

# Meeting Minutes

Village of Downers Grove - Council Meeting

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Council Chambers

1/9/2018

7:00 PM

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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 (arr. 7:59 p.m.), 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 2018-7649 — A. Minutes: Council Minutes - December 19, 2017

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**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. Swearing-In Ceremony - Police Chief Shanon Gillette**

Village Manager Dave Fieldman introduced Shanon Gillette as the new Downers Grove Chief of Police. He reviewed Chief Gillette's professional background, as well as his educational experience. Village Clerk April Holden led the swearing-in ceremony for Chief Gillette, who was accompanied by his family.

Chief Gillette thanked the Village Council and those in attendance and wished everyone a Happy New Year. He expressed his appreciation for the opportunity to serve the Village as its Police Chief, saying that the police team works hard to remain a source of pride to the Village. He thanked his family for their support, as well as his coworkers, friends and mentors saying he is excited to serve in this new position and is ready to get to work.

Mayor Tully noted that the Village is blessed to have outstanding leadership and depth of talent among its Fire and Police Department personnel. He said that in his 16 years serving the Village, he has never felt a moment's concern about the professionalism and capabilities of the Village's first responders. He congratulated Chief Gillette on his achievement.

#### **5. Public Comments**

This is the opportunity for public comments.

Violet Radwill, 5410 Grand Avenue, said she has a double-sized lot and the house to the north of her home was demolished with a new house presently under construction by Oakley Home Builders. She noted that there is a 3' slope between her home and the new construction. She met with Bob Sandmann who came onto her property. She said that homebuilders should be considerate of the adjacent lots. She is concerned about drainage and flooding on her property. She said they should think of what is good for the Village and the people next door.

Mayor Tully replied that the Village would keep an eye on the situation as well. He noted that it is under construction and the grading is not yet done.

#### **6. Consent Agenda**

**COR 2018-7650** — A. Claims Ordinance: No. 6243, Payroll, December 8, 2017 and No. 6245, Payroll, December 22, 2017

**BIL 2018-7651** — B. Bills Payable: No. 6372, January 9, 2018

**RES 2017-7648** — C. Resolution: Authorize a Loan Amendment to the Loan Agreement with the Illinois Environmental Protection Agency (Drinking Water Project L175336)

**Summary:** This authorizes a loan amendment to the loan agreement with the Illinois Environmental Protection Agency (Drinking Water Project L175336).

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**A RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO THE LOAN  
AGREEMENT BETWEEN THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AND THE  
VILLAGE OF DOWNERS GROVE**

**RESOLUTION 2018-01**

**RES 2017-7647** — D. Resolution: Authorize an Extension to the Agreement with Thompson Elevator Inspection Service, Inc.

**Summary:** This authorizes execution of a 12-month contract extension with Thompson Elevator Inspection Service, Inc. of Mount Prospect, Illinois, for elevator inspection, testing, and plan review services in the estimated amount of \$33,680.

**A RESOLUTION AUTHORIZING EXECUTION OF AN EXTENSION TO THE AGREEMENT  
BETWEEN THE VILLAGE OF DOWNERS GROVE AND  
THOMPSON ELEVATOR INSPECTION SERVICES, INC.**

**RESOLUTION 2018-02**

**RES 2017-7638** — E. Resolution: Authorize a Second Extension to the Agreement with Marcott Enterprises, Inc. for Supply of Crushed Limestone

**Summary:** This authorizes a contract extension with Marcott Enterprises, Inc. of Villa Park, Illinois, for supply of crushed limestone until December 31, 2018. The contract price increases 2%, which is an increase of \$780.30 for a total not to exceed cost of \$39,795.30.

**A RESOLUTION AUTHORIZING EXECUTION OF A SECOND EXTENSION TO THE AGREEMENT  
BETWEEN THE VILLAGE OF DOWNERS GROVE AND MARCOTT ENTERPRISES, INC.**

**RESOLUTION 2018-03**

**RES 2017-7639** — F. Resolution: Authorize a Second Extension to the Agreement with Elmhurst Chicago Stone Company for Supply of Ready Mix Concrete

**Summary:** This authorizes a contract extension with Elmhurst Chicago Stone Company of Elmhurst, Illinois, for supply of ready mix concrete until December 31, 2018. The contract price stays the same for a total not to exceed price of \$15,759.

**A RESOLUTION AUTHORIZING EXECUTION OF A SECOND EXTENSION TO THE AGREEMENT  
BETWEEN THE VILLAGE OF DOWNERS GROVE AND  
ELMHURST CHICAGO STONE COMPANY**

**RESOLUTION 2018-04**

**RES 2017-7640** — G. Resolution: Authorize a Second Extension to the Agreement with Western Gradall Corporation for Roadside Ditch Reconstruction and Maintenance Services

**Summary:** This authorizes a contract extension for the provision of roadside drainage ditch reconstruction and maintenance services to Western Gradall Corporation of Naperville, Illinois, in the amount of \$39,861.60.

**A RESOLUTION AUTHORIZING EXECUTION OF A SECOND EXTENSION TO THE AGREEMENT  
BETWEEN THE VILLAGE OF DOWNERS GROVE AND WESTERN GRADALL CORPORATION**

**RESOLUTION 2018-05**

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**RES 2017-7646** — H. Resolution: Amend the Village of Downers Grove Personnel Manual Sexual Harassment Policy

**Summary:** This amends the Village of Downers Grove Sexual Harassment policy and Section 2.3 of the Downers Grove Personnel Manual.

**A RESOLUTION ADOPTING A SEXUAL HARASSMENT POLICY AND AMENDING  
THE VILLAGE OF DOWNERS GROVE PERSONNEL MANUAL**

**RESOLUTION 2018-06**

**RES 2017-7641** — I. Resolution: Express Intent to Continue Participation in the Suburban Tree Consortium and to Authorize Certain Purchases for FY 2018

**Summary:** This will continue the Village's participation in the Suburban Tree Consortium and authorizes tree supply and planting services in the amount of \$201,000.00 for FY 2018.

**A RESOLUTION EXPRESSING INTENT TO CONTINUE PARTICIPATION IN THE SUBURBAN  
TREE CONSORTIUM AND TO AUTHORIZE CERTAIN PURCHASES FOR FY 2018**

**RESOLUTION 2018-07**

**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.

## 7. Active Agenda

### 8. First Reading

**ORD 2017-7643** — A. Ordinance: Authorize a Special Use for 4832 Highland Avenue to Permit a School Addition with a Variation

Community Development Director Stan Popovich noted that this Ordinance relates to the proposed school addition and special use for St. Joseph's school. He showed a map depicting the location of the site, the parish campus, parking lot and church. He explained that the addition will be constructed on the southwest corner of the school, and the variation requested is to keep the addition in line with the existing school building. Mr. Popovich then displayed sketches for the proposed addition as well as elevation drawings. He said that the project meets the goals of the Comprehensive Plan, and standards for the special use and variation have been met. He noted the presence of the architect to answer any questions from the Council.

**ORD 2017-7644** — B. Ordinance: Amend Theater License Provisions

Village Attorney Enza Petrarca stated that this Ordinance amends the Class T liquor license to expand liquor services to regularly scheduled movies. Only one drink can be served per person and it requires an expanded food service. She noted that the Liquor Commission recommended this for approval.

Commissioner Waldack said he was disappointed with the minutes of the Liquor Commission, as they seemed to be lacking with respect to comments. Downers Grove is a unique Village, and he thinks we cannot base decisions on what our neighbors are doing. He sees that as becoming a race to the bottom. He thinks they have a duty to make not just millennials happy, but all residents safe with regard to the use of alcohol. He said that in reading the request, it would become lawful for the Tivoli to have performances that he is concerned with. He thinks they need to maintain standards and be fair. This Ordinance allows for adult entertainment. He does not think nachos and pretzels constitute a meal. Parents feel that this is a safe setting for their children; however, now alcohol is being introduced. Movies shown at the Tivoli are rated G-R. Commissioner Waldack expressed concern about children attending films with the presence of alcohol. He is concerned about the lack of control over the alcohol in this environment. He said that servers have enough trouble trying to maintain control in restaurants, etc., let alone in such a large dark setting as the theater. He suggested limits wherein they would only serve liquor at PG14 and over ratings, and place time restrictions for serving liquor at later showings in the evenings. He thinks if the Village opens this up it should be allowed in other venues such as the Park District, Rotary Fest outside of enclosed areas, and other situations. He would like to see modifications made to this request, as he has a problem with this as presented.

Commissioner Earl expressed concern that the Tivoli is not set up for better monitoring and the delivery of alcoholic beverages. Some theaters confine alcohol to the lobby area. She would be more inclined to support this request with these restrictions. She would like them to keep the alcohol sales separate from other concession sales, and does not support this in the way it is presently set up with no policing.

Commissioner Walus asked whether the food menu will expand if alcohol becomes involved.

Ms. Petrarca said she understands that the Tivoli will expand the concessions to include additional food items.

Commissioner Barnett asked whether the concern is about consumption inside the theater, and he asked whether that was Commissioner Waldack's concern. Commissioner Waldack said that control was a concern, and he didn't think serving alcoholic beverages in a darkened area was advisable. He asked whether they need alcohol sales at a G-rated movie. Parents often drop their kids off and pick them up after a movie is done as it is considered a safe area. The presence of alcohol is troubling to him. He might agree with Commissioner Earl's suggestion about having consumption in the lobby. Special events are different.

Commissioner Barnett said he doesn't share the same concerns; however he thinks they are reasonable concerns.

Ms. Petrarca said that R-rated movies may have sexual content, and that would not violate the Ordinance. This does not allow live performances. It simply allows alcohol at R-rated movies. It was not the intent to allow live performances.

Mayor Tully commented that the ability to sell liquor is a privilege, and not a right. He said the Village acts swiftly and severely when there are violations of that privilege. He has served as Liquor Commissioner for seven years, and he sees the need for rules that promote the responsible handling of alcohol. The petitioner has a long history of responsible handling of alcohol. There have always been children at the Tivoli Bowl and they have had a liquor license for many years. He cannot think of a single event of a violation since 2001 at special events for the theater, some of which attracted children. The Mayor noted that he is not aware of problems at neighboring community theaters. As such, he does not see the concern. He noted that there is only one entity here, which is The Tivoli, and they have a long and good track record. The Village has requested additional food service. The Village has other non-traditional settings with liquor licenses for special events. He said this reminds him of the first time a request was made for outdoor cafes where customers would be able to drink alcoholic beverages outside. He said he has every expectation that the business will behave itself.

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Mayor Tully noted that there is another business opening soon called the Fun Zone, which is oriented toward children, but will have a liquor license for the adults on the premises. There are other non-traditional settings where alcoholic beverages are made available. He thinks they should look at trends and then responsibly promote the sale of alcohol in non-traditional settings.

Commissioner White mentioned the scenario where a 21-year old buys a beer and hands it to a 19-year-old companion. He asked if that would violate the liquor license. If that scenario can be prevented then his concerns are alleviated.

Ms. Petrarca said they could explore a controlled buy in that situation.

Commissioner White said he thinks they need to make it work, but they also need to have appropriate controls.

Mayor Tully said he is surprised at the reactions of his colleagues, saying there are decades of experience in this community.

Commissioner Barnett commented that he served on the Liquor Commission, and he thinks the Mayor is correct regarding the experiences the Village has had with its liquor license holders. Residents and parents respect the law and work to comply with it. The concerns expressed are against the law, and 95% of people obey the law. He thinks this is much ado about nothing.

Commissioner Waldack commented that the assumption is that when granting a liquor license, people will follow the law, but laws are broken. He does not see controls here that are in place in other venues. He asked where staff is to ensure that people are not over-served. If they are willing to relax controls here in this venue, they should relax them in other venues.

Mayor Tully said he understands the Commissioner's point, but doesn't agree with the premise.

Willis Johnson, President of Tivoli Enterprises at 603 Rogers, said that one of the controls is that a person can buy one drink at one time. They are not serving alcohol from the concessions counter. All of their events in the past have been from portable bars. He has lived in the Village for 81 years and he thinks they are responsible people. They have had a liquor license at the Tivoli since 2001. The Tivoli Bowl has had a liquor license since 1982 and they have had only two violations. It is very important to them that they be responsible citizens. They train all of their liquor handling personnel. If there is a predominately children's event, they will not serve alcohol. Ushers are also trained to watch for liquor violations.

Commissioner White said he has no problem with this philosophically. The issue again is, under the new Ordinance, whether it is a violation if a 21-year-old buys a beer and hands it to a 19-year old.

Mayor Tully said that is the understanding.

Mr. Johnson responded that the Tivoli would ask both parties to leave.

Commissioner White said he would ask the police to do controlled buys in this situation.

**ORD 2017-7645** — C. Ordinance: Prohibit the Purchase and Possession of Alternative Nicotine Products by Minors

Village Attorney Petrarca said this Ordinance amends Chapter 15, which mirrors the prohibition of smoking and also mirrors State law.

## 9. Mayor's Report

Mayor Tully said that the Metropolitan Mayors Caucus held their quarterly meeting, and as part of the 2018 budget, ComEd has renewed its grant program. The Metropolitan Mayors Caucus will administer this.

## 10. Manager's Report

## 11. 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 4832 Highland Avenue to permit a school addition with a variation
2. An ordinance amending theater license provisions
3. An ordinance prohibiting the purchase and possession of alternative nicotine products by minors

## 12. Council Member Reports

Commissioner José extended his apologies for being late.

Commissioner Waldack thanked the Police, Fire and Public Works personnel for their work during the inclement weather. He asked about watermain breaks.

Mr. Fieldman said that there was one every other day and as the weather got colder, there was one a day.

Commissioner Walus said that District 58 has posted a strategic planning survey at [www.dg58.org](http://www.dg58.org), and she invited people to take the survey.

## 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 8:12 p.m.

Respectfully submitted,

April Holden

Village Clerk