



# 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, June 4, 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 Bob Barnett, Commissioner Sean P. Durkin, Commissioner Becky Rheintgen, Commissioner Geoff Neustadt, Commissioner Greg Hosé, Commissioner David S. Olsen 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 - May 21, 2013*

*Mayor Tully asked for a Motion to approve the minutes as submitted.*

*Commissioner Neustadt moved to approve the minutes as presented. Commissioner Durkin seconded the motion.*

*The Mayor declared the Motion carried by voice vote.*

### Downers Grove South Boys Volleyball State Champions

*The Mayor noted that the Village is experiencing State greatness today because the Downers Grove South Boys Volleyball team won the State Championship Saturday. The majority of the team are present at the meeting. He said Downers Grove is proud of this accomplishment and read a proclamation expressing the Village's pride in the team's accomplishment and proclaiming June 4, 2013, as Downers Grove South Mustang Volleyball Day in the Village. He presented the proclamation to the team.*

*David DeMarco, senior captain, said the state run has been fantastic. The team received tremendous fan support and it was a great community event. He said the sectional championship was the highlight and turning point of the season.*

*Commissioner Durkin extended his congratulations and urged the team to be proud of themselves as state championships are very hard to come by.*

*Commissioner Olsen said this represents a great deal of hard work. He extended his congratulations.*

*The Mayor thanked them again and expressed Downers Grove's pride in their accomplishment.*

## **Proclamations**

*Mayor Tully proclaimed June 30 as Faith United Methodist Church day in honor of their 150th anniversary.*

*Mayor Tully proclaimed June 2-8, 2013 as National Garden Week in the Village of Downers Grove. He thanked the Downers Grove Garden Club for their unique contributions over their 86 years in the Village.*

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

*Jim Smalley, 246 56th Street, said he is with the Deer Creek Homeowners Association. He presented a letter to the Council at a previous meeting and was looking for a response. He has had no response to date. He said Deer Creek has had problems for a number of years. He noted that some representatives went to Westmont and are waiting for answers from them. He provided another copy of the letter to the Council.*

*Mr. Smalley said he would have liked to have had some feedback. He would like to work with the Village to find a solution.*

*The Mayor said there has been a response on a broader level. Staff is taking information residents have provided and putting it into a data base with respect to adjustments to the stormwater improvement plan.*

*Village Manager Dave Fieldman said this area is part of an ongoing study. Field engineers have been on site. Deer Creek will be included in a report and recommendations to be available by the end of June. The Village will host public meetings to discuss the report findings and obtain additional input in July.*

*The Mayor asked staff to send information to Mr. Smalley and others by email to keep them updated on this matter. He also noted that meeting information is on the Village's website.*

*Jim Crawford, 201 56th Street, is a member of St. Mary of Gostyn Parish. He spoke of the storm drains in Deer Creek as he also lives in that area. He said a significant amount of water came from Westmont. He noted the proclamations read tonight and he thanked the Mayor for the proclamations for Srs. Michael and Lorraine, which were read by the pastor at Mass.*

*Mr. Crawford said he attended a meeting with Commissioner Neustadt to discuss the stormwater utility fee. He said he was at tonight's meeting representing churches and he presented a petition with more than 600 signatures seeking relief from the stormwater utility fee to non-profits, including churches.*

*Mayor Tully thanked Mr. Crawford for his comments. The Mayor said the fee spreads the cost of the stormwater system over a broader base. There is no perfect solution. The fee is thought to be a better way to fund improvements. The Mayor also noted that the Village must adhere to the Clean Water Act requirements even though no federal funding is provided for this.*

*The Mayor said he understands that some groups do not want to pay the stormwater utility fee and that money is always tight. There are ways credits can be earned and there are opportunities to mitigate the cost. He said the Village reached out to faith-based organizations before the fee was implemented. He encouraged non-profits to investigate ways that the fee may be mitigated.*

## 5. Public Hearings

## 6. Consent Agenda

*Commissioner Olsen highlighted the item approving the budget for the Downtown Management Corporation. Their budget is approved annually and is reviewed by the Corporation's Board of Directors.*

**COR 00-05242** A. Claim Ordinance: No. 6003, Payroll, May 3, 2013 and No. 6005, May 17, 2013

**Sponsors:** Accounting

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

**Indexes:** N/A

**BIL 00-05243** B. List of Bills Payable: No. 6050, June 4, 2013

**Sponsors:** Accounting

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

**Indexes:** N/A

**BID 00-05224** C. Bid: Award a Contract for \$156,075 to Schroeder & Schroeder, Inc., Skokie, IL, for the 2013 Replacement Sidewalk Program

**Sponsors:** Public Works

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

**Indexes:** Sidewalk Replacement

**BID 00-05225** D. Bid: Authorize a Contract for \$101,050 to Safe Step, LLC, Hortonville, Wisconsin, for the 2013 Sidewalk Rehabilitation Project

**Sponsors:** Public Works

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

**Indexes:** Sidewalk Improvements 2013

**MOT 00-05244** E. Motion: Award a Contract for \$37,609 to True North Consultants, Naperville, IL, for Environmental Engineering Services

**Sponsors:** Public Works

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

**Indexes:** Engineering Services

**MOT 00-05245** F. Motion: Award a Contract for \$18,360 to Civil & Environmental Consultants, Inc., Lombard, IL, for Environmental Engineering Services

**Sponsors:** Public Works

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

**Indexes:** Engineering Services

**RES 00-05246** G. Resolution: Accept Public Improvements - O'Driscoll Subdivision

**Sponsors:** Public Works

**Summary of Item:** A RESOLUTION AUTHORIZING ACCEPTANCE OF PUBLIC IMPROVEMENTS - O'DRISCOLL SUBDIVISION

RESOLUTION 2013-31

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

**Indexes:** Subdivision - O'Driscoll

**MOT 00-05240** H. Motion: Approve the FY 13-14 Budget for the Downtown Management Corporation

**Sponsors:** Deputy Village Manager

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

**Indexes:** Downtown Management Corporation

**MOT 00-05256** I. Motion: Note Receipt of Minutes of Boards and Commissions

**Summary of Item:** Liquor Commission - April 4, 2013

Zoning Board of Appeals - February 27, 2013

**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 Neustadt, seconded by Commissioner Durkin, that the consent agenda be passed. The motion carried by the following vote:**

**Votes:** Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner José, Commissioner Olsen and Mayor Tully

## **7. Active Agenda**

**ORD 00-05177** A. Ordinance: Provide for Issuance of General Obligation Refunding Bonds, Series 2013A in Aggregate Principal Amount Not to Exceed \$16,350,000 and Provide for Levy and Collection of Direct Annual Tax for Payment of Principal of and Interest on Said Bonds

**Sponsors:** Manager's Office

**Summary of Item:** This provides for the issuance of General Obligation Refunding Bonds and approval of costs of issuance.

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE VILLAGE OF DOWNERS GROVE, DUPAGE COUNTY, ILLINOIS IN ONE OR MORE SERIES OF BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,350,000 AND PROVIDING FOR THE LEVY AND COLLECTION OF A DIRECT ANNUAL TAX FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS

ORDINANCE NO. 5315

**A motion was made by Commissioner Neustadt, seconded by Commissioner Durkin, to Adopt this file. Mayor declared the motion carried by the following vote:**

**Votes:** Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully

**Indexes:** General Obligation Bond - Refund, Parameters Ordinance

## 8. First Reading

*The Manager said the first two items relate to traffic and parking. He asked Nan Newlon, Director, Public Works, to address these items.*

### ORD 00-05251

A. Ordinance: Amend Traffic Regulations on 61st Street

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

*Nan Newlon, Director, Public Works, said this and the next item were forwarded to the Council from the Transportation and Parking Commission (TAP).*

*An ordinance has been prepared to amend the Municipal Code to provide for no parking any time along the north side of 61st Street, between Blodgett Avenue and Grand Avenue. The purpose of the restriction is to address on-going challenges of maintaining the gravel parkway and safety concerns. This item was brought forward by residents. The street is close to Fairmount School, it is narrow, and there is no curb and gutter. She noted that the recommendation was discussed with school officials.*

*This matter was discussed by the TAP on April 10, 2013. TAP voted unanimously to approve this recommendation. School representatives and adjacent residents supported the recommendation.*

*Commissioner Neustadt said it is important to have the school brought into the discussion. The presence of enforcement officers will be helpful as this is implemented. Cars and students present safety concerns.*

*Commissioner Rheintgen noted how important it is to have safety measures in place. She would like this reviewed to see that it is performing as intended.*

*Commissioner Olsen said he is concerned about limiting parking. He understands that the school is supportive of this. He said this needs to be reviewed in terms of enforcement and to see if it is working for the parents and the residents in the area. His biggest concern is that people will park there anyway, due to the gravel shoulder. And if the gravel shoulder is removed, people will park there and ruin the grass. He noted that this is immediately in front of Fairmount School. He said he will support this if the school is supportive of it.*

**Indexes:** No Park - 61st Street - North Side

### ORD 00-05252

B. Ordinance: An Ordinance Amending 30 Minute Loading Zones

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

*Ms. Newlon said an ordinance has been prepared to amend the Municipal Code with respect to 30-minute loading zones. The location is east of 1050 Curtiss Street along the west side of the Library alley. A request was received from a downtown business owner for an additional loading zone to serve several nearby businesses, including Happy Dog Barkery, Posh Kids and Dream Interiors. There is no defined loading area, but this area is used by customers and vendors serving the businesses. This change will better define the parking by limiting use to 30 minutes at a time and striping the area to ensure that vehicles park within the intended boundaries. Both the Police Department and the Downtown Management Corporation were consulted regarding this request.*

*The proposed loading zone is in the alley at the northeast corner of the Public Library building, where there is a cut-out space available. Staff investigated the proposed location and confirmed there is room for one vehicle to temporarily park to load and unload without impeding the southbound traffic in the alley. Ms. Newlon said there is an existing loading zone in the alley at the Dream Interior business, located approximately 75 feet to the south of the proposed loading zone.*

*This item was heard by the Transportation and Parking Commission on April 10, 2013. The Commission forwarded a positive recommendation. The Downtown Management Corporation was consulted and recommends approval of the loading zone.*

*In response to Commissioner Rheintgen, Ms. Newlon said the location is in front of Posh Kids.*

**ORD 00-05250**

**C. Ordinance:** Authorize a Special Use to Permit a Sports/Physical Training and Physical Therapy Business at 1422 Brook Drive

**Sponsors:** Community Development and Plan Commission

*The Manager said the next four items are from the Plan Commission. He asked Tom Dabareiner, Director, Community Development, to discuss them.*

*Tom Dabareiner, Director, Community Development, said a special use ordinance has been prepared for a sports/physical training and physical therapy use at 1422 Brook Drive, Core 1 Inc. The property is zoned M-2, Restricted Manufacturing district and the proposed use is permitted as a special use in this district. The property is part of a multi-tenant office/light industrial building.*

*Mr. Dabareiner said Core 1 works with athletes and adults on an appointment basis only. They are seeking to relocate to a larger spot in the same complex. The petitioner is not proposing any changes to the existing building or the site. The proposal is consistent with the Comprehensive Plan.*

*The Plan Commission considered this petition at their May 6, 2013 meeting and unanimously recommended approval of the request.*

*The Mayor noted that this is a permitted special use.*

**Indexes:** Special Use - 1422 Brook Drive

**ORD 00-05247**

**D. Ordinance:** Rezone Property at 960 75th Street from R-1, Single Family Residence to B-2, General Retail Business

**Sponsors:** Community Development and Plan Commission

*Mr. Dabareiner said an ordinance has been prepared to permit a zoning ordinance map amendment to rezone the property at 960 75th Street from R-1, Single Family Residence to B-2,*

*General Retail Business. The property is improved with an 11,000 sq. ft. automobile repair facility, an automobile laundry, and a parking lot. The property was annexed into the Village in January 2012 as part of a Village-wide annexation. As such, it was automatically zoned R-1 upon annexation. Prior to annexation, the property was zoned B-2, General Business, in unincorporated DuPage County. The Village's B-2 classification is more appropriate than R-1. In May 2006, the property received a conditional use from DuPage County to construct an automobile repair and automobile laundry facility. The existing building was subsequently built in 2007. The existing use on the property is legal nonconforming. The use can remain on the property regardless if the rezoning request is approved; however, changes, expansions or replacement could be problematic. Mr. Dabareiner noted that no changes are proposed at this time.*

*The Future Land Use Map of the Comprehensive Plan designates this property for single family residential use, but staff believes this was a scrivener's error. The intention was to carry over the existing business use, as was done elsewhere during the mapping process. The property has always been zoned for and occupied by commercial uses. Further, the property supports the Comprehensive Plan's recommendation for corridor commercial uses along 75th Street.*

*The Plan Commission considered the petition at their May 6, 2013 meeting. The Commission recommended approval of the zoning ordinance map amendment by a 5:1 vote. The dissenting member found the request was not consistent with the Future Land Use Map. Staff concurs with the majority and found that the standards in Section 28.1702 of the Municipal Code were met.*

*Commissioner José said Council takes seriously the comments in the dissenting vote. He noted, however, that this is in line with the business already at this location and is in keeping with the commercial nature of 75th Street. He will support this.*

*Mayor Tully said he agrees with Commissioner José's comments.*

**Indexes:** Rezone 960 75th Street - R-1 to B-2

**ORD 00-05249**

E. Ordinance: Rezone 4249 Highland Avenue from R-4, Single Family Residence to B-3, General Services and Highway Business

**Sponsors:** Community Development and Plan Commission

*Mr. Dabareiner said an ordinance has been prepared to permit a zoning ordinance map amendment for the property at 4249 Highland Avenue from R-4, Single Family Residence to B-3, General Services and Highway Business. The property is currently a commercial parking lot that provides required parking for the commercial occupants at 946 Ogden Avenue. The rezoning petition is a requirement of the recently approved special use permitting an automobile laundry at this location. The site is not suitable for residential development.*

*The Plan Commission considered the petition at its May 6, 2013 meeting and found that the request is compatible with the Comprehensive Plan. The Plan Commission also found that the request met the standards in Section 28.1702 of the Zoning Ordinance and unanimously recommended approval of the rezoning request. Staff concurs with the recommendation.*

*Commissioner Neustadt noted that all of the Plan Commission items under discussion this evening were noticed. Four public comments were received. These are straight-forward petitions.*

*Mayor Tully said this was anticipated and is part of a special use that was already approved.*

**Indexes:** Rezone 4249 Highland - R-4 to B-3

**ORD 00-05253** F. Ordinance: Rezone 2551 Warrenville Road from M-1, Light Manufacturing to B-3, General Services and Highway Business

**Sponsors:** Community Development and Plan Commission

*Mr. Dabareiner said an ordinance has been prepared to permit a zoning ordinance map amendment to rezone the property at 2551 Warrenville Road from M-1, Light Manufacturing to B-3, General Services and Highway Business. A two-story animal hospital, parking lot and mobile MRI trailer are located on the site. The petitioner is requesting a zoning ordinance map amendment so that the property is consistent with surrounding zoning classifications and to facilitate a future building expansion. The proposal is consistent with the Comprehensive Plan.*

*The petitioner currently has a temporary use permit which allows the mobile MRI trailer to be located on the property for a total of 180 days per calendar year. The petitioner is proposing to construct a garage addition on the east side of the building to permanently house the trailer. The construction of the garage requires the property be rezoned to B-3. This would reduce the required front yard setback to 25 feet and a variance to permit the garage addition to be 12.5 feet from the east front property line.*

*Mr. Dabareiner said the petitioner has requested three actions: The Plan Commission met on May 6, 2013 and recommended the property be rezoned to B-3. The Zoning Board of Appeals met on May 22, 2013 and granted the variation request contingent upon the approved rezoning. The final action is now before the Council.*

*Mayor Tully thanked staff for working with the petitioner. This facility provides high-tech health care to animals. The petitioner was struggling to figure out how to expand their facility.*

**Indexes:** Rezone 2551 Warrenville - M-1 to B-3

## 9. Mayor's Report

**RES 00-05255** Resolution: Appoint Members to Boards and Commissions

**Sponsors:** Mayor

**Summary of Item:** This confirms the following appointments to Village Boards and Commissions:

### BOARD OF FIRE AND POLICE COMMISSIONERS

Appoint Thomas Bondi to a one-year term expiring August 31, 2014

Appoint Gene Marino as Chair

### COMMUNITY EVENTS COMMISSION

Appoint Toni Kosaris to a one-year term expiring August 31, 2014

### ENVIRONMENTAL CONCERNS COMMISSION

Appoint Stacy Salman to a three-year term expiring August 31, 2016

### A RESOLUTION APPOINTING MEMBERS TO VILLAGE BOARDS AND COMMISSIONS

#### RESOLUTION 2013-32

*Mayor Tully commented that it is a privilege to vote on appointing volunteers to serve on the Village's Boards and Commissions. The Village is fortunate to have so many qualified people. These are vacancies that are being filled. He thanked the staff and Commissioner Rheintgen for*



*their work on these appointments. The Mayor thanked those willing to serve. The Village greatly benefits from the input of service of our volunteer Boards and Commissions.*

**A motion was made by Commissioner Neustadt, seconded by Commissioner Durkin, to Adopt this file. Mayor declared the motion carried by the following vote:**

**Votes:** Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully

**Indexes:** Boards and Commissions

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

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

*Village Attorney Enza Petrarca said she was presenting six (6) items to Council: 1) An ordinance restricting parking on 61st Street; 2) An ordinance adding a loading zone to the alley east of 1050 Curtiss Street; 3) An ordinance amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, codified as Chapter 28 of the Downers Grove Municipal Code, as amended, to rezone property located at 4249 Highland Avenue; 4) An ordinance amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, codified as Chapter 28 of the Downers Grove Municipal Code, as amended, to rezone property located at 2551 Warrenville Road; 5) An ordinance amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, codified as Chapter 28 of the Downers Grove Municipal Code, as amended, to rezone property located at 960 75th Street; and 6) An ordinance authorizing a special use to permit a sports/physical training and physical therapy facility at 1422 Brook Drive.*

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

*Commissioner Olsen reported on a successful 5K/10K run at the YMCA on Sunday, saying it was fun. He attended the Downers Grove South High Boys Volleyball team trophy ceremony following the race.*

*Commissioner Neustadt announced the birth of his son, Declan, on Thursday. He expressed his appreciation to Good Samaritan Hospital, showed pictures of the baby, and thanked the community for their support.*

*Commissioner Durkin congratulated the South High Boys Volleyball team in their first State Championship. He also commented that the girls' team has six championships.*

*Commissioner Rheintgen invited people to submit their applications to be in the July 4th parade. Applications are available on-line. Anyone can participate in the parade.*

*Mayor Tully announced that there are 15 days until Grove Fest 2013.*

## **13. Adjournment**

*Mayor Tully asked for a Motion to adjourn.*

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

*VOTE: AYE: Commissioners Neustadt, Durkin, Hosé, Olsen, Rheintgen, Barnett; Mayor Tully*

*Mayor Tully declared the motion carried and the meeting adjourned at 8:02 p.m.*