

# Meeting Minutes

Village of Downers Grove - Council Meeting

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Council Chambers

2/12/2019

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 Barnett, Commissioner Walus, Commissioner Earl, Commissioner Waldack, Commissioner White, Commissioner José; 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 2019-8075 — A. Minutes: Council Minutes - February 5, 2019

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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.

#### **4. Public Comments**

This is the opportunity for public comments.

Amy Gassen, 5320 Benton, Vice President of the Downers Grove Historical Society, presented information on the Society's Historic Home Program (HHP). The HHP is an honorary recognition program co-sponsored with the Downers Grove Museum to preserve the history and integrity of homes in the community. In order to apply, a home must be at least 50 years old. Plaques are now available to the homeowners for approved applications and those plaques are free. In addition, the Historical Society will give a free one-year membership to all homeowners whose applications are approved. Members can attend each of the Historical Society's quarterly events at no cost. The next event will be held on March 7 at 6:30 p.m. at Emmett's. Don Rickard will tell the story of his own home on Prairie Avenue. Cost to attend for non-members is \$10.00. She said more information can be obtained at [downersgrovehistory.org](http://downersgrovehistory.org).

#### **5. Consent Agenda**

**BIL 2019-8076** — A. Bills Payable: No. 6438, February 12, 2019

**RES 2019-8068** — B. Resolution: Continue Participation in the Suburban Tree Consortium and Authorize Certain Purchases for 2019

**Summary:** This expresses intent to continue the Village's participation in the Suburban Tree Consortium and to authorize tree supply and planting services in the amount of \$170,000.00 for FY 2019.

**A RESOLUTION EXPRESSING INTENT TO CONTINUE PARTICIPATION IN THE SUBURBAN TREE CONSORTIUM AND TO AUTHORIZE CERTAIN PURCHASES FOR FY 2019**

**RESOLUTION 2019-10**

**RES 2019-8069** — C. Resolution: Authorize a Master Pole Attachment Agreement with New Cingular Wireless for Use of Village-Owned Poles in Rights-of-Way

**Summary:** This authorizes execution of a Master Pole attachment agreement with New Cingular Wireless for a license which allows New Cingular to install small cell wireless facilities on Village-owned poles.

**A RESOLUTION AUTHORIZING EXECUTION OF A MASTER POLE ATTACHMENT AGREEMENT BETWEEN NEW CINGULAR WIRELESS AND THE VILLAGE OF DOWNERS GROVE FOR USE OF THE VILLAGE OWNED POLES IN THE RIGHTS-OF-WAY**

**RESOLUTION 2019-11**

**MOT 2019-8070** — D. Motion: Award \$42,300 to Misfits Construction Company, Chicago, Illinois, for Supply of Crushed Limestone

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**Summary:** This awards a contract for Supply of Crushed Limestone to Misfits Construction Company of Chicago, Illinois in the amount of \$42,300.

**RES 2019-8071** — E. Resolution: Authorize a Letter of Understanding with the State of Illinois Department of Transportation - Ogden Avenue

**Summary:** This authorizes the Village of Downers Grove to sign a Letter of Understanding with the Illinois Department of Transportation for activities within the right-of-way of Ogden Avenue.

**A RESOLUTION AUTHORIZING EXECUTION OF A LETTER OF UNDERSTANDING BETWEEN  
THE VILLAGE OF DOWNERS GROVE AND THE  
STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION**

**RESOLUTION 2019-12**

**MIN 2019-8082** — F. Minutes: Note Receipt of Minutes of Boards and Commissions

**Summary:** Library Board - 12/12/18; Zoning Board of Appeals - 11/28/18

**Motion:** Commissioner White moved to adopt the Consent Agenda 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.

## 6. Active Agenda

**ORD 2019-8063** — A. Ordinance: Amend Parking Permit Provisions for Residents

**Summary:** This amends parking permit provisions for residents.

**AN ORDINANCE AMENDING PARKING PERMIT PROVISIONS FOR RESIDENTS**

**ORDINANCE NO. 5751**

**Motion:** Commissioner White moved to adopt "An Ordinance Amending Parking Permit Provisions for Residents," as presented. Commissioner Earl seconded the motion.

Commissioner Earl asked for details in the remarks submitted by the public.

Village Manager Dave Fieldman replied that this concerns Lot R, which is the first floor of the parking deck allowing residents downtown who do not have parking options to purchase parking permits from the Village so they can park overnight in the deck. The change concerns some newly constructed recently approved developments downtown that provide parking to their residents. Residents of those two or three developments are not eligible for parking permits in Lot R, in order to maximize the spaces.

Commissioner Earl replied that this would be especially important when construction begins on the recently approved Village Hall and Police Department.

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

Nay: None

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Mayor Tully declared the motion carried.

**RES 2019-8078** — B. Resolution: Authorize an Agreement with Leopardo Companies, Inc. for Preconstruction Services for the Village Facilities Project

**Summary:** This authorizes a preconstruction services agreement for the Downers Grove Police Department and Village Hall between the Village of Downers Grove and Leopardo Companies, Inc. ("Leopardo") in the amount of \$600,107.00.

**A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE  
VILLAGE OF DOWNERS GROVE AND LEOPARDO COMPANIES, INC.**

**RESOLUTION 2019-13**

**Motion:** Commissioner White moved to adopt "A Resolution Authorizing Execution of an Agreement Between the Village of Downers Grove and Leopardo Companies, Inc.," as presented. Commissioner Earl seconded the motion.

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

Nay: None

Mayor Tully declared the motion carried.

## 7. First Reading

Mr. Fieldman said that the first two items concern regulation of the sale of cats, dogs and rabbits in the Village. He asked Management Analyst Dan Carlsen to make the presentation.

**ORD 2019-8058** — A. Ordinance: Regulate the Sale of Cats, Dogs and Rabbits

Dan Carlsen, Management Analyst, said that on January 8, 2019, the staff presented options for the sale of cats, dogs and rabbits in the Village, and the Council directed staff to draft an ordinance restricting the retail sale of dogs, cats and rabbits unless the animals are obtained from an animal care facility, rescue organization or humane society. He reviewed the specifics of the ordinance requiring signed disclosures from both the pet store owners and pet purchaser with a copy made available to the Village.

Mr. Carlsen said that Happiness is Pets located at 605 Ogden Avenue is the only retail pet store selling cats, dogs and rabbits in Downers Grove. The owner recently moved the store to its present location and has invested to upgrade the facility. The store also has a lease agreement for this location ending on December 31, 2022. The ordinance establishes an amortization period that allows Happiness is Pets to operate with its current business model until their lease expires on December 31, 2022.

**RES 2019-8059** — B. Resolution: Support Senate Bill 2280

Mr. Carlsen said that Senate Bill 2280 includes regulations for the sale of dogs, cats and rabbits in DuPage and Will counties. It allows pet shop operators to allow dogs, cats or rabbits for sale only if the pet shop operator has obtained the dog, cat or rabbit from an animal care facility operated by a subdivision of local, state or federal government, in addition to a specified animal rescue organization. There is no timetable for consideration of Senate Bill 2280 and the Bill has been referred to Senate assignment with no further action taken.

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Mayor Tully said that the Council has had numerous conversations about this subject leading up to this First Reading, and has had a tremendous amount of input from both the community and beyond from organizations whose focus is to advocate for this topic. He asked for direction from the Council as to opinions regarding this topic, with the intent of directing staff to make any changes deemed necessary.

Commissioner Waldack referenced the following quote: "The greatness of a nation and its moral progress can be judged by the way it treats its animals." He thinks that is a very wise statement. He commented that we don't tolerate defective products. We believe that animals are capable of love and therefore we should love them and care for them. There is a problem with the supply chain because it's all about profit. He said that these things must be addressed. Many people have expressed interest in this issue with large numbers of people in attendance at the Council meetings, in addition to numerous emails asking the Council to address this issue. The Commissioner said that people want a humane ordinance and they want it now. There is a proposed ordinance to address the situation. The one business in the Village has a reputation stated by a number of people that has not been humane. He knows someone that he trusts who quit her job at this facility due to the questionable conditions. This ordinance doesn't go into effect for four years. He wants to see the amortization process addressed now. He would like to see this go not more than 60 days for the business to change their model, and have approval of their supply chain.

Commissioner José shared Commissioner Waldack's concern about the supply chain, stating that he favors this ordinance. Even if Happiness is Pets does everything perfectly, the next business might not. He would like to see a shortened amortization period, and he recommended an increased fine to be per animal. A fee of \$75 seems low.

Commissioner Earl said she has received many emails on this matter. She does not support the length of time proposed for amortization in the ordinance and would recommend the shorter the better. She would go to six months or to the end of the year. She also would recommend tightening up some of the language in terms of defining "humane society." She said she has also received comments to keep this as it is. If this were a car dealership selling defective cars or other products, it would not be good for the community. This is not good for anybody. Pets are put down if they are not sold. These are commodities to people selling them: 1.8 puppies are sold per day out of the Downers Grove store. We don't know how many are good, healthy dogs. This is not in the best interest of anyone except those making a profit. Commissioner Earl said she believes this is a worthy challenge for the community to take on and will make Downers Grove a better community.

Commissioner White said he is generally in favor of the ordinance. He agrees with some modifications in the definition of "humane society" and the penalties. He is concerned about the Village being responsible for policing sourcing. He asked how much time the Village will have to spend verifying that a potential sale complies with the Village's standards. The most recent Humane Society model ordinance has a complete ban on retail sales. He noted that California has passed a law similar to the one the Village is considering. Regarding the amortization period, if the Council believes this to be a moral issue the answer is to make the effective date now.

Commissioner Barnett commented on the fine issue, saying he would favor a higher fine to assure that behavior ceases in the Village. As for the amortization period, he said what they should agree upon is an orderly, logical path moving forward. He wants to know what would happen to the animals that are at that facility now. The Commissioner also asked about other uses or zoning category in the Village where the Council decided to abolish the use or category, and how those were managed. As for the definition issue, he would also like to hear more discussion from his colleagues as well as the public. If the goal is to abolish the sale of puppy mill bred dogs, then any sale makes the most sense. If there is a model somewhere to help alleviate the actual volume of those dogs in existence, there would be an upside to that as well. The amortization needs to be orderly for both the Village as well as the storeowner.

Commissioner Walus said that this is an emotionally charged issue. They've received communications from residents and nonresidents both in favor of, and not in favor of this ordinance. The Council is there to represent the community, and therefore it is their duty to pass this ordinance. She also favors a shorter amortization period, not to exceed six months. She would be willing to adopt an ordinance similar to the Humane Society ordinance.

Mayor Tully noted that this was not on the radar six months ago. It is rare to move with such speed. He noted that this is a comprehensive ordinance that mimics the California ordinance. One important point is to assure the ability of the Village to enforce it. He'd like to see a more pragmatic way to enforce it. The Mayor noted that he doesn't feel strongly about the fines. As Commissioner Barnett commented, the Mayor said that the Village tries to do things in an orderly fashion when an ordinance changes how things have been done. Amortization is designed to achieve some orderly transition. When this ordinance passes, there won't be any more pet stores in the Village unless they comply with this ordinance. The existing store won't be around very long in its current manifestation. The Mayor stressed how great an accomplishment this is already, even if everyone isn't satisfied. Mayor Tully noted the Humane Society's guide has an article that talks about recognizing the need for compromise, which is a pragmatic and practical reality. He is not insensitive to orderly balance and transition. This proposed change would be taking place in less than six months from the time it was first introduced.

1. Mark Thoman, 1109 61st Street, and Downers Grove Township Supervisor, a resident and pet owner, said he looked at the documents prepared by staff. They have identified the main problem and he is pleased to see the changes proposed in the discussion regarding amortization and fines. Banning the sales is not about being anti-business. It is about anti-cruelty to the animals that become part of our families.
2. Carolyn Mossberger, Director of the West Suburban Humane Society said that animal shelters have to step up when people buy animals bred in puppy mills. The taxpayer pays for these animals in terms of animal control. She said that an ordinance was instituted in Chicago in 2015 and euthanizing of animals dropped considerably in the following three years. She believes this will decrease the financial burden to the public and will reduce the numbers of euthanasia that shelters have to face every day. She noted that West Suburban Humane Society will happily work with Happiness is Pets to establish a humane business model.

Commissioner Waldack asked Ms. Mossberger if there is any way the Humane Society could help with enforcement of the ordinance in terms of approved breeders. Ms. Mossberger replied that they could supply contacts from non-profit agencies.

3. Rich Kulovany, 6825 Camden, related an account of buying a puppy from a puppy mill for his mother-in-law and within months that puppy needed two operations at \$1500 each. The veterinarian said that the dog could not survive a third operation. This is not just a matter of impacting a business. He said that all they want to do is have the business replace their supply chain. He thinks reputable breeders would step up.
4. Brian Muntz, his wife, Laurie, and their foster dog, Betty Boop, were present. Betty was a foster dog they ended up adopting. They have been fostering dogs for 12 years and have seen many horrors. Betty was completely unsocialized and stressed, spinning in circles. She is still terrified of strangers, still has house training issues. She could not use a staircase. Mr. Muntz said that Betty is one of two foster dogs in their family. They have another dog, Newman, who came from Arkansas when he was 11 months old. They had no idea what breed of dog he was, he was so unkempt. He still displays behavior similar to those of dogs from puppy mills. He has bowed front legs from living 11 months in a cage too small for him. Mr. Muntz said both dogs are loving animals and part of their family. In most instances, these animals would have been euthanized once their usefulness was gone. He said the proposed ordinance is a step in the right direction, and urged that it be passed with a shorter amortization period. The ordinance will save countless lives of breeding animals, and will stop forcing these animals to live in horrible conditions.

5. Mary Edwards commented that is wonderful that the Village wants to work with rescue groups. She has visited a couple of Happiness is Pets businesses, and has reviewed the Ohio laws, which are bare minimum. She referenced flooring material requirements of the Ohio laws, and Happiness is Pets businesses do not meet the flooring material requirements. Daily exercise requirements are ½ hour a day, which is not enough for any dog, especially a puppy. She also noted that dogs have to have an opportunity to exercise during daylight hours, and Happiness is Pets does not have outdoor facilities. The requirements she noted were from the Ohio laws. In Illinois it is illegal to separate an animal from its mother prior to eight weeks old. Happiness is Pets had a puppy available that was seven weeks old. She also noted that their dogs are in isolation rather than in a social environment with other dogs. She is glad the Council is looking at a shorter amortization period.
6. Vanessa Nelson said she was at one of the Village's earlier meetings representing Warrenville, and is grateful that the Village is moving ahead. She spoke about public health concerns. She has been a veterinary technician for the past 15 years, and has seen the importance of helping new dog owners and addressing health issues. Local and state governments have the responsibility to protect people from bacteria and parasites that might be transmitted by animals not cared for properly. Parasites can be harmful to children, expectant mothers and others, as well as infecting other animals. She noted that she experienced infection from one of these parasites. Ms. Nelson addressed the predatory lending practices in some stores charging up to 100% in interest for loans to purchase puppies. In addition, some of these aforementioned infectious diseases are antibiotic resistant. She encouraged people to seek no-kill shelters. Local governments are acting on this before most states and the federal government, and local governments have an opportunity show the way. She noted there would be a backlash from this since many of these stores have pre-orders for puppies; therefore, she doesn't think an amortization period of six months to one year is unreasonable due to the pre-orders of the puppies. Ms. Nelson then referenced the many resources and approved breeders available if people want to utilize the American Kennel Club website for information. Another recommendation is to create certification of breeders to cover not just dogs, cats, and rabbits. It's an issue with cows, livestock, across the board. The recent government shutdown has negatively affected government veterinarians because someone had to be available to care for the animals. She also believes fast action is necessary just because of the public health issues involved.
7. Dr. Barb Hanek, Veterinary Administrator for DuPage County, said she was impressed with the compassionate comments from the Council. She thanked the Council for listening and reviewing all of the material that was sent to them. She quoted Coretta Scott King, saying, "The greatness of a community is most accurately measured by the compassionate action of its members." She noted that she doesn't agree that Happiness is Pets is a bad place. She said she would like them to succeed. The main thing they are looking at is the source of their animals. Animals don't have a voice; we have to be the voice for them. Dr. Hanek suggested reaching out to Marc Ayers of the Humane Society of the United States, saying he can help make the ordinance most comprehensive. Sometimes there are loopholes than need to be addressed. She said that the community applauds the Council's commitment.
8. Jennifer Bahlmann, Board Chair of the West Suburban Humane Society, referenced a comment on the ASPCA website that said never to sell puppies to a dealer or pet stores. Breed clubs also state never to sell to dealers or pet stores. She said that she understands people want to have purebred dogs in some instances, and many of these breeds are available in the Downers Grove pet store right now. As a representative from the shelter, she is recommending referring potential owners to responsible breeders through the AKC or the U.S. ASPCA.
9. Kimberly Backman, attorney in animal law and advocacy, made two points. Regarding the definition of "humane society" she referred them to the Illinois statute definition. As to the timeframe, she found a statistic from the American Pet Products Association that says this is a \$70 billion per year industry, less than 2% of which comes from commercially raised puppies. There is a lot of money to be made using a different business model. She asked that they keep the amortization period short.

10. Peggy Crandall of Joliet came to thank the Village for its serious consideration of the matter. Regarding puppies currently in the store, she said if a company has to wind down its business, they have to stop ordering now. Breeders will have no problem going elsewhere. The #1 reason to pass this is because it is the right thing to do. Happiness is Pets has other stores that they can transfer their dogs to, if the time frame requires it.

11. Laura Crawford President and CEO, Chamber 630, said the Chamber represents corporate residents. The common denominator she keeps hearing is "breeders." Breeders will be continuing to supply pet stores, and she believes breeders should be legislated. She obtained a rescue dog that was a Tibetan terrier born in Plainfield and lived in a cage for five years. The dog was in terrible condition at a reputable rescue place. She referenced another dog she obtained from a breeder that had hip dysplasia five years after she bought it. She believes going after the breeder is the answer, not the pet storeowner. The Chamber has never received a complaint about Happiness is Pets. They have been in business for 21 years. Ms. Crawford thanked staff for their service. This business is highly regulated. She noted that legislation was passed 18 months ago with no opposition on record. She referenced an ordinance presented in Naperville and, after a year, did not change the law. This business offers a four-year guarantee and adheres to regulations. She said it is astonishing that this business could be shut down in six months, and therefore recommends the amortization to December 2022.

12. Karen Smith spoke about the ordinance in Naperville. She said that it has been five years that Naperville has been reviewing this issue. It's an ongoing effort. She said that humane pet stores are not the wave of the future but they are the way of right now. Pet Lane Canada is 100% rescue, Anderson Animal Shelter has two satellite locations due to partnership with Pet Supplies Plus and Petco. Happiness is Pets can stay relevant by staying on top of trends.

13. John Burnie, owner of Happiness is Pets, said he emailed a copy of the petition for rulemaking by the Humane Society of the United States and the ASPCA. All breeders used by his company are in compliance with the rules. He stated that based on the USDA guidelines his breeders are humane. Mr. Burnie said to claim his puppies are mill bred is an extraordinary claim requiring extraordinary evidence. He reviewed the definition of "mill bred." The average USDA breeder has 20 female dogs. Claiming that responsible breeders never sell to pet stores is merely an opinion and should not be deemed a valid argument. He said that he only uses USDA approved breeders. He invited people to come see his breeders for themselves. To Commissioner Waldack, he challenged him to prove that there was cruelty in his store. To Commissioner Earl, he challenged her to prove that his store euthanized dogs.

Commissioner Earl apologized to Mr. Burnie saying that she didn't mean that he specifically euthanized dogs.

14. Mia Damiano, outreach coordinator for the Companion Animal Protection Society, commented that she reported to the Council at a previous meeting that Happiness is Pets gets their animals from Amish breeders in Indiana. She said the breeders are unregulated by the state. The Companion Animal Protection Society has undercover investigators who investigate complaints. One woman obtained a pug dog that did not survive one year. Happiness is Pets provided another dog. This second dog can barely see and will eventually go blind. Many people submit complaints to her agency. They are tired of the deceit and fraud that comes from Happiness is Pets. She said passing the ordinance would set the tone for surrounding towns. She urged the Council to pass the ordinance.

15. A young woman said her first dog came from a pet store and the dog had difficulty moving her legs. Dogs are family and no one wants to return a dog. She asked that the Council consider what families and children go through.

16. Brian Krajewski, 6455 Nash, applauded the Council for taking up this issue. He is a member of the DuPage County Board and serves on the DuPage County Board Animal Services Committee. He noted that Chicago has banned the sale of pets from puppy mills. Lobbyists went to court and went to Springfield to pre-empt Chicago's home rule law. Mr. Krajewski reviewed the history of legislation in an attempt to preempt the Home Rule authority of Chicago. There was considerable opposition to this and attempts to overturn the ban, rather than no opposition as the representative of Chamber 630 said earlier in this meeting. The Bill was then watered down such that communities all are adopting their own ordinances. He noted that in October he sent the Council a 450-page packet of information regarding this issue.

Mr. Krajewski informed the Council that SB 2280 was in the last session, did not pass and that Bill no longer exists. He then asked for Village support of a resolution for a new bill for a ban in DuPage County, and reviewed numerous cities that have participated in legislating bans. He said it sounds as though Downers Grove will be one of the leading communities in a ban of commercially bred animals.

Mr. Krajewski urged using the Humane Society definitions, increasing the fines to perhaps \$500 per dog, and recommended an amortization period of 90 days for transition. He then thanked the Council for moving quickly.

Mayor Tully expressed his appreciation for the comments and input from residents, businesses, organizations, etc. He doesn't think this ordinance goes far enough, and perhaps they should consider banning the sale completely. He's concerned about enforcement issues.

Commissioner Earl spoke of her personal experience with dogs. Her first dog was through West Suburban Humane Society and that was a great experience. The second came through a USDA breeder and she was horrified by what she saw. Their third dog was from Happiness is Pets. She noted that she has no proof that Happiness is Pets euthanizes the dogs they don't sell. However, the Happiness is Pets salesperson told her that their dog would be put down if not purchased. It was very ill and lived out its short life with her family. Her next dog also came from Happiness is Pets and could not live with other dogs in their house. They had to surrender that dog to a shelter. They then adopted a dog that originally came from Happiness is Pets, and that was also not successful. She indicated that she said what she did about euthanizing of dogs because she was told that by a salesperson. This is an emotionally charged topic for her and is why she brought it forward to begin with. She believes it is time to do something.

Commissioner José said after hearing the comments he agrees that they should ban the commercial sale completely.

Commissioner Waldack commented that because the Village has only one store, they are being targeted. He doesn't like to be called a liar or fooled by hearsay. He said his comments weren't in relation to this issue. His source was someone he trusts and it was several years ago. He noted that their present dog is a pure bred dog and all pure breeds have breed tendencies. His dog displays what is typical of Pomeranians. The Commissioner then asked about a gestation period and pre-orders. He would not want these dogs disposed of because of this ordinance. As to the ordinance itself, he thinks the fines are too low. He hopes they can get some sort of assistance from the Humane Society as to enforcement.

Mayor Tully said there appears to be clear direction, and Mr. Fieldman said this will be placed on the March 5 Active Agenda. Mayor Tully thanked everyone who commented on this issue.

#### **ORD 2019-8053** — C. Ordinance: Create a Class R-3 Liquor License Classification

Village Attorney Enza Petrarca said this ordinance is in response to a PUD amendment regarding Cooper's Hawk restaurant for on-site and off-site sale and consumption of liquor. If approved, the petition will have to go before the Liquor Commission.

Commissioner Barnett asked why there is a need for this.

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Ms. Petrarca said there was no liquor license classification for the purchase of a bottle of wine in a full restaurant situation. This would allow consumption on the premises, or purchase of a bottle for off-premises consumption. She noted that this is a full liquor license.

Commissioner Waldack said he is usually against designer licenses, but this doesn't cover anything we already have. He will rely on the Liquor Commission to make sure that this is properly handled. He said they'd see how the mechanics work after the Liquor Commission reviews it.

## 8. Mayor's Report

1. Mayor Tully announced that the next Coffee with the Council will take place on February 16 from 9:00-10:00 at the Public Library.
2. The Mayor thanked the Downers Grove Park District. A few months ago the Village mourned the loss of Montrew Dunham, an iconic resident who was a noted historian of this community. She was part of the community and had many accomplishments. Her name was added by the Village to the lists of potential street names. On January 17, the Park District renamed the annex of the Downers Grove Historical Society in her honor. The Mayor said this was an excellent idea and wanted the Village and community to know that this honor was made.

## 9. Manager's Report

## 10. 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 regulating the sale of cats, dogs and rabbits
2. An ordinance adding a Class R-3 liquor license classification

## 11. Council Member Reports

Commissioner Walus announced that Pizza Wars will take place on February 28 at Downers Grove South High School to benefit District 99. Tickets are \$10 in advance and \$15 at the door.

Mayor Tully said that there are three Downers Grove pizzerias participating—Skuttlebutt's, Lou Malnati's, and Tortorices.

## 12. Adjournment

Mayor Tully asked for a motion to adjourn.

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

Mayor Tully declared the motion carried by voice vote and the meeting adjourned at 9:03 p.m.

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Respectfully submitted,

April Holden

Village Clerk