



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, March 2, 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

Commissioner McConnell was in attendance by telephone.

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 - February 3, 2004

Special Council Meetings - February 9 & 14, 2004

Council Meeting - February 17, 2004

Workshop Meeting - February 24, 2004

Commissioner Tully provided two corrections to the February 24, 2004 Workshop meeting.

Mayor Krajewski said they would be filed as corrected.

POLICE SWEARING-IN CEREMONY

Mayor Krajewski introduced Bob Porter, Chief of Police, for the swearing-in ceremony for Jim Maly and Bill Budds. Village Clerk April Holden swore in Jim Maly as Police Sergeant and Bill Budds as Police Lieutenant. Lt. Budds was further sworn in as the Village's Coordinator of the Office of Emergency Management.

4. Public Comments and Questions

A. Comments and Questions on Active Agenda

There were none.

B. Comments and Questions on General Matters

Willis Johnson, 846 Rogers Street, said he is at the meeting as a property and business owner of property on the north side of the tracks. He said he has supported and continues to support the economic development in the downtown area, including Station Crossing; however, there is a missing element of parking. He discussed parking spaces lost as a result of the Station Crossing development. A total of 185 parking spaces have been lost, some as a result of being designated pick up spaces. He said those spaces are gone 24 hours a day to satisfy a few peak periods. He said he understands that Metra has yet to consummate their participation in the deck. He said plans need to be started to address an already critical parking situation. He said it will be very challenging for new and established businesses to survive without additional parking. He said a first hand demonstration of what he is addressing will be Saturday night when the Tivoli Theater hosts the Education Foundation District 58 benefit. He said he hoped the Council will be there to enjoy the event and to appreciate the parking dilemma.

Mayor Krajewski said the Village has an issue with Metra regarding financial participation in the deck. Metra does, however, agree with moving the parking on the north side of the tracks into the deck. He said there are approximately 80-90 spots in that lot.

Chris Fregeau, 1918 Elmore, said she was speaking as a representative of the Education Foundation of Downers Grove District 58. The second annual Laughter for Learning...An Evening with the Second City will be held on Saturday, March 6, 2004 at 7:30 p.m. at the Tivoli Theatre. Some tickets are still available. The cost is \$40 per person and can be purchased through Eve Dunn at 852-0580. This is a parents night out event. She said posters and information have been distributed around town. This event is part of Second City Week in Downers Grove. Additional activities include Family Open Mike Night for "improv" performances and audience participation on Wednesday, March 3; Karaoke Night on Thursday, March 4 as well as the Saturday performance.

5. Public Hearings

6. Consent Agenda

COR 00-01545 Claim Ordinance: No. 5521, Payroll, February 20, 2004
Sponsors: Accounting
A motion was made to Approve this file on the Consent Agenda.

Indexes: N/A

BIL 00-01546 List of Bills Payable: No. 5516, March 2, 2004

Sponsors: Accounting

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

Indexes: N/A

BID 00-01533 Bid: Award Contract to Chicago Party Rental Braun Event & Tent for 2004 Heritage Festival

Sponsors: Tourism and Events Commission

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

Indexes: Heritage Festival 2004

BID 00-01534 Bid: Contract Extension to Kieft Brothers, Inc. for Precast Manholes and Inlets - 2004/05

Sponsors: Public Works

Summary of Item: This will extend the contract for the second year with price increases less than 2% per Village policy.

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

Indexes: Public Works Storm Drainage & Pavement Division

BID 00-01535 Bid: Contract Extension to Western Gradall Corporation for Roadside Ditching - 2004/05

Sponsors: Public Works

Summary of Item: This is to extend the contract for a second year with price increases less than 2% per Village policy. The cost is \$109.00 per hour for approximately 200 hours.

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

Indexes: Public Works Storm Drainage & Pavement Division

BID 00-01536 Bid: Contract Extension to Massie Jet Vac Services for Sewer Jetting and Cleaning - 2004/05

Sponsors: Public Works

Summary of Item: The cost is \$96.90 per hour at approximately 300 hours

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

Indexes: Sewer Jetting

BID 00-01537 Bid: Award \$7,338.25 to Kieft Brothers, Inc. for Corrugated Metal Pipe for 2004/05

Sponsors: Public Works

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

Indexes: Public Works Storm Drainage & Pavement Division

BID 00-01538 Bid: Award \$150,514 to Landmark Ford for Seven 2004 Ford Crown Victoria Police Interceptors, and \$49,661.85 to Miles Chevrolet for three 2004 Chevrolet Impala Police Interceptors

Sponsors: Public Works

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

Indexes: Vehicle Purchases, Police Vehicles

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

7. Active Agenda

ORD 00-01539 Ordinance: Amend Certain Alcoholic Liquor Provisions and License Requirements

Sponsors: Liquor Commission

Summary of Item: This will amend certain liquor licensing provisions and requirements.

AN ORDINANCE AMENDING CERTAIN ALCOHOLIC LIQUOR PROVISIONS AND LICENSE REQUIREMENTS

ORDINANCE NO. 4573

Commissioner Tully said the ordinance proposed last week was split into two ordinances. This ordinance would increase the fines levied upon servers for selling to underage persons and would also eliminate the current 60/40 requirement with respect to the percentage of food and liquor sold. It would, instead, impose food service requirements in excess of those presently required.

Commissioner Sandack noted that these changes strengthen the Liquor Ordinance. They do not weaken it. They make it enforceable, they move amorphous language off the books and replace it with clear, concise rules, and they put teeth in the ordinance to make it viable. He thanked the Liquor Commission for these recommendations and helping the process along.

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: Liquor Ordinance Amendments

ORD 00-01548 Ordinance: Amend Section 3-29 of the Downers Grove Municipal Code regarding Consumption of Alcohol on Premises

Sponsors: Liquor Commission

Summary of Item: This will amend certain liquor provisions concerning consumption on licensed establishments.

AN ORDINANCE AMENDING SECTION 3-29 OF THE DOWNERS GROVE MUNICIPAL CODE REGARDING CONSUMPTION OF ALCOHOL ON PREMISES

ORDINANCE NO. 4574

Commissioner Tully said this ordinance has to do with the ability of patrons to bring a special bottle of wine to a licensed restaurant that already has to comply with the Liquor Control Ordinance. The bottle is controlled by the licensee. It is then consumed on the premises. The current ordinance did not permit that. The language in the proposed ordinance has changed

from what was discussed at last week's Workshop meeting. He read the following portion of the proposed ordinance regarding Section 3-29 of the Municipal Code: "Section 3.29. Consumption on premises. (a) Except as provided herein, it shall be unlawful for anyone holding a liquor license under this Chapter to allow customers to consume alcoholic liquor on the premises which was not purchased from the licensee unless the alcoholic liquor is provided and served by an off-site catering business holding a Class "I" catering license under the provisions of this Chapter." He said the proposed amended language is as follows: "However, at the licensee's discretion, wine brought onto the licensed premises by a patron and not purchased from the licensee may be consumed on the premises so long as it is served and controlled by the licensee. In no event shall any open alcoholic liquor be removed from the licensed premises by a patron." He said the last sentence is an amendment that was absent from the liquor ordinance altogether.

Commissioner Schnell thanked the residents who e-mailed her about this provision. She said their comments, suggestions and research was extremely helpful. As she indicated last week, she said she would be voting against this as she feels this is not in the best interests of the Village. She said she believes it can have ramifications that are not in line with what the Village wants.

Commissioner Urban thanked the Liquor Commission and staff for looking into these ordinance changes. He said he has reservations about this proposed ordinance in that he does not see the need for it at this time. He does not feel the need for it has been demonstrated. He asked that the Liquor Commission and staff look into the BASSETT training for managers and/or the licensee. He said he would be voting against this ordinance.

Commissioner Tully said he will be voting in favor of this ordinance especially as the language has been revised. By looking at this, a loophole was identified. Currently there is no prohibition from someone buying a bottle of liquor at a licensed facility, corking it and walking out the door. This is a good reason to review the liquor ordinance and perhaps conduct a comprehensive review of the entire ordinance. He said he supports the proposed ordinance as it is currently worded. The ordinance is limited to wine, including sparkling wine. This is not unusual as many dining establishments that allow someone to bring in their own wine. The restaurant takes control of the bottle. They charge a corkage fee. He said he does not see that bringing a bottle in would encourage anyone to drink more than buying a bottle at the restaurant.

The proposed ordinance makes it clear that this is at the licensee's discretion. A licensed dining establishment is not obligated to allow this. It merely gives them the ability to do this if they think it best serves the interest of the restaurant. With respect to the need for this, two restaurants in Downers Grove that are licensed establishments, have made this request. Commissioner Tully said he does not feel this undermines the Liquor Ordinance nor does it increase any misuse of alcohol. It is an example of being proactive.

Commissioner Tully thanked the Liquor Commission for looking at this. It was studied carefully and the Liquor Commission made a unanimous recommendation in favor of this change to the ordinance.

Commissioner McConnell said the changes are appropriate and she will vote for it.

Mayor Krajewski asked that the Liquor Commission and staff query, at the time of license renewal, licensees as to how many allow patrons to bring in their own wine and how many people brought in their own wine. He asked that the staff report back on this.

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

Indexes: Liquor Ordinance Amendments

RES 00-01541 Resolution: Authorize Submittal of Grant Application to the Illinois Arts Council for 2003-2005 Artstour Presenters

Sponsors: Financial Services and Tourism and Events Commission

Summary of Item: This will authorize submittal of Grant Application by the Village in the amount of \$2,275.00 for the support of one performance by the Mojo & The Bayou Gypsies in conjunction with the Downers Grove Heritage Festival.

RESOLUTION AUTHORIZING SUBMITTAL OF GRANT APPLICATION TO THE ILLINOIS ARTS COUNCIL FOR 2003-2005 ARTSTOUR PRESENTERS

RESOLUTION 2004-16

A motion was made by Commissioner Urban, 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: Illinois Arts Council, Heritage Festival 2004, Artstour Presenters

ORD 00-01543 Ordinance: Adopt 2003 National Fire Protection Association's Life Safety Code

Sponsors: Fire Department

Summary of Item: This will adopt the 2003 edition of the National Fire Protection Association's Life Safety Code.

AN ORDINANCE ADOPTING THE 2003 NATIONAL FIRE PROTECTION ASSOCIATION'S LIFE SAFETY CODE

ORDINANCE NO. 4575

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: Fire Prevention, Life Safety Code

MOT 00-01547 Motion: Appoint Village Treasurer

Sponsors: Village Attorney

Summary of Item: This will appoint Rita Trainor as Village Treasurer effective March 2, 2004.

Motion to appoint Rita Trainor as Village Treasurer for the Village of Downers Grove.

A motion was made by Commissioner Sandack, seconded by Commissioner Zabloudil, to Authorize 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: Village Treasurer

8. Mayor's Report

Materials to be Received - Minutes

Finance Committee - 2/3/04

Joint Council/Liquor Commission - 2/21/04

Library Board - 1/28/04

Liquor Commission - 2/5/04

Plan Commission - 1/19/04

Tourism & Events Commission - 1/29/04

A motion was made 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

Proclamation

Mayor Krajewski said he presented a proclamation to the District 58 Education Foundation. He proclaimed March 2 - 6, 2004 as Second City Laughter for Learning Week in Downers Grove and wished the Foundation luck in their activities for the week.

9. Manager's Report

Village Manager Rick Ginex said the Village is conducting a spring refuse amnesty day. This covers those residents that live in incorporated Downers Grove and are under the Village contract with BFI. It excludes multi-family and commercial buildings. The dates are as follows: Amnesty day for residents with regular refuse service on Monday will be Monday, March 22, 2004; amnesty day for those with Tuesday service will be Tuesday, March 23, 2004; Wednesday service will be Wednesday, March 24, 2004; and Thursday service will be Thursday, March 25, 2004.

The Manager said amnesty day is a one-time pickup and may not be rescheduled. The first three bags or cans must be tagged with a refuse sticker. Remaining items will be removed free of charge. Those residents renting a BFI toter do not need stickers.

Bulk items such as couches, chairs, lamps, bicycles, etc. are acceptable. Construction material is limited to two cubic yards, measuring approximately eight 33 gallon-sized cans.

Unacceptable items are tires, used motor oil, appliances, household hazardous waste and liquids.

Hazardous waste may be disposed of at the permanent facility in Naperville, 1971 Brookdale Road on Saturdays and Sundays from 9:00 a.m. to 3:00 p.m. Latex paint, lead batteries, and propane tanks are not accepted at this location. Questions regarding hazard waste should be directed to the DuPage Solid Waste Department at (630) 682-7373 or the Hazardous Waste Hot Line at (630) 510-2810.

10. Attorney's Report

Future Active Agenda

11. Committee Standing Reports

Public Safety Committee

Commissioner McConnell said the Public Safety Committee will meet in two weeks.

Public Services Committee

Commissioner Tully said the Public Services Committee did not meet this week.

Finance Committee

Commissioner Zabloudil said the Finance Committee met this evening. The agenda included an update on the budget and fund balance policy. He said the Council will meet immediately following next week's Workshop meeting for a budget meeting. Written materials will be provided to the Council in their Friday packets.

12. Council Member Reports and New Business

Commissioner McConnell said the Character Counts! Coalition has been selected to receive 10% of all sales from select menu items from the Signature Room Grille in Woodridge for the month of March 2004. For more information, people can call the Signature Room at (630) 598-9777.

Commissioner Sandack said he is looking forward to seeing residents at the District 58 Education Foundation Second City event on Saturday. He said this is a very worthy cause.

Commissioner Schnell agreed with Commissioner Sandack and said she hopes people support the Education Foundation.

Commissioner Tully congratulated and welcomed Rita Trainor to the Village as the Village Treasurer. He said he looks forward to seeing residents at the Education Foundation of District 58 on Saturday at Tivoli Theater.

Mayor Krajewski also offered his congratulations to the Education Foundation and wished them success this week. He thanked Lester School for inviting him to celebrate Dr. Seuss's 100th birthday.

13. Adjournment

Commissioner Tully moved to adjourn. Commissioner Urban seconded.

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

Mayor Krajewski declared the motion carried and the meeting adjourned at 7:08 p.m.