



Meeting Minutes

Village of Downers Grove – Council Meeting

Council Chambers

February 08, 2022

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

Council Attendance (Not Present): None

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

3. Minutes of Council Meetings

MIN 2022-9315 — A. Minutes: Village Council Meeting Minutes - February 1, 2022

Summary: Village Council Meeting Minutes - February 1, 2022

MOTION: *To adopt the meeting minutes of the February 1, 2022 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. Public Comment

Mayor Barnett gave the guidelines for public comment and explained that members of the public can ask questions or engage Council members through the Village's reMarks system, the CRC (Community Response Center), direct email, phone and when there are lessened COVID restrictions, at Coffee with the Council.

Jim Kelly, Resident

- Hosted event on June 17, 2021 and is starting a “rally” again.
- Came out of retirement to start up James Kelly Publishing Company, LLC
- Honored to live in Downers Grove and spoke highly of Mayor Barnett

David Rose, Resident

- Speaks of the Village Comp Plan and the Longfellow property
- Overbuilding in Downers Grove as it relates to environmental sustainability

5. Mayor’s Report

There was no Mayor’s Report.

6. Consent Agenda

BIL 2022-9305 — A. Bills Payable: No. 6644 - February 8, 2022

Summary: No. 6644 - February 8, 2022

MIN 2022-9306 — B. Minutes: Note Receipt of Boards and Commissions Meeting Minutes

Summary: Note Receipt of Boards and Commissions Meeting Minutes: Liquor Commission 1-6-2022; Plan Commission 1-10-2022

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

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

***MOTIONED TO APPROVE:** Commissioner Hosé*

***SECONDED BY:** Commissioner Walus*

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

***NAYES** none*

7. Active Agenda

RES 2022-9307 — A. Resolution: Approve the Final Plat of Subdivision to Subdivide an Existing Parcel at 7135 Dunham Road into Six Residential Lots with an Outlot for Stormwater Detention

Summary: Approve the Final Plat of Subdivision to subdivide an existing parcel at 7135 Dunham Road into six residential lots with an outlot for stormwater detention.

Commissioner Kulovany: Expresses thanks to the Kapovich family for doing this subdivision and investing in the suburbs.

***MOTION:** To adopt a RESOLUTION approving the Final Plat of Subdivision for 7135 Dunham Road, as presented*

***RESULT:** Motion carried unanimously by roll call.*

***MOTIONED TO APPROVE:** Commissioner Hosé*

***SECONDED BY:** Commissioner Walus*

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

***NAYES** none*

ORD 2021-9256 — B. Ordinance: An Ordinance Amending Outdoor Dining Regulations

Summary: This ordinance amends the Outdoor Dining Regulations in the downtown area.

Mayor Barnett reminding this Ordinance relates specifically to the downtown area, noting that consideration for opportunities outside the downtown area to be discussed at a future date.

***MOTION:** To adopt AN ORDINANCE AMENDING OUTDOOR DINING REGULATIONS, as presented*

***RESULT:** Motion carried unanimously by roll call.*

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

***SECONDED BY:** Commissioner Walus*

***AYES:** Commissioners José, Walus, Glover, Gilmartin, Kulovany, Sadowski-Fugitt, Mayor Barnett
NAYES none*

8. First Reading

ORD 2022-9308 — A. Ordinance: An Ordinance Amending Certain Zoning Ordinance Provisions

Village Manager Fieldman introduces Community Development Director Stan Popovich to present tonight's First Reading item - Zoning Ordinance Text Amendments.

Mr. Popovich begins by noting the comprehensive update to the Zoning Ordinance was completed in 2014. Periodically, every 12-18 months, various text amendments have been presented to the Council for consideration; the last time being in the fall of 2020 and prior to that in late 2019. The proposed amendments fall into two categories: (1) New Regulations and (2) Minor Clarifications and Modifications to the Zoning Ordinance - these are clarifications in the code with no current change in practice; the clarifying language is proposed to reflect the current practices. All proposed amendments are shown in the proposed ordinance and are attached to the Manager's Memo's as part of the night's packet.

New Regulations

- Donation Boxes
- Telecommunication Towers
 - Downtown Zoning District
 - Institutional Zoning Districts
- Electric Vehicle Parking
- Vegetable Gardens

Clarifying Current Practice

- Fueling station drive aisles
- Compliance with Downtown Design Guidelines
- Solar panel provisions
- Driveway and apron widths at property line
- Non-conforming lots
- Policy & Intent of the Comprehensive Plan
 - Comprehensive Plan is aspirational document
 - Zoning Ordinance is regulatory document
 - Applicable to all properties in the Village
 - Consistent application of permitting construction of single detached homes on non-conforming lots
- Lot Width & Lot Area
 - Zoning Ordinance – regulations for existing, previously subdivided conforming and non-conforming lots
 - Subdivision Ordinance – regulations for new proposed lots

- A single detached home may be constructed on a residential lot regardless of whether the lot is conforming or non-conforming
 - Require consolidation only when construction goes over a common lot line
 - Demolition does not trigger consolidation requirement
- Construction on Non-Conforming Lots
 - A single detached home may be constructed on a non-conforming lot
 - A vacant residential lot can be developed with a single detached house regardless of how long the lot has been vacant
 - Demolition does not trigger consolidation requirement
 - Purchase of an adjacent lot and demolition of adjacent structure does not require lot consolidation

Mr. Popovich states since 2014, the Village has consistently applied the Ordinance in the manner that is presented with the proposed amendments; completing approximately 160 lot consolidations. The proposed clarifying amendment for lot consolidations is applicable for all properties and will maintain the consistent application of permitting construction of single detached homes on non-conforming lots. He speaks of lot width and lot area; previously platted lots; the Subdivision Ordinance. He notes that demolition does not trigger lot consolidation requirements. Mr. Popovich gives two examples:

1.) Southwest corner of Maple & Sherman (aerial images):

- 1998 – Private owner, 1 structure, 5 lots
- 2001 – Park District purchases property and removes structure
- 2016 – Park District sells land to private developer
- 2017 – New Single Family permit issued

2.) 540 Prairie Avenue

- Private Owner
- 2 lots of record
- Existing structures on property were demolished
- New home built over common lot line, requiring a lot consolidation

Text Amendments

With regard to the factors for consideration, all the proposed amendments are in conformance with the Comprehensive Plan in order to review and update the Zoning Ordinance regularly, ensure quality housing stock as a community staple, provide a diversity of housing stock and ensure that the permitting process accommodates residential renovation redevelopment through a consistent expedient and thorough process.

With regard to the second factor for consideration, the proposed new regulations are addressing a changing condition based on recent case law and recent State laws that have been passed.

With regard to the clarifying amendments, all requests are consistent with how this has been practiced. We will not be changing current policy or its application and they implement an established policy as well. The proposed language for the lot consolidations is consistent with Village practices; this is no different than determining that certain portions of the code could use an update to provide some clarification. The Planning Commission held two public hearings. In both hearings, they recommended unanimous approval of all the text amendments, except for the law consolidation clarification.

With regard to the lot consolidation clarification; the first meeting recommended the approval of the lot consolidation amendment, during the second meeting the motion to recommend approval of the lot consolidation failed. Staff is in full support of these text amendments and believes the factors for consideration have been met.

Mayor Barnett: Questions if the lot consolidation portion which did not receive Plan Commissions recommendation changes current practice.

Mr. Popovich: Confirms it does not change current practice.

Mayor Barnett: Questions if the non-conforming lot portion of the amendment changes any development rights within the Village

Mr. Popovich: Confirms it does not change any development rights within the Village.

Public Comment

Marshall Schmitt, 4923 Seeley

- Not in favor of proposed text amendments; in favor of Plan Commission's vote against it.
- Requests more examples of lot consolidations

Joe Leo, 4828 Montgomery Avenue

- Not in favor of proposed text amendments; in agreement with Marshall Schmidt
- In favor of preserving the balance between tradition and progress

Carol Jean Davis, 4724 Lee Avenue

- Not in favor of proposed text amendments
- Not in favor property being zoned as "residential"
- Concern for future flooding if property is developed

Matthew Clauss, 4821 Montgomery Avenue (also owns vacant lot next to it)

- Not in favor of proposed text amendments
- Not in favor of 12 homes being developed
- Concern for future flooding if property is developed with even 8 homes

Mayor Barnett: Thanks those in attendance but requests that they refrain from applause.

Richard DeMink, 4904 Seeley

- Not in favor of proposed text amendments
- In favor of protection of – not destruction of – Longfellow property

Terence (Terry) Mahoney, 4832 Montgomery

- Not in favor of proposed text amendments
- In favor of preservation of neighborhoods
- Shared copies of Sandborn Fire Insurance Maps

Julie Brethauer, 4909 Montgomery

- Not in favor of proposed text amendments
- Not in favor of the impact this may have on other residents in the Village if this is approved

Mary Ann Einarson, 1302 59th St.

- Not in favor of proposed text amendments
- Concern for an increase in flooding issues; already flooding in neighboring homes
- Not in favor of only the developers profiting from the proposed changes

Doug Wysocki, 1300 Warren

- Not in favor of proposed text amendments
- Concern for flooding; presents map indicating elevation changes of the property/area
- If passes, in favor of 8 homes build not 12 homes

David Rose returns to podium

- Concurring with the sentiments heard tonight
- Requests explanation from anyone countering what was voted by Plan Commission and those speaking against the proposed amendments.

Roman Gesior, 4504 Linscott Avenue

- Not in favor of proposed text amendments
- Concerned approval could impact the area he lives in years from now

Sarah DeMink, 4904 Seeley

- Not in favor of proposed text amendments
- In favor of protecting the trees

Pamela (Pam) Johnson, 4833 Montgomery

- Not in favor of proposed text amendments
- In favor of protecting the trees
- Believes proposed development goes against the Comprehensive Plan

Bryon Ogdon, 4810 Saratoga

- Not in favor of proposed text amendments
- In favor of protecting green space and trees; removal of green space will reduce moral of residents

Kathy Olson, 5138 Lee Avenue

- Not in favor of proposed text amendments
- Not in favor of erosion of property to rising creek waters since green space will be lessened; lives on south side of tracks in different neighborhood but believes her property will be affected

Mary Anne Badke, 5408 Carpenter Street

- Concurs everything expressed tonight
- Not in favor of proposed text amendments
- Requests more time for consideration

Village Council Questions/Comments

Commissioner Hosé – Served on Plan Commission prior to serving on Village Council; asks the following:

What is the definition of a text amendment?

What is the process required for enacting a text amendment?

Village Manager Fieldman:

Definition of text amendment: any change to the language of the zoning code or any part of the municipal code.

Process to enact the text amendment for the Zoning Ordinance: a required public hearing before the Plan Commission and then action by the Village Council.

Commissioner Hosé – Questions if a text amendment is proposed and receives two hearings before the Plan Commission, is it actually receiving additional process.

Village Manager Fieldman: Believes it was consistent with the requirements that are on code.

Commissioner Kulovany – Since there are so many issues related to stormwater, questions if all new buildings/structures in the Village subject to the Village’s stormwater detention requirements.

Village Manager Fieldman: Almost all of them are; there are a couple of exceptions for structures that are less than a certain threshold square footage.

Mayor Barnett: Has questions:

- Regarding breezeways and connections to garages and the definition of accessory use with that application. What drove that?
- Related to carports; are they defined as portico decorative elements; would like clarification on the definition.
- Wording having to do with aprons and driveways and where they have to be aligned; would like more description or verbiage as to what’s driving that change.
- Parking pads related to apron issue; refers to plastic inserts that are used that grass can be grown on and cars can drive on them – are those considered to be “park-able” and are they considered to be parking pads?

Village Manager Fieldman: To get back to the Mayor with responses to all questions.

Commissioner Kulovany: The Comprehensive Plan is not the Constitution, it is merely a planning document. He held a seat on Plan Commission for two years, on the Zoning Board of Appeals for another two years and now has served three years with the Village Council. With his experience, he has learned about zoning districts related to schools; they are zoned according to underlying land and the adjacent properties. In this case zoned R-3 because they want schools to be in residential areas, so kids can walk to those schools. When the schools go away, they revert to residential zoning of the surrounding properties. He also states it’s been his understanding that, regardless of membership in any group of the Village, 50 ft and 60 ft lots have been grandfathered in; 75 ft lots are always for new subdivisions. He speaks of an example from a 2019 Plan Commission meeting that involved the purchase of two lots. The purchaser wanted to subdivide those lots; his request was turned down by the Village Council because the lots were non-conforming. Commissioner Kulovany sees this as a clarification; this has always been the practice. He names many past Mayors and Commissioners that will attest to the same. He states he was elected and sworn by oath to follow the Constitution of Illinois (including the laws of Downers Grove). He goes on to point out that if someone owns a 60 foot lot next to their home and wants to sell it, currently they can. If the Village takes that right away from them, it is called a “taking” and the Village is not allowed to do that.

Mayor Barnett: To clarify for those in attendance, discussions will most likely continue next week and will likely appear as an Active Agenda item with the potential for action next week. Agendas come out on Fridays.

8. Manager’s Report

INF 2022-9323 — A. Information: Social Services Referral Program

Village Manager Fieldman: Presents the Social Services Referral Program designed to connect individuals in need of service with the agencies that provide these services. He explains in doing so, the Village seeks to increase not only awareness of these services, but increase the access of residents to these resources and service opportunities.

The referral program that the Village now operates is the product of the Village Council policy direction and the recommendations made by the Human Service ad hoc Committee. The Council created the ad hoc Committee a few years ago and asked them to make recommendations about the Villages’ role in social services. The top recommendation was to create a referral program and in late 2020, the Village Council approved an action plan. The plan called for the engagement of professional staff. In August of 2021, Heather Lippe rejoined the Village team. Heather is a seasoned, accomplished professional. She earned a bachelor's degree in psychology and a master's degree in social work, and has completed advanced certification in gerontology. She has experience as a field Social Worker handling guardianship cases and working as a Case Manager for adults and seniors with mental health and complex medical problems. She also has experience as a Medical Social Worker working with patients in ICU, pediatrics and COVID units. Recently, she was awarded the Inter-Professional Partner of the Year at St. Joseph Medical Center. Heather is not new to this Village. Many people may know her, you may have heard her voice on the end of a 911 call

that is because Heather spent 20 years working in our own 911 dispatch center. Since coming on board, Heather has identified over 500 Social service providers in the metropolitan region; providing a wide array of services. Manager Fieldman welcomes Heather back and provides a Power-Point presentation describing the new Social Services Program.

He reviews the following regarding the Social Services Referral Program:

Goal

- To connect individuals in need of services with agencies that provide services
- Increase Public Awareness
- Increase Access to Resources and Opportunities

Background

- 2019-21 Priority Action Item *Review & Consider HSAHC Report*
- Village Council Consideration in November 2020
- Approved Action Plan in December 2020
 - Engage Professional Staff – Heather Lippe
 - Appoint Human Service Commission – First meeting held last month
 - Develop a Social Services Referral Program – Now underway
 - Identify Gaps in Services and Strategies to Address Them (In Process)

Service Providers

- Over 500 Service Providers Identified
 - Governments
 - Not for Profits
 - Health Care Institutions
 - Faith Based Institutions
 - Public and Private Universities
 - Private Sector Businesses
- Wide Range of Services Provided

Individuals in Need of Service

- Individuals Identified by Village Departments
 - Police
 - Fire
 - Community Development
 - Finance
- Individuals Contacting the Village
 - Phone Calls
 - Emails
 - Community Response Center Requests
 - Walk-ins
- Service Providers Seeking Referral Assistance
- Service Needs
 - Employment/Underemployment
 - Financial Assistance
 - Housing/Homelessness
 - Violence/Abuse
 - Physical and Mental Health

- Transportation Needs
- Lack of Socialization

Referral Service

- Referrals Made by
 - Social Worker
 - Fire Department Staff (Community Care Program)
 - Police Department Staff (Crisis Intervention Team)
- Individual Referrals
 - Questions to Understand Service Needs and Service Eligibility
 - Provide Referral and Supporting Information via Phone or Email
 - Direct Contact with Service Provider
 - Mandated Reporter
 - Requires Permission
- General Information
 - Information Packets
 - Guides (Seniors, Veterans, Persons with Disabilities)
- Information and Records Management
 - Age in Cohorts
 - Gender
 - Referral Source
 - Method of Referral
 - Type of Service Referral

Performance Measurement

- Number of Referrals
- Type of Referrals
- Performance to Date
- August through January
 - 500+ resources identified
 - 141 referrals received
 - 105 accepted resources
 - 36 declined resources

Note: Village Manager Fieldman presented a graph outlining Referrals Made and Referrals Accepted

Next Steps

Operate the Referral Service Program	On-Going
Review Program with Human Service Commission	February 22
Draft Services Gap Analysis Report	Spring/Summer
Review Services Gap Analysis Report with HSC	Spring/Summer

Village Council Questions/Comments

Commissioner Sadowski-Fugitt:

- Genuinely hopes these services can connect people with the needed resources
- Proud to be a part of this Council that made it happen

Commissioner Kulovany:

- Pleased with the Program and all of its services it provides to people in need

Commissioner Walus:

- Grateful to the Staff, Human Services Commission, Human Service ad hoc Committee and Heather for creating the Program

Commissioner Gilmartin:

- Pleased with the progress of the program noting what a valuable resource it will be to the Village for years to come
- Proud to have served on the Human Services ad hoc Committee, which helped bring these services to be and recognizes members of that committee.
- Welcomes the new committee
- Expresses thanks to the previous Council for bringing back the Human Services Committee and approving the addition of the social worker
- Welcomes and thanks Heather
- Questions where the referrals have been coming from and reporting same
- Questions how to get the information out to Village residents

Village Manager Fieldman: Indicates that Staff is keeping track of it and will continue to do so. We report it to the Human Service Committee (HSC) and to the Village Council. Initially, with the soft launch, it's primarily coming in through our public safety departments.

Commissioner Hosé:

- As the son of a social worker, thrilled to see this taking off and happy we're able to affect so many lives in a positive way.
- Looks forward to the future success of the program

Mayor Barnett:

- As his colleagues are, he is excited about the program, noting an increasing need within the community
- Thankful for the work of the Village team and also HSC and Heather's work

9. Attorney's Report

Pursuant to Section 2.5 of the Downers Grove Municipal Code, the following were presented by Village Attorney Enza Petrarca for Village Council consideration:

1. An ordinance amending outdoor dining provisions

10. Council Member Reports

Commissioner Gilmartin:

- Acknowledging the Social Services Referral Program; hoping that people will take advantage of it
- Wishing the best of luck to David Edwards, a Downers Grove North grad playing in the Super Bowl this weekend for the LA Rams

Commissioner Sadowski-Fugitt:

- Asking for the community to act with patience and kindness with regard to Covid-19 mitigations in an effort to return to normalcy
- Don't let the politics of masking fracture the community
- Proud of how we've come together and how much has been accomplished

11. Adjournment

Mayor Barnett asked for a motion to adjourn the meeting.

MOTION: *To adjourn the February 8, 2022, Village Council meeting.*

RESULT: *Motion carried unanimously by voice vote.*

MOTIONED TO APPROVE: *Commissioner José*

SECONDED BY: *Commissioner Walus*

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

NAYES: *None*

Mayor Barnett declared the motion carried by voice vote and the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Rosa Berardi
Village Clerk