



Village of Downers Grove

Meeting Minutes

Downers Grove Village Council

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

Tuesday, October 15, 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

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

Budget Meeting - October 5, 2013

Council Meeting - October 8, 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.

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

Bill Waldack, 1409 Willard Place, said he had two comments. On Saturday, October 12, 2013, the Chicago Tribune had an article on the front page regarding senior home sharing. He noted that the Village has a senior home.

Mr. Waldack then said Sunday, October 20, 2013, will be the 33rd annual CROP Walk. Registration is at 1:30 p.m. and the 5k walk begins at 2:00 p.m. at Gloria Dei Lutheran Church. He said 75% of the donations go to support the hunger programs of the Church World Services and 25% stay in our community. Those funds support local hunger agencies including Hope's Front Door, DuPage County Meals on Wheels, Northern Illinois Food Bank, Downers Grove FISH, People's Resource Center, West Suburban Community Pantry, Lisle Township Food Pantry and PADS sites in Downers Grove.

Mr. Waldack invited the Council to participate in the walk.

5. Council Member Reports

Commissioner José said the Village was recently selected as the 14th Government Green Fleet in North America. This award is supported by the Clean Cities Coalition and Downers Grove was the only community recognized in the Chicagoland area. He said 85% of the Village's fleet uses some form of alternative fuel. He congratulated the Council and staff on this accomplishment.

Commissioner Rheintgen said she attended a ceremony at Downers Grove North today as Governor Quinn proclaimed October 15, 2013 as Downers Grove North High School Day. He visited the school after learning that Kathy Doyle, who has leukemia, was elected as the 2013 homecoming queen. Commissioner Rheintgen thanked Commissioners Olsen and Neustadt for also attending this ceremony.

Commissioner Durkin announced a pancake breakfast in support of Helping Girls Navigate Adolescence on Saturday, October 26 at Ballydoyle's from 8:00 a.m. to 11:00 a.m. The cost is \$6.00 for adults and \$3.00 for children, with kids under two years of age free. More information is available at www.hgna.org

Commissioner Durkin also announced the annual Halloween window painting in the downtown area on Saturday, October 26. This is sponsored by the Downers Grove Rotary Club and Downtown Management Corporation. Participants are asked to bring a canned good donation for the FISH Pantry as well as gently used men's and women's clean winter coats for veterans. More information is available at www.dgrotary.org.

Commissioner Neustadt announced that a new community map has been launched on the Village's website. It is an interactive map. Both residents and visitors to Downers Grove can use it.

Commissioner Neustadt then said that both he and Commissioner José spent time with Fire Chief Jackson and staff at the Silent Parade. He was pleased to see so many people participate. The parade starts in Hinsdale and travels to Lisle.

Mayor Tully reminded everyone that there will be a Coffee With The Council on Saturday, October 19, 2013, from 9:00 a.m. to 10:00 a.m. at Fire Station 2, 5420 Main Street. The focus of the Coffee will be the FY14 proposed budget.

6. Public Hearings

Special Service Area #6

Mayor Tully called the public hearing to order at 7:13 p.m. to consider the formation of Special Service Area #6 (SSA) and the levying of taxes affecting said area. The approximate street location for the special service area is Fairview Fire Protection District which is an unincorporated area near 39th Street and Fairview Avenue from Woodland Lane east to Cumnor Road. An accurate map of said territory is on file in the office of the Village Clerk and is available for public inspection. Notice of this hearing was published in the Downers Grove Reporter on September 25, 2013.

He summarized the procedures to be followed for the public hearing.

Allison Deitch, Management Analyst, said this public hearing is a required step in the establishment of a special service area for fire protection and emergency medical services. The purpose of the special service area is to provide a permanent funding source for fire protection services by the Village to unincorporated areas.

The Village provides these services under an agreement with the Fairview Fire Protection District. Due to tax cap limits, the district is unable to levy an amount sufficient to cover the full cost of the services, resulting in a situation in which residents of Downers Grove pay more for fire department services than the Fairview Fire Protection District residents pay. Working with the Village's partners at the Fairview Fire Protection District and DuPage County, staff has identified this sustainable funding source.

This is one of several steps in the establishment of the SSA. The board members of the Fire Protection District completed a public outreach including going to affected residents to explain the SSA and seek their support. On June 5, 2013, the Fire Protection District held a public meeting to discuss the potential SSA. Based on the results of a survey of residents taken by the Fire Protection District, DuPage County authorized the Village to establish this SSA.

Ms. Deitch said the SSA will have the following components:

All properties within the Fairview Fire Protection District will be included in the SSA. Other unincorporated properties that receive services will be included. Some of these properties have been billed directly for these services in the past.

The property tax levy shall not be higher than 5%. In the first year, the Village will levy 2.4% for the SSA.

The Village will incur costs establishing the SSA. These costs, estimated to be \$20,000, will be added to the first year's property tax levy.

Upon establishment of the SSA, the Village will forgive the District's outstanding deficit of approximately \$100,000.

Ms. Deitch said that following tonight's hearing there will be a 60-day period before the Village adopts an ordinance establishing the SSA.

Commissioner Olsen noted that the SSA is required to include a portion of the Village, Whitlock Park, which is exempt from the SSA.

Mayor Tully said the Fairview Fire Protection District is a "paper" district and does not have the financial means to be self-sustaining. The establishment of the SSA is a long-term, sustainable solution.

Mr. Tom Szot, 3848 Florence, east of Fairview, said that technically he is not in the SSA. He pays annually and pays what anyone in the Village would pay. His main concern is that the maximum rate would be 5% of the EAV, which for him would be \$5,000.

Village Manager Dave Fieldman corrected that it would be \$500, based on \$100,000. Mr. Szot said this is misleading, and should have been in the proposal.

Mayor Tully said that the required notice is per statutory provisions. Ms. Deitch then showed a slide of a typical tax bill, and explained the tax bill.

Mr. Szot then asked if everyone will be paying at the same rate as those in the Village, and Mr. Fieldman said they would. He said they are trying to keep within the original amount going back to the 1980s.

Dan Casciato, 3624 Woodland, asked for clarification of what residents would pay if it reached the cap. Mr. Fieldman said it would be 5% per \$1,000 EAVE or \$500.00 based on an EAV of \$100,000.

Bryan Plantago, 620 36th Street asked whether the SSA levy could increase separately from the way Downers Grove residents are taxed, or will it always be kept equal. Mr. Fieldman said that the Village can levy different amounts, but has no intention of doing that. The levy would be publicized and would be the subject of a Public Hearing. The levy has already been published and is set per the equation, which was set in the 1980s. Mr. Plantago then repeated his understanding that the rate is equal to what others pay for fire prevention.

Mayor Tully said the intent is to leave it, but it would be subject to the same Public Hearing process. Mr. Plantago then asked about the three trustees previously representing the area. Mayor Tully said that the Fairview Fire Protection District Board will remain. The SSA is a funding mechanism. It is not a body. The SSA would be controlled by the Council. This is designed to take care of the sustainability issue. For clarification, Mr. Plantago said the Council would be held accountable, and Mayor Tully said that was correct.

Jim Downey, 3701 Douglas, asked if there is a cap on an annual basis. Mr. Fieldman said that the maximum levy is set such that the rate would never exceed 5% per \$1000 EAV, and that amount is in the SSA document and the ordinance itself.

David Maish, 3707 Douglas, asked about the equation, saying that they will not take the actual assessed value as on the tax bill. Mr. Fieldman said it is based on the EAV. He reviewed the equation and said there is no plan to raise it. He further responded to Mr. Maish that the public would be able to review the ordinance.

Village Attorney Enza Petrarca said that the ordinance is available on the Village website right now.

Mike Zycinski, 3612 Glendenning, said that the general spirit of the proposal is to pay our fair share. He understands they would be capped at 5%. However, there is an opportunity to levy higher increases for the SSA district as opposed to general Village residents. He asked why that is not written into an agreement. Mr. Fieldman explained that it is not an agreement, it is an ordinance. By law the SSA is required to have a maximum rate. There is no cap for Downers Grove residents because the Village is a Home Rule community.

Ms. Petrarca said that in order to oppose the SSA, there would need to be 51% objectors.

Mr. Plantago asked again about opting out, and whether it has to be worded in any special way. Ms. Petrarca said it is in the notice with regard to objecting to the SSA.

Commissioner Barnett commented that these questions are expected. This is an example of the layers in government in the State, and this is the Village's way to try and straighten out what is happening in this area.

Mayor Tully said that there was a report on May 30, 2013, which addressed many of the layers.

Commissioner Rheintgen commented that she can hear fear regarding the levy. A Public Hearing would be held regarding the levy. It would not occur behind closed doors.

Mr. Fieldman said that the notice would be the budget process for the yearly levy published in the newspaper.

Commissioner Neustadt thanked everyone for coming to this Hearing. This review is done every year. He said that the Village has been providing this service for many years because it is the right thing to do.

There being no further comments from the Council or the general public, Mayor Tully adjourned the public hearing at 7:45 p.m.

7. Consent Agenda

COR 00-05374 A. Claim Ordinance: No. 6023, Payroll, September 20, 2013

Sponsors: Accounting

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

Indexes: N/A

BIL 00-05375 B. List of Bills Payable: No. 6078, October 15, 2013

Sponsors: Accounting

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

Indexes: N/A

RES 00-05356 C. Resolution: Authorize a Memorandum of Understanding with the Downers Grove Park District

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE DOWNERS GROVE PARK DISTRICT

RESOLUTION 2013-68

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

Indexes: Park District

MOT 00-05376 D. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Plan Commission - September 9, 2013

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

Indexes: Boards and Commissions

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 Hosé, Commissioner Olsen and Mayor Tully

8. Active Agenda

ORD 00-05372 A. Ordinance: Increase the Number of Off-Premise Consumption Liquor Licenses

Sponsors: Village Attorney

Summary of Item: This increases the number of off-premise consumption liquor licenses.

AN ORDINANCE INCREASING THE NUMBER OF OFF-PREMISE CONSUMPTION LIQUOR LICENSES

ORDINANCE NO. 5340

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: Liquor Ordinance Amendments

9. First Reading

ORD 00-05361 A. Ordinance: Rezone Property Located at 4200-4240 Lacey Road from M-1, Light Manufacturing, to R-2, Single Family Residence

Sponsors: Community Development and Plan Commission

Mr. Fieldman said five items under First Reading are related to property at 4200 Lacey Road. He asked Community Development Director Tom Dabareiner to make the presentation.

Tom Dabareiner, Director, Community Development, then reviewed the items, noting that Item A will rezone the property, Item B will authorize the Plat of Subdivision, and Item C will authorize a Special Use for a Sheltered Care Facility.

Mr. Dabareiner said that the facility will be 97,000 square feet in a 3-story building. He showed an aerial photograph of the site with property lines. Part of the area is residential and part is manufacturing. The area to the south is an excavation company that is incompatible with the residential area, and will no longer be in the area.

Mr. Dabareiner explained that the M-1 and R-2 districts would all be rezoned into R-2 districts. There will also be a lot consolidation of three lots into one lot under Section 28.1103/1104 of the Zoning Ordinance. He showed photographs of the building, landscaping and water detention basin. Access is designed in accordance with the necessary turning radius. The petitioner did a good job with the design of the site, and it has a residential feel to it. The Plan Commission met on August 5, 2013, and considered all three items. They concurred unanimously that all the required standards have been met, and staff concurs with that recommendation.

Indexes: Sheltered Care Facility - 4200-4240 Lacey Road, Rezone 4200-4240 Lacey Road - M-1 to R-2

RES 00-05362 B. Resolution: Authorize a Final Plat of Subdivision for 4200-4240 Lacey Road

Sponsors: Community Development and Plan Commission

Indexes: Sheltered Care Facility - 4200-4240 Lacey Road, Subdivision - 4240-4240 Lacey Road

ORD 00-05363 C. Ordinance: Authorize a Special Use to Permit a Sheltered Care Facility for Senior Citizens at 4200-4240 Lacey Road

Sponsors: Community Development and Plan Commission

Indexes: Sheltered Care Facility - 4200-4240 Lacey Road, Special Use - 4200-4240 Lacey Road

ORD 00-05378

D. Ordinance: Authorize the Issuance of the Village of Downers Grove, DuPage County, Illinois Multifamily Housing Revenue Bonds (Downers Grove SLF), Series 2013 in the Aggregate Principal Amount of Not to Exceed \$20,000,000

Sponsors: Community Development

Mr. Dabareiner then addressed Items D and E. He explained that Item D authorizes the issuance of multi-family housing revenue bonds. The Village will issue \$20 million and loan the proceeds to the Downers Grove SLF LLC (the borrower). This is not considered an obligation of the Village and will have no impact on the Village's AAA bond rating. Item E is a resolution authorizing an agreement with Delta Development of Downers Grove, LLC and Downers Grove SLF, LLC. As to the agreement, it includes waiver of certain routine permit fees. It does not waive the consultant fees for review. It also includes a waiver of the Village's portion of the recapture fees that are due to the Village and the Sanitary District based on the 1998 agreement related to these properties.

Mr. Fieldman commented that the agreement is to facilitate the purchase and relocation of the excavation company. This agreement helps the developer acquire property and relocate that business to a more compatible place. This is in direct response to questions and concerns from residents about an existing, incompatible land use.

Village Attorney Petrarca said that the Village and the developer agree to vacate the consent decree.

Commissioner Neustadt noted that this project is the result of a lot of hard work on the part of staff. There is a benefit to the community, and a sub-benefit in the removal of the excavation company. That company will be removed from the residential area. He said that this project should be a model for stormwater management, and he expects it will be a great project. They will follow construction rules and regulations, will add green space and will provide housing for senior citizens.

Commissioner Durkin referenced the Village's bond rating and asked that staff make sure the bond rating cannot be impacted by default, late payment, etc. Ms. Petrarca said that they have it in writing from the bond counsel.

Commissioner Durkin asked as to the price for the excavation company. Mr. Fieldman said they could get that information.

Commissioner Barnett said that this is an example of the Council and staff listening. This was an "and" solution. It required cooperation and flexibility, and is a job well done.

Commissioner Rheintgen asked where emergency vehicles would access the site. Mr. Dabareiner said that they can access the building on all four sides. The petitioner worked with the Fire Prevention staff. Commissioner Rheintgen then asked about fencing around the detention area. Mr. Dabareiner said that there is a balancing act between providing safety and making it an amenity. The final design is not yet available. Commissioner Rheintgen commented that this neighborhood had concerns about the use that was there. She heard concerns about the neighborhood having a senior living facility, and heard from the petitioner. She said that Commissioner Barnett and staff deserve thanks. It is a great solution to all of the issues.

Commissioner José commented that this is a big win. It is the third time the SLF has come up in various forms. He expressed thanks to everyone for sticking with this project. He thanked Commissioner Rheintgen for acknowledging Commissioner Barnett's leadership with respect to

this project. There is a demand for this and he is happy that it is moving forward. He asked about making the southern exit, adjacent to Janet Street, a "right-out" only turn, as opposed to allowing traffic to go into the neighborhood. Mr. Dabareiner there needs to be full access for the largest emergency vehicles. There is no advantage for an excessive amount of traffic back and forth. Staff worked with the petitioner on a traffic study, and there should not be a lot of cross traffic. Commissioner José further commented on the vacating of the consent decree, saying that an excavation company will not be able to operate on this property if the SLF is no longer operating. Ms. Petrarca concurred. The property will no longer be subject to the consent decree.

Mayor Tully reviewed the request, and and commented on Commissioner Barnett's statement that this is an "and" solution. It is due to creative thinking and took a lot of thought and creativity. Rezoning, consolidation, and the special use all made sense in this area. The financing facilitation is for a good use. He said by eliminating the consent decree, we accomplish a goal of the Village. Mayor Tully said he thinks all of these parts work and he supports this project.

Indexes: Industrial Revenue Bond - Delta Development, Sheltered Care Facility - 4200-4240 Lacey Road, Illinois Multifamily Housing Revenue Bonds

RES 00-05377 E. Resolution: Authorize an Agreement with Delta Development of Downers Grove, LLC and Downers Grove SLF, LLC

Sponsors: Community Development and Plan Commission

Indexes: Sheltered Care Facility - 4200-4240 Lacey Road

ORD 00-05368 F. Ordinance: Adopt the Fiscal Year 2014 Budget in Lieu of Passage of an Appropriation Ordinance

Sponsors: Manager's Office

The Manager said staff prepared information regarding the stormwater fund. It will be discussed at the Coffee With The Council on Saturday, October 19, 2013. The meeting will be held at Fire Station 2, 5420 Main Street.

Indexes: Budget - 2014

10. Mayor's Report

Materials to be Placed on File

11. Manager's Report

12. Attorney's Report

Village Attorney Enza Petrarca said she was presenting five (5) items to the Council: 1) 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 vacant property located between 4200-4240 Lacey Road; 2) A resolution approving the final plat of subdivision for 4200-4240 Lacey Road; 3) An ordinance authorizing a special use to permit a sheltered care facility for senior citizens at 4200-4240 Lacey Road; 4) An ordinance authorizing the issuance of the Village of Downers Grove, DuPage County, Illinois multifamily housing revenue bonds (Downers Grove SLF), Series 2013 in the aggregate principal amount of not to exceed \$20,000,000 in connection therewith; authorizing the execution and delivery of a loan agreement between the Village of Downers Grove, DuPage County, Illinois and the borrower; authorizing the execution and delivery of a trust indenture securing said bonds; authorizing the execution and delivery of a regulatory agreement; authorizing the execution and delivery of a bond purchase contract; and related matters; and 5) A resolution authorizing

execution of an agreement between the Village of Downers Grove Delta Development of Downers Grove, LLC and Downers Grove SLF, LLC.

Future Active Agenda

13. Council Member New Business

14. 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 8:19 p.m.