



VILLAGE OF WILMETTE

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MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILMETTE, ILLINOIS HELD IN THE COUNCIL ROOM OF SAID VILLAGE HALL, 1200 WILMETTE AVENUE, WILMETTE, ILLINOIS ON TUESDAY, NOVEMBER 22, 2011.

Item:

The Village President called the meeting to order at 7:36 p.m.

1.0 ROLL CALL:

President	Christopher S. Canning
Trustees	Alan Swanson
	Bob Bielinski
	Mike Basil
	Cameron Krueger
	Ted McKenna
	Julie Wolf

Staff Present:

- Timothy J. Frenzer, Village Manager
- Kathleen Gargano, Assistant Village Manager
- Michael Zimmermann, Corporation Counsel
- Barbara L. Hirsch, Deputy Village Clerk
- John Adler, Director of Community Development
- Bob Amoruso, Finance Director
- John Prejzner, Assistant to the Village Manager

2.0 APPROVAL OF MINUTES:

2.1 Trustee Basil moved approval of minutes of the Regular Board meeting held November 8, 2011, seconded by Trustee Wolf. All voted aye, the motion carried.

2.2 Trustee Bielinski moved approval of minutes of the Finance Committee and Municipal Services Committee meeting held on August 16, 2011, seconded by Trustee Krueger. All voted aye, the motion carried.

3.0 PETITIONS AND COMMUNICATIONS:

Steven Frost, 2037 Pioneer Lane, asked to remove item 6.15 from the Consent Agenda.

4.0 REPORTS OF OFFICERS:

Timothy Frenzer, Village Manager, said Leaf Collection will end on December 9, 2011.

Mr. Frenzer also noted the holiday times for waste collection and the final collection times for yard waste.

Mr. Frenzer said the Village's Public Works facility on Laramie Avenue has recycling bins for holiday lights.

4.1 Consent Agenda. Trustee Basil moved approval of the Consent Agenda as follows:

- 6.11 Minutes, Appearance Review Commission.
- 6.12 Minutes, Appearance Review Commission.
- 6.13 Request for a variation extension, 2007-Z-58, 911 Michigan Avenue for an additional twelve months.
- 6.14 Request for a variation extension, 2011-O-12, 911 Michigan Avenue for an additional twelve months.

- 6.21 Presentation of the September 30, 2011 Revenue and Expense Report.
- 6.22 Presentation of the September 30, 2011 Treasurer's Report of Cash Receipts and Disbursements.
- 6.23 Presentation of the September 30, 2011 Cash and Investment Summary.
- 6.24 Approval of Resolution #2011-R-42 approving investments as previously authorized in the Illinois Public Treasurer's Investment Pool (IPTIP).
- 6.25 Approval of Resolution #2011-R-43 authorizing a fund transfer from the Water Fund to the General Fund for the fiscal year 2011.
- 6.26 Approval of Resolution #2011-R-44 authorizing the Section 125 Plan Administrator to write off unclaimed flex plan balances from fiscal year 2010.
- 6.27 Approval of Resolution #2011-R-45 approving the extension of the line of credit with North Shore Community Bank for 30 days.
- 6.28 Adoption of Ordinance #2011-O-73 regarding increasing the monthly refuse fee from \$20.20 to \$20.90 effective January 1, 2012.

- 6.29 Adoption of Ordinance #2011-O-74 regarding increases to certain Village fees, permits, licenses and fines effective January 1, 2012.
- 6.291 Introduction of Ordinance #2011-O-77 regarding the 2011 Tax Levy.
- 6.292 Introduction of Ordinance #2011-O-78 abating the tax levy requirements of General Obligation Bond Ordinance #2004-O-110.
- 6.293 Introduction of Ordinance #2011-O-79 abating the tax levy requirements of General Obligation Bond Ordinance #2007-O-54.
- 6.294 Introduction of Ordinance #2011-O-80 abating the tax levy requirements of General Obligation Bond Ordinance #2009-O-63.
- 6.295 Introduction of Ordinance #2011-O-81 abating the tax levy requirements of General Obligation Bond Ordinance #2010-O-66.
- 6.296 Introduction of Ordinance #2011-O-82 abating the tax levy requirements of General Obligation Bond Ordinance #2011-O-70.

- 6.31 Minutes, Administration Committee.
- 6.32 Introduction of Ordinance #2011-O-85 authorizing a first amendment to the ground lease agreement between the Village of Wilmette and Crown Castle.

- 6.41 Approval of a change order, Globe Construction Company Inc., Addison, IL for the 2011 Street Patch Repair Program.
- 6.42 Approval of contracts with Carus Corporation, Peru, IL; Delta Chemical Corporation, Baltimore, MD; K.A. Steel Chemical Company, Lemont, IL; Key Chemical Inc., Waxhaw, NC for the purchase of treatment chemicals for the Water Plant.
- 6.43 Approval of contract, Sutton Ford Inc., Matteson, IL for the purchase of three police interceptor sedans.

- 6.51 Approval of contract, New World Systems, Troy, MI for a Standard Software Maintenance Agreement.

- 6.61 Approval of amended Legal Services Agreement with Raysa & Zimmermann, LLC.

- 8.1 Notice of vacancy, Historic Preservation Commission.
- 8.2 Notice of vacancy, Appearance Review Commission.
- 8.3 Notice of vacancy, Historic Preservation.
- 8.4 Notice of vacancy, Housing Commission.
- 8.5 Notice of vacancy, Housing Commission.
- 8.6 Notice of vacancy, Historic Preservation.
- 8.7 Notice of vacancy, Appearance Review Commission.

8.8 Notice of vacancy, Transportation Commission.

9.1 Reappointment, Historic Preservation Commission.

Trustee Bielinski seconded the motion. Voting yes: Trustees Swanson, Bielinski, Basil, Krueger, McKenna, Wolf, and President Canning. Voting no: none. The motion carried.

4.2 Proclamation designating December 2011 as Drunk and Drugged Driving Prevention Month.

President Canning read aloud the Proclamation.

4.3 Proclamation designating November 2011 as Epilepsy Awareness Month.

President Canning read aloud the Proclamation.

5.0 REPORT OF THE LIQUOR CONTROL COMMISSIONER:

No Report.

6.0 STANDING COMMITTEE REPORTS:

6.1 LAND USE COMMITTEE REPORT:

6.11 Presentation of minutes of the Appearance Review Commission meeting held August 29, 2011 was handled with the Consent Agenda.

6.12 Presentation of minutes of the Appearance Review Commission meeting held October 3, 2011 was handled with the Consent Agenda.

6.13 Request for a variation extension, 2007-Z-58, 911 Michigan Avenue for an additional twelve months was handled with the Consent Agenda.

6.14 Request for a variation extension, 2011-O-12, 911 Michigan Avenue for an additional twelve months was handled with the Consent Agenda.

President Canning advanced item 6.18.

- 6.18 Zoning Board of Appeals Report, Case #2011-Z-46, 3501 Lake Avenue regarding a request for an expansion of an existing automobile service station, special use for the addition of a car wash, a special use for a convenience food mart, a special use for a limited service restaurant Dunkin Donuts, a 7.0' side yard setback variation, an 8 space parking variation, a 1 space loading variation, a 5.0' side yard adjoining a street parking space setback variation, a 2.0' fence height variation, and a fence openness variation to permit the creation of a convenience food mart and limited service restaurant and the addition of a car wash on the existing structure in accordance with the amended plans. The special uses shall run with the uses.

President Canning noted that the applicant requested a continuance to the December 13, 2011 Regular Village Board meeting.

Richard Barnes, Barnes Architects, said he was representing the petitioner.

Trustee Swanson moved to grant a request for an expansion of an existing automobile service station, special use for the addition of a car wash, a special use for a convenience food mart, a special use for a limited service restaurant Dunkin Donuts, a 7.0' side yard setback variation, an 8 space parking variation, a 1 space loading variation, a 5.0' side yard adjoining a street parking space setback variation, a 2.0' fence height variation, and a fence openness variation to permit the creation of a convenience food mart and limited service restaurant and the addition of a car wash on the existing structure in accordance with the amended plans. The special uses shall run with the uses, seconded by Trustee Basil.

Mr. Barnes said they would like a continuance to provide additional information to the Village Board.

President Canning urged Mr. Barnes to submit the additional information in time to be delivered to the Village Board before the December 13, 2011 Village Board meeting.

Trustee Swanson moved to continue Item 6.18 to the December 13, 2011 Regular Village Board meeting, seconded by Trustee Wolf. All voted aye, the motion carried.

- 6.15 Zoning Board of Appeals Report, Case #2011-Z-48, 2131 Old Glenview Road regarding a request for a 9.1' side yard adjoining a street setback variation and a 4.16' separation variation to permit the construction of a one car detached garage on the legal nonconforming property in accordance with the plans submitted; adoption of Ordinance #2011-O-83.

Trustee Swanson moved to grant a request for a 9.1' side yard adjoining a street setback variation and a 4.16' separation variation to permit the construction of a one car detached garage on the legal nonconforming property in accordance with the plans submitted, seconded by Trustee Basil.

Mr. Frost said the other neighbor that wanted the item removed was not present and he would like the item to be continued to another meeting.

Frank Buzzi, 2131 Old Glenview Road, said he would like to move ahead with the item as he was not aware of any objections to his request.

Trustee Krueger asked if it was possible for Mr. Frost to call the other neighbor to come back to discuss the case.

Mr. Frost said he would call the other neighbor who has objections to the case.

President Canning said they would call the next case and return to item 6.15 after the discussion of Item 6.16.

- 6.16 Zoning Board of Appeals Report, Case #2011-Z-49, 2401 Kenilworth Avenue regarding a request for a special use for seasonal outdoor lights for a seasonal ice skating surface at Thornwood Park in accordance with the plans submitted. The use to run with the use; adoption of Ordinance #2011-O-84.

Trustee Swanson moved to grant a request for a special use for seasonal outdoor lights for a seasonal ice skating surface at Thornwood Park in accordance with the plans submitted. The use to run with the use, seconded by Trustee Bielinski.

Steve Wilson, Executive Director of the Wilmette Park District, reviewed the request as presented in the report to the Village Board. Mr. Wilson noted that the Wilmette Park District has discussed the request at six different Committee meetings, five Park Board meetings and there have been two public hearings. The request was heard before the Zoning Board of Appeals on November 2, 2011. He believes their request conforms to all the standards of the Zoning Code. Mr. Wilson said he would be happy to answer any questions from the Village Board.

Trustee Basil said he noted that there was some responsiveness by the Park Board to the neighbors who object to the request by shortening the hours of operation. Trustee Basil asked Mr. Wilson if the request was for a one year trial only.

Mr. Wilson said the request is not for one year, the Park Board has said they will review comments constantly throughout the year and would be open to making changes.

Trustee Basil said in his discussion with some of the neighbors who are concerned with the lights, they had the sense that the request was only a one year proposal. Trustee Basil asked if the request was ever a one year proposal.

Mr. Wilson said the request has always been a new option for recreational activity in the winter. The Park Board has described the request as a one year experiment with parameters around it for this season and if those parameters need to be changed, the Park Board will review the parameters and change if needed.

Trustee Basil asked if there was a section of the Comprehensive Plan that deals with lighting the parks after dark.

Charlene Holtz, attorney for the Park District, said there is nothing stated in the Comprehensive Plan that discusses lights. The Park District is charged with statutory responsibility for planning for the programming needs of the Village. A part of the Park District Code is to equip parks with the equipment necessary to permit recreational activities, some of which occur at night. Ms. Holtz said that in the winter months, some recreational activities require lights.

Trustee Basil said he believed the photometric survey the Park Board provided properly accounts for the surface of the rink being ice but did it account for the possibility of snow around the rink.

Mr. Wilson said the survey accounted for this particular use, which would be winter ice surface use, including everything proposed in the design, but he did not know if the surrounding snow was specifically included in the survey.

Trustee Basil said he is focusing on the lights and how it affects the immediate neighbors. For those neighbors who can see the lights, he would like to address the photometric study.

Bill Lambrecht, Director of Parks and Recreation, said he asked that the photometric study include the ice surface and the lighting but not the surrounding snow surface.

Trustee Basil said if there was snow around the ice rink, would it have an additional reflective quality for the nearest neighbors.

Mr. Lambrecht said the lighting is designed to aim down upon the ice surface. He said they photometric study was also done horizontally and that was negligible. Since the lights are aimed at the center surface of the ice, he does not believe the light will reflect past the ice surface.

Trustee Basil said once the light passes the glare shields, it has a tendency to spread out. He asked if the Park District should consider redoing the photometric study to take into consideration the snow and surrounding area.

Mr. Lambrecht said the Park District will not exceed the foot candle of light allowed in the Zoning Ordinance and have also provided glare shields to install around the lights.

Trustee Basil said he noted there was discussion about parking around the park at previous meetings. He was concerned about parents dropping children off, and wondered if there were provisions made to encourage people to drop off at Dartmouth Street.

Mr. Lambrecht said traffic has been discussed more than pick up and drop off, but signs could certainly be posted regarding where to pick up and drop off children.

Trustee Bielinski said he believed parents would avoid dropping children off on a busy street.

Trustee Basil asked if the Park Board would be amenable to an amendment that sunsets the special use for one year with the understanding that there will be a review to consider the neighbors, the light impact, and the traffic in the area.

Ms. Holtz said she does not believe the request is appropriate as the Park Board did hear a lot of input from the neighbors. As long as the Park District meets the standards of the Zoning Ordinance with respect to the lights, she respectfully suggests that a sunset provision would be contrary to what the Park District determined and what the application is for, which is a seasonal use of several months of the year. She said the Park Board will continue to have a dialogue with the neighbors and if adjustments are necessary, the Park Board will consider them. She believes the request should remain the same, without amendment.

Trustee Basil said for the several months that there will be an ice rink and lighting, the area is likely going to be surrounded by reflective white snow not non-reflective green grass.

Ms. Holtz said there is a lot of speculation regarding the issue. The Park District did have a photometric survey done with respect to a reflective ice surface. The Park District does have other ice surfaces in the Village, including one at Mallinckrodt that has close proximity to residences, and they do not have this issue. She said if the light exceeds what the zoning ordinance allows at the property line or if there are people who believe that there is unusual glare, the Park District will certainly take a look at the issue and they have the ability to adjust the light.

Trustee Basil asked if the ice rink at Mallinckrodt had lights and asked what time the lights were turned off.

Ms. Holtz said the ice rink at Mallinckrodt Park does have lights and the lights are turned off at 10 p.m.

Trustee Basil asked if a photometric study could be done in January when there is snow in the area around the ice rink.

Ms. Holtz said a photometric study could be done.

John Adler, Director of Community Development, said if the light was exceeding the allowable amount at the lot line, Community Development does have the ability to take a reading. If the light exceeds the allowable amount, they would notify the Park District to update the photometric study and adjust the lights to be in conformance with the Code.

Trustee Krueger noted that the photometric study in the report to the Village Board indicates that there is a tremendous range for the light to dissipate from the ice rink to the end of the park area. He also noted that the report indicates that the lights are to be aimed downwards towards the ice rink.

Mr. Wilson agreed with Trustee Krueger's statement.

Trustee Krueger asked if the lights would have shields around them and what would the neighbors expect to see.

Mr. Wilson said the Park District would be adding shields to the light fixtures to direct the light down rather than out. The neighbors would see the area of the light illuminated but not the bulb in the light fixture.

Trustee Krueger asked if Mr. Wilson was aware of anything in the Comprehensive Plan that prohibits lighting within the Code.

Ms. Holtz said she was not aware of anything in the Comprehensive Plan.

Trustee Krueger asked how many people were expected to be on the ice rink at any given time.

Mr. Lambrecht said approximately 30 people.

Trustee Krueger asked how many people would occupy the park during baseball games in the summer months.

Mr. Lambrecht said there could be approximately 100 people with spectators and baseball players in the park.

Trustee McKenna said he did not hear much support from the community regarding the ice rink.

Mr. Wilson said the Park District counted email, phone calls and comments from residents at meetings. The count was 60 people in favor and approximately 23 people against the ice rink.

Trustee McKenna noted there was a petition from residents against the ice rink which had 77 signatures.

Ms. Holtz said she believes as long as the lighting meets the standards of the Code, the request should be granted.

President Canning noted that emails and letters sent to him were included in the record but if they were only sent to the Park District then they were not in the Village's reports.

Trustee McKenna said he does not see any compromise from the Park District in the record.

Ms. Holtz said the Park District has determined that a seasonal ice rink is an appropriate amenity in the park with lights for people to enjoy. She said concerns of the neighbors have been taken into consideration as stated in the report.

President Canning said neighbors will offer us their opinion but the most important fact for the Village Board to remember is that the Park Board has, in their discretion, decided that this is a plan they would like to put forward with the proposed ice rink in the proposed location with the proposed lights. It is up to the Village Board to reasonably administer the Zoning Ordinance in this case.

Trustee Wolf asked if the lights were going to be a permanent fixture.

Mr. Wilson said the light poles will be installed the end of November and removed as soon as reasonably possible in the spring.

Trustee Wolf noted that a rain garden was proposed in the area to help with drainage in the area and wondered what would happen with the grass after the ice rink was gone.

Mr. Wilson said the grass would grow back in the spring and any damage incurred from the ice rink would be repaired by the Park District.

Trustee Swanson asked what changes were made to the plans by the Park District to modify the original proposal.

Mr. Wilson said the rink size was shortened by 20', the light fixtures were originally proposed to be permanent but are now seasonal, the use was originally going to be for pick-up pond hockey only but recreational skating was added, the lights at other outdoor ice rinks turn off at 10 p.m., the proposed ice rink would have the lights turned off at 7:30 p.m., Sunday through Thursday and at 9:00 p.m. on Friday and Saturday.

President Canning asked if there was anyone present to speak in favor of the request.

Mark Weyermuller, 208 Lawndale, said the Park District has had many meetings regarding the proposed ice rink and he believes many people support the ice rink as Thornwood Park is for all residents not just the neighbors living around Thornwood Park.

Trustee Basil said his concern is for the neighbors surrounding Thornwood Park and how the proposed lights will affect them.

Kurt Weyermuller, 208 Lawndale, said there is no place to skate if you are on a hockey team in Wilmette for extra hockey time. He currently practices in Glencoe but has to pay to skate there. He would like to have a rink with lights to be able to skate in the evenings.

President Canning asked if there was anyone present to speak against the request.

Rick Prohov, 2435 Pomona Lane, said he does not see the need for the lights at the ice rink in the park as the nature of the park will change. The neighbors do not object to the ice rink, only the proposed lights. He believes it will be costly to install an ice rink and maintain it for only a few months of the year.

Bradley Reiff, 2425 Kenilworth Avenue, said he is a neighbor living near the park and does not support the proposed lights. He said the Park District has made some concessions regarding the lights but he is concerned with enforcement of the lights regarding time and brightness. He also believes a sunset clause would be appropriate to do more studies regarding the ice rink.

President Canning said there is a Code Enforcement Officer to address any complaints that the Village receives.

Jeff Kost, 2319 Thornwood Avenue, said he was concerned with the safety issues of the ice skating rink relating to Standards 3 and 4 of the special use. He also wondered what would happen to children still in the park when the lights are turned off, he believes that will be dangerous. He said the neighbors are a minority but are concerned with the noise and traffic in the area.

Diane Schaffner, 2413 Thornwood, said the majority of the residents on Thornwood Avenue are against the proposed lights for the ice rink. She asked the Village Board to consider having the lights turned on only when the ice rink is usable.

Karen Tobey, 2401 Thornwood, said 74% of the neighbors oppose the proposed lights as they will change the character of the neighborhood. She believes there will be an increase in traffic and the noise as well as the noise of machines removing snow from the ice rink.

Caryn Summer, 2425 Kenilworth, said she is opposed to the proposed lights not the proposed ice surface. She believes the lights will change the character of the neighborhood and will be a hardship for the neighbors due to the glare and brightness.

Mr. Kost said he was concerned with the drainage issues of the ice rink and does not believe the Park District has addressed that issue.

President Canning noted that the Village has requirements for drainage.

Mr. Adler said the Engineering Department has stated that all requirements of the Grading Ordinance must be met by the Park District.

Ms. Holtz said in addition to complying with the Village regarding drainage issues, she provided information to the Board regarding a drainage study. She said more water will be retained in the Park so it will not be a detriment to the neighborhood. She said the Park District is concerned with and will deal with any safety issues of the proposed ice rink as stated in their application.

Mr. Wilson said when the ice surface is not useable, the proposed lights will be turned off which will depend on the weather. He said the Park District handles the snow removal of their sidewalks and parking lots. The snow removal for the proposed ice rink will probably be handled with a snow blower at a reasonable hour.

President Canning asked if the Park District will be collecting data regarding the photometric study and reviewing it at the end of the season.

Mr. Wilson said the Park District is always open for public comment.

President Canning asked about the safety of drop off and pick up during the darkness after the lights have been turned off.

Mr. Wilson said many of the parks are not lit during the darkness and people are in the parks and traverse safely.

President Canning asked if there would be benches provided to put on and remove ice skates.

Mr. Wilson said picnic tables would be provided in the park for a seating area.

Trustee Swanson said he believes the request should be conditioned to limit what the hours are, a date limitation and also the lights should only be on when the ice is usable. He believes the Park District is serious about their decisions and they would not have made the request without considering all aspects of the request. He believes the photometric studies suggest the Ordinance will be fully met and if there is a light problem, the Park District will correct it and Village Staff will monitor it. He believes the request should be granted.

The Village Board discussed the hours of use and the dates of use of the ice rink suggesting the ice rink run from December 15 through March 15.

Ms. Holtz said she would propose that instead of having conditions imposed upon the Park District regarding their programming, if there are demands from the community, the Park District would give notice to neighbors and have a public hearing regarding a change and compromise.

Trustee Swanson said the Village Board is dealing with the request for a special use and he believes it is important to be specific for the neighbors.

Trustee Basil said he believes that the time limit should only be when the ice is usable rather than from December 15 through March 15.

Jim Brault, President of the Park Board, said the Park District had lights at the Mallinckrodt ice rink for the past five years which turn off at 10 p.m. and there have been no complaints from neighbors. He said the ice rink being proposed is a multi-use ice rink, not for hockey use only.

Trustee Swanson moved to amend the motion to 1) limit the hours of use of the lights from dusk to 7:30 p.m. Sundays through Thursday, and dusk to 9:00 p.m. on Fridays and Saturdays; 2) that the lights are only on when the ice is usable; 3) the use continues when the use is temporarily suspended, seconded by Trustee Krueger.

Trustee Bielinski said he is concerned with placing restrictions as he believes the Village Board should trust the Park District in following what they have said they will do. He will not support the amendment.

Trustee Basil said he would like to give some measure of comfort to the neighbors who have a legitimate concern of the light impact on the use and enjoyment of their homes. He will support the amendment.

Trustee Krueger said he will support the amendment as it will give comfort to the neighbors regarding the lights.

Trustee McKenna said he does not support the amendment as he does not want to micromanage another public body we have not had an issue with in the past. He does support Trustee Basil's recommendation that the Village Board review the request after the season and whether it will impact the neighbors.

Trustee Wolf said she would support the amendment as the Park District has already agreed to the conditions and it will give the neighbors some measure of comfort.

Voting yes: Trustees Swanson, Basil, Krueger, Wolf and President Canning. Voting no: Trustees Bielinski and McKenna. The motion carried.

Trustee Basil said he believed it would be appropriate to have a sunset clause for the proposed ice rink as it will give the neighbors another opportunity to let the Park District know if the ice rink was a positive or negative experience.

Trustee Basil moved to amend the motion to have a sunset clause of June 1, 2012, seconded by Trustee McKenna.

Trustee Swanson said he was not in favor of the sunset clause.

Trustee Bielinski said he supports the sunset clause to have another look at the issue.

Trustee Krueger said he does not support the sunset clause, he believes it is micromanaging the Park District.

Trustee McKenna said he will support the sunset clause.

Trustee Wolf said she will not support the sunset clause as she also believes it is micromanaging the Park District.

President Canning said he will not support the sunset clause as he believes it converts the special use into a temporary use.

Mr. Zimmermann said the Park District is requesting a special use which is a permanent request, suspended in the off season. He urged the Village Board to use caution in placing a temporary restriction on a special use.

Voting yes: Trustees Basil and McKenna. Voting no: Trustees Swanson, Bielinski, Krueger, Wolf and President Canning. The motion failed.

Trustee Swanson said he will support the request.

Trustee Bielinski said he believes the proposed ice rink is a great amenity for the children. He believes the Park District has met some of the concerns of the neighbors. If the neighbors have an issue, the Village Staff and the Village Trustees are here to help. Trustee Bielinski thanked everyone for coming to the meeting and he will support the request.

Trustee Basil said he believes a lighted ice skating rink sounds like an excellent idea and thinks it was very smart of the Park District to identify that as an unmet need. He does acknowledge that the Park District has met some of the concerns of the neighbors and he is comfortable with the conditions approved in the amendment addressing the immediate concerns of the neighbors. He is also comfortable that the Park District will make adjustments if the neighbors voice concerns.

Trustee Krueger thanked the Park District and the neighbors for their campaigns for and against the ice rink. He believes the compromises offered have been rational and reasonable and if there are issues, the Park District will have to address the issues. He will support the request.

Trustee McKenna said he will support the request. He believes the residents around Thornwood Park are a very active group. He would not like to see the Village policing the park.

Trustee Wolf thanked everyone for coming to the meetings and being patient with the process. She believes the ice rink will be a great recreational opportunity. She believes the Park District has provided compromises for the neighbors and the Village has provided conditions to the request so she hopes everything will work out. She believes the petitioner has satisfied the requirements for a special use.

President Canning thanked everyone for coming to the meeting. He hopes the Park District will take into consideration the issues the neighbors have raised and review them next spring. President Canning said he believes the standards of review have been met and he will support the request.

Voting yes: Trustees Swanson, Bielinski, Basil, Krueger, McKenna, Wolf and President Canning. Voting no: none. The motion carried.

Trustee Swanson moved adoption of Ordinance #2011-O-84 authorizing the special use of this case, seconded by Trustee Basil.

Voting yes: Trustees Swanson, Bielinski, Basil, Krueger, McKenna, Wolf and President Canning. Voting no: none. The motion carried.

President Canning declared a recess at 10:14 p.m.

President Canning brought the meeting back to order at 10:21 p.m.

- 6.15 President Canning recalled item 6.15 and noted that the request had been moved and seconded. The request comes with a positive recommendation from the Zoning Board of Appeals.

Frank Buzzi, petitioner, said he would like to replace the existing attached car port with a detached one car garage.

Freddie Weiss, 2036 Pioneer Lane, said she believes the proposed garage will be a safety issue for visibility while driving down the street. There are already bushes that obscure the view of the street going around the bend in the street.

Mr. Adler said the proposed garage will be set back 32'. He discussed the issue with Brigitte Mayerhofer, Director of Engineering, and they did not see how the garage could provide a view obstruction. If there are bushes or landscaping that is providing a view obstruction, he could have the Code Enforcement Officer address that.

President Canning asked for clarification of the bushes obstructing the view on the street.

Ms. Weiss said she believes the proposed garage and the bushes will both obstruct the view of cars driving on the street.

Trustee Swanson asked if the bushes were on the petitioner's property or on the public right of way.

Ms. Weiss said she believed the bushes were on the petitioner's private property.

Trustee Swanson said the bushes look like they are on the public right of way, which means the Village staff could address the view obstruction.

Mr. Frost said he is concerned with the proposed garage as he believes it is a safety issue for his street as cars turn on the curve of the street near the petitioner's property. There are currently bushes that obstruct the view on the curve of the street and he believes cars and trucks will not be able to see if the proposed garage is built and will cause a dangerous situation.

President Canning asked if there was an accident history for Mr. Frost's block.

Mr. Frost said the street does not have an accident history. He believes the proposed garage will be higher than the current car port and closer to the corner.

Trustee Swanson asked if parking on the street was allowed on Pioneer Lane.

Mr. Frost said parking on the street is allowed on Pioneer Lane. He provided a video of a truck travelling on Pioneer Lane which showed the truck travelling over the middle of the road going around the bend in the street. He believes the proposed garage will obstruct the view on the street even more.

Mr. Adler said the bushes are not at an intersection of two streets and if the bushes are on private property, he does not believe they have the authority to have the bushes removed.

Trustee Basil asked if Mr. Frost had ever asked Mr. Buzzi to cut back the bushes or move them.

Mr. Frost said he had not asked Mr. Buzzi to cut back the bushes but Ms. Weiss had asked Mr. Buzzi to cut back the bushes.

Mr. Frost said he would no objection if Mr. Buzzi rebuilds the car port but he believes the proposed garage would cause a safety hazard for vehicles driving on the street.

Mr. Buzzi said he does not believe the proposed garage would be an issue for vehicles driving on the street. He believes the issue on his street is vehicles driving too fast. The site line of the proposed garage is not that much different than the existing car port.

Trustee Swanson said assuming the proposed garage is not an issue, what would be the suggestion with the existing vegetation that seems to be causing a view obstruction for vehicles.

Mr. Buzzi said the vegetation could be cut back. He noted that he had trimmed it a few years ago when a neighbor asked him to.

Trustee Swanson suggested the bushes should be cut back significantly for vehicles driving on the street.

Trustee Wolf said she did not have a problem with the proposed garage but agreed that the bushes should be trimmed.

President Canning noted that there was no one else present to speak regarding the request.

Trustee Swanson said he does not believe the proposed garage is a problem but he does believe the bushes need to be trimmed.

Trustee Bielinski said he agrees with Trustee Swanson.

Trustee Basil said he does not believe the height of the garage is an issue but he does hope the bushes are trimmed. He will support the request.

Trustee Krueger said he also does not think the garage will affect driving on the street and he will support the request.

President Canning asked Mr. Adler to have Code Enforcement check the property to determine if the bushes are on the public right of way and if so, to have the bushes trimmed immediately.

Voting yes: Trustees Swanson, Bielinski, Basil, Krueger, McKenna, Wolf and President Canning. Voting no: none. The motion carried.

Trustee Swanson moved adoption of Ordinance #2011-O-83 authorizing the variations of this case, seconded by Trustee Basil.

Voting yes: Trustees Swanson, Bielinski, Basil, Krueger, McKenna, Wolf and President Canning. Voting no: none. The motion carried.

- 6.17 Zoning Board of Appeals Report, Case #2011-Z-50, 828 Leamington Avenue regarding a request for a 226.54 square foot lot coverage variation, an 8.52' front yard setback variation, a 261.62 square foot front yard impervious surface coverage variation, a variation to eliminate a required enclosed parking space, and a variation to retain two parking spaces in a required front yard to permit the construction of a one story addition on the legal nonconforming structure and to allow the loss of one enclosed parking space in accordance with the plans submitted.

Trustee Swanson moved to grant a request for a 226.54 square foot lot coverage variation, an 8.52' front yard setback variation, a 261.62 square foot front yard impervious surface coverage variation, a variation to eliminate a required enclosed parking space, and a variation to retain two parking spaces in a required front yard to permit the construction of a one story addition on the legal nonconforming structure and to allow the loss of one enclosed parking space in accordance with the plans submitted, seconded by Trustee Basil.

Randolph Liebelt, architect for the petitioner, reviewed the request as proposed in the Zoning Board of Appeals report. He noted the Zoning Board of Appeals recommended building a second story addition but it would double the cost of the project for the petitioner.

President Canning noted that the garage was converted into a living space without a permit from the Village. He asked why the petitioner is going out farther than the current garage area to ask for a larger variation.

Mr. Liebelt said they would like to have an area for the family to eat in as well as a family room.

Trustee Basil said he understands that the Board would like the variation to be minimized but he believes the current plans make sense and a smaller variation would not allow the room to be usable.

Carlos Moreno, petitioner, reviewed his request and asked the Village Board to grant his request.

Trustee Bielinski noted that not all the neighbors signed the letter supporting the requested variation.

Mr. Moreno said he tried to have all his neighbors sign the letter of support but many of the neighbors work during the day and he could not reach them. As far as he knows, none of his neighbors are against the request. He is taking care of many family members as his family had to move here from Honduras due to dangerous issues in that country.

Janal Dawes, 820 Leamington, said he is a neighbor to Mr. Moreno and does not believe Mr. Moreno is asking for anything more than what is currently in the neighborhood.

Trustee Swanson said the proposed addition does seem to be consistent with other homes in the neighborhood. He is inclined to support the request.

Trustee Bielinski said the request is difficult for him as the Village has a Zoning Code for a purpose. He does believe that the request is consistent with other homes in the area so he understands the reason for the requested variation.

Trustee Basil complemented the petitioner on hiring a good architect to give good advice on what makes economic sense and what rooms would be good to expand for home value. He likes the request as it is in keeping with other homes in the neighborhood and improves the value of the existing home. He will support the request.

Trustee McKenna said he agrees with the Zoning Board of Appeals recommendation and will not support the request.

Trustee Wolf said when she first read the report, she had an issue with the petitioner previously remodeling without a permit and now asking for more variations but she also believes that the current request is in keeping with other homes in the neighborhood.

President Canning said he is also concerned with the fact that the petitioner changed the garage into a living space without a permit. However, he knows how difficult it is to improve homes built many years ago and the proposed plans are in keeping with the character of other homes in the neighborhood.

Michael Zimmermann, Corporation Counsel, noted that the time was 11:30 p.m. and a motion would be needed to extend the time of the meeting.

Trustee Swanson made a motion to extend the time of the meeting for an additional 15 minutes, seconded by Trustee Bielinski. All voted aye, the motion carried.

Voting yes: Trustees Swanson, Bielinski, Basil, Krueger, Wolf and President Canning. Voting no: Trustee McKenna. The motion carried.

6.2 FINANCE COMMITTEE REPORT:

- 6.21 Presentation of the September 30, 2011 Revenue and Expense Report was handled by the Consent Agenda.
- 6.22 Presentation of the September 30, 2011 Treasurer's Report of Cash Receipts and Disbursements was handled by the Consent Agenda.
- 6.23 Presentation of the September 30, 2011 Cash and Investment Summary was handled by the Consent Agenda.
- 6.24 Approval of Resolution #2011-R-42 approving investments as previously authorized in the Illinois Public Treasurer's Investment Pool (IPTIP) was handled by the Consent Agenda.
- 6.25 Approval of Resolution #2011-R-43 authorizing a fund transfer from the Water Fund to the General Fund for the fiscal year 2011 was handled by the Consent Agenda.
- 6.26 Approval of Resolution #2011-R-44 authorizing the Section 125 Plan Administrator to write off unclaimed flex plan balances from fiscal year 2010 was handled by the Consent Agenda.
- 6.27 Approval of Resolution #2011-R-45 approving the extension of the line of credit with North Shore Community Bank for 30 days was handled by the Consent Agenda.

- 6.28 Adoption of Ordinance #2011-O-73 regarding increasing the monthly refuse fee from \$20.20 to \$20.90 effective January 1, 2012 was handled by the Consent Agenda.
- 6.29 Adoption of Ordinance #2011-O-74 regarding increases to certain Village fees, permits, licenses and fines effective January 1, 2012 was handled by the Consent Agenda.
- 6.291 Introduction of Ordinance #2011-O-77 regarding the 2011 Tax Levy was handled with the Consent Agenda.
- 6.292 Introduction of Ordinance #2011-O-78 abating the tax levy requirements of General Obligation Bond Ordinance #2004-O-110 was handled with the Consent Agenda.
- 6.293 Introduction of Ordinance #2011-O-79 abating the tax levy requirements of General Obligation Bond Ordinance #2007-O-54 was handled with the Consent Agenda.
- 6.294 Introduction of Ordinance #2011-O-80 abating the tax levy requirements of General Obligation Bond Ordinance #2009-O-63 was handled with the Consent Agenda.
- 6.295 Introduction of Ordinance #2011-O-81 abating the tax levy requirements of General Obligation Bond Ordinance #2010-O-66 was handled with the Consent Agenda.
- 6.296 Introduction of Ordinance #2011-O-82 abating the tax levy requirements of General Obligation Bond Ordinance #2011-O-70 was handled with the Consent Agenda.
- 6.297 Public hearing on Village of Wilmette's appropriations for Fiscal Year 2012 (Budget 2012).

President Canning opened the public hearing at 11:31 p.m.

President Canning noted there was no one present to speak on the item.

President Canning closed the public hearing at 11:32 p.m.

- 6.298 Adoption of Ordinance #2011-O-72 regarding approval of appropriations for fiscal year 2011 budget.

Trustee Bielinski moved adoption of Ordinance #2011-O-72 regarding approval of appropriations for fiscal year 2012 budget, seconded by Trustee Basil.

Voting yes: Trustees Swanson, Bielinski, Basil, Krueger, McKenna, Wolf and President Canning. Voting no: none. The motion carried.

6.3 ADMINISTRATION COMMITTEE REPORT:

- 6.31 Presentation of minutes of the Administration Committee meeting held March 22, 2011 was handled with the Consent Agenda.

- 6.32 Introduction of Ordinance #2011-O-85 authorizing a first amendment to the ground lease agreement between the Village of Wilmette and Crown Castle was handled with the Consent Agenda.

6.4 MUNICIPAL SERVICES COMMITTEE REPORT:

- 6.41 Approval of a change order in the amount of \$26,907.62 with Globe Construction Company Inc., Addison, IL for the 2011 Street Patch Repair Program was handled with the Consent Agenda.

- 6.42 Approval of contracts with Carus Corporation, Peru, IL; Delta Chemical Corporation, Baltimore, MD; K.A. Steel Chemical Company, Lemont, IL; Key Chemical Inc., Waxhaw, NC for the purchase of treatment chemicals for the Water Plant was handled with the Consent Agenda.

- 6.43 Approval of contract in the amount of \$78,360 with Sutton Ford Inc., Matteson, IL for the purchase of three police interceptor sedans was handled with the Consent Agenda.

6.5 PUBLIC SAFETY COMMITTEE REPORT:

- 6.51 Approval of contract in the amount of \$37,680.90 with New World Systems, Troy, MI for a Standard Software Maintenance Agreement was handled with the Consent Agenda.

6.6 JUDICIARY COMMITTEE REPORT:

6.61 Approval of amended Legal Services Agreement with Raysa & Zimmermann, LLC was handled with the Consent Agenda.

7.0 REPORTS FROM SPECIAL COMMITTEES:

No Reports.

8.0 UNFINISHED BUSINESS:

8.1 Notice of vacancy on the Historic Preservation Commission due to the term expiration of William Shapiro was handled with the Consent Agenda.

8.2 Notice of vacancy on the Appearance Review Commission due to the resignation of Paul Holzman was handled with the Consent Agenda.

8.3 Notice of vacancy on the Historic Preservation Commission due to the term expiration of Kevin Kirkpatrick was handled with the Consent Agenda.

8.4 Notice of vacancy on the Housing Commission due to the term expiration of Polly Kuehl was handled with the Consent Agenda.

8.5 Notice of vacancy on the Housing Commission due to the term expiration of Jack Rosenberg was handled with the Consent Agenda.

8.6 Notice of vacancy on the Historic Preservation Commission due to the resignation of Raymond Pruchnicki was handled with the Consent Agenda.

8.7 Notice of vacancy on the Appearance Review Commission due to the resignation of Julie Wolf was handled with the Consent Agenda.

8.8 Notice of vacancy on the Transportation Commission due to the term expiration of Keith Mackenzie was handled with the Consent Agenda.

9.0 NEW BUSINESS:

9.1 Reappointment of Robert Fitzgerald to the Historic Preservation Commission from December 2011 to December 2015 was handled with the Consent Agenda.

10.0 ADJOURNMENT:

Trustee Bielinski moved to adjourn the meeting at 11:33 p.m., seconded by Trustee Basil. All voted aye, the motion carried.

Barbara L. Hirsch
Deputy Village Clerk