



Village of Downers Grove Meeting Minutes Downers Grove Village Council

Civic Center
801 Burlington
Downers Grove, IL 60515
630-434-5500

Tuesday, June 5, 2007

6:30 pm

Council Chambers

1. Call to Order

Mayor Ron Sandack called the regular meeting of the Village Council of the Village of Downers Grove to order at 6:30 p.m. in the Council Chambers of the Downers Grove Village Hall.

Pledge of Allegiance to the Flag

Mayor Sandack led those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Present: Commissioner Marilyn Schnell, Commissioner Martin Tully, Commissioner William Waldack, Commissioner Sean P. Durkin, Commissioner Bruce E. Beckman, Commissioner Geoff Neustadt and Mayor Ron Sandack

Non Voting: Village Manager Cara Pavlicek, Village Attorney Enza Petrarca and Village Clerk April Holden

The Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.

The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of the past meetings, an opportunity will be given for public comments and questions on the active agenda items for this evening's meeting. Following this, an opportunity is given for public comments and questions on any subject. Finally, if a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing.

The presiding officer will ask, at the appropriate time, if there are any comments from the public. If anyone wishes to speak, the individual should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name and address. Remarks should be limited to five minutes, and asked that individuals refrain from making repetitive statements.

Mayor Sandack said there are agendas located on either side of the Council Chambers, and he invited the audience to pick up an agenda and follow the progress of the Council meeting.

3. Minutes of Workshop and Council Meetings

Executive Session Minutes for Approval Only - April 23, 2007

Strategic Planning Session - May 15, 2007

Council Meeting - May 15, 2007

Workshop Meeting - May 22, 2007

Commissioner Schnell said she provided minor corrections to the Clerk for the Workshop meeting of May 22, 2007. Mayor Sandack said the minutes would be filed as corrected.

Terry Reiter Award for EMS Excellence

Fire Chief Phil Ruscetti explained the Terry Reiter Award history and the work Terry Reiter did for the Village in the field of Emergency Medical Services, and the inauguration of the Village's

Paramedic and Advance Life Support programs. The first recipient of the award is Lt. Matt Beyer who has dedicated himself to raising the bar for EMS personnel. Terry Reiter's wife and daughters made the award presentation.

Bi-weekly Update - Fire Station 2 Construction

Deputy Village Manager Dave Fieldman introduced Ed Dessler, Project Manager from Owner Services Group. Mr. Dessler said that things are moving along on schedule. Operations were set up on May 7, with demolition beginning on May 17 and are nearly complete. He noted that excavation will begin shortly and the major activity will be below ground for the next few months. He believes they have a good contractor on board.

Economic Development Corporation Quarterly Report

Greg Bedalov, President of the Economic Development Corporation (EDC), presented a quarterly report for the EDC's first quarter of 2007. He reviewed the five benchmarks included in the report, noting that the results were strong for 2007 compared to 2006 with the Village showing a 2.6% increase in sales tax revenue. As for occupancy/vacancy rates, vacancy fell from 12% to 11%, and hotel sales tax revenue showed a decrease in revenue from 2006 at \$182,083 to \$163,448 in 2007. Mr. Bedalov announced four new Board members to the EDC: Mr. Joe Arbin of Aerogear; Mr. Bill Neiberg of Sara Lee; Laura Crawford, President of the Downers Grove Chamber of Commerce; Stan Urban, former Council member and owner of Every Day's a Sundae; and ex officio members Mayor Sandack and Commissioner Tully.

Commissioner Schnell inquired about the assessed valuation differential between residential and commercial properties. She asked for a report addressing this issue. In addition, she said when there are glitches identified, some explanation as to the perceived reason for the discrepancy would be beneficial for planning. Mr. Bedalov said he would forward that information to the Council.

4. Public Comments and Questions

A. Comments and Questions on Active Agenda

Joe Mendrick, 6124 Lane Place, said he is part of the neighborhood group working with the Village on the Green Knolls renovation. He thanked the Village for hearing the concerns expressed by the residents. Mr. Mendrick asked that the Council continue to allow the residents to be involved in this process, and thanked them for their cooperation with the residents to date.

B. Comments and Questions on General Matters

Dave Schultz, 5509 Washington, stated he was representing the Pierce Downers Heritage Alliance as well as co-chair of the Environmental Stewardship Committee of First United Methodist Church. He said he was present to discuss joining of the Cool Cities Mayoral Climate Protection Agreement Program for energy reductions to meet a 7% reduction. He explained why he believed it beneficial for the Village to join this group, saying it can reduce operating costs and sets an excellent example to residents of the Village by seeing the Village management take the initiative to address what is the most prevailing environmental problem and issue in the world. He then reviewed some of the major issues and their affect on future generations, such as the climate changes that have already occurred. Mr. Schultz said that projections for the casualty losses next decade for severe storm damage would increase five-fold. He encouraged the Council to take action by joining this initiative and forming a plan to reduce energy consumption in the Village.

Mr. Schultz said that the Council was asked to adopt a Tree Preservation Ordinance more than a year ago and that request was tabled, with no action taken since that time. He reviewed the benefits of such an ordinance and requested again that the Council look at this issue more carefully. There has been a decline in the number of trees over the past five to six years due to the teardowns and rebuilds, in his opinion. He estimated that there have been at least 2,500

trees or more taken down through these development projects as an estimated cost of \$4,000 per tree. That represents an economic loss of \$10 million.

Mayor Sandack said that with respect to the Cool City Initiative he believes the Environmental Concerns Commission contemplated this in discussion form at one time. The Manager said the Council would be receiving a recommendation made by the ECC. The Mayor said that he has seen the Wilmette Tree Ordinance and will pass that information along to his colleagues for future consideration.

Ken Lerner, 4933 Whiffin, spoke on behalf of the Downers Grove Coalition for Managed Redevelopment to present their Neighborhood Construction Watch handbook to the Council. The handbook provides information for developers, residents, realtors, etc. This user-friendly guide provides rules to be followed by the responsible individuals in redevelopment in the Village. The goal of the Coalition is to change the construction culture in the Village and encourage strict adherence to the Village Code with a minimum disruption of the neighborhood. He said the handbook is available at www.dgcmr.org and at various locations throughout the Village. Mr. Lerner thanked Mr. Schofield and Mr. Smart, and all those who helped with the publication and distribution of the handbook.

Commissioner Schnell said that this is a good document and a service to residents.

Commissioner Beckman said he has reviewed the document and shared it with others. He would like to see whether there is a way to provide this to the community at Village Hall for residents and contractors.

Commissioner Tully thanked those who put together the document, saying it is a grass roots effort. This is not an official Village document and the Village probably cannot make it available in the same way as Village documents, though it is a nice informational document.

Tim Meany, 420 Franklin, stated that he spoke before the Council last April on this situation. This concerns the property at 425 Franklin, which has a home on the site that was scheduled for demolition to be replaced with a much larger structure. He reviewed the events of the last six months and the actions he had taken in the past months, noting that there was an illegal construction fence installed last January. In April, Mr. Meany presented a petition from the neighbors requesting that the fence be removed. Staff has worked hard toward revision and clarification of rules concerning demolition. He indicated that the situation warrants action on the part of the Village because the fencing has become an eyesore and blight on the street. Neighbors are not anxious for construction to begin due to the type of structure planned that will not meet the character of the existing homes. What the neighbors would like is some indication that they, as property owners, also have property rights as do the builders. In this case those rights are being infringed by the fence and with no action to move forward with the construction.

Mayor Sandack said he believes something is being done and asked the Village Manager to address the issue.

Manager Pavlicek said that the Village has not been able to issue a building permit due to issues related to the Sanitary District. The owner has been informed that the Village deems the site as abandoned, explaining the actions that must be followed within ten days. She assured Mr. Meany that the Village is taking appropriate and allowable action, and is not ignoring the situation.

Mary Blanchard, 421 Franklin, supported the comments made by Mr. Meany. She read a letter that she sent to Deputy Manager Fieldman regarding the unacceptable situation for the property at 425 Franklin Street.

Bill Wrobel, 7800 Queens Court, addressed a Council meeting wherein an ordinance was

passed establishing a 20 mph speed limits for parks. He commented on the implementation of the speed limit in the park areas without some type of enforcement. Signage would be superfluous without enforcement. He said in future situations, the Council should consider asking the petitioner (the Parking and Traffic Commission) about provisions for enforcement that have been made, such as regular police presence, traffic bumps, etc. He noted that without adequate enforcement this is just another ordinance, another law or another sign. When these types of items are discussed in the future, he encouraged the Council and staff to also consider what type of enforcement will be utilized to make the regulations meaningful.

5. Public Hearings

6. Consent Agenda

COR 00-02819 A. Claim Ordinance: No. 5691, Payroll, May 11, 2007
Claim Ordinance: No. 5693, Payroll, May 25, 2007

Sponsors: Accounting

A motion was made to Approve this file on the Consent Agenda.

Indexes: N/A

BIL 00-02820 B. List of Bills Payable: No. 5676, June 5, 2007

Sponsors: Accounting

A motion was made to Approve this file on the Consent Agenda.

Indexes: N/A

RES 00-02821 C. Resolution: Authorize a Grant of Easement with Nicor Gas for the Belmont Road Grade Separation Project

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A GRANT OF EASEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND NICOR GAS

RESOLUTION 2007-65

A motion was made to Pass this file on the Consent Agenda.

Indexes: Belmont Road Grade Separation Project, Belmont Road Underpass

BID 00-02822 D. Bid: Award \$32,782.00 to Miles Chevrolet, Inc., Decatur, IL, for the Purchase of a 2007 Chevrolet Tahoe Four-Wheel Drive Utility Vehicle

Sponsors: Public Works

A motion was made to Approve this file on the Consent Agenda.

Indexes: Vehicle Purchases

RES 00-02823 E. Resolution: Authorize an Agreement with the Indian Boundary YMCA to Jointly Conduct the 2007 Downers Grove Farmers' Market

Sponsors: Communications

Summary of Item: A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE INDIAN BOUNDARY YMCA TO JOINTLY CONDUCT THE 2007 DOWNERS GROVE FARMERS' MARKET

RESOLUTION 2007-57

A motion was made to Pass this file on the Consent Agenda.

Indexes: Farmers' Market

RES 00-02824 F. Resolution: Authorize a Maintenance Agreement with Sungard HTE, Inc.

Sponsors: Police Department

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A MAINTENANCE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND SUNGARD HTE, INC.

RESOLUTION 2007-58

A motion was made to Pass this file on the Consent Agenda.

Indexes: CAD

RES 00-02826 G. Resolution: Authorize a License Agreement with the DuPage Amateur Radio Club to Install, Maintain and Operate an Antenna on Village Property

Sponsors: Communications

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A LICENSE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND DUPAGE AMATEUR RADIO CLUB TO INSTALL, MAINTAIN AND OPERATE AN ANTENNA ON VILLAGE PROPERTY

RESOLUTION 2007-59

A motion was made to Pass this file on the Consent Agenda.

Indexes: DuPage Amateur Radio Club

MOT 00-02843 H. Motion: Note Receipt of Minutes of Village Boards and Commissions

A motion was made to Award this file on the Consent Agenda.

Indexes: Boards and Commissions Minutes

Passed The Consent Agenda

A motion was made by Commissioner Tully, seconded by Commissioner Durkin, that the consent agenda be passed. The motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

7. Active Agenda

RES 00-02825 A. Resolution: Accept Public Improvements for Banchory Woods Subdivision

Sponsors: Public Works

Summary of Item: This will authorize the acceptance of public improvements in the Banchory Woods Subdivision.

A RESOLUTION AUTHORIZING ACCEPTANCE OF PUBLIC IMPROVEMENTS - BANCHORY WOODS SUBDIVISION

RESOLUTION 2007-60

Commissioner Tully said that this item was moved from the Consent Agenda to the Active Agenda. He thanked staff for the information they provided. The public improvements for this project are completed in accordance with the plans and specifications for the project. As to the ponding on the Lee Street vicinity of the project, it appears that the ponding is unrelated to the public improvement on this development.

The Manager said that staff will check to see whether this was communicated to the resident.

Commissioner Tully pointed out that a maintenance security has to be furnished.

A motion was made by Commissioner Tully, seconded by Commissioner Durkin, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Subdivision - Banchory Woods

RES 00-02827 B. Resolution: Authorize a Release Agreement with Joel Andersen Homes, Ltd.

Sponsors: Public Works

Summary of Item: This will authorize the execution of a release agreement between the Village of Downers Grove and Joel Andersen Homes.

A RESOLUTION AUTHORIZING EXECUTION OF A RELEASE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND JOEL ANDERSEN HOMES, LTD.

RESOLUTION 2007-61

A motion was made by Commissioner Durkin, seconded by Commissioner Beckman, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Subdivision - Banchory Woods

RES 00-02842 C. Resolution: Village Council Policy Regarding Repair and Maintenance of Existing Brick Streets

Commissioner Schnell said she will support this as it puts brick street maintenance at the same level as other streets in the community. It recognizes brick streets have a longer life with less maintenance than do regular streets. She thinks this places all residents on a level playing field.

A motion was made by Commissioner Beckman, seconded by Commissioner Schnell, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Brick Streets

ORD 00-02828

D. Ordinance: Amend the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois to Designate the Northeast Corner of Main & Maple Final Planned Development #47

Sponsors: Community Development

Summary of Item: At their meeting of April 23, 2007, the Plan Commission recommended to designate the northeast corner of Main & Maple as Final Planned Development Number 47.

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS TO DESIGNATE THE NORTHEAST CORNER OF MAIN & MAPLE FINAL PLANNED DEVELOPMENT #47

ORDINANCE NO. 4870

A motion was made by Commissioner Schnell, seconded by Commissioner Waldack, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Redevelopment Agreement - Main & Maple, Planned Development #47-Main & Maple

ORD 00-02829

E. Ordinance Authorizing a Special Use for Main & Maple to Permit a Multi-Use Planned Development

Sponsors: Community Development

Summary of Item: At their meeting of April 23, 2007, the Plan Commission recommended that a special use be granted for the property located at the northeast corner of Main Street and Maple Avenue to permit a residential and retail multi-use planned development.

AN ORDINANCE AUTHORIZING A SPECIAL USE FOR MAIN & MAPLE TO PERMIT A MULTI-USE PLANNED DEVELOPMENT

ORDINANCE NO. 4871

A motion was made by Commissioner Waldack, seconded by Commissioner Neustadt, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Redevelopment Agreement - Main & Maple, Special Use - NE Corner of Main Street & Maple Avenue, Planned Development #47-Main & Maple

ORD 00-02830

F. Ordinance: Designate Green Knolls Shopping Center as Final Planned Development Number 46 with a Variation

Sponsors: Community Development

Summary of Item: At their meeting of April 2, 2007, the Plan Commission recommended to designate Green Knolls Shopping Center as Final Planned Development Number 46 with a variation.

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS TO DESIGNATE GREEN KNOLLS SHOPPING CENTER AS FINAL PLANNED DEVELOPMENT NUMBER 46 WITH A VARIATION

ORDINANCE NO. 4872

Commissioner Neustadt moved to adopt "An Ordinance Amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois to Designate Green Knolls Shopping Center as Final Planned Development Number 46 with a Variation" as presented. Commission Durkin

seconded the Motion.

Commissioner Schnell commented that this is a PUD, and as such it works differently than other parcels. The developer has agreed to landscape the other side of the fence as an additional buffer. She said that if those trees die the developer will have to replace them. She thanked the developer for listening to what she said last week regarding increasing the greenspace. They have included a proposal to replace three parking spaces with greenspace that will improve the appearance as well as slow down the traffic somewhat. She asked that when Parcel #2 is developed that they recognize the opportunity to provide some landscape softening.

Commissioner Schnell moved to amend Commissioner Neustadt's Motion to add the following language to Condition 2 of the PUD ordinance: The final elevation and site plan for the new commercial building on parcel 3 shall be presented to Village Council prior to receiving a building permit. The plans shall include foundation plantings and landscaping around the new building in a manner acceptable to the Village Council. Commissioner Durkin seconded the Motion.

The Manager clarified that the statement Commissioner Schnell is referencing is in Section 2, Item 2.

The Mayor asked for a roll call on the amendment to the Motion.

AYES: Commissioner Schnell, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt, Commissioner Waldack, Commissioner Tully, Mayor Sandack

NAYS: None

The Mayor declared the Motion passed.

Commissioner Neustadt then commended the developer for listening to the concerns of the neighbors and Village in this situation.

Commissioner Durkin also thanked the residents in that area for participating in this project by letting the Village and the developer know their concerns and working with Village staff and the developer.

Mayor Sandack said that this project was a struggle from the beginning; however, he thinks they have come up with a better project and the residents have been treated with due care and respect. The developer's team has been responsive to both the residents and the Village. The Village and the developer need to make this commercial corner as active and vibrant as possible.

The Mayor asked for a roll call on the Motion as amended.

AYES: Commissioner Neustadt, Commissioner Tully, Commissioner Beckman, Commissioner Durkin, Commissioner Waldack, Commissioner Schnell, Mayor Sandack

NAYS: None

The Mayor declared the Motion passed.

A motion was made by Commissioner Neustadt, seconded by Commissioner Tully, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Special Use - 63rd & Main Streets, Planned Development #46-Green Knolls Shopping Center, Subdivision - Green Knolls Shopping Center

ORD 00-02831

G. Ordinance: Authorize a Special Use for Green Knolls Shopping Center

Sponsors: Community Development

Summary of Item: At their meeting of April 2, 2007, the Plan Commission recommended that a special use be granted for the property located at 6224 Main Street for a drive-up window for a retail pharmacy.

AN ORDINANCE AUTHORIZING A SPECIAL USE FOR GREEN KNOLLS SHOPPING CENTER

ORDINANCE NO. 4874

Commissioner Tully moved to adopt "An Ordinance Authorizing a Special Use for Green Knolls Shopping Center" as presented. Commissioner Durkin seconded the Motion.

Commissioner Tully explained that this special use is for the drive-up window for the proposed Walgreens.

Commissioner Waldack said it was anticipated that the drive-up window would have hours from 7:00 a.m. to 10:00 p.m. If they chose to make this a 24-hour drive-up the developer would have to come back to the Council. During the Workshop meeting on this issue, the developer indicated their desire to keep the drive-up window open until midnight. At the Plan Commission meeting the Commission, and the residents were told the close time would be 10:00 p.m. He said he had concerns about that change in hours, and said his preference would be to keep the authorization at 10:00 p.m. He has no problem with a midnight or 24-hour drive-up, provided things are done properly and doesn't interfere with the residential area. He thinks the drive-up should remain at 10:00 p.m. until they know that it will not interfere with the residents, and that it will work in terms of noise, lighting, etc., especially during the summer months.

Commissioner Waldack moved to amend the Motion with respect to Section 2, Item number 45 to change the hours of the drive-up window for the retail pharmacy to be between the hours of 7:00 a.m. and 10:00 p.m. Commissioner Schnell seconded the Motion.

Commissioner Schnell said the hours proposed by Commissioner Waldack would be consistent with the Walgreens at Ogden and Main Street. She noted that Walgreens has never modified those hours and it seems to work well at that location. She agrees with Commissioner Waldack's reasoning for the 10:00 p.m. closing.

Commissioner Durkin asked what the hours are proposed for the site as is being presented to the Council.

Jeff Mueller, Representative from Walgreens, said that the letter they presented indicated that they would like no restrictions on their hours. They feel that the screening and trees will be in place for the drive-through.

Commissioner Durkin asked what the company policy is, and Mr. Mueller said that each store is different and tailored to the particular market of the neighborhood.

The Manager said that the proposal presented to the Plan Commission was based on the petition of 7:00 a.m. to 10:00 p.m., though the letter presented on May 22 to the Council was 7:00 a.m. to 12 midnight, which is now before the Council. The latest request from Walgreens is that there be no restrictions; however, staff did not believe that to be an appropriate recommendation to put before the Council. She said that her understanding was that Walgreens was requesting the ability to establish any hours of operation as much as up to 24 hours. She noted that staff doesn't know how this will function in the neighborhood and for that reason recommended

restricted hours.

Commissioner Beckman asked what would happen if this was approved for a midnight closing and then it doesn't work out. Attorney Petrarca said that once the permission is given it is difficult to retract.

Commissioner Tully commented that they need to separate the hours of operation: 1) one for the store, and 2) one for the drive-through. He said that the two hours between 10:00 p.m. and midnight doesn't make that much difference to him. However, this was presented at the Public Hearing as 10:00 p.m. for drive-through operations. The needs of the neighborhood are what should drive this issue. He would be comfortable with either 10:00 p.m. or midnight, but he is sensitive to the fact that the public was told it would at 10:00 p.m.

Commissioner Tully then noted the 46 conditions for this project related to the special use.

In response to Commissioner Tully, Village Attorney Enza Petrarca said that the language in Item 45 is to prevent this from going back to the whole Plan Commission process, and allowing it to come to the Council instead for approval of the changes.

Commissioner Waldack said that the University of Pittsburg did a study on sleep, and the average bedtime is 10:48 p.m., Central time.

Mayor Sandack said that the proposed change in hours probably should have been raised before the Plan Commission. He said that people tend to shop at a drugstore in close proximity to their home. The Mayor said that the Village has experience and history with their hours of operation, looking at their Ogden and Main example, which has not had a steady stream of residents complaining. He doesn't recall one complaint for that location over the past four years. The hours are market-driven by economics. He noted that this proposal will make the site better, and they cannot keep micromanaging the item. There are 46 points and conditions for this special use ordinance. It seems redundant and overkill to him. He is fine with going to the midnight closing, noting that the Village will be watching closely. If they come in a year for a 24-hour opening, they will have to support that with evidence of their track record.

Commissioner Schnell said that the residents asked for restricted hours. The store is open for 24-hours, and there is no denying people the right to obtain a prescription. The objective is to meet the requests of the neighborhood as well. She would rather go with the 10:00 p.m. hours, and would rather error on the side of caution since it is what the residents heard and what went before the Plan Commission for consideration. She doesn't think that Walgreens will pull out over this. To be a good neighbor they need to do what was presented at the Plan Commission. She noted that it is easy to add hours at a later time.

Commissioner Beckman said he fully shares Commissioner Schnell's opinion on this issue.

The Mayor asked for a roll call on the amendment to the Motion.

AYES: Commissioner Waldack, Commissioner Schnell, Commissioner Beckman, Commissioner Neustadt, Commissioner Tully

NAYS: Commissioner Durkin, Mayor Sandack

The Mayor declared the Motion carried.

The Mayor asked for a roll call on the Motion as amended.

AYES: Commissioner Tully, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt, Commissioner Waldack, Commissioner Schnell, Mayor Sandack

NAYS: None

The Mayor declared the Motion carried.

A motion was made by Commissioner Tully, seconded by Commissioner Durkin, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Special Use - 63rd & Main Streets, Planned Development #46-Green Knolls Shopping Center, Subdivision - Green Knolls Shopping Center

RES 00-02832 H. Resolution: Final Plat of Subdivision for the Green Knolls Subdivision

Sponsors: Community Development

Summary of Item: At their meeting of April 2, 2007, the Plan Commission recommended approval of the Final Plat of Subdivision for the Green Knolls Subdivision.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR THE GREEN KNOLLS SUBDIVISION

RESOLUTION 2007-63

A motion was made by Commissioner Durkin, seconded by Commissioner Beckman, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Special Use - 63rd & Main Streets, Planned Development #46-Green Knolls Shopping Center, Subdivision - Green Knolls Shopping Center

ORD 00-02834 I. Ordinance: Approve a Planned Development Amendment to Planned Development #18 to Permit Construction of a One-Story Restaurant Building with a Drive-Up Window

Sponsors: Community Development

Summary of Item: At their meeting of April 23, 2007 the Plan Commission recommended approving an amendment to Planned Development #18 to permit construction of a one-story restaurant building with a drive-up window.

AN ORDINANCE APPROVING A PLANNED DEVELOPMENT AMENDMENT TO PLANNED DEVELOPMENT #18 TO PERMIT CONSTRUCTION OF A ONE-STORY RESTAURANT BUILDING WITH A DRIVE-UP WINDOW

ORDINANCE NO. 4874

A motion was made by Commissioner Beckman, seconded by Commissioner Schnell, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Planned Development #18-Venture, Special Use - 7451 Lemont Road

ORD 00-02833 J. Ordinance: Authorize a Special Use for 7451 Lemont Road to Permit a Restaurant Facility with a Drive-Up Window

Sponsors: Community Development

Summary of Item: At their meeting of April 23, 2007, the Plan Commission recommended that a special use be granted for the property located at 7451 Lemont Road to permit a restaurant facility with a drive-up window.

AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 7451 LEMONT ROAD TO PERMIT A RESTAURANT FACILITY WITH A DRIVE-UP WINDOW

ORDINANCE NO. 4875

Commissioner Tully said that this special use is readopting what is already there.

A motion was made by Commissioner Schnell, seconded by Commissioner Waldack, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Planned Development #18-Venture, Special Use - 7451 Lemont Road

RES 00-02835

K. Resolution: Authorize a First Amendment to the Redevelopment and Sales Tax Rebate Agreement with Luxury Motors, Inc.

Sponsors: Deputy Village Manager

Summary of Item: This will authorize approval of a first amendment to a sales tax rebate agreement between the Village of Downers Grove and Luxury Motors.

A RESOLUTION AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE REDEVELOPMENT AND SALES TAX REBATE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND LUXURY MOTORS, INC.

RESOLUTION 2007-64

Commissioner Schnell said that she will not vote for this. She would have preferred that Luxury Motors initiated an informational meeting on this issue. She said that Luxury Motors has not always been the best of corporate citizens, in that they continue to have Code violations and continue to ignore the needs of the surrounding neighborhoods. She looks forward to the next step in discussing the points raised by the neighbors over the years.

Commissioner Tully said he feels that Commissioner Schnell's comments are premature. He sees this as a good agreement, which will allow the Village to get to the next step with Luxury Motors.

The Mayor said he thought it would be highly irresponsible not to move forward on this issue, and he sees it as a step toward implementing the Ogden Avenue Master Plan. He said that questions will need to be answered at the right time, and not to do this would be irresponsible. He agrees with Commissioner Schnell's comments that Luxury Motors must be a good neighborhood citizen; however, he does not feel this is the appropriate time. The Village needs to move forward with Luxury Motors.

A motion was made by Commissioner Tully, seconded by Commissioner Beckman, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack
Nay: Commissioner Schnell

Indexes: Sales Tax Rebate, Redevelopment Agreement - Luxury Motors

ORD 00-02836

L. Ordinance: Amend the Downers Grove Liquor Code Concerning Re-Sealed Bottles of Wine

Sponsors: Village Attorney

Summary of Item: This will amend the Downers Grove Liquor Code to allow restaurant patrons to leave licensed premises with a partially consumed bottle of wine provided it is properly re-sealed.

AN ORDINANCE AMENDING THE DOWNERS GROVE LIQUOR CODE CONCERNING
RE-SEALED BOTTLES OF WINE

ORDINANCE NO. 4876

A motion was made by Commissioner Waldack, seconded by Commissioner Neustadt, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Liquor Ordinance Amendments

ORD 00-02837 M. Ordinance: Amend Provisions for the Removal of Members to Boards and Commissions

Sponsors: Village Attorney

Summary of Item: This will amend provisions concerning the removal of Board and Commission members.

AN ORDINANCE AMENDING PROVISIONS FOR THE REMOVAL OF MEMBERS TO BOARDS
AND COMMISSIONS

ORDINANCE NO. 4877

Commissioner Neustadt said that this ordinance shows the residents that the Council recognizes that their time is valued and important to the Village.

Commissioner Beckman said he applauds this item.

A motion was made by Commissioner Neustadt, seconded by Commissioner Schnell, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Boards and Commissions

8. Mayor's Report

REP 00-02845 Report: Appointments to Boards

Sponsors: Mayor

Summary of Item: Mayor Sandack announced the following appointments:

Brad Weltler to the Fire Pension Board for a term expiring 8/31/2010

Randy Stark to the Fire Pension Board for a term expiring 8/31/2010

Steven Stanton to the Police Pension Board for a term expiring 8/31/2010

Mayor Sandack noted that, pursuant to State law and Village ordinance, he has the responsibility to appoint members to the Police Pension Board and Fire Pension Board. He announced the appointments and provided information on the following individuals: Bradley Weltler to the Fire Pension Board for a term expiring 8/31/2010; Randy Stark to the Fire Pension Board for a term expiring 8/31/2010; and Steven Stanton to the Police Pension Board for a term expiring 8/31/2010. Mayor Sandack thanked them for seeking to serve. Their service is respected and appreciated.

Indexes: Boards and Commissions

Proclamation

Mayor Sandack proclaimed the week of June 3-9, 2007 as National Garden Week in the Village of Downers Grove.

9. Manager's and Directors' Reports

Manager Pavlicek said Fire Chief Ruscetti has a presentation.

Chief Ruscetti said that Quinn Triplett, one of the Village's firefighter/paramedics, has been on military leave serving in Afghanistan since September. Quinn was home on a two-week leave and brought a flag and plaque to the Village, and a certificate nominating the Village as a patriotic employer. The Chief presented the flag, plaque and certificate to the Mayor.

Mayor Sandack said he will make sure that this is properly displayed.

10. Attorney's Report

Future Active Agenda

11. Council Member Reports and New Business

Commissioner Beckman said he was pleased to see the Terry Reiter Award, as he had the pleasure of having Terry as a best friend. Terry represented all that was good about firefighters and of those who work for the Village.

Commissioner Tully said there are 17 days until Heritage Festival, which celebrates the 175th anniversary of the Village. On June 21, there will be a concert featuring the Gin Blossoms to raise funds to move Blodgett House, an historical structure. The Commissioner reminded everyone that there are advance ride tickets available now. There are great entertainers lined up and he sees this as being a fantastic celebration for the Village.

Commissioner Tully then commented on the issue raised earlier regarding the Tree Preservation Ordinance. He noted that this is a different Council since this issue was originally raised, and he thinks it might be a good idea to bring this issue to some closure.

The Mayor said that the new Council shouldn't fear any issue, whether controversial or not. The Village of Wilmette's Ordinance has issues that may not fit this Village with regard to trees on private property; however, he believes this must also be addressed and brought to some closure.

The Manager asked whether it would be appropriate for staff to prepare a recommendation to put forth to the ECC (Environmental Concerns Commission) and to review the Wilmette Ordinance. The Council concurred with the Manager's suggestion.

Commissioner Schnell agreed with the Council. She then said that she did not know Terry Reiter personally, however agrees that he did a tremendous amount to elevate the EMS service. This is a great way to honor employees who have done so much for their community.

Commissioner Waldack agreed with moving forward on the Tree Preservation Ordinance.

Commissioner Neustadt thanked the American Legion Post #80 for the Memorial Day celebration. He thanked the Chamber of Commerce for their golf outing yesterday as well.

Mayor Sandack said that he was proud to participate in the Alexander Bradley Burns American Legion Post 80 89th Memorial Day celebration, which was a fine celebration honoring those who made the ultimate sacrifice for their country. Secondly, he attended the ground breaking

for the Family Shelter Services and he looked forward to their being part in the Village. The Mayor added that he took the Blodgett House tour, saying it is worthy of this community and he believes it appropriate to move the house, maintain it and then use it as an educational tool

Mayor Sandack then mentioned attending the VFW Century Post 503 75th anniversary ceremony. He then congratulated O'Neill Junior High celebrating their 50th anniversary. And finally, he was invited with Doug Kozlowski to go to Herrick Middle School where Mr. Swanson's class has been putting forth a downtown business recycling plan. They asked appropriate questions and made enterprising suggestions and recommendations, which are being reviewed by ECC, Allied Waste and other businesses in town.

12. Adjournment

Commissioner Tully moved to adjourn to Executive Session pursuant to Section 2(c)(11) of the Open Meetings Act to consider litigation. Commissioner Durkin seconded.

VOTE: YEA - Commissioners Tully, Durkin, Beckman, Neustadt, Waldack, Schnell, Mayor Sandack

Mayor Sandack declared the motion carried and the Council convened into Executive Session at 8:25 p.m.