



rRemarks Data for March 7, 2023 Village Council Meeting

Agenda Section: Manager's Report

Agenda Item: Manager's Report - REP 2023-9871 Greenest Region Compact Report

Commenter: Barbara Schmidt-Bailey

Comment: I am excited to see adopting the Greenest Region Contract on the council agenda. I encourage the council to join our suburban neighbors in voting to adopt the GRC, create & implement a true sustainability plan to protect & preserve the environmental health of the VoDG above & beyond current efforts.

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Commenter: Sandra Mueller

Comment: I fully support any efforts we as a community can make toward a more environmentally-friendly Downers Grove. Please consider this plan. Thank you.

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Commenter: Jessica Nastal, PhD

Comment: I am writing to support the village joining the GRC. Thank you for sharing the GRC report—I'd like to commend the Village Manager on it! I appreciate the depth of information presented and the method used for the report.

The argument seems clear: The village already addresses many of the GRC's goals, objectives, and strategies. Participating in the initiative would provide a centralizing framework to continue the work. That centralizing and systematizing of efforts would go a long way to helping Downers Grove truly become a leader in sustainability and a model for residents.

I hope we pursue option 3b and get started on option 2 right away. Can we please begin with providing recycling bins in the downtown area? It is such a shame we're behind many communities with that one issue—especially since recycling in the village began about 30 years ago!

Here's to a greener today and tomorrow.

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Commenter: Ken Lerner

Comment: I am submitting comments on behalf of Pierce Downer's Heritage Alliance (PDHA) regarding the Greenest Region Compact and the options outlined by staff implementing it. PDHA is a local volunteer group that works to promote appreciation, protection and enhancement of our community's natural and cultural heritage through education, advocacy, stewardship and community outreach.

1. If we do nothing else, we should definitely adopt the Greenest Region Compact (GRC) resolution. It has been endorsed by the DuPage Mayors and Managers Conference and 148 Chicago-area communities have signed on. Adopting the GRC resolution gives us access to various regional resources such as the Greenest Region Corps, and as the staff report points out, it does not commit the village to any specific actions to implement it; that is left to the discretion of the community.
2. Adopting the GRC offers two substantial advantages, one external and one internal.
 - a. It puts us on the map as part of the GRC and in line for local, regional and national recognition as part of a coalition of communities who are working toward a greener future. This is a good position to be in marketing our village for residential and commercial purposes. We don't want to fall behind other communities who are taking a stand for sustainability by adopting the GRC, such as Naperville, Glen Ellyn, Lisle, Lombard, Darien, and Westmont.
 - b. It makes an important statement of Village policy, and establishes a clear but flexible policy framework for guiding future sustainability efforts. As the staff report points out, we do a lot of green things already – but we have not had an overarching policy document by which to set goals, evaluate our achievement of them, and prioritize actions for the future in this arena.
3. We should also adopt a sustainability plan, based in part on the GRC, and integrated with other village comprehensive and long range planning. The village has a history of

“doing well by doing good” with our green vehicle fleet, nature-based stormwater control measures, efficient new facilities, and many other things. Having a sustainability plan will help ensure that we keep doing that, and in an organized way. It gives us a yardstick against which to measure progress, and a mechanism to prioritize measures going forward.

We have a substantial leg up on the process of developing a sustainability plan by virtue of the excellent staff work that has already been done. The staff report assesses our current operations against the GRC goals, objectives and policies – the first step in the planning process.

4. This is a natural role for a revived Environmental Concerns Commission (ECC). Having the ECC involved should be regarded not as a burden, but as an advantage – there is substantial expertise available in that group, who work on a volunteer basis. Much of the work of implementing the GRC, including drafting and reviewing a sustainability plan and identifying priorities and proposals for future implementation measures, could be “outsourced” to the ECC in an economical way.

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Commenter: Irene Hogstrom

Comment: Dear Mayor, Council and Staff,

I want to thank staff for putting together an excellent report on consideration of adopting the Greenest Region Compact (GRC). Table 1 illustrates the level of participation. At the very minimum, it shows that Downers Grove is a team player among other municipalities in the region in working to achieve the GRC goals. It also demonstrates to residents that the Village is taking a leadership role in sustainability.

Please take serious consideration and pass a resolution to support the Greenest Region Compact.

Sincerely,
Irene Hogstrom

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Commenter: Elaine Cook

Comment: I urge the Village Council to support our village's participation in the Greenest Region Compact. In conjunction with its GRC participation, I would also suggest the Council act quickly to reactivate the Environmental Concerns Commission. After recently watching commissioners again pass on even publicly discussing a tree ordinance (even those who had assured me of their support), I believe it's more important than ever for the Village Council to make its support for environmental issues clear to the voters of Downers Grove. Thank you.

Agenda Section: Comments of a General Nature

Agenda Item: Comments of a General Nature

Commenter: David Rose

Comment: Comment on VC Bullying rather than Engaging

Public comments critical of village council (VC) action or inaction often elicit from VC a bullying response, rather than a measured response inviting dialogue.

The member who usually steps forward to bully is VC's chair in waiting (CIW), Mr Hose.

And so it was again at VC's 21 Feb meeting.

MORE Q's ON THE LNGF FIASCO

At that meeting, Marshall Schmitt broached the still painful subject of VC's handling of the development of the Longfellow (Lngf) property D58 sold to a developer.

Schmitt indicated he had recently learned that once the sale completed and apparently at some juncture prior to VC changing the language of an ordinance affecting lot widths within the property and thus the total number of lots it could contain for building purposes, the developer went through the process of creating shell companies whose ownership of individual lots within the property looked like a checkerboard.

The objective of this legal exercise was to circumvent the restrictions on the number of potential houses he could build while staying within the confines of the ordinance as written before VC changed the language.

Schmitt raised questions about how the developer's action was handled by VC — the extent to which VC and/or staff knew about, and/or aided and abetted it. The timing of the events, and most notably, if and when the public was informed.

He asked if the public had been not informed, why not?

He also pointed out that the developer's action contradicted VC's claim at the time that VC needed to change the language of the ordinance. Changing the language meant the need for the checkerboard of shell company ownership went away.

The language change, which CC and staff labeled a "clarification," reversed the meaning of the ordinance.

How was the reversal justified?

To conform the language of the ordinance to staff's FAILURE to enforce the ordinance as written!!!

Let that sink in.

If Schmitt and the Lngf neighbors had NOT pointed out the implication of the language on the division of Lngf, VC and staff would have continued on their merry way just NOT enforcing the ordinance!!

According to Schmitt's further research, as he explained to VC last spring in the five minute bites of presentations VC allowed him at meetings, the ordinance whose language VC changed not only had a specific purpose which VC exterminated with the change, the way VC changed the language meant the changed ordinance's purpose simply duplicated the purpose of ANOTHER ordinance already on the books!

Let me repeat:

The change meant the altered ordinance duplicated the purpose of an existing ordinance, and REMOVED the purpose accomplished by the ordinance's original verbiage. As Schmitt noted at the time, that removed purpose affects future 'development' throughout the village.

FAILING TO ENGAGE

A standing criticism of the way VC operates under the current council chair (CC) is its failure to engage. I have commented on this, as has Schmitt, as have others.

Schmitt at the 07 Feb meeting in fact noted in his public comment that the CC's explicit announcement that VC will NOT engage a speaker during public comment actually violates the village ordinance pertinent to the matter. [Will VC vote to change that language? Stay tuned.]

VC 'REPORTS'

The 21 Feb meeting provided another illustration of this failure.

During VC member reports, three used their reporting time not for a report they had planned to give but to respond to Schmitt's comment. And as VC operates these days, Schmitt was not given opportunity to reply!

VC comments were NOT intended to elicit dialogue. Their comments were rather what is known these days in American political life as "getting out one's talking points."

CC's ONGOING DODGE and SCOLD née REPORT

Thus on 21 Feb as he has throughout the Lngf fiasco, CC recited his main talking point: the language change was a "clarification."

Dare one say CC's assertion is like George Santos' saying his fabricated resume was an 'embellishment'?

Not being a lawyer, CC has NEVER tried to counter the evidence and logic Schmitt has presented on the matter. All he can say is, "I was there. I know what the ordinance was intended to say." Reversing the meaning because HE knew what the ordinance was INTENDED to say?!?

CC may have been there, but as Schmitt had argued previously, reversing the meaning of the ordinance on the grounds its intended meaning was opposite its plain English language meant the people who wrote the ordinance did a schlock job.

Boxed in, CC can't admit the language meant what it said; and that the schlock came into being thereafter in the failure to enforce it!

Nor did CC respond on 21 Feb to the substance of Schmitt's questions about VC and staff conduct relative to the developer's steps to create a checkerboard of shell company ownership. He simply voiced the talking point "we're always transparent." "We respond to dozens of FOIA requests every day."

More of CC's usual empty words.

[My personal favorite of his litany: In response to one of my many comments on VC's failure to take environmental sustainability (ENVS) seriously, I posed the question, "Is capitalism compatible with ENVS?"

CC said in response, "Capitalism can always do better."

Aka "Please don't ask a question I have no idea how to answer.

""Especially on a subject as sacred and untouchable in the US as capitalism.

""What will all the rich residents and business owners of DG think of me if I show any doubt about how good their intentions are, how much they care, how committed they are to doing their part to make life better?

""I just want people to like me.

""I want people to vote for me. I have a political career to protect and advance."

In other words, the default answer every pol gives in response to any and every question voicing even a shred of skepticism about capitalism.]

CC trivialized Schmitt's latest set of troubling questions as nothing more than Schmitt campaigning for public office.

Given that CC is running for the same office, consider CC's entire 21 Feb comment nothing more than disappointing counter-campaigning.

CIW's ONGOING BLUSTER and RUSE née REPORT

The CIW is a lawyer, but as usual, he too did not address Schmitt's questions.

Rather, he simply asserted, again without providing evidence or logic, that Schmitt's interpretation of the ordinance was "absurd."

Does that kind of response fall within the confines of being an ad hominem attack? If so, it wouldn't be CIW's first time.

CIW applauded the developer's actions as evidence of simply taking the legal advice of his attorney, using an idea CIW claimed he had arrived at within 5 seconds, as a way to circumvent the confines of the ordinance as written.

I found his observation striking/disappointing for two reasons.

One, it casts doubt on the purpose of/point of having ordinances if VC and staff refuse to enforce them.

Stated differently, why would a member of VC take pride and applaud government's ineffective enforcement of its policies? Why would a public official applaud the actions of a private party to circumvent the law?

THE HOAX OF PROPERTY RIGHTS

If the ordinances are intended to express the bounds of actions permitted within private parties' rights, why the need to circumvent the ordinances and justify such evasion in the name of protecting private property rights?

As with many notions conservatives promote as applicable and beneficial to everyone, "property rights" seems to be another one whose benefits flow disproportionately to the rich. Who else disguises ownership of property through shell companies?

And why do they do so? For precisely the reason we witness here: to skirt regulations imposed on their property rights! Which suggests the notion of protecting property rights is ultimately a hoax, because the rich can easily evade the shared understanding of what those rights allow simply by adding layers of ownership. And public officials — and apparently the legal system as well — are more than happy to say, "Yep, that's just fine."

All of which begs the related question: What is the boundary defining protection of private rights and protection of the public's (shared, collective) interest/rights?

When VC shows little to no inclination to address that question (a shortcoming widely shared across all levels of American government), it's obvious whence comes VC's failure to treat ENV5 as a serious, village-wide goal.

CIW interprets the primacy of property rights to mean each residential lot's current owner should be confident they can sell to a developer who will knock down the existing structure and build a bigger, more expensive new one. And he and CC will cheer, and expect the rest of VC to join the chorus.

ENV5 be damned.

ODORS PERSIST

Two, CIW's 21 Feb comment raised in my mind further question(s) about how and when CIW arrived at the 'checkerboard solution' and how his mentioning it at a VC meeting should be interpreted.

CIW wants everyone to believe there was no collusion between VC and the developer because the checkerboard solution was so obvious.

So why do both CC and CIW act so insulted by Schmitt's straightforward request to "trust but verify?"

When one's claims and actions smell of deceit, it's hardly surprising a tidbit of related new information elicits concern over the odor it may carry.

Why did VC need to change the ordinance? Not because the language was unclear.

But because Schmitt had called to VC's attention at its Nov 2021 Coffee with the Council, a gathering made up predominantly (completely?) of Lngf's neighbors, the ordinance as written did NOT allow for 12 lots on the Lngf property, a number the developer was already advertising to the public.

As Schmitt pointed out in his 21 Feb 2023 comment, the developer's checkerboard solution indicates he too understood the meaning of the ordinance as written.

Did the developer arrive at that interpretation independently? When? Did he arrive at the checkerboard solution independently? When? Prior to or after he won the bidding? Prior to or after the Nov 2021 CwC? Such questions are hardly irrelevant.

The Plan Commission voted 0-7 against the language change (during its second hearing on the matter), which as I noted at the time, exposed the Plan Comm's role in the process as a sham when VC completely ignored its unanimous skepticism and voted 7-0 in favor.

Comm S-F was forthright enough to admit her vote to approve the change — and I extrapolate from her to her colleagues — was motivated by a desire to avoid VC being sued. [As CC's enforcer, did CIW subsequently and in private "instruct" S-F how important it is to refrain from such statements because of the doubt they cast on the official line?]

What lawsuit was VC worried about? Was VC worried about being sued by the developer or by Lngf's neighbors?

Did the developer pursue the checkerboard solution just in case VC failed to ramrod the language change through? What led the developer to go through the legal machinations in the first place?

Absent answers to Schmitt's questions, CIW's characterization of Schmitt's understanding of the ordinance as absurd is itself absurd and patently false.

CC and CIW continue to want to have it both ways: the language change wasn't needed but VC did it anyway because it was needed. The timing of the change had nothing to do with development of the Lngf property, but VC pushed the change through as quickly as possible because VC faced the risk of getting sued and/or the project being delayed or stopped.

Schmitt's diligent work has exposed CC's and CIW's claims as illogical and contradictory. Having no substantive counterargument, CC and CIW nevertheless continue to cling to those claims ... and to each other.

Do residents care?

COMM K's PARTING - MISSED -SHOT née REPORT

Comm K felt the need to chime in on the subject as well. He implied he saw the issue as a simple case of grandfathering.

That may be K's interpretation, but how that interpretation was relevant to the concerns Schmitt raised about the developer's legal maneuver and VC's actions was not obvious to me.

K implied residents should trust his vote to approve the language change because he has all kinds of experience in village affairs we — including Mr Schmitt — don't have.

K cited an example intended to buttress that implication. It only added to my perplexity, however. Why? Because he described the case as property at the corner of Seeley and Montgomery, streets that run parallel to each other.

Should K's comment carry any weight here? I don't see why. His comment felt more oracular than informative; it left me wondering when — under what circumstances, evidence, and logic — K thinks grandfathering should carry the day, and when it should not.

That is one of the several issues about both D58's and VC's handling of Lngf that continue to leave a bad taste.

VC DOING BUSINESS AS USUAL

Perhaps for most residents these issues are too technical or esoteric to worry about sorting out fact from fabrication.

The not so complicated issue underneath them, however, is VC's relentless push for ever more 'development.'

How does that push square with VC's purported goal of ENVIS?

Is VC's failure to pursue the goal due to ignorance, ideology, or political careerism? Or all of the above?

Its end result, regardless: The very kind of obsequious 'coordination' developers value in government officials.

What do residents value in government officials?