



# Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

---

Tuesday, December 7, 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 asked Girl Scout Troop 789 to help lead 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 - November 16, 2010*

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

### Capital Projects Update

*Public Works Director Nan Newlon reported that the Village experienced its first measurable snowfall of the season. Last week the first in-service snow response day was held which was appropriate timing. She noted that there were a number of watermain breaks which kept the*

crews busy. Ms. Newlon presented an overview of the stormwater cost-share projects. Seven projects have been completed with resident participation, and this directly benefited 15 residences. The total cost was \$46,000, half of which was Village expense. Construction has been wrapped up for the season. Two of the projects will carry over into the spring, rather than only do them half-way at this time.

The Mayor said that information on all of the projects is available to residents on the Village's website. He noted that \$100,000 was allocated for the stormwater cost-share projects, and to date \$23,000 has been used. He asked if there are pending projects. Ms. Newlon said they re-budgeted money for next year and the important thing is to get the word out about the program.

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

1. Tom LeCren, 545 Chicago, noted that the Council changed its meeting format this year and asked if there was data on any type of financial savings. He said that the Village also spent a good deal of money for a consultant to prepare the Vision and Mission Statement. He wanted to know where that stands.

With regard to capital projects, Mr. LeCren said that he recalled that a traffic study was to have been done and was then shifted to next spring. He said money for this will go into next year's capital projects fund. He expected that tracking the funds will be a nightmare. At the first reading, the fiscal impact statement noted there was no money in the 2010 budget but there was money available in the Capital Projects Fund. He said that seems odd to him.

Mr. LeCren said then that at the last meeting Commissioner Schell brought up holding a retreat. He said that school districts do that without problems under the Open Meetings Act. He suggested that the Council can do that if they choose, and he thought it was important that the Council do this.

Mayor Sandack said that some of the questions can be responded to in due course. They can glean savings brought about by the Council meeting format. As to the traffic study, it was not budgeted per se, but there were funds available due to savings from other bids. As to the retreat, they would have to notify the press, and legally cannot exclude people from attending. With respect to the consultant for the Vision Statement, the Mayor said he agrees it might not have been the best decision. There are some good things that came out of that project that can be utilized, however.

2. Laurel Bowen, 829 Clyde, noted that this was the anniversary of Pearl Harbor, and recognized the World War II veterans in our community.

Ms. Bowen said that she thought the budget was on the Agenda tonight. She was stunned last month to receive an unprecedented e-mail from a Council member. She was surprised since she's not received responses from the Council to her many attempts to contact them and Village management. The comment made in the e-mail from Commissioner Durkin was unacceptable. She quoted the e-mail: "Where shall we cut spending?" She said this is tough to comprehend coming from anyone who must balance a household budget much less coming from someone who works in the financial industry. She was not only bewildered to read that the Mayor, Mayor Pro-tem Schnell and Mr. Beckman were absent from the November 16 budget discussion, but that the Council determined to increase the property tax by 14%, and wants the taxpayers to shell out \$1 million more than they did last year. Ms. Bowen said that the Village does not have a money problem, but does have a spending problem. Home Rule gives the Council unlimited taxing powers which allows for wasteful spending. The Village leaders also choose not to use binding referenda for capital projects. She suggested they count the ways they can cut the wasteful spending that continues to plague the taxpayers.

*Ms. Bowen suggested no pay increases to Village staff, since they as public servants should be required to sacrifice just as private sector employees do. They have been sacrificing with pay cuts and layoffs. An immediate solution is nothing less than a pay reduction for all public employees. She quoted Dennis Byrne as saying "chop salaries for all public employees."*

*She then asked why the Village is still hiring and paying overtime. A Code Enforcement officer was hired this summer but the job was not posted for the public. She asked if the Village Forester is still driving a snow plow to earn extra overtime pay. She said that her recent phone call to the Village was answered by a Management Intern who just happens to be earning \$15.00 per hour. Even a recent cartoon she read confirms that interns are students who are not paid but learning and enriching their resumes. People take internships to gain experience. Ms. Bowen continued that on Saturday, November 13, Public Works employees were paid overtime to decorate the downtown for Christmas. Why isn't management using a regular work day to redecorate when traffic is lighter? She indicated that this was a management problem.*

*Ms. Bowen then referenced Sunday's Chicago Tribune which reported that many Chicago area suburbs are making cuts during the holidays due to difficult finances. Public Works painted the Library parking lot this past year while many streets needed pothole repair. She indicated that her street had not been paved since 1987, but a new, smaller housing area less traveled with original asphalt put down in 1992 was repaved. She asked who was overseeing the prioritization of these projects. The Department of Labor reported that public pay is extremely inflated compared to the private sector income. The federal government has realized the need for a long-overdue pay freeze for the next two years which was just reported in the last two weeks. The Village administrative salaries should be locked in until deficit spending is behind us. She said the people who must solve this are the very people in management who are not addressing the problems. She addressed Mayor Sandack, saying he promoted his non-binding referendums quite well for the November 2 election, which were good ideas, and those items should be concentrated on Downers Grove government. No employees should be earning a second pension. Ms. Bowen said there is a history in this town of employees earning more than one pension after retiring from one position to be hired into another. She asked why that is allowed. Term limits seem to be a diversion to the important budget trimming conundrum. She referred to a November 22 article on pension problems that said that bad management, generous benefits and waste help leave police and fire pensions unfunded. It shows Downers Grove as having one of the largest police and fire pension funds, over \$1 million in benefits, but only 50% funded. Cuts are needed across the board. Firemen should not be permitted to use fire trucks to go to the grocery store. They should bring food from home like the regular work force does daily. The public should not be paying for Public Works uniforms. Village management employees with access to vehicles should not be driving them to and from home. Village management employees should be required to live in Downers Grove. If they are making budgets for spending Village tax dollars, they should be paying into Village tax coffers. Basic services should be the only services provided during economic downturns such as this. Basic is trash collection, utilities, emergencies, road maintenance and snow removal. Sidewalks are not a necessity, especially in neighborhoods where residents do not favor them, and installing sidewalks across the driveways should be stopped as that would save some money too. Amnesty Days are wasteful yet continue from year to year, although she realizes that was a pet project of some members of the Council. The Village should hold contractors responsible for damage to the infrastructure, and she indicated that they could see what she means by taking a bumpy ride south on Lyman Avenue. She has communicated the problem on that street to the Village with no response. Village employees should be held responsible for not overseeing contract work that is unacceptable. Binding referenda should be promoted for all capital projects so the Village voters have the final say on how their money should be spent by this Village. Economic times are difficult for residents who have to cut their household budgets, and this Village should be sacrificing as well. There should be no contracts bid until the Village's budget is balanced. If you cannot provide basic services without hiring consultants, then you have not hired qualified employees. In this economic recession, it is irresponsible to raise taxes on anyone. She said to*

*the Council that the change they promised has left the Village with no change. The change we need is more common sense, better oversight management. Merry Christmas to all.*

*3. Frank Falesch, 820 Prairie, said that at the last election they asked the State to reduce the impact on the budget by studying ways to eliminate cost overruns. He asked about the Village's hiring of a police department retiree, saying he understood that the position was filled without advertising that the opening was available. With the lack of work it would make sense to open the position to outside consideration, not going with a retiree. Mr. Falesch said he assumed this must have been a perfect fit for this job, and asked what are the special qualifications that this person has. The position is in Code Enforcement and he can't see where there is a great similarity of duties between the two positions. He said he also thinks it is not a good idea to raise property taxes while spending money on unnecessary items like lobbyists. He also agreed that sidewalks could be postponed.*

*4. Bill Wrobel, 7800 Queens Court, commented on the premature snowfall this past weekend, asking people to keep their sidewalks pedestrian friendly. He referenced work on Ogden Avenue by Downers Grove Watch and Main Street, and referenced photographs taken by Downers Grove Watch that are on their website, at [downersgrovewatch.org](http://downersgrovewatch.org).*

*5. Violet Radwell of 5410 Grand Avenue said she was a property owner in DuPage County. She had to attend a hearing in Wheaton regarding her house that was built in 1959 and was assessed based on the addition built by her husband at a value of \$1,500,000. She said she was only allowed a 15-minute hearing, and she asked for the Council's help and influence to grant her another hearing. She said that at the meeting, nothing at all was discussed about the house.*

*Mayor Sandack explained that the Council does not have the ability to tell the County how to run their meetings. It is a different governing body. All he could suggest would be for her to request another hearing. Ms. Radwell argued that residents of the County should be given more than a 15-minute hearing. She asked if there was a way for her to address a meeting at the Tax Assessor's office. The Mayor explained again that the Village Council has no jurisdiction over the County. He suggested she talk with the County Tax Assessor's office regarding relief, and go online to the County's website to see their meeting schedule.*

*Presentation to outgoing EDC members:*

*Mayor Sandack said that he asked Greg Bedalov, President of the Economic Development Corporation (EDC) to come to the meeting regarding outgoing members of the EDC. Mike Reardon, Mike Kelch and Mike Perillo were present this evening, and the fourth member, John Luca, could not attend. He thanked them all for the more than 35 years of combined service they provided to the EDC. Without their time and talent given to the Village, the Village would not have as successful an EDC. The Mayor said these are four great citizens who helped the Village attain its success.*

*Greg Bedalov said he can't add much to the Mayor's comments but these four men had the vision, idea and follow-through to make the EDC the successful organization it is today. He asked the Mayor to present a small token of appreciation to the members present. Mayor Sandack made the presentations, and pointed out that John Luca was every bit as important to the development of the EDC as the men present. He thanked them all for their service.*

## **5. Public Hearings**

*2010 Aggregate Tax Levy and Abatements for the Village of Downers Grove*

*Mayor Sandack called the public hearing to order at 7:33 p.m. pursuant to the Illinois Truth in Taxation Law to consider the proposed 2010 tax levy of the Village of Downers Grove. Notice of this hearing was published in the Downers Grove Reporter and a copy of the notice and proof of publication have been presented and are made a part of the official record of this hearing.*

*He summarized the procedures to be followed for the public hearing.*

*Village Manager David Fieldman introduced Deputy Village Manager Mike Baker who made the presentation. Mr. Baker said there has been a significant amount of discussion regarding the levy, during the Strategic Plan and the budget discussions. The total amount to be levied is \$26.2 million, \$21.2 million of which is the Village portion. The Library and SSAs are included in the total amount. He said that the \$21.2 million reflects all of the General Obligation debt service payments required to be levied, but which can be abated due to other sources of debt service payment funds available. General obligation debt service payments fall into four categories: Stormwater improvements, CBD TIF improvements, Water improvements and Fire Station 2 construction. None of those will appear on the final tax levy once the abatement process is completed.*

*In comparing the 2010 tax levy to the prior year, there are some increases including \$500,000 for the General Fund operations, and \$398,000 for Police and Fire pension obligations. He said the schedule for final adoption of the Levy is December 14, and abatements will be considered at that meeting.*

*Mr. Fieldman said these are the same numbers presented in the budget September 24, and are consistent with the budget approved by the Council a few weeks ago.*

*1. Tom LeCren, 545 Chicago, said the Chicago Tribune published that the Village is only funded 60%-70% for the police and fire pensions. Mayor Sandack said that the Village has been meeting its obligations, but investment income has not met expectations. They have been tracking and are now at approximately 67-68% funded on both funds, which is in the top quartile of other municipalities.*

*Mr. LeCren asked for clarification that this is because investment income hasn't met the expectations. Mayor Sandack responded that there are a number of factors with regard to pension calculations. If there are numerous retirements at one time it can drain the fund. The Village has made all of the required payments. The 90% funding requirement is proposed and applies to second tier hires.*

*2. Bill Wrobel, 7800 Queens Court, said that the Village has a spending problem. He referenced the pension funds, noting that he had to make hard decisions in his own budget. He said if the Village makes easy decisions now, the new Council will have to make hard decisions later. They cannot keep going to the property owners. It is the most oppressive tax in that one could lose their home if it is not paid. It is the only reliable source of income and is eaten by fixed expenses of retirement and police and safety expenses.*

*3. Brett Bodoh, 5404 Cumnor Road, said he read in the paper that the Village is raising the taxes 14% over five years to fund park reconstruction. Mayor Sandack said perhaps he was looking at the Park District levy. The Village has no control over the Park District levy. Mr. Bodoh asked as to pension funding requirements. The Mayor said the Village is at 67% fully funded for police pension. If pension reform is passed, a second tier plan would go into effect. The Mayor said that the Village currently has only one plan. Costs are outstripping revenue sources. Mayor Sandack explained the working of the pension fund. There are strict criteria set by State law with respect to pension funds.*

*Commissioner Barnett said that the percentage increase over last year is only due to operations. This problem is not going away. He commented that it is one thing to say that government has a spending problem. He noted that this staff and Council have eliminated \$8.5-\$9 million from the operating budget in two years. Property taxes fund less than 1/3 of the operations, and there is a cost to providing services. Almost ¾ of the Village operations are paid for by somebody else. It is not an accurate analogy to suggest that the greater political world is*

*necessarily in play in the Council, when you consider the efforts that have been taken by the Council and staff to reduce expenses over the past three years. The number of staff has been decreased, as has the scope of operations. It is important to keep it in context.*

*Mayor Sandack commented that a series of meetings have led to this point, going back to May or June. For three years they have had a plan for financial stability amidst an economy that is shaky and unnerving. There is a general disdain and discomfort with raising taxes; however, the Village has become a thinner and leaner organization over the last three years. The notion that the Council has not made tough decisions would be argued by the Council. He noted that 70% of property tax bills goes to the schools. Only 10% of that bill goes to the Village which covers about 1/3 of the Village's operational costs. The Sales Tax is tracking right now at 1995/96 rates. The Mayor said the Village cannot be as reliant on sales taxes as it was in the past. To cut back more will mean to cut back core services. Village government is 70% personnel, and personnel means services. In 1996 the Village had nearly 400 employees. In 2010 the Village has 329 employees and the Village population has increased. He noted that this is likely the future trend. The Village Council has made difficult decisions in an effort to be lean. Consideration of increasing property taxes was made only after all cuts were made. He reminded everyone that if they do not want high levels of service, the Village can cut them back. He said there will be one more opportunity to address this before it is voted upon.*

*There being no further discussion, the public hearing was adjourned at 7:57 p.m.*

## 6. Consent Agenda

**COR 00-04339** A. Claim Ordinance: No. 5875, Payroll, November 19, 2010

**Sponsors:** Accounting

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

**Indexes:** N/A

**BIL 00-04340** B. List of Bills Payable: No. 5866, December 7, 2010

**Sponsors:** Accounting

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

**Indexes:** N/A

**MOT 00-04348** C. Motion: Note Receipt of Minutes of Boards and Commissions

**Summary of Item:** Human Service Commission - November 3, 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 00-04329** A. Ordinance: Authorize a Special Use to Permit Two Principal Structures on One Property  
**Sponsors:** Community Development  
**Summary of Item:** This authorizes a special use to permit two principal structures on one property at 4901 Belmont Road.  
  
AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT TWO STRUCTURES ON ONE PROPERTY  
  
ORDINANCE NO. 5168  
**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 - 4901 Belmont, Subdivision - 4901 Belmont Road
- RES 00-04337** B. Resolution: Approve Final Plat of Subdivision for 4901 Belmont Road  
**Sponsors:** Community Development  
**Summary of Item:** This approves the final plat of subdivision for 4901 Belmont Road.  
  
A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 4901 BELMONT ROAD  
  
RESOLUTION 2010-98  
**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 - 4901 Belmont, Subdivision - 4901 Belmont Road
- ORD 00-04330** C. Ordinance: Authorize a Special Use to Permit a Private, For-Profit University in an Office Research and Manufacturing Zoning District  
**Sponsors:** Community Development  
**Summary of Item:** At their meeting of November 1, 2010, the Plan Commission recommended that a Special Use be granted to permit a private, for-profit university in the Office Research and Manufacturing zoning district.  
  
AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT A PRIVATE, FOR-PROFIT UNIVERSITY IN AN OFFICE RESEARCH AND MANUFACTURING ZONING DISTRICT  
  
ORDINANCE NO. 5169  
**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:** Special Use - 1431 Opus Place
- ORD 00-04331** D. Ordinance: Authorize a Special Use to Permit Construction of an Accessory Structure on a Lot of Record Prior to the Construction of a Principal Structure  
**Sponsors:** Community Development

**Summary of Item:** This authorizes a special use to permit construction of an accessory structure on a lot of record prior to the construction of a principal structure at 6092 Chase Avenue.

AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT CONSTRUCTION OF AN ACCESSORY STRUCTURE ON A LOT OF RECORD PRIOR TO THE CONSTRUCTION OF A PRINCIPAL STRUCTURE

ORDINANCE NO. 5170

**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:** Special Use - 6092 Chase Avenue

**ORD 00-04332** E. Ordinance: Rezone Property Located at 1407 61st Street from R-1 to R-3

**Sponsors:** Community Development

**Summary of Item:** This rezones 1407 61st Street Village "R-1, Single Family Residence District" to "R-3, Single Family Residence 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 1407 61ST STREET

ORDINANCE 5171

**A motion was made by Commissioner Waldack, seconded by Commissioner Durkin, 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 1407 61st Street - R-1 to R-3

## 8. First Reading

**ORD 00-04342** A. Ordinance: Amend International Fire Code Provisions

**Sponsors:** Fire Department

*Mr. Fieldman introduced Fire Chief Jackson to explain the ordinance.*

*Chief Jackson explained that this amendment would remove the requirements that installation of new fire alarm systems be made by UL certified contractors, and to remove the requirement for UL certification for maintenance and repairs. He indicated that costs have significantly increased for UL certification contractors. He noted that since 2005 staff can inspect the fire alarm systems and eliminate the need for requiring UL certified contractors. Staff recommends revising the Code to no longer require the UL certification program.*

*Commissioner Neustadt said that he works on fire alarm panels, and if there is trouble for an extended period of time, the Fire Prevention staff works with the companies to get their alarm back in service.*

*Commissioner Beckman asked whether this refers to commercial sites or residential. Chief Jackson said this is for commercial alarms only. Mr. Fieldman noted that the Code specifies this for commercial only.*



*Commissioner Durkin asked whether this change will still keep the Village in line with other communities, and Chief Jackson said the Village would be in line, and we are one of the last communities to do this. Commissioner Durkin commented that this issue was brought up to him by a local business owner, and he thanked staff for bringing this forward. It represents huge savings to local business owners.*

**Indexes:** Fire Code, International Fire Code

**RES 00-04346** B. Resolution: Authorize a Cable Television Franchise Agreement

**Sponsors:** Communications

*Communications Director Doug Kozlowski provided additional information on this proposal saying that the agreement authorizes a ten-year agreement with Comcast. There are five primary goal areas all of which have been achieved and are reflected in the agreement. Those areas include customer service, right-of-way standards, technical performance, Public-Educational-and-Governmental (PEG) capacity, and financial obligations of the operator.*

*Mr. Kozlowski said the agreement incorporates customer services standards found in the Illinois Cable and Video Consumer Protection Law. He reviewed some of the items covered under this law. Right-of-way standards ensures compliance within the Downers Grove Municipal Code, allowing Village inspection of installations and encouraging co-location where possible.*

*As for PEG capacity Mr. Kozlowski said the agreement provides for Channel 6, owned and operated by the Village, and channel 16 operated by District 99. The Village has the ability to request that a third channel be activated if necessary. He said what is also important in regard to PEG is the pass-through PEG fee option of \$.35 per month per subscriber to be used solely for capital improvements related to CATV operations. This fee can only be implemented by the Village Council and is not implemented by adoption of the franchise agreement. Comcast will pay the Village 5% of the annual gross revenues received from the operation of the cable system in Downers Grove.*

*1. Tom LeCren, 545 Chicago, asked how residents can get the local channel on satellite systems. Mayor Sandack said he does not see that happening in the near future. That is why the Village web casts its meetings so people can watch it via computer. Commissioner Durkin asked if they can get a reason for that and put it on the Village's website.*

*Mr. Kozlowski said that the primary reason is that the use of the public right-of-way requires PEG access. Direct broadcast satellite has no requirements along those lines and doesn't require a franchise agreement to operate. AT&T can also use the public right-of-way because they have a franchise agreement.*

*Commissioner Schnell asked whether the 5% fee goes into the General Fund. Mr. Fieldman responded that it does.*

*Commissioner Schnell commented that at one time people were able to access just the municipal channel, and asked if that could still occur. Mr. Kozlowski responded that this option is no longer available, but there is a basic tier available with limited broadcasts through cable. Commissioner Schnell asked what percentage of households in Downers Grove subscribe to Comcast. Mr. Kozlowski responded that there is a 50% penetration level in Downers Grove and it has decreased 7% to 10% due to AT&T and Dish networks.*

*Commissioner Beckman said he was pleased with the clarification regarding the right-of-way issue. Regarding the PEG service and the ruling regarding candidate spots, Commissioner Beckman said he hoped to see some wording in the agreement with respect to candidate spots.*

*He asked that they find a way to tap into the third channel which is not activated at this time, so it is available for candidates to present their political platform to the public. He also noted that the agreement is silent on providing HD for the government channel. Mr. Fieldman said staff will look at the use of channels for candidate spots and HD.*

*Commissioner Waldack clarified that through this franchise agreement, Comcast does not have an exclusive right, and is not being endorsed by the Village. He explained that AT&T or other providers could come to the Village for a franchise agreement. Mr. Kozlowski verified that the Commissioner's explanation was correct.*

**Indexes:** Cable TV

**RES 00-04344** C. Resolution: Initiate Submission of a Binding Public Question Concerning Term Limits for Mayor and Commissioners of the Village of Downers Grove

**Sponsors:** Mayor

*Mayor Sandack noted that an advisory referendum appeared on the November 2 ballot. In regard to term limits, 83% of the voters felt that term limits were appropriate. Given that response, he said he thought that the Village should put this as a binding question on the upcoming ballot. This item was initiated by the Mayor and he suggested putting this on the April ballot.*

*1. Brett Bodoh, 5404 Cunnor Road, said he was Chairman of Union Local 12, and they voted to have term limits, but only if there is a break provided for, so a candidate could run for office again after a specified period of time. He indicated that often you can get too comfortable in a position.*

*Mayor Sandack responded that is what this Resolution says.*

*2. Dick Benes, 5236 Fairmount, said this is not the City of Chicago, or the State of Illinois. When people can sit on a board like this for a number of years, or even other boards, they provide more service than someone who comes into a position and uses it as a stepping stone. He is against this and he thinks the Council should be against this. Downers Grove has a long heritage. He has been on the Zoning Board for 35 years and he has seen people come and go who can hardly spell the words Downers Grove. Unless you know the history of this Village you will give it up.*

*Commissioner Neustadt said that the residents have told the Council what they want, and he will support this.*

*Commissioner Waldack said that the tough decisions for him are having to decide whether to give the residents what they want or what they ask for because the two are not always consistent. It is clear that residents want good Village government. He said that democracy is not a spectator sport, and term limits make it such. He does not support term limits, and arguments in favor of it do not apply to our Village. He then referred to the "Whereas" paragraphs in the resolution preamble, such as "the Village of Downers Grove recognizes the importance of quality leadership on the Village Council." Commissioner Waldack asked when term limits has recognized quality leadership. He asked whether democracy should be ruled by people or a clock. Because qualified people may be available, does it mean that they will do the job. He said the qualifications to run for Village Council are pretty low, and you only need 110 signatures. He noted that there are 11 people running for the next election for four seats. He said that term limits are not necessary, and he will not support this initiative.*

*Commissioner Beckman said he finds this initiative to be befuddling from the perspective that this is not an issue in Downers Grove. Only two Commissioners have served more than two terms over the last 30 years. There is one long-term Commissioner in the current Council who*

*has contributed more to the welfare of Downers Grove than the combination of all the Commissioners put together. He will probably not support this initiative either because he believes the community is owed more information. It looks good on the surface, and if he wasn't aware of some of the failings of this type of initiative, a citizen might vote for it. However, if you really understand the issue, you'd see a different perspective. He wants to see more information provided to the public.*

*Commissioner Durkin noted that 14,000 residents have voted in favor this, and he could see this as a "no-brainer" and just move on; however, he views term limits as a positive thing for Downers Grove. There is a lot of history in the Village and there is a lot of debate for and against. He sees this as another form of good government. He thinks there should be term limits across the board at all levels of government. He supports this, and he sees it as the last leg of this Council's ethics campaign.*

*Commissioner Schnell said that personally she does not support this. She said there already are term limits by selection of the voters. She does believe that people want the opportunity to vote on this. She will vote to put it on the ballot as a binding referendum, and she does not take this personally. She believes people are frustrated at the State and Federal level. She reiterated that she personally does not agree with this, but will vote to place it on the ballot.*

*Commissioner Barnett commented that he would not want to make the change just to do so. He is curious about statements that because it was not a problem previously, we shouldn't change it in the future. There are efforts at looking at the past and trying to improve it, and that does not mean it is an indictment of the past. He is not aware of failings due to this issue, and he asked for more information as to how term limits have contributed to governmental problems.*

*Mayor Sandack said the merits of the proposition are for voters to determine. He suggested that there is compelling evidence by 15,148 voters who want to address this. It may come out differently, or remain the same as the advisory referendum. Residents want this question put forward with a binding effect. To do otherwise would be to ignore the people and would be a mistake. He said the substance of this should be debated by the residents between now and the election, and not by this Council. He will vote in favor of this.*

**Indexes:** Referenda Questions

## **9. Mayor's Report**

### **Materials to be Received**

### **Materials to be Placed on File**

## **10. Manager's Report**

*Mr. Fieldman said that there were many good comments and questions from the public tonight during Public Comment and the Tax Levy hearing. He encouraged people to review the Village's website for more information.*

## **11. Attorney's Report**

*Village Attorney Enza Petrarca said she was presenting five items to Council: 1) Ordinances abating a portion of the 2010 tax levy related to the General Obligation Bonds, Series 2002, Series 2005, Series 2007, Series 2008A, Series 2008B, Series 2009, Series 2010, Series 2010B, and General Obligation Water Bonds, Series 2001A; 2) An ordinance for the levying of taxes for the fiscal year commencing on the first day of January 2010 and ending on the thirty-first day of December 2010 for Village of Downers Grove Special Service Area #2 (Downers Grove Downtown Service Area); 3) An ordinance for the levying of taxes for the fiscal year commencing on the first day of January 2010 and ending on the thirty-first day of December 2010 for Village of Downers Grove Special Service Area #3; 4) 2010 Aggregate Tax Levy*

*Ordinance; and 5) An ordinance amending international fire code provisions.*

## **Future Active Agenda**

### **12. Council Member Reports and New Business**

*Commissioner Beckman congratulated Mayor Sandack on his recent appointment as State Senator.*

*Commissioner Neustadt also congratulated the Mayor. He announced the opening of new stores in the Village including Fair Game at 5153 Main Street; Scarletti's Italian Kitchen at 994 Warren; Thai Café at 4950 Main Street; Pawsitively Balanced has moved to 926 Warren, and Timberline Train Shop will be opening the week of December 14 at 5228 Main Street.*

*Commissioner Waldack said that this is the Christmas season, and shopping dollars help our community. He encouraged people to shop in Downers Grove.*

*Commissioner Durkin said that he is the new liaison with the EDC, and he had the opportunity to serve with the members honored earlier in the meeting. They will be missed. He thanked them and all the residents who support the Village Boards and Commissions.*

*Commissioner Beckman added that these EDC members were always well prepared and brought so much to the table to elevate Downers Grove. They have done an excellent job in elevating the EDC to a higher level.*

*Commissioner Schnell encouraged people to visit the older restaurants in the Village as well, and to continue to patronize all the shops and restaurants in Downers Grove.*

*Mayor Sandack expressed agreement that all four EDC members performed yeoman-like efforts, beyond the general call of duty. They are off that board because of term limits they imposed on themselves. The talent level they developed that works in their wake is every bit as impressive as all four of these men. The EDC is comprised of incredible talent. Successful people at various levels will endeavor to replace them. It is important to develop a bench. These four men represent what is good in our town.*

### **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 8:48 p.m.*