

Meeting Minutes

Village of Downers Grove - Council Meeting
6/20/2017

Council Chambers	6/13/2017	7:00 PM
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In order to give as many visitors as possible an opportunity to speak and in the interest of adjourning the meeting by 9:00 p.m., please limit your comments to 5 minutes in length, unless further time is granted by Council. Thank you.

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

Council Attendance (Present): Commissioner Walus, Commissioner Earl, Commissioner Waldack, Commissioner White, Commissioner Hosé, Commissioner Barnett; Mayor Tully

Absent: None

Non-Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca, 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 past meetings, an opportunity will be given for public comments and questions of a general nature. 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 Mayor stated that at the appropriate time the presiding officers will ask if there are any comments from the public. Individuals wishing to speak, should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name. Remarks should be limited to five minutes, and individuals are asked to 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

MIN 2017-7409 — A. Minutes: Council Minutes - June 6, 2017

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Motion: Commissioner White moved to approve the minutes as presented. Commissioner Waldack seconded the motion.

Mayor Tully declared the motion carried by voice vote.

4. Public Comments

This is the opportunity for public comments.

1. Bill Wrobel, 7800 Queens Ct., shared an email that he sent to Eddie Corrigan, Administrative Assistant in Rep. Roskam's office, regarding air traffic. Mr. Wrobel read his email regarding excessive air flights over his home at all hours of the day and night. He stated that he has repeatedly spoken with State Rep. David Olsen, and has spoken with Brian Krajewski requesting a no-fly zone for both Midway and O'Hare over DuPage County. Mr. Wrobel said he is now appealing to elected officials to ask them to join him in his effort, and will speak at a variety of meetings in DuPage County. Rep. Olsen shared a report with him from O'Hare Noise Compatibility Commission. Mr. Wrobel said that he is complaining about the frequency of the flights and the path of the flights that he hears in his home and throughout the Village.

Mayor Tully thanked Mr. Wrobel for his report. He said he was glad that Mr. Wrobel has had productive conversations. He explained that the FAA controls flights

2. Violet Radwill, 5410 Grand Avenue, referenced a speaker who appeared before the Council on May 16 to complain about Ms. Radwill and her yard. Ms. Radwill said she wanted to tell her side of the story and the conflict with her neighbor. Ms. Radwill has been in communication with her neighbor who referenced the nails in Ms. Radwill's fence. Ms. Radwill said the nails have been removed. She met with her neighbor on April 24 and put no trespassing signs inside her yard. After meeting with her neighbor, the signs were gone. Her mailbox and carport were taken down. She put barbed wire on the top of the fence so people wouldn't jump over it. Her mailbox has been taken down again. Ms. Radwill has had to open a post box at the Post Office. She lives alone. Her neighbor blames Ms. Radwill because she cannot sell her property,

Mayor Tully said he hoped that there could be reconciliation between the neighbors. He does not want to see this dispute played out in front of the Village Council. It is not appropriate to bring this before the Council. Both neighbors need to comply with the Village's Code. There is a better way to solve this. He said that the Village enforces the Code for the benefit of the community.

3. Bill Niemburg spoke in reinforce to a letter he and Norm Sidler sent to the Village Council on June 5. He said he was speaking about the facility proposal, and he thanked Council members who responded to his letter. He said he is a member of the Police Pension Board. The letter he sent was to call out the safety and security risks in the Police Department. This is not about aesthetics but is about tangible deficiencies. The Police Department deserves the best and most up-to-date facility the Village can give them so they are prepare to defend our community. He said that there have been incidents that were solved by "luck" and not a decisive plan. He and Mr. Sidler would like to encourage a plan.

Regarding the drop in sales tax and taking a wait and see plan for the next two years, he noted that sales taxes are not magic. There is nothing about sales tax that is magical and will result in a windfall in the next two years. Proactive communities take decisive action to create conditions for sales tax growth and attract residents that will build and spend in our business district and will contribute toward the property tax base. He said he respects the concern and caution, which borders on fear; however, fear is not leadership. He said that time kills deals. Costs can increase and developers can go elsewhere. He recapped his comments and the statements made in his letter with three points: 1) luck is not a plan; 2) fear is not leadership; and 3) time kills deals. The incorrect action in this situation is to take no action.

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5. Consent Agenda**BIL 2017-7410** — A. Bills Payable: No. 6334, June 13, 2017**RES 2017-7364** — B. Resolution: Accept the Comprehensive Annual Financial Report of the Village of Downers Grove for the Fiscal Year January 1, 2016 through December 31, 2016**Summary:** This accepts the 2016 Comprehensive Annual Report.**A RESOLUTION TO ACCEPT THE COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE VILLAGE OF DOWNERS GROVE FOR THE FISCAL YEAR JANUARY 1, 2016 THROUGH DECEMBER 31, 2016****RESOLUTION 2017-42****RES 2017-7406** — C. Resolution: Authorize a Final Loan Closing Amendment to the Loan Agreement with the Illinois Environmental Protection Agency**Summary:** This authorizes a final loan closing amendment to the loan agreement with the Illinois Environmental Protection Agency.**A RESOLUTION AUTHORIZING EXECUTION OF A FINAL LOAN CLOSING AMENDMENT TO THE LOAN AGREEMENT BETWEEN THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AND THE VILLAGE OF DOWNERS GROVE****RESOLUTION 2017-43****MOT 2017-7405** — D. Motion: Authorize a Contract through the National Cooperative Purchasing Alliance for an Integrated Parking Management System for Commuter Parking with PassportParking, Inc.**Summary:** This authorizes approval of a contract by cooperative purchasing through the National Cooperative Purchasing Alliance (NCPA) for an integrated parking management system for commuter parking with Parkmobile, Inc.**MOT 2017-7384** — E. Motion: Authorize \$979,900.00 to Chicagoland Paving Contractors, Inc., Lake Zurich, IL, for Grant, Jay, Webster & Lyman Roadway Improvements**Summary:** This authorizes a contract for the Grant, Jay, Webster & Lyman Roadway Improvements to Chicagoland Paving Contractors, Inc. of Lake Zurich, Illinois in the amount of \$979,900.00.**RES 2017-7407** — F. Resolution: Authorize a Master License Agreement with Level 3 Communications, LLC for Use of Village Rights-of-Way**Summary:** This authorizes execution of a license agreement with Level 3 Communications for the use of the Village's rights-of-way for the installation, operation and maintenance of an underground fiber optics telecommunications system.**A RESOLUTION AUTHORIZING EXECUTION OF A MASTER LICENSE AGREEMENT BETWEEN LEVEL 3 COMMUNICATIONS, LLC AND THE VILLAGE OF DOWNERS GROVE FOR USE OF VILLAGE RIGHTS-OF-WAY****RESOLUTION 2017-44**

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MIN 2017-7419 — G. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Liquor Commission - April 6, 2017 and May 4, 2017

Motion: Commissioner White moved to approve the Consent Agenda as presented. Commissioner Waldack seconded the motion.

Votes: Yea: Commissioners White, Waldack, Walus, Earl, José, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

6. Active Agenda

RES 2017-7383 — A. Resolution: Grant Historic Landmark Designation for 5325 Fairmount Avenue

Summary: This grants landmark designation for 5325 Fairmount Avenue.

A RESOLUTION GRANTING HISTORIC LANDMARK DESIGNATION FOR 5325 FAIRMOUNT AVENUE

RESOLUTION 2017-45

Motion: Commissioner White moved to adopt "A Resolution Granting Historic Landmark Designation for 5325 Fairmount Avenue," as presented. Commissioner Waldack seconded the motion.

Votes: Yea: Commissioners White, Waldack, Walus, Earl, José, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

Mayor Tully asked the Gassen Family to accept the certificate. On behalf of the Council he thanked them for landmarking their home.

RES 2017-7398 — B. Resolution: Authorize a Local Agency Agreement with the County of DuPage for Jurisdictional Transfer of a Portion of Hobson Road

Summary: This authorizes execution of a Local Agency Agreement for the jurisdictional transfer of a portion of Hobson Road.

A RESOLUTION AUTHORIZING EXECUTION OF A LOCAL AGENCY AGREEMENT FOR JURISDICTIONAL TRANSFER BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE COUNTY OF DUPAGE FOR A PORTION OF HOBSON ROAD

RESOLUTION 2017-46

Motion: Commissioner White moved to adopt "A Resolution Authorizing Execution of a Local Agency Agreement for Jurisdictional Transfer between the Village of Downers Grove and the County of DuPage for a Portion of Hobson Road," as presented. Commissioner Waldack seconded the motion.

Commissioner Waldack thanked staff for their report, which allayed his concerns. He said he would support this.

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Votes: Yea: Commissioners White, Waldack, Walus, Earl, José, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

ORD 2017-7399 — C. Ordinance: Provide for the Jurisdictional Transfer of a Portion of Hobson Road/CH 41 to the Village of Downers Grove Municipal Street System

Summary: This authorizes the transfer of a portion of Hobson Road/CH 41 to the Village of Downers Grove.

**AN ORDINANCE PROVIDING FOR THE JURISDICTIONAL TRANSFER OF A PORTION OF
HOBSON ROAD/CH 41 TO THE VILLAGE OF DOWNERS GROVE MUNICIPAL STREET SYSTEM**

ORDINANCE NO. 5624

Motion: Commissioner White moved to adopt "An Ordinance Providing for the Jurisdictional Transfer of a Portion of Hobson Road/CH 41 to the Village of Downers Grove Municipal Street System," as presented. Commissioner Waldack seconded the motion.

Votes: Yea: Commissioners White, Waldack, Walus, Earl, José, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

RES 2017-7376 — D. Resolution: Authorize an Intergovernmental Agreement with the County of DuPage

Summary: This authorizes execution of an intergovernmental agreement between the Village of Downers Grove and the County of DuPage County for the jurisdictional transfer of a portion of Hobson Road.

**A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE COUNTY OF DUPAGE AND THE VILLAGE OF DOWNERS GROVE**

RESOLUTION 2017-47

Motion: Commissioner White moved to adopt "A Resolution Authorizing Execution of an Intergovernmental Agreement between the County of DuPage and the Village of Downers Grove," as presented. Commissioner Waldack seconded the motion.

Votes: Yea: Commissioners White, Waldack, Walus, Earl, José, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

ORD 2017-7244 — E. Ordinance: Adopt the Village's Comprehensive Plan

Summary: This approves and authorizes publication of the Comprehensive Plan dated June 13, 2017.

AN ORDINANCE UPDATING THE VILLAGE'S COMPREHENSIVE PLAN

ORDINANCE NO. 5625

Motion: Commissioner White moved to adopt "An Ordinance Updating the Village's Comprehensive Plan," as presented. Commissioner Waldack seconded the motion.

Commissioner Earl expressed her thanks to the Comprehensive Plan Committee as they spent many hours studying this.

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Commissioner José also thanked everyone who worked on this project. Many steps were taken regarding historic preservation and redevelopment and he is happy to support this Ordinance.

Mayor Tully said he was pleased to see this product, which was part of a five-year review of the Comprehensive Plan. The previous plan was not updated since 1965. He also expressed his thanks to everyone who was part of this project. The Comprehensive Plan is not a static document but should be a dynamic document for the Village.

Votes: Yea: Commissioners White, Waldack, Walus, Earl, José, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

7. First Reading

RES 2017-7400 — A. Resolution: Authorize an Intergovernmental Agreement with Metra

Village Manager Dave Fieldman said that the first two items relate to the Main Street Train Station and he asked Public Works Director Nan Newlon to make the presentation.

Nan Newlon, Director, Public Works, said the first two items are inter-related regarding improvements to the Main Street Train Station. She said that the agreement is with Metra for funding for maintenance at the Main Street commuter station. The Village is responsible for operating and maintaining the station. She noted that the flooring of the station was determined to be the highest priority, as the wood decking is buckling causing deterioration of the floor and tile, and causing trip hazards. The Motion would authorize a contract for the rehabilitation of the flooring. Staff has determined that because of the complexity of the work, it is best done through design work of FH Paschen, SN Nielson & Associates. This company has done this type of work in the past, and has done work in the Village previously.

Commissioner Earl asked if they have photographs of what the work will look like.

Ms. Newlon said they would be going to a larger tile size; however, the tile has not yet been chosen.

Commissioner Earl asked if a different tile would be appropriate because this is a historic structure.

MOT 2017-7401 — B. Motion: Authorize \$224,981.59 to F. H. Paschen, S. N. Nielsen & Associates, LLC, Chicago, IL, for Rehabilitation of Flooring at the Main Street Commuter Station

ORD 2017-7421 — C. Ordinance: Adopt the 2015 International Residential Code and Amendments Thereto

Mr. Fieldman said that the remainder of the items on the First Reading are updates to the Building Code and he asked Community Development Director Stan Popovich to make the presentation.

Stan Popovich, Director, Community Development, noted that the Codes on the agenda apply to all commercial and residential buildings throughout the Village. The current Codes were adopted in October 2009. The building codes which were adopted at that time were the 2006 edition of the International Code Council codes. He reviewed the Codes that would be updated to 2015 requirements. These changes are to protect the health, safety and welfare of Village residents, and simplify the remaining local code amendments. These upgrades align with the Village's long-range plans, are comparable with other communities and maintain our ISO rating.

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Mr. Popovich said that the International Residential Code (IRC) addresses single family, duplexes and townhouses. It includes residential sprinklers, the underside of exposed floor framing covered, and basement remodels with escape windows only if there are sleeping rooms. With respect to remodels, it provides for battery operated and wirelessly interconnected smoke detectors.

The International Building Code update includes all construction types except those included in the IRC Code. The update includes codification of excavation protections, luminous markings in high-rise buildings, and floor level exit signs.

As for the International Fire Code, it concerns life-safety in commercial and multi-family buildings. Fire sprinklers are to be installed in all new commercial buildings, with periodic evaluation of warehouse sprinkler systems, and clarifying that smoke detectors are part of a fire alarm system.

Mr. Popovich said that there are no significant technical changes in the International Fuel Gas Code, Mechanical Code or Property Maintenance Code. No significant technical changes were made to the International Swimming Pool and Spa Code either

Mr. Popovich reviewed the schedule for these upgrades saying there would be two first readings on June 13 and 20, with Village Council consideration on July 11. The effective date for the Code changes is August 12.

Commissioner Waldack noted that when Codes are changed, people complain that they just wanted to do a small project and now they have to comply with new Codes. He asked whether they are making things tougher or easier on the public.

Mr. Popovich replied that there is an effective date established and staff will let people know when it is coming. There is some give and take as to the Codes.

Commissioner Waldack then asked whether they should look at triggers to make it residentially friendly.

Mr. Popovich said that he would talk to the building team.

Commissioner José then asked Mr. Popovich about the May 24 informational meeting. Mr. Popovich replied that 14 builders and architects attended and it was a very technical meeting. There was good tenor and conversation. He said the builders and architects are glad the Village is trying to reduce local amendments.

Commissioner Waldack asked about sprinklers, saying he is having a difficult time with this, and referenced water damage and insurance issues. He is deeply concerned about supporting this and urged people to look at Council responses. He would appreciate public feedback and thinks this could be a choice.

Mayor Tully commented that these issues have come up numerous times. It is a matter of striking an appropriate balance. He is empathetic to Commissioner Waldack's point and will continue to think about this in an attempt to strike a balance as other communities have done. He quoted "Don't Worry About the Government" by the Talking Heads.

ORD 2017-7422 — D. Ordinance: Adopt the 2015 International Building Code and Amendments Thereto

ORD 2017-7423 — E. Ordinance: Adopt the 2015 International Property Maintenance Code and Amendments Thereto

ORD 2017-7424 — F. Ordinance: Adopt the 2015 International Fire Prevention Code and Amendments Thereto

ORD 2017-7425 — G. Ordinance: Adopt the 2015 International Fuel Gas Code and Amendments Thereto

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ORD 2017-7426 — H. Ordinance: Adopt the 2015 International Mechanical Code and Amendments Thereto

ORD 2017-7427 — I. Ordinance: Adopt the 2015 International Swimming Pool and Spa Code and Amendments Thereto

ORD 2017-7428 — J. Ordinance: Amend the Alarm Code

ORD 2017-7420 — K. Ordinance: Amend Provisions for Permit Applications

8. Mayor's Report

Mayor Tully announced that on Saturday, June 17, Ben's Memorial Mile, will take place at Downers Grove North High School from 5:00-9:00 p.m. This event honors a young man from our community.

The Mayor announced that on June 25 the Tivoli Theater will present the "Magic of the Mouseketeers," with a number of the original Mouseketeers present. More information can be found at www.waltdisneybirthplace.org.

Mayor Tully noted that there are only eight days until the next Rotary GroveFest in the Village. He recommended that people get their tickets early for what he calls the world's large block party.

9. Manager's Report

10. Attorney's Report

Pursuant to Section 2.5 of the Downers Grove Municipal Code, the following are presented for Village Council consideration:

1. An ordinance adopting the 2015 International Residential Code and Amendments Thereto
2. An ordinance adopting the 2015 International Building Code and Amendments Thereto
3. An ordinance adopting the 2015 International Property Maintenance Code and Amendments Thereto
4. An ordinance adopting the 2015 International Fire Prevention Code and Amendments Thereto
5. An ordinance adopting the 2015 International Fuel Gas Code and Amendments Thereto
6. An ordinance adopting the 2015 International Mechanical Code and Amendments Thereto
7. An ordinance adopting the 2015 International Swimming Pool and Spa Code and Amendments Thereto
8. An ordinance amending the alarm code
9. An ordinance amending provisions for permit applications

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11. Council Member Reports

Commissioner Earl said that she attended the Library's unveiling of a new mural in the Children's Room that was a gift of the Library Foundation. She encouraged people to visit the Library and see it.

Mayor Tully thanked Commissioners Earl and Walus for attending.

Commissioner Walus wished all dads a Happy Father's Day.

12. Council Member New Business

MOT 2017-7402 — A. Motion: Direct Staff to Prepare an Ordinance Amending the Municipal Code re: Mosquitoes in Abandoned Swimming Pools

Summary: This directs staff to adopt codes to address swimming pools to prevent the spread of West Nile Virus.

Commissioner Waldack said he received the report from staff, and it was exactly what he was looking for. It was a very good report. He would not recommend changes in the Code currently, but said they should address enforcement. As long as the Village enforces the Code it will keep residents healthy regarding West Niles disease.

Mayor Tully said he also found the report to be helpful.

Commissioner Waldack said this brings the item to closure.

13. Adjournment

Motion: Commissioner White moved to adjourn. Commissioner Waldack seconded the motion.

Votes: Yea: Commissioners White, Waldack, Walus, Earl, José, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried and the meeting adjourned at 8:00 p.m.

Respectfully submitted,

April Holden

Village Clerk