

Staff Responses to Council Questions
October 13, 2015

7. Active Agenda

G. Resolution: Authorize an Amendment to the Agreement with Allied Waste Services of North America, LLC

Why did they raise their prices for Amnesty Day from last week (wasn't it stated 1 sticker for carts, 5 for sticker users?)

The sticker requirements for residents to participate in Amnesty Day have not changed going back to the proposal received from Republic Services and presented to the Village Council on August 17. The proposal language states: "Residents using the sticker program would be required to place stickers on the first five items set out for collection. Residents using the cart program would be required to place stickers on a reduced number of first items set out for collection and not contained within their cart: (95g cart) two items, (65g cart) three items, and (35g cart) four items."

The question was not answered at all – if this is an “extension” of a contract, then why is there a price increase?

The proposed contract is an extension of the existing contract with modifications for an additional Amnesty Day and downtown recycling. The current contract states "The contractor may negotiate, in good faith, on request of the Village, for an extension to the contract, provided that the contract extension is approved by the Village Council no later than 120 days before the termination of the existing contract." Almost all terms of the existing contract would remain unchanged including the prices for the the purchase of stickers and rental of carts.

Council has rules and a policy regarding extensions – why is this an extension with a price increase? This violates policy and rules.

The Council Policy on Purchasing Procedures States:

1. IN GENERAL. Contract extensions may be granted for previously approved contracts if the contract price does not increase by more than 2% over the originally approved contract. However, the current contract specifically addresses extensions and states that "the Village may exercise an option to extend the contract term for an additional two year period."

Since Amnesty Day is an optional program that occurs once during the two-year contract period, it has been interpreted as being outside of the calculation of "contract price" as referenced in the Council policy.

Why is the price increase random, there is a “method” to the price increase, but no logic provided. Why does it cost 5 times more for a junk item sitting next to a bag with a sticker than the same item

sitting next to a cart?

Republic Services proposed the terms of the extension based on their costs of providing the service. The cost of Amnesty Day is covered by revenue generated by stickers applied to items picked up on Amnesty Day and the revenues generated from normal garbage pick-up throughout the life of the contract. As proposed Republic Services will be providing one Amnesty Day during the two-year contract period. Under the current contract, one Amnesty Day was provided during the five-year contract term, allowing for a much longer period to amortize the cost of Amnesty Day. The number of stickers required to be placed on items for Amnesty Day pick-up is directly related to the amount paid by the residents for their weekly service.

8. First Reading

A-D Ordinances to Amend the Municipal Code

When did we adopt the International Code and Why?

The Village of Downers Grove has adopted several international, national and state building and fire protection related codes that are designed to protect the health, safety and welfare of people by creating safe buildings and communities. These codes include:

- International Building Code (2006)
- International Residential Code (2006)
- International Mechanical Code (2006)
- International Fire Code (2006)
- International Fuel Gas Code (2006)
- Life Safety Code - National Fire Protection Agency 101 (2003)
- National Electric Code (2008)
- Illinois Plumbing Code

These codes establish stringent requirements that are applied throughout the United States and beyond. The International Codes, prepared by the International Code Council (ICC), were adopted by the Village in 2009. The Village of Downers Grove has amended each of these codes to include more restrictive regulations. These local amendments are found in Chapters 7, 10 and 16 of the Municipal Code.

The proposed amendments to the codes would change the local regulations. The resulting regulations would still be more restrictive than the international, national and state code requirements.

The International Code Council (ICC) produces and maintains a host of model codes and makes them available for adoption. The ICC's vision is to protect the health, safety and welfare of people by creating safe buildings and communities. Its mission: To provide the highest quality codes, standards, products and services for all concerned with the safety and performance of the built environment. Fifty states and the District of Columbia have adopted the I-Codes at the state or

jurisdictional level. Federal agencies including the Architect of the Capitol, General Services Administration, National Park Service, Department of State, U.S. Forest Service and the Veterans Administration also enforce the I-Codes.

When is it due to be reviewed?

While there is no required deadline for adopting a newer code version, staff's goal is to undertake a comprehensive review and code update recommendation in 2016.

Why should parking garages be exempt from high-rise requirements? If eliminated, what are they replaced with?

The International Building Code contains requirements and regulations that apply specifically to high-rise structures. These high-rise regulations do not apply to open parking garages. A Village local code amendment currently subjects open parking garages to high-rise building regulations. Staff proposes to eliminate this local amendment. The regulations for high-rise structures are more stringent than the regulations for open parking decks because the risk of injury or loss of life is greater in high-rise buildings which are occupied by people (residential and office uses).

By reverting back to the International Building Code requirements, the Village requirements would reflect the ICC's logic that open parking garages do not represent the same set of concerns of a fully habitable, populated building. The open parking garages would remain subject to the myriad of building codes pertaining to this use including an existing local amendment that requires automatic sprinklers in open parking garages that are over two stories in height, or over 25' tall, or exceed 2,500 square feet.

Don't we already have Type 3 Construction in the Downtown? Wasn't this allowed by variance? The current code addresses Type and height, the revision expands type and fire safety, not height. Does not appear to be apples to apples and no logic is given. Please explain.

The Village permits the use of Type III construction in all zoning districts except the downtown business (DB) and downtown transition (DT) zoning districts. Further, Type III buildings are subject to a maximum height restriction of 35 feet.

Acadia on the Green, located in the DB District, consists of two Type III buildings. It was constructed beginning in 2005. At the time of construction, the Village local amendment allowed this type of construction. No variance to the building code requirements were required for the construction of these buildings. The Village had intended that the local amendment prohibit this type of construction. In response to the construction of Acadia, the Village changed the local amendment to specifically prohibit Type III construction .

The proposed revisions would allow Type III construction throughout the Village as regulated by the 2006 International Building Code (IBC) with some additional local regulations, including but not limited to:

- Applying the high-rise regulations to all Type III buildings 55' in height and taller (the IBC high-rise regulations apply to buildings 75' in height and taller)
- Requiring fire sprinklers to be installed on all Type III buildings over 2,500 square feet.
- Requiring additional fire resistance practices to be applied on engineered structural wood products (I-joists & trusses) which are used extensively in Type III construction

How does lowering fire safety standards make us safer?

The proposed revisions aim to balance the competing goals of optimal life-safety standards and alignment with the current regulatory environment. With the proposed changes the Village will still have higher standards than the international codes and in many cases higher standards than our neighboring comparable communities.

Electrical- So if a unit of government has very low standards, everybody accepts those standards – we would accept this standard?

While the National Electric Code has been adopted by most northern Illinois municipalities, it does not require electrical contractors to be licensed. Therefore, each municipality has to determine how to regulate electrical work for themselves. Current common practices include:

- Requiring electrical contractors to obtain a license
- Requiring electrical contractors to pass an electrical contractor exam
- Requiring electrical contractors to have a minimum number of years of experience

Currently the Village requires electrical contractors to have a license issued by the Village of Downers Grove or other municipality. The Village now issues electrical licenses upon the successful completion of the ICC electrical contractor exam.

Under the proposed changes the Village would continue to accept a license, either previously issued by the Village or issued by another municipality that administers a test based upon the standards of the National Electrical Code . This practice would remain unchanged. Therefore, currently and as proposed, the Village accepts licenses issued by other municipalities. If the Building Official determines that a license issued by another municipality does not meet the Village standards, the contractor will be required to provide proof of successful completion of the ICC electrical contractor

Under the proposal the Village would accept proof of successful completion of the ICC electrical contractor exam in lieu of issuing a Downers Grove license.

Electrical – Any approved by a building official?? So the standard only has to meet what could be a very low standard with no objective criteria?

The current and proposed code allows the Building Official to consider alternate qualifications. Alternate qualifications must be consistent with the qualifications to obtain a Downers Grove electrical license or pass the ICC electrical contractor exam.

How does our DG License requirements compare to other Illinois Units of government - (facts not opinions?) Who are the “comparable communities”?

The proposed requirements for electrical contractors performing work in Downers Grove is similar to the requirements of other northern Illinois municipalities. Between 2013 and 2015 staff surveyed other municipalities about electrical licensing and permitting. Responses from 26 municipalities were received. All accept licenses from other municipalities, with various conditions, for the purpose of issuing permits. Very few still administer their own electrical exam. Here are a few examples:

Oakbrook: Does not license electrical contractors. Does accept ICC test results as an alternative to other municipalities’ license, but does not perform testing themselves.

Naperville: No longer performs contractor testing or licensing. Does accept other municipalities’ licenses.

Lombard: Requires presentation of a license from another Illinois testing municipality, but does not perform testing themselves or license contractors.

Aurora: Accepts testing results from other testing communities and utilizes ICC testing as an alternative option for providing qualifications.

If we eliminate licensing in Chap 8 and say that a Building Official can approve – aren’t we just eliminating licensing?

The proposal would eliminate the Village issuing annual electrical contractor licenses as described in Chapter 8. Chapter 10 would continue to require that electrical contractors performing work in the Village meet established requirements including:

- Possessing a previously issued Downers Grove license
- Possessing a valid license issued by another municipality
- Successful completion of the ICC electrical contractors exam

Who can do the approvals? What expertise are we using or relying on?

The Community Development Building Division staff approve and issue permits for electrical work. Several staff members have electrical credentials, including

- ICC certifications for residential and commercial electrical inspections
- ICC electrical contractor credentials
- Electrical contractors license

Further, staff regularly attends electrical training and is currently attending a 12-week training sponsored by the Northeastern IL Chapter NECA and the IBEW Local 701.

Online Comments

rEmarks are attached.



rRemarks Data for October 13, 2015 Village Council Meeting

Agenda Section	Agenda Item	Comment	Commenter
Public Comment	Comments of a General Nature	<p>In regards to 15-PLC-0032: A petition seeking a special use to permit an animal boarding/shelter facility.</p> <p>Dr. Gustafson and all the staff are extremely caring and welcoming to their clients. Dr. Gus and many of the staff are from Downers Grove. Not only did they choose to work in the area but they also chose to stay living in the area. This is the type of business and people that make OUR community what it is. I am for DG Animal Clinic rebuilding and staying in OUR community. Thank you.</p>	Vicki
Public Comment	Comments of a General Nature	<p>15-PLC-0032 will help improve the look of 63rd Street as well as the overall appearance of Downers Grove. It will also bring business to Downers Grove. I am in full support of this petition.</p>	Mary Harris, 72 W. 59th St. Unit E, Westmont
Public Comment	Comments of a General Nature	<p>Regarding 15-PLC-0032 - I fully support the new Animal Facility at 63rd and Main. It's a great hospital and I plan to continue my long term relationship with them. Thank you.</p>	Gina Guare