



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, August 10, 2010

6:00 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 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

Commissioner Durkin arrived at 6:07 p.m.

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 Minutes - August 3, 2010

Strategic Planning - August 3, 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

There were no comments.

5. Public Hearings

6. Consent Agenda

BIL 00-04223 A. List of Bills Payable: No. 5844, August 10, 2010
Sponsors: Accounting
A motion was made to Approve this file on the Consent Agenda.

Indexes: N/A

RES 00-04227 B. Resolution: Authorize Submittal of Application to the DuPage Mayors and Managers Conference for FY 2011 Surface Transportation Program (STP) - Roadway Construction and Traffic Signal Reconstruction
Sponsors: Public Works
Summary of Item: A RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATION TO THE DUPAGE MAYORS AND MANAGERS CONFERENCE FOR FY 2011 SURFACE TRANSPORTATION PROGRAM (STP)

RESOLUTION 2010-56

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

Indexes: DuPage Mayors & Managers, STP Funding

RES 00-04231 C. Resolution: Authorize Submittal of Application to the DuPage Mayors and Managers Conference for FY 2011 Surface Transportation Program (STP) - Multi-Use Trail Project
Sponsors: Public Works
Summary of Item: A RESOLUTION IN SUPPORT OF THE COUNTY OF DUPAGE MAYORS AND MANAGERS CONFERENCE FOR FY 2011 SURFACE TRANSPORTATION PROGRAM (STP)

RESOLUTION 2010-57

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

Indexes: DuPage Mayors & Managers, Bikeway Plan

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 Beckman, Commissioner Neustadt and Mayor Sandack

7. Active Agenda

ORD 00-04221 A. Ordinance: Approve a Planned Development Amendment to Planned Development #18 to Approve the Master Sign Plan
Sponsors: Community Development and Plan Commission

Summary of Item: At their meeting of July 12, 2010 the Plan Commission recommended approving a planned development amendment to Planned Development #18 to approve the Master Sign Plan.

AN ORDINANCE APPROVING A PLANNED DEVELOPMENT AMENDMENT TO PLANNED DEVELOPMENT #18 TO APPROVE THE MASTER SIGN PLAN

ORDINANCE NO. 5146

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 Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Planned Development #18-Venture, Zoning Ordinance - Signs

RES 00-04219 B. Resolution: Authorize a Third Amendment to the Economic Development Corporation Bylaws

Sponsors: Village Attorney

Summary of Item: This adopts a third amendment to the Economic Development Corporation bylaws.

A RESOLUTION AUTHORIZING ADOPTION OF A THIRD AMENDMENT TO THE ECONOMIC DEVELOPMENT CORPORATION BYLAWS

RESOLUTION 2010-58

Commissioner Beckman thanked the staff and the EDC for providing the additional information he requested.

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 Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Economic Development Corporation

8. First Reading

MOT 00-04207 A. Motion: Direct Staff to Draft a Contract with Republic Services, Inc., Maintaining Current Volume-Based (Sticker) Program

Sponsors: Manager's Office

Village Manager Dave Fieldman said this motion directs staff to draft a contract with Republic Services maintaining the current volume-based sticker program. Based on extensive public input and Council dialogue, staff is recommending that the Village continue with the current program. Staff will present the contract to the Council in several weeks, and there will be an opportunity for minor changes at that time.

Mayor Sandack said the Village is continuing to seek input with respect to the refuse service provided. He stated that the process continues to be interactive, and encouraged any comments from the Commissioners or the public regarding this be directed to the Village Manager.

Commissioner Beckman commented that there has been considerable discussion and debate on this subject, and he believes there has been a clear consensus as to the direction the community wants the Council take with respect to this matter. He looks for more information and discussion with the Village Manager regarding Amnesty Day.

Commissioner Schnell said she senses frustration from the public. By bringing this motion

forward tonight, it sends a message that the Council is listening to the public. She commented that there have been some good suggestions in the e-mails she has received. She agrees that some modifications to Amnesty Day would be beneficial, perhaps without completely eliminating it, and she asked the Village Manager to look at suggestions from the residents.

Commissioner Neustadt agreed with everything that has been said. The recommendation from staff is the best choice. He thanked the residents for their comments. He expressed some safety concerns that he has discussed with Deputy Village Manager Mike Baker regarding trucks driving through the Village. He also asked for more information regarding ancillary services. The residents gave their comments and the Council has responded. He said residents can use stickers or carts in the current system.

Commissioner Waldack commented that he supports the volume-based sticker program. There was a tremendous response from people indicating their preferences and giving their reasoning which helped the Council form their opinions. He agreed that Amnesty Day could be cut back since the volumes are down which could lower the cost of the stickers as Amnesty Day is included in the sticker price. People can have bulk items picked up any time by calling Republic. Paying for bulk items encourages recycling. There have been a number of recycling events outside of Amnesty Day and he supports having Amnesty Day every other year.

Commissioner Durkin said he believes in the toter system but based on comments he supports the current system, including toters, as public response indicates it is preferred. With regard to Amnesty Day, he would like to have Amnesty Day worked into the contract. Savings from Amnesty Day could be applied to toter service to reduce the monthly charge. He asked that toter carts be provided to the users. He also wanted the contract to incorporate recycling/refuse pickup for multi-family dwellings.

Commissioner Barnett stated that the direction is clear. He agrees with the sentiments expressed by Commissioner Durkin. The residents have expressed a desire to pay for what they use and want to recycle. He thinks some adjustments can be made to the existing contract.

Mayor Sandack encouraged people to continue to let the Council know their opinions. The Village has made the process inclusive and open to the residents. It is the duty of the Council to shape a policy reflective of the opinions expressed. He has already commented that he is not a huge fan of Amnesty Day. The Environmental Concerns Commission and the survey found that people want to pay less, want to pay for their use, and they want to incentivize recycling. The Mayor said that the incentive to potentially hoard for Amnesty Day is not good practice, and if there were a way to have fewer Amnesty Days, he would support that. Residents like the service they get from the current provider, and staff has received its direction.

Indexes: Scavenger-Recycling Program, Scavenger-Garbage Collection

ORD 00-04183

B. Ordinance: Amend Taxi Cab Licensing Provisions

Sponsors: Village Attorney

Mr. Fieldman said this ordinance would amend taxicab licensing provisions. The Village currently licenses all companies and drivers operating within the Village limits in order to provide for a safe and orderly operation of taxis. This ordinance would require taxis to park in approved designated areas in the downtown, and would improve staff operating efficiencies by licensing only the cab companies and requiring the company to see that their operators meet the Village Code.

Commissioner Neustadt said that he is the liaison to the Downtown Management Corporation and this is something they have been requesting for some time. He asked about the Clerk becoming the Taxicab Commissioner, and whether that is an extra workload or cumbersome to her. Village Clerk Holden said it would not adversely affect her workload.

Commissioner Waldack said he is familiar with taxi service and public transportation. What the Village does to licensing may affect the quality of services to our residents, hotels and businesses that rely on taxi service. This is more than just people doing business in Downers Grove and creating parking problems. He supports the concept of licensing the companies and not individual drivers, but has a lot of questions with the overall ordinance, which will take some additional thought and approach. Commissioner Waldack questioned whether one-size fits all in terms of licensing fees. It could be a hardship to individual operators and affect competition. He asked as to the definition of disabled persons with respect to pedestrian abilities. He would like to take the coming week to review this, and also asked that Transportation and Parking Commission (TAP) review this. The Village is licensing, but is not looking at this as a revenue stream. Commissioner Waldack suggested regionalizing taxi licensing.

The Mayor asked if the Commissioner wants TAP to look at the ordinance. Commissioner Waldack responded that he would, because you are licensing companies with only a few drivers versus those with many drivers, and that should be considered. He remembered that the former Courtesy Cab Company wanted the Village to take over the drug testing of drivers. There are several areas in the ordinance that he thinks could be clarified further with additional review by TAP.

Commissioner Schnell said she has no problem with the proposed changes. There are many people who have to use taxicabs. By licensing the company, and not licensing the drivers, she asked whether the Village is making sure that there will be no problems with the drivers. This makes the company responsible for the drivers, and she wants to be sure that the safety factor for the public be considered.

Mr. Fieldman responded that staff is not proposing to change any of the ordinance requirements regarding safety to the public. Secondly, they believe holding the taxicab company responsible for compliance may reduce violations because the company could lose their license to operate within the Village.

Commissioner Barnett inquired about a survey of the surrounding areas with respect to licensing fees, because he doesn't want to be the lowest in the area. He is reluctant to be too heavy on the Village's assurances about any particular element of services. He doesn't want the Village's licensing of a company seen as a guarantee of a particular kind of performance to the public.

Commissioner Beckman expressed concern about the changing relationship between the taxicab company and the individual drivers. Previously, by licensing the drivers, there was a loose relationship between the drivers and the company. This places more responsibility on the companies, and he asked if there has been any discussion with the companies and what impact they see by this change. His concern is a lessening of service by this change.

Mayor Sandack said this concept makes sense to him. The Village needs to be efficient and lean. Other communities have done this in this manner. The Village cannot vouch for any company or the service they provide. The company will do those things in their own best interest to be successful. Over regulating is not a good thing, and the Village's responsibility is to size up the expense involved. He is also interested in knowing the fees for Lisle, Lombard and Elmhurst. He asked about the timing on this.

Manager Fieldman said that there is a concern about parking downtown and that is driving this action.

Commissioner Schnell clarified that her concern is with respect to making sure that drivers don't have criminal backgrounds and are reliable people. The licensing the Village has now seems to have worked. Many of the people who use cabs, such as senior citizens, are more vulnerable,

and she wants to see that their safety is covered with these amendments.

Indexes: Taxi Program

ORD 00-04225 C. Ordinance: Amend Downtown Business District Uses

Sponsors: Community Development and Plan Commission

Mr. Fieldman asked Community Development Director Tom Dabareiner to address this matter.

Tom Dabareiner, Director, Community Development, said this ordinance has been prepared to amend Section 28.610(c) of the Municipal Code at the request of the Downtown Management Corporation. There are several existing service uses in the district which were not allowed by the existing zoning regulations, and these uses were desirable. They are consignment shops, dance and music studios and martial arts/personal trainer studios. In addition, the Zoning Ordinance classifies off-street parking lots and loading areas as permitted uses. He stated that the proposed amendment would modify permitted uses in terms of accessory and non-accessory uses. There would be a special use category where off-street parking and loading docks is a primary use. Mr. Dabareiner said this would also add governmental parking lots as permitted uses. The Plan Commission considered this on July 12 to allow for a greater mix of retail and services in the downtown area. The Plan Commission recommended approval of the amendment and staff concurs.

Tom LeCren, 545 Chicago, asked why these are desired uses. He sees them as storefront operations that do not enhance the look of the downtown. He would like to hear from the Downtown Management Corporation as to why these uses are being considered. The Village should be looking for retail uses. He would like this type of business as special uses.

The Mayor said this concerns private property, not government owned property. There is a debate between retail members of the downtown merchants and landowners, which is vigorous in terms of who gets to use the space. He added, to his knowledge, that Downtown Management has never taken the position that there should be mandatory retail on the first floors.

Linda Kunze, representing the Downtown Management Corporation (DMC), commented that there are always concerns about the retail mix in the downtown area and they would always prefer a retail use on the first floor. There was an upscale boutique consignment organization that came to the downtown, but the ordinance did not allow it. The business owner went to another town. Another incident concerned a backspace in the downtown area where the business has been divided, with one business facing Main Street, and one business facing the alley. This business was a soccer training facility, and the ordinance disallowed their use. In reviewing the ordinance, the DMC realized that there were martial arts studios and dance studios in the downtown area on upper floors. She said now is the time to bring this to the Council's attention. She clarified that there is no restriction mandating retail use on the first floor.

Bill Wrobel, 7800 Queens Court, said he has watched the downtown area diligently for the last six months. He is concerned about the increased number of businesses and the lack of parking caused by people who frequent their businesses and feel they are special. There is limited parking available. Addressing off-street parking in the downtown area will open Pandora's box. He believes every square inch of the downtown area should be retail. He believes the Village should be restrictive regarding off-street parking. He referenced a bank that has a drive-through onto Main Street, which is using space as a parking lot. He is concerned that is not a good use.

Mr. Fieldman said staff has worked with Mr. Wrobel regarding his concerns. This amendment would make a parking lot a special use so a business could no longer do this by right.

Commissioner Neustadt said, contrary to Mr. Wrobel, he is thrilled with the increased business in the downtown area. This amendment is an excellent example of the partnership that exists between the Downtown Management Corporation, staff, and the Plan Commission.

Commissioner Waldack clarified that banks with drive-up facilities have a special use. He asked if they can turn part of that space into parking. Mr. Fieldman said that a private off-street parking lot is permitted currently. The Mayor clarified that a business cannot expand a special use. The Manager responded that if the proposal is to use a private parking lot for the purpose of public parking not related to your primary business on site, it would require a special use.

Commissioner Beckman said there is a vacant building bordering Curtiss Street, and in the back there is a newly paved blacktop. His understanding, under this proposed change, is that if the owner creates a pay-lot for commuters on that paved area, he would have to come to the Village and request a special use. Mr. Fieldman said that was correct.

Indexes: Central Business District, Zoning Ordinance

RES 00-04224 D. Resolution: Final Plat of Subdivision for 4500 Middaugh Avenue

Sponsors: Community Development and Plan Commission

Mr. Dabareiner explained this resolution would consolidate three existing lots into two lots. He showed the location of the property, saying the north lot has 50' frontage, the middle has 50' frontage, and the south piece has 10' of frontage. The intent is to take the south and middle parcels and combine them into one parcel. The owner is seeking no exceptions from the Subdivision Ordinance and no new public improvements would be required. The Plan Commission considered this and recommended unanimous approval. Staff concurs with the Commission's recommendation.

The Mayor said this is essentially a lot reconfiguration from three to two lots. This includes no variations or exceptions.

Commissioner Schnell said there is an advantage to the neighborhood by doing this due to the larger setback from the street.

Commissioner Beckman said he lives near the property and is familiar with the history. He sees this as a good solution for the property and it makes sense.

Indexes: Subdivision - Middaugh, 4500 Middaugh

BID 00-04228 E. Bid: Award \$538,828 to Patnick Construction, Inc., Bensenville, IL, for Drainage Improvements, St. Joseph North, Subwatershed E (SW 042-10)

Sponsors: Public Works

Mr. Fieldman asked Nan Newlon, Public Works Director, to address this item.

Nan Newlon, Director, Public Works, said this is a contract award for storm sewer construction in the St. Joe's Subwatershed E. This is the third contract for the Subwatershed, and includes replacement, reconfiguration and new storm sewers in the Washington Park area. There is \$840,000 in the budget, and the bid is for \$538,828. This would address several problems in the general area. Staff received a positive recommendation from other municipalities for Patnick Construction,

The Mayor said that the improvements to Washington Park would make it a regional detention area. The improvements subject to this bid will be part of the Washington Park project. He is supportive of continuing with the infrastructure stormwater improvements. Other communities are facing the same issues and looking at stormwater improvement projects. The Mayor said

that the Village should not deviate from its plans.

Commissioner Beckman agreed with Mayor Sandack's comments. Areas that had small cottages a few years ago have experienced redevelopment resulting in a need for more drainage, etc. He applauds these changes.

Chris Fregeau, 1918 Elmore, said there were a lot of bids on this and big discrepancies. She asked whether staff is comfortable with the discrepancies. Mr. Fieldman said that staff has scrutinized the bid and the references.

Ms. Newlon commented that typically there are often variations in the bids. There are changes in the construction business and for whatever reason, companies may bid differently. They may just want to work in our community.

Commissioner Durkin inquired as to whether staff asked the company about its bid. Ms. Newlon responded that staff did inquire and the company stands behind their bid.

Commissioner Schell asked if they have to complete the project at this price, and Mr. Fieldman said they do.

Indexes: Storm Sewers

BID 00-04226 F. Bid: Authorize the Purchase of Bulk Road Salt from Cargill Incorporated Salt Division, North Olmsted, Ohio, via the State Contract

Sponsors: Public Works

Mr. Fieldman said that the Village continues to participate in the State contract and this bid is at the same price as last year.

Mayor Sandack commented that the Village is getting better at and more deliberate and conservative in the use of salt. He commended staff on paying less for salt and using less salt.

Indexes: Salt

9. Mayor's Report

Materials to be Received

Materials to be Placed on File

10. Manager's Report

Mr. Fieldman reported on the 2nd quarter of 2010. There are three themes in the Strategic Plan including customer service, fiscal responsibility, and innovation. He reminded everyone that there is information on the Strategic Plan on the website. He then reviewed the key accomplishments of the 2nd quarter including rain barrel sales, annexation report, expansion of Midwestern University, and improvements of the ISO rating from an 8 to a 4. The Manager reviewed other accomplishments and provided the financial report on the General Fund. The budget is tracking at about \$1 million below projected revenues, and expenditures are also tracking at about \$1 million below the projected budget.

Mayor Sandack asked about the revenue decline and if it is primarily sales tax. The Manager replied that it is a combination of sales tax, telecommunication tax, and State revenues. The Mayor said he would like to see more detail. He is concerned about the telecommunications tax because he doesn't know what is driving that. He is also concerned about actions that the State might take that could negatively affect the Village's budget. One threat is the income tax portion dedicated to municipalities being removed or reduced. That would dramatically affect the

Village.

11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting two (2) items to the Council: 1) An ordinance amending downtown business district uses; and 2) An ordinance amending taxi cab licensing provisions.

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Durkin asked whether staff has talked to businesses about the parking issue brought to the Village's attention by Mr. Wrobel. Mr. Fieldman said they have, and the problem is not resolving itself.

Commissioner Durkin then requested information regarding road grinding. Ms. Newlon responded that it should begin this week. The Manager said staff would get more detailed information.

Mayor Sandack said that he attended Dover Corporation's open house and welcomed them to the Village. He thanked them for choosing Downers Grove.

The Mayor then commented on the mosquito situation. These are floodwater mosquitoes, and earlier this year the Village applied larvicides to catch basins and storm sewers to inhibit mosquito larvae from developing into adults. The Village has contracted with Clarke Mosquito Control to spray for adult mosquitoes on August 18 beginning at 8:30 p.m., weather permitting.

Mayor Sandack reminded everyone that Belmont Avenue is closed until August 12. He asked when it will be reopened. Ms. Newlon responded that it is scheduled to open at 5:00 a.m. on August 12, although that may be delayed until after rush hour on August 12. She said once staff receives information, it will be put on the website.

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 7:16 p.m.