

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

10/4/2016

7:00 PM

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

1. Call to Order

Mayor Martin Tully called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Downers Grove Village Hall.

Pledge of Allegiance to the Flag

Mayor Tully led those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Council Attendance (Present): Commissioner Walus, Commissioner Earl, Commissioner Waldack, Commissioner White, Commissioner Hosé, 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 2016-7043 — A. Minutes: Council Minutes - September 20, 2016

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

Mayor Tully declared the motion carried by voice vote.

4. Proclamations

Mayor Tully declared October 2016 as American Pharmacists Month.

Maria Ochoa, a student at Midwestern University, thanked the Council for the proclamation. She said the purpose of the proclamation is to highlight the services pharmacists provide. She noted that Midwestern University in conjunction with the Downers Grove Recreation Center, 4500 Belmont Road, will have a health fair on Saturday, October 8 from 9:00 a.m. to 12 noon.

Mayor Tully noted that the health fair is a staple of the community and has been held for 13 years. The community benefits from this program. He apologized for being unable to attend as the Village's budget meeting is at the same time.

Mayor Tully then acknowledged Laura's Hair and Nail Studio at 4404 Fairview Avenue as a Downers Grove Green Business and presented the proclamation to Laura Wernimont, owner of the business.

Ms. Wernimont thanked the Council and the Environmental Concerns Commission for all the opportunities provided to her.

5. Public Comments

This is the opportunity for public comments.

Ken Lerner, 4933 Whiffen Place, said he was here to talk about coyotes. He noted that most residents have seen or heard about them in their neighborhood and there have been many questions about them. There is a group of researchers who have been studying coyotes for ten years. One of the researchers, Ashley Wurth, will speak at the Pierce Downer's Heritage Alliance annual meeting about *Chicagoland's Urban Coyotes* on Thursday, October 13 at 7:00 p.m. at the Lincoln Center, 935 Maple Avenue. This is a free event and Mr. Lerner invited the public to attend.

George Swimmer, 4905 Main Street, said his office and home are in Downers Grove. He talked about railroad safety. He is a member of the DuPage Railroad Safety Council. He said railroad safety is important in Downers Grove and he knows it is taken seriously here. He referenced the recent hazardous materials exercise. Mr. Swimmer then spoke about accidents in the last five years. Metra has 11 routes; 10 have specific safety protocols, but the BNSF does not. This results in a number of accidents. He then referenced recommendations for pedestrian safety and submitted a report, "Guidance on Pedestrian Crossing Safety At or Near Passenger Stations," dated April 2012. He said he has investigated accidents – the first one was at Fairview Avenue where passengers crossed the tracks when the gates were down. A film of this was made and he submitted it for Council review. He referenced a recent accident on a Sunday night when a westbound train was traveling on rail three and a pedestrian was too close and was killed. He said he hopes someone will speak out to improve safety in Downers Grove.

Mayor Tully thanked Mr. Swimmer for his interest and passion on this subject.

6. Consent Agenda

COR 2016-7041 — A. Claims Ordinance: No. 6179, Payroll, September 16, 2016

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BIL 2016-7042 — B. Bills Payable: No. 6290, October 4, 2016

RES 2016-7032 — C. Resolution: Authorize an Agreement with Air One Equipment, Inc.

Summary: This authorizes the purchase of self-contained breathing apparatus (scba) from Air One, Inc. of Elgin, Illinois in an amount not to exceed \$375,000.00.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND AIR ONE EQUIPMENT, INC.

RESOLUTION 2016-63

RES 2016-7006 — D. Resolution: Authorize a Community Development Block Grant - Disaster Recovery (CDBG-DR) Agreement with the County of DuPage

Summary: This authorizes execution of a Community Development Block Grant- Disaster Recover Assistance (CDBG-DR) Agreement between DuPage County and the Village of Downers Grove for federal funding in an amount up to \$292,500 to support the purchase of two (2) flood prone properties, 5631 Webster Street and an adjacent vacant lot.

A RESOLUTION AUTHORIZING EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY (CDBG-DR) AGREEMENT BETWEEN THE COUNTY OF DUPAGE AND THE VILLAGE OF DOWNERS GROVE

RESOLUTION 2016-64

RES 2016-7037 — E. Resolution: Authorize an Intergovernmental Agreement Establishing the DuPage Metropolitan Enforcement Group (DUMEG)

Summary: This authorizes the execution of an intergovernmental agreement for participation in the DuPage Metropolitan Enforcement Group, commonly known as DuMeg.

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT ESTABLISHING THE DUPAGE METROPOLITAN ENFORCEMENT GROUP (DUMEG)

RESOLUTION 2016-65

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

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

Nay: None

Mayor Tully declared the motion carried.

7. Active Agenda

RES 2016-7017 — A. Resolution: Repeal Motion 2015-6625 and Authorize a First Amendment to the Sales Tax Rebate Agreement with the Lemon Tree, LLC, Dated May 8, 2012

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Summary: This repeals Motion 2015-6625 and authorizes a first amendment to the Sales Tax Rebate Agreement between the Village of Downers Grove and The Lemon Tree, LLC dated May 8, 2012.

Motion: Commissioner White moved to table this item to a date uncertain. Commissioner José seconded the motion.

Mayor Tully said that if this motion passes, the item is no longer on the agenda. The original agreement would be in effect and the business is required to pay what is owed to the Village. The Lemon Tree's request would be null and void. The existing motion, approved on January 19, 2016, has expired. The original agreement terms were not met and the rebates would have to be paid back to the Village.

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

Nay: None

Mayor Tully declared the motion carried.

At this time, Mayor Tully reopened public comments.

Dave Nicholson, 930 Curtiss Street (Acadia on the Green 2), said there are a number of people in attendance who are interested in the use of the Lemon Tree site. He said their attorney wrote to the Mayor and received a response from the Village Attorney that no permits of occupancy will be issued until the sewer issue is resolved. Mr. Nicholson said that tabling this item takes some of the pressure off of this matter. They need help with the commercial property owner to negotiate a solution. Mr. Nicholson said he thinks the Village and the Sanitary District need to be involved and diligent in this issue and put pressure on the owner.

Mayor Tully said the Village will work with all the involved parties.

A resident of Building 3 asked what prompted the decision to table this item.

Mayor Tully said there was not sufficient support for the item as proposed.

The resident said she understood this was to be a grocery to service the residents of Downers Grove. She asked if 1,000 s.f. is serving the people and accomplishing the goal. She said the sewage affects the people living in the building and has to be addressed. The business has brought in noise, sewage and more foot traffic than a grocery store would cause.

Mayor Tully spoke to the concept of a grocery store in the downtown area. The agreement with respect to a sales tax rebate has ended. In his mind, we are starting over. The Village will continue to try to resolve the sewage issue. Regarding other uses, the Village will look to our land use rules.

Amy Gassen, 5320 Benton Avenue, said she and her husband made a presentation last Monday to the Friends of the Gifted (FRoG) at Ballydoyle. She thanked FRoG for the opportunity and Ballydoyle's for hosting the event. They spoke about American foursquare homes. They are looking forward to giving the presentation again.

Mary Stanoch, 930 Curtiss, Unit 210, spoke of having previously met the Mayor. She and her husband sold their house in Johnson Woods and now live at Acadia on the Green. Her concern is the backup of sewer waste in the garage as it is a major health issue. Vehicles and storage bins are in the garage. She is concerned about waste backing up in the sump pump system in Building 2.

The Mayor said the Village will continue to work with all the stakeholders on this issue. Prior to issuance of a certificate of occupancy, the Village will require that the sanitary system issue be addressed.

Ms. Stanoch remarked that coyotes are in Johnson Woods and come from the Forest Preserve.

8. First Reading

Village Manager Dave Fieldman said there are three items on the First Reading. He asked Stan Popovich, Director, Community Development, to introduce these items.

ORD 2016-7020 — A. Ordinance: Rezone Certain Property Located at 421 Maple Avenue

Stan Popovich, Director, Community Development, addressed the rezoning, special use and variation for the property at 421 Maple Avenue. He showed the location on the map. It is currently zoned O-R-M and is seeking rezoning to B-2 for use as an animal boarding facility, Doggie Depot. This is in accordance with the Future Land Use Plan. Mr. Popovich showed the building, parking lot and drop-off area. The petitioner has agreed to extend the curb and sidewalk as well as meet other requirements. He addressed compliance with the Comprehensive Plan and noted that this is Catalyst site #34. The rezoning and special use criteria have been met as have the standards for a variation.

Commissioner José said he lives within the 250' notice area. He thanked the petitioners for bringing this forward and noted that the Plan Commission meeting was uneventful.

Commissioner White asked as to the Plan Commission recommendation. Mr. Popovich said they recommended approval.

ORD 2016-7021 — B. Ordinance: Authorize a Special Use for 421 Maple Avenue to Permit an Animal Boarding/Kennel Service with a Variation**RES 2016-7022** — C. Resolution: Approve the Final Plat of Subdivision for 4824 Prince Street

Mr. Popovich said this concerns subdividing three existing lots into two lots. The lots are located at 4824 Prince Street, 4825 Saratoga Avenue and 1130 Franklin Street. This requires Council approval. This complies with the Comprehensive Plan and meets the requirements of the Zoning Ordinance and Subdivision Ordinance.

Mayor Tully said his spouse is a real estate agent and represents one of the parties in this matter. He will not vote or participate in this discussion. He will recuse himself.

9. Mayor's Report

Mayor Tully said the initial meeting regarding the FY17 budget will be held on October 8 at 8:00 a.m. at Fire Station 2, 5420 Main Street. He encouraged people to attend and to participate. This will be one of several meetings on the FY17 budget.

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 rezoning certain property located at 421 Maple Avenue
2. An ordinance authorizing a special use for 421 Maple Avenue to permit an animal boarding/kennel service with a variation

11. Council Member Reports

Commissioner Earl said she missed last week's meeting as she was on a long-planned vacation organized by Mayflower Tours. She highly recommended this company located in Downers Grove.

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Commissioner Waldack reminded residents that the Village does assess property. The Downers Grove Township office is responsible for the assessments as is York and Lisle Townships.

Commissioner Waldack noted that there is a commercial running regarding a safe roads referendum on the November ballot and whether transportation funds should be restricted for transportation projects. He has researched this and he urged people to get educated on candidates and issues.

The Mayor asked for a motion to recess to the Committee Room to discuss the Comprehensive Plan Update.

Commissioner White moved to recess to the Committee Room. Commissioner Waldack seconded the motion.

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

Nay: None

Mayor Tully declared the motion carried and a recess was called at 8:01 p.m.

12. Manager's Report - Committee Room

INF 2016-7038 — A. Information: Comprehensive Plan Update - Downtown Focus Area

Mayor Tully reconvened the Council meeting at 8:10 p.m. in the Committee Room to discuss the Comprehensive Plan Update.

Stan Popovich, Director, Community Development, said this is a continued discussion of the Downtown Focus Area Plan within the updated Comprehensive Plan. He noted that staff has met individually with Council members. The Downtown Focus Area Plan will drive projects. Staff developed a map consisting of four areas: Core, Downtown Edge, Neighborhood Transition and Residential. There are six locations to be discussed tonight to determine which focus area they fall into.

Mr. Popovich then explained the elements of each area:

Downtown Core – Maintain existing scale and streetscape; walkable; mix of uses (retail, restaurants, service, office with multi-family residential above); built property line to property line; height respectful of existing patterns (up to three stories)

Downtown Edge – Similar to Acadia on the Green, Marquis on Maple; location influences characteristics near core; neighborhood transition characteristics near transition; up to six stories in height

Neighborhood Transition – Residential neighborhood; mix of uses (single-family, multi-family, office, service); buildings setback from property lines; green space; height respectful of existing residential (up to three stories)

Residential – Remove from Downtown Focus Area; place in Residential Area Plan

Council members then focused on the discussion areas.

Area #1 – North side of downtown, from Saratoga Avenue, north of Warren Avenue and south of Franklin Street. The options are Neighborhood Transition or Downtown Edge. Council consensus was that the best fit would be Neighborhood Transition. Mr. Popovich said that the recommendations from Council will be used to develop regulations to achieve Council's vision.

Commissioner Barnett said a goal is to bridge the gap between expectations and reality. Mr. Popovich said the Comprehensive Plan is an aspirational statement of where we want to be and how we want our community to look. The Zoning Ordinance is how we get there. Mayor Tully said he does not want to handicap future Councils as it relates to broader community needs and issues.

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Commissioner White said that, with respect to the Downtown Core area, he would prefer fewer options, and more flexibility in the Downtown Edge area.

Area #2 – Main Street and Forest Avenue on north side, north of 4929 Forest and north of Rogers Street and Main Street at the auto shop. The options are Neighborhood Transition or Downtown Edge.

Commissioner Barnett said he would like to include the NE corner of Rogers and Main. He recommended the Neighborhood Transition area; Council concurred.

Area #3 – The south side of Rogers between Washington and Prospect. There are three options: Downtown Edge, Neighborhood Transition or to remove it from the Downtown Focus Area. The consensus for Area #3 was Neighborhood Transition.

Area #4 – The north side of Warren Avenue between Washington Street and Prospect Street. The options are Neighborhood Transition and Downtown Edge. The consensus for Area #4 was Neighborhood Transition. The Mayor said he could support Downtown Edge for Area #4.

Commissioner José noted that this area is along the tracks, but the height of the buildings provided for in Downtown Edge would tower over the rest of the area. If Area #4 is Downtown Edge, he is concerned about the potential difference in developments between the two sides of the block.

Commissioner Barnett recommended that the south side of Rogers between the Tivoli and Prospect be part of Area #4. Council discussed which area the Tivoli property would fall into and asked to consider this further.

Commissioner White recommended that the Maplewood Condos be part of the Residential Area. He does not want to encourage anything taller than what is there now.

Commissioner Barnett recommended the NW corner of Mackey and Maple including the condos be Neighborhood Transition.

Area #5 – West of Main Street between Grove Street and Maple Avenue. The options are Downtown Core or Downtown Edge. The consensus for Area #5 was Downtown Edge.

Commissioner White said he would recommend a design and review process to review a potential development.

Area #6 – South side of Maple Avenue from Carpenter to Washington. The options are Neighborhood Transition and Downtown Edge.

Commissioner Barnett said he would split this into three sections: Morningside's parcel to the corner along Maple could be Neighborhood Edge; the west side of Main and residential that abuts Summit and Webster/Randall could be Neighborhood Transition

Commissioner White spoke about adding a lane on Maple between Main and Washington. He is concerned about a 60' in height building at the corner. We need to study the traffic flow.

Mr. Fieldman said we have the ability to add notes to the plan regarding design. We will start a zoning and planning exercise and specifically address design guidelines.

Mark Thoman spoke about traffic at Main and Maple. Adding a fourth lane is an exceptional idea.

Mayor Tully said the conversation will continue.

Mr. Fieldman thanked Mr. Popovich for his presentation.

13. Adjournment

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

Mayor Tully declared the motion carried by voice vote and the meeting adjourned at 8:59 p.m.

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Respectfully submitted,

April Holden

Village Clerk