



# 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 17, 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 invited the Boy Scouts from Pack 18, Den 13 to help lead those present in the Pledge of Allegiance to the Flag.*

*The Mayor then answered questions from the Pack members.*

*Andy Thompson of Belle Aire School asked who owns the parkway and if children can play on it. Mayor Tully responded that the parkway is public property and in that sense the public owns it. He urged children to play safely on the parkway in front of their own house.*

*James of Highland School asked the Mayor how many squad cars the Village has. Commissioner Neustadt replied that there are nine officers working now plus their supervisors in 12 cars, with backup. He thinks there are about 20 total cars. Mayor Tully said there are 25.*

*A student from Highland School asked if there are any renewable sources of energy in the Village. The Mayor said that the Village uses solar, wind, CNG, biodiesel fuel, and hybrid cars, plus LED lighting.*

## 2. Roll Call

Present: Commissioner Bob Barnett, Commissioner William Waldack, Commissioner Sean P. Durkin, Commissioner Becky Rheintgen, Commissioner Geoff Neustadt and Mayor Martin Tully

Absent: Commissioner Marilyn Schnell and Village Manager David Fieldman

Non Voting: Village Attorney Enza Petrarca, Village Clerk April Holden and Assistant Village Manager Michael Baker

*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 - January 10, 2012*

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

Commissioner Durkin moved to approve the minutes as presented. Commissioner Neustadt 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

1. Tom Eagan, 4501 Saratoga, said he has been a resident in the Village since 1981. With regard to the vacation of Prince Street at Downers Grove North and the proposed improvement plan of District 99, Mr. Eagan said that neighbors have some issues with the improvement plan. He said that: 1) the local neighbors were not involved in any way in North High School's plan, despite what the School District has represented; 2) the residents believe the traffic study presented to the Transportation and Parking Commission (TAP) was flawed in several respects; 3) student safety is more compromised by the proposed plan for bus loading and unloading; 4) neighbors object to the placement of a parking lot that will now face Grant Street and will affect traffic congestion, environmental concerns, and lack of greenspace in the areas of 4500 Saratoga, 4500 Linscott and portions of Grant Street. Mr. Eagan said Downers Grove North presented the plan to the School Board on January 24, 2011; however, neighbors in the immediate area adjacent to the site were not notified of the plan until October 27, 2011. Concerns were solicited and the public presented a number of alternative designs, all of which were rejected by the School District. He then read a comment from an e-mail from a former Plan Commission member as follows: "My lasting impression of how the District operates is that a strong-willed superintendent and his administrative staff maintain control of the funding and planning process often by enlisting the willing support of a majority of the School Board members who don't actually do the heavy lifting. When it comes time to get community approval, they spoon feed the taxpayers, avoid controversy with citizens most affected, and when they need help gaining approval they enlist parents of school-aged children sympathetic to their cause." Mr. Eagan repeated that the neighbors were not informed of the plan's contents until October 27, 2011. In addition, members of the public attended the TAP meeting where the School Board was encouraged by the Commission to work closely with the neighbors. The TAP Commission listened to the alternate plans. An open house was held last week and Mr. Eagan said that the School Board rejected all of the neighbors' recommendations out of hand in a dismissive and rude manner. Public concerns about parking issues are that the study does not sufficiently represent the real traffic flow and volume, and does not take into consideration weekly and seasonal changes in traffic volume. Part of the study was done between 2:00-4:00 p.m. on a typical school day when Prince Street is closed to traffic as well as Grant Street. The traffic study was repeated on a Tuesday evening when traffic is minimal, and Mr. Eagan said that it underestimates the traffic flow around the high school. Living in his home for 30 years he can attest to the traffic flow and the constant problem of cars violating the "no parking, no stopping, no standing" signs. The traffic study also does not take into account the increased use of the west lot due to increases in non-school related activities at North High School. Student safety issues are a concern with the proposed change in bus loading requiring students to move between buses. The prior practice was for buses to load and unload at curbside, which is the recommendation of the National Traffic Safety Council. The proposed plan will be impossible to

monitor and will not be safer. Mr. Eagan said that the plans as submitted will negatively impact the neighborhood, and the neighbors would like to see the parking lot moved north so they can be looking out on "green" versus "concrete." He asked that permits not be issued until the public can express their concerns to the Board and the appropriate commissions.

Mayor Tully thanked him and the neighbors who sent their concerns to him. He noted that the Village obviously did not develop the Downers Grove North plan. That is directed by District 99. He encouraged the residents to communicate directly with the School District since they have the primary responsibility and authority for the project. The issue brought to the Village was the vacation of Prince Street. The Village has a policy that governs that request, and the Village applied that policy to the request. The vacation has been approved as it met the Village's policy requirements. Regarding the overall project, the Village has jurisdiction with respect to permitting and those rules have to be complied with. The Village does not have the same type of jurisdiction here as it does with other projects. He said that the jurisdictional matters are too complicated to discuss at this time. As to the traffic aspect and how it impacts the Village streets, the Village is very much involved in this and will be vigilant. He encouraged the people to continue to communicate with the District.

Mr. Eagan responded that he is here to put the voices of the neighbors on public record.

Mayor Tully replied that there would have to be good reason not to issue the permit. If they are following the rules, they will be treated the same as anyone else, within the scope of the Village's jurisdiction in this specific case. The concerns are duly noted.

2. Tom Smith, 1205 Grant, spoke of the additional traffic and usage due to the hiring of a Facilities Rental Manager whose responsibility is to encourage additional utilization of the school facilities. There will now be more traffic during off-school hours from additional sports activities. The parking lot is very big. People will want to use that lot which will increase traffic congestion on weekends as well.

The Mayor said that the Village staff and District staff will need to work together on these issues.

3. Bill Kussman, 4504 Saratoga, said that the public is trying to make an appeal regarding work permits. He only heard about this situation about two weeks ago. There was no response from the School District when the neighbors brought forth their concerns. He said that it is difficult to work with the District 99 Superintendent. That is why they are appealing to the Council. Closing Prince Street means that traffic will now go to Grant Street and Saratoga, and it will be a madhouse. He noted that there are no speed bumps in the area. The residents asked the District to move the soccer field. Many neighbors just received the notice, and the District has not responded to their concerns. Residents asked about landscaping and were told the District does not have a plan yet. Residents had no say in this. The District would not work with them, and there is no appeal process. The residents are asking the Council to serve as a liaison and make sure this works.

Mayor Tully apologized for the notice issue. To the extent that the Village has jurisdiction it will exercise it. The District's plans might not go to the Plan Commission, as the School District is another taxing body that is governed by other Codes. He said that the Village will try to coordinate with District 99 and the residents to make sure that things are done properly in areas where the Village has jurisdiction. If the Village has no jurisdiction, it cannot intervene.

4. Roger Bauman, 4500 Prince, the corner of Prince and Grant, reiterated the neighbors' concerns, saying that moving the lot will put the lot 50' outside of his front door. This will increase traffic around his home. They cannot compare this to South High. In a ten-minute period 68 cars passed by his house. The proposed parking lot will be open seven days a week year-round, directly across from his home. He is concerned also about the property value of his

home because of this change. Downers Grove South has much more property and cannot be compared to this situation.

5. Mary Kussman, 4504 Saratoga, is concerned about the impact of this plan on the children at Herrick and Pierce Downer schools. It will put those students at risk and will make traffic worse on Saratoga. This plan was not studied sufficiently.

6. Jenny Bauman, 4500 Prince Street, reiterated the concerns already expressed. She said that on her way to the meeting this evening, there were three cars parked in the middle of the intersection of Prince and Grant Streets. The School Board presented the traffic study to the Village, and one of the two-peak times studied was the after-school hours. She indicated that there is not a problem at that time as it is a well-oiled machine. However, the traffic study completely missed the times when extra-curricular activities are happening, practice is occurring and safety becomes an issue. They also did not take into account the west lot. Neighbors made a small tape of what it will look like once the plan is put into practice. She said that there are times with after school activities that cars cannot get through the street, and emergency vehicles also cannot get through. She attempted to call the police to ask for assistance, and negative comments were received from the police personnel. At these times it is a free-for-all and this was not represented in the traffic study. Closing Prince, north of Grant, with the new fields and the west parking lot and opening streets to after-school traffic brings more congestion. If they are allowed to pursue this plan, the Village should hope nothing happens to any of the children. Ms. Bauman noted that at the Plan Commission meeting regarding the vacation, the School Board was asked by the Commission whether rejecting the vacation would negatively impact the financial plan for the project, and the School Board said that it would. Ms. Bauman explained that the frustration of the neighbors stems from the fact that so much was done and put in place before the residents were even told, and now it is too late to change it. The neighbors had no time to review the traffic study and object to it. The residents are appealing to the Council to guide them and step in.

7. Cindy Schramm, 4442 Saratoga, stated that she lives west of the proposed parking lot and has lived there 27 years. She worked for the School District for 18 years and her children have attended the public schools. She moved in knowing they would be neighbors to the school. The school wasn't aware of some traffic issues, and the school is not a good neighbor. Ms. Schramm recalled when she tried to add a porch to her home 20 years ago and was not allowed to do so because it was against the regulations and would not fit the community. However, the school is being allowed to do something that will be a negative impact on the community. The neighbors are willing to compromise, but the Board has not thought this out. They are not playing by the rules. She said she witnessed this type of behavior all of the time she was working for the District. They do things as they want to do them. It has always been a good old boy system on the Board. They live by their own rules. If this goes through, quite a few residents will be selling. She never expected to leave her home, but this will prompt her to sell. This proposed plan is taking a subdivision and putting in a parking lot. The School District is not considering the safety of the students. The Council is the neighborhood's last hope, and the neighbors need guidance.

The Mayor expressed his regrets that District 99 is not represented at this meeting, but he said they will hear about this on YouTube and elsewhere. The Village will fulfill its obligations in the areas where it has authority and jurisdiction.

Commissioner Durkin asked that the minutes be sent to District 99 after they are approved.

## 5. Public Hearings

## 6. Consent Agenda

Mayor Tully said Item F, RES 00-04749, a resolution authorizing an agreement with Comcast Business Communications, LLC, has been removed from the Consent Agenda for separate

*consideration.*

**COR 00-04765** A. Claim Ordinance: No. 5933, Payroll, December 30, 2011

**Sponsors:** Accounting

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

**Indexes:** N/A

**BIL 00-04766** B. List of Bills Payable: No. 5954, January 17, 2012

**Sponsors:** Accounting

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

**Indexes:** N/A

**RES 00-04760** C. Resolution: Intent to Continue Participation in the Suburban Tree Consortium and Authorize Certain Purchases for FY 2012

**Sponsors:** Public Works

**Summary of Item:** A RESOLUTION EXPRESSING INTENT TO CONTINUE PARTICIPATION IN THE SUBURBAN TREE CONSORTIUM AND TO AUTHORIZE CERTAIN PURCHASES FOR FY 2012

RESOLUTION 2012-06

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

**Indexes:** Tree Consortium

**MOT 00-04771** D. Motion: Authorize a Contract for \$23,671.07 to F.H. Paschen, S.N. Nielsen for Installation of Solar Panels at the Public Works Facility

**Sponsors:** Deputy Village Manager

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

**Indexes:** Public Works

**RES 00-04758** E. Resolution: Extend an Agreement with Blackboard Connect, Inc.

**Sponsors:** Communications

**Summary of Item:** A RESOLUTION EXTENDING AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND BLACKBOARD CONNECT, INC.

RESOLUTION 2012-07

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

**Indexes:** Community Notification System

**MOT 00-04770** G. Motion: Note Receipt of Minutes of Boards and Commissions

**Summary of Item:** Library Board - December 14, 2011

Plan Commission - December 5, 2011

**A motion was made to Note Receipt Of this file on the Consent Agenda.**

**Indexes:** Boards and Commissions Minutes

## Passed The Consent Agenda

*The Consent Agenda as amended was approved.*

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

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

## 7. Active Agenda

**RES 00-04749** F. Resolution: Authorize an Agreement with Comcast Business Communications, LLC

**Sponsors:** Information Services

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND COMCAST BUSINESS COMMUNICATIONS, LLC

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

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

**Indexes:** Computers, Internet Access Provider, Internet Service Provider

## 8. First Reading

**ORD 00-04767** A. Ordinance: Adopt and Approve Publication of the Village of Downers Grove 2012 Zoning Map

**Sponsors:** Community Development

*Tom Dabareiner, Director, Community Development, said this concerns adoption of the 2012 Zoning Map which is scheduled for the February 7 Active Agenda. He reviewed the changes to the map including new annexations, zoning changes, and voluntary annexations.*

*Mayor Tully noted that the Village is obligated to update the Zoning Map annually to reflect the actual changes that took place the previous year.*

**Indexes:** Zoning Map

**ORD 00-04768** B. Ordinance: Authorize a Special Use to Permit a Business/Professional Office at 5338 Main Street

**Sponsors:** Plan Commission and Community Development

*Mr. Dabareiner explained that this special use would allow a professional office in the downtown transition district. He showed the subject property on an overhead projection, saying that it has been used as an office previously. The site meets the zoning requirements and no improvements are proposed. He noted that there are six parking spaces available meeting the Zoning Ordinance regulations. The Plan Commission reviewed this and unanimously recommended approval. Staff concurs with that recommendation.*

*Commissioner Barnett asked where to find the standards for transition districts and Mr. Dabareiner said he would provide that information.*

**Indexes:** Special Use - 5338 Main Street

**MOT 00-04772** C. Motion: Authorize a Change Order for \$62,150 to Christopher B. Burke Engineering, Ltd. for Phase III Resident Engineering Services for Prairie Avenue Improvements

**Sponsors:** Public Works

*Andy Sikich, Assistant Director, Public Works, explained that the previous contractor, R.W. Dunteman, did not complete the project as directed within the contractual schedule. As a result, the Village incurred additional expenses for services performed by Christopher Burke Engineering. For the past two years, staff has been discussing this with IDOT to finalize the contract. IDOT held the project as it was an STP (Surface Transportation Program) project. The amount of the reduction is \$61,150. In addition the Village's portion was reduced by \$152,296.39 due to lower bid prices and cost savings.*

*Commissioner Durkin asked if this negative impact would be reflected in the report card. Mr. Sikich said it already has been reflected.*

*Commissioner Waldack said he understood the money would come back to the Village, but asked if it would be paid out to the contractor. Mr. Sikich said it would be paid to Burke.*

*Mayor Tully said that the Village incurred an additional expense, but the contract had a liquidated damages clause that results in the Village's favor.*

**Indexes:** Prairie Avenue Reconstruction

## 9. Mayor's Report

### ComEd Reliability Report

*Mayor Tully reported that staff continues to work with ComEd to ensure that the promised improvement projects are being completed on time. There is a map on the Village's website of the proposed tree trimming. ComEd is required to report on all outages in 2011 and is expected to have a report ready in March of 2012. At the request of the Chamber, a meeting will be set up to discuss business concerns.*

### DuPage County Stormwater Management Planning Committee

*Mayor Tully announced that Village staff and the Village's Stormwater and Flood Plain Oversight Committee have provided comments regarding the new County Stormwater ordinance. The new ordinance will be an improvement over the prior one. As of this date, information is available on the website for any additional comments. He said that a summary of the ordinance was presented at a meeting he attended this morning, and he reviewed the schedule for the anticipated adoption of the ordinance in April 2012. He said that there should be an opportunity to phase in the ordinance.*

## 10. Manager's Report

**INF 00-04763** A. Discussion: 2012 High Priority Action Items

**Sponsors:** Manager's Office

*Mike Baker, Deputy Village Manager explained that this information report details the Village's high priority action items for 2012. As part of the Strategic Plan these items represent a significant amount of work for staff during the year. The report includes a detailed project summary for each project, and updates will be provided monthly. He said that Council discussed this in September and the budget was developed with these projects in mind.*

*Commissioner Neustadt said that the Council had a meeting in September at Fire Station 2. It was a good setting, and these are the big-ticket items. He noted, however, that every day there are unexpected issues that occur. He appreciates the hard work put into these items already.*

*Commissioner Waldack commented that there is nothing new in these action items. He was not thrilled with the format of the September meeting. Only three residents attended that meeting. He said that this is not limited to only these items. Some may change or items may be added over the course of the year. He stated that these should be monitored and explained that they are not done deals. There will be opportunities for discussion and he urged people to follow this and offer their input.*

*Commissioner Barnett commented that some of these items are new while others have been discussed over time. By following these items you get a good idea of the philosophy of the Council. He suggested that the public look at this and keep track of it.*

*Mayor Tully emphasized the process, saying this was part of the planning process which helped drive the direction of the budget. These items were chosen, after debate and discussion, as the Village's priority items. He commented that it helps to have a process where such issues are discussed, and he stressed that the order does not mean that any one of these is more important than another. The goal is to reach decision points on these items. The list takes into account the resources that the Village has, with the knowledge that staff will also have to deal with daily occurrences.*

**Indexes:** Strategic Plan

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

*Village Attorney Enza Petrarca said she was presenting two (2) items to Council: 1) An ordinance authorizing a special use to permit a business/professional office at 5338 Main Street; and 2) An ordinance adopting and approving publication of the Village of Downers Grove 2012 Zoning Map.*

### **Future Active Agenda**

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

*Commissioner Neustadt said that last Thursday there was a snow event, and the Public Works crew did a great job in clearing the snow. He said that he used the fleet maintenance agreement with respect to his snowplow. It took one hour to get his truck up and working. There were the right people and the right equipment on hand to meet the event.*

*Mayor Tully announced that Mr. Fieldman was unable to attend the meeting due to a death in his family. The Mayor extended condolences to the Manager and his family.*

## **13. Adjournment**

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

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

*Mayor Tully declared the motion carried and the meeting adjourned at 8:17 p.m.*