



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, May 14, 2013

7:00 pm

Council Chambers

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 Bob Barnett, Commissioner Sean P. Durkin, Commissioner Becky Rheintgen, Commissioner Geoff Neustadt, Commissioner Greg Hosé, Commissioner David S. Olsen 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

Council Meeting - May 7, 2013

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

Commissioner Neustadt moved to approve the minutes as presented. Commissioner Olsen seconded the motion.

The Mayor declared the Motion carried by voice vote.

Green Business Proclamation - Bales Mold Service, Inc.

Mayor Tully read a proclamation recognizing Bales Mold Services, Inc., in Downers Grove as the first Downers Grove Green Business as acknowledged by the Environmental Concerns Commission. He presented the proclamation to Sara Mortensen, owner.

To be considered for a Green Business distinction, businesses must complete an application form. The Mayor said he reviewed the application filed by Bales Mold. He asked Ms. Mortensen to discuss some of her company's environmentally sustainable practices included in the application.

Ms. Mortensen described efforts her company has made to be a green business, including making reusable coffee mugs and lunch totes available to employees, recycling scraps, and using shredded paper as packaging material. From shipping to production, they are conscious of green business practices.

Proclamations

Mayor Tully proclaimed the week of May 19-25, 2013, as Public Works Week and presented the proclamation to Nan Newlon, Director, Public Works.

The Mayor then proclaimed the week of May 12-18, 2013, as Police Week in the Village of Downers Grove. He presented the proclamation to Police Chief Robert Porter. The Mayor reminded everyone that the Annual Richard J. Barth ceremony will be held on Thursday, May 16 at Barth Pond.

Special Guest

Mayor Tully introduced Joshua Naponiello, a sophomore at Downers Grove North High. Joshua was selected to participate in the Attainable Futures program, a partnership between the Downers Grove Area Chamber of Commerce and High School District 99, helping students prepare for the business world, and giving them an opportunity to job shadow. Joshua spent the day with the Mayor.

Joshua Naponiello said he was glad to be at the Council meeting. His dream is to be an attorney and a politician. He provided information about the Attainable Futures program, saying it is a type of college preparation program which includes "how to" events. Special guest speakers have addressed the students in the program. He thanked the Mayor for the opportunity to shadow him. He said it was a great experience. He thanked the Mayor for his support.

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

5. Public Hearings

6. Consent Agenda

BIL 00-05221 A. List of Bills Payable: No. 6046, May 14, 2013

Sponsors: Accounting

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

Indexes: N/A

RES 00-05222 B. Resolution: Authorize an Intergovernmental Agreement with the Downers Grove Sanitary District for Overflow Answering and Dispatch Services

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE DOWNERS GROVE SANITARY DISTRICT FOR OVERFLOW ANSWERING AND DISPATCH SERVICES

RESOLUTION 2013-24

Commissioner Rheintgen commented that this is an intergovernmental agreement to improve services for mutual customers. She said it is an awesome example of cooperation and she applauded the Village for putting this together.

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

Indexes: Sanitary District

RES 00-05223 C. Resolution: Authorize an Agreement with MC Squared for Retail Electricity Supply
Sponsors: Finance

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND MC SQUARED FOR RETAIL ELECTRICITY SUPPLY

RESOLUTION 2013-25

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

Indexes: Electric Services

RES 00-05205 D. Resolution: Authorize a Contract and Addendum Not to Exceed \$62,523.26 with F.H. Paschen
Sponsors: Deputy Village Manager

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT AND ADDENDUM BETWEEN THE VILLAGE OF DOWNERS GROVE AND F.H. PASCHEN

RESOLUTION 2013-26

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

Indexes: Downtown Management Corporation

RES 00-05197 E. Resolution: Authorize a Redevelopment and License Agreement for the Installation and Use of a Refuse Enclosure on Village Property with Downtown Downers Grove, Inc.
Sponsors: Deputy Village Manager

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A REDEVELOPMENT AND LICENSE AGREEMENT FOR THE INSTALLATION AND USE OF A REFUSE ENCLOSURE ON VILLAGE PROPERTY BETWEEN THE VILLAGE OF DOWNERS GROVE AND DOWNTOWN DOWNERS GROVE, INC.

RESOLUTION 2013-27

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

Indexes: Downtown Management Corporation

MOT 00-05229 F. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Environmental Concerns Commission - April 11, 2013
Plan Commission - April 1, 2013

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 Neustadt, seconded by Commissioner Durkin, that the consent agenda be passed. The motion carried by the following vote:

Votes: Yea: Commissioner Hosé, Commissioner Rheintgen, Commissioner Barnett, Commissioner Neustadt, Commissioner Olsen, Commissioner Durkin and Mayor Tully

7. Active Agenda

8. First Reading

Manager Fieldman noted that the first two items are concerned with amendments to the Liquor Ordinance. He asked Village Attorney Enza Petrarca to make the presentation.

ORD 00-05227 A. Ordinance: Amend the Liquor Ordinance re: Entertainment/Restaurant Facility License

Sponsors: Liquor Commission

Village Attorney Enza Petrarca said that the first item stems from a request from a Licensee. The Liquor Commission recommended amending the Class E liquor license classification. Staff recommends further amending Class E to allow the Liquor Commissioner to add conditions and restrictions.

Mayor Tully commented that the Village already does have a Class E License. This amendment is not for a particular petitioner, but simply to create a new spot that could be applied for if a petitioner came forward. He further explained that he is the Local Liquor Commissioner.

Nick Telitz, 6240 Puffer Road, said he was at the Liquor Commission meeting. The business is Gnarly J's. He said that they will apply for the license if this is approved.

Brian Rice of Darien said that he has played volleyball there for the last 8-9 years, noting it is a terrific site and is important to him and to others.

A man from Woodridge said he also has played volleyball there since 1997. It is a great resource and recreational facility.

Jenna St. Clair said that she co-owns a volleyball facility and she is here to support the owners. They are doing a wonderful job. There is nothing else like this program around.

The Mayor explained that this discussion is to consider whether the amendment should be made, regardless of the applicant.

Commissioner Neustadt said that the Local Liquor Commissioner can impose additional restrictions and conditions to this amendment. He commented on the seriousness with which the Village takes its liquor licensing. This particular amendment has been vetted through the Liquor Commission, and he will support this.

Mayor Tully noted that language has been added to the amendment, over and above that proposed by the Liquor Commission.

Commissioner Barnett said he supports the changes. One of the challenges is the load this

places on some departments. There is a very small list of license holders who have had repetitive negative problems. He suggested giving thought to recapturing costs for bad licensees. He suggested a charge-back system to address these issues.

Commissioner Rheintgen said she looked at the police report for the site as well. She said she thinks they need to consider that the people who will potentially apply for the license will be different from the people from the past. They cannot hold the history against the proposed applicants.

Commissioner Hosé said he supports this. The watchword in his opinion is "flexibility." It gives the business flexibility as well as the Village.

Commissioner Olsen commented that he also supports this amendment.

Commissioner Durkin asked about the police calls. He thinks it is important to look at the history of the facility. This applicant will be the third owner of the facility since 2003. There were two previous owners, and a total of 448 police calls including fights, battery, theft and disorderly conduct. The business is unique; however, he's leaning toward not supporting this. His biggest concern is security.

Mayor Tully said at this point he is thinking in terms of the classification. He asked whether the Village wants to expand the Class E license for recreational activity, and create another license. He also wants to look more closely at the history of the Class E license. The Mayor referred to the flexibility of the Local Liquor Commissioner to impose additional conditions and restrictions to this amendment. The Village takes control of liquor sales very seriously. He is leaning toward an expansion of the classification and creating another license, knowing that the Village and the Liquor Commissioner have the flexibility to add conditions at time of issuance, or upon annual renewal. Without that flexibility he might not be as comfortable with this recommendation.

Indexes: Liquor Ordinance Amendments

ORD 00-05230

B. Ordinance: Amend the Liquor Ordinance re: Floor Plan Changes and Certified Training Requirements

Sponsors: Liquor Commission

Ms. Petrarca explained that this would amend Sections 3.19 and 3.33.3 of the Municipal Code. Section 3.19 concerns changes to the floor plan and business plan in order to provide for stricter enforcement. Section 3.33.3 addresses certified training and would require all employees to be certified upon hiring.

Commissioner Barnett asked about the training requirement and time period. Ms. Petrarca replied it is currently four months, but staff recommends eliminating that and requiring that all new employees who serve alcohol be certified upon hire.

Commissioner Rheintgen asked about the reference to advertising. Ms. Petrarca replied that the Village monitors how licensees advertise their establishments.

In response to Commissioner Durkin, Ms. Petrarca said that upon hiring a new server, they have to have certification, which is available on-line and is inexpensive. She further stated that the applicant would have to submit a list of servers and their certifications at the time they renew their licenses. The Village is trying to get better control over this situation.

Commissioner Durkin said if the Village mandates certification, they must be able to enforce this. It was not enforced in the past and he thinks that is an issue to be addressed. Ms. Petrarca said lack of certification would be a violation.

Commissioner Barnett then asked about advertising, saying this would likely become an aggravating circumstance. Ms. Petrarca responded that was correct in some cases.

The Mayor said that these changes are welcome. By requiring the business plan the Village has more enforcement ability.

Commissioner Barnett said that the Village needs to be firm and serious with violators.

Indexes: Liquor Ordinance Amendments

MOT 00-05228 C. Motion: Award a Contract for \$639,340 to Patnick Construction, Inc., Franklin Park, IL, for the Water Main Loop, Annexed Area

Sponsors: Public Works

Nan Newlon, Director, Public Works, explained the contract, saying that the Village is required to provide water as private wells fail in recently annexed areas. Residents of those areas will pay for the cost of construction, connection fees and the cost of private contractors. She indicated that this went out for competitive bid and Patnick Construction was the low bidder.

Commissioner Olsen said that he supports this and pointed out that the FY13 budget includes \$1 million for this project, and the bid was significantly below that projected amount. He commended staff for their work.

Indexes: Water Main Improvements

BID 00-05226 D. Bid: Award \$569,680.05 to A Lamp Concrete Contractors, Inc., Schaumburg, IL, for the 2013 New Sidewalk Installation Program and Right-of-Way Accessibility Improvements

Sponsors: Public Works

Ms. Newlon said this contract includes over 9000 feet of new sidewalk as well as right-of-way improvements. She listed the areas that will be included in these improvements. Six bids were received. Staff looks to have work completed before school starts.

Commissioner Durkin thanked staff, on behalf of Commissioner Schnell, for setting completion before the beginning of the school term.

Commissioner Neustadt commented on a problem last year when a cement chute was left open on a moving truck, which was potentially dangerous. Ms. Newlon said that they will add this concern to the preconstruction notes to see that does not happen again.

Indexes: Sidewalk Construction

ORD 00-05216 E. Ordinance: Authorize a Special Use to Permit an Automobile Laundry and Repair Shop at 946 Ogden Avenue

Sponsors: Community Development and Plan Commission

Tom Dabareiner, Director, Community Development, explained that this is a special use ordinance for an automobile laundry and repair shop east of Main Street, on Ogden Avenue. The applicant is looking to renovate the eastern side of the building. Access would be from the north, and vehicles would exit onto Ogden Avenue. He noted that parking requirements for the site are exceeded. The parking lot will be improved. No work will be done in the parking lot, with the exception of storage of vehicles. Mr. Dabareiner then discussed the site related improvements, and reviewed the Planning and Zoning requirements. The property owner has a separate request to rezone the property at the rear of the site to B-3 zoning.

Mr. Dabareiner said that the Plan Commission recommended approval of the rezoning on May 6, and this will come before the Council separately. The special use is permitted and all the standards have been met. The Plan Commission met on April 1 and unanimously recommended approval for the special use.

Commissioner Durkin asked if there were any curb cuts to be eliminated, and Mr. Dabareiner said that there is only one curb cut.

Commissioner Barnett asked about the landscaping and stormwater storage in the parking lot at 4249 Highland.

Ken Rathje, said he is representing the petitioner. He said that staff required that the petitioner provide more greenspace. The landlord has indicated that he will make every attempt to add marginal greenspace but it is very tight site. The landlord leases two units and three businesses use the lot, one of which is his business.

Commissioner Barnett asked how many parking spaces will be provided. Mr. Rathje replied that there are 28 total parking and stacking spaces provided. He said 23 are required, made up of 13 parking spaces and ten stacking spaces, in addition to handicap spaces.

Commissioner Barnett said if there is an opportunity to fit our Code with less parking, he encourages them to do so.

Commissioner José said this is the second time he is hearing this particular petition, as he heard it as Chair of the Plan Commission. He supported it at the Plan Commission meeting and will support it now. It fits in on Ogden Avenue.

Mayor Tully commented that this is an auto corridor. He reviewed the standards for a special use under Section 28.1902 of the Zoning Ordinance. All of the criteria are met. He will give further thought to additional conditions recommended by the Plan Commission.

Indexes: Special Use - 946 Ogden Avenue

9. Mayor's Report

Materials to be Placed on File

10. Manager's Report

The Manager said that DuPage County has been included in a Presidential Disaster Declaration, which enables Downers Grove residents to apply for individual assistance through FEMA for flood related expenses.

The Mayor said this pertains to individual assistance to residents. The Village was notified of the decision to provide individual assistance much sooner than expected. He said additional information is available on the Village's website at www.downers.us.

11. Attorney's Report

Village Attorney Enza Petrarca presented three (3) items to the Council: 1) An ordinance authorizing a special use to permit an automobile laundry and repair shop at 946 Ogden Avenue; 2) An ordinance amending floor plan changes and certified training requirements; and 3) An ordinance amending the entertainment/restaurant facility license.

Future Active Agenda

12. Council Member Reports and New Business

New Business

Commissioner Rheintgen asked Council to consider the concept of waiving permit fees for flood related repairs as a result of the April 18, 2013 storm.

The Mayor said he thinks other Council members are interested in this.

The Manager said that with Council direction staff can bring this to the Council quickly.

The Mayor said he would prefer not to amend the fee waiver policy.

Village Attorney Enza Petrarca said staff will review this.

The Mayor polled the Council and said direction has been provided to pursue this.

Council Member Reports

Commissioner Hosé announced the Downers Grove Junior Woman's Club "Local Celebrity" golf outing on Saturday, May 18 at the Downers Grove Golf Course. The cost is \$75 for golf and dinner, or \$25 for dinner. Proceeds benefit the Junior Woman's Club charitable fund.

Commissioner Durkin invited people to participate in Augie's Fifth Annual Drive for Supplies on Saturday, May 18 from 9:00 a.m. to 3:00 p.m. at 4417 Downers Drive. Augie Matthies was born with a congenital heart defect and his parents have stayed at the Ronald McDonald House while he has received medical treatment. Commissioner Durkin said the drive is easy to support and donations are used to provide for basic needs of the Ronald McDonald House.

Commissioner Durkin also noted that Coffee with the Council would be held at the Downers Grove Downtown Market at the Main Street Train Station on Saturday, May 18 at 9:00 a.m.

Commissioner Olsen said the Downtown Market opened last Saturday. He thanked those who came and supported the YMCA. He also thanked those who participated in the "Groovin' in the Grove 5K" race held at Midwestern University.

Commissioner Neustadt spoke of Police Week and the annual Richard J. Barth ceremony. Officer Barth was killed in the line of duty. The ceremony will be held on Thursday, May 16 at 1:00 p.m. at Barth Pond, Patriots Park, 55th St. and Fairview Ave. He invited the public to attend.

Mayor Tully said the Barth ceremony is moving and impactful. With respect to the Coffee with the Council, he said this is an opportunity to talk with members of the Village Council. The Mayor also announced Noah's Hope 5K run on Sunday, May 19 at 8:30 a.m. at O'Neill School.

13. Adjournment

Mayor Tully asked for a Motion to adjourn.

Commissioner Neustadt moved to adjourn. Commissioner Durkin seconded the Motion.

Mayor Tully declared the motion carried by voice vote and the meeting adjourned at 8:20 p.m.