

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS  
HELD ON MONDAY, JUNE 7, 2010  
209 NORTH YORK STREET  
ELMHURST, ILLINOIS**

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

Attendance: 70

1. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:36 p.m.

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

Absent: Mark A. Mulliner

Also in Attendance: City Treasurer Dyer, City Attorney Storino, City Manager Borchert, Assistant City Manager/Fire Chief Kopp. Public Works Director Hughes

**PROCLAMATION – BIKE TO WORK WEEK**

2. Mayor DiCianni invited Bob Hoel, Bike Task Force Chairman, to join him at the podium to celebrate *Bike to Work Week*. Mayor DiCianni stated over the last several years Elmhurst has taken strides to become a bike friendly community.

Chairman Hoel thanked the Mayor for his support. He stated new *Bike to Metra* posters are up throughout the City.

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

3. Tamara Brenner, 137 N. Caroline, Elmhurst, IL 60126 submitted a letter entitled “Inaccuracies in the Minutes of the City Council meeting from May 17, 2010.”

**PUBLIC FORUM**

4. Dennis Reboletti Sr.  
572 W. Gladys Ave.  
Elmhurst, IL 60126

Spoke against the narrowing of Gladys Avenue. He asked why 39 votes of “no” do not count.

Chris Polak  
648 W. Gladys Ave.  
Elmhurst, IL 60126

Spoke against the narrowing of Gladys Avenue. She stated her concerns regarding possible flooding and that if cars are parked on both sides of the street, emergency vehicles may not be able to get thru.

Deanna Pagacz  
566 W. Gladys Ave.  
Elmhurst, IL 60126

Spoke against sidewalks on Gladys Avenue and narrowing the street.

Richard Hoffman  
605 W. Gladys Ave.  
Elmhurst, IL 60126

Spoke against the narrowing of Gladys Avenue and asked Council to vote for the committee report regarding Gladys that is on tonight’s agenda.

Claude Pagacz  
566 W. Gladys Ave.

Elmhurst, IL 60126

Spoke against sidewalks on Gladys Avenue and narrowing the street.

Rich DeMondo  
568 N. West Ave.  
Elmhurst, IL 60126

Asked Council to accept the committee report regarding Gladys Avenue that is on tonight's agenda.

Alina Cahill  
569 W. Gladys Ave.  
Elmhurst, IL 60126

Spoke in support sidewalks on Gladys Avenue.

Fernando Del Rio  
541 W. Gladys Ave.  
Elmhurst, IL 60126

Spoke in support on the sidewalks on Gladys Avenue.

Kyle Woitel  
585 Gladys Ave.  
Elmhurst, IL 60126

Spoke in favor of sidewalks on Gladys Avenue.

Angel Allen  
557 W. Gladys Ave.  
Elmhurst, IL 60126

Spoke in favor of sidewalks on Gladys Avenue.

Michael Krumrey  
570 W. Crockett Ave.  
Elmhurst, IL 60126

Spoke as a resident of Crockett a street also interested in obtaining sidewalks, stating his concerns for allowing sidewalks on only one side of a street.

Tammara Brenner  
137 N. Caroline  
Elmhurst, IL 60126

Spoke regarding the committee report for a sales tax rebate for Lucky Motors. She questioned its recommendation stating it is different than other incentives and could set precedent.

Darlene Heslop  
200 N. Michigan #227  
Elmhurst, IL 60126

Spoke regarding the Mayor being ready to hire a lobbyist without recommendation from the Council to do so. She also spoke against the Finance, Council Affairs and Administrative Services Committee report Lucky Motors incentive recommendation.

### **CONSENT AGENDA**

5. The following items on the Consent Agenda were presented:
  - a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, MAY 17, 2010 (City Clerk Spencer): Approve as published

- b. MINUTES OF THE EXECUTIVE SESSION MEETING HELD ON MONDAY, MAY 17, 2010  
(City Clerk Spencer): Receive and place on file
- c. ACCOUNTS PAYABLE – MAY 31, 2010, TOTAL \$2,946,222.97
- d. REAPPOINTMENTS TO THE ELMHURST ECONOMIC DEVELOPMENT COMMISSION – KURT WARNKE, DANIEL LEAHY, DIANE MCGINNIS AND DON MEYERS (Mayor DiCianni): Concur with the Mayor's recommendation

May 20, 2010

To: Members of the City Council

Re: Reappointments to the Elmhurst Economic Development Commission – Kurt Warnke, Daniel Leahy, Diane McGinnis and Don Meyers

With your advice and consent, I will reappoint to the Elmhurst Economic Development Commission the following persons: Kurt Warnke, with a term expiring on April 30, 2012 and Daniel Leahy, Dianne McGinnis and Don Meyers for terms to expire April 30, 2013.

Respectfully submitted,  
/s/ Peter P. DiCianni, III  
Mayor

- e. APPOINTMENT TO THE ELMHURST HERITAGE FOUNDATION – AULEEN MCCARTHY  
(Mayor DiCianni): Concur with the Mayor's recommendation

May 20, 2010

To: Members of the City Council

Re: Appointment to the Elmhurst Heritage Foundation – Auleen McCarthy

With your advice and consent, I will appoint Auleen McCarthy, to the Elmhurst Heritage Foundation for a term to expire in 2012 replacing Donald R. Michaelis whose term expired in 2009.

Respectfully submitted,  
/s/ Peter P. DiCianni, III  
Mayor

- f. REAPPOINTMENTS TO THE VETERANS MEMORIAL COMMISSION – W. SHANKLIN AND R. KAMKA (Mayor DiCianni): Concur with the Mayor's recommendation

May 20, 2010

To: Members of the City Council

Re: Reappointments to the Veterans Memorial Commission - W. Shanklin and R. Kamka

With your advice and consent, I will reappoint William R. Shanklin and Richard Kamka to the Veterans Memorial Commission for terms to expire on April 30, 2013.

Respectfully submitted,  
/s/ Peter P. DiCianni, III  
Mayor

- g. BID RESULTS, CITY OF ELMHURST 175 W. FIRST STREET PARKING GARAGE PAVER BRICK (City Clerk Spencer): Refer to the Public Works and Buildings Committee

June 2, 2010

TO: Mayor DiCianni and Members of the City Council

RE: Bid Results, City of Elmhurst 175 W. First Street Parking Garage Brick Pavers

In response to an invitation to bid for the City of Elmhurst 175 W. First Street Parking Garage Painting advertised in the Elmhurst Independent, May 11, 2010, bids were received from three contractors.

Bids were opened at 10:00 a.m. on Tuesday, May 25, 2010 by the Deputy City Clerk. The following is a summary of the bids received:

| <u>Contractor</u>                              | <u>Total Cost</u> | <u>Bid Package Complete</u> |
|--|-------------------|-----------------------------|
| Ruff Landscaping, Inc.<br>(Elgin, IL)          | \$39,960.00       | Yes                         |
| Countryside Industries, Inc.<br>(Wauconda, IL) | \$30,677.00       | Yes                         |
| Sebert Landscaping, Inc.<br>(Bartlett, IL)     | \$28,112.00       | Yes                         |

Respectfully submitted,  
/s/ Patty Spencer  
City Clerk

- h. BID RESULTS, CONCRETE PAVEMENT PATCHING (City Clerk Spencer): Refer to the Public Works and Buildings Committee

June 2, 2010

TO: Mayor DiCianni and Members of the City Council  
RE: Bid Results, 2010 Concrete Pavement Patching Program

In response to an invitation to bid for the City of Elmhurst 2010 Concrete Pavement Patching Program Project #10-09 advertised in the Elmhurst Independent on Wednesday, May 12, 2010, bids were received from ten contractors. All bid packages were complete.

Bids were opened at 10:00 a.m. on Tuesday, June 1, 2010 by the City Clerk. The following is a summary of the bids received:

| <u>Contractor</u>                                    | <u>Bid Price</u> |
|--|------------------|
| DiNatale Construction, Inc.,<br>Addison, IL          | \$95,900.00      |
| Kings Point General Cement, Inc.,<br>Bensenville, IL | \$99,700.00      |
| D'Land Construction, L.L.C.,<br>Bensenville, IL      | \$111,375.00     |
| Acura Inc.,<br>Bensenville, IL                       | \$117,450.00     |
| GEM Construction, Inc.,<br>Wood Dale, IL             | \$122,600.00     |
| Schroeder & Schroeder, Inc.,<br>Skokie, IL           | \$129,400.00     |
| G & M Cement Construction, Inc.,<br>Addison, IL      | \$132,900.00     |
| Globe Construction, Inc.,<br>Addison, IL             | \$144,950.00     |
| DiGioia, Brothers, Const., Co., Inc.,                | \$169,750.00     |

Wheaton, IL

Alliance Contractors, Inc.,  
Woodstock, IL

\$192,925.00

Respectfully submitted,  
/s/ Patty Spencer  
City Clerk

- i. ESTABLISHMENT OF AN SSA FOR NEW SIDEWALK INSTALLATION (City Manager Borchert): Refer to the Public Works and Buildings Committee

June 1, 2010

To: Mayor DiCianni and Members of the City Council  
Re: Establishment of an SSA for New Sidewalk Installation

It is respectfully requested that the attached request from Aldermen Pezza and Leader regarding a review of the establishment of an SSA for new sidewalk installation be referred to the Public Works and Buildings Committee for their review, evaluation and subsequent recommendation for City Council action.

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

- j. 2010 PREVAILING WAGE ORDINANCE (City Manager Borchert): Refer to the Finance, Council Affairs and Administrative Services Committee

June 3, 2010

To: Mayor DiCianni and Members of the City Council  
Re: 2010 Prevailing Wage Ordinance

It is respectfully requested that the notion of the Illinois Prevailing Wage Act which requires an annual action by the City of Elmhurst be forwarded to the Finance, Council Affairs and Administrative Services Committee for their review, evaluation and recommendation for City Council consideration.

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

- k. REPORT – COTTAGE HILL AVENUE PARKING SIGN CHANGES The following report of the Public Affairs and Safety Committee was presented for passage:

May 24, 2010

To: Mayor DiCianni and Members of the City Council  
Re: Cottage Hill Avenue Parking Sign Changes

The Public Affairs and Safety Committee met on May 24, 2010 to discuss Cottage Hill Avenue Parking Sign Changes. Staff observed the area during drop-off and pick-up times and noted many drivers in violation of posted parking restrictions, which include “No Parking School Days 8 a.m. to 4 p.m.” on the east.

Staff determined that the restrictions should be changed to indicate that drivers are allowed to wait in their vehicles during drop-off and pick-up times. This is consistent with the current signage on Arthur Avenue, which was modified in 2007. The Police and Fire Departments support the modified signage.

Staff recommends the existing signs on Cottage Hill Avenue be changed to state:

- East side: “No Parking School Days 8 a.m. to 4 p.m., Attended Vehicles Only During Drop Off and Pick Up.”

It is therefore, the recommendation of the Public Affairs and Safety Committee that the appropriate ordinance be drafted and adopted by the City Council to restrict parking on the east side of Cottage Hill with the appropriate signage: “No Parking School Days 8 a.m. to 4 p.m., Attended Vehicles Only During Drop Off and Pick Up.”

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

1. REPORT – ELMHURST MEMORIAL HOSPITAL TEMPORARY USE – MOBILE PET SCAN TRAILER The following report of the Development, Planning and Zoning Committee was presented for passage:

May 27, 2010

TO: Mayor DiCianni and Members of the City Council  
RE: Elmhurst Memorial Hospital Temporary Use – Mobile PET Scan Trailer

The Development, Planning and Zoning Committee met on May 24, 2010 to review a request by Elmhurst Memorial Hospital to extend the temporary use of Avon Road for the PET Scan Trailer from June 1, 2010 to either a) when the new hospital facility on Brush Hill Road is open and able to accommodate the trailer, or b) September 1, 2011, whichever occurs first.

Pursuant to Ordinance OZO-03-2003, the Hospital may use the “Storage Area” for a period of not more than 90 consecutive days; extensions of such time period shall be permitted only after review and approval of City Council. The Hospital was given permission, by City Staff, for the temporary use of the mobile trailer from March 1, 2010 to June 1, 2010.

The Committee discussed the use of the trailer for the past 90 days noting that there have been no problems or complaints associated with this temporary use. The Committee noted that neighbors had no objections to this specific temporary use; however, there was concern that this approval would set a precedent for future requests by the Hospital for temporary storage.

It was the consensus of the Committee that the temporary use request be approved for one (1) year, from June 1, 2010 to June 1, 2011. Should the Hospital require additional time, a request for extension to a date no later than September 1, 2011 shall be submitted to the Development, Planning and Zoning Committee for their consideration and recommendation a minimum of 30 days prior to the expiration of this approval on June 1, 2011.

Therefore, it is the recommendation of the Development, Planning and Zoning Committee that the request for extension of the Temporary Use for the PET Scan Mobile Trailer from June 1, 2010 to June 1, 2011 be approved by City Council.

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

- m. REPORT – CASE NUMBER 10 ZBA-06 / STAMISON/STAMATOPOULOS VARIATION The following report of the Development, Planning and Zoning Committee was presented for passage:

May 25, 2010

TO: Mayor DiCianni and Members of the City Council  
RE: Case Number 10 ZBA-06 / Stamison/Stamatopoulos Variation

Request for variation from required rear yard setback pursuant to 7.3-5.a of the Elmhurst Zoning Ordinance for the purpose of constructing an addition on property commonly known

as 421 N. River Glen Avenue (PIN 03-34-407-002), said property being wholly located within the R1 Single Family Residence district.

The Development, Planning and Zoning Committee met on May 24, 2010 to review the Zoning and Planning Commission report dated April 29, 2010. The applicants, Kimberly Stamatopoulos and Theodore Stamison, are requesting a rear yard variation to allow the construction of an addition to an existing home. The Committee reviewed the documentation supplied by the Applicant, the Staff Report, the Zoning Board of Appeals Report, and the transcript of the public hearing.

The Committee noted that the proposed addition will encroach into the required 30 foot rear yard by 19 feet measured to the eave, and by 15 feet measured to the building wall. The proposed addition will be in an area of the rear yard which abuts property to the north owned by the DuPage County Forest Preserve. The Committee agreed that this proposed addition will not negatively affect any neighboring property.

It was the consensus of the Committee that the requested variation meets all three Standards for Variations: that the plight of the owner is due to unusual circumstances, that the variation will not alter the essential character of the neighborhood, and that the variation will provide the owners reasonable use and enjoyment of their property.

Therefore, it is the recommendation of the Development, Planning and Zoning Committee that the City Council approve Case Number 10 ZBA-06 / Stamison/Stamatopoulos Variation. The City Attorney is hereby directed to prepare an Ordinance authorizing the requested rear yard variation.

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

n. O-15-2010 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-15-2010 was presented for passage.

o. O-18-2010 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE LICENSE AGREEMENT BY AND BETWEEN ELMHURST JAYCEES, INC. AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-18-2010 was presented for passage.

p. MCO-17-2010 – AN ORDINANCE TO AMEND DIVISION 5 ENTITLED, “FEE PARKING LOTS,” OF ARTICLE VII ENTITLED, “STOPPING, STANDING AND PARKING,” OF CHAPTER 44 ENTITLED, “MOTOR VEHICLES AND TRAFFIC,” OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST, ILLINOIS (PARKING FEES)

Ordinance MCO-17-2010 was presented for passage.

q. MCO-18-2010 – AN ORDINANCE TO AMEND ARTICLE VI ENTITLED, “SPECIAL STOPS,” OF CHAPTER 44 ENTITLED, “MOTOR VEHICLES AND TRAFFIC,” OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST, ILLINOIS (WEBSTER AVENUE AT FAIR AVENUE)

Ordinance MCO-18-2010 was presented for passage.

r. MCO-19-2010 – AN ORDINANCE AMENDING SECTION 36.11 ENTITLED “LIMITATION ON NUMBER OF LICENSES,” OF ARTICLE II ENTITLED “RETAIL LICENSES” OF

CHAPTER 36 ENTITLED "LIQUOR" OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance MCO-19-2010 was presented for passage.

- s. ZO-05-2010 – AN ORDINANCE GRANTING AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR THE PURPOSE OF REPLACING A MANUAL READER BOARD WITH AN ELECTRONIC READER BOARD ON AN EXISTING PYLON SIGN ON THE PROPERTY COMMONLY KNOWN AS 575 SOUTH YORK STREET (UNTOUCHABLE CAR WASH AND THE GAS STOP)

Ordinance ZO-05-2010 was presented for passage.

- t. R-28-2010 – A RESOLUTION IN SUPPORT OF AND ADOPTING THE DUPAGE MAYORS AND MANAGERS CONFERENCE 2010 LEGISLATIVE ACTION PROGRAM

Resolution R-28-2010 was presented for passage.

- u. R-29-2010 – A RESOLUTION TO APPROVE AND AUTHORIZE THE EXECUTION OF THE FIRST AMENDMENT TO THE PROFESSIONAL DESIGN AND CONSTRUCTION ENGINEERING SERVICES AGREEMENT BETWEEN ENGINEERING RESOURCES ASSOCIATES, INC. AND THE CITY OF ELMHURST, ILLINOIS

Resolution R-29-2010 was presented for passage.

- v. R-30-2010 – A RESOLUTION TO APPROVE AND AUTHORIZE THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN DUPAGE PUBLIC SAFETY COMMUNICATIONS AND THE CITY OF ELMHURST

Resolution R-30-2010 was presented for passage.

Alderman Gutenkauf pulled item **5a. Minutes of the Regular Meeting Held on Monday, May 17, 2010** from the Consent Agenda.

Alderman Morley moved to approve the contents of the Consent Agenda less item **5a. Minutes of the Regular Meeting Held on Monday, May 17, 2010**. Alderman York seconded. Roll call vote:

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

Nays: None

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

Alderman Gutenkauf moved to postpone approving item **5a. Minutes of the Regular Meeting Held on Monday, May 17, 2010 until the next meeting** stating she would like to review the discussion on page 13 item 6j. All-Circo, Inc., Public Affairs and Consulting Services. Alderman York seconded. Voice vote, motion carried.

Item **5a. Minutes of the Regular Meeting Held on Monday, May 17, 2010** was tabled until the next Council meeting.

COMMITTEE REPORTS

6. a. REPORT – LUCKY MOTORS SALES TAX REBATE INCENTIVE REQUEST The following report of the Finance, Council Affairs and Administrative Services Committee was presented for passage:

May 18, 2010

To: Mayor DiCianni and Members of the City Council  
Re: Lucky Motors Sales Tax Rebate Incentive Request

The Finance, Council Affairs and Administrative Services Committee met twice, most recently May 17, 2010, to review a request from Lucky Motors for a sales tax rebate incentive to assist in financing improvements to convert a warehouse facility to a high-end used car facility.

Lucky Motors is an internet based, high-end used car dealer, where customers review vehicles for sale on the internet and then visit the showroom by appointment. Their business philosophy requires that all cars be kept indoors. Mr. Anthony Romano and Mr. Christopher Wright, owners of Lucky Motors, were present at the meetings to present the request. Mr. Romano and Mr. Wright operate Lucky Motors in Addison, and plan to open a second location in Elmhurst. Lucky Motors recently purchased a 27,000 square foot commercial building on 1.5 acres of land, located at 817 N. Church Road, which has been vacant for three years, for their Elmhurst store. Lucky Motors projects that annual sales for the Elmhurst location will be approximately \$22 million, which will generate approximately \$120,000 sales tax annually for the City of Elmhurst.

Messrs. Romano and Wright reviewed the improvements necessary to renovate the existing building into a modern indoor showroom. The renovations include adding overhead doors, adding store front windows on two sides, remodeling all offices and bathrooms, creating a cafeteria, and installing enhanced lighting. Lucky Motors five year plan includes expanding the building and adding a service department with a new parking lot and a fully air conditioned showroom. The cost of all renovations is projected to exceed \$600,000. To assist with financing the investment, Lucky Motors is requesting a sales tax rebate incentive agreement with the following parameters:

- ten year duration;
- maximum total payout of \$500,000;
- sales tax receipts would be shared 50% Lucky Motors/50% City of Elmhurst;
- annual rebate would be capped at \$50,000; and
- sales tax rebate would be calculated and distributed on an annual basis.

This sales tax rebate incentive request is consistent with past sales tax rebate incentives agreed to by the City of Elmhurst in that it does not require any upfront, out of pocket expense on the part of the City, and the rebate is distributed after the sales tax has been received. However, the annual cap is unique to this request and further limits the total rebate potential.

The Finance Committee believes the addition of Lucky Motors to the City's existing car dealerships is very positive for the City. This is an opportunity to provide a wider breadth auto purchasing options in Elmhurst and, given the current economic climate for autos, speaks highly of the visibility that Elmhurst's central, easy-to-get-to location provides to auto dealers. Sales tax revenue contributes approximately 20% of the City's total General Fund revenue, and sales tax from auto sales represents about 35% of the total sales tax revenue. After further discussion, it was the consensus of the Finance Committee to recommend a sales tax rebate incentive to Lucky Motors.

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 sales tax incentive agreement between the City of Elmhurst and Lucky Motors, as outlined in this report.

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

Alderman Hipskind moved to approve item **6a. Report – Lucky Motors Sales Tax Rebate Incentive Request**. Alderman York seconded.

Alderman Hipskind stated the report is straight forward and he would answer any questions from Council.

Alderman Gutenkauf stated many questions have been raised regarding incentives. She stated Finance Director Gaston provided Council with a sales tax incentive summary as of June 2008. Alderman Gutenkauf stated after looking over the summary, Lucky Motors is asking less than others in past years. She states she supports the recommendation of the report.

Alderman Bram stated this is a new business but it is already here and has begun making improvements prior to requesting an incentive. He stated he is concerned about the policy decision in the committee report. Alderman Bram stated the City would be offering a rebate for marketing.

Alderman Bram moved to amend the motion to each year the City will keep the first \$100,000 sales tax received and the excess over the \$100,000 will be split 50/50.

Alderman Shea seconded.

Discussion ensued regarding the amended motion. Several comments, questions and recommendations from Council were made other than the incentive recommendation that is on the committee report.

Roll call vote to amend the motion to state each year the City will keep the first \$100,000 sales tax received and any excess over the first \$100,000 will be split 50/50.

Ayes: Bram, Shea,

Nays: Gutenkauf, Pezza, Leader, Rose, Hipkind, York, Nybo, Healy, Morley, Kennedy, Wagner

Results: 2 ayes, 11 nays, 1 absent  
Motion failed

Alderman Pezza moved to require Lucky Motors, thru the incentive ordinance, to provide receipts of all improvements that will benefit the company.

Motion failed from lack of second.

Alderman Nybo, call the question.

Roll call vote to approve item **6a. Report – Lucky Motors Sales Tax Rebate Incentive Request:**

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

Nays: None

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

b. REPORT – GLADYS AVENUE PROPOSED SIDEWALK INSTALLATION The following report of the Public Works and Buildings Committee was presented for passage:

May 24, 2010

TO: Mayor DiCianni and Members of the City Council

RE: Gladys Avenue Proposed Sidewalk Installation

The Public Works and Buildings Committee has met numerous times and most recently on Monday, May 24, 2010 to discuss the installation of a new sidewalk on the north side of Gladys Avenue from Garden Avenue to West Avenue. The construction of the new sidewalk will be financed through a Special Service Area (SSA). The process began in April 2008 with a neighborhood petition being submitted to the City requesting that the City consider the installation of a new sidewalk. The process culminated with the City Council passing the SSA ordinance on July 20, 2009. The ordinance authorized spending \$156,000 to construct a five foot sidewalk from

Garden Avenue to West Avenue. Subsequently, engineering design efforts began with the target of 2010 summer construction.

During design it became apparent that installing the sidewalk one foot off of the north right-of-way line was not going to be able to be constructed within the budget authorized by the SSA. Due to the existing steep grades of numerous driveways, certain residents were already struggling to get in and out of their driveway without the bottom of their vehicle scraping and the proposed sidewalk installation was going to make that condition worse. The City engineering staff examined ways to design a sidewalk that could be installed without worsening the grading issues. The design that could accomplish this involved narrowing the north side of the street by three feet by removing the existing curb and gutter and saw cutting and removing three feet of pavement. The City would then reinstall new curb and gutter on the north side and construct a sidewalk two feet behind that curb. Utilizing this methodology, the elevation issues are mitigated and the City could construct a sidewalk that would not make any resident's access issues worse.

The original SSA was created to construct a new sidewalk on the north side of Gladys at a cost not to exceed \$160,000. During design it was discovered that due to extensive regrading and the installation of retaining walls, the cost to construct would be approximately \$280,000. This exceeds the budget amount authorized by the SSA.

In discussion of the new project as proposed, (with the narrower width of Gladys to accommodate the sidewalk construction) the Committee determined that both the north and south sides of the street are affected and that therefore it would be appropriate to allow a vote for or against the project to be taken of all the residents who live on the street, both north and south sides. Based on written and verbal feedback from the neighborhood, plus the submitted petition, it is clear that the majority of Gladys Avenue residents do not want the new project to proceed, however there is a strong majority that are still in favor of sidewalks on the eastern half of the block. As a result, the current SSA should be dismantled by ordinance and the eastern half of the block on the north side of the street should pursue an SSA to construct sidewalk in front of their homes as they have requested.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the current proposed sidewalk installation requiring a reduced Gladys Street width be halted, that the current SSA be cancelled and that the City Council authorize the attorney for the City to prepare the appropriate documents to initiate a new SSA to finance sidewalks for the eastern half of the north side of Gladys as reviewed above.

Respectfully submitted,  
Public Works and Building Committee

/s/ Jim Kennedy  
Chairman

/us/ Michael J. Bram  
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

Alderman Kennedy moved to accept item **6b. Report – Gladys Avenue Proposed Sidewalk Installation**. Alderman Healy seconded.

Alderman Kennedy deferred to Alderman Leader for comments.

Alderman Leader stated Gladys is in the 2<sup>nd</sup> Ward and this is a difficult situation for himself and Alderman Shea. He asked is this about safety or about sidewalks and answered this is about sidewalks and narrowing a street.

Alderman Leader stated the local homeowners should decide if sidewalks add value to a home. He stated a higher cost and the narrowing of Gladys Avenue is not what the Council originally voted on. He stated it would be undemocratic to pass a law to serve 30% and harm 70% of the block.

Alderman Kennedy stated history shows the residents on Gladys followed the process to get sidewalks on their street. However, due to the change in cost and the narrowing of the street, the project

has changed. Alderman Kennedy stated he couldn't support this project. He stated you could argue safety but the project has changed and the cost is over the \$160,000. He stated he supports the recommendation of the committee report.

Discussion ensued regarding the recommendation of the committee report. Also, discussion ensued regarding the validity of the report and abolishing the SSA and the compromises it should present.

Alderman Rose moved to call the question. Voice vote, motion carried.

Roll call vote to approve item **6b. Report – Gladys Avenue Proposed Sidewalk Installation:**

Ayes: Kennedy, Healy, Gutenkauf, Pezza, Shea, Leader, Morley, Wagner

Nays: Rose, Bram, Hipskind, York, Nybo

Results: 8 ayes, 5 nays, 1 absent  
Motion carried

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

7. a. UPDATES (Mayor DiCianni)

Mayor DiCianni responded to comments made during the Public Forum portion of the meeting regarding the referral to the Finance, Council Affairs and Administrative Services Committee regarding the hiring of a lobbyist. He stated he was insulted by the comments that were made. Mayor DiCianni stated he doesn't try to sneak anything by the Council. He stated the referral will be brought to committee and there it will be discussed and voted on by the full City Council.

Mayor DiCianni spoke regarding car dealership incentives. He stated Elmhurst is a good location. He stated the more the City can bring in sales tax dollars the more it alleviates having citizens face tax increases.

Mayor DiCianni welcomed Lucky Motors to Elmhurst.

Alderman Bram stated the referral on sidewalks from Aldermen Pezza & Leader is already on the pending items list for the Public Works and Buildings Committee. He stated this referral can be used by the Public Works and Buildings Committee as a tool during discussions.

### **OTHER BUSINESS**

8. a. LIQUOR LICENSE REQUEST – PINTS (City Manager Borchert): Refer to the Public Affairs and Safety Committee

June 7, 2010

To: Mayor DiCianni and Members of the City Council

Re: Liquor License Request - Pints

Attached please find a request from a new business, Pints wherein they advise of their intent to follow proper City of Elmhurst process for approval of a City liquor license for 114 S. York Street.

Therefore, it is respectfully requested that the City Council authorize the Public Affairs and Safety Committee to consider increasing the Elmhurst Municipal Code authorized number of liquor licenses in the category of RL which would, if approved, allow Pints, 114 S. York St., to be considered for a liquor license.

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

Mayor DiCianni asked for a voice vote to refer item **8a. Liquor License Request – Pints** to the Public Affairs and Safety Committee. Voice vote, motion carried.

Item **8a. Liquor License Request – Pints** was referred without objection to the Public Affairs and Safety Committee.

**ANNOUNCEMENTS**

9. City Manager Borchert stated the 2009 Property Tax Review was put in the Council packets. He stated he thought Council would be interested in the analysis. He encouraged Council to look it over.

City Manager Borchert stated the memo regarding the 2011/12 Budget Planning and Calendar has been given to Council. He added the 2010 Citizen's Survey has been sent out and will be used in preparing goal setting for next year's budget.

ICMA Public Management Journal has an article on how AAA rated communities are handling the current economy. He stated Elmhurst is following 15 of the 16 measures listed. City Manager Borchert stated the Council is doing a good job putting best practices in place during these difficult times.

Alderman Pezza announced the Elmhurst Historical Museum has a new exhibit starting June 15, 2010 thru September 12, 2010, Magical History Tour, admission is free.

Alderman Pezza stated Relay for Life will be held in Berens Park on Saturday, June 19, 2010. Team members will start walking their shifts at 2:00 p.m. Everyone is invited to attend.

Mayor DiCianni stated the opening of the Magic exhibit will be held on June 27, 2010 at which time the Mayor himself will be cut in half.

**ADJOURNMENT**

10. Alderman Morley moved to adjourn the meeting. Alderman Hipskind seconded. Voice vote. Motion carried. Meeting adjourned 10:25 p.m.

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Peter P. DiCianni III, Mayor

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Patty Spencer, City Clerk