

Elmhurst City Council Meeting
March 4, 2013
7:30 pm – 9:27 pm

No Healy
Public: 10; Staff: 3; Police: 30; Press: 3
Observer: N. Talluto

The meeting was called to order by acting Mayor Levin.

Swearing in of Police Department Personnel: Deputy Chief James Kveton, Commander Robert Tannehill. The Police Chief spoke a few words recognizing past and present members of the police department who made a special effort to support those that were promoted this evening and to congratulate the two officers that were promoted.

Public Forum

- The first resident spoke about the Addison street parking project and the issue of parts of the project being discussed during a closed meeting in violation of the Open Meeting Act (OMA). This resident also asked why the school district and the park district pay a different amount for their water than he does.
- The next resident represented a group of concerned citizens urging the Public Library to have better standards and policies to deal with violent video games available in the Library. They are specifically asking the Library Board to consider improving and creating policies governing these specific “most violent” video games.
- The owner of Al’s Hobby Shop, a business in Elmhurst for 66 years, spoke against a 6-story building/parking garage on Addison Street, directly across from her business establishment. Several specific items were disagreeable including: prairie style and its ability to blend in with nearby buildings, wide sidewalks and lack of loading docks. The speaker was surprised by the changes in the plans over the past year.
- The owner of Dulles Cleaners, a business near to the new Addison Street project, spoke against the project and the process involved. While parking would be welcomed, the process of the purchase and planning of the property, behind closed doors, is worrisome and concerning. He strongly suggests that the project be stopped and started from the beginning with full transparency.
- A resident requested that the Council release the closed meeting minutes referred to on Agenda item 9a, regarding the Addison Street project. An additional 4 residents requested the same.
- Another resident made the same request as above item. In addition, the resident spoke about the open Zoning meeting last week regarding the Addison Street project. It was questioned about the flow of information from the City to the Developer. It was requested that the Zoning meeting does not resume until after the closed meeting notes are released.
- A resident, Alderman Pezza’s husband, expressed concern with the Addison Street development and the Zoning meeting process itself. Several concerns were listed including modified documents, political insiders in the development, and material differences from the standard zoning rules. He was concerned at being called a “conspiracy theorist” by the Zoning Commissioner during the zoning meeting.
- The Executive Director of the Citizen Advocacy Center suggests the Addison Street project is larger than just the need for release of closed session meetings. The entire issue is a symptom of a much larger systematic problem regarding government transparency and closed session meetings. She requested that ALL closed session meetings regarding this project be released and that any alderman involved in closed session meetings regarding height, setback and use of the project recuse themselves from the vote.

- A resident, a sorority member and philanthropist, announced a fashion show fundraiser at Wilder Mansion on Friday night. Support was also expressed for the Wet Weather project discussed during the prior council meeting.
- A final citizen expressed concern with the Addison Street project.

Announcements

- Clerk Spencer noted that 3/12/13 is the last day to register to vote or transfer registration at City Hall. Grace period registration at DuPage County office only through 4/6/13. Early voting will be available in Elmhurst City Hall 3/25 – 4/5; 9 – 4:30pm.
- Ald. Polomsky noted the recycling bins would be collected at Berens Park, City Hall and Commons. Additionally, on 3/20, Cool Cities is hosting Healthy Homes, Healthy Families at the Public Library. Finally on 3/18, the City will update progress against Cool City goals.
- Ald. Dunn added that a conference “Residential Recycling Conference” at the HYATT O’Hare is coming up. \$99 to register.
- Ald. Gutenkauf spoke about a workshop for residents related to Emerald Ash Borer on 3/23, 10 – 11am at The Growing Place in Montgomery, IL.
- Acting Mayor Levin announced the St. Patrick’s Day parade at noon on Saturday.

The **Consent Agenda** was passed with removal of the following items:
Item “G”, Request for presentation on TIF Districts.

Agenda Item Discussion

Item G – Request for presentation on TIF Districts. Ald. Bram requested clarification on the referral. It seems that the referral is just a presentation. Ald. York stated that the referral was for a presentation only. The report was passed. 13 Ayes, 1 absent.

Committee Reports

- A. Report – Review 2012 Tax Levy Due to determination of Elmhurst Memorial Healthcare Center Tax Exempt Status (F, CA&AS)

Ald. York summarized the report as recommending to the Council that they abate the tax levy amount (\$692,000) set aside for the hospital tonight given that the hospital has received tax exempt status. The city will not need to pay these funds back to the hospital and therefore do not need to collect the tax. The report was passed. 13 Ayes, 0 Nays, 1 absent.

Reports and Recommendations

- A. Acting Mayor Levin spoke regarding the issue of the violation of the Open Meetings Act related to the Addison Street Project. He provided a history of the project and suggested that the City Attorney stated that the topics discussed during the two closed meetings were appropriate and that issues related to Zoning were not to be discussed during the closed meeting. Levin is most concerned that this issue has called into question the integrity of the Council. He states that all council members and city staff are all intelligent, hard-working, ethical people who would not do anything intentionally improper. The Acting Mayor and Attorney are working through inconsistencies with the Attorney General as they feel that there were items that were not clearly presented in the case and decision. It is up to the Council to decide whether the minutes and/or recordings should be released. A copy of the statement made by Levin can be found by going to http://www.lwvelmhurst.org/OMA_Statement_Acting_Mayor_Levin.pdf.
- B. City Manager Grabowski announced that Mike Kopp has a meeting scheduled with ComEd and others on the community committee to discuss long-term plans for the city. He also suggested

that there is a broken storm water drain at Jackson and Hawthorne and the intersection will be closed to fix the main.

Resolutions and Ordinances

- A. R-09-2013 – A Resolution regarding the release of certain closed session minutes (9/10/12 and 9/17/12)
- Ald. Pezza stated her concern with the history of the Addison Street project and why she submitted a violation notice to the Attorney General. She felt the meetings were in violation of the OMA and decided not to participate in the meetings. She reviewed the meeting audio and felt certain that she was right. She chose the option of filing a complaint with the Attorney General. The Attorney General reviewed the meeting audio and agreed that it violated the OMA. Ald. Pezza suggests that this is an example of how the City has a track record of making decisions behind closed doors without the public involvement. She requests a motion to amend the resolution to include verbatim audio recordings and to request that those that made comments in the said meetings are barred from the vote (tonight and for the whole project) as they have a conflict of interest with the project.
 - Ald. Mulliner has no issue with releasing the minutes and other information. He does not agree with the barring portion of the amendment.
 - Ald. Morley has reviewed the audio and spoke with the City Manager, Attorney and Mayor. Ald. Morley has requested additional training from the Attorney Generals' office. He is also requesting that all executive members be immediately notified of any issues with meetings in the future. He supports the immediate release of the audio recordings. He does not support the barring of persons from the vote on the future on the project. He states that at no point in the Attorney Generals' statement is one or more individuals singled out and therefore anyone in attendance would have to be excluded and hence, there could never be a quorum on the project moving forward – meaning the project could not move forward.
 - Ald. Polomsky was appreciative of Levin's summary of the timeline. She stated that she and others were putting trust in the City Attorney's opinion that the topic was not in violation of the OMA.
 - Ald. Pezza suggests that it is clear in the tapes who said what and that it would be clear who would need to be barred for violating the OMA.
 - Ald. Bram supports releasing the audio recordings. He is concerned that it would be difficult to specifically list who would be barred based on the audio recordings.
 - Ald. Gutenkauf supports the release of the recordings and minutes. She has the same concerns as Ald. Bram and Morley regarding the process of barring those in violation of the OMA from future voting.
 - Ald. Levin supports the release of the recordings and minutes. He has the same concerns as Ald. Bram and Morley regarding the process of barring those in violation of the OMA from future voting.
 - Ald. Pezza amends her motion to remove the portion related to barring individuals from future voting.
 - The resolution (amended to include audio and audio) was passed. 13 Ayes, 0 Nays, 1 absent
- B. O-13-2013 – An Ordinance abating a portion of the general tax levy for the year of 2012 of the city of Elmhurst, DuPage, and Cook counties, IL.
- a. The ordinance was passed. 13 Ayes, 0 Nays, 1 absent

Meeting was adjourned at 9:27pm.