

Meeting Minutes

Village of Downers Grove - Council Meeting

Committee Room

June 16, 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 7:00 p.m. in the Committee Room of the Downers Grove Village Hall.

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

2. Roll Call

Council Attendance (Present): Commissioner José (arrived at 7:32 p.m.), 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

3. Minutes of Council Meetings

MIN 2020-8589 — A. Minutes: Council Minutes - June 9, 2020

Motion: Commissioner Earl moved to approved the minutes as presented. Commissioner Sadowski-Fugitt seconded the motion.

Mayor Barnett declared the motion carried by voice vote.

4. Consent Agenda

COR 2020-8590 — A. Claims Ordinance: No. 6365 - Payroll, June 5, 2020

BIL 2020-8591 — B. Bills Payable: No. 6532 - June 16, 2020

RES 2020-8580 — C. Resolution: Authorize an Agreement with Underwriters Safety and Claims

Summary: This authorizes an agreement with Underwriters Safety and Claims

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH UNDERWRITERS SAFETY AND
CLAIMS**

RESOLUTION 2020-26

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

Summary: This accepts the comprehensive annual financial report for the fiscal year January 1, 2019 through December 31, 2019

**A RESOLUTION TO ACCEPT THE COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE
VILLAGE OF DOWNERS GROVE FOR THE FISCAL YEAR JANUARY 1, 2019 THROUGH
DECEMBER 31, 2019**

RESOLUTION 2020-27

RES 2020-8586 — E. Resolution: Commit Local Funds in Conjunction with a Rebuild Illinois Infrastructure Grant

Summary: This commits local funds in conjunction with a Rebuild Illinois Infrastructure Grant

**A RESOLUTION COMMITTING LOCAL FUNDS IN CONJUNCTION WITH A REBUILD
ILLINOIS INFRASTRUCTURE GRANT**

RESOLUTION 2020-28

MOT 2020-8587 — F. Motion: Approve an Agreement with Amita Health Medical Center for Annual Fire Department Fit for Duty Medical Exams

Summary: This approves an agreement with Amita Health Medical Center for annual fire department fit for duty medical exams

MOT 2020-8593 — G. Motion: Extend the May 29, 2020 Emergency Order Regarding Outdoor Dining and other Liquor Provisions through August 31, 2020

Summary: This extends the May 29, 2020 emergency order regarding outdoor dining and other liquor provisions through August 31, 2020

Motion: Commissioner Earl moved to approve the Consent Agenda as presented. Commissioner Sadowski-Fugitt seconded the motion.

Mayor Barnett declared the motion carried by voice vote

5. Active Agenda

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

Summary: This authorizes a special use to establish an accessory use before the principal use is established at 3131 Finley Road.

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**AN ORDINANCE AUTHORIZING A SPECIAL USE TO ESTABLISH AN ACCESSORY USE
BEFORE THE PRINCIPAL USE IS ESTABLISHED AT 3131 FINLEY ROAD**

ORDINANCE NO. 5817

Motion: Commissioner Earl moved to approve “An Ordinance Authorizing a Special Use to Establish an Accessory Use before the Principal Use is Established at 3131 Finley Road” as presented. Commissioner Sadowski-Fugitt seconded the motion.

Mayor Barnett declared the motion carried by voice vote

ORD 2020-8573 — B. 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

Summary: This adopts amendments to the institutional master plan for the property located at 1436 Norfolk Street commonly known as the Downers Grove South High School campus

**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**

ORDINANCE NO. 5818

Motion: Commissioner Earl moved to approve “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” as presented. Commissioner Sadowski-Fugitt seconded the motion.

Mayor Barnett declared the motion carried by voice vote

6. First Reading

7. Mayor and Council Member Reports

Commissioner Sadowski-Fugitt noted Friday was Juneteenth, commemorating the end of slavery in the United States. June 19th, 1865, two and a half years after the Emancipation Proclamation, Union soldiers landed in Galveston Texas with the news the war was over and enslaved people were freed. This was not the end of racism or inequality in this country. We have not atoned as white America for the sins of our ancestors. We should reflect on Friday about what this date meant, and what it should have meant. Let’s take the time to do better to improve racial injustice. She also wished everyone a Happy Pride Month and said she hoped all of her LGBTQ neighbors feel safe and accepted in this community and she always is working towards that goal.

Commissioner Gray said he wanted to say thank you to everyone that reached out last week. It was a good week with a lot of good conversations. He said things don’t change until we get comfortable with being uncomfortable and looks forward to the work ahead.

Commissioner Earl said that COVID is still out there and asked everyone to wear masks and give everyone some grace.

Mayor Barnett said COVID is still among us. He said testing can help us in many ways. The DuPage County Health Department has a drive-thru testing facility at the DuPage County complex in Wheaton. All DuPage

County residents can be tested here with no referral or appointment needed. He said there is also a testing site in Willowbrook at Pillars Community Health at Anne M. Jeans Elementary School through August, but an appointment is needed and can be made by calling 708-745-5277. He said to visit DuPagehealth.org for more information. Mayor Barnett also mentioned the Senior Freeze program. He said DuPage County would be sending letters to these applicants explaining a renewal is not required and it would be automatically renewed.

8. Manager's Report

Village Manager Dave Fieldman said staff was hopeful to return to the Council Chambers for July meetings with changes to comply with regulations. He said last week the Mayor addressed the community about questions Mayor and Council and staff have received about policing, he said staff was on track to release information about our police department later this evening. He said the next piece was working on a community engagement event, and there would be information forthcoming on the Village's social media sites and website.

INF 2020-8588 — A. Information: 2019-2021 Long Range Plan update

Summary: 2019-2021 Long Range Plan update

Mr. Fieldman discussed the update to the 2019-2021 Long Range Plan. He said the Long Range Plan was approved by this Council in October 2019. He said this document includes the Village's strategic goals, identifies key trends and issues, strategies and solutions developed by the Council to address the key trends and issues, and serves as the Village's two-year work plan. This is the kickoff to the Village's budgeting.

An update occurs to the long range plan in the middle of the two-year plan. Staff hopes to complete this update by August. This year, the pandemic has prompted significant changes to this update. Mr. Fieldman then discussed the meeting schedule: June 16: Introduction and Schedule, Strategic Goals and Budget Overview, July 14: Key Issues, July 21 and August 4: Strategies and Solutions and August 11: Priority Action Items. The next discussion will be July 14 and by the end of July and into August staff will work on strategies and solutions. In the middle of August, staff will review priority action items.

Mr. Fieldman then reviewed the Village's flight analogy. He said for long range planning staff spends time at the 30-40,000 foot level looking at policy directives for a several year time period. As staff moves into budgeting, we would drop to the 20,000 foot level and then to the 10,000 foot and runway level as specific projects are discussed.

Mr. Fieldman then reviewed the Village's strategic goals. These are: Steward of Financial and Neighborhood Sustainability, Exceptional Municipal Services, Top Quality Infrastructure, Strong Diverse Local Economy and Continual Innovation. He said there are definitions and examples in the Long Range Plan document. These goals were reviewed extensively last year.

Mayor Barnett said his expectations for tonight and the next meeting would be for the Council to get current on the information and then discuss changes or adjustments.

Mr. Fieldman said staff provided a lot of information on the local economy in the report. He then summarized a portion of the Village budget, specifically on three funds as they play a major role in the COVID-19 response plan. He said the strategies for the COVID-19 response plan are working. He said the Village will build upon that with the use of these three funds. The FY20 Village Budget includes over \$140 million dollars in budgeted expenses throughout 24 different funds. Five of these funds the Village does not have much control over. Next, the five largest funds in the Village's budget were discussed: the General Fund at just under \$50 million, Water Fund at about \$21 million, Stormwater Fund just under \$10 million and the Capital and Health Fund which are both just over \$9 million. Mr. Fieldman said for long range planning efforts they would focus on the General Fund, the Capital Fund and the Major Buildings Fund. He referred to a graph on the whiteboard with these funds. The General Fund is the Village's main operating fund. Revenues and Expenses in the General Fund are

just under \$50 million. Mr. Fieldman then described the graph showing the revenues that contribute to this fund. He said the top revenues feeding the General Fund are: property taxes, sales taxes, income taxes, utility taxes and food and beverage taxes. Property and sales taxes are the largest revenue sources. Regarding expenses in the General Fund, Mr. Fieldman described how the graph showed expenses by department: public safety – police and fire, and the public works department account for over 80% of these expenses. He said the General Fund is mostly personnel-related expenses, 77% of General Fund expenses. The fund balance at the beginning of the year was about \$20.6 million which is in compliance with requirements and a best practice.

Mr. Fieldman then went on to discuss the Capital and Major Buildings Fund. These two funds account for general construction, capital improvements and the maintenance of Village-owned buildings. Annual revenues for 2020 for these funds are just under \$8 million and expenses are just under \$12 million. Mr. Fieldman then described key revenues in these funds – home rule sales tax, property taxes, telecommunications taxes and local gasoline taxes. He then showed on the graph how some of these revenues are split between funds – the property tax feeds the general fund mostly, but about \$1 million in property tax revenues is directed towards the Capital Fund and used to retire debt and for bond issuances. Telecommunications taxes and Home Rule Sales Taxes are also split between funds. Lastly, there are local gasoline taxes which originally went towards the reconstruction of Fairview Avenue.

He then discussed how the money was spent in these funds, the number one category being the streets program. The Village has brought our street system to a maintainable condition. He discussed debt service, also related to streets and how bonds were issued a few years ago. Payments for fire station #2 are also a part of this debt service. The Village also continues to invest and maintain in the sidewalk system. Mr. Fieldman mentioned the budgeted Enterprise Resource Planning (ERP) project and how large this project is. Last he discussed the budgeted expenses for the Facilities project. Together, these two funds have a budget of \$9.4 million.

Mr. Fieldman then discussed the Villages' COVID-19 response plan – most Village revenues depicted in the graph shown are shrinking due to economic conditions. He said the Village has deferred planned Capital projects: the facilities project, most streets maintenance activities and parts of the ERP project. Staff is moving these monies to the General Fund to make up for revenue shortfalls. He said the Village is also taking fund balance from the Capital and Major Building Funds as needed, shrinking expenses in the General Fund using traditional techniques when under financial stress, and lastly using a portion of the General Fund fund balance. He said these same concepts will be reiterated throughout the summer.

Commissioner Earl asked about the Village's debt, how it is just like a mortgage that has to be paid and if there are any opportunities to restructure that debt?

Mr. Fieldman said the Village and its financial advisor continue to look for these opportunities but unlike a mortgage there are limitations on this for bonds as we just did a restructuring of debt a couple of months ago. He said they would double-check for any opportunities.

Mayor Barnett said he appreciated the work being done for the Village Council and for the residents. This information was helpful.

Mr. Baker noted there were no e-comments or questions or comments from the public.

Mr. Fieldman said this discussion will resume in mid-July discussing the loss of revenues. He looks forward to taking the next steps in mid-July.

Mayor Barnett told people watching at home to review this information online and that the information is as current as we can possibly get. He said this information feeds the decision-making process. The Mayor asked about the chart and if there was a way to graphically demonstrate this through our COVID-19 response plan.

Mr. Fieldman said this was already being worked on by staff.

Mayor Barnett said he wanted to mention the Village is an organization of over 350 people providing a lot of different services. He said COVID caused our finance team to re-budget in a short amount of time and also provide the Council with a lot of information and the results were outstanding. He said they really appreciated this.

9. Public Comments

Mr. Baker said there were no e-comments but two members of the public in the chambers who would like to make public comment.

1. Rose Kraft, Oak Tree Towers, said she has been here for eight years and has been trying to do her job but she is not getting results from the Village.

Mayor Barnett said the Village sees the issue differently and sometimes the Village cannot meet everyone's needs.

2. A resident said he would like to address the Village's response to COVID-19. He said all commissioners made videos except for Commissioner Kulovany asking residents to comply with the governor's orders. He said he found the Mayor's message about not gathering to be humorous and disturbing. He said residents did gather in their backyards and on their driveways. He also said other towns allowed the use of tennis courts and playgrounds and Downers Grove did not. He said yellow tape and signs were posted. He then talked about the protests on Sunday, June 7th and how there was no social distancing. He said tennis is a good example of a sport with social distancing but it was not allowed and Tuesday night concerts were canceled but protesting with 1,000 people was allowed. He also said churches were closed and funerals limited to 10 people. He said the hypocrisy was glaring.

He asked if social distancing was that important and necessary to cancel summer events. He said the Village issued a permit for the protest knowing it would draw large crowds and there would be no social distancing. He said he hopes if a second wave hits the Council would give careful thought in making decisions.

He then said he would like to address the comments about systemic racism posted on the Village website and social media pages. He said perhaps the Village should be more careful with the language used and not become an echo chamber for groups that are not sincere in what they are trying to accomplish. He said no nation is perfect. He said we are all imperfect. He said he thinks this nation has a proud history and has done a lot to strive for equality. He then referenced the Roe v. Wade decision. He said Black Lives Matters talks about the rights of people but are supporters of abortion and he thinks this is a contradiction. He said this is an exceptional nation and we should not forget that. He said in the future he hoped all of the Council would give reflection on what we do if we are hit with a second wave and to not be an echo chamber for groups and be proud of this nation.

Mayor Barnett said he would not have a debate but wanted to clear the record. He said the Roe v. Wade decision is federal law. The Mayor said if the resident would like to leave he can but he would set the record straight on a few comments made by the resident. Mayor Barnett then said related to parks and playgrounds that the Village does not own or operate these parks or playgrounds, they are owned and operated by the Downers Grove Park District and issues with those places should be addressed with the Park District.

Mayor Barnett said related to protests, the Village would not issue permits for activities not protected by first amendment rights, and as it relates to things like 5K runs, picnics, block parties, the Village would continue to follow the state's rules as it relates to COVID-19. He said when it comes to exercising first amendment rights, there is a higher degree of acceptance of risk and people are not going to stay in their homes.

Mayor Barnett said as it relates to systemic racism, he said undoubtedly there is an ongoing issue of racism in the United States in 2020. He said the Village of Downers Grove made a statement that we condemn that activity and he stands behind that statement. He said if you find this offensive then you should wander beyond Downers Grove because racism exists and we are not going to put up with it in Downers Grove.

He said with COVID-19 every action has risk and he said we are trying to balance it and that we will continue to do our part to combat racism. He said anyone is welcome to come talk to the Council even if we disagree.

Commissioner José apologized for being late due to a work commitment. He said that beginning on May 29 churches were allowed to have services, it was their choice whether or not to do so, if they were closed on June 7 for the protest, it was by choice. He said the response to the pandemic was necessary and measured. He said none of the actions were taken rashly and many were dictated to us by the state. He said in regards to the resident's comments on the issue of institutional racism, if you do not see it, you have blinders on. He said it is not reality. He said it was interesting Thomas Jefferson was cited because at the time those cited words were written, a large portion of the population was enslaved and only those who owned land could vote – land-owning white men. He said there is a lot of work left to do and in Downers Grove we are committed to doing that work.

Commissioner Kulovany said he did not make a video because he was recovering from an injury. He said he did follow the stay at home order and he wears a mask when he goes out. He said the disease is serious and serious for older people. He said he swore an oath to support the constitution of Illinois and the United States when he became a Commissioner on the Village Council. He said it is not up to the Council to determine if executive orders are legal, that is up to the courts, we cannot circumvent state orders. Commissioner Kulovany said we received a waiver from the state in regards to the protests.

Commissioner Gray said over the last few weeks we have all fielded a lot of emails and said it is always good to communicate what falls under the jurisdiction of the Village and what is outside of our jurisdiction. He said systemic racism is a real thing. He said when he thinks about the amount of work that goes into keeping our Village functioning and operating, everyone in this room won't always agree but he takes offense to what he perceives as a verbal attack on a fellow commissioner. A lot of the work that goes on is not seen. He said if certain things make you uncomfortable, get out of the way. It is ok if you don't believe some of these things, but some grace needs to be shown as we all figure this new normal out.

Commissioner Earl said we all listened to the gentleman's comments and he chose to be angry. She said we hear everyone, whether we agree or not. That is just doing the right thing.

Mayor Barnett said Commissioner Earl's point is important. He said we hear everyone.

10. Adjournment

Mayor Barnett asked for a motion to adjourn.

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

Mayor Barnett declared the motion carried by voice vote and the meeting adjourned at 8:08 p.m.

Respectfully submitted,
Megan Miles
Village Clerk