



Board of Trustees

Committee of the Whole

~ Minutes ~

1225 Cedar Lane
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Debbie Ford
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Tuesday, September 8, 2020

6:00 PM

Terrace Room

IMPORTANT NOTICE: VILLAGE BOARD MEETING - VIA WEBEX VIDEO CONFERENCE CALL

1. ROLL CALL

Attendee Name	Title	Status	Arrived
Sandra Frum	Village President	Present	
Kathryn Ciesla	Trustee	Present	
Bob Israel	Trustee	Present	
Muriel Collison	Trustee	Absent	
Heather Ross	Trustee	Present	
Johannah Hebl	Trustee	Present	
Dan Pepoon	Trustee	Present	

2. MINUTES APPROVAL

- A. Board of Trustees - Committee of the Whole - Aug 25, 2020 6:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Johannah Hebl, Trustee
SECONDER:	Kathryn Ciesla, Trustee
AYES:	Frum, Ciesla, Israel, Ross, Hebl, Pepoon
ABSENT:	Collison

3. PUBLIC COMMENT TIME

President Frum read an email from Catherine Caporusso from Go Green Northbrook stating that she has concerns about changes in Section 21 of the Municipal Code. She asks that the Board please consider deferring any action until after the sustainability study is completed.

Joe Roth from North Shore Barrington Association of Realtors headquartered in Northbrook called in remotely with concerns on the demolition tax as written in the packet. He stated that it disincentives development when we need it the most.

4. DISCUSSION TOPICS

- A. Continued Review of the Municipal Code

President Frum opened the meeting stating that there would be continued review of the Municipal Code but nothing would be approved tonight. After all of the chapters are completed, the entire Municipal Code will be brought back to the Board for a vote.

Village Clerk Ford stated the chapters that will be reviewed tonight include:

- Chapters 9 (Construction of Utility Facilities in the Public Right-of-Way);
- Chapter 10 (Cable and Video Communications); Chapter 16 (Nuisances), which was previously reviewed June 23, 2020, with an added section regarding motor driven scooters;
- Chapter 21 (Solid Waste, Landscape Waste and Recycling); and
- Chapter 26 (Public Passenger Vehicles), which may ultimately be eliminated.

The proposed amendments primarily fall into three categories:

- general clean-up;
- legal updates;
- substantive policy changes.

Brooke Lenneman from Elrod & Friedman began the review.

Chapters 9 (Construction of Utility Facilities in the Public Right-of-Way) and 10 (Cable and Video Communications) were reviewed together. The chapters were cleaned up and clarification was added where necessary. One section in Chapter 10 (Cable and Video Communications) was brought in alignment with the Village's emergency alert system.

There were no questions on Chapters 9 and 10.

Chapter 16 (Nuisances) was previously reviewed but was brought back to the Board after the Police Department expressed concern about the section on motor driven scooters. The proposed changes prohibit motor driven vehicles not titled by the Secretary of State (including electric bikes or e-bikes) on public way for people younger than 16 years old and allowable for people 16 years old and over.

Trustee Israel stated that a public way includes sidewalks. He asked about youths on the sidewalk by the Village Square (Green). They would not be allowed to ride.

Trustee Hebl would like to see electric bikes incorporated for those less than 16 years. She believes it is a good mode of transportation. She would like to discuss the definition of a motor driven scooter and has concerns about the speed of these devices. Ms. Lenneman stated that it is possible to include other items in list form. Ms. Lenneman stated that speed limits may be impractical to enforce but will discuss the question with the Police.

Trustee Ross asked about the number of drivers allowed on a motor scooter. She has witnessed adults driving with young children as passengers.

The Board had concerns about whether the motor driven scooters fall under the parameters of the helmet ordinance. Ms. Lenneman stated that helmets were left out because motor vehicles do not require helmets and, as written, only people age 16 and over will be allowed to drive the motor driven scooters.

Trustee Pepoon has a question on Chapter 16-26 regarding open burning. He stated that wood is included but green yard waste is not acceptable. The item needs to address with more clarity what might be allowed in the open burning section.

President Frum asked that language on fire pits be reviewed. She asked for more information on regulations regarding motor scooters, whether speed limits can be regulated, what types of vehicles should be included in the language, and a report from the Police Department on the subject of helmets.

Chapter 21 (Solid Waste, Landscape Waste and Recycling) - A section of the code regarding reporting does not align with the current franchise agreement. Commercial waste firms that the Village does not contract with will not be required to make quarterly reports to the Village. New clarification written into the code would require any franchise agreement participant to prepare quarterly reports on solid waste, landscape waste and recyclables for the Village. Those reports would be made available to the Village upon its request.

Trustee Hebl stated that having the metrics is important information for green initiatives. Madeline Farrell, Assistant to the Village Manager, added that the Village tracks the amount of recycling and

waste at municipal sites, tipping fees paid, and location of disposal and recycling along with weight and other metrics.

Trustee Ciesla stated that data is important. President Frum acknowledged that the Village receives data for residential customers but asked if commercial metrics make sense as well.

Trustee Israel stated this information could be important to the sustainability study.

Ms. Lenneman stated that it would be helpful to retain the code amendment if the Village wants metrics from the industrial haulers.

President Frum stated that consensus is to leave the reporting requirements as is in Chapter 21.

Chapter 26 (Public Passenger Vehicles) - The Village elects to eliminate licensing the individual taxicab and livery drivers and to only regulate the businesses and treat ride share companies and ride share drivers more similarly.

B. Discussion of an Affordable Housing Trust Fund and Related Demolition Tax & Fee in Lieu Payments

President Frum stated that the Board would discuss fee in lieu for certain size developments, set the amount of the fee, make a decision if there will be a demolition fee and how the trust fund will be operated. Director Poupard provided background on affordable housing tools that included information on revenue sources for the affordable housing trust fund, the use of a demolition tax as a possible funding source, and incorporating a fee in lieu program. He stated that the trust fund, demolition tax, and amount of the fee in lieu are in the purview of the Board of Trustees. The first public hearing on the zoning code amendments is scheduled for September 15, 2020 Plan Commission meeting.

A Housing Trust Fund is the accepted mechanism for establishing a dedicated place to earmark funds that can be used for a variety of housing initiatives. There would be mandatory annual reporting. If the Village decided to partner with a group, Community Partners for Affordable Housing (CPAH), the fund could be used to pay for those services. It can also fund other administrative costs with implementing the housing program. There were no questions on the type of housing trust fund. The Demolition tax is collected when homes are razed to make way for new, larger homes. Highland Park has a \$10,000 tax and Lake Forest has a \$12,000 tax both allow other uses of the demolition tax other than funding housing.

Highland Park has dedicated 100% of their funds for housing. Lake Forest has dedicated one-half of the funds collected for housing and one-half for capital improvements. Director Poupard provided historical data on demolition activity and associated revenue within the Village. He asked the Board to consider: 1) is \$10,000, as a placeholder for the fee reasonable. 2) Does the Village want to allow a portion of the funds be diverted to other sources than housing? 3) Is January 1, 2021 a good date? 4) Do we agree to notify the realtors and craft an email blast?

Trustee Israel asked about the three-year rule regarding demolition tax when an individual builds a home for himself. Direct Poupard answered that no demolition tax is required when occupancy permits show someone purchases and lives in a home for three years, tears down the home, rebuilds it, and lives in the new home for three or more years.

Trustee Hebl questioned partial demolition whereby one wall is left standing. She asked if there is a partial demolition tax required. Attorney Elrod stated that the Village has language in place for this type of situation. There is a process that can be referenced in the code.

Director Poupard stated that the building code was recently amended to address the building code issues with partial demolition activity. The Building Code no longer has to rely on the provision in the Zoning Code that states that if you take down more than 60% of the walls, it's deemed gone from a zoning perspective. Attorney Elrod recommended that we do this consistently following the process that is already in place going forward. The language can be updated accordingly to reference this.

President Frum is comfortable with \$10,000 as a demolition tax. She wants the funds only to go to affordable housing. She is comfortable with the January 1, 2021 date and believes information should be sent to all of the real estate companies in town and our regular builders.

Trustee Israel agrees with \$10,000 as a tax and wants the money restricted to the housing trust fund. He agrees with January 1, 2021 and wants the notice to go out as soon as possible.

Trustee Ciesla believes \$10,000 is reasonable but wants to monitor it. She is sensitive to the public comments. She wants the funds dedicated to the housing trust only and agrees with the January 1, 2021 date.

Trustee Ross wants the \$10,000 tax to go to the affordable housing trust fund only. She agrees with the January 1, 2021 date and wants to send out notice as soon as possible.

Trustee Hebl agrees with the \$10,000 tax. She wants the money restricted to the housing trust fund only and is comfortable with the January 1, 2021 date. She also wants consistency with determining what constitutes full and partial demolition.

Trustee Pepoon agrees with the \$10,000 tax. He asked if Highland Park has a sprinkler system requirement for new homes. Director Poupard believed that they did, but would verify this. Trustee Pepoon wants to be consistent with others and would not want to be the only one to have a sprinkler system mandated and a \$10,000 tax on top of that.

President Frum asked that Director Poupard make certain that other towns require sprinklers as well and stated that there was 100% concurrence.

Director Poupard stated that originally Highland Park set fee in lieu at \$100,000 per unit. Over time, it was as high as \$200,000 per unit. Highland Park is now set at \$125,000 after a very detailed analysis. He shared that Evanston uses a two-tiered system. The fee is higher in the downtown area and research park area (\$175,000) because that is where there is more emphasis on affordable housing versus other places (\$150,000).

Trustee Israel asked if there was a way for the Village to test a number rather than just pick a number. Director Poupard answered that he has not had enough time to do that level of research but stated that we can have McKenna help us as they are working on a density bonus calculation.

Trustee Ross shared information from CPAH that it can cost a lot more in single-family homes versus rental units. She asked for a deeper dive into how to justify the amount of the tax.

President Frum asked if we should set the fee in lieu number now or wait another month for more information. The consensus from the Trustees was to set the number between \$125,000 and \$175,000.

5. REMARKS FOR THE GOOD OF THE ORDER

None

6. CLOSED SESSION

7. ADJOURN

On a motion made by Trustee Pepoon and seconded by Trustee Israel the COW meeting was adjourned at 7:05 p.m.