

PUBLIC SERVICES COMMITTEE

Minutes of Public Meeting

July 16, 2002

Village of Downers Grove
Committee Room
801 Burlington Avenue, Downers Grove

ROLL CALL:

PRESENT: Commissioner Martin Tully, Public Services Committee Chairman
Commissioner Marilyn Schnell
Mr. Jack Bajor, Director of Public Works

STAFF: Michael Baker, Assistant to Village Manager
Robert Schiller, Director of Operations – Public Works
Dann Fitzpatrick, Building Services
Don Scheidler, Building Inspector Code Services
Megan Dugard, Recording Secretary

ABSENT: None

Visitors: Mr. Colt Foutz, Downers Grove Sun Newspaper
Mr. Pappy Allport, Resident
Mr. Jack McGuire, Resident
Mr. Andrew Clark, Resident
Mr. Peter Hultman, Resident

Commissioner Tully called the Public Services Committee Meeting to order at 5:34 p.m. The minutes for the June 25, 2002 meeting were approved as submitted. He then stated that the next item on the agenda is the discussion of Stairway Conditions at the Village Hall and Police Department. He asked Mr. Jack Bajor to present Staff's position on this item.

Mr. Bajor stated that the Mayor and the Village Council had asked Staff to respond to an analysis of the outside stairways at the Village Hall and Police Buildings. He stated that the Engineering Department had reviewed the structures and Code Enforcement had prepared an assessment. The contractor who is currently working on the Village's Gap Project, P & R Contractors, gave a rough estimate of between \$80,000 - \$100,000 to fully remove and replace all of the stairway locations. He went on to say that the Village asked P & R to provide a more detailed estimate so that the Committee could review different opportunities to remedy the various concerns that were presented within the report by Mr. Hultman and Mr. Clark.

Mr. Baker stated that with the application of the standards set in the BOCA Building Code, which was adopted in 1996 and applies to new structures, the report identifies 187 violations. The document that the Village uses to assess compliance is the Property Maintenance Code, which was also developed by BOCA. He explained that since the stairs are between 25 – 30 years old they do not fall under the requirements set in the BOCA Building Code. He said that

there are not 187 violations under the BOCA Property Maintenance Code. He stressed that there are two issues, compliance and safety. He stated that the Village has a great concern and desire to provide safe Village facilities for all those that use them. He said that there are several alternatives to removing and replacing the entire stairways. He stated that all signage has already been put in place cautioning users that there are uneven stairs. He further stated that the possibility of hiring a contractor to address the most significant concerns, such as variations in height, the extension of the handrails and the reconstruction of the stairways has been discussed. He went on to say that drainage is the primary factor that is causing the stairs to “sink” and that any solution would not be complete without addressing the drainage concerns as well.

Mr. Bajor stated that Staff is looking into alternative measures. He stated that one of the options that has been discussed is mud jacking. He said that the tread and riser situation is a more difficult problem to solve. He stated that if the structural capabilities and overlay are there then the reforming of the stairways may be an option. He further stated that another option that the Engineering Department is looking into is the use of bricks to achieve the desired tread and riser dimensions. He stated that this option would provide compliance, safety and also an aesthetic look. He went on to say that drainage is a very important concern.

Commissioner Tully thanked Mr. Bajor and Mr. Baker for their input. He then asked if there were any questions.

Commissioner Schnell stated that on page 10 of the report it states, “ all sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in the proper state of repair and maintained free from hazardous conditions.” She asked if this is saying that the Village has a responsibility to repour the steps because they are currently in a hazardous condition or is it saying that the Village needs to repair them to a non-hazardous condition.

Mr. Scheidler replied that the Village has a responsibility to repair the stairways. He stated that the stairs that were done 30 years ago actually meet code for rise and tread. He stated that one does not go into an older building and start removing everything that does not meet present code. He stated that since these stairs have sunk the Village does have to somehow bring them into a safe condition. He stated that a safe condition does not mean meeting today’s tread standard, but means that the Village has to maintain what was put there 25-30 years ago and maintain the stairs so that they are not hazardous.

Commissioner Schnell asked if the wording “maintaining safe conditions” does not mean that a rise has to be so many inches. She said that it is her understanding that this would mean that the stairs that currently exist must be free of hazards and safe for pedestrians to walk up and down. She further stated that since the stairways are not in a condition where pedestrians are able to safely walk up and down them then the Village has to bring the stairs up to a safe condition. She then stated that in the report it stated that the Village used to use mud jacking in its Village Sidewalk Replacement Program but stopped doing so because there were stability issues. She asked if mud jacking is used if the drainage problem would not be solved.

Mr. Scheidler stated that it is his opinion that mud jacking is a quick solution for a short-term solution, such as three or four years. He stated that if some of the erosion could be stopped now then the mud jacking would probably last longer. He stated that when there is heavy rain the amount of rain that the stairways and the hill get is very high. He further stated that when you mud jack and lift the concrete up you are only lifting the concrete in certain areas and the hollow

concrete would allow for more drainage. He stated that it is only a solution that buys the Village more time.

Commissioner Schnell stated that a long-term solution would be to replace the entire stairways. She stated that this would have to be in concert with the decision of whether or not the Village Hall would continue to be at the same location, be completely remodeled, etc. She said that the status of this could be checked on with Rick Ginex. She stated that if Village Hall would be staying at the same location for the long-term then it should be fixed right. She stated that if there is a way of safely fixing the problem for the short-term if the Village Hall is to be relocated then that option should be considered. She said that it is hard to make a decision on what should be done when the final locale of the Village Hall is uncertain.

Commissioner Tully stated that the 1996 BOCA Building Code does not apply to the stairways since they are 25- 30 years old. He stated that the 1993 BOCA Property Maintenance Code is the code that applies to the stairways. He said that these stairways were clearly constructed prior to 1993 and were constructed according to code at the time of their construction. He said that the issue now is whether the stairs are hazardous. He asked how the code determines what a hazardous condition is since a condition could be interpreted differently by different people. He stated that there must be some kind of objective criteria.

Mr. Scheidler replied that there really are no objective criteria and that the criteria are up to the interpretation of the official in charge of determining if the stairways are safe. He explained that some of the criteria that are looked at are the slope of the stairs, major cracks, different heights of treads, etc. He said that the same criteria are used today as were 25 – 30 years ago but that the measurements are different.

Commissioner Tully stated that he also had a question regarding section 702.9 of the National Property Maintenance Code. He stated that there are measurements relating to the handrails, stairways and guards and the condition that they have to be in this section of the code.

Mr. Scheidler replied that section 700 of the Maintenance Code was deleted because it is for fire protection.

Commissioner Tully stated that section 303 states that the stairs should comply with the requirements of sections 304.1 and 702.9.

Mr. Scheidler stated that section 700 was deleted from the Property Maintenance Code when it was adopted by Village Council in 1993. He stated that the Village could look at section 700 as a reference but it is not something that they have to follow by way of ordinance.

Commissioner Tully thanked Mr. Scheidler for the clarification. He stated that the only section of the BOCA Property Maintenance Code of 1993 that has been adopted by the Village per ordinance is section 303.3, which only states that the stairways need to be kept in good repair and maintained frequently.

Mr. Scheidler replied that for this situation Commissioner Tully is correct.

Commissioner Tully asked if there is any idea as to what the cost would be to extend the railing.

Mr. Scheidler replied that no estimates have been received as of yet. He stated that he thinks that it would cost approximately \$2000.00.

Commissioner Tully stated that it was mentioned that depending on the drainage improvements the effects of mud jacking might last longer then three to four years. He asked how much longer the effects might last.

Mr. Schiller replied that it would depend upon the level of drainage.

Commissioner Tully asked if there have been any estimates for redoing the drainage so that it would not undermine the effects of the mud jacking.

Mr. Schiller replied that no estimates have been received as of yet.

Commissioner Tully thanked Mr. Hultman and Mr. Clark for putting together the report and bringing the issue to the Village's attention. He then welcomed comments from the audience.

Mr. Pete Hultman asked if Mr. Fitzpatrick or Mr. Scheidler were Civil Professional Engineers.

Commissioner Tully replied that they are not.

Mr. Hultman stated that he has lived in Downers Grove all of his life. He said that if there is a hazardous situation on his property he must fix it according to the existing code and not to the code that existed 30 years ago.

Mr. Scheidler stating that in this case the Village is only doing a repair. He stated that if mud jacking could safely repair the stairways then the Village would not have to replace them. He stated that if the stairways have to be entirely removed and replaced then they would have to be replaced according to the existing code.

Commissioner Tully stated that there is a distinction between a repair and a replacement.

Mr. Hultman stated that he thinks that this is incorrect and that the existing code must be followed on repairs as well.

Commissioner Tully stated that even though Mr. Fitzpatrick and Mr. Scheidler are not Civil Professional Engineers they are professionals in the interpretation and application of the codes for the Village of Downers Grove.

Commissioner Schnell stated that a legal opinion may be useful.

Mr. Andrew Clark stated that this is an issue of a hazardous set of stairs that could cause physical harm. He stated that the foundation of the stairs is faulty and should go down below the frost line so that this problem would not occur. He further stated that mud jacking does not affect the relationship between the treads and the risers because they are cast in one piece. He stated that the stairs were poorly constructed from the beginning and the only way to correct the problem is to completely reconstruct them on a good foundation. He stated that the key to a good stairwell is the relationship between the tread, depth, riser height and pitch. He said that he

agrees that the drainage issue is a key point that needs to be addressed. He stated that any repairs that the Village attempts would be a waste of money since complete reconstruction is required.

Commissioner Tully thanked Mr. Hultman and Mr. Clark for their comments. He then said that Staff is currently looking at all options.

Commissioner Schnell stated that the Village should speak directly to the company that would perform the mud jacking and ask them if mud jacking is a viable alternative if the foundation is not stable.

Mr. Fitzpatrick stated that the Village had already spoken with the company and they stated that the stairways could be lifted up with mud jacking. He stated that they could not guarantee that the foundation would not settle again.

Mr. Clark stated that a good foundation needs to be at least 3 ½ feet below the frost line. He stated that the drainage issue would not affect the movement of the stairs if the foundation were below the frost line. He said again that mud jacking does not affect the relationship between the tread, the riser and the pitch because it is all cast together in concrete.

Mr. Jack McGuire asked if the stairs were built under the 1965 building code. He also asked what year the stairways were built in.

Commissioner Tully replied that he is unsure which code was in effect at the time the stairways were constructed. He said that he believes that the stairs were constructed before the Village owned the building.

Mr. McGuire stated that the Village records should have this information. He further stated that the stairways do not have any expansion joints and there are not many codes that leave this out. He stated that the sidewalks that were poured in 1925 along Gilbert Avenue never had a crack in them unless the Village broke them up or the tree roots raised them up.

Commissioner Schnell asked if the cracks in the sidewalks between the platform and the stairs would be raised up or down with the mud jacking.

Mr. Fitzpatrick replied that the entire stairway would be raised up and the pitch would change.

Commissioner Tully asked if there were any further questions on this item.

Mr. Clark stated that he would like to say again that he does not think that mud jacking is the answer.

Commissioner Tully stated that he understands Mr. Clark's point.

Mr. Hultman stated that he does not understand how the Village could let the stairways become such a hazard.

Mr. Clark stated that all of the concrete on the stairways is breaking up.

Commissioner Schnell asked how long it would be before additional information was received.

Mr. Bajor stated that it should be a couple of weeks.

Commissioner Tully stated that when Mr. Bajor has additional and more detailed information on which options are available to return the stairways to a non-hazardous condition he should let the Committee know so that it could be placed on another meeting's agenda.

Mr. Clark stressed that he does not see how the stairs could be returned to a non-hazardous condition without complete reconstruction.

Commissioner Tully stated that the Committee requires additional information before they are able to make a recommendation to the Village Council. He stated that no one is saying that mud jacking is the solution at this time.

Mr. Clark stated that he feels that the Village is wasting their time looking into other options when the only real solution is reconstruction.

Mr. Hultman stated that it took an entire year from the time he made the Village aware of the problem for the Village to even get a bid on the mud jacking.

Commissioner Tully stated that the meeting would have to be adjourned at 6:30 p.m. so that they could attend the Village Council meeting. He stated that because of this they would have to move ahead to the next item on the agenda, the Current Stormwater Probation Issues. He then asked Mr. Bajor to present this item.

Mr. Bajor stated that the Village has been evaluating and internalizing the functions associated with the stormwater probationary status within Public Works. He stated that Village Council has approved extensions of the contracts with Christopher Burke and has tried to internalize the administrative functions that Christopher Burke was doing for the Village at a very high professional rate. He stated that now that the Village has Jon Hall as Chief of the Stormwater Division many improvements have been seen. He further stated that since many of the administrative functions have been internalized funds have been saved. He stated that the Village is starting to secure the support of the DuPage County Department of Environmental Concerns in its in-house capabilities. He stated that there was a punch list with ten items on it that needed to be addressed. He stated one of the remaining punch list items is that Staff would like to make the recommendation to the Village Council to appoint Jon Hall as the Stormwater Administrator to take over Kay Whitlock's duties.

Commissioner Tully asked if Mr. Bajor had the approval of DuPage County for Mr. Hall to take over the duties of the Stormwater Administrator.

Mr. Bajor stated that he would get the Committee a copy of the approval letter from the County. He went on to say that the Village has gotten underway with the reviews. He said that the costs are not going to be the burden of the Village but instead would be passed on to the applicant. He stated that he would like to share with the Committee an outline for the Stormwater Enforcement Program. He went on to say that he asked Mr. Hall to put together a list of all work that needs to be done in order to have the Stormwater Enforcement Program put into effect. He said that December 4, 2002 is the date for termination of the probation status. He then stated that Public Works is moving along with the permitting process so that applicants know exactly what is

expected when they walk through the door. He said that there is one review in particular that he would like to share with the Committee regarding a small patio. He stated that the patio was unfortunately in a special management area (SMA). He stated that since a pre-application meeting and a pre-permit meeting with the County were required when the permit came back the cost of the permit ended up being \$740.00, which is very high for a small patio. He stated that this is the first cost issue that has arisen but it is something that needs to be addressed.

Commissioner Tully stated that the cost would not be as high if the permit was received a year from now because by that time everything should be being done in-house.

Mr. Bajor stated that this is correct.

Commissioner Schnell asked if a handout page or a packet of information could be given to applicants stating the permit process so that there are no questions.

Mr. Bajor stated that a schematic is available.

Mr. Scheidler stated that the zoning issue or special area issues information are not in the packet.

Commissioner Schnell stated that the applicants should be forewarned that if a situation such as this should arise the costs would be passed on to them. She stated that it is better to provide too much information than not enough.

Commissioner Tully stated that, especially with residents, when they pick up a packet they should be aware that if their project does impact a Special Management Area there may be outside consultant costs. He stated that the resident should be made aware of what the costs would be and be given the option to proceed or not. He stated that if applicants know about the fees in advance than the Village also has a better chance of actually collecting the fees.

Commissioner Schnell stated that she is concerned that the Staff is going to become overtaxed and burned out. She stated that she is also concerned that Staff is not available to handle turnover flow.

Mr. Bajor stated that stormwater is a very complex and disciplined engineering function.

Commissioner Schnell stated that using Code Enforcement should take some of the pressure off of Stormwater Staff. She said that it is a great cooperative effort between the two departments.

Commissioner Tully asked when the verbal "blessing" was received from the County regarding Jon Hall taking over as Stormwater Administrator.

Mr. Bajor stated that this was received approximately four weeks ago.

Commissioner Tully asked what the process would be to end the probation status.

Mr. Bajor replied that on December 4, 2002 the County would be evaluating how the Village has responded to the punch list items and if they have all been addressed. He further stated that they would also perform an independent audit to look at the files and see how the stormwater

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reviews have been addressed. He said that they would confirm that the Village has done what we intended to do and once that is done a recommendation would be made to the County Stormwater Commission to remove the Village from probation.

Commissioner Tully stated that the Committee would not require an update on this issue every two weeks and instead would like to have one either once a month or when one is necessary.

The meeting adjourned at 6:26 p.m.