

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, APRIL 16, 2007
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 18

1. The Regular Meeting of the Elmhurst City Council was called to order by Mayor Marcucci at 7:33 p.m.

Present: Ann Tranter, Michael J. Regan, Janice A. Vanek Norman Leader, Michael Bram, Stephen Hipskind, Phillip D. Jordan, Moira Moriarty, George Szczepaniak, Mark A. Mulliner, Donna Lomnicki

Absent: Susan J. Rose (arrived at 7:40 p.m.), John Gow, Stephen Hillsman

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

CONTINUATION OF PUBLIC HEARING – PROPOSING THE ESTABLISHMENT OF A SPECIAL SERVICE AREA IN THE CITY OF ELMHURST (SSA 10 – BELDEN)

2. Mayor Marcucci reconvened the public hearing at 7:35 p.m. regarding Proposing the Establishment of a Special Service Area in the City of Elmhurst (SSA 10 – Belden). Mayor Marcucci asked for anyone interested in speaking to please address the Council.

Mr. David Mastromauro
649 W. Belden Ave.
Elmhurst, IL 60126

Stated that he is in favor of the establishment of the SSA but is interested in the cost to the residents.

Ted Rhea
558 W. Belden Ave.
Elmhurst, IL 60126

Stated he is in favor of the sidewalks however he questioned the formula used to determine the percentage of home valuation.

Daniel Slocum
593 Lorraine Ave.
Elmhurst, IL 60126

Stated that he is in favor of the sidewalks but remembers that years ago on his street their SSA cost \$500 interest free. The cost could be \$2000 plus interest on Belden. He doesn't think that the rise in cost and interest fees are fair to the residents on Belden.

Mayor Marcucci closed the public hearing at 7:44 p.m. He stated that good questions have been raised and answers are needed from City staff.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

3. None.

PUBLIC FORUM

4. Paula Schulze
354 N. Larch Ave.
Elmhurst, IL 60126

Spoke regarding bad tenants that in rental property next door and thanked Alderman Vanek for her assistance in solving the problem.

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

Spoke of the upcoming election tomorrow, April 17, 2007 and stated that the recent letters to the editor in local papers are selective and unfair. The letters do not give voters a fair look at the candidates. She stated that the current Aldermen do a great job and she thanked Alderman Jordan for his twelve (12) years of service to Elmhurst.

CONSENT AGENDA

5. The following items on the Consent Agenda were presented:
- a. MINUTES OF REGULAR MEETING HELD ON MONDAY, APRIL 2, 2007 (City Clerk Spencer): Approve as published
 - b. ACCOUNTS PAYABLE – APRIL 16, 2007 TOTAL \$ 1,351,082.27
 - c. FONTANO'S SUBS REQUEST FOR A SIDEWALK CAFÉ – 2007 (City Manager Borchert): Concur with the City Manager's recommendation

April 6, 2007

To: Mayor Marcucci and Members of the City Council
Re: Fontano's Subs Request for a Sidewalk Café - 2007

In accordance with Elmhurst Municipal Code Chapter 5, Section 27, the request from Fontano's Subs for a sidewalk cafe has been reviewed and tentatively approved. Fontano's has submitted evidence of general liability insurance with insurance limits as stipulated by code. Please be advised that a permit will be issued to Fontano's for the sidewalk cafe, as requested, unless the City Council directs otherwise.

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

- d. WOK N' FIRE REQUEST FOR A SIDEWALK CAFÉ – 2007 (City Manager Borchert): Concur with the City Manger's recommendation

April 4, 2007

To: Mayor Marcucci and Members of the City Council
Re: Wok' N Fire Request for a Sidewalk Café - 2007

In accordance with Elmhurst Municipal Code Chapter 5, Section 27, the request from Wok' N Fire for a sidewalk cafe has been reviewed and tentatively approved. Wok' N Fire has submitted evidence of general liability insurance with limits as stipulated by code. Please be advised that a permit will be issued to Wok' N Fire for the sidewalk cafe, as requested, unless the City Council directs otherwise.

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

- e. PIZZA PALACE REQUEST FOR A SIDEWALK CAFÉ – 2007 (City Manager Borchert): Concur with the City Manager's recommendation

April 10, 2007

To: Mayor Marcucci and Members of the City Council
Re: Pizza Palace Request for a Sidewalk Café - 2007

In accordance with Elmhurst Municipal Code Chapter 5, Section 27, the request from Pizza Palace for a sidewalk cafe has been reviewed and tentatively approved. Pizza Palace has submitted evidence of general liability insurance with insurance limits as stipulated by code. Please be advised that a permit will be issued to Pizza Palace for the sidewalk cafe, as requested, unless the City Council directs otherwise.

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

- f. REPORT – BIDS, PROVISION AND INSTALLATION OF AN EMERGENCY GENERATOR AT ELMHURST FIRE STATION #1 The following report of the Public Works and Buildings Committee was presented:

April 9, 2007

To: Mayor Marcucci and Members of the City Council
RE: Bids, Provision and Installation of an Emergency Generator at Elmhurst Fire Station #1

The Public Works and Buildings Committee met on Monday, April 9, 2007, to discuss bids received for the Provision and Installation of an Emergency Generator at Elmhurst Fire Station #1. The work also includes the removal of the existing generator.

A legal ad appeared in the press and specifications were advertised in Bid Tool Publication and made available at the Public Works Counter. Bids were received from four contractors and are summarized below. All bidders met the bid requirements which included a bid bond. A tally of the bids follows:

<u>Contractor</u>	<u>Bid</u>
Newcastle Electric, Inc., Itasca, IL	\$102,000
Ridgewood Engineering, Inc., Schaumburg, IL	\$128,843
Connelly Electric Co., Addison, IL	\$132,842
Cattaneo Electric Company, Darien, IL	\$187,705

References have been checked on the low bidder, Newcastle Electric, Inc. and are satisfactory.

The 150 kw generator will be located on the northwest corner of the rear parking lot. The generator is sound attenuated and will be fenced to minimize the visual impact. The generator will provide emergency power backup for the entire fire station, including the Emergency Operation Center. The existing 35 kw generator, which is 25 years old, received a salvage value of \$500.

Funds have been provided in the amount of \$110,000 for the generator in the 2006/07 budget in account number 110-4020-422-80-23.

Therefore it is the recommendation of the Public Works and Buildings Committee that the bid for the Provision and Installation of an Emergency Generator at Elmhurst Fire Station #1 from Newcastle Electric, Inc., in the amount of \$102,000 be accepted.

Respectfully submitted,
Public Works and Building
Committee

/s/ George Szczepaniak
Chairman
/s/ Michael Regan
Vice-Chairman
/s/ Moira Moriarty
/s/ Donna Lomnicki

- g. REPORT – TRAFFIC EVALUATION ALLEY BEHIND THE 300 BLOCK OF NORTH MICHIGAN AVENUE The following report of the Public Affairs and Safety Committee was presented:

April 9, 2007

To: Mayor Marcucci and Members of the City Council
Re: Traffic Evaluation Alley Behind the 300 Block of North Michigan Avenue

The Public Affairs and Safety Committee met on April 9, 2007 to consider the disposition of the Traffic Evaluation of the alley behind the 300 block of North Michigan Avenue. In response to a request from Elmhurst Residents, the City of Elmhurst Engineering Department performed a traffic evaluation of the above referenced alley.

City staff reviewed the characteristics and accident reports for the alley. The request cited concerns for vehicular and pedestrian safety due to vehicles exiting the parking lot of York Street businesses on the west and residential garages on the east, cut-through traffic, speeding vehicles, and the lack of traffic control devices. A site visit was performed and traffic data was collected to assess traffic patterns and identify potential safety hazards.

Staff review found a stop sign for southbound traffic exiting the alley at Third Street and no sight restrictions were observed. A speed study was done and indicated an average daily traffic of 634 vehicles. The 85th percentile speed was 19 – 20 m.p.h. The traffic volume is typical of an alley within a business district with access from a principal arterial roadway such as North Avenue.

Staff recommends installation of a stop sign for northbound traffic exiting at North Avenue and the addition of a “No Thru Traffic” sign to be installed at the north end of the alley near the North Avenue entry to discourage cut-through traffic. The Committee concurred with staff recommendations.

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 provide a stop sign and a “No Thru Traffic” sign at the north end of the alley near the North Avenue entrance of the alley.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Phillip D. Jordan

Chairman

/s/ Mark A. Mulliner

Vice-Chairman

/s/ Michael Bram

h. REPORT – CASE NUMBER 07 ZBA-07 / SPILLER VARIATION 150 N. LARCH AVENUE

The following report of the Development, Planning and Zoning Committee was presented:

April 10, 2007

TO: Mayor Marcucci and Members of the City Council

RE: Case Number 07 ZBA-07 / Spiller Variation 150 N. Larch Avenue

Request for variation from required front yard setback on property commonly known as 150 N. Larch Avenue (PIN 06-02-219-010), said property being wholly located within the R2 Single-Family Residential district.

The Development, Planning and Zoning Committee met on April 9, 2007 to review the Zoning & Planning Commission report dated March 22, 2007 regarding the subject request. The Committee also reviewed the documentation supplied by the applicant, and the transcript of the public hearing. The applicant, Jeffrey Spiller, is requesting a front yard variation for construction of a new front porch on the subject site.

The DPZ Committee discussed this request’s background, location, and lot specifics. They reviewed the existing home’s setback, as well as the unique nature of the lot width. The Committee specifically noted that the lot’s width (approximately 37 feet) did not allow the applicant much flexibility for other options besides what has been proposed. This fact, along with the physical nature of development in that area, convinced the Committee to support this request. As well, the Committee generally has supported front porches as physical improvements that encourage social interaction and walkable neighborhoods. These factors supported the Committee’s discussion regarding the standards for variation, similar to how they had been reviewed by the Zoning & Planning Commission.

The Committee discussed the timing of this request as it relates to the City Council's schedule in the near future, and as such the Committee is requesting a suspension of normal City Council rules to allow the report and ordinance to be considered at the same time. This would then allow the applicant to proceed with their request on a timelier basis.

It is therefore, the recommendation of the Development, Planning and Zoning Committee to support the recommendation of the Zoning & Planning Commission for approval of this request, along with suspension of City Council rules to allow the report and the ordinance to be considered at the same time. The City Attorney has already prepared the necessary documents for City Council approval.

Respectfully submitted,
Development, Planning and Zoning
Committee

/s/ Susan J. Rose

Chairman

/s/ John E. Gow

Vice-Chairman

/s/ Norman Leader

i. O-06-2007 – AN ORDINANCE ESTABLISHING SPECIAL SERVICE AREA NUMBER NINE OF THE CITY OF ELMHURST

Ordinance O-069-2007 was presented for passage.

Alderman Rose removed item **5h. Report – Case Number 07 ZBA-07 / Spiller Variation 150 N. Larch Avenue** from the Consent Agenda.

Alderman Mulliner moved to accept the contents of the Consent Agenda less item **5h. Report – Case Number 07 ZBA-07 / Spiller Variation 150 N. Larch Avenue**. Alderman Lomnicki seconded. Voice vote unanimous, motion carried. Alderman Regan moved to approve the contents of the Consent Agenda less item **5h. Report – Case Number 07 ZBA-07 / Spiller Variation 150 N. Larch Avenue**. Alderman Tranter seconded. Roll call vote:

Ayes: Regan, Tranter, Vanek, Leader, Rose, Bram, Hipskind, Jordan, Moriarty, Szczepaniak, Mulliner, Lomnicki

Nays: None

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

Alderman Rose moved to approve item **5h. Report – Case Number 07 ZBA-07 / Spiller Variation 150 N. Larch Avenue**. Alderman Leader seconded.

Alderman Rose stated she pulled item **5h. Report – Case Number 07 ZBA-07 / Spiller Variation 150 N. Larch Avenue** to review the report and the reasoning of having the report approved and the rules suspended to have the ordinance approved on the same night. She stated that the Development, Planning and Zoning Committee does not want to delay this request because of the elections.

Alderman Tranter stated that she supports the front porch, which brings a real community to neighborhoods.

Roll call vote on item **5h. Report – Case Number 07 ZBA-07 / Spiller Variation 150 N. Larch Avenue**:

Ayes: Rose, Leader, Tranter, Regan, Vanek, Bram, Hipskind, Jordan, Moriarty, Szczepaniak, Mulliner, Lomnicki

Nays: None

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

COMMITTEE REPORTS

6. a. REPORT – LANDLORD/TENANT RESPONSIBILITIES – CHRONIC NUISANCE ORDINANCE The following report of the Development, Planning and Zoning Committee was presented:

April 10, 2007

TO: Mayor Marcucci and Members of the City Council
RE: Landlord/Tenant Responsibilities – Chronic Nuisance Ordinance

The Development, Planning and Zoning Committee met on February 26, March 12, March 26 and April 9 regarding the subject request. The Committee also reviewed background materials provided by the Building Commissioner and the Assistant City Attorney. The Committee also had an opportunity to hear from citizens interested in a means of addressing chronic problems at certain rental properties.

As an alternative to creating a landlord licensing requirement, the Committee has instead concluded that a Chronic Nuisance Ordinance is a more appropriate method to address this issue. Such an ordinance would address tenant behavior by including the landlord as a responsible party. This would be done in lieu of an overall licensing ordinance which would penalize all landlords for the irresponsible behavior of a small percentage that do not take responsibility for management of their property.

Under a chronic nuisance ordinance, a property owner or other person/firm managing the property may be charged with maintaining a chronic nuisance after a certain number of violations of the law (typically three independent instances) have occurred. According to the Assistant City Attorney, such an ordinance would provide an additional tool for the City to address activities that unreasonably and repeatedly disturb neighbors and require an extraordinary level of enforcement by the Police and/or Building Departments. Violations of existing laws such as disorderly conduct, mob action, firearm regulations, controlled substances, building, property maintenance, fire codes, etc. would subject the property owner or agent to being charged with maintaining a chronic nuisance property.

The Committee supports this effort, and has asked the City Manager to oversee development of an interdepartmental review process to coordinate enforcement once a chronic nuisance ordinance is in effect.

It is, therefore, the recommendation of the Development, Planning and Zoning Committee that the City Attorney be directed to prepare a Chronic Nuisance Ordinance for City Council approval and that the City Manager implement an interdepartmental review process to coordinate its enforcement. A draft ordinance is attached; however, the final Ordinance will be brought before the City Council at a future date.

Respectfully submitted,
Development, Planning and Zoning
Committee

/s/ Susan J. Rose

Chairman

/s/ John E. Gow

Vice-Chairman

/s/ Norman Leader

Alderman Rose moved to approve item **6a. Report – Landlord/Tenant Responsibilities – Chronic Nuisance Ordinance.** Alderman Leader seconded.

Alderman Rose thanked Alderman Vanek and Alderman Leader for their concerns for the constituency in the second ward.

Alderman Rose moved to suspend the rules to allow any resident in the Council Chambers who would like to speak regarding the Chronic Nuisance ordinance to do so. Alderman Hipskind second. Voice vote, motion carried.

Alderman Rose stated there are many excellent landlords but there are also situations in which code violations and bad behavior on rental properties have taken place. Code Enforcement Officer Tartaglia, Building Commissioner Dubiel and Police Chief Neubauer have been involved with absentee landlords and the trouble they have caused in some neighborhoods. Amending Chapter 12 of the Municipal Code with Article IV Chronic Nuisance Properties will allow for landlords to be help accountable. Page five (5) of the draft ordinance includes remedies such as fines and the shutting down of the property and vacating the residents.

Alderman Mulliner stated his support for the ordinance that there was a problem in the 7th Ward where a rental property was being used to run a business out of it and when the landlord heard complaints the renters would move to another property.

Alderman Vanek thanked the Development, Planning and Zoning Committee and stated her support for the ordinance.

Alderman Moriarty stated she supports the ordinance as there are many rental properties in the 5th Ward. The renters are college age and at times when they drink there is urine and puke on the sidewalks.

Alderman Szczepaniak stated that the ordinance should go against developers.

Mayor Marcucci clarified that this ordinance is applicable to any piece of property in the City.

Additional comments of support came from around the dais. Alderman Rose thanked Council for their comments and asked the Mayor if input from the public could begin.

Mayor Marcucci asked if there were any persons in the Council Chambers who wished to speak on this topic.

Esther Vander Heiden
3N475 Virginia Lane
Elmhurst, IL 60126

Spoke of her support of the Chronic Nuisance ordinance and also thanked the Police Department and Code Enforcement Officer Phil Tartaglia for their good work.

Cathy Tomaszewicz
375 N. Larch Ave.
Elmhurst, IL 60126

Spoke of her support of the ordinance. She thanked the Police Department and Code Enforcement Officer Phil Tartaglia for a good job. She expressed happiness that the children of the neighborhood will not have to be afraid to go outside. She asked Alderman Rose to report the citations that the landlords will receive.

Alderman Rose referred to the draft ordinance to cite the reviewing procedure and abatement process.

Roll call vote on item **6a. Report – Landlord/Tenant Responsibilities – Chronic Nuisance Ordinance:**

Ayes: Rose, Leader, Tranter, Regan, Vanek, Bram, Hipskind, Jordan, Moriarty, Szczepaniak, Mulliner, Lomnicki

Nays: None

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

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

7. Alderman Vanek reminded Council to celebrate Earth Day on April 22, 2007. She stated that the City already has recycling programs in place and she offered suggestions for car pooling and energy saving by using new fluorescent lighting. She stated that the League of Woman Voters is hosting a program called *Cool Cities* on April 19, 2007 and she stated it would be nice if a representative from the City attended.

Alderman Tranter requested again that City Manager Borchert put the City's Environmental Policy on the agenda for the next Council meeting. Alderman Tranter asked that information on the past Environmental Commission be provided as well.

Alderman Bram stated he would like to give kudos to Elmhurst Police Commander Kveton and Officer Bishop whose quick response and knowledge in using an AED (portable defibrillator) saved the life of a resident in full arrest.

ORDINANCES

8. a. ZO-10-2007 – AN ORDINANCE GRANTING A FRONT YARD VARIATION ON THE PROPERTY COMMONLY KNOWN AS 150 LARCH AVENUE (SPILLER)

Ordinance ZO-10-2007 was presented for passage.

Alderman Rose moved to approve item **8a. ZO-10-2007 – An Ordinance Granting a Front Yard Variation on the Property Commonly Known as 150 Larch Avenue (Spiller)**. Alderman Leader seconded. Roll call vote:

Ayes: Rose, Leader, Tranter, Regan, Vanek, Bram, Hipskind, Jordan, Moriarty, Szczepaniak, Mulliner, Lomnicki

Nays: None

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

OTHER BUSINESS

9. Alderman Szczepaniak referred to a grant issued for \$3,300 to install window frames, windows, door frames and doors for a local business under the Façade Program. Alderman Szczepaniak stated that the Façade Program is supposed to be used for cosmetics; this work appears to be more repair and maintenance.

Mayor Marcucci explained the purpose of the Façade Program. He stated that that TIF is in place to fund store fronts that are unable to invest in their maintenance. In order to keep up the downtown, the City encourages businesses to apply for grant money to keep up their store fronts before it looks like it is going to fall into the street. It is 1/3 of the cost and the City encourages businesses to take advantage of it.

Alderman Lomnicki agreed with Mayor Marcucci stating that as a business owner in the downtown she is in favor of the way the Façade Program works.

ANNOUNCEMENTS

10. City Manager Borchert stated that next week in lieu of Committee Meetings, there will be a Special Meeting of the City Council to recognize the outgoing elected officials. He stated that in two weeks there will be a Special Meeting of the City Council to swear in newly elected officials.

Mayor Marcucci stated that during Public Forum Alderman Jordan was said to have served for twelve (12) years, in fact he has served as an Alderman for sixteen (16) years.

ADJOURNMENT

11. Alderman Tranter moved to adjourn the meeting. Aldermen Hipskind seconded. Voice Vote. Motion carried. Meeting adjourned 8:50 p.m.

Thomas D. Marcucci, Mayor

Patty Spencer, City Clerk