



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, October 16, 2012

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 invited Boy Scouts from Scout Troop 86, Lester School, to help lead those present in the Pledge of Allegiance to the Flag.

The Mayor asked if any of the Scouts had questions.

One Scout asked how many Council members are lawyers. Mayor Tully replied that he is the only lawyer.

Another Scout asked who was the first Mayor of Downers Grove. Mayor Tully said that the pictures of all of the Mayors are displayed in the hallway outside the Council Chambers.

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

Budget Workshop - October 6, 2012

Council Meeting - October 9, 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.

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

Michael Cassa, President, Economic Development Corporation (EDC), said that Flavorchem Corporation in the Oak Grove Business Park will hold the dedication of its new facility on November 2 at 9:00 a.m., followed by a brunch buffet. Members of the Council have been sent invitations and he hopes there will be a good turnout. Flavorchem owns eight buildings in that business park.

Hilary Denk, 433 Wilson Street, spoke on behalf of the League of Women Voters. She announced that the next voter forum is Tuesday, October 23 at 7:00 p.m. in the Village Council Chambers. Candidates for DuPage County and District 3 of the Forest Preserve will participate. The League registered 609 voters in 2012, and she thanked people for their participation.

5. Public Hearings

6. Consent Agenda

COR 00-05026 A. Claim Ordinance: No. 5971, Payroll, September 21, 2012

Sponsors: Accounting

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

Indexes: N/A

BIL 00-05027 B. List of Bills Payable: No. 6008, October 16, 2012

Sponsors: Accounting

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

Indexes: N/A

RES 00-05028 C. Resolution: Approve Final Plat of Subdivision for 322 Lincoln Avenue

Sponsors: Community Development and Plan Commission

Summary of Item: A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 322 LINCOLN AVENUE

RESOLUTION 2012-73

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

Indexes: Subdivision - 322 Lincoln Avenue

RES 00-05029 D. Resolution: Approve Final Plat of Subdivision for 425 Davis Street

Sponsors: Community Development and Plan Commission

Summary of Item: A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 425 DAVIS STREET

RESOLUTION 2012-74

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

Indexes: Subdivision - 425 Davis Street

RES 00-05030 E. Resolution: Approve Final Plat of Subdivision for 505 Indianapolis Avenue

Sponsors: Community Development and Plan Commission

Summary of Item: A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 505 INDIANAPOLIS AVENUE

RESOLUTION 2012-75

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

Indexes: Subdivision - 505 Indianapolis Avenue

MOT 00-05031 F. Motion: Authorize a Change Order for \$32,026.83 to V3 Construction Group, Woodridge, IL, for the Grove Street Reconstruction Project

Sponsors: Public Works

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

Indexes: Streets, Roadway Improvements, Stormwater Sewer Watershed Improvement Plans, Stormwater Improvements

MOT 00-05032 G. Motion: Authorize a Change Order for \$20,500 to Schroeder Asphalt Services, Inc., Huntley, IL, for 2012 Fall Roadway Patching Project

Sponsors: Public Works

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

Indexes: Roadway Improvements

RES 00-05033 H. Resolution: Authorize an Agreement with Associated Bank, N.A.

Sponsors: Finance

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND ASSOCIATED BANK, N.A.

RESOLUTION 2012-76

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

Indexes: Banking Services

RES 00-05034 I. Resolution: Authorize an Agreement with Cole Taylor Bank

Sponsors: Finance

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND COLE TAYLOR BANK

RESOLUTION 2012-77

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

Indexes: Banking Services

RES 00-05035 J. Resolution: Authorize an Agreement with First Empire Securities, Inc.

Sponsors: Finance

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND FIRST EMPIRE SECURITIES, INC.

RESOLUTION 2012-78

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

Indexes: Banking Services

RES 00-05036 K. Resolution: Authorize an Agreement with MB Financial Bank, N.A.

Sponsors: Finance

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND MB FINANCIAL BANK, N.A.

RESOLUTION 2012-79

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

Indexes: Banking Services

RES 00-05037 L. Resolution: Authorize an Agreement with Raymond James & Associates, Inc.

Sponsors: Finance

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND RAYMOND JAMES & ASSOCIATES, INC.

RESOLUTION 2012-80

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

Indexes: Banking Services

MOT 00-05021 M. Motion: Award a Contract for \$179,979.00 to John Burns Construction, Orland Park, IL, for Village Hall Parking Lot Lighting

Sponsors: Public Works

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

Indexes: Village Facilities , Parking Lots

MOT 00-05038 N. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Library Board - September 26, 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

ORD 00-05023 A. Ordinance: Approve a Redevelopment Agreement with Greenscape Ventures, LLC
Sponsors: Manager's Office

Summary of Item: This authorizes a redevelopment agreement between the Village of Downers Grove and Greenscape Ventures, LLC for the redevelopment of the Mochel Drive parcel (Charles Place Redevelopment Project).

AN ORDINANCE APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND GREENSCAPE VENTURES, LLC

ORDINANCE NO. 5282

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 #41-Charles Place, Redevelopment Agreement - Greenscape Ventures, LLC

ORD 00-05022 B. 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

Summary of Item: This amends parking and traffic provisions in municipal lots, at the Belmont Station underpass, and at local high schools.

AN ORDINANCE AMENDING PARKING AND TRAFFIC PROVISIONS IN MUNICIPAL LOTS, AT THE BELMONT STATION UNDERPASS, AND AT LOCAL HIGH SCHOOLS

ORDINANCE NO. 5283

Tom LeCren, 545 Chicago Avenue, commented that the crosswalk at Saratoga makes no sense and will not work.

Commissioner Schnell said she agrees with Mr. LeCren's comment. It will be an extremely dangerous situation for kids. She asked if this matter could be re-visited in six months to evaluate if there have been issues with that crossing.

Mr. Fieldman said staff will continue to monitor this. This area is also the subject of a neighborhood traffic study and staff will include the crosswalk in that study.

Commissioner Schnell said it is not the crossing, but rather the way people cross at this location. She asked that any relevant information be provided to the Transportation and Parking Commission (TAP).

A motion was made by Commissioner Durkin, 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: Parking Provisions

8. First Reading

ORD 00-05024 A. Ordinance: Approve a Redevelopment/Sales Tax Rebate Agreement with Napleton Gold Coast Imports, Inc.

Sponsors: Manager's Office

Michael Cassa announced a new Aston-Martin dealership at 217 Ogden Avenue. Changes in the industry have resulted in fewer dealerships. The EDC has worked to attract and retain dealers, using tax rebate agreements as an incentive. He said that Napleton Automotive has 19 dealers in three states run by the fourth generation of the Napleton family. The proposed agreement provisions include improvements being made to the property by Aston-Martin. They will operate for not less than 15 years from January 1, 2013. The Village will keep all sales tax generated on the first \$3 million of taxable sales each year and will rebate 50% of the sales tax revenue in excess of the first \$3 million each year. The rebate payments will be made for ten years. The Village will hold back 25% of the annual sales tax rebate payments if Aston Martin fails to operate the dealership under the terms of the agreement. If they fail to continue to operate the dealership Aston Martin will reimburse the Village for all or a portion of the sales tax rebate payments according to the schedule included in the agreement. The dealership is expected to generate an additional \$185,000 in sales tax revenue for the Village. The EDC supports this project. He thanked the Village Manager and Village Attorney for their expeditious work on the agreement. He also thanked the Napleton family and Rick Napleton specifically.

Mayor Tully said that this is a terrific project for the Village.

Commissioner Barnett thanked the EDC and its staff. He is excited by this addition and wants to vote for it. He noted that \$3 million is an approximation of what the dealership has been doing, and the rebates are an incentive to the business to grow.

Commissioner Durkin thanked the Napleton family for bringing this to Downers Grove, as it follows other high-level dealerships in Downers Grove. He congratulated the EDC and Michael Cassa. This is the second dealership in Chicago's metropolitan area to sell Aston Martins.

Mayor Tully commented that this is a very exciting and terrific project to come to Downers Grove. The sales tax base has to be grown and needs a significant amount of attention. There is stiff competition among municipalities and businesses have many choices. He applauds the efforts made, noting that the overall arrangement has to make sense. We want them to sell cars in our community and we rebate from funds that we would not otherwise have. He looks forward to this.

Mr. Cassa commented that it is not only the terms of the agreement, but also how quickly agreements can be reached. The Village staff works quickly and does not waste time. He said that we respect the time of the business people.

Commissioner Durkin noted that with regard to the budget, the overall collection of sales tax from auto dealerships in 2011 was \$1.6 million, and 50% came to Downers Grove. If we bring in more dealerships this money will quickly grow.

Mr. Fieldman added that the strategy of the Village and the EDC to be the destination for car dealerships has been successful.

Indexes: Sales Tax Rebate, Redevelopment Agreement - Napleton Gold Coast Imports, Inc.

ORD 00-05039**B. Ordinance: Establish Provisions for Lot Consolidations**

Sponsors: Community Development and Plan Commission

Tom Dabareiner, Director of Community Development, explained that the proposed ordinance is an amendment to the Subdivision Control Ordinance to create a new administrative process for lot consolidation that meets the Village regulations. This approval process will be faster and less expensive for the customer, and will set clear standards. He said this leaves in place the Plan Commission process for appeals and for lots that do not meet the standards. Mr. Dabareiner noted that this amendment is consistent with the Comprehensive Plan and the Village's Zoning Ordinance. It is anticipated that the Village will have an increase in lot consolidations due to the increase in home building and the creation of the stormwater utility. There have been 36 consolidations before the Council and all were approved, most of them in the last two years.

Commissioner Neustadt commented, as an example, that the three consolidations approved on the Consent Agenda tonight would have been approved administratively under this amendment. He noted that these went through the Plan Commission and required public notice. He supports this amendment.

Commissioner Rheintgen commented that she sees this as a great way to save time, and makes the Village friendlier to property owners and developers.

Commissioner Waldack said that he supports making the process easier, faster and cheaper. He is debating a strictly administrative approval process as he thinks they lose transparency, and he would like the public to have an opportunity to comment by some type of public notice.

Commissioner Schnell said that she has no problem with doing this administratively, but has a problem that there would be no notification to neighbors. She would like both adjacent neighbors notified as part of the administrative process. With the Plan Commission there is a notification requirement.

The Mayor said that the Village tends to go beyond what other communities do. The lot consolidation would be handled administratively, but if there is a project proposed for that lot it would go through the normal procedures and notification requirements.

Commissioner Schnell said she would just like to be friendly to the neighbors and notify them.

Commissioner Barnett stated that he is in full support of this. It speaks to the opportunity to be lean and take the burden off the residents and staff. This is not flag lots, lot splits or building permits. The Council has tried to encourage consolidation of lots and he thinks this is a great idea.

Commissioner Waldack responded that he feels they are moving the pendulum too far. He asked if there is a cost to put this on the Consent Agenda or in the Manager's report. Transparency and notice are small steps and could protect against abuses.

Commissioner Rheintgen commented that she is doing an addition to her home. To get a building permit you have to talk to your neighbors. This would still happen. Anything out of the ordinary would be treated differently.

Mayor Tully noted that the Village does not post all building permits. This discussion is about a process and a way to reduce the burden of the process. It makes a lot of sense. He commented that there is a push toward lot consolidation. More land allows for setbacks and better stormwater detention. It spurs reinvestment in the tax base. The Mayor said that they should encourage this behavior by making the process easier. If the owner meets the standards they will be approved. He asked why they should put petitioners through the Plan Commission and

Council process. He thinks the proposed ordinance makes sense. With regard to the notification issue, the Mayor said there are many opportunities to do so. It will not be done in secret. It would still be publicly available. The real issue is not lot consolidation but what will be built, and those notice requirements are not changing. Even though there will not be notice of a public hearing before the Plan Commission to consider the consolidation, the action will be no less transparent than anything else.

Commissioner Durkin asked if there are other communities doing this.

The Manager replied that there are. Lombard and other communities he has worked for do this. He said there is the concept of "by right construction," and lot consolidation is included in that concept.

Indexes: Lot Consolidation

RES 00-05040 C. Resolution: Travel and Training Reimbursement Policy

Sponsors: Manager's Office

Mr. Fieldman noted that at the May 7, 2012 Finance & Administration Committee meeting this policy was discussed.

Commissioner Neustadt said he was glad to see a policy to follow. He agrees with some parts, but not with others. His major issue is with the out-of-state portion for travel for the Village Council. He believes they should follow the same guidelines as that of staff. Staff is not allowed to travel out of state for training issues unless it is for licensing/certification or only uniquely available out of state. He would not favor out-of-state travel under any circumstances. The Village could pay for registration for seminars out of state, but not for travel expenses.

Commissioner Barnett commented that he thinks this reflects a majority consensus, and is a starting point.

The Mayor agrees that it is good to have a policy spelled out. He thanked staff for bringing this forward.

The Manager confirmed that the total amount for travel and training for the entire Council for FY13 is \$3500.

Indexes: Travel and Training Reimbursement Policy

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 are four key points in the FY13 budget: 1) implementation of stormwater utility; 2) reduction of the Village property tax levy by \$2 million; 3) balancing the General Fund; and 4) continued investment in needed infrastructure improvements. Budget discussions have been on-going. This Saturday at 9:00 a.m. there is a Coffee with the Council at Fire Station 2. A Public Hearing will be held on November 6 and the Council can approve the budget on November 6 or after. He noted that some questions were raised to staff about the budget and answers have been posted on the Village's website.

The Mayor said that this is the third public meeting on the budget. The fourth meeting will be on Saturday, October 20, followed by a Public Hearing on November 6.

Tom LeCren, 545 Chicago Avenue, suggested the possibility of a policy that states that any line item in the budget over a certain amount of money should be readily identified. He noted as an

example the dues for the DuPage Mayors and Managers Conference. This comes under the Village's Clerk's office and is not identified as a separate line item. He thinks something over a specific amount should be identified.

The Mayor said that the Council has to vote on renewing memberships. There is a workshop conducted and a vote on those items.

The Manager responded that anything over \$15,000 must come before the Council for a review and a vote. He said staff is happy to look into any line item issues.

Commissioner Waldack added that the public has the opportunity to review the budget, and he encouraged it. He asked about the appropriation ordinance, and the Manager said that staff can find out further information. He thinks it's related to the State process but will clarify that.

Commissioner Barnett asked that his note to the Manager be circulated with regard to obtaining more reference data. The Manager said he will do that and will post it on the website.

Indexes: Budget - 2013

9. Mayor's Report

Mayor Tully noted that last week he announced he would do periodic reports when there is something significant to report regarding ComEd reliability.

The Mayor then referenced the Grove Street reconstruction project, saying that there have been questions as to what has happened. There was a change order and a timing and cost issue due to a change in State law.

Mr. Fieldman added that the schedule calls for the majority of the project to be completed by this December. The delay is due to a change in State requirements regarding soil removal. That is the reason for the change in the scope and cost. He pointed out that this is outside of the Village's control, and is a "force majeure."

Commissioner Schnell asked what the contingency plan is if there is a snowstorm. The Manager replied that staff would get a response to the Council and the public.

Commissioner Barnett said he wanted to raise awareness that this is an example of non-elected officials who administratively made a change in the rules, and the Village has no choice in the matter. This takes a project that was under budget and now delays it about 45 days and makes it \$30,000 over budget. It was not planned and was unforeseen by the Village. This type of situation goes on and on every day and impacts every one of our residents by the delay and increased cost.

The Mayor added that this is costing us as taxpayers, and in our frustration level as well. The Village deals with unfunded mandates all the time over which it has no control. The DuPage Mayors and Managers has an Unfunded Mandates Task Force to examine this issue and see whether this can be addressed.

10. Manager's Report

11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting two (2) items: 1) An ordinance establishing provisions for lot consolidations; and 2) An ordinance approving a redevelopment/sales tax rebate agreement between the Village of Downers Grove and Napleton Gold Coast Imports, Inc.

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Neustadt announced that October 26-28, the Downtown Management Corporation will hold the Spooktacular Weekend with Moonlight Madness, the Pancake Breakfast, window painting and the costume parade.

Commissioner Schnell reminded everyone of the October 27 Pancake Breakfast hosted by the HGNA from 8:00-11:00 a.m. at Ballydoyle's.

Commissioner Durkin said he witnessed the Silent Parade this year, and noted the number of Departments that participated. He also commented on the number of residents that turned out for the Parade. It is a great tribute. He also commented on Fire Prevention Week.

Commissioner Durkin than asked for help from residents in clearing the drains, outlets and inlets and sweeping leaves away. The majority of flooding happens in October and November because the drains are clogged.

Commissioner Barnett said, in response to the Scout's question earlier in the meeting, that the Village of Downers Grove was incorporated in 1873. T.S. Rogers was the first Village President and served 16 years. Operating expenses were \$600, half spent for streets and alleys, and the first half-plank sidewalks were placed on Maple Avenue.

Mayor Tully reminded everyone about Coffee With the Council at Fire Station 2 on October 20 at 9:00 a.m.

On Wednesday a dedication ceremony will be held for the Belmont underpass. He said there will be dignitaries in attendance. The underpass was only made possible due to the persistence of many people including prior Councils and Mayors who did not back down. It greatly enhances pedestrian and vehicular safety. Governor Quinn is expected to attend.

The Mayor noted a press event at Downers Grove South held today to celebrate Josiah Williams, a student at Downers Grove South. He was chosen as a member of the US All American Marching Band. Only 125 students are chosen. Josiah is one of eight trombone players nationwide selected. There was an assembly at the school to bestow honors on Josiah. Mayor Tully extended his congratulations.

He also congratulated Downers Grove South on the marching band bowl as well. He said that the Marching Mustangs demonstrated their exceptional skills.

Mayor Tully then reminded everyone of the Family Shelter Services 5k/10k race to be held on Sunday, October 21 at 8:30 a.m. at Downers Grove North.

The Mayor then wished residents a happy and safe Halloween.

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 8:25 p.m.