



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, February 16, 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

Council Meeting - February 9, 2010

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

Puffer School Calendar Presentation

Tom Dabareiner, Director, Community Development, provided background information on the Puffer School Calendar Project, noting that the calendar was created by the school children. This began with the TCD3 process and the desire from the Village for input from students. Puffer was one of the schools that became involved and participated in TCD3. They expressed

their desire for bike racks in the downtown area of the Village. October was National Planning Month and the project was kicked off at Puffer School where they talked about planning in the Village. As a result, the calendar was born as a fund-raiser with proceeds going to support bike racks in the downtown area. Mr. Dabareiner said that a grant was available with a local match which was actually exceeded. He thanked Anderson's Bookshop, District 58, Sarah Bobikiewicz from the Village's Communications Department, and Public Works staff. He pointed out that many of the student artists were present.

Katherine Hurkes, Student Council Advisor of Puffer School, stated that they had a lot of fun working on this project. Students then commented about their participation in the calendar project. They earned \$669 from the project to purchase bike racks in the downtown area. A check was presented to Mayor Sandack.

The Mayor thanked the students for their work and congratulated them on their efforts and achievements.

4. Public Comments - General Comments on Matters Not Appearing on Tonight's Agenda

Bill Wrobel, 7800 Queens Court, said that in January he spoke to the Council about the efforts of Downers Grove Watch to encourage snow removal for pedestrian safety along Ogden Avenue. He stated that a canvass was made last weekend, and many of the businesses have tunneled through the snow.

Mr. Wrobel then announced an invitation from Willis Johnson to the residents of Downers Grove for a special presentation on Saturday. Mr. Wrobel is a member of CATOE (Chicago Area Theater Organ Enthusiasts). A CATOE social will be held on Saturday morning at 10:00 a.m. featuring Jonas Nordwall on the Tivoli 1924 Wurlitzer organ. The concession stand will be open. He said that Downers Grove is uniquely privileged to have two Wurlitzer Organs in the community.

5. Public Hearings

6. Consent Agenda

COR 00-04045 A. Claim Ordinance: No. 5833, Payroll, January 29, 2010

Sponsors: Accounting

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

Indexes: N/A

BIL 00-04046 B. List of Bills Payable: No. 5810, February 16, 2010

Sponsors: Accounting

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

Indexes: N/A

RES 00-04048 C. Resolution: Authorize a One-Year Extension to an Agreement with Advocate Good Samaritan Hospital re: Annual Fire Department Fit for Duty Medical Exams

Sponsors: Fire Department

Summary of Item: A RESOLUTION EXTENDING AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND ADVOCATE OCCUPATIONAL HEALTH

RESOLUTION 2010-09

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

Indexes: Fire Department

RES 00-04049 D. Resolution: Authorize a First Amendment to Intergovernmental Agreement with the State, the County, the BNSF Railway Company and Metra re: Belmont Grade Separation Project

Sponsors: Village Attorney

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH THE STATE, THE COUNTY, THE VILLAGE, THE BNSF RAILWAY COMPANY AND METRA REGARDING THE BELMONT GRADE SEPARATION PROJECT

RESOLUTION 2010-10

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

Indexes: Metra, Belmont Road Underpass

RES 00-04058 E. Resolution: Authorize a Fourth Amendment to Grant Agreement for Eminent Domain Services for the Downers Grove Grade Separation Project Contract No. K00419

Sponsors: Village Attorney

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A FOURTH AMENDMENT TO GRANT AGREEMENT FOR EMINENT DOMAIN SERVICES FOR THE DOWNERS GROVE GRADE SEPARATION PROJECT CONTRACT NO. K00419

RESOLUTION 2010-11

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

Indexes: Illinois Department of Transportation, DuPage County, Metra, Belmont Road Grade Separation Project, Belmont Road Underpass

RES 00-04054 F. Resolution: Authorize the Abrogation of a Portion of a Public Easement Located at 924 Warren Avenue

Sponsors: Village Attorney

Summary of Item: A RESOLUTION ABROGATING A CERTAIN PORTION OF A PUBLIC EASEMENT IN THE VILLAGE OF DOWNERS GROVE

RESOLUTION 2010-12

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

Indexes: Abrogation - 924 Warren Avenue

MOT 00-04044 G. Motion: Authorize Change Order #3 for \$38,511.27 to Copenhaver Construction, Inc., Gilberts, IL, for the Washington Park Stormwater Improvement Project (SW-042)

Sponsors: Public Works

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

Indexes: Washington Park

RES 00-04056 H. Resolution: Amend the Downers Grove Comprehensive Planning Ad Hoc Committee re: Appointment of Members Thereto
Sponsors: Manager's Office
Summary of Item: A RESOLUTION AMENDING THE DOWNERS GROVE COMPREHENSIVE PLANNING AD HOC COMMITTEE REGARDING APPOINTMENT OF MEMBERS THERETO

RESOLUTION 2010-13

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

Indexes: Boards and Commissions

MOT 00-04055 I. Motion: Note Receipt of Minutes of Boards and Commissions
Summary of Item: Community Events Commission - 12/15/09
Library Board - 1/27/10
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 00-04043 A. Ordinance: Establish a Village Council Policy Regarding User-Fees, Licenses and Fines
Sponsors: Manager's Office
Summary of Item: This implements a formalized method for comprehensively establishing, reviewing and regularly updating Village user-fees, licenses and fines.

AN ORDINANCE ESTABLISHING A VILLAGE COUNCIL POLICY REGARDING USER-FEES, LICENSES AND FINES

ORDINANCE NO. 5122

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: User Fee, License and Fine Umbrella Policy

ORD 00-04035 B. Ordinance: Provide for the Issuance of General Obligation Refunding Bonds, Series 2010
Sponsors: Finance

Summary of Item: This authorizes bond refundings pursuant to specific parameters.

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010, OF THE VILLAGE OF DOWNERS GROVE, DUPAGE COUNTY, ILLINOIS, AUTHORIZING THE EXECUTION OF A BOND ORDER AND AN ESCROW AGREEMENT IN CONNECTION THEREWITH, PROVIDING FOR THE LEVY AND COLLECTION OF A DIRECT ANNUAL TAX FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS AND FURTHER SECURING SAID BONDS WITH A PLEDGE OF CERTAIN INCREMENTAL TAXES

ORDINANCE NO. 5123

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: General Obligation Bond - Refund

RES 00-04041

C. Resolution: Authorize an Agreement with the Indian Boundary YMCA to Jointly Conduct the 2010 Downtown Downers Grove Market

Sponsors: Community Development

Summary of Item: This authorizes an agreement between the Village and the Indian Boundary YMCA to jointly conduct the 2010 Downtown Downers Grove Market.

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE INDIAN BOUNDARY YMCA TO JOINTLY CONDUCT THE 2010 DOWNTOWN DOWNERS GROVE MARKET

RESOLUTION 2010-14

Commissioner Neustadt said in the update and recommendations from staff this weekend, information was provided regarding a better look at the increased volunteer opportunities from the YMCA, and that the Village's contribution may decrease as a result of that review. He hopes that the Village can find savings for the YMCA and for future projects in the Village.

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

Indexes: Downtown Downers Grove Market

8. First Reading

ORD 00-04051

A. Ordinance: Adopt and Approve Publication of the 2010 Village of Downers Grove Zoning Map

Sponsors: Community Development

Village Manager Dave Fieldman said that by state statute, the Zoning Map must be adopted each year by March 1. There are no changes this year with the exception of a note regarding the Historic Preservation Ordinance.

Commissioner Beckman expressed concern about adopting the Map at the same time as the Village is conducting discussions about revising the Comprehensive Zoning Plan.

Mr. Fieldman said that the Village must publish the map by law. When the Comprehensive Plan

is approved, the Council may decide to include some rezoning. Staff feels it would be best to discuss this after the Comprehensive Plan is approved.

Commissioner Schnell asked if it would be better to adjust the Future Land Use Plan based on the Comprehensive Plan, and the Manager said it would. Commissioner Schnell then noted that there were two landmark changes on the Map, and the Manager said they are located at 5256 Carpenter and 4943 Highland.

Indexes: Zoning Map

ORD 00-04052 B. Ordinance: Authorize a Special Use to Permit a Health and Fitness Club in the Downtown Business District

Sponsors: Community Development

Mr. Fieldman said this item refers to the ATI Fitness Club in Acadia on the Green. The Council approved an amendment to the Acadia on the Green Redevelopment Agreement approving the lease of that property to this facility. The Zoning Ordinance requires a Special Use approval prior to operation. In going through the process there were some issues raised regarding dumpster locations, HVAC screening, and parking in the rear alley. Staff has recommended conditions that would address these issues in the ordinance or would appear as conditions of the building permit.

Tammi Karam, 3494 Venard, said she would like to see the parking zoned rather than the current arrangement. She said that the two-hour parking does not promote parking among the customers. The employee parking in the downtown area is an issue where employees do the two-hour shuffle, jockeying cars back and forth to different parking locations. Her store purchases a spot in their lot. She thinks the gym facility may have employees taking up spots, and she has an issue with the duration of time people will be parking there. Mayor Sandack said staff will review it.

Commissioner Schnell noted that the trend in gyms is to go to 24/7 operation. In this particular case, people will be residing over the gym, and she would like to see a limitation placed on the 24/7 timeline. She would not want this to go to the 24/7 timeframe without public comments and notice. The Manager said that they can put a condition on this if directed by the Council.

Commissioner Beckman said he shares Commissioner Schnell's concerns, but he would also like to discuss the potential of a sound barrier with the owner.

Commissioner Waldack expressed his opinion that they should have a time designation. Some people may want to get their workout in the early hours. He would like to have suggestions/options in the event of concerns expressed by the public. Mr. Fieldman said staff will also research this matter.

Mayor Sandack said that his understanding was that the normal hours of operation would be 7:00 a.m. to 7:00 p.m., which may be physical therapy driven. He noted there is an early-morning breakfast facility there now, as well as late-night restaurant. This was intended to be a retail/business oriented area, and is expected to be noisy. People who moved in understood there would be retail facilities there. He suggested that they keep to the proposed hours and let them come to the Village if they want to expand their hours. He didn't agree with over-legislating the hours of operation.

Indexes: Planned Development #37-Acadia on the Green

RES 00-04053 C. Resolution: Authorize an Amendment to an Agreement with Claude H. Hurley Company for Geotechnical and Material Testing Services

Sponsors: Public Works

Mr. Fieldman said \$270,000 was budgeted last year for all material testing needs. The Village entered into two contracts, with a plan to divide the work equally. Claude Hurley did more of the complicated work and more work than SEECO. The Village is seeking an amendment to the contract with Hurley, but it does not impact the work with SEECO, or the Village's costs.

Indexes: Geotechnical Engineering**ORD 00-04057****D. Ordinance: Amend Council Rules Regarding the Consent Agenda****Sponsors:** Manager's Office

The Manager said this ordinance amends Council rules regarding the Consent Agenda. Currently Sec. 2.5 Rule 5 requires one member to remove an item from the Consent Agenda. The proposed ordinance would require two members to remove an item from the Consent Agenda.

The Mayor said this was initiated by the dais. He hopes this doesn't have to happen. There have been individual conversations among the Council to preserve the Rule as intended. Changes were made in January to focus on substantive matters and handle routine matters in a more expeditious manner. The Council unanimously agreed to that change. Last week four of six matters were removed from the Consent Agenda and he suggested that this Rule be reviewed. The idea is to make sure that the intent is furthered.

Commissioner Barnett commented that the Council is still evolving with respect to the Rule changes. He would like to hold off on another potential change until more time has passed and they have more experience with the existing change. He would like to reserve the prerogative as it stands and would like to work within the Rules and see how this evolves. They may be able to move forward without changing the rules.

Commissioner Beckman questioned whether this should be tabled. Mayor Sandack said it is a First Reading and can be set for a date uncertain.

Commissioner Beckman commented that he agrees with Commissioner Barnett to reflect on their experience and to further evaluate this.

Commissioner Schnell said she concurred with both Commissioners Beckman and Barnett. Being able to express concerns, whether by one Commissioner or two, to the Village Manager or colleagues is a good thing. Communication and working together as a team is the bottom line. Each brings his or her own expertise and having the ability to communicate is essential to working as a team. Ordinances and substantive matters will still be on the First Reading. She suggested that discussion with other Council members is helpful. When the Council changed from five to seven members, it allowed the opportunity for Council members to speak to each other on a one-to-one basis.

The Mayor noted Commissioner Schnell's reference to the five-member Council, saying at that time two members of the Council were not allowed to speak to each other outside of the open-meeting forum regarding any Village-related business.

Commissioner Durkin agreed to a six-month trial period and the comments already made. This is the time they should be taking notes and putting ideas together for that six-month review. He is not in favor of changing this to a two-person format as he thinks it brings politics into the matter.

Commissioner Waldack noted that he did not pull anything off the Consent Agenda tonight. He did that last week to get discussion and concern going about what is and what is not routine. He

could not support this ordinance, and appreciates Commissioner Barnett reaching out. He believes they should start conversations about what is routine earlier rather than later. He commented that former Commissioner Tully took time to explain issues to the public, and this Council has lost some of that. He mentioned some of the items shown on the Agenda that could make people question whether they really are routine. Showing up to meetings and voting on matters has limited the ability of the Council and/or staff to explain issues to the public. This is not just for the Council, but for the general public as well.

Commissioner Neustadt said that he has not heard any comments from residents on any Consent Agenda items for the last two months. He trusts staff decisions on what is routine and should be on the Consent Agenda. The important thing is to get to the Manager if there are comments or questions. He could go either way as to tabling or moving ahead with this. Regarding the timing of issues, elected officials have to make time to be prepared. The residents need to know that the Council reviews all of the Consent Agenda items.

Dr. Gordon Goodman, 5834 Middaugh, said it is useful to hear the views of the Council. He commented that the Consent Agenda is not, in his opinion and according to the Rules, for routine matters, but for non-controversial matters. If one person objects, you do not have a consensus, but a controversy. He doesn't know where the idea of routine matters came into the conversation of Rule 5. A Consent Agenda relates to an action without discussion. He asked whether there is a First Reading of Consent Agenda matters now, as was the case previously, and the Mayor replied that there is not always a First Reading. Dr. Goodman said he is trying to understand the issue regarding the tree purchases. In the past, he would usually come to a meeting and speak about that issue. He asked if a public comment section still existed, and the Mayor said there is still a public comment section for Consent Agenda items. There would not be two opportunities to discuss it. Dr. Goodman said he thought they should reconsider that. Regarding the matter before the Council now, he thinks it should not be changed from one to two members, because the Consent Agenda by rule and common interpretation means it's a non-controversial issue. Dr. Goodman further commented that it often takes the public longer than the Council to understand an issue. He recommended looking into how participation has changed under this procedure. Dr. Goodman said that when Mayor Sandack was running for Mayor one of the points he made was to improve communications with the residents. From Dr. Goodman's perspective, this change has not improved communication but has made it poorer.

Bill Wrobel, 7800 Queens Court, commented that he sent an e-mail to the Council yesterday. It is particularly valuable when the Council asks a question and asks staff to comment. He learned a lot from Commissioner Tully. He said he is in contact with Judy Biggert in Congress, and she samples him periodically for his views, and he thinks that principle is particularly valuable. He urged the Council and Mayor to consider a network of people to bounce ideas off of for feedback. Mr. Wrobel said he is a great believer in transparency, and allowing one Commissioner to pull an item off the Agenda is tremendous in terms of transparency.

W.H. Whowell, 5417 Lee Avenue, said he originally intended to say that the proposal was contrary to the Illinois Freedom of Information Act. He now sees that it holds the "potential" to be in conflict with that legislation, whose intention was to increase transparency and not decrease transparency. The proposal as it looks does not increase transparency. Earlier he called the FOIA Hotline at 1-877-299-3242 and spoke with a human being. He wanted to be sure that everyone understood that the FOIA legislation is only 47 days old and this proposal carries with it the potential for violation of the FOIA.

Dr. Goodman, 5834 Middaugh, said that last week's move to remove items from the Consent Agenda was ineffective. With a First Reading, it was significant to remove an item as it provided an opportunity for discussion.

Mayor Sandack said that the consensus is to table the item to a date uncertain to see how the process works in the future. Rule 5 talks about the Consent Agenda as "deemed by the Village

Manager to be suitable and of a non-controversial nature." In his opinion that could mean routine. The intent was that matters that are non-controversial ought to be completed quickly to allow time for substantive matters. The Council agreed unanimously to give this new Consent Agenda six months. As for transparency, he noted that these matters are broadcast live, are podcast and rebroadcast, and could perhaps not be made more transparent. People cannot be forced to watch or participate. The Council will continue to be as transparent as possible. He said that the track record on the Consent Agenda generates no more or less interest-or very little-than a year ago. But if an individual contacts the Council or Village they will get a response. He said this issue would be revisited if it is warranted.

Indexes: Council Rules

9. Mayor's Report

Materials to be Received

Materials to be Placed on File

10. Manager's Report

11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting two items to the Council: 1) An ordinance adopting and approving publication of the Village of Downers Grove 2010 Zoning Map; and 2) An ordinance authorizing a special use to permit a health and fitness club in the downtown business district.

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Beckman noted that the front page of last week's Bugle has a photograph of the former Counseling and Social Services building which is the new Associates in Family Care counseling services center. They are assuming an important role in the Village. He then thanked the people at the Good Samaritan Emergency Room for their service last week. He was on the roof of his house removing snow and mis-stepped. Through their work and service, he is here today.

Commissioner Barnett commented on an e-mail from Greg Bedalov of the EDC that the EDC won Business Ledger's annual award for excellence in the hospitality category. He acknowledged the hard work of Cindy Klima, Jennifer Wilson and Lisa Casolari. The EDC works hard for the community and he thanked them for their efforts.

Commissioner Schnell suggested that when the bike racks arrive, a photo op be arranged and a plaque be placed on the racks. The Manager said that could be arranged. Commissioner Schnell added that the school and children worked hard to get this accomplished and they should be recognized for their achievement.

Commissioner Durkin thanked everyone who participated, attended and sponsored the Ice Fest this past weekend. He thanked the EDC, Chamber, Downtown Management and other businesses. It showed the character and makeup of the community. He also reported that one store's sales were up 34%.

Commissioner Neustadt extended his thanks to Public Works for the great work on the snow removal and snow operations. They did a great job.

Mayor Sandack announced that both Village high schools are sending students to State for the Speech Competition. He also congratulated Downtown Management for the exceptional Ice

Festival. He commented how great it was to see Linda Kunze in attendance.

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 8:09 p.m.