

**CITY OF ROCK ISLAND
CITY COUNCIL STUDY SESSION
June 10, 2019 - 5:30 p.m.**

**City Council Chambers, City Hall, 3rd Floor
1528 Third Avenue, Rock Island, IL**

Present: Mayor Mike Thoms, Alderman Dylan Parker, Alderman Mark Poulos, Alderman Ivory D. Clark, and Alderman James Spurgetis

Alderman Randy Hurt arrived at 5:38 p.m. Alderman Dave Geenen arrived at 6:07 p.m.

Absent: Alderwoman Jenni Swanson

Staff: City Manager Randy Tweet, City Attorney Dave Morrison, City Clerk Judith Gilbert, and other City staff

6/10/2019 - Minutes

COMMUNITY AND ECONOMIC DEVELOPMENT: INTRODUCTION TO THE ROCK ISLAND SUSTAINABILITY INITIATIVE

Miles Brainard, newly appointed Planning & Redevelopment Administrator in the Community and Economic Development Department, introduced himself to Council. He will be discussing sustainability. He said there are several directors (Public Works, Finance, Library, and Fire Departments as well as Andy Parer, Stormwater Technician) who provided input on the initiative.

Mr. Brainard said sustainability is a hot topic now; he defined sustainability for the City as making sure that you do not run out of resources in the future by better managing resources in the present. He added more specifically for cities, it's about decreasing waste, increasing efficiency, maximizing assets, and making smart long term investments; in other words, not wasting anything a city has and making the most of what a city has. Mr. Brainard said it's not just about environmental stewardship (clean air and water); it's about other things as well. He stated a sustainable local economy with many different industries is critical to providing economic opportunity; it's about community building; and personal livability where people like to live in that place. He said all of these factors form the basis of a sustainable city model.

Mr. Brainard explained they are discussing sustainability because in the City's Comprehensive Plan, there is some language that discusses sustainability. He said when the Comprehensive Plan was done in 2014, there was a lot of public engagement as part of the process and identifying what was important to citizens. Residents had a lot to say about sustainability including activities and initiatives that the City is undertaking or could undertake. Mr. Brainard said there is also an Environment Impact Policy, but he cannot find the policy anywhere else. He added that it was probably discussed, but then didn't go anywhere. On that website page, it does spell out "plans for updating the policy." Mr. Brainard thinks the City should update the policy.

Mr. Brainard said the City has a lot of programs and activities which could be described as "sustainable." The City is already doing things without calling the activities "sustainable." They are not being marketed or coordinated at the current time which is part of the problem. Mr. Brainard said the City needs to maximize what it is already doing and explore ways to become

better by growing or doing new things. He said the City needs to sell Rock Island as a sustainable community. He gave several examples of existing programs and activities: local food efforts including gardens, backyard chickens and beekeeping, a walkable and bikable community, a tree planting cost share program, a rain garden program, purchases of hybrid vehicles by the City, and asphalt pavement recycling.

Mr. Brainard reviewed other communities including Minneapolis which has some policies Rock Island could adopt such as an indoor temperature policy (heating and cooling city facilities) and a vegetation policy. He said there are very few policies that involve a high cost; it's just changing the way you currently do things and making long-term investments in cost savings which ultimately pays for itself.

Mr. Brainard has been contacting several sustainability professionals. He said Rock Island is now the newest member of the Heartland Sustainability Network which is a subgroup or regional member of the Urban Sustainability Directors Network. The Urban Sustainability Directors Network is the North American association for sustainability coordinators and other professionals in county and municipal governments. He added it's a way to share information and get access to grant money. Mr. Brainard explained the benefit of being a member of the Heartland Sustainability Network is it's a free membership and some of the larger cities that pay for the USDN membership allow smaller cities to "ride for free" and get access to resources. He said he has been participating in monthly conference calls for the last few months which have been very informative. He said it's a way to hear about what other communities are doing. He hopes to continue utilizing the network in the future.

Mr. Brainard explained that from all of these conversations, a proposal has been formed for how the City can move forward. The first step is to conduct an inventory of all ongoing programs and activities and figuring out what they all are, when they're happening, and to what degree. Mr. Brainard said the objective would be to assess where the City stands with sustainability; there is not a current full list. The next step would be to create a "state of affairs" document which would include the assessment and a proposed sustainability policy which would be the framework for moving forward. Mr. Brainard gave the example of Cedar Rapids's sustainability report. He added that in the longer term, the City needs to conduct an in-depth self assessment of sustainability using elements from the STAR Communities framework. He explained that STAR is no longer a designation; it has been absorbed into LEED. Mr. Brainard contacted a dozen STAR communities which turned out to be a very valuable resource. He stated the communities really like the STAR framework; they don't like LEED or how it's changing for cities and they don't want to participate with LEED which is very expensive. Mr. Brainard said LEED does not provide helpful information or feedback for the cities.

Mr. Brainard proposes using the STAR Communities framework to do the self assessment and then get feedback from the City's peer communities. He said that would be more beneficial and less expensive than hiring a consultant. After doing an inventory, creating a policy, and then doing an in-depth self assessment, the City could sell itself as a green, sustainable community. He added people want to live in such a community and residents already communicated that when they participated in the Comprehensive Plan process.

Alderman Spurgetis congratulated Mr. Brainard on his promotion and asked about Mr. Brainard's time frame for the three items he is proposing. Mr. Brainard responded he would like to have the state of affairs document done by the end of the year. He is hopeful they have a summer intern who can do the inventory. Alderman Spurgetis asked when Council would be updated. Mr. Brainard said an update would be provided when the state of affairs document is completed, and then, with Council's approval, move forward with developing the City's sustainability policy.

Alderman Parker commented it was fantastic work and exactly what he was looking for at last year's goal setting session with a general inventory of what the City is doing and how the City

could improve. Alderman Parker asked how much this subject is going to be included in the energy performance contract if the City proceeds after the engineering phase. City Manager Randy Tweet responded it will be included with any of the mechanical portions of the contract including HVAC, lighting, streetlights, biogas, and those types of things.

Alderman Parker asked about staffing because he knows the CED Department is very busy. He wants this pursued, but he wants to know if there is sufficient staff to get the state of affairs document completed and even a larger scale STAR process. Mr. Tweet said the departments will have Council's goals this week and will start to put timelines to that. Mr. Tweet said it's up to Council to determine the priorities. He would need to know what Council wants accomplished first and then that can be determined. Alderman Parker feels another Council work session is needed for prioritizing the sixteen (16) goals they want accomplished and how to get there. Mr. Tweet replied they will schedule another session in July once they get the input back from the departments.

Mr. Brainard reported that when the STAR communities did their STAR assessment which is an intensive process, they had a dedicated staff member or more for one full year to complete it. This was often the city's sustainability coordinator which was the only thing they did. He added there was additional staff time devoted when feedback was received during the process. Mr. Brainard said the City's process will not be as intensive as the STAR communities's process was, but he doesn't know how long the City's process will take with what he wants to accomplish. He will be utilizing the Heartland Sustainability Network to help him put together the process for the City. Mr. Brainard added he is the only non-Sustainability Coordinator in the network. He said the process involves a lot of what the City is already doing in terms of departments' activities. Alderman Parker said that even though there are bigger scale endeavors that Council wants, they understand the limitations of staff. Mr. Brainard stated that he wouldn't have brought his proposal forward if he didn't think the City could do it, but he will have to look at the other goals and figure out timelines. He also cautioned that it could not be done overnight.

Alderman Parker congratulated Mr. Brainard on his promotion.

The consensus of Council was to move forward on the proposal.

COMMUNITY AND ECONOMIC DEVELOPMENT: STATUS REPORT ON ZONING AND SIGN ORDINANCE UPDATE

Miles Brainard stated there has been a long-running update of the zoning and sign ordinances. He said it was supposed to be done around the beginning of 2017. He reviewed the history of the project. It was after the adoption of the 2014 Comprehensive Plan that it was determined the zoning and sign ordinances needed an update. Mr. Brainard said a decision was made at that time to undertake a full rewrite of the ordinances. A consultant was hired and it was supposed to be completed by the end of 2016. Mr. Brainard stated it is now mid-2019 and it is nowhere close to being done. He explained that he and Alan Fries have evaluated the project and where it's at and they have a proposal for getting the project completed.

Mr. Brainard reviewed the project timeline. In May of 2015, CED put out an RFQ to do the rewrite. In September 2015, Ancel Glink signed a contract with final products to be delivered by late 2016. In February 2016, a public engagement plan was on schedule for implementation. In April 2016, a 30 page document, the Key Issues Report, was submitted with what the consultant wanted to correct and update; for example, cannabis regulation and Airbnb rentals. There was quite a bit of staff turnover in CED during this time. In November 2017, the Planning Commission rejected the proposed combination with the Zoning Board. It was not well received and really did not have proper justification. This episode sidelined the project. Between late 2016 and late 2018, bits and pieces of a new code trickled in without annotations from Ancel

Glink which was difficult to review without the entire document.

Mr. Brainard stated that in February of this year, he and Mr. Fries took over the project. Even though Mr. Fries is the City's zoning staff person, he was not involved with the project from the beginning. They contacted Ancel Glink and told them they had 30 days to submit a complete annotated draft. Ancel Glink finally delivered a 240 page document with footnotes in March 2019. Staff reviewed the draft document in April and May.

Mr. Brainard offered their evaluation of the draft code they received. He said while it does contain some helpful ideas and has value, it is not the right fit for Rock Island and would not work for this community. The draft code would increase the administrative workload beyond what staff can do; it would require hiring two to three extra staff. It's written for a wealthier community. The draft code also increases the number of non-conformities which would cause difficulties for property owners. Mr. Brainard explained that someone's property may conform now, but with the new code, it wouldn't and then they could have problems selling their house. The draft code also dramatically increases the number of special uses and there were other changes such as there are no more authorized uses. This would all create a lot more work for staff. Mr. Brainard added there are various undefined terms (for example, cannabis), inconsistencies, and lots of errors in the text.

Mr. Brainard proposed how the City can move forward with the project. He recommends terminating the contract with Ancel Glink and finishing the work themselves. He said there is \$33,000 remaining in project funds. He also feels this is a good stopping point with Phases 4 and 5 remaining to be done. The public engagement process was very valuable. They don't think the process was a loss. He thinks parts of the Ancel Glink draft can be incorporated in the update, but the whole of it cannot be corrected in a timely or cost effective manner. Mr. Brainard explained that part of the issue is the City should have decided to just update the code and not replace it because not much has changed with the Rock Island community.

Mr. Brainard recommends the zoning and sign ordinances remain separate, but be updated concurrently. He said there are some short term updates that need to be made to address pressing concerns; for example, cannabis, solar, and nuisance signs. He explained a longer term, more comprehensive update will take about a year to complete and needs to be done. The core code is fine, it just needs some updating. The last update was done in 2004. Mr. Brainard recommends a "staff work group" be formed from qualified members of boards and commissions to help provide feedback along the way when sections are completed. When the full draft is completed, they will go through through the regular process of review and adoption.

Mr. Brainard reviewed more of the short term updates: window signs, nuisance signs, parking on unimproved surfaces, alternative energy (solar and other forms), cannabis, and short term rentals such as Airbnb. He reviewed some of the longer term updates which will take about a year to complete. Included are expanding defined terms; Mr. Brainard explained definitions are needed in order to regulate. Language needs to be clarified and outdated text removed. Zones need to be reduced to a more manageable number. Ancel Glink included in their draft various elements to protect the City from legal challenges.

Mr. Brainard summarized the City is at a good stopping place with Ancel Glink and their contract should be terminated. The City has gotten value from their work, but it just wasn't the right fit. He recommends the zoning and sign ordinances be updated and not completely replaced. City staff can finish the project in two phases; the short term patches and a long term comprehensive update which will take about a year.

Mr. Tweet said the City Attorney did check with Ancel Glink and they are fine with terminating the contract. Alderman Parker asked if there would be any cost to the City; Mr. Tweet replied no. Mr. Brainard commented that he thinks Ancel Glink is not interested in completing the project. Mr.

Morrison said there is a specific provision in the contract for either party to terminate. A letter was sent to Ancel Glink and Mr. Morrison has in writing that they are in agreement with terminating the contract.

Alderman Spurgetis asked if the City owes Ancel Glink any more money. Mr. Brainard thinks there might be one more invoice. Alderman Parker asked what the total cost has been. Mr. Brainard replied the original contract was \$110,000; then it went up to \$125,000 less the \$33,000 remaining.

Alderman Parker said he knows of people who would be interested in participating in the staff work group. Mr. Brainard said the public engagement process is complete and they have good information from it. The staff work group is a working group with some members from the Board of Zoning Appeals and the Planning Commission. They would be checking staff work and Mr. Brainard wants to avoid paralysis by overanalysis.

Alderman Parker asked about the study session where they discussed form based code and wants to know if it is part of the longer term review. Mr. Brainard said Ancel Glink included form design standards, so there is language for that to be included.

Alderman Parker asked about items in the consultant's review for the Analysis of Impediments to Fair Housing; he knows Mr. Fries was working with the consultant to better explain the City's zoning code to the consultant. Mr. Fries said there is still some disagreement; there is no final analysis yet, but they are closer to consensus. Alderman Parker asked whatever comes from the consultant, will that be part of the long term review of the zoning code. Mr. Brainard clarified the zoning code's goal is to have a supply of affordable housing and they would look at that; for example, accessory dwelling units, but there are negatives to a lot of these things. He explained there are things they can do to increase the supply of affordable housing, but there are things they can't do. This is part of the disagreement of fair access versus supply. He said they will do the best they can.

Mayor Thoms thanked Mr. Brainard. Alderman Parker thanked staff for all their work on the project. There was no objection to moving forward with the proposal.

The study session concluded at 6:20 p.m.

Judith H. Gilbert, City Clerk