

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

7/11/2017

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 2017-7439 — A. Minutes: Council Minutes - June 20, 2017

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

Mayor Tully declared the motion carried by voice vote.

4. Presentation

Economic Development Corporation Quarterly Report

Michael Cassa, President, Downers Grove Economic Development Corporation (EDC), 5159 Mochel, presented the EDC quarterly report for the first quarter 2017. Mr. Cassa introduced John Luka, Chair, Board of Directors, EDC.

Mr. Cassa provided project updates for the following: Vequity Real Estate, Packey Webb Ford, Lincoln, Outback Steakhouse, Nossa Brazilian Grill, Kirkland's, 3 Corners Grill and Tap, and United Healthcare. He then addressed the Grove Shopping Center challenges and opportunities. It is the largest shopping center in Downers Grove, is obsolete, has 18 owners and numerous covenant restrictions. In terms of opportunities, there is interest from brokers, it is in a key location, there have been meetings with interested parties and the out lots are stable. Mr. Cassa said they are looking for one buyer for this shopping center.

Mr. Cassa then discussed municipal and home rule sales taxes. Home Rule sales taxes are down 1.03% and municipal sales taxes are down 3.52% for the first quarter 2017 as compared to the first quarter 2016. He discussed this in terms of the trends in our trade area.

For April 2017, municipal sales taxes are down 0.16% and Home Rule sales taxes are up 4.64%. Total sales taxes by category are down 2.59% when comparing the first quarter 2017 vs. first quarter 2016. Mr. Cassa also compared US auto sales by selected brand for the period January – May 2017 vs. January – May 2016.

With respect to retail trends, Mr. Cassa said ecommerce is expected to grow and retailers are carrying less inventory. He then addressed a number of store closings. Mr. Cassa said he does not expect retail to go away, and he discussed opportunities and strategies to attract retailers.

Mayor Tully thanked Mr. Cassa for the thorough summary and discussion of trends.

Mr. Cassa thanked the Council for their support and staff.

5. Public Comments

This is the opportunity for public comments.

Dennis Johnson said he is a 40-year resident. He spoke about the intersection of Grove and Carpenter. His concerns are safety and integrity of construction. Regarding safety, Mr. Johnson said the intersection was narrowed by one car width to reduce speeding. Signs were installed that were ivory in color and removed by the residents. He asked for permanent signs that were red. There were ruts in the street from the traffic. He spoke of the cement apron and the sunken bricks that created speed bumps. The Village put up a "Bump" sign as he requested. Some of these issues were addressed but the repairs did not last a year. He has taken pictures of the situation. The safety issue has not been adequately resolved. The bricks are sinking again. A "Rough Road" sign has been installed. Mr. Johnson said he understands Public Works is reviewing options at this time. He has concerns about the number of cars passing through this intersection daily, whether the structure supports the traffic volume, whether the sewer pipes are too high, and whether there is a better alternative. He asked Council members to drive the area, park in the Church parking lot and listen to the traffic as cars go over the bump. He said he considers Carpenter Street to be as important as Dunham Road.

Mayor Tully said he passes that intersection all the time and he will keep an eye out for issues. He addressed the construction and the permeable pavers used on Grove Street. He said the Village is learning from this experience.

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Dave Fieldman, Village Manager, said this was an innovative project. This intersection has failed and was rebuilt by the contractor at no cost to the taxpayers. It will be rebuilt again. The rest of the project functions well.

Mr. Johnson said not everyone knows that the street narrows so signage is needed.

6. Consent Agenda

COR 2017-7440 — A. Claims Ordinance: No. 6217, Payroll, June 9, 2017

BIL 2017-7441 — B. Bills Payable: No. 6338, July 11, 2017

RES 2017-7438 — C. Resolution: Second Extension to the Agreement with MB Financial Bank, N.A.

Summary: This authorizes a second extension to the banking services agreement with MB Financial Bank, N.A.

**A RESOLUTION AUTHORIZING EXECUTION OF A SECOND EXTENSION TO THE AGREEMENT
BETWEEN THE VILLAGE OF DOWNERS GROVE AND MB FINANCIAL BANK, N.A.**

RESOLUTION 2017-50

RES 2017-7442 — D. Resolution: Authorize a Renewal Quotation and Addendum with Environmental Systems Research Institute, Inc.

Summary: This authorizes a renewal of software maintenance and licensing for the software packages the Village uses for its GIS solution.

**A RESOLUTION AUTHORIZING EXECUTION OF A RENEWAL QUOTATION AND ADDENDUM
BETWEEN THE VILLAGE OF DOWNERS GROVE AND ENVIRONMENTAL SYSTEMS RESEARCH
INSTITUTE, INC.**

RESOLUTION 2017-51

RES 2017-7446 — E. Resolution: Authorize an Agreement with Underwriters Safety & Claims, Inc.

Summary: This authorizes execution of a renewal agreement with Underwriter Safety & Claims, Inc. in an amount not-to-exceed \$28,000 for administering the Village's workers' compensation and liability claims.

**A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF
DOWNERS GROVE AND UNDERWRITERS SAFETY & CLAIMS, INC.**

RESOLUTION 2017-52

MOT 2017-7444 — F. Motion: Award \$95,850.00 to J. Gill & Company, South Holland, IL, for Parking Deck Rehabilitation and Maintenance, Phase 2

Summary: This awards a contract for parking deck rehabilitation and maintenance, Phase 2 (P-013-17) to J. Gill & Company of South Holland, Illinois in the amount of \$95,850.00.

MOT 2017-7448 — G. Motion: Award \$35,000.00 to Hampton, Lenzini and Renwick, Inc., Elgin, IL, for Native Landscaping and Natural Areas Maintenance and Monitoring

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Summary: This awards a contract for native landscaping and natural areas maintenance and monitoring to Hampton, Lenzini and Renwick, Inc. (HLR), of Elgin, Illinois in an amount of \$35,000.

MIN 2017-7449 — H. Minutes: Receipt of Minutes of Boards and Commissions

Summary: Environmental Concerns Commission - August 11, 2016 and February 9, 2017; Library Board - May 24, 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.

7. Active Agenda

MOT 2017-7416 — A. Motion: Authorize the Preliminary Design of Public Sidewalks in the Northwest Belmont Area

Summary: This authorizes staff to proceed with the preliminary design and initial layout of public sidewalks in the Northwest Belmont area.

Motion: Commissioner White moved to proceed with the preliminary design and initial layout of public sidewalks in the Northwest Belmont area, as presented. Commissioner Waldack seconded the motion.

Commissioner White said this is a very good idea.

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

Nay: None

Mayor Tully declared the motion carried.

ORD 2017-7408 — B. Ordinance: Amend Certain Parking and Traffic Provisions

Summary: This amends certain parking and traffic provisions.

AN ORDINANCE AMENDING CERTAIN PARKING AND TRAFFIC PROVISIONS

ORDINANCE NO. 5626

Motion: Commissioner White moved to adopt "An Ordinance Amending Certain Parking and Traffic Provisions," 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.

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ORD 2017-7421 — C. Ordinance: Adopt the 2015 International Residential Code and Amendments Thereto

Summary: This adopts the 2015 International Residential Code and amendments thereto.

AN ORDINANCE ADOPTING THE 2015 INTERNATIONAL RESIDENTIAL CODE AND AMENDMENTS THERETO

ORDINANCE NO. 5627

Motion: Commissioner White moved to adopt "An Ordinance Adopting the 2015 International Residential Code and Amendments Thereto," as presented. Commissioner Waldack seconded the motion.

Commissioner José thanked staff for including local amendments as these are good steps to keep our residents safe at a lower cost than sprinklers.

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

Nay: None

Mayor Tully declared the motion carried.

ORD 2017-7422 — D. Ordinance: Adopt the 2015 International Building Code and Amendments Thereto

Summary: This adopts the 2015 International Building Code and amendments thereto.

AN ORDINANCE ADOPTING THE 2015 INTERNATIONAL BUILDING CODE AND AMENDMENTS THERETO

ORDINANCE NO. 5628

Motion: Commissioner White moved to adopt "An Ordinance Adopting the 2015 International Building Code and Amendments Thereto," 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 2017-7423 — E. Ordinance: Adopt the 2015 International Property Maintenance Code and Amendments Thereto

Summary: This adopts the 2015 International Property Maintenance Code and amendments thereto.

AN ORDINANCE ADOPTING THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE AND AMENDMENTS THERETO

ORDINANCE NO. 5629

Motion: Commissioner White moved to adopt "An Ordinance Adopting the 2015 International Property Maintenance Code and Amendments Thereto," 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 2017-7424 — F. Ordinance: Adopt the 2015 International Fire Code and Amendments Thereto

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Summary: This adopts the 2015 International Fire Code and amendments thereto.

**AN ORDINANCE ADOPTING THE 2015 INTERNATIONAL FIRE CODE AND AMENDMENTS
THERE TO**

ORDINANCE NO. 5630

Motion: Commissioner White moved to adopt "An Ordinance Adopting the 2015 International Fire Code and Amendments Thereto," as presented. Commissioner Waldack seconded the motion.

Mayor Tully said this strikes a perfect balance with respect to the issue of fire sprinklers.

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

Nay: None

Mayor Tully declared the motion carried.

ORD 2017-7425 — G. Ordinance: Adopt the 2015 International Fuel Gas Code and Amendments Thereto

Summary: This adopts the 2015 International Fuel Gas Code and amendments thereto.

**AN ORDINANCE ADOPTING THE 2015 INTERNATIONAL FUEL GAS CODE AND AMENDMENTS
THERE TO**

ORDINANCE NO. 5631

Motion: Commissioner White moved to adopt "An Ordinance Adopting the 2015 International Fuel Gas Code and Amendments Thereto," 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 2017-7426 — H. Ordinance: Adopt the 2015 International Mechanical Code and Amendments Thereto

Summary: This adopts the 2015 International Mechanical Code and amendments thereto.

**AN ORDINANCE ADOPTING THE 2015 INTERNATIONAL MECHANICAL CODE AND
AMENDMENTS THERE TO**

ORDINANCE NO. 5632

Motion: Commissioner White moved to adopt "An Ordinance Adopting the 2015 International Mechanical Code and Amendments Thereto," 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 2017-7427 — I. Ordinance: Adopt the 2015 International Swimming Pool and Spa Code and Amendments Thereto

Summary: This adopts the 2015 International Swimming Pool and Spa Code and amendments thereto.

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**AN ORDINANCE ADOPTING THE 2015 INTERNATIONAL SWIMMING POOL AND SPA CODE
AND AMENDMENTS THERETO**

ORDINANCE NO. 5633

Motion: Commissioner White moved to adopt "An Ordinance Adopting the 2015 International Swimming Pool and Spa Code and Amendments Thereto," as presented. Commissioner Waldack seconded the motion.

Commissioner Barnett noted that the building codes are reviewed and updated periodically. The Village adopted the 2006 edition of the International Code Council (ICC) codes in 2009. These are the 2015 edition of the ICC codes. Commissioner Barnett said the changes to the codes are available on the Village's website.

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

Nay: None

Mayor Tully declared the motion carried.

ORD 2017-7428 — J. Ordinance: Amend the Alarm Code

Summary: This adopts the Village's Alarm Code.

AN ORDINANCE AMENDING THE ALARM CODE

ORDINANCE NO. 5634

Motion: Commissioner White moved to adopt "An Ordinance Amending the Alarm Code," 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 2017-7420 — K. Ordinance: Amend Provisions for Permit Applications

Summary: This amends provisions for permit applications.

AN ORDINANCE AMENDING PROVISIONS FOR PERMIT APPLICATIONS

ORDINANCE NO. 5635

Motion: Commissioner White moved to adopt "An Ordinance Amending Provisions for Permit Applications," 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.

8. First Reading

ORD 2017-7411 — A. Ordinance: Rezone Certain Property Located at 4910 Cross Street

Mr. Fieldman asked Stan Popovich, Director, Community Development, to introduce this item.

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Stan Popovich, Director, Community Development, said this amends the zoning ordinance map to rezone the property at 4910 Cross Street from R-1, Residential Detached House 1, to R-4, Residential Detached House 4. He showed the location on the map. He said when this area was annexed, all the properties were zoned R-1. This is a 50-foot wide lot. The petitioner is requesting to rezone the property to R-4 to better match the lot width, area, and required setbacks. Two lots are to be consolidated into one legal lot. The proposed rezoning is compatible with the Comprehensive Plan and meets all standards for approval of a zoning map amendment.

ORD 2017-7445 — B. Ordinance: Establish a Food and Beverage Tax

Mr. Fieldman asked Megan Miles, Management Analyst in the Manager's Office, to address this item.

Megan Miles, Management Analyst, said an ordinance has been prepared to adopt a 1% Food and Beverage Tax. The Village, along with many other municipalities, is experiencing declining sales and income tax revenues. Revenues are estimated to decline by \$1.3 million. A food and beverage tax would apply to the purchase price of alcohol, packaged liquor, prepared foods and non-alcoholic beverages for immediate consumption. The tax is estimated to bring in \$1.5 million every year. It would go into effect on January 1, 2018.

Commissioner Barnett encouraged Council to review the market data. Long-term revenue streams will be different in the future. He urged Council to consider 1.5% if this goes forward. He does not think people choose where to go based on the tax rate. He said he thinks Council has gotten to this point a little too easily and has danced around service levels. Council members are not doing their jobs well by looking at revenue sources but putting off discussions of service levels. This is not a solution to a long-term problem. The revenue this tax generates will probably hover around \$1.5 million. He urged Council not to do this halfway.

Mayor Tully addressed operational expenses. Over the last decade there have been reductions in costs; reducing expenses has been considered first, and Council and staff have been committed to that. He noted that about 80% of the Village's expenses are for people, and we won't be able to continue to cut staff. In the adopted 2017 budget, the property tax levy is less for operations than it was five years ago. Sales tax revenue is second to the property tax levy in terms of the amount collected. Sales tax, Home Rule sales tax, the Village's share of income tax, etc. are all being affected. The Village will now be required to pay a 2% processing fee on Home Rule sales taxes. The food and beverage tax is a replacement tax. He noted that other communities also have a food and beverage tax. This tax does not just apply to residents; it gets paid by anyone coming to Downers Grove. This will be paid to and collected by the Village with no funds held back by the State. As part of long range planning, Council asked for other options and this was the least unattractive option.

Commissioner Barnett said part of this will be paid by others, and it is purely discretionary. He noted that property taxes are the only reliable tax. He said 25% of our expenses are paid by property taxes; revenue for the other 75% of costs is out of our control.

Mayor Tully said this and other Councils have pursued other options to deliver services in more efficient ways.

Commissioner White said that given the decline in taxes, he supports this and he does not want to tie this to other needed conversations.

Commissioner Barnett reiterated that he would like to seriously consider a 1.5% tax.

Mayor Tully said there is no choice but to pay property taxes; however, a food and beverage tax can be avoided. He noted that the Village's portion of the tax bill represents 9% of the total property tax bill.

RES 2017-7452 — C. Resolution: Authorize an Agreement with Allied Waste Services of North America, LLC

Mr. Fieldman asked Mike Baker, Deputy Village Manager, to address this item.

Mike Baker, Deputy Village Manager, said a resolution has been prepared to authorize a contract with Republic Services for solid waste collection and disposal services. At the June 6, 2017, Council meeting, staff was directed

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to negotiate the key terms of the contract. The proposed contract is for five years with no change in fees in year one, 2% annual increases in fees in years two through five, one Amnesty event, and continuation of the downtown recycling program. He said a composting program is under development.

Commissioner Waldack said it looks like this will go through fairly quickly. He said he has had no complaints; the provider is doing a good job. He said he has some questions about composting.

Commissioner José said that with this contract there will have been no increase in fees for three years, and only a modest increase after that. There are many good things in this contract.

Commissioner Earl said she has heard no complaints; the service is fantastic. She is comfortable with this.

Commissioner Barnett said Republic has done a good job and the results have been great. However, he highlighted that people are subsidizing those people who use the service very little, and he does not think that is appropriate. He also has a problem with Amnesty Day. It is a horrible policy as we pay for it, nothing is sorted and it all ends up in a landfill. He thinks there is a structural problem with the contract. Environmentally and cost-wise, we are not doing the best we can.

Commissioner White said if 51% of people are choosing stickers, he would not want to change the terms. People have strong feelings about Amnesty days. He likes the idea of continuing what has been working.

Mayor Tully said the contract used to be time-consuming; it has been a delight in recent years. The community is happy with the service they are receiving and the Village has been able to maintain service. The provider knows the streets and their customers. He said there is a cost to disruption. Mayor Tully said the community demanded that Amnesty Day be brought back. Staff has done a great job. The Mayor complimented the service provider.

ORD 2017-7443 — D. Ordinance: Provide for the Issuance of General Obligation Refunding Bonds in the Village of Downers Grove Not to Exceed \$2,300,000.00

Mr. Fieldman asked Judy Buttny, Finance Director, to address this matter.

Judy Buttny, Finance Director, said this is to authorize a bond refunding of Series 2008B TIF refunding bonds in the amount of \$2,300,000.00. This will save the Village approximately \$120,000.00. The proposed ordinance would allow the Village to proceed using a direct placement to a bank or financial institution, thereby reducing the costs of issuance. In response to Mayor Tully, Ms. Buttny said the Village's AAA bond rating is extremely important in allowing the Village to save money.

Mayor Tully said our rating means real dollars to the community. He said he appreciates that staff is always on the lookout for these savings. He thanked Ms. Buttny and the Finance Department for the opportunity to save money.

Commissioner Waldack asked Ms. Buttny to bring forth any recommended changes to the policy to expedite savings.

Ms. Buttny noted that these are callable bonds; the law only provides for one advanced refunding and the Village has already exercised that option.

MOT 2017-7447 — E. Motion: Award \$1,797,020.84 to Geneva Construction Company, Aurora, IL, for the 2017 Street Resurfacing Contract B

Mr. Fieldman asked Nan Newlon, Director, Public Works, to address this matter.

Nan Newlon, Director, Public Works, said this is a contract for the 2017 Street Resurfacing Contract B recommended to be awarded to Geneva Construction Company of Aurora, Illinois in the amount of \$1,797,020.84. This is a component of the 2017 Roadway Maintenance Program financed by MFT funds. The

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scope of the street maintenance includes reconstruction and repairs. She provided a list of the streets to be included in the contract.

Mayor Tully said 37% of the 2017 capital budget is for streets.

9. Mayor's Report

Mayor Tully thanked everyone who came and enjoyed the Independence Day parade; it was bigger and better than in previous years.

The Mayor invited people to Coffee With The Council on Saturday, July 15, 2017, from 9:00 a.m. to 10:00 a.m. at the Main Street Train Station and to visit the Downtown Market.

10. Manager's Report

Mr. Fieldman said the impact of the State budget is minor for now. He said 2% of the Home Rule sales tax, \$160,000.00, will be held by the State as a processing fee. He said \$40,000 will come from the General Fund and \$120,000 from Capital Projects Fund.

11. 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 rezoning certain property located at 4910 Cross Street
2. An ordinance establishing a food and beverage tax
3. An ordinance providing for the issuance of General Obligation Refunding Bonds in the Village of Downers Grove not to exceed \$2,300,000.00

12. Council Member Reports

13. Adjournment

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

Mayor Tully declared the motion carried by voice vote and the meeting adjourned at 8:25 p.m.

Respectfully submitted,

April Holden

Village Clerk