

# Meeting Minutes

Village of Downers Grove - Council Meeting

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Council Chambers

6/28/2016

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 Consent Agenda, 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 2016-6881** — A. Minutes: Council Minutes - June 21, 2016

**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.

Dave and Amy Gassen, 5320 Belden Avenue, said they had submitted a petition to landmark their home, which is an American 4-Square home. They researched the number of 4-squares in Downers Grove, and created an inventory and map. There are about 130 American 4-Squares in the Village and they showed the Council the map they created. Ms. Gassen said she and her family walked through the Village, took a photo of each home, and they hope to supplement that with more information. Ms. Gassen said that they have created a Facebook page "American Foursquares of Downers Grove." She showed a sampling of 4-Squares in the Village saying they will create a flyer to distribute to the local owners. She said they hope the efforts will increase awareness, and bring new awareness of the historic preservation landmarking.

Mayor Tully thanked the Gassens for doing all the hard work and sharing it with the community. They have raised the bar for volunteerism in the community regarding historic preservation landmarking.

#### 5. Consent Agenda

**RES 2016-6880** — A. Resolution: Authorize an Extension to the Google Apps for Government Customer Agreement with Sada Systems, Inc.

**Summary:** This authorizes a 12-month license agreement renewal with SADA of North Hollywood, CA, for use of Google Apps for Government in the amount of \$27,335.60.

**A RESOLUTION AUTHORIZING EXECUTION OF AN EXTENSION TO THE GOOGLE APPS FOR GOVERNMENT AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND SADA SYSTEMS, INC.**

**RESOLUTION 2016-37**

**MIN 2016-6891** — B. Minutes: Note Receipt of Minutes of Boards and Commissions

**Summary:** Library Board - May 25, 2016; Zoning Board of Appeals - March 23, 2016

**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.

#### 6. Active Agenda

**ORD 2016-6874** — A. Ordinance: Authorize a Redevelopment and Land Purchase Agreement with Trammell Crow Chicago Development, Inc.

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**Summary:** This approves a redevelopment and land purchase agreement with Trammell Crow Chicago Development, Inc. for the northeast corner of Main & Maple.

**AN ORDINANCE APPROVING A REDEVELOPMENT AND LAND PURCHASE AGREEMENT  
BETWEEN THE VILLAGE OF DOWNERS GROVE AND TRAMMELL CROW CHICAGO  
DEVELOPMENT, INC.**

**ORDINANCE NO. 5541**

**Motion:** Commissioner Olsen moved to adopt "An Ordinance Approving a Redevelopment and Land Purchase Agreement Between the Village of Downers Grove and Trammell Crow Chicago Development, Inc.," as presented. Commissioner White seconded the motion.

1. Don Renner, 1304 Maple Avenue, said he has four concerns about this development. His primary concerns are the definite change in the character of the downtown. It will affect the sight line dramatically, and will also change the overall viewpoint of travelers into the downtown business district. Regarding traffic, he has reviewed the traffic study, and has concerns that the study did not take into consideration additional traffic from the Marquis on Maple project, as well as the potential traffic increase from the Park District's expansion of its facility on Maple Avenue. Mr. Renner then addressed the issue of parking, saying that several people have commented on the lack of parking downtown, as well as the loss of the parking spaces from the lot on the corner. He is especially concerned that this is an apartment building rather than townhomes or condominiums. Once Trammell Crow leaves ownership of the facility, there is no way to know what a future owner will do with the building.

The justification he has heard from the Council and experts regarding this proposal, is that it is apparently consistent with the Comprehensive Plan, will contribute to the TIF revenues and will bring more revenue to the business district. With regard to the Comprehensive Plan, it doesn't have to be a 70' tall building. This is a gateway to the community, and an apartment building is not what he would like to see. When he thinks of a gateway, he envisions coming down 55<sup>th</sup> Street and seeing Avery Coonley School, or he thinks of Prince Pond. He doesn't think of an apartment building. He said he would like to hear feedback from the Council as to alternative plans. The Marquis on Maple will generate more TIF in the next five years, with 55 units, than this apartment complex. He asked if they have considered something smaller in scale. With regard to more density for the downtown, he is not sure that is good for residents. His family walks to the downtown area frequently. This project moves the Village in a direction away from what it was when he moved here. Downers Grove was a quaint town, a bedroom community. It was not LaGrange, Elmhurst or Naperville, and he doesn't want Downers Grove to become like them. He asked about the decision to negotiate with Trammell Crow that was made in May and appears to be an exclusive arrangement. He asked why that decision was made, why was there no RFP and if other developers were approached. He also asked about a waiver and why they believe this development is in the best interest of the residents. Mr. Renner also asked as to the fair market value of the parking lot. He then asked the Council to slow down, and respond as to why there is a rush on this development. Development on this site has been contemplated for many years. He asked that the Council consider comments made by the public at various meetings as to the scope and size of this project. He would like them to consider a smaller project with bids from other developers. If this is passed, he asked for a moratorium on additional projects of this size. He also asked that they reconsider the zoning that is in the business district. These projects encroach upon the residential areas. He said that the Village has an opportunity to stop this, as the Village owns one of the parcels.

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Mayor Tully commented about alternative plans and moving too fast. He said that this has been identified as a redevelopment site for ten years. They had one proposal come forward in 2006-2007, however the economic situation at that time affected the outcome and no development was completed. The Village openly sought proposals. He said that the Village has not gone through the RFP process, as there has been no interest in the site. When an interested party came forward, the Council authorized the Village Manager to get involved. The Council has always contemplated contributing this site if it made financial sense and was a good return to the community. It was never the Council's intention to sell it per se. In terms of speed, Mayor Tully said that the Council has not moved faster than on other projects.

Commissioner Waldack commented on the TCF bank site, which was difficult to develop. The Council did not accept the first offer.

Mayor Tully said that the Village has not had the parking lot site appraised, but the Council has a sense of its value.

Commissioner Olsen said that the update shows the price at \$177,665, which is based on the fair market value of land as specified in Section 20.300.d.2 of the Subdivision Ordinance.

Mr. Renner then asked about the decision for apartments versus condominiums.

Mayor Tully replied that the Council has to look at the quality of the investment in terms of whether it will be well maintained as a long-term investment. Regarding apartments versus condos, they have heard for some time that there is a growing need for well-apportioned apartments from younger workers. The Village is in competition with many other communities. There is a change in what the current demand has been for DuPage County. Mr. Renner said that apartments could be located outside of the downtown area without encroaching upon the residential areas and upon the most historic street in Downers Grove, which is Maple Avenue.

2. Larry Bejnarowicz, 5329 Main, said he attended last week's meeting. He thinks Trammell Crow is a good developer, and did sufficient research. He is also concerned about the issues raised by some of the Commissioners about the development of that corner. He asked if those concerns such as parking, loading, unloading, stormwater have been addressed. Trammell Crow has apparently played no part in accommodating the concerns. This should be a joint effort. Trammell Crow should be addressing the concerns. The parking is inadequate.

Mayor Tully replied that a condition was added that will require Trammell Crow to add four additional parking spots. He said that the Council heard the concerns and is working to address them. Some of these issues are raised in the request for a Special Use.

3. Bob Wayman, Durand Drive, expressed three concerns. Regarding stormwater, he asked about the capacity of the detention vault or plans for a green roof, which would help stormwater. Stormwater is an issue for the Village and residents east of the site are having drainage problems. This development will not help. Concerning traffic, he felt the report with 120 pages of documentation was a snow job, to bury the people with details. This will increase the gridlock downtown. He thinks that traffic needs to be given more consideration. People will have to get inside and outside of their parking garage along Maple Avenue. He doesn't know who the contractor was who conducted the traffic study, but he thinks they just said what they thought the Village wanted to hear. As for the Comprehensive Plan, this is one piece of the Plan. He does not think this is the best thing for the Village. This is the beginning of more developments. Trammell Crow looked at what the Village has as requirements, and they provided exactly what would fit on the site and still stay within the Village requirements.

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4. Bo Martin, 701 Maple Avenue, asked about the civil engineers who were taking measurements of the street, sidewalks and his front yard. He asked them what the plans were for expanding Maple Avenue that led to the measurements but they didn't respond. He is concerned about plans for Maple Avenue that led to taking measurements of the street as well as his front yard.

Village Manager Dave Fieldman said that the Village has plans to resurface Maple Avenue and is applying for a grant, and the survey was part of the application.

Mr. Martin said that there has been discussion about aesthetics. He asked about the design, saying that the urban design matters a great deal. There is a difference between design and aesthetics. The Village does not incorporate design into its Long Range Plan. He spoke about the density and the variances. Variances are granted begrudgingly to homeowners, but not to developers. There seems to be a bias toward developers. The overall process creates displeasure for the political process. People feel that their voices are not being heard.

Mayor Tully replied that there have been residential requests that have been approved. Regarding the political process, the Comprehensive Plan is itself a political process. It was viewed to be adequate at the time, and involved members of the public. The update done five years ago was for a document that had not been upgraded for 45 years. As to a design pattern book, he said that perhaps the next review of the Plan could include that. He explained that the most recent update of the Comprehensive Plan was at least a year-long process including many voices in the community.

Commissioner White referenced the 2011 Comprehensive Plan review of which he was a participant. He said that at that time the consultant told the Committee that they had been involved in many comprehensive plans throughout the State, and that they saw more community involvement in Downers Grove than in any other area.

There being no further questions, Mayor Tully called for question or comments from the Council on Item 6-A.

Commissioner Waldack said that he reviewed the agreement and is uncomfortable with some aspects of it. He said he has always been highly critical of the sales price of the land. The Village is selling the property for a small amount and the Village is more than sellers. The Village is also an investor. He is uncomfortable with the price and will not support the purchase agreement.

Commissioner José said he will support this. He said that his concerns have been somewhat satisfied. He appreciates that the purchase price has gone up. He addressed the impact of this development on the downtown TIF saying that the increases from the new developments offset any potential tax increases to cover the downtown TIF payments. Over the period of six years the TIF figure would be about \$5.5 million in revenue that could otherwise potentially be \$5.5 million in tax increases.

Commissioner Olsen noted that he appreciates the concerns raised from members of the public at the meetings, and the engagement of the community in general. He said that the Council seeks to be responsive. There are multiple opportunities and vehicles for comments. He explained that the Council will not reach a solution that everyone will like, but the Council tries to balance all of the interests affected by the issue. He thinks that, on balance, this is a great project for the community, and is an improvement for that site. He thinks it will benefit the community for the long term.

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Commissioner White commented on the TIF revenue projected. The Marquis on Maple will generate revenue sooner than this proposed project, but over time both properties will be about equal. He then commented on all four items. He believes this project is a change in character for the community as a whole. The change in character was greater in 2013 when the Marquis on Maple was approved. He does not believe that this is entirely consistent with the Comprehensive Plan and it is somewhat larger than anticipated. However, it is more consistent with the Comprehensive Plan than was Marquis on Maple. Commissioner White said he will support the project and is happy that the TIF projections have been published. That plays into the decision, and if this type of project does not go through, it does affect property taxes. He felt there were many legitimate concerns expressed. The Village needs to mitigate the impact of this development, such as striping handicap spaces, etc. They have to find other alternative places for the lost parking spaces. He noted that at the moment the Comprehensive Plan is being reviewed, and he feels this is an ideal time to incorporate the consequences of Marquis on Maple and this project, and then take steps to solve those issues. Commissioner White said he respects the expertise of the developer with regards to the decision to build apartments. He thinks this is an ideal time to look at the zoning and strongly recommends looking at the design review for part of downtown.

Commissioner Barnett said that nothing done last year compels the Village to sell the property at the proposed price. This is a value question and a compromise. In 1997 those same types of issues developed the TIF, which corrected many downtown problems. The development proposed is consistent with the Comprehensive Plan. He said that the TIF redeveloped the downtown area. There was debt incurred and it must be repaid. He sees selling the property as consistent with planning guidelines. It is a positive investment. The value is millions and millions of dollars. If the TIF ends without having to increase taxes for the taxpayers, it is a benefit. He is an advocate of looking at the zoning. The developments have kept the downtown vibrant. He noted that numerous studies have shown that downtowns with higher density do better over long periods of time than those that do not. The parking lot alone is largely unsellable. It only has value as part of other parcels and he supports this project.

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

Nay: Commissioner Waldack

Mayor Tully declared the motion carried.

**ORD 2016-6852** — B. Ordinance: Rezone Certain Property Located at the Northeast Corner of Main Street and Maple Avenue

**Summary:** This rezones the property at the northeast corner of Main and Maple from DB, Downtown Business, to DB/PUD, Downtown Business/Planned Unit Development.

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT THE NORTHEAST CORNER  
OF MAIN STREET AND MAPLE AVENUE**

**ORDINANCE NO. 5542**

**Motion:** Commissioner Olsen moved to adopt "An Ordinance Rezoning Certain Property Located at the Northeast Corner of Main Street and Maple Avenue," as presented. Commissioner White seconded the motion.

1. Bo Martin, 701 Maple, said that the comments made by Commissioners White and José reflect a lack of vision. Many people came to ask for assistance when the Edwards House was being torn down.

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2. Tom Weiler, 709 Maple Avenue, said he is not opposed to a development of this type, but he is opposed to it on Maple Avenue. He thinks it is out of character with Maple Avenue, and he opposed the Marquis on Maple also because it was totally out of character with Maple Avenue. Once the Marquis on Maple took place, his fear was realized that there would be more massive development on Maple Avenue. He is concerned that there was a mistake made with the zoning with no buffer between the downtown areas. No part of Maple Avenue should be zoned for business. He asked if there is a way to change the zoning on Maple Avenue to make them part of a buffer area. He asked whether there has been discussion about that or how can it be made part of a discussion. He expressed concern about the corner of Maple and Washington as well.

Mayor Tully replied to Mr. Weiler's concerns saying that zoning has been identified as an important issue and there is a process underway now to update the Comprehensive Plan that will lead to rezoning discussions and potential changes.

Mr. Fieldman said that the process will begin in the next several months.

Commissioner Waldack commented that the purchase price has been set. He wanted to review the remaining items all together, adding that this was not a done deal. He mentioned a number of concerns at the Workshop last week and no major accommodations have been made by the developer. He said it is unlikely that the Village will get another developer at this time. He noted that this at least meets the requirements. The site was not meant to be a permanent parking lot. If the financial forecasts are correct, this will save property owners about \$60 on their tax bill. It is an intense project. Commissioner Waldack said that he would not support any development going further east on Maple. He spoke about the neighborhood where he grew up. He thinks the Village will get used to this. He will support this as he thinks it is appropriate for the location.

Commissioner José said that the Marquis on Maple is a change in character on Maple and this project is another piece in that change which was sought in the Comprehensive Plan. He noted that the Village asked for these projects as a community. There was more community input into the Comprehensive Plan than the consultant had seen to date. He said that as far as zoning, the Marquis on Maple saw no changes to the zoning code. This one seeks one exception. Parking is a large issue, and the downtown parking is a larger issue than this project alone. He will support this.

Commissioner Barnett commented that the rezoning doesn't have any effect on stormwater as the project will have to comply with the Village and County stormwater requirements.

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

Nay: None

Mayor Tully declared the motion carried.

**ORD 2016-6853** — C. Ordinance: Authorize a Special Use for the Northeast Corner of Main Street and Maple Avenue to Permit a Mixed-Use Retail and Multi-Family Residence Building

**Summary:** This authorizes a special use for the northeast corner of Main Street and Maple Avenue to permit a mixed-use retail and multi-family residence building.

**AN ORDINANCE AUTHORIZING A SPECIAL USE FOR THE NORTHEAST CORNER OF MAIN STREET AND MAPLE AVENUE TO PERMIT A MIXED-USE RETAIL AND MULTI-FAMILY RESIDENCE BUILDING**

**ORDINANCE NO. 5543**

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**Motion:** Commissioner Olsen moved to adopt "An Ordinance Authorizing a Special Use for the Northeast Corner of Main Street and Maple Avenue to Permit a Mixed-Use Retail and Multi-Family Residence Building," as presented. Commissioner White seconded the motion.

Mary Ann Badke, 5408 Carpenter Street, said that she commends the Council for being fiscally responsible. However, it's all about timing. If this were six months later, they would not be having this conversation. The building would not be 70' high and would be smaller. She said that given the potential changes, the Village is selling itself for \$60. The building is too big for this site. Her neighbors who live in that area are concerned about traffic, about creep, about what will happen to the historic buildings on Maple, the old Post Office, etc. This is all about money. She said that it feels as though it will change the entire area and that it is wrong for the site.

Commissioner Waldack responded that for every \$25,000 spent or saved it is about \$1 on the tax bill. That's how he calculated the tax savings. He further added that it is a lot easier to go from apartments to condominiums than the other way around.

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

Nay: None

Mayor Tully declared the motion carried.

**ORD 2016-6851** — D. Ordinance: Designate the Property at the Northeast Corner of Main Street and Maple Avenue as Planned Unit Development #47 and Authorize Construction of a Mixed-Use Retail and Multi-Family Residence Building

**Summary:** This designates the northeast corner of Main Street and Maple Avenue as Planned Unit Development #47 and authorizes construction of a mixed-use retail and multi-family residence building.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS TO DESIGNATE THE PROPERTY AT THE NORTHEAST CORNER OF MAIN STREET AND MAPLE AVENUE AS PLANNED UNIT DEVELOPMENT #47 AND AUTHORIZE CONSTRUCTION OF A MIXED-USE RETAIL AND MULTI-FAMILY RESIDENCE BUILDING**

**ORDINANCE NO. 5544**

**Motion:** Commissioner Olsen moved to adopt "An Ordinance Amending the Zoning Ordinance of the Village of Downers Grove to Designate the Property at the Northeast Corner of Main Street and Maple Avenue as Planned Unit Development #47 and Authorize Construction of a Mixed-Use Retail and Multi-Family Residence Building," as presented. Commissioner White seconded the motion.

Commissioner Barnett said that the Council shares many of the concerns expressed, which is why the Comprehensive Plan is being reviewed. He invited people to attend the Comprehensive Plan meetings and become engaged in the process.

Mayor Tully thanked everyone who weighed in over the time this was under review and through various meetings. He is proud of the level of engagement from the community. He reiterated that all comments are taken seriously.

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

Nay: None

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Mayor Tully declared the motion carried.

**RES 2016-6840** — E. Resolution: Submit a Public Question to the Electors of the Village of Downers Grove Concerning Funding All Stormwater Costs Using a Stormwater Utility Fee Instead of Property Taxes

**Summary:** This initiates the submission of a public question concerning funding of stormwater costs using a stormwater utility fee instead of property taxes.

**A RESOLUTION INITIATING THE SUBMISSION OF A PUBLIC QUESTION CONCERNING  
FUNDING OF STORMWATER COSTS USING A STORMWATER UTILITY FEE INSTEAD OF  
PROPERTY TAXES**

**RESOLUTION 2016-38**

**Motion:** Commissioner Olsen moved to adopt "A Resolution Initiating the Submission of a Public Question Concerning Funding of Stormwater Costs Using a Stormwater Utility Fee Instead of Property Taxes," as presented. Commissioner White seconded the motion.

Commissioner Barnett said that he will support this resolution and the next two; however, he is disappointed that the current value is addressed, but not the premise of likely continuing increases in costs going forward. He hopes the Village does an exceptional job of educating and providing information to residents as people need to understand this.

Commissioner White agreed that they must do an excellent job of educating the public.

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

Nay: None

Mayor Tully declared the motion carried.

**RES 2016-6871** — F. Resolution: Submit a Public Question to the Electors of the Village of Downers Grove Concerning Funding All Stormwater Costs Using Property Taxes Instead of a Stormwater Utility Fee

**Summary:** This initiates the submission of a public question concerning funding of stormwater costs using property taxes instead of a stormwater utility fee.

**A RESOLUTION INITIATING THE SUBMISSION OF A PUBLIC QUESTION CONCERNING  
FUNDING OF STORMWATER COSTS USING PROPERTY TAXES INSTEAD OF A STORMWATER  
UTILITY FEE**

**RESOLUTION 2016-39**

**Motion:** Commissioner Olsen moved to adopt "A Resolution Initiating the Submission of a Public Question Concerning Funding of Stormwater Costs Using Property Taxes Instead of a Stormwater Utility Fee," 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.

**RES 2016-6872** — G. Submit a Public Question to the Electors of the Village of Downers Grove Concerning Funding Stormwater Costs Using a Combination of Stormwater Utility Fees and Property Taxes

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**Summary:** This initiates the submission of a public question concerning funding of stormwater costs using a combination of stormwater utility fees and property taxes.

**A RESOLUTION INITIATING THE SUBMISSION OF A PUBLIC QUESTION CONCERNING  
FUNDING OF STORMWATER COSTS USING A COMBINATION OF STORMWATER UTILITY  
FEES AND PROPERTY TAXES**

**RESOLUTION 2016-40**

**Motion:** Commissioner Olsen moved to adopt "A Resolution Initiating the Submission of a Public Question Concerning Funding of Stormwater Costs Using a Combination of Stormwater Utility Fees and Property Taxes," as presented. Commissioner White seconded the motion.

Mayor Tully thanked staff and his colleagues for working to develop these questions. He is hopeful that Council will receive clear direction and information from the community that the Council can act upon in determining how to fund stormwater management.

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

Nay: None

Mayor Tully declared the motion carried.

## 7. First Reading

**ORD 2016-6873** — A. Ordinance: Establish Provisions for Mobile Food Vendors

Mr. Fieldman said that this is a high priority action item. This would allow food truck operations in the Village as a small scale, pilot program. The ordinance would allow up to ten permits allowing ten vendors to operate in Ellsworth Park, and in Park District parks.

Mayor Tully commented that this has been long awaited. He said this was discussed three or four years ago at a National League of Conference meeting he attended in Seattle. He compared this to outdoor cafes and thinks it is a reasonable beginning and could be tailored as necessary. He thinks there is a need for this. He asked about allowing only one vendor to operate at a time in a location, as he could see that a business might want two or three and have options. This ordinance limits one to private property.

Mr. Fieldman said this limits the number of food trucks on private property to one, but all other nine trucks could line up in the street.

Commissioner White said he strongly supports this ordinance with respect to Ellsworth Park, but not in the Park District portion without written direction and feedback from the Park District and Park board. He would like to ask District 99 as to their interest as well. He noted that he is liaison with District 99.

Commissioner Barnett said he is fine moving forward. As this relates to Park District or the school districts, etc., he asked if private property means property not owned by the Village.

Mr. Fieldman said that under the terms of this ordinance, the Park District is considered private property.

Commissioner Barnett noted that the Park District could decide not to allow these, but the ordinance provides the option. He thinks they probably should not establish a one-truck limitation.

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Mayor Tully commented that part of the experience is to have choices.

Commissioner Olsen said he is not a huge fan of food trucks. He noted that he passes by them every day on Wacker Drive. He said, however, that he does not have opposition to the idea. He asked for clarification that, under this ordinance, the Park District would have to provide written consent to allow a vendor. A vendor could not just show up.

Mr. Fieldman replied that was correct. The Park District would have to pass their own ordinances. They would like to have the opportunity to pursue this.

Commissioner Olsen responded that makes him less uncomfortable. He believes the fee is too low. With regard to multiple trucks in a private parking lot, if the private property owners want to subject themselves to that, they should be able to.

Commissioner Waldack said he was initially against this because of the competition with brick and mortar sites. The Downtown Management Corporation is happy about it as long as they are not in the downtown area. He believes the Village has to protect its restaurants. He suggested that if one of the Village's restaurants wants to operate a food truck, they should have first choice at a reduced fee. He thinks the fee doesn't cover costs and should be higher. He also thinks the property owners should determine how many trucks would be allowed on private property.

Commissioner Vattimo suggested that the fee be competitive with other towns.

Mayor Tully said he thought the fee is fine for the pilot program, and can be adjusted later if necessary.

Commissioner José asked how they arrived at the fee, and Mr. Fieldman said staff looked at other towns and thought about the staffing costs.

Commissioner José then said he supports this ordinance and agreed that private property owners could have more trucks. He is glad to see this come forward.

Mayor Tully said that the National League of Cities seminar speakers found food trucks were a stimulus, and not a competition to brick and mortar restaurants. There is an economic benefit to a community. He supports this on a pilot program basis.

Commissioner Waldack asked about noise and Ms. Petrarca replied that it is addressed in the prohibition against amplification.

1. Mr. Wayman commented that this is very interesting and he referred to the clusters of food trucks in parking lots in Seattle. He asked if the Village contacted any of the communities cited by the Mayor.

Ms. Petrarca replied that staff looked at local and national ordinances.

Mr. Wayman asked about the financial impact and Mayor Tully commented that vendors would pay sales tax and would also pay a fee. The idea is to not have them in direct competition with the brick and mortar restaurants in the Village.

2. Marge Earl, 4720 Florence Avenue, asked whether this impacts or overlaps with ice cream trucks. Ms. Petrarca replied that it does not impact ice cream trucks.

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**RES 2016-6877** — B. Resolution: Amend Exhibit 2, Standards for Village Council Campaign Finances, of the Village Policy Regarding Ethical Standards

Ms. Petrarca said that pursuant to the June 14, 2016, Village Council meeting, staff was directed to draft amendments to Exhibit 2 of the Village Ethics Policy regarding campaign finances. The proposed amendments would require the Village Council to comply with Article 9 of the Election Code and all other state and federal laws regarding campaign finances. The policy is also amended to require disclosure of certain campaign contributions over \$150 for Council members and vendors.

Commissioner Olsen commented that our ordinances should reflect the Constitution, as well as both federal and State laws, and it does that as it directly references State law. This contains additional disclosure requirements that are very appropriate. It is important to have strong disclosure, for both Council and vendors. Disclosure by vendors should be publicly available. He thinks this is appropriate and appreciates the work that has been done.

Commissioner White commented that Paragraphs 1, 2 and 3 are inconsistent with current State law. There is less disclosure if one is forced to close their campaign account. Requiring people to keep accounts open is more transparent, and requiring electronic filing is moot now because the State posts paper filings quickly. He is not in favor of removing Paragraphs 6, 7, 8, or 9.

Commissioner Waldack said he brought this forth because he was unhappy with the original policy, which he said was illegal and not transparent. Any account could be a municipal campaign account. He has had an attorney review the existing policy and it violates equal protection. This resolution only applies to Council members. He said that closing campaign accounts is less transparent as one has to file quarterly on an open account. Vendors need to disclose contributions and that will continue. He has concerns with Section 2 regarding Council members disclosing contributions of \$150 before each vote, as he thinks that is too broad. He thinks that should be changed to require disclosure only if the contributor has a financial interest in a vote that is about to be taken. That contribution would be reported to the State quarterly.

Commissioner White expressed concern about the use of the word “indirectly” in Paragraph 2. He thinks it is too broad. If he votes to raise or lower taxes, everyone living in the Village is directly affected. Broadly construed, if he votes on the budget, he has to disclose any contributions made by anyone living in the Village. If a petitioner contributes money to him, he shouldn’t be voting on the matter at all.

Mayor Tully asked Commissioner White to provide language if he has it.

Commissioner Barnett noted that this is a policy and not an ordinance. To say this is in violation of the Constitution or State law is a stretch in his opinion. It sets a series of expectations and he thinks they should keep most of the points from Paragraph 2 on. It does not solve bad behavior, but it sets expectations for behavior. Regarding the \$150 disclosure provisions, the language of the resolution is that this is money received within three months of the vote. This point is to try to find ways to create an environment where the public has a higher degree of certainty that elected officials are not constantly in campaign mode. He thinks voters would concur with most of the items in the resolution from Paragraph 2 on.

Commissioner White said requiring an open campaign account and filing quarterly would maximize transparency and would solve the issue of disclosure. He feels that Paragraphs 1, 2 and 3 are nonsensical given how the Election Commission currently operates. He concurs with Commissioner Barnett regarding the remaining prohibitions.

Mayor Tully noted that it is an interesting question in terms of enforcement. He thought the intention in 2008 was to be mandatory with consequences. If it is not, that should be made clear.

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Commissioner Waldack said that enforcement is a political thing, noting censure or threats. People should not be scared to run for office because of campaign rules. It may be a problem for some people to open and close accounts.

Commissioner White said he strongly supports writing this in such a way that it cannot be used against one another. He opposes Boards that engage in censuring one another for political advantage. It is toxic to good governance.

Commissioner José agreed that keeping the account open increases transparency. He said they are bound by State rules and have to rely on the Council members doing the right thing. He only remembers one time when a campaign contribution was disclosed by a vendor. He feels this speaks to the integrity of Council members. He said they all ought to play by the same rules whether they are on the Council or seeking a Council seat.

Commissioner Olsen said this is important and he views this as people playing by the same set of rules—that is State law. Candidates and incumbents have to abide by State law. We have to rely on people doing the right thing. We require vendors to abide by this as well. Disclosure is important. He views this exercise as improving consistency and recommits Council to disclosure. He agreed that the language regarding "indirectly" needs to be refined. Through this, Council is able to promote the idea of transparency in a consistent way across individuals in our community.

Commissioner Waldack thanked Commissioner Olsen and Ms. Petrarca for their assistance with this.

Mayor Tully asked the Council members to provide redlined comments to Ms. Petrarca.

Commissioner White said he doesn't like policies that require disclosure before a vote. He would support stronger rules.

Commissioner Olsen said that two distinct proposals have been made. In terms of the policy in general, it has been discussed that this is just a guideline and doesn't mean anything. He doesn't agree with that. He thinks it does mean something and should have some enforcement mechanism. The entire policy should be reviewed to achieve consistency. Significant changes, other than refining the words "directly" or "indirectly" would likely limit his support.

## **8. Mayor's Report**

Mayor Tully noted that Dick Van Dyke was at the Tivoli Theater this weekend, and he thanked those who helped make this happen.

The Mayor announced the Village's Independence Day Parade on July 4<sup>th</sup>, saying that details were located on the Village website.

Mayor Tully announced that there are 363 days until the 2017 GroveFest.

## **9. Manager's Report**

## **10. 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 establishing provisions for mobile food vendors

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## 11. Council Member Reports

Commissioner José wished the community a happy, safe and healthy Independence Day.

Commissioner Barnett thanked the Rotary Club for sponsoring the GroveFest. It is a great event.

Commissioner Olsen thanked the public for stopping by the Council booth. It was a wonderful event. Everyone was out at the Council booth, and the Council appreciates their comments.

## 12. Adjournment

Mayor Tully asked for a motion to adjourn.

Commissioner Olsen moved to adjourn. Commissioner 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 meeting adjourned at 9:40 p.m. He wished everyone a happy and safe July 4<sup>th</sup>.

Respectfully submitted,

April Holden

Village Clerk