

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

12/1/2015

7:00 PM

In order to give as many visitors as possible an opportunity to speak and in the interest of adjourning the meeting by 9:00 p.m., please limit your comments to 5 minutes in length, unless further time is granted by Council. Thank you.

1. Call to Order

Mayor Martin Tully called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Downers Grove Village Hall.

Pledge of Allegiance to the Flag

Mayor Tully led those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Council Attendance (Present): Commissioner Waldack, Commissioner White, Commissioner Vattimo, Commissioner José, Commissioner Olsen, Commissioner Barnett; Mayor Tully

Absent: None

Non-Voting: Village Manager David Fieldman; Village Attorney Enza Petrarca; Village Clerk April Holden

The Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village-owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.

The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of past meetings, an opportunity will be given for public comments and questions of a general nature. If a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing. Finally, an opportunity is given for public comments and questions on items appearing on the Active Agenda and the First Reading.

The Mayor stated that at the appropriate time the presiding officers will ask if there are any comments from the public. Individuals wishing to speak, should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name. Remarks should be limited to five minutes, and individuals are asked to refrain from making repetitive statements.

Mayor Tully said there are agendas located on either side of the Council Chambers, and he invited the audience to pick up an agenda and follow the progress of the Council meeting.

3. Minutes of Council Meetings

MIN 2015-6563 — A. Minutes: Council Minutes - November 17, 2015

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Motion: Commissioner Olsen, seconded by Commissioner White, moved to approve the minutes as presented.

Mayor Tully declared the motion carried by voice vote.

4. Swearing-In Ceremony - Police Chief Kurt M. Bluder

Mayor Tully introduced Former Downers Grove Police Chief Robert Porter, who is now the Police Chief of Huntley. Chief Porter gave background information on Police Chief Bluder and congratulated him on being named Chief of Police of the Village of Downers Grove.

April Holden, Village Clerk, swore in Kurt Bluder as the Chief of Police for the Village of Downers Grove.

Chief Bluder said he was humbled and honored to be appointed as Police Chief. He extended his appreciation to those in attendance and those who have helped him in his career, and especially thanked his family for their support. He thanked the Village for this opportunity to serve the citizens of the Village of Downers Grove.

Mayor Tully expressed his appreciation to Chief Bluder for his leadership and dedication, adding that this promotion is well earned.

5. Presentation - Patriot Award

Police Chief Kurt Bluder said two Police supervisors, Dave Bormann and Rob McMahon, are receiving Patriotic Employer awards from the US Department of Defense. He introduced Western Springs Police Chief Pamela Church and retired LaGrange Police Chief Michael Holub to make the presentations. Chief Church previously served as a Deputy Police Chief in Downers Grove. Chiefs Church and Holub serve as volunteers for the Employer Support of the Guard and Reserve (ESGR).

Chief Holub said Downers Grove and their supervisors continue to receive awards. He noted that tonight's awards go to individuals. US Army Reserve Officer Carissa Smith nominated Officers Bormann and McMahon. Chief Holub read a portion of the nomination statement from Officer Smith highlighting their support of her and her family while she has been deployed.

Chief Bluder said this is an example of the work of the Police Department. He read the Mission Statement of the Police Department which is to preserve safety and enhance the quality of life in Downers Grove, to provide service with understanding and respond with compassion, and to do so with honor, courage and integrity; never losing sight of the respect and pride we have for one another and those we serve.

Chief Bluder noted that Officer Smith is deployed to Egypt and he thanked her for her service to her country. He noted that she will be on leave and home for Christmas.

Mayor Tully thanked the Police Department for supporting those in the Armed Forces.

Commissioner Olsen said it is a moving experience seeing our Chief here and to witness this awards ceremony. He was struck by the Mission Statement read by Chief Bluder and expressed his gratitude to the Police Department. He is so glad this was on the agenda.

6. Public Comments

This is the opportunity for public comments.

Bea Bennett, 913 Clyde Drive, reported on the wrap-up segment of the Clyde Estates project. She said she has never seen such activity. She is glad they survived. Ms. Bennett said that the Stop signs don't make sense. She asked that before the Village signs off on this project they make sure this is looked at carefully. One of the

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reasons that was given for this project was traffic. The stop signs keep the people who live there from getting out. She said that there was never a traffic study done and the streets are not striped. There is a stop sign in front of her house with another stop sign about 100 feet away, and a third about 20 feet away from that one. She noted that about a week ago the shoulders were put in, and a new kind of concrete was used which is not a quality job. They waited until late November to put in the sod over the snow. She asked that the Village make sure they get the value for the tax dollars being spent. She doesn't like a lot of the construction. Since the time change, lights of oncoming traffic now shine into her house. She said that she'd like to see the port-a-potties removed and for the Village to know that she is not impressed by the work that was done.

7. Public Hearings

PUB 2015-6576 — A. Public Hearing: 2015 Aggregate Tax Levy and Abatements for the Village of Downers Grove

Mayor Tully called the public hearing to order at 7:25 p.m. pursuant to the Illinois Truth in Taxation Law to consider the proposed 2015 tax levy of the Village of Downers Grove. Notice of this hearing was published in the Downers Grove Suburban Life and a copy of the notice and the proof of publication have been presented and are made a part of the official record of this hearing.

The Mayor summarized the procedures to be followed for the public hearing.

Deputy Village Manager Mike Baker reviewed the information regarding the Tax Levy. He summarized that the total levy is \$26,111,393, with \$8,334,144 abated, with a resulting Village levy of \$12,303,584, which is consistent with the adopted 2016 budget approved by the Council in November. This serves as the first reading of the Tax Levy and abatements.

Mayor Tully said the Village passes the levy but does not collect certain portions, which are the abatements.

Commissioner Barnett asked whether there is any opportunity to abate additionally after passage of this levy.

Village Attorney Enza Petrarca said that there could be additional changes made until March 31. She does not believe they can abate items that are not tied to the debt service. Commissioner Barnett commented that he doesn't think they are levying the proper amount and could levy less.

Mayor Tully said that it is fortuitous that they did not do that, particularly with the State continuing to withhold funds from the Village. They must operate prudently.

There being no further discussion, the public hearing was adjourned at 7:31 p.m.

8. Consent Agenda

Motion: Commissioner Olsen moved to approve the Consent Agenda as presented. Commissioner White seconded the motion.

Commissioner Waldack said one item on the Consent Agenda is the minutes from the Library Board meeting. He said a portion of the levy came from the Library over which the Village has little control, other than appointments. He said that the Village is doing all we can to hold the levy and not increase taxes. The Library is planning a 3.5% increase across the board, and he finds it financially irresponsible. Their minutes are not transparent. He asked that people keep a watchful eye on the Library.

Mayor Tully replied that the Village has a terrific, well-run high quality Library. The Library's levy is part of the Village's levy as required by law, but the Village has little control over it other than to vote to fund the Library or not, and to make appointments. The Village had to make tough choices and he would like to see more consistency between the Library's philosophy and the Village's. He urged people to attend the Library Board

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meetings and make their feelings known to the Library Board of Trustees. The Mayor repeated that the Village has an outstanding Library but they can be more consistent with the philosophy of the Village Council.

COR 2015-6561 — A. Claims Ordinance: No. 6135, Payroll, November 13, 2015

BIL 2015-6562 — B. Bills Payable: No. 6230, December 1, 2015

RES 2015-6448 — C. Resolution: Authorize an Agreement to Establish Recapture Fees for a Sanitary Sewer Located Along the Tollway and Lacey Road

Summary: Recapture of fees for public improvements.

**A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT AMONG DOWNERS GROVE
SANITARY DISTRICT, VILLAGE OF DOWNERS GROVE, MARGOSIAN PROPERTIES LLC AND
RATHJE PROPERTIES LLC TO ESTABLISH RECAPTURE FEES FOR A SANITARY SEWER
LOCATED ALONG THE TOLLWAY AND LACEY ROAD**

RESOLUTION 2015-79

MOT 2015-6490 — D. Motion: Authorize the Purchase and Renewal of Property, General Liability, Excess Liability and Workers Compensation Insurance Coverages

Summary: Annual insurance renewals

MIN 2015-6573 — E. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Library Board - October 28, 2015; Stormwater and Flood Plain Oversight Committee - October 8, 2015; Zoning Board of Appeals - October 28, 2015

Votes: Yea: Commissioners Olsen, White, Waldack, Vattimo, Hosé, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

9. Active Agenda

ORD 2015-6525 — A. Ordinance: Rezone Certain Property Located at 1940 Elmore Avenue

Summary: This rezones 1940 Elmore Avenue from R-1, Residential Detached House 1 to R-4, Residential Detached House 4.

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 1940 ELMORE AVENUE

ORDINANCE NO. 5498

Motion: Commissioner Olsen moved to adopt "An Ordinance Rezoning Certain Property Located at 1940 Elmore Avenue," as presented. Commissioner White seconded the motion.

Votes: Yea: Commissioners Olsen, White, Waldack, Vattimo, Hosé, Barnett; Mayor Tully

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Nay: None

Mayor Tully declared the motion carried.

ORD 2015-6526 — B. Ordinance: Approve an Amendment to Planned Unit Development #51 to Allow Revisions to the Campus Master Plan at Midwestern University Located at 555 31st Street

Summary: This approves an amendment to Planned Unit Development #51 to allow revisions to the Campus Master Plan at Midwestern University located at 555 31st Street.

AN ORDINANCE APPROVING AN AMENDMENT TO PLANNED UNIT DEVELOPMENT #51 TO ALLOW REVISIONS TO THE CAMPUS MASTER PLAN AT MIDWESTERN UNIVERSITY LOCATED AT 555 31ST STREET

ORDINANCE NO. 5499

Motion: Commissioner Olsen moved to adopt "An Ordinance Approving an Amendment to Planned Unit Development #51 to Allow Revisions to the Campus Master Plan at Midwestern University Located at 555 31st Street," as presented. Commissioner White seconded the motion.

Votes: Yea: Commissioners Olsen, White, Waldack, Vattimo, Hosé, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

ORD 2015-6527 — C. Ordinance: Rezone Certain Property Located at 2501 Hobson Road

Summary: This rezones property at 2501 Hobson Road from R-1, Residential Detached House 1 to INP-1, Neighborhood-Scale Institutional and Public District.

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 2501 HOBSON ROAD

ORDINANCE NO. 5500

Motion: Commissioner Olsen moved to adopt "An Ordinance Rezoning Certain Property Located at 2501 Hobson Road," as presented. Commissioner White seconded the motion.

Votes: Yea: Commissioners Olsen, White, Waldack, Vattimo, Hosé, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

ORD 2015-6528 — D. Ordinance: Authorize a Special Use for 2501 Hobson Road to Permit a Cemetery

Summary: This authorizes a special use for 2501 Hobson Road to permit a cemetery.

AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 2501 HOBSON ROAD TO PERMIT A CEMETERY

ORDINANCE NO. 5501

Motion: Commissioner Olsen moved to adopt "An Ordinance Authorizing a Special Use for 2501 Hobson Road to Permit a Cemetery," as presented. Commissioner White seconded the motion.

Votes: Yea: Commissioners Olsen, White, Waldack, Vattimo, Hosé, Barnett; Mayor Tully

Nay: None

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Mayor Tully declared the motion carried.

RES 2015-6557 — E. Resolution: Authorize an Agreement with Williams Architects

Summary: This authorizes execution of an agreement between the Village of Downers Grove and Williams Architects for architectural services to update space need information and development of options for facility improvements in an amount not to exceed \$50,000.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND WILLIAMS ARCHITECTS IN AN AMOUNT NOT TO EXCEED \$50,000.00

RESOLUTION 2015-80

Motion: Commissioner Olsen moved to adopt "A Resolution Authorizing Execution of an Agreement Between the Village of Downers Grove and Williams Architects in an Amount Not to Exceed \$50,000," as presented. Commissioner White seconded the motion.

Commissioner José stated that he opposed this in the budget as they have studied the needs for a decade.

Commissioner Waldack said that he would support this Resolution. He stated that it is clear that residents want a Police Department to meet the Department's needs. To not look at this with fresh eyes will lead us down the path of \$46 million. Commissioner Waldack said that Williams Architects has provided responsible work in the past. This is a new set of eyes and is a revised process.

Commissioner Barnett agreed with Commissioner José, saying that it is not the needs that have changed. What changed is the residents saying they don't want to spend the money. He believes this study is not necessary.

Commissioner Olsen commented that he looks forward to supporting this. The Council has given direction to the staff and the architects to address the needs, and this takes another step toward the solution in a fiscally responsible manner.

Mayor Tully stated that this firm was responsible for Fire Station #2, and the Village has had a good relationship with them. It is basically a retainer. The Village doesn't have to spend \$50,000. We know the needs but they are not widely known throughout the community. It is a not-to-exceed \$50,000 contract.

Votes: Yea: Commissioners Olsen, White, Waldack, Vattimo; Mayor Tully

Nay: Commissioners José, Barnett

Mayor Tully declared the motion carried.

10. First Reading

Village Manager Dave Fieldman said that there are only two topics under First Reading – the first addresses the Historic Preservation efforts; the other items relate to the tax levy.

ORD 2015-6571 — A. Ordinance: Amendments to the Historic Preservation Code

Community Development Director Stan Popovich said that the Village established an Ad Hoc Subcommittee on Historic Preservation in July 2015 with two goals: 1) increase the number of properties or areas designated as historic landmarks or districts under the Village's Historic Preservation Ordinance; and, 2) decrease or avoid the

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loss of historically or architecturally significant buildings and places in the Village. Mr. Popovich said that over a 90-day period the Architectural Design Review Board (ADRB) and the Ad Hoc Subcommittee met six times and reviewed the existing ordinance, ordinances and programs from other communities, considered the Village's experience with preservation, surveyed property owners of potentially historically significant properties, and considered public comments. He stated that members of the Ad Hoc Subcommittee were present at this meeting.

Mr. Popovich then noted the findings of the ADRB and Ad Hoc Subcommittee. Those findings show that regulations deter participation, there is a lack of awareness about the ordinance and the Villages preservation efforts, there is a lack of understanding about ordinance regulations and the designation process, and there are significant participation costs involved. As a result of its meetings, the ADRB and Ad Hoc Subcommittee noted certain desired outcomes that included creating financial incentives, reducing regulatory requirements, emphasizing voluntary participation, simplifying the application and approval process, informing and educating the community, instilling pride and celebrating the community, and leveraging partnerships.

Mr. Popovich then explained the ordinance revisions, noting that definitions have been revised, and filing requirements have been reduced. He noted that they have aligned public hearing requirements, and if no permit is required, then no Certificate of Appropriateness is required. The Certificate of Appropriateness (COA) is only required for work that is visible from a public right-of-way. Other revisions clarify that the applicant for a historic landmark can only be the owner or owner's agent and the applicant for the historic district is a property owner or authorized agent within the proposed district. New provisions include thematic historic districts. Applications for designation precludes any work requiring a COA, demolition by Acts of God have repair provisions, and a certificate of economic hardship can be obtained.

Mr. Fieldman said the result of those meetings were positive unanimous recommendations by the ADRB and the Ad Hoc Subcommittee.

Mayor Tully thanked everyone who participated in the process. He said that the members of the committees worked in a short time period, and produced a terrific work product. The Mayor thanked the chairs of both groups, and staff for making it seamless. He also expressed his gratitude to the public for their participation. Most Boards are recommending Boards and the Council is to consider the recommendations and may adopt or change them. The process worked and members did what they were asked to do, and he was struck by the property survey. Mayor Tully said he was excited about the changes proposed regarding landmark designations. On the district side, he can see competing interests, and he understands thematic districts somewhat, however, people could landmark their properties individually if they chose to do so. He is struggling with Section 6 and 7 and the definitions with respect to districts.

Commissioner José said he agrees with landmarking an individual home. Council heard from many residents that the Village was overly regulatory, many people didn't know about the existing ordinance, and the process and the cost was too high. The report addresses ways to deal with those concerns. Relaxing regulations will make it easier to landmark, and it will be easier to make districts because of the addition of the thematic district.

Commissioner José said what is missing is the establishment of the first district. The educational components in the report and the easing of the burdens in terms of making non-contiguous districts and landmarking homes go a long way toward getting the ball rolling. He is prepared to move forward with the report as it is. He thinks it is fantastic that so many different people from across the Village with different ideas came together and built consensus such that this was recommended with a vote of 14-0. He thanked the committees for their work and looks forward to implementing this.

Commissioner White stated that it is his understanding that the difference between thematic districts vs. voluntary districts is that a thematic district could include homes even if they weren't otherwise eligible. He said the larger question is that this report pulls the plug on the idea of having contiguous traditional historic districts due to the 100% consent requirement. He thinks they could merge historic district contiguous and historic district thematic without losing anything. He said he doesn't see obvious historic districts in Downers Grove.

Commissioner Waldack thanked the committees for their hard work, saying it is a great plan and goes a long way in preserving the history of the Village, which is the object of the plan. The current plan had no teeth and no

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voice. He looks forward to implementing those steps. When it comes to saving history, whether it is a particular structure or an area, there has to be a public interest. This plan provides definitions and a means to save history without the need for outcry. They must preserve property rights, which are a bundle of rights. He said that there are certain things people give up when they become part of a community. It is important to find the tipping point where public interest exceeds certain property rights. We need to find what needs to be preserved. Circumstantial possibilities exceed certain ordinances. A property owner from out-of-state, consumed with the idea of making a profit, may not care about historic preservation. With respect to historic districts, Commissioner Waldack said he appreciates the idea of non-contiguous districts. He spoke to the consent requirement and said that the Edwards House experience taught us that 51% consent is not a low bar. People who are on record as being for historic preservation have indicated a strong desire to keep the 51% consent requirement. Those that paid lip service to historic preservation, but did not support it, want the bar to be raised to 100%. He thinks the Council could start implementing parts of the plan. He could not support the 100% consent requirement but could consider a 51%.

Commissioner Barnett commented that he was excited reading through this. The report is a broad-based effort to address this issue. He noted that for seven years the Village has had little success preserving historic structures. When 14 people on the committees think that these changes made sense, he is inclined to try it. Districts are tough and balance is hard to find. Commissioner Barnett said that this seems like a logical next step, and is about balance. He thinks this is a fantastic next step. The Ordinance is one small piece of historic preservation, and he hopes the staff is directed to begin on some of the more expanded items. He thinks they have to get residents excited about this as well.

Commissioner White said he disagrees that this is a next step. This is a crossroads, and he struggles with this. He asked at what point they abandon the traditional historic district. This report is the permanent abandonment of traditional historic districts. It is not a next step; it is a fundamental crossroads decision.

Commissioner Waldack commented that lip service was not a swipe at our committee. Their work was not lip service.

Commissioner José commented that people are overly hung up on thematic versus historic districts, and on 51% to 100% consent. People can choose whether to opt in. This protects homeowners' property rights. He supports thematic districts.

Mayor Tully stated that he wants to see the advancement of the goals and objectives put forth. He is confident that if the changes in all but Sections 6 and 7 go into place next week, the Village will double the number of homes to be landmarked within six months. He added that directing the staff to implement the strategies is important and should be done no matter what. They will promote information and education to the community. The district issue may not be a step forward in his opinion. The thematic district is creative, however, requires 100% participation and eliminates the traditional historic district. He might prefer that the districts remain as it is. He would like to see a focus on the individual landmarking portion of this.

Mr. Fieldman replied to the Council that the strategies are to make the experience easier to go through, and to make the process better known. He explained that there is no further presentation regarding Item B.

Commissioner White asked for clarification that comments would be taken for both items A and B.

1. Ken Lerner, 4933 Whiffen Place, said he submitted comments about this about a month ago and distributed copies of those remarks. He explained that his comments were both from himself and the Pierce Downer's Heritage Alliance (PDHA). Mr. Lerner said that they agree with many of the comments regarding education, incentives, and to have a program and not just an ordinance. He said that the PDHA stands ready to be a partner in this project. With regard to the specific changes proposed to the Ordinance, there are some concerns. With regard to landmarking, Mr. Lerner said they agree that getting more landmarks on the books is a good idea, and simplifying the application process is a good idea. He noted that the requirement that only an owner can submit an application seems like a solution when there is no problem; however, he would not like to see them cut someone off because they cannot present their petition. He doesn't think they should cut themselves off from an

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outside party. He said that in one case there was an elderly person who needed a lot of help to go through the process. He thinks they should allow others to respond as well.

With regard to historic districts, he asked why they should cut themselves off from someone who cannot make a presentation if the owner is from a district but cannot specifically participate. As to thematic districts, he said the idea is interesting but it does not need to be exclusive. The 100% consent requirement presents an impossibility to have geographic based districts. He asked why they don't have both traditional geographic based districts as well as thematic districts. Mr. Lerner said that this might require more study, or can be left the way it is. He noted that Geneva's historic district is a destination for visitors and shoppers.

Mr. Lerner made two additional recommendations to include a positive statement that our architectural and cultural heritage should be recognized, celebrated and preserved, and expand the mission statement of the ADRB to be more positive. The composition of the ADRB should have a demonstrated interest in historic preservation. The proposed provisions are a bit of a mixed bag, and it is important for the Council to review it carefully.

2. Tom LeCren, 545 Chicago Avenue, said he supports the change in the Ordinance that states that only the homeowner can nominate property for historic preservation. The current Ordinance says that anyone can nominate a property for historic preservation; however, once a home is nominated, it prevents an owner from making any changes to their home, which is unconstitutional.

Mayor Tully said there would have to be owner consent.

Commissioner José said that an owner could designate the PDHA or another group to act as their agent.

3. Scott Lazar, 808 Maple, read into the record comments from the Mahers of 819 Maple. The Mahers provided historic context to show how positive the changes are. The Edwards house petition was not organic. It came from outside the neighborhood. The comments from the Mahers reviewed the process people encountered during the Edwards House situation, which left many scars in the neighborhood. They said that a nomination by non-owners is a way to strong-arm people. They asked not to go backwards and to give the unanimous recommendations from the committees a chance they deserve.

Mr. Lazar then made a personal comment, saying he agrees wholeheartedly with his neighbors. He didn't like Commissioner Waldack's characterization of people who didn't want to save the Edwards House. He knows of no one who was against saving the Edwards House. The comment is belittling and doesn't help build consensus. He said they all have the same goal, which is to preserve houses.

Mr. Lazar then said that there were five neighbors who had similar feelings and he spoke on behalf of his neighbors. He said that they did not know what to expect with the Ad Hoc Subcommittee. They could not be happier with the process and the outcome. The committees were thorough, inclusive, and everyone had a chance to participate in expressing their views. They applaud the conclusions regarding historic districts, while respecting property owners. Mr. Lazar said that the owners ask that the Council vote for the recommendations on the Ordinance as a whole without alteration.

4. Rich Kulovany, 6825 Camden, said he was thrilled with the process, which was respectful and provided an opportunity for everyone to be heard. He said he was present on behalf of the Friends of the Edwards House. He said that it is important to remember why they are here. The members are concerned that more of this will happen, and they would like to get as many properties landmarked as possible. He said there are 607 historic homes remaining, which represents only 4.2% of Village properties. Mr. Kulovany made a Power Point presentation that included some suggestions for improvements such as having the ADRB become chartered with continuing the survey process. They also suggest forming a separate historic preservation committee. They also like having other interested parties nominate structures, with owner consent. He said they would like to see a provision added for brick streets, Prince Pond and Barth Pond. Mr. Kulovany commented that having geographic districts combined with non-contiguous thematic districts could be very cumbersome and turn into a hodge-podge. The requirement of 100% consent was not acceptable. He then reviewed possible legal issues. In researching the constitutionality of certain provisions, the conclusion was to treat the Historic Preservation Ordinance in the same way as they treat other Zoning Ordinances—no better, no worse. Mr. Kulovany said that the recommendation of

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the Friends of the Edwards House is to adopt most recommended changes, and not deal with district issues now. They should build on community consensus and work to get a large number of homes landmarked.

5. Bill Martin, 701 Maple, said that the action of revising the Ordinance has been a wonderful experience for him and his family. He asked the Council to remove the obstacles to landmark designation. He noted that obstacles were created with respect to the Edwards House including trees. Trees were destroyed and caused delays. There was the issue of cost and the issue of air rights. Proposed changes remove the obstacles. What they do find as an obstacle is the 100% consent requirement.

6. Irene Hogstrom, 1232 Gilbert, commented that this volunteer group did a great job in a short period of time and she supports Mr. Lerner and Mr. Kulovany's comments. As a homeowner she appreciates the changes to make it easier to obtain landmark designation. Ms. Hogstrom said she disagrees with the suggested 100% consent requirement, and recommends that they keep the 51% consent requirement.

7. Ben Leitschuh, 529 Austin Street, said he was a member of the Ad Hoc Subcommittee, and provided background regarding the 100% consent requirement. The most contentious issue was the districts. After seven years, there were still no districts. He said they wanted to get more property landmarked, and the best way to do that was to move beyond districts. They see this as building momentum towards the greater goal of increasing historic properties in Downers Grove, but it must be done slowly. The 100% requirement was a compromise, as was the thematic non-contiguous districts. As it stands, two houses standing next to each other could form a district. People didn't do this because they didn't know how to do it. They were frightened of the results and didn't like the restrictions that were in place. The 100% isn't the issue that it's becoming. The Village owns a few properties that could be landmarked. He hoped the Council would consider doing this. He said that an owner could designate an agent to go through the process for them. Staff is more than helpful in going through the paper work and requirements, as is the ADRB. Anyone interested in landmarking his or her property could contact him.

Commissioner White said in listening to Mr. Leitschuh's comments it appears that the choice was to change course. Mr. Leitschuh said that they had to compromise in order to move forward. It was the 800-pound gorilla in the room. All they could do was talk about the Edwards House and they wanted to move beyond that. He doesn't see contiguous districts happening in Downers Grove.

Commissioner Waldack asked whether there is anything that can be done when the owner doesn't care about landmarking a property that should be saved. He gave as an example a situation where the owner doesn't live on the property or is from out of town.

Mayor Tully said that you would have to make the owner care.

Mr. Fieldman replied that there are tools to involuntarily landmark a property but not in the Village's Ordinance.

Commissioner Waldack replied that creating a geographic historic district isn't an answer as people can drop out. He asked what the advantages of being part of the district are.

8. Christine Martin, 701 Maple, said that she believes the landmarking opportunity is tremendous. For her it is a matter of pride. With regard to historic districts she strongly recommends that the Ordinance remain as is. She asked that they leave the 51% consent as is. If it is 100% there is no incentive to work to create a district.

9. Amy Gassen, 5320 Benton, said she was a member of the Ad Hoc Subcommittee. The problem isn't in the Ordinance, but in the education and promotion of historic preservation.

Mayor Tully thanked everyone for sharing their views. He noted that this is about individual landmarking, and is less about the Ordinance and more about strategies. He said that he has been talking with the Village Manager to landmark the train station. It is historic and he would charge the Council to charge the staff to do just that. He is proposing that they proceed with the landmarking designation changes and the education strategies. He would like to include the owner's submission requirement, but leave the district sections as they are. He does not want this conversation to get sidetracked because of districts.

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Commissioner White said he would like to leave things as the Mayor said with the amendment that the historic district thematic be added as a second alternative. The 51% consent would apply to contiguous districts and the thematic rules apply to the thematic districts and they exist side by side and people can apply either way. The odds of the 51% district being formed is remotely low. He loves the thematic district idea.

Commissioner Waldack said he agrees with Mayor Tully and Commissioner White.

Mayor Tully asked if Commissioner White meant that would leave the geographic district with a 51% consent, and the thematic district at 100% consent.

Commissioner White replied that owners could apply under the current rules or under the thematic district rules.

Commissioner Olsen said his concern about the proposal is the practicality regarding writing the Ordinance. He said that they are being creative and agrees they should explore the direction. He thinks they should allow sufficient time to get this right, and it is worth additional discussion. New ideas are being introduced. He doesn't want to hastily enter into this and wants to think about the district piece a little more. He is a little uneasy.

Mr. Fieldman and Village Attorney Enza Petrarca both said that this Ordinance could possibly be ready for next week's meeting.

Commissioner Vattimo asked what the advantage is to the 100% historic district consent. Mr. Fieldman said it would be the ease of application and the ease of review. A person could be simply included in a district application. The second advantage is that if a house would not meet an individual landmark requirement, the historic district would allow it to fit in that district.

Commissioner Waldack said he shared Commissioner Olsen's concerns. He has no problem regarding crafting language and having it reviewed by the ADRB and Subcommittee. He doesn't see the need to pass this before Christmas.

Commissioner Barnett commented that he previously supported the 51%. He said in his July recommendations that he supported the 51%; however, if as a Council they want to revisit district components, he would suggest putting off the district changes, but moving forward with the landmark portion. He doesn't like the idea of hurrying to get something done.

Mayor Tully suggested the Ordinance address the landmark designation changes and that the applicant for the historic district be a property owner, and leave the rest of the district language as is.

Ms. Petrarca asked if they mean to remove the reference to the thematic districts and Mayor Tully said that was correct.

Commissioner José recommended following Commissioner White's idea by putting the thematic district in to get the ball rolling on districts.

Mayor Tully said that could be another version.

Commissioner White said that thematic districts are where the education portion comes into play. Landmark designation doesn't break the inertia. Mayor Tully and Commissioner Barnett replied that it does.

Commissioner Barnett commented that removing obstacles for landmark designation may lead to districts, and will encourage people to come forward seeking landmark status.

Mayor Tully recommended having two versions of the Ordinance.

Commissioner José said that it seems that the biggest hang-up for both Council and the public is taking contiguous district threshold from 51% to 100% consent. If the consensus is that the contiguous district would stay at 51% consent required he asked why the inclusion of the thematic district is problematic.

Commissioner Olsen said he philosophically supports thematic districts but asked whether it works legally or creates issues.

Attorney Petrarca said that she would prepare two versions for the December 15 Agenda.

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Commissioner Barnett commented on Item 10B and how staff sees the process moving forward. He thinks the biggest chance for change comes from item B.

Mr. Fieldman responded that they would make a concerted effort to implement steps in the report. Anything requiring an Ordinance change will come back to the Council.

Commissioner José asked why they do not have a permanent Historic Preservation Committee. Mayor Tully responded that they might need to look at the overall workload. He is in favor of it but they need to be sure it doesn't overlap with the ADRB.

MOT 2015-6572 — B. Motion: Direct Staff to Implement the Proposed Strategies Outlined in the Historic Preservation Report

ORD 2015-6564 — C. Ordinance: 2015 Aggregate Tax Levy

Mr. Fieldman noted that Items C-S were discussed in the Public Hearing and staff has no further presentation.

Commissioner Olsen added to comments made regarding the Library. He concurred with the concerns expressed and encouraged the public to review this. With regard to the questions about the library, the Library Board has the final say.

ORD 2015-6538 — D. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2015 and Ending on the Thirty-First Day of December 2015 for Village of Downers Grove Special Service Area #2 (Downers Grove Downtown Service Area)

ORD 2015-6539 — E. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2015 and Ending on the Thirty-First Day of December 2015 for Village of Downers Grove Special Service Area #4 (Green Acres Subdivision)

ORD 2015-6540 — F. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2015 and Ending on the Thirty-First Day of December 2015 for Village of Downers Grove Special Service Area #5 (Atwood Subdivision)

ORD 2015-6541 — G. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2015 and Ending on the Thirty-First Day of December 2015 for Village of Downers Grove Special Service Area #6 (Fairview Fire Protection District)

ORD 2015-6542 — H. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2015 and Ending on the Thirty-First Day of December 2015 for Village of Downers Grove Special Service Area #7 (Dunham Subdivision)

ORD 2015-6543 — I. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2015 and Ending on the Thirty-First Day of December 2015 for Village of Downers Grove Special Service Area #8 (Nelson Meadow Subdivision)

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ORD 2015-6529 — J. Ordinance: Abate a Portion of the 2015 Tax Levy Related to the General Obligation Bonds, Series 2008A

ORD 2015-6530 — K. Ordinance: Abate a Portion of the 2015 Tax Levy Related to the General Obligation Bonds, Series 2008B

ORD 2015-6531 — L. Ordinance: Abate a Portion of the 2015 Tax Levy Related to the General Obligation Bonds, Series 2009

ORD 2015-6532 — M. Ordinance: Abate a Portion of the 2015 Tax Levy Related to the General Obligation Bonds, Series 2010

ORD 2015-6533 — N. Ordinance: Abate a Portion of the 2015 Tax Levy Related to the General Obligation Bonds, Series 2010B

ORD 2015-6534 — O. Ordinance: Abate a Portion of the 2015 Tax Levy Related to the General Obligation Bonds, Series 2012

ORD 2015-6554 — P. Ordinance: Abate a Portion of the 2015 Tax Levy Related to the Library Refunding General Obligation Bonds, Series 2013

ORD 2015-6535 — Q. Ordinance: Abate a Portion of the 2015 Tax Levy Related to the General Obligation Bonds, Series 2013A

ORD 2015-6536 — R. Ordinance: Abate a Portion of the 2015 Tax Levy Related to the General Obligation Bonds, Series 2014

ORD 2015-6537 — S. Ordinance: Abate a Portion of the 2015 Tax Levy Related to the General Obligation Bonds, Series 2015

11. Mayor's Report

Mayor Tully thanked everyone who came to the Tree Lighting Ceremony the day after Thanksgiving. It was well attended and was a kick-off to Small Business Saturday.

The Mayor said that the DuPage County Stormwater Management Committee met and discussed flood plain mapping. They do not know when a revised map will be issued or whether a second open house will be held.

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12. Manager's Report

13. Attorney's Report

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

1. An ordinance amending the Historic Preservation Code
2. An ordinance adopting the 2015 Aggregate Tax Levy
3. An ordinance levying taxes for 2015 for Special Service Area #2 (Downers Grove Downtown Service Area)
4. An ordinance levying taxes for 2015 for Special Service Area #4 (Green Acres Subdivision)
5. An ordinance levying taxes for 2015 for Special Service Area #5 (Atwood Subdivision)
6. An ordinance levying taxes for 2015 for Special Service Area #6 (Fairview Fire Protection District)
7. An ordinance levying taxes for 2015 for Special Service Area #7 (Dunham Subdivision)
8. An ordinance levying taxes for 2015 for Special Service Area #8 (Nelson Meadow Subdivision)
9. An ordinance abating a portion of the 2015 Tax Levy related to the general obligation bonds, Series 2008A
10. An ordinance abating a portion of the 2015 Tax Levy related to the general obligation bonds, Series 2008B
11. An ordinance abating a portion of the 2015 Tax Levy related to the general obligation bonds, Series 2009
12. An ordinance abating a portion of the 2015 Tax Levy related to the general obligation bonds, Series 2010
13. An ordinance abating a portion of the 2015 Tax Levy related to the general obligation bonds, Series 2010B
14. An ordinance abating a portion of the 2015 Tax Levy related to the general obligation bonds, Series 2012
15. An ordinance abating a portion of the 2015 Tax Levy related to the library refunding general obligation bonds, Series 2013
16. An ordinance abating a portion of the 2015 Tax Levy related to the general obligation bonds, Series 2013A
17. An ordinance abating a portion of the 2015 Tax Levy related to the general obligation bonds, Series 2014
18. An ordinance abating a portion of the 2015 Tax Levy related to the general obligation bonds, Series 2015

14. Council Member Reports

15. Council Member New Business

MOT 2015-6577 — A. Motion: Direct Staff to Prepare an Ordinance Amendment re: Meetings that Fall on Election Day

Motion: Commissioner Olsen moved to direct staff to prepare an amendment to Section 2.1 of the Municipal Code to provide that a regular Council meeting falling on an election day shall be canceled or rescheduled, for consideration as a future agenda item. Commissioner White seconded the motion.

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Commissioner Olsen said that the item is clear on its face.

Commissioner Waldack said he supports this Motion.

Commissioner José commented that it is best to do this in this manner to be sure that bills can be paid, etc.

Mayor Tully said he feels strongly that people's business comes first but this is in advance and is not a last minute change.

Commissioner Olsen commented that he objects to the idea that they are not doing people's business by not meeting.

Votes: Yea: Commissioners Olsen, White, Waldack, Vattimo, José, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

16. Adjournment

Commissioner Olsen moved to adjourn. Commissioner White seconded the motion.

Mayor Tully declared the motion carried by voice vote and the meeting adjourned at 10:07 p.m.

Respectfully submitted,

April Holden

Village Clerk