

City Council Meeting

Monday, Feb. 4, 2019 7:35 p.m.

Mayor Morley presiding.

Attendance: 1 press; City Mgr. Grabowski; Atty. Storino; Asst. Clerk Cyprian; Treasurer Libovicz; 6 City staff members; 14 Aldermen; Fire Chief Freeman; Police Chief Ruth; ~25 residents; 5 first responders

LWV observer: B. Lipton

NOTE: Related documents can be accessed online at:

<http://www.boarddocs.com/il/coe/Board.nsf/Public> and a video recording of this meeting can be found at www.Youtube.com

1. Executive Session - Conf. Room #2 - 6:30 p.m.- for the Purpose of Discussing: Purchase or lease of real property for the use of the public body, pursuant to the Open Meetings Act 5 ILCS 120/2(c)(5) and Pending/probable litigation, pursuant to the Open Meetings Act 5 ILCS 120/2 (c)(11)

2. Call to Order: Pledge of Allegiance; Roll Call - All Aldermen present
Presentation: Mayor Morley announces that the Elmhurst Police Dept. recently achieved Illinois Chiefs Association ILEAP Tier 1 accreditation because its procedures and policies have met the highest standards; he presents a certificate to Chief Ruth. Applause. After the presentation 5 residents and all first responders leave.

3. Receipt of Written Communication from the Public None

4. Public Forum

- Ben Silver, an attorney from the Citizens Advocacy Ctr., notes that the Council has finally produced a report about allowing hoop houses, after 2.5 years of consideration. The process of DPZ committee and Zoning Commission review is broken; the majority and minority reports both are not based in expertise and facts as brought before them.
- Elise Valera agrees with Mr. Silver. She objects to the majority report to leave City code as it is. She emphasizes that temporary membrane structures have always been allowed, but not for the purpose of backyard gardening. She urges amendment of the zoning code to add backyard gardening also objects to the minority report, because it ignores two years of expert testimony and community support for functional hoop houses.
- Nicole Virgil discusses her experience with being labelled a liar among other things, by several Aldermen. She notes that her multiple appeals to DPZ committee members have gone unanswered; she brings emails and other evidence to support her contention. She feels singled out because in years past

other Elmhurst residents have used garden membrane structures without being harrassed.

- Andriani Siavelis supports residential gardening, but she does not like hoop houses. Instead she favors cold frames and low tunnels.
- Brian Dolan supports the majority report on hoop houses.
- Laura Gerhold Derks, head of Elmhurst Cool Cities Coalition, supports hoop houses and maintains that the two (majority and minority) reports both limit winter gardening options. The current size limitations will not allow gardeners above 6 feet tall to work in them; the footprint size of 60 sq ft is not functional because it is too small.
- Carol Snyder comments on the proposed code amendments about hoop houses. She thanks all those who have contributed to the discussion and supports the majority report to leave the zoning code unchanged.
- Dan Virgil notes that this is essentially about local families' ability to grow and eat food and to extend the growing season. He notes that the majority report bans hoop houses altogether, and recommends greenhouses which are not in any way equivalent. He asks that the City come up with a reasonable solution.
- Rex Erby speaks about the electricity aggregation program, which he maintains is not well thought out. He advocates following the Oak Park model which would allocate funds to a infrastructure repair and maintenance. He would like a copy of the 2012 NIMIC agreement with the City which is not available at present even though this is legally required.
- Claude Pagacz comments on Mayor Morley's recent State of the City speech to the Chamber of Commerce. He also notes that more than 200,000 families have left Illinois over the past 2 years.
- Bill Sanders comments on the membrane structure issue. He and his wife oppose hoop houses and he thanks the Council and everyone who worked on both sides of the issue. He asks that Council adopt the majority report.
- Keith Monken lives right behind the new FFC fitness club; he and his neighbors have been negatively affected by the exhaust from their boiler. He asks for a temporary injunction to shut of the boiler until it can be repaired adequately.
- Heidi Hartman comments about hoop houses as a homeowner and as a member of the sustainability task force. The Virgils are the best authority on functionality of hoop houses, since they have previously used them. She asks that the reports be tabled and taken back to the DPZ committee and the Zoning Commission to make meaningful changes.
- Sonny Judy is an avid gardener and takes issue with some of the false choices being presented today. Low tunnels and cold frames are not nothing, and can contribute to winter growing. She's concerned that permeable ground areas are

being replaced with non-permeable ground cover which will just add to our stormwater problems.

5. Announcements none

6. Consent Agenda All items approved unanimously except 6.23 (see ** below)

- 6.1 Minutes of the Regular Meeting of the Elmhurst City Council on January 22, 2019
- 6.2 Minutes of the Executive Session of the City Council on January 22, 2019
- 6.3 Accounts Payable January 31, 2019 - Total \$ 2,501,615.17
- 6.4 Report - T-Mobile Lease Agreement Amendment - North Elevated Tank (PWB)
- 6.5 Report - 2019-2021 Contract Turf and Landscape Maintenance (PWB)
- 6.6 Report - Professional Engineering Service for Construction Management of North Elevated Storage Tank Painting Project (PWB)
- 6.7 Report - 2019-2021 Contract Tree Removal and Tree Trimming (PWB)
- 6.8 Report - 2019 Watermain Improvements Project - Professional Engineering Services - Amendment to Contract (PWB)
- 6.9 Report - St. Patrick's Day Parade - 2019 (PAS)
- 6.10 Report - Case Number 18 P-26/Modified Shipping Containers and Amenity Deck Text Amendment (DPZ)
- 6.11 O-05-2019 - An Ordinance Waiving Bid and Accepting the Proposal of Trane Rental Services for the Rental of a Temporary HVAC Chiller
- 6.12 O-06-2019 - An Ordinance Waiving Bid and Ratifying Emergency Watermain Repairs
- 6.13 ZO-05-2019 - An Ordinance Granting Conditional Use Permit and Associated Variations for the Development of the Property Commonly Known as 926 North York Street, Elmhurst, Illinois (P.I.N. 03-26-207-032)
- 6.14 ZO-06-2019 - An Ordinance Granting Conditional Use Permits and Associated Variation for the Development of the Property Commonly Known as 570 West North Avenue, Elmhurst, Illinois (P.I.N. 06-03-205-023)
- 6.15 ZO-07-2019 - An Ordinance Granting a Conditional Use Permit and Associated Variation for Property Commonly Known as 176 E. Butterfield Road, Elmhurst, Illinois (P.I.N. 06-13-301-004)
- 6.16 R-05-2019 - A Resolution Approving and Authorizing the Execution of Balancing Change Order No. 1 for the 2018 Watermain Improvements Project
- 6.17 R-06-2019 - A Resolution Authorizing the Purchase of One Replacement Vehicle for the City's Public Works - Building Maintenance Division and Authorizing the Disposal of One Existing 2008 Ford 250 Cargo Van
- 6.18 R-07-2019 - A Resolution Authorizing the Purchase of One Replacement Vehicle for the City's Public Works-Building Maintenance Division and Authorizing the Disposal of One Existing 2008 Ford F250 4X4 Pick-up Truck

- 6.19 R-08-2019 - A Resolution Authorizing the Purchase of Two Replacement Vehicles for the City's Public Works Department and Authorizing the Disposal of Two Existing Vehicles, Units PW-5 and PW-79
- 6.20 R-09-2019 - A Resolution Authorizing the Purchase of One Replacement Vehicle for the City's Public Works - Electrical Division and Authorizing the Disposal of One Existing 2008 Ford F450 4X4 Dump Truck
- 6.21 R-10-2019 - A Resolution Authorizing the Purchase of a Replacement Vehicle for the City of Elmhurst Distribution and Collection Division and Authorizing the Disposal of One 2008 Ford F450 Crew Cab
- 6.22 R-11-2019 - A Resolution to Approve and Authorize the Execution of an Agreement Between the City of Elmhurst, Illinois and RJN Group, Inc. for the Furnishing of Professional Engineering Services for the 2019 Sanitary Flow Meter Monitoring Project
- **6.23 R-12-2019 - A Resolution to Approve and Authorize the Execution of an Agreement Between the City of Elmhurst, Illinois and Christopher B. Burke Engineering, LTD for the Furnishing of Professional Engineering Services for the West Avenue Drainage Improvements Project
- Mayor Morley pulls this for further consideration and correction of the agreement.
- 6.24 R-13-2019 - A Resolution Approving and Authorizing the Execution of an Agreement By and Between the City of Elmhurst and the Illinois Department of Transportation Regarding the Resurfacing of West Avenue from St. Charles Road to the Union Pacific Railroad in the City of Elmhurst, Illinois

7. Committee Reports

- 7.1 Report - Case Number 18 P-15/City of Elmhurst Zoning Ordinance Text Amendments - Low Tunnels (DPZ)
- Ald. Honquest notes that all 3 reports under consideration tonight stem from the discussion of hoop houses that has been going on since 2010, when all membrane structures were banned. In 2015 the membrane structure of current residents was erected and allowed to stand through the season despite its violation of zoning codes; in 2016 the code was challenged in court and the code was upheld. Ald. Honquest believes that this issue was more thoroughly explored than any other that has ever come before DPZ and the Zoning Commission.
 - Mayor Morley notes that comments can refer to more than one of the reports because all 3 are so closely related.
 - Ald. Talluto, Mulliner, Bram offer comments.
 - Ald. Deuter offers amendment to increase the maximum allowed size of low tunnels/cold frames to 100 sq ft so as to accommodate 2 raised beds. Ald. Honquest speaks for the DPZ committee with no objection to the amendment.

- Amendment passes 14 – 0.
- Report 7.1 passes 14 – 0.
- 7.2 Majority Report - Case Number 18 P-15/City of Elmhurst Zoning Ordinance Text Amendments - Membrane Structures (DPZ)
 - Ald. Honquest notes that this is specific to hoop houses; he outlines the information gathering process the DPZ committee went through and the considerations that were most important to him. He has heard from a lot people; most of them were not in support of allowing hoop houses.
- 7.3 Minority Report - Case Number 18 P-15/City of Elmhurst Zoning Ordinance Text Amendments - Membrane Structures (DPZ)
 - Ald. Talluto moves to substitute the majority report with the minority report. She thanks everyone involved in this process. She supports the minority report for 3 reasons: a) it represents the recommendation of the Zoning Commission; b) the argument that the smaller size is not functional is not valid; c) the minority report represents a compromise and a balanced solution. This is preferable to an all-or-nothing approach.
 - Ald. Deuter does not support the minority report although it's a reasonable solution; there is an overwhelming lack of community support for it.
 - Ald. Polomsky does support the minority report because it is a reasonable compromise as set out by the Zoning Commission. She believes that the Zoning Commission had the best information available and they have the expertise to evaluate this issue.
 - Ald. Levin, Park, Dunn also support the minority report and give their reasons including those above.
 - Ald. Bram reviews his questions about the size and height requirements; sheds higher than 6 ft. and up to 100 sq ft have been allowed in Elmhurst for many years and can be erected without even getting a permit.
 - Ald. Brennan will not support a 6 ft high structure because it will not work. His biggest concern is setback from the property lines. He will support the majority report to leave the zoning code unchanged.
 - Motion to substitute defeated 8 – 7 (Mayor Morley breaks tie; Dunn, Polomsky, Bram, Talluto, York, Levin, Park vote for substitution).
 - Ald. Deuter favors low tunnels/cold frames as the best option going forward. She offers an amendment to the majority report to increase the allowable size of these structures as outlined above, and to clarify the rationale for the report. Ald. Levin asks Ald. Deuter to explain her amendment; she does so. Ald. Honquest comments. Ald. Bram notes that the majority report effectively doesn't change the code so whether or not it is approved there will be nothing done. Ald.

Polomsky, Talluto & Mayor Morley also note that a vote either way on the majority report does nothing.

- Ald. Deuter's amendment passes 11 - 3 (Bram, Talluto, Levin against)
- Majority report approved 8-7; Mayor Morley breaks tie (Dunn, Polomsky, Bram, Talluto, York, Levin, Park vote against)

8. Reports and Recommendations of Appointed and Elected Officials

- Mayor Morley thanks the Public Works Dept. for their hard work during the very cold weather just past. The Youth Commission is seeking businesses & organizations to take part in their March summer job fair.
- City Manager Grabowski reports on the broken pipes in the Police Station and in City Hall that occurred recently. Trash collection will resume on its normal schedule. Mr. Grabowski attended the FAA open house today on the Fly Quiet program; 3 more meetings are coming up. He announces that Mike Cupp is celebrating 35 years as a City staff member. Applause.
- Ald. Dunn explains several changes in the Fly Quiet night time rotation program. Ald. Bram gives details of upcoming OHare Fly Quiet programs.

9. Ordinance O-07-2019 - An Ordinance Authorizing the Continuation of the Aggregation Program for Electrical Load of the City of Elmhurst, DuPage and Cook Counties, Illinois

- Mayor Morley pulls this due to the need to make some clarifications.

10. Other Business none

11. Adjournment 9:40 pm