

**MINUTES OF WORKSHOP MEETING**

**DOWNERS GROVE, ILLINOIS**

**FEBRUARY 13, 2007**

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, Martin Tully (6:35 p.m.), Ron Sandack, Stan Urban, William Waldack, Sean P. Durkin; Village Manager Cara Pavlicek; Village Attorney Enza Petrarca; Village Clerk April Holden

**Absent:** None

**Visitors:** **Press:** Samantha Nelson, Downers Grove Reporter; Kiran Mehendale, The Sun

**Residents:** Geoff Neustadt, 4633 Saratoga; Mark Thoman, 1109 61<sup>st</sup> Street; Jerry Figliulo, 1454 Arrowwood Lane; Brennan Figliulo, 1454 Arrowwood Lane; Wesley Gaziano; Michael McCann, 442 Austin; Roger Penninger, 4714 Douglas; Scott Jacaway, 4828 Oakwood; Tom Casey, 4925 Oakwood; Judy Waldack, 1409 Willard Place; Kirby Eisman, 445 Austin Street; Sheila McGlone-Eisman, 445 Austin Street; Ed Larson, 4919 Oakwood; Mark Scacco, 4820 Oakwood; Aarti Kotak, of DLA Piper, 203 N. LaSalle Street; Gordon Goodman, 5834 Middaugh

**Staff:** Jeff O'Brien, Senior Planner, Community Development; Dave Fieldman, Deputy Village Manager; Stan Popovich, Planner, Community Development; Dave Barber, Director, Public Works; Mike Baker, Assistant Village Manager; Andy Matejcek, Director, Counseling and Social Services; Bob Porter, Police Chief; Liangfu Wu, Director, Information Services; Damir Lantinovic, Planner, Community Development

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**

The Manager said that she wanted to verify with the Council that they were in favor of proceeding with the meeting.

**Commissioner Urban** moved to postpone the meeting because there are some issues to be discussed that are of interest to citizens who may not have been able to attend due to the weather situation. He is also concerned about getting staff home safely. He also wanted to get Dave Barber back on storm watch. He asked that the Council not conduct any formal discussion on any of the items on the Agenda, and that they ask the Village Manager to postpone the items to a future agenda. He suggested that they hear those citizens present for their input.

**Commissioner Schnell** seconded the Motion.

Commissioner Schnell said she was concerned about residents getting to the meeting in time and the issue of citizen input. She wants to be sure that residents have an opportunity to raise their concerns.

**Commissioner Sandack** said that the brick streets are of particular importance. He has received e-mails and packets of information and he believes the residents should have a chance to express their views. He thinks they should have a fair opportunity to present the information.

**Commissioner Waldack** said he also agreed with canceling the meeting but getting some citizen input from those present.

**Commissioner Durkin** agreed, particularly with getting people and staff home safety and in a timely manner.

**Commissioner Tully** also agreed to cancel the meeting, but asked if there is anything time-sensitive that needs to be addressed.

The Manager proposed that there are a number of residents present with packets for the brick streets issue. Staff can briefly present their comments and at next week's meeting they could re-workshop the items and defer the vote for one more week. She would like to allow those people who are present to speak. She said there is nothing on the Agenda that is under a deadline.

Commissioner Tully said the people who are present should be heard. Regarding the brick streets, there will be a series of meetings on this issue between now and June before any formal action is taken. He further clarified that this is a voluntary process. His suggestion would be rather than cancel the meeting, to make the presentations or discussion brief.

The Mayor said that there are many residents present, as well as Scouts working on citizenship badges. There is no formal action being taken tonight. They can have another Workshop on brick streets two weeks from now. The Council would like to hear what the residents have to say.

Commissioner Urban said it is important to hear the people present this evening. He does not want to go through the whole formal meeting. The Motion on the table is to listen to the residents present this evening and then cancel the meeting.

The vote was taken.

AYES: Commissioners Urban, Sandack, Durkin, Waldack, Tully, Schnell

NAY: Mayor Krajewski

The Motion carried 6:1.

The Mayor said that the Council will hear from the residents and not conduct the remaining part of the meeting. He then called upon the Scouts to introduce themselves. The Scouts were from Troop 80 and are working on their citizenship badges.

**Public Comments:**

1. **Gordon Goodman**, 5834 Middaugh, said he was present to address the first item on the Consent Agenda. He enthusiastically supports waiving certain fees regarding Lyman Woods. It is an expensive undertaking for the Park District. He supports moving ahead with the waiver. He noted that this is the 20<sup>th</sup> anniversary of Lyman Woods, saying that the Village, Park District and the Forest Preserve District purchased about 90 acres of property in 1982 for \$4.5 million. There are now 134.9 acres in Lyman Woods that are owned in fee simple, and another 18.7 acres that are easement. Another \$12.9 million has been spent toward land acquisition by the Park District and the Forest Preserve. There has been a lot of maintenance, management and improvement during the 20 years, including improving the water quality and controlling water runoff. All of this has been done primarily by the Park District, and he encouraged the Village and the Forest Preserve District to begin paying some of the on-going expenses particularly those associated with capital improvements such as streambank stabilization. He said that the Forest Preserve District just got a bond referendum approved to upgrade and maintain the property already in ownership. Dr. Goodman said that he thought the next 20 years has to focus on financing the on-going capital improvements and maintenance.

Mayor Krajewski said that there was a discussion several months ago about the Park District's responsibility for maintenance. He said that he has spoken several times with the Forest Preserve District President regarding assuming some of the maintenance expenses. The costs at the time of acquisition were much less for maintenance than they are at the present time, and the streambank maintenance expenses are being borne by the Park District. He noted that the Interpretive Center is fully funded by the Downers Grove citizens. He said that the Forest Preserve District now has the bond funding and he will continue to request their participation in the maintenance.

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Manager Pavlicek said that the Village submitted a grant application which was denied, but staff is continuing to work with the Park District to identify other grant opportunities.

Dr. Goodman said that the Forest Preserve District has paid the lion's share of the cost of the land acquisition over the last 20 years, but now it is not land acquisition but on-going maintenance and capital improvement. He added that \$13 million was spent over the last 20 years by the other two agencies, but now there is nothing, and he feels that it's time that Lyman Woods got a bit more attention from the Village in terms of upkeep.

2. **Mark Thoman**, 1109 61<sup>st</sup> Street, commented on Commissioner Tully's request for Council to look at the Ethics Ordinance. Mr. Thoman made up computer disks for Council on background materials for their review. He noted the sources that he used in compiling the information. He also included a model Ethics Ordinance. He asked that the Council consider in good faith the issue of ethics by considering these materials to move in a positive forward direction.

Mr. Thoman then referred to Item D on the Active Agenda regarding the eyesore on Ogden Avenue. He said that building anything on that location is a good deal and will put the property on the tax rolls. He is concerned in particular that, similar to Hart's Garage, they see green sheet material concerning payout versus payback. He wants to see positive net cash flow. He further questioned what he called permissive language regarding funds. He also urged staff to bring in local builders to build townhomes in the back area.

The Manager addressed the funding issue, noting State requirements.

Mayor Krajewski asked for clarification that the Village's Ethics Ordinance is the same as the State's Ordinance, and Village Attorney Petrarca said that it is, with only minor changes regarding the Ethics Commission. The Mayor said it was adopted about a year ago and is the same as the State's except for the Ethics Commission.

3. **Aarti Kotak**, of DLA Piper, 203 N. LaSalle Street, said she represents the petitioner for Item C, Butterfield Square, on the Active Agenda. This item is time sensitive in that they originally submitted this petition for a subdivision in November. Any delay in the subdivision hampers her client's ability to sublet Lot 2. She asked that this be considered for approval next week if possible. There were no significant public comments at the Plan Commission meeting or subsequently from the public.

4. **Roger Penninger**, 4714 Douglas, commented on the alley vacation, saying he wants to keep that area as green space so no one can build on it. The Village will make money on the site by his taxes and he will maintain the property. He asked that they sell it to him for the same price of \$1.00 they charged the other people; otherwise, he cannot afford to purchase it. He feels as though he's being cheated, and in this case it looks as though the Council took care of its friends.

5. **Scott Jacaway**, 4828 Oakwood, said he wanted to discuss the brick street item 2E. He is here to express the opinions of people in the 4800 and 4900 blocks of Oakwood. He spoke earlier at a meeting on behalf of his neighbors, who are no longer in favor of this project as it is being proposed. They had a meeting last night. No follow-up survey has been sent to the residents by staff as directed by Council. So, the residents did their own survey. Residents were contacted for discussion and vote. Attempts were made to contact all 41 homes on Oakwood Avenue. The question was, "Are you in favor of the proposal by the Village to establish an SSA for brick street reconstruction?" A total of 41 homes were contacted, 2 homes are vacant, 8 people had no response, 2 had no opinion, 29 responded "no" to the proposal, and there were no votes in favor of the proposal. Mr. Jacaway said that the response was overwhelmingly "no." The vote is not against brick street reconstruction, but they are opposed to the terms proposed by the Village. They would hope to work this out soon because construction season is approaching. In general, most people on Oakwood do not accept the accounting method used by the Village to determine the costs, nor do they feel the Village has done an adequate job in justifying the costs. The terms of this SSA don't mirror SSA Number 1 in its entirety. Residents for SSA Number 1 paid 18% of the negotiated costs. This proposal has residents paying 50% of un-negotiated costs. There is no adequate warranty given. The Village has not sought any grant money for the project. The residents feel the Village needs to rethink the establishment of an SSA in general. The Village should recognize the differences in costs to repair certain streets, and if properly done this street should last 80 years or more. The residents do not believe consideration has been given by the Village to its history regarding brick streets.

The Mayor said that the Manager gave the Council the historical information before the meeting and the Council will have an opportunity to review that information. He said that next week the vote is not to go forward but to give staff the ability to create a Resolution to establish an SSA.

Mr. Casey said the residents want to pre-empt the Resolution and negotiate with the Village outside of the legal realm. The Manager said staff is at a disadvantage because of the way the Village is meeting this evening. This will be discussed next week and she then asked Council if they wish to vote on this. There are several steps for this project to not occur, including the Council voting not to do a Resolution, or the people filing an objection petition. Mr. Casey said that residents still want to see something done, but they just want to renegotiate the current proposal.

5. **Michael McCann**, 442 Austin, said he was there to discuss Item G, Vacation of a Public Alley, on the Active Agenda. He said that regarding the vacation of the alley, one of the issues is the Ordinance giving the Council discretion for charging compensation. He said it seems there is a strong distinction between someone filing a petition for a vacation where they use the property and maintain the property, versus someone filing a petition driven by profit, such as a developer wanting to build a home and enhance the property with the added land. He suggested that there are not many alleys in Downers Grove. He said it may make sense for the Village to send out a notice to homeowners

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adjacent to alleys, and if they meet certain criteria, the Village could do a mass vacation. If the people cannot pay, the property reverts back to the Village.

6. **Ed Larson**, 4919 Oakwood, commented regarding the brick streets SSA, saying he is opposed to the SSA for the reconstruction, but is in favor of preserving the brick streets. He believes the brick streets add character to the neighborhood and the entire Village benefits from them; however, he finds the payment to be unfair. The street is the property of the entire Village and the cobblestone existed long before he moved in and maintenance should be the responsibility of the Village. He said that the street is in desperate need of repair. It is one continuous speed bump. He asked whether his home is assessed at a higher value because it is on a brick street, and if it is they are being asked to pay twice for this street. Mr. Larson then said that the Village's Architectural Review Board motto is "Preserve and balance between tradition and progress."

7. **Tom Casey**, 4925 Oakwood, echoed Mr. Larson's feelings, and said that the Village could put a positive spin on this by paying a little bit more for the brick streets as a great way to celebrate the history of this town, especially in connection with the 175<sup>th</sup> anniversary of the Village.

8. **Mark Scacco**, 4820 Oakwood, said the Village should repair the brick street and find alternative funding. This makes the Village unique and different from neighboring communities. He said that it is important to maintain tradition.

There being no further comments, the Mayor thanked the Scouts for coming to the meeting and working toward their citizenship badges. He also thanked the residents for coming and for their comments. He then adjourned the meeting at 7:25 p.m.