

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

JUNE 9, 2009

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, William Waldack, Geoff Neustadt, Bob Barnett; Village Manager Dave Fieldman; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: Commissioners Bruce Beckman and Sean P. Durkin

Visitors: **Press:** Catherine Leyden, Downers Grove Reporter
Residents: Cookie Radeke, Aurelio's Pizza, 940 Warren Avenue; Devin Lavigne and John Houseal, Houseal Lavigne Associates, 114 E. Van Buren, Naperville; William Deutsch, 9S209 Cumnor Road; Marge Earl, 4720 Florence; Bill Wrobel, DG Watch, 7800 Queens Court; Louis Karrison, Sikich LLP, 998 Corporate Boulevard, Aurora

Staff: Tom Dabareiner, Director, Community Development; Naneil Newlon, Director, Public Works; Jeff Rice, Systems Administrator, Information Technology; Andy Matejcek, Director, Counseling and Social Services; Mike Millette, Assistant Director, Public Works; Judy Buttny, Director, Finance; Mike Baker, Deputy Village Manager

Mayor Sandack explained that Council Workshop meetings are held the second and fourth Tuesdays at 7:00 p.m. The meetings are video taped live and for later cable-cast over cable channel 6.

The Workshop meeting is intended to provide Council and the public with an appropriate forum for informal discussion of any items intended for future Council consideration or just for general information. No formal action is taken at Workshop meetings.

The public is invited to attend and encouraged to comment or ask questions in an informal manner on any of the items being discussed or on any other subject. The agenda is created to provide a guideline for discussion.

MANAGER

1. Total Community Development (TCD) 3 Presentation. The Manager introduced John Houseal, Houseal Lavigne Associates.

John Houseal, Houseal Lavigne Associates, presented an update on the TCD3 process. The goals are to provide extensive community outreach and dialogue, maximize resident involvement, continue the community commitment of TCD1, and provide input into the Comprehensive Plan. He explained that there is an interactive project website which has been used extensively. There were 819 responses to the resident survey on that website, as well as 51 responses from local businesses. The website has an interactive mapping tool with 600 individual points of interest mapped out on individual maps. Mr. Houseal noted that 90 people participated in the initiation

workshops, and four neighborhood workshops were also held. Additional workshops included the governing body, Boards and Commissions, business workshops, student workshops, as well as independent group workshops. Four independent groups submitted reports. Input from all of these activities focused on eight umbrella categories including infrastructure, economic development, residential development, public services and facilities, parks and recreation, education, financial, and environmental concerns. A draft report and action matrix is being prepared for each of the categories identified by the residents. The next step in the process will be to create a presence at Heritage Festival in the form of additional surveys and providing public information. A Citizen's Summit will be held the last week in July. Preliminary results and questions will be released through the internet and other methods. The final report will be prepared to link into the Comprehensive Plan.

Mike Baker, Deputy Village Manager, added that issues that might not be part of the Comprehensive Plan could be referred to Village Boards and Commissions.

The Mayor said he is interested in seeing the Heritage Festival booth serve as an opportunity for people to learn about TCD3.

Commissioner Waldack asked about results posted from the four individual groups. Mr. Baker said they should be posted within a week. Commissioner Waldack asked how long the small groups will continue. Mr. Baker said that group reports will be needed by June 30 to incorporate them into the final report. Commissioner Waldack then asked if there are futuristic planning issues coming from the public or if they are more immediate issues. Mr. Houseal said that they have seen both. In the matrix they will address whether these are short-term or long-term objectives. If there are a high number of short-term problems in one category, there may be both immediate and more long-term solutions. They are trying to encourage people to think long-term.

Commissioner Schnell asked if they can determine whether people went to the website and completed multiple surveys.

Devin Lavigne, Houseal Lavigne Associates, said they can get an idea if someone submitted duplicate surveys based on the IP addresses.

Commissioner Schnell then noted that there have not been many futuristic ideas at the meetings she's attended. She asked whether they will be able to tell if there are long-range opportunities as to what people want the Village to look like in 20 years. Mr. Houseal responded that there have been a number of internal meetings to talk about big picture issues. At the Citizen's Summit his firm will use the opportunity to provide ideas.

2. Active Agenda and Informational Items

Dave Fieldman, Village Manager, presented a summary of the Active Agenda, Informational, and Consent Agenda items for comments and/or questions from the Council or the public.

- a. **Parking Modifications for 5151 Mochel Drive (Charles Place)**. The Manager asked Nan Newlon, Director, Public Works, to discuss this item and the next item on tonight's Active Agenda.

Nan Newlon, Director, Public Works, said that two items were presented at the May 20 Transportation and Parking (T&P) Commission meeting. The recommendation is to amend the Municipal Code pertaining to parking restrictions on the east side of Mochel where parking is

currently prohibited. The area can accommodate three cars, and it is recommended to create 30-minute loading zones. The recommendation was unanimously approved by T&P.

b. Parking Modifications for Whittier School – Hill Street and Blodgett Avenue.

Ms. Newlon said that a request was presented by the principal at Whittier. There is a shortage of on-street parking as well as pick up and drop off and vision issues. The recommendation is to amend the Code regarding parking on both sides of Blodgett and on the north side of Hillcrest. She reviewed the terms of the parking restrictions. The T&P meeting was attended by the neighbors, and staff will look at the issue of a stop sign. She indicated that the PTA, parents and others support this amendment.

Commissioner Neustadt said that this school has one-way streets, and he thinks this is a good and reasonable solution. He expects there will be enforcement during the first few weeks of school.

Commissioner Barnett said that people from the school and others indicated their appreciation to him for this consideration. His children attend this school.

c. Special Commercial Events License – Aurelio’s (940 Warren Ave.). Waive One-Week Waiting Period. The Manager asked Tom Dabareiner, Director, Community Development, to address this matter.

Tom Dabareiner, Director, Community Development, said this request is for a special commercial events license to use a portion of the right-of-way on June 11 from 6:30-8:00 p.m. for the Around the Chain in 80 Days event. The area is limited to the immediate surrounding area of Aurelio’s, and it is sufficient to serve the event. Staff does not recommend closing Warren Avenue for the event. He noted that WLS radio will attend the event.

Commissioner Schnell said she has a problem with the space with respect to safety. Thursday night is a busy night at the Tivoli. She asked whether patrons of the theater can walk to the theater without walking in the street. If a small section of Warren were closed, people would have more walking room. She noted that there could be a large turnout and has reservations that revolve around safety. Mr. Dabareiner responded that the sidewalk is part of the event but people could still use it. Commissioner Schnell asked why they can’t close that portion of Warren.

The Mayor responded that it’s always crowded, noting there are express trains at that time. Mr. Dabareiner responded that the concerns raised were considered by staff. He said that there is a designated detour route using Warren. They were concerned about blocking cars. It becomes a large logistical issue to close an area off.

Commissioner Neustadt asked if there will be barricades in the area. Mr. Dabareiner said staff is working with Public Works to acquire barricades. Commissioner Neustadt then asked as to the size of the tents. Mr. Dabareiner said the tents will not be massive, and noted that there needs to be a certain amount of walkway on the street.

Commissioner Barnett agreed with Commissioner Schnell regarding the traffic issue and asked whether the west-bound lane could be closed. Mr. Dabareiner said that staff has worked to try and keep the traffic lanes open. The combination of the detour and commuter traffic is what staff is attempting to address.

The Mayor said this is a heavily pedestrian-traveled time. He thinks this is a reasonable compromise, as it is always busy at this intersection. They want it to be busy. They want people in the commercial areas. He said that they cannot foolproof any area of the Village. If Aurelio's is pleased with the situation, he doesn't disagree. They want to help them celebrate their 50 years. He suggested that there be an extra patrol at the location.

Commissioner Waldack agreed with the Mayor, saying he supports the event. He suggested Aurelio's hire a police officer to monitor the area. He can go forward with this as is.

Commissioner Schnell agreed that the event is a great event. Safety and crowd control are her concerns and she wants to avoid a potentially big problem. Closing the corner may be less problematic than other options.

- d. **Ordinance Amendments: Packaged Liquor License Classification.** The Manager said this is an ordinance that will create a new liquor license classification. It will allow off-premise sales and on-premise consumption of alcoholic liquor at the same location in the downtown area. It is crafted to address the specific needs of the Lemon Tree Grocery operation.

Commissioner Schnell asked for clarification that one can buy liquor, but it is prohibited to drink it outside the premises.

Village Attorney Enza Petrarca said that was correct and is specifically noted in the ordinance.

Commissioner Waldack said he has a concern about targeting liquor licenses for particular businesses. This could easily be adapted to other users.

The Mayor said it is intended to be particular for use, and not necessarily an end-user. It just makes a license available. Commissioner Waldack said that they have done a lot of targeting of liquor licenses and asked whether the Village Council wants to continue doing this. Mayor Sandack responded that this has been the philosophy for quite some time. Other towns do this, but some also have a certain number of licenses.

Village Attorney Petrarca said that the Village does it both ways, and it is used as a control mechanism.

Commissioner Neustadt said this separates a downtown grocery store, Lemon Tree, from a retailer that sells packaged alcohol. He said by creating a specific liquor license they have more control over the license. He is in favor of this.

Commissioner Waldack said by making it more general you could apply this to other stores.

Commissioner Neustadt responded that they want it to be specific to a retailer.

Commissioner Barnett said that about half of the liquor licenses are unique single users. This is for control and has operational elements as well. It underscores the privilege element and allows the Village to keep control.

Commissioner Schnell agreed that this is a matter of control. The Liquor Commission and Council have to see whether the applicant fits into the philosophy of the Village regarding liquor

control. There are advantages to doing it this way. It will serve as a way to provide the community what it needs while at the same time maintaining control over the circumstances.

Commissioner Waldack said he appreciated the discussion on this item.

- e. **Fire Prevention Code Amendment.** The Manager said this amendment is to monitor the Codes and how they are applied with an eye toward customer service. This is both a housekeeping and customer improvement amendment. It is not intended to change the required level of fire protection within buildings, but to clarify when certain elements or requirements of the existing Code are required to be installed on existing buildings. The amendments deal with installation of fire alarms and fire detection systems. Three triggers for installation are a change in use that elevates the level of risk to life and property, a change in use which increases the hazard level, or any significant remodeling to the building over 35% of the existing floor area.

Commissioner Schnell commented that this has been needed for a long time and provides clarification that will make it easier for everyone involved.

3. Consent Agenda Items

- a. **Sale Tax Rebate Agreement with Michael's Fresh Market and the Lemon Tree Grocery.** The Manager asked Mike Baker, Deputy Village Manager, to address this item.

Mike Baker, Deputy Village Manager, explained that the agreement allows for a financial incentive for the location of a specialty grocery store in downtown Downers Grove. It is supported by the Economic Development Corporation (EDC) and the Downtown Management Corporation (DMC) and provides for a financial incentive to support a grocery store in the downtown. He showed the location of Michael's Fresh Market in a space formerly occupied by Dominick's. The Lemon Tree grocery will be located in Acadia on the Green in Building 3, with shared ownership between the entities. This is a three-party agreement. A portion of the sales tax from the Fresh Market will be rebated to Lemon Tree grocery. He then described the percentages of the agreement, saying that 37.5% of the sales tax of the first \$15 million of sales will be rebated to Lemon Tree. Amounts over \$15 million will be divided 50/50 to Lemon Tree. He showed projections of anticipated dollars divided between the Village and the retailers.

Manager Fieldman said that the terms are a 50/50 split in year one.

The Mayor thanked all who participated in this endeavor. The concept is simple. Putting a grocery store in the downtown area is cost prohibitive. The sales tax revenue is the life blood of the Village, and the Village has to continue to entice businesses to come to Downers Grove. He said that the Council has heard resident requests for a grocery store in the downtown area for a long time through personal conversations, surveys, etc. The EAV of the area is impacted to the good with this proposal. It also helps the TIF funds and allows for people to be hired.

Commissioner Neustadt echoed the comments made by Mayor Sandack. In this challenging time, it is important to note that we are still bringing in new businesses and tax dollars to the Village. He is in favor of this great project.

Commissioner Waldack commented that the EDC, the DMC, the Chamber are in support of this, and when he mentioned this to the Immanuel Residents on Friday they were wild about the

potential of having a grocery store in the area. He suggested that, due to the location of the store, a delivery service may be merited. He reviewed the percentages, saying year one would be at 50%, then drop to the 37.5%, and back to 50%. The language states it will continue for 12 months, and he would like to see the language reviewed to say 12 months from the opening. The Manager said staff will review the language and report on it next week.

Commissioner Schnell said that this is a win/win for everyone. A store will be opened on the south side in a long vacant property. The Lemon Tree will be a destination store. It is important to understand that in this economy some sort of incentive had to be created. Her only concern is that they make sure the Lemon Tree Grocery is open at hours to assure it will be a viable business. She wants this to succeed.

The Mayor said that this is a huge psychological win for the community. The Village has continued to forge good partnerships. Michaels is a very nice grocery store, and he looks forward to welcoming Lemon Tree as well.

Commissioner Waldack said according to the agreement Lemon Tree will be open seven days a week at a minimum of six hours a day.

- b. **Three-Party Agreement for 31st Street and Highland Avenue Improvements.** The Manager asked Mike Baker, Deputy Village Manager, to address this item.

Mr. Baker said this agreement is with DuPage County and Highland Landmark Office Park Association and allows for improvements to the intersection of 31st Street and Highland Avenue. This will create an ease of access for the DeVry employees that are coming to this area. The Village's participation will be with respect to watermains and fixtures at a cost of \$13,500. The total project is for \$397,000, and DuPage County and the Office Park Association will pick up most of the costs.

Commissioner Schnell said she is glad that the Village is not responsible for more than a small part of the costs.

Commissioner Neustadt asked whether this will help with the traffic issues further down the road, and Mr. Baker said it will alleviate backups and allow for more free-flowing traffic on westbound 31st Street.

- c. **Addendum to the Sales Tax Agreement with Pugi of Chicagoland.** The Manager said in 2005 the Village entered into a sales tax rebate agreement for improvements to the Pugi/Mazda building on Ogden Avenue. The agreement had a specific split of sales tax for a specific term of years. There have been significant changes to the automobile and banking industries. Pugi came to the EDC and staff to ask to extend the agreement by five years to allow them to recoup more money in sales tax rebate payment. Secondly, they are requesting a waiver of the letter of credit requirement. He said changes in the banking industry results in additional costs to Pugi to provide a letter of credit. Staff supports both of the requests. He said this is not a change to the base agreement and is the responsible thing to do. This is supported by the EDC.

Commissioner Schnell said for clarification this is allowing them to recoup what they thought they could do, but allowing for it in a longer period of time. The Manager said that was correct.

DRAFT

The Mayor said he expects the Village will see more of these given bankruptcies and fundamental changes in the auto industry.

Commissioner Waldack asked how many agreements have a letter of credit requirement. Mr. Fieldman said that most of the agreements have a letter of credit requirement going back to about 1999. Staff expects two or three more to request a waiver of the letter of credit.

- d. **Bid: 2009 Paver Crosswalk Upgrades (S-007-09).** The Manager said a motion is requested to authorize award of a contract for the 2009 Paver Crosswalk Upgrades (S-007-09) to Landmark Contractors, Inc. of Huntley, IL in the amount of \$20,290. The contract is for improvements at the intersection of Warren Avenue and Washington Street. This is year three of a three-year plan for the downtown crosswalks. Originally \$70,000 was budgeted in FY09 to replace three paver crosswalks in the downtown area. The budget was reduced by \$40,000 which was anticipated to fund the replacement of two crosswalks. As a result of the bids, funds will cover only one crosswalk replacement, and staff recommends the crossing at Warren and Washington. He said this might be the opportunity to skip this year and direct staff to revisit the issue in the FY10 budget.

Bill Wrobel, 7800 Queens Court, complimented the Manager for examining this issue. Downers Grove Watch members are looking for guarantees, and this would take the onus off of the Village.

Commissioner Barnett agreed with the recommendation to take a year off. They have had mixed experiences over the last several years, and now is a good time to stop and review the design and materials.

Commissioner Schnell agreed with the previous comments, saying they have not been successful with the crosswalks. They need to look at alternatives considering the snow, cold and heavy traffic. She would agree to postpone.

Commissioners Waldack and Neustadt, and the Mayor also agreed to postpone this for a year.

- e. **2009 DuPage Senior Citizens Council (DSCC) Grant Contribution.** The Manager said this request is for just over \$50,000 and staff is recommending \$39,674 due to budget constraints.

Commissioner Waldack said this money was budgeted. He anticipates that this amount will grow every year as the senior population grows. He asked whether the Human Services Commission looked at this request.

Andy Matejcak, Director, Counseling & Social Services, said that this was a budgeted item and did not go before the Commission. Commissioner Waldack suggested that this go before the Commission next year as the demand for services is expected to increase.

The Mayor said that this was budgeted, but the Village needs to be very careful as there will be more needs in all areas of the economy. The Village has historically made this grant, but needs to ask if this is a core service. It is a worthy cause, and this is an aging population. The question is whether the Village, as a local unit of government, is best situated to make this type of contribution. They have to look at everything in the budget very carefully and need to discuss whether this will continue to be funded. If this is to be funded, it is at the expense of something else.

Commissioner Schnell noted that last year they asked for more and the Village has not been able to give 100%.

Mayor Sandack commented that the DuPage Senior Citizens Council receives funds from the Federal government as well as private sources.

Commissioner Barnett asked how much of their funding is from municipalities and how does our level of funding compare to others. Mr. Matejcek said he can get that information. The pattern of funding versus the requests has varied. The Village has contributed at about the \$39,000 level since 2005.

Commissioner Waldack recommended looking at the usage and options ahead of time. They could review the applications submitted to the United Way as they do receive those funds.

- f. **Voluntary Separation Program.** The Manager said this is the response to budget issues, subject to Village employees.
- g. **2008 Comprehensive Annual Financial Report.** The Manager said a motion is requested to accept the audit of the Village's financial records for Year Ended December 31, 2008, also known as the Comprehensive Annual Financial Report (CAFR) dated December 31, 2008, as prepared by Sikich LLP. Acceptance of the audit and CAFR is required prior to submittal to the State by the June 30, 2009 deadline.

Mayor Sandack this report is still a draft, and a number of items were cleaned up from the previous year.

Louis Karrison, Sikich LLP, said that Village staff wrote the financial statement this year and he reviewed it. This is an unqualified opinion and is the highest level of opinion one can receive.

Commissioner Waldack noted that this report is on line.

Commissioner Neustadt said he enjoyed reading the review of activities and the financial condition. It is a valuable resource.

MANAGER'S REPORT

No report.

ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting eight items to the Council: 1) A resolution authorizing execution of an agreement between the County of DuPage, the Village of Downers Grove and Highland Landmark Office Park Association for intersection improvements at CH 34/31st Street and CH 9/Highland Avenue; 2) A resolution authorizing execution of a sales tax rebate agreement between the Village of Downers Grove and MMI, Inc. and LTG, Inc; 3) A resolution authorizing a grant to the DuPage Senior Citizens Council; 4) An ordinance creating an on and off premise consumption liquor license; 5) An ordinance amending parking restrictions on Mochel Drive; 6) An ordinance amending parking restrictions on Blodgett Avenue and Hill Street; 7) An ordinance making certain amendments to the Fire Prevention Code; 8) A resolution

authorizing execution of an addendum to a sales tax rebate agreement between the Village of Downers Grove and Downers Grove Imports, Ltd. d/b/a Pugi of Chicagoland.

The Attorney asked the Council to consider a motion waiving the one-week waiting period to consider new business to authorize a special commercial event license agreement between the Village of Downers Grove and Aurielo's of Downers Grove, Inc.

Commissioner Schnell moved to waive the one-week waiting period to consider the item outlined by the Attorney. Commissioner Barnett seconded the motion.

VOTE: AYES: Commissioners Schnell, Barnett, Neustadt, Waldack; Mayor Sandack

NAYS: None

Mayor Sandack declared the Motion passed.

A. Resolution authorizing a special commercial event license agreement between the Village of Downers Grove and Aurielo's of Downers Grove, Inc. This authorizes a special commercial event license agreement with Aurielo's of Downers Grove, Inc. to conduct a special event known as "Around the Chain in 80 Days."

Commissioner Neustadt moved to adopt "A Resolution Authorizing a Special Commercial Event License Agreement between the Village of Downers Grove and Aurielo's of Downers Grove, Inc.," as presented. Commissioner Waldack seconded the motion.

A RESOLUTION AUTHORIZING A SPECIAL COMMERCIAL EVENT LICENSE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND AURIELO'S OF DOWNERS GROVE, INC.

RESOLUTION 2009-62

VOTE: AYES: Commissioners Neustadt, Waldack, Barnett, Schnell; Mayor Sandack

NAYS: None

Mayor Sandack declared the Motion passed.

COUNCIL MEMBERS

Commissioner Waldack commented on the Consent versus Active Agenda items. He brings this up often, reviewing the Council rules regarding placement on Consent versus Active Agenda. Going through the Agenda, he considered which items would be controversial and should be placed on the Active Agenda. Those included the Sales Tax rebate, Pugi's, Pavers, Senior Citizens and Voluntary Separation.

The Mayor said that the Manager has to decide when putting the agenda together. If it is important to the Council member, items can be pulled off the Consent Agenda. Nothing slips thorough and everyone has an opportunity to opine. Commissioner Waldack said if it is an active agenda item it gets more attention. Mayor Sandack said there are no extra opportunities for

DRAFT

Active Agenda items. Commissioner Waldack noted that there are two members of the Council who are missing and did not get an opportunity to opine. The Mayor said they did have that opportunity.

Commissioner Schnell wished Commissioner Beckman a speedy recovery.

Commissioner Neustadt said that there are 17 days left to Heritage Festival. The brochure is out, and the dates for the 2009 Heritage Festival are June 26, 27 and 28.

Commissioner Barnett reiterated that all of us are in this economic situation together. The more we try to patronize our community, the more the community benefits.

Commissioner Schnell said that on Saturday morning the downtown was crowded, and she urged people to continue to shop locally.

Commissioner Waldack said he visited the Immanuel Residences on Friday regarding TCD 3. There were 29 residents present and they are excited about it. They are concerned about sidewalks and transportation issues. He suggested arranging a Coffee With The Council at senior centers, and suggested having a Human Services Commission meeting at one of the residences. They are unable to attend meetings at night due to transportation issues. They are fabulous people and he thanked them for their input.

The Mayor announced that the garage sale for Noah van Houtan suffering from Batten Disease raised over \$9,000. He announced that this Friday there will be a Relay for Life at Downers Grove North to raise funds to fight cancer. As far as the Consent and Active Agenda, the Council can direct the Manager.

There being no further discussion, the Workshop meeting was adjourned at 8:47 p.m.

April K. Holden
Village Clerk

tmh/