

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

JULY 26, 2005

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, Ron Sandack, Stan Urban, William Waldack; Village Manager Riccardo Ginex; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: None

Visitors: **Press:** Kevin, Stahr, Downers Grove Reporter; Lyn Niemann, Chicago Tribune;

Residents: John Randall, EDC, 4728 Sebastian Court, Naperville; Mike Riordan, EDC, 4448 Seeley Avenue; Mike Parilla, EDC, 1409 Ridgewood Circle; John Schofield, 1125 Jefferson; Christine Fregeau, 1918 Elmore; Randy Tieman, Opus North Corporation; Craig Conety, Opus North Corporation; Linda McLaughlin, 2420 College; Dan Loftus, 4704 Main

Staff: Stan Balicki, Assistant Director, Public Works; Rita Trainor, Finance Director; Kathy DesMarteau, Planning; Dave Fieldman, Deputy Village Manager; Keith Sbiral, Director, Planning & Community Development; Mike Millette, Assistant Director, Public Works

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

Consent Agenda Items

1. **Bid: 2005 Pavement Preventive Seal (ST-004).** The Village Manager said staff recommends awarding the contract to SKC Construction Company in the amount of \$88,150 which is 5% below the estimate. He said \$22,942 of this amount is related to the Village Hall parking lot with the remaining amount used for Village streets.

Commissioner Sandack said it concerns him when they only receive one bid response and asked whether staff followed-up as to why more do not respond.

Mike Millette, Assistant Director, Public Works, said he checked with two other companies, and they said they were just too busy right now. He further responded that staff was comfortable with this company.

The Mayor asked about the overage of \$23,000 for work related to the parking lot and whether this is split between the cost of the lot and the miles of streets. Mr. Millette said it is a true allocation. The Mayor asked whether the \$23,000 should have been budgeted in the parking fund, and Mr. Millette responded that

staff had originally intended to budget \$16,000 out of the parking fund, but did not get it into the final budget request. So they decided to go forward with it in this bid. He noted that anything under \$25,000 by itself is not a capital project. Since the parking lot maintenance is a small amount, it was pulled out of the CIP. The Mayor said his only concern was that the monies be allocated to the correct fund.

2. **Bid: Excavating Debris Disposal.** The Manager said staff recommends awarding a contract to LGE Transport, Inc., in the amount of \$58,950. The contract involves hauling debris to landfills. Six bids were sent out and two responses were received. LGE is submitting an extended bid for 06/07 and 07/08 as provided by policy. Out of the \$108,000 in the budget, \$49,050 is for the landfill tipping fee. The Mayor said that the bids are over the Village policy as they are over 2%.

Village Attorney Enza Petrarca said if the Council directs, they can go ahead and approve this even though it is slightly over 2%. The Mayor then asked if they will be locked into the price, and Attorney Petrarca said they are. Mayor Krajewski said it doesn't really matter what the fiscal year is. This is an example of bidding out early.

3. **Bid: Wheel Loader.** The Manager said staff recommends purchase of a wheel loader in the amount of \$123,099 which would replace the 1989 model. He said it is used for top soil, stone, excavating, plowing cul de sacs, etc. Staff also recommends an upgrade of the centralized lubrication system on the unit. The bid is under budget.

Commissioner Schnell asked whether they will be able to sell the old loader.

Stan Balicki, Assistant Director, Public Works, said that it will be traded in as part of the purchase. The trade allowance is listed on the bid tabulation.

Mayor Krajewski asked about the bid specifications, saying only one company met the specifications. He asked whether the other companies expected them to purchase without meeting the specifications. Mr. Balicki said they are never sure who is going to bid, and they are trying to get the Village's business. He said that the loaders they are replacing are Volvo loaders, yet this time Volvo did not bid at all. The Mayor asked whether the Village lets them know that they did not meet the specifications, and Mr. Balicki responded that they are aware of that when they bid the machine, whether they meet the specs or not. Each company builds their machine differently, and specs are written around the machine staff feels meets their needs.

4. **Bid: Semi-Tractor.** The Manager said this recommendation is to purchase a dump trailer and detachable goose neck trailer at a cost of \$151,359. The unit will replace a 1989 model. Staff is looking to upgrade the vehicle to extend the life to 20 years compared to 16. Twelve bids went out with five received, and the item exceeds the budget by \$18,184. However, the wheel loader came in under budget by \$21,000 and staff has asked to use that amount toward this purchase.
5. **Bid: Contract Extension for Utility Billing Services Printing & Mailing.** The Manager said last year they moved from a 3-color inkbill to a black ink and have been satisfied with ACM. They wish to renew the contract with no price increase and an option to extend for not more than two years.

Commissioner Tully said it is nice to see on the Manager's Memo what is spent to date and what is available in the balance. He was pleased to see that information provided.

Commissioner Waldack also complimented staff on noticing the available balance, and asked what the savings was with black ink as opposed to the tri color.

Rita Trainor, Director, Financial Services, said she didn't have that information at this time, but would get it.

Mayor Krajewski asked what else is covered in this account. Ms. Trainor said that all items relate to water operations. The Mayor also asked for clarification as to why this system is being used. Ms. Trainor said

they use this company to do the printing, stuffing and mailing. The Village creates the information electronically. The Mayor asked whether that can be done with the new system. Ms. Trainor said they would have to buy stuffing machines and heavy-duty printers.

Active Agenda and Informational Items

1. **Highland Landmark Planned Development.** The Manager asked Keith Sbiral, Director, Planning & Community Development, to address this issue.

Keith Sbiral, Director, Planning and Community Development, said this item is an extension of the Planned Development Phase V for Highland Landmark, including an amendment to the Annexation Agreement allowing the traffic study to be conducted after the completion of Phase V in December of 2006. The extension is a one-year extension.

2. **Economic Development Commission: Restructuring of EDC.** The Manager asked David Fieldman, Deputy Village Manager, to address this item.

Deputy Manager Dave Fieldman said the Economic Development Commission (EDC) and staff have looked for ways to improve the Village's economic development performance. This proposal would create a separate, independent not-for-profit organization to run the EDC activities. Deputy Manager Fieldman said this shift would have the EDC and staff work together, with staff preparing the agreement, and the EDC playing a role in marketing. Another component would be that the Tourism and Events would focus solely on events, and tourism would shift to the EDC. Budget implications would require some Village funding to the EDC, in the amount of about \$300,000 in the first year. He said \$180,000 is already budgeted for staff positions that are not currently filled, and that amount would be shifted to this project. He noted that \$120,000 in additional funding has yet to be identified. The \$300,000 would be for a partial year and would be the maximum request from the EDC, with about \$500,000 being budgeted annually as the EDC program moves forward. He then introduced members of the EDC.

The Mayor asked as to the current expenditures. Deputy Manager Fieldman said that would be part of the presentation.

Mike Riordan, Chairman of the EDC and resident of 4448 Seeley, said that Dave Fieldman and Mike Baker have been very helpful in putting this together. He provided information on the current organization which has a Village Department head reporting to the Village Manager, a 13-member EDC board, the Chamber of Commerce representative and Downtown Management Board representative, as well as the Director of Planning. They are fully funded by the Village as part of the hotel tax. Accomplishments have been made by numerous Village entities, and the EDC has participated in the downtown redevelopment efforts, the incentive policy, putting together incentive agreements, development of the Ogden Avenue strategy, working on the Strategic Land Use Plan, and assisting in various marketing programs.

Mr. Riordan then reviewed the advantages and disadvantages of this proposal. The group is made up of diverse membership from the Village, works with the staff, is a cost-effective group, and works with the Events Coordinator. Disadvantages are that it is a low priority because it has long-term impact which can be affected by staff turnover. In addition project completion is not always accomplished, and there is a lack of visibility and limited emphasis on tourism attractions. He further said there is a lack of alignment with the business community, and there is an informal and sporadic communication with the Council.

Mr. Riordan said that the proposed structure of the organization could be as a separate legal entity with an Executive Director, Manager of Tourism, Manager of Economic Development and two administrative assistants. As to why they recommend a separate entity, he said this is an investment in the future that will pay off down the road. If someone is hired for the organization they would have a more strategic emphasis on Economic Development and tourism, rather than working specifically for the Village and having to address more than economic development/tourism issues. He said this organization could facilitate interaction between the staff and the business community, and would have staff serving as "salespersons of the Village." He noted that they want to maintain a high visibility and alignment with the business

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community and economic growth. The organization would be more nimble, proactive and long-term focused, while offering a more confidential setting for conversations. The redesigned Board would have a broader representation from Downers Grove organizations and businesses.

In terms of including Tourism in this organization, Mr. Riordan said that the goal is to increase the dollars spent within the Village by people who neither work nor live in the Village. The proposed structure will emphasize and facilitate achievement of goals by selling the Village for meetings, bringing businesses to the hotels, and working with the surrounding communities.

Mr. Riordan then explained the makeup proposed for the organization. Currently there are 13 members on the EDC. The proposal is for 30 members, including the Mayor and one or two Council members, the Village Manager and other staff, representatives of the Chamber, the Downtown Management Board, DuPage County, other local government bodies, corporate and developmental community representatives, and other qualified residents. The structure would be an Executive Committee, Finance and Compensation Board, existing subcommittees such as Strategic Planning, Attraction and Retention, and Marketing and Planning.

Responsibilities of the Board would be to review and evaluate incentive requests, remove barriers for the new EDC CEO, raise funds for the new EDC, review Village incentives that have an economic impact, evaluate the financial and economic performance of the Village, review forecasted long-term plans, suggest tools and policies that foster long-term health of the Village, work with other Commissions as related to the Board, assimilate business and economic information. Mr. Riordan explained that funding sources would be the Hotel tax as a primary source of funding. The Village would then explore the adoption of business licensing for supplemental funding. The non-profit EDC would also solicit funds. He noted that he would expect the Board to prove itself first and not necessarily begin with complete staffing, but increase staffing as the project develops.

Mr. Riordan said that the projected costs are \$300,000 for five staff members for 2005/06. They don't anticipate hiring all five people, but would like to at least get the first person on board for September 2005. If fully staffed for 2006/07 they would expect about \$545,000 in funding. This would be kept budget neutral.

Mr. Riordan said that they have met with legal counsel this morning in regard to the next steps. They have presented this concept to various stakeholder groups such as Tourism and Events, Chamber of Commerce, Council Finance Committee, and they have received 100% support. They hope to obtain final approvals of the budget and the structure to take place in August. He listed the people recommended for the nominating committee. Additional steps would be to identify prospective board members, outline the search process for the CEO, create an EDC structure, hire the CEO and integrate the EDC with the Village and the Council.

The Mayor thanked Mr. Riordan for his presentation. He asked whether the \$311,000 for 03/04 was just payroll or the whole budget. Deputy Manager Fieldman said it only included the major costs. The Mayor said that the EDC had their own budget and he would like to know what the last approved budget figures were. Deputy Manager Fieldman said he would obtain those figures and get them to the Mayor.

Mayor Krajewski then said he would like to see the budget for Community Events and Tourism. This would mean that only Events would be kept in house, and he wants to be sure that this is budget neutral. The Mayor then asked what the current hotel tax is, and Mr. Riordan said it is \$800,000. Mayor Krajewski asked what the hotel tax rate is and he was told it is 3.5%. He noted that he received an e-mail from the Downtown Management Board and they extended their unanimous support.

Mr. Riordan said they met with Tourism and Events, the Chamber of Commerce, and the Downtown Management Board.

Commissioner Schnell said there should be a good representation of the Tourism budget as it was once separate from Community Events. She is concerned and wants assurance that this will not cost the Village

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anything, and that the \$545,000 is more than already funded. She does not believe the Village can afford to put more money into this project. Commissioner Schnell said she would like to see a plan for the outside funding sources. She asked when and if this comes about and Tourism is separated from Tourism and Events, whether Events would be restructured with fewer people. The Village would need to work on the restructuring of the Village portion of this project, and they need to go a little further than what has been presented to the Council this evening. She said that EDC was supposed to be focusing on the retention of businesses.

Mr. Riordan responded that the CEO would put the plan together before they begin moving forward with head counts. They fully expect to have to fund this program.

Commissioner Schnell said she would be uneasy to give this to a CEO. It needs to be worked out and she would like to see how the transition would go before voting on this. The Village needs to know how the separation of Tourism and Events would occur and what the actual plan is once that is accomplished.

The Mayor said they should take the last EDC budget, and the Tourism and Events budget, and total those both. He said he does not want to fund this at a higher level than what is currently funded.

Commissioner McConnell thanked the members for their presentation. She sees this is as potentially a beneficial concept to the community. She believes they have to have a mission statement with high level goals and ways to measure those goals. She wants to see more concrete plans. She reviewed the funding, saying there is \$180,000 in this year's budget, and they need to determine where the remainder will come from. Commissioner McConnell said that she doesn't see that a lot has been done on tourism, and wants to know what the tourism component would be.

John Randall, a resident of Naperville and General Manager of the Marriott Hotel in Downers Grove, said that their tax contribution has been in decline with the erosion of rates and occupancies, and that it is projected to rebound by double digits in the next couple of years. He said he believes they can comfortably project 10% unless affected by some terrorism that impacts on travel. He explained that there are four components of tourism including direct impact, direct leads, direct showcasing of hotels, and direct sales. He indicated that they do less marketing today and their major link is the City of Chicago. Mr. Randall said that their companies have sales engines as well, and they want to supplement what the companies do rather than duplicate their resources.

Commissioner McConnell added that the Village needs to look at its own internal structure, where there is overlap and how to address that. Mr. Randall said they would continue to see some residual and some cooperative effort around an event and they would help sponsor the events.

Commissioner McConnell asked if there is enough here to draw small conventions and groups to the Village. Mr. Randall said the past has been around weekend business and the future should be on midweek. There is an opportunity to partner with neighboring communities, such as sports complexes in Lisle, etc. He said there are diminishing returns on weekends.

Commissioner McConnell said it sounds like the tourism component would be a sales person for increases in sales tax and hotel tax revenues. Mr. Randall said that he sees the CEO position as the chief sales person for economic development, and the Tourism Director as the chief sales person for tourism.

Commissioner McConnell asked whether office space is part of the budget. Mr. Riordan responded that they would want to be separately housed from the rest of the Village staff and would ask one of their board members to donate the space. Commissioner McConnell said there is no funding for space and asked how they go about getting a donation for economic development. Mr. Riordan said he doesn't know that answer, and hopes that the board members and CEO will figure it out.

Commissioner McConnell summarized her concerns including determining where the money will come from on a consistent basis, the incremental benefits to the residents, the benefit of additional tax dollars,

etc. She is looking for this to be put together before they move forward. Mr. Riordan said they are not looking for incremental benefits, but want to get started and earn the right to ask for further support.

The Mayor said that EDC people spend a lot of time in hotels, and asked for some elaboration on that. Mr. Randall responded that Lisle has three people who function in the same manner as hotel salespeople doing weekend site visits, referring people to locations, etc. He said Naperville shepherds their development through one person who takes the potential developer through the entire process.

Commissioner Urban said he would like to see the existing budget of Economic Development, and of Tourism and Events as well. He would be interested in knowing the advertising budget and where it was spent, on events such as the bike race, etc. He said that they have to forget the word “Events” and look at “Attractions.” He also wants to see what the other hotel tax percentages are in the other DuPage County communities, as it may be time to revisit that. The Commissioner asked for a definition of tourism, saying that tourism is different now than it was when he sat on the first tourism board. Networking is important today, not advertising. They need to reevaluate tourism. He is a strong proponent of this project and will back it, but he needs to be sure that it is right.

Commissioner Tully said that economic development is important to the community in order to identify sufficient revenue streams. It’s an investment in the community. He indicated that this presentation is a continuation of the presentation made by Ms. Jeffries, and is an exciting concept. It’s an opportunity to take dollars from one area into a different area to improve performance. He indicated that this project is about having a person who can create opportunities. A lot of competition exists with neighboring communities. He added his appreciation to the Council members, staff and the EDC members for their innovative approach. Commissioner Tully said there continues to be a great deal of excitement and support for this concept. He said if this is truly a reallocation of existing dollars, this is an easy sell, and does not have a high level of risk. He expressed his support to continue this project, knowing that there are more details to develop and more work to be done. The Commissioner said he wants to be sure that the dollars will get the job done and if more funds are needed, how they will be raised. Timing and details are critical to the success of the project. He believes that involving some of the people who would be the members on the Board would be advantageous. It adds additional credence to the effort and takes advantage of the networking opportunity.

Concerning Tourism and Events, Commissioner Tully said that “events” is a Village issue and needs to be addressed. As far as direction, he supports this concept seeing that it has tremendous potential and minimal risk if it is properly handled. He thanked everyone for their efforts.

Commissioner Sandack said he supports the concept and thinks it makes a lot of sense. He would like to bring back Christine Jefferies to ask about the critical path steps towards roll out. He thinks there is a lot to the concept that makes eminent sense, and thanked staff and the EDC for their time and work on this project.

The Mayor said that Ms. Jefferies commented that Naperville went forward quickly and had some bumps. Downers Grove has had ten years of economic development, and is familiar with the concept. That may prevent some of those bumps from occurring in the Village.

Commissioner Waldack thanked the Mayor, Commissioner Urban, staff and the EDC for the presentation. He is excited about the plan presented by Ms. Jefferies and supports taking a proactive view.

The Mayor said there is \$180,000 in the EDC budget, and there is one vacant tourism position. He asked when they are looking to start this with the \$300,000.

Mr. Riordan said that the \$300,000 is for one half of a year. The Mayor said that it may take a while to get all of the pieces in place and they may be looking at next fiscal year. He suggested that the EDC may want to schedule one meeting to roll this out to some of the business partners and invite them to a presentation. It can be used as a recruiting tool. The potential businesses can be looked at as partners with the Village.

Commissioner McConnell said she doesn't want to see them flounder due to the lack of direction.

Mr. Riordan said they will coordinate with Deputy Manager Fieldman.

Christine Fregeau, 1918 Elmore, said this is an exciting concept, and having dedicated staff, a good plan and accountability would be beneficial. She complimented the presenters, saying that the corporate board is a large group. She asked as to their direction.

Mayor Krajewski said there are 36 members on Naperville's Board. They only meet four times per year. They are used as a resource to assist the CEO, and that board welcomes more participants. The Executive Board is their real working board.

Mr. Riordan said their Executive Board is similar to the EDC's committee. He agreed that the Executive Board does the day-to-day work.

Commissioner Schnell said she sits on a board of 30 people and they met quarterly. She serves on one subcommittee, and no one is stretched. It works extremely well.

Commissioner McConnell noted that there will be bylaws and official responsibilities, to which Attorney Petrarca agreed.

Ms. Fregeau said she is behind this 100% and was interested in the background information, encouraging them to engage people in the business community.

3. Ogden Avenue TIF Recommendations. The Manager asked Mr. Fieldman to address this item.

Deputy Manager Fieldman said he met with the Economic Development Commission when he first joined the Village to discuss the Ogden Avenue TIF District. He provided background on the TIF District which was created in February 2001 and expires in 2024. There are three goals: 1) to improve the appearance for both the public and private areas; 2) to improve the economic performance of the area by increasing sales tax revenue and increasing the property values; 3) to improve vehicular and pedestrian traffic.

Mr. Sbiral then reviewed approved development projects along Ogden Avenue including Bill Kay Nissan, Gartner Saab, Luxury Motors, Mid-America bank, CVS Pharmacy, Jewel/Osco, McDonald's. These developments grasp the concepts of the Ogden Avenue Master Plan. He stated that some pending development projects include the National City Bank's new building, Luxury Motors' expansion, and the 621-631 Ogden Avenue retail center. Short term development opportunities include the Lacey Road site, the Shell station at Fairview, the northwest corner of Main and Ogden, and the vacant building at the northwest corner of Cumnor. There have been a lot of plans over the years, and it is now time to implement some of those plans. Approved public projects include street signs, sidewalks, curb cut eliminations, Lacey Road, and Lee & Ogden stormwater improvements. There are four major potential public projects which would include the overhead utility line burials, additional street lights, gateway signage, and improved sidewalk design.

Mr. Fieldman said that the financial performance is measured by the EAV increase, and the tax base is growing. When this began the properties were worth \$29.32 million per the EAV, and that has increased 36% to almost \$37 million. In the previous four year period those same properties only grew 8.7%. Sales tax increases will have to be tracked, and staff is working with the State of Illinois to obtain approval for that tracking. Mr. Fieldman said that the property tax increase has brought the Village about \$670,000 in incremental real estate tax, of which \$240,000 has been spent to date. There are some outstanding incentive packages, and the total TIF assistance in today's dollars is about \$280,000, but those projects expect to generate \$1.1 million. This is a phenomenal success story when it comes to grant funding as well. He reviewed the grants that have been obtained noting a total grant funding of \$1,324,891. He said there is a leverage ratio of 39 to 1.

Regarding constraints, Mr. Fieldman said that Ogden Avenue is a State route, controlled by IDOT. There is a lack of sufficient right-of-way as well. In some instances there is some environmental contamination, since so many sites used to be gas stations or cleaners. In addition, there is a lack of lot depth for modern retailers, and many sites have multiple ownerships and narrower lots. While the district has performed well financially, there is a low cash balance due to the low tax rates. Another problem concerns the antiquated codes which do not foster the type of development the Village is seeking. From a retailer's standpoint, Ogden Avenue is actually considered physically obsolete, and trade is taking place in some other areas as a result.

In terms of goals and objectives, Mr. Fieldman said appearance has to be improved on the public right-of-way with street signs, gateway signs and landscaping, and improving the appearance of private sites by facilitating redevelopment and adhering to site design standards. Secondly, they wish to improve the economic performance through an objective of increasing the EAV to \$52 million by 2010, and to increase the sales tax revenue by 2010 as well. As for vehicular and pedestrian traffic, the goal is to install sidewalks, close streets and close curb cuts.

Mr. Sbiral then showed the actual implementation strategy which would include the redevelopment of a minimum of two sites per year. They would use a pay-as-you-go financial incentive program. This would function as a real estate tax rebate. Another consideration would be to explore the use of IRBs to facilitate more redevelopment. He indicated that they must create and implement a comprehensive right-of-way plan, which is already being done by Dave Barber and his staff. Part of the plan is to close 33 streets and curb cuts, and to meet with IDOT. When IDOT is presented with a timeline they respond more quickly. Finally, he said they will have to amend the development Codes, the review process, and the Zoning Ordinance so as not to have to go through unnecessary zoning relief processes. He said this strategy focuses on bottom line results, financial performance and accountability to be implemented in the next year. This is a success story upon which they would like to build.

The Mayor said that this was a good presentation and puts a strategy behind the plan. He would like to see a map of the area identifying the various sites. He referred to the Lakota Plan which identified 24 parcels for redevelopment. Regarding burying utilities, at an Economic Development meeting some months ago, he noted that a sidewalk contractor indicated to him that he does this type of work. He was told the technology for that work has changed and he would like to explore doing this in the downtown area. In addition, he spoke with some developers along Ogden Avenue who assembled the parcels for National City, and they said that the high cost of property and lack of lot depth has made it difficult for smaller businesses to purchase the sites.

Deputy Manager Fieldman said that land acquisition expense is a TIF eligible expense. The Mayor asked if the majority of the expenditures was for the Lee Street storm sewers and Manager Fieldman said that was correct. Mayor Krajewski said that incentive agreements are driving up land costs which will inhibit expansion. He said they also need a funding source for dollars which are due to District 58 and will continue to grow in time. Manager Fieldman said there are several options to consider which they can discuss at another time.

Commissioner Schnell said it is a great presentation and has answered many of her questions. She thinks they are right on target. She asked that this presentation be placed on the web site with the Lakota Plan. She also said that the Village needs to increase its efforts to reach out to residents along Ogden Avenue and dispel their fears. Ogden Avenue is shallow, and there are problems with addressing what developers might want in the future. The residential component must be included. Deputy Manager Fieldman said they will be doing this. A lack of lot depth does not mean that the Village will be buying lots behind Ogden Avenue. They are talking about linear development patterns.

Commissioner Sandack also said they did a good job with this presentation and agreed with making slides available to the public. He said he sees the Ogden Avenue TIF as working and that it is ahead of schedule.

Commissioner McConnell said she had no questions and agreed that it was a good presentation. The action plan was what she was looking for.

Commissioner Tully agreed and indicated he was very pleased to see this strategy.

The Mayor said he was at the grand re-opening of the McDonald's and would like to see the other McDonald's remodeled.

4. **An Ordinance Amending the Sale of Alcoholic Liquor.** The Manager said this amendment concerns three items: 1) use of table tappers for which there are no restrictions in the Ordinance. These will be able to dispense 96 ounces of beer at a table of four or more adults. The second item is the size and content of pitchers. They are proposing only two types of alcoholic liquor be allowed in 64 ounce pitchers. Thirdly, they recommend the continuance of the sale of kegs and growlers.

Commissioner Sandack said that he received an e-mail from a member of the Liquor Commission. The first two topics affect some specific concepts. This allows a large device on a table that dispenses alcohol at a table in the amount of 96 ounces of beer. This is supposed to eliminate the need for service, and although he has no personal problem with that, this is being discussed in a vacuum. The Village Ordinance states that sale of alcohol is ancillary to food service. There is no term as bar, saloon, etc., going back to the adoption of the Ordinances, and he asked whether this should be amended. He said the proposed Ordinance is contrary to the stated policy, and he would like to review the ordinances and whether they still make sense. He thinks the Liquor Commission should be charged with reviewing the existing Ordinance before discussing this potential change.

Commissioner Schnell said she concurred with Commissioner Sandack. She noted that this was not a unanimous decision, but was a 3-2 vote. She has serious concerns about this which go to whether they are changing the basic Ordinance. Traditionally, Downers Grove did not want bars. This proposal would result in changing the basic philosophy and the Liquor Commission needs to look at this. There is a discussion in the minutes that the owners need to call taxis for inebriated customers, and there is a problem in the parking deck with cars that are left overnight. She says this needs to be discussed and she cannot support this at this time, and may never be able to support this.

Commissioner Waldack said he grew up in the City of Chicago that had a lot of neighborhood bars. He said Downers Grove started "dry" and then allowed restaurants to serve alcoholic beverages, and defined ordinances so that alcoholic beverages were part of the sale of a meal. Clubs were added, and other changes occurred. He said that pitchers are generally accepted practices at many restaurants, but now they are faced with fixing the size of containers. The size they are discussing is essentially an eight-pack of beer and relinquishing control of the liquor dispensation. In looking at the Ordinance he found that the purpose is to limit the sale of alcoholic liquor at retail primarily to the sale in its original packages, or by restaurants. He reviewed the section saying it is intended that the service of alcohol is merely an adjunct to the meal offered in any restaurant and that the restaurant is not advertised or seen as a drinking establishment. From the description of the containers, it does not appear that a 96 ounce tap is appropriate for a restaurant. It takes away from the watchfulness and control of the restaurant. The Village Ordinance uses the word "merely" with the intent of minimizing the role of alcohol in the restaurant. He finds proposed paragraph 5d) inconsistent with paragraph c). He thinks they must evaluate what the Village wants and put in effect an Ordinance that treats restaurants, taverns, pubs and bars separately, if they want those types of establishments. Apparently people do not mind having taverns and pubs, but are probably not in favor of bars. He cannot support the changes as presented and he will be happy to consider revisiting the entire philosophy in an entirely new Ordinance.

The Mayor said he had concerns about this being in a vacuum. He spoke with staff and his question is how to treat everyone fairly. Right now a pitcher is 64 ounces, which means under the current ordinances they could deliver 128 ounces of beer to a table. He said the fundamental question is do they allow pitchers or don't they. He said they need to look at what they want to have. This is no different from what is already allowed.

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Commissioner McConnell said the question is what do we want in the Village in terms of restaurants, pubs, bars, etc. The devices are a secondary question. She wanted to know what they are asking the Liquor Commission to do, and wonders if the issue is the Council's rather than the Commission's.

Commissioner Sandack said that the policy says alcohol is adjunct to food. They should ask the Liquor Commission their view as to whether it makes sense. He believes the discussion should start with the Liquor Commission answering whether the Village still wants their policy to stay as it is now.

Attorney Petrarca said that the Liquor Commission wants to know what the Council wants. The Ordinance would allow one pitcher per two people.

Commissioner Sandack said that they need to have a starting point.

Commissioner Schnell said that right now the policy is to serve food and have a drink with it. She asked whether they want to change that. The Liquor Commission needs to discuss this and have public input at their hearing. She thinks the direction is to look at the Liquor Ordinance and determine whether it is relevant and determine what the community wants.

Commissioner Urban asked if it was correct that right now four persons at a table can order eight pitchers of beer. Attorney Petrarca responded that currently a pitcher has to be delivered to two or more persons at one time, with no limitation on the size of the pitcher. Commissioner Urban asked how this came about. Attorney Petrarca said it came to their attention that these devices are being used in the community and brought it to the attention of the Liquor Commission.

Attorney Petrarca said they can bring one pitcher to two or more people at one time, with no size restriction.

Commissioner Urban said he once questioned why this community does not enforce BASSET Training, and was told that it is cumbersome and there are not enough people. This goes directly to this Ordinance. He would like to go back to a review of the basic philosophy, and said he thought it is time to review the whole liquor policy. There have been changes in the town in the type of restaurants that are here.

Commissioner Tully said that they have to serve food with liquor under the current Ordinance. He said it is curious that an attempt to limit service has opened up a discussion on the entire Liquor Ordinance. He said a critical issue is to make sure that people are not being over served, or served illegally. He asked if the issue is limiting the quantity of alcohol to be delivered to tables. The Ordinance does not address how much is allowed to be delivered to a table. The proposal before them tries to limit the amount delivered to a table. The Commissioner said he thought they need to focus on the issue before them. The container is irrelevant. The issue the Liquor Commission reviewed was the potential for adults sharing drinks with minors and the potential for guests to over serve themselves without staff properly monitoring for signs of intoxication. He said that the Highland Grill often served beer in yards or half yards, which is a marketing device that focuses on the drink and not on the meal. This was allowed at the Highland Grill for a long time and no one opposed it. The issue is not the container but the quantity of alcohol delivered. The second question is whether the intent of the Council is to wipe out all marketing devices which focus on the alcohol rather than the food.

Attorney Petrarca said that the Ordinance is trying to limit the quantity of liquor to be delivered to the table. Commissioner Tully said he understood that but he doesn't think the issue is the container as much as the perception of delivery of alcohol. He asked again as to what is the issue.

Commissioner Sandack said the issue is the policy. He said that Commissioner Tully used the words "attention getting device." There are plenty of examples of such devices that they could not attempt to anticipate in this Ordinance. He believes they have an antiquated Ordinance, irrespective of the issue before them, and need to step back and study it in terms of what is happening today.

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Commissioner Tully said he doesn't disagree with that, but thinks they must define the issue of how much alcohol can be sold. He asked if they are talking about rewriting the entire Liquor Ordinance. He wants to know what the issue is they want the Liquor Commission to review.

Commissioner Urban said his issue is that he wants the entire policy looked at, all Ordinances, and in particular why the Village can't have BASSET Training.

Commissioner Tully said "looking at it" provides no direction whatsoever.

Commissioner Urban said he wants a survey of the amount of alcohol that is presented to consumers within the community of Downers Grove at a single serving ancillary or not ancillary to food sales.

Commissioner Schnell said the issue is to find out if the community continues to want liquor sales to be ancillary to food service. They need to discuss whether food service is the most important thing, and whether the alcohol is ancillary to food service. And also, whether the community wants pubs or bars that focus on alcohol consumption. She said that they need public comment on that.

Commissioner Tully said he still didn't understand what that means. If she is suggesting that the Liquor Commission look at whether taverns and saloons be allowed in the community, that would be a change in the existing policy. He thinks she is suggesting that the policy is sound as it is. He asked if the issue is that they don't want to encourage devices that encourage the sale of alcohol. He suggested that if the point, as stated by Commissioner Urban, is that the quantity sold is excessive consistent with the existing policy of liquor sales being ancillary, that is a well-defined issue. If it concerns the devices themselves, that too is a well-defined issue.

Commissioner Waldack said that currently the Ordinance says that alcohol can be served as an adjunct to meals. The location cannot hold out to be a drinking establishment, which is the policy. The tapper, according to the minutes of the Liquor Commission meetings, is held out as being more important than the food. One location advertised a party with no mention of food, and no control. That is why they have to define restaurants, taverns and bars, and they must determine how to handle liquor in each establishment. He would like to see a determination of whether the policy is antiquated. He is personally against having a bar in the community and agrees that they need public input.

The Mayor said that there is an enforcement issue in the current policy. Perhaps they would like to look at different classifications. There could be different parameters on each.

Commissioner Tully said they have mentioned seven issues: 1) BASSET Training, 2) Quantity delivered, 3) Definition of pubs, taverns and restaurants; 4) Enforcement issues; 5) Restricting marketing devices; 6) All-day specials; and 7) The question as to whether the Village should retain or depart from its policy that liquor sales should be ancillary to the sale of meals. The Mayor said he recalled one place wanting to have \$.25 beer nights and \$.01 wine nights. There is no policy regarding that. He said the \$.25 cent night has caused problems.

Commissioner McConnell asked whether the Village is interested in having something that is ancillary to food service. There has been an assumption that serving more than one drink to a person at a time was not something that they were sanctioning. Even though the 96-ounce tapper appears to be a limiting factor, the perception has been that the Village is much more conservative than they are allowing. This seems to be flipping it to the other side of the spectrum, and that is why the philosophy issue has to be addressed.

Commissioner Tully said his frustration is not because he does not agree that those items should be looked into. His frustration is exactly what do they want to look into. He said that now they have seven discreet issues to study and to have the Liquor Commission review.

Chris Fregeau, 1918 Elmore, said that she read through the agenda item, noting that 96-ounce tappers are being delivered now. She said when she read through the proposed ordinance she thought of a 64-ounce martini is scary. She noted that Naperville had 900 DUIs last year. Ms. Fregeau said that it is troubling

that one could view this as a marketing device, when it is self-service liquor. She said they need to look at the overall intent of the Ordinance. She described the use of the tapper, saying it clearly looks to her that it is an attraction device. She said that the Village needs to set a precedent for the next business. It is terrifying to her to think that gin and vermouth can be served in a 64-ounce pitcher. She believes this issue warrants going back to the Liquor Commission for further review.

STANDING COMMITTEE REPORTS

Finance Committee

Commissioner Tully said that the Finance Committee met and discussed funding levels for capital and expense allocations, including exploring alternatives to the Home Rule Sales Tax which is set to sunset in 2006. He indicated that it was a good discussion and provided good information. They would like to come up with a number of scenarios and options and present them to the Council. Their next meeting is August 2 at 5:30 p.m.

Public Safety

Commissioner McConnell said that Public Safety met and discussed ambulance fees and collection policies. They intend to get information to the Council as to how the process works for residents and non-residents, and ask for the Council's feedback. They need to clarify the policy. The next meeting is August 2 at 7:30 a.m., focusing on the Fire Department.

MANAGER'S REPORT

Manager Ginex reminded the residents that the Village Corner will be changing to the Downers Grove Reporter as of August 5.

In relation to the existing drought, Manager Ginex said that this past weekend there was a 9.1 million gallon usage daily for Saturday and Sunday. The average for the month is 9.5 million gallons with the water allocation of 11.1 million gallons per day. Some days they approached over 10 million gallons. He said 910 warnings have been issued, and 49 citations were issued at a fine of \$50 per citation. There is now a no tolerance policy with no more warnings being issued.

The Mayor asked whether the allocation went up with the 800 homes receiving water, and Manager Ginex said he did not believe it did.

ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting three items to the Council: 1) A resolution authorizing execution of an addendum to an agreement between the Village of Downers Grove and Automated Computer Methods for utility billing services; 2) A resolution authorizing execution of a third amendment to annexation agreement between the Village of Downers Grove and Opus/AEW Office Development Company, LLC; and 3) An ordinance extending the preliminary site plan for Highland Landmark Phase IV & V, Planned Development #29.

COUNCIL MEMBERS

Commissioner Waldack said that last week Commissioner Tully questioned the Council's interest in discussing eminent domain. He said he is interested in pursuing this. He referenced a property in Ohio where lake front property was owned. Eminent domain was used, declaring the area blighted. He said this is a touchy issue, and he would like the Council to pursue creating an Ordinance that would address the issue, be reasonable and difficult to overturn.

Commissioner Waldack then reported on the South DuPage Crop Walk, stating that he had a loss of weight and some clothes are fitting differently. He mentioned some participants from last year including Downers

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Grove North National Honor Society, Faith United Methodist in Lisle, the First Congregational Church, First Presbyterian Church and First United Methodist Church in Downers Grove. The Crop Walk is October 16.

In response to the Mayor's question, Commissioner Waldack said he wanted something established so that eminent domain would not be used for private development.

Commissioner Schnell said she concurred with Commissioner Waldack's opinion on the eminent domain issue. To dispel resident fears, it needs to be well defined.

Commissioner Schnell said that with the increased use of the parking deck, driving Curtiss after a train comes in is very difficult and she is concerned that someone will get injured. She asked if a crosswalk could be striped with signage, since it could prevent a tragedy. This could be fixed relatively easily.

Commissioner McConnell noted that Marsha Giesler, Fire Department Public Education Officer was highlighted in the National Fire Protection Association website for the Passport for Safety concept. She also commented on the Family Shelter Service letter complimenting staff. She asked that the letter be passed onto the staff mentioned.

Commissioner Tully followed up regarding an interest in passing an ordinance to better define or more restrictively define what public use means in terms of using eminent domain powers. This was in reaction to a recent Supreme Court decision. It would perhaps be better defined in terms of restructuring or limiting the situations when government takes private property and transfers it to another private owner. He then thanked Commissioner Schnell for raising the issue about the crosswalk on Curtiss. He is one of those pedestrians and agrees that a stop similar to the ones on Main Street would be useful on Curtiss Street.

Mayor Krajewski asked staff to provide information about funds that are budgeted in other funds, such as the \$25,000 from the parking fund budgeted in the capital fund.

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 pursuant to Section 2(c)(6) setting a price for real estate. Commissioner Urban seconded the Motion.

VOTE: AYE – Commissioners Tully, Urban, Waldack, Sandack, McConnell, Schnell, Mayor Krajewski

NAY – None

Mayor Krajewski adjourned the Workshop meeting into Executive Session at 9:46 p.m.

April K. Holden
Village Clerk

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