



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, November 9, 2010

7:00 pm

Council Chambers

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 Bob Barnett, Commissioner William Waldack, Commissioner Sean P. Durkin, Commissioner Bruce E. Beckman, Commissioner Geoff Neustadt and Mayor Ron Sandack

Non Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca and Village Clerk April Holden

The Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.

The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of the past meetings, an opportunity will be given for public comments and questions of a general matter. If a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing. Finally, an opportunity is given for public comments and questions on items appearing on the Consent Agenda, the Active Agenda and the First Reading.

The presiding officer will ask, at the appropriate time, if there are any comments from the public. If anyone wishes to speak, the individual should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name and address. Remarks should be limited to five minutes, and asked that individuals refrain from making repetitive statements.

Mayor 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 Council Meetings

Council Meeting - November 2, 2010

There being no additions or corrections to the minutes, Mayor Sandack said they would be filed as submitted.

Capital Projects Update

Public Works Director Nan Newlon introduced Darren Olson, President of the Illinois Section of the Illinois Society of Civil Engineers. Mr. Olson thanked the Council for the opportunity to present the Village with an Award for the Outstanding Civil Engineering Project of the Year for the Washington Park project. He explained that the award is given out on a yearly basis to

projects that exhibit the best civil engineering and contribute to the progress of civil engineering in general. Washington Park covers every aspect of civil engineering including flood relief, an irrigation system, fountains, and retaining walls. He presented the award to the Mayor. Mr. Olson noted that the Downers Grove Park District would also be receiving an award as partners in the project.

Ms. Newlon then proceeded with the capital projects update. She said that staff is completing many capital projects, and still have the 2010 resurfacing Phase B contract under way, which is in the final stages. They are doing some surface paving on 7th and 8th Streets and 55th Place, as well as striping. This \$1.8 million contract is close to complete. In addition to \$1.6 million earlier phase of work, the Village has spent about \$4 million on street maintenance. Seal and pavement patching contracts have also been completed.

Ms. Newlon noted that staff is in the final stages of the bike improvement program, which includes bike path links as well as signage. They are just beginning the Lacey Creek stream bank project. The Washington Street storm sewer work is underway and will include pavement patching. Also, the water main improvement program is near completion on Ogden Avenue with the switch to 12" water mains.

Ms. Newlon said that staff is getting ready for the Village's winter projects, with the receipt of 2000 tons of salt which has been treated with an anti-icer. All snow plows will be ready and new plow blades are being tested for longer life-expectancy and better pavement cleaning.

One-hundred fifty parkway trees have been planted, though eleven were lost during the recent windstorm. Ms. Newlon indicated they were in the second stage of the three-cycle fall sweeping program, and staff is also preparing for holiday decorating. The holiday tree has been put in place. Staff is working with the Downtown Management Corporation to rehab half of the downtown wreaths which will be refitted with LED lights. The Village tree will also be fit with a timer.

In response to Commissioner Durkin, Ms. Newlon said that the plow blades are the removable blades on the bottom of the plows, and typically they go through two or three blades each winter. The new blade is a carbide blade which is expected to last as long as two winters with one blade. They also do a cleaner cut clearing snow off the payment. This will save staff resources, and although they cost more, they should pay for themselves. Commissioner Durkin said it will be interesting to see how the blades last on the segments of town where the streets have been replaced. He then asked about the last week of leaf removal. Mr. Baker responded that the leaf removal will go through December 31.

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

1. George Swimmer commented about pedestrian crossings on Main Street, saying he uses it often 4-5 times a day, and often people crossing assume that cars will stop; however, he thinks the crossings could be made safer. He said that in the Wisconsin Dells the pedestrian hits a button which activates lights to indicate the crossing is occupied. Westmont has lighting in the streets at crossings. He recommended additional signage, recognizing that cars don't always stop. The crossings could use better lighting as well. Pedestrian crossings on Main Street need more attention and enforcement, and he asked Council to do whatever it can to reduce the probability of an accident.

The Mayor said there are new rules with respect to pedestrian crosswalks. He agrees that people don't pay attention, and that they need to get the police involved, make sure signage is adequate, and provide appropriate information for both pedestrians and drivers.

Commissioner Beckman said there was a lighted pedestrian crosswalk on Forest at Warren

some time ago and pedestrians could activate a light from yellow to red. He's curious as to why they no longer have that capability at other places in town. Mr. Fieldman said staff would go through the files for more information.

Commissioner Schnell responded that the lights weren't enforceable and gave a false sense of security, so they were removed. There used to be flashing lights to allow crossing, but they were not enforceable. She asked if they could put reflectors on the signs that say pedestrian crossing, especially for night time. Mr. Fieldman said staff will take another look at this matter.

Commissioner Waldack commented that Good Samaritan Hospital has solar powered flashing stop signs and yield signs on the roadway to their exercise facility, and suggested looking into those since they can be readily seen.

Mayor Sandack commented that with the new crosswalk law there will hopefully be some State dollars available in the form of grants. He suggested that the Village may want the lobbyist to see if there are potential opportunities for funding.

2. Greg Bedalov, 4840 Seeley, thanked the staff and Council members who came out to the pancake breakfast for Helping Girls Negotiate Adolescence (HGNA), saying they raised over \$4,000. He also thanked the volunteers and citizens of Downers Grove who came out for the window painting. He encouraged everyone to go to HGNA.org to see their programs and how the money is spent.

3. Violet Radwell, 5410 Grand Avenue, said she was before the Council a few months ago. Her house was built by her husband, who passed away in 2007. She wants to have a small landing placed in the back of the house so she can step out of the door from the kitchen and not fall down. Her door is 28" wide, and she wants to landing to be the same width. She was informed by Village staff that she will have to dig 42" deep to have this landing constructed, and that doesn't sound practical to her. She was also told that according to regulations she would have to install an awning. Mrs. Radwell said she understood that the regulations covers everything and everyone, but wanted the Council to change it in such a way that she can make this change to her deck.

Mayor Sandack responded that he would have someone from staff talk with her about her situation to see what can be done. He understands her need to be safe. Mr. Fieldman said he would have Tom Dabareiner meet with her right away.

5. Public Hearings

6. Consent Agenda

BIL 00-04310 A. List of Bills Payable: No. 5862, November 9, 2010

Sponsors: Accounting

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

Indexes: N/A

RES 00-04311 B. Resolution: Authorize an Addendum to an Agreement with Hampton, Lenzini and Renwick, Inc. for Resident Engineering Services for the McCollum Park Stormwater Management Project

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND HAMPTON, LENZINI AND RENWICK, INC.

RESOLUTION 2010-86

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

Indexes: McCollum Park

BID 00-04304 C. Bid: Award \$42,854 to Genetec, Inc. for Automated License Plate Recognition System

Sponsors: Police Department

A motion was made to Approve this file. Mayor Sandack declared the motion carried.

Indexes: Police Equipment, Automated License Plate Recognition System

RES 00-04283 D. Resolution: Amend a Village Council Policy Regarding Administration of the Downers Grove Adopt-A-Highway Program

Sponsors: Public Works

Summary of Item: A RESOLUTION AMENDING A VILLAGE COUNCIL POLICY REGARDING ADMINISTRATION OF THE DOWNERS GROVE ADOPT-A-HIGHWAY PROGRAM

RESOLUTION 2010-87

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

Indexes: Adopt-A-Highway

RES 00-04305 E. Resolution: Authorize a Five-Year Contract with Baker Tilly Virchow Krause for Audit Services

Sponsors: Finance

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND BAKER TILLY VIRCHOW KRAUSE, LLC

RESOLUTION 2010-88

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

Indexes: Audit Services

RES 00-04312 F. Resolution: Authorize an Intergovernmental Agreement with the County of DuPage, Illinois for Implementation of the Illicit Discharge Detection and Elimination Program

Sponsors: Village Engineer

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE COUNTY OF DUPAGE, ILLINOIS FOR THE IMPLEMENTATION OF THE ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

RESOLUTION 2010-89

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

Indexes: DuPage County

MOT 00-04308 G. Motion: Accept the Municipal & Financial Services Group Comprehensive Water Rate Study Report

Sponsors: Public Works

Summary of Item: This accepts the M&FSG Comprehensive Water Rate Study Report.

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

Indexes: Water Service, Water Rates

MOT 00-04316 H. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Plan Commission - October 4, 2010

A motion was made to Note Receipt Of this file on the Consent Agenda.

Indexes: Boards and Commissions Minutes

Passed The Consent Agenda

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

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

7. Active Agenda

ORD 00-04313 A. Ordinance: Adopt the Fiscal Year 2011 Budget in Lieu of Passage of an Appropriation Ordinance

Sponsors: Finance

Summary of Item: This adopts the fiscal year 2011 budget in lieu of an appropriation ordinance. As provided by law, proper notice has been given, the budget has been available for inspection for at least ten days, and a public hearing was held on November 2, 2010.

AN ORDINANCE ADOPTING THE FISCAL YEAR 2011 BUDGET IN LIEU OF PASSAGE OF AN APPROPRIATION ORDINANCE

ORDINANCE NO. 5166

Commissioner Neustadt said he supported the budget as proposed and thinks that they worked hard to get to this point. Long Range Financial Planning (LRFP) meetings were interesting with important debates and discussions. He appreciates the work done by all to get to this point.

Commissioner Beckman said he would support the budget vote although he doesn't feel it is perfect. He had hoped that a minor change would have been made to incorporate funding for Meals on Wheels. That being said, it does not negate what he considers to be a well-developed budget in all other matters, and he will support it.

Commissioner Schnell commented that her concern about the Meals on Wheels program and her hopes for a compromise obviously did not work out; however, \$15,000 of a \$40 million budget is not enough to vote against the budget. She said that they need a budget in order to function as a Village and it is important that they send information to the community that they've worked hard on this. It's not perfect but is worthy of their support. She still hopes they can come to a compromise about other programs down the line.

Commissioner Waldack said this budget is similar to last year's budget and there was a lot of discussion and debate. There hasn't been much change in his opinion. Last year he didn't think

the budget was totally reflective of our community and that is a continuing concern; therefore, he will not be supporting the budget.

Mayor Sandack said this budget process was not as involved and intensive as last year. It flowed from last year's budget and the LRFPA meetings. Over the course of two years he would be willing to bet that there had not been a time where more meetings and community involvement has occurred. They have tried to get more citizen involvement and he thinks they raised the bar. It is never a perfect mix. Last year was more contentious because they took a structural change and a turn as to how they fund basic Village services. The Mayor noted that there is going to be a new State budget soon and he is willing to wager that the Village will lose a good share of the State income tax portion it receives, which could be a \$2 million reduction from the State, and that could happen at any time. He indicated that the Council and staff might have to meet to make additional changes because of the significant funding hole that the Village is counting on right now in terms of the State tax. So to the extent people think there is some breathing room or relief, the Mayor stated that this economic situation is not over and the Village is still struggling. The State has an enormously challenging budget ahead. The Village needs to be nimble, flexible and mindful that the budget is a structural tool and guideline, and they may have to make changes if the revenues are not what they expect them to be.

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

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

Indexes: Budget - 2011

ORD 00-04307 B. Ordinance: Amend Water Rates

Sponsors: Public Works

Summary of Item: This amends the Municipal Code regarding water related Village user-fees, licenses and fines.

AN ORDINANCE AMENDING WATER RATES AND RELATED FEES

ORDINANCE NO. 5167

Commissioner Waldack thanked staff for the information they provided to him, and the removal of the phrase "discretion of staff." It's not good news but the decision makes sense, and he will support it.

Mayor Sandack commented that the Village is being responsible and taking a sound path that requires they adjust the water rates. The underground and above-ground infrastructure is crumbling, water has become more expensive and will be more expensive as it is delivered to the Village. The Village must continue to maintain the infrastructure to get water to the residents. They are trying to obtain 10% of the fixed costs, and are at 7%. He congratulated everyone on the Council for taking this matter seriously and diligently pursuing this task. This has been a good process and a good result, though not a happy one. He said he would be reluctantly voting yes.

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

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

Indexes: Water Rates

8. First Reading

MOT 00-04314 A. Motion: Estimate 2010 Aggregate Tax Levy for the Village of Downers Grove**Sponsors:** Finance

Deputy Village Manager Mike Baker summarized the 2010 tax levy compared to 2009. He showed a table with columns representing the 2010 tax levy, and the increase from the 2009 levy. The Village is required to levy all debt service payments from general obligation bond issues. He explained the components related to the Village and those related to the Library. Tax bills will be based on everything except the debt service. There is an increase in the 2010 levy over 2009. Information will be made available on the website with all the other property tax information to make it more clearly understandable to the public.

Mr. Baker then reviewed the process including the review and approval schedule. Adoption of the tax levy and abatements will be brought to the Council on December 14.

Mayor Sandack asked Village Attorney Petrarca about the wording of the notification to show the truth in what is taxed and what is abated to assure that residents are not confused by the numbers.

Commissioner Schnell asked about the negative figure with respect to the Library Debt Service. Mr. Baker noted that there is an error on the slide for Library Debt Service.

Commissioner Schnell said that everyone knows her feelings about the \$500,000 tax increase and she won't go through that again. She asked about the \$396,000 increase for Fire and Police Pension, and if that is due to a downturn in investments rather than an increase in the pensions. Mr. Fieldman responded that it is a combination of factors and the funds are still reacting to poor performance on Wall Street. This is primarily a function of the economy and lower returns on investments.

Commissioner Barnett said that he wanted to highlight once again the property tax component as it relates to the total operating budget. Property tax collections amount to roughly a third of the total operating budget. The Council and staff have discussed this in great detail. As folks look at the property tax increase, he asked that they recognize that they are still getting 65% of the operating budget paid for from other sources. Those sources including sales tax, and utility taxes and income redistribution from the State are all unpredictable sources. The road ahead, even with the tax increase, is far from rosy and far from sure. He wanted everyone to remember that the increase is still not close to covering what it takes to run the Village.

Commissioner Waldack said they just passed the new budget at 6:1. However, now that they have agreed on a specific budget they need to pass a levy and he intends to support that levy, and respects the Council's vote on the budget.

Indexes: Tax Levy - 2010**RES 00-04317** B. Employee Benefits Renewal Contracts and Medical Plan Amendments for FY11**Sponsors:** Human Resources

Mr. Fieldman commented that these contracts are consistent with the approved FY11 budget. This is an annual renewal process and is a competitive process. He noted that Human Resources Director Wes Morgan was present to answer any questions.

Indexes: Insurance - Health, Employee, Employee Benefits**9. Mayor's Report****Materials to be Received****Materials to be Placed on File**

10. Manager's Report**11. Attorney's Report****Future Active Agenda****12. Council Member Reports and New Business****INF 00-04324 Discussion of Referral to the Human Services Commission**

Commissioner Beckman referred the Council to the updated notice from the Village Manager, saying that he requested that the item be removed from tonight's agenda. The primary reason he made the request is that they all received an audio copy of the Human Services Commission (HSC) meeting held last Thursday. Commissioner Beckman said that quite candidly, a member of that Commission asked that he listen to the audio and get a different sense of what Commissioner Barnett is hoping to achieve. Commissioner Beckman therefore is requesting that the Council permit him to move forward to delay discussion at the first HSC's meeting in December and move that discussion to the HSC next meeting in January.

Commissioner Schnell said she has no problem with doing that. She requested that staff use that time to provide Council more information using the four-hour rule. She said what was in the packet was sketchy and wondered if they could get some more meat on the bones so that when it comes before the Council in December, there will be a better understanding of what is available out there and what other communities have done. Commissioner Schnell said she wants more information, including statistical information.

Commissioner Waldack expressed his appreciation to Commissioner Beckman for bringing this item forward and allowing them to have the extra time to actually listen to the tape. He did hear part of the recording and there was some information passed out by Commissioner Barnett at that meeting, and he asked for a copy of whatever was presented at that meeting.

Commissioner Barnett said he opposed moving this back, and he is bewildered by the request. On October 5 he was quite clear with his questions to the Council and the direction to the HSC. Staff did a spot on job in consolidating some of his comments into a format that was given to the HSC. Commissioner Barnett said he cannot begin to imagine what it is that makes folks so uncomfortable about asking a group of residents who have chosen to volunteer for a group that focuses their energies and efforts on the needs of the community, and why they are reluctant to ask them to do that. One of the differences today versus historical methods, is that it is a far different world. Not unlike the Special Events Commission, what he is seeking is a disconnect from this group and staff, and provide the HSC with an opportunity for seven residents to chime in with a blank slate of paper. Commissioner Barnett said that there are huge needs in our community, needs which the Council has lamented about on and off for eighteen months as a body, and has done very little about but for defunding. This group has every resource to take this on both from a skill and motivational standpoint. Commissioner Barnett noted that we select folks oftentimes who volunteer their services and put them in places where they can do the most good for the Village. The question being asked is can residents come up with ways to fill human service needs in this community without spending tax dollars. It's fundamental. Staff has consolidated that in somewhat direct focal points, because clearly this group will come back to the Council, as was mentioned in October, before any action will be taken. There has never been any contemplation by himself or the group that there would be any more than a study as opposed to action. He doesn't know why they have to wait another month. Given the coming holidays, it will be February before they do any work. He is bewildered. Commissioner Barnett said he has received a variety of comments from some of his colleagues about their concerns about the process and the structure. They are fair questions. Staff has done a great job consolidating that. He maintains that this is exactly the work this group should be doing and

that he would like them to continue to do. The group is more than capable of taking this on without more Council direction than what was expressed on the green sheets given to Council. He is opposed to the delay. He was encouraged by the October 5 consent that the Council gave to his question, which was his request to talk with that group. He said that six Council members all nodded their heads, one said nothing, and Commissioner Beckman cautioned about getting too far afield on staff time. He doesn't know what happened in the next three weeks. He is absolutely opposed to the delay.

Commissioner Neustadt said that he sat on the Human Services Commission and it was a group often looking for work and in need of interaction from staff and the Council to come up with programs, ideas, and tackle issues happening in the Village. They discussed youth in government, TCD3 questions, etc. On October 5, this idea came up and he thought it was a great idea. He thought it was time to give them new direction. He thought he understood the direction clearly. Commissioner Neustadt said that it was decided to delay this, and he doesn't understand why they are waiting. He doesn't want to be contentious about it, but there seemed to be consensus over a month ago. He wished they could trust the Village residents and volunteers to do a good job. All Village Boards and Commissions are recommending bodies and that's an important issue.

Commissioner Waldack said he was going to hold off on this, but seeing as how the discussion has started, he would provide a little background. He then read the following statement:

The Human Services Commission was under the guidance of the Counseling and Human Services Department, which was previously known as Counseling and Referral Services which the Council eliminated last year in spite of growing need. I will not debate the privatization of the counseling except to say that it is still subsidized and while there are below market rates, it fails to have the low rates previously charged so that many clients are still not being served.

The Grants Commission used hotel tax dollars to fund groups, often 501(c)(3) related to events and tourism. Unless this Council returns to funding arts and events, the Grants Commission no longer has a function.

As to October 5, Commissioner Barnett basically scratched his head, and suggested that the HSC work on something that he had some concept he hadn't worked out in his head. Then, during a Council recess period, he presents his ideas as liaison to the media leading the public to believe that he has that power as liaison to direct the HSC and has Council approval - which I did not feel he had.

Last week, instead of mentioning it at a Council meeting, he decides, after being told that it violates Council governance policy, attends an HSC meeting, presents his material, and subsequently causes the Village Manager to be called up in the evening, appear, and pull staff out of the HSC meeting and possibly a Director to be pulled out of a Comprehensive Planning meeting to address a situation. If anyone looked at the agenda for the evening, this would not be a topic for discussion, yet Commissioner Barnett had a good friend, a consultant, that could financially benefit from his proposal complaining that they expected this to be an agenda topic and it wasn't listed on the agenda.

Part of what was distributed or said at the meeting, was the idea that the Village would take in money through the water bill and then, somehow, distribute that money.

Even though I did not agree with the governance policy, I had not attended any meetings for over three years. Commissioner Neustadt supported that policy when I objected by saying that the mere presence of a Commissioner was upsetting to proceedings. Has he changed his mind? The public is unaware of the hoops that I had to go through to give a presentation on transportation to my own Council colleagues.

It is part of the mission of the HSC to compile services. Those services are not charities, for referral purposes only. Since we no longer have professionals to make those referrals, the HSC could help staff develop procedures to help direct residents in need to food, shelter, clothing, counseling for homelessness, addictions, bullying and the like. I say referrals - not funding.

I was on a United Way Committee for two years that evaluated and proposed funding for different programs. The process was well-developed and it was highly objective and was highly monitored. As sophisticated and unbiased as it was, there was a bit of influence staff could inject. It was near perfect.

The idea that the Village could take in funds and distribute them to local charities seems plausible and even laudable. But do we really think for a minute that a Village Council with appointees, staff, and guidelines that could be overruled by a Council majority could avoid political influence? We've had a simple program before and couldn't avoid that political influence. Taking in and channeling of any funding should not be any part of Village services. It is ripe for the operation of a political slush fund.

Downers Grove rejected a political figure sometime ago who used something as simple as a golf outing to generate charitable contributions. That may be fine at the County, State, and Federal levels, but not in Downers Grove! The fact that Commissioner Barnett has bypassed regular Council procedures, not allowed staff to put in the four hours of research or prepare a staff report for presentation to the Human Services Commission, violated governance policy, and we already have consultants attending meetings even though they don't appear on the agenda, adds to the credence that any participation by the Village in collecting and distributing funds would be an insidious creation of a political slush fund.

If Commissioner Barnett suddenly wants to get into the charitable giving process, and the creation of a type of United Way of Downers Grove, let him do it without the participation and resources of the Village government. He should also be mindful that such activities might warrant revisiting Council ethics procedures.

Commissioner Waldack said that when he heard part of the HSC tape, he decided to make his comment. The idea from the tape presented to that Commission is the purpose is collecting and distributing funds.

This concluded Commissioner Waldack's prepared statement.

Commissioner Beckman called for a Point of Order, saying this has gone beyond the scope of what he intended. He said he would like to back off if it is at all possible.

Mayor Sandack responded that he could not back off with what has been said. He said he would allow Commissioner Barnett an opportunity for rebuttal, but he thinks it was offensive, absolutely just offensive.

Commissioner Waldack responded "of course."

Mayor Sandack replied that Commissioner Waldack could make light of it, but he doesn't take any of that prepared speech lightly. He thinks it is offensive. The Mayor said if the Commissioner felt that way, Mayor Sandack would have expected him to pick up the phone and call Commissioner Barnett or any other of his colleagues to tell them what he felt prior to that public display. Instead, he read a speech. The Mayor then called on Commissioner Barnett to comment.

Commissioner Barnett asked Commissioner Waldack if he was finished, and Commissioner Waldack responded that he was. Commissioner Barnett then said that there was a whole lot of planning in that speech, and that Commissioner Waldack should not claim he did not plan on

saying that when it was written out. It didn't come off the cuff.

Commissioner Waldack responded he did not intend to comment tonight.

Commissioner Barnett then said that the subject has become astonishingly far afield. He said he would do his best to try and refrain from pure reaction to that. Some of the allegations have put him at a loss for words. He said he would not address some of what was said because it was complete nonsense. Commissioner Barnett said, to revisit the process, that should someone choose to take advantage of the Village's transparency, there are podcasts out there of every one of the Council's meetings. He said he did not know whether the HSC meeting was available yet, but it was recorded.

Commissioner Barnett said that at the October 5 meeting at about one hour and twenty minutes into the meeting, the record shows that he said exactly the same things that were then posted by himself in the local media. He also said he was looking for the Council's consent to get these two organizations ramped up in a new direction, and he didn't want to do it without Council's consent. Commissioner Barnett noted that those were his specific words and the Council gave their consent. When he attended the HSC's meeting, he didn't think it was in violation of any particular policy since he had been given permission to address that group, not only did he stay briefly, but he specifically made the point, available on the tape, that the value of these groups was to be able operate without Council, without undue pressure, without undue influence. He thinks he used the words that the big value was to be "away from the dais and out of the spotlight." And as such not only did he want to leave, but he wanted to make sure that everyone knew his role was to make himself available and not participate. Commissioner Barnette said that additionally, he highlighted the fact that the subject was not on that agenda and he no expectation that it would be discussed that evening. He said that the purpose of going was that this group sometimes struggles to find work to do. They met in April, they met in August, and they were likely not going to meet again until some time into next year. He thought, given his specific request in October that it was appropriate to let them know that although it was not fully settled and green-sheeted up by staff, it was a hot and live subject and this group would be directing it to them. That was it.

Commissioner Barnett then said that they can talk slush funds, they can talk radical conspiracy theories about interest, but he suggested that it be done in a different environment than this. The record on the subject is quite clear. Whether or not this is a great idea or bad idea remains to be seen. Commissioner Barnett said he is asking for residents who want to chime in to jump in and see if they can help. That's it, and it's that simple.

Commissioner Barnett said that if Commissioner Waldack thinks they should not be in that business, to be helpful to our residents without spending tax dollars, fine, so be it. If Commissioner Schnell feels like it needs more definition, OK, that's fine, that's fair. He suggested that every Commissioner that has ideas throw those in the hopper as well, but not stop the process of this group trying to find solutions to our very real problems in this community. Commissioner Barnett referred to the Mayor's comment about picking up the phone, and frankly, that's the biggest letdown of this whole thing. He has no doubt that our residents will step up, whenever it might be. He has no doubt about this based on their history. They will find solutions to some of the problems that are out there. The Village will martial volunteers and their big hearts. He would like to get started sooner rather than later. To suggest there is some problem with the process is to ignore the process that took place. Anyone who thinks a Council member should not ask for permission to broach a new subject, suggests, in his mind, that Council members are not doing their job. Commissioner Barnett said that a Council member's job is not to sit and purely react to staff. Council's job is not to sit and hope that residents send them e-mail. They asked to have the authority to sit at the dais and work, react, try and encourage, come up with ideas, and he expects that they all do that. Commissioner Barnett then said he would not address the other nonsense, and he hopes this continues to move forward. He still has great hopes for the community and hopes for the Commission.

Commissioner Beckman commented that one of the biggest disappointments he has had in serving on this Village Council is that it appears on occasion that the Council is unable to gain consensus; but rather they seem to be driven to their own individual political, idealistic views. His purpose for asking for the delay, quite candidly, was to help find a way to where he could find supporting what he is doing because Commissioner Beckman has some serious questions about its unintended outcomes. He said that before he goes into his prepared text, he was asking for some delay so he could listen to the audio of last Thursday's meeting to get a better understanding within the proper context of what is trying to be done. But again Council has placed itself at loggerheads, and has established a beachfront and he would feel remiss if he doesn't share his unmitigated view and concerns about this process. Commissioner Beckman said to the Mayor that this is not what he intended, but the combination of this dialogue that has taken place here gives him no alternative at this point. Commissioner Beckman then read his statement:

As you know I have some concerns about the proposal Commissioner Barnett has provided seeking to develop a charity along the lines of the United Way. While his proposal does not explicitly state that, it is the next logical step in its evolution. It is my belief that this kind of organization should not be part of the Village. We have seen in recent days, more than one instance where there are alleged financial misplacements within local non-profits.

My concerns fall into several areas:

- The use of Village materials and communications channels for the development and implementation of this kind of service. I have long held that we should consider these tools to deliver services to our citizens as potential assets to be developed for the development of those same citizens. I have suggested that we look at things such as easements as an asset. I have suggested we evaluate the use of other items like our data base as a potential revenue stream. It is important that we hold these kinds of tools closely and not easily share them.

- To avoid any conflict of interest, I believe any initiative dealing with a charity driven environment must be wholly autonomous from the Village. Our Village has undergone significant reductions in staff and we cannot afford nor should we engage in this kind of an idea, using significant staff time.

- While I truly appreciate all of the time and expertise our citizenry puts forth for the Village, they do not have the same level of fiscal and policy responsibility as the Council. Therefore I believe it is inappropriate for this to be developed by any citizen commission functioning within the Village.

- Before you state there is an equivalent between this idea and use of Village funds for Meals on Wheels, Meals on Wheels, from my perspective, is a government funded initiative, not a charity.

- I believe this kind of endeavor cannot gain access to our data bases like mailing lists, I believe it is imperative that any group of this nature be prohibited from seeking funds or the coordination of fund enterprises from any vendor who is doing business, have proposed doing business and have done business with the Village in the last two years.

- Accordingly, I believe they should not be permitted to seek ventures from any members of the EDC and/or the Downtown Management Corporation.

There may be a need for this service and I fully encourage those who are interested in developing it to move forward as a separate independent entity. I believe it should not be associated with the Village of Downers Grove government in any way, directly or indirectly. I do not believe this suggestion should even be sent to the Human Services Commission for discussion.

This concluded Commissioner Beckman's prepared statement.

Commissioner Schnell said she has total faith in Village Boards and Commissions and she knows the dedication and amount of time they put into it. From her perspective, this has nothing to do with whether or not Human Services can look at this. She has spoken with almost every Council member at least once today, if not more than once, and spent a good part of her day discussing different options, trying to build some consensus and trying to avoid confrontation and she would still like to avoid some of this. Her concern at the time of original discussions, was in asking staff to come up with a green sheet using the four-hour rule. It is a process that she feels comfortable with. Obviously every Council member thinks they can give direction to a Board and Commission in a much more unstructured way. She likes structure, information, etc., and likes to give direction to the Boards and Commissions, which the Council has done in the past to give Boards and Commissions a better understanding of what the Council is requesting of them. These are dedicated people who have a lot of expertise and can move forward. From her perspective, the idea of postponing this until January would allow staff to get some additional information to the Council to frame it a little better and then move it on to the Human Services Commission. Obviously everything fell apart. She hasn't had an opportunity to listen to the tapes. She would like additional time to listen to them. She said obviously they are discussing this tonight when they weren't going to be discussing this tonight.

Commissioner Durkin expressed his shock at the behavior tonight and said he was rather disappointed. He said, it's nuts, and to say this wasn't prepared or staged is hard to believe on his part. With that said, Commissioner Durkin referred to his comments last week about his position on the budget, where he said he supported the merger of the two Commissions that Commissioner Barnett brought before the Council last October. He sees no reason to postpone this. As far as he is concerned, they can talk about it, give direction, but at the same time, he understood that Commissioner Barnett was looking at throwing an idea or concept to the Commission, let them talk about it and bring their ideas back to the Council. Otherwise he would view it as the Council being the dictator telling the Committee what to do, and that's it. Here is a different approach. Commissioner Barnett came up with the idea, planning to give it to the Commission to review, to discuss, and where Commissioner Waldack is coming up with bribery, unethical behavior, money laundering, and whatever else he was talking about, Commissioner Durkin said he didn't know how that could possibly happen, because the Commission doesn't have any power; they are a recommending body. His feelings, based on what he has heard tonight he supports Commissioners Barnett and Neustadt, and asked that it move forward.

Commissioner Neustadt noted that the Council recommends to the Boards and Commissions all the time, such as the garbage contract, software packages, etc. If it's a question about this Council recommending items going to Boards and Commissions they do that a lot. He doesn't know if it's the issue of sending items to the Boards and Commissions or how they were delivered, but in this particular instance it seems like a good idea. He knows that Commissioner Barnett has worked hard on the particulars of this item, and Commissioner Neustadt wants to keep things moving. He doesn't like to delay or table things. More information will come to the Council as the group begins their discussion on this and provides their recommendations to the Council. The Council makes the decisions, and the Commission does the work. It may be tweaked or adjusted if there is even an outcome. He is ready to move forward with this and finish this conversation. He is hopeful that the Human Services Commission can get some good work out of this item.

Commissioner Schnell commented that this needs to be said. She would hope that when all this is said and done that they set up a time for a Council retreat to discuss some of the issues that have come up tonight. She felt there's frustration and she thinks the best way to combat it is to get it all out and talk about it. We need to discuss our governance, rules of conduct, a lot of things and she personally thinks that if they sit down in a room and hash it out as adults they can voice concerns that they may have, and hopefully work it out as adults. From her perspective,

this is not working well. They must regroup somehow and get themselves together to be able to work through the issues. There are deep-seated issues that need to be talked about. She hoped it could wait a few months, but doesn't think it can. So if they can do this, she would like to see this.

Commissioner Durkin asked how they would pay for this. Commissioner Schnell said they don't need to pay for it. She would just like to see the seven of them get together in a room as adults, airing some issues and concerns and hopefully be better for it.

Commissioner Barnett said he wanted to regroup and try and wrap this thing up. He would be willing to participate in Commissioner Schnell's suggestion. He then said that he wanted to reframe the issue before them. Bribery, slush funds, conspiracy theories aside, Commissioner Beckman made it quite clear that he would not want this to go to the HSC, while Commissioner Barnett would like to go to before that group. That is the question before them. The proposal presented October 5 had two things pertinent to this discussion. This group was going to be asked to react to a series of questions and get back to the Council. Commissioner Barnett pointed out that this elected body still has oversight and responsibility to the voters to insure that whatever might come out of any Commission, whether it be the Liquor Commission, Special Events or any other Board or Commission, is appropriately structured and in keeping with what we believe are the values of the Village. The second thing is that back in October, Commissioner Beckman apparently felt this could go to the HSC because he reminded the Council of the four-hour rule, the point being to put some constraints on staff time spent on what was yet just an idea. Commissioner Barnett stated that they are getting pretty far afield here tonight, and hopefully it has entertained folks who are watching at home; but the question before the Council is whether it wants the HSC to think about this for a while and then come back to the Council with their reactions.

Commissioner Waldack said his key point tonight was the October 5 meeting that was not a clear direction for the HSC. The next time anything came up was in the newspaper, or the media, not Council. The following time it came up was at an HSC meeting, not Council. Commissioner Waldack said that they have a governance rule about Commissioners attending meetings. He knows Commissioner Barnett is aware of that rule, and was advised of that rule prior to attending and he went, and that was Commissioner Waldack's problem. Direction wasn't given, and ideas weren't presented to the Council to present to the HSC. It went to the media and then directly to the HSC. His major problem was his concern about funding, and the Village handling funding, to Commissioner Beckman's point about keeping the funding portion separate. Commissioner Waldack said if they had listened to his comments, Human Services could have strong referral responsibilities and there is a lot of work that can be done there, but as for actual funding he agrees with Commissioner Beckman. He said he wasn't accusing anyone on the dais of a slush fund, money laundering, or anything like that. His point was when you go to something as sophisticated as a United Way process you still have a little wiggle room. When you have a Council dispensing money in that way, he has a problem with that, and it could easily be abused, maybe not by this Council or this staff, but somewhere down the line, and that was his concern as well. Commissioner Waldack said if anyone took personal offense that he was actually accusing someone of planning or plotting something like that, that is not the case. His case was to avoid abuse, and he was upset over the fact that this went to the media first.

Commissioner Barnett responded that it went to Commissioner Waldack and the Council first, and every element addressed to the media was said on October 5.

Mayor Sandack spoke, saying he was initially going to defer to his colleague, Commissioner Beckman, but he is not going to now. Commissioner Beckman responded that he understood. The Mayor continued saying he would not defer for two reasons: 1) because of Commissioner Waldack's unprovoked, unwarranted attack that was calculated in a prepared speech, and because Commissioner Beckman read his statement and went into the substance of what they wanted to defer. So, they both had their moments. Those things are done.

Mayor Sandack said that the October 5 hearing is available via podcast for anyone who wishes to listen again, and bore themselves to tears. Commissioner Barnett's idea and hope was just that, and there was consensus and head nodding. The Mayor said he asked the question, "Does anyone disagree with that?" and the only person honestly who answered he wanted to put some parameters on it was Commissioner Beckman who invoked, quite appropriately, the four-hour rule--all good. The Mayor said that is how the Council gets ideas to to the Village's Boards and Commissions. It's not done on tablets with explicit instructions. He asked what good the Boards and Commissions would be to the Council if the Council gave them the direction to come up with an idea. He suggested the Council give them a notion, a concept, a spirit, a hope, and ask them what they think. The October 5 meeting, and the concept Commissioner Barnett put forward was just that, nothing etched in stone. The idea of some kind of funding and weird machinations about political slush funds, now tempered to only say maybe someone else would use them inappropriately, is so inappropriate and so offensive and just shocking. Mayor Sandack said that here is the concept, and he asked viewers not to adjust their TV sets if they were watching at home. The three people who are kind of hesitant to get community volunteerism and community spirit were the ones who wanted us to write a check to a 501(3)(c) two weeks ago. Now they're saying we don't want any volunteerism here. The Mayor said that what is being talked about here is letting people who give of their time and talents to volunteer and get them to help those in need. We don't need to talk about funding. They can talk about awareness of services and try and share ideas with resources, and how things are done in various other groups, etc. He asked why isn't it a good idea to get the same people in a room and brainstorm over ways to help people. The Village is not funding DuPage Senior Citizens Council and other organizations, but maybe they can get people who care in a room together and brainstorm how to help people in the Village. It is worth a try. He doesn't know what the fear factor is. How this all erupted tonight is very disturbing. He was going to lend his voice to an extra month, but now there is no way. He thinks they should push this thing ahead and see how it goes. They are not going to start writing checks. They are a recommending Board and can come back to the Village and tell them what they would or would not like to do. Maybe they can do some good in our community.

Commissioner Beckman said he felt compelled to clarify something. He said that the Mayor has painted him with a brush of being anti-volunteerism. Commissioner Beckman said that such a structure should be wholly autonomous from the Village. He was upset by the Mayor's statement saying it was unfair, and the Mayor apologized. The Mayor followed by saying, however, that Commissioner Beckman wanted to write a check from public funds to the DuPage Senior Citizens Council, and the four who didn't think that was appropriate were they cast as non-compassionate or not caring. Now those four are trying to get together to create some volunteerism. He thinks they ought to try and see what residents can do to address the need, and not conjure up or put up false barricades. The Mayor said he doesn't think they need hyperbole or accusations. He thinks they should let the citizens see what they can do.

Commissioner Schnell responded by saying she takes affront at her being perceived as holding this up and she didn't like some of the phraseology. Mayor Sandack and Commissioner Durkin said that none of them like what is going on. Commissioner Schnell said that the bottom line is that she is not an obstructionist, and she would eventually like this to go forward, but she just wants more information. If four people don't want to do that that's ok. She is not taking this personally. When Commissioner Barnett and she talked today they agreed to disagree. That's how this should all be. This is gone beyond anything in her 23 years on Council that she has ever witnessed on this dais. She thinks it is unfortunate, and they all need to sit down and talk this through.

Mayor Sandack said they've been down this path before with five people sitting down and listening to one make accusations and raise the bar and the temperature, and he is the only one ever pushing back. It would be nice if some of his colleagues would step up once in a while.

Commissioner Schnell replied that it would be nice if people who are trying to facilitate were not attacked. She said she takes offense to some of the comments. She wants the extra time to get some information and if that's not the case that's fine. She is not obstructionist, and it's not that she does not want this to go to Human Services. She said she would just like to have additional information.

There being no further comments, Mayor Sandack said that by his head count, the vote is 4-3 and they are letting this matter continue, and the HSC is meeting in December. They will do what they will do and they will get back to the Council. They cannot write checks, or engage in contracts. They can talk and conceptualize, and maybe they can come up with something that the seven Council members have not considered.

Mayor Sandack then called for New Business.

Commissioner Neustadt reported that ornaments are needed for the Village's holiday tree and can be brought to Village Hall. Information is on the Village's website.

Commissioner Schnell noted the installation of Downers Grove resident Cammi Granato to the Hockey Hall of Fame. She said Cammi is a wonderful example of a classy woman, and she supports hockey with a positive image for the Village of Downers Grove. Commissioner Schnell congratulated Cammi on this honor, saying she deserves it.

Commissioner Barnett said that we have the freedom to say and do goofy, crazy things that we want, and people have the freedom to vote for the Council, all because we have veterans. Veteran's Day falls within this week. He said it is important for everyone to get some perspective on what he and his colleagues are doing, and what some folks have done for us. He encouraged everyone on Thursday when they wake to say a little prayer for peace across the globe, and thanksgiving to those citizens to whom we owe our freedom. There are almost 23 million veterans living today, and about 800,000 of those are in Illinois - one in 15 Illinois residents. These veterans are everyday people, some drafted, some volunteered, serving in many capacities, and performing innumerable tasks risking their lives for us. He asked that when we see a member of the Armed Forces, stop, reach out your hand, and offer your gratitude. We wake up free to make choices as a result of their efforts. He said we should thank the Veterans because they have earned it.

Commissioner Beckman asked how many on the dais are veterans. Commissioner Beckman was the only one. He said we have to remember there are those who lived and died for the honor of serving this nation, and he expressed his thanks to all of them.

Commissioner Beckman then noted that on Saturday evening he turned on the radio to WFMT, and found they were celebrating the 40th anniversary of the Two-Way Street Coffee House in Downers Grove with a live broadcast. That venue is one of the major stops in the folk music tour around the nation. It is one of those quiet little things that exists in town but is an important part of the venue. He thanked Dave Humphreys for all he has done in this community in the area of the Arts, and congratulated the Coffee House on its 40th anniversary.

Mayor Sandack agreed that the Coffee House is a great thing and a great community venue. He also congratulated Cammi Granato for her induction into the Hockey Hall of Fame. She was one of two women inducted and it is a testament to her achievement.

The Mayor commented on some referenda questions on the ballot which were advisory. The Village received a resounding clear message that local term limits were appropriate for this tribunal, and that is an unmistakably clear message for the Council to pass a Resolution and put it on a binding question for the upcoming April ballot.

The Mayor then commented about the events of the evening, saying this was unrehearsed. He

accepted his responsibility for hiking any emotion. He doesn't take too kindly to being verbally berated, or to the conspiracy notions expressed. He said when he gets pushed he sometimes pushes back. The Mayor said that the question of engaging our Boards and Commissions should not be life and death, and should not be all that contentious. It also should not require prepared speeches and angry words, even defensive angry words. There is nothing any of our recommending Boards and Commissions can do that can cause any consternation or jeopardize this Village's reputation. The way this thing came about and the emotion that fueled it is something he wants to think about and contemplate about because he doesn't get it. Seeking more information is not a bad thing; but casting aspersions and weaving conspiracy thoughts into people's motivations for putting questions forward is destructive and a waste of time and energy and effort. He hopes this can be repaired. They all have an obligation and they are duty bound to take matters that come before them seriously and honorably.

13. Adjournment

Commissioner Schnell moved to adjourn. Commissioner Barnett seconded the Motion.

Mayor Sandack declared the motion carried by voice vote and the meeting adjourned at 8:39 p.m.