



Meeting Minutes

Village of Downers Grove – Council Meeting

Council Chambers

October 11, 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 Walus, Commissioner Sadowski-Fugitt, Commissioner Kulovany, Commissioner Gilmartin, Commissioner Glover

Council Attendance (Not Present): Commissioner Hosé,

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

3. Proclamations

A. Fire Prevention Week

Members of the Fire Department were present to accept the proclamation from Mayor Barnett. Fire Chief Scott Spinazola spoke about Fire Prevention Week and the importance of this year's them "Fire Won't Wait, Plan Your Escape." He also spoke about the Night at the Fire House event that took place on October 12th at Fire Station 2.

B. Arts DuPage Month

Downers Grove resident and artist, Robin Tryloff, accepted the proclamation. She spoke about art and the diverse cultures around us. She encouraged all to explore them.

4. Minutes of Council Meetings

MIN 2022-9612 — A. Minutes: Village Council Meeting Minutes – October 4, 2022

MOTION: To adopt the meeting minutes of the October 4, 2022 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, Mayor Barnett

NAYES: None

5. Consent Agenda

BIL 2022-9613 — A. Bills Payable: No. 6692 - October 11, 2022

MOT 2022-9655 — B. Motion: Approve an Agreement with Otto Baum Company, Inc. for Tuck Pointing Services at the Main Street Train Station

Summary: This motion approves an agreement with Otto Baum Company, Inc. for tuck pointing services at the Main Street Train Station.

RES 2022-9645 — C. Resolution: Approve an Agreement with MidAmerica Towers, Inc. for Consulting Services Concerning the Replacement/Relocation of the Village Telecommunication Tower Located at 801 Burlington Avenue **RES 2022-77**

Summary: This resolution approves an agreement with MidAmerica Towers, Inc. for consulting services concerning the replacement/relocation of the Village telecommunication tower located at 801 Burlington Avenue.

RESOLUTION 2022-77

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND MIDAMERICA TOWERS, INC.

MOT 2022-9646 — D. Motion: Approve a Contract with R.W. Collins Company for Underground Storage Tank Removal

Summary: This motion approves a contract with R.W. Collins Company for underground storage tank removal.

MOT 2022-9647 — E. Motion: Approve the Purchase of Two Message Boards from All Traffic Solutions, State College, PA

Summary: This motion authorize the purchase of two message boards from All Traffic Solutions, State College, P.A.

RES 2022-9644 — F. Resolution: Approve Amendment No. 1 and a Change Order to the Contract with N. Harris Computer Corporation (CityView) for the Implementation and Maintenance of Integration for Over the Counter Credit Card Payments **RES 2022-78**

Summary: This resolution approves a change order and amendment to the Software Subscription Agreement with CityView for the implementation and maintenance of integration for over the counter credit card payments.

RESOLUTION 2022-78

A RESOLUTION AUTHORIZING EXECUTION OF AMENDEMNT NO. 1 AND A CHANGE ORDER TO THE CONTRACT BETWEEN THE VILLAGE OF DOWNERS GROVE AND N. HARRIS COMPUTER CORPORATION (“CITYVIEW”)

RES 2022-9636 — G. Resolution: Authorize Staff to Purchase up to Ten (10) Vehicles Directly From Vendors **RES 2022-79**

Summary: This resolution authorizes staff to waive competitive bidding requirements and purchase up to ten (10) vehicles directly from vendors.

RESOLUTION 2022-79

A RESOLUTION AUTHORIZING THE PURCHASE OF UP TO TEN (10) VEHICLES

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, Mayor Barnett

NAYES: None

6. Active Agenda

ORD 2022-9607 — A. Ordinance: Approving an Amendment to Planned Unit Development #18 to Permit Construction of a Restaurant With a Drive-Through and Retail Building at 7251 And 7261 Lemont Road **ORD 5944**

Summary: This ordinance amends Planned Unit Development #18 to allow the construction of a future restaurant and retail building and a special use to allow a drive-through at 7251 and 7261 Lemont Road.

MOTION: To adopt AN ORDINANCE APPROVING AN AMENDMENT TO PLANNED UNIT DEVELOPMENT #18 TO PERMIT CONSTRUCTION OF A RESTAURANT WITH A DRIVE-THROUGH AND RETAIL BUILDING AT 7251 & 7261 LEMONT ROAD, as presented. **ORDINANCE 5944**

RESULT: Motion carried by roll call.

MOTIONED TO APPROVE: Commissioner Walus

SECONDED BY: Commissioner Sadowski-Fugitt

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

NAYES: None

RES 2022-9609 — B. Resolution: Approve a Final Plat of Subdivision With an Exception for 7251 and 7261 Lemont Road **RES 2022-80**

Summary: This resolution approves a Final Plat of Subdivision with an exception for 7251 and 7261 Lemont Road.

VILLAGE COUNCIL COMMENTS/QUESTIONS

Commissioner Gilmartin thanked the developer for listening to the Council's suggestions regarding changes the south and north facades of the building and to the pedestrian connection.

MOTION: To adopt A RESOLUTION APPROVING A FINAL PLAT OF SUBDIVISION WITH AN EXECPTION FOR 7251 AND 7261 LEMONT ROAD, as presented. **RESOLUTION 2022-80**

RESULT: Motion carried by roll call.

MOTIONED TO APPROVE: Commissioner Walus

SECONDED BY: Commissioner Sadowski-Fugitt

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

NAYES: None

ORD 2022-9639 — C. Ordinance: Authorizing the Amendment of the Village of Downers Grove, DuPage County, Illinois Multifamily Housing Revenue Bond (Downers Grove Supportive Living Facility), Series 2014 Originally Issued in the Aggregate Principal Amount Not-To-Exceed \$20,114,920.00 in Connection Therewith; the Execution and Delivery of Such Amended Bond; and Related Matters **ORD 5945**

Summary: This ordinance authorizes the amendment of the Village of Downers Grove, DuPage County, Illinois Multifamily Housing Revenue Bond (Downers Grove Supportive Living Facility), Series 2014 originally issued in the aggregate principal amount not-to-exceed \$20,114,920.00 in connection therewith; the execution and delivery of such amended bond; and related matters.

MOTION: To adopt AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE VILLAGE OF DOWNERS GROVE, DUPAGE COUNTY, ILLINOIS MULTIFAMILY HOUSING REVENUE BOND (DOWNERS GROVE SUPPORTIVE LIVING FACILITY), SERIES 2014 ORIGINALLY ISSUED IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$20,114,920 IN CONNECTION THEREWITH; THE EXECUTION AND DELIVERY OF SUCH AMENDED BOND; AND RELATED MATTERS, as presented. **ORDINANCE 5945**

RESULT: Motion carried by roll call.

MOTIONED TO APPROVE: Commissioner Walus

SECONDED BY: Commissioner Sadowski-Fugitt

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

NAYES: None

7. First Reading

ORD 2022-9621 — A. Ordinance: Amending the Zoning Ordinance of the Village of Downers Grove, Illinois to Designate the Property at 4915, 4919 and 4923 Main Street (Main Street Apartments) as Planned Unit Development

ORD 2022-9623 — B. Ordinance: Rezoning Certain Property Located at 4915, 4919, and 4923 Main Street (Main Street Apartments)

ORD 2022-9622 — C. Ordinance: Authorizing a Special Use for Main Street Apartments Planned Unit Development #67 to Permit Multi-Family Residential

Community Development Planning Manager Jason Zawilla presented Items A-C via PowerPoint. He explained that the petitioner was requesting approval of a Special Use, Planned Unit Development and rezoning from DB to DB PUD in order to be permitted to construct a four story mixed use building. The proposed building would have commercial space on the ground floor and 21 residential units on the three floors above. Mr. Zawilla gave a history of the zoning changes that have occurred in the downtown over the years and explained how they related to the subject property. He also reviewed the location of the property, zoning districts, required setbacks, underground parking, requested deviations, mixed use of the building, privacy fencing, access points to the building, and the pedestrian connections to the building. He said on August 22, 2022, both the Plan Commission and staff recommended the approval of the petition and found that the proposal was an appropriate use in the district, was compatible with the Comprehensive Plan and met all standards for approval. Mr. Zawilla stated that several members of the Plan Commission said they were supportive of the relief needed for the underground portion of the building. Then on September 12th, the item was voted on by the Plan Commission and failed by a two to five vote. Mr. Zawilla explained that the dissenting members of the Plan Commission were still supportive of the relief needed for the underground parking, but they did not support the relief needed for the above ground portion of the building. As a result, the petitioner made modifications to the building by removing all of the above ground portions of the building from the required setbacks.

The petitioner, Adam Berry from Barrier Properties, explained that he and his family had built and developed properties in and around the Downers Grove area for decades. He had much confidence in this property. He said the proposed building included a mixed use, with apartments for the 55+ community.

PUBLIC COMMENTS

- Vincent Barrett, a resident, spoke in opposition to the proposed Planned Unit Development.
- Robin Tryloff, a resident, spoke in opposition to the proposed Planned Unit Development.
- Joe Brickett, a resident, spoke in opposition to the proposed Planned Unit Development.
- Jeremy Shiliga, a resident, spoke in opposition to the proposed Planned Unit Development.
- Ian Ogdon, a resident, spoke in opposition to the proposed Planned Unit Development.
- Janet Winningham, a resident, spoke in opposition to the proposed Planned Unit Development.

- Joe Anderson, a resident, spoke in opposition to the proposed Planned Unit Development.
- Stephanie Lucas, a resident, spoke in opposition to the proposed Planned Unit Development.
- Marshall Schmitt, a resident, spoke in opposition to the proposed Planned Unit Development.

VILLAGE COUNCIL COMMENTS/QUESTIONS

Commissioner Sadowski-Fugitt stated that she did not think there was a way around the concerns of parking in the area – that was a larger issue that was not specific to this development. She also said she could be supportive of the underground setback. She asked staff for follow-up on the following concerns:

- The underground setback for the parking garage.
- The possibility of boundary trees being impacted by the work that needed to be done for the parking garage.
- The completion of a tree survey.
- The fourth floor balconies being invasive to neighbors.
- The outdoor dining being located in the rear of the building.
- The plan for stormwater management.

Mayor Barnett asked Village Manager Dave Fieldman to keep a list of the questions and concerns from the Council and asked him to recap all of them at the end of the discussion.

Commissioner Kulovany asked staff for follow-up on the following concerns:

- Further explanation about the PUD changing.
- Whether deviations in PUDs would create a precedent.
- Details about the Village’s Sound Ordinance.
- Details regarding outside lighting requirements.
- A thorough explanation about the Special Use.
- The plan for stormwater management.

Commissioner Kulovany also had two questions for the petitioner:

- Would the developer be willing to root prune the large trees?
- Would the developer be willing to install sound absorbing panels to the eight foot high fence?

Village Manager Dave Fieldman said all of the questions and concerns (to both staff and the petitioner) would be addressed and responses would be given to the Council next week regarding all of them.

Commissioner Walus thanked the residents that invited the Council out to walk their properties; it gave the Council the opportunity to see everything first hand. She also said she agreed with a lot of what Commissioner Sadowski-Fugitt said. She said she had reviewed the matter closely and was looking out for the best interest of the residents. She said she looked forward to seeing staff’s responses to some of the concerns that had already been brought up.

Commissioner Glover asked if the area would be zoned as Downtown Transition, as he heard many residents say this.

Manager Fieldman said that it was zoned Downtown Business, not Downtown Transition. He explained how the word “Downtown Transition” was used in the sub area plan during the maintenance of the current zoning, but that a previous Council’s direction was to keep the zoning as Downtown Business.

Commissioner Glover also had a question for the developer:

- Was there any consideration to move the location of the outdoor dining?
- Did the setback have any impacts on moving the location of the outdoor dining?

Manager Fieldman stated that they would get the questions answered by the petitioner. He added that the Downtown Outdoor Dining Program would be available to the proposed restaurant in this development and explained that the program was a front yard, sidewalk, and parking spaces program currently available to restaurants in the downtown. Manager Fieldman said this development could potentially move their outdoor dining to the front of the building.

Commissioner Gilmartin asked if the zoning changed in 2005 to Downtown Business (DB) and if it had remained as DB for the past 17 years. He also asked if the other dates mentioned in the Council meeting packet were just rounds of Comprehensive Plan discussions that took place with no action.

Manager Fieldman said that was correct, it was zoned DB in 2005 and is still zoned DB. He said the area was looked at several times during the process mentioned and the decision was to not change it.

Commissioner Gilmartin wanted more information on the following:

- If there were any other locations in the downtown where DB backs up to the same zoning district in question.

Manager Fieldman said they would find out and report back.

Commissioner Gilmartin said he had not formed a decision on this matter yet, as the fact that this type of development was so close to a residential area made it a trickier decision for him. He said while he didn't want to repeat what Commissioner Sadowski-Fugitt said, he shared her concerns regarding:

- The affects this development would have on the trees.
- The outdoor dining being located in the rear of the building.

Commissioner Gilmartin also had the following question for the petitioner:

- Was there potential to remove the balconies from the back of the building?

Mayor Barnett spoke about the value in a PUD. He said it gave the Village opportunities to exercise some control and oversight into what went on in the Village. He said there were existing zoning rights with this situation and there was also value to all the concerns expressed. The Mayor also spoke about the parking concerns presented by residents. Further stating that he wanted everyone to keep in mind that most of the existing uses in the downtown did not have on-site parking for their commercial activities. He also asked for responses to the following concerns:

- The Village's regulations over the height of the building if it was developed as a Commercial Use.
- The plan for stormwater management.

Village Manager Fieldman said he would get answers to the requests for information from staff and the petitioner. He said he would prepare answers to allow for further discussion. The following were listed as the topics of the requests:

- Boundary Trees
- Outdoor dining
- Location and design of balconies
- Stormwater
- Zoning – Specifically the applications of particular tools in the Zoning Ordinance.

Manager Fieldman encouraged all those interested in the proceedings to check the [Village Website](#) on the Friday afternoons that proceeded Village Council Meetings. All aspects of the meetings could be found on [This Week's Meeting Page](#). He also mentioned that anyone with questions could call Village Planning Manager Jason Zawilla, the Village's Community Development Department, or the Village Manager's Office. Manager Fieldman said the Village would keep everyone informed, so that all those interested could continue to participate.

Mayor Barnett reminded everyone to send an email to Council or staff if they had additional comments or questions after the meeting. He said he wanted to be sure the Village received everyone's input.

ORD 2022-9602 — D. Ordinance: Amending Chapter 26 of the Downers Grove Municipal Code

Manager Fieldman presented this item and stated that Chapter 26 of the Municipal Code was regarding stormwater. He described the item as a housekeeping code amendment. The amendment was required in order to match the recent changes to the DuPage County Stormwater Ordinance regarding mobile home parks. Manager Fieldman concluded by stating that there would be no impact to the Village of Downers Grove, as there were no such land uses in the Village.

8. Manager's Report

There was no Manager's Report.

9. Attorney's Report

Pursuant to Section 2.5 of the Downers Grove Municipal Code, Village Attorney Enza Petrarca presented the following items:

1. An ordinance amending the Zoning Ordinance of the Village of Downers Grove, Illinois to designate the property at 4915, 4919 and 4923 Main Street (Main Street Apartments) as Planned Unit Development #67.
2. An ordinance rezoning certain property located at 4915, 4919, and 4923 Main Street (Main Street Apartments).
3. An ordinance authorizing a special use for Main Street Apartments Planned Unit Development #67 to permit multi-family residential.
4. An ordinance amending Chapter 26 of the Downers Grove Municipal Code

10. Public Comment

- Jim Wool, a resident, expressed his disappointment of a 2020 incident where a neighbor was instructed to take down Christmas decorations that hung over the sidewalk.
- Robin Tryloff returned to the podium and said that it was National Coming Out Day; she asked all to show support and respect to the people that identify as part of the LGBTQ+ community.
- Jim Kelly spoke about the police being called to the Community Kitchen in order to diffuse a situation; he requested that a patrol officer be stationed at the Community Kitchen.
- Preston Straub, a resident, expressed his disappointment in a Village ordinance and of not being able to speak to anyone at the Village other than the Legal Department about it.

11. Mayor's Report

Mayor Barnett said he wanted to clear the air about some of the things that had been said. He said that Mr. Straub had been to many Council Meetings to express his concerns. The Mayor said that the avenue that Mr. Straub was looking to take had already been fully traveled. He said there was an avenue for everyone to take that had a problem with the Village. However, Mr. Straub's issue had been taken up and settled twice in the courts. The Mayor further

stated that after the courts ruled against Mr. Straub, he thought he could come to the Village and say that he did not like the courts answer and request some other type of hearing. Mayor Barnett said that the Village must enforce its ordinances, even if that meant people were disappointed. He said the idea that there was no avenue for people to take with their complaints and that people were not being listened to by the Council and staff was false. He said no matter what the situation, the Village would always enforce its fire codes. The Mayor went on to state that the enforcement of Village codes was also the reason that a Christmas light display (that was hung over the sidewalk) was taken down. He said there is a big difference between 18,000 individual residential parcels decorating anyway they wanted and the restaurants that are located in the downtown area having outdoor dining. The restaurants entered into a contract with the Village that included certain standards and certain insurance coverages to operate on public property. He said it was very important that the law be applied consistently by the current Village Council and every Village Council in the future. The Mayor said if anyone wanted more details on either situation, he would be happy to discuss them further but it was not going to change the way the situations had been handled.

12. Council Member Reports

Commissioner Kulovany said that the Downers Grove Historical Society was honoring Edward bunting Jr. as the 2022 Historian of the Year with a ceremony on Saturday, October 8th at 1 p.m. at the Lincoln Center. He said anyone interested could send an email to info@downersgrovehistory.org.

Commissioner Sadowski-Fugitt stated that in addition to the Village's Night at the Fire House on October 12th, there was also a Community Mental Health Forum, geared toward parents and teens, that Grit2 was hosting at the Downers Grove Public Library from 6:30-8:30 p.m. She said anyone interested could visit grit2.org for further details. She also wanted to wish everyone a happy National Coming Out Day and said she was sorry to the teens that wanted to attend the Drag Queen Bingo event at the Library; she was heartbroken that the Village could not ensure their safety. Commissioner Sadowski-Fugitt concluded by stating that she is doing everything she can to support them and to create a more empathetic safe place of belonging within the Village.

Commissioner Gilmartin spoke further about the Grit2 event stating that it was the kind of forum focused on teen mental health. He said the Grip2 Organization was a Downers Grove based non-profit organization that focused on providing mental health resources and support for teens and their parents. He said the event was called Let's Start Talking and the invitation was for all community members to attend. He said the forum would consisted of a panel discussion (@ 6:30 p.m.) that would include the administration from both high schools, counselors from Herrick Middle School, representatives from the DuPage County Health Department's Youth and Family Services, and representatives from Linden Oaks. At 7:30 p.m. there would be a resource fair with an information table of local organizations. Those organizations included groups such as NAMI DuPage, Linden Oaks, Indian Boundary, YMCA, Ellie Mental Health, Youth Outlook, Positive Therapy Group, and more. He said go to www.grit2.org to register.

13. Adjournment

Mayor Barnett asked for a motion to adjourn into Executive Session.

MOTION: Commissioner Walus moved convene into Executive Session pursuant to adjourn Section 2(C)(3) of the Illinois Open Meetings Act to consider the selection of a person to fill a public office which the Village Council is given power to appoint under law or ordinance

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, Mayor Barnett

NAYES: None

Mayor Barnett declared the motion carried and the meeting adjourned into Executive Session at 8:44 p.m.

Respectfully submitted,

Rosa Berardi
Village Clerk