



# Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

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Tuesday, November 2, 2010

7:00 pm

Council Chambers

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## 1. Call to Order

*Mayor Ron Sandack called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Downers Grove Village Hall.*

### Pledge of Allegiance to the Flag

*Mayor Sandack led those present in the Pledge of Allegiance to the Flag.*

## 2. Roll Call

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

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

*The Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.*

*The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of the past meetings, an opportunity will be given for public comments and questions of a general matter. If a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing. Finally, an opportunity is given for public comments and questions on items appearing on the Consent Agenda, the Active Agenda and the First Reading.*

*The presiding officer will ask, at the appropriate time, if there are any comments from the public. If anyone wishes to speak, the individual should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name and address. Remarks should be limited to five minutes, and asked that individuals refrain from making repetitive statements.*

*Mayor Sandack said there are agendas located on either side of the Council Chambers, and he invited the audience to pick up an agenda and follow the progress of the Council meeting.*

## 3. Minutes of Council Meetings

*Executive Session Minutes for Approval Only - October 5, 2010*

*Council Meeting - October 19, 2010*

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

### Proclamation

*Mayor Sandack proclaimed November 2010 as Native American Heritage Month in the Village of Downers Grove.*

### Capital Projects Update

*Village Manager Dave Fieldman said this update will be provided next week.*

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

*1. Nicholas Jarowitz, 4225 Lacey Road, stated he was present with his neighbors concerning a problem with a company in their neighborhood creating noise, dust pollution, etc. He said this was his second visit to the Council, and referenced the Court Order regarding the property. The Court Order has been reviewed by a few attorneys who indicate that the person owning the property is in violation of the Order in terms of the conditions of use (i, ii). Mr. Jarowitz said his property sits 40' from the property in question. He referred to the fact that activity takes place outdoors, rather than inside. He has a video of the violations both with regard to working outdoors, and storage of materials in enclosed buildings. Mr. Jarowitz reiterated that the noise, dust, etc., from the site is disturbing the peace, and is in violation of the Court Order. He noted that Page 4 of the Court Order references landscaping. The Court Order was put in place over 30 years ago specifying what regulations applied to the property. The owner is now a concrete, construction and landscaping company. They have 20 to 30 dump trucks running day in and day out. Mr. Jarowitz said that he and his neighbors feel completely disrespected and given the run around by Village staff. He then read e-mails from the Manager.*

*Mayor Sandack said this is a violation of a Court Order with regard to land use. The Mayor said he drove by the area as did some other Council members. They cannot just tell the owner that he's out of business. He suggested that Mr. Janowitz' lawyer call the Village. The residents have to have proof of the violation given to the Village Manager and Village Attorney. Unless it is a crime, the police will not respond.*

*Manager Fieldman said that staff has been working with the neighbors, and agrees that there are violations. He explained that they are in enforcement mode.*

*Mayor Sandack said that he has been at the site twice at 5:00 p.m., and did not see violations. He wants the neighbors to live in peace. They need to accumulate a record and provide the videos and photographs to the Village Manager. There is a process that a judge must follow. He explained that the Village cannot shut the business down.*

*Mr. Fieldman commented that Jeff O'Brien is the point of contact.*

*Mr. Janowitz invited everyone to come to his house at 5:00 a.m. to see what is happening.*

*The Mayor said he doesn't want Mr. Janowitz to have the false expectation that the Village can simply shut down the business. There is a Court Order, and the staff must now follow the steps to build a case.*

*Mr. Janowitz said he would give all the videos and photos to staff, and then asked if the Court Order specifies a Certificate of Occupancy. He was told that they do not need a Certificate of Occupancy.*

*2. Kathleen DiCola, 5415 Maplewood, said she is the President of the Library Board. She thanked the Council for the appointment of their newest Board member, Dan Loftus. She came to discuss the Library's budget and a comment made at a previous Council meeting that the Library has \$2 million dollars in the reserve fund. They do not have that amount. The primary source of revenue is the property tax, which is paid in two installments, July and September. They have a sizable reserve at the end of the fiscal year because of that second payment. She noted that their budget is on the website. Ms. DiCola said that the large reserve is for a planned expense. The construction budget can only be used for improvements to the building. The Library's budget is 1.6% lower than last year's, and the personnel budget is down 2.5%. They*

*anticipate growth to continue and are busier than ever. Their budget discussions begin in June and the public is invited to attend.*

*3. Dan Loftus thanked the Council for appointing him to the Library Board. The reserves and practices of the Library Board are fiscally sound. He hopes there will be a response to members of the public that brought this topic forward. He would appreciate having the response made public.*

*Commissioner Neustadt noted that the responses are available on tonight's agenda for the Public Hearing.*

*4. Ernest Anderson, 1723 Janet Street, commented about Mr. Janowitz' statement. He noted that there were fires at the site today and yesterday. He is not sure the Village is aware of this. The noise and dust continues, and they are making the Village look bad. These owners disregard the Village.*

*5. Richard Janske, 1739 W. Janet, said he worked for the City of Wheaton for 30 years. He knows that the Village is meticulous and asked how this operation was allowed to move in. The Mayor explained that the Court Order is dated 1993. Mr. Janske then asked whether the company had to come to the Council before they moved in. Mayor Sandack said that the property was annexed into the Village as an existing use. Court Orders win in the battle of documents. Mr. Janske said that first there was a roofing company on the site, then an engineering firm, both of which were low impact. They were followed by the present owner, and this business doesn't seem to follow Village procedure. Mr. Janske then questioned the noise ordinance, etc.*

*Mr. Fieldman said that the Village is aware and agrees that there are violations on the property. Mr. Janske said agreeing doesn't get them anywhere. The Mayor explained that the Council appreciates his aggravation. Mayor Sandack explained that the Village needs cooperation and specificity from the neighbors in order to establish evidence of the violations. They cannot shut them down immediately. The neighbors have to help the Village build a case.*

*Mr. Janske said he was a police officer in Wheaton for 30 years. Jeff O'Brien told him that the Village would follow-up on the concerns. Mr. O'Brien told the neighbors that gravel couldn't be hauled in and out of the area. The company owner has lights so he can work at night and there is more gravel on the site. He asked how that got there if they are not allowed to haul gravel in and out. Mr. Janske said he doesn't expect the business to be closed down, however, there should be hours limiting the operation of the business, from 7:00 a.m. to 7:00 p.m. The neighbors are asking for normal things to happen. The company owner has a piece of paper that he is waving in front of everyone, saying he can do whatever he pleases. Mr. Janske said he moved here from Chicago to be in a nice community, but is getting to hate it here because of what the owner is doing. The Village doesn't seem to have enough teeth to go after the owner. Boundaries for the business are needed.*

*The Mayor responded that no one on the Council disagrees with the parameters or with his comments.*

*6. Charles Rudd, 1716 Janet, said he has two small children and they are constantly being awakened and bothered by the noise coming from the business site. He asked about the Village's website regarding Code Enforcement and where the residents are in that process. He also asked that one of their representatives be made aware by staff of the process. The Mayor responded that the Village is in enforcement mode process at this time. He agreed that having a spokesman for their group would be beneficial to maintain communication.*

*Mr. Fieldman said staff intends to facilitate a neighborhood meeting to inform the neighbors about the process and steps that need to be taken.*

*Mr. Rudd further said that there is another company, Swallow Construction, adjacent to this site, and they are moving materials back and forth.*

*Commissioner Barnett said he cannot begin to imagine the frustration of the residents, but he added that it is not true that the Village has been doing nothing. Comments such as "disrespected," "run around," "doing nothing," "no teeth," are absolutely untrue. The day after the residents appeared before the Council a few weeks ago and reported the situation, staff provided Council with information including a list of property details going back to 1998. The owner was given the most recent ticket in September. In December they were required to apply for a permit and bring their property into compliance with the Code. The Village issued violations to them in April 08, October 09, and September 2010 for violation of the Court document. Building a case doesn't mean standing there 24-7 waiting to catch them doing something. The Village is trying. He reiterated that the Village staff is doing what the residents asked; however, the Village cannot close them down with three recorded violations. He wanted everyone to know that the suggestion that the Village is doing nothing because of the owner's "piece of paper" is simply not true. He understands that it is not happening quickly enough for the neighbors. But the neighbors brought this to the Council's attention October 12, and the Village and staff have been working on this, and they are not ignoring the situation.*

*One of the residents asked why, if the Court Order clearly states that operations must be held inside the building, they can still operate their business. Why isn't someone there every day? The Mayor responded that the Village just does not have the capacity. He said that the residents' complaints have been heard tonight, and were heard two weeks ago. The Village needs the neighborhood to take notes, take pictures, etc., so that information can be taken in to Court. The Village does not have the capacity to have someone on the site at all hours.*

*The resident asked why, if the residents already document the violations daily, the company has not been ticketed. The Mayor responded that the Village does not have that daily information, and when they receive it, the company will be ticketed. He explained that the Village needs evidence from the neighbors of events, time, location, so the Village can build a compliance case, take it to court, and possibly revoke the use or get an amendment. The Village does not have the authority to shut them down.*

*7. Missy Sebek, 934 Chicago Avenue, asked whether a decision has been made regarding the crossing guards. Mayor Sandack responded that the Council would not blindside anyone. The Council will meet with all interested parties next spring before any decision is made.*

## **5. Public Hearings**

### *2011 Budget*

*Mayor Sandack called the public hearing to order at 7:33 p.m. to consider the proposed FY11 Budget. Notice of this hearing was published in the Downers Grove Reporter on October 20, 2010 and a certificate of publication is made a part of these proceedings. He then summarized the procedures to be followed for the Public Hearing.*

*Village Manager Dave Fieldman noted that this was the fifth opportunity for discussion on the budget. The budget was prepared based on recommendations of the Long Range Financial Plan. The three main goals are 1) a balanced general fund; 2) continued investment of infrastructure using dedicated funding sources; 3) implementation of the recommendation of the Water Rate Study Report. Mr. Fieldman said that the General Fund is balanced and that was made possible by a \$2.4 million expense reduction efforts including changes in health care, joint dispatching services, and staff reductions via attrition. With those efforts the budget also includes an increase to the property tax levy of about \$890,000, of which \$500,000 will go toward General Fund operations, and \$390,000 will go into pension funds. The increase for a typical property would be \$29.43 per year on the tax bill. He reminded the public that there is*

*additional material available on the website.*

*Commissioner Durkin apologized for missing the last meeting. He does not think the role of local government is to fund non-profits. He supports Meals on Wheels and their hard work, but doesn't think that's the role of local government. The question is how they decide as a Village who they are supporting. Everyone has a preferred non-profit. He said this is a policy level discussion, and he would recommend that this be placed as a referendum question on the next ballot. He supports the revitalization of the Human Services Commission.*

*Commissioner Schnell said that the discussion to fund Meals on Wheels is a question of defining core services, and what residents perceive as core services. She noted that the Village has funded Meals on Wheels since 1998, so she thinks it does not represent a change in policy. Commissioner Schnell said that Council members have identified sources of funding. The Council does not have the votes to pass this, and she finds it unfortunate that Downers Grove is one of a handful of communities that has chosen not to fund this. She said the Meals on Wheels website shows that they receive funds from the federal and state governments as well as individual municipalities in DuPage County. She agrees that it is not the purview of government to decide which private charity should receive funding. However, she disagrees with the fact that Meals on Wheels is like any other charity. From her perspective, it is a program that helps the Village's seniors who cannot provide food for themselves. These are people who have been taxpayers, and she sees this as a core service of the Village. It allows people to stay in their homes and be independent. She believes not funding \$15,000 out of a \$40 million budget is a travesty. She said that the Council is seven people with seven different opinions, and they have a right to those opinions. She doesn't want this to move into a long dialogue, yet feels that this is a travesty to the Village's Seniors.*

*Commissioner Beckman said he shares many of Commissioner Schnell's comments. He sees Meals on Wheels as a government service wherein municipalities are asked to provide a small amount to enhance services to those citizens who were at one time community leaders and participants, and now need support and are taxpayers. They have a need for this service to provide them with a quality of life. He is disappointed that others do not see the value of this service. It is not a charity. It is a subsidized program.*

*Commissioner Waldack expressed his agreement with Commissioners Schnell and Beckman. He thanked the residents who called in support of Meals on Wheels and the taxi subsidy program. He thinks the community would support this funding. Meals on Wheels is not a 501(c)(3) or a charity. It is a federally and other funded program, and these are restricted funds. The 501(c)(3) involved is the DuPage Senior Citizens Council, and it is the conduit for the program. If it were dissolved there would be another conduit to provide the service. Commissioner Waldack said it is a worthwhile program, and he feels it is a shame to have a split vote and lack of agreement on core services. The residents of the Village are very generous. He thinks it is too bad the Council cannot be part of the communities that do support this, as well as supporting the taxi subsidy program.*

*Commissioner Durkin suggested if this is such an important issue, there should be a referendum. Commissioner Beckman agreed that they should have further discussion on this.*

*Commissioner Barnett commented that the generosity of the community is well known. That is different than taxation. One e-mail he received pointed out that the Village should be encouraging people to give rather than take from those who cannot afford to give. To fund Meals on Wheels, the Village would be raising taxes on the recipients as well as everyone else. He noted the expected revenue of \$2.5 million and expenses of \$2.3 million projected by the DuPage Senior Citizens Council. He agrees with the potential of Commissioner Durkin's recommendation for a referendum.*

*Commissioner Neustadt noted that staff and Council worked hard to come to this point today.*

*Individual budget items have been addressed numerous times, and this conversation has been very narrow. He supports the overall budget as proposed by staff, and he hopes they can have a positive vote on the overall budget, not a split vote based on this one issue. He agrees that this issue is a hard choice. He will support the budget as presented. The taxicab subsidy is still an active program, although it was reduced last year. Commissioner Neustadt thanked the residents for their input.*

*Commissioner Beckman commented that at the last meeting, Mayor Sandack asked the Council if there were any other items in the budget that warranted further discussion or evaluation, and the Mayor's question was answered with silence. Commissioner Beckman said that they have gone through many Workshops and discussions regarding this item, and this one item has resulted in a philosophical and sincere disagreement among the Council members. He is disappointed that the view on this item could not be changed for one year. He noted, however, that it doesn't mean he does not support many items of the overall budget, which he will support.*

*Commissioner Waldack thanked Mr. Thoman for his suggestions previously submitted. He noted that representatives of the Library Board spoke tonight as well. He suggested that this could be revisited for 2012.*

*Commissioner Schnell said that the budget to be voted upon includes a \$500,000 tax increase and \$100,000 for the Village Manager's contingency fund. Whether or not the \$15,000 to Meals on Wheels is approved would not change the budget. Traditionally, in previous years, only 60% of the Manager's funds were used. Taxes would not be increased for the \$15,000.*

*Mayor Sandack said that last year they had a significantly more difficult budget process due to an enormous amount of pressure on the Village. That has been alleviated a little this year, but not totally. It has been said that government lags the private sector by two years, which would mean the Village is now approaching 2009. The Mayor said that last year they cut staff, programs, etc., and were losing money from previous revenue sources, so in addition to cuts they still had to raise taxes. The Village had to make priority calls and establish what the core services were that everyone needed. The mantra passed on to Village staff by Council has been "Do more with less." With regard to the \$40 million budget, he asked what issues they are not in agreement on, referring back to his question at last week's meeting. He knows that the Meals on Wheels funding has been done since 1998. He said that people who do not want to fund the Senior Citizen Service are not bad or non-compassionate people. They simply don't think the funding can be done. The question is, what it is that the Village is duty-bound to do? He agrees that the Village should help everyone in need, within its capability. He does not think that they can choose between groups to the exclusion of other groups. The money is not there, and the Village should not tax beyond what is essential. Mayor Sandack said they should tax what is needed and marshal good will and neighborliness in the community. He is compassionate, even if he has to stand against this funding. There are many people struggling, not just one segment. He said that the Council cannot pick and choose among good worthy causes. It is not good long-term financial planning and is not fair to the community as a whole. He said he has received many difficult e-mails and he has tried to politely respond. He has heard those comments and respects those who have commented to him, but he looks to the long-term financial wherewithal of this Village because he is duty-bound as Mayor to do so. The Mayor noted that the Village is not the federal or state government, and does not have the ability to distribute tax dollars to appropriate charities and groups. He would welcome a meeting of all governmental segments, and a model to tap into the good will of the community to try and help those in need in the Village. He would like to see that made a goal for 2011. He thinks this budget as proposed is right for the Village.*

*1. Marianne King, 4821 Middaugh, commented that she is respectful of the service of the Council. She sent an e-mail to the Council regarding Meals on Wheels and the taxi subsidy. She said she received thoughtful and rational responses. She would not want to be in the position of deciding which charitable organization to fund; however, she suggested that all*

levels of government do have some responsibility to support to the best of their ability a social safety net. As a volunteer, she sees what the life of others is, and is surprised to see how close to poverty people really are. Charitable contributions are down. She asked the Council, as a local governing body, whether they support the concept of the existence of a social safety net. She further suggested that, as a local governing body, the Council provides a role model for the rest of the community. In challenging times, the Council would be saying "this is what we do in this community." Ms. King said that if Council supports this, they are saying to the community "we too, can do more."

Commissioner Barnett asked for clarification that the Manager's contingency fund of \$100,000 is funded by tax receipts, and the Manager said that was correct. Commissioner Barnett said his point is that if they have \$100,000 in the fund and a balanced revenue expectation, if the Council felt that fund could be reduced by \$15,000 they could offset taxes. Manager Fieldman said that was correct.

There being no further questions or discussion, Mayor Sandack closed the public hearing by voice vote at 8:15 p.m.

## 6. Consent Agenda

**COR 00-04302** A. Claim Ordinance: No. 5871, Payroll, October 22, 2010

**Sponsors:** Accounting

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

**Indexes:** N/A

**BIL 00-04303** B. List of Bills Payable: No. 5860, November 2, 2010

**Sponsors:** Accounting

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

**Indexes:** N/A

**MOT 00-04309** C. Motion: Note Receipt of Minutes of Boards and Commissions

**Summary of Item:** Library Board - October 13, 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

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

**Sponsors:** Community Development and Plan Commission

**Summary of Item:** This approves the final plat of subdivision for 212 Ogden Avenue.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 212 OGDEN AVENUE

RESOLUTION 2010-83

**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:** 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

**Summary of Item:** This authorizes a special use to permit an automobile repair facility at 212 Ogden Avenue.

AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT AN AUTOMOBILE REPAIR FACILITY AT 212 OGDEN AVENUE

ORDINANCE NO. 5163

**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:** 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

**Summary of Item:** This rezones 1528 Brook Drive from Village "M-2, Restricted Manufacturing District" to "ORM, Office Research Manufacturing District."

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, CODIFIED AS CHAPTER 28 OF THE DOWNERS GROVE MUNICIPAL CODE, AS AMENDED TO REZONE PROPERTY LOCATED AT 1528 BROOK DRIVE

ORDINANCE NO. 5164

**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:** 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



**Summary of Item:** This approves the final plat of subdivision for the Flavorchem Resubdivision.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR FLAVORCHEM RESUBDIVISION

RESOLUTION 2010-84

**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 Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

**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

**Summary of Item:** At their meeting of October 4, 2010, the Plan Commission recommended that a Special Use be granted to permit an animal chiropractic clinic in the Downtown Business District.

AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT AN ANIMAL CHIROPRACTIC CLINIC IN THE DOWNTOWN BUSINESS DISTRICT

ORDINANCE NO. 5 165

*Commissioner Durkin moved to adopt "An Ordinance Authorizing a Special Use to Permit an Animal Chiropractic Clinic in the Downtown Business District." Commissioner Neustadt seconded the Motion.*

*Commissioner Waldack said that overnight boarding is not allowed nor prohibited by the special use ordinance.*

*Village Attorney Enza Petrarca said a provision could be added to the special use ordinance.*

*Commissioner Waldack moved to add a provision to the special use ordinance to prohibit overnight boarding. Commissioner Durkin seconded the Motion.*

*Commissioner Barnett asked about similar facilities. Ms. Petrarca said they have overnight boarding.*

*Commissioner Beckman commented that those facilities with overnight boarding have a different physical set up than the petitioner's location, which is confined.*

*Michele Herlihy Jachim, petitioner, said she has no problem adding a restriction to the special use ordinance regarding overnight boarding. She has no intention to do overnight boarding.*

**VOTE ON AMENDMENT:**

**AYES:** Commissioners Waldack, Durkin, Barnett, Beckman, Neustadt, Schnell. Mayor Sandack

**NAYS:** None

**VOTE ON UNDERLYING MOTION:**

**AYES:** Commissioners Durkin, Neustadt, Barnett, Waldack, Schnell, Mayor Sandack

**NAYS:** None

**A motion was made by Commissioner Durkin, 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:** Special Use - 926 Warren Avenue

## 8. First Reading

**MOT 00-04308** A. Motion: Accept the Municipal & Financial Services Group Comprehensive Water Rate Study Report

**Sponsors:** Public Works

**Summary of Item:** The accepts the M&FSG Comprehensive Water Rate Study Report.

*Mr. Fieldman said this and the next item have been discussed previously and relate to increased expenses for provisions of water. The recommendation is to accept the Water Rate Study Report, followed by an ordinance amending the water rates.*

*Thomas LeCren, 545 Chicago Avenue, said he is concerned about the increase the DuPage Water Commission is going to charge. He thought it was 50%, and the Mayor corrected that it is 45%. Mr. LeCren asked how long it would take to recover the costs.*

*Mr Fieldman said this ordinance is only to increase the rates for the first year, 2011. He said that the Village could review it if the rates require additional amendments.*

*Commissioner Neustadt asked if the Village would use the normal methods of communication, as well as the water bill. Mr. Fieldman responded that the information would be made available through normal methods.*

*Commissioner Waldack commented that this change makes good sense to him, based on the study that was conducted. It is also a good process for insuring quality water delivery in the future. His only concern is the phrase "as determined by the Village Manager or designated at his discretion." That gave him pause for concern. Mr. Fieldman responded that there has been a fixed charge in the past. After meeting with the staff managing the water system, the intention is to charge the same amount for any connection fee above two inches.*

*The Mayor noted that this is a vital and important topic. There is information on the website explaining the Village's situation at this time, including information on the water study report submitted by the consultant.*

**Indexes:** Water Service, Water Rates

**ORD 00-04307** B. Ordinance: Amend Water Rates

**Sponsors:** Public Works

**Indexes:** Water Rates

**RES 00-04305** C. Resolution: Authorize a Five-Year Contract with Baker Tilly Virchow Krause for Audit Services

**Sponsors:** Finance

*Mr. Fieldman said the Village is required to complete an audit every year. A competitive bid process was used, and Baker Tilly submitted a contract in the amount of \$29,050, which was the lowest of the six bids received.*

*The Mayor said the Village has a policy to obtain new auditors every three years to assure that the auditing process is handled correctly. This contract is a five-year contract. Mr. Fieldman*

said that five years is the amount of time recommended by the Illinois Government Finance Association.

Commissioner Beckman asked for clarification that the Village might not be required to have an audit every year. Mr. Fieldman said the Village is required to do an audit every year, and a single audit is required when a Village receives \$500,000 in state or federal funding.

**Indexes:** Audit Services

**BID 00-04304** D. Bid: Award \$42,854 to Genetec, Inc. for Automated License Plate Recognition System

**Sponsors:** Police Department

Mr. Fieldman said this software is a great example of keeping personnel costs down and using technology to be more efficient.

Police Chief Bob Porter said this software would allow for efficient parking enforcement throughout the Village. This is the result of the LEAD event earlier in the year.

Commissioner Durkin asked whether this is being used only for parked cars, or for other capabilities. Chief Porter said it has the capability to track stolen cars, etc. The Village intends to use it for parking. Commissioner Durkin said he had seen an article on this software in the Chicago Tribune, and that this could add other capabilities for staff. He commended staff for this choice.

Commissioner Neustadt commented to the public that this would bring about a big shift in parking enforcement, particularly in the downtown area.

Commissioner Beckman added that this is an attempt to provide the Village with accelerated levels of efficiency due to staff cutbacks.

**Indexes:** Police Equipment, Automated License Plate Recognition System

## 9. Mayor's Report

### New Business

**RES 00-04306** Resolution: Appoint Members to Boards and Commissions

**Sponsors:** Mayor

**Summary of Item:** This makes the following appointments to Boards and Commissions:

Community Events Commission

Appoint Jackson Strucker to a one-year term expiring August 31, 2011

Environmental Concerns Commission

Appoint Sarah Batchu to a one-year term expiring August 31, 2011

Human Service Commission

Appoint Mike Carter, Joy Crowe and Cliff Grammich to three-year terms expiring August 31, 2013

Transportation and Parking Commission

Appoint Robert Clark to a one-year term expiring August 31, 2011

A RESOLUTION APPOINTING MEMBERS TO BOARDS AND COMMISSIONS

RESOLUTION 2010-85

*Commissioner Barnett said that this process is well done by the Village to involve residents in Village operations. He then reviewed the backgrounds of the appointees he interviewed. Those appointed are Mike Carter, Joy Crowe, Cliff Grammich, Robert Clark.*

*Commissioner Neustadt said having Youth in Government students benefits the Village as well, and noted the appointment of high school students Jackson Stucker and Sarah Batchu.*

*Mayor Sandack thanked them all for their service to the Village.*

**A motion was made by Commissioner Schnell, 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:** Boards and Commissions

## 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 the FY11 budget and 2) An ordinance amending water rates and related fees.*

## Future Active Agenda

### 12. Council Member Reports and New Business

*Commissioner Neustadt said the Downtown Management Corporation is hosting its annual Gingerbread House contest. Information can be found at [downtowndg.org](http://downtowndg.org).*

*Commissioner Durkin commented that he was in the downtown area the day of the high winds, and he acknowledged personnel from public safety, Public Works and staff who handled the dangerous problem of a power line dangling over the railroad tracks. The inside of the pole was actually on fire. He supports everything that they did, and commended them for risking their lives for the sake of public safety.*

*Commissioner Beckman commented on falling leaves, reminding the public that if they see leaves around water grates, to clear them to limit water backup on the street, and prevent the*

*leaves from getting into and clogging up the system.*

*The Mayor announced that Troop 89 of St. Mary's School will have their pancake fundraiser this Saturday from 8:00 a.m. to 2:30 p.m. He encouraged people to attend.*

### **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 8:45 p.m.*