



# Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

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Tuesday, June 21, 2005

6:30 pm

Council Chambers

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## 1. Call to Order

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

### **Pledge of Allegiance to the Flag**

*Mayor Krajewski led those present in the Pledge of Allegiance to the Flag.*

## 2. Roll Call

Present: Commissioner Sue McConnell, Commissioner Ron Sandack, Commissioner Stan Urban, Commissioner Marilyn Schnell, Commissioner Martin Tully, Commissioner William Waldack and Mayor Brian Krajewski

Non Voting: Village Manager Riccardo Ginex, Village Attorney Enza Petrarca and Village Clerk April Holden

*Mayor Krajewski said he would like to remind everyone present that the Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.*

*The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of the past meetings, an opportunity will be given for public comments and questions on the active agenda items for this evening's meeting. Following this, an opportunity is given for public comments and questions on any subject. Finally, if a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing.*

*The Mayor stated that at the appropriate time the presiding officers will ask if there are any comments from the public. If anyone wishes to speak, the individual should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name and address. He stated that remarks be limited to five minutes, and asked that individuals refrain from making repetitive statements.*

*The Mayor said there are agendas located on either side of the Council Chambers, and he invited the audience to pick up an agenda and follow the progress of the Council meeting.*

## 3. Minutes of Workshop and Council Meetings

*Executive Session Minutes for Approval Only - May 17, 2005 and May 24, 2005*

*Council Meeting - June 7, 2005*

*Workshop Meeting - June 14, 2005*

*Commissioner Waldack submitted corrections to the Clerk for the June 7, 2005 Council minutes.*

## 4. Public Comments and Questions

## A. Comments and Questions on Active Agenda

1. Adam Schumacher, 5733 Lyman, said that Lyman is a unique street, and each petition is considered an individual case; however, there is a possibility of setting precedent in this situation. He said that the Plan Commission's treatment of this case took into account "neighborhood." He said that the lot split calls for a 20% reduction in the lot width, but the lot area is 72% beyond what is required in the R-3 zoning designation. He believes that the special requirements can be met with the lot split, and asked that the variance be granted.

2. Susan Schoch, 5805 Chase said it is with sadness that she is at the meeting. In 2003 the Plan Commission and Economic Development Commission met and made a decision regarding the "buffer" concept. She said she lives in an unincorporated area and at the time in 2003 they were all involved in the water issue in their area, and they were not too involved in other issues. When Mr. Sievers came to the Village in 2003 with his preliminary plat, the neighbors would have taken a different stance had they known what would transpire. Ms. Schoch has lived in the neighborhood for ten years. She said no one informed her about this petition. She indicated that annexation agreements have been reneged on as a result of the water issue. She does not know what the legal notice requirements are. Ms. Schoch also said had she and neighbors known about the Future Land Use Map considerations at the original Sievers' development, they would have held the Council and Plan Commission to the existing map. She said the Plan Commission made their decision based on their meeting with the EDC. She asked the Council how anyone could talk about fairness relative to this three-acre parcel when no one is talking about the fairness to the neighborhood and the community. Ms. Schoch said there are different plat possibilities that are more acceptable to the neighborhood. She asked if the Council would have allowed the rezoning if the original Sievers development became available, which she said could have resulted in row houses at that site with driveways off Maple and Elinor. Ms. Schoch said it is not often that one can change history or right a wrong, but this is one of those times and she asked the Council to reconsider this. This is a large neighborhood that has learned and been defeated, and they are smarter and much more aware now and are not going away. There will be more items coming up relative to the Future Land Use Map and the Maple corridor, and the neighbors will not go away. There are other large blocks of land in the area close to Village property that in the future would be of concern to the neighborhood.

3. Dave Matthias, 4622 Saratoga, said he came to speak on two items, Golfview and the rezoning, and the lot split. Mr. Matthias is an owner of an R-1 lot and is concerned about this being passed as an R-1 lot with exceptions. The neighborhood realistically is an R-3 neighborhood. The lots across the street are R-1, and behind those are R-3 lots. He supports the subdivision going through, but would want to see it as an R-3. His concern is that in the future someone will be able to come to his block and do the same thing. Mr. Matthias said that with regard to the lot split at 5733 Lyman, there was debate as to why this shouldn't happen. He noted there are 50' and 65' lots in the area. The lots in question would be 60'x300' lots which are good-sized lots. The main heart of the ordinance passed was to prevent stormwater issues. The lots in question are 18,000 square feet in size. Stormwater issues will be moot. Mr. Matthias then referenced a comment that was made about the "McMansions" that might eventually be built. He was appalled by that comment, stating it is not the issue. This is about the lot split, and he believes the split fits in with that neighborhood.

4) Jeff Aigner, 5714 Chase Avenue, said this is a second chance for the Sievers' Maple Woods development. This is not right and is completely intrusive. He hopes the Council will recognize that it is invasive to the neighborhood and will recognize and correct the issue.

## B. Comments and Questions on General Matters

*There were none.*

**5. Public Hearings****6. Consent Agenda**

*Commissioner Tully moved to remove Item BID 00-01996, a bid to award a contract to KCA Financial Services, Inc. for FY 2005/06 Collection Agency Services for Outstanding Receivables, from the Consent Agenda. Commissioner Schnell seconded the Motion.*

*AYES: Commissioners Tully, Schnell, Waldack, Urban, Sandack, McConnell, Mayor Krajewski*

*NAYS: None*

*Mayor Krajewski declared the Motion passed.*

**COR 00-01993** Claim Ordinance: No. 5589, Payroll, June 10, 2005  
**Sponsors:** Accounting  
**A motion was made to Approve this file on the Consent Agenda.**

**Indexes:** N/A

**BIL 00-01994** List of Bills Payable: No. 5578, June 21, 2005  
**Sponsors:** Accounting  
**A motion was made to Approve this file on the Consent Agenda.**

**Indexes:** N/A

**RES 00-01995** Resolution: Authorize Execution of a Fire Apparatus Listing Agreement with B&P Apparatus, Inc.  
**Sponsors:** Fleet Services  
**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF A FIRE APPARATUS LISTING AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND B&P APPARATUS, INC.

RESOLUTION 2005-36

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

**Indexes:** Fire Equipment - Sale of

**BID 00-01997** Bid: Award \$50,080.50 for Purchase of Dell Computers under State of Illinois Procurement Contract  
**Sponsors:** Information Services  
**A motion was made to Approve this file on the Consent Agenda.**

**Indexes:** Computers

**BID 00-01998** Bid: Award \$43,522.36 for Dell Poweredge 2850 Servers and CDWG Software under State of Illinois Procurement Contract  
**Sponsors:** Information Services  
**A motion was made to Approve this file on the Consent Agenda.**

**Indexes:** Computers

**RES 00-01999** Resolution: Authorize an Agreement with Arun Enterprises Real Estate Services for the Lease of Parking Spaces for the Village's Park and Ride Program at 63rd Street and Woodward Avenue

**Sponsors:** Public Works

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH ARUN ENTERPRISES REAL ESTATE SERVICES FOR THE LEASE OF PARKING SPACES FOR THE VILLAGE'S PARK AND RIDE PROGRAM

RESOLUTION 2005-37

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

**Indexes:** Park & Ride - 63rd at Woodward

**RES 00-02000** Resolution: Authorize an Agreement with Rossi Real Estate Corporation for the Lease of Parking Spaces for the Village's Park and Ride Program for 75th Street and Fairview Avenue

**Sponsors:** Public Works

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH ROSSI REAL ESTATE CORPORATION FOR THE LEASE OF PARKING SPACES FOR THE VILLAGE'S PARK AND RIDE PROGRAM

RESOLUTION 2005-38

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

**Indexes:** Park & Ride - Fairview Plaza Shopping Center

**RES 00-02001** Resolution: Authorize an Intergovernmental Agreement with the Downers Grove Park District re: Use of Electricity

**Sponsors:** Public Works

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE DOWNERS GROVE PARK DISTRICT

RESOLUTION 2005-39

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

**Indexes:** Park District

**RES 00-02007** Resolution: Authorize an Agreement with IDOT for the Ogden Avenue Street Sign Installation Project

**Sponsors:** Public Works

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION

RESOLUTION 2005-40

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

**Indexes:** Ogden Avenue Street Signs

- RES 00-02002** Resolution: Authorize a License Agreement with the Rotary Club of Downers Grove for the 2005 Rotary Club Oktoberfest
- Sponsors:** Marketing & Media
- Summary of Item:** This will authorize a license agreement with the Rotary Club of Downers Grove related to the 2005 Oktoberfest. This will approve the use of Village property (commonly known as Forest Lot South) to accommodate the Festival.

A RESOLUTION AUTHORIZING A LICENSE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ROTARY CLUB OF DOWNERS GROVE FOR THE 2005 ROTARY CLUB OKTOBERFEST

RESOLUTION 2005-41

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

**Indexes:** Rotary Club - Oktoberfest

### **Passed The Consent Agenda**

*The Consent Agenda as amended was passed.*

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

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

## **7. Active Agenda**

- BID 00-01996** Bid: Award Contract to KCA Financial Services, Inc. for FY 2005/06 Collection Agency Services for Outstanding Receivables
- Sponsors:** Accounting and Financial Services
- The Mayor noted that this bid is to award a contract for the collection of outstanding receivables. There is about \$39,000 in collections and \$145,000 outstanding. He said staff did a good job in implementing new procedures for amounts outstanding. A good portion of the amount is owed by other government agencies. He is reluctant to vote for contracting out to pay someone to obtain the funds, when he thinks the Village staff can adequately handle it.*

*Commissioner Tully said that this will allow the Village to contract with an agency and take additional steps to collect debts owed. The collection agency will only get paid if they actually collect on the amount owed. He agreed that perhaps some of these items should not be referred to an outside agency. He sees no problem with reviewing what should be referred to a collection agency, since they will only be paid on what they collect anyway. He noted that the Village has discretion as to what accounts are referred.*

*Rita Trainor, Director, Financial Services, said that the accounts outstanding would be transferred over. She said she thinks that the Village might have to do this once it is implemented, although she would have staff look into this matter.*

*Commissioner Schnell asked which items are in collection, and the response was that the first page is in collections. Other government agencies are not in collection yet.*

*Manager Ginex asked about the high schools and whether the amount related to the overtime*

for officers, Ms. Trainor said she was not sure. She said the policy is to turn the matter over to collection agencies after sending four letters to the individual.

The Mayor asked what would happen if the Council does not approve this and the contract with the other company expires. Attorney Petrarca said staff would have to look into the terms of the agreement.

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

**Votes:** Yea: Commissioner McConnell, Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully and Commissioner Waldack

Nay: Mayor Krajewski

**Indexes:** Collection Agency Services

**ORD 00-02003** Ordinance: Amend the Rates Charged for Water Service

**Sponsors:** Public Works

**Summary of Item:** This will decrease certain rates charged for water service.

AN ORDINANCE AMENDING THE RATES CHARGED FOR WATER SERVICE

ORDINANCE NO. 4685

*The Mayor said the Water Commission has looked at its reserve policies over the last several years and decided to reduce the rates being charged to municipalities. The Village has taken half of the reduction and passed it on to the residents, and is using the remainder for capital water system projects. This will be effective July 1, 2005.*

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

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

**Indexes:** Water Rates

*Mayor Krajewski asked for a Motion for "Final Plat of Subdivision for the Golfview Estates Subdivision with Exceptions (R-1 Zoning)."*

*Commissioner Sandack moved to replace the Motion with Resolution 00-01723 to vote on it prior to voting on the subsequent ordinance 00-01722. Commissioner Tully seconded the Motion.*

*Commissioner Tully said this Motion considers proposed Ordinance 00-01722 and 00-01723 before consideration of Ordinance 00-02010. There are two ordinances on the agenda that call for the rezoning of the property at 4606 Puffer Road from R-1 to R-3, and then a Resolution approving final plat of Subdivision for R-3 zoning. It simply changes the order of voting.*

*AYES: Commissioners Sandack, Tully, Waldack, Urban, McConnell, Schnell, Mayor Krajewski*

*NAYS: None*

*Mayor Krajewski declared the Motion passed.*

**ORD 00-01722** Ordinance: Rezone Property at 4606 Puffer Road from R-1 to R-3, Single Family Residence District

**Sponsors:** Plan Commission

**Summary of Item:** At their meeting of August 2, 2004, the Plan Commission recommended that the property commonly known as 4606 Puffer Road be rezoned from Village R-1 Single Family Residential to Village R-3 Single Family Residential.

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

*The Mayor said this requires a vote of four Council members to pass.*

*Commissioner Sandack asked this to go first since it was the first ordinance remanded back to the Plan Commission. He thinks this is the best land use planning solution for the Golfview Subdivision. He thinks this parcel is properly rezoned to R-3 and meets all the criteria of R-3 zoning. He respects the comments of the adjoining neighbors, but he disagrees with their conclusion. The parcel is R-3 in fact in his opinion. It is R-1 by default not by planning. He thinks going forward with R-1 is a detriment. He votes in favor of keeping both the staff and Plan Commission's recommendations.*

*Commissioner Schnell said she disagrees and believes it should remain R-1, as it is surrounded by R-1 zoning. She said the Village has the ability to grant exceptions, which she does not particularly like, but in this case the lots are larger, estate-like and appropriate to the area.*

*Commissioner McConnell said she voted for R-3 the last time and believes these really are R-3 lots and meet the definition. The surrounding parcels are public property. R-3 is the right zoning. She thanked the Plan Commission for turning this around and being thorough in their analysis.*

*Commissioner Urban agreed with Commissioner McConnell stating he would vote in favor of this. The R-1 district surrounding this area is public land that presents a new view on the situation.*

*Commissioner Tully said he would vote no, as he did the last time. He believes the criteria have not been satisfied. There is no need or justification to rezone the property to R-3. He noted that the disappointment he expressed last week was not with the work of the Plan Commission, but with the fact that he did not have the benefit of their insight, views and comments as to whether the exceptions are appropriate in applying the five criteria of the Subdivision Control Ordinance under R-1 zoning.*

*Mayor Krajewski said he will also vote against this. The State Statute requires a super majority, and he is advised that the vote would be four of six Commissioners when a protest is filed.*

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

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

**Indexes:** Subdivision - Golfview Estates, Rezone 4606 Puffer - R-1 to R-3

**RES 00-01723** Resolution: Final Plat of Subdivision for Golfview Estates Subdivision with Exceptions (R-3 Zoning)

**Sponsors:** Plan Commission

**Summary of Item:** At their meeting of August 2, 2004, the Plan Commission recommended approval of the Final Plat of subdivision for the Golfview Estates Subdivision with exceptions in the R-3 zoning district.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR THE GOLFOVIEW ESTATES SUBDIVISION WITH EXCEPTIONS

*Commissioner Schnell moved to adopt "A Final Plat of Subdivision for Golfview Estates Subdivision with Exceptions (R-3 Zoning)" as presented. Commissioner Tully seconded the Motion.*

*There was confusion as to which item was being presented. Commissioner Schnell then moved to table the item. Commissioner Sandack noted that Commissioner Schnell cannot move to table her motion.*

*Commissioner Tully moved to Table the Motion. Commissioner Waldack seconded.*

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

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

**Indexes:** Subdivision - Golfview Estates

**RES 00-02010** Resolution: Final Plat of Subdivision for the Golfview Estates Subdivision with Exceptions (R-1 Zoning)

**Sponsors:** Planning and Community Development

**Summary of Item:** This will approve the final plat of subdivision for the Golfview Estates Subdivision with exceptions in the R-1 zoning district.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR THE GOLFOVIEW ESTATES SUBDIVISION WITH EXCEPTIONS

RESOLUTION 2005-42

*Commissioner McConnell asked whether under the protest this also has to be passed by a vote of four Commissioners, and Attorney Petrarca said it does not as it is not a rezoning.*

*Commissioner Tully said in this particular situation he believes the five criteria have been satisfied. The exceptions are not to lot width or depth but to only 15% of lot area. He thinks the exceptions are permissible, meet the criteria and are unique to this situation. He does not see this being utilized in other parts of town in different environments, mandating a similar exception in an R-1 district. These each must be considered individually. Exceptions are permissive, they are not mandatory.*

*Commissioner Sandack said he will vote no, not because it is not a good plan but because it is not the right way to do this. He sees this as poor land use planning, and the Council opens itself up to issues. He thinks the Council would do well to listen more closely to what was said by staff and the Plan Commission.*

*Commissioner Waldack said this is a unique neighborhood. He will vote in favor of this with the exceptions. He believes it should have stayed R-1 in the beginning.*

*Commissioner Schnell said the area is unique, and meets the criteria. She thinks it is appropriate to keep this as R-1 zoning.*

*The Mayor said if this is rezoned to R-3 a petitioner could potentially come back to the Village and ask for five lots with no exceptions.*

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

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

**Indexes:** Subdivision - Golfview Estates

**ORD 00-02004** Ordinance: Authorize a Special Use for A-Len Radiator to Permit Construction of an Automobile Repair Shop

**Sponsors:** Plan Commission

**Summary of Item:** At their meeting of May 2, 2005, the Plan Commission unanimously recommended that a Special Use be granted for the property located at 946 Ogden Avenue for an automotive repair shop.

AN ORDINANCE AUTHORIZING A SPECIAL USE FOR A-LEN RADIATOR TO PERMIT CONSTRUCTION OF AN AUTOMOBILE REPAIR SHOP

ORDINANCE NO. 4686

*Commissioner Tully said there had been an inquiry by a resident regarding the structural integrity of the building. Staff has reviewed the structure and found it to be sound.*

*Commissioner Schnell also said that the resident said the light has not been redirected. She said she was told that the light has been taken care of.*

*Keith Sbiral, Director of Planning, said he spoke with the petitioner's attorney today and they said the light has been redirected away from the neighbor's home.*

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

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

**Indexes:** Special Use - 946 Ogden Avenue

**ORD 00-02005** Ordinance: Amend Standards for Special Uses

**Sponsors:** Plan Commission

**Summary of Item:** This will approve certain amendments to Council standards for approval of special uses.

AN ORDINANCE AMENDING STANDARDS FOR APPROVAL OF SPECIAL USES

ORDINANCE NO. 4687

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

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

**Indexes:** Zoning Ordinance - Special Use

**ORD 00-02006**

Ordinance: Approve a Lot Split with Exceptions for 5733 Lyman Avenue

**Sponsors:** Plan Commission

**Summary of Item:** At their meeting of May 2, 2005, the Plan Commission recommended to approve a lot split with exceptions with regard to lot width for the property commonly known as 5733 Lyman Avenue.

**AN ORDINANCE APPROVING A LOT SPLIT WITH EXCEPTIONS FOR THE PROPERTY COMMONLY KNOWN AS 5733 LYMAN AVENUE**

*Commissioner Sandack said he believed the petition should be granted, although he does not think it will be. This is a lot split on Lyman Avenue. On one side of the block are 50' wide R-4 lots with new homes, and the neighborhood does not look the same as it did 10-15 years ago. Property values have increased markedly. The other side is R-3 which requires 75' lots. He said there have been several lots splits with less than 75' made already. The Ordinance says they should be 75' but you can ask for a variance. He said one of the criteria is whether or not it is establishing a trend, or following a trend. He thinks this is following a trend. This is consistent with the neighborhood and entirely appropriate. He believes the Council should be listening to the Plan Commission a little better because he thinks they are losing one fundamental issue with respect to private property rights. There has not been one objection to this petition. At the Plan Commission hearing, the neighbors said they thought it did fit. He sees this as a disservice by not listening to staff and the Plan Commission.*

*Commissioner Schnell commented that she received e-mail about three lot splits that happened on this side of the street, and her understanding was that all three conformed to the 75' or greater requirement. So from her perspective, this would be trend setting. There was one in 2003, 1988 and 1986 and they conformed to the R-3 zoning. She said she has voted this way in the past for lot splits below 75'. It is an exception and if it is trend setting she does not think it should be granted. The R-4 zoning on the west side is appropriate; however, the other side is R-3 and 75' is appropriate. She has driven the street and there is a feeling of spaciousness on that side of the street.*

*Commissioner Waldack said the Ordinances passed in the 90's clearly stated 75' as a minimum. In his understanding the spirit of the Ordinance is 75'. He noted that anyone can ask for an exception, but the Council does not have to grant the exceptions requested. He said that this lot split is not in the spirit of the Code and also does not meet the exceptions. He has not taken his interpretation lightly. Commissioner Waldack said there was a question raised as to trend of development, and his comments about McMansion last week were misinterpreted to mean he was criticizing the structure planned for the property. He had no idea what was planned for the property. The Plan Commission did speak as to the house being torn down and also talked about various structures. Technically this is a tear down, but he is not basing his decision on that. He said the trend for development now is for larger structures that are more suitable to a larger lot. Making lots smaller is not a trend. Commissioner Waldack said that this request is another trend at work. There have been official dialogues in which the community has had an opportunity to weigh in on development. People expect the laws to be enforced and exceptions to be limited. As for the locality and character of the neighborhood, the subdivision of lots on the west is the result of a subdivision and is not a trend in lot splits. Also, streets are just as likely to be dividing lines. The east side has variable sized lots. The petitioner wants to create the smallest lot possible, and that is trendsetting. He said that if there is a neighborhood precedent it is to deny the lot splits. In reading the Plan Commission minutes they have enforced the 75' code in the past and a commentary seemed to indicate that they wanted direction from the Council. Granting the lot split will send the message that the Code is to be ignored and he believes that to be the wrong message.*

*Commissioner Tully apologized to the Schumachers who have been caught up in a debate over land use planning. He said there are two issues. He and Commissioner Sandack have*

*discussed this, debated it and respectfully disagree. In regard to consistency, Commissioner Tully said he thinks there were good reasons why, in 1991, the Village declared the minimum lot width to be 75'. It is a good planning decision. He noted that a petitioner can request an exception. Commissioner Tully then reviewed the criteria. As to its consistency with the trend in the neighborhood Commissioner Tully said that history is very strong here. This is a block that has not been carved into 50' and 60' lots. Since the declaration of 1991 stating that all lots should be a minimum of 75', the question is whether they should divert from that plan. In 1997 this was considered on another two occasions and on both occasions the Council maintained the 75' minimum requirement as part of the Subdivision Control Ordinance. There have been situations where 60' lots have been created from lot splits. That is not the history here. Four lot splits were allowed in this area, one in 1978 with no exceptions required, and both resulting in lots of more than 75'. In 1986 there was a lot split allowed again with no exceptions and with two lots in excess of 75'. In 1987, before the 1991 plan and policy was implemented, there was a lot split at 5747 Lyman resulting in one lot 65' and one 77' in width. In 2002 there was a lot split at 5828 Lyman with no exceptions and resulting in lots in excess of 75'. In 2001 a request for a lot split was made to the Plan Commission and rejected for some of the same reasons Commissioner Tully has already articulated. He said there is a plan here, and the plan is not to have lots of less than 75'. In this particular area with the history, plan and intent, he cannot support this lot split.*

*The Mayor thanked the staff for the information provided about the 1991 Ordinance requiring a 75' lot width. Since that time there have been approved as well as denied lot splits. Each is based on its own facts. In reviewing, there was a lot split request on Fairmount several years ago which requested two 65' lots. Those would have been the smallest lots on the block. Since 1991, there have not been any lots on the east side of Lyman granted smaller than the 75' exception. He will not support this lot split as he sees it as setting a trend, and these would be two of the smallest lots on the street.*

**A motion was made to Adopt this file. Mayor Krajewski declared the motion failed by the following vote:**

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

**Indexes:** Lot Split

**ORD 00-02008** Ordinance: Annex a Vacant Parcel to the Village of Downers Grove - Gronych's Walnut Grove Subdivision

**Sponsors:** Plan Commission

**Summary of Item:** This will annex a vacant land locked parcel of land immediately south of 515 66th Street.

AN ORDINANCE ANNEXING A VACANT PARCEL TO THE VILLAGE OF DOWNERS GROVE

ORDINANCE NO. 4688

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

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

**Indexes:** Subdivision - Gronych's Walnut Grove

**ORD 00-01969** Ordinance: Rezone 515 66th Street from R-1, Single Family, to R-3, Single Family - Gronych's Walnut Grove Subdivision

**Sponsors:** Plan Commission

**Summary of Item:** At their meeting of April 4, 2005, the Plan Commission recommended that the property located at 515 66th Street be rezoned from Village R-1, Single Family Residential District, to Village R-3, Single Family Residential District.

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, CODIFIED AS CHAPTER 28 OF THE DOWNERS GROVE MUNICIPAL CODE, AS AMENDED TO REZONE PROPERTY LOCATED AT 515 66TH STREET

ORDINANCE NO. 4689

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

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

**Indexes:** Rezone 515 66th Street - R-1 to R-3, Subdivision - Gronych's Walnut Grove

**RES 00-01970** Resolution: Approve Final Plat of Subdivision for the Walnut Grove Subdivision with Exceptions

**Sponsors:** Plan Commission

**Summary of Item:** The Plan Commission recommended approval of the Final Plat of Subdivision for the Walnut Grove subdivision with exceptions.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR THE WALNUT GROVE SUBDIVISION WITH EXCEPTIONS

RESOLUTION 2005-43

*Commissioner Tully asked for verification that there is no requirement in this Ordinance for a sidewalk connecting the bulb of the cul de sac to the stub. Attorney Petrarca said that was correct.*

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

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

**Indexes:** Subdivision - Gronych's Walnut Grove

**ORD 00-02011** Ordinance: Annex 2407, 2409, 2411 Maple Avenue and 5635, 5637, and 5639 Elinor Avenue

**Sponsors:** Planning and Community Development

**Summary of Item:** This will annex the properties commonly known as 2407, 2409, 2411 Maple Avenue and 5635, 5637, and 5639 Elinor Avenue. Following annexation, these properties will be zoned R-1 Single Family Residential.

AN ORDINANCE ANNEXING 2407, 2409, 2411 MAPLE AVENUE AND 5635, 5637 AND 5639 ELINOR AVENUE TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS

ORDINANCE NO. 4690

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

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

**Indexes:** Annexation, Subdivision - Maple Woods

**ORD 00-02012** Ordinance: Rezone Property Located at 2407, 2409, 2411 Maple Avenue and 5635, 5637, and 5639 Elinor Avenue from Village R-1, Single Family Residential, to Village R-5A, Townhouse Residence

**Sponsors:** Planning and Community Development

**Summary of Item:** This will rezone the properties commonly known as 2407, 2409, 2411 Maple Avenue and 5635, 5637, and 5639 Elinor Avenue from Village R-1, Single Family Residential, to Village R-5A, Townhouse Residence

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, CODIFIED AS CHAPTER 28 OF THE DOWNERS GROVE MUNICIPAL CODE, AS AMENDED TO REZONE PROPERTY LOCATED AT 2407, 2409, 2411 MAPLE AVENUE AND 5635, 5637, AND 5639 ELINOR AVENUE

ORDINANCE NO. 4691

*Commissioner Tully said he would vote the same as he did the last time.*

*Commissioner Sandack said he spoke with residents at the Coffee with the Council Saturday, and he appreciated their thoughts and efforts.*

*The Mayor said he will vote the same way as well. He said the first phase is appropriate, but now it has become intrusive.*

*Commissioner Schnell said she appreciates the comments of the residents. She walked and drove the property, and finds no reason to change her vote from the last time. All of the criteria are met. She was struck by the silt fences protecting the trees to the south and west as a buffer to the residents. She noted that there are ten or fifteen larger trees there as a buffer. She believes the developer is doing what he said he would do. He took the concerns expressed seriously.*

*Commissioner Waldack said that this is the third time this development has come before the Council. He was not on the Council at the time of the first vote and was a Commissioner-elect for the second vote. He said this is a very tough decision. He said that he would probably have voted in favor of the character of the neighborhood and against the development. This is presently before the Council on a technicality. He feels it would not be appropriate to vote against this based on a technicality. He would take a dim view if the developer did not go ahead with the development as he agreed to do. He is not willing to reverse the previous decision.*

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

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

**Indexes:** Rezone 2407 Maple - R-1 to R-5A, Rezone 2409 Maple - R-1 to R-5A, Rezone 2411 Maple - R-1 to R-5A, Rezone 5635 Elinor - R-1 to R-5A, Rezone 5637 Elinor - R-1 to R-5A, Rezone 5639 Elinor - R-1 to R-5A

**RES 00-02009** Resolution: Approve the Final Plat of Subdivision for the Villas of Maple Woods Subdivision with Exceptions

**Sponsors:** Planning and Community Development

**Summary of Item:** This will approve the Final Plat of subdivision for the Villas of Maple Woods Subdivision with exceptions.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR THE VILLAS OF MAPLE WOODS SUBDIVISION WITH EXCEPTIONS

RESOLUTION 2005-44

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

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

**Indexes:** Subdivision - Maple Woods

## 8. Mayor's Report

### Materials to be Received - Minutes

*Community Grants Commission - May 9, 2005*

*Economic Development Commission - April 13, 2005*

*Environmental Concerns Commission - May 15, 2005*

*Library Board - May 25, 2005*

*Transportation Advisory Commission - April 21, 2005*

*Plan Commission - May 2, 2005*

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

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

### Materials to be Received - Monthly Reports

### Materials to be Placed on File

## 9. Manager's Report

*Manager Ginex said that the Department of Agriculture notified the Village that they will be applying gypsy moth flakes on Thursday morning in the Village via low-flying aircraft. This is not a pesticide but treated flakes. There is a map on the website.*

*The Manager said that this weekend is Heritage Festival. Presale tickets are on sale until 5:00 p.m. Wednesday for rides. He noted that the Temptations Review would be at the Tivoli at 8:30 p.m. He reminded everyone there would be no parking on Main Street between Curtiss and Burlington beginning noon Thursday.*

*The Manager said that the New England Builders will have their renderings of the Curtiss Street block at the Heritage Festival. He also said that he received two e-mails, one from a family from London and another family from Arizona who will be attending Heritage Festival.*

## 10. Attorney's Report

### Future Active Agenda

## 11. Committee Standing Reports

### *Public Services Committee*

*Commissioner Schnell said contract contingencies were discussed and they suggest this be passed on to the Finance Committee. Staff is recommending that Change Orders for contracts with an awarded value of \$500,000 or less with a 105% contingency and those greater than \$500,000 with a 103% contingency could be approved by the Village Manager if they are \$25,000 or above. Staff would approve \$24,999 or below. This could be done with notification to the Council within a week of the Change Orders. She said it differs from the present policy, and concerns were expressed that Council would not be notified in a timely manner. The idea is to react quickly to a change in a contract so it will not be bogged down during construction.*

*The Mayor asked what other communities do, and Commissioner Schnell said that this is mirrored after Naperville's policy.*

*Commissioner McConnell asked whether the original contract comes before the Council and Commissioner Schnell said it would. This would relate to anything either 5% or 3% over the contract.*

*Commissioner Schnell said they spoke about the Gilbert Avenue Sidewalk Project at their meeting and saw conceptual drawings. The cost would be \$281,000, with \$25,000 for retaining walls and \$10,000 for fill. This does not include restoration costs. The timeline for this construction is the latter part of September or early October. She said that they must go through the Burlington Northern Santa Fe.*

*The Mayor asked to have a letter put together and said he would serve as contact person.*

*Commissioner Tully asked whether it is possible to go out to bid in a parallel fashion. Mike Millette, Assistant Director, Public Works, responded that Commissioner Schnell had also asked that question. He said staff would be comfortable once they have the approval of the railroad to put in the retaining wall, to go out to bid.*

*Commissioner Schnell said the question is that this is more of a roadway project as opposed to simply sidewalks.*

*The Mayor asked who the Burlington Northern contact is and Mr. Millette said it is Patricia Cassler. The Mayor said he will call her this week.*

*Commissioner Schnell continued with her report, saying the Committee discussed the purchase of the five 28-passenger shuttle buses. These PACE buses are in service, are not new, have bike racks in front and advertising panels. They will not last forever. As for the CMAQ grant, they won't hear on that until December. The Transportation Advisory Commission is asking to go out to bid for five 28-passenger buses. The cost will be approximately \$70,000 each. The feeling was that the interest payments and principal payments would be less than is presently being paid for fuel on the larger buses now in operation. These would open up opportunities for other uses as well. She said the Committee felt the Council should discuss this, and that it was more cost-effective than using the present buses.*

*The Mayor asked whether the Village is putting together a survey regarding reverse commuting at the Butterfield/31st Street area. He said they need to gather the statistical data. He said that it was a concern for Sara Lee.*

*Mike Baker, Assistant Village Manager, said he spoke with Public Works Director Dave Barber*

about collecting that information and working with PACE. The Mayor said he spoke with the chairman of METRA, Jeff Ladd, about changing schedules to have more stops in Naperville/Lisle at night going into Chicago, with more stops at Belmont as well.

Commissioner Schnell said the Committee then considered the DuPage County Floodplain Map revisions, saying the County has found that the maps have limitations and did not include unincorporated areas. They produced digital maps that have caused problems for some residents. There are two hot spots, notably the Carol Street area and Ridgewood Circle, and there are approximately 400 homes now considered to be in a floodplain that did not have that problem before the maps were revised. Survey work will need to be done to determine elevations at a cost of \$90,000-\$120,000. She said that the County will do the Carol Street area. Commissioner Schnell said that in terms of a timeframe, it would take about four months to do the hot spots. The Committee asked staff to talk to Dietz about whether they have sufficient staff to pursue this as well as the stormwater Master Plan. They also asked that staff talk with some local firms to get an idea of who is available. A lot of this is survey work. She noted that this issue will be presented to the Council next week. In addition, staff was asked to talk to the County for financial help since the County placed many of these parcels in the floodplain. Staff was also asked to find a source for the money. It is a complex issue and a major problem for Village residents who are being charged the highest rate of flood insurance due to elevation questions.

The Mayor asked if the County did this. Mr. Millette said the County did it and gave it to FEMA.

Mayor Krajewski questioned what they are asking the County to do. Mr. Millette said he called Tony Charlton last week to prove or disprove that the homes are actually in a flood zone. The Mayor asked that a letter be put together from him asking for a time commitment and to send it to the County Board members. Mr. Millette said that the County does work with Dietz. The Mayor said he wants someone that the County is comfortable with, and Mr. Millette said they will ask for evaluation criteria.

Commissioner McConnell asked about doing the evaluation of the buses. It is getting close to a year after the opening of the deck.

Commissioner Tully said that they agreed to do that a year after the opening of the deck, but the Transportation Advisory Committee is doing an analysis on an ongoing basis. He said the question is whether there is additional information to be collected. The TAC has been asked to compile a report but they should be told what information to include.

Commissioner McConnell agreed that they need to give TAC the framework with information to be included such as the status of progress, outstanding issues, recommendations, etc.

The Mayor said that they have done good work, but the numbers aren't bearing it out. He said the one issue they may not know is the potential use with office parks etc.

Commissioner McConnell said they also need to fulfill their commitment to the general public regarding a formal analysis.

Commissioner Tully said that they need to determine if there will be a long-term commitment to the transportation system. If there is no long-term commitment, commuters will seek other alternatives. He said they need to determine whether the benefit justifies the cost. It is time to gather the data and make a decision.

Commissioner Schnell suggested that they could have a senior bus and reduce the taxi subsidy

program.

Mayor Krajewski asked whether the Village can use its buses to transport seniors to Drury Lane. Mr. Baker said that the buses are not insured to run outside of the Village boundaries.

Commissioner Waldack said that the TAC is cognizant of the need to report back to the Council. The question was whether it would be a year from the opening of the deck or of the establishment of the Committee. They are willing to report back to the Council. The Mayor asked that it be done before budget season.

Commissioner McConnell said they need a report summarizing the progress, etc., by year end at the latest. She would like it to be provided by November.

#### *Public Safety Committee*

Commissioner McConnell reported on the Public Safety Committee meeting that focused on the Police Department data collection looking at racial profiling related to traffic stops. She said that a tremendous amount of time has been spent on this. She said that the Council has received the report and this will go to IDOT and the Governor in July. She noted that it probably took an extra five hours per week of data entry. She said the mandate goes through 2007 and it is an unfunded mandate.

The Mayor asked Rita to determine the cost of the unfunded mandate.

Commissioner McConnell said perhaps they could take into consideration the ongoing costs and the cost of the report. She said they counted 157,000 cars as part of this project.

Commissioner McConnell said they also discussed booking and towing fees. There is an RFP for the attorney needed, sergeants are already training, and there is a tentative start date of August 1. In addition, she said they are looking at a company that would allow accepting credit cards for bail bonds, towing fees, etc.

Commissioner McConnell said they will meet next week regarding the Fire Department.

#### *Finance Committee*

Commissioner Tully said that the Finance and Administrative Committee met and discussed the agreement with SBC regarding the phone system. The agreement could be extended for two or three years. The recommendation is that it is wiser to go with the two-year extension. Administrative fees were discussed to bring them up to current costs, and a cash key card would be added for parking meters.

Under New Business, the Committee discussed the resident survey that will be conducted at the end of July. In addition, the Community Response Center was asked for a quarterly report to see what trends may be occurring. With regard to establishing a debt policy, a proposed policy will come before the Council for its consideration. In addition, performance bonds connected with the tree preservation ordinance were reviewed. More information will be available in the near future.

Commissioner Tully said other topics for the future include the impact of the EDC as an independent not-for-profit organization, a calendar year change, Home Rule sales tax options, tenant build-out analysis as compared to other communities, analysis of utilization of the Ogden Avenue TIF funds. The next meeting is at 5:30 p.m. on July 5.

*The Mayor asked that for the July 5 meeting Attorney Petrarca's goals be included. Commissioner Sandack said they will meet with her.*

*Mayor Krajewski asked whether there is a list of all of the fees. Attorney Petrarca said there is an administrative regulation that includes those. Some fees are by Ordinance and disbursed throughout the Municipal Code. The Mayor asked that a complete list be put together if possible. Departments often say that the individual fees are not adequate. He also asked that staff find out if the additional analysis from Friedman has been received. He also inquired as to the status of business licenses.*

## **12. Council Member Reports and New Business**

*Commissioner Waldack said he attended the teardown forum which he found very interesting. On June 29 the Village will hold a dialogue on new guidelines regarding development. He noted that it will be taped. He commented on being respectful of each other's positions. He said at times builders and developers are unnecessarily vilified. He said that they are a necessary part of the community and the Village needs them and their point of view. This is their expertise. It is up to the Council to decide whether to go forward with projects.*

*Commissioner Waldack added that he is looking forward to Heritage Festival and is looking forward to meeting residents.*

*Commissioner Schnell asked residents to stop by the Council booth, and to look at the plans from New England Builders for the Curtiss block and give their comments to the Council. The Manager said that the plans will be on-line.*

*Commissioner McConnell also said she was looking forward to seeing people at the Festival.*

*Commissioner Tully said that there are three days until the next Heritage Festival. He reviewed the activities and events, and said the renderings of the New England Builders for the Curtiss Block Development will be on display. He encouraged residents to come by the Council booth. He said that on Friday Seaspar will have their dunk tank and Council members will be in the tank. He thanked Downers Grove Watch and the Heritage Alliance for the forum regarding restrictions on redevelopment. The latest proposals will be presented June 29.*

*Mayor Krajewski commented on a letter regarding the businesses on Burlington and relocation of businesses at Station Crossing. He then congratulated the Relay for Life participants for raising \$262,000 this past weekend, and they are still counting. He added that he will be at the Cubs/Sox game on Friday, expecting to be freed from his usual Friday evening dunk tank duty; however, the Festival Committee rescheduled him for the dunk tank on Sunday at 5:00 p.m.*

### **Public Comment**

*Christine Fregeau, 1918 Elmore, commented on some issues. She said it was meaningful to see the rooms filled with people who are willing to participate in issues which are important to them. She said she attended a District 99 meeting with several hundred people, where one Downers Grove resident said he was ashamed to be from the Village. She was upset by that and said she grew up in Chicago, and thinks the Village provides unique opportunities to its residents. She urged people to engage in municipal activities. Ms. Fregeau said the Council and staff make themselves available and accessible to the residents. She said she puts great faith in the elected officials to make the right decision, and thanked them for their work for the Village.*

*Mayor Krajewski said that Friday night he attended the North and South All Stars game at*

*Doerhofer Park. He said the Park District President was in attendance at the game talking with residents. He said they would be adding new parking spots in that area. They also spoke about the lightning detector.*

### **13. Adjournment**

*Commissioner Tully moved to adjourn. Commissioner Urban seconded.*

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

*Mayor Krajewski declared the motion carried and the meeting adjourned at 8:52 p.m.*