



# 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 8, 2013

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 Geoff Neustadt and Mayor Martin Tully

Absent: Commissioner Becky Rheintgen

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 - December 18, 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

*Leslie Abrahamson, 315 S. Park Street, Westmont, said she is with the American Cancer Society (ACS). ACS offers free services to those undergoing cancer treatments, as well as providing prevention programs and research. She said there are more cancer survivors each year. The phone number for cancer information and support is 800-ACS-2345.*

*Ms. Abrahamson said one of the big events sponsored by ACS is Relay for Life. It is designed to celebrate survivors, remember those lost to cancer, and fight cancer; it is fun, festive, and touching. Ballydoyle, located at 5157 Main Street, is hosting the 2013 Kick Off Party on Wednesday, January 16, 2013, from 6:30 p.m. to 8:00 p.m. She invited everyone to attend.*

#### 5. Public Hearings

#### 6. Consent Agenda

**COR 00-05122** A. Claim Ordinance: No. 5983, Payroll, December 14, 2012

**Sponsors:** Accounting

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

**Indexes:** N/A

**BIL 00-05123** B. List of Bills Payable: No. 6022, January 8, 2013

**Sponsors:** Accounting

**A motion was made to Approve this file. Mayor declared the motion carried.**

**Indexes:** N/A

**RES 00-05124** C. Resolution: Abrogate a Portion of a Public Utility and Drainage Easement at 5432 Bending Oaks Place

**Sponsors:** Community Development

**Summary of Item:** A RESOLUTION ABROGATING A PORTION OF A PUBLIC UTILITY AND DRAINAGE EASEMENT AT 5432 BENDING OAKS PLACE IN THE VILLAGE OF DOWNERS GROVE

RESOLUTION 2013-01

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

**Indexes:** Abrogation - 5432 Bending Oaks Place

**RES 00-05125** D. Resolution: Authorize an Intergovernmental Agreement with the Illinois Department of Transportation for the Traffic Signal Replacement at Main and Grant Streets

**Sponsors:** Public Works

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR THE TRAFFIC SIGNAL REPLACEMENT AT MAIN AND GRANT STREETS

RESOLUTION 2013-02

*Commissioner Durkin said he is happy to see that the new pedestrian signals will have countdown features. He would like to see one installed at 63rd and Dunham, in the vicinity of South High School.*

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

**Indexes:** Illinois Department of Transportation, Traffic Signal - Main & Grant

**MOT 00-05129**

E. Motion: Note Receipt of Minutes of Boards and Commissions

**Summary of Item:** Stormwater and Flood Plain Oversight Committee - October 25, 2012

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

**Indexes:** Boards and Commissions Minutes

### Passed The Consent Agenda

*Commissioner Waldack noted that there is information for each item on the Consent Agenda on the Village's website. He commented that the cost of a traffic signal is astounding and that leaky pipes are also very costly.*

**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 Neustadt and Mayor Tully

## 7. Active Agenda

## 8. First Reading

**ORD 00-05126**

A. Ordinance: Authorize a Special Use to Permit a Preschool Facility at 6600 Fairview Avenue

**Sponsors:** Community Development and Plan Commission

*Tom Dabareiner, Director, Community Development, explained that this Special Use concerns a preschool at Downers Grove Community Church at 6600 Fairview Avenue. He displayed a map showing the location of the church saying that the church is proposing no other changes to the site. Mr. Dabareiner then showed the area of the classrooms. The school will occupy existing classroom space. It will operate Mondays, Wednesdays and Fridays. The requirement is for 74 parking spaces, and the church has 79 spaces. This is consistent with the Comprehensive Plan and meets the standards in Sec. 28-1902 of the Zoning Ordinance.*

**Indexes:** Special Use - 6600 Fairview Avenue

**ORD 00-05127**

B. Ordinance: Approve a Final Planned Development Amendment to Planned Development #19 to Increase the Time Period Allowable for Display of a Banner

**Sponsors:** Community Development and Plan Commission

*Mr. Dabareiner said that this amendment is to Planned Development #19, Good Samaritan Hospital, to allow for a permanent display of a banner. Staff recommends concurrence with the Plan Commission's vote to deny the request.*

*Mr. Dabareiner showed the location of the Hospital and the proposed banner. This proposal would allow the Hospital to have 365 days for display of the banner over the current 180-day display allowable. No other changes have been requested.*

*Mr. Dabareiner said that the Plan Commission had a number of concerns: 1) the banner becomes background instead of a tool to announce special awards or events; 2) materials used*

can fade or fray; 3) the size is four times that of other permit signs; 5) loss of a temporary permission oriented agreement; 6) they believe that 180 days is generous and can be split up throughout the year; 7) it is unclear as to how the banner supports the Comprehensive Plan; 8) the Plan Commission agreed 8:1 that this did not meet the standards of Sec. 28-1607 of the Zoning Ordinance. Mr. Dabareiner said that staff concurs with the Plan Commission's recommendation of denial of the request. The Plan Commission dissenter said that the Hospital is a unique property and merits unique accommodations.

Laura Neiberg, Vice President at Good Samaritan Hospital provided general background information on the Hospital. She noted that Good Samaritan is the largest employer in Downers Grove. They served over 1.1 million patients since 1976, and provided \$36.5 million in free care to patients. In addition they provided over \$950,000 in donations. The Hospital is a great source of pride in the Village, and is the only Level 1 Trauma Center in DuPage County. The Hospital has received over 45 awards and distinctions since 2006, and has evolved into one of the best hospitals in America.

Ms. Neiberg then reviewed what patients require in a hospital: 1) "Heal Me"; 2) "Don't Harm Me"; and 3) "Be Nice to Me". She summarized publicly reported data that showed how the Hospital meets patient requirements. The Hospital is now requesting that they be allowed to display a 1200 square foot sign for a time period of 365 days, rather than the existing 180 days already allowed. She commented that this is an efficient way to build the campus and deliver key messages about who the Hospital is and what it does. The sign also shows that the Hospital is unique. They need flexibility to communicate messages throughout the year. She noted that banner placement does not interfere with any residential views.

Ms. Neiberg said that the sign is made of durable material made to last. She showed a slide of various awards that the Hospital has received, and spoke of the Malcolm Baldrige Quality Award, which the Hospital received in 2010. She noted that Good Samaritan Hospital is the only hospital in Illinois to receive that award. It is the country's highest presidential honor for quality and organizational performance excellence. Ms. Neiberg gave examples of banners that are not advertising. She noted that text would be brief, and they would share the content of the banner with the Village prior to putting the banner up. She pointed out that the message is not focusing around events, but around accomplishments. The banner's appearance and durability are critically important and would not be illuminated at night. Good Samaritan Hospital is recognized as a destination for world-class care and has brought medical representatives from all over the globe to see how Good Samaritan accomplishes its mission.

Wayne Anderson, 4805 Cross Street, commented that Good Samaritan Hospital is an asset to the Village and should be promoted by the Village. He suggested rotating banners with a week or two between with no banner.

Commissioner Durkin commented that there is only one letter in opposition to this request in the Council packet. He asked if the EDC has commented on this.

Michael Cassa, Director of the EDC, said that the EDC would be happy to provide a written comment.

Commissioner Schnell asked Ms. Neiberg whether other hospitals that receive awards do similar banners and if communities allow them for 365 days.

Ms. Neiberg commented that it would be better to ask staff about this. Other hospitals do put up banners, however she doesn't know what they are for or how long they are displayed. She added that the Hospital is looking for the maximum amount of flexibility in using the banners. The Hospital doesn't seek most of the recognition it receives. It is a costly project to put up a banner. Some of the awards are permanent, and others are time sensitive. There is a tremendous cost involved in preparing, putting up and displaying the banner.

*Village Manager David Fieldman commented that staff would provide information on sign regulations in other communities and the extent to which they apply to the hospitals.*

*Commissioner Schnell noted that people often get immune to a sign as they pass it daily.*

*The Mayor thanked Ms. Neiberg for her presentation. He noted that Good Samaritan Hospital is an extraordinary resource and an exceptional hospital. They have shown themselves to be a terrific community partner. He explained that this item comes under the Sign Ordinance and this is on a PUD site. What exists is very generous. Businesses can put up a 32 square foot sign for eight weeks. Good Samaritan is allowed 1500 square feet for 26 weeks. The Mayor said he questions whether it is appropriate, and he is concerned about setting a precedent. What currently exists reflects the uniqueness of Good Samaritan and he understands the desire of the Hospital to communicate its accomplishments. He is struggling with whether this is necessary.*

*Ms. Neiberg replied that the Plan Commission raised the issue of the criteria allowing the Hospital to do this versus another entity. Good Samaritan is different for two reasons. This is an organization with national recognition. These are medically based accomplishments that save lives. That is what makes Good Samaritan Hospital different.*

**Indexes:** Planned Development #19-Good Samaritan Hospital, Zoning Ordinance - Signs

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

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

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

*Mr. Fieldman asked Judy Buttny, Finance Director, to report on the Library bond refunding.*

*Judy Buttny, Finance Director, said that the Village received bids today from four financial institutions. The best bid was J.P. Morgan Chase with an interest rate of 0.92% and a savings of \$132,000 for the Village. A similar AA+ rated community closed today at a savings of \$109,000. The Village is pleased with the Chase bid.*

*The Manager said the Village used a different approach that achieved great rates and lower costs. He thanked the Council for authorizing staff to move forward.*

*Commissioner Waldack thanked staff for the news. He said that there are two approaches for bonding, direct placement and public offering. He suggested solidifying conditions under which the Village can use either approach.*

*Commissioner Schnell commented that she would like staff to have flexibility and would not like to see staff tied down.*

*Commissioner Waldack said he was talking about general guidelines. He wants to keep flexibility but to have guidelines. They can improve on them as time goes on.*

*Commissioner Durkin noted that this is a very good rate, and is refinancing. Staff needs to have flexibility in this situation. They wouldn't refinance if they didn't get better rates than what they have now. He asked if the other three banks were local.*

*Mr. Fieldman said staff would report out on that.*

*Mr. Fieldman also noted that staff has implemented the stormwater utility fee and utility bills were recently sent to the south side customers. He will report on this next week.*

## 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 preschool facility at 6600 Fairview Avenue; and 2) An ordinance approving a final planned development amendment to Planned Development #19 to increase the time period allowable for display of a banner.

### Future Active Agenda

## 12. Council Member Reports and New Business

### INF 00-05128 Discussion of Referendum Questions Regarding Fowl Management Regulations

Commissioner Waldack said the issue of possibly expanding backyard chicken raising in the Village through a number of ordinance changes to fowl regulations has been brought before the Council. He added that January 22, 2013, is the deadline for submittal of referenda for the April 9, 2013 election. He referenced all the research that is available on this topic. This issue has the possibility of impacting almost every lot in Downers Grove. The referenda is free, and the Village can ask residents their opinions about chicken farming through the referenda process. It is advisory and the Village is not bound by it. Since this has the potential of affecting health, safety issues and property values, the Village should give the public the opportunity to weigh in on this issue. Commissioner Waldack said he sees this as a quality of life issue and the impact can be substantial. There have been issues put forward on the ballot before as referenda which served as advisory for the Village. He referenced information in the packet regarding two questions. The deadline for submitting questions to be voted upon at the April 9 election is January 22, 2013. He then read the questions as follows: 1) Shall the Village of Downers Grove amend the ordinances allowing for the expansion of fowl, specifically chickens, and/or backyard-chicken raising in Downers Grove?; or 2) Shall the Village of Downers Grove amend the ordinances to reduce property line setbacks to allow for the expansion of chicken raising in Downers Grove?

Mayor Tully responded that he is not in favor of handling policy issues in this way. It is not really a referendum. It is a poll gauging public opinion on a specific issue. The issue has not been defined and the Council's obligation is to work on the issue in a workshop-type environment. He said there is a proposal to have a Standing Committee meeting on January 22 to work through the issue and invite public opinion. The proposed questions do not define the issue. This is not a question of whether or not the Village will allow something in the first instance, as it already allows chickens. This modifies the existing Ordinance. The Council does not have enough information yet. He asked how the voters would get the information in order to cast an intelligent vote in a referendum. Mayor Tully said he looks forward to a Standing Committee meeting and discussion on the issue. It would allow for elected officials, staff and the public to deal with concrete information and ideas. He is not in favor of dealing with this as a referendum.

Mr. Fieldman said that on Tuesday, January 22 at 6:00 p.m., the Finance and Administrative Standing Committee would meet in the Committee Room. Staff will report out on this issue by the end of the week.

Commissioner Schnell encouraged residents to come to that meeting and/or read the information as prepared by staff. She noted that the meeting is informal.

Commissioner Durkin said based on the amount of e-mail and conversations, he anticipates a crowd. The Manager said that they would meet in the Council Chambers if the Committee Room is not sufficient.

Commissioner Neustadt commented that he doesn't think governing by referendum is what

*elected officials were elected to do. He said the Council makes tough decisions each week and follows a process which includes public input and comment as well as Council and staff research and information. As for the proposed referendum questions, Commissioner Neustadt said both questions are ongoing as the majority of Council directed staff to proceed with possible amendments to the existing ordinance. He referenced the January 22 meeting to review this matter and to determine next steps and possible action items. He said he is not in favor of the referenda questions. The Commissioner stated that he looks forward to examining this issue. The Council makes decisions every week and many are bigger than this particular issue.*

*Commissioner Barnett agreed with Mayor Tully's comments.*

*Commissioner Schnell said she is not in favor of a referendum. The Council is elected to gather information, listen to the public and make the best possible decision. It is a disservice to residents to do this as a referendum. She invited people to come to the meeting.*

*Commissioner Waldack commented that the questions regarding setbacks are very specific. He finds it interesting that some people not in favor of a referendum were in favor of the other referendum. Very few people show up for special meetings. By putting it on the ballot you are getting information out to the public. People would get the information and would get educated. The referendum would enhance resident knowledge of the situation.*

*Mayor Tully said he appreciates this being brought forward by Commissioner Waldack. The Council makes public safety and quality of life issues all the time without going out for referendum. Based on the discussion, the Mayor said it is clear that of the six members present, five are opposed and one is in favor of the referendum.*

**Indexes:** Fowl Regulations

### **Council Member Reports**

*Commissioner Neustadt announced that the coat drive is still ongoing through January 14 at the Police Department and at Village Hall.*

*Mayor Tully announced that the first Coffee With the Council for 2013 will be held on Saturday, January 19 at the Public Library.*

*The Mayor then announced that there are 164 days until Rotary Grove Fest.*

## **13. Adjournment**

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

*Mayor Tully declared the motion carried by voice vote, and the meeting adjourned at 8:30 p.m.*