

Monday, May 7, 2018
Regular Meeting of the Elmhurst City Council

City Hall
209 N. York St.
Elmhurst, IL 60126
Council Chambers

7:30 p.m.

Steven M. Morley, Mayor

LWV observer: M.C. Sullivan

1. Executive Session - Conf #2 - 6:30 p.m.

1.1 Executive Session for the Purpose of Discussing: Pending /Probable Litigation pursuant to the Open Meetings Act 5 ILCS 120/2 (c)(11), Workers Compensation Claims Review pursuant to the Open Meetings Act 5 ILCS 120/2 (c)(12), and Appointment, Employment, Compensation and Performance of Specific Employees of the Public Body pursuant to Open Meetings Act 5 ILCS 120/2 (c)(1)

2. Call to Order Roll Call - All Council members present
Pledge of Allegiance

3. Presentations

3.1 Proclamation - Municipal Clerks Week - May 6 through May 12, 2018
Mayor Morley read a statement praising the service of municipal clerks and extended appreciation to Patty Spencer, City Clerk, and Ellen Cyprian, Deputy City Clerk. Elaine Libovica, City Treasurer was also acknowledged. Pictures were taken of the mayor with both Patty Spencer and Ellen Cyprian. Patty Spencer then spoke about the duties of the Clerk and the extensive services provided, which are enumerated on the City's website. Patty thanked Ellen for her service and both women shook hands with all of the City Council members.

4. Receipt of Written Communication from the Public

Lisa Dirks of the Cool Cities Coalition submitted written communication to Mayor Morley.

5. Public Forum

- Gene Anderson, a 50-year resident of Elmhurst, addressed the issue of land use by the city for flood relief in Yorkfield. She noted that other sites, such as the one on Bryan & Adams and the York Commons site, were designed so that

nearby residents could enjoy the green spaces. She indicated that the Yorkfield site was reminiscent of an open sewer that attracted geese, and was potentially harmful to children playing in the area.

- Ben Silver of the Citizen Advocacy Center addressed the issue of hoop houses being prohibited in Elmhurst. He mentioned that despite the ordinance prohibiting hoop houses, many have been erected on business and commercial sites after waivers were granted by the Council. He stated that in the case of Nicole Virgil, the City Council has neglected to provide a hearing on the issue and that should be remedied. Also, it was noted that despite an invitation extended to all City Council members to view a documentary about the hoop house situation, not one attended the showing that past weekend.
- Keith Culver spoke on behalf of concerned citizens and requested a hearing by the Council regarding hoop houses.
- Mayor Morley acknowledged the unusually large number of public speakers and requested that the audience refrain from applause to ensure a timely meeting adjournment.
- Raymond Wallart of the Royal York Community represented over 120 property owners and residents with concerns about the water retention site. He stated that the residents and the Council recently agreed to the land swap and the group has received 100% approval to get insurance and is now awaiting the Council to take the necessary steps to rectify the situation.
- Lisa Dirks of the Cool Cities Coalition requested that the Council pass a new ordinance to allow hoop houses to be built on private property in Elmhurst.
- Another resident stated that the elected officials failed the community regarding the hoop house issue.
- Susan O'Donnell-Warren spoke on behalf of the Virgil family and their right to erect a hoop house on their property.
- Liz Ambrogie showed the Council and audience a picture of the Virgil hoop house to demonstrate that it is not an eyesore and should be allowed.
- Juliette Ambrogie displayed 5 or 6 large poster-sized pictures of various structures located throughout Elmhurst that have been allowed despite the ordinance prohibiting such structures.
- Andrew Van Gorp spoke in support of the Virgil family and hoop house structures.
- Becky Fitzmaurice spoke in support of the Virgil family and hoop house structures.

- Edgar Pal noted that the Council has been in violation of the terms of the Public Records Act and should take immediate measures to rectify the situation.
- Stacy Nault spoke in support of the Virgil family and requested that the Council consider a hearing to change the ordinance regarding membrane structures (a.k.a. hoop houses)
- Michael Childress, President of the DuPage County NAACP spoke in support of Nicole Virgil. He asked, “What is an ordinance? What are violations? Why is Nicole Virgil being singled out when there are other structures?”
Paraphrase...What is the real meaning of liberty and how are the Council members ensuring their constituents are being well represented?
- Annette Armstrong gave a “shout out” in thanks for the establishment of the Public Art Commission.
- Rob England asked the council to consider a discussion about hoop houses to occur in the near future.
- Jolana Kakiputz of Green Living explained how her organization has partnered with the City of Chicago: it has worked with community based farmers and nonprofit organizations to develop community gardens and urban farms on formerly vacant, city-owned property. Expanding on these efforts, the Farmers for Chicago network will give 25 emerging urban farmers access to vacant City lots to start new urban agriculture operations and facilitate mentorship with experienced urban farmers. Many of these properties involve the building of membrane structures a.k.a. hoop houses.
- Nicole Virgil spoke directly to the Council members and stated that they are collectively too comfortable and therefore are not responsive. She challenged any single member to take a stand and do the right thing to defend her rights.
- Laura Calvert, Executive Director for Urban Agriculture in the Chicago region supports the use of hoop houses and stated that Chicago zoning laws allow such structures to be 575 sq.ft. with a 12 ft. apex.
- A.J. Schmidt expressed disappointment with the actions of the City Council.
- Claude Pagacz expressed his displeasure with the City for purchasing land for inequitable sums. He also admonished citizens of Elmhurst for not showing up to Council meetings and for not holding Council members accountable.

6. Announcements

- Ald. York allowed a large Hooplah group to exit before speaking. He then stated that because ComED has recently raised rates, the Electricity

Aggregation program would be delayed until the Council can review the new rates and information.

- Ald. Levin spoke about the establishment of the Arts Commission and how art installations throughout the city improve the community and that the staff requirements would not be a burden to the city
- Ald. Deuter thanked Rosalyn G. Long for her role in establishing the event and also thanked John McKinnon, Director of the Elmhurst Art Museum for his stewardship.

7. Consent Agenda All items below were approved except 7.6, 7.7, and 7.8, see below

7.1 Minutes of the Regular Meeting of the Elmhurst City Council on April 16, 2018

7.2 Minutes of the Executive Session of the City Council on April 16, 2018

7.3 Accounts Payable May 3, 2018 - Total \$ 2,285,716.87

7.4 Reappointment to the Economic Development Commission - Schiele (Mayor Morley)

7.5 Referral - Funding for the Elmhurst American Legion - Mulliner and Leader (City Manager Grabowski)

7.6 Report - Industrial Park Roadway Improvements Project (PWB)

- Lamp Concrete Contractors bid \$1,119,953.63 for the project, an amount that had been changed but was not included on BoardDocs.
- Ald. Kennedy motioned to amend and add the change in verbiage to the 4th paragraph. The motion to amend was approved.
- The motion to approve the amended report was approved.

7.7 Report - ROW Vacation Request - 463 and 465 Spring Road (PWB)

- Ald. Kennedy read a recommendation for approval to vacate a utility easement between two properties, Mehta Motors and an office building on Spring Road. The building owners have maintained the property for years at their own expense and only use it to access their property.
- Ald. Leader stated that all “vacations” differ. The land costs the city nothing and is not taxed, but has use to the petitioners.
- Ald. Deuter stated that city owned land should be used to promote economic development and benefit all taxpayers. Therefore the petitioners should pay the amount stated in the report.
- Ald. Talluto asked what the future property tax income would be. She was not in favor of the report as written.

- Ald. Dunn stated that the city should get some value for the property, not simply grant the vacation.
- Ald. Bram said that all city assets have value and if the property owners attained the property, they in turn would gain market value. He was not in support.
- Ald. Levin moved to amend the amount to 50% of the stated amount in the report, \$6210.
- Ald. Kennedy points out that because the property is a utility easement, 50% of the stated amount is too much because the owners are prohibited to build on it.
- Mayor Morley restated Levin's motion to charge the business owners 50% of \$6210.
- Ald. Honquest supports Ald. Kennedy's recommendation and states that the owners will pay city property taxes
- Ald. Levin restated his support to charge the owners 50% of the stated amount.
- Ald. Polomsky reviewed the original letter from the business owners requesting to purchase the property from the city and stated that she supports the 50% of the stated rate in the report as a reasonable amount.
- Ald. Bram stated that \$2.76 per square foot is not enough, as the city charged Verizon \$5.00 per square foot to lease land.
- A vote was taken to determine whether the property should be vacated for \$3105. 8 Yes; 6 No (Honquest, Kennedy, Mulliner, Brennan, Leader, York).
- Ald. Kennedy stated that the price of the property is still too high and moved to amend the amount to \$3000. He then explained his belief that this is a good amendment because it reduces the price to 25% of the original amount.
- Ald. Bram clarified that regardless; the value of the additional property will increase the overall value to the business owners.
- The motion to amend was approved 10 - 4 (Levin, Park, Deuter, Bram).
- Report approved 13-1 (Bram)

7.8 Report - Elmhurst Public Arts Commission (PAS)

- Ald. Levin explains the benefits of the Elmhurst Public Arts Commission and commends its establishment.

7.9 Report - Bid, Two 2018 Toyota Rav4 Hybrid Parking System Vehicles (PAS)

7.10 Report - Brush Hill Road/Commonwealth Lane - Parking Restrictions (PAS)

7.11 Report - Disposal of City Asset (1) 2000 E-One Engine Pumper (PAS)

7.12 Report - York and Vallette Business Association's 2018 Farmers Market (PAS)

- 7.13 Report - Landmark Nomination for 315 W. St. Charles/Villa Virginia (PAS)
- 7.14 Report - Case Number 18 P-03/City of Elmhurst Zoning Ordinance Text Amendment (DPZ)
- 7.15 Report - Case Number 18 P-04/City of Elmhurst Zoning Ordinance Text Amendment (DPZ)
- 7.16 Report - MCO Chapter 35: Building Moving and Demolition Code Updates (DPZ)
- 7.17 O-30-2018 - An Ordinance Waiving Bid and Accepting the Proposal of Trane Rental Services for the Rental of a Temporary HVAC Chiller
- 7.18 O-31-2018 - An Ordinance Waiving Bid and Authorizing the Execution of a Contract for the 2018 Crack Sealing and Seal Coating Program
- 7.19 O-32-2018 - An Ordinance Approving and Authorizing the Execution of a Non-Exclusive License Agreement By and Between 1911 Club, Inc. and the City of Elmhurst, DuPage and Cook Counties, Illinois
- 7.20 O-33-2018 - An Ordinance Waiving Bid, Accepting the Proposal of Midwest Solar Control Corporation, and Authorizing the Issuance of a Notice of Award for the Installation of 3M S70 Safety Window Film on the Non-Tempered Glass in the Stairwells of the Addison Parking Deck
- 7.21 ZO-06-2018 - An Ordinance Amending Ordinance Numbers ZO - 05 – 2017 and ZO – 15 - 2017 to Authorize the Extension of Time for the Amendment to a Conditional Use Permit for the Purpose of Allowing a Child Day Care Facility for the Property Commonly Known as 185 North York Street, Elmhurst, Illinois (Mladenoff Day Care)
- 7.22 R-49-2018 - A Resolution Authorizing the Issuance of a Notice of Award for the Masonry Restoration and Roofing Replacement Project for the West, South and North Reservoir Pump Buildings
- 7.23 R-50-2018 - A Resolution Authorizing the Purchase of Two Replacement Police Interceptor Vehicles for the City's Police Department and Authorizing the Disposal of Two Existing Vehicles, Being Units PD-4 and PD-10
- 7.24 R-51-2018 - A Resolution Authorizing the Purchase of One Replacement Vehicle, Being a 2018 Ford Expedition EL for the City's Police Department and Authorizing the Disposal of One Existing Vehicle, Being Unit PD-44
- 7.25 R-52-2018 - A Resolution Authorizing the Issuance of a Notice of Award and Contract for the 2018 Pavement Striping Program
- 7.26 R-53-2018 - A Resolution Authorizing the Issuance of a Notice of Award for the 2018 Concrete Pavement Patching Project for the City of Elmhurst, Illinois

- 7.27 R-54-2018 - A Resolution Authorizing the Issuance of a Notice of Award for the West Elevated Tank Painting Project and the North Elevated Tank Painting and Well House Demolition Project
- 7.28 R-55-2018 - A Resolution Authorizing the Purchase of One Replacement Vehicle for the IT Division to Replace Existing Vehicle
- 7.29 R-56-2018 - A Resolution to Approve and Authorize the Execution of an Intergovernmental Agreement Establishing the Government Insurance Network
- 7.30 R-57-2018 - A Resolution Authorizing the Issuance of a Notice of Award for the Addison Parking Deck Railing Addition Project

8. Reports and Recommendations of Appointed and Elected Officials

- **Mayor Morley** announces the appreciation of Rosalyn G. Long and her team for all of their hard work to organize the Art in Wilder Park event. He lauded the good weather and the draw of visitors from outside the immediate area. Also, Mayor Morley reported that on April 25-26 members of the council drove to Springfield to attend the DuPage Mayors & Managers Conference where they gained insight into how to advocate for LGFD funding.
- **City Manager Grabowski** expressed appreciation to Elmhurst College for organizing and hosting the citywide recycling event. Also, Ald. Dunn represented the city at the O'Hare Noise Compatibility Commission (ONCC). ONCC is the inter-governmental agency that is dedicated to reducing aircraft noise in communities. The representatives from the cities of Elmhurst and Wooddale were appointed to the committee at that meeting.
- **Ald. Honquest** stated that the City Council would review the hoop house issue by mid-June of 2018.
- **Ald. Bram** inquired about the 294 Expansion to which Manager Grabowski responded that a resolution was in the planning stages to address the traffic jams near the 290-294-88 split.

9. Resolutions

- 9.1 R-46-2018 - A Resolution Approving and Authorizing the Execution of a Settlement Agreement and General Release

City Attorney Storino explained that the contractor hired was unable to complete the agreed upon work and settled with the City for \$80,000 with unanimous approval.

10. Other Business NONE

11. Adjournment 9:50 p.m.