



Meeting Minutes

Village of Downers Grove – Council Meeting

Council Chambers

March 15, 2022

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 Barnett 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.

2. Roll Call

Council Attendance (Present): Mayor Barnett, Commissioner Hosé, Commissioner Walus, Commissioner Sadowski-Fugitt, Commissioner Kulovany, Commissioner Gilmartin, Commissioner Glover

Council Attendance (Not Present): None

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

3. Minutes of Council Meetings

MIN 2022-9361 — A. Minutes: Village Council Meeting Minutes – March 08, 2022

Summary: Village Council Meeting Minutes – March 08, 2022

MOTION: To adopt the meeting minutes of the March 08, 2022 meeting, as presented.

RESULT: Motion carried unanimously by voice vote.

MOTIONED TO APPROVE: Commissioner Hosé

SECONDED BY: Commissioner Walus

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

NAYES: None

4. Public Comment

James Kelly, 5312 Main Street, announced that the newspaper Downers Grove Celebrating News is about to go to press.

David Rose, a resident, spoke of rising CO2 emissions, his disappointment in the Village Council relating to environmental sustainability, and how Americans have reacted to the COVID 19 virus over the past two years.

5. Mayor's Report

Mayor Barnett thanked Hillcrest Brownie Troop 56004 for attending the Village Council Meeting and for assisting in leading everyone in the Pledge of Allegiance.

6. Consent Agenda

BIL 2022-9362 — A. Bills Payable: No. 6652 - March 15, 2022

Summary: No. 6652 - March 15, 2022

COR 2022-9363 — B. Claims Ordinance: No. 6449, Payroll - February 25, 2022

Summary: No. 6449, Payroll - February 25, 2022

RES 2022-9355 — C. Resolution: Approve the Third Amendment to the Agreement with New Cingular Wireless, PCS, LLC to Maintain and Operate Antenna Equipment on the Water Tower at 4414 Downers Drive

RES #2022-27

Summary: This resolution approves the third amendment to the agreement with New Cingular Wireless, PCS, LLC to maintain and operate antenna equipment on the water tower at 4414 Downers Drive.

RES 2022-9380 — D. Resolution: Approve the Second Amendment to the Agreement with New Cingular Wireless, PCS, LLC to Install, Maintain and Operate Antenna Equipment on the Water Tower at 801 Burlington Avenue

RES #2022-28

Summary: This resolution approves a second amendment to the agreement with New Cingular Wireless, PCS, LLC to install, maintain and operate antenna equipment on the Water Tower at 801 Burlington Avenue.

RES 2022-9370 — E. Resolution: Approve an Agreement with Brycer, LLC for Life Safety Inspection Report Services **RES #2022-29**

Summary: This resolution approves an agreement with Brycer, LLC for services related to Life Safety Inspection Report services.

MOT 2022-9347 — F. Motion: Approve the 2022 Street Resurfacing Contract B to K-Five Construction Company of Westmont, Illinois in the Amount of \$2,689,352.56

Summary: This motion approves the 2022 Street Resurfacing Contract B to K-Five Construction Company of Westmont, Illinois in the amount of \$2,689,352.56.

MOT 2022-9373 — G. Motion: Approve a Purchase in the Amount of \$800,243.58 From West Side Tractor Sales Company, Lisle, Illinois for Three 2022 John Deere Wheel Loaders.

Summary: This motion approves a purchase in the amount of \$800,243.58 from West Side Tractor Sales Company, Lisle, Illinois for three 2022 John Deere 624 P 4WD Wheel Loaders.

MOT 2022-9374 — H. Motion: Authorize a Rock Salt Allocation with DuPage County and the State of Illinois for the Joint Purchase of Bulk Rock Salt for the 2022/2023 Season.

Summary: This motion authorizes a rock salt allocation with DuPage County and the State of Illinois for the joint purchase of bulk rock salt for the 2022/2023 season; approval of purchasing contracts to follow at a future date.

MOT 2022-9372 — I. Motion: Approve the Purchase of Two Vehicles from Toyota of Lombard, Illinois in the Amount of \$66,619.00 for the Replacement of Police Vehicles

Summary: This motion approves the purchase of two vehicles from Toyota of Lombard, Illinois in the amount of 66,619.00 for the replacement of police vehicles.

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

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

***MOTIONED TO APPROVE:** Commissioner José*

***SECONDED BY:** Commissioner Walus*

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

***NAYES:** None*

7. Active Agenda

MOT 2022-9309 — A. Motion: Speed Reduction Measures on the 4800 Block of Forest Avenue

Summary: This motion approves speed reduction measures on the 4800 block of Forest Avenue.

***MOTION:** To adopt a motion: Speed Reduction Measures on the 4800 Block of Forest Avenue; direct staff to install permanent chicanes on Forest Avenue between Prairie and Franklin Avenue*

***RESULT:** A VOTE WAS NOT TAKEN*

***MOTIONED TO APPROVE:** Commissioner José*

***SECONDED BY:** Commissioner Glover*

Public Comment

Tom Schroeder, 4815 Forest, stated he was unaware this topic was on the Active Agenda and requested that a vote on this item be postponed. Mr. Schroeder spoke of the funneling of traffic from other areas onto Forest Avenue. He reiterated the no right turn and “tweaking” of the stoplight he has spoken of in the past is still what he believes will alleviate the volume of traffic. He does not agree with the installation of chicanes and striping. He said he would be on board with speed bumps because vehicles cannot drive around them. He is also in favor of keeping the 20 mph speed limit and continuing it further south on Forest – he spoke with many business owners and they are also in agreement with reducing the 25 mph speed limit to 20 mph on that stretch of Forest.

Sharon Siciliano, 4808 Forest, is opposed to the installation of chicanes and the yellow lines.

Angie Winslow, 4816 Forest, is opposed to the installation of chicanes and yellow lines. She believes chicanes belong on road race tracks; doesn’t want Forest Ave. to become a racecourse.

Vito Siciliano, 4808 Forest, is opposed to the installation of chicanes and yellow lines. He requests the Council holds off on making a decision. Asked if the installation of chicanes would interfere with snow plowing and trash pick-up.

Debbie Scarlotti, 4811 Forest, is opposed to the installation of chicanes and yellow lines. She is concerned the installation of chicanes will cause an issue with the parking available on what is already a short block. Would like the Council to hold off on making any decisions.

Village Council Questions/Comments

Commissioner José stated that the Council is listening to everyone. However, listening doesn’t mean they agree with all that is being said. He further stated that the motion he made did not include striping. He said he is unsure of the effectiveness of chicanes without striping. He asked if staff has information on the effectiveness of chicanes without striping.

Village Manager, Dave Fieldman, requested that staff have the opportunity to review the concept of chicanes without centerline striping. Staff will provide an analysis with recommendations at the next Village Council Meeting.

Commissioner Sadowski-Fugitt is glad that staff is taking a look at chicanes without striping. She is unaware of any chicanes installed within the Village. If chicanes are installed on Forest, she would like to see them be temporary and would like a re-evaluation in six months on their effectiveness in reducing speeds. She hopes they will reduce speeds

in addition to volume. She is in favor of getting more information.

Commissioner Glover supports the motion that was made. Speed and safety have been the number one issue and he stated that chicanes would be the next incremental step to address these issues. He further said that he does not believe that temporary chicanes would have the same effect that permanent chicanes would have. He is interested in what staff has to say about removing the yellow lines. He said as long as the businesses in the area do not object to extending the 20 mph speed limit to the area they are located, he also is in support of that. He thinks chicanes are the right fix. He believes they will be a good fix in other parts of town when the same issue arises.

Commissioner Kulovany said that speeding cars on Forest Avenue are a serious problem. He believes with the right kind of calming measures in place, drivers would not speed and put their cars at risk of damage. He further stated that he agreed with lowering the speed limit at the TAP recommendation of 20 mph on Forest from Franklin to Warren; that would allow the enforcement of traffic. He also stated that he too monitored the parking on Forest and hasn't seen many cars parking there. He would like to see traffic calming measures on Forest including a schematic of speed humps, chicanes, and mid-street bump-outs. He agreed with saving money by initially using temporary chicanes and portable speed humps.

Commissioner Gilmartin would like to get staffs input on removing the double yellow lines and using the chicanes without striping. He believes chicanes remain a viable solution. He is not a traffic expert and wants to learn more about whether the placement of the chicanes would have an impact on their effectiveness. His studies on chicanes have shown that they also have an impact on lowering traffic volume. He also supports lowering the speed limit to 20 mph on the lower legs of Forest. He does not believe waiting too long on making a decision is a good idea, given the speed and volume of traffic on that street. He believes that chicanes are the most effective option.

Commissioner Walus stated at this time she could not support the motion that was made earlier by Commissioner Hosé. She believes incremental measures need to be put in place and permanent chicanes do not seem incremental to her. She is in agreement with having staff investigate the placement of chicanes without the striping. She believes with that information, all of the members of the Village Council will feel comfortable and prepared to make a vote.

Commissioner Kulovany said that all the members of the Council are serious about this issue and want to solve the problems - even if they come at it with different opinions. The Council has solved the issue of accidents at the intersection of Forest and Prairie and they would like the same result with the issue at hand. He said he would like to see staff come up with a couple of different ideas.

Mayor Barnett said by solving the problem of accidents on Forest they have identified another problem. He said the members of the Council and residents in that neighborhood have had several different versions of what the solution to solving the problem looks like; that said, everyone in the room is looking to make Forest Avenue safer between Franklin and Prairie. He would like to see Forest turn into a bit of a template. Almost everyone loves where they live and finds their neighborhood unique. Along the same lines, no one wants speeding cars and accidents in their neighborhood. He said many of the residents he has heard from have concerns about the aesthetics. He also mentioned Commissioners Hose's request for staff to look into the use of chicanes without the yellow lines; that is a technical issue. The Mayor said he would like to find a solution that blends aesthetics and engineering. He reviewed the many different options of physical changes mentioned at the meeting and said that even if the option chosen creates a different aesthetic, he believes the results will be worth it. He is OK with waiting a couple of weeks but would like to put a solution in place.

Commissioner Gilmartin asked his fellow Commissioners, in addition to asking staff to evaluate chicanes without double lines, are they also asking staff to give them alternatives to chicanes as well.

Mayor Barnett said that chicanes are designed to move traffic off the centerline and narrow the road. From what the Mayor has read chicanes are successful at achieving this. Chicanes come in many shapes and sizes including temporary cones, curbs, and concrete cables. He said he is interested in the premise of narrowing streets and moving

people off a centerline; he would like staff to provide alternative versions of this.

Commissioner Glover said he concurs with Commissioner Kulovany's thought of narrowing the street in the center. He mentioned slowing down when he sees Pedestrian Crossing signs in the middle of the road, fearing he may hit someone.

Commissioner Sadowski-Fugitt said that for her, it depends on how the research on chicanes without striping goes. She further stated if after receiving the results of the research, there is proof that it is still potentially effective then she believes that is the option to move forward with at this time. On the other hand, if there is not a lot of data available, she would be open to hearing about ways to reduce the width of the street.

Commissioner Kulovany asked staff what happens if research shows that chicanes are not effective if used without the double yellow lines. He also asked staff if they agree with looking into other solutions that would solve the problem differently.

Mayor Barnett said the Council would have a decision to make if the research comes back as negative toward chicanes.

Commissioner Hosé pointed out that on page 2 of the Staff Report (in the meeting packet), there were four bullet points including:

- Changing the speed limit to 25 mph
- Eliminating the parking restrictions
- Adding double yellow or centerline stripe
- Consider chicanes

Commissioner Hosé continued by stating they've heard from the professionals; the neighborhood and some of the Village Council don not like what they have heard. They are trying to find ways to work within that, which is where the idea of chicanes without the centerline striping was born. He said they are trying to find a solution to balance the aesthetic concerns with the effectiveness of finding the right solution to slowing traffic. He said if there is another way to do that and it isn't on the list, he'd be willing to consider it. Otherwise, staff already listed the options to be considered. He spoke of the crosswalk suggestion mentioned by Commissioner Glover. With that would come ADA compliance issues, which can cost much more than the \$25K the chicanes would cost. Commissioner Gilmartin said he would like to work with the options they have for the time being. Once they find out if chicanes will work with the centerline removed, they can move on to the next steps.

Commissioner Gilmartin said he would like to get staff's research results on chicanes without the double yellow line before making them go back to the drawing board to come up with other options. Asked about speedbumps and why they were not a favored option in the past.

Manager Fieldman said they would retrieve the analysis performed at an earlier time and would provide it for review.

Commissioner Hosé moved to table the motion: Speed Reduction Measures on the 4800 Block of Forest Avenue until April 5, 2022.

MOTION: To table the motion: Speed Reduction Measures on the 4800 Block of Forest Avenue until April 5, 2022

RESULT: Motion carried by 6-1 vote

MOTIONED TO APPROVE: Commissioner Hosé

SECONDED BY: Commissioner Walus

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

NAYES: Commissioner Kulovany

8. First Reading

ORD 2022-9346 — A. Ordinance: An Ordinance Amending Outdoor Dining Provisions

Summary: This ordinance amends outdoor dining provisions.

ORD 2022-9386 — B. Ordinance: An Ordinance Amending Building and Fire Codes for Temporary Structures

Summary: This ordinance amends Building and Fire Codes for temporary structures.

Manager Fieldman stated the two items on the First Reading portion of the agenda were related to the topic of outdoor dining. He said outdoor dining for 2022 and beyond, is a Village Council priority action item. He continued by stating in February, the Council approved ordinance amendments establishing an Outdoor Dining Program. The Village Council also directed staff to explore further amendments to allow outdoor dining establishments to be located outside of the downtown area. At the March 1st Village Council meeting, the Council considered a proposed amendment regarding areas outside of downtown. Based on Village Council direction, staff modified the draft ordinance to allow tents and outdoor cafes, located on private property, outside the downtown – Item A. The ordinance also amends the building and fire codes to allow these tents to remain up through the entire outdoor dining season, increasing the time frame from 180 days to 246 days – Item B. Manager Fieldman further stated, in response to questions that came in late last week, staff also included information about the outdoor dining program fees, bonds, and insurance.

Village Council Questions/Comments

Mayor Barnett asked if there was any prohibition against the tents having sides on them.

Village Manager Fieldman said there were no proposed limitations on sides.

Mayor Barnett would like to add the prohibition against tents having sides. Aside from that, he is in favor of moving forward with it as is.

Commissioner Kulovany agreed with that prohibition and also agreed with the extension of dates. He said he would like to continue not charging fees, other than the surety bond and the insurance, for one more season (as was done in 2020 and 2021). He would like to give the restaurants some extra time to come back from the effects of the pandemic. He believes it's a sign of the Village showing continued partnership. He further stated the Village will be making sales tax revenue on food and beverage, so the Village will be getting that revenue back in a different way.

Commissioner Sadowski-Fugitt stated she is also in favor of including the prohibition of walls in the ordinance since this is meant to be a warm weather outdoor café kind of experience. She is also in agreement with another year of not charging fees.

Commissioner Walus said she is in favor of tents with no walls as well as waiving fees for an additional year. She thinks it would be good to allow businesses to recover from the effects of the pandemic.

Commissioner José said he is not completely sold on having the tents in the first place, but if we will allow them he too does not want walls. He is concerned with having a “tailgate” type of look and wants to be sure they are aesthetically pleasing. He said if fees are waived outside of the downtown they should be waived village-wide. He further stated that charging fees essentially covers Village costs; there is no profit made on those fees. If we forgive those fees for another year, he wants it understood that this is a temporary thing.

Manager Fieldman said that staff's estimate from a couple of months ago for the downtown was approximately \$33K.

The amount including outside of downtown should be approximately \$35K.

Commissioner Gilmartin agreed with the time change for outdoor dining and is also not a fan of walls on the tents. He agreed with Commissioner Hosé and would like to know if in the future there can be standards in place for outdoor dining tents since they are going to be a more permanent thing throughout the town. He agreed with forgoing the charging of fees for this year and resuming the charging of fees again next year.

Manager Fieldman said as far as quality standards are concerned, speaking to structural safety, there are very stringent codes for the tents that are installed for these purposes. He said they are very sturdy and have proper fire codes, exiting, etc. This does not speak directly to aesthetics. He continued by stating these are not the tents people put in their backyards for a family gathering; those would not be allowed as they do not meet existing code requirements which are not proposed to be changed.

Commissioner Glover said he is happy with the response to having tents outside the downtown and does not have an opinion on the sides; though he understands they are meant for restaurant-goers to have an outdoor dining experience. He also supports not charging the fees this year. He would like to see a more permanent outdoor solution, as opposed to temporary tents. He hopes that waiving this year's fees will allow businesses to allocate some of their budgets towards a more permanent outdoor solution for next year.

Commissioner Kulovany said he doesn't envision allowing tents every year and he too would like to see more permanent structures. He gave Meson Sabika in Naperville as an example; they used a tent for several years and then built a permanent structure.

Mayor Barnett said he does not favor waving fees. He said the Food and Beverage Tax revenue would show that the food and beverage market segment is not suffering. He continued by stating that the money is in the surety bond. He said the fees we are talking about are measured in the hundreds, not thousands. The purpose of the fees is to cover the administrative fees for electrical inspections, putting up tents, and getting outdoor licenses. Even by waiving these fees to businesses, they would only be saving between \$300 to possibly \$800 in fees. They would still have to put down several thousands of dollars of a cash bond. The purpose of the cash bond, which has been increased, is to ensure the cleanliness, upkeep, and the wear and tear on the downtown area get managed; it's like a bond that would be taken on a construction project. The Mayor concluded by stating that he doesn't believe saving businesses hundreds of dollars are going to provide them with the funds needed to put up a permanent structure.

Commissioner Gilmartin verified that the "bond" being spoken of is a one-time thing that is rolled over from year to year.

Manager Fieldman said yes.

Commissioner Kulovany said he agreed with the Mayor's comments and sees the waiving of the fees as a goodwill and supportive gesture. He said the surety bond is the same reason that people have to put a security deposit on a rental; it forces them to make sure they are taking care of things. In the case of businesses, it is cleanliness. Staff received many comments about cleanliness; it is something everyone sees. He said it is not an insignificant item for the Village to demand – the maximum cleanliness of the downtown – when so many people are dining downtown. If at the end of the year a business decides they don't need it for the next year, they get their money back.

Village Manager Fieldman said staff has clear direction and will have the materials prepared for proposed action at the next Village Council meeting.

9. Manager's Report

There was no Manager's Report.

10. Attorney's Report

Pursuant to Section 2.5 of the Downers Grove Municipal Code, the following were presented by Village Attorney, Enza Petrarca, for Village Council consideration:

1. An ordinance amending the outdoor dining provisions.
2. An ordinance amending the building and fire codes for temporary structures.

11. Council Member Reports

Commissioner Sadowski-Fugitt said the Grove Foundation's Passport to Dining will be held on Thursday, April 7th. Commissioner Walus informed everyone that payment for Passport to Dining tickets must be made by cash or check.

Commissioner Gilmartin congratulated Kendall Gretsche, Downers Grove North alumni, on her three medals earned during the winter Paralympic Games in China.

Commissioner José congratulated all that were a part of the Downers Grove Fire Department Awards Ceremony on March 11, 2022. He, along with the Mayor and many of the Commissioners were in attendance. He said it was really moving to hear the many stories from both the members of the Fire Department and of the public. He further stated he would like to highlight some of those members during future Village Council meetings, as it would make all feel good about the public servants that work in the Village and some of the great residents that go out of their way for their fellow people.

Mayor Barnett also spoke of the Downers Grove Fire Department Awards Ceremony and how fun it is to see new team members and those that get promoted within the organization – seeing their families there makes it even better. He further expanded on the stories Commissioner José was speaking of; stories of people doing extraordinary things for other people to save lives. Those stories included firefighters going above and beyond when they are off duty and people within the community that save lives even before the professionals even arrive. The Mayor also hopes to share these inspiring stories.

12. Adjournment

Mayor Barnett asked for a motion to adjourn the meeting.

MOTION: *To adjourn the March 15, 2022, Village Council meeting.*

RESULT: *Motion carried unanimously by voice vote.*

MOTIONED TO APPROVE: *Commissioner José*

SECONDED BY: *Commissioner Walus*

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

NAYES: *None*

Mayor Barnett declared the motion carried by voice vote and the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Rosa Berardi
Village Clerk