



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, April 15, 2014

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 invited Girl Scout Troop 50246 from Kingsley School to help lead 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 - April 8, 2014

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.

Proclamations

Mayor Tully proclaimed Friday, April 25, 2014, as Arbor Day in the Village. He noted that for the 30th year in a row the Village has been named a Tree City USA, and he encouraged everyone to celebrate Arbor Day by planting new trees and caring for existing trees. He said that the Morton Arboretum held a 10k race over the weekend.

The Mayor proclaimed April 13-19, 2014, as National Osteopathic Awareness Week in the Village. He presented the proclamation to students of the Chicago College of Osteopathic Medicine at Midwestern University. After the Mayor read the proclamation, Shaun Mehdi, a first year medical student, expressed gratitude to the Council for the proclamation. He said the students are trying to promote the care Doctors of Osteopathy (D.O.) provide to their patients. He described the activities they have this week as they give back to the community.

Mayor Tully thanked the students for coming and for all the community service they provide.

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

Frank Falesch, 820 Prairie, said two houses are under construction on the northeast corner of Prairie and Washington. He said that the requirements of construction should be enforced. Sidewalks and streets have been dirty for the three months of construction. The unit at 840 Prairie has been visited by building inspectors. He asked why the inspectors did not tell the contractors to clean up the site. He said there used to be one house on those two lots, and he said that there are stormwater concerns on the properties.

The Mayor said staff will take a look at this.

5. Council Member Reports

Commissioner Hosé reported that on Sunday, April 27, 2014, the Lemon Tree Grocer is hosting a gluten free education presentation from 3:30 p.m. to 4:30 p.m. at 935 W. Burlington Avenue. This event is in conjunction with Clarendon Chiropractic. More information is available at clarendonchiro.com.

Commissioner Rheintgen encouraged residents to apply to have a float in the July 4 parade. Applications are online. Block party groups can also have a float. The Community Events Commission is hoping to increase the number of floats in this year's parade.

Commissioner Durkin wished everyone a Happy Easter. He encouraged people to shop in Downers Grove. He also wished everyone safe travels.

Commissioner Olsen said the Downers Grove Area Chamber of Commerce and Industry is hosting the Taste of 630 on May 1 at Yorktown Mall, featuring 30 different restaurants.

Commissioner Neustadt said at the District 58 Board meeting there was discussion of an intergovernmental agreement with the Village for asphalt paving. He then congratulated his brother, Matt, on being named as principal of Herrick Middle School.

Commissioner Neustadt said Accurate Documents Destruction will host a paper shredding event at Village Hall on Saturday, April 26, 2014, from 8:00 a.m. until noon. (Fenced-in lot off Curtiss St.) It is a free event and more information can be found at www.downers.us

Mayor Tully said the 2014/2015 Downers Grove Downtown Business Directory is now available.

6. Public Hearings**7. Consent Agenda**

COR 00-05541 A. Claim Ordinance: No. 6049, Payroll, March 21, 2014

Sponsors: Accounting

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

Indexes: N/A

BIL 00-05542 B. List of Bills Payable: No. 6114, April 15, 2014

Sponsors: Accounting

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

Indexes: N/A

MOT 00-05525 C. Motion: Award a Contract Not to Exceed \$3,965,193.50 to Austin Tyler Construction for Esterbrook Unit 1/Downers Grove Estates Construction

Sponsors: Public Works

Summary of Item: This authorizes execution of a demolition, excavation and underground improvement contract with Austin Tyler Construction in the amount of \$3,865,193.50 plus a contingency in the amount of \$100,000 for a total not-to-exceed \$3,965,193.50 for Esterbrook and Downers Grove Estates subdivisions.

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

Indexes: Downers Grove Estates

MOT 00-05526 D. Motion: Award a Contract Not to Exceed \$1,941,236.05 to Geneva Construction for Esterbrook Unit 1/Downers Grove Estates Construction

Sponsors: Public Works

Summary of Item: This authorizes execution of an asphalt paving and concrete improvement contract with Geneva Construction in the amount of \$1,891,236.05 plus a contingency in the amount of \$50,000 for a total not-to-exceed \$1,941,236.05 for Esterbrook and Downers Grove Estates Subdivisions.

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

Indexes: Downers Grove Estates

MOT 00-05527 E. Motion: Award a Contract Not to Exceed \$879,600 to Breezy Hill Nursery for Esterbrook Unit 1/Downers Grove Estates Construction

Sponsors: Public Works

Summary of Item: This authorizes execution of a landscape improvement contract with Breezy Hill Nursery in the amount of \$859,600.00 plus a contingency in the amount of \$20,000 for a total not-to-exceed \$879,600.00 for Esterbrook and Downers Grove Estates Subdivisions.

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

Indexes: Downers Grove Estates

MOT 00-05528 F. Motion: Award a Contract Not to Exceed \$197,968.90 to Mt. Carmel Stabilization Group for Esterbrook Unit 1/Downers Grove Estates Construction

Sponsors: Public Works

Summary of Item: This authorizes execution of a full depth reclamation improvement contract with Mt. Carmel Stabilization Group in the amount of \$167,968.90 plus a contingency in the amount of \$30,000 for a total not-to-exceed \$197,968.90 for Esterbrook and Downers Grove Estates Subdivisions.

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

Indexes: Downers Grove Estates

RES 00-05543 G. Resolution: Maintenance of Streets and Highways by Municipality Under the Illinois Highway Code

Sponsors: Public Works

Summary of Item: A RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE

RESOLUTION 2014-11

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

Indexes: Motor Fuel Tax

MOT 00-05544 H. Motion: Award a Contract to True North Consultants, Naperville, IL, for Clean Construction and Demolition Debris Environmental Engineering Services

Sponsors: Public Works

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

Indexes: Engineering Services

MOT 00-05545 I. Motion: Award a Construction Staking Contract in an Amount Not to Exceed \$60,720 to V3 Companies, Woodridge, IL, for Esterbrook Unit 1/Downers Grove Estates Construction

Sponsors: Public Works

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

Indexes: Downers Grove Estates

RES 00-05550 J. Resolution: Authorize an Agreement with Traffic Control Corporation, Inc.

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND TRAFFIC CONTROL CORPORATION

RESOLUTION 2014-12

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

Indexes: Traffic Detection Video Cameras

RES 00-05555 K. Resolution: Authorize an Agreement with the Indian Boundary YMCA to Jointly Conduct the 2014/2015/2016 Downtown Downers Grove Market

Sponsors: Deputy Village Manager

Summary of Item: A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE INDIAN BOUNDARY YMCA TO JOINTLY CONDUCT THE 2014/2015/2016 DOWNTOWN DOWNERS GROVE MARKET

RESOLUTION 2014-13

Commissioner Durkin said he will support this. We are in a position to support a three-year agreement. The Market will operate from May 10 to October 18 this year.

The Mayor said the Indian Boundary YMCA has worked closely with the Village and Downtown Management Corporation for many years for an increasingly successful Downtown Market. He complimented them and the staff for continuing this partnership.

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

Indexes: N/A

BID 00-05557 L. Bid: Award \$184,900 to Chicagoland Paving Contractors, Inc., Lake Zurich, IL, for 2014 Pavement Patching Services

Sponsors: Public Works

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

Indexes: Street - Resurfacing , Streets, Public Works - Standard Supplies & Services, Roadway Improvements, Water System

BID 00-05558 M. Bid: Award \$76,500 to Central Blacktop Company, Inc., LaGrange, IL, for Supply of Hot Mix Asphalt Materials

Sponsors: Public Works

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

Indexes: Street - Resurfacing , Public Works - Standard Supplies & Services, Public Works - Cement and Concrete Materials

BID 00-05559 N. Bid: Award \$20,000 to Elmhurst Chicago Stone, Elmhurst, IL, for Supply of Ready Mix Concrete

Sponsors: Public Works

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

Indexes: Public Works - Cement and Concrete Materials

RES 00-05562 O. Resolution: Authorize an Extension to the Agreement with Marcott Enterprises, Inc. (Supply of Crushed Limestone)

Sponsors: Public Works

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

RESOLUTION 2014-14

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

Indexes: Public Works - Crushed Limestone & Ready Mix Concrete

RES 00-05560 P. Resolution: Authorize an Extension to the Agreement with Marcott Enterprises, Inc. (Debris Hauling Services)

Sponsors: Public Works

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

RESOLUTION 2014-15

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

Indexes: Public Works - Standard Supplies & Services, Excavating Debris Hauling Services

RES 00-05561

Q. Resolution: Authorize an Extension to the Agreement with Western Gradall Corporation

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING AN EXTENSION TO THE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND WESTERN GRADALL CORPORATION

RESOLUTION 2014-16

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

Indexes: Roadway Improvements

MOT 00-05552

R. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Liquor Commission - November 7, 2013 and March 6, 2014
Plan Commission - February 24, 2014 and March 3, 2014

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

8. Active Agenda

ORD 00-05532

A. Ordinance: Amend Planned Development #17, Finley Square Shopping Center, to Allow the Construction of a Coffee Shop with Drive-Through at 1500-1570 Butterfield Road

Sponsors: Community Development and Plan Commission

Summary of Item: This approves an amendment to Planned Development #17 to allow the construction of a coffee shop with drive-through.

AN ORDINANCE APPROVING A PLANNED DEVELOPMENT AMENDMENT TO PLANNED DEVELOPMENT #17, FINLEY SQUARE SHOPPING CENTER, TO ALLOW THE CONSTRUCTION OF A COFFEE SHOP WITH DRIVE-THROUGH AT 1500-1570 BUTTERFIELD ROAD

ORDINANCE NO. 5380

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: Planned Development #17-Portillo's

ORD 00-05533

B. Ordinance: Authorize a Special Use for 1500-1570 Butterfield Road to Permit Construction of a Coffee Shop with a Drive-Through Use

Sponsors: Community Development and Plan Commission

Summary of Item: This authorizes a special use for 1500-1570 Butterfield Road to permit construction of a coffee shop with drive-through.

AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 1500-1570 BUTTERFIELD ROAD TO PERMIT CONSTRUCTION OF A COFFEE SHOP WITH A DRIVE-THROUGH USE

ORDINANCE NO. 5381

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: Planned Development #17-Portillo's, Special Use - 1500-1570 Butterfield Road

RES 00-05534

C. Resolution: Authorize a Final Plat of Subdivision for 1500-1570 Butterfield Road

Sponsors: Community Development and Plan Commission

Summary of Item: This approves the final plat of subdivision for the property located at 1500-1570 Butterfield Road.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 1500-1570 BUTTERFIELD ROAD

RESOLUTION 2014-17

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: Planned Development #17-Portillo's

ORD 00-05538

D. Ordinance: Rezone Property Located at 2540 Burlington from R-1, Single Family Residence, to R-4, Single Family Residence

Sponsors: Community Development

Summary of Item: This rezones 2540 Burlington Avenue from "R-1 Single Family Residence District" to "R-4 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 2540 BURLINGTON AVENUE

ORDINANCE NO. 5379

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: Rezone 2540 Burlington - R-1 to R-4

9. First Reading

ORD 00-05442 A. Ordinance: Amend Chapter 5 of the Municipal Code regarding Animal and Hen Regulations

Sponsors: Manager's Office

Village Manager David Fieldman said that discussion regarding this ordinance has taken place over the past year, and a draft ordinance has been prepared. Amendments to the existing ordinance include: a) hens only; b) maximum of four hens; c) single-family property; d) 50' plus setbacks require no permit; e) less than a 50' setback requires a permit, consent of neighbors, location within the rear yard only, a minimum 7' setback, and a permit renewal every five years.

The Mayor said that the intention is to talk about the parameters of this consent-based ordinance. He noted that they are talking about additional properties that could have hens on their property.

Commissioner Rheintgen said she is thrilled to see that this is at this point. She asked for consideration of Item e, permit renewal. If there are no code enforcement issues, and no neighbor/ownership change, she would like to consider not requiring that the petitioner have to obtain neighbor consent again.

The Mayor clarified that if there are five neighbors and five years later the same neighbors are still living there, the petitioner would not need to get consent of the neighbors, absent any violations. Commissioner Rheintgen said that was her intent, and the Mayor said he can support that.

Commissioner Neustadt said he can support it as well. He thinks they can make a decision, and get some real experience at this time. He thinks they are ready for action on this issue.

Commissioner Durkin said he could also support this.

Commissioner Hosé said he would go in the other direction. Everyone's experience will be different. He would prefer that the consent remain on a 1-2 year basis, and would like the coop to be closer to the petitioner's home than the neighbors' homes.

Mayor Tully commented that there is a significant divergence of views. The will of the majority is to go with consent. He noted that the Village has 30 years of experience of people keeping hens. He agrees with Commissioner Neustadt to move this forward.

Commissioner Hosé agreed that there is experience, but on much larger lots than what is being proposed. This is a different experience.

Commissioner Rheintgen asked how they move forward with the modifications that have been made.

The Mayor said there are two suggestions: 1) after five years, with no change of ownership and no violations, they would not need the consent of neighbors; 2) locate the coop closer to the permit holder's home rather than neighbors' homes.

Commissioner José said that the seven foot setback would generally take care of this, but in deep lots, someone would have to walk it off.

Commissioner Barnett noted that these two issues are working against one another. He understands Commissioner José's point about the five years. The setback issue is controlled by consent. He would suggest that the best path is to leave it as it is. He could live with not re-doing the consent issue after five years. He is inclined to accept the ordinance as it is written.

The Mayor said that if neighbors have consented, it probably doesn't matter where the coop is.

Commissioner José noted, however, that the neighbors might feel differently after five years.

Mayor Tully said he understood once consent was given for a location, it couldn't be moved without consent. If nothing changed, consent would not be required.

Commissioner José replied that he would like it to be less than five years.

Commissioner Neustadt suggested reviewing it in 18 months. He likes the automatic review clause.

Commissioner Tully said he would support additional flexibility. They need to move this forward to get the experience.

Commissioner Rheintgen said a lot of the questions regarding this are based on fear of the unknown.

Commissioner Durkin said he supports Commissioner Rheintgen's suggestion.

Commissioner Neustadt said they could also leave the ordinance as written.

The Mayor said they might revisit this ordinance sooner than five years.

Commissioner Rheintgen said she could support the ordinance as is, but would like to look for more flexibility.

Mayor Tully called for comments from the audience.

1. Kevin Myles, 1231 60th Place, provided a statement to the Council. He said he grew up in a part of Downers Grove that used to be farm country. During World War II, he raised chickens to supplement his family's need for meat and egg and, as a result, he is very familiar with the problems of maintaining a chicken coop.

He strongly opposes allowing chickens to be kept as pets within Downers Grove proper. He said chickens cannot be domesticated and do not respond to human interactions like dogs and cats. Hence, they are not in any real sense pets. Hens are fairly quiet, but roosters are very noisy, and it is very difficult for an amateur to determine the sex of a chick. Chickens are not winter hardy and will experience severe suffering during winters as cold as the one we just had. He said his coop had a small heater. Each chicken produces about three pounds of fertilizer per week or one cubic foot every six months that has to be disposed of properly. Chicken manure can carry a number of human pathogens and parasites including Salmonella and E.coli. It also is very rich in nitrogen that will severely burn plant roots and, therefore, must be composted for between 10-12 weeks before it can be spread around the yard. He does not want to live next door to a fertilizer factory with its incipient odor. Chickens live for about 15

years and he asked how birds will be disposed of. He noted that a lot of people in Downers Grove spend considerable amounts of money and effort to beautify their yards and he does not see how chicken coops will augment this.

Mr. Myles said the requirement that my neighbor has to seek my consent before he can have chickens will make me an instant bully if I refuse. He asked how many neighbors have to agree. He asked about the complaint process and enforcement. Mr. Myles suggested that if Council allows chickens, other families will want similar privileges for their favorite pet. The April issue of the National Geographic magazine is devoted to the debate over owning non-traditional animals as pets.

2. Frank Falesch, 820 Prairie, said he had chickens when he was a child, and it was not a problem.

3. Bill Waldack, 1409 Willard, said that it scares him that the Council is talking about changing neighbor consent. He agrees with Commissioner José regarding review. He suggested a conditional consent so that the one consenting can ask for conditions. Things can happen in five years. He would prefer two years. Regarding the animal control officer, we have nuisance laws. It may be difficult to enforce regulations on the weekends when we don't have an animal control officer on duty. Enforcing violators is difficult.

4. LeAnn Lolli, 4117 Highland Avenue, said that Downers Grove has been doing this for 30 years with relatively few problems, and most of the people keeping chickens have been doing so on lots too small. The government should regulate only when necessary. She is uncomfortable with the government stating where the coop should be placed. Many issues will work themselves out through common sense. She wonders if the Council may not be over-thinking this, since a good deal of it is common sense. She asked if consent would be needed if the 50' setback is met. Under the current ordinance, people aren't asking permission, and it's worked beautifully for the last 30 years. She also asked about renewal costs. She also asked if existing coops would be grandfathered in rather than having to be moved to meet the changed property line requirement.

5. Don Jankowski, 1312 Blanchard, said that some people have spoken against the ordinance. He said that the current ordinance, crafted 25 years ago in response to an argument between two neighbors, is bad legislation. The benefits of expanding the ordinance are that backyard eggs are better for people than commercially produced eggs. Backyard flocks are not fed antibiotics, which leads to thousands of deaths in the US according to the CDC. Keeping poultry responsibly will be for the greater good. Mr. Jankowski said that pets are good for people, and they enrich people's lives. Poultry are recyclers, they eat kitchen waste, and the compost is great for gardens. If they are serious about attracting millennials to live in the community, this is a millennial issue. Evanston allows poultry without neighbor consent. He suggested keeping neighbor consent on the radar. We don't need neighbors' consent to have pit bulls, own machine guns, or have a house load of kids. He asked why a small family flock has to be consented to. He quoted the Wall Street Journal: "Chickens suffer from a PR problem. People think they're dirty, noisy and smelly. The truth is a few cared for hens are cleaner and quieter than one big dog or the three neighborhood cats that poop in the floral bed. Plus, you get eggs."

6. Dawn Susan Konters, 5709 Hillcrest Road, expressed her appreciation to the Council for these discussions. She feels that this is a very restrictive ordinance. Her lot is 250' deep, as is her neighbor's. She feels that neighbor consent is an undue burden. Her coop is about 150'-200' off the neighbor's lot line. One of her neighbors complained at the Council meeting about her chickens; however, she has not had chickens for about 15 months now. She asked if the ordinance could be amended by distance, such that consent would not be needed. If there

is vacant property or rental property, they would need the owner's and tenant's consent. She feels that this is over-governed. Ms. Konters said that Downers Grove is not the first community to do this. Many communities are doing this and are less restrictive. The City of Chicago has very few restrictions and allows ten or more hens on very small lots.

The Mayor said that there was not agreement on consent, but without it the Council would not be discussing this. The intent is to compromise in order to move forward with something. They can come back in a given amount of time to review how it is progressing.

7. Vera Miller, 1331 Palmer, said they are first-time homeowners. She said she and her husband support this ordinance, and they are excited about the possibility. She is concerned about the impact of a new neighbor who might decide they don't want chickens, once the permit owners already have them. She also asked within what time period they would have to ask a new neighbor for their consent.

Mr. Fieldman replied that consent is only required at the initial issuance or renewal of a permit.

Ms. Miller said she and her husband support the 5-year period.

8. Steve Konters, 5709 Hillcrest, said he disagrees with needing consent. The process should be based on ordinance compliance. If consent is required, it should be based upon the required setback, rather than additional consent.

Commissioner Durkin asked for clarification that the existing ordinance will not change. Mr. Fieldman replied that the 50' setback requirements would remain in place. If you can meet the 50' setback requirements you would not need the permit or neighbor's consent.

The Mayor said it appears as though the Council has some delicate sense of balance here with the proposed ordinance. He would support six hens. People who have chickens make a large investment with no profit making.

Commissioner Durkin said he is willing to support this but only with the neighbor's consent. He asked if four hens makes it economical to proceed in terms of producing eggs. He thought the Village allowed eight hens. The Manager responded that it has always been four hens.

The Mayor said there is a lot of investment in doing this responsibly, and he thinks that six hens would be fine. More than four would contribute to the economic return.

Commissioner Rheintgen said the current ordinance says coops have to be 50' from every lot line. If the coop were to be located further than 50' from a lot line or residence, she asked if neighbor consent would be required in that instance.

The Mayor said he would be fine being more inclusive. If someone had a 75' wide lot that was 150' deep, and they were able to locate the coop 50' from every lot line except one neighbor, and that neighbor consented, would the other neighbors have to consent. Obtaining consent from just the one neighbor would seem to be consistent with the existing ordinance; however, he understands there is trepidation expressed by some people about incremental increases in size.

Commissioner José said the question was raised about grandfathering in a coop that exists in a space that would not meet the proposed ordinance. Mr. Fieldman said the concept of grandfathering is based on the concept that it was legally conforming prior to the existing ordinance. If the existing coop did not meet the setback requirement it would be a variation

process, not a grandfathering process.

The Mayor asked if there was any support for increasing the number of hens to six, and there was none indicated.

Indexes: Fowl Regulations

ORD 00-05556

B. Ordinance: Amend Ordinance #5286 and the Village of Downers Grove Budget for Fiscal Year 2013

Sponsors: Finance

Mr. Fieldman asked Judy Buttny, Finance Director, to present this item.

Judy Buttny, Director, Finance, reviewed the proposed ordinance. When expenses in any of the Village's funds exceed the amount authorized in the budget ordinance, the Village is required by law to pass an amendment to the budget ordinance to adjust for the expenses.

With respect to the General Fund, no amendments are required. Expenses did not exceed the budgeted amount even with the April flooding. Revenues exceeded the budgeted amount by \$1.93 million due to sales tax, income tax and building permits, but amendments are not required for revenues.

Ms. Buttny then reviewed the funds where amendments are required. In the TIF Debt Service Fund, the amendment will increase expenses and revenues by \$8,750,000 for the refunding of the 2005 bonds which resulted in \$478,000 of present value savings to the Village in debt service payments. In the Library Debt Service Fund, the amendment will increase expenses and revenues by \$2,400,000 for the refunding of the Library bonds which resulted in \$132,000 of present value savings to the Library in debt service payments.

In the Stormwater Fund, the amendment will increase expenses by \$1,350,000 for the purchase of properties that experience recurring flooding. Proceeds from the 2008 bond issuance were used for the purchase.

With respect to the Transportation Fund, the amendment increases expenses and revenues by \$12,000 for the operation of the Grove Shuttle. These expenses were offset by an increased contribution from Pace.

With respect to the Risk Fund, the amendment increases expenses by \$800,000. The Village self-insures for worker injuries and property risks, and claims are projected based on historical trends. Claims experience for FY13 has been higher than anticipated.

The total Village and Library budget, as amended for 2013, is \$137,867,364.

Indexes: Budget - 2013

10. Mayor's Report

Mayor Tully announced that there are 66 days to GroveFest.

The Mayor said last week the DuPage Mayors and Managers Conference sponsored a drive down to Springfield to meet with legislators and advocate for a variety of issues. While there, the City of Chicago Pension Reform Bill was passed, which affected two of Chicago's pensions. It brought attention to the issue of municipal public safety pensions because of the timing and the action that took place. It is good that the public and media are paying attention to this. There are many other bills that threaten our self determination and it is important that Springfield not put obstacles in the way of municipalities.

Materials to be Placed on File

11. Manager's Report

Mr. Fieldman said Metra will begin work tomorrow on the Main Street Train Station platform. Updates will be on the Village's website.

The Mayor asked if there will be signage informing passengers of the disruption.

Mr. Fieldman said it will be disruptive. There will be signage and it will be augmented with Metra's messages as well.

The Mayor noted there is a heightened sense of frustration on the part of riders.

12. Attorney's Report

Village Attorney Enza Petrarca said she was presenting one item to Council: An ordinance providing for an amendment to Ordinance #5286 and the Village of Downers Grove budget for fiscal year 2013.

Future Active Agenda

13. Council Member New Business

14. Adjournment

Commissioner Neustadt moved to adjourn into Executive Session pursuant to Section 2 (c)(2) of the Open Meetings Act to consider collective negotiating matters. Commissioner Durkin seconded the motion.

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

Mayor Tully declared the motion carried and the Council convened into Executive Session at 8:38 p.m.