

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

NOVEMBER 13, 2007

Mayor Sandack called the Workshop meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Village Hall.

Present: Mayor Ron Sandack; Commissioners Marilyn Schnell, Martin Tully, William Waldack, Sean P. Durkin, Geoff Neustadt, Bruce Beckman; Village Manager Cara Pavlicek; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: None

Visitors: **Residents:** Rick Bulthuis, ARC Disposal, 2101 Busse, Mt. Prospect; Dan McCormick, 1912 Curtiss/5205 Washington; Jim Russ, 4915 Main St.; Linda Kunze, Downtown Management, 4832 Montgomery; Greg Bedalov, EDC, 2001 Butterfield; Catherine Loney, GCG, 3000 Lakeside, Bannockburn, IL; Pete Boonstra, Tim Cherney, Richard Vander Molen, Allied Waste, 5050 W. Lake, Melrose Park; Bill Wrobel, Downers Grove Watch, 7800 Queens Ct.; Gordon Goodman, D.G. Heritage Pres. Corp., 5834 Middaugh; John Luka, EDC, 5618 Brookbank; Shannon Wesseling, 5302 Lyman; Dale Bolt, 4806 Prince; Jill Venskus, 109 W. Traube; Hugh Golden, 113 W. Traube; Bob Long, 1864 Grant; Frank Falesch, 820 Prairie; Marshall Schmitt, 4923 Seeley; George Swimmer, 4905 Main; Marge Earl, 4720 Florence; Terri Brzezinski, 2219 Haddow Avenue; Bruce Peiffer, 3926 Earlston Road

Staff: Wes Morgan, Director, Human Resources; Bill Herman, Assistant Director, Information Services; Robin Weaver, Interim Director, Public Works; Bob Porter, Police Chief; Mary Scalzetti, Director, Community Events; Dave Fieldman, Deputy Village Manager; Phil Ruscetti, Fire Chief; Mike Baker, Assistant Village Manager; Andy Matejcek, Director, Counseling and Social Services; Doug Kozlowski, Director, Communications; Tom Dabareiner, Director, Community Development; Megan Bourke, Management Analyst; Mike Millette, Assistant Director, Public Works; Judy Buttny, Director, Finance

Mayor Sandack explained that Council Workshop meetings are held the second and fourth Tuesdays at 7:00 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.

The Mayor called for a moment of Silence in recognition of Veteran's Day, and in memory of Corporal Stevenson and his family.

MANAGER

1. Items to be Voted On

- a. **ORD 00-03040 – Belmont Underpass Rezoning, Variation and a Plat of Subdivision.**

This rezones the property located at 4900-4940 Belmont Road from R-4, Single Family Residential, & R-6, Multiple Family Residential, to B-2, General Retail Business District.

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, CODIFIED AS CHAPTER 28 OF THE DOWNERS GROVE MUNICIPAL CODE, AS AMENDED TO REZONE PROPERTY LOCATED AT 4900-4940 BELMONT ROAD

ORDINANCE NO. 4926

Commissioner Beckman moved to adopt **“AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, CODIFIED AS CHAPTER 28 OF THE DOWNERS GROVE MUNICIPAL CODE, AS AMENDED TO REZONE PROPERTY LOCATED AT 4900-4940 BELMONT ROAD,”** as presented. Commissioner Durkin seconded the Motion.

1. **Terri Brzezinski**, 2219 Haddow, distributed handouts for the Council. She referenced previous meetings saying that this project has not been Workshopped, just the parking lots have been Workshopped. The handouts distributed included a letter from Deputy Village Manager Fieldman to her husband dated September 25 regarding just the parking lot. Her husband expressed concerns that there would be only parking lots and no underpass. The response from Mr. Fieldman said that Metra indicated they will not commence construction activities until all of the project funding has been secured. In turn the Village will not approve the final plans or issue the permits until Metra has secured the project funding. She asked if this is still the correct understanding. She said she met with Carole Doris of Metra who told her Metra is ready to begin construction in 2008 although funding is not in place, which is a contradiction to the information in the letter she distributed. Ms. Brzezinski said, regarding the project itself, that there is a concern that the staging process is reversed, with the parking lot at Belmont and Haddow. It makes more sense to stage the parking spaces temporarily lost during construction in temporary parking lots. She showed on a map received from Metra where the proposed temporary parking is planned, and where it should be placed during construction to improve safety. She said the Village may want to readdress the order of building the parking lots for purposes of safety. She then asked if a final count was ever given by Metra as to the actual number of parking spaces, and if there is a higher volume of traffic anticipated she suggested a new traffic study be conducted.

Ms. Brzezinski then addressed the item being voted upon, saying that Mayor Sandack had commented about operating in good faith, and she questions the good faith of Metra. The parking is a “perk” for Metra, and if the Village rezones the property they are giving control away. She said that no one will take responsibility for enforcement other than the Village. Ms. Brzezinski said that the Village has more “wobble room” than it knows. She said that the Village is not bringing dollars, but it is bringing the land, and she said the Village should not sell itself short. The Village is one of the biggest players in this entire project. Metra isn’t bringing any money to the project yet, either, and their portion is not shown in their capital project. She has received this information from Carole Doris of Metra. The majority of the money has not been set aside for this project, although Metra has set aside money for the parking lot separate from the project. No

one has petitioned the ICC yet for the funding either. Ms. Brzezinski believes the Village should withhold the rezoning as a leverage tool to move this project along. She said that only Metra would construe this as bad faith, and lack of funding is holding up this project. She has discussed all of this with the various agencies who have said it is the Village's responsibility to rezone the property.

2. **George Swimmer**, 4905 Main Street, thinks the Village is being hoodwinked. This is one of the most dangerous crossings in Illinois. He prefers to see the underpass begin before the parking lots are built.

Commissioner Tully thanked his colleagues and the staff for delaying the vote on this. However, there are no better solutions in the intervening week. He noted that this vote is to rezone property for a parking lot, which is separate from a railroad grade separation project. Everyone wants the grade separation project. It is easy to say that the Village should do whatever is asked of it; however, except for a grade separation project, he asked whether the Village would rezone the property. He said there are two issues to consider -- merits, and timing. The merits have been addressed already. With regard to timing, he asked whether the Village would go forward with a rezoning if they questioned the financial ability of the petitioner to go forward. He said while the Village doesn't have the purse strings in this situation, it does have the ability to control the land, and he thinks it could be used as a leverage to get the project done. He said the problem with this revised ordinance, in his opinion, is that it does not go far enough and there aren't adequate protections that the Village can put into the ordinance. He cannot support this zoning request at this time, as he sees it as premature. The Village has demonstrated its commitment. He fully supports the grade separation project.

Commissioner Schnell said that the Council would be approving a parking lot and not a grade separation project. The funding is not in place and it is doubtful that it will be in place in the next five years. She said that the Village will be creating safety issues, which is inappropriate. Without a light, they would be creating a situation where it will be difficult to get out onto Belmont. This is not appropriate for the neighborhood, and puts people at risk. She believes that the Village is putting the cart before the horse.

Commissioner Waldack asked what the next step would be if this ordinance passes.

Dave Fieldman, Deputy Village Manager, responded that the next step is to review and approve the construction plans. This would occur at a staff level among several agencies. He said they would review the 100% project plans and would move into the permit issuance once Metra shows its ability to move forward with funding in place. He said that this is a staff review level. He added that the subject properties are encumbered with easements, and the only thing that can go there is a parking lot.

Village Manager Cara Pavlicek said that Metra has been a good partner trying to solve a serious safety issue.

Commissioner Waldack said he could see holding on this resulting in a perceived adversarial situation.

Mr. Fieldman added that conversations he has had with Metra staff members indicate a desire to share goals. At the staff level, everyone is operating with the expectation of completion.

Commissioner Beckman asked for clarification that the Village is operating under a 100% project concept, meaning that in order for anything to be built they must see proof of adequate funding.

Mr. Fieldman responded that that is the concept at staff level conversations. They are reviewing 100% project plans. The Village would hold off on permits until Metra feels it has sufficient funding to complete the project in its entirety. In further response, if Metra came along in a year or two saying they could not obtain the funds, Mr. Fieldman said that staff would review the terms of the Agreement entered into by the parties.

The Mayor said that in the 1990s, the project would have been \$30 million, and in the early 2000s it was \$47 million. It is now at \$56 million, and if anyone continues to wait on this issue, it could increase to \$70 million. Some leadership needs to occur and this project needs to move forward. He wished the Council had the ability to control things; however, the structure of the deal has not changed. He said that the Village is a logistical partner. His predecessor worked tirelessly and helped put together a structure of funding where other agencies would provide the funding and the Village would have no financial responsibilities. The Village has two functions -- to act as an eminent domain agency and to rezone the property for parking. The Mayor said that the Village has always known the structure, and that Metra wanted parking. He said that the Village is required to move ahead with its commitment. He said that the Village still has points of leverage, but holding up the rezoning is not in good faith. He believes the Village has an obligation to move forward by having signed two intergovernmental agreements. As parties of those agreements, the Village is accountable and has an obligation to work with partners in the process to uphold their responsibilities.

VOTE: YEA - Commissioners Beckman, Durkin, Neustadt, Waldack, Mayor Sandack
NAY - Commissioners Tully, Schnell

Mayor Sandack declared the motion carried.

Index: **BELMONT GRADE SEPARATION PROJECT**
BELMONT ROAD UNDERPASS
REZONE 4900-4940 BELMONT – R-4 & R-6 to B-2

b. RES 00-03041 – Belmont Underpass Rezoning, Variation and a Plat of Subdivision.

At their meeting of October 1, 2007, the Plan Commission recommended approval of the Final Plat of Consolidation for Belmont Road and Haddow Avenue.

A RESOLUTION APPROVING THE
FINAL PLAT OF CONSOLIDATION FOR BELMONT ROAD AND HADDOW
AVENUE

RESOLUTION 2007-111

Commissioner Durkin moved to adopt “**A RESOLUTION APPROVING THE FINAL PLAT OF CONSOLIDATION FOR BELMONT ROAD AND HADDOW AVENUE,**” as presented. Commissioner Beckman seconded.

VOTE: YEA - Commissioners Durkin, Beckman, Neustadt, Waldack, Tully,
Mayor Sandack

NAY - Commissioner Schnell

Mayor Sandack declared the motion carried.

Index: **BELMONT ROAD GRADE SEPARATION PROJECT**
BELMONT ROAD UNDERPASS
CONSOLIDATION PLAT

2. Active Agenda and Informational Items

Manager Pavlicek reviewed the Active Agenda and Informational Items for comments and discussion by the Council and public.

a. **Ordinance Adopting Smoke Free Illinois Act.**

Assistant Village Manager Mike Baker presented slides of an overview of the Act. He said that as of January 1, 2008, smoking will be prohibited throughout the State in places of employment, in public places, government vehicles, and within 15 feet from the entrance of such buildings. The Village is being asked to adopt the Illinois Act by reference, and it has a responsibility as an employer and operator of public facilities as an enforcement agency. He said that the Police Department is one of the groups responsible for enforcement together with the Health Department and the Illinois Department of Public Health. He noted that staff has reached out to the community to make people aware of the requirements, and will also have a meeting on November 19, 2008 at 3:00 p.m. in the Lincoln Center.

1. **Dr. Gordon Goodman**, 5834 Middaugh, said that when he served on the Environmental Concerns Commission they recommended that the Village move ahead on this. He is pleased to see this going forward at this time, and is concerned about restaurants. He would prefer that restaurants be made smoke free rather than 50% smoke free. He believes the recommendation from the ECC was for a stronger ordinance.

The Mayor and Manager said that smoking is prohibited in restaurants completely.

Village Attorney Enza Petrarca said that smoking is allowed only in a tobacco shop or a legally operated smoking lounge that does not serve food.

Dr. Goodman said this is then consistent with the ECC recommendation and he is pleased with the ordinance as presented. The Mayor said that they are simply adopting the State law.

Commissioner Waldack asked what the fine would be.

Attorney Petrarca said it would be \$100 for an individual, \$250 for employers.

Commissioner Waldack said that this is an incentive to quit a bad habit. He hoped the fine would cover the cost of enforcement.

Commissioner Schnell asked if there are plans to use the monies for educational purposes. The Manager said staff would provide that information.

b. Final Plat of Subdivision for a Lot Split with a Flag Lot Exception.

Tom Dabareiner, Director, Community Development, explained that this is a final plat of subdivision with a lot split and a flag lot exception. He used a slide presentation showing the subject property saying that there are existing flag lots in the corridor, pointing out other lots that could host a flag lot. Mr. Dabareiner said that the owner has given no indication to put a structure on Lot 2. He then referenced the standards that must be met in order to approve a flat lot, saying that on October 22, the Plan Commission unanimously recommended approval of the request. He said that one of the standards addresses trends, noting that the Plan Commission and staff differed on this item. Staff does not concur with the Plan Commission's recommendation.

1. **Dan Roberts**, owner of 4516 Roslyn, said that he has been a resident for 11 years and is an architect and builder. He plays to stay on the property, noting that they meet all the requirements for a flag lot and all drainage requirements. He said they have been reviewed for drainage, and if they subdivide and build on the property they will be required to provide underground detention, which will be an improvement to the area. He said that Roslyn Road has many large lots, and his two lots will be over 18,000 square feet each, or over ½ acre. The trend on Roslyn Road is for flag lots.

2. **Hugh Golden**, 113 Traube, is an 18-year resident of Downers Grove. He said he distributed a letter to 38 neighbors in opposition to flag lots in the neighborhood and as a trend in the community. He distributed a copy of that letter to the Council. He noted that one of the Plan Commissioners thought that people love flag lots, but they do not. Mr. Golden said that in this older neighborhood, flag lots do not fit.

3. **Marge Earl**, 4720 Florence Avenue, said she travels Roslyn Road, and it has a terrible speeding problem. Adding houses increases this problem. She said that people feel flag lots are ugly.

4. **Jill Venskus**, 109 W. Traube, said that her backyard is adjacent to Mr. Roberts. She came to voice her opposition to the flag lot at this location. It is a pleasant neighborhood and granting a flag lot will erode these qualities. She indicated that many of the things they like will be gone. A great number of trees have been taken down, and a driveway and flag lot will make this worse. She said that no flag lots in the past five years does not constitute a trend for flag lots, and she believes many streets in the neighborhood will be affected.

5. **Dr. Gordon Goodman**, 5834 Middaugh, said he has an interest in planning in the Village of Downers Grove and has supported the effort to do away with flag lots. He said that they destroy the feeling of a neighborhood, and he sees it as a serious planning decision. He agrees with the previous speaker that there does not seem to be a strong trend in this direction. He discussed preserving the character of neighborhoods, saying that he recommended that the Council support staff's recommendation not to grant the request.

6. Mr. Robert responded to the comments, saying he appreciates the points made. He noted that Roslyn is a through street. Cross traffic is what causes the speeding. These lots are 18,000 square feet, much larger than those the people are complaining about. He said that they have removed the "junk" trees, but have a lot of trees still standing. He does not think the flag lot will affect the properties or the quality of the neighborhood. The driveway will affect the front lot. He said that there is a trend on the Street.

Commissioner Neustadt said that he has concerns about flag lots. He sees that as affecting six or seven properties and asked about fire service to the rear lot. He said he may have more questions on this.

Commissioner Schnell asked what is a trend, and how is it defined.

Mr. Dabareiner said that a trend would be a consistent pattern leading up to the present day. The trend here seems to have ended several years ago. There are timeline trends and there are clusters.

Commissioner Schnell noted that most flag lot driveways are on one side of the flag, but in this case the driveways are very close together. Mr. Dabareiner responded there is about 20 feet of driveway space. He said typically they would like the driveways to be spaced farther apart because it gives the appearance of much pavement.

Commissioner Beckman said that there are five standards listed for granting exceptions. He said that in staff's opinion, four of those were not being met. He reviewed those standards, which staff said were not supported.

Commissioner Tully said there is no fault on the petitioner's part to make a petition. He said that in his opinion flag lots are an aberration, and they are a bad idea. In 2002, he tried to eliminate these altogether. In his opinion, this petition does not meet any of the criteria. He referenced the introductory sentence to the exceptions saying he does not think this case moves beyond the introductory sentence. He sees no practical difficulties or particular hardships. Commissioner Tully said that flag lots are an exception to develop a truly difficult parcel, and the recommendation of the Village Planners is not to allow this. He has a concern about the impact of this on the surrounding properties, and sees no trend of development toward flag lots. There has been no factor raised to support or mitigate against granting the exception, and he believes it does not conform to the general plan and the spirit of the Chapter. The residents have raised public safety issues. Commissioner Tully said he disagrees with the conclusion of the Plan Commission, and agrees with the recommendation of staff.

The Mayor said that flag lots evoke emotion, and the propriety of flag lots was debated in 2002. He tries to stick with the objective criteria as much as possible, as beauty is in the eye of the beholder. He tries to work within the Code, and the standards for granting an exception are referenced in the Code. The Mayor said that staff recommended against this, and the Plan Commission came to an opposite decision by an 8-0 vote. Mayor Sandack said that they need to look at the standards as a whole, and not just one particular sentence. In the review in 2002, staff felt that Roslyn Road would be an area where flag lots were appropriate, and he said that it appears that an argument could be made that all these items have been met. He doesn't think that a house on 18,000 square feet of property would diminish the value of the surrounding properties. As for being consistent with a trend, if flag lots are not there, they will not be anywhere in the Village. Other standards are whether the dimensions of the property are unique, whether the general plan and spirit of the area was deemed as flag lot appropriate, and whether it is consistent with the area. He agrees that the issue of trend can be debated; however, he has not yet made up his mind.

Commissioner Waldack said he sensed that the previous Council's goal was to eliminate flag lots, but they realized that there might be opportunities or unique situations, and they provided for exceptions. In this petition he does not see a trend, and by allowing this petition, the Village is creating a trend. He doesn't see this as a unique situation or as meeting the criteria established.

Commissioner Waldack said that the Council needs to send the proper message to the Plan Commission as to uniqueness. The petitioner bought the property knowing the situation. He said he will continue to review this petition.

- c. **Zoning Ordinance Amendment – Accessory Structures.** The Manager said that staff has talked with the attorney of the petitioner, and the petitioner has asked that this item be tabled for two weeks.

Jim Russ, 4915 Main Street, attorney for the petitioner, said that there seems to be a consensus between the staff and the petitioner as to going forward, and they would appreciate the opportunity to work further on this, and obtain a two-week continuation.

Commissioner Tully said that the tabling will put off discussion on this for now. He read all the materials, and hopes that there is an easier way to be facilitators, and not regulators. He wants to see this move forward, but wants to see it done correctly.

- d. **Solid Waste Collection & Disposal Services Contract.** The Manager said that the RFP process for solid waste collection and disposal services has been discussed previously. She asked Assistant Village Manager Baker to explain this contract.

Mr. Baker said that the present contract expires March 30, 2008. Staff has completed the RFP process, and reviewed and evaluated the proposals received. He said that there were issues identified early in the process including concerns about significant cost increases in other municipalities and an interest in exploring alternate program structures. He then reviewed the RFP structure that required submittal of a base proposal for a continuation of the current program service, which includes a sticker price and subsidy component. The RFP allowed for alternate proposals to modify the program structure, it allowed for maintaining the Amnesty Day program, and it allowed for the option of no sticker leaf collection. It required a three-year term for base proposals and allowed alternate proposals to extend beyond the three years.

The Village received four proposals from qualified companies. After review, two were deemed the most competitive. ARC Disposal submitted three base proposals and one alternate proposal. Allied Waste submitted one base proposal with two alternate options. Staff recommends Option 2 from ARC Disposal and Recycling, and provided a summary of that Option. Sticker prices would begin at \$2.85. The 6-gallon cart would be provided beginning at a monthly cost of \$15.15. A one-day Amnesty Day would take place in the fall, and there would be a cost of \$135,000 for leaf pick up with no sticker, with a 4% increase in cost each year.

Mr. Baker noted that ARC came in at the lowest cost of the proposals received. He provided further statistical information regarding the impact on the average of 14,550 households served under the proposed contract. The cost per month for the average household is about \$8.75 for refuse disposal and \$2.91 for yard waste. Mr. Baker also reviewed the Allied proposal, which included a subsidy of \$446,000, equal to a two-cent increase on property tax or about \$26.00 per year per household. He said one aspect of the contract under discussion with ARC has to do with Section 24.1—Termination of Contract clause. There may be a potential change in that wording.

The Manager clarified that the discussion concerns specifically termination for no cause.

The Mayor thanked staff saying this is a very important Village service, and residents expect the service to be performed in a reasonable manner.

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1. **Dr. Gordon Goodman**, 5834 Middaugh, said he is pleased to see this begun at this time, and sees it as a good program. He said that it is important to build up a recyclable program, and supports eliminating the Village subsidy. He asked what is being done about electronics, toxic and mercury content items, as he sees nothing in the proposal about how those items are to be handled. He sees this as a major loose end.

The Mayor said that the ECC has looked at this long and hard and commended the Commission and staff for their work on this topic.

2. **Tim Cherney**, 6204 Barrett Street, said he is a 39-year resident of the Village. He is employed by Allied Waste and worked one of the first recycling routes in the Village. He worked his way up through the ranks and operations and said he hoped the Village will look at their history and commitment to the Village.

3. **Pete Boonstra**, General Manager of Allied Waste, gave a background on the company, which has been a partner of the Village for about 30 years. He has been involved with Allied Waste for 26 years. He said that Allied Waste is the most experienced hauler in the County, with dedicated operations supervisors and continuity of service. Mr. Boonstra said that 12 of their employees live in the Village, and their company is in good standing with the unions. They have a capacity of 160 trucks that go out daily, and 800 truckers in the Chicagoland area. They also have the capacity to respond quickly and effectively to disasters. He reviewed their safety requirements, and dedication to the communities they service.

4. **Richard Vander Molen** of Allied Waste said their company did an analysis of the differences between their proposal and the company recommended. There seems to be less than a 3% difference between the two firms over three years in sticker use. He reviewed the percentages of carts used, saying Allied was quite close in comparison to ARC. They provided two alternative programs, the first of which is the most relevant. He noted that garbage carts result in less recycling. The largest obstacle is that Senior Citizens are not being treated equitably if they have to pay the same as others. Their Alternative #1 provided for a significant discount for Senior Citizens, and they also provided a discount for leaf stickers for two months. He asked the Council to study their proposal. With regard to the subsidy, it is a \$1.75/month charge, which they see as a nominal charge or a base rate. It does not have to be a subsidy but can be viewed simply as a base rate. Mr. Vander Molen said he thinks that their original offer is a good one. The services schedule will not change, and the stickers will not become obsolete. They have tried to maintain a moderate sticker price. Cart prices would not change and residents would not have to contact the hauler for a new cart. A moderate charge can be placed on the water bill for the subsidy. Changing to a new hauler will result in a new schedule for residents as well.

5. **Richard Bulthuis**, 3648 Quince Court, said he represented ARC Disposal and thanked the Village for the opportunity to participate in the RFP proposal. He said they are the third largest solid waste hauler in the US. He drew the Council's attention to their alternate proposal, which staff reviewed in their recommendation. He commented on the automated cart program that provides a cart for both refuse and recycling. They encourage recycling by cost avoidance and convenience. The program was initiated in communities of similar size to Downers Grove, including Mount Prospect, Des Plaines and Park Ridge. They have delivered more than 100,000 of these carts in the Chicagoland area.

Commissioner Schnell thanked Mr. Baker and staff for getting the proposals ahead of time, asking whether they have checked references for ARC.

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Mr. Baker said they checked their references in several communities including Darien, Willowbrook and Mount Prospect, and received favorable comments overall. In Darien, the only criticism was with regard to roll off containers being provided only through ARC.

The Manager said that the Village's contract does not contain this.

Commissioner Schnell asked whether existing stickers can be refunded if the Village changes to ARC.

Mr. Baker said that the contract allows for a refund of stickers up to 120 days after expiration of the contract.

Commissioner Schnell then asked if there is a possibility of getting big carts for recycling. She would like to look into this, saying her family and neighbors do a lot of recycling and the larger carts would be more convenient. Commissioner Schnell then asked for information regarding the recycling of electronics if the Village changes over to ARC. She noted that she believes in a volume based/user-based program.

Commissioner Durkin said garbage has become a passion of his, and he was shocked to read the response from staff to switch to ARC after the long-serving relationship with Allied. He referenced customer service. He asked why staff is considering going from a three day pick-up to a five day pick-up when the price per sticker is going up. He is concerned about a five day pick-up as that could confuse the residents, and would increase the number of trucks in and around the community. He expressed surprise at this recommendation from staff, and is surprised that there is no provision for Senior Citizens. He would like to see a review of the costs as well. Commissioner Durkin noted that there had been discussion in the past to have a single provider for the Central Business District. He said that if the savings is five cents per month, he'd like to get a clearer understanding of staff's recommendation. Commissioner Durkin said he would also like to know whether ARC would be willing to do the bag and tag program at a volume-based, as well as providing a cart for recyclables. With regard to the leaf program, Commissioner Durkin said that if the Village goes with the ARC proposal, he encouraged the Council to move \$100,000 already allocated in the proposed budget toward the subsidized leaf program, which could help reduce flooding due to leaves in inlets.

Commissioner Tully said that this is an important discussion as it is an expected service, and the quality of service is very important. The residents want the Council to look at areas where they can do better. It will be important to know the plan for transition between the companies. He also asked about differences in the equipment being used between ARC and Allied.

Mr. Bulthuis of ARC said that their equipment will be brand new 2008 equipment with all of the required safety features. In further response to Commissioner Tully, he said that they will have single-container trucks. He indicated that technology has evolved to a point of optical lasers sorting all recyclables. The convenience is brought to the street, and the items are sorted mechanically.

Commissioner Tully then asked staff about the number of trucks that will be on the road, expressing concerns with throughway traffic. He also asked how many carts are currently owned by residents.

Commissioner Beckman commended the staff on the professional development of the RFP, saying he would be comfortable approving the transition to ARC. His primary concern is the

current use of containers, seeing that as an added cost not contained in the proposal. He asked how many times the Village has changed vendors in the last 10-20 years, because that plays into this entire issue.

Commissioner Waldack asked how many trucks he can expect to see in front of his house on a typical day. The Manager responded it would be three trucks. Commissioner Waldack then asked about ARC having a favored nation clause, and asked for wording added this should their policy change sometime in the future.

Commissioner Neustadt asked staff whether the transition would involve a door-to-door approach to residents that will see a change in their collection day.

Mr. Baker said that was proposed so residents would know when their collection day would be. Commissioner Neustadt then asked whether Christmas trees will still be picked up. Mr. Baker said they would. Commissioner Neustadt then asked for clarification that for \$135,000 the Village will get the six-week leaf pick-up. Leaves must be in a container. He noted there will be a slight increase in the sticker price over the three years. Mr. Baker said that was correct, and Commissioner Neustadt said that ARC seemed like the best deal to him.

The Mayor said that any residents who want to express their feelings on this can e-mail or call the Village Council members. He said that Allied Waste has done a great job in the Village, and it was a mutually beneficial relationship. He added that the Council needs to make sure that they are getting the most competitive rate. He believes staff did a tremendous job of analyzing the proposals and weighing the new company versus an established company. By moving to the new company it will be a big change to the residents. All things being equal, you go with the incumbent, but he suggested that based on the proposal and staff's analysis, all things are not equal. The process has been fair, open and transparent.

The Manager asked for verification that the Council wanted to include the \$135,000 for the six-week leaf pick-up.

Commissioner Tully said it is a good suggestion, but he would want to see what it looks like first.

Commissioner Durkin said he supports this under a three-year agreement.

Commissioner Schnell asked if this is just for leaves or yard waste. She said there's a difference, saying that if it's unlimited leaf pick-up you are not encouraging recycling. She said they need to be careful that there would be a large increase in the volume of leaves. She asked for more information.

Commissioner Waldack said he would go along with taking a look at this issue, and would want to know in what six-week period this would take place. He noted that there have been a number of articles written that state leaves do not have the environmental landfill impact that was once thought.

3. Consent Agenda Items

The Manager summarized the items on the Consent Agenda for discussion and comments.

- a. Special Commercial Event License – Bonfield Express Foundation.** The Manager said this item is a request for a special commercial event with the Bonfield Express

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Foundation for a 5K-charity event on Thanksgiving Day. They are requesting waivers of the \$150 application fee, as well as a \$500 public parking facility rental agreement fee. She said in the past they have also waived costs for public safety and Public Works personnel, but this year staff recommends payment for use of staff time and equipment in the amount of \$2,731.86.

Bruce Peiffer, 3926 Earlston Road, requested that the Council waive all Village costs on this because this is a fundraiser for scholarships for kids in District 99. It is a non-profit activity, and he sees this as a community service, not an expense. He explained that the help in this project is all voluntary and he asked for a reconsideration of waiving all the costs. Mr. Peiffer said this is a thank you to Jim Bonfield. Mr. Peiffer added that he is not on staff, but is also a volunteer.

Commissioner Tully commented on the requested fee waiver, saying it is appropriate for the staff to raise the question to the Council. He noted that this is a wonderful event, and also raises the question as to what events the Village will sponsor, engage in as a partnership, or facilitate. There is no policy on this at the present time, and there is a problem defining it. He said the Council cannot look at just one petitioner. They are a policy-making Board and he encouraged staff to come up with a policy in this regard.

Commissioner Waldack agreed that they need to discuss a policy in this regard. He wants to be consistent and fair, and would support staff's recommendation. He will study this further.

Commissioner Schnell also agreed that there is a need to formulate a policy. The Community Events Commission is a good place to begin. The project and policy need to make sense. She asked if they should penalize an organization that has not paid fees in the past. She would prefer to waive the fee this year, but believes they need to have a policy established by next year in order to be fair.

Commissioner Beckman concurred with the expressions of need for a policy. He doesn't know if they can ever be totally fair, since there will still have to be some type of qualifications established. He is sensitive to waiving the fee for this organization on a one-time basis.

Commissioner Tully clarified that the Village does have a fee waiver policy. He's not referring to that. He has no problem with waiving this on a one-time basis. However, there is no direction for events where Village facilities/employees are involved in the facilitation of the event.

Mayor Sandack agreed that this is a great event and he will be running for the fourth year. They do great things with their money but they do use resources. He said that taxpayer funding of this event upsets some people. He said parameters need to be established with relation to the criteria for waivers. He agreed to waive this one time, but asked for dates by which this issue could be pursued further. He suggested January 1 to refer this to the Community Events Commission.

- b. **Agreement with Downtown Downers Grove, Inc.** The Manager said this is substantially the same agreement as previously with a few modifications. She said that staff recommends changing the wording from "audit" to "financial review." It is the same as what is required with the EDC. She said that staff needs direction regarding the termination clause.

Jim Russ, Chairman of the Downtown Management Board Corporation, said he has received information from their accountant that "financial review" is sufficient. He said that the only concern is the termination at the end of the two-year period, and primarily the ability of the

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Village to terminate the agreement at any time. This is a self-imposed tax on the property owners of the SSA, and is not a general fund tax. The Downtown Management Board was put in place to manage those funds, and if the contract can be terminated, he asked who would manage those funds. He believes that it is consistent to continue this for the length of the TIF. This differs from the EDC in that it is self-imposed, and there are safeguards in place. Mr. Russ said that the funds can only be spent in the SSA. He noted that the budget is reviewed by the Council and quarterly reports will be made to the Council. He would like to see that not terminable by the Village. He then noted for the Council that Dan Loftus, Dan McCormick and Linda Kunze were present as well.

Linda Kunze, Downtown Manager, said that this month the Village said goodbye to Herbert's Men's shop, and welcomed Stillwater's Restaurant and Wine Bar. Two other businesses welcomed were Heirloom Jewelers and Blue Star Design. There will be several new restaurants and shops opening this month as well. She said that the Holiday coupon book is in the mail. Ms. Kunze thanked Public Works for the lights, banners and wreaths, and noted that Hospitality Sunday begins at 1:00 p.m. on November 25, 2007 with a parade and numerous activities in the downtown area.

Dan McCormick, 1912 Curtiss, commented regarding the termination clause, saying he doesn't think it is fair. The businesses and the Village should be partners, not adversaries. He thought it was ill-advised to adopt a termination clause.

Commissioner Neustadt commented that he was happy to see the agreement and will look closely at the termination clause before next week.

Commissioner Beckman said he was pleased to hear of the quarterly reports. He appreciates the reports provided by the EDC on a quarterly basis and looks forward to seeing them from Downtown Management as well.

Commissioner Durkin complimented everyone who worked on the agreement as well, saying he is not totally sold on the termination clause as well. He sees no need for a termination.

The Mayor said he appreciated the efforts of all involved and favors the previous language. The ordinance provides sufficient protections. He asked that Council provide their preference to the Village Manager as quickly as possible.

- c. **Ceding the Village's Bond Cap Authority to the Illinois Finance Authority.** The Manager said that previously the Council directed staff to proceed with the issuance of a private activity bond in the amount of \$4.1 million to Versatile Card Technology, Inc. (VCT). The Illinois Finance Authority (IFA) requested the Village cede its authority so that in turn the IFA could solely issue the bond amount requested by VCT, which is \$7.4 million. She said that it seems more prudent to have one set of bonds and staff recommends approval of this.

Commissioner Waldack complimented staff on this, noting that the Village received a 1% fee.

- d. **Contract with National Insurance Services for Life, Accidental Death and Dismemberment and Long Term Disability Insurance.** The Manager said the increased costs represents the change in payroll for FY 07-08.

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- e. **Contract for Medical Claim Administration.** The Manager stated this relates to the employee benefits program, with the recommendation to stay with Professional Business Administration. Staff has competitively shopped and this is \$2,000 less than last year.

Commissioner Waldack said it is important to offer good health benefits. The Village needs to attract and retain good employees. He said that when these programs are administered it has to be a smooth process. He would like to get feedback from the staff. He said he thought that the Village has a good benefit package.

- f. **Agreement with Advocate Health Partners.** The Manager noted that this was a unique agreement. The Village runs a self-insured benefit plan and receives savings through Good Samaritan Hospital.

Commissioner Beckman asked how this is administered. The Village runs a self-insured benefit plan and negotiates different prices. There is a cap on prices at Good Samaritan Hospital.

- g. **Contract with Delta Dental Plan of Illinois.** The Manager said this contract collapses two programs offered right now into one program under Delta Dental.
- h. **Amending Official Village Policy on Employee Administrative Rules.** The Manager said this is an amendment to personnel rules, and was presented to the Council on October 23. She noted that there are three collective bargaining unions in the Village and their collective bargaining agreements often take precedence as do hires under the Board of Fire and Police Commissioners.

Commissioner Waldack commented on the need to maintain employee morale. He said they need to maintain pay for performance and equal opportunity. As for relatives of elected officials, he suggested that a spouse of an elected official obtain an unpaid leave of absence rather than resign during the official's term of duty. He also referred to the policy 2.2.1, which discriminates against married couples working in the Village. He said that the policy encourages employees to live together without marriage. Pay for performance addresses problems of poor performance. This section can open the Village to sexual harassment cases.

Commissioner Beckman referred to Sections 2.2 and 2.2.1 and asked whether they apply to the Library. The Manager replied that they do not apply to the Library.

- i. **ImageWare Systems, Inc. Maintenance Contract.** The Manager said this is a one-year maintenance agreement for Police Department maintenance on the digital booking system.
- j. **Strategic Planning Documents.** The Manager said that staff is requesting this be Workshopped on November 27 with potential adoption on December 4.

Dr. Gordon Goodman, 5834 Middaugh, asked about the documents compared to the 2006 document. The Manager said it will replace and supercede the 2006 document, noting that it will be reformatted.

Dr. Goodman commented on historic preservation and balancing tradition and progress. He noticed that there are eight references to either "tradition" or "historic" in the document. However, there are no specifics as to the achievement of those objectives. He said that a lot of work has to be done to get goals and objectives relative to an historic preservation ordinance. He

looked up the term “incentives” in the document and there are four mentioned, but none of those incentives are programs for residents geared toward achieving public goals toward historic preservation. He requested that the document be used to encourage resident participation with incentives.

- k. 2007 Aggregate Tax Levy for the Village of Downers Grove.** The Manager said this item will be Workshopped on December 4 with adoption on December 18.

Commissioner Tully said that in the past the Village has had breakdowns as to what the G.O. bonds relate to, and he would like to see that again. He asked for information on any bonds not proposed to be abated that could be abated. He also asked, with respect to the levy proposed, if it includes any property tax increases as part of the FY 08 budget. The Manager said it includes the maximum amount recommended by staff. The Council could adopt less than what is being presented. The levy will show more than what is to be collected due to the abatements.

Commissioner Tully said that the present EAV is 6.5% and asked whether staff has better information regarding this figure.

The Manager said staff hopes to respond to that on December 4.

The Mayor said that some of the abatements *must* be abated. He asked that those be made available to the Council.

ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting 14 items to the Council: 1) A resolution authorizing reallocation of bond volume cap to the Illinois Finance Authority; 2) A resolution authorizing execution of a special service area operations agreement between the Village of Downers Grove and Downers Grove Downtown Management Corporation; 3) A resolution authorizing execution of an agreement between the Village of Downers Grove and ARC Disposal and Recycling, Inc.; 4) An ordinance approving a lot split with a flag lot exception for the property commonly known as 4516 Roslyn Road; 5) A resolution repealing obsolete Village Council policies and resolutions concerning employee administrative rules and regulations; 6) A resolution amending the employee administrative rules and regulations of the Village of Downers Grove, Illinois; 7) An ordinance adopting the Smoke Fee Illinois Act; 8) A resolution authorizing a special commercial event license agreement between the Village of Downers Grove and the Bonfield Express Foundation for the Bonfield Express 5K race/walk; 9) A resolution authorizing execution of an agreement between the Village of Downers Grove and Advocate Health Partners for and on behalf of Advocate Good Samaritan Hospital, a hospital operating division of Advocate Health and Hospitals Corporation; 10) A resolution authorizing execution of an administrative services contract between the Village of Downers Grove and Delta Dental of Illinois; 11) A resolution authorizing execution of an agreement between the Village of Downers Grove and National Insurance Services of Wisconsin, Inc. (Long Term Disability); 12) A resolution authorizing execution of an agreement between the Village of Downers Grove and National Insurance Services (Group Life); 13) A resolution authorizing execution of a claims administration agreement between the Village of Downers Grove and Professional Benefit Administrators, Inc.; and 14) A resolution authorizing execution of an agreement between the Village of Downers Grove and Imageware Systems, Inc.

COUNCIL MEMBERS

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Commissioner Tully said that the Historic Preservation Ordinance provides a means to qualify for funding assistance, tax breaks, etc. to specific properties. He asked for a report as to what is necessary to take advantage of the various programs available. With regard to flag lots, Commissioner Tully said that he thinks the Council should revisit the discussion held in 2002, and to avoid problems he proposed the adoption of a 120-day moratorium for granting flat lot exceptions.

Village Attorney Petrarca advised that the Council cannot vote on items not on the Agenda. She said this could be added to the agenda for next week.

Commissioner Neustadt thanked the Public Works personnel for the holiday decorations in the downtown area.

The Mayor thanked El Sierra School for hosting Career Day last week.

ADJOURNMENT

There being no further discussion, the Workshop meeting was adjourned at 11:06 p.m.

April K. Holden
Village Clerk

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