



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, November 4, 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 51096 from Lester and Kingsley Schools 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 - October 21, 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.

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

Joe Niewiadomski, 959 Oxford Street, said he has lived in Downers Grove for 4 1/2 years at the corner of Oxford and Main. He has completed a permit application to install a fence to provide security for his pets and eventually for family members. He received notification that the permit was denied as requested. A six-foot fence is not permitted in the side yard; only a four-foot open fence is allowed which will make the property subject to constant foot traffic as well as other dogs, as the rear yard will be open. He said he will apply for a variance.

Mayor Tully thanked Mr. Niewiadomski for taking advantage of the opportunity to apply for a variance.

5. Council Member Reports

Commissioner Neustadt said the Village has a holiday tree that will be going up soon. He invited the Girl Scouts in the audience as well as others to contribute decorations.

Mayor Tully congratulated the Fire Department and staff on ranking in the top 1.5% of departments nationwide for fire protection effectiveness. The Mayor noted that this is good for public service and has an economic benefit as these ratings are used to set insurance premium rates.

6. Public Hearings

2015 Budget

Mayor Tully called the public hearing to order at 7:09 p.m. to consider the proposed FY15 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 FY15 budget.

Mr. Fieldman said he had no further presentation. The budget was published in late September and has been the subject of many public meetings. The budget is on the Village's website.

The Mayor said the FY15 budget has been discussed multiple times including a 1/2 day Saturday session.

Gordon Goodman, 5834 Middaugh, followed up on a question regarding the tree program and the distribution of resources in terms of parkway trees and Ash trees.

Village Manager Dave Fieldman said the staff report has information regarding the tree program. He said \$219,000 is in the General Fund for 400 tree plantings and the removal of 280 trees. This is above and beyond what is in the budget for the Emerald Ash Borer (EAB) program.

Dr. Goodman said he has the impression that the Village may not be well served by not having a Community Development director.

Mr. Fieldman said that position has not been filled, but a Planning Manager has been named. Mr. Fieldman said he has either assigned himself or another staff member to carry out the director's responsibilities outlined in the Municipal Code.

Dr. Goodman said his impression is that the director's position was filled by someone with

great maturity. He does not think the Village Manager has the time to fill this role. He thinks the Village needs a director of Community Development.

The Mayor said the Village looks to maximize services while dealing with finite resources. Council and staff will continue to evaluate staffing issues.

There being no further questions or discussion, Mayor Tully adjourned the public hearing at 7:17 p.m.

7. Consent Agenda

COR 00-05737 A. Claim Ordinance: No. 6077, Payroll, October 3, 2014; No. 6079, October 17, 2014

Sponsors: Accounting

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

Indexes: N/A

BIL 00-05738 B. List of Bills Payable: No. 6152, November 4, 2014

Sponsors: Accounting

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

Indexes: N/A

MOT 00-05739 C. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Library Board - September 24, 2014

Liquor Commission - September 4, 2014

Zoning Board of Appeals - September 24, 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 Hosé, Commissioner Olsen and Mayor Tully

8. Active Agenda

ORD 00-05732 A. Ordinance: Authorize a Special Use to Permit a Funeral Services Business at 1628 Ogden Avenue

Sponsors: Community Development and Plan Commission

Summary of Item: This authorizes a special use for 1628 Ogden Avenue to permit a funeral service business.

AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT A FUNERAL SERVICE BUSINESS AT 1628 OGDEN AVENUE

ORDINANCE NO. 5411

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: Special Use - 1628 Ogden Avenue

9. First Reading

ORD 00-05766 A. Ordinance: Exempt Certain Property from Stormwater Utility Fees

Sponsors: Manager's Office

Mr. Fieldman said that on October 7, the Village Council directed staff to prepare an ordinance to exempt parcels that are not subject to property tax from the stormwater utility fee.

- 1. Jeff Heller, 1025 Claremont, said he was a member of the financial committee of St. Andrew's Parish at Franklin and Saratoga. He noted that it has become apparent that churches are under pressure. One example is that DuPage PADS has served over 145,000 meals over the course of the past year, and has partnered with 160 congregations. PADS is well represented in Downers Grove. Churches provide manpower and food to those in need and the stormwater fee draws away from their mission. It is in this spirit that they ask for an exemption.*
- 2. Dr. Gordon Goodman, 5834 Middaugh, commented that it occurred to him that perhaps the stormwater utility should be scrapped and add the cost back to the property tax. He doesn't see the benefits of excluding large drainage areas from the stormwater utility. The Council should look at the procedures to support charity activities. This under-the-table way of supporting charities is not appropriate. He suggested that the Village do this openly and with discussion rather than exempting them from their logical responsibilities to pay for the drainage that requires utility support. It is illogical and the wrong way to approach the support of the worthwhile religious organizations. In his judgment, Dr. Goodman said that subverting the logic of the stormwater utility is wrong.*
- 3. Bill Wrobel, 7800 Queens Court, noted that this exemption would create a shortfall of \$800,000. He lives in Knottingham, which has 275 homes. The water does not go into Downers Grove creeks. He agrees with Dr. Goodman. The Village should find another way to contribute to churches rather than exempting them from this utility fee. They contribute to the runoff of water, and this will open a Pandora's box, and will upset the plan.*
- 4. Fr. Bill Cullen, St. Mary of Gostyn Church, said that the courts have said that this is a tax. He said he doesn't understand the idea of the Village giving money to the churches to carry out their services. Fr. Cullen said that there are 17 congregations working together with the problem of the stormwater tax on the churches. It is not practical to think that a government can start to give money to churches to do charity. The churches have requested that they be removed from this tax so they can continue to provide services. Every night homeless people are taken care of by the churches. He asked if the Village would take over providing services to the homeless people. The best thing is to exempt the religious bodies. He thanked the Council for looking at this again and for being willing to listen.*
- 5. Mr. Heller commented that most of the parishioners are residents and are paying the stormwater utility. This opens the door to taxing churches.*
- 6. Marge Earl, 4720 Florence, commented that churches seem to think that they are exempt from all taxes, but they are not, and she doesn't know why they think they should be exempt. The stormwater utility helps our neighbors to stop flooding. This helps our neighbors and is a burden that everyone in town carries. She doesn't know why the churches feel they are above paying this fee. The stormwater utility, whether a tax or fee, is going to the right cause.*

Commissioner Neustadt said that the Council has talked about this many times. The Council's job is to set policy, and started the utility to have everyone pay. He has met with the churches twice. His opinion has changed based on what he has learned. He said he would like to exempt all tax-exempt properties. Commissioner Neustadt said that the Village can still provide excellent stormwater services. He thinks the revenue will still allow the Village to move forward. He thanked staff for the additional information. Every year the Village will have this conversation about the stormwater utility, the rate, etc. There is always opportunity to further discuss how the plan is working. Commissioner Neustadt said he thinks it is the right thing to do to exempt these parcels from the stormwater utility.

Commissioner Rheintgen said that the Village has heard from the churches many times. She previously proposed a reduced rate. Maybe the Village should have kept tax-exempt properties out of this from the beginning. It would be the right thing to do. She will support this ordinance and keeping the stormwater utility.

Commissioner José said that the stormwater fee is a matter of fairness based on impervious area. Fees are paid for water and sanitary services, and non-profits don't ask to be exempt from those fees. Council members decry the City of Chicago from exempting churches from fees for water. This will reduce maintenance, capital spending projects, bond issuances and the amount of bond issuances. Commissioner José said that the Village has to act with the best information it has. The Village has stormwater problems and those need to be solved. Less money will result in less getting done. He hopes that the Village finds a way to solve the stormwater problems in Downers Grove. The Council has done a good job addressing these problems, and he hopes that the Village doesn't take a step back.

Commissioner Barnett said that his opposition has not changed. He will support this ordinance. This goes back to the Village's relationship with non-profit organizations.

Commissioner Durkin said he would support removal of all non-profits from the stormwater utility. That is the most transparent way to do this.

Mayor Tully said that he is troubled with the way the Village makes policy regarding stormwater utility. He questions the new information, saying that the Village has known its impact for several years on not-for-profits and churches. There is no new information. The Mayor said he questions the policy motives behind some of the change now. A true stormwater utility should be based on the amount of usage, as with water. There is a majority of the Council that wants to make exemptions. He congratulated the non-profits on their persistence. Mayor Tully said conversations about this topic have been very professional and polite. If the Village has exemptions they should tailor it to formulate the narrowest solution to solve the problem. The churches amount to 22 parcels at about \$37,000. That would result in a small shift back to residents. He cannot support extending this to all tax-exempt parcels. He said that the Village has heard from churches, but not other tax-exempt parcels. Exempting all tax-exempt parcels results in \$218,000 of fees reduced. Residents contribute about 50% of the runoff, but pay 70% of the fees under the property tax model. Exempting all tax-exempt parcels would add 5% to the residents' fees. He questions the decision to extend exemptions to all tax-exempt parcels. The Mayor said he would support exempting the 22 parcels of houses of worship. To exempt all is over broad and effects the Village's ability to address issues while shifting the burden to the residents. He wants to solve this in the narrowest fashion by exempting 22 churches. He wants to see a more tailored solution. The Mayor reiterated that he cannot support the exclusion of all non-profit organizations. They should tailor the solution to fit the problem and not go further than is necessary.

Commissioner Rheintgen commented that if it is tailored, then other groups will come forward

and the Village will continue to sliver this. She said that this is a category that is defined for the Village.

Mayor Tully replied that they do not have to guess who fits the definition. They can choose who is in the stormwater utility or who is out of the stormwater utility. They can define the term "houses of worship." The challenge is well-known and narrowly defined. He wants them to tailor the solution to meet that challenge.

Commissioner José expressed concern that the Village keep its commitment to solve the stormwater problems. Given the difference in revenue and the reduced impact, he might be willing to consider the Mayor's proposal. He said they should tailor the solution to the problem at hand and have less of an impact on the solutions that need to be funded for the stormwater problems.

Commissioner Barnett noted that he has not referred only to houses of worship in the past, although the houses of worship have been the most vocal entity. The reason for change is not based on the Mayor's definition of the problem, and is not the problem Commission Barnett said he defined. The question is whether the Village wants to make a fundamental change in the way they pay for the delivery of services from the way they have done it historically. By and large, most communities do not charge their not-for-profit community for the delivery of services, including street maintenance, plowing services, etc. His point is that not only the churches feel burdened. If the Village has a utility, it changes the relationship between municipal government and non-profits in that community. The issue is that the Village is still interested in improving stormwater issues. They should still use the same methods used by communities across the nation historically with regard to their non-profits.

Mayor Tully noted that Commissioner Barnett was never in support of the stormwater utility in the first place, but weighed in on suggesting making the stormwater better. He said he sees where this is going and he would like the impact to be less detrimental to better serve the community.

Commissioner José said that Commissioner Barnett has not suggested backing off of the stormwater commitments, but Commissioner José said he has heard others talk about not increasing the fee, resulting in a hole in the budget. If the Village doesn't have the dollars to put into the stormwater problems, people's homes will continue to flood.

Mayor Tully said he would encourage a colleague to amend the motion when it is made.

Indexes: Stormwater Utility

MOT 00-05736 B. Motion: Estimate 2014 Aggregate Tax Levy for the Village of Downers Grove

Sponsors: Finance

Mr. Fieldman introduced Deputy Village Manager Mike Baker to discuss this item.

Mike Baker, Deputy Village Manager, said the levy is closely related to the budget. The proposed levy is estimated to be \$24 million. However, it is recommended that the levy be reduced by \$7.3 million for debt service as there are other sources of revenue to pay the debt service.

Indexes: Tax Levy - 2014

RES 00-05740 C. Resolution: Authorize an Incentive Agreement with American Access Casualty Company

Sponsors: Manager's Office

Mr. Fieldman introduced Michael Cassa, President, Downers Grove Economic Development Corporation (EDC), to discuss this item.

Michael Cassa, President and CEO, of the Downers Grove EDC said the American Access Casualty Company will be relocating to Downers Grove at 2211 Butterfield Road. They plan to renovate the interior of the building, which is currently vacant. The company provides automobile insurance products. An economic development incentive agreement has been prepared which will provide a 50% reduction in building permit fees, estimated to be approximately \$20,000. American Access Casualty Co. has agreed to move their corporate headquarters to 2211 Butterfield Road, to comply with all Village ordinances and applicable laws, to begin its corporate operations in Downers Grove by September 1, 2015, and to continue operations in Downers Grove for a minimum of five years. If they fail to do so, they will pay the Village the total amount of the fee waiver.

Mr. Cassa said the EDC strongly supports this request. He then introduced Chuck LaMantia, COO of American Access Casualty Co.

Mayor Tully expressed his appreciation to Mr. LaMantia for choosing Downers Grove, and noted that they had many communities from which to choose. The Mayor said Mr. Cassa works hard to attract fine companies to Downers Grove.

Indexes: Economic Incentive - American Access Casualty

ORD 00-05713

D. Ordinance: Amend the Liquor Code Provisions

Sponsors: Liquor Commission and Village Attorney

Village Attorney Enza Petrarca said an ordinance has been prepared to amend the Village's Liquor Control Ordinance to define and create a Class BF license classification to allow for on-premise consumption and off-premise retail sales of craft beer at a brewing facility. The ordinance defines brewing facilities as establishments which shall distribute, manufacture, store and sell craft beer brewed on the facility. The consumption area shall be limited to 3,000 square feet and food service is not a requirement for this license class. Those under 21 years of age will be allowed in the facility when accompanied by someone 21 years of age and older.

Ms. Petrarca said the proposed ordinance also includes comprehensive non-substantive amendments to the Liquor Control Ordinance.

Commissioner Neustadt said this is a great addition to our community.

Commissioner Barnett asked why this classification is necessary.

Ms. Petrarca said it is because a company would be distributing and brewing on-site, and selling off-site.

Mayor Tully said this ordinance establishes a license category. He noted this is a popular trend. The Mayor said the minutes of the Liquor Commission meeting includes discussion of access into the facility by people under 21 years of age.

Commissioner Neustadt said Mad Ape will be applying for a license.

David Yob, representative of the brewing company, said the brewery will be called Alter Brewing Company.

Indexes: Liquor Ordinance Amendments

10. Mayor's Report

Materials to be Placed on File

11. Manager's Report

Mr. Baker announced two Town Hall meetings to discuss Village facilities. The first meeting will be held on Thursday, December 4, 2014, in the Council Chambers beginning with a tour of the existing facilities at 6:30 p.m., and followed by a question and answer session at 7:30 p.m.. The second meeting will be held on Saturday, December 6, 2014, in the Council Chambers beginning with a tour of the existing facilities at 8:00 a.m., followed by a question and answer session at 9:00 a.m. More information will be posted on the Village's website by November 14. The purpose of the meetings is to inform the public of facility plans.

12. Attorney's Report

Village Attorney Enza Petrarca said she was presenting three (3) items to the Council: 1) An ordinance adopting the fiscal year 2015 budget in lieu of passage of an Appropriation Ordinance; 2) An ordinance amending liquor code provisions; and 3) An ordinance exempting certain property from stormwater utility fees.

Future Active Agenda

13. Council Member New Business

INF 00-05711 A. Sign Ordinance Review

Sponsors: Manager's Office

Mayor Tully asked Commission Rheintgen to start this discussion.

Commissioner Rheintgen noted that staff has prepared a report regarding the Sign Ordinance implementation and compliance.

Mr. Fieldman said the Sign Ordinance was adopted in May 2005. It established a compliance deadline of May 4, 2012, which was later extended to May 5, 2014. To date, nearly 95% of all properties with signs are in compliance with the Sign Ordinance. Enforcement activities continue and should be completed by October 2015.

The application of the Sign Ordinance has been flexible and has been amended six times. The Zoning Board of Appeals has granted 28 variations. Mr. Fieldman said the three most common concerns expressed by property and business owners about the Ordinance are: No "grandfathering" of the signs; the reduction in the amount of signage permitted; and the prohibition of electronic copy change signs.

Mr. Fieldman said staff recommends that a review of the Sign Ordinance and enforcement efforts would be appropriate in October 2015, after the enforcement period. He noted that the Ordinance was the product of extensive public meetings.

Commissioner Rheintgen said the report is enlightening. Council members hear that the Village has made no exceptions and has not reviewed the Sign Ordinance since its adoption in 2005. She noted there has been a 62% approval rate with respect to variation petitions. Further, the compliance date was extended from May 2012 to May 2014. The point of the Ordinance was to reduce the size of signs in the Village.

Commissioner Rheintgen said she appreciates the time it took to put this report together.

Commissioner Neustadt mentioned the DuPage Inn sign. He said the whole facade of the building was updated as a result of the Sign Ordinance. The Sign Ordinance is working and the recommendation to look at it next year is a good one. He appreciates the time put into this report.

Mayor Tully asked if any Council members disagree with the staff's recommendation to delay a comprehensive review of the Sign Ordinance until October 2015. There were no objections.

Indexes: Zoning Ordinance - Signs

14. Adjournment

Commissioner Neustadt moved to go into Executive Session pursuant to Section 2(c)(5) of the Illinois Open Meetings Act to consider the purchase or lease of real property for the use of the public body. Commissioner Durkin seconded the motion.

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

Mayor Tully declared the Motion carried and the Council convened into Executive Session at 8:36 p.m.