



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, November 4, 2008

7:00 pm

Council Chambers

1. Call to Order

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

Pledge of Allegiance to the Flag

Mayor Sandack led those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Present: Commissioner Marilyn Schnell, Commissioner Martin Tully, Commissioner William Waldack, Commissioner Sean P. Durkin, Commissioner Bruce E. Beckman, Commissioner Geoff Neustadt and Mayor Ron Sandack

Non Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca and Village Clerk April Holden

3. Minutes of Workshop and Council Meetings

Executive Session Minutes for Approval Only - October 7, 2008 & October 21, 2008

Council Meeting - October 21, 2008

Workshop Meeting - October 28, 2008

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

Capital Projects Update

Robin Weaver, Interim Director, Public Works, reported that 18 projects have been completed to date. There are seven more to be completed by the end of the year, which she enumerated.

Design work is ongoing on nine projects with seven more to begin in 2009. Work will begin on the asphalt on Prairie Avenue this coming Thursday, with a change in traffic direction of the lane. She mentioned that there was a watermain break at 55th and Maple that is unrelated to the Village's work, but is connected with the DuPage Water Commission. This break will not affect water service to residents, but the roadway will be closed all day Wednesday.

Proclamation

Mayor Sandack read a Proclamation acknowledging the significant service of Jim Russ, Jr. to the Village through his involvement with the Downtown Management Corporation, the Chamber of Commerce, and numerous other boards, committees and organizations in the Village. He presented the Proclamation to Mr. Russ, who thanked the Mayor, Council, staff and all members of the Downtown Management Corporation for their tireless work to achieve the revitalization of the downtown area.

The Mayor thanked Jim Russ and his wife and family for their support.

4. Public Comments and Questions

A. Comments and Questions on Active Agenda

There were no comments.

B. Comments and Questions on General Matters

There were no comments.

5. Public Hearings

2009 Budget and Proposed Five-Year Financial Plan

Mayor Sandack called the public hearing to order at 7:06 p.m. to consider the proposed FY 2009 Budget and Proposed Five-Year Financial Plan. Notice of this hearing was published in the Downers Grove Reporter on October 22, 2008 and a certificate of publication is made a part of these proceedings. He then summarized the procedures to be followed for the Public Hearing.

Village Manager Dave Fieldman said this is the fifth of nine opportunities for public discussion of the FY09 budget. It was originally presented on September 30, revised October 28, and will be Workshopped again on November 11. He noted that it is a balanced budget.

Dr. Gordon Goodman, 5834 Middaugh, discussed possible reductions in the budget for 2009. He encouraged the Council not to eliminate the Comprehensive Plan, mentioning that the discussion regarding a proposed development along Fairview Avenue last week would have been easier if the Comprehensive Plan had been updated. Dr. Goodman asked if the Council cannot move ahead with the Comprehensive Plan and TCD III, that they look at various tools to improve the Village's ability to deal with redevelopment, such as Neighborhood Conservation areas as recommended by the Architectural Design and Review Board. He said that the application for State certification for historic preservation was to be part of the Comprehensive Plan. He believes the Council should move ahead next year with the certification process regardless of the Comprehensive Plan.

Commissioner Waldack said that he prefers that the Council move ahead with the Comprehensive Plan and suggested that the Council consider a fuel surcharge for moving violations.

Commissioner Tully noted that this public hearing is one of a series of opportunities for people to express their opinions. He said the Council has talked about the 2009 budget many times. On October 11, the Council asked staff to review economic conditions and make changes as required by those conditions. That is part of the reason revenues have been reduced and deferrals are being considered. Commissioner Tully pointed out that many programs are needed but under consideration at this time is deferral, not elimination of projects, such as TCD III, the Comprehensive Plan and the Branding Proposal. The Commissioner said he would like to find a way to move forward with the Comprehensive Plan, noting that for every project put back in the budget they must ask what the source of funds will be, including consideration of higher property taxes. Commissioner Tully asked staff to analyze the offsetting impact in terms of taxes for projects to be put back in the budget. He agreed with Dr. Goodman regarding the certification status for historic preservation. That could be done over a multi-year period and not eliminated regardless of the status of the Comprehensive Plan.

Mayor Sandack said there are a few more meetings to come, and he reviewed the timeline for approval of the budget. He explained that being frugal and prudent is imperative with this budget cycle, noting that all projects are wanted, but some may have to be cut. He said it is not tolerable to raise taxes in this environment. Doing more with less is challenging. The Mayor said it will be difficult to cut worthy programs, but noted that the revenues from sales taxes will not be what they were in the past. He welcomed all comments from the public.

There being no further questions or discussion, Mayor Sandack closed the public hearing at 7:21p.m.

6. Consent Agenda

- COR 00-03537** A. Claim Ordinance: No. 5767, Payroll, October 24, 2008
Sponsors: Accounting
A motion was made to Approve this file on the Consent Agenda.
Indexes: N/A
- BIL 00-03538** B. List of Bills Payable: No. 5744, November 4, 2008
Sponsors: Accounting
A motion was made to Approve this file on the Consent Agenda.
Indexes: N/A
- RES 00-03547** C. Resolution: Authorize a Special Commercial Event License Agreement and a Public Parking Facility Rental Agreement with the Bonfield Express Foundation for the Bonfield Express 5K Race/Walk
Sponsors: Communications
Summary of Item: A RESOLUTION AUTHORIZING A SPECIAL COMMERCIAL EVENT LICENSE AGREEMENT AND A PUBLIC PARKING FACILITY RENTAL AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE BONFIELD EXPRESS FOUNDATION FOR THE BONFIELD EXPRESS 5K RACE/WALK

RESOLUTION 2008-119
A motion was made to Pass this file on the Consent Agenda.
Indexes: Special Commercial Event License
- RES 00-03539** D. Resolution: Oppose a Proposed Rezoning and Conditional Use for the Property Located at 2508-2520 College Road
Sponsors: Community Development
Summary of Item: A RESOLUTION IN OPPOSITION OF A PROPOSED REZONING AND CONDITIONAL USE FOR THE PROPERTY LOCATED AT 2508-2520 COLLEGE ROAD

RESOLUTION 2008-120
A motion was made to Pass this file on the Consent Agenda.
Indexes: DuPage County Zoning Petition
- BID 00-03540** E. Bid: Award \$47,256.00 to Marc Kresmery Construction, LLC, Elgin, IL, for the Brookbank Road Stormwater Pump Station
Sponsors: Public Works
A motion was made to Approve this file on the Consent Agenda.
Indexes: Stormwater Improvements
- BID 00-03541** F. Bid: Award \$52,560.44 to C&H Sewer and Water Construction, Willowbrook, IL, for 2008 Miscellaneous Storm Sewer Improvements
Sponsors: Public Works
A motion was made to Approve this file on the Consent Agenda.

Indexes: Storm Sewers

RES 00-03542 G. Resolution: Authorize an Agreement with Burns & McDonnell for Phase I & II Design Work - Watermain Improvements for Rogers Street (Highland Avenue to Maple Avenue)

Sponsors: Public Works

Summary of Item: This is for a not-to-exceed amount of \$29,825.85.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND BURNS & McDONNELL

RESOLUTION 2008-121

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

Indexes: Engineering Services

MOT 00-03544 H. Motion: Authorize a Change Order in the Amount of \$53,111.24 to Brothers Asphalt Paving, Inc., Addison, IL, for Prentiss Creek Subwatershed B Storm Sewer and Sunridge Subdivision Watermain Replacement

Sponsors: Public Works

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

Indexes: Storm Sewers, Water Main Improvements, Capital Projects, Watershed Infrastructure Improvement Plan, Engineering Services

MOT 00-03545 I. Motion: Authorize the Purchase of a Network Attached Storage Device from CDW Government, Inc. in an Amount Not to Exceed \$43,812.17

Sponsors: Information Services

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

Indexes: Computer Servers

MOT 00-03553 J. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Library Board - October 8, 2008

A motion was made to Note Receipt Of this file on the Consent Agenda.

Indexes: Boards and Commissions Minutes

Passed The Consent Agenda

A motion was made by Commissioner Tully, seconded by Commissioner Durkin, that the consent agenda be passed. The motion carried by the following vote:

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

7. Active Agenda

ORD 00-03344 A. Ordinance: Rezone Property Located at 401-406 Lynn Gremer Court and 6568 Fairview Avenue from R-3, Single Family Residential, to R-5A, Townhouse Residence District

Sponsors: Community Development and Plan Commission

Summary of Item: This rezones the property located at 401-406 Lynn Gremer Court and 6568 Fairview Avenue from Village R-3 Single Family Residential to Village R-5A, Townhouse Residence District.

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 401-406 LYNN GREMER COURT AND 6568 FAIRVIEW AVENUE

Commissioner Tully moved to deny the request to rezone property located at 401-406 Lynn Gremer Court and 6568 Fairview Avenue from R-3 Single Family Residential to R-5A Townhouse Residence District. Commissioner Beckman seconded the Motion.

Commissioner Schnell said she concurs with the Motion, and does not believe the standards for rezoning were met.

Commissioner Beckman said he has not changed his opinion and has not received information that would change his mind. The standards have not been met.

Commissioner Waldack said he would also vote to deny the request. It is a very good project, but not in an R-3 setting. It is an argument for the need for a Comprehensive Plan. He hoped emotions raised in this process will settle down. Fairview Baptist Home is a good project and a good neighbor.

Commissioner Neustadt said he would also vote to deny the request. The process was lengthened and allowed the Council additional time, but the zoning requested does not fit in that area. He added that Fairview Ministries is a wonderful corporate neighbor.

Commissioner Durkin said he would vote in favor of the project. He believes the current proposal is a good transitional project for single-family residential, and looks forward to a discussion of the Future Land Use Map.

The Mayor said that this was a difficult process. It is a quality project, but they must abide by the Future Land Use Map. He wanted to see good development and redevelopment projects laid out within the parameters of the Future Land Use Map. He said the Village needs to find money to update the Comprehensive Plan, or a way to work within the existing Future Land Use Map. He cannot support this at this time.

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

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

Indexes: Rezone 401-406 Lynn Gremer Court - R-3 to R-5A, Rezone 6568 Fairview - R-3 to R-5A, Planned Development #32 - Fairview Baptist Home

ORD 00-03345

B. Ordinance: Approve a Preliminary Planned Development Amendment to Planned Development #32, to Permit Construction of Four (4), Two-Story Senior Citizen Apartment Buildings for the Property Located at 401-406 Lynn Gremer Court and 6568 Fairview Avenue

Sponsors: Community Development and Plan Commission

Summary of Item: At their meeting of September 8, 2008, the Plan Commission recommended to approve a preliminary planned development amendment to Planned Development #32.

AN ORDINANCE APPROVING A PRELIMINARY PLANNED DEVELOPMENT AMENDMENT TO PLANNED DEVELOPMENT #32, TO PERMIT CONSTRUCTION OF FOUR (4) TWO-STORY SENIOR CITIZEN APARTMENT BUILDINGS FOR THE PROPERTY LOCATED AT 401-406 LYNN GREMER COURT AND 6568 FAIRVIEW AVENUE

Based on the vote to deny the rezoning of this property, the Village Attorney said this item becomes moot. No vote was taken.

Indexes: Planned Development #32 - Fairview Baptist Home

ORD 00-03546

C. Ordinance: Authorize Special Uses for 2125 Ogden Avenue to Permit a Convenience Store with a Drive-Through Window and Car Wash

Sponsors: Community Development

Summary of Item: This authorizes a special use for 2125 Ogden Avenue to permit a convenience store with drive-through window and car wash.

AN ORDINANCE AUTHORIZING SPECIAL USES FOR 2125 OGDEN AVENUE TO PERMIT A CONVENIENCE STORE WITH DRIVE-THROUGH WINDOW AND CAR WASH

ORDINANCE NO. 5009

Commissioner Schnell said she would vote against this, as the special use for drive-throughs has never been used for convenience stores. She said that controlled substances such as tobacco or alcohol could be sold through the drive-through.

Commissioner Waldack asked whether tobacco products would be allowed to be sold through the drive-through, but not alcohol. Attorney Petrarca said that was correct, as the petitioner does not qualify for a liquor license.

Commissioner Beckman said he would very reluctantly vote in favor of this, as this is not a unique situation in the United States in general, and it appears that there are mechanisms within the community to manage it effectively.

Commissioner Tully asked for clarification that this is a permitted use in the zoning district, and Attorney Petrarca said it is. The special use is just for the drive-through. She added in further response that the sale of tobacco is permitted in the zoning district.

Mayor Sandack noted the area where this request is located, at the corner of Ogden and Belmont, which has been vacant for some time. It is difficult to say "no" to a business that is lawfully permitted in a particular area. The delivery system is not improper or illegal.

A motion was made by Commissioner Tully, seconded by Commissioner Durkin, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

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

Indexes: Special Use - 2125 Ogden Avenue

ORD 00-03548

D. Ordinance: Amend Traffic Regulations Re: Lincoln One Way

Sponsors: Public Works

Summary of Item: This amends traffic regulations and designates a portion of Lincoln Avenue one way, on school days between 8:00 a.m. and 9:00 a.m. and between 2:00 p.m. and 3:00 p.m.

AN ORDINANCE AMENDING TRAFFIC REGULATIONS

ORDINANCE NO. 5010

A motion was made by Commissioner Tully, seconded by Commissioner Durkin, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

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

Indexes: One Way Streets Designated, Traffic Regulations

ORD 00-03549 E. Ordinance: Amend Traffic Regulations at Curtiss Street and Mochel Drive

Sponsors: Public Works

Summary of Item: This designates a cross walk on the east and west sides of Mochel Drive at Curtiss Street and a stop sign located at the southwest corner of Curtiss and Mochel Drive.

AN ORDINANCE AMENDING TRAFFIC REGULATIONS AT CURTISS STREET AND MOCHEL DRIVE

ORDINANCE NO. 5011

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

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

Indexes: Traffic Regulations

ORD 00-03551 F. Ordinance: Establish 2009 Heritage Festival

Sponsors: Community Events and Community Events Commission

Summary of Item: This establishes the procedures for the 2009 Downers Grove Heritage Festival.

AN ORDINANCE REGARDING THE 2009 HERITAGE FESTIVAL

ORDINANCE NO. 5012

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

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

Indexes: Heritage Festival 2009

8. Mayor's Report

Materials to be Received

Materials to be Placed on File

9. Manager's Report

Manager Fieldman announced the promotion of Mike Baker to Deputy Village Manager and congratulated him. He said that Mr. Baker has demonstrated great leadership ability for the management team.

10. Attorney's Report

- RES 00-03554** Resolution: Authorize a Settlement Agreement with Therese M. Brzezinski
Sponsors: Village Attorney
Summary of Item: This authorizes execution of a settlement agreement between the Village of Downers Grove and Therese M. Brzezinski.

A RESOLUTION AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THERESE M. BRZEZINSKI

RESOLUTION 2008-122

A motion was made by Commissioner Tully, seconded by Commissioner Durkin, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

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

Indexes: Belmont Road Grade Separation Project, Belmont Road Underpass

- ORD 00-03555** Ordinance: Provide for the Acquisition Through Condemnation of Main Street/Prairie Avenue Right-of-Way Project/First Illinois Bank & Trust #10189 (Ring) Parcel
Sponsors: Village Attorney
Summary of Item: This authorizes the acquisition through condemnation of the Ring parcel located at 4800 Main Street in relation to the Main Street/Prairie Avenue right-of-way project.

AN ORDINANCE PROVIDING FOR THE ACQUISITION THROUGH CONDEMNATION OF CERTAIN PROPERTY KNOWN AS THE MAIN STREET/PRAIRIE AVENUE RIGHT-OF-WAY PROJECT/FIRST ILLINOIS BANK & TRUST #10189 (RING) PARCEL

ORDINANCE NO. 5013

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

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

Indexes: Village Property - Acquisition

Future Active Agenda

11. Council Member Reports and New Business

Commissioner Tully said he would be hard pressed to find a promotion more well deserved than that of Mike Baker's promotion to Deputy Village Manager.

12. Adjournment

Commissioner Tully moved to adjourn. Commissioner Durkin seconded.

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

Mayor Sandack declared the motion carried and the meeting adjourned at 7:39 p.m.