

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

SEPTEMBER 14, 2004

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

Present: Mayor Brian Krajewski; Commissioners Marilyn Schnell, Sue McConnell, Martin Tully, Mark Zabloudil, Ron Sandack, Stan Urban; Village Manager Riccardo Ginex; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: None

Visitors: **Press:** Kevin Stahr, Downers Grove Reporter

Residents & Others: Bill Kramer, Marshall, Gerstein & Borun, 4705 Montgomery Ave.; Derek Stuncik, Intech Consultants, 5415 Walnut; Cathy Mahoney, 4832 Montgomery; Karen Shannon, Downers Grove Park District, 2455 Warrenville Road; Steve McSweeney, CBC Development, 154 Springdale Lane; Jeff Agner, 5714 Chase; Jim Russ, attorney, 4915 Main; G.L. Goodman, PDHA, 5834 Middaugh; Laurel Bowen, WATCH, PDHA, FISH, 829 Clyde; William Waldack, 1409 Willard; Peter Hultman, 5300 Walnut; Edveta Wolf, 5123 Carpenter; Hilda Schultz, 4657 Puffer; Bruce Siegert, 4654 Puffer, Marc Patno, 4517 Belmont; Philip M. Barr, 4605 Puffer, Janet M. Barr, 4605 Puffer, Janis S. Sleeter, 5416 Maplewood; Christine Fregeau, 1918 Elmore

Staff: Fire Chief Phil Ruscetti; Senior Planner Amanda Riordan; Assistant Director Public Works Stan Balicki; Director Planning & Community Development, Joe Skach; Assistant Village Manager Mike Baker

Mayor Krajewski explained that Council Workshop meetings are held the second and fourth Tuesdays at 6:30 p.m. The meetings are video taped live and for later cable-cast over cable channel 6.

The Workshop meeting is intended to provide Council and the public with an appropriate forum for informal discussion of any items intended for future Council consideration or just for general information. No formal action is taken at Workshop meetings.

The public is invited to attend and encouraged to comment or ask questions in an informal manner on any of the items being discussed or on any other subject. The agenda is created to provide a guideline for discussion.

MANAGER

1. **Plan Commission Recommendations:** Manager Ginex asked Amanda Riordan, Senior Planner, to address these items.

a. **Golfview Estates Subdivision.**

Amanda Riordan, Senior Planner, stated that the request is to rezone the property from R-1 to R-3 single family zoning district. The intent of the developer is to subdivide the property into five lots. The Plan Commission reviewed this request and recommended approval with certain conditions regarding directional placement of the cul de sac and providing of a fee in lieu of installation of sidewalks. It was noted, however, that the Public Works department recommended installation of the sidewalks and the revised plan includes sidewalks.

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The Mayor noted that the property is completely surrounded by R-1 zoning, and asked what the policy is in regard to designating a different classification.

Joe Skach, Director of Planning and Community Development, reviewed the Future Land Use Plan, noting that the R-1 through R-4 zoning designations have been in effect for some time. Properties adjacent to the Village were annexed in the 60s and rezoned. Later properties were annexed into the Village but not rezoned.

The Mayor asked what public interest is served by going to R-3 zoning.

Commissioner Schnell said that this development is south of Puffer, and the road is extremely narrow. By adding five houses to that area it will create a situation which is already difficult, and additional vehicles will exacerbate the situation, particularly for the passage of emergency vehicles. She said she does not consider this spot zoning, but poor planning which will change the characteristic of the neighborhood forever and redefine it. She said the area could remain R-1 and still have houses added but just not as many.

Commissioner Sandack said in looking at the map of this area, there is an abundance of R-3 and R-4 zoning designations on the other side of Belmont. The properties which are R-1 are, in many cases, that designation by default. All of the R-designated districts are single family. He said that many properties in and around the recreation center have the look of R-3 zoning. He has not made up his mind on this, but will listen to additional testimony. As for spot zoning, he does not think this is spot zoning, but rather changing designations of residential use. He said that the Plan Commission looked at this diligently and made a unanimous recommendation in favor of this request. They felt it was a proper rezoning and designation of the subdivision.

Ms. Riordan then read the lot sizes of the nearby properties, explaining the Village's zoning designations as R-1 at 20,000 square feet, R-2 15,000 square feet, and R-3 at 10,500 square feet.

Commissioner Zabloudil said that specific zoning is in place, and the properties can be developed with less density. If the rationale is from a financial perspective, he said that any development is speculative in nature.

Commissioner McConnell said that the information which was provided as to the lot sizes is helpful to her. She would like the petitioner to address the rezoning request rationale. She noted that the road size is an issue as it is very narrow. One request by the petitioner is to place 2' apron on either side of the road and asked what the benefit would be of doing that.

Ms. Riordan said that Public Works saw this as a reasonable compromise versus installation of curb and gutter. She said this would protect chipping of the road edge.

Commissioner McConnell then asked about the cul de sac and whether it is on the public right-of-way. Ms. Riordan responded that as this was originally proposed the cul de sac was in the center, but has been revised and is completely within the right-of-way.

Commissioner Urban said he has neither seen nor heard of what benefit this will be to the community. He agrees that this is not spot zoning. After driving and walking the area, he does not think it is a good fit for the area. His mind is not made up, but he wants to hear what benefit this development will be for the community.

Commissioner Tully noted there was a question as to whether rezoning this would constitute spot zoning, and in his opinion, it is not. Having looked into this he said it is a lot split. Under the current zoning there could be a lot split under the ordinance, but not as much as requested. He reviewed his understanding of the zoning designation requirements, with R-1 as 100' in width, R-2 as 85' in width, and R-3 as 75' in width.

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Commissioner Tully said instead of looking at the micro-map, it is instructive to look at the 2004 Village Zoning Map. In doing so, it seems odd to rezone this from R-1 to R-3. The subject parcel is surrounded by the golf course open space. He is still thinking about this request but has seen no compelling reason to change the zoning designation. In addition, with respect to the road, part of the petition includes doubling the road in size which would alleviate the current problems. He said that the cul de sac would deal with the turnaround issues. Ms. Riordan noted that the size of the road is 24' without the apron, and with the apron would be 28' feet.

Commissioner Tully then addressed the sidewalks, saying the Village has a sidewalk matrix that should be adhered to, and he sees no reason to deviate from the matrix. He then asked whether any official input was received from the Park District. Ms. Riordan responded that they were notified, but the Planning and Community Development staff has not received any information from the Park District.

Karen Shannon, Director of Facilities for the Park District, said that they met with Jon Hall and reviewed the plan. The main concern is stormwater as the plan backs up to the Park District property, and they have been told that the plan complies with stormwater regulations. They do not believe there will be any negative effects to the driving range drainage.

Mayor Krajewski said a resident had brought up during the Plan Commission meeting that it seemed logical from a planning standpoint for the Park District to expand with the subject property. The Mayor asked whether the Park District has any interest in that land. Ms. Shannon said to her knowledge, it has not been discussed at the Park District level.

Janis Sleeter, 5416 Maplewood Place, with the Park District said that the District was aware that the property was for sale. She said no actions were taken for discussion of the sale at the Board level.

The Mayor said that he is disappointed that he hasn't heard any strong public purposes being served by granting this rezoning.

Philip Barr, 4605 Puffer, said there are four residences on the east side of Puffer: Three are non-conforming with R-1, and one is conforming. He said it seems that the Plan Commission characterized them as close to R-3 because they were divided lots. He said in his opinion they are closer to R-2 zoning. As for the reason for rezoning, he understood from the developer that he cannot make the numbers work and make enough money unless he builds five homes. Mr. Barr's rough calculations show the developer as profiting about \$850,000. With regard to the character of the proposed homes, Mr. Barr said that he did not feel they match the character of the existing homes which were built in the 40's or 50's, are smaller and on large lots. The proposed homes are large homes described as mini-mansions which would not fit into the character of the street. Mr. Barr said that not all of the Plan Commission members showed concern for the residents which was a concern to the homeowners. The Commission members are not elected but are appointed, so they cannot be voted out of office; yet, they guide the direction of the Village. He then read the minutes from the Plan Commission discussion as to whether or not one additional house is a "big deal." In his mind, Mr. Barr said that the Plan Commission is not protecting the rights of the resident and the zoning codes when it fails to treat all homes as a big deal. The comments of the surrounding residents should be given as much weight as the comments of the developer. This issue is not a case of sacrificing for the good of the community, but is a case of the developer wanting to make money on the property. Many neighborhood residents are against this and should also have some rights on the issue. He said he had a petition signed by the local residents.

The Mayor said that the Plan Commission listens more to the residents and sometimes can get off on tangents to address the residents' concerns which are unrelated to the subject of the ordinance requirements that must be met.

Commissioner Tully said he appreciated Mr. Barr's comments. The property owner has the right to seek a change. The Plan Commission works hard and perhaps some of the procedures could be changed, but the

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Council has to make the final decision. With regard to the types of homes, this is a Village-wide matter. The final issue is whether or not it makes sense to rezoning this from R-1 to R-3 zoning.

Mr. Barr said that the Plan Commission didn't have the slides and information made available to the Council tonight.

Janet Barr, 4605 Puffer, said she is a neighbor to the subject property and is asking the Council to vote no on this issue. A "yes" vote would send the message to the Plan Commissioners that it is okay to rezone in that area and a message that the needs of the developer are more important than those of the residents. Ms. Barr said that rezoning would set precedence for future requests to rezone. The Plan Commission voted unanimously to approve it, but that was because of three issues discussed. She said that she thought the Plan Commission was misled by the developer that the neighbors approved of the lot split. She said that the developer met with the neighbors but did not specify the number of houses to be built. She noted that the neighbors were there to listen only. In addition, Ms. Barr said that the Plan Commission was further misled by the developer when he said he had to have the five lots due to the cost of the land which was \$130,000 per lot. Thirdly she said the Plan Commission didn't get a chance to analyze the spot zoning as there was an error made as to the surrounding existing zoning. Ms. Barr explained that her garage sits on another property adjoining hers which makes her property more than 20,000 square feet. She again asked the Council to vote no on this request.

Mark Patno, 4517 Belmont Road, said he was speaking on behalf of friends and neighbors on Puffer Road. He doesn't live on Puffer Road but he had at one time hoped to be able to look at a wooded area; however, that was dashed when the Council approved the construction of the recreation center. He apologized for once calling the Council spineless. He then asked the Council to answer a question in their own minds and the question was whether they believe Downers Grove to be an immature fledgling community or a mature developed community. He said he felt that the Council would agree that it is a mature community that values both tradition and progress. Mr. Patno said that officials are not elected because the public is afraid to make decisions for the community, but to make decisions that balance both tradition and progress. Mr. Patno said that the residents of Puffer Road have earned the right for a certain degree of self-determination. The Council has a vision for the CBD and Ogden Avenue, but when it comes to the neighborhoods, the vision and well being of the residents must be balanced against the desires of outside private influence. Mr. Patno said he knows that this Council does not want to ever act in a capricious or irresponsible manner. The developer of the property will make a very good sum of money since he is selling a property with a view of one of the oldest nine-hole golf course in the country. He asked if money is the primary motivation of the request, and if it is then they need to balance the request against the needs of the residents.

Commissioner Tully said that Mr. Patno's points are well taken. He said that the Council is obligated to represent the needs of the community and balancing the competing interests of the community. They need to be mindful of personal property rights as well. He reminded everyone that what is before the Council is whether to rezone or not. He said that the Council is listening.

Hilda Schultz, 4657 Puffer, said she has lived here for 50 years and has a view of the golf course and the sunsets. She would appreciate the Council considering not changing the zoning to allow five houses to be built.

Laurel Bowen, 829 Clyde, said that the subject area is a rural area, and the proposed plan is inappropriate for the neighborhood. She referenced the community dialogue development seminar to be held on Saturday, noting that Hinsdale does not permit lot splits, and Lombard does not allow more than 50% of a lot to be developed. She was disappointed in the staff at the Plan Commission meeting and its inability to properly represent the correct information on this residential area. She said that the staff seems to advocate for the petitioner. She urged the Council to not approve this lot split and rezoning.

Dr. Gordon Goodman, 5834 Middaugh, said he provided the Council with e-mails over the last week, and then presented them with hard copies of those e-mails. He said that he is pleased that the Council is

considering the issue of the zoning for the property, as the zoning is the fundamental determination of what can be constructed in a given area. He said he thought that the new Plan Commission procedures established are not working as well as had been originally hoped. Some of the procedures followed by the Zoning Board of Appeals when it reviewed zoning changes were superior to what is now being done by the Plan Commission. This puts more of a burden on the Council in that they have to make the fundamental decision in this case within the next few weeks.

Dr. Goodman said the request is for a different zoning category providing for higher density, which will ultimately change the neighborhood and potentially have a domino effect. He said the function of this zoning change is to increase the density and provide for a different type of development than what exists there now. In his judgment the higher use would be to add the property to the Park District property as it is appropriate R-1 zoning. Failing the decision of the Park Board to act on the property sale, or the Village to designate this area as future public land, then the next best is an R-1 use which matches and stabilizes the large lot development across the street. He said that the Village's objective should be to stabilize the large lot use. He agreed with the comments made by Mrs. Bowen regarding assessment of neighborhoods and determining what will stabilize neighborhoods rather than tear them apart. He said that R-1 zoning will stabilize the area. Introducing R-3 zoning will undercut any goodwill and efforts of the landowners to stabilize the large lot traditional uses in this neighborhood, which would be highly inappropriate. He said he hoped the Council would vote against this requested rezoning.

Edveta Wolf, 5123 Carpenter, said she has been a resident of 60 years. She said she cannot sit still and watch what is happening to Downers Grove. There are flooding problems, plundering of trees and issues which make it difficult for her to sleep at night. Ms. Wolf said she read an article about Evanston called "Nowhere to Go but Up." The article came out about the same time as the Curtis Avenue presentation, and she asked if this is what the Village is doing, running out of space so it is going up? Ms. Wolf said that the Village has no plan, and asked why there is no plan depicting the future for the Village. The town is now concrete and brick and what people can make money on.

The Mayor said that there was a plan in 1968 which included an 8-story Village Hall. All municipal offices would have been consolidated into one complex.

Steve McSweeney of CBC Development said he is the petitioner for the development. He is taken aback by the characterizations of himself as a profiteering developer with no concern for residents. The woman from whom he purchased the property was concerned about whether the purchaser would be sensitive to the needs of the neighborhood. He said she chose CBC because of its integrity. He said that when he met with the residents he told them it would be five lots, and his contract states it would be five lots. He asked why the neighbors didn't buy this property if it was such a good deal. Mr. McSweeney then said that he could have asked for variances to squeeze six lots on the site, however he did not do so. As to the benefits, Mr. McSweeney said they include improvements to the street, which Public Works sees as a necessity. He said he appears to be bearing the brunt of a lot of bitterness from when the recreation center was being built. He feels he is in a tug of war with all competing demands between Village departments, and the residents. Mr. McSweeney said he feels the surrounding area will be improved. They will make a \$17,000 school and park donation, and significant tax revenue will be generated by this development.

The Mayor said that he appreciated the efforts of the developer, saying that the Council has to look at the rezoning request. He has a problem in giving an R-3 zoning designation in this area since it is surrounded by R-1 zoning.

Mr. McSweeney said he felt that his development would be doable for R-3, even before they bought the property. He is very surprised by the resistance.

Commissioner Tully commented that he appreciated Mr. McSweeney's views. This is not a question of how much money is to be made. The Council is trying to take all matters into account and determine whether it makes sense to rezone the property. He said that in order to get more lots than the developer otherwise

could, the property must be rezoned. Commissioner Tully said that it comes down to having a reason to do this, and whether it makes sense to rezone the site. These decisions are made on a case-by-case basis. Under the current zoning, five or six lots would not be possible.

Mr. McSweeney said he could have asked for six lots with R-3 zoning and not the current zoning. Regarding the sidewalks, it was not his decision. He said he would have gone with whatever Public Works decided. The Mayor said that the comment was made because this street is fairly high on the matrix priority list. Mr. McSweeney then added that working with the staff has been top notch, professional and thorough.

Ms. Sleeter, 5416 Maplewood Place, said she wanted to clarify some points, and noted that all of the maps provided by the Village staff initially showed the surrounding properties were R-3 and not R-1 on the east side of Puffer Road. The Barrs brought up the fact that their property was R-1 and not R-3. She said that up until the Plan Commission meeting it was her understanding that everyone considered the existing improved properties to be zoned R-3. In regard to the sidewalks, she understands the matrix issue in a normal situation. Puffer is an unusual situation. Puffer is only a two-block long street which dead-ends on the north side at the recreation center. The south portion of the block has a 33' right-of-way. She indicated that a sidewalk could not be completed without property from the Park District. Ms. Sleeter said that the neighbors do not want a sidewalk as they want a rural feeling to their neighborhood. The developer said he would go either way with the sidewalk. She added that the sidewalk will not connect to any other set of sidewalks. Ms. Sleeter said there is a streetlight and ambient light from the recreation center, and there is a question of whether or not there is a need for additional streetlights.

Commissioner Sandack asked her if she supported the R-3 zoning. Ms. Sleeter responded that she has no opinion, but was just pointing out the other issues.

The Mayor asked whether the developer saw maps prior to buying the property that showed the property as R-3 zoning across the street. Mr. McSweeney said that was correct. He was guided by the Planning and Community Development staff. He never had any discussion with the neighbors in which they said that their properties were actually zoned as R-1.

Ms. Sleeter said she was the seller. What she had seen showed the neighboring properties as R-3.

Mr. McSweeney said he was never told it would be a problem. The Mayor asked if any one on the Planning staff told him he might not get a zoning change. Mr. McSweeney said he was told he would have to make a request. He said he knew it was at the discretion of the Council.

Commissioner Tully said the Village has a long-standing plan and policy to put sidewalks along one side of the street throughout the Village. The matrix is a method for doing that, and it is not a question of "if," but "when."

Dr. Goodman of 5834 Middaugh stated that the Zoning Map clearly states areas adjacent to this property are zoned as R-1. The map is a public document.

Bruce Siegert, 4654 Puffer, said there is a bottleneck at the end of the street, and he doesn't know how they could put in two lanes.

- b. **4905 Woodward Lot Split.** Ms. Riordan said this request is for a lot split with lot width exceptions. The Plan Commission recommended approval subject to certain conditions. The grant of easement has been submitted and found to be acceptable by Public Works.

The Mayor asked for the frontage on the lots. Ms. Riordan said that the preponderance of the lots are 60' in width.

Commissioner Tully noted that the Plan Commission minutes indicated that there were four prior lot splits in the area, and none was less than 60' in width. Ms. Riordan said that was correct. She said three were 125' wide proposed to be 60' in width. The subject lot as platted is 120' in width. As surveyed, it is slightly less than the 120'. The petition is being processed using the surveyor's measurements instead of the platted measurements.

Commissioner Tully said he is troubled by the trend to make the lots smaller. There was a policy in 1992 that was to make lots 75' in width. He feels these smaller lots will add to stormwater issues.

Commissioner Schnell asked if any neighbors voiced objections and Ms. Riordan said there were none.

2. **Village Policy – Appointments to Boards and Commissions.** The Manager said the issue of appointments to the Boards and Commissions was discussed at the committee level by the Finance and Administration Committee. The Committee discussed deleting the reference to discussing appointments in executive session. They discussed adding the following provisions: 1) an attendance policy; 2) a restriction on the number of terms an individual can serve on a board or commission; and 3) a restriction on the number of boards or commissions any individual can serve on.

The Mayor said he wasn't sure he wanted to establish a strict attendance policy. In regard to a restriction on the number of terms, he tries to encourage participation of residents on the boards and commissions. He also tries not to recommend a person to sit on more than two boards at a time.

Commissioner McConnell said there is a benefit to having guidelines publicly available regarding the attendance policy. The same thing applies to the number of terms, such as no more than two terms unless there are mitigating factors. The Commissioner said she would exempt the advisory memberships. She does not feel this has to be as formal as a resolution. It could be a guideline to insert in introductory packets, and could be part of the application process.

Commissioner Schnell said that the expectation is that the commitment is to attend at least 75% of the meetings. Regarding term limits, she said that having people who have been around and have history is helpful. She thinks guidelines should be applied prudently. As to former Council members, she said there was a discussion that they should wait a year or two before being appointed to a Board or Commission.

The Mayor said he thinks that former Council members should be able to serve immediately thereafter, if there is a position open. Commissioner Schnell said she thought it was discussed at the retreat.

Commissioner Urban said that in regard to attendance, he would like to see something that explains the commitment to the applicant before they get involved. Concerning the restriction of terms, he said that there are a lot of good people with experience who make good contributions to the boards. As to restricting retiring elected officials, that may lead to the perception of there being eight members of the Council and this needs to be looked at.

The Mayor asked if there is a problem with people serving too long on boards and commissions. He said he hopes that the Commissions are already discussing 75% attendance. He receives the records of attendance and calls those who have been in violation.

Commissioner Tully said that this needs to be in writing as it communicates expectations. It should be given to the prospective applicants right up front and included in their packet. In some cases, multiple terms make sense, but two terms should be the expectation. Attendance requirements should be understood to be a minimum of 75% of the meetings. With respect to former Council members, it is a question of managing expectations. There should be a written statement indicating that former elected officials should not expect to be appointed to a board or commission, while reserving the right to do so in appropriate circumstances. He also said that there should be no expectation that people will serve on more than two boards at a time. He wants to see this in writing, although he agrees it does not have to be in the form of an ordinance.

The Mayor said that when a member's term is ready to expire, a person is sent a card regarding their reappointment, appointment to another board, or desire to no longer serve.

Dr. Gordon Goodman, 5834 Middaugh, said he agrees that these should be guidelines of administrative procedure. It provides flexibility for adjustments and should be in writing.

Village Attorney Enza Petrarca stated that Item #6 points out that this is a non-binding document of general guidelines.

3. **NIMS Resolution.** The Manager asked Fire Chief Phil Ruscetti to address this matter.

Fire Chief Phil Ruscetti said that the federal government is requiring the entire nation to adopt, train, and use the National Incident Management System known as NIMS. NIMS establishes standardized incident management processes, protocols, and procedures that all responders will use to coordinate and conduct response actions. He said that with responders using the same standardized procedures, they will all share a common focus, and will be able to place full emphasis on the incident management when a homeland security incident occurs, whether terrorism or natural disaster. In addition, the Chief said that local, state and federal preparedness and readiness in responding to and recovering from an incident is enhanced since all of the nation's emergency teams and authorities are using a common language and set of procedures.

Chief Ruscetti pointed out some of the advantages of NIMS, stating it incorporates incident management best practices developed and proven by thousands of responders and authorities across America. These practices, coupled with consistency and national standardization, will now be carried forward throughout all incident management processes. The system will unify all aspects of the emergency response community as never before. By adopting this resolution the Village will be eligible for Federal preparedness assistance grants and contracts. The Chief said he recently attended a Incident Management Symposium in Phoenix and he is proud that Downers Grove is ahead of the curve. He referred to a handout given to the Council members that explains how the incident command system operates, and recommended that the Council consider adopting a NIMS Resolution. Chief Ruscetti said that the Village operates daily at NIMS level 4 or 5 - mutual aid. This needs to be formalized at the request of the Federal government.

Commissioner McConnell said that the impact of this on the Village is that this is a procedure we already use and it does not have a cost impact.

Chief Ruscetti said it has a time impact, not cost. It clarifies roles in time of need.

The Mayor asked if the Battalion Chief for Administration has been hired, and the Chief said not yet. They had five internal candidates. The Manager said he wants the Battalion Chief for operations filled first.

The Mayor then asked about problems servicing fire vehicles in the garage, and he said they may need to hire another person in addition to filling the current vacancy. The Manager said he sent a response from Stan Balicki to the Council this afternoon.

4. **Village Council Policy: Tree Debris.** The Manager asked Kerstin von der Heide, Village Forester, to address this item.

Kerstin von der Heide, Village Forester said the Council has a revised version of the tree cleanup policy in its packet. Some wording changes have been made. She provided background on this policy which came about in 1997. After large storms it took a long time to make decisions as to whether or not the Council would provide cleanup. Therefore, they wanted to come up with a way to quickly assess the damage. She indicated they developed a map of areas dividing the Village into parkway tree areas. They decided that if 15% of the parkway trees in two of seven areas experienced storm damage to limbs greater than 3" or larger in diameter the Village Manager may authorize a Village-wide branch pick-up. In response to the Mayor,

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Ms. von der Heide said that 15% would be about 450 trees. In 1992 the total cost for six weeks was \$176,444, and in 1997 for four weeks the cost was \$164,897.

The Mayor said the Manager's authorization is currently only \$15,000 if not an emergency. He is not sure whether this could be considered an emergency if it took four to six weeks to clear.

Commissioner Schnell said that in 1992 and 1997 there were such large quantities that BFI could not handle the debris, and did not have enough space to put the volume of debris.

Dr. Gordon Goodman, 5834 Middaugh, asked about the elimination of the program for physically disabled people. He understands that the Neighbor-to-Neighbor program no longer exists, but there are people who would not be able to take advantage of this service without the help of their neighbors. He asked if the Village could provide some support for these people to bring the debris to the curbside. He thought the community response system allowed for that.

Commissioner Tully noted that in Paragraph 3(b) there is reference to manners of public notification, which is out of date, and should be made more generic.

Commissioner McConnell said that the Neighbor-to-Neighbor program was done through Health and Social Services, and they could not get neighbors to be on the list. That is why the program disappeared.

Dr. Goodman suggested that they also include the electronic communication as well in reference to public notification.

5. **Village Council Policy: Forestry.** Village Forester von der Heide said this policy was created in 1978 and had some revisions in 1991 and 1996. She added language to make it more in line with forestry goals. The ultimate goal is to create a street corridor, with additional items including planting, pruning, removing trees, health care practices, maintenance of inventory, Tree City USA certification and celebration of Arbor Day. This is the Village's 20th year of Tree City USA.

The Mayor asked about the developer who cut down two big trees in the parkway. He asked that the permit be pulled. Ms. von der Heide said that he was not told he could remove those trees by anyone on staff.

Commissioner Schnell said if there is something this blatant there should be an extraordinary fine in addition to the replacement.

Mayor Krajewski said most of the damage is done with truck traffic going in and out. He then said that because the developers are paying money for damaged trees, perhaps that can be used by Public Works for cleanup or leaf pickup.

Commissioner McConnell suggested looking at some of the service organizations and children who need to have community service to replace the Neighbor-to-Neighbor program.

Dr. Goodman, 5834 Middaugh, mentioned a tree in the 5500 block on Middaugh that was taken down to get their equipment on the land. He thinks the ordinance needs to be amended to provide for punitive damages for blatant actions like this that destroy public property. It was a 50-60' tall parkway tree. This is going on all over town and more enforcement is needed, with a substantial penalty provided in the ordinance. The revisions are very good with more specificity and guidance to the staff on how to implement the policy. He asked that the tree planting be kept as part of the policy because it is very important.

Commissioner McConnell noted that it was incorporated into the first part of the resolution.

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Ms. von der Heide said she is aware of the 5500 block on Middaugh, and they did pay for the tree. When she looks at it, she looks at the size, the health of the tree and whether it will survive the construction etc. She would say "no" on removal of white oak trees. This particular tree was an ash.

The Mayor said that they need to know how widespread this problem is in the Village.

Commissioner Sandack said they might want to tie something in about permits moving forward as part of the equation.

Commissioner Zabloudil said if there is a flagrant disregard for the policy in removing a tree, which is easily seen, the question has to be raised as to whether that developer is following the Code Services rules also.

6. **P&T File #10-04: Washington Street Re-striping for Deck/NB Washington Turn Restriction.** The Manager said there will be two entrances to the deck, one on Curtiss and one on Washington. The Parking and Traffic Commission recommends the installation of one exclusive northbound left turn lane on Washington between Curtiss and Maple, and also on Washington restrict northbound left-turn out of the deck between 4-6 p.m. except Saturdays, Sundays and Holidays.

The Mayor said a resident asked about potential re-striping at a bus stop. He suggested looking at this at all of the school bus stops.

7. **P&T File #13-04: Chicago Avenue & Montgomery Avenue Parking Restrictions.** The Manager said the Parking & Traffic Commission recommends parking restrictions on Chicago Avenue and Montgomery Avenue. There have been occasions when North High students park on these streets, thereby impeding residents from parking on their own streets. The P&T Commission recommends establishing "No parking between 7:00-9:00 a.m." on both sides of Montgomery Avenue from Chicago Avenue to Prairie Avenue, and "No parking on the north side of Chicago Avenue from Seeley Avenue to Oakwood Avenue." Additionally, "No Parking from 7:00-9:00 a.m. on the south side of Chicago Avenue."

Bill Kramer, 4705 Montgomery, said he would like to see these restrictions put in place.

8. **Parking Permits.** The Manager said this is an amendment to the Code for parking permits. They have had a transition from parking stickers to hang tags, due to stickers falling off. Hang tags are required when the vehicle is parked.

The Mayor said that in 5-1/2 years he has never had as many complaints as he has now about the parking permit hang tags. The Manager said he was at first reluctant to make a change from the stickers, but there were so many complaints that the change was implemented.

The Mayor said that the ordinance should have been passed before the hang tags were put in use. The Manager said he could enforce it under his discretion. Attorney Petrarca said that the Manager's discretion is for 180 days. There are so many tickets being given that they need to have this clarified and broaden the language.

Mayor Krajewski asked what the current policy is in regard to issuing tickets. The Manager said he would obtain clarification from the Chief. He thought there was a one-week grace period.

Commissioner Tully said he understands why they have hang tags. He suggested that one solution might be to let the people choose between stickers or hang tags. The language in the ordinance covers both hang-tags and stickers, and he suggested the either/or language. He asked if the Council agrees that this should go before the Transportation Advisory Commission. The Mayor said he brought this up July 27. There were no objections.

Barb Wysocki of the Downers Grove Chamber of Commerce said that there are employers and employees who are trying to make a living and trying to follow the rules. She said they feel as though they are being harassed, and suggested enhancing customer service.

The Mayor said he has had letters from people earning minimum wage. People sometimes feel that they are being treated as if they are doing something wrong.

Ms. Wysocki said that the Police Department often is closed by the time people find the ticket.

The Manager said that the hand-helds only track the number of citations, not everyone's vehicle number or license number.

9. **Home Rule Sales Tax, Part II.** The Manager asked Mike Baker, Assistant Village Manager, to address this item.

Assistant Village Manager Mike Baker said that based on input received from the August 24 meeting regarding the Home Rule Sales Tax, the decision has been made to plan the budget process anticipating the sunset of the Home Rule Sales Tax. He said that the Finance Committee has begun plans to include public input as well.

Mayor Krajewski said this should have started when the ordinance was passed. They have to work on growing revenues and look to be more efficient in delivering services at a lesser cost.

STANDING COMMITTEE REPORTS

There were none.

ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting ten items to the Council: 1) An ordinance amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, passed and approved April 19, 1965, as amended, to rezone property located at 4606 Puffer Road; 2) A resolution approving the final plat of subdivision for the Golfview Estates Subdivision with exceptions; 3) An ordinance approving a lot split with an exception with regard to lot width for the property commonly known as 4905 Woodward Avenue; 4) A resolution establishing an amended Village Council policy regarding appointments to boards and commissions; 5) A resolution adopting the National Incident Management System (NIMS); 6) A resolution amending a Village Council policy concerning tree debris cleanup in response to severe weather; 7) A resolution establishing certain amended forestry policies of the Village of Downers Grove; 8) An ordinance establishing turning restrictions from the CBD parking deck northbound onto Washington Street; 9) An ordinance establishing parking restrictions on Chicago and Montgomery Avenues; 10) An ordinance amending parking permits.

COUNCIL MEMBERS NEW BUSINESS

Commissioner Zabloudil commented on Ogden Avenue and the beautification process. Regarding auto dealerships, the dealer on Fairview and Ogden has moved out. He suggested addressing this at this time. He said some type of special use might address the problem.

The Mayor agreed and said that the Plan Commission has mentioned looking at this as well.

Commissioner Sandack agreed that it should be reviewed and done quickly.

Commissioner Schnell also agreed. She also reminded everyone that the Community Dialogue is Saturday, September 18, 2004 from 8 a.m. to noon. There are 180 residents who have signed up for this meeting.

DRAFT

Regarding Ogden Avenue, Commissioner McConnell said they should be cautious about addressing this in a less than comprehensive manner as it relates to Ogden Avenue development. She suggested getting the input of the Ogden Avenue Committee.

Commissioner Urban agreed that this is an issue that needs to be addressed.

Commissioner Tully also agreed. He said he remembered discussing options to control these types of situations such as gateway requirements, special use requirements or TIF requirements. He said they should not miss another opportunity.

Commissioner Tully asked for clarification as to the time of the Coffee with the Council scheduled for September, 18 as it was listed in the *Village Corner* as starting at 8:00 a.m.

Village Clerk April Holden said it should have read 9:00 a.m.

Commissioner Tully then announced the District 58 Foundation Kelly Miller Circus benefit which will be at 4:30 p.m. and 7:30 p.m. next Tuesday, September 21, 2004. Tickets are still available, and the proceeds benefit District 58 schools.

Commissioner McConnell asked that someone from the Village contact the owner of the property on Ogden and Fairview and express the Council's concerns.

She reminded the Council they are due at the Community Dialogue meeting at 10:00 a.m.

Mayor Krajewski said he is the chairman of the Intergovernmental Relations Committee of DuPage Mayors and Managers. They will be putting on workshops for Plan Commission members. He will provide further information when the date is verified. He also said that the DuPage County Stormwater Committee met today and the variation was passed for the Community Bank project.

The Mayor asked that the Village mission statement be placed on an agenda.

Commissioner Tully said he spoke with Brien Sheahan, County Board member for District 2, in regard to the Localized Poor Drainage Areas (LPDA), as there was concern expressed on the part of Village staff as to the County's response to eliminating LPDAs on the Village's map. Mr. Sheahan expressed that the County may have no interest in enforcing anything other than their own ordinances. He said that County representatives are willing to come to a Council meeting to relay that information and discuss the matter. He relayed that if the Village is more restrictive than the County, that is Village's business and not relevant to the County.

The Mayor said that the Village is apparently the only community with the 3-foot foundation rule. Commissioner Zabloudil said he would like to have that addressed by the County as well.

ADJOURNMENT

The Mayor asked for a motion to move into Executive Session.

Commissioner Tully moved to go into Executive Session pursuant to Section 2(c)(1) of the Illinois Open Meetings Act to discuss personnel and 2(c)(6) of the Illinois Open Meetings Act to consider setting of a price for Village property. Commissioner Urban seconded the Motion.

VOTE: AYE – Commissioners Tully, Urban, Sandack, Zabloudil, McConnell, Schnell, Mayor
Krajewski
 NAY – None

Mayor Krajewski adjourned the Workshop meeting into Executive Session at 9:37 p.m.

April K. Holden
Village Clerk

tmh/