



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, August 20, 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.

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 - August 13, 2013

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

Commissioner Neustadt 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

The Mayor welcomed Kari Cremascoli, School District 58 Superintendent, to tonight's meeting.

William Waldack, 1409 Willard Place, referenced an article, "How Seniors Get Stuck at Home with No Transit Options," published June 2011. He said according to AARP, 88% of seniors want to stay in their own homes as long as they can. The homes are in auto-dependent suburbs like Downers Grove. More than 20% of seniors age 65 and up do not drive at all. As a result they miss out on countless opportunities. Seniors face isolation, reduced quality of life and possible economic hardship. Seniors are a benefit to the community. They are law abiding and they pay their taxes. However, they need a little help. Mr. Waldack asked the Council to restore cuts made to the transportation program. The transportation subsidy helps Seniors reach services they need.

5. Council Member Reports

Commissioner Rheintgen said there is still time to sign up for the Grove Foundation's annual golf outing at the Park District golf course on September 7, 2013. Information can be found at their website: www.thegrovefoundation.org.

Commissioner Olsen announced a 5k race at St. Mary of Gostyn Church at 8:00 a.m. on Saturday, August 24, 2013.

Commissioner Durkin asked about the pedestrian crossings at 63rd and Springside. He would like an update regarding the light at the intersection there as well as at Main and Oxford.

Commissioner Neustadt said the Downers Grove Police Department was recognized as a traffic safety leader in the 2012 Illinois Traffic Challenge. The Department also received the 2012 Pedestrian and Bike Safety award. Traffic safety is one of the highest priorities for the Police Department. We have a special traffic division that does a great job. There were no traffic related deaths in Downers Grove in 2012 and seat belt use is up.

Mayor Tully welcomed his parents to tonight's meeting.

The Mayor then announced the death of Mickie Beckman over the weekend. He said she greatly benefited the community and was the wife of former Commissioner Bruce Beckman. We are saddened by her passing and will keep her family in our thoughts and prayers.

6. Public Hearings

7. Consent Agenda

COR 00-05320 A. Claim Ordinance: No. 6015, Payroll, July 26, 2013

Sponsors: Accounting

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

Indexes: N/A

BIL 00-05318 B. List of Bills Payable: No. 6066, August 20, 2013

Sponsors: Accounting

A motion was made to Approve this file. Mayor declared the motion carried.

Indexes: N/A

RES 00-05319 C. Resolution: Authorize an Amended Intergovernmental Agreement with the Illinois Department of Transportation for the 2012 Safe Routes to School Project - Various Locations

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AMENDED INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR THE 2012 SAFE ROUTES TO SCHOOL PROJECT - VARIOUS LOCATIONS

RESOLUTION 2013-54

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

Indexes: Illinois Department of Transportation

RES 00-05309 D. Resolution: Authorize an Intergovernmental Agreement with the Downers Grove Park District Regarding the Maintenance and Repair of Park District Vehicles

Sponsors: Deputy Village Manager

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE DOWNERS GROVE PARK DISTRICT REGARDING THE MAINTENANCE AND REPAIR OF PARK DISTRICT VEHICLES

RESOLUTION 2013-55

A motion was made to Adopt this file. Mayor declared the motion carried.

Indexes: Park District, Fleet Services

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 Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully

8. Active Agenda

ORD 00-05315 A. Ordinance: Amend Stormwater and Flood Plain Provisions

Sponsors: Public Works

Summary of Item: This adopts amended Stormwater and Flood Plain provisions.

AN ORDINANCE AMENDING STORMWATER AND FLOOD PLAIN PROVISIONS

ORDINANCE NO. 5330

Commissioner Durkin said that he supports this as a way to fund the system, and is sympathetic to the churches concern that the Village has reduced support to social services.

The Mayor said that the Commissioner's comment is directed to another item on the agenda, and he will ask for comments at that time.

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

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

Indexes: Stormwater and Flood Plain Ordinance

ORD 00-05316**B. Ordinance:** Repeal the Ogden Avenue Site Improvement Strategy Program (OASIS)**Sponsors:** Community Development**Summary of Item:** This repeals the OASIS Program.

AN ORDINANCE REPEALING THE OGDEN AVENUE SITE IMPROVEMENT STRATEGY PROGRAM (OASIS)

ORDINANCE NO. 5331

Commissioner Rheintgen commented that last week Mr. Cassa noted that existing business owners would still be eligible for funding to change their facade, if necessary. This change would provide more flexibility for the TIF funding. She will support this.

The Mayor thanked staff for following up on last week's comments. The goals of the OASIS program are not going away. His concern is what the response will be to a business looking to improve their property in the Ogden Avenue TIF district. He said he knows staff has the tools. He asked if an answer has been formulated. The Mayor asked for a motion to table this item to a date certain to provide time to the staff.

Commissioner Barnett asked the Manager if staff is prepared.

Village Manager Dave Fieldman said staff is prepared and will be ready to move forward within a day or two. Commissioner Barnett responded that given staff's response, he has no concerns.

Commissioner Durkin moved to table this item to September 3, 2013. Commissioner Hosé seconded the motion.

Commissioner Rheintgen said she understands the Mayor's position, but it may not be necessary to table this as staff is saying they are ready.

Commissioner Neustadt said he understands the idea of waiting for the next step, but the next step is here. He noted that some of the questions from businesses are operational.

The Mayor said there is a perception on the part of some as to what is next. It might be a good idea to wait until information is ready to go.

Commissioner Olsen said he does not see a reason to table this at this time. If the only reason to table this is to put information on the website, that can be done whether or not it is repealed. He suggested the Manager and EDC president work on some messaging for the Village's website.

Commissioner Barnett said his understanding is that the OASIS program will be stopped and Ogden Avenue development opportunities will revert back to where they were four or five years ago. There is no unique criterion. There is no new promotion coming.

The Mayor said he is talking about the new messaging. There is always an opportunity for promotion.

Commissioner Hosé said he agrees that there is not a whole lot changing. The Council still wants development on Ogden Avenue. There would be no harm in waiting 14 days as it will not stop any development activity. If there is messaging to be done, he agreed it should be done first and then repeal the ordinance.

The Mayor asked for a vote on the motion to table this item until September 3, 2013.

VOTE: YEA - Commissioners Durkin, Hosé; Mayor Tully

NAY - Commissioners Olsen, Rheintgen, Barnett, Neustadt

The Mayor declared the motion failed 4:3.

The Mayor then asked for a roll call on the motion as presented.

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

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

Indexes: Ogden Avenue TIF

9. First Reading

ORD 00-05321 A. Ordinance: Amend Stormwater Utility Provisions

Sponsors: Public Works

Mr. Fieldman introduced David Hyder, Consultant, Municipal & Financial Services Group, who helped create the stormwater utility (SWU).

David Hyder, Municipal & Financial Services Group, said the SWU was successfully launched in January 2013. It is meeting and exceeding expectations. The concept of a stormwater utility was explored from 2003-05. A needs driven stormwater planning document was developed from 2005-08 and a feasibility study was conducted in 2011. Public engagement and approval of the SWU took place in 2012.

With respect to benefits of the SWU, Mr. Hyder said there is a direct relationship between the fee and the system impact as stormwater fees are based on a property's amount of impervious surface area. This approach spreads the cost of the system throughout the entire community based on who contributes runoff and is, therefore, more equitable. It is a dependable revenue stream allowing for pro-active management of the system resulting in lower life-cycle costs and long-term sustainability of the system. Further, funding is not subject to competing needs. The SWU is transparent and fiscally accountable. Fees demonstrate the true cost of providing stormwater management. Fees are driven by the level of service and needs, and they are exclusively used for stormwater needs. Creation of the SWU also creates increased awareness. The fee brings stormwater services to the forefront as a vital service, provides opportunities for education, and motivates on-site stormwater management. In terms of outreach Mr. Hyder said there were over 250,000 impressions regarding the utility, including emails, community-wide calls, publications, videos, advertising, etc.

Stan Balicki, Assistant Director, Public Works, discussed the utility's financial and operational performance. Revenue is tracking at 1% of budget and gross revenues are projected to be at budget. With respect to credits, incentives and appeals, Mr. Balicki said seven parcel owners are receiving stormwater credits; 197 parcel owners have received incentives; 20 parcel owners have consolidated parcels; and four parcel owners have made appeals to the Stormwater and Flood Plain Oversight Committee.

Mr. Balicki then addressed operational issues. He said some definitions are incomplete or unclear. Further, there is a need to clarify the basis for appeal and burden of proof. With respect to definition changes, staff is proposing that impervious area be amended to specifically include overhangs, eaves of rooftops and bricks or concrete pavers. Staff is proposing that stormwater system be amended to include creeks. This clarifies stormwater system as located within the corporate limits of the Village. Changes to the appeals process are to clarify that owners may base their appeal on four categories: 1) classification of a parcel; 2) calculation of the impervious area; 3) calculation of the fee; and 4) denial of a credit or incentive application. Additional changes establish that the property owner has the burden of proof and

clarifies the process and timeline for appealing the Stormwater Administrator's decision to the Village Manager.

Mr. Hyder said it is phenomenal that revenue is tracking within 1% of budget. He then addressed fee adjustments. He said fees need to be adjusted to meet the recommended level of service. This is an annual decision. He recommended adjusting the fees with the FY 2014 budget.

With respect to recognition, Mr. Hyder noted that the Village received the 2013 Environmental Appreciation Award from the Conservation Foundation for implementing a stormwater utility. Staff has been invited to speak at the American Public Works Association, the Conservation Foundation, DuPage County and at industry seminars regarding stormwater regulation.

The Mayor thanked Mr. Hyder and Mr. Balicki for their presentations. He asked for audience comments or questions.

Marge Earl, 4720 Florence, asked how staff arrived at the number of 250,000 impressions regarding outreach, as the number is extremely high. The Manager showed the breakdown of impressions.

Commissioner Durkin said he supports the utility. All properties contribute to the system and pay for it. He is sympathetic to the churches' concerns, and he would like to find a way to support/compensate the churches and not-for-profits for providing social services. He suggested looking at the churches' share of the amount of social services they provide. Taking them out of the program may not be the solution.

Commissioner Neustadt said that everybody in the Village experiences stormwater, and the benefits of having it removed. He referenced problems as a result of big storms. However, we all benefit from good stormwater management. The presentation follows along with the Village's intention. He referenced the outreach leading up to the implementation of the stormwater utility. The message got out. The churches have a new fee. They were part of the community outreach effort. The social service connection of churches is huge. He said that as they move forward and get through a whole year they can better forecast the expenses. He asked where the Village would come up with the dollars to fund some of the social service programs in churches. Commissioner Neustadt said they can show specifically where improvements have been made and he supports the utility. He noted that it is a huge commitment to maintain a stormwater system. He then asked why projections are off in other communities.

Mr. Hyder responded that there is a whole host of reasons-delinquency; calculations not made appropriately and adjustments had to be made; people being unaware that this was coming.

Commissioner Barnett said that he feels good about the staff that works on this daily, but he has several problems that remain. All of the discussion centers on everybody benefitting from this, but everyone benefits from a nation. We have said for decades that we recognize the public benefit 501(c)(3) organizations provide and, thus, we choose not to tax them both in terms of property and sales taxes. The SWU is a departure from the philosophy that says government is funded in certain ways and certain organizations, because of their contributions to government activities, that might otherwise have to be funded by the government, are exempt. His understanding from the discussions is that the combination of a utility definition and fee definition as opposed to a tax definition is what prevented us from exempting certain organizations. There are other communities that have stormwater utilities and charge stormwater fees that exempt 501(c)(3) organizations. He read a statement from another community in which the contribution of 501(c)(3) organizations is recognized by authorizing the reduction of their overall stormwater utility charge by 100%. He would like to ask the Council to direct staff to figure out what might be available within equal protection and application

constraints of law to afford an exemption and to ask what that would mean for the balance of the program. In terms of course of action, he would like to quantify what the changes might be should we find a way to recognize the contributions not for profit organizations make to our community.

Commissioner Rheintgen commented that she doesn't think there is any harm in investigating ideas brought forward regarding exemptions. She is glad that the Village has not exceeded incentives/credits and suggested not putting a limit on that. She then referenced remarks made regarding pools.

Commissioner José commented that he supports this. It is working as it was intended to work. He shared Commissioner Durkin's concerns about non-profits. The burden falls disproportionately on those who contribute to their church. He would like to review this after getting through a year, and encouraged non-profits to apply for credits and take advantage of the incentives. He added that the Village has the responsibility for the projects and maintenance of work.

Commissioner Barnett said his experience with churches is that they budget as best as they can and hope it will come together between Thanksgiving and Christmas. He has a problem with asking them to prove their worth. Their value to the community is that they are 501(c)(3) organizations. It is not reasonable to ask them to quantify it. He asked for an explanation, based on this evening's discussion, as for why the Village doesn't have a street utility.

Mayor Tully said that they are talking about two things: The philosophy of whether to pay for this other than through property taxes. The Village has significant needs, and the question has been how to pay for it. The second item is that the implementation deserves congratulations. The Mayor said that he struggled with the alternative. If there were no utility they would have to raise taxes forcing residents to carry more of the burden. The utility is working. The not-for-profit portion is about 8.77%, or \$300,000 per year. They could be exempted and others would have to absorb the cost. The Mayor asked whether they are talking just about faith-based organizations. It has been stated that when the Village cut back on some of its social services, the faith-based organizations picked up providing some of those services. This opens many questions. He said that the Village's approach is working and working well. They have not seen communities moving away from this, but rather moving toward it. The non-profits all have tight budgets. He asked how they could encourage different types of credits or incentives. Mayor Tully said that he is not insensitive to concerns expressed, but he is asking if there is a way to ameliorate the impact of the situation. He would like to continue to debate this. Regarding the changes proposed in the ordinance, he supports them, but he suggested additional changes. Regarding appeals, the cost is not worth the appeal.

Mr. Fieldman commented that there are no application fees for appeals or incentives, only for credits. Mayor Tully suggested that perhaps the fee could be returned if the credit is given. He would also like to give some thought to additional credits to encourage the outcomes that the Village wants. He noted that they are still early in the process.

Commissioner Barnett commented that it makes sense to give incentives for behavior. He wants all of the non-numerical attributes to stay in place, including an increase in revenue even if the tax-exempts are taken out. All of the goals remain effectively accomplished should there be an exemption for tax-exempt parcels.

The Mayor said he doesn't disagree. He thinks the decision to include all the participants is a wiser choice in his opinion, but he thinks there are ways to ameliorate the impact.

Commissioner Neustadt commented that we have a fee structure for planning and review. Returning the fee goes against Village practices.

Commissioner Durkin said he wants to come up with alternatives instead of abolishing the ordinance. He wants to credit back to non-profits. He wants to keep the ordinance as it is and fine a way to credit back to the non-profits.

Commissioner Rheintgen said she understands Commissioner Durkin is suggesting that if a church performs a certain amount of service, they would have an amount taken off their stormwater fee.

Commissioner Durkin said that the Village should acknowledge their service. There is a dire need for this utility. He thinks they have to investigate what other alternatives may be available.

Mr. Fieldman replied that staff heard the need to be creative in terms of credits and incentives, and they will put forward ideas. He commented on something Mr. Hyder said some time ago, suggesting that one of the first changes will come up in regard to credits and incentives. He said staff will come up with ideas for the next discussion.

Commissioner Olsen said his concern specifically is that they are hearing a lot from the churches. Who they have not heard from are people who believe that everyone should pay their fair share, no matter the type of property. He said that the Council needs to keep that in mind. He's open to ideas, but he is concerned that maintenance would force an increase in the fee for others if some were exempt.

The Mayor agreed about not exempting groups; however, he wants to look at incentives that could be applied to all groups and would benefit everyone.

Commissioner Barnett commented that the question is not so much making sure everyone pays their fair share, but the issues are structure, expectations, planning and how to fund government.

Mayor Tully asked as to the next step. Mr. Fieldman said that at the next meeting, staff will update the ordinance and provide answers to some of the questions raised this evening. The Mayor said he was glad to have a robust conversation on this issue.

Indexes: Stormwater Utility

10. Mayor's Report

11. Manager's Report

12. Attorney's Report

Village Attorney Enza Petrarca said she was presenting one item to Council: An ordinance amending stormwater utility provisions.

Future Active Agenda

13. Council Member New Business

Commissioner José said the Plan Commission and Council has heard concerns from residents that they did not hear about new projects coming forward in their neighborhoods. This often has to do with larger projects that are close to residential neighborhoods. State law requires that property owners within 250 feet be notified of projects. He said that Downers Grove has never been about just doing the minimum of what is required. He would like to expand on Village notification requirements. He proposed asking staff to define a neighborhood for the purpose of notification when there is a new commercial, industrial or large residential project that goes into or close to a residential neighborhood. He suggested a 1,000 foot notification distance. He asked staff to investigate what other communities and states do with respect to notification. He would like to try to find the best way to notify everyone who would be

legitimately impacted by a development that is close to their residential property that may not be in keeping with a residential development. He asked Council for the ability to direct staff to investigate this issue.

Mr. Fieldman said the changes to the Zoning Ordinance will be comprehensive and this issue will come up. Staff will take this as general direction and will make sure the Plan Commission considers this as will the Council when the ordinance comes forward.

Commissioner Durkin complimented Commission Hosé for bringing this up. It is a great idea and ties into the Zoning Ordinance rewrite.

The Mayor said staff has direction to proceed as described.

14. Adjourn to Long-Range Planning Meeting - Committee Room

Mayor Tully asked for a Motion to adjourn.

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

VOTE: AYE: Commissioners Neustadt, Durkin, Hosé, Olsen, Rheintgen, Barnett; Mayor Tully

Mayor Tully declared the motion carried and the meeting adjourned at 8:40 p.m.