

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

June 09, 2020

07:00 PM

Due to the COVID-19 pandemic, Public comment will be taken electronically and in person. To submit a comment electronically, please click on the “Submit Public Comment” link on the Current Week’s Meeting page of the Village website any time before or during the meeting. 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 7:01 p.m. in the Committee Room of the Downers Grove Village Hall. Village Clerk Megan Miles participated by conference call.

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

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

MOT 2020-8584 — A. Motion: Conduct the June 9, 2020, Village Council meeting electronically.

No motion was made regarding this item.

3. Proclamation

A. National Public Safety Month – Mayor Barnett proclaimed the month of June as National Safety Month in the Village of Downers Grove

4. Presentation - Economic Development Corporation Quarterly Report

Mayor Barnett asked for patience before the presentation as some transitioning took place to maintain social distancing with a maximum of 10 people in the room and noted as a speaker comes in, one person will leave the room. Village Manager Dave Fieldman noted he had reviewed Mr. Cassa’s report and noted it included some of the same information that he planned to present under Manager’s Report so he would not be giving that financial update.

Michael Cassa, President and CEO of the Downers Grove Economic Development Corporation, 5159 Mochel Drive, presented the EDC’s quarterly report. The COVID-19 crisis has wreaked havoc on our economy. Municipal sales taxes showed a 6.89% increase in February 2020 and a 20.48% decrease in March 2020. Home Rule sales taxes showed a 10.93% increase in February 2020, and a 19.76% increase in March 2020 figures. Mr. Cassa then provided a first quarter breakdown of various categories. These figures are released from the state for the first quarter: General Merchandise decreased 22.19%, Food (grocery) increased 14.09% - saved by large amount of grocery hoarding at the beginning of the COVID-19 crisis in March, Drinking and Eating places (restaurants) decreased 10.69%, the second quarter will be down as well, Apparel decreased 29.02%, Furniture,

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H&H and Radio increased 7.34%, this includes appliances and this increase accounts for electronics, an example is increases in sales in stores like Best Buy, Lumber, Building and Hardware decreased 4.03%, Automotive and Filling stations decreased 6.65%, and Drugs and Miscellaneous retail, including pharmaceuticals increased 12.39%.

Mr. Cassa then noted how the hotel industry has been hit very hard. Two of the full service hotels in Downers Grove shut down. The limited service hotels have very low occupancy rates. Hotel taxes decreased 0.61% in February 2020, decreased 59.02% in March 2020 and 91.38% in April 2020. This will repeat in May and June. Food and Beverage taxes show a decrease of 49.0% in April.

Mr. Cassa then reviewed the EDC's initiatives. In late March and April conducted an outreach campaign to give businesses information. The EDC focuses on hotels and restaurants, probably 50% of the restaurants in Downers Grove were contacted. The EDC also contacted retailers and auto dealers and landlords and property managers. The EDC did a mailing to as many landlords and property managers in the Village to provide resources from the federal and state government. The main issue there is the rent. Mr. Cassa also reviewed work with current clients, commercial brokers and developers. The EDC maintained contact. Mr. Cassa also noted a restaurant list maintained by the EDC with information on outdoor dining, carryout and delivery and this list is updated often. The EDC also has a COVID-19 page listing resources.

Mr. Cassa also spoke of the EDC's involvement in two associations: The International Economic Development Council, the Illinois Economic Development Association. Mr. Cassa also mentioned he also participated in a webinar held by the National Association of Realtors.

Mr. Cassa then discussed the research the EDC has performed on various economic sectors. The EDC will be creating a virtual 'war room' with information. For retail sectors: apparel, auto dealers, electronics and appliances, furniture, general merchandise, grocery, hardware and home improvement, pharmaceuticals and restaurants, the office sector, industrial sector and hotel sector.

Mr. Cassa also mentioned the local economy task force and all of its suggestions for their work. Mr. Cassa thanked the Village for the quick work on outdoor dining.

Last Mr. Cassa mentioned the Daily Herald Annual Awards for Business Excellence and the Downers Grove Economic Development Association won the economic development corporation award for 2020.

Commissioner Walus congratulated Mr. Cassa and the EDC for their award.

Commissioner Gray asked about the impact the apparel sector has had on the Village. Mr. Cassa said that prior to COVID-19 the retail sector was really struggling. The Village only has one department store – Kohl's – so the Village did not feel that same impact.

Mayor Barnett said more than half of the Village's revenue streams were affected by COVID-19 and asked when the second quarter numbers would be released.

Mr. Cassa said that data has a two month lag and the state reports the quarterly report late, and estimated they would receive it around August or September.

Mayor Barnett then asked when the EDC's 'war room' would be ready. Mr. Cassa said it will be available daily and would start the work on this next week.

Commissioner Kulovany asked if the two full-service hotels in the Village were corporate owned or franchised. Mr. Cassa said the DoubleTree is owned by a private corporation in Michigan and under its own management and the Marriott is under Marriott management.

Mr. Fieldman then noted two other data points: Income Tax for May decreased by 34%, Building Permit activity was down 38% and Building permit revenue decreased 62%, representing a shift in the type of permits. Mr. Fieldman noted these revenues are better than the worst case scenario presented in April. By mid-July the Village will have an updated projection for the end of the year.

Mayor Barnett then noted that general public comments will still be taken at the end of the meeting to facilitate any online comments that are received throughout the course of the meeting.

5. Minutes of Council Meetings

MIN 2020-8575 — A. Minutes: Council Minutes – May 12, 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.

6. Consent Agenda

COR 2020-8577 — A. Claims Ordinance: No. 6363 - Payroll, May 8, 2020

BIL 2020-8576 — B. Bills Payable: No. 6526 - June 9, 2020

BIL 2020-8582 — C. Bills Payable: No. 6528 - June 9, 2020

BIL 2020-8585 — D. Bills Payable: No. 6530 - June 9, 2020

RES 2020-8568 — E. Resolution: Amend the Employee Administrative Rules and Regulations

Summary: This amends the employee administrative rules and regulations

**A RESOLUTION AMENDING THE EMPLOYEE
ADMINISTRATIVE RULES AND REGULATIONS**

RESOLUTION 2020-23

RES 2020-8570 — F. Resolution: Amend the Village's Sexual Harassment Policy

Summary: This amends the Village's sexual harassment policy

**A RESOLUTION AMENDING THE VILLAGE'S
SEXUAL HARASSMENT POLICY**

RESOLUTION 2020-24

RES 2020-8567 — G. Resolution: Authorize an Agreement with Sada Systems, Inc.

Summary: This authorizes an agreement with Sada Systems, Inc.

A RESOLUTION AUTHORIZING AN AGREEMENT WITH SADA SYSTEMS, INC.

RESOLUTION 2020-25

MOT 2020-8579 — H. Motion: Authorize a \$30,000 contribution for FY20 to the DuPage Senior Citizens Council for the Meals on Wheels program

Summary: This authorizes a \$30,000 contribution for FY20 to the DuPage Senior Citizens Council for the Meals on Wheels program

MOT 2020-8583 — I. Motion: Approve a Contract with Traffic Control & Protection, Inc. in the Amount of \$40,975 for the Rental of Portable Barriers

Summary: This approves a contract with Traffic Control & Protection, Inc. in the amount of \$40,975 for the rental of portable barriers

MOT 2020-8578 — J. Motion: Authorize an Emergency Order Regarding Outdoor Dining and Other Liquor Licensing Provisions

Summary: This authorizes an emergency order regarding outdoor dining and other liquor licensing provisions

MIN 2020-8571 — K. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Plan Commission - March 2, 2020; Library Board of Trustees - April 22, 2020

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

Mayor Barnett declared the motion carried by voice vote

7. Active Agenda

8. First Reading

RES 2020-8552 — B. Resolution: Accept the Comprehensive Annual Financial Report for the Fiscal Year January 1, 2019 through December 31, 2019.

This is to accept the Village's audit report. Mr. Fieldman introduced Scott Termine of the auditing firm, BKD, LLP who presented the results of the Village's 2019 audit.

Mr. Termine said he appreciates all of the efforts of the finance team during the COVID-19 pandemic. Mr. Termine said there are four deliverables: the Comprehensive Annual Financial Report or CAFR, the Ogden TIF, the Downtown TIF and the results of the audit or the management letter. All of these resulted in a clean or unmodified audit opinion. There are no significant issues to report. Mr. Termine did highlight the Village's General Fund balance position, as of 12/31/2019 the General Fund balance is 20.6 million. This represents about five months of expenditures with a best practice being two months of expenditures. Additionally, the Village exceeded a threshold of \$750,000 in federal awards expended which was due to the Illinois Environmental Protection Agency (IEPA) loan. This triggered a single audit which also resulted in a clean opinion.

Finally Mr. Termine reviewed the Governmental Accounting Standards Board or GASB rules. There are several new standards issued by GASB but due to the COVID-19 outbreak GASB is delaying the adoption of two of these standards. The Village will adopt those standards for the 2020 CAFR.

Commissioner Hose thanked Mr. Termine and said he wanted to highlight the importance of an unmodified opinion. The Village is continuing to operate at a very high level. He thanked staff for their work.

Mr. Fieldman thanked the finance staff for their work and the department heads for operating under those financial guidelines.

ORD 2020-8543 — A. Ordinance: Authorize a Special Use to Establish an Accessory Use Before the Principal Use is Established at 3131 Finley Road

Stan Popovich, Director, Community Development, provided background information on the Ordinance to authorize a special use at 3131 Finley Road. He stated that the request is for permitting an accessory use, which in this case is a parking lot before the principal use is established. The property is located at the southeast corner of Finley Road and Branding Avenue. The petitioner owns two parcels, the northern parcel is zoned B3, and the Opus parcel is zoned ORM. Mr. Popovich stated there is a vacant restaurant building on the Finley road parcel and on the southern lot there is an office building with a parking lot. The petitioner is proposing additional parking for the office building, and therefore requesting to convert the existing building to a parking area. Mr. Popovich showed an image of the parking which included green space. The Comprehensive Plan notes this area is leveraged to attract new office tenants, reinvestment to improve existing developments, to enhance economic viability and to encourage adaptable spaces. The Plan Commission reviewed this case at their March meeting and found the special use standards for approval were met.

Commissioner Earl asked for Mr. Popovich to explain if the Village requires combining lots for residential permits and why that is not the case for this project. Mr. Popovich said in this case there are two lots and two zoning classifications it gives them flexibility. Mr. Fieldman then said in residential districts this option does not exist, there is one more set of options in this scenario.

Commissioner Kulovany said restaurants struggle in this area due to the location off of Butterfield and that business structure for offices is changing to smaller, divided offices and more people working from home. This is an important project to provide that additional parking. He said he feels comfortable supporting this request.

ORD 2020-8573 — C. Ordinance: Adopt Amendments to the Institutional Master Plan for the Property Located at 1436 Norfolk Street Commonly Known as the Downers Grove South High School Campus

Mr. Popovich provided background information on the Ordinance adopting amendments to the institutional master plan for Downers Grove South High School. The property is located at the corner of 63rd Street and Dunham Road. He stated District 99 came to the Council last year with their Master Plan amendment for both high schools. District 99 is asking for an amendment to that Master Plan to construct an off-street drop-off and pickup area on the east side of campus. The proposal is by the student entrance off of Dunham Road for a one-way entrance drop-off and pickup area pulling in off the north lane and then proceeding south. Traffic would proceed counter-clockwise. The petitioner would also provide a continuous sidewalk. The area would be strictly used for drop-off and pickup during school hours and could be used as additional parking in the non-transitional area in off-hours as needed. Mr. Popovich noted the Comprehensive Plan says this area is institutional, the Village supports the school and its operations, promotes improvements and limits external impacts. The Plan Commission considered this case at its May meeting and found the standards for approval were met.

Commissioner Earl asked about the exit area and if it would be right out only. Mr. Popovich said yes, it would be right out only. Ms. Amy Tiberi of Wight stated it was proposed to be come in off of Dunham, turning left, or from 63rd turning right and then exiting right, southbound only.

Commissioner Kulovany said this was necessary due to a bottleneck at this location. He asked if there was concern with people going southbound only. Ms. Tiberi said after the traffic and safety study was performed most of the Downers Grove South population was coming from the south, very few coming from the north to

turn around and the theory being this would be used to alleviate traffic between the intersections of Dunham and Norfolk and Springside and Norfolk.

Commissioner Gray asked what kind of input they received from the neighborhood. Ms. Tiberi said they received just one question on the proposed circulation.

Ms. Tiberi thanked the Village for their support.

9. Manager's Report

Village Manager Dave Fieldman said he will not be providing a COVID-19 update after Michael Cassa's presentation.

Commissioner Earl noted it was a relief the Village is not experiencing the worst-case scenario. Mr. Fieldman said Long Range Planning discussions will begin in July.

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 authorizing a special use to establish an accessory use before the principal use is established at 3131 Finley Road
2. An ordinance adopting amendments to the institutional master plan for the property located at 1436 Norfolk Street commonly known as the Downers Grove South High School campus

11. Public Comments

Deputy Village Manager Mike Baker said he received one comment during the meeting about the institutional master plan asking about the hours of the project and noted it was a major thoroughfare to the train station.

Mayor Barnett noted that the Village Council will respond to the e-comments received offline in the upcoming days.

Louise Kelly, Downers Grove resident noted she had a question about Downers Grove policing. She also said she attended the protest Sunday and thanked the Mayor for his support and was proud of the Downers Grove police force. Ms. Kelly said the people of Downers Grove have spoken and it is up to us, every community to start looking at our police practices. She said she became aware of the 21st Century Policing Task Force from 2015. This report had many evidence-based suggestions and said many mayors implemented these practices. She asked if the Village is following those guidelines and is there a commitment to report about policing to our community.

Mayor Barnett thanked Ms. Kelly. He said to answer her first question, he did not know but would find out. And to Ms. Kelly's second question he stated the village is always looking to adapt to new best practices and said there have been a lot of questions on this topic and he would be addressing them during his report later in the meeting.

12. Mayor and Council Member Reports

Commissioner Gray noted we are coming out of the house during this pandemic and experiencing ups and downs over the last 10-12 weeks. He said the last two weeks have been a season of evaluating and looking at things in a new way. He said he grew up in the Chicago area, this area is familiar to him and decided to make this area home after being away for many years. He said he has lived in many areas of the country, on both

coasts. He has noticed in each situation, it has required something to change in him to be able to step into situations where no one else looked like him. Over the last few weeks he has had many phone calls and conversations around policing and where the country is now. Commissioner Gray said he's tried to jot down some things from a person who lives their life to build bridges and connect people. He said he has come to understand he has a small window of time before a person shuts down when having a conversation. Some terms he would use is opting-out, panic button or disinterest on topics of race or diversity or racial fatigue, being tired of processing this issue. In the times he's been in the western suburbs he's learned to watch for this, glazing over, and switches the subject. He said he's learned to lower the expectations on these issues of race and diversity and the painful things on the news. When he thinks about this history of African Americans, he said he loves to learn about cultures, including his own. When it comes to policing and African Americans the words billy clubs, gunshots, fire hoses, attack dogs, deadly police force, these are nothing new to people of color.

He said he would like his voice heard and he will always denounce any law enforcement that kills people of color for no reason. Your heart should mourn somehow. He wanted to say this very clearly. This is a heart issue, we are dealing with the pandemic of the heart. He said his words will probably not reach far beyond the borders of Downers Grove. He said he wants his words to land in his backyard. He said he does not care about your background, where you come from, his heart sees another human being. He said if you hear this and you purposely on a daily basis go out of your way to not communicate or avoid people that don't look like you, you are a part of the problem.

He said he saw a young white boy on his bike and thought at no point would he have thought he was looking at a menace to society, that he was someone's son or brother or friend. When he sees black children in the community, he sees his sons. He said if you see white kids as good, but an image of a black kid gives you angst or worry, you are a part of the problem. He said he has seen in his area the need to self-police neighborhoods, weaponizing the police against minorities. The world saw this with that woman in New York. He said he's seen this in Downers Grove and it is ugly. He said if that is you, you are a part of the problem. He said statistics show that 70% of Caucasians do not have an individual of color as part of their friend circle. He said he works hard to build relationships with people that do not look like him, it is intentional and takes work. He said he is proud to be black. He said in 2020 if all aspects of your life look the same, he thinks it is by choice. He said that is also a part of the problem. He said he's seen doors locked, purses shifted at the sight of an African American. He said he sometimes sits by the train station and watches what's going on and sees things that make him sad and this too is a part of the problem. He wants his words to land in the Village.

He said he unfortunately had a request from a parent about how her children have been a target of racial issues at a local high school and he said something about this issue and it was ugly. He said this will be an issue going forward. He said if we do not call out racial things in our own house and knowing the consequences on the other side, we are a part of that problem. He said he's been at soccer games where he's seen parents act very ugly, write off those actions and then look at people that don't look like them and label them as an angry black person. He said if this is how you process people, you are a part of the problem. If you prequalify people, using a running list of questions, he said he and his wife know these questions well, and if this is how you approach people, this is truly a part of the problem.

He said at the march on Sunday, he said it should have made everyone's heart smile. He said he and his sons watched from the sidelines to get a different view of the event. He said they were approached by a woman who said to his youngest son "You matter". He said this woman did not get the memo, that his life, his wife and son's lives have always mattered. They didn't need that permission. He understood she has been on the sidelines for a long time. He said he posted pictures of the march to Facebook and noticed his post came down. He put in an audit to Facebook and looked at one picture with a young white man holding a sign that said "White silence kills". He said if we are so racially fragile that a sign upsets us, or offends us, he will ask those individuals to get out of the way. There is work to be done and should have been done already. He said he is excited that people have woken up. He said if you are not prepared to do that work, get out of the way and take another role.

He said our lives will go back to some normalcy and he hopes that the feel good moment of that Sunday will not just be that 'thing we did in the summer'. He said many of us will fight this issue of racism for a lifetime. Racism is a global pandemic of the heart. He said as he watched the march Sunday he thought of all the past moments and opportunities for people to get involved and make change, and thought where have you been, we have needed you.

Mayor Barnett said to never apologize for taking time to speak.

Commissioner Earl said that anyone who has a problem with anyone of color is very upsetting. She said she went into nursing and said she cares about humans and no one should treat anyone less. She said the pandemic is still out there and to adhere to social distancing and wear masks and give people grace.

Commissioner Hose thanked Commissioner Gray for his comments and said it was a very powerful report. He said there is some art downtown on a board that says history is watching, and this is very true right now. He said people will look at how this situation was approached. He said the march on Sunday was an incredible event and thanked the organizers and all the participants and the police for how they engaged. He said it should be obvious that Black Lives Matter and looks forward to doing the work.

Commissioner Kulovany thanked Commissioner Gray for his comments. He said he has learned listening is important. He said he felt necessary to defend the police department. He said racism does exist in Downers Grove. He said it's important for all of us to listen. He said the protest went well. He said he hopes this is an opportunity for people to listen.

Commissioner Sadowski-Fugitt thanked the community. She thanked Commissioner Gray for his voice and was glad he was here. She said she attended the march that was organized by former and current students. She said the march was not about her it was about those who have faced racism and suggested to listen to the organizers and their experiences. She said to donate to funds supporting black business owners and communities. She said we need to listen to our black neighbors and take action. She said we do not get to say all lives matter until all black lives matter.

Commissioner Walus said Commissioner Gray's words landed. She said as an educator she knows there is always room for growth. She said she hopes we can all continue to have conversations. She said being there on Sunday with her girls was important. She said loving people is taught. She appreciated Commissioner Gray's words.

Mayor Barnett said this community appreciates your words. He said it is not easy to lead and he appreciates Commissioner Gray's leadership. He said the COVID is still here and is not a joke. He said it is important to remember that. He said they are acting on the best advice available and encourage all in the community to do so as well. He said we will continue to endure discomfort. He said there are a lot of opinions but we operate collectively and the Illinois Department of Health is guiding us during this pandemic. He said to do your best to follow the state's guidance and to give everyone grace.

He said they have received a lot of questions about policing. He said the Village will be moving forward with three steps: 1. Publishing police department data in a transparent and readable format on the Village's website, 2. Publishing an FAQ document into easy answers and 3. Hosting a community engagement event. This would be to provide a venue and communicate with police department staff and other Village officials as well as contacting the Unity Partnership for assistance and advice, the Illinois Department of Commerce and Economic Opportunity. The goal is to have these first two steps completed by Tuesday, June 16th. This is a goal but the Village is committed to getting this right. This is also being discussed with the DuPage County police chiefs for more regional dialogue. He said he hopes this results in ongoing conversations and the opportunity for questions and hearing answers. He said he has confidence we will do it well and feel good about the policing we do. He said we do not get it right every time but there is a commitment to try to get it right. He said the last few months

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have been challenging but is proud of how the Village has acted and acted deliberately. He said he thanked the community for helping each other.

Deputy Village Manager noted two additional comments came in during the meeting. He said four comments came in before the meeting and were published before 5:00 p.m. and sent to the Council. He said the comments were asking why they were not addressed.

13. 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 8:39 p.m.

Respectfully submitted,

Megan Miles

Village Clerk