

**VILLAGE OF LAKE BLUFF
COMMITTEE-OF-THE-WHOLE
REGULAR MEETING
MARCH 14, 2022**

APPROVED MINUTES OF MEETING

The Village of Lake Bluff Board of Trustees met as a Committee-of-the-Whole (“COW”) on Monday, March 14, 2022. President Charlot called the meeting to order at 6:00 p.m. and Village Clerk Katharine Hatch called the roll.

The following were present:

Village President:	Regis Charlot
Trustees:	Barbara Ankenman Kate Briand Joy Markee Stephen Rappin Susan Rider
Absent:	Taryn Fisher, Village Trustee
Also Present:	Katharine Hatch, Village Clerk Peter Friedman, Village Attorney Drew Irvin, Village Administrator (VA) Jeff Hansen, Village Engineer (VE) Glen Cole, Assistant to the Village Administrator

Non-Agenda Items and Visitors

President Charlot stated the COW allocates 15 minutes for those individuals who would like the opportunity to address the COW on any matter not listed on the agenda. There were no requests to address the COW.

Consideration of the Minutes from the February 28, 2022 Committee of the Whole Meeting

Trustee Markee moved to approve the February 28, 2022, revised COW minutes. Trustee Ankenman seconded the motion. The motion passed on a unanimous voice vote.

Discussion Regarding Requests for Extra-territorial Utility Services and Annexation

President Charlot asked VA Drew Irvin to introduce the agenda item.

VA Drew Irvin commented on the memorandum provided in the packet and noted there were a handful of annexation agreements done at a purposely slow pace, using Village-friendly negotiated terms where the Village could extend utility to these properties by the terms in a time frame controlled by the Village. This is consistent with the Village’s Comprehensive Land Use Plan and other policy documents that help guide the future vision for the Village. VA Irvin shared information regarding the

Corridor Agreement between the Village and the City of North Chicago which discussed how the Arden Shore area would be managed. He said Staff memorandum also included new guidelines which should be considered before annexation such as stormwater systems; natural areas; historic preservation; building code compliance and connection fees. Past agreements did not include guidance in regards to the Village's Tree Preservation Ordinance, historic preservation or similar demands of anybody annexed into the Village. VA Irvin said Staff recently met and received plans from the owner of the four lots along Melvin Drive. He showed a map of the proposed lots and said the conversation addressed their plans for the property, properties in close vicinity and water/sewer service for that area and that Staff advised the owner/developer of the terms for annexations in previous agreements.

Following a request from VA Irvin, VE Jeff Hansen reviewed the map of unincorporated Arden Shores Area (Kohl Avenue, Douglass Terrace, Melvin Drive) and said this area has been undeveloped for a long time. He reviewed the current housing configuration noting the house on Melvin Drive is not located in the Village but does serve the Village's water/sewer service. VE Hansen commented on the area which an individual had request permission from the County to build out but there has been no action take to date.

VE Hansen continued by showing the property owners proposed plans for sewer and water extension then commented on where the Village is contemplating annexation noting capacity to serve is not an issue. He commented on the regulations regarding a loop for water services, should the water main on Kohl Avenue be extended. VE Hansen said flooding has occurred on Campbell Court since it was built out and a study was conducted regarding a potential detention pond but the very limited benefits were not worth the cost (\$1 million). VE Hansen said the Village has a few storm inlets nearby then commented on the storm sewer which flows up against Great Lakes Naval Base fence and creates flooding in other areas such as culvert under the railroad, Campbell Court and adjacent backyards.

In response to questions from President Charlot, VE Hansen commented on various nearby culverts and drainage systems. He said ultimately, a larger pipe through the berm that the railroad sits on, then through Sheridan Road into Shore Acres as well as other improvements would be needed to actually have any significant impact on flooding in that area. The Village does not control any of the Arden Shore property and noted the property currently has significant erosion problems which could worsen if additional water pipes were added.

President Charlot asked what are the implications if the flooding was combined with the construction of these four houses. VA Irvin said any additional impervious surface in that area will have a negative impact on the existing properties in Campbell Court as well as other properties downstream and some unincorporated areas. A discussion followed.

Trustee Briand commented on bulk restrictions, impervious surface, and said the exacerbating factor is not the building, and the dense trees are mitigating the flooding to some degree but if remove the flooding may exponentially worsen. She said the Board duty is to serve and protect Lake Bluff residents and she is not sure how this proposal does that. She said she understand the desire for development but not at the expense of people who already live in that area. Particularly in an unincorporated area where they can get permission to build much larger homes with more impervious surface, and want the water/sewer because they do not want to have to account for a septic field. Trustee Briand expressed her opinion that this would create a problem or potentially exacerbating a problem which does not exist at this time.

Following a request from VA Irvin, VE Hansen said the limit of wetland has delineated and the proposal is showing very minimal impact to the wetland. He said the Village do not have veto power over a building permit on these lots, and the developer is asking the Village for sewer/water service to make the lots more buildable.

In response to comments from Trustee Rappin, VA Irvin said consideration is for the use of Village resources and, if desire, the Board can condition the request regarding as of right scale of the homes and tree protection. VA Irvin said the builder verbally stated they would be willing to account for the impact of the new impervious surface that they may create.

Following a request from VA Irvin, VE Hansen commented on the detention requirement (1,000 gallon) for new homes built in Lake Bluff and noted most Lake Bluff homes are rebuild on the current lot not on an undeveloped site. VE Hansen said there was discussion with the developer regarding water retention and turning radius for emergency vehicles egress/ingress. A discussion followed.

VA Irvin said if the Village does not provide utilities the houses could get developed pursuant to the County's Regulations with well and septic which will likely limit the quantity of units built.

In response to a question from Trustee Rappin, VE Hansen said the developers would be responsible for the cost to install the water/sewer pipes and Staff did discussed the possibility of charging a higher rate for extraterritorial service because the Village would be responsible for maintaining and replacing the pipes if needed.

VA Irvin said residential development requires utility and infrastructure support but are not economically fruitful as commercial development.

In response to a question from President Charlot, VA Irvin commented on the Pros/Cons if the four lots and wetlands were not annexed as well as the Arden Shores (North and South) which is already located within the Village and receive services from other taxing bodies (Park District, and School Districts). VA Irvin stated the Village's 1997 Comprehensive Plan envisioned certain geographic locations that should be part of the Lake Bluff corporate boundaries but, the Village has since uncovered more information regarding stormwater which he is not sure will cause the Village to stray from the land use goal of annexing this area. VA Irvin said there have been new policy changes the Village has not considered as part of the annexation agreement such as tree and historic preservation regulations and if desired, the Board could consider referring the matter back to the Joint Plan Commission and Zoning Board of Appeals for further consideration.

In response to a question from Trustee Briand, VA Irvin commented on the Arden Shore North and South fire protection districts which the Village provides extraterritorial services and said the Sheriff's Office provides law enforcement for that area.

In response to a question from Trustee Markee, VE Hansen said there has been no Flood Study done to map the area as a floodplain and commented on drainage study are done.

Trustee Markee said she was referring to past experiences which allowed homes to be built in inappropriate areas and the property owners come into to address the Board years later regarding

flooding on property which the Village approved for development. Trustee Markee said she understand the Village would not be approving anyone to build there but by providing water/sewer services, and putting some contingencies on the house, it would be like say it is okay to move forward. Trustee Markee she would not like to see the Village responsible for any future flooding cost as its already aware of stormwater issues in this area. A discussion followed.

Trustee Ankenman asked how can the Village exercise some control, and if, we were to say “yes” to extraterritorial utility services and annexation then we can pull some levers. Also, it seems more likely that it would be developed, when though it is in an existing flooding area similar to Campbell Court. Trustee Ankenman asked what is the likelihood that something will be developed at all and if the Village conditions the build out would it make the likelihood of it being developed even greater as opposed to, if we say, we are not going to be a part of it, and allow the developer to build as of right. Trustee Ankenman commented on the graphic images of flooding around those homes and the feeling of not being able to do anything because of cost. She said the project would impact impervious surface and she is not excited about development, but the Board needs to do what is best for the Village and its residents that are currently experiencing tragic and impossible situations.

President Charlot said he thinks there are two contradicting problems to consider: annexation control or betterment of the people. He commented on the amenities which the Village controls and said he thinks the conversation should address if the next steps should be for the betterment of the people or for a developer.

Trustee Briand said she think people should take precedent over any developer and that she understands development but would prefer not to see this development because it does need to be built out. She said she thinks the Village needs to do what it can to protect the people.

President Charlot asked what is the general consensus, from the resident, regarding water/sewer services, development and increase of impervious surfaces for in that area. A discussion followed.

Following an explanation from VA Irvin regarding the Village’s Comprehensive Plan and land use, Trustee Markee expressed her prefer to refer the matter to the PCZBA for further consideration.

Trustee Rider said it sounds like that we are quite certain that the interest of the people who are currently in Lake Bluff Campbell Court would be to not facilitate the development. Since those are our constituents, and that is unless she told that there is some other legal standard, we have to apply, like, in the best interests of the buyer, but she thinks what we know is that the interest of the people that are part of Lake Bluff are better served by less development, then we ought not enter into an annex agreement. If we do not have an answer from their current stormwater situation, it seems to be our responsibility to do what we can to not exacerbate it and as long as the legal standard is such that we can take that into consideration and denying a request to connect. We do not have to facilitate the most efficient use of our utilities on behalf of extra territorial units, or that is not a standard that we must apply. So based on what she understand the legal standards to be, we ought to act in the best interest of the people that are part of our community now, and to her it seems incumbent upon us to not exacerbate the existing stormwater problem.

Following an extensive discussion, it was the consensus of the COW to not exacerbate the situation and

direct the PCZBA to do additional study of this area and related guidelines then presented their recommendation to the Board for consideration.

Adjournment

A motion to adjourn was made by Trustee Rappin and seconded by Trustee Briand. The meeting adjourned at 6:53 p.m.

Respectfully Submitted,

R. Drew Irvin
Village Administrator