

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

8/9/2016

6:00 PM

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

1. Call Meeting to Order

Mayor Martin Tully called the regular meeting of the Village Council of the Village of Downers Grove to order at 6:00 p.m. in the Council Chambers of the Downers Grove Village Hall.

2. Roll Call

Council Present: Commissioner Waldack, Commissioner White, Commissioner Vattimo, Commissioner Hosé; Mayor Tully

Absent: Commissioner Barnett

3. Executive Session

Convene into Executive Session

Commissioner White moved to go into Executive Session pursuant to Section 2(c) (3) of the Illinois Open Meetings Act to consider the selection of a person to fill a public office. Commissioner Hosé seconded the motion.

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

Nay: None

Mayor Tully declared the Motion carried and the Council convened into Executive Session at 6:01 p.m.

Reconvene into Open Session

4. 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.

5. Roll Call

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

Absent: None

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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.

6. Minutes of Council Meetings

MIN 2016-6956 — A. Minutes: Council Minutes - August 2, 2016

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

Mayor Tully declared the motion carried by voice vote.

7. Mayor's Report

New Business

RES 2016-6948 — A. Resolution: Appoint Commissioner White as Mayor Pro Tem

Summary: This appoints Commissioner White as Mayor Pro Tem and Deputy Liquor Commissioner.

A RESOLUTION APPOINTING COMMISSIONER WHITE AS MAYOR PRO TEM AND DEPUTY LIQUOR COMMISSIONER

RESOLUTION 2016-48

Motion: Commissioner Waldack moved to adopt "A Resolution Appointing Commissioner White as Mayor Pro Tem and Deputy Liquor Commissioner," as presented. Commissioner Hosé seconded the motion.

Mayor Tully noted that former Commissioner David Olsen has taken on the position of State Representative for District 81. He served as Mayor Pro Tem, and that position needs to be filled. The Mayor asked the Clerk to read the Resolution.

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

Nay: None

Mayor Tully declared the motion carried.

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8. Public Comments

This is the opportunity for public comments.

9. Consent Agenda

BIL 2016-6957 — A. Bills Payable: No. 6280, August 9, 2016

MOT 2016-6927 — B. Motion: Award a Contract Not to Exceed \$138,521.90 to HBK Engineering, LLC, Chicago, IL, for Engineering Services

Summary: This awards a contract for the inspection and assessment of the eleven foot (11') diameter storm sewer to HBK Engineering, LLC of Chicago, Illinois in an amount of \$138,521.90.00, which includes a 10% contingency.

MIN 2016-6958 — C. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Comprehensive Planning Ad Hoc Committee - July 14, 2016; Zoning Board of Appeals - June 22, 2016

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

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

Nay: None

Mayor Tully declared the motion carried.

10. Active Agenda

ORD 2016-6934 — A. Ordinance: Approve a Redevelopment and Sales Tax Rebate Agreement with 1815 Ogden, LLC

Summary: This approves a Redevelopment and Sales Tax Rebate Agreement with 1815 Ogden, LLC for the Packey Webb development.

**AN ORDINANCE APPROVING A REDEVELOPMENT AND SALES TAX REBATE AGREEMENT
BETWEEN THE VILLAGE OF DOWNERS GROVE AND 1815 OGDEN, LLC**

ORDINANCE NO. 5549

Motion: Commissioner White moved to adopt "An Ordinance Approving a Redevelopment and Sales Tax Rebate Agreement Between the Village of Downers Grove and 1815 Ogden, LLC," as presented. Commissioner Waldack seconded the motion.

1. Kent Conness said he is surprised that the Council didn't want to slow this down despite various residents asking to do so. He reviewed the list of recommendations he made at last week's Council meeting. Mr. Conness said that the #1 concern has been flooding on the southeast corner of the property for a long time, and it has become a man-made wetland. The lawn is flooded about 90% of the year, which makes the residents nervous. They have seen the destruction of houses as a stormwater management tactic, and it should never get to that point. He showed photographs of the areas immediately in the vicinity of the proposed auto dealership, depicting lots where homes have been demolished. The next highest house on the lot is his house and they are extremely

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concerned. Mr. Conness stated that effective stormwater management is his #1 concern. The Village's primary responsibility is to its residents.

2. A resident stated that he learned that only the people living 250' from the subject property were notified about the meetings and the proposed development. He lives 500' from the property. He noted that the proposed lighting of the Packey Webb dealership would brighten the whole neighborhood. He then asked about the speakers and whether the noise would stop 250' from the property line.

Mayor Tully replied that the noise should not become an issue, but if it does, it can be addressed by the Village through its Noise Ordinance.

The resident said he wished that more people knew about this project.

Commissioner José addressed the Sales Tax Agreement, saying that the Agreement allows the Village to make the sales tax payment out of the TIF. He wants to make sure that the Village has the funds for other development on Ogden Avenue.

Commissioner Waldack said he wanted to address all of the items at once, saying this has not been a quick decision-making process. It was reviewed at a Plan Commission meeting, and has been a troubled property for decades. This is a polluted area that was reviewed by the IEPA, and the present petitioner will have to comply with the IEPA regulations. Commissioner Waldack added that some projects, which are approved by the Council, are not always completed. The developer needs to meet many restrictions between now and the finished project. He noted that stormwater is running through the contaminated wetlands. He thinks under the current stormwater regulations this will be an improvement to the location. The Village also has restrictions regarding noise and lighting for the site. The Commissioner commented that he lives near the shopping area at 75th Street. Whenever there is noise he calls the Village and complains about it. He is confident that the project will be a plus for the community and he will support this.

Commissioner Barnett stated that he agrees with Commissioner José regarding the TIF. He would prefer to handle this in the traditional way. He supports the Village's involvement in this project. TIFs are difficult to explain and to manage well.

Village Manager Dave Fieldman responded that the Village can bring that decision to the Council annually.

Commissioner White asked for clarification that there is no obligation for the Council to make the sales tax rebate payment from the TIF fund. Mr. Fieldman said that was correct.

Mayor Tully commented that the Village has done this type of development before. There have been suggestions made of a sweetheart deal, and he is highly offended by that and considers it distasteful. People with businesses in Downers Grove are part of the Village as much as residents and non-profits. A sales tax rebate agreement is considered when it makes sense. This business was looking for a larger location and would have gone elsewhere. The Council was not just looking to move the business down the street. He noted that 50% of something is better than 100% of nothing. Within reason the Village will work with businesses to keep the dollars here in Downers Grove. This is not inconsistent with other agreements. These are not done for the self-aggrandizement or enrichment of the individuals on the Council, and he finds those suggestions to be very offensive.

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

Nay: None

Mayor Tully declared the motion carried.

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ORD 2016-6862 — B. Ordinance: Rezone Certain Property Located at 1815 Ogden Avenue

Summary: This rezones at 1815 Ogden Avenue from B-3, General Services and Highway Business, to B-3/PUD, General Services and Highway Business/Planned Unit Development.

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 1815 OGDEN AVENUE
ORDINANCE NO. 5550

Motion: Commissioner White moved to adopt "An Ordinance Rezoning Certain Property Located at 1815 Ogden Avenue," as presented. Commissioner Waldack seconded the motion.

Mayor Tully noted that this property meets the criteria for a rezoning request.

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

Nay: None

Mayor Tully declared the motion carried.

ORD 2016-6863 — C. Ordinance: Authorize a Special Use for 1815 Ogden Avenue to Permit an Automobile Dealership

Summary: This authorizes a special use for 1815 Ogden Avenue to permit an automobile dealership.

AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 1815 OGDEN AVENUE TO PERMIT AN
AUTOMOBILE DEALERSHIP

ORDINANCE NO. 5551

Motion: Commissioner White moved to adopt "An Ordinance Authorizing a Special Use for 1815 Ogden Avenue to Permit an Automobile Dealership," as presented. Commissioner Waldack seconded the motion.

Commissioner White commented that this is the type of use the Village has been pursuing for some time. He believes this will provide synergy and a great opportunity for further dealerships.

Mayor Tully said he is disappointed to hear that residents were not aware of an issue before it is voted upon. He said there was a neighborhood meeting on this property in March of this year, and the area of notification regarding signage was recently expanded. There was a Plan Commission meeting held in July and a First Reading last week. It has not been rushed. The Council has followed the same process as usual. This parcel was targeted for redevelopment for 20 years. There are many auto dealerships along Ogden Avenue. The Mayor expressed disappointment that this parcel wasn't developed sooner.

With regard to stormwater, the Mayor said stormwater is taken seriously, and the nature of this project does provide for potential improvement to the site. The County and the Village have undertaken purchasing homes where they should not have been allowed to be built. That is not unique to Downers Grove. With regard to the lighting and noise pollution, Mayor Tully commented that cell phones and walkie-talkies would be used such that the speakers would only be used intermittently. If an issue arises, the Village has the regulations in place to address the problem. He looked at the criteria for approving a Special Use, and reviewed how this project fits the criteria. The TIF fund has been in place on Ogden Avenue for some time to provide for economic development to the Ogden Avenue corridor. Mayor Tully said that he would be supporting this project.

Commissioner Hosé added that his one disappointment with this development is that a traffic light is not being installed to improve traffic movement.

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

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Nay: None

Mayor Tully declared the motion carried.

ORD 2016-6861 — D. Ordinance: Designate the Property at 1815 Ogden Avenue as Planned Unit Development #55 and Authorize Construction of an Automobile Dealership

Summary: This designates Packey Webb, located at 1815 Ogden Avenue, as Planned Unit Development #55 and authorizes construction of an automobile dealership.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS TO DESIGNATE THE PROPERTY AT 1815 OGDEN AVENUE AS PLANNED UNIT DEVELOPMENT #55 AND AUTHORIZE CONSTRUCTION OF AN AUTOMOBILE DEALERSHIP

ORDINANCE NO. 5552

Motion: Commissioner White moved to adopt "An Ordinance Amending the Zoning Ordinance of the Village of Downers Grove, Illinois to Designate the Property at 1815 Ogden Avenue as Planned Unit Development #55 and Authorize Construction of an Automobile Dealership," as presented. Commissioner Waldack seconded the motion.

1. Mr. Conness commented about developing this site earlier, noting that Aldi's owned it for a long time. He suggested that the Village could have forced Aldi's to clean it up. He said that the residents didn't say this was being rushed through, but instead they requested to take this a little slower because it is a large development. Mr. Conness commented with regard to property values going up. Mayor Tully asked Mr. Conness to limit his comments to the designation of this property as a Planned Unit Development. Mr. Conness said that the contamination will be kept on site, and will be underwater.

Commissioner Barnett pointed out that the Council appreciates the concerns of the neighbors and knows they are real. The Village is improving the area by fixing certain environmental problems. This Council believes it is improving the situation Village-wide. This is not being done with undue haste, nor is it being done for Packey Webb. Any one of the developments should result in better stormwater management for the area. The regulations of the Village, County and State should improve stormwater conditions.

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

Nay: None

Mayor Tully declared the motion carried.

ORD 2016-6926 — E. Ordinance: Restrict Certain Turns at Middaugh Road and Ogden Avenue

Summary: This restricts certain turns at Middaugh Road and Ogden Avenue.

AN ORDINANCE RESTRICTING CERTAIN TURNS AT MIDDAUGH & OGDEN

ORDINANCE NO. 5553

Motion: Commissioner White moved to adopt "An Ordinance Restricting Certain Turns at Middaugh & Ogden," as presented. Commissioner Waldack seconded the motion.

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

Nay: None

Mayor Tully declared the motion carried.

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ORD 2016-6921 — F. Ordinance: Vacate a Certain Portion of a Public Alley Right-of-Way (Adjacent to and between 708-712 Franklin Street)

Summary: This will vacate a certain portion of a public alley adjacent to and between 708-712 Franklin Street.

**AN ORDINANCE VACATING A PORTION OF A PUBLIC ALLEY ADJACENT TO AND BETWEEN
708-712 FRANKLIN AVENUE**

ORDINANCE NO. 5554

Motion: Commissioner White moved to adopt "An Ordinance Vacating a Portion of a Public Alley Adjacent to and Between 708-712 Franklin Avenue," as presented. Commissioner Waldack seconded the motion.

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

Nay: None

Mayor Tully declared the motion carried.

MOT 2016-6946 — G. Motion: Award a Contract to Elgin Recycling for Collection and Recycling of Residential Electronics

Summary: This awards a contract to Elgin Recycling for the recycling of electronic materials in the estimated amount of \$17,600.

Motion: Commissioner White moved to award a contract to Elgin Recycling for the recycling of electronic materials in the estimated amount of \$17,600.00. Commissioner Waldack seconded the motion.

Commissioner White commented that there are some concerns, but he will vote for this. He doesn't want to hold back this close to the date.

Mayor Tully said there were some conversations at the DuPage Mayor and Managers Conference regarding collaboration. Mr. Fieldman responded that the County has a program that could bring all types of recycling, including electronic, to all communities in the County. Staff is exploring this option. There may be a small fee levied for electronic recyclables.

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

Nay: None

Mayor Tully declared the motion carried.

MOT 2016-6914 — H. Motion: Direct Staff to Amend Land Use Ordinances for Burlington Station Apartments, 5100 Forest Avenue, to Reflect a Reduction in Required Cash-in-Lieu Park District Donation

Summary: This directs staff to amend the appropriate land use ordinances for Burlington Station Apartments, located at 5100 Forest Avenue, to reflect a reduction in the required cash-in-lieu donations to the Park District and School Districts by \$110,000.00.

Motion: Commissioner White moved to direct staff to amend the appropriate land use ordinances for Burlington Station Apartments, located at 5100 Forest Avenue, to reflect a reduction in the required cash-in-lieu donations to the Park District and School Districts by \$110,000.00. Commissioner Waldack seconded the motion.

Commissioner Waldack said that this is a tough decision, and he would rather see the Village delay collection rather than waiving the fees. He will oppose this Motion.

Mayor Tully commented that this is part of the Village's attempt to facilitate development in the downtown TIF. He would like this to be the exception. The Mayor suggested that they review how the school and park contributions are determined. There may be opportunities to preserve the balance between tradition and progress.

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

Nay: None

Mayor Tully declared the motion carried.

11. First Reading

Mr. Fieldman said that all three items are Community Development matters. He asked Stan Popovich, Director, Community Development, to make the presentations.

RES 2016-6942 — A. Resolution: Grant Historic Landmark Designation for 4502 Prince Street

Stan Popovich, Director, Community Development, showed a photograph of this Queen Anne structure built in 1896. The building meets the landmark designation requirements in that it is over 50 years old and is an example of the Queen Anne style.

Mayor Tully said he was very excited to see the high level of interest in this process.

Mr. Popovich said staff would begin assisting applicants with the mailings.

Rich Kulovany, 6825 Camden, said he was pleased to see this, as it is a centennial home. Most of the initial work is done by the Centennial Owners, making the landmark application much easier.

Amy Gassen, 5320 Benton, expressed her support for this application.

Mayor Tully expressed appreciation for this request coming forward.

RES 2016-6941 — B. Resolution: Grant Historic Landmark Designation for 1130 Franklin Street

Mr. Popovich said this is another Queen Anne style home, built in 1892 at the corner of Prince and Franklin Streets. He said that the house was built by Emerson Foote who was a partner of E.H. Prince & Co. He showed photographs of the building and the lot. This meets all the Ordinance requirements.

Mayor Tully said he has been in touch with descendants of the Emerson Foote family, and has had discussions regarding renaming a portion of Franklin for the Foote family. He would like to find a way to explore this option if it falls under the Village's purview.

Cindy Zaeske, owner of the property, said that the process of land marking was very simple and she completed it in one day. She thanked the Mayor for his comments regarding Foote Street and she encouraged other homeowners to consider land marking.

Ms. Gassen, 5320 Benton, expressed her support for this application as well. She is happy to hear that the process was a simple one. As far as Foote Street, as a member of the Historical Society Board, she believes that could be discussed by them in the future.

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Mr. Kulovany expressed his support for this petition as well. As a member of Friends of the Edwards House, he is glad to see this come before the Council. People are interested in land marking, and he encouraged others to do the same.

ORD 2016-6947 — C. Ordinance: Adopt the 2014 National Electrical Code

Mr. Popovich said that the Village generally updates the Code every five years or so. The 2008 Code is being followed currently, and the proposal is to update it to the 2014 National Electrical Code. One of the changes will allow smaller homes to upgrade to 100 amp panels rather than 200 amps.

12. Manager's Report

Mr. Fieldman said staff is working on updating the Comprehensive Plan and the Zoning Map. Staff has postponed the downtown planning items until there is a full Council panel of seven members. Staff has met with all Council members, and all six have indicated a conceptual support of the Civic Center site potentially as a midrise residential land use.

Mayor Tully said that the individual interviews with the Manager were very helpful. The focus of late has been in the downtown area. He appreciates staff's way of holding the one-on-one meetings. Public comments have been heard, and videos depicting various areas of the Village downtown area were helpful. He noted that discussions are being considered as to the Police Department renovation and development for the distant future.

Commissioner White said that he was never opposed to using revenues from the sale of the Civic Center property. He simply didn't want taxpayers to be on the hook. If they can get an acceptable bid on the property he would have no difficulty moving forward.

13. 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 adopting the 2014 National Electrical Code

14. Council Member Reports

15. Adjournment

Mayor Tully asked for a motion to adjourn.

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

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

Mayor Tully declared the motion carried and the meeting adjourned at 8:03 p.m.

Respectfully submitted,

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April Holden

Village Clerk