



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, January 12, 2010

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 of a general matter. 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. Finally, an opportunity is given for public comments and questions on items appearing on the Consent Agenda, the Active Agenda and the First Reading.

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 individuals should 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 Council Meetings

Council Meeting - January 5, 2010

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

4. Public Comments - General comments on matters not appearing on tonight's agenda

John Hazard gave a recap of the Downers Grove Housing Team and its contribution to the TCD3 process. He said that they pointed out that middle class families are the core of the community, and it is hoped that they can continue to move here and live here. He commented

that when this process began a few years ago, there was a shortage of middle-income housing, and this will recur after the recession ends. Seniors will have to consider moving and going away from their families. The younger, growing families may not be able to move here. The key to preventing this is greater community awareness of what reasonable attainable housing can do for them and for the community. Mr. Hazard said that the community has to start now by looking at the best practices of other communities, looking at County and regional demographics, adopting ADRB recommendations, and especially building community awareness of the value of and need for accessible middle-income housing in Downers Grove. It is in everyone's best interest. The need for middle-income housing must be factored into future plans for the Village.

5. Public Hearings

6. Consent Agenda

COR 00-04012 A. Claim Ordinance: No. 5829, Payroll, January 1, 2010

Sponsors: Accounting

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

Indexes: N/A

BIL 00-04013 B. List of Bills Payable: No. 5802, January 12, 2010

Sponsors: Accounting

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

Indexes: N/A

BID 00-04005 C. Bid: Award \$378,825.00 to Homer Tree Care, Inc. for Tree and Stump Removal Services

Sponsors: Public Works

Summary of Item: This awards a three-year contract for tree and stump removal services to Homer Tree Care, Inc. in the amount of \$378,825.00.

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

Indexes: Tree and Stump Removal

BID 00-04006 D. Bid: Award \$259,806.00 to D. Ryan Tree & Landscape, LLC for Parkway Tree Pruning Services

Sponsors: Public Works

Summary of Item: This awards a three-year contract for parkway tree pruning services to D. Ryan Tree & Landscape, LLC in the amount of \$259,806.00.

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

Indexes: Tree Pruning

BID 00-04015 E. Bid: Award \$28,400.00 to Homer Tree Care, Inc. for Demand Pruning Services

Sponsors: Public Works

Summary of Item: This is a three-year contract for Demand Pruning Services to Homer Tree Care, Inc. of Lockport, Illinois in the amount of \$28,400.00.

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

Indexes: Tree Pruning

MOT 00-04014 F. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Plan Commission - December 7, 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

ORD 00-04008 A. Ordinance: Amend Council Meeting Proceedings

Sponsors: Manager's Office

Summary of Item: This amends Village Council meeting procedures.

AN ORDINANCE AMENDING COUNCIL MEETING PROCEDURES

ORDINANCE NO. 5117

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 Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Council Rules, Council Agendas, Council Meeting Schedule

RES 00-04011 B. Resolution: Amend a Village Council Policy Regarding Preparation of Village Council Agendas

Sponsors: Manager's Office

Summary of Item: This amends the Council Policy regarding the preparation of Council agendas.

A RESOLUTION AMENDING A VILLAGE COUNCIL POLICY REGARDING PREPARATION OF VILLAGE COUNCIL AGENDAS

RESOLUTION 2010-01

A motion was made by Commissioner Barnett, seconded by Commissioner Beckman, 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: Council Agendas

MOT 00-04009 C. Motion: Adopt 2010 Strategic Plan

Sponsors: Manager's Office

Summary of Item: This adopts the 2010 Strategic Plan.

A motion was made by Commissioner Beckman, seconded by Commissioner Neustadt, to Authorize 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: Strategic Plan

MOT 00-04010 D. Motion: Accept TCD3 Report

Sponsors: Manager's Office

Summary of Item: This accepts the TCD3 Report.

A motion was made by Commissioner Neustadt, seconded by Commissioner Schnell, to Accept 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: Total Community Development III (TCD)

8. First Reading

ORD 00-04017 A. Ordinance: Amend Signage Provisions

Sponsors: Community Development and Plan Commission

Tom Dabareiner, Director, Community Development, said that this provision is to amend Chapter 28, Article XIV of the Village's Zoning Ordinance. The Plan Commission recommended approval of the text amendment with modifications, and the ordinance is recommended for Council approval on January 19, 2010.

Mr. Dabareiner reviewed the goals of the Sign Ordinance and the Ogden Avenue Master Plan. The Sign Ordinance goals relate to community character, and enhancing the physical appearance of the Village. "Reducing Visual Clutter" refers to making sure that signs are sized properly, are not obstructive visually and are not distracting or objectionable. The 1999 Ogden Avenue Master Plan was used for guidance. That Plan criticized the number of signs, referring to them as "clutter" and "chaos," and called for a reduction in number and a consolidation of signs whenever possible. It also noted that many sign sizes were out of scale with the property. That Ordinance sets the tone for the proposed text amendment. Mr. Dabareiner said that the Downers Grove Economic Development Corporation (hereafter EDC) submitted a request for a freestanding sign for properties with a minimum frontage of 260 feet, with the sign being 15 feet tall and 60 square feet in area. He said that staff does not support the text amendment. There has been no direction to make a change. Staff agrees there is a gap in this portion of the Sign Ordinance for larger, single-use properties that have similar characteristics to shopping centers based on size and access points. Staff thinks it is possible different sign regulations in this category might help improve visibility for the property, the entrance, and for traffic safety.

Mr. Dabareiner said that staff is concerned that the EDC proposal as is may have conflicts, and there are also concerns about the clutter aspect. The Plan Commission recommended a 100 foot setback. There were also concerns about the amendment being too broad. He indicated that this may need to be limited to B-3 Districts. He then showed slides depicting existing signage for comparison of different frontages. Less than 100 feet of frontage would allow an 8 foot tall sign with a maximum size of 24 square feet and a maximum total sign area of 300 square feet. A site with more than 100 feet of frontage could have a 10 foot tall sign with a maximum size of 36 square feet and a maximum total sign area of 300 square feet. A lot of 500 feet frontage would allow a sign of 15 feet in height and 60 square feet in area and no maximum for the total sign area. The proposed amendment fills the existing gap between 100 feet of frontage and 500 feet of frontage. He said 21 properties and 40 industrial and office properties could be affected. Staff wants to restrict this to B-3 Districts, which would reduce the number of properties to

about 15.

Mr. Dabareiner said that the vast majority of properties affected by this would still need to reduce their sign size. The Plan Commission considered this petition on December 2 and recommended approval of a modified version with a vote of 5-1. It would fill the gap. The dissenting member was in favor of the current ordinance requirements as it is compatible with the Ogden Avenue Master Plan, and variations could be handled by the Zoning Board of Appeals.

The Mayor asked for public comment.

Richard Benes said he worked on the Sign Ordinance a few years ago, noting that they spent a great deal of time on it. He disagrees with the proposed changes, and he doesn't think in any case there should be a sign higher than 10 feet anywhere in Downers Grove. The goal of the amended Sign Ordinance was to limit the size of signs. Ten feet was considered ample to recognize properties and maneuver turns, etc. The only area allowed a 15 foot tall sign is a shopping center of greater than 500 feet frontage, because a shopping center is so big and long. One sign would have to be bigger to contain the index of all the stores within the shopping center. Mr. Benes encouraged the Council to think about the 10 foot sign limit. He referenced books saved from the Committee's discussions with photographs of the Midwest with signs that are within the 10 foot limit and noted that these don't seem to hamper any businesses. He suggested that the square footage be increased rather than the height, or allowing two 10 foot signs for larger square footage areas. There are a lot of signs that have to be changed. Ogden Avenue has to be complete before you realize how nice it will be with lower signs. There will be many petitioners seeking sign height variations as we approach 2011. He mentioned some signs, such as the Firestone sign on Ogden Avenue which should be changed. As a member of the Sign Ordinance Committee he feels there needs to be more discussion. The Committee never considered signs in isolated districts such as B-3. He believes 10 feet is ample and he would not support 15 foot signs.

Greg Bedalov, President of the Economic Development Corporation, thanked staff for their help on drafting the amendment. He explained that the list drops to 14-15 properties when they consider B-3 Districts only. He referenced the M-1 properties on Ogden Avenue that would have to be rezoned B-3, saying those owners are in favor of rezoning to B-3. Mr. Bedalov said that the EDC identified a gap. They didn't want to ask for signs higher than what is currently allowed. Fifteen feet is currently allowed in shopping centers. He said they believe this gives businesses the opportunity to put signage where they feel it would do the most good. The EDC has no objections to the Plan Commission recommendations with the proposed modifications recommended by staff.

Commissioner Schnell asked how many businesses have applied for a variance to the Zoning Board of Appeals to go higher than the 10 foot height. Mr. Dabareiner said he knows of one, which was Max Madsen. Commissioner Schnell said that the process of going through the ZBA can be painful in terms of the time involved. Mr. Dabareiner said it is a high standard and a difficult standard to meet to obtain a variance. He indicated that there should be a high standard. The ZBA has routinely denied sign variances. He believes there were about a half dozen requests, but will get that information. Commissioner Schnell asked staff's thoughts on the benefits of two 10 foot signs versus the 15 foot high sign. Mr. Dabareiner said it's a matter of tradeoff in preference. Staff believes that one sign would designate the primary entrance. The focus is on having a single sign to identify the business. Allowing two signs might add to the confusion.

Commissioner Neustadt said that two signs with a 100 foot setback would be very close together. The Plan Commission recommendation is a creative way to work with the business partners and within the existing Sign Ordinance.

Commissioner Waldack said that the Sign Ordinance is 4 1/2 years old. The Council asked about a year ago whether it was working, and he thinks it is time to evaluate it before the five-year mark. He recommended a review of the Sign Ordinance, rather than consideration of a text amendment now. He thinks it is time to have an Ad Hoc Committee reconvened for a Sign Ordinance review. They have not taken rezonings into consideration. He thought it would be appropriate to reconvene a Sign Ordinance Committee.

Commissioner Beckman said he believes there is a gap and a need to fill it. As to the proposed amendment, he believes the question is: "What best serves Downers Grove and the business community?" The primary proposal before them is a 15 foot tall sign with a maximum size of 60 square feet, which would be a single sign to reduce clutter. The alternative is to have two 10 foot signs with 36 square feet for each sign. That has benefits, as well as limitations. Commissioner Beckman said he was hoping to hear more direction from staff. Either one of the alternatives would work, and the Village has the responsibility to fill this gap.

Commissioner Barnett asked for a copy of the slides used by Mr. Dabareiner in this presentation. He referred to the Sign Ordinance goal of reducing the height of signs. The Ogden Avenue Master Plan precedes the Sign Ordinance, and the Master Plan called for reducing clutter. He asked if the Master Plan speaks to height. Mr. Dabareiner responded that the Master Plan set the goals and the regulatory document would include the specifics, such as height requirements. Commissioner Barnett asked if reducing height was one of the goals, and Mr. Dabareiner said that it was. Fourteen out of fifteen existing signs would have to be changed with modifications. Commissioner Barnett asked whether smaller exit or directional signs count. Mr. Dabareiner said if they include advertising they count, otherwise they are excluded from the total area count. Commissioner Barnett asked if there was any discussion about the setback as it relates to frontage. Mr. Dabareiner said the 100 foot setback is from either side. The Ogden Avenue Master Plan identified that there were too many signs in too many locations, and called for a uniform distance. The ordinance then established a 10 foot distance.

Mayor Sandack commented that this is a balancing act from his perspective. There are the goals of the Ogden Avenue Master Plan versus the goals of the Sign Ordinance Committee. Ogden Avenue is difficult in its topography and geographical challenges, and one size does not necessarily fit all. Compliance is happening on Ogden Avenue and Butterfield Road. He agrees that there needs to be a review, but he thinks having it now is a bit premature. The year 2012 is when compliance needs to occur, and after that would be the best time for review. A seven-year process was put into place so people would have enough time to comply with the Sign Ordinance requirements. He agrees that there is a gap, and that the Sign Ordinance is not perfect. Every ordinance has to grow and change. There are 15 foot tall signs on Ogden Avenue in multi-tenant areas. He said the question is whether the gap is more toward shopping centers or single use facilities. He is leaning toward the decluttering aspect versus dropping the sign height. Two 10 foot signs may be impractical and create more clutter on some of the lots. The gap is present and relief is required. He feels, however, that to review and change the ordinance now would be a terrible thing. He asked staff for the number of variances requested of the ZBA, and denials, as well as some information about the process.

Commissioner Waldack asked that staff add the variances that went through the Plan Commission as well as the ZBA. As to waiting, if he had a business he would rather know ahead of time of possible changes.

Commissioner Durkin supports this, and asked about the companies that did not come into the Village due to the Sign Ordinance. He would like to have that information, and thinks they have to do what they can to help businesses come into Downers Grove.

Mayor Sandack agreed that they do not want to establish artificial barriers for coming into the Village.

Mr. Dabareiner said in response to Commissioner Schnell that only one business had a 10 foot sign that could possibly increase their sign with the proposed modifications.

Commissioner Schnell commented regarding the 2012 deadline, saying she thought they would try to work with those not in compliance prior to 2012 and work with them during that final year. It was her understanding that they look at the intent of the Ordinance with respect to 2012.

Mr. Dabareiner said that staff has worked successfully with the EDC and the Chamber to get notices placed in newsletters. There is budget for a direct mailing campaign. Commissioner Schnell said they should probably discuss this at meetings with businesses as well.

Mr. Dabareiner clarified that staff did not have the intention of proactively rezoning properties.

Indexes: Zoning Ordinance - Signs

ORD 00-04016 B. Ordinance: Amend Ordinance #5017 and the Village of Downers Grove Budget for Fiscal Year 2009

Sponsors: Finance

Mr. Fieldman said that each year the Council sets maximum levels for funding and that five funds have exceeded the levels. Two of the funds are debt service funds. The Water Fund needs an increase amendment of \$350,000 for some capital projects that closed out in 2009, rather than in 2008. The Risk Management fund request is for an increase in expenses of \$500,000 due to claims experiences and year end reserve. The last fund is the Fire Pension Fund with an increase of \$113,000 due to pension payments to firefighters that retired in the voluntary separation program in 2009.

Indexes: Budget - 2009

RES 00-04020 D. Resolution: Authorize an Addendum to an Agreement with V3 Companies of Illinois, Ltd. re: Washington Park Stormwater Management Project (SW-042)

Sponsors: Public Works

Mr. Fieldman said this is an increase of \$65,000 in the contract amount. It reflects the increase in the amount of time spent on the project. He noted that funds are available through other savings in the FY09 Stormwater Fund, resulting in no additional expense to the fund.

Indexes: Engineering Services, Washington Park

RES 00-04019 E. Resolution: Establish Comprehensive Planning Ad Hoc Committee and Appoint Members Thereto

Sponsors: Manager's Office

Mr. Dabareiner said this concerns a resolution to establish an Ad Hoc Comprehensive Plan Committee and appoint members to the Committee. The Comprehensive Plan is a document that establishes goals and guidelines and recommendations toward policies that would direct future land use, layout, buildings, economic and neighborhood character, transportation, etc. He indicated that a citizens' group would do the bulk of the work. It would include three members from the Plan Commission, two from the Zoning Board of Appeals, one from the Architectural Design Review Board, one from Transportation and Parking Commission and two members at large. This would be a nine-member Committee and staff would like to start this as soon as possible. The first meeting is targeted for February. Information from TCD 3 feeds directly into this.

Commissioner Beckman asked if recommendations will come from this Committee, and Mr.

Dabareiner said they would recommend acceptance of the Comprehensive Plan and it will go to the Plan Commission for review.

9. Mayor's Report

INF 00-04018 Refer 24-Hour Command Staff Emergency Response to the Public Safety Standing Committee

Sponsors: Mayor and Manager's Office

Mayor Sandack said he is referring the operational practice of 24-hour per day emergency response by Police and Fire Department Command Staff and the related policy issues to the Public Safety Standing Committee for their review and discussion.

The Manager said he anticipates the meeting in the first two weeks in February, depending on schedule availability.

Indexes: Public Safety

Materials to be Placed on File

10. Manager's Report

Nan Newlon, Director, Public Works, said that there has been 28" of snowfall so far this season, and the average over 30 years has been about 38". We are on course for a winter of heavy snow. She indicated that the Village is significantly under previous years' amounts of salt use due to the use of anti-icers. She reported that the snowplows purchased last year have operated well with no breakdowns in the last year. They are saving time and money. She indicated that they are looking to apply anti-icers directly to the pavement, as well as mixing it with salt. Staff can be more proactive in terms of timing, by placing it on the pavement prior to the event. Ms. Newlon said the goal is to better manage the events, save money and protect the environment.

The Mayor said that the crew did a great job during the last event.

11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting four items to the Council: 1) A resolution establishing the Downers Grove Comprehensive Planning Ad Hoc Committee and appointment of members thereto; 2) A resolution authorizing execution of addendum A to an agreement between the Village of Downers Grove and V3 Companies of Illinois, Ltd.; 3) An ordinance amending signage provisions; and 4) An ordinance providing for an amendment to Ordinance #5017 and the Village of Downers Grove budget for Fiscal Year 2009.

Future Active Agenda

12. Council Member Reports and New Business

New Business

Commissioner Waldack said he was looking for concurrence from the Council on a proposal. Last week the tree removal and pruning contract and the maintenance cycle was discussed. The Public Services Standing Committee used to meet on a regular basis, at least annually, to discuss this item. He suggested last week that this be referred to the Environmental Concerns Commission to review the maintenance cycle, the tree canopy, the partnership between our public canopy and privately owned canopy, and how the Village can partner with residents.

Mayor Sandack responded that he would like to contemplate this, and asked Commissioner Waldack to e-mail the Village Manager the specific charge to the Commission.

Reports

Commissioner Beckman said that Sunday in the New York Times there was an article in the op-ed section of the business section regarding sidewalks. There was anecdotal information about whether sidewalks improve safety standards. He asked the Village Manager to provide any empirical information on that subject to the Council. The article dealt with home values. It was entitled "Street Corners vs. Cul de sacs" and addresses the walkability of a community via sidewalks. It was found in the last recession that those communities that had sidewalks and provided the ability for members of the community to connect sustained home values considerably higher than those expanses of curbs and streets where people do not have the ability to walk to meet others, etc. Walkability improves life and raises home values. He has posted the article on his Facebook page. It supports the contention that sidewalks provide value to our community.

Commissioner Neustadt reported on Danny LeFevour, Downers Grove resident and former Downers Grove Panther Football Player who was coached by Matt Neustadt, and who led Central Michigan University to a GMAC bowl win. He reviewed LeFevour's successful career. He has set many NCAA records and currently holds a number of Mid-American conference records. He is the only player in NCAA history with over 12,000 passing yards and 2,500 rushing yards. He was the MVP of the 2010 GMAC bowl as well as last year's MAC championship game. Downers Grove's own might be playing in the big leagues very soon. Commissioner Neustadt also announced that Mark Lacy, class of 1988 at Downers Grove North, was inducted in the Hall of Fame at North High. During his athletic career, Mark was a Big Ten champion in the shot put at the University of Minnesota and qualified for the Olympics in shot put. He also noted that O'Neill Middle School is trying to raise \$100,000 through a grant, and those interested in helping should contact Sarah Pinkus at spinkus@dg58.org.

Commissioner Schnell said that the State of the Village address would be made by the Mayor tomorrow at the Chamber of Commerce luncheon, and she asked that it be placed on the website. Mr. Fieldman said it will be on the website, and will be rebroadcast. The Mayor will also give the address at an upcoming Village Council meeting.

13. Adjournment

Commissioner Schnell moved to adjourn. Commissioner Neustadt seconded the Motion. Mayor Sandack declared the Motion carried by voice vote and the meeting adjourned at 8:22 p.m.