

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

2/13/2018

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 Pro Tem William White 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. He explained that Mayor Tully is delayed due to Metra trains and, as Mayor Pro Tem, he would be presiding over the meeting until Mayor Tully's arrival.

Pledge of Allegiance to the Flag

Mayor White 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 Barnett; Mayor Tully (arr. 7:25 p.m.)

Absent: Commissioner Hosé

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.

At the appropriate time the presiding officer 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.

Agendas are located on either side of the Council Chambers for the audience to follow the progress of the Council meeting.

3. Minutes of Council Meetings

MIN 2018-7678 — A. Minutes: Council Minutes - February 6, 2018

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Motion: Commissioner Earl moved to approve the minutes as presented. Commissioner Walus seconded the motion.

Mayor White declared the motion carried by voice vote.

4. Public Comments

This is the opportunity for public comments.

5. Consent Agenda

BIL 2018-7679 — A. Bills Payable: No. 6378, February 13, 2018

MOT 2018-7669 — B. Motion: Authorize \$86,705.55 to CDW Government LLC, Vernon Hills, IL, for Replacement of 95 Desktop Computers, Monitors and Speakers

Summary: This authorizes the purchase of 95 desktop computers (PCs), monitors, and speakers, as part of the Village's hardware lifecycle management plan.

MOT 2018-7670 — C. Motion: Authorize \$33,576.00 to CDS Office Technologies, Itasca, IL, for Replacement of 27 Laptop Computers and 12 Docking Stations

Summary: This authorizes the purchase of 27 laptop computers and 12 docking stations, as part of the Village's hardware lifecycle management plan.

RES 2018-7676 — D. Resolution: Authorize a Second Extension to the Agreement with B&F Construction Code Services, Inc. for Code Inspection Services

Summary: This authorizes execution of a one-year contract extension with B&F Construction Code Services, Inc. of Elgin, Illinois for building, plumbing, electrical, mechanical and energy inspections at a rate of \$75 per hour with a not-to-exceed amount of \$31,000.

**A RESOLUTION AUTHORIZING EXECUTION OF A SECOND EXTENSION
TO THE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE
AND B&F CONSTRUCTION CODE SERVICES, INC.**

RESOLUTION 2018-13

MOT 2018-7672 — E. Motion: Authorize a Change Order to A Lamp Concrete Contractors, Inc., Schaumburg, IL, for West Burlington Drainage Improvement Project in the Amount of \$67,783.82 and Extend the Contract Completion Date for an Additional 19 Days

Summary: This authorizes a change order to an existing contract with A Lamp Concrete Contractors, Inc. of Schaumburg, Illinois for the West Burlington Drainage Improvement project in the amount of \$67,783.82.

MIN 2018-7683 — F. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Plan Commission - January 8, 2018

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Motion: Commissioner Earl moved to approve the Consent Agenda as presented. Commissioner Walus seconded the motion.

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

Nay: None

Mayor White declared the motion carried.

6. Active Agenda

ORD 2018-7656 — A. Ordinance: Rezone Certain Property Located at 236 Indianapolis Avenue

Summary: This rezones property at 236 Indianapolis Avenue from R-4, Residential Detached House 4, to INP-2, Campus-Scale Institutional and Public District.

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 236 INDIANAPOLIS AVENUE

ORDINANCE NO. 5682

Motion: Commissioner Earl moved to adopt "An Ordinance Rezoning Certain Property Located at 236 Indianapolis Avenue," as presented. Commissioner Walus seconded the motion.

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

Nay: None

Mayor White declared the motion carried.

ORD 2018-7655 — B. Ordinance: Authorize a Special Use for 236 Indianapolis Avenue to Permit a School Addition

Summary: This authorizes a special use for 236 Indianapolis Avenue to permit construction of a school addition.

AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 236 INDIANAPOLIS AVENUE TO PERMIT CONSTRUCTION OF A SCHOOL ADDITION

ORDINANCE NO. 5683

Motion: Commissioner Earl moved to adopt "An Ordinance Authorizing a Special Use for 236 Indianapolis Avenue to Permit Construction of a School Addition," as presented. Commissioner Walus seconded the motion.

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

Nay: None

Mayor White declared the motion carried.

ORD 2018-7654 — C. Ordinance: Authorize a Special Use for 2410 Ogden Avenue to Permit an Automobile Dealership

Summary: This authorizes a special use for 2410 Ogden Avenue to permit an automobile dealership.

AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 2410 OGDEN AVENUE TO PERMIT AN AUTOMOBILE DEALERSHIP

ORDINANCE NO. 5684

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Motion: Commissioner Earl moved to adopt "An Ordinance Authorizing a Special Use for 2410 Ogden Avenue to Permit an Automobile Dealership," as presented. Commissioner Walus seconded the motion.

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

Nay: None

Mayor White declared the motion carried.

7. First Reading

8. Mayor's Report

New Business

RES 2018-7665 — A. Resolution: Appoint Members to Boards and Commissions

Summary: This appoints Daiva Majauskas to the Plan Commission to a three-year term expiring August 31, 2021. It also appoints Michael McCann as Chair of the Zoning Board of Appeals for a term expiring August 22, 2021.

Village Clerk April Holden read the resolution into the record.

A RESOLUTION APPOINTING MEMBERS TO VILLAGE BOARDS AND COMMISSIONS

RESOLUTION NO. 2018-14

Motion: Commissioner Earl moved to adopt "A Resolution Appointing Members to Village Boards and Commissions," as presented. Commissioner Walus seconded the motion.

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

Nay: None

Mayor White declared the motion carried. He congratulated the appointees and thanked them for their service.

9. Council Member Reports

10. Council Member New Business

MOT 2018-7674 — A. Motion: Direct Staff to Prepare a Draft Operating Process to Reinstate the Peer Jury Program

Mayor White said this item has been deferred to a later date at the request of the proponents.

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

Commissioner Earl moved to recess to the Committee Room. Commissioner Walus seconded the motion.

Mayor White declared the motion carried by voice vote and the Council recessed at 7:07 p.m.

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11. Manager's Report - Committee Room

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

The meeting was reconvened in the Committee Room at 7:25 p.m. upon the arrival of Mayor Tully, who apologized for the delay caused by Metra's train switching problems.

Mayor Tully invited residents to the Coffee With The Council on Saturday, February 17, 2018, at 9:00 a.m. at the Library, 1050, Curtiss Street.

Mayor Tully acknowledged all the thoughts, wishes and prayers sent to Lt. Bormann and his family. He said Lt. Bormann is doing well and recuperating from a potentially serious situation.

The Mayor said this evening's discussion will focus on proposed stormwater regulations. The regulations will make stormwater requirements more restrictive. He asked Village Manager Dave Fieldman to present the report.

Village Manager Dave Fieldman said staff was asked to look at additional volume storage at the December 5, 2017, stormwater discussion. Mr. Fieldman said the policy direction could include requiring connections, extensions, looking at particular circumstances, and providing a definition of a major addition.

Mr. Fieldman said 58% of the new single family houses built in 2016 and 2017 were built with a public drainage system adjacent to or near the house. He said 42% of the new houses were constructed in locations lacking immediate accessibility to the public drainage system. The lack of stormwater infrastructure throughout the Village is the #1 stormwater drainage issue.

Staff estimated the cost of connecting or extending the public drainage system in three categories: 1) systems adjacent to the house range in cost from \$500 to \$20,000; 2) costs for systems within 200 feet of house frontage range between \$20,000 and \$50,000; and 3) costs for systems that would extend more than 200 feet of house frontage are estimated to be in excess of \$50,000.

The cost of a connection or extension to a drainage system varies greatly due to four factors: 1) the length of the pipe; 2) an elevation difference between the basin and the system; 3) the extent of tree and utility conflicts; and 4) the location of the system.

Mr. Fieldman then defined a major addition as one that expands the footprint of the house and has 600 square feet or more of altered space. Under this definition, 8% of the 330 additions in 2016 and 2017 would have been identified as major additions. The question is whether the Village should require a connection or extension in these situations. Currently, the Village requires certain basins, called Post-Construction Best Management Practices (PCBMP). These are small storage basins, including drywells or rain gardens, which are not connected to the public system. The proposed site runoff storage basins would provide about four times the amount of storage as the PCBMPs required under current Village Code.

Mr. Fieldman said there are approximately 103 rain events per year. He said 88 of those events are effectively handled by the small basins (PCBMPs) and overflow about 15 times per year. If the Village requires site runoff storage basins without connecting them to the public drainage system, they will effectively store runoff in about 98 events per year, ten more than the PCBMPs, and would overflow about 5 times per year.

Mr. Fieldman outlined several challenges. He reiterated that 42% of new homes are not adjacent to a public drainage system. Connection to a public drainage system is required for effective drainage and to achieve the goals of mitigating negative impacts. There is a wide range of costs in order to comply with regulations. The proposed regulations could increase time and complexity in terms of the permit process. He further noted it is difficult to create regulations that will drive the desired conditions and effectively mitigate negative impacts.

Mayor Tully said the most important issue to him is that connection to the public system is required for effective drainage. Lesser solutions have been attempted with mixed results. He wants to make progress on this matter and improve the existing situation. The easy call is where there is a system adjacent to the house. He noted that moving forward means getting more details. This is a difficult issue but commitments have already been made to

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stormwater in various ways over the years and they must continue that mission. He addressed the need to look at mitigating the burden on those who want to build or add onto their homes. The costs can be a disincentive. He suggested ideas such as a hardship variance, a cost-sharing or a recapture program. He said they could not mitigate the burden and cost to those people at the higher end of project costs. He also wants to avoid the unintended consequences of providing development in areas that would create the biggest problems. He recognized the need for adjudication and administrative costs. He also spoke about the issue of replacement of connections in the future.

Commissioner Waldack said they have discussed the number of events and site runoff with a goal of handling 95% of the flooding incidents. It is important to address phasing and issues regarding avoiding the regulations. He recommended adhering to the goals and service levels of the stormwater service goals.

Commissioner White expressed his complete support of this plan, especially requiring connections and extensions to the public system. He agrees with the idea of recapture agreements, similar to those used in extending sanitary sewers. He would like to look at variance procedures and standards. A variation procedure can be reviewed later in the process as the need arises, as there are many hypotheticals. He said he agrees with the definition of major additions. He recommended staff proceed as he does not want to delay moving forward with this.

Commissioner Walus said they were one of the additions noted in 2016-2017 and were told they would have to connect at a cost of \$10,000 to them. She asked when people would be told of the process.

Mr. Fieldman said it would be at the time of the initial permit.

Commissioner Earl mentioned that there would be problems down the road where a variation policy will have to be considered, either through a separate board or coming directly to the Village Council. She thinks they have to look at this from the beginning and not delay progress.

Commissioner White said that having absolute cases to look at would help them determine what the exceptions might be.

Commissioner Waldack agreed that they will have to do variations sooner or later, and they will need to get further down the line before they start creating variations.

Commissioner Earl spoke about the impact of the cost on budgets for additions. She said \$10,000 for a remodel is a lot of money; \$50,000 for a million dollar house isn't as large.

Commissioner Barnett commented that he thinks they should require connections/extensions, create recapture agreements, and write a variance process. He agrees with the definition of a major addition. He has confidence in the Village's team. Everyone hates uncertainty in government regulations. They may have to make adjustments. His personal opinion is that the Village's team of Public Works, Community Development and the administrative team can write a plan and make adjustments accordingly. They have to minimize uncertainty. He thinks they have done a lot of good work for stormwater, but there are still 40% of properties not connected properly. He suggested using the stormwater utility to address the lack of infrastructure—as cost sharing. They could create a cost-share scale.

Mayor Tully replied that is exactly what he is talking about, but where that cost share will come from is the question. It could be through the stormwater utility or some other source.

Commissioner White asked if the Council wants to pass the Ordinance without the variance procedure.

Mr. Fieldman said from a staff perspective they would have to write the variance procedure into the ordinance, as there should always be an appeal process.

Mayor Tully commented that he is not that concerned about the variance aspect of this. The Village has dealt with variances and hardship analysis for decades, and it is not a new concept.

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Commissioner Waldack said that people have paid for the infrastructure and received services, for example of curbs and gutters. Other people don't have those amenities. He asked whether it's fair to charge people for the benefit of others. He asked if a property is not adding to the problem do they have to have a connection, and if it is status quo regarding stormwater impact, why require the connection.

1. Jenny Garst asked how many of the homes built without connections were part of subdivisions.

Mr. Fieldman said that the majority of them were one-offs.

Ms. Garst commented regarding costs, saying the cost could be rolled into a mortgage and home equity loan. She hears the concerns expressed and asked about people choosing not to come to Downers Grove due to drainage issues.

2. Jim Garst asked about a stormwater plan for the Village.

Mayor Tully replied there is a stormwater plan that is a very high cost program that has been in place for over a decade. It moves slowly however. He gave an example of the sidewalk program, and that took 20 years to accomplish, and it didn't involve infrastructure, pumps, etc.

Mr. Fieldman responded that the stormwater utility is to maintain what is there, and to move toward capital improvements based on flooding issues during major storms. Some projects will go into areas without an infrastructure system. Some are planned to improve areas that are served but don't do well in major storm events. His neighborhood on Cornell did not flood. However, there is a lot of redevelopment going on with localized drainage issues caused by development.

Mayor Tully added that they have to separate the long-term capital program that does exist and is complicated. It is a long-term program. He said this program is designed to not create new problems. His old home on Cornell had ridiculous backyard flooding during every major rain event. It would never be part of a major capital project, but overlaps.

Ms. Garst said that the beauty of stormwater retention is that it releases the water slowly into the system, and will help solve the infrastructure issue.

Commissioner Earl asked as to the timeline for implementation.

Mr. Fieldman replied that they can move quickly. It takes about six months to put an Ordinance in place. They would invite builders ahead of time to be part of the discussion. He said that staff will begin drafting the Ordinance for Council's review.

12. Adjournment

Mayor Tully asked for a motion to adjourn.

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

Mayor Tully declared the motion carried by voice vote and the meeting adjourned at 8:14 p.m.

Respectfully submitted,

April Holden

Village Clerk