

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

12/5/2017

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.

Mayor Tully complimented staff on the introductory video.

Village Manager Dave Fieldman thanked Doug Kozlowski, Chris Derylo and the Communications Department team for their work.

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 (arr. 7:25 p.m.); 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.

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3. Minutes of Council Meetings

MIN 2017-7601 — A. Minutes: Council Minutes - November 21, 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. Presentation

Economic Development Corporation Quarterly Report

Michael Cassa, President and CEO of the Downers Grove Economic Development Corporation (EDC), 5159 Mochel, reported on recent projects. Packey Webb opened their new dealership on Ogden Avenue, which he thought would serve as an anchor for redevelopment in the central part of Ogden. Vequity Real Estate also broke ground in late November, known as Downers Grove Town Center, at the northwest corner of Ogden and Main. They have six tenants including four restaurants. Ashley Furniture opened their new store on November 22, and Lincoln has submitted plans for the renovation of their dealership. Outback Steakhouse will open their new restaurant at Finley and Butterfield. Mission BBQ, a national sit-down restaurant chain, is under construction in the previous Ruby Tuesday's at Finley Square. There are opportunities for Grove Shopping Center and the EDC is working closely with several different groups. This shopping center is their highest priority. United Heath Care also completed their move to Downers Grove in their regional office in the Corridors II building. In addition, NEC has moved their corporate headquarters to Downers Grove on Butterfield Road leasing 50,000 square feet. Bridge Development has a 700,000 square foot development that is before the Council this evening. Finally, Rexnord had their groundbreaking ceremony held last month. They have signed an agreement to bring all of their overnight stays for their company to Downers Grove. Mr. Cassa said ran the story regarding Rexnord.

Mr. Cassa then noted that the second quarter of 2017 was almost identical to the same period of 2016. Downers Grove's municipal sales tax was basically break-even for 2016-2017. He showed a comparison table of competitive communities. He noted that Downers Grove's Municipal Sales Tax from January 1 to August 31 of 2017 was down 2.5%. He also reviewed the second quarter 2017 sales tax by category, identifying that the most sales tax dollars come from restaurants, drugs and miscellaneous, and automotive. The percent of change was +4.25%.

Mr. Cassa discussed work the EDC is doing in the areas of economic development tools, marketing and advertising as a part of the Village's EDC priority action item. The EDC exhibited in September at the ICSC Deal Making Show, and held its broker's reception at Alter Brewing. He thanked Village Council members and staff who attended that event. He described media advertising efforts. The latest issue of Northern Illinois Real Estate Magazine features Downers Grove and the Vequity groundbreaking. The Village was also featured in an eight-page spread in Crains Chicago Business.

Mr. Cassa outlined 2018 reporting dates. Next year's reports to the Village Council will be on March 13, June 12, September 11 and December 11, 2018. Also, this coming Thursday from 4:30-6:30 p.m., the EDC will hold its annual Holiday Open House at their offices on Mochel Drive.

Commissioner White said he appreciated the focus on the comparable trade areas. Sales tax is a significant portion of the Village's budget. The only way to measure how we are doing is by comparing ourselves to other communities in the trade area.

Mr. Cassa said that every economic developer in Illinois is in a similar situation with a shrinking tenant market. He said he is inundated with all retail newsletters. He discussed the ecommerce trends that will enable an

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individual to purchase items while driving. Starbuck's and Dunkin' Donuts are the first signed up for this service. It is important for the Village to say ahead of the competition. It is helpful that the Village has identified catalyst sites in its Comprehensive Plan. That Plan is the roadmap for the EDC.

Commissioner Waldack said this was an excellent report. He said it would be nice to have an EDC wish list of real needs to help toward further success.

Mr. Cassa said the board looks ahead at their January meeting; he will report back after that meeting.

5. Public Comments

This is the opportunity for public comments.

Jim Smalley, a resident at 246 56th Street, said he has been before the Council previously, as well as talking with staff since 1994 about flooding in his neighborhood. He noted flooding has taken place in 1985, 96, 2002, 04, 08, 09, 13, and October 2017. Residents continue to have to clean up after these events while the Village continues its failure to manage and maintain the stormwater events in their neighborhood. The flooding events create life safety issues within the subdivision. The drainage area behind 56th Street has not been managed in over 30 years in Deer Creek. Erosion is terrible and there is broken concrete in the drainage ditch. He said that these issues have been raised by a number of residents, and in 2013 the Village identified their area as a priority project. He said following the last event in October, there were two example of the Village's lack of concern. On October 14, a Village truck was able to get into the area and staff made a comment that it's Westmont's water, referencing the retention area to the south of their subdivision. He also saw some quotes in the Suburban Life by Mr. Fieldman that they would be reviewing ordinances in November and December to mitigate stormwater. Mr. Smalley said that Ordinances will not solve the problem. Actions to manage and maintain the system will. Downers Grove is a waiver right community, and in his discussions with the County, Mr. Smalley has been informed that there are Ordinances that the Village needs to follow to keep that status. Mr. Smalley said that has not been done in his neighborhood, resulting in the multiple events he referenced earlier. Mr. Smalley then referenced another comment made by Commissioner White that staff would come back with recommendations. He then asked what staff has been doing since 2013. Ordinances have been created that burden the residents who are already paying taxes and stormwater fees. When residents try to take action to protect their homes it usually costs them thousands or hundreds of thousands of dollars to do so. The bureaucracy is insane, or there is a lack of leadership or lack of management oversight by individuals in positions who are not qualified to do the job. He suggested if staff is not familiar with the issues impacting the area, they could set up neighborhood meetings with the residents to learn more about the problems that are going on. For each of the events mentioned, Mr. Smalley said that residents have not seen anyone come through the neighborhood during or after the event has taken place. If meetings are held with the residents, staff and residents can work together on a common sense approach toward improving the situation.

Mayor Tully asked for an update of what has been done in Deer Creek. He said that it is a challenging area, and projects are extremely expensive. He noted that is not an excuse but an observation, and said that the subdivision has not fallen off the radar. He said that extreme rains seem to happen more frequently lately. In response to this inquiry, the Council will receive an update, and he will be happy to come to the neighborhood and sit down and review the reports.

Mr. Smalley said that the residents are getting very frustrated. Many have had to take extraordinary measures to save their homes. With no work scheduled to be done until 2020-2024, it is a problem the Council needs to understand.

Mayor Tully replied that one of the issues is that there is not indifference, but there are many challenges. That is not an excuse, and the Council is very sympathetic to flooding. Stormwater projects for the entire Village would be in excess of \$200 million dollars and could take years. He said he was aware of the flooding problems in the area as well as the multijurisdictional problems.

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Commissioner White said he is familiar with the capital projects for the area. The problem is funding it. He thinks it should be near the top of the list; however, very few have been funded and it is a matter of issuing bonds.

Mr. Smalley noted that the people cannot sell their homes, and there is no capacity in the drainage ditch.

Mayor Tully commented that Downers Grove has more restrictive rules than DuPage County as it relates to stormwater regulation. He said they are trying to take a multi-pronged approach on a community-wide basis.

6. Public Hearings

PUB 2017-7600 — A. Public Hearing: 2017 Aggregate Tax Levy and Abatements for the Village of Downers Grove

Mayor Tully called the public hearing to order at 7:40 p.m. pursuant to the Illinois Truth in Taxation Law to consider the proposed 2017 tax levy of the Village of Downers Grove. Notice of this hearing was published in the Downers Grove Suburban Life and a copy of the notice and the proof of publication have been presented and are made a part of the official record of this hearing.

The Mayor summarized the procedures to be followed for the public hearing.

Village Manager David Fieldman asked Deputy Village Manager Mike Baker to present information regarding the Tax Levy.

Mike Baker, Deputy Village Manager, said the total levy is \$27,315,085. The abatements amount to \$8,452,872. He explained that abating a tax means there are other sources of revenue to pay for a particular portion of the levy. The Library tax levy is \$5,182,314 and the levies for the Special Service Areas amount to \$331,065. Subtracting the abatements, the 2017 levy is \$13,348,834. The 2016 levy was \$12,794,850. The 2017 levy is \$553,850 more than the 2016 levy due to increases in the public safety pension levies. The levy for Village operations remains flat for the seventh year.

Mr. Baker said that a homeowner with a \$300,000 market value home in 2017 will pay \$584 in property taxes to the Village, which represents 9.5% of the overall tax bill.

Mayor Tully asked to see the Library levy for the past five years. He congratulated the staff on efforts taken to keep the Village operations portion of the levy flat.

There being no further discussion, the public hearing was adjourned at 7:46 p.m.

7. Consent Agenda

COR 2017-7602 — A. Claims Ordinance: No. 6239, Payroll, November 10, 2017

BIL 2017-7603 — B. Bills Payable: No. 6366, December 5, 2017

MOT 2017-7599 — C. Motion: Authorize \$18,007.50 to Ray O'Herron Co., Inc. for Ballistic Rifle Vests

Summary: The Police Department conducted a call for bids for ballistic rifle vests. Ray O'Herron Co. Inc. provided the only bid response, and has met the bid specifications. The one-size-fits-all ballistic rifle vests provide an additional layer of protection for officers responding to emergency calls involving special threats. The ballistic rifle vests will be strategically deployed to ensure they are readily available for officers responding to special threat emergencies.

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MOT 2017-7568 — D. Motion: Authorize the Purchase and Renewal of General Liability, Property, Excess Liability and Workers Compensation Insurance Coverages

Summary: This authorizes the purchase and renewal of general liability, property, excess liability and workers compensation insurance coverages for the Village through December 31, 2018.

MOT 2017-7605 — E. Motion: Authorize \$42,000.00 to Midwest Fence Corporation, Chicago, IL, for Guardrail Repair and Replacement

Summary: This awards a contract for Guardrail Repair and replacement (ST-050) to Midwest Fence Corporation of Chicago, Illinois in the amount of \$42,000.

MIN 2017-7604 — F. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Architectural Design Review Board - October 18, 2017; Environmental Concerns Commission - June 8, 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.

8. Active Agenda

ORD 2017-7523 — A. Ordinance: Adopt the Fiscal Year 2018 Budget in Lieu of Passage of an Appropriation Ordinance

Summary: This adopts the fiscal year 2018 budget in lieu of an appropriation ordinance. As provided by law, proper notice has been given, the budget has been available for inspection for at least ten days, and a public hearing was held on November 7, 2017.

AN ORDINANCE ADOPTING THE FISCAL YEAR 2018 BUDGET IN LIEU OF PASSAGE OF AN APPROPRIATION ORDINANCE

ORDINANCE NO. 5653

Motion: Commissioner White moved to adopt "An Ordinance Adopting the Fiscal Year 2018 Budget in Lieu of Passage of an Appropriation Ordinance," as presented. Commissioner Waldack seconded the motion.

Commissioner José thanked the staff for their work. It is a difficult task and he appreciates the efforts of the Council as well. The problem is that it contains the cementing of the policy for the next couple of years not to act on the facilities, and he cannot support it for that reason. He thinks they are putting band-aids on top of band-aids for the Police Department and Village Hall. He will vote against it.

Mayor Tully commented that he also appreciates staff's and his colleagues' efforts to balance the budget. It is a budget and these are targets. There is no reason the Council cannot take up the facilities discussion at any time

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

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Nay: Commissioners Hosé, Barnett

Mayor Tully declared the motion carried.

RES 2017-7590 — B. Resolution: Authorize a Third Amendment to the Sales Tax Rebate Agreement with Downers Grove Imports, Ltd. d/b/a Pugi of Chicagoland

Summary: This authorizes execution of a third amendment to the Sales Tax Rebate Agreement with Downers Grove Imports, Ltd. d/b/a Pugi of Chicagoland.

**A RESOLUTION AUTHORIZING EXECUTION OF A THIRD AMENDMENT TO THE SALES TAX
REBATE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND DOWNERS
GROVE IMPORTS, LTD. D/B/A PUGI OF CHICAGOLAND**

RESOLUTION 2017-95

Motion: Commissioner White moved to adopt "A Resolution Authorizing Execution of a Third Amendment to the Sales Tax Rebate Agreement between the Village of Downers Grove and Downers Grove Imports, Ltd. d/b/a Pugi of Chicagoland," as presented. Commissioner Waldack seconded the motion

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

Nay: None

Mayor Tully declared the motion carried.

RES 2017-7572 — C. Resolution: Approve Final Plat of Subdivision for 3600 Lacey Road

Summary: This approves the final plat of subdivision for the property located at 3600 Lacey Road.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 3600 LACEY ROAD

RESOLUTION 2017-96

Motion: Commissioner White moved to adopt "A Resolution Approving the Final Plat of Subdivision for 3600 Lacey," as presented. Commissioner Waldack seconded the motion

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

Nay: None

Mayor Tully declared the motion carried.

9. First Reading

Mr. Fieldman said that items F-V (2017 tax levies) will not be presented again as they are the same items discussed during the Public Hearing.

ORD 2017-7571 — A. Ordinance: Rezone Certain Property Located at 4340 Prince Street

Stan Popovich, Director, Community Development, said this property is south of Ogden Avenue between Saratoga and Prince. He noted that the Township owns the parcel, and this ordinance is to rezone this from R-6 and B-2 to an institutional classification of INP-1. There is a development at this corner that complies with the Village's Comprehensive Plan. The Plan Commission found that the rezoning meets the criteria.

Commissioner Barnett commented to Mark Thoman that once this rezoning takes place, it is difficult to rezone it back to the original zoning. He said he was fine with the request, but wanted to make sure that the Township is aware of that.

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Mark Thoman, Downers Grove Township Supervisor, said they are aware of it and support the rezoning and consolidating. The properties are located in an LPDA and redevelopment of the site is relatively nonexistent. He thanked Mr. Popovich and staff for their patience and assistance.

Mayor Tully said that there is a good history of collaboration and cooperation between the Village and the Township. This parcel was in mind when the INP-1 classification was created. He added that he thought District 99 would be interested in this if it goes fallow.

ORD 2017-7598 — B. Ordinance: Authorize the Extension of a Special Use to Permit Construction and Redevelopment of a Fueling Station and Car Wash at 1401-1445 Ogden Avenue to March 20, 2018

Mr. Popovich said this is a special use extension for the property located between Seeley and Oakwood Avenues, known as the Delta Sonic site. The applicant has been working with the staff since September 2016, but the permit was not issued. They are asking for a six-month extension at this time.

RES 2017-7542 — C. Resolution: Authorize a First Amendment to Subdivision Improvement Agreement with Bradley Property Holdings, LLC and Bradley Construction Services for the McNerney Subdivision

Mr. Popovich noted that this is the First Amendment to the subdivision improvement agreement for the McNerney Subdivision located at 61st and Plymouth. The subdivision was approved in 2006 and this Resolution is for an amendment to that Agreement.

RES 2017-7593 — D. Resolution: Grant Historic Landmark Designation for 4632 Main Street

Mr. Popovich stated that the property at 4632 Main Street is located on the west side of Main Street, and is a Craftsman Bungalow that is being considered for landmarking status. It is a Harris Brothers kit home and is 95 years old. He said this is an excellent example of a Craftsman Bungalow.

Brian Beechler, owner of the property, said he appreciated the opportunity to have his home landmarked. He fell in love with the home and has tried to do everything he can to maintain it to its original condition. An addition was built on the back; however, they attempted to maintain the structural integrity of the home. He loves Downers Grove, and he is glad that others enjoy his home as well. He also loves the mix of homes in the Village.

Mayor Tully thanked him for bringing this application forward.

Amy Gassen, 5320 Benton Avenue, thanked the owners for bringing this forward for landmark status.

Chuck Holtzen, 5226 Carpenter, gave her support for this request as well. It's awesome that it is the first kit home.

Rich Kulovany, 6825 Camden, said he supports this landmark application. It is a gem on Main Street. He also thinks that it is significant that this is the first kit home landmarked, and noted that initially it was thought to be a Sears home due to a receipt found on the premises; however, further investigation showed it to be a Harris Home, which predates the Sears kit homes.

RES 2017-7594 — E. Resolution: Grant Historic Landmark Designation for 1324 Maple Avenue

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Mr. Popovich commented that this property is on the north side of Maple Avenue and was built in 1936 as part of a National Architectural Competition sponsored by General Electric as part of the Century of Progress Exhibition. The home was owned at one time by Dr. William P. Jesse, and was built by Jacob T. Schless Construction. Dr. Jesse worked on the Manhattan Project, and worked at Argonne National Laboratory. Mr. Schless also built the Tivoli Theater in Downers Grove. The historical significance of the home meets landmark criteria for this property.

Ms. Holtzman said she met the homeowners and learned a lot about Dr. Jesse. She said this is an awesome home and is largely in its original shape. She's become very good friends with Dr. Jesse and has enjoyed helping research the information for this landmark application.

Byron Holtzman, 5226 Carpenter Street, said he also supports this landmarking application, and said he thinks this is the first time a landmarked home has had national significance.

Mr. Kulovany said this is very exciting. At the ADRB meeting he spoke of the significance of Dr. Jesse and how this was one of the seven homes across the country that won the contest. He noted how it had many aspects of a puzzle with unique information about the homeowners and builders that seemed to be tied together.

Ms. Gassen said she fully supports this request. She said it is the youngest home to be landmarked, and it is interesting that this property has so much history.

Mayor Tully thanked the owners of this home for bringing this forward. It adds to the dimension of the landmark portfolio of the Village.

ORD 2017-7607 — F. Ordinance: 2017 Aggregate Tax Levy

Mr. Fieldman said Items F-V have been discussed as part of the Public Hearing.

Mayor Tully explained that the amount levied will be abated based on other forms of revenue, so that they do not actually collect the amount levied. He requested historic information on the Library Levy again, as he is concerned about a portion of the Levy over which the Village has no control.

ORD 2017-7608 — G. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2017 and ending on the Thirty-First Day of December 2017 for the Village of Downers Grove Special Service Area #2 (Downers Grove Downtown Service Area)

ORD 2017-7609 — H. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2017 and ending on the Thirty-First Day of December 2017 for the Village of Downers Grove Special Service Area #4 (Green Acres Subdivision)

ORD 2017-7610 — I. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2017 and ending on the Thirty-First Day of December 2017 for the Village of Downers Grove Special Service Area #5 (Atwood Subdivision)

ORD 2017-7611 — J. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2017 and ending on the Thirty-First Day of December 2017 for the Village of Downers Grove Special Service Area #6 (Fairview Fire Protection District)

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ORD 2017-7612 — K. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2017 and ending on the Thirty-First Day of December 2017 for the Village of Downers Grove Special Service Area #7 (Dunham Subdivision)

ORD 2017-7613 — L. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2017 and ending on the Thirty-First Day of December 2017 for the Village of Downers Grove Special Service Area #8 (Nelson Meadow Subdivision)

ORD 2017-7614 — M. Ordinance: Levying of Taxes for the Fiscal Year Commencing on the First Day of January 2017 and ending on the Thirty-First Day of December 2017 for the Village of Downers Grove Special Service Area #9 (35th and Saratoga Subdivision)

ORD 2017-7615 — N. Ordinance: Abate a Portion of the 2017 Tax Levy Related to the General Obligation Bonds, Series 2009

ORD 2017-7616 — O. Ordinance: Abate a Portion of the 2017 Tax Levy Related to the General Obligation Bonds, Series 2010

ORD 2017-7617 — P. Ordinance: Abate a Portion of the 2017 Tax Levy Related to the General Obligation Bonds, Series 2010B

ORD 2017-7618 — Q. Ordinance: Abate a Portion of the 2017 Tax Levy Related to the General Obligation Bonds, Series 2012

ORD 2017-7619 — R. Ordinance: Abate a Portion of the 2017 Tax Levy Related to the General Obligation Bonds, Series 2013A

ORD 2017-7620 — S. Ordinance: Abate a Portion of the 2017 Tax Levy Related to the General Obligation Refunding Bonds, Series 2014

ORD 2017-7621 — T. Ordinance: Abate a Portion of the 2017 Tax Levy Related to the General Obligation Refunding Bonds, Series 2015

ORD 2017-7622 — U. Ordinance: Abate a Portion of the 2017 Tax Levy Related to the General Obligation Refunding Bonds, Series 2016

ORD 2017-7623 — V. Ordinance: Abate a Portion of the 2017 Tax Levy Related to the General Obligation Refunding Bonds, Series 2017

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10. Mayor's Report

The Mayor said that on Monday, December 4, 2017, at noon, the Village joined with other municipalities to kick-off the Bicentennial celebration for the State of Illinois. He noted that a bicentennial flag was raised at Village Hall, and the Downers Grove Choral Society sang the State song.

Mayor Tully said that he is a District 3 representative to the Stormwater Management Committee, and noted that the County staff revealed a new series of animated maps to predict when there will be flooding events, and over what period of time they will occur. This is not yet available on their website.

11. 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 rezoning certain property located at 4340 Prince Street
2. An ordinance authorizing the extension of a special use to permit construction and redevelopment of a fueling station and car wash at 1401-1445 Ogden Avenue to March 20, 2018
3. The 2017 Aggregate Tax Levy Ordinance
4. An ordinance for the levying of taxes for the fiscal year commencing on the first day of January 2017 and ending on the thirty-first day of December 2017 for Village of Downers Grove Special Service Area #2 (Downers Grove Downtown Service Area)
5. An ordinance for the levying of taxes for the fiscal year commencing on the first day of January 2017 and ending on the thirty-first day of December 2017 for Village of Downers Grove Special Service Area #4 (Green Acres Subdivision)
6. An ordinance for the levying of taxes for the fiscal year commencing on the first day of January 2017 and ending on the thirty-first day of December 2017 for Village of Downers Grove Special Service Area #5 (Atwood Subdivision)
7. An ordinance for the levying of taxes for the fiscal year commencing on the first day of January 2017 and ending on the thirty-first day of December 2017 for Village of Downers Grove Special Service Area #6 (Fairview Fire Protection District)
8. An ordinance for the levying of taxes for the fiscal year commencing on the first day of January 2017 and ending on the thirty-first day of December 2017 for Village of Downers Grove Special Service Area #7 (Dunham Subdivision)
9. An ordinance for the levying of taxes for the fiscal year commencing on the first day of January 2017 and ending on the thirty-first day of December 2017 for Village of Downers Grove Special Service Area #8 (Nelson Meadow Subdivision)
10. An ordinance for the levying of taxes for the fiscal year commencing on the first day of January 2017 and ending on the thirty-first day of December 2017 for Village of Downers Grove Special Service Area #9 (35th & Saratoga Subdivision)
11. An ordinance abating a portion of the 2017 tax levy related to the General Obligation Bonds, Series 2009
12. An ordinance abating a portion of the 2017 tax levy related to the General Obligation Bonds, Series 2010
13. An ordinance abating a portion of the 2017 tax levy related to the General Obligation Bonds, Series 2010B

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14. An ordinance abating a portion of the 2017 tax levy related to the General Obligation Bonds, Series 2012
15. An ordinance abating a portion of the 2017 tax levy related to the General Obligation Bonds, Series 2013A
16. An ordinance abating a portion of the 2017 tax levy related to the General Obligation Refunding Bonds, Series 2014
17. An ordinance abating a portion of the 2017 tax levy related to the General Obligation Refunding Bonds, Series 2015
18. An ordinance abating a portion of the 2017 tax levy related to the General Obligation Refunding Bonds, Series 2016
19. An ordinance abating a portion of the 2017 tax levy related to the General Obligation Refunding Bonds, Series 2017

12. Council Member Reports

Commissioner Waldack encouraged residents to shop in Downers Grove. He said that shop owners rely on the Christmas season and noted their willingness to advertise local events. The Holiday window contest would end on December 6. Santa will be in his gingerbread house on Saturdays and Sundays from 1:00-4:00 p.m. until December 14. Merry Madness begins on December 14. He also noted that Ginger Bucks are good through December 14. He suggested that residents visit www.downtowndg.org for further information.

Mr. Fieldman introduced Anthony of the Roadrunner's Youth Soccer Team. He thanked Anthony for attending the meeting, and said how much he enjoyed watching Anthony play.

The Mayor asked for a motion to recess to the Committee Room to discuss potential amendments to stormwater management regulations.

Commissioner White moved to recess to the Committee Room. Commissioner Waldack seconded the motion.

The Mayor declared the motion carried by voice vote and the Council recessed at 8:26 p.m.

13. Manager's Report - Committee Room

REP 2017-7624 — A. Report: Discuss Potential Amendments to Stormwater Management Regulations

Mayor Tully reconvened the meeting at 8:35 p.m. to discuss potential changes to stormwater regulations.

Mr. Fieldman said this discussion is anticipated to take several public meetings.

Mr. Fieldman explained that the issue is that code-compliant development activities generate run-off that sometimes negatively impacts neighbors. The objectives of these meetings and amendments are 1) to reduce the negative impact of run-off caused by development activity; and, 2) to create a permitting process that accommodates residential renovation and redevelopment. There are several challenges with this including a lack of stormwater infrastructure in the Village. He displayed a map showing where the infrastructure is lacking in the middle part of the Village. Properties were subdivided prior to having modern regulations in place. They were built without on-site drainage systems or public systems. There are also topography challenges in Downers Grove, including rolling hills, and high clay content soil conditions that prevent water from soaking into the ground. Residents' and neighbors' expectations assume there will be no impact of development activity on their property. In addition, achieving the balance of the two objectives stated is also a challenge.

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The Manager said the Village Council gave staff direction to explore regulations resulting in "zero net impact" or "do no harm" types of regulations. There are two systems combined that work toward stormwater management. Those are the public system and on-site private drainage systems. The public system stores and conveys runoff Village-wide, consists of public improvements and is funded by stormwater utility fees. The on-site drainage system stores and conveys run-off lot to lot, consists of private improvements funded by private property owners. These two systems when properly designed and constructed are integrated. In the Village there are areas of newer subdivisions built later than the 1960s in the south side and north side of the Village that have improved stormwater systems. The challenge is in the central portion and older sections of the Village. Complete integration is not possible with retrofitting, as the systems will not function as well as a modern subdivision. Stormwater issues are not totally solvable because there will always be storm events that exceed the capacity of any system.

Mr. Fieldman then explained the existing regulations. Post construction best management practices (PCBMP) are required at 700 square feet of net new impervious (NNI) area. Detention is required at 25,000 square feet of net new impervious area. A maximum building coverage of 32% has been established. The Village requires 5' side yard setbacks and 20' sump pump discharge setback.

Mr. Fieldman discussed eight potential regulations that can be used individually or as a package intended to address Village Council direction and to maximize objective #1, reducing the negative impact of run-off caused by development activity. The eight potential regulations are:

- 1) run-off volume storage at thresholds of 100 square feet of net new impervious area;
- 2) additional storage resulting in an increase in basement depth;
- 3) connection of the storage system to a public drainage system;
- 4) extension of the public system, if necessary;
- 5) increasing the side yard setback to 6';
- 6) granting of easements for new construction;
- 7) creation of a maximum of impervious coverage;
- 8) increasing the fee in lieu of the PCBMPs.

The Manager indicated that if all eight regulations were adopted more runoff would be captured and conveyed at a cost between \$0 and \$10,000. He noted that it costs about \$300 per linear foot to extend the public storm sewer, and the cost impact of the 4th regulation (extending the public system) would range between \$20,000-\$40,000, or \$90,000 in the worst-case scenario. This would absolutely maximize objective #1. Building permits to show compliance with these regulations would go up dramatically and that would increase permit review time and the cost of obtaining the permit would increase dramatically. Village staff and resources would have to increase if all regulations were implemented resulting in an increase of about four new staff members.

Regarding Objective #2, creating a permitting process that accommodates residential renovation and redevelopment, Mr. Fieldman said building permits submittal requirements would go up dramatically, and would increase the permit review times and cost. Cost of construction would also go up dramatically, while meeting applicant expectations would not be affected. There would be some projects that would be undertaken without the required permit. Village staffing resources would increase with an estimate of four new staff members. He pointed out that some smaller projects, set at 100 square feet net new impervious area, like minor driveway expansions, smaller accessory structures, would be a heavier burden on homeowners. The Manager further noted that there is some difficulty in designing and constructing public sewer extensions on a piecemeal basis in terms of size and connection issues. There will also be an interesting impact on the teardown market and builders will try to find lots with a good amount of impervious area already on them. There is not a lot of data on the impact of construction activity. He said that this is a lot of information to submit, and noted that he met with all of the Council members individually to review this as well.

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Mayor Tully commented that the important thing to consider is balance. He appreciates the exploration of the different options.

Commissioner Walus agreed that balance is the key. She said that regulating basins would decrease the issues; however, she doesn't want builders to view the Village as difficult to work with. They have to find a solution and don't want to drive people away.

Mayor Tully noted that new construction is different than putting in a patio, deck, etc. He doesn't want to discourage people from improving their homes either. They have to be more zealous when it comes to new construction. They also have to be mindful of "do no harm."

Commissioner Walus said they have to be cognizant of the costs.

Commissioner Earl asked about what is considered an addition versus a new house.

Commissioner José noted that 84% of remodels/add-ons are under the 100 square feet threshold. They need to find a way not to overburden the people.

Commissioner Barnett questioned the level of negative impact that they are willing to say is acceptable.

Commissioner José replied that it varies with the neighborhood.

Commissioner Barnett raised the question as to what level of additional burden they are willing to accept, and what level are they willing to push the burden on neighbors. What will that level be if it is something other than zero.

Mayor Tully noted that they have to be mindful of unintended consequences. The rule to "do no harm" applies to the community, the property values, the base for our schools, etc. A lot depends upon the individual lot, for example a 75' versus a 50' lot would be impacted differently. He suggested the question is what harm are you willing to impose upon people that they are not already experiencing.

Commissioner José said it depends on the neighborhood. He said 100 square feet of new net impervious area in some areas will not have much impact, while it will in other parts of town.

Commissioner White asked whether it is possible to measure the additional impervious area and determine where the water will go, and will it negatively impact neighbors.

Nan Newlon, Director, Public Works, replied if you design a subdivision from scratch you design the elevation higher than the street and side yards, with capacity in the swales, etc., and you would have a working system; however, it would be very difficult going not just neighborhood by neighborhood, but lot by lot, to make it work perfectly.

Commissioner White commented that he suspects the cost to measure zero net impact to someone applying for a permit could be quite substantial. He asked whether it's practical to actually measure the impact.

Mr. Fieldman said design engineers could have a way to look at topography, grading, etc., to get a good idea of how much water will be stored, etc. They can be close, but to be exact is impractical.

Mayor Tully said an owner could spend a lot of money and would still have complaints from their neighbors. No matter what the improvement would be or the cost, there would still be issues.

Commissioner Barnett we are talking about homes being adversely impacted in a material way.

Mayor Tully said that they know there's going to be dissatisfaction, no matter what the Village does. He is in favor of doing something, but they have to balance this as much as possible.

Commissioner White said he is interested in discussing what they want to do with a new home that is being built on a vacant lot.

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Mr. Fieldman stated that new single-family homes would require the first three of the potential regulations, based on the size of the impervious area. Homes in subdivisions are not as problematic because they have to comply with subdivision codes.

Mr. Fieldman asked for discussion on potential regulation #4 – extension of the public system, if necessary. If the public system is nearby, it would have to be extended. If it is not nearby, cash-in-lieu-of becomes necessary based on the actual costs, probably in the range of \$22,000 to \$30,000.

Commissioner Barnett said if the goal is to drive redevelopment and construction in the direction of helping the Village's system, what has been said makes sense. If the driver is to "do no harm," NNI makes sense.

Ms. Newlon commented that she has heard complaints on new single family construction with no new net impervious area, but soil changes and grading changes.

The Mayor noted that the existing structure may already be causing problems for the neighbor and that is why it has to be fixed. Developers may pick and choose lots which may also cause issues.

Commissioner White said if the structure is basically a new house, he is inclined to require an owner to comply with the rules of an undeveloped lot.

The Mayor said there is an opportunity to improve a situation.

Regarding picking and choosing lots, the Manager said the current regulations are triggered on incremental change. Developers and homeowners are looking for a lot that has considerable impervious area compared to its value. Mr. Fieldman showed a comparison of existing homes and impervious area.

Commissioner Barnett said he is in support of all eight potential regulations.

Commissioner Waldack expressed concern with "cash-in-lieu-of," as they want to solve the problem. He said the idea is to improve the stormwater situation in that specific location. He thinks they are saying that if the builder has the money they can get away with simply paying.

Mayor Tully replied that this would relate to a situation where the nearest facility is not near the home in question.

Mr. Fieldman added that the cost has to be paid for and there are policy trade-offs to go with the situation. He noted that with cash-in-lieu, the homeowner expects the pipe to be installed right away because they paid for it, which places an extra burden on the Village if the connection is a long distance away.

Commissioner José asked what kind of maintenance concerns they are looking at.

Mr. Fieldman said they would have to meet whatever design specifications are put in place.

Ms. Newlon added they would have to look at the area involved to determine how much maintenance is involved.

Mr. Fieldman said that staff would attempt to use enforcement tools.

Regarding sump pump, Ms. Newlon said that the life of a sump pump depends upon the amount of work it has to do.

Mr. Fieldman said he would like to hear more from the Council about potential regulation #4.

Commissioner White said he supports the developer paying for this; otherwise it has to come from the public. Extending the public infrastructure where it does not exist is the goal.

Mayor Tully said that he thought they were in favor of the concept; however, the details need more work.

Commissioner White said he would be willing to consider 200 feet, and if it were 300 feet the owner would pay perhaps 2/3 of the amount, similar to a cost-share. He doesn't know what the number is they would agree upon, but he supports this method of extending the public infrastructure where it doesn't exist.

Commissioner Barnett responded that he totally agrees with that premise. They haven't yet established a distance, but he doesn't know that he would be willing for the Village to pay the rest.

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Mayor Tully said another question concerns the configuration of the lot, as there are lots along Cumnor and Florence that are very deep lots and would require laying a lot of pipe.

Mayor Tully asked that they move on to #6, and asked if there were any issues with the easements.

Commissioner Barnett commented he had no problem with it, but wanted everyone to keep in mind that an easement is another example of how people may come to the Village with complaints of how a neighbor's property is causing their property to flood. He sees the easement issue as something that staff will be inundated with complaints about because people won't like the process.

Mayor Tully said he is still discussing new construction right now, and he thinks that is less likely to happen with new construction.

In response to Commissioner Earl, Mr. Fieldman said an easement is granting of a portion of your bundle of property rights to government or some other entity for a specific set of uses. It is not a setback, though it can act like one. The owner gives rights to a portion of your lot to the Village so the Village can maintain a stormwater system, etc. It would probably be 5' on the side yard, probably 10' on the rear yard, and 5' on the other side yard. This is intended to address areas subdivided prior to subdivision regulations. With new construction, this should not be much of an issue for staff.

Mayor Tully then asked about #7, creating maximum impervious coverage.

Commissioner White said that it depends upon the neighborhood because you can properly and efficiently convey all the stormwater into the drainage system. He is fine with the maximum impervious system. There could be natural impervious coverage, and the homeowners would have to prove that all of the runoff water goes into the Village's system and not on the neighbor's property.

Commissioner Barnett said that the public system is part of the issue here as well. "Do no harm" to the public is one thing, but "do no harm" to the public system is also important. It's a system that the Village bought, designed and paid for and has to maintain. He said he's talked about this at previous meetings as some of his concerns. Discussions were held and plans made in 2007 and revisited in 2013, but those are static. As they allow redevelopment even at smaller levels, they're over the target that was established, designed and paid for, and that's a risk. He said there is some point where that system is no longer sufficient. He referenced Washington Park as an example that cost a lot of money, and required a lot of engineering. It's fed by a portion of town that has a lot of opportunities for infill redevelopment.

Mr. Fieldman said staff looked at that thousand-acre area of Washington Park that contains about nine acre-feet of storage. If that Park were developed new under the subdivision codes it would require hundreds of acre-feet of storage. The Manager said that is the poster child for the lack of infrastructure.

Commissioner Barnett noted that when they view the neighborhoods that feed that watershed, they are ripe for substantial infill development that could be heavy with impervious area if they don't try and manage it.

Regarding what is actually impervious, Mr. Fieldman said one of the impacts if they were to do a variety of the eight points would be a shift to more impervious paving materials.

Mr. Popovich said staff has seen some changes in permits for permeable pavers or some other treatments.

With regard to Item #8, Mr. Fieldman said that in the case of new construction, eight is not an issue because if they put in a basin, they will put the BMPs in the basin.

Mr. Fieldman then returned to Item #5, increased side yard setback, saying that in 50' wide lots, 5' is not a lot of area to handle the grade changes between the foundation of the house or addition, and the neighboring property next door. You can get some steep grades and quite a bit of runoff in the side yard areas. There are some encroachments allowed in the 5' setback including escape window wells or air conditioning units, etc. The 5' setback on a 50' lot allows for a 40' buildable width that permits a first floor plan just wide enough for a modern master bedroom. Shaving the buildable width to 38' makes for a challenging design for a first floor plan according

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to builders' comments made some years back. From a stormwater management standpoint, Mr. Fieldman said that every foot counts.

Mayor Tully stated that's another balance issue. Obviously setbacks are wanted for this purpose but how much do you minimize the utilization of property by the property owner.

Commissioner Barnett replied that is something they can't really quantify, but Downers Grove is a desirable place to live, and if people will have to figure out a way to have a 38' width and include a master, they will do it.

Mayor Tully expressed concern about minimizing the width of a 50' lot. He thought it could be managed with a 60' or 75'. He asked whether with regrading and underground construction the setback on smaller lots is that important.

Mr. Popovich replied that the additional foot would help to convey water to the front yard or to the back yard.

The Mayor then asked whether it is possible for engineers to achieve the same result without the setbacks. He wants to achieve the goal without shrinking the footprint on a 50' lot, and would like to know what engineering solutions exist that will achieve their goal.

Mayor Tully said they have focused on new construction.

Jim Garst said that he would like to hear more about Elmhurst, what they were dealing with, how similar or different their situation was, as well as neighbor and developer complaints.

Mr. Fieldman replied that Elmhurst differs in that they have an extensive public system that connects to a former quarry.

Jenny Garst commented that a lot of time has been spent discussing the negative impact of various issues; however, she thinks they should consider the people who have lived here and have been negatively impacted by additions and construction around them. She commented on storage containers in back yards, and her neighbor whose back yard is no longer a yard, but resembles a swamp. She thinks this is happening more frequently.

Mayor Tully replied that though they're discussing more new construction, they are still talking about 50,000 people who have paid taxes and have certain expectations about what they can do with their property.

Mr. Garst asked how many 50' wide lots there are in Downers Grove, and how they will be impacted. They discussed extension of the public system and he asked how many lots are more than 200' from the existing system.

Mr. Fieldman said that information is being prepared through the Village's GIS system.

Mr. Garst asked about the "do no harm" statement, and listing out what kind of issues would cause more harm.

Mayor Tully said to achieve progress they need to bring the community along. There are a lot of people who don't know what is being done and question what is being done. They might read something in the newspaper that shocks them with misinformation. His objective is to achieve something that is beneficial to everybody.

Mayor Tully thanked the members of the public for the conversation. He said this was a great start and asked about the next steps.

Mr. Fieldman replied that staff would fine tune what was discussed and pick this up in January. There will be further policy conversation, and they want to bring the community into the discussion. Some parts of this can be implemented one piece at a time as they move forward. They can begin with regulations for new single-family construction.

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14. Adjournment

There being no further discussion, Mayor Tully asked for a motion to adjourn.

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

Mayor Tully declared the motion carried by voice vote and the meeting adjourned at 10:08 p.m.

Respectfully submitted,

April Holden

Village Clerk