



# 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, October 9, 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 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 Meeting - October 2, 2012*

*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.*

### Proclamation

*Mayor Tully proclaimed the week of October 7-13, 2012 as Fire Prevention Week in the Village of Downers Grove.*

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

#### **5. Public Hearings**

#### **6. Consent Agenda**

**BIL 00-05018** A. List of Bills Payable: No. 6006, October 9, 2012

**Sponsors:** Accounting

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

**Indexes:** N/A

**MOT 00-05017** B. Motion: Award \$281,410.48 to F.H. Paschen, S.N. Nielsen & Associates, LLC for Police Department Diesel Generator

**Sponsors:** Deputy Village Manager

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

**Indexes:** Police Department

**MOT 00-05020** C. Motion: Note Receipt of Minutes of Boards and Commissions

**Summary of Item:** Liquor Commission - August 2, 2012

Plan Commission - September 10, 2012

**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 Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully

#### **7. Active Agenda**

#### **8. First Reading**

**ORD 00-05023** A. Ordinance: Approve a Redevelopment Agreement with Greenscape Ventures, LLC

**Sponsors:** Manager's Office

*Village Manager Dave Fieldman displayed photographs of Charles Place, north of the Village's parking deck. The property was previously known as Hart's Garage. In 2006 the Village entered into a redevelopment agreement with Three Lights Development, who filed for bankruptcy in 2011. Greenscape Ventures acquired the property earlier this year and has requested a new Redevelopment Agreement (the "Agreement"). He noted that no TIF payments were made under the original agreement.*

*The Manager reviewed the terms of the new Agreement. Adoption of the new Agreement declares the old one null and void. Under this Agreement there is a maximum incentive of*

*\$426,000 that can be provided. The revenue generated from this development in the form of incremental property taxes would be used to make the incentive payments as follows: Years 1-5 would be the lesser of 75% of the incremental property taxes, or \$60,000; Years 6+ would be the greater of 50% or \$60,000. The completion of the project is stated as July 31, 2013. There will be no restrictions on the building beyond the Zoning Ordinance variations that apply to all properties in the area.*

*Mr. Fieldman then displayed a comparison of the original agreement and the proposed Agreement. The proposed Agreement is consistent with the intent of the original agreement except the total potential reimbursement has been reduced from \$470,000 to \$426,000 and completion is set for 2013.*

*Commissioner Schnell asked what percentage of the building has been completed. The Manager responded that 46% of the first floor is complete. He defined "completion" as the developer having leased or sold 90% of the space in the building.*

*Mayor Tully noted that the definition of completion is in the Agreement, which he then read.*

*Commissioner Durkin asked for the 2013 completion date, and the Manager responded it was July 31, 2013. Commissioner Durkin then asked, given the economic situation, how they intend to meet this date and whether it is reasonable. Mr. Fieldman said they believe the date is reasonable based on conversations with Mr. Neumann of Greenscape Ventures.*

*Mayor Tully said if the completion target date is not met, the benefits of the revised Agreement would not go into effect.*

*Ken Neumann, Greenscape Ventures, said they bought the building in March and it was 50% vacant. With the contracts already in place now, they are over 80% complete and there are more to be signed. There is a demand for the site, the price is correct, and they are aggressive in their pricing and positioning. He said they might even meet their target before the end of the year.*

*Commissioner Waldack asked if the pricing is based on the redevelopment Agreement, and Mr. Neumann said that it is. Without the Agreement the financial equation changes. He said there is a demand for the first floor vacant portion that is not retail. There is demand if the Village can provide the opportunities.*

*Commissioner Waldack said that the original agreement called for 70% of the occupancy to be retail space. In the TIF District it would be about 50% retail. He noted that some businesses are upset because new businesses are not retail. In the last several years the Village has not kept the agreement for retail commitment to allow for additional sales tax. He then referenced a letter from Downtown Management Corporation (the "DMC") that he received regarding the need for retail. He asked for a discussion on retail requirements and whether there would be an arrangement or incentive to encourage retail businesses for the first floors.*

*Mr. Fieldman replied that the general mix in downtown is 50% retail. Acadia on the Green is 47% retail and 50% non-retail. The market has been consistent. He received the letter from the DMC as well. The mix of businesses in Charles Place is desirable and acceptable to the DMC. That consists of the Olive Tap and the Galleria Salon. The DMC would like to maintain a 50% restriction on the first floor, which affects the property going forward. So the question is whether they keep the restriction going forward to maintain a 50% mix. The intention of Greenscape to sell the condos means the Village would have to deal with the individual owners. He pointed out that market forces are driving the 50-50 split throughout the downtown area.*

*Mr. Neumann added that their desire is for owner/occupied spaces.*

*Commissioner Waldack said he was hoping to get more retail in that location.*

*Commissioner Neustadt said he attended the last board meeting as the liaison for the DMC. They had the same discussion as to the split. The market is seeing a 50/50 split. His choice is to let the market dictate. It may provide for a complete building that is full in a relatively short period of time. He also feels this is a good Agreement.*

*Commissioner Barnett asked if they have EAV relief on this. The Manager responded that there is modest growth. We are in an environment of declining EAVs, and that environment means that the other taxing bodies levy the same or more, so it creates uncertainty as to the increment. He added that there are protections in place in the Agreement with the range of the terms of payment. Commissioner Barnett said that he is inclined to go forward on this.*

*Commissioner Rheintgen commented that retail is a challenge in this location, and she thinks she will support this Agreement.*

*Commissioner Durkin commented that he thinks the change made to the Acadia agreement made sense. In the long run the office suites bring in more people that do not live here. He asked whether this Agreement would affect the Village's ability to put stipulations on other agreements. The Manager replied that these agreements are privileges, individually negotiated and the Village does not have to accept them. Commissioner Durkin said that he would support this.*

*Mayor Tully stated his agreement with Commissioner Barnett's comments. The earlier agreement made sense at the time and the goals continue to be valid. The Village is allowing for more flexibility. The Village will not mandate sales tax but could provide an incentive for it. These are two positive steps forward and he would like to see this completed. The Agreement states full compliance with the Illinois State law. He suggested that it be a little more explicit regarding non-discrimination.*

*Commissioner Waldack spoke regarding the TIF districts and the promises of a certain mix and goals. He said that they have to balance what's expeditious with long-term plans. He urged taking advantage of any retail opportunities. It is a beautiful building and a great location, and he will be supporting this Agreement.*

*The Mayor added that he doesn't think the Village has abandoned the goals of maximizing the EAV or sales tax. He sees it as acknowledging that things have changed.*

*Commissioner Schnell commented that the TIF expires in 2020. The new Agreement allows for an aggressive developer to sell the condos. She agrees that this is probably not prime retail space, and if they can fill it with professionals, there will be people utilizing the downtown area. Commissioner Schnell said she was not thrilled with ATI, but it has proven to bring people into the downtown area. She will support this, as an empty building is not doing anything for anyone.*

**Indexes:** Planned Development #41-Charles Place, Redevelopment Agreement - Greenscape Ventures, LLC

**MOT 00-05021**

**B. Motion:** Award a Contract for \$179,979.00 to John Burns Construction, Orland Park, IL, for Village Hall Parking Lot Lighting

**Sponsors:** Public Works

*Public Works Director Nan Newlon explained that this project replaces 66 cube lights which are old, beyond useful life and no longer available. They will be replaced with LED lights with a life expectancy of 100,000 hours. This purchase is supported by a grant from Illinois Energy Now. She explained that the fixtures could be reused at a new location if necessary. Seven bids were received and John Burns was the low bidder.*

*Tom LeCren, 545 Chicago, asked whether the Village has empirical evidence as to the life expectancy of the LED lights. He said an electrician suggested to him not using LEDs in the home because they do not meet their advertised life expectancy. Ms. Newlon replied that this technology is improving all the time. They have been monitoring the performance and they do fade gradually. She noted that they have been successfully used in traffic signals for about the last ten years.*

*Commissioner Waldack added that they have to do something because the current lights are going out and cannot be replaced.*

*Commissioner Neustadt asked about the lights that are in the parking garage, and Ms. Newlon said there have been no issues with those lights.*

*Commissioner Barnett asked if there is a way to keep a running total on budget, bids and grants. Mr. Fieldman said that staff keeps a running total on these and uses the money wisely. Commissioner Barnett asked for a status update to the Council.*

*Commissioner Rheintgen commented that this project is under budget and there is a grant, which she thinks this is great.*

*Commissioner Durkin commented that LED lights don't generate much heat, and asked how they will melt snow and ice. Ms. Newlon replied that they are a globe with nothing to hold snow and ice. She commented that one of these lights has been installed outside Village Hall.*

*The Mayor added that there is a need to have a discussion and permanent solution to the Village facilities challenge.*

**Indexes:** Village Facilities , Parking Lots

**ORD 00-05022**

**C. Ordinance: Amend Parking and Traffic Provisions in Municipal Lots, at the Belmont Station Underpass and at Local High Schools**

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

*Ms. Newlon said this ordinance amends various sections of the Municipal Code in three areas of general housekeeping including the Belmont Road underpass, Downers Grove North High School, and implementation of the Village 2011 Downtown Parking Study. She then reviewed the various changes for each area. She noted that the changes made in the parking deck were put into effect under the Manager's authority, and they have been very effective and fully utilize levels 3 and 4. The motorcycle spaces near the Library have also been moved to the parking deck in an underused area.*

*David Olsen, 5601 Dunham Road, said that the parking deck changes are most interesting, and he asked when the interim changes were implemented. Ms. Newlon responded that it was about a month ago. Mr. Olsen then asked how that was marketed to commuters. Ms. Newlon replied that they did not put out a mass mailing or announcement. Those spaces have been filled by people who are aware of and routinely look for spaces on the top levels of the deck.*

*Mr. Fieldman said it wasn't an act of marketing, but staff did talk with affected people who had complained about the existing condition.*

*Mr. Olsen asked when daily spaces generally fill up. Ms. Newlon said typically people still find spaces on Warren after 8:00 a.m. on Warren, east of Washington. She said that staff studied this in detail. The Downtown Parking Study is on the Village's website.*

*Commissioner Neustadt asked if bus loading zone signs by North High School would change.*

*Ms. Newlon said it would become no parking. Commissioner Neustadt asked if that would ever change to open it up after school or on weekends. Mr. Fieldman noted that this area is the subject of a neighborhood study.*

*Commissioner Schnell questioned how the Village is going to protect the pedestrians at the middle school. Ms. Newlon responded that staff would put in advance warning signs, crosswalk signage and feasibly a sign in the road. Staff has not considered flashing lights at this time. Commissioner Schnell asked why that location was chosen.*

*Commissioner Neustadt replied that there is a walkway between the athletic fields.*

*Commissioner Schnell said that makes her very nervous.*

*Commissioner Neustadt commented that once the field is done on the east side of Saratoga the crossings may be reduced. Crossings are put where most people cross.*

*Commissioner Rheintgen added that the crosswalk would lessen the dangers. Ms. Newlon stated that the area is still being studied.*

*Commissioner Durkin commented that one of the news channels did a story on crosswalks. He asked for a report on the tickets issued for failing to yield for pedestrians.*

**Indexes:** Parking Provisions

**ORD 00-05025**

**D. Ordinance: Adopt the Fiscal Year 2013 Budget in Lieu of Passage of an Appropriation Ordinance**

**Sponsors:** Manager's Office

*Mr. Fieldman said there was a budget workshop on Saturday where the entire budget was reviewed. Staff is currently working on responses to questions asked by Council and members of the community. Those responses will be posted on the Village's website on Friday, as will a webcast of the meeting. He added that there is a Coffee With the Council at 9:00 a.m. at Fire Station 2 on October 20. All the budget information is on the Village's website.*

*Dr. Gordon Goodman, 5834 Middaugh, asked about page 5-32 of the budget which provides a summary of additional funds in the General Fund. He is interested in Fund 867, Local Community Grants. He said that the Community Grants Commission was suspended during the 2010 budget process and he hopes that the Council will consider lifting that suspension. He then asked if staff has any background or workups that might be available to the Council should they decide to consider the possibility of lifting the suspension.*

*Mr. Fieldman said that this was not funded since 2010. Staff will react to any policy direction given by the Village Council.*

*Mayor Tully said that the Community Grants Fund was historically funded by a portion (8%) of the Hotel/Motel tax and funded grants that met specific criteria. The revenue of the Hotel/Motel tax had to be redirected to address other needs.*

*Dr. Goodman said his understanding is that staff will do nothing without Council's direction. He stressed that without Council telling staff that this should be looked at again in terms of the Long Range Financial Plan, they will not move forward.*

*The Mayor replied that it was the Council who redirected this, and the Council would have to redirect it again. The Community Grants Commission was not eliminated. It is there, but not funded.*

*Dr. Goodman said it was part of the budget process in 2010. Community Grants was in the long-range plan at that time and money was budgeted for community grants. During the 2010 budget process, Council gave direction to suspend this. Dr. Goodman suggested it might be worthwhile to give staff guidance prior to the next LRFP to look at community grants.*

*The Mayor said this would be a fair subject for the LRFP, and he would welcome that discussion.*

*Commissioner Schnell commented that the Arts are very important to some, while other issues may be important to others. This opens up a much broader question. The Village cannot categorically say it will give so much money to a specific program. There will have to be a discussion as to which of the programs suspended would be likely to be reinstated.*

*Commissioner Schnell expressed her concern that grants may be too narrow, and if the Council says grants may be funded, the discussion should be broadened.*

*Mayor Tully said that the Village has members on a Board that don't do anything because there is no funding. They need a policy decision to decide whether it should be funded. There is no limitation on items to be considered at the next LRFP discussion.*

*Commissioner Neustadt asked whether the terms of Board members have expired to make sure that there is an active Commission. The Manager said staff would review that when discussions begin.*

*Commissioner Rheintgen agreed that this would be a bigger discussion than Community Grants.*

*Commissioner Neustadt commented that the Council could direct the staff by a vote tonight to consider this if it so chose, however, he recommends consideration at the LRFP discussions.*

*Commissioner Barnett stated that the budget process over the last three years has been dependent upon the 8-10 month process because it is based on the LRFP. If they want to begin the discussion he is open to that, but it has to be part of the LRFP process.*

*The Mayor noted that the budget reflects many discussions and is the result of good planning. He only wanted to express his agreement that if this is brought up it be done as part of the LRFP.*

*Commissioner Waldack commented that the fiscal impact should appear on the green sheets to actually show excerpts of the budget by line item. The Manager said reformatting of the budget makes it easy to do that.*

*Commissioner Waldack expressed his belief that there are a lot of things that were taken out of the budget that some would like to see placed back in the budget. A lot of the discussion on the budget is the result of things that were done earlier in the year, such as stormwater utility. He said another major impact is the bond issuance. That passed and the money is there to address necessary issues.*

*Commissioner Rheintgen asked if staff tracks when the Village will spend by month or by quarter. The Manager said they report it quarterly. Commissioner Rheintgen said that they could add a comment as to whether the fund is tracking over or under budget.*

*Mayor Tully commented that this budget implements the stormwater utility, and reduces the property tax levy by almost \$2 million for Village purposes. It also includes a balanced General Fund that is reflective of good financial stewardship, as well as increasing investments in capital projects. He believes there is a lot to be positive about, and there will be many more opportunities for public input. He congratulated staff on preparing a user friendly and positive*

*document.*

**Indexes:** Budget - 2013

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

### **ComEd Reliability Report**

*Mayor Tully commented that the Village recently held its second annual Town Hall meeting with residents/business owners and ComEd executives. He said that the Village is pleased with the progress and will move updates to an as-needed basis rather than weekly. The emphasis is not changing and the Village will pursue issues as they develop. The Village will continue to hold the town hall meetings.*

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

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

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

*Village Attorney Enza Petrarca presented three (3) items to the Council: 1) An ordinance adopting the fiscal year 2013 budget in lieu of passage of an Appropriation Ordinance; 2) An ordinance approving a redevelopment agreement between the Village of Downers Grove and Greenscape Ventures, LLC; and 3) An ordinance amending parking and traffic provisions in municipal lots, at the Belmont Station underpass and at local high schools.*

### **Future Active Agenda**

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

*Commissioner Barnett mentioned the "Thank You" breakfast held last Friday for employees. The Lemon Tree and the Downtown Management Corporation contributed food. He thanked everyone who participated.*

*Commissioner Schnell announced the annual Pancake Breakfast for Helping Girls Navigate Adolescence (HGNA) on October 27, from 8:00 a.m. to 11:00 a.m. at Ballydoyle. She supports this great organization and encouraged people to attend.*

*Commissioner Neustadt announced Fire Prevention Week. "A Night at the Fire House" is an open house on Wednesday from 6:30 p.m. to 8:30 p.m. at Fire Station 5. He also reminded everyone that on Friday at 7:15 p.m., at Main and Maple, the 18th annual Silent Parade will occur, beginning in Hinsdale. A ceremony will be held at Trinity Lutheran Church in Lisle following the parade.*

*Commissioner Rheintgen announced the Recycling Extravaganza to be held on Saturday, October 13 at the Public Works facility from 8:00 a.m. to 1:00 p.m. The list of accepted items is on the Village website.*

*Commissioner Waldack said that this Sunday the Annual Crop Walk will be held, beginning with registration at 1:30 p.m. at Gloria Dei Church. The walk begins at 2:00 p.m.. Twenty-five percent of money raised will go to PADS, Meals-on-Wheels, and the Walk-in Ministry of Hope.*

*Mayor Tully agreed that the Silent Parade is a wonderful and moving event. He also announced that a discussion meeting will be held on heroin usage in the Western suburbs at Downers Grove North High School on October 25 at 7:00 p.m., in the purple gym.*

*The Mayor reminded everyone about the 5k and 10k Run For Her Life to benefit Family Shelter Services. The runs will be held on October 21 and will begin and end at North High School.*



### 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 8:36 p.m.*