

**MINUTES OF WORKSHOP MEETING**

**DOWNERS GROVE, ILLINOIS**

**FEBRUARY 26, 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 (via phone connection), Mark Zabloudil; Village Manager Riccardo Ginex; Village Attorney Daniel Blondin; Village Clerk April Holden

Absent: None

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

**Residents:** Sandi Moritz (Moritz Marketing) 17 W 525 Hill St., Villa Park; Downtown Management Corporation: Ross Johnson, 1007 Burlington, Linda Kunze, 1015 Curtiss, Jim Russ, 1015 Curtiss, Attorney Tim McJoynt, 1131 Warren; Downers Grove Park District, 2435 Warrenville Rd.: Pat Saunders, Karen Shannon, Michelle Szulczynski,; Forest Preserve District: Andrea Hoyt, Paul Mitchell; Marilyn Gerloff, 4241 Highland; Annivar Salgado, 1040 Valley View Drive; Stephen Gawliik, Custom Venture Homes, 4955 Fairview; Phil Cullen (Dream Interiors) 5122 Main St.; Mike Johnson, 4517 Roslyn Rd.; Dolores Fisher, 4621 Roslyn Rd.; Steve & Gail Ohnsman, 4013 Highland; Dave Tatterson, 1210 Gilbert; John LeDonne, 1201 Parkway; Christine Fregeau, 1918 Elmore; Jerry Cibulka (Feng & Assoc.) 205 N Michigan, Chicago; Gary Goodheart, Versar

**Staff:** Steve Rockwell, Director, EDC; Bob Schiller, Assistant Director, Public Works; Carol Conforti, Liquor Commission Staff Liaison; Michael Baker, Assistant to the Village Manager; Amanda Browne, Planning Services; Ken Rathje, Director, Planning Services; Doug Kozlowski, Public Information Officer; Dave Van Vooren, Deputy Village Manager, Administration; Brian Pabst, Deputy Village Manager, Operations; Timothy Sembach, Supervisor of Parking Enforcement; Fire Chief Phil Ruscetti; Fire Lt. Dan Mejdrech; Kerstin von der Heide, Village Forester; Joe Skach, Director of Redevelopment

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.

**SPECIAL ANNOUNCEMENTS**

Mayor Krajewski said that last weekend Downers Grove South hosted the State Speech tournament. Downers Grove North finished in 6<sup>th</sup> place, and Downers Grove South finished in 2<sup>nd</sup> place. He said the Village also had three individual State champions.

The Mayor also congratulated Downers Grove resident, Lisa Rasin for receiving the Illinois Women's Achievement Award from Lt. Gov. Corrine Wood. The Mayor said he will be attending a reception with Ms. Rasin when the awards are given out on Friday.

**Proclamation:**

The Mayor said at the Heritage Festival two years ago, a resident, Bob Simon, introduced him to Mr. Clive Thomas, a Council member of Stratford-upon-Avon in England, who was visiting Downers Grove. Mr. Simon called to say he was going to Stratford-upon-Avon during the Mayoral Ball to visit Mr. Thomas. Mayor Krajewski sent a proclamation with Mr. Simon congratulating Mayor Juliet Short and extending best wishes from the citizens of Downers Grove. Mayor Krajewski said Stratford-upon-Avon was founded in 1196 by Richard the Lionheart. It is the birthplace of William Shakespeare and the Royal Shakespeare Company was founded there.

Mayor Krajewski congratulated Kingsley School for their Saturday evening event at which he performed as auctioneer.

**MANAGER**

Manager Ginex said that regarding Item 8, the Budget Presentation, he delivered copies to members of the Council for Saturday's workshop discussion. Additional copies will be available at the Library, Village Hall, and on the Internet. The Mayor added that the Council will be holding budget discussions over the next few weeks.

**1. Bids:**

- a. **Vehicle Equipment – Ambulance.** Manager Ginex said staff recommends purchasing a new chassis for Medic 2, a vehicle with 82,000 miles on it. He said the Fire Department originally sought to replace this unit with a new "medium duty" ambulance; however, a decision was made not to purchase it after the Fire Department administration and Public Safety Committee looked at the problems with parking the large ambulance in Station 2.

**Fire Chief Phil Ruscetti** said the recommendation is to contract with Specialty Vehicle Service, the low bidder, to refurbish and remount the 1993 Med Tech body on the new chassis, obtained from Joe Madden Ford. Chief Ruscetti said this would show a savings to the Village of between \$40,000-\$50,000 over purchasing a brand new unit of the same style.

**Commissioner Schnell** said she was pleased with the proposal submitted and the ability to save money for the Village.

**Commissioner Gilbert** said that the Public Safety Committee is disappointed that they could not get a full-sized ambulance; however, this is a good solution to the problem.

The Mayor asked for a status report on the new truck.

**Fire Lieutenant Dan Mejdrech** said the pre-paint would be about March 20 with delivery expected at the end of April.

Mayor Krajewski asked what the intentions are for the current vehicle. Chief Ruscetti said they look to return it to the fleet, perhaps as Hazmat or a reserve unit. It will be stored at Station 5. He added that Lt. Mejdrech has done a wonderful job.

- b. **Contract for Fire Department Uniforms.** The Manager said staff recommends continuing with Kale Uniforms, Red Wing Shoe Company, and Holy Cow Sports and extend the second year option provided by these vendors at a 2% increase.
- c. **Municipal Turf Maintenance Contract.** The Manager said staff's recommendation is to award the 2002 Municipal Turf Maintenance contract to Competitive Lawn Service at a cost of \$29,081.00, of which \$12,000 will come from the Downtown Management Board and the remainder from the Other services account.

Commissioner Gilbert said that last year he thought the foreign fire tax was used to pay for lawn maintenance at the fire stations. He noted that this year it will come out of the general fund. He would like to leave it on the agenda but discuss it at the upcoming budget meetings.

The Mayor asked whether the Council has any authority over the Foreign Fire Fund.

**Attorney Blondin** said the Council has no power to direct how that money is spent as it is governed by the Board.

- d. **Stump & Tree Removal Contract.** The Manager said staff recommends contracting with Homer Tree Care as the low bidder in the amount of \$91,482.50 with an option to renew.

Commissioner Schnell said that the report indicates \$6,000 to be used for tree supplies and \$3,400 for tree planting. She asked if that would adequately cover replacement of dying trees.

**Kerstin von der Heide** said it would not, but that the budget was changed with other items being eliminated, such as winter tree pruning. There will be tree pruning on demand.

- e. **Demand Tree Pruning Contract.** The Manager said five proposals were received. Bergquist Tree Experts has the current Demand Tree Pruning contract, and submitted the lowest bid in the amount of \$15,000.

**Commissioner McConnell** said the report was easy to follow.

The Mayor said he thought an earlier budget showed \$29,000 for demand pruning.

Ms. von der Heide said they are keeping \$29,000 in the budget to cover any unforeseen pruning costs that might arise in the future.

2. **Flag Lot Presentation.** The Manager asked Mr. Rathje to make this presentation.

**Kenneth Rathje**, Director of Planning Services, said in Spring 2001 the Council requested that staff provide additional information on flag lots. He said he submitted a report to the Council.

Mr. Rathje said that prior to 1989 a property owner could not seek approval of a flag lot, which is defined as a lot with relative narrow access (pole) opening into a full-sized rectangular lot. There is a lot in front of the flag lot in a tandem arrangement of houses. He said the Village had some flag lots prior to 1989 created in the County and eventually annexed to the Village.

Mr. Rathje said the first petition was brought by a resident for a lot on Gilbert Street and was eventually dealt with under the Subdivision Control Ordinance. Following that the Village looked at formulating an ordinance for flag lots, stressing emergency service access. He said the minimum standard for a flag lot is that the driveway have no less than 10 feet of paved all-weather surface for emergency access. The Village then looked at the minimum lot size that would be considered. He said that based upon the typical lot sizes in specific areas, a cutoff point was established at 305 feet. Other elements were that the lot meet standard lot width, depth and area as the underlying zoning district, with the flag lot being no less than 165 feet in depth. The Council serves as final authority for approval of a flag lot.

Mr. Rathje said that flag lots are treated as exceptions which requires adherence to a series of established standards including hardship, lot size, width, depth requirements, front yard compliance with underlying zoning district, proper identification, etc. Flag lots are allowed no exceptions to the established standards. Mr. Rathje said the Village has reviewed and approved 11 flat lot petitions since 1989, with one petition being denied due to property size. At this time the Council may 1) choose to leave the ordinance as it, 2) modify the provisions to make the requirements stricter or 3) eliminate the possibility of seeking flag lots. If they choose to eliminate flag lots, he recommended that the definition be maintained in the Ordinance and that it be clarified that a flag lot petition would not be approved.

**Commissioner Zabloudil** asked how many lots in the Village are over 305 feet in depth. Mr. Rathje said there are approximately 60-65 lots, many of which would probably not be divided. Commissioner Zabloudil asked about properties being annexed into the Village, and whether they would fall into the category of a flag lot. Mr. Rathje said there may be some, but it is probably very few. In the area south of Maple and east of Belmont Road, many are smaller lots and would not qualify. He noted that there may be a few in the extreme southwest. In the past, when lots were divided, they were divided into fractions of a mile in the older parts of the Village. He explained that the idea of a flag lot was to find a reasonable manner in which to deal with the larger lots.

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Commissioner Zabloudil asked what other communities have flag lots. Mr. Rathje said that the County does provide for flag lots. He said in looking at maps, many areas do not have the odd-sized lots that the Village has.

Commissioner Zabloudil asked how flag lots may benefit the Village. Mr. Rathje said that in many cases if there was a property 100 feet wide by 400 feet, it would be conceivable to split it into 50 foot wide lots. If it were divided as a flag lot, the front lot could measure 80 feet by 140 feet, with the second lot measuring 165 feet by 100 feet. It would be a substantially more buildable area and less crowded than 50 foot lots. He said that homes on flag lots are generally larger and of higher quality and value. Flag lots can provide good building opportunities in a limited manner.

Commissioner Gilbert asked about defining the flag lots if they chose to eliminate them. Mr. Rathje said that if the Council does not want the flag lots, it should be made very clear in terms of the language, so that someone doesn't find some other way around the language of the Code.

Commissioner Gilbert asked which of the three options staff would recommend. Mr. Rathje responded that the nature of development resulting from flag lots causes him to favor them. He has not seen a situation where either the Plan Commission or the Council approved an inappropriate one, or failed to give careful consideration to a petition. Having a flag lot ordinance is a valuable tool to deal with the small number of lots that would otherwise tend to fall under the part of the Subdivision Control Ordinance governing exceptions. The original Ordinance carefully eliminated lots of less than 305 feet as eligible for flag lots.

Commissioner Gilbert asked whether it can be administered by sections or specific locations in town. Mr. Rathje said that if they administer it fairly they must administer it throughout the Village, as there is a certain spread of lots across the Village. The exception would be the extreme southern end and northern end of town.

**Commissioner Sisul** noted that flag lots were once considered forward thinking approaches to land use. He said that about a year ago someone mentioned the concept of estate lots. He said that part of the objection to flag lots is that they might take a situation where there are a number of larger lots where one of the present owners wants a flag lot, but it might be objectionable due to the character of the surrounding lots. Mr. Rathje said an area that comes to mind might be on the north side of town which has R-1 zoning with a typical minimum lot width of 100 feet.

Commissioner Sisul suggested looking into the areas in which we might run into this type of conflict where the adjoining areas have large lots with larger than ordinary depths and frontages. Mr. Rathje said that a safeguard is built into the hearing process because one of the measures that must be considered is the development trend in the area.

Commissioner Sisul asked Attorney Blondin if it would be a problem defending the exception standards. Attorney Blondin said the exception standards have been fairly well litigated on a case-by-case basis. The Council has to look at the legal and practical issues. Legally, the Village could zone certain areas for flag lots, or could require a simple majority vote if a percentage of neighbors object. He said the Council needs to make a policy decision as to what it wants to do, and then they can look at the legal standards.

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Commissioner Sisul said that originally, when the use was considered, they were looking to create more options for enjoying development of larger pieces of property. He asked the Attorney if he has run into this situation in other communities. Attorney Blondin said they did not have flag lots in Elgin; however, he knows they do exist in other communities in DuPage County.

Commissioner Schnell said that one of the concerns that the Council had at the time it created the flag lot ordinance was to protect the Village against unacceptable development for a neighborhood. She said the decision of 305 feet was examined very carefully. Although the flag lot is not the greatest option, it is a way to subdivide a property so that it could fit into the character of the neighborhood. Commissioner Schnell said that they may need to look at ways of addressing the concerns of the neighbors in deciding flag lot requests. She said most of the houses on flag lots are set back far enough so they do not intrude on the neighborhood or negatively affect the general streetscape.

Commissioner McConnell asked for a review of flag lots in terms of safety, development opportunities, and quality of life. Mr. Rathje said the Ordinance was specifically constructed to allow for emergency access. He said the worst case scenario regarding fire safety would be a fire combined with an extraordinary snowfall that would prevent emergency vehicles from getting through to the back property. Regarding police access, other homes are set back on regular conventional lots that provide adequate access. From the point of view of development, Mr. Rathje said this is a means for people who have extraordinarily large lots to get additional use of the property. In regard to quality of life, Mr. Rathje said every development has an impact on the quality of life for someone. Areas continue to change and grow. He said that homes which were built on flag lots have been substantial and of high quality, thereby adding quality of housing stock availability. There has been no blighting seen. The rear yards of both lots are still able to provide privacy. He has not seen harm caused by flag lot configurations, although others may have a differing opinion. They are large lots with plenty of separation between the structures.

Commissioner McConnell asked if there has ever been a complaint after a flag lot is completed and the houses built. Mr. Rathje said he was unaware of any situations with disgruntled neighbors. There is a situation pending now concerning a drainage issue; however it is not an issue caused by a flag lot. It's a surface water protection district issue.

Mayor Krajewski noted that there have only been eleven flag lot petitions approved out of twelve in the last 13 years, which is less than one per year. He said this is a policy decision the Council needs to review. He added that the Ordinance was well thought out in 1989, and the Council has to decide whether to keep it as is, or make changes.

**Commissioner Tully** said that both he and Commissioner Zabloudil were faced with a decision concerning flag lots when they first joined the Council in May. He said this is a good time to revisit the Ordinance because there is ten years experience and eleven different flag lots to study. He appreciated the history provided by Commissioners Sisul and Schnell, and sees that it was an alternative to oversized lots. Some consider this to be the lesser of two evils. He said he is not a big fan of flag lots because their aberrant nature makes them a change to a neighborhood. In addition to the curb appeal, you have to look at the street from other aspects, such as what is going on in the back yards and side views of the neighbors. He would like to see a map of the existing flag lots as well as the 60-65 potential other candidates in the Village. His decision at this

time is between eliminating them all together and restricting them further. He said he could see some instances where a flag lot might be acceptable, but he believes they should be very rare situations. Commissioner Tully said it would also be helpful to see what flag lots in other communities look like. He would like to consider all of these factors in making his decision.

Commissioner Gilbert said he does not like flag lots at all. He does not think they enhance the area, nor does he think they serve a purpose in Downers Grove. In the alternative, he could live with changing the Ordinance making the minimum length to 400 feet or 600 feet with further restrictions on the placement of the house. His first choice is to eliminate flag lots altogether.

Commissioner Zabloudil said that at one time there was a need, and this was a way to address the concerns. Going forward with 60-65 potential lots would add to the detriment of the community. He would also recommend eliminating the Ordinance completely or placing further restrictions to make the flag lots more prohibitive.

Commissioner McConnell said she hasn't heard anything significant enough to take that option away from the residents. She would look at further restrictions, as she thinks the Council would have a fair amount of control.

Commissioner Schnell said she would also like to continue to look at this issue. If the 305 feet is changed to 400 feet, she asked by what numbers would the 60 potential lots be reduced. She also recommended looking at other municipalities.

The Mayor asked the Village Manager to work with Attorney Blondin and Mr. Rathje in preparing a map of the 65 potential locations and ask the Plan Commission to review it and provide feedback to the Council. In addition, he said staff should also query other communities. Mr. Rathje said he would add the flag lots that pre-existed 1989.

Commissioner McConnell said she believed there are two potential flag lots now. She asked whether they needed to move forward with those or put those on hold. The Mayor said if they are in process, they have to be allowed to go forward. He said the Council may think about putting a moratorium on others. Attorney Blondin said he will prepare a moratorium Ordinance on future requests.

- 3. Downers Grove Downtown Management Corporation Renewal Process.** The Manager said that Linda Kunze and Jim Ross of the Downtown Management Corporation will make a presentation to the Council.

**Jim Russ**, Chairman of the Downtown Management Corporation (DMC), said that five years have already gone by, and it is time to look at the renewal of the downtown SSA. They were formed as a means of funding special taxing district to pay for certain downtown activities. He said that Ross Johnson, Linda Kunze and Tim McJoynt were all present to discuss the process, together with Village staff members Steve Rockwell and Brian Pabst. Mr. Russ explained that the money collected is to support activities of the downtown Central Business District, retain existing businesses and attract others, and promote the local business community. He said there is excellent communication between the property owners, the business owners, the Village, the Police and Fire Departments and the Downtown Management Corporation. There are 230

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separate parcels in the SSA with 120 property owners and 300 businesses. The budget is approximately \$209,000 of which 35.3% is spent on marketing and promotion, 5.17% on the grand re-opening, 1.9% on legal fees, 7.3% on seasonal decorations, 33.6% on administration and rent of space adjacent to the Downers Grove Chamber of Commerce, and the balance in specific maintenance contributions to the Village. He said they have instituted residential refunds for properties within the SSA boundaries that are strictly residential. Those property owners can apply for a refund of their monies taken out for the SSA tax. He said they will request that the boundaries will remain as is. He then asked Ms. Kunze to provide further information.

The Mayor asked the definition of residential property. Mr. Russ said it is property was used strictly as single-family residential property at the time the SSA was established.

**Linda Kunze** introduced other staff members and then made a presentation of the day-to-day operations and events sponsored by the Downtown Management Corporation. Since May 2000, 80 new businesses have opened in the CBD. She described the many special events, design factors and facade improvements made, holiday decorations, advertising endeavors, and special maintenance projects undertaken by DMC since its inception. Ms. Kunze then showed a special commercial made for the CBD, resulting in over 6,000 commercials on cable television. They are also working to produce a downtown restaurant guide. The office works to coordinate between downtown businesses, Village officials and the community at large.

**Timothy McJoynt**, legal counsel for the DMC, reviewed the technical aspects of the SSA renewal. He provided background information saying SSA Ordinance #3984 was passed 9/15/97. In 1998 the Downers Grove Downtown Management Corporation was formed and incorporated in May 1999. He said that having the DMC in place at the time of CBD construction was fortuitous and vital to the survival of many downtown businesses. At this time, the DMC is requesting a renewal of the SSA, as it expires after a five-year period. They are requesting a ten-year renewal period as they need the extended period of time to continue existing activities and expand into new areas. There would be a sunset provision after the ten years to be reviewed again for renewal. The SSA would include the same boundaries and maintain same cap on tax at 1.5%. They further intend to continue the residential rebate program. He defined the residential rebate as covering single-family residences that were in existence at the time of the initial ordinance.

The Mayor asked if it was a ten-year renewal, or ten years total including the first five years. Mr. McJoynt said they are requesting ten years renewal, with potential renewal after the ten years. Mr. McJoynt said that the proposal would be similar to what exists now, with an option to renew after the ten-year period, or automatic expiration after ten years.

Commissioner Zabloudil commented that the DMC has done a tremendous job in the downtown area and in keeping the downtown together. He complimented them on their efforts and in helping so many businesses remain in the downtown.

Commissioner Gilbert said he wholeheartedly supports renewal for the SSA. He is impressed by what the DMC has done over the past five years. He believes this is a decision made by the merchants and property owners and they are in favor of it. He does not favor the ten-year, and

prefers to leave it at five-years with a sunset clause. Things change over time and he would prefer a smaller increment of time.

Commissioner Sisul complimented the representatives on a fine presentation. He said there were some rocky times in the past, but he appreciates the thoroughness of their presentation. They showed how difficult it is to get such an organization together and feel their way through a complicated situation. He tends to agree to set this off to a ten-year time frame. That will allow them to do some long-term planning. If they cannot plan beyond five years it limits their abilities to develop long-term programs and goals.

Commissioner Zabloudil asked about the difficulties of a five-year vs. a ten-year program.

Mr. McJoynt said the energy put into the renewal distracts the Board. Further, he said there are costs to the Village in notification, publication, etc. The process includes a public hearing, notification of residents, a 60-day period of objections, etc. Commissioner Zabloudil said those are all important things that must be taken into consideration.

Mr. Russ added that one reason for the ten-year time frame was looking forward at the development coming into the downtown area such as the parking deck, Station Crossing, the landbank property, etc. Five years is a very short period of time during the construction period, and they will have to continue promote the downtown during those periods. The five-year period will end around the time they have to prepare for new businesses entering the new development as well.

Commissioner Schnell complimented Ms. Kunze with her success in a difficult job. She has listened to the residents regarding the types of businesses they want to see. Commissioner Schnell then asked Mr. McJoynt if she understood correctly that the tax rate was not to be increased. Mr. McJoynt said that was correct and would remain at the 1.5% cap. Commissioner Schnell asked if they have asked people their feelings about five versus ten years for the SSA. Mr. McJoynt said that a survey was conducted and monthly meetings were held with property owners. The Board of Directors took various concerns into account and they have listened to the members. He said that some people would not like to see the ten-year period, and others do not want to see the tax continue; however, the majority feel they should go for ten years.

Ms. Kunze said that the survey results were sent to the Council. They had a small response, however, it was 90% in favor of the ten-year period of time.

Commissioner Schnell asked Mr. McJoynt to review the objection process. Mr. McJoynt said that once the ordinance is passed and publication is completed, there is a notification made to the members of the SSA and the two voting blocks of registered voters and property owners. If over 50% object to the renewal, then the decision will be taken away from the Council. Otherwise it is the Council discretion to renew. There is a 60-day objection period. It is a negative vote.

Commissioner McConnell said she worked with Ms. Kunze on various activities and events, and she said that one of the benefits is the community cooperation and spirit that exists. She thinks the ten-year program makes sense.

Commissioner Tully said he applauded the efforts of the DMC and thinks they have done a fantastic job under significant adversity. He supports the renewal and said this is up to the participants as this is an example of self-help. He said the time period is up to the participants in the program. He appreciated the information provided by the survey. Commissioner Tully noted questions raised about retail versus service business perspective. Also he noted questions raised about the numerous events and whether there was a benefit to streamlining those and expanding those that worked well.

Ms. Kunze said that they have several people working on the web site. They have combined the service and marketing for both retail and service businesses. She summarized the various events and their benefit to the CBD. She then reviewed other ways staff is working to address the questions raised and said they will continue to address those needs.

The Mayor commended Ms. Kunze and the Board for their outstanding job. He said this is the first he has heard of the ten-year program. He noted that some development projects will be done in five years. Others may still be developing after the five-year period. He suggested that perhaps they look at a shorter period of extension after the ten-year period is completed.

Attorney Blondin said the Council is not being asked to adopt an Ordinance tonight. At a future meeting the Council will adopt an ordinance setting a public hearing. Then notices will be sent to all taxpayers of record. He suggested leaving the time period of 5-10 years flexible. The final decision can be made after the 60-day objection period and close of the public hearing. He expects the ordinance to be available in about one month authorizing issuance of the notices.

Mr. Russ said that this is a self-help program for the downtown area. The tax is being paid only by the downtown property owners; however, it benefits the entire community. He thanked the Council for their support over the years, stating that the Village staff has been phenomenal in dealing with the Board.

The Mayor thanked them for their presentation and wished them success. He reiterated that 80 new businesses have opened in the Village since March 2000.

4. **Intergovernmental Agreement with Park District.** The Manager said staff has worked with the Park District to provide live and tape delayed coverage of Park District meetings. The Park District Board voted to accept the proposal. They will conduct one meeting a month on the third Thursday, and will reimburse the Village \$162.20 per meeting. The first live meeting is tentatively scheduled for Thursday, March 21.

Commissioner Zabloudil said this is an opportunity for residents to get an insight as to how another elected Board represents the interests of the community.

Commissioner Schnell said this was a positive step and she encouraged other boards to do the same.

Commissioner McConnell asked about the fee and whether it includes materials incurred or personnel costs. Manager Ginex said he would review what is included in the fee. Commissioner McConnell asked whether the Village will do re-runs to make the meeting available at other times,

and will a copy be made available in the Library. The Mayor said he expects that they may rerun the meetings.

Commissioner Tully said he wanted to make sure the Village was covering its actual expenses. He agreed that this is a positive gesture of intergovernmental cooperation. He added that this is an important service being provided to the residents. Although the costs may be prohibitive in some cases, he agreed that all elected bodies should also be on cable TV, if it can be done without too much wear and tear on the staff and equipment.

Commissioner Tully suggested that, since these will be broadcast live on Thursdays which is traditionally the Council meeting rerun night, they should make it very explicit that these are Park District meetings and not Village Council meetings. He recommended superimposed subtitles on the screen that would not interfere with the picture. Commissioner Tully said that since the Park District elected officials are also called Commissioners, he thinks it would be important to have some type of nameplate or identifying label.

Commissioner McConnell said that even if the Village recovers all of its costs it is still a good financial deal for the Park District because the Village has born the brunt of all of the infrastructure costs.

The Mayor said it would be beneficial to have another governing group televised. He said that the State of the Village address was broadcast live. He said the first broadcast date for the Park District will be on March 21. The Village's meetings will be replayed at a different time.

5. **Amend Chapter 19-16.** The Manager said this concerns specific parking violations of vehicles on parkways. The recommendation is to also include this in Chapter 14 so the Police Department can also ticket for fines.

The Mayor said the Council recently discussed fines for false alarms. Some of the traffic violators continue to ignore the tickets. He asked the Village Manager to review the situation regarding collections. Manager Ginex said that they have changed the collection procedure. The Mayor said that violators might stop if they couldn't move their cars.

Commissioner Tully asked if this would change the existing prohibition about parking on sidewalks, and the response was that it would not.

Commissioner Schnell said that perhaps they should look at a superticket for multiple violations.

6. **ZBA Recommendations:**

- a. **Case MC-2-02 and C-1-02 Lyman Woods Interpretive Center – Repeal Planned Development Number 27 for Highland Woods-Lyman Woods Interpretive Center.** The Manager asked Mr. Rathje to present this petition.

Kenneth Rathje, Director, Planning Services, said he has been working with the Park District and Forest Preserve about the construction of this interpretive center. There are some housekeeping issues to be dealt with regarding this property. There is a history of previously approved Planned

Development site plans and the first aspect is to rescind the planned development. Secondly, there is a portion of the property that has to be rezoned from the O-R or R-5-A zoning to R-1 zoning. The third aspect is to annex a portion of the property that was left unincorporated. Finally, a special use is being requested to construct the Visitors' Center.

Mr. Rathje then described the proposed Interpretive Center, stating it would be a T-shaped building. Parking would be provided for 24 cars as well as three buses. He explained that the lighting would be pole mounted and cut the shade on the south side. He said there will be two stormwater detention ponds, one at the northeast corner and one westerly on the site. Mr. Rathje said that the petitioners have gone through the engineering review process, and he received a letter today covering the final details to be considered. He said the building will be located 620 feet east of Highland Avenue and 231 feet south of 31<sup>st</sup> Street. There was a unanimous recommendation from the Zoning Board of Appeals on the rezoning and special use petitions.

Commissioner Tully asked if the design contemplates 100% on-site stormwater detention. Mr. Rathje said it does.

Commissioner Sisul asked why the R-1 zoning was consistent with the zoning for other public space properties.

Mr. Rathje said that the single-family zoning district accommodates park land as an authorized special use. Park Districts have a variety of single-family zoning districts depending somewhat upon the neighborhood in which they exist. The existing zoning does not support park district uses. Since the remainder of the Lyman Woods property is already R-1, they are looking to create consistency of zoning.

Commissioner Sisul asked whether this plan has been reviewed by those interested in this land.

**Pat Saunders**, 5717 Lyman, said the plan has been reviewed many times by those interested in the preservation of the Lyman Woods land. There were seventeen meetings on this project.

**b. Case MC-1-02 Custom Venture Homes on the west side of Fairview Avenue south of 68<sup>th</sup> Street.**

**Amanda Browne**, Planner, said this is a preannexation and rezoning petition, with a request to rezone to R-3. The two parcels are unincorporated with a County R-4 zoning designation. The surrounding property is R-3 zoning. She noted that the request is consistent with the Village's Future Land Use Map. The Zoning Board of Appeals made a unanimous recommendation for approval.

The Mayor asked about the map showing the boundary limits. Attorney Blondin said the boundary agreement between Downers Grove and Darien has not been amended.

**c. Case MC-3-02 Downers Grove Estates/Meadowlawn Phase II Rezoning.**  
Ms. Browne said the Zoning Board of Appeals unanimously recommended approval of rezoning of properties in the Downers Grove Estates/Meadowlawn annexation and

rezoning. She said there is a commercial component in this phase. She reviewed the portions of each area that would be rezoned to R-3, R-4, and B-2.

The Mayor said this area is coming into the Village after the census. He asked when the special census would be conducted to apply to the Motor Fuel Tax. Manager Ginex said it would be done on March 12. The Mayor said that the Village gets a percentage of the fuel tax based upon the number of residents in the Village.

7. **Annexation of 6321 Washington.** Ms. Browne said that this property within the Downers Grove Estates/Meadowlawn was intended to be annexed with the remainder of the Downers Grove Estates/Meadowlawn Subdivisions; however, an error was discovered in the legal publication for the annexation of this particular parcel. This is a voluntary pre-annexation agreement.
8. **Ordinance Establishing a Non-Restaurant Liquor License.** The Manager asked Carol Conforti, Staff Liaison to the Liquor Commission to address this item.

**Carol Conforti**, Staff Liaison, Liquor Commission, said she was presenting a draft ordinance creating a comedy club with liquor service ordinance. She noted that the current ordinance requires applicants to serve liquor primarily at restaurants. This ordinance lowers the food service requirement currently established by other classifications contained in the Liquor Control Ordinance. The primary business will be a live-performance business. She said that the license is limited in terms of hours. There will be one license created.

Commissioner Zabloudil asked about an age limit for accessing the site. Ms. Conforti said it would be 21 years of age and over. They may have an under-21 night at which all bar facilities would be closed.

Commissioner Zabloudil asked about the seating capacity, which is 92 people in the facility. He asked if there is a maximum number of people. Ms. Conforti said that Code Enforcement establishes the occupancy limits. The application at this time is a proposal. They would also have to address parking requirements. It may be that this location may not work for this licensee.

Commissioner Zabloudil asked whether the wording limits it to comedy. Ms. Conforti said it provides for live entertainment. Adult uses could not be part of this use as other ordinances are in place regulating adult use. It would be limited to what is appropriate to our community.

Commissioner Gilbert said he has the same concerns as Commissioner Zabloudil. He said this petition was reviewed by the Economic Development Commission and Tourism and Events, culminating at the Liquor Commission. He can support the establishment of this particular license.

Commissioner Sisul asked if the license could be revoked if the uses were in violation of the existing ordinance. Ms. Conforti said it could be, since the license is not for adult uses.

Commissioner Schnell said that this type of use might not lend itself to be adjacent to residential zoning. She asked if there were some way within the ordinance to be sure that there is some means to protect adjacent residents. She said that this safeguard needs to be provided. In

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addition, the issue of the proximity of this particular site to a liquor store might be a problem. Commissioner Schnell commented on the statement that bartenders will be 21 and servers can be 19 years of age and asked if that was correct. Ms. Conforti said the bartenders must be 21 and those carding must be 21. The liquor servers can be 19.

Commissioner McConnell said she wants to be sure this will not be an adult use establishment. She asked for verification that they will have to meet all other timing requirements regarding the distribution of alcohol. Ms. Conforti said that is correct. They must have a live performance if they intend to serve liquor. The performance would have to be regularly scheduled.

Commissioner Tully said that the concept of a comedy club in the Village would be welcomed if well run and responsibly managed. There could be the potential for partnering with other restaurants as well. He recalled going to the Funny Bone Comedy Club in Naperville which was professionally run. You could order food from other restaurants in the area that would bring the food to the Club. With respect to the liquor service, the Funny Bone required a two-drink minimum; however, there was never enough wait staff to even get the second drink or over serve anyone. Basically you paid for the two drinks, but often didn't get them. He said they are talking about creating a new liquor license at this time. If that is done, the Liquor Commission would still have to scrutinize the applicant and the proposal to determine whether it complies with the license requirements. Ms. Conforti said that was correct.

Commissioner Tully said he agreed that this must be carefully reviewed so the Village is protected. He said in some respects this could be compared to the Class T-1 license designed for the Tivoli Theater. He asked what the Village's policy has been, or is there a live performance ordinance existing. Ms. Conforti said the Village does not have a live performance ordinance. There are ordinances on the books with regard to adult entertainment facilities that would govern nudity on the premises.

Commissioner Tully asked why there would be a need for service of liquor for the one-hour period after the last performance. Typically they try to get people out as quickly as possible for the next seating. He suggested having the liquor service tied more tightly to the performances themselves. He also said they might want to put a fixed end time to the liquor sales. He then said he understood the Naperville Ordinance is different, and he thought it would be helpful to see how their ordinance might apply to this. Also, Lisle may have an ordinance since the former Funny Bone has apparently moved there.

Ms. Conforti said the Naperville Ordinance has a tavern license, while the Village does not. Naperville issues separate entertainment licenses in addition to the tavern license. In Naperville they did partner with a neighboring restaurant. She said that Mr. Salgado planned to get in touch with the neighboring Roundhead for a partnership of similar nature.

The Mayor asked about the hours of the shows being at 8:00 p.m. and 10:00 p.m. There is a two-drink minimum and a four-drink maximum. He asked whether they could serve more than four. Ms. Conforti said he is planning to keep some control on it. The Mayor said it could be a problem if someone arrives for a late show and has four or five drinks. Mayor Krajewski said another concern is what would happen if this club does not work out, and it basically becomes a bar from 7:00 p.m. to midnight.

Attorney Blondin said there is nothing to prevent that. Because it is a liquor license, the Village could cancel it pretty much at any time. Regarding the definition of entertainment, it is problematic. There are a number of questions and the Ordinance will have to be retooled based on this evening's discussion. He said staff will canvass what is already out there to determine the best wording.

Commissioner Tully said he questions the need for drinks one-hour before the performance. It is about the entertainment and not about the drinks. He said they could have a seating period after the doors open. The Mayor asked if he is agreeing with the two drinks and Commissioner Tully said he would agree with two drinks during the show.

The Mayor asked about fees and regulations. Ms. Conforti said the applicant is working with Code Enforcement and Planning Services as to how to classify the businesses in terms of parking and other regulations. She said the applicant is basically trying to determine the feasibility of obtaining a license in the Village.

Mayor Krajewski said that perhaps two hours and two drinks may be something to review.

**Annivar Salgado**, 1040 Valley View Drive, introduced himself as the applicant. Regarding the liquor store, it is closed before the comedy club opens. He added that he doesn't need to have the one-hour serving period after the shows. The plan is to get the people in and out. He has been a standup comedian for eight years, and has been a producer for nine years. He knows the entertainment situation. He agrees with the two drink minimum as the time frame may make more drinks in the short period of time impossible. He stated that the location at 63<sup>rd</sup> and Main Street is ideal with the proximity of Roundheads and the potential for another restaurant coming in where Lone Star was. Mr. Salgado said his intent is not to run a bar. He loves comedy, but because of his family did not want to go on the road. He wants to provide good entertainment for the dollar. They will only be open three nights a week initially. Regarding offensive material, Mr. Salgado said that is objective. When people step into a comedy club as a patron, there is an assumed permission that comedy is edged. He does not want to offend anyone and didn't do so when he performed. Comics will not come if there are a lot of restrictions on their performance. He said he is hoping to hear back from Code Services soon. They are exploring the parking situation at this time as well. He thanked the Council for considering this proposal, and thanked Ms. Conforti for all of the work she has done in educating him.

Commissioner Tully said he was glad to hear that Mr. Salgado was flexible and intends to run a classy business.

9. **Modification to Environmental Services Agreement with Versar, Inc.** The Manager asked Joe Skach, Director of Redevelopment, to address this item.

**Joe Skach**, Director of Redevelopment, said this is a co-sponsored item with Deputy Village Manager Brian Pabst. The Village has undertaken an aggressive program with respect to environmental issues. Staff has worked with Versar Environmental, and is now coming to the Council with the current contract vehicle in place. Staff is requesting that the current multi-task agreement in an amount not to exceed \$225,830. He noted that some of the projects noted may not happen, while others may be added.

Commissioner Schnell referred to the parking deck section, and asked if they are talking about the portion of the property that the Village owns or for private development areas. Mr. Skach said it refers to Village-owned portions. He said on that property Phase I and Phase II assessments have been done. They expect there will have to be some remediation.

Commissioner Schnell asked if the cost of remediation is the Village's responsibility. Attorney Blondin said it was. Commissioner Schnell asked if that was also true of the Johnson property, and Attorney Blondin said it was.

Commissioner Tully commented that Versar has done a number of projects in the past dealing with these matters, and that experience is important. He asked, since this is a not-to-exceed contract, whether the rates from Versar will be the same as previously quoted. Mr. Skach said the current rates remain in effect.

The Mayor asked if soil testing is included for the actual construction of the deck. Mr. Skach said that Versar and Desman has already completed that portion. He said more work may be need if lead or asbestos abatement is required.

**Gary Goodheart**, Versar, said that preliminary geotechnical work on the parking deck garage has been completed. A final report will be issued shortly with recommendations. The Mayor asked if they are going down deep, and Mr. Goodheart said they are because of the soil and weight of the structure. He said that they recommended a deep foundation system. Future work will require testing of the foundation to verify it is properly installed.

**10. Eliminate Section 7-11(D) and make Clarification Amendment to Section 7-11 (A) & (B), and (D) of Village Code.** The Manager said Commissioner Tully had requested clarification on this item. This corrects the problem. Commissioner Tully said he spoke with Don Rosenthal who has answered all of his concerns. He has no problem with this change.

## **STANDING COMMITTEE REPORTS**

Commissioner Schnell said they will be meeting on Tuesday, March 5 at 5:30 p.m.

Commissioner Gilbert said there is no Public Safety Committee report. He said he and the Mayor met with Chairman Schillerstrom with regard to the Orchard Brook Project. There have been changes in the County Ordinance and interpretations of the Ordinance. He said that all indications are that the project will proceed next spring.

## **ATTORNEY'S REPORT**

Attorney Blondin reviewed the following items: A resolution authorizing execution of an intergovernmental agreement with the Downers Grove Park District regarding the use of Village facilities and video production of Park District Board meetings; an ordinance restricting parking on parkways; an ordinance annexing 6321 Washington Street; an ordinance annexing vacant land southeast of Highland Avenue & 31<sup>st</sup> Street; an ordinance rezoning property located at the

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southeast corner of Highland Avenue and 31<sup>st</sup> Street; an ordinance annexing 6818 & 6822 Fairview Avenue; an ordinance rezoning 6818 & 6822 Fairview Avenue; an ordinance rezoning certain property in Phase II of the Downers Grove Estates/Meadowlawn subdivisions to B-2; an ordinance rezoning certain property in Phase II of the Downers Grove Estates/Meadowlawn subdivisions to R-3; an ordinance rezoning certain property in Phase II of the Downers Grove Estates subdivision to R-4; an ordinance authorizing an addendum to agreement for professional services with Versar, Inc.; an ordinance amending building permit fee descriptions; an ordinance repealing Planned Development Designation for Planned Development #27; and an ordinance authorizing a special use providing for a public park with an interpretive center and accessory parking, use and improvements.

There being no further discussion, the Workshop meeting was adjourned at 9:35 p.m.

April K. Holden  
Village Clerk

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