



# Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

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Tuesday, October 2, 2007

7:00 pm

Council Chambers

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## 1. Call to Order

*Mayor Ron Sandack called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:00 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

*Strategic Planning Sessions - August 16, 17, & 18, 2007*

*Council Meeting - September 18, 2007*

*Workshop Meeting - September 25, 2007*

*There being no additions or corrections to the minutes, Mayor Sandack said they would be filed as submitted.*

### Bi-weekly Update - Fire Station 2 Construction

*Ed Disler, Owner's Representative, reported that there has been good weather, with only one rainy day. He updated the progress regarding the roof, shingles and truss. They expect to be under the roof by the end of October. He said that the first floor mechanicals are ongoing, and*

*there has been no delay other than the bricklayers. To date they are on budget. In response to Commissioner Durkin, Mr. Disler said the center beams will go up at the end of the month.*

#### **4. Public Comments and Questions**

##### **A. Comments and Questions on Active Agenda**

*1. Bob Fisher of Unicorp in Downers Grove said he was present on behalf of Commissioner Wally Brown of the Forest Preserve District. He read into the record a letter regarding the proposed Recycling Collection Facility, and noted in that letter that the Forest Preserve District stated it has spent many years acquiring land for the District, enhancing this land and fostering the ecology and the wildlife. The Forest Preserve District encourages agencies in the County to resist allowing variances to setbacks on development adjacent to forest preserve property. The District cannot understand allowing construction of a recycling type of activity adjacent to the Forest Preserve District land ignoring the State mandated ¼ mile minimum setback. He asked that the Council consider removing this exception from the ordinance.*

*2. Mark Thoman, 1109 61st Street, said he thinks the definition needs work and would like to see corrections made, as it is unnecessarily broad. He asked that the Council respect the protection of the Morton Arboretum and the Forest Preserve land, as well as the surrounding residents. He noted that the Strategic Plan looks into the future of what the Village will be, taking into consideration what our children's grandchildren will inherit. He believes the Village should show its respect and love for nature.*

*3. Jim Cavallo, 6943 Valley View Drive, said he was speaking as Chair of the Pierce Downers Heritage Alliance. He said that last week they passed a resolution supporting a ¼ mile buffer, and encouraged the Council not to exclude nature areas, in particularly Morton Arboretum and the Forest Preserve land.*

*4. Gina Tedesco of the Morton Arboretum said she was present to encourage the Council not to adopt the proposed ordinance as recommended by staff. She said that the ¼ mile buffer zone is supported; however, there are exemptions proposed which are unfair and an unequal application of the Village's zoning regulations. She said they are aware of the Council's possible extension of the moratorium. She asked that since those definitions are yet unknown, it remains clear that a future facility may be of an indeterminate character jeopardizing the Arboretum and its goals.*

*5. Dr. Gordon Goodman, 5834 Middaugh, stated he was present to speak on two agenda items. The first is the conveyance for Georgian Courts, which he previously commented on with regard to public access through the park. He does not see that recommendation in the conveyance.*

*Mayor Sandack said it is addressed in the ordinance.*

*Secondly, Dr. Goodman addressed the question of the recycling facility, saying he was pleased to see that the Council intends to extend the moratorium. He is disturbed, however, that the Council is considering a definition without further investigation of the environmental consequences. He strongly recommended tabling the definition since the Council will not be acting on any request until after the moratorium. He strongly urged the Council not to exclude the Morton Arboretum and the Forest Preserve land in the ordinances. He doesn't understand how the Council can consider distinguishing one residential area from other residential areas in the community. The Morton Arboretum letter spells out the likely ill effects of the ordinance, and until a definition of what the recycling facilities are, neither the Environmental Commission, the Arboretum nor the Forest Preserve District can evaluate the consequences.*

*6. Tim Meany, 420 Franklin, also spoke on the issue of the recycling center saying that he sent an e-mail to the Council members and read it into the record. He said that the ¼ mile setback should not be excluded. He said observing the setback requirement is necessary for four*

reasons: 1) the Arboretum and the Forest Preserve are in residential districts; 2) both areas are nature preserves; 3) the zero setback option is inconsistent with the Village's values toward trees and greenspace; 4) the Village's image is threatened by this proposal. He urged the Council not to violate the setback provisions.

7. John Debelevich of AM Regional Taxi spoke in regard to the taxi cab stand ordinance, asking the Council to table the issue as he would like to see them come to a better solution regarding the situation.

8. John Schofield, 1125 Jefferson, said that the Village's proposal to extend the moratorium by 90 days is a good thing. He said there has been conflicting information by the Plan Commission and the Environmental Concerns Commission. He asked that the definition issue be tabled. He would like to see the exemptions eliminated, and feels that there is a need for a rational basis for the zoning decisions. The Village is singling out a private property owner. He strongly hopes that the Council defers this or that the exceptions are withdrawn.

9. Dr. Goodman, 5834 Middaugh, said that he does not see any mention of the pedestrian access in the conveyance before the Council for Georgian Courts.

Both the Manager and the Mayor clarified that the restrictions are noted in the staff's cover notes and have been addressed.

## B. Comments and Questions on General Matters

1. Bill Wrobel, 7800 Queens Court, extended verbal bouquets to Police Chief Porter for his response to the overnight truck parking issue at the Grove shopping center. Signs are now in place at the shopping center stating "No overnight truck parking."

Further, Mr. Wrobel said, on behalf of the residents of Knottingham, that signs in the area state, "Slow down in our neighborhood-drive 25 mph" and the residents appreciate that Public Works did something very proactive. He thanked all the staff involved in these decisions for the residents.

2. Dr. Gordon Goodman, 5834 Middaugh, said he was pleased to hear that the Manager and staff will discuss the Heritage Festival. He said that the Blodgett House Group (the "Group") was pleased to partner with the Village in the concert, and is pleased to see that the Community Events Commission is recommending continuing that practice. Dr. Goodman said that the Group has been working with the Park District, who will become the owners upon the move and reconstruction of the house. He said that the Park District expects the Group to generate all of the needed funding, and the Group can generate about \$100,000 per year with the cooperation of the Village. He has written to the Village Manager, staff and Commissioner Tully as Chairman of the Community Events Commission requesting continuance of the Thursday night concert, as well as requesting the Village's continuation of its participation at the \$25,000 level. Dr. Goodman reminded people that tickets are on sale for the October 21 concert at the Tivoli with Kim and Reggie Harris, with music about the history of Downers Grove and the underground railroad.

The Mayor said that Downers Grove TV Station 6 is announcing the performance of Kim and Reggie Harris.

## 5. Public Hearings

## 6. Consent Agenda

COR 00-02994 A. Claim Ordinance: No. 5709, Payroll, September 14, 2007

Sponsors: Accounting

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

**Indexes:** N/A

**BIL 00-02995** B. List of Bills Payable, No. 5692, October 2, 2007

**Sponsors:** Accounting

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

**Indexes:** N/A

**BID 00-03008** C. Bid: Award \$33,334 to CompassCom Software Corporation, Centennial, Colorado, for an Automated Vehicle Location System for Village Snow Plow Trucks

**Sponsors:** Public Works

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

**Indexes:** Snow Equipment

**RES 00-02966** D. Resolution: Amend the Debt Management Policy

**Sponsors:** Deputy Village Manager

**Summary of Item:** This makes certain amendments to the Village's debt management policy.

A RESOLUTION AMENDING THE POLICY OF THE VILLAGE COUNCIL WITH RESPECT TO DEBT MANAGEMENT

RESOLUTION 2007-99

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

**Indexes:** Debt Policy

**MOT 00-03009** E. Motion: Re-allocate \$1,962 in Unused Funds Awarded in 2007 Community Grants Program

**Sponsors:** Finance

**Summary of Item:** This is to amend grant funding, as approved by the Community Grants Commission. These grants are to be paid on a reimbursement basis upon submittal of paid receipts.

In lieu of allocating funds in the amount of \$4,500 for the Our Town Production of Rip Van Winkle, it was recommended by the Community Grants Commission to reallocate \$500 to the Downers Grove Rotary for Halloween Window Painting, (an increase from \$1,500 to \$2,000), reallocate \$140 to Senior Suburban Orchestra for 2007 Programming (an increase from \$3,000 to \$3,140), reallocate \$1,000 to West Suburban Humane Society for the Barkapalooza Pet expo and walk (an increase from \$2,000 to \$3,000) and reallocate \$322 to West Towns Chorus for the 2007 Christmas Show (an increase from \$3,489 to \$3,811). The Community Grants Commission was advised that Our Town Productions did not place a newspaper advertisement for the production of Rip Van Winkle and did not utilize \$1,962 of their grant funding.

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

**Indexes:** Community Grants

**MOT 00-03012** F. Motion: Note Receipt of Minutes of Village Boards and Commissions

**Summary of Item:** Finance and Administrative Standing Committee - July 17, 2007  
 Library Board - August 22, 2007  
 Technology Commission - September 12, 2007  
 Zoning Board of Appeals - July 25, 2007

**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 00-03007** A. Resolution: Authorize a Second Addendum to an Agreement with the Commuter Rail Division of the Regional Transportation Authority

**Sponsors:** Deputy Village Manager

**Summary of Item:** This authorizes execution of a second addendum to an agreement between the Village and Metra with regard to the Commuter Parking Facility Grant Agreement in relation to the Belmont Railroad Grade Separation Project.

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

RESOLUTION 2007-100

*Commissioner Beckman said that he will not support this resolution. He supports a strong relationship with Metra, and noted that in many ways it has helped build our community and provide services to our citizens. However, he finds it incongruous to have a condition whereby Metra is subsidizing lower parking rates that are in direct competition to the Village's bus system. They serve the same market and provide essentially the same goals and objectives. He said it is necessary to support both systems, and he believes the Village should find a way to work closely with Metra to assist both the parking and the commuter bus system. He thanked the Council for agreeing to move this item from the Consent Agenda.*

*Commissioner Waldack said that he also will not vote on this for the same reasons expressed by Commissioner Beckman.*

*Commissioner Tully said he would support this. He said that there is a considerable amount of history between the parking and the commuter bus systems. He said that it is more complicated than it appears. He understands the opposing reasoning, but also feels this should be supported.*

**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 Durkin, Commissioner Neustadt and Mayor Sandack  
 Nay: Commissioner Waldack and Commissioner Beckman

**Indexes:** Parking Lots, Metra

**ORD 00-02996** B. Ordinance: Repeal the Design Review Committee

**Sponsors:** Community Development

**Summary of Item:** This repeals the Design Review Committee.

AN ORDINANCE REPEALING THE DESIGN REVIEW COMMITTEE

ORDINANCE NO. 4911

**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:** Boards and Commissions

**RES 00-02997**

C. Resolution: Authorize 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

**Sponsors:** Deputy Village Manager

**Summary of Item:** This authorizes execution of a first amendment to an intergovernmental agreement between the Village of Downers Grove, the State, the County and Burlington Northern and Santa Fe Railway Company, and Metra for the Belmont Grade Separation Project.

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

RESOLUTION 2007-101

*Commissioner Tully said there were some questions raised regarding this project at the Plan Commission meeting last night. He thinks there are legitimate concerns about the Village's ability to control this project. He said they want to have an underpass at the end of this project, and do not want to end up with only parking lots. He said the real issue is increasing the amount of funding for this project, and the Village should support any opportunity to do this. There are additional mechanisms by which the Village can insure that this project, if it goes forward, results in what we expect it to be.*

*Commissioner Schnell said she will support this simply because it is an agreement about funding. She believes the recommendation by the Plan Commission will address some other issues.*

**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:** Belmont Road Grade Separation Project, Belmont Road Underpass

**ORD 00-02998**

D. Ordinance: Amend Traffic Regulations at 8th Street and Florence Avenue

**Sponsors:** Public Works and Parking & Traffic Commission

**Summary of Item:** This amends the Municipal Code to establish intersection controls on 8th Street and Florence Avenue.

AN ORDINANCE AMENDING TRAFFIC REGULATIONS AT 8TH STREET AND FLORENCE AVENUE

ORDINANCE NO. 4912

**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:** Traffic Regulations

**ORD 00-03001** E. Ordinance: Establish Taxi Cab and Grove Shuttle Parking Zones

**Sponsors:** Public Works

**Summary of Item:** This amends the Municipal Code to taxi cab and Grove Shuttle parking zones.

AN ORDINANCE ESTABLISHING TAXI CAB AND GROVE SHUTTLE PARKING ZONES

*Commissioner Schnell recommended putting this on the Agenda in the next two weeks.*

*Commissioner Durkin asked whether the Village communicated with the taxicab companies prior to the Workshop, and the Manager said they did not.*

*Commissioner Durkin asked if they plan to do this and the Manager said that they will be communicating with them, but they will need 30 days.*

*Commissioner Schnell said she could agree to the 30 days, but feels that this needs to be resolved as quickly as possible as it is a safety issue.*

*Commissioner Neustadt said that the taxicab companies must realize that this is coming, and the taxicab drivers need to know that this is a safety issue that has to be addressed.*

*Commissioner Waldack thanked the Council for tabling this. The purpose is to get staff and the companies together. They need to have parking available for buses and cars, as well as others. He noted that people in the CBD know when they will need a cab and know where to catch one. He did note that one of the concerns in the taxicab business is dead time, which could result in raising fares. He understands that staging is very important.*

**A motion was made by Commissioner Waldack, seconded by Commissioner Neustadt, to Table to a Date Certain 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:** Parking Zones

**ORD 00-02898** F. Ordinance: Provide for the Conveyance of Certain Property Owned by the Village of Downers Grove (Georgian Courts Park Land)

**Sponsors:** Deputy Village Manager

**Summary of Item:** This conveys certain property owned by the Village of Downers Grove to Georgian Courts Residential Association commonly known as Georgian Courts Park.

AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF CERTAIN PROPERTY OWNED BY THE VILLAGE OF DOWNERS GROVE

ORDINANCE NO. 4913

**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:** Planned Development #35 - Georgian Court (see Parker's Place)

**MOT 00-03002** G. Motion: Table an Ordinance to Amend Signage Provisions on Butterfield-Finley Road

**Sponsors:** Community Development and Plan Commission

**Summary of Item:** This tables the ordinance amending sign provisions on Butterfield-Finley Road.

AN ORDINANCE AMENDING SIGNAGE PROVISIONS ON BUTTERFIELD-FINLEY ROAD

**A motion was made by Commissioner Tully, seconded by Commissioner Durkin, to Table Indefinitely 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:** Zoning Ordinance - Signs

**ORD 00-03004** H. Ordinance: Amend the Zoning Code Definition of "Recycling Collection Facility"

**Sponsors:** Community Development and Plan Commission

**Summary of Item:** This modifies the definition of "recycling collection facility."

AN ORDINANCE AMENDING THE ZONING CODE DEFINITION OF "RECYCLING COLLECTION FACILITY"

*Commissioner Tully stated that he agreed with the comments previously made regarding the definition needing more work, and he thinks the responsible thing to do is allow staff, Council and the public to study this further by tabling it for 90 days.*

*The Mayor added that the Economic Concerns Commission and the Plan Commission may want to weigh in on this as well, and the extension of the moratorium allows for further discussion.*

**A motion was made by Commissioner Tully, seconded by Commissioner Durkin, to Table Indefinitely 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:** Zoning Ordinance, Zoning Ordinance - Recycling Collection Facility

**ORD 00-02883** I. Ordinance: Modifications to Manufacturing and Office-Research-Manufacturing District Uses

**Sponsors:** Community Development



**Summary of Item:** This modifies uses for manufacturing and office-research-manufacturing districts.

AN ORDINANCE MAKING MODIFICATIONS TO MANUFACTURING AND  
OFFICE-RESEARCH-MANUFACTURING DISTRICT USES

ORDINANCE NO. 4914

*Commissioner Tully said he probably should have added to the Motion stating that the Motion he made would include the 1320' setback, and would delete subparts 2 & 3 under Section 28.1007(f). Basically there would be one exception for property owned, maintained and used by the Village, but the parts pertaining to the Forest Preserve District and the Arboretum would be eliminated. He further said that this, in his opinion, is different than the definitional issue. It is appropriate to act on this tonight as it relates to the setbacks, which have been discussed for some time. He noted that good points have been made by the public and the Morton Arboretum and the Forest Preserve on this issue. Commissioner Tully said that the exceptions would be the Tollway and the Village's own properties. He believes it is important to move forward on the buffering zones.*

*Commissioner Schnell said that she sees it as essential to put in the buffer now. Residents have been upset by what has already been discussed, and the Village needs to give them reassurance that their Council is listening to them. She has no problems making this decision tonight, and has no problem with the Morton Arboretum and the Forest Preserve District because they are residential districts, and there are potential environmental issues that could effect both entities.*

*The Mayor said that this will put to rest the buffer issue. He has no problem exempting out groups. There still has to be continued debate and discussion which is expected to take place during the 90-day moratorium.*

**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:** Scavenger-Recycling Program, Zoning Ordinance, Zoning Ordinance - M District Modifications

**ORD 00-02957**

J. Ordinance: Amend the Village's Ethics Act

**Sponsors:** Mayor and Manager's Office

**Summary of Item:** This amends the Village's Ethics Act.

AN ORDINANCE AMENDING THE VILLAGE'S ETHICS ACT

ORDINANCE NO. 4915

*Commissioner Neustadt said that a number of points have been raised on this issue which have been discussed and reviewed with Council, residents and staff. He asked the Village Manager today about Board and Commission members who serve as volunteers, and it is important that information be sent out to each of those volunteers to make them aware of what is expected of them. He thinks this should also be incorporated into the Boards and Commissions Academy. He also felt it is important to look for a potential grace period for campaign accounts. He said he will support the ordinances.*

*Commissioner Schnell said she has heard many comments made in the public and the news media that this has been rushed through. She indicated that this has actually been around for three months in the public. There have been two Workshops held to allow people to make comments and state their opinions on certain provisions. Concerns from other Boards and Commissions have been voiced. In her opinion, a lot of what is being considered is common sense, and this needs to be part of the orientation both verbally and in writing. This also*

provides staff with the information they may need to answer questions. She said she saw no reason to postpone this and firmly believes the public wants to see this. This is something the Council owes to the public to assure the public that their officials are trying to be as above-board and transparent as possible. Commissioner Schnell said that this ordinance asks the Council to vote in the best interests of the public. She can support the campaign fund standards, and support some of the additional wording proposed by Commissioner Tully. She concurs with Commissioner Neustadt that the Council will need a transitional period to close campaign accounts. She indicated that this will be a living, breathing document and may need to be modified in the future, but she feels it addresses public concerns and she wholeheartedly supports it.

Commissioner Beckman said that he has been vocal about this and wholly supports this including exhibit #2. He is concerned about comments he has heard that the implementation of certain elements of this will have a personal effect on members of the Council. When he looks at the entire ordinance, every member of the Council and staff will be affected in some way; however, he thinks this is the right thing to do for the welfare of the community.

Commissioner Tully thanked the Council for splitting this up into three pieces. The first piece is the least controversial and he wholeheartedly supports this portion. He said Section 1.31 contains a variety of definitions. Board and Commissioner Members are included in definitions for Officer, Elected Officials and Appointee, and there are long definitions of what it is that constitutes prohibited political activities. This would prohibit participation as election judges, participation in referenda proposals, campaigning for any elected office or serving as a delegate to a political party convention, etc. He said that Section 1.32(a) discusses political activities from which Village employees are prohibited. Section 1.32(b) deals with officers which includes elected officials and board members, but relates to dealing with employees. In regard to the gift ban, Commissioner Tully said it prohibits taking gifts from those who might be trying to curry favor. He wanted to make sure that this is understood in terms of Boards and Commission members.

The Mayor said he will support this as it raises the bar and is good for the citizens. It holds the Council to a higher standard, and he believes training needs to go forward for all those affected.

**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:** Ethics Ordinance

**MOT 00-03013**

K. Motion: Adopt Exhibit 2 of the Official Village Policy regarding Ethical Standards entitled "Standards for Village Council Campaign Finance Practices"

**Sponsors:** Manager's Office

**Summary of Item:** This authorizes the adoption of the "Standards for Village Council Campaign Finance Practices" attached as Exhibit 2 to the Village Council Policy regarding Ethical Standards.

*Commissioner Beckman moved to adopt a "Exhibit 2 of the Official Village Policy regarding Ethical Standards entitled 'Standards for Village Council Campaign Finance Practices,'" as presented. Commissioner Schnell seconded the motion.*

*Commissioner Tully said he disagrees with parts of this Exhibit, specifically those in Subpart 1 & 2 that deal with restricting when campaign accounts can be opened and mandating when they must be closed. There are many good provisions in this ordinance, particularly as it relates to disclosure provisions. This mandates bookend disclosures. Someone giving a campaign contribution to an elected official has to disclose that when they are doing business with the*

*Village. Further, if someone has donated to the campaign of elected officials and they have come before the Council seeking some kind of relief, the Council, as elected officials, has to disclose that the contribution was made. This allows for public transparency, as both donor and recipient will have to disclose information publicly. It provides an opportunity to analyze the situation to determine whether a conflict exists, and everyone can then make their judgment calls. The two bookend provisions of the ordinance go a long way in preventing any perceptions of conflict, of influence peddling, or of pay for play because if both the donor and recipient have to disclose it, this will deter donations. He wholeheartedly supports this provision as well as other provisions that state common sense issues.*

*Commissioner Tully said he does, however, have a problem with Subparts 1 and 2 regarding the opening and closing of campaign accounts and does not agree with this. Subpart 1 says elected officials shall close their campaign accounts within three months of the date they are sworn into office. Subpart 2 says elected officials shall not open their campaign accounts until six months prior to the date of the next municipal election for the municipal office for which they are seeking election. From a philosophical and policy standpoint, he does not agree with this. He doesn't think it achieves the stated goals and will not stop pay for play. It does not put a limit on anyone to raise funds. It does not stop people from constantly campaigning. It does, however, prevent fundraising in that it limits who can do it and when. He believes candidates and voters should have the choice to ask for donations and residents should have the right to contribute donations. If the public doesn't want to support someone seeking donations, they can directly deal with it by not contributing. It also artificially restricts the ability of residents to contribute to their chosen candidate and is unnecessarily invasive without achieving the goals of the ordinance.*

*Commissioner Tully then commented on Subpart 4 with respect to disclosing receipt of campaign contributions in excess of \$150 received within one year prior to any vote involving directly the party that made the contribution. He suggested changing the wording to "directly or indirectly" as that wording serves the purpose and puts more teeth into the ordinance.*

*Commissioner Tully said that the Mayor had suggested that the word "municipal" be inserted before campaign accounts. Subpart 8 should also include "directly or indirectly" after the words "election code." As to the RFP and RFQ process, he suggested changing the years from two (2) to five (5). He further suggested that a grace period be added to Item 1 that current elected officials shall close their municipal campaign accounts by no later than six months, April 2, 2008.*

*Commissioner Waldack commented on Item 5, asking that the words "knowingly solicit or accept" be included.*

*Commissioner Schnell asked for clarification of what is being voted upon, and the Mayor said it was the red, green, and black amended sections of the Council's copies of the proposed motion.*

*Commissioner Tully said he supports everything except Parts 1, 2 and 9. He moved to make the changes discussed on the open record. Commissioner Schnell seconded the motion.*

*Commissioner Tully said supports all but items 1, 2 & 9, and will have to vote Nay on the entire motion.*

*Commissioner Waldack agreed that making the amendments makes sense and he supports them, but he can't vote for Exhibit 2 as presented. He has never been given a satisfactory response as to why they need to close their campaign accounts. He said that he understands that people want fair elections and want to eliminate influence; however, he believes that election laws are complicated enough and this doesn't solve anything. He doesn't believe they should add more complexity to the process. He said that this will make tracking more difficult. The tendency is to assume that all campaigns make money. All campaigns do not make money. Those with debt*

would not be able to recover their losses. He said this negatively affects the majority of campaigning and discourages people from running for office. Commissioner Waldack said that he considers the six month time period a Pontius Pilate clause that allows Council members to wash their hands of the issue. He noted that there were loopholes in the ordinance previously. He said that it might be better to set limits and he will vote against this mainly because of the provisions regarding closing of accounts.

Commissioner Schnell said she has been through five elections. In those elections all candidates closed their campaign accounts in the best interest of this community. She said it is the ethical thing to do, and this has already been debated to death. What she has heard over the past three or four years is that keeping campaign funds open has created a situation which is detrimental to the dais, and that is why the entire ethics issue came up over the last campaign.

Commissioner Schnell said that you close campaign accounts in order to do what you have to do as a Council member, without worrying about how to raise extra funds. They are elected to do the best job in an open, ethical manner and she will support this. The ultimate thing to assure that abuses do not occur is to close campaign funds.

Commissioner Durkin said he lost his first election and closed his account with a deficit. His last two elections had a positive account because he ran on a budget. It baffles him that there is even a discussion about this. He closed his accounts in order to do his job, noting that this is a transparent process. Other communities are watching the Village's decision on this issue, and he believes more communities will consider doing this.

Commissioner Beckman said his objective in his campaign was to close out the campaign funds as quickly as possible. He didn't accept his first contribution until two months before the primary and he made a substantial investment in his own campaign. You close out the fund when it is no longer of value.

Mayor Sandack said he has advocated for and has supported this. As to process, he said that two members of the Council will likely vote against this ordinance and that is a good use of process, as they still worked on improving this. He believes a good process has ensued. Three months is not too fast in his opinion, and he sees nothing complex in this matter. It is okay to have disagreements, and comments and criticism cannot be taken personally. As to substance, what they are trying to do is say to begin fundraising six months before the election, and once the election is over, close those accounts. It doesn't provide an opportunity to accept any further campaign money once the election is over. When you are elected, your focus should be exclusively on serving. These are ways to tighten up things. He noted that nothing can stop an unethical person, and this ordinance sets the Village Council apart. He would not be surprised if other municipalities follow the Village in this regard. The Mayor said that this is being mandated by those who serve. There is no reason for constant campaigning and constant fundraising.

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

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

NAYS: None

The Mayor declared the Motion carried.

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

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

*NAYS: Commissioner Waldack, Commissioner Tully*

*The Mayor declared the Motion carried.*

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

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

**Indexes:** Village Council, Ethics Ordinance

**RES 00-02991** L. Resolution: Establish an Official Village Policy Regarding Ethical Standards

**Sponsors:** Manager's Office

**Summary of Item:** A RESOLUTION ESTABLISHING AN OFFICIAL VILLAGE POLICY REGARDING ETHICAL STANDARDS

RESOLUTION 2007-102

*Commissioner Tully asked for clarification that this is for Items 1, 3 and 4, and was told that was correct.*

**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:** Village Council, Ethics Ordinance

**RES 00-02992** M. Resolution: Repeal Obsolete Village Council Policies

**Sponsors:** Manager's Office

**Summary of Item:** This repeals certain obsolete Village policies.

A RESOLUTION REPEALING OBSOLETE VILLAGE COUNCIL POLICIES

RESOLUTION 2007-103

**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:** Village Council, Obsolete Policies

## 8. Mayor's Report

### New Business

**RES 00-03011** Resolution: Appointments to Boards and Commissions

**Sponsors:** Mayor

**Summary of Item:** BOARD OF FIRE AND POLICE COMMISSIONERS

Appoint Gene Marino, Jr. to a two-year term expiring August 31, 2009

Reappoint Richard Matthies to a three-year term expiring August 31, 2010

## ENVIRONMENTAL CONCERNS COMMISSION

Appoint Michael Stasi to a three-year term expiring August 31, 2010

## RESOLUTION 2007-104

*Commissioner Waldack said this is the final appointment for the Environmental Concerns Commission, and he welcomed Mr. Stasi saying he will contribute knowledge and time to the process.*

*The Mayor said he put forth Mr. Morino and Mr. Matthies and commented on their backgrounds.*

**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:** Boards and Commissions

**Proclamations**

*Mayor Sandack proclaimed the week of October 6-12 as National Physician Assistant Week in the Village of Downers Grove.*

*The Mayor proclaimed the month of October as Community Planning Month.*

**9. Manager's and Directors' Reports**

*Mary Scalzetti, Director, Community Events, presented the Heritage Festival Report for 2007, outlining the additional funding and activities included to celebrate the Village's 175th anniversary. She reported on the entertainment, including a presentation on the history of the Village and its founders. She then reviewed the statistics for the event. Budgeted expenses were \$430,470 with actual expenses at \$546,636. Approximately \$119,500 was spent to enhance the event. She said 76.2% of all expenses were covered by the revenue.*

*Commissioner Beckman asked when they start planning for next year. Ms. Scalzetti said they have already started.*

*The Manager pointed out that Mr. Baker will present a monthly statistical report at the last Workshop meeting of the month for the prior 30-day time period. That information is on the website and serves as a basis for the Annual Report. She thanked all Department Directors for their work in getting this service up and running. The Mayor said he thought this was wonderful and an attempt to show day-to-day activities in Village government.*

*The Manager said that the recommended budget for fiscal 2008 will be available late Friday evening.*

**10. Attorney's Report****Waive the One-Week Waiting Period to Consider New Business**

*Village Attorney Enza Petrarca asked the Council to consider waiving the one-week waiting period to consider new business.*

*Commissioner Tully moved to waive the one-week waiting period to consider new business. Commissioner Durkin seconded the Motion.*

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

*NAY: None*

*Mayor Sandack declared the Motion carried.*

**ORD 00-03014**

Ordinance: Amend Ordinance No. 4888 to Extend a Moratorium on the Granting of Special Uses for the Location of Recycling Collection Facilities in the Village of Downers Grove

**Sponsors:** Village Attorney

**Summary of Item:** This extends the moratorium on the granting of special uses for the location of recycling collection facilities for an additional period of three (3) months through December 31, 2007.

AN ORDINANCE AMENDING ORDINANCE NUMBER 4888 TO EXTEND A MORATORIUM ON THE GRANTING OF SPECIAL USES FOR THE LOCATION OF RECYCLING COLLECTION FACILITIES IN THE VILLAGE OF DOWNERS GROVE

ORDINANCE NO. 4916

**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:** Recycling Facility

## 11. Council Member Reports and New Business

*Commissioner Beckman said he was pleased to see the edition of "A Residents' Guide to Neighborhood Construction", and asked that a copy be given to Mr. Schofield. He then asked about information regarding the history with Metra and the feasibility of developing a broader relationship with Metra. He sought a better understanding of that history.*

*Commissioner Durkin thanked Good Samaritan Hospital for their invitation regarding the new surgical pavilion. They are a great community partner. He is impressed with how advanced our hospital is and thanked the staff for the invitation. Commissioner Durkin said that he also attended the Barkapalooza which was a great event as well.*

*Commissioner Tully complimented staff on the preparation of the guide on neighborhood construction, saying it is a useful tool which was inspired by the residents. He appreciates staff's work on this. He then extended his appreciation for the monthly statistical reports. It provides a wealth of information and will help the Council govern in a better way. Commissioner Tully also noted that Heritage Festival has been running for 25 years and he thinks the Council and staff has to be open minded and creative for the future. The Community Events Commission may have some interesting ideas on how to keep Heritage Festival interesting and exciting in the future. He noted that there are challenges regarding the change of the downtown and its demographics.*

*Commissioner Neustadt wished everyone a Happy Community Planning Month. He thanked the Police Chief and Officer James Edwards for their work at the Police Awards event. He said that our officers do incredible jobs of keeping this community safe and he expressed thanks not only*

to the Police Department, but also to the Fire and Public Works Departments. He congratulated those who received awards.

Commissioner Waldack congratulated everyone involved in the preparation of Oktoberfest. He said that the Finance Committee meeting will be held in October and he asked for comments regarding budgeting for conferences, etc.

Commissioner Waldack then said that he was elected over two years ago and has not been campaigning during that time. The most troublesome issue has been items regarding ethics, and he has prided himself on his ethics. He never intended to make money. After being ethical, he now poses a supposed major threat to the community by not closing his account. He repeated that he has been and is ethical and intends to remain so. However, he is going to invite the five people who voted to close the accounts to a private golf outing at a cost of \$1,000 each to be held in December, and they will play at night to provide him with a greater advantage. The Council and audience responded to his comment with applause and laughter.

Commissioner Schnell thanked the police officers who were given awards for their performance of duty, and the citizens in attendance at the awards ceremony. The Village is fortunate to have these types of individuals representing the Village. As for the brochure on construction, she said that it was available at least 12 hours earlier than anticipated. She then asked staff to provide Council with direction regarding the timeframe for discussion of the budget. The Manager said that the recommended agenda will outline the path and times.

Mayor Sandack echoed the comments made by his colleagues about the various events. He did want to comment on the ethics vote saying there was no intent to cause consternation or distress. The intent was to make the process better, and if there was an unintended casualty he apologized. His first campaign had a debt as well. His overwhelming intent in this was to make the process different. He said that if Commissioner Waldack has a golf outing in December in the snow the Mayor will be there, but not for \$1,000. He has no qualm in trying to retire a debt.

## 12. Adjournment

Commissioner Tully moved to adjourn. Commissioner Durkin seconded.

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

Mayor Sandack declared the motion carried and the meeting adjourned at 9:15 p.m.