



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, September 3, 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

Commissioner Barnett arrived at 7:12 p.m.

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 20, 2013

Long Range Plan Meeting - August 20, 2013

Commissioner Olsen said he provided a few corrections to the Clerk.

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

Commissioner Neustadt moved to approve the minutes as amended. 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

Pastor Don Zimmerman, First Baptist Church, spoke regarding the stormwater utility. He said that the churches respect that the stormwater utility vs. taxation has been properly litigated; however, they do not believe this eliminates the issue of fairness that non-profits should be included. The true goal of the utility is to access proper fees based on usage or stormwater runoff, not on property value. Churches are excluded from paying for roads, fire, and police protection. It is not appropriate to tax entities that are excluded from taxation to begin with. With respect to the fee being more like an enterprise fund, in reality it is a capital investment or infrastructure fund. Non-profits are exempt from infrastructure projects and capital investment funds. This is a founding principle in our Constitution. He feels there is a precedent being set here in that the Village is not respecting the place and contributions of non-profits. There are many ways that the churches contribute to the community.

Pastor Scott Oberle of the First Congregational United Church of Christ spoke about checks and balances. He said they respect the transparency of the budget process. However, the actions of this Village Council do not preclude future village Councils from conducting the budget process in closed executive sessions. A utility commission would give immediate accountability to stop excessive rate increases. There are not enough checks and balances in this utility. Rev. Oberle commented that churches play a unique role, and are the final safety net. Placing this fee on churches places the greatest burden on those least able to pay. About 4500 people come to Hope's Front Door for emergency services. Over time the stormwater utility will limit their ability to help others.

Pastor Kirk Moore of St. Paul's United Church of Christ spoke about sharing the burden of the stormwater utility. Placing the burden on non-profits places a burden on a small percentage. Exempting the Park District does not meet the equal distribution process. He thanked the Council for looking at the credits process.

Mayor Tully thanked the speakers for being here. The Council has appreciated the ongoing dialogue. At the time the SWU was implemented, it was always understood that this would be reviewed and changes would be made provided they did not undermine the goals of the utility. Some changes have been proposed. Recent discussions have explored trying to figure out a way to ameliorate to some degree the burden on faith-based organizations rather than removing them from the equation. He said the Park District has open space that can be used for stormwater retention and detention that adds value to the stormwater infrastructure. Nobody disrespects the contributions of the not-for-profit organizations. He has personally been involved in the Hope's Front Door over the years, and knows that other Council members also participate in not-for-profit activities. This is not an attack on or disrespect for any not-for-profit organization. The Village must comply with federal law and County regulations when it comes to stormwater. He stated that having weekly meetings and having the participation of all residents in the Council meetings is an example of real accountability. The Council and staff are continuing to discuss possible options.

5. Council Member Reports

Commissioner Olsen said he recently participated in two excellent 5k races. One was sponsored by the Lion's Club and the other by St. Mary of Gostyn. He hopes they will sponsor these races again next year.

Commissioner Neustadt announced the recycling extravaganza to be held on September 28 at the Public Works Facility, 5101 Walnut. Amnesty Day is scheduled for the week of September

30, 2013, on your regularly scheduled pickup day. He encouraged people to check the Village's website at www.downers.us for more information.

Commissioner José extended his thanks to the Fire Department red shift for allowing him to participate in a ride along recently. He said it was a nice snapshot of what the Fire Department does on a daily basis and it was helpful to have had this experience.

Mayor Tully said the third annual ComEd Town Hall meeting will be held on Thursday, September 19, 2013, at 7:00 p.m. at the Public Works Facility, 5101 Walnut. This is part of the Village's effort to enhance and improve electrical reliability in the Village. He noted that a number of steps have been taken with respect to tree trimming and infrastructure improvements. He urged people to attend the meeting if they have experienced issues with electrical service. Senior ComEd staff and executives will be in attendance.

Village Manager Dave Fieldman said staff has prepared a reliability report that will be available on the Village's website tomorrow.

6. Public Hearings

7. Consent Agenda

COR 00-05322 A. Claim Ordinance: No. 6017, Payroll, August 9, 2013
Sponsors: Accounting
A motion was made to Approve this file. Mayor declared the motion carried.

Indexes: N/A

BIL 00-05323 B. List of Bills Payable: No. 6068, September 3, 2013
Sponsors: Accounting
A motion was made to Approve this file on the Consent Agenda.

Indexes: N/A

MOT 00-05326 C. Motion: Award a Contract for \$85,089.00 to Vian Construction Co., Inc., Elk Grove, IL, for 35th Street Storm Sewer Improvement Project
Sponsors: Public Works
A motion was made to Award this file on the Consent Agenda.

Indexes: Storm Sewers

MOT 00-05324 D. Motion: Note Receipt of Minutes of Boards and Commissions
Summary of Item: Architectural Design Review Board - March 15, 2012
Library Board - July 24, 2013 and August 14, 2013
Stormwater and Flood Plain Oversight Committee - June 13, 2013
Transportation and Parking Commission - June 19, 2013
Zoning Board of Appeals - July 24, 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 Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully

8. Active Agenda

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

Sponsors: Public Works

Summary of Item: This adopts amended stormwater utility provisions.

AN ORDINANCE AMENDING STORMWATER UTILITY PROVISIONS

ORDINANCE NO. 5332

Commissioner Rheintgen asked if future discussion will include removing the cap on incentives and credits.

Mr. Fieldman said future discussions will include removing the cap as well as other comments made at the last meeting.

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 Utility

9. First Reading

ORD 00-05328 A. Ordinance: Authorize a Special Use with a Zoning Variation for 1149 Ogden Avenue to Permit Construction of a Coffee Shop Restaurant with a Drive-Through Use
Sponsors: Community Development and Plan Commission

Mr. Fieldman asked Tom Dabareiner, Director, Community Development, to discuss this item,

Tom Dabareiner, Director, Community Development, explained that this petition is for a special use approval for a coffee shop/restaurant and drive-through lane. This is in the B-3 district and is a vacant parcel. The proposed use is allowed as a special use in the B-3 district. He explained that this is a standard design for Starbucks. He showed the renderings of the building as well as landscape plans, etc. Benefits of approving this request will be to make a vacant site productive, limiting the access points to one, adjustments to the landscape plans, and gaining a cross-access agreement with the property to the west if that should redevelop.

Mr. Dabareiner noted that this request also includes a front yard variation that is to the side of the building. A 25-foot setback is required, and the petitioner is requesting a 12.5-foot setback. With the exception of the setback, the bulk regulations of the Zoning Ordinance are met, and the request is consistent with the Comprehensive Plan. The Plan Commission met on August 5, 2013, to discuss this and found that the standards were met for a special use and for the variation. Staff recommends following the typical process regarding IDOT issuing driveway permits.

Commissioner Durkin referenced the Kildeer area with its many name brands and unique buildings. He asked whether the Village has any desire to change a petitioner's architectural plans. Mr. Fieldman responded that this is in a TIF District. These questions are most appropriately answered by the Council in its policy discussions. If the Council wishes to look

more comprehensively at building design, it is available; however, changes were not contemplated with respect to this project. Commissioner Durkin said he supports this but thinks that if they are continually going to discuss changing the makeup of Ogden Avenue, they should look at the architectural issues.

Mayor Tully said that it is a policy issue, and a broader question than this application. There could be a design pattern book for Ogden Avenue; however, this would be a significant effort. They could also change the special use criteria. In his experience, if there is a preferred aesthetic criteria established along an economic corridor, businesses are almost too happy to try and accommodate them, rather than going through hearings after the fact.

Commissioner Olsen commented that this has gotten attention in our community in a positive way. He has heard about this from many residents, and people are excited to have the drive-through and the Starbucks. He would be interested in designs for future developments. This particular development is a great benefit. He thanked the staff, EDC President Michael Cassa, Tom Dabareiner and IDOT.

Commissioner Neustadt responded that with regard to aesthetics, this is a great improvement. He noted that the Downtown pattern book is a recommendation and not a requirement. This project fits exactly with the Comprehensive Plan. The cross-connection is intriguing to him. Landscaping will aid traffic and pedestrians. He hopes this will spur more development.

The Mayor said he is thrilled to see this project come forward. He thanked the staff and Mr. Cassa for working to bring this forward. This meets the criteria for a special use. With respect to meeting the requirements for a variation, he said that they have to be flexible on Ogden Avenue, and the standards have been met.

Indexes: Special Use - 1149 Ogden Avenue

BID 00-05329 B. Bid: Award a Contract for \$236,170.00 to Schroeder Asphalt Services, Huntley, IL, for 2013 Fall Roadway Patching Project

Sponsors: Public Works

Public Works director Nan Newlon said that staff is recommending the award of a contract to Schroeder Asphalt Services, Huntley, IL, as part of the annual roadway maintenance program. Two large contracts for street repaving were awarded earlier this year. This contract allows the Village to patch streets that will be resurfaced between 2015-2018. She noted that Schroeder Asphalt Services was the low bidder.

Indexes: Roadway Improvements

MOT 00-05327 C. Motion: Approve the 2013-2015 Long Range Plan

Sponsors: Manager's Office

Mr. Fieldman reported that three public meetings were held regarding the 2013-2015 Long Range Plan. Staff has worked on this for four months. The draft is on the Village's website.

Commissioner Neustadt said that this document will direct the budget for the next year, as well as day-to-day operations. It is a great plan with lots of input.

Commissioner Rheintgen commented that she appreciated the way the process moved. There were more opportunities for input, and she said it was well done.

Mayor Tully agreed that the process worked exceptionally well. It is an ambitious set of projects and goals.

Mr. Fieldman noted that the budget season begins on October 5, 2013, the first Saturday in October.

Indexes: Long Range Planning

10. Mayor's Report

Mayor Tully reported out on today's DuPage County Stormwater Management meeting. He said the County is looking at a system of prequalifications for some of their contracts. He noted that the Village is a leader in this area.

Further, the Mayor said there was a report at the meeting of the National Flood Insurance Program (NFIP) which is administered by FEMA. The NFIP Community Rating System can result in reduced insurance rates for property owners. The Mayor said the Village's website has an article regarding effective stormwater management resulting in flood insurance premium discounts for property owners. The Village's Community Rating System was improved from CRS 7 to CRS 6, resulting in greater insurance premium discounts for property owners in the floodplain. This benefits all properties.

11. Manager's Report

12. Attorney's Report

Village Attorney Enza Petrarca said she was presenting one item to Council: An ordinance authorizing a special use with a zoning variation for 1149 Ogden Avenue to permit construction of a coffee shop restaurant with a drive-through use.

Future Active Agenda

13. Council Member New Business

With respect to the Mayor's report, Commissioner Rheintgen noted that property owners can buy flood insurance even if it is not required. This is a great benefit.

14. Adjournment

Commissioner Neustadt moved to convene into Executive Session pursuant to the Sections 2(c) (2) of the Open Meetings Act to consider collective negotiating matters. Commissioner Durkin seconded the motion.

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

Mayor Tully declared the motion carried and the Council convened into Executive Session at 7:49 p.m.