

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

10/16/2018

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 Barnett, Commissioner Walus, Commissioner Earl, Commissioner Waldack, Commissioner White, Commissioner José (arr. 7:12 p.m.); 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 2018-7942 — A. Minutes: Council Minutes – October 9, 2018

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

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Mayor Tully declared the motion carried by voice vote.

Proclamation

Mayor Tully proclaimed October 2018 as National Code Compliance Month in the Village of Downers Grove. He presented the proclamation to Stan Popovich, Director, Community Development.

Mr. Popovich thanked the Mayor and Council for the proclamation. He commented that Code Enforcement Officers Bob Sandmann and Dave Bormann do an excellent job, noting that very often they represent the only contact many residents have with employees of the Village. He said that last year they made over 5,300 visits and phone contacts with residents. They work on behalf of all of the Village residents.

4. Public Comments

This is the opportunity for public comments.

There were no comments.

5. Consent Agenda

COR 2018-7948 — A. Claims Ordinance: No. 6285, Payroll, September 28, 2018

COR 2018-7953 — B. Claims Ordinance: No. 6287, Payroll, October 12, 2018

BIL 2018-7946 — C. Bills Payable: No. 6420, October 16, 2018

MOT 2018-7944 — D. Motion: Award a Three-Year Contract for \$161,827.20 to Hampton, Lenzini and Renwick, Inc. (HLR), Elgin, IL, for the Green Streets/Sustainable Water Program

This authorizes a three-year contract for the green streets/sustainable storm water program to Hampton, Lenzini and Renwick, Inc. of Elgin, IL, in the amount of \$161,827.20.

RES 2018-7945 — E. Resolution: Authorize an Intergovernmental Agreement with the Downers Grove Sanitary District Providing for the Conveyance of the Northwest Territory and South Service Area Sanitary Sewer Systems

This authorizes an intergovernmental agreement with the Downers Grove Sanitary District for the conveyance of the Northwest Territory and South Service Area sanitary sewer systems.

**A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE
DOWNERS GROVE SANITARY DISTRICT AND THE VILLAGE OF DOWNERS GROVE
PROVIDING FOR THE CONVEYANCE OF THE NORTHWEST TERRITORY AND SOUTH
SERVICE AREA SANITARY SEWER SYSTEMS**

RESOLUTION 2018-74

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RES 2018-7950 — F. Resolution: Authorize Assignment to the Downers Grove Sanitary District of Easements Granted to the Village of Downers Grove for Sanitary Sewer Purposes

This authorizes assignment of easements to the Sanitary District for sanitary sewer purposes.

A RESOLUTION AUTHORIZING ASSIGNMENT TO THE DOWNERS GROVE SANITARY DISTRICT OF EASEMENTS GRANTED TO THE VILLAGE OF DOWNERS GROVE FOR SANITARY SEWER PURPOSES

RESOLUTION 2018-75

RES 2018-7951 — G. Resolution: Authorize Execution of a Consent of Landlord to Assignment with the Downers Grove Sanitary District and Commonwealth Edison

This authorizes consent of ComEd to assignment of a road lease by the Village to the Sanitary District.

A RESOLUTION AUTHORIZING EXECUTION OF A CONSENT OF LANDLORD TO ASSIGNMENT AMONG THE DOWNERS GROVE SANITARY DISTRICT, VILLAGE OF DOWNERS GROVE AND COMMONWEALTH EDISON

RESOLUTION 2018-76

RES 2018-7952 — H. Resolution: Authorize an Assignment and Assumption Agreement with the Downers Grove Sanitary District relating to a University of Illinois Road Access Agreement

This authorizes assignment of a University of Illinois agreement by the Village to the Sanitary District.

A RESOLUTION AUTHORIZING AN ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN THE DOWNERS GROVE SANITARY DISTRICT AND THE VILLAGE OF DOWNERS GROVE RELATING TO A UNIVERSITY OF ILLINOIS ROAD ACCESS AGREEMENT

RESOLUTION 2018-77

RES 2018-7947 — I. Resolution: Authorize a Three-Year Agreement with the Illinois FOP Labor Council (Sergeants) Lodge 73-2 for Police Officer Services, Effective May 1, 2019 – April 30, 2022

This adopts the collective bargaining agreement negotiated with the Illinois Fraternal Order of Police Labor Council Sergeants Lodge 73-2, effective May 1, 2019 – April 30, 2022.

A RESOLUTION AUTHORIZING EXECUTION OF A THREE-YEAR AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ILLINOIS FOP LABOR COUNCIL (SERGEANTS) LODGE 73-2 EFFECTIVE MAY 1, 2019 – APRIL 30, 2022

RESOLUTION 2018-78

Motion: Commissioner White moved to approve the Consent Agenda as amended. Commissioner Earl seconded the motion.

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

Nay: None

Mayor Tully declared the motion carried.

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6. Active Agenda

ORD 2018-7903 — A. Ordinance: Rezone Certain Property Located in the Downtown from Downtown Business District to Downtown Core District

Summary: This rezones certain properties located in the downtown from Downtown Business District to Downtown Core District.

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED IN THE DOWNTOWN FROM
DOWNTOWN BUSINESS DISTRICT TO DOWNTOWN CORE DISTRICT**

ORDINANCE NO. 5715

Motion: Commissioner White moved to adopt "An Ordinance Rezoning Certain Property Located in the Downtown from Downtown Business District to Downtown Core District," as presented. Commissioner Earl seconded the motion.

Commissioner White commented that this is the end of a long process that has come to a satisfactory conclusion.

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

Nay: None

Mayor Tully declared the motion carried.

ORD 2018-7932 — B. Ordinance: Rezone Certain Property Located in the Downtown from Downtown Business District to Downtown Transition District

Summary: This rezones certain properties located in the downtown from Downtown Business District to Downtown Transition District.

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED IN THE DOWNTOWN FROM
DOWNTOWN BUSINESS DISTRICT TO DOWNTOWN TRANSITION DISTRICT**

ORDINANCE NO. 5716

Motion: Commissioner White moved to adopt "An Ordinance Rezoning Certain Property Located in the Downtown from Downtown Business District to Downtown Transition District," as presented. Commissioner Earl seconded the motion.

Willis Johnson, 603 Rogers, asked the Council to vote against this due to the setbacks that are onerous due to the size of the lots.

Mayor Tully commented that this has been a long process and a lot of people weighed in on it. It is not a static process. He is aware that not everyone will be satisfied with it.

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

Nay: None

Mayor Tully declared the motion carried.

ORD 2018-7931 — C. Ordinance: Amend Certain Sections of the Municipal Code Related to the Downtown Core District

Summary: This amends certain sections of the Municipal Code related to the Downtown Core District.

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**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE MUNICIPAL CODE RELATED TO
THE DOWNTOWN CORE DISTRICT**

ORDINANCE NO. 5717

Motion: Commissioner White moved to adopt "An Ordinance Amending Certain Sections of the Municipal Code Related to the Downtown Core District," as presented. Commissioner Earl seconded the motion.

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

Nay: None

Mayor Tully declared the motion carried.

7. First Reading

ORD 2018-7898 — A. Ordinance: Regulate Tobacco Purchases

Village Manager Dave Fieldman asked Village Attorney Enza Petrarca to provide information on this item.

Enza Petrarca, Village Attorney, said this ordinance prohibits the sale, purchase and possession of tobacco, alternative nicotine products, smoking materials and drug paraphernalia to individuals under the age of 21. She noted that the majority of other municipalities have opted to keep possession restriction at 18 years of age.

Mayor Tully said discussion took place on this item some time ago as part of the Tobacco 21 Initiative. He said there is support for this and the only question is whether the age of possession should be 18 versus 21.

Commissioner White stated that he supports the ordinance as presented.

Commissioner Waldack said he supports this ordinance, and will take additional time to review the materials regarding the age of possession. He wonders about enforcement, and welcomes public comment.

Commissioner Barnett said that he would support this, as it is the right message to send. He thinks this is appropriate but noted that enforcement will be tough. He said that the Village will set the expectations.

Commissioner Hosé added his support to the ordinance. He thinks it is right to change the use and possession to 21 years of age, and thanked the staff for bringing this forward.

Commissioner Earl asked whether this will cover vaping.

Ms. Petrarca said that it does include vaping.

Svetlana Ilic commented that the streets are dark, and she wants lights so teenagers will not be in danger. She wants more light than in other cities. Her husband is an inventor and invents energy without cost. She thanked the Council for listening to her.

ORD 2018-7943 — B. Ordinance: Amend Off-Premise Consumption Liquor License Classification Requirement

Ms. Petrarca explained that this ordinance amends the Village's Class P-1 license classification by removing the 3600 square foot minimum requirement. She said they have received several requests and most of the other communities in the surrounding area do not have minimum square footage requirements. The limitation of the retail sale area of alcohol and tobacco products will remain at 25% of the retail square footage area.

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Mayor Tully said he asked that this be brought forward in his capacity as Liquor Commissioner. He said there is no rationale for the square footage requirement, and questions raised by others brought the restrictions to his attention. He noted that this has been a policy and that is why he asked that it be brought to the Village Council directly rather than to the Liquor Commission, since there are no background investigations related to this amendment.

Commissioner Barnett said he supports this as well, as it was probably arbitrary to begin with. In the past, this was more than likely added as part of a slow approach to introducing change.

Commissioner Waldack added his support to this as it makes sense.

ORD 2018-7884 — C. Ordinance: Adopt the Fiscal Year 2019 Budget in Lieu of Passage of an Appropriation Ordinance

Mr. Fieldman said this is a further discussion of the FY-19 proposed Village budget. He provided slides describing the proposed budget, noting there is no property tax increase for operations, while there is an increase for the state-required public service pensions. With regard to the General Fund, it is the main operating fund and accounts for the majority of Village services. The recommendations of the Long-Range Plan are reflected in the General Fund Budget. He noted that the General Fund comes from multi-revenue sources. He displayed a table showing a balanced General Fund at \$48.21 million with revenues and expenses equal. In addition, the fund balance is \$19.14 million as recommended by independent financial rating agencies and is compliant with the Village's own policies.

With regard to revenues, Mr. Fieldman noted that total revenues of the General Fund are increasing slowly, at about 1.8% increase over the FY18 budget caused by strong performances of food and beverage taxes, sales tax and Home Rule sales tax, and increases in state income tax revenues.

With regard to General Fund expenses, the graph was similar and showed an increase of 1.76% over the current year driven by the reduction of over five full-time equivalent positions that have become vacant over time with no planned changes in service levels. The staffing reductions measure in the hundreds of thousands of dollars. He said the budget document with expanded explanations is available on the Village's website.

Mr. Fieldman then addressed the Health Fund, Risk Management Fund, Fleet Services Fund and Equipment Replacement Fund which all feed back into the General Fund. Revenues for these funds are "contributions" from the General Fund, and they are not intended to balance out in any one particular year, but over a period of multiple years.

Mayor Tully noted that there is an increase in focus and diligence, and the attention allows the Village to move things through more quickly. The budget document today is much more digestible and transparent than what was prepared even ten years ago.

Commissioner José commented on some of the cost control measures, saying that the Village has consistently come in lower than the typical medical trend in health insurance costs. He said these results are amazing and he thanked staff and everyone involved in achieving this. Mr. Fieldman responded that over the last seven years the national average trend has been a 47% increase, while the Village of Downers Grove has shown a 16.3% increase.

Mayor Tully recalled that this is the culmination of long-term planning taken over a number of years.

Commissioner Waldack said that in the past the budget used to be paper and was presented differently each year. It is easy to find what you want today. He urged people to review the budget, ask questions and participate.

Ms. Ilic asked as to the cost would be per month for streetlights. M. Fieldman said staff would look that cost up.

Commissioner Waldack also asked what the Village pays and what is provided by franchise agreement.

Mr. Fieldman introduced Public Works Director Nan Newlon to discuss Capital and Related Funds including stormwater, water and capital projects funds.

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Nan Newlon, Director, Public Works, introduced John Welch, Assistant Director of Public Works for Engineering, and Stan Balicki, Assistant Director Public Works for Operations.

Ms. Newlon said that 35% of the FY19 capital budget is for improvements to the water system, 17% for improvements for streets, 29% for stormwater and drainage, and the remaining 19% includes sidewalks, traffic, forestry and major buildings.

Ms. Newlon said the Stormwater Fund is an enterprise fund created in 2013 to provide revenues for needed capital improvements. She described an enterprise fund as one whereby the Village collects its fees, and the money stays within that fund and is accounted for in that specific area. Revenue for 2019 is predicted to be \$12.06 million with expenditures expected to be \$10.55 million. She said that 2019 revenues include \$4.6 million from stormwater utility fees, \$7 million in a bond issuance, and funds from grants and builder contributions. Expenses include \$2.4 million in operations and maintenance, \$1 million in debt service, \$7.1 million for capital projects. She then showed a list of capital projects planned for 2019. Ms. Newlon also showed a map of project locations that were completed in 2018 as well as those planned for 2019. She indicated that they would also spend money to perform a comprehensive stormwater level of service analysis to plan future projects. Ms. Newlon noted that other enterprise funds are the Water Fund and Parking Fund.

Ms. Newlon then reviewed the Capital Projects fund with revenue of \$7.35 million and \$8.65 million in expenses. The categories of spending include Village streets, sidewalk projects, traffic projects, and miscellaneous projects. The revenue is from Home Rule Sales Tax, Property taxes, and Telecom Tax.

The Water Fund shows revenue of \$20.55 million for FY19 with expenses anticipated to be \$23.53 million. This fund includes one EPA loan. There are no increases anticipated for operations, and expenses are only pass-through for the cost of water. She reviewed the water projects planned for FY19. Staff recently reviewed services for the Water Fund and found some projects that require additional staff positions.

Mayor Tully asked for additional information regarding sidewalk gaps along Ogden Avenue and elsewhere. He also inquired about an assessment of the Emerald Ash Borer (EAB) program in terms of original expectations.

Ms. Newlon said that information will be forthcoming.

Commissioner Earl commented that the health of Village trees seems to have been suffering this year, and she asked why.

Ms. Newlon said that staff can include it with the EAB report.

Mayor Tully suggested that the drought might have contributed to this as well.

Mr. Fieldman said that staff will follow-up on questions. He also noted that the next public opportunity to speak with the Council on budget-related items would be October 27 at 9:00 a.m., Fire Station 2 for Coffee with the Council.

8. Mayor's Report

Mayor Tully announced that Coffee With the Council will include further discussion of the budget on October 27 at Fire Station 2, at 9:00 a.m.

The Mayor announced that DuComm's regional 911-dispatch organization transition is complete to the new facility in Wheaton. They will have to decide what to do with the old facility, such as using it for training, etc. He toured the new facility and it is working quite well. The auditor's report for DuComm has also been reviewed.

Mayor Tully then announced a project celebration for the EDC with the groundbreaking of Green Bay Packaging at Warrenville Road and Finley.

9. Manager's Report

There was no report.

10. Attorney's Report

Pursuant to Section 2.5 of the Downers Grove Municipal Code, the following are presented for Village Council consideration:

- An ordinance regulating tobacco purchases
- An ordinance amending off-premise consumption liquor license classification requirements

11. Council Member Reports

Commissioner Hosé said that last week the Economic Development Corporation's "Deals are Brewing in Downers Grove" was held at Alter Brewing with a great turnout from brokers and many prospective additions to the Village.

Commissioner White said he attended the EDC event and the Green Bay Packaging groundbreaking. He is thrilled with the central location of Downers Grove, which provides great opportunities for future growth.

Commissioner Walus said that on Saturday, October 20, Bally Doyle will conduct the annual Navigate Adolescence pancake breakfast. In addition, children will participate in the annual Halloween window painting activity in the downtown area sponsored by the Rotary Club. The Historical Society will sponsor the Living Cemetery at the cemetery on Main Street, as well as the dedication of the Penner Building.

Mayor Tully noted that the Council would not be meeting again until November 13. He explained that the Village Council usually meets on the first three Tuesdays of the month. The first Tuesday in November is Election Day and the Village Council chose not to meet on that day so people will participate in the election process. He reminded everyone that the opportunity for early voting takes place in Village Hall beginning October 22 through November 5. He encouraged residents to vote.

14. Adjournment

Motion: Commissioner White moved to go into Executive Session pursuant to Section (2)(c)(5) of the Illinois Open Meetings Act to consider the purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired. Commissioner Earl seconded the motion.

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

Nay: None

Mayor Tully declared the motion carried and the Council convened into Executive Session at 8:19 p.m.

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Respectfully submitted,
April Holden
Village Clerk