

City Council Meeting Monday, March 19, 2018
City Hall, 209 N. York St.
Elmhurst, IL 60126
Council Chambers, 7:30 p.m.
Steven M. Morley, Mayor

Attendance: 3 press, ~60 residents; City Mgr. Grabowski;
Atty. Storino, Clerk Spencer; ~5 City staff members; 12
Aldermen; Fire Chief Freeman, Police Chief Ruth

LWV observer: B. Lipton

PLEASE NOTE: Related documents can be accessed online at: <http://www.boarddocs.com/il/coe/Board.nsf/Public>
and video recording of this meeting can be found at www.Youtube.com

1. Call to Order

- Pledge of Allegiance - led by Field School Cub Scout Troop #26
- Roll Call – Ald. Sabatino, Dunn absent

2. Presentations

- Proclamation - York Varsity Dance Team 2018 IHSA State Championship. Mayor Morley, Coach Baron and Asst. Coach Ortiz speak. Dancers are introduced (applause). Approx. one-fourth of the audience left after this presentation.

3. Receipt of Written Communication from the Public Three (McNichols; Silver of the Citizen Advocacy Center; Ozer)

4. Public Forum

- Ben Silver, CAC, presents a report on the prior unsuccessful Elmhurst Extended Care Center (EECC) zoning applications for conditional use on Fremont Ave. The DPZ committee's capitulation to EECC now is clearly only in response to the threat of a lawsuit, although the prior denials were based on longstanding Elmhurst ordinances and zoning policies. Silver asks Council to deny the EECC application if they have any respect for the laws and policies of the City of Elmhurst (applause).
- Jay McNichols of Fremont Ave. notes that the conditional use application was rejected several times and now was approved by DPZ even though it was not substantially changed. Based on Ald. Honquist as quoted last summer in the Chicago Tribune, the current DPZ report to approve is merely a response to the threat of a lawsuit. He repeats several of Mr. Silver's arguments. (applause)
- Eileen Ozer of Fremont Ave. states that she and her neighbors have participated in the community legislative process in opposing the EECC building. She goes through several arguments to support her contention that the burden of proof to justify the building of the large nursing home in the residential neighborhood is not met. (applause)
- Theresa Mc Carthy of Fremont Ave. responds to a misleading letter from City Mgr. Grabowski that was passed out on St. Patrick's Day. She compares the large size of the proposed nursing home to the residential properties on Fremont Ave. She contends that if the EECC application is approved it will set a terrible precedent for all neighborhoods in Elmhurst. (applause)
- Mary Young of Fremont Ave. does not consider the process transparent; she feels disappointed that the comprehensive City plan is being tossed aside in order to accommodate one business. Property values will be negatively impacted. (applause)
- Tim Young of Fremont Ave. also speaks against the granting of the conditional use to the EECC for building. He and his neighbors are not against people with disabilities as maintained by the City officials and DPZ members. (applause)
- Andrew Ebert of Fremont Ave. objects to the process that has been followed in reference to this EECC application. He quotes the transcript of last year's DPZ discussion, which resulted in disapproval of the EECC application. He maintains that the >40,000 sf building is huge compared to the 2000-3000 sf size of the surrounding homes. (applause)
- Laura Moriarty objects to allowing conditional use waivers that can impact all the neighborhoods in Elmhurst.
- Allen Quarrie lives on N. Howard, a small block that curves into Lake St. He and his neighbors are constantly endangered by the nursing home staff speeding through their neighborhood before and after work. The parking lot is already at capacity, and there will be nowhere for new staff and visitors to the large new EECC building (applause).
- Greg Dvorak also speaks against granting the application for the EECC building. (applause)
- George Fisher of Fremont Ave. asks who the Council members think they represent. (applause)
- Julie McNichols of Fremont Ave. also speaks against the EECC application. She is concerned about the traffic associated with the outpatient services planned by the EECC, and also where stormwater will be pumped from this large-footprint building. (applause)
- Lynn Kirby of S. Washington St. says that she isn't a neighbor of Fremont Ave., but she wouldn't want this structure built on her street. (applause)

- Kitty Julian of Kenilworth and Fremont wonders what will happen with all the traffic this will cause (applause).
- Greg Pellico, resident of Fremont Ave. since the 1960s, describes his neighborhood as a beautiful quiet cul-de-sac. ECCC cares only about money. Fremont residents have consulted with an attorney and they are seriously considering a lawsuit if the application is granted; also news media, social media campaigns. (applause)

5. Announcements

- Clerk Spencer announces the primary election tomorrow.
- Ald. York states FCAAS will meet this coming Friday morning March 23 due to Spring Break next week.

6. Consent Agenda – All approved unanimously 12 – 0 except 6.12 (Bram) 6.14 (Brennan) see **below

6.1 Minutes of the Regular Meeting of the Elmhurst City Council on March 5, 2018

6.2 Accounts Payable March 15, 2018 - Total \$ 2,199,252.04

6.3 Report - 2018 Contract Paving Program (PWB)

6.4 Report - 2018 Tree Purchase & Planting Program (PWB)

6.5 Report - DuPage County Gasoline and Diesel Procurement Joint Purchase (PWB)

6.6 Report - Eco-Clean Maintenance Custodial Service Contract (PWB)

6.7 Report - 2018 Fire Hydrant Materials Purchase (PWB)

6.8 Report - WRF Improvements - Non-Potable Water, Natural Gas, Fiber Optic, and Electric Utility Installation - WPCLP Loan No, 174450 (Revised to 175531) Project, Contingent on Loan Offer - Recommendation to Award the Construction Bid (PWB)

6.9 Report - York Street LAFO - Phase III Construction Engineering (PWB)

6.10 Report - Industrial Park Roadway Improvements - Phase III Construction Engineering (PWB)

6.11 Report - Wireless Radio Alarm Network Upgrade (PAS) (see item # 9.1)

**6.12 Report - Felony Investigation Assistance Team - Intergovernmental Agreement (PAS)

- Ald. Levin explains that this would allow our Police Dept. to join the FIAT to share resources to investigate major crimes. The cost is \$3500/year along with some staff time.
- Ald. Bram asks why is this needed since the City already takes part in similar programs such as the Major Crimes Task Force. Mayor Morley explains that this will supplement and not replace current resources.

- Approved 12 – 0.

6.13 Report - Bid One (1) 2018 Dodge Police Sedan Interceptor (PAS)

**6.14 Report - Alternative Nicotine Products Ordinance Amendment (PAS)

- Ald. Levin explains that this is to address the problem of schoolchildren expanding their use of e-cigarettes. Ald. Polomsky sits on the City Commission on Youth and alerted the PAS committee to the issue. Changing the City ordinance would a) allow the Police to charge youth at the city level rather than bring state charges if they are found vaping; and b) would require the 3 e-cigarette businesses in town to obtain licenses.

- Ald Brennan pulled this report simply to alert the public to the issue. He is in complete support.

- Approved 12 – 0.

6.15 Report - DuPage Water Commission Water Rate Increase (FCAAS)

6.16 Report - Professional Services Agreement for Third Party Claims Administration for General Liability, Property, Casualty and Employment Related Insurance Claims (FCAAS)

6.17 Report - Professional Services Agreement for Third Party Claims Administration for Workers' Compensation Claims (FCAAS)

6.18 O-12-2018 - An Ordinance Making Appropriations for Special Service Area Number Six of the City of Elmhurst for the Fiscal Year Beginning January 1, 2018 and Ending December 31, 2018

6.19 O-13-2018 - An Ordinance Making Appropriations for Special Service Area Number Thirteen of the City of Elmhurst for the Fiscal Year Beginning January 1, 2018 and Ending December 31, 2018

6.20 O-14-2018 - An Ordinance Making Appropriations for Special Service Area Number Fourteen of the City of Elmhurst for the Fiscal Year Beginning January 1, 2018 and Ending December 31, 2018

6.21 O-15-2018 - An Ordinance Making Appropriations for Special Service Area Number Fifteen of the City of Elmhurst for the Fiscal Year Beginning January 1, 2018 and Ending December 31, 2018

6.22 O-16-2018 - An Ordinance Making Appropriations for Special Service Area Number Sixteen of the City of Elmhurst for the Fiscal Year Beginning January 1, 2018 and Ending December 31, 2018

6.23 O-17-2018 - An Ordinance Approving and Authorizing the Execution of a Non-Exclusive License Agreement By and Between Elmhurst Walk-In Assistance Network, Inc. and the City of Elmhurst, DuPage and Cook, Counties, Illinois

- 6.24 O-18-2018 - An Ordinance Waiving Bid and Accepting the Proposal of TRT Transportation, Inc. d/b/a The Chicago Trolley & Double Decker Company for Trolley Services Within the City of Elmhurst and Authorizing the Execution of a Contract Between TRT Transportation, Inc. d/b/a The Chicago Trolley & Double Decker Company and the City of Elmhurst
- 6.25 R-26-2018 - A Resolution to Adopt the City of Elmhurst Sustainability Action Plan
- 6.26 R-27-2018 - A Resolution Approving and Authorizing the Execution of a Professional Services Agreement with Concentric Integration, LLC for Computer and Supervisory Control and Data Acquisition (SCADA) Services for the Water Reclamation Facility and Utility Satellite Facilities
- 6.27 R-28-2018 - A Resolution Approving and Authorizing the Execution of a Professional Phase III Construction Engineering Services Agreement By and Between Hampton, Lenzini and Renwick, Inc. and the City of Elmhurst for the Poplar Avenue Local Agency Functional Overlay Roadway Improvement Project
- 6.28 R-29-2018 - A Resolution to Approve and Authorize the Execution of a Professional Engineering Services Agreement By and Between RJN Group, Inc. and the City of Elmhurst for the 2018 Field Investigations and Rehabilitation Program Assistance Project
- 6.29 R-30-2018 - A Resolution Approving and Authorizing the Execution of a Professional Design Engineering Services Agreement By and Between Trotter and Associates, Inc. and the City of Elmhurst for the Lake and Walnut Sanitary Lift Station Replacement Project
- 6.30 R-31-2018 - Resolution to Correct a Scrivener's Error in Resolution Number R-10-2018 Entitled "A Resolution Authorizing the City of Elmhurst to Adjust the Wheeling Rate Charged to Illinois American Water Company Pursuant to Section 5 C of the "Water Transmission and Delivery Agreement Among the City of Elmhurst, Citizens Utilities Company of Illinois now Known as Illinois American Water Company and The DuPage Water Commission" Dated August 15, 1994"
- 6.31 R-32-2018 - A Resolution Approving the 2018 Community Grant Recommendations and Awarding the Community Grants
- 6.32 R-33-2018 - A Resolution to Approve and Authorize the Execution of a Second Amendment to the Parking Lot Lease Dated September 1, 2002, Between the City of Elmhurst and Elmhurst Family YMCA/YMCA of the Metropolitan Chicago

7. Committee Reports

7.1 Report - Electric Aggregation Program Renewal (FCAAS)

- Ald York explains that this will allow the committee to re-examine electric aggregation as a potential means to achieve savings for electricity charges to Elmhurst residents.
- Approved 12 – 0.

7.2 Report - Case Numbers 17 P-02 and 17 P-02 A/ Elmhurst Extended Care – 200 E. Lake Street (DPZ)

- Ald. Honquest explains that this case has been ongoing since September 2016; he refers to the extensive report. The application was at first denied and subsequently approved. Ald. Polomsky came forward to the DPZ committee with 13 resident concerns; the applicant addressed 11 of them.
- Ald. Polomsky thanks residents and the DPZ committee members for their engagement and careful examination of the issues. She acknowledges the concerns of the residents, and the willingness of EECC to make changes to their plan. Yet, she cannot support the report because the building will simply not fit in the neighborhood.
- Ald. Levin asks that the DPZ committee share their thoughts on why the application is now able to be approved where it was denied before. Ald. Honquest replies that the EECC came forward with changes, and also if a wealthy builder bought three lots and wanted to put up a large house on the lots there would be no zoning issue. Ald. Levin states he has gone back and forth on this issue, and re-states several of the concerns discussed already.
- Ald. Talluto recognizes that it is unusual for the Council to vote against a committee report. This is a unique situation. The zoning commission voted 4-4 so there was a lack of consensus; this is not a clear-cut case. It is the duty of all the Council members to make a decision based on their understanding of the code, the law and the issues.
- Ald. Brennan states that this report represents 18 months of hard work. He would not support the original plan but he now supports it based on the changes made by the EECC.
- Ald. Bram asks the City Attorney if conditional use is legislative or administrative? If this is approved it will set a precedent that every resident of Elmhurst should be concerned about. Atty. Storino replies that the conditional use standards should be regarded as they always have, as legislative. Ald. Bram states that in that case the vote should clearly be to deny the conditional use waiver because the requirements for the waiver have not been met according to

the existing City code. Ald. Bram does not care whether the EEC threatened a lawsuit or whether the residents of Fremont Ave. will sue in the future, the City needs to stand up for its code and ordinances.

- Ald. Levin has some additional thoughts.

- Ald. Deuter thinks this is the toughest decision she will have to take since she has been on Council. She thinks the new plan is a great improvement over the original submission; she is inclined to support the waiver at this time.

- Ald. Bram has further comments.

- Approved 10 - 2 (Polomsky, Bram). All but 7 residents leave at this point.

8. Reports and Recommendations of Appointed and Elected Officials

8.1 Mayor Morley thanks Elmhurst College, Public Works, Police, City staff, and residents for the St. Patrick's Day festivities, and Gov. Rauner for joining in the St. Pat's spirit.

8.2 City Manager Grabowski reports on the ONCC meeting from last week, there were 4 new entities that joined. The 'Fly Quiet' plan was submitted to FAA for its review. The next meeting is April 13th – it is a public meeting. The 'Fly Quiet' committee was designated as a standing committee. Elmhurst's request to be included has not been acted on yet. Ald. Bram asks some specific questions regarding the construction schedule; Grabowski replies that it is not set yet.

9. Ordinances

9.1 O-19-2018 - An Ordinance Waiving Bid and Authorizing the Execution of a Rider to a Commercial Alarm Agreement for a Wireless Radio Network Upgrade (see item # 6.11)

- Ald. Levin explains this is the cost of upgrading to new technology.

- Approved 12 – 0

9.2 O-20-2018 - An Ordinance Expressing Official Intent Regarding the Use of the Special Tax Allocation Fund for the Tax Increment Financing District Commonly Described as the Central Business District Redevelopment Project Area

- Mayor Morley notes that the discussion of the following four ordinances are related to this one so he will allow overlapping discussions of all ordinances. He also points out that TIF-4 is based in an agreement with the schools and the park district; if funds are shifted it will require the agreement of these other entities.

- Ald. Honquest reviews the history of the TIFs in Elmhurst and that businesses in Elmhurst have been greatly benefitted by the TIFs in the past. So he asks for support on these ordinances and he urges the Council to be aggressive in supporting Elmhurst businesses going forward.

- Ald. Levin adds that the reason the school and park districts are involved is to provide funds for these other taxing districts.

- Ald. Deuter agrees with Honquest that this is a great tool to use to improve the community, but it should be used judiciously.

- Approved 12 – 0.

9.3 O-21-2018 - An Ordinance Terminating the Designation of the City of Elmhurst Central Business District Redevelopment Project Area, as amended, as created by the City of Elmhurst as a Tax Increment Financing Redevelopment Project Area, and Dissolving the Special Tax Increment Allocation Fund for Said Redevelopment Project Area

- Approved 12 – 0.

9.4 O-22-2018 - An Ordinance of the City of Elmhurst, DuPage and Cook Counties, Illinois, Approving a Tax Increment Redevelopment Plan and Redevelopment Project for the Downtown Redevelopment Project Area

- Ald. Bram cannot support this or the next two ordinances, because he feels this is way too long a time for TIF districts to go on in the downtown district (~35 years).

Ald. Mulliner wholeheartedly supports these TIFs because they increase our tax base and those of the park district and the schools, who don't have any other mechanisms for increasing their tax bases.

- Ald York agrees with Ald. Mulliner and states that the new TIF is very different than the one it is replacing.

- Approved 11 – 1 (Bram).

9.5 O-23-2018 - An Ordinance of the City of Elmhurst, DuPage and Cook Counties, Illinois, Designating the Downtown Redevelopment Project Area of Said City a Redevelopment Project Area Pursuant to the Tax Increment Allocation Redevelopment Act

- Approved 11 – 1 (Bram).

9.6 O-24-2018 - An Ordinance of the City of Elmhurst, DuPage and Cook Counties, Illinois, Adopting Tax Increment Allocation Financing for the Downtown Redevelopment Project Area

- Approved 11 – 1 (Bram).

9.7 O-25-2018 - An Ordinance Providing for the Defeasance of \$6,460,000 Taxable Sales Tax Refunding Bonds, Series 2006A, of the City, Authorizing the Execution and Delivery of an Escrow Agreement in Connection with Same, Authorizing the Release of Related Loan Documents, and Related Matters.

- Approved 12 – 0 without discussion.

10. Other Business

- Ald. Honquest states that Down Syndrome Day is Saturday 3/24; he thanks staff for organizing the St. Patrick's Day festivities; he points out that the rule in baseball is that there is never a tie; the PBZ committee will not be meeting next week.

- Ald. Levin states the PAS committee is not meeting next week.

- Ald. Kennedy states the PWB committee is not meeting next week.

11. Adjournment 9:45 pm