

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

5/9/2017

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 José, 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 2017-7371 — A. Minutes: Executive Session Minutes for Approval Only - April 11, 2017

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MIN 2017-7367 — B. Minutes: Council Minutes - May 2, 2017**Motion:** Commissioner White moved to approve the minutes 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.

4. Public Comments

This is the opportunity for public comments.

Mayor Tully noted that the special use request for 7221 Lemont Road has been deferred to next week, at the earliest, at the request of the petitioner.

Rich Kulovany, 6825 Camden, said he and Amy Gassen attended a seminar regarding walkable communities. Walkable communities have many benefits such as seeing your neighbors, walking to shops and trains, avoiding commutes by car, etc. He said that one point raised is that by 2050 suburbs will be denser, and it will be more difficult to sell larger lots. Transit oriented development is growing.

Marvin Schaar, 909 Rob Roy Place, spoke regarding the animal boarding facility. He thanked the Mayor and Council for receiving emails from neighbors. He said the neighbors will continue to try to protect the residents and achieve a win-win solution.

Mayor Tully said there is no conspiracy with regard to the deferral of this item. It is not uncommon for a petitioner to ask for a deferral.

5. Consent Agenda

BIL 2017-7365 — A. Bills Payable: No. 6328, May 9, 2017**RES 2017-7366** — B. Resolution: Acknowledgment and Consent to the Collateral Assignment with First American Title Insurance Company and 1815 Ogden, LLC**Summary:** This authorizes execution of an acknowledgment and consent to collateral assignment between the Village, First American Title Insurance Company and 1815 Ogden, LLC

**A RESOLUTION AUTHORIZING EXECUTION OF AN ACKNOWLEDGMENT AND CONSENT TO
THE COLLATERAL ASSIGNMENT AMONG THE VILLAGE OF DOWNERS GROVE, FIRST
AMERICAN TITLE INSURANCE COMPANY AND 1815 OGDEN, LLC**

RESOLUTION 2017-34

RES 2017-7372 — C. Resolution: Abrogate a Certain Public Easement in the Village of Downers Grove**Summary:** This authorizes the abrogation of a public easement on the property located at 5117 Main Street.

**A RESOLUTION ABROGATING A CERTAIN PUBLIC EASEMENT IN THE VILLAGE OF
DOWNERS GROVE**

RESOLUTION 2017-35

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MIN 2017-7370 — D. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Architectural Design Review Board - February 15, 2017; Plan Commission - April 3, 2017; Stormwater and Flood Plain Oversight Committee - May 12, 2016 and July 20, 2016

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

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

Nay: None

Mayor Tully declared the motion carried.

6. Active Agenda

ORD 2017-7340 — A. Ordinance: Authorize a Special Use for 7221 Lemont Road to Permit an Animal Boarding Facility

Summary: This authorizes a special use to operate an animal boarding business at 7221 Lemont Road.

Motion: Commissioner White moved to table this item to May 16, 2017. Commissioner Waldack seconded the motion.

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

Nay: None

Mayor Tully declared the motion carried.

7. First Reading

ORD 2017-7357 — A. Ordinance: Grant a Stormwater Variance for 4710 Highland Avenue

David Fieldman, Village Manager, asked Kerry Behr, Stormwater Administrator, to present this information on this item.

Kerry Behr, Stormwater Administrator, showed the location of the property, the structure in question and the view on a drainage map. The property is improved with a detached garage and a home. The majority of the lot is within a Localized Poor Drainage Area (LPDA). She said the property has a shared driveway with the neighboring property. The homeowner is requesting a variance from the Stormwater and Flood Plain Ordinance, Section 26.505.B, requiring detached garages to be constructed at least one foot above the Base Flood Elevation (BFE). The existing garage is 2.3 feet below the BFE; the petitioner is requesting to build the garage at 1.8 feet below the BFE.

Ms. Behr said this request was heard by the Stormwater and Flood Plain Oversight Committee and recommends approval of the variance with the conditions that a sign will be placed in the garage stating hazardous materials are to be stored above BFE and a note shall be recorded to the title that the garage is subject to flooding.

Mayor Tully said the garage is significantly below the base flood elevation.

Ms. Behr said it will continue to flood, but less than before. This will not make the flooding worse for the neighbors. She also spoke regarding the materials to be used for construction that can handle the water.

The Mayor asked if the conditions are dictated by the topography, and not by anything the petitioner wants to do.

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Ms. Behr concurred.

Matt Forzley, 4710 Highland, said he is the owner of the property. He said the garage is not current flooding, but it has no floor and is not usable.

ORD 2017-7358 — B. Ordinance: Amend Water Rates

Mr. Fieldman said this ordinance is to increase water rates 1.1% to cover the cost of purchasing water from the DuPage Water Commission.

Commissioner Waldack noted that this is a pass through expense. He said the meter rates are expected to increase next year and asked if both of these increases should be done at the same time.

Commissioner Barnett asked if the water rate increase from the DuPage Water Commission has happened yet.

Mr. Fieldman said this is a real increase to the Village and all customers of the DuPage Water Commission.

Commissioner Barnett asked about the difference between the DuPage Water Commission increase of 1.67% and the intention of the Village to raise rates by 1.1%.

Mr. Fieldman said the 1.1% increase is the cost of water only.

RES 2017-7360 — C. Resolution: Grant Historic Landmark Designation for 4709 Linscott Avenue

Stan Popovich, Director, Community Development, said this resolution is to designate the house at 4709 Linscott Avenue a historic landmark. He showed the location of the home. It is a two-story Folk Victorian house. He showed the earliest photo of the home and a picture of the home as it looks today. The front porch has been enclosed. It meets the designation criteria in that it was constructed in 1894 and because of its architectural style.

Mayor Tully thanked the petitioner, Mary Lou Lockerby, for bringing this forward.

Commissioner Earl asked as to the name of the house.

Mr. Popovich said the name is the Lottie McDougall House.

Mr. Kulovany thanked the homeowner and noted that she had attended the landmarking workshop.

The Mayor thanked those who have assisted people in this endeavor.

Amy Gassen, 5320 Benton Avenue, said the most difficult part of landmarking a home is the decision to do so. She thanked the homeowner of this property and noted that this was a centennial home with the Historical Society.

INF 2017-7359 — D. Information: Introduction of Building and Fire Code Updates

Mr. Popovich provided information pertaining to the Village's upcoming adoption of the International Code Council's 2015 series of building and fire codes. He said these codes must be followed when applying for a permit. The current codes are the 2006 edition and were adopted in October 2009. Staff is proposing that the Village update to the 2015 edition of the codes. It is important to update the versions of the building code as building technology changes and life safety improvements are made. Further, updating the codes is crucial to improving the Village's Building Code Effectiveness Grading Schedule grade and realizing the associated benefits.

Mr. Popovich reviewed the schedule for the adoption of the updated building codes. An open house is planned to be held in May for architects, builders, contractors, developers and property managers. Staff proposes adoption of the building codes on July 11, 2017, with an effective date of August 12, 2017.

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8. Mayor's Report

Mayor Tully said the Annual Groovin in the Grove 5K race will be held on May 13 on the campus of Midwestern University. All Moms will receive a Mother's Day flower at the finish line.

The Mayor reported on the activities and ceremonies for Founders' Day weekend. He said it was a wonderful event.

The Mayor noted that May is Historic Preservation Month. He referred to a new video on Historic Preservation on the homepage of the Village's website.

Mayor Tully wished a Happy Mother's Day to all mothers.

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 granting a stormwater variance for 4710 Highland Avenue
2. An ordinance amending water rates

10. Council Member Reports

Commissioner Earl thanked the representatives of the Friends of the Edwards House and the Historical Society for their informative talk on landmarking at the Founders' Day events.

Commissioner Waldack said the Classic Car Shows begin downtown starting May 19. More information can be found at www.downtowndg.org.

Commissioner Walus invited everyone to participate in the Noah's Hope Cupcake Classic 5K to be held in the McCollum Park neighborhood on Sunday, May 21. More information and registration is available at www.noahshope.com.

Commissioner White said he, State Representative Olsen and Commissioner Earl attended a recognition dinner held by DG Fish. DG Fish has been in the Village for more than 50 years. He noted some of the services DG Fish performs. It is the food pantry. They help bind the community together. Saturday, May 13, 2017, is the 25th annual food drive. More information is available at www.dgfish.org or by calling 630-064-7776. He urged people to donate food or to donate time to stock shelves or serve as drivers.

The Mayor wished a Happy Mother's Day to Commissioners Walus and Earl. He said there are 43 days to Rotary GroveFest.

The Mayor asked for a motion to recess to the Committee Room to discuss the Long Range Plan and the Comprehensive Plan.

Motion: 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 the Council recessed at 7:32 p.m.

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11. Manager's Report - Committee Room

Mayor Tully reconvened the Council meeting at 7:44 p.m. in the Committee Room to discuss the Long Range Plan and the Comprehensive Plan.

INF 2017-7351 — A. Information: 2017 Long Range Plan

The Mayor said this is a continuing conversation. He introduced Mike Baker, Deputy Village Manager, to discuss the future of the downtown.

Mike Baker, Deputy Village Manager, said the Village has been involved in long range planning for many years. The Long Range Plan incorporates both a strategic plan and financial plan. The Council's role is to establish strategic goals. He reviewed the timeline and goals for the Long Range Plan. He said there are three issues as part of this Long Range Plan: OPEB (Other post-employment benefits) unfunded liability; General Fund sustainability, and planning for the future of the downtown. Tonight's discussion will focus on planning for the future of the downtown.

Mr. Baker asked the question, "Where were you in 1997?" He said 1997 was a significant year for the Village as it was when the Village began planning for the downtown. The Master Plan for the Central Business District was adopted in January 1997 and the Special Service Area and TIF were created. He referenced public improvements including infrastructure improvements and parking deck construction. Private development followed. Mr. Baker showed numerous photographs of the downtown area in 1997, the current downtown area, current construction and renderings to highlight the differences.

Mayor Tully relayed a story about that infrastructure project that resulted in finding clay tiles dated to the late 1800's.

Mr. Baker provided data comparing 1997 to 2017 in terms of the number of residential units, commercial space, parking spaces and the EAV. Public investment in the downtown amounts to \$46.5 million; private investment is \$89.3 million.

Mr. Baker then reviewed issues facing the future of the downtown. Needs that will require ongoing resources include parking, infrastructure maintenance, marketing, redevelopment opportunities, events coordination and services such as snowplowing, landscaping, etc. The TIF and SSA, the primary funding sources, will expire in 2020. Mr. Baker explained that TIF funding equals funding for public and private redevelopment, and the SSA equates to funding for the Downtown Management Corporation.

Recommended actions are to create a plan for future downtown needs that will engage key stakeholders such as the Downtown Management Corporation, downtown business and property owners, and residents. This will coincide with relying on guidance from the Comprehensive Plan and other planning and regulatory documents. Key questions include asking what the needs are, how they should be prioritized, how they should be paid for, etc.

Mayor Tully thanked Mr. Baker for his presentation. There have been many changes and improvements over the last 20 years. Twenty years ago businesses and landlords owned the downtown and no one lived in the downtown. In the evenings, cab drivers referred to Downers Grove as "Downers Grave." Now the number of people who live downtown dwarfs the number of businesses. Trends have changed. The downtown has been viewed as the heart of the community and it should be a priority.

Commissioner Waldack noted that 20 years ago people could buy shoes and groceries, but there were no bars.

Mr. Fieldman said staff is looking for concurrence as to the top three Long Range Plan priority issues. They have to plan for the expiration of the TIF and SSA.

Commissioner Earl noted there is considerably more parking than in 1997.

Commissioner White said these issues are not high priority; they are essential.

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ORD 2017-7244 — B. Ordinance: Update the Village's Comprehensive Plan

Mr. Popovich said tonight's presentation is of the Downtown Focus Area Plan. He described the process to date. The Comprehensive Planning Ad Hoc Committee, the Plan Commission and the Council have all been involved in the update to the Comprehensive Plan. He reviewed downtown subareas including core, edge and transition. The Plan Commissioner added a fourth area known as the center area. He discussed changes that have been made to the Comprehensive Plan.

Mr. Fieldman said staff has tracked all the changes and, absent Council concerns, intends to make them to the Comprehensive Plan. He said comments from Commissioner White have been incorporated.

Commissioner White said his thinking on the Downtown Focus Area Plan was not to focus on B-8 as a catalyst site. Regarding VC-1, 2 and 3, he'll advocate for those and doesn't think any surface parking lots within the downtown area add value to a walkable vibrant downtown area. He considers them a low value use of the land. He sees filling in drive-thrus as adding to the walkability and storefront space for more shopping. VC-4 needs to be discussed concerning height. B-7 should be part of the core at no more than three stories. He would like to keep the Masonic Temple, and he suggested some further word changes that he gave to staff.

Mayor Tully referenced an historic site at Main and Maple, saying that area across from Morningside appears on the map as underdeveloped. He questioned the potential of relocating the historic site, saying that type of move has been done in other places in the country and has been done well.

Commissioner Earl said she has no interest at all in moving it, and thinks it should be protected.

Commissioner Barnett commented that there are many surface lots in that area.

Commissioner José commented that they must find a way to safeguard that historic structure. He asked what Commissioner White understood by the term "contemporary."

Commissioner White doesn't want "contemporary" to mean development or architectural style. He doesn't want that to be misconstrued.

Commissioner White then distributed information on a new business item regarding forming a Downtown Design Review Ad Hoc Committee. He said if a decision is made to move forward with such a committee they should be able to be functional by September, using the time in between to determine its parameters. He also provided information on another new business item regarding repurposing the Architectural Design Review Board to focus primarily on historic preservation.

Mayor Tully said the concept of a Downtown Design Review Committee has been under consideration for some time, however, there are no low priority items before the Council at this time and every year they have more items than time will allow to be addressed.

Commissioner Barnett asked to revisit the Rogers Street question, saying he would like to see a transition for planning purposes with the north side of Rogers and the east side of Washington as a transition area.

Mr. Popovich said that the current plan recommendation for that area is edge. He described the properties at that location including some single-family homes being used as businesses.

Commissioner Barnett replied that the issue there is the number of stories allowed.

Mr. Fieldman said that the closer the edge is to the downtown the more urban it is, and the further out it is the less urban it is. Edge 1 or Edge 2 is a zoning issue.

Commissioner José expressed concern about what is being put there in terms of size and scope. Five stories is too big. Three stories appear to be an agreed upon height.

Commissioner Barnett asked about adding a catalyst site between the Tivoli area and 922 Rogers.

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Commissioner White then addressed 75th Street and the graphic of s a potential apartment development. He said it's apparently caused consternation among many people. He referenced page 131 and recommended changing the graphic.

Mr. Fieldman said that staff has no problem removing the graphic if it's causing problems.

Commissioner White then referenced the Economic Development Chapter saying he had no problem with deleting that chapter.

Commissioner Barnett said he would hate to eliminate renderings, although he understands the concern.

Mr. Fieldman said it might be good to include multiple images rather than one image, which the public perceives as a decision that's already been made. He also said they could be included as sketches rather than as planned out drawings.

Robin Tryloff thanked the Council for protecting the former blacksmith building.

12. Adjournment

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

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

Nay: None

Mayor Tully declared the motion carried and the meeting adjourned at 8:46 p.m.

Respectfully submitted,

April Holden

Village Clerk