MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

APRIL 13, 2004

Mayor Krajewski called the Workshop meeting of the Village Council of the Village of Downers Grove to order at 6:30 p.m. in the Council Chambers of the Village Hall.

Present: Mayor Brian Krajewski; Commissioners Marilyn Schnell, Sue McConnell, Martin Tully, Mark Zabloudil, Ron Sandack, Stan Urban; Village Manager Riccardo Ginex; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: None

Residents & Other Attendees: Jim Russ, 4915 Main St.; Mark Nosky, Architect, 1411 Opus Place; Sarah Klaper, Citizen Advocacy Center, 238 N. York, Elmhurst; Gordon Goodman, Pierce Downers Heritage Alliance, 5834 Middaugh; Gene Cromwell, D.G. Park District, 2455 Warrenville Rd.; Mark Griesbaum, Plan Commission, 6012 Ridgewood Circle; George Nicholaou, Plan Commission, 4845 Highland; Marilyn Gerloff, 4291 Highland; Eliasar Herrera, Student, 2341 S. Central Park; Mike Kubes, 5538 Lyman; Barry Peckhart, 1028 61st Street; John Miller, 231 2nd Street; Boy Scouts Pack 89: Jeff Macy, Dan Sigerich, Chris Ullrich, Chris Sanderson, Matt Maciejewski, Danny McManus, Sandra McManus, Maripat Ullrich, Carol Sigerich;

Staff: Mike Millette, Assistant Director, Public Works; Doug Kozlowski, Public Information Officer; Dave Barber, Director, Public Works; Mike Baker, Assistant to the Village Manager; Dorin Fera, Traffic Manager, Public Works; Mary Scalzetti, Director, Tourism & Events; Rita Trainor, Director, Financial Services; Joe Skach, Director, Planning & Community Development; Dave Van Vooren, Deputy Village Manager.

Mayor Krajewski explained that Council Workshop meetings are held the second and fourth Tuesdays at 6:30 p.m. The meetings are video taped live and for later cable-cast over cable channel 6.

The Workshop meeting is intended to provide Council and the public with an appropriate forum for informal discussion of any items intended for future Council consideration or just for general information. No formal action is taken at Workshop meetings.

The public is invited to attend and encouraged to comment or ask questions in an informal manner on any of the items being discussed or on any other subject. The agenda is created to provide a guideline for discussion.

The Mayor introduced a number of Scouts from Pack 89, from Downers Grove Christian School and St. Mary of Gostyn School, who were working on their Citizenship Badges. There was a question/answer session between the Scouts and the Council.
1. **Bids:**

   a. **Bingo Vendor.** Manager Ginex said that staff recommends awarding a contract to VFW Post 503, who conducted operations last year. They will open early on Saturday and Sunday this year.

   b. **Traffic Sign Posts.** The Manager said there was only one bidder of six contacted who submitted a bid. Staff recommends accepting the bid of Hall Signs. He noted that because foreign countries are now picking up steel, it is causing the prices to increase.

   Commissioner McConnell said there appears to be a short window of time and asked if it will be done quickly. Manager Ginex said it would be.

   c. **Collection Agency Services.** The Manager said staff submitted proposals for collections services to assist in obtaining past due funds owed to the Village. The award was given to Harvard Collection Services last year, however they were not used. For this year, the staff recommends again using Harvard, who has agreed to the same commission rate as last year.

   d. **Main Street Pedestrian Access.** The Manager asked Mike Millette, Assistant Director, Public Works, to address this item.

   Mike Millette, Assistant Director, Public Works, said there were six responses for the project, with only one bid. The bid was from Martam for $13,000 less than what was previously bid. The other bidders did not respond because three were suppliers and two had filled schedules.

   Mr. Millette said that there were some issues raised in previous discussions, one of which was to give the same treatment on the street coming off of Curtiss. Staff believes that is a good idea, however does not feel Martam is the right company to do that work, as it would cause an overlap with Turner's work. He said it would be better to negotiate with Turner to do that work.

   Another issue was the removable ornamental fence for the Pub. The bid contains this item. Staff is not recommending that the Village pay for this as it should be paid by the Pub. Mr. Millette said that construction would begin the first week of May and end the last week of May.

   The Mayor said that the Village has issues with Turner right now regarding a change order for removing a stone, and there may be other issues as well. Mr. Millette said that it would be more difficult to allow another contractor on the job site. The Mayor asked why not wait until they are finished, and Mr. Millette agreed that could be done as well.
Commissioner McConnell asked about the agreement for ornamental fences and gates. She asked for clarification that the signed agreement was not with the Liquor Commission, but between the Village and Ballydoyle's. Mr. Millette said that was correct.

**Commissioner Sandack** asked about the base bid. Mr. Millette said it is $210,466 including the ornamental fences and gates, and is $198,766 without them.

**Commissioner Urban** commented on the ornamental fencing and agreed that they should wait until Turner is done. He asked if the Village owns the entire right-of-way of this area, or if Ballydoyle owns part of it.

**Village Attorney Enza Petrarca** said there is an easement agreement with the owners for four feet.

**Commissioner Schnell** asked for clarification that the Village will be paving four feet of their property. Attorney Petrarca said she believes this to be consistent with other agreements downtown so that the entire alley would be uniform with the brick pavers. Commissioner Schnell asked whether the owners would have to come to the Village for a special use to use that four feet for outdoor seating or use. Attorney Petrarca said they would need a temporary use. Anything beyond that four feet would require an outdoor café license.

**Commissioner Tully** questioned whether the plan is the same as the one presented to the Council about a month ago. Mr. Millette said it is the same plan and the final plan.

Commissioner Tully asked whether the base would be limestone screening sub-base, since this is primarily foot traffic rather than vehicular, and whether that base would be sufficient for the traffic. Mr. Millette said it would be.

Commissioner Tully then asked for clarification as to whether the alternative item proposed as part of Turner's contract would be part of the bid approval. Mr. Millette said it was not.

Commissioner Urban asked whether the Fire Department was comfortable with giving up the right-of-way for road access. Mr. Millette said that the Fire Department would not run equipment down that alley because it is too narrow, and that they can reach both ends with hoses.

e. **Office Supplies 2004/05.** The Manager said this is for an extension of the office supply contract from last year. WareHouse Direct had a 2% clause, and they were willing not to increase their prices for this fiscal year.

f. **Change Order – 2003 Water Main Improvements Project #12-03.** The Manager said this concerns the pumping at Lee and Ogden. This project was delayed somewhat last year due to ComEd and SBC work. The pumping ceased on March 15. The change order is for $28,875 to Trine Construction.

Commissioner Tully asked for clarification that the cost for this change order would come from the Ogden Avenue TIF fund, and the Manager replied that it would. The Mayor added that even with the change order, it is still under budget.
1. **Plan Commission Recommendations:**

   a. **Walgreens Lot Reconfiguration, Special Use, Variations – Main & 63rd.** The Manager asked Joe Skach, Director, Planning & Community Development, to address this item.

   **Joseph Skach,** Director, Planning & Community Development, said all information has been presented to the Council in its packet, and that the petitioner has requested addressing the Council with additional information.

   **Jim Russ,** attorney for the petitioner, said there were representatives from the owner present. He said there were two issues brought up by the Plan Commission. The petitioner requested a sign variation. The topography of the area is unique and under the sign ordinance, the maximum sign height is 20'. On this property the base of the sign will be 18' below street grade at 63rd and Main Street. They are requesting a sign of approximately 31', since they need a base variation, not height. It will be the same as signs in the surrounding area, which would be 20' above street grade. All other aspects of the signage & lighting requirements are being met. He reiterated that the request is strictly caused by the topography of the property.

   Secondly, Mr. Russ said there was discussion concerning the orientation of the building at the Plan Commission meeting. He introduced Mark Nosky, architect for the project.

   **Mark Nosky,** architect for the project, explained the situation in terms of the proposed site plan. Mr. Nosky said the points raised in the meeting concerned the orientation of the building. He used an overhead to show the original site plan considered. Walgreen's wanted the entrance to face toward 63rd Street. The proposed site plan is the result of numerous variations. With the entrance facing the convenience center as originally proposed, Walgreens was concerned because the main drive into the shopping center would pass directly in front of the Walgreens store entrance. They felt there would be a safety issue. Also, there were issues with the loading dock and drive-thru, and having the entrance at 63rd alleviated those concerns. Also, with the store oriented toward the convenience center, parking for 48 stalls was not possible, and would affect the parking for the entire shopping center. By the reorientation of the building, they would also be able to add more green space.

   Mr. Russ pointed out that there is a Walgreens at 63rd and Cass in Westmont on the northwest corner that has the exact same building orientation in that strip mall. He noted that Walgreens was the driving force behind the site plan. The proposed parcel is troublesome due to the topography of the site. It has been vacant for several years due to the difficulty in the topography and the parking situation.

   The Mayor asked whether there are any other orientations of a Walgreens store in the Chicago area similar to what the Plan Commission asked. Mr. Russ said he did not know.

   Mayor Krajewski then asked how many variances they are requesting. Mr. Skach responded that they are requesting a total of five variations: Two consist of the front yard setbacks for parking close to the property line; one is from the landscape requirements; one variation regarding the sign
With respect to the Green Knolls Shopping Center, there is an extension of the requested variation for the front yards because of the lot reconfiguration, which is also tied to the original landscape requirement variation from 10% down to 4.1%. They are requesting a special use for the drive-thru.

Commissioner Schnell said that the Council has been trying to correct some of the errors that occurred in the 1960s and 70s when developments were created without specified requirements. She is concerned that they are asking for variations to greenspace. This is an opportunity for greenspace in an area that has little greenspace. She understands the difficulty of the site, but considers this an opportunity for additional landscaping. She would like to see the developer and Green Knolls work together for more greenspace. The proposal is continuing an unacceptable situation with some of the variations.

Commissioner Schnell said she has major concerns about the orientation. Putting the loading dock on the north side of the building creates safety hazards because of the proximity of the entrance to the shopping center. She said that if the building were re-oriented with loading in the back, it would remove part of the safety concern. The site would not be enhanced having the back of the building and a loading zone on Main Street.

Commissioner Schnell also expressed concern about the tower for the drive-thru and lighting, which is higher than most other Walgreens. She believes the lighting may have a negative impact on the surrounding neighborhood with the height of the tower.

The Commissioner then asked whether Green Knolls Shopping Center has any restrictions as to when deliveries can be made. The Walgreens building on Main and Ogden was not supposed to have delivery or trash pick ups before 7:00 a.m., and that is not being followed. If there were no restrictions, Commissioner Schnell asked whether Walgreens would impose them upon itself.

Regarding the freestanding sign height, Commissioner Schnell said she understood the concern about visibility. Looking at the sight today, she said the existing sign in the center is about 10' above grade from all directions, and she could not see going above that height.

Mr. Russ said that with regard to the sign height, there is a signboard underneath the Walgreens portion of the sign. When driving past the site, you only see a portion of the sign, and nothing below the faceplate. The advertising portion of the sign would be below grade and not visible.

Mr. Russ said he was unaware of any restrictions of delivery set by the shopping center. He said that Mr. Babcock of Walgreens indicated there were no delivery issues at this point.

As to the tower, Mr. Russ said it is within the height restrictions of the Village ordinances, and they are not requesting a variance. One thing that is different is that you are looking down on the top of the building, which has an additional 5' parapet wall around the building to hide the mechanics.

Concerning the orientation of the building, Mr. Russ said that Walgreens was the driving force behind that. They have provided for a brick wall to hide the loading area, and are trying to provide for parking and minimize the variations. If the loading dock is on the south side of the building,
they lose the parking around the perimeter and those spaces cannot be replaced due to driveways and orientation of the remainder of the shopping center.

Commissioner Schnell asked that the site plan be placed on the overhead, and said that looking at the site, delivery trucks would be coming on and off of Main Street. Mr. Russ said that the trucks would be backing into the loading dock, which is basically a garage door. He then used the site plan to explain the delivery route.

Regarding greenspace, Mr. Russ said that they are adding greenspace to the site already, as there is virtually no greenspace on the site. There is a band of green surrounding the property on the County right-of-way. He said they attempted to maximize the greenspace by establishing planting areas along the parking areas, without jeopardizing parking ordinance requirements.

The Mayor asked whether staff spoke to them about rotating the building. Mr. Notsky responded that the issue was not brought up until the Plan Commission did so. It was discussed in passing, but not formulated in any way.

Mr. Skach said during 2002 in discussions with staff, the initial project came in with the orientation, and there was correspondence with the petitioner and property owners regarding the building orientation, and concerns were expressed.

The Mayor agreed that this is a unique property. He understands that Walgreens conducted their market research and was the driving force behind the plan submitted; however, the residents of the Village are the driving force regarding rules established. The Mayor said that the petitioner is requesting a lot of variances. He asked what the parking variance would be if they changed the orientation of the building.

Mr. Notsky said they would lose approximately 40 spaces and would not pick up any spaces if the drive-thru and loading dock are to work.

Commissioner Zabloudil said he would like to see the orientation with the loss of parking spaces.

Mr. Notsky said they could pick up greenspace in the areas identified. The landscaping would be 18' below street level as well.

The Mayor asked why they need the larger sign since everyone knows it's there. Mr. Notsky said that it would be the same as Amoco having their sign. Walgreens would like to have a sign, and since they are not at street level, the sign would have to be higher. The sign is not a special type of sign, but is an increase in height due to being 18' below street level. The Mayor asked whether the sign would tower 35' in the air. Mr. Notsky said they are asking for a 20' sign from the intersection. The Mayor said that the Village is attempting to review the signage in the area since there have been other requests for larger signage.

Mr. Notsky said they can design the sign so that it is 31' from grade level.
Commissioner Zabloudil said he understands the theory regarding the orientation of the building and the main drive. He thinks that it can be oriented the way the Village would like it. He said he would like to see the other plan showing a different orientation with the loss of parking spaces. He does not see the need for a signage variance, and believes it is hard to justify the variance. Walgreens knew there would be a concern with the signage when they agreed to use that property site. He said that looking at the Green Knoll's sign and adding a Walgreen's sign to fit with the existing sign would be preferable.

Commissioner Zabloudil said that the orientation of that building in his opinion does not do the community justice. It is not in the best interest in the community to have this orientation. He suggested that parking and shared parking could be arranged if the building is reoriented. He would like to hear back from the petitioner on these issues.

Commissioner Sandack also commented on the orientation, saying he would like to see the net effect on parking if the building is reoriented. That may mean more variations, but it would be more palatable. They are looking at five variances and a special use. He asked how many variations would be needed with a reorientation of the building. Mr. Russ said it would probably still be the same amount due to the requirements of signage, greenspace, parking and setbacks.

Commissioner Sandack said with regard to greenspace, they should try and include as much as possible, but since they are starting with none, any addition is a monumental step in the right direction. He is concerned with parking, and feels that the proposed 31’ sign is too big. He noted that the petitioner has tried to work with a unique property and put it into good use. He noted that one person on the Plan Commission spoke out against the orientation, while the Commission and staff approved it. He wants this property to be used, but it must make sense and be appropriate for the community.

Mr. Russ responded that the petitioner would attempt to address the concerns raised, and will come back to work with staff.

The Mayor then read the paragraph in the Plan Commission minutes regarding the building orientation. Mr. Russ said that the only variation on signage is in regard to the height. Otherwise the sign meets the other criteria.

Commissioner McConnell commented on the signage, noting that she understands that having it 20’ above grade would match the Amoco and the Shell stations. She asked how the sign areas compare. Mr. Russ said he didn't have that data available, but would provide that information. They are probably similar in area as the existing signs probably meet the ordinance maximum requirements.

Commissioner McConnell asked whether the Walgreens' sign is lighted, and Mr. Russ said that their lights would go off at 10:00 p.m. when the store closes. Commissioner McConnell then asked whether it would be perpendicular to 63rd Street, and Mr. Russ said that was correct. She then asked whether the Green Knolls sign is nonconforming, and Mr. Russ said it is nonconforming.
Mr. Skach said that the original sign was for the Ponderosa restaurant at 30' high, and there is no indication in the file of any variation. There is some evidence that the Village at that time took the point of measurement from the existing grade at the street.

Commissioner McConnell said as long as the sign is within the code, other than the height, she could live with that. However, the building orientation is more problematic to her for many of the reasons already expressed. She said that the turn radius on the loading dock looks insufficient to her. She asked whether that was examined. Mr. Russ said that the Village's traffic engineer did review the parcel and there were no objections.

Commissioner McConnell then asked whether there was anything that could be done to mitigate the broad brick north and east sides of the building.

Commissioner McConnell then noted that there are Walgreens at 63rd and Belmont and at 72nd and Lemont Road, and asked whether one of those would close. Mr. Russ responded that they have not been informed of any closure of the 72nd Street store.

Commissioner McConnell said that the more greenspace they can get, the better it would be. She also asked if the drive-thru hours are the same as the store hours and Mr. Russ said that was correct. The Commissioner asked whether they would have to come back to the Village if Walgreens changed its hours, and Mr. Russ said they would have to come back and amend the special use for the drive thru.

Commissioner McConnell said that there were comments from the residents living in that area about the lighting from the back of the Green Knolls building. The residents worked hard to get the fence installed, and she would want to make sure that support is continued to make the situation workable for the residents. She said she looks forward to additional information.

The Mayor asked whether they have looked at the Woodward and 63rd area and 75th and Fairview. Mr. Russ said they do not represent Walgreens in this petition, but they represent the property owner. However, they will ask Walgreens their intentions and give whatever information they receive to the Council.

Commissioner Urban said he would like to see the building orientation reversed as well, and parking is also important to him. Regarding signage, as long as it meets the Code he has no problem with it. He asked that the petitioner look at what he calls the front tower, and put the sign on the retaining wall. He asked if this is the best use for this property. He has no problem with the variances, if it is best use of the property. He also has no problem with the loading dock. He agrees that the greenspace would be a great improvement.

Commissioner Tully said he has no problem with the requested lot reconfiguration. In regard to the special use approval, that is required because of the drive-thru facility. However, the petition is requesting a number of variations, and they have to examine whether the situation is a particular hardship rather than merely an inconvenience. He stated that the drive-thru is not a problem, but the way it is proposed and the variations are.

Regarding the variations themselves, Commissioner Tully said that everyone appreciates that this is a unique site. The concern is whether the variations make sense for the community. He said
he appreciates the fact that the property is not a producing property, but they won't do just anything to make it a producing property.

Commissioner Tully then listed his comments. He asked how many situations like this exist in the Chicagoland area, where, but for the grade variation, Walgreens has oriented their logo tower towards the rest of the shopping center. This question may establish hardship versus an inconvenience. The Commissioner then said that, with respect to the signage, he would like to see the original layout and signs for the Ponderosa and Lone Star. Concerning Mr. Notsky's comments, the Commissioner said he would like to see Dorin Fera's report regarding this site. There is a concern about a life safety issue regarding the traffic passing the front of the store. Secondly, with regard to grade issues, by seeing an alternative orientation the Council could better understand the hardship versus an inconvenience. In regard to a greenspace reduction with a changed orientation, he would like to know what that reduction would be. Also, he said it appears that the loading dock is to be placed behind some type of brick wall screen.

As to signage, Commissioner Tully said this issue needs to be examined in terms of a hardship versus an inconvenience. He does not see a hardship. He asked if the project as proposed would lower or heighten the grade of the sign. Mr. Notsky said the retaining wall, it would bring the base up higher, and that would lessen the height variance requested.

Commissioner Tully said if the sign ends up the same height from the street as the existing Green Knolls sign, that is enough to avoid a hardship. He thanked the Plan Commission for the detail with which they went through the petition and Mr. Griesbaum for the justification he gave for his "Nay" vote.

Commissioner Zabloudil addressed the greenspace issue, saying the square footage of the building looks to be 14,488 square feet. He asked what the square footage of the Ogden Avenue store is, and Mr. Notsky said he would look into that. The Commissioner then said that on the handout, it looks as though this is a relocation of 72nd and Lemont Road's store, and he asked that this be reviewed.

Mr. Lynn Babcock, owner/manager of the Green Knolls shopping center said that he is the contract purchaser of the site, and not the owner. He stated that he can appreciate the concerns expressed by the Council regarding variances and special uses. The building orientation was set a different way by himself and Mr. Notsky in 2002, as they thought the traffic circulation would best fit the site with that orientation. Walgreens did not want it that way. He wished Lonestar had never burned down, as no one else is coming to look at that property due to its unique characteristics. He thinks it would be hard to find another development with such a severe grade variation. Mr. Babcock said they are merely trying to make something out of an eyesore. Passersby on Main Street don't see it, but those in the center look at it every day. He said this is a difficult tradeoff. They will ask Walgreen if they'll consider rotation of the building.

The Mayor said that the Village would like to get something in return for the variances. He said he is not concerned about the next project. He would like this project to work, and would like it to look nicer.
Mr. Babcock said no one is happy with the way that site looks now. The tenants would benefit greatly with the development as there would be better greenspace, and it would bring more customers to the other tenants.

The Mayor said that the orientation is a big concern to the Council. There is a difference of opinion on the signage. The Mayor asked if there were any other comments from the audience.

**Joseph Mendrich**, 6124 Lane Place, said the sign is the main concern of the residents. The Shell and Amoco signs are at the top of the hill, while the Green Knolls sign is closer to their homes. He noted that the plaza didn't expand until after he moved into his home. It took three years to get a fence put in. He understands the center's concern for business success, but they should not put the business success at the expense of the neighbors. Mr. Mendrich said before the fence was put in, the residents planted bushes and the Village told them to pull them out. He is pleased to hear the Council is taking citizens' concerns into account.

**Dr. Gordon Goodman**, 5834 Middaugh, said he wrote a letter to the **Sun** which was published. The main point is that we want a successful neighborhood-shopping plaza. It should however, enhance the existing facilities. The developers should exchange short-term goals for the long-term viability of the area. Regarding granting variances, Criteria #5 states that the proposed variation would not alter the characteristics of the shopping area. Staff gave a brief analysis of that criterion, and he thinks they must be careful with the set of variations being proposed. It is important to know whether the development will enhance or hinder the other tenants.

Dr. Goodman then addressed the issue of stores with a similar orientation. He said that the area at 63rd and Cass is entirely different from this situation because of the size of the center. The 63rd and Main Street site is very compact. In addition they must consider realigning the boundaries of the parcels and assigning specific uses to the areas of the shopping center. There are many issues affecting viability. In addition, regarding the closing of the store at 72nd and Lemont, he noted that on Sheet D-1 is a statement that this store was intended as a relocation of store #318 at 72nd and Lemont Road.

**Mark Griesbaum**, 6012 Ridgewood, said he is a member of the Plan Commission and was the "Nay" vote. He said that considerable time was spent by the Plan Commission and the EDC concerning the overall viability and future land use of the Village. He took those discussions seriously when looking at this proposal. He supports the development of the site, and supports Walgreens going there. The issues were primarily with the orientation of the building, and the loading dock would present some aesthetic as well as safety issues. He has not changed his position. Mr. Griesbaum said the Village needs to take a stand on how the community will be developed. He noted that some issues such as grading and parking were not brought before the Plan Commission.

**George Nichalou**, 4845 Highland, said he also is on the Plan Commission. He said that signage was a major issue for him. It is not always clear to him what the venue is for the Plan Commission. He also did not like the orientation, although he did make the motion and voted in favor of it. Regarding the sign, he spent a long time photographing it from a number of angles. The sign would be visible on all four sides and in his opinion they do not need the sign. As a
citizen of the Village, he feels they cannot achieve success unless they draw lines in the sand. This petition shows the need for a new sign ordinance and architectural committee.

**Mike Buchanan** is a storeowner at the subject intersection. He has not seen all of the site plans, but he thinks the building is being pushed further north, which will eliminate some of the parking. He believes this will create parking havoc. The existing stores will be blocked out from 63rd Street. He does not understand how the loading dock and parking are going to co-exist peacefully. With the parking being displaced, it may eventually become Walgreens-only parking, and asked how that will affect the other tenants.

b. Park District Special Use – 2nd & Cumnor. Mr. Skach said that he has no additional information from that submitted in the Council's packet.

Commissioner Tully asked if the Park District will replace any existing sidewalks that are disturbed due to the construction of the park.

**Gene Cromwell** of the Park District said they will replace them as well as some portions of sidewalk with existing cracks.

Commissioner Schnell asked whether they can work with the Pepperidge Farm people regarding drivers and safety for kids at that park. The park is great, but it will not be good if someone is hurt. Mr. Skach said he would go to the traffic engineer in that regard.

**Jon Miller**, 231 2nd Street, said he has supported this park and considers it a win-win situation. He suggested a stop sign at the corner. He said that the neighbors want this park.

**Dr. Gordon Goodman**, 5834 Middaugh, congratulated the Park District and Village for working together for this recreation facility. He thinks this is the best form of responsive government when people can bring their requests to the governments and have what they are asking for provided to them.

1. **Budget Amendment.** The Manager asked Trisha Steele of Financial Services to address this matter.

**Trisha Steele**, Assistant Director, Financial Services, said she was presenting four budget amendments. Three of the items have matching revenues, and one does not. One of the amendments concerns the Fire Training Academy. Also included are stormwater services which are passed directly to those in need of the service; and fleet maintenance is to buy supplies for repairs to the municipal fleet.

Commissioner Tully said, with the exception of the stormwater improvements in the Ogden Avenue TIF project area, these are fund neutral. Ms. Steel said they raise the budget because the budget only discusses expenditures, but they are neutral to the fund balance.

2. **Curfew Ordinance.** The Manager said these changes are to comply with a recent federal court ruling that found the curfew law in Indiana to be unconstitutional. Police officers will be
mandated to ask juveniles why they are out after curfew and determine whether certain defenses apply.

In response to Commissioner Tully, Village Attorney Petrarca said the language is based on a model statute developed since the ruling. Commissioner Tully referred to Section (3) (b) (v) “an activity involving the exercise of the minor's rights protected under the First Amendment to the United States Constitution or Article 1 Sections 3, 4, and 5 of the Constitution of the State of Illinois, such as the free exercise of religion, freedom of speech and the right of assembly.” Commissioner Tully asked how one makes this determination. Ms. Petrarca said it is at the discretion of the police officer.

3. **Chapter 2 Amendments.** Attorney Petrarca said she amended Rule 2 to incorporate rules and procedures for attending meetings electronically. Other minor changes were made.

The Mayor said he would like to have a quorum of four members physically present at the meeting. He further said that with respect to Rule 32 he would like four votes.

Commissioner McConnell asked concerning Rule 2a, if the word "a" member limits it to one. She asked if two would be allowed. Attorney Petrarca said it could be two. The Commissioner asked about reasons for not attending under a.1. such as being out of town on vacation, and whether a member would be precluded from calling in. Attorney Petrarca said they would be precluded. If this gets adopted as is currently proposed, they would be precluded. Until it becomes State law, they could do it. Commissioner McConnell asked whether they want to put it in now and see what happens, or make some suggestions to the State Legislature.

Commissioner Schnell said that there could be a difference between a member staying home to watch a game versus being on vacation or out of town. Attorney Petrarca agreed, and said right now under Home Rule, the Village can add whatever restrictions it chooses, until this becomes State law.

Commissioner McConnell asked about #4 in Rule 2 regarding a member hearing the entire dialogue, and not just call in a vote. Attorney Petrarca said that is covered by #5.

Commissioner McConnell asked whether the Presiding Officer decides the amount of time decided for public comment in Rule 8b. Attorney Petrarca said that was correct.

The Mayor asked if they should address a means of allowing more than one Commissioner to call, since the Village does not have the capability for more than one Commissioner to call in. Attorney Petrarca said that they anticipate establishing a set of Rules and Procedures.

Commissioner Tully said they can set up a conference call with multiple people on one line.

Commissioner Tully said that they should make Rule 2a more restrictive and require four members to be physically present at the meeting. He then suggested that the words "a member" be changed to any member. He also would like to insert the word "interactive" before "electronic means" because it makes it clearer.
Commissioner Tully then referred to Section 2 a-1. He said the issue is someone being out of town. If a person is legitimately out of town and wants to participate, they should be allowed to participate electronically. He would like to see language to address this more clearly. He then asked about #2 regarding attending by electronic means for a member who gives advance notice. Attorney Petrarca said the issue is being able to rent the equipment.

Commissioner Tully asked about #2 and quorum requirements. Ms. Petrarca said this is not necessary as Rule 32 establishes four affirmative votes on every issue. Commissioner Tully said he thought they should keep it that way, and the other Council members concurred.

6. Village Council Home Rule Policy. Attorney Petrarca said the only change made was to add the publication provision back in.

The Mayor said he thought they should publish it and allow a referendum.

Commissioner Sandack referenced the changes in this policy from a Resolution that's been in effect since 1971, to Ordinance status. He is fine with the concept of a non-binding referendum but he feels the number of signatures is entirely too low for the petitions.

Attorney Petrarca said that there is a new Senate Bill that changes the number to 8% of the votes cast in the last Gubernatorial election, which would be 1,457 for the Village. She added that the standard for abolishing Home Rule is 10% of the registered voters.

Regarding referenda, Attorney Petrarca referenced the last clause which states "If the majority of the persons voting at such referendum are opposed to such proposed ordinance, it will be the policy of the Village Council not to adopt such ordinance."

Commissioner Sandack said he was ok with keeping the sentence in if the number is changed, rather than the potential of having very few residents determining the Council's action.

Commissioner Tully said the reason they are looking at Home Rule issues was to review it because it hasn't been looked at for some time and the Home Rule sales tax raised the issue. He said he is in favor of keeping the notice requirement, in addition to Workshopping the issue.

With respect to the back door referendum, Commissioner Tully favors it. He said he is intrigued by Commissioner Sandack's point about raising the number of signatures required on a petition. He would also favor a little higher threshold figure, and the figure of 8% of the last Gubernatorial election is not unreasonable. The Commissioner then addressed issue 2c, regarding timing. He asked what it means if a petition is filed prior to a vote adopting an ordinance.

The Mayor gave the example of increases in real estate taxes. He asked about the amount of time required to put an issue on the ballot. Ms. Petrarca said it is a minimum of 78 days prior to an election. He said that may not be enough time for residents to gather signatures.

Commissioner Tully said timing issues include: 1) Residents having an opportunity to know what it is they might want to go out and get signatures for; and 2) a situation where an issue is budgeted for and is halted by the petition. These are problems that should be reviewed.
Attorney Petrarca said that the intent is that if there was a petition, a vote would be put off until after the election.

The Mayor said this would not give residents time to get signatures because there are only two weeks between a Workshop and Council vote. He'd rather see a two-month lead time. Ms. Petrarca said that it could be addressed in Section 1.

The Mayor said he doesn't particularly like raising the number of signatures if there will not be enough time for residents to get the signatures. Ms. Petrarca said if the State law is changed, the 10% might not work because the DuPage Board of Elections would not consider it valid. The Mayor responded that the Village could sponsor the referendum, thereby requiring fewer signatures of residents than State law requires.

Commissioner Tully said that other timing issues need to be considered in addition to those regarding the referendum issue. He would like to see a timeline of all actions associated with a referendum issue.

Commissioner McConnell said she is intrigued by going to 8% and increasing the time to a month or two. She said if the fiscal year is changed to January they would need to look at the timing in light of this as well.

The Mayor said the biggest issue would be property tax levies.

**Dr. Gordon Goodman**, 5834 Middaugh, said there were two main areas he wished to discuss. First, all Home Rule ordinances should be subjected to extraordinary procedures. One of the changes being made in this proposal is to restrict Home Rule to only tax ordinances.

Secondly, with regard to Home Rule taxes, Dr. Goodman said that over the years he tried to get something related to property taxes considered as a Home Rule power. He said the Library tax is considerably above the statutory rate, and the Library has benefited from the Home Rule. Dr. Goodman said that previous interpretation was that Home Rule was intended only for new taxes. He said when a sales tax or any new tax is planned, the Council would propose an enabling ordinance with a given timetable to enact it. He said they must ask whether they want this for only new taxes or for changes in the level of taxation for an existing tax.

Dr. Goodman said this is parallel to what is done for double-barreled bonds or alternative revenue bonds where there is a provision for back-door referenda. He said it started at 15% which was considered to be onerous, and was lowered to 7.5% of the voters. Although this is an advisory referendum, it is like the binding referendum that would be associated with alternative revenue bonds.

By way of example the Mayor said the DuPage Water Commission has two readings and a vote taken at the third meeting.

**Marilynn Gerloff**, 4241 Highland Avenue, said she thought the Home Rule policy was for the protection of the residents. She said that Home Rule covers more than merely taxes, and that
should be stressed. It protects us and covers the way we do things such as public health issues, safety, licenses, etc. She said that no matter what the Council wants to do with the Home Rule Policy, they need to let the residents know. It is not enough to list it as an Agenda item in the Village Corner. She said there should be publication of all Home Rule issues, not just taxes. Residents need to be informed when something important is going to be discussed that may affect them.

**Dr. Goodman** said he believes this Home Rule policy is a Home Rule Ordinance, which means the Council is well on the way to doing the proper thing and providing enough exposure. He said he hoped the Council would follow the existing policy in adopting whatever revision is made.

**STANDING COMMITTEE REPORTS**

**Finance Committee**

Commissioner Zabloudil said the Finance Committee met and discussed insurance renewals for 2004/05. He said the item would be reported out for next week’s Active Agenda. He said five brokers were interviewed for the process. The recommendation from staff is to go with the current provider who has merged with another organization. They are Hilb Rogel and Hobbs in the amount of $162,144 which is a savings of about $20,000 over this year's costs.

Commissioner Zabloudil said the Committee also discussed the software update. The current water component of the software system is antiquated. Staff asked for direction from the Committee relative to looking at other software packages to identify a full-blown financial package. A cash balance policy has been crafted and will be in the Council's Friday packet. Further, the Committee looked at the pros and cons of changing the fiscal year. He said staff will make a recommendation as to when it would take place.

Commissioner Zabloudil noted they discussed weekly disbursements, and staff will research further to find a way to expedite the process.

The Mayor clarified that they are looking at two components -- water billing and accounting. The two systems could then integrate. Commissioner Zabloudil said that was what they are looking for and will report later.

**ATTORNEY'S REPORT**

Village Attorney Enza Petrarca said she was presenting five items to the Council: 1) An ordinance adopting the Fiscal Year 2004/05 budget in lieu of passage of an appropriation ordinance; 2) an ordinance authorizing special use at 5130 Cumnor Road to permit a public park in an R-4 residential zoning district; 3) An ordinance providing for an amendment to Ordinance #4558 and the Village of Downers Grove budget for Fiscal Year 2003/04; 4) An ordinance amending curfew violations; and 5) An ordinance amending council rules.

**COUNCIL MEMBERS**
Commissioner Schnell congratulated Downers Grove Watch for an extremely good forum on teardowns. She thought it was very well done. A book that was discussed is available.

Commissioner McConnell said she was sorry to miss that presentation, but thinks that the Council should review the book and discuss how this can be useful to the Village.

Commissioner Urban also thanked Downers Grove Watch. He said he spoke with Tom Cowan and they will provide a number of the books and a make a power point presentation available to the Council.

Commissioner Tully reminded everyone that the Downers Grove Parent Teacher Associations is holding the Court Jester Basketball game on Sunday, April 18, at Downers Grove South at 2:00 p.m. The cost is $5.00.

Commissioner Tully said that the Council has periodically recognized residents who have served our country in Iraq. He said that Megan Johnson has returned home after serving as a military police officer. She is his niece, and he wanted to recognize her service.

The Mayor said that during the break, an Alderman from Darien told him that Walgreens made several concessions for them including the height of the tower. He said that they also told Darien that they would be closing the 72nd and Lemont store and moving it to Darien.

Mayor Krajewski said they also discussed signage, and it was suggested that the signage ordinance be revisited. He asked the Village Manager to have the EDC and the staff look at the signage ordinance.

There being no further discussion, the Workshop meeting was adjourned at 9:55 p.m.

April K. Holden
Village Clerk

tmh/