

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, OCTOBER 1, 2007
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 7:00 P.M. – LAND ACQUISITION AND LITIGATION

1. Executive session was called to order at 7:00 p.m. by Mayor Marcucci for the purpose of discussing Land Acquisition and Litigation.

Present: Diane Gutenkauf, Norman Leader, Pat Shea, Michael Bram, Stephen Hipskind, George Szczepaniak, Steve Morley, Donna Lomnicki

Absent: Michael J. Regan (arrived at 7:10 p.m.), Susan J. Rose (arrived at 7:07 p.m.), John Gow (arrived at 7:03 p.m.), Moira Moriarty (arrived at 7:08 p.m.), Chris Nybo (arrived at 7:08 p.m.), Mark A. Mulliner

Also in attendance: City Treasurer Pigoni, City Attorney Kubiesa, City Manager Borchert

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

Ayes: Bram, Gutenkauf, Leader, Shea, Hipskind, Szczepaniak, Morley, Lomnicki

Nays: None

8 Ayes, 0 Nays, 6 absent
Motion duly carried

Alderman Moriarty moved to adjourn executive session. Alderman Rose seconded. Voice vote. Motion carried. Executive session adjourned at 7:37 p.m.

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 25

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor Marcucci at 7:45 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,

Absent: Mark A. Mulliner

Also in Attendance: City Treasurer Pigoni, City Attorney Kubiesa, City Manager Borchert

CONTINUATION OF PUBLIC HEARING – PROSPECT AVENUE ANNEXATION AGREEMENT

3. Mayor Marcucci opened the public hearing at 7:46 p.m. regarding the Prospect Avenue Annexation Agreement. Mayor Marcucci asked for anyone interested in speaking to please address the Council. No one spoke.

Mayor Marcucci stated that the Public Hearing would be recessed until Monday, December 3, 2007. He explained that there are unusual circumstances regarding this particular Annexation Agreement as one of the property owners passed away after the meeting date for the Public Hearing was posted. He explained that State Law requires all property owners to sign the petition and agreement. There will be a continuation of this Public Hearing until all the property owners have a chance to sign.

The public hearing recessed at 7:48 p.m. and will reconvene on Monday, December 3, 2007.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

4. None.

PUBLIC FORUM

5. Jim Babcock
185 Willowbrook
Elmhurst, IL 60126

Stated he is a member of the Cool Cities Initiative and thanked the Council for addressing the environmental and sustainability initiatives tonight. He asked the Mayor to sign the *U.S. Conference of Mayors Climate Protection Agreement* to reduce green house gas emissions. He stated that the coalition has a wide base of community support; the time for action is now.

Laura Kratz
292 Forest Ave.
Elmhurst, IL 60126

Spoke on behalf of the League of Woman Voters stating they support the Mayor signing the *U.S. Conference of Mayors Climate Protection Agreement*. One of the Leagues action items for the year is the Cool Cities Initiative and the City staff has done a good job toward this initiative. She stated it is important to get the word out about Cool Cities.

Karen Solem
604 Spring Rd.
Elmhurst, IL 60126

Stated she is the owner of two (2) businesses on Park Avenue and thanked the Council for approving the bank drive-through. She stated the bank will bring foot traffic and add life to a dead area.

CONSENT AGENDA

6. The following items on the Consent Agenda were presented:
- a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, SEPTEMBER 17 2007
(City Clerk Spencer): Approve as published
 - b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, SEPTEMBER 17, 2007
(City Clerk Spencer): Receive and place on file
 - c. ACCOUNTS PAYABLE – SEPTEMBER 30, 2007 TOTAL \$ 2,198,476.11
 - d. BID, ONE (1) 2008 FORD F150 4X2 SUPER CAB PICK-UP TRUCK (City Clerk Spencer):
Refer to the Public Works and Buildings Committee

September 18, 2007

TO: Mayor Marcucci and Members of the City Council
RE: Bid, One (1) 2008 Ford F150 4 x 2 Super Cab Pick-Up Truck

In response to an invitation to bid for One (1) 2008 Ford F150 4 x 2 Super Cab Pick-Up Truck advertised in the Elmhurst Press on Friday, August 24, 2007, bids were received from three area dealers.

Bids were opened at 10:00 a.m. on Tuesday, September 18, 2007, and following is a summary of the bids received:

| <u>Dealer</u> | <u>Total Price</u> |
|---|--------------------|
| Terry's Ford Lincoln Mercury (Peotone, IL) | \$16,054.00 |
| Elmhurst Ford (Elmhurst, IL) | \$17,800.00 |

Freeway Ford-Sterling Truck Sales, Inc. \$18,099.00
(Lyons, IL)

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- e. BID, THREE (3) 2008 FORD F450 4X4 CONTRACTOR DUMPS WITH OPTIONAL EQUIPMENT INCLUDING SNOW PLOWS AND TAILGATE SPREADERS (City Clerk Spencer): Refer to the Public Works and Buildings Committee

September 18, 2007

TO: Mayor Marcucci and Members of the City Council

RE: Bid, Three (3) 2008 Ford F450 4 x 4 Contractor Dumps with Optional Equipment including Snow Plows and Tailgate Spreaders

In response to an invitation to bid for Three (3) 2008 Ford F450 4 x 4 Contractor Dumps with Optional Equipment including Snow Plows and Tailgate Spreaders advertised in the Elmhurst Press on Friday, August 24, 2007, bids were received from four area dealers.

Bids were opened at 10:00 a.m. on Tuesday, September 18, 2007, and following is a summary of the bids received

| <u>Dealer</u> | <u>Total Price</u> | | |
|--|--------------------|--------------|--------------|
| | <u>PW-8</u> | <u>PW-26</u> | <u>PW-49</u> |
| Freeway Ford-Sterling Truck Sales (Lyons, IL) | \$47,569.00 | \$50,469.00 | \$47,369.00 |
| Joe Rizza Ford of North Riverside (North Riverside, IL) | \$47,927.00 | \$52,751.00 | \$47,927.00 |
| Elmhurst Ford (Elmhurst, IL) | \$48,000.00 | \$54,000.00 | \$47,620.00 |
| Terry's Ford Lincoln-Mercury (Peotone, IL) | \$51,260.00 | \$59,660.00 | \$57,160.00 |

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- f. TEMPORARY USE AND EVENT PERMIT REQUEST FOR LADIES NIGHT – NOVEMBER 15, 2007 (City Manager Borchert): Concur with the City Manager's recommendation

September 26, 2007

To: Mayor Marcucci and Members of the City Council

Re: Temporary Use and Event Permit Request for Ladies Night – November 15, 2007

It is respectfully requested that the City Council authorize the attached request for a Temporary Use and Event Permit from Cottage Hill Diamonds offering valet parking to their customers from 5:00 p.m. to 9:00 p.m. for the 2nd annual Ladies Night event to be held November 15, 2007 in the City Centre Business District to be approved.

It is, therefore, the City Manager's intention to issue the Temporary Use and Event Permit to Cottage Hill Diamonds, with the understanding that if, in the opinion of public safety personnel, pedestrian safety is compromised, the permit will be immediately revoked absent contrary direction from the City Council.

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

- g. REPORT – CITY COUNCIL AND STAFF EFFECTIVENESS AND STRATEGIC FOCUS The following report of the Public Affairs and Safety Committee was presented:

September 24, 2007

To: Mayor Marcucci and Members of the City Council
Re: City Council and Staff Effectiveness and Strategic Focus

The Public Affairs and Safety Committee met on Monday, September 9th, 2007 and again on Monday, September 24th, 2007 to discuss City Council and Staff Effectiveness and Strategic Focus relative to routine permitting matters.

The Committee reviewed and discussed content of recent City Council agendas in regards to the amount of staff and City Council time spent on matters of routine review and approval associated with Sidewalk Cafes, Robert Palmer Drive underpass banner requests and temporary use permits. The Committee felt the amount of personnel time as well as the amount of physical resources spent on such matters is unreasonable.

The Committee felt the Elmhurst Municipal Code should be amended to delegate authority to the City Manager to approve Sidewalk Café and Underpass Banner requests and when feasible, make application to the Planning and Zoning Commission for a text amendment to allow for City Manager approval of temporary use permits. Doing so will allow the City to be more responsive to customer requests while allowing both Staff and Council to be more productive and strategic in their efforts.

It is therefore, the recommendation of the Public Affairs and Safety Committee that the City Council authorize the City Attorney to draft an amendment to the Elmhurst Municipal Code to give the City Manager authority to approve sidewalk Cafes and underpass banner requests and authorize the City Manager to make application to the Planning and Zoning Commission for a Zoning Code text amendment allowing the City Manager the authority to approve temporary use permits.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/s/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

- h. REPORT – C4A NORTH BUSINESS DISTRICT - YARD REQUIREMENTS The following report of the Development, Planning and Zoning Committee was presented:

September 26, 2007

TO: Mayor Marcucci and Members of the City Council
RE: C4A North Business District – Yard Requirements

The Development, Planning and Zoning Committee met on September 10 and 24, 2007 to review the referral from the City Council to review this topic. The Committee reviewed the City's zoning regulations for the C4 and C4A Districts, as well as current and possible future setbacks for buildings in the C4A District. The Committee also discussed the City's planning documents, including the North Downtown Plan and the Downtown Sector Plan, and the emphasis of these documents on making the north downtown area (C4A) as similar as possible to the balance of the downtown area (C4).

The Committee's review of this information allowed them to consider the intent of the City's plans and zoning requirements to encourage a pedestrian-oriented environment in the north downtown area that reflects the current pedestrian environment already present further to the south. In this regard, the Committee supports retaining existing C4A yard requirements which allow buildings to be placed up to the lot line (sidewalk). At the same time, the Committee acknowledged that the sidewalk improvements and widening present in the portions of downtown immediately north and south of the commuter rail tracks have not been extended to the north downtown area. The Committee concurred that extending these improvements will help promote pedestrian access and safety, and they noted that such improvements are tentatively planned for installation along North York (from Second Street to North Avenue) in 2008 and 2009. Further, the Committee recommends that such improvements include widened sidewalks, specifically consisting of "bumpouts" (also called "knuckles") at key areas such as intersection crossings. Committee members believe that these improvements will further promote pedestrian safety.

The Committee further noted that all new construction in the C4A District is subject to Council review and approval. Therefore, specific attention can and will be paid to pedestrian safety issues in future plan reviews, making the need for legislative change unnecessary at this time.

It is therefore, the recommendation of the Development, Planning and Zoning Committee that there be no changes to the City's zoning requirements for C4A. It is also the Committee's recommendation that new sidewalk improvements along North York Street in the north downtown area include widened areas (bumpouts) in key locations such as street crossings.

Respectfully submitted,
Development, Planning and Zoning
Committee

/s/ Susan J. Rose
Chairman

/s/ Norman Leader
Vice-Chairman

/s/ Diane Gutenkauf

Alderman Shea removed item **6h. Report – C4A North Business District - Yard Requirements.**

Alderman Bram moved to accept the contents of the Consent Agenda less item **6h. Report – C4A North Business District - Yard Requirements.** Alderman Regan seconded. Voice vote unanimous, motion carried. Alderman Gutenkauf moved to approve the contents of the Consent Agenda less item **6h. Report – C4A North Business District - Yard Requirements.** Alderman Rose seconded. Roll call vote:

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

Nays: None

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

Alderman Rose moved to approve item **6h. Report – C4A North Business District - Yard Requirements.** Alderman Leader seconded.

Alderman Rose stated that the Development, Planning and Zoning Committee met twice to discuss item **6h. Report – C4A North Business District - Yard Requirements,** which was referred to their committee by Aldermen Leader and Shea.

Alderman Shea stated she removed item **6h. Report – C4A North Business District - Yard Requirements,** to inquire if there was enough space in the C4A North Business District to create bumpouts.

Alderman Rose replied, yes, there is a plan for a bumpout and the Development, Planning and Zoning Committee will take a look at it because of the C4A District.

Alderman Bram stated this requirement will allow buildings to go all the way to the sidewalks. The C4A allows at the lot line pushed back past the sidewalks.

Discussion ensued regarding building up to the lot line and the C4A north Business District requirements.

Roll call vote on item **6h. Report – C4A North Business District - Yard Requirements:**

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

Nays: None

Results: 13 ayes, 0 nays, 1 absent
Motion Duly Carried

COMMITTEE REPORTS

7. a. REPORT – ENVIRONMENTAL AND SUSTAINABILITY INITIATIVES (the following Joint Committee Report of the Public Affairs and Safety Committee and the Development, Planning and Zoning Committee was presented:

September 25, 2007

TO: Mayor Marcucci and Members of the City Council

RE: Environmental and Sustainability Initiatives

Request for review, development, and initiation of an Environmental and Sustainability Policy for the City of Elmhurst

The Development, Planning and Zoning Committee and the Public Affairs and Safety Committee met in a joint meeting on September 24, 2007 to review information regarding the above-referenced topic. To prepare for this discussion, the Committees reviewed extensive documentation supplied by City Staff and other organizations.

The Committees met in a joint meeting to review various issues associated with environmental and sustainability initiatives that might be undertaken in the community. Committee members reviewed the City's previous and current environmental initiatives, including the following:

- The Environmental Commission, which operated for several years in the 70's and 80's to assist in environmental matters and specifically recycling. The Commission itself chose to go out of existence after completing an educational effort and assisting in the start-up of various environmental initiatives.
- Various initiatives of City Council and City administration, including adopting new building code standards that require higher energy efficiencies, alternative fuels, Salt Creek water quality efforts, downtown-area zoning density, and other programs.
- The City staff Sustainability Committee and Sustainability Coordinator, which were recently begun by City Staff to develop and implement (where possible) further efforts at reducing energy consumption and otherwise addressing environmental concerns as they relate to City operations.

The Committees also discussed various ways for carrying out future environmental efforts and recommendations. The Committees agreed to meet in the future to generate specific information in the following areas: (1) the development of a mission statement; (2) the identification of key issues to be addressed in the areas of city staff practices, resident practices, and general policies; and (3) the development of a plan of action with timeframes for implementation.

While the two Committees desire to further review the above-referenced issues at a subsequent meeting (October 22 or November 12), there is consensus to support immediate action by the City in support of the US Mayors Climate Protection Agreement, which is part of the Sierra Club's Cool Cities Initiative (CCI). The Joint Committee believes that Elmhurst participation in this program represents an appropriate starting point for the community, and therefore, merits immediate attention. Furthermore, the Joint Committee anticipates a City budget commitment of a minimum of \$50,000 – \$80,000 per year for this initiative and recommends that specific allowance for costs be included in budget considerations for the coming year.

It is therefore, the recommendation of the Development, Planning and Zoning Committee and the Public Affairs and Safety Committee that the City Council authorize the Mayor to sign the US Mayors Climate Protection Agreement to formalize the City of Elmhurst's commitment to environmental and sustainability issues and that this initiative be further studied and evaluated as summarized above.

Respectfully submitted,
Development, Planning and Zoning
Committee

/s/ Susan J. Rose
Chairman

/s/ Norman Leader
Vice-Chairman

/s/ Diane Gutenkauf

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner
Chairman

/s/ Michael Bram
Vice-Chairman

/s/ Chris Nybo

Alderman Rose moved to approve item **7a. Report – Environmental and Sustainability Initiatives**. Alderman Bram seconded.

Alderman Rose stated the Development, Planning and Zoning Committee and the Public Affairs and Safety Committee met several times over the past year to discuss these issues. Members of the League of Woman Voters, AAUW, Elmhurst Garden Club, Sierra Club, Elmhurst Memorial Healthcare and Elmhurst College have requested the Mayor Thomas D. Marcucci sign on to the U.S. Mayors Climate Protection Agreement. They believe the City of Elmhurst will benefit from participation in the Cool Cities initiative. Alderman Rose also stated this is the beginning process of a commitment to develop a mission. The City has created a Sustainability Committee, Director of Water/Wastewater, Dennis Streicher has accepted the responsibility to lead this committee.

Alderman Rose asked Council to approve at budget time, the financial support needed for these efforts. An inventory of the City's current practice and a commitment to reduce carbon emissions will be a goal and all citizens will be encouraged to get involved.

Alderman Bram thanked former Alderman Ann Tranter for her concern for the environment and suggesting that the City purchase Hybrid vehicles. Alderman Bram also stated the City and Council are promoting recycling.

Alderman Gutenkauf stated she is very excited to be a part of the process and thanked the City for their leadership role.

Roll call vote on item **7a. Report – Environmental and Sustainability Initiatives:**

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

Nays: None

Results: 12 ayes, 0 nays, 2 absent
Motion Duly Carried

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

8. a. UPDATES

Alderman Szczepaniak stated that on September 21, 2007 at York High School during a pep rally, a cheerleader fell flat on the floor and a call for an ambulance was made. It seemed a long time lapsed before an ambulance responded from Villa Park to the accident. Alderman Szczepaniak asked if this was proper protocol if Elmhurst cannot respond.

Mayor Marcucci asked City Manager Borchert to send a report to the Council regarding this incident.

Alderman Bram asked Mayor Marcucci if he has any additional knowledge of the O'Hare Airport Western Access plan.

Mayor Marcucci stated a final map which conceptualizes the bypass and Western access to O'Hare is a long time away. It will take an airline to build a terminal. County Board Chairman Schillerstrom is making sure DuPage will benefit from this. The Mayor stated a series of meetings will be held regarding western access to O'Hare. The first meeting will be in Wood Dale on Wednesday, October 3, 2007. This meeting is to find out what the suburbs want, and the Mayor invited the Council to attend. He stated he would pass the meeting schedule onto them.

City Manager Borchert reported that the City and the DuPage County Board are looking at the concerns of the communities as regards to the Salt Creek 100 year Flood Plain and will report back to the City.

ORDINANCES

9. a. ZO-14-2007 – AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR THE PURPOSE OF ESTABLISHING A BANK DRIVE-THROUGH FACILITY ON THE PROPERTY COMMONLY KNOWN AS 130 PARK AVENUE (SUBURBAN BANK AND TRUST)

Ordinance ZO-14-2007 was presented for passage.

Alderman Rose moved to approve item **9a. ZO-14-2007 – An Ordinance Granting a Conditional Use Permit for the Purpose of Establishing a Bank Drive-Through Facility on the Property Commonly Known As 130 Park Avenue (Suburban Bank and Trust)**. Alderman Leader seconded.

Alderman Rose stated that the committee report approving item **9a. ZO-14-2007 – An Ordinance Granting a Conditional Use Permit for the Purpose of Establishing a Bank Drive-Through Facility on the Property Commonly Known As 130 Park Avenue (Suburban Bank and Trust)** was approved at the September 17, 2007 City Council meeting. It was fully vetted and the majority and minority reports were discussed. The Planning and Zoning Commission stated the conditional use didn't meet the standard criteria. Traffic studies were conducted and the standards and other criteria met what is needed for conditional use. Alderman Rose urged Council to vote to approve the ordinance.

Alderman Gutenkauf stated she had some new evidence that the building plans had not complied with City Zoning Code and ADA Regulations and codes for a handicap accessible door.

Alderman Rose stated that was an incorrect interpretation of the City Code. Alderman Rose asked if she could make a motion to allow the petitioner to address the Council by answering their questions, as the petitioners are in attendance tonight.

Mayor Marcucci replied a motion is not necessary and the request granted.

Alderman Rose stated this is not new discovery and as far as ADA Requirements the applicant should be asked.

Alderman Gutenkauf stated she asked City staff and their reply on the subject never came up. She stated the infrequent use of a door diminishes the ADA spirit and the legality of the zoning.

Discussion ensued regarding ADA, zoning and traffic safety.

Mayor Marcucci asked Council to direct their questions to the applicant.

Lee Daniels
115 Haven Rd.
Elmhurst, IL 60126

Mr. Daniels stated new plans have been filed with the ADA regarding use of the side entrance. This will be in accordance with the City code and copies of the revised plan were given to Clerk Spencer to hand out to the Council.

Alderman Bram called a point of order, returning the discussion to the traffic and safety issues. Discussion ensued.

Alderman Rose moved to call the question. Alderman Leader seconded. Voice vote, not a clear majority and the Mayor asked Clerk Spencer to conduct a roll call vote. Roll call vote to call the question:

Ayes: Rose, Leader, Regan, Hipskind, Szczepaniak

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

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

Discussion continued regarding traffic.

Alderman Gutenkauf thanked the applicant for the revised plan and stated that it does address the ADA requirements.

Alderman Szczepaniak stated it is up to the City to provide signage and safety.

Alderman Bram spoke regarding the Historic Preservation of the building and the next level of placing a plaque on it. Discussion ensued.

Mayor Marcucci called a point of information, he stated the putting a plaque on a building is separate. It may be done parallel with the Preservation Ordinance or applied for separately.

Roll call vote on item **9a. ZO-14-2007 – An Ordinance Granting a Conditional Use Permit for the Purpose of Establishing a Bank Drive-Through Facility on the Property Commonly Known As 130 Park Avenue (Suburban Bank and Trust):**

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

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

Results: 8 ayes, 6 nays, 1 absent
Motion Duly Carried

OTHER BUSINESS

10. Alderman Szczepaniak asked if the Council was on track regarding the time line for the review of the two (2) RFPs for the Hahn Street Development.

Mayor Marcucci stated two (2) weeks from tonight, Mr. Steven Friedman of S.B. Friedman & Company will have a presentation for the City Council.

Alderman Bram asked why the Mayor was required to vote on the ordinance that was before Council tonight. He asked why is there a difference between an ordinance on conditional use and the variance ordinance requiring a super majority as compared to a simple majority vote.

City Attorney Kubiesa replied it is required by state law.

ANNOUNCEMENTS

11. None.

ADJOURNMENT

12. Alderman Moriarty moved to adjourn the meeting. Aldermen Morley seconded. Voice Vote. Motion carried. Meeting adjourned 10:14 p.m.

Thomas D. Marcucci, Mayor

Patty Spencer, City Clerk