

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

MAY 13, 2008

Mayor Sandack called the Workshop meeting of the Village Council of the Village of Downers Grove to order at 6:00 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 Attorney Enza Petrarca; Village Clerk April Holden

Absent: Village Manager Cara Pavlicek

Visitors: **Press:** Cat Leyden, Downers Grove Reporter
Residents: Kevin Mize, T-Mobile, 8550 West Bryn Mawr, Chicago; Catherine Loney, GCG Financial, 3000 Lakeside Drive, Bannockburn; Greg Bedalov, Downers Grove Economic Development Corporation; Linda Kunze, Downtown Management; Keith Hoffman, 1410 Golden Bell Court; Laura Crawford, Downers Grove Chamber of Commerce and Industry; 2001 Butterfield Road; Ron Dust, T-Mobile, 5200 Dearborn Parkway; Brian Ramsey, Flexible Steel Lacing, 612 57th Street; Jerry Holman, 834 72nd Street; Mark Thoman, 1109 61st Street; Art Jaros, 648 62nd Court; Andy Martens, 309 Gierz Street; Cathy Mahoney, 4832 Montgomery; Lisa Stach, 3736 Candlewood Court; John Kikta, 5718 Grand Avenue; Maurice Mathy, 1516 Gilbert Avenue; Dave and Susan Brown, 1508 Gilbert Avenue; Willis Johnson, 603 Rogers Street; Kelly Bufton, 1513 Gilbert Avenue; Marge and Ed Earl, 4720 Florence Avenue; Nancy Svoboda, 4702 Florence Avenue; Chad Walz, 1300 Palmer Street; Marguerite Re, 5117 Lee; Mark Layne, T-Mobile, 777 Army Trail Rd., Addison; Dale Faber, 604 57th Street; John Schofield, 1125 Jefferson, Dan and Rita Blaney, 5406 Maplewood Place; Linda Kadelka, 1200 Gilbert; Roger Morsch, Director of Business and Product Development, IHDA
Staff: Wes Morgan, Director, Human Resources; Mary Lalonde, Benefits Coordinator; Liangfu Wu, Director, Information Services; Tom Dabareiner, Director, Community Development; Judy Buttny, Director, Finance; Robin Weaver, Interim Director, Public Works; Jim Black, Deputy Police Chief; Doug Kozlowski, Director, Communications; Phil Ruscetti, Fire Chief; Mike Baker, Assistant Village Manager; Dave Fieldman, Deputy Village Manager; Mary Scalzetti, Director, Community Events; Brandon Dieter, 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.

Mayor Sandack explained that this week's Workshop has been scheduled earlier this evening. He said that Items b & c on the Active Agenda will be timed to begin at 7:00 p.m. The meeting began with other Agenda items.

MANAGER

1. Active Agenda and Informational Items

- a. **Special Use for 1230 Gregory Place.** Deputy Village Manager Dave Fieldman said this special use is for the replacement of a swimming pool. Plan Commission and staff both recommend approval of this request.

Commissioner Neustadt asked whether there would be a fence around the pool. Mr. Fieldman said there would be.

Commissioner Waldack said he had no objections to the special use, and this is the direct result of the change in the Village Code. He asked if some of these structures could be grandfathered in.. Mr. Fieldman said that the existing structure would be considered legal nonconforming. This however, is a new structure.

- b. **Annexation, Zoning Map Amendment and Special Use for a Telecommunications Tower at Gilbert Park.** Mr. Fieldman asked Tom Dabareiner, Director, Community Planning, to address this item.

Tom Dabareiner, Director, Community Development, summarized the petition. He said this is a three-part item which includes annexation, rezoning from R-1 to R-3, and approval of a special use for a telecommunications tower. He said that staff has recommended approval of all three items. He showed the area on a power point aerial view and from the west portion of Gilbert Park. The location is for towers for T-Mobile. Mr. Dabareiner showed a map giving locations of the various towers throughout the Village. He said that one of the Village's requirements is that T-Mobile provide evidence that this will actually improve coverage. All of the zoning requirements and bulk regulations have been met. The Plan Commission considered this request on March 3 and voted against the tower location. They were concerned about the encroachment on public open space, and not meeting open space requirements. Staff said that other aspects come into consideration such as the Telecommunications Act which limited the Village's ability to prohibit this request.

Mark Layne, T-Mobile, 777 Army Trail Rd., Addison, said that Mr. Dabareiner provided a good summary of their current proposal. He represents both T-Mobile and the Park District in this project. He indicated that this is a radical change from the proposal heard by the Plan Commission which was to use the existing light pole. They have tried to respond to comments made and reduce the height of the tower to 90 feet.

Kelly Bufton, 1513 Gilbert, said he did not agree with the Park District thinking this is an appropriate use of the public's park land. He noted that this is designated as public open space. The proposed use is not public nor is it open. It is a commercial use in a public area. Mr. Bufton said that this may meet the zoning classification, however the Village does not have an open

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space designation. He said that Section 28.1307 refers to telecommunication towers and where they can be installed, noting that telecommunication towers in a residential district are to be discouraged and can only be permitted if there are no sites within non-residential districts which will accomplish substantially the same coverage, according to the criteria in Section 28.1307. Mr. Bufton said he thought T-Mobile had discussions about other areas, such as Belmont and the tracks. There are also other sites in the Village that can meet the requirements. There is an industrial area beyond the tracks that would require a variance, but could be used. He said that the applicant claims there would be no significant adverse impact on property values. He sees appraisals as part of his job, and they are an art, and not a science. A cell tower outside of one's window would affect home values. Mr. Bufton said there are other alternatives for placement of this tower and he asked that they consider those locations and reject this request.

Linda Kadelka, 1200 Gilbert, said that she believes cell towers are ugly and harmful, which is her opinion and a perception as to why parks were created. She believes the Park District owes the public more than this. There are other ways to make money, and she does not believe a quick, influx of money should be the motivation in this case. She appreciates the parks and enjoys them, and wants the Village to stand up for what the citizens want. She commented on the creation of open land in Chicago along the lakefront and Burnham Park, and she believes this is what the park district should be concerned with.

Marguerite Re, 5117 Lee, said that buildings associated with the towers create a large footprint, taking up an area that should be open space. What has not been mentioned is that the Park District would be able to lease space for other towers to other companies. She does not want to see parks turned into industrial sites, and asked that they investigate other sites thoroughly. She thinks the lights that are there presently are an eyesore, much too bright and too intense. She asked that the Council help protect the parks.

Dale Faber, 604 57th Street, asked for clarification that even though the cell tower height has changed from 110 feet to 90 feet, it is placed on higher ground which would make it just as high. The Mayor said he thought that was correct.

Dave Brown, 1508 Gilbert, said he plays softball in various area parks. He has played in a park in Bolingbrook which has Com Ed towers going through the park. He believes the Park District and T-Mobile did not use ingenuity. You cannot hide a cell tower as they are monstrous constructions. Mr. Brown said that being near the forested area will not hide the structure anymore than you could hide a bus in the Council Chambers. He indicated that once this is approved, they do not have to do what they showed on the drawing. He believes fencing would be unsightly. They are asking for a special use. The Park District has not made any claim of a special need for whatever income will be gained from this tower. He sees this as a disenfranchisement with the taxpayers, which leads to a collision of interests. T-Mobile decided where they need the tower, and he sees the Park District as colluding with them. Mr. Brown said he sees this as selling our soul for cell towers, which at most would generate \$1.5 million over ten years.

Linda's Kadelka's young son asked that the Council not build cell phone towers in the middle of parks because parks are supposed to be beautiful for people to play in.

Susan Brown, 1508 Gilbert, said that Gilbert Park is a special park. They enjoy it particularly at sunset, and sunset would be exactly behind the tower. The Plan Commission voted unanimously to turn down the petition.

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Maurice Mathy, 1516 Gilbert, resides across the park said he appreciates the time and effort put forth by Council and staff. He likes Gilbert Park and moved there for the park. He's also a Park District soccer coach and believes the cell tower does not belong. As a neighbor to the park he said there are children in the park, and sometimes the idea of "money blindness" compromises core principles. He said a question to ask is whether we left a place better than we found it. People go to the park to forget, to connect with family. Parks are important, and no one goes to parks to connect with cell towers. The park is a gold medal winner. A cell tower is "money blindness" in that principles are jeopardized for money. It is a hard thing to say no. What is at stake here is a precious and scarce resource, as well as the Village's reputation. He recommended that the Council go to the park and stand on the spot for the tower, then trust themselves and their own wisdom.

Commissioner Neustadt said that whether the cell tower goes into the park is the Park Board's decision. The Village's role is to make sure that if the tower goes through, it is a sound project and constructed appropriately. Looking at the plans, he sees that they have made attempts to move the location and make it fit into the park. It will be landscaped and it has been moved and shortened. Most everyone has a cell phone and towers are needed to use phones. There have to be infrastructures in place.

Commissioner Beckman said that additional information has been provided to the Council. He recommended remanding this to the Plan Commission to review the resubmitted data. The Council role in this case is very narrow. There are certain laws in effect that predetermine the Council's role. Based on information provided, the litmus test may have been met and there may be trouble in not supporting the recommendation. He asked whether this is a leased arrangement.

Mr. Dabareiner responded that it is a leased arrangement and only two antennae can be on the tower with two buildings within the leased space. He showed the space reserved on the power point slides, saying this will be constructed 100 feet from the ball field.

Commissioner Durkin agreed that with the new information provided, the Plan Commission should review this further.

Commissioner Schnell agreed that it might be a good idea to remand this to the Plan Commission. She asked about the distance from the outfield and the building. Mr. Dabareiner said that the distance is 100 feet. Commissioner Schnell said that under Section 28.1307, a tower can be placed in a residential district only if they cannot find another site, and she is not sure that this has been met. This is a sticking point for her. Cell towers don't add to residential districts or to the park, and she thinks it fits better in a commercial area. She has not made up her mind on this.

Commissioner Waldack said that remanding this to the Plan Commission was his first thought when the site was proposed to be moved. He referred to Mr. Mathy's 7 year-old daughter playing in the park, saying that in a park everything is to play on. Children may be attracted to the building, the pole, etc. Mr. Matthew said he was on the baseball field during a lightening storm because the Little League team was there. They were waiting for the system to go off. There are all kinds of unintended consequences that can result from this decision. Commissioner Waldack said he is concerned about public safety and attractive nuisances, and agrees that it should be remanded.

Commissioner Neustadt said that the whole park is full of things to climb on. He is not in favor of remanding this to the Plan Commission.

Commissioner Tully said that this concerns Park District property, which is a separate political subdivision. It was their decision about a parcel of land that they own. The decision to enter into an agreement and place cell towers on their property has already been made. Any decision will be made on the merits of this proposal, nothing more, nothing less. No matter what happens, people will be unhappy. This is a unique situation in that they are a separate political body but they have to get the Village's permission and involvement. No evidence has been provided not to annex the site. The zoning is consistent with the area. The special use request falls under Section 28.1902, and providing better cell service to the public is a desirable outcome. Whether it is injurious to property values remains a question. One appraiser has said that it is not. The Council has no basis not to consider this appraisal. In terms of the applicant complying with the regulations, there is a special use provided in Village Code for cell towers, and that special use falls within the requested zoning district. Under Section 28.1307, towers in residential districts shall be discouraged unless there are no sites within non-residential districts which will accomplish substantially the same coverage as the residential site. He is open to receive contrary evidence of an appropriate nature. In terms of the question as to whether they can build something contrary to what is approved, a special use can have a condition placed upon it that it must conform to certain conditions. He is not sure as to what would be accomplished by remanding this to the Plan Commission. The Council has to make the final decision. Remanding it might only delay the inevitable.

Commissioner Beckman said that recommendation was made because there is additional information of which the Plan Commission has not been made aware.

The Mayor said that this is a tough call. It is easy to react to emotion and it is easy to understand the concerns expressed. However, the Park Board is a duly elected taxing body. The Village cannot substitute its judgment as to the use of their site. The Village and the Park District have singularly distinct responsibilities. Emotional comments may have merit, however, there are specific rules and regulations of zoning established that cannot be argued. There are statutory guidelines as to uses applicable to park properties. The Mayor said that this petition meets all of the requirements of the objective standards that have been established. From a special use perspective, the Plan Commission found it did not meet all of the criteria. The Plan Commission may not have been provided all of the information, or a legal opinion as to the Village's charge. They may have moved on the basis of resident comments and concerns. However, the Village must find whether or not the request meets land use and zoning requirements statutorily. He urged people to send or call in with additional comments. He said he would review any materials submitted. The only issue that remains uncertain to him is Section 1307.(1), *Location in Residential Districts Restricted*, and whether nonresidential sites were considered. He would like more details as to that issue. He noted that cell towers are traditionally free standing, are not aesthetically pleasing, but are deemed as a utility. At issue here is an antenna, rather than a tower. This use is basically benign and the Village's constraints are narrow. He is not sure of the benefit of remanding this to the Plan Commission. He noted that the next item is a similar item with a different park, and how to distinguish between the two will be difficult.

Commissioner Schnell asked that both motions for next week include an analysis of Section 1307.(1).

- c. **Special Use for a Telecommunications Tower at Hummer Park.** Mr. Fieldman said that this particular request does not include annexation or rezoning, but only requests a special use. Mr. Dabareiner said this is similar to the prior case, and he depicted the area in Hummer Park where this is intended to be located. This tower is a different structure

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in the shape of a flag pole with the intention of having a flag flying on the pole. There is room for two antennas on the pole, and it would be a 75 foot tower, which meets the bulk regulations for the area.

Willis Johnson, 603 Rogers, said that it bothers him that the Village has no control over Park District land. It is hard to believe that the Village has no jurisdiction. Under Section 28-1307 cell towers can be placed wherever you want. He said that it brings to mind the possibility of further discussion for open space zoning. He noted that T-Mobile made contact with him in 2006. They rescinded their request because they needed a zoning variance. He has an older 150 foot tower on his property at this time. Mr. Johnson read the provisions of Section 28-1307, saying he believes his site offers what is required under that section. The tower is fenced, and it is in the parking lot with no building to go with it. He also has a site on Fairview north of the railroad tracks that might work, and he believes there are other alternatives. It is not appropriate to have a cell tower in a park, and he asked that the Council not approve this as submitted.

Marge Earl, 4720 Florence, asked to see the legal report for this request, and the Mayor said that it is an attorney/client communication. Ms. Earl said that they need a better explanation as to why it does not have to meet certain criteria in Section 28-1307, and the Mayor responded that it does meet the criteria.

Dan Blaney, 5406 Maplewood Place, said he grew up on Florence Avenue near Hummer Park. He asked if the antenna is encased in a flag pole, and that the hut would be located in a contained area behind the building. Mr. Dabareiner said it is in the flag pole and can be that far from the building. Mr. Blaney said he walks his dog through Gilbert Park and would rather not see a cell tower there. It's a peaceful time for him to walk through the parks.

Kelly Bufton, 1513 Gilbert, asked that the legal opinion be made part of the public record, since that legal opinion has been referred to several times tonight. Mr. Bufton said he has significant experience in this area. The Village has the right to apply its zoning standards beyond simply where the hut is located or whether there are alternative locations, or whether there is a detriment to the community.

Commissioner Tully said that the Village has zero input on whether or not this should be done in the first place.

Mr. Bufton said that the public has submitted evidence that the Village doesn't think is supported. He doesn't care about a delay. The issue is whether it should be there in the first place. He is an attorney and has had experience as to whether this may affect the value of a house. This should be remanded to the Plan Commission for more information. The residents resent the fact that the Council does not consider evidence of the public representing the other side. Appraisals for both the Gilbert Park and Hummer Park towers are exactly the same.

Maurice Mathy said he is a T-Mobile customer and lives in the underserved area. There is no service issue for him. He sees this as a money issue. He is trained to look at issues objectively. He said that the Council needs to have the courage of its convictions. He was late to waking up what the Park District really is and his eyes have been opened now. He distributed pamphlets to over 200 homes regarding this and not once did he receive the opinion that this is a great, good or needed plan. He said that the citizens are involved now. He thanked the Council for how hard their jobs are and the pressure of their jobs. He hopes more people get involved. They see what happens when they don't get involved. Mr. Mathy said he hopes this gets sent back to the Plan Commission.

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Dave Brown, 1508 Gilbert, said that he has an unflattering impression of the Council's dismissal of the Plan Commission's recommendation. To say it is of no value to send it to the Plan Commission again because Commissioner Tully thinks it is a *fait accompli* isn't acceptable. It may be an opportunity for the Plan Commission to receive more facts. The Commission had very little trouble coming up with a unanimous "no" and he strongly recommended sending it back to the Commission.

The Mayor said that there is no arrogance on the part of the Council as to the Plan Commission's work. Council members take the Plan Commission's work very seriously and often follow their recommendation.

Rita Blaney, 5406 Maplewood Place, said that this is a no-brainer. Cell towers have no business in our parks and belong in an industrial area. T-Mobile went to Pepperidge Farm and to industrial areas first because even they knew they belong in an industrial area. This is being done just because Art Jaros wants the money and this breaks her heart. She said there is nothing to be proud of in parks with cell towers. The cell tower and building in the Westmont park is ugly.

The Mayor said that Art Jaros is one of five members who performs volunteer service. The public doesn't have to like their decision. The Village can't substitute its judgment for theirs in their jurisdiction. The zoning requirements have to be met.

Commissioner Beckman said that this is a well defined issue, and there is nothing different between this and the other issue. He said that delaying this may be delaying the Council's role.

Marguerite Re said she is interested in land use planning. She noted that once the towers are in they cannot be undone. In Gilbert Park especially there are special plant communities and those areas need to be protected. Once the soil is disturbed, it is difficult to get it back.

Commissioner Tully said that his earlier comments apply to this situation as well. No decision has been made. The petitioner has presented two reports on what needed to be addressed, and he would be open to seeing contrary evidence. It may not be fair to send a political football back to the Plan Commission when this is the Council's decision. With regard to money, the Village gets no money out of this. This is a decision of a separate political subdivision of the State. He said that he in no way meant to undermine the recommendation of the Plan Commission, but merely stated that it would delay the action. He has his own personal opinions on this but they are not pertinent at this time. The Village has been asked to address a very narrow issue, and the Village has the right to apply and will apply the required criteria to the request.

Commissioner Schnell asked for information as to why the plans were stalled with respect to the Willis Johnson site, or why they are not looking at a commercial site. She also asked whether the environmental impact has been considered.

Commissioner Waldack said that the Council has very serious constraints in this matter. As elected officials they have a responsibility to the citizens. Sending this back to the Plan Commission is not a delay tactic. The public wants an opportunity to address this and provide additional evidence. He sees it as appropriate to go through the Plan Commission again. They may decide to approve it, or reject it again. The Council will then review it and come to an appropriate decision.

The Mayor suggested Motions on next week's agenda remanding both matters to the Plan Commission, if that is the Council's choice. The Park District has had public meetings on this as has the Plan Commission, and there has been no shortness of opportunity to be heard.

- d. **Request to Cede Village's Bond Cap Authority to the Illinois Housing Development Authority.** Mr. Fieldman said staff received a complete application from the Illinois Housing Development Authority (IHDA). The purpose is to develop a mortgage program and or mortgage credit certification program for first-time homebuyers.

John Schofield, 1125 Jefferson, said he was glad to see this proposal in this form. He sees this as seed money bringing an influx of money into the Village, and it costs the Village nothing. The Romeoville sale brought only a finder's fee. This would be a shot in the arm for Downers Grove.

Keith Hoffman, 1410 Golden Bell Court, said he was opposed to this. He was on the Ad Hoc Committee and doesn't think the Village should be spending that amount of money for a small number of people. He is opposed to the regulations. FHA has required a 3% down payment. He doesn't think the Village needs to spend its money in this way.

Jerry Holman, 834 72nd Street, said he attended most of the Ad Hoc meetings. He did not agree with the lack of focus. He is opposed to the affordable housing issues, saying the Village cannot afford this. There are no out-of-pocket costs, but there are opportunity costs. He would be conditionally supportive if there were no other applicants. Mr. Holman said he would support this if IHDA restricted the funds to residents, and he thinks the Village should decide on how the program will be administered and funding distributed, but this should not be decided by IHDA.

The Mayor said that the Village has actively sought other applicants. No other applicants have come forward.

Roger Morsch, Director of Business and Product Development with IHDA, said that the National Association of Realtors estimates that there is \$6-\$7 of additional economic impact for every \$1 given to first-time homebuyers. He indicated that the funds can be use with Fannie Mae and FHA, and the Village can have as much involvement in the administration of the program as they want. IHDA will only take care of the bond cap and administration of the program. They anticipate five to seven loans.

Commissioner Schnell said that some reports indicate that conventional loans can adjust to the market better than IHDA loans can. Mr. Morsch responded that they schedule weekly meetings to decide if they should change the rates based on the market. They do not want to react by the hour, but would rather have some stability. To do that they provide an extended rate lock of 90 days once the loan is reserved. He noted that they have the ability to change quickly if necessary, and they attempt to stay ½ to ¾ points below the market.

Commissioner Schnell said another question raised at the Ad Hoc meetings concerns parts of the program concerning buy-backs. She asked how this is disclosed to clients. Mr. Morsch responded that she is referring to recapture provisions. If an individual's income increases and he/she sells the house within ten years, they may be subject to a federal income tax. He is not aware of anyone who has ever paid it. The IRS has advised that they have no tracking mechanism. Unless the borrower voluntarily indicates that they qualify for it, there will be no tax. IHDA provides three recapture notices to the buyer and those who get the IHDA loan are indemnified. He said that there are no hidden costs.

Commissioner Schnell said she understands that some people in this program need financial counseling regarding home ownership. Mr. Morsch responded that there is no mandated counseling, but a municipality could require it.

Commissioner Schnell then asked how IHDA works with communities to design the program. Mr. Morsch said that depends upon how much a community wants to be involved. They will advise a community as to the basic core products, and the community can make changes in midstream. It is a very flexible program.

Commissioner Durkin requested information about communities that are extremely involved, and Mr. Morsch responded that Quincy is the most involved.

Commissioner Durkin then asked if ceding the bond cap were to be approved next week, how long the Village would have to implement it. Mr. Morsch said that with mortgage credit certification they have a mandatory 90 days to wait. The mortgage program itself could start fairly soon with a limited number of meetings. He said it took nine months to give the first loan in Quincy. Commissioner Durkin said he doesn't recall receiving a report about the last funding the Village ceded to IHDA. Mr. Morsch said they would provide monthly reports.

Commissioner Beckman stated that he shares concerns about staff involvement, and whether there is material available regarding the mean level of involvement of a typical community. Mr. Morsch responded that he doesn't have that data. Aurora, Bloomington and Normal have minimal control. Other communities have a housing master plan and are much more actively involved because their master plan goes far beyond the bond cap. Commissioner Beckman then asked what assurance there is that the money would go to Downers Grove buyers. Mr. Morsch said that there is a one-year exclusive right to it. There is a certain designated time frame by which the Village has to use the funds, and then the funds would go into a state-wide pool. Downers Grove would still have access to the funds.

Commissioner Neustadt asked about the 42-month duration. Mr. Morsch said that in the tax code it provides that they have 42 months from the date you deliver the bonds to distribute the proceeds.

Commissioner Neustadt said he would like to have a program in place before ceding the authority. He is in favor of the program but wants the best fit for Downers Grove. Mr. Morsch responded that they would have to do something with the bond cap by December 31, 2008. If the Village chooses to go for Mortgage Credit Certification, they would have to begin within about one month.

Commissioner Waldack thanked Mr. Morsch for coming to the meeting. He said his question for staff and Mr. Morsch would relate to the mechanics of ceding the bond cap if there were another applicant, and putting together a program with the Finance and Administrative Standing Committee. Mr. Fieldman said staff would implement whatever direction the Council gave regarding any other applicants.

Commissioner Waldack said he has reviewed the bond caps and how they work many times. This would be aimed at median income buyers, and from the home seller's point of view, they are not being asked to take less for their home. They may, in fact, realize more traffic with this in place. Realtors would still make their commission. The Commissioner stated that real estate transactions result in about \$28,000 of economic development, and he sees this as an excellent opportunity and believes the Village should take advantage of it.

Commissioner Tully explained that this is a request to cede the unclaimed portion of the bond cap of \$1.3 million. There are no guarantees that the money would be used in Downers Grove. If it is only a matter of ceding the funds, it costs the Village nothing. It is a good cause that may or may not have a benefit to Downers Grove. He recommended charging a fee just as they did for Romeoville. He is reluctant to commit Village resources to this at this time. Absent any demonstrated benefits, he believes IHDA should be charged an administrative fee. There have been projects in the past that benefited the residents of Downers Grove, and no fee was requested because it had a direct benefit to the Village. However, it is not clear that if this is set aside for Downers Grove it will be used. Perhaps the Village would require data as to how this has been used in order to feed the affordable housing debate. With no other contenders, minimal involvement and useful data, he would be supportive.

The Mayor said he thought it would be useful to separate this from affordable housing. There is no financial risk to the Village. He thinks the Village should move forward on this and cede the funds. He does not want staff to spend an extraordinary amount of time administering this. He also would like to see data, and would like the funds to go to people who want to live in Downers Grove. It is not an overwhelming program, since the amount is only \$1.3 million. He prefers to use the footprint of IHDA and see what happens, although he would waive the fee on this because there is an intent to benefit Downers Grove.

Commissioner Tully added that this is merely ceding the Village's authority to borrow money and presents a zero risk to the Village. Regarding any administrative fee, he suggests setting up a bench mark that some percentage of the funds be used in Downers Grove, or IHDA would be charged a fee.

Commissioner Waldack said he appreciated the Mayor's comments. It is a small amount of money. He believes they need to discuss the options, which is why he suggested involvement of the Finance and Administrative Committee. Having data is extremely important.

Chad Walz, 1300 Palmer Street, said that many of his comments have been covered already by the Council's discussion. He said that he has received e-mails and calls regarding IHDA. He created the Downers Grove Housing Alliance as a result of this. The main concern with the bond cap is to be sure the money is used for people who currently work in the Village. He likes the idea of charging an administrative fee, especially if the money is not used in the Village.

- e. **Contract for Health Plan Consulting and Accounting Services** – waive the one-week waiting period. Mr. Fieldman said GCG has been a partner with the Village for many years. This authorizes a one-year contract effective May 1, 2008 through April 30, 2009 in an amount not to exceed \$52,732. The Village contracts with an employee benefit consultant for Village insurance needs related to the health insurance program. Services include conducting research, providing advice, screening products and negotiating various insurance products and alternatives. In addition to consulting services the Village has contracted with GCG Financial to provide accounting services related to the Village's self-funded health insurance program.

The Mayor asked if this is a flat fee arrangement.

Enza Petrarca, Village Attorney, answered affirmatively.

3. Consent Agenda Items

- a. **Authorization of FY08-09 Downtown Management Corporation Budget.** Mr. Fieldman said this is a request to authorize approval of the FY08-09 budget for the Downers Grove Downtown Management Corporation. The operating agreement between the Village of Downers Grove and the Downtown Management Corporation states that the Corporation shall submit to the Village the budget for the upcoming fiscal year, which commences on May 1. The Village shall then review and approve the budget, or specify exceptions thereto, within 45 days of submittal.
- b. **Heritage Festival Entertainer Agreement.** Mr. Fieldman said this is a request to authorize an agreement with WAR to perform at Heritage Festival in an amount not to exceed \$20,000.
- c. **Membership Renewal – DuPage Mayors and Managers Conference.** Mr. Fieldman said this is a request to renew the membership for the DuPage Mayors and Managers Conference for FY08-09. The cost is \$36,776.40.
- d. **Prairie Avenue Resurfacing and Reconstruction Joint Agreement with IDOT.** Mr. Fieldman said is a request to approve an agreement between the Illinois Department of Transportation (IDOT) and the Village for the resurfacing and reconstruction of Prairie Avenue between Belmont Road and Fairview Avenue. The total cost of this project is \$4.1 million. The State of Illinois will pay for 70% of the agreed street construction costs. The project was originally set for letting and award of contract in 2007, but it was delayed by IDOT.

Commissioner Tully said it was not easy to put the pieces of this project together, and he commended the excellent job performed by staff. He noted that the Village is still relying on the State for funding of the project.

- e. **2008 Fire Department Laptop Computer Replacement.** Mr. Fieldman said this is a request to authorize a purchase of 27 ruggedized laptop computers, Panasonic Toughbooks Model Number CF-30 and CF-19, from CDS Office Technologies for a total amount of \$98,192.00.
- f. **Bid: Pavement Parking – Preformed Plastic.** Mr. Fieldman said this is a request to award a contract for the 2008 pavement marking – preformed plastic in the amount of \$69,155.00 to Marking Specialists Corporation.
- g. **Bid: Pavement Marking - Thermoplastic.** Mr. Fieldman said this is a request to award a contract for the 2008 pavement marking – thermoplastic to Superior Road Striping, Inc. on a per unit cost basis for a total, not-to-exceed budgeted amount of \$23,000. Staff will limit the work to the amount budgeted.

The Mayor noted that these were all competitively bid vendor arrangements.

- h. **Class A Scavenger License.** Mr. Fieldman said this is a request to authorize issuance of a 2008 Class A scavenger license to ARC Disposal & Recycling, Inc. The Municipal Code requires that the Village Council annually approve a Class A Scavenger License for

the Village's designated waste hauler. The designation of the Class A License holder typically occurs at the end of the year, however, the Village changed to a new contractual hauler earlier this year. ARC Disposal and Recycling submitted all required application materials to obtain the Class B Licenses prior to January 1, 2008, and these materials and associated fees are identical to the requirements for the Class A License. In addition, the Village Council formally approved the contact with ARC in November 2007, thereby authorizing this contractor to perform service in the Village based on the terms in the contract. As such, this item is simply to designate ARC as formal the Class A license holder but will not have any impact on operational activity or the term of the contract. Renewal of the license for 2009 will be presented to Council for consideration in prior to the end of this year.

MANAGER'S REPORT

Mr. Fieldman said that Sue Brassfield, Grants Coordinator, has identified another grant opportunity for the Village from the U.S. Environmental Protection Agency to retrofit existing diesel burning engines. The grant could be worth up to \$11,000 with an in-kind staff contribution. He said that staff will apply for this grant.

COUNCIL MEMBERS

Commissioner Neustadt commented on the Officer Barth Ceremony and thanked Jim Edwards, Chief Porter and others who participated in this memorial service. He also noted that the Chamber's Golf Outing was a big success.

Commissioner Waldack said this is the third time he attended the Barth ceremony and it was a very touching remembrance. The Commissioner said that Commissioner Durkin and he attended the Finance and Administrative Committee meeting. They discussed the Council expense policy, which is not a finished product but is meant for further discussion. They received a status report from the actuarial regarding the Fire and Police pensions. Staff will prepare a report on that as it has major consequences for the Village. Additional information will appear in the budget.

Commissioner Schnell said she came away from the Barth ceremony with sadness and pride, and the community should be grateful for the service he provided. She announced that Public Works will have their Open House on Friday from 2:00 to 7:00 p.m. She said it is a great affair and very educational.

Commissioner Beckman also commented on the Barth ceremony saying how much we owe to our police and firefighters for all they provide to the community. He spent his early years as a journalist with the Oklahoma Highway Patrol, and they are all owed a debt of gratitude for laying their lives on the line for the public.

Commissioner Tully echoed the comments made by his colleagues.

Mayor Sandack said it was nice to see the staff standing in harmony with the Police Department. It was an honor to Officer Barth's service, and a testimony to the work of the Police and Fire personnel. They are in harm's way.

The Mayor said that the Public Works open house is a great event and encouraged residents to attend. Mayor Sandack said he met with the Director of IDOT and the Director of Highways. They talked about the Belmont underpass project. The IDOT Director was receptive and had

suggestions for funding. He felt that the project should be funded through capital bill projects. The Mayor said this is a project that is ready to move forward and is worthwhile. The Village continues to apply pressure politely.

The Mayor noted that tonight's meeting began early, and they may start early again next week. Notice will be given if the meeting begins before 7:00 p.m.

ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting nine items to the Council: 1) An ordinance authorizing a special use to permit an accessory structure at 1230 Gregory Place; 2) An ordinance approving the transfer of volume cap in connection with private activity bond issues, and related matters; 3) A resolution authorizing execution of an agreement between the Village of Downers Grove and Paradise Artists, Inc.; 4) A resolution authorizing execution of an intergovernmental agreement between the Village of Downers Grove and the Illinois Department of Transportation for the resurfacing and reconstruction of Prairie Avenue; 5) A resolution authorizing execution of a first amendment for the State Planning Research Funded Agreement with the Village of Downers Grove State Program #07T0079; 6) An ordinance annexing 1500 Gilbert Avenue to the Village of Downers Grove, Illinois; 7) An ordinance amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, codified as Chapter 28 of the Downers Grove Municipal Code, as amended to rezone property located at 1500 Gilbert Avenue; 8) An ordinance authorizing a special use to permit telecommunication tower facilities at 1500 Gilbert Avenue; and 9) An ordinance authorizing a special use to permit a telecommunication tower at 4833 Fairview Avenue.

The Attorney asked the Council to consider a motion waiving the one-week waiting period to consider new business to authorize execution of a plan consultant & accounting administration agreement between the Village of Downers Grove and GCG Financial.

Commissioner Tully moved to waive the one-week waiting period to consider new business outlined by the Attorney. Commissioner Durkin seconded the motion.

Mayor Sandack noted that the current agreement has expired.

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

NAYS: None

Mayor Sandack declared the Motion passed.

A. Resolution authorizing execution of a plan consultant & accounting administration agreement between the Village of Downers Grove and GCG Financial. This authorizes an agreement for certain insurance consultant services.

Commissioner Tully moved to adopt "A Resolution Authorizing Execution of a Plan Consultant & Accounting Administration Agreement between the Village of Downers Grove and GCG Financial," as presented. Commissioner Durkin seconded the motion.

**A RESOLUTION AUTHORIZING EXECUTION OF A
PLAN CONSULTANT & ACCOUNTING ADMINISTRATION AGREEMENT
BETWEEN THE VILLAGE OF DOWNERS GROVE AND GCG FINANCIAL**

RESOLUTION 2008-47

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

NAYS: None

Mayor Sandack declared the Motion passed.

ADJOURNMENT

Commissioner Tully moved to adjourn to Executive Session pursuant to Section 2(c)(1) of the Open Meetings Act to discuss personnel. Commissioner Durkin seconded.

The Mayor announced that Council would not return to Open Session.

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

Mayor Sandack declared the motion carried and the Council convened into Executive Session at 9:14 p.m.

April K. Holden
Village Clerk

tmh/