

Elmhurst City Council Meeting

14 present; 0 Absent. Mayor Morley absent

Public: 16; Staff: 3; Police/Fire:3;

Press: 3

Observer: N. Talluto

June 16, 2014

7:30 pm – 9:12 pm

Clerk Spencer called the meeting to order.

Presentations

- Proclamation declaring June 16 the Strike out Rett Syndrome Day.

Mayor Pro Tem

- The council approved Alderman Mulliner to act as Mayor pro tem for the evening due to Mayor Morley's absence.

Public Forum

- 707 S. Hillside, discussed the electrical aggregation program and stated that for him, this program would cost him more money. Additionally, he understands that the IL ICC has granted ComEd more money to put in smart grids and he doesn't understand how this will be helpful. Finally, he spoke of the Addison Street parking garage and the height it is going to be. He felt that Downers Grove was a useful comparison to see how Elmhurst could do it well.
- Claude Pagash, 566 W. Gladys, stated that the Addison street parking garage contractor is "going to take us for all we've got." He states that there are still some things that should be looked at in the contract. He also brought up Findzall and stated that he still doesn't know what they do and why they do it. He concluded by saying that the City should not continue to think that it has "endless funds."
- Tamara Brenner, 137 N. Caroline, was concerned that Ald. Leader promoted a religious event in the June 2, 2014 meeting. She also stated that public input is now welcome for the Addison Street Parking Garage project when the important decisions have been made. She is upset that public opinion wasn't welcomed during the earlier part of the planning process. Finally, she is concerned that several standard rules have been suspended to allow a vote on several important items.
- Andrea Alvarez, 118 N. York, Citizen Advocacy Center, thanked the city for the Addison redevelopment project public forums. On 4/21/14 she called for the city to call for involvement. She pointed out that there were several times in the past that public input was not taken for the project.
- Amy Leonard, 182 N. York, Legal Intern for Citizen Advocacy Center, focusing on separation of church and state, stated that Ald. Leader's announcement during the Elected Official section of the meeting on 6/2/14 could be construed as violating the separation of church and state. She recommended making announcements of these types during the public forum section of the meeting.
- Jim Rogers, Executive Director of the Elmhurst Park District spoke regarding the Paragon development and how it will impact the health club in Elmhurst. He brought up a number of objections regarding the project.

- Michael Kremerie, 567 W. Crockett, read from Mayor Morley’s invitation to have the public provide input on the parking deck. He was surprised by the words used given the fact that in the past, when public input was provided, it was ignored.

Announcements

- Ald. Dunn noted that on 6/26 from 12 – 6pm there will be a Blood Drive at Elmhurst Public Library.

The **Consent Agenda** was passed (14 Ayes, 0 Nays) with the following item removed: 6.14.

- 1) 6.14 – Report – Findzall community marketing contract renewal (DP&Z)
 - a) Ald. Levin summarized that this contract comes up regularly. The last time, the contract was only extended for 6 months to keep a close eye on the progress. Now that the communications director has just recently been hired last week, extending the contract until the end of the year provides the new communications director time to get started and understand what Findzall has been doing and what the new communications plan will be before finalizing the decision on the contractor.
 - b) Ald. Gutenkauf asked when the Communications Coordinator started which turned out to be July 7th. She also asked what if any overlap between the two positions was planned.
 - c) Ald. Polomsky supports Ald. Levin and stated that there needs to be a full plan before making a final decision on the contractor which is what the extension provides time for.
 - d) Ald. Bram is concerned that there is now some stated points in the report that there may be need for additional work from Findzall after the Communications Coordinator has started. He states that a six-month overlap is more than generous and would not be found in the private sector. He would like to see a two-month extension instead. Motion to amend the report to a 2-month extension for Findzall. Ald. Gutenkauf seconds.
 - e) Ald. Gutenkauf states that 2 months is more than enough time to overlap. She doesn’t see the point of extending the contractor for 6 months.
 - f) Ald. Levin “respectfully disagrees” with the need for a short transition; especially since the new communications coordinator doesn’t start for a month. The Findzall contract can always be terminated early if the plan calls for such an action.
 - g) Motion fails (2 Ayes; Bram, Gutenkauf; 12 Nays)
 - h) Ald. Gutenkauf does not support the extension of the contract for 6 months because she does not feel the committee has made their case for that amount of time.
 - i) Ald. Bram asks the committee to explain to him why 6 months is important.
 - j) Ald. Levin pointed out two things: first, the new coordinator won’t be here for a month so the overlap will be 5 months; second, my experience tells me that this is an appropriate amount of time, your experience tells you 2 months is the right amount of time. Ald. Levin suggested that Ald. Bram is calling into question his committee “doing their homework.”
 - k) Ald. Bram took note of the “insinuation” that he called into question the committee works. Rather, he re-stated that he was simply asking for specific reasons why the 6 month extension is appropriate.
 - l) Report passed (12 Ayes, 2 Nays: Bram, Gutenkauf)

Committee Reports

1. 7.1 – Report – Addison ave. mixed use/parking deck design and construction management agreement (PW&B)
 - a. Ald. Kennedy summarized with the following: \$13MM project with about \$500,000 in design and construction as a component of the cost. This is less than other projects the City has done which means that the City is getting a “fair deal.” From the contractor. By approving tonight, it is possible the project could start to break ground before the winter.
 - b. Ald. Gutenkauf does not think the rules should be suspended for this primarily because “she does not think we should be doing this project anyway.”
 - c. Report passes (13 Ayes, 1 Nay: Gutenkauf)
2. 7.2 – Withdrawn as it is not necessary given 7.1 passed.
3. 7.3 – Report – Paragon Tax Incentive financing incentive request
 - a. Finance Committee Commissioner York pulled the report back to committee.
4. 7.4 – Report – School District and Park District subdivision Impact Fees (F, CA&AS)
 - a. Ald. York thanked the city staff for their hard work on this issue. He stated that IL law does not require impact fees. Elmhurst has the right to do so.
 - b. Nick Peppers, Attorney at Storino, Ramello and Durkin stated that it is not law to require impact fees but the city has the right to do so. It is to help with the cost of educating the new students.
 - i. The formula to calculate the impact fee is: Acres needed per student per new development * average cost per acre * number of homes in subdivision.
 - c. Ald. York continued to summarize that City staff did significant work to use past legal cases and algorithms from other communities to arrive at the fees. The demographics resulted in estimating that 56 students would come out of this development. The city used 60 for their calculations. Additionally, it was found that grades 5 – 8 would be impacted the most. They also used \$400,000/acre for the calculations. The recommended impact fee is \$8,400 for each home in the new development and is enforceable in a court of law.
 - d. Ald. Healy requested clarification on what two parties did not talk to each other.
 - e. City Manager Grabowski clarified that Nitty and the School District did not discuss this directly even though he requested them to discuss this directly. The information that City Manager Grabowski received was that the School District Board stated during a school board meeting that it was the city’s job to calculate the impact fees, not theirs.
 - f. Ald. Polomsky asked if the School Boards desires could be considered in this issue.
 - g. Ald. York responded, “If the school board and Nitty reached an agreement it could be inserted into the city’s report and fee calculation.” He also clarified that this impact fee is only for this particular subdivision, not for any other residences.
 - h. Lawyer stated that the next step is to formalize the calculations into official code.
 - i. Ald. Polomsky thanked the committee and the staff for all the work done.
 - j. Ald. Dunn thanked everyone and stated that over \$550,000 will be raised from these fees and it will be put to good use to help educate the new children.
 - k. Ald. Healy asked if the EAV is incorporated into the tax base in the future.
 - l. Ald. York responded affirmatively.
 - m. Report passed (14 Ayes, 0 Nays)

5. 7.5 – Case Number 14P-03 Paragon conditional use and associated variations: 624 N. York Street (DP&Z)
 - a. Ald. Levin summarized that this is approved only if the tenant still remains LA Fitness. Motions to amend the report to tie the conditional use of the drive thru lanes only to Starbucks.
 - b. Motion passes (14 Ayes, 0 Nays)
 - c. Ald. Bram is concerned with the development as a whole. He asked what the variance for the smaller number of parking spaces is and if the development is including the retail in the facility.
 - d. Ald. Levin stated that LA Fitness is basing the variance request to other fitness centers they have and the amount of traffic and parking spaces that are needed. Also, there is some shared space for the Starbucks and LA Fitness and the parking spaces are accounted for.
 - e. Ald. Bram says it seems that the developer feels that the combined space is sufficient to support the retail, fitness center and Starbucks. He is concerned that there is not enough space and layout to work well with the Mariano's across the street. Especially given the drive thru lines up directly with the entrance from the street.
 - f. Ald. Levin did not hear any testimony regarding that kind of problem. The evidence was regarding the number of spaces and statements related to having enough space to prevent backups for the drive thru.
 - g. Mayor pro tem suggested that the developer and city staff will follow up to ensure there is no back up issues with the drive thru.
 - h. Ald. Polomsky pointed out that the report is an approval of the zoning report and it does not address any other issues such as a TIF.
 - i. Ald. Dunn asked if both layouts could be approved for development and why did it end up being LA Fitness and only LA Fitness – excluding another applicant called Export.
 - j. Ald. Levin suggested that the Export business was no longer an applicant.
 - k. Ald. Bram asked if the out lot building was only going to be a Starbucks.
 - l. Ald. Polomsky stated that there are no requests related to this application for retail.
 - m. Ald. Mulliner stated that the 8,000-foot building could be more than just a Starbuck's.
 - n. Ald. Bram suggested that if another retail business in the out lot building, it could impact the parking spaces. Ald. Bram then stated that this is addressed in the report.
 - o. Report passes (14 Ayes, 0 Nays)
6. 7.6 – Report – Subdivision land improvement agreement between the City of Elmhurst and Nitti Development LLC, or its Assign (DP&Z)
 - a. Ald. Levin summarized that this report is just taking some other actions from other committees and formalizing them into an agreement. This report allows the subdivision to move forward.
 - b. Ald. Gutenkauf is excited to see the project move forward and questions why the report and the ordinance is on the same night.
 - c. Ald. Levin responded by agreeing that it is not ideal but because many of these items have been discussed in the city council meeting before and are now just being grouped together, that it is appropriate to move forward to allow the project to begin.
 - d. Report passes (14 Ayes, 0 Nays)

Reports and Recommendations of Appointed and Elected Officials

- Mayor Morley, via Mayor pro tem Mulliner, invites the public to come to the Addison Street parking garage design meeting.
- Ald. Bram asked if any progress has been made on the O'Hare traffic noise. Grabowski responded that no progress has been made. Ald. Bram reiterated that he still gets many complaints from residents about the noise. He also noted concern with the impact fee press release when the council did not vote it on yet.
- Ald. Healy also asked about the O'Hare noise. He read an article that stated that Elmhurst was the "most improved" based on FAA reports of noise complaints.
- Mayor Pro Tem Mulliner responded that Grabowski should get more information from the airport and bring it back to the council.

Ordinances

1. O-20-2014 – Ordinance to approve and authorize the execution of the subdivision and land improvement agreement by and between Nitti Development, LLC, the City of Elmhurst for the Elmhurst Hospital Berteau Campus resubdivision.
 - a. Ordinance passes (14 Ayes, 0 Nays)
2. ZO-07-2014 – Ordinance approving a tentative (preliminary) plat of subdivision for the property commonly known as 200 N. Berteau, and granting a variation to reduce the proposed right-of-way width from 66' to 50'.
 - a. Ordinance passes (14 Ayes, 0 Nays)
3. O-21-2014 – Ordinance vacating a portion of the Avon right of way
 - a. Ordinance passes (13 Ayes, 1 Nay: Bram)

Resolution

1. R-42-2014 – A resolution authorizing the execution of a design build contract between the city of Elmhurst IL and ARCO/Murray National Construction Company, Inc. for the Addison Avenue mixed use parking deck site at 135 N. Addison Ave, Elmhurst, IL.
 - a. Resolution passes (13 Ayes, 1 Nay: Gutenkauf)
2. R-43-2014 – removed given report was pulled.

Other Business

- Ald. York stated that yes, electricity cost has increased. However, if a resident chooses to opt-out, the cost will be even higher due to some opt out costs.

Adjournment

Meeting was adjourned at 9:12 pm.