



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, October 19, 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 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

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 - October 12, 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

Steven Cummins, Director of the MacAninch Arts Center, College of DuPage (COD) explained that COD Discover is an effort to learn how constituents are doing, how they think about the

College, faculty and facility needs, etc. As a result of the program the College has formulated a Master Plan. Mr. Cummins said that they are distributing educational materials to educate the public as to COD's progress. He said that improvements are being paid for from the 2002 referendum, but there are still serious needs to be met in the amount of \$168 million over the next several years. State funding has fallen seriously short over the past years. The College is able to finance some of their debt, and they are asking voters for a no tax rate increase referendum bond issue on the November 2 ballot. He encouraged people to visit COD's home page to review referendum facts and other information related to the referendum, the Master Plan etc. He said additional brochures would be sent to the Village Council prior to the election.

5. Public Hearings

6. Consent Agenda

COR 00-04293 A. Claim Ordinance: No. 5869, Payroll, October 8, 2010

Sponsors: Accounting

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

Indexes: N/A

BIL 00-04294 B. List of Bills Payable: No. 5858, October 19, 2010

Sponsors: Accounting

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

Indexes: N/A

MOT 00-04287 B. Motion: Award \$126,721.44 to Backflow Solutions, Inc., Alsip, IL, for Cross Connection Control On-Site Inspections

Sponsors: Public Works

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

Indexes: Water Service

MOT 00-04300 D. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Library Board - September 22, 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 Beckman, Commissioner Neustadt and Mayor Sandack

7. Active Agenda

RES 00-04291 A. Resolution: Authorize a Contract for Refuse Collection and Recycling Services

Sponsors: Deputy Village Manager

Summary of Item: This authorizes execution of a contract with Allied Waste Services of North America, LLC for refuse collection and recycling services.

A RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT FOR REFUSE COLLECTION AND RECYCLING SERVICES

RESOLUTION 2010-81

The Mayor noted that the Council and the public have discussed this extensively. This resolution is the result of a good working process.

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: Scavenger-Garbage Collection

ORD 00-04288 C. Ordinance: Amend Parking Restrictions on Cumnor Road

Sponsors: Public Works and Transportation and Parking Commission

Summary of Item: This amends parking provisions on portions of Cumnor Road.

AN ORDINANCE AMENDING PARKING RESTRICTIONS ON CUMNOR ROAD

ORDINANCE NO. 5160

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: Parking Restrictions - Cumnor Road

ORD 00-04289 D. Ordinance: Amend Disabled Parking Provisions on Mochel Drive

Sponsors: Public Works and Transportation and Parking Commission

Summary of Item: This amends disabled parking provisions on portions of Mochel Drive.

AN ORDINANCE AMENDING DISABLED PARKING PROVISIONS ON MOCHEL DRIVE

ORDINANCE NO. 5161

Mayor Sandack said that the parking provisions were vetted, reviewed and approved by the Transportation and Parking Commission (TAP).

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 Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Handicapped Parking

ORD 00-04290 E. Ordinance: Amend Certain Parking Provisions

Sponsors: Public Works and Transportation and Parking Commission

Summary of Item: This amends loading zone and 2-hour parking provisions on portions of Mochel Drive.

AN ORDINANCE AMENDING CERTAIN PARKING PROVISIONS

ORDINANCE NO. 5162

A motion was made by Commissioner Neustadt, seconded by Commissioner Waldack, 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: Parking Restrictions - Mochel Drive

8. First Reading

RES 00-04295 A. Resolution: Approve Final Plat of Subdivision for 212 Ogden Avenue

Sponsors: Community Development and Plan Commission

Village Manager Dave Fieldman commented that the first two items relate to 212 Ogden Avenue for a Car-X automotive repair facility.

Indexes: Special Use - 212 Ogden Avenue, Subdivision - 212 Ogden Avenue

ORD 00-04296 B. Ordinance: Authorize a Special Use to Permit an Automobile Repair Facility at 212 Ogden Avenue

Sponsors: Community Development and Plan Commission

Community Development Director Tom Dabareiner explained that this is a two-part issue requiring a resolution and an ordinance. The resolution concerns the consolidation of lots, and the ordinance relates to a special use for the Car-X auto repair facility. Staff is seeking approval on the November 2 agenda. Mr. Dabareiner showed an aerial perspective of the site. The northern half includes Parcel 1 and the southern half is Parcel 2. The petitioner intends to demolish the existing structures and construct an 8-bay automobile service building, including surface parking, landscaping and other improvements. There will be additional sidewalks as well. Mr. Dabareiner noted that the landscaping improvements meet all the Village's zoning requirements. The site is less than 25,000 square feet and, therefore, not required to provide on-site detention facilities. He said this was considered at the September 13 Plan Commission meeting and they recommended approval. One member of the townhome community near the property expressed concerns about light and noise pollution. Mr. Dabareiner said the plan meets the Village's lighting requirements. Staff asked that a new 8-foot fence be installed should the existing fence deteriorate or need replacement. Staff concurs with the recommendation to approve.

The Mayor asked for clarification that the Council is considering lot consolidation, and a special use, and that the petitioner meets or exceeds all of the Village's zoning requirements. Mr. Dabareiner said that was correct.

Commissioner Neustadt said he was pleased to see a company relocate to Downers Grove. This and the next items on the agenda speak to the appeal that Downers Grove has in attracting new companies.

Commissioner Schnell asked about the detention basin to the north of the property, and the sidewalk on the west side of Cumnor. She questioned connectivity going north on that side of the street. There is no sidewalk through the detention area and asked if there is any through Foxfire Court. She suggested that it be put on the matrix if there is no sidewalk. She said it is great to have sidewalks on Ogden Avenue. She further asked about landscaping replacement as they

progress with the Master Plan. Some plants appear to be dead. She asked if this agreement requires replacement of landscaping should any of the materials die. Mr. Dabareiner said that there is a bond for replacement up to two years.

Mr. Fieldman said they would be responsible for replacement if materials die, under the Property Maintenance Code.

Commissioner Beckman commented that he considered this to be an eyesore along the eastern edge of the community, and is pleased to see that someone is working to improve the situation. One of the weaknesses along Ogden Avenue is the small lot size. This proposal consolidates two lots, consistent with what is seen elsewhere. The proposal includes reduced curb cuts, shrubbery and conformance with the Sign ordinance, and these are all welcomed improvements.

The Mayor agreed that this is a great improvement and he looks forward to seeing this. Some of the challenging small lots along Ogden Avenue have been difficult to develop. This meets all of the Village criteria and he looks forward to supporting this.

Indexes: Special Use - 212 Ogden Avenue, Subdivision - 212 Ogden Avenue

ORD 00-04297 C. Ordinance: Rezone Property Located at 1528 Brook Drive from M-2 to ORM

Sponsors: Community Development and Plan Commission

This and the next item relate to the property located at 1528 Brook Drive and 1516 Brook Drive/1515 Centre Circle.

Indexes: Rezone 1528 Brook Drive - M-2 to ORM

RES 00-04301 D. Resolution: Final Plat of Subdivision for Flavorchem Resubdivision

Sponsors: Community Development and Plan Commission

Mr. Dabareiner said this property is better known as FlavorChem. The resolution consolidates two existing lots into one lot. The ordinance is a Zoning Ordinance Map amendment for the westernmost parcel. Mr. Dabareiner showed the area on an overhead, saying the petitioner is proposing to connect the two buildings, which requires the consolidation and zoning amendment. This property represents two zoning districts. He said no exceptions have been requested from the Subdivision Ordinance, and they meet all of the subdivision requirements. The Plan Commission considered this at their October 4 meeting and unanimously recommended approval. Staff concurs with that recommendation.

Mayor Sandack noted that the petitioner has requested no exceptions. The Village also favors the lot consolidation.

Indexes: Rezone 1528 Brook Drive - M-2 to ORM, Subdivision - Flavorchem Resubdivision

ORD 00-04298 E. Ordinance: Authorize a Special Use to Permit an Animal Chiropractic Clinic in the Downtown Business District

Sponsors: Community Development and Plan Commission

Mr. Dabareiner showed the location of the facility on an overhead projection. He said this business is for dog pain relief. Business would be by appointment only, with no boarding or hospitalization. The owners will construct a fenced-in area for dogs to eliminate. The petitioners have agreed to clean up the site daily. The Plan Commission considered this on its October 4 agenda and voted unanimously to approve the request. Staff concurs with that recommendation.

Commissioner Schnell asked if the relief area does become a nuisance in terms of odors whether there is a way to control this. Mr. Fieldman said that Special Use permits include requirements

regarding health, welfare and safety issues.

Commissioner Beckman asked how they could regulate odors. Mr. Dabareiner said that a complaint would be the first tip-off. The Village staff makes it a practice to drive by recently approved facilities. He added that there are other proposals similar to this around the Village and regular clean up becomes key to those areas.

Mayor Sandack said that the Plan Commission reviewed this. He thinks this is an appropriate use, and thinks potential issues are manageable. The use is consistent with other uses in the downtown area.

Indexes: Special Use - 926 Warren Avenue

INF 00-04286 F. Information: FY11 Budget Discussion

Sponsors: Manager's Office

Mr. Fieldman said this is the fourth meeting regarding the budget. Last week the Council was asked to present proposed changes. Suggestions were submitted and three of those proposed changes are the topic of this discussion.

The first change is to provide \$25,000 in funding to the DuPage County Senior Citizens Council, and increase property taxes or ambulance fees to cover that amount.

The second recommendation is to provide a \$30,000 increase to the taxi program subsidy from 60 coupons to 100 coupons per month. These funds would come from an increased tax levy or increased ambulance fee.

The third proposal is to provide DuPage Senior Citizens Council the amount of \$15,000 using the General Fund contingencies moneys.

Mayor Sandack said that other than these three proposals, as he understands it, the remainder of the budget is approved by the Council members. The Council members concurred.

Commissioner Schnell noted that Commissioner Durkin is not present. She said she alerted him to the proposal wanting to garner the support of one other Council member. She asked whether it is appropriate to talk about it now or wait until the first meeting in November.

The Mayor said that the Council is not done with this yet and people should feel free to talk to him about this.

Commissioner Schnell said she felt it could be counter-productive to have the conversation without Commissioner Durkin.

Commissioner Beckman said they would end up discussing this again, even if it is discussed now.

The Mayor said that Commissioner Waldack put forth two plans, and he asked who supports Commissioner Waldack's proposal to either raise taxes or increase ambulance fees.

Commissioner Schnell said she is more comfortable with not raising additional taxes or fees and from her perspective she prefers not raising taxes further.

Commissioner Waldack said he would prefer to hold off the discussion on this until November 2.

Mark Thoman, 1109 61st Street, said that he wanted to discuss potential budget options in the area of recategorizing the sources of revenue. Last week Mayor Sandack asked for options. Mr.

Thoman said he had prepared five options for consideration.

1. Option #1 relates to the Ogden TIF/District 58 preamble agreement. Mr. Thoman noted that the Ogden TIF/District 58 preamble agreement was constructed to share revenues from the Ogden Avenue TIF. Section 4 of the preamble agreement outlines conditions for renegotiation. Item B, which would allow for renegotiation, in that Puffer School has been brought into District 58, which provided additional revenue to District 58. Terminating the preamble agreement and replacing it with a legal revenue-sharing agreement allows for minor tax relief to be extended to all taxing bodies through 2014. Organizing the Ogden Avenue TIF fund so that 50% of the incremental would be designated for Ogden Avenue projects, and the remaining 50% could be declared a surplus would accomplish the goals of the preamble agreement, monetarily, and would result in an elimination of the annual \$135,000 payment to District 58, and create an annual payment of approximately \$54,000 into the general fund for a net gain of approximately \$189,000 this year and growing each year going forward.

2. Option #2 is to declare the surplus for the Ogden TIF. This would be to declare the surplus for the Ogden Avenue TIF through FY09. This is a total of \$2.7 million giving the Village a one-time portion of \$393,408.19, and the school district approximately \$1.8 million divided between the two and benefiting both the schools and residents. The TIF would still generate \$800,000 funding annually.

3. Option #3 is to tap cash balances. The Village has transferred funds in the past. The adjusted parking fund cash balance would represent more than a six-month expense-only operating reserve and be consistently above cash balances through five years ago. In 2004/2005 the parking fund cash balance was just below \$500,000. He suggested taking \$170,000 from this fund. The Library Board would have to agree to spend down its cash balance and apply it to this year's request, or come to next year's budget with a levy request reflecting the draw down. The \$200,000 cash balance draw down would leave the cash balance almost four times higher than five years ago. The \$2.8 million remaining cash balance in this fund represents an almost eight month expense-only operating reserve. This does not include the Library construction fund, nor does it touch the Library debt-service fund. This would result in a one-time revenue of \$370,000

4. Option #4 concerns the CBD TIF repayment. There is no subsequent budget entry indicating repayment back to the General Fund of the Downtown TIF funds, although there is a history of transferring money between funds. The cash flow for the downtown TIF District will turn positive this year. The CBD TIF fund cannot repay these moneys in a one lump sum payment so that would need to be parceled out.

5. Option #5 relates to a policy change regarding the CBD TIF surplus. Mr. Thoman suggested consideration of policy changes regarding the CBD TIF surplus. He said 80 condos in Acadia on the Green appear for the first time from the 2009 tax rolls. Tax payments totalling nearly \$380,000 appear on the 2010 tax receipts. The average real estate tax bill is approximately \$4700 for each of the 80 condos. The rate at 5.9619 is higher due to the Special Service Assessment overlaying the downtown area. These funds may enhance the coffers of the Downtown Management Corporation for such activities as the parking survey, community-based events, theme festivals, etc.

In summary, Mr. Thoman said Option #1 could result in \$189,000 revenue on-going. Option #2 would be approximately \$391,000 of one-time revenue. Option #3 would be approximately \$370,000 of one-time revenue. Option #4 would result in variable multi-year revenue and Option #5 would result in variable on-going revenue.

Mr. Thoman said he knows these are not answers, but they are options for consideration. He requested that they first reduce the local government portion of the taxes to the businesses and residents in Downers Grove.

The Mayor said that the Library would have to decide on the option related to them. Ogden Avenue TIF options are interesting and he suggested talking with others as to whether this option is feasible.

Mr. Thoman said that Chicago is considering raiding their TIF balances, and he noted that LaGrange has done it at least once. They declared it a surplus and distributed the funds to other bodies without having to raise tax dollars for residents.

Mr. Fieldman said staff would review these options and provide additional information to the Council.

Tom LeCren, 545 Chicago Avenue, asked why they are talking about funding this particular group and not others. He said other groups are just as worthy. He said they have to justify why this particular group would benefit from the funds, and how much money would they get. Mr. LeCren then reminded the Council that last year's Long Range Plan defined the Core Services. These are not Core Services and should not be supported with tax dollars.

Mayor Sandack said that after November 2, the Council ought to vote on this. He doesn't see support at this time for Commissioner Waldack's proposals. He encouraged his colleagues to call Commissioner Durkin and find out where he stands.

Indexes: Budget - 2011

9. Mayor's Report

New Business

RES 00-04299 Resolution: Appoint Members to Boards and Commissions

Sponsors: Mayor

Summary of Item: This reappoints Lois Vitt Sale to the Environmental Concerns Commission for a three-year term expiring August 31, 2013.

A RESOLUTION REAPPOINTING LOIS VITT SALE TO THE ENVIRONMENTAL CONCERNS COMMISSION

RESOLUTION 2010-82

Commissioner Neustadt noted that Ms. Sale is an expert in "Green," and has the only green roof in Downers Grove.

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: Boards and Commissions

10. Manager's Report

Mr. Fieldman presented quarterly report for the third quarter. Key accomplishments were mentioned including the new model for community events, completion of the annexation report, discussions about water rate changes, approval of an agreement with VOC dispatchers, amended taxi cab regulations, approved 2011-2013 Long Range Financial Plan, approved OASIS program, approved agreement for joint dispatching services, and approved change in the health care provider network. The Village received an award for the best planning tool for its interactive maps used for TCD III. In addition Police Officer McGreal received the Director's Award from the Illinois Municipal Enforcement Group for his outstanding efforts. Washington

Park was recognized by the American Society of Civil Engineers as an outstanding project in its category and price range. In addition, the third recycling extravaganza was held.

Mr. Fieldman then discussed the General Fund. The dollar amounts are consistent with what appears in the proposed FY 11 budget. He said revenues and expenses are tracking about \$1 million lower than what appears in the budget and expects to use about \$800,000 of the fund balance. On the revenue side, sales taxes are tracking about \$300,000 below budget and utility taxes are \$620,000 below budget. Expenses continue to remain controlled in all categories except pensions, which are mandated. Non-personnel expenses are tracking about \$810,000 below budgeted amounts. Staff will continue tracking all aspects of revenue and expenses.

Mayor Sandack noted that Sales Tax Revenue was the lifeblood of the Village for a long time. If the projections become actuals, the situation for sales tax revenues in 2010 will be less than it was in 1995. He noted that the Village is trying to react to this reality by changing how it structures Village government, and tasking other groups to do everything they can to recruit and entice new businesses to the Village. Public spending habits have dramatically changed and dropped.

11. Attorney's Report

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Beckman reminded everyone that early voting continues. He also noted that there would be no meeting next week. He encouraged everyone to visit the Village's website regarding trick or treating, noting that the Police Department has helpful trick or treat hints.

Commissioner Schnell said the annual pancake breakfast for Helping Girls Navigate Adolescence (HGNA) will be held Saturday at Ballydoyle at 8:00 a.m.

Commissioner Waldack announced his 36th wedding anniversary, saying it has been great, and acknowledging his wife's presence at the meeting. He added, based on his 36 years, that those people unwilling or unable to make a commitment, don't know what they are missing.

The Mayor congratulated the Waldacks on their anniversary, as did the rest of the Council.

Commissioner Neustadt reminded everyone that Moonlight Madness is this weekend, beginning Friday, October 22. "As the evening gets later, the savings get greater." He also noted the pancake breakfast for the HGNA at Ballydoyle, 8:00 a.m. to 11:00 a.m. and the Halloween window painting from 9:00 a.m. to 1:00 p.m. on Saturday, October 23. The Halloween costume parade is Sunday from 12:30 p.m. to 1:00 p.m. followed by trick or treating at the downtown shops from 1:00 p.m. to 4:00 p.m..

The Mayor said that there were many events this and next week.

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 8:00 p.m.