

**DeKalb Park District
December 6, 2012
Special Park Board Meeting**

BOARD MEMBERS PRESENT: President Joan Berkes Hanson, Commissioners Mario Fontana, Dave Mason, Mike Teboda and Phil Young.

STAFF MEMBERS PRESENT: Director Cindy Capek, Asst. Directors Brad Garrison and Lisa Small, Jane Holdridge, Roger Huber, and Josephine Knoble.

OTHERS PRESENT: Art Erdmann, Bessie Chronopoulos, Norden Gilbert, Laurie Erdmann, Jane Levinsky, Ron Cress, Franca Bukowsky, Brian Andrus, Tom Kirts, Tom Teresinski, Angela Bollinger, Ellen Kulick, Kenton Clymer, Susan Stephens, Dean Holliday, Sara Fellabaum, Tom Fellabaum, David McCleary, Keith Nyquist, Patty Nyquist, Misty Haji-Sheikh, Ralph Peterson, John Nappes, Brian Anderson, Don Seymour, Tammy Rainbolt, Roger Cohn, Denny Pickett, Mary Wiegele, Deb Askelson. Com Ed representatives Paul Callighan, Merle Turner, and David Bonoma.

I. Meeting Called to Order

President Hanson called the December 6, 2012 Special Park Board Meeting to order at 6:30 p.m.

II. Approval of Agenda

Commissioner Young made a motion to revise the December 6 agenda as follows: change the order of the agenda items to move the Presentation by Architects prior to the discussion of Proposed Park Land Dedication and to add an Executive Session pursuant to Section 2 (c) (5) of the Illinois Open Meetings Act for the purpose of discussing the acquisition or purchase of property. Commissioner Teboda seconded the motion and all members voted unanimously in favor.

III. Recognition of KSRA Executive Director, Suzie Zeeh

Commissioner Young made a motion to table the recognition of Suzie Zeeh, KSRA Executive Director. Commissioner Mason seconded the motion and all members voted unanimously in favor.

IV. Business from Floor

President Hanson welcomed the public and thanked Com Ed staff for being available that evening to answer questions the public might have regarding the Nature Trail located between Route 23 and North First Street.

Hanson explained that this was the first time the District Board had met since Com Ed had worked on the nature trail. The Board was informed by Com Ed that vegetation maintenance of the nature trail was scheduled and that Com Ed notified property owners adjacent to the trail.

After receiving phone calls and e-mails President Hanson walked the trail and was surprised by the amount of trimming that had been completed.

She noted that the Park District attorney reviewed the Deed which gives Com Ed a permanent easement on the property, and that the District had no legal right to stop Com Ed from trimming.

She then contacted Paul Callighan of Com Ed and asked for the following: that Com Ed leave shrubs and species of trees that would not reach a height that would interfere with the electrical power lines, that she be provided with information regarding the Federal regulations Com Ed was required to follow, and that Com Ed work with the District and the community to repair and restore the areas that were completely cleared.

President Hanson asked that public comments be limited to five minutes and welcomed everyone to listen to Paul Callighan of Com Ed.

Paul Callighan introduced himself as Com Ed's regional officer of affairs. He apologized to the residents of the area that were not informed of Com Ed's plan to maintain the nature trail as required by FERC standards. The FERC standard, he explained, requires Com Ed to manage its vegetation plan so that clearance between power lines and trees will ensure reliable operation of the nation's bulk power system. Vegetation contact with power lines is a leading cause of power outages and that a minimum clearance was required between trees/vegetation and overhead power lines.

DeKalb resident Ron Cress spoke about ways of restoring the land with native plantings. For those who were skeptical that the land could ever be returned to its native state, he invited to visit Nachusa Grasslands where volunteers like him and two full-time employees maintain over 700 species of native grasses and flowers.

He asked that the Park District and ComEd involve the community to create a plan for specific native plantings along the 1.29 mile nature trail, and hoped that the District would welcome and value volunteer assistance.

DeKalb resident Marvin Levinsky stated that he researched the FERC mandate and that in Section R.2.2 of that document it was specified that a 30 foot clearance was required between power lines and vegetation. He stated that there was no reason for Com Ed to have clear-cut the entire trail since most of the trees and vegetation were well below 30 feet from the power lines.

Levinsky further noted that Com Ed placed a public notice in one local newspaper for only one week and then hired a company of 30 to 40 men who cleared the nature trail before anyone could intervene. Levinsky stated reported that that Com Ed was made to restore a nature trail in Du Page County after it was found negligent. The same he stated has happened in our community and was outraged by Com Ed's actions.

DeKalb resident David McCleary expressed his disappointment in the Park District and Com Ed and noted that "It is easier to ask for forgiveness than to ask for permission." McCleary asked that the District rectify the issue and hold Com Ed accountable for their actions.

DeKalb resident Jane Levinsky noted that she is in possession of an email dated November 18, 2012 from Com Ed to Asst. Director Garrison informing the District of their intentions of removing vegetation from the nature trail. Levinsky expressed that she was deeply disappointed with the Park District and holds them responsible for not being more involved with Com Ed and for not communicating with the residents about the trimming project.

DeKalb resident Bessie Chronopoulos stated that she has spent her entire adult life in DeKalb and that the destruction of the nature trail and the land swap on Fairview Drive are two issues that have upset the community. The community, she noted, has been asking a lot of questions in the past few weeks and many residences have attended School Board, Park Board, and City Council meetings to better comprehend the decisions being made by public officials that affect the community. Chronopoulos stated that the nature trail was not trimmed but massacred and that Com Ed had a lot of explaining to do.

DeKalb resident Angela Bollinger stated that a letter was sent to a few residents informing them of the upcoming plan to trim and perform vegetation management on the nature trail. Bollinger read the letter sent to the residents and gave a brief explanation on the definition of vegetation management. Bollinger noted that Com Ed was granted easement in 1983 for \$10.00. Bollinger questioned if the Park District had any methods to protect its trails and expressed her disappointment in the Park District and Com Ed. She asked that the Board hold Com Ed accountable and that Com Ed be financially responsible for the restoration of the trail.

DeKalb resident Keith Nyquist stated that the Park District Board and administrators have forgotten that the nature trail belongs to the community and is supported by tax dollars.

DeKalb resident Misty Haji-Sheikh stated that the District could have informed citizens regarding the trimming by posting notices at both ends of the trail. She expressed disappointment that all the trees and vegetation were destroyed and that the habitat that lived along the nature trail has left to find a new habitat. She was disappointed that the area will be bare for years and requested that the community be given back the equivalent of what was lost. She also requested that the Park District fight for its community and hold Com Ed accountable for what was lost.

DeKalb resident Ralph Peterson stated that the nature trail was not trimmed but completely destroyed and that he never received notification from Com Ed. In his opinion, Com Ed is hiding behind the federal mandate. He expressed disappointment in the Park District and Com Ed.

DeKalb resident John Nappes explained that he has a 20 foot easement on his property with 138,000 kilovolt of power lines above it. He was visited by a Com Ed representative on November 19, 2012 who explained that Com Ed was required to trim the vegetation under and around the power lines in order to prevent power outages by vegetation interference. He was told that Com Ed would be trimming the entire trail to ensure a 20 foot clearance between power lines and vegetation and was shocked when the entire trail was cut to the ground.

DeKalb resident Brian Anderson accused Com Ed of greed and stated that it was more economical for Com Ed to cut down the entire trail than to have to maintain it year after year.

DeKalb resident Deb Askelson noted that she walks the nature trail on a daily basis. She expressed feeling deep compassion for people who have survived the devastation of war since the trail now resembles a war zone. Askelson asked that someone will have to now address the golf ball issues that will occur since the buffer that was offered by the bushes and trees has been destroyed. Askelson asked that Com Ed be responsible in re-planting the trail with native plants, grasses, and flowers and that Com Ed also make an anonymous donation to the community.

DeKalb resident Don Seymour asked about the environmental impacts the destruction of the trail will trigger for those who live along the trail. He stated that it all occurred too fast and without notice. He accused Com Ed of acting selfishly.

DeKalb resident Tammy Rainbolt expressed that she was devastated by the demolition of the nature trail by Com Ed and that the residents of the area are requesting a resolution from the Park District and Com Ed to restore the nature trail as it was.

DeKalb resident Roger Cohn expressed that he has been disappointed for years with the District's maintenance of the trail. He expressed great disappointment that the trail was completely cut to the ground and requested that Com Ed and the Park District re-plant the area.

Com Ed representative Merle Turner explained that the Federal mandate requires clearance at all times and that trees and other vegetation are regularly pruned beyond the minimum clearance distance to account for the fact that they continuously grow and sway with the wind. Power lines can also sag due to high usage, heat, or snow/ice build-up. Therefore right-of-way maintenance necessitates a greater clearance distance between power lines and trees than may appear to be necessary.

DeKalb resident Denny Pickett voiced concern about flooding issues in the area due to the devastation of the trail.

DeKalb resident Mary Wiegele requested that the Park Board devise a plan to remedy the situation and stated that the community would not be responsible for the expense to re-plant the nature trail.

Director Capek stated that staff would be meeting with Com Ed to discuss the situation and that a public forum will be provided to inform the community on the plans to restore the area.

Chronopoulos stated that the financial burden should fall on Com Ed and not DeKalb tax payers.

President Hanson stated that the Board was aware that Com Ed would be trimming, but unaware of the extent of the plan.

Commissioner Young stated that he would personally investigate the matter even if it meant resigning from the Park Board.

DeKalb resident Bessie Chronopoulos stated that several in attendance were interested in discussing the School District's land swap of their property in Fairview Drive and Shodeen's intentions to build a subdivision onto that land.

Chronopoulos stated that the community would not rest until the land located on Fairview Drive, currently Kiwanis Park, rested safely in the hands of the Park District. She asked that the District fight to maintain that area as park space and that the District seek grants in order to help fund the purchase of that land.

DeKalb resident Art Erdmann stated that Kiwanis Park was a multi-purpose space utilized by many different members of the community. He asked that the Park Board work with the School Board and the City in order to keep the area as is.

DeKalb resident Christine Gardner also asked that the Park Board find a way to acquire the land and maintain it as open park space.

DeKalb resident and 2nd Ward Alderman Tom Teresinski complimented the School Board and stated that in his opinion the School Board members were good community members. He asked that the Park Board work with the City and School Board in order to maintain Kiwanis Park as is.

The Board thanked everyone present for their comments.

V. Presentation from PHN Architects, President Doug Holzrichter

Director Capek stated that the Board had decided to move forward with a new pool to be located in the existing foot print of the current facility, but with a new entrance at the North side of the building. Entrance to the Administration Offices and the Terrace Room will be located on the south side.

Commissioner Young inquired about the bather capacity of the new pool and how the zero depth entry would affect the estimated 800 bather capacity.

Doug Holzrichter of PHN Architects explained that a bather load is calculated by allowing 15 feet per bather in water that is less than 5 feet in depth.

Young noted that the zero depth entry area is unusable for swimming and therefore should not be calculated as part of the bather load.

Holzrichter noted that most patrons prefer to swim in water that is 18-32 inches deep.

Commissioner Young asked about the capacity of the current pool. Holzrichter estimated the main pool bather load at approximately 800.

Commissioner Young stated that he did not want to change the zero-depth entry concept as it is safer for patrons entering the water, but noted that the proposal seemed a bit too small to accommodate a community of approximately 42,000 that will continue growing.

Commissioner Mason asked that Holzrichter give him an idea of how much smaller the proposed pool would be in comparison with the current pool. Holzrichter stated that the proposed pool would be approximately half the size of the current pool.

Commissioner Mason provided the Board and staff with a side by side comparison of the current pool and proposed pool. The printout compared bather loads, square footage of the main pool, diving well and baby pool, number of slides and total deck space. The printout also compared the current and proposed pools to the Sycamore and Genoa pools.

Commissioner Mason stated that the National Recreation and Park Association (NRPA) recommend a 1,200 bather load for a population of approximately 43,000.

Holzrichter stated that the size of the pool was a Board decision and that PHN was available to provide information to assist in the decision making process.

Commissioner Fontana stated that he was interested in seeing a plan that could accommodate future expansion as needed. Holzrichter stated that the current location might not allow for future expansion and therefore the Board might have to consider a different location.

Commissioner Teboda inquired if the zero depth entry could be modified to 3 feet in depth. Holzrichter stated that the decision was a Board decision and that PHN would give recommendations and guide the Board through the process.

Commissioner Young stated that he was not in favor of the existing schematic plan. Director Capek stated that the plan was not intended to be approved, but only a basis for discussion. Capek asked if the Board was in favor of moving forward and contracting PHN Architects.

DeKalb resident Bessie Chronopoulos asked how the Park District had planned to pay for the \$5 million proposed pool.

Director Capek replied that the District would scale back on capital projects until the Sports and Recreation Center debt was paid in 2019. From 2015 to 2019 the District would have to prioritize and limit capital spending and seek grant money to replace playgrounds.

Director Capek stated she would start the engagement process with PHN Architects.

VI. Discussion of Proposed Park Land Dedication by Shodeen

Director Capek explained that the Board packet contained a copy of Section 8.02 of the Land/Cash Ordinance explaining the dedication of park land and cash contribution in lieu of park land.

Commissioner Teboda stated that a portion of the 8.4 acre park was unusable detention area. Capek stated that staff was recommending accepting the entire 8.4 acre park, but only 4 of those acres would be accepted as credit.

Capek also noted that staff was requesting that the pathway through the 13.1 acre park be positioned to run parallel to the pond and that the District would not be accepting the three parks that were less than 2-acres in size.

Capek summarized the recommendations made to the plan as follows:

- Park sites less than 2-acres in size were not acceptable.
- 7.1 acre park site was acceptable.
- Bike trail located on the 13.1 acre site should be re-located to run parallel to the pond and be the responsibility of the homeowners.
- 8.4 acre site was acceptable, but only 4 of the 8.4 acres would be accepted as credit. No credit for the wetland pond or dry detention.
- Homeowners Association to be responsible for all storm functions in all the parks.

Capek noted that the developer dedication requirement for the subdivision was 48.81 acres and that the estimated dedication without park sites that were less than 2-acres in size totaled approximately 20 acres. The balance would be required in cash, which would be utilized for the development of the proposed parks.

Commissioner Young inquired about the cash value per acre as stated in the Land/Cash Ordinance. Director Capek stated that the value was \$100,000 per acre.

VII. Discussion of Enterprise Funds Budget

Commissioner Teboda made a motion to table the Enterprise Funds budget discussion to the regularly scheduled Board meeting on December 13, 2012. Commissioner Young seconded the motion and all members voted unanimously in favor.

The Board also agreed to begin the study at 5:30 p.m. versus 6:00 p.m. on December 13, 2012.

VIII. Move into Executive Session

At 9:19 p.m. Commissioner Teboda made a motion to move into Executive Session for the purpose of discussing the acquisition or purchase of property pursuant to Section 2(C) (5) of the Illinois Open Meetings Act. Commissioner Young seconded the motion and all members voted unanimously in favor during a roll call vote.

XI. Reconvene Public Meeting to Approve Release of Executive Session Minutes

At 10:20 p.m. Commissioner Teboda made a motion to reconvene to the public meeting. Commissioner Young seconded the motion and all members voted unanimously in favor.

President Berkes Hanson stated that the Park Board of Commissioner met in Executive Session at the Hopkins Community Center for the purpose of discussing the acquisition or purchase of property pursuant to Section 2(C) (5) of the Illinois Open Meetings Act and that no action was taken.

XII. Adjourn Public Meeting

Commissioner Teboda made a motion to adjourn the December 6, 2012 public meeting at 10:22 p.m. Commissioner Mason seconded the motion and all members voted unanimously in favor.