

**COMMITTEE-OF-THE-WHOLE  
MINUTES  
April 19, 2022**

Mayor Gallo called the Committee-of-the-Whole meeting to order at 7:30 p.m.

**COUNCIL IN ATTENDANCE:** Aldermen Karen McHale, Nick Budmats, Kevin O'Brien, Jon Bisesi, Mandy Reyez and Lara Sanoica

**COUNCIL MEMBERS ABSENT:** Alderman Vinezeano

**STAFF IN ATTENDANCE:** City Manager Rob Sabo, Deputy City Clerk Judy Brose, Assistant to the City Manager Lori Ciezak, Police Chief John Nowacki, Fire Chief Jeff Moxley, Deputy Fire Chief Pete Sutter, Director Public Works Rob Horne, Assistant Director Public Works JoEllen Charlton, Chief Information Officer Waseem Khan, Business Advocate Martha Corner and City Attorney Melissa Wolf

Mayor Gallo announced that the floor will be open to the audience for 20 minutes to address the City Council on matters that are on the agenda after the City Council discusses with Staff. Persons wishing to address the City Council keep their comments to 5 minutes in length. Comments must be addressed to the Council as a whole through the Mayor, and profanity may not be used in any form.

### **1) Update on Brookwood Condominiums Proposal Storm Water Detention Issue**

Rob Horne, Director of Public Works provided a brief history of this project as it will likely be reintroduced into the 5-year Capital Improvement Plan (CIP), during this year's capital planning efforts. The last update on this matter was brought to the Mayor and City Council in February, 2019.

The Brookwood storm water detention project is one that has been identified in the City Budget or Capital Improvement Plan since 2010. The solutions involved in helping remedy this drainage issue are complex and not easy to solve. The detention area, constructed on the south side of the Brookwood Condominium complex, was not sufficient at time of construction (early 1970's), and was never covered by any easement. Over time, the Brookwood detention area became overgrown and the shade produced by the vegetation contributed to erosion, thereby reducing detention volume and increasing stormwater flow through the area. Compounding the problem was the construction of the White Oaks Subdivision (Jody Ct.) in the 1980's. The intent was to widen Brookwood's existing roughly 40' wide detention area by an additional 20', which was platted for the White Oaks Subdivision. This work, however, was never completed, therefore, essentially no detention was accounted for in the construction of the White Oaks Subdivision. Instead, the builder installed fences on the rear lot line, leading Jody Court owners to believe they could utilize the 20' platted detention easement areas as extensions of their rear yards.

In the past, staff made significant efforts to discuss cooperative efforts between the residents within the White Oaks Subdivision and the Brookwood Condominium Subdivision HOA (HOA). Despite numerous discussions, no resolutions have been reached by the respective properties. Compounding the issue is the HOA's unwillingness to maintain the existing detention easement or transfer ownership to the City, to allow for necessary work to be completed. Public Works staff made efforts in 2019 to reopen discussions with representatives of the HOA who indicated there was a newly elected board. The belief was that this new group might be more open to the idea of the City purchasing the required easement to maintain the detention area and enable the required improvements. In

the past, the City had provided a monetary offer of \$66,300 “to the Brookwood Condominiums home owners in exchange for a conveyance to the City of Rolling Meadows of a storm water detention area easement.”

Following preliminary solutions provided by the City Engineer that would account for 2/3 of the required detention needed, the City Council provided direction to the City Attorney to pursue a property condemnation process on a concurrent track with staff’s continued discussions to convince the HOA to cooperate with the City. It is assumed that because the direction was not strongly desired, it was recommended that resources and efforts be directed elsewhere until there was stronger opinions on this issue.

In 2020, because of the uncertainty of the project, staff recommended completing other high-priority projects that had been part of the City’s CIP for several years and did not pose the same types of challenges. As staff has recently completed many of these other projects, the Brookwood Detention project is now being reintroduced into the 5-year CIP.

The City previously received a grant from the State of Illinois in the amount of \$75,000. This money was not sufficient to do any of the construction. Rather, it was spent primarily on Attorneys and Engineering expenses before being frozen by the State and then expiring during FY2020. The City was able to benefit from a significant portion of these grant funds for those services. That said, this project will be a worthy project for the City to pursue with either State of Illinois or MWRD grant program opportunities in the future.

Project cost estimates, based on most recent design by the City Engineer, are \$450,000 to \$500,000. These estimates were provided prior to 2018, so the costs are expected to be higher due to time and current economic conditions. The proposed site storm water detention improvements (as provided by CBBEL) would only provide some level of additional flood control (approximately 2/3 of what is necessary) for Jody Court homeowners and for the Brookwood Condominium parking lot.

This project will require future discussions with the HOA and residents of the White Oaks Subdivision. It will also require significant engineering, which can be seen by the documentation provided by the City Engineer. Ultimately, the best solution for this project is for both parties to find common ground and for each to sacrifice something toward a mutually beneficial solution.

No formal direction from Council was requested. This was simply an update for the benefit of the City Council to better understand this project, which is expected to proceed through the Capital Projects Committee, before being proposed as part of the 5-year CIP planned for later this year.

Alderman Sanoica noted that if we were to pursue the most aggressive option, it would not fulfill 50% of the detention requirements for this area. Alderman Sanoica stated that this is a borderland between Ward 2 and Ward 7 and is looking forward to working with Alderman Budmats, who is also a member of the Capital Projects Committee, to address this issue in the future. Alderman Budmats stated that both sides of the creek/detention area need to pitch in and give toward a solution if they’re expecting the citizens of Rolling Meadows to also give to solving their problem. Alderman Sanoica stated that the residents on Jody Court are willing to do what is necessary as long as the problem is fixed.

## 2) **Sunset Drive and Brookview Lane Special Service Area (SSA) History Discussion**

Rob Horne, Director Public Works stated that this project was proposed to provide City sanitary service to residents living along Brookview Lane and Sunset Drive, within the City of Rolling Meadows. This area was annexed years ago, with no conditions established to provide sanitary service. Some residents have requested sanitary service over the years. As a result, this project has been contemplated by the City since 2011. Over the course of the last 5 years, numerous public information meetings have been held with most area residents attending. At the most recent meeting, 14 of the 22 properties indicated they would be in favor of the new sanitary sewer main, if constructed.

Cook County no longer permits upgrades or repairs to failed septic systems if the property has access to a public sanitary sewer main. Over the course of the last 10 years (primarily prior to 2018), staff along with Aldermen have had countless residential meetings and updates at Committee of the Whole meetings. Most recently, at the end of 2018, Council gave staff direction to proceed with the installation of the sewer main, in response to receiving favorable responses for a desire to connect to the new sewer from the area residents.

Initial estimates in the Capital Improvement Plan (CIP) underestimated the costs associated with the project. Initial cost estimates were \$250,000. After significant time and effort establishing more appropriate funding representation, staff added the project back into the CIP in 2020. Staff proceeded with the design of the entire project, which was approved by City Council in 2020 and construction of the first phase of the project, which was approved by City Council in 2021. Staff and the consulting engineer are refining final construction documents for the second phase of the project as part of the FY2022 program. The CIP includes \$600,000 in 2022 and \$300,000 in 2023 for this sanitary sewer installation project.

Historically, when the City installed a new sanitary sewer main along Old Plum Grove Road for the residents in that area, there was a plan to recoup costs by increasing the connection fee from ~\$1,800 to \$7,000. Unfortunately, very few of those residents actually connected to the main. This provoked the previous City Council to require a special service area (SSA) be established for the Brookview/Sunset area in conjunction with the sanitary sewer installation. Staff will pursue this process moving forward unless Council provides direction to pursue one of two other options. All three options are highlighted below for Council's consideration.

*Option 1 – Establish Special Service Area:* The previous City Council gave direction, based on numerous meetings with area residents, to construct the sanitary sewer main and provide service to residents. However, because there was a concern that residents would not connect in a timely fashion, the Council required an SSA be established for the sanitary sewer main construction. Additionally, as a way to assist residents, the City agreed to bid the sanitary sewer service work under one contract and include those costs (to the greatest degree possible) into the SSA as well, which would help the residents distribute the estimated \$60,000 total cost to \$3,000 over twenty (20) years.

As part of this option, the City will hold a 60 day public hearing process for the Special Service Area, per state law, at which time, 51% of those properties affected by the SSA, would have to oppose the effort to keep it from moving forward.

*Option 2 – Complete Project – No Special Service Area:* The current City Council may choose to waive the Special Service Area altogether. If so, residents would not be able to amortize the cost of running their service line from the main to their home as part of the SSA over 20 years. That said, residents would save significant money by not having to pay 50% of the sanitary sewer main installation over the next 20 years.

If the Council chooses to pay 100% of the sanitary sewer main installation, each resident would still be required to pay the City required connection fees, which is ~\$1,800/home. In addition to this fee, each homeowner would be

required to pay for the cost of installing their service line from the main to their home. The only properties that would be eligible for a waiver of this fee are those homes where the City needs to acquire right-of-way.

*Option 3 – Complete Project – Require Recapture Agreement:* The current City Council may choose to institute a recapture agreement to recover a portion of the costs associated with the project, in lieu of the SSA. These costs are not generally representative of the true cost of the installation but more of an acknowledgement of the resident's obligations to participate in the public improvement. For example, this fee may be proposed as \$10,000/service connection, or \$100/linear foot of frontage. Again, as indicated above, residents would not be able to amortize the cost of their new service as part of the SSA over 20 years. Instead, they would use personal savings or personal loans to accomplish that. Residents would save significant money by not having to pay the full 50% of the sanitary sewer main installation over the next 20 years, but this would be a costlier option than the one identified above.

Additionally, if the Council chooses to pay 100% of the sanitary sewer main installation and institute a recapture agreement, each resident would still be required to pay the City connection fee which is ~\$1,800/home. This fee would be required of the homeowner, in addition to the cost of installing their sanitary sewer service. The only properties that would be eligible for a waiver of this fee and the recapture fee are those homes where the City needs to acquire right-of-way.

*Right of Way Issue:* Sunset Drive's existing right-of-way width is only 33', or roughly half of a normal street right-of-way. The area in red shows the location of the north 33' that is currently privately owned by each of the homes on the north side of Sunset Drive. There are many parts of the actual road that are not located in the right-of-way. As part of this project, it is important that the City acquire the additional 33' of property to add to the right-of-way. Initial estimates related to the property acquisition were much lower than identified by the appraiser. That said, it is important for both the City and the homeowners to understand the liability issues that can be raised. Currently, any City operation performed on a significant portion of Sunset Drive is being performed on private property. Secondly, any maintenance, accidents, or injuries that occur are the responsibilities of the homeowners. Attorney Wolf confirmed that a private property owner doesn't have the same types of immunities that a public entity has so if there is any injury that occurs on private property there could be exposure to liability to that private property owner.

*Schedule:* Based on previous direction and the current budget, staff will be pursuing the following schedule: 1) Staff and the consulting engineer will develop construction documents to install the second phase of the sanitary sewer main. *The original plan was to bid out this phase along with the sanitary sewer services for all residential properties. However, due to the cost of the right-of-way acquisition, staff is proposing the relocation of a portion of the existing water main to allow for the installation of the second phase of the sanitary sewer main. The extra costs associated with this work makes service installation this year not feasible.* 2) Staff will work with the City Attorney to initiate the public meetings and protocols needed to establish the Special Service Area. 3) Staff will work with the consulting engineer to negotiate pricing for the rights-of-way. Staff will also modify the 5-year capital plan to incorporate this expense into the FY2023 budget. 4) Staff will work with the consulting engineer to finalize construction plans to bid out and complete the individual sanitary services in FY2023. 5) Staff will ensure that the appropriate funds are identified in the 5-year capital plan and include the necessary funding into the FY2023 budget.

Alderman McHale stated that this was supposed to be a 3 phase process. Phase 1 was last year and we were hoping that 2 and 3 was going to be this year and that doesn't seem to be the case now because the acquisition of the right-of-way was part of phase 2 and now the cost is so high. Alderman McHale asked if residents can negotiate and Director Horne stated that the revised cost of the acquisition is the original appraisal less the cost of the service line but it still may cost \$160,000-\$170,000 for all 8 properties and the City would absorb the cost of the sewer service

in lieu of that which is already in the Budget. It would be less of an adjustment to next years Budget but it would still be an adjustment. Alderman McHale asked if residents were to work with the City, would phase 2 and phase 3 be completed this year. Director Horne stated that the only phase that is able to be done this year is phase 2 because the water main needs to be relocated. If we already had the right-of-way there would not be a need to relocate the water main.

Kevin Herdegen of 3001 Brookview Lane stated he has a copy of the annexation agreement and it specifically specifies that there would be no sewer installed at the owner's expense. At that time, Rolling Meadows wanted the property as it is way out of character as the rest of the City. It's a signature area with 300 year old oak trees and the City wanted the tax revenue because of all the expensive land and expensive houses. He's been paying taxes for a long time and residents are concerned that there wouldn't be a straightening of the road which was a topic back then. The residents knew the road was off but it has a rural feel and they did not want a straight road with curves and lights and they didn't want the trees removed either. He doesn't want the road straighten or the trees removed and doesn't want all the development. The only provision in the annexation agreement regarding the sewer is if there is a health issue and he doesn't think anyone has come out to determine if there's a health issue in that area. A few inspectors came out and specifically told him that they're not qualified to evaluate that. So until someone sends out a person that's qualified and deems it a health issue, he doesn't believe anyone has any authorization to install sewers. In regards to the Special Service Area (SSA), he was never asked to vote for it and doesn't know who decided to move forward with it. He challenges anybody to come up with a document where a vote was taken with his name on it stating he wants an SSA. There were guidance surveys which specifically stated that it's just for general guidance to gather information. There was no vote ever taken for this SSA. The Council and residents have changed over the years but he still has all the documents. Regular residents in Rolling Meadows have paid \$1800-\$2500 to connect to the sewer. There was a fee implemented for the Old Plum Grove properties of \$7000, obviously that fee was too high or there would have been more people connect. Mr. Herdegen does not see any reason why the average resident pays \$1800-\$2500, the premium resident on Plum Grove Road pays \$7000 and they're being asked to pay \$60,000. Where's the equality in that? Rolling Meadows put a new street in as a capital improvement and he wasn't asked to pay for the street and doesn't know why he's being asked to fund a capital improvement in the City. He would like to hear an explanation and he doesn't think it's the City's policy to burden the residents with capital improvements. He understands a connection fee/monthly fee but doesn't see the logic just because it's a big expense. Why is this different than every other capital project in the City? As part of this project there is also a proposal to issue a new drainage feature which would route all the run off directly into Salt Creek creating flooding downstream. Part of his yard is already in a flood plain. He thinks that current public policy is to let the rain water drain where it lands and not rushing it down to create a flood in another area. He doesn't think it's appropriate to direct more water that's going to create flood problems downstream.

Mayor Gallo stated that this is an ongoing conversation amongst Council and Public Works. The answers to Mr. Herdegen proposed questions will be provided as comments and feedback in the next presentation on this subject.

Jim Hanson of 5230 Sunset stated he's going to hold a lot of his comments until he hears a little more about what the proposed next steps are. He's had conversations with the City regarding the 33 feet that the City wants to take and this isn't new, it's been going on for 15 years. He inquired as to why the City put half the sewer line in and then decide they want 33 feet from the residents. This issue has been public record for years. Mr. Hanson is confused about the mismanagement on how it's gotten to this point and he also thinks there are legal issues associated with this that he definitely wants to explore. He doesn't know where the \$60,000 per home cost comes from as there's never been an explanation on how the City got to that number and other numbers. He thinks there's a lot of missing information and it needs to be vetted and discussed in a different way because currently it's a mess. We have half of a street that has a sewer line and the other half doesn't and there is a lot of questions on this cost and how it is going to be reconciled.

Alderman McHale thanked all the residents that came to the meeting.

### **3) Review of Telephonic Attendance Ordinance and A/V Upgrades to Enable Hybrid Attendance for City Meetings**

Rob Sabo, City Manager stated that Section 5 ILCS 120/7 of the Illinois Open Meetings Act (OMA) enables public bodies to allow attendance by means other than physical presence with specific limitations set forth including a requirement that a quorum of the members of the public body be physically present and that the remote attendee's reason for doing so is due to "(i) personal illness or disability; (ii) employment purposes or the business of the public body; or (iii) a family or other emergency". Section 7.c of OMA allows a public body to adopt rules pertaining to remote attendance which conform to OMA. Section 2-114 of the City Code sets forth the City's rules for remote attendance for the City Council.

Prior to the pandemic, the City had contemplated enabling the ability for a Councilmember to participate in a Council meeting remotely via telephone. In September 2019, the City completed upgrades to the Council Chambers A/V system to allow for telephonic participation. The total cost of the upgrade was \$23,227. The upgrade allowed for Aldermen to call into a meeting in the event of a qualified absence and participate by phone whereby the audio from the callers would be audible by persons physically present in the Council Chambers through the speaker system, that the microphones in the Council Chambers would be audible to the Aldermen who are participating telephonically, and that the audio from both the in-person and telephonic attendees would be captured by the City's video production system for the live broadcast and recording with acoustic echo cancellation to prevent feedback from the speakers being picked up by the microphones within the Council Chambers. When these upgrades were made in 2019 prior to the pandemic, hybrid meetings whereby an Alderman could participate remotely via video conferencing, were not conceptualized nor being utilized by Illinois municipal governments for public meetings. The hybrid Council meeting was a product of the pandemic. Hence, the City did not contemplate including the equipment necessary to conduct hybrid meetings featuring video functionality when the upgrade for telephonic participation was completed in 2019.

In April 2021, staff looked into the equipment that would be necessary to conduct hybrid meetings in the Council Chambers whereby Aldermen who were physically present in the Council Chambers could see on the existing television monitors and hear on the existing speakers any Aldermen who were participating remotely via a virtual conferencing software such as Zoom and where the Aldermen participating via Zoom would be able to see and hear the Aldermen who are physically present in the Council Chambers, while also being able to capture the audio and video feeds from both the Council Chambers and Zoom software for the live stream and recording of the meeting. Upon review, the existing equipment would not be able to present both images coming from the Zoom and the Council Chambers on the television screens in the Chambers so that the Council can see what is being streamed and also see the Aldermen participating via Zoom; nor would the existing equipment be able to integrate the two feeds into one recording for the live stream and video archiving. Staff obtained a proposal in March 2022 to upgrade the A/V system to allow for a hybrid meeting that would meet the City's needs. The total cost to upgrade the A/V system for hybrid meetings is \$6,975.00. The FY2022 CIP includes \$24,000 for A/V upgrades for City facilities.

Mayor Gallo stated that he is a big advocate for technology and innovation. His biggest concern is hosting hybrid meetings that are seamless but not clumsy for the viewers at home or for capturing the conversations and the record of our meetings in perpetuity. If this is a nominal fee to ensure that we can host seamless hybrid opportunities for meetings and still capture the quality of Council meetings he's all in favor of it especially if there's money in the budget. Mayor Gallo would be concerned that no one takes advantage of this technology that makes us be less

willing to maintain a physical presence when necessary. He thinks there's certain things you can't substitute a physical presence for.

Alderman Sanoica is in favor of this. This is a difficult job for a lot of people to be able to participate in, it's a lot of hours and prep work. Being able to have a different way to approach City meetings for any future individuals who are interested in public office is a great way to open up this opportunity for more varied individuals that maybe have jobs that don't allow them to be here on Tuesday's all of the time which is a qualified reason to be able to join remotely. She also wanted to know if these capabilities would allow homebound individuals to participate in any of the City Council meetings. In the past, we were told that it was not feasible for anyone to dial in. Alderman Sanoica inquired if these improvements would allow residents to contact the City prior to the meeting and be able to connect and comment. Waseem Khan, Chief Information Officer stated that the simple answer is yes since it's a web conferencing software we can allow multiple participants whether it's Aldermen or the public should we allow that option. Alderman Sanoica stated that this is even more of a reason to pursue because it will potentially increase participation of our residents who can't make it to the meetings.

Attorney Wolf provided some legal insight as the Council considers whether to move forward with this. As the Open Meetings Act (OMA) is written right now, the Council does have more flexibility with respect to remote attendance during a declaration of disaster as declared by the Governor. Once the disaster declaration is over there are limitations to remote attendance at meetings. The OMA will require a physical quorum be present for the meeting to continue and those who want to attend remotely have to qualify via a personal illness or disability, absent for employment purposes or business of the public body, a family or other emergency. If those requirements are not met, remote attendance would not be allowed.

Mayor Gallo took a straw vote to give Staff direction to proceed with the A/V upgrades to the Council Chambers. 6 in favor; 0 opposed.

#### **4) Proposed Rolling Meadows Policy and Application for Cook County Class 6b Incentive Requests**

Martha Corner, Business Advocate stated that requests for Cook County Class 6b incentives have not involved a formal application process and no fee has been charged. Subsequent to recent reviews of 6b applications and the desire of City Council to formalize the 6b application review process, on April 4, 2022, the Economic Development Committee (EDC) reviewed and recommended approval of a proposed Rolling Meadows Policy and Application for Cook County Class 6b property tax incentives.

The Class 6b classification is designed to encourage industrial development throughout Cook County by offering a real estate tax incentive for the development of new industrial facilities, the rehabilitation of existing industrial structures, and the industrial reutilization of abandoned buildings.

Communities throughout Cook County have various processes for reviewing and considering a local resolution in support of a Class 6b. While continuing to maintain a streamlined application and review process on a case-by-case basis, key features of the proposed Rolling Meadows 6b policy include: 1) Charging a non-refundable \$1,000 application fee; 2) Recapturing any City legal expenses directly related to the 6b consideration; 3) Requiring a completed City of Rolling Meadows Class 6b application form, to include a quantifiable justification for the Class 6b incentive request.

After Council discussed this matter Mayor Gallo took a straw vote to see who is in favor of support of establishing a Class 6b incentive policy as outlined and defined by the Economic Development Committee. 6 in favor; 0 opposed.

Mayor Gallo asked for a motion to adjourn. Alderman O'Brien made the motion and was seconded by Alderman McHale. A voice vote approved adjournment.

There being no further business, by unanimous consent the Committee of the Whole meeting was adjourned at 8:52 p.m.

Respectfully submitted: Judy Brose, Deputy City Clerk

April 19, 2022 Committee of the Whole Minutes Approved by Council on May 10, 2022.

*Judy Brose*  
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Judy Brose, Deputy City Clerk