

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

MARCH 11, 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. The Mayor led the audience in the Pledge of Allegiance to the Flag.

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; Village Clerk April Holden

Absent: None

Residents: Gordon L. and Nancy Goodman, 5834 Middaugh; Charley & Jan Smart, 4804 Main; Lee Ann Clary, 6200 Leonard; Therese Daley, 5505 Stonewall (all previous of DGHPC); Scott Marshall, Landmark Consulting, 25W030 Ramm Dr., Naperville; Amy Balicki, 5535 Dunham Road; Christopher Salman, 4822 Wallbank; John & Elena Falco, Falco Electrical, 4535 Seeley; Lucia and Mario Salman, Grove Realtors, 943 Maple; Nick J. Papanicholas, Kevin Beilfuss and Rob Perry, Pack 57 Den 7, Hillcrest School; Nick Morlock, 5848 Sherman, Troop 57 Downers South School; Andy Clark, Downers Grove Watch, 1226 62nd St.; Peter Hultman, 5540 Walnut, Unit 12C; Alice Strelau, 5611 Brookbank; Marian Kritzler, 5436 Brookbank; Chris Saricks, 1116 61st Street; Bill Wrobel, Downers Grove Watch, 7800 Queens Ct.; Mark Thomas, PDHA, 1109 61st St.; Joseph Leo, North Beach, 1211 Butterfield; Rachel Van Valkenburg, Stardust, 1211 A Butterfield; Thomas Cawthorne, 4917 Parkway; Devin Lavigne, Houseal Lavigne Associates, 114 E. Van Buren, Naperville; Bill Nienburg, Sara Lee Corp., 5313 Washington; Jill Venskus, 109 Traube; Marge Earl, 4720 Florence; Laura Hois, 4405 Oakwood
Staff: Dave Fieldman, Deputy Village Manager; Mike Baker, Assistant Village Manager; Robin Weaver, Interim Director, Public Works; Andy Matejcak, Director, Counseling and Social Services; Bob Porter, Chief of Police; Liangfu Wu, Director, Information Services; Tom Dabareiner, Director, Community Development; Judy Buttny, Director, Finance; Mary Scalzetti, Director, Community Events; Phil Ruscetti, Fire Chief; Doug Kozlowski, Director, Communications; Mike Millette, Assistant Director, Public Works; Brandon Dieter, Management Analyst; Megan Bourke, Management Analyst

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.

PROCLAMATIONS

Mayor Sandack said that prior to tonight's meeting a reception was held honoring sponsors of the Blodgett House. He said the normal agenda would be changed to read a Proclamation on behalf of some local groups and individuals that have gone beyond expectations to save this historic house in the Village.

The Mayor then read the Proclamation recognizing the substantial financial and personal contributions to restore the Blodgett House as a cultural, educational and historical museum focusing on the role of the Underground Railroad in Downers Grove and DuPage County. The following sponsors were recognized: Joel Andersen Homes, The Blodgett Legacy Partnership, Dicke Tool Company, Downers Grove Historical Society, Downers Grove Park District, Elena Falco, Falco Electric, The Foundation of One Smooth Stone, Gordon and Nancy Goodman, Grove Realtors, Jenner & Block LLP, Willis and Shirley Johnson, Landmark Consulting, McDonald's Corporation Charitable Foundation, National City Bank, Sara Lee Corporation, Stature Custom Homes, Veluchamy Family and Versatile Card Technology, and Anne and Gary Vlk.

MANAGER

1. Active Agenda and Informational Items

- a. **Adoption of the 2008 Downers Grove Zoning Map.** The Manager said this is staff's annual request to publish the Zoning Map before March 31 as required by Illinois State law. She asked Tom Dabareiner, Director, Community Development, to discuss this matter.

Tom Dabareiner, Director, Community Development, presented the map, noting nine changes previously approved by the Council.

Commissioner Tully said that the map is published to reflect actual changes that have taken place. No changes are being made tonight. He noted that the Zoning Map is on the Village's website.

Commissioner Waldack thanked the staff for listing the changes in the last year, adding that on the website residents can see the actual zoning classifications, as well as the garbage pick-up days.

- b. **Grove Commuter Shuttle Bus Compliance.** The Manager said the ordinance and resolution presented complies with the agreement between the Village and PACE. The first item directs execution of a Federal Transit Administration (FTA) agreement, and the second amends the official Village policy to reflect changes in State law regarding rates.

Commissioner Durkin asked if this is the first annual report, and the Manager said she thinks this is in relation to the new buses. Commissioner Durkin asked why this has to be done before the Village receives the buses. The Manager said this complies with certain Federal requirements, and she will provide more information next week.

Commissioner Schnell clarified that there are no changes for people who presently ride the buses. The people affected are the disabled and those over age 65.

Commissioner Waldack asked about the reference to the charter service, and the Manager said that a corrected official copy has removed the reference to the charter service.

Commissioner Waldack added that this changes fares for seniors and those with disabilities. He thanked the Manager and the Legal Department for providing him with the FTA Master Agreement. He referenced the new State law recently approved. It indicates that fixed routes shall be provided without charge to seniors and those with disabilities. He said he is concerned that the Village takes care in the future with routes that are not fixed route public transportation systems. Changes apply to fixed routes. He is concerned that any future agreements be reviewed cautiously so has not to have a negative impact. He asked that the Legal Department look closely at future agreements with PACE. Commissioner Waldack then noted that there is a cost to providing these services.

c. **Flag Lots.** The Manager said this ordinance was prepared relative to flag lot regulations in response to the 120-day flat lot moratorium. She asked Mr. Dabareiner to address this item.

Mr. Dabareiner said that this is a text amendment to the Subdivision Ordinance to eliminate flag lots. An example of a flag lot was shown on the overhead. He explained that a building would be placed on what would normally be considered the “back yard” of a lot. Flag lots change the character of a neighborhood. He then showed a slide of potential flag lot clusters in the Village, saying there are about 81 flag lots in those specific clusters. He pointed out clusters near Lee and Grant, Lee and Elmore, 63rd and Fairmount as well as others. Flag lots have been treated as exceptions to the Subdivision Ordinance. The recommendation is to approve a text amendment to eliminate flag lots entirely, with existing flag lots becoming legal nonconforming lots.

The Mayor said that this has been discussed before, and this Council has decided to act on this issue.

Mr. Dabareiner further clarified that existing lots, not potential lots, would become legal nonconforming.

Dr. Gordon Goodman, 5834 Middaugh, said that he supports the staff’s recommendation and has been advocating this for 20 years. He said that flag lots change the character of the neighborhood. He believes staff has presented this well. If the ordinance is followed, there will be no more flag lots. He sees no reason for this to be referred to the Plan Commission.

Jill Venskus, 109 W. Traube Avenue, said there was a petition last year for a flag lot on Roslyn Road behind her house and her neighbors. Several key points were brought out at that time, which Ms. Venskus said she wanted to point out, the first being “flag lot trends.” Staff said if there are no flat lots in the last five years there is no trend. Secondly, several of the residents on Roslyn Road expressed objections to the flag lots because of potential for drainage problems, decrease in value of surrounding property, and general negative aspects to the quality of the neighborhood. Ms. Venskus added that the current provision was an effort to be fair to everyone, with much confusion as to how it should be interpreted. There has been an opportunity in effect for over five years to allow anyone to come forward. She asked that the Council vote to prohibit additional flag lots.

Laura Hois, 4405 Oakwood said she also supports a text amendment to prohibit flag lots.

Commissioner Neustadt said that there are public safety concerns that flat lots present such as lighting, access for Fire Department vehicles, etc.

Commissioner Schnell said she has no problem with eliminating flag lots. She does have a concern about having very long, narrow lots. Flag lots give the impression of having larger front lots. If flag lots are eliminated, she asked how many of the existing “potential” lots could be subdivided with a narrower width.

Mr. Dabareiner said that of the 81 potential flag lots, all except two would need exceptions and would have to go before the Plan Commission and the Council.

Commissioner Beckman asked what limitations would be placed on potential redevelopment of the existing properties, which will be declared legal nonconforming. Mr. Dabareiner said that it is fairly restrictive, and the ability for a flag lot to expand would be prohibited. They could remodel the structure, but would have to comply with the ordinances.

Commissioner Beckman said he plans to support this ordinance, as he shares the belief that they create a disjointed development. He said that other neighboring communities also prohibit flag lots.

Commissioner Tully also expressed his support of this and said he is glad that it is before the Council and recommended by staff. This is something whose time has come. In theory, the flag lot was established to meet hardship situations; however, in practice, this exception has been used to carve up a lot that otherwise could not be split. It is time to eliminate the expectation that provides for splitting a lot that could not be otherwise split. This is not good planning. Commissioner Tully said that the Council has increased restrictions in the Zoning Ordinance with regard to setbacks, lot coverage, etc., as well as taken substantial steps to address stormwater issues. Continuing to allow flag lots would be contrary to the direction that Village has chosen to follow. To the extent that a landowner comes forward with a desire to divide a lot, they will have to meet the criteria established by the Village’s ordinances.

Mayor Sandack said that staff has provided the Council with a timeline showing the evolution of the flag lot issue. Other Councils have wrestled with this issue as well, and now is the right time to do this. He will support this.

Commissioner Schnell asked that owners of non-conforming lots be notified by mail about this decision when this passes. She then asked if a structure were to burn down, could the owner rebuild the home on the same footprint. Mr. Dabareiner said that they couldn’t replace what previously existed if the value is destroyed by 50% or more. At that time they would have to come into compliance.

Attorney Petrarca said she would clarify this issue regarding restrictions on the lots that become legal-nonconforming.

Commissioner Tully added that the driving force is not to create more flag lots.

- d. **Proposed Ethical Standards.** The Manager said this ordinance was prepared to prohibit Liquor licensees from contributing to campaigns for local elected officials as well as others seeking election.

Village Attorney Enza Petrarca said this amendment would prohibit contributions to elected officials campaigns. She reviewed the license classes that would be exempt and the penalty procedures which are set forth in the ordinance. She said the intent was that this would be broadly interpreted by the local Liquor Commissioner. Hearings would occur in accordance with existing hearing procedures established in Chapter 3 of the Liquor Ordinance.

Mayor Sandack said that this is an attempt to keep the licensees at arm's length from the election process, as with other changes regarding ethics made several months ago. The Liquor Commission is a board of first impression and these provisions add a layer of transparency to their decision-making process.

Commissioner Tully said he has absolutely no problem with establishing this prohibition from making campaign contributions; however, he is concerned about the wording "members of Downers Grove Liquor Commission and any other persons seeking election to a municipal office in the Village of Downers Grove." He asked why they are setting the Liquor Commission apart from the other boards and commissions in the community, as he sees this as being unnecessary. No similar provisions have been established with relation to the Plan Commission or the Library Board, and under this ordinance, someone could contribute to them. He also noted the Community Events Commission or other recommending Commissions that could be effected by campaign contributions. There have been no examples of this having occurred that he is aware of, but it seems to be an overreaching point for one board or commission. He suggested striking the wording after the words "Village of Downers Grove." He further referred to Subsection 2, saying they should clarify that the Liquor Commission is a recommending board. In 3.22SEC(b), there is use of the word "entity", and the wording "application." He suggests that they clarify this to refer to a "license holder."

Commissioner Beckman said he understands the motivation behind this and he can concur with that. There are situations where corporations have divisions and sectors, and a liquor component is a very small part of their business. He agreed with Commissioner Tully's comment, saying that he has difficulty with this as presented.

Commissioner Waldack said he shared some of Commissioner Tully's and Commissioner Beckman's concerns. The basis of this is well intentioned. He thought the concern was with the Liquor Commissioner and the Liquor Commission. In the overall process it is the Liquor Commissioner and the Liquor Commission that are involved in the process of establishing fines, penalties, etc. He asked whether this may be overreaching to apply this to all Council members, or candidates for municipal office. With regard to candidates, he asked when an individual is a true "candidate," and can an individual take contributions prior to filing as a candidate. Commissioner Waldack said he sees huge loopholes here. This could exclude good businesses from participation in the election process because a minute part of their business includes liquor handling/consumption. He expressed his opinion that this is strictly related to the Liquor Commissioner and the Liquor Commission. He suggested that this be tightened up or viewed differently.

The Mayor said that this was mostly generated by the Liquor Commission, and the ordinance concerns municipal elections only. The Council has obligations as an ordinance building body, and the Council does have responsibility over the Liquor Commission. There is already a gift ban in effect. He noted that the Liquor Commission felt a sense of duty to include themselves in this legislation. There are a finite number of liquor license holders. He said hypotheticals can be put

up for any ordinance. This will put up a good barrier, and if it doesn't work they can adjust it. They are not trying to predict every potential scenario, and he will support this ordinance.

Commissioner Tully said he is looking to improve a process, and if there is a way to improve this before it passes, it should be done. He suggests that the changes are definitional, and that some language could be stricken.

Commissioner Beckman asked for a definition regarding "applicant" and "corporation," and at what point a person would be in violation of making a contribution to a political candidate if he/she owned stock in that corporation.

Ms. Petrarca said it depends on the application. If the corporation is the license holder, and an individual listed on the application owns 5% or more shares in the company, the proposed language in this ordinance would apply. Ms. Petrarca said she would verify this information.

Thomas Cawthorne, 4917 Parkway, is a member of the Liquor Commission. They went through the item a number of times with many staff discussions. They were trying to close the loopholes. They want to make sure that the public trusts the Liquor Commission, and want to make sure that an establishment is not contributing food, drinks, etc., to a Commissioner. Other commissions can set their own ethical standards. The Liquor Commission wanted to make sure their standards were specified and to close any loopholes.

- e. **Ordinance Amendments: Liquor Provisions.** The Manager said this ordinance will amend the Liquor Code by establishing a new liquor classification in an entertainment restaurant facility.

Ms. Petrarca explained the ordinance, saying it refers to an entertainment portion of an establishment, such as a dance floor or DJ area. She noted that food service would still be required. The Liquor Commission heard this item at two of their meetings and made a unanimous recommendation.

The Mayor asked about the area for entertainment and whether it is "not more than 20%," which Ms. Petrarca said was correct. Mayor Sandack said that in the past the village had a 60/40 rule where 60% of the revenue had to be from food. That remains the same.

Commissioner Durkin asked about food, and whether it includes what was included in their packet. Ms. Petrarca said that the license does not require a full menu. Commissioner Durkin then asked if the food service would be warm, kitchen-made food. Ms. Petrarca said that was correct. Commissioner Durkin said he has no real problem with this.

Commissioner Beckman stated that there was a lot of information provided, and what they are doing is evaluating whether to support this amendment to the Liquor Code, and he can support this concept.

Commissioner Schnell commented that this creates a license category where food is not the primary reason for coming, but the focus is on the entertainment. The Commissioner said it is not a restaurant classification as much as an entertainment facility classification, and she asked what pressure it places on public safety. She asked if this is something they would want in the downtown area or the periphery of town.

Commissioner Beckman said that at this time the answer is “it remains to be seen.” He has concerns about the hours.

Mayor Sandack said they are talking about a liquor classification with no changes to hours.

Commissioner Neustadt noted that this is a classification of liquor licenses, and the Village has a number of classifications that are not primarily restaurants. They are not proposing changing the hours of operation. Food will be available. This gives the Liquor Commission another means to attract new businesses to Downers Grove, but he noted the applicant would have to go through the public hearing process.

Commissioner Tully said that they are discussing whether to create a liquor classification and they are not talking about who would be applying. There are still other requirements for any business within the Village, and the Liquor Commission has demonstrated their thoughtfulness in considering this issue. Other categories have been created that do not revolve around food, and the decision comes down to whether or not this makes sense. Commissioner Tully noted that the Village competes with other communities and should be open to new ideas. They need to create destination businesses in Downers Grove in a responsible fashion. He is in favor of creating this category of license.

Commissioner Waldack said the purpose for providing entertainment is to attract people to a business. He questioned the 20% requirement saying he thinks it is too restrictive. He suggested making this an “entertainment” license. The Manager said that the Liquor Commission made the recommendation as submitted to the Council, which can be visited again for changes.

The Mayor said that the Village has four entertainment types of licenses that are not necessarily restaurant driven, and having this tool provides another opportunity for economic development. The Village has a well-known vetting process when it comes to liquor licenses, and awards and rewards good liquor licensees and businesses. This will provide an opportunity for potential business expansion.

Commissioner Durkin asked how the annual fee amount was determined. He thinks this category might require more education from the staff.

- f. **Telecommunications Tax Amendments.** The Manager said this item is an amendment to the tax to comply with the State of Illinois requirements.

3. Consent Agenda Items

- a. **Bid: Debris Hauling & Supply of Crushed Limestone.** The Manager said staff recommends a contract be awarded to Marcott Enterprises, Inc. of Addison, Illinois, as the lowest responsible bidder for debris hauling and crushed limestone supply services in the amount of \$179,762.50.
- b. **Bid: Roadside Ditch Reconstruction and Maintenance Services.** The Manager said staff recommends a contract be awarded for roadside ditch reconstruction and maintenance services to Western Gradall Corporation of Naperville, Illinois, as the lowest responsive and responsible bidder in the amount of \$71,297.50 for approximately three miles of work, as opposed to 2.1 miles per year done in the past.

- c. **Bid: Street Sweeping Maintenance Services.** The Manager said staff recommends a contract be awarded for street sweeping maintenance services to Waste Management of Illinois, Inc., of Cicero, Illinois, as the lowest responsible bidder in the amount of \$105,230.

Commissioner Durkin asked whether this includes the parking deck, and the Manager said it does.

Commissioner Waldack said that there are a number of items on the agenda involving bids. He asked for an explanation of the 2% versus bids. The Manager explained that annual services are provided by contract. In a competitive bid, the Village can extend the contract twice at an increase of no more than 2% per year. She relies on the expertise of the department directors for bidding or extending the contract.

- d. **Bid: Water Utility Repair Restoration Services.** The Manager said staff recommends a contract be awarded for water utility repair restoration services to R&W Clark Construction of Mokena, Illinois, as the lowest responsible bidder in the amount of \$127,000. This provides for parkway restoration after repairs are made.

Commissioner Beckman said when he sees that the Village will be under funded for an estimated bid, he looks for the reasons this is occurring. He then asked if there are inherent inefficiencies, should the Village start looking at doing this in-house.

The Manager said staff looks at the cost of the service versus the cost of having municipal employees to do this. In this case they are considering seasonal employment. Staff is comfortable with the status quo in this situation, knowing they need to be cognizant of the cost.

- e. **Bid: Supply of Ready Mixed Concrete.** The Manager said staff recommends a contract be awarded for the supply of ready mixed concrete to Ozinga Illinois RMC, Inc. of Mokena, Illinois, as the lowest responsible bidder in the amount of \$22,400.10.
- f. **Bid: Supply of Hot Mix Asphalt Materials.** The Manager said staff recommends a contract be awarded for the supply of hot mix asphalt materials to Chicago Materials Corporation of Lemont, Illinois, as the lowest responsible bidder in the amount of \$69,000.
- g. **2008 Materials Testing Services.** The Manager said staff recommends a contract be awarded to Claude H. Hurley Co. of Elmhurst, Illinois, with a not-to-exceed amount of \$161,000 for geotechnical engineering and materials testing services in FY08.

The Mayor noted that Council received an e-mail from a resident indicating that this is a tested company and issues prevailing wages.

- h. **Professional Services Agreement – Consultant for Downtown Pattern Book.** The Manager said staff is recommending authorization of the Village Manager to execute a professional services agreement with Houseal Lavigne Associates of Naperville, Illinois, for consultant services for the creation of a “Pattern Book” for the downtown central business district in an amount not to exceed \$50,000.
- i. **Speed Enforcement Program Grant Application.** The Manager said staff is requesting a resolution authorizing the submission of a grant application to the Illinois Department

of Transportation requesting federal funding in the amount of \$32,150 to conduct six selected one-month enforcement campaigns of speed related laws.

- j. **Heritage Festival Agreement – Generator Contract.** The Manager said staff is requesting a resolution to authorize the execution of a contract with Gen Power, Inc. of Carol Stream, Illinois, for the rental of generators and additional supplies to provide electrical power to the vendors and several service providers at Heritage Festival in the amount of \$15,262.

Commissioner Tully said that the purchasing policy permits an extension of bid contracts if the amount does not exceed 2% of the previous year's amount. This has been used prudently and can be extended only twice. He noted that this item, and the next item were discussed by the Community Events Commission.

- k. **Heritage Festival Agreement – Stage Vendor Contract.** The Manager said staff is requesting a resolution to authorize the execution of a contract with North Park Rental, Inc. of Machesney Park, Illinois, for the rental of stages and additional supplies to support the performers at Heritage Festival in the amount of \$14,321 with unit charges that permit additional services in an amount not to exceed \$16,333.
- l. **Purchase of Audio/Video Digital Recording System.** The Manager said staff is requesting a motion to approve the proposal from Ward Systems, Inc. of Indianapolis, Indiana, for the purchase and installation of an audio/video digital recording system in the Police Department in an amount not to exceed \$25,994. Pursuant to Illinois State law, the Police Department is mandated to record, both audibly and visually, interviews of suspects associated with major crimes investigations. The Village is seeking to upgrade the current technology.

MANAGER'S AND DIRECTORS' REPORTS

Manager Pavlicek announced that maps are available on the website regarding solid waste collection.

Assistant Village Manager Mike Baker said that information is available on the website. Households seeing a shift in their collection day will receive door hangers from Arc next week. The information is located on the home page of the Village's website, www.downers.us

Commissioner Schnell said that the Village has made extraordinary attempts to get the word out to the residents about the changeover. She noted that the first collection day under the new company is March 31.

Mr. Baker responded to Commissioner Durkin that refunds for stickers are being made at Village Hall. Arc stickers will be available at the Village Hall and at businesses as of March 20. He said that all current vendors will continue to participate. Residents should also look for the *Hometown Times* newsletter with the pullout section about solid waste collection.

ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting 11 items to the Council: 1) An ordinance amending flag lot provisions; 2) A resolution authorizing execution of an extension to

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the contract between the Village of Downers Grove and Gen Power, Incorporated; 3) A resolution authorizing execution of an extension to the contract between the Village of Downers Grove and North Park Rental Services, Inc.; 4) An ordinance prohibiting liquor licensees from contributing to certain local political campaigns; 5) An ordinance amending liquor license classifications; 6) An ordinance amending telecommunication tax provisions; 7) A resolution authorizing submittal of grant application to the Illinois Department of Transportation for the Speed Enforcement Program (SEP); 8) A resolution authorizing execution of the federal fiscal year 2008 FTA certification and assurances; 9) An ordinance amending rates to be charged for service for the Village of Downers Grove bus system; 10) An ordinance adopting and approving publication of the Village of Downers Grove 2008 Zoning Map; and 11) A resolution authorizing an agreement with the County of DuPage re: Prentiss Creek Neighborhood Resource Center.

COUNCIL MEMBERS

Commissioner Durkin wished everyone a happy and safe St. Patrick's Day.

Commissioner Tully said there will be a Coffee with the Council on March 15 at the Marriott Suites, from 9:00-10:00 a.m.

Commissioner Tully said that the Village approved a liquor license classification for boutique wine shops at a wine store where food is not a primary business. A concern expressed deals with the lack of preparation of food on site. Some communities have no food requirements. He also noted that perhaps food could be brought in, and suggested looking at this requirement.

The Mayor asked for a copy of the ordinance to be circulated. He commented about the Coffee with the Council saying that the Marriott has done some renovations on the premises.

ADJOURNMENT

There being no further discussion, the Workshop meeting was adjourned at 9:10 p.m.

April K. Holden
Village Clerk

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