

## AQUATIC FACILITY GUIDELINES

WHEREAS, the Board of Commissioners of the Downers Grove Park District is cognizant of the fact that a significant number of residents desires that the District undertake construction and operation of a community aquatic facility<sup>1</sup> (hereafter “Pool Project” or “facility”), and, to that end, commissioned during 2001 a citizens advisory committee to investigate that subject and to prepare and submit to the Board one or more recommendations; and

WHEREAS, the Community Outdoor Pool Advisory Committee’s “Final Report and Recommendations,” after extensive labor, was published in February, 2002, and

WHEREAS, the Committee’s Final Report observed that there was decisive opposition within the Village to any tax increase for the construction of such facility<sup>2</sup>; and

WHEREAS, the Final Report observed<sup>3</sup> that any recommendation to site the facility at the 59<sup>th</sup> & Main Park (more recently renamed by action of this Board as “Ebersold Park”) or at Powers Park would engender neighborhood opposition, possibly “strong” in degree; and

WHEREAS, notwithstanding that observation, the Final Report recommended only those two parks for the siting of a pool<sup>4</sup>; and

WHEREAS, that recommendation, in fact, did not assuage disharmony between and among resident proponents and resident opponents of the community Pool Project<sup>5</sup>; and

WHEREAS, the Board now desires to explore proceeding with the Pool Project in a manner that restores and maintains domestic tranquility and that takes into account the concerns of those villagers who have heretofore been opposed to such a Facility; and

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<sup>1</sup>The Community Outdoor Pool Advisory Committee’s survey results showed an aggregate of 59% of respondents in support of varying types of a Park District Community Pool (February, 2002, Final Report, pp. 2, 18); in comparison, 36% were opposed to any such facility (Final Report, p. 18) and it is likely that some of that opposition may have been based upon the assumptions that tax funds would necessarily be used for the project and/or that the project would necessarily cause serious neighborhood problems. The District’s 2006-2007 Community Attitudes and Interest Survey (“CAIS”) reported that 48% of survey respondents desired an “outdoor swimming pool/waterpark,” and that the District was not meeting the needs or desires of 75% of respondents as to such a facility, of 72% of respondents as to a splash park, of 67% of respondents as to a 50M lap pool, of 65% of respondents as to a warm water therapeutic facility and of almost 40% of respondents as to an indoor lap or leisure pool.

<sup>2</sup>The Committee’s survey results found respondents were “**decisively opposed**” (63%) to any tax increase (Final Report, pp. 2, 5, 16) “to construct a public swimming facility.” The results, namely slightly greater than 3 to 1 approval, of the April 1, 2003, citizen-initiated referendum to reduce the District’s maximum corporate (i.e., “general fund”) tax rate tend to corroborate this survey finding.

<sup>3</sup>Final Report, p. 33.

<sup>4</sup>Final Report, pp. 31, 47.

<sup>5</sup>Consideration of the two sites recommended by the Final Report terminated by 4-0 vote of this Board, March 21, 2002.

WHEREAS, the Final Report contained many facts and findings useful for constructing a framework by which the Pool Project may so proceed; and

WHEREAS, the Board, as presently constituted, wishes to and does hereby re-confirm the Board's thanks to the members of the Pool Committee for their service to the community; and

WHEREAS, the Board now desires to set forth such a framework by which the Facility may come to fruition on a basis acceptable to a maximum number of residents,

**IT IS NOW THEREFORE RESOLVED AS FOLLOWS:**

A) **Framework:** Future recommendations and/or proposals concerning the Pool Project shall conform to the following framework, which the Board finds to be the basis upon which it now wishes to proceed in order to seek to bring a Park District community pool facility to fruition on a harmonious and widely acceptable basis to residents of the Village as a whole:

1) **Addressing Taxpayer Objections:** Future recommendations and/or proposals for the facility shall, if at all feasible, not provide for funding by taxpayers, either as to *future land acquisition*<sup>6</sup>, *construction* or operating costs<sup>7</sup>, and, therefore and to the extent non-taxpayer funding means are feasible, the financing mechanism recommended shall not entail the use of general obligation bonds, the use of non-referendum certificates backed by the general taxing authority of the District or the permanent use of any existing cash reserves of the District and, instead, the sources for construction funds shall be grants, sponsorships, the proceeds of revenue bonds [as previously referenced in Appendix J to the February, 2002 Final Report (see, July, August 1998 article from Aquatics International, "Great Expectations", p. 25) and as expressly authorized by Article Nine of the Illinois Park District Code (see, 70 ILCS 1205/9-1 through 9-1(f))], and other non-tax sources of funding that may be discovered. Such non-tax sources may also include use of that portion of proceeds from the future sale of underutilized park district land(s) which portion does not represent recoupment of invested taxpayer dollars, however, the sale of any such land is not favored and should be considered only if necessary to render feasible a Park District aquatic facility. After application of the foregoing concepts, and only if and to the extent use of tax funds is necessary to render a Park District aquatic facility feasible shall such use be considered, it being the express preference of the Board that no tax monies

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<sup>6</sup>The past cost to acquire existing land used directly or by exchange shall not be required to be counted as capital costs of the project.

<sup>7</sup>The 2000 Open Space Master Plan, at p. 71, found that survey respondents "suggested that fees are the preferred way of financing" an outdoor swimming facility and that "the DGPD needs to take this into consideration when planning new additions and improvements... ." The February, 2002, Final Report (p. 6) recommended "that 'user fees' serve as the source of funding daily operating costs" in light of 55% of survey respondents favoring this approach (p. 16); however, the body of the Report did not expressly consider whether user fees could also be used to pay for the capital costs.

be used if at all possible;

## 2) Satisfying the Varying Desires of Pool Proponents:

(a) The facility shall feature open air, outdoor summer use<sup>8</sup> and, if financially and technically feasible, three-season indoor use as well<sup>9</sup>;

(b) The facility shall feature not only Olympic size (50M) for competitive swimmers<sup>10</sup> but also feature zero depth for recreational swimmers and waders<sup>11</sup> and a separate baby pool;

(c) In order to assist with the development of a range of aquatic athletes primarily from, but not necessarily limited to, Downers Grove, and to attract aquatic competitors on a year round basis, with the possible additional and ancillary, yet important, benefit of attracting commerce to and for the Downers Grove business community, the facility, in addition to its 50 meter Olympic length, may also include Olympic height diving facilities and/or depth sufficient to allow for water polo matches;

(d) To conform to the recommendation of the February, 2002, Final Report that the recreational aspect of the facility be of “multiple-feature, multiple-use”,<sup>12</sup> it shall contain *at least one* other recreational amenity (lazy river; flume slide; diving board(s), etc.) to provide appeal beyond a plain swimming pool<sup>13</sup> but in a cost effective manner;

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<sup>8</sup>The Committee’s survey results found 46% of survey respondents favored outdoor swimming (pp. 2, 16) but 44% opposed an outdoor-only facility (pp. 2, 16). The 2006-2007 CAIS found that 48% of respondents desired an outdoor aquatics facility, extrapolated to mean 9,148 out of approximately 19,000 D.G. households had such desire (Economic Research Associates 2006 report at p. 11, in contrast, estimated the number of interested households at 4,556 instead of 9,148). The CAIS also found that 32% of respondents desired an indoor lap pool, extrapolated to mean 7,630 D.G. households had such desire. The CAIS also found that 29% of respondents desired a splash park, extrapolated to mean 5,477 D.G. households had such desire. The CAIS also found that 14% of respondents desired a 50 meter lap pool, extrapolated to mean 2,600 D.G. households had such desire.

<sup>9</sup>The Committee’s survey results found 59% of survey respondents favored some type of Community Pool; a pool with both outdoor and indoor features should theoretically attract virtually all of the entire 59% of survey respondents, being the aggregate “pool” of pool proponents.

<sup>10</sup>Final Report, pp. 25, 26.

<sup>11</sup>Final Report, pp. 21, 28.

<sup>12</sup>Final Report, p. 24.

<sup>13</sup>Final Report, p. 24.

### 3) Addressing Neighborhood Concerns:

(a) The facility shall be situated in an area with at most minor impact on nearby residential neighborhoods through adequate distances and/or other buffering arrangements; and

(b) Any proposed future site recommendation shall solicit and include comments of a representative sample of affected residents living in close proximity to a recommended site and the Report shall contain specific suggestions (e.g. possible roadway relocations; berms; other grade elevation changes) on how to address and/or ameliorate concerns or objections of such residents, to the extent reasonably possible;

### 4) Siting and Layout Considerations:

**(a) Avoidance of Land Acquisition Costs:** To minimize project costs, any future site recommendation for the facility proper<sup>14</sup> (pool(s) and bathhouse) shall give preference to utilizing<sup>15</sup> existing park lands<sup>16</sup> and to obtaining land at no-cost through donation, however, any site recommendation is encouraged to consider the possibilities (a) of obtaining permission or other right to site some or all of the parking<sup>17</sup> for the facility on nearby external lands (including but not limited to lands owned or controlled by the Village and/or private vacant lands not suitable for residential or commercial development and therefore apt to have a relatively low acquisition cost) and (b) after due exploration (including of the regulatory aspects), of obtaining permission to locate stormwater detention<sup>18</sup> on external lands (including but not limited to other Park District properties situated down the stormwater drainage watershed, lands owned by other governmental entities including the Village and/or Downers Grove Sanitary District, and/or private vacant lands not suitable for residential or commercial development and therefore apt to have a relatively low acquisition cost);

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<sup>14</sup>Footnote 9 at p. 28 of the Final Report notes that the facility proper (pool and bathhouse) including “lazy river” requires approximately 2.2 acres; *sans* the “lazy river,” this acreage requirement would likely be reduced by at least 50%.

<sup>15</sup>Utilization includes exchange of parcels.

<sup>16</sup>At the March, 2003, regular meeting of this Board, Commissioner Salazar, during the Visitors Statements portion of the session, observed that the Board inadvertently had failed to consider, on an individual basis, each of the other 23 existing Park District sites of 5 acres or more identified by the advisory pool committee which sites were not recommended by it.

<sup>17</sup>Footnote 9 at p. 28 of the Final Report states the parking requirement to be 2.1 acres.

<sup>18</sup>Footnote 9 at p. 28 of the Final Report states the stormwater detention requirement to be 1.2 acres.

**(b) Convenience; Avoiding Geographic Competition:** To conform to the recommendation of the February, 2002, Final Report that the pool be situated at a “central location as defined by being within a reasonable distance of the Burlington tracks in Downers Grove”<sup>19</sup> and to minimize both (a) geographic imbalance within the Village of major public and private membership pools accessible to the public and (b) adverse impact on existing private pool providers (YMCA, Swim & Racquet Club and Maple Hill Recreation Club), the facility, with respect to the Village’s north-south axis, should, if possible, be located reasonably close to the BNSF railroad, shall lie at least seven-tenths of a mile by street away from any existing private pool provider and shall not be located south of 71st Street unless no such location is feasible.

**(c) Traffic; Parking:** Any future site recommendation shall provide ease of access (including consideration of availability of major and lesser arterial streets) to the greatest degree feasible consistent with other mandatory requirements of this framework and, in any event, shall provide for adequate parking.

**(d) Consideration/Amelioration of Environmental Impact:** Any future site recommendation(s) shall consider and recommend reasonable steps to ameliorate the environmental impact of the facility, including particularly upon any nearby heritage natural areas and open spaces, and shall be made only after consultation with appropriate conservation authorities and local citizen groups including those which have actively assisted, cooperated with and/or dialogued with the Park District in the past (e.g., the Pierce Downer Heritage Alliance).

**(e) Non-determinants of Site Recommendation:** No potential site presently maintained by the Park District shall be rejected on account (i) of the fact that the Park District may presently hold less than full *fee simple* ownership thereof, and/or (ii) of an existing use of a Park and it shall be assumed that the Park District shall be able to relocate an existing use (e.g. playground equipment; playing field, etc.) to another site and replace the displaced use with a facility of comparable or better quality; however, the approximate cost of such relocation and replacement shall be considered.

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<sup>19</sup>Final Report, pp. 5, 30.

5) **Regard for Financial Impact on Private Providers:** The facility shall not provide unfair financial competition<sup>20</sup> for existing private aquatic facility providers within the Village including but not necessarily limited to the Downers Grove Swim and Racquet Club, Maple Hill Recreation Club, and the Indian Boundary YMCA. However, providing use on a daily fee basis, instead of requiring a seasonal membership, shall not per se be considered unfair financial competition.<sup>21</sup> In addition, unfair financial competition shall be deemed not be present to the extent no tax dollars are used for construction or operation of the facility in accordance with the strong preference expressed in Part (A)(1) above. Whether unfair financial competition exists in other funding scenarios shall be the subject of future Board deliberation, taking into account the anticipated likely impact on private provider from the recommendation or proposal.

**B) Implementation:** The Board shall, by separate action, determine the manner by which to proceed with formulation of new recommendation(s) for the Pool Project. In this regard, the Board expects to consider various alternatives, which may include but not be limited to the following mechanisms, by which such recommendation(s) are to be formulated in a manner consistent with the foregoing framework: (i) reactivating the previous advisory pool committee, (ii) forming a new, successor pool committee; (iii) directing and relying upon staff to proceed; (iv) retaining one or more professional consultants; (v) appointing a competent private resident-volunteer to formulate and/or coordinate formulation of the recommendation(s); and/or (vi) soliciting, generally, recommendations and proposals from any interested residents.

**C) Further Requirements for Approval; Assurances:** Upon receipt of a recommendation which conforms to the framework and acceptable to it, the Board further agrees and resolves to proceed with such a recommendation for the community Pool Project (i) only if such project is approved by referendum, (ii) only if the reasonable concerns or objections of affected residents living in close proximity to the recommended site are satisfactorily addressed, (iii) only if the reasonable environmental concerns or objections of residents are satisfactorily addressed, and (iv) without use of the power of eminent domain.

**D) Amendments:** Recognizing that the recommendation process provided for in B) above may give rise to additional considerations not taken into account by the framework set forth in A) above, the Board reserves the right to modify the framework through formal amendment.

*June 23, 2007*

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<sup>20</sup>See Aquatics International article, op. cit., p. 2.

<sup>21</sup>One of the widely recognized benefits of a community pool is its accessibility to all residents including occasional users and less financially able individuals for whom the cost of a seasonal membership is not feasible. The community pool would, in this and other regards, resemble the operation of the Park District's community golf course, offering a choice of admissions by membership or daily fee.