



Meeting Minutes

Village of Downers Grove – Council Meeting

Council Chambers

September 21, 2021

7:00 PM

1. Call to Order

Mayor Barnett called to order the Village Council meeting at 7:00 p.m. and led those in the room in the Pledge of Allegiance to the Flag. He explained the protocol for the meeting and the guidelines to submit public comment.

2. Roll Call

Council Attendance (Present): Mayor Barnett, Commissioner José, Commissioner Walus, Commissioner Sadowski-Fugitt, Commissioner Kulovany, Commissioner Gilmartin, Commissioner Glover

Non-Voting: Village Manager Dave Fieldman, Village Attorney Enza Petrarca, and Village Clerk Rosa Berardi

3. Minutes of Council Meetings

MIN 2021-9087- A. Minutes: Village Council Meeting Minutes –September 14, 2021

***MOTION:** To adopt the meeting minutes of the September 14, 2021 meeting as presented.*

***RESULT:** Motion carried unanimously by voice vote.*

***MOTIONED TO APPROVE:** Commissioner José*

***SECONDED BY:** Commissioner Walus*

***AYES:** Commissioners José, Walus, Glover, Gilmartin, Kulovany, Sadowski-Fugitt, Mayor Barnett*

***NAYES:** None*

4. Proclamations

A. National Good Neighbor Day

B. Constitution Week

5. Public Comment

Public Comment related to items not listed on the agenda

- Cynthia Zaeske, 1130 Franklin Street:

- Closing off Forest has moved problem to Prince St.
- Issue of safety for pedestrians and bicyclists.
- 300% increase in vehicular traffic in one day.
- Not enough room for garbage and recycle trucks to 3 pt turn off of Forest, so had to back up down the street – dangerous to pedestrians.
- Wants solution fair to whole neighborhood not just one street.
- Found statement on DG website regarding traffic calming measures – the measures shall not intentionally relocate the same problem to another street or neighborhood.
- David Olsen, 5613 Dunham Rd:
 - Doesn't live near Forest and Prairie but travels in the area and understands challenge faced balancing safety of residents and movement and flow of people and traffic throughout community.
 - Placement of barricades and closing Forest creates challenge of high impact on surrounding streets.
 - Forest has always been a railroad crossing; used by resident to travel around or through downtown.
 - Many resident unaware of this issue, but are impacted by the decision; adding time to a commute; increased difficulty getting to school or businesses.
 - Closure of Forest has moved issue to Prince creating additional safety hazards on a separate Street.
 - Urging Council to reconsider decision.
- Paul Scott, DuPage NAACP:
 - Connections in DG; involved in activities in town relative to policing and community through NAACP and Unity Partnership
 - Talking tonight about neighborliness and is glad to see proclamation.
 - Spoke of open house event that took place in Wheaton the Sunday prior with States Attorney, Sherriff and three police chiefs from area.
 - Encourage people to get involved.
 - Received message after event about incident aimed at a person of color; wants to learn more about it.
 - In addition to proclamation wants invite community of people who are less informed about race; give help to understand things are changing; community must be more welcoming of everybody. By example increasing diversity; inclusion and equity in all you do will dampen negative occurrences. Hopeful and encouraged by activities in Downers Grove around diversity; hopeful Village leaders will make community more welcoming.
- Paul Martinez, 4807 Prince:
 - Upset with closure on Forest; created animosity toward people on Forest from surrounding neighbors.
 - Asked for problem to be fixed not moved down road to his road
 - Now have created aggressive and angry drivers due to inconvenience in route they are used to taking and drivers are speeding down street.
 - Police Officer in another community and puts marked squad car in front of house and vehicles don't care.
 - Doesn't think there are enough traffic stops on Prairie; has used own radar gun and has clocked cars speeding 15 mph over speed limit.
 - Wants Village to get stats on new traffic counts.

Mayor Barnett: Told Paul to review tapes of three meetings prior to this one; was not done out of blue or without neighbor input – both for and against; decision was made temporarily to test, measure and understand.; must let people establish patters in order to take measurements; process is in play that is well documented; Prairie study coming up in next couple of weeks; was a process that got us here; process that will take us forward; a very inclusive neighborly process.

- Nick Klucharik 4823 Prince:
 - 2 studies of over 2000 cars per day down Forest; both conducted when school not in session.
 - If completely closing street those cars are now going down Prince; if not Prince then Main.
 - People trying to avoid Main by splitting up between Oakwood & Saratoga or other streets
 - Study will show closure works for Forest but not for anyone else;
 - consider what Forest going to zero mean for everyone else before it becomes permanent.

Mayor Barnett said that is why they are going to measure; used data to arrive at decision; will use data for next decision as well.

- Fred Zaeske 1130 Franklin St:
 - Aware of numerous accidents on Prairie has been neighborhood concern.
 - Putting in stop sign was thoughtful decision; speed on Prairie can be excessive
 - Approaching Main Street light cars accelerate; witnessed near accidents and accidents.
 - Neighborhood appreciates effort to create a safer environment but concerned that in attempt to solve problem it is shifted a street over where same dynamic is developing.
 - Cars stacked up, getting frustrated and more aggressive.
 - Consider putting stop sign at Prairie and Franklin; will slow traffic on Prairie which was not designed to be a main thoroughfare

6. Consent Agenda

BIL 2021-9101 — A. Bills Payable: No. 6618 - September 21, 2021

COR 2021-9102 — B. Claims Ordinance: No. 6425, Payroll - August 27, 2021

MOT 2021-9106 — C. Motion: Approve an Amendment to and an Extension of the Rental of Portable Barriers Contract from Traffic Control & Protection, Inc. of Bartlett, Illinois in an Additional Amount of \$16,875.00

Summary: This motion approves an amendment to and an extension of the rental of portable barriers contract from Traffic Control & Protection, Inc. of Bartlett, Illinois in an additional amount of \$16,875.00.

RES 2021-9105 — D. Resolution: Amend the Agreement with Engineering Resources Associates (ERA) from the Amount of \$70,000.00 to \$110,000.00 for the Remainder of 2021 **RES #2021-54**

Summary: This resolution amends the agreement with Engineering Resources Associates (ERA) from \$70,000 to \$110,000 for the remainder of 2021.

RES 2021-9103 — E. Resolution: Authorize a Three-Year Agreement with ESO Solutions, Inc. of Dallas, Texas, in a total not-to-exceed amount of \$68,021.50 to Provide NFIRS Reporting Data Analysis Software **RES #2021-55**

Summary: This resolution authorizes a three-year agreement with ESO Solutions, Inc. of Dallas, Texas, in a total not-to-exceed amount of \$68,021.50 to provide NFIRS reporting data analysis software

***MOTION:** To adopt all items on the Consent Agenda as presented*

***RESULT:** Motion carried unanimously by voice vote.*

***MOTIONED TO APPROVE:** Commissioner José*

***SECONDED BY:** Commissioner Walus*

***AYES:** Commissioners José, Walus, Glover, Gilmartin, Kulovany, Sadowski-Fugitt, Mayor Barnett*

***NAYES:** None*

7. Active Agenda

ORD 2021-9079 — A. Ordinance: Amending Traffic Control Provisions for Various Intersections Along Fairmount Avenue **ORD #5879**

Summary: The ordinance amends traffic control provisions for various intersections along Fairmount Avenue.

MOTION: *To adopt a motion amending traffic control provisions for various intersections along Fairmount Avenue, as presented. ORD #5879*

RESULT: *Motion carried unanimously by voice vote.*

MOTIONED TO APPROVE: *Commissioner Hosé*

SECONDED BY: *Commissioner Walus*

AYES: *Commissioners Hosé, Walus, Glover, Gilmartin, Kulovany, Sadowski-Fugitt, Mayor Barnett*

NAYES: *None*

8. First Reading

ORD 2021-9085 — Ordinance: Amending Liquor License Classifications and Amending Delivery Restrictions

Summary: This ordinance amends liquor license classifications and amends delivery restrictions. Village Attorney Enza Petrarca presented information. Proposed ordinance makes three changes to Village liquor code:

1. Creates a new license classification called the salon license classification allowing the sale of beer and wine at salons defined as establishments where the public may receive grooming services, including nail salons, hair salons, and barber shops. It specifically excludes massage establishments. Restrictions contained in this classification: beer and wine will only be allowed to patrons receiving salon services, service is limited to 3 drinks per patron, further limited to 12 ounces of beer and 6 ounces of wine. Staff proposing the number of licenses be capped at 5 to start with which can be further amended with Council approval depending on requests received.
2. Removing the restriction on the sale of alcohol at gas stations, thereby allowing gasoline stations to qualify for a P license classification provided that alcohol and tobacco products be limited to 25% of the retail sales area.
3. Change to delivery provisions. State changed the State law and preempted Home Rule Authority, so Village must comply with State law. Now have to allow all licensed establishments, both on premise and off premise, to allow delivery services and prohibit brew facilities from delivering.

Mayor and Commissioner Comments/Questions

Commissioner Gilmartin: Noticed Liquor Board's recommendation was limit of drinks from time standpoint of 1 per hour. Likes this idea; would support a limit by time; seems to be how other towns have implemented it.

Mayor Barnett: Asked Liquor Commission to consider this and received recommendations after their meeting; helped Enza with what was presented. Village does not limit in that way in anything else; has 140-150 liquor licenses of various classifications and none are time driven; concerned about public role and regulation; issue is over service or service to underage. Whether someone has one or two drinks over one or three hours, has no particular benefit; it's the over service and underage service that is where the focus is; including this would make it a unique license and he does not see where it would provide benefit beyond existing regulations.

Commissioner Hosé: Have to come in line with State law when it comes to delivery. Does not see why convenience stores selling gasoline should be treated any differently than convenience stores that don't sell gas; is common sense. Agrees Salons are and expanding/growing type of business offering this service; sees no reason not to go with trend. Shares Mayor's concerns with serving underage and about over service; knows employees will obtain proper training to identify those situations; has confidence with compliance of regulations put in place.

Commissioner Sadowski-Fugitt: Agrees with what Commissioner Hosé said; thinks that 5 is a good place to begin with salon to see how it goes.

Commissioner Rich: Agrees with Commissioners Hosé and Sadowski-Fugitt; understands Commissioner Gilmartin concern of too many drinks too soon; concerned it will place undue burden on servers to time each individual and will be difficult to track. In regards to gas station it levels the playing field allowing patrons to pick up what they

need in Downers Grove.

Commissioner Walus: Agrees with other Commissioners; comfortable with cap at 5 for salons; looked at 19 municipalities for gas station survey - 11 do not allow and 8 allow; personal research showed issues in other communities felt was easier access for underage minors to obtain alcohol; a little conflicted on this but jury is still out for her on this topic.

Mayor Barnett: Underage service should always be a concern and as Commissioner José indicated there is training required and regular checks by Village team to ensure compliance which applies to anyone with a liquor license. Anecdotally gas stations (increasingly across the country) seem to be convenience stores that sell gas as opposed to gas stations; would not surprise him that there are others behind the curve on the gas station license.

Commissioner Gilmartin: Survey showed percentage of retail space for gas stations in different towns was far less than the 25% proposed; 10% was the highest anywhere near Downers Grove. Perspective of convenience store that happens to sell gas puts it in perspective of if you don't sell gas why would it be any different. Is not totally opposed to it, but seems there may be logic to look at as to why other places do not allow higher than 10% of retail space for liquor sales at gas stations.

Commissioner José: Does not see difference between gas station selling alcohol or any other convenience or liquor store selling alcohol. If cutting 25% from this ordinance, then should do it with other ordinances; does not see principle distinction.

Mayor Barnett: Thinks the 25% is arbitrary; point is to create a number so that the entity does not become a liquor store, which is the goal. Whatever the number, that limitation a sufficient obstruction to becoming just a liquor store.

Public Comments/Questions

1. Paul Scott, spoke earlier, recalls nail salons where patrons are offered tickets for liquor as a way of controlling amount they receive; can use drink tickets.

9. Manager's Report

REP 2021-9123 — A. Report: FY 2021 Budget Update

Village Manager, Dave Fieldman, gave a [presentation](#) on the FY 2021 Budget Update.

Village Manager David Fieldman presented update on the implementation and management of the current year budget. Presentation is focused on general fund which is main operating fund. Key message of report: Staff expects that they FY21 revenue will be about 4.6 million dollars greater than budgeted. This allows Village to proceed with filling vacant positions and avoid using money from major buildings fund to cover operating expenses.

FY21 Budget prepared in late summer 2020. Economic uncertainty of time made it difficult to forecast revenue performance for 2021. To address issue the FY21 Budget was prepared assuming that revenues would perform in the same manner they were performing in 2020, which was not the case. The budget document notes that the actual revenue performance may vary and the Village would actively monitor revenue performance and make adjustments to the budget as more information became available. Looking back the FY21 Budget reflected a financial gap of 4.8 million dollars, and to address the expected shortfall, expenses were reduced by 2.3 million, revenues were enhanced by 1 million, and 1.5 million in the major buildings fund was planned to be transferred into the general fund functioning as reserves. One of the key expense reduction efforts was the delaying in filling certain staff positions that were vacant at the time the budget was prepared. Other cost saving measures seen on slide were also planned. Staff was prepared updated revenue estimates based on our review of Village revenue performance to date. General fund revenues are estimated to be nearly 4.6 million dollars higher than shown in the FY21 budget. Even without the transfer, from the major buildings fund, the total general fund revenue is now expected to be about 52.3 million dollars. The key drivers of the expected revenue performance shown on slide:

- State income tax projected to be 1.6 million dollars more than budgeted
- Sales tax and local use tax together up by about 2.1 million dollars

- Food and beverage tax revenue now looks like it will be \$600,000 better than originally budgeted

Economic performance is much better than expected at the time the budget was prepared. We are now in a position to not do all of the budget actions talked about earlier. The improved revenue performance will allow the Village to not make a transfer from the major buildings fund to the general fund and staff feels comfortable filling the vacant positions, has done so, and kept Council apprised of it. Do not have to take any of the other temporary non-sustainable cost cutting measures that were used to fill an expected gap.

Taking these budget related actions will increase the cost/expense side by about 1.7 million dollars, now estimating annual total expenses of about 50.9 million. Current projection is the budget will remain balanced with revenues exceeding expenses. In summary staff expects FY21 revenue to be about 4.6 million dollars higher than budgeted allowing us to take actions that are more typical of a normal year. Staff will continue to monitor budget performance and report our findings to Village Council. Next one will probably be as introductory comments to the proposed FY22 Budget coming up in a few months.

Mayor and Commissioner Comments/Questions

Commissioner Gilmartin: Was increase concentrated in any particular time period.

Mr. Fieldman: Economic performance picked up as the year has gone on and continues to be strong for several months in a row now.

Mayor Barnett: Asked how is the performance of the things they were planning on doing from an expense side.

Mr. Fieldman: Expense reduction efforts were working quite well and we were on track. Now that back to more typical sustainable operations we're still mindful of every dollar and good stewards of taxpayers' money, therefore the expenses are going to come in less than revenues.

Mayor Barnett: Reminds those watching at home that this budget that was created that is being adjusted was created based on Q3 data. In 2020 we made huge adjustments; took a conservative transitional approach to 2021; good news is things are performing a little better; truth is we chose not to do some things we had historically done and that we thought from a good government stand point should be done. This is not an expansion or growth, this a return to the work we really believed we should be doing, fortunate to be able to do it, Village will continue to keep a close eye on all expenses. Thanked Manager Fieldman and his team for all they do.

Mr. Fieldman: "It's the Downers Grove way."

Economic Development Corporation Quarterly Report – 2nd Quarter

Michael Case, President and CEO of Downers Grove Economic Development Corporation gave a [presentation](#) on the status of the second quarter of 2021.

Economic Data: 2019 and 2020 comparisons with 2019 representing normal times and 2020 representing the first pandemic year. Municipal sales tax is up 28% in June year over year and up almost 22% over 2019 which was an excellent year. Home rule sales tax revenue as of June 2021 up 45% over 2020 and up 20% over same month in 2019.

Breakdown of municipal sales tax revenues by sector, most recent reporting period of 2nd quarter of 2021:

- Furniture, home improvement, and electronics sector up 114% over 2020 and up 21% over 2019
- Lumber, building and hardware up 9% over 2020 and up 27% over 2019
- Automotive and filling stations up almost 50% over 2020 and up 33% over 2019
- Drugs and miscellaneous retail up 64% over 2020 and up 54% over 2019

Home rule sales tax revenues

- Grocery sector up 23% over 2020 and up 22% over 2019
- Furniture and electronics sector up 113% over 2020 and up 21% over 2019
- Automotive and fuel stations up 73% over 2020 and up 50% over 2019
- Hotel taxes up 227% over 2020 and down 23.4% vs 2019
- Food and beverage up 81.2% over 2020 and up 67% over 2019

Recently adopted Strategic Plan: Key performance indicators will permit tracking performance in all the different parts of the plan annually and quarterly. Some data is only available annually, but most available quarterly. Typically do an annual report in the first presentation of a new year which would be March of 2022 because all of the data will be in from 2021. Quarterly presentation will have indicators for the most recent completed quarter. Will create template to compare data month to month.

Indicators that will be reported on:

- Sales tax revenue: food and beverage tax revenue; hotel tax; EAV including commercial, downtown, industrial and office; occupancy rates by sector; includes commercial.
- Tourism and marketing: performance of hotels, sports and group travel, analytics on digital marketing
Economic drivers of plan: Business retention, local employment and unemployment rates, promotion of entrepreneurship and innovation.
- Business attraction indicators: capital investment and job creation for new investments, status of Ogden tip, and status of Ellsworth remediation agreements.

Mayor and Commissioner Comments/Questions

Commissioner Kulovany: Asked if there's a way to track Metra ridership downtown; if we seeing offices relocate from downtown to the suburbs; if there's a feeling for if "work at home" is changing the nature of the office climate in Downers Grove and DuPage County.

Mr. Casa: Metra tracks ridership on all of their stations; are starting to see some Chicago office tenants consider relocation to the suburbs, but still seeing office tenants on Downers Grove looking to relocate to city - in both cases the business is usually dramatically decreasing the amount of square footage they need. Think there will be a better handling on work from home versus in office next year. The trend seems to be that companies are saying they will let everyone come back to the office in 2022. Companies are going to the sub-lease market which is a market that has exploded and has driven down rents.

Commissioner Gilmartin: Asked if looking at June/July compared to previous months, are they outliers to previous months.

Mr. Casa: Does not have the data; believes it started in March /April because comparing with 2020, it is where the dramatic increases were seen which have continued since and expects it to continue the rest of the year. Multi-year comparisons will show they entire story since 2020 skewed the data so much.

Commissioner Gilmartin: Questions the growth comparing 2019 to 2021; will be interesting to see if the pent up demands will continue to drive growth as it did in 2021 into 2022; excited to see dashboard and metrics that will be used; said it's important to track as closely as possible to see what is yet to come. Asked how the EDC plans to drive entrepreneurship opportunities.

Mr. Casa: They are still working on the strategy; working with College of DuPage Board of Trustees member; will take close to a year to develop a real strategy; many places and entrepreneur can get funding; issue of where to go for training.

Mayor Barnett: Asked if can have research on who has a conventional wisdom approach to whether it is pent up demand or foregone sales, some portion of the growth comparing 2019 to 2021 are really sales that should have happened in 2020; wants to understand what kind of discount to apply, should be an economic portion of the model that quantifies it. On other elements aside from food and beverage, there has been a substantial price increase

which has happened since August 2020. Wants to get a sense of the change in the Food and Beverage tax rate is not insignificant and thinks the growth shown may be much less when adjusted for the rate increase – thinks this and conventional wisdom for pent up demand may move the amount down considerably. On the dashboard metrics; would be helpful for Council to understand which metrics they are trying to improve are targeted by what specific projects. In business retention situation would like to know if the business that stayed also invested in the community some way. Reinvestment is important, not just retention.

Mr. Casa responded that the strategic plan looks at each sector in community, where they are headed, and what the implications are for Village revenue. Each sector will be different than the others. When a company is looking for an incentive agreement from the Village, there should be an economic impact report presented, not just for tax revenue, but what is the real economic impact that project is bringing to the community. Business retention and expansion is tracked for businesses who increase square footage, can find out what their capital investment was and if they expanded jobs, will this increase ability to increase tax revenue.

Commissioner Kulovany: Interested to see the impact in places where the Village has made an investment, to be able to show taxpayers the returns on investments the Village has made. These metrics can help inform future decisions.

Mr. Case said EAV, which is public, to show those metrics.

10. Attorney's Report

An ordinance amending liquor license classifications and amending delivery restrictions will be on the October 5th active agenda.

11. Mayor and Council Member Reports

Commissioner Kulovany: Has been 6 months since released from hospital with COVID; still has issues dealing with; insidious disease; encourages people to get vaccinated for self and family members.

Commissioner Sadowski-Fugitt: Youth Outlook that works with LGBTQ+ teens is opening a drop in center in Downers Grove at the First United Methodist Church next month.

Commissioner Gilmartin: Downers Grove Park District holding 3 Open Houses to preview the long term master plan for Walnut Park. Open Houses will provide a site walk through and offer public a review of the draft conceptual drawings of the new Walnut Park as well as get feedback on the plan from the public. Billed as the Help Plan Your Park event held Tuesday, September 28th from 4-6pm; Wednesday, October 6th from 12pm – 2pm; and Saturday, October 9th 10am – 12pm. For more information go to dgparks.org.

Commissioner Hosé: Thank you to resident, James Rafferty, who sent him a book, Which Side are you On; Trying to be for Labor When it's Flat on its Back by Thomas Gate. Heartfelt note included with book. Many thanks to Mr. Rafferty for his contributions to the labor movement and for the book.

12. Adjournment

MOTION: To adjourn the September 21, 2021, Village Council meeting.

RESULT: Motion carried unanimously by voice vote.

MOTIONED TO APPROVE: Commissioner Hosé

SECONDED BY: Commissioner Walus,

AYES: Commissioners Hosé, Walus, Glover, Gilmartin, Kulovany, Sadowski-Fugitt, Mayor Barnett

NAYES: None

Mayor Barnett declared the motion carried by voice vote and the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Rosa Berardi
Village Clerk