MINUTES
WINNETKA VILLAGE COUNCIL STUDY SESSION

January 12, 2016

(Approved: February 2, 2016)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, January 12, 2016 at 7:00 p.m.

1) Call to Order. President Greable called the meeting to order at 7:01 p.m. Present: Trustees Andrew Cripe, Carol Fessler, William Krucks, Stuart McCrary, Scott Myers and Marilyn Prodromos. Absent: None. Also in attendance: Village Manager Robert Bahan, Assistant to the Village Manager Megan Pierce, Village Attorney Karl Camillucci, Community Development Director Mike D'Onofrio, Fire Chief Alan Berkowsky, Deputy Fire Chief John Ripka, and approximately 4 persons in the audience.

2) Sprinkler Requirements for Commercial Properties. Chief Berkowsky explained that the original Fire Sprinkler Ordinance, enacted in 1977, approved "change of use" as a trigger to require installation of a fire sprinkler system. The expectation was that eventually, most or all of the commercial buildings in Winnetka would be equipped with sprinkler systems. In 2013, the Urban Land Institute recommended reviewing sprinkler regulations to determine if they impact economic development.

   The Chief reviewed a progression of the four most recent fire sprinkler discussions between February, 2014 and April, 2015. After the meeting in February, 2014, the Council generally agreed that a phased-in approach to retrofit commercial buildings should be pursued; the Council reviewed a draft retrofit ordinance in July, 2014. The Council then requested more input from the business community about the impact of the retrofit ordinance. Staff gathered feedback at community meetings and surveys of property owners and businesses, and in November, 2014, presented the results. At that time, the Council requested a survey of the fire safety codes of comparable communities, and several Trustees asked the Fire Chief to develop a risk factor analysis. Staff brought the requested information to the April 14, 2015 Council meeting, where no consensus was reached on the issue.

   The Chief explained modern fires have a very short flash point due to the prevalence of synthetic materials in furnishings and building materials, which is why fire sprinklers are recommended. He shared some facts about sprinkler systems, reviewed commercial fire incidents in Winnetka over the past decade, and reviewed a range of installation costs. He noted that fire sprinklers saved the Community House in 2009 when a fire was started in the auditorium. He cautioned against deciding the sprinkler question on a case-by-case basis; doing so could result in more challenges, would lack consistency, and reduce predictability for building owners. In addition, many building owners have already spent money to comply with the Village's sprinkler regulations, which could lead to equity questions if the Sprinkler Code is drastically changed or eliminated.

Chief Berkowsky listed the following issues for consideration:

- Modify the trigger for requiring fire sprinkler systems by: adopting the Hazard Matrix, and/or adding certain exceptions for business size, and/or tying enforcement to large-scale renovation;
- Add a delayed compliance provision to the current Sprinkler Code to allow owners to gradually pay for the improvements;
- Eliminate the change of use trigger in the current Sprinkler Code entirely, and follow established building codes; and
- Maintain the status quo and leave sprinkler requirements unchanged.

Answering a question from the Council, the Chief estimated that 50-60% of the Village's commercial space has fire sprinkler systems installed. He added that simply following established building codes would have resulted in zero spaces with fire sprinkler systems.

It was brought up that people are the main fire hazard, and can't be captured in a scientific analysis. In addition, simply focusing on change of use as a risk characteristic misses out on many other risk elements. The Chief explained that a thorough analysis would need to be undertaken to flesh out the Hazard Matrix, since that information has not been previously compiled; this could be why a change of use trigger was chosen when the sprinkler requirements were first enacted in 1977.

Answering a question about water damage caused by fire sprinklers, Chief Berkowsky explained that water causes much less damage than smoke, and can be easily cleaned up, resulting in a faster rebound from a fire. He added that just a tiny bit of smoke can ruin the entire contents of a structure.

Trustee Cripe commented that the change of use trigger was probably chosen to avoid disrupting an existing business. He said he would be in favor of keeping the current trigger, but providing delayed compliance provisions to give owners time to cope with the expense, and adding a temporary use provision for pop-up stores.

The Council asked more questions and then deliberated, with the goal of identifying a solution that balances public safety and the cost burdens on building owners. It was agreed that if a 50% building value remodeling trigger is adopted, owners will likely remodel to the 49% value. The Chief confirmed that adding a standard based on the size of a commercial space does not in any way tap into a known fire hazard. A Village fee waiver program was also discussed.

President Greable called for audience questions.

Terry Dason, Director of the Winnetka-Northfield Chamber of Commerce. Ms. Dason asked what the cost of permit fees is for a fire sprinkler system installation. Chief Berkowsky said the range of fees is $3,900 to $6,365, based on his report on page 16 of the Agenda Packet.

Tim Walter, Hlavacek Florest. Mr. Walter asked what size water service would be needed for a sprinkler system installation. Chief Berkowsky explained that a figure would depend on the number of sprinklers being installed and the elevation of the building; typically an upgrade to a larger water service is required.

Next, President Greable called for audience comments.

Glenn Weaver, owner of 574 Lincoln. Mr. Weaver posited that smoke detectors are sufficient fire safety devices, and he shared anecdotal information that several property owners would not have invested in Winnetka had they been aware of the sprinkler requirements. He said he has received quotes ranging from $60,000 - $100,000 to install fire sprinklers in his building, not including Village fees.

Chief Berkowsky used the Village Toy Store, which spent a total of $38,000 for a sprinkler installation, as an example of typical cost. Mr. D'Onofrio added that most contractors charge about $5 per square foot to install the system; tapping into the water pipes in the street is a big driver of the cost. He noted that every installation is dealing with a different pipe configuration under the street.

Dick Busscher, Hubbard Woods building owner. Mr. Busscher related a story about a change of use in his building five years ago that triggered the Village's fire sprinkler provisions. He noted that he spent approximately $50,000 to install a system on the building's third floor, and that he will never recoup that cost.

Trustee Fessler asked Mr. Busscher if he would be concerned about fairness if the Village were to change the current sprinkler code. Mr. Busscher said he would not be in favor of so strictly enforcing the code.

Chief Berkowsky explained the Village was concerned about businesses located in the middle of multifamily buildings.

After another brief discussion, President Greable called for policy direction.

A majority of the Trustees were generally in favor of keeping the current sprinkler regulations, but some favored adding tweaks such as: (i) allowing 90-day pop-up stores; (ii) adding delayed compliance provisions; (iii) drafting a retrofit ordinance with incentives for building owners; and (iv) a possible cost-sharing program for the Village fee aspect of the sprinkler installation. All were in agreement that a balance between public safety and cost burdens on businesses was the desired outcome.

There was a discussion about high risk uses, such as restaurants. Manager Bahan said Staff would research methods to reasonably separate out high risk vs. normal risk uses. Chief Berkowsky said he would return with a draft ordinance that retains the current sprinkler requirements but adds a delayed compliance provision and provides incentives on the installation cost.

3) Public Comment. None.

4) Executive Session. None.

5) Adjournment. Trustee Myers, seconded by Trustee Prodromos, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:30 p.m.

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Deputy Clerk