

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

FEBRUARY 14, 2006

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

Present: Mayor Brian Krajewski; Commissioners Marilyn Schnell, Sue McConnell, Ron Sandack, Stan Urban, William Waldack (by phone); Village Manager Cara Pavlicek; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: Commissioner Martin Tully

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

Residents & Others: Karen Kuchar, Debbie MacRoy (Family Shelter Service), 605 E. Roosevelt Rd., Wheaton; Robert Fugman, FDA, 53 W. Jackson, Chicago; George & Shelby Vogrin, 933 73rd St.; John Schofield, 1125 Jefferson; William McCune, 1436 Thornwood Drive; Mark Burns, Lifelink Charities, 322 S. Green, Chicago; Alice Strelau, 5611 Brookbank Rd.; Bill Grieve; Michael Crowley, 5614 Brookbank; Mark Cronin, 1117 Jefferson; Stan Ferguson, 4620 Main; Donald Dixon, Gewalt Hamilton Assoc., Vernon Hills; Pam Sullins & Bill Stark, Jewel-Osco, 1955 W. North Ave., Melrose Park; Peter Theodore, Architect for Jewel-Osco, 2454 E. Dempster; Tracy Kasson, Rathje-Woodward, 300 E. Roosevelt Rd., Wheaton; Scott Canel, Alan Ives Construction LLC, 10 S. LaSalle St., Chicago; Joel Anderson, Andersen Homes, PO Box 845; Brad Hartses & Chris Lavoie, CM Lavoie & Assoc., 1050 W. Rte 126, Plainfield; Ken Rathje, Rathje Planning Services, 412 Chicago; Nicholas Stepp, 5723 Carpenter; Mike Kelch, 5729 Carpenter; Mike Davenport, Davenport Architects, 6636 Blackstone, Jim Russ, 4915 Main St.; Edith Makra, Morton Arboretum, 4100 IL Rte 53, Lisle; G.L. Goodman, 5834 Middaugh; Jim Mazer, 5800 Carpenter

Staff: Don Rosenthal, Director Community Development; Andy Matejcek, Director, Social & Health Services; Rita Trainor, Director, Financial Services; Dave Barber, Director, Public Works; Mary Scalzetti, Director, Tourism & Events; Phil Ruscetti, Fire Chief; Greg Zimmerman, Director, Human Resources; Bob Porter, Police Chief; Mike Baker, Assistant Village Manager; Dave Fieldman, Deputy Village Manager; Doug Kozlowski, Director, Marketing & Media Relations; Liangfu Wu, Director, Information Services

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

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

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

MANAGER

Consent Agenda Items

Village Manager Cara Pavlicek said in light of the number of items on the Agenda she would simply read the items and if there were any questions those would be answered.

1. **Heritage Festival Agreement - Garage Parking Assistants.**

Commissioner Waldack said he knew that this would be awarded to the J. Kyle Braid Group who did a fantastic job last year. He read the proposal and it is well put together. He indicated that there was a controversy last year in how this was presented to the public and in how groups could participate. He then found out that the RFP was on-line which most non-profits would be unaware of. Mailings went out to only three groups with two responses. He agrees that the group did a fantastic job; however, he would like to see this opened to a larger not-for-profit group. He would like to reach those groups and send out another RFP, or at least meet with other not-for-profits to give them an opportunity to compete as well.

The Mayor asked if any Council members wished to re-open this for a second RFP and none responded. The Mayor said that to his recollection he remembered one person complaining at a Council meeting on this issue and he did not consider that to be a controversy.

The Manager said this would be placed on the next Consent Agenda, there being no further comments.

2. **Heritage Festival Agreement - Sound Contract.**
3. **Heritage Festival Agreement - Tent, Table & Chairs.**

Commissioner Schnell said she received an e-mail from a resident on the north side of the tracks regarding parking, etc. The Mayor said he forwarded that e-mail on to Mary Scalzetti to bring to the Community Events Commission meeting.

Mary Scalzetti, Director, Tourism & Events, said that she has talked with the resident and is willing to work with her concerns. She added that a notice was sent to everyone in the CBD inviting them to attend the Tourism and Events Commission meeting at 6:00 p.m. on Thursday. There were no comments regarding the Tent, Table & Chairs item.

4. **Bid: McCollum Park Storage Building – Phase II Buildout.** No questions.
5. **Bid: Water Main Improvements, Project WA-007.** The Mayor asked about the budgeted number.

Public Works Director Dave Barber said they are seeing the impact of fuel prices on some of the bids. There is a combination of both an old number and this impact. He said some of the future projects may also show this impact of fuel prices. The Mayor said they may want to be aware of that in funding the Capital Improvement budget this year.

6. **Change Order – Desman & Associates – Architectural Services on Parking Facility.** Mayor Krajewski asked if the entire parking deck project came in about \$1 million under budget.

Village Attorney Enza Petrarca said that was correct.

The Mayor then mentioned that in speaking with residents in the community, he hears people saying that the deck was over budget, and he wanted to know how that information was disseminated. He'd like to have follow-up done on this. Manager Pavlicek said that it is important to look at this in terms of other large projects the Village may be doing. She said staff will look into this.

7. **Vehicle Purchases: Fire Prevention & Police Investigations.** No comments.
8. **Professional Services Agreement – Design Services, Fire Station #2.** No comments.
9. **Contract Extension – B&F Technical Services.** The Manager asked whether there have been any issues with time delays.

Deputy Village Manager Dave Fieldman said that based on reviews, B&F has been timely and successful.

10. **Contract Extension – Professional Services Agreement for Risk Management.** Manager Pavlicek said this is a different group than the one involved with the stop loss insurance.
11. **License Agreements with US Cellular for Antenna Equipment – Highland Avenue and 67th Street Water Tanks.** Commissioner Schnell asked if there will be a problem with painting the tank. Attorney Petrarca said that won't be a problem because the installation will not begin until August.
12. **Agreement with Verizon Wireless CDMA.** No comments.
13. **Resolution – Amendment to Deed Restriction for Immanuel Residences.** The Village Manager noted that under the Village Attorney's report she will ask the Council to waive the one-week waiting period.

Scott Canel, Developer of the Lifelink project, explained that when they received the bond cap from the Village, they could only pay ½ point. They now have the opportunity to price tomorrow, and they are the only major bond transaction in the market. This will save the charity hundreds of thousands of dollars over the next 35 years. He asked that the Council consider the Resolution. In exchange they will make a contribution of the other ½ point for the Village to use in any way it sees fit. He explained that 26 years ago there was a deed restriction with respect to the Immanuel Residences, and that deed restriction had a mistake in it limiting the number of handicapped residents to 49. That is against the law. He indicated that HUD made the mistake and let this go through; however, HUD will not put their stamp on the mortgage unless this is corrected. So they cannot price the bonds unless this is corrected.

The Mayor thanked Mr. Canel and said they would consider the request to enable Lifelink to go to market tomorrow.

Active Agenda and Informational Items

1. **Presentation: March 21, 2006 Referendum, “Shall the Village of Downers Grove, Illinois Cease to be a Home Rule Unit?”** The Manager said that this presentation is intended to be a factual guide to Home Rule and answer basic questions about local

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government for the residents. It is not to advocate for or against Home Rule. The intent is that this information will assist residents in learning more about their local government. She said this is being brought forward in the context of the Village's past, present and the future. She then provided an historical overview of the Village beginning with 1970 and the Dillon's Rule, which provides that because the U.S. Constitution does not mention cities or villages, cities or villages may only do what is expressly granted to them under state law. Home Rule is the opposite of that. The 1970 Illinois Constitutional Convention addressed the issue of Home Rule for municipalities with populations over 25,000. The voters of York, Downers Grove and Lisle Townships, which were the voters of the Village of Downers Grove, were among the precincts that approved the Constitutional Amendment, which included granting of Home Rule.

The Manager said moving forward 36 years, Village voters are now going to be presented with the question of whether the Village of Downers Grove should cease to be a Home Rule unit of government.

Mike Baker, Assistant Village Manager, explained that the Village's use of Home Rule authority falls into two areas: 1) revenue generation and 2) regulatory functions. Regarding regulatory functions, Mr. Baker said there are many examples where the Village has enacted ordinances and exercised powers not expressly granted by the State of Illinois. In doing so, the Village Council, as representatives of the residents, decided that the specific needs of this community justified the use of Home Rule powers. Examples of such ordinances include licensing of adult use and massage establishments, licensing taxi drivers, increasing fines and penalties for DUI violators, prohibiting off-track betting, and establishing a more restrictive curfew ordinance. Recently, on January 17, 2006, the Village used its Home Rule powers to reallocate bonding authority that is granted by the State to all Home Rule municipalities, and transferred its volume cap bonding authority to a developer to help fund the rehabilitation of two multi-family residences that provide subsidized housing for senior citizens in Downers Grove. Those facilities are Immanuel Residences and Peace Memorial Manor. The developer is working through the Illinois Housing Development Authority, which will finance the projects. The Village has no involvement except in authorizing its bonding authority. However, residents of these two facilities and the Village of Downers Grove will benefit from this project. Without the Village's use of Home Rule authority, this arrangement would not have been possible, and it is quite likely that the improvements would not have occurred.

In regard to revenue generation, Mr. Baker discussed 1) property taxes, 2) General Obligation Bonds, and 3) Other Home Rule taxes. He said that in Illinois non-home rule units of government are subject to the State Property Tax Extension Limitation Law, known as PTELL, limiting annual increases in property taxes to inflation or 5% growth, whichever is less. Home Rule units are not subject to these provisions. There were certain years when the Village's property tax level exceeded what PTELL allowed; however, such isolated cases do not present a clear overall picture for a Home Rule municipality. Going back to 1970, it was far more common that the Village would levy taxes that fell below the tax cap limits. This was possible because of limited spending, a healthy economy, and the availability of other sources of revenue. Mr. Baker said that if the Village was not Home Rule and was subject to the PTELL limits imposed in 1991, it is possible that the amount the Village collects in property taxes would be higher than it is now as a Home Rule municipality. This suggests that removal of the Village's Home Rule authority would not necessarily reduce property taxes. It would only limit the manner in which the Village levies taxes.

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Mr. Baker said the sale of general obligation bonds is another Home Rule power that the Village has exercised. These bonds have been used to finance downtown improvements including the parking facility and downtown infrastructure. The bond payments are financed primarily by revenues from the Tax Increment Financing (TIF) District, with some support from parking revenues and general property taxes. He said that it is important to note that non-home rule municipalities can enact TIF Districts and sell revenue bonds without voter approval to finance public improvements and redevelopment projects. Typically, the interest rate associated with revenue bonds is higher than general obligation bonds.

The adoption of the Home Rule Sales Tax is an example of how the Village has used its Home Rule authority to transfer its tax burden to non-residents. Mr. Baker said if the Village were not a Home Rule municipality, they could only enact increased sales taxes through referendum.

As to how the Village will be financially impacted if Home Rule status is removed, Mr. Baker said the removal of Home Rule authority is extremely uncommon and there is not much clear precedent for how Downers Grove would be impacted as a non-home rule community from a financial standpoint. It appears that the answers hinge on legal interpretation, but generally the loss of Home Rule would limit the Village's ability to make some tax and revenue-related decisions at the local level.

Manager Pavlicek said it is important that voters understand the ballot question which will read, "Shall the Village of Downers Grove, Illinois cease to be a Home Rule unit?" She said it is important that the residents know that a vote "Yes" is to end Home Rule, and a vote "No" is to retain Home Rule.

The Manager said from staff's perspective, the question before the voters in March is about the future of Downers Grove, and the future must be talked about in terms of civic responsibilities. Since 1970 there have been many social and economic changes in the Village and the greater metropolitan area. She said if the Village is a Home Rule unit of government, the Village Council can hold public meetings in Downers Grove to determine, within State restrictions, how to address the future needs of this community. If the Village is not a Home Rule unit of government, the Village Council will need to look to Springfield and seek action by the Illinois General Assembly to resolve local issues. She noted that the General Assembly has 177 members and that in this year alone, there are more than 8,000 bills before the General Assembly.

Manager Pavlicek reminded the public that it is important to learn about Home Rule and vote in the upcoming election on March 21, 2006. She then explained that voters can register to vote at Village Hall through February 21. The State has enacted early voting beginning on February 27 through March 16 at designated sites, and Village Hall is one of the early voting sites. Early voting is not absentee voting and one does not need an excuse to vote early. The Home Rule issue is important, and is an issue of local government. She indicated to the Mayor and Council that the Illinois Ethics Law prohibits having a public debate that could be perceived as advocacy for or against Home Rule at this meeting, and she asked that no public comments be taken on the issue.

Mayor Krajewski said he was fascinated at the statistics that postage in 1970 was \$.06 versus \$.39 today, which is about a 700% increase, while property taxes are down 60% from \$1.26/\$100 versus \$.41/\$100. He then asked whether non-home rule communities have to use revenue bonds for TIF projects which would result in higher interest rates, and whether every bonding project for the Village would have to be done with revenue bonds. Manager Pavlicek said that staff would prepare information regarding this.

The Mayor asked why the communities that voted out Home Rule have such high property taxes. The Manager said that generally speaking a municipality would levy at the highest rate possible to offset cost-of-living increases.

The Mayor stated that one of the reasons the Village's taxes are low is due to the sales tax and excellent economic development. He asked whether the Village would still be able to use the Hotel Tax if they became non-Home Rule. The Manager responded that it could be used only for narrow stream items such as tourism and recruiting convention activities to the Village. The Village would have the ability to use other sources of local revenue to fund certain activities, but clearly could not use the Hotel Tax which presently brings in about \$900,000. She noted that if the Village were not to retain Home Rule, some of the surrounding municipalities would have development tools available to them that the Village would no longer have at its disposal.

Commissioner Schnell said that non-Home Rule municipalities have worked with Springfield almost every year regarding the use of hotel taxes, and it has always been denied.

- 2. Ordinance – Rededication of Home Rule Sales Tax.** The Manager said that currently the Home Rule Sales Tax is at one-half cent applied to certain goods and services, but does not include pharmaceuticals, or food. This ordinance would rededicate the Home Rule Sales Tax, with revenues directed into the Capital Improvement Fund budget for infrastructure. In terms of the age of the community, it is imperative that the Village make a long-term commitment to annually address the issues of a healthy infrastructure. This is an appropriate source of funding. She said that a significant number of shoppers do not reside here but use the streets, and take advantage of snow plowing services, police, fire and emergency medical services, etc.

Commissioner Schnell said that one of the things brought up at the Public Service Committee is the vast number of projects that affect the residents that have not been done for lack of money. This rededication would dedicate money annually and Public Works would know what is available.

Commissioner Sandack said that several budgets ago there were deferments made on roads and storm sewers. Now the Village has a Capital Improvement Plan and can dedicate dollars specifically to it. He believes they need to get this underway.

The Manager noted that this would not increase property taxes.

- 3. Ordinance – Abatement of Property Tax Levies.** Mr. Baker said that this item was discussed at a prior meeting. In December, the Council adopted the aggregate 2005 tax levy which they are obligated to do by Statute. The levy sets forth all taxes which are required to be put on the property tax. The Council can then abate certain portions of that levy by March 1, 2006.

The Mayor asked whether Fairview Avenue has consistently been the amount shown, and Mr. Baker said he thinks it has been.

- 4. Planned Development Amendment for Family Shelter Services.** Deputy Manager Fieldman said this property is located at the intersection of 73rd Street and Main Street. The proposal is for a preliminary Planned Development Amendment to allow the construction and operation of a sheltered care facility. It would include a facility for up to 18 women and

children for temporary residence as well as office space. This is an approved use in the B-2 Zoning District, and the Plan Commission has made a unanimous recommendation for approval. The only open issue regarding this project is the driveway. Staff would like it to be set off of an existing private drive and will work with the petitioner toward that end.

Commissioner McConnell asked whether there are any public safety benefits or detriments in having the access off of Main versus 73rd Street. Mr. Fieldman said safety concerns are relevant to any land use, and it is generally accepted practice to try and keep the ingress/egress on side streets.

Jim Russ, attorney for the Family Shelter Services, brought a rendering of the shelter for the Council's review. With regard to the driveway issue, the current property owner has advised that they do not want to allow them access to the private drive. They are attempting to work with that owner to resolve the issue.

Commissioner McConnell asked where the driveway off 73rd Street is in relation to the building. Mr. Russ said that it comes in at the north end of the parking lot. He showed the location on the rendering.

5. **Resolution – Final Plat of Subdivision with Exceptions for Nelson Meadow.** Mr. Fieldman said this is a proposal for an 11 lot subdivision on a 4.8-acre parcel. Carpenter, Jefferson, Brookbank and the mid-block up to Blanchard Street bound the site. He showed a site plan. The developer intends to keep the existing neighborhood characteristics in mind including roadway right-of-way and lot design. He explained that the lot designs in the area vary in width and depth sizes, as well as setbacks. He referred to the sidewalk system which leads to Ebersold Park and Hillcrest Elementary School which is well defined. However, adjacent to the subject site there is a walking path rather than a formal sidewalk.

Mr. Fieldman said the 11 lot single-family subdivision will have lots 75' wide x 140' deep, with 2.3 units per acre. This follows a neighborhood plan with a cul de sac. Proposed rights-of-way are 66' wide along Brookbank, Carpenter and the Nelson Court cul de sac. They propose a 70' right-of-way along Jefferson, and sidewalks along Jefferson, Brookbank and Nelson Court, but cash in lieu of sidewalk along Carpenter. They also propose a walking path from the terminus of Jefferson eastward toward Carpenter. The detention basin is planned for the south side of Lot 8. He then described the grading plan for the basin, which would have a 7' high retaining wall. The slope exceeds the recommended slope. He then reviewed the landscape plan, indicating that the developer does not believe the existing trees will be impacted. The Village Forester has reviewed the plan as well. The Forester also feels that several of the trees along Brookbank could be preserved, and the developer would have to replace trees that are not saved.

Mr. Fieldman said that staff recommends approval of the exceptions as requested by the petitioner and subject to the conditions in staff's memo. Staff recommends removal of the house on Lot 8 and redesign of the basin, as well as recommending that the Homeowners' Association maintain the basin. Mr. Fieldman added that based on concerns raised by the neighbors, staff recommends that the petitioner execute a Subdivision Improvement Agreement which would contractually bind the developer to meet the Village Codes and put in public improvements as required. Staff also requests fee in lieu of sidewalk on Carpenter, and the preservation of trees wherever possible.

The Mayor commented on tree preservation. He said he reviewed the Tree Preservation Ordinance, and said discussions previously encouraged that as many trees as possible be saved.

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In regard to the fee in lieu of the sidewalk on Carpenter, he would prefer that the sidewalks be put in on Carpenter and Brookbank. That would create a gap but they would be high on the sidewalk matrix as they are near the school and park. He did not think the walking path on Carpenter would be safe.

As for the setback exception on Carpenter, the Mayor reviewed the criteria. On the Carpenter side, by granting the right-of-way exception, the Mayor said it appears that will put the houses closer to Carpenter and he questioned whether that would alter the character of the neighborhood. With regard to the detention basin, the Mayor asked if the Village has any control over what that area looks like in terms of landscaping design. Mr. Fieldman said it would be appropriate for the Council to weigh in on those issues and place those requirements in the Ordinance. The Mayor then asked about the elimination of Lot 8 and whether it would allow them to push back the mound from the Carpenter Street side. Mr. Fieldman said that the height of the detention basin would not change drastically, but what would change is the grading in and around the houses. He said that the DuPage County Stormwater Ordinance is stringent and requires a great deal of detention due to minimal amounts of release rates. Another issue is the in-fill factor to minimize the geographic area. The Mayor then said he had no problem with the curb and gutter on Carpenter Street as it would be out of character with what is currently there. He is still wrestling with the setback issue, and appreciates staff's efforts on this matter to achieve the best development possible for the area.

Commissioner Schnell questioned the statement made that an agreement had been reached about the maintenance of trees, as she received e-mail from a property owner expressing concern regarding the trees and moving the basin. She asked for clarification from staff. Mr. Fieldman clarified that the discussion was between the staff and developer, based on the concerns from the adjacent property owner. He said that staff feels there is proper separation, and with proper care the trees can survive. In addition, he stated that a construction fence will be installed as far from the trees as possible.

Commissioner Schnell then asked about the basin and whether the basin would only be dropped 4" by the elimination of the house on lot 8. Mr. Fieldman said that was correct. The grading, however, on the north side of the basin would be much gentler. Commissioner Schnell said she would like a better understanding of how the basin will fit within the confines of the overall community. In regard to the exception on Brookbank, the western half of the right-of-way has been dedicated at 33'. She asked as to the effect on the trees if the other half is dedicated at 35'. Mr. Fieldman said if they dedicate it with two additional feet, the trees and sidewalks will be in the same location, but the houses will be pushed back two feet.

Commissioner Schnell said there is a series of large pine trees on the west side of Brookbank. She asked if staff knows who owns those and whether they would be saved. Mr. Fieldman said that the Forester will examine the trees to be saved. Also, Commissioner Schnell said she would like to see the sidewalks be extended fully to Brookbank rather than creating the gap. From a safety point of view, she believes they need to put in that segment of sidewalk. She then agreed with the Mayor that it would make sense to put the sidewalk in on the west side of Carpenter to allow children to cross on Blanchard to the west side and then on to school. She also said that she understood that the developer did not come and ask for exceptions, but staff suggested the exceptions.

Mr. Fieldman said that staff works as facilitators of good development, and in reviewing this project, staff and the developer concluded that it makes sense to mirror the existing right-of-way system.

In regard to the Homeowners' Association maintaining the basin, Commissioner Schnell referenced recent discussions concerning a Homeowners' Association possibly not paying water bills. In light of that concern and doubts about a Homeowners' Association assuming its responsibilities, she asked why staff felt in this case that a Homeowners' Association would maintain the basin. Mr. Fieldman responded that at the heart of the Villas of Maple Woods issue was a conflict between the type of ownership proposed for that development and the type of common water service. This was not internally consistent. In this case however, if the Council approves a Homeowners' Association maintenance, the Code spells out the responsibilities in the declaration. This has been done in other situations as well. He said there are about 180 dry bottom basins comparable to this.

Mayor Krajewski commented on the exceptions on the right-of-way again, asking if it wouldn't create lot depth exceptions if staff did not ask for the right-of-way exceptions. Mr. Fieldman said that the design team would have tried to redesign it. The Mayor also asked about the sidewalk on Brookbank with a 35' right-of-way and whether the sidewalk would be pushed back two feet as well. Mr. Fieldman said it could be pushed back, but they would try to line it up with the existing sidewalks.

Manager Pavlicek said she understood that the Mayor is recommending to staff that sidewalks be installed on Carpenter but not curb and gutter. She said that would impact the potential location of sidewalks because they would be trying to balance sidewalks with open drainage swales. She is not sure the exact location of the sidewalk can be determined tonight.

Commissioner McConnell asked whether there is a possibility that the road on Brookbank not extend all the way to Jefferson but only went as far as the two houses. There are public safety issues as well as water and storm sewer issues. Mr. Fieldman said that from a planning standpoint he wants to connect the grids. From a public safety standpoint, the more access points there are to a neighborhood the better it is. He said the right-of-way would be disrupted anyway for utilities.

Commissioner McConnell urged staff to protect the trees in any way possible through this area. The right-of-way on Brookbank is not a problem, but on the sidewalk issue her thought was to use in-lieu-of fees from Carpenter and earmark it to create the remainder of the Brookbank sidewalks and eliminate the gaps. She added that the Jefferson path seems like a dangerous thing to do. She would like to see safety issues addressed. In terms of setbacks, she asked what the ordinance requirements were, and Mr. Fieldman responded that they are 30'. Adjacent subdivisions have private covenants allowing 35' or 40'.

In regard to the cul de sac curve, Commissioner McConnell said that making Jefferson 70' is an excellent idea for safety issues. She mentioned the redesign of the house on the curve, and she asked that staff look at the issue of residents backing out of that drive. She asked whether what is being proposed by the developer on the basin meets the Code. Mr. Fieldman said it does meet the absolute maximum, but some of the slopes exceed the recommended maximum. Commissioner McConnell then asked about FEMA requirements, and Mr. Fieldman said that the house on Lot 8 could be designed in a way that it would not flood. Commissioner McConnell asked for clarification of the private ownership/Homeowners' Association issue. Mr. Fieldman said that the Association would be a single-purpose entity responsible fully for the maintenance of the basin. As far as the structure or hardware that conveys the water, that is part of the Village's infrastructure. The homeowner would be responsible for mowing the lawn. Maintenance of the

retaining wall would have to be addressed as well. He added that it can be landscaped with more than just grass as long as it meets the requirements.

Commissioner Urban questioned enforcement of maintenance of the retention area. Village Attorney Petrarca said there are pros and cons to private ownership versus Homeowners' Associations. The Homeowners' Association could dissolve and then it ties the Village's hands in terms of recouping the money. It is easier from a technical standpoint to contract with one homeowner. She said it is always easier to deal with one property owner, because it would be expressed clearly on the plat. As to handling of the maintenance, Attorney Petrarca said that Orchard Brook has common areas. Covenants are established and the homeowners approve those covenants and restrictions by a majority of the vote.

Commissioner Urban asked how many basins exist in the Village and who owns them. Attorney Petrarca said there are 183 clay dry bottom basins, 39 owned by Homeowners' Associations, 22 by public agencies, 52 by private ownership and 70 by commercial ownership. Mr. Fieldman said the Village has issues with four basins in the Village, two of which are owned by private ownership and two by associations.

Commissioner Urban then asked for an explanation as to why the Village has a Code establishing maximums, yet the recommendations made by staff are exceptions to the Code. Mr. Fieldman responded that it is common in many engineering decisions because you have to get down to the best practices and professional opinions. Maximum slope is regulated from a standpoint of safety. The other is really about convenience of maintenance.

Regarding sidewalks, Commissioner Urban said he agrees that there be no gaps created in the sidewalk plan. He then asked how long the petitioner has been working with the Village. Mr. Fieldman said when he arrived in June they had already been working with the Village, so he assumes it's been at least a year. Commissioner Urban asked when the issue of giving up Lot 8 was raised. Mr. Fieldman said that was discussed in greater detail at the second Plan Commission meeting with the recommendation of removing the house on Lot 8.

Commissioner Sandack commented on the association concept versus private ownership. He thinks Lots 1, 2 and 3 are vertical down Brookbank. As for the detention basin, he doesn't think the first three lots will require much care, but it may be an attractive nuisance to kids. From a liability standpoint, he asked if staff has thought through what would be a better accountability method. Mr. Fieldman said that with respect to infill basins, it is a gray area that comes down to policy setting. One school of thought says the liability costs can be spread among the 11 property owners to keep the costs down. Staff has not considered those issues directly, however. Commissioner Sandack said his concern is that the association can go away at some time. He said his understanding was that the issue of whether the basin would be privately maintained or through the association generated staff's position with removal of Lot 8. Mr. Fieldman said that was correct and it had to do basically with the buildability of the lot once the basin was established. In further response to Commissioner Sandack, Mr. Fieldman said that, under the petitioner's plan, Lot 8 is buildable as put forth. Mr. Fieldman said if you split Lot 8 into a basin lot and a house lot that would be a Code driven decision, as well as an aesthetic decision. Character of the neighborhood is a definite consideration.

Commissioner Sandack added his opinion that they should not create a gap in the sidewalks. Regarding setbacks, he questioned whether the petitioner is asking for a variance, and Mr. Fieldman said they are not. He said that staff is in concurrence with the exceptions on Brookbank and Carpenter, and believe the exceptions to be consistent with the area and surrounding uses.

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Concerning the entrance to Nelson Court, Mr. Fieldman said that the property initially had a small house on it for many years. There was a neighborhood plan in the late 1970s that spoke to the idea of Jefferson Street being extended with a cul de sac serving the subject property. Then in 1988 the property owner to the south proposed a lot split and the right-of-way was dedicated. He discussed the placement of the cul de sac saying if the dedication had not been made, they would not meet minimum lot sizes. Staff did not feel there was a safety issue as it is a low traffic street.

Commissioner Sandack asked whether the detention basin meets the stormwater requirements. Mr. Fieldman said it does as confirmed by staff as well as outside consultants. The retaining wall would be located on private property, and the developer has proposed a fence at that location.

Commissioner Waldack said he would like to see the sidewalk continue as well. In addition he would like to see the sidewalk jogged to save the existing trees and the character of the walking path. He is also concerned about the dissolution of the Homeowners' Association. The Commissioner then asked whether there are any detention areas that meet Code but do not meet recommendations. Mr. Fieldman said there are some, particularly with new designs on infill redevelopment sites exceeding the slope recommendations.

The Mayor returned to the issue of the sidewalks, specifically the concept of using funds in lieu of from Carpenter to finish Brookbank. He would like to do Carpenter as well. Manager Pavlicek said that staff will identify the funding sources. She said this can be discussed further in connection with the upcoming budget discussions.

The Mayor said his understanding is that the maximum slope is a County requirement, and the Village uses a best practice recommendation. Mr. Fieldman said that was correct. The Mayor said that perhaps that should be made a requirement, and Mr. Fieldman said staff discussed that potential earlier in the day. They can prepare a list of areas where the slopes exceed the recommendations.

Mayor Krajewski agreed that the sidewalk should go through at Brookbank. In terms of liens, the Mayor asked whether the Village could go through the Association to lien all of the homes. Attorney Petrarca said in that case it would not be a Homeowners' Association.

Commissioner McConnell asked whether the sidewalks on Carpenter would go through the detention area. Mr. Fieldman said it would go on the frontage of the subdivision land, per his understanding of the Code. Commissioner McConnell said that she believes that requirement creates another gap situation. Carpenter is a fairly busy street and she is concerned that they would set up another safety issue. The Mayor said that is why he is asking to fill the whole gap. Commissioner McConnell said she is concerned about putting sidewalks on the second side of the street when there are still so many streets without sidewalks at all. The Manager said staff's job would be to review the matrix to determine if the street would go up on the matrix.

Commissioner Schnell said that in order to make a path safe, they would have to put in the sidewalk. It is a walking route to the school. In terms of a funding source, it probably would not be put in until 2007, and she believes the funding source could be there. She then asked about streetlights on Carpenter. Mr. Fieldman said that the petitioner has requested an exception. The light levels will meet all Code photometric requirements.

Mr. Russ, attorney representing the petitioner, Andersen Homes, said that the developer has no objection to installing sidewalks instead of a fee in lieu of the sidewalks. He said that the developer is obligated under the ordinance to provide a half right-of-way dedication, which is

either 33' or 35'. The only exception is on Brookbank where they are dedicating 33', but they are improving the full right-of-way. Normally a developer is only obligated to improve their half of the right-of-way. He clarified that no exceptions to setbacks are being requested.

Mr. Russ continued concerning trees on the south side of the property, saying that the developer will work with the neighbors to the south and all construction will be on the developer's property. They have discussed those trees with a representative of Urban Forest Management who indicated that the trees are good candidates for root pruning and crown pruning. They will meet the Forester's requirements as well concerning fencing. Mr. Russ said that streetlights will be added on Carpenter and they do meet the photometric code. In terms of the pine trees discussed by Commissioner Schnell, Mr. Russ asked for a clarification of the location, stating they will contact the Village Forester regarding these trees as well.

Mr. Russ then addressed the question of the Homeowners' Association stating the developer's concern is in regard to the number of lots. Orchard Brook's situation differs in that it has multiple common areas as well as amenities to benefit the entire subdivision such as the pool, clubhouse, etc. This subdivision does not have that situation and there is no real incentive for the homeowners to meet and donate money every month to basically cut grass once a week. To the developer it makes more sense to retain this as private ownership. A Homeowners' Association could easily abandon that property, which would then have to revert back to the Village.

With regards to the wall, the homeowner is responsible for maintenance of that retaining wall. Mr. Russ said that with regard to Brookbank and dead-ending it, the original design was not to put Brookbank through which would have resulted in three lots on Jefferson rather than the two they are proposing. But putting Brookbank through makes more sense from both a design and safety standpoint. He said with regard to the cost of the sidewalks, the length of the sidewalk on Carpenter is longer than that on Brookbank, so there may be sufficient funds to complete Brookbank if they are not required to put the Carpenter sidewalk in. He also noted that a fence is proposed for the top of the retaining wall.

In response to the Mayor's and Mr. Fieldman's discussion concerning the setback, Mr. Russ said that the design of the subdivision has been to meet the Village's Code. It is being developed to the Village's standards. There is the exception to the right-of-way for planning reasons. If the right-of-way were 35' instead of 33' the lots would not necessarily need exceptions. The lot lines would have to be redesigned and changed based on the setbacks. That would result in a jogged right-of-way. He said that their engineer is present if the Council has further questions. The Mayor asked why wasn't it brought forward with no exceptions if this can be done moving lot lines. Mr. Russ said that from a planning standpoint they were trying to look for consistency.

Commissioner Schnell asked whether there is enough space to do grading on the developer's property without moving toward the south, and Mr. Russ said there was.

Brad Hartses of C.M. Lavoie and Associates, commented on the reasons for the stormwater detention design for this property. Looking at the topography of the site, the pond should be placed at the low point which is the southeast corner. Grading and design is then based on how the water leaves the site. He explained how the design takes place based upon elevation of the site which establishes the bottom of the basin. The restrictor is adjusted based upon the ditch elevation and the 100-year storm high water level. Topography dictates the berm placement, which in this case is on the east side and the south side of the pond to hold the water. As to Lot 8's buildability, Mr. Hartses said that they have to meet FEMA guidelines. This is a buildable lot

but the concerns are grading issues. Grading plans would have to be individually designed for each lot. Those plans would be reviewed by staff and Public Works for all of the lots.

The Mayor asked if there would be the same type of detention basin if they only put 8 houses instead of 11. Mr. Hartses said it would not be identical, but would require a berm. The Mayor asked if they could do the stormwater underground, and Mr. Hartses said they are releasing on this site into a ditch, not a storm sewer. If they went lower than the lowest point they would have to pump the water out.

Mr. Hartses commented on the impact of the storm sewer on Jefferson which contains a certain amount of water from their site. After their site is developed it will reduce the amount of water flowing in to the Jefferson storm sewer, alleviating any flooding which happens now. This will not adversely impact any other areas.

After a brief recess, Village Attorney Petrarca asked that the Council waive the one-week waiting period regarding the resolution amending the deed restrictions for Immanuel Residences.

Commissioner Urban moved to waive the traditional non-required one-week waiting period. Commissioner McConnell seconded.

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

NAYS: None

The Motion carried unanimously.

**A RESOLUTION AUTHORIZING EXECUTION OF A
FIRST AMENDMENT TO QUITCLAIM DEED**

RESOLUTION 2006-13

Commissioner Urban moved to approve a Resolution amending the deed restrictions for Immanuel Residences. Commissioner McConnell seconded.

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

NAYS: None

The Motion carried unanimously.

Public Comments on the Nelson Meadow Development

1) **Mike Davenport**, 6636 Blackstone Drive, commented on the trees on the south property line. He said that he heard the Forester had commented that the trees will not be impacted. He read that the Forester said the trees will survive the development and would be sufficiently protected during construction. He would like to do more than “sufficiently protect” the trees. In regard to the detention area, regardless of who owns it, it will be the problem of the residents in the end. Mowing of the basin can be handled, but he is more concerned about maintaining the retaining wall. It is a liability to someone. He said if the detention area could be minimized it would minimize the concern of the residents. He recommended spreading the detention area over other lots or using underground structures. He said the resources might not be there to maintain this by a single owner. He also asked about an escrow account to maintain the wall. Mr. Davenport then addressed the right-of-way exceptions, saying the developer presents no compelling arguments to support this. He has concerns about granting the exceptions. Mr. Davenport said he appreciated

the thoughtfulness he has seen expressed by the Council in regard to this development. He is concerned about making this development blend into the community.

2) **Tom Sisul**, 3624 Saratoga, said that this Council has to address problems that did not exist previously. The in-fill problem is unique, and he is not sure that the Village has flexibility in its present Code to meet this issue. In this situation the setbacks have a visual impact on the community. Regarding sidewalks on the west side of Carpenter, Mr. Sisul said there is an existing slope. He asked if the placing of the sidewalks will impact the slope or require more walls. This situation also has lots which have more grade than usual, which also creates problems. They are trying to deal with the problem with walls, which have a way of failing. There is pressure of walls from the natural movement of the earth. He asked what the expected life of the walls is and the pressure on a 7' wall. He also said that he can't believe attorneys cannot find a way to make an Association work in this situation.

The Mayor asked that staff look into the general maintenance issues and how that would affect the Village in the future.

3) **Alice Strelau**, 5611 Brookbank, thanked the Council for agreeing to put in the sidewalks south of Brookbank, as they are a community issue. She's very excited to hear about sidewalks on Carpenter as well. In regards to the fee in lieu of sidewalks, Ms. Strelau asked where those funds would go. The Mayor responded it goes into the Capital Fund. The Manager said that the Village adds to those funds.

4) **Jim Mazer**, 5800 Carpenter, is the owner of the property on the south corner with the trees which have been discussed. He thanked the Council and other residents for their interest and concern about the safety of those trees. He wants to be sure that the trees are safe. He is concerned to hear that the statement was made that the trees "should" survive. He wants to be sure they are safe.

5) **Mike Kelch**, 5729 Carpenter, said he lives across from the drainage basin site. He said you would have originally considered that there would be eight houses on the site, and now here are more houses. He continues to stress the situation regarding flooding. He has a creek in his backyard. He thinks that they will need a very deep hole for 11 houses. And then when the houses are there the issue becomes maintenance. Mr. Kelch said this is a large lot. Maintenance issue is a struggle. The real issue is that there are too many homes on the lot, and he urged people to use common sense.

6) **Mark Cronin**, 1117 Jefferson, expressed his concern about the violation of Codes. He referred to the silt fence which was in violation by the developer. Mr. Cronin said they need checks and balances on this project. The developer has brought this on himself. He suggested that the Village hire an infrastructure consultant to check on the property. Mr. Cronin said that they should get everything in writing to get the developer to do anything. It will be hard to navigate turns the way this is laid out. The developer has not spoken to him about the inconvenience. He asked about constraints being placed on developer, and asked that the residents be considered during the construction period. He then read a Motion made on 1/12/88 by the Plan Commission regarding cul de sacs in his development. He asked that the Council honor the commitment made in 1988 and stop letting developers dictate what will be placed in Village neighborhoods.

The Mayor said there is a Subdivision Improvement Agreement in place, and he does have a concern regarding the trees. He referred to an incident that occurred in Denburn Woods with a

developer who ignored Village Forester's recommendations. He suggested tightening up the language as much as possible to assure the protection of the trees.

7) **Edith Makra**, Community Trees Advocate with the Morton Arboretum in Lisle, stated that she has visited the site and would like to see the trees preserved. There are 25 trees along Brookbank which are not bad trees. They are black locusts which are flowering long-lived trees. She then commented on the critical root zone, stating it must be protected for a tree's survival. It is about one foot for every inch in diameter. Therefore, a tree 18 inches in diameter would require a zone of protection extending 18 feet in all directions from the trunk. She understands that construction is not precise, and communication is often difficult. She recommended that they err on the side of more protection for the trees. Last year's drought was very hard on the trees and added stresses can be detrimental. In response to the Mayor, she noted that there are three trees in poor condition, and two small dead trees.

8) **Dr. Gordon Goodman**, 5834 Middaugh, said this development is in his neighborhood, and he joined in the petition expressing concern. There are several issues of concern. He referenced Ms. Makra's comments, and then read a paragraph from Ms. Makra's written comments concerning the black walnut trees. Dr. Goodman asked staff about the Forester's discussion with the developer, as mentioned by Mr. Fieldman. He questioned whether that discussion involved the owner of the trees and whether they feel the protections are adequate. He also asked whether the protections agreed upon between the developer and staff match the protections that the Village ordinances require for parkway trees. He would like to see the same standards applied to these community trees as are applied to protect parkway trees.

Dr. Goodman then said in regard to the proposed development agreement mentioned by staff, that the Council adopt these standards.

The Mayor asked staff to question the Village Forester about the 18 foot distance.

9) **John Schofield**, 1125 Jefferson Avenue, lives in the house which adjoins the property. He is concerned about the negative impact this development will have on the neighborhood. He focused on the multiple exceptions to the right-of-way width. He said that originally the petitioner proposed to dedicate 33' on Jefferson and the residents were delighted that the developer would abide by the Village's standards. This means there would be a full green parkway on the north side of Jefferson, which matches the dimensions on the south side of the street. The right-of-way line establishes the base line for measuring front yard setbacks. The petitioners originally intended to put the homes two feet closer to the street, and two feet closer to neighbors' homes. Mr. Schofield said that the petitioners also claimed that the exceptions were being sought per Public Works and Engineering staff. The neighbors do not understand why the Village staff would want to lessen the parkway and crowd the homes closer to the streets. The exception is no longer sought on Jefferson Avenue. The Village is not suffering any harm on the Jefferson Avenue side; however, there are three remaining requests for narrower rights-of-way. This will again effect where the houses are set back and the width of the parkway. Nelson Court's stem would be narrowed and it would sit between two full-width parkways with legal setbacks on Jefferson, and the Nelson Court "bulb." Why should they narrow the stem four feet from the Village standard. He said there is no basis for this. He asked that the Council deny all remaining rights-of-way exceptions.

10) **Ken Lerner**, 4933 Whiffin Place, said there has been considerable discussion on detention basins in terms of depth, slope and sides. A statement was made during the discussion that basins are driven by engineering. He agrees that you have to retain a certain volume of water, but

suggested that tradeoffs could be made such as creating larger more shallow basins. It seems to him that the developer just wants to have the maximum number of houses.

11) **Dr. Gordon Goodman**, 5834 Middaugh, referenced a letter he sent to the Council via e-mail. In that letter he said that he believed the development is not consistent with the neighborhood. The developer has shown no practical difficulties or unique hardships, and therefore there is no justification for granting the exceptions. Dr. Goodman said the argument made by Mr. Russ that it is the responsibility of the homeowner to take care of the detention area property because of the investment in the property would be more believable if the detention area were incorporated in what is labeled at Lot 9. They should want to design this such that the lot is of substantial size and would be saleable. He agrees with staff's recommendation to separate the basin from any buildable lot, but make sure that the lot chosen is of a substantial character and that the homeowner has the resources to deal with it.

Commissioner McConnell asked how the development sequence will occur. Mr. Fieldman responded that the site development activities are done according to Code and any subdivision improvement agreement. The entire infrastructure has to be in place before the homes are built.

The Mayor asked whether they can put in a timetable for construction.

Commissioner Schnell asked that they add wording concerning preservation of the black walnut trees so it is clear to everyone.

Chris Lavoie, 4941 Forest, said that underground detention presents maintenance issues wherein water is stored in pipes which eventually can deteriorate. It is also cost prohibitive. It is considered in areas such as parking lots where the grade is flat. In terms of spreading out the basin, Mr. Lavoie said the grade, land contours, etc., dictate the configuration of the basin. The retaining wall is a structured wall, and the wall should last in excess of 20 years without doing anything to it. The wall has no lateral earth pressure behind it and is concealed. It will be visible to the people who buy the lots, but not to the neighboring property owners. Concerning trees, Mr. Lavoie said that the wall goes from 0 to 6' and it gets further and further away from the trees. He believes the construction can be done without significant disturbance to the root structures.

The Mayor asked about the existing underground storm basins. Mr. Lavoie said that the catch basins are in the front yards and they discharge into the pond.

Commissioner Schnell asked about the distance between the property line and the trees where the fence will be placed. Mr. Hartses said it would be at the property line.

Manager Pavlicek said that staff would provide a map for the Council to use as an identifying tool for installation and funding of gap sidewalks. In addition staff will follow-up on more detailed maps concerning the location of the trees, as well as timetables of construction.

Mr. Russ addressed Mr. Cronin's comments, saying he will speak with him about the driveway. They will have the conversations once they know what is being approved.

Mr. Cronin said that his existing driveway and apron is concrete and wants to know whether it will be replaced in kind.

The Manager said that will be addressed in the developers' agreement.

6. **Special Use for Pharmacy Drive-Through (Jewel/Osco).** Deputy Manager Fieldman said this concerns the Jewel/Osco under construction on Ogden Avenue. A drive-thru for the pharmacy is a special use for the district, and the owner is requesting a special use on the west side of the building. The hours of operation are consistent with normal business hours. He said that staff recommends approval.

Commissioner Schnell said that on the site plan it appears that they have to go to the second entrance.

Peter Theodore, the architect for Jewel, said that both drives can access the drive-through. They are providing enough space for the turning motion. Commissioner Schnell said they will have to be creative with their signage. Mr. Theodore said they will go to extra lengths for directional signage.

7. **Abrogation & Establishment of Easement – 63rd Street Well.** Village Attorney Petrarca said that the well has been abandoned.
8. **County Zoning Petition #5204-05 Spizzirri (Mobile One Lube Express).** Deputy Manager Fieldman said this is an unincorporated parcel at 75th and Main on the northeast corner. A petitioner is requesting of DuPage County a conditional use and variation for an express lube and car wash. The variation is for the front yard setback, and the conditional use is for the proposed use. The property is zoned for business purposes in the County, but is recommended for residential uses in the Village's Future Land Use Plan. When this type of case comes before the County, the Village has the opportunity to review and comment. He said that staff has reviewed this and expressed concerns about the proposed use. They recommended rejecting the proposal.

The Mayor said he can't imagine that this is residential zoning. It looks like they are already working on this. It's the property across from Bohemian Gardens. Mr. Fieldman said he will work with the County to see if they have permission to be working there. The Mayor said he asked that a letter be drafted and sent to the County Board members and chair regarding this.

Shelby Vogrin, 933 73rd Street, said that the legal description of this property states that the property is a part of Grandview Estates which was made up of 37 half-acre lots. They have septic systems and wells. She wonders why this did not come to the Village since this is immediately adjacent to the Village. She said that she attended a County meeting this month and was concerned by a statement by the owner that he is presently digging a well on the property as he was denied Village water.

The Mayor said that if they requested water, the Village would have required that they annex into the Village. Ms. Vogrin said that the owner testified that he is in negotiations with the Downers Grove Sanitary District. Mr. Fieldman said that there was a preliminary meeting where they discussed land use, not water.

Ms. Vogrin said the Chairman of the Zoning Board in Wheaton was upset that construction had already begun. She said that only three neighbors received notification. Ms. Vogrin said that they recommended two curb cuts on Main. The Mayor asked staff to look into whether Old Main Street is in the Village or the County.

MANAGER'S REPORT

Manager Pavlicek reminded the Council and public that the next Council meeting will take place on Monday night. She added that the Capital Improvement Plan will be released tomorrow.

STANDING COMMITTEE REPORTS - None

ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting 18 items to the Council: 1) A resolution authorizing execution of an agreement between the Village of Downers Grove and Vee See Construction Co., Inc.; 2) A resolution authorizing execution of an extension to the contract between the Village of Downers Grove and B&F Technical Code Services, Inc.; 3) A resolution authorizing execution of an agreement between the Village of Downers Grove and Hilb Rogal & Hobbs; 4) A resolution authorizing a license agreement between the Village of Downers Grove and United States Cellular Operating Company of Chicago, LLC to install, maintain and operate an antenna on Village property (67th Street water tank); 5) A resolution authorizing a license agreement between the Village of Downers Grove and United States Cellular Operating Company of Chicago, LLC to install, maintain and operate an antenna on Village property (Highland Avenue water tank); 6) A resolution authorizing execution of an agreement between the Village of Downers Grove and Verizon Wireless; 7) An ordinance amending Home Rule Sales Tax; 8) An ordinance abating a portion of the 2005 Tax Levy related to the General Obligation Bonds, Series 1999; 9) An ordinance abating a portion of the 2005 Tax Levy related to the General Obligation water bonds, Series 2001A; 10) An ordinance abating a portion of the 2005 Tax Levy related to the General Obligation bonds, Series 2002; 11) An ordinance abating a portion of the 2005 Tax Levy related to the General Obligation bonds, Series 2003A; 12) An ordinance abating a portion of the 2005 Tax Levy related to Fairview Avenue Debt Service; 13) An ordinance approving preliminary Planned Development amendments to Planned Development #18 for a sheltered care facility; 14) a resolution approving the final plat of subdivision for the Nelson Meadows Subdivision with exceptions; 15) An ordinance authorizing a special use for Jewel-Osco to permit a drive-through facility; 16) A resolution authorizing execution of an agreement between the Village of Downers Grove and Downers Grove Grade School District 58; 17) A resolution in opposition of a conditional use and variance petition for the property located at the northeast corner of 75th and Main Street; and 18) An ordinance providing for the acquisition through condemnation of certain property.

COUNCIL MEMBERS

The Mayor said that Senator Obama's office called today asking what the Senator could do for Downers Grove. He asked the Mayor to put a list together. The Mayor included on the list 1) The \$600,000 for the deck that was promised by the Governor to the Village, 2) ComEd issues, 3) Concerns about a bill that could levy up to \$10 million on Good Samaritan Hospital, 4) Reimbursements for the Village's New Orleans assistance.

The Manager said earlier this week the Village received 100% reimbursement on the Police. They have not heard yet regarding the Fire Department.

The Mayor said since the State Legislature can't put caps on malpractice claims our hospitals are losing a lot of doctors going to other states. Senator Obama's office agreed that it is a problem.

DRAFT

Regarding ComEd, the Mayor said staff met with ComEd and surrounding municipalities. ComEd has 60 days to get back to the municipalities with plans as to how to fix the infrastructure problems in this area. He noted that some developers are looking to go elsewhere because they cannot deal with the ComEd situation.

ADJOURNMENT

There being no further discussion, the Workshop meeting was adjourned at 10:35 p.m.

April K. Holden
Village Clerk

tmh/