

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

04/21/20

7:00 PM

Due to the COVID-19 pandemic, the meeting is being conducted remotely. Public comment will be taken via e-mail. Please email your comments before or during the meeting to mayorcouncil@downers.us. Thank you.

1. Call to Order

Mayor Barnett said the Village continues to do its part to facilitate the Governor's stay at home order and to be mindful of social distancing. He announced that the majority of the Council team is participating by conference call including Commissioners José, Earl, Walus, Sadowski-Fugitt, Kulovany and Gray, and Village Clerk Megan Miles. Present in the Committee Room in Village Hall are Mayor Barnett, Village Manager Dave Fieldman, Deputy Village Manager Michael Baker, and Village Attorney Enza Petrarca. The move to the Committee Room was made in an effort to improve the audio quality for those listening and participating. Public input was solicited prior to the meeting via a variety of sources. That information will be placed into the public record of this meeting. The Mayor said that every attempt will be made to respond to comments made at the end of the meeting in the comments section, but noted that in some cases a reply may take longer.

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 Walus, Commissioner Sadowski-Fugitt, Commissioner Kulovany, Commissioner Gray, Mayor Barnett

Absent: None

MOT 2020-8546 — A. Motion: Conduct the April 21, 2020, Village Council meeting electronically.

Motion: Commissioner José moved to conduct the meeting electronically. Commissioner Earl seconded the motion.

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

Nay: None

Mayor Barnett declared the motion carried.

3. Proclamations

A. Arbor Day – Mayor Barnett proclaimed Friday, April 24, 2020, as Arbor Day in the Village of Downers Grove and urged residents to care for their trees.

B. Telecommunicators Week – Mayor Barnett proclaimed the week of April 12-18, 2020, as National Public Communications Week in Downers Grove.

Council Minutes

Village of Downers Grove

April 21, 2020

4. Minutes of Council Meetings

MIN 2020-8547 — A. Minutes: Council Minutes – April 7, 2020

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

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

Nay: None

Mayor Barnett declared the motion carried.

5. Consent Agenda

COR 2020-8548 — A. Claims Ordinance: No. 6357, Payroll, March 27, 2020

BIL 2020-8549 — B. Bills Payable: No. 6518, April 21, 2020

BIL 2020-8551 — C. Bills Payable: No. 6520, April 21, 2020

MOT 2020-8535 — D. Motion: Authorize a Three-Year Contract in the Amount of \$192,810 with M.E. Simpson Co., Inc., for Water System Leak Detection Services

Summary: This authorizes a three-year contract for water system leak detection services with M.E. Simpson Co., Inc., Valparaiso, IN, in the amount of \$192,810.

RES 2020-8533 — E. Resolution: Authorize an Agreement with Midwest Meter, Inc., for the Purchase of 350 ACLARA 2-way Meter Transmission Units (MTUs)

Summary: This authorizes the purchase of 350 ACLARA 2-way Meter Transmission Units (MTUs) from Midwest Meter, Inc. for a total price of \$39,452.

**A RESOLUTION AUTHORIZING EXECUTION OF AN
AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE
AND MIDWEST METER, INC.**

RESOLUTION 2020-21

MOT 2020-8534 – F. Motion: Authorize the Purchase of a Utility Shoring Trailer in the Amount of \$26,063 from Sauber Manufacturing

Summary: This authorizes the purchase of a utility shoring trailer from Sauber Manufacturing of Virgil, IL, in the amount of \$26,063.

Council Minutes

Village of Downers Grove

April 21, 2020

RES 2020-8531 — G. Resolution: Authorize an Extension to the Agreement with Hampton, Lenzini and Renwick, Inc.

Summary: This authorizes a contract extension for native landscaping and natural areas maintenance and monitoring with Hampton, Lenzini and Renwick, Inc. (HLR), of Elgin, IL, in an amount of \$46,722.00, which includes a 20% contingency.

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

RESOLUTION 2020-22

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

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

Nay: None

Mayor Barnett declared the motion carried.

6. Active Agenda

7. First Reading

ORD 2020-8519 — A. Ordinance: Provide for an Amendment to Ordinance #5720 and the Village of Downers Grove Budget for Fiscal Year 2019

Village Manager Dave Fieldman said that the only item on the First Reading is consideration of an ordinance amending the FY19 budget as part of the 2019 financial closeout. He said 2019 was a financially strong year in which \$1.6 million was added to the operating fund, 20 of the 23 funds showed expenses below the authorized amounts, and all funds continue to have positive balances. There were three funds that had expenses above the budgeted authority and they include: 1) asset forfeiture fund which is prohibited by federal regulations from spending these funds on budgeted items without an amendment; 2) fleet services fund which has an amendment to cover overtime and contracted expenses; and 3) Police Pension Fund which includes \$65,000 in costs of refunded pension contributions to employees who left the department. All three funds have positive balances and remain in strong financial positions.

Commissioner Kulovany congratulated the staff on a fine financial performance.

8. Manager's Report

Mr. Fieldman said the Village is providing all services and all essential services using new technology in a safe way. He encouraged the public and residents to visit the Village's website. He thanked staff members who have continued to step up with their dedicated work. He also thanked residents for their patience.

Council Minutes

Village of Downers Grove

April 21, 2020

Mayor Barnett said the Village has gone to great lengths to provide services in an environment that no one has experienced. Using social distancing has been difficult in the performance of many services. He also said that Village residents have been patient and helpful, and he is proud of the team and the residents.

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 providing for an amendment to Ordinance #5720 and the Village of Downers Grove budget for fiscal year 2019

10. Mayor and Council Member Reports

Commissioner José thanked everyone for continuing to follow the stay at home order and social distancing. He can see the curve beginning to bend. He encouraged residents to enjoy the outdoors, stick to the rules and beat this thing.

Commissioner Earl commented that regarding Arbor Day, they are delaying the tree planting; it will probably be in the fall. She has noted lots of drive-by birthday parties, and requests for staff to do drive-bys, but there are so many requests that staff unfortunately cannot pulled away their responsibilities. First responders are doing a heck of a job.

Commissioner Gray commented that he saw a message from someone feeling very stressful and he commended those who responded to the post in a calm, loving and encouraging way. He said if there is anyone who is feeling like life has gotten hard, they should reach out and use resources available to them. He said residents should be on the lookout for individuals who are in need. He then provided two numbers – 125 and 119. There were 125 last week, and as of today there were 119 deaths reported. We are moving in the right direction, but there is a long way to go. He encouraged people to stay at home and save lives.

Commissioner Kulovany expressed his thanks to residents. He said they should continue to stay calm. He encouraged the support of local businesses. He noted there have been posts about lifting “stay at home” in Downers Grove. The Village is Home Rule but cannot be more lax or lenient than State law. He said he has been following cases in DuPage County, and the numbers are beginning to reduce. We are not out of the woods yet, but the future looks positive.

Commissioner Walus echoed what has already been said. She asked residents to please follow the stay-at-home order, and to shop local. She said that we don't really need to leave our community. She noted it is a difficult time for a lot of people. She expressed her thanks to the residents.

Mayor Barnett commented that his colleagues have expressed many good thoughts. He encouraged people to stay optimistic, as this will pass. People should monitor DuPage County and the State of Illinois websites which provides statistics and guidance as to best health practices. He asked that people continue helping each other. Support groups are already meeting many needs in the community. If you need help, don't hesitate to ask. If you are feeling that you want to help but you are not sure what to do, he asked people to consider supporting groups that are already meeting needs in our community. Groups like food pantries such as FISH, the West Suburban Food Bank or any of our local faith-based efforts, organizations such as PADS or Catholic Charities, who continue to serve our homeless community, People's Resource Center, Hope's Front Door, Family Shelter Services, etc. There are so many groups doing good work in and around our community. The needs are growing

Council Minutes

Village of Downers Grove

April 21, 2020

and these organizations can use our help. He also urged people to ask for help if they need it. People are not alone in experiencing difficult times. He said people should reach out and ask for help from the community and the County, as well as many other resources. He suggested going to DuPagechris.org or the Village website community resources page to find places that can help.

Commissioner Sadowski-Fugitt thanked the community, first responders and public safety. She hopes there are ways to connect virtually as human connection is crucial. Support local businesses when you can. She encouraged people to reach out for help. She also wishes everyone a Happy Earth Day tomorrow.

9. Public Comments

This is the opportunity for public comments. Please email your comments before or during the meeting to mayorcouncil@downers.us.

Deputy Village Manager Mike Baker said there were four Council emails received which he summarized.

1) A resident named Jane wrote asking that signage be considered at tennis courts limiting the number of players per court to two rather than locking the courts, especially at the two smaller court parks.

2) Judy Rosko wrote, "Mayor and Council, you should mandate all people to wear face coverings. Not necessarily masks. Half of the workers at the Jewel and 60% of the customers did not have face coverings on. This is NOT good. Thank you. Judy Rosko on Chase Ave."

3) Richard Gualano wrote, "I can't believe that there are still those out there that are walking around among us in the grocery store without face masks. This morning, my wife went to the Jewel-Osco at 63rd and Main and observed other patrons walking the aisles without a mask. It has been weeks since we were told to socially distance and wear a mask when at an essential business with others, not only to protect ourselves, but others as well. Yet it's not being done by all. Apparently Jewel-Osco doesn't care so long as the offenders bring their money. And our Governor rather thinks things over. Other towns have stepped up and adopted an order/rule requiring masks. When will our Village leaders take that action?"

4. Bryan Bentley wrote, "My name is Bryan Bentley and my wife and I own Bryan's American Grille. (Formerly Shannahan's) When we purchased this business in 2015, Video Gaming in bars and restaurants was not a major competitive advantage in surrounding communities. We were able to compete more or less on a level playing field. Unfortunately, today that is not the case. We are virtually surrounded by communities that allow Video Gaming. Their restaurants and bars have been siphoning off existing regulars, gaining new incremental customers and luring our valuable employees away with higher salaries. This situation is making it impossible for us to fairly compete against bars and restaurants that offer Video Gaming. Prior to the mandatory closure, on a daily basis persons would come into Bryan's and ask 'Where are your machines?' When we tell them Downers Grove does not allow them. They would turn around and walk out! The same is true for phone inquiries; people would ask us where the closest establishment that allows gaming is! Customers are choosing to spend their discretionary money in surrounding communities that offer Video Gaming. And that spend is not just limited to gaming. It is food, liquor, gas, groceries, cleaners, etc. People tend to stay and shop in a close geographical area.

This mandatory shutdown due to the COVID-19 outbreak is devastating to all restaurants and bars no matter where they are located. However, it is far worse for bars and restaurants in Downers Grove. While our competitors have had an additional income stream from Video Slots to bolster their capital reserves. Businesses in Downers Grove were not allowed that same opportunity. Now we are being forced to use monies slated for capital expenditures or operating expenses, borrow money or tap into personal savings just to stay open. When

Council Minutes

Village of Downers Grove

April 21, 2020

this crisis passes and the mandatory closure order is lifted we will be financially weaker than our competition in surrounding communities and we will still be at a major competitive disadvantage without being able to offer Video Slots.

Raising the issue of approving Video Slots now may not seem appropriate or a priority during this crisis. Victoria and I, as well as many of our fellow Downers Grove restaurateurs, contend the exact opposite is true. The Village of Downers Grove and its businesses are facing a substantial decrease in revenue for the foreseeable future as communicated in a recent Facebook post by Mayor Barnett. It is judicious to find areas to cut expenses and great to have cash reserves to help us through this crisis. However, it is just as prudent to try preserve the businesses that contribute a significant amount of revenue to the village and to help them so that they can continue to do so. Respectfully, the village should be looking for ways to increase revenue from multiple sources with the least amount of expense to do so. The Village ROI for approving VLT's is significant and should be considered. Depending on the number of machines approved the Village could realize in excess of \$500,000 per year for simply allowing its businesses to compete fairly with surrounding communities.

The effects of this catastrophe will be felt long after the closure is lifted and the word Coronavirus has faded from our lexicon. Downers Grove Restaurants and bars will continue to suffer due to circumstance that we are being made to compete against other adjacent communities that have allowed Video Gaming. The fact is that customers want to play Video Slots and they are going to take their business where they can do so.

Video gaming machines are no different than Golden Tee Golf Games, Pool Tables or Dart machines. All of these devices offer entertainment in exchange for payment. Video Slots are as commonplace today in most restaurants and bars as the aforementioned games. In time video slots blend into the décor of businesses and are hardly being noticed unless you are a gamer that is looking for them. Video Slots are no more obtrusive than the self-serve lottery machines currently available at the Jewel on Saratoga and Ogden.

It was not that long ago, early 1990's that the Village Council of Downers Grove was debating on whether or not to allow the sale of alcohol downtown. The beliefs and positions on both sides were intractable, however the Council members at that time made the bold decision (for that time) to allow bars and restaurants to sell alcohol downtown. Can you imagine what downtown Downers Grove would look like today without that decision? No Ballydoyle's, No Gatto's, No Capri, No Pierce Tavern, No Emmet's, No Cadence, No Wasabi! And the list goes on and on. All of the cries of how allowing the sale of alcohol downtown would destroy the image and family branding of Downers Grove never came to fruition and the exact opposite happened. In fact the very same opponents of that decision are the very persons that regularly patronize these establishments today and in the end the image of Downers Grove was improved and it was a financial win/win for the private sector and the Village of Downers Grove.

On behalf of our staff, most of whom are single mothers, with Bryan's as their only source of income, and all of the Downers Grove bars and restaurants. We are beseeching the Village Council to please approve Video Gaming ASAP. Let us have some hope, some light at the end of the Coronavirus tunnel that we will be able to recover from this crisis and be able to compete on a level playing field moving forward. I am long time resident of Downers Grove and I have seen previous Village Councils and Mayors move quickly to support and help village businesses faced with adversities. Just like the decision by Mayor Barnett to allow bars and restaurants to sell package goods during the closure. Video Gaming is no longer just a nice to have in this market; it is a need to have to be viable long term. You have it within you power and authority to make this happen. For many of us this one act by the Village Council could be lifesaving decision that saves our businesses.

I am a 35-year veteran of the casino gaming industry with my last position being the Director of Table Games for Caesars Entertainment. I completely understand the fear and misconceptions that surround gaming and to that point I am asking that the Mayor and Village Council contact me so that we can discuss this issue and any concerns that you may have.

Council Minutes

Village of Downers Grove

April 21, 2020

Thank you for taking the time to read this comments and considering giving us the ability to compete equally on a level playing field in what is going to be a very rough financial future for the Village of Downers Grove and its bars and restaurants.

Sincerely,

Bryan Bentley”

Mayor Barnett said Council/staff would respond to each of those residents after giving their requests more attention. He said that video gaming is a long-standing issue here but not likely to be addressed now.

10. Adjournment

Mayor Barnett asked for a motion to adjourn.

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

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

Nay: None

Mayor Barnett declared the motion carried and the meeting adjourned at 7:28 p.m.

Respectfully submitted,

Megan Miles

Village Clerk