

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

4/17/2018

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 José, 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 2018-7737 — A. Minutes: Council Minutes - April 3, 2018

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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. Public Comments

This is the opportunity for public comments.

5. Consent Agenda

COR 2018-7738 — A. Claims Ordinance: No. 6257, Payroll, March 16, 2018

BIL 2018-7739 — B. Bills Payable: No. 6388, April 17, 2018

MOT 2018-7733 — C. Motion: Award \$49,750.00 to K-Five Hodgkins, LLC, Westmont, IL, for Hot Mix Asphalt Materials

Summary: This awards a contract for the supply of hot mix asphalt materials to K-Five Hodgkins, LLC of Westmont, Illinois, in the amount of \$49,750.

MOT 2018-7732 — D. Motion: Award \$16,068.00 to Hampton, Lenzini and Renwick, Inc., Elgin, IL, for Belmont Pollinator Plantings

Summary: This awards a contract for the application of a meadow mix for the Belmont Pollinator Plantings to Hampton, Lenzini and Renwick, Inc (HLR) of Elgin, Illinois in the amount of \$16,068.00.

RES 2018-7730 — E. Resolution: Maintenance of Streets and Highways by Municipality Under the Illinois Highway Code

Summary: This appropriates \$1,300,000 of Motor Fuel Tax (MFT) funds for 2018.

RESOLUTION FOR MAINTENANCE UNDER THE ILLINOIS HIGHWAY CODE

RESOLUTION 2018-28

MOT 2018-7721 — F. Motion: Authorize a Contract with Warehouse Direct, Inc., Des Plaines, IL, for the Purchase of Office Supplies

Summary: This authorizes a contract with Warehouse Direct of Des Plaines, IL, for the purchase of office supplies.

MOT 2018-7731 — G. Motion: Award \$218,830.80 to Denler, Inc., Mokena, IL, for 2018 Pavement Crack Sealing Project

Summary: This awards a contract for the 2018 Pavement Crack Sealing Project to Denler, Inc. of Mokena, Illinois in the amount of \$218,830.80.

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MOT 2018-7734 — H. Motion: Authorize a Contract Not to Exceed \$29,143.00 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 various capital improvement projects to True North Consultants, Inc. of Naperville, Illinois in an amount up to \$29,143.00.

RES 2018-7735 — I. Resolution: Authorize the Sale by Public Auction of Personal Property Owned by the Village of Downers Grove

Summary: This authorizes the sale by public auction of personal property owned by the Village of Downers Grove.

A RESOLUTION AUTHORIZING THE SALE BY PUBLIC AUCTION OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF DOWNERS GROVE

RESOLUTION 2018-29

RES 2018-7736 — J. Resolution: Authorize an Extension and Amendment to the Agreement with Hampton, Lenzini and Renwick, Inc., for Native Landscaping and Natural Areas Maintenance and Monitoring

Summary: This extends a contract for Native Landscaping and Natural Areas Maintenance and Monitoring with Hampton, Lenzini and Renwick, Inc. (HLR), of Elgin, Illinois in an amount of \$35,700.

A RESOLUTION AUTHORIZING EXECUTION OF AN EXTENSION AND AMENDMENT TO THE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND HAMPTON, LENZINI & RENWICK, INC.

RESOLUTION 2018-30

MIN 2018-7740 — K. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Liquor Commission - March 1, 2018

Motion: Commissioner White moved to approve the Consent Agenda 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.

6. Active Agenda

ORD 2018-7698 — A. Ordinance: Rezone a Portion of Certain Property located at 2200 Warrenville Road

Summary: This rezones a portion of 2200 Warrenville Road from M-1, Light Manufacturing to O-R-M, Office, Research and Manufacturing.

AN ORDINANCE REZONING A PORTION OF CERTAIN PROPERTY LOCATED AT 2200 WARRENVILLE ROAD

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ORDINANCE NO. 5687

Motion: Commissioner White moved to adopt "An Ordinance Rezoning a Portion of Certain Property Located at 2200 Warrenville Road," 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 2018-7697 — B. Resolution: Approve the Final Plat of Subdivision for 2200 Warrenville Road

Summary: This approves the final plat of subdivision for the property located at 2200 Warrenville Road.

**A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR
2200 WARRENVILLE ROAD**

RESOLUTION 2018-31

Motion: Commissioner White moved to adopt "A Resolution Approving the Final Plat of Subdivision for 2200 Warrenville Road," 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.

Mayor Tully welcomed Green Bay Packaging and offered congratulations and best wishes. He thanked them for choosing to come to Downers Grove.

7. First Reading

Village Manager Dave Fieldman said there are four topics on tonight's First Reading agenda.

ORD 2018-7707 — A. Ordinance: Vacate a Portion of a Public Alley Immediately South of 2125 Ogden Avenue Stan Popovich, Director, Community Development, said Items A-D concern an alley vacation, planned unit development, rezoning and special uses at Power Mart, located at 2125 Ogden Avenue. He showed the location at the southeast corner of Belmont and Ogden Avenues.

Mr. Popovich said a similar request came before Council in November 2017. The petitioner subsequently revised the proposal and returned to the Plan Commission in March 2018. Mr. Popovich said the site plan is generally the same as originally submitted. He then reviewed key changes in the two proposals. Entitlements have changed to now propose a planned unit development, rezoning, special uses and alley vacation. The proposed alley vacation is consistent with the Village Council policy and state law. The petitioner will compensate the Village \$10,000 for the alley. The exterior finish materials will be fiber cement board in brick and natural stone finishes. The construction and occupancy of the two buildings will occur at the same time.

Mr. Popovich showed images of the building as well as west and north elevations. He said two curb cuts are removed, site connectivity is improved, five lots and the alley are consolidated into one lot, landscaping and screening is enhanced, and vacant buildings are replaced with new buildings. Mr. Popovich said meets the goals of the Comprehensive Plan as it relates to a catalyst site.

Commissioner Waldack thanked the Mayor and Manager for explaining the purpose of the First Reading. He noted that both Mayor Tully and Mayor Pro Tem White provide this explanation and thanked them for making

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that information known to the public. He feels that some people on the dais; however, do not seem to understand what a First Reading is. He referenced Facebook postings that had misleading information.

Commissioner Waldack said he is glad the petitioner has returned with a revised plan. One of his concerns was the neighborhood input and neighborhood notification. Mr. Lavoie, representing the petitioner, did an excellent job of describing notification efforts and Commissioner Waldack said he was satisfied that notification was properly made. Commissioner Waldack said he was also concerned about the sale price of the alley. He is happy that the Village will get double on the sales price. Ogden Avenue is challenging in terms of avoiding the creation of small, shallow lots, and this proposal combines lots.

Commissioner Waldack noted that not everything Council approves gets built. This petitioner came before Council in 2008. In the meantime, the property was allowed to deteriorate and cars passing the site see the blight. Commissioner Waldack said he wanted to make sure that if the property failed, it would not fall into blight again. He said he can support this petition.

Regarding Facebook conversations, they appear to be more about personalities than issues. Commissioner Waldack said people on Facebook did not like his questions and he was referred to as a "stubborn idiot." If reading the material and Council packets and learning how to do best for the neighbors and prevent future blight makes him stubborn, he's proud to be stubborn when working on behalf of the residents of Downers Grove.

Commissioner José asked about the history of the alley.

Mr. Popovich said it was dedicated at no cost when the land was developed.

Commissioner Earl thanked staff and the petitioner for bringing this forward. This is a much improved project. She thanked everyone for their hard work.

Commissioner White said subdividing lots on Ogden Avenue should be avoided. A single lot satisfies his biggest concern.

Commissioner Walus said this is great and she thinks the residents will appreciate it.

ORD 2018-7702 — B. Ordinance: Amend the Zoning Ordinance to Designate the Property at 2125 Ogden Avenue as Planned Unit Development #60 and Authorize a Commercial Redevelopment for Power Mart

ORD 2018-7703 — C. Ordinance: Rezone Certain Property located at 2125 Ogden Avenue

ORD 2018-7705 — D. Ordinance: Authorize Special Uses for 2125 Ogden Avenue to Permit a Drive-Through Restaurant Facility and a Fueling Station

ORD 2017-7584 — E. Ordinance: Propose Establishment of Special Service Area Number 10 - Bridgepoint Downers Grove Subdivision, 3600 Lacey Road

Mr. Popovich said this property is at the corner of Finley and Lacey Roads. The three lot and two outlot subdivision was approved in December 2017. The establishment of a Special Service Area (SSA) is to serve as a safeguard in the event that the Association cannot or does not maintain the subdivision's common detention areas. The SSA will allow the Village to levy a special tax on the property owners for the maintenance of the common areas if the owner defaults and the Village is required to step in to provide such maintenance. Before the Village established SSAs for subdivisions, maintenance of common areas would be left to the homeowners association and if they were not maintained, the Village would be left with few options.

Mayor Tully asked how SSAs are working out for the Village.

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Mr. Fieldman said the Village has had no situations of homeowners associations failing to maintain common areas, but he noted that a failure usually happens approximately 20 years after the subdivision is developed.

ORD 2018-7726 — F. Ordinance: Authorize a Franchise Agreement with Northern Illinois Gas Company (NICOR) to Construct, Operate and Maintain a Gas Distributing System in and through the Village of Downers Grove, Illinois

Village Attorney, Enza Petrarca, said this is an ordinance extending the Northern Illinois Gas Company, Nicor, franchise agreement for 25 years to construct, operate and maintain a system for the production, distribution and sale of natural gas in and through the Village of Downers Grove. The ordinance requires that any improvements constructed and installed by Nicor be located so as not to interfere with or damage public improvements. It also contains a provision requiring Nicor to indemnify the Village for any injuries or damages caused by Nicor's use and occupation of any Village property. Upon adoption of the ordinance, Nicor will supply the Village with a specified amount of natural gas to be used by the Village at no direct cost.

Commissioner Waldack said he is glad that the term of this agreement changed from 50 to 25 years.

ORD 2018-7720 — G. Ordinance: Amend Ordinance #5572 and the Village of Downers Grove Budget for Fiscal Year 2017

Judy Buttny, Finance Director, said two funds are to be amended: The TIF Debt Service Fund and the Library Debt Service Fund. With respect to the TIF Debt Service Fund, refunding of \$2.3 million of TIF bonds resulted in \$123,000 of savings. The Library Board voted to close the Library Debt Service Fund as the debt service was paid off in 2017, and the balance in the fund, \$1,760.00, was transferred to the Library's General Fund.

Mr. Fieldman said this amendment complies with state regulations. In both cases, the Village has cost savings, not expenses.

Commissioner Waldack said the Village is not adjusting what was spent or earned. If it were strictly revenue, no amendment would be required.

8. Mayor's Report

Mayor Tully reported the following:

The next Coffee With The Council will be held on Saturday, April 21, 2018, at 9:00 a.m. – 10:00 a.m. at the Downers Grove Public Library.

May 6 is Founders Day and the Friends of the Edwards House is hosting a special event entitled, "Landmarking Your Historic Property and the Historic Home Program" on May 6, 2018, at 3:30 p.m. at the Downers Grove Public Library. More information is available at friendsoftheedwardshouse.com

He congratulated the District 99 Special Olympics Basketball Team on winning the state championship. He asked that the team be invited to the Independence Day parade.

He expressed condolences to the family of Marie Szabo who passed away at 100 years old. She is the mother of Richard Barth, the only police officer to be killed in the line of duty in Downers Grove. She will be deeply missed.

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9. Manager's Report

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 vacating a portion of a public alley immediately south of 2125 Ogden Avenue
2. An ordinance amending the Zoning Ordinance to designate the property at 2125 Ogden Avenue as Planned Unit Development #60 and authorize a commercial redevelopment for Powermart
3. An ordinance rezoning certain property located at 2125 Ogden Avenue
4. An ordinance authorizing special uses for 2125 Ogden Avenue to permit a drive-through restaurant facility and a fueling station
5. An ordinance proposing establishment of Special Service Area Number 10 - Bridgepoint Downers Grove Subdivision, 3600 Lacey Road
6. An ordinance authorizing a franchise agreement with Northern Illinois Gas Company (NICOR) to construct, operate and maintain a gas distributing system in and through the Village of Downers Grove, Illinois
7. An ordinance amending Ordinance #5572 and the Village of Downers Grove budget for fiscal year 2017

11. Council Member Reports

Commissioner Earl said that the Pierce Downer's Heritage Alliance, in conjunction with Founders Day, is sponsoring a guided Wilderness and Wildflower Walk on April 28 beginning at 1:00 p.m. at Lyman Woods. More information can be found at pdha.org.

Commissioner José said the Village is hosting a paper shredding event on Saturday, April 28 from 8:00 a.m. until noon at Village Hall. The event is offered to Downers Grove residents and is free of charge.

Commissioner Waldack said the Downtown Management Corporation is sponsoring a Wine Walk on April 26. More information can be found about ticket availability for this event and other activities at downtowndg.org.

Mayor Tully said tickets for the Wine Walk sold out with 200 tickets sold and there is a large waiting list.

Mayor Tully said the Village joined Du-Comm recently and he is a member, serving as board secretary. Du-Comm is building a new facility that is nearing substantial completion. The ribbon cutting and open house is scheduled for July, with the facility fully operational by August 1.

Mayor Tully said there are 66 days until Rotary GroveFest.

12. Adjournment

Mayor Tully asked for a motion to adjourn.

Motion: Commissioner White moved to adjourn. 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 the meeting adjourned at 7:39 p.m.

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Respectfully submitted,

April Holden

Village Clerk