

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

11/13/2018

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; 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 2018-7957 — A. Minutes: Council Minutes – October 16, 2018

MIN 2018-7958 — B. Minutes: Executive Session Minutes for Approval Only – October 16, 2018

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

Mayor Tully declared the motion carried by voice vote.

Proclamation

Mayor Tully noted that yesterday was the observation of Veterans Day in memory of the end of World War I on 11/11/1918. He read a proclamation in honor of the military, and expressed the Village's pride in the employees who have served in the military. He read their names into the record: Mike Baldwin, Jeffrey Canfield, Jim Edwards, Brian Jannusch, Sigmond Markowski, Jim Minett, Tom Powers, John Stoeber, Quinn Triplett, Kevin Xu and Mike Xu.

The Mayor then shared that on November 11, the Garden Club of Downers Grove dedicated, in conjunction with the Alexander Bradley Burns American Legion Post 80, a Blue Star Memorial Marker to honor our veterans. He said the Village is grateful to the Garden Club and the American Legion Post. This is the second Blue Star Memorial Marker dedicated in the Village. Mayor Tully noted that 40 citizens in the Village are currently serving in the military.

4. Public Comments

This is the opportunity for public comments.

1. Christine Martin, 701 Maple Avenue, said she is co-chair of Friends of the Edwards House with Shanon Tully. She promoted the 2019 calendar that is available for \$12.00 at Hoff Cleaners, as well as through the Downtown Management office on Curtiss. Calendars are also available on the Friends of the Edward House website. Ms. Martin mentioned that Friends of the Edwards House is involved in landmarking homes in the Village.
 2. Dr. Gordon Goodman, 5834 Middaugh, mentioned that Pierce Downer Heritage Alliance winter newsletter is now available and describes some of the activities of the Friends of the Edwards House. He said they are pleased with the way the Village has moved forward on landmarking 24 buildings in the community.
- Mayor Tully thanked Dr. Goodman and the Heritage Alliance for their good work.
3. Justin Warner, property manager of Farmingdale North Condominium Association, spoke about the need for speed bumps in their area. He said their major concern is for the younger students. Mr. Warner said he is able to see everything that occurs from his office windows, and is concerned about the smaller children who may not be as aware as they should be of traffic. They are asking for money in the budget to include speed bumps, and the residents are willing to cost-share.

Mayor Tully replied that the Village has a traffic-calming program. He said he would look at the packet Mr. Warner provided to see whether this fulfills what is required in the application.

5. Public Hearings

PUB 2018-7885 — A. Public Hearing: 2019 Budget

Mayor Tully called the public hearing to order at 7:15 p.m. to consider the proposed FY19 Budget. Notice of this hearing was published in Enterprise Newspapers, Inc. (The Bugle) on October 17, 2018, and a certificate of

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publication is made a part of these proceedings. He then summarized the procedures to be followed for the public hearing. The Mayor noted that there have been numerous public meetings to discuss the FY19 budget.

Mr. Fieldman said that the proposed FY19 budget was published in late September and has been reviewed at several meetings. Key points of the budget are: 1) a balanced budget with revenues and expenses equal with the recommended fund balance; 2) no increase in the property tax levy for operations; 3) a property tax levy increase required by state law for public safety pensions; 4) a reduction in staffing while maintaining services levels; and 5) significant investment in the Village's infrastructure system.

Mayor Tully thanked Mr. Fieldman for information staff provided on the Emerald Ash Borer and sidewalk gap program.

Gordon Goodman, 5834 Middaugh, said he attended the Coffee with the Council and discussed the maintenance of the buffer zones in Lyman Woods. Last year funds were put into the budget sufficient for the first year of maintenance, but an agreement is required which has not yet been achieved. He was assured at the Coffee with the Council that the money would be available although not written into the budget. He hopes this agreement will be executed in 2019.

Mayor Tully replied that it is within the Manager's authority to spend this money. An intergovernmental agreement would come back to the Council for approval. He noted that he spoke with Joseph Cantore, President of the Forest Preserve District recently.

Dr. Goodman then said that in his neighborhood, the south branch of St. Joseph's Creek, the Village has acquired a small parcel of marshland that is kept in a natural state. Brookbank at this point is not paved but is maintained between Jefferson and 59th Street. He noted that over the years there have been various improvised crossings across the Brookbank right-of-way across the stream. He asked about the budget and encouraged the Village to move ahead with a stream-crossing bridge at that location.

Mr. Fieldman replied that is Project S-11 in the community investment program. The FY19 includes \$100,000 for design work, and \$600,000 in 2020 for the work.

Commissioner Earl asked for confirmation that the Village does not maintain it at this time, and the Manager said that was correct.

Chris Saricks, 1116 61st Street, said that with regard to the path, up until a year ago it was a moot point but things have changed significantly and this will be a component of the Safe Routes to School program.

There being no further comments from the public or the Council, Mayor Tully adjourned the public hearing at 7:29 p.m.

6. Consent Agenda

COR 2018-7959 — A. Claims Ordinance: No. 6289, Payroll, October 26, 2018

BIL 2018-7960 — B. Bills Payable: No. 6422, November 13, 2018

MOT 2018-7966 — C. Motion: Authorize the Purchase of Bulk Rock Salt at a Cost of \$48.158 per Ton and a Not-to-Exceed Cost of \$97,548.84 from Cargill Incorporated Salt Division, North Olmsted, Ohio

Summary: This authorizes the purchase of bulk road salt from Cargill Incorporated Salt Division of North Olmsted, Ohio, for snow and ice control via the State of Illinois contract at a cost of \$48.158 per ton and a not-to-exceed cost of \$97,548.84.

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RES 2018-7967 — D. Resolution: Authorize a Settlement Agreement and Release with Kee Construction, LLC

Summary: This authorizes execution of a settlement agreement regarding Legacy Underground Corporation v. Village of Downers Grove and Kee Construction, LLC.

**A RESOLUTION AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT AND RELEASE
BETWEEN THE VILLAGE OF DOWNERS GROVE AND KEE CONSTRUCTION, LLC**

RESOLUTION 2018-79

MOT 2018-7969 — E. Motion: Authorize a Contract Not to Exceed \$28,700 to L. Marshall Roofing, Glenview, IL, for the Replacement of the Roof of the Rate Control Station at 5324 Park Avenue

Summary: This authorizes a contract for replacement of the roof of the rate control station located at 5324 Park Avenue to L. Marshall Roofing, Glenview, IL, in an amount not to exceed \$28,700.00.

MIN 2018-7965 — F. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Library Board – September 26, 2018; Liquor Commission – September 6, 2018; Plan Commission – October 1, 2018

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

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

Nay: None

Mayor Tully declared the motion carried.

6. Active Agenda

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

Summary: This regulates tobacco purchases.

AN ORDINANCE REGULATING TOBACCO PURCHASES AND SALES

ORDINANCE NO. 5718

Motion: Commissioner White moved to adopt "An Ordinance Regulating Tobacco Purchases and Sales," as presented. Commissioner Earl seconded the motion.

Three students spoke in favor of this ordinance. They noted that vaping is a big issue among young people and the rise in vaping. They spoke in favor of raising the age for tobacco purchases to 21. They supported the ordinance.

Commissioner Waldack said he had concerns about the possession factor; however, there is no value in tobacco and in vaping. He said he is in support of this measure.

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

Nay: None

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Mayor Tully declared the motion carried.

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

Summary: This amends off-premise consumption liquor license classification requirements.

**AN ORDINANCE AMENDING OFF-PREMISE CONSUMPTION LIQUOR LICENSE
CLASSIFICATION REQUIREMENTS**

ORDINANCE NO. 5719

Motion: Commissioner White moved to adopt "An Ordinance Amend Off-Premise Consumption Liquor License Classification Requirements," as presented. Commissioner Earl seconded the motion.

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

Nay: None

Mayor Tully declared the motion carried.

7. First Reading

MOT 2018-7886 — A. Motion: Estimate 2018 Aggregate Tax Levy for the Village of Downers Grove

Deputy Village Manager Mike Baker said this motion matches the earlier presentation of the budget in terms of the taxes to be levied. Expenses for Village operations remain flat but there will be an increase for the state-required contributions for public safety pensions.

Mr. Baker noted the Village portion of the property tax bill is approximately 9.6% of the total tax bill.

ORD 2018-7935 — B. Ordinance: Amend Certain Traffic and Parking Provisions

Nan Newlon, Director, Public Works, said this addresses two matters. The first is uncontrolled intersections at Leonard and Midhurst. The Transportation and Parking Commission recommended stop controls at these intersections. The second matter is a petition in Esplanade at Woodcreek & Lacey. Staff recommended no parking on Woodcreek on the south side from the intersection of Lacey Road to a point 315 feet west of Lacey. The Transportation and Parking Commission also recommended approval on this matter.

ORD 2018-7937 — C. Ordinance: Rezone Certain Property for St. Mary of Gostyn Parish and School located at 440 Prairie Avenue

Stan Popovich, Director, Community Development, addressed items C-H regarding a planned expansion of St. Mary Gostyn Parish and School.

Mr. Popovich showed the location of the subject property, including the north campus and surrounding area. He said St. Mary's is proposing an addition to the school. There is no anticipated increase in enrollment. Mr. Popovich said the stormwater improvements will include an infiltration basin that will tie into the existing storm water sewer. Three variations are requested for the school addition. The variations are for architectural building features in the setback, the entranceway patio and the north setback variation pertaining to the vacation of the southern seven feet of the Prairie-Gierz alley.

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Regarding the alley vacations, all the alleys will have easements on them that will preclude structures from being built over them. Mr. Popovich provided details on the four alley vacations. Also included in the expansion is a request for rezoning of 17 parcels from R-4, Residential Detached House, to INP-1, Neighborhood-Scale Institutional and Public District.

Mr. Popovich said at the Plan Commission meeting concerns were raised about the stormwater and the afternoon pick up of students. He said St. Mary's will work with the Village regarding the school pick up issue. The Plan Commission found this request complies with the Comprehensive Plan and the Zoning Ordinance.

Terri O'Dekirk, Parish Manager, said the Church has been in Downers Grove since 1891. They are looking to add a lunch room, expand the gym and make the space available for other multi-purpose uses. This addition will give them the ability to lock down the school. She noted that staff has been working with the Village regarding picking up students after school. Ms. O'Dekirk said they are trying to get the most of the space and still be good stewards.

Commissioner Waldack said the rezoning and special uses are appropriate. He noted that pick up has always been a problem. He reiterated that there is no anticipated increase in enrollment. Commissioner Waldack said he had no issue with the alley vacations. He asked if the private owner would have been interested in the alley vacation but for this matter.

Mr. Popovich said the owner expressed interest when this matter came up.

Mayor Tully said the neighbor did not have the opportunity to do anything until this came forward.

Commissioner Waldack said people are attracted to Downers Grove in part due to good parks and schools. Projects that improve these are worth supporting.

Commissioner Waldack said this is a good project and he can support it. His question is in regard to waiving fees as it pertains to the individual property owner.

Mayor Tully said his understanding is that the property owner had the opportunity to decline acquiring the parcel, in which case St. Mary's would be the owner of the entire parcel. The Mayor spoke about the fee waiver policy.

Commissioner Earl asked as to the plans for the two properties on Gierz.

Ms. O'Dekirk said the Church looked into the possibility of using them, but due to parking issues, they are not including them in the expansion at this time.

Mayor Tully said the rezoning and the special uses meet the criteria of the Zoning Ordinance. He said the vacation policy helps guide the Council and this request complies with the policy. With respect to the fee waiver, he said he is leaning toward waiving the fee.

Mike Prescott, 4732 Fairview, showed the location of his home on the map. He said he wants to heighten awareness. He is not in support of these requests. His house and those close to him experience flooding during storms. He fears that additional water that is not being retained will find its way to his basement. The pipe does not contain the current overflow. He asked Council to listen to his voice. Water stops in front of his house. He said parking and buses are a big complication. He wants to make sure it is safe for him and for the children walking across the street. He urged the Council to do their due diligence before approving this. He is worried about water retention on his property and in his basement.

Mayor Tully addressed the special use criteria outlined in Section 28.12.050.H of the Zoning Ordinance, specifically H3 in terms of the proposed use not being "detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity." The Mayor noted that the use is not changing. The Mayor acknowledged the stormwater concern. He said the goal is not to create more problems. He noted that the Village's stormwater ordinance is stricter than the County requirement and the stormwater management ordinance should mitigate the concerns being expressed.

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Emily Teising, 435 Gierz, said her house was built in 1894. She is also concerned about flooding. She said her issue is to contain the size of the expansion.

Jim Crawford, 201 56th Street, thanked the Council for allowing robust public comment regarding this matter. He is a member of the Church and spoke about the various programs. He thanked the Council for their support.

Commissioner Barnett spoke about the stormwater issue. This should not increase downstream runoff; it should improve the situation. This property has not been overlooked.

Commissioner Barnett said he thinks the Church has done a fantastic job working with the Village. He would like to continue with the policy to waive fees for St. Mary's but not the private landowner.

Commissioner Walus asked about the history of waiving fees.

Mr. Fieldman discussed the fee waiver policy and the policy regarding the vacation of public streets and alleys.

Commissioner Waldack suggested staff ask the Park District if there is anything further that can be done in regard to this matter.

Mr. Fieldman said staff's understanding is that there will be no charges for the alley vacations for St. Mary's. The private homeowner will be charged \$1,400.00.

ORD 2018-7938 — D. Ordinance: Authorize a Special Use for St. Mary of Gostyn Parish and School Located at 440 Prairie Avenue, 428 Prairie Avenue and 4737 Douglas Road to Construct a School Gymnasium Addition with Variations

ORD 2018-7939 — E. Ordinance: Vacate a Public Alley (Douglas-Gierz) Adjacent to and between 4733 Douglas Road, 4725 Douglas Road, and 445 Gierz Avenue

ORD 2018-7970 — F. Ordinance: Vacate a Portion of a Public Alley (Fairview-Prairie) adjacent to and between 4804 Fairview Avenue, 4806 Fairview Avenue, and 413 Prairie Avenue

ORD 2018-7971 — G. Ordinance: Vacate a Portion of a Public Alley (Prairie-Gierz) adjacent to and between 4733 Douglas Road, 4737 Douglas Road, 445 Gierz Avenue, 435 Gierz Avenue, 440 Prairie Avenue, and 428 Prairie Avenue

ORD 2018-7972 — H. Ordinance: Vacate a Public Alley (Wilson-Prairie) adjacent to and between 444 Wilson Street, 442 Wilson Street, and 445 Prairie Avenue

ORD 2018-7941 — I. Ordinance: Amend Ordinance No. 5473 Authorizing a Special Use for 2501 Ogden Avenue to Permit the Expansion of an Existing Automobile Dealership

Mr. Popovich said this request is to expand the parking lot. He showed the subject the property, the site plan and the proposed expansion. The petitioner will add green space and landscaping. There will be two pedestrian connections. Mr. Popovich said there will be no building improvements. The special use criteria was met as determined by the Plan Commission.

Commissioner Earl asked if this was previously done.

Mr. Popovich said their previous special use lapsed.

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RES 2018-7843 — J. Resolution: Authorize a First Amendment to a Sales Tax Rebate Agreement with Zeigler Chrysler Dodge, Jeep, JD Byrider and AJZ-Downers Grove

Michael Cassa, President and CEO, Downers Grove Economic Development Corporation, 5159 Mochel, said Zeigler opened their first dealership in 2009. In 2015 they acquired property for the Ram Truck dealership. They are now ready to expand again and are asking for a five-year extension of the sales tax rebate agreement. He addressed the generated and anticipated revenue.

Mr. Cassa then addressed the key terms and improvements in the agreement. He noted that Zeigler wants to increase capacity. Mr. Cassa thanked staff and Zeigler for continuing to invest in Downers Grove.

ORD 2018-7940 — K. Ordinance: Amend Planned Unit Development #31 to Allow Construction of a New Two-Story Restaurant at 1801 Butterfield Road

Mr. Popovich said this is the location of the former Carlucci of Downers Grove restaurant. The new restaurant is Cooper's Hawk Winery and Restaurant. He discussed improvements, access points and pedestrian crossings. The petitioner is proposing three signs and is asking for a variation regarding the sign size. The proposal complies with the Comprehensive Plan and the Zoning Ordinance.

Mayor Tully said he is thrilled to have Cooper's Hawk in our community.

Dr. Goodman said he enjoyed Carlucci's and is looking forward to having Cooper's Hawk in Downers Grove. He is pleased that the green space is being preserved. Regarding the signage, it matches the Cooper's Hawk signage elsewhere and doesn't protrude. He is very supportive of the plan.

8. Mayor's Report

New Business

RES 2018-7955 — A. Resolution: Appointment to the Library Board of Trustees

Mayor Tully thanked Ed Earl for his service on the Library Board of Trustees.

Summary: This confirms the appointment of Jennifer Morrow to the Library Board of Trustees for a two-year term expiring August 31, 2020.

AN RESOLUTION APPOINTING JENNIFER MORROW TO THE LIBRARY BOARD OF TRUSTEES

RESOLUTION 2018-80

Motion: Commissioner White moved to adopt "A Resolution Appointing Jennifer Morrow to the Library Board of Trustees," as presented. Commissioner Earl seconded the motion.

Mayor Tully thanked Commissioner Barnett for helping to interview candidates. He noted that Ms. Morrow was in attendance at tonight's meeting and said she is a terrific candidate.

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

Nay: None

Mayor Tully declared the motion carried.

Mayor Tully then noted changes in representation as a result of the general election.

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 amending certain traffic and parking provisions
- An ordinance rezoning certain property for St. Mary of Gostyn Parish and School located at 440 Prairie Avenue
- An ordinance authorizing a special use for St. Mary of Gostyn Parish and School located at 440 Prairie Avenue, 428 Prairie Avenue and 4737 Douglas Road to construct a school gymnasium addition with variations
- An ordinance vacating a public alley (Douglas-Gierz) adjacent to and between 4733 Douglas Road, 4725 Douglas Road, and 445 Gierz Avenue
- An ordinance vacating a portion of a public alley (Fairview-Prairie) adjacent to and between 4804 Fairview Avenue, 4806 Fairview Avenue, and 413 Prairie Avenue
- An ordinance vacating a portion of a public alley (Prairie-Gierz) adjacent to and between 4733 Douglas Road, 4737 Douglas Road, 445 Gierz Avenue, 435 Gierz Avenue, 440 Prairie Avenue, and 428 Prairie Avenue
- An ordinance vacating a public alley (Wilson-Prairie) adjacent to and between 444 Wilson Street, 442 Wilson Street, and 445 Prairie Avenue
- An ordinance amending Ordinance No. 5473 authorizing a special use for 2501 Ogden Avenue to permit the expansion of an existing automobile dealership
- An ordinance amending Planned Unit Development #31 to allow construction of a new two-story restaurant at 1801 Butterfield Road

11. Council Member Reports

Commissioner Waldack reported on downtown activities November 23-25, 2018. He invited residents to go to www.downtowndg.org

Commissioner Walus reminded people of the Bonfield Express 5k on Thanksgiving Day. People can register online or at Good Samaritan Hospital or on race day at the Tivoli.

14. Adjournment

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

Mayor Tully declared the motion carried by voice vote and the Council adjourned at 8:45 p.m.

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Respectfully submitted,

April Holden

Village Clerk