

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

01/21/20

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 Robert Barnett 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 Barnett led those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Council Attendance (Present): Commissioner José, Commissioner Earl, Commissioner Sadowski-Fugitt, Commissioner Kulovany, Commissioner Gray, Mayor Barnett

Absent: Commissioner Walus

Non-Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca, 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 Barnett 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.

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3. Minutes of Council Meetings

MIN 2020-8473 — A. Minutes: Council Minutes – January 14, 2020

Motion: Commissioner José moved to approve the minutes as presented. Commissioner Earl seconded the motion.

Mayor Barnett declared the motion carried by voice vote.

4. Public Comments

This is the opportunity for public comments.

1. Michael Han, 4040 Glendenning, expressed concern about the property across the street from him, which has been vacant for about two years. The garage is in bad shape, as is the shed. He doesn't think the interior of the house is livable. He is wondering what can be done about this.

Mayor Barnett said that Deputy Village Manager Mike Baker will take the information and will work through the process with them. Mr. Han said he has lived here for 50 years, and all owners of the property have issues with it. There are issues with water, and he hopes the Village can get a grant or something to do something with that piece of property.

2. Another nearby resident said that she researched their property before purchasing her home. She knows from construction people and her research, the abandoned property is totally in an LPDA. She is not sure it's buildable, and she thinks people may be misled by the drainage issues at that location.

3. Patrick Comer said in the month of December, the Chicago Tribune ran a story on coral and the environment. They included a screening of the film called Chasing Coral. Scientists and film makers made a film open to the public. It will be shown Saturday, February 1 at the Downers Grove Library beginning at 10:00 a.m. He said this is an opportunity to learn more about our oceans and act on a community level.

5. Consent Agenda

COR 2020-8475 — A. Claims Ordinance: No. 6345, Payroll, January 3, 2020

BIL 2020-8474 — B. Bills Payable: No. 6504, January 21, 2020

RES 2020-8469 — C. Resolution: Maintenance of Streets and Highways by Municipality under the Illinois Highway Code

Summary: This appropriates \$1,600,000 of Motor Fuel Tax (MFT) funds for 2020.

A RESOLUTION FOR MAINTENANCE UNDER THE ILLINOIS HIGHWAY CODE

RESOLUTION 2020-07

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MOT 2020-8470 — D. Motion: Authorize \$21,662.08 to CDS Office Technologies, Itasca, IL, for Replacement of 16 Laptop Computers and 16 Docking Stations

Summary: This authorizes the purchase of 16 laptop computers and 16 docking stations, as part of the Village's hardware lifecycle management plan.

MOT 2020-8471 — E. Motion: Authorize a 2.5% Annual Salary Increase for the Village Manager Effective January 26, 2020

Summary: This authorizes a 2.5% annual salary increase for the Village Manager effective January 26, 2020.

MOT 2020-8476 — F. Motion: Authorize a 2.5% Annual Salary Increase for the Village Attorney's Salary Effective January 26, 2020

Summary: This authorizes a 2.5% annual salary increase for the Village Attorney effective January 26, 2020.

Motion: Commissioner José moved to approve the Consent Agenda as amended. Commissioner Earl seconded the motion.

Mayor Barnett declared the motion carried by voice vote.

6. Active Agenda

ORD 2019-8439 — A. Ordinance: Authorize Special Uses to Provide Off-Site Parking over 1,000 Feet Away from the Use Served and Establish an Accessory Use Before the Principal Use is Established at 4110 Finley Road

Summary: This authorizes special uses to provide off-site parking over 1,000 feet away from the use served and to establish an accessory use before the principal use is established at 4110 Finley Road.

AN ORDINANCE AUTHORIZING SPECIAL USES TO PROVIDE OFF-SITE PARKING OVER 1,000 FEET AWAY FROM THE USE SERVED AND TO ESTABLISH AN ACCESSORY USE BEFORE THE PRINCIPAL USE IS ESTABLISHED AT 4110 FINLEY ROAD

ORDINANCE NO. 5809

Motion: Commissioner José moved to adopt "An Ordinance Authorizing Special Uses to Provide Off-Site Parking Over 1,000 Feet Away from the Use Served and to Establish an Accessory Use Before the Principal Use is Established at 4110 Finley Road," as presented. Commissioner Sadowski-Fugitt seconded the motion.

Commissioner Earl said she believes this will have negative impacts and she will be voting "no" on this.

Commissioner Sadowski-Fugitt said that based on the traffic studies, it appears that traffic is not as bad as if they had a business that had heavy trucks and semis, which tend to back up traffic. She appreciates the 1000-foot separation. That area is also a wetland. She feels this is an appropriate Special Use.

Commissioner José commented that he agrees that this is an appropriate Special Use. He thanked the staff for the information they provided on traffic. He believes the criteria have been met.

Commissioner Gray thanked the Plan Commission, and said he would be voting "yes." The traffic studies were very helpful.

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Commissioner Kulovany commented that this is an offshoot from Bridgepoint. He found out later that this is warehousing, and not a business park. Bricks and mortar economies are struggling, and online is succeeding. Amazon comes in and can fill two buildings quickly. He read the outline of the traffic study, and agrees that there is less impact than an office building at the end of the day. Village staff still needs to work aggressively with the County and the State at this intersection. He said he would be voting "yes."

Mayor Barnett commented that he would vote in favor of this. They are managing as best as they can to challenges that face a community.

Votes: Yea: Commissioners Hosé, Sadowski-Fugitt, Gray, Kulovany; Mayor Barnett

Nay: Commissioner Earl

Mayor Barnett declared the motion carried.

ORD 2019-8395 — B. Ordinance: Vacate a Certain Portion of a Public Alley Right-of-Way (A Portion of a Public Alley Adjacent to and in Between the Properties Located at 304 Prairie Avenue and 4736 and 4740 Florence Avenue)

Summary: This vacates a certain portion of public alley right-of-way adjacent to and in between the properties located at 304 Prairie Avenue and 4736 and 4740 Florence Avenue.

**AN ORDINANCE VACATING A CERTAIN PORTION OF A PUBLIC ALLEY RIGHT-OF-WAY IN
THE VILLAGE OF DOWNERS GROVE
(A PORTION OF A PUBLIC ALLEY ADJACENT TO AND IN BETWEEN THE PROPERTIES
LOCATED AT 304 PRAIRIE AVENUE AND 4736 AND 4740 FLORENCE AVENUE)**

ORDINANCE NO. 5810

Motion: Commissioner Hosé moved to adopt "An Ordinance Vacating a Certain Portion of a Public Alley Right-of-Way in the Village of Downers Grove (A Portion of a Public Alley Adjacent to and in Between the Properties Located at 304 Prairie Avenue and 4736 and 4740 Florence Avenue)," as presented. Commissioner Earl seconded the motion.

1. Paul Lagno, 304 Prairie, thanked everyone for their time at Coffee with the Council. He stated he did not think this was fair market value. The home was valued at over one million dollars and paid \$18,000 in taxes annually. The builder lived in the home with his wife for many years. There is no paved driveway or apron around the garage. It became a distressed property. Mr. Lagno bought it for \$325,000.

Mr. Lagno said he understands why this was not paved now. They have found the answers. Mr. Spohn paid to pave the road in front of the home. There is testimony at the Plan Commission that the Village promised to pave the alley but that wasn't done. He purchased the property in 2018, installed a fence, after applying for a permit. No inspections were done. After they put the fence in, a Village tree came down in the November 2018 snowstorm. The Village came and removed the tree and cleaned up. Six other trees were diseased and had to come down. An invoice was sent to the Village in the amount of \$2,897 and he received a letter from the Village's insurance company.

In 2019, Mr. Lagno said they went to Community Development to get a permit. They were told by the Community Development Director to pay \$7,000 and they can do what they need to do. Mr. Lagno said they were being threatened with \$750 a day fine to remove the concrete. The Google map shows that they cannot turn into their home. He said what the Village wants is unreasonable. Mr. Lagno referred to Resolution 2003-58 on procedure for vacation of streets, alleys and public rights-of-way. He does not think that a park in lieu of a donation applies here. He would like the Motion to have this at \$250,000.

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2. Rose Kraft, 1110 Warren, said she has been listening to this gentleman and other gentleman speaking on issues with how seniors are being treated.

Commissioner José referenced the illustration showing the driveway and ability to turn into the garage. He said he is more than happy to sell the alleyway and would vote in favor. What concerns him is saying that what the staff has done is inappropriate. He said that a portion of the property was built on in violation of the Code. The owner was caught. The Village did not act inappropriately.

Mayor Barnett commented that one course for this is for this property not to be for sale. He understands the fair market value question. However, they have been trying to follow a process. They have to treat everyone the same way. They can continue with the process they have. Consistency is very important to this Village. They have to decide what they think a fair market value is. The Mayor said that his job and the job of the Council is how to treat decisions equitably. They want to make sure the next person can reasonably understand what to expect. He intends to vote yes.

Commissioner Earl said her house backs up to an alley. She remembers when Mr. Spohn built this house and he chose to place the house in this fashion. He never blamed the Village. She approached staff to purchase the alley, and did not question what she was told. The neighborhood uses this as an alleyway. There is no issue here. The same staff dealt with this ten years ago. When the opportunity arrived she bought the alleyway area. The neighborhood still uses her portion of the alleyway, and it doesn't bother her. Staff could not have told Mr. Lagno to just pay the \$7,000 and it would be fine. These are the same people she dealt with ten years ago. She is not changing her mind regarding the method of valuations.

Commissioner Kulovany said the Spohn's are okay with the gravel and have lived with it. They got a great deal on a million dollar home. He said that Mr. Lagno decided to put concrete on Village property. It is not Mr. Lagno's property.

Commissioner Gray said he seconds what Mayor Barnett said regarding setting procedures. They can disagree, but they have been heard.

Mr. Lagno said one of the Commissioners could move to do this at the fair market value. You have the power to determine the fair market value. There is nothing in the Ordinance on how the value is determined. Every case should be individualized and not standardized.

Votes: Yea: Commissioners José, Earl, Gray, Kulovany, Sadowski-Fugitt; Mayor Barnett

Nay: None

Mayor Barnett declared the motion carried.

7. First Reading

8. Manager's Report

Village Manager Dave Fieldman said that the facilities discussion planned for tonight has been moved to mid to late February. It will allow staff additional time to develop options with a potential partner in town.

9. Mayor and Council Member Reports

Commissioner Sadowski-Fugitt suggested everyone check out the "Chasing Coral" movie at the Library this Saturday.

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Commissioner Earl said the Historical Society is having a program tomorrow at 6:30 p.m. at Emmett's.

Commissioner Kulovany said that the Historical Society program on landmarking at Emmett's has been sold out. People can sign up for the "Wait List."

Commissioner José announced the Passport to Dining program, which will be back this year on March 4. Tickets are \$30 and can be obtained at Anderson's Bookshop, or the Rotary Foundation.

Mayor Barnett commented that he heard tonight of the movie and historical society event, and a local charitable organization. There is always something going on in Downers Grove. There is always something good happening.

10. Adjournment

Mayor Barnett asked for a motion to adjourn.

Motion: Commissioner José moved to adjourn. Commissioner Earl seconded the motion.

Mayor Barnett declared the motion carried by voice vote and the meeting adjourned at 7:49 p.m.

Respectfully submitted,

Megan Miles

Village Clerk