



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, May 17, 2005

6:30 pm

Council Chambers

1. Call to Order

Mayor Brian Krajewski called the regular meeting of the Village Council of the Village of Downers Grove to order at 6:40 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 - April 19, 2005

Council Meeting - May 3, 2005

Workshop Meeting - May 10, 2005

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

Police Swearing-In Ceremony

COP Volunteer Recognition

*A Child is Missing Presentation**Special Guests*

The Mayor noted that the 3rd graders of Pack 86 from Lester School were present and working on their citizenship badge. The Mayor had them each introduce themselves and they received pins from the Village.

Police Swearing-In Ceremony

Police Chief Bob Porter announced that Luke Malmborg was to be sworn in this evening as a Police Officer with the Village. The Clerk then administered the oath to Officer Malmborg.

COP Volunteer Recognition

Andy Matejcek, Director, Social & Health Services, recognized the following volunteers of the Downers Grove Community Oriented Police Program: Deputy Chief Church; Lt. Hahn; Sgt. Niehls; Officer Lister; Officer Blaylock; Officer Marquez; Officer Andler; Resources Coordinator Jenifer Gornik. He noted that two volunteers of SEASPAR were also present. Certificates of Appreciation were then distributed by the Mayor to each of the volunteers.

A Child is Missing Presentation

Chief Porter provided background information on an article he read entitled, "A Child Is Missing," which is a program that serves as an extra tool in protecting our children. The program did not run in Illinois, so Lt. Bill Budds researched the program and worked toward bringing it to the community. A press conference is scheduled for College of DuPage for tomorrow announcing the beginning of the program, and training sessions will be started as well. They then showed a video of the program. The program will allow for 1000 calls to be made within minutes of a child being reported as lost or missing. Chief Porter introduced Sherry Friedlander who thanked the Council and the Police for their support. She noted that they have expanded the program since 1997 from three Florida counties to 21 states. To date there have been 93 safe assisted recoveries in the last eight months. She noted that this is a simple program, and is the only program of its kind in the country.

Commissioner Schnell noted that she saw this on the news last night and congratulated Ms. Friedlander and the Police Department for beginning this program.

Proclamation

The Mayor proclaimed the week of May 17-21, 2005 as Police Week in the Village of Downers Grove. He then thanked Chief Porter for the Barth Memorial honoring Officer Richard Barth killed in the line of duty 31 years ago. He noted that on Friday night the annual Police ceremony was also held honoring those who have worked in public safety throughout the year.

4. Public Comments and Questions

A. Comments and Questions on Active Agenda

1. Laurel Bowen, 829 Clyde Drive, asked if there is a clause in the tree ordinance for recovery costs for trees that have been damaged in the parkways that show no immediate damage.

Attorney Petrarca said they would have to be able to prove that the developer caused the

damage.

The Mayor said they would be charged if the inspector can determine what caused damage to the tree.

Dave Barber, Director, Public Works, said that the Forester includes as part of the calculations the damage to the base of the tree even if it is not yet dead.

Ms. Bowen said that she watched a machine dig into the base of a tree yesterday, and said here is hardly a way to prove this unless someone is actually taking pictures while the damage is occurring.

Ms. Bowen then spoke on rezoning and land use, commenting on the successful efforts of residents years ago to keep Highland Avenue as residential rather than commercial. She said that about two weeks ago, the Council quickly and unanimously approved rezoning of property adjacent to a rural neighborhood near Maple Avenue. She added that neighbors at Puffer Road are at risk from the Council's potential rezoning power. She asked that Puffer Road remain as R-1.

Ms. Bowen then noted that the Village chose to sell the property at Maple and Main Street, and asked why the Council did not choose to maintain that parcel as open space.

Mayor Krajewski responded that the Council does not quickly pass anything, and he then explained that the rezoning process involves several Commissions before it reaches the Council. In regards to Main and Maple, there is a park across the street on the other side of Main Street.

2. Dr. Gordon Goodman, 5834 Middaugh, said he was pleased to see on the Agenda the bid for tree and stump removal, the sidewalk plan, the amendment to Chapter 24 for the protection of public parkway trees, and that the Village is working with the Park District for a special use for the park at Belmont and Curtiss. He indicated that it is important to have these smaller parks, as they are nice amenities in town. He noted that no such amenities were included in developments like Station Crossing. He would like to see another pocket park at Maple and Main. He would oppose the sale of that park.

Dr. Goodman then addressed the issue of the Zoning Ordinance permitting residential special use within the O-R-M District. He said that is a fairly large district which could be substantially different for the Northwest Territory. He felt it important for the public services to comment on the overall implications of this as a text amendment and as a special use, rather than just on the features of the particular planned development. He asked whether any further reports were received from those departments by the Council.

The Mayor said he spoke with the Fire Chief. He indicated that more people in the Northwest Territory may necessitate another fire station to maintain the response time. This needs to be taken into consideration in future planning.

Dr. Goodman said that the Council might want to look at full time occupancy with commercial during the day and residential at night, which will be a new major component in the community.

Dr. Goodman then commented on the R-1 to R-3 requested zoning change for Puffer Road. That is fully surrounded by R-1 at the present time. He said that a case has been made that this rezoning would de-stabilize the area, and he urged the Council to vote against the R-1 rezoning. In regard to the vote required, he has discussed this via e-mail with the Village

Attorney, and he said that the Council received a properly protested petition. He said this will require an extra vote of 2/3 of the Trustees, and asked whether the vote involves the Mayor. He said in his experience in the Village, it used to be 2/3 of the Council and the Mayor voting. The Mayor's vote at that time counted toward the 2/3 requirement. Now the Village Attorney has said to him that 2/3 of the Commissioners must vote in favor, and the Mayor's vote has no effect. Dr. Goodman said the Village Municipal Code already requires four votes to approve any zoning change. He then quoted from the Municipal Code, and then asked whether there was some relatively recent precedent setting changes in case law requiring a change of the 2/3 vote of the entire Council in a properly protested rezoning. He encouraged the Village to go back to the procedures followed in the past in which the Mayor's vote carries some significance in a protested rezoning. He suggested following the Village of Oak Park's practice for cases involving rezoning in cases under proper protest.

Mayor Krajewski said this is not new case law, and is an older case. In 1961 there were apparent revisions to clear up some ambiguities. In most cases, the Mayor either casts a vote to break ties or has veto powers. He feels under a managerial form of government, the Mayor should have a vote that counts. Under home rule this could be changed. Dr. Goodman said our current form of government grew out of the Commissioner form of government.

3. David Matthias, 4622 Saratoga, commented on the tree ordinance saying he was a contractor. He applauds the efforts to address flagrant abuses, but he noted that there are grey areas to be considered. Excavation is necessary when new sewer lines have to be installed. Mr. Matthias said that the arborist is empowered when work is done in a parkway, and he hopes the enforcement of it is fair. He felt the bond was excessive, and will tie up staff further to appraise the value of the trees. He would like to see the Village go to a flat rate bond. Mr. Matthias also said that the penalties are severe.

The Mayor said he wants a system with simpler paperwork.

Mr. Matthias said in Hinsdale they have a \$10,000 cash bond up-front, which keeps more established builders in town.

The Mayor asked whether having one large bond reduces the paperwork. He said he gets calls on getting the bond money released. Mr. Matthias said he prefers the idea of one bond.

Attorney Petrarca said that Don Rosenthal is looking into this issue.

B. Comments and Questions on General Matters

There were none.

5. Public Hearings

Annexation Agreements

Mayor Krajewski called the public hearing to order at 7:40 p.m. to consider proposed annexation agreements for the properties located at 4918 Cross Street, 4520 Cross Street, Vacant Parcel (PIN 08-01-308-014), Vacant Parcel (PIN 08-01-308-015) and Vacant Parcel (PIN 08-01-308-016). Notice of this hearing was published in the Downers Grove Reporter on April 29, 2005.

The Mayor then summarized the procedure for the hearing.

The Manager summarized the petitions by address and date of annexations:

4918 Cross Street - Once the property becomes contiguous to the Village, or at time of request

by owner, whichever occurs first.

4520 Cross Street - Once the property becomes contiguous to the Village, or at time of request by owner, whichever occurs first.

Vacant Parcel (PIN 08-01-308-014) - Once the property becomes contiguous to the Village, or at time of request by owner, whichever occurs first.

Vacant Parcel (PIN 08-01-308-015) - Once the property becomes contiguous to the Village, or at time of request by owner, whichever occurs first.

Vacant Parcel (PIN 08-01-308-016) - Once the property becomes contiguous to the Village, or at time of request by owner, whichever occurs first.

The Manager said no rezoning or other land use approvals are requested with these annexation agreements. As such, the properties will be classified as R-1 Single-Family Residence District upon annexation.

There being no questions or comments from the Council or the public, the Mayor adjourned the public hearing at 7:43 p.m.

6. Consent Agenda

COR 00-01952 Claim Ordinance: No. 5583, Payroll, April 29, 2005

Sponsors: Accounting

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

Indexes: N/A

BIL 00-01953 List of Bills Payable: No. 5574, May 17, 2005

Sponsors: Accounting

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

Indexes: N/A

BID 00-01954 Bid: Award \$24,300 to Green Grass, Inc. for Municipal Turf Maintenance Contract

Sponsors: Public Works

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

Indexes: Turf Maintenance

BID 00-01955 Bid: Award \$113,387 to Bergquist Tree Experts for Tree and Stump Removal Contract

Sponsors: Public Works

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

Indexes: Tree and Stump Removal

BID 00-01956 Bid: Award \$17,751.84 to Warehouse Direct for 2005/006 Office Supplies

Sponsors: Financial Services

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

Indexes: Office Supplies

BID 00-01957 Award \$33,177.10 to Traffic Control Corporation for LED Traffic Signal Modules

Sponsors: Public Works

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

Indexes: Traffic Signals

RES 00-01958 Resolution: Approve an Intergovernmental Agreement Renewing the Children's Sexual Abuse Center of DuPage County

Sponsors: Police Department

Summary of Item: A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT RENEWING THE CHILDREN'S SEXUAL ABUSE CENTER OF DUPAGE COUNTY

RESOLUTION 2005-30

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

Indexes: DuPage County Children's Center

RES 00-01959 Resolution: Authorize a Lease Amendment Agreement with the Downers Grove Sanitary District

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A LEASE AMENDMENT AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE DOWNERS GROVE SANITARY DISTRICT

RESOLUTION 2005-31

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

Indexes: Sanitary District

BID 00-01960 Bid: Award \$222,417 to Burns & McDonnell for the Ogden Avenue Sidewalk Plan

Sponsors: Public Works

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

Indexes: Sidewalk Construction, Ogden Avenue Sidewalks

RES 00-01902 Resolution: Authorize Agreement with County of DuPage re: Autumn Grove Resource Center

Sponsors: Social and Health Services

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE COUNTY OF DUPAGE AND THE VILLAGE OF DOWNERS GROVE (Autumn Grove Resource Center)

RESOLUTION 2005-32

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

Indexes: DuPage County Community Development Block Grant

Passed The Consent Agenda

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

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

7. Active Agenda

ORD 00-01961 Ordinance: Authorize the Sale by Public Auction of Personal Property Owned by the Village of Downers Grove

Sponsors: Public Works

Summary of Item: This will authorize the sale of various vehicles owned by the Village of Downers Grove at a public auction conducted on June 11, 2005 by the DuPage Mayors and Managers Conference.

AN ORDINANCE AUTHORIZING THE SALE BE PUBLIC AUCTION OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF DOWNERS GROVE

ORDINANCE NO. 4672

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: DuPage Mayors & Managers, Vehicle Auction

ORD 00-01891 Ordinance: Amend Chapter 24 (Trees & Shrubs)

Sponsors: Public Works

Summary of Item: This will make certain amendments to tree preservation requirements.

AN ORDINANCE TO AMEND CHAPTER 24 (TREES & SHRUBS)

ORDINANCE NO. 4673

Mayor Krajewski asked whether the Forester knows where the utilities are located in the parkway. Mr. Barber responded that the staff does a JULIE locate for every tree that is planted.

The Mayor then asked whether the Village has a contract with the Sanitary District. Mr. Barber said that he met with Larry Cox and his staff. They are repairing joints to houses and on streets. The Mayor said there may be many parkways affected, and he said that they should be aware of the trees. Mr. Barber said that much of the work is done within the pipes. They are replacing the sanitary service in some cases. The Mayor said that the Sanitary District should know about this ordinance if it passes.

Commissioner Sandack said that the Village Forester will employ a rule of reasonableness with respect to interpretation. He felt they should review the ordinance in six months or a year, particularly in regard to utilities in the right-of-way. He also said the Village should look at consolidating bonds to lessen the paperwork for staff.

Commissioner McConnell said she would also like to look at the concept of one bond fairly soon.

Commissioner Tully said it is time to move forward on this ordinance. The trees are an

important asset in our community. He agrees with Commissioners Sandack and McConnell, and he thinks they should revisit this ordinance after six or twelve months. He also agrees that reducing the number of bonds will also reduce paperwork. He said that the ordinance allows the Village Forester a great deal of discretion.

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

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

Indexes: Trees and Shrubs

ORD 00-01962 Ordinance: Amend Ordinance #4583 and the Village of Downers Grove Budget for Fiscal Year 2004/05

Sponsors: Financial Services

Summary of Item: This adopts certain amendments to the 2004-05 Budget.

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO ORDINANCE #4583 AND THE VILLAGE OF DOWNERS GROVE BUDGET FOR FISCAL YEAR 2004/05

ORDINANCE NO. 4674

Commissioner Tully said by way of explanation that Items 12, 13 and 14 related to the debt service. He said that the Village knows its debt service. In the 2003/04 budget there was a certain amount of TIF increment expected which was an excess increment used in the 2004/05 time frame to cover the fixed expense of the debt service. This amendment reflects that excess increment which covers the 04/05 debt service.

The Mayor said that the reserve looks to be about \$4 million. He suggested that the Village may want to bid alternatives with respect to sidewalks. He asked the Finance Committee to look at this. Commissioner Schnell said the Committee discussed that issue already and will look into it further.

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: Budget Amendment - 2004/05

ORD 00-01963 Ordinance: Amend the Future Land Use Map for the Village of Downers Grove

Sponsors: Plan Commission

Summary of Item: At their meeting of April 4, 2005, the Plan Commission unanimously recommended amending the Future Land Use Map.

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP FOR THE VILLAGE OF DOWNERS GROVE

ORDINANCE NO. 4675

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 McConnell, Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully, Commissioner Waldack and Mayor Krajewski

Indexes: Park District, Future Land Use Plan

ORD 00-01964 Ordinance: Rezone Property Located at the Corner of Belmont Road and Curtiss Street from B-1, Limited Retail Business District to R-1, Single Family Residence District

Sponsors: Plan Commission

Summary of Item: At their meeting of April 4, 2005, the Plan Commission recommended that the property at the southeast corner of Belmont Road and Curtiss Street be rezoned from Village B-1, Limited Retail Business District to Village R-1 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 THE CORNER OF BELMONT ROAD AND CURTISS STREET

ORDINANCE NO. 4676

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: Park District, Rezone Belmont & Curtiss - B-1 to R-1

ORD 00-01965 Ordinance: Authorize a Special Use at Belmont Road and Curtiss Street to Permit a Public Park in an R-1 Residential Zoning District

Sponsors: Plan Commission

Summary of Item: At their meeting of April 4, 2005, the Plan Commission unanimously recommended that a Special Use be granted for the property located at the southeast corner of Belmont Road and Curtiss Street for a public park in an R-1 residential zoning district.

AN ORDINANCE AUTHORIZING A SPECIAL USE AT BELMONT ROAD AND CURTISS STREET TO PERMIT A PUBLIC PARK IN AN R-1 RESIDENTIAL ZONING DISTRICT

ORDINANCE NO. 4677

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: Park District, Special Use - Belmont Road & Curtiss Street

ORD 00-01966 Ordinance: Establish Special Use Regulations for an O-R-M District Residential Development

Sponsors: Plan Commission

Summary of Item: At their meeting of April 4, 2005, the Plan Commission recommended amending the Zoning Ordinance and establishing Special Use regulations for a residential development in the O-R-M zoning district.

AN ORDINANCE ESTABLISHING SPECIAL USE REGULATIONS FOR AN O-R-M DISTRICT RESIDENTIAL DEVELOPMENT

The Mayor explained that the petitioners have requested that the Council table this and the next ordinance, and called for a Motion to table Ordinances 00-01966 and 00-01967.

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

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

Indexes: Planned Development #31 - Esplanade at Locust Point, Zoning Ordinance - Special Use

ORD 00-01967 Ordinance: Approve Preliminary Planned Development Amendments to Planned Development #31 for a Multi-Family Residential Component to the Esplanade Office Complex

Sponsors: Plan Commission

Summary of Item: At their meeting of April 4, 2005, the Plan Commission recommended approval of the Preliminary Plat Development amendments to Planned Development #3 for a multi-family residential component to the Esplanade Office Complex.

AN ORDINANCE APPROVING PRELIMINARY PLANNED DEVELOPMENT AMENDMENTS TO PLANNED DEVELOPMENT #31 FOR A MULTI-FAMILY RESIDENTIAL COMPONENT TO THE ESPLANADE OFFICE COMPLEX

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

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

Indexes: Planned Development #31 - Esplanade at Locust Point

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

Commissioner Schnell moved to remand this and the next item (Ord. 00-01722 and Res. 00-01723) to the Plan Commission for reconsideration to an R-1 rezoning district with a four lot subdivision with exceptions. Commissioner Tully seconded the Motion.

Commissioner Sandack said he anticipated that this would be the case, and he will vote no. He thinks it makes better planning sense for this to be R-2 or R-3 as presented. What may occur is that there will be four prominent variances, which is not the rule the Village should be applying. They ought not to incur large exceptions for projects such as this.

Commissioner Schnell said she made the Motion because this would be between two R-1 zoning districts. It is for the greater good to deal with the exceptions.

The Mayor thanked the staff for the information they provided. If this were rezoned to R-3 and then the property was sold or an amendment was sought, the engineer could eliminate all of the exceptions and get five lots in with no variances.

Commissioner McConnell said she will not vote in favor of this. Although it is technically

surrounded by R-1, two of those are Park District related. In addition, the lots across the street are more like R-2 or R-3. R-3 is not out of character. If they approve the plat at R-3 with four lots, they could not change it without going back to the Plan Commission and without Council approval.

The Mayor asked if the Council can stop a project if it meets all of the criteria, and Attorney Petrarca said that the Council has the discretion to approve or disapprove the final plat. She also noted that the Mayor's vote will count on this issue.

Commissioner Tully said that this goes beyond the petitioner, who has been patient and worked to reduce the number of lots. The issue concerns the potential ramifications of changing the zoning in this area. He indicated that he was against rezoning this from R-1 to R-3 because essentially they would be creating an island of R-3 surrounded by R-1. He believes this should be remanded back to the Plan Commission due to the lot depth exceptions that would be required. It is less undesirable to do this as an R-1 district. He is also concerned about staff's recommendations regarding sidewalks, and he is not convinced that the sidewalks should be waived. If the Motion passes, he asked that this be given expedited treatment by the Plan Commission with no additional fees incurred by the petitioner.

The Mayor asked whether this would be on the June 1 Plan Commission meeting. Keith Sbiral, Director, Planning and Community Development, said that it will be brought back to the Council June 14 or June 28.

A motion was made by Commissioner Schnell, seconded by Commissioner Tully, to Refer this file to the Plan Commission. 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, Rezone 4606 Puffer - R-1 to R-3

RES 00-01723 Resolution: Final Plat of Subdivision for Golfview Estates Subdivision with Exceptions

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.

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

A motion was made by Commissioner Schnell, seconded by Commissioner Tully, to Refer this file to the Plan Commission. 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

8. Mayor's Report

Materials to be Received - Minutes

Environmental Concerns Commission - March 10, 2005 & April 14, 2005

Library Board - April 27, 2005

Parking & Traffic Commission - April 13, 2005

Plan Commission - March 7, 2005; March 14, 2005; April 4, 2005; April 13, 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

New Business

RES 00-01971 Resolution: Appointments to Boards and Commissions

Sponsors: Mayor

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

COMMUNITY GRANTS COMMISSION

Reappoint Renata Allelujka and Peggy Barrett for three-year terms ending April 30, 2008

PLAN COMMISSION

Reappoint Mark Griesbaum, George Nicholaou and Ronald Waechtler for three-year terms expiring April 30, 2008

Appoint Brett Webster for a one-year term expiring April 30, 2006

A RESOLUTION APPOINTING AND REAPPOINTING MEMBERS TO VILLAGE BOARDS AND COMMISSIONS

RESOLUTION 2005-33

The Clerk read the Resolution appointing and reappointing members to the Community Grants Commission and the Plan Commission.

Commissioner Schnell said that Mr. Webster is present. She said he has lived in the Village since 1997 and is an architect by profession. She thanked others for their service and for being reappointed.

The Mayor thanked Mr. Webster for his service as well.

Commissioner Schnell asked that Mr. Sbiral and Mr. Webster introduce themselves after the meeting.

Commissioner Urban said he enjoyed meeting with the Community Grants members. He noted that it is community money being issued to local groups to support various arts in the Village. There is still one seat to fill on that Commission.

Indexes: Boards and Commissions

MOT 00-01972 Motion: Appoint Commissioners to Standing Council Committees

Sponsors: Village Attorney

Summary of Item: This shall confirm appointment of Commissioner Waldack to the Public Services Standing Committee with Commissioner Schnell serving as chair; to confirm appointment of Commissioner Sandack to the Finance and Administrative Standing Committee with Commissioner Tully serving as chair and to confirm appointment of Commissioner Urban to the Public Safety Standing Committee with Commissioner McConnell serving as chair.

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

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

Indexes: Village Council

Materials to be Placed on File

9. Manager's Report

Manager Ginex said that the Village was notified that the FY 2004 Comprehensive Annual Financial Report qualified for a Certificate of Achievement and Excellence in Financial Reporting. He thanked the staff for their efforts.

The Manager said that the Village has also been awarded the title of Storm Ready Community by the National Weather Service. There are only 40 such communities in Illinois.

The Manager said this is Public Works week with many activities planned. He said staff attended elementary schools today, and will conduct an Open House on Friday from 2:00-7:00 p.m.

10. Attorney's Report

Future Active Agenda

11. Committee Standing Reports

Public Services Committee

Commissioner Schnell said the Stormwater Master Plan was discussed earlier this evening, and all outstanding open issues have been addressed. She said that they asked that the Stormwater Master Plan be placed on an active agenda.

In new business, Commissioner Schnell said they discussed several items including construction contract contingencies which will be reviewed in June. Staff would like to use contingency funds to expedite change orders, and would also like to change the method of approving change orders. She said they also discussed the water rate changes, saying the Village consumes about 2.2 billion gallons of water per year. There will be about a \$435,000 savings to the community with the reduction in the cost of the water. Staff would like to do a plan for an upgrade of the watermain extension on Gilbert and Cornell. They also discussed a computer modeling project which would give staff a clear indication of water flow, pressures, blockages, etc. She said that she and Commissioner Waldack discussed returning costs to the residents by dropping the cost to residents by \$.075 per unit, and to pursue the two capital projects recommended by staff. There are sufficient funds in the reserves to allow both projects and the resident refunds.

There was some discussion as to the actual savings to the customers. Mr. Barber said they discussed passing ½ of the savings to the residents.

Commissioner Schnell then said the Committee discussed sidewalks, and how to do more sidewalks. They looked at doing Projects 1, 2, 4, 5, 6, 7, 8, and 9 on the sidewalk matrix, and if bids are positive they discussed the potential of doing a few extra areas.

Commissioner Schnell then noted that the Committee discussion revealed that the Gilbert Avenue projects seems to be moving forward. They are in the process of the design work, permitting, and talking to other governmental agencies. Staff would like to go out to bid in August so this may be completed this year. Staff also recommends having a five-year plan for the construction of sidewalks to stabilize the sidewalk matrix. By the end of the fifth year,

sidewalks through #38 on the matrix will be installed.

The Mayor said that the engineering report is due by the end of May, and asked whether it is still expected. Mr. Barber responded that some excavation has been done. Engineering work should be done by the end of May.

Commissioner McConnell asked if this is the same matrix as they reviewed earlier.

Commissioner Schnell said that adjustments were made regarding the proximity to parks. Some segments have the same score. Those with the same score would be ranked according to their proximity to schools.

Mr. Barber said that he will send out the new list electronically to the Council.

Commissioner McConnell said she thought that a commitment has been made to do Gilbert this year. She also said it would be helpful to see the revised matrix and put it out for the public. She said this may have confused people as this is not as transparent as it could have been.

The Mayor said that the criteria was approved, not necessarily the matrix. He understood that some areas would be reviewed to consider speed factors. Mr. Barber said that they will score those added to the matrix after #38. The first 38 will remain where they are now.

Commissioner Tully said he thought the five-year plan for sidewalks is a good idea. The projects planned to be done are the same as originally planned, except that more may be done. Regarding reduction of the water rates, he would like to see them include where the refunds will go in terms of commercial areas, multi-family, etc. Mr. Barber said he believes the reduction was over a five-year period.

Commissioner Schnell said that the Village will be spending approximately \$800,000 on sidewalks this year. She said that the last item discussed was the LPDA's with a staff presentation to show the advancements made using visual imaging. She said that they will talk with the Council about problem areas.

The Mayor said he thought they would eliminate about 80%, and asked how close they are to that. Mr. Barber said that the County wants to eliminate the areas as well since they are too small to regulate. Staff is working with them on the criteria. He said they cannot commit to 80%. They can get rid of the map but not the requirement to regulate the small pockets of depressional areas storing stormwater. The Mayor said he thought they would get rid of these six months ago. Mr. Barber said even if they get rid of the map, the Village still has to administer the County Ordinance and deal with the depressional areas on the flood plain. Mayor Krajewski said that the maps were created without rhyme or reason and hasn't been updated. Mr. Barber responded that the maps were done based on contour maps of the County. The Village did not take the next step to determine the capacity.

Commissioner Sandack said that under the County Ordinance the Community Bank LPDA will be eliminated because the County will capture it on their map. Mr. Barber responded in both the County and Village Codes areas shown as specialized local flood areas are regulated under both codes. The advantage of the map is that it helps identify the location. The problem with the map is that they have over-mapped, and a map is not readily available. Mayor Krajewski asked why they don't just give them a County map. Mr. Barber said someone could purchase a property that may not be mapped. He said that the County requires the Village to administer areas subject to flooding.

Mayor Krajewski asked when many of these might go away, and Mr. Barber said staff is trying

to look at these now. The Mayor said that the Council wants to start with the County and build on that. Mr. Barber said that making the Village map go away will not change how the program will be administered. The map makes poor drainage areas public.

Commissioner Tully said that some of the areas should not have been mapped in the first place, and he asked how many of those exist. Mr. Barber said they would have to finish the mapping first.

The Mayor said he thought they were taking the County map and adding to it rather than trying to work backwards. Mr. Barber said that not all of the areas will go way.

Finance Committee

Commissioner Tully said the Committee met this evening and discussed what should be the goals and objectives of the Committee for the next 6-12 months. He asked that the Council members comment on any ideas or issues they would like to see addressed. The Committee also discussed the issue of funding levels for capital expenditures, and the future of a new Home Rule Sales Tax. The present tax expires in 2006. There are legitimate and substantial capital needs. He indicated that the issue goes far beyond the Finance & Administrative Committee. They will provide information to the Council beyond the ten-year projections which have already been discussed. Another issue discussed was changing the fiscal year of May 1 to April 30 to the normal calendar year. That would result in many benefits and would be more understandable. This does not have to be done, but with new software being considered, this would be the likely time to change it if the Council so desires. He asked for the Council's input on this.

Commissioner Tully then said that at the Committee's meeting the issue of utility audit and consultant contracts was discussed. Other communities have had utility audits conducted. The contractor only charges the Village if they recover something in their audit. He said they recommended that this come to the Council for Workshop. The last item discussed was an explanation of items 12, 13 & 14 on the budget amendment approved tonight.

Regarding a change in the fiscal year, the Mayor said potentially four council members could leave the Council after approving the budget. Commissioner Tully said that there is some growing interest among communities to go to a calendar fiscal year.

12. Council Member Reports and New Business

Commissioner Sandack said his frustration with LPDA's has nothing to do with Dave Barber. Mr Barber inherited the LPDA's when he assumed his position. He said there are maps that are not part of the County Ordinance. Doing more than applying the County Ordinance has created problems which went beyond what the County did. He said he understands that Mr. Barber is trying to do what is right for the Village. He said he has been approached by many residents with decks and garages which they found were in LPDA's.

Commissioner Sandack closed by reminding everyone that it is Public Works week and to attend the Open House, which he enjoyed very much last year.

Commissioner Schnell said that Character Counts Pancake Breakfast is October 29.

Commissioner Tully said that Lot B is close to being completed. The YMCA will begin its Farmers' Market on June 11 at the Main Street train station. He noted that Coffee with the Council will be held on May 21 at the Immanuel Residences, 1122 Gilbert Avenue.

Mayor Krajewski asked about the Public Works races and Mr. Barber said they will be having

their snow plow rodeo.

The Mayor said he attended a luncheon this past week for District 58, and he thanked the residents who volunteer for the School District.

13. Adjournment

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

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

Mayor Krajewski declared the motion carried and the Council convened into Executive Session at 8:55 p.m.