



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, February 15, 2011

6:30 PM

Council Chambers

1. Call to Order

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

Convene into Executive Session - Ante Room

Commissioner Barnett moved to go into Executive Session pursuant to Section 2(c)(8) of the Open Meetings Act to discuss security procedures. Commissioner Beckman seconded the Motion.

VOTE: AYE - Commissioners Barnett, Beckman, Neustadt, Waldack; Mayor Sandack

The Mayor declared the Motion carried and the Council convened into Executive Session in the Ante Room at 6:30 p.m.

Reconvene into Open Session - Call to Order - Council Chambers - 7:00 p.m.

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

Pledge of Allegiance to the Flag

Mayor Sandack led those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Present: Commissioner Bob Barnett, Commissioner William Waldack, Commissioner Sean P. Durkin, Commissioner Bruce E. Beckman, Commissioner Geoff Neustadt and Mayor Ron Sandack

Absent: Commissioner Marilyn Schnell

Non Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca and Village Clerk April Holden

Visitors: Tim Canning, Lemon Tree Grocer, 5101 Mochel Drive; Linda Kunze, Downtown Management Corporation, 933A Curtiss Street; Willis Johnson, Tivoli Enterprises, 603 Rogers; Brian Grippando, Boy Scouts, 4836 Montgomery Avenue; Mark Grippando, 4836 Montgomery Avenue; Greg Hose, 445 Austin Street; Jennifer Rizzo, Downers Grove Police Department; Tom LeCren, 545 Chicago Avenue; Karl and Haakon Fredriksen, Boy Scouts, 918 62nd Street; Marge Earl, 4720 Florence; Laura Crawford, DG Chamber of Commerce, 2001 Butterfield; Mark Thoman, 1109 61st Street; Becky Rheintgen, 4633 Cumnor; Patricia Blake, American Society for Gastrointestinal Endoscopy, 1520 Kensington Road; Larry Spatz, Joe Frankel and Lee Masover, Rita's American Roadhouse, 1211 Butterfield

The Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.

The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of the past meetings, an opportunity will be given for public comments and questions of a general matter. If a public

hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing. Finally, an opportunity is given for public comments and questions on items appearing on the Consent Agenda, the Active Agenda and the First Reading.

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

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

3. Minutes of Council Meetings

Executive Session Minutes for Approval Only - January 11 and January 18, 2011
Council Minutes - February 8, 2011

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

4. Public Comments - General Comments on Matters Not Appearing on Tonight's Agenda

Tom LeCren, 545 Chicago Avenue, said it has been his understanding since he came to Downers Grove in the 1960s that elections in the Village are non-partisan. It has come to his attention that certain candidates for office this year are running under the Republican banner. He thinks this is wrong, and he wants to know what the regulations are.

Mayor Sandack said that the Village is non-partisan when it comes to municipal elections, and he will have someone get back to Mr. LeCren.

5. Public Hearings

6. Consent Agenda

COR 00-04418 A. Claim Ordinance: No. 5885, Payroll, January 28, 2011

Sponsors: Accounting

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

Indexes: N/A

BIL 00-04419 B. List of Bills Payable: No. 5882, February 15, 2011

Sponsors: Accounting

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

Indexes: N/A

MOT 00-04420 C. Motion: Authorize \$24,022 for Additional Premium to Safety National Insurance for Excess Workers Compensation for Policy Year 5/1/2009 to 4/30/2010

Sponsors: Human Resources

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

Indexes: Employee Benefits

BID 00-04421 D. Bid: Award \$75,276 for the Purchase of Three Vehicles

Sponsors: Public Works

Summary of Item: This is for the purchase of three 2010 Ford Crown Victoria Police Interceptor sedans from Landmark Ford, Inc. of Springfield, IL, in the amount of \$75,276 through the State of Illinois Joint Purchase Contract.

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

Indexes: Vehicle Purchases

MOT 00-04416 E. Motion: Authorize Change Order #2 for \$154,589.88 with Brothers Asphalt Paving, Inc. for Prentiss Creek Subwatershed B Storm Sewer and Sunridge Subdivision Watermain Replacement Projects (CIP Projects SW-034, DR-015 and WA-016)

Sponsors: Public Works

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

Indexes: Stormwater Sewer Watershed Improvement Plans, Stormwater Improvements

RES 00-04409 F. Resolution: Authorize an Intergovernmental Agreement with the County of DuPage for the I-88 Central DuPage Bikeway CH 34/31st Street (Highland Avenue to Meyers Road)

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF DUPAGE AND THE VILLAGE OF DOWNERS GROVE FOR THE I-88 CENTRAL DUPAGE BIKEWAY CH34/31ST STREET (HIGHLAND AVENUE TO MEYERS ROAD)

RESOLUTION 2011-13

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

Indexes: Bikeway Plan, DuPage County

Passed The Consent Agenda

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

Votes: Yea: Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

7. Active Agenda

ORD 00-04408 A. Ordinance: Authorize a Special Use to Permit Expansion to an Existing Hotel at 936 Warren Avenue

Sponsors: Community Development

Summary of Item: This authorizes a special use to permit expansion to an existing hotel at 936 Warren Avenue.

AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT EXPANSION TO AN EXISTING HOTEL AT 936 WARREN AVENUE

ORDINANCE NO. 5188

A motion was made by Commissioner Barnett, seconded by Commissioner Beckman, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Special Use - 936 Warren Avenue

ORD 00-04415 B. Ordinance: Amend the Downers Grove Zoning Map

Sponsors: Community Development

Summary of Item: This approves and authorizes publication of the 2011 Village of Downers Grove, IL, Zoning Map, corrected to 02-15-11. Pursuant to state law, the Village is required to approve and publish its Zoning Map on an annual basis.

AN ORDINANCE ADOPTING AND APPROVING PUBLICATION OF THE VILLAGE OF DOWNERS GROVE 2011 ZONING MAP

ORDINANCE NO. 5189

A motion was made by Commissioner Beckman, seconded by Commissioner Neustadt, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Zoning Map

8. First Reading

RES 00-04428 A. Resolution: Authorize an Intergovernmental Agreement with the County of DuPage for Emergency Telephone Dispatch System Services

Sponsors: Police Department

Village Manager Dave Fieldman asked Police Chief Bob Porter to present this item regarding an intergovernmental agreement with the County of DuPage for Emergency Telephone Dispatch System (ETSD) services.

Police Chief Bob Porter stated that this is an agreement for the interoperable emergency radio dispatch system. He said DuPage County ETSD is funded by a surcharge, which is \$.50 per landline and \$.75 for the wireless charge, and is used for emergency communication equipment and infrastructure. This recommended system has been reviewed extensively and is considered a significant improvement and enhanced level of improvement for all public safety personnel throughout the County. The system allows for emergency communications as well as day-to-day mutual aid situations. At this time there is no radio communication between communities, and this is recommended as the most viable option to improve interoperable communications.

Mayor Sandack said that both the Police and Fire Chiefs as well as Mr. Fieldman have been extensively involved in working on this with the agencies in DuPage County.

Commissioner Neustadt noted that this system will include 23 police departments and 26 fire departments, which is a large number of entities to coordinate. He commented that the Village's involvement in planning is a good thing and he is pleased to know that the Village's system will be the backup. He expressed appreciation for all the hard work that has gone into this agreement.

Commissioner Beckman said he is pleased that they are at this point. One of the major problems that the responders had during 9/11 was the fact that they could not communicate with each other. He then asked about the selection process of the system that has been discussed in the

newspapers. He asked for clarification as to the Village's role in this process. Mr. Fieldman responded that the County of DuPage made the decision. The Village had no role in that contract. Commissioner Beckman said the Village's financial responsibility is essentially \$25,000. From that perspective, the reward the Village gets from participating far outweighs any issues that may have occurred regarding that process, and he wanted that brought forward.

Indexes: Police Department, Police Equipment, Telephone System

RES 00-04424 B. Resolution: Authorize a Redevelopment/Sales Tax Rebate Agreement with Packey Webb Ford, LP

Sponsors: Manager's Office

Mr. Fieldman said this is part of the Village's ongoing efforts to attract and retain businesses on Ogden Avenue. He asked Greg Bedalov, President of the Downers Grove Economic Development Corporation (EDC) to address this item.

Greg Bedalov, President, EDC, provided background information on the sales agreement. This was first considered in 2007 when the automobile dealerships were in a state of contraction from a dealership and brand standpoint. Other municipalities were offering rebates, and the EDC and staff believed the best approach was to continue with the Village's existing method of considering incentives to those businesses that met certain criteria. With respect to the Packey Webb agreement all conditions have been met. The EDC worked to explore creating an incentive package that would be a win for both the Village and Packey Webb Ford. This incentive package took longer to get to the Council due to the layers of people involved. He noted that this incentive contemplates the rebate of new or incremental sales tax dollars only and establishes a baseline of sales supported by historical dealership data confirmed by the State of Illinois. This agreement provides a competitive advantage for Downers Grove.

Mayor Sandack asked what process the EDC used to review this. Mr. Bedalov said that there is an Attraction and Retention Committee of the EDC comprised of people with expertise in the development community, and who also have automotive expertise. Their review and recommendation is put forth to the Executive Committee of the EDC and then on to full committee. A recommendation is then made to Senior Village staff. The incentive is based on new sales, helps offset expenses and is consistent with the Village's strategic plan.

Commissioner Durkin asked if the Village would be retaining sales tax payment for a certain period of time. Mr. Bedalov said there is a clawback to hold back payment if problems are encountered.

Commissioner Waldack commented that there were items in the agreement that have already been accomplished, probably due to the fact that it has been in the works for a long time. He visited the site during construction, and it looks very nice, but he is concerned about the curb cuts as it is difficult to get out of the lot. He hoped the proposed traffic light would help. The Commissioner said that this seems like a standard agreement. It is painful to give away sales tax, but the Village is in a competitive situation with our neighbors. He noted his concern that the Village relies so much upon car dealerships. He will forward any additional questions he may have to staff.

Commissioner Beckman said that economic development means bringing the right players together. Packey Webb Ford has an interest in Downers Grove, they have purchased the property for their dealership, and he sees this as a good investment.

Mayor Sandack agreed that the Village has been highly reliant on car dealerships for its sales tax dollars. The Village has become a place for stable dealerships, partly due to strategic planning. He noted that the Village offered a good deal and Ogden Avenue is changing for the good. He will support this agreement.

Indexes: Sales Tax Rebate

ORD 00-04423 C. Ordinance: Authorize a Second Extension of a Final Planned Development Amendment for Planned Development #31 for the Construction of a Two-Story Office Building at 3300 Woodcreek Drive

Sponsors: Community Development

Community Development Director Tom Dabareiner explained that this request is for approval of a second extension to an amendment for P.D. #31 to construct a two-story office building. Mr. Dabareiner said this first came before the Council in February 2009, and a one-year extension was granted in February 2010. This request for a second extension is driven by economics and staff believes the one-year extension is warranted.

Patricia Blake, CEO of ASGE said that the project is moving forward. They are in the middle of a capital campaign, and are fully resolved to build this. They have coordinated with Midwestern University, and hope to break ground in March 2012.

Commissioner Durkin commented that this is the second time they are coming in for an extension, and he asked how many extensions they can have. Mr. Dabareiner said there is no limit. Commissioner Durkin asked if they can do a longer than a 12-month extension.

Village Attorney Enza Petrarca said that the ordinance provides for only a one-year extension.

Mayor Sandack said that staff will know if they are on track.

Commissioner Durkin said he wants to see this come to fruition, has no problem supporting it and would like the Village to do whatever it can to help them.

Indexes: Planned Development #31 - Esplanade at Locust Point

ORD 00-04422 D. Ordinance: Amend Class P-O-2 License Provisions

Sponsors: Liquor Commission

Ms. Petrarca said this amends the Class P-O-2 license for Lemon Tree Grocery. They have requested an additional 200 square feet of space for on-site consumption of food, beer and wine. The grocery store will still be their primary business. Staff concurs with the recommendation.

Commissioner Neustadt said this is a good problem to have and will support this.

Commissioner Waldack said he appreciates the work of the Liquor Commission in reviewing this. The Liquor Commission has recommended the change and this doesn't substantially change the nature of the business. He thanked the Liquor Commission for their work.

Commissioner Beckman said he plans to support this request, as Lemon Tree is an asset to the downtown area. He asked as to the changes in the store. He hopes this doesn't have a detrimental effect on selling the food and cooked meals.

The Mayor said he thought this is a wonderful amenity for the downtown area.

Ms. Petrarca said that the dining area is only 13% of the total square footage.

Commissioner Durkin stated that this is first and foremost a grocery store, and they are now looking to expand an area where they can drink. He would like information regarding what impact this will have, since they are decreasing the saleable area of merchandise to increase onsite alcohol sales. He asked if this is going to be a bar or restaurant, and he would like further clarification. He agrees that it is a unique store and good for the downtown area.

Indexes: Liquor Ordinance Amendments

ORD 00-04427 E. Ordinance: Amend Liquor Sales Hours

Sponsors: Liquor Commission

Ms. Petrarca noted that this liquor ordinance request is from the Chamber of Commerce to extend hours from 1:00 a.m. to 2:00 a.m. on Fridays, which is consistent with surrounding communities. She added that staff intends to monitor this although the ordinance does not include a sunset clause.

Mayor Sandack said that there is already a 2:00 a.m. closing time on Saturdays.

Commissioner Barnett said that he has no problem with extending the hours on both Friday and Saturday nights. Regarding the ordinance and licenses he would like to see the Village consider, with input from others, a structural difference whereby eligible existing license holders would be able to operate until midnight and could apply for a late night license to operate until 2:00 a.m. on Friday and Saturday nights. This might fit the ordinance better. He would like the Liquor Commission to review this.

Commissioner Beckman said he fully concurs with Commissioner Barnett's idea. He has no problem with the extra hour on Friday night. However, he has concerns that the Village is starting to piecemeal the ordinance. He noted that there was another request recently, which he voted against, and now there is this request. In both cases, it appears that the reason this is occurring is reactionary to the neighboring communities. He would prefer to have the Liquor Commission take a comprehensive review of what is needed in the community, and how the Village can best serve this market, rather than doing a reactionary, piecemeal type of approach.

The Mayor said he thought it to be a valid suggestion. He said from a merchant's perspective a lot of changes are driven by the surrounding business areas. A comprehensive look at the Code by the Liquor Commission is welcome.

Commissioner Neustadt also agreed that one more look is a good idea. He doesn't want to lose the 1:00 a.m. closing from those who already have it, although he has no problem with the 2:00 a.m. closing on Friday. He then referenced the time that is necessary by staff to manage and enforce the liquor program, both in terms of the Legal Department and the Police Department. He said the Chamber, Downtown Management and individual owners have been patient with this change. He thinks a view on enforcement would be welcomed and recommended before a final decision is made.

Commissioner Waldack said that this appears to be a relatively minor change. Sunday sales was a big change for him, and this is not as significant. There are some considerations that the Liquor Commission discussed. The argument about competition of neighboring communities doesn't sway him. The Village is an independent community. This amounts to an extra 52 hours a year. Commissioner Waldack agreed that they should look at enforcement and the impact on the police force. He can support a 2:00 a.m. extension. He believes they ought to do this on a trial basis in conjunction with reviewing the Liquor Ordinance, and also include a sunset clause. The Commissioner asked for calculations regarding fees.

Mayor Sandack said that the Village has establishments that abide by rules who may arguably lose an hour of dispensing time on Saturdays because of this new classification, and they would be penalized by a late night license. Extending the hours to 2:00 a.m. is less of an impact than the Sunday hours, and those have not been problematic. He agrees to a sunset clause or monitor date to see how it is working, and would also agree to have the Liquor Commission review this.

The Mayor and Commissioner Beckman suggested giving it back to the Liquor Commission and asking them to respond.

Commissioner Barnett asked if police staffing has changed with the Sunday hours, and whether they anticipate additional staffing for Friday closings at 2:00 a.m. Mr. Fieldman said that they did not. Commissioner Barnett then reminded everyone that the Village has taken great pains to work with establishments while retaining the Village's values and respecting our residents.

Commissioner Waldack then asked about the meaning of the 2:00 hour. Ms. Petrarca responded that the last alcohol can be served at 2:00 a.m.

Commissioner Durkin also has no problem with a 2:00 a.m. closing, but he would also like to have this reviewed again by the Liquor Commission.

Mayor Sandack asked how many purveyors they are talking about who want to stay open until 2:00 a.m. He recommended they move ahead with this request with a six-month check in place, and also send Commissioner Barnett's suggestions to the Liquor Commission.

Mr. Fieldman clarified that this would be put on the March 1 Agenda with a six-month trial period, and at the same time staff would remand this to the Liquor Commission.

Indexes: Liquor Ordinance Amendments

9. Mayor's Report

Materials to be Received

Materials to be Placed on File

10. Manager's Report

11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting three (3) items to the Council: 1) An ordinance authorizing a second extension of a final planned development amendment for Planned Development #31 for the construction of a two-story office building at 3300 Woodcreek Drive; 2) An ordinance amending liquor sales hours; and 3) An ordinance amending Class P-O-2 license provisions.

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Waldack said he sees forums and details of the campaign for Mayor of Chicago whenever he puts on the TV. He believes the electorate is better informed about the Chicago mayoral race than our own decisions to be made in April. Commissioner Waldack said he has always valued the opportunities the candidate forums presented as well as the ability to broadcast and rebroadcast the programs. Council has been advised that under state law we are not going to be allowed to broadcast these forums. He said these are unintended consequences of well-meaning ethic laws. He said he would like staff to issue a written statement that can be used by the League of Women Voters, the Chamber of Commerce, the candidates or any other interested party that can be taken to the Attorney General, the State Board of Ethics or elsewhere to determine if there is a way that these events can take place. He asked that this take place before the next Council meeting.

Mayor Sandack said that he and Commissioner Waldack spoke about this. The Village used to host and broadcast forums for municipal elections. He believes that the staff should write letters to interested parties to petition the Attorney General's office and the State Board of Ethics to

obtain permission to do what they have done in the past. Mr. Fieldman responded that staff would follow up on this.

Commissioner Beckman noted that this is pothole season, and he suggested that residents contact the Community Response Center at 630-434-2255 to report pothole locations.

Commissioner Waldack commented that the Ice Festival was a fabulous event. It was a nice weekend with good crowds. He also noticed that there were lots of dogs on Main Street perhaps connected to a Barkery event, and he suggested an event for dogs over the summer.

Commissioner Neustadt announced the Passport to Fine Dining Event hosted by the Grove Foundation will be held on Thursday, February 24 at \$25.00 per person. Many restaurants will be participating. Tickets can be obtained by calling 630-852-2597.

He noted that many businesses reported excellent sales and business during the Ice Festival weekend. He thanked everyone involved in presenting this weekend.

Mayor Sandack wholeheartedly endorsed and thanked staff with respect to the snow removal of two weeks ago. The events that transpired were extraordinary. Staff planned and executed the response plan very well, and he was tremendously pleased with the efforts and results.

The Mayor said that we are now changing to melting snow and flooding. He asked residents to feel free to declog any stormwater inlets.

Mayor Sandack said he was downtown this weekend and this is the second year that the merchants presented the Ice Festival on their own. The downtown merchants are fully invested in the Village. It was great to see the number of people who came out to this event, and he thanked everyone for an exceptional, well-done job.

13. Adjournment

Commissioner Barnett moved to adjourn. Commissioner Beckman seconded the Motion.

Mayor Sandack declared the motion carried by voice vote and the meeting adjourned at 8:03 p.m.