



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, December 13, 2011

7:00 pm

Council Chambers

1. Call to Order

Mayor Martin Tully 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 Tully 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 Becky Rheintgen, Commissioner Geoff Neustadt and Mayor Martin Tully

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

3. Minutes of Council Meetings

Council Minutes - December 6, 2011

Mayor Tully asked for a Motion to approve the minutes as submitted.

Commissioner Schnell moved to approve the minutes as presented. Commissioner Durkin seconded the motion.

The Mayor declared the Motion carried by voice vote.

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

Laura Crawford of the Downers Grove Area Chamber of Commerce said she has addressed the Council on some previous items and wanted to provide feedback. The first item is the energy aggregation program. She had asked the Council to consider its core services. The Chamber has an aggregate program, which saves 28% on their ComEd bills. She knows that the Village intends to sign a one-year only contract, and 100% of the savings would be passed on to the residents. She congratulated the Council on its action.

Secondly, Ms. Crawford discussed the intergovernmental agreement with SEASPAR and District 58 that would be discussed this evening. She said that one local shop that pays property tax will have to find another way to earn \$18,000 because of this decision. She did congratulate the Village, however, on saving taxing bodies money.

Thirdly, tonight's Manager's Report will include a proposal regarding an extension of compliance on the Sign Ordinance. The staff has done extensive research, and the Chamber agrees with staff and asks for the Council's support on staff's recommendation.

Mayor Tully said the Council appreciates the support of the Chamber. With regard to the electrical aggregate and the fleet maintenance issues, these are about providing choices. Electrical aggregation will give residents a choice to pass the referendum and then choose to participate. Residents will not have to participate. The biggest part of free enterprise is choice. With respect to SEASPAR and District 58, it is again a matter of choice. It is not a mandate to them, but is an opportunity to work with the Village if they choose to do so. He is cognizant of the balance that has to occur. He noted that the Village does not want to cause unintended consequences.

5. Public Hearings

6. Consent Agenda

Mayor Tully said Item B, RES 00-04720, a resolution authorizing an agreement with the Downers Grove Professional Firefighters Union, Local No. 3234 of the International Association of Firefighters AFL-CIO, CLC, has been removed from the Consent Agenda for separate consideration.

BIL 00-04733 A. List of Bills Payable: No. 5948, December 13, 2011

Sponsors: Accounting

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

Indexes: N/A

RES 00-04717 C. Resolution: Authorize a Software and Hardware Maintenance Renewal Agreement with Imageware Systems, Inc.

Sponsors: Police Department

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A SOFTWARE AND HARDWARE MAINTENANCE RENEWAL AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND IMAGEWARE SYSTEMS, INC.

RESOLUTION 2011-94

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

RES 00-04744 D. Resolution: Authorize an Extension to an Agreement with Ray O'Herron Co., Inc.

Sponsors: Police Department

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN EXTENSION TO AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND RAY O'HERRON CO., INC.

RESOLUTION 2011-95

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

Indexes: Police Uniforms

Passed The Consent Agenda

A motion was made by Commissioner Schnell, seconded by Commissioner Durkin, that the consent agenda be passed. The motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully

7. Active Agenda

RES 00-04720 B. Resolution: Authorize an Agreement with the Downers Grove Professional Firefighters Union, Local No. 3234 of the International Association of Firefighters AFL-CIO, CLC

Sponsors: Village Attorney

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND DOWNERS GROVE PROFESSIONAL FIREFIGHTERS UNION, LOCAL NO. 3234 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS AFL-CIO, CLC

RESOLUTION 2011-93

Commissioner Barnett said this subject has been going on for over a year with many discussions in closed session. However, he wants to make sure the record reflects his negative vote on this contract. Some time ago he advanced his view that his focus would have to be equitable treatment for all with sustainable, predictable and reliable delivery of basic public services. A contract that provides for guaranteed compensation increases without consideration of the unpredictability of the future is, from his vantage point, irresponsible and doesn't meet the test of equitable, sustainable and predictable. He made it clear that the Village's public safety employees do a fantastic job. All evidence-anecdotal, statistical and technical-proves that. He has seen them in action himself and can say in all confidence that the Village's team is made up of empathetic, compassionate professionals who go about their day-to-day business in an outstanding manner on behalf of the entire Village. But no amount of professionalism today can guarantee the Village's future revenue streams, particularly since the Village depends so heavily on sales tax revenue and State Income Tax redistribution. Despite all of the work that has been done over the past couple of years by the Village government team, the Village is nowhere near out of the woods. Some say the economy is leveling off, but when private sector wages have seen stagnation for several years, and real household income is in decline, he questions that, and is skeptical of that. The Village has raised taxes twice in two years, and has reduced the number of Village employees by 8-10%, and still, in the last six months, the Village has effectively punted a \$3 million problem down the road. The Village does not have funding for basic municipal services secured. The Village does not have the challenges of a few years ago sorted out. The Village may have passed a balanced budget, but it is based on continuing to defer maintenance of public assets. Lowering property taxes, as is occurring this year, is not a good time indicator, and based on some math manipulations in Springfield, they will probably raise them again this coming year. Commissioner Barnett said he hates sitting there being Mr. Negative, but

sometimes he feels that is where he is, but he is doing his job to the best of his ability. He wants the residents to be proud of the Village, and proud of those who work for the Village. But their pride will not equal a bad check, which in effect is what this contract is. Future raises are guaranteed by the uninhibited ability of the Village Council to raise property taxes, irrespective of the reality surrounding it. Everyone from the private sector up to the public sector will be working very hard to avoid that, without doubt. Everyone including the Chamber, the EDC, the Village and private businesses will work very hard to assure that the sales tax revenue increases and that more people are employed. But the Village is guaranteeing those raises regardless of the outcome of those efforts. Over the past couple of years they have wrung their hands over increasing the cost of garbage stickers a couple of dollars, avoiding raising taxes on seniors, eliminating social service programs with great angst, talking about the need to keep costs down at every turn, and asking other Village employees to take furlough days and accept wage freezes. He said it is not equitable or fair to him to guarantee one segment of our population ever-increasing compensation. This contract is 1%, 1%, 2% - those are the guaranteed raises. They are low numbers, and from the negotiation aspect, the Village should be proud of that. However, he is not. With next year's cost of living increases more than 1%, they are effectively reducing the standard of living for our firefighters. If there is a great economic turnabout followed by the typical inflation, the firefighters will suffer. That's not right either. He would like nothing more than to avoid layoffs, rebate property taxes, see retail sales tax revenues increase, etc., but that is not in the cards right now. There is no crystal ball that will solve this. But a contract that identifies raises, allows them to be revisited as a function of its structure is entirely reasonable in his mind, and goes a long way toward protecting taxpayers and firefighters alike from the uncertainty of the future. He would like to think they have learned something over the past two years. Just because it has never been done that way does not mean it's wrong. A couple of years ago the Village had to eliminate some public safety employees. He wants to avoid that at all costs. A contract like this could make that necessary in the future. This contract sets the expenses for operating the Village's Fire Department and hopes the Village will have the necessary revenues to support those expenses, and "hope" is not a plan.

Commissioner Neustadt said he is in support of this. He knows union contracts are a big part of the Council's job. This one took a long time but he thinks that both sides could be equally happy. He sees it as a victory to come together without a mediation or arbitration. Many hours of good faith were spent to get to this point.

Commissioner Rheintgen said her vote on this matter has nothing to do with our firefighters and the high level of service they provide to our community or the significant amount of time and effort staff invested in negotiating this agreement. Negotiations with unions are done a certain way and most often don't vary from the norm. Commissioner Barnett suggested a contract that thought out of the box - that approached it differently. She said she had a boss that often said - "If you always do what you always did you'll always get what you always got." Commissioner Barnett's idea was to tie wage increases to the economy/state of the village. She had hoped that we would have been able to make that concept a part of our contract and we were unable to. The problem she has with the contract is that wages aren't tied to the economy and there is no automatic opportunity to renegotiate wages if the economy descends again. She said that scares her. When the economy was hit, the Village's non-union employees weren't given raises and were asked to take furlough days. In that same tough economy, our contracted employees were receiving raises due to a contract that was negotiated in better times.

As stewards of our residents tax dollars, Commissioner Rheintgen said she thinks it is important to try to continue to explore this concept with future union contract negotiations. She reiterated that this has nothing to do with the people involved and the hard work that they do. It has everything to do with an effort to create change moving forward.

Commissioner Waldack commented that he has experienced all sides of a union/labor management relationship. Much of the contract and process is directed by laws and the process goes back decades. Some people may look at the reports on this contract and see only the

numbers, and whether or not they are good depends upon where you are in the economy. He said that this contract is much more than the numbers. The contract, as negotiated, goes way beyond raises, various wage levels and steps. There are a lot of other things that are negotiated for the betterment of the Village and it's a good process. He said that his job is to look out for the residents and make sure the Village is not overspending. When there is a fire or someone who needs treatment and has to go to a hospital, you want to make sure that the call is responded to by a group that is prepared, qualified and has the tools to get the job done. That's the Council's job. The union can speak for itself, and just as the Village wants to keep its residents safe and secure, the union wants its membership to be safe and secure as well. Commissioner Waldack said he thinks they have a contract that meets those requirements, and they can now move forward in a good relationship with each side protected by a contract. He said he will support this contract.

Commissioner Schnell congratulated the Village's team and the Fire Department team. She said that both sides negotiated in good faith with both sides' rights protected. She believes the outcome has benefits to both sides as well. Commissioner Schnell said she will support this. She noted that new ideas need to be defined in such a way so that everyone understands those ideas. There was not sufficient time to allow the definitions to occur. In the future she hopes they will take the time to make sure it is well understood. She said that the contract is good for all sides. People work hard and have a right to be compensated for that. In this case the compensation is a minimal increase, but shows that the Village cares about its employees.

Commissioner Durkin commented that he has thought about the contract and the process it has taken leading up to this decision tonight. He was in agreement with Commissioner Barnett, hoping for something that was unique and took away guarantees. He is bothered by the fact that non-union employees took pay cuts and furloughs. He said he would support this if it had provisions for raises for all Village employees. Because this is a standard traditional contract, he cannot support this. He said everyone negotiated in good faith because everyone got the pay raise. The Village does a great job and he is very proud of its Fire Department. However, he doesn't want to come back and have to do layoffs or tax increases due to the pay raises.

Mayor Tully said he wanted to be sure that everyone understands the situation. He said a vote for this contract should not be taken as "let's do the same old, same old." Everyone worked hard and tried to be creative and do what was best for the Village. Those who are voting against this are frustrated with the process, and are not voting anti-union or in favor of unions. This is collective bargaining, and in that you work within a box that stifles creativity and contains rules dictated by those outside of this jurisdiction. He is all for creativity and innovation, but the rules are not established by the Council. The Mayor said this is an outstanding result. He explained that the City of Naperville, three times larger than the Village, just approved a two-year contract retroactive to May 1 with a 3% increase in the first year and a 1% increase in the second. The Village's contract is better than that. He commented that this is an outstanding result. It may not be seen as the result that people want, but that is because of restrictions that they had to work within. Everybody did their job. He would like to see a different process that would allow them to do different things, but he cannot change that box all by himself, and neither can all seven members of the Village Council. The box has to change. This is a negotiation and if you do not agree, someone will make the decision for you. The Mayor said he will support this. Votes against the contract are votes regarding the restrictions. He noted that there is money in the budget for this. Regarding Commissioner Barnett's comments about the \$3 million issue that has to be addressed, the Mayor said that it would definitely be addressed within the next few months.

Tom LeCren, 545 Chicago, referenced the Mayor's comments about the "box" and "laws." He asked if the Mayor could quote the law at some time. He said that it sounds like the Council is boxed in to guarantee raises over the next three years.

Mayor Tully said that the process is defined, not three years of raises.

Mr. LeCren then asked what happened at the meeting tonight. There was a Consent Agenda with four items on it, one of which was removed. He said they are still acting on it in the Consent Agenda and he thinks it should have moved to the Active Agenda. Mayor Tully said that basically it was moved to the Active Agenda.

Mr. LeCren said the Village's Fire Department is pretty well paid. He asked how many dollars they are talking about with the 1% and 2% increases.

Mayor Tully said that is reflected in the Village's budget documents.

Bill Wrobel, 7800 Queens Court, said he has been watching Council for many years and he has taken notice of the remarks presented and the various positions advocated, pro and con. He said that everyone wants to kick the can down the road. Mr. Wrobel said that the box the Council is talking about should have been addressed many years ago with the Constitutional Convention in Springfield. The box presented to the Village regarding the pension plan is mandated. He asked who maintains the box. He said it is the Village's box and if the Village does not have the money to support it, it needs to be changed. He told the Council that now is the time and they cannot be pushing this off forever. There are Villages that have gone bankrupt because they cannot afford their Fire Department or their Police Department. The Village has to live within its means.

Mayor Tully responded that there are certain things the Village cannot control, but it tries to control the things that it can. The Village is working to communicate, collaborate and cooperate. The Village has to work within the processes set forth. This is a very good outcome. He indicated that he cannot change Springfield by himself, but the Council can do as much as is possible about the things that are under its control.

A motion was made by Commissioner Schnell, seconded by Commissioner Waldack, to Adopt this file. Mayor declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Waldack, Commissioner Neustadt and Mayor Tully
Nay: Commissioner Barnett, Commissioner Durkin and Commissioner Rheintgen

Indexes: Fire Contract

RES 00-04738 A. Resolution: Approve Final Plat of Subdivision for 2110 Prentiss Drive

Sponsors: Community Development and Plan Commission

Summary of Item: This approves the final plat of subdivision for the property located at 2110 Prentiss Drive.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 2110 PRENTISS DRIVE

RESOLUTION 2011-96

A motion was made by Commissioner Schnell, seconded by Commissioner Durkin, to Adopt this file. Mayor declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully

Indexes: Planned Development #1-Meadowbrook Shopping Center, Subdivision - 2110 Prentiss Drive

ORD 00-04739 B. Ordinance: Approve a Final Planned Development Amendment to Planned Development #1 for an Addition to the Prentiss Creek Clubhouse

Sponsors: Community Development and Plan Commission

Summary of Item: This approves a final planned development amendment to Planned Development #1 for the construction of an addition to the Prentiss Creek Clubhouse.

AN ORDINANCE APPROVING A FINAL PLANNED DEVELOPMENT AMENDMENT TO PLANNED DEVELOPMENT #1 FOR AN ADDITION TO THE PRENTISS CREEK CLUBHOUSE

ORDINANCE NO. 5237

A motion was made by Commissioner Durkin, seconded by Commissioner Barnett, to Adopt this file. Mayor declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully

Indexes: Planned Development #1-Meadowbrook Shopping Center, Subdivision - 2110 Prentiss Drive

RES 00-04736

C. Resolution: Authorize a Redevelopment/Sales Tax Rebate Agreement with Bentley of Downers Grove

Sponsors: Manager's Office

Summary of Item: This authorizes execution of a redevelopment/sales tax rebate agreement between the Village of Downers Grove, Perillo Motor Cars, 330 Ogden Avenue and Gold Coast Exotic Imports, LLC.

A RESOLUTION AUTHORIZING EXECUTION OF A REDEVELOPMENT/SALES TAX REBATE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE, PERILLO MOTOR CARS, 330 OGDEN AVENUE AND GOLD COAST EXOTIC IMPORTS, LLC

RESOLUTION 2011-97

Commissioner Waldack commented that he had a number of concerns that have not been totally eliminated. He said that over the last few years there has been a lot of praise for the free market, but simply put you cannot proclaim the free market and support something like this. Downers Grove is open for business. He hopes that Bentley will be a good corporate citizen and sell lots of cars.

Mayor Tully said that the essence of the free market is hardy competition. We have to vigorously maintain what we have and attract new vibrant businesses into the Village so as to keep our tax rates down. He thanked those who worked to keep this source of revenue in the Village.

A motion was made by Commissioner Barnett, seconded by Commissioner Neustadt, to Adopt this file. Mayor declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully

Indexes: Sales Tax Rebate, Redevelopment Agreement - Bentley of Downers Grove

RES 00-04742

D. Resolution: Authorize an Agreement with South East Association for Special Parks and Recreation re: Maintenance and Repair of Vehicles

Sponsors: Deputy Village Manager

Summary of Item: This authorizes execution of an intergovernmental agreement between the Village of Downers Grove and SEASPAR for the maintenance of vehicles.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND SOUTH EAST ASSOCIATION FOR SPECIAL PARKS AND RECREATION REGARDING THE MAINTENANCE AND REPAIR OF VEHICLES

RESOLUTION 2011-98

Commissioner Waldack commented about the discussion regarding the free market and privatization. He is happy to see that the bad rap government gets is unearned. This is an example of government being able to do something better, faster and cheaper than the private sector can provide. He thanked Laura Crawford for her comments.

Commissioner Barnett said that he will vote against this for the same reasons he expressed at the previous meeting. He mentioned the discussion about the natural gas agreement of a year ago. He thanked staff for identifying this as an opportunity and trying to make it work; however, he does not think the Village is far enough along to do this. He said he will vote against this.

Mayor Tully noted that not all consolidations make sense. He noted that it is good when they can reduce the cost of government. When they can reduce the footprint of government, they should do so. He said that the overall impact on the community is not known yet. There is also the question of whether the Village should be doing this at all. It is something new and different, but to affect change the Village needs to take these steps. He will support this.

A motion was made by Commissioner Neustadt, seconded by Commissioner Schnell, to Adopt this file. Mayor declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully
Nay: Commissioner Barnett

Indexes: Fleet Maintenance

RES 00-04743

E. Resolution: Authorize an Intergovernmental Agreement with the Board of Education of Downers Grove School District No. 58 re: Maintenance and Repair of School District Vehicles

Sponsors: Deputy Village Manager

Summary of Item: This authorizes execution of an intergovernmental agreement between the Village of Downers Grove and District 58 for the maintenance of vehicles.

A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE BOARD OF EDUCATION OF DOWNERS GROVE SCHOOL DISTRICT NO. 58 REGARDING THE MAINTENANCE AND REPAIR OF SCHOOL DISTRICT VEHICLES

RESOLUTION 2011-99

A motion was made by Commissioner Schnell, seconded by Commissioner Durkin, to Adopt this file. Mayor declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully
Nay: Commissioner Barnett

Indexes: Fleet Maintenance

ORD 00-04722

F. Ordinance: 2011 Aggregate Tax Levy

Sponsors: Manager's Office

Summary of Item: This establishes the 2011 Downers Grove Tax Levy in the amount of \$17,866,103.00 for the Village of Downers Grove and \$4,799,162.00 for the Library.

2011 AGGREGATE TAX LEVY ORDINANCE

ORDINANCE NO. 5238

Mayor Tully noted that the balance of items have been discussed at numerous meetings.

A motion was made by Commissioner Durkin, seconded by Commissioner Neustadt, to Adopt this file. Mayor declared the motion carried by the following vote:

Indexes: Tax Levy - 2011

ORD 00-04723 G. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2011 and Ending on the Thirty-First Day of December 2011 for Village of Downers Grove Special Service Area #2 (Downers Grove Downtown Service Area)

Sponsors: Manager's Office

Summary of Item: This establishes the Special Service Area #2 (Downtown Special Service Area) tax levy in the amount of \$246,446.00.

AN ORDINANCE FOR THE LEVYING OF TAXES FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF JANUARY 2011 AND ENDING ON THE THIRTY-FIRST DAY OF DECEMBER 2011 FOR VILLAGE OF DOWNERS GROVE SPECIAL SERVICE AREA #2 (DOWNERS GROVE DOWNTOWN SERVICE AREA)

ORDINANCE NO. 5239

A motion was made by Commissioner Neustadt, seconded by Commissioner Barnett, to Adopt this file. Mayor declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully

Indexes: Special Service Area 2 - Downtown, Tax Levy - 2011

ORD 00-04724 H. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2011 and Ending on the Thirty-First Day of December 2011 for Village of Downers Grove Special Service Area #3 (Prince Pond Special Service Area)

Sponsors: Manager's Office

Summary of Item: This establishes the tax levy for the Prince Pond Special Service Area #3 in the amount of \$8,671.00.

AN ORDINANCE FOR THE LEVYING OF TAXES FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF JANUARY 2011 AND ENDING ON THE THIRTY-FIRST DAY OF DECEMBER 2011 FOR VILLAGE OF DOWNERS GROVE SPECIAL SERVICE AREA #3 (PRINCE POND SPECIAL SERVICE AREA)

ORDINANCE NO. 5240

A motion was made by Commissioner Schnell, seconded by Commissioner Barnett, to Adopt this file. Mayor declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully

Indexes: Special Service Area 3 - Prince Pond, Tax Levy - 2011

Motion to Adopt Ordinance 00-04725 through Ordinance 00-04731, Abatement Ordinances (Active Agenda Items I - O)

The adoption of the abatement ordinances as enumerated on the agenda will abate certain 2011 tax levies. The total amount to be abated is \$4,902,870.00. This amount can be abated since other sources of revenue are available to pay these debt services obligations.

Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully

- ORD 00-04725** I. Ordinance: Abate a Portion of the 2011 Tax Levy Related to the General Obligation Bonds, Series 2005
Sponsors: Manager's Office
Summary of Item: AN ORDINANCE ABATING A PORTION OF THE 2011 TAX LEVY RELATED TO THE GENERAL OBLIGATION BONDS, SERIES 2005

ORDINANCE NO. 5241
A motion was made to Adopt this file. Mayor declared the motion carried.

Indexes: Tax Levy Abatement, Tax Levy - 2011
- ORD 00-04726** J. Ordinance: Abate a Portion of the 2011 Tax Levy Related to the General Obligation Bonds, Series 2007
Sponsors: Manager's Office
Summary of Item: AN ORDINANCE ABATING A PORTION OF THE 2011 TAX LEVY RELATED TO THE GENERAL OBLIGATION BONDS, SERIES 2007

ORDINANCE NO. 5242
A motion was made to Adopt this file. Mayor declared the motion carried.

Indexes: Tax Levy Abatement, Tax Levy - 2011
- ORD 00-04727** K. Ordinance: Abate a Portion of the 2011 Tax Levy Related to the General Obligation Bonds, Series 2008A
Sponsors: Manager's Office
Summary of Item: AN ORDINANCE ABATING A PORTION OF THE 2011 TAX LEVY RELATED TO THE GENERAL OBLIGATION BONDS, SERIES 2008A

ORDINANCE NO. 5243
A motion was made to Adopt this file. Mayor declared the motion carried.

Indexes: Tax Levy Abatement, Tax Levy - 2011
- ORD 00-04728** L. Ordinance: Abate a Portion of the 2011 Tax Levy Related to the General Obligation Bonds, Series 2008B
Sponsors: Manager's Office
Summary of Item: AN ORDINANCE ABATING A PORTION OF THE 2011 TAX LEVY RELATED TO THE GENERAL OBLIGATION BONDS, SERIES 2008B

ORDINANCE NO. 5244
A motion was made to Adopt this file. Mayor declared the motion carried.

Indexes: Tax Levy Abatement, Tax Levy - 2011

- ORD 00-04729** M. Ordinance: Abate a Portion of the 2011 Tax Levy Related to the General Obligation Bonds, Series 2009
Sponsors: Manager's Office
Summary of Item: AN ORDINANCE ABATING A PORTION OF THE 2011 TAX LEVY RELATED TO THE GENERAL OBLIGATION BONDS, SERIES 2009

ORDINANCE NO. 5245
A motion was made to Adopt this file. Mayor declared the motion carried.

Indexes: Tax Levy Abatement, Tax Levy - 2011

- ORD 00-04730** N. Ordinance: Abate a Portion of the 2011 Tax Levy Related to the General Obligation Bonds, Series 2010
Sponsors: Manager's Office
Summary of Item: AN ORDINANCE ABATING A PORTION OF THE 2011 TAX LEVY RELATED TO THE GENERAL OBLIGATION BONDS, SERIES 2010

ORDINANCE NO. 5246
A motion was made to Adopt this file. Mayor declared the motion carried.

Indexes: Tax Levy Abatement, Tax Levy - 2011

- ORD 00-04731** O. Ordinance: Abate a Portion of the 2011 Tax Levy Related to the General Obligation Bonds, Series 2010B
Sponsors: Manager's Office
Summary of Item: AN ORDINANCE ABATING A PORTION OF THE 2011 TAX LEVY RELATED TO THE GENERAL OBLIGATION BONDS, SERIES 2010B

ORDINANCE NO. 5247
A motion was made to Adopt this file. Mayor declared the motion carried.

Indexes: Tax Levy Abatement, Tax Levy - 2011

8. First Reading

- ORD 00-04735** A. Ordinance: Restrict Vehicle Movement on Webster Street
Sponsors: Public Works and Transportation and Parking Commission

Nan Newlon, Director, Public Works, said residents of Webster Street initially addressed this issue earlier this year. She displayed a map of the area in question. Residents expressed safety concerns, and problems with cut-through traffic. They requested the closure of Webster. The Transportation and Parking Commission (TAP) discussed the request at its May and November meetings. She reviewed their findings, which found Webster to be in the average range in terms of number of vehicles, speed, and accident rate. Alternate solutions were presented. Staff recommends turning restrictions on the street. Warning signs have been installed. Constructing physical barriers would have to go through the County because of the narrow County right-of-way at 55th Street. Turning restrictions will allow only right turns.

Ms. Newlon further explained that in early 2012 the County and Village will conduct an

engineering study of the intersection of Main Street and 55th Street to determine lane widening at that location. Ms. Newlon added that staff's recommendation was reviewed by TAP at its November meeting.

Mayor Tully noted that he owns property within 100 feet of this intersection.

Commissioner Neustadt said that the Council has received many respectful comments from the residents in this area. It is important to note that there will be work conducted with the County for a full intersection analysis for intersection improvements.

Ms. Newlon said the study will start in the spring and will probably take a year.

Commissioner Rheintgen thanked staff for providing more information regarding the sight distance. She noted that this is a short length of Webster and involved only about 12 houses. She thought 230 cars seemed significant.

Commissioner Schnell stated that the first step is to try signage. The key is enforcement. Letting the neighborhood know about this is very important.

Commissioner Barnett asked whether the Village looked at turns into Webster. Ms. Newlon said it did, and it is below the design standard for turn movement. Commissioner Barnett added that he agrees traffic is big for this area, and is cut-through traffic. He gets frustrated with this type of situation, and understands the concerns of the neighbors. He said closing the street would reduce traffic, and would likely improve that neighborhood as a residential neighborhood. He is an advocate, and will continue to be, for a general Village-wide philosophy to try and eliminate cut-through traffic with physical barriers. There are signs posted all over, and drivers still ignore those. He drives down Maple and always sees people cutting into the side streets. He doesn't see why the Village would want people turning into Webster Street. He is disappointed with the recommendation, and he thinks they should be pursuing closure of Webster, and any other streets that residents think would be acceptable. He would hope to revisit this some day, as it doesn't seem to him that this is enough.

The Mayor repeated that he owns property within 100 feet of the affected portion of Webster. It is clear that something had to be done about the sight issue. There are numerous stretches of street in town where people feel the same way. The Mayor said the proposal shows recognition of the problem, and a stipulation to address it and engage in further analysis. He noted that if you close one cut-through street, everyone moves to the next street. It is a Village-wide issue. He is fully cognizant of the issue, and it has been experienced in many parts of town. He believes they must be objective in reviewing this. Mayor Tully said this is a good start, and no one will forget about this. He thanked the people on Summit and Mackie for their communication with the Council. They represented the area well. He agrees something needs to be done and is mindful of competing interests.

Commissioner Rheintgen said that making a right on Webster going west-bound is the only way to avoid sight restrictions.

Ms. Newlon said that restricting left turns onto Webster from 55th Street would require study and approval by the County, and she reminded everyone that the County is planning a study of the entire area surrounding the intersection.

Ms. Newlon added that staff is very concerned about cut-through traffic, and is pleased that funding has been received to improve the traffic at 55th and Main Street. In the long term this will have positive benefits.

Commissioner Barnett said that they must ask what is intended for the long-term environment they are creating. He said that neighborhood after neighborhood is concerned. People are

always bringing up traffic issues to him, over and over. He doesn't think they need to wait to have the County tell the Village what is going on at 55th and Main. There are a lot of tax dollars spent to try and drive people to our downtown area. He asked where all those cars are being placed. It's a question, in his mind, that they cannot answer with Webster. He believes they have to create a philosophy about traffic in the Village and where they will put cars. He will be pressing to discuss these traffic issues over the next year. He doesn't think they need to have the County tell them how to manage Village streets. He is hopeful the Village will keep addressing traffic calming.

The Mayor said that the biggest single issue for the Village is the condition of the roads. He hasn't heard anyone suggest doing nothing.

Commissioner Barnett responded that the Village is saying it is putting up signs and hoping that the people will pay attention while the Village attempts to enforce them. As Commissioner Rheintgen pointed out they are trying to create an environment knowing that the existing terms permitted under the new signage are still not safe.

Mayor Tully replied that they must address the sight distance issue at that location. They start with the simplest solution and see if it works. He is not saying that this is the only way this should be addressed. He is suggesting that they need to be fair and equitable, since this is a Village-wide issue.

Commissioner Schnell agreed that this is a Village-wide issue. She referenced a study done in the past between Main and Fairview. She said there was a desire to have certain streets closed to increase safety. However, if you closed one street, the traffic would move to another. It creates a domino effect because each subsequent street then wants enforcement. She agreed that this has to be done equitably, and they should discuss which streets can handle the traffic. This is not an easy, simple solution. She asked how you decide which ones get closed and which ones get more traffic. They need to do something and so they start with signage. If the signage doesn't work they'll move to the next step. She noted that the Village has been wrestling with this for 23 years, and the problem is very difficult to solve.

Commissioner Barnett said what he's struggling with is whether it wouldn't be better to push the cars to Main or Washington, rather than on Webster. Mayor Tully responded that they won't be on Main or Washington. They'll move to another side street.

Commissioner Waldack said he attended the first TAP meeting on this issue where they said that the next street over from Webster had a traffic count of more than 800 cars in the same time period. He said that the sign will be taking a step and hopefully make it a bit safer. The key is that the County will check into this though he is disappointed that this will take a whole year. This will then go through TAP and he feels the solution will be reasonable and will, hopefully, solve the problem. It is incumbent on drivers that use Webster to be careful and to take other routes.

Mayor Tully asked what staff anticipates happening after six to nine months.

Ms. Newlon said that they will establish a checkpoint, they will review pertinent data, touch base with TAP and neighbors and check in with the County. If the simplest approach doesn't work, they will need to take additional steps. She said that this will be included in the report to TAP.

Mayor Tully asked if there are any other situations where installation of a sign worked.

Commissioner Neustadt said that a resident told him that there were more crashes than reflected in the documents. He suggested looking at the crashes on 55th Street, rather than on Webster.

Mike Ruta, 5405 Webster Street, said he was present on behalf of the residents of Webster Street.

He said they prepared an informational packet representing two years of work between the residents, Village, Public Works and others. They are unique. He noted that they are the only street between Main and Washington Streets. He referenced key factors supporting their petition and request for a closure of Webster Street at 55th Street. He reviewed the points made in the informational packet. Mr. Ruta said that based on the sight distance problem alone, the residents feel closing the street is justified. They believe 75% of the traffic is moving northbound. There are 14 houses on Webster, with two cars per house, two trips per day, which comes to about 60 cars. He noted that the majority of the traffic on the street is cut-through. Every one of the residents on Summit Street supported the closure, as did residents on Washington and Main Street. He noted that the request meets the Downers Grove Road Closure Policy. Clarendon Hills, Westmont and Hinsdale have all closed streets which are adjacent to the main through street leading into their downtown areas. He said that residents have documented that it is unsafe to turn off of Webster, and he asked about the objective criteria needed to determine if the sign is successful. Mr. Ruta said that they have talked with DuPage County representative John Loper. He said changes were in the works for the area, but have been pushed back. Mr. Ruta thanked the Council for listening and hoped that the concerns of the residents are taken seriously.

Mayor Tully noted that this issue will be on the January 3, 2012 Agenda.

Indexes: Turning Restrictions

MOT 00-04670

C. Motion: Accept Downtown Parking Study

Sponsors: Public Works

Village Manager Dave Fieldman noted that acceptance of the Parking Study does not approve or disapprove any element of the Study or any recommendation.

Ms. Newlon said that this Study was one of the Strategic Plan projects for 2011. She said she would provide parking system information, background on the parking study, and will focus on the findings and recommendations.

Ms. Newlon said there are currently over 4,000 parking spaces in the downtown area, 911 commuter parking spaces, 1,237 shared-use spaces for 2-4 hour time periods, 1,524 single-purpose spaces on private business property, and 400 residential parking spaces. Regarding commuter parking, the numbers and rates are controlled by agreements with BNSF & Metra, and she showed an exhibit of the five lot locations. Financially, 85% of the revenue from the parking fund is generated from commuter parking permits and daily use fees, with the remainder from parking tickets and fines. She said 100% of the parking fund revenue for capital projects comes from Metra as well as from commuter parking permits and fees. She reviewed Metra's contributions and obligations for parking assistance.

Ms. Newlon said that in May 2011, the Village contracted with Rich and Associates to conduct the Parking Study, analyze the existing situation and make recommendations based on best practices. They compared the current parking demand based on use and turnover, to the build-out of the downtown area. Public input was obtained through a Steering Committee, surveys, interviews and the TAP Commission. Findings are available on the Village's website.

Ms. Newlon said that when parking is 85% occupied, drivers tend to think of it as difficult. During peak times, Monday through Friday, midday, shared-use parking is at or over 85% capacity. In the parking deck, there is an average occupancy of 90%. Commuter parking areas are at almost 100% capacity. There is a limited availability for future development. The shared use/single purpose parking ratio is less than optimal and single purpose parking is underutilized. The mix of 2, 3 or 4-hour parking times is good; however, there was a need expressed for strategically placed short-term spaces to facilitate short trips. She said that Library patrons' feedback indicates that parking is inadequate. More Handicapped spaces are

needed. She said that they found that commuters who park the furthest away pay the most. In addition, 86 more commuter spaces are provided than required. There is also a demand for overnight parking and reverse commuter parking.

There was a 6% parking violation rate during the week, and a 10% violation rate on weekends. Recommendations concern the mix of parking downtown. The recommendations are: Change some Library lot parking from three hours to one hour; create some 15-minute spaces; change level 5 of the deck to all day free parking; add loading zones with signage and striping; and allow non-permit commuters to park in lots after 11:00 a.m. With respect to needs for additional parking, recommendations were to investigate options to include shared use parking north of the BNSF tracks, and review zoning requirements with respect to parking for future downtown development.

Recommendations related to fees and permits included charging for overnight parking, review the policy of free parking for handicapped commuters, and adjust the rates on a regular basis. As to enforcement, the recommendation is to vary the hours of enforcement, to implement an anti-shuffling ordinance, and consider creating a courtesy first-time warning system for shoppers.

Ms. Newlon said the next step would be to develop and present a policy action item, and then develop plans and funding strategies to meet the need for future parking.

Mayor Tully said he was glad that the Village is trying to address this comprehensively, and he is also happy to see that the deck is at 90% capacity. He was struck by the fact that people who park furthest away pay more and thought that should be reviewed. He thanked Ms. Newlon and everyone who contributed to this report.

Commissioner Schnell commented that the north side is the problem area and it needs to be addressed. She said she was not sure that was made clear in the report. She said as the businesses on the north side continue to prosper, the Village has to do something. Some of the commuter lots on the north side can be looked at for customer parking as well. Commissioner Schnell said it is difficult to comprehend all of the report the first time around. She said they need to look at the report comprehensively. She is looking forward to discussing this, and this is the time to find a solution.

Commissioner Durkin noted that the vacant commuter spots are available at 11:00, and he asked why they don't make it 10:00. Ms. Newlon said it is because of permit enforcement issues. They have discussed making it as early as possible. Commissioner Durkin said he would support an earlier opening. There are also 86 more Metra spots than required, and he asked what the plan is for those spots.

Mr. Fieldman responded that the report gives staff a great position to start discussions with Metra and the BNSF. Commissioner Durkin replied that if they are not willing to negotiate with the Village, then he recommends eliminating the extra spots.

Commissioner Neustadt thanked everyone involved in the study. He noted that there are 24 pages of comments and 13 action items. He said to be at or close to parking capacity is a concern. It is important to accept the report, as it is a high priority action item. He noted that there are a lot of options available. He said he believes that the Village will see improvements, and asked for information on the surveillance system. Mr. Fieldman said staff would provide information on the software. The anti-shuffling ordinance is possible due to the software.

Commissioner Waldack said that this report has a lot of good information. It will help PACE and Metra. He commented that the commuter lot is oversold daily. He looks forward to working on the plan and hopes the Village can get cooperation from Metra.

Commissioner Barnett said that the sooner the Village presses Metra and moves on the recommendation, the better. He is excited to get started.

Dan McCormick of the Downtown Management Corporation (DMC) thanked the Village for allowing the DMC to be part of the study. He appreciates that the consultants listened to them. The key is not the findings, but implementation of the recommendations. They are good recommendations and a start. The businesses that have reviewed this are fully behind the report.

Willis Johnson, 846 Rogers, said he was an advocate for the area north of the tracks. He hopes that the individual action items are taken independently and implemented. The 86 spaces over the agreement with Metra could be used for other than commuters, and he hopes the Council acts on that. He also hopes the north side of the tracks benefits.

Rich Ashton, Director of the Public Library, said that he can't find a place to park. He noted that people are coming to the Library in spite of the Internet. Last year they had 630,000 walk-in visits, which is about 105 per hour throughout the year, and most of them came by car. There is a significant need for parking by the Library. The way the lot is managed might help with turnover and availability. He said that the #1 complaint from library patrons is the lack of parking.

The Mayor welcomed Mr. Ashton to the community and congratulated him on his appointment to the Library.

George Calvino, 605 Gierz, said he was glad to hear about the north side of the tracks and parking permits. He suggested that action be taken as quickly as possible.

Robin Jilek, 5421 Webster Street, said she is fortunate because she lives close to town and as a commuter, she can walk. The biggest complaint she hears all morning is that people can't find a parking space in the commuter parking lot.

Commissioner Barnett left the meeting at 9:14 p.m.

Indexes: Central Business District, Central Business District - Parking Deck, Central Business District - Parking Deck Traffic Impact Study

9. Mayor's Report

ComEd Reliability Report

Mayor Tully reported that ComEd continues to work on the equipment upgrades. They've reported that 500 feet of underground cable was replaced in the Fairview/Ogden area. The Village Forester has completed her review of ComEd's plan for continued tree trimming to begin in January 2012. They are also working on finalizing their communication efforts.

New Business

10. Manager's Report

INF 00-04745 Information: Sign Ordinance Amendment

Sponsors: Manager's Office

Mr. Fieldman said that a proposal was presented to move forward with a two-year extension for the signage compliance deadline scheduled for 2012. He said the Council approved a comprehensive amendment to the Sign Ordinance in 2005 with some dramatic changes. It included a clause for compliance, and a 7-year amortization period. The deadline for compliance is May 2012.

Mr. Fieldman said that the ordinance is working, with 66% of the signs in compliance with the regulations, and 33% non-compliant. It appears that compliance is occurring at about 200 signs per year, and extending the deadline would bring the majority into compliance. He explained the reasons for the extension include the changing economic conditions. Replacing signage is a real cost for businesses. Staff expects additional voluntary changes. The Ogden Avenue area has OASIS grants, which would apply to signage improvements. The extension will also reduce Village costs. The extension is also consistent with the "facilitate not regulate" approach.

Mr. Fieldman said that the Plan Commission hearing on the extension will be in January, with Village Council consideration in February. If this were to pass, there would be strict adherence to the 2014 deadline. In addition, there will be public education so everyone is aware of the consequences of noncompliance. The existing Sign Ordinance will continue to be administered.

Commissioner Waldack said that he has discussed this with the Manager, and is disappointed in staff's recommendation to extend the ordinance. The enforcement plan could be put into place now. He believes enforcement was lacking here. He has asked time and again that the ordinance be reviewed. He warned of the impending deadline many times and no extensive review took place. He said that they are going to have the extension with no consequences. He noted that some people voluntarily obeyed the law. He is disappointed by those who did not obey the law. He said that the OASIS program allows for the use of tax dollars to subsidize the signage, and he suggested that a deadline for such grants for signs be established. He also suggested that good corporate citizens should be rewarded in some way. Commissioner Waldack said he hopes the Plan Commission will have additional recommendations and suggestions, so as not to simply extend the ordinance. It is not a good practice to keep extending an ordinance.

Commissioner Rheintgen said that they have to consider the present economic conditions. She thinks this is the right way to go. Her family are business owners and the economy has taken them on a rather wild ride. The economic situation has to be considered.

Commissioner Durkin asked whether they could get information on the 66% of businesses in compliance. He also asked what the penalties are for non-compliance. Mr. Fieldman said penalties would consist of fines, or a court appearance and court orders to come into compliance. Commissioner Durkin asked if changing the deadline would impact the court's rulings. The Manager said he would have that information available in February, in addition to the education process planned for the businesses. Commissioner Durkin agrees with Commissioner Rheintgen; however, businesses were given seven years to do this. He doesn't want to support this, but thinks it is the right thing to do.

Commissioner Schnell agrees that this should be done due to the economic conditions. She asked about the money available in the OASIS program and suggested using 2012 as a pivotal year to get as many businesses in compliance as possible. Then they could place a deadline on the OASIS grants for signs. She would like to see them get compliance to 250 or more. If not for the economy, she would not support this extension. She mentioned one restaurant that is doing exceptional business and their sign is too big. She would like to see them in compliance.

Mayor Tully commented that OASIS is not just for signs. If you take the money, you have to come into compliance. The Manager said it is not a signage program. There are other elements to the program.

Commissioner Waldack said that they can submit an application just for signage; however, signs do not have priority.

Commissioner Neustadt commented that OASIS is for Ogden Avenue. The sign program is for the entire Village. The extension of the Sign Ordinance did not just start tonight. He said he is in full support of this.

Mayor Tully asked when they anticipate 85% compliance, and the Manager responded they are planning for 2014.

The Mayor said that the seven years is arbitrary. It is the average life of a sign and would not create a financial hardship, but would be a normal turnover. The Mayor said that the ordinance was an attempt to improve the Village aesthetics. It seems that was happening in the Village, except for the recession. He sees this as business pausing during the recession. He said he supports this, and thinks that the ordinance is working well.

Indexes: Zoning Ordinance - Signs

11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting one item to Council: An ordinance restricting vehicle movement on Webster Street.

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Durkin extended wishes for a happy holiday season, reminding residents to travel with care, and to shop in Downers Grove.

Commissioner Schnell wished everyone happy holidays, Merry Christmas and Happy New Year. She encouraged no drinking and driving, and asked that everyone shop in Downers Grove.

Commissioner Waldack extended best wishes from the Waldack family to all of the Village families for happy holidays. He encouraged residents to remember the less fortunate.

Commissioner Rheintgen echoed the wishes expressed by her colleagues.

Commissioner Neustadt said that the Gingerbread Festival was a great success. He encouraged people to consider shopping downtown, and reminded everyone that the coat drive goes through January 8, 2012. He wished everyone a Merry Christmas and a Happy Everything.

Mayor Tully extended congratulations to State Swimming Champ Gabby Sims. He noted that this was the last Council meeting for 2011. He is looking forward to 2012. The Mayor wished the Council, staff and residents Happy Holidays.

13. Adjournment

Commissioner Schnell moved to adjourn. Commissioner Durkin seconded the Motion.

VOTE: YEA - Commissioners Schnell, Durkin, Rheintgen, Barnett, Neustadt, Waldack, Mayor Tully

Mayor Tully declared the motion carried and the meeting adjourned at 9:44 p.m.