



# Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

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Tuesday, October 4, 2011

7:00 pm

Council Chambers

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## 1. Call to Order

*Mayor Martin Tully called the regular 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 Tully led those present in the Pledge of Allegiance to the Flag.*

## 2. Roll Call

Present: Commissioner Marilyn Schnell, Commissioner Bob Barnett, Commissioner William Waldack, Commissioner Sean P. Durkin, Commissioner Becky Rheintgen, Commissioner Geoff Neustadt and Mayor Martin Tully

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

*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 Tully 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 for Approval Only - September 6, 2011*

*Council Minutes - September 20, 2011*

*Mayor Tully asked for a Motion to approve the minutes as submitted.*

*Commissioner Schnell moved to approve the minutes as presented. Commissioner Durkin seconded the motion.*

*The Mayor declared the Motion carried by voice vote.*

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

*There were none.*

#### 5. Public Hearings

#### 6. Consent Agenda

**COR 00-04655** A. Claim Ordinance: No. 5917, Payroll, September 9, 2011

**Sponsors:** Accounting

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

**Indexes:** N/A

**BIL 00-04656** B. List of Bills Payable: No. 5926, October 4, 2011

**Sponsors:** Accounting

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

**Indexes:** N/A

**RES 00-04658** C. Resolution: Approve Final Plat of Consolidation for 1019 Norfolk

**Sponsors:** Community Development and Plan Commission

**Summary of Item:** A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 1019 NORFOLK STREET

RESOLUTION 2011-73

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

**Indexes:** Consolidation Plat

**RES 00-04659** D. Resolution: Approve Final Plat of Subdivision for 4524 Douglas Road

**Sponsors:** Community Development and Plan Commission

**Summary of Item:** A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 4524 DOUGLAS ROAD

RESOLUTION 2011-74

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

**Indexes:** Subdivision - 4524 Douglas Road

**RES 00-04660** E. Resolution: Approve Final Plat of Subdivision for 4532 Douglas Road

**Sponsors:** Community Development and Plan Commission

**Summary of Item:** A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 4532 DOUGLAS ROAD

RESOLUTION 2011-75

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

**Indexes:** Subdivision - 4532 Douglas Road

- RES 00-04650** F. Resolution: Authorize a Grant Agreement with Gordhan Janjukia  
**Sponsors:** Community Development  
**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF A GRANT AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND GORDHAN JANJUKIA  
  
RESOLUTION 2011-76  
**A motion was made to Pass this file on the Consent Agenda.**  
  
**Indexes:** Ogden Avenue TIF
- RES 00-04651** G. Resolution: Authorize a Grant Agreement with GDT Properties  
**Sponsors:** Community Development  
**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF A GRANT AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND GDT PROPERTIES  
  
RESOLUTION 2011-77  
**A motion was made to Pass this file on the Consent Agenda.**  
  
**Indexes:** Ogden Avenue TIF
- BID 00-04664** H. Bid: Award \$36,717.00 to Vian Construction Company, Elk Grove Village, IL, for Phase Two of the Finley Well House Repairs  
**Sponsors:** Deputy Village Manager  
**A motion was made to Approve this file on the Consent Agenda.**  
  
**Indexes:** Well House - Finley
- MOT 00-04666** I. Motion: Note Receipt of Minutes of Boards and Commissions  
**Summary of Item:** Library Board - September 14, 2011  
**A motion was made to Note Receipt Of this file on the Consent Agenda.**  
  
**Indexes:** Boards and Commissions Minutes

### **Passed The Consent Agenda**

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

**Votes:** Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully

## **7. Active Agenda**

- ORD 00-04653** A. Ordinance: Adopt the Comprehensive Plan  
**Sponsors:** Community Development  
**Summary of Item:** This approves and authorizes publication of the Comprehensive Plan dated October 4, 2011.  
  
AN ORDINANCE ADOPTING THE COMPREHENSIVE PLAN  
  
ORDINANCE NO. 5227

Commissioner Waldack thanked everyone who put the Plan together, and reiterated what he said last week. He said he spoke at length last week about the problems he has with the Plan. He noted that his comments were published in the minutes and are available for anyone who wishes to review them.

Mayor Tully said that the Council greatly and deeply appreciates all of the effort that went into creating this Comprehensive Plan.

**A motion was made by Commissioner Schnell, seconded by Commissioner Durkin, to Adopt this file. Mayor declared the motion carried by the following vote:**

**Votes:** Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully  
Nay: Commissioner Waldack

**Indexes:** Comprehensive Plan

## 8. First Reading

### ORD 00-04662 A. Ordinance: Create a Bring Your Own Liquor License Classification

**Sponsors:** Liquor Commission

Village Attorney Enza Petrarca said this ordinance allows a BYO Liquor Classification, which would allow patrons to bring their own beer/wine to consume on premises, in conjunction with a meal prepared on premises, and served by wait-staff. This would be for one bottle of wine (750 ml) per individual, or 36 ounces of beer per individual. Licensees may charge a corkage fee and the wait-staff would be in charge of the alcohol. This item was reviewed on September 7 by the Liquor Commission, and they recommended it for approval. The Village has had about four requests for this type of license, and staff is recommending a \$525 liquor license application fee.

Commissioner Durkin said he has seen no letters from the Chamber of Commerce or the Downtown Management Corporation (DMC), and he asked why. Ms. Petrarca said that this request actually came from Linda Kunze from the DMC. She was unable to attend this evening's meeting. Commissioner Durkin asked for a copy of that request for the file. He then asked how they control a larger group of people consuming the per individual amount of alcohol. Ms. Petrarca said the control and monitoring would be through the licensed establishment. Commissioner Durkin asked how it would be monitored, and Ms. Petrarca said monitoring would be by sending officers as is done now. Testing would be done to determine that they comply with all of the requirements of the ordinance. She added that police officer's time was taken into consideration in establishing the fee. In further response to Commissioner Durkin, Ms. Petrarca said that there are four requests for the license, and the intent is to start with the four and limit the licenses to that number at this time. Should additional inquiries be made this will be reconsidered.

Commissioner Schnell said that there was a conspicuous lack of editorial comments on this issue. Mayor Tully said that the reason for the lack of a formal letter from the Chamber was because their members did not ask the Chamber to provide a position. The Chamber is not taking a position on this issue. Commissioner Schnell commented that no one was at the Liquor Commission meeting to speak in favor of this. She agrees with Commissioner Durkin that some correspondence from the Chamber or others should be made part of the record. She then said that a bottle of wine per person is a great deal of consumption for one individual. She asked who would be responsible if someone gets a DUI. Ms. Petrarca said that the establishment would be responsible. Commissioner Schnell said that a bottle seems to be an excessive amount per individual.

With regard to controlled buys, Commissioner Schnell asked if they are going to have a young person sent in. Ms. Petrarca responded that this is a different technique. The Village cannot send in a minor with alcohol.

Commissioner Neustadt asked if one individual brings in more than three beers, does the establishment have to ask them to get rid of the extra three. Ms. Petrarca said they would have to do so. Each individual is only allowed three beers. Commissioner Neustadt then noted that four licenses appears to be a good starting point. He said this is a comprehensive process to have this privilege. He sees it as a tool and is interested in seeing how much it will be used.

Commissioner Rheintgen asked whether the restaurant would chill the beers for the patron. Ms. Petrarca said they can do so, and can charge a corkage fee.

Commissioner Waldack commented that he would like to see a requirement for a recorking service. Mayor Tully said that is provided specifically in the ordinance. Commissioner Waldack said that there should be a requirement that the establishment has the recorking service.

Commissioner Barnett agreed with the recorking requirement, saying this would be a good thing to test.

Commissioner Waldack then referred to Sec. 3.29, Consumption on Premises. He suggested that the language be clarified some, particularly with regard to the quote "except as provided herein." He would like that clarified. Ms. Petrarca responded that Sec 3.29 allows a BYO for a bottle of wine in another section of the Liquor Ordinance.

Commissioner Barnett added that this change was made to the Liquor Ordinance in 2007. The Village is heavily dependent upon licensees to do things correctly. It is incumbent on the Liquor Commission to be severe with regard to misbehavior.

Mayor Tully noted that they are doing this because businesses are asking for it. Other towns have this provision. What is being proposed is very different from what Chicago does. This is being done in a much more conservative fashion in Downers Grove. The Mayor said that this is a tool for businesses to try to succeed, and he believes the Village should do this if it can be done responsibly. He has communicated with Laura Crawford of the Chamber, and they were not asked to take a position by their membership. He said that the protections, and risks that are currently in place for other licensees are in place here. Licensees are expected to demonstrate their responsibility. He also agrees with explicitly requiring a recorking service.

**Indexes:** Liquor Ordinance Amendments

**ORD 00-04663**

**B. Ordinance: Amend On and Off Premise Consumption Licenses**

**Sponsors:** Liquor Commission

Ms. Petrarca said this amends the P-O-2 liquor license classification to allow full alcohol consumption on site. There is only one licensee, the Lemon Tree grocer. They are asking for full alcohol serving to complement their café service. The Liquor Commission reviewed this and recommended approval.

Commissioner Waldack said he has not yet decided how he will vote on this. There appears to be a designer license classification for individual businesses rather than a general classification. He understands this will improve business for the Lemon Tree. However, he is concerned about expanding the availability as it stretches the Village's resources as well. He asked if this is fair to other grocery stores and other types of retail businesses. Bars have proliferated in the downtown area. He recalled an event some time before he became a Commissioner when a car stopped on Main Street and asked him where the nearest bar was. He had to stop and think because there were not that many in the downtown area. Now there are many. Commissioner Waldack then referenced Lemon Tree specifically; stating that all people really wanted in the downtown area was a grocery store. The Lemon Tree has become more of a designer grocery store. It is now a place to eat and drink. Commissioner Waldack expressed concerns about the

*proliferation of designer classifications and how they may expand to other retail establishments. He hopes to hear from the public on this as well before the vote has to be taken.*

*Commissioner Durkin said that Commissioner Waldack has brought up some good points. The Lemon Tree is a grocery store, and is turning into more of a restaurant/bar. Ms. Petrarca said that this specific liquor license was created specifically for Lemon Tree. Commissioner Durkin asked what kind of fee is being charged for this and the Attorney said she would have to research that. Commissioner Durkin then commented that there are some valid points that have been made.*

*Commissioner Barnett commented that designer licenses are becoming more common. He noted that many grocery stores have liquor on sale and have samples for their customers. This stops when the Village wants it to stop. He said what they are trying to do here is help a business thrive and succeed within the scope of what the Village describes as appropriate behavior. The Council could turn this down. He is less interested in what an establishment calls itself than in knowing that establishments are conducting themselves by the rules. He is supportive of this.*

*Commissioner Schnell said that the proposed changes reference "grocery store" first and restaurant second. She asked how that could be monitored. Ms. Petrarca said at renewal time they submit a form tracing their services. Commissioner Durkin clarified that it is not audited, and Ms. Petrarca said that was correct. Commissioner Schnell then asked whether this could be made more specific to allow for better monitoring. She is concerned that the line between grocery store and bar will be violated. Ms. Petrarca responded that the Village could request that the licensee provide the Village with the official state forms of their finances. The Village has that right. Commissioner Schnell added that the idea was to have a grocery store in the downtown area. She asked if they want to have a tiny grocery store with a big bar. Ms. Petrarca said that the Village monitors inspections, seats, etc. The ratio of café to grocery store is in line with the ordinance. Commissioner Schnell then asked for more specifics regarding the monitoring of this. This is a unique situation.*

*Commissioner Rheintgen said that the license has to be unique because it is a unique business. She supports this.*

*Commissioner Neustadt commented that he also supports this. It is all about enforcement. The Village has the authority and the ability to hold Lemon Tree responsible. There are reasons why licenses become specific around the uses proposed. He noted that the Village would still have to enforce this. A license is a privilege and the Village can remove that privilege. This organization has brought a lot to Downers Grove.*

*Commissioner Durkin responded that it is not that they do not support Lemon Tree. He said the question is how far do they continue to amend the ordinance to support them. They were approved for one thing and it's totally different now. He supports Lemon Tree, but asked how far they will continue to amend the ordinance.*

*Commissioner Neustadt replied that the Village crafts and forms licenses for the need, and then instructs the licensees as to how to perform. He added that he would be interested in additional financial information on the establishment, but noted that there have been many positive comments about the Lemon Tree and how it's added to the downtown.*

*Commissioner Durkin noted that the Park District, golf course, and Tivoli are at 10% liquor sales; the Lemon Tree is almost 50%.*

*Commissioner Barnett noted that the Village allowed it to change.*

*Commissioner Rheintgen added that their business is evolving and changing, and they are trying to figure out their direction as well.*

*Mayor Tully commented that the Village prides itself on being innovators and creative, facilitators not regulators. Enforcement goes without saying. This is a competitive market and there are a lot of businesses trying to do different innovative things to try and succeed in Downers Grove. The Village demands that. He thinks that within reason, the Village should do what it can to facilitate success within the rules and compliance with the rules. He doesn't understand the hesitation in this case. Neighbors of Downers Grove are doing whatever they can to take success away from the Village. The Village is behind creative businesses. Licenses that were once new and scary are now acceptable, and he's a little surprised by the trepidation. He thinks the Village is behind in creating business opportunities and now has to catch up. Having a glass of wine outdoors, and the establishment of the Cellar Door was scary some time ago, but now are part of the downtown area. Whatever the business, if the Village can help foster successful businesses, generate sales tax, all done within reason and in compliance with Village rules, he supports that. Just because it is new and different he doesn't think it should be treated like a monster.*

*Commissioner Waldack agreed that he understands the Village wants successful businesses; however, the Council also represents a largely residential Village. He asked if they want to have a grocery store that serves beer and wine. That could get to the point where everywhere we take children they are serving beer and wine. It is a matter of character of the Village. There are a number of people who are incensed that the Village changed liquor sales on Sunday. He asked if it is fair to give this license to the Lemon Tree, but perhaps not to Dominick's or Jewel.*

*Mayor Tully said that question in itself is not fair because there is no other applicant. If Jewel or Dominick's made this request, they would be treated as fairly as anyone else.*

*Commissioner Barnett commented that this unique license allows the Village more control, and creates a set of expectations that are unique to a specific operation.*

*Commissioner Neustadt said that applicants are saying that they are hearing from residents and their customers. Businesses are listed on our organizational chart as a customer.*

*Mayor Tully commented that if there is a large outcry, the Council will hear about it.*

*Commissioner Schnell commented that she has a problem with adjusting this to the point where we do not have a grocery store but a restaurant. That is her main concern, that it is a grocery store first. Its principal purpose is to be a grocery store, and that is what the residents said that they want.*

*1. Linda Elsec, 828 Clyde Avenue, commented that passing this ordinance allows a mother to send her child to buy a gallon of milk in a bar. They have to ask themselves what kind of image is that. They will be selling hard liquor at any time of the day.*

*2. Sean Black, 911 W. Rogers, said that he is one of two owners of Lemon Tree. Regarding their concerns about it being a grocery store, they have 3000 more groceries, more produce, deli items and seafood than last year. They could not have survived without expanding. They do not have the size of other stores such as Jewel or Dominick's and have to be unique and listen to and respond to their customers. If they don't continue to be innovative, they will go out of business. They are a grocery store. He said he would be glad to provide additional information as to his sales.*

**Indexes:** Liquor Ordinance Amendments

**REP 00-04583**

C. Report: Stormwater Utility

**Sponsors:** Manager's Office

*Mr. Fieldman explained that this was the third installment of four, of the Stormwater Utility study. He asked David Hyder, consultant with Municipal & Financial Services Group to present the report on Fee Analysis.*

*David Hyder summarized the previous two Workshops in August and September. This Workshop focuses on Stormwater Fee Analysis and Credits. The fourth Workshop on October 18 will contain their recommendations. Mr. Hyder used a PowerPoint slide demonstration to explain how stormwater fees are determined. This presentation is available on the Village's website.*

*Mr. Hyder said the agenda for this presentation includes three items: A stormwater fee analysis which will address the rate base, fee structure, credits and stormwater fees; fee impact; and benchmarking. With respect to the fee structure, the goal of the stormwater fee is to equitably assess the cost of providing stormwater service to property owners based on their impact to the stormwater system. To meet that goal they have to address the unit of measure or rate base, and determine how to impose the fee. He noted that various rate bases are used to develop stormwater fees. Approaches to developing fees include the impervious area of the property, the impervious area plus the pervious area, the total area of property, the intensity of the development, and other indicators such as water usage. He added that the selection of the rate base is often defined by the availability of data.*

*Mr. Hyder explained that the best practice and most common practice in the industry to determine the rate base is the use of impervious area, as it relates directly to runoff and the demand placed on the system. Information on the impervious area is readily available for all parcels in the Village and is easily measured and verified. It has been used in the courts as an acceptable basis for a fee. He explained that an area where water cannot penetrate is considered impervious. Residential parcels make up 74% of the Village, with commercial at 23%. About 47% of residential parcels are impervious. He displayed a series of tables showing the distribution of properties in the Village and the square footage of impervious area for those sites.*

*Mr. Hyder then addressed stormwater fee structure. Rate base defines unit of measure and rate structure defines how the fee is imposed. Stormwater fee structures are generally based on two types of designation: 1) Single family residential parcels; and 2) Other parcels. The fee structure for a single family residential parcel can be determined by the impervious area measured on a property by property basis, a flat rate based on an average impervious area (Equivalent Runoff Unit - ERU), or tiered ERU's (small, medium, large). He showed a chart distinguishing between small, medium and large residential parcels. Small parcels would have 1-2,500 square feet of impervious area, or a 0.75 ERU. Medium parcels would include 2,501-4000 square feet, or 1 ERU, and a large parcel of 4,001-7,000 square feet impervious, or 1.5 ERU. The ERU is the basis for determining the fee. If redevelopment takes place and the size of impervious area is increased, then adjustments would be made accordingly.*

*Mr. Hyder said that other, non-residential, parcels are based on multiples of ERUs. Each individual non-residential property would be measured equitably. For example a 59,000 square foot parking lot would be 18 ERUs, or 18 times the stormwater fee.*

*The subject of credits is important because it represents a reduction in the fee charged to a property in return for on-site stormwater management. Mr. Hyder explained that credit is recognition that on-site stormwater management may reduce the Village's stormwater expenditures and, ideally, credits encourage property owners to proactively manage their stormwater impact. He displayed a chart giving examples of typical credit programs that consider volume control, water quality control and direct discharge of water. He noted that typically the range of credits could be between 5-30% for volume or water quality control. The range for direct discharge could range between 20-50%. It is recommended that there not be a means whereby a property fee can be totally mitigated.*

*With regard to the stormwater fee calculation, Mr. Hyder explained that the level of service, plus the reduction in revenue or credits equals the total revenue requirements. That total requirement is divided by the rate base or billable units resulting in the stormwater fee. A chart breaking those figures down was included in the presentation. Mr. Hyder then compared revenues for stormwater fees vs. property taxes. The tax revenue allocation is 76% residential and 20% commercial. The stormwater fee revenue allocation would be 47% residential, 36% commercial, 8% industrial and 8.55% tax exempt organizations.*

*Mr. Hyder then provided information on fee impacts. He gave a hypothetical breakdown of the monthly property owner impact for single-family residential, commercial, hospital, university, etc. depending on ERU's, current revenues, current level of service and recommended level of service. He explained that there would also be on-site mitigation considered in the above fees for properties such as hospitals or universities. Fees ranged from \$4.80 to \$10.80 per month for small residential parcels to \$889.60 to \$2,001.60 per month for a university. He then compared the monthly stormwater fee to the monthly property tax for an average residential property with a \$300,000 assessed value. He provided further examples of commercial properties.*

*With regard to benchmarking, Mr. Hyder provided a chart showing comparable fee structures for numerous other communities in the State and how they structure their fees. He indicated that his recommendation is to use the tiered approach. As to exemptions and credits, all utilities that have stormwater fees in the State of Illinois provide for no exemptions, including tax exempt properties.*

*Mayor Tully commented that this goes back to policy issues. He said that in Slide #24 there is a gap between the revenue and the level of service, which needs to be addressed. They can do nothing right now, but the gap will remain. The Village could pay for the stormwater system through property or sales taxes, or it could be addressed through a stormwater utility fee. He referenced Slides 11 and 26 that shows the impervious area of residential areas, which is 46.97%; however the residential properties are paying 76% of the stormwater costs. In his opinion, the property tax manner of paying for stormwater costs does not make sense, since residential property makes up 46.9% of impervious area, yet pays 76% of the stormwater costs. If they continue to use property tax as the revenue source, then the percentage will only get larger.*

*The Mayor said there has to be some type of revenue to pay for usage. Stormwater is the opposite in that you are paying not for usage, but to get rid of the water on the property. One group, in this case, is paying much more than other groups. He then referenced Slide #29, which showed what would be paid on a monthly property tax if a change was made. He noted you could have a small property with a large impervious driveway, and a large property with less impervious space, and asked how changes on a property can be monitored. He asked what happens when remodeling is done and more impervious area is created.*

*Mr. Fieldman responded that it will be in the building permit process and is already in place. Residents would be alerted to that if they applied for a building permit.*

*The Mayor said he understands the concept of charging a fee for applying for the credit but he would not want to discourage anyone from doing something to improve the system for their neighborhood and the community. However, there is still a cost of maintaining the system that has to be considered.*

*Commissioner Neustadt said that he agrees with the credit application, and asked how much administrative work that would create. Mr. Fieldman responded that staff is well positioned to gather important information based on the GIS system. Mr. Hyder added that only impervious surfaces would be measured.*

*Commissioner Neustadt suggested that they might want to consider a bigger credit where the Village has required control, such as in a PUD. The tiered approach is sensible but there are many unique situations.*

*The Manager said that the word "parcel" has been used as a label. The square footage under consideration is the actual impervious area.*

*Commissioner Schnell said the policy decision they have to make is whether to continue to put the burden on a segment of the population or to have people actually pay for their part of the system. Other communities have put the responsibilities on all segments with no exemptions. Once you start doing credits, however, the cost is spread to other people or other segments, and they have to be careful that the credit policy is fair to everyone.*

*The Mayor responded that they do not want to punish someone or make them pay twice. Under the fee structure, the stormwater fee is for impervious area. Mr. Hyder agreed, saying that would include private sidewalk, roofs, garages, etc.*

*Commissioner Schnell then asked whether there would be an educational component to the process, and Mr. Fieldman replied that there would probably be a 90-day outreach program if the Council decides to proceed with this.*

*Commissioner Barnett noted that \$6 million is approximately what is needed to maintain the recommended level of service, and it has to come from somewhere and will never decrease. The difference between the fees for current revenues and recommended level of service is huge. He thinks that this is appropriate and a logical approach, but he still has a problem doing some of this with property taxes. He added this is not necessarily a new revenue source. This is a revenue source for existing services and has to be sorted out over the next several months.*

*Commissioner Waldack thanked Mr. Hyder for his presentation. The Village knows it has costs associated with stormwater, and the residents are taking a hit. Even though it can be written off federal taxes, it is not fair to do this as a property tax. He is concerned about starting a "rain-barrel police squad." He asked about impervious based on the quality of the soil. Mr. Hyder acknowledged that a fee structure based on impervious area is not perfect, but he said that the current structure of assessed value has no base in terms of the potential impact as the value of one's property has nothing to do with how much stormwater is generated. Commissioner Waldack then addressed the attraction and retention of businesses, saying if someone gets an exemption, someone else will have to pick up the bill for that. Mr. Hyder responded that over time pervious improvements do make a difference in stormwater runoff. Commissioner Waldack stated that it is important that this be fair to everyone.*

*Commissioner Rheintgen asked what staffing would be needed. Mr. Fieldman said staff would address the billing methodology, staffing impacts, etc., if the Council wants to move forward. Staff is well positioned to do this. Commissioner Rheintgen said she agrees with what has been said about the credit application fee. She noted that the Village is on a 220-year replacement cycle right now and that is not acceptable.*

*Commissioner Durkin asked several questions regarding homes without sump pumps, lots that have retention, and rock versus mulch landscaping. He asked if the GIS is able to discern these types of situations. He would be in favor of discussing this further if there is a property tax credit.*

*Commissioner Neustadt commented that North High has an ongoing project of in-ground retention to be stored and re-used. A credit would have to be considered in this type of situation. Mr. Hyder responded that there are multiple credit programs, as well as incentives. He said that there are hydraulic analyses to determine the type of credit programs or incentives that can be considered or obtained. He said they factored in a financial model, assuming that they would*

need about one-half of a GIS person for the initial set up of the programs. Once the program is up and running administrative issues become minimal.

1. Chris Fregeau, 1918 Elmore, asked about other communities using stormwater programs and what are the comparables such as size, type of development, location of property, etc. Mr. Hyder responded that these are localities with functioning stormwater utilities and fees. They include all of the communities in the State.

The Manager commented that the presentation made by Mr. Hyder would be online.

**Indexes:** Stormwater Utility

## 9. Mayor's Report

*Proclamation*

Mayor Tully declared October 2011 as Community Planning Month in the Village of Downers Grove.

*ComEd Electrical Reliability Report*

Mayor Tully said that a town hall meeting was held with ComEd where their representatives made a number of commitments. As of today, ComEd has investigated the majority of the concerns raised by the public, contacted residents who expressed concerns, and has provided a plan for concerns that ComEd is willing to do or not to do. ComEd has provided a timeframe for reliability improvements that they have agreed to make thus far including targeted tree trimming to be completed by the end of the first quarter of 2012; mechanical equipment repairs by the summer of 2012. The Village does not consider the issue closed but will consider working with ComEd to enhance electrical reliability in the Village.

Mayor Tully thanked everyone who attended the FY12 budget meeting. Four residents attended. There will be further meetings and residents are invited to attend. This is a \$130 million budget and these meetings are important to the Village.

The Mayor said that the DuPage County Stormwater Committee is working on a new Stormwater Ordinance. He said Commissioner Rheintgen attended a meeting in his absence. Commissioner Rheintgen reported that people were happy that the draft was presented. There were many detailed questions made by stormwater administrators. There was discussion regarding floodplains and roadway placement.

Mr. Fieldman said that the County's Stormwater Ordinance will be on next week's Agenda.

## 10. Manager's Report

Mr. Fieldman announced that the ladder truck is on site at Fire Station 2. It is an essential apparatus in the Village's fleet and will be placed in service in 2-3 weeks once it is outfitted and staff is properly trained. It meets all of the Village's needs.

Mayor Tully noted that the truck was on display at the recent budget hearing.

## 11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting two (2) items to the Council: 1) An ordinance amending on and off premise consumption licenses, and 2) An ordinance creating a bring your own liquor license classification.

### Future Active Agenda

## 12. Council Member Reports and New Business

*Commissioner Waldack reminded everyone that the budget will be discussed next week. The Manager said it is planned to be in the Council Chambers. Commissioner Waldack encouraged everyone to come and provide input.*

*Commissioner Waldack announced that October 16 is the Annual South DuPage Crop Walk at Gloria Dei Church. This is a hunger walk to fight hunger locally and around the world. He said that 25% of the money from the walk remains local for FISH, PADS, Meals on Wheels, etc.*

*Commissioner Waldack then congratulated the Mayor on his input at the town hall meeting*

*Commissioner Durkin said he attended the Chamber of Commerce not-for-profit breakfast. Jared Payton talked about the importance of giving back to the community. Commissioner Durkin congratulated Laura Crawford on this event.*

*Commissioner Durkin also met with Rick Ashton, the new Library Director, and encouraged him to reach out to other Council members. Mr. Ashton served under six mayors in Denver.*

*Mayor Tully suggested that he be invited to a Council meeting.*

*Commissioner Durkin then encouraged staff to hold the budget meeting in the Council Chambers.*

*Commissioner Schnell announced the HGNA (Helping Girls Navigate Adolescence) annual pancake breakfast will be held on October 22 at Ballydoyle. It is the same day that the Halloween window painting takes place.*

*Mayor Tully said that on October 16, in addition to the Crop Walk, there are two races being held. The Lester School 5K run will be held, as well as the Family Shelter Run for Her Life.*

### **13. Adjournment**

*Commissioner Schnell moved to adjourn. Commissioner Durkin seconded the Motion.*

*Mayor Tully declared the motion carried by voice vote and the meeting adjourned at 9:32 p.m.*