

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

11/3/2015

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

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

Council Attendance (Present): Commissioner Waldack, Commissioner White, Commissioner Vattimo, Commissioner José, Commissioner Olsen, Commissioner Barnett; Mayor Tully

Absent: None

Non-Voting: Village Manager David Fieldman; Village Attorney Enza Petrarca; 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 past meetings, an opportunity will be given for public comments and questions of a general nature. 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 Active Agenda and the First Reading.

The Mayor stated that at the appropriate time the presiding officers will ask if there are any comments from the public. Individuals wishing to speak, should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name. Remarks should be limited to five minutes, and individuals are asked to 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

MIN 2015-6501 — A. Minutes: Council Minutes - October 20, 2015

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

Mayor Tully declared the motion carried by voice vote.

4. Public Comments

This is the opportunity for public comments.

Don Jankowski, 1312 Blanchard, presented photographs of Blanchard noting that the sidewalk in front of his home is sunken. He was told by Village staff that the sidewalk could be repaired over two years ago, but no one has come out. Mr. Jankowski then showed pictures of the ditches, saying they cannot mow the area and ragweed is now growing there. There is also a drainage ditch with a pipe that extends 6" up from where the water flows. He then showed a picture of the other side of the pipe noting a dry waterbed. He said that they cannot park there. The neighbor's ditch to the east of him is filled with weeds and is also on Village-owned property. There is a one-foot deep rut that he described as "a ditch in a ditch." Mr. Jankowski said that Middaugh is about to collapse, and nothing has been done on Blanchard. He is very disappointed and angry with the situation and with the Council.

Mayor Tully replied that he was willing to walk the property at Mr. Jankowski's convenience. He said there is a grinder that can be used and he asked staff when that could be scheduled. The Mayor agreed that there is not enough investment in stormwater issues and maintenance. Stormwater is the #1 issue in the Village. He explained that curb and gutter is an expensive issue, and questioned what the revenue source for curb and gutter investment would be. In addition, the Mayor noted that it would take a good amount of time. The Mayor spoke about the watershed improvement plan with prioritized projects. That will also take time and funds to get the work done. He thanked Mr. Jankowski for bringing routine maintenance issues to the attention of the Council.

Mr. Jankowski responded that he is unhappy about the Village raising taxes when no work is done in his neighborhood, given the taxes he pays.

Mayor Tully reminded the residents that about 8% of the tax bill is from Downers Grove. He asked who in the audience had their taxes reassessed and noted that his own taxes increased by 13%. The Village does not control 92% of the tax bill. There are also unfunded mandates from Springfield that must be met.

Candace Hart, 5740 Walnut, brought additional information to the Council regarding items she presented last month about smoking in public places, and specifically the Belmont train station. She distributed photographs she took at the Belmont station of "no smoking" signs, noting that in the shelter area immediately outside of the signed area there are smoking receptacles. Ms. Hart then commented about the citizen's police academy and benefits that she raised last month. She read a recruitment on the Hoffman Estates website, saying it is a good public relations effort.

Ms. Hart then addressed the issue of emission rates from leaf blowers, referencing a study regarding the volume of particulates from leaf blowers. She quoted from a California study and noted that Winnetka has prohibited the use of leaf blowers. She suggested when the Village goes out for bids that they add a pilot program to those bids. She then thanked Dr. Goodman for his support.

Mayor Tully thanked her for her comments. He suggested that the Village's Environmental Concerns Commission might be able to look at this. He also mentioned that Downers Grove has a green business program.

Joe Sheldon, 516 65th Street, Willowbrook, commented that he holds an electrical contractor's license and recently received notice that the Village will no longer issue licenses. He took his examination in Downers Grove, which allows him to go to other communities outside of the City of Chicago. Mr. Sheldon said that there are few communities that test, and the State does not license. He asked the Council their motivation, and if there is any middle ground regarding issuance of licenses. He was unaware of any opportunity for public input before this happened.

Mayor Tully replied that municipalities are getting out of the business of issuing licenses. It comes down to risk management and being good stewards of the Village's money.

Mr. Sheldon responded that people would be more comfortable knowing that the electrician they hire is licensed.

Village Manager David Fieldman noted that the Village still requires a license, and will honor the license or a record showing an individual passed the International Code Council test. He commented that it saves the Village money and time for both Village staff and the licensees. The change means that people who use the Village's licenses elsewhere have an issue with the community where they are working.

Mr. Sheldon said he was given a list of other communities where he could be tested. It is not as easy as it seems and most electrical contractors find a niche, but there are areas they don't deal with. He noted that it would be a hardship for him, requiring him to go back to school and spend more money. He asked the Council to continue to license previously licensed contractors.

5. Public Hearings

PUB 2015-6509 — A. Public Hearing: Special Service Area #9 - 35th and Saratoga Subdivision

Mayor Tully called the public hearing to order at 7:30 p.m. to consider the formation of Special Service Area #9 (35th & Saratoga Subdivision) and the levying of taxes affecting said area. The special service area is located on the north side of 35th Street, approximately 160 feet west of Saratoga Avenue. An accurate map of said territory is on file in the office of the Village Clerk and is available for public inspection. Notice of this hearing was published in the Downers Grove Suburban Life on October 14, 2015, and a certificate of publication is made a part of these proceedings.

The Mayor summarized the procedures to be followed for the public hearing.

Community Development Director Stan Popovich said the Village is proposing establishment of Special Service Area (SSA) #9 for the 35th and Saratoga Subdivision. He showed a map of the area. The owner, Greenspace, has subdivided the property. The proposed SSA is a silent SSA and will serve as a safeguard in the event that the homeowners' association cannot or does not maintain the subdivision's common areas. The subdivision approval included the establishment of a homeowners' association to maintain the stormwater management facilities, including the detention basin, inlet structures and connecting storm sewers and associated landscaping, swales and grass areas. The SSA will allow the Village to levy a special tax on the property owners for the maintenance of the common areas if the homeowners' association defaults and the Village is required to step in to provide such maintenance. The Village would then assume responsibility for maintaining the common areas.

Mayor Tully noted that the process of establishing Special Services Areas was not always done. These were created as part of subdivisions and development projects holding the homeowners' associations responsible for the maintenance of the drainage facilities. This process has worked well.

There being no further comment from the public or the Council, Mayor Tully adjourned the public hearing at 7:35 p.m.

PUB 2015-6471 — B. Public Hearing: 2016 Budget

Mayor Tully called the public hearing to order at 7:36 p.m. to consider the proposed FY16 Budget. Notice of this hearing was published in the Downers Grove Suburban Life on October 14, 2015, and a certificate of publication is made a part of these proceedings. He then summarized the procedures to be followed for the public hearing. The Mayor noted that there have been numerous public meetings to discuss the FY16 budget.

Mr. Fieldman said he had no further presentation. The budget was published in late September and has been the subject of many public meetings. There has been one change to the budget: The General Fund expenses have been increased \$30,000 to allow for a contribution to the Meals on Wheels Program. Mr. Fieldman said property tax levies are part of the budget discussion which will continue through December.

The Mayor said budget discussions begin in May with a series of public meetings focusing on the Long Range Plan.

Commissioner Barnett asked whether there would be discussion on the budget on the Active Agenda as well. The Mayor said comments can be made now or when the item is presented on the Active Agenda.

Gordon Goodman, 5834 Middaugh, expressed support for certain items of the budget: \$30,000 to support Meals on Wheels and rebuilding the Community Development Department. He said the Village is not yet doing enough for the stormwater management system. He strongly encouraged the Council to work hard to try to accomplish that. There is a band-aid in this budget to transfer \$300,000; it is not enough, but it is all we've got.

Mr. Jankowski said he pays property taxes of \$19,000 annually. He is not getting the services he expects and does not see public improvements in front of his house for the Downers Grove portion of his tax bill, \$1,600.00. He receives subpar Village services and the Council wants to raise his taxes. He understands that there is an unfunded mandate from the State of Illinois that they did not expect; however, there has to be a fundamental fair allocation of resources for each property. He believes there are proposals to delay actions and he asked that the Council approve the tax increase next year. He said approving this today is a way to hide this from the public when the next elections occur.

The Mayor said that repairing the ditch is not the only service the Village provides. There are police and fire services, snow plowing, street maintenance, etc. He said he sympathizes with Mr. Jankowski, but noted that the Village had no choice with regard to the pension levies. The timing was driven by the State.

Mr. Jankowski said as he watches his front yard deteriorate he has trouble seeing that in terms of a tax increase.

Ms. Hart said the Village should be congratulated for the work that has been done and the decisions that have to be made. The budget is easy to understand. There are revenues from the State and federal government as well as sales taxes, etc. Enterprise funds are fee based. She said there could be opportunities to save 2-3% by updating the accounts and enterprise funds.

There being no further commented from the public or the Council, Mayor Tully adjourned the public hearing at 7:52 p.m.

6. Consent Agenda

COR 2015-6502 — A. Claims Ordinance: No. 6129, Payroll, October 2, 2015; No. 6131, Payroll, October 16, 2015

BIL 2015-6503 — B. Bills Payable: No. 6224, November 3, 2015

RES 2015-6516 — C. Resolution: Authorize the Sale by Public Auction of Personal Property Owned by the Village of Downers Grove

Summary: This authorizes the sale by public auction of personal property owned by the Village.

A RESOLUTION AUTHORIZING THE SALE BY PUBLIC AUCTION OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF DOWNERS GROVE

RESOLUTION 2015-73

RES 2015-6499 — D. Resolution: Authorize an Access Agreement with Met-Coil Systems, LLC

Summary: This authorizes an agreement with Met-Coil for roadway access.

A RESOLUTION AUTHORIZING EXECUTION OF AN ACCESS AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND MET-COIL SYSTEMS, LLC

RESOLUTION 2015-74

RES 2015-6518 — E. Resolution: A Resolution Urging Illinois State Leaders to Release Non-General Fund Revenues Payable to Local Governments

Summary: A resolution for the release of municipal funds.

A RESOLUTION URGING ILLINOIS STATE LEADERS TO RELEASE NON-GENERAL FUND REVENUES PAYABLE TO LOCAL GOVERNMENTS

RESOLUTION 2015-75

Mayor Tully said this resolution joins those of other municipalities in demanding release of non-general fund revenues to local governments. These are dollars that the Village and other municipalities are supposed to receive that we have not yet received and amounts to more than \$1 million to the Village of Downers Grove. He is grateful the staff has been able to work around the situation. We are working hard to pressure Springfield, and he is glad this resolution is being put forward with other communities. He noted that the individual municipalities are the frontline of services. Springfield does not plow streets or provide safety and fire services. When snow falls, the Village doesn't care whether it is red or blue snow, it must be plowed. The Mayor expressed his dissatisfaction with what is taking place in Springfield. This item is part of our effort to try to influence State legislators.

MIN 2015-6498 — F. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Architectural Design Review Board - September 30, 2015; Architectural Design Review Board and Ad Hoc Subcommittee on Historic Preservation - October 7, 2015; Environmental Concerns Commission - February 12, 2015; Library Board - September 23, 2015; Zoning Board of Appeals - August 26, 2015

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

Votes: Yea: Commissioners Olsen, White, Waldack, Vattimo, Hosé, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

7. Active Agenda

ORD 2015-6460 — A. Ordinance: Authorize a Special Use for 2212 Ogden Avenue to Permit an Automobile Fueling Station

Summary: This authorizes a special use for 2212 Ogden Avenue to permit an automobile fueling station.

AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 2212 OGDEN AVENUE TO PERMIT AN AUTOMOBILE FUELING STATION

ORDINANCE NO. 5490

Motion: Commissioner Olsen moved to adopt "An Ordinance Authorizing a Special Use for 2212 Ogden Avenue to Permit an Automobile Fueling Station," as presented. Commissioner White seconded the motion.

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

Nay: None

Mayor Tully declared the motion carried.

ORD 2015-6461 — B. Ordinance: Adopt the Fiscal Year 2016 Budget in Lieu of Passage of an Appropriation Ordinance

Summary: This adopts the fiscal year 2016 budget in lieu of an appropriation ordinance. As provided by law, proper notice has been given, the budget has been available for inspection for at least ten days, and a public hearing was held on November 3, 2015.

**AN ORDINANCE ADOPTING THE FISCAL YEAR 2016 BUDGET IN LIEU OF PASSAGE OF AN
APPROPRIATION ORDINANCE**

ORDINANCE NO. 5491

Motion: Commissioner Olsen moved to adopt "An Ordinance Adopting the Fiscal Year 2016 Budget in Lieu of Passage of an Appropriation Ordinance," as presented. Commissioner White seconded the motion.

Motion: Commissioner Barnett moved to amend the motion to adopt the Fiscal Year 2016 Budget in accordance with suggestions made in an email on Friday, October 30, 2015. Commissioner José seconded the motion to amend.

Mayor Tully asked about the timeline regarding the motion to amend the budget. He said that the Council started talking about the budget process in May or June. The State mandate was known in April/May; yet, he's presented with the proposal from Commissioner Barnett on Friday, October 30. He is disappointed that this is being presented now and not earlier, and he is puzzled as to the six-month delay. He commented that the first he heard about this was on Facebook and in an article on the Patch. Before he was given the information there was apparently a social media campaign under way. He asked whether this is the way the Council will conduct itself moving forward instead of addressing issues in meetings in front of the public. The Mayor said he received comments from people who knew about this from Facebook before he knew about it, and he is very disappointed about the timing and manner in which it was brought forward. It causes him to question the good faith of the presenter.

Commissioner Barnett replied that he cannot speak to the Facebook question. The first movement of this issue was in reaction to the Mayor's suggestion that Commissioner Barnett bring back a recommendation last week. It took a while for him to get the specifics down. The information was given to the Manager before the Facebook post was made. Commissioner Barnett said that when he asked about this in previous meetings, no one answered. The Commissioner said he works for the public. As to whether there will be another process like this, he doesn't know. The timing is an interesting question. He commented that there is no need to pass the budget tonight. Long range plans do not carry dollar amounts with them. They are intentions and priorities and are planning discussions. Commissioner Barnett said he started the discussion when the pension levy amounts were presented. He brought the specifics that the Mayor asked for as soon as possible. He said that as far as the budget is concerned it is necessary by the end of the year, which is 60 days away. He said this was not sprung on everybody.

Mayor Tully replied that the proposed budget has an unfunded mandate regarding the pension levy, and the primary driver of this Motion is the State-mandated public pension. That was made known in April/May. The Mayor then referred to a quote by Commissioner Barnett in a meeting on July 7, 2015 as follows: "*We should consider a policy as it relates to pension costs and property taxes. Those are commitments we have made and we have to pay the costs. The policy would be to raise property taxes to cover pension costs even if the Village*

experiences other operational reductions.” The Mayor noted that the quote was taken from the minutes and he didn’t have an opportunity to listen to the actual discussion. The Mayor said there were many opportunities during long range planning to raise these issues. Mayor Tully added that the budget was slated to be passed tonight because there was no direction to staff regarding the \$900,000 pension amounts. He agreed that Commissioner Barnett first raised this, but it was raised very generally.

Commissioner Barnett said he was trying to encourage conversation to that point. He asked the Mayor whether that discussion was ever held.

The Mayor replied that they should have had that discussion, but they did not which is why he is questioning the timing and the manner in which this was raised. He is prepared to discuss, in public, the proposals put forward.

Commissioner White called for a Point of Order. It violates parliamentary procedure to have an interchange between Council members.

Commissioner Barnett stated that if everyone thinks there are no efficiencies to be found, there is no need for further discussion.

Commissioner José commented that the minutes that were read had, at the end of its statement, “even if the Village undergoes other operational reductions.” He thinks that what they are talking about is other operational reductions. There is an \$893,000 tax increase being pushed on the Village by Springfield, but it doesn’t make the impact less. He said that the Village should do everything it can to mitigate the tax increase being pushed on the Village by Springfield. Commissioner José said they should keep taking about the long range planning issues including stormwater. He thinks keeping property taxes flat is the right backdrop while continuing the discussion.

Commissioner White asked whether the proposal contemplates increasing the stormwater utility. Commissioner Barnett replied that the Motion does not include any commentary about moving \$300,000. He thinks it is wrong to run a utility. Commissioner White then asked if the proposal is to reduce the stormwater by \$300,000, and Commissioner Barnett responded that it was.

Commissioner José noted that the stormwater utility fee level has not yet been set. He would be in favor of not reducing the expenditure. It is just a matter of where the revenue is coming from. There are serious stormwater issues and a plan to solve them.

Commissioner Barnett stated that this started on a tough note, but they have an opportunity to set a budget. He doesn’t understand the logic that they should not consider an amendment because this came at a late hour. It does not have to do with when it was brought up or how it came to the discussion. The question is whether they have the opportunity to mitigate unfunded mandates. He believes that the Village has that opportunity and the impact is de minimis. He wants them to face the issue now, and save residents some of the pain that Springfield has placed upon the Village. The Village’s logic going forward has been short-term reacting. He said that the amendment only makes two changes to the budget, and he hoped everyone would consider the amendment and move it forward.

Commissioner Olsen said if they pay attention to what has been happening in the State of Illinois and the City of Chicago for decades, there is a trend to defer capital projects. He said that recently the Governor was at the Thompson Center and said he intended to sell the Thompson Center, which was built in 1985 and has fallen into disrepair. Commissioner Olsen said he has been pleased to see that Downers Grove has a commitment to maintaining infrastructure. This commitment is a step in the right direction toward sustainability and being mindful of the residents. He is concerned about a proposal that would be moving toward a system not unlike the State or City of Chicago. He doesn’t see the justification. When a parking lot that is in poor condition is going to have to be repaved, each successive year it is delayed the project becomes more expensive. The sidewalk project is seeking to enhance connectivity on Ogden Avenue. Commissioner Olsen commented that he hates to see projects that are scheduled for next year delayed, resulting in higher costs in future years. He does not see deferring projects or using the fund balance as being fiscally responsible. Council must live up to their commitments to the residents of Downers Grove. He cannot support the proposal. He doesn’t like to raise taxes but will make responsible decisions for the community. He said he will oppose the amendment.

Commissioner White expressed his strong agreement with sticking with the stormwater utility expenditure plan in place. There are no savings in the proposal presented. Item 4 of the proposal does not result in savings to the taxpayers. He wants the stormwater utility to go to maintenance – only maintenance and the 100-year replacement plan. He will advocate that capital projects will be paid with property taxes at that time. He noted that Items 1 and 2 kick the can down the road. Taxes will go down but long-term costs will be higher. With regard to Item 3, he thinks it is irresponsible to draw down the fund balance. It is a small amount of money but a symbolic step.

Commissioner Vattimo said she would vote against the amended Motion. She has discussed proposed deferrals with the staff, and the parking lot project has been delayed once already and will cost more. She wants them to move forward as planned. She thinks the Ogden sidewalk project should move forward as well. The \$300,000 transfer allows a freeze on a rate increase while still moving forward with projects. She said that she hopes Mr. Fieldman and staff can bring Village expenses under budget. She thinks it would be irresponsible not to pass this budget.

Mayor Tully thanked the audience for their patience, noting that people in the audience might be present for another topic. He understands they are waiting, but the budget discussion is important.

Commissioner Waldack said he opposed to the amended Motion and would comment further when they arrive at the budget vote.

Commissioner José explained that the Village's AAA bond rating would not be threatened. As for Ogden Avenue, its connectivity is important and they would be moving forward with it within the TIF with money already in the account. He noted that the transfer of the \$300,000 does allow a way to freeze the stormwater utility fee. Certain people on the dais are interested in eliminating the utility but have not had the political will to do that.

Commissioner Barnett said that the stormwater utility fee is not set. It has been negotiated for the three years it has been in existence. He noted that as far as Ogden Avenue, there is sidewalk work that would still happen. The proposal is not simply to stop the sidewalk construction. He said that the parking lot \$400,000 savings is discounted. It makes the assumption that the work will be done at a higher cost. The increase in pensions has varied an average of \$229,000 per year. Commissioner Barnett said that they could reduce the tax impact by half by slowing the Ogden Avenue sidewalks and delaying the parking lot work. He thinks the comparison to the State of Illinois is wrong. No one on the dais would sacrifice the bond rating, and the \$95,000 they are discussing will not sacrifice the bond rating. Comparisons to the State are not suggested. This is a simple delay.

Mayor Tully commented that he is disappointed that they did not start this conversation four or five months ago. In the last 4-5 years, the tax levy has only been adjusted for public pensions. They have reduced head counts and cut expenses. He noted that the Village has accomplished that due to a culture of fiscal responsibility. The proposal runs counter to that fiscal responsibility. The Mayor noted that the Village of Downers Grove has put forth a balanced budget. The increase is only the result of Springfield's mandated public pension funding. He wants the public to know that it is the fault of Springfield. He said that he does not want to be an apologist for Springfield. Springfield wants and expects the Village to soften the blow. He reiterated that the reason residents are paying the additional tax is because of Springfield's actions. He believes it is a mistake to defer capital projects. The Mayor said that the philosophy in Downers Grove was to defer projects to avoid tax increases. He's concerned about reversing the course at this time. He is adamantly opposed to any reduction in funding of stormwater. He said he has more experience in the Village than the two proponents of the proposal, and remembers back 15 years or more when projects were delayed. He argues that they should fully fund the stormwater funding. Deficit spending is not a good idea, and it is not good policy. They should go forward with the budget. He will continue to demand responsible pension reform.

Commissioner Barnett commented to the public and said they should not hesitate to come forward and speak.

1. Mr. Jankowski asked if the Commissioners believe that the reserve should be higher than required. The Village has a stormwater utility and he doesn't want them to push it into his taxes. He wants them to carry the discussion to the right place.

2. Mike Busse, 5472 Bending Oaks, said that most people attending the meeting are there for a different reason. He asked how the agenda was set. This discussion should have been worked out before the Council members arrived at the meeting. It could have been more streamlined. They should have ironed out their differences before they arrived.

3. Marge Earl, 4720 Florence, commented to the audience that this is grandstanding. She said she is at the meetings every week and knows that this is for the benefit of the audience. She said that the discussion on the dais was put on for the benefit of the audience. Mayor Tully asked Ms. Earl to address the Council.

Commissioner José replied that it is not Commissioners who set the Agenda. It is between the Village Manager and the Mayor. Neither he nor Commissioner Barnett set the agenda.

Mayor Tully noted that the amendment was made tonight and was first made available to the Council on Friday morning.

The Mayor asked for a roll call on the motion to amend the fiscal year 2016 budget.

Votes: Yea: Commissioners Barnett, José

Nay: Commissioners Olsen, White, Waldack, Vattimo; Mayor Tully

Mayor Tully declared the motion failed 5:2.

Commissioner Olsen asked about comments on the Motion for the Budget as he considers it the most important vote of the year. He is pleased that they are ready to vote after extensive discussion. He thinks this is a good budget. The State faces major challenges. Commissioner Olsen said he is proud that the budget holds the line on taxes and fees. He thanked staff for their work and efforts to hold the line on the budget. They are again reducing the head count and continuing the culture of being mindful of the taxpayers' dollars.

Commissioner Waldack extended his compliments on the strong sense of justice and integrity and consistency. He said that elected officials should be consistent. Everything has gone up in cost, except gasoline. The Village's portion for Village operations is not going up. The tax increase is due solely to Springfield. He asked that they have a policy that attacks pensions. Every taxpayer should know who is responsible for the pension tax increases. His loyalty is to Downers Grove residents. He will support the budget.

Commissioner José thanked the staff for all their work. Regarding deficit spending, this is a deficit budget.

Commissioner Barnett said he would not support the budget. Operational decisions in the past are not an indictment of the Council or staff. The proposal that failed would have provided the opportunity to do what the Village has done in 2009, 2010 and 2011.

The Mayor asked for a roll call on the motion to adopt the fiscal year 2016 budget as presented.

Votes: Yea: Commissioners Olsen, White, Waldack, Vattimo; Mayor Tully

Nay: Commissioners José, Barnett

Mayor Tully declared the motion carried 5:2.

8. First Reading

ORD 2015-6474 — A. Ordinance: Rezone Certain Property Located at 2515 Hadow Avenue

Mr. Fieldman said this is a request to rezone the property at 2515 Hadow Avenue from R-1, Residential Detached House 1, to R-4, Residential Detached House 4. When the property was annexed, it was brought into the Village under the default R-1 zoning. The R-4 zoning is the proper zoning for the area.

ORD 2015-6475 — B. Ordinance: Authorize a Special Use for an Animal Boarding Facility at 941 63rd Street
Community Development Director Stan Popovich said that the property is located east of the southeast corner of 63rd and Main Streets, and has an existing veterinary clinic on the property. The petitioner wants to rezone the property to a hospital/veterinary clinic/boarding facility. He then introduced Jason Sanderson, representing the petitioner for this special use.

Jason Sanderson commented that the site is in desperate need of repair as is the building. He introduced others with him including architect Mike Matthys, Dr. Tony Kremer and Dr. Gustafson who owns and operates the clinic. A sound engineer was also present with them.

Dr. Tony Kremer thanked the people who came to the meeting to support this project. He has done this type of project before and is grateful for those in support of this. He and Dr. Gustafson are friends. In order for the business to succeed, the hospital needs to bring on more services that will allow for better medicine. This would bring the site to a world-class facility. They have found that the ancillary services more than pay for the renovation of the facility. The veterinary practice alone is not paying the bills, and that will result in an abandoned facility and property.

Mike Matthys, architect, distributed booklets on the proposed changes to the site. He said that his firm has constructed over 90 animal hospitals and clinics nationwide. They have award-winning facilities. The existing facility has been part of Downers Grove for more than 40 years and was well established. The existing building is 3,200 square feet. This proposal is to construct a two-story building that will include veterinary services, surgeries, physical therapy, dog day care, training classes, adoptions and boarding. Mr. Matthys showed the proposed building site, saying the building will relocate to the west side of the property. They will relocate the trash containers and fencing at the south line. He noted that the new construction would incorporate further separation from the residential area. All boarding is proposed within the building. There will be a small outdoor exercise courtyard, 17'x24' in size. The landscape area will be increased. Mr. Matthys explained that the distance from the outdoor area to the nearest house to the south is 190', and to the east is 140'. The proposed building height is 30', although the zoning allows for a 35' structure.

Mr. Sanderson noted that they have not asked for any variances.

Mr. Matthys continued stating that the special use is for the indoor building. Setbacks are 40' to the north, 74' to the east, 0' to the west and 59' to the south. The Comprehensive Plan designates the area as neighborhood commercial, and it is located near a grocery store and bank. The Economic Development Corporation encourages renovation and redevelopment of aging shopping centers and commercial areas in the Village. In addition, he noted that according to the civil engineer, stormwater issues on the site would be fixed.

Mr. Sanderson then stated that the runoff would be reduced by 2,000 square feet. Mr. Matthys noted that a photometric plan has been prepared. He reviewed the floor plan, explaining that boarding will be contained within the building and enclosed without operable windows. The site line between animals is reduced to minimize barking. They will meet the Noise Ordinance of the Village. He further described the building materials, stating that some windows have been removed from the plans.

Mr. Matthys noted that Dr. Kremer is involved with the Countryside Veterinary Center, the Animal Care Clinic of Geneva, and the Downers Grove Animal Hospital on Ogden Avenue. Boarding will be contained within. The amount of noise is minimized with sound absorption construction and will meet the Noise Ordinance. If they do not maintain the requirements regarding noise, they have been informed at the Plan Commission meeting that the special use can be revoked. The building architecture is brick, with masonry and metal panels. At the Plan Commission, concerns were expressed about windows facing south. He noted that changes were made to the plan to eliminate those windows. He showed renderings of the project.

Mandy Kachur of Soundscape Engineering said they were retained to work on this facility to control the noise. Methods include sound absorption, sound barriers, and location. Her firm has worked on about 300 projects and has been in existence about five years.

Mr. Sanderson noted that the staff at the clinic prepared a petition and obtained over 160 signatures in favor of this facility. He also had a letter of support from a resident from 952 Meadowlawn who was unable to attend.

Commissioner Vattimo said that this is in her neighborhood. She asked whether they met with people residing on Meadowlawn. Mr. Sanderson replied that they printed off a submittal package and went door to door to the surrounding area. An impromptu meeting was also held with residents.

Commissioner Vattimo noted that people are concerned about the noise issue. She thought that the place was closed. It is in disrepair. The Commissioner said she thinks it will add to the neighborhood, but she understands the concerns about the noise.

Mr. Sanderson replied that two issues have been raised—odor and noise. They do not want complaints from neighbors and they take the concerns expressed seriously. Dr. Kremer operates several of these types of facilities and doesn't want complaints from neighbors either. Staff is aware of how to deal with odor issues and behavioral issues with the dogs.

1. Debbie Laughlin asked if the noise could be defined. Commissioner Vattimo said that the noise would be barking. Ms. Laughlin said the dogs would not be allowed to sit out all day barking.

2. Peter Gabor, 6901 Dunham Road, owner of Cedar Lane Kennels since 1977 expressed his opposition to the boarding facility due to the location, size, noise, and traffic. The facility proposed in on one-half acre. He has no problem with the animal hospital. The photos shown by the petitioner are a beautiful representation, but no one sees the inside. He visited a similar facility in an industrial area. This does not belong at this location. Dr. Kremer specializes in double stacking his facilities. Mr. Gabor said he visited Dr. Kremer's facility in Plainfield on a Sunday, which was on a larger property in an industrial area. Mr. Gabor said that Cedar Lane Kennels is grandfathered in and is on three acres of land. He referenced a letter he received from Dr. Jobe whom he has known since 1977. Dr. Jobe expressed negative thoughts on Dr. Kremer's proposed facility. There is only one ingress and egress onto 63rd Street, but there will be veterinary clients, training, boarding traffic, etc. He said that training will more than likely be held at night and traffic will be unbearable.

Mayor Tully said that Mr. Gabor is focusing on operational issues and not special use criteria.

Mr. Gabor continued, commenting that if one dog barks, 60 will bark. He then addressed the hours saying that Saturday hours are 7:00 a.m. to 3:00 p.m., and Sunday from 9:00 a.m. to 1:00 p.m. He asked what happens to the dogs between 3:00 p.m. Saturday and 9:00 a.m. on Sunday. He thinks they'll mess inside. He asked what would happen when the capacity increases from 60 to 120 animals. Mr. Gabor asked who owns the real estate. Dr. Kremer does not practice veterinary medicine. Dr. Jobe said he sold the business to Dr. Gustafson but not the real estate. Mr. Gabor said that Dr. Kremer does not practice veterinary medicine, and Dr. Jobe did not know what was being done by Dr. Kremer. Mr. Gabor said that if the Council was looking to the future of Downers Grove, they would not put this type of facility in a residential area.

Commissioner Waldack asked Mr. Gabor how many animals he boards. Mr. Gabor said he could board up to 70 dogs with 70 dog runs.

3. Susan Callahan, 20 W 481 Westminster Drive in the Township, said she has lived in the area since 1976. She and her husband have owned dogs for 26 years. They have four dogs, and they welcome the opportunity to board dogs where there is veterinary service available. She encouraged the Council to vote in favor of the special use. She said that the concerns expressed are speculative. This would have a positive economic impact on the revitalization. She said that Ordinances are in place to protect the community with regard to the regulations of the special use.

4. A resident who has lived in the community for many years said she has seen development, stagnation and decline. This would be an asset to the Village.

5. A Woodridge resident spoke who works at the clinic. She started out cleaning the clinic, and now walks the dogs and takes care of the cats. The new building would be an asset to Downers Grove, and would bring in jobs, revenue and clientele. She believes in this project. The employee said that regarding noise and odor control, she takes care of the animals and stands behind the clinic and their desire to improve.

6. Cinda Lester, 644 67th Street, said she has lived there for the last ten years, is a licensed architect and village planner. She lives in El Sierra neighborhood. Her dog was at the Downers Grove Animal clinic every two weeks until she died at age 13. The majority of the opposition comments are related to the height of the structure, their privacy and other issues that are not related to the special use criteria. The Zoning Code allows the height. Without the boarding, the building could be built without any hearings. The market will determine if this will work. The staff cares for the animals and will continue to be good neighbors. The building could be built considerably larger according to the Ordinance. Talking to neighbors proves that they are good neighbors. She supports the construction of this new facility.

7. Bob Janis, 948 Weatherbee Court, said as you approach a kennel you can hear noise if you are within a mile. The noise travels upward and residents will hear it. Adjustments to the plans have been made quickly. Mr. Janis said he doesn't find the comments made by the petitioner believable. Not all the neighbors on Meadowlawn were contacted. Mr. Janis said he wonders where a facility like this belongs. Neighborhood owners are entitled to quiet enjoyment. He is hearing from people who do not live nearby, and they will not hear the dogs. He also addressed traffic issues at the intersection. He believes consideration around a different location is in order. This facility is not needed and neighbors do not want it in their backyard.

Mayor Tully pointed out that this use is allowed in this location. He then addressed the criteria for a special use: 1) it is authorized in the district, which this use is; 2) it is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community; and 3) will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

8. A resident stated that any dog will bark and will eventually stop. Her dogs get the best care at the clinic. She needs a place to board her cat, and the location is wonderful.

9. Robert Nolan, 922 Meadowlawn, has lived at that location for 48 years, and lives 200' from the proposed new structure. He is against the special use due to the boarding and rescue. There is not enough room there. A two-story building does not fit in the area. He said that there are many accidents in the area, and this building is too small for what they want to do. They belong in an industrial area, and the existing business is failing. If they want to rebuild the animal hospital, that is fine, but not a two-story building.

10. Cheryl Alice, 927 63d Street, said she is an immediate neighbor to the east of the property. There are no noise or smell issues. She would welcome the new building as it is a major upgrade to the property. She and her husband went to the Countryside facility and saw and smelled nothing. She doesn't think it will affect property values. She also had a letter from another neighbor who welcomes this proposal.

11. Beth Charvet of Westmont said she had no reason to believe the dogs will be left to bark. She is a registered nurse and is licensed. She expects the staff and facility to be licensed and expects that the facility will be critiqued.

12. A resident said it is tough to ignore the character of the veterinarian and his staff. They will bring a lot to the character of the community. Dr. Gustafson will be successful wherever he goes.
13. Joe Domijan of 907-911 71st Street said that this proposal was in three other jurisdictions and turned down. He said that they heard nothing with respect to a market analysis.
14. Michelle Johnson said that her dog has anxiety and it will help to know that she would be where people know her.
15. Charlie Echert, 901 Meadowlawn, said he is not objecting to the facility but to its size. This is a neighborhood setting and the facility is not necessary. There are 42 other facilities. He said they are importing dogs to bark in their neighborhood. A realtor stated that this will hurt property values. It is also a health issue. He will hear these dogs and it will be a constant noise. Studies prove that noise is injurious. He was not contacted by the petitioner and does not want a 24/7 operation with dogs barking. This is an industrial scale business in a neighborhood, and has to be turned down on these grounds.
16. Debbie O'Dell, 904 55th Street, said she has been a resident since 1965. As a new client to the clinic, she hopes this will be approved.
17. Joseph Kala echoed the support of the special use permit. Dog barking is annoying, but this will be controlled. This replaces a facility and will bring growth in the area. He asked the Council to grant the special use.
18. Mary Hertz has worked for the clinic for ten years. They have received many calls asking if they will board dogs.
19. Alan Main commented that he is a veterinarian and owns a clinic in Westmont. He has studied Dr. Kremer's facilities, and in touring those facilities the runs are divided into four parts. The motive behind the boarding is financial. A large number of staff would be required to care for the number of dogs they would be boarding.
20. Dr. Jerry Jobe, 16 N. Heather Lane of Darien, said that some of the complainers don't want competition. He bought the property in 1970. There have been no complaints in 45 years of his business at that location. This project is the best thing to happen in south Downers Grove in 15 years. Downers Grove issues and controls the special use permit. He referenced an email from 952 Meadowlawn who supports the proposed facility. Four out of five people closest to the new facility are for it. He asked the Council to approve the special use.
21. Karen Pospisek, 5619 Webster Street, said she would like to have a place to board her dogs and cats. She has worked for the clinic as a kennel tech, and now as a vet tech. Dogs don't bark constantly. Barking dogs are stressed dogs.
22. A resident at 965 Rogers Street spoke in favor of the special use. They have taken their dog to three of Dr. Kremer's facilities. It is important to have choices. This will benefit everyone.
23. Justin Grimm, 930 Meadowlawn, asked that the Council reject the permit, as it would be detrimental to property values. An impartial realtor the neighbors commissioned said it would be about a 3%-5% loss. It is grossly misleading to say that the neighbor at 952 Meadowlawn supports this, as he has not been living there for years.
24. Kim Echert, 901 Meadowlawn, said that permission should not be granted for boarding. She spoke about the noise and the decibel levels. There is a problem with traffic and general safety in the area. With regard to the dog day care, they would be dropped off in the morning during rush hour traffic. As to need, there are 42 facilities within a five or ten mile radius. This will be injurious to neighbors' real estate values.
25. Jessica Maciaszek, 7326 Baybury, is an employee of the animal clinic. She commented about concerns about sound. They will not allow the noise to grow to an annoying level. She does not think noise will be an issue. It will be a beautiful facility.

26. Bob Pinelli, 925 Meadowlawn, said that the clinic hasn't changed in 25 years. He said he will smell odors from the facility and will see a 35' building on his street. He addressed the traffic situation saying traffic will be coming down his street. He asked if it could be modified if there is sound and smells after it is built. Mr. Pinelli said he has a problem with the boarding of 60 dogs in a confined space. He asked that they either modify or change this.

27. Jon Povlivka said that this is a special use for a boarding facility. The Council could dictate a reasonable and humane number of animals that could be kept on the premises. He heard that the building, parking lot and fence are in disrepair. He thinks that is a poor reflection upon the ownership and the Village's inspection staff.

28. A representative from the Downers Grove Animal Hospital said that Kremer did their hospital and they have had no complaints about noise.

Mr. Sanderson commented in response to a former statement that Dr. Kremer does practice medicine. Dr. Kremer said he does a number of advance medical procedures. Mr. Sanderson also noted that they do work for humane societies. Staff members are passionate about taking care of animals. Animal hospital design has advanced in the last 25 years. He has no idea where the figure of 100 animals came from. Spaces for pets have grown. With regard to sound, traffic and property values, Countryside has had no complaints in 1-1/2 years. As for parking, they are over the required number for parking spaces. The Westmont denial was a different situation. This is an expansion. The clinic has been there since 1970 and if property values were to be affected, it already would have occurred. Mr. Sanderson addressed the issue of traffic, saying that they reached out to DuPage County and were told to wait until the full submittal is completed. He stressed that there will only be five animals outside at one time, which allows them to get the dogs in quickly if they are barking. As for sound and odors within the facility, they use state-of-the-art facilities.

Mayor Tully thanked the public and the petitioner for their presentation.

Village Manager Fieldman noted that Items 8C-8E all relate to the property located at 904-910 Curtiss Street. Community Development Director Stan Popovich made the presentation.

ORD 2015-6477 — C. Ordinance: Rezone Certain Property Located at 904-910 Curtiss Street

Mr. Popovich explained that the subject property involves a PUD request with rezoning and a special use request. He displayed an overhead projection of the location saying the proposal is to redevelop the site into a 3-story mixed-use building. He showed the elevation drawings on Curtiss and Washington. There are downtown design guidelines that have to be met in terms of the overall design. This is part of Catalyst Site 13 and will house a mixed-use building that is transit oriented. The building creates a sense of enclosure. The requests are for rezoning and special use. He introduced the team involved with this site.

Tim Penavic stated that he is speaking on behalf of his family. They are a family-owned business managing income-properties since 1986, and have been in Downers Grove since 1999. He named other buildings they have managed in Downers Grove. Their profile is to leave every building better than when they found it. He said they are aware of the importance of their relationship with their tenants and listen to tenant concerns. He has lived in one of their buildings himself. Mr. Penavic said they have worked with the Village to improve their building at 910 Curtiss and have worked with Chris Lavoie to find a solution to the project. As a result they have come up with a two-phased plan to allow tenants in 910 Curtiss to remain during the construction.

Chris Lavoie of C.M. Lavoie and Associates said that his firm has done several projects in downtown Downers Grove. This plan includes work with staff, the community, Downtown Management Corporation, etc. The petitioner in this case lives in Downers Grove, and this plan addresses the displacement of people who presently live there. They have had meetings with the tenants and the plan is to knock down the building to the east as Phase 1 and construct a 24-unit building. Overall, the plan is to have a 48-unit building with 64 parking spaces, although 67 are required. He said that they are asking for zoning deviations. The shape of the lot is oblong and creates a corner that makes it difficult to maintain the corner build-to zone. They are requesting a minor deviation for parking as well to provide 64 spaces instead of the required 67. They are also providing outdoor parking spaces for visitors, guests, deliveries, etc. Mr. Lavoie said that they are addressing neighborhood comments expressed by the existing tenants, and they anticipate a spring start. Staff has made 11 recommendations and the Penavics are fine with all except one, and they intend to work with the staff to mitigate the issue of the Certificate of Occupancy.

Charles Smith, Architect, said his specialty has become mixed use. He provided information on his background. Mr. Smith discussed the unique aspects of the building, showing elevation drawings on Curtiss and Washington Streets. He described the differences in the brick materials used, and the setback variations. There will be 12 apartments per floor and four floors in all with a variety of floor plans and sizes.

Commissioner Waldack expressed a concern because the last several projects have been short on the required parking, and this one is also short on parking. He asked about the provision of handicapped spots. Mr. Smith replied that they are three stalls short, and they have increased most of the stalls to 9' stalls. The three parking stall deviation is within the parameters of what is required. Handicap spaces meet the ADA requirements, and every apartment will have assigned stalls.

Mr. Lavoie said they can add one or two spaces on the front, but they would rather have landscaping there instead.

Commissioner Barnett commented on density comparisons and asked if they can provide parking comparisons. He said everything about this appears to meet the guidelines with the exception of the build to. He asked about the intent of the build to, and asked if they could make use of additional variances. Mr. Smith replied that they feel the variances they are requesting make a great project. He spoke about other variances they have requested. Right now they think the variances they are asking for help substantiate a great project. An additional variance might be to consider cantilevering part of the façade on the Washington Street side. That would bring character to the building and develop texture on the street.

1. Mr. Povlivka said that density is driving this project. The depth of the lot does not allow the basement to be below ground. He said they are losing commercial space and questions whether this is too large for this piece of property.

ORD 2015-6476 — D. Ordinance: Amend the Zoning Ordinance to Designate Adriatic Grove Apartments at 904-910 Curtiss Street as Planned Unit Development #54 and Authorize Construction of a Mixed-Use Structure with Apartments with Deviations

ORD 2015-6478 — E. Ordinance: Authorize a Special Use for 904-910 Curtiss Street to Permit Construction of a Mixed-Use Building

9. Mayor's Report

INF 2015-6520 — A. Information: Report and Recommendations on Historic Preservation

Mayor Tully said that the Architectural Design Review Board and the Ad Hoc Subcommittee have completed their report on Historic Preservation. This will be put on an agenda for a First Reading. He thanked the members of the ADRB and the Ad Hoc Subcommittee for their work, saying that the Council appreciates their efforts.

1. Ken Lerner who resides on Whiffen Place spoke on behalf of the Pierce Downer's Heritage Alliance, saying they endorse the recommendations regarding public education, awareness and outreach. He said they also endorse the report's recommendations regarding creating incentives for Historic Preservation. Mr. Lerner then commented on the recommendations for changes to the Historical Preservation Ordinance saying they endorse some and have strong concerns on others. He said they have detailed comments that they will highlight at a future meeting.

Mr. Fieldman said that this would be discussed on December 1.

2. Rich Kulovany, 6825 Camden, said he is a member of Friends of Edwards House and they are in general support of this report. They would be willing to help regarding education.

3. Cinda Lester, 644 67th Street, said she read the entire report, and asked what the process was and what will be done with the report.

Mayor Tully replied that this was to address a number of issues including changes to existing ordinances, as well as education, creating awareness, incentives, etc. He said that the Council would begin to talk about those issues at the First Reading. He noted that the Council directed this action and will need to decide what to do with it.

Mr. Fieldman said that staff will propose 1) an amendment to the Historic Preservation Ordinance, and 2) implementing operating recommendations.

10. Manager's Report

11. Attorney's Report

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

1. An ordinance rezoning certain property located at 2515 Haddow Avenue
2. An ordinance authorizing a special use for an animal boarding facility at 941 63rd Street
3. An ordinance rezoning certain property located at 904-910 Curtiss Street
4. An ordinance amending the Zoning Ordinance to designate Adriatic Grove Apartments at 904-910 Curtiss Street as Planned Unit Development #54 and authorize construction of a mixed-use structure with apartments with deviations
5. An ordinance authorizing a special use for 904-910 Curtiss Street to permit construction of a mixed-use building

12. Council Member Reports

Mayor Tully announced that on November 5, Drake Bell will appear at the Tivoli Theater in performance. Opening for Drake Bell is a Downers Grove band called Clear Confusion. Additional information can be obtained at clearconfusionband.com.

13. Adjournment

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

Votes: Yea: Commissioners Olsen, White, Waldack, Vattimo, Hosé, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried and the meeting adjourned at 12:10 a.m., November 4, 2015.

Respectfully submitted,

April Holden

Village Clerk