

# Meeting Minutes

Village of Downers Grove - Council Meeting

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Council Chambers

5/2/2017

7:00 PM

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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. He said four members of the Council were re-elected at the April 4, 2017, election and will be sworn into office tonight.

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 2017-7347 — A. Minutes: Council Minutes - April 18, 2017

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

Mayor Tully declared the motion carried by voice vote.

#### 4. Consent Agenda

**COR 2017-7348** — A. Claims Ordinance: No. 6207, Payroll, March 31, 2017 and No. 6209, Payroll, April 14, 2017

**BIL 2017-7349** — B. Bills Payable: No. 6326, May 2, 2017

**RES 2017-7346** — C. Resolution: Authorize an Extension to the Agreement with On Time Embroidery, Inc. d/b/a Unique Apparel

**Summary:** This authorizes award of a three-year contract extension for supplying fire department uniforms to Unique Apparel of Elk Grove Village, Illinois.

**A RESOLUTION AUTHORIZING EXECUTION OF AN EXTENSION TO THE AGREEMENT  
BETWEEN THE VILLAGE OF DOWNERS GROVE AND ON TIME EMBROIDERY, INC. D/B/A  
UNIQUE APPAREL**

**RESOLUTION 2017-32**

**MOT 2017-7355** — D. Motion: Authorize a Contract Not to Exceed \$54,989.00 to Ciorba Group, Inc., Chicago, IL, for Engineering Services for Stormwater Local Drainage Project #1 (Black Oak and Candlewood)

**Summary:** This authorizes execution of a contract for engineering services for stormwater local drainage project #1 (Black Oak and Candlewood) to Ciorba Group, Inc., in the amount of \$49,999.00 plus 10% contingency in the amount of \$4,999.00 for a total not-to-exceed amount of \$54,989.00.

**MOT 2017-7356** — E. Motion: Authorize a Contract Not to Exceed \$85,761.50 to Hey and Associates, Inc., Chicago, IL, for Engineering Services for Stormwater Local Drainage Project #11 (Debolt/Linden/Gierz)

**Summary:** This authorizes execution of a contract for engineering services for stormwater local drainage project #11 (Debolt/Linden/Gierz) to Hey and Associates, Inc. in the amount of \$77,965 plus 10% contingency in the amount of \$7,796.50 for a total not-to-exceed amount of \$85,761.50.

**MOT 2017-7353** — F. Motion: Authorize \$66,645.00 to Doland Engineering, LLC, Palatine, IL, for 2017 Water Main Improvements Contracts A and B

**Summary:** This authorizes \$66,645.00 to Doland Engineering, LLC, Palatine, IL, for municipal construction engineering services for Community Investment Program (CIP) project WA-028.

**MOT 2017-7354** — G. Motion: Authorize \$26,500.00 to M. Gingerich, Gereaux & Associates, Manhattan, IL, for Survey Services for 2018 Water Projects

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**Summary:** This authorizes a contract for survey services to M. Gingerich, Gereaux & Associates of Manhattan, Illinois in the amount of \$26,500.00 for Community Investment Program (CIP) project WA-028.

**MIN 2017-7350** — H. Minutes: Note Receipt of Minutes of Boards and Commissions

**Summary:** Library Board - March 22, 2017 Stormwater and Flood Plain Oversight Committee - December 8, 2016

**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.

### **5. Motion to Adjourn Sine Die (Without Date)**

Mayor Tully said this would be the last vote of the 2015-2017 Council. He has for a motion to adjourn sine die.

**Motion:** Commissioner White moved to adjourn sine die. 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. Swearing-in Ceremony of Commissioners**

Mayor Tully introduced Judge O'Halloran Walsh to administer the oath of office to Commissioner Nicole Walus, Commissioner Marge Earl, Commissioner Greg Hosé and Commissioner Bob Barnett.

Following the ceremony, Mayor Tully congratulated the newly sworn in Commissioners noting it was a vote of confidence in their leadership that the election was uncontested. He welcomed the Commissioners back to service.

Commissioner Waldack expressed his congratulations. He said the Council members have gotten to know one another and work well together. He likes the continuity they have and is very proud of the group and the election results.

Commissioner White endorsed the Mayor's and Commissioner Waldack's comments. He is impressed with the fast study of Commissioners Walus and Earl in their service on the Council. Commissioner White said we will get back to work tonight to discuss and act upon some very important issues for the Village.

Commissioner Hosé thanked residents for their trust in him and in the Council in general.

Commissioner Barnett also thanked the residents and said it is a privilege and honor to serve. He appreciates residents' faith and trust in him.

Commissioner Earl thanked her family for their support. She also thanked the community. She said the election results are an endorsement of the current Council, and said the Council will continue to work hard.

Commissioner Walus expressed thanks to the community and her family. She said the Council has good camaraderie. She looks forward to continuing to work with the Council. She asked people to continue to reach out to Council members.

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Mayor Tully thanked the families of his colleagues for the sacrifices they also make.

## **7. 15-Minute Break**

## **8. Roll Call**

Mayor Tully called the meeting to order at 7:31 p.m.

**Council Attendance:** Commissioner Walus, Commissioner Earl, Commissioner Waldack, Commissioner White, Commissioner Hosé, Commissioner Barnett; Mayor Tully

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

## **9. Proclamation**

Mayor Tully proclaimed May 2017 as Historic Preservation Month in the Village of Downers Grove. He presented the proclamation to Stan Popovich, Director, Community Development, and said Mr. Popovich has been instrumental in increasing the Village's awareness of historic preservation, and has worked with many residents to have their properties landmarked.

## **10. Public Comments**

This is the opportunity for public comments.

David Olsen, 5613 Dunham, said he is the State Representative for the 81<sup>st</sup> District. He congratulated the Commissioners on their re-election. He wish them each the best as they continue upon the challenge of governing. He encouraged the audience to reach out to the Council. He thanked the Council for their service.

Liz Chalberg, 1132 Curtiss, spoke on behalf of the Downers Grove Historical Society and the Downers Grove Museum regarding the Founders' Day events this weekend. She reviewed the activities. The Founder of the Year is Israel Blodgett. More information is available at [www.downersgrovehistory.org](http://www.downersgrovehistory.org) or by calling Ms. Chalberg at 630-660-6767.

Rich Kulovany, 6825 Camden, said the Friends of the Edwards House is hosting an event on May 7, from 2:00 p.m. to 3:30 p.m. at the Lincoln Center on landmarking your house. He reviewed the agenda for the meeting. People can register at [dg-landmark.eventbrite.com](http://dg-landmark.eventbrite.com)

Violet Radwell, 5410 Grand Avenue, said she has been a resident since 1992. She referenced a fence around her property. The height of the fence in the front is four feet; in the back it is six feet high. Out of fear, she added wood slats to the fence with nails in the wood because someone attempted to attack her on her property. She now has no trespassing signs. She would like to increase the height of the fence and has requested a temporary fence permit. She asked that the ordinance regulating fences be amended in an emergency. She is living in fear. The neighbor's driveway is elevated and one could jump from it into her yard as her fence is only one foot higher than the driveway.

Mayor Tully expressed his concern for her experience. He said he would look into this matter and would follow up with staff.

Regarding other public comments, Mayor Tully said public comments are limited to five minutes. He asked the audience to display respect and decorum and to address their comments to the Council. There may be multiple people making the same point; he asked people not to feel compelled to repeat it. He thanked the audience for their cooperation.

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## 11. Active Agenda

**MOT 2017-7342** — A. Motion: Authorize a Letter of Intent with K. Hovnanian

**Summary:** This directs staff to execute a letter of intent with K. Hovnanian including redevelopment key terms for the townhome development project on the Civic Center property.

**Motion:** Commissioner White moved to execute a letter of intent with K. Hovnanian including redevelopment key terms for the townhome development project on the Civic Center property, as presented. The motion failed for lack of a second.

**ORD 2017-7310** — B. Ordinance: Amend Ordinance #5491 and the Village of Downers Grove Budget for Fiscal Year 2016

**Summary:** This adopts certain amendments to the 2016 budget.

**AN ORDINANCE PROVIDING FOR AN AMENDMENT TO ORDINANCE #5491 AND THE VILLAGE OF DOWNERS GROVE BUDGET FOR FISCAL YEAR 2016**

**ORDINANCE NO. 5615**

**Motion:** Commissioner White moved to adopt "An Ordinance Providing for an Amendment to Ordinance #5491 and the Village of Downers Grove Budget for Fiscal Year 2016," 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.

**RES 2017-7271** — C. Resolution: Approve the Final Plat of Subdivision with an Exception for 5527-5531 Fairmount Avenue

**Summary:** This approves the final plat of subdivision with an exception for the property located at 5527-5531 Fairmount Avenue.

**A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION WITH AN EXCEPTION FOR 5527-5531 FAIRMOUNT AVENUE**

**RESOLUTION 2017-33**

**Motion:** Commissioner White moved to adopt "A Resolution Approving the Final Plat of Subdivision with an Exception for 5527-5531 Fairmount Avenue," as presented. Commissioner Waldack seconded the motion.

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

Nay: Commissioner Earl

Mayor Tully declared the motion carried.

**ORD 2017-7341** — D. Ordinance: Create a Liquor License Classification for Arts & Crafts Studios

**Summary:** This creates a liquor license classification for arts & crafts studios.

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**AN ORDINANCE CREATING A LIQUOR LICENSE CLASSIFICATION FOR ARTS & CRAFTS  
STUDIOS**

**ORDINANCE NO. 5616**

**Motion:** Commissioner White moved to adopt "An Ordinance Creating a Liquor License Classification for Arts & Crafts Studios," 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.

## 12. First Reading

**ORD 2017-7340** — A. Ordinance: Authorize a Special Use for 7221 Lemont Road to Permit an Animal Boarding Facility

Village Manager Dave Fieldman asked Stan Popovich, Director, Community Development, to present this item.

Mr. Popovich showed the location for this special use, which is the former Walgreen's store at 7221 Lemont Road. He explained that no changes are proposed to the exterior of this facility. The proposed boarding facility is a special use that will contain an animal playground, grooming area and offices. The entrance to the site will be relocated to the north of the building. On the east side there will be a play area for dogs. The play area will be closed at 6:00 p.m., and a 6 foot tall solid fence will be installed to baffle any sound.

Mr. Popovich said this is identified as a Neighborhood Commercial Corridor under the current Comprehensive Plan as well as the draft updated Plan. All standards for a special use have been met.

1. Gay Barwald, President and CEO of Pete & Mac's Pet Resorts, commented that all locations are owned and operated by Ms. Barwald and her company. They will be hiring between 20-25 people who will be certified in pet CPR. Tours will be available during lobby hours, and staff members are on site 24 hours per day. She addressed pet security and emergency response. Ms. Barwald commented that the outside play areas have 6 foot walls. The office contains lodging, day care, theme parties, spas and pet education. She described emergency procedures they will follow in case of an emergency. They have been in business for 17 years and their rooms are built out of glass block. The goal is to provide a low stress and clean environment. She also described the trench drain system, which is an automatic flush system so the waste is continually being taken out of the building in to the city's sewer system. As for daycare, this aspect of their business has grown dramatically. They will install turf in the outdoor area to keep it germ free. She discussed the spa/grooming and training programs as well.

Ms. Barwald said they heard at the Plan Commission that the primary concern is noise. As a result they commissioned a noise study that took place on April 26 in their Avondale Arizona facility. They measured the noise in two locations using two sound meters in the play area. She explained that the location they studied does not have sound baffles, as does the proposed one on Lemont Road. In the Arizona facility they had 43 large breed dogs. The inside readings were 57.4-79 dBa, and the outside readings were 54-64.8 dBa. She also provided comparable examples of noise levels to common sounds such as thunderclaps, impact wrenches, garbage trucks, diesel trucks, vacuum cleaners, etc. In addition, Ms. Barwald brought an example of the sound baffle they will be using at the facility.

Mayor Tully asked if the sound evaluation is part of the record, and Ms. Barwald said she has a copy of it available for the Council, which she then gave to staff.

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In response to Commissioner Earl, Ms. Barwald said that their lobby hours are Monday-Friday, 6:30 a.m. to 7:00 p.m.; Saturday 8:00 a.m. to 5:00 p.m., and Sunday, 8:00 a.m. to 6:00 p.m. Ms. Barwald also noted that the adjacent Shop & Save Market sent a letter to them regarding their business, saying they look forward to having them as neighbors.

Mayor Tully asked for clarification from staff that this is an allowable special use, and Mr. Popovich said that it is. He added that it is the boarding aspect that requires a special use. The boarding is what qualifies this as a special use.

In response to Commissioner Hosé, Mr. Popovich said that boarding means anytime you leave your dog for an extended time without other services. Daycare would be boarding as well. Commissioner Hosé asked if the Village has received any noise complaints from other similar businesses in the Village, and Mr. Popovich replied that he has not received any.

1. Marvin Schaar, 909 Rob Roy Place, said he was speaking on behalf of himself and others in opposition to this, and he distributed a copy of a petition to the Council signed by 179 residents. He said their key concern is noise from the outdoor play area for up to 35 larger breed dogs, which is significantly detrimental to them and to their property values. Once this proposal is approved it will be permanent. He asked whether this is the right location of an outdoor play area. Many homes will be adversely affected by this facility. The sound of barking dogs will travel widely. Many homes directly face the proposed outdoor play area. The sound of the barking dogs will go directly to them. Mr. Schaar commented that the proposed play area is surrounded by fencing and has a roof. He then commented on the baffles, which the petitioner said are for use outside. Mr. Schaar said they checked with the company that makes the baffles and the manufacturer told them that the baffles are not to be used outside, as they will mold when covered by rain. He asked whether Pete and Mac's Pet Resorts would replace these baffles whenever it rains to prevent the molding.

He then spoke about the criteria for a special use. He addressed the second criteria, saying that an outdoor play area is not necessary, and he referenced the PetSmart facility on 75<sup>th</sup> Street, which uses only indoor play facilities. Pete and Mac's could use only an indoor play area. The third criterion concerns whether the use is detrimental to the general welfare of the community and gives the Council discretion to protect residents in the vicinity from harm. He said that 179 residents signed the petition, which is evidence that the outdoor play area is detrimental to their welfare.

Mr. Schaar then addressed the Doggie Depot and the facility at 63<sup>rd</sup> Street, saying that the request at 63<sup>rd</sup> Street was for a veterinary facility, which the Council approved, but in that case it was a limited outdoor use with only 5-7 dogs outside at one time as opposed to 35 dogs outside at one time. The second request was at 421 Maple located near the BNSF track in a light industrial area. Nearly all play areas are indoors, and no residents objected to that facility. Pete and Mac's is proposing two play areas. The issue is that this is in a residential area that has never had dogs in the community. The neighborhood will be harmed as it has had the noise ordinance protecting it in the past. He respectfully requested that the proposal be denied, unless it limits itself to only indoor play areas.

Mayor Tully asked what the noise level is that has to be maintained.

Village Attorney Enza Petrarca said the noise level is 65 dBA.

Mayor Tully then stated that the Council can grant a special use with conditions and the petitioner must meet objective criteria as specified by the Village Council.

Mr. Schaar commented that the community wants to help to get this thing going. Dog barking is very loud.

Mayor Tully said that decibel level is objective and conditions can be added.

Mr. Schaar said that their business model is 35 dogs outside most of the time. Mayor Tully said that the focus is on objective criteria, a measurable noise level. The Code has determined the noise level. Mr. Schaar commented that the special use criteria gives the Council the ability to consider the welfare of the residents.

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Mayor Tully replied that welfare is difficult to define, which is why they look to the objective criteria.

2. Jody Andrys, 7225 Main Street, said she has recently done renovations on her home. She has a deck and owns dogs. Her dogs bark when they hear other dogs. It could be a big issue if there are 35 dogs across the way. Her home is the most directly affected, and her concern is noise and odors. She doesn't see a need for this facility. It could harm her property values and cancel out the work they've done on their property.
3. Allen Fisher, 7100 Lyman Avenue, said he supports the objectors. They have been residents of Downers Grove for over 40 years. Unless they measure sound levels 24 hours a day, they don't know the sound. If the property was across from the schools, the school board would go nuclear. There is a facility nearby for families that have experienced abuse. The dogs can traumatize them. His neighbors' dogs can be heard all over. Everybody for five blocks will hear 35 dogs. Mr. Fisher said that the Council's responsibility is to the residents of Downers Grove. This facility will affect property values.
4. Cindy Tory, 7217 Webster, commented that she has been involved in circulating the petition. She relayed comments that she has heard. Many residents are near retirement and are concerned about home values, as were new homeowners. Many people commented that this is an inappropriate spot for animals. The design of the neighborhood carries sound. A few residents lived around this type of facility before and many said that barking is a very irritating noise. They are putting an agricultural use into a residential area. People want to open their windows and sit on their patios. This location is adjacent to a grocery store. She asked why the play area has to be outdoors. Not one person told her they are excited about this. She and her husband live facing the back of the facility. They are okay with indoor play areas but not an outdoor facility.
5. Jeff Magill, 1040 Pinewood Drive, commented that this is not just noise. He also addressed the issue of traffic. There are many senior citizens who are home during the day, and this is a unique situation. Regarding the grocery store, he voiced a serious concern. The grocery store and play area are literally feet from each other and sanitation will be a big issue. Mr. Magill said property values would be adversely affected. In California a kennel must be disclosed in real estate matters. There is no significant support from the community and the neighbors. Property values will be adversely affected. He believes in free enterprise; however, this is a special use. There are areas that would be better suited in Downers Grove.
6. Shelby Vogrin, 933 73<sup>rd</sup> Street, said she is totally opposed to this project next to a grocery store. They have no business sharing a wall next to a grocery store or a restaurant. She is concerned about safety. She's not opposed to the plan but the location is bad and it is not safe for truck drivers. They come into an area projected for a play lot.
7. Jim Holman, 834 72<sup>nd</sup> Street, said that this is a tight-knit neighborhood. He feels this will affect property values, and the main objection is sound. A dog bark is entirely different from other noises. This project doesn't satisfy the third criteria for a special use. PetSmart backs up to a residential area and doesn't have an outdoor area. He referenced noise and traffic on Old Main Street versus Lemont Road. There is a safety and a health issue in terms of dog waste. There are some dog owners who do not clean up after their pets. If there is dog waste on the ground of the parking lot and it is not attended to it could go into the stormwater system or into adjacent yards. A more appropriate place would be on 75<sup>th</sup> Street west of Lemont Road. This is too close to a residential area.
8. Patrick Durkin, 7213 Webster, said he has lived in Downers Grove for 36 years. He came to the meeting because this will affect their property values. It is close to a grocery store. He said the Council has a responsibility to look at the sentiments of the property owners and property values.

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9. Sue Lesniak, 912 Applegate, is a 25-year resident. Applegate is a quiet street, and she hopes it can stay that way. Her concern is noise, and feels this will affect property values. She would not purchase a home if it was so close to boarding kennels and she believes the Council would feel the same way. It will be a huge burden on the neighbors and the Downers Grove Police Department. If the barking is too loud and annoying they will call the police. She asked that the Council put themselves in the situation of the neighbors. As homeowners they are entitled to live in a quiet, stress-free home. That should be the first priority. She hopes this will not be a rubber stamp and that the proceedings are being held in good faith.

10. Dan Dosen, 7217 Orchard Place, commented that noise is his concern as well. He spoke of the decibels dogs can generate. He said 30 dogs can generate a sound similar to a siren. He asked what recourse the homeowners have in this situation.

11. Bryan Spain, Chairman and CEO of Pet Resorts, Inc., said he appreciates the time and concerns of the Council and the residents who have expressed their concerns. Because of the comments made at the Plan Commission he commissioned the noise study. Eight feet from the play area does not exceed the decibel level. He said that they take every effort to mitigate the noise levels. He said they are cognizant of the concerns and they run a first class operation. They could not operate with odors, intrusion, etc. They operate decently. He noted that diesels are louder than the dogs. He said earlier in the day they listened to the noise from Merlin's and the NTB Tires which makes a good deal of noise from their pneumatic equipment. He believes they have mitigated the issues raised.

Commissioner José asked about the noise dampening effect of the acoustic baffles.

Mr. Spain responded that the baffles contain the sound, as opposed to allowing it to emanate away from the facility.

Commissioner Earl asked whether the dogs would be attended to outdoors.

Mr. Spain said yes, if they have 30 dogs there will be two or three attendants on duty. Employees canvass the surrounding area routinely for residue. They have to run a clean facility.

Commissioner Earl then asked about the minimum staffing per pet.

Ms. Barwald replied for daycare they are 1-15, and boarding 1-30 overnight hours. The pet play area closes at 3:00 p.m. and opens at 8:00 a.m. Mr. Spain added that owners use their facility because the dogs are allowed to go outside for exercise for fresh air.

Commissioner Waldack asked about snow days or rainy days.

Ms. Barwald said they are not kept inside because the play area is covered and heated. If it falls below 30 degrees all animals are inside.

12. George Vogrin, 933 73<sup>rd</sup> Street, asked if they have facilities adjacent to or contiguous to grocery stores. Ms. Barwald said that they are located in the heart of retail in Arizona, but not adjacent to a grocery store. They are by residences and there have been no noise complaints.

13. Mr. Lesniak said that the noise from the tire company and the diesel fuel smells are not good for dogs.

14. Mr. DeWolf said he is in support of Pete & Mac's and owns the plaza. He has been working with them for six months and believes they are a first class operation. In negotiating the lease, the owners of Shop and Save Market have assured him that they are not concerned about the use adjacent to them.

15. Ms. Radwell said this is a very important issue. She referenced air borne bacteria. The location is wrong.

16. Eugene Poulin, 907 Applegate, said his family has had property in Downers Grove for 99 years, and he has lived his whole life of 86 years in the Village. He said that Council approval is permanent. The play area is grossly misnamed. Dogfights are not uncommon with dogs outside.

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17. Jose Hernandez, 7217 Webster Street, asked about State and federal regulations and HEPA filters with regard to air quality.

Ms. Barwald said they fall under the Department of Agriculture, and have to be licensed and inspected regularly. They change their filters monthly, and they have a monthly extermination contract as well. All dogs have to be fully vaccinated by a licensed veterinarian.

18. Mr. Magill said that the discussion is being nuanced in the wrong direction. Perception is reality. The impact on property values is indisputable. It's a great business plan but there has to be a more suitable location for this.

Mayor Tully said it doesn't matter who speaks last. There are no closing arguments.

Mr. Schaar asked what the objections would be to using the indoor facility. In the spirit of compromise he wants to understand the objection to keeping it indoors.

Mr. Spain said that this is what sets them apart and what makes their business plan work, and why they can put their investment in their facilities.

Mayor Tully said that is their preference.

Ms. Tory asked if the dogs come out again to eliminate after the outdoor play area closes. Ms. Barwald said the pet play hours are 8:00 a.m. to 3:00 p.m. They will take small groups out after that or they eliminate in their rooms. That is why they have the trench drainage system indoors as well.

19. Jon Hanson, 833 Old Orchard Avenue, commended the Council and public for their due diligence. Regarding the decibel levels, he asked if the decibel level is for any extended length of time.

Mayor Tully replied that the restrictions would be for the duration of the special use.

Mr. Popovich said that 65 decibels would be during the daytime hours. It is allowed to exceed 15 decibels over for 1.5 minutes.

Mr. Hanson then added that the majority does not seem to be against the day care but the outside facility. Instead of 8:00 a.m. to 3:00 p.m., he asked whether they could negotiate a 10:00 a.m. to 2:00 p.m. to reflect the concerns of the residents.

20. Jolanta Szmanda, 7220 Orchard Place, said she shops at Shop and Save Market which is always hiring. She spoke about the jobs and pay at that pet resort. She understands that they ordered and paid for the study, and she asked how that is objective. They will give a good report because that is what they paid for.

21. Mr. Holman asked whether the spaces are hermetically sealed from one another and if they share the HVAC system. He also asked about the safety of the back doors of the grocery store. He asked about the trench drain system for dogs and the ability to handle the volume.

Mayor Tully said that the sanitary issue would be handled by the Sanitary District, a separate entity from the Village.

22. Bill Styczinski of Studio 21 architects said that there is a separation between the buildings. These are two separate buildings and two separate mechanical systems. He talked with the Sanitary District and has their approval regarding waste from the outside area heading out to the sanitary sewer system.

Mayor Tully thanked everyone for coming and for their thoughtful comments.

Commissioner Earl asked about the area east of the play area where there is a 214-foot vacant lot. She asked as to the zoning of that lot.

Mr. Popovich said it is zoned B-2, and the front yard setback is 25 to 30 feet. There is no application for that area.

Commissioner Waldack asked how noise complaints are handled.

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Mr. Popovich said that if a complaint is received a Code Enforcement Officer goes out during office hours. They will speak with the manager and work with them to understand what the issue was and whether it was a one-time or continuous issue. He said that Village staff would arrive at the location with equipment at the initial call to measure the noise. After hours they call the non-emergency number for the Police Department for their observation. Code Enforcement will follow-up with management afterwards. He said that they can request that police arrive at the scene with sound testing equipment and a decibel reader.

Commissioner José asked about the 63<sup>rd</sup> Street approval and language about noise levels.

Mr. Popovich said he would look into it.

Commissioner White said that the Manager could require sound monitoring devices at the property line. If it is part of a special use, the special use could be revoked.

Commissioner José asked if there have been any noise complaints on NTB Tires.

Mr. Popovich said he would have to research that.

Commissioner José then asked whether the petitioner would consider a number smaller than 35 dogs in the outside area. He also expressed his appreciation to the audience for their attendance and messages.

Mayor Tully said that the earliest they might vote on this is next week. He expressed appreciation to the public and to the petitioner for their patience and their input.

Mr. Schaar said in the documentation there is an ambiguity regarding the number of dogs, as well as the start times.

### **13. Mayor's Report**

Mayor Tully said the 6<sup>th</sup> Annual DuPage Human Race will be held on Saturday, May 6, beginning at 9:00 a.m. at The Esplanade at Locust Point, 1901 Butterfield Road. It is a 5k race.

The Mayor reiterated the Founders' Day events to be held this weekend, as stated earlier by Ms. Chalberg. Additional information can be found at [www.downersgrovehistory.org](http://www.downersgrovehistory.org).

Mayor Tully then thanked Commissioner Earl for representing the Village for the DMMC drive down to Springfield.

He noted there are 50 days until Rotary GroveFest.

### **14. 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 for 7221 Lemont Road to permit an animal boarding facility.

### **15. Council Member Reports**

Commissioner Waldack said the 25<sup>th</sup> Annual Summer Nights Classic Car Show begins May 19. More information is available at [downtowndg.org](http://downtowndg.org).

Commissioner Waldack there is information on the Village website regarding the tree and shrub sale. Orders are due June 1, to be picked up on June 8, 2017.

Village of Downers Grove

Council Meeting

May 2, 2017

Commissioner Earl said the Library is still working on their strategic plan and is looking for input from citizens. They want to tailor their programs to the public. They also welcome any cost-saving measures that may be suggested by the public.

Commissioner Earl said she was in Springfield lobbying on behalf of the Village. The legislators expressed their frustration with the lack of a budget. It was very disheartening.

Mayor Tully thanked Commissioner Earl for representing the Village. He noted how important it is to attend this because those there have influence. There has been some proposed legislation that would not be good for the Village.

Commissioner Earl noted that they met with State Representative David Olsen, who will lobby on our behalf.

## 16. Manager's Report - Committee Room

Mr. Fieldman said he will present the items under the Manager's Report at a later date.

**INF 2017-7351** — A. Information: 2017 Long Range Plan

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

## 17. Adjournment

**Motion:** Commissioner White moved to adjourn. Commissioner Waldack seconded the motion.

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

Nay: None

Mayor Tully declared the motion carried and the meeting adjourned at 10:01 p.m.

Respectfully submitted,

April Holden

Village Clerk