

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

4/11/2017

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 Walus, Commissioner Earl, Commissioner Waldack, Commissioner White, Commissioner Hosé, 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 Consent Agenda, 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 2017-7335 — A. Minutes: Council Minutes - March 21, 2017

MIN 2017-7336 — B. Minutes: Executive Session Minutes for Release - August 9, 2016; August 15, 2016; August 16, 2016; August 29, 2016; August 30, 2016

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

Mayor Tully declared the motion carried by voice vote.

4. Proclamation

Mayor Tully proclaimed the week of April 9-14, 2017, as Telecommunications Week in the Village of Downers Grove. Jenny Rizzo from the Village’s VOC staff accepted the proclamation, and the Mayor explained that VOC is the first point of contact in an emergency. He thanked the VOC operators for their years of professionalism and service to the Village.

4a. Public Comments

There were none. The Mayor then asked for a show of hands from people who intend to speak on items on the Active Agenda.

5. Consent Agenda

COR 2017-7337 — A. Claims Ordinance: No. 6203, Payroll, March 3, 2017; No. 6205, Payroll, March 17, 2017

BIL 2017-7338 — B. Bills Payable: No. 6322, April 11, 2017

MOT 2017-7317 — C. Motion: Authorize \$93,200.00 for Years Two and Three of a Three-Year Contract to Go Painters, Inc., Maywood, IL, for Fire Hydrant Sandblasting and Painting

Summary: This awards a two year contract for fire hydrant sandblasting and painting to Go Painters, Inc. of Maywood, Illinois the amount of \$93,200.

RES 2017-7309 — D. Resolution: Authorize a Second Extension to the Contract with Shane's Office Supply

Summary: This authorizes a second extension to the contract with Shane's Office Supply.

A RESOLUTION AUTHORIZING EXECUTION OF A SECOND EXTENSION TO THE CONTRACT BETWEEN THE VILLAGE OF DOWNERS GROVE AND SHANE'S OFFICE SUPPLY

RESOLUTION 2017-27

MOT 2017-7325 — E. Motion: Authorize \$18,875.00 to Total Fire & Safety, Inc. for Emergency Fire Alarm System Repairs

Summary: In August of 2016, the Village Operations Center experienced a power surge resulting from a malfunction of the ETSB owned uninterrupted power supply. The power surge caused damage to the Village

owned fire alarm system. Total Fire & Safety, Inc. provided emergency services to repair the system. The ETSB has reimbursed the Village of Downers Grove for the full cost of the repairs.

RES 2017-7315 — F. Resolution: Accept Public Improvements - Brian Grant Court Subdivision

Summary: This authorizes acceptance of public improvements for the Brian Grant Court Subdivision.

**A RESOLUTION AUTHORIZING ACCEPTANCE OF PUBLIC IMPROVEMENTS - BRIAN GRANT
COURT SUBDIVISION
RESOLUTION 2017-28**

MOT 2017-7329 — G. Motion: Authorize a Contract Not to Exceed \$22,181.40 to Civil & Environmental Consultants, Inc., Lombard, IL, for Clean Construction and Demolition Debris (CCDD) Environmental Engineering Services

Summary: This awards a contract for Clean Construction and Demolition Debris (CCDD) environmental engineering services for various capital improvement projects to Civil & Environmental Consultants, Inc. of Lombard, Illinois in an amount up to \$22,181.40.

MOT 2017-7330 — H. Motion: Authorize a Contract Not to Exceed \$21,496.00 to True North Consultants, Inc., Naperville, IL, for Clean Construction and Demolition Debris (CCDD) Environmental Engineering Services

Summary: This awards a contract for Clean Construction and Demolition Debris (CCDD) environmental engineering services for the annual roadway maintenance projects to True North Consultants, Inc. of Naperville, Illinois in an amount up to \$21,496.00.

MOT 2017-7327 — I. Motion: Authorize \$24,000.00 for Years Two and Three of a Three-Year Contract to Walker Parking Consultants/Engineering, Elgin, IL, for the Design and Oversight for Parking Deck Rehabilitation and Maintenance

Summary: This authorizes the execution of a contract for the Design and Oversight for Parking Deck Rehabilitation and Maintenance to Walker Parking Consultants/Engineering Inc. dba Walker Restoration Consultants (Walker Parking Consultants), of Elgin, Illinois in an amount of \$24,000.00.

MOT 2017-7331 — J. Motion: Authorize a Contract Not to Exceed \$76,664.50 to V3 Companies of Illinois, Ltd., Woodridge, IL, for Engineering and Survey Services for Local Drainage Project #3

Summary: This awards a contract for engineering and survey services to V3 Companies of Illinois, Ltd., of Woodridge, Illinois in the amount of \$76,664.50 for engineering services for stormwater local drainage project #3, Elm and Earlston between Ogden Ave. and 41st Street (SW-080). The amount includes a 10% contingency.

RES 2017-7333 — K. Resolution: Authorize a Local Agency Agreement with the Illinois Department of Transportation for Maple Avenue Resurfacing (Project ST-057)

Summary: This authorizes the execution of a Local Agency Agreement between the Village of Downers Grove and Illinois Department of Transportation (IDOT) for the use of grant funding to resurface Maple Avenue between 55th Street and Main Street.

A RESOLUTION AUTHORIZING EXECUTION OF A LOCAL AGENCY AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR MAPLE AVENUE RESURFACING (PROJECT ST-057)

RESOLUTION 2017-29

MIN 2017-7339 — L. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Library Board - February 22, 2017

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

Votes: Yea: Commissioners White, Waldack, Walus, Earl, Hosé; Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

6. Active Agenda

ORD 2017-7307 — A. Ordinance: Vacate a Portion of a Public Alley Adjacent to 1030-1036 Ogden Avenue

Summary: This vacates a certain portion of a public alley immediately north of 1030-1036 Ogden Avenue.

AN ORDINANCE VACATING A CERTAIN PORTION OF A PUBLIC ALLEY IMMEDIATELY NORTH OF 1030-1036 OGDEN AVENUE

ORDINANCE NO. 5606

Motion: Commissioner White moved to adopt "An Ordinance Vacating a Certain Portion of a Public Alley Immediately North of 1030-1036 Ogden Avenue," as presented. Commissioner Waldack seconded the motion.

Chris Ilekis, Principal, Vequity, said it has been a pleasure to work with the Village. This has been a challenging project. He thanked the staff, Council and the EDC for their support. The request for signage is a requirement of the leases and could be a problem if not approved. He said he brought renderings of the signage.

Martin Carroll said he represents Jewel and he spoke to Jewel's position regarding the plan. The current plan contemplates using Jewel's land to enter and exit the property. The developer has no legal right to use Jewel's property. Using Jewel's property will negatively impact Jewel's business. Jewel would like to work with the developer and the Village, but has not been successful so far. This will face legal challenges if approved as drafted.

David Henning, senior real estate manager for Jewel-Osco, said he brought forth Jewel's concerns at the last meeting as they relate to traffic circulation for the development. They asked for a new study, but it was lacking in data and is deficient as to Jewel's concerns. He would like to address these potential problems now. The developer has suggested purchasing some of the property from Jewel, which is not an option. Vequity wants to be at this location because the tenants want to be at a grocery-anchored center. There would be no interest in this site if the grocery store were not there. He asked the Council and the developer to work with them. They want this to be a positive development for the community.

Mayor Tully thanked the speakers for their comments.

Votes: Yea: Commissioners White, Waldack, Walus, Earl, Hosé; Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

ORD 2017-7304 — B. Ordinance: Rezone Certain Property Located at 1030-1048 Ogden Avenue

Summary: This rezones 1030-1048 Ogden Avenue from B-3, General Services and Highway Business, to B-3/PUD, General Services and Highway Business/Planned Unit Development.

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 1030-1048 OGDEN AVENUE

ORDINANCE NO. 5607

Motion: Commissioner White moved to adopt "An Ordinance Rezoning Certain Property Located at 1030-1048 Ogden Avenue," as presented. Commissioner Waldack seconded the motion.

Votes: Yea: Commissioners White, Waldack, Walus, Earl, José, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

ORD 2017-7303 — C. Ordinance: Designate the Property at 1030-1048 Ogden Avenue as Planned Unit Development #58

Summary: This designates the property located at 1030-1048 Ogden Avenue as Planned Unit Development #58 and authorizes construction of a multi-building commercial center.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS TO DESIGNATE THE PROPERTY AT 1030-1048 OGDEN AVENUE AS PLANNED UNIT DEVELOPMENT #58 AND AUTHORIZE CONSTRUCTION OF A MULTI-BUILDING COMMERCIAL CENTER

ORDINANCE NO. 5608

Motion: Commissioner White moved to adopt "An Ordinance Amending the Zoning Ordinance of the Village of Downers Grove, Illinois to Designate the Property at 1030-1048 Ogden Avenue as Planned Unit Development #58 and Authorize Construction of a Multi-Building Commercial Center," as presented. Commissioner Waldack seconded the motion.

Mayor Tully thanked Vequity for choosing Downers Grove. He knows they had choices and he thanked them for their patience and perseverance. He noted that the signage is not part of this approval; a separate request can be made for that. Regarding ingress and egress, it is incumbent on the developer and Jewel-Osco to work this out and he urged them to find a solution.

Commissioner Barnett said that from Council's vantage point, this is a million dollar investment to try to improve this lot and the general appearance of the Village. It also affects the sales tax numbers for the Village. He said he hoped this would move forward in a positive way.

Votes: Yea: Commissioners White, Waldack, Walus, Earl, José, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

RES 2017-7305 — D. Resolution: Approve the Final Plat of Subdivision for 1030-1048 Ogden Avenue

Summary: This approves the final plat of subdivision for the property located at 1030-1048 Ogden Avenue.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 1030-1048 OGDEN AVENUE

RESOLUTION 2017-30

Motion: Commissioner White moved to adopt "A Resolution Approving the Final Plat of Subdivision for 1030-1048 Ogden Avenue," as presented. Commissioner Waldack seconded the motion.

Votes: Yea: Commissioners White, Waldack, Walus, Earl, Hosé, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

ORD 2017-7306 — E. Ordinance: Authorize a Special Use for Lot 1 of the Vequity LLC Ogden-Main Resubdivision to Permit a Restaurant with a Drive-Through

Summary: This authorizes a special use for Lot 1 of the Vequity LLC Ogden-Main Resubdivision to permit a restaurant with drive-through.

AN ORDINANCE AUTHORIZING A SPECIAL USE FOR LOT 1 OF THE VEQUITY LLC OGDEN-MAIN RESUBDIVISION TO PERMIT A RESTAURANT WITH DRIVE-THROUGH

ORDINANCE NO. 5609

Motion: Commissioner White moved to adopt "An Ordinance Authorizing a Special Use for Lot 1 of the Vequity LLC Ogden Main Resubdivision to Permit a Restaurant with Drive-Through," as presented. Commissioner Waldack seconded the motion.

Mayor Tully said he has heard concerns about the drive-through, but he noted that Ogden Avenue is full of drive-throughs and that this site previously had one.

Votes: Yea: Commissioners White, Waldack, Walus, Earl, Hosé, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

ORD 2017-7318 — F. Ordinance: Authorize a Special Use for Lot 3 of the Vequity LLC Ogden-Main Resubdivision to Permit a Restaurant with a Drive-Through

Summary: This authorizes a special use for Lot 3 of the Vequity LLC Ogden-Main Resubdivision to permit a restaurant with drive-through.

AN ORDINANCE AUTHORIZING A SPECIAL USE FOR LOT 3 OF THE VEQUITY LLC OGDEN-MAIN RESUBDIVISION TO PERMIT A RESTAURANT WITH DRIVE-THROUGH

ORDINANCE NO. 5610

Motion: Commissioner White moved to adopt "An Ordinance Authorizing a Special Use for Lot 3 of the Vequity LLC Ogden Main Resubdivision to Permit a Restaurant with Drive-Through," as presented. Commissioner Waldack seconded the motion.

Votes: Yea: Commissioners White, Waldack, Walus, Earl, Hosé, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

ORD 2017-7323 — G. Ordinance: Approve a Redevelopment Agreement with Vequity Downers Ogden GP

Summary: This approves a redevelopment agreement with Vequity Downers Ogden GP for the property located at 1030-1048 Ogden Avenue.

AN ORDINANCE APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND VEQUITY DOWNERS OGDEN GP

ORDINANCE NO. 5611

Motion: Commissioner White moved to adopt "An Ordinance Approving a Redevelopment Agreement Between the Village of Downers Grove and Vequity Downers Ogden GP," as presented. Commissioner Waldack seconded the motion.

Votes: Yea: Commissioners White, Waldack, Walus, Earl, José, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

7. First Reading

MOT 2017-7328 — A. Motion: Authorize a Contract for \$1,868,543.23 to J.A. Johnson Paving Company, Arlington Heights, IL, for 2017 Street Resurfacing Contract A

Village Manager Dave Fieldman said that this contract is one of two major street resurfacing contracts made each year. A list of streets is included, and J.A. Johnson Paving has worked in the Village previously.

Mayor Tully commented that this is an example of the Village's reinvestment in its infrastructure.

ORD 2017-7301 — B. Ordinance: Authorize a Special Use for 216 Ogden Avenue to Permit an Automobile Dealership with a Variation

Stan Popovich, Director, Community Development, displayed a slide showing the location of the site, which is a vacant building on the north side of Ogden Avenue. The proposal is to redevelop the site into a Lincoln pre-owned automobile dealership. He showed plans for the greenspace additions, parking at the front, side and rear. There is a sidewalk connection along Ogden Avenue and along the west side of the building. The curb cuts will be consolidated. Mr. Popovich described the circulation of a one-way traffic pattern on the lot. He explained that the variance requested is to accommodate parking and green space requirements. The setback requirement is 50 feet, and 39 feet is proposed. Mr. Popovich said that the proposal meets the requirements of a Special Use and Variance, and meets the goals of the Comprehensive Plan.

Mayor Tully noted that he heard that many people have inquired as to this lot, and he is glad to see it is being repurposed.

ORD 2017-7326 — C. Ordinance: Approve a Redevelopment/Sales Tax Rebate Agreement with Westmont Lincoln, LLC

Michael Cassa, President, Downers Grove Economic Development Corporation, presented the redevelopment agreement saying that he met with representatives of Lincoln about a year ago. The subject building has been closed for several years and is in need of much rehabilitation. Improvements to the property include construction of a showroom, a new front façade, a free-standing sign as well as landscaping and parking lot improvements. Mr. Cassa reviewed the terms of the agreement, saying that the Village will rebate 50% of the annual sales tax for the first five years of the agreement. The Village is expected to receive net \$110,000 of annual revenue for the first five years, and \$220,000 per year for the following five years. The project shall be completed by July 2018 and the developer shall operate the site for a period not less than ten years. Mr. Cassa said this is a win-win situation for the Village in that there will be additional sales tax revenue for the Village, and the vacant site will be improved. He thanked Village staff for their work on this matter.

Mayor Tully expressed his appreciation to the Lincoln team on behalf of the Council for choosing Downers Grove.

ORD 2017-7302 — D. Ordinance: Amend Planned Unit Development #32 to Allow the Redevelopment of Oak Trace Senior Living Community Located at 200 Village Drive

Mayor Tully explained to those present that the procedure is that staff will make its presentation, followed by the petitioner's comments. The Village Council at that time can ask questions, followed by questions or comments from the audience. He said that no final decisions would be made on this subject tonight. He asked that those who speak, no matter their feeling, respect each other's views and asked that they not repeat what others have already said. The Mayor then asked how many audience members were familiar with the film "The Miracle on 34th Street" and referenced the courtroom scene where bags of mail were brought in to prove that Kris Kringle was indeed Santa Claus. Mayor Tully noted that the Village Council has also received a large amount of mail and emails from local residents as well as people from other parts of the country, some of them in support of the project and others opposed. He asked again that the speakers do not repeat each other's comments.

Mr. Popovich said the petitioner is requesting an amendment to a Planned Unit Development for Oak Trace at 200 Village Drive. He showed the location and aerial photo of the site, as well as the existing site plan with buildings, cottages, the barn and accessory buildings and roadway system. He explained that the proposal being made is for three phases including a new health care center in Phase 1. The center would include rehab, memory care, skilled nursing and assisted living and would include the demolition of 27 cottages on the southeast corner of the property. The road would be reoriented.

Phase 2 of the development includes a new five-story residential living center that would connect to the health care center. There would be some demolition of the cottages along Fairview as well as a home on Fairview Avenue. Emergency access is provided. Also included is the demolition of the existing healthcare center building.

Phase 3 will be market-driven residential living villas built in clusters of two-three at a time, with eight units per cluster. Emergency access is provided here as well. He showed conceptual renderings of the site as proposed. Phase 3 would proceed forward to 2022.

Mr. Popovich then discussed public improvements including two curb cuts along Fairview Avenue, additional detention areas, traffic and parking. He explained that the proposal meets many of the goals of the current Comprehensive Plan and the draft update. Mr. Popovich explained the standards of the Zoning Ordinance for a PUD, noting that all of the standards have been met. The plan is compliant with the majority of the bulk regulations. The tallest building is in the center of the site to respect the surrounding neighborhood of single-family homes. He said the Village is aware of the relocation of various residences on site and that discussion is beyond the purview of the discussion before the Council at tonight's meeting.

1. Hal Francke, 1515 E. Woodfield Road, Schaumburg, attorney representing Lifespace Communities, the owners of the property, introduced his team to respond to any questions.
2. Brian Devlin, Director of Design Construction and Redevelopment, Lifespace, explained that Lifespace Communities is a not-for-profit provider of senior living communities across the United States. He said that this site was developed in 1973 by Fairview Baptist Home, which operated until 2011 when they filed for bankruptcy. Lifespace was selected as the winning bidder based on their financial strength and their history with 11 other communities. They have been in operation on the site since 2011. There are 271 residents in the residential living side, with additional health care residents. He explained that since taking over Oak Trace they have averaged \$2.5 million capital expenditure budget, \$2 million in cash, and have absorbed the debt of \$19 million. Additional funding was directed toward initial renovation of the building's outdated design.

Mr. Devlin said that challenges include operating the health center under the Fire Safety Evaluation System plan of correction for a number of building deficiencies. A plan of correction requires constructed equivalencies to meet current codes. Equivalencies are becoming cost prohibitive and more difficult to construct. This is a continuing problem. If they are unable to come up with a code equivalency, they would have to seek a waiver from the State. The State has been reluctant to grant these waivers in the past, and could shut down the health care center. In addition, the health care center is very dated, and Oak Trace lacks the modern amenities in terms of its health center. The residential living side also lacks modern amenities, which affects their ability to market. Their goals are to provide a state-of-the-art health care building, fill the gaps in the levels of living, upgrade the current product and amenities, strengthen the business model, and assure that the project is accretive in a manner that would make it self-supportive without overly burdening residents.

Regarding the project scope, Mr. Devlin said that there would be a new health care building with 66 assisted living apartments; 28 memory care suites; 32 short-term rehabilitation suites; 70 long-term skilled nursing suites; physical and occupational therapy centers; a dialysis clinic, and dining and various common space amenities. Also among the additions are approximately 150-160 new residences; additional garaged parking spaces; new restaurant dining venues, social spaces, a central park, library and lounge. The intent is to renovate the existing campus with a new spa and fitness center, a bistro/juice bar, an art studio and a multi-purpose auditorium.

Mr. Devlin said that the total investment for the project is about \$150 million, \$70 million of which will be for the new health care building in Phase 1, and \$80 million in Phase 2 when the new health care building is completed and the old building is demolished. This process began in August 2014 and included market studies, creation of a strategic plan, and conceptual architectural studies. Once they determined that their plans were sound they communicated their plans to the residents eventually leading up to the Plan Commission public hearing in March 2017. They received their Certificate of Need approval in March as well. They believe construction of a new health care center and residential living expansion is paramount to their ability to continue to fulfill life care commitments to current and future residents. Approval of this redevelopment ensures a vibrant, financially healthy senior living community in Downers Grove that will benefit the community for many years to come.

Commissioner Waldack asked whether Lifespace was the actual owner and Mr. Devlin said it is and represents a relationship between the owner and the residents. The residents pay an entrance fee and are not owners of their apartments. Entrance fee guarantees their monthly service fee for their future needs. The spaces are Lifespace owned apartments. It is more of a rental type situation, and they are referred to as residents. It is not a real estate transaction.

Mayor Tully commented that he is aware there are very strong feelings in support or opposition to this project. The Village has received a number of communications, some asking the Village to deny this and support the Plan Commission's recommendation, and others, to support the project. He then shared a letter that he believed sums up the issue. He said the letter indicated that no one is against a health care center; however, residents are concerned about how Lifespace has handled those who must move, giving them only six months to plan for adequate housing.

Mayor Tully said that the issue from what he has seen is an internal issue between the residents and the owner. It is a private dispute that the Village Council cannot resolve for either party. He asked that those wanting to speak only speak to those issues that the Council can make decisions upon, which includes land use issues for a PUD. He said people have rights and can exercise them in the way they see fit. Some compassion, cooperation and collaboration may be in order here.

1. Ed Manzke said he is an attorney representing a majority of the residents at Oak Trace who will be evicted from their homes and whose homes will be demolished. These residents have contracts to live in their homes at Oak Trace as long as they are able to live independently. He said he would ask some of them to speak tonight. The people were told in November that they must leave. The Plan Commission heard evidence in March and does not recommend approval. They recognized that the Village Code requires that the petitioner protect the interest of all the existing residents of the PUD. These garden home residents have not been protected and are instead going to be evicted. It is important that the Village Council protect the interest of the residents, and it is impossible to protect them under this proposal. They oppose being evicted and having their homes demolished. He said they asked for a new proposal or to wait until the contracts expire or they leave their homes. The Plan Commission voted 4:2 in opposition. He said that the Village Council must follow their recommendation.

Mayor Tully replied that the Village would not bring about the evictions. Mr. Manzke said that it would be the owner of the property. Mayor Tully noted that the Village Council does not always agree with the recommendation of the Plan Commission.

Commissioner José asked whether Mr. Manzke agrees that the residents are not owners of their homes, and Mr. Manzke said he does. Commissioner José asked if there are changes that can be made to protect their interests. Mr. Manzke said their interest and rights are bundled into the contract. Their entrance fee was over \$300,000 and they pay a very high monthly fee as well.

2. Pat Riley said she is upset that several people from the garden homes are moving out of Oak Trace and also out of Downers Grove. Also, the Red Barn is over 100 years old and sells products made by residents that go to the benevolent fund. Volunteers staff it. It has been moved once, and asked if it could be moved again. People are sad to have to leave their homes. As a registered nurse she supports the health care center but most of these people thought they would be living out the remainder of their lives here.

3. Joyce Burzloff said that Lifespace has been known for having poor communication with all of its satellite communities. Initially they understood this was going to be demolishing six units. In November they learned it would be 28 units. She said that they are offering much smaller units as a replacement and no promise has been made that they will make room for everybody. There are few two-bedroom apartments. She said that Lifespace says things but doesn't always know what they are saying, which was shown at the Plan Commission meeting. Ms. Burzloff said she is part of the second group and was told that the earliest she would have to leave was September 2019. Lifespace doesn't want outside units because they don't make enough money off of them. Lifespace puts money ahead of people currently living at Oak Trace and she no longer has trust in Lifespace.

Mayor Tully noted that he is not saying that these are not valid points; however, the issues raised need to go to the Council's authority. Ms. Burzloff said this is giving them a chance to express their feelings to the owner.

4. Dr. Carl Berry said he moved to Oak Trace five years ago. He addressed the health care center, saying it is important to the residents and they need it to be timely. With regard to compassion, if the health care center is denied or delayed they may lose Oak Trace, and people would have to move out. They have to think of the entire campus and the potential of not having a proper health care center.

5. Chris Romich, Executive Director of Oak Trace, said that since the announcement in November they have worked with or offered to work with all 27 residents affected. They have reached out to them. One group of residents with dementia and Alzheimer's cannot speak regarding their needs. He said this plan would make life better for those residents.

Mayor Tully said they are not suggesting that anything Lifespace is doing is wrong. They are not casting judgment one way or another.

6. Ed Mattheusson said he has lived in the apartment for three months and is on a list waiting for a two-bedroom unit. He asked that the village Council please make a decision.

Mayor Tully said this is scheduled for a vote next week.

7. Dolly Nation said she is a long-time resident of Downers Grove and works for Oak Trace at the health care center. She doesn't mean to be disrespectful to any of the residents. She said that they have residents that cannot speak for themselves due to memory issues, or dialysis. Employees need to be their voice. Oak Trace is land-locked. She spoke to the urgency of the building for residents. People deserve better than what we can offer to them right now. She spoke of the deficiencies of the building. There needs to be a voice for those who cannot speak for themselves.

8. Robert Miner said he has lived there for two years and they love it. They desperately need the health care center. He spoke of the effort to find space, and some of the space is not suitable, and space is limited. Mr. Miner said that unfortunately it requires a lot of people to move. People are not happy with how Lifespace handled it but we need the health care center. He is very sympathetic to the victims. The Council must rule on the requirements of the State and the Village. The Council is not a judge and jury, and he said they should leave the contract to the courts.

9. Peter Riley wanted to clarify that no lawsuit has been filed.

10. Richard Benes said he is not a resident of Oak Trace but has friends there. This matter has driven him away from Oak Trace. He spent 40 years on the Zoning Board of Appeals. At one time Oak Trace (or the former owners) was subdivided, and that caused a heavy financial responsibility. Even if this is turned down, people must not stop their efforts to increase and improve Oak Trace.

11. Rich Kulovany, 6825 Camden Road introduced himself as a member of the Plan Commission, saying they have strict guidelines as a recommending board. Mayor Tully said it is not necessary for him to explain that, and as a single member he cannot speak on behalf of the Plan Commission. He cannot add to the record, as it is extraneous testimony. Mr. Kulovany said as an individual he does not think the residents' concerns were taken care of. There is 64% open space in this property.

12. A 2-1/2 year resident said he is one of those soon to be evicted. In 2015 and 2016 the health care center received five stars out of five from the State. The State takes two weeks and reviews everything and he would like to know how everything seems to be negative.

13. Rev. David Bebb Jones said he would be affected by Phase 2. He's lived there seven years and intends to stay. The health care center is needed. He is sympathetic and supportive but it is inevitable that the center will be there. He knows Lifespace needs to proceed and he hopes they can work to help people make the adjustment. He hopes a good word goes out about Oak Trace, as he enjoys and loves it.

14. A man said that many in the audience are wearing yellow badges. He is a six-month resident and is in support of the rehabilitation of the site.

Mayor Tully said that the Council must make its decision based on the required criteria.

15. Rita Peckhart is Director of Sales for Oak Trace. She is a Downers Grove resident and her parents live at Oak Trace as well. She feels it is necessary to make the change on the campus. There is a lot of competition in the senior-living industry. Everyone will have access to the services and amenities.

Mr. Francke clarified the legal status saying that residents are not owners or tenants, but are there under an occupancy agreement. They have contracts. Private contract matters are not before the Council. The issue before the Council is whether standards have been met regarding the criteria for a Planned Development. This is a \$150 million investment in community and it is beneficial to the existing residents and to the community generally.

Commissioner Waldack thanked all of the people for coming to this meeting. They are well represented and he is deeply impressed. He thanked them also for their patience and for their behavior.

Commissioner Earl also thanked the people for coming, and noted they have not seen Mr. Benes for a long time.

Commissioner White asked for confirmation that the standards they are to apply in making their decision come under Sec. 12.040.C.6.

Village Attorney Enza Petrarca confirmed that statement.

Commissioner White then referenced the petitioner's attorney who said that no one of those factors controls. Commissioner White said that the interests of the existing and future residents is a factor that must be taken into consideration. It is not purely a private dispute. Some of the other factors may outweigh that factor. The legal interpretation of contract is outside the purview of the Village Council, but 12.040.C.6.e., regarding protecting the interests of surrounding property owners and residents, existing and future residents of the PUD and the general public, is one of the criteria they must consider.

Mayor Tully also thanked everyone for coming and for sharing their views. He said that it is not the role of the Village Council to cast judgment on the various opinions expressed. The Council has clear parameters on the criteria they have to apply under Section 28.12.040.C.6. That is all they are talking about under the PUD. He then reviewed the criteria:

- a. Whether the zoning map amendment review and approval criteria of Sec. 12.030.I. is met. Mayor Tully said the answer is clearly yes as it is already established as such.
- b. Whether the proposed PUD development plan and map amendment would be consistent with the Comprehensive Plan and any other adopted plans for the subject area. Mayor Tully said it is consistent with our prior Comprehensive Plan and the draft plan.
- c. Whether PUD development plan complies with the PUD overlay district provisions of Sec. 4.030. Mayor Tully said he has seen evidence that this criteria has been met. This is a demonstrated need for robust and appropriate senior living facilities.
- d. Whether the proposed development will result in public benefits that are greater than or at least equal to those that would have resulted from development under conventional zoning regulations. Mayor Tully said the answer to this is yes.
- e. Whether appropriate terms and conditions have been imposed on the approval to protect the interests of surrounding property owners and residents, existing and future residents of the PUD and the general public. Mayor Tully said protecting the interests of existing and future residents does not mean any and all interests. He has heard nothing to suggest that the interests of general public, surrounding property owners and residents have been implicated. The interests of the residents of the PUD does not mean any and all interests such as utility contracts, cable TV contracts, etc. Interests of the people living in the PUD cannot mean any and all interests. His conclusion is that it does not include private, contractual rights that may or may not exist between the residents and Lifespace. He sees no evidence that this criteria has not been met. Nor would the action of the Council to approve this, standing alone, violate anyone's contractual rights. He doesn't think those rights properly factor into the Council's decision; however, they will not vote on this until next week and he will continue to review this.

ORD 2017-7244 — E. Ordinance: Update the Village's Comprehensive Plan

Mayor Tully asked the Council if they wanted to consider tabling this item. It was unanimously agreed upon to table to a date uncertain.

8. Mayor's Report

Mayor Tully announced that the next Coffee With The Council will be held on Saturday, April 15, 2017, from 9:00 a.m. to 10:00 a.m. at the Downers Grove Public Library.

The Mayor then congratulated Commissioners Barnett, Walus, Earl and José on their re-election to the Council. He noted they will be sworn in on May 2, 2017.

9. Manager's Report

Mr. Fieldman said most of our telecommunicators will be transitioning to a regional dispatch center, DuComm. He echoed the Mayor's previous comments regarding the Village's VOC operators whose performance has been exemplary. He said they will be missed.

10. 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 authorizing a special use with a variation for 216 Ogden Avenue to permit an automobile dealership
2. An ordinance approving a redevelopment/sales tax rebate agreement with Westmont Lincoln, LLC
3. An ordinance amending Planned Unit Development #32 to allow the redevelopment of Oak Trace Senior Living Community located at 200 Village Drive

11. Council Member Reports

Commissioner José thanked those who attended the Passport to Safety Day/Wheely Big Trucks. He noted that on April 15, the Village will host a paper shredding event from 8:00 a.m. until noon at Village Hall. Two brown paper bags or banker's boxes of personal paperwork are permitted per vehicle.

Commissioner Waldack said the next Girls' Day Out event will be held on April 27, 2017, from 10:00 a.m. to 8:00 p.m. He said the Friday night Classic Car Shows will begin Friday, May 19, 2017.

Commissioner Earl said the second class of Girls Who Code, hosted by the Library, is ready to graduate. It has been a successful program and she congratulated the participants.

Mayor Tully congratulated Marsha Giesler, Public Information Officer at the Fire Department, on receiving the 2017 Dr. Anne W. Phillips Award for leadership in Fire Safety Education.

12. Adjournment

Motion: Commissioner White moved to adjourn into Executive Session pursuant to Section (2)(c)(2) of the Illinois Open Meetings Act to consider collective bargaining matters. Commissioner Waldack seconded the motion.

Votes: Yea: Commissioners White, Waldack, Walus, Earl, José, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried and Council adjourned into Executive Session at 9:24 p.m.

Respectfully submitted,
April Holden
Village Clerk