

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

5/19/2015

7:00 PM

In order to give as many visitors as possible an opportunity to speak and in the interest of adjourning the meeting by 9:00 p.m., please limit your comments to 5 minutes in length, unless further time is granted by Council. Thank you.

1. Call to Order

Pledge of Allegiance to the Flag

2. Roll Call

Present:

Commissioner Waldack, Commissioner White (arr. 7:09 p.m.), Commissioner Hosé, Commissioner Olsen, Commissioner Barnett (arr. 7:49 p.m.); Mayor Tully

Absent:

Commissioner Vattimo

Non-Voting:

Village Manager Dave Fieldman, Village Attorney Enza Petrarca, Village Clerk April Holden

3. Minutes of Council Meetings

MIN 2015-6235

A. Minutes: Council Minutes - May 12, 2015

Motion: Commissioner Olsen, seconded by Commissioner Hosé, moved to approve the minutes as presented.

The Mayor declared the Motion carried by voice vote.

Special Presentation

Mayor Tully introduced Police Chief Robert Porter.

Police Chief Porter said the Department publicly recognizes officers for their acts of service and bravery. Officers Jim Edwards and Brian Johnstone were honored.

Lieutenant Gillette, Chairman of the Commendations Committee, made the award presentation to Officer Johnstone for responding to a call of a two-month-old infant choking. He arrived 1-1/2 minutes before the paramedics arrived, and cleared the infant's airway. His actions contributed to saving her life. Lieutenant Gillette presented Officer Johnstone with the Downers Grove Police Department Lifesaving Award.

Lieutenant Gillette then presented a commendation to Officer James Edwards. Officer Edwards was on duty at Downers Grove South High School where he was alerted to a female in distress who was choking. He utilized his training to administer life saving measures to administer the Heimlich maneuver. His decisive action saved the young woman from choking. Officer Edwards was presented with the Downers Grove Police Department Lifesaving Award.

Mayor Tully commented that acts of bravery and life-saving accounts make this Chamber proud. He congratulated both officers.

4. Public Comments

This is the opportunity for the public to comment on non-agenda items.

Jeff DeCicco spoke regarding Fairview and Hill Streets and a proposed redevelopment of townhomes in the area. He said a representative of the developer came to his home, and the sales pitch to purchase all of the homes in the area was less than professional. He spoke about a letter given to him about a contingency and basically he would join a limited partnership in a real estate investment. He stated that he is against any development at Fairview and Hill Streets. He informed the Council that on May 28 there is an open invitation to meet the developer. He suggested that people in the neighborhood be very wary of this proposal. He is not concerned about himself, but he is concerned that other homeowners might be taken in by the developer.

Michael McDonnell, CEO for the West Suburban Community Pantry based in Woodridge, said he and Board member Judy Pokorny came to the meeting to introduce themselves and inform the Council about the Pantry. Their vision is to create a community without hunger. They serve all of DuPage County. An eligible household can receive a full order of food on a twice a month basis. Each delivery is about 125 pounds of food. Any household can come to them in an emergency for a one-time distribution of food. In 2014, they distributed 1.6 million pounds of products. Mr. McDonnell said that many of their clients are neighbors from Downers Grove. In the last five years, 16,052 people from this Village received assistance. He noted that the need is staggering. Mr. McDonnell said they need help in getting the word out about their organization. For every \$1 they receive, they can purchase \$6 worth of food. He noted that the Pantry offers other supporting programs including school breakfasts, weekend backpack distribution for kids, school supplies, car seat safety classes, senior home delivery, ESL classes, etc. They also hold many major fund raising events.

Judy Pokorny is a resident of the Village. She is running a food drive campaign called Fill the Bus from September 21 to September 26. They provide residents of DuPage County with services. She left some literature for the Council.

Mayor Tully thanked them for being at the meeting.

Dr. Gordon Goodman, 5834 Middaugh, reiterated his suggestion that the Village is poorly served by not having a Director of Community Development. He thinks they should consider filling this position in the coming year.

Mayor Tully said they can take this up at long-range planning discussions.

Dr. Goodman then asked about the new meeting format with the Public Comments at the beginning. He asked about Council Member New Business at the end of the Agenda and whether comments will be allowed at the end of the meeting, or if they should be made now.

Mayor Tully said that if the items become Active Agenda items comments would be appropriate.

Dr. Goodman then made his comments. He welcomes the new Agenda items and agrees with Item A, and appreciates Motion B regarding text amendments. Regarding item C, he is pleased to see elaboration and clarification and is also interested in the review of the Zoning Ordinance and the Historic Preservation

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Ordinance. Dr. Goodman then asked for a status report regarding the agreement for maintenance of the buffer areas at Good Samaritan Hospital.

5. Consent Agenda

COR 2015-6236	A. Claims Ordinance: No. 6107, Payroll, May 1, 2015
BIL 2015-6237	B. Bills Payable: No. 6192, May 19, 2015
MOT 2015-6201	C. Motion: Award a Contract for \$2,497,116.88 to J.A. Johnson Paving Company, Arlington Heights, IL, for 2015 Resurfacing (A) Project
MOT 2015-6211	D. Motion: Award a Contract Not to Exceed \$1,401,586.72 to Kee Construction, LLC, Chicago, IL, for Parking Lot H Improvements
MOT 2015-6221	E. Motion: Approve the FY15-16 Budget for the Downers Grove Downtown Management Corporation
MIN 2015-6249	F. Minutes: Note Receipt of Minutes of Boards and Commissions

Motion: Commissioner Olsen moved to approve the Consent Agenda as presented. Commissioner White seconded the motion.

Votes: Yea: Commissioner Olsen, White, Waldack, Hosé; Mayor Tully
The Mayor declared the motion carried.

6. Active Agenda

RES 2015-6172 A. Resolution: Authorize an Annexation Agreement for 502 Hitchcock Avenue

This authorizes an annexation agreement for 502 Hitchcock. This is in coordination with the annexation and the rezoning requests.

A RESOLUTION AUTHORIZING EXECUTION OF AN ANNEXATION AGREEMENT FOR THE PROPERTY LOCATED AT 502 HITCHCOCK AVENUE

RESOLUTION 2015-34

Motion: Commissioner Olsen moved to adopt a resolution authorizing execution of an annexation agreement for the property located at 502 Hitchcock Avenue, as presented. Commissioner White seconded the motion.

Commissioner Hosé said he was glad to see this moving forward.

Mayor Tully welcomed them to the Village.

Votes: Yea: Commissioner Olsen, White, Waldack, Hosé; Mayor Tully

The Mayor declared the motion carried.

ORD 2015-6144 B. Ordinance: Annex 502 Hitchcock Avenue to the Village of Downers Grove, Illinois

This annexes 502 Hitchcock Avenue to the Village of Downers Grove.

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**AN ORDINANCE ANNEXING 502 HITCHCOCK AVENUE
TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS**

ORDINANCE NO. 5458

Motion: Commissioner Olsen moved to adopt an ordinance annexing 502 Hitchcock Avenue to the Village of Downers Grove, as presented. Commissioner White seconded the motion.

Votes: Yea: Commissioner Olsen, White, Waldack, Hosé; Mayor Tully

The Mayor declared the motion carried.

ORD 2015-6145 C. Ordinance: Rezone 502 Hitchcock Avenue from R-1, Residential Detached House 1 District, to M-1, Light Manufacturing District

This rezones 502 Hitchcock Avenue from R-1, Residential Detached House 1 District, to M-1, Light Manufacturing District.

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT
502 HITCHCOCK AVENUE**

ORDINANCE NO. 5459

Motion: Commissioner Olsen moved to adopt an ordinance rezoning certain property located at 502 Hitchcock Avenue, as presented. Commissioner White seconded the motion.

Mayor Tully noted that R-1 zoning is the default category upon annexation. The rezoning to M-1 is more appropriate with the property use.

Votes: Yea: Commissioner Olsen, White, Waldack, Hosé; Mayor Tully

The Mayor declared the motion carried.

7. First Reading

MOT 2015-6208 A. Motion: Award a Contract for \$367,087.00 to H. Linden & Sons Sewer and Water, Inc., Plano, IL, for the Chicago and Washington Drainage Improvements

Public Works Director Nan Newlon displayed a map showing the location of the project and the LPDA. It is located near the Washington and Chicago Avenue intersection. The existing storm sewer system is undersized with an inadequate capacity to handle the stormwater. This project will increase the size of the storm sewers by including replacement of larger pipes and new storm sewers. She noted that H. Linden and Sons was the low bidder of five bids received.

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ORD 2015-6205

B. Ordinance: Amend Parking Revisions on Douglas Avenue

Ms. Newlon displayed an exhibit showing the area, stating that there is an excessive parking of commercial vehicles on this short segment of Douglas Road, north of Ogden Avenue. Staff is recommending "No Parking Any Time" for a distance of 100' on the west side of Douglas and 65' on the north end of the east side of Douglas Avenue. The Transportation and Parking Commission heard this in September 2014 and voted 4-1 to approve this action.

ORD 2015-6206

C. Ordinance: Amend Parking Restrictions on Grant Street

Ms. Newlon said this is in the vicinity of Herrick Middle School and was reviewed by the Transportation and Parking Commission. Staff recommends extending the "No Parking" to 4:00 p.m. where the restriction is currently until 1:00 p.m. The Commission voted 5-0 to recommend the change.

ORD 2015-6204

D. Ordinance: Amend Parking Restrictions in McCollum Park Area

Ms. Newlon said this is a seasonal parking restriction from April 1 to November 1 to address resident concerns caused by increased seasonal use of the playing fields. Neighborhood meetings and Park District meetings resulted in the suggested parking restrictions, which more closely match the field usage hours. This was unanimously approved by the Transportation and Parking Commission at their April 8, 2015 meeting.

Commissioner Waldack said he would have had no problem if Items A-D were placed on the Consent Agenda since there was no discussion.

Commissioner Olsen responded that they could not be on the Consent Agenda since they were Ordinances. Village Attorney Petrarca confirmed that Ordinances cannot be placed on the Consent Agenda.

Dr. Goodman, 5834 Middaugh, commented on a procedural question on the Agenda information as the exact same background information is reproduced three times. He suggested that they place a heading on the page to refer to each of the three items, which would reduce the amount of paper used. That would reduce the amount of pages from six to two pages.

Bill Wrobel, 7800 Queens Court, spoke about the revision on Douglas Avenue noting that he was the dissenting vote because this is a dead-end street in a residential area. He commented that Douglas functions as a driveway for commercial entities there. He suggested vacating that street. It would revert to the users and they would have to pave and plow it. His colleagues felt it best to change the signage.

Mayor Tully replied that there is an established policy and owners can request a vacation of the street.

RES 2015-6193

E. Resolution: Approve Final Plat of Subdivision with Exceptions for 1350 35th Street

Stan Popovich, Planning Division Manager, made the presentation, showing a slide of the property in question, which is a wooded area. The petitioner is proposing to divide the property into seven lots with an outlot for a detention area. He said that the petitioner is requesting a plat of subdivision with two exceptions. The exceptions are for lots that will be only 70' wide, which would still meet the area requirements. Mr. Popovich said that staff believes the standards for exceptions have been met. He then showed the topographical map of the site which has a 15' elevation difference. Showing the elevation, he described the existing stormwater management and the proposed plan to capture water runoff in the

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detention basin in the outlot. He said the runoff from the proposed development will be managed through bioswales and will primarily be on site. He displayed drawings explaining how the water will move from the property into the stormwater detention basin and into the existing drainage pattern. Mr. Popovich commented that the petitioner will provide stormwater detention easements. They will be required to establish a Homeowners' Association and a Special Service Area.

Mayor Tully commented on the two exceptions saying that the purpose is to create a piece of property for stormwater management. He noted that this is a very challenging parcel. He asked whether the stormwater improvement will address the new construction as well as the existing situation, and Mr. Popovich said it will address both. The Mayor asked if the SSA can be amended such that if the system does not operate as designed, the SSA could be used to improve the system.

ORD 2015-6223 F. Ordinance: Amend Certain Provisions of the Downers Grove Zoning Ordinance

Mr. Popovich said that this ordinance allows for two text amendments. The first is to allow storage, processing and distribution in the O-R Zoning District, and the second is clarifying provisions in Art. 9 and 13. As for the first amendment, it allows as a special use the storage, distribution and processing of consumer ready products. The distribution is of finished products. He discussed the performance standards, such as limiting the size of the storage, processing and distribution use; limiting the type of produce to finished consumer ready products; limiting the distribution methods; and limiting the use of mechanical equipment. He then discussed the approval criteria, such as parking and circulation, building suitability and environmental factors. This amendment meets the intent of the Comprehensive Plan.

The text amendment for Article 9 clarifies that monument and freestanding signs in the DT, DB and Fairview Concentrated Business District include the street address. The second amendment clarifies the timeframe that signs in violation of the Sign Ordinance are required to be removed.

Mr. Popovich then addressed the text amendment for Article 13, which clarifies the location of fines to Chapter 1. He said that the text amendments are consistent with the Comprehensive Plan.

Commissioner José thanked staff, the Plan Commission, and the Economic Development Corporation for supporting the various changes, which are business-friendly changes.

Mayor Tully commented on the warehousing change, saying that there are protections through a Special Use that can be revoked as well as criteria to be part of the Ordinance. He agrees that this is a business-friendly change. He would like a method to measure the effectiveness.

Village Manager Dave Fieldman commented that this was brought to staff by a business in Downers Grove. Staff will work with the business community to make sure that other businesses know about this.

Bill Wrobel said he is happy to hear the reason for this amendment, and that it was initiated by a current business.

ORD 2015-6225 G. Ordinance: Rezone 4933 Rose from R-1, Residential Detached House 1 District, to R-4, Residential Detached House 4 District

Mr. Popovich displayed a map showing the subject area that is currently zoned R-1. The property was annexed into the Village in 2012 and came in as R-1 zoning. The owner is requesting R-4 zoning as the lot size is 50'x120'. R-1 zoning requires a 100' wide lot, and R-4 zoning more closely fits the subject lot size. He said that staff recommends approval of this Ordinance.

- ORD 2015-6226** H. Ordinance: Amend Planned Unit Development #9 with Deviations to Allow Construction of a Drive-Through at 1200 75th Street
- ORD 2015-6227** I. Ordinance: Authorize a Special Use for 1200 75th Street to Permit Construction of a Drive-Through

Mr. Popovich said he will address this and the previous item together. The request is to amend PUD #9 with deviations to allow construction of a drive-through and to authorize a Special Use to permit construction of a drive-through. He displayed a map of the area with the site located at 75th and Lemont Road, surrounded by commercial developments. The Dunkin' Donuts in question is in the BP Gas Station. Mr. Popovich said that the proposal is to install a drive-through lane for the donut store that would bisect the existing lot and would also revise the concrete sidewalk. The petitioner would install a fence. He showed a photograph of the site as proposed by the petitioner. The plan is to relocate the dumpster to the west of the canopy, as well as relocating the air pump and vacuum. The petitioner is requesting two deviations including a setback deviation on both sides. Staff has multiple safety concerns including pedestrian and drive-through conflicts, cars being located head-to-head, traffic backing out of the area, and a conflict of east and west traffic. Staff does not believe this meets the standards established under Section 7.130, and consistency with the Comprehensive Plan has not been met. He reviewed the criteria of a Special Use stating that not all criteria have been met. Therefore, staff does not recommend approval of the request. He noted that the Plan Commission recommended approval with a vote of 4-2. Mr. Fieldman said that the petitioner is present to make a presentation.

Patrick Romer is the small business owner of Dunkin' Donuts at 75th and Lemont Road. He said that providing the drive-through will create five new jobs. The business is currently losing money. He noted that customers have asked for a drive-through based on two concerns, which are a desire for convenience, and based on the history of the site, which had a previous drive-through. He noted that in the past few days they have collected 311 signatures on a petition requesting approval of a drive-through. They are proposing to mitigate in four ways including stop signs, gates, fences and barriers. He said that one Plan Commission member said that this plan may not be perfect, but the residents will figure it out, they always do.

Eric Carlson, introduced himself as architect of the original building and the previous Dunkin' Donuts and developers. He said that the present owner is realizing that he cannot operate without a drive-through. He explained that when the gas station was being built, there was a time element due to the Special Use, so plans for a drive-through were not included in the site development. Mr. Carlson referenced the Commercial Areas section of the Comprehensive Plan saying that the language supports this request. He quoted portions of the intent of the Commercial Areas section that includes strengthening the economy, creating new jobs and increasing revenue. He said Dunkin' Donuts is a well-recognized national brand and is growing rapidly. Losing Dunkin' Donuts at this location would be a sad event for the location and for the owner. He said the number of signatures they received in only three days shows that this drive-through is what their customers are looking for. Mr. Carlson commented that they feel staff's concerns have been addressed. The parking area has been pushed back to create a buffer zone. Any congestion would take place primarily two hours a day between the hours of 6:00 a.m. and 8:00 a.m. He noted that the average drive-through time is 90 seconds per person. In an effort to maximize space, the trash enclosure has been moved to the side. He did not feel there would be any impact from the garbage trucks, air pump or vacuum users. With regard to site lines, Mr. Carlson said they are nothing out of the ordinary. The handicapped parking stall is open 90% of the time. He noted that their peak stacking is six to seven cars. He displayed different exhibits depicting the proposed traffic flow, and addressed vehicle control. Mr. Carlson also showed photos of other quirky sites that seem to work.

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Commissioner Waldack commented that this location is in his neighborhood. He is concerned about the location and goes to the Dunkin' Donuts near 63rd and Cass. The subject location is often congested and the service is slow. He doesn't consider Dunkin' Donuts fast food because it takes more than 90 seconds to go through the line. He also has concerns about the traffic, and staff's report establishes that concern as well. He commented that this is a very busy intersection and he thinks this is too complex at this location.

Commissioner White said he looked at other drive-throughs in Downers Grove. The #1 comparable site would be the Starbucks on Ogden Avenue. He looked at the staff report and, although the Starbucks special use was recently approved, none of these conflicts were brought up.

Commissioner Barnett said the description of this as controlled chaos is correct. There is no compelling reason to deny this petition. He intends to support this.

Commissioner José said there are conflicts here but ultimately people will speak with their feet. He thinks they can trust people to figure the site out.

Mayor Tully said if it is backed up, people will simply continue driving.

A student at Downers South High School said that high school students go to the Dunkin' Donuts, and his concern is the safety of the students and others, but he thinks those concerns have been met.

8. Mayor's Report

REP 2015-6248

A. Report: Facilities Plan Status Report

Mayor Tully said that there was a Referendum on the April 7 ballot which was citizen-initiated and which resulted in an 87.6% no vote. He explained that the question put to the public was voted against. A large number of people were unclear or uncertain and had concerns about the project itself, its cost, risk, etc. The proposal is now off the table, but the issue has not gone away. He noted that there is uncertainty in Springfield. As time passes the costs may increase. He said that the issue regarding new facilities will be addressed as a community and will begin with the long-range plan.

9. Manager's Report

10. Attorney's Report

Future Active Agenda

Pursuant to Section 2.5 of the Downers Grove Municipal Code, the following are presented for Village Council consideration:

- An ordinance amending parking restrictions in McCollum Park area
- An ordinance amending parking revisions on Douglas Avenue
- An ordinance amending parking restrictions on Grant Street
- An ordinance amending certain provisions of the Downers Grove Zoning Ordinance
- An ordinance rezoning 4933 Rose Avenue
- An ordinance amending Planned Unit Development #9 with deviations to allow construction of a drive-through at 1200 75th Street

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- An ordinance authorizing a special use for 1200 75th Street to permit construction of a drive-through

11. Council Member Reports

Commissioner White said he attended a meeting of the Community Events Commission and is very impressed with the staff and members of the Commission. He looks forward to working with them in the future.

Mayor Tully wished everyone a safe and happy Memorial Day weekend. He said there would be a Memorial Day ceremony at Fishel Park.

12. Council Member New Business

MOT 2015-6246 A. Motion: Proposal to Amend Policy re: Preparation of Agendas

Motion: Commissioner Olsen moved to direct staff to place a proposal to amend policy regarding the preparation of agendas on a future agenda, as presented. Commissioner White seconded the motion.

Commissioner Olsen said this reflects the discussion held last week during the Retreat meeting regarding new business items to be discussed. It provides the public with notification of items that will be discussed in the future.

Commissioner White said he fully supports this, and said he thought they should also address when the public will be able to comment on these items.

Commissioner Waldack said he also supports this.

The Mayor called for a voice vote and the matter was adopted by voice vote.

The Mayor declared the motion carried.

MOT 2015-6247 B. Motion: Proposal to Amend the Zoning Ordinance re: Text Amendment Procedures

Motion: Commissioner Olsen moved to direct staff to place a proposal to amend the Zoning Ordinance regarding text amendment procedures on a future agenda, as presented. Commissioner White seconded the motion.

Commissioner Olson said this concerns the text amendment procedure in the Zoning Ordinance that can only be initiated by the Village Council, staff, Plan Commission or resident. This would allow the full benefit of a public hearing before the Plan Commission before Council consideration.

Commissioner Hosé said he supports this, saying that they should get as much information as possible before it comes to Council.

Commissioner Olsen said that this does not preclude the Council from initiating action.

Commissioner Barnett said he also has no problem with this change. He asked staff to think about ways to avoid the impression that what comes before the Council is a “done deal.”

Mayor Tully commented that the vote is to have staff do work and bring it back for a First Reading.

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The Mayor called for a voice vote and the matter was adopted by voice vote.

The Mayor declared the motion carried.

MOT 2015-6233 C. Motion: Proposal to Amend the Comprehensive Plan

Motion: Commissioner Waldack moved to direct staff to place a proposal to amend the Comprehensive Plan on a future agenda, as presented. Commissioner White seconded the motion.

Commissioner Waldack said he proposed language is to add the word “social,” which was intentionally removed from the Comprehensive Plan. He then provided a history of the Comprehensive Plan, saying it was reviewed and approved with the word “social” in it. This is a community plan that includes “community.” As to why the change is needed, Commissioner Waldack said that there have been issues that have come before the Council where people have called into question the motives of the Council.

Commissioner White said that the Comprehensive Plan calls for significant review every five years. This change would signal the philosophy of this Council. The change represented a majority of the Council but not of those involved in preparing it.

Commissioner José said he is concerned that this will be a panacea. Inserting the word “social” will not change any past votes, nor would it change his opinion on those votes. To think this is a solution to some of the ideas and developments that have taken place over the last few months is misplaced. What is needed is a review of the entire document.

Commissioner Barnett said he concurs with Commissioner José’s comments.

Mayor Tully commented that he thinks it is time to review the Comprehensive Plan. His preference is to look at it in a broader context; however, he has no problem going forward.

Commissioner White added that no one thinks this will be a panacea, but this is a first step in the right direction.

The Mayor called for a voice vote and the matter was adopted by voice vote.

The Mayor declared the motion carried.

13. Adjournment

Mayor Tully asked for a Motion to adjourn.

Commissioner Olsen moved to adjourn. Commissioner White seconded the motion.

Votes: Yea: Commissioner Olsen, White, Waldack, José, Barnett; Mayor Tully

The Mayor declared the motion carried.

Mayor Tully declared the motion carried and the meeting adjourned at 9:14 p.m.

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Respectfully submitted,

April Holden
Village Clerk