

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

9/12/2017

6:30 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 6:30 p.m. in the Council Chambers of the Downers Grove Village Hall.

2. Roll Call

Council Present: Commissioner Walus, Commissioner Earl, Commissioner Waldack, Commissioner White, Commissioner José, Commissioner Barnett; Mayor Tully

Absent: None

3. Executive Session

Convene into Executive Session pursuant to Section 2(c)(2) of the Illinois Open Meetings Act to consider collective negotiating matters.

Commissioner White moved to go into Executive Session pursuant to Section 2(c) (2) of the Illinois Open Meetings Act to consider collective negotiating matters. Commissioner Waldack seconded the motion.

Mayor Tully declared the motion carried by voice vote and the Council convened into Executive Session at 6:31 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 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.

6. Minutes of Council Meetings

MIN 2017-7512 — A. Minutes: Council Minutes - September 5, 2017

Motion: Commissioner White moved to approve the minutes as presented. Commissioner José seconded the motion.

Mayor Tully declared the motion carried by voice vote.

7. Proclamation

Mayor Tully said a presentation would be included as part of this agenda item.

A contest was held at the Farmers' Market as to the favorite landmarked home. Christine Martin and Shanon Tully, representatives of Friends of the Edwards House, were introduced.

Ms. Martin said there was a booth at the Farmers' Market where they gave out a lot of information to the public.

Ms. Tully, 5413 Main Street, said they had over 300 ballots cast for a favorite landmarked home, located at 1130 Franklin Street known as The Foote House. The Mayor presented the owners of The Foote House, the Zaeskes, with a certificate.

Mayor Tully expressed his appreciation for the grass roots effort that has been made and for supporting historic preservation.

Mayor Tully then read a proclamation celebrating the 230th anniversary of the framing of the U.S. Constitution. Ms. Carol Wandschneider received the Proclamation.

Ms. Wandschneider said that the Constitution has endured longer than any other in the world and has been used as a model for other countries. She asked the public to please fly their flags.

Mayor Tully then read a Proclamation for the Do Good Du Page campaign, the biggest service initiative in the County's history to encourage 150,000 residents to participate in volunteerism in the County. He presented the Proclamation to Ms. Shefali Trivedi, Executive Director, Giving DuPage.

Ms. Trivedi presented a video about the campaign. She said that Mayor Tully has been incredibly supportive of this campaign, which began with Giving DuPage. She described the campaign as an imagination exercise. They want people to get involved, choose their idea or create their own idea, tell what was done and get others involved in the campaign.

Mayor Tully said the video would be made available on the Village's Cable channel.

8. Public Comments

This is the opportunity for public comments.

1. Cindy Zaeske, 1130 Franklin Street, said that on September 23 the Friends of the Edward House will hold their second annual landmarked house tour. Four homeowners will open their landmarked homes to encourage historic preservation. The cost is \$10.00.
2. Shanon Tully, 5413 Main Street, said the four houses to be toured are: 701 Maple Avenue, 4540 Highland, 1232 Gilbert, and 4709 Linscott. She said she hoped everyone would purchase a ticket to help support historic preservation in the Village. Tickets can be obtained online at Friends of the Edwards House.com, until September 22. Ms. Tully said tickets purchased from her office at 943 Maple Avenue on the day of the tour for \$15.00.
3. Rich Kulovany, 6825 Camden Road, said that Friends of the Edwards House is hosting a free event on September 26 at 6:30 p.m. at the Historic Society on how to landmark your historic property.
4. Scott Curran, 4826 Stanley, congratulated the social media game in Downers Grove for getting stronger. He then commented on last week's meeting, which he said was led very well. Appointments have consequences. He referenced the appointment process in general and asked how it is determined which applicants receive consideration. He asked if every applicant receives an interview, and how applicants know that they have been considered. Mr. Curran read an email that he sent to the Council members. Mr. Curran said that he learned in the past week that a dozen or more people have applied for positions and have received very little follow-up and no interview. He noted that some applicants apply mere days before the appointment. He thinks the appointment process should lead to inclusion. Mr. Curran commented on diversity, stating that people make the Library look like a melting pot of diversity. Diversity is a fair observation and should be a priority. No one should be excluded because they are new to the community. He thinks the Village should go the extra mile to be diverse and inclusive.

Mayor Tully replied that he and Mr. Curran have been communicating with one another, and he is happy to walk through the procedure. Appointments by the Mayor are made with the consent and approval of the Council. Over the course of his time as Mayor, there may have been one time where there was not full support, and that is among 211 appointments. The process has changed over time, and there is really no process. Every Council will talk about appointments at Governance meetings. There are approximately 16 Boards made up of 6-9 members each, and terms are staggered. In August, the Mayor reviews and makes appointments himself. Staff identifies who is interested in reappointment to a Board or Commission. The Mayor then asks staff about attendance at the meetings. Mayor Tully said that there are many people interested in Village Boards. The Library Board has over 50 people on the list of interested applicants, while only one seat comes up in a year's time. Mayor Tully said after identifying those interested, he asks for a list of applicants and their applications. The Village advertises the ability to apply. He looks at the applications of anyone who has applied. He noted that staff annually vets the list to determine whether applicants are still interested in serving. Some boards require a member with a particular expertise to fit the profile. The Mayor then looks at why they want to serve and their background. Most of the initial selection is done purely on qualifications. He doesn't know most of the people. He looks to determine suitability. He then emails or calls to determine their continued interest, passes the names on to staff to share with the Council members. The Council members are provided with the applicant's name, etc. Council members can

meet or call the candidate if they wish. Nominated candidates' names are available on the Village's website in the Council packet the Friday before the Council meeting at which appointments are made.

Mayor Tully said that there were 13 applicants for Village Council, three of whom were women and two women were appointed to the Village Council when positions were vacated. More or less the Village's boards and commissions are made up of demographics of the community. The Library Board's last two appointments didn't have children using the Junior Room. The last three people have fit those criteria. He noted that recommended appointees are invited to the Council meeting. All meetings of board and commissions are public meetings. The public is invited to attend and speak. The vote is public. He noted that the Village has almost always had unanimous support.

9. Consent Agenda

BIL 2017-7505 — A. Bills Payable: No. 6350, September 12, 2017

RES 2017-7500 — B. Resolution: Authorize an Agreement and Addendum with SPS VAR, LLC

Summary: This authorizes the purchase an IBM Power 8 server and data migration services from SPS VAR to replace the current Police Department computer aided dispatch and records server.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT AND ADDENDUM BETWEEN THE VILLAGE OF DOWNERS GROVE AND SPS VAR, LLC

RESOLUTION 2017-68

RES 2017-7497 — C. Resolution: Authorize an Incentive Agreement with Rexnord Industries, LLC

Summary: This authorizes an incentive agreement between the Village of Downers Grove and Rexnord Industries, LLC.

A RESOLUTION AUTHORIZING EXECUTION OF AN INCENTIVE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND REXNORD INDUSTRIES, LLC

RESOLUTION 2017-69

MIN 2017-7511 — D. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Plan Commission - August 7, 2017

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.

10. Active Agenda

ORD 2017-7413 — A. Ordinance: Rezone Certain Property (Flavorchem Corporation)

Summary: This rezones the properties at 1500, 1509, 1515, 1516, 1525 and 1528 Brook Drive and 1429, 1503, 1505, and 1515 Centre Circle to O-R-M/PUD Office, Research and Manufacturing, Planned Unit Development.

AN ORDINANCE REZONING CERTAIN PROPERTY (FLAVORCHEM CORPORATION)

ORDINANCE NO. 5645

Motion: Commissioner White moved to adopt "An Ordinance Rezoning Certain Property (Flavorchem Corporation)," as presented. Commissioner Waldack seconded the motion.

1. Mark Bratkiv, 2901 Finley Road, adjacent to Flavorchem, said he wanted to warn residents of the unprecedented action about to be taken by the Council and Mayor. He explained that the Council would gift Brook Drive, a public street, to a single private corporation that needs more parking. Many business owners were stunned by this decision. Flavorchem will steamroll over the objections of dozens of small businesses and over the Plan Commission's 6:0 vote to reject the plan to shut down Brook Drive for the sole benefit of one company. Mr. Bratkiv asked why the residents should care about the closing of this public street since there are no voters to offend in this industrial park. The closing of Brook Drive is a clear overreach by Mayor Tully and the Council that, if left unchecked, will lead to more big private corporations getting deals at the cost of small business owners. When Flavorchem first petitioned the closing of Brook Drive for their exclusive use, it was originally a vacation of the land without payment for the land until they realized it would place them on shaky legal ground. Flavorchem, Mayor Tully and the Council put their legal minds together and agreed to authorize a license to Flavorchem to close Brook Drive. Mr. Bratkiv said that according to Mayor Tully at the last meeting, there is a big difference between a "vacation of land" and a "license." Mr. Bratkiv said that may be legally true, but it is morally wrong. It is wrong to take a public street and turn it into a private parking lot for Flavorchem. One of the duties of the Village of Downers Grove is to make rules and decisions so that everyone in business gets treated fairly, equally and without favoritism. The Ordinances and Resolution are for the sole benefit of Flavorchem at the expense of all the other businesses and citizens who use Brook Drive and Centre Circle. This is a serious wake-up call to the residents of Downers Grove. He said he hoped the Village was paying attention.

2. Steve Giesler, 1214 Maple, is one of the owners of 1501-1503 Brook Drive. He thanked the Village staff for addressing two concerns he raised at the meeting last week, including turning radius for trucks, and the lack of responsibility of other businesses toward costs for maintenance/snowplowing of Brook Drive or whatever it is going to be called. He said he still very strongly opposes closing Brook Drive, as it is a very good deal for Flavorchem, and bad for the rest of the businesses.

3. Michael O'Connor, an attorney representing U.S. Brass and Copper at 1401 Brook Drive and 1418 Centre Circle, noted that he appeared at the meeting last week. He said the objections to licensing of Brook Drive are well documented. He read staff's findings of fact. The property is still necessary for public use. A number of neighbors are telling you not to vacate the street because they desperately need it. Whether it is being given away as a vacation or a license, the surrounding neighbors are telling the Council not to vacate the street, and the Council is ignoring those requests. Mr. O'Connor said that Flavorchem's own traffic study has indicated that closing Brook Drive will have a negative impact on businesses in the area and the intersections. He said the Council should not ignore this, because it is too important. The street should not be vacated. Only Flavorchem has said it should be vacated. With regard to compensation, Flavorchem's appraisal stated that the value of Brook Drive is \$380,000 and that the Village should waive payment, without any explanation or justification. Giving up Brook Drive to a private company with no compensation or putting the property on the tax rolls makes no sense.

Mr. O'Connor then addressed the change from a vacation to a license, saying no one seems to understand the change. It appears to be done to circumvent the higher standards for vacating a street, and it makes it easier to waive the \$380,000 for the street and makes it easier not to place the property on the public tax rolls.

The surrounding property owners cannot sit by if the street is vacated or closed, and if this Council approves the licensing and closing of Brook Drive, these property owners will be forced to investigate alternatives to enjoin the closing of Brook Drive. It is too important to the value of their property and the operation of their businesses.

4. Kevin Halpin, Elite Electronic Engineering, at 1515 Center Circle, stated they also own the property at 1500 and 1430 Center Circle. They have 75 employees and have been at that location since 1975. He spoke with 34 business and property owners today. He received 47 signatures to oppose the licensing of Brook Drive to Flavorchem, representing 32 separate businesses. He found no one in favor of closing Brook Drive. The 32 businesses in opposition include about 320 employees. The majority of businesses received no notification that these items were under consideration. Most of the people were very surprised. Others were dismissive because they believed this could never happen. His goal is to give the facts to the other businesses in the area. Flavorchem will license a public road at zero cost for their sole benefit and will restrict access to other businesses. If this is passed, it sends a message that the Village will close a street if you are a big business, and the Village doesn't care about small businesses. He noted that some people he spoke with are thinking of moving their businesses elsewhere outside of the Village. The Village is choosing one business's request over the majority of the other businesses affected by their decision to close the road.

5. David Haugen, 4826 Forest Avenue, said he has no business interest in this. His interest is the process. He searched the Flavorchem document for the word "license" thinking he would find an Ordinance, regulation, some governmental citation, but could not find any reference. He asked whether the final Resolution they will consider constitutes the license, or is there a separate document like a lease that serves as a license.

Mayor Tully said, yes, it is in the form of the Resolution authorizing the agreement.

Mr. Haugen said he is surprised that the neighbors were not notified of this.

Mayor Tully said that everything happened pursuant to Village Code, notices were published, a sign was posted on the site and there was a phone number posted as well. They were notified consistent with Village Ordinances.

Mayor Tully said that the standards for rezoning have been met and no contrary opinion was stated.

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

Nay: None

Mayor Tully declared the motion carried.

ORD 2017-7412 — B. Ordinance: Amend the Zoning Ordinance to Designate the Property at 1500, 1509, 1515, 1516, 1525 and 1528 Brook Drive; and 1429, 1503, 1505 and 1515 Centre Circle as Planned Unit Development #59 and Authorize a Campus Master Plan for Flavorchem Corporation

Summary: This designates the properties located at Brook Drive and Centre Circle as Planned Unit Development #59 and authorizes a campus master plan for Flavorchem Corporation.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, TO DESIGNATE THE PROPERTY AT 1500, 1509, 1515, 1516, 1525 AND 1528 BROOK DRIVE; AND 1429, 1503, 1505 AND 1515 CENTRE CIRCLE AS PLANNED UNIT DEVELOPMENT #59 AND AUTHORIZE A CAMPUS MASTER PLAN FOR FLAVORCHEM CORPORATION

ORDINANCE NO. 5646

Motion: Commissioner White moved to adopt "An Ordinance Amending the Zoning Ordinance of the Village of Downers Grove, Illinois, to Designate the Property at 1500, 1509, 1515, 1516, 1525 and 1528 Brook Drive and 1429, 1503, 1505 and 1515 Centre Circle as Planned Unit Development #59 and Authorize a Campus Master Plan for Flavorchem Corporation," 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.

RES 2017-7414 — C. Resolution: Authorize an Agreement with Flavorchem Corporation Providing for a License with Respect to Brook Drive

Summary: This authorizes an agreement for access and partial use of Brook Drive right-of-way.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT PROVIDING FOR A LICENSE WITH RESPECT TO BROOK DRIVE; AND BETWEEN THE VILLAGE OF DOWNERS GROVE AND FLAVORCHEM CORPORATION

RESOLUTION 2017-70

Motion: Commissioner White moved to adopt "A Resolution Authorizing Execution of an Agreement providing for a License with Respect to Brook Drive; and Between the Village of Downers Grove and Flavorchem Corporation," as presented. Commissioner Waldack seconded the motion.

1. Mr. Haugen, 4826 Forest, said he has no financial interest in this but is interested in the process. He asked if the license is revocable.

Mayor Tully said it is, and it states so in the document.

Mr. Haugen asked whether the document allows the Village to inspect whether the terms of the license are being met.

Mayor Tully said that it does, and the Village has the right-of-way to access sewers under the street. It cannot become privately owned.

Mr. Haugen said he noticed that part of Brook Drive is to be renamed to Flavorchem Drive. He asked if that would require any other businesses to change their mailing addresses.

Mayor Tully said they would not have to change their mailing address.

Mr. Haugen then asked about the return of the Village's lighting to the Village and asked if it is to be in a functional condition. The Mayor said it is.

2. Dave Kavanaugh, President of U.S. Brass and Copper, said he owns two properties in this industrial complex. He drives those streets everyday including some Saturdays. They know the congestion and the need for those streets. He is very disappointed with the action taken by the Council. He is really disappointed with Mayor Tully and the Council members. The Plan Commission was very proactive. He did not hear the Council participate in a conversation that would lead to this decision that was made.

3. Mary Ann Badke, 5408 Carpenter, asked about the Plan Commission vote to reject the vacation of the street.

Mayor Tully said the Plan Commission voted against the proposal with respect to the fee waiver. This is a Village Council decision to waive fees or grant vacations.

Ms. Badke said she feels there is a disconnect between what is good for the community and what is financially good.

4. Mr. Bratkiv disagreed with Mayor Tully's comments, noting that the Plan Commission specifically asked Flavorchem to come back with a proposal that does not close the road.

Mayor Tully replied that this is not a debate. He is entitled to his own assessment, as is Mr. Bratkiv.

5. Mr. Halpin said that Elite Electronics has been expanding, and a big problem they have is parking. They did not consider it an option to come to the Council to ask that the street be closed because that would have been ridiculous. They worked with their neighbors to rent space from them. The Council just passed two Ordinances to expand Flavorchem's campus. Instead of closing the street, he asked why Flavorchem was not asked by the Council to submit a different proposal that would not close the street and negatively impact everyone else, instead of simply approving the street closure.

Commissioner Barnett said his understanding was that the traffic study found that the changes would not materially affect intersection traffic patterns.

Village Manager Dave Fieldman said that was correct.

Commissioner Barnett said that nobody loses access to either Finley or Butterflied under this scenario. He is satisfied that there will be no negative impact, and he is in favor of this.

Commissioner Waldack commented that he appreciates the public input. The Council has studied this. The information is available on the Village's website and he will support this.

Commissioner White said no one is being denied access. They simply have to go around. He is persuaded that Flavorchem cannot create this campus without the road. The license agreement is the appropriate way to act. When Flavorchem moves it will re-open. He will support this request.

Mayor Tully commented that he appreciates the public comments. Village staff was looking for a way to stop cut-through traffic prior to this request. Staff was looking for a way to enhance public safety by reducing vehicular/pedestrian conflict. As to any negative impact to the properties, he believes it will be minimal at best. There are no visibility issues, and no loss of business identity. There are two access points to the industrial park. It all comes down to closing Brook Drive. This is not unprecedented. He referenced Perma-Seal. This is a form of an economic development incentive, and there is a public benefit to this that goes beyond this industrial park. He said that the Village is not giving up property and will re-open it if Flavorchem moves. He noted that the Village is not losing tax benefits. He thinks this is in the best interest of the community overall.

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

Nay: None

Mayor Tully declared the motion carried.

11. First Reading

ORD 2017-7483 — A. Ordinance: Authorize a Special Use for 42-76 Ogden Avenue to Permit a Drive-Through for a Multi-Tenant Commercial Building with a Variation

Mr. Fieldman introduced Stan Popovich, Director, Community Development, to present information on the property at 42-76 Ogden Avenue.

Stan Popovich, Director, Community Development, said the property is on the far east end of Ogden Avenue between Cumnor and Williams Street, on the north side of Ogden Avenue. The site is at the southeast corner of the property, formerly Caputos. The petitioner is proposing a commercial building with a drive-through, including a new access to Williams to facilitate traffic into the shopping center. He showed the landscape plan with new green space proposed. There are two pedestrian connections, and the special use has a drive-through lane to allow ingress/egress to the shopping center. Mr. Popovich said that the variance request does not impact the residential properties to the east. There is currently a single-parcel that will be divided into three parcels. The proposed uses and the proposed plan are consistent with the Comprehensive Plan, and the Special Use, Variation and Subdivision standards have been met.

Commissioner Barnett expressed concern about the turns at Williams and Ogden and attempted left turns onto Ogden Avenue eastbound.

Mr. Popovich said he would review the traffic study.

RES 2017-7482 — B. Resolution: Approve a Final Plat of Subdivision for 42-76 Ogden Avenue

12. Mayor's Report

Mayor Tully announced that Coffee With the Council will be held on Saturday, September 16, at 9:00 a.m. at the Farmers' Market, Main Street Train Station.

The Mayor announced that the 4th annual Oktoberfest will take place Saturday and Sunday, September 16 and 17 in downtown Downers Grove. The hours on Saturday are noon to 11:00 p.m.; Sunday noon to 8:00 p.m. This is sponsored by the Education Foundation of District 58.

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 authorizing a special use for 42-76 Ogden Avenue to permit a drive-through for a multi-tenant commercial building with a variation

14. Council Member Reports

Commissioner Earl said that September is Library Card Month, and she suggested that residents ask at the desk for a lawn sign that reads, "I have a library card."

The Mayor asked for a motion to recess to the Committee Room to discuss the Downtown Development Regulation Framework.

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

The Mayor declared the motion carried by voice vote and the Council recessed at 8:34 p.m.

15. Manager's Report - Committee Room

INF 2017-7501 — A. Information: Discussion of Downtown Development Regulation Framework

Mayor Tully reconvened the Council meeting at 8:45 p.m.

Mr. Fieldman presented a video about the Village's Comprehensive Plan and how it relates to the future of the downtown area. The Comprehensive Plan drives two major projects impacting the downtown: Updating the downtown zoning regulations and creating a plan for the future of the downtown.

Mayor Tully said that discussion will focus on the Downtown Plan and the Future of the Downtown. He noted that land use and other regulations guide what can be done in terms of height, size, bulk, setbacks, density, etc. Other aspects of the plan are more aspirational and free from any constraints, but represent what the community would like to see happen in certain areas. He said that many years ago the downtown area was torn up for an infrastructure project, and the TIF was established to pay off the debt. Along with the TIF is the SSA, which is an additional tax used to pay for things unique to the downtown. The TIF expires in 2020. The SSA facilitates a more vibrant downtown. He explained that many things make our downtown special. The SSA will expire in 2020, and they need conversations to determine the future of the downtown. The Mayor then asked Community Development Director Stan Popovich to explain the downtown development regulatory framework.

Mr. Popovich said that he intends to discuss a variety of items that are part of the Regulatory Framework, including the project, the process, Comprehensive Plan recommendations, bulk framework, design, uses and public participation. Regarding the Project, there are two under consideration: 1) update of the Comprehensive Plan, and 2) developing the Downtown regulatory framework. He reviewed the process, which consisted of a series of meetings held by the Comprehensive Planning Ad Hoc Committee, the Plan Commission and the Village Council. He explained that the Comprehensive Plan is a visionary document that provides guidelines, though it is not legally binding. The development regulations are the day-to-day rules and regulations. The regulatory framework is a bridge to discuss key concepts, is meant for discussion purposes and is not legally binding.

Mr. Popovich reviewed the three subareas of the Comprehensive Plan related to the downtown area: 1) the downtown core, 2) the downtown edge, and 3) the downtown transition area. He noted that the Zoning Ordinance classifies two zoning districts: 1) downtown business zoning and 2) downtown transition zoning, which is around the edges. The regulatory framework also divides the edge areas into Edge-1 and Edge-2, adjacent to the Core area, with the transition area on the outer section of the edges. The Core area would be around Main and Curtiss. Edge-1 would be primarily around the Core area moving up on Main Street, to Forest, and traveling south stopping at Maple. Edge 2 is the area around Maple and Main, the Village Hall site, and the area west of Forest. The transition area would include the outskirts of the downtown getting closer to residential areas.

Mr. Popovich said that some of the key concepts included height restrictions of 70' in the Core lowered to 40' (three-story); lowering height in the transition area from 60' to 36' (three-story); and maximum heights of 72' for Downtown Edge 1 (six-story) and 60' (five-story) for Downtown Edge-2. The Plan Commission also discussed density reductions in the Core area and outskirts. He provided examples of height and density in terms of units and parking spaces for the downtown core and transition areas as well as setback requirements. Regarding design, the Plan Commission recommended updating the guidelines, tailoring the guidelines to the specific district, promoting natural materials, and including landscaping and lighting in parking lots. The Regulatory Framework also included land uses, including apartments/condos as special uses in all districts, and uses on the 2nd and 3rd floors only in the Core area. In addition, Bed & Breakfasts have been recommended as a special use in Edge-1 and Edge-2. The Plan Commission also recommended public participation earlier in the process.

Mr. Fieldman said this is a huge amount of information being discussed tonight. He said that staff has met with Council members individually, and decisions are not expected to be made tonight. The Comprehensive Plan recommendations for the downtown are very different from the old plan and the changes reflect the new Comprehensive Plan.

Mayor Tully opened up the meeting to conversation and discussion. Topics under consideration would include building regulations, design, and the future of the downtown.

Commissioner White said that there are different recommendations coming from various bodies, and he asked as to the timeframe.

Mr. Fieldman said they can take as much time as needed.

Mayor Tully said this discussion is to identify concerns.

Commissioner Waldeck said that Councils have a history of taking regulatory issues and getting the minimum or less. They need to be more aspirational, and it is up to the Council to meet the aspirations.

Mayor Tully said that the aspirations have to come to the blueprint level. They must manage the expectations.

Commissioner White commented that it is useful to articulate differences between the recommendations made. It is a framework to identify where they agree or disagree. He asked whether the Council is unified to agree to reduce the height in the downtown Core area.

Commissioner Barnett said that he thinks there are three things of concern: structure, design and uses.

Commissioner José commented on the regulatory aspects and density. He would rather go more with the Plan Commission's recommendation and stay with the bulk regulations, rather than focus on density. He would also like to hear from Downtown Management.

Commissioner White said that he generally agrees with the Plan Commission's recommendations regarding density.

Mr. Fieldman asked for concurrence with the Plan Commission's recommendations and there were no contrary opinions.

As for height, Mr. Fieldman noted there is concurrence with the Comprehensive Plan Ad Hoc Committee and the Plan Commission recommendation. He asked if there were any concerns about these regulations.

Commissioner Barnett said he has concerns about the north side of Warren and would recommend three-story height there.

Mr. Popovich reviewed the maximum heights recommended. Core area is 40' or three-story; Edge 1 is 72' or six-story; Edge 2 is 60' or five-story; and the Transition area is 36' or three-story.

Mr. Fieldman said that it appears as though there is concurrence among the Council members.

Mr. Fieldman moved the discussion to land use, saying there were some minimal changes and some issues Commissioner White raised.

Commissioner White said there were some discrepancies, such as special use vs. as of right, height, density, design review guidelines, etc. between the Plan Commission recommendations and the Comprehensive Plan recommendations. The Council has talked about wanting to get public input from all of the relevant stakeholders on these questions. Some time ago he proposed a resolution to establish a Comprehensive Plan Design Review Ad Hoc Committee. That committee could be well-situated to receive public input from the community so that the Council does not decide based only on people who come to the microphone. Instead a committee would listen to the public. The Council appears to be united in height reductions in the manner suggested tonight. He asked if the public agrees with that decision. Public input could confirm whether the Council is on the right track. They could start with height and density and then decide whether to include design review guidelines. He recommended a more involved process from the public.

Mayor Tully said he would like it to be more purposeful and structured. They have had an Ad Hoc Committee and the Plan Commission review this already.

Commissioner White asked whether they are going to take additional public input on height, and, if so, would it be just having people express their opinions in the Council Chambers at a meeting, or perhaps with another Ad Hoc Committee.

Commissioner Barnett said that they have had public comments.

Commissioner White said that Downers Grove needs to be unique, and preserving the inner Core helps the Village to be unique. If the Council is undecided on certain issues they can move for more input.

Mayor Tully said he has not heard any disagreement regarding the regulatory framework of the Plan Commission.

Mr. Fieldman suggested that now that they have raised awareness with so many downtown stakeholders present for this discussion, they could direct interested parties to the details of these reports. They could then reconvene and take the discussion district by district.

Mayor Tully said there might be practical aspects that he would like to hear from the public.

Commissioner White said having multiple public comment sessions might be helpful.

Mr. Fieldman said that was done at the planning level.

Commissioner Waldack noted that if the Council were to adopt the Plan Commission recommendation, the Plan Commission should enforce it.

Mr. Fieldman suggested they could hold an informational meeting with the Downtown Management Corporation to prepare them to discuss this with the Council.

Concerning land use, Commissioner Barnett discussed residential uses permitted above the first floor, and whether they want this to be by right and not as a special use. He suggested that the Council not eliminate the Bed and Breakfasts issue. This is an opportunity to review the use chart. He commented on tower mounted antennae and whether it should be a special use as opposed to a permitted use. He said he didn't see brewery use in the use chart. He also mentioned personal vehicle sales and rentals, and asked whether they are excluding groups, such as other modes of transportation, with that wording.

Commissioner Earl noted that rentals could include Zip cars or Divvy bikes.

The Mayor said he would be in favor of facilitating anything that reduces the need for additional parking.

Commissioner Barnett then commented about financial services use, and business and professional offices use as interchangeable.

Commissioner Waldack noted that they have had discussions of tax-generated businesses on the first floor of buildings versus service organizations. There should be incentives to landlords to rent to sales/retail tax generating businesses.

Commissioner White commented on a *Daily Herald* article that notes there is a multi-ingredient recipe for success. The greatest ingredient is to fill in the gaps in the street walk. He would want economic development to focus on filling in those gaps. They may need to be more proactive in offering incentives for development. He wants the Council to be more proactive in finding businesses to fill in the gaps.

Commissioner Barnett said the grooming and veterinary care use is permitted and special, respectively, in all the districts except DT. He would like to consider it the DT area. He asked for a better understanding of research-commercial services and where those uses are permitted.

Concerning design, Commissioner White said that the January 2009 design guidelines and pattern book makes sense to him. He would like them reviewed by professionals with community input, and would like input with respect to whether they should have teeth, or at least determine which ones should have teeth. He recommended creating an Ad Hoc Committee to seek public input as to the enforceability of the design guidelines.

Mayor Tully asked whether they want to have a consultant review topics for specialized areas.

Commissioner White clarified that he is talking about specialized people within the community. He is not looking to hire an outside consultant. He wants people in the business of building buildings to determine what is enforceable.

Commissioner Barnett pointed out the idea of enforceability is important. He noted that the downtown area has an eclectic mix. He is comfortable with updating the guidelines of 2009.

Commissioner White said one of the recommendations is that businesses on Main Street should have plate glass fronts for walkability along Main Street. He agrees with that design regulation. To have this as a requirement would enhance the economic viability. They have to create design guidelines that will make the downtown attractive to pedestrian shoppers.

Commissioner Barnett commented that what they have is the result of the Ad Hoc Committee's discussions. Asking more people to weigh in doesn't make sense to him.

Mayor Tully said the question is whether the design guidelines should become mandatory, and should the guidelines be updated.

Commissioner White commented that they could have design guidelines that a building owner could substantially comply with. He wants input to decide, to give more information on which to base a decision.

Commissioner Waldack said they are getting input from the stakeholders, and at the same time they can look at how the design suggestions are handled in other communities. They can study what should be mandatory. Businesses downtown would have a totally different take on this than the property owners.

Mayor Tully opened discussion to the public.

1. Graham Mosey commented that the reason they are having these discussions is because the Village has a vibrant downtown and they cannot afford to hurt that. The SSA is an integral part of why the downtown is so strong. Downtown Management is an EDC to the downtown area, and it needs to move forward. Mr. Mosey said that the SSA must stay because it has worked and is not broken. Downtown Management is very responsible for bringing in businesses. They cannot afford to lose any more of the Core Area. He thinks they need to keep the retail on Main Street and protect it. He thinks the density plan is great and would like the Council to consider more parking either underground or in a garage. He said it is important that they maintain retail on the first floor.

2. Ms. Badke asked if there is a time limit on making decisions. The number of units does count. Online surveys may be useful and should be considered.

3. A gentleman spoke saying that he heard of this for the first time earlier in the day at 3:00 p.m. What is depicted on Warren Avenue is not what is actually there. He said they should look at what is on a particular street including setbacks, heights, etc.

4. A man stated that he attends as many meetings as he can. People feel that it is a waste of time and their comments don't mean anything because decisions have already been made. He would like a survey or input from other downtowns. He is all for guidelines. Traffic is getting worse and they have to live with it. They don't know what traffic will be generated by the new buildings. He would like to see guidelines established, and they should not make tax dollars a priority.

5. Todd Paradis noted that community involvement is difficult, and perhaps a survey is necessary. It seems as though community involvement didn't matter with respect to Flavorchem. It is important to get community involvement.

Mayor Tully replied that they do listen and everything is duly considered.

6. Linda Kunze thanked the Council. She thinks that an open meeting with property owners is a good idea. She believes property owners have questions. She said that she has a performing arts center that's interested in the downtown, and is looking for 5,000 square feet of space.

7. Mr. Mosey said that people have heard about this. They need to act so they don't have another Main and Maple.

Mr. Fieldman said that staff would take what they've learned from the discussion and regroup. He then asked Deputy Village Manager Mike Baker to present the status report on the Future of the Downtown Project.

Deputy Village Manager Mike Baker said that staff has been involved in information gathering and analysis. Their work will shift to an engagement process during the fall, resulting in a report and plan to lay groundwork for future discussions.

Mayor Tully said it is prudent to explore options.

16. Adjournment

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

Mayor Tully declared the motion carried by voice vote and the meeting adjourned at 10:40 p.m.

Respectfully submitted,

April Holden

Village Clerk