



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, November 5, 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.

MOT 00-05402

Motion: Permit Electronic Attendance

Summary of Item: This allows Commissioner Olsen to participate in the Council meeting by telephone.

A motion was made by Commissioner Neustadt, seconded by Commissioner Durkin, to Authorize this file. Mayor declared the motion carried unanimously.

Indexes: Council Rules

3. Minutes of Council Meetings

Council Meeting - October 15, 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

David Maish, 3707 Douglas Road, commented on the SSA #6 ordinance and public hearing. He understood that Mr. Fieldman worked with the Fairview Fire Protection Board to clarify language, and he thanked him for that. The language in the levy, from what he reads, does not change the ordinance. He asked if this is still on track for final implementation.

Village Manager Dave Fieldman said that it was. The First Reading will be December 10, with a vote on December 17. Mr. Maish then asked the Manager whether the owners in SSA #6 have input if the levy is changed. Mr. Fieldman said there are many meetings on proposed tax levies. Public input is welcomed and taken into consideration.

Casey Staciwa, 1836 Sturbridge Place, said that he is a resident who was subjected to the stormwater fee. He showed an aerial photo of his property provided by Mr. Fieldman. He appealed the stormwater fee. Mr. Staciwa pointed out inconsistencies in the photo. The impervious area is outlined in red, but the boundary on the house is incorrect. The only accurate square footage is the sidewalk, which is 107 square feet. This is used to determine the tier into which an owner is placed. The stormwater administrator said Mr. Staciwa would also be charged for his eaves. His survey showed no documentation of eaves. His appeal was denied. He is in Tier 2. He met with the Mayor in July and explained the situation. He and other residents spoke with the Mayor, and the Mayor seemed interested in resolving their issues. This is an unfair practice. Most believe tax dollars should be used for this purpose. DuPage County is the highest taxed county in the State and those dollars should be used. The Mayor communicated with him in October regarding the preponderance of evidence. He is tremendously concerned about this, and he doesn't believe churches should be paying this fee. (The Mayor asked the audience to refrain from applauding). Mr. Staciwa said that a resident would not receive the aerial photo unless they requested it from the Manager's office. Residents are not in agreement with this fee. If they are going with square footage, it needs to be accurate. As a Downers Grove resident, Mr. Staciwa would like some things changed; this needs to be corrected. He has no problem in paying his share, but not if it is in a corrupt process.

Mayor Tully replied that they have discussed this at length. He said that Mr. Staciwa went through the appeal process. There are multiple tiers-Tiers 1, 2, 3. Mr. Staciwa is in Tier 2, and the aerial photo maps are available on the website. They are public documents. The impervious area is not perfect. There are ranges. To go to a lower tier, the impervious area on this property would have to decrease by 355 square feet; however, he is almost 400 square feet over Tier 1. Mayor Tully said he would be glad to review the survey and understands that Mr. Staciwa would like to see the ordinance changed. With respect to the property tax issue, there was a shift and a corresponding decrease in the property tax. It was a shift from a property tax to a fee.

Mr. Staciwa replied that according to his survey he would be at 2200 square feet. The Mayor said he has asked Mr. Staciwa to send him the survey multiple times and has yet to receive it. He asked again that he send the Mayor his survey.

Father Bill Cullen of St. Mary of Gostyn Church, 444 Wilson Street, said he has been a priest for 26 years in Jackson, Mississippi and the last six years he has worked in Downers Grove. He was also a Franciscan teaching brother in New York. He said that it is frustrating for people to come to the government with layer after layer of bureaucracy, and find that elected people do

not seem to be responding to their concerns.

Father Cullen spoke to the stormwater utility fee, and said the first point is shifting the discussion from a tax to a fee is a word change and it is wrong. He quoted John Marshall on taxation. Father Cullen said that the local churches oppose the tax for the reason that it is a step in the door of destruction. The Council has opened the door to that type of taxation. He said that the churches must oppose this. Up to 25 churches are working to oppose this, and that should say to the Council that the people of the churches believe the same thing together. They believe the Council is trying to tax religion. The churches are ready to go to court if they have to, which will cost both the churches and Village more money than the tax. Father Cullen said that this tax the Council has voted to put on churches is on the backs of the poorest people. St. Mary's has a homeless shelter where people take showers, sleep and are fed breakfast, without a penny from the government. The poor are the ones affected by this. Some churches have said that this stormwater tax will throw their budget out completely. Father Cullen said they are dealing with religious freedom in this situation. This affects how people will live. This situation has been a source of uniting the churches. He suggested that the Village get the money in a different way. They do not want the poor oppressed because they have no voice. He said he was present representing St. Mary of Gostyn, St. Joseph, and Divine Savior parishes.

Mayor Tully responded and thanked Father Cullen for coming. This is a topic the Village of Downers Grove has been discussing for a decade. The Village had special meetings with faith-based organizations. It is not a fair characterization that this government has not been responsive. The Village took this more than halfway. We appreciate the financial impact. This is a utility fee on the amount of runoff a property generates. Taxes don't correlate with the amount of runoff and single family residents were paying about 75% of the cost of the stormwater management system, even though they represented only about 50% of the runoff. The Mayor said that the Village must seriously invest in stormwater management. He referenced the heavy rains and flooding from last April, and the fact that there has to be a way to pay for providing a stormwater program. The utility spreads the cost out over all who contribute to runoff. We are examining ways to mitigate the impact on organizations, and how to have residents help themselves in reducing the runoff.

The Chairman of Trustees of Faith United Methodist Church at 59th and Fairview Avenue said he attended many of the meetings the Mayor mentioned. He believes the fee should be eliminated. He believes in separation of church and state, and he thinks this fee is forcing churches to get involved in politics. He doesn't want his church to get involved in politics. He said there must be more than one way to get this done.

Edward Flavin, 814 Lenox Avenue of Bolingbrook, is the Director of Communications for the Diocese of Joliet. He grew up in Downers Grove and attended schools in the community. He has long admired how Downers Grove manages its esteemed and diverse Village. He then read the Mission of the Diocese, which represents 120 parishes and operates in seven different counties. Mr. Flavin said that this fee would smother these entities financially if it were in all counties. He spoke of the three churches being a staple in the community by bringing much good to the community through Masses, weddings, funerals, and other services. These events draw outsiders to the Village. The churches take special note of the people that go unnoticed. He urged the Village to eliminate this fee. Mr. Flavin said that as part of Catholic Charities he was part of a group that worked to get Mayor Emmanuel of Chicago to stop the taxation.

The Mayor thanked Mr. Flavin for attending, and said that everyone understands the mission of the churches.

Dan Martinson, Pastor of Hobson Road Community Church at 2531 Hobson, echoed the comments of the previous speakers. Mr. Martinson said he appreciates the communication that the Mayor and Council have extended to them in various meetings. The churches in previous meetings said "no," and they still say "no." The issue is whether precedent is being placed here.

He sees them in a principled battle. He renewed the objections on behalf of himself and his congregation to the Council's desire to tax religious organizations.

Bill Waldack, 1409 Willard Place, said he has attended all the meetings and has opposed this action for ten years. Government "for the people" is quite a concept. Mr. Waldack noted that this Council has cut hundreds of thousands of dollars for human and social services. And now the Village has found a way to obtain more money from the organizations that are providing those human and social services. Mr. Waldack said that this can be fixed with two words-political will. If you fix it you can justify it. Anything else is just an excuse.

Tom Carstons, 5211 Carpenter, is a trustee from Immanuel Lutheran Church. He agrees that the tax is wrong. He attended several meetings when the stormwater tax was being discussed, and there was a larger contingent of people in opposition to this than in favor of it. He finds it disturbing that the Village takes money out of his pockets by implementing a fee system, and it doesn't allow people to deduct it from their federal taxes.

Pastor Peter Kucher, Christian Worship Center, 1330 63rd Street, added his voice to others who have spoken tonight. They feed 200 people per month and will have to cut those services in half. He asked that the fee be repealed and make it possible for churches to serve the community.

Jo Potts, 216 Lincoln, said she loves the stormwater utility fee. She said that she thinks most people are paying more in fees than was reduced in taxes. She is happy to pay the fee. There is a way to pay fees and provide service. It is possible to pay these bills. The money goes into an account to solve stormwater problems. She feels everyone should pay their fair share, and she doesn't think it's too much to ask. If a church has 8,000 members and if those members give up \$1.00 per year it can be paid.

Tony Lubertozi, 4123 Sterling, said he loves Downers Grove. He and his wife had an opportunity to sell their house at a good profit, but they decided to stay. He sponsors a food pantry at the Christian Center at 63rd and Dunham. There are people in town who are ashamed to come get a bag or box of food. They don't want neighbors to know they are struggling. This fee is really going to hurt their program. To a struggling church, this is a big burden. He grew up poor and knows what it means. Now he is blessed. His mission is to help people the best he can and wants to help people in this town who are needy.

Jeff Heller of St. Andrew's Parish is President of that Church Council. The church is at 1125 Franklin in Downers Grove. Mr. Heller stated that most of their parishioners are Downers Grove residents already and are paying their fair share. You are asking them to divert their good will donations to the church, into public infrastructures that would go for other purposes.

Pastor Scott Oberle, 1047 Curtiss, First Congregational United Church of Christ, said he could not agree with Mr. Heller's comments more. It is a double fee and penalizes those who worship in Downers Grove. Pastor Oberle said that their church understands stormwater, having experienced almost \$200,000 in flooding. The Park District backs up to their property and they receive a full exemption; however, the grade of the park runs into the church's lot. In addition, the property that the city leased out to the bank also causes flooding. Members already are paying their fair share and they are being penalized for worshipping in Downers Grove.

Mike Gilbert said he was adding his voice to those opposing taxing the faith-based and non-profit organizations within the community. One of the tenets of a strong community is good schools and churches, an interest in family, and a generally strong social fabric in the community. This is not really a debate about stormwater, but where you pay for it. The good the churches do in this community saves the community a good deal of money by caring for the poor and underprivileged in the community. He said the Village should continue to support the churches and allow them to use their funds as they have. Let the churches do what they do best, and the government do its job and find another source for the money.

Mike Balsamo, 5747 Lyman Avenue, said he has lived here for more than 40 years. He came to address two issues. He voiced his support of the efforts of religious organizations in opposing the tax. No matter what it is called, it is a tax, and religious organizations are tax-exempt. He has seen effects of flooding in Downers Grove, but not on a regular basis. Over building the property in Downers Grove causes flooding. He would like to get the commitment of the Council to say this is not done and over with, and to continue to look at this issue. He described the conditions where he lives. Mr. Balsamo said he went to a meeting after the fee was enacted and was basically told there was nothing to be done to change this.

The Mayor said that the Council's actions demonstrate their commitment.

Holly Plys, 6620 Powell Street, came to ask the Council to repeal the tax on non-profit organizations, in particular the churches. Churches provide faith and hope for those who are in need. It is unjust to tax churches that are helping people raise their families into responsible neighbors. When you tax churches, you open the door to destroy churches and control them. Churches need parking lots. Churches are a target. She doesn't want the churches attacked. Churches are feeding the poor and helping people to be responsible members of the community. She asked the Council again to please reconsider what they are doing.

Mayor Tully replied that no one is suggesting that the Council is attacking churches.

Mr. Maish commented that he is in an unincorporated area not affected by the Village's stormwater fee. He was raised Catholic, and one of their issues through the ages has been their fight for the workingman. He feels the urge to present a Motion to the Council to repeal the fee on churches for the Stormwater Fee. There was a second called. Mr. Maish asked that the record show that a Motion has been presented and seconded.

Tim Robertson, 4501 Main Street, Gloria Dei Church, spoke on behalf of the rich. He has lived in some difficult and desperate areas. Where there is desperation, people do desperate things. Churches try to give hope. The consequence of no hope is desperation, which then leads to crime. He concurs on advocating for the poor. The consequence of this might not be where we want it to go.

Doug Artis, 1313 Blanchard, Trustee at First Baptist Church said that what he sees is a precedent being set. He believes each Council member has great motives for what they are doing; however their time is limited. There will eventually be other Council members or another Mayor who may not be as honorable. The stormwater fee is structured such that it could become a big deal. He referred to a song by the group Rush that speaks to how we are seen tomorrow. Mr. Artis said he has no doubt of the Council's honor, but they could be the linch pin. There are several examples in the United States where this has passed; however, those speaking tonight see where this could go. This is not okay because a precedent could be set. He said the Council has the ability to change this and asked the Council to reconsider.

Mayor Tully thanked everyone for sharing their views and thoughts. The Council has wrestled with this, and this is the path they have gone forward on. The Council continues to listen. He would like to focus on the impact. These are the ideas that have been put forward. No one was of the mind to establish precedent or undermine faith-based organizations. This is addressing effective and long-term management of the stormwater issues.

5. Council Member Reports

Commissioner José announced that the Downers Grove Historical Society is selling their annual Christmas ornament for \$15.00. It can be purchased at the Library circulation desk, Park District Museum, Downers Grove Community Bank, Kristina's Cafe, Wannamaker's, Olive Tap and Timberline Trains.

There were no reports from Commissioners Olsen, Barnett, Rheintgen and Durkin.

Commissioner Neustadt reported that the Downers Grove Police Department has developed a special needs identification program for residents suffering from Alzheimer's, Down Syndrome or Autism. There is more information on the Village's website.

Mayor Tully noted that one of the goals of the Village's long-range plan is to be a good steward of sustainability. The Village received the 2013 Governor's Sustainability Award for its work in recycling, energy conservation, transportation, etc. He congratulated the Village staff for their work to make this possible.

6. Public Hearings

2014 Budget

Village of Downers Grove Multifamily Housing Revenue Bonds, Series 2013

2014 Budget

Mayor Tully called the public hearing to order at 8:22 p.m. to consider the proposed FY14 Budget. Notice of this hearing was published in the Downers Grove Suburban Life and a certificate of publication is made a part of these proceedings. He then summarized the procedures to be followed for the public hearing. The Mayor noted that there have been numerous public meetings to discuss the FY14 budget.

Mr. Fieldman said he had no further presentation. The budget was published in late September and has been the subject of public meetings since October 5, 2013. The stormwater fee has been changed to an increase of 6.4% as opposed to the 10% increase originally proposed.

Commissioner Barnett said it is likely that newly identified projects will not be done.

Mr. Fieldman said some projects identified as part of the April flood will be done, but most will not. There will be a new grate installed at Hill and Grand as part of the budget.

Commissioner Barnett said he would like to see a pie chart with the 6.4% increase with no contributions from not-for-profit organizations. He noted that the revised increase tries to mitigate the impact of the fee.

Commissioner Neustadt noted that there are 16 funds in the budget and because of the planning the Village does, Council is only talking about one fund. We are gaining experience with the stormwater utility fund daily and he looks forward to having this conversation yearly. This budget is concise and forward thinking.

Commissioner José said there have been six meetings where the FY14 budget has been discussed. The property tax for operations is flat. The budget shows a commitment to infrastructure as Council is dedicated to maintaining infrastructure. The Village has a 15-year plan to ramp up the stormwater infrastructure to the level required and to our standards. It is important to understand that this is an effort to maintain the system.

Commissioner Barnett asked about grant funds for stormwater capital projects. He suggested Council consider a policy regarding this.

The Manager said one-time revenue should be used for one-time projects as opposed to operating and maintenance.

The Mayor said the stormwater fund is treated like an enterprise fund, and if we were fortunate enough to get a large grant, that should affect what any fee would be.

The Manager said that because we are operating in a deficit position as regards capital needs, that makes this enterprise fund slightly different than the others. He agreed that a policy discussion is necessary.

Commissioner Olsen said he would comment after the public comments.

Gordon Goodman, 5834 Middaugh, said he thinks the Village has moved in the right direction to implement the stormwater utility. He referenced Section 3 of the budget, specifically 3-2 and 3-3, Fund 443, Stormwater Utility, columns 44 and 45.

The Manager said the figures in column 44 will be moved to 45 in the final budget. He said the amount in the proposed budget reflects a 10% increase in 2014 which will be reduced to a 6.4% increase.

Dr. Goodman then referenced the projects that will and will not be completed in 2014. Under the original budget, \$3.5 million is needed for maintenance and \$2.4 million is for capital projects. If the fees are revised downward, this could affect maintenance and operation activities. He said he is in favor of moving ahead as rapidly as possible with both maintenance and operations as well as with capital projects. There is a need to continue to deal with this.

Dr. Goodman then addressed the use of hotel tax money for community grants. He said the community grants program is still on the books although it was decided to use hotel tax monies for general fund activities and to suspend the community grants program. He said he was surprised that this topic has not been the subject of discussion during planning meetings. This is unfinished business and he is looking for the Council to take up this discussion.

Commissioner Olsen said the comments made tonight speak to the issues. Council has lowered the request for the increase to the stormwater utility fee from 10% to 6.4%; however, given what he has heard from the churches and the desire of the Council to continue to work with them, increasing the fee by an amount greater than the general rate of inflation is premature. In order to adequately allow the Council time to understand the response and needs of the community, we should be more measured in fee increases. The fee is set on an annual basis; he is not precluding supporting other fee increases in future years. He also noted that this year the Village will be spending down a significant amount of money in bond proceeds and, therefore, does not think it is appropriate at this time to increase the fees significantly until the Council has had a chance to understand the impact to the community. He asked the Council to give some thought to an inflation only increase given what was heard tonight. He said he is very pleased that the Village is being operated in a very fiscally responsible manner.

Commissioner Barnett said he has heard mention in a couple of meetings about past budget challenges, but he noted that past cuts amounted to \$4.5 million and we are still \$2.5-3 million short on maintaining the assets we have. He said we are still facing a crisis because we have assets we are not maintaining well enough. He supports the effort to keep maintaining our assets and said that we need to stay that course although he prefers a different route.

Commissioner Durkin said he supports what's been done, but does not support 6.4% increase for stormwater utility fee. He would support a 3% increase for the stormwater utility fee.

The Manager clarified that the actual fees will be set in December.

Mayor Tully said that we know the costs for the stormwater utility and if we are going to deliver infrastructure and then maintain it, we have to commit to fees. He will support 6.4% for 2014 given that the Village will be spending down bond proceeds and other circumstances; however, we will not be able to do that every year.

With respect to the community grants program, the Mayor asked that this be included in future

planning discussions. It is a fair question and Council needs to make a decision with respect to this.

The Mayor then recognized the Library Director, Rick Ashton, and Library trustees. The library levy is part of the Village levy.

There being no further questions or discussion, Mayor Tully adjourned this public hearing at 9:00 p.m.

Village of Downers Grove Multifamily Housing Revenue Bonds, Series 2013

Mayor Tully called the public hearing to order at 9:00 p.m. to consider issuance by the Village of Downers Grove Multifamily Housing Revenue Bonds, Series 2013, in an aggregate principal amount not to exceed \$20,000,000 with respect to the 120-unit supportive living multifamily housing facility located in the Village of Downers Grove. Notice of this hearing was published in the Downers Grove Suburban Life on October 16, 2013, and a certificate of publication is made a part of these proceedings. He then summarized the procedures to be followed for the public hearing. He introduced Jim Snyder, bond counsel for the Village.

Jim Snyder, bond counsel, said the hearing is required by the Internal Revenue code because this is a private activity bond. He said the Village is not pledging any revenue, tax base, or promise. It will be paid solely by the promise of the borrower. It is a conduit bond. The Internal Revenue code permits a private entity to receive federal tax exempt benefits of tax exempt bond financing if a Village issues the bond. He said there is no liability for Downers Grove. Further, this does not go against the Village's credit or debt limit. The Village is fully indemnified by the borrower. The bond issue is for the Supportive Living Facility.

Commissioner Durkin thanked Mr. Snyder for appearing before the Council.

Bill Waldack, 1409 Willard Place, asked the technical difference between this and ceding the bond cap.

Mr. Snyder said volume cap is needed for private activity, but the Village did not have enough volume cap to cede to them so other communities have transferred their volume cap to Downers Grove.

There being no further questions or discussion, Mayor Tully adjourned this public hearing at 9:06 p.m.

7. Consent Agenda

COR 00-05379 A. Claim Ordinance: No. 6025, Payroll, October 4, 2013

Sponsors: Accounting

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

Indexes: N/A

BIL 00-05380 B. List of Bills Payable: No. 6080, November 5, 2013

Sponsors: Accounting

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

Indexes: N/A

MOT 00-05381 C. Motion: Authorize \$60,350.00 for the Purchase of 17 Ruggedized Laptop Computers from CDS Office Technologies

Sponsors: Information Services and Fire Department

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

Indexes: Computers

RES 00-05382 D. Resolution: Authorize an Extension to the Agreement with Imageware Systems, Inc.

Sponsors: Police Department

Summary of Item: A RESOLUTION AUTHORIZING AN EXTENSION TO THE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND IMAGEWARE SYSTEMS, INC.

RESOLUTION 2013-69

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

Indexes: Police Digital Booking System

RES 00-05358 E. Resolution: Authorize an Addendum to an Agreement Related to the Downers Grove Main Street Cemetery

Sponsors: Downers Grove Historical Society

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN ADDENDUM TO AN AGREEMENT RELATED TO THE DOWNERS GROVE MAIN STREET CEMETERY

RESOLUTION 2013-70

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

Indexes: Downers Grove Cemetery, Historical Preservation

MOT 00-05384 F. Motion: Award a Contract for \$90,054.64 to Bollinger, Lach, and Associates, Inc., Itasca, IL, for Roadway Reconstruction and Drainage Improvements for the Downers Grove Estates Subdivision

Sponsors: Public Works

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

Indexes: Roadway Improvements

MOT 00-05387 G. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Library Board - September 25, 2013; October 9, 2013

Plan Commission - October 7, 2013

Transportation and Parking Commission - August 14, 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 Hosé, Commissioner Olsen and Mayor Tully

8. Active Agenda

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

Summary of Item: This rezones the property located at 4200-4240 Lacey Road, M-1, Light Manufacturing to R-2, Single Family Residence District.

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 4200-4240 LACEY ROAD

ORDINANCE NO. 5341

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: 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

Summary of Item: This approves the final plat of subdivision for the property located at 4200-4240 Lacey Road.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 4200-4240 LACEY ROAD

RESOLUTION 2013-71

A motion was made by Commissioner Durkin, seconded by Commissioner Neustadt, 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: 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

Summary of Item: This authorizes a special use for 4200-4240 Lacey Road to permit a sheltered care facility for senior citizens.

AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT A SHELTERED CARE FACILITY FOR SENIOR CITIZENS AT 4200-4240 LACEY ROAD

ORDINANCE NO. 5342

Commissioner Olsen said he was very pleased the Village is bringing a facility for seniors that also positively affects a neighborhood and our community. He thanked staff for working with the developer.

A motion was made by Commissioner Barnett, seconded by Commissioner Hosé, 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: 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

Summary of Item: This authorizes the issuance of Multifamily Housing Revenue Bonds, Series 2013.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE VILLAGE OF DOWNERS GROVE MULTIFAMILY HOUSING REVENUE BONDS (DOWNERS GROVE SLF), SERIES 2013 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$20,000,000 AND RELATED MATTERS THEREOF

ORDINANCE NO. 5343

A motion was made by Commissioner Hosé, seconded by Commissioner Rheintgen, 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: 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

Summary of Item: This authorizes execution of an agreement between the Village, Delta Development and Downers Grove SLF.

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE, DELTA DEVELOPMENT OF DOWNERS GROVE, LLC AND DOWNERS GROVE SLF, LLC

RESOLUTION 2013-72

Dr. Goodman asked about the relationship of this agreement and the court order.

Enza Petrarca, Village Attorney, said the parties will agree to vacate the consent decree and only a small portion of the area will remain subject to the consent decree.

The Mayor noted that accomplishing this has been a long journey that has worked out for the best.

A motion was made by Commissioner Rheintgen, 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: Sheltered Care Facility - 4200-4240 Lacey Road

9. First Reading

MOT 00-05383

A. Motion: Estimate 2013 Aggregate Tax Levy for the Village of Downers Grove

Sponsors: Finance

Mr. Fieldman said the levy proposed matches the budget. The levy for SSA #6 is \$82,000 and consistent with the discussion of a couple of weeks ago.

Mayor Tully said that this is part of an ongoing conversation driven by the budget and long-range planning.

Indexes: Tax Levy - 2013

ORD 00-05406

B. Ordinance: Approve an Economic Incentive Agreement with Art Van Furniture-Midwest, LLC

Sponsors: Manager's Office

Mr. Fieldman introduced Michael Cassa, President, Downers Grove Economic Development Corporation (EDC) located at 5159 Mochel.

Michael Cassa, President, EDC, reviewed the background of Art Van Furniture in the Midwest, as the premier furniture retailer in Michigan since 1959, who is planning to expand to other states in the Midwest. Art Van has chosen to locate one of their stores in the Butterfield corridor trade area. The EDC has aggressively worked to attract Art Van to Downers Grove. Mr. Cassa then reviewed the points of the agreement as noted in the EDC memorandum of November 5 to Mayor Tully and the Village Commissioners.

Terms of the agreement are as follows:

The Village shall rebate an amount equal to 50% of the local sales tax, and 50% of the home rule sales tax of sales tax revenues generated by the store for 15 years, or until total payments total \$3.2 million, whichever comes first.

The Village shall pay to Art Van interest on the unpaid principal balance at a rate of \$1.25% per year.

The Village shall consider the creation of a Business Improvement District (BID) that would permit Art Van to increase their sales tax by an additional .5%. The BID funds would then be rebated to Art Van, and applied to the cost of improvements to the property.

The agreement includes a provision to "hold back" an amount equal to 25% of the annual incentive payment to ensure that Art Van operates the store in accordance with the terms of the agreement.

The agreement includes a "clawback" provision to ensure that Art Van operates the store for 20 years.

Mr. Cassa said this will be a big win for Downers Grove for three reasons: 1) an important anchor store site in the Butterfield corridor would be occupied by a premier retailer, which would also help the adjacent retailer, PGA Tour Superstore; 2) Art Van is projecting \$15 million in annual sales, which would generate net sales tax revenues to the Village of \$150,000 per year, or \$2.25 million over 15 years; and 3) the property would be redeveloped, which would also have a positive impact on the Village's ability to redevelop the University Plaza shopping center. Mr. Cassa noted that the building could remain vacant for another eight years if this ordinance is not approved. He thanked the Art Van team, and Village staff for their work to make this proposal work. He said that Art Van's reputation in Michigan is that they are a good corporate citizen and they give back to the community. He noted that the EDC strongly supports this incentive agreement.

David Maish, 3707 Douglas Road, said his concern is that this is a \$3.2 million tax break over 15 years, and will give \$1.5 million in tax to Downers Grove. This seems like a good deal, and he hopes they use union labor. The store next door was built with non-union labor and was targeted by union members.

Commissioner Durkin congratulated Michael Cassa for bringing this to Downers Grove. He is in support of this. He reviewed the incentive agreement term regarding the rebate clause for 15 years, or until payments totaling \$3.2 million are made. This is good as the Village will benefit. He also approved the hold back of 25%. He especially favors the clawback provision.

Mr. Cassa then asked the Art Van team to introduce themselves: Michael Zambricki, Steve Glucksman and their local attorney.

Mr. Zambricki said he is very impressed with what they've seen so far in these proceedings. Art Van has been in business for 54 years and intends to be a member of the community. He noted that this is an unusual store for them, and they initially thought there was no way this store would work because it was so large and on two levels. However, the more work they did the more excited they became about making this a successful store. He said they think they can make it work. They appreciate the collaboration and speed to make this work.

Commissioner Rheintgen asked if there is a plan for an access road. Mr. Fieldman replied that it is privately owned. They will work with the owners. He said they would like to explore the Village taking over the street eventually. Commissioner Rheintgen then asked if Art Van leases property to third party retailers in other municipalities.

Mr. Zambricki said that this is a store within a store concept, which will include TVs and flooring.

Commissioner Rheintgen said this is a great opportunity for the Village and if the Village doesn't take advantage of it another community will. She thanked the EDC and Village staff for their work. This has been vacant for so long. If this opportunity is lost there may not be another opportunity for some time.

Commissioner Neustadt welcomed the Art Van team to Downers Grove. This is the result of a great deal of planning. He explained that the EDC helps the Village facilitate game plans, and use tools that are creative and innovative. This will be a great win for the Village of Downers Grove. It is great to see the store be remodeled and redeveloped. He thanked them all for making the trip here.

Commissioner Barnett asked if there is any plan to improve the green space or stormwater management. Mr. Zambricki replied that the entire site would be transformed including an extensive landscape plan.

Mr. Fieldman said that the site would be improved by green space. Staff is working with the County regarding stormwater.

Commissioner Barnett said that anything that will improve the stormwater condition of the site would be helpful to the community. He would like to see their plans. He asked if the agreement is expected to accelerate the payoff. Mr. Fieldman said the Business Improvement District is a key element of the agreement and does not accelerate the payoff but is a component of the payoff.

Commissioner Barnett then asked whether the Village can insure or bond against loss. Mr. Fieldman said there are no out-of-pocket expenses for the Village. He said that they also include a 1/8 hold back. Art Van is purchasing the store.

Mr. Cassa noted that this is a substantial investment. Art Van will not be a tenant but will own the property.

Commissioner José also welcomed the Art Van Company and representatives to Downers Grove. He commented that this is a big win for the Village and the EDC. It is great to see redevelopment on this site. He said he grew up in Michigan and had a home full of Art Van furniture.

Commissioner Olsen said that the public has expressed concern about the use of economic incentive agreements. However, on this site, if the Village didn't do this it is likely the site would remain vacant and the Village would receive no dollars. He said that the Village has to use creative and innovative ways to spur redevelopment, as there is no vacant land. This is a new exciting retailer. The Village is not giving any upfront payments. The Village is only giving money along the way. He thanked staff, Mr. Cassa and Art Van Furniture. It is important to create opportunities. He encouraged staff and the EDC to continue to look for these opportunities.

Mayor Tully commented that this is a terrific accomplishment. This is a story of opportunities. He explained that the Village does incentive agreements to address challenges. He thanked Art Van for choosing Downers Grove. This agreement makes sense. There is no risk to the Village. They get paid with the dollars they generate. He welcomed them to Downers Grove.

Indexes: Economic Incentive - Art Van Furniture Midwest

ORD 00-05385

C. Ordinance: Amending Provisions Concerning Medical Cannabis

Sponsors: Community Development and Plan Commission

Tom Dabareiner, Director, Community Development, said this ordinance amends the provisions concerning medical cannabis. He emphasized that this ordinance further restricts the places in Downers Grove where dispensing and cultivation centers could be located. In August 2013, the State of Illinois approved the use of medical cannabis beginning January 2014. He reviewed the text amendment. Municipalities may not prohibit medical cannabis cultivation and dispensing centers. He noted that there are no eligible sites for cultivation in the Village. There are two areas that could be potential sites for dispensing centers. The Plan Commission voted to restrict this to M-1 Districts and a 1,000 foot separation from parks. Two potential locations would be Ellsworth Industrial Park, and north of Ogden Avenue and Warrenville Road. He showed maps pointing out the two areas.

Tom LeCren, 545 Chicago Avenue, asked if there is anything that allows cannabis to be used.

Police Chief Bob Porter said the law prohibits people from driving a vehicle, using it in public buildings, etc. In answer to Commissioner Durkin, there are some provisions regarding use. He noted that it is predominately allowed in one's home for someone who qualifies.

Commissioner Rheintgen said she is thinking about some of the uses in M-1 districts, such as the Ice Arena and the Premier Gymnastics. She asked that they be grouped with schools, etc. Mr. Dabareiner said private recreation centers were ruled out.

Village Attorney Enza Petrarca noted that it could be deemed unreasonable because all areas would be prohibited.

Commissioner Olsen said he would support Commissioner Rheintgen's suggestion. He asked if the current proposal could be considered unreasonable and how would it be determined. Mr. Fieldman replied it would be determined through a lawsuit. He said that they think this is consistent with the law.

Commissioner Olsen said that the Village is being as restrictive as it can be within the confines of State law.

Mayor Tully thanked the staff and Police Department for addressing this.

Indexes: Medical Cannabis

ORD 00-05386

D. Ordinance: Authorize a Special Use to Permit the Expansion of an Automobile Repair Shop at 815 Ogden Avenue

Sponsors: Community Development and Plan Commission

Mr. Dabareiner said this special use will allow an expansion of an existing automobile Meineke repair shop. It is located in a B-3 zoned area. The proposed use is permitted as a special use. He provided an aerial view of the location and the proposed addition. He indicated that the structure would be 2,900 square feet. The petitioner plans to add more landscaping to the site, comply with the Village's sign ordinance, and repair the rear fence as well as the paved surface. He said that the proposal is consistent with the Comprehensive Plan. Mr. Dabareiner said that the Plan Commission considered this in October and recommended approval. Staff concurs with that recommendation.

Indexes: Special Use - 815 Ogden Avenue

10. Mayor's Report

Mayor Tully said it was brought to his attention by Wally Brown, a former Village Commissioner, that former Mayor Frank Houck passed away at the age of 97 in September.

Mayor Houck graduated from the University of Illinois with a Bachelor of Science Degree in Mechanical Engineering in 1940, and entered the U.S. Army in December, 1941. During his tour of duty he attended Massachusetts Institute of Technology and Harvard University to study and teach the advanced art of "radar." He also served a tour of duty in the Philippine Islands. Following his military service, he worked for the Commonwealth Edison Company of Chicago. In 1947, he joined the University of Illinois in Chicago as Superintendent of Utilities and ended his career there as director of Physical Plant for multiple campuses. In Downers Grove, Frank was appointed and then elected Commissioner of Streets and Improvements in Downers Grove, Illinois. He subsequently was elected Mayor for two four-year terms.

The Village extends condolences to the Houck family.

Materials to be Placed on File

11. Manager's Report

12. Attorney's Report

Village Attorney Enza Petrarca said she was presenting three (3) items to Council: 1) An ordinance amending provisions concerning medical cannabis; 2) An ordinance authorizing a special use to permit the expansion of an automobile repair shop at 815 Ogden Avenue; and 3) An ordinance approving an economic incentive agreement between the Village of Downers Grove and Art Van Furniture-Midwest, 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 10:14 p.m.