



SPECIAL City Council Meeting Minutes

Friday, September 10, 2021 at 4:00 p.m.

In a banquet room in Five Points at 360 N. Wilmore Road, Washington, Illinois

Call to Order	Mayor Manier called the special meeting of Friday, September 10, 2021 to order at 4:00p.m. with a quorum present.
Roll Call	Present and answering roll call were Alderpersons Adams, Blundy, Brownfield, Butler, Cobb Dingledine, Stevens and Yoder.
Also Present	City Engineer Dennis Carr, Planning and Zoning Director Jon Oliphant, Clerk Valeri Brod, and City Attorney Derek Schryer.

Pledge of Allegiance Mayor Manier led the Pledge of Allegiance.

Agenda Review No changes were requested

Citizens Wishing to be Heard

A resident who lives on Kingsbury in Trails Edge corrected the word “imperious” to impervious” when referring to surfaces.

Dave Jane who lives on Debates Street thanked everyone for providing voices on the matter, over the past few months. He stated that he loves living here and he attended the Planning and Zoning Commission meeting regarding the new plat. Mr. Jane shared residents expressed opposition due to increase in traffic, aesthetics and flooding issues. He noted that it was pushed back to the following month and was brought back with a few adjustments. He stated that they didn’t want adjustments, they wanted the original plat. He questioned why this was back when it was already voted down. Mr. Jane asked why vote at all if the vote has to be yes and asked for more clarity as to why this was being brought forward for another vote.

Howard Ward from Kingsbury, shared that his first concern is the speed in the neighborhood because there is only one corridor through it. He requested that a study be done to see if Grandyle could be extended to Cruger. He stated that they have all made investments in their properties and noted that an apartment complex was put in where single family housing was originally planned. He wonders why the ordinances only apply when they need to apply, not protecting the homeowners who already invest in the neighborhood. He is asking Council to honor the rules they wrote.

Chris Grim from Simon Street stated that there is a lack of communication, and when this happens the rest is filled in with rumors and bad things. He said they understand that this may go through, but they are against it.

One resident shared that they moved here one year ago and have heard rumors that City Council has been told to vote yes or they will received legal action.

Beth Black from Patricia Street came forward to express that it is inconceivable to be back here. She stated that the residents have done their research and communicated their views. She shared information provided by Pat Doyle who lives on Kelsey. She stated that the family

on Dallas near the dam is flooded every time it rains and they have shared this with the City Engineer but haven't heard a response. She asked who maintains the pond's overflow. She also stated that the approval of a Preliminary Plat is only to reach the bare minimum of the requirements. Ms. Black went on to say that the process is missing the opportunity for residents who will be impacted by development to be involved in the Preliminary Plat. She stated that aldermen should have the best interest of their residents in mind. She feels this plan does not meet the minimum code because it does not minimize adverse effects as stated in the City Code. She stated that when asked why the developer didn't include a detention basin, they replied that giving up land would not allow them to afford the project. She thanked the aldermen who listened to the people. She stated that government was designed to work for the people and this process has diminished trust with the city government.

Gary McIntyre from Kingsbury Road stated that this subdivision was planned when Mayor Manier took office and he has overseen the preliminary plats for the first eight phases. He said they are here because developers are required to submit a pre-application then a Preliminary Plat yet this is a revised preliminary plat. He noted that developers are required to submit a significant amount of info for review and asked where are the covenants in this Preliminary Plat. He stated that residents have restrictions but this Preliminary Plat doesn't have it and it fails to meet City Code and it is not in the plat. He also stated that his greatest concern in the development is it must "minimize or eliminate adverse impact" on residents and the adverse impact is this room full of people. He also noted that the Planning and Zoning Commission voted it down and the City Council voted it down, then removed it from the agenda which he feels is wrong. He asked where the lawsuit is and asked the aldermen to support their stance in good faith. Mr. McIntyre stated that 72 hours is not enough time for Council members to find legal counsel.

Sherry Liable White from Kelsey Street stated she has lived here for 3 years and is an advocate for these people. She stated she has much respect for her neighbors and they don't have the right to worry about their basements flooding. She noted that Trails Edge is a clean neighborhood and said we all get credibility regardless of profession. She stated that our community needs consensus and doesn't need a big argument or litigation.

Jennifer Swanson who lives on Debates stated that she heard the LaHoods talk about legacy and that there is a nearby park named after their uncle. She questioned why we are here when it is clear, based on votes, that the city doesn't want this development. She asked why the LaHoods are being bullies. She said she wants Council to think about their legacy. She asked for votes that are in the best interest of city. She thanked Alderpersons Yoder, Stevens, Blundy, Cobb and Adams for voting no at the August 16th meeting and also thanked them for fighting water issues that have plagued her neighbors. She stated by voting no, you can go to bed knowing that you helped neighbors avoid future water issues for years to come and asked them to vote in good faith for their constituents.

Mr. Gilfillan, with the law firm Cusack and Gilfillan, represented Washington Trails Edge LLC, the developers of Sections 9 and 10. He thanked Council for putting this back on the agenda and noted that their client has spent a lot of money to meet the request of the neighbors which included a traffic study and water drainage report. He stated that Washington set the rules and they would like Council to follow their own rules. He noted that his client went above and beyond and will be good neighbors.

Jeff Deabob from Grandyle asked about the Austin Engineering Water Flow Study and if the city-wide \$400,000 water study has been reviewed. He stated that this area should be in the study and wants to know why we would make a move in this area before a study is done.

Mayor Nothing at this time.

Resolutions

Mayor Manier provided the following resolution, by title and brief synopsis: A Resolution Approving the Preliminary Plat for Trails Edge Subdivision, Sections 9 & 10.

Alderson Butler moved to renew the August 16, 2021 motion to adopt a resolution approving the Preliminary Plat for Trails Edge Subdivision Sections 9 and 10, Alderson Brownfield seconded.

Alderson Blundy asked for clarification about the meaning of renewal and if it means that this negates the vote that took place before. Attorney Schreyer stated that this does not negate the previous vote but brings it back for a new vote. Alderson Blundy asked if this could be renewed again if it is an outcome that they don't like. Attorney Schreyer stated that Roberts Rules of Order would say yes but he doesn't see that happening and the reason this is back on the agenda is due to a request from the developer. Alderson Blundy asked if the pond that services the storm sewer was designed for the subdivision. City Engineer Carr replied yes. Alderson Blundy asked what size of storm was it designed for. Engineer Carr stated it for a 25-year storm then water goes to the spillway. Alderson Blundy asked about Chapter 53 of the City Code stating that it should provide no damage for a 100-year event when a spillway discharges. Engineer Carr said the spillway discharge is designed to carry it away to the east. Alderson Blundy asked for clarifications in regards to Section 7, Item 1, referencing the size, depth and contents of the pond and asked if there is fish in the pond. Mr. Carr noted that he has never fished in the pond. Alderson Blundy asked what stormwater issues the City has recognized. Engineer Carr stated that he has received comments about field flooding adjacent to Trails Edge, water in backyards and water pooling. Mr. Carr also shared that any issues outside of this project scope will not affect this project and most of the complaints are from the 100-year flood route and he shared the location of the route. Mr. Carr said this proposed grading plan is meant to act like a bowl and hold the water from impacting any other areas in the neighborhood. He noted that fences have been constructed that have affected the water flow in the 100-year flood route. Alderson Blundy read the City Code regarding fences and landscaping in the flood routes. The inspection of maintenance of the pond was briefly discussed and Mr. Carr shared what areas are the responsibility of the City versus the homeowners. Alderson Blundy stated that we are in violation of the Code due to the lack of a pond maintenance plan. Engineer Carr said he will get a plan together if it is in our Code. Alderson Blundy said it would be irresponsible to vote for something that is causing problems for everyone else and Sections 9 and 10 would be ok, but the rest of the subdivision is not well. Alderson Blundy asked for the legal opinion from City Attorney Schreyer, if he is personally protected by City Code and the City's insurance policy. Attorney Schreyer said he is not in a place to give personal legal opinions on the fly. Alderson Stevens asked if they are voting for the resolution or voting that the item is on the table. It was clarified that this vote is for the approval or denial of the resolution. A brief discussion took place clarifying how the item is put on the agenda, the motions needed to do so and Roberts Rules of Order procedures for the motions. Alderson Stevens stated that she is going to vote no due to lack of maintenance of the pond, erosion, lack of dam, incomplete City easements, current flooding at dam and lack of assurance that there is no damage downstream. Alderson Butler said that we have all heard and empathize with the neighbors. He noted that the mayor was allowing more time than normally allowed because they wanted to hear from everyone. Alderson Butler noted that they provided a forum for the residents and the LaHoods heard concerns, reduced the duplex lots, then came back and asked if we could deviate from the roadway design to allow for stormwater management. He shared that they then redesigned and added a stormwater easement which is above and beyond the code. Alderson Butler stated that when you look only at this portion of the plat, it is difficult to

deny because this is improving what is currently there. He also stated that our own staff has not provided a shred of doubt as to why this should be denied. Alderperson Butler noted that this is beyond city code, there is law surrounding preliminary plats, and that this is a ministerial duty of the Council to approve and to say no would be unlawful. Alderperson Butler also stated that everyone here has taken an oath to uphold the Constitution of United States and State of Illinois. He noted it wasn't easy to be here but we had to because we violated the rights of the property owner. He went on to encourage everyone who has an issue with subdivision code to come forward and help to make positive changes for the future. Alderperson Blundy asked if a subdivision is not compliant with the code, do we still allow development within that subdivision, for example if fences are constructed where they shouldn't be, then is future development allowed. Planning and Zoning Director Oliphant clarified that the subdivider is not placing the fence, it is usually a resident, so they can't come back to the developer. A brief discussion took place concerning continuing development if Code violations happen in a development. Alderperson Dingledine noted that he posed several questions about drainage at first but the developer fixed the issues that were brought to them. He also noted that if we vote against this, we are voting against a law. He shared that he doesn't feel bullied and stated that the city will be liable if this is not approved.

On roll call on the motion to approve was:

Ayes: 3 Brownfield, Butler, Dingledine

Nays: 1 Stevens

Abstain: 4 Adams, Blundy, Cobb, Yoder

Motion declared carried.

Ordinances

None at this time.

**Alderperson's
Comments**

Alderperson Stevens stated it is a serious problem that she has had to seek personal legal counsel to make today's decision. She also feels that she has lost confidence and our Subdivision Code is inadequate.

Alderperson Stevens motioned to begin discussions to review the city's subdivision code at next Committee of the Whole meeting, Alderperson Adams seconded.

Alderperson Blundy added Chapter 53 to the motion on the table.

On roll call on the motion to approve was:

Ayes: 8 Adams, Blundy, Brownfield, Butler, Cobb, Dingledine, Stevens, Yoder

Nays: 0

Motion declared carried.

Adjournment

At 4:58 p.m. Alderman Cobb moved and Alderman Adams seconded to move.

Motion carried unanimously by voice vote.

Valeri Brod, City Clerk