



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, April 8, 2014

7:00 pm

Council Chambers

1. Call to Order

Mayor pro tem Neustadt 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 pro tem Neustadt 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 pro tem Neustadt 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.

MOT 00-05551

Motion: Permit Electronic Attendance

Summary of Item: This allows Mayor Tully to participate in the Village Council meeting by telephone.

A motion was made by Commissioner Durkin, seconded by Commissioner Olsen, to Accept this file. Mayor declared the motion carried unanimously.

Indexes: Council Rules

3. Minutes of Council Meetings

Council Meeting - April 1, 2014

Commissioner Neustadt asked for a Motion to approve the minutes as submitted.

Commissioner Olsen 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

Bill Waldack, 1409 Willard Place, stated that last month Commissioner Durkin indicated a preference to keep meetings in the Council Chambers. Commissioner Olsen appeared to support that and Mr. Waldack said he supports it as well. While it is less formal in meeting rooms other than the Council Chambers, Mr. Waldack asked that the Council please try to keep meetings in the Chambers. Mr. Waldack then spoke of the discussions regarding chickens. He said that health issues have been brought up many times but the Council has not addressed them. Council has ignored health concerns and has listened to chicken farmers. There is no compromise with neighbor consent - it is only capitulation. He said that four Council members need to quash this issue now.

Mark Garrity, 7348 Winthrop Way, addressed the issue of the graduated income tax. He said the fears are misplaced. He said the median income in Downers Grove is \$77,000 and only 8.9% of the population has an income of over \$200,000. There will be tax cuts in almost all Downers Grove households, representing \$5.7 million to be spent in Downers Grove. He reviewed the proposed rates and tax breaks. With regard to tax brackets, he said there are no tax brackets in the Constitution in order for adjustments to be made without having to amend the Constitution. Mr. Garrity said he thinks Mike Madigan's proposal is wrong. He said he feels voters have the right to vote on taxes on November's ballot. If this gets on the ballot, it will pass. If the State Assembly does nothing and the current 5% flat tax sunsets to 3.7% in January, the State will have to find another \$3 billion in cuts to balance the budget and Mr. Garrity thinks the State will look at counties and municipalities. He urged the Council to vote no on this resolution. This matter is not the purview of this Council to talk about this.

Paul Kreft, 5133 Washington, said he supports the fair tax as it puts more money in the pockets of the citizens.

Laura Crawford, President, Downers Grove Area Chamber of Commerce and Industry, said the Chamber is hosting the Taste of 630 on May 1 at Yorktown Mall, featuring 30 different restaurants. On May 7, the Chamber is hosting the Annual Golf Classic at Seven Bridges and on May 14, the general membership luncheon, recognizing the Attainable Futures Students, will be held at Seven Bridges. More information on these events can be found at www.downersgrove.org.

Ms. Crawford then provided a legislative update for informational purposes.

5. Council Member Reports

Commissioner Neustadt said the Children's Easter Egg Hunt sponsored by the Kiwanis Club will be held on Saturday at 10:00 a.m. at the park behind Lincoln Center. Additionally, from 10:00 a.m. to noon, is Passport to Safety Day & Wheely Big Trucks at the Lincoln Center.

Mayor Tully reminded everyone of the fundraiser for the Hundred Club DuPage County to be held on April 11 & 12 at North Central College. The theme is, "An Evening of Laughter & Memories of Sinatra."

6. Public Hearings**7. Consent Agenda**

BIL 00-05523 A. List of Bills Payable: No. 6112, April 8, 2014

Sponsors: Accounting

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

Indexes: N/A

MOT 00-05524 B. Motion: Approve a Building Permit Fee Waiver in the Amount of \$14,755 to the Downers Grove Public Library

Sponsors: Community Development

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

Indexes: Fee Waiver

MOT 00-05529 C. Motion: Award a Design Contract Not to Exceed \$98,267.40 to Christopher B. Burke Engineering, Ltd., Rosemont, IL, for Clyde Estates Roadway Reconstruction

Sponsors: Public Works

Summary of Item: This authorizes execution of a roadway reconstruction design contract with Christopher B. Burke Engineering, Ltd. in the amount of \$89,334.00 plus 10% contingency in the amount of \$8,933.40 for a total not-to-exceed amount of \$98,267.40 for Clyde Estates Subdivision.

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

Indexes: Roadway Improvements

MOT 00-05530 D. Motion: Award a Design Contract Not to Exceed \$73,614 to Burns & McDonnell, Downers Grove, IL, for Orchard Brook East Roadway Reconstruction

Sponsors: Public Works

Summary of Item: This authorizes execution of a roadway reconstruction design engineering contract with Burns & McDonnell Engineering Co., Inc. in the amount of \$66,922.00 plus 10% contingency in the amount of \$6,692.00 for a total not to exceed \$73,614.00 for Orchard Brook East roadway design

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

Indexes: Roadway Improvements

MOT 00-05518 E. Motion: Award a Contract for \$2,461,438.87 to Central Blacktop Company, Inc., LaGrange, IL, for the 2014 Resurfacing (A) Project

Sponsors: Public Works

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

Indexes: Street - Resurfacing

MOT 00-05531 F. Motion: Award a Contract for \$27,360 to SAFEbuilt, Inc. for Sign Ordinance Enforcement Services

Sponsors: Community Development

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

Indexes: Zoning Ordinance - Signs

MOT 00-05535 G. Motion: Award a Contract Not to Exceed \$55,000 to SEECO Consultants, Tinley Park, IL, for Material Testing Services

Sponsors: Public Works

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

Indexes: Capital Projects

MOT 00-05536 H. Motion: Award a Contract Not to Exceed \$55,000 to Interra, Inc., Bolingbrook, IL, for Material Testing Services

Sponsors: Public Works

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

Indexes: Capital Projects

MOT 00-05537 I. Motion: Award a Contract Not to Exceed \$55,000 to Geocon Professional Services, LLC, Frankfurt, IL, for Material Testing Services

Sponsors: Public Works

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

Indexes: Capital Projects

MOT 00-05540 J. Motion: Authorize an Amount Not to Exceed \$36,712.60 to SHI International Corp. for the Purchase of Desktop Computers

Sponsors: Information Services

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

Indexes: Computers

Passed The Consent Agenda

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

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

8. Active Agenda

MOT 00-05515 A. Motion: Award a Contract for \$3,645,081.15 to ALamp Concrete Contractors, Inc., Schaumburg, IL, for the Brook Drive & Centre Circle Roadway Reconstruction and Drainage Improvements

Sponsors: Public Works

Summary of Item: This authorizes execution of a roadway reconstruction and drainage improvement contract with ALamp Concrete Contractors, Inc. in the amount of \$3,645,081.15 for Brook Drive & Centre Circle.

Commissioner José said he would abstain on this item. He has no pecuniary interest in A Lamp but has run across them in the course of his work.

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

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

Indexes: Roadway Improvements, Drainage Improvements

ORD 00-05516 B. Ordinance: Grant a Stormwater Variance for 4924 Linscott Avenue

Sponsors: Public Works and Stormwater & Flood Plain Commission

Summary of Item: At their meeting of March 13, 2014, the Stormwater and Flood Plain Oversight Committee recommended adoption of the attached ordinance to permit a stormwater variance for the property located at 4924 Linscott Avenue.

AN ORDINANCE GRANTING A STORMWATER VARIANCE FOR 4924 LINSCHOTT AVENUE

ORDINANCE NO. 5374

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

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

Indexes: Stormwater Variance

ORD 00-05519 C. Ordinance: Establish No Parking Regulations on a Certain Portion of Belle Aire Lane

Sponsors: Public Works and Transportation and Parking Commission

Summary of Item: This establishes no parking regulations on a certain portion of Belle Aire Lane.

AN ORDINANCE ESTABLISHING NO PARKING REGULATIONS ON A CERTAIN PORTION OF BELLE AIRE LANE

ORDINANCE NO. 5375

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

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

Indexes: No Park - Belle Aire Lane

ORD 00-05520 D. Ordinance: Establish No Parking Regulations on Certain Portions of Concord Drive

Sponsors: Public Works and Transportation and Parking Commission

Summary of Item: This establishes no parking regulations on certain portions of Concord Drive.

AN ORDINANCE ESTABLISHING NO PARKING REGULATIONS ON CERTAIN PORTIONS OF CONCORD DRIVE

ORDINANCE NO. 5376

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

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

Indexes: No Park - Concord Drive

ORD 00-05521 E. Ordinance: Establish No Parking Regulations on a Certain Portion of Cross Street
Sponsors: Public Works and Transportation and Parking Commission
Summary of Item: This establishes no parking regulations on a certain portion of Cross Street.

AN ORDINANCE ESTABLISHING NO PARKING REGULATIONS ON A CERTAIN PORTION OF CROSS STREET

ORDINANCE NO. 5377

A motion was made by Commissioner Rheintgen, seconded by Commissioner Olsen, 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: No Park - Cross Street

ORD 00-05517 F. Ordinance: Amend Certain Liquor License Classifications
Sponsors: Village Attorney and Liquor Commission
Summary of Item: This amends certain liquor license classifications.

AN ORDINANCE AMENDING CERTAIN LIQUOR LICENSE CLASSIFICATIONS

ORDINANCE NO. 5378

Commissioner Neustadt thanked the Liquor Commission for moving expeditiously on this item. This is a great opportunity to add classifications.

Mayor Tully agreed with Commissioner Neustadt and added that this is good for economic development.

A motion was made by Commissioner Rheintgen, seconded by Commissioner Olsen, 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: Liquor Ordinance Amendments

9. First Reading

MOT 00-05525 C. Motion: Award a Contract Not to Exceed \$3,965,193.50 to Austin Tyler Construction for Esterbrook Unit 1/Downers Grove Estates Construction
Sponsors: Public Works

Village Manager Dave Fieldman asked Andy Sikich, Assistant Director for Public Works, to address the first four items on the First Reading, A-D.

Andy Sikich, Assistant Director, Public Works, said staff is requesting approval of four individual trade package construction contracts for roadway reconstruction, drainage improvements, and watermain replacement projects located within the Esterbrook Unit 1 and Downers Grove Estates Subdivisions. The subject area is south of 63rd Street between Main and Dunham. This work, although listed as five separate projects in the Community Investment Program, is being combined for cost savings, improved coordination, and resident convenience. V3 Construction is the construction manager for these projects. The four trade packages are: Austin Tyler Construction for demolition, excavation, and underground; Geneva Construction for asphalt paving and concrete; Breezy Hill Nursery for landscaping;

and Mt. Carmel Stabilization Group for full depth reclamation. Each contract includes a contingency only to be used if deemed necessary by the Village Manager. The total cost is approximately \$1 million under the original budget. Staff anticipates that the work will begin in April and conclude in November.

Commissioner Rheintgen asked if the savings includes the V3 Construction contract. Mr. Sikich said that came out of a separate budget for professional services. The V3 Construction contract was in lieu of a resident engineer contract.

Commissioner Olsen asked how the contingency amounts were determined. Mr. Sikich said it was based on staff judgment and the risk for potential unknowns.

Commissioner Neustadt said this represents great infrastructure improvements and aligns with the Long Range Plan.

Mr. Fieldman said this is a great job of bundling and lowering the impact on the neighborhood.

Indexes: Downers Grove Estates

MOT 00-05526 D. Motion: Award a Contract Not to Exceed \$1,941,236.05 to Geneva Construction for Esterbrook Unit 1/Downers Grove Estates Construction

Sponsors: Public Works

Indexes: Downers Grove Estates

MOT 00-05527 E. Motion: Award a Contract Not to Exceed \$879,600 to Breezy Hill Nursery for Esterbrook Unit 1/Downers Grove Estates Construction

Sponsors: Public Works

Indexes: Downers Grove Estates

MOT 00-05528 F. Motion: Award a Contract Not to Exceed \$197,968.90 to Mt. Carmel Stabilization Group for Esterbrook Unit 1/Downers Grove Estates Construction

Sponsors: Public Works

Indexes: Downers Grove Estates

ORD 00-05532 E. Ordinance: Amend Planned Development #17, Finley Square Shopping Center, to Allow the Construction of a Coffee Shop with Drive-Through at 1500-1570 Butterfield Road

Sponsors: Community Development and Plan Commission

Mr. Fieldman asked Tom Dabareiner, Director, Community Development, to address Items E-H, Finley Square Shopping Center.

Tom Dabareiner, Director, Community Development, said this pertains to the construction of a new Starbucks with a drive through on Butterfield Road. The first item is an ordinance to amend Planned Development #17, Finley Square Shopping Center. The second item is a special use ordinance to permit a drive-through use; and the third is a resolution for a final plat of subdivision. Staff is looking for approval of these items on the April 15 Active Agenda.

The Plan Commission unanimously recommended approval of these items and found that the proposal is an appropriate use in the shopping center, is consistent with the Comprehensive Plan, compatible with surrounding zoning and land use classifications, and meets all standards

for approval as provided for in Sections 28.1607; 28.1902; and 20.501 of the Municipal Code. Mr. Dabareiner showed the location of the site, a 21.4 acre shopping center at the northeast corner of Butterfield and Finley Roads. Because it is zoned B-3, General Services and Highway Business, a special use is required for the drive through. The petitioner is proposing to construct the coffee shop at the southeast corner of the shopping center. As part of the project, the petitioner will create outlots for each of the out-buildings.

Commissioner Durkin said he supports this petition. However, he is concerned with the amount of traffic, both vehicular and pedestrian in Finley Square Shopping Center. He asked if that is being addressed. He specified that from Buy Buy Baby to HH Gregg he is concerned about signage and potential danger as it relates to pedestrian safety.

Mr. Fieldman said staff can take a look at this issue and talk to the property owner to make improvements. He noted that Starbucks has different peak business hours than the other stores in the shopping center.

Commissioner Durkin asked if there were plans with respect to the Downers Drive stop sign due to this activity.

Mr. Fieldman said there are plans to consider upgrades.

Commissioner Rheintgen said negotiating the traffic light is difficult. This looks like a great project and a benefit to Downers Grove. She noted that Starbucks anticipates the most traffic at breakfast.

Commissioner Olsen agreed with the comments regarding traffic.

Commissioner José said he shares the concerns about vehicular traffic and pedestrians. He suggested that the Starbucks be inside Buy Buy Baby! He said he thinks the special use standards have been met and he will support this petition.

Mayor Tully said this is a good project. We have the tools to work out any issues.

Commissioner Neustadt said this is another victory for the Village. This is a growing area. Traffic concerns are an issue, but Portillo's has made their site work. He supports Commissioner Durkin's suggestion.

Indexes: Planned Development #17-Portillo's

ORD 00-05533 F. Ordinance: Authorize a Special Use for 1500-1570 Butterfield Road to Permit Construction of a Coffee Shop with a Drive-Through Use

Sponsors: Community Development and Plan Commission

Indexes: Planned Development #17-Portillo's, Special Use - 1500-1570 Butterfield Road

RES 00-05534 G. Resolution: Authorize a Final Plat of Subdivision for 1500-1570 Butterfield Road

Sponsors: Community Development and Plan Commission

Indexes: Planned Development #17-Portillo's

ORD 00-05538 H. Ordinance: Rezone Property Located at 2540 Burlington from R-1, Single Family Residence, to R-4, Single Family Residence

Sponsors: Community Development

Mr. Dabareiner said an ordinance has been prepared to amend the zoning ordinance map to rezone the property at 2540 Burlington Avenue from R-1, Single Family Residence District, to R-4, Single Family Residence District. Staff is looking for approval on the April 15 Active Agenda. The Plan Commission unanimously recommended approval of this petition. Mr. Dabareiner showed the location of the site. He said this subject property was annexed into the Village on January 1, 2012, as part of a Village-wide annexation program. Upon annexation, the property was zoned R-1, Single Family Residence, the most restrictive zoning designation. Some of the surrounding properties have been rezoned R-4.

Currently there are two lots with one house built over the property line. The petitioner is proposing to demolish the existing house and construct a single family home on each lot. Two structures could be built because of less restrictive setback requirements of the R-4 zoning district.

Indexes: Rezone 2540 Burlington - R-1 to R-4

ORD 00-05453

I. Ordinance: Amend the Zoning Ordinance, Chapter 28, of the Downers Grove Municipal Code

Sponsors: Community Development and Plan Commission

Mr. Fieldman said staff has been working on the new Zoning Ordinance for over a year. Questions raised by Council members have been addressed and this is another opportunity for Council to review this ordinance.

Commissioner Barnett addressed Article 12, Review and Approval Procedures. He said he would like to find a way to put in the standards for approval for variations, special uses and those kinds of activities the ability for staff to put forth administrative adjustments and improvements. He would like to talk about ways to empower the Village to compel improvements, as we currently have restrictions.

Mr. Fieldman suggested a two-fold approach. He suggested amending the standards for special use approval to capture the objectives Commissioner Barnett is discussing. He also suggested applying and interpreting standards in a broader fashion.

Commissioner Neustadt suggested moving forward with the ordinance and using the Long Range Planning process to further develop this. He noted that the Village's standards of approval are middle of the road in DuPage County and help attract businesses. He does not want to add barriers.

Commissioner Barnett said there has been a substantial change relative to the requirement to appear before the Zoning Board of Appeals. He added that Council already has a list of projects they are not getting through. If nothing was done with the new Zoning Ordinance for six months, we would still function. He would like to make the changes now.

Commissioner Olsen said that if we go forward with that suggestion, we need to engage the business community and economic development. He does not want this to be perceived as more regulatory or harder to open a business in Downers Grove or to expand a business. He does not want to be overly burdensome or costly. This will take additional time and resources.

Commissioner Rheintgen said she would prefer that there be parameters in place. She has had experiences as a business owner where they have been unsure of the rules and would not want to see this happen.

Commissioner Barnett said there would be parameters.

Commissioner Rheintgen said she does not want to tip the scales too far the other way.

Commissioner José said he shares concerns about barriers to entry in terms of businesses coming to or expanding in Downers Grove. He asked to what extent Council already has this authority. Conditions are placed on special uses frequently.

Mr. Fieldman said Council has the ability to place conditions. How Council interprets, applies and places conditions involves preference, culture and accepted practices.

Commissioner José said that opens up issues of uncertainty.

Mr. Fieldman said we would not have to broaden the standards.

Commissioner Barnett said he is not asking to restart a project. He would like input from other communities as this is a substantial change in process.

Commissioner José cautioned that at some point we reach the saturation point with staff. This deserves a longer discussion, but he does not want everything to grind to a halt.

Mr. Fieldman suggested Council move along with approval, but make it a priority to discuss this issue regarding conditions. We can compare our standards to those of other communities.

Commissioner Neustadt said he would recommend moving forward with the Zoning Ordinance.

Mr. Fieldman suggested providing Council members with examples of special use ordinances and minimal conditions as well as those with many conditions.

Mayor Tully said Council should expeditiously proceed to adopt the ordinance and revise it in less than 50 years, especially in terms of expectations. We should revise issues frequently.

Commissioner Barnett then addressed some of the specifics in Article 12. With respect to the process by which we interact with people, he referred to page 12-4, Sec. 12.010 G.2., Additional Public Hearing Notices, a. and asked about those requirements. With respect to page 12-5, he referenced Sec. 12.010 I, Conditions of Approval, and asked as to the necessity of the wording. He then referenced page 12-19 with respect to Sec. 12.080, Zoning Exceptions and specifically 12.080 B 2, re-establishing an abandoned nonconforming use. With respect to Sec. 12.080 L, Conditions of Approval, Commissioner Barnett suggested referencing other planning documents, such as the Comprehensive Plan.

Commissioner José asked, as to the issue of notices, whether there are situations where a sign or mailings or a newspaper notice would not be required. Mr. Fieldman responded that those are legal requirements. Expanded notification is triggered by other circumstances.

Commissioner Barnett said the wording should then be changed from "endeavor" to "require."

Commissioner Neustadt asked Council members to continue to forward their questions to Mr. Fieldman.

Commissioner Olsen spoke with regard to exceptions with nonconforming uses. There are five criteria regarding re-establishment of an abandoned nonconforming use and they are fairly stringent. He feels they are adequate. He does not want to be overly burdensome to petitioners.

Commissioner Barnett asked as to the purpose of nonconforming uses. He asked why we provide an opportunity to restart a nonconforming use when it is abandoned.

Mr. Fieldman said this topic is one of the fundamental changes in the ordinance. He referenced the "green field" community when development was first occurring and we were starting with a clean slate vs. the present day with a built-out community as it relates to nonconforming buildings.

Commissioner Rheintgen said that examples help to illustrate issues.

Indexes: Zoning Ordinance

10. Mayor's Report

The Mayor thanked the Council for allowing him to participate in tonight's meeting by phone. He said he is in Springfield with the DuPage Mayor and Managers Conference spring drive down. He said it has been successful and the delegation has been in contact with the state legislators that represent Downers Grove. He said pension reform and protecting local revenues are key issues. He spoke of some of the proposed bills they are addressing with our legislators, including opposition to HB 5485, support of SB 3016 as well as other legislation. He said the delegation will meet with leaders of the House and Senate tomorrow and with the media.

Materials to be Placed on File

11. Manager's Report

12. Attorney's Report

Village Attorney Enza Petrarca said she was presenting four (4) items to Council: 1) An ordinance amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, codified as Chapter 28 of the Downers Grove Municipal Code, as amended to rezone property located at 2540 Burlington Avenue; 2) An ordinance approving a planned development amendment to Planned Development #17, Finley Square Shopping Center, to allow the construction of a coffee shop with drive-through at 1500-1570 Butterfield Road; 3) An ordinance authorizing a special use for 1500-1570 Butterfield Road to permit construction of a coffee shop with a drive-through use; and 4) A resolution approving the final plat of subdivision for 1500-1570 Butterfield Road.

Future Active Agenda

13. Council Member New Business

RES 00-05539 Resolution: Oppose an Amendment to the Illinois Constitution to Provide for a Graduated Income Tax

Summary of Item: This opposes an amendment to the Illinois Constitution to provide for a graduated income tax.

Commissioner Olsen said that on the agenda is a resolution opposing an amendment to the Illinois Constitution to provide for a graduated income tax. He said he believes this issue is important to our residents and our businesses. Economic development is always a focus and we need to remain competitive. The impact on small businesses, no set rates and no accountability to reduce spending is dramatic, especially for small businesses who represent many of the businesses in our community. He is concerned about driving jobs and people out

of our community and State. He attended a summit with the DuPage Business Council this morning to talk about the impact of the tax reform proposals on businesses. He noted that a number of business leaders from throughout the County were concerned about graduated tax proposals. Therefore, he feels it is relevant and important to have a discussion about this. He would not like to take a vote on this tonight; rather, he would like to have a discussion and then table this item. The motion failed for lack of a second.

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

Indexes: State Income Tax

14. Adjournment

Mayor pro tem Neustadt asked for a Motion to adjourn.

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

Mayor pro tem Neustadt declared the motion carried by voice vote and the meeting adjourned at 8:30 p.m.