

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

JANUARY 22, 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, Sue McConnell, Martin Tully, Mark Zabloudil; Village Manager Riccardo Ginex; Village Attorney Daniel Blondin; Assistant Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: None

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

Residents & Others in Attendance: PACE, Mark Henry, T.J. Ross, George Porter; Carol & Bob Nield, 6326 Fairview; George & Karen Wzorek, 6336 Fairview; SCOUT TROOP 181: Mike Smith, Steven Kiesa, Austin Wirtos, Adam Goodell, Zachary Krause, James Drosek, Joe Skerrett, Matt Wood, Shawn Meek, John Sheppard, Kevin Kraine, John Meek, Jodi Apostle; Marilyn Gerloff, 4241 Highland; Bill Kohne, 5311 Lee; Janis & Michael Farrington, 5211 Lee; Al & Alan Breeze, 5508 Lee; Brandon Yackle, 4520 Drendel; Theresa Stewart, 6413 Davane Court; Carmela Zinnecker, 6345 Davane Ct.; Tiziana & Anthony DiSalvo, 6339 Davane Ct.; Lucia Cerasuolo, 6401 Davane Ct.; Doreen Lenckos, 6357 Davane Ct.; Kelly Kania, 6340 Davane Ct.; Betty & Brinsley Lewis, 6431 Davane Ct.; Raymond Ponstein, 5734 Fairmount; William Ponstein, 6012 Hillcrest Ct.; Christopher Dunne, 5732 Fairmount; Mary & Jeff Mack, 5115 Carpenter; Joni Lundeen, 5230 Lee; Barbara Garofolo, 6352 Davane Ct.; Tony Risnikar, 6425 Davane; Dave Tatterson, 1240 Gilbert; Judy Sidiys, 5223 Lee; Christine Fregeau, 1918 Elmore; Bea Bennett, 913 Clyde; Ken Koller, 5131 Lee; Andrew Clark, 1226 62nd St.; J. Krol, 5460 Lee; Michael Stevens, Sievers Construction, 1000 Maple, Larry Rosol, 556 Berrywood, Jim Russ, 4915 Main

Staff: Dave Van Vooren, Deputy Village Manager; Jack Bajor, Director, Public Works; Ken Rathje, Director, Planning Services; Amanda Browne, Planner; Mike Baker, Assistant to the Village Manager; Police Chief Bob Porter; Deputy Police Chief Ray Byrne; Fire Chief Phil Ruscetti; Steve Rockwell, Director, Economic Development Commission; Stan Balicki, Support Services Manager; Jane Gerdes, Assistant Director, Public Works; Bob Schiller, Assistant Director, Public Works; Brian Pabst, Deputy Village Manager

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.

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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.

INTRODUCTIONS

Mayor Krajewski announced the presence of members of Boy Scout Troop 181 whom he said he had the pleasure of meeting with prior to this evening's meeting. The Troop meets at the VFW Hall on Belmont. He said during the meeting they discussed many of their activities, and the Troop has adopted the highway at Dunham Road and 75th Street. They also suggested painting the American Flag on the Village water towers. They also said they would like to see a kid's clothing store, as well as a grocery store. The Mayor said that staff would be assigning a project to one of the Scouts working on his citizenship badge. He wished the Scouts good luck in their future endeavors.

MANAGER

1. **DuPage Metropolitan Enforcement Group (DUMEG) change in contribution from Financial to Manpower.** Manager Ginex asked Bob Porter to make the presentation.

Police Chief Robert Porter said that DUMEG Group is the lead drug enforcement group in DuPage County. The Village contributes financially to be a member of DUMEG in the amount of \$503/officer or a total of \$40,743. The Village has waited to become a manpower contributor for many years, and now has an opportunity to contribute an officer to this program. It provides valuable experience in the area of drug enforcement and training, and will keep the Department up-to-date on area drug activity. Chief Porter said that if the Village does provide manpower, they would not have to pay the \$40,743, and would actually be paid for the services of the officer. He asked the Council to consider this option.

Commissioner Tully said he considered this a wonderful opportunity to bring additional training and experience back to the department. He asked that the Chief elaborate on the benefits of having a manpower contribution as opposed to the financial contribution above and beyond the experience element.

Chief Porter said having someone in the unit would contribute to increased drug enforcement in Downers Grove. This would keep the Department current on what is happening in the County. He added that the staff has wanted to do this for a number of years.

Commissioner Gilbert said he supported this project. DUMEG is a great organization to belong to. He asked whether the Department would have to hire an additional officer to replace the officer serving on DUMEG. Chief Porter said they are not asking for a replacement officer at this time. The length of the assignment would be three years, and they would maintain this arrangement until a decision is made to relinquish it.

Commissioner Zabloudil said the advantages are a tremendous benefit to the community and he believes the Village should move forward with this opportunity.

Commissioner Schnell asked if it is a full-time assignment. Chief Porter said that the officer is still a Downers Grove police officer on temporary assignment to DUMEG. The Village would still have access to the officer if needed, and the Village retains the option of pulling the officer out if needed. Commissioner Schnell said she supports this idea.

The Mayor asked what other Villages have manpower contributors. Chief Porter said Addison, Elmhurst, Glendale Heights, Lombard, Naperville, Warrenville, Wood Dale, and Woodridge as well as other agencies are participants in this program.

Mark Henry, Director, DUMEG, said he was excited about the opportunity of the Village providing manpower to the DUMEG project. He believes DUMEG is the best County task-force in the State and that is based upon the support the member communities give to DUMEG.

2. **Bids:**

- a. **Vehicle Equipment – Loader Backhoe – PW Drainage.** The Manager said staff recommends purchase of the backhoe in the amount of \$63,103 from Patten Tractor and Equipment. The present backhoe was purchased in 1984 and is in need of major repair. The Mayor asked whether this was the same machine as that purchased in 1984.

Stan Balicki, Support Services Manager, said he is not sure of the exact model, but does not believe it is the same. Mr. Balicki said that the specs received from two bidders were the same, as they recommended a Caterpillar backhoe. The Village's current equipment is a John Deere.

Commissioner McConnell asked whether the bid amount is below the amount budgeted. Manager Ginex said it was.

Commissioner Zabloudil asked how much more time they would get out of the equipment if the Village invested \$5,000 to repair it. Mr. Balicki said it might last a year; however, there is a safety issue involved.

- b. **Vehicle Equipment – Skid-Steer Loader – PW Pavement.** The Manager said staff recommends purchasing a new skid loader as the existing one is having hydraulic system problems. Two bids were received. The recommendation is to purchase the equipment from Atlas Bobcat, Inc., for \$30,794.31. Since the bid was very low staff recommends including additional options of air conditioning, and a water nozzle system.

Commissioner Tully asked whether both options were bid out to both vendors, and Mr. Balicki said they were.

Commissioner Zabloudil asked what attachments are to be used. Mr. Balicki said it can use the snow plow blade, broom, bucket, etc. Commissioner Zabloudil asked why it is identified as a Skid-Steer loader. Mr. Balicki said it is the predominate trade name.

The Mayor asked about the height of the attachable bucket and Mr. Balicki said he was not sure. The Mayor asked if the existing bucket will be traded in for a new one. Mr. Balicki said it is a loader bucket, not something that someone can ride in.

- c. **Firefighters Personal Protective Equipment.** The Manager said staff is recommending purchasing additional protective equipment, or turnout gear. They received four bids for this equipment. The Department has a 5-year replacement plan developed by the NFPA. Staff recommends awarding the purchase bid for turnout gear to the Environmental Safety group, and gloves, hoods, suspenders to Global Fire Equipment. The value of both items will not exceed \$27,527.00.

Commissioner Gilbert asked whether there was a change in the type of turnout gear. Fire Chief Ruscetti said it is a little lighter, and a little cooler than previous gear. It meets the NFPA requirements.

Commissioner Zabloudil asked for an explanation of the differences between this gear and the gear the City of Chicago firefighters use. Chief Ruscetti said the City of Chicago firefighters wear traditional 3/4 pants and boots with the long coat. There is an area of leg that is not covered.

Commissioner Sisul said that many members of the Council have gone through the practice burns and have worn the equipment, which is heavy.

Commissioner McConnell said this looks to be a significantly lower bid amount than budgeted and asked why. Chief Ruscetti said that some of it is in equipment and the bid is split between two companies. He added that the cost of the gear is a small amount lower as well.

3. **Pace Agreements.** The Manager asked Stan Balicki to explain this item.

Stan Balicki, Support Services Manager, said that in the year 2000, the Village began discussions with PACE to determine ways to develop a mutually beneficial relationship. He said that for quite some time the Downers Grove transit system has operated at a loss. As a result, an initial agreement was entered into with PACE whereby the Village would operate as an independent contractor to PACE, which would allow PACE to show the Village transit finances on their books and in return, they would contribute a financial subsidy to the Village transit system. Mr. Balicki said that agreement is now expired. He and the Manager have met with T.J. Ross of PACE, and George Porter to extend the agreement for another year and develop a partnership in other areas as well. He said that the Village commuter service would remain unchanged by this agreement.

Commissioner Zabloudil said that the payment is estimated to be \$53,000. He asked when they are paid to the Village. Mr. Balicki said there has been a quarterly payment.

Marty Lyons, Director of Finance, said that the calendar year has a quarterly payment system. The amount is \$55,000. Commissioner Zabloudil asked if there is a cancellation clause or penalty to withdraw from the agreement. Mr. Balicki said there was none.

Commissioner Schnell asked whether PACE has helped in increasing the ridership. Mr. Balicki said that has been part of the discussions held. They have helped evaluate some of the routes, and they have some ideas for changes. Commissioner Schnell asked what is left of the bus lifespans. Mr. Balicki said they are 1992 models, and he is not sure as to how much longer they might last.

Commissioner Tully said the transit system they are discussing is the Grove Commuter Shuttle, which has as its primary revenue sources commuter fees and charter fees. He clarified that this agreement will subsidize the revenue received. He asked about the one-year renewal. Mr. Balicki said that the prior agreement has technically expired. The agreement now on the table is for a one-year term. He said there has been no adverse effect on the existing services caused by the agreement. To the contrary, PACE's experience in this type of business has been helpful for the Village.

Commissioner Zabloudil asked about the length of depreciation. He said that perhaps PACE could give staff the information in determining the possible life expectancy of the present fleet.

Mr. Lyons said he thought it was for a ten- or twelve-year depreciation cycle. He will confirm those numbers. He said he believes they are not scheduled for replacement.

The Mayor asked whether there was an equipment replacement fund for the vehicles and Mr. Lyons said there was none. The Mayor asked for an explanation of Exhibit A, "other financial uses." Mr. Lyons said that represents transfers out to support the fund for fleet management and risk management expenses.

4. Parking & Traffic Commission Recommendations:

- a. **File #20-01 Parking Restrictions on Gilbert Avenue – Immanuel Residence.** The Manager said the Parking & Traffic Commission (P&T) recommended, 5:1, to designate angled parking on the north side of Gilbert for a 3-hour restriction, rather than the present 90-minute restriction.

Commissioner Tully said in reviewing the P&T minutes, he did not see any comments from the Immanuel residents and asked if Mr. Schiller has received any.

Bob Schiller, Assistant Director, Public Works, said, other than the initial request, they've received no further information. Residents said that guests are not allowed to park long enough to conduct their business or enjoy their visit with the previous 90-minute parking restriction.

- b. **File #21-01 Parking Restrictions on Oakwood Avenue between Grant Street and Ogden Avenue.** The Manager said the P&T recommended 5:1 to place parking restrictions on the west side of Oakwood Avenue stating no parking anytime from Ogden Avenue to a point 200 feet south and restricted parking between 7:00 a.m. to 4:00 p.m. from a point 200 feet south of Ogden Avenue to a point 105 feet north of Grant Street on Saturdays and Sundays.

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Commissioner Tully asked for a diagram of the layers of restrictions on Oakwood. Mr. Schiller said he would provide a diagram.

The Mayor said he received a call from a resident regarding Pierce Downer School. Apparently there was a meeting with Village staff, residents and the school staff regarding parking, walkways, drop-offs, sidewalks, etc. He asked that staff meet with the school and residents on Oakwood, as well as Delta Sonic employees, regarding parking problems in the general area. The Mayor said that O'Neill and Hillcrest schools have also expressed concerns on parking and drop-offs. Mr. Schiller said that staff has met with the Pierce Downer representatives a few times already to discuss different options to accommodate the different needs that arose when busing was reduced.

Commissioner Schnell said that she also received a phone call. The discussion concerned whether there was a need to have sidewalks on both sides of streets located in areas around schools. She asked staff to meet with the Public Safety Committee of Pierce Downer School.

Commissioner McConnell said she drove down Oakwood on Saturday and cars were parked all along the street.

Commissioner Gilbert asked whether staff can create a schematic before the next vote on this item. Mr. Schiller said he could not do that in the time allotted.

Lisa Kuzanek, 4340 Oakwood, said she lives behind Delta Sonic. She pointed out that the safety issues occur with residents backing out of their driveway when cars are parked on either side of their driveways.

Dennis Kuzanek, 4340 Oakwood, said this is not just a Saturday/Sunday issue. Basically it occurs seven days a week. There is tremendous car traffic on the street. Mr. Kuzanek said that more children have moved into the area. Employees and management of Delta Sonic have been talked to numerous times about loud music, speeding and traffic, but they ignore the complaints. The business does not have the parking space they require.

The Mayor asked whether a two-hour parking limit would be better. Mr. Kuzanek said he would like to see it seven days a week.

Deputy Village Manager Pabst said there was discussion with the Village Attorney to pull this off the agenda. He said there is a lot of concern on the part of the citizens. He said that he spoke with Ross Johnson, Chairman of the P&T, and the recommendation was to remove this from the agenda and return it to P&T so they have an opportunity to hear more from the surrounding citizens.

Joseph Skerrett, 4703 Stonewall, said he attends Pierce Downer School. He said that people drop children off and leave. He said he thinks it is mostly quiet.

Larry Rosol, 6556 Berrywood, said he has had numerous complaints regarding Delta Sonic.

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Marilynn Gerloff, 4241 Highland, said she attended the P&T meeting. There was quite a heated discussion. One resident said that this was not a parking issue until Delta Sonic expanded its detailing building. This increased their business and reduced the number of parking spaces. She said that the minutes of the meeting are not completely accurate, as comments she made at the meeting were not recorded in the minutes. Ms. Gerloff asked at that meeting whether Delta Sonic met the codes of the Village in terms of meeting its parking requirement. She suggested P&T check to make sure a business is in compliance with the codes before recommending parking restrictions. She indicated there was some discussion about the problem.

The Mayor said they do not get the flavor of the discussion from those minutes. He said that he knew Commissioner Gilbert listened to the tape from the meeting and was aware of the discussion held. Ms. Gerloff said the principal of the school was there and did not have any objections to the parking restrictions other than two weekends per year. She said this problem exists due to one business, and this is not just a weekend problem.

Commissioner Schnell asked if Delta Sonic meets the requirements of the Municipal Code. She said she was told that they do. She said the Village needs to sit down with Delta Sonic to discuss the issues and be forceful with them. This was brought to the Village's attention and Delta Sonic needs to understand that they have a responsibility to the community. She said they may meet the Code requirements, but due to the type of business they have, there are more employees than another business might have with the same square footage.

Commissioner Zabloudil said the EDC has discussed the concept of business licensing. If there was a business license required, the Village could hold that over them. He said he thought this is a reason to look at the issue of business licensing in the Village. The Mayor said that the IEPA is looking at the contamination issue in the Village. Having business licenses would help in conducting background research. Commissioner Zabloudil said it would also provide leverage.

Commissioner Gilbert said that similar issues came up at the Coffee with the Council meeting.

Manager Ginex said that staff has been looking at the licensing issue as well. He said when he was police chief last year he spoke with the Village Attorney about how licensing would assist the police in terms of background information as well.

Mr. Kuzanek asked about the parking requirement. The Mayor said it was one parking space per 600 square feet of building space.

Commissioner Sisul said the Council has had this issue come up before. Businesses with more intensive uses create problems that are not addressed under the current zoning situation. In the past few weeks there have been two issues of this type, and the Council is looking at developing some new tools to keep these situations under control. It would be good to solve the problem on Oakwood without having to resort to parking restrictions.

Mr. Kuzanek said that there is a significant turnover of employees at Delta Sonic. They employ many individuals between the ages of 17 and 20, and they cannot get through to them what the regulations are.

- c. **File #22-01 Parking Restrictions on Webster Street at Randall Street.** The Manager said the P&T voted 6:0 to restrict parking at all times on the east side of Webster Street from 30' south of Randall Street.
- d. **File #23-01 Parking Restrictions on 41st Street between Main Street and Forest Avenue.** The Manager said the Commission recommended 5:1 to restrict parking on the north and south sides of 41st Street from Main to Forest from 8:00-11:00 a.m. except Saturdays, Sundays and Holidays.

Commissioner Schnell said she has no problems with these restrictions. Her concern is that if restrictions are placed on 41st Street, it will push these cars out and there will then be requests from residents on Forest to restrict parking. She said they must work with North High School to deal with the issue of parking. The problem does not go away. She does agree with the recommended restrictions.

Commissioner Sisul said this has been a concern for some time. He recommended that staff check with the School District to see how their plans are coming to deal with the parking problem.

Commissioner Schnell noted that their new parking lot is done. This needs to be addressed and the Village needs to get some answers from the School District.

Commissioner Sisul said that students are walking further and further from their cars, crossing busy intersections.

The Mayor asked about Springside. Mr. Schiller said he thinks they sold all but three spaces.

Marilynn Gerloff, 4241 Highland, said again that the minutes do not reflect what she had to say on this issue. Her issue was that the parking restrictions should be on north and south, although staff recommended only the south side. The real issue is safety. No fire trucks could through with big equipment. That is the primary safety issue. It needs to be corrected, because it is involving the safety of the residents.

- e. **File #03-01 Amended Sidewalk Matrix.** The Manager asked Jack Bajor to discuss this item.

Jack Bajor, Director, Public Works, said that he was bringing the sidewalk project forward. Staff has worked diligently looking at the overall project and criteria. The current matrix entails four additional criteria. They have tightened up two of the criteria and are recommending moving forward with the matrix being presented this evening. Staff's recommendation is to move forward with the engineering design specifications. They want to bring the project forward to neighborhood meetings. In the new matrix, they have Lee Avenue, Carpenter Street, Janes Avenue, Chase Avenue and Palmer Street as candidates for the current budget and new construction. He said the intention in Public Works is to bring this all forward for the neighborhood meetings. He asked Bob Schiller to discuss how the project has come to its present status.

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The Mayor asked Mr. Bajor if they have the ability to include more sidewalks for alternatives on bid documents. Mr. Bajor said he thinks they do have that ability and asked that staff address that question.

Mr. Schiller said that new sidewalks are constructed to ultimately meet the needs of the community. The Village presently maintains 163 miles of right-of-way, which generally is 66' wide and contains the street and adjacent parkways. The existing sidewalk network is 250 miles in length, and eventually 49 miles of additional sidewalk will need to be constructed to meet the Village's objectives. The matrix was created to objectively compare all streets that do not have sidewalks on either side of the street. The primary objective is to provide a safe network for pedestrian travel. In general, staff designs sidewalk on the side of the street that is most economical. They also consider minimizing disruption of trees and other parkway features. Mr. Schiller said that public informational meetings are held and from those meetings a design is completed with a contract being selected through public bids. Actual cost for sidewalks for the past three years has varied to about \$20-\$75 per running foot. The average cost was \$30 per running foot and includes all associated costs to install the sidewalks and necessary retaining walls. Staff has worked year round on the matrix and supports the idea of the matrix. They consider existing conditions and neighborhood improvements as well in making the determination of what areas are included in the matrix. He then showed an overhead display of various challenges they face in installation of sidewalks, including meandering terrain, fencing, drainage ditches, retaining walls, etc.

The Mayor said the three parts of the project are survey, design and building. Mr. Schiller responded that was correct. The surveys are completed for 2002, and they are ready for preliminary design and neighborhood meetings. They would like installation and restoration by the end of the growing season. He noted that there was some restoration still to be done from last year, however.

Commissioner McConnell asked Mr. Schiller to explain the top segments of the priority list. Mr. Schiller said that they are starting with #8 on the list. The top segment on the matrix is Ogden Avenue, a state right-of-way. They will need to obtain easements or additional right-of-way to construct sidewalks in certain sections of Ogden Avenue. The Ogden Avenue Corridor is on hold as it needs to be designed as a whole, and not in segments. They will wait until the streetscape is designed. Concerning Main Street, Mr. Schiller said that is a County right-of-way in the 63rd Street area. Warrenville, 55th Street, and Gilbert are also County right-of-ways and installation of sidewalk would be done through County projects. He noted that just because a road is in the Village does not mean it is the Village's responsibility.

Mr. Schiller said that Earlston is high on the matrix list; however, there is a watermain wetlands project going on there; therefore, it will have to be postponed until 2003.

Commissioner McConnell said she wants to be sure that they have the flexibility to use the funds wisely. She said that she received a call from a resident on Cornell Street, stating she thinks there is a lot more traffic on that street. Mr. Schiller said they can gather traffic counts in that area.

The Mayor addressed the issue of the Earlston and Glendenning and the wetlands project. He said he heard from one of the County Board members today, stating that the Village is requiring a

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Letter of Credit from the County. He asked whether this Letter of Credit could be waived. They are not looking to waive the fee, but simply the Letter of Credit.

Assistant Village Attorney Enza Petrarca said she would look into it.

Commissioner Tully referenced # 7, 10 and 13 on the matrix. He asked about the status of the wetland banking project. Mr. Bajor said they had a grading permit issued. There is an issue of the Letter of Credit as well as weather issues. He said they are working with the Village's consultant, Kay Whitlock, to be sure that the wetland issue is properly addressed. In further response to Commissioner Tully, Mr. Bajor said they anticipate completion in fall of 2002.

Commissioner Tully said that in mentioning that #1 Ogden Avenue is being deferred for the streetscape design, he wanted the public to understand that it was in connection with the Economic Development Commission's Ogden Avenue Corridor program.

Commissioner Zabloudil asked why they are deferring 40th and Earlston if the wetland project is expected to be continued in the fall. Mr. Schiller said that they have already gone from a spring completion to a fall completion for the wetland project, and they are not entirely sure that they could start another project with completion before the season ends. Commissioner Zabloudil said he thought the residents have been waiting patiently there, and he would not want to see this area pushed back again. The Mayor recommended putting it down as an alternate. Mr. Schiller said he would start that process so that design and neighborhood meetings are scheduled.

Commissioner Zabloudil then asked why Lee Street expenses are much higher than the other areas. Mr. Schiller said it is because of the existing terrain and the vegetation, based on the preliminary estimate. Commissioner Zabloudil said the costs are \$75/running foot. Mr. Schiller said that major sidewalk drainage systems were installed. Commissioner Zabloudil asked what side of the street they were talking about. Mr. Schiller said they surveyed the entire right-of-way. Engineering is not completed to date.

The Mayor asked about the \$70 running foot costs. Mr. Schiller said that was on Hitchcock.

Commissioner Schnell said that she recalled that a substantial part of the wetlands project will have a limestone path on 40th Street between Earlston and Sterling installed at no cost to the Village. She asked that staff look at funds available for connecting sidewalks in order to get part of 40th Street done. Mr. Schiller said there are quite a few limestone walkways in that area to tie the sidewalk grid system together.

Commissioner Schnell then discussed sidewalks at school bus stops. She referenced Cornell and Curtiss and the situation that was at Elmore, and asked that they look at the criteria again for school bus stops. Mr. Schiller said the school bus stops are fluid from year to year and he will bring this back to the P&T Commission. Commissioner Schnell said she knows that it is problematic, but the unsafe areas needs to be reviewed. She would like to see discussion of this by P&T.

Commissioner Schnell then asked about costs associated with each segment of sidewalks to be constructed, and asked whether the survey was done on Chase and Janes. The Mayor said it is

\$149,400 for Lee, \$48,000 for Janes from Hobson to 63rd, \$69,000 for Chase, \$36,600 for Palmer and \$42,600 for Carpenter. That covers a total of 9,860 feet of sidewalk.

Jane Gerdes, Assistant Director, Public Works, said staff is working with the GIS Department to obtain 2-foot contours from the County for the missing survey work.

Commissioner Schnell asked whether on Lee, because of the running streams and wetlands, they have to have the County approve any work in floodplain areas.

Ms. Gerdes said they have to work within the Ordinance, and may have to apply for a stormwater permit.

Commissioner Gilbert said he appreciated the clear staff report. He complimented staff on the amount of work that went into preparation of the matrix. It is important to understand that long ago the Village decided to put sidewalks on one side of each street. There are issues of safety to consider, as well as other criteria. Based upon those considerations the matrix is then developed. He said that hopefully they will be able to find the money to fund more than just one segment of streets. The Council's job tonight is to agree or disagree with staff's findings regarding the matrix.

Commissioner Tully said that they have to be sensitive to budget issues, but he noticed that this Council has made a commitment to safety, which sometimes transcends budget issues. It is difficult to put a price tag on safety.

Commissioner Gilbert agreed that the Village can afford to be safe.

Christopher Dunne, 5732 Fairmount, said he chaired the TCD II committee, which submitted its final report about 8 years ago. He read the recommendation made at that time which were to install sidewalks on one side of each through street in the Village. The 15 members of the TCD II made that recommendation.

5. ZBA Recommendations:

- a. **MC-12-01 Proposed annexation and rezoning of 4520 Drendel Road to Village R-4 Single Family upon annexation.**

Ken Rathje, Director of Planning, said that the owner of the property at 4520 Drendel Road wishes to annex to the Village to obtain Village water. Mr. Rathje said that the property would be zoned to R-4 single-family residential, and the petition received a unanimous recommendation from the Zoning Board of Appeals.

- b. **MC-13-01 Proposed rezoning of property on west side of Fairview south of 63rd Street to Village B-2 upon annexation, Sievers.**

Mr. Rathje said the subject property is located on the west side of Fairview Avenue approximately 271 feet south of 63rd Street. He said that the Village's Future Land Use Plan shows this area

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with a land use designation of residential 0-6. Mr. Rathje said that the petitioner is seeking an annexation of the property with a rezoning to B-2. The property is bounded by Village B-2 on the north and Westmont B-2 on the east. The south is R-4 Single Family in DuPage County, and the west is R-3 Single Family in the Village of Downers Grove. The building is approximately 11,000 square feet. The petitioner recognized the Village's Future Land Use plan and, in an attempt to work out a compromise position, submitted an annexation agreement along with the petition for rezoning. The annexation agreement stipulates the use would be limited to business/professional uses only for a period of 20 years. Mr. Rathje said that the building could accommodate general offices as well as medical offices. He said there is a fair amount of additional parking provided in the plan to accommodate an assortment of office uses. He indicated that the Zoning Board of Appeals had a 3:2 split vote for a positive recommendation. The ZBA took into consideration that Fairview is a minor arterial roadway and the presence of commercial zoning on the Westmont side. The terms of the annexation agreement include limitations on land use, a site plan including a front yard setback of 25 feet, and a parking field with space for 49 cars. The proposed building is shown as approximately 11,000 s.f. with the possibility to expand to 13,900 s.f.

Commissioner Zabloudil commented that he was present at the Zoning Board of Appeals meeting. There were some emotional concerns expressed about the future use of the property. He said if any residents are present this evening they can come to the podium. With respect to comments made at the meeting about a violation of the Open Meetings Act, there was no violation as the discussion was held in accordance with the Act. Regarding the rezoning itself, Mr. Sievers has done fine work in the Village. He has seen his work and likes it. However, the people who bought property in that location felt the area was zoned residential. There was a lot of discussion that evening regarding the rezoning. Commissioner Zabloudil said that the residents should understand that if the Village denies the petition for rezoning, the petitioner has the option of going back to the County and building in accordance with County zoning. He said there is no telling what the County might approve for that site. He personally would prefer that the zoning is not changed, and he would support that because the residents moved into a site that had residential property on the subject site. The Commissioner said that developers charge a premium price for property backing up to commercial zoning.

Commissioner Gilbert said if the Village turns this request down, the County can decide what goes on that site. Their rules are much looser than the Village's in this regard.

Commissioner Schnell said that this site is different than other B-2 designations in the area. She expressed her concern about the domino effect. There is a difference between the subject site and the corner site. People who bought homes to the west knew that Family Video was on that corner. The homeowners to the west bought thinking the subject site would be residential. She said that she believed the Village could make a strong case to the County. Family Video was supposed to serve as the transitional zoning from the north to the south.

Commissioner McConnell asked about the designation of the property if it were annexed and zoned residential. Mr. Rathje said it could be R-3 single-family, or it could also become R-5A for multi-family. The property is similar in nature to the Rosol landbank project and could accommodate townhomes. It could also accommodate an apartment building designation.

The Mayor asked whether they can annex the property, or is a petition necessary. Mr. Rathje said in this situation they have to have a petitioner's request.

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The Mayor said that if this is not approved, the petitioner could go to the County. Mr. Rathje said it is zoned R-4 in the County, which is similar to Village R-4. The Mayor asked if they would be able to get another R zoning in the County that might allow an apartment building. Mr. Rathje said if the County chose to allow residential zoning, this property is at the edge of the Village and the County, or even a Court, would take into account the land use pattern of the surrounding area. Mr. Rathje said that the County could grant a B-2 or even an R-6.

Commissioner McConnell asked about stormwater issues for the site. Mr. Rathje said that given the site plan presented there appears to be substantial opportunity to provide stormwater storage through a pipe system or in the parking area. The parcel is less than one acre of land, and the petitioner could provide payment in lieu of storage as well. Detention would have to be determined.

Commissioner Tully said he read the Zoning Board of Appeals minutes. He asked about the definition of the Professional/business office. Mr. Rathje said it is not a defined term in the Zoning Ordinance but would revert to a common definition such as an attorney, architect, office function versus being in the business of selling goods.

Commissioner Tully said he assumed that the definition could be included as part of the annexation agreement, and Mr. Rathje said that was correct.

Commissioner Tully asked how enforcement of the annexation agreement would take place. Mr. Rathje said that the annexation agreement retains provisions that obligate successors and assigns the owner to adhere to the requirements established by the annexation agreement.

Commissioner Tully then asked how enforcement actually takes place and whether the Village would have to seek enforcement against the new owner. Mr. Rathje said that the Village would not be in a position to issue permits that were contrary to the terms of the annexation agreement. The petitioner would have to go to court to void the provisions of the agreement. Commissioner Tully asked how they would overturn the requirements.

Village Attorney Daniel Blondin said it would be very difficult to overturn the restrictions, unless they could show that the restriction was unconscionable at the time it was established.

Commissioner Tully asked if this would be a situation where the Village or residents would have to take the new owner to court if they wanted to do something not permitted by the agreement. Attorney Blondin said that if the developer is doing something inappropriately, it might have to be referred to the courts. It would be a matter of enforcing a contract right instead of a police power. Attorney Blondin said that when the Council votes on the annexation agreement it will require five approval votes. If the property remains in the County, the Village still has the right of objecting to County rezoning.

Commissioner Tully said he understood that many concerns were raised about the agreement. He asked if there was a method by which the zoning could be revisited by default at the end of the twenty years period. Village Attorney Blondin said there might be. There is a common term

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called “contract zoning” which courts have looked at more favorably over the past ten years. He said he would have to review that in greater detail.

Commissioner Tully said that comments were made that this property would not get annexed into Westmont. Mr. Rathje said that there is a boundary agreement line that goes down Fairmount Avenue. The Mayor said that there are ten years left in that agreement.

Commissioner Tully asked if there were any criteria that the Council could look at in reviewing this to guide their decision. Mr. Rathje said it is discretionary on the part of the Council whether or not to rezone the property. Secondly, the Future Land Use Plan is also a guide regarding the zoning. In addition, surrounding land uses, the characteristics of the roadway, etc., can all be part of the decision-making process.

Commissioner Tully said he is struggling with this issue. There is an attraction in keeping it residential given its location. He said that it strikes him that this opportunity is unique in the sense that there is an opportunity for the Village, on behalf of the residents, to require a substantial amount of restrictions on the use of this property that it could not get in other circumstances. He said sometimes it is better to be less satisfied by something you can control, than to be horrified by something over which you have no control. He gave 31st and Highland as an example of what could happen. He said there may be a unique opportunity here for further negotiating to come up with something that he would consider a perfect settlement—that is a settlement that makes both sides equally unhappy.

Commissioner Sisul asked Mr. Rathje to explain the concept of a buffer to residential properties. Mr. Rathje said that a buffer is a transition between dissimilar uses. In the case at hand, Family Video and Barone’s Pizza development abut the north line of the property. The site was designed with transitional characteristics in terms of parking, fencing, etc. The notion of a transition between Family Video and the elements to the south are evident. An office use has a significantly different operation than retail. Typically they do not have night time or weekend activities.

Commissioner Sisul asked why the Village would not annex this property itself. Mr. Rathje said they would need to have the agreement of the property owner to annex. He said he will look into a forced annexation as a possibility, but they would have to annex the entire area.

Village Attorney Blondin said the Village entered into an agreement with the owners on Fairview Avenue that it would not annex their property for a period of a few years.

Commissioner Sisul said he would like to see the minutes of the Workshop for the discussion of the Family Video development. He said that in many ways this is an ideal project for a buffer, as Mr. Sievers has done work in the Village before. He sticks to a traditional design and structure that has more of a residential flavor than typical commercial properties. He said that perhaps there are other ways to create the transition and place other restrictions such as hours of operation on the site. He asked if that was discussed, and Mr. Rathje said it was not discussed or proposed at the Zoning Board of Appeals. Commissioner Sisul said he would like to see a negotiated settlement on this with the petitioner and the residents as well. He said he is concerned about this because it came to the Council with a divided vote, and very strong dissent. He said he thinks the Council needs to be sure that when they move on this they are giving clear directions to

the ZBA to enable them to deal with similar issues before them in the future. He asked the Council that when they make their decision on this issue, they make it a clear direction. He believes the divided votes are because the ZBA Commissioners do not know how the Village wants to move in this type of situation.

Commissioner Zabloudil asked if the site directly south of the subject site would be a forced annexation if it were incorporated into the Village. Mr. Rathje responded that the property to the south would most likely be via a voluntary request for annexation. The subject site at that time would be in a position where the Village could force-annex it, as it would close the gap to the property to the south. It would then be automatically zoned R-1 single-family residential by default, unless there is a petition for rezoning.

The Mayor said he received a number of phone calls over the years when the property was boarded up and trashed. Since it was unincorporated, the County had to be contacted and it took a long time to clean up the site. He said it would be easy to deny the annexation and rezoning; however, the Mayor said he is concerned by all the unincorporated property surrounding the site. He does not think the property owner will build a single-family house on that site, or subdivide it. He believes the County may give the B-2 zoning, and if the property stays as is, the petitioner will probably go to the County.

The Mayor called for a short recess. Upon reconvening, he called for discussion from residents regarding the rezoning of the property. He said that he believed the Council would like to see this as a buffer zone. He would like to hear from the residents and the petitioner as well as to why the petitioner wants to annex to the Village.

Jim Russ, 4915 Main Street, attorney for the petitioner, said the petitioner wants to be part of the Village. Mr. Sievers has been a developer in the Village for a very long time, and would rather build in the Village. At some time the property will come into the Village, whether voluntarily or not. Mr. Russ said that the property will never be a single-family residence again. Fairview Avenue is becoming a busier street, so the property may become multi-family or business. The petitioner wanted to be sensitive to the surrounding residential area and that was the purpose for providing the site plan and annexation agreement. Mr. Sievers said he is willing to sit down with the neighbors and Village and discuss options. Mr. Russ said that Mr. DiSalvo, one of the dissenting residents whose home is directly behind the subject property, would be willing to discuss potential building construction. The petitioner has said he would commit to a one-story office building. Mr. Russ said this is a business transaction for Mr. Sievers. He has not gone through architectural drawings or engineering as there is no definite plan at this time. They tried to provide a footprint of a possible building on the property. Mr. Sievers said he welcomes the opportunity to meet with staff and surrounding residents. Mr. Russ said he is concerned about the way conversation has been moving regarding forced-annexations, and strategies for forced annexations. The Village needs to be sensitive to the properties that are unincorporated.

Commissioner Gilbert said they are not talking about forced annexations, but they are trying to understand what would happen if the property is not annexed. Mr. Russ said comments were made about annexing the property to the south to force annex the property when it is surrounded. Commissioner Gilbert said he understands the interpretation by Mr. Russ, but said he did not think that was the direction the Council was moving.

Carol Nield, 6326 Fairview Avenue, said she lives immediately south of the subject site, and has lived there for 39 years. They are concerned about the property being rezoned. She remembers the Family Video meeting and how that site was called the buffer between commercial 63rd Street and the residential property. She asked how the Council would like to live next to a commercial site and parking lot with 49 cars. Ms. Nield said she wants it to remain residential. Ms. Nield said that the petitioner only spoke to one resident, and not the residents in general, as is stated in the minutes.

The Mayor said that the Council understood that many residents are against this petition.

Ms. Nield said that comments were made that Westmont will not dictate the Village's rezoning. There were comments made that the Westmont property is farther south than the subject site. She said the property was bought as a single unit. If the Council rezoned this property it will be the very first parcel to be rezoned that faces Fairview Avenue. The Westmont property was part of one large rezoning of the corner. Mrs. Nield said she made a quick survey of property in four directions from 63rd and Fairview. There are 16 empty commercial office buildings in that area. In addition, 63rd and Fairview looks commercial when driving by; however, walking the site shows that the trees serve as a buffer. She disagrees that no one will build a house there. Recently a builder petitioned to build two beautiful homes on Fairview south of 68th Street. In the past few years some beautiful expensive homes were built on Fairview Avenue. If the office building is built with a 49-car parking lot, she asked what happens if after a year or two the Nield's do not want to live there any more and a developer wants their property for additional office buildings. She asked how the Council can say no to them if they don't say no to Mr. Sievers. The rezoning for the subject site is not for just the one lot, but will effect all of Fairview Avenue.

The Mayor said that the Commissioners emphasized that they do not want to see a domino effect. The concern is that if this goes to the County, or to the Courts, they would allow business zoning in all likelihood. Even if the Village or the County denied it, the petitioner could challenge it. Village Attorney Blondin said the Courts would look at the trend of development and the nature of the surrounding area.

Commissioner Gilbert asked Mrs. Nield if she is willing to accept the risk of the County or Court making the decision about this property if the Village denies the petition. Mrs. Nield said the decision should not be made out of fear of what might happen. Commissioner Gilbert said that is the dilemma they must look at. He understands that she has lived there 39 years and does not want it to change to commercial. He is not sure it is wise for them to turn down a known entity for something that we don't know. He said it is not that they do not agree with the plight of the residents. The problem is what may happen. Mrs. Nield said she does not think the County is about to be bothered by one little piece of property. The Mayor said that the County would have to rule.

Anthony DiSalvo, 6339 Davane Court said this is a difficult decision and the Council seems as confused as the neighbors are on this issue. The residents are looking for a solution. Maybe the neighbors can meet with Mr. Sievers. He is not in favor of a 15,000 square foot office building which will depreciate the value of his home. He said that Commissioner Zabloudil attended the meeting. The residents are not in favor of this development, but he does not know where they

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stand in terms of details of the construction, limitations, security issues, etc. Those things need to be determined. He has lived in the neighborhood for 1-1/2 years and paid a premium for his property. He said there is a builder present at the meeting who built many of the homes in the area and knew that the area was residential. Mr. DiSalvo said that Mr. Grey, who is on the Zoning Board of Appeals, said he wanted to see a market analysis done by a professional to determine what marketability problems there might be with the commercial building. Mr. DiSalvo disagrees with Commissioner Zabloudil regarding a violation of the Open Meetings Act that night. Mr. DiSalvo said he feels there was a violation of the Open Meetings Act as there were three members who went back in the chamber and talked with each other.

The Mayor said before allegations are made, Mr. DiSalvo should speak with the Village Attorney about his concerns. Mr. DiSalvo said that three members conferred in front of him. The Mayor said he should bring specific allegations to the Village Attorney. Mr. DiSalvo said that Chairman White was nervous when speaking about it. He believes that there were violations of the Illinois Open Meetings Act. Mr. DiSalvo asked if this buffer would truly be transitional. He asked why they are looking at Westmont to determine what is being done in Downers Grove. The Mayor said no one in the Village is looking at Westmont to determine what will be done in the Village. The concern is what will happen if the property remains in the County, and the County will consider the surrounding area, which includes Westmont. The Mayor said the Village can easily deny the annexation and the Courts will also take into account the surrounding area.

Mr. DiSalvo said he does not know what the minutes were when the Family Video was built, but he is sure there were provisions made for no fast-food restaurant. There is a fast-food restaurant at that location. Commissioner Sisul said that is not accurate. The restriction was for a drive-up facility.

The Mayor said that the Council shares the concerns of the residents about what is going to go in at that location. Someone is going to build something there.

Mr. DiSalvo said that there are homes on Fairview that have been built and sold. He referenced the home on 63rd and Main, across from the Ace Hardware, which was built and sold. He said the residents are looking for a solution.

Commissioner Tully said the best solution is to come up with something everyone can live with. The problem is that the Village has no control over that property now at all. It is not in the Village of Downers Grove. If it is annexed into the Village, the Village has the opportunity to define what will be there. He repeated that no one will be happy with the final outcome. He feels a negotiated solution will be the best possible outcome. It is the Council's job to think about what may happen in the future; that is what they were elected to do. If they focus only on the here and now they are not doing their job. They must think about what will happen next. He sees this as an opportunity to define what will happen to one lot, put many restrictions on it so that it does not have a domino effect. Another developer may not agree with the conditions placed on the subject lot, which is the purpose of the restrictions. Putting this in the hands of the County or worse, the Courts who do not have to consider what the Village and residents want, would not be a solution.

The Mayor said that there are still many questions the Council has with regards to stormwater and the general project. They do not have enough details, and he said they will probably have to revisit

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this again before bringing it to a vote. They would also like to see Mr. Sievers and the residents meet to discuss any possible options.

Village Attorney Blondin said that there will be a public hearing on February 5 to discuss the annexation agreement. The Mayor said they will not vote on it that night as they need more information and discussion, and it will probably not be up for a vote before February 19.

Commissioner Schnell said a comment was made that the southeast corner was made commercial at one time and asked if they were annexed separately or as a group. She asked for information regarding this. She also asked if it makes a difference if they were annexed as a group.

The Mayor said they can follow-up with Westmont. Attorney Blondin said how it got to be what it is today does not matter to the Court in making a determination.

Mr. DiSalvo asked when the issues of flood control, parking, etc., will be decided.

Commissioner Sisul said there would be restrictions placed as to what would be built on the site. Those restrictions would continue with the property.

Commissioner Gilbert asked that Mr. DiSalvo and other residents meet with the staff to discuss some of the details. This is not a simple issue of saying “we don’t like it, we’re not going to do it.” He believes meeting with staff may help the residents understand the process a bit better, and clear up some of the misconceptions and confusion.

Commissioner Sisul said the developer has a reputation of dealing with people, and his attorney has been willing to meet with people in the past. He said that they have been very cooperative in the past.

Mr. DiSalvo said he believes the property should be annexed and remain single-family. He believes that Mr. Sievers can build a quality house that will sell at that location.

Commissioner Tully said if this petition came in as R-1 there would be no need for discussion at this time.

Kelly Kania, 6340 Davane Court said in all likelihood the property will be rezoned and will not be residential. She asked that some of the residents be officially brought into the negotiations with the attorney for the petitioner to express their reservations. The Mayor said that Commissioner Gilbert said he would like the Village Manager to facilitate a meeting with the residents. Mr. Russ said he would be willing to sit in on meetings with the staff and residents as well.

Mike Farrington, 5211 Lee Avenue, said that a number of residents want to speak on the sidewalks, and asked if they can come to the next Council meeting on February 5. The Mayor said they can do it at the end of this meeting, or speak at the Council meeting on February 5 under General Comments.

The Mayor said that the request has been made for the Village staff, residents, the petitioner’s attorney, Village Attorney and Mr. Rathje to meet regarding this petition. It is set for a public

hearing on the annexation, but the Council will not be voting on it. He asked that the residents designate some people to represent them for a meeting.

Commissioner Sisul said there was discussion at today's Land Use Seminar regarding a conservation easement, and he asked the Village Attorney to look into this. Attorney Blondin said there are several different ways that can be used. He will look into this. The question is whether the parties could come to an agreement.

6. Plan Commission Recommendations:

- a. **File 1066 – Final Plat of Subdivision, Boundary Road at Lee Avenue, Ponstein.** Mr. Rathje said that Ponstein Builders came before the Plan Commission for a final plat of subdivision approval for an eight-lot subdivision located at Lee and Boundary. The Village Council granted preliminary approval in June of 2001. The petitioner has provided \$24,222.04 in School and Park District fees. Engineering plans were sent to Burke and received a preliminary memo from Kay Whitlock that the wetlands were dealt with in an appropriate manner.

Commissioner McConnell asked about the engineering and stormwater and whether Ponstein Builders is aware the Village is looking at this. Mr. Rathje said that Mr. Ponstein's engineer has been involved.

- b. **PD #18 Annual Extension of Downers Park Plaza Planned Development.** Mr. Rathje said this has been a yearly request by the owners of Downers Park Plaza. There are two sites still undeveloped. The preliminary PUD was approved in 1978.

Commissioner Sisul said they are looking to keep Dominicks in this location. Mr. Rathje said that is one of the reasons they have held the site to the east in abeyance, so as to create additional opportunities for Dominicks. There are no restrictions that he is aware of at this time.

7. **Budget Review Process Timeline.** The Manager said that the timeline is on target. Staff would like to know if there are any time critical items to be considered.
8. **An Ordinance Amending Certain Purchasing Policies.** The Manager said that last year a policy was adopted regarding the Village Manager's purchasing authority from \$10,000 to \$15,000. In order to remain consistent with that, the provisions of Section 2-79(b)(3) would have to be amended regarding the Community Events expenditures.
9. **Phase I – Downers Grove Estates Rezoning.** The Manager asked Amanda Brown to address this item.

Amanda Browne, Planner, said that the rezoning was presented in September of 2001, and delayed due to an error in the legal publication. The lot in question was removed, and will be presented in February. All other properties are included in this rezoning.

STANDING COMMITTEE REPORTS - None

ATTORNEY'S REPORT

Attorney Blondin reviewed the following items presented to Council: 1) a resolution authorizing execution of an agreement between the Village of Downers Grove and Suburban Bus Division of the Regional Transportation Authority (PACE); 2) an ordinance amending parking restrictions on Gilbert Avenue; 3) an ordinance restricting parking on Webster; 4) an ordinance restricting parking on 41st Street; 5) an ordinance annexing 4520 Drendel Road to the Village of Downers Grove; 6) an ordinance amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, codified as Chapter 28 of the Downers Grove Municipal Code, as amended to rezone 4520 Drendel Road; 7) a resolution approving the final plat of subdivision for Boundary Hill Subdivision; 8) an ordinance extending the preliminary site plan for Venture Planned Development #18; 9) an ordinance amending the purchasing policy of the Village of Downers Grove; 10) an ordinance amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, passed and approved April 19, 1965, as amended, to rezone Phase I of the Downers Grove Estates/Meadowlawn Subdivision (R-1 to R-3); and 11) an ordinance amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, passed and approved April 19, 1965, as amended, to rezone Phase I of the Downers Grove Estates/Meadowlawn Subdivision (R-1 to R-4)

There being no further discussion, the Workshop meeting was adjourned at 9:55 p.m.

April K. Holden
Village Clerk

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