

# Meeting Minutes

Village of Downers Grove - Council Meeting

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Council Chambers

7/12/2016

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.

Mayor Tully asked for a moment of silence in respect to the officers murdered in Dallas, Texas last week.

## 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 2016-6905** — A. Minutes: Council Minutes - July 5, 2016

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

Council Minutes

Village of Downers Grove

July 12, 2016

Mayor Tully declared the motion carried by voice vote.

#### 4. Public Comments

This is the opportunity for public comments.

#### 5. Consent Agenda

**BIL 2016-6906** — A. Bills Payable: No. 6274, July 12, 2016

**MOT 2016-6898** — B. Motion: Authorize \$1,902,608.58 to Geneva Construction Company, Aurora, IL, for the 2016 Street Resurfacing Contract B

**Summary:** This awards a contract for the 2016 Street Resurfacing Contract B to Geneva Construction Company of Aurora, Illinois, in the amount of \$1,902,608.58.

**MOT 2016-6896** — C. Motion: Authorize \$762,694.50 to Trine Construction Corp., West Chicago, IL, for the 2016 Water Main Improvements Contract A

**Summary:** This awards a contract for the 2016 Water Main Improvements Contract A (WA-028) to Trine Construction Corp. of West Chicago, Illinois, in the amount of \$762,694.50.

**MOT 2016-6897** — D. Motion: Authorize \$209,020.00 to J. Gill & Company, South Holland, IL, for Parking Deck Rehabilitation and Maintenance, Phase I

**Summary:** This awards a contract for Parking Deck Rehabilitation and Maintenance, Phase 1 (P-013) to J. Gill & Company of South Holland, Illinois, in the amount of \$209,020.00.

**RES 2016-6892** — E. Resolution: Authorize a Renewal Quotation and Addendum with Environmental Systems Research Institute, Inc.

**Summary:** This renews software maintenance and licensing for the software packages the Village uses for its GIS system.

**A RESOLUTION AUTHORIZING EXECUTION OF A RENEWAL QUOTATION AND ADDENDUM BETWEEN THE VILLAGE OF DOWNERS GROVE AND ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.**

**RESOLUTION 2016-42**

**RES 2016-6902** — F. Resolution: Authorize a License Agreement with Windstream KDL, LLC, for Use of Village Rights-of-Way

**Summary:** This authorizes execution of a master license agreement with Windstream KDL, LLC for use of Village rights-of-way for telecommunications facilities.

**A RESOLUTION AUTHORIZING EXECUTION OF A LICENSE AGREEMENT BETWEEN WINDSTREAM KDL, LLC AND THE VILLAGE OF DOWNERS GROVE FOR USE OF VILLAGE RIGHTS-OF-WAY**

Council Minutes

Village of Downers Grove

July 12, 2016

**RESOLUTION 2016-43**

**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**

**RES 2016-6868** — A. Resolution: Authorize a Letter of Intent to Participate in the DuPage County Justice Information System (DUJIS)

**Summary:** This authorizes the Village to participate in the County-wide Computer Aided Dispatch and Records Management System (CAD/RMS) known as DuJIS (DuPage County Justice Information System).

**A RESOLUTION AUTHORIZING THE EXECUTION OF A LETTER OF INTENT TO PARTICIPATE IN THE DUPAGE COUNTY JUSTICE INFORMATION SYSTEM (DUJIS).**

**RESOLUTION 2016-44**

**Motion:** Commissioner Olsen moved to adopt "A Resolution Authorizing the Execution of a Letter of Intent to Participate in the DuPage County Justice Information System (DUJIA)," 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 2016-6890** — B. Resolution: Approve and Authorize an Intergovernmental Agreement with DuPage Public Safety Communications Regarding a Joint Public Safety Communications System Agreement

**Summary:** This authorizes execution of an intergovernmental agreement for emergency dispatching and related services.

**A RESOLUTION OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, APPROVING AND AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH DUPAGE PUBLIC SAFETY COMMUNICATIONS REGARDING A JOINT PUBLIC SAFETY COMMUNICATIONS SYSTEM AGREEMENT**

**RESOLUTION 2016-45**

**Motion:** Commissioner Olsen moved to adopt "A Resolution of the Village of Downers Grove, Illinois, Approving and Authorizing Execution of an Intergovernmental Agreement with DuPage Public Safety Communications Regarding a Joint Public Safety Communications System Agreement," 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. First Reading

**ORD 2016-6907** — A. Ordinance: Authorize a Loan Agreement with the Illinois Environmental Protection Agency

Dave Fieldman, Village Manager, asked Finance Director Judy Buttny to address this item.

Judy Buttny, Finance Director, said the Illinois Environmental Protection Agency (IEPA), offers low interest loans for water projects. To qualify, a municipality must have a five-year plan that has been approved by the IEPA. The 2016 loan needs to be authorized and approved by Council. Ms. Buttny said the current interest rate on the loan is 1.86% for 20 years and saves the Village money over what it would cost to issue bonds. She noted that Council previously authorized the Village to borrow these funds.

Mayor Tully thanked staff for taking advantage of programs such as this to save money.

## 8. Mayor's Report

Mayor Tully said the Manager's Report and Council Member New Business would be discussed in the Committee Room.

The Mayor reminded everyone that the next Coffee With The Council will be on Saturday, July 16, 2016, at the Downers Grove Main Street train station.

## 9. 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 authorizing a loan agreement between the Village of Downers Grove and the Illinois Environmental Protection Agency

## 10. Council Member Reports

There were no reports.

The Mayor asked for a motion to recess to the Committee Room to discuss the Comprehensive Plan Update. Commissioner Olsen moved to recess to the Committee Room. 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 a recess was called at 7:08 p.m.

## 11. Manager's Report - Committee Room

**INF 2016-6860** — A. Information: Comprehensive Plan Update - Downtown Focus Area

Council Minutes

Village of Downers Grove

July 12, 2016

Mayor Tully reconvened the Council meeting at 7:17 p.m. in the Committee Room to discuss the Comprehensive Plan Update.

Mr. Fieldman explained that tonight's emphasis is on the Downtown Focus Area for the Comprehensive Plan (the "Plan"). He said this is a top priority action item. This also will include updating the Zoning Ordinance and Zoning Map as it applies to the downtown area. With regard to planning, the Plan should be aspirational—how the downtown should look, be used, etc. There has been a tremendous amount of change in the downtown over the past 20 years. He described the timeline prepared by Deputy Village Manager Baker showing several updates to the Comprehensive Plan and to the Zoning Ordinance from 1995-2015. He then asked Community Development Director Stan Popovich to present the proposed updates to the Downtown area.

Stan Popovich, Director, Community Development, said that the Comprehensive Planning Ad Hoc Committee and the Plan Commission are in the process of reviewing the Comprehensive Plan, and the key areas to their focus are Policy Recommendations, Downtown Catalyst Sites, Development Concept, and Downtown Functional Subareas. He noted that the three areas of Policy Recommendations are Design, Operations, and Transportation and Planning, with 18 total policy recommendations agreed to by the Comprehensive Planning Ad Hoc Committee and the Plan Commission.

Downtown Catalyst Sites were then reviewed. They fall into three areas: 1) approved development, 2) no change, and 3) modified development.

The Development Concept includes policy recommendations prepared in a graphic form and distributed to the Council members in their packets. Mr. Popovich then displayed maps depicting the existing conditions in the downtown area including the business area and the transitional area. This includes residential uses, retail, entertainment, restaurant, mixed-use buildings, etc. The height in the area shown in blue is up to seven stories. These transition between the downtown and surrounding residential areas. The Comprehensive Planning Ad Hoc Committee reviewed the area and saw three functional subareas including the core area, which is the largest and most intense use with a maximum of 5-6 stories. Next is the edge, which includes more of an urban feel including yards, and buildings 3-4 stories in height. The transition area includes more setbacks, no street wall and no retail with a maximum of 2-3 stories.

Mr. Popovich then summarized the Plan Commission's review with a center area focusing along Main Street and Curtiss Street and a height of 3-4 stories. The core area would be a maximum of 5-6 stories in height based on the existing character of the aforementioned area. The edge area surrounding the core has a maximum recommended height of 3-4 stories, while the transition area would be 2-3 stories in height.

Mayor Tully thanked staff and all the volunteers who serve on the committees. He said that since 2001 he has seen many of the changes depicted on the timeline displayed, and encouraged everyone to have a long view as well as a broad view of the Plan. He stressed that balance is very important. From a big picture perspective, change is inevitable and can be very good if handled responsibly.

The Mayor recalled that in the late 1990s he lived in Orchard Brook and would take a cab home from the train station. The cab drivers back then referred to the Village as "Downers Grave" because nothing happened after 6:00 p.m. Five years later it was one of the top ten downtowns in the Chicago metropolitan area because things were "done." He stressed that doing nothing is unacceptable in nature, Village government, and particularly in economic development. The Mayor commented that the downtown is very special, is the center of town and government, and is a gathering place for events with an authentic historic downtown area. He appreciates the attempts to achieve balance in the history, tradition and character of the downtown. In reviewing the timeline, he sees the work that was done to create balance, and this Council will also work toward that end.

Mayor Tully then pointed out that there have been attempts over the years to make changes in the downtown zoning; however, their objective today is not to chase away developers by always changing the plans. He encouraged the Council not to hamstring future Councils. He would also like to avoid creating nonconformity. The Mayor expressed his appreciation to the Plan Commission for its efforts to keep the core of the downtown with the segment shown in the “green” portion of the Plan Commission recommendations display; however, he’d like to get there another way without the limits it would impose. He also acknowledged the input and work from all the parties involved in this latest update of the Plan. The Mayor added that the Village staff and Council have a commitment to revisiting the Comprehensive Plan every five years.

Commissioner White said that he would like to put front and center that the downtown area is the heart of the community. He wanted to focus on the “green” segment, saying that he believes the Village has two downtown corridors and the rules should not be the same for both. There is the historic area, which would not extend to the current Main and Maple area, but between Curtiss and the tracks is more historic. The second part of the core is where they are looking to attract people who commute on the train. He thinks zoning should be different for the historic core, and the dense multi-family core. He doesn’t think “one size fits all” applies. He also said that the Plan should explicitly acknowledge the new multi-family units and take steps to ameliorate them and mitigate their impact. He said 437 units have been approved and that is a significant change. Commissioner White further stated that they should create a well-defined edge at Maple Avenue. No buildings south of Maple Avenue should be higher than 35’. He also believed that the Plan should be explicit about whether to include the northwest corner of Maple and Washington as part of the core. He would like also like to see 35’ as the height maximum east of Washington on both sides of Maple. This could allow 6-7 stories at the present Civic Center location in the future.

Commissioner Olsen commented that he agrees with many of Commissioner White’s thoughts. The historic core in the downtown is important and he views it as the Main and Curtiss intersection and surroundings. However, he said he thinks the green area as defined by the Plan Commission is too large and includes areas that he would consider outside of the historic core of downtown. He agreed that we should avoid nonconforming situations. He sees nothing historic about Acadia on the Green or the U.S. Bank building. The U.S. Bank building is a prime site for redevelopment. He views the historic area as south of those buildings along Main Street and then south to Grove Street on the west side and to the alley between Ballydoyle and the next building on the east side. It is also east and west from the Library at Forest and Curtiss to Mochel Drive. If they are talking about a core area, he sees that as where the concentrated historic buildings and buildings of value are located. Putting a 6-7 story building on the corner of Main and Curtiss would drastically change the downtown area and would be a nightmare. Regarding the northwest corner of Washington and Maple, Commissioner Olsen agreed with Commissioner White that it is a reasonable area for redevelopment. He said Washington is the start of a smaller residential area. There has been a lot of concern from residents along Maple Avenue, and in his opinion, that is the defining edge for consideration. There has been a lot of recent focus on Maple Avenue because of the development, but not on the north side of the downtown area. He said they should allow flexibility there in terms of what could be built, especially west of Main Street. The Commissioner stated that he does not want to see them overly restrict the area. Commissioner Olsen also said that he considers four zoning district as too many districts; however, having an historic core as the heart of the downtown area is important. Concerning Village Hall and the Police Department, Commissioner Olsen said he wants government to be in the heart of the community.

Council Minutes

Village of Downers Grove

July 12, 2016

Commissioner José said he does not want new nonconforming structures. As for protecting the historic core, that is a high priority. He expressed concern that some of the ideas might be going too far too fast, and may unnecessarily tie their hands. The most important part of this whole review is to make sure the large multi-family developments do not encroach into the single-family residential areas. He wants that to stop at Washington and Maple to the east. Some of the current downtown business zoning in that area is problematic and needs to change. He would not want to see the zoning for the Civic Center as 2-3 stories at this time as we do not know what will happen in the future. Let's take care of the issues before us – protecting the historic nature of the downtown and stopping the encroachment of large multi-family developments into the single-family neighborhoods.

Mayor Tully noted that they are doing two things in a parallel process, in that they are reviewing the Comprehensive Plan and the Zoning Ordinance.

Commissioner Vattimo expressed agreement with Commissioners White and José about not encroaching on the residential homes on Maple. She commented that many of the changes being proposed are changes she likes; however, she thinks they need to look at the fine details in terms of the height of the buildings. She said changes definitely need to be made as the current Plan is not working.

Commissioner Barnett asked staff, regarding the map, whether it involves downzoning. Mr. Fieldman replied that the Comprehensive Plan serves as a guide. The Zoning Ordinance would support the Comprehensive Plan. He thinks that it might be premature to use the term “downzoning.” He noted that as they talk about “edges” and “encroachment,” the net effect would lead to a potential for downzoning.

Commissioner White asked where the downzoning is, and Commissioner Barnett said that it would be the east side of Washington. Commissioner White said that the Future Land Use Map should fall between the Comprehensive Plan and the Zoning Ordinance.

Mr. Fieldman said that they would like to get the planning done now, within the next couple of weeks, and then look at the zoning issues with the Comprehensive Planning Ad Hoc Committee.

Commissioner White reiterated that he does not want to see anything higher than 35' east of Washington or south of Maple.

Commissioner Barnett commented that as they consider a core, they should take a 30-year view and be cautious of the term “historic.” He said that this Council has a high regard for historic preservation; however, they should think about things in terms of the long term, e.g. 30-years. He thinks they have to look at alternative maps. As for the far south and southwest, he is not sure he is comfortable with offices and homes. He thinks it may have gone too far.

Commissioner Barnett referenced the Comprehensive Planning Ad Hoc Committee downtown policy recommendations, and asked to see more examples. Also he asked how pedestrian versus non-pedestrian development differs from the transit-oriented development. He then mentioned 5117 Main and asked for more input on that as a Catalyst Site. He also thought 5122 Main should be removed.

Council Minutes

Village of Downers Grove

July 12, 2016

Commissioner Waldack expressed his thanks to the Ad Hoc Committee and the Plan Commission for the detailed work they've done. As for constraining future Councils, he said that they might not have enough constraints as developments come in. Residents seem to think that the developments are already agreed upon, and he wants to be sure they do not get what they don't want. He is concerned about the situation of the Marquis on Maple. He does not want to have that type of a situation again. He said they might be building something that may be historic in 100 years and should be important to the future of the Village. We are creating history. The Commissioner said personally he doesn't want to see anything large at Main and Curtiss. He is more concerned with it being a special and important attraction to the corner, not necessarily something high. He would also like to see more things happening on the north side of the tracks. He cautioned that with all the building that they are doing there is a definite parking problem that has to be addressed. In the downtown, residents party, shop and come to see the attractions. It would be useful to have historic sites on the edge of the downtown area. As an example he said that traveling down Maple, it is obviously a very special street. He wants to keep it residential and to have a designated historic district there—enough to keep the historic feeling and to keep it protected. Commissioner Waldack expressed a desire to join the historic and downtown areas. He wants to see the downtown be complimented by the historic area.

Mayor Tully then asked staff what specificity of direction they are seeking from the Council. Mr. Fieldman replied that they have received significant direction tonight. He said it is sufficient that staff can represent what's been discussed graphically and have that ready in a couple of weeks.

Commissioner Olsen recommended sharing this with the Comprehensive Planning Ad Hoc Committee. Mr. Fieldman said that the direction Council provides goes back to the Ad Hoc Committee and the Plan Commission, and that will be reflected in their comments. Commissioner Olsen commented further that it is an important part of the process to have dialogue between the groups, even though it is ultimately Council's responsibility to approve.

Mayor Tully reiterated that the Village is committed to revisiting the Comprehensive Plan every five years.

Commissioner White then referred to the green area again. This area is too big. He would like it to be a 1-3 story area and that could not then be revised in five years. If we say 3-4 stories now, we cannot revise that to 1-3 stories in five years as easily because we cannot take a building down once it is up. He is also interested in incentivizing redevelopment of the U.S. Bank area.

Mr. Fieldman noted that in October/November, the Council will see the Plan and how to implement it.

Mayor Tully opened the floor to questions from the public.

1. A resident spoke to the issue of nonconforming uses, asking whether it might be better not to have 5-6 stores as part of the overall vision.

Commissioner White responded that the green areas on the display should be revised and shrunken down a bit.

2. Marge Earl asked why the Village does not point out preservation and restoration opportunities in the downtown area. She thinks there should be some description as to what the Council would like to see in terms of preservation and restoration.



3. Mark Thoman referenced the “green” area of the Plan Commission recommendation, saying that the corner of Curtiss and Main is the first attraction of Downers Grove. The green area is to represent one block radiating from Main or Curtiss in all four directions, one lot deep. He said that it was extended to Maple as a rebuke to the Council for not paying attention to what it is that attracts people to Downers Grove. The Council was the last line of defense and should have talked to the developer to see that they provided what would have retained the preservation of Main Street with a simple setback three stories up.

Mayor Tully thanked him for his comments, but disagreed with that opinion. He noted that there appears to be general support by the Council of what the green area was meant to achieve.

4. Mr. Kulovany said he recently attended a preservation meeting for the Village of Maywood. He displayed a copy of a brochure he obtained from the meeting. He said it occurred to him that the Village might allow a bed and breakfast or an inn in the downtown area. He said this was allowed in Plainfield and was literally half a block off of their main street. Mr. Kulovany then spoke of the requirements for a bed and breakfast with commercial kitchens. It is easier to have an inn, and could make Downers Grove a destination for landmark properties. He thinks this could be a draw to the Village.

5. Amy Gassen said she is okay with the historic core being smaller, but she discussed an overlay instead of a different zoning district. She suggested that perhaps they could go through a design review process. Mayor Tully said that design tools for future developments are appropriate for future consideration.

Commissioner White commented that there could be design guidelines for the 1-3 story buildings and he would support that.

Commissioner Barnett stated that it’s useful to look beyond our own Village. Elmhurst, Geneva, Western Springs and Galena all represent what the Village is trying to understand. He is interested in a review and comments about their downtowns, in terms of the uses, etc. Those communities have done many things right.

Mayor Tully replied that they can look at Elmhurst as a comparable community in many respects. He added that they have more stormwater problems than Downers Grove has.

Commissioner Olsen added that the Village’s property tax rate is significantly lower than Elmhurst’s tax rate.

Commissioner White said he thinks they can keep the downtown to three areas: historic core, core and transition.

Mr. Fieldman said staff has received direction from Council and will be back to the Council in a couple of weeks.

## 12. Council Member New Business

**MOT 2016-6913** — A. Motion: Direct Staff to Prepare an Ordinance Establishing a Moratorium on the Acceptance of Demolition Permits and Special Use Applications in the Downtown Business (DB) and Downtown Transition (DT) Zoning Districts until December 31, 2016

Mayor Tully asked Commissioner Barnett to address this item.

Commissioner Barnett said this is to establish a moratorium on the acceptance of demolition permit applications and special use applications within the DB and DT zoning districts until December 31, 2016, or until otherwise lifted by the Village Council. This moratorium does not apply to projects which have been the subject of Village Council ordinance, motion or resolution prior to July 12, 2016.

Council Minutes

Village of Downers Grove

July 12, 2016

He said he would like this on next week's agenda. He discussed zoning map reconsiderations, particularly south on Dunham and on Maple between Elmwood and Blodgett. He then addressed gaps in expectations and said that Council members sense that something different needs to occur regarding zoning. This motion is in light of an established timeline and a reasonable step is not to allow the Council to get caught again and not to repeat history. This gives the Council the chance to pause and review. The public has a reasonable expectation to be able to react to situations and affect policy. He would like to avoid a "trick bag."

Mayor Tully said he appreciates the concern; however, special use requests happen all the time. He is concerned this would have a chilling effect on economic development opportunities in the downtown area. He thinks this is premature.

Commissioner Barnett said the wording could be changed if it makes for less risk. He is referring to the redevelopment of property with significant changes in use.

Commissioner White commented that if this is enacted and the moratorium is later repealed, it will be published on Google forever. The chilling effect could be greater than we may realize.

Mayor Tully said this sends a message to developers as well.

Commissioner White said he only sees this impacting the south side of Maple Avenue as big buildings have already been approved.

Mayor Tully asked for a motion.

**Motion:** Commissioner Barnett moved to direct staff to prepare an ordinance establishing a moratorium on the acceptance of demolition permits and special use applications within the Downtown Business (DB) and Downtown Transition (DT) zoning districts.

Mayor Tully asked for a second to the motion. He declared the motion failed for lack of a second.

### 13. 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, Hosé, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried and the meeting adjourned at 8:47 p.m.

Respectfully submitted,

April Holden

Village Clerk