



VILLAGE OF RIVERSIDE
BOARD OF TRUSTEES REGULAR MEETING
Thursday, April 1, 2021

Minutes

I. Call to Order: The Regular Meeting of the Village of Riverside Board of Trustees was held via Zoom on Thursday, April 1, 2021. President Sells called the meeting to order at 7:00 p.m.

II. Roll Call:

Present:	President Sells Trustee Collins Trustee Evans Trustee Gallegos Trustee Hannon Trustee Pollock
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Absent:	Trustee Jisa
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Also Present:	Village Manager Frances Village Attorney Malina Village Clerk Haley
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Also in attendance: Finance Director Johns, Fire Chief Buckley, Parks & Recreation Director Malchiodi, Public Works Director Tabb, Attorney Skrodzki and members of the public.

Village Attorney Malina noted that due to the ongoing public health emergency, and consistent with the Governor's most recent emergency declaration, various Executive Orders entered by the Governor, and recent amendments made to the Open Meetings Act in Public Act 101-640, this meeting was being conducted electronically. Public comments were welcome on any topic when received by email or in writing by the Village Clerk prior to 5:00 p.m. and public comments may also be made live during the Zoom meeting. A Zoom link was available on the village website.

III. Pledge of Allegiance: The Board did not recite the Pledge because it has proved difficult to do so over Zoom.

IV. Presentations and Public Comment
A. Public Comment – None.

V. *Reports of Village Officers*

A. Village President's Report – None.

B. Village Manager's Report

Manager Frances announced that vehicle sticker and pet license renewals will be mailed to residents in May and must be renewed by June 30 to avoid late fees. Residents are strongly encouraged to renew online, by phone or by mail rather than coming into the office to renew in person. Staff will process paperwork and mail stickers and tags to residents even if they come into the office to pay. This change in procedure is being implemented to prevent a situation where people are standing in line in close proximity to one another since there may be people who have not yet received the COVID-19 vaccine.

Manager Frances stated that President Biden signed the American Rescue Plan Act of 2021 into law on March 11. The Illinois Municipal League has *estimated* that the Village of Riverside may be eligible to receive up to \$1,057,940 in funds. Staff is awaiting final allocation totals from the US Department of Treasury and guidance on eligible expenses before presenting options to the Board. Eligible expenses include:

- costs to respond to COVID 19 or its negative economic impacts;
- cost of labor performing essential work due to COVID 19;
- offsetting reduced revenue due to COVID 19 and
- costs to make necessary investments in water, sewer and broadband infrastructure.

VI. *Approval of Consent Agenda*

President Sells read the Consent Agenda aloud.

A. Approve Voucher List of Bills April 1, 2021

B. Approve Village Board of Trustees Special Joint Meeting with Preservation Commission, Landscape Advisory Commission and Parks & Recreation Board and Regular Meeting Minutes of March 18, 2021

C. A Motion to approve a First Amendment to an Agreement between the Village of Riverside and Riverside Little League relative to the use and maintenance of Village of Riverside Parks & Recreation baseball fields

D. A Resolution of the Village of Riverside, IL, to authorize the addition of Lockbox Services to the Banking Services Agreement with Riverside Bank

E. A Resolution authorizing the provision of Commission Cards for Auxiliary Police Corps members and Brookfield Zoo Police Officers

President Sells asked if any of the Trustees needed an item to be removed from the Consent Agenda for discussion. Hearing no requests, he called for a motion and second to approve the Consent Agenda.

Trustee Gallegos made a motion to approve the Consent Agenda. **Trustee Collins seconded** the motion.

AYES: Trustees Collins, Evans, Gallegos, Hannon and Pollock.

NAYS: None.

Motion passed.

VII. *Reports of Departments, Commissions and Trustee Liaisons* – None.

VIII. *Ordinances and Resolutions*

A. An Ordinance providing for the Registration and Inspection of Rental Properties within the Village of Riverside

Village Manager Frances noted that currently the Village does not require the registration and inspection of rental properties. This ordinance would create such a process. The purpose of this rental and registration process is: *“to provide for the registration and inspection of residential rental properties within the village so as to protect the health, safety and welfare of the residents of the village, to facilitate more effective communication between the village and rental property owners, facilitate the enforcement of minimum standards for maintenance of rental properties free from substandard, unsafe and/or non-code compliant conditions through a regulatory scheme rather than complaint-driven enforcement, and to aid in the preservation of the character of the village and its property values.”* The ordinance as it is currently drafted states that every rental unit within the Village must be registered. Registration would be required annually; however, inspections would be done on a three year rotation. Manager Frances stated that this would be a preliminary discussion of the proposed ordinance.

Village Attorney Malina noted that Manager Frances and President Sells have been working on the proposed ordinance for a while. He also stated that because the village is non-home rule, there are some limitation to what the village can require.

Clerk Haley read an email in support of the ordinance from resident and PZC Commissioner Jacqueline Miller. Ms. Miller recommended amendments to the definitions of “Dwelling” and “Dwelling Unit,” and also that the fees charged for any required inspections cover the actual costs of said inspections.

Trustee Pollock agreed that Staff should make sure that the fees charged for inspections will cover the costs of the required inspections and other costs associated with administration of the program.

Manager Frances stated that there are approximately 714 rental units that will need to be inspected including single family homes, condos and apartments. The fees associated with the proposed ordinance would be about \$35,700 over a three year period. That figure could go up though because tenant turnover would trigger an inspection. Staff is estimating the cost of a condo or apartment inspection at \$40. A single family home would likely cost more because a home inspection would be more involved. Manager Frances asked if the Board would be willing to subsidize the cost of the program in order to be proactive with regard to code enforcement matters.

Trustee Evans agreed with Trustee Pollock that fees should be commensurate with the work required. Evans also inquired regarding the provision that a rental

property be inspected each time there is a tenant change. She questioned whether this would be sustainable if there was frequent tenant turnover.

Trustee Hannon stated that he is pleased that the ordinance covers rental houses. He noted that there has been an increase in rental homes in the community in recent years and there is currently no way to determine whether there is an appropriate fire escape or other regulations to protect tenants. Hannon inquired as to what the consequences might be if property owner does not provide timely updates to required registration information or if the information provided is not accurate. He suggested including language warranting that information provided is accurate under penalty of perjury.

Attorney Malina stated that language could be included that makes a change in tenancy an affirmative duty to notify the village. He noted that when the ordinance was being drafted, Staff discussed tenant privacy and the proposed requirement to disclose emergency contact information and did not want to make the registration process too onerous on tenants. Attorney Malina also stated that with regard to a penalty associated with providing inaccurate information on the registration form, there is a general code provision that would apply. He noted that in general, information given to the village in order to obtain a license of any sort, is required to be truthful. He will confirm that this code provision would apply to the property registration process.

Trustee Hannon stated that this addressed his concerns and he believes this is a good first step to making sure rental homes are safe.

Trustee Collins inquired as to the rationale for re-inspecting each time there is a tenant change. She asked if this might create a burden on Staff. Trustee Collins suggested dividing large buildings into zones so a section of a large building would be inspected each year. She noted that problems in one unit are frequently present in other units and suggested it might be helpful to gain access to larger buildings annually. Manager Frances noted that fire inspections of common areas are done annually. She stated that the purpose of inspecting when a tenant changes is to make sure a tenant did not damage or disable any life safety devices. A vacancy creates an opportunity to inspect a unit without inconveniencing the tenant.

Trustee Collins asked if this type of registration and inspection process is typical in other communities. Attorney Malina stated that this is a customary practice in many communities.

A discussion ensued regarding the proposed inspection schedule and what might trigger an inspection sooner than the minimum, mandatory triennial inspection.

Consensus: If a unit has been inspected within the prior 12 months, no re-inspection is needed even if there is a tenant change. Allow landlords to self-certify

if the unit has passed an inspection in the past 12 months. There is an obligation to provide truthful information.

Attorney Malina indicated that this would be acceptable. COVID has already created situations where various types of inspections are being done with photo and video documentation.

Trustee Evans expressed the hope that the inspection process might lead to better tenant longevity.

Trustee Pollock expressed support for requiring an inspection whenever there is a tenant change and the unit is vacant.

President Sells stated that the intent of the ordinance is that no rental unit would go uninspected for more than 3 years while at the same time not creating an undue burden of frequent inspections.

Trustee Pollock asked if the village can require an annual landlord license similar to a business license. He stated that a landlord is running a business.

Manager Frances stated that the proposed ordinance requires yearly registration, but there is no fee associated with the landlord registration process. The fee is for the inspection of the property. President Sells referenced the agenda packet and noted that the registration form must be renewed annually.

Attorney Malina noted again that because the village is non-home rule, there are limits to what the village can require and how much it can charge.

President Sells made a recommendation to address a scribner error and again brought up the issue of notification as regards a tenant change. Attorney Malina will work with Staff to incorporate the necessary amendments. He suggested language indicating that any change in tenancy creates a vacancy of the unit.

Trustee Gallegos inquired about the lead time needed to schedule an inspection and the difficulty of scheduling an inspection if one tenant moves out on the 31st and a new tenant moves in the 1st. It was noted that the proposed ordinance requires two weeks advance notice and Manager Frances stated that Staff will do their best to schedule inspections when units are vacant.

B. An Ordinance amending the Village of Riverside Village Code relative to parking in driveways

Village Manager Frances noted that currently, the Village Code contains language that makes it unlawful for residents with front loaded garages to park on their driveways. The Village Code restricts parking to the side yard or rear yard and certain homes within the Village do not have side or rear yards sufficient to allow

for parking of a vehicle. It was noted previously that the Police Department cannot issue citations to those parking in front of their front-loaded garages. This ordinance will remove outdated language from the Village Code that cannot be enforced.

Trustee Gallegos made a motion to approve the Ordinance. **Trustee Evans seconded** the motion.

Trustee Collins if the village will enforce the prohibition against parking on driveway aprons. Manager Frances stated that the Police Department has been enforcing this provision of the code and will continue to do so.

AYES: Trustees Collins, Evans, Gallegos, Hannon and Pollock.

NAYS: None.

Motion passed.

IX. Considerations

A. Discussion regarding Groveland Floodwall design

Village Manager Frances noted that the Board last discussed the Groveland Floodwall in December 2020. At that time, the Army Corps of Engineers presented potential alignments and elevations of the wall. The Board authorized moving forward with the design phase and also tasked the Village Engineer to work with Doug Gotham, Landscape Architect with Burke Engineering to create renderings of a floodwall taking into account the Village's historic nature. Burke Engineering has completed the renderings and these options are attached. On March 18, 2021, President Sells provided the Village Board and residents an update on the floodwall project, including the renderings of the design options of the floodwall and letters from the Illinois Historic Preservation Agency from October 6 and November 3, 2015, addressed to the U.S. Army Corps of Engineers regarding the previous Section 106 Review. President Sells noted during his President's Report that the floodwall design would be placed on the Board Agendas for the month of April in addition to the agendas for the Landscape Advisory Commission and the Preservation Commission.

Clerk Haley read the emails on this topic received from residents Mary Erangey, Michelle Patterson and Donald Spatny.

Ms. Erangey's email expressed concern regarding the exact location of the proposed floodwall in her back yard and how much property she would lose, the lack of river access points in the renderings provided by Burke and the timeline for property acquisition and construction. She also inquired as to whether there would be rip rap on both sides of the floodwall if the Rockery design is selected.

Ms. Patterson's email expressed the view that the design preferences of residents who will have the floodwall in their back yards should take priority over other considerations. She also expressed a preference for the Franklin Park/Rockery combination style.

Mr. Spatny's email expressed concern that the project will not stop flooding in Riverside and may actually make it worse in different parts of the community. He also cautioned the Board against working with the Army Corps of Engineers and expressed disapproval with the outcome of the Corps project in the Swan Pond.

President Sells responded to Ms. Erangey's concerns. He noted that the location of the floodwall will be marked on the ground in the yards on West Avenue in May or early June. Residents will also be advised of how tall the wall will be at their specific location at this time. This will help determine what access points might be possible. The construction and property acquisition timeline will depend on the response from the State Historic Preservation Office. This is why the Board is discussing the design now and the Preservation and Landscape Advisory Commissions will discuss the matter in April. The goal is to send something specific to SHPO for review and comment. Finally, the Rockery style wall would only have rocks on river side of wall, not the homeowner side of wall.

President Sells expressed support for Ms. Patterson's comments.

In response to Mr. Spatny's comments, President Sells stated that the Army Corps is not responsible for the outcome in the Swan Pond. The change in grading was the product of decisions made by a prior Village Board. He also noted that every aspect of the current project plan is being vetted by the Village Engineer.

President Sells then turned the discussion over to the Trustees and the public.

Susan, a resident of West Avenue expressed a preference for the Rockery style wall and stated that she hoped residents would be able to see over the wall when they are out in their back yards. She also inquired about the required easement and it was noted that vegetation such as ornamental grasses would be permitted in the easement; however, trees are not permitted and existing trees within the easement would be removed should the project move forward.

Resident Richard Rankin of Groveland Avenue expressed a preference for the Franklin Park with Rockery style and asked if the design would be continued on the existing Groveland Berm. President Sells and Director Tabb confirmed that the same aesthetic would be maintained for the length of the project.

Trustee Evans also expressed a preference for the Franklin Park and Rockery style and stated that she is looking forward to hearing from the Landscape Advisory and Preservation Commissions. She also asked if any other designs might be possible.

Trustee Collins asked if the Rockery design is composed of rip rap and if maintenance would be required. Director Tabb stated that the design is rip rap and some vegetation may try to take hold, but Staff will have to find a way to remove it. The face of the wall will be stamped but the rip rap is just stacked boulders.

Trustee Collins expressed concern that ice might be able to displace the rip rap.

President Sells stated that a serious ice event might have an impact, but maintenance and replacement costs for the rip rap should be low.

Trustee Evans asked if all three of the designs are stamped concrete and if actual rock could be used. President Sells stated that an earlier design contemplated using stacked ornamental rock; however the cost was prohibitive. He noted that the face of the wall can be designed to the Board's specifications. He believes Mr. Gotham was trying to match the aesthetic that already exists in the Central Business District.

Trustee Evans asked if the dividers along the wall were functional or aesthetic. President Sells stated that they are an Olmstedian design element.

Trustee Gallegos favors option three with the rip rap because it is similar in appearance to the section of the river near the Barrypoint Bridge.

Trustee Hannon noted that the purpose of this discussion is to select a design to forward to the State Historic Preservation Office for review and he thanked the residents who have taken the time to participate in the meetings the Board has had. Trustee Hannon stated that he hopes more residents will reach out to the Board with their opinions because the design of the wall is a very important decision and those who will be most impacted by the project should be involved.

Trustee Pollock indicated that he wants to keep an open mind about the various designs until the Landscape Advisory and Preservation Commissions have weighed in. He thanked Burke Engineering for the research they did to find examples of rock walls in other Olmsted designed projects. He would like more information regarding two issues: 1) whether or not there might be rocks on the property owner side of the wall; and 2) whether there are viable river access options from the east side of the wall. Trustee Pollock also commented that he has lived in the village for 25 years, and in his opinion, the Swan Pond has never looked better. He prefers wetlands and native plantings to soccer fields. He knows the area is not perfect, but it is natural.

President Sells concurred with Trustee Pollock and thanked him for his comments regarding the Swan Pond. He noted that Olmsted considered natural beauty a civic necessity. The fields of native plants in the Swan Pond are attractive to pollinators like bees and butterflies and also provide habitat for other wildlife. He feels it is one of the most beautiful areas in the community.

Trustee Evans thanked the volunteers and Forester Collins and his team for maintaining the area and described it as an ongoing beautification project.

Resident Patrick O'Laughlin expressed concern regarding the financial impact the wall will have on his property and how it will negatively impact his family's ability to sell their home when that time comes. He is concerned that the height and location of the wall devalue his property and cause undue harm to his family. He asked the Board to please hold that in the forefront of their minds as they continue their

deliberations on the project. President Sells thanked Mr. O’Laughlin for his comments and stated that he and the Board take his concerns very seriously. This is one of the primary reasons President Sells would like the Board to make a decision on a design and move the project forward. He appreciates the stress the drawn out process is having on those who will be most impacted by the Board’s decision. Once a design has been selected, the location of the proposed floodwall can be marked on the ground and residents will be able to get a better idea of how the project will impact their property. President Sells assured Mr. O’Laughlin that the Board wants what is best for them.

Trustee Evans asked what the duration of the project would be once it gets started, if it is approved. Director Tabb stated that the project is expected to take 2 years to complete.

Susan, of West Avenue, asked how long the wall will be. President Sells stated that the wall will be about 700 feet long and will run from Forest Avenue south to the BNSF railroad trestle. Susan then asked if there would be construction equipment in residents’ back yards for the duration of the project. President Sells stated that those details are not yet known. Susan then expressed concern regarding how the presence of construction equipment on private property might impact residents’ ability to park their cars on their property and noted that some accommodations might need to be made to allow residents to park on the street for the duration of the project.

President Sells thanked Susan and everyone who commented for their input. He reminded everyone that the Preservation Commission will discuss the project on April 8, and the Landscape Advisory Commission will discuss the project on April 13. He encouraged everyone to attend those Zoom meetings and provide feedback.

Trustee Gallegos asked when the Board would discuss the project again and President Sells stated that the Board would discuss the project again on April 15. President Sells hopes the Board will be able to make a design decision at that time.

X. New Business – None.

XI. Adjournment

With no new business to discuss, President Sells stated that the board had need for an Executive Session to discuss pending, probable or imminent litigation per (5 ILCS 120/2(c)(11)). He noted that no final action would be taken in Executive Session and the Board would not reconvene. He called for a motion and second to adjourn the Regular Meeting.

Trustee Gallegos made a motion to adjourn to Executive Session, not to reconvene. **Trustee Hannon seconded** the motion.

Attorney Malina confirmed that each trustee was able to hear everything that was said and participate fully in the meeting. All responded in the affirmative including President

Sells.

Clerk Haley then called the roll to adjourn the regular meeting.

AYES: Trustees Collins, Evans, Gallegos, Hannon and Pollock.

NAYS: None.

Motion passed.

President Sells declared the Regular Meeting adjourned at 8:45 p.m.

Respectfully submitted:

Village Clerk Haley

Date Approved

XII. Executive Session

A. To discuss pending, probable or imminent litigation (5 ILCS 120/2(c)(11))