

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

SEPTEMBER 25, 2007

Mayor Sandack called the Workshop meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Village Hall.

Present: Mayor Ron Sandack; Commissioners Marilyn Schnell, Martin Tully, William Waldack, Sean P. Durkin, Geoff Neustadt, Bruce Beckman; Village Manager Cara Pavlicek; Village Attorney Enza Petrarca; Deputy Village Clerk Linda Brown

Absent: Village Clerk April Holden

Visitors: **Press:** Eva McKendrick, The Sun; Samantha Nelson, Reporter

Residents: Jim Santo, Georgian Courts, 1117 Gilbert; Joyce Allers, 149 56th Street; Barbara McLellan, Jean Warner, Emily Rokas, Jack Heddell, Dolores Porter, Peggy Tulipano, Joan and Mike Jarvis, Doris Hasty, Rebeca Velasco, Mary Pat Schaefer, Ikuko Dembeck, Robert C. Burns, Shirley Remes, James Ochala, Dorothy Lynch, Dorothy and George Daly, Marilyn Hannapel, Helen Kuta, Rosemary Nemcek, Barbara Gongawall, Diana Green, Ruth Brier, Charlotte Dairdoe, Rachel Toberman, Lorraine Tresnak, all of 5300 Walnut; Mary Anna Armstrong, Lucie Barbich, Helen Machen, Ernest Patyk, Ross Gray, Elsee Leonhardt, Janet Leene, Donald Gore, Paul J. Smith, Rosemary Scoleri, Charlotte Stahulak, all of 2900 Maple; Francis and Terry Brauer, Sharon Roff, 2800 Maple; Dick Benes, 5236 Fairmount; John Schofield, 1125 Jefferson; Bill Wrobel, 7800 Queens Court; Andy Clark, 1226 62nd Street; Joe Matas, Peter Hultman, William Fletcher, all of 5540 Walnut; James Cavallo, 6943 Valley View; Frank Falesch, 820 Prairie; Mark Thoman, 1109 61st; D. Cassier, 240 56th; D. Benesch, 5400 Walnut; Gina Tedesco, Morton Arboretum, 4100 Route 53, Lisle; Marge Earl, 4724 Florence; Chad Wells, 1300 Palmer; Susan Ein, 138 56th Street; Linda Crawford, 201 56th Street

Staff: Liangfu Wu, Director, Information Services; Bob Porter, Police Chief; Doug Kozlowski, Director, Communications; James Jackson, Deputy Fire Chief; Andy Matejcak, Director, Counseling and Social Services; Dave Fieldman, Deputy Village Manager; Jeff O'Brien, Senior Planner, Community Development; Mike Baker, Assistant Village Manager; Megan Bourke, Management Analyst; Brandon Dieter, Management Analyst; Robin Weaver, Interim Director, Public Works; Mary Scalzetti, Director, Community Events; Tom Dabareiner, Director, Community Development; Judy Buttny, Finance Director; Mike Millette, Assistant Director, Public Works; Stanley Balicki, Assistant Director, Operations, Public Works; Wesley Morgan, Director, Human Resources

Mayor Sandack explained that Council Workshop meetings are held the second and fourth Tuesdays at 7:00 p.m. The meetings are video taped live and for later cable-cast over cable channel 6.

The Workshop meeting is intended to provide Council and the public with an appropriate forum for informal discussion of any items intended for future Council consideration or just for general information. No formal action is taken at Workshop meetings.

The public is invited to attend and encouraged to comment or ask questions in an informal manner on any of the items being discussed or on any other subject. The agenda is created to provide a guideline for discussion.

Mayor Sandack said that the evening's agenda was very full and to accommodate some citizens present for the meeting, he explained that he would be taking some of the items out of order, beginning the meeting with discussion on Item h., the Recycling Collection Facilities and then Item d., Designation of 56th Street as a One-Way Roadway System.

MANAGER

Manager Pavlicek reviewed the Agenda items for discussion and comments:

1. Active Agenda and Informational Items

h. Recycling Collection Facilities Items.

- i) **Environmental Concerns Commission Motion on Recycling Collection Facilities.**
- ii) **Zoning Ordinance Amendment Recycling Collection Facility.**
- iii) **Zoning Ordinance Amendments.**

The Manager explained the three parts of this issue and asked Community Development Director, Tom Dabareiner to provide the details.

Tom Dabareiner, Director, Community Development, provided the history for the petition for a special use for the recycling facilities. This item went to the Plan Commission, and then came before the Council. Council directed the matter to the Environmental Concerns Commission and a 90-day moratorium was instituted. He said that the Environmental Concerns Commission (ECC) report recommended consideration of the impact to the neighbors, and questioned the location of similar facilities in the County. The ECC found in their meetings that there are environmental impacts. They thought that the location of either a recycling collection station or a construction debris transfer station should be looked at individually, though they could not make a recommendation for any facility without a specific location.

Mr. Dabareiner said that the proposed definition for 28.201 refers to non-hazardous and non-putrescible items. They chose to distinguish the facility from transfer stations, and added exclusions to the definition to allow for no transfer station use.

As to the separation requirements, recycling centers are currently allowed as a special use with no separation requirement. The proposal would change the separation to 1,320 feet with some exceptions. He indicated that the state statute does not apply because the Village has its own special use standards that must be met. He indicated that Article 20 of the Zoning Ordinance addresses compliance regarding noise and fumes caused by any facility. Mr. Dabareiner showed by displaying the Village map how the ordinance would reduce permitted areas for such a facility. He indicated staff's recommendation for approval of the amendments, saying that the Council could also send this on to the Plan Commission or extend the existing moratorium.

The Mayor thanked Mr. Dabareiner for his presentation and specified that the five-minute rule would have to be noted for comments from the audience.

Joe Matas, 5540 Walnut, asked why only one location has been mentioned for the recycling proposal, and why no other locations were mentioned.

The Mayor said that staff is trying to illustrate where recycling currently would be permitted. On the right of the map it shows how the new ordinance would restrict the locations. Mr. Dabareiner clarified that the map shown is to depict the difference between what is not allowed in terms of location, and what locations would be eliminated with the change in ordinance.

Mark Thoman, 1109 61st Street, said that the public does not understand what the specifics of this issue entail. In this case, there is distrust by the public in what is being proposed by the Village. He said that the irony is the local government is doing good things on every other front. He said the public should not have to wait until 72 hours before a meeting to go through all of the information that has to be reviewed. Mr. Thoman noted that the City of Bensenville made a mistake by using a similarly broad definition. The definition before the Council tonight presents additional problems. He noted specific phrases that add to the confusion of the amendments. Mr. Thoman said that the ECC easily reached a consensus that a recycling center and a facility that accepts construction debris are not the same and need to be distinguished as distinct entities. He presented overhead projections of the different type of facilities to show the distinction between the two types of facilities. He said that by adopting two distinct definitions the Village will not confuse the two types of facilities. Mr. Thoman said that the Village has the right to set its own requirements for such a facility as allowed by the Attorney General's office. He said that the Attorney's General's office notified the Village's Attorney's office regarding the local government's authority to enact their own local ordinance regarding setback requirements. He is disappointed with the Village's report and discussion on HB1887. He said that the ordinance needs to apply to the entire community and not just to the Cameo Condo residents. He said that the Plan Commission recommended the Tollway exception be removed and staff refused to forward that recommended removal. He asked that the Village protect everyone in the Village and asked that the Tollway and Morton Arboretum exceptions be removed.

Lorraine Tresnak, 5300 Walnut, requested that the Village clarify the definition between a recycling collection station versus a construction transfer station. She said that only a few select locations near the Esplanade and the Morton Arboretum have been mentioned. She said that the rule of the 1,320 foot distance should apply in terms of the construction and demolition transfer station. She expressed her concern with regard to diesel trucks utilizing residential streets such as Walnut. She requested that the Village listen to the opinions of the neighbors.

Gina Tedesco, Morton Arboretum Public Relations Department, said she opposed the proposal to amend Chapter 28 of the ordinance. Staff has provided additional information; however, there are significant concerns that remain. She quoted the definition of "recycling collection facilities" as being described as "intentionally broad and covers all types of materials being recycled," and is "purposely broad" to allow for "future materials and to allow the Village Council discretion in reviewing special use permits." The definition is troubling and underscores the Arboretum's concern of unknown potential dangers of materials anticipated or "future materials" if a recycling facility is located adjacent to the Arboretum property. This would adversely affect the Arboretum's goals. The Arboretum has advanced an initiative to restore wildlife habitat to the Arboretum Woods which is located adjacent to a potential location. Such a facility would negatively affect those goals. She noted for the record that the Morton Arboretum is zoned residential and in fairness should be afforded the very same 1,320 foot setback protection afforded to other property zoned residential.

Jan Lefegoloti, 5300 Walnut, said that the health of the seniors should be considered and this is insanity. She promised to bring Channel 5 and the Tribune to the next meeting if this issue is not resolved.

Barb McLellan, 5300 Walnut, said she knew the Mayor and Commissioners have been studying the definitions, and she would like to see two separate definitions—one for recycling centers, and one for construction and demolition debris transfer stations. Construction and demolition centers generate dust and dirt, and bring 35-40 trucks into the neighborhood six days a week, bringing diesel fumes that can cause several health problems. She said that the ordinance is inadequate, and she believes the Village would have been better just following the state ordinance.

Jack Heddell, 5300 Walnut, asked the Mayor and Commissioners whether they would want this next to their homes.

The Mayor responded to Mr. Hill that staff is proposing a buffer, a 1,320 foot residential buffer, for that exact reason, so as to provide distance between the facility and the residential area. He said that the current statute contains no buffer. He noted that there are exceptions; however, no one is suggesting not having a buffer.

Dawn Tuskey, 222 56th Street, said she owns a remodeling company. Her clients reside in Downers Grove. Her trucks have safety components, and she believes there is not a big enough buffer to protect people from what would happen to air quality. She said that a C&D transfer station will bring materials that are filled with mold, asbestos as well as old toilets and construction dust. There's no regulation of what the trucks will bring in to the facility.

Shirley Remes, 5300 Walnut, asked that the Village stay with the state definition. She asked that they stick with the ECC's recommendation that the two types of recycling facilities are distinctly different and should be treated as such. She also said that the State's EPA requirements are there to protect residential properties from this type of use. She said that she fears there will be diesel trucks coming down Walnut and Thatcher. She advised that the Village stay with the state requirements, and she referenced an article from Sunday's Tribune regarding the pollutants generated by diesel trucks.

Terry Brauer, 2800 Maple, said that the proposed C&D facility is not the same as a recycling center and that is why the EPA has established the 1,320 foot buffer from residential areas. The debris from the construction sites will bring all kinds of junk in a truck, including dust, mold and possible putrefied materials. She said they should keep this out of the area.

John Schofield, 1125 Jefferson, said that staff is doing the right thing in recommending the quarter mile separation between this type of use and residential property. He hoped that the Council would either enact that recommendation or extend the moratorium until more consideration is given to this subject. As for the exceptions, he believes they undermine the rule. If a quarter mile is a proper separation to protect residential areas, why would the Tollway ameliorate that problem, or why should the Forest Preserve or Morton Arboretum be excluded. The Arboretum is an environmentally sensitive site, and this would be an insult to the Village of Lisle and to the Arboretum.

Mary Anna Armstrong, 2900 Maple, asked what is to stop vermin and bugs from spreading to the residential areas. This will also draw nuisance wildlife because their habitat is constantly shrinking.

DRAFT

A resident of 5400 Walnut said her concern about the recycling facility is that people will get wind of it and bring all of their personal garbage there. She asked that the Village please consider this in their decision.

Ms. Tresnak spoke again, saying the Village should get this done so residents no longer have to worry about it and live in fear of what is going to happen next in their neighborhood. The situation needs to be resolved in a timely fashion.

The Mayor thanked the speakers, saying that whether it is recycling center or a C&D center, they must still obtain a special use permit and would have to come before the Plan Commission and, ultimately, before the Council. There is a process any petitioner would have to go through, irrespective of the definition. He agreed with Ms. Tresnak that something has to be done soon. He explained that the special use requirement will not be removed. He explained further that the 1,320 foot buffer would protect the Cameo residents. The Mayor said that the 1,320 foot buffer would put an end to the site in question. He said the Council does not want residents living with a feeling of fear as to what will be taking place in their neighborhoods.

Commissioner Neustadt said he will support these amendments because the buffer is in place and there is a required special use application as well. He said that the staff, Boards and Commissions, and residents' comments have helped him in making the decision in favor of this ordinance. He noted that they are strengthening the ordinance.

Commissioner Schnell said that she believes the quarter-mile separation is good and she will support that. She would prefer to have two separate definitions for clarity between the recycling center and the C&D center. She understands that the Village Attorney says "broader is better," however from her own perspective, she would prefer to have two separate definitions. She understands the need for the exceptions as well, saying that legally, they cannot exclude them completely. Council is attempting to stay within the law, while still protecting the residents.

The Mayor asked if the proposal remains as is with the buffer, would she agree to considering separate definitions at a later time, and Commissioner Schnell agreed that the buffer needs to be in place to protect all of the Village's residents. She would have no problem with considering the definitions later.

Commissioner Beckman agrees that the quarter mile is an important improvement and he appreciates the time taken by the Cameo residents to express their concerns. He is troubled by the exemption for Morton Arboretum which is not in Downers Grove but which is an important addition to our community. He understands that if something in that area were proposed it would need to be part of a PUD and would still require a special use and variance to the ordinance. However, he would prefer removing that exemption.

The Mayor asked the same question as to whether he would agree to supporting this and looking at the exemptions afterwards. Commissioner Beckman said he could do that as long as there is a commitment to looking at the exemption.

Commissioner Durkin said he supports the 1,320 foot setback and agrees that there should be two definitions. He also agrees with Commissioner Beckman's concerns regarding Morton Arboretum.

Commissioner Waldack said that the special use is not going to go away. He supports the 1,320 foot buffer. He said they need to understand exactly what the definitions are, what each facility

encompasses, etc. He would like to see both definitions. He would be concerned about some of the ramifications of the exemptions.

Commissioner Tully stressed that there is no current proposal for any facility to be constructed anywhere. There is a moratorium in place at this time. The discussion concerns amendments to the current ordinance as it may pertain to future proposals. There has to be a rational basis for zoning restrictions, and staff has been trying to improve the Village's ordinance. Currently, the ordinance has no buffer established, and the 1,320 foot buffer is an improvement to the ordinance. He supports the 1,320 foot buffer regardless of what kind of facility would be considered; however, he is not convinced that all of the exceptions proposed are appropriate. He continues to believe there is a rational basis for the 1,320 foot setback with no exceptions. He referred to the map of sites available. He wanted to see how the map would look if all of the exceptions were removed. The Manager said there was one location remaining. Commissioner Tully said he would like to see what each exception would exclude. He then addressed the concept of special use, saying that regardless of what the facility is called, it would have to go through the special use process which is covered by Section 28.1901 of the Village Code. He reviewed the requirements that have to be met to obtain a special use, and reviewed various portions of the Municipal Code with regard to special use provisions. He noted that Article 20 of the Code also has environmental requirements. They should keep in mind that there are current requirements that any proposal would have to meet including traffic, noise, disturbance, diminishing property values, etc.

Commissioner Tully then referred back to the definition, saying that the Environmental Concerns Commission quickly drew a distinction between a construction and demolition debris facility, and a recycling collection facility. The Village's ordinance specifically says "recycling collection facility," and he would like time to study the ECC's minutes further. He said there may be a possibility to exclude C&D facilities. He noted that Lisle does not permit these facilities. He believes the definition needs to be clarified in 28.201, but how to define it requires further discussion. Commissioner Tully thought the buffer is a good idea, and agrees that the definitions should not be combined. He wanted to suggest extending the moratorium by 45 days until the definition issue is settled.

The Mayor asked the Village Attorney whether they can do both the buffer and continue the moratorium for purposes of further discussion.

Village Attorney Enza Petrarca said they could do this. The Mayor said then that next week the Council will vote on putting in a 1,320 foot buffer for residential areas and continue the moratorium with respect to the definitions and exemptions.

Commissioner Waldack said that he felt the moratorium extension should be 90 days instead of 45 days.

- d. Designation of 56th Street as a One-Way Roadway System.** The Manager said that the background proposal recommended by staff concerns the area on 56th between Cumnor Road and Deerpath Lane which currently has two strips of pavement separated by a strip of land. Staff erred in installing signage on that street before notifying the residents. The Parking and Traffic Commission recommended not to adopt the ordinance and asked that the signage be removed. The Manager considered that, but decided to bring it before Council first. Staff is seeking direction as to removal of the signage. Staff felt that they needed to be consistent in designating this as a one-way roadway system.

Mayor Sandack said that this was not done right by the Village. He said that this was not a prudent or good use of the Village's discretionary process. Folks should get notice and a chance to be heard before something occurs. He understands the motivation of staff, and sees it as good intentions but bad process. He apologized on behalf of the Village to the residents and said that the Council received all their e-mails. This will not occur again, and he will suggest that staff take the signs down within the next 24 hours.

Joyce Allers, 149 56th Street, said that she accepted the Council's apology and asked if everyone received a colored folder, with a first page letter to the Council and all of the e-mails. She said she was sure that all of the communications were respectful and intelligent, and hoped that the Council would vote in the residents' favor.

Dawn Tuskey, 222 56th Street, said that she understood why this happened, why the signs were put up, and suggested that they take them down and then move on.

Susan Ein, 138 56th Street, thanked the Council for the apology and asked if the signs are down, is that the end, or will this come up again. She asked how else this could come up, and the Manager said if staff had multiple accidents reports this could be revisited.

Linda Crawford, 201 56th Street, said she had no additional comments to make other than asking when the signs will be taken down, and the Mayor said they would be down tomorrow.

Commissioner Beckman agreed with the Mayor.

Commissioner Durkin echoed comments made. He said that he was concerned with the lack of communication that occurred, which has to be addressed.

Commissioner Neustadt said he understands what occurred, but the signs should come down.

Commissioner Waldack asked if there will be an ordinance next week, and the Mayor said it would be removed from the Agenda.

Commissioner Schnell said it is nice to put faces on the e-mails. The Council and staff have heard them loud and clear. It has been a great traffic-calming device.

Commissioner Tully said that for those at home, Deer Creek and 56th Street was originally envisioned as a boulevard. Mapquest shows two one-way streets as it was originally intended. It has apparently gone unnoticed as a two-way street for 40-some years. He said that the signs should come down as quickly as possible and perhaps at next year's block party they can raffle off the signs.

The Mayor thanked the residents for their patience and attendance. He then announced that the next item for discussion would be Item F – Georgian Courts.

- f. Conveyance of Georgian Courts Park Property to Georgian Courts Residential Association.** The Manager said that Deputy Village Manager Fieldman would make the presentation.

Deputy Village Manager Dave Fieldman said this was discussed on July 10 and at that time some Council members said they preferred that the property in question be conveyed pursuant to a publication of a proposal to sell real estate and directed staff to look into the practicality of that

approach. Staff researched this and found that the property was subject to a competitive proposal and was awarded to Rosol Construction, Inc., in 2001, which had an agreement requiring Rosol to construct a park and convey it back to the Village. Rosol Construction built the park at its own cost and expense and the cost of improvement was included in the price of the units, which could argue that the owners of the Georgian Courts have already paid for the park. Mr. Fieldman said that staff recommends conveying the property to the Georgian Courts Residential Association for maintenance, etc. The Village Code allows for the conveyance of property without publication under unique circumstances such as these. To pass this item requires a three-quarters majority vote by the Village Council, or 6 votes out of 7.

Jim Santo, 1117 Gilbert, said he discussed this with Mr. Barber and Mr. Fieldman. He saw newspaper articles skewed toward a negative vote. He thanked the Council for placing this on the agenda. He said the layout of Georgian Courts consists of 25 3-story townhomes along Curtiss and Gilbert. All advertising for the development featured the park in the literature. He noted that Georgian Courts has a website which has information regarding the properties. He is President of the Association. He has spoken with Larry Rosol who said that he would get the title to the Village and the Village would immediately deed it back to Georgian Courts. That never happened. Mr. Santo said that Mr. Rosol deeded the property to the Village and Mr. Barber said that the Village did not have the title. Finally, after some time, the title was deeded over. He described the parkway maintenance, saying Greengrass Landscaping Company has been maintaining the parkways, which he thought was the Village's responsibility. The owners came together to install a sprinkler system for the parkway at a cost of \$21,000. In addition, they attempted to put a sprinkler system in the park at a cost of \$3,200. He said that the park looks bad. Considerable money has been spent by the owners to upgrade the property. This is not comparable to vacating an alleyway. The residents maintain and care for that park. Greengrass Landscaping shovels the sidewalk. He was informed that the Park District does not want the property.

Frank Falesch, 820 Prairie, said that the property might be valuable for future development as it adjoins commercial property. The Mayor said that was a good point; however, it was always contemplated to be given over to the association members as they essentially paid for it.

Gordon Goodman, 5834 Middaugh, commented that he enjoys walking through that park from the train and then into the driveway area of the Georgian Courts, and he hopes that this will continue to be permitted and asked that the Council guarantee public pedestrian access.

Commissioner Neustadt said that it is important to note that the ordinance requires this land be used only as a park.

Commissioner Schnell said that the residents paid for it, and it was an amenity to buffer higher density.

Commissioner Waldack requested that the conveyance includes a restrictions that permits its public use, and Mr. Fieldman said that it could be encumbered with an easement for public ingress/egress and use.

Commissioner Tully said this is a unique situation. He reviewed the history of the property, saying that this is not the same as vacating the Village right-of-way. The two key points are that this was subject to competitive bidding, and this property was compensated for and intended to be part of the project from the onset. He supports Commissioner Waldack's idea that it stay a park

and that the Village retain the right of first refusal. He further commented that Georgian Courts had a nice website.

Mayor Sandack said he echoed the comments already made, saying this is a unique situation and the property was intended to be deeded back to the development.

Commissioners Durkin and Beckman further agreed with comments made.

- a. Repeal of the Design Review Committee and Appearance Code.** The Manager said that the Architectural Design Review Board will replace this Committee. It has no active members appointed and has not met for two years.

Commissioner Waldack questioned Sections 6 and 7 which say this overrides anything else.

Village Attorney Petrarca said that it is part of the standard language.

- b. First Amendment to the Intergovernmental Agreement for the Construction of the Belmont Underpass.**

Mr. Fieldman reviewed the history of the agreement, stating that this amendment updates the funding obligations of the agencies involved, and he stressed that the Village is not responsible for any funding of this project.

Commissioner Schnell asked for clarification as to construction starting without funding in place.

Mr. Fieldman said that Metra will not begin any construction without the funding in place. The Manager added that staff has communicated with the Metra representative today, and she pointed out that demolition is not considered construction.

Commissioner Waldack said that though the funding is in place, the property has not been turned over to Metra as yet.

The Mayor said that this is strictly a mechanism for funding components, and requires no Village participation. The project has increased in conceptual costs, and this defines who will pay what including Illinois Commerce Commission, Illinois Department of Transportation and Metra.

Commissioner Tully said the funding levels have increased and this amendment needs to be done. He asked whether there was any other part of the agreement that may need review for amendments. He noted that Section 7, page 3 states that if the State or Metra do not get funding they expect, they can walk away from the agreement. He asked whether there is a way to make sure it gets completed in entirety, as they do not want the Village to be left with what is remaining to be done. Commissioner Tully also asked whether the State and Metra will agree with any further amendments.

The Mayor responded that he believed that the only thing that has changed is the actual amounts.

Commissioner Tully said his point is that nothing should be started until the Village is satisfied that this is actually going to happen.

- c. **Yield Intersection Control at Florence and 8th Street.** The Manager said this ordinance designates the intersection as a Yield Control section as the result of a neighborhood petition.
- e. **Taxi Stand Parking at the Main Street Train Station.** The Manager said the Village has reviewed the parking situation as the result of complaints of lack of parking due to cab stacking.

Dick Benes, 5236 Fairmount, said that years ago there were only two cabs, and now there are a number of taxis that wait at the train station. He suggested limiting the number of cabs allowed to wait at the station. He said that last Friday there were cabs all over and no place for others to park.

Robin Weaver, Interim Director, Public Works, said that taxis stage there during rush hours. The staging is not useful to commuters, and the recommendation is to limit the taxis to two spaces. The Mayor said that he would expect the police enforcement to be aware of the stacking problem.

Commissioner Beckman asked how many parking spots will be lost with restructuring. Ms. Weaver said that there will be no parking slots lost, since they are not parking. She clarified that no parking spots are being eliminated.

Commissioner Waldack asked whether the cab companies were contacted for input. He said that he relies on cabs and sometimes there are a few, but other times there are none. He said it often takes anywhere from twenty minutes to an hour to get a cab. He said that putting cabs on only one side of the tracks delays service to the other side as well. He recommended placing cabs on both sides so as to provide transportation to those who need it.

Commissioner Schnell asked for clarification of cabs dropping off passengers in the circle inbound to the Chicago. Ms. Weaver said that there have only been problems with cab stacking on the north side of the tracks. It is more convenient for the cabs to wait on the north side. Only 20% of the cab calls relate to picking up train passengers.

Commissioner Neustadt said that recently the commuter buses have had to park on Warren Avenue which can be a safety issue. He said that it can be unruly there with the taxicab staging, and the Village should make sure that the staging situation remains controlled to some degree.

Gordon Goodman, 5834 Middaugh, said that in looking at the diagram in the Council's packet, there seems to be an island on both sides of the station. The Manager said that the concrete islands are on both sides and there is a freestanding sign. Ms. Weaver noted to Council that the staff will be closely reviewing the situation particularly for the commuter buses. This change should ease the congestion.

- g. **Sign Ordinance Amendment – Butterfield-Finley Corridor.** Mr. Dabareiner said that this ordinance is related to ground signage, and it was considered on March 5 by the Plan Commission who recommended approval. Staff, however, is recommending denial of the ordinance as there is not a significant change, and because staff has noticed, in the past months, that there is a trend towards compliance. He noted the area and compared the current standards to what is being proposed. There are 42 freestanding signs, seven of which conform. With this ordinance, Fry's will become conforming. He showed photos of conforming signs.

The Mayor said that it appears then that the Sign Ordinance now in place is working.

- i. **Proposed Ethical Standards – Ordinance Amendment and Policies.** The Manager said this is a policy discussion based on information reviewed by staff on direction from Council.

The Mayor said he had asked his colleagues to review policy regarding ethics, and felt that the staff has done a good job by compiling information on this issue for review. He said that this was put out by the Village Attorney at the end of July. He stressed that he does not want to force anything, saying this has been a point of discussion and debate with many citizens, adding that this is an interactive process.

Dick Benes, 5236 Claremont, said that the information provided is quite lengthy. He noted that the standards only apply to elected officials and not to challengers, and he thought ethics should apply to all people who run for office whether incumbents or challengers. He said he was referring to Exhibit 2.

The Mayor said that Mr. Benes' point is a good one; however, the Village can only mandate those who are elected to office. They cannot make an unsuccessful challenger comply. Mr. Benes then referred to Section 1.30 which he found to be a list of don'ts and should nots, limiting the Council and Village people. He asked what consequences there are, since there is no fine referenced, no hearing board, etc. Liquor Commission violators are subject to fines, but ethics violations appear to have no consequences. He asked who would be responsible for making judgments. There is reference to an Ethics Officer, yet he would hate to see one person responsible for making such judgments.

Mayor Sandack responded that the state statute speaks to penalties which are referenced in Section 1.34. There are no penalties with respect to other portions. They are not looking for penalties as much as trying to set a standard. Mr. Benes said he understands setting a standard, however, he still wants to know who makes the judgment. He said there should be some hearing board.

Attorney Petrarca said that the section in question is almost word-for-word following the state statute. If it is found that there is a violation, it is referred to the States' Attorney's office as related to Section 1.30.

Chad Wells, 1300 Palmer, commended the Mayor for holding the elected officials to higher standards. He thinks it is admirable and supports the concept.

Marge Earl, 4724 Florence, asked for clarification as to how this applies to volunteers. That needs to be made clear. It seems to put her between a rock and a hard place. For example, she asked if she were serving on a Commission, whether she would be able to purchase an easement behind her house.

The Mayor said that ordinances passed would require an indoctrination period with Board and Commission members. This would be dictated most by the use of common sense, and clearly the intent is to have officials and volunteers comfortable with the situation. The primary point is that there would be disclosure.

Gordon Goodman, 5834 Middaugh said he looked at the state statute penalties, and there are several categories of penalties. Some are misdemeanor fines up to \$5,000. Section 50-5 is not a simple statute and he doesn't see how it applies to the provisions of the proposed Village ordinance.

Mayor Sandack responded that the Village Attorney would review this, but he thought this referenced felonious conduct.

Commissioner Neustadt said he supported the amendments as presented. In his opinion it has made it easier for him. It takes the emphasis off fund raising, and places it back on the candidates. He would be happy to support this.

Commissioner Schnell concurred with Commissioner Neustadt. She questioned Exhibit 2 which provides an option. She likes the idea to be able to file electronically. With regard to Item 4, the time period, she would be fine with either the one-year or two-year limit. She also believed vendor disclosure should be placed under the RFP process, putting the responsibility on the vendor to disclose their contributions. She could live with it as presented and they would be able to amend it where necessary. She sees this as necessary to reassure the citizens that the officials are holding themselves to higher standards.

The Mayor said that he would like to see proposed language in Item 8 to include a combination of both elected officials and potential challengers.

Commissioner Tully said that he agrees that there are misperceptions that something is being pushed through here, and there is also a misconception that there has been some stalling involved. There is a lot of information provided for review which includes five distinct portions. Only one part directly impacts ethics because it is a request to amend the Village's Code by adopting the State Ethics Act in its entirety rather than by reference. He said the other sections should be unbundled rather than put into one category. There are many ways to achieve the goals desired. The first part is to adopt the State Official Employees' Ethics Act. Part 2 relates to Standards for Village Governance; part 3 relates to the Standards of Campaign Practices, which does not directly impact ethics; part 4 concerns Standards for Participation in Outside Organizations, which has nothing to do with ethics; part 5, Standards to Prohibit Interest in Contracts, also does not directly impact ethics.

With regard to Boards and Commissions, Commissioner Tully said that members are volunteers and they need to understand how Part 1 applies to them, because as currently applied it governs Village employees and volunteers as well as elected officials. He is glad to hear discussion regarding an implementation and orientation period. Anyone who applies to serve on a Board or Commission needs to know what prohibited activities are, what they need to disclose, how this will affect their families, etc. He stated that Section 50-5 has multiple subparts, and is more complicated than simply related to ethics. There is a provision for people who intentionally violate the provisions. He has no problem with adopting the state statute, though he has concerns with how it would impact Board and Commission members. He is concerned that "tweaking" in the future may not be addressed in a timely manner, and they would find themselves looking at the provisions during a campaign period. As for Standards of Village Governance, the Commissioner said he thought staff has done a good job of improving this portion. His concern was in relation to conflicts with other ordinances and state law. In general, the refined product is much better, though he does still have issues he would like to see discussed. He thinks there is still a need for an instruction card outlining procedures for the public related to meeting

procedures and expected conduct. The Manager said staff is addressing this, and it is anticipated to be ready within the next 30 days.

Commissioner Tully's recommendation is to pass item 1 with the Board and Commission issues addressed. He said that he envisions something informative which summarizes for the public what to expect in certain situations.

Commissioner Tully said he hoped they could have an open-minded and fair discussion in regard to the last issue, suggesting that they unbundle this portion as well as the Standards for Village Governance so they can achieve the goals established. With regard to Standards for Village Campaign and Finance Practices, he personally understands the purpose of requiring closing campaign accounts within three months of the election. That does not apply, however, to challengers. Also, if someone has campaign debt and they need more than three months to retire that debt, they may need more time. If someone knew going into the campaign that they would have campaign debt and be restricted, it might deter some people from running for office. He believes it should be based on individual choices and circumstances. Commissioner Tully said he has not been made aware of any comparable set of ordinances in DuPage County or the State, or the United States, and he would like to know if any such ordinances exist. He said if he correctly understood the purpose for closing campaign accounts, it is to deter hypothetical individuals from constantly campaigning and seeking out contributions. He believes that the issue would be more effectively and less intrusively addressed by disclosure of contributions over a specified amount. Vendors and bidders would have to disclose contributions to elected officials. That would serve as a strong deterrent in his opinion and he think those would be wise additions. He suggested again that they keep an open mind regarding closing campaign accounts. Commissioner Tully said there are other parts of the ordinance which he feels would affect the campaign account issue.

Alternative Language #4 regarding the time period of disclosure should be more clearly defined. Attorney Petrarca said that it could be fine tuned. Commissioner Tully also questioned defining when disclosure occurs. Regarding campaign contributions from Village employees, he would change the wording to say, "shall not knowingly solicit or accept." For Items #7 & #8, he proposed expanding and clarifying the language to include others, such as bidders or petitioners, from seeking benefit, in addition to vendors. As to the disclosure period, campaign contributions are to be disclosed if made within a five-year period, and he suggested decreasing that to two years, but not less than two years. He again requested that the items be unbundled. There are some portions that could be passed relatively quickly next week, while there are other portions that merit more discussion.

Commissioner Waldack agreed with unbundling portions of the ordinance. He referred to Exhibit 2, Part 2 which is vague, since it can apply to elected offices other than municipal offices. He then asked whether the intent would be to train current Board and Commission members or wait until after their current term. He agreed with adding the term "knowingly" to show intent. He would like to see suggested language to cover challengers, and he agrees with Commissioner Tully to expand the requirements to include permit seekers, and others seeking services from the Village. He thinks the vendor portions of this are the major sticking points, as are the portions concerning closing campaign accounts. He does not see that this adds one iota to the ethics issue. In his opinion, the electoral system works, and election laws are complicated enough without creating more restrictions in terms of campaign funds. He said that there are ways for raising funds such as soliciting vendors for golf outings or other special events. Most campaigns do not make money, and the ordinance may preclude some individuals from retiring their campaign debt. This should be about the message and not about campaign funds. To force the closing of

DRAFT

accounts has nothing to do with the issue of ethics, and he is opposed to this concept. He would like to see the proposed ordinance unbundled so they can move forward.

Commissioner Beckman said that the ordinance is not perfect, but he thinks the Council should move forward. He is concerned with statements that much of this has to do with campaign promises but he believes this is a reflection of what the community demands.

The Mayor said that he gave this language to the Manager in June or July, and, with the exception of Commissioner Tully, he has received no proposed alternative language to be given to the Village Manager. There was no other alternative language suggested. His fear is that they can talk *ad nauseum* on this issue regarding new definitions, etc. He said that staff has worked on this and made it much better than it was. It could be put on the agenda every Tuesday for workshopping but he doesn't see that as productive. He'd rather see it brought back in six months to determine whether it is doing what it was expected to do. He thinks they should move forward on this.

The Mayor suggested that Exhibit 2 is intended to prevent opportunities for campaigning when there is no campaign. Illinois campaign disclosure law is as liberal and toothless as any law in the country. He suggested that Illinois laws are not good enough. He has not seen other municipalities in the state do this either, and he thinks it's okay to have Downers Grove make the first move. He doesn't mind being bold or innovative. Again, his intent is to stop influence peddling. Closing campaigns says that no more electioneering is allowed. This is appropriate for Downers Grove because Village Council positions are part-time, unlike elected officials to the Illinois House and Senate as well as US Representatives who are elected every two years and are always in campaign mode. He thinks this levels the playing field and welcomes incumbents and challengers to the game.

The Mayor said that after the last election, campaign accounts were closed by everyone, save one person. This is not complicated and he disagrees that it is causing befuddlement. It promotes transparency. If individuals need six months instead of three months to retire their campaign debt, that's fine. The intent is to stop continual campaigning, and to work instead on serving the people of the Village. The Mayor said he agreed with Commissioner Schnell regarding the alternative language for #2, #3 and #4. He agrees that the current regulations are insufficient. He further noted they can look at the specifics of it at any time. He believes they should vote on this. He agrees with separating #2 as well if the Council chooses to vote separately on that item.

Someone spoke from the audience asking if there were a shortfall in a campaign fund after 90 days, would the individual become personally responsible for the debt. The Mayor said in his first campaign he had a \$6,000 debt that never got paid, except out of his pocket. He said that state law mandates that a campaign fund surplus can be contributed to charity, or the candidate can pay taxes on it.

Commissioner Tully commented that this has been talked about in public for only two weeks, even though it was put out for information purposes only in July. No one can accuse the Council of dragging its feet on this. The Village is a process driven community, and he thinks they should stay with the process. They are not delaying this, but instead are putting things into context. He believes they can afford some time on this. There is no upcoming election. He asked the newly elected colleagues whether they would consider putting this into effect when they are up for election. If they were talking about salary increases it wouldn't become effective until the next term. He suggested making this effective in the next election period. He repeated that he would

appreciate unbundling Exhibit 2, since he thought it would be entirely unfair to be put in a position of having to vote against this bundled package.

Commissioner Schnell said she would not have a problem having to meet these requirements in the next election. She thinks it would be difficult and cumbersome to delay. No one will be condemned for a making a mistake. And she added that she's not saying whether she's running or not.

Commissioner Waldack said he believes he's the only one with an open campaign account. Commissioner Tully's suggestion is intriguing. The purpose of closing the account is to prevent other potential campaign activity. He said if he closed his account he would lose about \$5,000. He would suggest a compromise to totally closing the account. He agrees that they want to stop vendor problems, but he wants to keep the process simple and enable people to go online and view one account. Money can be moved between accounts. He recommended perhaps allowing a maximum amount to remain in an account, and that would stop campaign activities.

Commissioner Durkin said he favored closing accounts. He lived within his budget when he ran for office. He doesn't buy the arguments given. This is local government wherein they represent the people in meeting their needs. He is concerned that they are hung up on one little thing regarding closing the accounts. He doesn't think there has been a solid argument even in separating Exhibit 2; however, he will support it in respect for his colleagues. He noted that the State election board states that once you raise \$10,000 you have to file electronically. He asked if the Village has the authority to override the State election board.

The Mayor reviewed some of the recommendations made, saying he would support six months for debt retirement instead of three. He then reviewed other alternative language and asked the Council members to submit their suggestions immediately.

2. Consent Agenda Items

a. Second Addendum to the Community Parking Facility Improvement Grant Agreement with Metra.

Commissioner Beckman said he has a philosophical problem with this. There has been angst expressed by this Council over commuter busing and low ridership, yet Metra subsidizes the use of the automobile to drive to the train station, when in fact an alternative means exists. By keeping parking costs artificially low, it keeps people out of the busing system. He believes commuter parkers should pay a little more, and asked that this be put on the Active Agenda next week.

Commissioner Waldack said he agrees with Commissioner Beckman totally. It's an ongoing problem between PACE and Metra, and it's hurting the whole system.

b. AVL System for Snow Plow Trucks.

Commissioner Durkin asked whether this is being done in other communities for \$33,000, and the Manager said it is done in other communities. It is technology that has become more common in other areas.

Stan Balicki, Assistant Director, Public Works, said that the use of Automated Vehicle Location system in snow removal is recommended as the best practices by the Federal Highway

Administration. He said that studies have shown a 10%-20% increase in efficiency. In further response to Commissioner Durkin, Mr. Balicki said that they measure the speed through the AVL, and they end up paying less in overtime.

Marge Earl asked how this would change our present process. Mr. Balicki said they would monitor real time for the ten routes. Not all routes are done at the same rate for a variety of reasons including the individual neighborhood or roadway differences. This will allow redeployment of workers after their route is completed to other routes. He said that in Aurora, Colorado, they used the system and say it generated a 10% increase in efficiency. Commissioner Beckman asked about the payback period, and Mr. Balicki said that every community is different. The Village will be able to estimate that better after the initial use. The Manager added that the frequency and duration of snowstorms plays a part in the payback period as well.

Commissioner Schnell said if this were being done with increased efficiency, it would make for a better work environment for the employees as well.

Mr. Balicki added that the technology would enable the Village to adjust salt use, etc. This is being used in other communities in DuPage County. The Mayor recommended getting the Aurora, Colorado data.

c. Amendments to Debt Management Policy.

The Manager said that this came before the Council on September 4 and recommended changes have been made.

Commissioner Waldack said he had some concerns initially, but staff has cleaned it up well.

d. 2007 Community Grants Program.

The Manager said this is to re-allocate \$1,962 in unused 2007 Community Grant dollars. One organization did not place a newspaper ad and this reflects those unused funds.

MANAGER'S AND DIRECTORS' REPORTS

a. Heritage Festival Annual Report.

b. Monthly Statistical Report.

The Manager said that these two items would be reported on at a future meeting.

ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting 13 items to the Council: 1) An ordinance repealing the Design Review Committee; 2) A resolution authorizing execution of a first amendment to an agreement with the State, the County, the Burlington Northern and Santa Fe Railway Company and Metra regarding the Belmont Grade Separation project; 3) An ordinance amending traffic regulations at 8th Street and Florence Avenue; 4) An ordinance establishing taxi cab and Grove Shuttle parking zones; 5) An ordinance providing for the conveyance of certain property owned by the Village of Downers Grove; 6) An ordinance amending signage provisions on Butterfield-Finley Road; 7) An ordinance making modifications

DRAFT

to Manufacturing and Office-Research-Manufacturing District uses; 8) An ordinance amending the Zoning Code definition of “Recycling Collection Facility;” 9) An ordinance amending the Village’s Ethic Act; 10) A resolution establishing an official Village policy regarding ethical standards; 11) A resolution repealing obsolete Village Council policies; 12) A resolution authorizing execution of second addendum to an agreement between the Village of Downers Grove and the Commuter Rail Division of the Regional Transportation Authority; and 13) A resolution amending the policy of the Village Council with respect to debt management.

COUNCIL MEMBERS

Commissioner Beckman said a few months ago Council asked staff to work on the Redevelopment booklet and asked as to the status. The Manager said it would be launched in October.

The Mayor said there is a fundraiser tomorrow at Ballydoyle for the family of an Iraqi hostage who grew up in Downers Grove and was a student at Downers Grove North. He was there under private contract and has been the victim of foul play or kidnapped. The family has not seen or heard from him. Pat and Rich Carlson are having a fundraiser for the family from 6-9 p.m. at Ballydoyle at a cost of \$20. He encouraged people to support this event.

ADJOURNMENT

There being no further discussion, the Workshop meeting was adjourned at 11:01 p.m.

Linda J. Brown
Deputy Village Clerk

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