



Village of Downers Grove Meeting Minutes Downers Grove Village Council

Civic Center
801 Burlington
Downers Grove, IL 60515
630-434-5500

Tuesday, July 10, 2012

7:00 pm

Council Chambers

1. Call to Order

Mayor Martin Tully called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Downers Grove Village Hall.

Pledge of Allegiance to the Flag

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

2. Roll Call

Present: Commissioner Marilyn Schnell, Commissioner Bob Barnett, Commissioner William Waldack, Commissioner Sean P. Durkin, Commissioner Becky Rheintgen, Commissioner Geoff Neustadt and Mayor Martin Tully

Non Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca and Village Clerk April Holden

The Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.

The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of the past meetings, an opportunity will be given for public comments and questions of a general matter. If a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing. Finally, an opportunity is given for public comments and questions on items appearing on the Consent Agenda, the Active Agenda and the First Reading.

The presiding officer will ask, at the appropriate time, if there are any comments from the public. If anyone wishes to speak, the individual should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name and address. Remarks should be limited to five minutes, and asked that individuals refrain from making repetitive statements.

Mayor Tully said there are agendas located on either side of the Council Chambers, and he invited the audience to pick up an agenda and follow the progress of the Council meeting.

3. Minutes of Council Meetings

Executive Session Minutes for Approval Only - June 5, 2012

Council Meeting - June 19, 2012

Mayor Tully asked for a Motion to approve the minutes as submitted.

Commissioner Schnell moved to approve the minutes as presented. Commissioner Durkin seconded the motion.

The Mayor declared the Motion carried by voice vote.

4. Public Comments - General Comments on Matters Not Appearing on Tonight's Agenda

Christine Rose, Community Relations Representative with Pace, 550 W. Algonquin Road, Arlington Heights, introduced herself to the Council and the community. The Mayor thanked her for attending the meeting.

Ms. Anders, 110 Warren Avenue, said on June 20 a neighbor was selling taxi coupons. She said she would provide information to the staff. She does not drive and needs the taxi program. The Mayor thanked Ms. Anders for bringing this matter to Council's attention.

The Mayor welcomed Hillary Denk from the League of Women Voters to the Council meeting.

5. Public Hearings

6. Consent Agenda

BIL 00-04948 A. List of Bills Payable: No. 5986, July 10, 2012

Sponsors: Accounting

A motion was made to Approve this file on the Consent Agenda.

Indexes: N/A

RES 00-04935 B. Resolution: Authorize an Agreement with Engineering Resource Associates, Inc. for Stormwater Related Review Services

Sponsors: Public Works

A motion was made to Pass this file on the Consent Agenda.

Indexes: Stormwater Sewer Watershed Improvement Plans, Stormwater Improvements

RES 00-04936 C. Resolution: Authorize an Agreement with Burns & McDonnell for Stormwater Related Review Services

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND BURNS & MCDONNELL

RESOLUTION 2012-51

A motion was made to Pass this file on the Consent Agenda.

Indexes: Stormwater Detention, Stormwater Sewer Watershed Improvement Plans

RES 00-04952 D. Resolution: Authorize a Maintenance Agreement and Addendum with Sungard Public Sector, Inc.

Sponsors: Police Department

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A MAINTENANCE AGREEMENT AND ADDENDUM BETWEEN THE VILLAGE OF DOWNERS GROVE AND SUNGARD PUBLIC SECTOR, INC.

RESOLUTION 2012-52

A motion was made to Pass this file on the Consent Agenda.

Indexes: CAD

MOT 00-04951 E. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Library Board - June 13, 2012

Plan Commission - June 4, 2012

Zoning Board of Appeals - May 23, 2012

A motion was made to Note Receipt Of this file on the Consent Agenda.

Indexes: Boards and Commissions Minutes

Passed The Consent Agenda

A motion was made by Commissioner Schnell, seconded by Commissioner Durkin, that the consent agenda be passed. The motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully

7. Active Agenda

BID 00-04953 A. Bid: Award \$970,000 to V3 Construction Group, Ltd., Woodridge, IL, for Grove Street Reconstruction

Sponsors: Public Works

Dan Balek, 1934 Curtiss, works for Swallow Construction. He said his company bid on this project and was the low bidder. They learned today that information was missing from their bid due to a misinterpretation on the part of their office personnel.

Anthony Rendina, 5708 Katrine, Vice President, Swallow Construction, read a letter he wrote to Nan Newlon, Public Works Director, regarding this matter. He asked that the Council vote against this item and that the recommendation be pulled from the agenda. He said the missing documents have been submitted.

Commissioner Neustadt said he appreciated Swallow Construction appearing before Council. He said he will support staff's recommendation. He noted that a portion of Warrenville Road has this surface.

Commissioner Barnett asked for a description of the project.

Nan Newlon, Director, Public Works, said staff is proud of this project. She reviewed slides presented at a neighborhood meeting regarding this project. This is a reconstruction of Grove Street from Main Street to Carpenter Street. She said a typical surface is virtually impervious, increases flooding, pollutes streams and rivers, has a heat island effect, and has high maintenance and replacement costs. This work will be with permeable pavers. Permeable pavers have gaps between the pavers that allow water to pass through. Incorporated into the work will be several water quality features that will help clean the stormwater runoff from the area before it is discharged into St. Joseph's Creek. She showed pictures of permeable pavers in various locations including the Morton Arboretum. Use of the pavers reduces run-off, traps and removes impurities, results in better aesthetics, provides traffic calming, and results in higher life cycle cost savings. She showed pictures of rain gardens and a separator that will be installed. Additionally the intersection of Grove and Carpenter will be improved with curb bump-outs installed as an additional traffic calming measure.

Commissioner Schnell asked about freeze and thaw issues. Ms. Newlon said staff does not anticipate this problem.

Commissioner Schnell asked if staff spoke with the Morton Arboretum staff regarding their pavers. Ms. Newlon said it was not necessary to do so as our Public Works Assistant Director Andy Sikich was the project manager for that work prior to coming to the Village.

Commissioner Durkin asked when the work was done at the Morton Arboretum. Mr. Sikich said it was done in 2005.

Commissioner Durkin asked if staff could look at doing this on other residential streets. Ms. Newlon said this is a demonstration project.

Commissioner Durkin asked as to the size of the project. Ms. Newlon said the street segment is just over 1000 feet long.

Commissioner Durkin then asked for a cost comparison between a typical reconstruction and this proposal. Ms. Newlon said she would provide that information. She noted that the proposed project has a good life cycle cost.

Commissioner Durkin said this is a great project.

Commissioner Neustadt said the pavers at Morton Arboretum are a little different than what is proposed for the Village. Mr. Sikich said what is being proposed is the next generation of pavers.

Commissioner Schnell asked about problems over time with trips and falls. Ms. Newlon said she was not aware of any problems of this nature.

Mayor Tully said this is a great project. He said he appreciated Swallow's staff for coming to the meeting and expressing themselves. He noted that the Village has awarded Swallow other contracts. It is necessary to follow the established process. He encouraged Swallow to bid on future projects.

A motion was made by Commissioner Schnell, seconded by Commissioner Durkin, to Approve this file. Mayor declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully

Indexes: Streets, Stormwater Sewer Watershed Improvement Plans, Stormwater Improvements

8. First Reading

RES 00-04913 A. Resolution: Authorize an Agreement with Brycer, LLC for an Electronic Database System for Fire Prevention Reports

Sponsors: Fire Department

Dave Fieldman, Village Manager, said this and the next item would be discussed together. He introduced Fire Chief Jim Jackson.

Chief Jackson said the Fire Department is focused on excellence. They look to provide exceptional services without compromising safety and protection to the citizens. The Department evaluates processes, develops efficiencies, and eliminates redundancies. These two items are products of the Department's ongoing evaluation. He introduced Ben DeAnda, Fire Prevention Division Chief, to discuss the items.

Chief DeAnda said the first item is a resolution to enter into an agreement with Brycer for an electronic database system related to the filing of Fire Prevention required reports. Currently companies that conduct inspections submit reports to the Fire Prevention Bureau. Staff manually enters the information from these reports into the database. Staff is proposing that the

inspection companies enter the information directly into the database created by Brycer. This will result in staff efficiencies, will allow for quicker turnaround, and will improve customer service.

In response to the Mayor, Chief DeAnda said that the cost for this service would be the responsibility of the commercial property owners.

Mayor Tully said this is specialized data. He said as we move more information to the cloud and have more documents in an electronic format we should look to enter the data in a standardized electronic format or scan it into a database.

Indexes: Fire Prevention

ORD 00-04925 B. Ordinance: Amend Fire Prevention Provisions

Sponsors: Fire Department

Chief DeAnda said this a request to amend the Municipal Code to eliminate the requirement for full fire detection systems in 100% sprinklered buildings. This will eliminate redundancies, create cost savings for businesses, and decrease construction time while maintaining safety for occupants. He showed slides depicting where smoke detectors would be eliminated because of sprinklers. He noted that the Village's requirement is more stringent than the International Fire Code and International Building Code requirements, both of which would still be met with this amendment.

Village Manager Fieldman said this will apply only to commercial buildings. Staff is able to recommend this amendment because when fire sprinklers are activated they act very much like smoke detectors. They notify the Village 911 center and they set off the alarms in the building. The international codes allow for this amendment. We are amending a local ordinance which has been in place for a long time.

Commissioner Schnell this does not apply to schools and many other establishments. She asked for a definition of "commercial" and asked if DeVry would be defined as a commercial building.

Chief DeAnda said DeVry would be included because the international codes define it a business.

Mr. Fieldman said this would not affect any buildings that have a higher risk such as children's schools. They would still have the full requirements. Staff is relying on the classification system found in the International Building Code and International Fire Code which describes the risk of the building based on who is in the building and how it is used. This would apply to office and retail buildings.

Commissioner Neustadt said he has observed that smoke detectors and sprinklers operate almost simultaneously. This will save businesses money.

Commissioner Schnell reiterated that this will not affect public safety. Mr. Fieldman said staff would not recommend an amendment that would decrease public safety.

Chief DeAnda said that also included in this amendment is a request to update NFPA Standard editions by replacing the specific year of the code with the words "current version." This would allow the Village to operate under the most current version of the standard without requiring regular updates to the Municipal Code.

Indexes: Fire Prevention, International Building Code

ORD 00-04949

C. Ordinance: Authorize a Special Use to Permit an Automobile Rental Facility at 2561-2565 Ogden Avenue

Sponsors: Community Development and Plan Commission

The Manager asked Tom Dabareiner, Director, Community Development, to discuss this matter.

Tom Dabareiner, Director, Community Development, said this is a request for a special use ordinance for the Hertz Rental Car facility at 2561-2565 Ogden Avenue. This will allow for the relocation of the business from 1728 Ogden Avenue to the Drendel Commons Shopping Center at Ogden and Drendel. The property is zoned B-3 and automobile rental facilities are allowable special uses in this district. No exterior changes are being proposed and only minor interior modifications will be made. The proposed use will meet all requirements of the Zoning Ordinance.

Mr. Dabareiner then addressed parking issues. The proposed use would occupy two tenant spaces. There are five tenant spaces currently occupied and two spaces would remain vacant. The petitioner submitted a parking study that indicates that the shopping center would continue to have an adequate number of parking spaces. It is expected that eight parking spaces would be available during peak parking hours between noon and 2:00 p.m. Further, Mr. Dabareiner noted that the peak parking demand for Hertz will be in the evening and overnight hours when most other tenants are closed. The petitioner indicates that no more than eight rental vehicles will be parked on site overnight.

Mr. Dabareiner said the proposed use is consistent with the Comprehensive Plan and its goal for Ogden Avenue. This matter was considered by the Plan Commission and unanimously recommended for approval.

Commissioner Neustadt asked if the spaces will be designated by signage. Mr. Dabareiner said the intention is to put the rental cars in the rear lot.

Justin Brietzka, Area Manager, Hertz Rental Car, said the intent is to use small signage to mark parking spots.

Commissioner Barnett asked if there are similar parking limitations for other car rental businesses or car dealerships that operate rentals. Mr. Dabareiner said he would confirm this.

Mayor Tully said this is the relocation of an existing business on Ogden Avenue. It meets the special use standards.

Indexes: Special Use - 2561-2565 Ogden Avenue

INF 00-04950

D. Information: Ogden Avenue Site Improvement Strategy (OASIS) Grant Program

Sponsors: Community Development

Mr. Dabareiner said this item is for discussion. Council approved the OASIS program on September 14, 2010. At the March 20, 2012, Council meeting, the goals were reviewed and potential changes to the program were discussed.

Staff is recommending several changes to the program. The goals of the changes are to simplify the program, make it more attractive to property and business owners, and make it more attainable for property and business owners. Recommended modifications include decreasing the applicant's matching funds from 50% to 25%; increasing the maximum grant; changing the definition of an outstanding project; requiring that nonconforming signs be brought into compliance as a condition for receiving funding and only funding signs if they are part of an outstanding project that receives the 25% bonus; modifying the sidewalk easement/installation

requirement such that the applicant will be required to install a sidewalk as a condition of funding if a property adjacent to the applicant's property has sidewalks; funding landscaping only if the applicant is proposing at least 10% more landscaping than required by the Zoning Ordinance; eliminating category maximums; and requiring 360-degree screening of mechanical units as a condition of any project proposing facade improvements.

Mr. Dabareiner then defined the project categories: Category 1 - Site Improvements; Category 2 - Landscaping; Category 3 - Building Facade; Category 4 - Signs.

The OASIS team has reviewed these recommendations. Staff recommends consideration.

Rob Quigley said he is one of the owners of Bradford and Kent Builders located on Ogden Avenue for 25 years. As part of the ordinance adopting the program, five people were asked to review applications. He said there are currently 20 possible projects amounting to \$400,000. The OASIS team would like to see more applications and would like to see Ogden Avenue improved. The team looked at the issue of signage and businesses applying for funds. About one-half of the requests are for signage only and amount to \$50,000. If the signage only applications are eliminated it will cut out 50% of businesses that could take advantage of this program. Signage plays a big role in encouraging businesses to improve their facilities. The OASIS team recommends keeping the program intact, including signage, although they will support whatever Council decides to do. This is a great program and they want to get money to the businesses on Ogden Avenue.

The Mayor thanked Mr. Quigley for his service.

Regarding next steps, a revised policy will be prepared if staff is directed to do so. Staff will then work with the Economic Development Corporation (EDC) and Chamber of Commerce to publicize changes.

Commissioner Rheintgen asked as to the cost of the 360-degree screening. Mr. Quigley responded that it would cost tens of thousands of dollars.

Commissioner Rheintgen said more grant funding would be available, but more would be required from the applicants. We are trying to change Ogden Avenue but are making the criteria more restrictive. She said she does not agree with eliminating the funding for signage only. She asked if landscaping would only be funded as part of a bigger project. Mr. Dabareiner said it could be funded on its own. To qualify as an outstanding project and be eligible for the bonus amount, the application would have to include all four categories.

Commissioner Rheintgen said signs improve Ogden Avenue.

Commissioner Schnell congratulated staff on a great job. This decreases the match from 50% to 25% and an applicant can receive up to double what they qualify to receive now. This allows for a better quality project and a better look on Ogden Avenue. She feels that signage only funding is not the way to go. She would like to see the buildings improved. Further, she is happy with the proposed sidewalk changes. With respect to landscaping, Commissioner Schnell asked if the 10% more than required by the Zoning Ordinance could be designated for the front yard. Mr. Dabareiner said the ordinance requires that 50% be in the front yard and 1/2 or 5% of the additional amount would have to be in the front yard. Commissioner Schnell said she does not have a problem with the screening.

Commissioner Barnett said the Ogden Avenue TIF is not OASIS. OASIS is an excellent program and its evolution is natural. TIF is tax dollars and those dollars could be set aside and allowed to accumulate and then used for street signs and sidewalks or anything else the Village Council decides. OASIS is a logical way to work collaboratively with the business community. He said he would like to see additional requirements regarding compliance with the Comprehensive

Plan. Mr. Fieldman said intent language could be added.

Commissioner Neustadt noted that OASIS was not one of the 12 action items for 2012. The recommendation decreases the applicant's share and increases the amount of funding. Applicants that want to include signs can still do so as long as they include other categories in their application for funding. He hopes this will spur more activity on Ogden Avenue and he looks forward to seeing projects.

Commissioner Waldack said he supports the program. Regarding sidewalks, he suggested wording that if a property adjacent to the applicant's property has sidewalks or if sidewalk construction is imminent, the applicant will be required to install a sidewalk as a condition of funding the grant. Regarding landscaping, Commissioner Waldack suggested solidifying the requirement in terms of a percentage and a minimum amount of landscaping. Regarding signage, Commissioner Waldack said he is against OASIS funding for signage only as others have installed signs at their own expense. He asked for the lowest average cost of a compliant sign which could then be subtracted from the amount requested for a sign. Applicants would have to meet a minimum amount for signage and any amount above that might be compensated under the program.

Commissioner Waldack reiterated that OASIS funds are tax dollars and we need to be judicious.

Commissioner Durkin said he agrees with the changes. He asked if there are any pending applicants. Mr. Dabareiner said the process has been on hold.

Commissioner Durkin asked if construction could start this year if applications are approved. Mr. Dabareiner responded affirmatively.

Commissioner Rheintgen said she is supportive of the OASIS program. She noted, however, that there have been projects that have not been able to proceed and she thinks that will continue. Under the recommendations, one receiving grant money through any category has to bring their sign into compliance with the Sign Ordinance. She thinks this will discourage people from applying.

Mr. Fieldman acknowledged that it may; however, the sign is required to be replaced within two years anyway, so it only requires faster compliance.

Commissioner Neustadt asked if businesses are informed of the OASIS program. Mr. Dabareiner said they are if they are within the TIF district.

Mayor Tully extended his appreciation to the OASIS team. He outlined three items: 1) Ogden Avenue TIF district and the Ogden Avenue Master Plan. The TIF was created to support the master plan. 2) Dollars were not being utilized which led to the development of the OASIS program. He noted that the program has been working well. 3) The Sign Ordinance - this is separate from the OASIS program and applies to all businesses in the Village. The Mayor said he does not have a problem with the signage element as a part of the OASIS project. However, he disagrees with a sign only OASIS grant. As proposed, signage is not eliminated. The Mayor suggested reviewing some of the requirements and considering some flexibility. He said he agrees that businesses should come into compliance with the Sign Ordinance if they receive funding.

Mr. Fieldman said staff will put this on a future agenda. The Mayor said there has to be some criteria but he would like to maintain flexibility.

Indexes: Ogden Avenue TIF

9. Mayor's Report

ComEd Reliability Report

One equipment replacement project is still in progress and is scheduled to be completed in August. This project consists of the replacement of 3,600 feet of replacement overhead cable in the far northwest section of the Village. ComEd indicated that it is delayed due to difficulties accessing the easement and is working with the condo association to gain access. Staff has requested a more specific report on the progress that has been made to this point. The other projects that were scheduled to be completed by the end of June are complete.

Materials to be Placed on File

10. Manager's Report

Mr. Fieldman said electric aggregation opt-out letters were mailed to residents and small businesses on Friday. The letter explains the opt-out program. There is also information on the Village's website. The opt-out period will run for three weeks.

11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting two (2) items to the Council: 1) An ordinance amending fire prevention procedures, and 2) An ordinance authorizing a special use to permit an automobile rental facility at 2561-2565 Ogden Avenue.

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Waldack said people had fun at the 4th of July parade. He thanked Ms. Rose from Pace for attending tonight's meeting. He noted that Pace plays a huge role in Ride DuPage. Regarding taxi coupons, the Commissioner said it is important to maintain the integrity of the program and urged people to report abuses.

Commissioner Schnell spoke about the electric aggregation program. Residents who want to participate in the program, do nothing and will be automatically enrolled. She asked that this information be placed prominently on our website. Regarding the July 4 parade, the Commissioner thanked staff and Council for the float. She said it was fun to participate.

Commissioner Rheintgen reminded residents not to operate a gas powered generator in the rain or in a closed garage.

Commissioner Durkin said the parade was great fun and suggested building on this in the future. He thanked Greg Colat from Public Works for his help. Commissioner Durkin then spoke of the Fourth Annual 5K Labor of Love sponsored by the Downers Grove Lions Club on September 3, 2012, at 8:00 a.m. in the McCollum Park area. It is a Chicago Area Runners Association (CARA) event. Last year there were over 500 runners. Early bird registration is at www.5klaboroflove.org.

Commissioner Neustadt reminded residents of the water restrictions in place. From May 15 to September 15 residents are permitted to use outdoor water based on an even/odd system. The last digit of an address determines the day. If an address ends in an even number, the resident can water on even calendar days; if the address ends in an odd number, the resident can water on odd calendar days. Outdoor water usage is permitted between 4:00 a.m. and 11:00 a.m. and 4:00 p.m. and 11:00 p.m. on your watering day. Outdoor water usage is not permitted between 11:00 a.m. and 4:00 p.m. on any day, for any address.

Commissioner Neustadt said the July 4 parade was great fun. He thanked the Downers Grove Jr. Woman's Club for the performance after the parade.

Commissioner Barnett said, with respect to the parade, Public Works deserves thanks. He also said it was great fun.

Mayor Tully said the pedestrian tunnel at the Belmont underpass is open. The work is ahead of schedule. He congratulated the Rotary Club for GroveFest and suggested that Council have a presence at the event. He also noted that the July 4 parade was great.

The Mayor announced there 345 days to GroveFest 2013.

13. Adjournment

Commissioner Schnell moved to adjourn. Commissioner Durkin seconded the Motion.

VOTE: YEA - Commissioners Schnell, Durkin, Rheintgen, Barnett, Neustadt, Waldack, Mayor Tully

Mayor Tully declared the motion carried and the meeting adjourned at 8:47 p.m.