

**VILLAGE BOARD
COMMITTEE OF THE WHOLE MEETING**

SEPTEMBER 12, 8:00 P.M.

- I. CALL TO ORDER.**
- II. ROLL CALL.**
- III. DISCUSSION ITEMS.**
 - A. COMPLETE STREET POLICY RESOLUTION
(PLANNING & ED)(STAPLETON)(BROWN/JONES)**
 - B. UDO AMENDMENTS – SIDEWALK CAFÉ
(PLANNING & ED)(STAPLETON)(BROWN/JONES)**
 - C. GASB 54 FINANCE POLICY (TO BE PROVIDED AT MEETING)
(ADMINISTRATION/FINANCE)(REAVES/SNIEGOWSKI)
(WEHMEIER/SCHAFFER/FRIEDLEY)**
 - D. DISCUSSION OF ELECTRICAL UTILITY AGGREGATION
(ADMINISTRATION)(REAVES)(WEHMEIER/SCHAFFER)**
- IV. UNFINISHED BUSINESS.**
- V. NEW BUSINESS.**
- VI. AUDIENCE PARTICIPATION.**
- VII. ADJOURN.**



Village of Lemont
Planning & Economic Development Department

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

TO: Committee of the Whole #92-11

FROM: Charity Jones, Village Planner

THRU James A. Brown, Planning & Economic Development Director

SUBJECT: Complete Streets

DATE: September 6, 2011

SUMMARY

At the July Committee of the Whole, staff reported that the Lemont Complete Streets Steering Committee would be working with Active Transportation Alliance to develop a local complete streets policy. A draft policy has been developed and is attached for your review. The intention of this policy is to establish our complete streets goal (to seek to accommodate the safety and access of all users of the roadway) and to outline basic implementation measures to achieve this goal. More detailed implementation guidelines will be included as a part of the upcoming Active Transportation Plan, to be developed this fall.

The Planning & Economic Development staff believe that there are several reasons why the adoption of the draft Complete Streets policy is a positive step for the community:

- The policy will take into consideration the needs of all residents, not just motorists. It will, for example, ensure that the needs of children walking to school are examined and addressed in a sufficient yet cost-effective manner.
- The policy will not unduly increase project costs. The policy provides for a wide variety of bicycle and/or pedestrian accommodations of varying price points and allows for exceptions when the cost of these accommodations are excessively disproportionate to the need or probable use.
- The policy will ensure all appropriate staff elements are involved in planning decisions regarding roadway construction and re-construction.

Why Complete Streets?

As mentioned in July, Lemont's development of a complete streets policy is being funded through the Cook County Department of Public Health's Communities Putting Prevention to Work – Model Communities program. The program's goal is to fund policy and environmental change that will enable suburban Cook County residents to live more

active lifestyles and thereby improve public health. Complete Streets are one component in creating a more walkable and bikeable, and therefore a healthier, community.

The National Center for Walking and Bicycling reports one example of how neighborhood walkability impacts health.¹ They report that the estimated mean difference between high- and low-walkable neighborhoods translates into about 15 to 30 minutes more walking per week for each resident of high-walkable neighborhoods. Over 1 year, for a 150-lb person, this translates into energy expenditure of approximately 3,000 to 6,000 kcal, or about 0.85 to 1.75 lb. Most American adults gain approximately one pound per year; halting or slowing this annual weight gain through increased activity could have significant impacts on incidence of obesity related illnesses.

Lemont Complete Streets Policy vs. IDOT Complete Streets Policy

The Illinois Department of Transportation has its own policy addressing bicycle and pedestrian accommodations, commonly referred to as the IDOT Complete Streets Policy. Lemont’s draft policy has significant differences with IDOT’s and, we believe, provides better guidelines to accomplish the goal of accommodating all road users. Below is a table highlighting some key differences between Lemont’s draft Complete Streets policy and IDOT’s policy and implementation guidelines (BDE).

IDOT	Lemont
Flexible on the need and firm on the types of improvements when a need is proven.	Firm on the need for improvements, but flexible on the types of improvements based on the surrounding context of a given street.
Focuses on the width of existing roadways, not local needs.	Acknowledges the need for context sensitivity, surrounding land use.
Not flexible: Focus on allowing bike lanes, sidewalks and sidepaths, to the exclusion of other kinds of accommodations. All expensive, all hinge on the condition of widening of roadway.	Flexible: Allows many different types of improvements (e.g. intersection treatments, road diets, signal timing improvement, pedestrian refuge islands or painted medians, and improved signage, in addition to bike lanes and sidewalks). Many different options of varying price tags.
IDOT’s Policy and selection table are generally a requirement to install bike lanes, sidewalks or sidepaths.	A promise to do the best with its existing resources. Example: If you can’t afford to improve a sidewalk, you can still improve pedestrian safety by restriping narrower travel lanes that calm traffic. If you can’t afford to build a refuge island you can paint a median and install signs.
Regardless of need, only installs improvements on road-widening projects, unless the public gets involved. Exceptions granted when the existence of need is proven, and is demonstrated by an engaged public.	Assumes need for multimodal accommodations everywhere. Exceptions granted when an absence of need is proven.

¹ <http://www.bikewalk.org/>

WHEREAS, Complete Streets are designed to provide users with multiple transportation choices including walking, bicycling and public transit as well as driving; and

WHEREAS, walking, bicycling and public transit are efficient travel modes used by the residents of Lemont for a variety of reasons; and

WHEREAS, it is the intent of Lemont to provide transportation options to maximize the independence and mobility of its aging population; and

WHEREAS, County-wide studies have shown that Lemont's population has a higher than median number of obesity related diseases that can be prevented through increased physical activity such as walking and bicycling; and

WHEREAS, the majority of households in Lemont are within one mile of a retail district, a school or a park, and within three miles of a shopping center; and

WHEREAS, the Village Board has adopted a Green Lemont Initiative which seeks to create a conservation ethic among all of the local taxing bodies and among the residents of Lemont; and

WHEREAS, bicycling, walking and transit are environmentally-responsible forms of transportation that promote conservation and air quality; and

WHEREAS, Complete Streets can foster human, environmental and economic development in the Village of Lemont;

THEREFORE BE IT RESOLVED by the Mayor and Village Board of the Village of Lemont, Counties of Cook, Will and DuPage, Illinois, that the Village of Lemont hereby adopts a Complete Streets Policy, the goals, elements, and procedures of which are as follows:

SECTION 1: Goals. The Village of Lemont will seek to accommodate the safety and access of all users of the roadway, regardless of their age, ability, or travel mode. A need and desire for access, safety and related treatments and facilities for pedestrians, bicyclists and transit users shall be assumed in all areas of the Village. The Village of Lemont will use a flexible and innovative approach to achieving a connected network of Complete Streets that complement their surrounding context, character, and land use. This network will be developed through single projects and incrementally through a series of smaller improvements or maintenance activities over time.

SECTION 2: Applicability. Complete Streets will be incorporated into all roadway projects and all phases of roadway projects including planning, programming, design, construction, maintenance, and operations. Exceptions to such applicability of the Complete Streets policy are:

- a) A given project involves a roadway where pedestrian and/or bicycle travel is prohibited by law.
- b) The cost of bicycle and/or pedestrian accommodations for a given project is excessively disproportionate to the need or probable use.

- c) A given project is planned for a roadway that has been established as a private road prior to the adoption of this policy.

SECTION 3: Planning and Review.

- a) The Village of Lemont is developing an active transportation plan in the fall of 2011 to guide the development of a more accessible transportation network and to provide strategies for Complete Streets policy implementation. Based on these strategies, the Village will develop performance goals and a review process to ensure that roadway projects meet community needs in accordance with this policy.
- b) The Village of Lemont shall take formal initiative to engage in proactive coordination with private developers and external agencies, including the Illinois Department of Transportation and the Cook County Highway Department, to ensure that roadways and intersections within the Village of Lemont meet the local community standards in accordance with this Resolution, regardless of jurisdiction.
- c) The Village Administrator, Director of Planning & Economic Development, Director of Public Works, and Village Engineer will:
- Monitor the implementation of this policy to ensure that performance measures are met.
 - Review all new roadway projects and other Complete Streets-related improvements to ensure consistency with this Resolution.
 - Review any requests for exceptions to the Complete Streets policy and related documentation before providing them to the Village Board with a recommendation.
 - Provide periodic progress reports on the development of the Complete Streets network to the Village Board.

SECTION 4: Standards. The Village will provide training opportunities to staff and elected officials tasked with implementing the Complete Streets policy as needed. All relevant Village staff shall review and update as necessary their plans, manuals, rules, regulations, and programs to reflect the principles of this resolution, and to develop design guidelines in accordance with the most up-to-date standards, requirements and recommendations as provided by the American Association of State Highway and Transportation Officials, the Institute of Transportation Engineers and the Access Board.

SECTION 5: Publication. The Village Clerk of the Village of Lemont is directed hereby to publish this Resolution in Pamphlet form pursuant to the Statutes of the State of Illinois, made and provided.



Village of Lemont
Community Development Department

418 Main Street · Lemont, Illinois 60439
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TO: Committee of the Whole #091-11

FROM: James A. Brown, Planning & Economic Development Director

THRU:

SUBJECT: **Sidewalk Café Ordinance**

DATE 6 September 2011

BACKGROUND

Within the last six months Village staff has wrestled with several issues concerning sidewalk cafes and outdoor dining. While only one (the application and approval for a sidewalk café at Muffins) generated controversy beyond the staff level, two other applications nonetheless raised issues with the current provisions in the Municipal Code for sidewalk cafes. Recently, the Village Administrator Ben Wehmeier, Assistant Village Administrator George Shafer, Building Commissioner Ed Buettner, Executive Assistant Rose Yates, Village Planner Charity Jones, and I met to discuss all of the chapters to Title 5 in the Municipal Code. There was general agreement that Chapter 5.71, which governs the approval and operation of sidewalk cafes, should be amended and made part of the Unified Development Ordinance (UDO).

The Planning & Zoning Commission will be conducting a public hearing on numerous, relatively minor, amendments to the UDO on 21 September. Included among the suggested changes will be a new section on "Outdoor Dining."

"OUTDOOR DINING"

It is common for municipalities to regulate and/or license "outdoor dining" or "sidewalk cafes." The potential adverse effects of outdoor dining, such as noise, restricted pedestrian flow on sidewalks, and consumption of alcoholic beverages in an open-air, public setting provide ample cause for local governments to be concerned. Chapter 5.71 of the Lemont Municipal Code regulates "sidewalk cafes." Like many of the chapters of Title 5 of our municipal code, chapter 5.71 appears to have been drafted and approved long ago. I believe an amended version of this chapter should address the following issues.

Scope

Current requirements. Ch 5.71 provides only for licensing of sidewalk cafes operated by licensed restaurants on public sidewalks in the B-2 zoning district.

Proposed. Expand scope to include:

- all zoning districts
- all eating and drinking establishments;
- All “outdoor dining” areas, regardless if they are on public sidewalks or not.

Comments. The outdoor dining area at Illinois Bar & Grill is a good example of the type of operation the Village should license and regulate even though it is not located on a public sidewalk.

Accessibility/Safety

Current requirements. Ch 5.71 requires “five foot wide clear zone be maintained” for accessibility.

Proposed. Reduce requirement to a “four-foot accessible route.” Also, include standards for ingress and egress to outdoor dining areas.

Comments. The five-ft standard has made it impossible for some restaurants and cafes to include outdoor seating that is consistent with the code. Requiring only four ft will leave sufficient room for an “accessible route.” Four feet appears to be consistent with ADA standards; more research is needed, however.

Alcohol Consumption

Current requirements. Ch 5.71 requires approval of Liquor Commission for consumption of alcoholic beverages on sidewalk cafes. Also “[p]atrons consuming alcoholic beverages must be seated at a table and receiving food service.”

Proposed. No change suggested. To a large extent the Village depends on the restaurants and pubs to enforce these provisions. Despite a great potential for abuse, the requirements are prudent.

Barrier

Current requirements. Ch 5.71 requires that “[dining] areas shall demarcated by use of a fence or other solid barrier.” The barrier must be three feet high and include at least two planter boxes.

Proposed. No solid barrier will be required, although owners/managers may enclose their outdoor dining area, subject to some minimal aesthetic controls. A requirement to demarcate the dining area, in instances where space permits, may be included.

Comments. The solid barrier requirement serves little purpose. Walking down the sidewalk with an open container of liquor--whether purchased at an outdoor dining area or packaged liquor store or taken from someone's refrigerator or cooler—is still illegal and must be enforced. If restaurant managers are worried about people dining and dashing and wish to fence off their dining area, they may do so. I find that most barriers inhibit pedestrian flow both along the sidewalk and inhibit ingress and egress from the dining area. Moreover, they usually are not aesthetically pleasing.

Furniture

Current requirements. Ch 5.71 requires that furniture be of color and materials that are “conducive to an attractive outdoor café atmosphere as determined by the community development director.”

Proposed. Furniture should be of metal or wrought iron construction.

Comments. Current standards are too vague. Flexibility should be allowed, hence no requirements for color. Metal or wrought iron should be required, since this will help ensure a relatively good quality of construction and material, and also ensure the furniture is of sufficient weight to help prevent the items from being easily moved by wind or humans.

Insurance

Current requirements. Ch 5.71 requires that a “[c]ertificate of insurance naming the Village as an additional insured with a minimum liability coverage of one million dollars” be provided.

Comments. Suggest review by Village Attorney.

Approval

Current requirements. Ch 5.71 implies that the community development director is the approving authority. Applications are submitted to the director, and the director has discretion on certain standards.

Proposed. The Planning & Economic Development Director will approve permits for outdoor dining.

Comments. The Planning & Economic Development Director already acts as zoning administrator.

COW ACTION

A draft “outdoor dining” section to the UDO is in the works and will be presented to the PZC in mid-September. I am seeking feedback and guidance on the above issues in order to help complete the draft.

Village Board

Agenda Memorandum

Item #

To: Mayor & Village Board

From: Ben Wehmeier, Village Administrator
George Schafer, Assistant Village Administrator

Subject: **Discussion of Electrical Utility Aggregation**

Date: September 7, 2011

BACKGROUND/HISTORY

Municipal aggregation allows for a municipality to assist in reducing its residents' electric bills by authorizing local governments to bundle residential and small commercial accounts and seek bids for a lower cost source of power for the accounts. Approximately 16 communities have already implemented this process.

Illinois Public Act 096-0176 gives municipalities the authority to implement this aggregation process. However, this can only be implemented when the voters approve a referendum in a primary or general election. The next available election will be March 2012. More information will be presented at the meeting, but here is a sample timeline for the community to participate

By End of 2011:	Village Board passes an ordinance authorizing the question to be placed item on March ballot
January 2012:	If authorizing Ordinance is passed by Board, Village files paperwork with Cook County to place item on ballot
March 2012:	Referendum
April 2012:	If Referendum passes, two public hearings are conducted before going to bid
June 2012:	Village goes out to bid (could be assisted by energy consultants). Rates will be compared to ComEd's rates. If bids do not produce a savings to residents, Village can reject bids and stay with ComEd.
August 2012:	Changeover occurs from ComEd to third party provider (if third party provider wins the bid over ComEd).

PROS/CONS/ALTERNATIVES (IF APPLICABLE)

Many of the communities that have implemented the program have seen 20% savings on residents' bills. If the bid is higher, or there is no significant difference, the Village can stay with ComEd. In addition, any resident can opt out of the program and continue to have power supplied by ComEd.

ComEd will continue to provide the transmission of power, even if the supplier changes. The resident will not notice a difference from the change in supplier. The bills will continue to come from ComEd, and if there are service issues, the ComEd will handle these as well.

RECOMMENDATION

ATTACHMENTS (IF APPLICABLE)

1. More information will be available at the meeting

SPECIFIC VILLAGE BOARD ACTION REQUIRED

The item is up for discussion purposes only. If the action is deemed favorable, an ordinance can be presented at a future meeting to move forward in the process.