

# Meeting Minutes

Village of Downers Grove - Council Meeting

---

Council Chambers

6/20/2017

7:00 PM

---

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 2017-7432 — A. Minutes: Council Minutes - June 13, 2017

Village of Downers Grove

Council Meeting

June 20, 2017

**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.

There were no public comments.

#### **5. Consent Agenda**

**COR 2017-7433** — A. Claims Ordinance: No. 6215, Payroll, May 26, 2017

**BIL 2017-7434** — B. Bills Payable: No. 6336, June 20, 2017

**RES 2017-7430** — C. Resolution: Authorize Nationwide Deferred Compensation Program as an Employee Benefit

**Summary:** This authorizes employees to participate in Nationwide Deferred Compensation Program.

**A RESOLUTION AUTHORIZING NATIONWIDE DEFERRED COMPENSATION PROGRAM AS AN  
EMPLOYEE BENEFIT  
RESOLUTION 2017-48**

**MOT 2017-7431** — D. Motion: Authorize \$36,776.40 to the DuPage Mayors and Managers Conference for FY 2017-18 Dues

**Summary:** This authorizes dues payment in the amount of \$36,776.40 for the DuPage Mayors and Managers Conference.

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

**Summary:** This authorizes an agreement between the Village of Downers Grove and Metra to provide funding for the maintenance of the flooring at the Main Street Commuter Station. Through this agreement Metra would provide 60% of the cost of the project, or a maximum amount of \$135,000.

**A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE VILLAGE OF DOWNERS GROVE AND METRA  
RESOLUTION 2017-49**

**MOT 2017-7401** — F. 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

Village of Downers Grove

Council Meeting

June 20, 2017

**Summary:** This authorizes a contract for the rehabilitation of flooring at the Main Street Commuter Station with F. H. Paschen, S. N. Nielsen & Associates LLC of Chicago, Illinois in the amount of \$224,981.59.

**MOT 2017-7429** — G. Motion: Award \$23,575.00 to A-1 Fowler, Inc., South Elgin, IL, for Residential Demolition Services

**Summary:** This awards a contract and execute a contract with A-1 Fowler, Inc. of South Elgin, Illinois in the amount of \$23,575.00 for resolution demolition services.

**MIN 2017-7435** — H. Minutes: Note Receipt of Minutes of Boards and Commissions

**Summary:** Plan Commission - May 1, 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

## 7. First Reading

**MOT 2017-7416** — A. Motion: Authorize the Design of Public Sidewalks in the Northwest Belmont Area  
Village Manager Dave Fieldman asked Public Works Director Nan Newlon to make the presentation on this Motion. He noted that a “yes” vote would forward this to the FY18 budget for funding.

Nan Newlon, Director, Public Works, said that the Village has constructed sidewalks on a pro-active basis for the past several decades. In 2015 the Village met over 95% of its goal to provide sidewalks on at least one side of the street in Village neighborhoods, and since then has used a petition driven approach to new sidewalk construction. She said that in 2016 a petition was received to construct sidewalks in the area bounded by Ogden Avenue, Belmont Road, Burlington and Walnut. The area was annexed into the Village in 2012, and would have been next on the Village's sidewalk matrix. It was ranked as a high priority in 2015. Ms. Newlon said upon receipt of the petition the request was taken to the Transportation and Parking Commission (TAP). The TAP recommended moving forward with this item. Ms. Newlon noted that this area is currently being studied for drainage and street improvements.

Mayor Tully pointed out that had the Village continued working with the sidewalk matrix, this area would have been next on the list. He said that TCD II led to the recommendation for the Village to install sidewalks on one side of the street throughout the Village. That plan was in place for two decades, and depending upon resources, the Council would allocate money for sidewalk segments. The Mayor noted that neighborhood meetings were interesting with many people supporting the program, and many opposed. This is the first petition-driven request. The Village looks at bundling projects, and he is in favor of exploring this as it makes sense to do it in conjunction with other projects.

Commissioner Waldack commented that the Council received many remarks from the public and he thanked residents for their input.

Village of Downers Grove

Council Meeting

June 20, 2017

Mayor Tully explained that tonight Commissioner Waldack is modeling a shirt that the Council members will be wearing at the Rotary GroveFest this weekend.

Commissioner José said he agrees that the Council should explore this, and he looks forward to discussing it further. It makes sense to consider it.

Commissioner Barnett referenced the Comprehensive Plan with its various revisions over the years including the Pedestrian and Bike Plan, saying that sidewalks are still a priority. He is interested in considering this for any neighborhood that expresses an interest in sidewalk installation.

1. Raegan Cates, 2537 Indianapolis Avenue, said she and her husband are strongly in favor of this and consider it a safety concern. She referenced connectivity to facilities in her neighborhood. She thanked Public Works for all of their work, the Transportation and Parking Commission for recommending it, and the Council for considering this.

2. Aaron Cates thanked the Council for addressing the safety needs of their neighborhood. He is very much pro sidewalks.

3. Lauren Singdahlsen, 2529 Indianapolis Avenue, said that everyone attending is pro sidewalk and feels very strongly about this for their neighborhood.

Mayor Tully commented that if the Village moves forward with this, people will become interested in the design process. He is proud of the work Public Works does to be creative and ADA compliant.

4. Wayne Enerson, 4805 Cross, suggested the bike route be changed. Instead of going from Burlington to Cross, he suggested they go from Burlington to Walnut, and Walnut to Ogden. Bikers often ride 3-4 abreast and don't pay attention to the traffic.

Commissioner White asked about the procedure, timeline, design and construction phases should there be an affirmative vote by the Council to move forward.

Mr. Fieldman said tonight was information gathering regarding the budget and preliminary design.

Commissioner White then clarified that this would take place in 2018.

Ms. Newlon added that it might be a multi-phase program in terms of the budget and scope of the project.

Commissioner White stated that he supports gathering the information.

#### **ORD 2017-7408** — B. Ordinance: Amend Certain Parking and Traffic Provisions

Ms. Newlon said this concerns modifications to traffic controls on various streets in the Village including Neighborhood Traffic Study 5, bounded by Ogden Avenue, Walnut Avenue, Burlington Avenue, and Belmont Road. The Transportation and Parking Commission at its May meeting considered amendments to traffic regulations at: 1) 35<sup>th</sup> Street at Pomeroy Court; 2) Venard Road at Oak Hill Court; 3) 39<sup>th</sup> Street at Williams Street; 4) Jefferson Avenue at Brookbank Road; 5) Branding Lane at Scheldrup Street; and 6) Oak Grove Drive at Frontage Road.

Ms. Newlon said at the April meeting of TAP, they discussed the goals of Neighborhood Study #5 including concerns regarding pedestrian crossings, intersection traffic control, speeding, etc. The findings were that traffic volumes were within established standards, with some cut-through traffic and occasional speeding. Staff recommends providing traffic control at all intersections in the neighborhood. In addition they recommend installing new Stop signs at intersections with no control, installing new and enhanced pedestrian signage, and following up on speed and volume controls.

Commissioner Barnett asked whether Belmont and Prairie were included.

Ms. Newlon said that was not included. She said the County made changes with the signal operation at that location and it has been working well.

1. Wayne Enerson, 4805 Cross Street, said that last year a preliminary estimate for sidewalks was \$311,000. In April, the neighbors were told that staff would come up with a comprehensive plan; however, it appears that this is going to stretch on. Regarding a stripe for bike lanes, Mr. Enerson recommended they stripe the streets first as the center lines cannot be seen. He also asked about the cost of the KOLA traffic study, which was \$14,000. He has a hard time digesting that as they came up with a report and plan, and now a Stop sign will be installed at all T intersections. He said if this is a general guideline it should have been done sooner. Mr. Enerson doesn't understand the cost of a study for things that are the norm. He thinks they could have done it without spending \$14,000. He then discussed the traffic count, saying he doesn't know why they need a traffic count. His opinion is that the money was spent frivolously. The Public Works Department could have come up with the same answers. He sees this as piecemeal work.

Mayor Tully said that the Village will look further into the sidewalks. The traffic study looked at more than what was simply addressed here. In terms of liability, it is wise to have a well-documented and well-researched traffic study available.

2. Adam Carey commented that he has a problem with the "S" curve. It is not a place for a Stop sign since vision is obstructed and there has never been an issue at that location.

3. Scott Rogers said that those signs were removed from the final recommendation. The Hertz dealership has dumped gravel there and they park on Drendel on both sides of the street and overnight.

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

Mr. Fieldman explained that Items C-K relate to updating the building Codes to meet the 2015 series standards. He noted that Community Development Director Stan Popovich reviewed these items at the last Council meeting and no further presentation would be made at this time. The Manager said staff would like to hear Council's thoughts on fire sprinklers in new single-family home construction or any other issues.

Commissioner Waldack thanked staff for information as to when a project would require a homeowner to bring nonconforming elements of an existing house into compliance with the current code. People dread hearing that a small project triggers a need to bring the home up to Code. He said that staff's response was a very good explanation regarding safety and compromising safety. Homeowners have to bring things up to the Codes under which the house was built. He encouraged people to look at the response. Regarding sprinklers, Commissioner Waldack referenced the recent fire in London, saying in that situation sprinklers may have been able to save lives. A senior home in Downers Grove had a false alarm that did a lot of damage and people were displaced. Residential homes have alarm requirements. Sprinklers are expensive, and have to be maintained and inspected. They can disperse a lot of water in a short period of time. He thinks it should be up to the resident or builder to make an active choice at the time of construction. There should be a sign-off sheet with the advantages and disadvantages listed. He would not want this to be a requirement.

Commissioner José commented that he respects property owners' rights, but safety issues outweigh that. Nationwide costs in 2016 were \$6,000. Westmont's range was between \$7400 to \$13,000 for up to 5900 square feet of space. He does not think that is too expensive given the cost of a larger home. There were 38 fires in single-family homes in the past five years. The Fire Chief recommended this, and Commissioner José said that he thinks they owe it to homeowners and firefighters to follow this recommendation. It is a small price for a large benefit, and he supports this.

Commissioner Earl said that she watched her childhood home burn. The sprinkler system would not have helped. Building their new home, her parents had to install sprinklers. It was expensive and a yearly burden has been forced upon them. She said she would rather this be a choice. She has no objection to alternatives, similar to what they have in Naperville.

Village of Downers Grove

Council Meeting

June 20, 2017

Commissioner Walus commented that she has asked a lot of questions regarding this. She is interested in Commissioner Earl's idea and likes what Naperville and Wheaton did. She would be comfortable with either of those exceptions or a hybrid.

Commissioner Barnett expressed his reluctance to compel the installation of sprinkler systems. He struggles with adding burdens to homeowners. He said as they add cost that only affects the occupants of the building, he would like it to be their choice as much as possible. The costs are real. There is always another safety element that could be compelled. He said that Commissioner Hose's comment about firefighters gives him pause. Sprinklers are reliable and effective, however it feels like a heavy burden. He is inclined to remove that requirement at this time.

Commissioner White said he is also leaning toward not having a requirement. He likes Commissioner Waldack's suggestion that the Village have something on record showing that the person filing for the permit made a conscious decision regarding the installation of sprinklers by making an informed choice as part of the permit process. He said that his feeling is solely regarding single-family homes. The Village needs sprinklers for multi-family housing. He is concerned about inspections and enforcement. If the changes make sense they should be part of the Code.

Mayor Tully said this has come up many times in the past, and at this time they are only addressing single-family homes. He is convinced that the incremental cost does not justify the incremental benefit. The Mayor said he is open to a hybrid solution, but he is not convinced it is necessary to require sprinklers.

Commissioner White commented regarding the development of materials, new homes burn a lot faster than those of 20-30 years ago, as do the furnishings. He still feels that the applicant should make the decision.

Commissioner Waldack spoke to the failure of sprinkler systems, saying he saw an article about liability as it relates to the installers and accidentally setting off a sprinkler. He spoke about insurance companies and their reluctance to pay for damages. He feels an informed decision is best.

**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

**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

Village of Downers Grove

Council Meeting

June 20, 2017

## 8. Mayor's Report

Mayor Tully reminded everyone that Rotary GroveFest takes place Thursday-Sunday, and is known as the largest block party in town. Information can be found at [www.rotarygrovefest.com](http://www.rotarygrovefest.com). He said there will be a Village Council booth at the corner of Main and Burlington on Friday through Sunday.

The Mayor said he looks forward to seeing everyone at GroveFest, and invited everyone to the Village's annual Independence Day Parade.

Mr. Fieldman said there will be more bands and a larger parade than ever.

## 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 amending certain parking and traffic provisions

## 11. Council Member Reports

Commissioner Waldack asked that, with respect to celebrating July 4<sup>th</sup>, people leave the fireworks to the experts.

## 12. Council Member New Business

**MOT 2017-7436** — A. Motion: Direct Staff to Prepare an Ordinance Amending Chapter 26 of the Municipal Code to Remove Investment Limit for Existing Homes in Localized Poor Drainage Areas

Mayor Tully asked Commissioner Barnett to introduce this item.

Commissioner Barnett said he has two items of Council Member New Business and asked to make his comments about them together prior to making a motion. They are both stormwater related.

One item relates to Localized Poor Drainage Areas (LPDAs); the other item concerns the ordinance as it relates to redevelopment and on-site detention. The contrast to him is striking. On the one hand we prevent people whose property might experience difficulty with flooding from remodeling or upgrading their homes, depending on the value, even when the upgrades have zero effect on flooding. On the other hand, we allow people whose property is generally not in an LPDA to build new construction and additions in such a way as to worsen the conditions of their neighbors. This to him is striking. Depending on one's elevation, they cannot invest or re-invest in their own property to a certain level, and yet we are more than happy to allow those at a little higher elevation to make others' lives a little worse. In the first instance, the Village has no real interest. The ordinance seems to be modeled after a FEMA ordinance, but the Village is not actually in the business of insuring or buying these properties. The Village has no real interest. In this situation, the Village does not want one to make an investment in their house even when it has no effect on flooding. He said he is struggling with this.

Commissioner Barnett said it is an interesting concept that there is a fixed dollar value limiting the investment regardless of the year in which the work was done. We are working against ourselves with trying to get our community to stay focused on improving their properties and maintaining them.

Village of Downers Grove

Council Meeting

June 20, 2017

The Village has a huge interest with respect to the second item. Two things happen when a new house is built, remodeled or added onto in such a way as to increase the runoff on their site. Neighbors will complain before the Council, and the Council has assumed some additional burden on the public infrastructure. The Council needs to fix that. In 2007 and 2013, the Village went to a great deal of effort and spent a lot of resources to try to fix drainage problems and to properly prioritize them. The Village also implemented a new utility just for this purpose. However, by allowing this we are telling people to go ahead and make those problems worse. He thinks these two issues are related to each other.

**Motion:** Commissioner Barnett moved to direct staff to prepare an ordinance amending Chapter 26 of the Municipal Code to remove the investment limit for existing homes in localized poor drainage areas. Commissioner José seconded the motion.

Commissioner White said both topics are highly compelling. The question is when and how. He understands that long range planning will take place soon. We might get this on the agenda sooner by going through the long range plan process than as a traditional new business item. These are two important pieces of a big puzzle; he is not in favor of voting in favor of the motion. He is strongly in favor of finding a definite time to discuss this and get this done. He is not downgrading the importance of this topic in any way, but he is not sure that should be on a separate track. It should be part of a work plan. He thinks Council will be talking about this in July.

Commissioner Earl agreed with Commissioner White.

Commissioner José said he thinks Commissioner White's comments more appropriately address the second motion. He thinks the second motion is a larger conversation in terms of flooding concerns and how are they going to be solved. He said the second motion is a very good way to go about solving flooding concerns, but a larger conversation about all the options is warranted and makes sense in the context of long range planning. The motion on the table is much more discreet and easier to analyze and deserves more immediate consideration.

With respect to the first motion, Commissioner Barnett said that the Village has no real interest in this situation. Because of this, he feels this could be acted upon immediately. There is no change in terms of any value to the Village or the public by changing this.

Commissioner White replied that he thinks there is a Village interest. He would want the same information for this item as well as Item B. The Village does have an interest in reducing the incidence of flooding basements. He recommends one report to address both issues.

Commissioner Barnett responded that he is only questioning the dollar value investment part of the LPDA ordinance. He said the dollar value does not impact the design as it relates to flood conditions, elevations or site conditions. This simply says that if someone wants to invest \$100,000 in their upstairs they can do it. He thinks there is an arbitrary dollar value limit.

Mayor Tully said regarding the investment amount, it can be addressed in the existing framework of the Stormwater Ordinance without changing regulations or requirements. He said this motion has to do with what the dollar amount has to do with achieving the objectives of the existing regulations. Council is hearing that the Ordinance is preventing people from improving their property and bringing them more in line with our current stormwater regulations. He would be supportive of getting more information from staff as to what is useful or another way to achieve the same thing while being respectful of current regulations.

Commissioner White said he sees parallels with the rules about reconstructing a house that is destroyed that has a nonconforming use. His understanding is that in this situation if more than 50% of the value of the structure is demolished, it cannot be rebuild. The policy goal of such a regulation is to, over time, reduce the numbers of nonconforming structures within the Village. By preventing re-investment in a home that is in an LPDA, that facilitates the goal of having the property redeveloped in a way that is above the LPDA flood line. If re-investment in the property is allowed, it is less likely that it will eventually be redeveloped such that it is no longer in the LPDA due to lot reconfiguration. He believes that both of the new business items should be addressed at the same time.

Village of Downers Grove

Council Meeting

June 20, 2017

Mayor Tully explained that he doesn't want to have a debate right now, as there isn't enough information. He thinks they would benefit from staff's report.

Commissioner White expressed his opposition to having this item outside of the long-range plan discussion. He commented that he thinks the Council would receive a report that they have already received. He'd rather wait until the long-range plan and look at the stormwater situation as a whole. He is not ready to move on these items now.

Commissioner Walus agreed, saying she would like to learn more, and would like to bundle them together.

**Votes:** Yea: Commissioners Barnett, Hosé; Mayor Tully

Nay: Commissioners Walus, Earl, Waldack, White

Mayor Tully declared the motion failed 4:3.

**MOT 2017-7437** — B. Motion: Direct Staff to Prepare an Ordinance Amending Chapter 26 of the Municipal Code to Require On-Site Detention for New Residential Construction

Commissioner Barnett said that this subject has been brought up for about eight years. Permits have been issued and resulted in stormwater issues for neighbors. He thinks they are pitting neighbors against each other.

Commissioner Hosé said he looks forward to discussing this, as it deserves significant attention. The Village's flooding problems are not going to go away.

Commissioner Waldack said he felt they should include this in a general conversation about stormwater.

Mayor Tully stated they should address this as part of long range planning, and they should include conversations about the budget. He said that the Village has never fully funded the stormwater utility as envisioned. The plan has been in place, but funding is not at the level recommended.

Commissioner Barnett withdrew the Motion.

### 13. Adjournment

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

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

Nay: None

Mayor Tully declared the motion carried and the meeting adjourned at 8:32 p.m.

Respectfully submitted,  
April Holden  
Village Clerk