



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, March 2, 2010

6:30 PM

Council Chambers

1. Call to Order

Present: Commissioner Marilyn Schnell, Commissioner Bob Barnett, Commissioner William Waldack, Commissioner Bruce E. Beckman, Commissioner Geoff Neustadt and Mayor Ron Sandack

Absent: Commissioner Sean P. Durkin

Non Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca and Village Clerk April Holden

Mayor Ron Sandack called the regular meeting of the Village Council of the Village of Downers Grove to order at 6:30 p.m. in the Council Chambers of the Downers Grove Village Hall.

Convene into Executive Session - Ante Room

Commissioner Schnell moved to go into Executive Session pursuant to Section 2(c)(5) of the Open Meetings Act to discuss the purchase of property. Commissioner Barnett seconded the Motion.

VOTE: AYE - Commissioners Schnell, Barnett, Beckman, Neustadt, Waldack; Mayor Sandack

The Mayor declared the Motion carried and the Council convened into Executive Session in the Ante Room at 6:32 p.m.

Reconvene into Open Session - Call to Order - Council Chambers - 7:00 p.m.

The Mayor reconvened the Council 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 16, 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

5. Public Hearings

6. Consent Agenda

COR 00-04060 A. Claim Ordinance: No. 5835, Payroll, February 12, 2010

Sponsors: Accounting

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

Indexes: N/A

BIL 00-04059 B. List of Bills Payable: No. 5812, March 2, 2010

Sponsors: Accounting

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

Indexes: N/A

BID 00-04061 C. Bid: Award a Contract to Superior Road Striping, Inc., Melrose Park, IL, for 2010 Thermoplastic Pavement Marking in an Amount Not to Exceed \$25,000

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

Indexes: Pavement Marking

MOT 00-04063 D. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Transportation and Parking Commission - November 11, 2009
Zoning Board of Appeals - January 27, 2010

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 00-04051 A. Ordinance: Adopt and Approve Publication of the 2010 Village of Downers Grove Zoning Map

Sponsors: Community Development

Summary of Item: This approves and authorizes publication of the 2010 Village of Downers Grove, IL, Zoning Map, corrected to 03-02-10. Pursuant to state law, the Village is required to approve and publish its Zoning Map on an annual basis.

AN ORDINANCE ADOPTING AND APPROVING PUBLICATION OF THE VILLAGE OF DOWNERS GROVE 2010 ZONING MAP

ORDINANCE NO. 5124

Gordon Goodman said he had a comment regarding the Consent Agenda. He noted there is no information in the green sheets with respect to the bid on the Consent Agenda. He said there should have been a first reading of this item.

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: 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

Summary of Item: At their meeting of February 1, 2010, the Plan Commission recommended that a Special Use be granted to permit a health and fitness club in the Downtown Business District.

AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT A HEALTH AND FITNESS CLUB IN THE DOWNTOWN BUSINESS DISTRICT

ORDINANCE NO. 5125

A resident of 939 Burlington asked the hours of operation.

Village Manager Dave Fieldman responded that the maximum hours of operation are from 5:00 a.m. to midnight. The woman responded that when she purchased her unit she was told there would be retail on the first floor. She then asked about sound-proofing. The Mayor asked the staff about contemplated sound-proofing. The woman said that a gym can be a noisy place, and she is amazed that the Council will allow this. Mayor Sandack said there have been several public hearings, and many people have come to those hearings. The Village hopes that the facility will be good neighbors. He noted that the Village had public hearings with respect to the use of that space. They received one e-mail about the hours. The special use was the issue. The woman said she hoped there would be some special consideration for sound-proofing between the facility and the residents living above. Mayor Sandack responded that everyone hopes they will be good neighbors.

Barry Reggi said his daughter, a medical student, resides in Unit 207, above the health club. He bought this unit for her understanding that there would be retail below. He thinks the hours are excessive. The developers should understand that there are people living upstairs and should

have the same rights to peace and quiet as others. The Village is assuming that they will be good neighbors and he said they should not assume that. He added that it was also assumed that the cigar store would be good neighbors but the parking garage reeks of cigar smoke. Standards are being relaxed. The Mayor said that there's going to be construction regardless of the use. Mr. Reggi said he is a developer and believes the developers should live up to their promises. There is no fountain and they were promised a fountain. He said developers should put their families above this health club. He understands the problems, but when a developer moves into a town and makes promises, they should be made to keep those promises. He said that the Council was elected to represent the people to do the right thing for the residents. Businesses come and go and abuse the elected officials. He said that the Council has votes to make this right. This use would work better elsewhere. The Council has done an excellent job with the downtown area. He asked that they do not relax the Code and regulations or compromise. He asked that the Council hold tight on this. When he develops a shopping center somewhere, he uses Downers Grove Main Street as an example. Physical therapy is not a good use on Main Street. Egg Harbor generates sales tax. The benefits of this business do not outweigh the costs. Being open to midnight is a little excessive. He reiterated again that officials should put their families in this situation, and asked whether this has to be located at this location. He asked that they do not relax the hours.

Carol Fox, residing in Unit 209 directly above the health club, said she is in favor of this but is concerned about the noise level and asked that the hours be limited. She also asked about the insulation and sound-proofing. The Mayor said he does not know what the plan is, and suggested that a staff member can discuss this further. Ms. Fox asked that they do not stay open until midnight.

Commissioner Schnell said that at the First Reading this was discussed as a 24/7 operation, and this limits that original plan. She asked if they decided to expand the hours, whether they would have to come back to the Council. Mr. Fieldman said they would have to come before the Council again. Commissioner Schnell clarified that 5:00 a.m. to midnight are the maximum hours they can be open, and the Manager said that is also correct. They could choose to be open fewer hours. They agreed with the proposed hours.

Commissioner Waldack stated that this is a Special Use and he is concerned about the noise and the hours. The Council has discussed this previously. He said if they want to expand their hours they would have to come back. He noted that construction hours are different from the hours of operation. The Manager said that construction hours are from 7:00 a.m. to 7:00 p.m., Monday through Saturday. Commissioner Waldack then referenced the Village nuisance and noise ordinances to protect residents. On behalf of the residents he asked that the hours be strictly enforced. Mr. Fieldman said that the noise ordinance refers to the exterior of the property. Staff will work with the petitioner to assure that the interior noise is also addressed.

Commissioner Durkin commented that the primary use of ATI will be physical therapy. They will subsidize this with a workout club.

Commissioner Barnett stated that there is a set of ordinances that could potentially address this situation, but this is in the downtown with a railroad, restaurants, the post office, deliveries, etc. There are realities about choosing to live above a downtown business. The Council is looking to make the downtown area as vibrant as possible. These are the realities of living in the downtown, cosmopolitan area. He encouraged people to figure out a way to live in a neighborly way.

Commissioner Beckman said that ATI is a reputable firm with multiple locations throughout the Chicago area. To his knowledge, the Village has not received any negative feedback, and he thinks they should start with the premise that they will not change their operating behavior. There are things that can be done to mitigate the sound in places it is not intended to be.

Mayor Sandack commented that it is the contemplation of ATI to garner a good amount of their clientele from the buildings in which they are situated, and to work with the tenants. This has been the subject of many meetings beginning in 2009, and the Council has heard from people as to the use, noise, hours, etc. He hopes that everyone will work cooperatively with each other.

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: 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

Summary of Item: This authorizes execution of an amendment to the agreement between the Village and Claude H. Hurley Company for material testing services for FY 09.

A RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO THE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND CLAUDE H. HURLEY COMPANY FOR MATERIAL TESTING SERVICES

RESOLUTION 2010-15

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: Geotechnical Engineering

8. First Reading

ORD 00-04064

A. Ordinance: Authorize an Extension for Submittal of Phase 2 Comprehensive Redevelopment Plans for 2125 Ogden Avenue

Sponsors: Community Development

Community Development Director Tom Dabareiner explained that this is a amendment to a Special Use for 2125 Ogden Avenue to extend the timeframe to July 15, 2010 for their redevelopment plans. The reason for the delay is receipt of an NFR (no further remediation) letter from the IEPA. The Plan Commission considered this and voted in favor of the extension unanimously.

Commissioner Waldack said that they have seen a number of these requests. This one references the IEPA, and he is glad that they are moving forward with this.

Commissioner Beckman asked how long it takes to get this processed in terms of the remediation letter. Mr. Dabareiner responded that the letter has been received.

Commissioner Barnett questioned the plan for stormwater storage. Mr. Dabareiner said that the storage is hard to see on the overhead. They will utilize the same storage previously utilized. Lot coverage is primarily the same, although there is more greenspace in the plan.

Commissioner Schnell said that the original date of November 4, 2010 will remain, so they have to obtain approvals by that date. She asked if this includes green space, and Mr. Dabareiner said it does.

Indexes: Special Use - 2125 Ogden Avenue

ORD 00-04066

B. Ordinance: Authorize the Extension of a Planned Development Amendment to Planned Development #9 and Authorizing the Extension of the Special Uses for 1200 75th Street to March 3, 2011

Sponsors: Community Development and Plan Commission

Mr. Dabareiner noted that this is in line with the other extension requests, at it has to do with the economy. This concerns the northwest corner of Lemont and 75th Street. The proposal would close off several of the access points for better traffic interface. He noted that the plan is to remove the existing structures and build new structures. There is a new franchisee for the site and they are looking to obtain building permits this spring. They are requesting a one-year extension to March 3. It is warranted and staff recommends approval.

Commissioner Durkin asked for clarification on the site map showing that three curb cuts will be closed. Mr. Dabareiner said they will close all three curb cuts, but they will add one access point centrally located. Commissioner Durkin expressed concern about an agreement that the property be maintained. It looks run down and is in need of upkeep. Mr. Dabareiner said the petitioner has been very cooperative and responsive to correcting the Code issues. Staff is working with the owner and representatives from BP. The original proposal was under a different owner.

Commissioner Waldack said that Mr. Wrobel commented on this property several weeks ago. He is concerned about the automatic extension. This is in his neighborhood and is a gateway to the Village. He asked staff to think about the process of recommending extensions. His concern is not just to maintain the area, but to assure that gateway areas don't get rundown.

Mayor Sandack said this developer has maintained the property and been responsive to the Village's requests. They will make improvements this summer.

Commissioner Waldack said he didn't get a full sense of this in reading the material. He is not happy with automatically granting extensions.

The Mayor said they could disapprove the extension and then the owner will maintain it at only a minimum Code level.

Indexes: Planned Development #9-Grove Shopping Center, Special Use - 1200 75th Street

RES 00-04065

C. Resolution: Authorize an Agreement with Alliant Insurance Services, Inc.

Dennis Burke, Risk Manager, said that the existing insurance policies for the Village expire April 30 of this year. This request is for re-insurance coverage for property, casualty and excess liability and Workers' Comp. He is recommending a 3-year contract. In response to a question from Commissioner Schnell, Mr. Burke said that the Village has used this company before. The previous contract was for a multi-year time period.

Commissioner Durkin noted the questions and responses from staff and wondered whether they have looked at the possibility of looking at a different company to get better returns. He referenced the comfort level referenced by staff. Mr. Fieldman said that staff will check and obtain more information.

Commissioner Beckman said that the green sheet indicates that outside interviews were conducted with two of the three responders. He asked what happened to the third, and Mr. Burke said that they looked at the three proposals, and based on price, two firms were interviewed. Alliant has a good history with the Village.

Indexes: Insurance - Risk Management

9. Mayor's Report

10. Manager's Report

Manager Fieldman said that the Council approved a parameters ordinance on February 16, 2010 to allow the Village to refund some existing bonds. The day after approval, the market conditions were optimal and staff proceeded with re-funding some of the existing bonds, in the amount of \$5.8 million, equaling a savings of about \$534,000 in net present value. The closing date will occur March 4. It is a good return on the parameters ordinance,

The Mayor said this was a good return. He suggested that staff may want to look at a standing parameters ordinance, making it less likely they will have to rely on luck, and allowing more flexibility. Mr. Fieldman said staff will look at that and bring it to the Council shortly. He will accelerate the issue as quickly as possible.

11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting two items to the Council: 1) An ordinance authorizing an extension for submittal of Phase 2 Comprehensive Redevelopment Plans for 2125 Ogden Avenue to July 15, 2010; and 2) An ordinance authorizing the extension of a planned development amendment to Planned Development #9 and authorizing the extension of the special uses for 1200 75th Street to March 3, 2011.

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Waldack commented on a Consent Agenda item for a contract for \$25,000 which conflicts with the current Council policy regarding purchasing. This item and others like it are to be Workshopped, as stated in the Purchasing Policy. It is one thing to experiment with the meeting Agenda, but another thing to try and modify policy to match a trial period. The purpose of adjusting the meeting Agenda was efficiency. The policy benefits the residents, Council, Manager and staff. He doesn't want to change the purchasing policy with a head nod, and proposed that staff review the policy limitations, and the way they process and provide oversight duties. He asked that this be looked at as soon as possible, as it is important for the Council and Manager to understand what is and is not allowed. He said he could have pulled tonight's item off the Consent Agenda again, but it wouldn't accomplish anything.

Commissioner Barnett said that the NAP addressed this regarding review of the purchasing policy.

Commissioner Waldack said he would like to see this done sooner. Current practice is not in compliance with the policy.

The Mayor said that the Manager is authorized to spend up to \$15,000, but whether it is done in Workshop, First Reading or Consent is not specified. The word "Workshop" is used because at the time there was a two-part process. He agrees that they can accelerate the process.

Commissioner Schnell said that there were other policies that had to be looked at. The NAP references that if it is changed now, and the Council reverts back to the old meeting format, it would be changed again. The intent is still \$15,000 for the Manager's authority and over \$15,000 is the Council's authority.

Commissioner Beckman asked if Commissioner Schnell is suggesting that they look at this in the six month's time frame set to review the Council meeting format.

Village Attorney Petrarca said her staff can review it and suggest general language.

Commissioner Barnett clarified that there has been a change in our meeting agenda and there is now a word discrepancy in existing policy. The ideas of protection, oversight, transparency, the opportunity for public comment and public forum has not been compromised in any way by what's been discussed tonight in terms of changing the purchasing policy. The intent of the previous ordinance is to comply with the state statute, and give the public and Council the opportunity to review these issues in a public forum. None of that intent has been lost.

Commissioner Neustadt said that the information is available on line and at Village Hall. He noted that it was agreed early on that there may be some bumps in the road and adjustments would have to be made. He would rather have a temporary trial period for all of the meetings' preparation, instead of doing and redoing policies. The new process makes for more efficient use of staff time.

The Mayor suggested that they start review of the process more quickly.

Commissioner Neustadt said that he and his wife, with Commissioner Barnett and the Manager and their spouses attended the IAFF Local 3234 firefighters recognition dinner, with awards being given for a variety of outstanding life saving actions. He congratulated Wes Thomas and Bill Friedrich on their retirement. He also mentioned meeting with members of Boy Scout Troop 57 in the Village. He met with David, Matthew and Max Morlock in Village Hall and they discussed some of the Village's work on the budget. Commissioner Neustadt then thanked Lisa Stach for her service as Chair of the Human Services Committee.

Commissioner Durkin said that Linda Kunze is back in her office and he welcomed her back to work. He also announced that the Michael's Fresh Market ribbon cutting will be held on Friday at 3:00 p.m.

Commissioner Schnell said it was her husband's birthday, and she wished him a Happy Birthday, and thanked him for accepting all of the times she has to be away.

Commissioner Beckman said that the Grove Foundation hosted the downtown restaurant sampling program on February 25. It was a delightful time and there were also other activities going on at the same time. He said that not only were there five restaurants involved, events are happening around the Village and he hopes it will continue to build. These events are finding their own life through private organizations.

The Mayor announced that the Downers Grove Public Library Foundation is conducting its mini-golf event on March 28. Tomorrow the Chamber of Commerce will lead 30 people to Springfield to discuss a number of issues including pension reform. They will do their best to have the Village's voice heard.

13. Adjournment

Commissioner Schnell moved to adjourn to Executive Session pursuant to Section 2(c)(1) of the Open Meetings Act to consider personnel. Commissioner Barnett seconded.

VOTE: YEA - Commissioners Schnell, Barnett, Beckman, Neustadt, Durkin, Waldack, Mayor Sandack

Mayor Sandack declared the motion carried and the Council convened into Executive Session at 8:09 p.m.