



Meeting Minutes

Village of Downers Grove – Council Meeting

Council Chambers

November 09, 2021

7:00 PM

1. Call to Order

Commissioner José called to order the Village Council meeting at 7:00 p.m. and led those in the room in the Pledge of Allegiance to the Flag. He explained the protocol for the meeting and the guidelines to submit public comment.

2. Roll Call

Council Attendance (Present): Commissioner José, Commissioner Walus, Commissioner Sadowski-Fugitt, Commissioner Kulovany, Commissioner Gilmartin, Commissioner Glover

Council Attendance (Remote): Mayor Barnett

Non-Voting: Village Manager Dave Fieldman, Village Attorney Enza Petrarca, and Village Clerk Rosa Berardi

MOT 2021-9161 — A. Motion: Allowing for Electronic Participation for the November 09, 2021 Village Council Meeting

Summary: Allowing for Electronic Participation for the November 09, 2021 Village Council Meeting

***MOTION:** To allow electronic participation for the November 09, 2021 Village Council Meeting as presented.*

***RESULT:** Motion carried unanimously by voice vote.*

***MOTIONED TO APPROVE:** Commissioner Walus*

***SECONDED BY:** Commissioner Sadowski-Fugitt*

***AYES:** Commissioners Walus, Sadowski-Fugitt, Glover, Gilmartin, Kulovany, José, Mayor Barnett*

***NAYES:** None*

3. Proclamation – Hunger and Homelessness Awareness Week

4. Minutes of Council Meetings

MIN 2021-9150- A. Minutes: Village Council Meeting Minutes –November 02, 2021

Summary: Village Council Meeting Minutes –November 02, 2021

***MOTION:** To adopt the meeting minutes of the November 02, 2021 meeting as presented.*

***RESULT:** Motion carried unanimously by voice vote.*

MOTIONED TO APPROVE: Commissioner Walus

SECONDED BY: Commissioner Sadowski-Fugitt

AYES: Commissioners Walus, Sadowski-Fugitt, Glover, Gilmartin, Kulovany, José, Mayor Barnett

NAYES: None

5. Public Comment

Public Comments/Questions

Dr. Gordan Goodman of 5834 Middaugh:

- In favor of Historic preservation and landmarking of Downers Grove home.
- In favor of the Village completing and expanding the areas included in the Architectural & Historical Survey.

Jim Kelly, resident:

- Thank you to businesses who allowed him to put posters in windows for All Saints Night.
- Requesting answer regarding Village auditing DuPage PADS program.

Commissioner José: Thank you for reaching out and for the information. Staff and Mayor are in contact with PADS and other organizations. Council is not empowered to regulate charities. The State of Illinois Attorney General's Office regulates charities. PADS has a board of directors, and either they or the Attorney General's office should be point of contact for dealing with issues inside of the organization if it is in violation of the law. If the Village sees violation of laws or local ordinance then local PD takes action. Otherwise, the Council is not the primary contact for the regulation of charities.

Jim Kelly, resident:

- Requests that PADS is not a dump site. Not asking for regulation. Is requesting oversight of places such as the parking garage.

6. Mayor's Report

No Mayor's Report.

7. Public Hearings – FY 2022 Budget

PUB 2021-9211 — A. Public Hearing: FY 2022 Budget

Summary: FY 2022 Budget

PUB 2018-7885 - A. Public Hearing: FY 2022 Budget

Commissioner José called the public hearing to order at 7:30 p.m. to consider the proposed FY 2022 Budget. Notice of this hearing was published in Enterprise Newspapers, Inc. (The Bugle) on October 27, 2021, and a certificate of publication is made a part of these proceedings. He then summarized the procedures to be followed for the public hearing.

Mr. Fieldman explained there are several opportunities for the public to engage with staff and the Village Council on the adoption of the budget. He showed the FY 22 Budget Schedule and explained this public hearing is the third meeting regarding this budget. A presentation of the budget was given last week.

Key points of the budget are:

- 1) A balanced budget with revenues and expenses equaling \$54.38 million;
- 2) Funding included for the high priority action (Facilities Replacement and Sustainability Plan) - a discussion regarding that plan is forthcoming;
- 3) No increase in property tax levy for operations;
- 4) A property tax levy increase required by state law for public safety pensions;

5) A significant investment in the Village's infrastructure systems calling for over \$21.5 million investment in our streets, sidewalks, stormwater systems, and of that nearly \$3 million of federal and state funding is coming to Downers Grove and will be invested into our streets system;

6) An increase in staff of one full time position to respond to an increased workload in our Police Department brought on by a recent change in state law.

Also noted, the budget does include an increase in vehicle purchases that were deferred over the last two years. The deferral was part of the Village's response to uncertain revenues brought on by the pandemic. We are in a position now to proceed with those required necessary vehicle replacements and still have a strong fund balance in that fund. As mentioned last week, this budget provides \$830k in funding for our valued partner organizations, the Economic Development Corporation and the Downtown Management Corporation.

Commissioner José thanked Mr. Fieldman.

Council Comments/Questions

No comments or questions from Council.

Public Comments/Questions

Dr. Gordan Goodman of 5834 Middaugh:

- In favor of green initiatives in budget.
- In favor of historic preservation activities in Village and applications made by property owners.
- In favor of property outside of surveyed areas being studied.
- Question: Where the budget provides for this and what the plan is for the future of the surveying of historically significant properties in Downers Grove?

Commissioner José: Does not recall seeing the historic preservation surveys as a budget item. It is possible to include it in future budgets.

Commissioner Kulovany: Has a spreadsheet of 1100 homes that he has tracked by visiting the houses. Most were in the area already surveyed. Was able to map out some areas adjacent to that. Feels that there is more than enough to be followed up on. COVID prevented people from knocking on doors and inviting to events. Believes that now the Historical Society can resume the program of tracing homes back to original owners and protecting the history of landmarking. The Historical Society has enough to work on helping people to voluntarily landmark at this time. Perhaps in the future they could seek a grant or use funding from the Historical Society to expand.

Dr. Gordan Goodman of 5834 Middaugh:

- Asked what the relationship of the Historical Society survey and studies are to Village authorities.

Commissioner Kulovany: Everything related to the search is official documentation. Cannot say if the home is historically contributing or non-contributing. Sometimes it is based on opinions as to whether a property is landmark worthy or not, it is a judgement call.

Dr. Gordan Goodman of 5834 Middaugh:

- Asked what happens when the Historical Society research is submitted as the basis for a landmark recommendation by the Village staff.

Commissioner José: Stated this is not meant to be a Q&A with Commissioner Kulovany.

Dr. Gordan Goodman of 5834 Middaugh:

- Unless the property is on the landmark surveys that the Village recognizes, it is not possible for it to be recommended for approval by the Historic Preservation Board or the Village Council.

Commissioner José: Stated that how the staff forms their recommendation and how the Historic Preservation Committee makes its recommendation before an application goes to Council is a process that is better directed to

for staff to respond to at a later time.

Dr. Gordan Goodman of 5834 Middaugh:

- Wanted to point out the survey availability and the ability of landmarking for residents in the Village.

Commissioner Hosé: Thanked Dr. Goodman for his dedication to historic, landmark, and park preservation over the years. The community is better for his service.

Mike Smetana of 5832 Fairmount Avenue:

- Question: If money that District 58 is gaining from sales is coming into the Village in similar proportion. If it is, asked if the money will be allocated to safety pensions.
- Question: Where all of the potential new money from new build property taxes is going.
- Question: Asked if video gaming and cannabis revenue will also be going to shortfalls.

Commissioner Hosé: The downtown TIF expiring means the property is assessed at the new valuation and the property tax dollar will be divided as shown in the budget. District 58 gets 35.4%, the Village receives 10.34%. Used to be the increment in the increase in value was caught in the TIF, but it will now be divided out.

Mr. Fieldman: Reminder that visual in budget is a breakdown of what is on the property tax bill. Commissioner Hosé is correct that the school districts account for most of it. There is a fundamental difference between school district taxation, laws and practices of municipalities. The school districts are subject to tax caps, the Village is not. Is not well versed in the tax caps and what they may or may not capture, but does know that when TIF districts expire, the school districts get to capture the tax value and the taxes generated from the properties that were previously in the district. They get a large increase in their revenues and the Village does not. The Village levies a total dollar amount. This year the total levy dollar amount will be 16.9 million dollars. That is the amount the Village will collect in taxes regardless of the status of that TIF district. The Village does not receive additional revenues with the retirement of a TIF district, the school districts and other taxing bodies do. School districts also get to capture increases in their levy from new construction as part of the tax cap laws, the Village does not operate that way. The Village levies a certain dollar amount regardless of what new construction values are. This budget does not anticipate or show revenue from video gaming or cannabis.

Mike Samanta:

- Asked if since it is not in the budget, if the Village will allocate some of the funds from video gaming or cannabis towards safety pensions to alleviate burden on property tax payers.

Commissioner Hosé: It will be allocated where Council directs, the initial place is most likely the general fund.

Mr. Fieldman: Confirmed Commissioner Hosé is correct. Will see how the policy decision goes on the agenda. If there is a revenue discussion they can discuss it as part of the FY22 budget or future budgets.

MOTION: To adjourn the 2022 Fiscal Year Budget Hearing

RESULT: Motion carried unanimously by roll call.

MOTIONED TO APPROVE: Commissioner Walus

SECONDED BY: Commissioner Sadowski-Fugitt

AYES: Commissioners Walus, Sadowski-Fugitt, Glover, Gilmartin, Kulovany, Hosé, Mayor Barnett

NAYES: None

The Public Hearing is adjourned at 7:50 p.m.

8. Consent Agenda

BIL 2021-9163 — A. Bills Payable: No. 6628 - November 9, 2021

Summary: No. 6628 - November 9, 2021

BIL 2021-9164 — B. Bills Payable: No. 6431, Payroll - October 8, 2021

Summary: No. 6431, Payroll - October 8, 2021

MIN 2021-9201 — C. Minutes: Note Receipt of Boards and Commissions Meeting Minutes

Summary: Note Receipt of Boards and Commissions Meeting Minutes: Board of Fire and Police 8-11-2021; Library Board 9-22-11; Fire Pension 9-23-21

RES 2021-9180 — D. Resolution: Appropriating \$127,048.57 of Rebuild Illinois Funds for the Village Share of the 71st Street Resurfacing Project RES 2021-74

Summary: This resolution appropriates \$127,048.57 of Rebuild Illinois Funds for the Village Share of the 71st Street Resurfacing Project

RES 2021-9181 — E. Resolution: Appropriating \$164,743.55 of Rebuild Illinois Funds for the Village share of the Woodward Avenue Resurfacing Project RES 2021-75

Summary: This resolution appropriates \$164,743.55 of Rebuild Illinois Funds for the Village share of the Woodward Avenue Resurfacing Project

RES 2021-9199 — F. Resolution: Authorize a Contract Extension with H&H Electric Company of Franklin Park, Illinois, in the Amount of \$80,000.00 for Traffic Signal Maintenance RES 2021-76

Summary: This resolution authorizes a contract extension with H&H Electric Company of Franklin Park, Illinois, in the amount of \$80,000.00 for traffic signal maintenance.

MOT 2021-9200 — G. Motion: Authorize a Three-Year Contract to D. Ryan Tree & Landscape LLC of DeKalb, Illinois, in the Amount of \$48,750.00 (\$16,250.00 per year) for Demand Tree Pruning Services

Summary: This motion authorizes a three-year contract to D. Ryan Tree & Landscape LLC of DeKalb, Illinois, in the amount of \$48,750.00 (\$16,250.00 per year) for demand tree pruning services.

MOT 2021-9204 — H. Motion: Authorize a Three-Year Contract to D. Ryan Tree & Landscape LLC of DeKalb, Illinois, in the Amount of \$361,320.00 (\$120,440.00 per year) for Parkway Tree Pruning Services.

Summary: This motion authorizes a three-year contract to D. Ryan Tree & Landscape LLC of DeKalb, Illinois, in the amount of \$361,320.00 (\$120,440.00 per year) for parkway tree pruning services.

MOT 2021-9182 — I. Motion: Authorize a contract with Echologics, LLC in the amount of \$19,750.00 for the purchase of one Echologics Leak Finder-ST system for the detection of leaks in underground water mains .

Summary: A motion is requested to award a contract to Echologics, LLC in the amount of \$19,750.00 for the purchase of one Echologics LeakFinder-ST system for the detection of leaks in underground water mains.

RES 2021-9175 — J. Resolution: Authorize a Three-Year Collective Bargaining Agreement with The Illinois FOP Labor Council for Patrol Officers Effective May 1, 2021 - April 30, 2024 RES 2021-77

Summary: This resolution authorizes a three-year collective bargaining agreement with the Illinois FOP Labor Council for patrol officers effective May 1, 2021 - April 30, 2024.

MOTION: To adopt all items on the Consent Agenda, as presented

RESULT: Motion carried unanimously by voice vote.

MOTIONED TO APPROVE: Commissioner Walus

SECONDED BY: Commissioner Sadowski-Fugitt

AYES: Commissioners Walus, Sadowski-Fugitt, Glover, Gilmartin, Kulovany, Hosé, Mayor Barnett

NAYES: None

9. Active Agenda

ORD 2021-9155 — A. Ordinance: An Ordinance Establishing Video Gaming Regulations

Summary: This ordinance establishes video gaming regulations.

MOTION: *To adopt an ordinance establishing video gaming regulations as presented*

RESULT: *A VOTE WAS NOT TAKEN*

MOTIONED TO APPROVE: *Commissioner Glover*

SECONDED BY: *Commissioner Sadowski-Fugitt*

Council Comments/Questions

Commissioner Glover: Has no plans to change his business model to implement video gaming, but can relate to businesses seeking it. Does not stand to gain anything professionally, financially, or politically through video gaming approval. Has received many emails from concerned residents. Appreciates concerns and respects opinions, but the script and photos distributed were not accurate. There is no evidence or statements from local officials or police chiefs that suggest an increase in crime or decrease in property values. Data shows the opposite. Residents in favor of gaming are not as emotionally driven to write in or speak at Village Hall because they are already going to establishment to use these machines. Comparing Downers Grove to other towns and “not like Westmont” as if saying another town is trashy or held to lower moral standards is ridiculous. Westmont has done a good job in economic development bringing Amazon Fresh, Mariano’s, numerous luxury developments, and restaurants to the downtown. Would have like to have seen some of those developments at 75th and Main. Comparing to Galena, the notion that the town has been ruined by video gaming is false. Per the finance director of the city of Galena, food and beverage sales increased over 27% since 2013 when they opted into video gaming. Does not understand the logic in a moral debate. The real concern must be signage. The photo distributed among the residents who wrote in does not paint a clear picture of what gaming would look like in Downers Grove based on the ordinance presented. The ordinance states you cannot see the video gaming machines from the window and gaming would be in a private area. Photo depicts over 50% of the window covered by led/neon signage. In downtown Downers Grove only 25% maximum of the window can be covered. The list of prohibited signs in Downers Grove include led, flashing signs, bare bulb illumination, attention getting devices, signs containing neon, and box type signs. Took a tour of downtown Westmont, and there is very little signage. The businesses have decided to keep a classy look because the majority of the businesses are family establishments. People would not lose \$10 million dollars to video gaming, actual number is approx. 5-6 million. People are choosing to entertain themselves by video gaming and lose on average \$50 per occurrence. Believes this is coming to all towns. Since 2017, if Downers Grove opts in, the number will have almost doubled within 5 years. Expects trend to continue. Gambling is not a moral debate or issue. There are many things people do for entertainment that cost more than \$50: bingo, round of golf, out for a night on the town. Staffing and payroll is the biggest concern for restaurants. Downers Grove cannot compete with neighboring towns. Restaurant employees can go to neighboring town and receive \$5 more per hour than Downers Grove business can afford to pay. Restaurants can get an approximate 37% increase and can allocate towards payroll. Feels the knee jerk reaction of tabling this item for a recommendation from the Economic Development Corporation (EDC) is not something that will provide benefit. Subjective and too many variables to get a clear picture. Asked staff if this is something that the EDC can provide Council.

Mr. Fieldman: Cannot speak for the EDC but can ask the EDC for Council.

Commissioner Glover: This will provide the option of additional revenue for establishments to use to better their business. Due to feedback from community and property owners, believes it warrants the compromise as presented by colleagues in good faith, to zone video gaming out of the downtown area and see how the concerns materialize.

Commissioner Sadowski-Fugitt: Generally agrees with Commissioner Glover. Can empathize with concerns as a parent. Concerned with rhetoric regarding video gaming, almost an implication that those who enjoy this form of entertainment are lower class. People of all socio-economic statuses play the machines, even if not the case, uncomfortable with class based insulting argument. Job is not to rank legal “vices” and vote some out of Village for personal preference, purpose is to help residents and businesses in Downers Grove. Based on discussions and feedback it appears that the compromise is to allow video gaming but ban where there is heavier foot traffic in downtown. Seems like a good balance that most can get behind. Hoping to work on the compromise of banning in downtown, drop the number of potential licenses to begin, hoping to engage on the topic and move forward.

Commissioner Gilmartin: Thanked community residents and businesses for reaching out and sharing thoughts and feedback. Decision on the ordinance is a balance to help local businesses and to reflect sentiment of resident desires. Position all along is that he is not sure if Village will see the revenue that is projected nor that this will give restaurants the ability to compete for staff and customers. More about an opportunity to help businesses hit hard by the pandemic. Does not personally have a problem with gaming. Spent hours reviewing other ordinances, observing what other towns have done with gaming, and became familiar with options Village has regarding restrictions. The vast majority of residents want to keep gaming out of downtown including the board of Downtown Management Corporation. Resident feedback throughout the week is that they may be against gaming as a whole. Those who thought there may be a “yes” vote want it at least prohibited downtown. Council received a number of electronic statements in favor in remark system a couple hours before the meeting. The new feedback shows general consensus is not clear. Called to table the vote. Supports asking EDC for feedback if businesses are at a distinct disadvantage pertaining to gaming in the Village.

Commissioner Gilmartin moved to table the motion establishing video game regulations and quickly withdrew his motion in order to allow for the Council and the public to comment.

Commissioner Kulovany: The \$10 million figure was easy to figure out. Reviewed the Galena figures he had with him. Did not go on a quest to find gaming signs, was trying to capture what signs look like. Resident sent photos of signs taken over the weekend of what the signs look like in Westmont. Aspires for Downers Grove to be better, was not elected to make the Village like other communities. Proud of the atmosphere in Downers Grove and thinks it should be sustained.

Commissioner Walus: Many different opinions and perspectives on Council, hoping colleagues will continue to respectfully engage with one another. Is not necessarily for gaming in Downers Grove in any location, but opinion has fluctuated with subsequent meetings. Downtown Management Corporation unanimously wants to keep gaming out of downtown. Agrees with a pause to gather additional information from EDC or other body to help make a decision and find a balance between what business owners and residents want. Cannot ignore either opinion.

Mayor Barnett: Communities that he benchmarks Downers Grove to tend to be ones without gaming. Dealing with mostly anecdotal evidence. Whatever is put into place has to apply to each applicant. The Village has worked hard on aesthetics. Anything he has seen in regards to gaming runs in the opposite direction of the work Downers Grove has done. The Village limits business activities that have nothing to do with vices. Designed to follow direction of community goals and values. Things do change over time with different Councils. Council will continue to regulate in ways that prohibit people to use their properties in ways that are legal in the state. Helping business takes many forms; property taxes are lower than in other communities, TIF used to help local businesses, have utilized the EDC during the pandemic to help local businesses, make physical investments in the community, there are no business license. Wants to go forward with meaningful data. In favor of a table motion to gather more data. At this point is still opposed to gaming.

Commissioner Glover: Asked about the fee structure of the terminal fees and Commissioner Glover reviewed the figures that would be involved in equaling an amount of \$5 million being spent on video gaming.

Commissioner Kulovany: Stipulated to the amount that Commissioner Glover gave regarding amount spent on gaming.

Commissioner Sadowski-Fugitt: Council has been discussing this issue for months. Was identified as an action item in the LRP. Have had months to address concerns of data or a lack thereof. This is not new.

Commissioner Hosé: Initially in favor of gaming in all of Downers Grove. Troubled by the idea of zoning out the downtown that Moose Lodge and others would lose the opportunity. Has been a lack of public input over the past couple of months. Recently more calls and emails came in against gaming. There is a lot of data out there on expected revenue for Village and restaurants. May be able to get additional information from the EDC if Downers Grove restaurants are at a competitive disadvantage. Hopes there is a way to do this and would like to have the discussion. At the core it is a value based decision with different opinions on how to make the decision. Important to get additional feedback from

the residents regarding video gaming and from colleagues. Not saying no, saying not at this moment. Wants to get more data and hear more feedback.

Commissioner Kulovany: Feedback overwhelmingly negative towards gaming until earlier this afternoon when emails came in for gaming. Some decisions are data driven and others are not. Wants more data.

Public Comments/Questions

Francis, resident:

- In favor of video gaming. Asked about the number of people that have given feedback. Stated that if 500 people responded that is only 1% of the Downers Grove population.

Alberto Torres, President of Downers Grove Moose Lodge:

- In favor of video gaming, ias a resident, in all of Downers Grove with certain restrictions in place. As president of the Downers Grove Moose Lodge, most members are in favor of Village wide gaming and all business given the opportunity to have gaming regardless of location.
- In favor of not rushing the vote.
- In favor of regulations on entrance to gaming rooms.

Wayne Ford, member of Moose Lodge:

- In favor of video gaming in all of Downers Grove and not restricting location of gaming for small businesses in downtown.

Larry McKone, J&J Gaming:

- In favor of looking at other towns with gaming such as Niles Illinois with restrictions for signage.

Samantha Schroeder, resident:

- Not in favor of gaming; gambling is an addiction. Vote based on resident desires not business desires.

Bryan Bentley, Owner of Bryan's American Grill

- In favor of video gaming; has been successful for 10 years in other communities with no ill effects.
- Not in favor of delaying vote.

Bob Taft, resident:

- In favor of video gaming; can regulate signs, sounds, and visual impact.
- Not in favor of delaying vote.

Marty McKalput, Prairie State Gaming terminal operator:

- In favor of video gaming; welcomes EDC input

Council Comments/Questions

Commissioner Kulovany: Current ordinance does not allow video gaming. Anticipating Governor will sign bill allowing some establishments to have gaming. Village can outlaw in downtown area superseding state law. Downers Grove sign ordinance is constitutional. Downtown Downers Grove Corp voted unanimously to prohibit gaming in downtown Downers Grove. Over 120 remarks to Council on a subject is a large number. Intentions of current and future business owners matter. Is called upon to make judgement calls as a Council member. Not ready to move forward with this at this time.

Commissioner Gilmartin moved to table the motion establishing video game regulations.

MOTION: To table the motion to adopt an ordinance establishing video gaming regulations as presented

RESULT: Motion carried 5-2 by voice vote

MOTIONED TO APPROVE: Commissioner Gilmartin

SECONDED BY: Commissioner Walus

AYES: Commissioners Gilmartin, Walus, Kulovany, José, Mayor Barnett

NAYES: Commissioners Glover, Sadowski-Fugitt

10. First Reading

No items under First Reading.

11. Manager's Report

Facilities Replacement and Sustainability Plan will be held at an upcoming meeting.

12. Attorney's Report

No Attorney Report tonight.

13. Council Member

14. Reports

Commissioner Kulovany: Downers Grove Historical Society is hosting History on Tap. Tickets are sold out.

14. Adjournment

MOTION: To adjourn the November 09, 2021, Village Council meeting.

RESULT: Motion carried unanimously by voice vote.

MOTIONED TO APPROVE: Commissioner Walus

SECONDED BY: Commissioner Sadowski-Fugitt

AYES: Commissioners Walus, Sadowski-Fugitt, Glover, Gilmartin, Kulovany, José, Mayor Barnett

NAYES: None

Commissioner José declared the motion carried by voice vote and the meeting adjourned at 9:11 p.m.

Respectfully submitted,

Rosa Berardi
Village Clerk