. Voice Vote. Motion carried. Meeting adjourned 9:10 p.m.

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Peter P. DiCianni, III, Mayor

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Patty Spencer, City Clerk