



# 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, November 1, 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 Marilyn Schnell, Commissioner Martin Tully, Commissioner William Waldack and Mayor Brian Krajewski  
Absent: Commissioner Stan Urban

Non Voting: Village Attorney Enza Petrarca, Village Clerk April Holden, Assistant Village Manager Michael Baker and Deputy Village Manager David Fieldman

*Commissioner Tully was in attendance via telephone.*

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

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

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

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

## 3. Minutes of Workshop and Council Meetings

*Executive Session Minutes for Approval Only - October 4, 2005*

*Council Meeting - October 18, 2005*

*Workshop Meeting - October 25, 2005*

*Commissioner Waldack said he provided two minor corrections to the October 18, 2005 Council minutes to the Clerk. There being no other additions or corrections to the minutes,*

*Mayor Krajewski said they would be filed as corrected.*

#### **4. Public Comments and Questions**

##### **A. Comments and Questions on Active Agenda**

*There were none.*

##### **B. Comments and Questions on General Matters**

*Mike Semenek, 950 Blanchard, said he was present on behalf of the homeowners residing on the eastern portion of Blanchard, from Main Street to Lyman, regarding the installation locations for proposed sidewalks. He presented a petition regarding placement of the sidewalks, as well as digital photographs of the majority of the properties involved. He indicated the problem is not with having sidewalks as much as the placement, stressing that there is a difference between "long lots" versus "short lots." When a sidewalk is placed adjacent to property lines on a short lot, it significantly reduces the amount of space available to the property owners. Mr. Semenek showed photographs of "short lot" property noting that traditional placement of the sidewalk would eliminate the opportunity for a property owner to park more than two cars on their driveway, rather than four as is possible on "long lots." The placement of sidewalks on "short lot" property will affect the salability of 11 of the 15 properties that are considered "short lot." He explained that Village ordinance restrictions concerning parking of cars on driveways conflict with the placement of the sidewalk for these lots. The owners do not want to be in violation of any Village ordinances. They are requesting placing the sidewalk at the street location, which will allow four parking spaces on the driveways for all 15 property owners. Their request is a deviation of the standard practice of the sidewalk location. He specified that if funds are not available that the Village delay installation of the sidewalks until funds are available. In response to the Mayor, Mr. Semenek said their area is due for installation in 2007. He presented signed petitions from all property owners to the Council.*

*Ron Waechtler, 919 Stratford Lane, long-time resident of Downers Grove, requested that the controversy of Commission appointments between the Mayor and Village Council be resolved as soon as possible to allow the Village to resume its normal daily business. He suggested that all Commissions that were disbanded be reinstated immediately with their current members to avoid gridlock of the important business at hand. Mr. Waechtler said he is personally embarrassed for Downers Grove and the unfavorable publicity the Village has received in the media. It is time for healing.*

*The Mayor said that the Council's retreat will be held on November 9, and he said they hope to have everything resolved by the morning of November 10.*

*Alan Jirik, 1600 Hatch Place, said that voluntarily present at this meeting are the members of the former Plan Commission. He stated that these individuals have served with honor and distinction. Due to their efforts the Village of Downers Grove has benefited and prospered. They have focused on the ultimate improvement and benefit of the Village and have worked countless hours to that goal. Mr. Jirik said that looking at other plan commissions, his personal sense was that the Village's Plan Commission was getting into well-developed content and information, with the ultimate purpose to suit the needs of the Village. He said he hoped that the Council can reach closure quickly and positively, so the Commissions can get back to the work to which they have dedicated themselves. He stated that they have received some written communication, and asked that if it is appropriate, that the Commissioners be made aware of anything further regarding the situation that can be disclosed.*

*The Mayor said that he expects the agenda to be full on November 15 with appointments to all of the Boards and Commissions.*

*Mr. Jirik responded that the Plan Commission is about the team and winning. They bring to their meetings the question of how to make a project the best project for the Village. He noted that a blend of talent is very rewarding.*

*Commissioner Waldack asked Mr. Jirik how many years he has served on the Plan Commission. Mr. Jirik said he started in 1991. In further response he stated he cannot recall how long he has been Chairman, but it followed the passing of Chairman Burke.*

*Mr. Waechtler responded to Commissioner Waldack that he has been on the Commission for 13 years.*

*The Mayor asked Attorney Petrarca to provide Commissioner Waldack with a list of the Board members including the length of their service to the Village.*

*Commissioner Schnell said that she appreciates all of the Commissions and volunteers who serve the Village. She knows what it takes to serve on a Board or Commission. She said that it is unfortunate that the situation has come to this point, and she hopes the Council can work through their issues.*

*Commissioner Sandack apologized to the Board and Commission members. They have been put in the middle of a dispute, and he doesn't think that is right.*

## 5. Public Hearings

## 6. Consent Agenda

**COR 00-02127** Claim Ordinance: No. 5607, Payroll, October 14, 2005  
**Sponsors:** Accounting  
**A motion was made to Approve this file on the Consent Agenda.**

**Indexes:** N/A

**BIL 00-02128** List of Bills Payable: No. 5596, November 1, 2005  
**Sponsors:** Accounting  
**A motion was made to Approve this file on the Consent Agenda.**

**Indexes:** N/A

**AGR 00-02130** Agreement: Authorize 20-Year Maintenance Agreement with Otis Elevator Company for the Parking Facility Elevators  
**Sponsors:** Manager's Office  
**A motion was made to Placed on Consent Agenda this file on the Consent Agenda.**

**Indexes:** Elevator Maintenance

**RES 00-02120** Resolution: Authorize a License Agreement with Voicestream GSM I Operating Company, LLC to Install, Maintain and Operate an Antenna on Village Property (Downers Drive Water Tank)  
**Sponsors:** Village Attorney

**Summary of Item:** A RESOLUTION AUTHORIZING A LICENSE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND VOICESTREAM GSM I OPERATING COMPANY, LLC TO INSTALL, MAINTAIN AND OPERATE AN ANTENNA ON VILLAGE PROPERTY (DOWNERS DRIVE WATER TANK)

RESOLUTION 2005-67

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

**Indexes:** Antenna Equipment, Water Tank-Downers Drive

**BID 00-02131** Bid: Award \$32,600 to G.P. Maintenance Services, Inc. of Palos Hills, IL for Fleet Maintenance Facility Interior Painting, MB-028

**Sponsors:** Public Works

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

**Indexes:** Fleet Maintenance

**RES 00-02121** Resolution: Authorize Execution of a Tiered Approach to Corrective Action Objective Agreement with 7-Eleven, Inc.

**Sponsors:** Village Attorney

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF A TIERED APPROACH TO CORRECTIVE ACTION OBJECTIVE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND 7-ELEVEN, INC.

RESOLUTION 2005-68

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

**Indexes:** 7-Eleven

**BID 00-02132** Bid: Award \$35,133 to Videotec Corporation for Purchase of Exterior Surveillance Cameras and Digital Recording System for the Village Hall and Police Department

**Sponsors:** Police Department

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

**Indexes:** Illinois Law Enforcement Alarm System, Security Cameras

**RES 00-02122** Resolution: Authorize an Intergovernmental Agreement with the County of DuPage, Illinois for the Provision of Water Consumption Data and for Discontinuation of Water Service on Delinquent Sewer Customers

**Sponsors:** Accounting

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF DUPAGE, ILLINOIS AND THE VILLAGE OF DOWNERS GROVE FOR THE PROVISION OF WATER CONSUMPTION DATA AND FOR DISCONTINUATION OF WATER SERVICE ON DELINQUENT SEWER CUSTOMERS

RESOLUTION 2005-69

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

**Indexes:** Water Service, DuPage County, Water Rates

## Passed The Consent Agenda

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

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

## 7. Active Agenda

**ORD 00-02123** Ordinance: 2006 Heritage Festival

**Sponsors:** Community Events Commission

**Summary of Item:** This will establish the procedures for the 2006 Downers Grove Heritage Festival.

AN ORDINANCE REGARDING THE 2006 HERITAGE FESTIVAL

ORDINANCE NO. 4721

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 Schnell, Commissioner Tully, Commissioner Waldack and Mayor Krajewski

**Indexes:** Heritage Festival 2006

**MOT 00-02124** Motion: Approve 2006 Heritage Festival Budget

**Sponsors:** Community Events Commission

**Summary of Item:** This concurs in the recommendation of the Tourism & Events Commission related to the 2006 Heritage Festival budget. The projected budget includes \$437,200.00 in anticipated revenues and \$440,130.00 in expenses for the Heritage Festival and 4th of July activities.

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

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

**Indexes:** Heritage Festival 2006

**ORD 00-02125** Ordinance: Amend the Comprehensive Zoning Ordinance to Designate Acadia on the Green as Planned Development No. 37

**Sponsors:** Plan Commission

**Summary of Item:** At their meeting of October 17, 2005, the Plan Commission recommended to designate Acadia on the Green as Planned Development No. 37.

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORIDNANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS TO DESIGNATE ACADIA ON THE GREEN AS PLANNED DEVELOPMENT NO. 37

ORDINANCE NO. 4722

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 Schnell, Commissioner Tully, Commissioner Waldack and Mayor Krajewski

**Indexes:** Planned Development #37-Acadia on the Green

**RES 00-02126** Resolution: Approve the Final Plat of Subdivision for the Acadia on the Green Subdivision

**Sponsors:** Plan Commission

**Summary of Item:** The Plan Commission recommended approval of the final plat of subdivision for the Acadia on the Green Subdivision.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR THE ACADIA ON THE GREEN SUBDIVISION

RESOLUTION 2005-70

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

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

**Indexes:** Planned Development #37-Acadia on the Green

## 8. Mayor's Report

### Materials to be Received - Minutes

*Economic Development Commission - June 8, 2005 & June 22, 2005*

*Human Services Commission - October 5, 2005*

*Library Board - September 28, 2005*

*Stormwater & Flood Plan Oversight Committee - May 26, 2005*

*Transportation Advisory Commission - September 15, 2005*

*Zoning Board of Appeals - September 28, 2005*

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

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

### Materials to be Received - Monthly Reports

### New Business

**RES 00-02119** Resolution: Appointments to Boards and Commissions

**Sponsors:** Mayor

*Mayor Krajewski said that members of all Boards and Commissions spend a good portion of their time serving the community and he appreciates their work. He apologized to everyone for being caught up in some of the Council fighting and hopes it will be taken care of on November 9 when the Council holds its retreat. He extended the apology to the residents and Village employees, saying they are all owed an apology from the Council. He explained that the Mayor puts forward and appoints the members of the Boards and Commissions, subject to confirmation from the rest of the Village Council. When he became Mayor he assigned the task of interviewing potential members to Council members, who would then bring forward their recommendations which he would then put forward for Council approval. The Mayor said that last July he notified the Council through the Village Attorney that he would be terminating all of the liaisons and taking over the appointments himself until reassignments of the liaisons were made. Because there are many important Boards like the Plan Commission and a lot of*

*Village business going on, he started the process and came forward with some recommendations for Committees. He recommended people for two different Boards and sent those out via a memo to the Village Council stating they would be coming up for vote on October 18. One of those Boards was the Police and Fire Board which had a vacancy. Currently, in addition to Plan Commission business which is being halted now, police business is also affected. Interviews are being conducted for promotions to Sergeant and Lieutenant without a full Board. The Mayor said he hopes the Council can come to an agreement on November 9. He does not want to put forward a name if it is not to be approved. He hates to have people come up in public and wind up on the front page for things that have happened. He said he was surprised the other night when that happened and no one wanted to second his appointments. It would have been nice if he had had an indication that was going to happen. Last week he asked the Village Attorney to put it back on the agenda and send an e-mail out to the Council members for support. He received three votes in support of the Board appointments. He thanked Commissioner Tully for informing him that the Council was looking to go into Executive Session; however, the vote was 4-3 to vote his Board members down. Tonight there has been talk about waiting until after the retreat for other Board appointments. He will bring Resolution 00-02119 forward after November 9. All recommendations will come to the November 15 meeting subject to some team building at the November 9 meeting.*

**Indexes:** Boards and Commissions

## **9. Manager's Report**

*No report.*

## **10. Attorney's Report**

### **Future Active Agenda**

## **11. Committee Standing Reports**

### *Finance Committee*

*Commissioner Sandack said the banking services agreement was reviewed. He noted that the RFP was sent to 14 banking institutions in the Village. There were six respondents to the bid. He said the lowest bidder will save the Village a considerable amount of money.*

*The Committee tabled the conversation regarding the budget.*

*The Committee discussed the 2005 audit. He noted that he signed off on the audit this evening.*

*Public Services and Public Safety Committees did not meet.*

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

*Commissioner Sandack congratulated Good Samaritan Hospital for their successful event last weekend. The community is fortunate to have a viable and strong regional health care facility here.*

*The Mayor said at a wedding being held next door to the Hospital's event, the father of the groom collapsed and one of the cardiologists present at the Good Samaritan event helped him.*

*Commissioner Waldack extended his thanks to all of the people on the Boards and Commissions who donate their time to the Village. He also apologized to them for being relieved of their duty.*

*Commissioner Waldack attested to the work of Good Samaritan Hospital and congratulated*

them. He also noted that in relation to the White Sox win of the World Series, he saw via television coverage that Halsted Street was striped for parking on both sides of the street, as well as striping for bicycles.

Commissioner Waldack said he came to the Council meeting on May 3 for the very first time as a Commissioner, and wondered how he would be accepted. He felt he has been accepted and welcomed. He believes that he has a good working relationship with the Mayor, and feels there is no animosity between himself and the Mayor. The Mayor is hardworking, intelligent, and gives a lot of effort to Downers Grove on his own time. Commissioner Waldack said in his religion they have a "seal of confession" which relates to confidentiality. He believes there is a similar seal that relates to Executive Sessions by law, which are confidential sessions. The Open Meetings Act is for the benefit of the public, to restrict government bodies from going behind closed doors and making decisions without public knowledge. He noted that this can present a logistical problem in order to follow the Open Meetings Act. Executive Sessions can protect the public. The Council can discuss issues such as real estate, litigation, etc., to properly conduct Village business. To violate the confidentiality of Executive Session is not only an affront to the Council itself, but is also a violation of the public trust. The option is censure. He stated his actions tonight are not political, or "us versus them," but relate to the violation of confidentiality of Executive Sessions. Any one who violates that confidentiality should be censured, and, in his belief, the resolution he is presenting is a moral imperative.

Commissioner Waldack then presented a resolution to be placed on the next meeting agenda censuring Mayor Brian J. Krajewski for improper and unprofessional conduct. He then read the proposed Resolution into the record, and asked that it be placed on a future agenda.

Commissioner Schnell thanked the 500+ people who attended the Character Counts pancake breakfast, stating the proceeds will go to the scholarship funds for Downers Grove North and South High Schools. She further thanked the residents who came to talk with her personally and express words of encouragement in relation to the issues of the past week. She said that to the best of her ability she will try to work through the issues toward the best interests of the Village.

Commissioner McConnell commented on the resolution proposed by Commissioner Waldack. She said there is a Rule 35 in the Village's ordinance which appears to have been violated, and she will read the proposed resolution. In regard to the Boards and Commissions, she extended her apologies to those directly affected, as well as to the community for what is clearly a lack of good communication and problem solving. She encouraged the public to know that there is a commitment on her part and the Council's part to come forward to resolve this issue. She does not want people to be discouraged. She implored the Council to bring this to resolution and arrive at a solution on November 9. Commissioner McConnell stated she thinks this is a good example of poor communication and personal issues and venues getting in the way. She thinks there has been a bit of "an eye for an eye" attitude that has happened resulting in the mass removal of Board and Commission members for no apparent reason other than retaliation against the rest of the Council members who may have not been of the same opinion, and this is an over-reaction. They need to remember that their job is to serve the Village and be thoughtful and not personal in any agenda. They should make their decisions on what is best for the community and she looks forward to coming to a resolution of the situation on November 9. She stated that she appreciates the Mayor's honoring the Council's request not to bring any further Board and Commission appointments to the forefront until the Council resolves what their process will be.

Commissioner Tully said he believes the recent events regarding the selection of candidates to Boards and Commissions, changes made in Boards and Commissions, and the way these appointees have been treated is unfortunate on many levels, and it has been distasteful on all

levels. Commissioner Tully said he has watched a fair amount of blame being tossed around by those who are not blameless, using heated rhetoric with varying degrees of accuracy. One thing that is accurate is that more than one person could have avoided this self-created crisis. He thinks that those in both "camps" have sorely mishandled this issue. He said there is a saying that just because something can be done doesn't mean that it should be done. He said he thinks most people would agree that this dispute is petty, but for the significant impact on the business of the Village and a lot of dedicated, loyal volunteers who have put a lot of time and effort in trying to make this community a better place. He encouraged all of his colleagues to move beyond this tiff. There should not be a power struggle. There are far more important issues than this. In his opinion, the retreat on November 9 needs to resolve more than Commission appointment issues, and he truly hopes that all of the words spoken by his colleagues tonight are put into action, and that they seek a resolution not just for current matters, but for a long time coming.

Mayor Krajewski then apologized to the Plan Commission and others for their removal, and he hoped the Council could move forward with real Village business. He asked the Village Attorney to draw up a resolution regarding censuring for Violation of Section 2.5 Council Rules, Rule 36. He said he may or may not place it on next week's agenda with Commissioner Waldack's resolution. He addressed Commissioner Waldack saying that maybe the Commissioner heard the Mayor earlier today or did not hear when the Mayor tried to explain to him that he did not disclose anything in Executive Session. Anything he disclosed was learned outside of Executive Session, and he asked whether disclosure of anything discussed outside Executive Session is subject to confidentiality. Attorney Petrarca indicated it was not. The Mayor said when he failed to get a motion on October 18, he asked Village Attorney Petrarca to send out an e-mail to the entire Village Council, stating that he would be bringing back the Tourism and Events Commission, and the Board of Fire and Police Commissions, further stating that the Mayor would like to know whether the Council members would be voting in favor of that resolution. He said that only Commissioners Sandack and Tully responded in favor. The other four would not be voting for it. Commissioner McConnell sent him an e-mail to that effect and met with him for lunch indicating the same. Commissioner Urban is not present tonight, but the Mayor said he would say the same thing. Commissioner Schnell indicated that she would not be voting for it. He said that Commissioner Tully called him, as did Commissioner McConnell, in the early evening talking about last week's Executive Session, and that the Council members wanted to go into Executive Session but that his appointments would be voted down 4-3 again. Therefore he did not bring forward the resolution. Hopefully this will be resolved at the Village Council retreat on November 9, and, as Commissioner Tully pointed out, there are many more issues. There is a new Village Manager coming to town on November 15. He spent an hour on the phone with her Wednesday night, and she has meetings scheduled with everybody during her first week. He again apologized to everyone and called for a Motion to Adjourn.

### 13. Adjournment

Commissioner McConnell moved to adjourn. Commissioner Schnell seconded.

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

Mayor Krajewski declared the motion carried and the meeting adjourned at 7:20 p.m.