

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

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

Attendance: 33

1. The Regular Meeting of the Elmhurst City Council was called to order by Mayor Marcucci at 7:32 p.m. Roll call:

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

Absent: Stephen Hipskind (arrived at 8:01 p.m.), John Gow (arrived at 7:39 p.m./left at 10:30 p.m.), (arrived at 7:39 p.m.)

Also in Attendance: City Attorney Kubiesa, City Manager Borchert, Police Chief Neubauer, Deputy Police Chief Panico, Police & Fire Commissioner Nybo

**PLEDGE OF ALLEGIANCE**

2. The Council was lead in the pledge of allegiance by a boy scout from Visitation School. The young man was present in order to receive his Citizen's Badge.

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

3. None.

**PUBLIC FORUM**

4. Nick Alexander  
586 S. Hawthorne  
Elmhurst, IL 60126

Spoke regarding his objections to the York High School Pedestrian Underpass that is on tonight's agenda 1) Wish list of the Athletic Department 2) Safety issues 3) Cost of the project 4) Liability 5) Precedent that will be set.

Bob Dempsy  
257 Walnut  
Elmhurst, IL 60126

Spoke regarding a concrete problem that has not been resolved. He has read the City Code book and feels the City is not doing their job. He stated his driveway was not built to code and the Building Commissioner says that is okay.

Gilbert Fischer  
586 Van Auken  
Elmhurst, IL 60126

Spoke regarding a road that was put on his property in the fall of 2006. He stated the City of Elmhurst has laws like Nazi Germany.

John Pesek  
1026 S. Riverside Drive  
Elmhurst, IL 60126

Spoke regarding the Sloan property variation on tonight's agenda. He stated that as a resident he feels the lot is not big enough to handle that equipment. He stated that the noise and smells are right under his bedroom window. He asked Council to vote no.

Ralph Tellefsen  
172 Berkley  
Elmhurst, IL 60126

Spoke as the Attorney for the Barclay Court properties on tonight's agenda, stating that the residents want to settle this matter and asked Council to vote in favor of the settlement agreement.

Bob Lackey  
Riverside Drive  
Elmhurst, IL 60126

Spoke regarding the Sloan variation and asked Council to vote it down.

### **CONSENT AGENDA**

5. The following items on the Consent Agenda were presented:
  - a. MINUTES OF REGULAR MEETING HELD ON MONDAY, JANUARY 15, 2007 (City Clerk Spencer): Approve as published
  - b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, JANUARY 15, 2007 (City Clerk Spencer): Receive and place on file
  - c. MINUTES OF THE SPECIAL MEETING HELD ON MONDAY, JANUARY 29, 2007 (City Clerk Spencer): Approve as published
  - d. ACCOUNTS PAYABLE – JANUARY 31, 2007 TOTAL \$ 1,495,005.28
  - e. ALDERMAN ROSE REQUEST REGARDING ON-STREET PARKING – 100 BLOCK OF EAST COLUMBIA (City Manager Borchert): Refer to the Public Affairs and Safety Committee

January 17, 2007

To: Mayor Marcucci and Members of the City Council  
Re: Alderman Rose Request Regarding On-street Parking -100 Block of East Columbia

It is respectfully requested that the attached letter from Alderman Rose regarding parking on the 100 block of East Columbia be referred to the Public Affairs and Safety Committee for review and report back to the City Council with recommendations.

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

- f. ALDERMAN ROSE REQUEST REGARDING ALLEY BEHIND 300 BLOCK OF NORTH MICHIGAN (City Manager Borchert): Refer to the Public Affairs and Safety Committee

January 17, 2007

To: Mayor Marcucci and Members of the City Council  
Re: Alderman Rose Request Regarding Alley Behind 300 Block of North Michigan

It is respectfully requested that the attached letter from Alderman Rose regarding the traffic in the alley behind the 300 block of North Michigan be referred to the Public Affairs and Safety Committee for review and report back to the City Council with recommendations.

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

- g. ELMHURST NOON LIONS CLUB UNDERPASS BANNERS REQUEST (City Manager Borchert): Concur with the City Manager's recommendation

January 18, 2007

To: Mayor Marcucci and Members of the City Council  
Re: Elmhurst Noon Lions Club Underpass Banners Request

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 temporary banners to be installed on south side of the underpass from October 8 through October 15, 2007, October 6 through October 13, 2008 and October 20 through October 27, 2008 on the north side. The banners are to promote Elmhurst Lions Candy Day on October 12, 2007 and October 10, 2008 and to promote their Fall Family Fest at the Abbey in 2008.

Unless the City Council directs otherwise the permit for the Elmhurst Lions Club banner will be issued, with the appropriate fee of \$35.00 per banner per week required.

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

- h. ANNUAL TURKEY TROT UNDERPASS BANNERS REQUEST 2007 & 2008 (City Manager Borchert): Concur with the City Manager's recommendation

March 27, 2007

To: Mayor Marcucci and Members of the City Council  
Re: Annual Turkey Trot Underpass Banners 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 temporary banners to be installed on the underpass. The banner, reading "Annual Turkey Trot" will be displayed the week of November 12 through November 19, 2007 and November 17, 2008 through November 24, 2008 on the north side and the week of November 19 through November 26, 2007 and November 24, 2008 through December 1, 2008 on the south side of the underpass.

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

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

- i. ELMHURST BICYCLE CLUB BANNER REQUEST – 2007 (City Manager Borchert): Concur with the City Manager's recommendation

March 2, 2006

To: Mayor Marcucci and Members of the City Council  
Re: Elmhurst Bicycle Club Underpass Banner Request

In accordance with Elmhurst Zoning Ordinance Chapter 11, Section 9-2, please be advised that it is the City Managers intention to issue a permit for a temporary banner to be installed on the north side of the underpass from July 10 through July 17, 2006. The banner is to promote Elmhurst Bicycle Club "Metro Metric XXVI" on July 30, 2006.

Unless the City Council directs otherwise the permit for the Elmhurst Bicycle Club banner will be issued, with the appropriate fee of \$35.00 per banner per week required.

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

- j. REPORT – PROPOSALS, CARPET REPLACEMENT AT CITY HALL The following report of the Public Works and Buildings Committee was presented:

January 22, 2007

TO: Mayor Marcucci and Members of the City Council  
RE: Proposals, Carpet Replacement at City Hall

The Public Works and Buildings Committee met on Monday, January 22, 2007, to discuss proposals received for the installation of carpeting in the Council Chambers and the conference rooms at City Hall.

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

Contractor	Total
Midwest Office Interiors, Inc, Woodridge, IL	\$26,930.27
Thompson's Commercial Flooring, Inc., Montgomery, IL	\$27,886.00
Complete Building Specialties, Inc., Warrenville, IL	\$31,062.20

This project involves the removal and replacement of the existing carpeting in the Council Chambers and conference rooms 1, 2, 3, and 4.

Funds have been provided in the 2006/2007 budget, General Fund, account number 110-6046-422-50-01, in the amount of \$30,000 for carpet replacement at City Hall.

It is, therefore the recommendation of the Public Works and Buildings Committee that the bid submitted by Midwest Office Interiors, Inc. in the amount of \$26,930.27 be accepted.

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 CUSTODIAL SERVICES CONTRACT (3 YEARS) The following report of the Public Works and Buildings Committee was presented:

January 22, 2007

To: Mayor Marcucci and Members of the City Council  
Re: 2007 Custodial Services Contract (3 Years)

The Public Works and Buildings Committee met on Monday, January 22, 2007 to review a proposal received to the contract for custodial services at several City of Elmhurst buildings from the city's current contractor, Best Quality Cleaning of Franklin Park.

The contract is for custodial services at City Hall, the Police Station, the Public Works Garage, the Metra Station, the Waste Water Treatment Plant, and the Historical Museum. In 2001 the city received sealed bids for custodial services and Best Quality Cleaning was the low bid at the time and a contract was entered into with Best Quality Cleaning. The term of the contract was for three years. In 2004 the contract was extended for an additional 3 years at the same price, that contract extension expires April 30, 2007. Best Quality Cleaning has performed satisfactorily.

Best Quality Cleaning has provided a proposal to continue to provide custodial services to the city for another three year period. Best Quality Cleaning has offered to provide this service for the same price bid in March of 2001 for the 2003/04 year of \$6,848 per month.

Monies are provided for in the FY2007/08 Budget, General Fund, for custodial services under Account Numbers 110-6046-418-30-14 and 510-6057-502-30-14 pending budget approval by the City Council.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal of the extension of the current contract with Best Quality Cleaning for the custodial maintenance of the city buildings be accepted.

Respectfully submitted,  
Public Works and Building Committee

/s/ George Szczepaniak  
Chairman

/s/ Michael Regan  
Vice-Chairman

/s/ Moira Moriarty

/s/ Donna Lomnicki

1. REPORT – ARCHITECTURAL REVIEW PROCESS – C4 AND C4A DISTRICTS The following report of the Development, Planning and Zoning Committee was presented:

January 23, 2007

TO: Mayor Marcucci and Members of the City Council  
RE: Architectural Review Process – C4 and C4A Districts

The Development, Planning and Zoning Committee met on September 11, September 25, and December 11, 2006 and again on January 8, 2007 to review the subject item, which was referred to the DPZ Committee by the City Council. During these meetings, Committee members discussed the following topics associated with architectural review:

- The characteristics associated with a possible new architectural review process and current City of Elmhurst processes related to architectural review. Specifically, the Committee discussed the Façade Grant Program and its existing requirements.
- The Building Design Guidelines within the Downtown Plan as a source to create a tool to address desired building review guidelines.
- A survey of selected communities similar to Elmhurst completed by City Staff. Survey findings indicated a variety of responses from the various communities. Upon contact with one such community for more detailed information, the DPZ was informed of some of the limitations associated with an architectural review process.
- Use of existing City resources, specifically Staff time, to administer a new architectural review process.

Ultimately, the DPZ Committee identified a solution that addressed the various discussion topics by recommending new procedures for City review while recognizing the subjectivity associated with architectural design. The proposed new procedures would require City Staff review and approval for any project seeking financial assistance within the C4 and C4A Districts. Financial assistance would include the Façade Grant Program and/or any other requests for City assistance within these zoning districts. Interested parties would still be required to obtain any other required approvals (such as Architectural Review Committee for the Façade Program) in addition to the new Architectural Review Process.

The Program is summarized as follows:

**Principle:** If any public funds are requested, either through incentives, fee waivers, or financial assistance, for any commercial building within the Downtown C4 and C4A districts, the petitioner must adhere to the design guidelines in the City's Downtown Plan (adopted May, 2006).

**Process:**

1. Applicant makes clear their intent to ask for financial incentive/assistance before modifications are made.
2. Applicant provides evidence that modifications/new construction will be in conformance with the published design guidelines with application for assistance.
3. Plans for modifications or new construction are reviewed by the Department of Planning, Zoning and Economic Development.
4. If guidelines are not followed after incentives are awarded and no notification is given to the City of intent to change the approved plans, the applicant will be required to reimburse the City and pay an additional fine.
5. Incentives cannot be awarded to new construction that does not adhere to the suggested design guidelines, nor can incentives be awarded to completed construction that does not adhere to the guidelines, except for those instances where the applicant agrees to adhere to the guidelines and submits plans for review by the Department of Planning, Zoning and Economic Development.
6. Plans must be approved by the Development, Planning and Zoning Committee with final authority to approve held by the City Council. The City Council has the final decision to approve or reject plans that do not adhere to the guidelines.

#### **Eligible Incentives/Assistance**

1. Façade Renovation Program
2. Permit fee waivers
3. Financial incentives as established in incentive policy

The DPZ Committee made special mention that use of funds could not be retroactive for a building that does not conform to the guidelines. In other words, a developer cannot request reimbursement from the City's façade renovation program, or via some other incentive, after completing a building that does not conform to the guidelines. However, the developer can request financial assistance if they wish to modify the building to bring it into conformance with the guidelines at a later date.

The Committee also recognizes that this program is an introductory step in utilizing architectural review; the program should be evaluated periodically for potential changes and updates to reflect the evolving downtown community.

It is therefore the recommendation of the Development, Planning and Zoning Committee that the City Council approve creation of the new Architectural Review Program, as detailed on the attached documents. 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

- m. MCO-02-2007 – AN ORDINANCE ESTABLISHING A NEW CLASS “WBB” LIQUOR LICENSE, REDUCING THE NUMBER OF CLASS “B” AND “WB” LIQUOR LICENSES EACH BY ONE, AND AMENDING CHAPTER 36 OF THE ELMHURST MUNICIPAL CODE IN CONNECTION THEREWITH

Ordinance MCO-02-2007 was presented for passage.

- n. MCO-03-2007 – AN ORDINANCE DESIGNATING NORTH BOUND KENILWORTH AVENUE AND CRESTVIEW AVENUE AS A STOP INTERSECTION

Ordinance MCO-03-2007 was presented for passage.

- o. ZO-01-2007 – AN ORDINANCE GRANTING A FRONT YARD VARIATION ON THE PROPERTY COMMONLY KNOWN AS 135 WALNUT STREET (WINTERS)

Ordinance ZO-01-2007 was presented for passage.

- p. R-04-2007 – A RESOLUTION SUPPORTING RECENT ACTIONS BY THE DUPAGE WATER COMMISSION AND URGING THE COMMISSION TO IMPLEMENT SUCH ACTIONS BY PASSING A BUDGET THAT INCLUDES A WATER RATE REDUCTION

Resolution R-04-2007 was presented for passage.

Alderman Vanek moved to accept the contents of the Consent Agenda less item **6p. Report – Case Number 06 P-07/ Harris Bank @ OS524 Old York Road**. Alderman Hillsman seconded. Voice vote unanimous, motion carried. Alderman Hillsman moved to approve the contents of the Consent Agenda less item **6p. Report – Case Number 06 P-07/ Harris Bank @ OS524 Old York Road**. Alderman Tranter seconded. Roll call vote:

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

Nays: None

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

### COMMITTEE REPORTS

6. a. REPORT – ENGINEERING PROPOSAL – YORK HIGH SCHOOL PEDESTRIAN UNDERPASS The following report of the Public Works and Buildings Committee was presented:

January 22, 2007

TO: Mayor Marcucci and Members of the City Council  
RE: Proposal – York High School Pedestrian Underpass

The Public Works and Buildings Committee met on Monday, December 11, 2006, Monday, January 8, 2007 and again on Monday, January 22, 2007 to discuss a proposal received from TranSystems Corporation for preliminary engineering services (Phase I) for the construction of the York High School Pedestrian Underpass.

The project will include the construction of an underpass under St. Charles Road to connect the main campus of York High School to the athletic stadium on the south side of St. Charles Road. The project will be partially funded through federal funds in accordance with the Surface Transportation Program (STP). TranSystems assisted the City in the preparation of the STP grant application for this project. This application process resulted in the City being successful in securing \$2.4 million in federal funds for the construction of this project.

Phase I engineering services include: project coordination with IDOT, public meetings, field surveys, geotechnical studies, preliminary design studies, identification of structural underpass options, environmental studies, preferred improvement plans and a project development report. This project is anticipated to be bid in the fall of 2008 through the Illinois Department of Transportation, with the work scheduled to begin in the spring of 2009.

TranSystems has proposed to do this work on a cost plus fixed fee basis with a total cost not to exceed of \$175,170.05. See attached cost estimate of consultant services. These rates are consistent with fees for professional services on similar projects. TranSystems has completed this work for the City in the past on various City projects in a satisfactory and professional manner.

Funds for this work have been provided for in the FY 2006/2007 Budget; in account number 110-6041-432-80-15 in the amount of \$200,000.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal from TranSystems Corporation as outlined above in a not to exceed amount of \$175,170.05 for Phase I engineering services, for the York High School Pedestrian Underpass, be accepted.

Respectfully submitted,  
Public Works and Building Committee

/s/ George Szczepaniak

Chairman

/s/ Michael Regan

Vice-Chairman

/s/ Moira Moriarty

/s/ Donna Lomnicki

Alderman Regan moved to approve item **6a. Report – Engineering Proposal – York High School Pedestrian Underpass**. Alderman Moriarty seconded.

Alderman Regan reviewed item **6a. Report – Engineering Proposal – York High School Pedestrian Underpass** which will connect the track and football field to the high school campus. The City looks at projects that are eligible for state or federal funding in this case, a grant for 2.4 million may be available. Item **6a. Report – Engineering Proposal – York High School Pedestrian Underpass** supports the City moving ahead with Phase I to see if the project is viable. There is money for Phase I of this project in the budget. School District 205 has not offered any commitment to the project at this time.

Alderman Vanek stated School District 205 has liability insurance for storm water. She asked if this project could this broaden to include what the School District is liable for?

Alderman Gow asked if the money source is a Federal or State Grant since President Bush recently cut back on grants.

Alderman Regan stated Public Works Director Hughes talked to a consultant, who advised the City of Elmhurst is a strong candidate and the grant monies are ear-marked for this project.

Alderman Gow stated that Council is voting under the assumption that Elmhurst will receive the grant. He stated he would like the School District to help fund the project.

Mayor Marcucci stated the money is detailed to the State of Illinois.

City Manager Borchert said the DuPage Mayors & Managers Conference has received similar safety grants approved for the State of Illinois. He further stated that there are separate grants available for Phase II including possible engineering grants.

Alderman Szczepaniak stated item **6a. Report – Engineering Proposal – York High School Pedestrian Underpass** presents Phase I of the project at which point the School District pays nothing. This project is driven by the City and as the project moves forward, Council may vote it down. The School District may not want it. In order to comply with the required disabilities ramp a lot of school land will be used.

Alderman Lomnicki stated the investment of \$175,000 is worth getting the project started. To build an overpass would be more expensive than going under St. Charles Rd. She stated item **6a. Report – Engineering Proposal – York High School Pedestrian Underpass** will start the project and Council will then take it to where it ends up.

Alderman Bram stated it is a cost vs. benefit problem. The City may end up having to pay \$2 million. He stated he does not see himself voting “yes” to Phase II in the long term and he is not in favor of Phase 1. He stated the accidents reported at that location do not appear to involve pedestrians. The \$175,000 could be better spent even if the City can receive Federal Grant money.

Alderman Moriarty stated this is a smart way to spend these dollars. Grant money is available and Council can take its time determining if the project is financially feasible in the long term.

Alderman Rose stated she supports Phase I engineering for this project. Council can make final decisions further down the way. She stated she believes it’s worth spending the \$175,000.

Alderman Mulliner stated he is less concerned with the money and more concerned with the safety of students. He stated he is in favor of Phase I.

Alderman Leader stated he supports Phase I of the project.

Alderman Szczepaniak asked Alderman Vanek if the water will accumulate in the underpass.

Alderman Vanek replied that the engineers state that excess water will drain underground and not flood the underpass.

Alderman Szczepaniak asked the City Manager please note the comments on water drainage.

City Manager Borchert stated so noted.

Alderman Hipskind stated he supports Phase I.

Alderman Bram stated staff should take action regarding the concerns that have been voiced on the dais this evening and asked that Council examine in better detail the number of accidents involving pedestrians.

Alderman Rose asked why an underpass and not an overpass was being considered.

Mayor Marcucci stated that an underpass is the best way to go, it is less expensive, more attractive and the City engineers perceive an underpass to be more user friendly. A pedestrian underpass at York High School is a City driven issue on public row on St. Charles Road. The City has a concept and hopes that School District 205 will see the need. If School District says “no,” then the underpass will not be built.

Roll call vote on item **6a. Report – Engineering Proposal – York High School Pedestrian Underpass:**

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

Nays: None

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

b. REPORT – REQUEST FOR ECONOMIC INCENTIVES – 119 AND 123 VIRGINIA STREET The following report of the Development, Planning and Zoning Committee was presented:

January 23, 2007

TO: Mayor Marcucci and Members of the City Council

RE: Request for Economic Incentives – 119 and 123 Virginia Street

Request for TIF financial incentive by David DeGroot, owner and applicant for a new 5-unit townhome development to be located at 119 and 123 Virginia Street (current addresses).

The Development, Planning and Zoning Committee and the Finance, Council Affairs and Administrative Services Committee met in joint meetings on December 11, 2006 and January 8, 2007 to review the subject request by Mr. David DeGroot. The applicant's request consists of a \$75,000 economic incentive to redevelop the properties at 119 and 123 Virginia Street. The two existing residential structures would be removed, and a new townhome development would be built.

During the two meetings, Committee members discussed the following topics associated with the property's redevelopment:

- 1) The property, if redeveloped, would provide a financial benefit through increased property tax revenues. This, in turn, would result in a "recovery" of the funds (requested for the incentive) within a 3-year period;
- 2) The increased property tax revenues would allow the City to eventually remove this property from the TIF District;
- 3) According to the applicant, financial assistance from the City is requested to allow for an enhanced investment in the property's redevelopment. The applicant further asserted that he could not proceed with the redevelopment project without financial assistance, which would mean that the existing structures would remain in their current condition.
- 4) Related to Item #3, the Committees discussed the marginal condition of the existing structures and the significant financial threshold required to restore them to marketable single-family homes. The Committee noted that single-family homes, in the existing multi-family area along Virginia, would not be as attractive to the private market.
- 5) The subject site is located in the R4 (Limited General Residence) District. Townhomes (single-family attached dwellings) are permitted uses within the R4 District; therefore, no zoning relief would be required for the use, which Staff would verify upon review of detailed site plans; and
- 6) Impact fees are not required for the proposed development because the number of dwelling units will be reduced by one. The existing structures contain a total of 6 dwelling units, while the proposed development contains a total of 5 dwelling units.

In general, Committee members complimented the design for the new townhome development, especially given the variety of other uses in the area. They noted that the block consisted of primarily multi-family housing, and that the zoning classification for the general area of this one block is R-4 ("Limited General Residence", i.e. multi-family residential), while surrounding areas are zoned C-4 (Downtown Business District) or O/I/C (Office/Institutional/Cultural). Committee members also made several references to the nearby townhomes on Cottage Hill (south of Adelaide) as a comparable development to the applicant's proposal.

The Committees discussed the background and history of this area, as well as the various possible uses for the financial incentive. (Regarding history, a past resident of Virginia Street was Major Sawin, a Civil War hero, who later became a local judge and a member of the Elmhurst Village Board.) To recognize the historical significance of the area, the applicant agreed to work with the Historical Museum to install a plaque on the property in conjunction with the new development.

Ultimately, the Committee members came to a consensus to recommend approval of an economic incentive not to exceed a value of \$45,000 by reimbursement of permit fees (\$25,755), reimbursement of tap fees (\$6360), contribution to tree landscaping (\$10,000), and reimbursement of sign fees (\$108), for this request. The Committees emphasized that no funds were to be provided for reimbursement of demolition costs. They also asked that the Finance Department advise the City Council when the funds were matched by property tax revenue increases, at which time the City could consider removal of this site from the TIF District if appropriate.

It is therefore the recommendation of the Development, Planning and Zoning Committee and the Finance, Council Affairs and Administrative Services Committee that the City Council authorize a \$45,000 financial incentive to Mr. David DeGroot for construction of a new townhome project. The recommendation of the Committees is conditional upon the following:

- 1) The applicant agrees to build according to the plans (option A) presented to the Committees; and
- 2) The applicant agrees to plaque the site to recognize its historic significance, and celebrate the plaque's placement with a ceremony to be coordinated with the Elmhurst Historical Museum.

The City Attorney is hereby directed to prepare the necessary documents for City Council approval.

Respectfully submitted,  
Finance, Council Affairs and  
Administrative Services Committee

/s/ Janice A. Vanek  
Chairman  
/s/ Stephen Hillsman  
Vice-Chairman  
/s/ Ann Tranter

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 **6b. Report – Request for Economic Incentives – 119 and 123 Virginia Street**. Alderman Vanek seconded.

Alderman Rose stated that the request initially asked for an economic incentive of \$75,000 from the City and after much discussion the joint committee decision was to offer an economic incentive of \$45,000 for the two structures.

She stated that there is a rich history to the area and there were hopes that these buildings could be saved. As that is not possible, the decision was made that a plaque would be erected on the new building site and a program would be put on by the Historical Museum honoring the history of the location.

Alderman Rose further stated that the success of the new redevelopment will lead to the property being released from the TIF District it is currently in, sooner rather than later. This is a quality project that does not require any variances.

Alderman Vanek stated that this was a joint committee effort and all were pleased with the significant return the City will receive in the years to come by supporting this economic incentive. It is an investment in high end architecture, and a great jump start investment on that street.

Alderman Moriarty stated that TIF Districts are supposed to be used to give incentive to a blighted area. She stated she felt this was an abuse of TIF and that she will not support it.

Alderman Leader gave the history of the two houses that were built by a Civil War General who later became a judge and member of the Elmhurst Village Board. He stated that the builder can build without the TIF but the monies that will come in taxes will be for years to come. The City can control the project by giving the incentives to the developer. This is a good deal for the children of District 205.

Alderman Regan stated that he has a few problems with the incentives. He asked if there is any reason the developer wouldn't build what the City wants.

Alderman Rose replied no but the developer needs the incentives.

Discussion ensued.

Alderman Tranter stated her concerns that she does not want to use TIF in small scale developments. The developers came to the City with three (3) designs, it is a beautiful project but it is too close to Wilder Park. The builder's bottom line would not be injured if they did not receive economic incentives from the City. She stated she is not supportive of giving this project TIF funds.

Alderman Hillsman stated it is a small development. He supports item **6b. Report – Request for Economic Incentives – 119 and 123 Virginia Street** because the dollar amount is less than what the developer asked for and the project itself fits in with the neighborhood.

Alderman Gow stated he struggled with this item however in the context of the joint committee discussions \$45,000 seemed to be a reasonable compromise.

Alderman Szczepaniak stated Council only looks at what is customary and reasonable no matter the size of the property. What could preclude that developer from coming to ask for \$50,000 in the façade program?

Alderman Vanek stated that façade program applies to commercial and not residential properties.

Alderman Rose recapped the purpose of economic incentives and the leverage of the development of the property.

Roll call vote on item **6b. Report – Request for Economic Incentives – 119 and 123 Virginia Street:**

Ayes: Rose, Vanek, Regan, Leader, Hipskind, Gow, Jordan, Hillsman, Mulliner

Nays: Tranter, Bram, Moriarty, Szczepaniak, Lomnicki

Results: 9 ayes, 5 nays, 0 absent  
Motion duly carried

c. REPORT – CASE NUMBER 06 P-12/ SLOAN (CE RENTALS 1021 S. RTE 83) CONDITIONAL USE The following report of the Development, Planning and Zoning Committee was presented:

January 23, 2007

TO: Mayor Marcucci and Members of the City Council  
RE: Case Number 06 P-12/ Sloan (CE Rentals 1021 S. Rte 83) Conditional Use  
Request for Conditional Use Permit for the purpose of establishing a parking lot on R2 Single-Family Residential property immediately east of and abutting 1021 S. Route 83, which is zoned C3 General Commercial, pursuant to Section 10.2-1c of the Elmhurst Zoning Code. The applicants' property is commonly known as 1021 S. Route 83 (PIN# 06-15-413-004); the subject parcel is landlocked and has no street address, however, the PIN # is 06-15-413-041.

The Development, Planning and Zoning Committee met on November 13, 2006 and January 22, 2007 regarding the subject request. The Committee also reviewed the documents submitted by the applicant, and the transcript of the public hearing. The delay in review (between November 2006 and January 2007) was due to a modification to the request made by the applicant. The DPZ Committee concluded that the modification was not significant enough to necessitate returning the application to the Zoning & Planning Commission for review.

The applicant, Mr. Robert Sloan (CE Rentals) requests approval of a Conditional Use Permit for the purpose of vehicle parking and equipment storage on that portion of the subject lot zoned R1 residential. The applicant has stated that operational congestion at the rental business at this location has prompted him to make this request. Specifically, the (modified) request is to allow:

- Vehicle parking (5 spaces; intended for employees) along the east part of the property, which is nearest to adjacent single-family residential uses;
- Trailer parking in the west part of the residentially-zoned property, nearest to the existing rental building (which is on the commercially-zoned portion of the property); and
- Equipment storage along the north and south edges of the property, adjacent to parking to the north and a residential lot to the south.

During their review, the Committee reviewed the proposal in detail and discussed operational aspects of the business and nearby residential properties. Committee members listened to concerns of both residents and the business owner as they considered the perspectives about this request. While the DPZ Committee appreciates resident concerns regarding noise, fumes, and other impacts from the site, they noted that the applicant has already acted in good faith by maintaining a solid fence and planting trees to provide a visual landscape buffer. Since planting, the trees have grown to further screen the commercial use from the adjacent residents. The Committee also noted a previous application for vehicle parking on an adjacent site has been apparently operating successfully.

To provide an opportunity for use of the site, while taking into consideration conditions for the adjacent residential properties, the Committee agreed to employee vehicle and trailer parking, with specific restrictions on equipment storage on the site, in order to reduce noise and impact on adjacent properties. The applicant's proposed modification, to allow movement of materials in the R1 area to only occur by hand, will help reduce the impact on the adjacent residential areas. Ultimately, the Committee believes that these measures are a good compromise that makes sense for this location

It is therefore the recommendation of the Development, Planning and Zoning Committee to grant approval of this conditional use request, subject to the following conditions:

- (1) All equipment stored on the R1 property shall be moved by hand or hand-operated, non-motorized, means only;
- (2) The equipment storage areas, limited to the north and south edges of the lot as shown in the plan, shall be striped with pavement markings to designate the specific equipment storage areas consistent with the submitted plan;
- (3) No equipment, vehicles, or trailers on the residentially zoned lot shall be double-stored or double-stacked; and
- (4) A maximum of three (3) trailers may be stored on the residentially zoned lot, consistent with the submitted plan.

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

Alderman Rose moved to approve item **6c. Report – Case Number 06 P-12/ Sloan (CE Rentals 1021 S. Rte 83) Conditional Use.** Alderman Gow seconded.

Alderman Rose stated she would like to recognize the citizens that have followed this issue and have come to every meeting. The Zoning and Planning Commission voted down item **6c. Report – Case Number 06 P-12/ Sloan (CE Rentals 1021 S. Rte 83) Conditional Use.** She further stated that item **6c. Report – Case Number 06 P-12/ Sloan (CE Rentals 1021 S. Rte 83) Conditional Use** is different from the Sloan project Council voted on last summer that didn't pass.

Alderman Rose stated commercial property owners have an obligation to use their property in a way that has little impact on residents. Alderman Rose stated that CE Rentals already has heavy equipment on their property. Council is considering the addition of different heavy equipment that can only be moved by hand. Alderman Rose stated she thinks the owner has gone the extra mile to minimize the impact of this variation on residents. The front of the property is zoned C3. This is a reasonable solution for general commercial. If it doesn't work, enforcement can be used. She asked that Police and Code Enforcement Officers please report violations.

Alderman Mulliner stated it is a parking lot in a residential area, only 200 feet from residential homes. The request is creating more storage and housing more equipment. He stated he cannot support this concept. Who will monitor these four conditions?

Alderman Lomnicki stated that she agrees with Alderman Mulliner; in order to monitor the four conditions set by the Development, Planning and Zoning Committee (DP&Z), residents would have to police the property. She stated she can't support this.

Alderman Hillsman stated this is residential property already in use as commercial property, if Council approves item **6c. Report – Case Number 06 P-12/ Sloan (CE Rentals 1021 S. Rte 83) Conditional Use** what happens in a few years when the business moves to a new location.

Alderman Leader stated it is a difficult problem that the DP&Z Committee has spent eighteen (18) months discussing. Mr. Sloan occupied the property before the residents. The residents moved into their properties knowing that they abutted commercial property.

Alderman Vanek stated the back seventy (70) feet of the property is zoned residential and is not a buildable lot. Mr. Sloan cannot build on that portion of the property which is bad zoning, if it was zoned correctly it would force the big equipment to the commercial side.

Alderman Mulliner stated the property was zoned residential and up for sale and a seventy (70) foot buffer zone was removed from the residents.

Discussion ensued.

Mayor Marcucci called for a Point of order, asking what happens if there is a violation of the conditional use permit.

City Attorney Kubiesa stated that if there was a violation to the conditional use permit, the permit could be canceled.

Discussion ensued.

Roll call vote on item **6c. Report – Case Number 06 P-12/ Sloan (CE Rentals 1021 S. Rte 83)**

**Conditional Use:**

Ayes: Rose, Gow, Vanek, Leader, Hipskind, Jordan

Nays: Tranter, Regan, Bram, Moriarty, Hillsman, Szczepaniak, Mulliner, Lomnicki

Results: 6 ayes, 8 nays, 0 absent  
Motion failed.

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

7. a. UPDATES (Mayor Marcucci)

None.

b. HAHN STREET R.F.P., CITY COUNCIL SELECTION OF FINALISTS (Mayor Marcucci)

City Manager Borchert reviewed the process of the Hahn Street R.F.P. He stated he was looking to Council for the next step.

Alderman Vanek stated Council has to move forward with the process she moved to give ninety (90) days to other developers to present a full proposal. Ninety (90) days is enough time and this way no one can claim that the City did not give developers a fair shot at submitting a proposal.

Mayor Marcucci asked for a motion.

Alderman Regan moved that the Hahn Street R.F.P. response date be extended ninety (90) days to a time certain and that the two (2) developers that have responded are considered as responding initially; and in the R.F.P. it will state that within the first forty-five (45) days of the (90) day time period, interested developers will submit in writing their intention of submitting a full proposal within the second forty-five (45) days. Alderman Vanel seconded.

Discussion ensued.

Alderman Mulliner moved to call the question. Alderman Vanek seconded. Voice vote, motion carried.

Roll call vote to have the **Hahn Street R.F.P. response date be extended ninety (90) days to a time certain and that the two (2) developers that have responded are considered as responding initially; and in the R.F.P. it will state that within the first forty-five (45) days of the (90) day time period, interested developers will submit in writing their intention of submitting a full proposal within the second forty-five (45) days:**

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

Nays: Rose, Hillsman

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

**OTHER BUSINESS**

8. a. MOTION TO APPROVE BARCLAY COURT SETTLEMENT (City Manager Borchert)

Alderman Mulliner moved to approve item **7a. Motion to Approve Barclay Court Settlement.**

Alderman Rose seconded.

Discussion ensued.

Alderman Rose motioned to call the question. Alderman Mulliner seconded. Voice vote, motion carried.

Roll call vote on item **7a. Motion to Approve Barclay Court Settlement:**

Ayes: Rose, Mulliner, Tranter, Regan, Vanek, Leader, Hipkind, Jordan, Hillsman, Lomnicki

Nays: Bram, Moriarty, Szczepaniak

Results: 10 ayes, 3 nays, 1 absent  
Motion duly carried

### **ANNOUNCEMENTS**

9. None.

### **ADJOURNMENT**

10. Alderman Moriarty moved to adjourn the meeting. Aldermen Mulliner seconded. Voice Vote. Motion carried. Meeting adjourned 11:05 p.m.

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Thomas D. Marcucci, Mayor

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Patty Spencer, City Clerk