



# Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

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Tuesday, November 20, 2007

7:00 pm

Council Chambers

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## 1. Call to Order

*Mayor Ron Sandack 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 Sandack led those present in the Pledge of Allegiance to the Flag.*

## 2. Roll Call

Present: Commissioner Marilyn Schnell, Commissioner Martin Tully, Commissioner William Waldack, Commissioner Sean P. Durkin, Commissioner Bruce E. Beckman, Commissioner Geoff Neustadt and Mayor Ron Sandack

Non Voting: Village Manager Cara Pavlicek, 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 on the active agenda items for this evening's meeting. Following this, an opportunity is given for public comments and questions on any subject. Finally, 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.*

*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 Sandack 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 Workshop and Council Meetings

*Council Meeting - November 6, 2007*

*Workshop Meeting - November 13, 2007*

*Commissioner Waldack said he gave one correction to the Clerk. Commissioner Tully said he had one minor change to the Workshop minutes of November 13, 2007. Mayor Sandack said the minutes would be filed as corrected.*

### Proclamation

*Mayor Sandack proclaimed November 20, 2007 as Downers Grove South Girls' Tennis Team Day in recognition of their achievement as 2007 State Runners-up. He congratulated the Mustangs on their accomplishment.*

## Bi-Weekly Update - Fire Station 2 Construction

*Ed Disler, Owner's Representative, updated the Council on Fire Station 2 construction. All of the utility work on Main Street is complete. The building is divided into three pods for administration, apparatus and staff quarters. He is pressing to get the masonry work done by the end of the year. He showed pictures taken today of the clock tower, main entrance, on-going masonry work and arches. The Kingstone Arch is in place.*

*The Mayor asked if the masonry work will be finished on schedule.*

*Mr. Disler said he expects it to be finished within a few days of the deadline.*

*In response to Commissioner Beckman, Mr. Disler said windows have been installed on the north pod.*

## 4. Public Comments and Questions

### A. Comments and Questions on Active Agenda

*1. John Schofield, 1125 Jefferson, commented on the amendment to employee rules and regulations. He is glad to see this happening and hopes it is approved as submitted. With regard to the refuse contract, he expressed thanks to Dr. Goodman for bringing up the topic of electronics recycling. He sees this as an open issue that he hopes will be considered. He said that he was told that staff was negotiating with a prominent electronics retailer regarding possible drop off recycling of used electronics. He said he thought people underestimate the number of electronics that will be recycled, including television sets in the next 18 months. Thirdly, with regard to lot splits, Mr. Schofield said he agrees totally with Commissioner Tully's comments at the last meeting regarding flag lots. He said the ordinance says that flag lots are only appropriate with irregularly shaped lots, and he sees no irregularities with the subject property. There are no hardships or difficulties that he can see. He also hoped that the Council would enact a moratorium to clarify how the process should work.*

*2. Pete Boonstra with Allied Waste brought up three points regarding the proposed contract. He asked that the Council makes sure they know what they are getting. Allied has been in the town for 30 years and knows what it takes to get the job done. As for Amnesty Day, Allied always accomplished that in a single day, the same day of the pickup. Secondly, he commended staff on evaluating the numbers presented. He said that Allied costs are very competitive. Mr. Boonstra then said that Allied had good alternatives worth looking at, including recycling and senior discounts. He wanted the Council to recognize quality versus price. There would be no disruption of service with Allied Waste. They are a "known" service provider versus an unknown provider.*

*3. Dan Roberts, owner of 4516 Roslyn, said he is the petitioner on the flag lot, and thinks this is very appropriate choice for Roslyn Road. The lots are about 18,000 square feet in size, and there is a trend on Roslyn Road for flag lots. He noted that they meet all of the Village's requirements.*

*4. Jill Venskus, 105 W. Traube, said that she thinks flag lots look out of place, and she feels sorry for the neighbors near flag lots. Flag lots affect property values. She said that the staff did a great job in presenting the facts in their report, and she does not see a reason to grant a flag lot on this site. She said she wished the Roberts family many happy years in their home. She requested that the petition be denied, and she asked that the Council take the necessary steps so that flag lots are not an issue in the future.*

### B. Comments and Questions on General Matters

*1. Annette Bonfield, Bonfield Express Foundation, thanked the Council for their support of the Bonfield Express race. She noted that 2,100 people have already registered and it is still going*

on. They will be starting at the train station for the 5K race, and she looks forward to seeing everyone there.

The Mayor said that this is a great community event, and that they'll get a great crowd.

2. Frank Falesch, 820 Prairie, commented on the Belmont underpass discussion several weeks ago by Council, saying that it sounded as though the construction will be imminent. He asked about Ms. Brzezinski's comments last week that sounded contrary to the previous information. He thinks the parking lot there is a good idea.

Mayor Sandack said that Ms. Brzezinski is entitled to her opinion. The Council is hopeful that the project will move forward. They are not intending to start construction on the roadway this year.

Mr. Falesch said he agrees with construction of the parking lot. He then asked about the refuse pickup, saying that Allied works only three days and asked what happens when there is a holiday. The Manager said the collection would shift to one day later.

## 5. Public Hearings

## 6. Consent Agenda

**COR 00-03056** A. Claim Ordinance: No. 5717, Payroll, November 9, 2007

**Sponsors:** Accounting

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

**Indexes:** N/A

**BIL 00-03057** B. List of Bills Payable: No. 5698, November 20, 2007

**Sponsors:** Accounting

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

**Indexes:** N/A

**RES 00-03058** C. Resolution: Authorize a Special Commercial Event License Agreement with the Bonfield Express Foundation for the Bonfield Express 5K Race/Walk

**Sponsors:** Communications

**Summary of Item:** A RESOLUTION AUTHORIZING A SPECIAL COMMERCIAL EVENT LICENSE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE BONFIELD EXPRESS FOUNDATION FOR THE BONFIELD EXPRESS 5K RACE/WALK

RESOLUTION 2007-112

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

**Indexes:** Special Commercial Event License

**RES 00-03060** D. Resolution: Authorize Reallocation of Bond Volume Cap to the Illinois Finance Authority

**Sponsors:** Deputy Village Manager

**Summary of Item:** A RESOLUTION AUTHORIZING REALLOCATION OF BOND VOLUME CAP TO THE ILLINOIS FINANCE AUTHORITY

RESOLUTION 2007-113

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

**Indexes:** Bond Allocation

**RES 00-03061** E. Resolution: Authorize an Agreement with National Insurance Services of Wisconsin, Inc. (Long Term Disability)

**Sponsors:** Human Resources

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND NATIONAL INSURANCE SERVICES OF WISCONSIN, INC. (Long Term Disability)

RESOLUTION 2007-114

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

**Indexes:** Insurance - Health, Employee, Employee Benefits

**RES 00-03062** F. Resolution: Authorize an Agreement with National Insurance Services (Group Life)

**Sponsors:** Human Resources

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND NATIONAL INSURANCE SERVICES (Group Life)

RESOLUTION 2007-115

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

**Indexes:** Insurance - Health, Employee, Employee Benefits

**RES 00-03063** G. Resolution: Authorize a Claims Administration Agreement with Professional Benefit Administrators, Inc.

**Sponsors:** Human Resources

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF A CLAIMS ADMINISTRATION AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND PROFESSIONAL BENEFIT ADMINISTRATORS, INC.

RESOLUTION 2007-116

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

**Indexes:** Insurance - Health, Employee, Employee Benefits

**RES 00-03078** H. Resolution: Authorize an Employer Enrollment Agreement with Drug Card, Inc.

**Sponsors:** Human Resources

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN EMPLOYER ENROLLMENT AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND DRUG CARD, INC.

RESOLUTION 2007-117

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

**Indexes:** Insurance - Health, Employee

**RES 00-03079** I. Resolution: Authorize an Administration Agreement and Amended Adoption Agreement with Genesis Employee Benefits, Inc. d/b/a America's VEBA Solution

**Sponsors:** Human Resources

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN ADMINISTRATION AGREEMENT AND AMENDED ADOPTION AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND GENESIS EMPLOYEE BENEFITS, INC. d/b/a AMERICA'S VEBA SOLUTION

RESOLUTION 2007-118

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

**Indexes:** Insurance - Health, Employee

**RES 00-03064** J. Resolution: Authorize an Agreement with Advocate Health Partners

**Sponsors:** Human Resources

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND ADVOCATE HEALTH PARTNERS FOR AND ON BEHALF OF ADVOCATE GOOD SAMARITAN HOSPITAL, A HOSPITAL OPERATING DIVISION OF ADVOCATE HEALTH AND HOSPITALS CORPORATION

RESOLUTION 2007-119

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

**Indexes:** Insurance - Health, Employee, Employee Benefits

**RES 00-03065** K. Resolution: Authorize an Administrative Services Contract with Delta Dental of Illinois

**Sponsors:** Human Resources

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN ADMINISTRATIVE SERVICES CONTRACT BETWEEN THE VILLAGE OF DOWNERS GROVE AND DELTA DENTAL OF ILLINOIS

RESOLUTION 2007-120

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

**Indexes:** Insurance - Health, Employee, Employee Benefits

**RES 00-03067** L. Resolution: Repeal Obsolete Village Council Policies and Resolutions Concerning Employee Administrative Rules and Regulations

**Sponsors:** Human Resources

**Summary of Item:** A RESOLUTION REPEALING OBSOLETE VILLAGE COUNCIL POLICIES AND RESOLUTIONS CONCERNING EMPLOYEE ADMINISTRATIVE RULES AND REGULATIONS

RESOLUTION 2007-121

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

**Indexes:** Employee Manual, Administrative Rules and Regulations

- RES 00-03068** M. Resolution: Authorize an Agreement with ImageWare Systems, Inc.  
**Sponsors:** Police Department  
**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND IMAGEWARE SYSTEMS, INC.

RESOLUTION 2007-122

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

**Indexes:** Police Digital Booking System

- MOT 00-03070** N. Motion: Estimate 2007 Aggregate Tax Levy for the Village of Downers Grove  
**Sponsors:** Finance  
**Summary of Item:** Motion to find and determine that the aggregate levy for the Village of Downers Grove, as defined in the Illinois Truth and Taxation Law, estimated to be necessary to be raised by taxation for 2007 upon the taxable property in Downers Grove is \$18,761,264. This amount is based upon an estimated levy of \$5,340,769 for corporate and police; \$2,746,563 for fire; \$1,145,133 for police pension; \$1,017,249 for fire pension; \$3,631,195 for library operating; \$646,850 for the 2003 library debt service; \$173,160 for Fairview Avenue debt service; \$269,950 for Central Business District 1999 Series debt service; \$208,325 for Central Business District 2000 Series debt service; and \$317,163 for Central Business District 2001 Series debt service; and \$364,407 for Central Business District 2002 Series debt service; \$512,210 for G.O. Water Issue 2001A debt service; \$880,540 for Central Business District 2003A debt service; and \$423,900 for Central Business District 2005 Series debt service; and \$731,179 for Fire Station 2 2007 Series debt service. The estimated levy for Special Service Area #2, CBD Special Service Area, is \$234,000. The estimated levy for Special Service Area #3, Prince Pond Special Service Area, is \$8,671. A public hearing will be held on these proposed levies on December 4, 2007 at 7:00 p.m. in the Village Council Chambers. The adoption of the proposed levies will be held on December 18, 2007 at 7:00 p.m. in the Village Council Chambers. Staff is also directed to prepare to abate said 2007 tax levies.

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

**Indexes:** Tax Levy - 2007

- MOT 00-03075** O. Motion: Note Receipt of Minutes of Boards and Commissions  
**Summary of Item:** Community Events Commission - September 13, 2007  
Library Board - October 24, 2007  
Parking & Traffic Commission - October 10, 2007  
Plan Commission - October 22, 2007  
Stormwater and Flood Plain Oversight Committee - August 30, 2007  
Zoning Board of Appeals - October 24, 2007

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

**Indexes:** Boards and Commissions Minutes

## **Passed The Consent Agenda**

**A motion was made by Commissioner Tully, seconded by Commissioner Durkin, that the consent agenda be passed. The motion carried by the following vote:**

**Votes:** Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

## **7. Active Agenda**

**RES 00-03059**

A. Resolution: Authorize a Special Service Area Operations Agreement with the Downers Grove Downtown Management Corporation

**Sponsors:** Manager's Office

**Summary of Item:** This authorizes execution of a Special Service Area operations agreement between the Village of Downers Grove and the Downtown Management Corporation.

A RESOLUTION AUTHORIZING EXECUTION OF A SPECIAL SERVICE AREA OPERATIONS AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND DOWNERS GROVE DOWNTOWN MANAGEMENT CORPORATION

RESOLUTION 2007-123

*Commissioner Tully moved to adopt "A Resolution Authorizing Execution of a Special Service Area Operations Agreement Between The Village of Downers Grove and Downers Grove Downtown Management Corporation," to include the duration/termination clause as follows: "This Agreement shall terminate on the date of dissolution or termination of the Special Service Area established by Ordinance No. 3682 and extended, most recently by Ordinance No. 4739, or upon dissolution of the Corporation."*

**A motion was made by Commissioner Tully, seconded by Commissioner Neustadt, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:**

**Votes:** Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

**Indexes:** Downtown Management Corporation

**RES 00-03066**

B. Resolution: Amend the Employee Administrative Rules and Regulations of the Village of Downers Grove, Illinois

**Sponsors:** Human Resources

**Summary of Item:** This authorizes adoption of the Village of Downers Grove Employee Administrative Rules and Regulations dated November 20, 2007.

A RESOLUTION AMENDING THE EMPLOYEE ADMINISTRATIVE RULES AND REGULATIONS OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS

RESOLUTION 2007-124

*Commissioner Waldack thanked the Council for taking this off the Consent Agenda. He clarified his objection to Section 2.2.1 of the Resolution, Relatives of Village Employees: "Effective January 1, 2008, in the event that a marriage will create the determination that existing employees are relatives, the employee with the least full employment status tenure shall be deemed to have tendered their resignation effective upon the date of the marriage." He noted articles have pointed out that having married employees can be good for the morale of a company as well as productivity. This would discourage marriage and increases the possibility of sexual harassment liability. He thinks the Village's policy should move into the 21st century and urged that this be reevaluated.*

*Commissioner Waldack moved to remove from consideration and table for a future meeting Section 2.2.1, Relatives of Village Employees, of the Resolution Amending the Employee Administrative Rules and Regulations of the Village of Downers Grove, Illinois. The motion failed for lack of a second.*

**A motion was made by Commissioner Durkin, seconded by Commissioner Beckman, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:**

**Votes:** Yea: Commissioner Schnell, Commissioner Tully, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Nay: Commissioner Waldack

**Indexes:** Employee Manual, Administrative Rules and Regulations

**ORD 00-03071** C. Ordinance: Adopt the Smoke Free Illinois Act

**Sponsors:** Manager's Office

**Summary of Item:** This will adopt the State's Smoke Free Illinois Act.

AN ORDINANCE ADOPTING THE SMOKE FREE ILLINOIS ACT

ORDINANCE NO. 4927

**A motion was made by Commissioner Beckman, seconded by Commissioner Durkin, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:**

**Votes:** Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

**Indexes:** Smoking Ban

**ORD 00-03072** D. Ordinance: Approve a Lot Split with a Flag Lot Exception for 4516 Roslyn Road

**Sponsors:** Community Development

**Summary of Item:** At their meeting of October 22, 2007, the Plan Commission recommended a lot split with a flag lot exception for the property located at 4516 Roslyn Road.

AN ORDINANCE APPROVING A LOT SPLIT WITH A FLAG LOT EXCEPTION FOR THE PROPERTY COMMONLY KNOWN AS 4516 ROSLYN ROAD

*Commissioner Schnell moved to deny the ordinance approving a lot split with a flag lot exception for 4516 Roslyn. Commissioner Tully seconded the Motion.*

*Commissioner Tully said that the Council reviewed the standards extensively at last week's Workshop. He said there is no blame to Mr. Roberts for asking. He said this is an objective application of the ordinance. There are two concerns in that no hardship or difficulty was expressed that would justify approval of the request. And there is nothing unique about the parcel other than its size. Furthermore, with respect to the flag lot being consistent with the area, there has not been a flag lot granted in the area in over five years. This fails the criteria in terms of a trend of development on Roslyn Road, or in Downers Grove in general.*

*Commissioner Schnell complimented the staff on their report, saying they did an exemplary job.*

*The Mayor said that this is a tough issue, and he shares Commissioner Tully's sentiments regarding the petitioner and his right to make the request. The Council has given a mixed message with respect to flag lots in the past, and there was movement some years ago to potentially remove flag lots from the Code completely. Mayor Sandack said the Village will not be getting yearly applications for flag lots when there are not yearly changes in ownership of properties. He suggested that the Plan Commission might have seen the lot as unique. Staff did not believe this parcel met the Code. He said he would vote Nay on this issue, saying further that the Council needs to be clear on flag lots.*

*Commissioner Waldack clarified that an "Aye" vote is a vote to deny the request.*

**A motion was made by Commissioner Schnell, seconded by Commissioner Tully, to Deny this file. Mayor Sandack declared the motion carried by the following vote:**

**Votes:** Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Beckman and Commissioner Neustadt  
Nay: Commissioner Durkin and Mayor Sandack

**Indexes:** Lot Split, Flag Lots



**RES 00-03074**

E. Resolution: Authorize an Agreement with ARC Disposal and Recycling, Inc.

**Sponsors:** Manager's Office

**Summary of Item:** This authorizes execution of an agreement between the Village of Downers Grove and ARC Disposal and Recycling, Inc. for solid waste collection and disposal services, as set forth in the Agreement and schedule of alternatives and deviations.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND ARC DISPOSAL AND RECYCLING, INC.

RESOLUTION 2007-125

*Commissioner Schnell said she questions the idea of going with new trucks and drivers. She wants to make sure this is going to work, and that it is understood that the Council wants high quality service in the Village. She said that she will hold ARC to this standard and hopes old and new drivers will be mixed, and that they can work toward the idea of toters. She thanked staff for bringing this to Council in a timely manner.*

*Commissioner Neustadt said he would vote in favor of this, saying that ARC listened to the Village's wishes, and has included a leaf pick up alternative in their proposal. Allied provided great service to the Village for 30 years. He hopes that the transition will go smoothly. He also liked the idea of having a staff person involved more closely.*

*Commissioner Waldack said that he would vote in favor of this, noting that it is a close call. Allied has done an excellent job, but the comparisons shown by staff were well done. He said he has been a proponent of the report card system for services the Village receives. He believes Allied would score well, but noted that service is not the issue with respect to this agreement. He hopes ARC does an excellent job.*

*Commissioner Beckman said he would also support this motion. He is impressed with the way staff conducted themselves in preparing the RFP, and reviewing the proposals. He expects both organizations to be professional and to work together.*

*Commissioner Durkin asked for clarification that there are no sticker guarantees. The Manager said that was correct. Commissioner Durkin said what gives him some hesitation is that they are going from a 3-day to a 5-day program. ARC is not asking for a contribution from the Village, and this proposal allows the Village to provide more services to the residents. He also likes the inclusion of the leaf program. Commissioner Durkin said that he asked Darien about their experiences with ARC and it was positive. They said they liked having a staff person assigned to the area. He thanked Allied for their service. If this is approved tonight and the Village staff and ARC decide to implement a cart program, he would suggest that any vendor who responded to this RFP be contacted to provide a proposal.*

*Commissioner Tully said this is an important decision as it is a core service of the Village. He thanked Allied for their service, saying that periodically it is important to look at alternatives. In this situation the Village ended up with a better financial contract. He noted that there has been plenty of lead-time on this issue and plenty of analysis. He cautioned that there may be bumps in the road with the change. ARC has listened carefully to the input. He has not heard anything to convince him not to go with staff's recommendation and he will support ARC.*

*The Mayor said the Village has enjoyed a terrific relationship with Allied Waste. They participated in the process of competitive bidding. The Council owes it to its residents to test the market and make sure the Village and its residents are getting the best price. He said staff received four bids and provided the Council with the information. The process is the winner in all of this. The Council is attempting to undertake its fiduciary duties seriously. Ample time has*

*been provided for the transition.*

**A motion was made by Commissioner Neustadt, seconded by Commissioner Schnell, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:**

**Votes:** Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

**Indexes:** Scavenger-Recycling Program, Scavenger-Garbage Collection

**ORD 00-03076**

F. Ordinance: Establish a Moratorium Regarding Flag Lots

**Sponsors:** Manager's Office

**Summary of Item:** This authorizes a moratorium on the acceptance, consideration or approval of any request for the creation of a Flag Lot for a period of 120 days.

AN ORDINANCE ESTABLISHING A MORATORIUM REGARDING FLAG LOTS UNDER  
CHAPTER 20 OF THE DOWNERS GROVE MUNICIPAL CODE

ORDINANCE NO. 4928

*Mayor Sandack said he will vote against the moratorium. If it is the will of the Council to get rid of flag lots, they should just do it. It has already been studied.*

*Commissioner Durkin said he would also vote against this, as he thinks it is time to take a stance on this issue.*

*Commissioner Schnell said that times have changed, and what the community wants in terms of development has changed as well. The Council needs to either vote this up or down. She will also vote against this.*

*Commissioner Waldack said that his intent is to eliminate flag lots, and he thinks they need to discuss this in order to help the Plan Commission understand the Council's desires. They need to give better direction regarding trends and uniqueness. He does not think that the intent of the ordinance was to view lot size as a unique factor.*

*The Mayor said that the Plan Commission's deliberations are statutory. He would not want to dictate the definitions to them. They are the Board of first impression.*

*Commissioner Beckman said he would support the 120-day moratorium to devise a system to provide guidance to the Plan Commission. He sees this as a vehicle to reach that end.*

*Commissioner Tully said the purpose of the moratorium was to give people time to think about it. He thought it would make sense to bring in more information. He doesn't really need the 120 days for his decision. There is a history in establishing moratoriums that might result in changes to make it fair to the residents and potential petitioners. He sees no problem with having more discussion to clarify what is being done and why.*

*The Mayor said that the last petition has enabled the Council to have good discussion on the appropriateness of flag lots.*

**A motion was made by Commissioner Neustadt, seconded by Commissioner Tully, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:**

**Votes:** Yea: Commissioner Tully, Commissioner Waldack, Commissioner Beckman and Commissioner Neustadt

Nay: Commissioner Schnell, Commissioner Durkin and Mayor Sandack

**Indexes:** Flag Lots

## 8. Mayor's Report

*The Mayor said on November 1, 2007, the Liquor Commission found the Cellar Door, LLC of 5150 S. Main Street qualified for Class W-1 and Class O-1 liquor licenses. Upon receipt of the proper documentation, the Mayor said it is his intention as Liquor Commissioner to issue such licenses.*

### Materials to be Received

### Materials to be Placed on File

*Liquor Commission Findings*

## 9. Manager's and Directors' Reports

### Northern Trust Financial Advisor Report

*Manager Pavlicek said that Northern Trust has put together some financial information for this evening, noting that the Council had copies of that report.*

*Al Ambrose of Northern Trust made a presentation analyzing stormwater financing. He discussed the potential impact and debt cap the Village would have based on various revenue raising scenarios. He reviewed financing capacity, potential credit/ratings impact, and refunding opportunities.*

*Regarding financing capacity, Mr. Ambrose reviewed the structure, including timing and amortization; fees and interest rates. He then outlined a \$6.0 million debt service scenario. He said that \$6.0 million in debt service over a 30-year amortization term can potentially support up to \$108,254,000 of project costs plus costs of insurance. The net proceeds for the Series 2008 bond issue would be \$37,512,000; Series 2012 would be \$36,649,000 and Series 2015 would be \$34,093,000. He provided the same analysis on a \$4.0 million debt service scenario. Secondly Mr. Ambrose looked at how this would impact the financial rating of the Village and discussed payment schedules. He said that typical municipal bond issues are structured with a semi-annual interest payment and an annual principal payment. This would be a dual payment, with the first interest payment being lower and due June 2009, and the second payment due December 2009.*

*Mr. Ambrose discussed protecting against rising interest rates. Interest rate locks lock in current interest rates to mitigate the risk of rising interest rates between now and the anticipated future bond issuances. A Rate-Lock locks in current debt service levels for a future bond issuance. A Rate-Lock to July 2008 would be at a cost of approximately 8 basis points. A Rate-Lock to January 2012 would cost the Village approximately 40 basis points. He said that this is not a fee, but is added on. He then showed slides depicting the current interest rate curve, saying he was comfortable making a recommendation to extend out to a 30-year bond issue as the cost to borrow out 30-years versus 20-years is very low in the current interest rate environment. Showing an historical perspective of interest rates, Mr. Ambrose said that the Village is in an attractive position to issue long-term debts. He indicated that the big question appears to be how this would impact the Village's ratings, which at this time is AA+ as rated by Standard and Poor's. Based on the anticipated bond issuances over the next ten years, Mr. Ambrose provided an analysis of the potential impact on the Village's rating based on four critical ratios: Debt to valuation, debt per capita, amortization over five years, and amortization over ten years. Mr. Ambrose reviewed the average outstanding debt for various DuPage municipalities.*

*Mr. Ambrose said he reviewed the benefit of current interest rates to refund outstanding debt, and identified some areas that could provide savings. Based on current market rates, the Village could refund \$5.11 million of outstanding bonds and generate \$173,134 of present value*

savings, or 3.388%. He said it might make sense to look at the refunding as an addition to the 2008 bond issue. He referred to the report saying they would look at the refunding issue on a maturity-by-maturity basis. Mr. Ambrose said the use of the saved funds will depend upon where the debt service is being paid from, such as TIF funds or general funds. He said that TIF funds would have to be paid within the TIF district.

Commissioner Durkin asked if the present value savings would be a one-time savings. Mr. Ambrose said it would be. Commissioner Durkin then asked about the payment structure and whether they looked at the Home Rule Sales Tax as the bond repayment. The Manager said that they did look at the Home Rule Sales Tax as well as new revenue streams.

Mr. Ambrose said in response to Commissioner Durkin that they anticipate these being issued as General Obligation bonds with the intent of the Village to abate the tax.

Mayor Sandack thanked Mr. Ambrose for a very good presentation. He explained that issuing bonds is a tool the Village has available to address the financing of long-term projects.

## 10. Attorney's Report

### Waive the One-Week Waiting Period to Consider New Business

Village Attorney Enza Petrarca asked the Council to consider waiving the one-week waiting period to consider new business with respect to a resolution authorizing a special commercial event license agreement with the Downtown Management Corporation for the 2007 Hospitality Sunday and Holiday Parade.

Commissioner Tully moved to waive the one-week waiting period to consider new business. Commissioner Durkin seconded the Motion.

Commissioner Schnell asked why this matter was not brought forth before tonight. The Manager said the applicant is not at fault; it was an internal processing issue.

VOTE: YEA: Commissioners Tully, Durkin, Beckman, Neustadt, Waldack, Schnell; Mayor Sandack

NAY: None

Mayor Sandack declared the Motion carried.

### RES 00-03077

Resolution: Authorize a Special Commercial Event License Agreement with the Downtown Management Corporation for the 2007 Hospitality Sunday and Holiday Parade

**Sponsors:** Communications

**Summary of Item:** This authorizes a special commercial event license agreement between the Village of Downers Grove and the Downers Grove Downtown Management Corporation for the 2007 Hospitality Sunday and Holiday Parade.

A RESOLUTION AUTHORIZING A SPECIAL COMMERCIAL EVENT LICENSE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE DOWNERS GROVE DOWNTOWN MANAGEMENT CORPORATION FOR THE 2007 HOSPITALITY SUNDAY AND HOLIDAY PARADE

RESOLUTION 2007-126

**A motion was made by Commissioner Tully, seconded by Commissioner Durkin, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:**

**Votes:** Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

**Indexes:** Special Commercial Event License

## 11. Council Member Reports and New Business

*Commissioner Beckman said that he and Commissioner Durkin attended the National League of Cities conference in New Orleans last week. He said that in the next few weeks he will make a presentation about his participation and observations, including topics of infrastructure development, broadband technology, and downtown America. He said that he met with one of the principals of Downtown America. He noted that his wife attended with him and spent time working on the rehabilitation of the blighted playground in the Algiers portion of the city.*

*Commissioner Durkin thanked the Council and residents for allowing him to join Commissioner Beckman in attending this conference. He then wished everyone a Happy Thanksgiving, and complimented staff on a beautifully lit Main Street.*

*Commissioner Tully said for clarification on Resolution 00-03059 regarding the Downtown Management Corporation, that the wording should be corrected not as a TIF but as an SSA. He also said he was glad that the Village had representatives available to attend the National League of Cities conferences. He said it is invaluable just to meet and speak with colleagues from other communities. Commissioner Tully noted the upcoming 5K Bonfield Express race, saying it is a wonderful event that takes place in the downtown area. He said that the Community Events Commission has been talking about staying relevant with Heritage Festival. They had a good turnout from the downtown business community at the last meeting, which may bring about changes with the event and funding. He wished everyone a safe, happy and reflective Thanksgiving.*

*Commissioner Schnell asked if the Lee and Ogden Development is scheduled for the December 11 meeting. The Mayor said that staff is working to get the notices out.*

*Commissioner Schnell then wished everyone a Happy Thanksgiving and expressed good luck wishes to the participants in the Bonfield Express.*

*Commissioner Waldack added his wishes for a Happy Thanksgiving.*

*Commissioner Neustadt reminded everyone that it is illegal to dump yard debris on the street. He then added his wishes for a safe and Happy Thanksgiving.*

*The Mayor said that the Bonfield Express run/walk is a great event and a lot of fun. He again congratulated the Downers Grove South Tennis Team on their accomplishments. The Mayor then extended his wishes to everyone for a Happy Thanksgiving.*

## 12. Adjournment

*Commissioner Tully moved to adjourn. Commissioner Durkin seconded.*

*VOTE: YEA - Commissioners Tully, Durkin, Beckman, Neustadt, Waldack, Schnell, Mayor Sandack*

*Mayor Sandack declared the motion carried and the meeting adjourned at 8:45 p.m.*