



# 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 15, 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 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 - January 8, 2013*

*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 recognized Madelynn Kurchner and Jackie Clifford, seniors at Downers Grove South, and members of the DECA Club at Downers Grove South. He proclaimed January 23, 2013 as "Women's Entrepreneurship Day" in Downers Grove. The students will promote women's entrepreneurship as their State project and will host a vendor show on January 23, 2013, where local women will talk about their businesses. Ms. Kurchner noted that of the 170 members of DECA, there are only 40 girls in the group at Downers Grove South.

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

Rev. Scott Oberle of the First Congregational United Church of Christ, 1043 Curtiss Street, together with Rev. Kirk Moore of St. Paul's United Church of Christ, 5739 Dunham Road, and Pastor Dan Martinson of Hobson Road Community Church, 2531 Hobson Road, said that they were present to start a dialogue with the Council about the stormwater fees, and the resources of the churches. They understand that they use Village resources, but the fees will limit their ability to use those funds for other projects.

Rev. Moore said St. Paul's budget is small, and their fee is \$2,000, which gives them \$2,000 less to use on other projects.

Pastor Martinson said he is new to Downers Grove, and has been with the church since July. The faith community is wider than any one church and the pastors work together. He said that the fee represents one half of what they put toward benevolence needs last calendar year. The ability to do that will be half of what it was last year. He explained that what they do is an extension of the Village. The fee feels like a tax, and they would like a legal explanation as to how it is not a tax.

Rev. Oberle pointed out that they want to partner with the Council and continue the dialogue.

Mayor Tully replied that the Council empathizes with their point of view. This Council and the previous Council understood the impact a stormwater utility fee would have on not-for-profit groups. The decision was to apply the fee to all properties that generate stormwater runoff, not just residential properties as they were carrying a disproportionate share of the stormwater expenses. It is different than a property tax, as the fee is based on runoff from the property. It has no relationship to the value of the property. The consequence of shifting from the property tax base to user-based is that it picks up properties that were not previously contributing. The concept was under discussion for over a decade. It is premature to say whether there will be adjustments. He hoped they would continue to participate in a dialogue with the Village.

#### 5. Public Hearings

#### 6. Consent Agenda

**COR 00-05136** A. Claim Ordinance: No. 5985, Payroll, December 28, 2012

**Sponsors:** Accounting

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

**Indexes:** N/A

**BIL 00-05130** B. List of Bills Payable: No. 6024, January 15, 2013

**Sponsors:** Accounting

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

**Indexes:** N/A

**RES 00-05133** C. Resolution: Authorize a License Agreement with China Cat Productions, LLC to Install, Maintain and Operate Antenna Equipment on Village Property - 3801 Highland Avenue

**Sponsors:** Village Attorney

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF A LICENSE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND CHINA CAT PRODUCTIONS, LLC TO INSTALL, MAINTAIN AND OPERATE ANTENNA EQUIPMENT ON VILLAGE PROPERTY

RESOLUTION 2013-03

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

**Indexes:** Antenna Equipment, Water Tower - Highland Road

**MOT 00-05132** D. Motion: Note Receipt of Minutes of Boards and Commissions

**Summary of Item:** Plan Commission - December 3, 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 00-05126** A. Ordinance: Authorize a Special Use to Permit a Preschool Facility at 6600 Fairview Avenue

**Sponsors:** Community Development and Plan Commission

**Summary of Item:** This authorizes a specialuse to permit a preschool facility at 6600 Fairview Avenue.

AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT A PRESCHOOL FACILITY AT 6600 FAIRVIEW AVENUE

ORDINANCE NO. 5306

**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:** Special Use - 6600 Fairview Avenue

## **8. First Reading**

*Village Manager Dave Fieldman asked Tom Dabareiner, Director, Community Development to discuss the two items on the First Reading.*

*Tom Dabareiner, Director, Community Development, commented that he would consider both items under First Reading in one presentation.*

**RES 00-05134**

A. Resolution: Authorize a Grant Agreement with Paras D. Kayastha (522 Ogden Avenue)

**Sponsors:** Community Development

*Mr. Dabareiner provided program highlights on the OASIS Program, which was adopted in 2010 and revised in 2012. It is a matching grant program and the goals are based on the 1999 Ogden Avenue Master Plan. Eligible properties must be in the TIF District in order to participate in the grant program. There have been six submittal deadlines. The most recent deadline was in December 2012. As a result of that deadline, three applications were reviewed and two have been recommended for funding both of which are under discussion tonight. The sites for discussion include the 522 Ogden Avenue Dunkin' Donuts site. They are proposing a complete site rehabilitation at a total cost of the exterior improvements of \$161,070. The cap grant amount is \$100,000, and staff is recommending that amount for that site. The interior remodeling is not eligible for funding. Landscape improvements will be made, and there will be a legally conforming monument sign.*

*The second project is located at 946 Ogden Avenue and includes façade improvements, landscaping, and installation of new signage. The total cost is \$138,945, with a recommended grant amount of \$86,775. He showed an aerial of the site, saying there will also be parking improvements to the site.*

*Commissioner Durkin commented that he would support these. This is what he had envisioned when he voted for the OASIS grant program. He complimented those that have been brought to the Council. It is good to see total remodeling jobs proposed.*

*Commissioner Barnett asked how much money was available. Mr. Fieldman said that the \$750,000 annual amount was dropped to \$250,000 in 2013. Commissioner Barnett commented that he likes the idea of putting TIF money into Ogden Avenue. One of his concerns is the size in terms of the costs of these projects. He is not yet comfortable with the amount of money being spent on private projects. He noted that in a way the Village is rebuilding private property with TIF dollars. There is a lot of public improvement missing. A-Len and these two projects are costing a lot of money for little public improvements. Sidewalk, signage, parkway and green space are the driving items in his mind. However, in these cases the money is going more toward private property enhancement. There are no lot size reconfigurations, curb cut eliminations, etc. The three projects are reinforcing his original concerns.*

*Commissioner Schnell said that the grants help to revitalize the Ogden Avenue corridor, and that is a good use of the TIF dollars. Dunkin' Donuts is a thriving business, but the building is old. She would like to see public improvements, including sidewalks, easements, and green space. She said that they need to watch and make sure the requests are appropriate. She agrees that they need to try to get public improvements to enhance Ogden Avenue. The appearance of Ogden Avenue is coming along, but from her perspective she thinks more work is needed with regard to green space and sidewalks.*

*Commissioner Rheintgen thanked staff for answering questions she had submitted. She asked about dealing with franchisees, to assure that the businesses are not getting money from the corporation as well as TIF funds. She said she is a fan of this program and is thrilled to see these new projects coming forward. She believes they will change the face of Ogden Avenue.*

*Commissioner Waldack said he agrees with the other Commissioners. The program is set up to improve Ogden Avenue. But he does think it is a lot of money and the Village is putting more money into the program than the owners are. These projects meet the qualifications, but again the Village is contributing more than the owners. He suggested that perhaps they can change the program. He doesn't think start-up costs are allowed in the program. He doesn't think the TIF funds should be picking up costs required by franchises. He will support this as it matches the program as it currently exists.*

*Commissioner Neustadt said that these projects meet the requirements. He said that the Village can amend the program at any time. These projects will enhance the appearance of Ogden Avenue and shows that the Village is business friendly.*

*Mayor Tully replied that the applicants have met the requirements for the program; however, the policy discussion is appropriate. He agrees with a lot of Commissioner Barnett's comments. When the TIF was put into place, it was to revitalize Ogden Avenue, and the OASIS program was not anticipated. The goal was to address lot consolidation, to support modern development, stormwater detention, stoplights, sidewalks, etc. The OASIS program isn't exactly consistent with the larger goals. It is on a smaller scale of the TIF goals. Larger redevelopment opportunities were initially envisioned.*

*Michael Cassa, President, Economic Development Corporation, commented that when the Council considered changes to the OASIS program it was thought that would have a chilling effect on applications. The opposite has happened. He agrees with what has been said tonight and feels that the majority of the TIF dollars should be used for redevelopment opportunities. At the same time there should be an OASIS program in which funds are used for the betterment of the Ogden Avenue corridor to make it more attractive. If there are to be changes, it is important to know that the EDC is promoting the program with the criteria that was adopted by the Council. They have publicity brochures prepared based on those criteria. Prospective tenants are concerned about Ogden Avenue because of the appearance or condition of some of the existing buildings. A redeveloped building improves redevelopment project prospects. He would like to see the program become competitive, and thinks TIF dollars can be used for redevelopment and the OASIS Program.*

*Commissioner Barnett commented that the criteria are subjective. These projects have no public improvements other than the aesthetics. He is concerned about this and thinks there has to be more discussion about the goals.*

*Mayor Tully said Council has had conversations regarding the goals of the OASIS program and what the results ought to be. The Mayor agreed with Commissioner Barnett that the dollars are there not to do what the private sector can do, but to entice the private sector to do what they might otherwise not do to our benefit. We give assistance to thriving businesses because we want them to thrive in our community. He discussed the stated goals of the Ogden Avenue Master Plan - public improvements such as eliminating curb cuts, increasing green space, adding sidewalks. If we can spur a private business, as part of another project, to also include public components that they otherwise would not have to include, it is worth considering. What is the best public benefit that we can achieve from these dollars is a legitimate topic of conversation.*

*Commissioner Durkin asked how many applicants there are under review. Mr. Fieldman responded that there are none for the next deadline, which is April 1. This is the first round of applications since changes were made. The recommendation is to proceed and vote on these proposals. Changes can be made before the next deadline if the Council wants to make changes. They can then extend the deadline if necessary.*

*Commissioner Durkin noted that the Council should give the staff direction as soon as possible.*

*Mayor Tully confirmed that no one is suggesting eliminating the program.*

*Commissioner Barnett stated that they have to be clear and not mislead people. It is not the intention of the Council to be anti-business or anti-redevelopment.*

*Commissioner Schnell said that there appear to be concerns on the part of the Council and she would not like to see another round of applications until the Council discusses these issues. She*

*is in favor of postponing the next round of applications to June 1 and have further discussion regarding the goals.*

*The Mayor said if they had three spots and 25 applications, the Village could chose ones that best met the goals of the program.*

*Mr. Fieldman said that staff can revisit the process with the OASIS team and present further ideas to the Council.*

*Mayor Tully said he would be open to ideas from the staff.*

*Mr. Cassa of the EDC said that the April 1 deadline has not been published.*

**Indexes:** Ogden Avenue TIF

**RES 00-05135** B. Resolution: Authorize a Grant Agreement with Anthony Zangler (946 Ogden Avenue)

**Sponsors:** Community Development

**Indexes:** Ogden Avenue TIF

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

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

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

### **Stormwater Utility Update**

*Doug Kozlowski, Communications Director, presented the first monthly report on the Stormwater Utility program. He noted that the program was launched on time and the initial financial numbers are in line with the budget. Adjustments have been made and staff intends to provide monthly reports on the project. He provided background information that the Stormwater Utility was approved in August 2012 and implemented in January 2013. The fee is the result of a multi-year effort to provide additional funding toward infrastructure improvements. He then reviewed the benefits of the stormwater fee, noting that all properties share in the cost. This fee-based system encourages users and customers to reduce property runoff and obtain credits and incentives where applicable. The fee is based on areas that do not absorb water, such as roofs, driveways, and patios. He said that the launch of the utility was preceded by an extensive outreach campaign across 14 communication platforms, creating over 250,000 stormwater utility messaging opportunities. Staff estimates that five percent of those people that have called or emailed the Village have not heard about the stormwater utility. That is a great indication of the effectiveness of the outreach and engagement strategy.*

*The major elements of the stormwater utility program have gone according to plan. The amount billed as well as the credits and incentives issued are consistent with the budget and expectations. He noted that 44 incentives were granted in the amount of \$3275. Three credits have been issued, and one appeal is scheduled for February. The initial feedback has been to clarify impervious area versus house square footage, and the consideration of green space on the fee. Staff has made adjustments to address the issues raised. Adjustments have also been made to billing of multi-tenant commercial buildings by sending the entire stormwater fee to the property owners, rather than the utility bill customer. Mr. Kozlowski said that staff would continue to make adjustments as the need arises.*

*Mayor Tully commended staff on its outreach campaign, stating that they have made exceptional outreach efforts.*

*Commissioner Schnell also commended the staff on the educational program they created on the stormwater utility fee.*

*Mayor Tully noted that not all of the reactions are negative.*

*Commissioner Rheintgen asked what the cap is for incentives. Mr. Fieldman said that they have projected gross revenues of \$3.5 million, with \$20,000 maximum for incentives and \$180,000 maximum for credits.*

*Commissioner Waldack commented that based on the outreach we know that 5% of the population will not have heard of the program. He wonders if people know about the incentives and the credits. Mr. Fieldman said that credits are structured more for large properties.*

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

### **Future Active Agenda**

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

*Commissioner Neustadt announced the second annual Up & Down in Downers Grove Stair Climb sponsored by the Chamber of Commerce and Good Samaritan Hospital will take place on February 2 at the Esplanade. More information can be obtained at [downersgrove.org](http://downersgrove.org).*

*Commissioner Rheintgen said she participated last year. Participants can donate a portion of the fee to a local non-profit organization.*

*Commissioner Waldack reminded everyone that next week a special meeting will be held on chicken regulations. He encouraged people to attend. He would like to see the meeting televised. It will be held at 6:00 p.m. on Tuesday, January 22, 2013.*

*Mayor Tully replied that this is a meeting of the Finance and Administrative Committee, not a special meeting. It is normally not televised. This is not a regular Village Council meeting.*

*Commissioner Durkin commented on the Dunham Road and 63rd Street traffic light. A resident informed him that the traffic light is the same set up as at North High School; however, in order to activate the light you have to push the button. If you do not, it is a regular light sync due to the traffic on 63rd Street. He encouraged staff at Downers Grove South to ask students to use this light.*

*Commissioner Schnell noted that the fowl report is online. She encouraged people to read it and come to the meeting. She also noted that Monday, January 21 is a federal holiday.*

*Mayor Tully announced that Coffee with the Council will be held on January 19 at the Public Library from 9:00 to 10:00 a.m. He encouraged residents to attend, and said that the Library Board will make a presentation on their activities.*

## **13. Adjournment**

*Commissioner Schnell moved to adjourn into Executive Session pursuant to Section 2(c)(1) of the Illinois Open Meetings Act to discuss personnel matters. Commissioner Durkin seconded the Motion.*

*VOTE: AYE - Commissioners Schnell, Durkin, Rheintgen, Barnett, Neustadt, Waldack; Mayor Tully*

*The Mayor declared the Motion carried and the Council convened into Executive Session in the Ante Room at 8:21 p.m.*