



# Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

September 3, 2024

07:00 PM

## 1. Call to Order

Pledge of Allegiance to the Flag

## 2. Roll Call

**Council Attendance (Present):** Mayor Barnett, Commissioner Hosé , Commissioner Sadowski-Fugitt, Commissioner Gilmartin, Commissioner Glover (Electronic Attendance), Commissioner Davenport

**Council Attendance (Not Present):** Commissioner Tully

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

**MOT 2024-10445** A. Motion: Allowing for Electronic Participation for the September 03, 2024 Village Council Meeting

**MOTION:** A motion Allowing for Electronic Participation for the September 03, 2024 Village Council Meeting, as presented.

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

**MOTIONED TO APPROVE:** Commissioner Hosé

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

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

**NAYES:** None

## 3. Proclamations

### A. Suicide Prevention Month

After reading a proclamation in honor of Suicide Prevention Month Proclamation, Mayor Barnett shared information about the 988 Suicide/Crisis Hotline Information Line on the overhead screen in the Betty Cheever Council Chambers.

### B. Hunger Action Month

Mayor Barnett read a proclamation in honor of Hunger Action Month.

## 4. Minutes of Council Meetings

**MIN 2024-10215** — A. Minutes: Village Council Meeting Minutes – August 20, 2024

**MIN 2024-10452** — B. Minutes: Executive Session Meeting Minutes for Approval Only – August 20, 2024

**MOTION:** To adopt The Meeting Minutes of the August 20, 2024 Village Council Meeting and The Executive Session Meeting Minutes of August 20, 2024 for Approval Only, as presented.

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

**MOTIONED TO APPROVE:** Commissioner José

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

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

**NAYES:** None

## 5. Public Comments

Dr. Jody Hera, Chair of Equality Downers Grove (EQDG), read a statement about inclusion, equity and respect for all residents. She provided Village staff with a copy of the statement for the record.

Scott Melrose, a resident, spoke about a water main break at the intersection of Fairview Avenue and Grant Street and expressed his gratitude to the Public Works Department for their work to repair it. He expressed that this water main break was different than previous breaks and his concerns about the pavement being undermined. He asked what the process is to be sure this area is registered as problematic in case something happens with that pavement.

Mayor Barnett responded to Mr. Melrose that it was being noted at this meeting.

Robin Tryloff, a resident, shared information about Downers Grove participating in National United Against Hate Week and encouraged residents to support local efforts to combat hate and support vulnerable citizens.

Vibha Rajput a building owner, spoke about issues with permitting and inspections she has had over the past year with her building located at 1734 Ogden Avenue. Mayor Barnett explained that he would work with her during a time outside of the Council Meeting to discuss the issues.

Jessica Mercado, a resident at 4523 Fairview, also spoke about the water main break at the intersection of Fairview Avenue and Grant Street, expressing concerns with the structural integrity of her property due to the main breaks. She said she would like a resolution to the continued issues.

Clorinda Greco, a business owner, spoke of concerns with the expense of outdoor dining being incurred by the taxpayers. She also expressed that she would like an alternative solution for outdoor parking considered before parking is compromised for outdoor dining.

David Rose, a resident, expressed concerns about capitalism and democracy.

Mayor Barnett explained that the Village does not set property taxes for individual properties in the Village and anyone that would like to dispute the amount of their property taxes needs to do so with the Township Assessor's Office.

## 6. Consent Agenda

**COR 2024-10242** — A. Claims Ordinance: No. 6567, Payroll – August 09, 2024 and August 23, 2024

**BIL 2024-10243** — B. Bills Payable: No. 6822 – September 03, 2024

**RES 2024-10443** — C. Resolution: Authorizing the Acceptance of Public Improvements at 7135 Dunham Road

**Summary:** This resolution authorizes the acceptance of public improvements for the Kapovich Subdivision, which is located on the east side of Dunham Road, approximately 120 feet north of Crystal Avenue.

### RESOLUTION 2024-61

#### **A RESOLUTION AUTHORIZING ACCEPTANCE OF PUBLIC IMPROVEMENTS – 7135 DUHNAM ROAD**

**MOTION:** To adopt The Consent Agenda of the September 03, 2024, as presented.

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

**MOTIONED TO APPROVE:** Commissioner Hosé

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

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

**NAYES:** None

## 7. First Reading

**MOT 2024-10451** — A. Motion: Authorize Staff to Negotiate a Redevelopment Agreement for Civic Center Lot 2 with Amended Key Terms

Village Manager Fieldman explained that on February 6, 2024, the Council approved a motion authorizing staff to negotiate a redevelopment agreement for the Civic Center Lot 2 with Key Terms (attached to the agenda materials) with LCIDP. Manager Fieldman explained that since that time, Village staff and LCIDP have been actively negotiating that redevelopment agreement, however due to changes in the anticipated cost of construction and the likely value of the completed apartment development, LCIDP has requested the following amendments to certain key terms: a reduction in the purchase price by \$1.2 million, for the Village to waive building permit fees not associated with out of pocket expenses incurred by the Village, and for the Village to pay for the costs of Village-owned, off-site public improvements near a shared driveway. Manager Fieldman added that Village staff also negotiated an increase in the earnest money. He also shared that in the revised key terms there are minor changes reflecting that the Illinois Environmental Protection Agency (IEPA) has already approved the remedial action plan for the property and there is a revised grading plan. Manager Fieldman explained that the Village's financial position overall with this development is anticipated to be better than it was a few months ago due to updated projections.

### Public Comments

Janet Whittingham, a resident, suggested the Council reject the proposal. She said the rationale is twofold with anticipated revenues from the TIF being higher than a year ago. She explained that this would put a higher burden on the taxpayers, and finds it hard to believe that the developer is a top contractor in the business and they are unable to properly estimate costs. Ms. Whittingham opined that this should not fall on the taxpayers and suggested finding a different developer instead.

Clorinda Greco returned to the podium and said that this is a 45% discount, and if the residents asked for this, they would not get it. She suggested putting restaurants here with parking instead. She suggested looking for another developer that can do things better.

### Village Council Comments/Questions

Commissioner Hosé said that initially LCI made him comfortable because of their affiliation with Leopardo Construction, and he knows first hand that Leopardo Construction is a good union general contractor. He said LCIDP is looking at lowering the cost of construction by taking this to non-union workers. He opined that coming back and looking for these concessions is a breach of trust, as negotiations of the key terms have been ongoing for the past year— looking for a 45% discount now is too far for him. He expressed that if there is a time to go out to bid, the time is now.

Commissioner Sadowski-Fugitt said she has the same concerns as Commissioner Hosé, that of using good quality union workers. She said she has concerns with cutting the purchase price by 50%,. She also shared that she is still trying to collect information on this, but has concerns with moving forward with this at this time.

Commissioner Gilmartin asked the developer to help the Council understand why such a dramatic cut is something that the Village Council should consider.

Chad Broderick, managing partner at LCI Development Partners, introduced his colleague, Justin Parr, who is also a partner with LCI.

Mr. Parr explained that there have been a few things that have changed since the RFP was issued, including the site delivery condition and working together on meeting the IEPA requirements. He said the original RFP led them to

believe they would not have to haul soil off of the property, but that information changed when the IEPA followed up with the Village this year.

Commissioner Gilmartin asked Mr. Parr for clarity with regard to the cost of the soil removal – was he saying that the cost of the soil removals was open ended in the original RFP and those costs exceeded what his expectations were?

Mr. Parr said that the potential contaminants that were reviewed changed. He explained that the scope of what had to be done as of last October to this May was different.

Commissioner Gilmartin clarified that because the scope of the work could possibly change (there is no clarity about that yet) they are charging for the extra work that could be incurred. The Commissioner asked if LCI worked on the Civic Center building.

Mr. Parr responded answered yes to the first part of the clarification and said that LCI did not work on the Civic Center building.

Mr. Parr spoke about broader market costs going up every year, explaining that the original projection for property taxes was \$3,400 per door, on an annual basis, and new assessments are showing somewhere between \$4,400 and \$4,700. He explained that while this has a positive effect on the Village, it negatively affects LCI in trying to create a profitable project. Mr. Parr shared that roughly 65% of the total trade costs on this deal would be union workers. He shared that LCI would prefer to do it 100% union, with Leopardo as the general contractor, but at this time, and in this market, that is not possible.

Commissioner Davenport asked if LCI is really affiliated with Leopardo if they were not involved with the Civic Center building.

Mr. Parr explained that LCI and Leopardo are completely separate organizations, but added that LCI has a preferred relationship with Leopardo (they share resources).

Commissioner Davenport said his initial reaction was to reject this offer and kick this to the curb, and go out back out to bid, but then explained that he was weighing the cost of doing that and having the property sit unsold for longer. He spoke of the percentage of the earnest money going from 5% to 18%, which works out to a doubling of the earnest money, increasing it from \$138,000 to \$280,000. In reference to the key terms, Commissioner Davenport asked what the Village means by all required fees, when the permit costs are being taken out.

Village Attorney, Enza Petrarca, said this refers to if there are other impact fees, or that sort of thing (anything other than building permit fees).

Commissioner Davenport asked why the word reasonable is included.

Attorney Petrarca and Manager Fieldman said this is a typical term used to avoid incurring any unreasonable, outlandish fees for consultants that are not needed – anytime the Village goes outside of the staff team to a consultant and the consultant sends the Village a bill for review services.

Commissioner Davenport asked about two items under the Village Obligations – 1) Granting cross-access easements, if requested; and 2) Pursue removal of existing easements on the lot.

Attorney Petrarca said there were some old easements that have been taken care of in the last month or so - meaning there are no longer any existing easements on the old property.

Manager Fieldman said the cross-access easements part is related to the potentially shared driveway being used to access the Village's fleet garages, as well to serve as the main access point for the developer.

Commissioner Davenport said he noticed the end date was adjusted to have everything finished by January 31, 2027. He asked what happens if it is not finished within that time frame

Manager Fieldman said usually with redevelopment agreements there are performance requirements and if they are not met something is at stake – those are still being worked on and will be in the final redevelopment agreement.

Commissioner Davenport asked for confirmation from the developer that these adjustments are necessary, and if they do not get what they are asking for, then they are walking away.

The developer confirmed that is correct.

Mayor Barnett told the Mr. Parr and Mr. Broderick with LCI that all six Council members were disappointed with the situation. He said it is their job as the developer to include things like contingencies, forecasts, and projections - those are not new things and this is wrong. He said the question is to take this horrible deal or go out to bid. The Mayor then directed his statements to Manager Fieldman. He said if this were to go back out to bid again, he wanted to have some sense of the impact it would have on time it would take versus taking the deal before them.

Manager Fieldman said that Deputy Village Manager Mike Baker had been modeling this project for years, both on the construction side and on the revenue side – it is the potential loss of up to two construction seasons of tax increment. Manager Fieldman said he will bring the requested information back next week to present to the Council.

Commissioner Glover said he understands the concerns of his colleagues and is also concerned with the market and with the types of developers they may get if this goes out to bid.

Manager Fieldman reiterated that this will be presented again next week, and will include the information requested by the Council.

## **8. Active Agenda**

### **MOT 2024-10453 — A. Motion: Accept the Updated 2023-2025 Long Range Plan**

**MOTION:** *To Accept the Updated 2023-2025 Long Range Plan, as presented.*

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

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

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

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

**NAYES:** *None*

### **Public Comments**

Janet Whittingham returned to the podium and expressed concerns that funds from the years 2022-2023 exceeded expectations and were spent on projects that did not need to be completed (streetscape and landscape expenditures) at the expense of taxpayers. She said she thinks that the Council should reorder its priorities and complete projects that benefit the entire Village.

### **Village Council Comments/Questions**

Commissioner Gilmartin noted that the Health and Risk Funds cash balances have dropped significantly. He said the Council needs to keep an eye on those balances and consider smoothing efforts.

Manager Fieldman said the Village is self insured for health benefits and risk related items as well. He said as Commissioner Gilmartin suggested, per Council directive, because of the great performance of the General Fund, some of that money has been moved into the Health and Risk Funds, to smooth things out. Manager Fieldman also announced that the Village was notified that the IEPA was providing a low interest loan for improvements to the water fund – this is saving the Village approximately \$4 million on interest expenses and will allow for more work to be completed on water main projects. He said there is more information regarding this on the Village website.

Mayor Barnett said there are a lot of things that one person may call unnecessary, the Civic Center being one of them. He said of all of the communities in DuPage County, Downers Grove charges some of the lowest taxes and provides some of the highest value in the County. He explained in a resident survey, 93% of the residents that took it said that they

are thrilled to live in Downers Grove. The Mayor spoke of the importance of Food and Beverage Taxes and the impact they have on having lower property taxes.

## 9. Mayor's Report

There was no Mayor's Report.

## 10. Council Member Reports

Commissioner Sadowski-Fugitt thanked all that registered for the Grove Foundation Golf Outing.

Commissioner José thanked the Village staff and Leopardo Construction for their work on the new building.

Commissioner Glover shared that the Grove Foundation Fine Arts Festival will be taking place this upcoming Saturday and Sunday. He said more information could be found at [DowntownDG.org](http://DowntownDG.org).

Mayor Barnett thanked the downtown business owners that pay an extra tax for the Fine Arts Festival and other downtown Downers Grove events.

Mayor Barnett called for a brief recess at 8:14 p.m. to allow the Council time to move to the back of the Chambers for the Manager's Report.

## 11. Manager's Report

### REP 2024-10448 — A. Report: Guiding DG: Comprehensive Plan and Related Projects – Environmental Sustainability Plan Outline

The meeting reconvened at 8:17 p.m. Jason Michnick, Environmental Sustainability Coordinator, presented via a PowerPoint presentation.

Mr. Michnick reviewed the Council's feedback from past meetings. This included reviewing some of the key terms and concepts that were shared by the Council, and also that the Council favored a refinement of the definition of environmental sustainability that was created during Long Range Planning efforts. He read the new suggested definition of environmental sustainability, put together by the Environmental Concerns Commission for the Council to consider – "Being environmentally sustainable is the continuous and conscious effort to act strategically in service delivery and policymaking in a way that preserves resources and enhances the natural environment for future generations." Mr. Michnick then reviewed what successful plan outcomes will look like and explained that the Environmental Sustainability Plan will be an actionable and measurable tool, that fits into existing plans and processes. He explained what the scope of the project would be and emphasized the importance of the Village leading by example. He also reviewed the summary of ECM findings.

Mr. Michnick then reviewed the Environmental Concerns Commission's outline of the Sustainability Plan. He explained that the intention of the Environmental Sustainability Plan is to describe an aspirational vision of a more sustainable Downers Grove over the next 20+ years. He said the objectives are within a 10 year time frame, with the action plans being over 2 year time frames. He explained that the plan is being created to have a purpose, a vision, and a call to action. Mr. Michnick reviewed the Village objectives and identified the thematic focus areas that fall under Village operations and community influence. He explained that the Community Pledge section is an optional section for the Council to consider, and involves community-level objectives that could include actions for individuals, households, and businesses. He explained this section could be treated as a mini GRC (Greenest Region Compact) and could have an alternative timeline than the core Environmental Sustainability Plan - to ensure that deadlines are met. Mr. Michnick noted that the intent is for there to be five bi-annual action plans through the life of the Environmental Sustainability Plan that will be developed and implemented on a similar timeline as the Long Range Planning process. Lastly, Mr. Michnick provided an example of how the vision statements, objectives, and actions would be aligned with the Environmental Sustainability Plan.

Mayor Barnett explained that the purpose of the meeting is to discuss the scope of the structure of the plan, rather than the policy and content.

Commissioner Sadowski-Fugitt said that it is clear and that a lot of thought was put into it. She said she supports the objectives, thought that consistent language was used, she liked the personal story telling nature of it, she would like to include a strong impact statement and tie that to Village actions, she thinks the Community Pledge is a good idea and thinks it could be on a different timeline, and she commented on how much she liked the Appendix. The Commissioner said she thinks the definition of environmental sustainability reflects the comments made by the Village Council and is torn as to whether the word "natural" should be used before the word resources.

Commissioner Gilmartin said there was something in the presentation that spoke about land ethics. He said he is not familiar with that term.

Jay Womack, with GZA, explained that the term Land Ethic is termed by a conservationist from the early 1900s that takes into consideration all of the things that make up our environment and how we want to protect it.

Commissioner Gilmartin asked Mr. Michnick to comment on the split on whether or not to include the Community Pledge or to separate that out further.

Mr. Michnick said there is support for the item in general.

Commissioner Davenport asked if the split to not include it in the Plan is due to timing.

Mr. Michnick said not necessarily. He said he thinks if it were to be separated it would provide some flexibility. He said it is really about whether or not this item should be included in the Environmental Sustainability Plan.

Commissioner Gilmartin said thinks he would like to see it included, but he would like the focus to be on Village operations and the Village first. He said he thinks this is fantastic and he likes the new definition. He said he thinks overall the outline is strong and this is a good start.

Commissioner José asked how the 2, 10 and 20 year timelines came about.

Mr. Michnick said this was following the Comprehensive Plan timeline, and the 10 year plan was splitting the difference and taking into account the amount of time it takes for the drafting of the plan. He said the fact that technology is emerging also needs to be considered.

Manager Fieldman said the 20 year timeline aligns with Comprehensive Plan vision, and as Mr. Michnick explained, the Environmental Sustainability Plan is one that can be incorporated into other plans. He explained that the Long Range Plan is a three to five year plan, but it is looked at every year. He said that just like LRP, this would be a living document that would be reviewed every year and would also have a three to five year (plus) horizon. It would continuously be reviewed by the ECC and the Village Council.

Commissioner José said he agrees with Manager Fieldman that this is a living document. He said he thinks the 2 year window is something that is realistic with checking in on it annually. He said 10 years could be a little long for him and he might lean more towards 5 years instead.

Manager Fieldman asked if the Council is okay with a range of 5-10 years.

The Council concurred.

Commissioner José said this is a document to empower residents and bring them along the way. He said he hopes this is something that evolves and grows and brings opportunities to educate the community.

Commissioner Davenport said he did not want to repeat what has been said, but shared that he agrees with the definition and with how aspirational this is. He said in the matrix of things that are being looked at, he does not want to lose sight of the basic things, like how well things work and how long they last - he used lighting as an example.

Commissioner José said he is also good with the definition.

Commissioner Glover said he is good with the definition and said he thinks the Community Pledge is a good addition that he would like to see added to the Plan – he would like to see some type of education component in it.

Mayor Barnett said he likes the definition, and he is not sure if this is the place for it, but somewhere he would like to include that a part of the Village's goal is impact improvement. He said he wants a continuum of measurements. He said he wants to know there is a baseline and that the Village is measuring against it.

Mr. Michnick said they can look at successes and find out where the Village is having the highest return on investment.

Mayor Barnett asked Jason to expand on the continuum of measurements and what the structure of the document would look like – he asked if it would be in the appendix and would the appendix grow over time.

Mr. Michnick said he thinks that would be something to look at in the 2 year action plans – those include a focus on measuring impacts and how they will be carried forward. He said he needs to give some thought to it, but for some of the longer lasting impacts, the ECMs may need to be updated within a 5-10 year window.

Manager Fieldman spoke about 20 year efforts and the Long Range Plan being in a similar format because the key indicators are tracked for a long period of time and the LRP is updated every year. He said the Jason can assist with how to measure things, both short term and long term, and as they continue to be measured, every time there is an update they can be tied back to the existing conditions.

Mayor Barnett said if something cannot be measured then it cannot be fixed. He said there needs to be accountability, so that future Councils can continue this work. He said the Community Pledge is the most important part of this.

Commissioner José said when he was reading the ECC minutes, he noticed the lack of a District 99 representative and shared that he would like to see one included in the future.

Manager Fieldman assured the Commissioner that though District 99 is not formally represented on the ECC, Mr. Michnick has been working closely with District 99 on the Environmental Sustainability Plan, so they are connected to it. He said that he and Jason will follow-up on his request.

Commissioner José said that getting a youth voice involved is very important.

Commissioner Gilmartin said, in terms of the idea of accountability, he did not see anything in the Plan that addressed corporate or industrial accountability. He asked how the Village will make sure those types of things do not happen. He stressed the importance of having consistent metrics. He explained that this will be important 5-10 years from now.

Mayor Barnett said this could inform a Council in 6 years, and looking at something that is not moving right over time might affect prioritization.

Manager Fieldman said from the staff perspective, he wanted to acknowledge the work of the Council, Mr. Michnick, Mr. Womack and everyone on the ECC.

Mayor Barnett opened the floor to the public.

### **Public Comments**

Diane Kasnic, a resident, said she loves the fact that there is a Environmental Sustainability Plan in the works. She said she would like to see a little more habitat development involved.

Laura Temple, a resident, said she loved the Community Pledge and she suspects there is an appetite for this. She shared she thinks any guidance that comes from this is helpful.

David Rose returned to the podium asked if Downers Grove is known as a Village. He asked that terms be clear, as in if the term Village is meant as a government or as a community. He expressed his concerns about the Village use of the definition of sustainability.

Commissioner Davenport shared that in the slides, when it was said that buildings are the largest source of emissions in the community and Village, he suspected that some people might be confused. He suggested that it might be better to say that private and public buildings are the largest source of emissions. He said dialing in on some of these definitions, in terms of public versus private, might help make a point.

Manager Fieldman confirmed that this is true in some cases, even when speaking with staff. He referred to the word Village, stating that it can mean the Village's operations, the Village as a government, or the Village as the people who live in the community within a geographic boundary.

Janet Wittingham returned to the podium said she could hear the Council well during the meeting (audibly) and she appreciated that the Council reviewed the material so well before discussing it. She expressed her concern that just because taxes are low, it should not mean that more money should be spent. Ms. Whittingham said though there can be disagreements about what the word value can mean from one person to another, she thinks that everyone that attends the meetings is looking out for the good of their community.

Clorinda Greco returned to the podium and spoke about her concerns with trees that are cut down/removed and not replaced in the community. She also spoke of concerns with sidewalks that need to be cleared of snow during the winter months.

Mayor Barnett gave thanks to Mr. Michnick and the Environmental Concerns Commission for doing the work they are doing.

## 12. Adjournment

Mayor Barnett asked for a motion to adjourn the meeting.

**MOTION:** *To adjourn the September 03, 2024 Village Council Meeting.*

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

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

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

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

**NAYES:** *None*

Mayor Barnett declared the motion carried by voice vote and the meeting adjourned at 9:12 p.m.

Respectfully Submitted,

Rosa Berardi  
Village Clerk