

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

FEBRUARY 13, 2001

Mayor Krajewski called the Workshop meeting of the Village Council of the Village of Downers Grove to order at 6:32 p.m. in the Committee Room of the Village Hall.

Present: Mayor Brian Krajewski; Commissioners Marilyn Schnell, Thomas Sisul, Michael Gilbert; Village Manager Michael McCurdy; Village Attorney Daniel Blondin; Village Clerk April Holden

Absent: Commissioner Sue McConnell

Visitors: **Press:** Susie Gura, Downers Grove Reporter

Residents & Others in Attendance: Jim Russ, Attorney, 4915 Main St.; Barb Wysocki, Chamber of Commerce; Tom Julian, 6223 Springside; Marilyn Gerloff, 4241 Highland; Ronald G. Damiani, 1243 Lincoln; Dave Brown, 1508 Gilbert; Matt Kastner, Mike Kastner, Downers Grove Auto Rebuilders, 721 Ogden; John Angel, Bradford & Kent, 807 Ogden Ave.; Linda Kunze, Downtown Management Board, 1015 Curtiss; Dave Tatterson, 1240 Gilbert; Ken Lerner, 4933 Whiffin; Robin Tryloff, 1217 Parkway; John LeDonne, 1221 Parkway; Pat Wenthe, 5149 Main

Staff: Sue Brassfield, Grants Coordinator; Lanny Russell, Fire Chief; Dave Burns, Deputy Fire Chief; Kerstin G. von der Heide, Public Works; Denise Williamsen, Mary Scalzetti, Community Events; Rick Ginex, Police Chief; John J. Bajor, Director of Public Works; Brian Pabst, Director of Redevelopment; Dave Conley, Director of Engineering; Jerry Sprecher, Deputy Village Manager; Richard Berndt, Chief, Fire Prevention; Amanda Gibb, Planner; Ken Rathje, Director, Planning Services; Marty Lyons, Director, Financial Services; Bob Jungwirth, Village Engineer

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

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

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

VISITORS

The Mayor introduced Dane Wendell, a junior at Downers Grove South High School, who is one of 54 students participating in a business program with District 99 sponsored by the Chamber of

Commerce. Dane is “job shadowing” Village administrators today, and tomorrow two other students will be involved in job shadowing at Cable TV.

MANAGER

Manager McCurdy said two items will be removed from the agenda, the first being item e) Vehicles, and the second being Item 3, the 2001 Sidewalk Improvements.

1. Bids:

a) **Astro Amusement contract:** The Manager said that this company has provided amusement rides in the past. This year the rides will be on the south side of the tracks, and Astro has provided a potential layout. Staff recommends approval of this bid.

Commissioner Gilbert said Astro has provided rides for the Heritage Festival for about 19 years. The company is sponsoring ten of the port-a-potties, as well as search lights. In addition, instead of a percentage of the concession proceeds, the Village will receive a flat rate. Astro will also provide 500 tickets at a cost of \$1 each, as well as contributing 100 free tickets to the Arbor Park and Autumn Grove projects. He said that although there is an increase in cost, he believes it is justifiable.

The Mayor noted that the Thursday evening fee is being increased from \$12 to \$14 and asked if there was a way to keep the fee the same for children. Commissioner Gilbert said in 1999 there were 770 people at \$12, in 2000 there were 1820 people, and they are projecting 2500 people for 2001. He said that this allows for unlimited rides and he does not believe \$14 to be unreasonable, and he believes a good job was done in negotiating the contract. The Mayor asked whether there could be a different rate for residents versus non-residents.

Mary Scalzetti said that the first year with no advertising other than locally they had 770 people. The Mayor said he is not arguing the price.

Commissioner Schnell asked about the cost of a sheet of tickets. Ms. Scalzetti said the presale ticket sheets are \$19.00 for 40 tickets before June 1. She said that the larger rides are four tickets per ride. The cost for 30 tickets is \$20.00 at the Festival.

Commissioner Schnell asked whether they could presale the Thursday evening sheets and Commissioner Gilbert said it would get too complicated. He said it is a lot to ask of the merchants. He said the Village could fund the difference if the Council wants to.

Commissioner Sisul said he was contacted by another company and told them to contact Community Events. He asked whether they did. Ms. Denise Williamson said contact was made; however, they did not send any information to staff.

The Manager said this would appear on next week’s Agenda.

b) **Heritage Festival Portable Toilet Bids:** Manager McCurdy said staff recommends awarding this bid to Hygo Port in the amount of \$10,600. They are not the low bidder, however their facilities are more sanitary. This will be placed on next week's Agenda.

c) **Heritage Festival Stage Bids:** Manager McCurdy said staff recommended awarding this bid to North Park Rental Services, Inc., in the amount of \$11,719.69, as the only bid received.

d) **Irrigation System Installation in phase II of CBD Redevelopment:** The Manager said that staff recommends awarding a contract in the amount of \$15,575 to Controlled Irrigation Systems for the planter areas of the downtown area. Commissioner Gilbert noted that when he was in Phoenix he noticed that a streetlight had a pipe connection to water the plants as part of their system. The Manager said that was not part of this system.

Commissioner Schnell asked if this can be done at the time planters are made.

Kerstin von der Heide, Village Forester, said they have found it best to install the irrigation system after the planters are prepared. She said they will have hay rack hanging baskets which clamp onto the lamp posts.

The Manager said this would be on next week's Consent Agenda.

f) **Mobile Lifts for Fleet Maintenance:** The Manager said this involved purchasing mobile lifts for Fleet Maintenance and it is recommended to acquire two of the mobile lifts through SEFAC in the amount of \$19,995.

The Manager said this would be on next week's Consent Agenda.

g) **Computers and Printer Purchase:** Manager McCurdy said that the Village has received a grant to be used in the investigation department of the Police Department. It includes eight computers and one printer. The recommendation is to purchase these from Gateway Computers in the amount of \$16,616.50. The Mayor asked if that was through the Downers Grove store, and Manager McCurdy said he thought these were through the national Gateway. He said he did not know if there was a difference between going to the local store in terms of price. The Mayor said if there is no difference he would like to see them go through the local store.

The Mayor asked if there would also be more computers purchased for the booking and evidence technicians, and Chief Ginex said they would. Mayor Krajewski asked what will happen to the old computers. Manager McCurdy said some are donated to schools or resources centers. Chief Ginex said Information Services usually handles the old computers.

Commissioner Schnell asked why they would only have one printer with eight computers. Chief Ginex said this will be the second printer which will be networked. The one additional printer will be sufficient.

The Manager said this would be on next week's Consent Agenda

2. Grant Applications

a) **Bulletproof Vest Partnership:** Susan Brassfield said this is a grant application to the Bureau of Justice Assistance in the amount of \$12,750 for 30 bulletproof vests. The Village will provide a 50% match.

b) **Downtown Parking Deck:** Ms. Brassfield said this grant application is to the Chicago Area Transportation Study to support the downtown parking deck in the amount of \$8 million in federal funds. The Village will provide \$2 million in matching funds.

The Mayor asked how Ms. Brassfield found the grant for bulletproof vests as he noted it was done through the Internet. She responded that she heard about this some time ago and followed up on it. The Mayor asked if they can buy whatever vest they want, and Chief Ginex said they can get the same vests as are being used at this time, which are the best on the market. Chief Ginex said they usually replace 15 vests per year.

Commissioner Gilbert asked whether the Village's 50% portion is in the budget and Chief Ginex said it is.

Commissioner Gilbert then asked about the parking deck grant and whether it is limited to 800 cars. Ms. Brassfield responded that METRA allows a 10% variance. If the deck should exceed that they would have to change the scope of the project. She said the grant goes directly to the Chicago Area Transportation Study.

Ms. Brassfield informed the Council that she may have four additional grants for the next Workshop agenda.

John LeDonne, 1221 Parkway, asked how many levels the deck will be. The Manger responded it is a four level deck, and specified that the levels are not the same height as a full story. Mr. LeDonne asked how much more land has to be acquired for the deck footprint. The Mayor said they have an idea of the size, but there has been no land acquired at this time. Mr. LeDonne said one sheet indicated that some right-of-way needed to be acquired. Commissioner Gilbert said the answer lies in the design; however, the exact requirements are not yet available.

3. 2001 Heritage Festival Budget. Commissioner Gilbert said the budget is similar to last year's with a total budget of \$429,819, which is less than a 5% increase.

The Mayor said there will be a Council booth again and noted that maps need to be available.

Commissioner Sisul noted that the budget projects the Village portion to be \$61,000. Commissioner Sisul said that 60.49% of the expenses are covered by revenues generated.

The Mayor asked about the setup of Heritage Festival due to the construction on the north side of the tracks. Commissioner Gilbert said Heritage Festival will be on the south side of the tracks, as it was in prior years before construction. He noted that there was positive feedback with it on both sides of the tracks and they may want to revisit this in the future.

Commissioner Schnell asked about the expenses associated with the overtime of employees. Commissioner Gilbert said that the accounting method was changed and the budget now shows those figures. Those costs come out of the hotel taxes as well as revenues from the Heritage Festival itself.

The Manager said this would appear on the February 20 Active Agenda.

4. ZBA Recommendations:

a) R-1 to R-3 Zoning – File #MC 4-00.

Ken Rathje, Director, Planning Services, said this request is to rezone 3850 Venard, located at Venard Road and Parrish Court. The property was force-annexed into the Village in 1980 as R-1 single family. He said that there is a single-family home on the site; however, the developer intends to raze the home and construct a new home if the rezoning is granted. The difficulty with R-1 zoning for this site is that it has frontages on three streets, Parrish, Venard and 39th Street. This requires a 40' setback on three sides of the property, which results in only 20% of the site being buildable. Rezoning to R-3 would reduce the front yard setbacks to 30' and provide 33% of buildable area. He said that the three front yards make construction very difficult. The request is consistent with the area and the Village's land use plan.

The Mayor asked whether the property came into the Village as R-1. Mr. Rathje responded that if there is no companion rezoning petition, all property defaults to R-1 upon annexation. The surrounding properties in this area were once R-1 upon annexation, and then were rezoned to R-3.

Commissioner Sisul said that Council has asked staff to explore rezoning at the time of annexation. Mr. Rathje responded that the staff suggests rezoning to the petitioner, but it is up to the petitioner to take that step. Generally they do not want to invest the additional expense and effort for a rezoning petition. If there is a large group annexation, staff undertakes the responsibility for the rezoning, such as occurred when the properties along Roslyn Road came into the Village. He noted that typically an R-1 lot measures about 100' x 200'.

Commissioner Schnell asked about the property to the south and whether there was any talk of vacating the 39th Street right-of-way. Mr. Rathje said there was. He explained that the section of 39th Street south of the property provides an entranceway and walkway to Belle Aire School. He discussed this with Superintendent Dale Martin of District 58 and was told that the State uses an entranceway off the street to calculate into the busing distances, and were this section to be vacated it would be replaced as an easement and would result in busing significantly more students. The right-of-way is 295', and when added to the distance to the entrance it adds about 1,000 feet and that would require two additional buses.

Commissioner Schnell asked whether there was a way to give relief to property owners from setback requirements. Mr. Rathje said that property owners can petition the Zoning Board of Appeals for the variation and the Board would be allowed to reduce setbacks by 50% if the petition met all of the requirements of the Zoning Ordinance.

The Manager said this would appear on the March 6 Agenda as an Ordinance.

b) **Expand existing special use for Auto Repair – File #C-5-00.** Mr. Rathje said this petition is from Downers Grove Auto Rebuilders located at the southeast corner of Ogden Avenue and Prospect. They are seeking to amend their special use with an addition of 1712 square feet. They wish to bring the spray booth up to Fire Safety Code requirements with this addition, which will cost in the range of \$120,000. The addition will improve the air quality and safety of the building. Mr. Rathje said the property has a minor nonconforming situation in relation to its front and side setbacks. These setbacks will not be affected by the addition. Parking spaces will be increased to a total of 12 spaces. He indicated that stormwater is not a problem on this site, and that landscaping will not be affected, as it is legal nonconforming. The developer has been asked to review the Ogden Avenue Master Plan in designing the addition to the site. He said that they will improve the fence for screening.

The Mayor asked if this was a unanimous recommendation and Mr. Rathje said there was one dissenting vote. Mr. Rathje said the dissenting Board member made several positive statements regarding the improvements to the building, but did vote Nay.

The Mayor said he was pleased to see that the Lakota Plan was discussed as part of this request. He asked whether Economic Development or Redevelopment has met with the owners, and if not, he would like to see them do so. He noted that one resident brought up the issue of the odor on the site, and paint overspray. Mr. Rathje said that it was indicated that the addition and improvement will reduce the odor considerably.

The Mayor then asked about parking on Prospect and whether there were parking restrictions to the corner. Mr. Rathje said there is a restriction on parking from the corner; however, he knows of no other restrictions on parking on that street. The Mayor recommended that Parking and Traffic look at the issue of parking on both sides of that street.

Regarding the noise issue, Mr. Rathje responded to the Mayor that the noise issue apparently was related to a loud radio within the business. He said that he and Ms. Gibb both spoke to the resident regarding the noise, as well as the petitioner, and informed the neighbor that she could contact the Village staff if there were any additional problems. The Mayor said that Ogden Avenue has a lot of traffic generating noise, but if a radio is so loud that a resident can hear it, it is a problem. He urged the petitioner to take care of this, noting that Code Enforcement will not issue any warnings.

Commissioner Schnell encouraged the petitioner to do landscaping in the back of the property to reduce the noise. Mr. Rathje said that there was discussion after the Motion was made to encourage buffering between the business and neighboring residences. The petitioner's primary concern is within the business; however, they have agreed to look into that matter to muffle the sounds from the residences. He noted that if there is an issue of disturbing the peace, the Police Department would be responsible for responding to complaints.

Commissioner Schnell said that some businesses along Ogden brought in planters and other containers to build some greenspace. She asked if the businesses could be encouraged to do this. The Mayor recommended that Steve Rockwell meet with the property owners in that regard.

Commissioner Sisul said that Mr. Rockwell might also want to look at the prospect of a 20' right-of-way.

The Manager said this would appear on the March 6 Active Agenda.

5. Foreign Fire Insurance Budget. The Manager said Illinois Statutes require that all revenue collected from the Foreign Fire Insurance Statute be given to the Fire Department for disbursement. A budget has been submitted in the amount of \$38,632.42. The majority of the money comes from the 2% Foreign Fire Insurance tax, with the remainder from interest. Operating expenses are for communications, miscellaneous supplies, health and safety equipment, etc.

The Mayor asked whether it has to be spent within the budget year. Mr. Marty Lyons, Finance Director, said the funds do not have to be spent within a given year. He noted that no funds were spent last year. He said they would like to keep one year of funds in reserve. The funds come from insurance companies that have offices out of state that are required to pay tax in the same amount of those that have offices in Illinois.

The Manager said this will be placed on the March 6 Active Agenda.

6. Sprinkling Codes/BOCA Code Revisions.

Deputy Fire Chief Dave Burns presented the proposed changes to the Code to clarify language regarding sprinklers, as well as to eliminate obscure language. He said staff has met with the Chamber of Commerce and they support these revisions.

The Mayor asked whether the Code Department is looking to modify the Codes, since there are about three different Codes under which the Village operates. The Manager said they are looking at it and staff will present a report in the near future.

The Manager said these revisions will be on the March 6 Active Agenda.

7. Ordinance Abating the 2000 Levy.

Marty Lyons, Director, Financial Services, said that during the budget review the Council studied various revenue options. Council requested staff to look into a property tax abatement possibility, with the idea of eliminating the Village's portion of the property tax over the next five years. This cannot be done as an abatement without a revenue substitution. Staff proposed an exchange of \$1 million in property tax with an increase in telecommunications taxing from 2.3% to 3.0%. Mr. Lyons stated that property taxes come in two bulk payments, whereas the telecommunication taxes are collected monthly. He indicated this would be a one-time deferral.

Commissioner Schnell asked whether there has been an analysis of the impact. Mr. Lyons responded that a \$1 million decrease in property tax would result in a reduction of about \$70 on a tax bill for property assessed at \$100,000. Under the assumption that a house has a \$150 monthly telecommunications bill, the increase per year would be \$12.66, with a net tax decrease of \$58.40. He said that the use for a business can vary markedly based upon the purpose of the business.

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Commissioner Gilbert pointed out that this represents about a 28% decrease in the tax levy; however, it is an abatement rather than an actual decrease in the tax. He said that this is possible because of the work that the Village has done over the past six years or more in increasing the business base of the Village. Those efforts in economic development are resulting in the tax decrease to the residents.

Commissioner Sisul said this has been discussed for some time and it is good that they can now move forward.

The Mayor said he believes it will also be necessary to review all revenues, such as the utility tax. He said regarding the ambulance fee as an alternative revenue source, the Fire Department sees this as having no adverse effect on the citizens. The Fire Chief has indicated that of the ambulance use, about 2/3 are residents and 1/3 are non-residents. Numerous other surrounding municipalities charge for ambulance services. Further breakdowns show that about 50% of the calls are Medicare patients, and Medicare reimburses ambulance fees, while in some other cases, insurance covers a portion of the ambulance fees as well. In cases where insurance companies reimburse 80% of the ambulance fee, the Village would waive the remaining 20% for residents. The ambulance fee could result in a \$700,000 alternative revenue source.

The Mayor then said if they are going to abate \$1 million in property taxes, and are going to bring in \$700,000 in ambulance fees, that would result in a difference of \$300,000. Mr. Lyons said that an Ordinance approving ambulance fees could be in place before May 1. The \$300,000 could be made up through telecommunication taxes.

Commissioner Schnell said before they vote on the ambulance fee, she would like to make sure that our residents are not charged anything. The Mayor said the Village is the only community not charging an ambulance fee. He said there is already a charge of \$700,000 to the residents because the Village does not collect from Medicare or insurance companies. Commissioner Schnell said she wants to know that if an ambulance fee is approved, residents will not be charged. If the payment is strictly through insurance, she would be in favor of it.

Commissioner Sisul said the proposal is that if the insurance does not cover the cost, the residents would not be charge anything.

The Mayor reiterated that if the Village is not collecting the fee from Medicare or insurance companies, it results in a charge of \$700,000 to the residents.

Commissioner Gilbert said that nationwide, there is a fixed fee as to what can be charged.

Commissioner Schnell said she is simply requesting a guarantee that residents will not be personally charged. Commissioner Gilbert said that there could be consideration given to having individuals negotiate a hardship.

Mr. Lyons said that the Village writes off \$30,000 for non-residents due to the fact that they do not collect from indigents.

Commissioner Schnell said she does not want to see people being harassed because their insurance companies have not paid the ambulance bill.

Chief Russell said he gets more calls from people who want to know where their bill is. He shares Commissioner Schnell's concerns but also would hate to lose this source of revenue.

The Mayor pointed out that all people over 65 years of age are on Medicare.

Commissioner Gilbert said he would still like to see the Village move forward with the tax levy abatement and the utility tax revenue sources. A 3% utility tax on telecommunications is at, or below, other communities.

The Mayor said he would like to move ahead with the \$700,000 ambulance fee and then figure out the exact utility tax amount. He had Mr. Lyons show the proposed figures on an overhead depicting the figures related to the \$1 million property tax abatement. In summary it was felt that the \$700,000 ambulance fee and \$300,000 in the added telecommunications fee would result in advantages to both businesses and residents.

Council members discussed various scenarios concerning deferring further action on the utility tax for a time, as well as how the ambulance fee rates would be determined. The general consensus was that the Village would set a slightly elevated standard ambulance fee and would then accept assignment from both Medicare and the insurance companies.

Barb Wysocki, Executive Director of the Chamber of Commerce, said regarding the telecommunications tax, she would like to survey the businesses at the appropriate time. She asked if, with all the different providers, it would be difficult to capture the revenue. The Mayor responded that there is a difficulty in auditing it. There is currently legislation regarding infrastructure maintenance fees for use of phone lines on the ground. Cellular phone companies are opposing that legislation as they do not utilize the infrastructure. There is also proposed legislation that the State of Illinois would serve as the collection agency and remit fees back to the specific jurisdiction.

Pat Wenthe asked whether the residents would be billed the ambulance fees directly and then have to contact their insurance companies. Chief Russell said the ambulance staff would make every attempt to get the pertinent information and bill the insurance and/or Medicare directly. It is more efficient for the Fire Department to obtain the information directly.

Ms. Wenthe asked if the Village is consistent with surrounding communities regarding the telecommunications tax. The Mayor said that 5% is the maximum telecommunications tax that can be charged, and the Village is presently at 2.3%, being the lowest of the surrounding areas.

The Manager said that this item has to be on file with the County by March, and will be placed on the February 20 Active Agenda.

Village Attorney Blondin clarified that he is preparing an Ordinance for the ambulance fee at \$700,000, and the telecommunications tax percentage increase to \$300,000.

9. Intergovernmental Agreement with DuPage County – 55th Street Watermain. The Manager said that the County is in the process of designing rehabilitation improvements from Clarendon Hills Road to Dunham Road on 55th Street. The Village had planned to also do watermain work on 55th Street and it is recommended to coordinate these activities with the County. The County has entered into an agreement with Clark Dietz engineering, and they have given a price to the Village of \$30,000 for design and structural engineering services for the watermain portion of the project. The Agreement would allow the Village to utilize the same engineering services as the County.

Dave Conley, Director of Engineering, Public Works, said the County will be doing a number of intersection improvements from Clarendon Hills to Dunham Road, including left turns lanes at the major intersections.

Manager McCurdy said this Resolution would be on the February 20 Active Agenda.

10. Due Process Rights re: Local Tax Ordinances. The Manager said this is commonly referred to as the Taxpayers' Bill of Rights. Effective January 1, 2001, the Illinois Legislature adopted this Ordinance establishing a system that allows taxpayers certain due process rights concerning local imposed taxes such as telecommunications, utilities, etc.

Attorney Blondin said that all municipalities must have a system in place allowing taxpayers rights under this law. He noted that in the Village, Mr. Marty Lyons will be the local tax administrator. The State legislation mandates the procedures to be followed.

This Ordinance will be placed on the March 6 Active Agenda.

11. Stormwater Oversight Committee: Fee Changes.

Village Engineer Bob Jungwirth said it has been nine years since the County adopted its Stormwater Ordinance. The Village is still using the same fee scheduled adopted in 1992, and a fee revision is appropriate at this time. He indicated that the Village should establish a more straightforward fee structure. He then reviewed the fee changes proposed, stating they are based as much as possible on the size of the development. Mr. Jungwirth said that in comparison to fees established by surrounding communities, the Village is the lowest.

12. Ordinance Revision: Prosecution of Cannabis Violations. The Manager said that this Ordinance revision was proposed by the Village Prosecutor. Attorney Blondin explained that under this Ordinance, a municipality can prosecute juveniles as well as adults for possession of small amounts of cannabis and drug paraphernalia. Fines for the offense would be between \$250 and \$750. Local prosecution would provide for greater control in these cases. More serious drug offenses would be prosecuted at the State level.

The Manager said this would be placed on the February 20 Active Agenda.

13. Financing of Property Acquisition/Johnson Parcel. The Manager said this pertains to financing the proposed property acquisition at 1007 Burlington and on 5117 and 5119

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Main Street through a short-term note at a projected interest rate of 5.8-5.9% for two years. The annual interest rate would be \$265,000.

Mr. LeDonne asked whether there would be an opportunity in the proposed meeting on the property acquisition to ask questions. The Mayor said there would be and the Council would adjourn into a special meeting to discuss the issue.

The Council adjourned the regular Workshop session at 8:45 PM.

April K. Holden
Village Clerk

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