

**MINUTES OF THE
COMMITTEE OF THE WHOLE MEETING
VILLAGE OF NORTHFIELD
TUESDAY, APRIL 18, 2017**

The Committee of the Whole meeting was called to order by Acting Village President Joan Frazier on Tuesday, April 18, 2017 at 6:00 p.m. She thanked outgoing Trustees Goldenberg and Kozminski for their dedication. Village Clerk Stacy Sigman called the roll as follows:

Committee Members Present:

Trustee John Gregorio
Trustee Brian Kozminski
Trustee Thomas Roszak
Trustee Allan Kaplan
Trustee Joan Frazier
Trustee Jane Goldenberg

Absent:

President Fred Gougler

Others Present:

Village Attorney Everette M. Hill, Jr., Village Manager Stacy Sigman, Community Development Director Steve Gutierrez, Assistant to the Village Manager Melissa DeFeo, Engineers Pat Glenn and Greg Kramer, slated Trustees John Goodwin and Tom Terrill.

Approval of the March 21, 2017 Meeting Minutes

Trustee Roszak indicated a correction in the minutes. On page 7, the second sentence in the second paragraph should end with "...America, and as a landowner one should be able to build a house that complies with the underlying zoning ordinance." Trustee Kozminski made a motion, seconded by Trustee Gregorio to approve the March 21, 2017 meeting minutes as amended.

Discussion of Amendments to the Floodplain Ordinance

Village Manager Sigman indicated the Village is required to update our floodplain code to be in compliance with FEMA regulations. Staff thought that while processing that amendment, it would be an ideal time to look at something that we have in the code that's controlled by FEMA, but not currently defined clearly. That has to do with how the accumulated value of home improvements is tracked for homes that are in the base flood elevation area. If a house is going to be improved and it is in a protected area, FEMA limits the improvements to no more than 50% of the market value of the home. FEMA doesn't define how you determine what 50% is, over time. Is it 50% for the history of the house; so if it is \$100,000 house, no more than \$50,000 worth of work forever? Is it 50% per permit, so it starts over each time you come in? The code went into effect in 1979. FEMA's goal is to minimize their risk long term so they don't have reoccurring damage. Ideally, they want these homes to disappear through attrition. At a minimum, they want to limit improvements or expansions thereby reducing their exposure from flooding. VM Sigman indicated in many cases it is impractical because

there is no way to flood proof them or protect them in a way that meets the FEMA standards. Eventually, we would have homes that have to be demolished as they could not rebuilt/repared. So far, Northfield's practice has been to use a cumulative approach over the entire life of the structure. That goes back to when it came into effect. We track the value on anything that has been done and once you hit 50%, it is considered a substantial improvement and the entire structure must be brought into full compliance with floodplain regulations. Further, that isn't exactly what is required by FEMA. They give some flexibility. VM Sigman said we can stick with this approach but it is the most extreme and the hardest on our homeowners. The opposite extreme is the per permit basis where every time they come in, we restart. There are other options in between such as the one Engineer Kramer has suggested which is a rolling 10 year period. This is fairly reasonable given that improvements depreciate over time. Staff is seeking direction. VM Sigman added that we have looked at other communities to see how they do it which is in the report Engineer Kramer put together. There isn't any urgency for the Village to do this; but with the other updates, it many make sense. There is no record or history why we started doing it cumulatively.

Trustee Goldenberg asked to share her perspective as a homeowner that elevated her house. She said she lost her house in the flood of 2008 and she strongly believes it should be kept cumulative because it hurts the homeowner to improve the house beyond the 50%. If they flood, then they have more money lost. She said they tore down their house and elevated the structure. She was happy that they didn't put any more money into a house that was in the floodplain. She indicated it is important that we think of FEMA since we are all federal taxpayers also. FEMA rules exist for a reason and they should not have so much exposure to houses that repeatedly flood. If you are in the zone, up to 50% of the value still allows you to do all the renovation you want and have upgrades, but it prevents you from making the house bigger, and it won't be protected in some of these storms which seem to be getting worse. She is all for continuing Northfield's strict standards.

Trustee Gregorio asked if the 50% applies to a rebuild. VM Sigman responded that if you rebuild, you have to be in complete compliance with the current FEMA standards which is elevated. Engineer Kramer added that there is something known as a flood protection elevation, so a tear down and rebuild would have to be elevated to that flood protected elevation. He said typically the foundation is elevated and anything that would be subject to flood waters would have to be built to the flood protection elevation. So if you had your frame structure starting on top of the foundation and you had some mechanicals that are dipping down into your crawl space, those would have to be elevated to that flood protection elevation also. VM Sigman said that Trustee Goldenberg's example is a good one because there are a lot of structures that can't be modified to meet the standards. She had to tear her house down and build new.

Trustee Roszak questioned how many houses are in the flood plain. Engineer Kramer answered about 300 – 400 flood plain properties. Trustee Roszak said he just dealt with this in Winnetka and they have the same thing where it is from the time that they passed the ordinance. Northfield is more about the market value and Winnetka's is more specific using the EAV on the tax bill. He asked how you define market value. Engineer Kramer said the definition of substantial improvement is an improvement or

accumulated improvements where some value is equal to 50% or more of the market value of the structure. He said there are a number of ways to determine that. We allow the use of the Cook County Assessor's breakdown and they have the EAV and the breakdown between land and improvements. It's only the building's value we use. The estimated market value of the property includes land and the breakdown of property and improvements. That's what Northfield uses. If the homeowner feels that an appraisal might be advantageous to them in increasing the market value of the structure, having an option or having an appraisal done. Either method works. Trustee Roszak indicated that over time that value goes up, so the amount of money you can invest, that 50% would go up with time. His thought is with 300-400 houses in this predicament; this would keep people from upgrading their properties and would decrease the overall value of the neighborhood and Northfield in general. Engineer Kramer said he has had residents make that argument. They believe it's limiting their ability to improve the house and to maintain the structure. Trustee Roszak said doesn't like doing it on a cumulative, lifetime basis, and feels a 10 year basis is reasonable. Engineer Kramer said that would be a middle of the road approach. We are now using the most FEMA restrictive approach and most surrounding communities are less restrictive. The model ordinance allows our current approach as an option but also allows something less such as from the date of passage of the ordinance or over a 10 year period. Anything older than that would fall off in terms of the cumulative value. Basic maintenance does not count -- only work that needs a permit.

Acting President Frazier asked Engineer Kramer if he sees any downside to the 10 year period. Engineer Kramer responded that he believes it is a good middle of the line approach. A permit by permit basis would allow someone to skirt the intent of the regulation by splitting up their project, doing half one year and half another, so he doesn't feel that is a sound approach for good flood plain management. Trustee Roszak then asked if the 10 year approach would be in compliance with FEMA. Engineer Kramer said yes, that is one of the options in the IDNR model ordinance. He said there are two sections of the code that need to be looked at. One is protecting buildings in which case we are missing the words "or substantial improvement." That is a FEMA requirement so we are mandated to adopt that language in Section 782(3). We have discretion on how we track the substantial improvement. VM Sigman added that through a lot of work that Greg did, Northfield became a rated CRS community. Because Northfield has stricter codes than normal, the residents that need to have flood insurance get a discounted rate (15%). If some modifications were made, like the 10 year standard, it wouldn't negatively impact that rating. Engineer Kramer said that we would actually gain CRS points by going to a 10 or lifetime. The problem in our current ordinance is that it is silent on how we track improvements. It doesn't say, "track it over the lifetime of the structure." That is just what has historically been done. If we codify the 10 year period approach, we will gain CRS points. As far as FEMA is concerned, our ordinance reads that it is a permit by permit basis. Acting President Frazier asked if those gained CRS points would mean better insurance rates. He said ultimately, if enough points are accumulated, yes. VM Sigman said if we go to the next category, we will go from a 15% discount to a 20% discount.

Acting President Frazier said she agrees with Trustee Roszak that the 10 year makes the best sense. Trustee Roszak wondered when the 10 years from would start?

Engineer Kramer didn't think that needs to be qualified. It would be a rolling 10 years from the time of permit application. You would simply go 10 years back from that date.

VM Sigman said at this point staff is looking for direction and based on that, staff will develop the actual wording of the ordinance and bring it back to the Board for formal consideration.

Trustee Kaplan felt that Trustee Roszak's idea of using the EAV is a good idea because the number is there and it is what it is. Staff doesn't have to worry about stuff and it will be easier to administer. If a resident doesn't like their EAV, then they can fix it at the time they get it. It seems less work for staff administratively. He doesn't think it really makes a difference one way or another, but this would be easier. Trustee Roszak added that Winnetka didn't break it down in terms of land value or what the structure was worth. The house he was working on was \$1.350 million, so Winnetka said we cannot include more than a \$600 change. They took the whole amount. Trustee Goldenberg added that FEMA uses just the house value.

Slated Trustee Terrill stated that he liked the 10 year consideration. Trustee Gregorio agreed.

Acting President Frazier summarized the discussion by saying the consensus is the 10 year option and directed staff to go forward with that. VM Sigman then asked if the EAV should be used as the basis. Engineer Kramer said that didn't need to be codified, what has been done is to utilize that as it is a very easy tool for the engineer because the information can easily be extracted from the Assessor's website and used immediately.

Attorney Hill said the current way it is done is the best way. If the homeowner disagrees they can get an appraisal. It works well. Trustee Roszak said if you get an appraisal, it doesn't break it out. Attorney Hill said they will do that. Engineer Kramer said if they didn't, that total market value for land and improvements was higher than the County Assessor's number and he would feel comfortable then using the ratio established by the Assessor and applying it toward the larger number.

Northfield Road Direction

Acting President Frazier indicated that staff is looking for direction from the Board regarding Northfield Road and whether there should be parking on the west side or a bike lane on the street.

VM Sigman began by saying that President Gougler sent her an email earlier today and because he couldn't be here, wanted his thoughts to be shared with the Board. Northfield Road underwent a detailed study and Brian Kozminski and a team of residents in the town looked at that corridor to determine long term where we wanted to head. Staff applied and received a grant for the resurfacing of Northfield Road to pay for some of the roadway. Part of the reconstruction of that road, the consideration was the repaving of that but leaving the curbs in place and resurfacing the road curb to curb. Part of looking at the zoning in the corridor, the study also looked at the use of the roadway. A recommendation was made by the study group that in between the existing

curb to curb there was sufficient space for parallel parking spots. You could keep two lanes of traffic and stripe parking. The purpose of the study was to increase parking in that corridor to help the businesses with additional parking. Before the Northfield Road study was adopted and when the recommendation went to the Board, there was additional input on providing bicycle and better pedestrian access along the corridor and how to tie it into our long range system. There was a recognition that the ideal location for a bike lane was on the ComEd right of way, but knew it was a long term plan. There was conversation in the meantime about putting the bike lane on Northfield Road.

VM Sigman indicated the Board discussed this on several occasions, but there was never a definitive vote or direction on the parking versus the bike lane, because width-wise they are exactly the same. By ASHTO standards, a bike lane is 10' wide which is the same as a parallel parking space. The Board said it could go either way, because it won't change the dimensions of the roadway. Since the study was adopted, we started Phase 1 engineering which is the design engineering for Northfield Road to be ready to go out to bid. As part of Phase I work, the engineers take a harder look at the roadway design. The engineer on the project is Gewalt Hamilton and the traffic engineer, Dan Brinkman, is present tonight. VM Sigman indicated that as they looked at the details of that corridor, they're not comfortable with the bike lane. They don't believe it can operate safely. The study looked at it conceptually, but now there is a higher level of engineering. The concern has less to do with traffic volumes but more the type of traffic, the number of different conflict points, and end points. It may not be safe for bikes. Since it appears that a bike lane cannot be done on Northfield Road, the question before the Board is do we want to go ahead stripe it for parking or leave it the way it is today.

VM Sigman read President Gougler's opinion on the subject. He expressed strong opposition to the parking lane on Northfield Road "which should only, if ever, be considered after bike and pedestrians have been accommodated and all other parking options exhausted. This is a beautiful corridor and used now more than ever by bikes and pedestrians. The river views are picturesque and one time a river walk was envisioned in our Comprehensive Plan. As Director Gutierrez will report, there are virtually no vacancies on Northfield Road and businesses are not adversely impacted. He does not believe the community would support street parking given the progressive environmental direction we have been headed."

Acting President Frazier asked if President Gougler was talking about the west side of the road. VM Sigman said he didn't specify but what was determined when they last talked about it was that the parking was most appropriate if you were going to do it on the west side because of emergency access for fire vehicles on the east.

Trustee Kozminski said with the Northfield Road study, they looked at what the best uses along that road would be for the next 10 to 20 years, retail or residential and the consensus and conclusion was the river constrains it on one side, the power lines on the other and the traffic counts are too low for retail. The consultants told them that it is what it is and the uses will likely stay the same. Then they looked at how to increase the vitality such as changing the zoning and noted that there was a parking shortage. That's where the parking recommendation came from. They even discussed knocking

down a building to make more parking. Everyone has always dreamed of the bike lane on the ComEd right of way. Connectivity to the Village Center also was discussed. His thought was to zig zag over on Happ with the bike lane since its being redesigned. VM Sigman indicated that in the Phase I study, bicycle improvements are being looked at on Happ.

Trustee Gregorio asked if the study showed that parking was really needed. Trustee Kozminski said the group looked to see what could be done with the challenges of the buildings. The building with a pool in it is short on parking. Trustee Goldenberg suggested a bridge from Northfield Road to the ComEd parking lot and then do a bike path. Trustee Kozminski indicated they talked about a bike lane going north and south, but also some way to get across too.

Trustee Goldenberg was interested to know where the danger point is on Northfield Road for bicycle traffic. Dan Brinkman, traffic engineer with Gewalt Hamilton, indicated that with the width of the pavement on the roadway now, you could put the bike lane on either side or parking on one side or the other and maintain the two travel lanes. The south end of Mariano's where the loading area is, up to the left turn lane at Willow Road is where you run out of room to physically mark a bike lane on the road. So do you bring the bicycles to a certain point and then try to get them off the pavement or do something within the right of way? The bike path would end at the Forest Preserve on the south, but on the north end you need to provide some facility for the lane. It could become a shared on road bike lane through the signalized intersection at Willow Road. It would be just like it is today with no markings. To bring the path up to the intersection would require additional time and money. He said they know they can reconstruct the road to its current width within the right of way and not be subject it to any environmental studies or delay the project. It's really how does the road get marked and any additional steps need federal approval to make other changes to expand the scope of the project. Trustee Goldenberg said if it is left the way it is now, bikes could navigate safer without parked cars. Mr. Brinkman agreed that the combination of parking and bicycle traffic, the loading on the west side and to add street parking would need to be restricted.

Frank Charhut, 139 Riverside, said the plan states the best place would be the railroad tracks. He asked if that is dead, with no chance at all of ever doing it rather than squeeze all of this on Northfield Road. VM Sigman indicated that option is continually being pursued. Grants were filed in the fall of 2016 but given the dysfunction in the state and the lack of money, there isn't funding out there now. Union Pacific Railroad has not been overly cooperative, but since we haven't been able to secure money for Phase 1, 2 or 3 that has not really been pursued. She said they will continue to try. But, she doesn't expect it to happen within the next 5 to 8 years. She said the more practical solution would be to put the bike path on Happ Road as long as it could fit in the right of way. She continued that we have no right or authority to use the railroad right of way. Mr. Charhut questioned Attorney Hill if something could be done. Attorney Hill said the Village doesn't even have eminent domain ability with respect to railroad property. VM Sigman said sometimes railroads abandon their line and other times they discontinue service. Once abandoned, they have made the decision that they never have a need for the land again. In our case, they have just discontinued service, so

they have reserved the legal right to at some point do something different and may use that corridor for transportation needs. Periodically, other studies come back saying that say it should be used for a train or other transit type system. That is why the railroad has been hesitant.

Trustee Gregorio asked what would happen if Northfield didn't go with the regional towns and focused on Northfield's stretch. VM Sigman felt it would be worse. Right now, having that political connection is important, particularly for getting grants. Northfield has the vast majority of all those segments, so then we're paying for 100% or seeking for funding where in the past if we get the grant, we're only paying our 25% share. The communities have agreed that Phase I costs would be shared equally. If Union Pacific is willing to allow the use, they will want a sizable user fee. They were looking for a couple of million dollars before. Slated Trustee Goodwin asked if we could claim squatter's rights. Attorney Hill indicated no.

Acting President Frazier said another issue is the liability of putting a bike lane on Northfield Road. She wondered what would be gained by striping lanes for a bike path when it is used anyway for bicycles. She said she is in favor of not putting the lanes in and agrees with President Gougler regarding the parking on the street. Every time she has driven down Northfield Road, the parking lots are half empty and there aren't any vacancies. Director Gutierrez indicated there is a building that is vacant and for sale. He said there have been inquiries and parking has been an issue at that particular building. The properties on the west side are the most under parked. Trustee Kozminski said that if parking were on the east side, then the emergency vehicles would be speeding to get to a call and they you would have kids having to cross the street to get to Tick Tock and there isn't a sidewalk on the west side. VM Sigman noted an east/west path would be easier to get to the ComEd lot is doable than needing the full railroad right of way. You would be using very little of the railroad land. Trustee Gregorio added that you would be putting pedestrians over private property. VM Sigman agreed and said you would have to have access from the private properties. This is still part of the plan going forward. But tonight's issue is that there is a Phase I report that needs to be completed so that Northfield Road can reconstructed and we won't lose the grant money. The Gewalt Hamilton team needs direction as to what is planned for Northfield Road so that they can include it in the final drawings for Phase I.

An unidentified resident informed the Board that he is an avid bike rider and rides all over town and said that any parking on Northfield Road would be dangerous to anybody riding down the road and having someone open their door as you are going by. Parking on the west side would be very dangerous for bikers.

Trustee Gregorio questioned where the east/west path would be. Director Gutierrez said it is laid out in the plan and would be behind 275 Northfield Road. Frank Charhut commented that the Village could make a petition of all the residents and indicate what it would mean to them if the railroad would let us use the right of way for a bike path and would not destroy the railroad tracks. VM Sigman stated that a petition would get a lot of people's hopes up and she doesn't think the railroad would care. They are based out of Omaha and her inclination is that their larger mission isn't to make a town of 5,000 happy. They care about their regional transportation network. They don't like the

liability that comes with that. They already said they would cooperate, but they want a big fee.

Slated Trustee Goodwin pointed out that if you stripe a bike lane on Northfield Road, you're saying its okay to ride bikes there which opens up the liability issue. VM Sigman said that is Mr. Brinkman's issue.

Trustee Roszak said that we should listen to our traffic engineer and agrees not to do a bike lane and also agrees with Acting President Frazier and President Frazier that the parking shouldn't be done either. He doesn't feel it is needed. All were in agreement.

Other Business

Adjournment

Village President Gougler asked for a motion to adjourn. Trustee Gregorio made a motion, seconded by Trustee Goldenberg to adjourn the meeting. By voice vote all agreed and the meeting was adjourned at 6:55 p.m.