

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

FEBRUARY 26, 2008

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, Geoff Neustadt, Bruce E. Beckman; Village Manager Cara Pavlicek; Village Attorney Enza Petrarca; Deputy Village Clerk Linda Brown

Absent: Commissioner Sean P. Durkin; Village Clerk April Holden

Visitors: **Residents:** Greg Bedalov, DGEDC, 2001 Butterfield; Allan Ambrose, Northern Trust, 50 S. LaSalle Street, Chicago; Charles Sweet, DGHPC, 4804 Main; Bill Nieburg, Sara Lee, 5313 Washington; Robert & Laura Wierzba, 6753 Meadowcrest; Dean Pozarzycki, 4728 Main Street; Andy Clark, Downers Grove Watch, 1226 62nd Street; Chris Saricks, PDHA, 1116 61st Street; Gordon Goodman, PDHA, 5834 Middaugh; Bill Wrobel, DG Watch, 7800 Queens Court; John Luka, EDC 5618 Brookbank; Mark Thoman, 1109 61st Street; Marge Earl, 4720 Florence
Staff: Dave Fieldman, Deputy Village Manager; Mike Baker, Assistant Village Manager; Robin Weaver, Interim Director, Public Works; Andy Matejcak, Director, Counseling and Social Services; Jim Black, Deputy Chief of Police; Liangfu Wu, Director, Information Services; Tom Dabareiner, Director, Community Development; Wes Morgan, Director, Human Resources; Judy Buttny, Director, Finance; Mary Scalzetti, Director, Community Events; Phil Ruscetti, Fire Chief; Doug Kozlowski, Director, Communications

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.

MANAGER

Active Agenda and Informational Items

a. Economic Development Quarterly Report

Greg Bedalov, Director of the Downers Grove Economic Development Corporation, presented the fourth quarter report of the EDC. He reviewed the summary saying the Village had an increase of about ½ of 1% in Home Rule Sales Tax during the period in question. As to hotel revenue, it was a very weak fourth quarter; however, that was not due to the new hotel recently opened near Downers Grove, based on the Star report. It was due instead to some significant cancellations that effected the fourth quarter, while the first three quarters were up. Mr. Bedalov noted that the flat rate office vacancies fell 38% showing that the office buildings are filled with tenants. The “In” campaign is in full swing, and the Ellsworth Industrial Park Task Force has been meeting and shows plant growth. The EDC has been approached by some Ogden Avenue businesses and asked to form a similar consortium to that formed for the Ellsworth Industrial Park.

b. Direction for a Tree Preservation Ordinance

Village Manager Cara Pavlicek said that staff presented a draft ordinance to Village Council that would include a process to develop a private property Tree Preservation Ordinance as part of the 2008 Strategic Planning. The intent of staff is to present an ordinance for consideration at Council’s next meeting, and is requesting input.

Commissioner Neustadt said that he believes more information is required for an appropriate tree preservation ordinance. He would be in favor of putting this on the Strategic Planning agenda for further discussion.

Commissioner Beckman concurred with Commissioner Neustadt’s recommendation to incorporate this in the Strategic Planning Session. He has received information on this issue and realizes that it is far more complex than originally realized. He believes the Council needs a better sense of what this would entail.

Commissioner Schnell also agreed that it should be part of the Strategic Planning agenda. It is a high priority and she has received many e-mails on the issue. There appear to be mixed emotions regarding property rights versus construction rights. She asked whether there would be another Citizen’s summit, and if so, she suggested that may be an appropriate venue for more information gathering.

Commissioner Waldack said this was first brought up at a meeting at Downers Grove South open to the public, and he would like to see that occur again, but not by invitation only.

Commissioner Tully said he is less concerned about how this is done than he is about it being done. It has been discussed for a number of years. In 2005, there was an ordinance that went through the process including discussions about the controversial issue of tree preservation on private property. At that time, this issue was jettisoned, and last summer it was suggested that this be brought forward to some conclusion. There was a cry in the past that something needs to be done about teardowns, and through a series of meetings, some of the elements of what residents did or did not like came to the forefront. There was the attitude of having government stay out of private property. That is a valid viewpoint. He pointed out that on the logo of the

Village of Downers Grove is a large tree. The issue is how to come up with something that helps to preserve a desirable characteristic of the community, and yet not infringe on the rights of individuals. He doesn't have the answer to that at this time. He attended a community tree forum at the Morton Arboretum in 2006, and it was very illuminating in explaining the extent of restrictions that are possible. He supports further pursuit for a solution. As to the process, his only concern about the Strategic Plan is that it is staff and Council driven. There has to be an avenue to educate as well as listen to the public. This process began a long time ago, and he agrees this has to be pursued, but he believes that they must try to achieve the best outcome possible for all concerned.

The Mayor said this is a matter of process more than the actual substance. They need to define the issue as a first step. He believes they need to do due diligence, but he said that many of the e-mails he received say "don't you dare" in terms of private property. They have not even defined the process yet, so people understand what the intention is. Council needs to be sure this is done right since there are complex nuances in this issue. This should be part of a larger process, including Strategic Planning, a Citizen Summit, and additional budgeting. The Village has only one Forester, and any expansion would require another person or two. This must be done methodically.

Dr. Gordon Goodman, 5834 Middaugh, said he supported deferring this issue until summer, agreeing that the Strategic Plan should contain citizen input.

Mark Thoman, 1109 61st Street, spoke against delaying action on this issue. He believes the residents of the Village are seeking an ordinance prohibiting unwarranted clear cutting by developers. He sees no reason to delay an ordinance of this type, adding that he thinks both businesses and residents will support an ordinance of limited scope.

Commissioner Tully said he is not quite sure that this should be in the Strategic Planning Process. People have different views about regulations. He believes it is worth the effort to do this right. He said that in his mind, the question is what is "unwarranted clear cutting." This is more complicated than it may appear. He doesn't think the Council would be able to get four people to vote for an ordinance of this nature next week. He believes they could create a mechanism that will allow for voluntary designation of heritage trees by property owners. As owners, we can encumber our own property, including trees.

The Mayor said that the Manager asked that the e-mails be placed into the record.

Chad Walz, 1300 Palmer Street, sent an e-mail expressing concerns about the ECC's recommendation to regulate trees on private property. Preservation of heritage trees is admirable, but infringing on property rights is a very serious matter. He noted the issue would not be under discussion if builders had incorporated existing trees into land use plans. He suggested looking into a voluntary tree preservation system. He commended Marge Earl for presenting a fair and balanced approach that all residents could live with.

In terms of Commissioner Tully's comments, the Mayor agreed that attempting to get language distinguishing between developers and other residents that is also enforceable it not as easy as it sounds. They need community buy-in, and he agrees that whatever the process is it must be inclusive and should include open dialogue. This is a perfect issue for residents to provide the Village Council and staff with their input.

Consent Agenda Items

- a. **Annual Heritage Festival Thursday Night Benefit Concert Vendor.** Manager Pavlicek said that competitive requests for proposals were taken for this. Community Grants and Community Events reviewed this and found that it met the essential criteria required. Staff has recommends a resolution approving an agreement.

Commissioner Neustadt thanked the Community Grants and Community Events Commissions for their input on this issue. He also thanked the Downers Grove Heritage Corporation for partnering this project.

Commissioner Schnell asked for clarification regarding a recommended change in liability. The Manager said that this is consistent with what the Village requires.

Commissioner Beckman said he is pleased to see this respondent have an opportunity to participate again. He would be more comfortable if modifications to the RFP could be developed to encourage additional respondents. He would prefer to see more than one respondent.

Commissioner Tully said he understands Commissioner Beckman's point. The language in Section 3 carefully enables others to apply. Because this is so new, it is not a surprise that only one came forward. As an example, he asked how many years the Rotary has run the Beer Garden. What has to be understood is that the purpose is to have someone who can perform what is needed. He noted an issue with the terms of the agreement with the respondent. He believes the liability issue is okay. But he has an issue with a mix of the proceeds, and he believes a 40/60 split should be a minimum. The purpose of the concert was not for the Village to make money. It was to create an opportunity to raise funds to benefit an historic cause. It provides a platform for the education of the public regarding historical preservation. He suggests the 40/60 as a minimum, saying if the event is tremendously successful and the Village profits a large amount over and above expenses, he would like to see the language changed so the proceeds for the respondent are not capped. Manager Pavlicek said that concept might take some time to develop and she would hate to delay moving forward with the document. Commissioner Tully agreed that it should be done quickly, and he would be fine with revisiting it for amendments.

- b. **Fee Waiver Request for Downers Grove Park District at 2455 Warrenville Road.** The Manager said this for stormwater fees for the streambank stabilization project in the Lyman Woods Property. The Village, Park District and Forest Preserve are partners in this project.

Dr. Gordon Goodman, 5834 Middaugh, said he strongly supports this waiver as the Village shares in the partnership. He said that the Park District will be paying for consultants and other out-of-pocket expenses and the Village might want to consider accepting responsibility for those fees some time in the future.

Commissioner Tully asked whether it would be correct that approval of this motion would be in accordance with the Village Council policy for fee waivers, which allows for a complete waiver for not-for-profits, charitable, religious or public services organizations. The Manager said that is correct.

- c. **Professional Services Agreement – Financial Advisor for GO Bonds Issuance for WIIP Projects.** The Manager said this is for financial advisory services with Northern Trust Corporation of Chicago. The contract provides for a credit for fees previously paid in late 2007 relative to an analysis of bond issuances.

Commissioner Tully asked staff whether the fees are comparable with those charged by similar organizations for similar service. The Manager responded that the last cost was \$9.89 per \$10,000, and this is at \$9.00 per \$10,000. It is a good rate.

The Mayor noted that the next step for stormwater abatement is that it needs to be paid for, and the Village has an opportunity working Northern Trust to capitalize on the bond market to pay for the stormwater improvements.

- d. **Maple and Carpenter Storm Sewer Replacement and St. Joseph Creek Dredging.** Manager Pavlicek said the amount is \$945,800 for design and construction of this storm sewer replacement project as well as the dredging of the Creek. There are opportunities here that the staff believes makes this financially prudent.

Commissioner Schnell said that the advantage to the community is that this is a fixed price. Unless there is something catastrophic occurs, the price will not increase.

Manager Sandack said that this will replace the clay storm sewer with real storm tiles on Carpenter and Maple.

- e. **Referral to the Environmental Concerns Commission: Compact Fluorescent Light Bulbs.**

Commissioner Waldack said that this is one of the issues he brought forward. This came up on a television report inquiring as to how to dispose of these light bulbs. Mercury, even in small quantities, is dangerous. He thought perhaps the ECC could investigate charging deposits on the purchase of the bulbs to encourage people to properly dispose of the bulbs.

- f. **39th Street – Highland to Fairview Resurfacing.**

Commissioner Schnell clarified that this is not a widening project, and not curb and gutter. It is just a resurfacing. Since 39th Street is a major thoroughfare for ambulances going to the hospital, she asked whether proper notification will be done, and the Manager said staff will see to it.

- g. **Water Distribution Leak Detection Survey Services.**

Commissioner Beckman said that this is a win-win situation. The Village is a retailer of water to its residents. He said that he asked staff for some idea of the financial loss caused by leaks, and the figure was approximately \$33,000 year after year. This is a good idea.

- h. **Bid: Fire Hydrant Painting.** The Manager said this is to authorize a contract for fire hydrant painting to Alpha Paintworks of Chicago, Illinois, in the amount of \$39,912.50

There were no questions.

- i. **Bid: Supply of Fire Hydrants.** The Manager said this is to authorize a contract for the supply of fire hydrants to HD Supply Waterworks, Ltd. of Carol Stream, Illinois, in the amount of \$43,170.

The Mayor noted that these bids were very tight with only a difference of about \$2,000.

j. Annual License Renewal for 2008 OnBase Software with Crowe Chizek & Company, LLC.

There were no comments.

MANAGER'S AND DIRECTORS' REPORTS

The Manager informed the Council that the monthly statistical report has been provided for them in their packets.

ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting four items to the Council: 1) A resolution authorizing execution of an agreement between the Village of Downers Grove and Downers Grove Heritage Preservation Corporation; 2) A resolution authorizing execution of a third amendment to a software maintenance agreement between the Village of Downers Grove and Crowe Chizek and Company, LLC; 3) A resolution authorizing execution of an amendment to an intergovernmental agreement between the Village of Downers Grove and the Illinois Department of Transportation for the resurfacing of 39th Street; and 4) A resolution authorizing execution of a professional services agreement between the Village of Downers Grove and Northern Trust Corporation of Chicago.

VISITORS

Dr. Gordon Goodman, 5834 Middaugh, said he has read the Bloomberg News about the collapse of the municipal bond market. This is a particularly bad time, and as he understands it some municipalities have sold at a rate of 20% interest. He hopes the Village is well aware of this and with the advisor's help will avoid the situation in the market.

The Mayor said that they are well aware of it and will rely on the advisor's to assist the Village in this situation.

Rob Wierzba, 6753 Meadowcrest, read comments from information packets he distributed to the Council. He indicated that he was a Building Inspector for the Village before he was wrongly terminated. After much debate and requesting an investigation of the situation by the Village Manager, he still lost his job. He indicated that the Village Manager was in such a hurry to write her denial of his appeal, that an incorrect address was written on the envelope, and the police detectives who delivered it went to his neighbor's house to deliver it. Mr. Wierzba added that it was nice to see uniformed police officers in marked cars used as the Village's personal courier service to deliver correspondence from the Community Development Director. He said it seems very unprofessional to substantiate claims as well as terminate someone via a series of letters. He said that his letter of appeal to the Village Manager contained names of people who would speak the truth and help to clear his name. When he asked the Manager whether she would interview any of them, her response was that the Village would not do this because it would cause rumors to fly. He said that enough rumors have already been flying around. He sees this as another attempt to cover up the truth regarding his situation. As a resident and former employee of the Village, he asked Council to investigate his situation, as this appears to be his last step before he pursues litigation. He does not want to bring suit against the Village but it may be the only way he can clear his name and find employment elsewhere. Mr. Wierzba said he put together a packet of information containing all correspondence between himself and the Village. He asked that the Council review the information carefully, and keep in mind that he has made mistakes, but that

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does not justify making him a scapegoat and terminating one of the best building inspectors the Village has had. He asked that they also understand he had no way of defending himself since he had no access to Village records, including his personnel file. He asked also that someone contact him to inform him of their findings.

The Mayor said this is not the place to have that type of dialogue, but the Council will read the information and go from there.

Commissioner Tully added that under the Council/Manager form of government, the Council is relegated to the role of policy makers and prohibited from being involved in personnel hiring or firing decisions. He said the Council will look at the information provided.

COUNCIL MEMBERS

Commissioner Beckman said that last week he attended the Downers Grove Chamber of Commerce monthly luncheon. He heard the Vice President for Economic Development of Wachovia make an intriguing presentation.

Commissioner Neustadt thanked the Public Works Department for the excellent work on snow removal.

Commissioner Waldack said prior to coming to the meeting, he attended a meeting of the Transportation Policy Committee regarding the Cook/DuPage Corridor. He said the information is very interesting and he will give it to the Manager to share with the Council and the EDC. He also said that there is a potential plan to expand the Blue Line from Cook County to Yorktown, and that information will also be included. He noted that the RTA will have a series of public meetings in the area as well.

Commissioner Schnell said that we've had a terrible winter, and everyone needs to extend their thanks to the Public Works staff who are working 12-hour shifts. We all owe them a big "thank you."

Commissioner Tully congratulated the New World Repertory Theater for "Inspector Calls" which has received good reviews and local press attention. He also noted that the Grove Foundation is having a "Bon Bons and Bubbly" fundraiser at Stillwater tomorrow evening from 7-9 p.m. One of the premier social events will take place this weekend at the Downers Grove Junior Women's Club Taste-of-the-Town, though it is not being held in Downers Grove. It will be held February 29 at Seven Bridges.

Commissioner Tully then referred to the discussion of historical preservation ordinance, and said that he was reminded that one of the benefits of an historical preservation ordinance is that it enables the Village to become a certified local government for landmarking. This is important because it allows for applications for grants, tax breaks, etc. He asked that a full panoply of benefits and protections available are investigated, and that a complete survey of the historical properties be established. He would like to see the status of the survey.

Manager Pavlicek said that staff would provide an update.

The Mayor said that he read the Governor's State-of-the-State address, including the concept of a capital budget. As for the Belmont underpass funding, they are very close. There are various groups going down to Springfield to let the legislators know that federal dollars have been set

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aside for matching, and those funds are about to be removed. One of the things the Council, Chamber and EDC will do is talk to the legislators and let them know that the Belmont underpass is a transportation project, as well as a health and safety project, and it must be completed now. He said they will be going to Springfield in March and April, and he will be happy to provide e-mail addresses for residents who wish to contact their legislators.

ADJOURNMENT

There being no further discussion, the Workshop meeting was adjourned at 8:10 p.m.

Linda J. Brown
Deputy Village Clerk

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