

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, JANUARY 15, 2007
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION

1. In the absence of Mayor Marcucci the executive session was called to order at 7:00 p.m. by City Clerk Spencer for the purpose of discussing sale of land, litigation and land acquisition.

Present: Ann Tranter, Janice Vanek, Norman Leader, Michael Bram, John Gow, Phillip Jordan, Moira Moriarty, Steven Hillsman, George Szczepaniak, Mark Mulliner, Donna Lomnicki

Absent: Michael Regan (arrived at 7:06 p.m.), Susan Rose (arrived at 7:04 p.m.), Stephen Hipskind (arrived at 7:04 p.m.)

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

Alderman Vanek moved to appoint Alderman Jordan as mayor pro tempore for this evening's meeting. Alderman Mulliner seconded. Voice vote, unanimous. Motion carried.

Alderman Tranter moved to convene into executive session for the purpose of discussing sale of land, litigation and land acquisition. Alderman Moriarty seconded. Roll call vote:

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

Nays: None

11 Ayes, 0 Nays, 3 absent
Motion duly carried

Alderman Moriarty moved to adjourn executive session. Alderman Mulliner seconded. Voice vote. Motion carried. Executive session adjourned at 7:34 p.m.

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 50

2. The Regular Meeting of the Elmhurst City Council was called to order by City Clerk Spencer at 7:35 p.m. in the absence of Mayor Marcucci.

Present: Ann Tranter, Michael J. Regan (left at 8:25 p.m.), Janice A. Vanek, Norman Leader, Susan J. Rose, Michael Bram, Stephen Hipskind, John Gow, Phillip D. Jordan, Moira Moriarty, Stephen Hillsman, George Szczepaniak, Mark A. Mulliner, Donna Lomnicki

Absent: Mayor Marcucci (arrived at 8:10 p.m.)

Also in Attendance: City Treasurer Pigoni, City Attorney Kubiesa, City Manager Borchert, Police Chief Neubauer, Deputy Police Chief Doherty, Deputy Police Chief Panico, Watch Commander Kveton

Alderman Regan moved to appoint Alderman Jordan as mayor pro tempore for this evening's meeting. Alderman Rose seconded. Voice vote, unanimous. Motion carried.

SWEARING IN OF POLICE DEPARTMENT PERSONNEL – SERGEANT STEVEN WEATHERFORD, PATROL OFFICERS MATTHEW MCCOLLUM AND MARCIN SCISLOWICZ

3. City Clerk Spencer was joined at the podium by Police Chief Neubauer to swear in Patrol Officers Matthew McCollum and Marcin Scislowicz and Sergeant Steven Weatherford.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

4. None.

PUBLIC FORUM

5. Mary Costello
254 Highland Ave.
Elmhurst, IL 60126

Announced that the League of Women Voter's will host a Candidate's Forum at Bryan Junior High School on Thursday, February 22, 2007 at 7:00 p.m. for those running in the Consolidated Election on April 17, 2007.

Chris Nybo
444 S. Mitchell
Elmhurst, IL 60126

Invited residents to attend a Public Forum at the Elmhurst Public Library on Thursday, January 18, 2007 from 7-9p.m. The discussion topic will be internet safety and identity theft.

CONSENT AGENDA

6. The following items on the Consent Agenda were presented:
- a. MINUTES OF REGULAR MEETING HELD ON TUESDAY, JANUARY 2, 2007 (City Clerk Spencer): Approve as published
 - b. MINUTES OF THE EXECUTIVE SESSION HELD ON TUESDAY, JANUARY 2, 2007 (City Clerk Spencer): Receive and place on file
 - c. ACCOUNTS PAYABLE – JANUARY 15, 2007 TOTAL \$ 700,487.24
 - d. ELMHURST CHAMBER OF COMMERCE (ELMFEST) UNDERPASS BANNER REQUEST – 2008 (City Manager Borchert): Concur with the City Manager's recommendation

January 8, 2007

To: Mayor Marcucci and Members of the City Council
Re: Elmhurst Chamber of Commerce (Elmfest) 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 from June 2 through June 9, 2008, and on the north side of the underpass from June 9 through June 16, 2008. The banner reads "Elmfest – 2nd weekend in June a place to go", sponsored by the Elmhurst Chamber of Commerce.

Unless the City Council directs otherwise, the permit for the Elmfest 2008 banner will be issued and the fee has been paid.

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

- e. LEAGUE OF WOMAN VOTERS OF ELMHURST UNDERPASS BANNER REQUEST – MARCH 2008 (City Manager Borchert): Concur with the City Manager's recommendation

January 3, 2007

To: Mayor Marcucci and Members of the City Council
Re: League of Women Voters of Elmhurst Underpass Banner Request – March 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 reading "VOTE NEXT TUESDAY," to be installed on the north side of the underpass from March 10, 2008 through March 17, 2008.

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

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

- f. LEAGUE OF WOMAN VOTERS OF ELMHURST UNDERPASS BANNER REQUEST – 2008 (City Manager Borchert): Concur with the City Manager's recommendation

January 3, 2007

To: Mayor Marcucci and Members of the City Council
Re: League of Women Voters of Elmhurst 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 reading "VOTE NEXT TUESDAY," to be installed on the north side of the underpass from October 27, 2008 through November 3, 2008.

Unless the City Council directs otherwise, the permit for the League of Women Voters of Elmhurst 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 SYMPHONY ORCHESTRA UNDERPASS BANNERS REQUEST – 2008 (City Manager Borchert): Concur with the City Manager's recommendation

January 4, 2007

To: Mayor Marcucci and Members of the City Council
Re: Elmhurst Symphony Orchestra Underpass Banners 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 temporary banners to be installed on the north side of the underpass. The banners are to promote the Elmhurst Symphony Orchestra during the weeks of January 7th through January 14th, 2008; February 11th through February 18th, 2008; March 3rd through March 10th, 2008; May 12th through May 19th, 2008 and June 2nd through June 9th, 2008.

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

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

- h. EPISCOPAL CHURCH OF OUR SAVIOUR UNDERPASS BANNER REQUEST – 2008 (City Manager Borchert): Concur with the City Manager's recommendation

January 10, 2007

To: Mayor Marcucci and Members of the City Council
Re: Episcopal Church of Our Saviour 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 temporary banners to be installed on the underpass. The banners stating "Get Your Pet Blessed! - 1st Saturday in October, Rain or Shine, Episcopal Church of Our Saviour". The banners will be displayed during the weeks of September 22, 2008 through October 8, 2008 on both sides of the underpass.

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

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

- i. REPORT – 2007 AND 2008 DUTCH ELM DISEASED TREE REMOVAL PROGRAM The following report of the Public Works and Buildings Committee was presented:

January 8, 2007

TO: Mayor Marcucci and Members of the City Council
RE: 2007 and 2008 Dutch Elm Diseased Tree Removal Program

The Public Works and Buildings Committee met on Monday, January 8, 2007 to discuss a proposed extension to the contract for Dutch Elm Diseased Tree Removal for the next two (2) years. The City's current contractor is Winkler's Tree Service of La Grange Park, IL.

Elmhurst Municipal Code requires that Elm trees infected with Dutch Elm Disease be removed. If a diseased tree is on private property, the property owner is held responsible for fifty percent (50%) of the cost of removal or three hundred dollars (\$300.00) whichever is greater. The Department of Public Works monitors Dutch Elm Disease in trees, notifies the property owner of the diseased tree and gives the homeowner the option of removing the tree themselves or requesting the City of Elmhurst to proceed with removal through the City's contractor. The contract specifies for removal of diseased private property and public parkway trees and include immediate removal and disposal of diseased materials by the Contractor. The contract does not include the removal of stumps on private property, but does include stump removal and parkway restoration on the public parkway. Winkler's Tree Service has satisfactorily provided various tree services to the City of Elmhurst in the past.

Winkler's Tree Service has submitted a proposal to continue to provide contract Dutch Elm Diseased Tree Removal to the City for another two (2) year period. Attached, please find information regarding the proposed price increases for the 2007 and 2008 Dutch Elm Diseased Tree Removal seasons. Also attached, please find the 2005 and 2006 bid results from Winkler's Tree Service and the other contractors that provided bids. In general, regarding tree removal, Winkler's Tree Service has requested a four percent (4%) general increase and one percent (1%) fuel increase for a total of five percent (5%) for each of the next two (2) years. For stump removal, Winkler's Tree Service has requested a four percent (4%) general increase, a one percent (1%) fuel increase, and a one percent (1%) topsoil increase for a total of six percent (6%) for each of the next two (2) years.

Winkler's Original Contract Prices (Total Contract Price)

2005 = \$363,971.32

2006 = \$375,863.15

Winkler's Proposed Prices (Total Contract Price)

2007 = \$395,055.57

2008 = \$415,216.64

Funds have been provided for in the General Fund, Account Number 110-6043-434-30-22, for Private Dutch Elm Disease Removals, and Account Number 110-6043-434-30-88, for Public Dutch Elm Disease Removals pending City Council approval of the 2007/2008 and 2008/2009 Budgets. The final cost and tree count depends on the severity of the spread of the disease.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal from Winkler's Tree Service for the 2007 and 2008 Dutch Elm Diseased Tree Removal as outlined above, 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 – 2007 AND 2008 DUTCH ELM DISEASE FUNGICIDE INJECTION PROGRAM

The following report of the Public Works and Buildings Committee was presented:

January 8, 2007

TO: Mayor Marcucci and Members of the City Council

RE: 2007 and 2008 Dutch Elm Disease Fungicide Injection Program

The Public Works and Buildings Committee met on Monday, January 8, 2007, to discuss a proposed extension to the contract for Dutch Elm Disease Fungicide Injection for the next two (2) years. The City's current contractor is Winkler's Tree Service of La Grange Park, IL.

The contract specifies injection of both the City's regularly injected Elms and a 50/50 cost share with residents for contractor provided injections of Arbotect fungicide. Arbotect protects American Elm trees by inhibiting the growth of the fungus that causes Dutch Elm Disease. It is anticipated that there will be approximately 35 regularly injected elms and 100 requests for injections by residents. Winkler's Tree Service has satisfactorily provided various tree services to the City of Elmhurst in the past.

Winkler's Tree Service has submitted a proposal to continue to provide contract Dutch Elm Disease Fungicide Injection to the City for another two (2) year period. Attached, please find information regarding the proposed price increases for the 2007 and 2008 Dutch Elm Disease Fungicide Injection seasons and the original 2005 and 2006 bid results from Winkler's Tree Service and the other contractors that provided bids. In general, Winkler's Tree Service has requested a five percent (5%) increase for each of the next two (2) years. Labor costs consist of a four percent (4%) general increase and one percent (1%) fuel increase for a total of five percent (5%) while material costs increase five percent (5%) to reflect the general increase in Fungicide costs.

Winkler's Original Contract Prices (per dia. inch of tree)

2005 = \$12.12

2006 = \$12.48

Winkler's Proposed Prices (per dia. inch of tree)

2007 = \$13.10

2008 = \$13.76

Funds will be provided for in the General Fund, Account Number 110-6043-434-30-91, for Dutch Elm Disease Injections pending City Council approval of the 2007/2008 and 2008/2009 Budgets.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal as outlined above from Winkler's Tree Service for the 2007 and 2008 Dutch Elm Disease Fungicide Injection, 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 – BID FOR 2006/2007 SANITARY SEWER CIPP LINING PROJECT The following report of the Public Works and Buildings Committee was presented:

January 8, 2007

TO: Mayor Marcucci and Members of the City Council
RE: Bid for 2006/2007 Sanitary Sewer CIPP Lining Project

The Public Works and Buildings Committee met on Monday, January 8, 2007 to discuss bids for the 2006/2007 Sanitary Sewer CIPP Lining Project; No. 06-15. An invitation to bid was sent to qualified contractors and advertised in local area newspapers. The bid contained two (2) separate parts; Base Bid Project 'A' and Optional Project work. The four (4) bids that were received are summarized below:

<u>Contractor</u>	<u>American P.L.</u>	<u>Insituform</u>	<u>Michels Pipe</u>	<u>Visu-Sewer</u>
Base Bid 'A'	\$250,387.50	\$281,344.00	\$287,718.00	\$333,243.00
Optional Work	\$238,140.00	\$228,444.50	\$259,758.00	\$308,190.00
Grand Total	\$488,527.50	\$509,788.50	\$547,476.00	\$641,433.00

The bid request defined the method and process for furnishing all labor, materials, tools, equipment, and incidentals, necessary to provide for the complete rehabilitation of deteriorated gravity sewer lines through the use of the Cured-in-Place-Pipe (CIPP) process. Base Bid Project 'A' contains 9,105 feet of sanitary sewer targeted for rehabilitation. Optional Project work areas total 7,960 feet of sanitary sewer pipe, for a grand total of 17,065 feet scheduled for lining. A map of the areas to be lined is attached.

The CIPP process is defined as the rehabilitation of gravity sewer pipe by the installation of a flexible polyester felt fiber tube, vacuum impregnated with a polyester thermosetting resin, having an impermeable inner surface. The impregnated tube is formed to the host pipe by means of a water column. Curing is accomplished by circulating hot water throughout the length of the tube in accordance with the manufacturer's curing schedule. When cured and complete, the rehabilitated pipe shall be a structurally sound, impermeable, joint-less pipe, that is effectively a "pipe-within-a-pipe."

All preparatory activities, including pre-televising and cleaning is incidental to the work. Sewer service reinstatements and any other work required for the proper installation of the CIPP system is also included in the bid amount. Removal of protruding service taps or sewer point repairs, if necessary, shall be considered additional work above and beyond the scope of the Base 'A' or the Optional work. Competitive pricing for this contingency work was received from all vendors.

The low bidder on this project is American Pipe Liners of West Chicago, Illinois. Several references were checked for American Pipe Liners and all indicated that work had been completed in a timely and satisfactory manner.

Funds have been provided in the 2006/2007 Budget, Municipal Utility Fund, Sanitary Sewer Replacement/Lining Program, account number 510-6056-502-80-13, in the amount of \$950,000 for the contractual rehabilitation of sewers.

It is therefore the recommendation of the Public Works and Buildings Committee that the bid, submitted by American Pipe Liners, for both the Base Bid 'A' and the Optional Project work, in the amount of \$488,527.50, 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 SERVICES REGARDING PHASE II, CHURCHVILLE ONE ROOM SCHOOL The following report of the Public Works and Buildings Committee was presented:

January 10, 2007

To: Mayor Marcucci and Members of the City Council
Re: Architectural Services Regarding Phase II, Churchville One Room School

On Monday, January 8, 2007, the Public Works and Buildings Committee discussed proposed improvements to the Churchville One Room School. The Churchville One Room School is a property owned by the City. The property is listed in the National Register of Historic Places, a comprehensive listing of properties and neighborhoods recognized by the Federal Government as important to the nation.

In October of 2001, the Elmhurst City Council approved a contract with Carow Architects and Planners, LLC to produce a historic structures report (HSR) for this building. The HSR was submitted to the City in February of 2002. In August of 2003 the Elmhurst City Council approved a contract with Carow Architects Planners, LLC to provide architectural design services for a Phase I project to replace the foundation, add a basement, repair the roof, and complete such other work that would stabilize the building and prevent further structural deterioration. At the time, Elmhurst City Council instructed staff that the Phase II project to include repairs, restoration, and improvements should follow the completion of this stabilization of the structure contingent on costs of Phase I. Phase II work is necessary for the facility to be fully useable for public programs and school programs presented by Elmhurst Historical Museum, District 205, Bensenville Park District, and other stakeholders. The structural improvements and repairs to the building have been made. Phase I is complete at a cost of \$338,469 and sufficient funds are available to design and construct Phase II.

On Monday, January 8, 2007, the Public Works and Buildings Committee reviewed a proposal (attached) from Williams Architects of Carol Stream, Illinois, that would cover design work to make necessary repairs, restoration, and improvements in order for the City to fully operate the building. With the completion of this second phase of work, the entire scope of repair/restoration identified in earlier architectural surveys as necessary, will be completed. This phase includes new water service, mechanicals, electrical service, a restroom, restoration of the interior building fabric, and site improvements. Williams Architects' proposal for the design work is \$42,000. (A proposal from Carow to complete Phase II design architectural services was also received. The Carow fee proposal was \$55,000) The design contract includes review of all plans and drawings by the Illinois Historic Preservation Agency to ensure compliance with Federal guidelines for preservation projects involving National Register properties.

Monies to contract for the construction work (estimated at \$300,000 in 2001 by David Woodhouse Architects) have been budgeted in the FY 2006/2007 Budget. Revenue for Phase II work includes approximately \$60,000 from the Elmhurst Historical Society and District 205 Foundation and \$111,966.75 from the balance of a State grant formerly earmarked for purchase and development of the Museum Education Center. Approval to amend the grant agreement and transfer funds to the Churchville School House project was made in July 2006 by the Illinois Historic Preservation Agency. Staff will return to this Committee when bids for the construction work have been opened, tallied, and reviewed.

Monies for the design work have been budgeted in the FY 2006/2007 Budget, account number 110-7060-451-80-23.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal from Williams Architects to produce design documents for repairs, restoration, and improvements of the Churchville School House in the amount of \$42,000 be accepted and that the completed plans be advertised for competitive bids for the 2007 construction season.

Respectfully submitted,
Public Works and Building Committee

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

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

January 8, 2007

To: Mayor Marcucci and Members of the City Council
Re: Disposition of Stop Sign Request - Crestview Avenue and Kenilworth Avenue

The Public Affairs and Safety Committee met on January 8, 2007 to consider the disposition of a Stop Sign request at the intersection of Crestview Avenue and Kenilworth Avenue. In response to a neighborhood request, 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 to replace the existing yield signs on Kenilworth Avenue with stop signs. Staff review finds two correctable accidents within a 16-month period and a bush which creates a sight restriction at this low-volume intersection. According to “Proposed Warrants for Low Volume Intersection Traffic Control”, this intersection meets the warrants for a two-way stop. Staff recommendation is to replace the existing yield signs with stop signs. 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 in place of existing yield signs for Kenilworth Avenue at the intersection of Crestview Avenue.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Phillip D. Jordan
Chairman
/s/ Mark A. Mulliner
Vice-Chairman
/s/ Michael Bram

- n. REPORT – ELMFEST 2007 CHAMBER OF COMMERCE REQUEST The following report of the Public Affairs and Safety Committee was presented:

January 8, 2007

To: Mayor Marcucci and Members of City Council
Re: Elmfest 2007 Chamber of Commerce Request

The Public Affairs and Safety Committee met on December 11, 2006, and again on January 8, 2007, to review the request from the Elmhurst Chamber of Commerce & Industry for changes to Elmfest 2007. The City Council approved the request for use of City streets and sidewalks for Elmfest (June 7-10, 2007) on December 18, 2006. The Chamber of Commerce/Elmfest 2007 Steering Committee in requesting a change in the layout of the entertainment venue along with a \$1.00 fee to enter the food and entertainment area for all persons between 21 and 65. John Quigley, Chamber President and CEO/Elmfest Chairperson, was present to answer questions of the committee.

In an effort to upgrade entertainment and attractions in celebration of Elmfest's 25th Anniversary, Mr. Quigley requested that the Committee and City Council allow Elmfest to collect an admission charge of \$1.00 into the vendor (food) and entertainment midway on Addison Avenue between the Schiller Walkway and Second Street for all patrons between the ages of 21 and 65. The plan would be to limit access to this area with fencing across Addison Ave. at the drive to the Elmhurst Auto Clinic to just north of the Schiller Walkway, and along the curb on the east and west side of Addison Ave. this would allow storefront access and a passage for patrons that do not want to access the entertainment and food venue. Access to this area would be limited to a north and south entrance on Addison Ave. (see attached map).

The proposed option would allow for an expansion of the Comcast Entertainment Center to include all food vendors at the fest. The proposed plan would place security at both entrances to check IDs and place wristbands on those that are legal to purchase alcoholic beverages. Alcoholic beverages would then be permitted inside the fenced area by those properly banded, if so approved by the city's Liquor Commissioner. As in the past, Elmfest will contract with ASI Security to check IDs and monitor consumption.

Mr. Quigley met with members of the Police and Fire Department to discuss the proposed option per the Committee's request. As proposed the Police and Fire Department felt this change to the food and entertainment center would be fine. As in the past, final details in regards to booth set-up, fire lanes and security would be approved by the Police and Fire Departments prior to the opening of Elmfest.

As in the past, the hours for the entertainment center will be as follows: 7:00 pm to 10:00 pm on Thursday, June 7, 11:00 am to 11:00 pm on Friday and Saturday, June 8 and 9, and Sunday, June 10, from 11:00 am to 6:00 pm. Entertainment runs until 1 hour prior to the festival closing each day and the sales of alcoholic beverages stops one half hour prior to the festival closing.

As in 2006, the Elmfest 2007 Steering Committee requested to open the Entertainment Center on Thursday to allow an area for parents to sit and enjoy music while their children are at the carnival. The Thursday opening of the entertainment venue will be a fundraiser benefiting a worthy kids related non-for-profit or charitable organization. Entertainment will run no later than 9:00 p.m.

Elmfest continues to be a very popular event attended by large numbers of people from Elmhurst and the surrounding communities. The Chamber, the Police and Fire Departments, and City Administration feel that Elmfest is a worthwhile event that benefits the community as a whole. The Committee concurs with that evaluation.

It is therefore, the recommendation of the Public Affairs and Safety Committee that the City Council authorize the Elmhurst Chamber of Commerce to hold the Elmfest Celebration on June 7, 8, 9 and 10, 2007, in the downtown area as proposed along with the Elmhurst Jaycees Benefit Carnival.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Phillip D. Jordan

Chairman

/s/ Mark A. Mulliner

Vice-Chairman

/s/ Michael Bram

- o. REPORT – TANNINS WINE SHOP LIQUOR LICENSE REQUEST The following report of the Public Affairs and Safety Committee was presented:

January 10, 2007

To: Mayor Marcucci and Members of City Council

Re: Tannins Wine Shop Liquor License Request

The Public Affairs and Safety Committee met on January 8, 2007, to consider the request of Lisa D'Adamo, proprietor of Tannins Wine Shop, that a new class of liquor license be established that would permit the sale of both package wines and premium beer (off-premise consumption) as well as sales of wines and premium beers by the drink (on-premise consumption).

Last year Ms. D'Adamo was granted a Class "B" (Bar) license to permit sales of alcoholic liquor for consumption on the premises. A Class "B" license permits the sale of any alcoholic liquor. Ms. D'Adamo is interested only in selling wines and premium beers, whether in the package or for consumption on the premises. Because the Class "B" liquor license to which Ms. D'Adamo is entitled does authorize the sale of any alcoholic liquor, her Dramshop (liquor liability) Insurance premium would increase substantially.

Ms. D'Adamo is requesting that a new class of liquor license be established to permit sales of wine and premium beers only, whether in the original package or for consumption on premise. If such a license were granted, she would give up her current Class "WB" and Class "B" Licenses. The Committee reviewed Ms. D'Adamo's business plan and the proposed layout and seating plan to accommodate customers who wish to consume wine or beer on the premises. The Committee also reviewed a draft ordinance prepared by the Assistant City Attorney which was submitted for discussion purposes. Assistant City Attorney Spiroff noted that he reviewed ordinances from several other communities that permit sales such as requested by Ms. D'Adamo, noting that some municipalities limit the number of seats and square footage of what are commonly referred to as Wine Boutiques or Wine Bars, while others have no such limitations. Licenses for such operations range between \$1,400.00 and \$2,000.00.

After discussion, the Committee concluded that creating a wine boutique and bar (Class "WBB") liquor license was reasonable so long as certain restrictions were imposed. Those restrictions include limiting the number of seats to thirty, the total square footage to 2,000 square feet and requiring the licensee to have as its principal stock in trade fine wines and premium beers with sales of wine related accessories, gourmet food products and specialty gift products allowed. The Committee further determined that given that the current fee for a Class "WB" license is \$2,243.00 and fee for a Class "B" license is \$4,132.00 and that the proposed operation would involve some features of each of those existing two license classes, an appropriate fee for the proposed Class "WBB" license would be \$3,000.00 per year. A draft ordinance specifying the limitations and requirements for this license class is attached.

It is therefore, the recommendation of the Public Affairs and Safety Committee that the City Council establish a Class "WBB" license with the restrictions as noted in this report, that the fee for that license be \$3,000.00 per year and that the City Attorney be authorized to place the ordinance in final form for Council consideration.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Phillip D. Jordan
Chairman

/s/ Mark A. Mulliner
Vice-Chairman

/s/ Michael Bram

- p. REPORT – CASE NUMBER 06 P-07/ HARRIS BANK @ OS524 OLD YORK ROAD The following report of the Development, Planning and Zoning Committee was presented:

January 9, 2007

TO: Mayor Marcucci and Members of the City Council

RE: Case Number 06 P-07 / Harris Bank @ 0S524 Old York Road

Request for a Map Amendment, after annexation, from R1 Single Family Residential to C2 Community Shopping & Service pursuant to Section 3.10-2 of the City of Elmhurst Zoning Ordinance; to consider a request for a Conditional Use Permit for constructing and operating a bank drive-through pursuant to Section 8.4-2.6 of the City of Elmhurst Zoning Ordinance; to consider a request for a Conditional Use Permit for constructing two pylon signs pursuant to Section 11.16-2.(d) of the City of Elmhurst Zoning Ordinance; and to consider a request for sign variations pursuant to Section 11.16 of the City of Elmhurst Zoning Ordinance on property commonly known as 0S542 Old York Road (PIN 06-13-306-002), said property being wholly located within the B2 General Business District in unincorporated DuPage County. Upon annexation to the City of Elmhurst the property will be zoned R1 Single Family Residence.

The Development, Planning and Zoning Committee met on September 25 and October 23, 2006, and again on January 8, 2007, to review the Zoning & Planning Commission report dated September 12, 2006 regarding the subject request. (The applicant requested continuance at the October 9, 2006 meeting, and after the October 23 meeting requested an opportunity to return to the DPZ Committee for additional review.) The Committee also reviewed the documents submitted by the applicant, and the transcript of the public hearing. The applicant, Harris Bank, is requesting approval of a rezoning (map amendment) after annexation, conditional uses and variations for a proposed bank with drive-through on the subject property.

The initial request consisted of a proposed bank with four drive-through lanes and one pass through lane on the south end of the property; the drive-through requires a conditional use. The bank will be located in the central part of the property, while the parking lot will be north of the bank building. The site, located at the southeast corner of York and Lexington, is characterized by its narrow wedge-like shape. A gasoline station previously occupied the site; that gasoline station building was removed a few years ago. The applicant requests annexation of the site, currently in the "Yorkfield" area of unincorporated DuPage County, into the City. In addition to the map amendment and conditional uses for the drive-through and pylon sign, the applicant requested a series of variations associated with the proposed wall signs.

During their review in September and October, the Committee reviewed the proposal in detail and discussed the circumstances associated with the proposed bank facility. The Committee noted that the applicant made adjustments to their request to reduce the number of requests for zoning relief, including sign size reduction and earlier withdrawal (during Commission review) of one of the two proposed pylon signs. In response to Committee direction, the applicant also completed revisions to the building design.

During initial review (September and October), the Committee noted that they did not support the requested pylon sign. They were seeking a smaller scale sign for the site that would feature a more pleasing design will still allowing visibility for the subject site. Upon conclusion of DPZ Committee review, the applicant requested an opportunity for Committee review of a revised sign request. The applicant prepared and submitted a revised sign design, which was reviewed by the Committee on January 8. The revised sign request was supported by the Committee. They felt that the new sign was a compromise with an improved design, and a more appropriate scale for the subject site and surrounding area.

In summary, the Committee expressed support for the proposed development, including the revised sign. The original Zoning & Planning Commission recommendation for this project consisted of a positive recommendation for the rezoning and conditional use, and a negative recommendation for the previous signage. The DPZ Committee's review and recommendation are essentially consistent with the Commission's recommendations in that the applicant revised their sign proposal to reflect the DPZ's preferences.

The DPZ Committee also discussed the required annexation for this site. The Committee determined that no annexation agreement is being provided for the subject site. Therefore, the site can be annexed through City Council action first, with action on the zoning items to follow.

It is therefore the recommendation of the Development, Planning and Zoning Committee to approve the requests for this project, including the proposed new sign, subject to City Council approval of the requested annexation. The DPZ Committee also supports the requested annexation needed to accommodate this project. 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

- q. REPORT – CASE NUMBER 06 ZBA – 20 / WINTERS VARIATION @ 135 WALNUT STREET The following report of the Development, Planning and Zoning Committee was presented:

January 9, 2007

TO: Mayor Marcucci and Members of the City Council

RE: Case Number 06 ZBA – 20 / Winters Variation @ 135 Walnut Street

Request for a front yard setback variation pursuant to Chapter 7, Part A, 4.c of the Elmhurst Zoning Ordinance for the purpose of constructing a covered front porch on property commonly known as 135 Walnut Street (PIN 06-02-114-009), said property being wholly located within the R2 Single Family Residence district.

The Development, Planning and Zoning Committee met on January 8, 2007 to review the Zoning & Planning Commission report dated January 3, 2007 regarding the subject request. The Committee also reviewed the documents submitted by the applicant, and the transcript of the public hearing. The applicant is requesting approval of a front yard variation for a covered front porch on the subject property.

During their review, the Committee reviewed the proposal in detail, discussed the circumstances and background associated with the new home, and reviewed the zoning variation request. The Committee believes that the redesign of the home's appearance, with the reestablishment of a traditional style (along with the new porch), enhances the neighborhood. The Committee also noted the quality of review by Zoning & Planning Commission, and the supportive discussion from the applicant. The Committee believes that the applicant did a good job of pointing out their unique circumstances and identifying the reasonable return and enjoyment of the property associated with the proposed remodeling and front porch. Further, the Committee noted that the applicant had the support of a neighbor in the area as evidence of its enhancement to other properties in the area.

It is therefore, the recommendation of the Development, Planning and Zoning Committee to concur with the recommendation of the Zoning & Planning Commission's recommendation that the request be approved. 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 Moriarty pulled item **6p. Report – Case Number 06 P-07/ Harris Bank @ OS524 Old York Road.**

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

Alderman Rose moved to approve item **6p. Report – Case Number 06 P-07/ Harris Bank @ OS524 Old York Road**. Alderman Gow seconded. Alderman Rose reviewed item **6p. Report – Case Number 06 P-07/ Harris Bank @ OS524 Old York Road**.

Alderman Rose stated that Harris Bank is interested in the property on York south of Butterfield Road. It was formerly a gas station and the property is not a part of Elmhurst.

Alderman Rose explained that the discussion of a sign package came with request for pylon signs, which are large and for conditional use. The committee felt this location is the gateway into Elmhurst and a more attractive sign would be appropriate. A monument style of sign was presented as an excellent compromise. The sign meets the banks needs and the City's needs in terms of it being appropriate for the community. Annexation of this property into Elmhurst will come before the Development, Planning and Zoning Committee after this request is approved.

Alderman Moriarty stated she pulled item **6p. Report – Case Number 06 P-07/ Harris Bank @ OS524 Old York Road** for clarification of the flow of traffic. She asked if the exit will be onto a residential street and voiced concern for the residents in the area.

Alderman Rose replied that the traffic flow would be the same and residents are in favor of the improvements.

Alderman Tranter stated concerns in the back end of the building and what revisions were made.

Alderman Gow stated changes were aesthetic in nature and have added character to the design. The changes use more brick and make the building look less stark.

Alderman Rose stated there is not a lot of room to put a fence there due to the angular nature of the property. The bank design looks better then the former gas station and even though a buffer cannot be put up the committee approved the good design.

Roll call vote on item **6p. Report – Case Number 06 P-07/ Harris Bank @ OS524 Old York Road**:

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

Nays: None

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

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

7. a. UPDATES

Alderman Bram thanked the Council for approving item **6m. Report – Disposition of Stop Sign Request Crestview Avenue and Kenilworth Avenue**.

- b. PEDESTRIAN RAILROAD SAFETY PRESENTATION (City Manager Borchert, Police Chief Neubauer and Watch Commander Kveton)

City Manager Borchert invited Police Chief Neubauer and Watch Commander Kveton to the podium. Chief Neubauer stated he would like to 5-10 minutes to introduce the Operation Life Saver Railroad Safety Program to the Council. Chief Neubauer stated that in the last nine (9) years Elmhurst has not had a single railroad fatality.

Chief Neubauer introduced Watch Commander Kveton. Watch Commander Kveton showed Council a PowerPoint presentation explaining Operation Lifesaver. After the presentation, Watch Commander Kveton handed out material on the program to the Council and played a Public Service Announcement which will be shown on Cable channels promoting the slogan: Look, Listen and Live.

- c. UPDATES (Mayor Marcucci)

Mayor Marcucci stated he has received thirty (30) applications for the Historic Preservation Commission. He thanked the press for getting word out about the new commission. He reminded everyone that the requirements for the commission are at least one of the following: a Real Estate and Legal License or an Architect with a Degree and License. Mayor Marcucci stated he is also looking to diversify the commission by age, gender and geographic representation of the community.

ORDINANCES

8. a. O-01-2007 – AN ORDINANCE APPROVING AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT AMONG THE CITY OF ELMHURST, THE ELMHURST PUBLIC LIBRARY AND THE ELMHURST PARK DISTRICT AND AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY THEREUNDER

Ordinance O-01-2007 was presented for passage.

Alderman Rose moved to approve item **8a. O-01-2007 – An Ordinance Approving an Amendment to an Intergovernmental Agreement Among the City of Elmhurst, the Elmhurst Public Library and the Elmhurst Park District and Authorizing the Conveyance of Certain Real Property Thereunder**. Alderman Hillsman seconded. Roll call vote:

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

Nays: None

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

OTHER BUSINESS

9. Alderman Szczepaniak asked about AT&T regarding the Cable Franchise issue.

City Manager Borchert stated that local governments have not been in agreement with AT&T. National legislature is in favor of AT&T coming in and the City is waiting to see what the impact will be, it doesn't look favorable.

Mayor Marcucci added this is a bad policy. AT&T stated that they would provide good service at a low price. Equal access for all in a community, but it is only available in certain sections of the town or city.

Alderman Rose stated how pleased she was to see the Intergovernmental Agreement ordinance move forward keeping historic preservation in mind.

ANNOUNCEMENTS

10. City Manager Borchert announced that the RFP for the Hahn Street properties had a due date of today. Proposals were received from two vendors; Everett Builders, Inc and Morningside Group HAS Commercial Real Estate. The City Manager stated that there will be a Special Meeting on Monday, January 29, 2007 to review said proposals.

Alderman Tranter expressed her concern that there were only two (2) responses received. Discussion ensued.

ADJOURNMENT

11. Alderman Gow moved to adjourn the meeting. Aldermen Rose seconded. Voice Vote. Motion carried. Meeting adjourned 8:51 p.m.

Thomas D. Marcucci, Mayor

Patty Spencer, City Clerk