

Cary Park District
Board of Commissioners
Committee of the Whole Meeting
May 14, 2020
7:00 PM
**Community Center
255 Briargate Road
Cary, IL

***On March 16, 2020, Governor Pritzker signed Executive Order No. 2020-07 which suspends certain provisions of the Open Meetings Act. This meeting was conducted by remote video conference by Commissioners. The meeting was audio recorded and the content will be retained following the State of Illinois statutes related to the retainage of Closed Session meeting audio.*

Minutes

Board Members Present: Stanko, Renner, Murphy, and Frangiamore.

Staff Present: Jones, Kelly, Krueger, and Lee

Guests Present: Scott Puma, Attorney

All Board members, staff and guests participated remotely. Jones participated remotely but was physically present at the Community Center, 255 Briargate Rd, Cary, IL.

President Frangiamore called the meeting to order at 7:00 PM.

The Pledge of Allegiance was recited.

Frangiamore asked if there were any matters from the Public, Commissioners, and staff.

Due to COVID-19 the opportunity for Matters from the Public consisted of the following: Individuals may submit a comment by email to djones@carypark.com prior to the meeting; all email submitted comments will be read aloud during the meeting.

Under matters from the Public, Jones stated that over the course of the previous week, multiple emails were received from the public about the closure of the Dog Park. Jones stated he would first provide a summary of those who sent emails and then read two emails requested by the sender for public comments.

The following people sent emails regarding to the Dog Park reopening.

Stacy Laidlan; Linda Oden (2 emails); Whitney Broska (2 emails); Natalie Brettin; Natalie and Dominic Dragoo; Adam Cole; Daniel Nahn; Marion Budka; Gary Zierer; Jane Szybowicz; Kelly Winkie (2 emails); Mike Broska; Yolanda Jordan; Laverne Lund; and Laura Nelson.

Jones read two of the emails received aloud, that specifically asked for the comments to be read during the meeting.

“As the Governor has reopened some state parks, I’m hoping the Cary leaders will reopen the Cary dog Park. Our dogs can legally be off leash and their humans can walk in beautiful open space. It’s time for the park members to be able to access the resources they paid to use. Please convey this request to the board.” – Laverne Lund

“Dan,

The link you provided states that “visiting public parks and open outdoor recreation areas while maintaining social distancing requirements” is allowed. Other local dog parks are open because of this and many Cary residents have paid non-resident fees to attend them.

The park district is picking and choosing which amenities they open and keep closed. We have a facility that can and should be used while complying with COVID-19 protocol. It is alongside the trails and Frisbee golf course which are open. I feel our rights to use this space are being infringed upon.

You are correct, this is an exceptional time for all of us. Why not respond by being an exceptional park district board who provides as much freedom and amenities to ALL its residents? If you are receiving multiple emails it should alert you that the public takes this concern seriously and is urging you to reconsider your unjust decision. I would like this full statement submitted to the board and read at the next meeting too.” – Whitney Broska

Under matters from Commissioners, Stanko stated he had two items. First he asked about the status of the Executive Director’s evaluation. He stated it is a timely item and prior to current events all Commissioners submitted their written evaluations some time ago. He would like to see it discussed and completed. Second, he stated he has spoken with several neighbors in regards to Bristol Park. The residents are questioning why there are no picnic benches at that park, and he said people would like to see some installed.

There were no matters from Staff.

The minutes from the April 9, 2020 COW meeting were presented for approval.

Stanko moved to approve the minutes as presented. Second by Murphy.

Voice vote: Yes – 4. No – None. Motion carried.

The first Direction Item discussed was Resolution R-2020-21-01, a Resolution Authorizing Benefit Protection Leave Service for COVID-19 related Furlough Time.

Jones stated this is a resolution provided by the Labor Attorney for Ancel Glink regarding furloughed staff and protection of IMRF (Illinois Municipal Retirement Fund) benefits staff is eligible to receive. This resolution would not currently impact any staff of the Park District, but it may be needed in the future. It would be best practice to have this on file in case it is needed in the future. It states that if the

staff is furloughed or unable to work that they can buy back some of their service time once they return to work.

Renner moved to recommend Resolution R-2020-21-01, a Resolution Authorizing Benefit Leave Protection Leave Service for COVID-19 related Furlough Time. Second by Stanko.

Puma explained the purpose of this resolution is to give staff the option to get uninterrupted service of their IMRF time if there is a disruption in their service.

Renner asked what kind of burden this put on staff on a monthly basis once they return. Puma explained that for the time staff were furloughed, there is an option for them to make up the IMRF contribution payments after they return to work, if they choose. They buy back the time in the end that they lost.

Roll Call: Yes – Murphy, Stanko, Renner, and Frangiamore. No – None. Motion carried.

The next Direction Item discussed was Temporary Emergency Employee Compensation Program – 4232020A.

Jones explained this topic has been discussed every two weeks since the COVID-19 Pandemic began. He summed up that full-time and Golf Vision staff would be given furlough days on a reduced schedule where they work 3 or 4 days a week. The Executive Director was given the authority to reduce or increase staff hours based on the needs of the Park District.

Murphy moved to recommend the Board of Commissioners approve Temporary Emergency Compensation Program – 4232020A. Second by Stanko.

Jones stated on May 1 the Governor allowed golf courses to be open. At that time Golf Vision staff was assigned to 5 day work weeks. There was a limited number of part-time staff brought back to assist with the golf course operations. Park District recreation staff had their furlough day's reduced and will work 1 day at Foxford Hills Golf Course, so they are working 4 days a week. Park Staff were moved from a 3 to a 4 day work week due to the needs of park maintenance. The program established on April 23 has given the Executive Director flexibility to make adjustments for the operation of the District. His recommendation is to allow this to be the program moving forward into the foreseeable future.

Stanko asked if approved 4-0, would this item be a separate Action Item on the Board agenda because one Commissioner is absent this evening. Jones stated yes.

Roll Call: Yes – Renner, Murphy, Stanko, and Frangiamore. No – None. Motion carried.

The first discussion item discussed was Annexation – Cary-Grove Park. Jones explained that the draft annexation agreement provided was reviewed and agreed upon by staff and the Village of Cary (VOC) staff. He would like to continue to move this item forward. Upcoming there are public hearing requirements that are a part of the VOC process regarding this item. If a public meeting can't be open to the public due to COVID, decisions would need to be made on how to run a public meeting.

Frangiamore asked if this was time sensitive, and Jones stated yes, there is a long lead time on the VOC side. The zoning committee at the VOC only meets once a month now.

Stanko stated so far everything for the annexation has been done well.

Puma explained the changes to the annexation agreement since the Board saw it last are minor at this point in time. The VOC has been receptive to this process so far. He thinks staff is in a great place to get the annexation agreement done.

Stanko stated he has a number of questions on the annexation agreement. First on page 5, paragraph 5, item b about the future right of way. He wants additional language added because this is the Park District's park and access will need to be developed to the park for the aquatic facility. He asked to see language for the Park District to give approval on how the road is to be designed and constructed so that it facilitates and compliments the Park District's needs. He shared that language needs to be included on how the road would be built.

Puma stated that something can be included for Park District to be consulted, but it will not include veto power for the Park District. He explained the VOC would have to contact the Park District regarding an easement at some point pertaining to their stormwater needs.

Stanko would like strong language in there that the Park District has final say. He is concerned about traffic long term.

Renner asked if an easement is provided, who owns the right of way? Puma explained that the plat will be dedicated to the VOC and they will own that right of way. Since it is a right of way, the Park District is giving the right to the Village to build a road if they choose to do so in the future. The Park District doesn't have much say in when that occurs.

Murphy stated he appreciates Commissioner Stanko's suggestion for safeguards built into the agreement. He would like to believe the VOC would do what's in the best interest for all parties involved. It would be nice to have something in the document that states the Park District will be consulted along the way.

Frangiamore stated the municipality will always come to the adjoining property owners and get their input. Ultimately it will be property under the control of the VOC. The overriding issue is traffic control, but traffic studies will be done. He thinks that the Park District will be asked for their input. He appreciates Commissioner Stanko's input, but he doesn't see anything that could be added to give the Park District authority over that part of the property. He doesn't see a reason to put any language in the agreement to that affect.

A straw poll was conducted on the addition of language per Stanko's interest. Renner, Murphy, and Frangiamore stated they do not feel the language needs to be changed in the document. Stanko would like the language changed.

Stanko stated that when the annexation agreement expires he would like the property returned to the Park District if it has not been utilized for a road. He is concerned about a road being built on the

property rather than it being used for park purposes such as field space. Puma stated that this item would not be a condition the VOC would accept.

Stanko stated on paragraph 5 on page 5 item c, storm water management easement, he is unclear what that maintenance implies. Puma stated that if the VOC decides to utilize the detention areas, it would be at no cost to the Park District and the VOC would pay for all costs relating to the detention areas. This item does come with a review and approval of the Park District before anything is done. Maintenance would be included in the easement document that will be created. Stanko stated he wants the Park District to take care of mowing and landscaping but the VOC needs to take care of storm water and maintenance of the storm water facilities. If the Park District is giving more land, something should be given in return.

Puma stated that limited land will be provided for these detention basins.

Jones explained that in the site plan there is accounting of the road being built at some future point. For the Cary-Grove Park aquatic project detention basins will need to be built, but if the VOC builds a road, some detention basins would need enlarged at the cost of the VOC. This possibility has been accounted for in the Park District's site planning.

Stanko stated he would rather have the language accounted for now to account for the basins and who is responsible for costs and maintenance.

Renner stated that dry wells will be included in these basins and after time they may be ineffective, so it may be relevant to make the VOC be responsible for the maintenance.

Stanko stated Knotty Pines Park has dry wells and whenever it rains they flood.

Renner asked if language could be added that the VOC is responsible for maintenance. Puma stated something could be added that the VOC is responsible for construction and maintenance of the dry wells and systems.

Stanko stated on Page 10, paragraph 18 if there is litigation regarding the validity of the agreement, who pays for litigation. Is the VOC only responsible for its cost, split 50/50 with the Park District, or does the Park District bear the whole burden of the cost. Puma stated that if both parties are involved, both parties are responsible for their own costs. Stanko wants it spelled out that each party is responsible.

Stanko stated on page 11 paragraph 22, section e he has a concern. He asked if terrorism should be added into the language? Would that be appropriate or is the Park District covered? Puma stated he is fine adding terrorism as well as adding an item about pandemic.

Stanko next stated on page 12, paragraph 23 section d, to be clear, is the agreement talking about taxes that include amusement and recreation taxes? Puma stated yes it does.

Stanko next had a question on page 6 paragraph 7, building permits. Section c says the VOC will waive all water and sewer connection fees. He wants to be consistent and added for paragraph 7 for

clarification and consistency in the annexation agreement and the easement. Puma stated he would drop c from the agreement to make it consistent.

Puma was asked what occurs if a road is not built and the VOC decides to vacate the ROW. Puma said there is a statute for this and if the road never gets built, the VOC has the authority to vacate it and give it to the property owners on either side. He said if the ROW were to be returned in the future, this could be included on the plat, but the annexation agreement could also say any property would be returned to the Park District. Further discussion led to direction for Puma to add language that if the VOC at some future point decided to vacate the right of way, it would be dedicated back to the Park District. Puma stated he would add language to this affect into the document.

Murphy stated he appreciates all the work done by staff and Attorney Puma and feels it is a solid document overall.

Jones restated the changes and modifications to the agreement and that he and Puma would move this item forward with the VOC.

Next, an Update – Outdoor Aquatic Facility Project was discussed.

Jones asked the Board to have a discussion on moving this project forward or discuss any impacts on moving this project forward due to current events from COVID19. One item to consider is the issuance of the substantial debt for this project. The second one is the unknown financial forecast of the Park District moving forward. He stated this project cannot be completed without issuing debt. There is a certain set of services that will need to be done later in the year to continue to move this project forward with the schedule previously agreed upon. He explained that staff would present the Park District FY2020-21 budget on June 11 to the Board. The money the Park District would use to pay the debt would be from existing property taxes, and due to COVID19, if only some of the expected tax dollars were collected but not all, this would create a challenge. Should the debt be issued as expected, the first debt payment would be made in months down the road.

Frangiamore asked if the Board would have to make a decision on debt issuance by July, and Jones stated yes.

Murphy stated a lot of time and resources have already been invested in this project. He does not know about public perception and would hate to see the project stall. He does not know how he feels about debt issuance and the long term effects of COVID-19. The Park District needs to be responsible to the community and if debt is issued payments need to be made.

Renner asked if debt issuance would be broken into parts. Jones explained it would be two separate debt issuances.

Krueger explained that the discussion with the Park District's financial consultant was that the debt issues could be structured one year apart from each other.

Renner said he likes the current schedule and the project. He would like to continue moving forward and in the future re-evaluate. If the project needs to be pulled, then that can be done as well. This will be a very positive facility for the community. This is something the community wants built.

Krueger stated that once debt is issued the Park District has three years to use the funds. Stanko asked if the money could be returned to the banks if it is not used. Puma said that if the money was to be given back, there would be penalties and fees.

Stanko asked if there is a natural breaking point in the project process. Jones stated there are a couple of breaking points. One would be at the end of the services that are currently being pursued to annex the property and design the project, and then it's on to basic services to develop, bid, and create construction documents. If the Board decides not to bid the project that's a breaking point. The work done to that point would not be lost and a decision to use the same work and bid the project later could be done.

Stanko asked if the Park District could take out the first bond and not take out the second bond. Would the Park District be required to do the second bond as well? Jones stated no.

Stanko said the project could continue forward and stop if needed if there were concerns from tax payers. He asked if the Park District would be replacing old debt with new debt. Jones stated yes, and that the repay of the debt is from existing property taxes that are collected at 99.97% annually. If they aren't collected at that level due to COVID19, then that revenue would not be available to pay back the debt.

Stanko stated he agrees with Renner and the Park District needs to move forward, but also to be cautious. The public has been asking for this, but it was done a number of years ago. If the Park District decides to stop the project, then it could reapply for grant monies and get the grant dollars that could reduce the amount needed from the constituents.

Frangiamore stated that he is concerned about what will happen in the future after the COVID-19 pandemic passes. He doesn't know how this will impact the Park District's taxing and bonding ability. He is worried about the State and what will happen once COVID-19 passes and society returns to the new normal. He wants to move forward cautiously.

Jones stated that staff would consult with Speer Financial on this item and follow up with the Board on options at a future meeting related to the structuring of debt and timing of it related to "breaks" in the project.

Jones explained the Park District is at a point that public feedback needs to be done with an open house. Jones stated that the Park District has always held in person open houses for the public to attend, view information, and interact with staff, the Board and consultants. Due to COVID19, this approach is not possible. He asked if the Board was comfortable doing it in a virtual format. It would be posted to the website and several email blasts would be sent out asking the community to participate and review designs created by Williams. The residents would then be asked to take a survey. Jones stated the open house would go live June 1-8.

Renner stated he is okay with that format and timeframe.

Stanko asked aloud if there was any other choice to do an open house right now, other than to do it virtually? He asked if the Park District has enough information to provide information to the public, and Jones said that representatives from Williams Architects will be coming before the Board on May 28 with an update on the project status. He stated that there is plenty of information to provide a robust virtual open house for the public. Stanko stated he is in support of virtual open house format.

Murphy is in support of a virtual open house, and thinks it's a great idea. He feels more input will be given than if done in person.

Next, COVID-19 Related Program, Facility, and Event Impacts was discussed.

Jones stated that there is no direction from the State regarding whether or not a pool should be open or closed. Currently, staff recommends waiting to see if direction is given by the State. There is no reason to make a choice at this time.

Jones explained in April the decision was made by the Board to close the dog park for safety reasons. It remains closed at this time and that he is hopeful the Board will have discussion on the dog park this evening. Also, staff is working on how to accommodate the day camp since many people rely on the camp for childcare. Staff is working up ways to try to accommodate as many participants as possible. Not as many participants will be able to attend camp as in years past, due to social distancing and gathering size limits.

Jones stated Summer Celebration as well as the summer concert series have also been cancelled. Staff have been active in the marketplace purchasing masks for staff as well as hand sanitizer. Once phase 3 opens, groups of 10 or less can meet, so that is something staff is discussing. Also in phase 3, 1:1 personal training and outdoor classes can be offered. Not much more is known. Phase 4 discusses fitness centers opening with capacity limits. Jones explained all youth sport groups have cancelled their programs for the summer. Playgrounds have not been addressed in the governor's plan. Maybe in phase 3 they could be opened with 10 or less. As we move to Phase 4 it could be 50 or more.

Frangiamore asked the Commissioners to discuss the dog park and express how they felt about it reopening.

Stanko stated he is concerned of contamination threats. His concerns are common contact points people are using and if they aren't sanitized properly, disease could spread. He said there are too many unknowns about COVID and if it can be spread through animal contact. If there is an issue with dogs fighting, then social distancing won't be used when breaking up the dogs. Stanko stated he would like to keep the park closed until more is known about the virus.

Renner stated he would open it on June 1 when the Stay at Home order has expired. He explained people can go many other places and be contaminated. People need to be responsible and make their own choice if they want to utilize the facility. They need to know the rules and people need to watch their pets. He is comfortable opening it June 1. Renner stated he also wants to see the golf course driving range opened.

Murphy stated he has empathy for the dog owners. The original discussion about closing it had to do with safety and touch points like Commissioner Stanko mentioned. He appreciates the feedback received from concerned citizens as well as members of the dog park. He wants to see it open as well, but he is concerned about the touch point issue. He asked about the liability of the Park District if someone were to get COVID while utilizing the facility.

Puma stated that PDRMA will cover the Park District. This is not an insurance issue, it comes down to a policy decision for the agency. People would have to prove they got it from the Park District facility. He does not feel the dog park is within the governors orders since other parks are open. It is up to the Board to decide if they want it reopened.

Frangiamore stated that overall he would like to see the dog park open. People need to be responsible for themselves and wear their own protective items. He is in favor of opening it after the Governors guidelines change or June 1 or whichever comes first. Frangiamore asked if there was signage that could be posted at the dog park reminding people to protect themselves by utilizing social distancing and masks while at the park.

Jones stated if the dog park were opened there would be signage that would be placed at the entrance and it would highlight in general terms the same information that has been out there since the start of COVID19 about personal mitigation strategies. He stated residents are upset that people can walk on trails with their dogs or elsewhere, but not inside the dog park. They would like the dog park opened. Staff is prepared to do it quickly.

Jones said the driving range is specifically called out in the Governor's orders to remain closed.

Frangiamore held a straw poll on reopening the dog park.

Renner stated he would want to see it open by June 1 at the latest.

Stanko stated he would want to wait until phase 3 of the Governor's plan.

Murphy stated he is comfortable to be reopened June 1 unless that date gets pushed back by the governor.

The consensus was to keep it closed until June 1.

Stanko asked about the Executive Director Review. Frangiamore stated he would like to do the review in person and therefore would like to wait until the Board is able to meet again in person. He said any salary changes could be retroactive.

Stanko moved to adjourn. Second by Renner.

Meeting adjourned at 9:24PM.

Daniel C. Jones, Secretary

Approved

Park District Board of Commissioners