

Elmhurst City Council Meeting

14 present; 0 Absent

Public: 30; Staff: 3; Police/Fire:1;

Press: 3

Observer: N. Talluto

April 21, 2014

7:44 pm – 10:40 pm

Mayor Morley called the meeting to order.

Public Forum

- Terence ?, 707 S. Hillside, had five items to speak about. 1. He was concerned with the proliferation of stop signs, which he felt led to people ignoring them. 2. Homeowners insurance has gone up and the insurance company explained to him that Elmhurst has higher rates due to wind and flooding damage. He asks the city to help solve those problems. 3. He supports the assistance to the developer who helped with Chick-fil-A as it was successful but asks if we can get money back from developers when they are unsuccessful. 4. He asked for recognition of the industrial park as a tax paying entity. 5. General obligation bonds and the increase in property taxes to pay for the bonds – he asks what the impact will be to our taxes.
- Claude Pagash, 566 W. Gladys, spoke regarding the motion from last meeting regarding the Addison Parking garage and believes that the finance committee doesn't want to put the vote up for a referendum for some unknown reason. He also brought up the partnership between the city and business developers and wondered what the city thinks about the resident – other than a person to tax.
- Pamela Uselander, “The Hot Dog Lady”, 102 E. Crest Ave, Bensenville, IL spoke in support of keeping her location as is. She stated that there is no defensible reason for moving her. The cities claims of safety due to construction do not hold up as compared to other, closer construction situations in the past that was closer to her than anything coming up. She asks the council to think hard about the vote tonight.
- Don Landry, 120 E. Ogden Ave, is in attendance, as Ms. Uselander's attorney, to support her in this effort.
- Andrea Alvarez, Citizens Advocacy Center, the group has opposed this project from the beginning due to the undemocratic nature of this project overtime. She urges the city to vote the project down and start over. She provided an extensive timeline of the project to support this claim.
- Tamara Brenner, 137 N. Caroline, states that tonight is the end of the process for the project where the city has given itself permission to violate its own zoning laws. The process has been a sham and the commission has ignored citizens' petitions. She also says that the Hot Dog Cart issue is another example of the city doing what it wants with disregard to the citizens' wishes. She supports the referendum to involve the citizens to show their voice regarding the parking garage project.
- Mike Baker, 432 E. Park Ave., residents do not feel that they are listened to and he asks the council to consider their vote and support the minority report for the parking garage – the 5 story compromise which would show that the council is listening to the citizens. He also spoke about the “Rock the Block Party”, which sounds to him like a great event. After looking at the proposal, he was concerned about this given the “safety issues” that were brought up as explanation for moving the Hot Dog Vendor.

- Michael Cremerie, 567 W. Crockett, wanted to review three items related to the parking garage. 1. Cost – why does this all need to be shouldered by the residents? 2. Data – the city paid a consultant for work that supported what the city wanted to see. This concerns him. 3. Public Input – There is documentation that public input was discarded or ignored and he hopes that this changes tonight. Finally, he hopes that all the councilmen will use this parking garage when they use the downtown.
- Diana Cremerie, 570 W. Crockett, zoning report states that Addison conditional use was ignored originally, then amended to accommodate the architectural drawings. She asks why this was.
- Deanne Wasowski, 156 S. Sunnyside, spoke about the storm water project. Specifically, just because something needs to be done, does not mean the city should do something that doesn't help, especially when it adds burden to homeowners. She suggests that if this policy is going to move forward, it should at least apply to any net new increase in impervious surfaces – not just new homes. She also is concerned that there is data that suggests that the policy will not actually help. She suggests that the report should be removed and rethought. She stated that some residents submitted a lengthy document with specific suggestions for improvement that was never considered by the city.
- Susan Semantek, 196 N. Larch, is here to speak on behalf of her neighbors who all want to support a vote for a four story-parking garage.

Announcements

- Clerk Spencer – Prescription Take Back Day on 4/26/14 from 10am – 2pm at the Elmhurst Police Department.
- Ald. Dunn announced Elmhurst's placement on the Movoto Real Estate award for Top 10 Places to live in IL.
- Ald. Kennedy announced the 6th Ward Townhall meeting on 5/15 at 7:30pm at the Community Bank of Elmhurst.

The **Consent Agenda** was passed (14 Ayes, 0 Nays) with the following items removed: 6.15, 6.21, .

- A. 6.15 – Report – New single family home storm-water management policy
- a. Ald. Bram asked if the report could be pulled back to committee and asked that the mayor continue to honor the informal policy of allowing any councilmember to pull reports back to committee.
 - b. Ald. Kennedy, the chair of the PW&B committee, does not feel that the report needs to be brought back to committee as it has been discussed and vetted at length.
 - c. Mayor Morley suggested that this is unusual in that there is not typically a disagreement of this nature among member of a committee once the report has come out of committee. He suggested that Ald. Bram make a formal motion to pull the report back to committee.
 - d. Ald. Bram made said motion. Ald Gutenkauf seconded the motion.
 - e. Ald. Kennedy reiterated the process and that there was solid discussion and modification of the report after that discussion prior to it being sent to council.
 - f. Motion is carried (8 Ayes: Dunn, Getenkauf, Bram, Hipskind, York, Levin, Mulliner, Morley, 7 Nays: Deuter, Leader, Polomsky, Healy, Honquest, Kennedy, Wagner)

- B. 6.21 – Report – iMotorSports, Inc. Sales Tax Incentive Request (F, CA&AS)
- a. Ald. York summarized this was a report signed by all four members of the finance committee.
 - b. Ald. Bram asked about the \$250k payout and the 50/50 split of sales tax.
 - c. Ald. York replied that there was significant refurbishment needed to an old truck repair property to convert it to an upscale motorcycle repair shop. This business will increase tax revenue and the extra traffic that will be brought to Elmhurst. The 50/50 is very much in line with past incentives.
 - d. Ald. Hipskind visited the site and shared that it is a nice property that will pull a large group of high-scale clients from Chicago-Land.
 - e. Ald. Gutenkauf asked about clawback agreements in place in the contract.
 - f. Ald. Hipskind suggested it was a ten year clawback and similar to past clawbacks including full refund if the shop leaves before achieving their incentives.
 - g. Ald. Dunn has some minor concerns about the amount of the incentive. He shared data that the committee used to evaluate it – the EAB on this property has declined for the past 5 years and that will improve with this new business. Additionally, there are other incentives in place with other businesses and this is in line with those.
 - h. Ald. Bram suggests that it is not the cities responsibility to absorb the costs of running a business and motions to amend the report to reduce the payout from \$250K to \$200 and the 50/50 split to 60/40 for the first four years, then a 50/50 split. Mayor Morley split the amendment into two. The first motion will be the reduction in total payout allowable from \$250 to \$200k. The second will be the change in the split. Ald. Gutenkauf seconds the first motion.
 - i. Ald. Gutenkauf does not feel that it is the cities responsibility to shoulder all the renovations costs.
 - j. Ald. Hipskind suggests that the business has spent much more than \$250k to renovate the property.
 - k. First motion fails (2 Ayes: Bram, Gutenkauf, 12 Nays: Deuter, Dunn, Leader, Polomsky, Hipskind, York, Levin, Healy, Honquest, Mulliner, Kennedy, Wagner)
 - l. Second motion to split the share percentage was made by Ald. Bram and seconded by Ald. Gutenkauf.
 - m. Ald. Gutenkauf suggests that this is related to the claw back and is aimed at keeping the business in town.
 - n. Second motion fails (3 Ayes: Bram, Gutenkauf, Healy, 11 Nays: Deuter, Dunn, Leader, Polomsky, Hipskind, York, Levin, Healy, Honquest, Mulliner, Kennedy, Wagner)
 - o. Ald. Bram states that he welcomes this new business and just wants to balance the amount the city is spending to attract the business to town.
 - p. Approval of the report carries (13 Ayes: Deuter, Dunn, Leader, Polomsky, Hipskind, York, Levin, Healy, Honquest, Mulliner, Kennedy, Wagner, Bram, 1 Nays: Gutenkauf)

Committee Reports

- A. 7.1 Report – Reduction in pushcart and special food dealer licenses (PA&S)

- a. Ald. Wagner apologizes for missing last meeting and it was unexpected. He reviewed the meeting minutes and suggests that unless there is new information, he feels the topic is well understood and is ready for a vote.
 - b. Ald. Gutenkauf is pleased that she had the time to review the details of the topic. She states that the Hot Dog vendor spreads goodwill among many residents and customers from outside Elmhurst. Ald. Gutenkauf suggests that the city supports only business that they feel are “cool”. She looks at the safety justification and suggests that it is not material. She does not support moving this permit location.
 - c. Ald. Deuter suggests that both past ordinances and current are made with the vendors in mind. The desired openness and increased foot traffic will enhance the area and the business viability. While this could likely wait another year, she does not support delaying this until then as it is unfair to vendors.
 - d. Ald. Bram has asked many times about what the exact safety issue is. He does not feel there is a good answer to that. He is also concerned about the A-frame sidewalk signs that are a hazard that are not being addressed. He motions to amend the report to allow the current food cart location to remain until actual construction, adjacent to the location commences that would deem the location a safety hazard. Ald. Gutenkauf seconds the motion.
 - e. Ald. Levin suggests that the motion does not solve the problem; it simply delays and possibly further confuses the issue.
 - f. Ald. Leader reflected on the visual aid of a hot dog stand alone in front of the Schiller passageway. What was left out was the crowded area of the passageway. Ald. Leader suggests this is a very congested area. The garage will be built. The building of the garage is the justification for the increased congestion and therefore the moving of the hot dog cart. This will happen and there is no reason for delaying the vote. He believes that the hot dog business will do better across the street.
 - g. Ald. Bram states that there is no clear stipulation of the impending safety hazard and therefore the vendor location should not be changed.
 - q. The motion fails (2 Ayes: Bram, Gutenkauf, 12 Nays: Deuter, Dunn, Leader, Polomsky, Hipskind, York, Levin, Healy, Honquest, Mulliner, Kennedy, Wagner)
 - r. Ald. Gutenkauf thinks the report is silly as the council does not know when construction starts.
 - s. Ald. Dunn states that the spot is very busy and the traffic here will continue to grow in use over time. The staff feels it is appropriate to alleviate congestion in this area for safety reasons.
 - h. Report passes (10 Ayes, 4 Nays – Gutenkauf, Polomsky, Bram, Levin)
- B. 7.2 – Report – Addison parking deck financing referendum referral (F, CA&AS)
- a. Ald. York summarized that all committee members signed the report and discussed at length in committee. The group felt that because the contract is in place and had been for over five years that the city should not put this up for a vote.
 - b. Ald. Gutenkauf, who sent the referral to committee, suggested that this was an advisory vote, not a yes or no vote. She did not know what the finance committee was afraid of. She would like to give the residents an opportunity to provide input.
 - c. Ald. Levin supports residents providing input. However, in this case, the vote would be ill advised as the citizens do not have real input because the city is under contract to build this parking garage and if it doesn’t build it will get sued.

- d. Ald. Dunn states the city has spent \$ 5.3M already to acquire the land. Referendum are important but in this case, in mid-stream of a project, won't help and could set a bad precedent.
 - e. Report passes (12 Ayes, 2 Nays – Bram, Gutenkauf)
- C. 7.3 – Majority Report – Case number 14 P-01/135-149 N. Addison Avenue Conditional use and associated variations (DP&Z)
- a. Ald. Mulliner suggests this is a very important decision that could impact the city for a long time to come. To get a “captive audience” in downtown, the city needs to plan for the future. This includes more times than just dinnertime. Offices are important parts of this as they drive the lunchtime business. More taxes from downtown businesses means less burden on individual homeowners.
 - b. Ald. Leader suggests that all councilmembers support the garage, just difference on the number of stories. The actual cost difference between a 4 – 5 – and 6-story building is not material compared to what has already been spent. This vote is about the future of Elmhurst and retail tax revenue. He favors 6 stories because he does not want to repeat the costly mistakes of the past.
 - c. Ald. Polomsky motions to substitute the minority report for the majority report. Ald. Levin seconds.
 - d. Ald. Polomsky urges fellow aldermen to vote for the 5-story minority report. Necessity of future parking needs and business development is met with 5-story building. She contends that 6-stories is too high for Elmhurst residents to consider parking up in. She encourages compromise to accommodate future parking needs.
 - e. Ald. Levin clarifies that he is speaking on behalf of the minority report because of the significant material now available and that a 5 – story structure is more appropriate. He also states that he felt that the data from the parking study was “self-serving” and overstated if minor assumption were slightly modified. There has been significant public input and this supports a smaller garage as well.
 - f. Ald. Healy has been on the fence about 5 or 6 stories for a number of months. He agrees and disagrees with Ald. Levin. The structure will not be built onto. However, the costs are pretty small to build a 6-story deck. He is supporting the 5-story minority report as this accomplishes a lot of what the council is trying to do to help downtown Elmhurst.
 - g. Ald. Wagner says its all about the money – that is, the cost of the structure. Since the city has added to structures in the past, he feels it is his responsibility to the residents to do 6-stories now.
 - h. Ald. Deuter states parking is critical to downtown growth. Many businesses try to provide on site parking for the convenience of its customers. She supports the 5-story building.
 - i. Ald. Bram motions to amend the minority report from 55 feet to 45 feet.
 - j. Ald. Levin made a point of order regarding Robert's Rules.
 - k. Ald. Bram pulled his motion.
 - l. Ald. Dunn talks of Philadelphia and its requirement to not build past 548 feet. Even with development, they resisted for some time the limit. Now, that requirement has been lifted to aid development. He contends that the vibrancy of the city is improved as a result. He supports 6-stories.

- m. Ald. Kennedy says we won't know the right answer for 10 – 20 years but we do know that population is increasing over time. The difference of 1.5M over the life of the project is minimal. The opportunity cost here is taking another piece of land in the future away from development to add parking when it is needed. If the city wants something to go on at Addison, then the 6-story structure should be built.
- n. Ald. York reiterated and agreed with Ald. Kennedy's comments. He supports a 6-story building.
- o. The motion to substitute the minority report for the majority report fails (6 Ayes: Levin, Healy, Gutenkauf, Deuter, Bram, Polomsky, 8 Nays)
- p. Ald. Bram motions to replace 65 feet with 45 feet in the majority report. Ald. Gutenkauf seconds the motion.
- q. Ald. Gutenkauf supports this motion because it more closely mirrors the will of the public.
- r. The motion fails (3 Ayes – Bram, Gutenkauf, Deuter: 11 Nays)
- s. Report passes (11 Ayes, 3 Nays – Bram, Gutenkauf, Deuter)

Reports and Recommendations of Appointed and Elected Officials

- Mayor Morley has accepted invitation to join the DuPage county green initiatives council.
- City Manager Grabowski provided the spring cleanup schedule: consecutive Saturdays starting this Saturday and aligned with your regular pickup day. Storm Water update included updates on park district and school board meetings continuing. Progress is being made with the Park District and the City is providing information on what else has been done.
- Ald. York announced the reopening of the Park District Greenhouse on 4/27.

Ordinances

- A. MCO-05-2014 – Ordinance to reduce pushcart food vendors
 - a. Ordinance passed (12 Ayes, 2 Nays – Gutenkauf, Polomsky)

Other Business

- none

Adjournment

Meeting was adjourned at 10:40 pm.