

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, AUGUST 4, 2008
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 7:00 P.M. – PERSONNEL

1. Executive session was called to order at 7:05 p.m. by Mayor Marcucci for the purpose of discussing Personnel.

Present: Michael J. Regan, Diane Gutenkauf, Norman Leader, Pat Shea, Michael Bram, John Gow, Stephen Hipskind, Moira Moriarty, George Szczepaniak, Steve Morley, Donna Lomnicki, Mark A. Mulliner

Absent: Susan Rose (arrived at 7:07 p.m.), Chris Nybo (arrived at 7:30 p.m.)

Also in attendance: City Treasurer Pigoni, City Attorney Kubiesa, Finance Director Gaston

Alderman Gutenkauf moved to convene into executive session for the purpose of discussing Personnel. Alderman Moriarty seconded. Roll call vote:

Ayes: Gutenkauf, Moriarty, Regan, Leader, Shea, Bram, Gow, Hipskind, Szczepaniak, Morley, Lomnicki, Mulliner

Nays: None

12 yeas, 0 nays, 2 absent
Motion duly carried

Alderman Mulliner moved to adjourn executive session. Alderman Morley seconded. Voice vote. Motion carried. Executive session adjourned at 7:35 p.m.

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 35

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor Marcucci at 7:39 p.m.

Present: Michael J. Regan, Diane Gutenkauf, Norman Leader, Pat Shea, Michael Bram, Susan J. Rose, John Gow, Stephen Hipskind, Moira Moriarty, Chris Nybo, George Szczepaniak, Steve Morley, Donna Lomnicki, Mark A. Mulliner

Absent: None

Also in Attendance: City Treasurer Pigoni, City Attorney Kubiesa, Director of Finance and Administration Gaston, Historical Museum Director Bergheger

ANNOUNCEMENT OF STATE GRANTS FOR THE ELMHURST HISTORICAL MUSEUM AND ELMHURST ART MUSEUM (IL STATE REPRESENTATIVE DENNIS REBOLETTI AND IL STATE REPRESENTATIVE BOB BIGGINS)

3. Elmhurst Historical Museum Director Brian Bergheger welcomed to the podium State Representative Bob Biggins of District 41, serving Northern Elmhurst and State Representative Dennis Reboletti of the 46th District, serving southern Elmhurst. Director Bergheger announced that Representatives Biggins and Reboletti were able to secure state grants totaling \$75,000 for the Elmhurst Art Museum and the Churchville One Room Schoolhouse. Director Bergheger thanked them for their support of the arts and culture in Elmhurst.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

4. None.

PUBLIC FORUM

5. Willis Johnson
603 Rodgers St.
Downers Grove, IL

Spoke of the sales tax increase stating he would rather see an increase in real estate tax. He stated the businesses shoulder much more than their share.

Kevin O'Keefe
426 E. Church St.
Elmhurst, IL 60126

Spoke of the proposed sales tax increase stating he is in favor of a property tax increase.

CONSENT AGENDA

6. The following items on the Consent Agenda were presented:
- a. MINUTES OF REGULAR MEETING HELD ON MONDAY, JULY 21, 2008 (City Clerk Spencer): Approve as published
 - b. ACCOUNTS PAYABLE – JULY 31, 2008 TOTAL \$ 1,175,486.25
 - c. APPOINTMENT TO THE BOARD OF TRUSTEES OF FIREMEN'S PENSION FUND (Mayor Marcucci): Concur with the Mayor's recommendation

July 17, 2008

To: Members of the City Council
Re: Appointment to the Board of Trustees of Firemen's Pension Fund – Paul Nolte

With your advice and consent, I will appoint Paul Nolte to the Board of Trustees of Firemen's Pension Fund for a term to expire April 17, 2011.

Respectfully submitted,
/s/ Thomas D. Marcucci
Mayor

- d. BID, TWO (2) FORD EXPEDITION SPECIAL SERVICE VEHICLES (City Clerk Spencer): Refer to the Public Affairs and Safety Committee

July 29, 2008

TO: Mayor Marcucci and Members of the City Council
RE: Bid, One (1) Ford Hybrid Escape

In response to an invitation to bid for One (1) Ford Hybrid Escape advertised in the Elmhurst Press on Friday, June 27, 2008, bids were received from two area dealers.

Bids were opened at 10:00 a.m. on Tuesday, July 29, 2008, and following is a summary of the bids received:

<u>Dealer</u>	<u>Total Cost</u>
Elmhurst Ford (Elmhurst, IL)	\$26,250.00
Packey Webb Ford (Downers Grove, IL)	\$30,300.00

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- e. BID, ONE (1) FORD HYBRID ESCAPE (City Clerk Spencer): Refer to the Public Works and Buildings Committee

July 29, 2008

TO: Mayor Marcucci and Members of the City Council
RE: Bid, Two (2) Ford Expedition Special Service Vehicles

In response to an invitation to bid for Two (2) Ford Expedition Special Service Vehicles advertised in the Elmhurst Press on Friday, June 27, 2008, bids were received from three area dealers.

Bids were opened at 10:00 a.m. on Tuesday, July 29, 2008, and following is a summary of the bids received:

<u>Dealer</u>	<u>PD-16</u>	<u>PD-29</u>
Elmhurst Ford (Elmhurst, IL)	\$21,400.00	\$23,200.00
Freeway Ford (Lyons, IL)	\$22,845.00	\$24,745.00
Packey Webb Ford (Downers Grove, IL)	\$23,250.00	\$25,650.00

Respectfully submitted,
Public Works and Building Committee

/s/ John E. Gow
Chairman

/s/ Michael Regan
Vice-Chairman

/s/ Donna Lomnicki

/s/ Pat Shea

- f. REPORT – FLOODPLAIN ORDINANCE REVISION The following report of the Public Works and Buildings Committee was presented:

July 28, 2008

TO: Mayor Marcucci and Members of the City Council
RE: Floodplain Ordinance Revision

The Public Works and Buildings Committee met on Monday, July 28, 2008 to review a change to the City's Ordinance on Stormwater and Floodplains. A copy of the proposed ordinance modification is attached.

The City has been notified by the Illinois Department of natural Resources (IDNR) that new countywide floodplain maps have been produced for DuPage and Cook counties and that the City of Elmhurst needs to adopt these maps by ordinance. Failure to do so could jeopardize the City's good standing in the National Flood Insurance Program (NFIP).

City staff has reviewed these maps and concurs that they are accurate. City staff uses these maps to enforce the DuPage County Stormwater and Floodplain Management Ordinance. The enforcement of this ordinance ensures proper development within the floodplain as well as proper development outside of the floodplain with respect to stormwater management. This reduces possible flooding hazards in the future.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the Ordinance amending Chapter 14 of the Elmhurst Municipal Code (attached) to comply with the requirements of the Illinois Department of Natural Resources, be adopted.

Respectfully submitted,
Public Works and Building Committee

/s/ John E. Gow
Chairman
/us/ Michael Regan
Vice-Chairman
/s/ Donna Lomnicki
/s/ Pat Shea

- g. REPORT – 2008 RECLAMITE PROGRAM The following report of the Public Works and Buildings Committee was presented:

July 28, 2009

TO: Mayor Marcucci and Members of the City Council
RE: 2008 Reclamite Application Program

The Public Works and Buildings Committee met on Monday, July 28, 2008, to discuss the application of Reclamite to approximately 100,000 square yards (7 miles) of asphalt pavement in the City of Elmhurst.

Reclamite, a preservative seal, will be applied to all streets resurfaced with asphalt during FY 2007. A second treatment of Reclamite will also be applied to selected streets that received an initial treatment four or more years ago.

Many of the streets that are being resurfaced with asphalt in 2008 will receive an initial treatment of Reclamite this year. Selected streets that received an initial treatment five or more years ago will receive a second treatment of Reclamite this year.

Reclamite treatment is an essential factor in the City's pavement maintenance program. The material is sprayed on the street with a distributor truck and penetrates into the surface of the asphalt in less than an hour. Sand is applied to absorb the residual material. The sand is swept from the street a few days later.

Reclamite is a proprietary product manufactured by tricolor Refining L.L.C., Golden Bear Products of Bakersfield, California. At the present, CAM, L.L.C. North, of Sugar Grove, Illinois is the only contractor in Illinois certified to purchase and apply Reclamite. CAM, L.L.C. North, has done this work for the City of Elmhurst in the past and has the expertise and specialized equipment to provide quality workmanship.

It is in the best interest of the City to retain a local contractor who can be responsive to the City's needs and can alter their work schedule on short notice, which is required to adjust to the uncertainties of local weather conditions. The City also uses unique public relations and traffic control procedures for this sensitive program. CAM, L.L.C. North is very familiar with the City's program, which can speed up application and reduce inconvenience.

CAM, L.L.C. North's quotation of \$0.525 per square yard for Reclamite is \$0.07 cents per square yard higher than quoted in FY 2007 and is equal to, or less than the unit price quoted to other communities in the local area who are using Reclamite. The increase in price can largely be attributed to higher crude oil prices.

This price includes the application of Reclamite and sanding with a special spreading unit, which enables the even distribution of sand and faster street openings.

Monies have been provided in the 2008/2009 budget in the General Fund, Contract Services for Street Sealing, Account Number 110-6041-432-30-74 in the amount of \$75,000. The value of work to be done under this contract shall not exceed \$75,000.

Therefore, it is the recommendation of the Public Works and Buildings Committee that CAM, L.L.C. North's unit price to apply Reclamite to approximately 7 miles of City streets at the rate of \$.525 per square yard, be accepted.

Respectfully submitted,
Public Works and Building Committee

/s/ John E. Gow
Chairman

/us/ Michael Regan
Vice-Chairman

/s/ Donna Lomnicki

/s/ Pat Shea

- h. REPORT – POLICE DEPARTMENT PURCHASE OF FIVE WIRELESS IN CAR VIDEO CAMERAS AND SERVER The following report of the Public Affairs and Safety Committee was presented:

July 28, 2008

To: Mayor Marcucci and the Members of the city Council

Re: Police Department Purchase of Five Wireless in car Video Cameras and Server.

The Public Affairs and Safety committee met on Monday July 28, 2008 to discuss the purchase of five (5) L3 Communications Mobile-Vision “Flashback 2 Digital Video” Systems, and a “Digital Evidence Pro” Networked Server with DASS 16x500GB (8.0TB), for police department vehicles. In collaboration with the Information Technology Department, and the Equipment Maintained Division a total of five wireless in car video systems were researched and or tested over this past year. The systems were L3 Communications/Mobil-Vision, Coban, I-COP, Raytheon and Integrian (Motorola).

The wireless system does not require discs or tapes. The system automatically downloads video images to a server using wireless technology when a squad car is parked at the station. These video images are stored on the server and can be viewed, copied and kept for evidentiary purposes. The system also eliminates the need for personnel to change discs / tapes increasing the efficiency in the operation of the in car video camera’s, while still maintaining quality video images.

The monies to purchase the five (5) in car wireless video systems and server will come from the DUI Technology fund (110-5030-421-6074). This account is continuously funded with fines from alcohol related arrests made by the Elmhurst Police Department.

From the research and field tests L3 Communications “Flashback 2 Digital Video” and Coban wireless systems met expectations in performance. Both Coban and L3 Communications were asked to provide a bid for five (5) in car units, server, warranties and related accessories with the following results:

L3 communications \$58,150.000

Coban \$64,185.00

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the sale be awarded to L3Communications Mobile-Vision., at a cost of \$58,150.000. The purchase charged to budget line #110-5030-421-6074.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner
Chairman

/us/ Michael Bram
Vice-Chairman

/s/ Chris Nybo

- i. REPORT – COMMERCIAL FILMING ORDINANCE The following report of the Public Affairs and Safety Committee was presented:

July 24, 2008

TO: Mayor Marcucci and Members of the City Council
RE: Commercial Filming Ordinance

The Public Affairs met on several occasions, most recently on July 28, 2008 to review a draft ordinance regulating commercial filming. Although such filming in the City thus far has not been extensive, several instances have occurred where residents have been inconvenienced and/or the film production has created potential risks in that responses by emergency vehicles would have been made quite difficult due to the presence of film production equipment, vehicles and personnel as well as spectators.

The Committee reviewed ordinances/permits from several municipalities, including Lake Forest, Wilmette, Winnetka, and West Dundee. Features of some of those ordinances have been incorporated as part of the draft ordinance.

The attached draft ordinance would:

- 1) establish a permit processing fee of \$200;
- 2) establish Film Production Activity Charges based on the City Manager's review of the proposed film production; these charges would compensate the City for use of its property, personnel and equipment;
- 3) establish criteria by which the City Manager would determine the amount of film production activity charges;
- 4) require a deposit for the film production activity charges determined applicable by the City Manager;
- 5) establish procedures for appeals of a denial of a film production permit;
- 6) provide for the notification residents/businesses/institutions in the neighborhood where the film production is to take place and the filing of objections by such residents/businesses/institutions;
- 7) reserve the rights of the City Manager, Fire Chief and Police Chief to order cessation of film production to protect the public health, safety and welfare;
- 8) establish limits on the hours for film production of 7:00 am to 7:00 pm Monday through Saturday, 9:00 am to 6:00 pm on Sundays and holidays. Extended hours may be approved by the City Manager; and
- 9) establish exceptions to the Permit Requirements for:
 - (a) the recording of news events or news features;
 - (b) film production intended solely for personal use such as private events, weddings, reunions and parties;
 - (c) film production activities of students provided such activities are in conjunction with coursework, either at an accredited educational institution or at an adult education program that is conducted under the auspices of a school district, park district or community organization that either is located in the City or is supported by taxes paid in whole or in part by residents of the City;
 - (d) film production conducted by or on behalf of the City.

The ordinance would regulate and minimize unwarranted intrusions in a neighborhood by a short term commercial activity and ensure demands on City services are reasonable and that the film production company, rather than the taxpayers, would pay for such special services.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council adopt the attached film production ordinance.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/us/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

- j. REPORT – HIBACHI, GAS-FIRED GRILLS, CHARCOAL GRILLS, FIREPLACES OR OTHER HEAT PRODUCING DEVICES ON BALCONIES OR PATIOS The following report of the Development, Planning and Zoning Committee was presented:

July 28, 2008

To: Mayor Marcucci and Members of the City Council

Re: Hibachi, gas-fired grills, charcoal grills, fireplaces or other heat producing devices on balconies or patios

The Development, Planning and Zoning Committee met on July 28, 2008 to discuss an amendment to the National Fire Protection Association (NFPA 1) Uniform Fire Code 10.11.7 which prohibits the use of such devices as follows:

***10.11.7** For other than one- and two-family dwellings, no hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose, shall be used or kindled on any balcony or under any overhanging portion within 10 f t (3 m) of any structure. Listed electric ranges, grills, or similar electrical apparatus shall be permitted.*

The Development, Planning and Zoning Committee recommended the following exception:

Exception: *Where the building is of non-combustible construction and fully sprinkled and where grills are either covered propane or natural gas grills.*

Furthermore, if smoke from the use of such grills and devices becomes a nuisance to other residents, the use shall cease and desist and the grill or device shall be removed.

Charcoal burners and other uncovered open flame cooking devices shall not be operated on such balconies. Also, burning of charcoal briquettes, wood or commercially prepared seasoned woodchips shall not be allowed on balconies.

It is, therefore, the recommendation of the Development, Planning and Zoning Committee that the City Attorney be authorized to prepare the appropriate amendment to the National Fire Protection Association (NFPA 1) Uniform Fire Code **10.11.7** which allows the use of covered natural gas and propane grills on non-combustible balconies of sprinkled buildings.

Respectfully submitted,
Development, Planning and Zoning
Committee

/s/ Susan J. Rose

Chairman

/s/ Norman Leader

Vice-Chairman

/s/ Diane Gutenkauf

- k. REPORT – CASE NUMBER 08 P-07/PARK PLACE CONTINUING CARE RETIREMENT COMMUNITY The following report of the Development, Planning and Zoning Committee was presented for passage.

July 29, 2008

TO: Mayor Marcucci and Members of the City Council
RE: **Case Number 08 P-07/Park Place Continuing Care Retirement Community**
Request for an Amended Conditional Use Permit for the purpose of constructing a new Continuing Care Retirement Community. The common property addresses are 1050 and 1150 S. Euclid Avenue (PIN# 06-14-412-024)

The Development, Planning and Zoning Committee met on July 28, 2008, to review the application and information regarding the subject request. This included application documents and plans supplied by the applicant, and the public hearing transcript for this request.

The Committee began review with discussion of the previous requests for the Park Place project. The original application, which was approved in October 2006, included annexation, rezoning, street vacations, resubdivision and conditional use permit. Subsequently, the applicant obtained an amended Conditional Use permit in 2007 for relocation of the Health Center and a reduction of 7 assisted dwelling units from 44 to 37. The change at that time brought to total number of units/beds to 270. With the new request, the applicant proposes the addition of 9 assisted living units (from 37 to 46 units), and an increase of 4 memory support units (from 16 to 20 units). The total number of dwelling units/beds will increase from 270 to 283 units/beds. The proposed expansion adds a small amount of additional space to the northwest part of the northwest wing, and to the south end of the southwest wing of the building. The lot coverage increases slightly from 17.82% to 19.7%, however this coverage is less than that originally approved in 2006. The R4 Zoning District allows up to 375 senior citizen dwelling units and up to 40% lot coverage.

The Committee reviewed the Standards for Conditional Use and supports the requests based on these Standards. Therefore it is the recommendation of the Development, Planning and Zoning Committee to recommend approval of this amended conditional use request. The City Attorney is hereby directed to prepare the necessary documents for City Council review and approval.

Respectfully submitted,
Development, Planning and Zoning
Committee

/s/ Susan J. Rose
Chairman

/s/ Norman Leader
Vice-Chairman

/s/ Diane Gutenkauf

- l. REPORT – CASE NUMBER 08 P-09/ANGELO'S RISTORANTE SITE DEVELOPMENT PLAN REVIEW The following report of the Development, Planning and Zoning Committee was presented:

July 29, 2008

TO: Mayor Marcucci and Members of the City Council
RE: **Case Number 08 P-09/Angelo's Ristorante Site Development Plan Review**
The purpose of this meeting is to review the redevelopment plans for property commonly known as 247 N. York Street (PIN 06-01-100-009 & 010), pursuant to Section 8.7-9 of the Elmhurst Zoning Ordinance.

The Development, Planning and Zoning Committee met on July 28, 2008, to review the application and information regarding the subject request. This included application documents and plans supplied by the applicant, and information from the public meeting for this request.

The Applicant is requesting approval of the site redevelopment plan which includes additions to the existing restaurant structure at 247 N. York Street, and construction of a new two story addition (to the restaurant) on 241 N. York Street. The property at 241 N. York Street, which abuts the restaurant building, is currently an unused one-story medical office building which will be demolished and replaced with a two story structure attached to the restaurant. The building will house a first-floor deli and second-floor space for the restaurant. The Committee noted that the proposed development complies with the regulations of the underlying C4A zoning district. The proposed building also meets the objectives of the North Downtown Plan and of the C4A district as it will abut the sidewalk with no front setback, along the York Street "streetwall", with parking in the rear of the property.

The Committee reviewed the C4A District criteria finds that the Applicant's site development plan meets all of the objectives stated in the Purpose and Legislative Intent of the C4A District. Therefore it is the recommendation of the Development, Planning and Zoning Committee to recommend approval of this C4A site plan review request. The City Attorney is hereby directed to prepare the necessary documents for City Council review and approval.

Respectfully submitted,
Development, Planning and Zoning
Committee

/s/ Susan J. Rose
Chairman

/s/ Norman Leader
Vice-Chairman

/s/ Diane Gutenkauf

m. O-24-2008 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-24-2008 was presented for passage.

n. MCO-16-2008 – AN ORDINANCE INCREASING THE NUMBER OF CLASS "PL" AND CLASS "WBB" LIQUOR LICENSES

Ordinance MCO-16-2008 was presented for passage.

o. MCO-17-2008 – AN ORDINANCE IMPOSING PARKING RESTRICTIONS ON MAPLE AVENUE

Ordinance MCO-17-2008 was presented for passage.

p. R-22-2008 – A RESOLUTION APPROVING A CONTRACT WITH METRO PARAMEDIC SERVICES, INC.

Resolution R-22-2008 was presented for passage.

q. ZO-13-2008 – AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR THE PURPOSE OF CONSTRUCTING A REPLACEMENT FIRE STATION AND GRANTING A BUILDING HEIGHT VARIATION IN CONNECTION THEREWITH ON THE PROPERTY COMMONLY KNOWN AS 601 SOUTH YORK STREET (FIRE STATION NO. 2)

Ordinance ZO-13-2008 was presented for passage.

Alderman Rose pulled item **6j. Report – Hibachi, Gas-Fired Grills, Charcoal Grills, Fireplaces or Other Heat Producing Devices On Balconies or Patios.**

Alderman Regan moved to accept the contents of the Consent Agenda less item **6j. Report – Hibachi, Gas-Fired Grills, Charcoal Grills, Fireplaces or Other Heat Producing Devices On Balconies or Patios**. Alderman Gow seconded. Voice vote unanimous, motion carried. Alderman Lomnicki moved to approve the contents of the Consent Agenda less item **6j. Report – Hibachi, Gas-Fired Grills, Charcoal Grills, Fireplaces or Other Heat Producing Devices On Balconies or Patios**. Alderman Mulliner seconded. Roll call vote:

Ayes: Lomnicki, Mulliner, Regan, Gutenkauf, Leader, Shea, Bram, Rose, Gow, Hipkind, Moriarty, Nybo, Szczepaniak, Morley

Nays: None

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

Alderman Rose moved to approve item **6j. Report – Hibachi, Gas-Fired Grills, Charcoal Grills, Fireplaces or Other Heat Producing Devices On Balconies or Patios**. Alderman Leader seconded.

Alderman Rose stated she pulled item **6j. Report – Hibachi, Gas-Fired Grills, Charcoal Grills, Fireplaces or Other Heat Producing Devices On Balconies or Patios** to inform Council that she would be asking for a suspension of the rules at the appropriate time so that the ordinance associated with this report could be considered by the Council this evening.

Roll call vote on item **6j. Report – Hibachi, Gas-Fired Grills, Charcoal Grills, Fireplaces or Other Heat Producing Devices On Balconies or Patios**:

Ayes: Rose, Leader, Regan, Gutenkauf, Shea, Bram, Gow, Moriarty, Nybo, Szczepaniak, Morley, Lomnicki, Mulliner

Nays: None

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

COMMITTEE REPORTS

7. a. REPORT – PARKING RESTRICTIONS ON ELM STREET, NORTH OF FIRST STREET

1. The following Majority Report of the Public Affairs and Safety Committee was presented:

July 14, 2008

To: Mayor Marcucci and Members of the City Council

RE: Parking Restrictions on Elm Street, North of First Street

The Public Affairs and Safety Committee met on July 14, 2008 to discuss parking restrictions on Elm Street north of First Street.

The proposed parking restrictions are part of the comprehensive commuter/downtown parking plan allowing more parking opportunities for commuters and downtown shoppers.

City staff has made contact with the affected residents, as well as the YMCA to discuss possible parking solutions for this area.

It was determined that the most affective solution affected the first ten (10) spaces north of First on the East side of Elm Street.

The recommendation was to restrict parking in these ten (10) spaces Monday through Friday from 8:00 a.m. to 12:00 noon for YMCA use only, all other times would be public three-hour parking. Allowing restricted parking for YMCA use on Elm Street would allow the release of ten (10) spaces on First Street currently leased by the YMCA from the City, opening ten more spaces on First Street for commuter parking.

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 in the first ten (10) spaces on the east side of Elm Street, north of First Street.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/us/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

2. The following Minority Report of the Public Affairs and Safety Committee was presented:

July 21, 2008

To: Mayor Marcucci and Members of the City Council
RE: Parking Restrictions on Elm Street, North of First Street

The Public Affairs and Safety Committee met on July 14, 2008 to discuss parking restrictions on Elm Street north of First Street.

The proposed parking restrictions are part of the comprehensive commuter/downtown parking plan allowing more parking opportunities for commuters and downtown shoppers.

City staff made contact with the affected residents, as well as the YMCA to discuss possible parking solutions for this area.

The recommendation was to restrict parking in these ten (10) spaces Monday through Friday from 8:00 AM to 12:00 noon for YMCA use only, all other times would be three hour parking. Allowing restricted parking for YMCA use on Elm Street would allow the release of ten (10) spaces on First currently leased by the YMCA from the City, opening ten (10) more spaces on First Street for commuter parking.

Currently, there is two hour restricted parking on the east side of Elm Street in the area of the proposed first ten (10) spots. There is also a restriction of no parking on the west side of Elm Street. The current public parking spaces should remain public but restricted from the current two hour parking to three hour parking only. Restricting public on street parking spaces to a specific business entity is not in accordance with a government body's responsibility.

A recent example is down the street from the YMCA. It was recently proposed to allow additional public parking spaces to be constructed and paid for by a petitioner without any restrictions given to that particular business for the use of those public spaces.

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 in the first ten (10) spaces as three hour parking Monday through Friday on the east side of Elm Street, north of First Street.

Respectfully submitted,
Public Affairs and Safety Committee

/us/ Mark A. Mulliner
Chairman
/s/ Michael Bram
Vice-Chairman
/us/ Chris Nybo

Alderman Mulliner moved to approve item **7-1. Report – Parking Restrictions on Elm Street, North of First Street - Majority Report**. Alderman Nybo seconded.

Alderman Mulliner stated item **7-1. Report – Parking Restrictions on Elm Street, North of First Street - Majority Report** was on the agenda two (2) weeks ago. It was brought back to the Public Affairs and Safety Committee (PA&S) to discuss and form consensus. Since the PA&S Committee could not come to a consensus, a majority and minority report are on tonight's agenda. Alderman Mulliner explained the proposed parking restrictions on Elm Street were brought up by the City as part of the commuter/downtown parking plan to allow more parking for commuters. This offers the YMCA a safer way for the youth and seniors to get into the YMCA by restricting ten (10) spaces, Monday through Friday between 8:00 a.m. – 12:00 noon for YMCA use only.

Alderman Bram moved to substitute item **7-2. Report – Parking Restrictions on Elm Street, North of First Street - Minority Report** for item **7-1. Report – Parking Restrictions on Elm Street, North of First Street - Majority Report**. Alderman Gutenkauf seconded.

Alderman Bram stated restrict the ten (10) spaces for three (3) hours. He stated his concern is restricting public parking for a business. He stated he looked at the parking situation and it appears it's used as a drop-off. He stated he is also concerned about enforcement.

Alderman Nybo stated five (5) reasons why to support the majority report: 1) This is a result of negotiations with the YMCA 2) Safety 3) Better utilization of parking 4) Practically speaking, nothing will change 5) Encourages more use for the YMCA and commuter parking. Alderman Nybo stated he sees no reason to adopt the minority report.

Discussion ensued regarding the pros and cons of each report.

Roll call vote to substitute item **7-2. Report – Parking Restrictions on Elm Street, North of First Street - Minority Report** for item **7-1. Report – Parking Restrictions on Elm Street, North of First Street - Majority Report**:

Ayes: Bram, Gutenkauf, Shea, Gow, Moriarty, Szczepaniak, Lomnicki

Nays: Regan, Leader, Rose, Nybo, Morley, Mulliner, Mayor Marcucci

Results: 7 ayes, 7 nays, 1 absent
Motion failed

Alderman Mulliner recapped his comments supporting item **7-1. Report – Parking Restrictions on Elm Street, North of First Street - Majority Report**.

Alderman Bram stated he is not in favor of the majority report.

Discussion ensued.

Roll call vote on item **7-1. Report – Parking Restrictions on Elm Street, North of First Street**
- Majority Report:

Ayes: Mulliner, Nybo, Regan, Leader, Rose, Szczepaniak, Morley, Mayor Marcucci

Nays: Gutenkauf, Shea, Bram, Gow, Moriarty, Lomnicki

Results: 8 ayes, 6 nays, 1 absent
Motion carried

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

8. Mayor Marcucci reported on an article from last Sunday's *Chicago Tribune* newspaper regarding real estate values in the Chicagoland area. The Mayor stated Elmhurst was listed at \$390,000 a decline of 2.5% from last year at \$400,000. He listed the communities that declined in value:

Community	2007	2008
Bensenville	\$245,000	\$242,000
Oak Brook	\$560,000	\$400,000
Villa Park	\$254,000	\$225,000
Hillside	\$174,000	\$172,000
Northlake	\$222,000	\$183,000

The Mayor stated the real estate value in Glen Ellyn has gone up from \$327,000 to \$360,000. The Mayor stated that Elmhurst is doing okay and holding its own.

Alderman Bram stated he reviewed the I294/North Avenue report and the tentatively approved 80% grant for the engineering proposals is positive.

Mayor Marcucci stated he has been hard at work regarding this matter. He shared the City's disappointment of the DuPage Mayor's & Manager's Conference's unwillingness to fund 50% of the consulting fees and hope that the North Central Council of Mayors will agree to funding.

ORDINANCES

9. a. O-25-2008 – AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT MORE THAN \$8,215,000 GENERAL OBLIGATION BONDS, SERIES 2008, OF THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-25-2008 was presented for passage.

Alderman Szczepaniak moved to accept item **9a. O-25-2008 – An Ordinance Providing for the Issuance of Not More Than \$8,215,000 General Obligation Bonds, Series 2008, of the City of Elmhurst, DuPage and Cook Counties, Illinois.** Alderman Moriarty seconded.

Alderman Szczepaniak stated the issuance of the General Obligation Bonds is to accomplish funding of the Capitol Improvement Fund to be used for Fire Station #2, the Waste Water Treatment Plant and the sanitation projects. He also announced the 1999 Bond Issue of \$1,040,000 has been paid.

Alderman Szczepaniak stated he supports this ordinance and its impact on the City's cash flow. Roll call vote on item **9a. O-25-2008 – An Ordinance Providing for the Issuance of Not More Than \$8,215,000 General Obligation Bonds, Series 2008, of the City of Elmhurst, DuPage and Cook Counties, Illinois:**

Ayes: Szczepaniak, Moriarty, Gutenkauf, Leader, Shea, Bram, Rose, Gow, Nybo, Morley, Lomnicki, Mulliner

Nays: None

Results: 12 ayes, 0 nays, 2 absent
Motion duly carried

b. MCO-18-2008 – AN ORDINANCE AMENDING CHAPTER 25 (FIRE PREVENTION) OF THE ELMHURST MUNICIPAL CODE IN CONNECTION WITH GAS-FIRED GRILLS IN MULTIPLE FAMILY STRUCTURES

Ordinance MCO-18-2008 was presented for passage.

Alderman Rose moved to suspend the rules so that item **9b. MCO-18-2008 – An Ordinance Amending Chapter 25 (Fire Prevention) of the Elmhurst Municipal Code In Connection With Gas-Fired Grills In Multiple Family Structures** can be considered by Council this evening. Alderman Gutenkauf seconded. Voice vote, motion carried.

Alderman Rose moved to approve item **9b. MCO-18-2008 – An Ordinance Amending Chapter 25 (Fire Prevention) of the Elmhurst Municipal Code In Connection With Gas-Fired Grills In Multiple Family Structures**. Alderman Gutenkauf seconded. Roll call vote:

Ayes: Rose, Gutenkauf, Leader, Shea, Bram, Gow, Moriarty, Nybo, Szczepaniak, Morley, Lomnicki, Mulliner

Nays: None

Results: 12 ayes, 0 nays, 2 absent
Motion duly carried

OTHER BUSINESS

10. Mayor Marcucci stated there has been recent use of cell phones and blackberries at the dais. He stated that though the actions are not illegal, receiving phone calls and text messages during Council meetings was against the idea of a fair, open and honest debate.

Discussion ensued regarding the need to be able to be contacted in case of emergencies, the idea that text messaging was inappropriate during meetings and other concerns from the dais.

Mayor Marcucci stated consensus of Council is to set forth the following rules of conduct during meetings: electronic devices may be “on” but must be in a silent/vibrating setting, Aldermen may only take private communication off of the floor, if an audience member wants to send a text message they must leave the Council Chambers.

ANNOUNCEMENTS

11. Alderman Moriarty announced the annual 5th Ward townhall meeting will take place at the Elmhurst Public Library on August 13, 2008 at 7:30 p.m. Residents of the 5th Ward are invited to attend as well as any other interested residents. She stated that a guest speaker from the States Attorney’s Office will speak on elder abuse.

Alderman Mulliner stated that there are signs up all over town stating “Lock It or Lose It.” He encouraged residents to lock their houses and cars.

Alderman Gutenkauf reminded everyone that Green Fest will take place this Saturday, August 9, 2008 in Wilder Park.

ADJOURNMENT

12. Alderman Mulliner moved to adjourn the meeting. Aldermen Bram seconded. Voice Vote. Motion carried. Meeting adjourned 10:31 p.m.

Thomas D. Marcucci, Mayor

Patty Spencer, City Clerk