

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

6/7/2016

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 David Olsen 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 Pro Tem Olsen said Mayor Tully is absent tonight.

In the absence of Mayor Tully, Commissioner Olsen served as Mayor Pro Tem.

Pledge of Allegiance to the Flag

Mayor Pro Tem Olsen led those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Present: Commissioner Waldack, Commissioner White, Commissioner Vattimo, Commissioner Hosé, Commissioner Olsen

Absent: Commissioner Barnett, Mayor Tully

Non-Voting: Village Manager Dave 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 Active Agenda and the First Reading.

The Mayor Pro Tem 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 Pro Tem Olsen 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 2016-6837 — A. Minutes: Council Minutes - May 17, 2016

Motion: Commissioner White, seconded by Commissioner Waldack moved to approve the minutes as presented. Mayor Pro Tem Olsen declared the motion carried by voice vote.

4. Proclamation

Mayor Pro Tem Olsen read a proclamation in honor of Garden Week from June 5-11, 2016. He presented the proclamation to Linda Swanson.

Ms. Swanson said she is a 20-year member of the Downers Grove Garden Club, which is celebrating its 89th anniversary. She said the scholarships referenced in the proclamation go to deserving students. She then referenced a program to be presented by the Chicago Botanic Gardens at the Downers Grove Public Library on Thursday, June 9, 2016, at 7:00 p.m.

5. Public Comments

This is the opportunity for public comments.

Lauren Singdahlsen, 2529 Indianapolis; Raegan Cates, 2537 Indianapolis; and Miriam Fife, 4516 Cross, said they live in the Puffer north area. There are narrow roads, heavy traffic and few sidewalks. They would like to join the 95% of those Village neighborhoods that have sidewalks. There is no process in place for sidewalks at this time. They have petitioned the neighborhood and submitted signatures to the Traffic and Parking (TAP) Commission for the July 13 meeting and they believe TAP will recommend that sidewalks be installed. They said this should be one of the top safety proposals.

Mayor Pro Tem Olsen said Council will look forward to the recommendation from TAP.

Laurel Bowen, 829 Clyde Drive, showed the Council some long grasses and asked Council members what they would do if it were growing in their yards. She referenced lots with tall grass. She said her call and request for information to the director of Public Works has gone unanswered. She said the area looks "ratty."

Ms. Bowen then commented on the Consent Agenda regarding the award to A Lamp. She said this vendor did work in Clyde Estates and there are already some problems.

Ms. Bowen asked when she can expect to have something done about the tall grass.

Mayor Pro Tem Olsen asked staff to follow up with Ms. Bowen.

6. Consent Agenda

COR 2016-6838 — A. Claims Ordinance: No. 6161, Payroll, May 13, 2016

BIL 2016-6839 — B. Bills Payable: No. 6266, June 07, 2016

RES 2016-6842 — C. Resolution: Authorize a Renewal to the Contract with LexisNexis

Summary: This authorizes the renewal of an agreement with LexisNexis

**A RESOLUTION AUTHORIZING EXECUTION OF A RENEWAL TO THE CONTRACT BETWEEN
THE VILLAGE OF DOWNERS GROVE AND LEXISNEXIS**

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RESOLUTION 2016-27

MOT 2016-6832 — D. Motion: Award a Contract for \$680,434.00 to A Lamp Concrete Contractors, Inc., Schaumburg, IL, for 2016 Parking Lot Improvements

Summary: This awards a contract for various parking lot improvements for Village, Park District and School District 58 locations to A Lamp Concrete Contractors, Inc. of Schaumburg, IL in the amount of \$680,434.00.

MIN 2016-6829 — E. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Architectural Design Review Board - April 20, 2016; Comprehensive Planning Ad Hoc Committee - May 4, 2016; Library Board - April 27, 2016 and May 5, 2016; Stormwater and Flood Plain Oversight Committee - February 11, 2016

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

Votes: Yea: Commissioners White, Waldack, Vattimo, Hosé; Mayor Pro Tem Olsen

Nay: None

Mayor Pro Tem Olsen declared the motion carried.

7. Active Agenda

ORD 2016-6768 — A. Ordinance: Authorize a Special Use for 1723 Ogden Avenue to Permit an Automobile Dealership

Summary: This authorizes a special use for 1723 Ogden Avenue to permit an automobile dealership.

**AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 1723 OGDEN AVENUE TO PERMIT AN
AUTOMOBILE DEALERSHIP**

ORDINANCE NO. 5539

Motion: Commissioner White moved to adopt "An Ordinance Authorizing a Special Use for 1723 Ogden Avenue to Permit an Automobile Dealership," as presented. Commissioner Waldack seconded the motion.

Kent Conness, 1846 Grant Street, referenced the staff report regarding a "thicker than normal stone base."

Stan Popovich, Director, Community Development, said this is an engineering calculation for the stone base to hold more water than usual. The specifics will be determined before the permit is issued.

Mr. Conness asked as to the status of the stormwater permit. Mr. Popovich said no permit has been issued yet.

Mr. Conness asked what will stop people from dumping motor oil into the waterways.

Dave Fieldman, Village Manager, said there are laws against that and the Village will enforce the Code.

Commissioner White said there are strong federal laws, including the Clean Water Act, against petroleum products being dumped into public waterways. There are huge sanctions for those actions that go beyond the scope and jurisdiction of the Village.

Mr. Conness said it would have to be detected first.

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Commissioner Hosé commended the staff and petitioner for working together regarding limitations of turning onto Lee Avenue. He said he took seriously the comments about speeding in test cars. He would be in favor of a traffic study regarding closing traffic on Lee from Ogden. He said he supports this project.

Commissioner White said he concurs with Commissioner Hosé's approach. His support is contingent upon keeping track of traffic.

Votes: Yea: Commissioners White, Hosé, Waldack, Vattimo; Mayor Pro Tem Olsen

Nay: None

Mayor Pro Tem Olsen declared the motion carried.

8. First Reading

RES 2016-6833 — A. Resolution: Grant Historic Landmark Designation for 5226 Carpenter Street

Mr. Popovich showed the location of this home. The home is a Tri Gable Ell, built in 1869. He described the characteristics of the home. The rear portion was built first and the addition was built in 1884. It meets the criteria for historic landmark designation both in terms of the age and distinguishing characteristics of the Tri Gable Ell.

Rich Kulovany, 6825 Camden, commended the owners for the work they have done and for bringing this forward. It is an older home in Downers Grove.

Mike Davenport, 6636 Blackstone, said he sits on the Architectural Design Review Board. The petitioners have spent a lot of time restoring their home. He expressed his strong support of this petition.

RES 2016-6834 — B. Resolution: Approve the Preliminary Plat of Subdivision for 5527-5531 Fairmount Avenue with Exceptions

Mr. Popovich showed the location of this property. It is southeast of the downtown area. One parcel is on the north side and one on the south side with two single family homes. The petitioner would like to divide the two lots into three lots and is requesting a lot width exception to do so. The petitioner is requesting a lot width exception from 75' requirement to 71.65' for each lot. Staff reviewed parcels north and south of the subject parcel. Mr. Popovich said 75% of the lot widths are greater than 75' on the north side; and 74% of the lot widths are greater than 75' on the south side. The subject property is identified as Estate Residential area in the Comprehensive Plan. He said this category is characterized by large lots.

Mr. Popovich said that staff does not believe the request is consistent with the neighborhood, and also does not recommend approval of the request. The Plan Commission voted 6:2 in concurrence with staff's recommendation to deny. The two dissenting members felt the exceptions were minor in nature and the petition should be approved.

1. Dan Buie, 5541 Fairmount, is the petitioner and owner of one of the properties. Mr. Buie introduced his wife, Michelle, as well as Kim and John Helms who reside at 5529 Fairmount. Mr. Buie said that they have lived on the street for 20 years. Mr. and Mrs. Helms have been there for 40 years. Mr. Buie explained their redevelopment plan to take the two existing lots and turn them into three lots, 72' wide x 225' deep. They would demolish and remove all existing structures. At present there are three unsightly, outdated dwellings, one of which is non-conforming, as well as a detached garage, above ground pool and a shed. They intend to build three new homes compatible with the neighborhood, custom designed and built by Mr. Buie's firm, Cypress Hill Development. They will bring everything up to current standards and dramatically improve exiting conditions including stormwater management.

Mr. Buie said that they believe this to be a unique and common sense request that reflects the spirit and intent of the Comprehensive Plan. The density will not increase since there are already three dwellings on the two properties. He said that the new lot sizes would exceed the area requirements of 10,000 square feet by 6,122 square feet. As for lot widths on the block, they range from 55' to 178', and everything in between. He said many existing lots are less than 75' wide. Mr. Buie then reviewed the positive impact on the neighborhood and the community including removing outdated and unsightly structures, removing nonconforming dwellings, improving stormwater management, preserving the essential character of the neighborhood, and adding value to the surrounding neighborhood. He said that the petition has overwhelming support among the neighborhood.

Mr. Buie said that they believe they have met all five standards of the Village Ordinance. He noted that they are not going to create lots that are undersized, but are merely building three dwellings on three lots, where three dwellings already exist on two lots. He showed a drawing of the lot widths in the immediate vicinity of the subject property. He then showed photographs of the existing structures, which would be replaced, as well as homes built by Cypress Hill in other areas. They have already built two homes on the street.

Commissioner Waldack asked as to the most recent building in the neighborhood. Mr. Buie replied that one home was completed in 2014. Commissioner Waldack expressed concern about starting a trend rather than continuing a trend. He said the fear is that this could begin a trend. Larger lots may later petition for smaller lots and splitting lots. Mr. Buie responded that this is unique in that there are already three homes on the property. He doesn't think this will start a trend or increase the density.

1. Robert Kinisinch, 5543 Fairmount, said he resides two properties south of the subject site. His property is 58' wide. He noted that there are three houses on two lots. The Village can now tax all three houses with separate tax ID numbers. He supports this request, and noted that he has stormwater problems due to the configuration of the existing buildings.
2. Jackie Heiniger, 5545 Fairmount, said she and her husband are in favor of this petition. They are basically asking for a 3' variance, and this proposal would enhance their street. She said she believes this would make the neighborhood look better. The Plan Commission seemed concerned about where the water would go. She thinks the Council should be more concerned about where the water would go with the proposed 115-unit building they intend to build downtown.
3. Mike Davenport, 6636 Blackstone, said he is on the ADRB and is a local architect. He noted that he supports this request. Concerns from the Plan Commission and staff are in relation to the trends in development. He feels this is in character with the neighborhood. There are three homes and when they are done there will still be three homes. With regard to stormwater management, after a new home is built the stormwater management will be better than what is there now. He sees this as an opportunity to improve the situation. The current owners are limited due to the existing nonconformities.
4. Dan Johnson, 5548 Fairmount Avenue, said that he supports this petition as well. He has seen many changes in the area. He respects the decision of the Plan Commission, however, theirs is not the final decision. He told the Council he hoped that they would consider this, as the exception is minimal. He sees this as a practical matter to separate the lots.
5. Stephen Gawlik, 3847 Glendenning, stated that this needs to be approved. There is the unique characteristic of three houses on two lots. He thinks keeping the lots to a smaller size is better financially.

6. Rich Kulovany, 6825 Camden, commented that he opposes this request and stands behind staff's recommendation. This does not ensure compatibility with the scale and character of the adjoining properties. He also does not see this as meeting the Comprehensive Plan or complying with the Zoning Ordinance and the Subdivision Ordinance. Mr. Kulovany said that these are not "guidelines" but are Ordinances. No practical difficulties or hardships have been identified. Mr. Kulovany said that Fairmount is one of the few streets in the southern part of Downers Grove that has large lots. This is the only "lakefront" property in Downers Grove sitting directly in front of Barth Pond. Mr. Kulovany further noted that these homes would be only 14' apart. He said that the Zoning Ordinance was established to help mitigate stormwater issues. This petition is not rejuvenating these existing homes, but is replacing them. He then addressed the question of property taxes on Fairmount Avenue. He said he compared all the homes built on Fairmount since 2000 that sold in the vicinity of between \$900,000 and \$1 million. He noted that large custom homes are being built on Fairmount. He then asked the Council to ask the petitioner what would be the plan with this if it were not approved.

Commissioner White commented that the residents who live on the street don't believe it would affect the values or affect the stormwater issues. He referenced all his years on the Zoning Board of Appeals, and said that lots are not logical in this area. He's not sure how he feels about this request at this time.

ORD 2016-6841 — C. Ordinance: Grant a Stormwater Variance for 1740 63rd Street

Nan Newlon, Director, Public Works, said this request is for a variance for the property at 1740 63rd Street. She said that this would allow the floor of a detached garage to be built at 1.1 feet below the base flood elevation. She showed the location of the property just west of Springside Avenue. The petitioner wants to construct a garage on the site, which is in an LPDA area. The alternative would be to provide fill material and raise up the garage structure, which would require providing some type of storage. She showed a photo depicting the layout of the lot and the garage. The Stormwater Oversight Committee met on this and found that the request complies with the Village's ordinance and recommended approval of the request with three conditions.

Commissioner Waldack asked if they were forced to build at level would they then be forced to provide compensatory storage, which they cannot do because they are in an LPDA, and Ms. Newlon said that was correct.

Mr. Conness asked if it is in a wetland and Ms. Newlon said that it is in an LPDA. He said that not a lot of people understand the difference between an LPDA and a wetland and he thinks this needs to be made clear.

Mr. Fieldman responded that with an LPDA (Localized Poor Drainage Area) there is no outlet through which water can drain away in a very high rain event, which results in puddling. A wetland is identified by certain types of hydraulic soils, plants and native vegetative conditions regulated by the Corps of Engineers. An LPDA is a large puddle, and a wetland is a bog.

Commissioner Waldack said he asked himself initially why they would allow this to be built below flood levels. In this situation the garage replaces a previous garage and they are approving a situation so that future purchasers of the property would know that it is in an LPDA. He has concerns about the sign on the garage as he thought it was very vague. He would like to see a requirement as to the size, font and exact language of that signage. He asked whether this would prevent dangerous materials below the lot line. He would also like to know how this would be enforced and what the penalty would be. Finally, Commissioner Waldack said he would like to see this more defined, and see enforced compliance and penalties.

Commissioner Olsen said he views this as an improvement over the current situation.

9. Mayor's Report

10. Manager's Report

INF 2016-6845 — A. Information: Revised IEPA Regulations for Lead in Water

Stan Balicki, Assistant Director, Public Works, explained new IEPA regulations affecting the Village's water systems, which are related to lead and copper. He explained how the Village's operating water system works. The Village's source water is 100% Lake Michigan from the water plant just north of Navy Pier. The water leaving the treatment plant is lead free. The new requirements can be broken down into two categories including testing requirements and communication requirements. Mr. Balicki said that the communication requirements include notifying residents of lead tests, flushing information, and notification prior to construction or maintenance. All of these requirements relate to the lead levels in the water that could potentially be caused by disturbances in the sources of lead from exposure by corrosion of household plumbing materials. He further explained how water connections occur, noting that the Village water mains are made of iron with most connections to homes made of copper.

Mr. Fieldman said that staff is happy to answer any questions from residents and looks forward to working with the IEPA.

Commissioner White said that even a lead service line is frequently coated with phosphorous.

Commissioner Waldack said he would like to see a regular program on this on the Village's Cable Channel including potential costs. He noted that this stems from the situation in Flint, Michigan

Mayor pro tem Olsen agreed that information on the Cable Channel is a good idea .

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 granting a stormwater variance for 1740 63rd Street

12. Council Member Reports

13. Adjournment

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

Votes: Yea: Commissioners White, Hosé, Waldack, Vattimo; Mayor Pro Tem Olsen

Nay: None

Mayor Pro Tem Olsen declared the motion carried and the Council convened into Executive Session at 8:33 p.m.

Respectfully submitted,

April Holden

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Village Clerk