

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

03/03/2020

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 let those present in the Pledge of Allegiance.

2. Roll Call

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

Absent: None

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 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 2020-8518 – A. Minutes: Executive Session Minutes for Approval Only – February 11, 2020

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MIN 2020-8514 – B. Minutes: Council Minutes – February 18, 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. Frances Soresi, a resident of the Village since 1989, stated he went to court yesterday. He said he noted that Ch. 15, Sect. 205, Article C allows the use of power tools, yard power equipment, chain saws, etc., from 7:00 a.m. until 9:00 p.m. Section D allows use of heavy construction equipment from 7:00 a.m. to 7:00 p.m. Section B reads that no person shall keep any animal making unreasonable noises or disturbing the peace. Mr. Soresi asked who determines what “unreasonable is.” He then asked how “unreasonableness” is measured as it is not specified. He repeated that power tools of various sorts are allowed from 7:00 a.m. to 9:00 p.m. He then read Section B again, saying that if you are using a chain saw or lawn mower until 9:00 p.m. it is fine. However, if a dog is barking at 3:00 p.m. it’s not ok. He said the Village should put in some kind of time restriction. Basically, Mr. Soresi said he is asking that the Code be written to provide some kind of break for animal owners. Dogs bark, will bark more at police. If he is using a chain saw, power tools and construction tools until 9:00 p.m. it is all right; however, if his dog barks at 3:00 p.m. it is wrong. He asked again that the Council put some kind of time restrictions in there. People have the right to disturb the peace by using their power tools, but he doesn’t have the right to have a dog. And when the police officer arrives to give him a ticket, the dog will bark even more, and when the neighbor is outside taking a videotape of the dog barking, the dog will bark even more. He asked again that Sec. 15, Sect. 205, Article B have some time specified.

2. Jim Watson commented on plans for the Village Hall and said there is a lot of excitement about this in town. The existing building is not a historic building, and is not something they want to keep around. He’s excited to see what plans come from next week’s meeting, and his neighbors are excited.

3. Brad Philips said he is a member of the Downers Grove Clean Energy Task Force. He mentioned that he also thought the Council should look into the dog ordinance as it is vague. His question concerned electrical bills for residents, and asked what the line item for “franchise costs” was for. He understood it was a fee ComEd pays to the Village. He asked if that is true.

Mayor Barnett asked Mr. Philips to provide his information to Deputy Village Manager Mike Baker who would get the information to him regarding his question.

5. Consent Agenda

COR 2020-8515 - A. Claims Ordinance: No. 6351 – Payroll, February 13, 2020

BIL 2020-84516 - B. Bills Payable: No. 6512, March 3, 2020

RES 2019-8511 - C. Resolution: Authorize an Extension to the Contract with Hard Rock Concrete Cutters, Inc., for the 2020 Sidewalk Rehabilitation Project

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Summary: This authorizes the extension of an existing contract for the 2020 Sidewalk Rehabilitation Project (S-006) with Hard Rock Concrete Cutters, Inc., Wheeling, IL, in the amount of \$81,898.90.

**A RESOLUTION AUTHORIZING EXECUTION OF A
FIRST EXTENSION TO THE CONTRACT BETWEEN
THE VILLAGE OF DOWNERS GROVE AND
HARD ROCK CONCRETE CUTTERS**

RESOLUTION 2020-13

RES 2019-8513 - D. Resolution: Authorize Addendum No. 047-CB with Sentinel Technologies for the Village's Voice Over Internet Protocol (VoIP) Phone System

Summary: This authorizes the renewal of the annual maintenance agreement for the Village's Cisco VoIP Phone System with Sentinel Technologies of Downers Grove, Illinois, in an amount of \$22,760.00.

**A RESOLUTION AUTHORIZING EXECUTION OF ADDENDUM NO. 047-CB
BETWEEN THE VILLAGE OF DOWNERS GROVE
AND SENTINEL TECHNOLOGIES, INC.**

RESOLUTION 2020-14

MIN 2020-8465 - D. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Zoning Board of Appeals – September 25, 2019; Library Board of Trustees – January 22, 2020; Human Services Ad Hoc Committee – January 28, 2020

Motion: Commissioner José moved to adopt the Consent Agenda as presented. Commissioner Earl seconded the motion.

Mayor Barnett declared the motion carried by voice vote.

6. Active Agenda

ORD 2019-8480 - A. Ordinance: Amend the Golf Course Liquor License Classification

Summary: This amends the golf course liquor license classification.

AN ORDINANCE AMENDING THE GOLF COURSE LIQUOR LICENSE CLASSIFICATION

ORDINANCE NO. 5812

Motion: Commissioner José moved to adopt "An Ordinance Amending the Golf Course Liquor License Classification," as presented. Commissioner Earl seconded the motion.

Mayor Barnett declared the motion carried by voice vote.

7. First Reading

ORD 2019-8485 - A. Ordinance: Approve an Amendment to Planned Unit Development #18 to Permit Off-

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Premise Electronic Message Board Signs at 7221-7451 Lemont Road

Stan Popovich, Director, Community Development, provided background information on the Ordinance for a PUD amendment for 75th and Lemont Road. He stated that the request is for off-premise signage and two electronic changeable copy/message boards. These would be located on the north side of the Shop and Save parking lot, and the second set of signs would be further south of the parking lot, approximately 336 feet from the nearest property line. He reviewed the Sign Ordinance, which last considered a text amendment in 2015. In 2015 there was a request to allow electronic message center signs, however, that was not adopted. With regard to PUD standards, the Plan Commission conducted a public hearing and recommended approval of the request. Based on the current Sign Ordinance and past policies of the Village Council, staff does not recommend approval. Mr. Popovich said that the petitioner was present to make a presentation.

Mr. Popovich introduced Talar Berberian, Zoning Attorney with Thompson Coburn, 55 East Monroe, Chicago, and Barbara Lancaster, Vice President at Volta Industries, the applicant.

Ms. Lancaster presented background information on the applicant, stating Volta is committed to providing the development of EV charging stations free to the public. She congratulated the Village on its recent fleet award. Ms. Lancaster explained that each unit delivers about 30K miles reduction in fossil fuels to the community. Volta's main mission is to help the transition to sustainable energy. In addition Volta will work with the Village on its sustainability program, as well as providing use of their billboards to promote public messaging of various types. She said that they have heard time and again that because they provide this free service it drives shoppers to those local businesses.

Ms. Berberian then talked about the standards that they are obligated to meet. She noted that the Village's Comprehensive Plan is committed to providing sustainable economic opportunities, and increasing the infrastructure for electric vehicles. Regarding the PUD overlay district provisions of Section 4.030, Ms. Berberian stated that their proposal complies with those provisions through energy conservation and sustainability, compatibility with the Comprehensive Plan, flexibility in responding to changing market conditions, and they incorporate a green infrastructure. She stated the most important standard is whether this would result in greater benefits to the people of the Village and their retail partners. She stated that Volta has seen a trend where for-pay units offered are underutilized and are a disincentive for retailers.

Ms. Lancaster stated people are able to charge for free and when it is available they will do it. If they can top off their car for free, they will do it.

Ms. Berberian said unless it's free the infrastructure will not multiply. Although the request is for the signage it really is for establishing the infrastructure, and the benefit of supporting this infrastructure is what they are asking the Council to consider. She showed photographs of the area of 75th and Lemont Road to show the impact of the stations and that the impact is limited. They are asking for an amendment to the Sign Ordinance. She said this is 72 square feet of signage being added to the space and covers over a million square feet of space. Given that the impact is so minimal, they hope the benefits far outweigh that impact.

Ms. Berberian said the last standard is whether appropriate conditions have been imposed upon approval to mitigate impacts. She stated that the units are far from the right-of-way and that limitation is written into the conditions. To further limit the impact of these units, Ms. Bavarian said that this permission will be limited to this PUD only and will not impact other zoning lots. She noted screens will be dimmed at 9:00 p.m. and turned off from 10:00 p.m. to 5:00 a.m. Only four stations will be permitted in the PUD, and the images can rotate no more than once every 10 seconds. She showed several images of the parking area at 75th and Lemont Road to depict the size of the lot.

Commissioner Kulovany asked whether a concession for a PUD represents a precedent.

Mr. Popovich replied that it does not as a PUD is an overlay district in essence.

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Commissioner Kulovany then asked whether a hardship is required.

Mr. Popovich said they have to meet the standards as the Village defines them in the staff report.

Commissioner José asked whether counsel is comfortable as a condition putting in the Village content piece – restrictions placed on the content of the signs.

Village Attorney Enza Petrarca replied affirmatively, but said they didn't have to.

Village Manager Dave Fieldman added from the management side, if this does get approved he would like to have a condition that guarantees we could add a content piece, but that the Village doesn't have to exercise it.

Commissioner Gray asked if the Village currently has any information either for the site they are talking about, or other sites related to how many cars are currently being serviced.

Ms. Berberian said that information was not available.

Commissioner Gray then asked about the lowering of customer acquisition costs.

Ms. Lancaster replied that the ads seen are for national brands, and they look at brandless measurements. On the flip side they measure dwell time, which, if you're a grocer, translates into larger basket size. In this case, they would offer a digital flip for the retail partner and for the Village.

Ms. Berberian said that the cost of installing one of these stations is in the low six figures and is a big commitment, with a ten-year lease with its retailer. There is zero cost to the retailer.

Commissioner Earl asked them to elaborate on the content of the signage.

Ms. Lancaster replied that they have MSA with the partner and work with them on restrictions specific to the site partner. Their objective is to drive business to the partner and not somewhere else. Basically there are no obscene ads, no cigarette ads, and what is shown on the message board is negotiated with their partner. They have specific advertisers, and automotive is one of their largest vertical ads. They tie in with shopper marketing.

Mayor Barnett said that assuming they are marketing effectively, sales tax is very important to the Village. He asked how the ads get managed to stay shopping in Downers Grove.

Ms. Lancaster said when they work with the retailers, they look at specific businesses in the Village within a radius. It somewhat self regulates.

Commissioner Walus noted that currently there are other stations in town, and asked whether they charge a fee.

Mr. Popovich said that they do have some, but he is not sure whether they charge a fee.

Ms. Petrarca said that none of the others in town are free.

Commissioner Kulovany asked whether local stores can advertise.

Ms. Lancaster said they can by working with partners in the retail center.

1. Brad Philips, a member of Downers Grove Clean Energy Task Force, said this seems like a reasonable request and benefit to the Village. He said that auto manufacturers have stated they would be moving forward with these vehicle lines, and this seems like a decent things to do.
2. Joe Riley, lifelong resident in Downers Grove, owns an electric vehicle. He said it's good for the environment, but also fun to drive. He said he has changed his shopping habits since purchasing the car. He said they received free super charges in Bolingbrook at Meijer's. Waiting for the car to charge they shop at Meijer's. The same is true of their movie theater selection as well as dining. If they are looking to revitalize,

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the malls at 75th and Lemont aren't the best right now. This does have an impact.

3. Paul Hussey said he and his wife are EV advocates attracted to Volta because of charging. They shop at Whole Foods for charging options. They appreciate that this location is more convenient. His brother counts on Level 2 chargers like this, and they are appreciated.

Commissioner Kulovany asked him how he knew about Whole Foods.

Mr. Hussey responded by stopping at the store.

Ms. Lancaster said they have an app that will show users where their chargers are located.

4. Mr. Soresi said that everything he has heard is a good thing. He asked why not have this.

Mayor Barnett said that the Ordinance currently prohibits electronic copy signs. The petitioners cannot use these now because they are in conflict with the Village's Ordinance. The question is to adjust the rules to use them.

Mr. Soresi said fees raised for electric cars have gone up. If he can get something for free, he will go to those locations. He asked where else are we spending our infrastructure money.

5. A resident who is an EV advocate said she doesn't see why this is a problem. If they say this is a green Village, why are they not putting these up? It helps with health issues. Whatever sign issues are there, she sees a lot of offensive signage on Ogden Avenue. Battery degradation is a large issue. If they are able to charge for 20 minutes while shopping, it provides comfort before they get home. She said to her this is a no brainer.

Commissioner Earl asked what a supercharger is.

Ms. Lancaster said a supercharger is a fast charger that will fill your car within an hour. Their chargers are Level 2 chargers which is a slower charge taking up to 7-8 hours to get a full charge. Topping off will give customers about 20%-30% more rather than a full charge.

Commissioner Earl asked whether the ads run all the time.

Ms. Lancaster said they do, but not when they have to turn off the screen per the agreement. They are targeting the people who are entering the establishment.

Commissioner Sadowski-Fugitt said she is generally in favor of increasing sustainability. She asked for data on consumer shopping patterns and would someone be more likely to shop in areas with these chargers rather than those that do not. She asked if there is any concrete data to charging patterns.

Ms. Lancaster replied that they have case studies. She said they can provide a grocer positive impact.

Commissioner José said he appreciates that this is not about the charging station. The issue is the sign. He has been against electronic copy signage for a long time. In his mind it is a multi-layer issue. The issue is the changing the nature of a sign. He appreciates Commissioner Kulovany's question about the nature of a PUD and not creating a precedent. However, people will expect that what the Village does here, we will be willing to do elsewhere in the community. The Village will get many more requests and that gives him pause. He said the advertisement piece of this does not bother him, it is the copy changing nature of this that bothers him. He is not comfortable with this from a policy perspective. He is willing to get part way there. But when it comes to the time limit on the actual display the longer the better.

Commissioner Walus said she agrees with Commissioner José's sentiments. The Sign Ordinance has a long deep history. A subcommittee was established in 2004 and they studied this for 17 weeks. She understands this is tied to a PUD, she thinks that precedent is a matter of opinion and she shares some concerns expressed by Commissioner José. She appreciates messages promoting the Village, and that the messages are difficult to see from the road, but in 2013 they denied the local school district such a request.

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She is not against charging stations. It is a sign-based concern.

Commissioner Kulovany said he attended the Plan Commission's recent meeting. He went in pre-disposed and no way would he vote for this. He said we have a business that wants to operate in Downers Grove and he came to understand the business model. He asked if people would use Facebook if they were charged for it. With respect to the Sign Ordinance, he is bothered about the potential garishness of signs. Downers Grove looks better because of our Sign Ordinance. He then looked at the restrictions that would be put on this. He addressed the square footage and the required distance from the right-of-way. He said the precedence doesn't bother him at all. He said the display is not changing quickly, there is no flashing animation, no chasing, no scintillating. It was evocative to him of the type of roller signs at bus stops. We are constantly faced with signs. Restrictions of 125 feet from the road, established size, no animation and provide a service to Downers Grove residents have made him turn his mind around on this. He is leaning in favor of it.

Mayor Barnett commented that he is glad they focused on the sign. It is important for everyone to realize this is a question they must sort through. What is proposed doesn't fit the Sign Ordinance. The Sign Ordinance is an attempt to improve the community, and he thinks it has done that. He is hard-pressed to believe that any legislation would never change. That was 17 years ago. Every day that goes by business models change. He said they could choose to change the Ordinance and define what conditions they want to accept. He is not convinced that the Ordinance is diminished by the change to this. He said they will hear from the school districts. The question is what would an electronic sign looked like. He is in full support of the draft motion. The idea that mall/business owners are looking to improve business is something the Village should take seriously. The Village has to be part of the change. If his colleagues are feeling uncomfortable with this, he asked what makes them feel comfortable.

Commissioner Earl said advertising isn't new. She said they made a conscious choice for the digital age. Watching ads over and over again was not acceptable. That has nothing to do with a charging station. There are possibly six more shopping centers like this.

Commissioner Gray worked for a company called Advertising Age and they did a report attempting to quantify the amount of "visual noise." He said that society has been bombarded with advertising on a daily basis. He would like them to consider what this would look like for a larger charging network. He would like to see something in the Master Agreement that is favorable for retailers.

Mayor Barnett commented that screens everywhere does not bother him. Everything is a trade off. The Village is not going to put in charger stations all over town. They are not talking about billboards. He doesn't think his purpose is to protect residents from being bombarded by advertising. He struggles with the benefit of the Sign Ordinance.

Commissioner José said there is more to it than that. The Village regulates the size of signs. With respect to this being a long-standing rule, the concerns raised 17 years ago are still valid today. He believes it's a good rule. The Village made value judgments. He thinks what is being proposed here goes too far.

Commissioner Earl asked whether the chargers come with any other size screens. Ms. Lancaster responded that they do not come in any other size. They are not going to saturate a part of a mall or retail center.

Commissioner Sadowski-Fugitt said she is more in alignment with Mayor Barnett. She doesn't think the community is in the same place it was 17 years ago. This is a strict agreement, 10 seconds per sign is reasonable and not flashy, and she doesn't think the argument in 2015 is the same as in 2020. She would be interested to hear more from the community.

Commissioner Kulovany asked how many 'eyeballs' see them. Ms. Lancaster said she would get data on that.

Commissioner Kulovany asked if they have any pictures of this as the technology has changed. Ms.

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Lancaster said they are clean and modern. She appreciates the concerns and they want to add and not distract from the community.

Commissioner Kulovany asked whether they've received any complaints, and Ms. Lancaster said they have not.

Commissioner Kulovany asked whether they know the expectations of 75th and Lemont Road. He doesn't like garish signs as they cheapen the Village. The Sign Ordinance makes a difference but they need to help that center.

Commissioner Gray said he sees geo-targeting advertising. He's in favor of the question of balance. The intent is the impact, and the return on investment. Nothing about noise bothers him, but it's still the long-term balance of advertising versus infrastructure.

Commissioner Kulovany asked what happens to stations if the Village doesn't approve. Ms. Lancaster said they would likely remove them. It is a capital-intensive investment for them. Their only model is the media model.

Commissioner Kulovany asked whether range anxiety is real, and Ms. Lancaster said it is very real, and is probably the largest reason people don't buy an electric car.

Mayor Barnett said he heard calls for market data. He asked that the petitioner spend more time with the Community Development team to get that information. He asked if it is possible to turn one of these stations on.

Mayor Barnett said there is a lot of concern about this. The Council tries to balance proposals for the community.

Commissioner Earl reminded everyone that the Council cannot regulate content. The Council can regulate the size of the sign and where it is placed.

RES 2020-8499 - B. Resolution: Authorize a Loan Repayment Agreement (L175338) with the Illinois Environmental Protection Agency

Mr. Fieldman said this amendment is a disbursement schedule and loan repayment schedule. There is one more amendment coming in the future.

MOT 2020-8510 - C. Motion: Award \$3,760,357.89 to Geneva Construction Company, Aurora, Illinois, for the 2020 Street Resurfacing Contract B

Andy Sikich, Director, Public Works, presented the annual road resurfacing contract. The low bidder is Geneva Construction Co., Inc. Streets have been bundled for better pricing.

Mayor Barnett noted that this information is available on the Village's website.

8. Manager's Report

Mr. Fieldman said that last week the Village refinanced \$20.6 million of existing bonds that were originally issued in 2012. Taking advantage of the lower interest rate environment saved the Village \$1.7 million. It was greater savings than was anticipated.

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9. 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 approving an amendment to Planned Unit Development #18 to permit off-premise electronic message board signs at 7221-7451 Lemont Road

10. Mayor and Council Member Reports

Commissioner José reminded everyone that March 4 is the Grove Foundation's Passport to Dining from 6:00-9:00 p.m. Tickets can be obtained at Anderson's Bookshop.

He also reminded everyone to vote early. The Village Hall is the Village's early voting site through March 14.

Commissioner Kulovany thanked the residents who came to the Downers Grove Historical Society's tour of the Tivoli.

Commissioner Walus reminded everyone of the 2020 Mustang Trot 5K run/walk. It will be held April 19 at 9:00 a.m. at Downers Grove South High School. More information is on the school's website.

11. 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 8:47 p.m.

Respectfully submitted,

Megan Miles

Village Clerk