



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, November 18, 2003

6:30 pm

Council Chambers

1. Call to Order

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

Pledge of Allegiance to the Flag

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

2. Roll Call

Present: Commissioner Sue McConnell, Commissioner Ron Sandack, Commissioner Martin Tully, Commissioner Mark Zabloudil and Mayor Brian Krajewski

Absent: Commissioner Stan Urban and Commissioner Marilyn Schnell

Non Voting: Village Manager Riccardo Ginex, Village Attorney Enza Petrarca and Village Clerk April Holden

Mayor Krajewski said he would like to remind everyone present that the Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.

The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of the past meetings, an opportunity will be given for public comments and questions on the active agenda items for this evening's meeting. Following this, an opportunity is given for public comments and questions on any subject. Finally, if a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing.

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

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

3. Minutes of Workshop and Council Meetings

Executive Session Minutes for Approval Only - October 21, 2003

Council Meeting - November 4, 2003

Workshop Meeting - November 11, 2003

There being no additions or corrections to the minutes, Mayor Krajewski said they would be filed as submitted.

4. Public Comments and Questions

A. Comments and Questions on Active Agenda

1. Andrew Flowers, 5905 Fairview, commented on the Fairway Court agenda item before the Council for vote, asking that the Council send the petition back to the Plan Commission, based upon the Plan Commission's negative vote regarding the petition.

Commissioner Tully said that the Council was not approving a 5-lot subdivision this evening, or the building of the cul de sac. The only thing before the Council is the 10% lot depth exception for a single lot. The petitioner has not brought forward a request for approval of any subdivision or building of a cul de sac. It will eventually be brought before the Council and can be discussed when that happens.

2. Dave Mejdrich, 5900 Fairview, asked what would happen if the Council votes to deny the exception.

Commissioner Tully said that if the Council denies the exception, the petitioner may re-submit the plan without the 14' depth exception. If the Council approves it the petitioner would come forward at a later point in time and request approval of a final plat. Mr. Mejdrich asked what is the next step.

Village Attorney Enza Petrarca said that tonight the consideration is for a preliminary plat of subdivision. It will then go back to the Plan Commission for final plat recommendation. That recommendation will then come back to the Council for final approval.

B. Comments and Questions on General Matters

Mr. Mejdrich re-introduced himself, saying this is the first time he has been involved in anything with the Council, and he noticed that it seems as though the average resident is at a disadvantage. They do not know the format. He suggested as a procedural matter, if something effects a neighborhood, there be a better explanation given to the residents as to what is occurring.

Commissioner Tully corrected his previous statement by saying that the Council is approving a preliminary plat tonight. The only portion of the plat that needs special permission is the lot exception. The final plat will be coming at a later time.

5. Public Hearings

6. Consent Agenda

COR 00-01442 Claim Ordinance: No. 5505, Payroll, October 25, 2003
Sponsors: Accounting
A motion was made to Approve this file on the Consent Agenda.
Indexes: N/A

BIL 00-01443 List of Bills Payable: No. 5502, November 18, 2003
Sponsors: Accounting
A motion was made to Approve this file on the Consent Agenda.
Indexes: N/A

BID 00-01433 Bid: 2003/04 Joint Purchase Agreement with the State of Illinois for Supply of Roadway Bulk Rock Salt

Sponsors: Public Works

Summary of Item: State unit price of \$29.16/ton with the total purchase not to exceed \$180,000.00.

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

Indexes: Salt

Passed The Consent Agenda

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

Votes: Yea: Commissioner McConnell, Commissioner Sandack, Commissioner Tully, Commissioner Zabloudil and Mayor Krajewski

7. Active Agenda

RES 00-01434 Resolution: Amend the Downers Grove Compensation Plan

Sponsors: Human Resources

Summary of Item: This will authorize an amendment to the Downers Grove Compensation Plan, run date May 1, 2004 and shall become effective May 1, 2004.

A RESOLUTION AMENDING THE DOWNERS GROVE COMPENSATION PLAN TO ADOPT A REVISED PLAN EFFECTIVE MAY 1, 2004

RESOLUTION 2003-94

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

Votes: Yea: Commissioner McConnell, Commissioner Sandack, Commissioner Tully, Commissioner Zabloudil and Mayor Krajewski

Indexes: Compensation Plan

RES 00-01436 Resolution: Approve Preliminary Plat of Subdivision for Fairway Court Subdivision

Sponsors: Plan Commission

Summary of Item: At their meeting of October 7, 2003, the Plan Commission recommended on a vote of 8:1 to deny the Preliminary Plat of Subdivision for Fairway Court Subdivision as proposed by the petitioner.

A RESOLUTION APPROVING THE PRELIMINARY PLAT OF SUBDIVISION FOR FAIRWAY COURT SUBDIVISION

RESOLUTION 2003-95

Commissioner McConnell reiterated that she appreciated the work done by Mr. Ponstein in the Village; however, in this situation she will not vote in favor of the preliminary plat for several reasons. In regard to the exception, she has seen nothing to show that it meets the criteria of hardship. There are other opportunities related to the five lots. It is difficult for her to see any justification for the exception. She does not feel that a subdivision of this type fits into the neighborhood, which she defines as what faces at the front of homes. Traffic has also been an issue that has been raised. She believes adding five homes instead of three will not help the traffic situation.

Commissioner Zabloudil said that he thought the Plan Commission took a hard look at this petition. He did not understand their rationale for the Nay votes, other than they simply did not like the cul de sac. The Commissioner said that most of the cul de sacs have setbacks approved with some variations, due to the nature of the property. Some which were approved recently provided no explanation of any hardship issue. Commissioner Zabloudil said that the petitioner is here for a variance of less than 14'. The road is already improved and the required 17' setback is appropriate. If the 17' setback were not there there would be no need for a variation. He stated his opinion that the petitioner realizes the importance of stormwater detention. He has built a number of subdivisions in the community and understands the requirements. In regard to safety issue, Commissioner Zabloudil thanked the Village Fire Chief for inspecting the property and making a presentation as to how they would serve a cul de sac of this nature. He noted that there are more than 300 cul de sacs in the Village which have been well-serviced by the Fire Department. The Commissioner said that the issue regarding the number of lots comes down to a reduction in the number of curb cuts. Cul de sacs would result in one curb cut which he sees as more efficient, versus three curb cuts onto a busy arterial street. He will vote in favor of this request.

Commissioner Sandack said a lot of work has been done on this project at the Plan Commission level. He said it is important to clarify that the issue is not whether or not cul de sacs are liked. The issue is a preliminary plat of subdivision with one exception being sought. The variance is de minimis in so far as other cul de sac projects. The number of homes on the property is the province of the land owner. The developer testified that he could still place five homes on the cul de sac without seeking a variance. Commissioner Sandack said that some people said they felt a cul de sac was not the best use of the property. He said there is a neighborhood plan for this area and there are plenty of cul de sacs in the neighborhood plan. The neighborhood plan approves cul de sacs. They are not unsafe and often help traffic flow. Fire and police equipment can navigate through them. The issue of hardship presents a problem for him. The issue of hardship is the petitioner's burden. He needs to come forward showing that there is a practical difficulty or hardship. Commissioner Sandack said he does not think it was addressed by the Plan Commission. The record is thin in support of the hardship issue. He feels that a 10% variance is de minimis and not onerous with respect to a well-known builder who has put up good projects in the Village. He would lean heavily toward supporting this petition for those reasons.

Commissioner Tully said this is all about the exception. There is a preliminary plat of approval but the Village Municipal Code Section 20-501 sets the standards for approving a preliminary plat of subdivision. It states that if the subdivision is in conformance with the applicable requirements of the chapter it shall be approved. The Commissioner said that other than the exception request, he has heard nothing to indicate that the preliminary plat is not in conformance with the Code. In regard to the exception, he believes the discussion has gone way beyond the exception and extended into cul de sacs, number of homes, setbacks, traffic, etc. The current Code allows the design submitted on the preliminary plat. Those issues should be addressed in the Code itself, and not in respect to a particular applicant. This application is in compliance with the Code. He said there may be things necessary to change in the Code, but as the Code stands now, the petition is in compliance.

Commissioner Tully noted that one condition for the exception in Section 20-602, concerns whether the exception effects the public health, safety and welfare. He does not think a 14' exception has any impact on the public health, safety and welfare. The Plan Commission is supposed to apply five criteria, which they did not do and which is part of the problem. Since the Plan Commission's meeting, the views and rationale of some of the members were made public. The Commissioner then reviewed each of the five criteria under Section 20-602(c) of the Code. Regarding whether the exception impacts the use of the surrounding property, he

said it is a *de minimis* exception. Concerning the trend of development, the question is whether the "exception" is consistent with the trend of development in the area. He said there has been discussion about whether the development is consistent with the trend of development in the area; however, that is not the question. The question concerns the exception and not the development. The third criteria is whether the characteristics of the property support or mitigate against the granting of the exception. He believes this criteria argues in favor of granting the exception, or can be viewed as neutral. The fourth criteria asks whether the exception is in conformance with the general plan and spirit of this Chapter of the Municipal Code. Commissioner Tully responded that there is no reason why an exception of this nature is not in conformance with that criteria. As to whether the exception will alter or be consistent with the essential character of the locality, given the small nature of the exception it cannot alter the character of the locality. Most of the arguments he has seen pertain to the development, the density, etc., and not to the exception.

Commissioner Tully said that one of the things that the Council can do in granting the exception is to require that conditions be applied to the preliminary plat in exchange for the exception being given. He would recommend that staff's recommendation about above-and-beyond stormwater compliance be made a condition. The petitioner has expressed his willingness to do that, and if under-drain systems are required, they should be installed. In conclusion, Commissioner Tully said nothing has been presented that indicates the preliminary plat is not in conformance with the applicable requirements of the Chapter. The only question he has is similar to Commissioner Sandack's in terms of the practical difficulty or hardship. He asked that the petitioner address this question if he so wishes tonight or at some future date. With respect to the stormwater plan, he asked what the impact would be if the exception were not granted. For all of the reasons he has stated, he sees no reason not to vote in favor of the preliminary plat and exception.

Commissioner Sandack said that he spoke with Commissioner Urban who said he was in favor of this preliminary plat, and if he were present he would vote in favor of this proposal.

The Mayor thanked the staff for all the information they brought to the Council. They had to provide many different historical documents.

Mayor Krajewski said that although he agrees with his colleagues, he will not vote on this at all, and will abstain due to a possible business relationship with the builder.

Commissioner Tully said that this was never a matter of granting this because others were granted. Each situation must be addressed on their own unique merits. The reference to others was made because the Council was left with a void as to why this one was denied when others were recommended for approval. He added his appreciation for the work of the staff and the Plan Commission on a number of very difficult issues in regard to this petition.

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

Votes: Yea: Commissioner Sandack, Commissioner Tully and Commissioner Zabloudil
Nay: Commissioner McConnell
Abstain: Mayor Krajewski

Indexes: Subdivision - Fairway Court

ORD 00-01438 Ordinance: Amend Special Use for 4314 Main Street

Sponsors: Plan Commission

Summary of Item: At their meeting of October 7, 2003, the Plan Commission unanimously recommended that an amendment to an existing Special Use be granted for the property located at 4314 Main Street for a deli/sit-down cafe to the existing automobile service station.

AN ORDINANCE AMENDING A SPECIAL USE FOR 4314 MAIN STREET TO PERMIT RECONSTRUCTION OF THE EXISTING SERVICE STATION TO INCLUDE A DELI/SIT-DOWN CAFE

ORDINANCE NO. 4548

Commissioner Tully said he raised the issue previously of whether they can swap parking lots, and asked if that is something they can do at a later point. He said he is in favor of the petition, but thinks it would be a good idea and would move to amend the Motion if the petitioner is willing.

Mr. Skach said that staff had a discussion with the builder who will continue to look at it as part of the building process.

Jerry Figliulo, W-T Civil Engineering, said they will take a look at that if the Council likes.

Commissioner Zabloudil asked for clarification by Commissioner Tully to the petitioner what is being suggested.

Commissioner Tully said he raised at the Workshop the situation of spaces immediately in front of the door of the building. He suggested using that area as a no parking area to minimize the risk of danger to pedestrians entering or leaving the building. He suggested they could pick up the lost spaces on the east side of the property.

Mr. Figliulo said he would like to look at that and some other locations, since this is the prime parking location.

Commissioner Tully said that maybe they could stripe the area instead, and he appreciated that the petitioner was willing to look at the situation.

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

Votes: Yea: Commissioner McConnell, Commissioner Sandack, Commissioner Tully, Commissioner Zabloudil and Mayor Krajewski

Indexes: Special Use - 4314 Main Street

ORD 00-01439 Ordinance: Prohibiting the Depositing of Snow on Streets and Sidewalks

Sponsors: Public Works

Summary of Item: This will prohibit the depositing of snow on Village streets and sidewalks.

AN ORDINANCE PROHIBITING THE DEPOSITING OF SNOW ON STREETS AND SIDEWALKS

ORDINANCE NO. 4549

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

Votes: Yea: Commissioner McConnell, Commissioner Sandack, Commissioner Tully, Commissioner Zabloudil and Mayor Krajewski

Indexes: Snow Deposits

- ORD 00-01440** Ordinance: Define Alleys and Permitted Uses
Sponsors: Village Attorney
Summary of Item: This will define alleys and Village owned right-of-ways and permitted uses for them.
- AN ORDINANCE DEFINING ALLEYS AND PERMITTED USES
- ORDINANCE NO. 4550
- A motion was made by Commissioner Sandack, seconded by Commissioner Zabloudil, to Adopt this file. Mayor Krajewski declared the motion carried by the following vote:**
- Votes:** Yea: Commissioner McConnell, Commissioner Sandack, Commissioner Tully, Commissioner Zabloudil and Mayor Krajewski
- Indexes:** Alleys
- MOT 00-01444** Motion: Estimate 2003 Tax Levy
Sponsors: Deputy Village Manager
- Summary of Item:** This will estimate the 2003 Village aggregate levy. This is a motion to find and determine that the aggregate levy for the Village of Downers Grove, as defined in the Illinois Truth and Taxation Law, estimated to be necessary to be raised by taxation for 2003 upon the taxable property in Downers Grove is \$13,122,178. This amount is based upon an estimated levy of \$2,320,195 for corporate and police; \$2,190,306 for fire; \$880,000 for police pension; \$1,350,000 for fire pension; \$2,987,393 for library operating; \$384,860 for 1996 library debt service; \$275,068 for the 2003 library debt service; \$267,230 for Fairview Avenue debt service; \$396,315 for Central Business District 1999 Series debt service; \$398,319 for Central Business District 2000 Series debt service; and \$300,763 for Central Business District 2001 Series debt service; and \$264,733 for Central Business District 2002 Series debt service; \$517,053 for G.O. Water Issue 2001A debt service; and \$589,943 for Central Business District 2003 debt service. The estimated levy for Special Service Area #1, Brick Street Special Service Area is \$7,424. The estimated levy for Special Service Area #2, CBD Special Service Area, is \$240,000. The estimated levy for Special Service Area #3, Prince Pond Special Service Area, is \$8,671. A public hearing will be held on these proposed levies on December 2, 2003 at 6:30 p.m. in the Village Council Chambers. The adoption of the proposed levies will be held on December 16, 2003 at 6:30 p.m. in the Village Council Chambers.
- Commissioner McConnell said she needs a copy of this in her folder.*
- Commissioner Zabloudil commented that the proposed levies are subject to further discussion that the Council will have during the budget workshop sessions through December and early next year. They have until February to act on the abatements.*
- The Mayor said that a couple of the levies will have to be abated under law due to the money that has been collected for specific uses.*
- Deputy Village Manager Dave Van Vooren said that the Village is required by law to post public notice of all of the tax levies. There are sufficient funds to abate almost \$2 million of the debt service.*
- A motion was made by Commissioner Zabloudil, seconded by Commissioner Tully, to Authorize this file. Mayor Krajewski declared the motion carried by the following vote:**
- Votes:** Yea: Commissioner McConnell, Commissioner Sandack, Commissioner Tully, Commissioner Zabloudil and Mayor Krajewski
- Indexes:** Budget 2003/04

8. Mayor's Report

Materials to be Received - Minutes

Economic Development Commission - October 8, 2003

Library Board - October 8, 2003

Plan Commission - October 7, 2003

Police Pension Board - September 25, 2003 & October 2, 2003

A motion was made by Commissioner Tully, seconded by Commissioner Sandack, to Note Receipt Of this file. Mayor Krajewski declared the motion carried by the following vote:

Votes: Yea: Commissioner McConnell, Commissioner Sandack, Commissioner Tully, Commissioner Zabloudil and Mayor Krajewski

Materials to be Received - Monthly Reports

Materials to be Placed on File

9. Manager's Report

10. Attorney's Report

Future Active Agenda

11. Committee Standing Reports

Public Safety Committee

Commissioner McConnell said that the Public Safety Committee toured the four active fire stations on Saturday, which was very helpful to everyone. The staff has been very creative and innovative in using the space. She noted there are some problems that need to be addressed as part of the budget process.

Public Services Committee

Commissioner Tully said that the Local Transportation Subcommittee will meet Thursday, November 20 at 6:00 p.m. at Village Hall on the Grove Commuter Shuttle.

12. Council Member Reports and New Business

Commissioner McConnell said that a new Fire Department website has been put together by Marsha Giesler and her secretary. It is very helpful and provides information to teachers, children and others. She encouraged everyone to visit the site. She noted that the Character Counts Coalition met on November 12 and reported that \$2500 was raised through the Pancake Breakfast. She noted that they are looking at creating a Character Counts related banner for the Council Chamber. In addition they are in the process of putting together an awards program.

Commissioner Zabloudil extended best wishes to Downers Grove North as they enter the semi-finals of the playoffs. He also mentioned the opening of the new restaurant in the Village, Ballydoyle's. They will be open for dinner for the next two weeks, and for lunch later on. He also reminded everyone to review the holiday activities in the downtown area which are listed in the local newspapers.

Commissioner Sandack encouraged the residents to patronize the downtown and other Village business. As for Ballydoyle's, he said it is an excellent new restaurant and is a great addition to the downtown area.

Commissioner Tully said that November 30 is Hospitality Day in the Village with the parade

and tree lighting ceremony. He hoped to see the Downers Grove North Trojans riding the fire trucks in the parade as finals winners.

The Mayor said that the Fire Chief has two trucks available for the team for the parade. He then congratulated Good Samaritan Hospital on a fundraiser held on Saturday night. It was a huge success, and was a follow-up to the Jimmy Buffett fundraiser held by Cheeseburger in Paradise. He said there are a number of new restaurants in the Village and noted that there have been some long lines waiting to test the new businesses. He said he went to the Youth Baseball Dinner which was held at Ballydoyle's as well. Fry's Electronics is set to open in February.

13. Adjournment

Commissioner Tully moved to adjourn. Commissioner Sandack seconded.

VOTE: YEA - Commissioners Tully, Sandack, Zabloudil, McConnell, Mayor Krajewski

Mayor Krajewski declared the motion carried and the meeting adjourned at 7:26 p.m.