



Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

June 13, 2023

07:00 PM

1. Call to Order

Mayor Barnett called to order the Village Council meeting at 7:00 p.m. and let 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 Sadowski-Fugitt, Commissioner Gilmartin, Commissioner Glover, Commissioner Tully, Commissioner Davenport

Council Attendance (Not Present): Commissioner José

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

3. Minutes of Council Meetings

MIN 2023-9902 - A. Minutes: Village Council Meeting Minutes - June 6, 2023

***MOTION:** To adopt the meeting minutes of the June 06, 2023, Village Council Meeting, as presented.*

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

***MOTIONED TO APPROVE:** Commissioner Sadowski-Fugitt*

***SECONDED BY:** Commissioner Gilmartin*

***AYES:** Commissioners Sadowski-Fugitt, Gilmartin, Davenport, Tully, Glover, Mayor Barnett*

***NAYES:** None*

4. Public Comments

Laura Temple, resident, stated she would like affordable housing to be included in the Long Range Plan discussions. She noted she would like to see diversity in housing to include seniors downsizing, adults with intellectual disabilities, young first-home families, etc.

5. Consent Agenda

BIL 2022-9785 - A. Bills Payable: No. 6736 - June 13, 2023

RES 2023-9969 - B. Resolution: Authorize the Second Extension to the Agreement with TPI Building Code Consultants, Inc. **RES 2023-42**

Summary: This resolution authorizes the execution of a second one-year contract extension for residential permit review services with TPI Building Code Consultants, Inc. in an amount not-to-exceed \$80,000.00

RESOLUTION 2023-42

A RESOLUTION AUTHORIZING EXECUTION OF A SECOND EXTENSION TO THE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND TPI BUILDING CODE CONSULTANTS, INC

RES 2023-9970 - C. Resolution: Authorize the Second Extension to the Agreement with Safebuilt Illinois, LLC **RES 2023-43**

Summary: This resolution authorizes the execution of a second one-year contract extension for residential permit review services with Safebuilt Illinois, LLC in an amount not-to-exceed \$80,000.00

RES 2023-43

A RESOLUTION AUTHORIZING EXECUTION OF A SECOND EXTENSION TO THE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND SAFEBUILT ILLINOIS, LLC

***MOTION:** To adopt the consent agenda, as presented.*

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

***MOTIONED TO APPROVE:** Commissioner Sadowski-Fugitt*

***SECONDED BY:** Commissioner Gilmartin,*

***AYES:** Commissioners Sadowski-Fugitt, Gilmartin, Davenport, Tully, Glover, Mayor Barnett*

***NAYES:** None*

6. Active Agenda

ORD 2023-9959 - A. Ordinance: Authorize the Extension of a Special Use to Permit a Personal Vehicle Sales Business at 2424 Ogden Avenue to January 6, 2024 **ORD 5984**

Summary: This ordinance authorizes the extension of a special use to permit a personal vehicle sales business at 2424 Ogden Avenue to January 6, 2024.

ORDINANCE 5984

AN ORDINANCE AUTHORIZING THE EXTENSION OF A SPECIAL USE TO PERMIT A PERSONAL VEHICLE SALES BUSINESS AT 2424 OGDEN AVENUE TO JANUARY 6, 2024

Village Council Questions/Comments:

Mayor Barnett explained that special uses have expiration dates and this special use is being extended because the construction has taken longer than originally planned.

***MOTION:** To adopt AN ORDINANCE AUTHORIZING THE EXTENSION OF A SPECIAL USE TO PERMIT A PERSONAL VEHICLE SALES BUSINESS AT 2424 OGDEN AVENUE TO JANUARY 6, 2024, as presented.*

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

***MOTIONED TO APPROVE:** Commissioner Sadowski-Fugitt*

***SECONDED BY:** Commissioner Gilmartin,*

***AYES:** Commissioners Sadowski-Fugitt, Gilmartin, Davenport, Tully, Glover, Mayor Barnett*

***NAYES:** None*

ORD 2023-9958 - B. Ordinance: Amending Chapter 14 of the Downers Grove Municipal Code **ORD 5985**

Summary: This ordinance amends Chapter 14 of the Downers Grove Municipal Code concerning motor vehicles and traffic.

ORDINANCE 5985**AN ORDINANCE AMENDING CHAPTER 14 OF THE DOWNERS GROVE MUNICIPAL CODE****Village Council Questions/Comments:**

The Mayor noted that this is a housekeeping item that includes parking and traffic adjustments made over the past year.

MOTION: *To adopt AN ORDINANCE AMENDING CHAPTER 14 OF THE DOWNERS GROVE MUNICIPAL CODE, as presented.*

RESULT: *Motion carried unanimously by voice vote.*

MOTIONED TO APPROVE: *Commissioner Sadowski-Fugitt*

SECONDED BY: *Commissioner Gilmartin,*

AYES: *Commissioners Sadowski-Fugitt, Gilmartin, Davenport, Tully, Glover, Mayor Barnett*

NAYES: *None*

ORD 2023-9961 - C. Ordinance: Amending Section 3.33(1) of the Downers Grove Municipal Code Concerning Video Gaming at Fraternal and Veteran Organizations **ORD 5986**

Summary: This ordinance authorizes an amendment to Section 3.33 of the Downers Grove Municipal Code to provide that it is no longer a violation of the Downers Grove Municipal Code for a qualified fraternal organization and a qualified veteran's organization to operate video gaming terminals within the Village, consistent with Section 27(b) of the Illinois Video Gaming Act.

Village Council Questions/Comments:

Commissioner Tully outlined that there has been a change in State law allowing video gaming at fraternal and veteran organizations and municipalities must honor this change. He also explained that the Village has a Liquor Ordinance that states that liquor sales and gambling cannot happen at the same location. He said this motion allows the three fraternal and veteran organizations in Downers Grove (Moose Lodge, VFW and American Legion), and any other organization that is permitted by State law, to have video gambling and a liquor license. This basically allows the organizations to continue conducting themselves in the way they have been for a long time, without additional benefits that the State grants them. Commissioner Tully noted this topic has been discussed in the past and was left unresolved and he hopes this will be used to possibly revisit the video gaming topic for the rest of the Village in the future.

The Mayor said he believes there was a requirement in the State ordinance indicating that the licensee could not be in conflict with any local ordinances. He stated that this change helps align the Village rules with the State's rules.

ORDINANCE 5986**AN ORDINANCE AMENDING SECTION 3.33(1) OF THE DOWNERS GROVE MUNICIPAL CODE CONCERNING VIDEO GAMING AT FRATERNAL AND VETERAN ORGANIZATIONS**

MOTION: *To adopt AN ORDINANCE AMENDING SECTION 3.33(1) OF THE DOWNERS GROVE MUNICIPAL CODE CONCERNING VIDEO GAMING AT FRATERNAL AND VETERAN ORGANIZATIONS AN ORDINANCE AMENDING CHAPTER 14 OF THE DOWNERS GROVE MUNICIPAL CODE, as presented.*

RESULT: *Motion carried unanimously by voice vote.*

MOTIONED TO APPROVE: *Commissioner Sadowski-Fugitt*

SECONDED BY: *Commissioner Gilmartin,*

AYES: *Commissioners Sadowski-Fugitt, Gilmartin, Davenport, Tully, Glover, Mayor Barnett*

NAYES: *None*

7. First Reading

MOT 2023-9973 - A. Motion: Authorize Staff to: 1) Take Steps to Create a Tax Increment Financing District for the Meadowbrook Shopping Center; and 2) Negotiate a Redevelopment Agreement

Village Manager Dave Fieldman presented Items A and B under this portion of the agenda while using a PowerPoint presentation. He explained that Item A concerned the revitalization of the Meadowbrook Shopping Center. Manager Fieldman then reviewed the requested council actions for both Items A and B which directed staff to: 1) Take steps to create a tax increment financing district for the shopping center; 2) Negotiate a redevelopment agreement in accordance with key terms that were presented in the staff report (included with the agenda materials); and 3) Adopt an inducement resolution. Manager Fieldman gave details about the site and noted that this shopping center is potentially the largest development opportunity on 63rd Street. He further stated the Village's Comprehensive Plan recommends exploring a tax increment financing district to facilitate the redevelopment of this property. The proposal received includes the following:

- A 15,000 square foot grocery store or retail store in the in-line buildings
- Three new outlots with a minimum of 8,400 square feet leased to sales tax producing tenants
- Reconstruction of the existing parking lot, including installation of landscaping throughout
- New facades on all four sides of the existing in-line buildings
- TIF Assistance up to \$5 million paid from property taxes using Developer notes.

Manager Fieldman explained that once the tax increment financing district is created, which would only include the Meadowbrook Shopping Center, it would allow additional property taxes (generated by the improvements) to be reinvested back into this project and help pay for some of the costs of the project itself. He explained further that when the project is completed, it is expected to generate approximately \$150,000 per year in additional sales tax revenue and about \$50,000 a year in additional food and beverage tax revenue. Manager Fieldman stated that the agreement that the Village would enter into with the owner requires the owner to make the improvements discussed and adhere to a specific development schedule – also listed in this meeting's agenda materials. He said nearly \$14 million of incremental property taxes would result over the life of a 23-year TIF District; the current value of that income stream calculates to just over \$5 million. Manager Fieldman also explained the Village would issue up to four developer notes, totaling the \$5 million of TIF assistance, which would function as a rebate of the incremental property taxes. Those notes would be issued upon successful completion of each of the four project phases and the Village would not be obligated to provide any financial assistance from any other financial resources. Manager Fieldman further explained that the next action would be the approval of the inducement resolution. The adoption of the resolution would allow the developer to be reimbursed for TIF eligible expenses, including the preparation of tax increment financing reports, preparing architectural and engineering plans and other related costs during the time between now and when the TIF district is actually created.

Tony Stella, with Stellco Properties, LLC (owner of the property), thanked the Village Council for their time and Village staff for getting the project to this point. He said he is optimistic and excited for this project. He stated that when the project is done, he thinks everyone will like the overdue changes and that it will have a big impact on the area.

Village Council Questions/Comments:

Commissioner Tully said he is glad to see this, especially since the Village Council has been working for many years with the Economic Development Corporation to elevate this property (that has been a catalyst site for a long time). He also noted he appreciates the structure of the agreement, notably the minimal risk it has to the Village.

Commissioner Sadowski-Fugitt stated she lives on the south side of town and is excited about the revitalization. She explained that a resident asked her if there would be some type of EV charging structure. Commissioner Sadowski-Fugitt expressed a desire for environmentally green elements to be incorporated.

Commissioner Davenport said he appreciates that the proposal includes some much needed facade improvements to the rear.

The Mayor stated he had a few questions, but they didn't have to be answered at this meeting. First, he said after looking at the site plan (included in the agenda material) and after looking on Google Maps, he wants to see that an effort is made to add green space into what is now the parking area. He said there were Council questions about whether or not there were enough parking spaces available. The Mayor said the answer was that the lot was seldom full; adding that most malls are seldom full. He further stated that the busier malls, i.e. those on Ogden Avenue, are often not even full. Mayor Barnett expressed he thought this provided an opportunity to improve the volume of green space on the site.

Manager Fieldman stated this was already addressed and included in the term sheet that the Council would be approving. He noted that the concept plan does not reflect the changes that are required in that term, but that there would be significant enhancements in the amount of space itself. He said that Village staff had worked with the developer to increase the green space in the parking lot, while still being sure parking functioned properly.

Commissioner Davenport said he wanted to piggyback on the Mayor's comments by stating that the visibility of parking has always been a priority in the past. He said in his opinion, this is the old way of thinking. He stated he thinks more greenery makes sense, especially noting concerns about stormwater management and environmental concerns within the Village. Commissioner Davenport expressed his hope that this would spur more conversations about parking ratios.

The Mayor said the trees included in the agreements do not always make it. For this agreement, he said he wants to include a guarantee that trees will be replaced if they die. The Mayor also stated that he has driven through the back alley of the shopping center and suggests closing the entrance at Hastings Avenue. He spoke of people in the neighborhood broaching the idea of a node that would enhance pedestrian friendliness and limit traffic. The Mayor also asked how refuse would be handled in Building D, as it was clear for other buildings. He said he hopes that the new site plans will clarify this. Mayor Barnett also referenced a drawing that ties the Woodward Ave sidewalk to the building and said he wants to know about other buildings and their ties to sidewalks. The Mayor asked for this to be clearly identified.

Public Comment:

Laura Temple, resident, asked how many retail entities could fit in the four buildings and if a big grocery store was included. She expressed her concerns in filling all the retail spaces.

Tony Stella noted there is room for a nationally known grocery store (he is currently in serious discussions with one) and a variety of other spaces that could house possibly 10 – 12 individual tenants. He said this property includes spaces that are contiguous.

Manager Fieldman recapped stating that there would be a grocery tenant, along with 10 to 12 additional tenants, with some flexibility in design.

RES 2023-9971 - B. Resolution: Village of Downers Grove, Illinois, Inducement Resolution Relating to the Possible Adoption of Tax Increment Financing for the 2023 Meadowbrook TIF District.

MOT 2023-9974 - C. Motion: Direct Staff to Publish a Request for Proposals for the Redevelopment of Lot 2 of the Civic Center Project

Village Manager Dave Fieldman presented this item while using a PowerPoint. He reminded all of the redevelopment of the Civic Center building, located south of the railroad tracks and east of Washington. The 80,000 square foot building will serve as the new Village Hall, Police Station and School District 58 administrative offices.

Manager Fieldman explained that the site of the entire Facilities Replacement and Sustainability Project (FRSP) is over 8.4 acres and consists of three lots. He said Lots 1 and 3 of the project would continue to be owned by the Village, but Lot 2 is intended to be sold to a private owner and is subject to a redevelopment agreement. Manager

Fieldman outlined that Lot 2 is planned to be used to help pay for the Annual Debt Service Payments on the bonds issued for the Civic Center building. He stated Lot 2 is about 1.3 acres with a plan for a 5 to 6 story building with 85 to 100 apartment units with on-site parking on either the first floor or underground. Manger Fieldman explained that the financing portion of the FRSP shows it could generate over \$9 million, over 2.5 million from the sale of the property and over \$6.6 million (from property tax) paid into the Civic Center Tax Increment Financing Fund over the life of the TIF District, expiring in 2045; equaling approximately \$300k on average per year. Manager Fieldman said the Village will use a competitive request for proposal (RFP) process to select the purchaser and developer of the property and the development itself. He stated that the Village Council will determine which proposer and proposals best meet the needs of the Village for this project while keeping in mind the following three goals previously identified: 1) Maximize the revenue from the property; 2) Make sure that any redevelopment project is compatible with the neighborhood (on site and near/around the site); and 3) The selection process itself is predictable and reliable for all parties involved.

Manager Fieldman then stated that the key components of the draft RFP will include two things, *the land use itself – multifamily or single family attached residential development* and *an exemplary architectural design that is compatible with the Civic Center Project and the surrounding neighborhood*. He then reviewed the selection criteria that the Council may be applying when making a selection:

- Achievement of goals
- Financial wherewithal
- Ability to complete the project
- Ability to adhere to the schedule

Manger Fieldman said currently the proposed schedule for the redevelopment is as follows:

- Publish RFP by September 2023
- Submit Proposals by October 2023
- Select Developer/Development by January 2024
- Approve Redevelopment Agreement (RDA) Key Terms by March 2024
- Approve Zoning Petition and RDA by August 2024
- Start Construction October 2024
- Complete Development by Summer of 2026

Village Council Questions/Comments:

Commissioner Sadowski-Fugitt expressed her desire to see affordable or inclusionary housing potential, up to 20%. She noted young adults and seniors are spending more than 30% of their income on housing and it is challenging for them to live in Downers Grove on a fixed income. Commissioner Sadowski-Fugitt said she is fully aware this could potentially decrease the revenue from the developer, but she thinks it would be worth it. She further stated that the Village could offer variances to the developer and could find other ways to make profits in order to help those residents that need it most. The Commissioner mentioned that a family of four in DuPage County should be spending about \$1563 a month on rent, including utilities. She spoke of rent costs rising since COVID, but that incomes have not. She also echoed the resident that spoke about offering housing to seniors and adults with intellectual disabilities, as they have difficulties finding affordable housing. She also added that this is location is good for those using the train for work.

Commissioner Gilmartin seconded Commissioner Sadowski-Fugitt about affordable housing. He said he is also interested in understanding the experience that those responding to the RFP have with affordable housing and the experience they have with building near a public facility. The Commissioner also suggested asking the current developer of the Civic Center property to share their experiences with the developer selected for the Lot 2 redevelopment. He said he believes this allows the Village to provide its residents with a unique opportunity they may not be able to find in the private market. He also said since this is Village land, the Village Council should have a say in what goes on it.

Commissioner Tully said he appreciates the concerns of his peers. He said the housing stock has changed over the last ten years and there has been much experience with multi-family units being developed in the downtown. He also noted that having a TIF District maximizes value of housing and has been a driving force for all the Village properties he has worked on. Commissioner Tully said he would like to have a discussion in terms of other things that could be done, i.e., zoning issues, which address this issue throughout the community. He stated that discussions of the Civic Center Project have been around for decades and in all iterations the Village was to maximize the sale of the current property in order to maximize the benefits to taxpayers. Commissioner Tully said he does not want to do anything (with regards to the use of Lot 2) that goes back on this promise. He noted that residents are paying attention to how the project proceeds and he wants to maximize the amount of the sale of the property. Commissioner Tully said he hears and fully appreciates the conversation about housing and is in favor of more conversations on a Village-wide basis. He said he has a problem with doing anything that would jeopardize maximizing the value of the property because that is not what was discussed over the years. The Commissioner stated he wants to have a broader-based discussion about housing stock, but not for this parcel.

The Mayor noted his comments would mirror those of Commissioner Tully's. He said anything to diminish the value of the sale of the property (Lot 2), is a risk to the taxpayers. The Mayor said making the development affordable housing would not just be the Village providing an opportunity to some residents, it is also asking an entire community to take on a 23-year burden and obligation to provide that opportunity. He explained that this subject has been around as long as he can remember, and data is always a question. Mayor Barnett also commented that there is a housing shortage on every level of housing across the US. The Mayor said that currently there are three, two-bedroom homes available for rent at \$1600 a month in Downers Grove, with another coming onto the market in a month. He said he already feels there is a housing stock across the community that is very broad and very diverse; there just is not enough of it. He noted that by putting 10 units (or whatever the number should be) in the new building, it would instantly create an affordable housing crisis in Downers Grove. The Mayor said he believes it is the availability of housing that is the issue, not the affordability. He said by having half a dozen units available at a reduced rate, he did not think it would make a dent in accessibility to affordable housing. He then reiterated that he did not want the Downers Grove tax payers to pick up the tab for those affordable housing units for a long period of time. Mayor Barnett stated that he did not want to include affordable, inclusionary housing as part of the proposal (RFP). He said that he welcomes a broader discussion on the topic in the future.

8. Manager's Report

No Manager's Report

9. Mayor's Report

No Mayor's Report

10. Council Member Reports

Commissioner Davenport commented there were eight days until Grove Fest.

Commissioner Sadowski-Fugitt thanked everyone that went to Pride in the Parking Lot. She also wished everyone a meaningful Juneteenth, short for June 19th. She said this marks the day when Federal Troops arrived in Galveston, Texas, in 1865 to take control of the State and ensure that enslaved people were freed – two and a half years after the Emancipation Proclamation (many people credit this to the end of slavery). She said that Juneteenth truly honors the end of slavery. The Commissioner stated that we would all benefit from a better America and we should constantly strive to do better. She stated that black households are 1.5 times more likely to live in places where they are exposed to environmental hazards, such as poor air quality. She gave statistics from a recent Rand Report (she offered to share with the public). She spoke of the wealth gap between white and black communities and said she believes that local leaders can take steps to address the deep drivers of inequity so future generations don't take a step back. Commissioner Sadowski-Fugitt noted this is one of the reasons she is advocating for inclusionary housing. She asked

for all to advocate for more equitable ordinances and policies, both locally and federally, and to honor Juneteenth by choosing to read a book, take an online course, watch a documentary, join a civil rights organization, or participate in any other activity to actively engage in some discomfort and take a step closer to achieving freedom and equality for all.

Commissioner Tully explained how Grove Fest was formerly named Heritage Fest, and said he is hoping to continue the fortune of good weather for this event. Lastly, he wished his Council colleagues and the rest of the community a Happy Father's Day.

11. Adjournment

Mayor Barnett asked for a motion to adjourn the meeting.

***MOTION:** To adjourn the June 13, 2023 Village Council Meeting.*

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

***MOTIONED TO APPROVE:** Commissioner Sadowski-Fugitt*

***SECONDED BY:** Commissioner Gilmartin,*

***AYES:** Commissioners Sadowski-Fugitt, Gilmartin, Davenport, Tully, Glover, Mayor Barnett*

***NAYES:** None*

Mayor Barnett declared the motion carried by voice vote and the meeting adjourned at 7:44 pm.

Respectfully Submitted,

Rosa Berardi
Village Clerk