



# Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

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Tuesday, January 3, 2012

7:00 pm

Council Chambers

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## 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 Sean P. Durkin, Commissioner Becky Rheintgen, Commissioner Geoff Neustadt and Mayor Martin Tully

Absent: Commissioner William Waldack

Non Voting: Village Manager David Fieldman, Village Attorney Enza Petarca 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 13, 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

*There were no comments.*

#### 5. Public Hearings

#### 6. Consent Agenda

**COR 00-04746** A. Claim Ordinances: No. 5929, Payroll, December 2, 2011 and No. 5931, Payroll, December 16, 2011

**Sponsors:** Accounting

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

**Indexes:** N/A

**BIL 00-04747** B. List of Bills Payable: No. 5950, January 3, 2012

**Sponsors:** Accounting

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

**Indexes:** N/A

**MOT 00-04670** C. Motion: Accept Downtown Parking Study

**Sponsors:** Public Works

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

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

**RES 00-04748** D. Resolution: Approve Final Plat of Subdivision for 521 Sherman Avenue

**Sponsors:** Community Development and Plan Commission

**Summary of Item:** A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 521 SHERMAN AVENUE

RESOLUTION 2012-02

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

**Indexes:** Subdivision - 521 Sherman Avenue

**RES 00-04750** E. Resolution: Authorize a Maintenance Agreement and Addendum Agreement with Advent Systems, Inc.

**Sponsors:** Police Department

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF A MAINTENANCE AGREEMENT AND ADDENDUM AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND ADVENT SYSTEMS, INC.

RESOLUTION 2012-01

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

**Indexes:** Police Department, Parking Deck - CBD, Central Business District - Parking Deck, Security Cameras, Fire Station #2

**MOT 00-04751** F. Motion: Award a Contract to Engineering Resource Associates, Inc. for Stormwater Related Development Review Services

**Sponsors:** Community Development

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

**Indexes:** Wetland Banking, Stormwater Sewer Watershed Improvement Plans, Stormwater Improvements

**MOT 00-04752** G. Motion: Award a Contract to Burns & McDonnell for Stormwater Related Development Review Services

**Sponsors:** Community Development

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

**Indexes:** Wetland Banking, Stormwater Sewer Watershed Improvement Plans, Stormwater Improvements

**MOT 00-04753** H. Motion: Note Receipt of Minutes of Boards and Commissions

**Summary of Item:** Library Board - November 9,2011

**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 Durkin, that the consent agenda be passed. The motion carried by the following vote:**

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

## **7. Active Agenda**

**ORD 00-04735** A. Ordinance: Restrict Vehicle Movement on Webster Street

**Sponsors:** Public Works and Transportation and Parking Commission

*Mayor Tully said that a request was received from the petitioner to table this item to a date uncertain.*

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

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

**Indexes:** Turning Restrictions

## **8. First Reading**

*Village Manager Dave Fieldman announced that Item D has been moved and will be considered at next week's meeting to allow Commissioner Waldack the opportunity to discuss the item. He said that Tom Dabareiner, Director, Community Development, would present the remaining items.*

**RES 00-04754** A. Resolution: Authorize a License Agreement for the Temporary Use of Public Property with the Rotary Club of Downers Grove for the 2012 Rotary Club Grove Fest

**Sponsors:** Community Development

*Mr. Dabareiner explained that the Rotary Club has scheduled June 21-24, 2012 for the 2012 Rotary Club Grove Fest. Staff is seeking approval on the January 10, 2012 agenda. He noted that Grove Fest is substantially the same as last year with the same layout and activities as last year. One minor change is that the rides will start at noon on Friday. All other hours of operation remain the same. Reimbursement is estimated to be \$32,280 with a letter or credit for \$38,736. Mr. Dabareiner said the Community Events Committee reviewed this on December 8 with a unanimous recommendation to approve.*

*Commissioner Durkin asked about the amount for the letter of credit, and Mr. Dabareiner said it was for 120%. Commissioner Durkin said since this is the third year of the Grove Fest, and with its history, he would be in favor of reducing the amount required for the letter of credit. Mr. Fieldman said staff would review the past two years to determine what can be done. Commissioner Durkin then asked if there will be a Council booth, and Mr. Fieldman said he is sure if the Village shows interest it could be discussed with the Rotary Club. Commissioner Durkin said he is happy that they are coming back this summer. He said he tips his hat to the Rotary Club for all they have done to make this happen.*

*Commissioner Neustadt said it was great to see that this segment of the community is back. He is impressed to see the layout is the same, noting that merchants were pleased with the layout as well. Last year the Rotary Club used an online form for volunteers and Commissioner Neustadt asked if that will occur this year, as he thought it worked very well last year.*

*Mayor Tully noted that there are 170 days left until Grove Fest.*

**Indexes:** Community Events

**RES 00-04755** B. Resolution: Authorize a Grant Agreement with Alexander, LLC

**Sponsors:** Community Development

*Mr. Dabareiner said that this grant is in the amount of \$22,295 for the property at 222 and 224 Ogden Avenue, the Radio Shack and Soccer 2000 building. The matching grant program is for certain improvements on Ogden Avenue to provide more attractive sites, improve traffic circulation, improve building appearance, improve signage and reduce the visual clutter. He showed the subject property on an overhead projection.*

*Mr. Dabareiner then summarized the OASIS Program, noting that 22 projects have been approved to date. Showing some of the projects approved in the past, Mr. Dabareiner then reviewed the benefits of the program. For this particular application there will be improvements to curb cuts as well as signage.*

*Commissioner Schnell commented that the site plan shows the new signage proposed, and she asked about the location of the easement for the sidewalk.*

*Commissioner Rheintgen noted that in the OASIS program, some businesses have received grants but haven't done any improvements as yet. She asked if there is a deadline. Mr. Fieldman responded that staff would check the wording in the grant agreements.*

*Mr. Dabareiner replied that this is a reimbursement program based on receipts, and the program has only reimbursed one grant request to date.*

*Commissioner Schnell then asked about what kind of landscaping will be installed, and whether it has to be replaced if it dies. Mr. Dabareiner said there are maintenance requirements that must be followed.*

*Mr. Fieldman noted that the grant recipient has to complete their improvements within one year.*

Indexes: Ogden Avenue TIF

**ORD 00-04734**

C. Ordinance: Vacate a Certain Portion of the Prince Street Right-of-Way

**Sponsors:** Plan Commission and Community Development

*Mr. Dabareiner noted that an ordinance has been prepared for the vacation of a 66' x 600' portion of property on the Prince Street right-of-way between Grant Street and Sherman Street. Passage of the ordinance will require five affirmative votes. He showed an overhead of the location, saying it is part of a much larger set of improvements. Most of those are already completed or near completion. The Plan Commission found this proposal to be consistent with the right-of-way vacation policy, Zoning Ordinance and Comprehensive Plan. The Plan Commission recommended approval of the right-of-way vacation and staff concurs with the Plan Commission's recommendation.*

*Dr. Mark McDonald, Superintendent of District 99, said that the requested vacation of a portion of Prince Street would enable the District to further develop North High's campus. He said this has been a vision for more than a decade. He said that the District began this project without a source of funding, but funds are now available. He discussed the goals of the development, saying if North High School were constructed today, architects and planners would recommend a footprint four times the current size. They want to eliminate the need for students to cross Main Street for physical education or buses. He explained that they will expand the field space and are looking to create a "true" campus. There will be an increase in landscaping, and this project will provide a safer setting for students. He thanked Village staff for their work.*

*Chuck Hiscock, Associate Principal of Operations for North High, said he was involved in the Master Site Plan. They tried to be sensitive to the needs of everyone, but particularly to safety concerns. He explained that there are 19 buses that pick-up and drop-off students. In the afternoon the street is blocked and it is an extremely unsafe situation. The buses arrive on and park on Prince and leave on Saratoga. He explained that the proposed plan eliminates the need for buses to be on the street, thereby providing greater safety for the students. He noted that buses would be able to stop in clearly marked bus stalls. There will be no additional bus traffic on Prince Street or Saratoga. He referenced the numerous cars that circle Prince Street, but this plan creates a drop-off site. The new lot would accommodate buses from other schools as well.*

*Mayor Tully asked whether the Council had questions for Dr. McDonald and/or Mr. Hiscock.*

*Commissioner Schnell asked for clarification as to how the buses will enter, and Mr. Hiscock said they would enter on Prince Street and exit on Saratoga.*

*Commissioner Durkin questioned whether the parking on the east side would be consolidated, and Mr. Hiscock said it would. Commissioner Durkin asked whether they have considered a pedestrian crosswalk over Main Street. Dr. McDonald replied that they are not ready to do that at this time. They want to see how this project works and functions. A pedestrian crosswalk is a relatively expensive project. Commissioner Durkin said that his concern is looking at Main Street and public safety issues. Mr. Hiscock responded that they have had students hit by cars running to and from the athletic field. They feel it is safer to fence the parking lot, which forces the students to use the light. Commissioner Durkin then asked whether the students are disciplined if they cross improperly. Mr. Hiscock responded that they are.*

*Commissioner Barnett complimented the school administration on developing what he considered an outstanding plan, which is much better than what exists today. He is glad that this is being done, and asked if there has been any discussion about going all the way north to Ogden Avenue. Dr. McDonald responded that would mean purchasing more property. The need is to have the buses closer to where students walk out of the door. They are limited in*

*planning in terms of the distance students have to walk. Commissioner Barnett then asked about the western part of Sherman, and Mr. Hiscock replied that it would remain the same as is.*

*Commissioner Neustadt noted that there is a fence on the west side of the sidewalk on the new proposed parking lot. He then referenced the east side with regard to students and faculty traffic moving to the east side of the campus. He asked about Highland, Grant, Chicago and Washington Streets, as the entire area becomes very crowded with the traffic and cars. He said they should be careful about how the traffic on the west side will affect the east side. He also asked about extra parking on the new proposed west side lot. Mr. Hiscock responded that it is for faculty, handicapped and District vehicles.*

*Commissioner Neustadt then inquired as to signage and directional flow for cars using the lot for after-school activities. Mr. Hiscock replied that there will be signage, coaches will be trained, parents will be notified, and security will be available. Commissioner Neustadt asked how they would keep vans out of the lot on a Saturday. Mr. Hiscock stated they intend to use supervisors on the site. Commissioner Neustadt then asked whether Grant would be closed at Saratoga at the end of the school day. Mr. Hiscock replied that under this new plan it will be open, and they do not anticipate closing Grant. Commissioner Neustadt expressed his concern about increased traffic on Highland, Grant, Chicago and Washington. He stated that this is an ambitious plan, and he believes enforcement from the Police Department will be necessary.*

*Commissioner Rheintgen commented that she liked the drop-off area on the east side, and asked whether there will be two areas. Mr. Hiscock replied that now it is only on Forest Street. They anticipate drop-off on Prince, and the plan is to use the parking lot where buses will be. They will have to do some things with signage and personnel. Commissioner Rheintgen said she would be more comfortable if there was a plan; however, she thinks there is more benefit in doing this, than not doing it.*

*Commissioner Schnell noted that the traffic study mentions a gate in the east parking lot that is in line with the softball field. Mr. Hiscock said that the gate will be locked, and will only be used for larger events. Mr. Fieldman also noted that staff would address that in the permitting process.*

*Commissioner Schnell commented that the north exit onto Sherman is in line with the funeral home, and she asked whether parking on Sherman would be limited. Mr. Fieldman said that the design and implementation plans would be finalized with the petitioner. Commissioner Schnell commented that she feels this will work well. The east side parking lot is fraught with problems.*

*Commissioner Durkin asked that parking and traffic issues be addressed. Mr. Fieldman replied that issues regarding the impact on the neighborhood, traffic control, etc., have been discussed, and will be discussed further.*

*Commissioner Barnett said that the Council will hear from people regardless of the decisions made.*

*Commissioner Durkin said he is not interested in vacating this if the other concerns are not addressed.*

*Mayor Tully then asked for comments on this matter from the general public. He reiterated that the request to vacate Prince Street is the only issue before the Council at this time.*

*Tom LeCren, 545 Chicago Avenue, inquired as to the proposed waiver of fees, which will set a precedent. He said that there has been a cost to the Village and staff time is money. It makes no sense to him to waive fees. The fees should be borne by District 99. District 99 encompasses a larger area than just Downers Grove, including Oak Brook, Woodridge and Darien.*

Commissioner Schnell asked whether fees were waived when District 58 did their renovations. Mayor Tully said there are two Council policies to consider. Mr. Fieldman responded that the two Council policies refer to the vacation and compensation for the right-of-way, and staff recommended that no payment be made from public body District 99 to the Village. The other policy is on fee waivers. Staff plans to follow the policy regarding the fee waiver.

Commissioner Neustadt said that the Prince Street vacation impacts the east side parking lot and he believes Commissioner Durkin's questions to be fair.

Mayor Tully said that the Council has to focus on the question of vacation of a portion of Prince Street. This is a unique situation because it is land going from one public body to another public body. The Village has a vacation policy that governs this situation, as well as a Comprehensive Plan. He noted that this is a landlocked community, and a landlocked parcel, and there are a lot of challenges for North High. To the extent the Village can cooperate and collaborate with another taxing body, he believes the Village should do so. He thinks the question regarding vacating a portion of the street depends upon whether they are absolutely certain that there is no foreseeable need for use of the land to be vacated. The second issue is compensation and whether the public should benefit from vacating the land. He said it is not mandatory that a petitioner pay for a vacated parcel. He noted that in this particular case the petitioner is also a public body. He commented that the Village needs to treat everyone the same.

Mayor Tully continued that the policy requires a determination by the Village of the potential future need of a parcel, the potential impact on traffic caused by the vacation, and the estimated future cost of the vacation if it were to be granted by the Village. With regard to the future use of the parcel, Mayor Tully said that this is a unique situation. The Comprehensive Plan has two elements in favor of vacations in terms of the need aspect. He quoted page 84 of the Comprehensive Plan, specifically addressing schools: "The Village should support the continued operation and improvement of both public and private school facilities while ensuring that they do not negatively impact residential neighborhoods through traffic, lighting, and intense activity and cooperate with the various organizations to maintain high quality school sites and facilities." He noted that this is an opportunity to do that. The Mayor further quoted the Comprehensive Plan with respect to the issue of school parking: "Should School District 99 elect to address this issue, the Village should assist the District in identifying potential solutions to its parking needs, while being sensitive to the impact on adjacent residential areas." The Mayor said the Comprehensive Plan provides guidance as to whether the element of need and potential future use of this parcel has been met. The other issues to be reviewed are found in Village's Vacation Policy, section 1h, with respect to whether the public interest will be served by the vacation request, whether the parcel should be vacated, and the amount and type of compensation, if any. In this case, the fair market value of the parcel is significant at \$147,000. The request for compensation is discretionary. The Mayor said he has always been adamant about compensation being required, but this is a unique situation because in this case public property is being moved to a public entity. He noted that they could place conditions on the vacation according to the Village's policy. He is leaning in favor of this request, but he has issues regarding compensation.

**Indexes:** Vacation - Right of Way - Prince Street

**INF 00-04756** D. Discussion: Human Service Commission Recommendation

**Sponsors:** Manager's Office

The Manager reiterated that this item has been moved and will be considered at next week's meeting to allow Commissioner Waldack the opportunity to discuss it.

**Indexes:** Boards and Commissions

## 9. Mayor's Report

### **ComEd Reliability Report**

*The Mayor said that ComEd has notified the Village of the replacement of 500 feet of cable along School Street. He noted that they are starting the enhanced tree trimming, and a map is located on the Village's website of those locations. He asked if staff has received any comments regarding the notification of tree trimming. The Manager said he is not aware of any complaints, but will ask staff to follow up.*

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

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

*Mr. Fieldman noted that the public engagement efforts with respect to formation of a stormwater utility have begun. A series of five videos have been prepared to explain the stormwater utility concepts and advantages. He encouraged residents to visit the Village's website to view the videos and for more information.*

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

*Village Attorney Enza Petrarca said she was presenting one item to the Council: An ordinance vacating a certain portion of the Prince Street right-of-way located immediately west of and adjacent to Downers Grove North High School in the Village of Downers Grove.*

### **Future Active Agenda**

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

*Commissioner Neustadt announced the electronic recycling event to be held on January 7 from 9:00 a.m. to noon at Village Hall. He reminded residents to check the Village's website ([www.downers.us](http://www.downers.us)) for more information.*

*Commissioner Durkin asked what the enforcement regulations are regarding electronics, and Mr. Fieldman said he would obtain that information.*

*Commissioner Barnett presented a new business item, asking Council to consider the subject of Council travel reimbursement and conference reimbursements. Mayor Tully said that they should schedule this discussion as soon as possible. Mr. Fieldman said it would be on a Future Agenda.*

*Mayor Tully then wished everyone a safe, happy and prosperous New Year.*

#### **13. Adjournment**

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

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

*Mayor Tully declared the motion carried and the meeting adjourned at 8:25 p.m.*