

## City Council Meeting

Monday, Oct. 1, 2018 **7:42 p.m.**

Mayor Morley presiding

Attendance:; 1 press; ~20 residents; City Mgr. Grabowski; Atty. Storino; Asst. Clerk Cyprian; 2 City staff members; 13 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 a video recording of this meeting can be found at [www.Youtube.com](http://www.Youtube.com)

- 1. Executive Session** for the Purpose of Discussing: Pending/probable litigation, pursuant to the Open Meetings Act 5 ILCS 120/2 (c)(11), Collective negotiating matters between the public body and its employees or their representatives, pursuant to the Open Meetings Act 5 ILCS 120/2(c)(2) and Appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, Pursuant to the Open Meetings Act 5 ILCS 120/2(c)(1)
- 2. Call to Order** Pledge of Allegiance; Roll Call – Ald. Brennan attends via audio connection, Ald. Sabatino absent
- 3. Receipt of Written Communication from the Public** none
- 4. Public Forum**
  - Daniel Cusack, a resident of the Yorkfield area, is concerned about the subarea plans. He is disappointed about the process of gathering resident input which was not reflected in the existing plan. There was inadequate transparency and particularly no publicity to solicit resident input. Few area residents are aware of the plans at all. The current plan is not compatible with home values, traffic planning, schools or resource allocations.
  - Ben Silver of the Citizen Advocacy Center speaks to the application of the 105 S. Cottage Hill developer for an encroachment waiver. A letter from the developer requested approval of this waiver and also mentioned that he would be contributing \$20,000 to the Elmhurst Arts Council. [To access the letter: <http://www.boarddocs.com/il/coe/Board.nsf/goto?open&id=B4RVZZ76BE1F>] He asks that the report be pulled, revised and re-introduced without the reference to a donation.

- Rob Lusco presents a petition to support his request to allow residential beekeeping. The High School and College already maintain hives. He explains the related benefits and bee conservation issues.
- Edgar Pal echoes Mr. Silver's comments and points out that the developer's letter appears to offer a quid pro quo and is entirely inappropriate. He is certainly in favor of all contributions to civic agencies that improve the quality of life, but in this particular instance if a payment is made it should be in the form of a City fee or a tax.
- Michael Krumery states that the Chicago Blackhawks special hockey team fundraiser will be Sat. Oct 13. The program benefits palyers with special needs and has been in existence for 18 years.

## **5. Announcements**

- Ald. Polomsky announces that the Elmhurst Youth Council is sponsoring a speaker on substance abuse.
- Asst. Clerk Cyprian announces early voting at City Hall will begin October 22. The Dupage Election Commission has a list of other early voting sites.
- Ald. Mulliner announces the last Cool Cars event of the year at Elmhurst American Legion.

## **6. Consent Agenda** All items below approved unanimously EXCEPT 6.12 (Honquest) 6.14 (Bram), 6.17 (Morley), 6.20 (Bram) See \*\* below

- 6.1 Minutes of the Regular Meeting of the Elmhurst City Council on September 17, 2018
- 6.2 Minutes of the Executive Session of the City Council on September 17, 2018
- 6.3 Accounts Payable September 27, 2018 - Total \$ \$2,890,070.85
- 6.4 Report - ROW Vacation Request - 441 W. Lake Street (PWB)
- 6.5 Report - Reservoir Water Meter Replacement (PWB)
- 6.6 Report - Contract Amendment to the Construction Agreement for the Water Reclamaton Facility (WRF) Sludge Storage Pad Modifications Project (PWB)
- 6.7 Report - One (1) 2018 John Deere Wheel Loader (PWB)
- 6.8 Report - Elm Creek Townhomes - Request for Revised & New Utility Easements (PWB)
- 6.9 Report - DuPage County Natural Hazards Mitigation Plan (PAS)
- 6.10 Report - Audit Services Proposal (FCAAS)
- 6.11 Report - Case Number 18 P 13 Timothy Christian Conditional Use Permit and Variations (DPZ)

**\*\*6.12 Report - Request for 3rd Extension - Case 16 P-13/Mladenoff Day Care Conditional Use (DPZ)**

Ald. Honquest asks to pull the report in order to bring it back to committee.

**6.13 Report - 105 Cottage Hill Request for SSA Removal (DPZ)**

**\*\*6.14 Report - 105 Cottage Hill: ROW License Agreement (DPZ)**

- Ald. Bram requests that this be removed from the Consent Agenda based on the comments of Mr. Silver and Mr. Pal above, as well as his concern that this will not be a temporary encroachment, but rather a permanent seizure of public land for the purpose of allowing a larger footprint for the development.

- Ald. Honquest responds that the development will utilize many Elmhurst construction firms and will contribute to retail in downtown. It will utilize space that has been vacant for 20 years, and generate tax revenue. He will consult with the City Attorney to understand the legality of the \$20,000 contribution in this situation. Mayor Morley comments.

- Atty. Storino states that the donation appears to be a consideration to compensate the City for allowing the ROW. Ald. Levin disagrees – he feels that the gift of money should be completely independent of the ROW request by the developer.

- Ald. Deuter notes that this will be an underground ROW which will not harm the City in any way. She is concerned that the donation may not be appropriate in this context. But, she supports the downtown development plan and she is in favor of encouraging public art. Ald. Talluto addresses these concerns. She states that the committee discussion did not consider the gift at all until after the ROW encroachment was approved. Thereafter the committee did discuss the gift and the optics of the situation; she feels it is good that the whole Council is discussing the issue tonight.

- Mayor Morley states that he takes the gift as an altruistic contribution rather than compensation. When the committee brought it to him, Atty. Storino evaluated this as a compensation for the City granting the ROW. Storino understands Ald. Levin's concern that it should be completely separate. Either way it is legal.

- Ald. Mulliner comments that his concern is going forward with a \$10 million building, not the gift which may or may not come in. Ald. Honquest takes responsibility for not including the gift in his committee's report, and the ROW grant should be based solely on the benefits of completing the building.

- Further discussion by Ald. Dunn, Mulliner, Bram related to architecture, whether there will be any TIF requests from the builder, etc., as the development goes through the regular permitting process.
- Ald. Deuter asks that Council should consider a policy to require all developers to contribute to an Arts Fund or other agency for civic improvement. She offers a motion to amend the report to include the \$20,000 as part of a consideration in exchange for the City allowing the ROW encroachment. Atty. Storino and Mayor Morley confer about wording the amendment to the report. The motion fails for lack of a second.
- Ald. Kennedy supports the report as originally written. The donation should be separate. Ald. Levin clarifies that this will be a gift, separate from the question of whether the City should charge a fee for allowing the ROW. Ald. Polomsky concurs with Ald. Deuter's policy suggestion. Ald. Bram and Honquest comment further.
- Report approved 12 – 1 (Bram).

6.15 O-59-2018 - An Ordinance Approving and Authorizing the Execution of a Non-Exclusive License Agreement By and Between Dan Gibbons Turkey Trot Foundation, NFP and the City of Elmhurst, DuPage and Cook Counties, Illinois

6.16 MCO-19-2018 - An Ordinance to Amend Section 36.09 Entitled "Classification of Licenses," and Section 36.10, Entitled "Terms - Fees," of Article II, Entitled "Retail Licenses," of Chapter 36, Entitled "Liquor," of the Municipal Code of the City of Elmhurst, Illinois

\*\*6.17 MCO-20-2018 - An Ordinance Amending Section 22.244 Entitled "Bicycle Parking Requirements" of Article X Entitled "Off Street Parking and Loading Requirements" of Chapter 22 Entitled "Zoning" and Amending Chapter 43 Entitled "Bicycles" of the Municipal Code of Ordinances of the City of Elmhurst, Illinois

- Mayor Morley asks that this be pulled due to some discrepancy in the wording of the ordinance.

6.18 MCO-21-2018 - An Ordinance Amending Article V Entitled "Inspection of Building and Drainage Systems" of Chapter 7 Entitled "Water and Sewers" of the Municipal Code of Ordinances of the City of Elmhurst, Illinois

6.19 R-99-2018 - A Resolution Approving a Collective Bargaining Agreement Between the City of Elmhurst and the Elmhurst Professional Firefighters Association, IAFF Local 3541

**\*\*6.20 R-100-2018 - A Resolution Approving and Authorizing the Execution of a Consulting Agreement Between Ken Bartels and the City of Elmhurst, Illinois**  
- Ald. Bram pulled this due to his continuing concern that the role of this consultant is now redundant because there are City staff members fulfilling most of his previous duties.

- Approved 12 – 1 (Bram).

**6.21 R-101-2018 - A Resolution Approving and Authorizing the Execution of a Consulting Agreement Between Van Slyke Enterprises, Ltd. and the City of Elmhurst, Illinois**

**6.22 R-102-2018 - A Resolution to Approve and Authorize the Execution of a Memorandum of Understanding Between the City of Elmhurst, Illinois and the County of DuPage, Illinois for the Collection of Residential Electronic Waste**

**6.23 R-103-2018 - A Resolution Determining the Estimated Property Taxes to be Levied by the City of Elmhurst for the 2018 Tax Year**

## **7. Reports and Recommendations of Appointed and Elected Officials**

- Mayor Morley announces a Fire Dept. open house. There is a ZPC public hearing set for tomorrow on upcoming subarea plans.
- City Manager Grabowski announces that downtown construction is proceeding on schedule; the Myrtle Avenue RR crossing has been re-opened. Ald Levin asks when the York Ave. construction will be completed; Grabowski replies on/before Nov. 15.
- Ald. Bram reflects on the recent modifications to the OHare Fly Quiet program. He summarizes the discussions; while no changes have been implemented as yet, the changes will impact Elmhurst specifically. He asks for comments from other City officials. Ald. Dunn responds that the next meeting will be on October 18. The interim plan is to be adopted after April 2019.

**8. Other Business** none.

**9. Adjournment** 8:58 pm