



Meeting Minutes

Village of Downers Grove – Council Meeting

Council Chambers

August 09, 2022

7:00 PM

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. He explained the protocol for the meeting and the guidelines to submit public comment.

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 2022-9538 — A. Minutes: Village Council Meeting Minutes - August 2, 2022

Summary: Village Council Meeting Minutes –August 2, 2022

MOTION: To adopt the meeting minutes of the August 2, 2022 meeting, as presented.

RESULT: Motion carried unanimously by voice vote.

MOTIONED TO APPROVE: Commissioner Hosé

SECONDED BY: Commissioner Walus

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

NAYES: None

4. Consent Agenda

BIL 2022-9535 — A. Bills Payable: No. 6680 - August 09, 2022

Summary: No. 6680 - August 09, 2022

MOT 2022-9558 — B. Motion: Approve a One-Year Agreement with Interstate Power Systems of Carol Stream, Illinois, in the Amount of \$54,000.00 for Fire Apparatus Repair and Maintenance

Summary: This motion approves a one-year agreement with Interstate Power Systems of Carol Stream, Illinois, for fire apparatus repair and maintenance in the amount of \$54,000.00.

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, Sadowski-Fugitt, Kulovany, Gilmartin, Glover, Mayor Barnett

NAYES: none

5. Active Agenda

ORD 2022-9547 — A. Ordinance: Annexing 3859 Douglas Road to the Village of Downers Grove, Illinois **ORDINANCE 5939**

Summary: This ordinance annexes 3859 Douglas Road to the Village of Downers Grove, Illinois.

MOTION: To adopt AN ORDINANCE ANNEXING 3859 DOUGLAS ROAD TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS", as presented. **ORDINANCE 5939**

RESULT: Motion carried by roll call.

MOTIONED TO APPROVE: Commissioner José

SECONDED BY: Commissioner Walus

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

NAYES: none

ORD 2022-9548 — B. Ordinance: Rezoning Certain Property Located at 3859 Douglas Road **ORDINANCE 5940**

Summary: This ordinance rezones certain property located at 3859 Douglas Road.

VILLAGE COUNCIL COMMENTS/QUESTIONS

Mayor Barnett stated that Active agenda items A & B were related. He said when properties come into the Village as a function of annexation, they come in under one zoning class and as a Village standard they can be rezoned to match the other properties within the immediate area.

MOTION: To adopt AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 3859 DOUGLAS ROAD, as presented **ORDINANCE 5940**

RESULT: Motion carried by roll call.

MOTIONED TO APPROVE: Commissioner José

SECONDED BY: Commissioner Walus

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

NAYES: none

6. First Reading

ORD 2022-9546 — A. Ordinance: Authorizing a Special Use for 621 Ogden Avenue to Permit A Drive-Through

Community Development Director Stan Popovich used a [PowerPoint](#) to present Item A. Mr. Popovich stated that the property located at 621 Ogden Avenue, a proposed Popeyes location, was in the northeast section of Downers Grove between Sterling Road and Stanley Avenue. He said the property was vacant and had two access points in and out of Ogden Avenue. Mr. Popovich showed a map of the proposed property, along with the proposed drive-through. He described the exterior materials to be used and gave details about the property, including the flow of traffic around the building and sidewalk connections. He said in addition to the landscape to be provided throughout the site, there will be an eight-foot tall fence installed at the south side of the property line to provide a buffer to the neighbors along that side. Mr. Popovich added that the Plan Commission found the standards for a special use were met and recommended approval of the petition at the August 1st Plan Commission meeting. He concluded by stating that the petitioner was present and available to answer any questions.

VILLAGE COUNCIL COMMENTS/QUESTIONS

Commissioner Kulovany said he felt this met the requirements of a special use. He added that he was pleased the Plan Commission had made changes by adding screening and distance on the setback. Commissioner Kulovany also added that he thought the eight-foot privacy fence was a good idea. He said that Ogden Avenue is zoned for this type of business and that is where it belongs. The Commissioner said he looks forward to having a Popeyes in town.

Commissioner Gilmartin asked if there were any standards regarding the direction in which the drive-through speaker needed to be facing.

Mr. Popovich responded by stating there were no standards on the direction that the speaker needed to be facing. However, he believed there was a condition regarding the volume of the speakers. He explained that over the past few years speaker volumes have gotten better because they do not crackle as much and they die down between customers. Mr. Popovich said he believed the speaker would be facing west at this location.

Commissioner Gilmartin said that given the proximity of the speaker to the residential neighborhood, he wanted consideration to be given concerning angling the speaker towards Ogden Avenue.

PUBLIC COMMENT

Alan Zielke, 4323 Stanley Avenue, expressed concerns about the restaurant being open until midnight and the noise he thought staff would make cleaning up that late. Additionally, he expressed concerns about his property value being affected because of deliveries made in the middle of the night, the sound of the speakers in the drive-through lanes, smelling chicken all day, and about the possibility of his yard flooding when the current permeable surfaces were paved over at that location.

Ryan Swanson, Arc Design Resources, spoke on behalf of the owner, Avi Muhammad, who was also in attendance. He thanked everyone that helped them through the process, including the Plan Commission that gave good ideas that were implemented on the site plan. He said in terms of nighttime activity, the employees were not allowed to take out the garbage after dark, so there would not be any activity in the dumpster area. Mr. Swanson added that employees were not allowed to park against the residential area and would be parking in the front, on the east and west sides of the property, keeping noise away from the residential area. He concluded by stating that the drive-through speakers would face west and the volume would be kept at a low level all day long.

Mayor Barnett asked Mr. Popovich if the vegetation that was already located on the south property line was part of that property.

Mr. Popovich said he could not tell from the photos and would have to go out and look at it. He also said he would look at the existing surveys in that area to see whose property the vegetation was on.

Mayor Barnett said the vegetation that would be planted as part of the plan, along the South property line, was going to be important for everyone. He said he could not tell what property the current vegetation was on when he went out himself. The Mayor asked Mr. Popovich to find the definite answer.

Mr. Popovich said he will do some research and would find the answer.

Commissioner Sadowski-Fugitt said she was looking at the stormwater management portion of the plan and since there were no drainage structures previously on the property, there would be new inlets constructed that would tie into the existing infrastructure. She said that should help with stormwater. Commissioner Sadowski-Fugitt said that the plan indicated there was a reduction in the impervious area from what was there in 1992. She asked if the impervious area grew over what was either once concrete or asphalt that was in place in the 1990s. She also asked why there was a comparison to the impervious area of 1992.

Mr. Popovich said he believed it was based on the Stormwater Ordinance and that baseline was based on the business that was located on that property in 1992.

RES 2022-9562 — B. Resolution: Approve a Three-Year Extension and Amendment to the Agreement with Allied Waste Services of North America, LLC for Solid Waste Removal Services

Deputy Village Manager Mike Baker presented Item B. He said at the June 7th Council meeting, the Council directed staff to negotiate terms for a contract extension with the Village's current solid waste collection and disposal provider, Republic Services. Mr. Baker said after several meetings with Republic Services, staff was able to successfully arrive at the terms recommended for approval. He said the staff report, part of the meeting materials, included a summary of the three-year contract extension. He said the contract included price increases of 3.75% in year one, 2.5% in year two, and 2.5% in year three; one Amnesty Day during the term of the contract, at no additional cost, with the ability to purchase additional Amnesty Days if the Village were to choose so; and language that provided greater flexibility for residents to choose a cart size for refuse or recyclables that would best meet their needs. Mr. Baker said that staff recommended approval of the contract extension.

VILLAGE COUNCIL COMMENTS/QUESTIONS

Commissioner Hosé said he would be voting for this next week and expressed thanks to staff for their hard work and Republic Services for coming through with a good offer. He stated he was very pleased to see that the contract terms were at 3.75% and lower over the life of the contract and he felt that was reasonable. He also mentioned he liked getting another Amnesty Day and would be interested in talking about buying yet another, which is something that could be dealt with down the road.

Commissioner Sadowski-Fugitt said she appreciated the discussions about the flexibility for the refuse and recycling cart size, as well as keeping the option for the stickers. She said she looked forward to continuing to talk about both the communication about Amnesty Day with regard to what can and cannot be recycled and also about potentially expanding the composting opportunity. Commissioner Sadowski-Fugitt said she knew that those were not part of the current contract, but she thinks they are important and would like to continue those conversations.

Mayor Barnett said he echoed what his colleagues said, except for Amnesty Day. Further stating he is not a fan of spending the extra money to collect in that way. He said he agreed with Commissioner Sadowski-Fugitt and wanted to take the opportunity of having a new contract to get staff engaged in education. He said he wants to make sure the residents not only understand the program and how to use it but understand the choices that were and were not helpful from an environmental standpoint. The Mayor said he hoped as much effort would be put into that, as was put to negotiate the contract. He said that he was thankful for all of the good work that went into negotiating the contract. Mayor Barnett stated he thinks more could be done to try to educate residents on best practices from an environmental standpoint and he wanted to make sure that is something that will continue to be talked about.

Commissioner Kuolvany said he was a proponent of mulching and that there was a common misconception that mulching your grass leads to increased thatch. He said thatch comes from the root system not mulching. He continued by saying that because mulching creates a fine kind of grain that dissipates quickly, it is more natural. He said he hopes that we will have some education around "Mulch - Don't Bag" as it would be useful for the environment.

Tish Powell, Manager of Municipal Sales for Republic Services, said she appreciated the continued faith the Village had in Republic Services to continue to partner with them for another three years. She wanted to comment on some of the things mentioned by the Council. She said that even though it was not outlined in the contract extension, Republic would be working with the Village to put together an updated brochure to further educate residents on what they should and should not be putting out for recycling; what should be put out for composting; to promote the various programs and how to use them. She said in addition to working on the brochure, Republic has had discussions with staff about how to make Amnesty Day more sustainable within the community.

Mayor Barnett suggested changing the name Amnesty Day to Clean-Up Day instead.

7. Manager's Report

Village Manager David Fieldman said the Village was issued bonds that would help pay for the Civic Center Project (the new Village Hall/Police Station) and several stormwater projects. He said the interest rate came in at 3.875%, which was significantly lower than the latest projection that was presented to the Council a few weeks earlier. Manager Fieldman said it was good news and there would be a more detailed update at the next Council meeting.

8. Attorney's Report

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

1. An ordinance authorizing a special use for 621 Ogden Avenue to permit a drive-through.

9. Public Comment

David Rose, a resident, spoke about his disappointment in the Council and Village Manager's reactions to a comment made by resident at a previous meeting. He spoke of autocracy, School District No. 58 and his disappointment in the Facilities Replacement and Sustainability Plan.

10. Mayor's Report

There was no Mayor's Report.

11. Council Member Reports

Commissioner José commented that one should know the definition of autocracy before using the word.

Commisisoner Sadowski-Fugitt reminded all of the Grove Foundation Golf Outing on September 10th.

Mayor Barnett also commented on the Grove Foundation Gold Outing. He said it's a great organization located in town and a fantastic event that he has attended several times. The Mayor said that the Village Council would be golfing on a team at the event.

12. Adjournment

Mayor Barnett asked for a motion to adjourn the meeting.

MOTION: *To adjourn the August 09, 2022, Village Council meeting.*

RESULT: *Motion carried unanimously by voice vote.*

MOTIONED TO APPROVE: *Commissioner José*

SECONDED BY: *Commissioner Walus*

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

NAYES: *None*

Mayor Barnett declared the motion carried by voice vote and the meeting adjourned at 7:30 p.m.

Respectfully submitted,

Rosa Berardi
Village Clerk