

# Meeting Minutes

Village of Downers Grove - Council Meeting

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Council Chambers

1/19/2016

7:00 PM

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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 Hosé, 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 2016-6642** — A. Minutes: Executive Session Minutes for Approval Only- January 5, 2016

**MIN 2016-6641** — B. Minutes: Council Minutes - January 12, 2016

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**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.

There were no comments.

#### 5. Consent Agenda

**COR 2016-6639** — A. Claims Ordinance: No. 6141, Payroll, December 25, 2015

**BIL 2016-6640** — B. Bills Payable: No. 6240, January 19, 2016

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

Mayor Tully declared the motion carried by voice vote.

#### 6. Active Agenda

**ORD 2016-6633** — A. Ordinance: Amend Certain Traffic Provisions

**Summary:** This amends the Municipal Code regarding various parking restrictions.

##### AN ORDINANCE AMENDING CERTAIN TRAFFIC PROVISIONS

##### ORDINANCE NO. 5523

**Motion:** Commissioner Olsen moved to adopt "An Ordinance Amending Certain Traffic Provisions," 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.

**MOT 2015-6625** — B. Motion: A Motion Regarding the Sales Tax Rebate Agreement with Lemon Tree Grocer

**Summary:** This waives the reimbursement payment due to the Village pursuant to Article 6.2 of the Sales Tax Rebate Agreement between the Village of Downers Grove and Lemon Tree Grocer, LLC, dated May 8, 2012 and to declare the Agreement null and void, provided that Lemon Tree Grocer, LLC reopens a minimum 1,000 square foot grocery store at 5101 Mochel Drive no later than October 1, 2016.

**Motion:** Commissioner Olsen moved to waive the reimbursement payment due to the Village pursuant to Article 6.2 of the Sales Tax Rebate Agreement between the Village of Downers Grove and Lemon Tree Grocer, LLC, dated May 8, 2012 and to declare the Agreement null and void, provided that the Lemon Tree Grocer, LLC reopens a minimum 1,000 square foot grocery store at 5101 Mochel Drive no later than October 1, 2016, as presented. Commissioner White seconded the motion.

Commissioner Barnett said he would not be supporting this. Although he's been an advocate for and with the business community, and advocates working with Lemon Tree, he believes the proposal leaves a lot of questions in terms of how the Village handles sales tax agreements. There are also challenges involved with operating a grocery store in that location, and he thinks the Council should do something more respectful of the initial contract. He hopes this works for Lemon Tree. It's important for the downtown area.

Commissioner Waldack stated that he hopes the Lemon Tree will be successful in their new business model. The Village should play no role in this, however, as the Village has no part in this. The losses and the cost to reopen a new model offsets the \$25,000. The agreement states they owe our taxpayers \$25,000. He previously stated that Lemon Tree is not the store it is supposed to be and this sets a bad precedent. Commissioner Waldack said he doesn't understand propping up a failing business. The owners publicly embarrassed the Village on national TV. They made \$20,000 political contributions and now want \$25,000 waived. The Village still has not identified what a grocery store is. The cash giveaway for Lemon Tree is worse than the old agreement. He sees it as just a cash giveaway. He cannot support this.

Mayor Tully commented that this is a unique situation, and the odds of this happening again are very slim. The agreement worked for five years. He thinks it makes economic sense to renegotiate the contract. There are terms to the agreement, and it is a fair compromise. He stated that this was never about us getting money or about giving money away. He hopes this will be a solid sales tax generating business. This makes sense to him, and is a relatively small amount of money.

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

Nay: Commissioners Waldack, Barnett

Mayor Tully declared the motion carried.

**MOT 2016-6647** — C. Motion: Authorize a 3% Annual Salary Increase for the Village Manager Effective January 1, 2015

**Summary:** This authorizes a 3% annual salary increase for Village Manager, David Fieldman, effective January 1, 2015.

**Motion:** Commissioner Hosé moved to authorize a 3% annual salary increase for Village Manager, David Fieldman, effective January 1, 2015. Commissioner Waldack seconded the motion.

Commissioner Barnett asked the Mayor to discuss the process given that there are four motions on the agenda.

Mayor Tully explained that he can call for motions but can't second them. He then said that the reason they have four motions on the agenda is that the prior Council gave direction last year for a 3% increase for the Village Manager and Village Attorney. Due to the uncertainty in Springfield, leaders in the Village asked that it be deferred for a year, not thinking there would still be an unsettled State budget situation. The 2015 motions are putting into effect what was directed last year. The 2016 motions are owned by this Council and that's why there are 2 sets of motions.

Commissioner Waldack commented that one of the hardest tasks is to evaluate employees, especially good employees. Compensation, when it becomes knowledge, becomes fodder for gossip. That is compounded when it is transparent and evaluations are performed by seven people, as it is in this situation. He said that the previous Council evaluated the Village Manager and the Village Attorney failed to act after determining that each should get a 3% increase. They made a decision and a promise that totally failed to meet the public and cast a vote on their promise. This is tantamount to "kicking the can down the road" or punting. Considering the promise made, and the promise owed, he will support the 3% increases for both of the employees.

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Commissioner José said that Commissioner Waldack's comment was a stunning and incorrect description of what actually happened. The evaluations took place and they were both positive. The decision for a 3% increase was made. At that point, both the Village Manager and Village Attorney approached the Council and asked that they forego the increase at the time. There was nothing nefarious, there was no "kicking the can down the road" and no punting occurred, and any attempt to cast it as such is misguided.

Mayor Tully said he holds himself accountable for every vote. The decision was made and out of the highest regard for the organization and the community. The Village Manager and Village Attorney asked that their raises be deferred. This increase should have been done a year ago.

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

Nay: Commissioner Olsen

Abstain: Commissioner White

Mayor Tully declared the motion carried.

**MOT 2016-6648** — D. Motion: Authorize a 2% Annual Salary Increase for the Village Manager Effective January 1, 2016

**Summary:** This authorizes a 2% annual salary increase for Village Manager, David Fieldman, effective January 1, 2016.

**Motion:** Commissioner Olsen moved to authorize a 2% annual salary increase for Village Manager, David Fieldman, effective January 1, 2016. Commissioner White seconded the motion.

Commissioner Waldack said the proposed the 2% increase for the Village Manager and Village Attorney was put forth by a majority of the Council. He cannot support this due to the circumstances wherein the government statistics indicate there has been no increase in the cost of living.

Commissioner Barnett said that Mayor Tully and Commissioner José described his thoughts for the 2015 element. As to the 2016 motion, he is not comfortable adding to the payroll. These are outstanding employees. It is difficult to have these conversations in public. Their performance for the Village is outstanding. There are other factors such as inflation, ability to pay, risk and value. The risks still exist, and cost of living has not increased. The Village Manager and Village Attorney have held the line on the headcount for some time but the cost of payroll continues to increase. It is an unsustainable path. He would like to see this addressed. Commissioner Barnett said he is not supportive of 2016 raises but wants to make clear that this is not a performance critique. He thinks they have to evaluate whether they can afford to continue in this direction.

Commissioner White said he will vote in favor of this. The 2016 promise was made but it should not have been put on this Council. He will strongly support the 2016 raises.

Mayor Tully commented that the Council and Village ask more and more of managers. The dollars are modest. They want to keep these managers. The return on the investment dwarfs the amount of money being discussed here. The decisions made by these individuals often save the Village thousands of dollars.

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

Nay: Commissioners Waldack, Barnett

Mayor Tully declared the motion carried.

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**MOT 2016-6649** — E. Motion: Authorize a 3% Annual Salary Increase for the Village Attorney Effective January 1, 2015

**Summary:** This authorizes a 3% annual salary increase for Village Attorney, Enza Petrarca, effective January 1, 2015.

**Motion:** Commissioner José moved to authorize a 3% annual salary increase for Village Attorney, Enza Petrarca, effective January 1, 2015. Commissioner Waldack seconded the motion.

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

Nay: Commissioner Olsen

Abstain: Commissioner White

Mayor Tully declared the motion carried.

**MOT 2016-6650** — F. Motion: Authorize a 2% Annual Salary Increase for the Village Attorney Effective January 1, 2016

**Summary:** This authorizes a 2% annual salary increase for Village Attorney, Enza Petrarca, effective January 1, 2016.

**Motion:** Commissioner Olsen moved to authorize a 2% annual salary increase for Village Attorney, Enza Petrarca, effective January 1, 2016. Commissioner White seconded the motion.

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

Nay: Commissioners Waldack, Barnett

Mayor Tully declared the motion carried.

## 7. First Reading

## 8. Mayor's Report

## New Business

**RES 2016-6638** — A. Resolution: Appointments to Boards and Commissions

**Summary:** The Clerk read a resolution appointing Jeanne Eberhardt to the Zoning Board of Appeals for a three year term, expiring August 31, 2019.

### **A RESOLUTION APPOINTING JEANNE EBERHARDT TO THE ZONING BOARD OF APPEALS** **RESOLUTION 2016-05**

**Motion:** Commissioner Olsen moved to adopt "A Resolution Appointing Jeanne Eberhardt to the Zoning Board of Appeals," 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.

## 9. Manager's Report - Committee Room

**INF 2015-6614** — A. Information: Facilities Plan Update

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Mayor Tully said that following Council member reports, Council would recess to the Committee Room to discuss facilities.

## 10. Council Member Reports

Commissioner White announced that Tuesday, January 26, 2016, will be the next presentation in the Friends of the Gifted (Frog) series. The speaker is a professor at the University of Chicago who will discuss the importance of sleep. On March 8 Emily Temple-Wood, an alumna of Downers Grove North will speak on the topic of the role of women in science. Enrollment is open for the FROG super Saturday classes.

Commissioner Olsen noted that the newly formed Downers Grove Exchange Club is seeking members and meeting at Another Bar and Grill on January 21 at 6:30 p.m. This is a newly formed service organization.

Commissioner Vattimo said that the Executive Committee of the EDC met last Friday. They heard a presentation regarding information to be used to a develop retail sales tax strategy.

Mayor Tully followed up on the Coffee with the Council that was held at the Library this month. He is glad that they are trying to hold Coffee with the Council every month. He appreciates people coming out, especially in the recent inclement weather. The Mayor also mentioned that the Exchange Club is a new service club in the Village. All of the Village service organizations add to the community. He encouraged everyone to think about joining a service organization.

Mayor Tully then called for a Motion to recess the meeting to the Committee Room to discuss the Manager's Report on the Facilities Plan Update.

**Motion:** Commissioner Olsen moved to recess to the Committee Room to discuss the Facilities Plan Update. Commission White seconded the motion.

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

Nay: None

Mayor Tully declared the motion carried and the Council recessed to the Committee Room at 7:39 p.m.

## 9. Manager's Report - Committee Room

**INF 2015-6614** — A. Information: Facilities Plan Update

Deputy Village Manager Mike Baker made the presentation regarding the Facilities Plan update. He said staff is in the process of a long-term sustainable plan for two buildings—the Village Hall, and the Police Department. The issue is that the Village has substantial maintenance and operational needs, and limited resources to address these needs. Based on direction, staff is focusing on existing revenue and existing sites. The project budget would be \$16 million, \$13.5 million of which would be through a bond issue and \$1.5 million in the asset forfeiture fund. The strategies identified to achieve desired outcomes include applying concepts and approaches described in the Long Range Plan; minimize space to be improved and maximize space to be reused; identify common solutions across both buildings; create shared uses and avoid large, infrequently used spaces; and understand the consider solutions consistent with the original design and function of the buildings.

Mr. Baker said that the Village has entered into a contract with Williams Architects for the pre-design work. Mark Bushhouse is the President and Managing Principal.

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Mark Bushhouse of Williams Architects said that their staff has reviewed the facilities and basic construction, including the infrastructure. The facilities have issues that should be addressed including the following:

- Old boilers that are past their useful life;

- Lighting systems that are not modern;

- Plumbing systems that operate but are past their useful life;

- Electrical systems that are past the end of their useful life, including an older generator.

Mr. Bushhouse said that the Village has had good use out of the buildings. The Police Department is structurally sound and performs well. The Village Hall is a repurposed warehouse, built under different regulations than the Police Department. He said that their staff met with the Police Department and Village Hall staff, and has toured both facilities. Staff is open to looking at space needs in efficient ways.

The Police Department is 26,700 square feet, but 38,000-47,000 square feet is needed due to the Department's significant growth as well as changes in operations.

Village Hall has 50,000 square feet, with estimated active areas at 30,000 square feet. They could use more in the range of 16,500 square feet to 21,300 square feet. A good portion of the building is being used for archives and long-term storage of police evidence. That could continue and would not need to be reconfigured. The Police Department is significantly altering its paper storage.

Mr. Baker then presented three options: a) replacing systems only, b) replacing systems and remodeling one or both buildings, and c) replacing, remodeling and including an addition to the Police Department. He indicated that they are looking for Council concurrence on the strategies.

Mr. Baker said that when they come back in February, staff expects conceptual plans on one or more options as well as cost estimates.

Commissioner White noted that each Council member has had a private briefing and he supports all five strategies. He is interested in seeing cost estimates on all three options. He noted that staff has done an outstanding job in following the guidance that he feels the Council gave to them.

Commissioner Olsen concurred with Commissioner White's comments, and said he was looking forward to the February meeting. He said he feels positive with what he sees so far and trusts that they will be aligning the strategies of the options with resource constraints.

Commissioner Waldack said they need more than the HVAC upgrades. They should focus on the Police Department. He asked for an answer to the question of trading spaces between the Police Department and Village Hall, and also answers to the question regarding building an addition onto the Police Department.

Mr. Bushhouse said that the Police Department was built as a Police Department. It can stay operational in inclement weather. There are areas in the Police Department that are substantially built for special use, such as the gun range and detention areas. To rebuild them in another building would be very expensive. To add a level to the Police Department, the roof would have to be peeled off, which would also be expensive and problematic in that the entire building would be exposed to the elements. It is unlikely that they would save any money in trying to switch the facilities. There are substantial structural differences between the two buildings.

Commissioner Barnett said that he thinks the process thus far is fine and the strategies are generally the same as before. He is concerned about constraining themselves. He asked whether they should think about selling the property at 801 Burlington. The Police Department is apparently much more expensive to replicate. He asked what it would look like if the property were sold and an addition to the Police Department were built with space for them as well as Village Hall. He said that selling the property could be used to fund the addition. There is nothing special about this particular building except the location.

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Commissioner Vattimo said that everyone wants the Police Department and Village Hall to stay in their current locations. She supports work on the Police Department. She likes the plan to date and is happy that it is moving along.

Commissioner José said that they have not learned a lot tonight. It is nice to have confirmation, but he said that next month's meeting will be important.

Mayor Tully said that they will find out what the resources will accomplish on the needs/deficiencies list. The needs/deficiencies need to be quantified. If all of the issues are not addressed, the Council can look at other options.

Commissioner Waldack commented that there is a lot of land at the present location, and he would like to see the Village Hall and the Police Department connected. That would make full use of the land.

Mayor Tully said that flexibility has to be considered. The extent with which they can have space that can work today and also perform a function tomorrow is very important.

Commissioner Waldack said that they want to plan for the future.

1. Marge Earl said flexibility is good, but she is concerned about hoteling employees such that employees do not have a fixed work space. She said hoteling is impractical.

2. A resident said she is concerned about merely putting big band aids on that will have to keep being replaced.

Mr. Bushhouse said that the intention is to have space, and flexibility for decades to come.

Commissioner Waldack noted that a committee of employees was used with Fire Station 2. He'd like to see that happen again.

Mr. Fieldman replied that staff needs the support from everyone.

## **11. Adjournment**

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

Mayor Tully declared the motion carried by voice vote and the meeting adjourned at 8:22 p.m.

Respectfully submitted,  
April Holden  
Village Clerk