



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, February 19, 2013

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

Assisting the Mayor in leading the Pledge of Allegiance to the Flag was Third Grade Cub Scout Pack 85 from Whittier School. Afterwards, the Scouts asked the Mayor some questions, to which he responded that his favorite football team is the Chicago Bears. As to whether or not people will be allowed to have chickens, the Mayor said that they would have to stay tuned for further discussions.

Mr. Fieldman responded to a question regarding the paving and curbing of 4th and Cumnor, saying it is scheduled for resurfacing next summer. If there are no curbs, they will not be installed; however, if there are curbs they will be repaired.

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 - February 12, 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.

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

Frank Falesch, 820 Prairie, asked about the salting of the streets. There has been no snow to talk about, but his street is white with salt, and that doesn't make sense to him. He said you can see the use of salt all over. Mayor Tully replied that the snow removal policy is followed, and the staff is always looking at the policy to modify it, if necessary. Mr. Falesch said that it should be reviewed.

5. Public Hearings

6. Consent Agenda

COR 00-05153 A. Claim Ordinance: No. 5989, Payroll, January 25, 2013

Sponsors: Accounting

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

Indexes: N/A

BIL 00-05154 B. List of Bills Payable: No. 6030, February 19, 2013

Sponsors: Accounting

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

Indexes: N/A

RES 00-05148 C. Resolution: Authorize an Agreement with the Indian Boundary YMCA to Jointly Conduct the 2013 Downtown Downers Grove Market

Sponsors: Community Development

Summary of Item: A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE INDIAN BOUNDARY YMCA TO JOINTLY CONDUCT THE 2013 DOWNTOWN DOWNERS GROVE MARKET

RESOLUTION 2013-10

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

Indexes: Downtown Downers Grove Market

RES 00-05156 D. Resolution: Authorize an Amendment to the Agreement for Professional Engineering and Inspection Services with Tank Industry Consultants

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL ENGINEERING AND INSPECTION SERVICES BETWEEN THE VILLAGE OF DOWNERS GROVE AND TANK INDUSTRY CONSULTANTS

RESOLUTION 2013-11

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

Indexes: Water Tower - 2304 Maple

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 00-05152 A. Ordinance: Establish Special Service Area Number 5 in the Village of Downers Grove - Atwood Subdivision

Sponsors: Community Development

Summary of Item: This adopts SSA #5 for the Atwood Subdivision.

AN ORDINANCE ESTABLISHING SPECIAL SERVICE AREA NUMBER 5 IN THE VILLAGE OF DOWNERS GROVE

ORDINANCE NO. 5309

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 Service Area 5 - Atwood Subdivision

8. First Reading

MOT 00-05158 A. Motion: Award a Contract for \$114,500 to Duncan Associates, Inc. for Comprehensive Update of Zoning Ordinance and Subdivision Control Ordinance

Sponsors: Community Development

Tom Dabareiner, Director, Community Development, explained that this concerns a contract to Duncan Associates for \$114,500 for a complete update of the Zoning Ordinance and Subdivision Control Ordinance. He explained that this was part of the 2013 work plan. The Zoning Ordinance and Subdivision Control Ordinance are the primary tools for the 2011 Comprehensive Plan, and the main review tools for site planning and development. Mr. Dabareiner said that the process began with public input that led to the Comprehensive Plan, which serves as the foundation of the Zoning Ordinance and the Subdivision Control Ordinance. He noted that these ordinances date back to 1965 when the community was quite different. It was young and in the throes of development. Now it is a built-out community focused on redevelopment. The ordinances are out of sync with 2013. Mr. Dabareiner said that this is being contracted out due to lack of staff, and staff time. It is a time-consuming project, as well as a high-powered but temporary project and it would not be appropriate to bring on additional staff for this.

Mr. Dabareiner explained the timeline. The update of the Zoning Ordinance will begin with approval of the contract in March 2013 and finalized in draft format in January 2014. The Subdivision Control Ordinance would begin in late summer and conclude about a year later. Staff recommends approval of this contract with Duncan Associates, a national firm that is highly respected. They would be assisted by Farr Associates to look at specialized areas. There is \$85,000 budgeted for 2013, and the remainder will have to be budgeted for 2014.

Duncan's bid was not the lowest, but they demonstrated the greatest understanding and respect for the process. He noted that this is a unanimous recommendation of the staff.

Frank Falesch, 820 Prairie, said if people are qualified, they should accept the low bidder. If they are not qualified they should not be bidding.

Commissioner Schnell clarified with Mr. Dabareiner that the low bidder was a firm that did the Comprehensive Plan. She read that it is good to get a fresh perspective. They will write the Zoning Ordinance and the Subdivision Control Ordinance and make sure it is in accord with the Comprehensive Plan. Mr. Dabareiner replied that the people who worked on the Comprehensive Plan are not specialists with zoning ordinances. Duncan has an associate who worked with our former consultant and has an understanding of the Comprehensive Plan. He explained that Duncan Associates wants Farr Associates to look at the downtown area and form-based zoning. Farr Associates is nationally respected in form-based zoning.

Commissioner Schnell asked for further clarification that in looking at the downtown they will look at the regulations and whether they fit in with the Comprehensive Plan, and the manner in which the Village wants the downtown to function. She said she wants to make sure that concerns of the past are reviewed as they relate specifically to the downtown. Mr. Dabareiner responded that the Village has a framework that can be used as they look at the downtown area.

Commissioner Neustadt referenced Page 18 of the Council's packet, there are 18 face-to-face meetings noted, a majority of which would have public input and comment. This is the time for people to contribute. He said that the Village will use all avenues to communicate with the people, and he is looking forward to that aspect of the project. He noted that the consultants probably have other tools available as well.

Commissioner Rheintgen commented that the Village's Zoning Ordinance is confusing. She asked whether there would be a capability to search online for a certain topic. Mr. Dabareiner replied that the goal is to modernize the text and make it more user friendly. There will be a lot of graphics and the ability to search online. Commissioner Rheintgen said she appreciates the examples provided and said this looks like a great project.

Commissioner Waldack said he was ready to balk when he first saw this; however, staff has answered his questions. He said that Mr. Dabareiner has answered questions regarding in-house staffing. As to going to consultants, he said he dislikes cookie cutter approaches, but thinks it may be needed here. He supports this and thanked the staff for their time.

Commissioner Barnett commented that ordinances, over time, get adjusted and eventually appear to be patch-worked. He said this would allow for consistent application of expectations. He also assumes there will be references to State and County laws. He would like these to be made available to the public. Mr. Dabareiner replied that it is easier to do that electronically than with paper. He added that staff feels the same way about the current Zoning Ordinance. Commissioner Barnett said he appreciates that the Village is trying to get this done, and is using consultants. In a lean organization, he thinks this is a perfect solution.

Commissioner Durkin asked about the comment that the consultants have an understanding of the Village's needs. Mr. Dabareiner replied that five firms submitted bids. Duncan Associates was the most prepared with targeted and specific questions on what they had already reviewed. They also expressed a strong appreciation for public input. Some consultants wanted to change the end product and change the process. He said he has been through this in other communities and has a good understanding of the procedure.

Commissioner Durkin said that he agreed with Mr. Falesch's comments and he would like more description about this in the future. He asked if there is a breakout of the contract by Duncan and by Farr. Mr. Dabareiner replied that Farr's participation is through Duncan. Farr

Associates have a strong planning and design background. He said that he has not worked with them, but they can work with form-based zoning. Commissioner Durkin said that he would support this.

Mayor Tully reminded everyone that this originated in 1965, and he reviewed some data from 1965 as a comparison to today. This has been on the work plan for a very long time, and he thinks it is wise to do it after the Comprehensive Plan discussions. The Comprehensive Plan gives a picture but the Zoning Ordinance drives it. The Mayor noted that this is an example of an appropriate use of a consultant for their expertise. Staff would be doing this to the exclusion of other work. He noted that all of the bidders were qualified, and almost everyone was associated with another professional association. Mayor Tully commented that he is pleased to know that they are working with a law firm as well, and he would like to hear more about where the legal expertise is coming from.

Mr. Dabareiner said he has been in this profession for more than 30 years. The law firm is a very well respected land use attorney. He noted that Eric Damian Kelly was the "go to" attorney for a couple of decades on land use matters. The Mayor replied that this is why you might go with one firm over another. He said they are talking about content, form, and functionality. He said he agrees with the comments made by Commissioners Rheintgen and Barnett. This is a big item and he is glad to see it moving forward.

Indexes: Subdivision, Zoning Ordinance

9. Mayor's Report

Materials to be Placed on File

10. Manager's Report

Mr. Fieldman asked Doug Kozlowski to report on the second month of the stormwater utility.

Communications Director Kozlowski said that the stormwater utility was launched on time, and the engagement with the community was successful. The utility was implemented in January 2013 following an extensive outreach campaign. He explained that all properties are now sharing in the cost of the system, and the monthly fees provide a predictable funding source to maintain the system. Mr. Kozlowski noted that the south side bills were sent in early January, and payments are coming in. North side bills have been sent out and are due February 21. To date, 85% of the amount billed to the south side has been paid, and it is tracking with expectations. He further noted that 66 incentives have been granted in the amount of \$4,800. Credits were issued to District 58, the Park District, and the Sanitary District. One appeal was heard and denied.

Mayor Tully thanked him for the report, saying that they are learning things as they go along.

Allison Deitch, Management Analyst, presented a report on the creation of the Green Business Recognition Program, which is intended to recognize Village businesses that have shown a commitment to environmental sustainability, and to encourage other businesses to become "green." The program is the product of the Environmental Concerns Commission. To qualify, the businesses must meet the minimum requirements of having recycling services. In addition they have to show efforts of sustainability in at least four of six areas specified. The decision to award Green Business Status ultimately lies with the Environmental Concerns Commission. She noted that the application process is on the Village's web page, and applications are continuously accepted. Ms. Deitch noted there will be a quarterly review and determination of award recognition by the ECC. She said that examples of the application are available on the Village's website. Businesses approved will receive a Proclamation at a Council meeting and will also receive a logo decal which they can display on their website.

Commissioner Neustadt said this is a great thing to partner with the Chamber and the EDC.

Commissioner Rheintgen commented that the application process is free and it will be easy for businesses to apply for this.

Commissioner Waldack thanked the ECC for their work, and asked whether the business can use the logo on their stationery. Ms. Deitch said they could.

Commissioner Barnett commented that this is the type of thing the Village should be doing more of. He is excited about it.

Commissioner Schnell also said this was a great program and thanked Ms. Deitch and the ECC.

11. Attorney's Report

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Schnell invited residents to attend the Stormwater Education Workshop Thursday at 6:30 p.m. at Lincoln Center.

Commissioner Rheintgen mentioned Mr. Ferreri's comments last week about train safety. She said that the Manager commented on this in the Manager's Report and there has been positive action taken. Mr. Fieldman thanked the BNSF for their response.

Mayor Tully said that on February 23, Advocate Good Samaritan Hospital will celebrate the 10th anniversary of their Heart Fair at the Hospital, 3815 Highland, in the lower level atrium.

The Mayor also mentioned the Walk In Ministry of Hope, "Hands of Hope" fundraising luncheon on Friday, March 15. Further information can be obtained at www.wimoh.org.

Mayor Tully then congratulated District 58's Education Foundation on an extremely successful fundraiser Sunday evening.

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 Schenll, Durkin, Rheintgen, Barnett, Neustadt, Durkin, Waldack; Mayor Tully

The Mayor declared the Motion carried and the Council convened into Executive Session in the Ante Room at 7:55 p.m.