



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, February 2, 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 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 Council Meetings

Executive Session Minutes for Approval Only - December 15, 2009

Council Meeting - January 19, 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

1. Mr. Rendall, 4620 Prospect, said he came to talk about sidewalks, and then read a letter into the record that he received from Susan Murphy of 4628 Prospect. Ms. Murphy said in her letter

that their block is very quiet, and the residents enjoy walking down the street and are not deterred by not having sidewalks. She referenced privacy issues, easements and funds, saying she felt the Village should not spend money on unneeded and unwanted sidewalks for their block.

Mr. Rendall continued that 15 years ago a sidewalk matrix was developed in the Village. But nine years ago the funds were greatly reduced, and three years ago the markets collapsed. He noted that there is school board debt, underfunded retirement and State funds, and lost money. He noted that in light of this, the Village is still thinking of putting sidewalks in areas where they are not wanted. He suggested that the Village save that money and use it to mitigate the tax burdens.

2. Bill Wrobel, 7800 Queens Court, provided an update on the south end of the Village. He mentioned that he received a hanger on his door announcing the February 3 opening of Michael's Fresh Foods. He then mentioned that while driving along 75th Street today he noticed that the BP Station is still closed, and questioned whether there is still gasoline in those pumps. The boundary of the property is filled with campaign signs. He also referenced the 63rd and Main Street Amoco Station which has been vacant for a long time. Across the street from the Amoco is a brand new CVS store opening. Mr. Wrobel also pointed out that the sidewalk on Washington by Acadia on the Green is still closed to pedestrian traffic. He wanted to call this to the Village's attention because this is the first of the year. He thinks the Village needs to do a better job of supervising abandoned businesses and properties. He expects the Village to do the best job possible to keep the Village looking good.

The Mayor replied that the staff responds to all complaints and makes sure that the Code is enforced. There are Code requirements regarding vacant property. The Village cannot make owners tear down the buildings, but they can make them adhere to minimum standards. Regarding campaign signs on vacant property, he hopes that those will be removed soon since the election is over.

5. Public Hearings

6. Consent Agenda

Mayor Sandack said item C, MOT 00-04025, a motion approving the 2010 sidewalk matrix, would be removed from tonight's Consent Agenda to a date uncertain. Commissioner Barnett asked that item D, RES 00-04019, a resolution establishing the Comprehensive Planning Ad Hoc Committee and appointing members thereto be removed from the Consent Agenda for separate consideration.

The Mayor asked for a motion to approve the Consent Agenda as amended.

COR 00-04031 A. Claim Ordinance: No. 5831, Payroll, January 15, 2010

Sponsors: Accounting

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

Indexes: N/A

BIL 00-04032 B. List of Bills Payable: No. 5806, February 2, 2010

Sponsors: Accounting

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

Indexes: N/A

MOT 00-04036 E. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Zoning Board of Appeals - November 11, 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 00-04019 D. Resolution: Establish Comprehensive Planning Ad Hoc Committee and Appoint Members Thereto

Sponsors: Manager's Office

Summary of Item: A RESOLUTION ESTABLISHING THE DOWNERS GROVE COMPREHENSIVE PLANNING AD HOC COMMITTEE AND APPOINTMENT OF MEMBERS THERETO

RESOLUTION 2010-05

Commissioner Schnell moved to adopt a resolution establishing the Comprehensive Planning Ad Hoc Committee and appointing members thereto. Commissioner Waldack seconded the Motion.

Commissioner Barnett moved to amend Section 1(b) to change the number of members to 11 (from 9) and to change the number of members serving at large to 4 (from 2). Commissioner Durkin seconded the Motion.

Commissioner Barnett said he is anxious that this move forward as this is very important to the community. However, it is critical to develop a concept for future land use and he would like the committee to be broader in scope to include more community involvement.

Commissioner Beckman said he supports the amendment. The Village has been working with an out-of-date plan for too long. It is a good idea to broaden the scope of involvement.

Commissioner Schnell said she received e-mails regarding the need to be more diverse and to represent the community as a whole. Expanding this to 11 members would allow for this.

Commissioner Waldack said this has been on the drawing board for some time. It first appeared on a Workshop agenda before Christmas and the Mayor circulated information at that time. The Mayor makes the appointments and the Council votes to confirm them. Information is circulated to Council members beforehand as to the number of members on the Committee, the makeup, etc. This is done to be respectful of the members of the committee who are volunteers. This has been the policy for some time. The information that was circulated was with regard to nine members. He has reviewed the makeup of the committee and the members. He said he doesn't necessarily agree with all the names on the Committee; however, he reviewed the list.

Commissioner Waldack said the Ad Hoc Housing Committee had nine members and it was horrendous and an administrative nightmare. Having nine people on that Committee was extremely hard to deal with. He felt it was a disaster and was disrespectful to the people on the Committee. He said Council has had plenty of time to review this matter. It has been Workshopped and at the last minute, someone had some problems. This is being expanded due to the personnel makeup. Having 11 people on the committee is an administrative disaster. He noted it will be hard to get a quorum. This is too important to play games. The makeup is

appropriate and there are plenty of people on the Committee. He opposes the amendment. He does not want to complicate the process and turn it into some type of political situation, especially at this late date.

Commissioner Durkin he would like to see that members on this committee refrain from blogging until the Council votes on this matter. There are certain members of the proposed committee who have either blogged or have their own websites. He asked that this stay on this level and not on the Internet.

Commissioner Schnell said the committee members need to have a clear understanding of the Open Meetings Act. She said she is very concerned about this and suggested that staff work with the committee members. She expressed concern about electronic means of communication.

Village Attorney Enza Petrarca said staff will provide training.

Commissioner Barnett reiterated that this is important for the Village. He disagrees with the idea that 11 people can't work together. The appointment of this committee is an important matter. He noted that six of the nine members are existing members of Boards and Commissions. He would like the discussion to start with a blank slate and is concerned that six of the nine members may be locked into existing ways of doing things. He said calling this "last minute" is a misnomer. He said he first asked that this matter be pulled off the agenda two or three weeks ago. He does not want to see this bound by people who have a predisposition with the way things have been done in the past.

Commissioner Schnell noted that by passing this resolution the nine members could begin to meet and the additional two members could join once appointed.

Commissioner Beckman noted that how meetings are conducted is the responsibility of the Chair and the proposed Chair for this committee has considerable experience. He said one member of the Council has said that with 11 members it will take a long time for one individual to make a comment. He feels they have a Chair who will be able to conduct the meetings in a professional way. With respect to attendance, he thinks a variable number of the committee members will be in attendance at any one meeting.

Commissioner Neustadt said it is important that people know that once they are appointed to a committee they are part of the Village, which brings with it a certain amount of professionalism. He expects them to follow the rules of conduct for participants. He thanked the volunteers for their service and participation.

Commissioner Waldack said that with respect to blogging, there are rules but it does not mean there can be no blogging. We have Council members that tweet and participate in blogs. He noted that the idea of expanding this committee to 11 members was brought to his attention yesterday. He reiterated that he would not support an additional two members if this amendment is passed.

Mayor Sandack said he proposed these appointments and is fine with the composition of the Committee. They are all quality people and all bring a different perspective to the Comprehensive Plan. Adding two other members at large does not offend his sensibilities. The goal is to put together a Comprehensive Plan. He said he appreciates all the sentiments expressed.

The Mayor asked for a roll call on the amendment to this Motion.

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

The Mayor declared the Motion carried 6:1.

The Mayor then asked for a Motion to adopt this Ordinance as amended.

Commissioner Waldack said again that he is voting "Nay" because he believes 11 members is too burdensome.

Commissioner Schnell moved to adopt the Ordinance as amended. Commissioner Barnett seconded the Motion.

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 Beckman, Commissioner Neustadt and Mayor Sandack
Nay: Commissioner Waldack

Indexes: Boards and Commissions, Comprehensive Plan

ORD 00-04027 A. Ordinance: Amend Provisions for Massage Establishment Licensing

Sponsors: Village Attorney

Summary of Item: This amends certain provisions for massage establishment licensing.

AN ORDINANCE AMENDING PROVISIONS FOR MASSAGE ESTABLISHMENT LICENSING

ORDINANCE NO. 5120

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: Massage Licensing

8. First Reading

INF 00-04026 A. Information: Solid Waste Collection and Disposal Services

Deputy Village Manager Mike Baker stated that this contract serves 14,500 single-family households and expires on March 3, 2011. He noted that the contract is with Republic Services, Inc., which is the parent of ARC Disposal. They merged with Allied Waste in December 2008.

Mr. Baker then presented options for consideration in renewal of the contract, which include the program structure. We can maintain the existing volume-based program which provides for both stickers or cans, or shift to a cart program for all residents for both refuse and recycling. Another element for consideration is the method for contract renewal. There are options for an RFP, or negotiating with the current contractor to create a contract that will meet the needs of the Village. Mr. Baker then summarized that the purpose for bringing this to the Council this far in advance is to introduce the general options available for consideration, initiate a policy discussion with the Council, provide extra opportunities for comments and questions, and allow ample time for decision-making since the contract serves the majority of residents in the Village on a weekly basis.

The Mayor provided some background, saying that a few years ago there were instances where the Village was up against a deadline and had to make quick decisions. This discussion is more than a year ahead of the expiration of the existing contract, which provides more time to make decisions as to contract renewal. Mayor Sandack said addressing this earlier bodes well for the Village. He suggested putting a resident survey on the website as well as in the Library. He has

a cart for waste at his home and that suits his family's needs quite well; however, they could use one for recycling as well. This needs to be balanced against those who live alone and have little waste and recycling of which to dispose.

Commissioner Neustadt stated that they recycle a considerable amount at his house, and he would like more information for recycling carts and waste carts in both smaller and larger sizes. He also asked about recycling containers for the downtown area. He would like a discussion of a partnership for another recycling extravaganza. Commissioner Neustadt added that he would like to see safety concerns included in the contract.

Commissioner Waldack asked about complaints on the refuse pickup, general complaints versus complaints about the vendor specifically. People want their garbage removed as cheaply as possible for the least amount of effort. He felt that carts would increase his cost. When the Village shops for a vendor, they could look into improving on the 5-day pickup. He also suggested that there be a call system to notify residents if the trucks will not be available and garbage day may be moved due to weather problems. As for recycling, he thinks the public is good at this, but he has heard it is a cost to the vendors. He asked that they discuss this with the vendors. Commissioner Waldack said he likes the current system and would like to see the sticker cost reduced. He would like Amnesty Days negotiated as well, as it does not seem people are taking advantage of them because they may not have enough trash to cover three stickers. In addition, people moving in and out of homes have much more trash to remove and he would like to find an easier way for the customers to negotiate the bulk situation.

Commissioner Durkin commented that his family has three toters, for garbage, recycling and yard waste. He would like to see a three-cart program of three different sizes for refuse. He supports going 100% to the carts. Everyone would have a monthly garbage bill. He thinks it will eliminate people leaving their trash in public places or dumping it rather than purchasing the stickers. If they have to pay a monthly bill they will use the service. He also wanted to see multi-family dwelling units included in the contract. He further suggested discussing changing from a 5-day to a 4-day system. He would also favor a 5-year contract if they go to the toter program. Commissioner Durkin said he would prefer negotiating with ARC rather than going to an RFP, if their report card is good. ARC and Allied Waste on the last bid were the lowest bid providers. They are now one company. He does not anticipate seeing sticker prices going down. It would serve our community well if a 35-gallon toter can be priced at the price equivalent to that of a one-week sticker price on a monthly basis

Commissioner Schnell asked staff how many haulers there are, since there may only be a few haulers out there. She agrees with providing service to multi-family units in the contract, as she believes those residents want to participate. She also agrees with the suggestion of providing recycling containers in the downtown area. Commissioner Schnell stated that she believes in a volume-based program because she believes it encourages recycling. She said that they have not seen large quantities of dumping over the years. She did not believe a total toter system would serve the Village's diverse population, and to make individuals on a fixed income buy a toter is not good government and not fair to residents. She would like to pursue a can system for recyclables because people recycle a lot of things, including paper that can blow all over neighborhoods. She mentioned that the size of toters can take up a lot of space in a two-car garage. She indicated that it depends upon what stage you are at in your life in terms of the need for toters.

Commissioner Barnett asked for additional information regarding the number of complaints that have been made, as well as the number of people using carts versus stickers. As to the downtown area, he would like the staff and Council to discuss the idea of participation from the vendors regarding downtown recycling as well as trash. There are two prominent areas, the Parking Lot and the Library, that should be considered.

Commissioner Beckman commented that his family has migrated toward recycling and less

trash. Their personal situation is that it is almost more important to solve the problem of ever-increasing recycling materials through larger containers. A large toter may cause practical limitations based on lot size, etc. He noted that they have a small cottage in Union Pier, Michigan, and the refuse prices there are substantially less. They have competitive service. He asked if a competitive environment is legal in the State of Illinois, and what would be the outcome. He added, though, that in Michigan they are required to have 64-gallon containers, which tends to encourage people to just throw everything away rather than recycle.

Commissioner Durkin noted that if they go to a toter system across the Village, they would have to decide how to bill, whether on a quarterly basis or place it on the tax bill. As to addressing industry mandates, he staff asked to obtain information from the vendors. The Central Business District will continue to look at recycling in the downtown area. He asked staff to obtain an overview from the vendor as to recycling and its effect on costs.

Commissioner Waldack suggested that they include fuel costs in their discussions, to understand the charges. He said that he is tending toward a volume-based contract.

Mayor Sandack commented that the next step is for staff to provide information to the Council to move forward in the process.

Commissioner Neustadt noted that they could use social networking tools for the survey as well.

Indexes: Scavenger-Garbage Collection

ORD 00-04033 A. Ordinance: Authorize Extension of a Final Planned Development Amendment for Planned Development #31 for the Construction of a Two-Story Office Building at 3300 Woodcreek Drive

Sponsors: Community Development

The Manager said this pertains to a request for a one-year extension to Ordinance No. 5044 permitting the construction of a two-story office building at 3300 Woodcreek Drive, Planned Development #31, Esplanade at Locust Point. The Municipal Code requires start of construction within one year of approval. Due to the economy, work has not started and the petitioner has asked for a one-year extension.

Commissioner Beckman asked if the building plans have changed. The Manager said there are no changes from the project as originally submitted.

Indexes: Planned Development #31 - Esplanade at Locust Point

9. Mayor's Report

10. Manager's Report

Finance Director Judy Buttny provided figures for the fourth quarter financial report for 2009. She noted these are preliminary numbers which are unaudited and cash basis. There is a three month lag in both sales and telecommunication taxes. She said that the revenues were down about \$2.3 million. Two categories -- Sales Tax and Other State Shared Revenues, especially State income taxes, were hit hard. She said that expenses are also tracking \$2.3 million under budget, which is positive. Expense reductions were primarily personnel expenses, fleet costs, contractual service expenses and other operating expenses.

The Manager said the next quarterly report will include the information requested by Commissioner Barnett.

The Manager said that Jim Jackson was promoted to Fire Chief, and there will be a swearing in ceremony next week.

Materials to be Received**Materials to be Placed on File****11. Attorney's Report**

Village Attorney Enza Petrarca said she was presenting one item to the Council: An ordinance authorizing the extension of a final planned development amendment for Planned Development #31 for the construction of a two-story office building at 3300 Woodcreek Drive.

Future Active Agenda**12. Council Member Reports and New Business**

Commissioner Waldack said that at the last meeting several items were placed on the Consent Agenda that involved over \$100,000 and multi-year contracts. They were placed on the Internet on Friday and were voted upon on the following Tuesday. Prior to the meeting format change, Consent Agenda items were Workshopped and then put on the Agenda for comment. When necessary, a one-week waiting period was waived. The one-week period gave Council more time to deliberate and more time for the public to comment. He said introducing an issue on Friday and bringing it to conclusion on Tuesday does not allow for due diligence. There have been many occasions where the one week delay proved beneficial. Commissioner Waldack said it is the Council's responsibility to look at items as if it is the first time. He suggested a heading of "Consent Agenda One Week Waiting Period" on the Agenda, which allows for public notice and an opportunity for the public to review the matter. The new meeting process eliminated the one-week waiting period. He said his suggestion would probably call for an ordinance change.

Commissioner Beckman commented on a press release issued by staff that the Village penned an agreement with Associates in Family Care of Naperville to offer counseling services in the property that originally housed counseling services from the Village. Some of the staff will be hired back and services will be provided at both market and below market rates. He said this is a move in the right direction and he is very pleased with this turn of events.

Commissioner Beckman then noted that about this time of year, the Village decides whether it is going to do anything in the private activity bond area, and he asked about interest from both the private and public sides. The Manager said the deadline is March 1. The Village worked in partnership with the EDC, and he asked Greg Bedalov to provide an update.

Greg Bedalov, President of the EDC, said that there is no interest in activity bonds to date, and there are no applications. Private activity bonds are used as a marketing tool. Commissioner Beckman then asked about interest from the IHDA, and Mr. Fieldman said that the Village could contact them and the Village should reserve its authority in case other options become available.

Commissioner Schnell commented that the ability to sell bonds may be in the Village's best interest.

Commissioner Beckman announced that on Thursday, February 25 from 6:00-9:00 p.m., the Grove Foundation will be hosting an evening out called "Passport to Fine Dining in Downers Grove." Five restaurants are participating. He noted that they had a great time at this last year. Commissioner Beckman said last year it was close to a complete sellout. For further information contact Dream Interiors, Downtown Management, or Lois Kopis at 630-852-2597.

Commissioner Barnett said that the Monthly Statistical Report is available on the Village's website and it contains a lot of good information. It gives residents a grasp of what the government is doing. He encouraged residents to review the report.

Commissioner Schnell thanked the staff for its work in getting the social services contract. She then asked the status of the Lemon Tree store. Mr. Bedalov responded that Michael's Fresh Market store will be opening tomorrow, and will have a Grand Opening in one week. He added that the plans have been submitted and reviewed for Lemon Tree and the targeted opening date is March 15. Commissioner Schnell asked for occasional updates. She also asked about the therapy gym, and Mr. Fieldman said they have been before the Plan Commission with respect to their zoning and are working on their permit. They are on track to open soon.

Commissioner Durkin said that in a future meeting he will bring forth a proactive approach to deal with the two recent house fires in the Village. He thanked staff for the detailed reports, and said he would like to have the Council discuss sprinkler mandates for single-family homes prior to the 2011 Codes.

Commissioner Neustadt announced that he attended a Whittier School presentation made by the 5th graders regarding controlling the geese population at the Downers Grove Golf Course. He then thanked Officer Andrew Blaylock for allowing him to ride along and participate in part of the police officer's day. There was a non-stop demand for service throughout the shift.

Commissioner Neustadt then announced that the Downtown Management Corporation and the EDC will sponsor the Ice Festival in downtown Downers Grove on February 13 and 14.

Mayor Sandack stated that the Village is moving ahead with the Comprehensive Plan and the ideas presented by the Committee will be vetted. He noted that there were necessary Community Events budget cuts; however, there will still be an Ice Festival this year due to community interest. The void left by eliminating Counseling and Social Services has also been filled through the interest of a private corporation that will hire former Village staff to provide the services. He added that the Council looks forward to continuing opportunities with respect to Heritage Festival. There are two groups in the community who want to bid on sponsoring a Heritage Festival type of event this summer. These are good intentions and volunteerism exists in the Village.

The Mayor then congratulated the O'Neill Senators for winning the Mayor's Goodwill Classic against Jefferson which was held at the Walker complex in Lisle. He said this was sponsored by new volunteers who filled the void left by the Voglers and Mullens who sponsored this for the past eight years.

13. Adjournment

Commissioner Schnell moved to adjourn. Commissioner Barnett seconded the Motion.

Mayor Sandack declared the motion carried by voice vote and the meeting adjourned at 8:38 p.m.