

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

JUNE 23, 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 William Waldack, Sean P. Durkin, Geoff Neustadt, Bruce Beckman, Bob Barnett; Village Manager Dave Fieldman; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: Commissioner Marilyn Schnell

Visitors: **Press:** Anastasia Tuskey, The Bugle
Residents: Marge Earl, 4720 Florence Avenue; Laura Joy
Staff: Fire Department: Phil Ruscetti, Chief; Jim Jackson and Bob Tutko, Deputy Chiefs; Tom Dabareiner, Director, Community Development; Mike Baker, Deputy Village Manager; Mike Millette, Assistant Director, Public Works; Brandon Dieter, Management Analyst; Nan Newlon, Director, Public Works; Doug Kozlowski, Director, Communications

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

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

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

MANAGER

1. Presentation of the Terry Reiter Award for EMS Excellence

Fire Chief Phil Ruscetti presented the Terry Reiter Award for EMS Excellence to Firefighter/Paramedic Bill Joy, a 16-year member of the Fire Department. Chief Ruscetti praised Firefighter Joy for his service to the Village and his dedication to providing residents with the best emergency health service possible.

Mayor Sandack thanked Chief Ruscetti and the Fire Department members present at the meeting, and Firefighter Joy and his family for their service to the Village.

2. Active Agenda and Informational Items

- a. **Grove Street, Main Street to Carpenter Street – Proposed 4-Hour Parking Modification.** The Manager said this pertains to parking restrictions on the north side of Grove, between Carpenter Street and the alley adjacent to Fishel Park. At present, there are a series of restrictions that are inconsistent and staff is proposing that the north side of Grove, from Main to Carpenter be converted to a consistent four-hour parking restriction. The Transportation and Parking Commission (TAP) considered this matter on May 20, 2009 and voted 5-2 to approve the four-hour parking restriction.

Commissioner Waldack asked about weekend and holiday exceptions. The Manager said the signs will read that restrictions do not include Saturdays and Sundays, although holidays are also exceptions and no tickets are issued at those times.

- b. **Local Agency Agreement with IDOT for Ogden Avenue Sidewalk Improvements.** (*Waive One-Week Waiting Period.*) The Manager said this is an agreement between the Village and the Illinois Department of Transportation (IDOT) for the Ogden Avenue Sidewalk Improvements Phase 1 (STP) project. Staff has been working on this project for several years. It involves both sidewalk installation and land acquisition. In an effort to move the project forward and to be able to proceed with work this year, the project has been split into two stages. Stage 1, which is covered by the agreement presented, is for sidewalk construction that will not require land acquisition. Stage 2 is for the remaining sidewalk segments that will require land acquisition. Staff is requesting that the one-week waiting period be waived in order to proceed with the construction of Phase 1.
- c. **Amendment to Planned Development #19 with a Variation for a Temporary Sign.** The Manager asked Tom Dabareiner, Director, Community Development, to discuss this item.

Tom Dabareiner, Director, Community Development, said staff is presenting an ordinance amending Planned Development #19 (Good Samaritan Hospital) to provide for a variation for a temporary sign. Good Samaritan Hospital was recently recognized as one of the nation's top 100 hospitals. They are requesting to install a 24-foot wide by 50-foot long banner to promote the hospital's accomplishments. The banner would be installed on the west wall of Tower 1, facing Highland Avenue. Staff is recommending that the banner be permitted for up to 180 days. If lighting is proposed, it will be required to be turned off by 10:00 p.m. This request was reviewed as part of the planned development process.

The Plan Commission heard this petition on June 1, 2009 and considered the scale of the campus and buildings, the set back of the wall where the sign would be located, the uniqueness of the size of the hospital campus, and the distance of the wall to the right-of-way and the nearest property line. The Plan Commission found that this amendment complies with the standards set forth in Section 28.1607 of the Zoning Ordinance and recommended approval of the request by a vote of 6-2. The dissenting Commissioners expressed concern about the appearance of the banner and about setting a precedent.

The Mayor commented that with regard to setting a precedent, there is none as this is a planned development.

Commissioner Neustadt noted that this went through the public hearing process and there were no public comments made in opposition to the request.

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Commissioner Waldack explained that the current Sign Ordinance has been in effect for four years. He wondered if the Sign Ordinance truly does work. Planned Unit Developments are different than other situations, and he wondered if the Village is applying the Sign Ordinance fairly. If you are big and have influence, exceptions can be carved out. He noted places such as Sara Lee, Carlucci's, Export Fitness, asking if the ordinance is being applied correctly. He hopes that the ordinance will be revisited. Good Samaritan Hospital is a world-class hospital, and he would be in favor of this banner, but he is concerned that if there is a problem, the Village has no reversal process and cannot undo their decision. He asked whether this can be modified.

The Manager said if there is a violation to an ordinance, staff could bring it into compliance. Further performance conditions can be added to the ordinance.

Commissioner Durkin asked about the time period from the date of approval and Mr. Dabareiner responded that the banner can be left up a full 180 days.

Village Attorney Enza Petrarca said the 180 days begins when the banner is put up for display.

Commissioner Durkin said he attended a Chamber luncheon and spoke with David Fox, President of Good Samaritan Hospital. The Commissioner said he supports this, saying the Village has an excellent partnership with the hospital. This recognition award is special and should be highlighted. The Hospital would not want to hang a banner that is battered and torn. Commissioner Durkin said he would also support a review of the Sign Ordinance.

Commissioner Beckman commented that he supports this to promote and honor the Hospital. He is concerned about the specifics regarding the banner, as there is nothing stated regarding content. He said he believed what is being proposed in this situation is benign and appropriate.

Mr. Dabareiner responded that the Plan Commission wanted to stay neutral on the content. It is possible through an agreement with the other party to limit the content, in which case staff would recommend performance conditions to the agreement to provide clarity.

Commissioner Beckman reiterated his concern about being silent with regard as to content.

Commissioner Barnett said Council is being asked to consider and approve an amendment to the PUD, and not to this sign. He feels this sign is appropriate. To think that an ordinance can be written that would not need to be amended is unrealistic. He thinks the concept should go forward. He said he read the minutes regarding the Sign Ordinance, and Council members acknowledged that amendments would most likely need to occur. He thinks this is a PUD structural question and not just for the Hospital.

The Mayor said this isn't about one sign, but about standards for approval of a PUD amendment. This meets the criteria. He noted that there are tools available to the Council for making amendments and for meeting unforeseen circumstances. If the parcel is not in a PUD, the petition goes before the Zoning Board of Appeals for variances. It is unfair to say that only those with influence can get changes. All who apply for variances have their day before the Village Council or the Zoning Board of Appeals. With regard to sign content the Mayor said that the Sign Ordinance is not content-oriented. In this particular case, a good corporate citizen wants to advertise and celebrate success. He will support this request.

Commissioner Waldack suggested that there should be a way to reverse the ordinance.

The Mayor said if an ordinance is violated, the Village can impose penalties. He suggested that Commissioner Waldack craft reverse language and he and the Village Attorney will review it.

Commissioner Beckman said he understands the concern regarding content management. He believes a sign of this magnitude in a PUD to be used at some future date, and not this specific example, could pose a problem, if it was a call to action. He noted that he supports this.

- d. **Ordinance Amendments: Liquor Provisions.** The Manager said in 2008 the Council created an E-5 liquor license classification allowing the consumption of alcoholic liquor at an entertainment/restaurant facility. The license holder has gone out of business; therefore, staff recommends that the license classification be removed from the Liquor Code. The Liquor Commission considered this matter on June 4, 2009 and unanimously recommended approval.

3. Consent Agenda Items

- a. **Special Commercial Event License – Downers Grove Rotary Club Oktoberfest.** The Manager said this pertains to a special commercial event license agreement between the Village and the Downers Grove Rotary Club to allow the Rotary to host the annual Oktoberfest on Village property at Forest Lot South. Staff recommends that the application fees be waived, but that the Village be reimbursed for all services at an estimated cost of \$2,805.00.

Commissioner Waldack said this is a fabulous event. With respect to the waiver of fees of \$805 for staffing time and materials, he would waive those if the not-for-profits that benefit from this event would then receive more money.

Commissioner Durkin said he would not support waiving the \$805 in fees. We are in tight economic times. He supports this event fully.

Commissioner Beckman said he enjoys Oktoberfest. He had some concerns about the request, and received additional information with respect to being consistent with other organizations. The Village is being consistent. He said that he will support this.

Commissioner Barnett asked how application fees are developed. The Manager said they are based on the actual costs of reviewing an application. Commissioner Barnett said that the purpose of the fees is to review the application and these are real expenses. To waive this would be approving a subsidy paid by the taxpayers. He said that is not a comment opposing non-profit organizations, but pointing out that these are real dollars being spent.

The Manager said that those concepts will be on the long-range planning session of July 7.

- b. **Amendment to Village Council Policy Regarding Employee Administrative Rules and Regulations.** The Manager said this amendment to the personnel manual reflects housekeeping matters and changes in federal and state laws. Specifically, Section 5.1 reflects changes to the Family Medical Leave Act (FMLA) and in Section 5.1.10 the use of accumulated sick time remains in the policy. Section 3.5 modifies the manner in which health insurance benefits are made available to retirees over the age of 65. He noted that benefits would not change for current retirees.

The Mayor clarified that current retirees are unaffected.

Commissioner Beckman said he is concerned about the implementation of the proposed change. He is troubled by the elimination of cost sharing for retirees over the age of 65. He said he believes the Village should exercise a high level of commitment to the employees. He thanked the Mayor and Village Manager for their ideas. He believes additional health care benefits should be retained to recruit the best possible employees. This can affect the quality of Village employees and future retirees. He cannot support this item.

Commissioner Waldack thanked Commissioner Beckman for his comments, saying that the Village needs to do something to stem the tide regarding health care costs; however, he would like to see this phased in. He would prefer to see a phased-in proposal. Regarding Sec. 2.2 and employees that get married, he appreciates the policy change. He said he understands that Illinois is an at-will State. The Commissioner said that people could be fired for getting married to someone in the organization. He suggested an appeal process to the Council with respect to this provision; however, he was told that was not possible as it would be a violation of our form of government. It concerns him that two people who work for the Village could be fired for getting married. He would like to see this section and the section regarding insurance benefits for retirees voted upon separately from the rest of the personnel manual.

In response to Mayor Sandack, the Manager said that, in practice, employees who marry are not treated any differently than any other employees.

Commissioner Neustadt said he wants to make it clear that this gives the Manager more discretion.

Commissioner Beckman asked how often it occurs that two individuals who work together for the Village get married. The Mayor said it has happened a number of times since he's been on the Council.

Commissioner Barnett said that the Village is one of only a few organizations that has an insurance provision with respect to retirees. He asked, based on current health plans, whether an estimate can be made as to savings. The Manager said staff is looking into the savings. Commissioner Barrett said that again they are talking about real dollars.

Commissioner Beckman asked that this be placed on an Active Agenda.

- c. **Change Order: 2008 Miscellaneous Storm Sewer Improvements (Stormwater Cost Share Program).** The Manager said this is a change order to an existing contract with C&H Sewer and Water Construction for the 2008 miscellaneous storm sewer improvement project. The amount of the change order is \$6,762.58 and is the first and only change order. It is the result of unforeseen changes in the field such as "turf restoration."
- d. **Contract Amendment: Environmental Services for Sterling North Park Stormwater Improvement Project (CIP Project SW-033).** The Manager said the Village has an ongoing relationship with the Park District with respect to three intergovernmental agreements for stormwater work at three parks. This is an amendment to an existing contract with Anderson Environmental Consulting, Inc. for work at Sterling North Park. He noted that construction has not started. Due to the environmental condition of the site and to limit future environmental liabilities, the Village has entered the property into the Illinois Environmental Protection Agency's (IEPA) voluntary Site

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Remediation Program (SRP) and is seeking a No Further Remediation letter. This change order allows Anderson Environmental Consulting to address concerns raised by the IEPA.

- e. **Change Order: McCollum Park Stormwater Improvement Project (CIP Project SW-034).** The Manager said this is a request for a change order to an existing contract with Naperville Excavating, Inc. in the amount of \$27,123.00. The additional costs are for items that came up during construction such as pedestrian safety at the entrance, soil excavation of sub-base materials, extension of fence posts, and extra tree work.
- f. **Bid: Storm Sewer Inspection Camera Equipment.** The Manager said this was competitively bid. The camera is used to help maintain our infrastructure. EJ Equipment of Manteno best meets the needs of staff and staff is requesting this be authorized in the amount of \$117,364.00.

Commissioner Beckman thanked the Manager for the extra information provided, and said he is pleased to see this move forward.

Commissioner Durkin asked how important this is given the cost and budget constraints. The Manager said it is necessary for the continued maintenance of our infrastructure. It is a useful tool. Without this equipment, they cannot do these inspections. The Village has a camera now but it is in need of an upgrade. This will allow the Village to save money.

MANAGER'S REPORT

Manager Fieldman reported on Friday evening's storm event that resulted in damage to trees and in power outages. The Village response was immediate with Police, Fire and Public Works crews on site immediately. Staff cleared streets and managed traffic where power outages occurred. Public Works crews worked through the weekend removing damaged parkway trees. He said about 50 parkway trees sustained damage. Property owners are responsible for pickup of tree limbs on their private property.

Commissioner Neustadt said that many residents call 911 to report electrical outages and noted that they should call 1-800-EDISON-1. Police, Fire and Public Works had a tremendous response. He reminded everyone that 911 is to be used for emergencies. He thanked everyone who helped during the storm.

Commissioner Waldack suggested that the Village team up with other government entities for clean up and combine their efforts. He referenced the Park District and Districts 58 and 99 regarding trees that fell. The Manager said that staff is exploring the duplication or overlap of services.

Commissioner Durkin asked if this would have been a good situation to use the reverse calling to prevent scalpers trying to make money off of homeowners to remove debris. The Manager said that staff felt that the reverse calling was not the best tool to use in this situation. He would provide a report on this in the future.

ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting six items to the Council: 1) An ordinance approving a planned development amendment to Planned Development #19 for a

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temporary sign variation at Good Samaritan Hospital; 2) An ordinance amending parking restrictions on Grove Street; 3) A resolution authorizing execution of an amendment to an agreement between the Village of Downers Grove and Anderson Environmental Consulting, Inc.; 4) A resolution amending the employee administrative rules and regulations of the Village of Downers Grove; 5) An ordinance eliminating the E-5 liquor license classification; and 6) A resolution authorizing a special commercial event license agreement between the Village of Downers Grove and the Rotary Club of Downers Grove for the 2009 Rotary Club Oktoberfest.

The Attorney asked the Council to consider a motion waiving the one-week waiting period to consider new business to authorize execution of a joint agreement with IDOT for Ogden Avenue sidewalk construction.

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

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

NAYS: None

Mayor Sandack declared the Motion passed.

A. Resolution authorizing execution of an intergovernmental agreement between the Village of Downers Grove and the Illinois Department of Transportation for phase 1 of the Ogden Avenue sidewalk improvement project. This authorizes execution of an intergovernmental agreement between the Village and the Illinois Department of Transportation (IDOT) for Phase 1 of the Ogden Avenue sidewalk improvement project.

Commissioner Beckman moved to adopt “A Resolution Authorizing Execution of an Intergovernmental Agreement between the Village of Downers Grove and the Illinois Department of Transportation for Phase 1 of the Ogden Avenue Sidewalk Improvement Project,” as presented. Commissioner Durkin seconded the motion.

A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR PHASE 1 OF THE OGDEN AVENUE SIDEWALK IMPROVEMENT PROJECT

RESOLUTION 2009-67

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

NAYS: None

Mayor Sandack declared the Motion passed.

COUNCIL MEMBERS

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Mayor Sandack proclaimed June 23, 2009 as Olympic Day in the Village, showing support for the Olympic efforts advanced by the City of Chicago.

The Mayor said that on June 4, 2009 the Liquor Commission held a hearing regarding the violation of liquor sales to a minor by Doubletree Guest Suites at 2111 Butterfield Road. The Mayor said that, as Liquor Commissioner, he has reviewed that hearing and found that Doubletree Guest Suites shall be fined \$3,000 plus \$1,000 for administrative costs.

Commissioner Neustadt said there are two days until the 28th annual Heritage Festival. Thursday night is the ride preview. Also on Thursday, there will be a Rock Wars on Main Street, sponsored by Best Buy. Tickets for the rides are still available. He said that on Friday night "Night Ranger" will perform. Buses will be available throughout the Village. He thanked all the major sponsors of the event, including Advocate Good Samaritan Hospital, Chicago Tribune, Best Buy, ARC Disposal Company, 104.3 Jack FM, Nature's Best, Sundance Vacations, Silverleaf Resorts, Air Heads, Comcast and Miller Lite. He reminded residents that the Council booth will be at Main and Curtiss.

Commissioner Waldack said he wore his Heritage Festival shirt to remind people to support the event. It is an opportunity for many non-profit organizations to get recognition and raise funds.

Commissioner Durkin thanked the Village's intern, Jamie, for the great job with the German delegation in town last week. He appreciated the community support.

Commissioner Beckman said that the German delegation is a continuation of a developing relationship, and an opportunity to explore future Sister-city ties. It was a rewarding experience. Regarding Heritage Festival, the Commissioner reminded everyone that the Council tent will be at Curtiss and Main, and he invited people to visit the booth.

Commissioner Durkin asked what would be the draw to the Council booth, and the Manager responded there would be TCD 3 materials available.

Mayor Sandack said he looked forward to seeing people at Heritage Festival. He thanked the people from Fire Station 2 for cooking the food and hosting the guests from Germany. The Mayor also announced that on Sunday, at about 1:00, he would be giving the Gettysburg address with a choral ensemble at Heritage Festival. He reminded everyone that the next Council meeting will be on July 7.

There being no further discussion, the Workshop meeting was adjourned at 8:22 p.m.

April K. Holden
Village Clerk

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