

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

OCTOBER 27, 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, Sean P. Durkin, Geoff Neustadt, Bruce Beckman, Bob Barnett; Village Manager Dave Fieldman; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: None

Visitors: **Residents:** Glenn Mazade and Jill Wokurka-Hogan, Charter One Bank; R.J. Michalski and Larry Spatz, Rita's American Roadhouse; Marge Earl, 4720 Florence Avenue; Georgia Makropoulos, Pet Clips, 2151 63rd Street; Mike Derry, 617 Sherman Street; Christine Fregeau, 1918 Elmore Avenue; Linda Kunze, Downtown Management Corporation, 933A Curtiss Street; Voula Verros, Dali's Café, 5130 Main Street; Christopher Salman, Stature Custom Homes, 943 Maple Avenue; Laura Crawford, Downers Grove Chamber of Commerce, 2001 Butterfield; Greg Bedalov, Downers Grove Economic Development Corporation, 2001 Butterfield
Staff: Mike Baker, Deputy Village Manager; Steve Sanderson, Budget Officer; Tom Dabareiner, Director, Community Development; Doug Kozlowski, Director, Communications; Liangfu Wu, Director, Information Services; Judy Buttny, Director, Finance; Brandon Dieter, Management Analyst; Naneil Newlon, Director, Public Works

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. Active Agenda and Informational Items

- a. **Ordinance Amendments: Liquor Provisions.** The Manager said that this proposed amendment will create an E-5 liquor license classification, and will amend provisions regarding fines. An increase in the number of Class B-2 liquor licenses would also occur. He noted that this item was considered by the Liquor Commission.

The Mayor noted that the proposed license classification is not for any particular licensee.

Commissioner Waldack commented that the definition of “restaurant” states that food and drink is primary, and he quoted the ordinance. He thought the definition was contrary to the type of business considered for this license.

Village Attorney Enza Petrarca responded that the Legal Department created a new definition for the classification, which is an entertainment restaurant facility, stating that it further defines that “restaurant” is not the primary business, but entertainment is the primary business. She said that both clauses must be read together. She can see the confusion with the use of the word “restaurant” and will review the wording to see if it can be clarified further.

Commissioner Beckman asked how different the entertainment/restaurant definition is from the previous one. Attorney Petrarca said that there is more restrictive language in this ordinance than in the previous one. This business is only for those 21 years old and older. The licensee must present a detailed security plan, as well as 24-hour emergency contact information.

Commissioner Barnett said he would like clarification as far as enforcement, the difference between this and a hotel liquor license, and the \$50 differential. Attorney Petrarca commented that a hotel license has a different component, including buffet, bar and room service, and therefore it is a unique license. There are three liquor licenses within one classification. Commissioner Barnett asked whether the Village checks on all components of hotel licenses, and the Village Attorney said she would provide a breakdown of that information for the Council.

Commissioner Schnell asked whether the Village has learned enough to make this kind of facility tighter and supply the safeguards needed. Attorney Petrarca said that she hopes they have. They worked closely with the Police Investigations Department on this ordinance.

- b. **ROW Vacation: 4832-4838 Douglas Road.** The Manager said that the property in question is 14’x125’ and unimproved at 4838 Douglas Road. Adjacent owners who would pay the fair market value for the property maintain it. Easement provisions will be in place. The property is valued at \$3,632.48. The Plan Commission heard this petition and they recommended approval.
- c. **Special Use to Permit the Construction of a Multi-family Residential Apartment Unit at 5114 Main Street.** The Manager said that this is an existing two-story unit. The request is to convert the second floor storage area into residential use. The property is located on the west side of Main Street between Burlington and Curtiss. The Plan Commission following its review recommended approval.

Commissioner Neustadt said that the Special Use is going through the Village process and complies with the life/safety codes for the downtown area.

Commissioner Waldack asked whether the work has started. The Manager said it has. The Village only recently became aware of this situation. Commissioner Waldack asked if they would have to start the work over.

Tom Dabareiner, Director, Community Development, said that the petitioner was building according to the IBC 2000 Code. Staff is finalizing its review. There is a penalty to the petitioner in an amount double that of the permit fees.

The Mayor said it sometimes happens that people are unaware of permit and inspection requirements until after work has begun.

Commissioner Schnell questioned why they do not have to sprinkle the site and what triggers that. Mr. Dabareiner responded that the Codes changed a few months ago to make the triggers more understandable. The triggers occur when there is an increase in hazards. This is the same use of the area and does not change the hazard category.

Commissioner Beckman asked whether the rear deck would be designed to withstand a large number of people. Mr. Dabareiner said it is being built according to Code, which includes the loading requirements for a deck of that size and purpose. Commissioner Beckman asked for clarification that the loading requirement of IBC 2000 would handle a large number of people and Mr. Dabareiner verified that it is meant to hold a substantial number of people.

d. **Zoning Ordinance Text Amendment.**

e. **Special Use with Zoning Variation for an Animal Kennel.** The Manager said commented that these two items should be reviewed together as they relate to a proposed animal kennel at 2151 63rd Street.

Mr. Dabareiner said the text amendment would allow the kennel in the specified zoning district. He reviewed the aspects of the text amendment, noting that the definition of a kennel is a facility that boards two or more animals for compensation. This use is allowed in B-3 and M-1 districts by right. This proposal, however, is for a special use in a B-2 district. The B-2 district fills the gap between some of the larger, regional type businesses in B-3 districts and the smaller businesses in B-1 districts. He listed the allowed special uses in the B-2 district and reviewed the special use approval standards.

As for the special use request for a variation for a fence, Mr. Dabareiner showed the area on a map and the aerial view of uses around the subject parcel. The existing floor plan will not be changed, as this is currently an animal grooming business. The change is to move this from a grooming facility, to a groom and board facility. He showed the outdoor area that would be a play area for the dogs, and the location for the fence. The Village's regulation is for an open fence; however, the petitioner is requesting a solid fence, which requires a variation. The Plan Commission considered these items at its October 5 meeting, and agreed with the approval of the special use. However, they were split 5-2 in favor of granting the request for the solid fence.

Commissioner Waldack said he had no problem with the text amendment. He is concerned about the kennel as dogs are noisy and could have a detrimental affect on property values. The noise from dogs carries and the noise from kennels is not nice to hear. He doesn't live far from a kennel. At this time he doesn't know how he will vote but suggested the fencing variance might improve the noise issue.

Commissioner Durkin asked whether vegetation would be required. Mr. Dabareiner said it is not required in the case of a solid fence. With an open design, however, staff suggested landscaping. Commissioner Durkin suggested landscaping, particularly with this location. He doesn't think this kennel will be as large as the one near Commissioner Waldack's residence.

Commissioner Neustadt clarified that the dogs would be kenneled indoors, with the outdoor area serving as a play area for ten-minute periods of time. The play area will be used only from 8:00 a.m. to 8:00 p.m.

Commissioner Neustadt asked if the Village has received calls about similar areas regarding noise from the dogs. Mr. Dabareiner said staff looked at dog complaints for a four-year period, saying there are only about 2-3 complaints in a year.

Commissioner Schnell asked whether an open fence would be a chain link fence, and Mr. Dabareiner said it would. Commissioner Schnell asked about a chain link fence with slats and whether they would give the appearance of a solid fence without a variance. She also commented that the play area looks very small. Mr. Dabareiner said it is only about 200 square feet. Commissioner Schnell said she would like to see a chain link fence.

Commissioner Durkin asked if they are talking about a board-on-board fence. Mr. Dabareiner said they were thinking of a board-on-board vertical fence.

Commissioner Barnett asked about the minutes of the Plan Commission meeting, saying he would like to hear more about granting a privilege to one owner. Mr. Dabareiner said the language is from the standards in the Zoning Ordinance. When staff looks at variations, the standards are reviewed carefully. There is a concern when there are rules by which everyone abides, and then an individual wants exceptions for convenience, as opposed to having some type of hardship that affects use of the property differently than the surrounding neighbors or similar businesses. Commissioner Barnett asked if the variation were allowed, would it compel the Village to grant a similar variation if another request came in. Mr. Dabareiner said that the type of concern the staff has is whether granting a variation in one case would affect future situations. He said this is a PUD shopping center, and it might be difficult to deny anyone else from installing a similar fence in another PUD.

Commissioner Barnett then noted that one of the Plan Commission nay votes on the variance was a comment about the petitioner carrying on its business within its confines. He asked if that relates to the setback issue. Mr. Dabareiner said that comment was made with regard to the outdoor play area.

Mayor Sandack said from his perspective the request doesn't seem to be problematic with the exception of the request for a fence. He is conflicted about the fence. It would not be a variation with a split rail fence, but that does not confine the use very well. At the same time, the panel fence would confine the area for this use in the best way. What is problematic is that they may be setting a precedent. He wants to be sure that this is done the right way. He asked if this could be tightened some way within the confines of the PUD. Mr. Fieldman said staff would work with Mr. Dabareiner and Attorney Petrarca to explore this possibility.

Commissioner Waldack suggested that the definition of kennel could be changed to require a certain type of fencing.

3. Consent Agenda Items

- a. **Façade Improvement Grant for 5128-5130 Main Street.** The Manager said the petitioner is the owner of Dali's Restaurant at 5128-5130 Main Street. The project entails a comprehensive renovation of the east façade. The petitioner is requesting a \$26,000 grant for proposed façade renovations. The petitioner's opinion is that the façade

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improves two buildings with separate addresses and parcel identification numbers PINs) and should be eligible for a maximum of \$15,000 per building.

The Architectural Design Review Board considered this petition. The Board's opinion was that the policy limited the grant amount to \$15,000 but felt the project could warrant additional funding due to the extensive scope and cost of the project. The Board felt that if additional funding were to be approved, it would have to be Council's determination. Staff concurs with the Board's positive recommendation and, as a single façade project, it is eligible for a \$15,000 façade improvement grant.

Linda Kunze of the Downtown Management Corporation asked the Council to consider the petitioner's request. The project was to replace some of the brick, but the project grew. Any work done on this building will affect the second building. The top half of the second building is bowed, and the contractor said that if anything were removed from the bottom half of the second building it could not be done without additional work to the second building. They are requesting that this be considered as two separate buildings, since there are two separate PIN numbers and tax bills. The buildings are under one owner and this is the largest façade on Main Street. A new roof would also have to be put on the buildings. The petitioner cannot do the project partway. This is an unusual circumstance with one façade for two buildings.

Voula Verros, the owner of Dali's restaurant, said that they have been in Downers Grove for nine years and they are a family operation. They have tried to improve the façade of the building, and they would appreciate the Council's help with their request. They cannot make the improvements without the Council's approval. She explained the difficulties the contractor said exist because of the unusual situation of the buildings.

Commissioner Schnell said it is obvious that these are two separate buildings. She noted that the Cellar Door covered two buildings. Mr. Fieldman said that the Cellar Door was considered one façade and staff recommended \$15,000.

Commissioner Durkin said he would also be interested in knowing staff's thoughts about utilizing this as one building instead of two buildings. He noted there are no funds available for next year.

Mr. Fieldman said staff will follow Council's direction.

Commissioner Durkin said he has no problem with awarding the full \$26,000. When he voted for this façade improvement program, this is what he envisioned the money being used for, and to grant the \$15,000 may not finish the job.

Commissioner Beckman asked what would happen to the remaining \$11,000 in the fund if only \$15,000 is awarded. Mr. Fieldman said it would revert back to the TIF.

Commissioner Barnett said he would like to see them figure out a way to make this work. He asked if the ordinance limits the Council to the \$15,000 for the façade work. Village Attorney Petrarca said that the \$15,000 is limited for the façade. Commissioner Barnett asked if they need to have two applications to award \$15,000 for each building.

Mr. Fieldman said that staff considered this as one project. The language is for \$15,000 for one project. If the Council wants to make clarifying language, this would be the time to do it. There are a few pending applications. Commissioner Barnett said that the ADRB seemed to be conflicted as well, and that is why they referred this to Council.

The Mayor asked whether other applicants have submitted their applications, and whether they qualify. Mr. Dabareiner said that three applications are on hold pending this application, and all qualify. They are small requests. The Mayor said that he hoped there would be some flexibility. This is the type of project he also envisioned when this program was established, and if there is a way to make it work, he would like to do that. These are not general funds. These are TIF dollars that must stay in the downtown area.

b. Banking Services Agreement 2010-2013.

Commissioner Durkin read a statement recusing himself from all discussions and vote related to the Village's banking services or lockbox operations. He said he is an employee of Charter One Bank. He does not own any shares in Charter One Bank, does not stand to gain financially from any potential agreement with the Village, and has not been and will not be involved as a Charter One employee in any Village business. He said he has specifically stayed out of all aspects of this potential arrangement and will continue to do so in order to avoid the mere perception of any undue influence; of which there is none. Commissioner Durkin left the Council Chambers during this portion of the meeting.

The Mayor verified for the record that Commissioner Durkin has voluntarily separated himself totally from anything to do with this issue.

The Manager said our current contract expires at the end of the year. An RFP was developed and five responses were received. Charter One Bank submitted the lowest proposal at a savings of approximately \$3,000 per year. This agreement has an initial term of three years with two one-year renewals. Staff recommends approval.

The Mayor asked about pre-bid meetings. The Manager said a pre-bid meeting was held. It is an opportunity for the vendors to ask questions and clarify information.

Commissioner Schnell said the bid for lockbox services was much lower than the other bidders and asked as to Charter One Bank's qualifications. The Manager said staff checked with another DuPage County municipality that uses this service and the reference was positive.

Commissioner Waldack said Commissioner Durkin had nothing to do with this bid.

Commissioner Waldack said the length, cost and services of the agreement are all positive.

c. Replacement of Village's Telephone System. The Manager said the current telephone system is aging and staff is concerned about its ongoing maintenance costs. It is an ISDN Centrix phone system acquired in the early 1990s. Replacement is recommended due to maintenance concerns with the existing system, the opportunity for a reduction in annual telephone charges, improved flexibility with the Voice over Internet Protocol (VoIP) system, and increased customer service capabilities. The FY09 Major Buildings Fund includes \$320,000 for this project. The proposed phone system will be paid from the remaining bond proceeds related to Fire Station 2. The use of this funding source is restricted to capital/facility improvements or debt service payments. An RFP was issued in April 2009 and eight vendors responded. Staff finds Sentinel Technologies to be uniquely qualified and recommends it be awarded the project. The Technology Commission reviewed this matter and concurs with staff's recommendation. The final adjusted total project cost is \$299,470 for installation and maintenance for five years.

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Staff estimates that this system will reduce ongoing telephone charges and maintenance costs by at least \$82,000 per year.

The Mayor asked for a breakdown of the source of funds and its limited potential use.

Mike Baker, Deputy Village Manager said that the funding is budgeted in the major building fund. This money was left in reserve from the Fire Station 2 construction activities, but the money is restricted as to its use. Since this is a qualifying capital project, these funds can be used for this purpose.

Commissioner Beckman said that this is the pond that he swims in, and he took special interest in this proposed new system some time ago, in terms of both funds and process. An independent telecom consultant was selected. The process used for the consultant was an RFP, and he was impressed by how it was handled. The process used for selecting the vendors was also highly competitive. The only concern he has with Cisco is the continuing costs. It tends to be more expensive than its competitors. He knows the system well and their experience with municipalities, and they are highly regarded. It is probably one of the better selections.

Commissioner Schnell said that discussion of replacement of the telephone system is almost as old as the discussion of the Ogden Avenue sidewalks. Staff found a creative way to replace a system that is antiquated and this change will improve customer service. This proposal went to the Technology Commission and they concurred with the recommendation.

Commissioner Waldack said he has a couple of concerns. ISDN has gone the way of floppy disks. The telephone system is key to our operations. He thanked staff for answering his concerns about power back-ups. There is a back-up plan. The Commissioner said that the Village really needs to do this, and he is satisfied that the Village is covered in an emergency.

The Mayor thanked the staff, Dr. Wu and the Technology Commission for giving their time and talent in connection with this decision. Sentinel is a local Downers Grove business, which is a plus, and he sees this as a triple win.

Marge Earl, 4720 Florence, asked whether all voice mail will be turned into e-mails, and asked if that will then be a public record under the Freedom of Information Act. Attorney Petrarca said staff is looking into this. The Mayor said he has a similar system in his office and it is wonderful.

Commissioner Durkin asked about expansion opportunities with this system to offer additional numbers. Mr. Baker said the system has that capability and staff will look further into this.

- d. **Change Order and Contract Extension: McCollum Park Stormwater Improvement Project (CIP Project SW-034).** The Manager said this item and the next one are both change orders. This one is for the McCollum Park Stormwater Improvement Project in the amount of \$23,705.91. It includes additional costs for tree work, erosion control blanket, brick pavement removal, storm sewer, underdrains, segmented block retaining wall, a conflict manhole, adjustment to an existing watermain and other related items.

The Mayor asked if these change orders result from field conditions that are not reasonably anticipated. The Manager agreed and said that with a project of this scale a change order is not unexpected.

Bill Wrobel, 7800 Queens Court, commented about change orders in general. He said that there usually is some type of wiggle room in the initial contract, and there probably might be wiggle room in this contract in the amount of \$23,705.91. He sometimes believes people who supply services to villages may feel there is more wiggle room.

Mr. Fieldman said that question is raised frequently. There are different types of contracts, such as lump sum contracts or unit price contracts. Staff believes unit price contracts are the better way to save money. The Village's tight purchasing policy does not allow for including wiggle room in the contract.

The Mayor said he understands the sentiment expressed by Mr. Wrobel; however, unanticipated expenses arise and both parties have to deem the change appropriate.

Commissioner Durkin asked whether the staff brought this item to the Council's attention several weeks ago. Mr. Fieldman said he thought that was for Washington Park, not McCollum.

Commissioner Waldack asked what would happen if the change order is not approved. He said it would be helpful if that were included in the Manager's Memo.

Commissioner Beckman asked how often these change orders are after-the-fact. The Manager said often staff in the field must make decisions. Work stoppages sometimes cost more than the proposed change order.

- e. **Change Order and Contract Extension: Washington Park Stormwater Improvement.** The Manager said this is a joint project with the Park District with a contract amount of \$2.9 million. This change order request is for the Washington Park Stormwater Improvement Project in the amount of \$41,727.96 with Copenhagen Construction, Inc. It includes additional costs for retaining walls, utility conflicts, plan omission, and other costs associated with project delay. The Village's portion of this change order is \$16,699.49.

MANAGER'S REPORT

The Manager referenced recruitment efforts for the Fire Chief's position. The job has been posted on the Village's website.

Quarterly Report – Third Quarter 2009

Mr. Fieldman presented the Village's third quarter report highlighting the budget, Strategic Plan and key accomplishments.

The FY09 budget revenue started at \$41.59 million; and FY09 revenue estimate is currently \$39.17 million. Expenses in the FY09 budget started at \$41.56 million and the FY09 expense estimate is currently \$39.77 million. Revenue is down 2.8% from the FY08 year-to-date figures and expenses are down 2.5% from the FY08 year-to-date figures. Both revenues and expenses are consistent with the FY10 budget.

Mr. Fieldman reviewed the status of Strategic Plan goals. He reviewed projects completed or on schedule. Two projects, Ogden Avenue and customer service enhancements, are in progress. Three projects, branding and marketing plan, downtown parking study, and gateway entrance signs, have been deferred due to budget constraints.

Key accomplishments include the following: Concluded long-range financial plan process, implemented voluntary separation program, completed health plan changes, economic development with respect to Zeigler Dodge/Chrysler/Jeep and a unified economic development plan, updated building codes, completed fleet report, completed sustainability report, and released FY10 budget document.

ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting five items to the Council: 1) An ordinance amending B-2 District special uses; 2) An ordinance authorizing a special use for 2151 63rd Street to permit an animal kennel with a zoning variation; 3) An ordinance vacating a certain portion of a right-of-way located adjacent to 4832 and 4838 Douglas Road in the Village of Downers Grove; 4) An ordinance authorizing a special use to permit a second floor residential unit in the Downtown Business District; and 5) An ordinance amending liquor license classifications.

The Mayor asked about other pending façade improvement requests, which Commissioner Durkin thought were for awnings. Mr. Dabareiner said that he would get back to the Council on that, but noted that the other requests were for smaller items.

VISITORS

Greg Bedalov, member of the HGNA (Helping Girls Navigate Adolescence) thanked the Village Council, staff, residents and volunteers for participating in the pancake breakfast at Ballydoyle. The event raised over \$5,000. More information can be found at HGNA.org.

COUNCIL MEMBERS

Commissioner Schnell said she attended the Legislative Committee meeting of the DuPage Mayors and Managers Commission with Attorney Petrarca. She asked that the agenda packet and priorities be distributed to the rest of the Council.

Commissioner Schnell then said that she had the honor and privilege to go to the Family Shelter Services for the ribbon cutting for the outdoor nature classroom, donated by the Mary Kay Foundation. It is a phenomenal classroom, and it was a great event. Family Shelter Services was truly appreciative.

Commissioner Durkin reminded everyone that the Village's leaf program was cut back and he asked residents to remove leaves from the curb line to limit flooding if it rains. It's the neighborly thing to do.

Commissioner Neustadt commented that it is illegal to deposit debris into the roadways. He also announced that the Police Department recommends the hours between noon and dusk on Saturday for trick or treating. The curfew is midnight for those under 17 years of age.

The Mayor said that the HGNA Pancake Breakfast was great. There were also many kids who painted the business windows. Mayor Sandack said on Monday he was at Pierce Downer School to begin Red Ribbon Week in the elementary schools. The hero at Pierce Downer today was Police Chief Porter, who played football at recess. As to the storm inlets comments, the Mayor said that keeping them free from debris is a huge help when there are big rainstorms.

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The Mayor then thanked the friends at Peace Manor regarding the taxicab subsidy program and the potential reduction of the program. He thanked them for sending their comments to him, saying their voices have been heard.

Mayor Sandack said that immediately following the November 3 Council meeting, the next 2010 Budget Workshop meeting will be held. The Council will be going forward and will be talking about the budget. He encouraged residents to attend the meetings, and e-mail their opinions to the Council.

There being no further discussion, the Workshop meeting was adjourned at 8:30 p.m.

April K. Holden
Village Clerk

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