

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

11/21/2017

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 Barnett (arr. 7:10 p.m.); Mayor Tully

Absent: Commissioner José

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 2017-7585 — A. Minutes: Council Minutes - November 14, 2017

Village of Downers Grove

Council Meeting

November 21, 2017

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

Mayor Tully declared the motion carried by voice vote.

4. Proclamations

Mayor Tully stated that the Illinois Bicentennial will be a year-long celebration between December 3, 2017 and December 3, 2018. He read a Proclamation that would be given to one of the Village's State representatives, and announced that the Village will have a bicentennial flag raising on December 4 at noon at the flagpole in front of the Village Hall. He added that simultaneous events would be held throughout the State.

Mayor Tully proclaimed Saturday, November 25, 2017 as Small Business Saturday and encouraged all citizens to support small businesses throughout the year. He said this Proclamation would be presented to Linda Kunze.

5. Public Comments

This is the opportunity for public comments.

Michael Cassa, President of the Downers Grove Economic Development Corporation (EDC), said that tomorrow Ashley Furniture will open their doors in Downers Grove on Highland Avenue. He commended the Community Development Department for helping them open before Black Friday.

Mr. Cassa then announced that the EDC is holding its annual Open House on December 7 from 4:30 to 6:30 p.m. He invited the Council and staff to attend.

6. Consent Agenda

COR 2017-7586 — A. Claims Ordinance: No. 6237, Payroll, October 27, 2017

BIL 2017-7587 — B. Bills Payable: No. 6364, November 21, 2017

RES 2017-7581 — C. Resolution: Authorize an Agreement with SNI Solutions, Inc. for Liquid De-icer

Summary: This authorizes the purchase of Geomelt liquid deicing products from SNI Solutions Inc. of Geneseo, Illinois as a sole source supplier in an amount not-to-exceed \$65,000.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND SNI SOLUTIONS, INC. FOR LIQUID DE-ICER

RESOLUTION 2017-92

RES 2017-7582 — D. Resolution: Authorize an Agreement with Midwest Meter, Inc. for Water Meter Transmitting Units

Summary: This authorizes the purchase of 425 ACLARA 2-way Meter Transmission Units (MTUs) from Midwest Meter, Inc. for a total price of \$49,156.00.

Village of Downers Grove

Council Meeting

November 21, 2017

**A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE
OF DOWNERS GROVE AND MIDWEST METER, INC. FOR WATER METER TRANSMITTING
UNITS**

RESOLUTION 2017-93

MOT 2017-7577 — E. Motion: Approve a Labor Agreement with the Illinois Fraternal Order of Police Labor Council, Lodge 73, Patrol Officers

Summary: This approves a labor agreement with the Illinois Fraternal Order of Police Labor Council.

MOT 2017-7591 — F. Motion: Authorize a Contract Not to Exceed \$47,872.00 to Christopher B. Burke Engineering. Ltd., Rosemont, IL, for Stormwater Management Engineering Services for Local Drainage Project #10 (Forest Avenue, South of Prairie Avenue)

Summary: This authorizes a contract for stormwater engineering services for local engineering and survey services for stormwater management engineering services for local drainage project #10 (Forest, south of Prairie Avenue) to Christopher B. Burke Engineering, Ltd. in the amount of \$43,520 plus 10% contingency in the amount of \$4,352 for a total not-to-exceed \$47,872.00.

MOT 2017-7592 — G. Motion: Authorize a Contract Not to Exceed \$26,455.00 to Robinson Engineering. Ltd., Itasca, IL, for Stormwater Management Engineering Services for Local Drainage Project #16 (Hobson Triangle)

Summary: This authorizes a contract for stormwater engineering services for local engineering and survey services for stormwater management engineering services for local drainage project #16 (Hobson Triangle) to Robinson Engineering in the amount of \$24,050 plus 10% contingency in the amount of \$2,405 for a total not-to-exceed \$26,455.00.

MOT 2017-7589 — H. Motion: Authorize a Contract Not to Exceed \$35,805.00 to Hey and Associates, Inc., Chicago, IL, for Stormwater Management Engineering Services for Local Drainage Project #2 (Downers and 40th Street - Burlington Highlands)

Summary: This authorizes a contract for stormwater engineering services for local engineering and survey services for stormwater management engineering services for local drainage project #2 (Downers & 40th Street) to Hey and Associates, Inc. in the amount of \$32,550 plus 10% contingency in the amount of \$3,255 for a total not-to-exceed \$35,805.00.

MIN 2017-7588 — I. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Library Board - October 25, 2017; Plan Commission - October 2, 2017

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

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

Nay: None

Mayor Tully declared the motion carried.

Village of Downers Grove

Council Meeting

November 21, 2017

7. Active Agenda

8. First Reading

RES 2017-7590 — A. Resolution: Authorize a Third Amendment to the Sales Tax Rebate Agreement with Downers Grove Imports, Ltd. d/b/a Pugi of Chicagoland

Village Manager Dave Fieldman explained that this is an amendment to the agreement with Pugi of Chicagoland. This is in regard to Pugi's continued investment and expansion of their dealerships on Ogden Avenue. He asked EDC President Michael Cassa to explain the agreement.

Mr. Cassa said that this is a proposed third amendment to the Sales Tax Rebate Agreement entered into in 2005. Pugi now operates three dealerships on Ogden Avenue. Terms of the Agreement include a completion of the improvements of the Mazda dealership and parking lot by the end of 2018. They shall operate the dealerships until December 21 of 2033 and shall be subject to the reimbursement payments as stated in the current agreement. Mr. Cassa reviewed the specifics of the agreement between Pugi and the Village regarding rebates of the sales tax revenue. He stated that this agreement demonstrates that the Village is the premier auto dealership location, and the EDC strongly supports this agreement. He thanked the Village staff for their work on making this agreement possible.

Dominic Pugliani, thanked the Village for their consideration.

Mayor Tully thanked Pugi for their continued investment in our community.

ORD 2017-7576 — B. Ordinance: Vacate a Portion of a Public Alley Immediately South of 2125 Ogden Avenue

Stan Popovich, Director, Community Development, presented the petition information for the property south of 2125 Ogden Avenue. He provided slides of the existing site showing the alley under consideration for partial vacation. Mr. Popovich stated that the petitioner proposes to rebuild the structures on the site to include a convenience store/gas station with a drive-through lane in the vacated alley portion. He showed an artist's rendering of the site including the proposed restaurant. There are five individual lots on the property and the petitioner proposes subdividing them into two lots. The site is a catalyst site (D-5) that has been vacant for some time. Enhancements include the elimination of two curb cuts, additional green space, and pedestrian connections at Ogden and Belmont. Mr. Popovich said that the Plan Commission found that all Village criteria have been met and recommended approval of the petition.

Commissioner Earl said she does not support this redevelopment, as she does not believe they need the alley vacation, and does not believe this is appropriate for Ogden Avenue. She also does not think the neighbors approved the variation request. The Commissioner stated further that she does not believe it meets the Comprehensive Plan standards; therefore, she will not support it.

Village of Downers Grove

Council Meeting

November 21, 2017

Commissioner Waldack questioned staff on the neighbor contact and said it seemed to be quite lacking. It could be the neighbors' fault in not getting back. He was disappointed with the Plan Commission minutes, which seemed to express that contact with the neighbors rested totally with the petitioner. There is a 250' radius on this type of petition. He thinks it is important to hear from the neighbors in the time between this Workshop and the actual vote. Commissioner Waldack said he would like to see more of an effort to get in touch with the neighbors and the Homeowners Association and condo owners. He noted that a couple of months ago a resident came in with a similar situation with a drive-through in the back of a site. She had a lot of concerns about the trash enclosure and general use. He thinks hearing from the neighbors is extremely important. There was also a lot of material presented and the Plan Commission kind of scratched the surface on the issues such as the storage tanks, notifications and such. He believes they tend to look at this as a vacant property that is under used for a long time, and when somebody comes along with something new they tend to jump at it as if it's great. They also should look more into the history. They are not changing owners here. The site has deteriorated. He needs time to review the history, make sure there is feedback from the neighbors, and that they really look at it as a catalyst site.

Commissioner Barnett said he would like to hear more from Commissioners Earl and Waldack. He asked whether the problem is the process or the actual use proposed. It's important to him to understand their objections. The use is one that is arguably a continuation or a slight expansion of what has been there for 15 or 20 years. So it's actually a use that's been on that site for many years. He is curious as to what the Commissioners' concerns are with—the process or the use or both. If it is the use, he asked what parts of the use are problematic to the Commissioners.

Commissioner Earl responded that there is no way out from the drive-through. She doesn't think it's well laid out. As far as the use, the problem is subdividing the lots, the alley vacation, and the methods they are using to justify the price tag of the development. She doesn't agree with such a narrow frontage for any lot that they are reconfiguring onto Ogden Avenue. She thinks anything under the minimum is unacceptable.

Commissioner White questioned why this couldn't be made into one lot.

Chris Lavoie of CM Lavoie replied that he wanted to address Commissioner Waldack's comments first. He explained that the process started back in 2016 with registered letters sent to all the property owners contiguous to that alley. The result was no response from the property owners. He referred to the site photograph and said that after the initial proposal done in 2016, he took the project over in late 2016 and they were well aware of the situation with the alley. They rewrote the letter and sent it with all supporting information to the property owners to the south and reached out to them. He said that the amount of work that it took to find and get responses from property owners was extensive. He had to go to the Assessor's office, cross-reference PIN numbers, etc. A lot of time was spent on tax records to actually find the individual associated with the company in Illinois. He finally found the individual, went to his house, waited in his driveway and eventually talked with him. He attempted to set up a meeting to discuss the whole project, but could not get a clear answer from the individual. He went to Naperville to the man's house to try and get a signature of approval. Mr. Lavoie expressed his frustrations to Village staff and was transparent in his contacts. The land is contiguous to the alley, although the individual units are not considered contiguous. They went to locate the owners and went to individual condos. There are several vacant units. The individual they found who lived there signed the document, as did the Treasurer of the condo association. They sent information by registered mail. They were unable to get any response from people who owned the condos because they are not living there. He could not find the owners. The property to the east signed off on the petition, but technically they are not contiguous to them because they do not own the alley behind them. He thinks they gave this their best effort in terms of attempting to find the owners and get their opinion. He said the condo owner refused to come to the Plan Commission or Village to express his opinions.

Village of Downers Grove

Council Meeting

November 21, 2017

As to the lot separation, Mr. Lavoie replied that creating separate lots allows the owner to either do a ground lease or lease to a different owner without impacting each other's business. It allows for other ownership to come in and run the restaurant. The lease has not been signed yet, but the restaurant and configuration of the site works well. From a traffic standpoint they are eliminating access points and the traffic flow works well. They have incorporated a unique design for the catalyst site that is based on shipping containers. It will be an attractive site when it is completed, and will be attractive to Millennials. The site incorporates some new design components that you see elsewhere but you don't see here. The drive-through lane has been extended to prevent any stacking from obstructing traffic, and stormwater has been addressed. He noted that the lot depth dictated the potential acquisition of the alley to make the design work effectively. Because it is a gas station site, the owner applied for a grant from the corn industry and received it. The pumps are unique to Power Mart. The grantors supported this development by providing grant funding to take all of the tanks out of the ground, and replace them with new tanks to work with the new pumps. He noted that it would be a green gas station. He thinks the flow of the site works well, and the patio in front of the restaurant will be attractive. Mr. Lavoie added that he thinks this will benefit the community.

Commissioner Waldack said he appreciated the explanation as those efforts don't come through in the minutes or report from the Plan Commission meeting. From reviewing the minutes looked like there was an abdication of responsibilities that scared him. He appreciates staff's and Mr. Lavoie's responses to his concerns. As for the storage tanks, he asked whether the removal of the old tanks and installation of the new tanks requires a certificate of remediation from the IEPA.

Mr. Lavoie replied that it is controlled by the State Fire Marshal's Office. Mr. Lavoie said if the Council members need more information between now and when this comes up for Council vote he would provide that to them.

Commissioner Barnett asked about the method of dealing with the dumpster.

Mr. Lavoie said that would be off hours. Tankers coming onto the site will also be off hours.

Commissioner Barnett inquired about the construction of the building. The renderings look very different, and he would like to have more written information as to the materials for the construction, some examples of usage, and a more descriptive write-up on the building construction and what experiences others have had with it.

Mr. Lavoie replied that this type of construction has exploded across the country and there are all types of container restaurants going up everywhere including one in downtown Detroit called The Fountain, as well as in Cleveland and in Denver. There are also opportunities for these types of restaurants to be inserted in bigger spaces. He said he would send a list of places using this type of construction.

Mayor Tully noted that some time ago the new McDonald's that is now further west contemplated this specific site as a drive-through; however, that option was not available at that time.

Commissioner Barnett commented that this proposed drive-through strikes him as big as or bigger than most operating along Ogden Avenue.

Mayor Tully pointed out the Starbucks on Ogden Avenue, or Dunkin Donuts on 75th Street. It is similar to those.

Mr. Lavoie said they feel the stacking will be adequate. It has already gone through several different modifications of the site design.

Commissioner Waldack asked if cars are able to pull out when lined up.

Mr. Lavoie said there is no ability to pull out. They explored that and would not want to see a bypass lane.

Commissioner Waldack said he would like to see a bypass lane in the drive-through.

Mr. Lavoie responded that he is dealing with the setback to the east, and also an existing concrete wall detention area at grade, and he is utilizing that to drive the stormwater in the same pattern. That is in the drive-through area. He said he would prefer to see greenspace rather than a bypass lane.

Commissioner White raised a question as to industry best practices regarding drive-through lane bypasses.

Village of Downers Grove

Council Meeting

November 21, 2017

Mr. Lavoie said there are none, but they can explore reworking it. It would change the building design slightly. He asked whether they want it to go all the way around the building or not, since that would eat up a lot of space. They could also explore putting the drive-through lane between the two buildings.

Mr. Fieldman said this site design topic is raised often among planners. The Village used to have a requirement for escape lanes in drive-throughs, and they decided not to require them, resulting in a more efficient use of the space, but with the possibility of getting locked into the drive-through area.

Scott Richards, 1130 Warren, said he has no issue with redeveloping this. It is an eyesore now, and he likes the use of landscaping and greenery on the site. He asked whether the retention site is gone with this design.

Mr. Fieldman said it would be an underground basin.

Mr. Richards then said that the patio area looks large. He asked if this would be a 24-hour type business.

Mr. Lavoie replied that they have not finalized a lease agreement yet; however, it will not be a 24-hour operation.

Mr. Fieldman said staff would obtain follow-up information to the Council.

ORD 2017-7573 — C. Ordinance: Authorize a Special Use for Lot 2 of the Power Mart Resubdivision to Permit a Fueling Station with a Variation

ORD 2017-7574 — D. Ordinance: Authorize a Special Use for Lot 1 of the Power Mart Resubdivision to Permit a Restaurant with a Drive-Through with Variations

RES 2017-7575 — E. Resolution: Approve the Final Plat of Subdivision with an Exception for 2125 Ogden Avenue

RES 2017-7572 — F. Resolution: Approve Final Plat of Subdivision for 3600 Lacey Road

Mr. Popovich said this large parcel accesses both Lacey Road and Finley Road. The petitioner is proposing to divide the one lot into five lots with outlots A & B. Lots 1, 2 and 3 should be buildable, with outlot A being a detention area, and outlot B possibly used as green space. The two northern lots are connected. Mr. Popovich said the petitioner would make improvements to Lacey Road. He displayed a plan showing those improvements and noted that they do not need to obtain a right-of-way. The petitioner will install sidewalks. With regard to the Comprehensive Plan, this is an Office/Corporate Campus and is a good fit at this location. All subdivision criteria have been met.

Steve Groetsema, partner, Bridge Development Partners, said they are the contract purchasers of this site. It is a unique development site. He noted that they are presently located in five markets nationally. Their goal is to attract corporate tenants who are demanding more modern building space than is currently served by Downers Grove's industrial and flex base. He said it has been a pleasure to work with Mr. Popovich, the Village staff and the EDC.

Mayor Tully thanked them for their investment in Downers Grove.

Mr. Richards asked whether this is the west side of Finley.

Mr. Fieldman replied that it was.

Mr. Richards said his biggest concern is traffic, and asked whether a traffic study has been done. Finley Road gets very busy.

Mayor Tully commented that the Village will pay attention to the traffic; this area is zoned for more development.

Village of Downers Grove

Council Meeting

November 21, 2017

Commissioner Earl asked if there is any sense as to whether the bridge over Finley will be widened.

Mr. Fieldman said staff would look into this.

Commissioner Waldack inquired whether they could accomplish the same thing without dividing it into five lots.

Mr. Groetsema responded that they are dividing the lots from a practical standpoint. Each user will be very different and one might want to purchase their real estate.

Commissioner Waldack asked whether there will be one tenant in each building

Mr. Groetsema replied that by and large the buildings have gone to one tenant, but are designed for 3-4 tenants.

Mayor Tully said they are looking for maximum flexibility and use of the facilities. He thanked them for their investment in our community.

9. Mayor's Report

New Business

RES 2017-7597 — A. Resolution: Urge the Governor to Veto Senate Bill 1451 (Small Wireless Facilities Deployment Act)

Summary: This urges the Governor to veto Senate Bill 1451 (Small Wireless Facilities Deployment Act).

A RESOLUTION URGING THE GOVERNOR TO VETO SENATE BILL 1451 (SMALL WIRELESS FACILITIES DEPLOYMENT ACT)

RESOLUTION 2017-94

Motion: Commissioner White moved to adopt "A Resolution Urging the Governor to Veto Senate Bill 1451 (Small Wireless Facilities Deployment Act," as presented. Commissioner Waldack seconded the motion.

Mayor Tully commented that this Resolution urges the veto of Senate Bill 1451. Municipalities in DuPage County have been opposed to this Bill because it is a significant threat to local control and would allow private users of wireless technology to circumvent local zoning ordinances. In addition it erodes the Village's ability with regard to fees that could be charged for use of right-of-way. He explained that the Village doesn't often put this type of Resolution on the Agenda; however, DuPage municipalities are in opposition to this Bill and called upon the representatives to vote against it. This is the last chance to try and stop this legislation.

Commissioner Waldack referenced AT&T legislation. AT&T hit hard because they can bypass local government by going through Springfield. This concerns the citizens' property, and it is a mistake to turn this over to Springfield, where there isn't real concern about the right-of-way of property in DuPage County. He encouraged a passage of this Resolution and encouraged the Governor to veto the Bill.

Commissioner Barnett commented that this makes managing relationships and interactions with public utilities even more difficult, and further diminishes the Village's ability to be an advocate on behalf of the public. It is typical vintage Springfield, and this Resolution to veto the Bill is the right move.

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

Nay: None

Mayor Tully declared the motion carried.

Village of Downers Grove

Council Meeting

November 21, 2017

Mayor Tully announced the Tree Lighting Ceremony would be held on Friday, November 24 at 4:30 p.m. at the Main Street Train Station. This kicks off the local shopping season. He thanked the Fettig Family for donating this year's tree.

10. Council Member Reports

Commissioner Waldack announced that this Saturday is Small Business Saturday, and he encouraged the public to participate in this event. He referred people to www.downtowndg.org for further information about shopping in Downers Grove. He reminded everyone that small stores give you personalized service. If you shop online you see a photograph of what you'd like to buy, but get no personalized service. Commissioner Waldack commented that he is still concerned about the search for the Gingerbread Man, which reminds him of the television show from the past called The Fugitive. He thinks the Gingerbread Man should be called Dr. Richard Crumble.

Commissioner Walus noted that there is one day until the Bonfield Express 5K that takes place at 8:30 a.m. on Thanksgiving Day. People can still register on race day at the Tivoli Theater. There are 6,000 runners registered.

Commissioner Barnett said the Downers Grove Library will have a special Gingerbread story time on Friday, November 24 at 3:30 p.m. That will conclude with a procession to the tree lighting ceremony. The library is also home base for the Find the Gingerbread Man event. He wished everyone a festive holiday weekend.

Commissioner Earl wished everyone a Happy Thanksgiving weekend.

Commissioner White also wished everyone a Happy Thanksgiving.

Mayor Tully said this weekend on Saturday, at 8:00 p.m., the Muriel Anderson annual hometown concert will be held at Downers Grove North's Clarence Johnson Auditorium. She is an internationally known guitar virtuoso and an incredible artist. He encouraged those who have not seen her perform to attend the concert.

The Mayor then said that Thanksgiving is about togetherness and gratitude. He said it is best when we work together as a community. He thanked his colleagues, staff and the residents for the opportunity to work with them these past seven years.

11. Manager's Report

Mr. Fieldman said that the Village has won a national Savvy Award for the *Stormwater YOUtility* community engagement campaign. The award recognizes the Village for outstanding local government achievement in communications. He quoted some of the comments made about the teamwork that led to this Award. He expressed gratitude for this national award, with special thanks to Team Leader Doug Kozlowski, and every staff member that participated in this.

The Finance Department also received two awards, one for Excellence in Annual Budgeting, as well as an award for Excellence in Financial Reporting. He thanked everyone on the Finance Department team for their excellent work.

12. 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 vacating a portion of a public alley immediately south of 2125 Ogden Avenue

Village of Downers Grove

Council Meeting

November 21, 2017

2. An ordinance authorizing a special use for Lot 2 of the Power Mart Resubdivision to permit a fueling station with a variation
3. An ordinance authorizing a special use for Lot 1 of the Power Mart Resubdivision to permit a restaurant with a drive-through with variations

13. Adjournment

Mayor Tully asked for a motion to adjourn.

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 8:21 p.m. He wished everyone a Happy Thanksgiving.

Respectfully submitted,

April Holden

Village Clerk