

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

2/19/2019

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.

Following the Pledge, Mayor Tully expressed his concerns on behalf of the Village Council and the entire community for a student involved in a tragic accident in front of North High School today.

2. Roll Call

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

Absent: Commissioner Earl

Non-Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca, Deputy Village Clerk Megan Miles

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 2019-8095 — A. Minutes: Council Minutes - February 12, 2019

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. Mayor's Report

2018 Annual Report

Mayor Tully explained that the tradition of a chief executive giving a verbal State of the Union address goes back to January 8, 1790, when President George Washington gave the first Annual Report in New York City before a joint session of Congress. The Downers Grove traditional State of the Village address (the "Report") is designed to highlight some of the success of 2018. He noted that none of these successes would have been possible without the collaborative and dedicated efforts of the Village staff, elected officials, relationships with public and private organizations, as well as the various members of Village Boards and Commissions. He stated that the format of the report will follow that featured in *Inside DG*, a publication available on the Village's website at www.downers.us. He then showed a brief video of the publication.

The Mayor said the items in the Report are tied into the Village's 2017-2019 Long Range Plan that stresses five strategic goals of the Village, which are:

- 1) good stewardship of financial, environmental and neighborhood sustainability
- 2) providing exceptional municipal services
- 3) maintenance of a top quality infrastructure
- 4) providing a strong and diverse local economy
- 5) being continually innovative

The Mayor reported on financial sustainability that includes a balanced General Fund, no increase in property taxes, and continued investment in infrastructure. The Village's 2019 budget shows a balanced General Fund, a Standard and Poors (S&P) AAA bond rating, revenues and expenses of \$48 million, and for the eighth year in a row, no increase in property taxes for Village operations, although there is an increase in the levy required by State law for public pensions. He noted there was also a decrease in three full-time staff positions. In addition, the budget anticipates a continued infrastructure investment with more than \$24 million included for streets, stormwater and water system improvements. Mayor Tully expressed his and the Council's appreciation to everyone who participated and provided input in the budget discussions last year. He noted that the Village has had an S&P AAA bond rating since 2013. The rating allows for the infrastructure projects at the lowest possible costs. The Village is one of only 23 municipalities in the State of Illinois to earn this top rating. S&P has determined that the Village has very strong management conditions, very strong budgetary flexibility, strong budgetary performance, and a very strong economy. Managing tax dollars is a big responsibility and the Village is always working to maximize value when public dollars are being spent.

Mayor Tully then referenced the Village's top performing Police Department. The department recently redesigned several open positions that were created by retirements. They reduced annual expenses by \$400,000. Even with those changes, the Downers Grove Police Department has been awarded the gold standard accreditation with excellence from CALEA. They also received the highest level of recognition; only 4% of the law enforcement agencies in the U.S. achieve accreditation through CALEA. He said that proves it is possible to do more with less. The Police Department seeks grant funding. Last year one such grant fund provided 20 bulletproof vests for the officers.

The Mayor discussed the Village's Fire Department, noting that through its partnering with the Darien/Woodridge Fire Protection District it was able to reduce emergency medical response times. It is a good example of cooperation and collaboration at no increased cost, and has improved response time for the southeast portion of the Village. Another example is the Fire Department's training tower, which was ingeniously created using shipping containers to provide training operations to our first responders. It is 100% funded by insurance companies doing business in Illinois. Chief Pindelski via video described the training facility where they hold a mini academy including any live fire situations, ladder drills, etc. No local tax dollars were used on this project. The Department is focused on delivering safe, effective and efficient service. The training facility will be instrumental in the accomplishment of those goals.

Mayor Tully said another strategic goal of the Village is to provide top quality infrastructure. In 2018, the Village invested \$14.6 million in improvements to streets, sidewalks, water systems and stormwater systems. This is a continuation of the infrastructure program that has gone on for many years. Included in that is neighborhood sustainability in the stormwater regulations. Since 2008, the Village has completed approximately 60 capital stormwater improvement projects at a cost of about \$35 million. The Village has current plans to construct another 13 capital stormwater improvement projects between 2019-2022 at a cost of \$15 million. Each completed project reduces the frequency and severity of the flooding of structures and streets caused by moderate to severe rain events. He noted that in 2018, the Council strengthened the Village's stormwater regulations with an eye toward minimizing or limiting any new problems that might be caused by redevelopment in the community, and limiting the negative effects of runoff while continuing to accommodate both redevelopment and renovations.

Another key element of the strategic goals is maintaining a strong and diverse local economy. The Village saw many new retail and restaurant developments come to Downers Grove, as well as new car dealerships, and new businesses. He mentioned three projects that were exceptional in the Village. First, Rexnord completed a 250,000 square foot aerospace manufacturing facility in the Ellsworth Industrial Park, achieved in part by the Village's partnership with School District 99 and 58 to create an attractive incentive package for Rexnord. The Village was in competition with the State of Florida for this project. This occurred when the State of Illinois had no budget. It was the creativity of the Village staff and its relationship with the school districts that allowed the completion of this project that kept Rexnord in Downers Grove, and all the jobs that came with it. Next was Bridge Point Downers Grove Development located on 54 acres off of Finley Road and Lacey Road. The project is expected to be completed in 2019 and is already taking great shape. In addition, Green Bay Packaging is constructing its new 170,000 square foot complex in the Village. These projects were chosen in part because Downers Grove is a central location in the Chicagoland Area.

Regarding Ogden Avenue, it continues to be the Village's major commercial corridor. One recent project is the revitalization of Ogden Avenue and Main Street. That project has greatly improved a major gateway to the Village, and key components in making all of these projects come to fruition is the Village's Comprehensive Plan that helps guide these decisions. He noted that Ogden Avenue has changed a great deal over the last 20 years. He referred to the *Inside Downers Grove* video to show the difference in Ogden from then until today.

Mayor Tully then addressed the issue of transforming the downtown area. In 1997, the Village created the Tax Increment Finance District (TIF) designed to improve the infrastructure and encourage private investment in the downtown area. He referred to excerpts from the video showing the Village from its inception 185 years ago, to its evolution through 2018. The TIF improved the infrastructure and encouraged private investment that began the slow change of the downtown area. Commercial space has grown by 60% and residential units by 80% with property values growing by over 300%. The downtown continues to attract new business and development

The Mayor noted that the passing of Linda Kunze, who for over 20 years was the embodiment of the downtown area, brought great sadness to the community. She directed the Downtown Management Corporation and her legacy is seen in much of the change noted in the video. She was always out and about at all downtown festivities. The Village soon will be honoring her legacy by renaming the plaza at Main Street at the train station as the Linda Kunze Plaza.

Council Minutes

Village of Downers Grove

February 19, 2019

Mayor Tully said that all of this progress has raised questions as to what will the future be, and should there be more feedback in terms of design, height, etc. The Village spent a lot of time in 2018 finalizing downtown rezoning to determine what the future of the downtown should be. This goes towards neighborhood sustainability. He said that 77 properties were rezoned in the downtown through this 2½ year public process. He assured that the Village has not forgotten about other commercial corridors, such as 75th and Lemont and 63rd and Woodward. These are part of the Village's Comprehensive Plan and the Village is spending a great deal of time working for the development of those commercial corridors as well.

Another strategic goal has been neighborhood sustainability. Preserving homes through historic landmarks is easier than ever. In 2018 four landmarked homes were protected. This brings the total to 25 landmarked properties to date since 2015 when the ordinance was enhanced. The Village's motto is "Downers Grove Preserves the Balance between Tradition and Progress." He then referenced the video showing how the Village had encouraged progress while maintaining its history through the landmark preservation of many of its original homes and neighborhoods.

Mayor Tully addressed innovation and environmental sustainability by reporting on the establishment of the pollinator garden at the Belmont underpass open areas. The Village was awarded a grant for the garden that included planting milkweed to target monarch butterflies to develop a monarch corridor along the BNSF railway. The Village was awarded a grant for the garden through the Com Ed Green Region Program, which assists local communities to protect and improve public spaces. Open Lands, a not-for-profit conservation public land trust dedicated to preserving open regions in Chicagoland for over 50 years, administers the Green Region Program. The Conservation Foundation is in partnership with Downers Grove on this project and provides their pollinator mix for the garden. It started to take root last year and should be visible in the spring.

Another innovative project is the Downers Grove Regional Peer Jury. In July 2017, the Downers Grove Township suspended operation of this program after many years. This raised interest in the Village and surrounding communities to establish a new peer jury program. The Village participated in the Township program sending about 24 cases yearly to the peer jury. He thanked Commissioner José for this New Business item. The peer jury is an alternative to court for first-time juvenile offenders of non-serious offenses. It began in January 2019; 36 students serve in the jury pool and juvenile offenders agree to participate in the project.

The Mayor noted that now, in Downers Grove, an individual must be 21 years of age to purchase tobacco products. In addition, the Village prides itself in engaging with the community, which he includes under the category of innovation. There are numerous ways for residents to connect with the Village. In 2018 the Village launched a new community response app. He played a video describing this innovative app available to Village residents.

Mayor Tully noted that it is nice to be recognized outside of our community for various projects and in 2018 our Fire Department was recognized by the American Heart Association with "Mission: Lifeline" EMS Gold Achievement status. They provide critical EMS care quickly.

For the ninth consecutive year the Village received the Government Finance Officers Association Distinguished Budget Presentation award.

The Council is often asked what the Village is doing to promote environmental sustainability, and for the sixth year in a row, the Village's fleet was awarded the Top 50 Greenest Government Fleet award. There are 38,000 qualifying fleets and the Village was in the top 50. He said that 80% of the Village's fleet now uses some sort of alternative fuel.

Among the awards, and one of the best of all, the Village ranked 46th in the Top 100 list of the Best Places to Live published by Livability.com. The site noted that the Village has award winning public schools, a strong economy, a business friendly environment, a scenic downtown and great recreational spaces.

Mayor Tully said that the State of the Village in 2018 and now in 2019 is strong and auspicious. One important lesson is to continue to be innovative, and to cooperate, collaborate and consolidate government resources. The Mayor thanked the Village staff and the Council for their leadership and vision. It is a team effort. He said the

Council Minutes

Village of Downers Grove

February 19, 2019

Council doesn't always agree, but the majority of times the vote is unanimous. He also thanked the voice of Downers Grove, Doug Kozlowski, for his narration, and Chris Derylo for making the video. He said the power of a team is important. This is all about community. Mayor Tully expressed his deep gratitude to the volunteers on the Village's 16 Boards and Commissions, and thanked the residents for making the community such a wonderful place to be. He extended best wishes for a terrific 2019.

He closed his last State of the Village address with two quotes:

“When you run a part of the relay and pass on the baton, there is no sense of unfinished business in your mind. There is just the sense of having done your part to the best of your ability. That is it. The hope is to pass on the baton to somebody who will run faster and run a better marathon.” (Narayana Murthy, founder of Infosys).

“The highest calling of leadership is to challenge the status quo and unlock the potential of others.” (Carly Fiorina)

5. Public Comments

This is the opportunity for public comments.

Marshall Schmidt said that his daughter served as a juror on the Peer Jury program for many years. She has gone on to many successes in the social justice area. When he told her that the discontinued program had been reinstated she was thrilled. She said the experience she had was part of what made her childhood special. He also commented that Linda Kunze was a very special person in this community. He commended the Village for honoring her in an appropriate way.

6. Consent Agenda

COR 2019-8094 — A. Claims Ordinance: No. 6301, Payroll, February 1, 2019

BIL 2019-8093 — B. Bills Payable: No. 6440, February 19, 2019

MOT 2019-8080 — C. Motion: Authorize a Change Order for \$28,415.18 to John Neri Construction Co., Inc., Addison, IL, for the Hitchcock and Warren Stormwater Improvements Project

Summary: This authorizes a change order to John Neri Construction Co., Inc., Addison, Illinois in the amount of \$28,415.18 for the Hitchcock and Warren stormwater improvements project.

MOT 2019-8084 — D. Motion: Award \$15,569.71 to KLF Enterprises, Markham, IL, for the Sterling North Park Abutment Removal Project

Summary: This awards a contract for the Sterling North Park abutment removal project to KLF Enterprises of Markham, Illinois, in the amount of \$15,569.71.

MOT 2019-8085 — E. Motion: Award a Contract Not to Exceed \$42,936.78 to Engineering Resource Associates (ERA), Warrenville, IL, for Engineering Services on Indianapolis Avenue (SW-087)

Council Minutes

Village of Downers Grove

February 19, 2019

Summary: This awards a contract for engineering services related to Community Investment Plan project SW-087, for work on Indianapolis Avenue in the West Burlington area, to Engineering Resource Associates (ERA) of Warrenville, Illinois in the amount of \$42,936.78, which includes a 10% contingency.

RES 2019-8079 — F. 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 2019.

Commissioner Waldack commented on Item D, saying that residents may want to check out the list of streets scheduled for resurfacing.

A RESOLUTION FOR MAINTENANCE UNDER THE ILLINOIS HIGHWAY CODE

RESOLUTION 2019-14

MOT 2019-8081 — G. Motion: Award a Three-Year Contract for \$592,668.00 to Lakeshore Recycling Systems, West Chicago, IL, for Street Sweeping Maintenance Services

Summary: This awards a three-year contract for street sweeping maintenance services to Lakeshore Recycling Systems of West Chicago, Illinois in the amount of \$592,668.

MOT 2019-8083 — H. Motion: Award \$139,900.00 to Chicagoland Paving Contractors, Inc., Lake Zurich, IL, for 2019 Street Restoration Services

Summary: This awards a contract to Chicagoland Paving Contractors Inc. of Lake Zurich, Illinois for 2019 street restorations services in the amount of \$139,900.

RES 2019-8086 — I. Resolution: Authorize an Extension to the Contract with K-Five Construction Corporation for Supply of Hot Mix Asphalt Materials

Summary: This authorizes a contract extension with K-Five Construction Corporation of Westmont, Illinois, for the supply of hot asphalt materials until December 31, 2019 for a contract amount of \$50,745.

A RESOLUTION AUTHORIZING EXECUTION OF AN EXTENSION TO THE CONTRACT BETWEEN THE VILLAGE OF DOWNERS GROVE AND K-FIVE CONSTRUCTION CORPORATION

RESOLUTION 2019-15

RES 2019-8090 — J. Resolution: Authorize an Agreement with True North Consultants, Inc. for Environmental Consulting Services for the Village Facilities Project

Summary: This authorizes an agreement with True North Consultants, Inc. for environmental consulting services for the Village facilities project.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND TRUE NORTH CONSULTANTS, INC.

RESOLUTION 2019-16

MIN 2019-8091 — K. Minutes: Note Receipt of Minutes of Boards and Commissions

Council Minutes

Village of Downers Grove

February 19, 2019

Summary: Plan Commission - January 7, 2019**Motion:** Commissioner White moved to adopt the Consent Agenda as presented. Commissioner Waldack seconded the motion.**Votes:** Yea: Commissioners White, Waldack, Walus, Hosé, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

7. Active Agenda

ORD 2019-8053 — A. Ordinance: Create a Class R-3 Liquor License Classification**Summary:** This creates a Class R-3 restaurant liquor license classification.

AN ORDINANCE CREATING A CLASS R-3 LIQUOR LICENSE CLASSIFICATION

ORDINANCE NO. 5752

Motion: Commissioner White moved to adopt "An Ordinance Creating a Class R-3 Liquor License Classification," as presented. Commissioner Waldack seconded the motion.**Votes:** Yea: Commissioners White, Waldack, Walus, Hosé, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

8. First Reading

RES 2019-8047 — A. Resolution: Approve the Final Plat of Subdivision with Exceptions for 1508 Warren Avenue and 4940 Seeley Avenue

Village Manager Dave Fieldman introduced Stan Popovich, Director, Community Development, to make this presentation.

Stan Popovich, Director, Community Development, explained that the two properties are located just west of the downtown area on Warren and Seeley. The proposal is to subdivide the subject property to allow two new detached single family homes. The current subdivision of the two parcels is divided vertically; under the proposed subdivision the parcels will be divided horizontally, with a north lot and a south lot. The proposed widths are less than the required minimum. The proposed lot widths for both parcels is 56.29' where 75' is required. The property has an LPDA on both lots. He showed a slide depicting both properties and the LPDA on those lots. Two homes could be built on the property as it stands right now. The house on the west lot could be built if the home was elevated out of the LPDA. He commented that with the proposal to divide the lots in a different orientation, both proposed homes would stay elevated.

Mr. Popovich noted that they would lose about 2,400 square feet of impervious area that is currently in the LPDA and that will help the water that flows from the northeast corner to the southeast corner of the lot. The proposal puts the houses on the higher end of the lots. The rear yard would be the LPDA. He said the engineering plan submitted to the Plan Commission meeting showed setbacks for R-3 zoning that were shown on the slide he displayed. Both developments would have to meet updated residential storage requirements and since both properties are located outside of the LPDA, they would have to have basements with 50 cubic foot of sump pump storage for each house. They would have to remove 2,400 square feet of impervious areas from the LPDA and provide at least 100 additional cubic feet of storage.

He reviewed the Comprehensive Plan saying that the subdivision requirements are met. The petitioner is asking for an exception to a narrower lot. The proposed new homes would be built on a higher piece of property. The trend of development is to replace smaller homes with larger homes and attached garages. The majority of the lots in this area are oriented in the way proposed for the subject lots. As for property characteristics, the ground is lower to the west and higher and drier on the east, so from a practical sense moving the homes to the east side of the lots is logical.

Mr. Popovich said that this neighborhood has seen a lot of redevelopment with older homes replaced by more modern homes. The Plan Commission found that the proposal met the criteria and exception standards and recommended approval.

Commissioner José asked about the flow of the water and whether it goes west or south. Mr. Popovich said it goes south and west, and generally the water flows in the back of the LPDA, generally on the southwest section of the lot.

Mayor Tully inquired about the lot width of the parcel facing Warren Avenue. He has always had an aversion to creating more lots in the Village that are less than the required width. Smaller lot sizes may be there, however, they create challenges. In this case, they are asking to go to 60' width. He understands they are trying to get the houses out of the LPDA area. He also understands the standards regarding hardships under Section 20.602(c).

Mr. Popovich replied that the west lot has an 80' frontage and is 107' deep. The east lot has 120' frontage and 113' depth. It is somewhat pie-like in shape. All the lots in that neighborhood are 60' wide.

Mayor Tully said he sees practical challenges here.

Commissioner White asked about the width of lots on the east side of Seeley, and Mr. Popovich said they are 60', and one is 56'.

Mr. Fieldman said that the property at 4933 Seeley is 56' wide.

Mayor Tully said he clearly sees the trend of development in the neighborhood. There is an LPDA here that places real limits on what can be done.

Commissioner Waldack asked what would happen if the 60' width was grandfathered, and there is a teardown. He asked if the new owner have to ask for exceptions.

Mr. Popovich responded that they would only have to meet the setback requirements because the lot was lawfully created at the time.

Commissioner José said that neither of the current lots is conforming. Mr. Popovich responded that new lots are required to be 140' deep by 75' wide. In some instances the lot depth is not met on the existing lots.

Commissioner Barnett said there is more than one nonconformity. He referenced the table on page 3 of the staff report, saying that current proposal allows for more conformity than exists now. Mr. Popovich said that was correct.

Commissioner Walus asked for clarification that if they reorient the lots, they leave the LPDA. If they leave them, one of the lots would have the entire house on the LPDA. Mr. Popovich said that was correct.

1. Marshall Schmidt, 4933 Seeley, posed an objection because none of this information was presented at the Plan Commission or presented to the public. The Mayor informed Mr. Schmidt that this will not be voted upon tonight, and won't be up for a vote until March 5, so the public should feel free to comment anytime between now and then.

Mr. Schmidt pointed out that the drawing displayed requires them to build in the LPDA, which will exist under the house. At the Plan Commission there was no plan for where the house would be put, or the size of the house. Now it seems to have setbacks and locations, which he thinks is inappropriate and unfair to the public. He said that the proposed plan is contrary to the best interests of the Village. He commented that no account was taken as to how the plan is adjusted while making the lot narrower. The 75' width leads to other setbacks and requirements. When you narrow the lot by 19 feet, they need to take into account the area of the lot, the setbacks and trend in the neighborhood. The trend in the neighborhood was created by the Village and the result has been negative with big houses built lot line to lot line. Retention ponds take up most of the front yards. Driveways are up against the lot line, and driveways take crazy turns. He said it is destroying the integrity of the neighborhood. You have to take into account that the setbacks and all requirements come as a package and when you narrow it to 60' width you have to take that into account. Mr. Schmidt said these lots are conforming because they existed when the Zoning Ordinance was passed. When ownership transfers, and someone wants to reconfigure the lots, they surrender the right to grandfather or build on the lots. The petitioner is requesting to build houses lot line to lot line which will dramatically change the character of the neighborhood. It's a trend created by the Council and it's not a trend the residents want to see continue.

Mr. Schmidt said the contractor is playing a game to narrow the lot so they can build on the LPDA. However, they have to account for stormwater. One of the Plan Commissioners pointed out that the contractor must be required to take steps to deal with the LPDA. This boils down to a contractor making more money if they leave this the way it is. But the residents in the neighborhood will pay the price in a lower quality neighborhood. He said he came to the Council to build a gazebo several years ago, and the Council held them to the strictest requirements. The Council required them to tear down the gazebo if they sell the property. No such limitations were placed on this subject contractor. No other adjustments are being made to bigger setbacks or smaller homes. However, the contractor can build bigger homes and take advantage of the setbacks. Mr. Schmidt said that the Mayor talked about tradition and progress and innovation. He thinks the way to deal with this is to not blindly grant an exception to a contractor, but to require the contractor to be innovative, and propose a solution to preserve the integrity of the neighborhood and not impair it. He said that this is a wonderful place to live, and one reason is the variety of housing. This proposal is eliminating a variety of housing with cookie-cutter huge homes on small lots. This is a historic neighborhood where kids run through the yards playing with friends. It is not an environment or neighborhood of one huge mega home after another. The Comprehensive Plan that imposed a 75' requirement is there to protect and propagate the joy of the residents of the town. It is the Council's job to protect that joy and be creative without just accepting what the contractor has to say. He asked that they deny this petition.

2. Rich DeMink, 4904 Seeley, supported what Mr. Schmidt said. He said he sent Council an email and hoped they received it. He noted the retention ponds and wondered how they can be 100 cubic feet. The current picture shows that the retention pond is 50 cubic feet. If this plan goes through it will be twice as big as the existing site. He encouraged the Council to drive by this area. He noted that a number of mature trees would be destroyed. He understands that the Village does not have an ordinance for trees on private property, but he suggested that perhaps they should consider adopting such an ordinance, such as some other communities have done. He said that a large number of residents in his neighborhood oppose this petition as it stands. They understand that they are buildable lots but they are strongly against this petition.

3. Sarah DeMink, 4904 Seeley, said she speaks for the trees. The name of the Village is Downers Grove. They have wonderful oak trees they are trying to preserve on their property. If these two houses are built, she thinks they should build a smaller house on the lot and preserve more of the trees. Trees are a much more effective way of providing water management on property. She asked that they consider this in the big picture. When they cut trees down they are losing the natural drainage. Ms. DeMink referenced the photograph of the lot on the corner of Seeley and Prairie. The reason the pond is there is because the beautiful oak trees were cut down to build the monstrosity house on that property. She said that they do not want to see lot-to-lot houses being built, and they should vote "no" on this petition.

Council Minutes

Village of Downers Grove

February 19, 2019

James Pesavento, petitioner, said he agrees with many things he heard tonight. The trees are very important. Nothing in the development requires more trees to come down. This is not a matter of the trees. The lots are not conforming now. If the two homes are built as the lots sit now, they would have a lot line to lot line build. The same thing applies to the corner property. He said that all backyards come to the lot line and drain south. They are trying to ease the stormwater issues in the entire area. The homes planned are about 3200 square feet, which is considered small by today's construction standards. He said he doesn't think things will be dramatically different in one scenario versus the other.

Mayor Tully asked on behalf of a resident where the detention ponds will be located. Mr. Pesavento responded that he couldn't answer that yet. Those specifics have not yet been determined, but likely on the western half of the lot. Mayor Tully said he expects that will be finalized with Village staff.

Commissioner White questioned Mr. Popovich as to how the house on the south lot would be built outside the LPDA.

Mr. Popovich replied that they would have to build the house higher and then provide comparable storage.

Commissioner White asked if they are adding depth per each cubic foot of soil added and Mr. Popovich said that was correct.

Mr. Fieldman said they could refer to the technical drawings submitted with the Plan Commission package.

Commissioner White clarified that essentially it would be a one-for-one trade.

Commissioner Waldack said it is clear where he is at this time, as the Mayor properly mentioned Section 20.602(c) regarding the Plan Commission's recommendation of an exception. He reviewed the five items under Section 20.602(c) regarding impacting value, and altering the character of the locality. He commented that it is too bad that the Plan Commission has a limited view of precedent. He thinks that that's the case that happened here. The owners want to create a hardship, and there is no current hardship. The Council has had various debates on 50' lots, 60' lots, and 75' lots. Side setback requirements reduce the lot width. Lot line to lot line is used to increase value. He noted that the Council in the past made a big deal on 75' width and 60' width lots to be grandfathered, but not to be standard widths. Commissioner Waldack said that the Plan Commission is creating a long-term trend that results in unhappy residents and neighbors. The Council then hears from the neighborhood. He said that in the past the Council used to debate exceptions of 4'-5' and in this case the exception is 19' in width. This is an LPDA and the residents were told the petitioner couldn't make a conjecture on what's to be built, however, there is a lot of conjecture going on by the petitioner. He said they keep hearing about how we don't want to build on LPDA's. The Village tries, as does staff, but he doesn't have that kind of confidence that a proposal to solve the problem will actually solve the problem. He is not in favor of this petition at this point, and if they voted tonight he would vote not to grant the exception.

Commissioner Barnett asked if there are different setback requirements for 60' lots vs. 75' lots.

Mr. Popovich said there are different setback requirements. Currently, it would be based on the 60' lot width as that is the current width of the lot.

Commissioner Barnett then asked about the LPDA and whether they are starting as though the structures were not there. Mr. Popovich said the LPDA elevation is 73.9. If they remove the existing house they would look at the grade around it. He said the high point could reduce at the grade level.

Commissioner White made a comment using a cork/bottle analogy, saying if the larger home is built on the western lot they would need a larger cork, and that lot flow of water would back up at the cork. He understands how putting two houses facing on Seeley changes the look of the neighborhood. The question is how to get the water to the inlet pipe that goes underneath the railroad tracks if the house on the left is made larger. Those are the constraints he is looking at. He doesn't want to go to a bigger cork. He sees valid principles on both sides.

Commissioner Barnett commented that surface flow is an issue.

Council Minutes

Village of Downers Grove

February 19, 2019

Commissioner José commented that the current configuration of the lots is conforming, although he describes it as legal nonconforming. He said there is nothing joyful about a house that is in an LPDA and constantly floods however, there is an obvious change to the character of the neighborhood if you change the configuration of the lots. At the same time it is fairly consistent with the current character surrounded by 56' and 60' lots up and down the block. He does agree with the Plan Commission's recommendation. He sympathizes with the loss of more trees, however, there are going to be two houses on these lots and the question is how they will be oriented.

ORD 2019-8077 — B. Ordinance: Providing for the Issuance of Not to Exceed \$7,000,000 General Obligation Bonds, Series 2019, of the Village of Downers Grove, DuPage County, Illinois, in one or more Series and Providing for the Levy and Collection of a Direct Annual Tax Sufficient for the Payment of the Principal of and Interest on Said Bonds

Mr. Fieldman introduced Judy Buttny, Finance Director, to discuss this item.

Judy Buttny, Finance Director, said that the ordinance is for stormwater projects and is consistent with the 2019 budget and Long Range Plan discussions of last summer. The proceeds of the bond issuance would be used to complete the non-floodplain Stormwater Project Analysis projects to the end of 2020. They expect the sale of the bonds to be completed in April 2019. She said that the Village's AAA bond rating is giving them the best possible interest rate.

Commissioner White clarified that they are implementing prior plans and Ms. Buttny said that was correct.

Commissioner Waldack commented that as a general obligation bond if anything happens the Village is required to pay this back, and he asked how they would pay it back.

Ms. Buttny replied that the full faith and credit of the Village is behind the bonds, but they will abate and levy the bonds and fund them with stormwater revenue fees.

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 providing for the issuance of General Obligation Bonds, Series 2019, in an amount not to exceed \$7,000,000 and providing for the levy and collection of a direct annual tax for payment of principal of and interest on said bonds

11. Council Member Reports

Commissioner Walus reminded everyone that District 99 Education Foundation is hosting the 6th Annual Pizza Wars at 5:30-8:00 p.m., February 26 at Downers Grove South High. The pizza establishments are Skuttlebutt's, Tortorices and Lou Malnati's.

12. Adjournment

Mayor Tully asked for a motion to adjourn.

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

Council Minutes

Village of Downers Grove

February 19, 2019

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

Nay: None

Mayor Tully declared the motion carried and the meeting adjourned at 8:54 p.m.

Respectfully submitted,

Megan Miles

Deputy Village Clerk