



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, October 21, 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 Stan Urban, Commissioner Marilyn Schnell, Commissioner Martin Tully and Mayor Brian Krajewski

Absent: Commissioner Mark Zabloudil

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

Council Meeting - October 7, 2003

Workshop Meeting - October 14, 2003

Commissioners McConnell and Tully submitted corrections. Mayor Krajewski said they would be filed as corrected.

DOWNERS GROVE HISTORICAL SOCIETY PRESENTATION

DOWNERS GROVE REVISITED

Mike Baker, Assistant to the Village Manager, introduced Mr. Greg Evans, President of the

Downers Grove Historical Society. Mr. Evans said that the Society approached the Council six months ago wishing to update and republish the book, "Downers Grove Revisited." He said that the updated book is available, and he thanked Mr. Baker for his assistance in locating the funds and for his efforts in coordinating the project. Montrew Dunham, author of the book, then distributed signed copies to members of the Council. Mr. Evans said there would be a book signing at the Tivoli Theater on November 1, with the first 600 books being numbered. There have been 350 books presold to date.

Commissioner Tully said that Downers Grove has a long and rich history and is has been captured in outstanding fashion by the Society.

Commissioner Sandack said he has the first book and is delighted to have the follow-up. He said it is incredibly interesting reading and he congratulated those who put this together.

Commissioner Schnell said it was amazing that this was done in only six months, and she congratulated Mrs. Dunham for her accomplishment.

Commissioner McConnell commented on the photos in the book which are fascinating. She thanked the Society for their efforts in keeping the Village legacy going.

4. Public Comments and Questions

A. Comments and Questions on Active Agenda

1. Malina Peters, 1043 Maple Avenue, commented on the proposal to raise the speed limits along Maple Avenue. She said that the present 25 mph speed limit is not enforced, and traffic is very fast. There are pre-school children around the area and she is opposed to having the speed limit increased.

Mayor Krajewski said they are not raising the speed limits, but are lowering the speeds from 30 mph to 25 mph. He said that Maple remains 30 mph and has always been at that speed limit. The Council is not increasing speed limits.

B. Comments and Questions on General Matters

1. John Miller, 231 2nd Street, commented on the situation at Pepperidge Farm because they have not been good neighbors for the past year. He said he has e-mailed the Village about this. He has spoken with Don Scheidler who has attempted to work with the residents, but Mr. Miller feels that in some instances Mr. Scheidler's hands are tied. Mr. Miller provided some background saying that this is not only an M-1 district. There were homes in the area prior to Pepperidge Farm being built. He referred to the required zoning setbacks per the Village Code for M-1 districts. The Code requires high performance standards particularly for adjacent residential premises, including noise factors. Mr. Miller said the main concern is noise. He said he received a letter from Pepperidge Farm admitting that they are violating the Village's ordinance regarding noise.

Mayor Krajewski said he forwarded the e-mail on to the Village Manager. He understands that Pepperidge Farm just added new equipment that is creating noise. He asked the Village Manager to follow up.

Manager Ginex said that Pepperidge Farm indicates they intend to correct this.

Mr. Miller said they are only correcting the part that faces the parking lot. The Mayor said that staff, including Mr. Scheidler, is working on this.

Mr. Miller said they are asking for an exception from the Village so they will not have to

comply as they are grandfathered in. He asked if that exception will be denied. Attorney Petrarca said that they were grandfathered in prior to the Zoning Ordinance. Mr. Miller said that something they have put in now cannot apply to the grandfathering in.

The Mayor said if they are grandfathered in the Village cannot do anything about it. If they are not, the Village can require action. But he added that the Village is trying to do something about it.

Mr. Miller also said that the past records do not indicate anything about them being grandfathered in. He asked whether they can be granted a variance without coming before the Council. He asked that the Village keep him abreast.

The Mayor said Village staff will contact him as to the progress.

Mr. Miller said his primary concern is the issue of them being grandfathered in.

Commissioner Tully said that the Village only recently became aware of this situation. They have not had sufficient time to study the issue regarding grandfathering.

Commissioner McConnell asked if someone is responsible for getting back to Mr. Miller and the Manager said that Don Scheidler is working with him on this issue. Commissioner McConnell said the legal questions need to be resolved and the loopholes need to be closed.

Mr. Miller said that the equipment in question has not been there for a long time. He then played a tape of the noise, noting that his doors were closed when he made the tape.

2. Tom Sisul, 3624 Saratoga, said that he will be attending meetings at the request of the Chamber of Commerce as Village liaison.

3. Valerie Noll, 4744 S. Fairview Avenue, asked about the used car dealership at Ogden and Fairview. The lot is packed with vehicles, there is no place for customers to park, and it is not safe. She asked if this is part of the Ogden Avenue beautification project.

Commissioner Tully said he had the same question.

The Mayor said if they conform to all of the rules established by the Code, they can come into the Village. Ms. Noll said she doesn't see how they can be profitable if there is no way to get in and out of the site. It's on the southwest corner of Ogden Avenue and Fairview.

Commissioner Tully said it used to be various businesses that changed hands, and it is now a used car dealership. If the business is, however, in conformance with the Village's Code, they cannot be prevented from being there. He said that this is not part of the Ogden Avenue beautification program. Ms. Noll asked if this is what will happen on Ogden Avenue since all she sees are car dealerships popping up from Belmont to Route 83 and there is nothing beautiful about that. Commissioner Tully responded that the issue is not really car dealerships, but the aesthetics of the business, and that is what the Ogden Avenue plan focuses on.

Ms. Noll said the Village holds residents to the Code standards, and she said she hoped that the Village would also hold the businesses to the same standards.

5. Public Hearings

6. Consent Agenda

BIL 00-01400 List of Bills Payable: No. 5498, October 21, 2003

Sponsors: Accounting

Indexes: N/A

COR 00-01401 Claim Ordinance: 5501, Payroll, September 27, 2003

Sponsors: Accounting

Indexes: N/A

BID 00-01411 Bid: Award FY 2003/04 Office Supply Contract to Warehouse Direct

Sponsors: Financial Services

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

Indexes: Office Supplies

Passed The Consent Agenda

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

Votes: Yea: Commissioner McConnell, Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully and Mayor Krajewski

7. Active Agenda

ORD 00-01402 Ordinance: Provide for the Issuance of General Obligation Bonds, Series 2003A

Sponsors: Deputy Village Manager

Summary of Item: This will authorize the sale of \$12,000,000.00 in general obligation TIF bonds.

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2003A, OF THE VILLAGE OF DOWNERS GROVE, DUPAGE COUNTY, ILLINOIS, AND PROVIDING FOR THE LEVY AND COLLECTION OF A DIRECT ANNUAL TAX FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS

ORDINANCE NO. 4540

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

Votes: Yea: Commissioner McConnell, Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully and Mayor Krajewski

Indexes: TIF, Central Business District - Parking Deck, General Obligation Bond Issue - Series 2003A

ORD 00-01403 Ordinance: Amend Chapter 14 re: Parking Permits

Sponsors: Village Attorney

Summary of Item: This will amend certain provisions regarding parking permits.

AN ORDINANCE CONCERNING PARKING PERMITS

ORDINANCE NO. 4541

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

Votes: Yea: Commissioner McConnell, Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully and Mayor Krajewski

Indexes: Parking Permits

RES 00-01404 Resolution: Authorize Execution of a Tiered Approach to Corrective Action Objective Agreement with Automotive Services, Inc.

Sponsors: Village Attorney

Summary of Item: This will authorize the execution of a tiered approach to corrective action objective agreement between the Village of Downers Grove and Automotive Services, Inc. in relation to the contamination of soil and groundwater at the property located at 844 Warren Avenue.

A RESOLUTION AUTHORIZING EXECUTION OF A TIERED APPROACH TO CORRECTIVE ACTION OBJECTIVE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND AUTOMOTIVE SERVICES, INC.

RESOLUTION 2003-81

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

Votes: Yea: Commissioner McConnell, Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully and Mayor Krajewski

Indexes: Highway Authority Agreement, Automotive Services

RES 00-01405 Resolution: Authorize Execution of a Station Agreement with the Burlington Northern and Santa Fe Railway

Sponsors: Village Attorney

Summary of Item: This will authorize an agreement between the Village and the Burlington Northern and Santa Fe Railway for a contract and lease agreement for certain premises along and adjacent to the BNSF line of railroad.

A RESOLUTION AUTHORIZING THE EXECUTION OF A STATION AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE BURLINGTON NORTHERN AND SANTA FE RAILWAY

RESOLUTION 2003-82

A motion was made by Commissioner Schnell, 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 Urban, Commissioner Schnell, Commissioner Tully and Mayor Krajewski

Indexes: Burlington Northern

RES 00-01406 Resolution: Approve the Final Plat of Subdivision for the F.E.W. Subdivision Including Lot Depth Exceptions

Sponsors: Planning and Community Development

Summary of Item: At their meeting of September 2, 2003, the Plan Commission unanimously recommended approval of the final plat of subdivision for F.E.W. Subdivision including the lot depth exceptions as requested, subject to certain conditions.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR THE F.E.W. SUBDIVISION INCLUDING LOT DEPTH EXCEPTIONS

RESOLUTION 2003-83

A motion was made by Commissioner Sandack, 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 Urban, Commissioner Schnell, Commissioner Tully and Mayor Krajewski

Indexes: Subdivision - F.E.W.

ORD 00-01407 Ordinance: Approve a Lot Split with Exception with Regard to Lot Width - 4914 Pershing Avenue

Sponsors: Planning and Community Development

Summary of Item: At their meeting of September 2, 2003, the Plan Commission recommended to approve a lot split with an exception with regard to lot width for the property commonly known as 4914 Pershing Avenue.

AN ORDINANCE APPROVING A LOT SPLIT WITH AN EXCEPTION WITH REGARD TO LOT WIDTH FOR THE PROPERTY COMMONLY KNOWN AS 4914 PERSHING AVENUE

ORDINANCE NO. 4542

Commissioner Tully said that generally he is not in favor of lot split resulting in widths of less than 60 feet, primarily due to stormwater problems. There is nothing in the Ordinance, however, to prohibit this, so there is no basis to deny the request.

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

Votes: Yea: Commissioner McConnell, Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully and Mayor Krajewski

Indexes: Lot Split

RES 00-01408 Resolution: Authorize an Amendment to a Grant Agreement with the Illinois Environmental Protection Agency re: North Belmont Park

Sponsors: Financial Services and Deputy Village Manager

Summary of Item: This will amend an existing grant agreement for the design and construction of an extension of watermains to provide an alternative drinking water source to affected homeowners with contaminated wells.

A RESOLUTION AUTHORIZING AN AMENDMENT TO A GRANT AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

RESOLUTION 2003-84

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

Votes: Yea: Commissioner McConnell, Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully and Mayor Krajewski

Indexes: North Belmont Park Watermain, Illinois EPA

ORD 00-01409 Ordinance: Amend Speed Limits on Village Streets

Sponsors: Public Works

Summary of Item: At their meeting of September 10, 2003, the Parking & Traffic Commission unanimously recommended adoption of this ordinance to establish speed limits for certain streets within the Village.

AN ORDINANCE AMENDING SPEED LIMITS ON VILLAGE STREETS

ORDINANCE NO. 4543

Commissioner Tully clarified that they are making the speed limit 25 mph throughout the Village unless otherwise posted. The Mayor pointed out that is a reduction of the speed limit in most areas.

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

Votes: Yea: Commissioner McConnell, Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully and Mayor Krajewski

Indexes: Speed Limit - Village-wide

8. Mayor's Report

Materials to be Received - Minutes

Economic Development Commission - September 10, 2003

Parking & Traffic Commission - September 10, 2003

Plan Commission - September 2, 2003

Public Services Committee - Local Transportation Subcommittee - September 24, 2003

Stormwater and Flood Plain Oversight Committee - September 10, 2003

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

Votes: Yea: Commissioner McConnell, Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully and Mayor Krajewski

Materials to be Received - Monthly Reports

Appointments to Boards and Commissions

The Mayor asked the Village Clerk to read a resolution appointing members to Boards and Commissions.

RES 00-01412 Resolution: Appoint Members to Village Boards and Commissions

Sponsors: Mayor

Summary of Item: Tourism and Events Commission

Appoint Cynthia Bock for a term expiring August 31, 2005

A RESOLUTION APPOINTING CYNTHIA BOCK TO THE TOURISM AND EVENTS COMMISSION**RESOLUTION 2003-85**

Commissioner Tully said that Cynthia Bock represents the Double Tree Hotel, and will be on the Tourism Subcommittee. She attended meetings even before she was considered for an appointment. The Village is happy to have her serve.

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

Votes: Yea: Commissioner McConnell, Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully and Mayor Krajewski

Indexes: Boards and Commissions

9. New Business

Proclamations:

The Mayor proclaimed Saturday, October 25 as Make a Difference Day in the Village.

The Mayor proclaimed the week of October 19 to 25, 2003 as Character Counts Week in the Village of Downers Grove.

The Mayor provided an update of October events from the Downtown Management Board:

Moonlight Madness will be held on Friday from 6:00-9:00 p.m.

The Haunted Funhouse will be held on Friday from 7-10 p.m., and Saturday from 7-9 p.m.

Window Painting will be from 9:00-2:00 p.m. on Saturday.

The Character Counts Pancake Breakfast is on Saturday from 8:00-11:00 a.m. at Isabella's.

The Halloween Costume Parade will be held on Sunday at 12:30 p.m.

10. Attorney's Report

Future Active Agenda

11. Committee Standing Reports

Public Services

Commissioner Tully said the next meeting is October 27 for the Stormwater Utility Exploratory Committee at the Public Works facility. The Local Transportation Committee meeting of October 30 has been cancelled and will be rescheduled.

Finance

Commissioner Sandack said that the Finance Administration Committee met and discussed the upcoming tax levy, and reviewed past history of the levy process.

12. Council Member Reports and New Business

Commissioner Schnell thanked Isabella's, Dali's, Bally Doyle's and Dunkin' Donuts for their donations toward the Character Counts Breakfast at 8-11 a.m. on Saturday.

Commissioner McConnell thanked the Mayor for the Character Counts Proclamation. She said this is about being good role models.

Commissioner McConnell said that there is a child who is missing his/her passport from the Passport to Safety Saturday held a few weeks ago. The Fire Department has that passport.

She then thanked everyone who attended the Downers North Walkathon, proceeds of which would go to the new cadet program.

Commissioner Tully said he had the pleasure of attending the New Repertory Theater's production of "A Streetcar Named Desire," which was an excellent performance. He encouraged everyone to attend.

Commissioner Tully pointed out that Downers Grove North is celebrating its 75th anniversary on Saturday, October 25. They will have the first induction of alumni into the Downers Grove North Alumni Hall of Fame.

13. Adjournment

Commissioner Tully moved to adjourn to Executive Session pursuant to Section 2(c)(11) of the Illinois Open Meetings Act to consider litigation. Commissioner Urban seconded.

VOTE: YEA - Commissioners Tully, Urban, Sandack, McConnell, Schnell, Mayor Krajewski

Mayor Krajewski declared the motion carried and the Council convened into Executive Session at 7:20 p.m.