



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, December 9, 2014

7:00 pm

Council Chambers

1. Call to Order

Mayor Martin Tully called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Downers Grove Village Hall.

Pledge of Allegiance to the Flag

Mayor Tully led those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Present: Commissioner Bob Barnett, Commissioner Sean P. Durkin, Commissioner Becky Rheintgen, Commissioner Geoff Neustadt, Commissioner Greg Hosé, Commissioner David S. Olsen and Mayor Martin Tully

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

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

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

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

Mayor Tully said there are agendas located on either side of the Council Chambers, and he invited the audience to pick up an agenda and follow the progress of the Council meeting.

3. Minutes of Council Meetings

Council Meeting - December 2, 2014

Mayor Tully asked for a Motion to approve the minutes as submitted.

Commissioner Neustadt moved to approve the minutes as presented. Commissioner Durkin seconded the motion.

The Mayor declared the Motion carried by voice vote.

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

5. Council Member Reports

Commissioner José said Downtown Downers Grove is participating in Giving Tuesdays whereby people can shop at participating stores and give back to great organizations. More information can be found at www.downtowndg.org.

Commissioner Durkin said there are two weekends before Christmas. He asked people to remember to shop in Downers Grove.

Commissioner Neustadt said there are many ways to communicate with the Village at www.downers.us. People can sign up for Village alerts by going to "Stay Connected" on our homepage. He said the Village is offering holiday lights recycling at Public Works, 5101 Walnut, through January 30, 2015.

Mayor Tully said there are many opportunities to interact with the Village Council. Council meetings have been held December 2, December 4, December 6, and December 9. On December 11, 2014, the Village will host the 4th annual ComEd town hall meeting at Public Works, 5101 Walnut to address reliability of electrical service. He noted that improvements have been made and we are heading in the right direction.

6. Public Hearings

7. Consent Agenda

BIL 00-05783 A. List of Bills Payable: No. 6160, December 9, 2014
Sponsors: Accounting
A motion was made to Approve this file on the Consent Agenda.

Indexes: N/A

MOT 00-05741 B. Motion: Award \$31,191.33 to The Terramar Group, Inc. d/b/a Fleet Safety Supply of Naperville, IL, for Purchase of Specialty Automotive Parts for Five Chevrolet Tahoe Utility Vehicles
Sponsors: Public Works
A motion was made to Award this file on the Consent Agenda.

Indexes: Vehicle Purchases

RES 00-05784 C. Resolution: Authorize an Agreement with Total Parking Solutions, Inc. for Multi-Space Parking Pay Terminals
Sponsors: Public Works
Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND TOTAL PARKING SOLUTIONS, INC. (Multi-Space Parking Pay Terminals)

RESOLUTION 2014-78

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

Indexes: Parking Lots, Parking Meter Rates, Parking Permit Rates

MOT 00-05786 D. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Plan Commission - November 3, 2014

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

Indexes: Boards and Commissions Minutes

Passed The Consent Agenda

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner José, Commissioner Olsen and Mayor Tully

8. Active Agenda

ORD 00-05758 A. Ordinance: Amend Chapter 26 of the Downers Grove Municipal Code - Stormwater and Flood Plain Ordinance

Sponsors: Public Works

Summary of Item: This amends stormwater and flood plain provisions.

AN ORDINANCE AMENDING STORMWATER AND FLOOD PLAIN PROVISIONS

ORDINANCE NO. 5425

Commissioner Rheintgen moved to adopt an ordinance amending the stormwater and flood plain provisions and establishing the net new impervious area of 700 square feet. Commissioner Neustadt seconded the motion.

Commissioner Barnett said he likes the 700 square feet requirement, but he would prefer zero. This is progress and is a positive step to address the environment of one's neighbors when building is being done. This has been a complaint and a matter of discussion for a long time, and it is a positive step.

Gordon Goodman, 5834 Middaugh, said he agrees in principle with the position of Commissioner Barnett. He asked why Council is not adopting the staff recommendation of 500 s.f. as he would like to see the staff recommendation followed.

Commissioner Rheintgen referenced the staff report showing permits by new impervious area. Adding between 500 and 700 s.f. of new impervious area was mainly due to permits for porches, decks, stoops, etc. She doesn't think those kinds of activities should trigger the ordinance.

Dr. Goodman said he asked about results to the neighbors. He thinks the impact on the neighbors is sufficiently significant and asked why it isn't necessary to protect the neighbors to the extent staff recommends.

Mayor Tully said there is a cost to providing on-site stormwater storage. The cost might be unduly burdensome when doing a minor project. This is an attempt to provide a balance between cost and impact.

Commissioner Barnett said this is a major step forward that will do an enormous amount of good for the community.

Commissioner Rheintgen said the cost of providing stormwater storage can range from \$2,000 to \$13,000.

Commissioner José said this is a good step in the right direction to try to control flooding in Downers Grove. He said 500 s.f. was an arbitrary number to begin with and can be revisited, if necessary.

Mayor Tully said he is fine with the trigger being at 700 s.f. It is a step forward.

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner José, Commissioner Olsen and Mayor Tully

Indexes: Municipal Code - Amendments, Stormwater and Flood Plain Ordinance

ORD 00-05763 B. Ordinance: Amend Chapter 13 of the Downers Grove Municipal Code - Health and Sanitation Regarding Regulating Sump Pump/Downspout Discharge

Sponsors: Public Works

Summary of Item: This regulates sump pump/downspout discharge.

AN ORDINANCE REGULATING SUMP PUMP/DOWNSPOUT DISCHARGE

ORDINANCE NO. 5426

Mayor Tully thanked the staff for providing additional information to address enforcement.

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner José, Commissioner Olsen and Mayor Tully

Indexes: Municipal Code - Amendments, Health and Sanitation

ORD 00-05787 C. Ordinance: 2014 Aggregate Tax Levy

Sponsors: Manager's Office

Summary of Item: This establishes the 2014 Downers Grove Tax Levy in the amount of \$18,673,986.76 for the Village of Downers Grove and \$5,288,403.00 for the Library

2014 AGGREGATE TAX LEVY ORDINANCE

ORDINANCE NO. 5427

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner José, Commissioner Olsen and Mayor Tully

Indexes: Tax Levy - 2014

ORD 00-05788 D. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2014 and Ending on the Thirty-First Day of December 2014 for the Village of Downers Grove Special Service Area #2 (Downers Grove Downtown Service Area)

Sponsors: Manager's Office

Summary of Item: This establishes the Special Service Area #2 (Downtown Special Service Area) tax levy in the amount of \$247,000.

AN ORDINANCE FOR THE LEVYING OF TAXES FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF JANUARY 2014 AND ENDING ON THE THIRTY-FIRST DAY OF DECEMBER 2014 FOR VILLAGE OF DOWNERS GROVE SPECIAL SERVICE AREA #2 (DOWNERS GROVE DOWNTOWN SERVICE AREA)

ORDINANCE NO. 5428

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully

Indexes: Special Service Area 2 - Downtown, Tax Levy - 2014

ORD 00-05789

E. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2014 and Ending on the Thirty-First Day of December 2014 for Village of Downers Grove Special Service Area #4 (Green Acres Subdivision)

Sponsors: Manager's Office

Summary of Item: This establishes the Special Service Area #4 (Green Acres Subdivision) tax levy in the amount of \$0.00.

AN ORDINANCE FOR THE LEVYING OF TAXES FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF JANUARY 2014 AND ENDING ON THE THIRTY-FIRST DAY OF DECEMBER 2014 FOR VILLAGE OF DOWNERS GROVE SPECIAL SERVICE AREA #4 (GREEN ACRES SUBDIVISION)

ORDINANCE NO. 5429

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully

Indexes: Special Service Area 4 - Brick Street Improvements, Tax Levy - 2014

ORD 00-05790

F. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2014 and Ending on the Thirty-First Day of December 2014 for Village of Downers Grove Special Service Area #5 (Atwood Subdivision)

Sponsors: Manager's Office

Summary of Item: This establishes the Special Service Area #5 (Atwood Subdivision) tax levy in the amount of \$0.00.

AN ORDINANCE FOR THE LEVYING OF TAXES FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF JANUARY 2014 AND ENDING ON THE THIRTY-FIRST DAY OF DECEMBER 2014 FOR VILLAGE OF DOWNERS GROVE SPECIAL SERVICE AREA #5 (ATWOOD SUBDIVISION)

ORDINANCE NO. 5430

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully

Indexes: Special Service Area 5 - Atwood Subdivision, Tax Levy - 2014

ORD 00-05791

G. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2014 and Ending on the Thirty-First Day of December 2014 for Village of Downers Grove Special Service Area #6 (Fairview Fire Protection District)

Sponsors: Manager's Office

Summary of Item: This establishes the Special Service Area #6 (Fairview Fire Protection District) tax levy in the amount of \$74,460.

AN ORDINANCE FOR THE LEVYING OF TAXES FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF JANUARY 2014 AND ENDING ON THE THIRTY-FIRST DAY OF DECEMBER 2014 FOR VILLAGE OF DOWNERS GROVE SPECIAL SERVICE AREA #6 (FAIRVIEW FIRE PROTECTION DISTRICT)

ORDINANCE NO. 5431

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully

Indexes: Special Service Area 6 - Fairview Fire Protection District, Tax Levy - 2014

ORD 00-05792

H. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2014 and Ending on the Thirty-First Day of December 2014 for Village of Downers Grove Special Service Area #7 (Dunham Subdivision)

Sponsors: Manager's Office

Summary of Item: This establishes the Special Service Area #7 (Dunham Subdivision) tax levy in the amount of \$0.00.

AN ORDINANCE FOR THE LEVYING OF TAXES FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF JANUARY 2014 AND ENDING ON THE THIRTY-FIRST DAY OF DECEMBER 2014 FOR VILLAGE OF DOWNERS GROVE SPECIAL SERVICE AREA #7 (DUNHAM SUBDIVISION)

ORDINANCE NO. 5432

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully

Indexes: Special Service Area 7 - Dunham Subdivision, Tax Levy - 2014

Motion to Adopt Ordinances 00-05793 through 00-05801 (Active Agenda Items I-Q)

This abates a portion of the 2014 tax levy related to the General Obligation Bonds, Series 2007, Series 2008A, Series 2008B, Series 2009; Series 2010, Series 2010B, Series 2012, Series 2013A and Series 2014. The total amount to be abated is \$7,263,693.76. This amount can be abated since other sources of revenue are available to pay these debt service obligations.

The Mayor explained that the Village levies a tax, however, through abatement, does not collect that tax. The following items can be voted on in one Motion.

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully

ORD 00-05793 I. Ordinance: Abate a Portion of the 2014 Tax Levy Related to the General Obligation Bonds, Series 2007

Sponsors: Manager's Office

Summary of Item: AN ORDINANCE ABATING A PORTION OF THE 2014 TAX LEVY RELATED TO THE GENERAL OBLIGATION BONDS, SERIES 2007

ORDINANCE NO. 5433

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

Indexes: Tax Levy Abatement

ORD 00-05794 J. Ordinance: Abate a Portion of the 2014 Tax Levy Related to the General Obligation Bonds, Series 2008A

Sponsors: Manager's Office

Summary of Item: AN ORDINANCE ABATING A PORTION OF THE 2014 TAX LEVY RELATED TO THE GENERAL OBLIGATION BONDS, SERIES 2008A

ORDINANCE NO. 5434

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

Indexes: Tax Levy Abatement

ORD 00-05795 K. Ordinance: Abate a Portion of the 2014 Tax Levy Related to the General Obligation Bonds, Series 2008B

Sponsors: Manager's Office

Summary of Item: AN ORDINANCE ABATING A PORTION OF THE 2014 TAX LEVY RELATED TO THE GENERAL OBLIGATION BONDS, SERIES 2008B

ORDINANCE NO. 5435

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

Indexes: Tax Levy Abatement

ORD 00-05796 L. Ordinance: Abate a Portion of the 2014 Tax Levy Related to the General Obligation Bonds, Series 2009

Sponsors: Manager's Office

Summary of Item: AN ORDINANCE ABATING A PORTION OF THE 2014 TAX LEVY RELATED TO THE GENERAL OBLIGATION BONDS, SERIES 2009

ORDINANCE NO. 5436

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

Indexes: Tax Levy Abatement

ORD 00-05797 M. Ordinance: Abate a Portion of the 2014 Tax Levy Related to the General Obligation Bonds, Series 2010

Sponsors: Manager's Office

Summary of Item: AN ORDINANCE ABATING A PORTION OF THE 2014 TAX LEVY RELATED TO THE GENERAL OBLIGATION BONDS, SERIES 2010

ORDINANCE NO. 5437

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

Indexes: Tax Levy Abatement

ORD 00-05798 N. Ordinance: Abate a Portion of the 2014 Tax Levy Related to the General Obligation Bonds, Series 2010B

Sponsors: Manager's Office

Summary of Item: AN ORDINANCE ABATING A PORTION OF THE 2014 TAX LEVY RELATED TO THE GENERAL OBLIGATION BONDS, SERIES 2010B

ORDINANCE NO. 5438

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

Indexes: Tax Levy Abatement

ORD 00-05799 O. Ordinance: Abate a Portion of the 2014 Tax Levy Related to the General Obligation Bonds, Series 2012

Sponsors: Manager's Office

Summary of Item: AN ORDINANCE ABATING A PORTION OF THE 2014 TAX LEVY RELATED TO THE GENERAL OBLIGATION BONDS, SERIES 2012

ORDINANCE NO. 5439

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

Indexes: Tax Levy Abatement

ORD 00-05800 P. Ordinance: Abate a Portion of the 2014 Tax Levy Related to the General Obligation Bonds, Series 2013A

Sponsors: Manager's Office

Summary of Item: AN ORDINANCE ABATING A PORTION OF THE 2014 TAX LEVY RELATED TO THE GENERAL OBLIGATION BONDS, SERIES 2013A

ORDINANCE NO. 5440

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

Indexes: Tax Levy Abatement

ORD 00-05801 Q. Ordinance: Abate a Portion of the 2014 Tax Levy Related to the General Obligation Bonds, Series 2014

Sponsors: Manager's Office

Summary of Item: AN ORDINANCE ABATING A PORTION OF THE 2014 TAX LEVY RELATED TO THE GENERAL OBLIGATION BONDS, SERIES 2014

ORDINANCE NO. 5441

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

Indexes: Tax Levy Abatement

9. First Reading

ORD 00-05753 A. Ordinance: Authorize a Special Use to Permit a Residential Condominium Development in the Downtown Business Zoning District at 936-942 Maple Avenue
Sponsors: Community Development and Plan Commission

Village Manager Dave Fieldman commented that this is a continued discussion regarding a special use to permit a residential condominium development at 936-942 Maple in the Village. The petitioner has submitted additional documents including an economic impact study and exhibits showing the sidewalk layout and Maple Avenue setbacks. The attorney for the petitioner is present to answer any questions.

Mayor Tully asked how many people intend to comment on this item. He noted that there were quite a few, and, because of that, suggested breaking with tradition and asked the Village Council if they had any questions of a factual nature that could be asked at this time, and which might impact comments from the audience. Audience comments will follow the Council questions.

Commissioner Durkin asked that the petitioner highlight the information in the economic study.

David Sosin, representing the petitioner, said that the study is very detailed. He provided a summary of the 32-page study. He said the petitioner asked Strategic Planning Associates to do the study and they found that the property tax impact would change the property tax from \$50,000 to \$544,836 per year. Over a period of ten years, he projected that \$4.36 million in additional revenue would be generated from this, with an infrastructure value at \$21 million. The 118 new residents would generate \$16,480 in per capita payments to the Village from the State of Illinois. The final conclusion reached is that approximately \$4.4 million would be the project income, part of which would be spent in the community. Mr. Sosin said that the report results show nothing of a negative economic impact. The labor portion of the construction would generate \$7.3 million in wages, not counting the materials.

Commissioner Neustadt thanked the Downtown Management Corporation for their letter regarding their position on this property. They provided a history of the property. Their Board looked at this, concurred with the Plan Commission and staff's work, and one of the comments was that this would enhance the downtown area. He asked that the letter be added to next week's packet.

Commissioner Barnett asked for clarification from staff. He asked if it would require any particular approval or authorization beyond staff if the petitioner wanted to demolish the existing structure.

Mr. Fieldman said it would require staff permission as that would involve technical demolition questions, and not policy-based criteria.

Commissioner Barnett asked if the use was office space, would it remove the Special Use requirement.

Mr. Fieldman said it would, provided that it meets the zoning requirements.

Commissioner Barnett said the various criteria are in light of a residential use and not a

commercial use. If this were a commercial use, there would be no necessity to have this hearing. Commissioner Barnett said he wanted to find a way to make this as clear as possible. The criteria for a Special Use could be broadly applied to many activities. The question before the Council is for a residential use rather than a commercial use.

Commissioner Neustadt commented on the two new sidewalk renderings, which show a nine-foot sidewalk, and one with a four-foot planting strip. He asked if it would be handled by the Village's contracted snow removal. The Manager said it would. Commissioner Neustadt thanked the petitioner for the amended sidewalk plans.

Commissioner José questioned whether steps have been taken toward moving or relocating or saving the Edwards House.

Mr. Sosin replied that the petitioner has made it clear that they would make that house available to any credible developer or preservation organization with the only caveat being timing. He said there were two attempts made that he is aware of, but the plans did not progress. There are no promising opportunities at this time.

Mayor Tully said that the staff has been willing to make those efforts work.

Mr. Sosin said he has already been to three meetings on this matter.

Mayor Tully noted that the petitioner has been fully cooperative in these efforts.

1. Michael and Mae Behm said they have been residents of the Village for 27 years. They sent an e-mail to the Council regarding the relocation of the Edwards House to property they own at 621 Maple Avenue. They have done about eight weeks of due diligence, met with the staff, ComEd, Comcast, and the Village Arborist, contractors and sub-contractors, etc. They believe this is an option if the community wants to do so. There are some concerns and issues about trees. The home mover they approached recently moved a home in the McCormick Place area. They believe that the home should be saved, and they approve of the development as well. Mr. Behm is an architect, builder and structural engineer. The Edwards House belongs in the Village at 621 Maple Avenue.

Mayor Tully thanked Mr. Behm for introducing himself. The proposal is not on tonight's agenda. This is a proposal for a Special Use and has nothing to do with moving the Edwards House. The focus on tonight's Agenda is the Special Use.

Commissioner José said he thought it was important to note that there were other proposals also made.

2. Scott Lazar, 808 Maple Avenue, said he is encouraged by the new information; however, he also supports the plan to develop the property as proposed. It is an attractive high-end development with tax benefits for the Village. It meets the Village's various requirements, and the developer has proactively addressed the concerns expressed. Mr. Lazar said that the facts are on the side of those who support this development. He noted that neighbors do not want to create an historic district on Maple Avenue. There have not been legitimate efforts made to save these buildings, change the zoning or move the house. No one is putting their money where their mouths are. He said that the only alternative offered by those objecting to this plan is to have the bank re-list the property. The property owner is willing to take the risk and put forward a good plan. Mr. Lazar said that the facts are driving this decision.

3. Ken Lerner, 4933 Whiffen Place, and a member of the Pierce Downer Heritage Alliance summarized the written comments he previously provided to the Council. He said that

attention has been directed regarding meeting the objectives of the Zoning Ordinance requirements. This request requires a Special Use. It has to meet three tests-subdivision compliance, be necessary or desirable, and not be detrimental to the general health, welfare or safety of the community. Mr. Lerner said that they feel that the project fails all three tests. The Comprehensive Plan is part of the Village's policies and plans regarding land use. The reality is that this block fits the description of a transitional zone. The relevant areas of the Comprehensive Plan do not support this proposal. As to the property being necessary or desirable, Mr. Lerner said that none of the information provided by the petitioner speaks to an unmet need that this project fulfills. He noted that there is evidence, however, that this proposal is redundant. As to detrimental effects, the impact on the King's property is clear. It is also detrimental to the neighborhood and the Village, and is not consistent with the rest of the development on Maple Avenue. In addition, it is detrimental to the historical buildings on the property.

Mr. Lerner then referenced the economic impact study, saying he feels that the evidence does not back up the assumptions. It assumes that all units will be built and will sell for the sale price. Regarding the advantages to the downtown area, there is no evidence to support the claim of money to be spent in the downtown area. He said that the report notes that 118 people will reside in that development, and there would be some benefit to the community; however \$3.5 million seems like an exaggeration to him. The developer and architect are not local. The workers may not be from Downers Grove, so there is no reason to think that much of the construction work will be done by local people. With respect to tax benefits, the increased costs to the Village are not addressed. If the project is built, the Village would probably come out a little ahead in terms of property tax revenue versus expenses. The essence of good planning is to gain benefits without sacrificing the quality of life and long-term viability of the neighborhood.

4. Bill White, 47th and Seeley, said that this project is maximally sized and too big for the site. This should be a transition zone. There are other condominium projects under consideration for the downtown area. This could result in issues of market saturation. There would be no reason to deny other petitions if this project is approved. Mr. White said that there are better places to construct this building than at this specific location. He suggested determining what the maximum number of units in the Downers Grove downtown area would be. Looking at other units, it could take a long time to sell out. He asked if this location is the best one for a maximally sized project.

5. Dr. Gordon Goodman, 5834 Middaugh, said he has a statement of his own, and one from Jim Cavallo. Dr. Goodman pointed out that an alternative development on the site would still allow for benefits to the Village, if a Special Use is not granted. The construction and tax benefits would flow from development of this site. Having such a major residential structure along the periphery of the business zone should be studied thoroughly. He called attention to the staff evaluation regarding enumerated issues and responses by staff specifically to the criteria stating that the development is not necessary or desirable. Staff's evaluation is that it is desirable because it brings permanent residents to the downtown area, and that is not the argument that was submitted.

Regarding other properties that have not been successful and may preclude other developments, staff said that they have studied other communities, but Dr. Goodman said staff has not addressed the argument submitted. Staff found that developments of this type do not diminish adjacent property values. Dr. Goodman quoted comments made by an expert, but noted that said expert did not say that this type of development diminishes neighboring property values. He said that the evidence submitted by the public has not been refuted.

Mayor Tully clarified that the approval criteria for a Special Use as set out in Sec. 12.050H of

the Zoning Ordinance, Chapter 28. The Mayor then read the Preamble from that Section: "No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is consistent with and in substantial compliance with all village council policies and plans and that the applicant has presented evidence to support each of the following conclusions..." The Mayor did not read further, but noted that staff and the Plan Commission make the recommendations; however, it is the Village Council that makes the determination. Staff reaches conclusions, but it is the Council that must decide and it is the obligation and burden of the petitioner to meet the criteria.

Dr. Goodman said he hoped that the Council would agree that evidence has not been provided by the petitioner to support this, and that the criteria have not been met. There is not a need. This is detrimental and it is not desired.

Mayor Tully asked Dr. Goodman to return later to make comments on behalf of Mr. Cavallo.

6. Lillian Moats, 1100 Maple, commented that she understands that a traffic study was done for the Maple and Main intersection, and the intersection at Maple and Washington. The intersections were observed twice. She travels that stretch from west of Main Street to Washington and Maple on a weekly basis during rush hour times. The conclusion of the study said there was minimal impact; however, that seems unbelievable, as there is a glut of traffic at the intersection of Washington and Maple. People get very impatient. She said that her family has difficulty backing out of their driveway due to the traffic backups. The idea that there will be little impact is hard to conceive of, and she hopes the idea of widening Maple Avenue is not under consideration.

7. Kathy Drennan, 840 Maple, is opposed to the proposed building. It will add to the traffic congestion. It is already difficult for her to get out of her driveway. This will change the appearance of the area. The Village feels charming and nice now. This building will destroy that feeling. She is opposed to tearing the Edwards House down.

8. Irene Hogstrom, 1232 Gilbert, said that the economic impact study is a boilerplate analysis. She pointed out the typos in the report, saying if they can't get the decimal points in the right place it makes her question the veracity of the report. The boom only will happen if all 55 units are sold. She asked who would pay for this. She said she didn't know people who are downsizing that would pay more for a condo than what they would get for their home. The Village is losing a heritage home and tree for something not properly vetted. She feels this would take away from the local businesses. With regard to the proposed green roof and landscaping, Ms. Hogstrom said she is a landscape architect. A firm from Georgia designed the building. No one from Downers Grove has benefited from this project. She is concerned about the green roof due to the amount of shade on the building most of the day. She said that those who approve this development would lose her vote.

9. Robert King, 946 Maple Avenue, concurs with the previous speakers regarding traffic. Traffic backs up now and to build this complex is ludicrous. He cannot conceive of this as being an improvement to traffic on Maple.

10. Ed Olson, 5138 Lee Avenue, said he moved here three years ago due to the charm, character, trees, wild life and vegetation of the Village. Thirty years ago he was involved in the construction of a 1-1/2 story office building to the east of this site. The goal was to satisfy the needs of the owner and keep the character of the surrounding homes. A lot of care was taken to make the building fit into the surrounding area. He asked the Council as to their vision of Maple Avenue. He asked whether they anticipate this continuing down east to Fairview Avenue, and would they entertain the thought of another building similar to this going

up there. Mr. Olson said he approves of Maple Avenue as a buffer zone and transition to the residential neighborhood. The proposed building is grandiose, does not fit the site or the surroundings. It should sit on a nice location. There are other locations in town, such as Warren Avenue and Main Street, currently the Starbuck's. That would be a perfect site if that property were for sale. The additional revenues are a nice carrot, but he asked if this is the right thing at the right place for this community. The bottom line is profit. He does not think this will bring local workers. The workers and architect are from Georgia and this is like an insult to the Village.

Commissioner Durkin asked in what year the building was constructed that Mr. Olson referenced, and Mr. Olson said it was 1982-1983.

11. Alex Martin, 701 Maple, said this is his own opinion, and not that of his parents. There is not a not need an apartment building. There are apartment building that were not built, and he doesn't want the house torn down. He likes new things, but not on a street that has character. Mr. Martin said he feels that the traffic will go up at a rapid pace. They do not need to take down two trees.

12. Hilary Denk, 433 Wilson, submitted additional signatures to the Council on the petition requesting that the Council deny this petition. She then addressed additional concerns. Ms. Denk questioned the safety of a loading zone on Maple Avenue, which still exists in the current plan. The strip of grass on the amended plans doesn't address the concerns. As for parking, they are anticipating 118 people with 72 parking spaces. They are not accommodating the cars of the people living in the building. If this is a high-end development with more than one adult, there will probably be more than one car per unit. As to the economic report submitted, Ms. Denk said that it seems to be full of fluff. She asked whether residents in other units contributed to the downtown. She thinks they need a lot more information. There are empty condominiums in Downers Grove now. She said people are concerned about the Village. She thinks the Village should follow its Comprehensive Plan and change the zoning to the downtown transition zoning. That had already been recommended. She said that the Village has a great opportunity to zone this property and to do it now. The zoning should fit the town, and the subject area should be changed in terms of zoning. Ms. Denk commented that this Special Use does not fall within our plans. It is detrimental to the public. She is concerned that the signatures on the petitions are not in the Council's packets, and she asked that the Village make the signatures available to the public, as the people should know that there are a lot of people who disagree with this petition. This property is not available as it is under contract. Offers have been made and cannot be explored.

13. Dave Gasson, 5320 Benton, commented regarding desirability of the project, saying that downtown Downers Grove is special. The downtown area would be an asset to this development. He said that the development has viewed the bulk regulations as a challenge and they are trying to meet them. They are not offering anything to the Village. He noted that the architect said that the development cannot support retail. As it is now, Maple Avenue cannot support this development according to Mr. Gasson.

14. Tom Taylor commented on the Edwards House, saying he has researched many topics regarding architecture and has found exciting and inspiring images. Downers Grove architecture is not inspiring. With a name like "Downers" you have to be good. We have lost most of the "Grove." He hopes hasty decisions are not made that will not serve our community.

15. Christina Martin, 701 Maple, expressed concern over the future development and how it affects our community. She said there is a significant number of residents who have expressed their concerns about the Marquis on Maple development. Their concerns are to save the

historically significant home and deny the monstrosity that is proposed to replace it. The petitioner said that residents would not support a retail use in the condo. She said that the developers are exploiting the charm of Maple Avenue and are contributing nothing in return. She said that they want to use Maple Avenue to sell their condos. It will be a financial gain for the Village. Ms. Martin spoke of the value to the Village of historical preservation, saying that Maple Avenue is one of the last true treasures of the Village.

16. Karen Crowe, 5408 Fairmount, commented that she is proud of what has been said by the public. They have brought facts, inspiration and loyalty to the meeting. She noted that the public has not had paid professionals, and the public has a vested interest in the beauty of what is here now, unlike people who are not from this area.

17. Tom Nybo, Sr., 5253 Blodgett, referenced the "Paved paradise" quote from a song by Joni Mitchell, although in this case instead of a parking lot they are putting up a condo. He asked whether we care about our environment. The developer only has dollar signs to offer. He asked that this project on Maple Avenue be denied.

18. Terri Williams, 5230 Blodgett, said many people have commented on traffic and safety, but there is also the issue of stormwater, since construction of this building will change water displacement in the area. She said the most important issue is to look at the vision and the feel of the Village. This is an historic neighborhood. She asked that the Village not be driven by financial gain. In the past the Village has been driven by financial decisions, which resulted in poor zoning, and poor land use decisions. This will not fit in the neighborhood and it will take a great effort to undo what has been done. The revenue is not worth it to the Village. She asked how far this would eventually extend down Maple Avenue. This will destroy the downtown and the nature of the neighborhood.

19. Kathy Nybo, 5253 Blodgett, commented that there were no changes made in the revised report by the petitioner as to the safety criteria. She said there are three sides of the building that the Fire Department cannot access, but can only be accessed by ambulances. It is not safe. Staging will be in the front. She noted that the developer said the building is fireproof; however, it was also said that the Titanic could not sink. There is no way to say there will never be a fire. She would like the Fire Department to be accessible to the residents. She then spoke of the myth of the medicine man on "Gunsmoke" whose products don't work. The medicine man disappears and the people are stuck with a useless product. The developer will overestimate the income and underestimate the traffic. The building will be a beautiful shade of gray. Ms. Nybo said that there are a lot of unknowns and additional buildings being discussed in the Village that add confusion to what the future will bring. She asked why anyone would spend money to overlook the parking lot and deck. In addition, Ms. Nybo said it will be difficult to maneuver this area when it snows. She then asked Mr. Popovich, the Village's Planning Department Manager, whether he lived in Downers Grove, and are people communicating with the Council and staff for or against this project.

Mayor Tully said that 700 people have signed the petition, with a 20-1 negative vote.

Commissioner Rheintgen said that most of the people say save 942 Maple.

Ms. Nybo said the Council should listen to the people who live in Downers Grove. She said they should consider the people who live here.

Mayor Tully referenced the organizational chart that is headed by the residents.

20. Michelle Zielinski is a 25-year resident and chose to live in the Village due to its diversity. She said it is good that they are requesting a Special Use because it is calling greater attention

to the proposal. There are a handful of people that will make this decision, and she hopes that the concerns of the residents will weight more heavily than the documents submitted. Ms. Zielinski said that the Village has a lot of sentimental residents, and she asked that the Council look at what they are pointing out. She asked that they put the money aside and think about the future. The community is asking for time and consideration. She said that it is a pleasure to look at what is happening because of this request. She again asked that the Village listen to the people. She then asked what happens after this meeting is completed.

Mayor Tully replied that the process is that this would normally be placed on an Agenda for a vote next week.

Ms. Zielinski said that this can still be denied. After hearing the people speak, this should be reconsidered.

21. Tom LeCren, 545 Chicago Avenue, commented that he understands the process, and that this developer has to meet the requirements of a Special Use. He asked that those criteria be repeated. He asked if the traffic study were to show a maximum impact, whether that would be a reason to deny this petition.

Mayor Tully read Section 15.020H of the Zoning Ordinance, which explains the approval criteria for a Special Use:

No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is consistent with and in substantial compliance with all village council policies and plans and that the applicant has presented evidence to support each of the following conclusions:

1. that the proposed use is expressly authorized as a special use in the district in which it is to be located;
2. that the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
3. that the proposed use will not, in the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

The Mayor then referenced Section 12.050G3:

The village council is authorized to impose such conditions and restrictions upon the premises benefited by a special use as the council determines to be necessary to ensure compliance with the standards of Sec. 12.050H, to reduce or minimize the effect of the special use upon other properties in the area, and to better carry out the general public and intent of this zoning ordinance.

22. Amy Gasson, 5320 Benton Avenue, said she does not support this. She teaches architectural history and design courses. She said that this development does not fit in with the surrounding area because of its scale and the materials used.

23. Dr. Goodman commented that before addressing Jim Cavallo's comments, three questions came to his mind and he wanted to bring those up for responses. The first concerns the letter from Landmarks Illinois to the Council saying they would work with the Council to work toward a solution. He asked that the letter be placed in the record.

Mr. Fieldman said that the letter is in the Council responses on the Village website.

Dr. Goodman asked whether there has been communication between staff and the Landmarks Illinois group. Mayor Tully said there has not been, that he is aware of.

Dr. Goodman then said that the other component is deferral. Previous ordinances referenced timing of actions/decisions, and he asked if there are timelines that apply to this Special Use. Mr. Fieldman said that the timeline is 90 days after the findings. Dr. Goodman then asked for a staff analysis, or that of outside experts, of the economic study. He asked that they do not take the economic study at face value.

24. Dr. Goodman then presented the comments of Mr. Jim Cavallo who possesses a PhD in economics with a focus on environmental economics and policy, and works on the energy efficiency of buildings. Dr. Cavallo has done studies on Freddie Mac and Coldwell Banker reports on current markets for multi-family buildings. Dr. Goodman said that Dr. Cavallo disagrees with the statements of Strategy Planning Associates report. Although starts for multi-family are not growing as fast as single-family development, they are up from the past few years. He said that the \$400,000 price range has to compete with single-family detached homes, and it will be hard to keep this price range and fill the units. This reinforces the need to have an independent analysis of the study.

25. Jo Potts, 216 Lincoln, said she does not live in the area but has some opinions on the proposal. People interpret things differently from what's presented, and she asked that people be respectful of those making the decisions. The developer is not the big bad wolf. This property was for sale. She urged people to stick to the facts, and consider the rights of the property owner and seller. She asked that they be respectful and stick to the facts.

Mr. Sosin, representing the petitioner, summarized the project, saying that the property has been zoned commercial for 49 years. About ten years ago a parking deck was constructed. The Village then undertook a plan calling for vibrancy and mixed use. They then set up the downtown zoning area. He explained that there are two buildings on the site, one a failed office building and the other a house. This property was in foreclosure and for sale by a bank in Indiana. Regarding the architect, Mr. Sosin said that numerous people looked at the property, and the owner felt that the architect's vision was the closest to the downtown plan without one variation. They have adhered to the plan because it is the plan of the Village. Staff has looked at this plan and sent the architect back with numerous changes. Mr. Sosin said that the petitioner likes the plan. Safety, traffic and stormwater issues were all addressed. Mr. Sosin said that the traffic study was done twice. Traffic is heavy in the area, but this development will not significantly impact the traffic. He noted that every issue was important. Staff of the Village is well respected, and is aware of the vision for Maple. There is a district for Maple and it changes as you move along the street. He noted that the proposed project will be built behind the parking deck, and they think that condos are an appropriate use, and the zoning allows it. Mr. Sosin addressed the comments that there is no need for condos, saying that they wouldn't be building it if they didn't think they could sell them. This is all the risk of the developer. The Village Council has established the criteria, and the developer has adhered to the criteria. Mr. Sosin said that they have made this fit in by consultation with staff based on the Village's criteria. He said that the 49,000 people in the Village all have a stake in this plan. He said that the petitioner thinks they have proposed the right plan to the Village for the site.

Commissioner Barnett asked for information regarding the KLOA traffic study in the Randall and Lester neighborhoods. He also asked the EDC to review the economic impact study. He also asked for a legal opinion about changing the zoning midstream. He then asked whether adjacent properties have suffered from diminished property values caused by other similar properties such as Morningside, the Grove, etc. Commissioner Barnett noted that Council members are residents, and two live very close to the development. The Council does not take

this lightly or from afar. He said that the Council is working hard to find a solution to this situation.

Commissioner Neustadt thanked everyone for their commentary, as this is a big decision. The Council has criteria to follow, but all comments are helpful. He then asked about an overview of a balcony rescue on the west side of the building. Being a sprinklered building is a huge benefit. He would like to see them keep this moving forward.

Commissioner Rheintgen commented that there has been good input, and the Council is glad that the public is part of the process. She then referenced a comment made that the Comprehensive Plan states that this area should be downtown transition zoning, and she asked for staff clarification of that. With regard to the traffic study, Commissioner Rheintgen asked what the traffic capacity is of a collector street, and where a 1% increase would fall in terms of capacity. She noted that the loading zone is an option per Mr. Sosin. With regard to construction, she said it would behoove the developer not to hire people from other parts of the country. She would like to see them create jobs in this area. She then asked whether the economic impact report is part of the standards of approval, or is strictly informational.

Mayor Tully said that Commissioner Durkin asked for this.

Commissioner Durkin said he asked for this in light of the first floor retail not being proposed. Mr. Fieldman said it is not part of the criteria.

Commissioner Durkin asked if there would be virtual sales to get the momentum going. Mr. Sosin replied that they already have contacted and interviewed a local realtor that uses a multiple listing service. On-line resources will also be used. The idea is to generate sales during construction, but most sales occur when the model units are completed, since many people want to see the actual model.

Mayor Tully thanked everyone for their comments. For clarification, Mayor Tully said that it has never been the case that just because a proposal meets all the bulk requirements it will automatically be approved. He reviewed the criteria again. This petitioner is not asking for variations. In addition to meeting the criteria, the applicant must also meet the three criteria discussed earlier tonight. The Council can grant, deny, or grant this with conditions.

ORD 00-05759

B. Ordinance: Amend Chapter 20 of the Downers Grove Municipal Code - Subdivision and Development Ordinance

Sponsors: Community Development

Mr. Fieldman said amendments have been made to the Subdivision Ordinance, Chapter 20 of the Downers Grove Municipal Code, to reflect current practices. The most significant change is that fair market value of improved land for school and park donations have been updated to current fair market values.

Dr. Goodman said he has been working on this issue since 1970 to get fair market values adjusted more rapidly.

Indexes: Subdivision, Municipal Code - Amendments

ORD 00-05762

C. Ordinance: Amend Chapter 7 of the Downers Grove Municipal Code Re: Provisions for Demolition/Construction Site Management

Sponsors: Village Attorney

Mr. Fieldman said that Items C-E refer to changes to Chapters 7, 14 & 19 of the Municipal Code to reflect current practices.

Indexes: Building Code, Municipal Code - Amendments

ORD 00-05802 D. Ordinance: Amend Chapter 14 of the Downers Grove Municipal Code to Establish Parking Regulations during a Snow Emergency

Sponsors: Village Attorney

Indexes: Parking Regulations

ORD 00-05760 E. Ordinance: Amend Chapter 19 of the Downers Grove Municipal Code - Streets and Sidewalks

Sponsors: Village Attorney

Indexes: Streets, Municipal Code - Amendments, Sidewalks

10. Mayor's Report

Materials to be Placed on File

11. Manager's Report

12. Attorney's Report

Village Attorney Enza Petrarca said she was presenting four (4) items to Council: 1) An ordinance amending provisions concerning streets and sidewalks; 2) An ordinance amending Chapter 20, the subdivision and development ordinance; 3) An ordinance establishing parking regulations during a snow emergency; and 4) An ordinance amending provisions for demolition/construction site management.

Future Active Agenda

13. Council Member New Business

14. Adjournment

Mayor Tully asked for a Motion to adjourn.

Commissioner Neustadt moved to adjourn. Commissioner Durkin seconded the Motion.

Mayor Tully declared the motion carried by voice vote and the meeting adjourned at 10:19 p.m.