

**MINUTES
CITY OF ST. CHARLES, IL
PLANNING AND DEVELOPMENT COMMITTEE
MONDAY, DECEMBER 9, 2013 7:00 P.M.**

Members Present: Silkaitis, Payleitner, Lemke, Turner, Stellato, Bancroft, Martin, Krieger, Bessner, Lewis

Members Absent: None

Others Present: Mayor Raymond Rogina; Mark Koenen, City Administrator; Rita Tungare, Director of Community Development; Russell Colby, Planning Division Manager; Chris Tiedt, Development Engineering Division Manager; Bob Vann, Building & Code Enforcement Manager; Fire Chief Schelstreet

1. CALL TO ORDER

The meeting was convened by Chairman Stellato at 7:00 P.M.

2. ROLL CALLED

Roll was called:

Present: Silkaitis, Payleitner, Lemke, Turner, Stellato, Bancroft, Martin, Krieger, Bessner, Lewis

Absent: None

3. CITY ADMINISTRATION

- a. Recommendation to approve an Ordinance Amending Title 2 Administration and Personnel, Chapter 2.10 "Appointive Officers" of the City Municipal Code.

Mr. Koenen said a decision was reached in regard to the Economic Development Dept. He said when the fiscal year began in May of this year there were 3 people in the dept. and since then the director chose to retire, and the manager chose to resign for an opportunity closer to home, both within about 6-weeks of each other, which left one person in the dept. He said since then they have taken some time to look at the future of Economic Development and how to best match the City's needs. He said the recommendation from staff is to merge what was a standalone Economic Development Dept. with the existing Community Development Dept. into a new work group referred to as the Dept. of Community & Economic Development, with leadership being under Rita Tungare who has 15+ years of service. He said Ms. Tungare is up to the task of expanding her scope and he feels she will do a great job for the community.

Mr. Koenen stated that Economic Development is a relatively new dept. in the community since 1998 and through the years it has sometimes been standalone and sometimes under Community Development. He said that has vacillated through the years pending the leadership available at the time and also the disposition of the City Administration and Council.

Mr. Koenen then shared the 3 models used to figure out what the municipal industry does to address Economic Development:

- 1) Standalone Economic Development Dept.-which is used in Geneva.
- 2) Farming out Economic Development out of house-which is practiced in Batavia.
- 3) Economic Development being housed as a component of Community Development-which is practiced in Arlington Heights, Wheaton, Schaumburg etc.

Mr. Koenen said what is being proposed is not particularly novel but has some history in the community which seemed to be successful. He said the purposes for Economic Development as seen by Staff, feedback from Council and also the community at large are:

- Business retention-Corporate clients need to be appreciated for being in the community, they are valuable and make us stronger, they provide a workforce, employment and reinvest in the community, and they need to be supported and their needs met.
- The Dept. will occasionally seek business and be the recipient for answering questions to work with high profile customers when it comes to negotiating incentive agreements, or to find them locations in the community to best fit their needs.
- Economic Development is a marketer and one of the first faces seen by a new business coming to St. Charles.

Mr. Koenen gave some analysis behind merging the two departments:

- It makes financial sense-in the past when it were two standalone departments, there was a certain degree of some duplicated business of running the machinery of a department, and it also meant two department directors. He said merging them will combine that energy and synergy with one leadership.
- Those looking to locate their business in St. Charles will only talk to one department, which makes it not only more convenient, but more friendly for new businesses.
- Cross Training-which will create not only back-up during vacation/sick time, but also synergy where information can be shared between a very talented Community Development staff and Economic Development.

Mr. Koenen asked that Council consider the formal Ordinance to create the department of Community & Economic Development.

Chairman Stellato thanked Mr. Koenen and said it was very well put and that he can hear the confidence Mr. Koenen has, along with the Council, in Ms. Tungare.

Mr. Lemke said the most common issue will be how this looks to the outside community and his feeling is that if it is not implicit here, that there is one dept. they can go to and there is not questions going back and forth. Mr. Koenen agreed that it should be simple.

Chairman Stellato asked Mr. Koenen how he would like to proceed. Mr. Koenen said a motion to proceed to the full Council on Monday, December 16, 2013 to approve the Ordinance.

Aldr. Martin made a motion to approve an Ordinance Amending Title 2 Administration and Personnel, Chapter 2.10 "Appointive Officers" of the City Municipal Code. Seconded by Aldr. Krieger. No additional discussion. Approved unanimously by voice vote. Motion carried.

Ms. Tungare thanked the Council stating that she is honored by the support and confidence demonstrated by the Mayor and Council. She said as Mr. Koenen indicated Community Development has a very talented and committed staff, and she is confident that by merging the two areas and bringing in new Economic Development expertise to work side-by-side with existing staff will allow for further improved coordination and enhance Economic Development efforts.

4. COMMUNITY DEVELOPMENT

- a. Recommendation to approve an Amendment to Title 15 of the City code for Building Permit Fees.

Mr. Vann said the Building and Code Enforcement Division uses building permit fees to offset operating costs for conducting construction inspections and approximately every 3-4 years staff reviews the city's permit fee structures and services to see if any adjustments are necessary. He said the last permit fee increase was in January 2009, and staff reviews those fees based on the number of movements a project has and the time it takes to conduct inspections. He said historically the city's practice has been to try to cover 60-70% of staff's inspections services, and the permit fee structure is based upon a specific project, square footage or cost of the project. He said building permit fees for commercial include Fire Dept. inspection services as well, and that type of fee process provides a simple, but comprehensive fee structure for customer budgeting. He said based on a recent 12-month review of operational costs, starting in September 2012, the collected revenue permit fee covered approximately 47% of the operational cost of the building inspection operations. He said a modest increase in permit fees, with the anticipated increase in construction activity, will close the short fall.

Mr. Vann then showed a PowerPoint presentation showing the proposed adjustments for building permit fees. He stated that Building Division staff performs 16 or more inspections on a single-family detached house with approximately 11 movements per project at a minimum. He then shared the current fees as well as proposed fees for single-family detached homes with examples from Regency Estates, in-fill lots, and The Reserve, as well as a comparison of residential permit fees for Geneva, Batavia and St. Charles.

Mr. Vann then showed the current fees, allocations and proposed commercial permit fee increases, along with the new or expanded fee types for: appliance permits, as-built permits, parking lots and consultation for permitted projects.

Aldr. Lewis asked if the 47% of operating costs has anything to do with less construction going on. Mr. Vann said it does a little bit and that is why the time frame they took was from September 2012 through September 2013. He said they felt permits were going up at that time and it was a fair analysis of that time frame. He said right now at the end of year they are looking at about 40 new single-family residential homes, and what is typically seen after a recession will be commercial projects, which they are starting to see right now. Aldr. Lewis asked if they would be back up to the 60%-70% operating cost if the fees were not increased. Mr. Vann said he did not think so because the fees have not been adjusted since 2009, and 1 ½ years ago when they looked at them, the economy was not where they wanted it to be and inspections were down. He said it would be reviewed in about a year to see if they are up at

about 60%-70%, which he thinks they will be. Ms. Tungare said if a large scale development is seen such as Charlestowne Mall or First St. it would probably inch up closer to about 60%, but just average construction activities will take at least 2 or 3 incremental revisions to get to that 60%-70%. She said at this point the changes being proposed are fairly modest because we cannot predict where the city will be in 12-months from now, but it was thought making some incremental adjustments made sense and is fair to the development community and the city. She said in maybe 12-18 months another look could be taken and if adjustments are warranted some future adjustments could be made.

Aldr. Lemke said the increases do look modest considering \$5 over 5-years in looking at something like elevators lifts or fences, but in looking at the peers, and he doesn't think it's been changed, but in the past there was a de minimis. He gave an example of putting in a window air conditioner and then taking it out, that type of thing he feels should be known, but he doesn't know what it should be. He said he would like to see what other communities do in that instance, and at that point he would be willing to support this, but he thinks it's time for the city to review the de minimis because everything has gone up many times over since those levels were set. Mr. Vann said there is no permit needed for a window air conditioner. Aldr. Lemke said there used to be a de minimis, he does not see it now, but in looking at it in the past it probably hadn't been changed in 20-years. Mr. Vann said he did not recall that. Chairman Stellato said he did not either. Aldr. Lemke said he remembers it and suggested looking into staff records and that if necessary he would see if he could find something as well. Mr. Vann said the fees being proposed would just cover the work and reviews done by staff, he gave an example of a detached garage and then taking it down, and asked Aldr. Lemke if that's what he meant. Aldr. Lemke said how about a railing around a patio, does that qualify as a fence where he spends \$50 and in turn then owes the city \$55. Mr. Vann said no, there are 2-types of fences, a security fence around property needs a permit, but a little landscape type arbor fence does not require a permit because it is not going into an easement. Aldr. Lemke said he thinks what would solve that is "when does this arbor become a fence" to set some de minimis and he rests his case on that.

Aldr. Turner said he supports the increase because the city's fees are still much cheaper than the surrounding communities.

Aldr. Silkaitis asked if the as-built permits applies to furnaces. Mr. Vann said they do not look around for furnaces, but typically as-builts apply when someone is selling a property that has a brand new furnace and the proposed buyer says "I want to see all your permits". Aldr. Silkaitis said what if a neighbor calls and says they did not get a permit, would that apply. Mr. Vann said it would not because on a furnace they can see everything; an as-built is more for a basement where walls are hidden.

Aldr. Silkaitis asked if a shed is 23 sq. ft. and under do you not need a permit, and he thinks that is something new. Mr. Vann said they put that in the last fee change request which was more based on small Rubbermaid types that go against houses; they are more looking for sheds that go over easements where electrical lines are more an issue.

Aldr. Turner made a motion to approve an Amendment to Title 15 of the City Code for Building Permit Fees. Motion seconded by Aldr. Krieger.

Roll Call Vote:

Ayes: Martin, Krieger, Bessner, Lewis, Silkaitis, Payleitner, Turner, Bancroft

Nays: Lemke

Abstain:

Motion Carried. 8-1.

- b. Recommendation to approve an Ordinance Amending Title 8, "Health and Safety" Section 8.30.50 "Tree conservation Areas" of the St. Charles Municipal Code.

Mr. Tiedt said this section identifies specific procedures that property owners must follow when proposing to encroach into a Tree Conservation Area, but does not identify the procedure when an unauthorized encroachment has already been made within the conservation area. He said the proposed amendment to this section requires that unauthorized encroachments be removed, but also gives the property owner the option to formally request by writing a letter to the Director of Community Development to allow the encroachment to remain, as well as identify certain criteria to be considered for each request and allow for an administrative approval of the request. He gave the example of a recent request where a homeowner came in to request a fence around their pool, but unbeknownst to the city, two homeowners prior installed a basketball court in the conservation area, and staff discovered there is a great impact in the tree conservation easement. He said the proposed amendment is a process to try to address those types of situations. He said the proposed amendment language was reviewed by the City Attorney and staff recommends approval.

Aldr. Silkaitis asked if staff has ever gone out to check for encroachments on tree conservation areas and suggested taking an inventory next year, because if this has happened in two sales before, he wonders if there may be other issues out there. He said he remembers setting up the conservation areas a long time ago in the subdivisions but if they are not being kept track of then we don't know what is happening back there. Mr. Tiedt said the conservation areas are currently not being inspected, and things that have been brought to our attention have been addressed on a case by case basis, such as trampolines and swing sets, we ask the owners to remove them. He said something like a basketball court is not something that can be moved so easily which is why staff is moving forward with the amendment, but staff could certainly look into taking an inventory. Aldr. Silkaitis said he doesn't think every year is necessary but it should be done, if possible. Ms. Tungare said that's a good suggestion, but one issue is trespassing on private property without the consent of the property owner, but that staff could attempt to see what they can from the public right of way as much as possible. Aldr. Silkaitis said that is a valid point, but he would like staff to do the best they can to not have problems in the future. Aldr. Lemke said sometimes to get to the easement you have to shortcut and his sense is that this is well thought out. He said his only comment is more of an incremental; there once was a case where Keim presented to move the utilities through the conservation areas, which does not help the root structure of the trees, and he thinks something should be stated to make very clear that utilities do not go through these areas.

Aldr. Krieger made a motion to approve an Ordinance Amending Title 8, "Health and Safety" Section 8.30.50 "Tree conservation Areas" of the St. Charles Municipal Code. Motion seconded by Aldr. Bessner. No additional discussion. Approved unanimously by voice vote. Motion carried.

c. Update on First Street Phase 3-Information only.

Mr. Colby gave a brief update and stated that First St. LLC has filed a concept plan application which will go before P&D committee in January 2014, following its review by Historic Preservation and the Plan Commission. He said although it is not listed on the table in the packet, SMN Development made staff aware that they are working on obtaining cost estimates for the construction of the building, and are also working on putting together a market analysis. He said they intend to have information to present to committee in January 2014. Aldr. Silkaitis asked why the developer was a day late with their submittal, and he is concerned they have already missed the first deadline.

5. ADDITIONAL BUSINESS-None.

6. ADJOURNMENT

Aldr. Silkaitis made a motion to adjourn at 7:35PM. Seconded by Aldr. Bancroft. No additional discussion. Approved unanimously by voice vote. Motion carried.