



1200 Wilmette Avenue
 WILMETTE, ILLINOIS 60091-0040

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, AUGUST 27, 2019.

The Village President called the meeting to order at 7:03 p.m.

1.0 ROLL CALL

President Bob Bielinski

Trustees Daniel Sullivan
 Gina Kennedy
 Kathy Dodd
 Joel Kurzman
 Peter H. Barrow
 Senta Plunkett

Staff Present: Timothy J. Frenzer, Village Manager
 Michael Braiman, Assistant Village Manager
 Jeffrey Stein, Corporation Counsel
 John Prejzner, Assistant Director of Administrative Services
 John Adler, Director of Community Development
 Brigitte Berger-Raish, Director of Engineering & Public Works
 Jorge Cruz, Assistant Village Engineer
 Kathy Hussey-Arntsen, Wilmette Historical Museum Director
 Dan Manis, Village Engineer
 Ben Wozney, Fire Chief

2.0 PUBLIC COMMENT

President Bielinski deferred public comment until the end of business.

3.0 CONSENT AGENDA

Trustee Kennedy asked to remove Item 3.8.

Trustee Sullivan moved approval of the remaining items on the Consent Agenda as follows:

- 3.1** Approval of minutes of the Regular Board meeting held July 23, 2019.

LAND USE COMMITTEE CONSENT AGENDA

- 3.2** Presentation of minutes of the Appearance Review Committee meeting held July 1, 2019.
- 3.3** Approval of Temporary Use Permit #2019-T-15 to permit a temporary construction trailer at Artis Senior Living Wilmette, 1925 Wilmette Avenue, from August 28, 2019 to September 1, 2020.
- 3.4** Approval of Temporary Use Permit #2019-T-19 to permit three temporary tents and a balloon sign as part of a tent sale at Road Runner Sports, 323 Lake Avenue, between August 29 and September 2, 2019.
- 3.5** Approval of Temporary Use Permit #2019-T-20 to grant temporary use for St. John's Oktoberfest, 1235 Wilmette Avenue, to be held on Saturday, September 21, 2019 from 3 p.m. to 10 p.m.
- 3.6** Approval of Temporary Use Permit #2019-T-21 to grant temporary use for the St. Joseph Oktoberfest Beer Garden, 1740 Lake Avenue, to be held on Saturday, October 5, 2019 from 6 p.m. to 11 p.m.
- 3.7** Historic Preservation Commission Report #2019-HPC-01, 1001 Oakwood Avenue, regarding a request to grant local landmark status; adoption of Ordinance #2019-O-58.
- 3.9** Introduction of Ordinance #2019-O-59 amending the Zoning Ordinance of 2014 (Zoning Code Amendments – NR & NR-1 Zoning Districts and Parking Restrictions).
- 3.10** Zoning Board of Appeals Report, Case #2019-Z-7, 500 Sheridan Road, regarding a request for a 2.43' fence height variation to permit the installation of two 6.43' tall gates in the front yard; adoption of Ordinance #2019-O-52.
- 3.11** Zoning Board of Appeals Report, Case #2019-Z-20, 1150 Central Avenue, regarding a request for a special use for an art studio to permit the operation of the Rock House Music School; adoption of Ordinance #2019-O-53.
- 3.12** Zoning Board of Appeals Report, Case #2019-Z-21, 400 Linden Avenue, regarding a request for a 1.0 foot-candle illumination variation to permit the installation of wall-mounted lighting; adoption of Ordinance #2019-O-54.
- 3.13** Zoning Board of Appeals Report, Case #2019-Z-24, 204 9th Street, regarding a request for a 119.3 square foot (7.48%) rear yard pavement impervious surface coverage variation and a 40.8 square foot (2.56%) rear yard total impervious surface coverage variation to permit the construction of a detached two-car garage; adoption of Ordinance #2019-O-55.

- 3.14** Zoning Board of Appeals Report, Case #2019-Z-26, 416 W. Wilshire Drive West, regarding a request for a 9.0' side yard air conditioner condenser setback variation to permit the installation of an air conditioner condenser; adoption of Ordinance #2019-O-56.

FINANCE COMMITTEE CONSENT AGENDA

- 3.15** Approval of the July Monthly Disbursement Report.
- 3.16** Approval of the July Monthly Financial Report.

ADMINISTRATION COMMITTEE CONSENT AGENDA

- 3.17** Notice of vacancy on the Environment & Energy Commission due to the term expiration of Arthur Haut.
- 3.18** Notice of vacancy on the Historic Preservation Commission due to the term expiration of Robert Furniss.
- 3.19** Notice of vacancy on the Historic Preservation Commission due to the term expiration of Charles Hutchinson.
- 3.20** Notice of vacancy on the Transportation Commission due to the term expiration of Jill Hayes.

MUNICIPAL SERVICES STANDING COMMITTEE CONSENT AGENDA

- 3.21** Approval of a one-year contract extension in the annual amount of \$29,780 with Meade Electric Co., McCook, Illinois for traffic signal maintenance.
- 3.22** Adoption of Resolution #2019-R-10 authorizing an Intergovernmental Agreement between the Village of Wilmette and the Illinois Department of Transportation for the Glenview Road Bridge North Sidewalk Replacement Project.
- 3.23** Approval of a contract in the amount not to exceed \$512,508 with Lorig Construction Company, Des Plaines, Illinois for the Glenview Road Bridge North Sidewalk Replacement Project.
- 3.24** Approval of contract supplement No. 1 with Civiltech Engineering, Inc., Chicago, Illinois, in the amount not to exceed \$30,153 for Phase I engineering services associated with the Skokie Boulevard and Lake Avenue Intersection Improvement Project.
- 3.25** Approval of a contract in the amount not to exceed \$304,645 with Suburban General Construction, Inc., LaGrange Park, Illinois for the 2019 Sewer Repair and Valve Installation Program.
- 3.26** Introduction of Ordinance #2019-O-51 amending the Village Code by

creating a new driveway exception.

PUBLIC SAFETY STANDING COMMITTEE CONSENT AGENDA

- 3.27** Introduction of Ordinance #2019-O-50 authorizing the disposal of surplus personal property owned by the Village of Wilmette; Waiver of rules; move to adopt Ordinance #2019-O-50 authorizing the disposal of surplus property owned by the Village of Wilmette.

JUDICIARY COMMITTEE CONSENT AGENDA

- 3.28** Introduction of Ordinance No. #2019-O-49 decreasing the number of Class A and Class O liquor licenses and increasing Class J liquor licenses.

Trustee Kennedy seconded the motion. Voting yes: Trustees Sullivan, Kennedy, Dodd, Kurzman, Barrow, Plunkett and President Bielinski. Voting no: none. The motion carried.

4.0 REPORTS OF OFFICERS

No Reports.

5.0 REPORT OF THE LIQUOR CONTROL COMMISSIONER

No Report.

6.0 STANDING COMMITTEE REPORTS

6.1 LAND USE STANDING COMMITTEE REPORT

- 6.11 REMOVE FROM TABLE - Zoning Board of Appeals Report, Case #2019-Z-19, 624 Elmwood Avenue regarding a request for a 396.42 square foot (4.72%) total floor area variation a 9.54' rear yard stair setback variation to permit the construction of an exterior stairway in accordance with the plans submitted.**

Trustee Barrow moved to remove Item 6.11 from the table, seconded by Trustee Sullivan. All voted aye, the motion carried.

Trustee Barrow moved to approve Zoning Board of Appeals Report Case #2019-Z-19, 624 Elmwood Avenue regarding a request for a 396.42 square foot total floor area variation with a 9.54' rear yard stair setback variation to permit the construction of an exterior stairway in accordance with the plans submitted, seconded by Trustee Sullivan.

President Bielinski noted the negative Zoning Board of Appeals recommendation. He reminded everyone this case was discussed over a month ago and asked for a quick summary of the issues and that the case will require five votes in order to overturn the Zoning Board of Appeals recommendation.

John Adler, Director of Community Development, summarized the issues of the property with respect to the flat roof garage addition that was built, which does not have easy access to the roof of the garage. The applicant has been accessing the garage through a window. The actual size of the landing for the staircase is under 30 square feet so that 396.4 square feet does include the existing conditions where variations have already been granted. The 9.54' rear yard setback is actually due to the staircase encroaching into the required rear yard.

President Bielinski noted the odd shape of the lot, and John Adler stated the usable rear yard is triangular in shape, so the rear yard setback is fairly close.

Trustee Kennedy indicated she thought the issue was with square footage and not the setback. Mr. Adler clarified there are two different variations requested.

President Bielinski straw polled the Board to see who is leaning for or against granting the request. President Bielinski and Trustees Dodd, Barrow and Plunkett acknowledged leaning toward approval. Trustees Sullivan, Kennedy and Kurzman indicated they are not in favor.

Trustee Kennedy said it is admirable that the homeowners are considered good neighbors and that owners of the adjacent properties are in support of the request, but neighbor's approval of a project alone is not an adequate basis for granting a zoning variation, as the Board is bound by its own ordinances which contain specific criteria for approval. Trustee Kennedy quoted part of the ordinance whereby among other things, there must be "a practical difficulty or peculiar hardship which is peculiar to the property in question, is not generally shared by other properties used for the same purpose and is something which would prevent the owner from making a reasonable use of his property."

Trustee Kennedy referenced that eight years ago, the case to build a garage was brought before the Zoning Board of Appeals wherein the Zoning Board granted the request based on the unusual, irregular shape of the lot, which made construction of a conforming structure impossible. The lack of a garage in this climate prevented the homeowners from making reasonable use of their property. She said that this request does not fit the criteria. The homeowners are seeking easy access to a rooftop they want to use for entertaining and growing herbs, flowers and vegetables. The difficulties they site are the irregular shape of the lot and the deep shade of the backyard.

Trustee Kennedy said she does not think the shape of the lot is relevant, except for the setbacks and questioned if shadiness fits the criteria. She said that there are many heavily wooded lots in the Village and that they already have an outside 230 square foot deck for entertaining and while the shadiness may preclude them from growing the kind of plants

they desire, it does not mean they cannot make reasonable use of the property.

President Bielinski stated that the amount of hardship is relevant to the ask. The larger the ask, the bigger the hardship needs to be. President Bielinski then asked if the shape of the lot is enough hardship for the setback variation. He said that the requested 30 square feet has a minimal floor area ratio and while the Village is sensitive to floor area ratio, the shape of the lot is what got them the big garage and to his mind, the shape of the lot is usually number one on the hardship list. He said odd shaped lots make it almost impossible to get the setbacks and ratios to work. He said when thinking in terms of the definition of hardship, the definition is "how the Village Board defines it in every particular case." He said in this case, he believes there is enough hardship to grant an approval.

Trustee Kennedy said that while she agreed with President Bielinski's point, when deciding variation cases, people often site prior decisions made by the Board so that while it is not technically precedential, it appears as though it is being treated this way. She doesn't feel the heavily shaded lot applies to the hardship and questioned how to grant a variance under these conditions. President Bielinski replied the question is whether or not given the shape of the lot, is there enough for 30 square feet.

Trustee Sullivan agreed with Trustee Kennedy's comments, especially on the hardship and said it's not a 30 square foot ask, it's a 5% ask, and the homeowner has already gone over that. He said eight years ago, the porch was a consideration and the question of a staircase was discussed but the homeowners said they wouldn't need it. The hardship was to park their cars off the street, which was granted.

He said that while garage allowances were smaller back then and have since been increased to 22x22, it's possible a larger garage would have been approved today. He went on to say that had this been proposed eight years ago, they may have granted a 440' garage. He doesn't believe this request fits the Village's standards and that it could have been minimized. The goal is always to minimize variations and it could have been minimized eight years ago. He agreed that while the staircase will look nice and provide better access, other homeowners have been denied for nice conveniences, even small. To his mind, this situation is not a hardship.

Trustee Dodd addressed the applicants and thanked them for their patience. She said she agreed with many of the perspectives that were raised by the Board. She said she reviewed the video from the July 23 Board meeting, from which she was absent and that she met with John Adler to review the case. She noted that she wished homeowners, contractors and architects were more forthcoming about what they want when appearing before the Board. She said she agreed with Trustee Kurzman's comments from the July 23 Board meeting that past

variances matter because it is not often second floor area variations are granted.

Trustee Dodd said she supports this case because the lot size is not very big, and the shape is awkward. She said using a window to access the roof is not safe and that if the Village allows flat roofs, the safety of the access point should be looked at. She said this request has no impervious surface impact and it's a small ask.

Trustee Barrow said this is not a case about shade. He said he stood in the yard in bright sunshine and the variation request is not because of the shade. He discussed serial variations, wherein an applicant receives a variance and then shortly after comes back and asks for a little more. In this case, there was a break of eight years and the property has been used in this or similar fashion. He said the applicant deserves a fresh look and have the case decided based on the record before the Board, the Zoning Board report and discussions/input from the public, not what was said or thought eight years ago.

He said that this is an unusual lot and the requested floor ratio small, so it won't impact impervious surface. The staircase is adjacent to the garage and not visible to the street. He believes that to make the best and fair use is to allow access to the flat roof in a convenient and safe manner. He believes every zoning case should be based on its individual traits and that he has seen variations of greater import being considered.

Trustee Kurzman said he was drawing on some wisdom of Trustees Sullivan and Kennedy. He referenced Trustee Kenney's remark that "it's not the strength of my objection, it's really a reaction to the strength of the argument." He said he hasn't been informed of anything new since the last meeting that would allow him the opportunity to educate himself further. He said that it's not a given that a larger garage would have been permitted or not. He said he also feels strongly a deep respect for the years of service Trustee Sullivan had on the Zoning Board of Appeals and the context he brought to the meeting. He said he found it compelling in combination with his own inclinations toward being concerned about variations begetting variations.

Trustee Plunkett said she supports the case. The house was built in 1921 with no garage on a very busy road. The original location of the garage was objectionable to the neighbors and the homeowners adjusted their plans. The roof deck is permitted, and she thinks that the general population would think it foolish to allow a roof deck without an access point. Going through a bedroom window is not the safest route. The access to this roof deck is minimal and makes sense. She would have granted it years ago and would grant it now.

President Bielinski reminded the Board that it's 30 square feet with a setback easy to get to because of the angle. He said if the Board was

going to take a stance that floor area ratio variations of 30 square feet fall into a category of extreme hardship required, no more zoning cases will be heard. He said floor area ratio is very important. If you have a small lot, you have a small house; if you have a big lot, you can have a big house; but you can't have a big house on a small lot. In this case, it's 30 feet.

Dina Bair Maher addressed Trustee Kennedy's comments by first stating she want to crystalize her hardship because perhaps Trustee Kennedy misunderstood what she was talking about. She said their lot is truncated with power lines running along the lot with no alley; hence foliage has grown over and makes it feel even smaller. The hardship is the shape of the lot.

Next Ms. Bair Maher addressed Trustee Sullivan and told him the comps he gave her had given her hope for a positive outcome since people around her had gotten 10, 12 even 20% over the coverage. She is asking for little more than 4%. She said when she appeared at the Zoning Board, they received a majority of the votes that were cast but didn't make the super majority due to absent Commissioners. She said that she has noted in many cases applicants with small asks came in after they had built and were asking forgiveness, which was then granted. She said she was there doing what was required.

Ms. Bair Maher then discussed the safety issue saying not only would the access be safer, but it would also provide a fire escape and also privacy for the neighbors. She also said in the comp reports she read, she noted that many of the approvals contained letters from neighbors who were not in favor of the work proposed and yet they were approved. She said her neighbor was in the audience in support of her request. She told Trustee Sullivan that she knows he has granted so much more than her request and begged the Board to change their mind. She also said she walks the neighborhood and sees construction going on in places where there are no permits.

Trustee Kennedy asked for clarification on the 4-5% when talking about floor ratio and the garage. John Adler confirmed that it includes all; the house and garage. He said it's the 396.42 or 4% and incrementally, it's 30 square feet.

Trustee Sullivan referred back to eight years ago and told Ms. Bair Maher not to place blame on her contractor because it is ultimately the homeowner's responsibility. To that Ms. Bair implored him to address the here and now and today.

Trustee Dodd said in fairness to the applicants, and in light of the fact that it doesn't appear they will get the votes needed that night coupled with the fact that they did not appear before a full Zoning Board, she wondered if the Board would consider sending the case back to the Zoning Board. Corporation Counsel Stein said it would not be

appropriate to send it back to the Zoning Board with the same application unless the direction is to modify or revisit.

Mr. Adler added that he received new favorable letters from the neighbors, which could be considered new information. Mr. Stein said that if there is new information or a change in the plan, it is acceptable to send it back to the Zoning Board. The other option would be to withdraw the request and re-submit. However, if the Board votes on it, the applicant would need to wait a year to resubmit.

Corporation Counsel said if the applicant withdraws, the Board takes no action. If they Board remands the case, it will require a motion and vote and then the case would go back with specific direction, which is to take into consideration the new information provided to the Board.

President Bielinski said the case may wind up back in the same spot. He asked the Board if that is the direction they want to take. He said he was trying to find a less onerous road for the applicant due to all the meetings and hearings that have already occurred.

Trustee Sullivan asked Ms. Bair Maher if they explored other options. Ms. Bair Maher replied that their contractor said this was the best and safest option. The garage has no access point or place to make access. Trustee Dodd suggested a spiral staircase, but Ms. Bair Maher said there is no room for that. Mr. Bair Maher said a staircase from the existing deck was explored but that the stairs would need to come out further into the yard. Mr. Maher joined the conversation by saying that other options were explored but would involve walking up one staircase to one level of roof and then down another staircase to the roof deck, and that there is a space issue on the existing outside deck.

Ms. Bair Maher respectfully requested the case be sent back to Zoning. Mr. Stein suggested withdrawing the application because the Zoning Board could start fresh. If it is remanded back, they can only follow the instructions to review the new materials, which while positive, would limit what they can review. He said it was possible that the Mahers might want to change the materials the Zoning Board looks at. Ms. Maher asked about a new survey and application to which Mr. Stein said she would need a new application but could use the survey she already has. Ms. Bair Maher asked to remand because the letters are supportive, and she didn't have letters the first time she appeared to the Zoning Board.

President Bielinski said he would entertain a motion to remand this back to the Zoning Board with instructions that they consider the new information that has been provided since the last Zoning Board meeting.

Trustee Kennedy moved to remand the case back to the Zoning Board of Appeals, second by Trustee Barrow.

Voting yes: Trustees Dodd, Barrow, Plunkett and President Bielinski.
Voting no: Trustees Sullivan, Kennedy and Kurzman. The motion carried.

- 3.8** Historic Preservation Commission Report, Case #2019-HPC-02.2, 301 Sheridan Road (Alexander McDaniel House) regarding a request for a Certificate of Appropriateness for revisions to previously approved plans for an attached garage addition.

Trustee Barrow moved to approve Historic Preservation Commission Report, Case #2019-HPC-02.2, regarding 301 Sheridan Road for a request for a Certificate of Appropriateness for revisions to previously approved plans for an attached garage addition.

Trustee Kennedy requested this to be removed from the Consent Agenda. President Bielinski asked for her comments.

Trustee Kennedy said she received a letter from Kathy Hussey- Arntsen on behalf of the Wilmette Historical Museum, expressing her concern about the case.

Trustee Plunkett suggested Community Development Director John Adler explain the case first.

Mr. Adler said the petitioners made modifications to previously approved plans without updating their building permit. They obtained a building permit for the main portion of the work which was the attached garage and deck and received approval from the Historic Preservation Commission and Village Board to do those additions; however, they made some design changes. They changed the roofing material from asphalt shingles to a standing seam metal roof. They also made changes to window and door openings. In the rear of the home they closed up two window openings; on the east and west garage elevations two round windows were changed to square; a carriage style door was eliminated and a service door installed from the east elevation that faces Sheridan Road; windows were eliminated on the north elevation of the garage and skylights were added to the north elevation of the garage. They also installed square porch columns of varying widths on the new side porch.

Mr. Adler said should the request be approved; the modifications will be permitted to remain. Should any part of the modifications be denied, the applicant would need to change that portion of the construction. He went on to say that when the Historic Preservation Commission and Village Board look at requests to make changes on local landmarks, they look at the standards for rehabilitation. Mr. Adler went through the changes with pictures on slides. There was also a historical photo from 1905.

Trustee Plunkett asked Mr. Adler to explain how the process for a

Certificate of Appropriateness differs from the building permit.

Mr. Adler said that properties need to be petitioned to become a local landmark. The property must meet criteria such as someone famous living there or architectural reasons why the property is a landmark.

Once the property is declared a landmark, certain standards must be met when doing additions. In this case, the applicant did get permission for the previously submitted plans in 2017. That process was followed. However, there were changes done without coming back to staff, which is what is being discussed now. The vote on these changes came back split; the roof came with one negative vote; the window openings was unanimous by the HPC and the columns had two negative votes. The staff felt strongly that the windows be left operable instead of being covered up. HPC ultimately voted to unanimously grant that.

Trustee Kennedy asked how the changes came to light. Mr. Adler said when they went out, they noticed the roof material had been changed and upon further review, the other changes were seen. He said had they come in before making the changes, they would have been given staff's opinions and then referred back to HPC and the Village Board. She then asked Mr. Adler if the homeowner, contractor or architect knew the process prior to its beginning. Mr. Adler said he could not speak for anyone else, but that he hoped landmark owners would know. Mr. Adler confirmed the applicant was in the audience and President Bielinski suggested asking him directly.

Trustee Sullivan asked why the HPC would approve such drastic changes like the roof material.

Trustee Plunkett asked for clarification that each item change was presented, approved and then changed after the approval process. Mr. Adler confirmed.

Trustee Dodd asked for clarification of what staff would have suggested that would be different from the HPC approval and confirmed that it was the roof in front and the two windows that were taken out to be put back in. Mr. Adler replied that it was more the use of like materials such taking out a round window and putting in a square one.

President Bielinski asked Mr. Adler what standards or review the Village Board should focus on as related to the roof.

Mr. Adler said replied Standard No. 2, which states that distinguishing original qualities of character of a building structure or site shall not be destroyed; removal or alteration of any historic material. Mr. Adler compared the use of replacing the shingles with the standing seam metal material. He also said that Standard No. 4 could be applicable, which refers to changes made over time like the removal of windows, as seen through the 1905 photos. There is also a big difference from the 1905 photo's porch and the building today.

Trustee Barrow asked for clarification of what options the homeowner has if not approved. Mr. Adler said if none of the changes are approved, they would need to match whatever was approved prior to the changes being made.

Ms. Kathy Hussey-Arntsen, Director of the Wilmette Historical Museum, spoke to the Village Board about the importance of local landmarks to the history of Wilmette. She said that out of the 8,000 single family homes, only 32 structures are local landmarks. She said that this is an example of the importance of following the process of making changes to landmarks because without proper process, Wilmette could be losing things that were meant to be preserved.

President Bielinski asked Ms. Hussey-Arntsen about the roofing material, as specifically mentioned in her letter. She said that the roofing material is very noticeable from Sheridan Road and is not consistent with that type of house. President Bielinski said that most of the Board had driven by and noted its visibility. Trustee Kennedy said it was visible from Maple as well.

Trustee Plunkett asked for a historical background on the property. Ms. Hussey-Arntsen said it was owned by Alexander McDaniel, and the house is probably the oldest in Wilmette. She said that Mr. McDaniel was on the Village Board and involved in the building of the Village.

The homeowner, Mr. Dan Neely and the architect, Mr. Dan Wefing, a Wilmette resident, addressed the Board. Mr. Neely said this is not his first landmark that he has renovated. He said the roof material that was previously on the house was a rubber roof that was covered in asphalt shingles and was sinking through into the house. He said that he had a conversation with HPC about how to continue with the roof. He said he made the call to go with the standing seam roof for safety, fire resistance and longevity. He admitted he should have gone back to the HPC but that he was afraid with the time involved to go to HPC, with the roof off, that portion of the house would be ruined.

President Bielinski cited the Standards of Review's removal or changes of distinguishing qualities and materials. Mr. Neely said he didn't feel the roofing material was historically relevant. Mr. Wefing, the architect, said that the angle of the roof would not have supported shingles as a viable material option. He said there would be ponding.

Trustee Dodd asked why Mr. Neely didn't bring that up to HPC, and he said he thought the situation was fluid and that they were not locked into one type of material. What he felt was being approved at HPC was the wraparound porch and attached garage. He thought he was getting approval for the windows as well. He didn't think the roofing materials were a part of that.

Trustee Kennedy asked Mr. Adler if there was a building permit filed.

Mr. Adler confirmed there was a building permit, but no amendments to plans were filed when these changes were made.

President Bielinski suggested tabling the matter to allow the Board more time to understand the case.

Trustee Kennedy moved to table the request to the September 10, 2019 Village Board meeting, seconded by Trustee Dodd. Voice vote: All voted aye. The motion carried.

6.2 FINANCE STANDING COMMITTEE REPORT

All items listed on the Consent Agenda.

6.3 ADMINISTRATION STANDING COMMITTEE REPORT

All items listed on the Consent Agenda

6.4 MUNICIPAL SERVICES STANDING COMMITTEE REPORT

- 6.41** Adoption of Resolution #2019-R-9 approving a Memorandum of Understanding between the Village of Wilmette and Wilmette Park District regarding the location of underground reservoirs.

Trustee Sullivan made a motion to approve, seconded by Trustee Barrow.

Engineering and Public Works Director Brigitte Berger presented information on the neighborhood storage project. In February 2019 an Optimization Plan was presented to the Board and the Park District chose the Community Playfield as the site. A series of public meetings was held and a significant concern over the preservation of trees was revealed. The engineering solution was to build very large, shallow gravity tanks.

President Bielinski explained the gravity tanks do not require above ground facilities so the park would be the park with no pumping station.

Ms. Berger said that Christopher Burke was asked to finesse their designs to come up with smaller footprint options that rely on pumping but also protect as many trees as possible. The new designs removed 13 trees instead of the 121 trees in the originally proposed design.

President Bielinski said that there are approximately 194 trees in the project area and only 13 trees are being removed. Ms. Berger said this is a major shift but with this MOU approval, the staff and consulting team is confident they can move ahead and break ground in summer of 2020 for the first phase at Community Playfield.

Corporation Counsel said the MOU is a document with the Park District that allows the Village to negotiate in good faith the specific terms of easements for the three locations. It will require additional agreements in the future, but the MOU ensures the two parties to act in good faith and have conversations. It also assures both parties of where the project will

be located before spending the money on surveys and legal descriptions to have proper easements.

President Bielinski said that this was adequate assurance that the Village has a deal with the Park District and could move forward with spending money on engineering surveys and engineering design since you need to have 30% of the design work completed before an IGA can be presented.

Trustee Plunkett said that there has been much talk about Thornwood Park and Community Playfield but much less about Hibbard. She said residents have concerns. She wants to make sure each park has adequate discussion and understanding.

Ms. Berger said Hibbard went through the same process and that a space needs analysis was done to ensure the underground structure didn't impede the ability to redevelop the site down the road. The Park District's architect came back with instructions about areas the Village could not utilize. The original plan for Hibbard would have removed 36 trees. Two new options created smaller footprints. A deeper tank with two variations was proposed. One option would remove 8 trees and the other removed 2. The difference in cost was approximately \$1 million. After evaluation, the option that saved the 8 trees and the \$1 million was chosen.

President Bielinski recalled that the project costs that removed less trees were actually less expensive for Community Playfield and Thornwood Park but that there would be a pump station above ground. To save 34 trees at Hibbard, it would cost an incremental \$1 million versus saving 28. He asked Village Manager Tim Frenzer what the cost of planting a tree is. Mr. Frenzer said that the Village budgets approximately \$50,000 a year for the planting of approximately 200- 220 trees, keeping in mind the Village removes approximately 200 trees per year managing the urban canopy. Thinking about the \$1 million, being conservative and saying you get 220 trees for \$50,000, the \$900,000 is equivalent to 18 years of spending on planting trees.

Trustee Barrow asked Ms. Berger after approval of the MOU, what happens between the Village and Park District. Ms. Berger said that the details will be worked out like the location of equipment pads and what the park will look like after construction. The details will be outlined in an IGA. Trustee Barrow asked if that will come before the Village Board or Park District. Ms. Berger replied it would come before both Boards. She said staff will work with the Park District on that.

President Bielinski said that the details will be laid out in the IGA but that he thinks residents want drainage and parks that are the same or better than they were.

Corporation Counsel Jeff Stein said the IGA will include the depth of tanks, the access points, what the restoration will look like and the right to enter the facility whenever we need to. All that needs to be documented.

Mr. Frenzer said that the IGA will require legal descriptions, engineering drawings with costs, but before the Village spends that money, we need approval of the MOU to spell out where we are headed.

Trustee Plunkett talked about public engagement and asked how questions will be answered so that the public is kept informed. Ms. Berger said that stakeholder involvement will continue, and residents will have the opportunity to speak out at either the Village Board or Park Board meetings. When enough design is done at Community Playfield, another public meeting will be held where residents can come look at that he plans early enough in the process where changes can be made.

Ben Tolsky of 339 Lamon, said he concurs the approval of Community Playfield and Thornwood Park but requested the Board hold off on Hibbard because there is still time to discuss what's going to happen and he is interested in saving more trees. He said he started a campaign to save the trees and has obtained 106 signatures from residents (petition attached) in favor of saving the two trees option. He feels that the cost is small in comparison to the millions of dollars saved in not going with the conveyance plan. He said stop the flooding but save the trees.

Rick Prohov of 2435 Pomona thanked Trustees Plunkett and Dodd for trying to create more of a process to engage with residents. He said he wants to know when the Village will hold meetings where residents can not only make comments but to ask specific questions. Mr. Frenzer said that there will be a public engagement process after working with the Park District to provide some structure, but no timeline has been established. Mr. Prohov then expressed concern over subsurface flows that will run beneath properties, as outlined in the Stantec report and asked how the Village will address that.

President Bielinski thanked the Park District for all their hard work and cooperation saying that Wilmette is lucky to have the intergovernmental cooperation we do. He said the Park District Commissioners and staff got educated on the project and reached out to the community to get input at public meetings. They debated and ultimately came up with a plan for the appropriate use of Park District property. He said they did a very thorough job in a relatively short time and completed their work in the time frame the Village provided to keep the project on track and on time. He then thanked residents who engaged during the process thus far and said we are nearing conclusion on the scope and will continue to engage residents in the process. He feels that everyone got educated more than they ever thought on sewers and there has been an unprecedented amount of public engagement to let people know what's going on. The trees became an issue, but the Village listened and managed to cut down the number of trees being removed from 121 to 13. It's great to be at this point and have this non-binding agreement because we need it to spell out where tanks are located, and it gives assurances to move forward with confidence and keep this project moving along on time. He feels like the substantial benefit that will be brought to people living west of Ridge Road has been lost. The big picture results are that all residents living in this area will have a new

sewer system for water to go. There is still a lot of work and discussion that needs to happen, but this is a monumental moment tonight.

Trustee Barrow thanked Ms. Berger and her staff. He said all the contact and meetings have been handled thoroughly, gracefully and respectfully. This reflects well on the entire staff and Village.

Voting yes: Trustees Sullivan, Kennedy, Dodd, Kurzman, Barrow, Plunkett and President Bielinski. Voting no: none. The motion carried.

President Bielinski called for a recess at 9:18 p.m. to reconvene at 9:28 p.m.

6.42 Presentation regarding the annual road program.

A presentation (PowerPoint attached) regarding the annual road program was made by Ryan Kearney, the engineer who manages the Village's road program.

Assistant Village Manager Mike Braiman said the presentation to follow was informational and asked the Board for input on what questions or scenarios they wanted to run as staff prepares for the September 16 Committee of the Whole meeting. He invited Trustees to come in and meet with staff prior to that meeting to answer any questions they may have.

President Bielinski remarked that the last time the road program was deeply evaluated was in 2016 for the 2017 Budget year and that this presentation is an effort to get ahead of the process. Mr. Braiman stated that an estimated \$5 million will be spent in the road system next year.

Mr. Kearney said the presentation will cover the current state of the roads and an introduction to some of the funding scenarios, which will be further discussed at the COW meeting. Mr. Kearney outlined the agenda for the evening to include the following:

- Provide an overview of the Village roadway system
- Explain the process for determining pavement conditions
- Discuss the Village's pavement maintenance strategy
- Review the current condition as of 2019
- Outline projections for 2020 and beyond

The Village maintains 64 miles of street, made primarily of asphalt. From 1998-2008 the Village conducted an accelerated resurfacing program which resulted in a pavement condition rating of "good." However, after that time period, it was recommended the funding allocation go from \$3.1 million to \$2 million, but during the recession, that funding level was not always able to be met. Mr. Kearney said the Village use a software to determine the pavement condition and that Engineering inspects the roads every three years and assigns a pavement condition index rating (PCI). The results are logged, and engineering staff does a quality control check. He said this year the control check was consistent with the ratings.

Mr. Kearney said they take the pavement condition rating and give it a category according to that rating. They use these ratings to decide what streets to work on first. He showed pictures of Wilmette street examples depicting the different ratings.

He said there are five components to the pavement maintenance strategy: rejuvenation, crack sealing, area patching, resurfacing and reconstruction, following standards with all processes.

Ms. Berger presented the projections for 2020 and beyond. She showed a slide from 2016 wherein the overall PCI rating was a 68. She pointed out that at that time the recommendation was to spend \$2 million a year for the next ten years with the expectation that the rating may fall to a 67 or 66 and then hold flat. The trend from 2011 to 2019 shows that in 2011 the PCI was 76 but as the annual \$2 million target wasn't always being met, a decline began to where it is currently at 56. The recession affected the plan and decisions on the Board to cut back also contributed to the issue.

Ms. Berger showed the state of roads up to 2019. Forty-eight percent are in fair to better condition and 52 percent are in poor or worse condition. To resurface all the roads in serious condition in a year's time, it would cost \$9.2 million and would boost the PCI to 67. Ms. Berger said that in 2012-2014, less than a million was spent a year and thereafter, the amounts were higher but far less than the targeted \$2 million. Weather conditions are also a factor in the pavement condition. Water, freezing and thawing contribute to the pavement condition as well as the snow and plowing operations. She said using the current PCI of 56, if \$2 million is invested yearly in 2020 and beyond, the projection is to be at a PCI of 53.

Ms. Berger gave a breakdown of revenue and expenses for road maintenance. Based on 2020 recommendations to fund the engineering program, there is a \$225,000 projected deficit based on revenues. Mr. Braiman said the revenue sources are flat or decreasing.

Mr. Kearney talked about funding levels and the accelerated resurfacing program. He said that if we continue to fund at \$2 million per year, we reach an average PCI of 53; if we fund at \$2.3 million, the PCI is 57 and a service life of 30 years; funding at \$2.75 million yields a PCI of 62 with a service life of 25 years and \$3.5 million brings the PCI up to 71 with a service life of 20 years. Mr. Kearney said that regardless of funding levels, the serious condition streets would be targeted. If the funding level is low, a lower number of them would get done.

He went on to talk about the accelerated road programs. To reach a PCI of between 62 to 70, he presented three program scenarios: a one year, four year and eight year. To achieve a minimum rating of 62 to a high rating of 70, the following amounts would need to be invested up front, with

an annual maintenance program of \$2 million or more to maintain:

Level	1 Year	4 Year	8 Year
62	\$ 4.8 million	\$3.1 million	\$2.9 million
65	\$ 7.6 million	\$3.9 million	\$3.2 million
68	\$11.0 million	\$4.7 million	\$3.5 million
70	\$13.1 million	\$5.2 million	\$3.6 million

These programs would also include engineering costs of 10 percent.

Mr. Kearney said the funding options will be discussed at the Committee of the Whole meeting on September 16, 2019.

6.5 PUBLIC SAFETY STANDING COMMITTEE REPORT

All items listed on the Consent Agenda.

6.6 JUDICIARY STANDING COMMITTEE REPORT

6.61 Presentation concerning legalization of cannabis in Illinois.

Corporation Counsel Jeff Stein gave an informational presentation (PowerPoint attached) regarding the legalization of cannabis in Illinois.

Mr. Stein said the presentation only covers what the Board can act on. It does not cover the state issues that don't impact the Village. He will address the regulatory and zoning aspects the Village can control.

On January 1, 2020, anyone over 21 can possess and consume cannabis purchased from a licensed dispensary. It must be a certain potency and weight. Medical card holders can grow up to five plants.

It will still be unlawful on school grounds, school buses or in a vehicle open to the public unless it's in a sealed container. It cannot be consumed in a public place, which is defined as any place where a person could reasonably be expected to be observed by others, which would include State owned facilities or any other local unit of government and private residences used to provide licensed daycare, foster care or other similar service care on the premises or anywhere there is a declared smoke-free environment.

Public safety personnel such as police officers, corrections officers and firefighters are prohibited from consuming cannabis.

Cannabis can only be purchased from a licensed dispensary and the state will limit the numbers of dispensary licenses in a graduated manner from 2020-2022, allocated by population. Currently, there are only 60 licensed medical dispensaries in Illinois. Mr. Stein said he can only estimate that Cook County will receive the majority of those dispensaries but it's hard to tell because there is no record of what municipalities are going to ban cannabis.

Trustee Sullivan moved to extend the meeting to 11:45 p.m., seconded by Trustee Kennedy. All voted aye, the motion carried.

What Wilmette can do is look at the business regulations. There are certain standards that are in the Code that will apply. The zoning is the issue. The Village can prohibit or substantially limit cannabis dispensaries, cultivation centers, craft growers, infusers, processors, transporters, etc.) within its borders through zoning regulations.

Through the Zoning Code, Wilmette can prohibit all cannabis establishments in Wilmette or allow all uses or permit certain uses. The Village would need to determine which zoning districts would be appropriate and could make such uses special uses or enact reasonable regulations consistent with the Act. The Village may also limit the total number of establishments and create minimum distances from other sensitive establishments like schools and parks.

It would be a cash business so security issues are a consideration and can be written into the zoning regulations if cannabis establishments are permitted in Wilmette.

The state legislature allows for an additional taxation of the dispensary of up to 3% of the sales. Due to home rule, Wilmette could collect 5%.

The recommended code amendments (whether cannabis establishments are permitted or not) are to include the definitions of each type of cannabis business, and to amend the Village's own Smoke Free Ordinance as well as the Miscellaneous Offenses sections of the Village Code to be consistent with the restrictions provided for in the Act and the Village's current regulation of the use of tobacco.

Mr. Stein is also recommending a taxation ordinance (even if dormant) in case there is a change in the Act that prohibits taxation in the future. It's a protection in the event the act is changed.

The next steps are to discuss it at the next Board meeting with the introduction of the ordinances and a referral to the Judiciary Committee. The next big steps would be discussion on whether or not the Village will allow the sale of cannabis and if the Board would be interested in a referendum or moratorium.

Trustee Sullivan moved to extend the meeting to 11:55 p.m., seconded by Trustee Kennedy. All voted aye, the motion carried.

6.7 REPORTS FROM SPECIAL COMMITTEES

No Reports.

7.0 NEW BUSINESS

No Report.

8.0 MATTERS REFERRED TO STANDING COMMITTEES

8.1 Review Use Regulations in Village Commercial zoning districts.

2.0 PUBIC COMMENT

No Public Comments.

9.0 ADJOURNMENT

Trustee Sullivan moved to adjourn the meeting at 11:53 p.m., seconded by Trustee Dodd. All voted aye, the motion carried.



Karen L. Norwood
Deputy Village Clerk