



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, July 7, 2009

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 Bob Barnett, 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

The Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.

The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of the past meetings, an opportunity will be given for public comments and questions on the active agenda items for this evening's meeting. Following this, an opportunity is given for public comments and questions on any subject. Finally, if a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing.

The presiding officer will ask, at the appropriate time, if there are any comments from the public. If anyone wishes to speak, the individual should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name and address. Remarks should be limited to five minutes, and asked that individuals refrain from making repetitive statements.

Mayor Sandack said there are agendas located on either side of the Council Chambers, and he invited the audience to pick up an agenda and follow the progress of the Council meeting.

3. Minutes of Workshop and Council Meetings

Council Meeting - June 16, 2009

Workshop Meeting - June 23, 2009

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

Capital Projects Update

Nan Newlon, Public Works Director, presented a report on capital projects which are underway, or which have recently started. She noted that IDOT is beginning its sidewalk project along Ogden Avenue. The Village is continuing with Phase 2 of the Prairie Avenue work. Bids for resurfacing a portion of Rogers Street have been sent out, and the DuPage County project on

resurfacing 55th Street is underway. She noted that comments from DuPage County regarding the Sterling Park project are expected soon.

Commissioner Durkin said he has received many e-mails regarding construction traffic on Meadowcrest, and asked whether this problem has been resolved. Ms. Newlon responded that the police have been notified. Meadowcrest is not a haul route, and it may take police citations to get them into compliance. She told Commissioner Durkin that she and the staff will continue to work toward a resolution of the situation. Commissioner Durkin requested weekly updates.

4. Public Comments and Questions

A. Comments and Questions on Active Agenda

Tom LeCren, 545 Chicago, commented about the Good Samaritan sign. He is opposed to it, and said that one ordinance appears to be in violation of another ordinance. The Village's Sign Ordinance appears to be working, and he suggested that Good Samaritan put an ad or insert in the newspaper. Mr. LeCren asked who the audience is for the sign, other than probable drivers. He then commented on the Council tent at Heritage Festival, saying that the draw is that the Council members are present to offer citizens the opportunity of meeting with the Council.

Rich Heim, Vice President of Good Samaritan Hospital, thanked the Council for considering a change to the Good Samaritan Planned Development. They are honored and humbled to receive the award as one of the top 100 elite hospitals in the country. That is a testament to the people of Downers Grove as well as the Good Samaritan staff.

B. Comments and Questions on General Matters

There were none.

5. Public Hearings

6. Consent Agenda

COR 00-03822 A. Claim Ordinance: No. 5801, Payroll, June 19, 2009

Sponsors: Accounting

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

Indexes: N/A

BIL 00-03823 B. List of Bills Payable: No. 5776, July 7, 2009

Sponsors: Accounting

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

Indexes: N/A

RES 00-03824 C. Resolution: Authorize a Special Commercial Event License with the Rotary Club of Downers Grove for the 2009 Rotary Club Oktoberfest

Sponsors: Village Attorney

Summary of Item: 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

RESOLUTION 2009-68

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

Indexes: Rotary Club - Octoberfest

MOT 00-03826 D. Motion: Authorize a Change Order for \$6,762.58 to C&H Sewer and Water Construction, Willowbrook, IL, for the 2008 Miscellaneous Storm Sewer Improvement Project

Sponsors: Public Works

Summary of Item: This authorizes a change order in the amount of \$6,762.58 to C&H Sewer and Water Construction for the 2008 Miscellaneous Storm Sewer Improvement Project (Stormwater Cost Share Program).

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

Indexes: Storm Sewers, Stormwater Sewer Watershed Improvement Plans

RES 00-03827 E. Resolution: Authorize an Amendment to an Agreement with Anderson Environmental Consulting, Inc. for Sterling North Park Stormwater Improvement Project

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND ANDERSON ENVIRONMENTAL CONSULTING, INC.

RESOLUTION 2009-69

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

Indexes: Park District, Watershed Infrastructure Improvement Plan, Stormwater Improvements, Sterling North

MOT 00-03828 F. Motion: Authorize a Change Order for \$27,123 to Naperville Excavating, Inc., Naperville, IL, for the McCollum Park Stormwater Improvement Project

Sponsors: Public Works

Summary of Item: This authorizes a change order in the amount of \$27,123.00 to Naperville Excavating, Inc. for the McCollum Park Stormwater Improvement Project (SW-034).

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

Indexes: Park District, Stormwater Sewer Watershed Improvement Plans, Watershed Infrastructure Improvement Plan, Stormwater Improvements, McCollum Park

BID 00-03829 G. Bid: Award \$117,364 to EJ Equipment, Inc., Manteno, IL, for Storm Sewer Inspection Camera Equipment

Sponsors: Public Works

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

Indexes: Storm Sewers

MOT 00-03834 H. Motion: Receipt of Minutes of Boards and Commissions

Summary of Item: Library Board - June 10, 2009

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 Schnell, seconded by Commissioner Barnett, that the consent agenda be passed. The motion carried by the following vote:

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

7. Active Agenda

RES 00-03825 A. Resolution: Amend Employee Administrative Rules and Regulations

Sponsors: Village Attorney

Summary of Item: This amends the Employee Administrative Rules and regulations and updates the Village of Downers Grove Personnel Manual.

A RESOLUTION AMENDING THE EMPLOYEE ADMINISTRATIVE RULES AND REGULATIONS OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS

RESOLUTION 2009-70

Commissioner Waldack said he agrees with some of the rules, but others continue to perplex him. A portion of Section 2.2 sets policy for employees who marry. He said he supports marriage instead of domestic relationships set up to avoid being penalized by the organization. The rewritten version is an improvement over the current policy. He does not think it goes far enough but will support Section 2.2 regarding marriages within the organization. He noted that the Village is an at will organization in the State. The Village Manager has options and this sets forth a policy which takes reasonable steps to handle the situation.

Commissioner Waldack said he has a problem with Section 3.5 regarding changes to the health care benefits. Changing the employee contribution from 50% to 100% is rather radical. He was happy to hear that late this afternoon that the insurance the Village provides its employees is supplemental rather than secondary. Once retirees are eligible for Medicare, their second health plan is either secondary or supplemental. If it is secondary, the policy may pay 80% of the bill. If Medicare pays 80% of the bill, the secondary plan will pay nothing. A supplemental plan will pay a portion of the remaining unpaid bill. He said he is still concerned about the financial impact on employees very near retirement, as they will have very little opportunity to plan for this expense. The cost is between \$675 and \$1,375 for a family. He said he would like to know the amount of the average pension. He said there are 48 employees currently eligible for retirement: 26 are non-police and non-fire and would therefore be affected by this change in the near future. He asked as to the actuarial impacts of this. He said he reviewed the accounting report from Sikich and noted that the employees referenced in the report include non-Village employees. He would like to separate out portions of the manual so that he can vote in favor of other sections. He is not in favor of changing the health care benefits at this time. He would like additional information. It is a large amount of money and he would like to consider it carefully.

Commissioner Schnell asked if the premium amount was monthly or annually.

Village Attorney Enza Petrarca said it is a monthly premium regardless of one's current eligibility for Medicare.

Commissioner Beckman said he is prepared to support the greater part of the personnel manual. He is concerned about Section 3.5 regarding health insurance benefits to those over the age of 65. He is in conflict with what he thinks and how he feels with respect to eliminating retirement benefits to those over the age of 65. He said he knows that continuing the status quo will add additional future costs at a time when Council is looking for every possible savings. He feels

that the best way the Council can serve our community is to hire and retain the best possible people. In order to do that, we must do what is appropriate to achieve that objective, including continuing to provide good benefits. By eliminating this benefit, we are taking a step back. He said more information is required in order for him to make a more informed decision. He noted staff did provide more information this afternoon and he will review it. He said health benefits will continue to be an important factor in retaining employees. He cannot support this motion as is. He can and will support all other elements in this motion. He said Commissioner Waldack suggested a transition program for those who are reaching retirement age so that they assume more responsibility for the premium each year. He said he understands the logic behind this, but retention of long-term employees is his main concern.

Commissioner Schnell asked if the staff proposal is consistent with the policies of other municipalities.

The Manager said the Village is unique in that, according to our auditors, financial advisors and health consultants, we are the only community that offers this subsidy. If the motion passes and the 50% subsidy is ended, we will be in line with other communities.

Commissioner Schnell asked if the Human Resources Department provides information to retiring employees regarding our supplemental plan as well as how to obtain information about other plans. The Manager answered affirmatively.

Mayor Sandack noted that the Village's personnel manual consists of 48 pages and 13 sections. The idea that we should pull sections out of the personnel manual and vote on them separately is an anathema to him. While the document may not be perfect from seven persons' perspectives, the question is, from a policy perspective, whether the Manager and staff are giving the Council something they can support on the whole. He urged Council members to stop nit-picking. He strongly recommended against piece-mealing this as he fears this will go way beyond good policy making. If Council members feel they must vote against a particular agenda item, so be it, as it is reflective of our community and different values.

With respect to the Section 3.5, Mayor Sandack said as our policy now exists, retirees are subsidized 100% of their health care premiums. That is not occurring in the private sector, and on balance, does not occur in the municipal world. He finds it a stretch to think that we are taking a step back or that we are going to lose out on good talent. He said we have an exceptional staff and provide exceptional benefits. In this instance we are providing a subsidy through our taxpayers that no other community we or our advisors and consultants know of provides. It is hard to look a resident in the eye when that resident has lost his or her job or are paying extraordinary health care benefits that are expensive to their families while we are providing a subsidy to someone no longer working for the Village. He said it is important to clarify what is being brought forward. He suggested this be voted upon as a whole. He strongly recommended against removing provisions of this policy manual for individual votes as he does not think that is good policy and moves into the realm of management.

Commissioner Waldack moved to amend the motion to adopt a resolution amending the employee administrative rules and regulations of the Village of Downers Grove, IL, with the exception of Section 3.5 pertaining to the revision to the health care benefits. Commissioner Beckman seconded the Motion.

Commissioner Waldack said that while he agreed with much of what Mayor Sandack said, the policy includes marriage, health care benefits and a number of provisions that address many different aspects of life. Therefore, he feels it is entirely appropriate to segregate some of those items.

Mayor Sandack asked for a roll call on the amendment.

*VOTE: YEA: Commissioners Waldack, Beckman
NAY: Commissioners Barnett, Neustadt, Durkin, Schnell; Mayor Sandack*

The amendment failed 2:5

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

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

Indexes: Administrative Rules and Regulations

ORD 00-03830

B. Ordinance: Amend Parking Restrictions on Grove Street

Sponsors: Public Works and Transportation and Parking Commission

Summary of Item: This amends parking provisions on portions of Grove Street.

AN ORDINANCE AMENDING PARKING RESTRICTIONS ON GROVE STREET

ORDINANCE NO. 5063

Commissioner Barnett said he will not be voting on this matter as he has been involved in this issue on behalf of his church.

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

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

Indexes: Parking Restrictions

ORD 00-03832

C. Ordinance: Approve a Planned Development Amendment to Planned Development #19 for a Temporary Sign Variation at Good Samaritan Hospital

Sponsors: Community Development and Plan Commission

Summary of Item: At their meeting of June 1, 2009, the Plan Commission recommended approving a planned development amendment to Planned Development #19 for a temporary sign variation at Good Samaritan Hospital.

AN ORDINANCE APPROVING A PLANNED DEVELOPMENT AMENDMENT TO PLANNED DEVELOPMENT #19 FOR A TEMPORARY SIGN VARIATION AT GOOD SAMARITAN HOSPITAL

ORDINANCE NO. 5064

Commissioner Waldack said this represents a leap of faith. This would be granting a variance from the Sign Ordinance to a development. It is not technically a variance; it is a change to a Planned Unit Development (PUD). If there are issues, the Council has no recourse in the ordinance, as presented, to go back and change it unless Good Samaritan Hospital violates the Planned Unit Development. He said this is not a reflection on Good Samaritan Hospital as an institution. The hospital is a great facility and he can easily agree that they deserve this opportunity and he does not think that they would intentionally abuse it. However, he would like to protect against unforeseen events. It would be unwise for any legal body not to afford itself a way to undo a mistake, not to have an escape clause and not to protect itself in a responsible way. He would insist that, in any such request in the future involving a PUD, we insert a clause that allows us to go back after a year's time and be able to review, change, modify or take back the amendment.

Commissioner Waldack moved to amend the ordinance as presented to add the following language: "The Village shall review compliance with this Ordinance and may revoke this Ordinance or recommend additional conditions or amendment to existing conditions after this Ordinance has been in effect for at least one year."

Commissioner Schnell said she is very surprised that there have been no citizen comments on this matter. She expected there would have been comments. She would like the Village to have the ability to review this matter within a certain period of time in the event there are complaints or problems. She said she would like to see language regarding content similar to that in the green sheet. She said she understood from the minutes of the Plan Commission that the hospital did not have a problem with this language. She said she feels strongly that the hospital wants to highlight the fact that they received this award, which is outstanding and reflective of the hospital. She said she would hate to see a banner of this size advertising other things. She feels the banner is fine if it is limited to highlighting accomplishments, but other content may not be appropriate on a sign of this size. It will be an extremely large sign that people will stop and notice. She urged care as to what could be included on the banner. In other instances, Council has limited what can be included on an advertising sign. She does not think this is an intrusion on free speech. She said she would support this if the ordinance includes language that the temporary sign/banner should be limited to highlighting accomplishments. She said this is no reflection on the hospital.

Mayor Sandack called for a second to Commissioner Waldack's motion to amend the ordinance. Hearing none, the motion died for lack of a second.

Commissioner Schnell moved to amend the ordinance by including the language: "Temporary banner content shall be limited to highlighting recognition received by the hospital." Commissioner Beckman seconded the motion.

Commissioner Beckman said this was discussed at the last workshop. He said he has the highest regard for Good Samaritan Hospital and this is a wonderful acknowledgment that they have received. Regarding this ordinance, he is concerned that there is no limiting factor as it applies to a call to action such as a banner advertising a sale price for medical procedures. He said he can fully support that Good Samaritan Hospital wants to proclaim this honor. At some future date, however, this could be used by someone for advertisement purposes and not to highlight accomplishments. He said he supports the amendment to the ordinance.

Commissioner Neustadt said he is grateful to have Good Samaritan Hospital in our community. Regarding the amendment to control the content of the banner, he said he does not think it is fair, after the hospital has gone through the proper application process, to control content. He said he trusts that they will do the right thing and follow the rules set by the Village. He will not support an amendment to control content, but will support the temporary sign.

Commissioner Beckman referenced the green sheet stating that staff has worked cooperatively with Good Samaritan Hospital to draft the language of the motion amending the proposed ordinance. The proposed amendment has a cooperative nature to it as opposed to the Council making a decision unilaterally. He asked if the Village Attorney reviewed the language of the motion amending the ordinance.

Village Attorney Enza Petrarca said she reviewed the language.

Commissioner Beckman said he believes this motion is a prudent move and still provides Good Samaritan Hospital with plenty of latitude in presenting this and other accolades for the future.

Mayor Sandack said at the workshop meeting there was an afterthought discussion that was not applicable to the pending application. He thought it was a theoretical discussion as reflected in

the minutes. Content-based regulation is far more encompassing and has far more ramifications than what is being discussed tonight. While he does not doubt that there was cooperation in connection with some additional limiting language, the idea that the Village is going to be getting into the business of content regulation on a sign is something the Village has not done before. The call to action distinction with respect to a PUD vs. other subdivisions is a distinction without a difference. The Council has latitude under a PUD to make additional changes due to the uniqueness of a PUD. He noted that this has gone through the regular hearing process and there were no public comments. Subjective opinions would need to have some basis in our ordinance and the PUD process. There are many signs that comply with the Sign Ordinance that some people do not like from an esthetic perspective, but if the Council gets into that type of analysis nothing will get done. It is left to the business owner and free enterprise system to make decisions that make sense to them. Generally good businesses make decisions in their own best interests that they find work. If they don't work, they make adjustments.

Mayor Sandack then addressed the issue of enforcement of this ordinance. He quoted Section 4 in terms of the seven conditions to which this ordinance is subject, including the number of banners, the size, the location of the banner, the illumination requirements, the time limits, notification requirements and removal requirements. He further referenced that the ordinance requires that all other signs shall comply with the provisions of the Zoning Ordinance. Section 5 states that the conditions are made part of the terms under which the planned development amendment is granted and violations are deemed violations of the Zoning Ordinance. He said every PUD he has been involved with has always had some type of conditions. It is inappropriate to say that the petitioners can do whatever they want and does not add to the true content of a dialogue. The Mayor said he is supportive of a good neighbor that wants to celebrate its success. He said he is somewhat disheartened that the Council hampers itself by unduly restricting itself. He said he does not worry about the next leader of the hospital being nefarious. He will impugn no ill will and will assume that the hospital will do the right thing because it is in their interest and the Village's interest to do so. He will vote in favor of this ordinance.

Commissioner Beckman said he shares the Mayor's enthusiasm for the good work of the hospital.

Commissioner Waldack said he is concerned about restricting the wording. He is concerned about using the censorship idea. He does not know how that can be done properly in all cases. He finds it difficult to agree with this amendment to the ordinance.

Mayor Sandack asked for a roll call on the amendment.

VOTE: YEA: Commissioners Schnell, Beckman

NAY: Commissioners Barnett, Neustadt, Durkin, Waldack; Mayor Sandack

The amendment failed 2:5.

Commissioner Waldack said he feels it is good to have an escape clause in this type of situation. This is not reflective of Good Samaritan Hospital. There will be future amendments to PUDs and unless they have an escape clause providing for a review and the ability to make changes within a specified timeframe, he will not support any banners and temporary signs. He will vote "Nay" on this matter.

Commissioner Beckman said he hopes each request will be considered individually. He said he plans to vote in support of the provision. He believes it is too broad, but nothing is perfect and he will support this.

Commissioner Schnell said she will not vote in support of this. The hospital is a great

institution, but she feels this is too strong and she cannot support it.

Commissioner Barnett reminded everyone that there is a relationship between the Village and the hospital. The hospital will probably be a resident in Downers Grove for quite some time as will some members of the Council. There are many opportunities for dialogue should it be necessary. He will support this ordinance.

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Nay: Commissioner Schnell and Commissioner Waldack

Indexes: Planned Development #19-Good Samaritan Hospital, Zoning Ordinance - Signs

ORD 00-03833

D. Ordinance: Eliminate the E-5 Liquor License Classification

Sponsors: Village Attorney and Liquor Commission

Summary of Item: This eliminates the E-5 liquor license classification for entertainment facilities.

AN ORDINANCE ELIMINATING THE E-5 LIQUOR LICENSE CLASSIFICATION

ORDINANCE NO. 5065

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

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

Indexes: Liquor Ordinance Amendments

8. Mayor's Report

Mayor Sandack thanked everyone for attending Heritage Festival, and he thanked the staff for all of their hard work. He is appreciative of those who came out to celebrate. He added his thanks to those who attended the July Fourth Parade, and mentioned Mary Scalzetti and her staff, thanking them for their work in bringing these events to the Village.

Materials to be Received

Materials to be Placed on File

9. Manager's Report

10. Attorney's Report

Future Active Agenda

11. Council Member Reports and New Business

Commissioner Beckman noted the success of Heritage Festival and the Fourth of July Parade. He said that the highlight of the events is having the opportunity to learn what is on the citizens' minds. Regarding the Parade, he brought his grandson, and he is trying to convince his daughter and son-in-law to come back to Downers Grove.

Commissioner Waldack commented that Commissioner Durkin substituted for him at the Council Booth on Friday of the Heritage Festival. But he saw a steady stream of people on Saturday and Sunday. Commissioner Waldack suggested that there be no meetings on the Tuesday before Heritage Festival as it is very taxing on the staff. The Fourth of July Parade was

enthusiastic and wonderful, and he expressed his appreciation to the Veterans.

Commissioner Neustadt thanked all of the Village departments for both Heritage Festival and the Fourth of July events. He reminded everyone that the Bike and Buggy Parade will be held at 1:00 p.m. on July 12. The next event for the Village will be the U.S. ProCriterion Bike Race on August 15 and 16. He also expressed his appreciation to everyone who visited the Council booth at Heritage Festival.

The Mayor noted that after this meeting, the Council is going into its third long-range planning session to discuss new ways to provide excellent services to the Village residents in an efficient manner. He referred residents to the Village website for updates on events and projects taking place in the Village.

12. Adjournment

Commissioner Schnell moved to adjourn. Commissioner Durkin seconded the Motion. Mayor Sandack declared the Motion carried by voice vote and the meeting adjourned at 7:57 p.m.