

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

APRIL 9, 2002

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

Present: Mayor Brian Krajewski; Commissioners Marilyn Schnell, Thomas Sisul, Michael Gilbert, Martin Tully, Mark Zabloudil; Village Manager Riccardo Ginex; Acting Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: Commissioner Sue McConnell

Visitors: **Press:** Susie Gura, Downers Grove Reporter; Colt Foutz, The Sun

Residents & Others in Attendance: David Holquist, Marsh Insurance, 500 W. Monroe, Chicago; Jim Russ, Attorney, 4915 Main; Graham Swidenbank, Luxury Motors, 350 Ogden; Timothy Schalk 4236 Florence; Mike Johnson, 4517 Roslyn; Rob Novak, 4218 Florence; Christine Fregeau, 1918 Elmore; Taylor Fregeau, 1918 Elmore; Dick Lofran, 1318 Turvey Rd.; Marilynn Gerloff, 4241 Highland; Matt Klein, Gammonly Group, 322 W. Burlington, LaGrange

Staff: Bob Schiller, Assistant Director, Public Works; Steve Rockwell, Director, Economic Development Commission; Dave Van Vooren, Deputy Village Manager, Administration; Marty Lyons, Director, Financial Services; Ken Rathje, Director, Planning Services; Amanda Browne, Planner; Greg Zimmerman, Director, Human Resources, Mary LaLonde, Human Resources; Brian Pabst, Deputy Village Manager, Operations

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

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

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

MANAGER

1. **Bid: Vehicle Purchase – PW Administration.** Manager Ginex said staff recommends purchasing a used 2001 Ford Expedition XL7 at a cost of \$25,998.00. He said vehicle #139 will be traded in as a vehicle replacement next fiscal year. The recommendation is to purchase the car from CarMax.

Mayor Krajewski asked about Commissioner McConnell's question regarding this item. Commissioner Sisul said he understood her question to be why they were replacing the vehicle with an upgraded model. In response to this question, Manager Ginex said that they looked at SUV's similar in size. The Expedition provides most versatility and can also be used for snow removal.

- 2. Zoning Commission Recommendation: Case 2002-01 Text Amendment request from Joe Pepitone to include properties on the east side of Forest between Franklin on the north and Warren on the south within the boundary of the Concentrated Business District.** The Manager asked Amanda Browne of Planning Services to address this item.

Amanda Browne, Planner, said the Zoning Commission recommendation is to amend the CBD boundaries to include 13 properties within the CBD. These were all originally constructed as single-family residential structures, some of which now have commercial uses.

Commissioner Schnell asked if residents within 250' were notified, and Ms. Browne said they were not as this was not a rezoning. She said that all 13 property owners were notified. They did not notice property owners to the north other than by a legal notification in the newspaper.

Commissioner Schnell said she would be interested to know what the residents to the north feel about this as there would be no buffer of greenspace between Franklin and residents to the north.

Commissioner Tully said this is not an extension of commercial zoning into residential zoning as it is already zoned commercial. This is an inclusion of the commercial area into the CBD. Ms. Browne said that was correct. Commissioner Tully said he had no problem with this as he saw it as a natural extension of the business district.

Commissioner Tully said some issues were raised in regard to what would be done with parking, open space, greenspace, etc. He said that any long-range plans would have to go through the normal approval process. Given the activities of the Land Use Task Force regarding zoning for the CBD, he asked whether it would be wise to wait until the Task Force has made its recommendation and is implemented.

Jim Russ, Attorney for the petitioner, Joe Pepitone, said they discussed waiting, but decided to file now because some of the property cannot meet the parking requirements. He said that what the petitioner is proposing would be consistent with what the Task Force is proposing.

Commissioner Tully said there is a need to deal with the present problem regarding parking. He then asked whether this action will be a good solution for the parking problem, and Mr. Russ said he believed it would be. There is some parking available right now, however it does not meet the requirements for the use, which would be office use. The amendment will allow them to utilize the entire rear portion of the property for the parking, as was done on the corner of Franklin and Forest.

Commissioner Sisul said this was an area considered for inclusion in the CBD and it appears to be consistent with the other uses.

Ms. Browne said that if there was a proposal for a Planned Development it would go through the Plan Commission, but there would be some elements that could be accomplished by way of the building permit.

3. **Zoning Commission Recommendation re: Case 2002-02, Village sponsored Text Amendment Petition (Station Crossing-CBD Redevelopment Project).** The Manager asked Amanda Browne to address this.

Ms. Browne said this was prompted by the Station Crossing redevelopment, however the amendment was drafted to apply to the entire downtown business district. She said the amendments propose to define a new use category called the Concentrated Business District Redevelopment Project. She described the effects this would have including a potential maximum building height of 70', calculating residential density at one dwelling unit for every 800 square feet of floor area, and parking at 1.4 spaces per dwelling unit which would eliminate any exemption that might be available within the CBD. She said the Zoning Commission recommended approval unanimously, with the minor language change regarding the definition of a "Concentrated Business District Redevelopment Project."

4. **Zoning Board of Appeals: Recommendation regarding Case MC-4-02 – Request from Joseph Abbas (Luxury Motors) to rezone 4244 Florence Avenue from R-1, Single Family to B-3, General Services and Highway Business.** The Manager asked Ken Rathje, Director, Planning Services to address this item.

Kenneth Rathje, Director, Planning Services, said that Luxury Motors purchased a parcel of land to the north of their property fronting on Florence Avenue. The area is shown on the Future Land Use Plan as appropriate for consideration of expansion of the commercial zoning district. The property was annexed into the Village in the 1970s under a forced annexation and has a default zoning of R-1. He said that a majority of the Zoning Board of Appeals voted for the requested rezoning. In consideration of an expansion of the commercial area, the Future Land Use Plan narrative said it should take place only if it benefits business property which fronts along Ogden Avenue to assure adequate land area so as not to unreasonably constrain the business. He said that under the R-1 zoning the property is nonconforming and, without commercial zoning, has no appropriate use.

Commissioner Schnell asked if there was another property to the north that is 35', and Mr. Rathje said there was. Mr. Rathje said the status of the other lot is that it is occupied and is zoned R-1. He does not know if there is any interest in acquisition of that property, and if there were it could only be done as a benefit to the adjoining commercial property.

Commissioner Schnell asked about the requirement for buffers to the residential property to the north. Mr. Rathje said the side yard or rear yard transition must be equal to the minimum side yard of the abutting residential yard, which is 5'. If there is an extension of the front yard, the setback of 40' must be provided for the first 20' adjacent to the residential. Commissioner Schnell asked about the existing fence, and Mr. Rathje said it is set back 25' from the front line. He said that they may have measured from edge of pavement rather than property line, therefore, the fence would have to be changed.

Mr. Russ, Attorney for Luxury Motors, said they are in negotiations with the property owner to the north for purchase of this property. The petitioner has discussed with the neighbors the screening they would like to see provided.

Grahm Swidenbank, Manager of Luxury Motors, said they have been in discussion with Mr. Novak concerning planting 6' high fir trees every six feet, and a double row of fir trees at the north line of the property if the additional lot is acquired.

Commissioner Tully asked for clarification that the subject property and the 35' wide lot to the north are both within the Ogden Avenue plan created in March 1999. Mr. Rathje said the Lakota Plan has a drawing of the former Somerset Motel as being a development opportunity. The more correct plan is the Future Land Use Plan, adopted in the mid-90s. Nothing in the Lakota Plan showed anything in conflict with the Future Land Use Plan. He said the two properties Commissioner Tully questioned are included in the Future Land Use Plan as well as the mirror image property to the east as being commercial.

Commissioner Tully asked how many other parcels there currently are that are along the Ogden Avenue corridor that are designated as residential, but contemplated as potential commercial properties. Mr. Rathje said he does not have that number but will provide it.

Commissioner Tully said that the two matters at the Zoning Board of Appeals meeting concerned zoning, and the appropriateness of the use for the property. He said that before the Council this evening is the zoning, and there is a Future Land Use Plan that contemplates use of some of the residential properties for business zoning to increase the depth of commercial property fronting on Ogden Avenue. He has no problem with rezoning the property for commercial use. However, he said that there are a number of issues which have been raised as to the current use such as noise, fencing, and unloading of vehicles that will have to be addressed.

Tim Schalk, 4236 Florence, said he is opposed to having this approved as he owns the property adjacent to this. He is concerned about what will happen to his well and septic tank, which is next to Luxury Motors, and how will runoff from the business affect his property.

Mr. Rathje said that there are water mains in that area but no sanitary sewers to his knowledge. He said that the owners of Luxury Motors had gravel laid on the property without benefit of a permit. The Village stayed action on that problem until after the zoning decision was made. To put things in order, Luxury Motors will have to seek an engineer to determine how they will handle stormwater management, and they will have to resolve this issue. Ultimately, that means that they will remove the gravel, provide drainage considerations so as not to provide increased flow from the property. He said they will have to resolve all of their obligations before the property can be used. They have submitted nothing regarding stormwater, pending a decision by the Council.

Rob Novak, 4218 Florence, said he owns two properties north of the subject property. He said there is no water or sewer on Florence, and no tap-on at Ogden and Florence at this point. He said he has talked with four property owners along Florence. Three of them support what Luxury Motors is trying to do with certain stipulations they are working out with the petitioner. Part of the agreement includes the planting of trees on the subject site as well as the adjacent property if it is

included in the plan. Mr. Novak said neighbors have also discussed the problem of noise, and Luxury Motors has implemented a new phone system and committed to removing the outdoor speakers. Lighting issues raised in the past have also been addressed so as to replace poles with lighting that will not glare onto the residential area. In addition, Luxury has agreed to providing additional landscaping for a transitional area. Mr. Novak said he and the neighbors he represents would support this project if Luxury Motors commits to the issues raised. Mr. Novak added that they have also reached an agreement regarding the loading and unloading of vehicles.

Manager Ginex said he spoke with Mr. Swidenbank this morning and he indicated they are committed to working with the residents to address their concerns.

Commissioner Tully said he knew there was a history here and is pleased to hear that they are working with the neighbors.

Mayor Krajewski said that sometimes Luxury Motors has been slow to work with its neighbors. He stressed the importance of working on a timely basis to address the concerns that are raised.

5. Plan Commission Recommendation: File #1074 Johnson Lot Split including a request for a Flag Lot at 4517 Roslyn Road. The Manager asked Amanda Browne to address this matter.

Ms. Browne said the Plan Commission recommended this lot split division into a flag lot configuration. The Commission found the area and width characteristics warranted the creation of a flag lot as there is significant lot depth to lot width ratio. The lot size is slightly under an acre. She said that the Commission noted other flag lots and flag-lot-like lots in the general area.

Commissioner Zabloudil said flag lots were discussed recently in other meetings. He said there has been dialogue about this with some objections from residents. He said that according to the map provided, he is concerned with what will happen if they consider continuing the process of creating flag lots. He will not support this petition or any others coming up regarding flag lots.

Commissioner Tully said he also would not repeat issues. He said according to the minutes of the Plan Commission, the area is in the Westmont Surface Water Protection District. Ms. Browne said that was correct. Commissioner Tully said there is some confusion as to what the Westmont Surface Water Protection District is supposed to do, and he does not want to see this divided until that question is clarified. There is a legitimate stormwater concern here. He also agrees with Commissioner Zabloudil that flag lots should not be allowed within the Village. He was shocked when he viewed the map prepared by staff as it is the situation he fears the current flag lot Ordinance will create. Commissioner Tully said that in the minutes of the Plan Commission it was recommended that the Commission be included in the Council's discussion concerning review of the flag lots.

Commissioner Gilbert said that historically he has been against flag lot and does not change that position now. When an exception is made the flag lots proliferate through an entire area. He believes it is better to eliminate them altogether. The only benefit from them is financial and doesn't help the neighborhood.

Commissioner Schnell asked if there is a way to find out how other lots work with the Westmont Surface Water Protection District.

The Mayor said he agrees with Commissioner Gilbert as to a complete elimination of flag lots. He is not sure how this would hold up in a court challenge, however, due to those that have been allowed within the last ten years.

Commissioner Gilbert said that the Village allowed certain flag lots to exist and it proliferates. He said that is why the moratorium and complete rewrite of that section of the Ordinance is in order.

Commissioner Tully said it is the subjectiveness throughout the Ordinance that is the problem. If they should be allowed, this is not the way for it to be done. There are too many aspects of the Ordinance that are completely subjective.

6. **Health Insurance Renewals.** The Manager asked Greg Zimmerman, Director, Human Resources, to address this matter.

Greg Zimmerman, Director, Human Resources, said that staff went out for alternative health insurance quotes, and he noted the report submitted to the Council. He said the overall increase is 18%, which is in keeping with health care costs in general. Overall costs for the contracts total \$543,783.00.

Commissioner Tully said that one of the reasons for recommending Humana, notwithstanding the increase in administrative fees, was that they continue to experience substantial discounts through the PPO network. He asked if staff felt confident that would continue and Mr. Zimmerman said they were confident. Over the last year the savings have been approximately 40% of the actual costs.

7. **Risk Management – Insurance Renewals.** The Manager asked Dennis Burke, Risk Manager to address this item.

Dennis Burke, Risk Manager, said in February staff sought quotes for the renewal of the General and Auto Liability and Property insurance through Marsh USA as broker. He said that carriers do not want to release any quotes more than 30 days in advance of a starting date. Mr. Burke said that previously he recommended carrying a minimum of \$30 million of excess coverage based upon the Village's transit system; however, he is before the Council this evening with a recommendation of \$20 million. They expect to have another layer of \$10 million released by the end of the week. He then reviewed the quotes. Mr. Burke said that the total proposed of \$300,875 exceeds the amount budgeted, and excess would come out of the loss fund.

Commissioner Gilbert said that with regard to terrorism, it appears that the Village and everyone else is pretty much on their own. Mr. Burke said that terrorism has been identified as an exclusion.

Dave Holquist of Marsh, USA in Chicago said that basically companies have stepped back as far as possible with regard to terrorism. It is a situation that is in flux, and numerous versions of

terrorism exclusions are being used. There have been requests for Congress to step in and provide some type of coverage.

Commissioner Sisul asked about third party actions. Mr. Holquist said that third party actions are excluded as well.

Commissioner Zabloudil said it appears that the overall liability would cost about \$210,000 for \$30 million in coverage. In the past years it has cost \$125,000 for \$50 million.

Mr. Burke said he would work with the Village Attorney to get the other \$10 million to Council so that it is added to the Consent Agenda.

Commissioner Tully asked whether Marsh has conducted a needs analysis. Mr. Burke said they have not done so this year due to how quickly the market has changed. He said a risk analysis was done in 1999. He said he would recommend a needs analysis for next year, given the change in the market conditions.

8. **Annual Professional Geotechnical Engineering Services Agreement.** The Manager said Claude Hurley and Company has continued over the past ten years to offer competitive prices. As part of the proposed 2002-2003 contract, Hurley has included a 2% increase. Three additional lines have been added into the proposal due to some State requirements. Staff recommends approving this contract for the next fiscal year.

Commissioner Tully said it might be a good idea to bid this out at some future point.

9. **Letters of Agreement for Geotechnical Engineering Services for Several Capital Projects.** The Manager said staff recommends contracting with Claude Hurley on this item in an amount not to exceed \$29,315.50 for the 2001/02 Watermain project, the Fairview Avenue signal interconnect, and the roadway improvements for Valley View Estates.

Commissioner Tully repeated his recommendation to bid this item out in the future.

10. **Parking & Traffic Commission Recommendation: File #03-02 Belmont Road and Prairie Avenue Regulatory Control (No Turn on Red).** The Manager said this came to Council in February regarding the No Turn on Red when Pedestrians are Present sign. Parking and Traffic would like to change all No Turn on Red when Children are Present to “when Pedestrians are Present.”

Commissioner Sisul asked to have other governmental agencies look at their signs as well to make them all consistent throughout the Village. Commissioner Schnell agreed with Commissioner Sisul’s comment as inconsistent signs would be confusing.

11. **Ordinance Amending the Applicant Examination Policy for Police & Fire Employment Positions.** The Manager said the purpose of the policy is to charge a nominal fee to cover the cost of the materials.

12. Grant Application to the Illinois Department of Commerce and Community Affairs for the Balanced Growth Capacity Building Program. The Manager asked Steve Rockwell, Director, Economic Development Commission, to address this item.

Steve Rockwell, Director, Economic Development Commission, said this grant is due April 15, and is a balanced growth capacity building program for training and other types of technological improvements. The funding will produce a plan for the Ogden Avenue Corridor. The majority of the contract would go to John LaMotte and Lakota for completion.

Commissioner Tully said that many residents have expressed a desire to take steps to maintain and improve the vitality and aesthetics of Ogden Avenue. This proposal is budget neutral, and he asked whether this will compliment the existing EDC efforts with respect to Ogden Avenue by paying for a portion of Lakota Group's work anyway. Mr. Rockwell said it will not be budget neutral. They will receive \$49,000 of new money. They will also be doing more work. They have programs along Ogden Avenue to do signage but did not have funding to come up with catalogs, manuals, and face-to-face meetings. The work already done will be put into manuals.

STANDING COMMITTEE REPORTS

Public Safety: Commissioner Gilbert said they met last week and discussed the staffing needs of the Fire Department, as well as future needs such as vehicles, funding needs, the feasibility of reopening of Station #4.

The Mayor asked Commissioner Schnell to have the Public Services Committee look at the bid process on some of the contracts to be sure they are still competitive.

ATTORNEY'S REPORT

Attorney Petrarca said Council was being asked to waive the one-week waiting period to consider new business in regard to a resolution authorizing submittal of a grant agreement application to the Illinois Department of Commerce and Community Affairs for Balanced Growth Capacity Building Program. She said this matter was discussed this evening. She also said she was presenting eight other items to the Council: 1) an ordinance amending the boundaries of the concentrated business district; 2) an ordinance amending certain provisions of the Downers Grove Zoning Ordinance regarding CBD Redevelopment Projects; 3) an ordinance amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, passed and approved April 19, 1965, as amended, to rezone 4244 Florence Avenue (R-1 to B-3); 4) a resolution approving a lot split with a flag lot for the property at 4517 Roslyn Road; 5) a resolution authorizing execution of an agreement for engineering services between the Village of Downers Grove and Claude H. Hurley Company; 6) an ordinance amending traffic regulations at certain intersections; 7) an ordinance amending Section 17-30 of the Downers Grove Municipal Code regarding examination procedures for police and fire employment positions; and 8) an ordinance adopting the fiscal year 2002/03 budget in lieu of passage of an appropriation ordinance.

The Mayor called for a Motion to waive the traditional one-week waiting period.

DRAFT

Mayor Krajewski said that every year the DuPage Mayors and Managers drive to Springfield to discuss issues concerning the Conference as well as providing an opportunity for individual communities to meet with their representatives.

There being no further discussion, the Workshop meeting was adjourned at 7:50 p.m.

April K. Holden
Village Clerk

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