

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

5/12/2015

6:00 PM

In order to give as many visitors as possible an opportunity to speak and in the interest of adjourning the meeting by 9:00 p.m., please limit your comments to 5 minutes in length, unless further time is granted by Council. Thank you.

1. Call Meeting to Order

Mayor pro tem David Olsen called the regular meeting of the Village Council of the Village of Downers Grove to order at 6:06 p.m. in the Council Chambers of the Downers Grove Village Hall.

2. Roll Call

Council Present:

Commissioner Waldack, Commissioner White, Commissioner Vattimo, Commissioner Hosé, Commissioner Olsen, Commissioner Barnett

Absent: Mayor Tully

3. Executive Session

Convene into Executive Session - Ante Room

Commissioner White moved to go into Executive Session pursuant to Section 2(c)(11) of the Illinois Open Meetings Act to consider pending litigation. Commissioner Barnett seconded the motion.

Votes: Yea: Commissioners White, Barnett, Waldack, Vattimo, Hosé; Mayor pro tem Olsen

Mayor pro tem Olsen declared the Motion carried and the Council convened into Executive Session at 6:07 p.m.

Reconvene into Open Session - Council Chambers

4. Call to Order

Mayor Martin Tully called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:02 p.m. in the Council Chambers of the Downers Grove Village Hall.

The Mayor said he would move the Public Comments section of the meeting earlier in the meeting, following Council Member Reports.

Pledge of Allegiance to the Flag

Mayor Tully noted that there is a new flag in the Council chambers. He then led those present in the Pledge of Allegiance to the Flag.

Council Meeting

May 12, 2015

5. Roll Call

Commissioner Waldack, Commissioner White, Commissioner Vattimo, Commissioner José, Commissioner Olsen, Commissioner Barnett; Mayor Tully

Non-Voting:

Village Manager Dave Fieldman, Village Attorney Enza Petrarca, Village Clerk April Holden

6. Minutes of Council Meetings

MIN 2015-6219 — A. Minutes: Council Minutes - May 5, 2015

Motion: Commissioner Olsen, seconded by Commissioner White, moved to approve the minutes as presented.

The Mayor declared the Motion carried by voice vote.

7. Proclamation

Mayor Tully proclaimed the week of May 10-16, 2015, as Police Week in the Village of Downers Grove. He presented the proclamation to Police Chief Robert Porter and the officers on shift.

Police Chief Robert Porter noted that on Thursday, May 14 a memorial ceremony to honor Police Officer Richard Barth as well as all other officers who have died in the line of duty will be held at the First Presbyterian Church, 339 4th Street, Downers Grove, at 1:00 p.m. He invited everyone to attend the service honoring fallen police officers.

Mayor Tully said the Village is proud to have our Police Department in the community. He said the Barth ceremony is moving and introspective.

8. Council Member Reports

Commissioner José extended his gratitude to the Police Department for the job they do to serve and protect our residents.

Commissioner Waldack and Commissioner White agreed with Commissioner José's comments.

Mayor Tully invited the public to attend the Barth Ceremony. He also noted that the 5k Cupcake Classic will be run on Sunday, May 17, 2015, starting at 8:30 a.m. at McCollum Park to raise funds to help find a cure for Batten Disease, a disease that has stricken two children in Downers Grove. This race was formerly called the Run for Hope in honor of Noah's Hope.

9. Public Comments

Bill Wrobel, 7800 Queens Court, said the community should respect the authority vested in our police officers. He complimented the Council and Mayor for moving the public comments section to the early part of the meeting. He asked if this will continue for future meetings. The Mayor said Council will be discussing this later in the evening and he expects it will remain in this section of the meeting.

Michael Hahne, 4040 Glendenning, commented about the new signs for businesses in the Village. He feels they have been a waste of time and money. They are difficult to see and they obscure the roads and driveways.

Council Meeting

May 12, 2015

Changing the size of the signs has probably hurt many small businesses. The cost of the new signs has come out of consumers' pockets. A friend had trouble finding a business because of not being able to see the sign. Trying to go to Egg Harbor in Downers Grove he had to drive past the building to see the sign. The new signs have been a waste of time and money. He does not want to see Downers Grove become like Westmont with many business vacancies. He urged the Council to be careful about regulations.

Bob Peterson, 6861 Camden Road, said he owns Leibundguth Moving and Storage, which has been in the Village since 1928. He presented the Council with a news articles from Riverside-Brookfield. He has been present during the discussions about moving the Edwards House on Maple Avenue because it is part of the Village's heritage. He considers his sign to be part of the heritage as well. He suggested grandfathering signs in. He said changes can be made. The signs are too small. Businesses have left town and they have slowed down because of it. It has hurt Downers Grove.

Laurel Bowen, 829 Clyde Drive, said that with respect to signs, she spoke with someone who told her that compliance cost the business \$25,000. That is an exorbitant cost.

With respect to Clyde Estates, Ms. Bowen asked why the Village desires to change the character of Clyde Estates. There seems to be a lot of behind the scenes activity. She then referenced the hydrology report. She said the southeast corner of Clyde has a water issue. She hopes the Council can start over with respect to this matter.

Julie Schlueter, 4945 Florence, spoke about road and sewer reconstruction in the Maple/Florence area. At the neighborhood meeting, people's comments were not sought; rather, they were told what was going to be done. This is an unimproved area of Downers Grove. Florence Avenue is a failed street. It is an asphalt street with no curbs. The issues with the street should be addressed while it is torn up. The residents want their street fixed. She presented a petition for Florence Avenue street improvements. Ms. Schlueter showed slides depicting the condition of Florence. She said this area deserves attention. It has been ignored for some time. The culvert on the roadway is extremely dangerous.

Mayor Tully noted that there are many places in town that look similar to that depicted in the slides. Council could look at a matrix for curb and gutter, although it will take decades to work through it. This is a community conversation as it would be a cost to the entire community. He noted that the neighborhood could create a Special Service Area wherein the neighborhood could impose a levy to improve the street beyond what the Village will do.

Commissioner Olsen asked if there is an SSA for the brick streets.

Mayor Tully said there is not as the brick streets were determined to be a community value.

Commissioner White asked whether there is a contract in place already to resurface the street. Mr. Fieldman noted that this item has not gone out to bid yet. It has been budgeted, but not voted upon by the Council.

Mayor Tully noted that he is familiar with this type of situation as he lived on a similar street and his neighbors did not want to undertake the additional expense.

Bea Bennett thanked Council members for coming to the Clyde Estates meeting. She said she was disappointed in the event. She thinks the plan for Clyde Estates is a bad one. She is concerned about what the ditches would look like. The plan should be stopped.

Marge Earl, 4720 Florence, said she has not experienced the same problems as her neighbor with the ditches. The street has no curb and gutters, and is more rural. She likes the rural feel of the neighborhood. She understands her neighbor's concern and suggested this be reviewed.

Mayor Tully agreed that we should look to ameliorate rights-of-way issues in the parkway.

10. Public Hearings

PUB 2015-6200 — A. Public Hearing: Annexation Agreement - 502 Hitchcock Avenue

Council Meeting

May 12, 2015

Mayor Tully called the public hearing to order at 7:55 p.m. to consider a proposed annexation agreement for the property located at 502 Hitchcock Avenue. Notice of this hearing was published in the Downers Grove Suburban Life on April 14, 2015.

The Mayor summarized the procedures to be followed for the public hearing.

Village Manager Dave Fieldman asked Stan Popovich to make the presentation.

Stan Popovich, Planning Manager, said that in addition to the public hearing, there are three items on the First Reading: the annexation agreement, the annexation and the rezoning that will be addressed at this time.

Mr. Popovich then showed the location of the property located just west of the Village's Public Works facility in the Ellsworth Industrial Park. It is currently unincorporated, but contiguous to Village property. The petitioner is occupying the space with a truck and transportation terminal business in DuPage County. The annexation agreement will insure that the property is improved with greenspace, a paved parking lot, curb cuts and a sidewalk and gutter to be completed within six months of the approval of the annexation agreement. The property is currently zoned R-1; the proposed rezoning would be M-1. The proposed rezoning is consistent with the Comprehensive Code and complies with the Zoning Ordinance.

Ken Rathje, representative for the owners, said the property will be re-addressed to 2860 Hitchcock. The property is 25,000 square feet with a 3,600 square foot building. The property was fully improved while in DuPage County and is consistent with the County Zoning Ordinances. The petitioner wants to be in Downers Grove. Mr. Rathje said a neighborhood meeting was held on February 19. This petition received a positive recommendation from the Plan Commission.

There being no discussion on this issue, Mayor Tully adjourned the public hearing at 8:05 p.m.

11. Consent Agenda

Mayor Tully noted that a request has been made to remove Item 11C (MOT 2015-6203), a motion awarding a contract for \$99,530.00 to Misfits Construction Company, Chicago, IL, for the 55th and Grand Headwall Replacement Project. This item has been moved to the Active Agenda.

BIL 2015-6220 — A. Bills Payable: No. 6190, May 12, 2015

MOT 2015-6202 — B. Motion: Award a Contract for \$182,323.60 to A Lamp Concrete Contractors, Inc., Schaumburg, IL, for Pavement Improvements at District 58 O'Neill Middle School and the Highland Water Tower

Summary: This awards a contract for the pavement improvements at District 58 O'Neill Middle School and the Highland Water Tower to A Lamp Concrete Contractors, Inc. of Schaumburg, IL in the amount of \$182,323.60.

MOT 2015-6207 — D. Motion: Award a Three-Year Contract for \$336,000.45 to H&H Electric Co., Franklin Park, IL, for Streetlight Maintenance Services

Summary: This awards a three-year contract for Streetlight Maintenance Services to H&H Electric Co. of Franklin Park, Illinois in the amount of \$336,000.45.

RES 2015-6213 — E. Resolution: Authorize an Agreement for Prosecution Services with Christine Charkewycz

Summary: This authorizes execution of an agreement for prosecution services with Christine Charkewycz.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR PROSECUTION SERVICES WITH CHRISTINE CHARKEWYCZ

Council Meeting

May 12, 2015

RESOLUTION 2015-32

RES 2015-6234 — F. Resolution: An Amended Resolution Authorizing a Local Agency Agreement with the Illinois Department of Transportation for Fairview Avenue Resurfacing (Project ST-037)

Summary: This revises a resolution authorizing the execution of a Local Agency Agreement between the Village of Downers Grove and Illinois Department of Transportation (IDOT) for the use of grant funding for resurfacing of Fairview Avenue between 55th Street and 75th Street to stipulate the amount of the grant funding.

**AN AMENDED RESOLUTION AUTHORIZING EXECUTION OF A LOCAL AGENCY AGREEMENT
BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ILLINOIS DEPARTMENT OF
TRANSPORTATION FOR FAIRVIEW AVENUE RESURFACING (PROJECT ST-037)**

RESOLUTION 2015-33

MIN 2015-6224 — G. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Liquor Commission - April 9, 2015

Plan Commission - April 6, 2015

Motion: Commissioner Olsen moved to approve the Consent Agenda absent Item 11C. Commissioner White seconded the motion.

Votes: Yea: Commissioner Olsen, White, Waldack, Vattimo, Hosé, Barnett; Mayor Tully

The Mayor declared the motion carried.

12. Active Agenda

MOT 2015-6203 — C. Motion: Award a Contract for \$99,530.00 to Misfits Construction Company, Chicago, IL, for the 55th and Grand Headwall Replacement Project

Summary: This awards a contract for the 55th and Grand Headwall Replacement project to Misfits Construction Company of Chicago, Illinois in the amount of \$99,530.

Commissioner Hosé said he asked that this item be removed from the Consent Agenda. He has no problem with the project and feels it should go forward. He has a problem with the policy of awarding these contracts. The Village does not require that the entity receiving the award be a participant in a U.S. Department of Labor, Bureau of Apprenticeship and Training approved program. For that reason he will vote no on the project hoping it will spur additional conversation among his colleagues and a change in the policy in the future.

Mayor Tully said he understands the basis for Commissioner Hosé's position, but that is not a current requirement so he will support this.

Motion: Commissioner Olsen moved to adopt this motion. Commissioner White seconded the motion.

Votes: Yea: Commissioner Olsen, White, Waldack, Vattimo, Hosé, Barnett; Mayor Tully

The Mayor declared the motion carried.

Council Meeting

May 12, 2015

13. First Reading

Mr. Fieldman noted that items A, B, and C were previously presented by Mr. Popovich in the public hearing. There is no further presentation on those items.

RES 2015-6172 — A. Resolution: Authorize an Annexation Agreement for 502 Hitchcock Avenue

Summary: This authorizes an annexation agreement for 502 Hitchcock. This is in coordination with the annexation and the rezoning requests.

ORD 2015-6144 — B. Ordinance: Annex 502 Hitchcock Avenue to the Village of Downers Grove, Illinois

Summary: This annexes 502 Hitchcock Avenue to the Village of Downers Grove.

ORD 2015-6145 — C. Ordinance: Rezone 502 Hitchcock Avenue from R-1, Residential Detached House 1 District, to M-1, Light Manufacturing District

Summary: This rezones 502 Hitchcock Avenue from R-1, Residential Detached House 1 District, to M-1, Light Manufacturing District.

MOT 2015-6201 — D. Motion: Award a Contract for \$2,497,116.88 to J.A. Johnson Paving Company, Arlington Heights, IL, for 2015 Resurfacing (A) Project

Summary: This awards a contract for the 2015 Resurfacing (A) Project to J. A. Johnson Paving Company of Arlington Heights, Illinois in the amount of \$2,497,116.88.

Mr. Fieldman asked Andy Sikich, Assistant Director, Public Works, to make the presentation.

Andy Sikich, Assistant Director, Public Works, said resurfacing is the largest part of the annual road maintenance program. He showed a map and list of the streets that are scheduled for resurfacing this year. He noted that a call for bids was issued and three bids were received. J.A. Johnson Paving was the low responsible bidder. They have satisfactorily completed projects for the Village of Winfield and the City of Batavia.

Ms. Bennett asked if Clyde Drive is on the list, and Mr. Fieldman said it is under a different contract, and is not on the agenda for approval tonight.

MOT 2015-6211 — E. Motion: Award a Contract Not to Exceed \$1,401,586.72 to Kee Construction, LLC, Chicago, IL, for Parking Lot H Improvements

Summary: This awards a contract for the Parking Lot H Improvements to Kee Construction, LLC of Chicago, Illinois in the amount of \$1,401,586.72, which includes a 1.5% contingency amount.

Nan Newlon, Director, Public Works, showed a slide of the location of Parking Lot H along the Belmont Station area. She described the project saying that the contract was included in the FY-15 CIP Project and is part of a Metra grant. The pavement in this parking lot has failed and they have been patching it for a number of years. The plan is to construct this project in one phase over a period of 12 weeks to be timed over the summer months. She showed the temporary parking locations, including private property, which will be leased for temporary use. In addition staff is talking with Pace to provide temporary bus stops. The plan is to add some on-street parking as

Council Meeting

May 12, 2015

well. They anticipate work to begin the second week of June. Ms. Newlon said that three bidders were deemed to be non-responsive. Kee Construction was determined to be the lowest qualified bidder.

Commissioner Barnett asked about funding for the leases. Ms. Newlon said it would be a Village cost from the traffic fund. Commissioner Barnett then asked about the northeast area from the ramp where the existing gravel is, and whether that can be turned into a full-time lot. Ms. Newlon said that would have to be paved.

Commissioner Barnett said he thought there were multiple year demands for parking, and this seemed like a good opportunity to pave that lot.

Village Attorney Enza Petrarca said there are restrictions pursuant to Metra agreements.

Mayor Tully asked about information from Metra about ridership at the Belmont Station. It has been steadily increasing at Main Street. The Mayor then asked about the platform reconstruction on the Main Street station. Mr. Fieldman said staff will obtain additional information and provide regular updates.

Ms. Bennett asked as to the value of the parking lot to Downers Grove. Mayor Tully said this is commuter parking used by Downers Grove residents as well as those from other communities. Ms. Bennett asked if the Village pays for outside residents. She asked how much money the Village receives.

Ms. Newlon said the Village receives outside funds. Mr. Fieldman said the funds come from people who pay parking fees. In further response to Ms. Bennett, the property is not on the tax rolls. The Mayor said that people who move here often commute to the City, and being close to a train station probably adds value to Village property.

14. Mayor's Report

Mayor Tully announced that there will be a Springfield drive-down sponsored by the DuPage Mayors and Managers Conference tomorrow. He will report back to the Village on that drive-down and the issues discussed. He said that last week the Illinois Supreme Court ruled pension reforms unconstitutional. It was widely looked at as a test as to whether achieving some reforms could be accomplished. There will probably be discussions as to what other options there might be. Amendments were filed yesterday to a number of House Bills regarding property tax freezes applying to both home rule and non-home rule communities. The increasing cost of funding pensions and the threat of the State taking 50% of the income tax from municipalities makes revenues more limited.

14. Manager's Report

15. Attorney's Report

Pursuant to Section 2.5 of the Downers Grove Municipal Code, the following are presented for Village Council consideration:

1. An ordinance annexing 502 Hitchcock Avenue to the Village of Downers Grove, Illinois
2. An ordinance rezoning certain property located at 502 Hitchcock Avenue

16. Council Member New Business

Council Meeting

May 12, 2015

17. Council Retreat - Discussion of Council Roles, Responsibilities, Structure and Expectations - Committee Room

Mayor Tully said this is an opportunity for the new Council to discuss expectations.

Mr. Fieldman said this will focus on how we operate as a team in terms of roles and responsibilities, structure and expectations. He proposed reviewing three types of meetings: Regular Council meetings, Standing Committee meetings, and Coffee With The Council.

Mr. Fieldman asked Council members their definition of success in terms of a Council meeting.

Mayor Tully discussed coming to the meeting well informed; allowing everyone to be heard, understood and considered; reaching a consensus if possible; understanding the outcome.

Commissioner Olsen spoke regarding public input. The public should have an opportunity to pose questions and to be heard in general and in terms of a specific issue. This includes questions that can be answered at the meeting as well as those that will result in further research.

Commissioner White said all viewpoints should be considered and respected. Council should be able to disagree in a civil and professional manner. He pointed out that his understanding of strategic issues requires that there be no obvious solutions in the beginning. Strategic issues require that conflict or tension be resolved. The job of the Council is to solve issues upon which people disagree and for which there is no obvious answer. Every view should be respected. He will push people to do interest-based bargaining rather than position-based bargaining. Everyone puts their cards on the table as to their ultimate goal or objective in order to harmonize the goals and objectives to the maximum extent possible. This allows for collaboration and allows us to be one community. He said we are a blessed community for many reasons for which we cannot take credit. Because of that, there is no reason for the Council to be divided as we have so many advantages that other communities do not have that we cannot take credit for. We should accept that reality, work together to strengthen our community, solve our problems and move on.

Commissioner José said his definition of success is making sure we are taking the long view and not short-term political concerns.

Commissioner Barnett said success is not defined only within the context of Tuesday nights.

Commissioner Olsen said it is important to be respectful and mindful of the deliberative process.

The Mayor added that if there is a process, the results should not be surprising. He added the need to stay on topic, focus on issues, not people and to respect the decision of the Council.

Commissioner Waldack mentioned preparing for the meeting, taking advantage of the opportunity Standing Committees offer to be educated on a topic, being transparent, keeping order and allowing for a stream of consciousness.

Commissioner Vattimo mentioned respecting each other and the public as well as adhering to the agenda.

Commissioner Olsen mentioned having a clear agenda so people know what to expect.

The Mayor addressed the need for a clear outcome and/or direction that is understood by Council, staff and the public.

Mr. Fieldman then led a discussion with Council regarding Council meetings in terms of current practices, why it is done, what works well and what to take a look at:

- A. Agenda preview meeting with the Mayor and Mayor pro tem on Friday morning – this creates an awareness of meeting topics, provides for agenda planning and facilitates effective meetings. Council members noted that this is consistent with the Municipal Code and allows the agenda to be circulated in advance of the meeting. There is a need to look at other informal discussions.

Council Meeting

May 12, 2015

- B. Agenda materials posted on the web on Friday at 5:00 p.m. – this minimizes production and distribution time and increases transparency. It works well in terms of not wasting paper and allowing Council members to choose to print documents at home if necessary. There is a need to look at an earlier posting time, to consider the public's time in reviewing agenda matters over the weekend, and building the agenda over time.
- C. Monday morning calls with the Village Manager – this improves understanding of issues and helps establish strong working relationships. These calls are of a factual nature. In addition, the Mayor pro tem calls Council members to facilitate communication and to discuss policies and policy questions. Council members noted that this practice is valuable and that they appreciate the opportunity to ask questions and to have contact from the Village Manager and the Mayor pro tem. This also addresses the issue of "surprises." There is a need to look at timing, follow-up to a Village Council meeting, and flexibility.
- D. Council questions and responses emailed and posted by 4:00 p.m. Tuesday – this enhances exchange of information and transparency.
- E. Consent, Active & First Reading on each Council meeting – this allows Council to complete all types of work at each Council meeting. Council members commented that the current schedule works well and that the 4th Tuesday could be used as a meeting date, if necessary. There was discussion regarding the motion to approve the Consent Agenda as non-debatable as well as establishing a First Reading for most items.
- F. Public Comment – this allows residents to address all Council members at the same time. Council members noted that it works well when the Public Comment section is placed on the agenda before the Consent Agenda. There was discussion regarding public comment on the Consent Agenda and removing items from the Consent Agenda.
- G. Council Member Reports – this is an opportunity for Council to address the public about community events and other matters. It was noted that this practice has not been abused. There is a need to look at Rule 36 of the Council rules. Reports from Council members who serve as liaisons to boards and commissions was also discussed. There was also discussion about moving this section to the end of the agenda.
- H. New Business – currently any Council member can direct the Manager to place an item on the agenda. The question before the Council is should the Council direct staff to complete more work and place the item on a future First Reading. Currently staff completes up to four hours of initial work prior to placing the item on the agenda. New Business allows items to be introduced at each meeting. It provides Council with background information, limits staff time to four hours and allows Council, as a whole, to direct staff resources. It works well to have information from the Village Manager and ensures that clear direction is understood by Council, staff and residents. There is a need to look at how first impressions can lead to unfair deliberations. Council members commented on the issue of responsiveness and discussion as well as changing the deadline for introducing New Business on the agenda.

Mr. Fieldman then briefly discussed Coffee With The Council meetings. Coffee With The Council is currently held on the third Saturday from May through September at the Main Street Train Station. There is no formal agenda and it is attended by one of more Council members. In October, a Coffee With The Council is held at Fire Station 2 as a resident-driven discussion of the budget. The purpose of Coffee With The Council is to allow for informal interaction with residents. It is held at the Downtown Market due to the number of people at that event. The residents establish the agenda. This provides multiple formats, times and opportunities for people to engage with the Council. There is a need to look at accommodating people who want to address the entire Council, not just a particular Council member. There is also a need to clarify procedures and expectations and to coordinate with existing events. Council members expressed a desire to change to a year-round format, to change locations, and to hold a Coffee With The Council at Rotaryfest.

Council Meeting

May 12, 2015

Laurel Bowen noted that when she moved into the Village, the Coffee With The Council was always held at the Library.

Tom LeCren noted how important it is to give clear direction to the Village Manager. He also spoke about explaining how the Open Meetings Act works.

A student in the audience urged Council to keep the Coffee With The Council as it allows people to talk individually with a Council member.

Bob Peterson noted the need for communication. He only found out about the sign ordinance when he received a notice of violation.

18. Adjournment

Mayor Tully asked for a Motion to adjourn.

Commissioner Olsen moved to adjourn. Commissioner Barnett seconded the motion.

Mayor Tully declared the motion carried by voice vote and the meeting adjourned at 11:01 p.m.

Respectfully submitted,

April Holden
Village Clerk