



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, July 6, 2004

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, Commissioner Mark Zabloudil and Mayor Brian Krajewski

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 - June 1, 2004

Council Meeting - June 15, 2004

Workshop Meeting - June 22, 2004

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

4. Public Comments and Questions

Award Announcement:

Manager Ginex asked Rita Trainor to announce the Finance Department Award.

Mary Dankowski, Finance Director and Deputy Manager of the Village of Park Forest, said she was representing the Government Finance Officers Association and was present to award the Certificate of Achievement for Excellence in Financial Reporting to the Village. She explained the nature of the certificate and the criteria required to earn the Certificate. She then commended the Village on the appointment of Rita Trainor as the Finance Director and presented the Certificate to Mayor Krajewski.

The Mayor complimented the staff on achieving this Certificate.

Proclamation

The Mayor proclaimed July as Trinity II month in the Village of Downers Grove. He explained that Trinity II is a semi-professional Irish Dance company invited to perform at the 46th Annual World Dance Festival in Belgium. They are made up of 34 dancers, one of whom, Noreen Conniff, is from Downers Grove. The Mayor said that he had the opportunity to see the dance group perform at Ballydoyle recently.

A. Comments and Questions on Active Agenda

1. Laurel Bowen, 829 Clyde Drive, read into the record a letter from Lillian H. Dreiser of 1132 Curtiss regarding the proposed Walgreens. Ms. Dreiser's letter expressed her concerns about the hazardous conditions at the corner of 63rd and Main Street.

2. Jane Amorosi, 5742 Dearborn Parkway, reviewed historical events where the Village has attempted to help businesses. She remarked that the Village historically has assisted businesses by allowing them to use wetlands. Ms. Amorosi recalled that the Village some 20 years ago considered moving the Library to help businesses, until they realized that the Library was a main attraction in the downtown area. She said that the corner of 63rd and Main was not unsightly in her opinion, and would better suit smaller buildings. She doesn't think the Village needs to feel sorry for the owner, since the owner probably paid less for the property since it is considered a "difficult" lot. She said she thought the owner of the lot has benefited from the improvements made at that intersection a few years ago as well. Ms. Amorosi said she believes the BP station on the northeast corner is more unsightly, in that they have not maintained the landscaping and have allowed garlic mustard to grow on the site. She said this lot is more unsightly than the vacant area in the Green Knolls parcel.

3. Tom Kindred, owner of the 63rd and Main Ace Hardware, said he has been there for 41 years. He expressed concern about the loss of one row of parking with the proposed Walgreens building, and said he was not fond of the fact that he would be viewing the back of the building, rather than have the back of the building face the street. He is not against Walgreens but does not like the building configuration. Mr. Kindred said he thought this would hurt the center.

The Mayor said that last week the petitioner was before the Council and presented a petition signed by business owners saying they liked the orientation of the building. He asked whether Mr. Kindred had signed such a petition, and Mr. Kindred responded that he did not. Mr. Kindred said that he did not know of any others who signed the petition. Mayor Krajewski said that he spoke with the owners of several of the businesses today who stated that they did not sign the petition, although the testimony at the Workshop by the petitioner was that everyone in the center had signed the petition, save two businesses.

4. Nick Nagy, owner of Roundhead's Pizza, said his restaurant is in the center where the proposed Walgreens would be located. He said that he opposes not the store as much as the size of the building and the fact that it will remove some of their parking. He said this has all happened so quickly, as the landlord of the property informed the businesses that the Walgreens was not coming in, and now they are up for a vote from the Council to approve it. He indicated that many of the businesses in the center feel the same way he does.

The Mayor said they have received many comments from the residents. The Lonestar Restaurant was 5,000 square feet, and the Walgreens proposal is for a 15,000 square feet, which is almost three times as large as the Lonestar.

5. Laurel Bowen commented on the Agenda, stating it is difficult to understand what the first item on the Agenda is. Village Attorney Petrarca said it is an amendment to the Zoning Ordinance that allows medical uses in specific zoning districts. The Mayor added that people can go on-line to obtain a more detailed explanation of the Agenda items.

Ms. Bowen said she has asked in the past why the Council cannot be clearer about the Agenda. She said that people reading the newspaper should be able to understand the items, and noted that there are people who do not have computers and cannot go on line. Mayor Krajewski agreed that it could be made clearer. He said they try to make copies of the Agenda available at the Library as well. Ms. Bowen said that the Village should find a better use for its money than to purchase space in the paper to publicize Agenda items that may as well be written in a foreign language.

Ms. Bowen then said that she lives close to Walgreens and discussed the variations proposed for the site. She noted that the drive-up for the Walgreens might require additional review since it is on the adjacent shopping center parcel, and asked whether this has been addressed by the Plan Commission.

The Mayor said it was addressed in Staff's memo which explained that the lots would not have to be reconfigured. However, the Mayor said he had some traffic flow issues he discussed with staff. The Village engineers have responded that they would like to see the drive-thru shifted a bit to the west. He is not sure whether this will require a lot reconfiguration.

Ms. Bowen said she was perplexed by the fact that the Council does not have answers on the matter, yet the item is on the Agenda for a vote this evening. She said that they keep approving plans for big corporations that are not in the best interest of the community. She said she believes the Council is more interested in hurrying a proposal through, and urged the Council to put off the vote.

The Mayor said that the planning staff has asked that the petitioner reorient their building, and the petitioner has stated that they will not do that. He said that they have the right to come before the Council and make this request. Ms. Bowen said it would be refreshing to see it voted down.

6. Mike Kelch, 5729 Carpenter, said he is on the Economic Development Commission and wanted to comment on the Walgreen's issue. He said from the beginning that this petition didn't make common sense. He said the Council has the ability to use variances to attract business to the Village. In this situation there is no economic benefit or convenience benefit either. He frequents many of the businesses in that center, and noted that the Walgreen's would be four car lengths away from the Ace Hardware store, and he thinks this will negatively impact the existing businesses. He said that the businesses in that center have worked hard there for many years and the Village should think of a way to keep those businesses in place.

B. Comments and Questions on General Matters

There were none.

5. Public Hearings

6. Consent Agenda

Village Manager Rick Ginex said he was advised that Public Works would like to remove item "E" regarding lighting from the parking deck change order. Staff feels they can contract separately for this work for less than \$124,000.00. The amount of the change order less item "E" is \$72,346.00.

Commissioner Tully moved to remove item 00-01656 from the Consent Agenda. Commissioner Urban seconded. Mayor Krajewski declared the motion carried by the following vote:

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

COR 00-01666 Claim Ordinance: No. 5537, Payroll, June 25, 2004

Sponsors: Accounting

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

Indexes: N/A

BIL 00-01667 List of Bills Payable: No. 5532, July 6, 2004

Sponsors: Accounting

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

Indexes: N/A

BID 00-01655 Bid: Award \$283,242.00 to A&R Cement, Inc. of Bartlett, Illinois for 2004 Sidewalk Improvement Project, Project #02-04

Sponsors: Public Works

Summary of Item: Bid amount is \$283,242 with 5% contingency in the amount of \$14,162 for a total approved amount of \$297,404.

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

Indexes: Sidewalk Improvements 2004

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, Commissioner Zabloudil and Mayor Krajewski

BID 00-01656 Change Order: Authorize Execution of Contract Change Order #12 in the amount of \$196,537.00 for the Village of Downers Grove Parking Facility, Project #14-00

Sponsors: Public Works

Commissioner Tully moved to approve Revised Bid 00-01656 to authorize execution of Contract Change Order #12 in the amount of \$72,346.00 for the Village of Downers Grove Parking Facility, Project #14-00. This motion excludes item "E" from the original Change

Order. Commissioner Urban seconded.

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

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

Indexes: Central Business District - Parking Deck

7. Active Agenda

ORD 00-01657 Ordinance: Amend Provisions for Permitted Uses

Sponsors: Planning and Community Development

Summary of Item: At their meeting of May 17, 2004, the Plan Commission unanimously recommended that Medical and Dental Clinics be established in the M-2 and M-1 Zoning Districts as permitted uses.

AN ORDINANCE AMENDING PROVISIONS FOR PERMITTED USES

ORDINANCE NO. 4598

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, Commissioner Zabloudil and Mayor Krajewski

Indexes: Zoning Ordinance - Medical/Dental Clinics

ORD 00-01658 Ordinance: Authorize a Special Use for St. Andrew's Episcopal Church to Permit an Addition to the Existing Structure

Sponsors: Planning and Community Development

Summary of Item: At their meeting of May 17, 2004, the Plan Commission unanimously recommended that a Special Use be granted for the property located at 1125 Franklin Street, Downers Grove to permit an addition to the existing structure.

AN ORDINANCE AUTHORIZING A SPECIAL USE FOR ST. ANDREW'S EPISCOPAL CHURCH TO PERMIT AN ADDITION TO THE EXISTING STRUCTURE

ORDINANCE NO. 4599

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, Commissioner Zabloudil and Mayor Krajewski

Indexes: Special Use - 1125 Franklin, St. Andrew's Episcopal Church

RES 00-01660 Resolution: Authorize an Agreement with SBC Global Services, Inc. for Centrex Services

Sponsors: Information Services and Financial Services

Summary of Item: This will authorize an amendment to the Ameritech/SBC Centrex Service Agreement and thereby extend the term to July 15, 2005.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND SBC GLOBAL SERVICES, INC. FOR CENTREX SERVICES

RESOLUTION 2004-37

Commissioner Tully said this item and the next several items have to do with telephone services.

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, Commissioner Zabloudil and Mayor Krajewski

Indexes: Telephone System

RES 00-01661 Resolution: Authorize an Agreement with SBC Global Services, Inc. for Exchange Dedicated Communication Services

Sponsors: Information Services and Financial Services

Summary of Item: This will authorize an agreement between the Village of Downers Grove and SBC Global Services, Inc. for dedicated communication services.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND SBC GLOBAL SERVICES, INC. FOR EXCHANGE DEDICATED COMMUNICATION SERVICES

RESOLUTION 2004-38

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, Commissioner Zabloudil and Mayor Krajewski

Indexes: Telephone System

RES 00-01662 Resolution: Authorize an Agreement with SBC Global Services, Inc. for Local Telephone Services

Sponsors: Information Services and Financial Services

Summary of Item: This will authorize an agreement between the Village of Downers Grove and SBC Global Services, Inc. for local telephone services.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND SBC GLOBAL SERVICES, INC. FOR LOCAL TELEPHONE SERVICES

RESOLUTION 2004-39

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 Urban, Commissioner Schnell, Commissioner Tully, Commissioner Zabloudil and Mayor Krajewski

Indexes: Telephone System

RES 00-01663 Resolution: Authorize an Agreement with SBC Global Service, Inc. for Long Distance Voice Services (HVCP II PLUS)

Sponsors: Information Services and Financial Services

Summary of Item: This will authorize an agreement between the Village of Downers Grove and SBC Global Services, Inc. for long distance voice services.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND SBC GLOBAL SERVICES, INC. FOR LONG DISTANCE VOICE SERVICES (HVCP II PLUS)

RESOLUTION 2004-40

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 Urban, Commissioner Schnell, Commissioner Tully, Commissioner Zabloudil and Mayor Krajewski

Indexes: Telephone System

RES 00-01664 Resolution: Authorize a License Agreement with SprintCom, Inc. to Install, Maintain and Operate an Antenna on Village Property

Sponsors: Village Attorney

Summary of Item: This will authorize a license agreement between the Village and SprintCom, Inc. for the installation, operation and maintenance of an antenna on Village owned property located at 6705 Main Street.

A RESOLUTION AUTHORIZING EXECUTION OF A LICENSE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND SPRINTCOM, INC. TO INSTALL, MAINTAIN AND OPERATE AN ANTENNA ON VILLAGE PROPERTY

RESOLUTION 2004-41

Commissioner Zabloudil said that last week he mentioned litigation that is pending between Sprint and the Village. He would be happy to support this if the suit is dropped.

The Mayor said he agrees with him and with doubling the fees.

Commissioner Tully agreed as well, saying this was a good message to send to a business. He said that he has a slightly different take on this because businesses do experience disputes with each other and he said it is important to consider the magnitude of this license and the dispute which involved numerous parties on both sides. He would like to see the revenue from the company for using the Village's space.

Attorney Petrarca said she brought this up to Sprint about doubling the fees, and they said they would not want to move forward with the antenna, however would move forward with their lawsuit.

Commissioner Sandack said he agreed with what has been said, however they are doing business with many wireless companies. While he appreciates the thoughts of the other Commissioners, if they are going to unplug Sprint, they should do the same to all and return their fees.

The Mayor agrees with that and feels the fees should be increased on all companies.

Commissioner Tully said that one of the reasons the Village will lease space on water towers to communication companies is because the alternative would be unsightly towers on private property over which the Village has no control. The lawsuit is a situation of a class action lawsuit with numerous parties on both sides and affects the State of Illinois.

The Mayor said he is unhappy that Primeco went down to the State legislature and asked that the State restructure how they collect utility taxes. The Legislature passed a law allowing the State to collect all of the utility taxes, and, as a result, the Village now receives their money three months later than we used to. He thinks the State should negate that rule, and have the telecommunications company pay the municipalities directly.

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 and Commissioner Tully
Nay: Commissioner Zabloudil and Mayor Krajewski

Indexes: Antenna Equipment, Water Tower - Main Street

ORD 00-01665 Ordinance: Amend Background Investigation Fees

Sponsors: Village Attorney

Summary of Item: This will amend those fees charged for conducting background investigations.

AN ORDINANCE AMENDING BACKGROUND INVESTIGATION FEES

ORDINANCE NO. 4600

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, Commissioner Zabloudil and Mayor Krajewski

Indexes: Background Investigation Fees

ORD 00-01592 Ordinance: Authorize Lot Reconfiguration for the Properties Located at 6202-6248 Main Street and 6250 Main Street, Downers Grove, Illinois

Sponsors: Planning and Community Development

Summary of Item: AN ORDINANCE AUTHORIZING LOT RECONFIGURATION FOR THE PROPERTIES LOCATED AT 6202-6248 MAIN STREET AND 6250 MAIN STREET, DOWNERS GROVE, ILLINOIS

Commissioner McConnell moved to authorize a lot reconfiguration for the properties located at 6202-6248 Main Street and 6250 Main Street, Downers Grove. Commissioner Schnell seconded the motion.

The Mayor asked staff about the memo he received earlier today with regards to the traffic analysis saying that the alternative J-4 is the best with some modifications. He asked whether that would require a lot reconfiguration.

Dave Barber, Director, Public Works, pointed out on a drawing that the drive-thru needs to be moved part way down the building. The Mayor asked whether this would then encroach on other lots. Mr. Barber said they are not talking about significant movement, other than just down the wall of the building.

Joe Skach, Director, Planning & Community Development, said that the petitioner had

confirmed that the lot configuration proposed and reviewed by the Plan Commission was not proposed to change as part of this petition. He then said that moving it to the west would probably need a determination collectively as to whether or not a new lot configuration was necessary. It is not necessarily a clear cut issue.

Commissioner Schnell asked, since there is a proposal to move the drive-thru by staff, whether Mr. Skach and staff would recommend postponing this in light of this traffic analysis.

Mr. Skach said that Section 28-1901 gives the Council broad discretion to act in light of information presented after a petition is reviewed.

Commissioner Schnell asked whether moving the drive-thru to the west requires that the lot be reconfigured.

Mr. Skach responded that the petitioner is providing blanket perpetual and reciprocal access easements across the property. Certainly the petition has changed in a manner from which the Plan Commission has reviewed it. He said there have been modifications but there is discretion in the Zoning Ordinance to allow the Council to act.

Commissioner Schnell then asked if it was correct to say that the space that the drive-thru would occupy is no different from the space than the Plan Commission looked at for the loading zone. Mr. Skach responded that was correct, in the sense that there was a "land use" there, although they were different in their character. He said in regard to the drive-thru he would want to consult with Legal on this. The essential use is still there.

Village Attorney Enza Petrarca said that it would seem if it is a slight move, a lot reconfiguration is technically an administrative review. This lot reconfiguration went to the Plan Commission because it was locked in with the Walgreens construction. There would have been no public hearing requirement for the lot reconfiguration alone.

Commissioner Tully clarified that the last two items on the Agenda are two proposed Ordinances. One is for a lot reconfiguration for two parcels that are depicted on the site plan, and has nothing to do with the structure proposed on the property. This involved the reconfiguration of the two lots only. The second Ordinance has two parts, one of which is a request for a special use to allow a drive-thru facility for the Walgreens store. The second part is for a number of variances from the Village Code with respect to setbacks, etc. The lot reconfiguration has nothing to do per se with the orientation of the proposed building, or the nature of the requested setbacks. His question is that there has been no objection raised to the lot reconfiguration per se. He wants to be clear if the lot reconfiguration is granted as proposed, but something else happens on the second related ordinance, how that affects the request for the lot reconfiguration. He said there has not been much discussion or debate about the reconfiguration. If there is a problem with respect to the special use request and the requested variances, he wants to know where that would leave the lot reconfiguration. The J-4 option is different than the J option considered by the Plan Commission. Commissioner Tully said his concern is that if the lot reconfiguration is approved, and J-4 is not approved, where does that leave the reconfiguration.

Attorney Petrarca said it is separate and apart as a reconfigured lot.

The Mayor said if they come back with a new orientation, they would have to go through another lot reconfiguration if necessary.

Commissioner Tully said that the drive-thru of option J-4 is contemplated to be on the north face of the building. Staff has suggested that it may need to be moved further west to provide for

adequate stacking.

The Mayor asked if the drive-thru window is physically moved further west, will it impact potential lot reconfiguration. He said he thought the answer provided by staff was "we'd have to look into that."

Mr. Skach said that for consistency, the main reason that the lot reconfiguration was included as part of the petition was the recognition that there were a lot of sensitive moving parts to this and Staff did not want to exercise administrative discretion in this particular case. Staff wanted to have the petition looked at comprehensively and as a whole. He thinks they would want to be consistent with that in the future.

Commissioner Tully responded that consistency is good, and so is clarity, and he asked again whether the lot reconfiguration has no bearing upon whether or not the special use or any of the variances requested by the petitioner are granted.

Commissioner Urban said that according the Staff memorandum, in regard to J-4, it appears that the drive-thru does not have adequate stacking room and needs to be moved further to the west. Mr. Barber, in the memorandum, went on to say "significant movement of the drive-thru." Commissioner Urban asked for a "ballpark" figure as to how much it needs to be moved.

Mr. Barber said it needs to be moved at least one more car length, or about 20 feet, to provide assurance that the driveway will not be blocked.

The Mayor said that the memorandum previously provided stated that the drive-thru may require moving it further west. Moving it twenty feet would put the drive-thru a little more on the other lot.

Mr. Barber referred to the letter "B" on the drawing, saying that they are talking about putting the drive-thru a little further to the west, which would be on the parcel that is being separated out.

Commissioner Schnell said moving the drive-thru means moving the window. Is this something Mr. Russ would need to go back to Walgreens on.

Jim Russ, attorney for the property owner, said this was the first he has heard of any of this, and he would have to talk to Walgreens.

Commissioner Schnell asked whether he needs to ask Walgreens about this before it is voted upon. Mr. Russ responded that if Walgreens says "no," then the Council will have approved a plan that Walgreens will not be able to move forward on.

Commissioner Schnell said that if the Council approves something Walgreens will not do, the Council needs to know what it is voting upon. This could present a problem with Walgreens, and Mr. Russ said he cannot give the Council an answer this evening. He clarified that he represents the property owners and not Walgreens.

The Mayor then said that the petitioners represented that all except two of the businesses had signed the petition; however, he knows of four businesses that did not sign the petition.

Mr. Russ said that there are 27 units in the facility. Ace and the Pizza place did not sign the petition. According to his client the gentleman from Holy Cow had informed his client that he was in favor of the petition, and the investment company also indicated he had signed one and did not know why it was not in the packet given to the Council.

Commissioner Tully asked if they could focus on the lot reconfiguration ordinance at this time, since they are drifting into the next ordinance. He added that there were comments made with respect to the free-standing sign which has been proposed, and that is not included in the second ordinance.

Commissioner Schnell said that the two ordinances are inter-related. If they table one, they should both be tabled. Approving a lot reconfiguration for something that may or may not be voted upon tonight is rushing it.

The Mayor said that the original petition heard by the Plan Commission was J, but the Council is considering J-4. The Council has discretion, but the question is how much change would necessitate the Plan Commission to look at this a second time.

Commissioner Schnell said she sat on the plan Commission for eight years. She can understand the logic of staff saying that this does not have to go back to the Plan Commission. This drive-thru is for convenience of parents, unlike a Portillo's or McDonalds. The glitch she sees tonight is in regard to moving the drive-thru and moving the window 20 feet which is a considerable amount in a store. They may not be able to accept that change, and the Council needs to know this.

Commissioner Tully asked the Village Attorney whether the Council could reverse the order of the two Ordinances and do the second one first.

Attorney Petrarca said there is a Motion on the floor and they should table this one.

The Mayor said that J-4 will be modified to moving the drive-through 20 feet west.

Commissioner Schnell said if this is to be tabled for two weeks to see if Walgreens can move the window 20 feet, she would be in favor of doing that. She does not want to table this so it has to go back to the Plan Commission.

Attorney Petrarca suggested tabling it without a date certain.

Commissioner Tully moved to table Ordinance #00-01592 to a date uncertain.

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

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

Indexes: Lot Reconfiguration

ORD 00-01593

Ordinance: Authorize Special Use at Walgreens, 63rd & Main Streets, to Permit a Drive-Thru (Pharmacy) Window Operated in Conjunction with a 14,500 Square Foot Retail Sales Facility

Sponsors: Planning and Community Development

Summary of Item: AN ORDINANCE AUTHORIZING SPECIAL USE AT WALGREENS, 63rd & MAIN STREETS, TO PERMIT A DRIVE-THRU (PHARMACY) WINDOW OPERATED IN CONJUNCTION WITH A 14,500 SQUARE FOOT RETAIL SALES FACILITY

Commissioner Schnell moved to table the Ordinance until July 20 to give Walgreens the opportunity to inform the Village whether the moving of the drive-thru is acceptable as per staff's report. Commissioner Zabloudil seconded the Motion.

Commissioner Tully moved to table Ordinance 00-01593 and remand it to the Plan Commission for further consideration. The Motion failed for lack of a second.

Commissioner McConnell said she regretted that the Council has put Walgreens, the businesses in the center, and the neighbors through this process. She appreciates what the staff has been asked to do because they have done what has been asked by Council members and have turned themselves inside out. She said the Council continues to seek out information that may or may not be appropriate for the situation. However, there is now a substantive issue on the table with regard to whether or not Walgreens can do this based on staff's recommendation to move the drive-thru 20 feet to the west. She was ready to vote for J-4 this evening, but now feels they should go back and ask Walgreens to give them their response in terms of moving the drive-thru portion 20 feet. She said this has been delayed for a very long time which has been unfair to everyone involved. They need to resolve this issue on July 20 no matter which way the vote goes. She then acknowledged all of the feedback received from all the parties involved, and said there were a lot of positive approaches in the feedback received. She urged people to provide useful feedback to the Council.

The Mayor said that the Village has received a letter from the petitioner's attorney regarding the 90 day period of time since the petition was filed. He said that Joe Skach reviewed the chronology of this petition. It came to the Council on April 13, and was slated to come back. It was deferred on May 25, at the request of someone other than Council or staff.

Commissioner Tully said he was disappointed that this was not tabled and sent back to the Plan Commission for further consideration and further modification. He does not think that tabling this for two weeks will bring a decision. He was ready to make a decision on J-4 and it would have been "no." He said unless there is a J-8 or J-9 that they have not yet seen, he is not comfortable with the proposal presented. He commented that this is a unique site which will require some variances. Everyone wants to turn this parcel back to a productive use, but not at any cost. It has been pointed out that Council has been granted broad discretion under the Code to impose conditions for special uses and variances. There is no issue with Walgreens or drive-thrus, or providing variances that make sense. It was the combination at this particular site and the limited choices provided to the Council that has caused the problem. He appreciates the input of all involved, as that is the way the process is supposed to work. He does not agree that there has been any undue delay here. He believes it has moved along very timely. The petition was filed on January 28 of this year, and the Plan Commission reviewed it less than a month later. The Council was to have made a decision within 90- days which would have been May 16. The petition came before the Council ahead of schedule on April 13 to Workshop. The Council made a number of modification requests which the petitioner was not obligated to meet. However, the petitioner provided the Council with a number of options, including J-4 which was to be Workshopped in May. The process worked as it was supposed to. The potential third party licensee requested the delay. It is being Workshopped again, and he has a number of unresolved issues with the new proposal that have not been reviewed by the Plan Commission. He is not convinced that the standards under Section 28-1110 with respect to granting variances have all been met, particularly in regard to traffic and congestion. He feels it needs to be remanded back to the Plan Commission. With respect to Section 28-1902, providing the criteria as to whether to grant the special use, the evidence has not established that the proposed use would not affect the surrounding areas in terms of property value, etc. The Plan Commission had no opportunity to review this option. In addition, when J-4 was Workshopped, the materials were not made public in the normal way, and were discussed in an informational way. He said that he would have voted "nay" tonight on this issue.

The Mayor agreed with Commissioner Tully. He also thinks it should go back to the Plan Commission. The information presented was for information only, and then was placed on the

Agenda for a vote. He then read into the record an e-mail from a Plan Commission member who originally voted on the Walgreens "J" petition. The Plan Commissioner said that Walgreens in Naperville on Ogden Avenue has a structure laid out exactly as the Council and others have asked. That store is laid out in a manner that compliments the rest of the center. The Commissioner said it is not the business of the Council to supply the property owner with a tenant. That statement was made via e-mail by Mark Griesbaum.

Mayor Krajewski said that he will not vote for the J-4 concept in two weeks. There are other locations of Walgreens that have been built to accommodate the wishes of the municipalities in which they do business. The Mayor reiterated that the restaurant originally on the site was 5,000 square feet as opposed to the proposed 15,000 square feet.

Commissioner Schnell said she agreed with Commissioner McConnell. It is unfortunate for all that they are unable to vote on this tonight. Staff has responded to all the questions she has asked of them. In regard to the possible moving of the drive-thru, Commissioner Schnell asked whether the petitioner would be willing to move their landscaping 20 feet to the east, since the landscaping assists in breaking-up the wall..

The Mayor complimented the staff. He said they are trying to make this site look esthetically pleasing. Walgreens has said it's our way or no way, and has asked for variances. He said that the Village has to start doing things the way the Council and the residents want it done.

Commissioner Sandack said that the hand-wringing is disconcerting. The process began long ago and goes back more than two years. It is troublesome that it is still going on. A decision should be made so they can move on, as required by Ordinance. He has no problem with tabling it for additional input, however, he does not agree to remand it to the Plan commission, as the number of variances do not change. A special use is required irrespective of J, J-3, or J-4. Proposed Plan J was approved by the Plan Commission, with one dissenting vote. He agrees with the dissenting vote, but questioned whether this is the project in which to get tough. He said there should be compromise when unique circumstances are presented. He said this is a disadvantaged property. If they are to make it work they need to work within the confines of reasonableness. The plan before the Council has had concessions made with respect to parking and greenspace. The property is calling out for variances. He would like to address this issue once and for all.

Commissioner Urban asked whether the petitioner was given a copy of the Staff memorandum of today's date, and Mr. Barber said they were not. Mr. Barber said that Public Works was asked many questions that had to be addressed for this meeting.

Commissioner Urban said he thought the petitioner's perception was that he was blindsided tonight, and he does not want that perception coming from this Council, especially since they are looking to develop the Curtiss Street Block and are asking developers to come to this town. Blindsiding a retailer like Walgreens bothers him very much. He said the Economic Development Commissioner is trying to attract business to the town, and the Council is dictating that further changes must be made. He would like to have exact and clear direction as to exactly how much the drive-thru will have to be moved and he would like the petitioner to be notified as well for the next meeting.

Commissioner Tully said there has been no hand-wringing or finger pointing. This is a very unique parcel and variations in general do make sense, but these variations do not, and the criteria have not been satisfied in his opinion. He said that the pick-up window is a bit of a red herring. They could have voted on this proposal on April 20 in his opinion. The petitioner could have gone forward on J, but chose not to do so, and instead made some changes to increase the perceived likelihood that it would be approved. The petitioner came back with the

J-4 proposal. Neither J nor J-4 were acceptable to him. He thinks some of the Council members want to continue to compromise on this issue. He expects reciprocal respect between Walgreens and the Village in determining what is acceptable in this proposal.

The Mayor said that closing down the Walgreens at 75th Street and moving it to 63rd Street doesn't make real sense, since there will be one store closed at another location. He encouraged the Economic Development Commission to look closely at whether this was a sensible proposal.

Commissioner Urban said the Village had a Walgreens on Main Street in the downtown area. The Seniors in the downtown were appalled that the Village allowed Walgreens to move from the downtown area. He said he didn't think there was as much discussion over that issue, as there has been over this. He agrees that there must be compromise, and he believes both parties have compromised, but he also feels that coming out with a staff memorandum at 4:00 p.m. is appalling.

Mayor Krajewski said that when Walgreens went in at Highland it was controversial with the residents in the new area at that time. He said that the traffic study report was done in November. In the summer time there is a large amount of traffic at the Dairy Queen and the Roundhead's Pizza restaurant. He noted that there are five entrances into the shopping center. He does not believe traffic is evenly distributed among the entrances.

A motion was made by Commissioner Schnell, seconded by Commissioner Zabloudil, to Table to a Date Certain this file. Mayor Krajewski declared the motion carried by the following vote:

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

Indexes: Special Use - 63rd & Main Streets

8. Mayor's Report

Materials to be Received - Minutes

Joint Meeting - Economic Development & Plan Commission - April 5, 2004

Library Board - May 26, 2004 & June 9, 2004

Liquor Commission - June 3, 2004

Parking & Traffic Commission - May 12, 2004

Plan Commission - May 17, 2004

Police Pension Board - April 15, 2004

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, Commissioner Zabloudil and Mayor Krajewski

Materials to be Received - Monthly Reports

New Business

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

RES 00-01652 Resolution: Appointments to Boards and Commissions

Sponsors: Mayor

Summary of Item: This is to confirm the following appointments and reappointments:

BOARD OF FIRE AND POLICE COMMISSIONERS

Reappoint Richard Matthies for a three-year term expiring April 30, 2007

ECONOMIC DEVELOPMENT COMMISSION

Reappoint Gary Vlk, Barb Wysocki, John Randall and Liz Chalberg for three-year terms expiring April 30, 2007

HUMAN SERVICE COMMISSION

Appoint Joyce Tumea for a three-year term expiring April 30, 2007

LIBRARY BOARD OF TRUSTEES

Reappoint Thomas Read for a six-year term expiring April 30, 2010

PARKING AND TRAFFIC COMMISSION

Reappoint John Wendt for a three-year term expiring April 30, 2007

TECHNOLOGY COMMISSION

Appoint Thomas Nybo for a three-year term expiring April 30, 2007

A RESOLUTION APPOINTING AND REAPPOINTING MEMBERS TO VILLAGE BOARDS AND COMMISSIONS

RESOLUTION 2004-42

Mayor Krajewski thanked the Commissioners for their recommendations and for their time spent in interviewing potential members.

Commissioner McConnell said she was pleased with the qualifications of the applicants.

Commissioner Tully thanked Mr. Read for filling the term of Dave Upshaw, and for agreeing to serve a full term.

The Mayor encouraged the other Commissioners to forward their recommendations to him as soon as possible. He also thanked the residents for offering their time to the Village.

Mayor Krajewski noted that on July 24, the Library Foundation will have a special event at which they will auction off the chairs on Main Street.

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, Commissioner Zabloudil and Mayor Krajewski

Indexes: Boards and Commissions

9. Manager's Report

Manager Ginex said that staff has completed the engineering work for the Streets on Glendenning and Woodward for the sidewalk projects. He said a meeting will be held with the

residents this Thursday at Public Works between 6:00 p.m. - 8:00 p.m. Bids will be opened this week and construction is expected to begin by Labor Day.

The Manager then complimented the staff for the wonderful job they did on working the Heritage Festival.

10. Attorney's Report

Future Active Agenda

11. Committee Standing Reports

Public Services Committee

Commissioner Tully said the Local Transportation subcommittee met briefly to discuss efforts to enhance the shuttle service awareness and ridership. He said that some steps began during Heritage Festival, and the bus stop signs were also unveiled. He also said that the buses have been outfitted with frames for advertising. He said that they received a report on the ridership. He noted that new fares went into effect on July 1.

Commissioner Tully then said that he has received all of the submissions from those interested in the Transportation Advisory Commission, and they will be contacted soon.

12. Council Member Reports and New Business

Commissioner Schnell thanked staff for putting the bids out sooner than usual and getting extremely competitive bids. She also thanked them for working so quickly on Woodward. They will be ahead of schedule this year. She noted that Dan Grecco has done a superb job.

Commissioner Sandack commented on Heritage Festival saying that Mary Scalzetti and the staff and volunteers did a great job. The parade was a great success. He also stated that staff has bent over backwards on the work they have done on the Walgreens proposal.

Commissioner McConnell said that the Heritage Festival and the parade were very well done and very well attended.

Commissioner Urban agreed with the previous comments on Heritage Festival and the parade. Mary Scalzetti, the police, fire, general staff and volunteers all did an excellent job. He thanked the Village for bringing so many people to the front of his business.

Commissioner Tully said that four years ago he said they would have outstanding weather for Heritage Festival and it has happened. He said that people raved about how great the Festival was, including weather and the food. He hopes it continues for many years. He thanked everyone, and especially to the Tourism and Events Commission, the Police and Fire Departments, and staff. He thanked the residents for attending.

The Mayor agreed with the Commissioners saying that it was a great Heritage Festival and parade. He noted the great turnout of residents.

The Mayor then said that he met with the Village Manager yesterday regarding the LPDA. Staff will put together an executive summary.

In regard to Parking and Traffic, staff has surveyed the north and south ends of town. There are many comments coming from residents, and he recommended that they may need to meet with the residents.

The Mayor asked that the Finance Committee work on the Treasurer's report and policy.

13. Adjournment

Commissioner Tully moved to adjourn to Executive Session pursuant to Section 2(c)(1) of the Open Meetings Act to consider personnel. Commissioner Urban seconded.

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

Mayor Krajewski declared the motion carried and the Council convened into Executive Session at 8:40 p.m.