

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, MARCH 5, 2007
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION

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

Present: Ann Tranter, Janice Vanek, Norman Leader, Susan Rose, Michael Bram, Stephen Hipskind, Phillip Jordan, Moira Moriarty, George Szczepaniak, Mark Mulliner

Absent: Michael Regan, John Gow, Steven Hillsman, Donna Lomnicki (arrived at 7:05 p.m.)

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 Litigation and Land Acquisition. Alderman Hipskind seconded. Roll call vote:

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

Nays: None

10 Ayes, 0 Nays, 4 absent
Motion duly carried

Alderman Szczepaniak moved to adjourn executive session. Alderman Lomnicki seconded. Voice vote. Motion carried. Executive session adjourned at 7:25 p.m.

CALL TO ORDER/ROLL CALL

Attendance: 17

2. 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 (left at 9:20 p.m.), Janice A. Vanek, Norman Leader, Susan J. Rose, Michael Bram, Stephen Hipskind, John Gow (left at 9:10 p.m.), Phillip D. Jordan, Moira Moriarty, George Szczepaniak, Mark A. Mulliner, Donna Lomnicki

Absent: Stephen Hillsman (arrived at 7:39 p.m.)

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

PLEDGE OF ALLEGIANCE

3. The Council was lead in the pledge of allegiance by a boy scout Will Denny. The young man was present in order to receive his Citizen's Badge.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

4. None.

PUBLIC FORUM

5. Linda Debowiecki
527 N. Myrtle Ave
Elmhurst, IL 60126

Spoke regarding the underpass proposal for York High School, discussing the merits of an overpass vs. an underpass. She stated that there has to be a safer way for students to cross St. Charles Rd. An underpass is not safe, please don't build an underpass, the City needs to construct an overpass.

Bob Demski
257 Walnut St.
Elmhurst, IL 60126

Spoke regarding a problem with his driveway stating he is searching for a reason why the City code was not enforced. He asked Council for answers as to why the City hasn't followed their own code.

Charles Mueller
758 Saylor Ave.
Elmhurst, IL 60126

Spoke regarding a dilapidated home at 997 Riverside Drive, across from school property asking Council to take action immediately and look into taking this building down.

Bill Trudeau
558 Fariview
Elmhurst, IL 60126

Spoke regarding commercial trucks on residential property when no work is taking place, he stated specific addresses where the problem is occurring and stated that the Police Department will not take action.

CONSENT AGENDA

6. The following items on the Consent Agenda were presented:
 - a. MINUTES OF REGULAR MEETING HELD ON MONDAY, FEBRUARY 19, 2007 (City Clerk Spencer): Approve as published
 - b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, FEBRUARY 19, 2007 (City Clerk Spencer): Receive and place on file
 - c. ACCOUNTS PAYABLE – FEBRUARY 28, 2007 TOTAL \$ 5,515,806.70
 - d. TEMPORARY USE AND EVENT PERMIT REQUEST – JEWEL-OSCO (153 SCHILLER) (City Manager Borchert): Concur with the City Manager's recommendation

February 22, 2007

To: Mayor Marcucci and Members of the City Council
Re: Temporary Use and Event Permit Request – Jewel-Osco (153 Schiller Street)

Jewel-Osco has requested approval of a Temporary Use to allow a spring greenhouse at the store at 153 Schiller Street. The duration of the temporary use will be from April 2, 2007 through June 23, 2007. Temporary uses of this type are addressed in Section 4.10, Temporary Uses and Events, of the Elmhurst Zoning Ordinance (copy attached).

It is, therefore, the City Manager's intention, unless directed otherwise, in accordance with the provisions of Section 4.10 of the Elmhurst Zoning Code and the stipulations noted above, to approve a Temporary Use Permit to allow this use.

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

- e. YORK & VALLETTE BUSINESS ASSOCIATION FARMERS MARKET (City Manager Borchert): Refer to the Public Affairs and Safety Committee

February 26, 2007

To: Mayor Marcucci and Members of the City Council
Re: York & Vallette Business Associations Farmers Market

It is respectfully requested that the attached request from the York/Vallette Business Association for a Farmers Market (every Wednesday) starting June 6th through October 3, 2007 from 7:00 a.m. to 1:00 p.m. be referred to the Public Affairs and Safety Committee for their review and recommendation.

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

- f. ANNIE RYAN FUN RUN/WALK UNDERPASS BANNER REQUEST – 2007 & 2008 (City Manager Borchert): Concur with the City Manager's recommendation

February 20, 2007

To: Mayor Marcucci and Members of the City Council
Re: Annie Ryan Fun Run/Walk Underpass Banner Request - 2007 & 2008

In accordance with Elmhurst Zoning Ordinance Chapter 11, Section 9-2, please be advised that it is the City Manager's intention to issue a permit for a temporary banner to be installed on the north side of the underpass from April 9 through April 16, 2007 and from May 5 to May 12, 2008 and on the south side from May 12 to May 19, 2008. The banner will read "Annie Ryan Fun/Run".

Unless the City Council directs otherwise, the permit for the banner will be issued with the appropriate fee of \$35 per banner per week required.

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

- g. ELMHURST COLLEGE UNDERPASS BANNER REQUEST – 2008 (City Manager Borchert): Concur with the City Manager's recommendation

February 20, 2007

To: Mayor Marcucci and Members of the City Council
Re: Elmhurst College Underpass Banner Request -2008

In accordance with Elmhurst Zoning Ordinance Chapter 11, Section 9-2, please be advised that it is the City Manager's intention to issue a permit for a temporary banner to be installed on the south side of the underpass. The banner, reading "Summer Extravaganza 2008," will be displayed from June 9, 2008 to June 16, 2008.

Unless the City Council directs otherwise, the permit for the Elmhurst College banner will be issued with the appropriate fee of \$35 per banner per week required.

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

- h. REPORT – SANITARY SEWER CLEANING CONTRACT The following report of the Public Works and Buildings Committee was presented:

February 26, 2007

TO: Mayor Marcucci and Members of the City Council
RE: Sanitary Sewer Cleaning Contract

The Public Works and Buildings Committee met on Monday, February 26, 2007 to discuss the termination of the contract with Chicagoland Trenchless Rehab Systems (CTR.) CTR was awarded a three (3) year contract with the City for the cleaning and televising of the City's large sanitary sewer pipes. Due to poor performance on the part of CTR, the City has cancelled the contract and would like to proceed to re-award the contract to the next lowest bidder who submitted their bid in 2005 (see committee report, August 22, 2005, attached.) Listed below were the bids received for the 2005-2007 Sanitary Sewer Cleaning & Televising Project:

<u>Contractor</u>	<u>Total Base Bid</u> (Total for 3 Years)
Chicagoland Trenchless Rehab Systems	\$83,920.00
Municipal Sewer Services	\$116,600.00
Accurate Locating Services	\$123,875.00
Visu-Sewer Clean & Seal	\$135,470.00
National Power Rodding	\$166,180.00

This project involves the removal of debris from existing large diameter sanitary sewers. The contractor will utilize mechanical cleaning equipment to clean the sewers and is also responsible to televise the sewer after it has been thoroughly cleaned. The video record will assist staff in evaluating the condition of the sewers and indicate if any rehabilitation efforts are required. This work is necessary to assure proper performance of the sanitary sewer system.

The next lowest bidder on this project was Municipal Sewer Services (MSS), of Chicago Illinois. Staff has contacted MSS and they have agreed to hold their bid price submitted in 2005. References for MSS have been checked and all have reported that the company has performed in a timely and satisfactory manner. Funds have been provided in the FY 2006/2007 Budget under account number 510-6056-502-30-39 in the amount of \$105,000 for the cleaning of large diameter sewers. MSS will complete all the work contemplated for the years of 2006 and 2007. MSS bid \$37,425.00 for the 2006 season and \$37,452.00 for the 2007 season for a total of \$74,904.00.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid submitted by Municipal Sewer Services, for the years of 2006 and 2007 in the amount of \$74,904.00 for the two remaining years of the original three (3) year contract period and the unit prices for heavy cleaning, be accepted.

Respectfully submitted,
Public Works and Building Committee

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

i. REPORT – PROPOSALS, REPLACEMENT OF ROOFTOP HVAC UNIT #2 AT CITY HALL
The following report of the Public Works and Buildings Committee was presented:

February 26, 2007

TO: Mayor Marcucci and Members of the City Council
RE: Proposals, Replacement of Rooftop HVAC Unit #2 at City Hall

The Public Works and Buildings Committee met on Monday, February 26, 2007, to discuss proposals received for the replacement of the rooftop HVAC (heating, ventilation and air-conditioning) Unit #2 at City Hall.

Proposals were received from three area contractors who specialize in HVAC. The three proposals are summarized below:

<u>Contractor</u>	<u>Total</u>
American Engineering, Inc., Arlington Heights, IL	\$23,016
Mechanical Inc., Hillside, IL	\$26,300
West Town Refrigeration, Oak Park, IL	\$30,000

This project involves the removal and replacement of Unit #2, the existing 20-ton rooftop HVAC unit. The low bidder, American Engineering, Inc., has satisfactorily performed repairs to the air-conditioning system at the Public Works Garage during the past year.

Funds have been provided in the 2006/2007 budget, General Fund, account number 110-6046-418-8023, in the amount of \$30,000 for the replacement of Unit #2 at City Hall.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid submitted by American Engineering, Inc., in the amount of \$23,016 be accepted.

Respectfully submitted,
Public Works and Building Committee

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

- j. REPORT – ALLIED WASTE (BFI) – CONTRACT RATE ADJUSTMENT The following report of the Public Works and Buildings Committee was presented:

February 26, 2007

TO: Mayor Marcucci and Members of the City Council
RE: Allied Waste (BFI) Contract Rate Adjustment

The Public Works and Buildings Committee met on Monday, February 26, 2007 to discuss the Allied Waste (BFI) contract and the annual rate adjustment for the monthly service charges.

In accordance with the contract between the City and Allied Waste, the rate for services must be reviewed on an annual basis. The contract contains provisions for increases to the rates charged by Allied Waste on an annual basis.

These increases will be incorporated into the monthly rates the City charges residents for service. The rate for a 33-gallon garbage receptacle will go from \$11.66 to \$12.13 per month. And the rate for the 96-gallon toter will go from \$16.33 to \$16.98 per month. The amount charged for refuse stickers will increase from \$1.65 to \$1.75 and yardwaste stickers will increase from \$1.75 to \$2.00.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the monthly rates charged for solid waste removal and the prices paid for yardwaste stickers and refuse stickers be adjusted as outlined above effective April 1, 2007.

Respectfully submitted,
Public Works and Building Committee

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

- k. REPORT – 2007-2009 CONTRACT TURF AND LANDSCAPE MAINTENANCE The following report of the Public Works and Buildings Committee was presented:

February 26, 2007

TO: Mayor Marcucci and Members of the City Council
RE: 2007 - 2009 Contract Turf and Landscape Maintenance

The Public Works and Buildings Committee met on Monday, February 26, 2007, to discuss the bids received for 2007 - 2009 Contract Turf and Landscape Maintenance. Bids are listed on the attached bid tab detail, from the six (6) contractors who responded, and are summarized as follows:

Bid Totals for 2007 / 2008 / 2009

<u>Contractor</u>	<u>3 Yr. Total</u>
Unlimited Vending, (Aurora, IL)	\$131,576.27
I & O Maintenance Service, (Elmhurst, IL)	\$150,619.02
Alaniz Landscaping, (Elgin, IL)	\$188,631.00
The TLC Group Ltd., (Clarendon Hills, IL)	\$212,797.26
Sebert Landscaping, (Bartlett, IL)	\$348,000.86
Classic Landscape, (West Chicago, IL)	\$385,944.00

The low bid from Unlimited Vending, of Aurora Illinois, met all bid specifications. Unlimited Vending submitted several work references of similar size and scope. Staff checked these references and found them to be satisfactory.

The contract specifies mowing and trimming to occur for an estimated twenty-six (26), weekly "close cut" mowing cycles at fifty (50) sites and thirteen (13), bi-monthly "rough cut" mowing cycles at fifty-two (52) sites. String trimming consists of two cycles per mowing season of string trimming and herbicide application at five (5) sites. Landscape bed maintenance requires weeding, edging and herbicide application at twenty-nine (29) sites. Additionally, an option to add other mowing sites was included in the bid to be used if funding allowed and at the City's discretion.

Funds in the amount of \$80,000.00 have been provided for in the General Fund, Account Number 110-6043-434-30-34, for Landscaping Maintenance, pending Council approval of the 2007/2008 Budget.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal, from Unlimited Vending, for contract turf maintenance, string trimming, landscape maintenance, and optional site work, be accepted for a total contract amount of \$131,576.27 for all three years of the 2007, 2008, and 2009, mowing seasons.

Respectfully submitted,
Public Works and Building Committee

/s/ George Szczepaniak

Chairman

/s/ Michael Regan

Vice-Chairman

/s/ Moira Moriarty

/s/ Donna Lomnicki

1. REPORT – DISPOSITION OF STOP SIGNS REQUEST SAYLOR AVENUE AND MCKINLEY AVENUE The following report of the Public Affairs and Safety Committee was presented:

February 26, 2007

To: Mayor Marcucci and Members of the City Council

Re: Disposition of Stop Signs Request Saylor Avenue and McKinley Avenue

The Public Affairs and Safety Committee met on February 26, 2007 to consider the disposition of the Stop Sign request at the intersection of Saylor Avenue and McKinley Avenue. In response to a request from Elmhurst Residents, the City of Elmhurst Engineering Department performed a review of the intersection.

In response to the request, City staff reviewed the characteristics and accident reports for the intersection. The request was for stop signs at the intersection. Staff review finds two correctable accidents within a 12-month period at this low volume intersection. According to "Proposed Warrants for Low Volume Intersection Traffic Control", this intersection meets the warrants for stop signs. Staff recommendation is to install stop signs on Saylor Avenue. 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 stop signs on Saylor Avenue at the intersection of Saylor Avenue and McKinley Avenue.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Phillip D. Jordan
Chairman

/s/ Mark A. Mulliner
Vice-Chairman

/us/ Michael Bram

- m. REPORT – DISPOSITION OF STOP SIGN REQUEST PARKSIDE AVENUE AND ADAMS STREET The following report of the Public Affairs and Safety Committee was presented:

February 12, 2007

To: Mayor Marcucci and Members of the City Council
Re: Disposition of Stop Sign Request Parkside Avenue and Adams Street

The Public Affairs and Safety Committee met on February 12, 2007 to consider the disposition of a Yield or Stop Sign request at the intersection of Parkside Avenue and Adams Street. In response to a request from an Elmhurst Resident, the City of Elmhurst Engineering Department performed a review of the intersection.

In response to the request, City staff reviewed the characteristics and accident reports for the intersection. The request was for yield or stop signs at the intersection. Staff review finds two correctable accidents within a 12-month period at this low volume intersection. According to “Proposed Warrants for Low Volume Intersection Traffic Control”, this intersection meets the warrants for yield signs. Staff recommendation is to install yield signs on Adams Street. 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 yield signs on Adams Street at the intersection of Parkside Avenue and Adams Street.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Phillip D. Jordan
Chairman

/s/ Mark A. Mulliner
Vice-Chairman

/s/ Michael Bram

- n. REPORT – STATUS REPORT OF PENDING ITEMS The following report of the Finance, Council Affairs and Administrative Services Committee was presented for passage:

February 27, 2007

To: Mayor Marcucci and Members of the City Council
Re: Status Report of Pending Items

The Finance, Council Affairs and Administrative Services Committee met February 26, 2007 to review the Committee’s list of pending items. The following status report is in response to a Finance Committee report, approved by the City Council on August 1, 1988, that mandates Committee reporting of the status of pending agenda referral items.

9/7/2004

Referral - Commission Code of Ethics

Status - The Zoning and Planning Commission has chosen to include a code of ethics in an update of its rules and procedures, and such rules and procedures are before the Commission.

6/9/2005

Referral - Level of Public Support for the Elmhurst Historical Museum

Status - This request was presented at a time when the Wilder Mansion was being considered as the new location for the Elmhurst Historical Museum, and the Wilder Mansion is no longer an option. Future questions regarding funding of the proposed Heritage Center in Elmhurst will be addressed by the City Council in response to presentation of future plans from the City's museum staff, Historical Commission and related committees. This item is removed from the pending items list.

8/10/2006

Referral - Review of City of Elmhurst Legal Providers

Status - Information report was issued February 15, 2007. This referral is removed from the pending items list.

11/22/2006

Referral - Term Limits for City Council

Status - This referral is being reviewed on February 26, 2007.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

/s/ Janice A. Vanek
Chairman

/s/ Stephen Hillsman
Vice-Chairman

/s/ Ann Tranter

/s/ Stephen Hipskind

- o. REPORT – ZONING APPLICATION FEES REVIEW The following report of the Development, Planning and Zoning Committee was presented:

February 27, 2007

TO: Mayor Marcucci and Members of the City Council

RE: Zoning Application Fees Review

The Development, Planning and Zoning Committee met on February 26, 2007 to review the referral from the City Council to review zoning application fees. The Committee reviewed a chart (attached) that summarizes zoning application fees for Elmhurst and fourteen other communities, including many that have similar characteristics and demographics to Elmhurst. The Committee noted that these communities represent a good cross-section of municipalities in the region. Staff noted that the survey was completed in January, 2007.

The Committee's review of the chart allowed them to observe that Elmhurst's current fees exceed average fees for all other communities in all categories, except appeals, although the Committee noted that providing the mode and median would be more statistically meaningful (the chart has been amended to add these figures) The Committee also made note of the following information:

- For variations and conditional uses, which are the most common requests, Elmhurst's costs exceed the averages of the other communities by about 35% for variations and by approximately 54% for conditional uses (called "special uses" in many communities).
- Fees for Planned Development (PUD) application requests are about 33% higher in Elmhurst than the average for the other surveyed communities.
- In some categories, including rezoning, text amendments, and subdivisions, Elmhurst's fees far exceed those of all other communities (148%, 164%, and 45% respectively).

- While Elmhurst does not charge an application fee for zoning appeals, six other communities also do not, resulting in a very low ‘average’ fee of \$124 with a mode of \$0.
- In the last 15 years, only three zoning appeals have been applied for in Elmhurst.
- With periodic monitoring of fees and court reporter costs, Department of PZED Staff have had the opportunity to review these on a continuing basis. Staff has found that application fees more than pay for court reporter fees for the aggregate of zoning cases.

Based on the survey information provided, it is therefore, the recommendation of the Development, Planning and Zoning Committee that there be no changes to the City’s zoning application fees at this time.

Respectfully submitted,
Development, Planning and Zoning
Committee

/s/ Susan J. Rose
Chairman

/s/ John E. Gow
Vice-Chairman

/s/ Norman Leader

- p. REPORT – CASE NUMBER 06 ZBA -11/BROWN VARIATION @ 482 HOLLY AVENUE
The following report of the Development, Planning and Zoning Committee was presented:

February 27, 2007

TO: Mayor Marcucci and Members of the City Council

RE: Case Number 06 ZBA - 11 / Brown Variation @ 482 Holly Avenue

Request for a front yard setback variance pursuant to Chapter 7.3-5.a of the Elmhurst Zoning Ordinance for the purpose of constructing a new home on property commonly known as 482 Holly Avenue (PIN 06-12-209-009), said property being wholly located within the R1 Single Family Residence district.

The Development, Planning and Zoning Committee met on February 26, 2007 to review the Zoning & Planning Commission report dated February 7, 2007 regarding the subject request. The Committee also reviewed the documentation supplied by the applicant, including the building elevation, and the transcript of the public hearing. The applicants, Dennis and Deborah Brown, are requesting a front yard variation for construction of a new home (to replace an existing home) on the subject site.

The DPZ Committee discussed this request’s background, location, and development specifics. They reviewed the existing home’s setback, the curvature of the street, the subdivision layout, and the resulting unusual lot shape. The Committee noted that the footprint of the new home, while close to the 30% maximum specified in the Zoning Ordinance, nonetheless complies with that standard. However, the Committee did remind the applicants that this means they would not have an opportunity to add any additional structures (not even a small shed) to the lot. The Committee also noted that the front and side setbacks of the new home are approximately the same, or exceed, the existing home. Eventually, the Committee addressed the standards for variation and their agreement that the project meets these standards.

It is the therefore, the recommendation of the Development, Planning and Zoning Committee to support the recommendation of the Zoning & Planning Commission for approval of this request. The City Attorney is hereby directed to prepare 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

- q. REPORT – CASE NUMBER 07 P-01/TIMOTHY CHRISTIAN SCHOOLS BULLETIN BOARD SIGN @ 188 W. BUTTERFIELD ROAD The following report of the Development, Planning and Zoning Committee was presented:

February 27, 2007

TO: Mayor Marcucci and Members of the City Council
RE: Case Number 07 P-01 / Timothy Christian Schools Bulletin Board Sign @ 188 W. Butterfield Road Request for a Conditional Use Permit and sign height variation for the purpose of installing a permanent bulletin board sign pursuant to Section 11.12-1.b and 11.12-4.b of the Elmhurst Zoning Ordinance on property commonly known as 188 W. Butterfield Road (PINS: 06-14-411-001, 012 & 013), said property being wholly located within the R1 Single Family Residence district.

The Development, Planning and Zoning Committee met on February 26, 2007, to review the Zoning & Planning Commission report dated February 15, 2007 regarding the subject request. The Committee also reviewed the documents submitted by the applicant, and the transcript of the public hearing. The applicant, Timothy Christian Schools, is requesting approval of a conditional use and sign height variation to install a permanent bulletin board sign on the subject property.

The request consists of a proposed permanent bulletin board sign on a monument base with changeable copy lit letters. The sign will be lit in amber and located along the Butterfield Road frontage of the site. The content of the sign will be limited to identifying school facilities and programs, announcing upcoming events, and noting activities at the school. The sign will be approximately 5.5 feet high, and about 16 feet wide.

During their review, the Committee discussed a number of sign topics in great detail. First, some concerns regarding the sign light were noted (especially potential nighttime spillover onto nearby residential properties), but ultimately concluded with a suggestion that the DPZ Committee consider reviewing sign lighting in the future. The Committee also discussed the sign's appearance, but ultimately concurred with the applicant that the proposed sign design is acceptable for this location. The Committee also discussed sign content with the applicant, specifically noting that the sign's messages cannot include commercial advertising of any kind. Other sign issues, included flashes, strobe lights, and video streaming, were all reviewed. Ultimately, the DPZ Committee was able to conclude their review by recommending conditions of approval be incorporated into the ordinance approving this sign.

It is therefore the recommendation of the Development, Planning and Zoning Committee to support the recommendation of the Zoning & Planning Commission to approve the requests for this sign, subject to the following conditions of approval:

- 1) There shall be no commercial advertising or sales promotions on this sign;
- 2) The sign's content shall be limited to school-related announcements, identification, activities, programs and events;
- 3) There shall be no strobing or flashing lights on this sign;
- 4) There shall be no video-streaming on this sign.

The City Attorney is hereby directed to prepare the necessary documents for City Council approval, subject to the request for annexation.

Respectfully submitted,
Development, Planning and Zoning
Committee

/s/ Susan J. Rose
Chairman

/s/ John E. Gow
Vice-Chairman

/s/ Norman Leader

- r. REPORT – DP&Z COMMITTEE PENDING ITEMS REVIEW The following report of the Development, Planning and Zoning Committee was presented:

February 27, 2007

TO: Mayor Marcucci and Members of the City Council
RE: DPZ Committee Pending Items Review

The Development, Planning and Zoning Committee met on February 26, 2007 and reviewed the list of pending items of DPZ Committee review. The following comments address these pending items:

12/16/02 - Moratorium on Demolitions within Downtown Study Area (Ald. Szczepaniak)

Review of DPZ Committee minutes indicates that the item was addressed through completion of the Downtown Plan; therefore the item is concluded and should be removed from the list.

12/15/03 – The Elmhurst Wireless Community Initiative

Review of records indicates that this item is in review by the Public Works Committee; therefore this item should be removed from the DPZ's list.

3/16/04 – Request Regarding Rental Property (Ald. Vanek)

Review of DPZ Committee minutes indicates that this item was not reviewed. However, there is a current review underway regarding rental properties and landlords which appears to address this issue. Therefore, this item should be removed from the list.

09/07/04 – Request regarding Zoning & Planning Commission Code of Ethics (Ald. Vanek)

This item was ultimately taken for review by the Zoning & Planning Commission reviewed this item as part of their consideration of a draft Rules of Procedure. In January, 2007, the Commission declined to approve Rules of Procedure; this item should be removed from the list.

10/04/04 – Request regarding Development Issues (Ald. Szczepaniak)

The DPZ Committee reviewed and concluded review of this issue at their 11/8/04 meeting. Part of this issue was later addressed through building code changes approved by the City Council; therefore this item should be removed from the list.

06/06/05 – Request regarding Impervious Surface Issues (Ald. Gow)

This issue was reviewed and concluded by the DPZ Committee without a recommendation for changes to current ordinance requirements; therefore this item should be removed from the list.

09/06/05 – Request regarding review of TIF Façade Program (Ald. Vanek)

This issue was reviewed and concluded by the DPZ Committee without a recommendation for changes to the current program; therefore this item should be removed from the list.

10/17/05 – Elmhurst Memorial Hospital – Laser Repeater Placement

Review of records indicates that this item was reviewed by the Public Works Committee; therefore this item should be removed from the DPZ's list.

Two other items on the Pending Items list, Commercial Development & Design Approval Process and Zoning Application Fees review, have been recently completed and may also be removed from the DPZ's list.

Respectfully submitted,
Development, Planning and Zoning
Committee

/s/ Susan J. Rose

Chairman

/s/ John E. Gow

Vice-Chairman

/s/ Norman Leader

- s. **O-02-2007 – AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS (0S524 OLD YORK ROAD)**

Ordinance O-02-2007 was presented for passage.

- t. O-03-2007 – AN ORDINANCE PROPOSING THE ESTABLISHMENT OF A SPECIAL SERVICE AREA IN THE CITY OF ELMHURST AND PROVIDING FOR A PUBLIC HEARING AND OTHER PROCEDURES IN CONNECTION THEREWITH (BELDEN AVENUE)

Ordinance O-03-2007 was presented for passage.

- u. ZO-02-2007 – AN ORDINANCE REZONING THE PROPERTY COMMONLY KNOWN AS 0S524 OLD YORK ROAD FROM R-1 SINGLE FAMILY RESIDENCE DISTRICT TO C-2, COMMUNITY SHOPPING AND SERVICE DISTRICT GRANTING CONDITIONAL USES FROM A BANK DRIVE-THROUGH FACILITY AND PYLON SIGN AND GRANTING A HEIGHT VARIATION FOR A WALL SIGN (HARRIS BANK)

Ordinance ZO-02-2007 was presented for passage.

- v. ZO-03-2007 – AN ORDINANCE GRANTING FRONT YARD VARIATIONS ON THE PROPERTY COMMONLY KNOWN AS 835 SOUTH FAIRFIELD AVENUE (SHEA)

Ordinance ZO-03-2007 was presented for passage.

- w. ZO-04-2007 – AN ORDINANCE GRANTING AN AMENDED CONDITIONAL USE PERMIT FOR A PLANNED DEVELOPMENT TO PERMIT THE CONSTRUCTION OF AN ASSISTED LIVING FACILITY ON THE PROPERTY COMMONLY KNOWN AS 400 - 420 WEST BUTTERFIELD ROAD (LEXINGTON SQUARE)

Ordinance ZO-04-2007 was presented for passage.

- x. R-07-2007 – A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR HOUSING AND COMMUNITY DEVELOPMENT BETWEEN THE COUNTY OF DUPAGE AND THE CITY OF ELMHURST

Resolution R-07-2007 was presented for passage.

- y. R-08-2007 – A RESOLUTION TO ADOPT MUNICIPAL LEGISLATIVE POSITIONS AND PRIORITIES FOR THE 2007 SESSION OF THE ILLINOIS GENERAL ASSEMBLY

Resolution R-08-2007 was presented for passage.

- z. R-09-2007 – A RESOLUTION APPROVING A TIERED APPROACH TO CORRECTIVE-ACTION OBJECTIVES AGREEMENT WITH CONOCO PHILLIPS PETROLEUM COMPANY IN CONNECTION WITH THE PROPERTY LOCATED AT 0S524 OLD YORK ROAD

Resolution R-09-2007 was presented for passage.

- aa. R-10-2007 – A RESOLUTION APPROVING THE CONCURRENT PRELIMINARY AND FINAL PLAT OF SUBDIVISION FOR THE LEXINGTON LIFECARE RESUBDIVISION

Resolution R-10-2007 was presented for passage.

Alderman Hillsman pulled item **6j. Report – Allied Waste (BFI) – Contract Rate Adjustment**. Alderman Bram pulled item **6l. Report – Disposition of Stop Signs Request Saylor Avenue and McKinley Avenue**. Alderman Moriarty pulled item **6n. Report – Status Report of Pending Items**.

Alderman Lomnicki moved to accept the contents of the Consent Agenda less items **6j. Report – Allied Waste (BFI) – Contract Rate Adjustment, 6l. Report – Disposition of Stop Signs Request Saylor Avenue and McKinley Avenue** and **6n. Report – Status Report of Pending Items**. Alderman Rose seconded. Voice vote unanimous, motion carried. Alderman Gow moved to approve the contents of the Consent Agenda less items **6j. Report – Allied Waste (BFI) – Contract Rate Adjustment, 6l. Report – Disposition of Stop Signs Request Saylor Avenue and McKinley Avenue** and **6n. Report – Status Report of Pending Items**. Alderman Hillsman seconded. Roll call vote:

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

Nays: None

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

Alderman Szczepaniak moved to approve item **6j. Report – Allied Waste (BFI) – Contract Rate Adjustment**. Alderman Regan seconded.

Alderman Szczepaniak stated in accordance with the contract between the City and Allied Waste, the rate for services is reviewed on an annual basis. The report includes rate increases for the various services that Allied Waste provides. Alderman Szczepaniak reviewed the increases with Council.

Alderman Hillsman pulled item **6j. Report – Allied Waste (BFI) – Contract Rate Adjustment** to state the increases are tied to tipping fees and asked how the fees are put into affect.

Alderman Bram noted that in the minutes of the Public Works and Buildings Committee (PW&B) the increase for the 33 gallon can is listed as \$12.15 and in the PW&B Committee Report the amount is listed as \$12.13, which is correct. He stated that every year there is a discrepancy between the 33 gallon can and the 96 gallon toter. The increased fees do not add any revenue to the General Fund.

Mayor Marcucci stated he receives feedback on the issue but garbage pickup is not free. Residents have to pay for trash to be collected. The Mayor stated the City's fee structure is fair.

Alderman Szczepaniak added that these rates include the annual Spring Cleaning Pick-up.

Roll call vote on item **6j. Report – Allied Waste (BFI) – Contract Rate Adjustment**:

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

Nays: None

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

Alderman Jordan moved to approve item **6l. Report – Disposition of Stop Signs Request Saylor Avenue and McKinley Avenue**. Alderman Mulliner seconded.

Alderman Jordan stated a request came from residents to consider the disposition of a stop sign at the intersection of Saylor Ave. and McKinley Ave. The City Engineering Department performed a review of the intersection and the intersection meets the warrants for a stop sign.

Alderman Bram stated he pulled item **6l. Report – Disposition of Stop Signs Request Saylor Avenue and McKinley Avenue** because he disagrees on how the report reads. He stated that staff's response was that this intersection meets the warrants for yield signs, after discussion the Public Affairs and Safety Committee (PA&S) majority recommended a stop sign. Alderman Bram said that the committee report should accurately state that staff recommendation was yield signs and the committee majority decided on stop signs instead.

Discussion ensued.

Roll call vote on item **6l. Report – Disposition of Stop Signs Request Saylor Avenue and McKinley Avenue:**

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

Nays: None

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

Alderman Vanek moved to approve item **6n. Report – Status Report of Pending Items.** Alderman Hillsman seconded.

Alderman Vanek stated this is a status report from the Finance, Council Affairs and Administrative Services Committee (F,CA&AS) which provides the standing items from the F,CA&AS pending list.

Alderman Moriarty stated she pulled item **6n. Report – Status Report of Pending Items** to state that the report is incomplete. The request to review the cost of City legal expenses and the possibility of saving money by hiring an in-house attorney for less warrants a more thorough investigation. A more detailed report on the City's legal spending was expected before the budget review.

Alderman Vanek stated the F,CA&AS Committee's response to Alderman Moriarty's request is complete. The committee does not need to make a separate report and recommendation in response to this request. The information requested may be reviewed during the budget process.

Discussion ensued regarding the purpose of the status report. Alderman Moriarty asked when the response to her request will be discussed on the dais.

Alderman Tranter stated that the response given to Alderman Moriarty's request may be complete, the problem however, is that it was not presented on the consent agenda for discussion. Discussion ensued.

Alderman Vanek restated a review of legal spending may be discussed in the during the budget review process.

Roll call vote on item **6n. Report – Status Report of Pending Items:**

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

Nays: Moriarty

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

COMMITTEE REPORTS

7. a. REPORT – TERM LIMITS REVIEW The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

February 27, 2007

To: Mayor Marcucci and Members of the City Council
Re: Term Limits Review

The Finance, Council Affairs and Administrative Services Committee met February 26, 2007, to review term limits. This review is pursuant to a referral from Alderman Tranter.

Currently, there are no term limits for any elected position for the City of Elmhurst (mayor, city clerk, treasurer and alderman). A referendum question to the residents of Elmhurst would be necessary to establish term limits for City of Elmhurst elected officials. The Finance Committee discussed whether the Committee should recommend that a referendum question be placed on a future ballot. It was the consensus of the Committee that there was not enough evidence to support the City Council initiating a referendum question regarding term limits.

The Finance Committee also discussed whether a question regarding term limits should be included in the next Citizens Survey. The Committee agreed that the purpose of the Citizens Survey is to determine how residents feel about the services provided by the City, and that a question about term limits was not appropriate in the Citizens Survey.

The Finance Committee further discussed the concept of term limits, and it is the consensus of the Committee that no action is required. The Committee believes that the election process every four years is an effective method of limiting terms, that a check and balance is already in place, that there is a value to experience on the City Council, and that there is not significant public interest in the concept of term limits.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council take no action regarding term limits for City of Elmhurst elected officials.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

/s/ Janice A. Vanek

Chairman

/s/ Stephen Hillsman

Vice-Chairman

/s/ Ann Tranter

/s/ Stephen Hipskind

Alderman Vanek moved to approve item **7a. Report – Term Limits Review**. Alderman Hillsman seconded.

Alderman Vanek stated a referral to review term limits was sent to the F,CA&AS Committee in November 2006. The committee reviewed the request at the February 26, 2007 committee meeting. The committee recommended no action be taken on this topic as there is no real proof that this is an issue of concern for the community and it has never been brought up in the Citizen Survey.

Alderman Gow stated that putting the question to residents in the Citizen Survey would be a good way to ask the people of Elmhurst what they think.

Alderman Tranter stated in order to obtain the opinions of residents on this issue, Council needs to ask citizens what they think about term limits. Investigating the idea of term limits has to start at some level and warrants the consensus of the public. The Citizen Survey is a tool the City uses to gather data; it is a good place to start.

Alderman Lomnicki stated this question needs to be answered, Council needs to see what the citizens of Elmhurst have to say.

Alderman Rose commented that she has never heard or seen a resident concerned with term limits. An Alderman on the dais is making it an issue.

Alderman Hillsman stated term limits could limit people from staying involved. It could be a way for someone to think the public didn't want them to run again. A referendum is appropriate.

Alderman Szczepaniak stated that the Citizen Survey is a snapshot look and not the right thing to do in this instance. The bottom line is that Council knows what is best, there is a system of checks and balances.

Alderman Leader stated that term limits would take the choice away from the people.

Alderman Regan stated there is no public ground swell for term limits. He suggested putting a petition out to the people for a referendum.

Alderman Hipkind stated the City has term limits in that a candidate can be voted in or out of office.

Discussion ensued regarding utilizing the Citizen Survey as the voice of the people regarding their opinions on term limits.

Mayor Marcucci stated it will be eighteen (18) months before the next Citizen Survey comes out.

Roll call vote on item **7a. Report – Term Limits Review:**

Ayes: Vanek, Hillsman, Regan, Leader, Rose, Bram, Hipkind, Jordan, Szczepaniak, Mulliner

Nays: Tranter, Gow, Moriarty, Lomnicki

Results: 10 ayes, 4 nays, 0 absent
Motion duly carried

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

8. a. INTRODUCTION OF 2007-2008 BUDGET (City Manager Borchert)

Mayor Marcucci asked City Manager Borchert to give an overview of the 2007-2008 Budget and a time line of the scheduled budget review.

City Manager Borchert stated he will provide an introduction to the 2007-2008 Budget and stated that all aldermanic candidates for the upcoming election have also received a copy of the Budget. The City Manager stated that Assistant Finance Director Trosien along with intern Dale Cozeck, under the direction of Finance Director Gaston have submitted the budget for the Budget Presentation Award. He commended staff for their hard work preparing the newly designed 2007-2008 Budget.

City Manager Borchert stated that each department of the City has included the following items in the budget: 1) Mission Statement 2) 2006-2007 Accomplishments 3) 2007-2008 Expectations and 4) Explanation of Expenditures. He further stated that justification forms include vehicles this year. The City Manager explained that salaries and fringe benefits are a part of executive session as they apply to collective bargaining. The City Manager pointed out that under the tab Interfund Transfers and Debt Schedules on page 328, the debt limit is not greater than 5% and can be used as a great resource.

The City Manager stated for the first time, the Budget contains the City's purchasing policy and revenue sources and services. He referred to page 343 which contains a history of factual, estimated and projected revenues per category.

City Manager Borchert referred to page 363, the 2007-2008 Budget Schedule and stated the Budget hearings will start next Monday, March 12, 2007 after the individual committee meetings. A Committee of the Whole Meeting will convene at 8:00 p.m. The Budget must be approved before the April 16, 2007 City Council Meeting. Staff will be in attendance at the Budget review meetings.

City Manager Borchert asked if there were any questions from Council at this point.

Mayor Marcucci confirmed that the Budget review meetings will take a total time of approximately six (6) hours.

Alderman Szczepaniak questioned the DuPage Water Commission credits at the Budget level. City Manager Borchert stated in the budget, credits are used for utility fund scheduled increases and to hold back on future rate adjustments.

The Budget review will start with the General Fund – Police & Fire.

OTHER BUSINESS

9. Alderman Vanek commented on tonight's Public Forum remarks from Mr. Demski regarding his driveway. She stated that the code was enforced and that there are exemptions from the codes. Alderman Vanek suggested that staff sit down with Mr. Demski and review the City codes with him and explain the situation to him. She suggested that the press should be invited to attend the meeting as well.

ANNOUNCEMENTS

10. Mayor Marcucci handed out a map of the proposed O'Hare Airport bypass and reviewed the information with the Council. Around the dais, Alderman issued statements of concern for the residents of Elmhurst regarding the impact the new ring road.

ADJOURNMENT

11. Alderman Lomnicki moved to adjourn the meeting. Aldermen Bram seconded. Voice Vote. Motion carried. Meeting adjourned 9:50 p.m.

Thomas D. Marcucci, Mayor

Patty Spencer, City Clerk