

**COMMITTEE-OF-THE-WHOLE
MINUTES
May 17, 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, Jenifer Vinezeano, Jon Bisesi, Mandy Reyez and Lara Sanoica

COUNCIL MEMBERS ABSENT: None

STAFF IN ATTENDANCE: City Manager Rob Sabo, Deputy City Clerk Judy Brose, Assistant to the City Manager Lori Ciezak, Finance Director Molly Talkington, Police Chief John Nowacki, Fire Chief Jeff Moxley, Deputy Fire Chief Pete Sutter, 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) National Pollutant Discharge Elimination Systems (NPDES) and the Municipal Separate Storm Sewer System (MS4)

Ryan Lindeman from Christopher Burke Engineering stated the City of Rolling Meadows (City) is an operator of a Municipal Separate Storm Sewer System (MS4) as defined by the Illinois Environmental Protection Agency's (IEPA) National Pollutant Discharge Elimination System (NPDES) Phase II program. The City operates under the IEPA's General NPDES Permit for Discharges from Small Municipal Separate Storm Sewer Systems.

What is NPDES (National Pollutant Discharge Elimination System)? A permit program that controls water pollution by regulating point sources that discharge pollutants into waters of the United States (construction sites, WWTP, industrial sites, municipalities).

What is MS4 (Municipal Separate Storm Water System)? A conveyance or system of conveyance within a state, city or other public entity that discharges to waters of the United States (designed or used for collecting storm water, not related to sanitary sewer system and collection of point sources that discharge to streams).

A point source is defined by the EPA as any discernible, confined and discrete conveyance, including but not limited to any pipe ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling rock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Point sources introduce contaminants such as chemicals, toxins, sediment directly to local streams, rivers, wetlands and other local waterbodies.

A central requirement of the NPDES Phase II Permit is the development, implementation and enforcement of a stormwater management program designed to reduce or prevent the discharge of pollutants from their MS4 to the maximum extent practicable, to protect water quality, and to meet the applicable water quality requirements of the Illinois Pollution Control Board, Clean Water Act and associated standards. To be compliant, The City's stormwater management program must incorporate the following 6 minimum control measures: 1) Public

Education and Outreach on Stormwater Impacts; 2) Public Involvement and Participation; 3) Illicit Discharge Detection and Elimination 4) Construction Site Stormwater Runoff Control; 5) Post Construction Stormwater Management in New Development and Redevelopment; 6) Pollution Prevention and Good Housekeeping for Municipal Operations.

The NPDES Phase II program for small MS4's began in 2003 and runs in 5-year permit cycles. The most recent permit cycle ended in February 2021, and the associated general NPDES permit has been extended administratively. A revised permit has been prepared by the IEPA and is being reviewed by the United States Environmental Protection Agency. It is anticipated that the revised NPDES permit will be issued in the next 12-18 months.

Mayor Gallo inquired as to who the most common offenders are. Mr. Lindeman stated that the likely offenders are dry cleaners and fuel stations. The City monitors construction sites and monitors when building inspectors are inspecting businesses. Additionally, there are no violators that the Illinois EPA has flagged within the Salk Creek Watershed at this time. City Manager Sabo stated that the City also ensures that the restaurants are maintaining grease traps so they're not discharging grease into the storm system.

Mr. Lindeman stated that all the outfalls are inspected annually to identify discoloration and illicit discharges. Ultimately, we rely on the public to be stewards of the waterways so if they see something they should notify the City so it can be investigated.

Alderman Vinezeano brought up a situation that happened about a year and half ago where someone dumped oil in the creek and there was nothing in our Code to make the offender pay for the remediation. City Manager Sabo stated that Staff will review the Code and see what sections apply to this type of scenario and if there is an absence of a code or regulation that we would be able to cite against, Staff will propose something for the Council's review. In the future, if something were to occur and we observed it we would be able to cite for illicit discharge.

2) Tree Preservation Ordinance Update

Graham Strebler, City Forester stated that following the August 18, 2020 Committee of the Whole presentation, Council directed staff to further explore options for the development of a tree preservation ordinance. The information in the packet is provided to address questions raised during that discussion, and prompt further discussion on the possible next steps in developing a Tree Preservation Ordinance.

The topic of whether a Tree Preservation Ordinance should be considered in Rolling Meadows originated mostly from an incident in recent past when a large, heavily wooded, single family residential lot in Ward 2 was purchased with an intent to subdivide that one lot with one home, into four lots with four homes. All trees on the lot were cleared on a weekend before anyone was aware of what the new purchaser intended to do with the property. Many of the trees happened to be high quality oak/hickory trees over 100 years old. Council agreed there was merit in investigating whether a Tree Preservation Ordinance might have prevented this unfortunate situation from happening, but also expressed concerns that any new ordinance not become over-reaching on private property rights, particularly for residents on single-family lots. Specifically, Council was clear to articulate that while preserving trees as part of a redevelopment was important, they were not interested in new rules that would be applicable every time an existing homeowner wanted or needed to remove a tree. Model ordinances in communities with a long history in tree preservation such as Highland Park and Park Ridge were referenced in the 2020 discussion, but Council expressed interest in being provided with information on how Rolling Meadows' neighboring communities were handling the situation.

Staff investigated ordinances and regulations from Arlington Heights, Palatine, Schaumburg, Hoffman Estates, Mt. Prospect and Wilmette. Additionally the City Forester has knowledge of people who work in those communities, and the challenges they face implementing their ordinances. For example, communities that relied solely on the submittal of a request for zoning relief or a building permit as the trigger for requiring a tree removal permit noted that people would get around the ordinance requirements simply by finalizing the acquisition and clearing the site prior to filing for zoning relief or building permits. This prompted those communities to add new triggers, like defining the size or type of trees, or the location of the trees on the lot, where removal would require a permit regardless of whether new construction was involved. Some communities (like Mt. Prospect) created a trigger for permits when more than five trees are removed on one property. In all cases, the permit process involves a dialogue between the applicant and the municipality to identify options if and when trees can be preserved. When they can't be preserved, the Ordinance stipulates how many and where replacement trees must be placed. Some ordinances also provide "fees in lieu of trees" in recognition that it is simply not practical to replace trees on a site in certain instances. Instead, the fees would be used by the local jurisdiction to add trees other areas of town deficient in tree cover.

Evaluating ordinances of surrounding communities confirmed for staff that rules in any Tree Preservation Ordinance can be specifically tailored to meet the specific needs and desires of a community. It's just a matter of finding the right combination of requirements that prevent the undesirable scenarios from occurring, while also satisfying concerns that the code is not too over-reaching on private property ownership rights.

There are undoubtedly positive outcomes that would result in establishing a new Tree Preservation Ordinance, particularly if the desired results are achieved with minimal impact to private property rights. As discussed at the August 2020 meeting, a tree preservation ordinance is beneficial for a community that puts a high priority on maintaining the aesthetics, benefits, and character of a large canopy of trees. It is important that we balance the value of mature trees, with the rights of our community's property owners. Communities that have adopted tree preservation ordinances view trees as a multi-generational asset that can outlive any one owner, and help build or maintain the character of the community. The general point of view is that because trees are integral to the character of the community, that character should be protected (preserved) for future generations.

Staff outlined options for proceeding, and the pros and cons of each option:

Option 1-maintain the status quo, and provide no further tree preservation or protection requirements: This option would continue to rely on new development/construction permits being the trigger for tree preservation. With this option we would still clarify and update some of our development review processes to ensure all current ordinances are being followed, adequate protection measures are taken, and new plantings are provided on public property pursuant to our planned update of the Subdivision Regulations. Additionally, this option would not allow the City to control any private property tree removal outside of our current plan review process, or prior to plan submittal. It would not prevent the scenario that started this conversation, but is also the option with the least amount of impacts on staff resources at this time.

Option 2- Comprehensive ordinance, similar to many of the North Shore communities, (Park Ridge, Wilmette, Highland Park, Lincolnshire, Northbrook, etc.): This style ordinance would regulate all tree removals on private property over a certain size, for any reason. This type of ordinance would be the most restrictive, and most staff intensive to administer. Staff does not recommend this option given Council's stated preference to limit impacts on private property rights, but is rather listing it as an option in the event any opinions have changed.

Option 3- Hybrid of the above options, containing elements of each of the previous models: Developing a hybrid of the above options would allow the City to capture components of all the above options and apply them to what works best for our community. For example, this option could involve protections primarily to new construction, or development situations, but also provide language for multiple tree removals above a certain size-outside of the development process. With any tree preservation ordinance, exceptions would be included so as not to penalize property owners for the removal of any tree that would otherwise warrant removal whether it is dead, diseased, hazardous, etc. This option would achieve a goal of preventing the scenario that started this discussion. If this option is selected, staff would draft recommended language and bring a draft ordinance back to a COW for final feedback, followed by adoption at a Council meeting in Q4 2022.

An alternative that some Council members expressed interest in during the last discussion would be to first forward a draft to one or more committees (Environmental, Economic Development, Planning and Zoning Commission) for feedback prior to scheduling further consideration by Council. This process would require more staff resources and meetings with committees, and would likely push back ordinance adoption into 2023.

Staff requested Council's direction pertaining to proceeding with Option 1, Option 2 or Option 3, and if Option 3 is selected, direction on the level of committee involvement, if any, prior to presenting an ordinance to Council for formal consideration.

Alderman Sanoica stated that there were several individuals that came to the Environmental Committee and were very interested in pursuing this back in 2020. They stayed for several meetings hoping to move forward but understood that this was an item that City Staff would eventually come back to Council for review. There is a lot of community support for this and one of the phrases that Alderman Sanoica shared from one of the residents was "residents do live here but they also move whereas the trees typically stay. They were there before them, during their time and after as well." They were very much in favor of pursuing something that was more comprehensive than what we already have on the books.

Mayor Gallo asked where the "fee in lieu" money gets allocated. City Forester Strebler stated that if someone removes a 100 inches of trees and only plants 50 inches, they would have to pay a fee for the 50 inches that they did not replant. In some communities, it offsets public property tree planting costs and in other communities it provides a cost share program for planting trees on private property. There are several options for what that fee could be used for but all of them are directed to tree planting.

City Forester Strebler recommends the hybrid option to include a minimum trigger for the ordinance. If a "fee in lieu" is included then Council would need to approve the fee structure. We don't want to be overly punitive but would want to make whoever's removing the trees to think about how to preserve the trees. This can be for primarily the larger tree removal projects (5 or more trees) which would be more manageable with the resources we currently have. This can be referred to several of the standing committees to develop the framework of a draft ordinance. Mayor Gallo stated that he would like to see a hybrid model created by Staff and then send it to the Environmental Committee for feedback and then bring back to Council for further review.

Mayor Gallo took the following straw votes:

All those in favor of pursuing a hybrid model? 7 in favor; 0 opposed.

All those in favor of Staff creating the ordinance and then send it to the Environmental Committee for review and feedback and then to City Council for further review? 7 in favor; 0 opposed.

Alderman Bisesi clarified that when we're talking about inches that it's inches in diameter. Alderman Bisesi asked if this ordinance would include bushes. City Forester Strebler stated that this ordinance would not include shrubs as this is mainly for trees (6 inch in diameter or larger) and more significant vegetation than shrubs.

City Forester Strebler stated that small scrub trees (buckthorn, honey suckle, Russian olive, etc.) or the more invasive or problem species would be excluded from the ordinance based on species alone.

Alderman Sanoica stated that the Wilmette ordinance addressed some of the invasive species like cottonwood. Maybe a resident doesn't understand that's an invasive species and they just see a large tree that gives them shade and cotton and sticky seeds but it's something that they think is desirable. What was helpful with the Wilmette ordinance is that they were really clear about the definitions between a heritage tree versus an invasive species and someone would still have to provide notification for the removal of that tree but the fee would be waived. That might be something that's applicable to Rolling Meadows as well so if Staff can model the hybrid to Wilmette's it would be great for the community.

Alderman O'Brien asked if there would be some type of education campaign before the ordinance becomes effective. City Manager Sabo stated Staff would use every communication modality available to us. City Forester Strebler is a wealth of knowledge and we'll work with him and utilize whatever information we have and put together as much educational information before it becomes effective.

3) Rolling Meadows Communications Group Overview

Lori Ciezak, Assistant to the City Manager and Ryan McKeon of R&M Communications gave an overview to the newly created Rolling Meadows Communications Group. The mission of the newly created City of Rolling Meadows Communications Group is to serve as liaisons on behalf of all City departments to deliver unified and consistent messaging via the City's communications modalities.

Action Plan: At this time, the City's Communications Group meets monthly, on the 4th Wednesday of each month for a targeted time frame of one hour or less. All departments are usually represented, and an alternate is requested for those not able to attend. At these meetings, each department is asked to provide any relevant messaging for the upcoming month for each of the City's media outlets. Group members are also asked to update team members throughout the month with additional cross-posting opportunities. New forms have been created for the team to improve message scheduling and coordination across the City departments and platforms.

Initiatives and Goals: Currently, the team is focused on improving the City's messaging so that it is more cohesive, timely and relevant to meet the needs of our diverse audiences on all media platforms. For example, the Communications Group is working to highlight seasonal topics and information across all departments that may help reduce resident phone calls on the subject matter. Such topics may include information on construction, permits, water usage and the new automated refuse program. The Group would also like to better promote the effectiveness and value of City services and their commitment to making the best use of limited taxpayer dollars that fund operations.

Moving forward, specific projects and goals for the group will include creating a social media policy to guide effective use of current and emerging platforms. Such a policy would help us to determine if TikTok, for example, would enhance the City's ability to engage with and promote hiring to the younger generations that prefer these platforms. Another goal would be to coordinate relevant training opportunities for the team to enhance their

effectiveness in various aspects of municipal communication. Overall, the City's Communications Group will consistently be on the look-out for more effective and efficient ways to deliver relevant, engaging content across all departments and platforms.

City Manager Sabo stated that the overall objective is to make sure the residents are getting information in whichever modality they consume information. City Manager Sabo stated that within various social media platforms there are various groups that exist and sometimes people will post questions in those groups so he encouraged residents to reach out to us if they have a City related question. Residents can call and we'll get the answer as quickly as possible and it will also help us understand what questions are out there so we can post the answers through all the different communications modalities that we have available to us.

Alderman Vinezeano challenged the Committee to get the information to the residents that may not be tech savvy or of that generation. News & Views is great but it is just a very small snippet of what's going on and it is lagged in timing coming out. She's talked to several senior residents in that it is a challenge. Again, she challenged the Committee to come up with something because she has yet to come up with anything. Lori Ciezak stated she had a conversation with someone that works in another community and she said that basic email is very effective. Lots of our seniors are using email and she would like to get a list together and let it be another platform that we use regularly. City Manager Sabo stated that we can coordinate with the Senior Center to see what they find is the most effective way to communicate. Alderman Vinezeano suggested that since seniors frequent the local pharmacy to partner with them and have information posted there. Alderman Sanoica suggested to work with other governmental organizations such as the school districts would also be helpful. Alderman Bisesi suggested to send new residents a welcome package or pamphlet to inform them of the City's website, social media, etc.

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

There being no further business, by unanimous consent the Committee of the Whole meeting was adjourned at 8:43 p.m.

Respectfully submitted: Judy Brose, Deputy City Clerk

May 17, 2022 Committee of the Whole Minutes Approved by Council on June 14, 2022.

Judy Brose
Judy Brose, Deputy City Clerk