



Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

October 3, 2023

07:00 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 Sadowski-Fugitt, Commissioner Gilmartin, Commissioner Glover, Commissioner Tully, Commissioner Davenport

Council Attendance (Not Present): Commissioner José

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

3. Proclamations

A. Fire Prevention Week

Mayor Barnett read the proclamation and presented it to Fire Chief Scott Spinazola and Deputy Chiefs Pekelder and Frank of the Downers Grove Fire Department.

Chief Spinazola spoke about the importance of cooking safety. He also said that the Fire Department is hosting the Night at the Fire House Open House on October 11th at 6:30 pm at 6710 Main Street in Downers Grove. Chief Spinazola also stated that there will be a silent parade passing through Downers Grove on Friday, October 13th at approximately 7:00 pm and suggested connecting to the Village's social media pages for fire prevention safety messages all week long.

B. National Code Compliance Month

Mayor Barnett read the proclamation and presented it to Community Development Director Stan Popovich.

C. 2023 Montrew Dunham Award – Bruce Swanson

Mayor Barnett read the proclamation and presented it to Mr. Bruce Swanson.

4. Minutes of Council Meetings

MIN 2023-9912 - A. Minutes: Village Council Meeting Minutes – September 19, 2023

MOTION: To adopt the meeting minutes of the September 19, 2023, Village Council Meeting, as presented.

RESULT: Motion carried unanimously by voice vote. .

MOTIONED TO APPROVE: Commissioner Sadowski-Fugitt

SECONDED BY: Commissioner Gilmartin

AYES: Commissioners Sadowski-Fugitt, Gilmartin, Davenport, Tully, Glover, Mayor Barnett

NAYES: None

5. Public Comments

The Mayor reviewed the procedures for public comments and explained all of the options available for the public to communicate with the Mayor and Council.

Tom Schroeder, a resident, asked the Council and Village staff to find additional ways to share with the community the topics that are currently being discussed at the Village Council meetings. He noted that he finds the website informative, but requested the Village find other means to communicate with residents that are “out of the box”.

Craig Ureel, 3811 Candlewood Dr., said he is concerned about the new fence going up at 3800 Highland Avenue. He stated the current fence has been up for 40 years and he is concerned about the height, color, and placement of the new fence.

Rich Kulovany, Downers Grove Historical Society Director and former Village Commissioner, said there are 37 days left until the historic pub crawl called History on Tap and the after-party. He noted that the Pub Crawl is on November 9th will start 5:00 pm and suggested going to DGHHistory.org to buy tickets. Mr. Kulovany concluded by stating that he opposes video gaming and he posted his reasons why on Facebook and Next Door.

6. Consent Agenda

BIL 2022-9804 — A. Bills Payable: No. 6756 – October 3, 2023

COR 2022-9805 — B. Claims Ordinance: No. 6523, Payroll – September 22, 2023

RES 2023-10046 — C. Resolution: Approve an Agreement with MacQueen Equipment, LLC for the Purchase of a Fire Apparatus **RES 2023-60**

Summary: This resolution approves an agreement with MacQueen Emergency for the purchase of a 2026 Pierce Impel Pumper Apparatus (Pierce Engine/Pumper) in the amount of \$1,009,548.00, plus a \$100,000.00 contingency, for a total not to exceed amount of \$1,109,548.00, and to authorize the disposal of the Village’s current 2008 Pierce Engine/Pumper.

RESOLUTION 2023-60

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND MACQUEEN EQUIPMENT, LLC FOR THE PURCHASE OF A FIRE APPARATUS

MOT 2023-10048 — D. Motion: Approve an Agreement with Microsystem, Inc. to Scan Files for Various Departments into a Digital Format

Summary: This motion awards a contract to Microsystems Inc. to scan Community Development permit files, Legal files and Clerk files into a digital format in the amount of \$74,050.00, which includes a 10% contingency.

MOT 2023-10049 — E. Motion: Approve a Three-Year Agreement with Ozinga Energy, LLC of Mokena, IL for Compressed Natural Gas (CNG) Fueling Station Maintenance Services

Summary: This motion authorizes a three-year contract for compressed natural gas (CNG) fueling station maintenance services with Ozinga Energy, LLC of Mokena, Illinois, in the amount of \$83,349.00.

MOT 2023-10054 — F. Motion: Approve an Agreement with the Farnsworth Group, Inc. of Lisle, IL for Engineering Services for the Preliminary Design of Steambank Stabilization for a Portion of Prentiss Creek

Summary: This motion approves an agreement with the Farnsworth Group, Inc. of Lisle, IL, in the amount of \$70,510.00, for engineering services for the preliminary design of streambank stabilization for a portion of Prentiss Creek.

RES 2023-10056 — G. Resolution: Adopt a Program for Public Information (PPI) for Flood Awareness
RES 2023-61

Summary: This resolution adopts the revised Program for Public Information (PPI) which includes community outreach and education activities undertaken by the Village with regard to flooding and special flood hazard areas.

RESOLUTION 2023-61

A RESOLUTION ADOPTING A PROGRAM FOR PUBLIC INFORMATION (PPI) FOR FLOOD AWARENESS

***MOTION:** To adopt the consent agenda, as presented.*

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

***MOTIONED TO APPROVE:** Commissioner Sadowski-Fugitt*

***SECONDED BY:** Commissioner Gilmartin*

***AYES:** Commissioners Sadowski-Fugitt, Gilmartin, Davenport, Tully, Glover, Mayor Barnett*

***NAYES:** None*

7. Active Agenda

ORD 2023-10009 — A. Ordinance: Adopting the 2021 International Residential Code and Amendments Thereto

Summary: An Ordinance has also been prepared updating Chapter 7 of the Municipal Code concerning general building permit submission requirements.

ORDINANCE 5990

AN ORDINANCE ADOPTING THE 2021 INTERNATIONAL RESIDENTIAL CODE AND AMENDMENTS THERETO

ORD 2023-10028 — B. Ordinance: Adopting the 2021 International Building Code and Amendments Thereto

Summary: This Ordinance adopts the 2021 International Building Code and amendments thereto.

ORDINANCE 5991

AN ORDINANCE ADOPTING THE 2021 INTERNATIONAL BUILDING CODE AND AMENDMENTS THERETO

ORD 2023-10029 — C. Ordinance: Adopting the 2021 International Property Maintenance Code and Amendments Thereto

Summary: This Ordinance adopts the 2021 International Property Maintenance Code and amendments thereto.

ORDINANCE 5992

AN ORDINANCE ADOPTING THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE AND AMENDMENTS THERETO

ORD 2023-10030 — D. Ordinance: Adopting the 2021 ICC International Fire Code and Amendments Thereto

Summary: This Ordinance adopts the 2021 ICC International Fire Code and Amendments Thereto

ORDINANCE 5993

AN ORDINANCE ADOPTING THE 2021 ICC INTERNATIONAL FIRE CODE AND AMENDMENTS THERETO

ORD 2023-10031 — E. Ordinance: Adopting the 2021 Fuel Gas Code and Amendments Thereto

Summary: An ordinance adopting the 2021 Fuel Gas Code and amendments thereto.

ORDINANCE 5994

AN ORDINANCE ADOPTING THE 2021 FUEL GAS CODE AND AMENDMENTS THERETO

ORD 2023-10032 — F. Ordinance: Adopting the 2021 International Mechanical Code and Amendments Thereto

Summary: This ordinance adopts the 2021 International Mechanical Code and amendments thereto.

ORDINANCE 5995

AN ORDINANCE ADOPTING THE 2021 INTERNATIONAL MECHANICAL CODE AND AMENDMENTS THERETO

ORD 2023-10033 — G. Ordinance: Adopting the 2021 International Swimming Pool and Spa Code and Amendments Thereto

Summary: This ordinance adopts the 2021 International Swimming Pool and Spa Code and amendments thereto.

ORDINANCE 5996

AN ORDINANCE ADOPTING THE 2021 INTERNATIONAL SWIMMING POOL AND SPA CODE AND AMENDMENTS THERETO

ORD 2023-10034 — H. Ordinance: Adopting the 2020 National Electric Code and Amendments Thereto

Summary: This ordinance adopts the 2020 National Electrical Code and amendments thereto.

ORDINANCE 5997

AN ORDINANCE ADOPTING THE 2020 NATIONAL ELECTRICAL CODE AND AMENDMENTS THERETO

ORD 2023-10035 — I. Ordinance: Adopting the 2015 Life Safety Code and Amendments Thereto

Summary: This ordinance adopts the 2015 Life Safety Code and Amendments Thereto.

ORDINANCE 5998

AN ORDINANCE ADOPTING THE 2015 LIFE SAFETY CODE AND AMENDMENTS THERETO

*MOTION: To adopt **ITEMS A THROUGH I AND K on the Active Agenda, as presented. ORDINANCES 5990, 5991, 5992, 5993, 5994, 5995, 5996, 5997, 5998 and ORDINANCE 6000***

***RESULT:** Motion carried unanimously by roll call.*

***MOTIONED TO APPROVE:** Commissioner Sadowski-Fugitt*

***SECONDED BY:** Commissioner Gilmartin,*

***AYES:** Commissioners Sadowski-Fugitt, Gilmartin, Davenport, Tully, Glover, Mayor Barnett*

***NAYES:** None*

ORD 2023-10036 — J. Ordinance: Making Amendments to the State of Illinois Plumbing Code

Summary: This ordinance makes amendments to the State of Illinois Plumbing Code.

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MOTION: To adopt ***AN ORDINANCE MAKING AMENDMENTS TO THE STATE OF ILLINOIS PLUMBING CODE***, as presented. **ORDINANCE 5999**

MOTIONED TO APPROVE: Commissioner Sadowski-Fugitt

SECONDED BY: Commissioner Gilmartin

Mayor Barnett asked if there were any comments from the Council on this item.

AMENDED MOTION: Commissioner Davenport made a motion to amend the motion by removing the local amendment prohibiting the use of Cross Linked Polyethylene (also known as PEX);

SECONDED BY: Commissioner Glover

Summary: This motion would allow the use of what is commonly known as PEX to be used in the Village.

The Mayor explained that the amendment made was to remove a previously contemplated prohibition on a certain type of plumbing (PEX). He explained that had been discussions at previous Council meetings on this topic.

The Mayor asked if there were any Public or Council Comments.

Village Council Questions/Comments:

Commissioner Tully said he wanted to know the reason for the amendment.

Commissioner Davenport stated that PEX is more affordable than copper, has a higher burst strength (less concern with freezing), better water pressure, and it allows a place, like an electrical box, for all plumbing fixtures to connect in one spot. He said it had some issues in the '90s and early 2000s but that has all improved. He said 99% of the rest of the country is using PEX, it is safe and within the State Plumbing Code. Commissioner Davenport noted that he thinks the option should be available to all residents.

Commissioner Tully confirmed with the Mayor that this is just an option for residents to use.

The Mayor said, yes, this is another option.

Commissioner Sadowski-Fugitt said that through she likes that this is more affordable option, the data she found indicates that there are still concerns about plastics and other chemicals potentially leaking into the water supply. She mentioned that the National Resources Defense Council has a report about best practices, especially with regard to removing lead service lines, which she said she foresees the Council discussing in the future. Commissioner Sadowski-Fugitt said that due to current data, she is not comfortable with PEX at this point and that she concurs with the NRDC's suggestion of staying with copper lines to reduce exposure to plastics.

Commissioner Davenport said the water entering homes is not coming in through copper lines from the street. He said he thinks the prohibition of CPVC is a good thing. Commissioner Davenport said that PEX has been proven to be safe and is used predominantly throughout the County. He also stated that it has been allowed in Downers Grove since 2015 and he wants to keep this option available to residents.

Roll Call on the Amendment:

AYES: Commissioners Davenport, Glover, Tully, Mayor Barnett

NAYES: Commissioners Gilmartin and Sadowski-Fugitt

RESULT: Motion passes 4-2 by Roll Call

Roll Call on the Amended Motion:***AYES:*** Commissioners Davenport, Tully, Glover and Mayor Barnett***NAYES:*** Commissioners Gilmartin and Sadowski-Fugitt***RESULT:*** Motion passes 4-2 by roll Call**ORD 2023-10027** — K. Ordinance: Making Amendments to the Downers Grove Building Code**Summary:** This ordinance makes amendments to the Downers Grove Building Code.**ORDINANCE 6000*****AN ORDINANCE MAKING AMENDMENTS TO THE DOWNERS GROVE BUILDING CODE******(As listed under Active Item I)******MOTION:*** To adopt ITEMS A THROUGH I AND K on the Active Agenda, as presented. **ORDINANCES 5990, 5991, 5992, 5993, 5994, 5995, 5996, 5997, 5998 and ORDINANCE 6000*****RESULT:*** Motion carried unanimously by roll call.***MOTIONED TO APPROVE:*** Commissioner Sadowski-Fugitt***SECONDED BY:*** Commissioner Gilmartin,***AYES:*** Commissioners Sadowski-Fugitt, Gilmartin, Davenport, Tully, Glover, Mayor Barnett***NAYES:*** None**8. First Reading****Manager's Report**

Village Manager Dave Fieldman used a PowerPoint and presented his first monthly update on the status of the Village Council's Priority Action Items. He stated the Council would be providing policy direction on the following items during the last quarter of the year:

- Video Gaming
- Main Street Pedestrian Safety Project
- Building Codes Update
- Fairview Focus Area Implementation
- Neighborhood Traffic Study #9 (which has some implications on the Bike and Ped Plan and bike lanes)
- Police Patrol Officers Collective Bargaining
- Battalion Chief Collective Bargaining
- Comp Plan Update & Related Items Consultant Engagement
- Civic Center Lot 2 Developer Selection
- FY24 Budget and Tax Levy

Manager Fieldman noted that last month the Council's work plan through Q2 2025 was put in place. He noted that all projects in the work plan are currently on schedule and gave the following details:

- **Civic Center Project** – This continues on-schedule and under-budget. Proposals for the sale and redevelopment of Lot 2 are due back to the Village by 10/12. The Council will identify the successful developer and preferred development of Lot 2 in December. Deputy Baker will continue to provide monthly updates on the project and will continue showing videos of the progress.
- **Replacing the Enterprise Resource Planning (ERP) System** – This large scale project has been under Council direction for many months. The Licensing Module was successfully launched on 8/29/23. The next steps will include completing the module for managing contracts/bids and launching the digital signature functions.

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- **Lead Service Line Replacement** – This plan/project continues. A few months ago, the Village engaged a consultant to work on creating an inventory of lead service lines. Later this week, or next, the Village will send letters to about 3000 property owners, who may have lead service lines, and asked them to complete an online survey.
- **Update to Building Codes** - This was voted on during this meeting.
- **Meadowbrook Tax Increment Financing (TIF) & Redevelopment Agreement (RDA)** – Work continues on this, which includes the creation of the Tax Increment Financing District and entering into a redevelopment agreement with the owner to facilitate significant improvements of the property. The redevelopment agreement has been drafted and Village staff is working with the owner, and the owner's attorney, to continue to move the project forward. Next Steps are to finalize the agreement, the submittal of the required application for zoning approvals by the owner, and then the Village Council will take on the next steps required to initiate the TIF District.
- **Ogden TIF District Extension** – This is currently being sought by Village staff. Senator Curran agreed to sponsor the legislation required to extend this District; he is planning to file the legislation later this month in the veto session. Staff has obtained letters of support from six taxing bodies in the district and is working to obtain letters of support from the remaining taxing bodies.

Manager Fieldman explained that the following projects are being undertaken in a coordinated manner:

- **The Comprehensive Plan, Environmental Sustainability Plan, Enhanced Bike and Pedestrian Plan, Downtown Hardscape/Landscape Plan, Downtown Outdoor Dining Plan and the implementation of the Fairview Focus Area** – Within 10 days of the Council's confirmation on the approach to these items, staff published a Request for Proposal for consulting services. A pre-proposal meeting is to be held on 10/4/23 and consultant proposals are due 10/27/23. The Council will engage the selected consultants in December. The Council will begin the Fairview Area Implementation later this month by establishing the project boundaries, confirming and clarifying the existing plan Comprehensive Plan recommendations, and establishing the zoning area framework.
- **Review of Diversity, Equity and Inclusion (DEI) Practices** - This continues to be reviewed and enhanced by Village staff. Manager Fieldman continues to participate in the Mayors Caucus DEI Work Group. Training sessions were held for management staff last week and will continue for the balance of Village staff through the months of October and November.
- **Public Safety Pension Stabilization** – This work is well underway with the goal of smoothing the impact of increasing costs for contributions to Police and Fire Pension Funds while smoothing out the impacts on taxpayers. The required contribution amounts have been received for FY24 and staff is proposing a stabilization reserve within the General Fund as part of the proposed FY 24 Budget; the proposed Budget is expected to be published later in the month and is to be considered by the Council in November or December.
- **Video Gaming** – This is to be discussed during this meeting as Council advances on this project.

Manager Fieldman noted that in addition to the Priority Action Items, other significant projects the Village is working on include:

- **Collective Bargaining Agreement with the Police Patrol Officers** (contract expires in April 2024) and the **Collective Bargaining Agreement with the Fire Department Chiefs** (a contract amendment adding Battalion Chiefs to the existing contract with the fire fighters) are both underway. Staff will be seeking Council direction on these contracts later in the month.
- **Social Services Gap Analysis Work Plan** – This was implemented in late 2022 by Village staff and the Human Service Commission. Nearly all the items of the work plan have been completed, including efforts to increase awareness about the Social Services Referral Program. An explanation of the platforms used to get

the word out about the program were outlined, as were the efforts of Village Social Worker Heather Lippy to identify and introduce services to the Downers Grove community. Only two items remain in the work plan and those are expected to be completed by the end of the year.

Public Questions/Comments:

Rich Matthews, 5603 Durand Dr., asked how much all of the items reviewed by Manager Fieldman will cost the Village.

The Mayor informed the resident that if he wanted more information on the items reviewed, he should give his name and contact information to Deputy Village Manager Mike Baker.

ORD 2023-10052 — A. Ordinance: Rezoning Certain Property at 1634 63rd Street

Community Development Director Stan Popovich presented on Item A via PowerPoint. He noted that there has been a request to rezone the property located at 1634 63rd Street, from R1 to R3 because the petitioners would like to construct an addition to the existing house on the property. Mr. Popovich said the Plan Commission determined that the standards for approval were met and recommended approval at their September meeting.

Village Council Comments/Questions

Commissioner Tully noted that this request is consistent with the zoning around it.

ORD 2023-10051 — B. Ordinance: Rezoning Certain Property at 3854 Glendenning Road

Mr. Popovich also presented Item B via PowerPoint, explaining that the property at 3854 Glendenning Road is currently vacant and zoned R1. He said petitioners are requesting to rezone the property to R2, to construct a single family home on the property. Mr. Popovich said the Plan Commission considered the case in September and found that the standards for approval were met and recommended approval.

Village Council Comments/Questions

Commissioner Tully stated that this is also consistent with the zoning in the area and noted that both of the properties are on corner lots which creates certain challenges.

Commissioner Davenport said that when unincorporated areas were brought into the Village, they were zoned R1 by default. He said each lot is now being looked at on a case-by-case basis, also noting that what is being proposed is appropriate.

MOT 2023-10058 — C. Motion: Main Street Traffic Safety Improvements

Community Development Director of Engineering Scott Vasko presented Item C and reviewed PowerPoint slides on:

- Neighborhood Meeting on 9/21/23
- High School Pedestrian Safety Study
- Project Development Report to Design.
- Traffic Safety Improvements for Main Street.

Mr. Vasko then reviewed the proposed improvements and the expected results:

- Change to One Lane in Both Directions (with Protected Left Turn Lanes): Increased safety, smoother traffic flow, one clear merge location, separating turning vehicles from the through vehicles, reduction in driver confusion and delays, and peak-hour travel time relatively unchanged.
- Optimize Traffic Signal Timing: Provide a left turn arrow only when needed.
- Dedicated bike Lanes (South of Grant): Enhanced safety for bicyclists, may reduce vehicle speeds, no impacts on parkway trees, and curbs to remain in current location.

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- Bike Lane Pavement Markings in Green: Enhanced safety for bicyclists and visually separate drive lanes from bike lanes.
- Construct Curb Extensions at Grant Street: Enhanced pedestrian safety and a logical termination point for the bike lanes.
- Pedestrian Level Lighting: Enhanced Visibility for pedestrians and bicyclists.
- Add Eastbound Left Turn Arrow at Franklin: Improved intersection operations and enhanced safety for pedestrians

Mr. Vasko showed the configuration of the corridor, including drive lanes, bike lanes, and curb bump-outs for increased pedestrian safety and lighting. He also shared photos of the current intersections and explained the detailed changes that would be made. Mr. Vasko concluded with the remaining scheduled timeline of the project running through the fall of 2024. He suggested anyone seeking construction updates visit the Village website @ www.downers.us.

Manager Fieldman asked the Mayor if the Council would like Village staff to proceed with this project and to provide any feedback the Council may have.

Public Comment

Charles Cuccia, 7321 Baybury Road, suggested using a flashing yellow arrow to allow left turns – this would speed up left turns with exercising caution.

Tom Schroeder returned to the podium and expressed his concerns with the rerouting of bogged down traffic and the bike path (requesting it end north of Prairie). He suggested the Council consider the use of bollards (4 foot posts) at the intersection of Grant and Main for safety. He also noted that the positives of the plan included the location of where the lane narrowing would begin and the addition of the left turn arrow.

Village Council Comments/Questions

Commissioner Gilmartin noted that he is in favor of this and asked what the amount of State funding for this plan is.

Mr. Vasko said the total overall cost is \$2.1 million, with 70% State funded and 30% Village funded.

Commissioner Sadowski-Fugitt said she is in support of this and is appreciative of everything included in the plan. She mentioned that she was particularly happy with the changes in signals, the bike lanes and the dark sky lighting. Without delaying the plan, she requested if it would be possible to add some type of striping or signage to make everyone aware of where the bike lanes are ending. Commissioner Sadowski-Fugitt said a similar plan with merging traffic has worked well on Fairview. She stated she is sure there is data that went into similar areas around town. The Commissioner said she wants to see something installed, such as rubber bumps or removable posts, to identify the bike lanes and alert drivers that the lanes are there. She noted she is in full support of this.

Commissioner Glover said he is in full support of this. He said he lives off of Fairview and prior to this home, he lived near it. He stated he has not seen any cut through traffic in his neighborhood because of the lane narrowing. The Commissioner said he does not believe there will be any traffic diversions and he is in full support of this because of the safety aspect of it.

Commissioner Davenport stated that he is in support of this and that he used to be on the District 99 School Board. He explained that this project was started because of a terrible tragedy involving Beth Dunlap. He pointed out that lanes will be lost, but there will also be the addition of left turn lanes and room for bicyclists. He commented that he has never felt safe riding his bike down that stretch. The Commissioner said he thinks this is needed and he is appreciative of the work that has been done and wants to move forward.

Commissioner Tully said this is an exciting, creative, and innovative plan with a lot of authentic appeal and will

create a memorable place for people driving through it. He stated this will separate people from traffic, provide bike lanes, and beautification. Commissioner Tully noted that people are always supportive in concept, until it happens in their neighborhood. He stated that there were 30 people at the neighborhood meeting and half were in support, a quarter were not in support, and the rest had concerns. He wants to be cognizant of the neighborhood and make reasonable adjustments, such as preserving the trees, etc. The Commissioner said he wants to continue to address feedback and concerns, continue the neighborhood meetings, and find the sweet spot between the neighborhood and the Village.

Commissioner Davenport noted that he thinks this has been a fair process with neighborhood feedback to this point. He said the Village should continue to be responsive to the neighborhood and keep its great partnership with the schools and neighbors.

The Mayor stated he is in support of this. He said it is consistent with the idea that it puts pedestrians first, further stating this is an opportunity to embrace that. The Mayor said he thinks this will function the way Fairview Avenue does and it works. The Mayor referenced the \$1.5 Million in State funding. He asked what happens if the Council decides they want to change a component of the plan and 70% of the money is coming from the State.

Manager Fieldman said the Village has little, to possibly no flexibility, with changes to this plan because it is being primarily funded through the State.

The Mayor noted that having little scope for change is something to be cognizant of. He said he is concerned with the needed separation issue for the bike lanes, asking for something in addition to a stripe on the pavement to make cars aware they are veering out of the lane. The Mayor recounted that this all started because of a tragedy and no one ever wants to see that happen again. He said he finds the idea of bollards interesting and would like to hear more details about them. The Mayor said wants to continue and go forward with the plan, but also wants to know more about any flexibility the Village may have.

Manager Fieldman said that staff will check with IDOT directly and will update the Council before a vote is taken.

The Mayor asked that this be treated as a Council Question. He further stated that partial funding (by outside organizations) of Village projects is not a new thing in the Village, but he would like to have a better understanding of the process when the project does not go as planned.

ORD 2023-10057 — D. Ordinance: Establishing Video Gaming Regulations

Village Manager Dave Fieldman presented via PowerPoint. He said this item is on the 2023-2025 Priority Action List. He said that Council directed Village staff to prepare an ordinance for video gaming in restaurants with on premise liquor licenses, in areas outside of the downtown. He said the items for consideration included 1) Number of licenses available; and 2) Number of terminals permitted at each location; and 3) Requirements for creating a separate area for video gaming; and 4) Establishing fees.

Manager Fieldman reviewed the key points of the draft ordinance which included the requirements of the Video Gaming License: video gaming licenses to be tied to Liquor Licensing and will only be available to only R1, R2, REC 1, REC 2, and C Liquor License classifications, video gaming in the downtown would be limited to only Class C and REC licensed establishments (currently the Moose and Tivoli Bowl); a new DT-R Liquor License created for restaurants in the downtown area; a maximum of 10 video gaming licenses within the Village; a maximum of 6 video gaming terminals per licensed establishment; establishments must hold a liquor license for 12 months before applying; the prohibition of video gaming cafes; terminals must be placed in a separate room with a minimum of 7 foot walls, a max size of 200 square feet or 25% of the seat/dining area - whichever is less, and signs must be posted prohibiting anyone under 21 to enter the room; terminals shall not be visible from outside of the establishment; noise from terminals shall not be heard outside of the gaming room; the establishment shall be located more than 100 feet from any church or school; if the underlying liquor license gets suspended or revoked for a violation, so too will the video gaming license and vice versa; the ordinance shall be effective January 1, 2024.

Public Comment

Tom Schroeder returned to the podium and stated that he is not in favor of video gaming. He expressed concerns with signage, the affects it could have on the Downers Grove brand, and stated that he would like it moved to a referendum vote if there is a split Council.

Rich Matthews, 5603 Durand Dr., is in favor of video gaming. He said believes the revenue stream from this could be a revenue stream to offset the money spent on Village improvements. He also said he does not believe this will contaminate the Village and he thinks liquor licensing is worse than video gaming licensing.

Tim McCahill, a resident, is not in favor of video gaming and said he does not envy the Council. He also said there is no data behind video gaming and he thinks that a majority of Downers Grove residents oppose it and should be able to vote on it.

Laura Hois, a resident, spoke in favor of video gaming and expressed her belief that the additional revenue would help business owners recover from the effects of COVID 19. She also spoke of another resident using intimidation tactics to make her publicly state that she has changed her opinion on video gaming.

Charles Cuccia returned to the podium and stated that he is in favor of video gaming, thinks it will be a source of revenue for the Village, and that it will be limited and controlled. He further stated that he does not believe there will be issues with addiction that are any different than with alcohol.

Denise McCann, a resident, is in favor of video gaming and the draft ordinance. She spoke about how other things within the Village could have affected its brand, that the Village is inclusive and diverse, and that she thinks this should be voted on and passed.

Bob Taft, a resident and owner of Q Pub and Grill, spoke in favor of video gaming, stating that he has over 10 years of experience with video gaming (at his restaurants outside of the Village) and has had no issues with it and that is an additional revenue source. He further noted that the Village was a dry town 30 years ago and if the Village never voted to allow alcohol, the downtown would not be what it is today.

Phil Cullen, a resident and owner of Bally Doyle, spoke in favor of video gaming and said that he has had video gaming at one of his restaurant locations (outside of the Village) and it is just a form of entertainment used by moms, fathers, grandmothers, etc. He asked the Council not be afraid of video gaming and suggested it be allowed in the downtown.

Samantha Schroeder, a resident, stated she is not in favor of video gaming and she thinks that most residents do not even know this is being discussed. She further stated that she is a realtor and thinks that this will affect property values.

John Filer, works in the video gaming industry, spoke in favor of video gaming and said he thinks it will keep small businesses alive. He further stated that he does not believe it will hurt the Downers Grove brand and it is a good revenue stream for the Village.

Sue Cuccia, a resident, spoke in favor of video gaming and said she thinks it will help keep small businesses alive and will help the Downers Grove brand because of it. She further stated that she thinks the establishments would work with the Village with regard to signage and that people with gambling addictions would use video games at larger venues (i.e. gambling boats, etc.).

Slawek Polonski, 6930 Webster St., stated that he is not for or against video gaming but wants to stick with the facts and data. He further stated that he does not think property values will be affected. He said property values have increased in neighboring Westmont, where video gaming is allowed, more than they have in Downers Grove.

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Ian Ogdon, a resident, stated that he is not for or against video gaming, but is asking the Council to use good discretion. He further stated that he is worried about gambling addictions and if it becomes an issue, he would like the Council to address it.

Joyce Economides, 5206 Cumnor Rd., stated that she is not in favor of video gaming and expressed concern about bright video gaming signage (seen on a building outside of the Village limits). She also stated that she wanted to maintain the family feel of the Village, but if it is allowed, she does not agree that it should only be allowed in certain areas of the Village.

David Mroch, a resident, stated that he is in favor of video gaming and thinks it would be a good revenue stream. He also stated that the revenue stream could be used to provide leaf pickup for the residents.

Janet Whittingham, a resident, stated she is not in favor of video gaming and expressed her concern that the Village may increase the 10 Video Gaming License limit if there is enough interest. She also stated that she thinks it would be a detriment to the Downers Grove brand and that she thinks that the many residents that are unaware this is being discussed will voice their opinions if this is allowed in the Village.

Brian Bentley, Brian's American Grill, stated he is in favor of video gaming and has spoken about his support of it many times, as it supports small businesses. He further stated that taverns and restaurants are the life blood of revenue for the Village and he thinks the revenue from video gaming would offset the effects that the pandemic had on small businesses.

Mayor Barnett called for a five minute break at this point in the meeting. After the break the Mayor asked for the Council to have a conversation on the topic.

Village Council Comments/Questions

Commissioner Glover said his support of this ordinance has not changed and he appreciates the opinions of both sides on this. He noted that he agrees Downers Grove is a great town and is confident it will remain that way, even with video gaming. He complimented Village staff on the draft ordinance and stated that video gaming is a revenue source. Commissioner Glover explained that the State has granted licensing to organizations within Downers Grove, one of which is the Moose that is only 300 yards away. He made note that based on the proposed ordinance, aside from the Tivoli, the closest establishment to offer video gaming would be one and a half miles away. He gave an estimated amount of revenue that video gaming can bring to the Village and said it is beneficial to businesses and their employees. Commissioner Glover noted that he thinks wagering is now the social norm and it increases the value of entertainment by providing a heightened level of excitement. He stated that he spoke to officials in neighboring communities who said there was no additional crime and no need for additional security measures. He addressed the appearance of the community and said he agrees there could be some bad signs, but also mentioned there could currently be signage within the Village that is in violation of the current code. The Commissioner said he wants the sign code to be more stringent and the highest fine to be administered to violators. He stated that the Village should keep business owners accountable for the aesthetic appearance of their establishments. He said he is happy with the ordinance as written by staff. Commissioner Glover said the Village has limited the footprint of the area that video gaming will be allowed in establishments and the location of the establishments. He stated he would like to see more than 10 licenses in Downers Grove because he thinks that there will be requests for more immediately. He said everyone on the Council that was elected in the last two cycles, except for the Mayor, stated that expressed they were in support of video gaming during their campaigns. He concluded by suggesting that the video gaming revenue source should be used for smoothing the Public Safety Pension Fund.

Commissioner Tully said he knows there is much tension for and against this. He said he has been listening and reading about this issue and has been asked by many "Why is this coming up?" He said that for some time, small businesses, patrons, and the Chamber of Commerce have asked to put this forward. Commissioner Tully said he knows there is a good portion of the community that is against it but he is looking for a way to listen to patrons and help small businesses and residents find a solution to allow video gaming, while ameliorating the concerns of signage,

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location, etc. He compared this to the food trucks that Alter Brewing requested when the Village did not permit them - there was a fair amount of opposition to that as well. He said the Village came up with a consensus solution allowing them in some areas and now there has been a lot of support within the community. Commissioner Tully noted he wants to navigate the concerns and find a solution. He spoke about offering incentive agreements in the past, to stop businesses from moving out of town. He said he thinks that we should try to help small businesses in a way that addresses a lot of concerns and retain them. He noted that businesses in the downtown have asked if they can have video gaming. Commissioner Tully said the draft ordinance written by staff thoughtfully captures the concerns expressed and the parameters requested. He said he agrees with starting small, limiting locations, restricting the location of where it is placed within the establishment, and limiting the size of the area and the signage. Commissioner Tully said the ordinance is limited, measured and controlled. He stated he thinks this is the best solution to minimize the concerns that have been raised. He noted to keep businesses in town, it usually costs the Village money. This would actually generate some revenue, though not a lot, and its main purpose would be to help small businesses. Commissioner Tully referenced how some consider it injurious to the Village brand. He explained that it has taken decades to build the brand of Downers Grove, i.e., the downtown. He said he recalls the concerns when a small business requested a sidewalk café or when the town did not allow the words “tavern” or “bar” in the name of establishments and now there is Pierce Tavern or Bar Chido. He said he recalls when the Village did not have any bottle shops in town, such as Orange and Brew, and there were concerns with breweries in Downers Grove where some thought the singular focus was alcohol. As for gambling, he commented that there are now apps that can be downloaded to cell phones, such as Draft Kings, and there are lottery machines located in the grocery stores. The Commissioner said he thinks this has been well thought out and is limited in a way that that minimizes the impact to the community. He stated that there have been questions raised about why this cannot be brought out through a referendum and he said that the Village does not govern through referendum. Commissioner Tully noted that the Council has had a lot of split votes on other items without a referendum. He concluded by asking if an entity had a class R Alcohol License right now and they want to become a REC license holder, would they have to reapply all over again and get a new license.

Village Attorney Enza Petrarca said yes, that they would have to reapply and meet the definition and be within the parameters of a Recreational License.

Commissioner Tully asked if they would plan to do any enforcement in conjunction with the Liquor License enforcement.

Attorney Petrarca said that Video Gaming is under the State’s purview, but the Village would enforce the regulations imposed through the Village’s ordinance.

Commissioner Tully said he is in favor and willing to try it.

Commissioner Sadowski-Fugitt said she is in support of this and agrees with Commissioners Glover and Tully. She said the biggest concerns she has heard are relate to addiction and losing the image of a family friendly town. She said this should be an area of compromise, such as keeping it out of the downtown. Commissioner Sadowski-Fugitt noted that “family friendly” is subjective, stating having two humidor shops in town is also the opposite of family friendly. She noted that while some consider video gaming as lower class, she said she thinks the ordinance takes family friendly into consideration with the restrictions. Commissioner Sadowski-Fugitt noted that addictions are real, and though she lost her father to a heart attack as a result of decades of smoking and her uncle due to an alcohol addiction, she is not asking to remove humidors and alcohol from the downtown. She stated she thinks it is an important compromise to support them and have restrictions. Commissioner Sadowski-Fugitt said she thinks that video gaming revenue should be applied toward the Village Social Services Program. She stated that hiring a social worker has been a big success and as a community, the Village should reduce the stigma and recognize that people that struggle with addictions need help. She suggested “beefing up” social service funds by bringing in revenues from video gaming. Commissioner Sadowski-Fugitt stated she is uncomfortable using arguments to judge those who use video gaming as entertainment. She gave other examples of gambling, i.e. fantasy football, betting squares, online betting services, card games, etc., and asked why these are more socially acceptable than having video gaming in a more social setting.

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The Commissioner continued and said she is not looking to ban a legal venture that Village staff has taken great lengths to regulate. She said she thinks this is just a form of entertainment on a date night. Commissioner Sadowski-Fugitt noted she thinks that if the Village wants to remain family friendly, then consideration should be given to continuing to allow vape shops, humidors, breweries, liquor stores, etc. in town. She said she thinks the Council, Village staff, and residents can find a way to allow this. She said currently video gaming is allowed at the Moose Lodge and she has not heard any issues. Commissioner Sadowski-Fugitt noted that she supports the idea of this being in a separate room from the main area of the establishment, making it a small proportion of the establishment, limiting the number of machines to four rather than six, and looking into tracking devices limiting the amount of money a person can spend. She said that having fewer machines could help with people going too far in one sitting. Commissioner Sadowski-Fugitt said the sign ordinance would absolutely be regulated. She said if this passes, she would like to see staff work with the DuPage Mayors and Managers Conference and the Metropolitan Mayor's Caucus to potentially work with State Legislation to increase the profits that the State and municipalities receive, to be more in line with other states. Commissioner Sadowski-Fugitt stated she thinks a lot that was put into the ordinance, it was a compromise, and that it is important to start small with ten licenses and bring the community along.

Commissioner Davenport asked for a clarification that the number of eligible establishments as of 9/1/2023 would be approximately 40.

Attorney Petrarca said there are about 38 establishments.

Commissioner Davenport is in support of this and thanked his fellow Commissioners for hitting the high points. He said the State has already determined why it is a good idea to have video gaming and he thinks the Village's draft ordinance is the most restrictive in Illinois. Commissioner Davenport said he thinks that starting to do this slowly is the way and he sees no reason to opt out. He thanked the residents for sharing their passionate and civil opinions. The Commissioner said thousands of people elected him a few months ago and he made it clear that he supported video gaming when he was campaigning.

Commissioner Gilmartin said he is not in support of video gaming and the main reason is because a vast majority of the community is against it. He said during the last round of video gaming discussions, while on the former Village Council, they received emails from both sides and at that time most of the residents were against it, with businesses, the Chamber of Commerce, and people outside of town in favor of it. He said that this time around a majority of the feedback is against it. Commissioner Gilmartin said that his peers have commented that they would not be swayed by emails, but he thinks the overwhelming feedback is against this and that not listening to that feedback it is discounting the value of their constituents. He said he appreciates the compliments made to Village staff regarding the drafted ordinance, but he reiterated that the vast majority of video gaming revenue comes from gaming cafes. He said he does not believe this will cause jobs. Commissioner Gilmartin said he has looked at data and the revenue of municipalities with gaming seemed to be dropping, citing that Westmont generated less revenue in 2022 than it did in 2019 (with more machines in 2022). The Commissioner said this is a clear indication that the revenue stream is much less than it was expected to be. He stated if the Village is looking for an extra \$250,000 in revenue, he suggested raising the Food and Beverage tax from 1.5% to 1.6% - it would generate the same revenue without gaming. Commissioner Gilmartin noted that the draft ordinance did not align with goal of Strong Economic Development and that is proof that this is not about revenue. He explained that there would be an additional burden on Village staff to manage licensing, citing that there is a large Priority Action Item list with a limited number of staff members (there has been a reduction of 70 people in the last ten years). He also noted the Village would need additional resources in law enforcement to enforce the regulations. Commissioner Gilmartin said that allowing gaming in town would reduce public school funding. He spoke of the relief of burden to restaurants in 2020 due to the pandemic, but stated that based on the revenue data provided by staff, revenues have been up 20 percent year over year since 2019. Commissioner Gilmartin outlined the ways the Village helped the restaurants due to the pandemic which included outdoor dining, waived delayed fees, and the work of EDC for grants to restaurant owners. He noted that the Village only lost 1 to 2 restaurants during COVID as a result of its efforts. Commissioner Gilmartin stated it has been ten plus years with gaming in the surrounding communities and he does not believe it has affected the businesses in Downers Grove. He reviewed an analysis that

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showed that staff in DuPage County is paid \$3 less an hour where gaming is allowed and also stated that in the last four years, the number of new municipalities offering gaming is down. He said that an organization's brand is determined by what they want to reflect as their town principles. The Village has shown this in the past when banning the sale of dogs and cats, not allowing pawn shops in town, and having requirements on paint color and building materials used in certain districts. Commissioner Gilmartin said he wants to put this to a referendum if there is a split Council, saying it is a tool they can use to reflect the wants of the community. He spoke about towns that have restricted video gaming. He also discussed his support for gaming when he was campaigning and that he only sided with it before getting all the facts. He noted that in 2021 he recommended tabling it to do some research and get the facts. Commissioner Gilmartin said he does not support video gaming and wants Downers Grove to be known as a restaurant town and not a gambling one.

Mayor Barnett stated that he is not in favor of video gaming and had some questions regarding the ordinance and comments about data that may help to inform decisions. The Mayor explained he cares that the community has a brand and an image to uphold. He spoke of the draft ordinance being written in a way that will allow video gaming in the community without it really being noticeable to the public, and to him that says a lot. The Mayor explained that the Council makes decisions that can infringe on the rights people have to operate the way they want to operate. He said in this case, he does not believe the community will benefit from video gaming, as it brings in less than half a percent of revenue. He explained the topic of video gaming came about because it was a request from those members of the public that want to operate gaming machines – the Council receives requests from the public for various things all the time. The Mayor spoke of issues related to pension funds and requested consideration be given to the pledging of video gaming revenue to those funds. He then requested that that staff explore, collect data, if needed, and respond to the following:

- Using data from the Bureau of Labor Statistics, determine if there is a difference in the wages paid to employees of eating and drinking establishments in DuPage municipalities that allow video gaming compared to municipalities that do not allow video gaming.
- Is there a difference in property values, as measured by residential and commercial Equalized Assessed Value, in DuPage municipalities that allow video gaming compared to municipalities that do not allow video gaming?
- Among the municipalities in DuPage County that generally allow video gaming, which of them prohibit video gaming cafes?
- Does staff think that the amount of the application and licensing fees will deter establishments from applying for video gaming licenses? Does staff expect that the Village will receive fewer than 10 applications due to the amount of the fees?
- Why did staff propose a maximum of ten (10) video gaming licenses to be made available in the draft ordinance and a maximum of six (6) terminals per establishment?
- Does the State law or draft Village ordinance require additional training for employees of establishments operating video gaming?
- How will staff handle simultaneous application filings for the proposed ten (10) video gaming licenses?
- Does the draft ordinance require landlord consent to apply for a video gaming license?
- Will warning signs be posted? (i.e. those that are required by the National Council on Problem Gambling and the State of Illinois)
- Are there any regulations or statutes protecting the municipalities' funds in the video gaming distributive fund?
- What is the breakdown of the take on video gaming (distribution of net terminal income)?
- What is the Economic Development Corporation's opinion on video gaming?
- Please explain how the Video Gaming Ordinance would be enforced. Will enforcement be similar to Liquor license enforcement efforts? Will the Village have the right to inspect the video gaming premises at any time?

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The Mayor went on to state that if the Council votes this in, it should not be something that they will reconsider a few years from now. He pointed out that people would be building businesses, hiring people, and taking out loans. He spoke of the Council's review of the Downtown Design Guidelines and how business owners follow certain rules on how they make their buildings look because they are a part of the community. He explained that the Villages strives to be and look a certain way to create certain impressions. The Village makes incentive deals with businesses to bring in redevelopment and continues to make the Village look better. He explained that everyone is entitled to their opinion what constitutes good and bad impressions. He explained that the Village plays an active role in forcing people to maintain their property and that is because the Village cares about impressions. The Mayor stated that if this passes, when the Council is considering changes to the Sign Ordinance that it ameliorates the concerns of the public.

Commissioner Tully explained that there was a time he believed there should have been a sunset provision, but he does not feel that way anymore. He pointed out that the Council has voted on things in the past that did not turn out as planned, and those things were eventually ended (i.e. flag lots). Commissioner Tully said he hopes that all his peers will do their best to hear the residents and consider what they are saying.

Commissioner Glover said he agrees with Commissioner Tully. He concurred with the Mayor about the possible issue with 10 licenses and suggested not counting the club veteran and fraternal organizations in that number, asking what would happen if the VFW approaches the Village after the 10 licenses have been allotted.

Attorney Petrarca said that currently they do count toward the 10 licenses.

Manager Fieldman said with the questions on the table, he thinks the answers provided by Village staff will provoke more conversation. Manager Fieldman asked for concurrence from the majority of Council with regard to the Mayor's request to reach out to the EDC, as there are no governance practices related to engaging the EDC.

Commissioner Tully questioned how long it would take the EDC to respond and if they are comfortable responding.

The Council agreed to Village staff engaging with the EDC, as long as the EDC responds in a timely manner.

Manager Fieldman stated he would ask the EDC how long it would take to provide a response. He then asked for feedback on having another First Reading or going straight to the Active Agenda. He said that there would be more conversation if the item was on First Reading again on October 17th and also noted that the entire Council was expected to be in attendance at the special meeting scheduled on October 24th.

The Mayor and Council agreed that with staff providing answers to the questions asked during the meeting, discussions could continue on October 17th, with the item being placed on the Active Agenda on October 24th.

9. Manager's Report

The Manager's report was given earlier in the meeting, under the First Reading portion of the agenda.

10. Attorney's Report

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

1. An ordinance rezoning certain property at 1634 63rd Street.
2. An ordinance rezoning certain property at 3854 Glendenning Road.
3. An ordinance establishing video gaming regulations.

11. Council Member Reports

Commissioner Davenport said he looks forward to having time to report on his attendance at the IML Conference. He said he suspects that Commissioner Sadowski-Fugitt would like to as well. Commissioner Davenport also noted that the Downers Grove North Cross Country team, boys and girls, was ranked #1 in the State and there would be a meet on October 4th.

Commissioner Gilmartin thanked Manager Dave Fieldman for his time spent working with the Village's Social Services Program. He said great work had been completed and he is looking forward to more good to come from that.

12. Adjournment

Mayor Barnett asked for a motion to adjourn the meeting.

MOTION: To adjourn the October 3, 2023 Village Council Meeting.

RESULT: Motion carried unanimously by voice vote.

MOTIONED TO APPROVE: Commissioner Sadowski-Fugitt

SECONDED BY: Commissioner Gilmartin

AYES: Commissioners Sadowski-Fugitt, Gilmartin, Davenport, Tully, Glover, Mayor Barnett

NAYES: None

Mayor Barnett declared the motion carried by voice vote and the meeting adjourned at 10:48 pm.

Respectfully Submitted,

Rosa Berardi
Village Clerk