

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

9/11/2018

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 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 asked Webelos Pack #227 from Kingsley School to help lead those present in the Pledge of Allegiance to the Flag.

Mayor Tully then introduced members of the Downers Grove Choral Society who led in singing the National Anthem for Patriot Day, followed by America the Beautiful.

Mayor Tully spoke of the significance of the Day and thanked the members of the Choral Society for their beautiful musical tribute to America. He referred to the September 11 attack against the United States 17 years ago and remembered those who lost their lives on that tragic day. The Mayor then reminded everyone that on Sunday, November 4 at 4:00 p.m. the Downers Grove Choral Society will hold a concert at Downers Grove United Methodist Church and encouraged residents to attend.

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.

Council Meeting

Village of Downers Grove

September 11, 2018

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 2018-7895 — A. Minutes: Council Minutes - September 4, 2018

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

Bill Wrobel noted that Illinois State Representative David Olsen started his quest for government service in Downers Grove and pointed out the seat he sat in.

Mr. Wrobel commented the DuPage County Board met today and they had a beautiful tribute to 9/11.

Mr. Wrobel said that residents of Willowbrook and Darien addressed the Board regarding Sterigenics whose license for chemicals will be revoked. He asked the Council to update themselves with the Board's activities.

Mr. Wrobel then said he spoke about airplane noise and District 3 at the Board meeting. The airplane noise problem continues. The Chair and Board members are aware of it, but they are not as informed about noise from Midway. Mr. Wrobel said he addressed the Council June 13, 2017, regarding this matter. Village Manager Dave Fieldman then spoke with former State Representative Patti Bellock who became involved in the matter. Mr. Wrobel said the problem still continues. He then referenced an article in the Wall Street Journal regarding airplane noise. He said it is not just a Downers Grove or DuPage County problem.

Mayor Tully thanked Mr. Wrobel for his comments. He noted that this is a regional issue.

Mayor Tully then thanked Joyce Tomea for coordinating this evening's choral society presentation.

5. Consent Agenda

BIL 2018-7892 — A. Bills Payable: No. 6412, September 11, 2018

RES 2018-7889 — B. Resolution: Amend Resolution No. 2018-34 Authorizing a Local Agency Agreement with the Illinois Department of Transportation (IDOT) for Maple Avenue Resurfacing

Summary: This authorizes a Local Agency Agreement with the Illinois Department of Transportation (IDOT) for Maple Avenue resurfacing.

A RESOLUTION AMENDING RESOLUTION NO. 2018-34 AUTHORIZING EXECUTION OF A LOCAL AGENCY AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR MAPLE AVENUE STREET RESURFACING

RESOLUTION 2018-62

Council Meeting

Village of Downers Grove

September 11, 2018

RES 2018-7890 — C. Resolution: Authorize a First Extension to a Contract with Doland Engineering, LLC, for Stormwater Construction Engineering Services

MOT 2018-7880 — D. Motion: Award \$512,660.00 to Performance Construction & Engineering, LLC, Plano, IL, for Prince Street/Forest Avenue Drainage Improvements

Summary: This awards a contract for the Prince/Forest Drainage Improvements to Performance Construction and Engineering, LLC for \$512,660.00.

MOT 2018-7881 — E. Motion: Award \$605,354.70 to John Neri Construction Co., Inc., Addison, IL, for Hitchcock and Warren Stormwater Improvements

Summary: This awards a contract for the Hitchcock and Warren Stormwater Improvements to John Neri Construction Co., Inc. for \$605,354.70.

MOT 2018-7893 — F. Motion: Authorize a Building Permit Fee Waiver in the Amount of \$9,686.00 for a School Addition at St. Joseph School, 4832 Highland Avenue

Summary: This authorizes a waiver in the amount of \$9,686.00 for a school addition at St. Joseph School

MOT 2018-7894 — G. Motion: Authorize a Building Permit Fee Waiver in the Amount of \$10,850.00 for Interior Renovation at the Downers Grove Public Library

Summary: This authorizes a waiver in the amount of \$10,850.00 at the Downers Grove Public Library for an interior renovation.

Motion: Commissioner White moved to approve the Consent Agenda after removing Item C, RES 2018-7890, a resolution authorizing a first extension to a contract with Doland Engineering, LLC, for stormwater construction engineering services. 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

ORD 2018-7874 — A. Ordinance: Amend Certain Liquor Provisions

Summary: This amends certain liquor provisions.

AN ORDINANCE AMENDING CERTAIN LIQUOR PROVISIONS

ORDINANCE NO. 5711

Motion: Commissioner White moved to adopt "An Ordinance Amending Certain Liquor Provisions," as presented. Commissioner Waldack seconded the motion.

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

Council Meeting

Village of Downers Grove

September 11, 2018

Nay: None

Mayor Tully declared the motion carried.

7. First Reading

ORD 2018-7867 — A. Ordinance: Establish Special Service Area #10 for the Bridgepoint Downers Grove Subdivision

Village Manager Dave Fieldman said this is the last step in creating a Special Service Area. The purpose of this Special Service Area is to maintain a detention basin if the homeowners association fails to do so. Community Development Director Stan Popovich has made presentations on this item at previous meetings.

8. Mayor's Report

9. Manager's Report

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

Mr. Fieldman said this is a priority action item. A revised set of proposed regulations has been prepared. The complete report is on the Village's website.

Mr. Fieldman said the revised proposed regulations require stormwater storage for new single family houses and additions of 400 square feet or more of footprint expansion based on net changes to impervious area. Required stormwater storage will range up to 250 cubic feet plus any required best management practices (BMP) storage. It is a pre-calculated amount based on net new impervious area. Storage volume increases as the new net impervious area increases. The proposed regulations also require 50 cubic feet of stormwater storage/infiltration system for new sump pumps installed with a new foundation. The objective is to mitigate the negative impacts of stormwater runoff and to have a permitting process that accommodates residential renovation and redevelopment.

Mr. Fieldman then reviewed the proposed stormwater storage volume required per category of net new impervious area and compared it to the current regulations.

The Manager displayed photographs of a "shallow storage system" which is one of the best attributes of the proposed regulations. All stormwater storage can be provided using a shallow storage system which, when installed, looks like a usable yard space.

Regarding the impacts and results, Mr. Fieldman said the proposed regulations provide improvement over the current regulations in that they will provide for 2.3 times the amount of storage currently requires and 99% of new houses will be required to provide storage. Further the proposed regulations provide enhanced stormwater mitigation for all properties; costs are a small percentage of the total project cost, estimated to range from \$7,000 to \$30,000; the improvements can be provided using shallow storage construction techniques with minimal impact on yard "useability." The proposed regulations are predictable and easy to calculate, the administrative burden is low and the regulations continue to provide incentives to avoid increases in impervious area.

Mr. Fieldman said staff believes the regulations will comply with the direction by Council to "do no harm," and by using a "tool kit" approach this set of regulations offers the homebuilders and residents the choice of how they want to comply, and how much storage they will provide.

Mayor Tully thanked the Manager for his summary. The Mayor noted that this has been a challenging issue. He thinks this will have a meaningful and positive impact on solving the problem. No final decision will be made on this tonight.

Council Meeting

Village of Downers Grove

September 11, 2018

Commissioner Barnett said this should be placed on an Active Agenda as soon as possible. It is a big step in the right direction. He believes this will help the future of our Village. He noted the two stormwater related items on tonight's agenda cover about 40 homes and amounts to a cost of approximately \$30,000 per parcel.

Commissioner José said he thinks the Village should move forward with this. It is a substantial step in the right direction. He looks forward to looking forward to the impact in future years.

Commissioner Walus thanked staff for this proposal. While it is not perfect, she said it is a step in the right direction and she hopes it will help people.

Commissioner Waldack said he agrees with what has been said. He is ready to move ahead with these concepts.

Commissioner Earl thanked staff for their work. She noted that Council and staff have been working on this for a long time.

Commissioner White he would be willing to go further with regulations, but he does not want to block this from moving forward.

Mayor Tully said the process is that if the Council so directs, an ordinance would be prepared for a First Reading after which it would be placed on the Active Agenda.

Ann McConachie, 4601 Oakwood, said she lives in a Cape Cod house. The lots have always flooded, but in 2009 it changed and there was more flooding due to huge homes on Middaugh with large amounts of concrete on the lots. She lost trees due to water and water mitigation efforts. Back yards are not useable during several months of the year. Her block is one huge construction zone. She asked a number of questions regarding construction and the impact on neighbors. She said the street they once loved has become uninhabitable.

Mayor Tully said he would like to discuss this further with her individually.

Gordon Ferguson, 4547 Oakwood, said he supports the proposed regulations. This is too little too late for Oakwood. The residents in LPDA's provide a retention service for the Village. He said there is a need for a sustainable balance between existing long-term property owners and developers and new residents with large homes. He spoke about safety issues on the block and construction site management.

Mayor Tully said these proposed regulations have to do with new construction to prevent future problems. In the past, there have been homes built where they should have never been built. The Zoning Ordinance didn't come into play until 1965. He said that there is a reality that they have to deal with, and the Village and Council are attempting to try and minimize and prevent future problems by better management and being more restrictive with respect to new construction and major additions. The Village is already far more restrictive than what the County allows. They are trying to work through being more restrictive.

The Mayor said LPDA's are designed to prevent worsening the problem. He noted that construction site management is not being addressed tonight. He said none of this is perfect, but emphasized that the Village is working on this issue. There is a need for a balance between private property rights and the greater good – the community. The Mayor suggested that Mr. Ferguson might want to apply to serve on the Stormwater and Flood Plain Oversight Committee.

Jenny Garst, 5230 Farrar Court, said she had a few specific questions.

In response to Ms. Garst, Mr. Fieldman said developers/home owners can choose to change design elements to stay under the thresholds that will require additional storage volume.

Ms. Garst asked as to the amount of rainfall that would equal 50 cubic feet.

Mr. Fieldman said all the regulations should provide volume that can handle 75-90% of storms.

He said the sump pump requirement is not so much a storage issue as it is a dissipation issue.

Ms. Garst asked as to the timeframe for passage of this ordinance.

Council Meeting

Village of Downers Grove

September 11, 2018

Enza Petrarca, Village Attorney, said she anticipates that the ordinance will be ready for First Reading at the second Council meeting in October.

Joe Iovinelli, 5621 Plymouth, asked if sand or topsoil will be required below grade.

Mr. Fieldman noted that the underlying base is not as important as the pipe.

Mr. Iovinelli said these regulations do not result in a great cost/benefit ratio. He would prefer providing the money to the Village.

Commissioner Waldack noted that the Village has spent millions of taxpayer dollars to demolish homes in flood plain zones.

Commissioner Waldack said he hopes that the questions raised tonight will be answered by next week's meeting. He also urged people to report violations of construction site management requirements and asked staff to look at traffic and safety issues.

Commissioner José said that, in addition to taxpayer dollars, the Village has received federal grants to assist the Village in purchasing homes in flood plain areas to help mitigate the impact on our taxpayers. He said LPDA's are bowl shaped. The Village is trying to stop more water from flowing into LPDA's. There is a lot more to do. This is one more step toward mitigating to the largest extent possible, the flooding problem.

Commissioner Earl thanked the residents for being here. She feels for those that have multiple construction sites on their street. She urged residents to bring violations to the attention of the Village.

Mayor Tully said the Village's Community Response Center app allows residents to reach out to the Village regarding enforcement issues.

Commissioner Walus spoke regarding traffic control on Oakwood around the school.

Mr. Fieldman said this has been a targeted enforcement area.

Mayor Tully expressed appreciation for all the resident input.

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 establishing Special Service Area #10 for the Bridgepoint Downers Grove Subdivision

11. Council Member Reports

Commissioner Walus reminded everyone that the Education Foundation of District 58 is presenting Oktoberfest on September 14 and 15, 2018. She reviewed the schedule and said more information can be found at www.58foundation.org.

Commissioner Earl said the new driving range shelter at the Park District's golf course will open on Wednesday, September 12, 2018. She gave details about the shelter and the opening and invited the public to attend.

Commissioner Waldack said the annual meeting of the Downers Grove Downtown Management Corporation was held last week. He said the meeting went well and he welcomed the new board members.

Commissioner White said the Downers Grove Friends of the Gifted and Talented (FROG) class enrollment will begin tomorrow. He said 40 enrichment classes will be offered. Additional information can be found at www.friendsofthegifted.com.

Council Meeting

Village of Downers Grove

September 11, 2018

12. Adjournment

Motion: Commissioner White moved to go into Executive Session pursuant to Section (2)(c)(2) of the Illinois Open Meetings Act to consider collective negotiating matters. Commissioner Waldack seconded the motion.

Mayor Tully declared the motion carried by voice vote and the Council convened into Executive Session at 8:24 p.m.

Respectfully submitted,

April Holden

Village Clerk