



VILLAGE OF WILMETTE

1200 Wilmette Avenue
WILMETTE, ILLINOIS 60091-0040

(847) 251-2700
FAX (847) 853-7700
TDD (847) 853-7634
EMAIL wilmette@wilmette.com

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, SEPTEMBER 11, 2007.

The Village President called the meeting to order at 7:38 p.m.

Item:

1.0 ROLL CALL:

President Christopher S. Canning, Village President
Trustees Alan Swanson
Lali Watt
John Levin
Mari Terman
Karen Spillers
Mike Basil

Staff Present: Michael J. Earl, Village Manager
Timothy J. Frenzer, Corporation Counsel
Lisa Roberts, Director of Community Development

2.0 APPROVAL OF MINUTES:

2.1 Trustee Watt moved approval of minutes of the Regular Board meeting held August 28, 2007, seconded by Trustee Basil. All voted aye, the motion carried.

3.0 PETITIONS AND COMMUNICATIONS:

Gail Alexander, 2504 Lake Avenue, said she is the spokesperson for a group of area neighbors, and is requesting that the Village Board work with them to establish a permanent remedy, in the form of an amendment to the Village Code, to eliminate a long standing and persistent problem of standing water that they believe originates at 937 Illinois Road. She noted that Wilmette does not have an ordinance to address standing water on private property. She presented the Village Board with a packet of materials regarding the issue.

Robert Boxer, 3220 Temple Lane, said he had approximately 7' of water in his basement due to the recent storm event. He said he rarely had problems with flooding previously and lost many valuable items. His losses are estimated to be approximately \$15,000 - \$20,000. He wondered to what degree the loss of power and lack of generator to the Storm Water Pumping Station contributed to the water in his home. He also wondered what is being done to prevent another costly occurrence. He appreciated the prompt help he has received from Village Staff when he sent a letter to President Canning last week.

Village Manager Michael Earl said before the storm the Municipal Services Committee received a report from a consultant that offered several improvements to the internal electrical system at the Storm Water Pump Station and suggested that the Village consider purchasing a back up generator that would cost approximately \$1.4 million. The Municipal Services Committee reviewed the report and, given the high cost, requested staff work with Commonwealth Edison to see if there was a less costly option such as alternative feed source. Village Staff is in the process of working with ComEd on this issue.

President Canning added the Governor of Illinois has declared Cook County as a disaster area to start the process of applying for aid. Federal Emergency Management Agency (FEMA) has already toured the Village and will have to make an initial assessment of all the damage in the area and surrounding areas. If disaster relief is received by the Federal Government, it will be released to the State and distributed by them.

Tom Thong, 400 Lavergne, said his basement was flooded during the storm and he lost everything in the basement which totaled approximately \$20,000. His home is located at the end of the street and the water builds up at the end of the street and flows over the curb into his garage and then into his home. His driveway slopes approximately 45 degrees down to the garage. He asked if Village staff could review the street to see if anything could be done to help his situation. Village staff will review and advise Mr. Thong.

Barb Clayton, 1321 Maple, complimented the Village on the excellent clean up job after the storm. She was very impressed with the crews and how well everything was managed.

4.0 REPORTS OF OFFICERS:

Village Manager Michael Earl said the Public Works Department did a wonderful job in cleaning up the community as quickly as possible. A second pass through the Village has been completed. The focus is on checking for hanging branches and limbs and to pick up tree debris. A third and final pass through the Village will be completed by the end of the week. Tree stump removal will begin this week and continue through next month. Village staff has been meeting with federal and state emergency management officials as the Village has incurred storm related expenses of approximately \$2 million dollars.

Mr. Earl said on Monday, September 14, 2007 from 7:00 – 8:30 p.m. the Village will be holding a Village Hall Open House/ New Resident Reception at Village Hall and everyone is welcome to attend.

4.1 Consent Agenda. Trustee Watt removed items 6.11 and 6.192. Trustee Watt moved approval of the Consent Agenda as follows:

- 6.12 Minutes, Plan Commission.
- 6.13 Minutes, Plan Commission.
- 6.14 Minutes, Appearance Review Commission.
- 6.15 Temporary Use Permit #2007-TU-40 for temporary school trailers to be placed at 2041 Elmwood for twelve months.
- 6.16 Temporary Use Permit #2007-TU-41 for the Plaza del Lago Fall Fest to be held on October 13, 2007 at 1515 Sheridan Road.
- 6.17 Temporary Use Permit #2007-TU-42 for St. Joseph and St. Francis Schools Homecoming Football Game Event to be held on September 21, 2007 at Howard Park.
- 6.18 ARC Report, Case #07-AR-15, 1255 Green Bay Road, Fifth Third Bank regarding a request for a sign variation to install a wall sign on the building's south elevation, which does not have street frontage.
- 6.19 ZBA Report, 124 16th Street, Case #2007-Z-34 regarding a request for a variation to permit the construction of a new detached two car garage in accordance with the plans submitted; adoption of Ordinance #2007-O-68.
- 6.191 ZBA Report, 1243 Gregory Avenue, Case #2007-Z-36 regarding a request for a variation to permit the construction of an addition to a legal nonconforming structure in accordance with the plans submitted; adoption of Ordinance #2007-O-69.

- 6.21 Presentation of the July 31, 2007 Revenue and Expense Report.
- 6.22 Presentation of the July 31, 2007 Treasurer's Report of Cash Receipts and Disbursements.
- 6.23 Presentation of the July 31, 2007 Cash and Investments Summary.

- 6.31 Minutes, Ad Hoc West Village Center Parking Advisory Group.
- 6.32 Adoption of Ordinance #2007-O-51 regarding the disposal of surplus Village owned electronic equipment.
- 6.33 Approval of contract renewal, Tyler Technologies, Inc., Dallas, TX for annual licensing and support services for the MUNIS municipal application.

- 6.41 Approval of contract, Omni Pump Repairs, Inc., Franklin Park, IL for carbon mixer replacements at the Water Plant.

- 6.42 Adoption of Resolution #2007-R-38 authorizing an easement agreement with the Metropolitan Water Reclamation District of Greater Chicago for a sanitary sewer service for the Wilmette Harbor utility shed.
- 6.43 Approval of Amendment No. 1 to the Local Agency Agreement for Federal Participation for engineering design services for the Sheridan Road Reconstruction Project.
- 6.44 Approval of contract, Lund Industries Inc., for police car equipment installation.
- 6.45 Approval of contract, St. Aubin Nursery, Kirkland, IL; Mike Greco Landscaping Inc., Gurnee, IL; Arthur Weiler Nursery, Zion IL, and Breezy Hill Nursery, Salem WI for tree planting.

- 6.51 Minutes, Emergency Telephone System Board.
- 6.52 Minutes, Public Safety Committee.

- 6.61 Adoption of Ordinance #2007-O-61 amending the Village Code smoking regulations to coordinate Village regulations with the new Smoke Free Illinois Act.
- 6.62 Adoption of Ordinance #2007-O-63 for amendments to the Class L Liquor License, Village Code, Chapter 11 (Liquor Control Ordinance) to permit the sale of certain specialty beers in up to 10% of its retail space.

- 8.1 Notice of vacancy, Senior Resources Commission.
- 8.2 Notice of vacancy, Commission for Persons with Disabilities.
- 8.3 Notice of vacancy, Commission for Persons with Disabilities.
- 8.4 Notice of vacancy, Community Relations Commission.
- 8.5 Notice of vacancy, Community Relations Commission.
- 8.6 Notice of vacancy, Senior Resources Commission.
- 8.7 Notice of vacancy, Senior Resources Commission.
- 8.8 Notice of vacancy, Appearance Review Commission.
- 8.9 Notice of vacancy, Community Relations Commission.
- 8.91 Notice of vacancy, Historic Preservation Commission.
- 8.92 Notice of vacancy, Youth Commission.
- 8.93 Notice of vacancy, Youth Commission.
- 8.94 Notice of vacancy, Commission for Persons with Disabilities.
- 8.95 Notice of vacancy, Board of Health.
- 8.96 Notice of vacancy, Board of Health.
- 8.97 Notice of vacancy, Housing Commission.
- 8.98 Notice of vacancy, Historic Preservation Commission.
- 8.99 Notice of vacancy, Housing Commission.
- 8.991 Reappointment, Youth Commission.

- 9.1 Recommendation of reappointment, Historic Preservation Commission.
- 9.2 Recommendation of reappointment, Fine Arts Commission.

Trustee Terman seconded the motion. Voting yes: Trustees Swanson, Watt, Levin, Terman, Spillers, Basil and President Canning. Voting no: none. The motion carried.

4.2 Recognition of Bud Riley for his service on the Bicycle Task Force.

President Canning thanked Mr. Riley for his service, summarized his accomplishments while on the Bicycle Task Force and presented him with a plaque of appreciation.

4.3 Presentation of New Trier Township Alliance for Youth (TAFY) report from Youth Commission.

Joe Feldman, Chair of the Youth Commission, said over 7,000 copies of the report will be distributed. He thanked the Trustees for their support of the report.

Trustee Watt said she is very appreciative of the work that the Youth Commission has done through the years.

4.4 Request for extension of Local Disaster Declaration to September 25, 2007.

Corporation Council Timothy Frenzer noted that the previous Local Disaster Declaration was only in effect for seven days and it is being recommended that the Declaration be extended to September 25, 2007 as there is still a considerable amount of work going on in the Village.

Trustee Terman moved to extend the Local Disaster Declaration to September 25, 2007, seconded by Trustee Watt.

Voting yes: Trustees Swanson, Watt, Levin, Terman, Spillers, Basil and President Canning. Voting no: none. The motion carried.

5.0 REPORT OF THE LIQUOR CONTROL COMMISSIONER:

No Report.

6.0 STANDING COMMITTEE REPORTS:

6.1 LAND USE COMMITTEE REPORT:

President Canning asked to move item 6.193 for discussion after item 6.197.

6.11 Presentation of minutes of the Plan Commission meeting held July 17, 2007.

Trustee Swanson noted the Trustee Watt removed the item from the Consent Agenda.

Trustee Watt said she would prefer to have the case minutes attached to the actual minutes document when presented, rather than having to request the case minutes from the case file.

Trustee Terman agreed with Trustee Watt's comments.

6.12 Presentation of minutes of the Plan Commission meeting held July 31, 2007 was handled with the Consent Agenda.

6.13 Presentation of minutes of the Plan Commission meeting held August 7, 2007 was handled with the Consent Agenda.

6.14 Presentation of minutes of the Appearance Review Commission meeting held August 6, 2007 was handled with the Consent Agenda.

6.15 Approval of Temporary Use Permit #2007-TU-40 for temporary school trailers to be placed at 2041 Elmwood for twelve months was handled with the Consent Agenda.

6.16 Approval of Temporary Use Permit #2007-TU-41 for the Plaza del Lago Fall Fest to be held on October 13, 2007 at 1515 Sheridan Road was handled with the Consent Agenda.

6.17 Approval of Temporary Use Permit #2007-TU-42 for St. Joseph and St. Francis Schools Homecoming Football Game Event to be held on September 21, 2007 at Howard Park was handled with the Consent Agenda.

6.18 Appearance Review Commission Report, Case #07-AR-15, 1255 Green Bay Road, Fifth Third Bank regarding a request for a sign variation to install a wall sign on the building's south elevation, which does not have street frontage.

The request was handled with the Consent Agenda for a sign variation to install a wall sign on the building's south elevation, which does not have street frontage.

- 6.19 Zoning Board of Appeals Report, 124 16th Street, Case #2007-Z-34 regarding a request for a 134.0 square foot (13.4%) rear yard structure impervious surface coverage variation to permit the construction of a new detached two car garage in accordance with the plans submitted; adoption of Ordinance #2007-O-68.

The request was handled with the Consent Agenda for a 134.0 square foot (13.4%) rear yard structure impervious surface coverage variation to permit the construction of a new detached two car garage in accordance with the plans submitted. Ordinance #2007-O-68 was adopted with the Consent Agenda, authorizing the variations of this case.

- 6.191 Zoning Board of Appeals Report, 1243 Gregory Avenue, Case #2007-Z-36 regarding a request for a 1,651.09 square foot (18.98%) total floor area variation to permit the construction of an addition to a legal nonconforming structure in accordance with the plans submitted; adoption of Ordinance #2007-O-69.

The request was handled with the Consent Agenda for a 1,651.09 square foot (18.98%) total floor area variation to permit the construction of an addition to a legal nonconforming structure in accordance with the plans submitted. Ordinance #2007-O-69 was adopted with the Consent Agenda, authorizing the variations of this case.

- 6.192 Zoning Board of Appeals Report, 1227 Greenwood Avenue, Case #2007-Z-37 regarding a request for a 120 square foot (1.07%) total floor area variation, a 2.27' front yard porch setback variation, and a 4.27' front yard porch steps setback variation to permit the construction of a front porch addition to an existing nonconforming single family home in accordance with the plans submitted and amended by a 2' reduction on the width of the porch; adoption of Ordinance #2007-O-70.

Trustee Swanson moved to grant a request for a 120 square foot (1.07%) total floor area variation, a 2.27' front yard porch setback variation, and a 4.27' front yard porch steps setback variation to permit the construction of a front porch addition to an existing nonconforming single family home in accordance with the plans submitted and amended by a 2' reduction on the width of the porch, seconded by Trustee Spillers.

Trustee Watt asked how the request for the porch was minimized. She also noticed several comments in the Zoning Boards of Appeals (ZBA) report regarding unused attic space and asked how that related to the variation.

Peter Broccolo, petitioner, said his home was built in 1912 and he is trying to maintain the front porch as the house was previously preserved through renovations. He said the hardship is that all the floor area ratio (FAR) is in the attic space and is not usable.

Trustee Watt asked if the petitioner were to rebuild the porch exactly were it currently is, would that have been allowed without a variation.

Ms. Roberts said the petitioner would have been able to rebuild the porch exactly as is if they did not have the FAR issues.

Trustee Watt said the Land Use Committee is reviewing hardship issues for variations. She is struggling to see that the hardship for this case is being met.

Trustee Swanson said the floor area of the proposed porch itself seems to be a little more than double of the existing porch.

Mr. Broccolo said the attic area is used for storage space. The attic ceiling was renovated which essentially increased the floor area ratio of the house which causes him to request a variation.

Susie Creevy, SOC Design, said she believes the hardship is the existing space in the attic. She has tried to work within the Village's regulations for the design of the proposed porch.

Trustee Levin said if the Village wants to encourage residents to keep older homes, then they have to be remodeled. The Village does not want to put burdens in the way to remodel.

Trustee Terman said she noted the petitioner has reduced the request by almost 50% and believes that is a good faith effort to minimize the request.

Trustee Spillers complimented the petitioner on the porch, and said she supports the application.

Trustee Basil thanked the petitioner for investing in his home and improving the neighborhood.

President Canning said he believes the unusable attic space drives the variation more so than the proposed porch. He supports the application.

Voting yes: Trustees Swanson, Watt, Levin, Terman, Spillers, Basil and President Canning. Voting no: none. The motion carried.

Trustee Swanson moved adoption of Ordinance #2007-O-70 authorizing the variations of this case, seconded by Trustee Terman.

Voting yes: Trustees Swanson, Watt, Levin, Terman, Spillers, Basil and President Canning. Voting no: none. The motion carried.

6.194 Appearance Review Commission Report, Case #07-AR-16, 3501 Lake Avenue, Shell Oil Company regarding a request for 6 square feet sign variation, a variation to install more than one permanent sign per street frontage and a variation to install a sign which does not have street frontage.

Trustee Swanson moved to grant a request for 6 square feet sign variation, seconded by Trustee Spillers.

Trustee Swanson moved to grant a request for a variation to install more than one permanent sign per street frontage, seconded by Trustee Watt.

Trustee Swanson moved to grant a variation to install a sign which does not have street frontage, seconded by Trustee Watt.

President Canning asked the petitioner to review all the requests but noted they would be voted on individually.

Ron Ambrose, Warren Johnson Architects, said they are asking to install two signs on the canopy facing east and west. Currently there are no signs on the canopy and the station is being renovated. The signs would be illuminated and the wording would just say "Shell" to identify the station. He said to reduce the proposed sign that is 6 square feet would be costly as 6 feet is a standard size for signs and they would have to order a more expensive customized sign for anything smaller.

Trustee Swanson asked if the variation was related to the base of the 6' sign.

Mr. Ambrose said initially he requested a monument sign but the base of the sign is included in the required square footage of the sign.

President Canning noted other signs in the area have a base and asked if they could not have the same type of sign.

Mr. Ambrose said the base to support the 6' sign would require a larger variation than they are currently asking for.

Trustee Watt asked if the sign on the west would be visible to Lake Avenue.

Mr. Ambrose said Shell always has two signs on a canopy and the signs would be visible on Lake Avenue.

Trustee Watt said she was concerned about the illuminated sign shining into windows of the apartment building on the west side of the Shell Station.

Mr. Ambrose said the sign meets the light requirements at the property line.

Trustee Watt noted that a resident said they did not receive notification for the hearing before the Zoning Board of Appeals.

Ms. Roberts said Mr. Ambrose brought the certified mail receipts from the ZBA notices sent and there is a signed receipt from that specific resident that said he did receive notice.

Trustee Watt asked if notice to the neighbors is required if there is a preliminary review meeting.

Ms. Roberts said notice is not typically required for a preliminary review hearing but staff does recommend it before the case goes to the ZBA. The preliminary review is intended to be a workshop for the applicant, there is no formal action or vote taken.

Corporation Counsel Timothy Frenzer said the Appearance Review Commission meeting notice and agenda is posted but there is no personal service mail for the preliminary hearing.

Trustee Watt asked if there were variations for other gas stations in the area.

Ms. Roberts said Starbucks and Hong Kong Auto did receive sign variations but she did not know about other gas stations in the area.

Mr. Ambrose said gas stations have a standard sized sign as they put on the company's name and the gas prices.

Trustee Terman asked who would pay for the sign.

Mr. Ambrose said the corporation pays for the signs.

Trustee Terman asked if the Shell sign at Ridge Road and Wilmette Avenue was comparable to the proposed sign.

Michelle Knapp, Shell Oil Company, said she believes the existing shell signs in the area have twin pole signs and are 6'x 6'. She said the proposed sign is the smallest that Shell has proposed.

President Canning asked if Shell would consider a monument sign that would need a larger variation.

Mr. Knapp said yes they would consider a monument sign.

Trustee Watt asked if a monument sign would block the view for traffic.

Mr. Ambrose said the sign is proposed to sit back five feet from the property line and with the public right of way included in the set back, it would be set back from the street approximately 20'.

Trustee Spillers asked if traffic activity played a part in determining the size and height of a sign.

Ms. Knapp said they try to meet Code with all their signage.

Trustee Swanson said he would prefer to see a ground mounted sign similar to other signs in the area.

President Canning said he concurs with Trustee Swanson.

Ms. Knapp said she would prefer to go ahead with the proposed signage.

Trustee Watt said she would also prefer a monument sign.

Voting yes on the request for 6 square feet sign variation: Trustees Swanson, Watt, Levin, Terman, Spillers, Basil and President Canning. Voting no: none. The motion carried.

Voting yes on the request for a variation to install more than one permanent sign per street frontage: Trustees Swanson, Watt, Levin, Terman, Spillers, Basil and President Canning. Voting no: none. The motion carried.

President Canning asked for comment on the request for a variation to install a sign which does not have street frontage.

Trustee Swanson asked if the canopy was lit to the same degree with or without the signage.

Mr. Ambrose said yes.

Trustee Watt asked whether the canopy would be seen by traffic on Lake Avenue as there is an apartment building to the west.

Mr. Ambrose provided a site plan that was included during the ZBA process that showed the location of the sign in relation to the apartment building to the west. The Shell sign would be seen on the west side of the building due to the green space of the apartment building.

Trustee Swanson said he believes the canopy would be visible to traffic traveling east on Lake Avenue.

Voting yes on the request for a variation to install a sign which does not have street frontage: Trustees Swanson, Watt, Levin, Spillers, Basil and President Canning. Voting no: Trustee Terman. The motion carried.

6.195 REMOVE FROM TABLE - Plan Commission Report, 464 Highcrest Drive, Case #2007-P-04 regarding a request for tentative plat approval for a two lot consolidation.

Trustee Swanson moved to remove item 6.195 from the table, seconded by Trustee Levin. All voted aye, the motion carried.

President Canning noted the request received a positive recommendation from the Plan Commission.

Trustee Watt said she clarified with Ms. Roberts earlier that if the lot were to be subdivided in the future, the driveway would have to be redone to come into compliance with the Village Code.

President Canning noted that there was no one present to speak for or against the case.

Voting yes on the request for tentative plat approval for a two lot consolidation: Trustees Swanson, Watt, Levin, Terman, Spillers, Basil and President Canning. Voting no: none. The motion carried.

- 6.196 Zoning Board of Appeals Report, 603 Central Avenue, Case #2007-Z-5 regarding a request for a 4.44' roof projection height variation to permit the retention of 6 solar panels on a detached garage in accordance with the plans submitted; adoption of Ordinance #2007-O-67.

Trustee Swanson moved to grant a request for a 4.44' roof projection height variation to permit the retention of 6 solar panels on a detached garage in accordance with the plans submitted, seconded by Trustee Watt.

Fred Wilson, Morgante-Wilson, Architects, architect for the petitioner, reviewed the case as presented in the Zoning Board of Appeals report. He noted that as well as the Village of Wilmette, Highland Park, Glencoe, Winnetka and Glenview do not have any ordinances regarding solar panels. He said the Village government vision statement respects the environment and supports environmental initiatives and suggested the Village Board consider making changes to building codes that reflect sensitivity to the environment.

President Canning asked if the third garage design in the report is fully conforming in height and floor area and meets the needs of the home owner.

Mr. Wilson said yes it does.

Trustee Swanson said the Land Use Committee is currently reviewing solar panel issues. He asked if any adjustments had been made to the current solar panels.

Mr. Wilson said he has not adjusted the solar panels at the request of the Village. His client is willing to adjust the solar panels to help alleviate the glare of the panels to the neighbors.

Trustee Swanson asked if solar panels are adjusted according to the time of the year.

Brandon Leavitt, Solar Services, said his company was contracted to install the solar panels for the petitioner, and noted there have been seven systems installed in the Village of Wilmette since 1982. They have installed several hundred solar panel systems in surrounding areas.

Trustee Swanson said if the panels are adjusted to tilt downward, will that reduce the variation that is being requested.

Mr. Leavitt said there is flexibility allowed for aesthetics and they can drop the panels approximately three inches to prevent glare to the neighbors.

Mr. Wilson said the variation they are actually asking for is 3' 10 ½ inches rather than the 4'4" as mentioned in the request.

President Canning asked Ms. Roberts to clarify the variation amount that is being asked for.

Ms. Roberts said staff calculated the variation amount from the diagrams received from Mr. Wilson.

Mr. Wilson said they amended the variation request at the Zoning Board of Appeals meeting as found on page 6 of the Zoning Board of Appeals report.

Mr. Leavitt said smaller solar panels would not provide enough energy to justify the solar panels.

Trustee Watt said she does not have a problem with the solar panels but asked why a permit was not applied for to install the solar panels on the petitioner's garage.

Mr. Leavitt said he was a subcontractor and assumed a solar panel permit had been applied for with the original plans for the garage permit.

Trustee Watt asked if there are specifications in the building or electrical code for installing solar panels.

Mr. Leavitt said he is not aware of any specific codes except for plumbing codes that protect the public health in terms of water. His company does show in plans to the Village how the solar panels are attached. The panels are built and attached according to the Florida Hurricane Code.

Trustee Swanson said there must be some requirement for wind loading on attachments or projections off the structure.

Mr. Wilson said he follows the international building code in the structural plans. They believe that they are still below the height allowed for a garage.

Trustee Terman said she believes it is very important to apply for permits as the Village does not want to impose a burden of nuisance on neighbors or the community as a whole.

Trustee Spillers said if the neighbors to the south were to put solar panels on their garage, would there be a problem.

Mr. Leavitt said the neighbors to the south would be able to install solar panels on their garage also.

Trustee Spillers asked if solar panels would be encouraging the removal of trees.

Mr. Leavitt said he did not expect that to happen and did not believe any trees were removed for the installation of the petitioner's solar panels.

Trustee Basil asked what would happen if a tree grew and blocked the solar panels.

Mr. Leavitt said the State of Illinois does not give a right to the sun.

Trustee Basil asked if the solar panels could be adjusted to accommodate the neighbor's request.

Mr. Wilson said he would have to create a larger garage structure to tilt the panels back another four degrees.

Trustee Basil said he is sympathetic to the cost issue but he said it was really a consequence to building the panels and asking permission later.

Mr. Wilson said he routinely applies for permits but he did not think to address the solar panels as the garage was going to be built below the required height. He also noted the garage is in the back of the home facing the alley.

Trustee Basil asked if Mr. Wilson would like to see solar panels on the front of a home.

Mr. Wilson said he does not have an aesthetic answer for solar panels but in the future more solar panels will be used on homes. He would rather see solar panels adhered to the roof on the front of a home.

Trustee Terman said she has also seen solar panels installed in a yard which should also be addressed by the Land Use Committee.

Trustee Watt noted that there are no regulations regarding aesthetics for homes as people do not agree on what is attractive or not attractive.

Trustee Basil said there are also tanks mounted on the roof for energy.

Mr. Leavitt said tanks for energy saving are usually found in southern climates and he does not believe it applies to the case tonight.

President Canning said Trustee Basil is trying to establish facts to vote on a case that could set precedent. The petitioner did not have a permit for the solar panels and the project was new construction. The Village Board does not typically grant variations for new construction.

Trustee Basil said his concern is the projection of the solar panels on the roof and building without a permit.

Julie Zielke, petitioner, said it was her intent to built a lovely home that was energy efficient. They chose to put the solar panels on the garage as they did not fully understand how solar panels needed to be installed when the house was built. The State and Federal governments also provide monetary incentives to build energy efficient homes. She would never knowingly have entered into the process of building a home and garage without applying for a permit. When the neighbors showed them the glare from the solar panels, they called the architect to adjust the panels to address the glare issue.

Trustee Basil complimented Ms. Zielke on creating a beautiful home. He does not believe the Zielke's intentionally tried to create an issue by building first and asking questions later. The problem with the request is that it potentially creates a precedent.

Robert Widlandski, 622 Greenleaf, said he hoped the Village would consider in future code regulations the encouragement of solar panels for the environment.

Mark Kramers, 430 Laurel, said he is thrilled that the solar panels were installed in the Zielke's home as he believes in the use and need of renewable energy.

Barb Clayton, 1320 Maple, asked if a permit was required to install solar panels.

President Canning said a permit is required.

Trustee Swanson said he believes the matter is not simple due to setting precedent. He lives a few blocks away from the Zielke's home and does not have an issue with the solar panels. He believes Mr. Wilson and the Zielke's made a simple mistake in not applying for a permit and he is moved by the fact that they are willing to make the adjustment to the panels to accommodate the neighbors and lose some of the energy they would be saving. He is in favor of the request and believes there is an urgency for the Village Board to set regulations regarding solar panels.

Trustee Watt said the lack of permit bothers her but the required variations do not. This is because they could have built a taller, legal garage within the zoning rules, mounted the panels to the roof, and been in compliance. The solar panels do comply with the rules but there was not a permit to install them. The solar panels are an investment in the community and the future of the environment. She hopes the Land Use Committee will set guidelines soon regarding the installation of solar panels. She is in favor of the request as it supports the environment.

Trustee Levin said he has nothing to add at this time.

Trustee Terman agrees with her fellow Trustee's comments. She believes the urgency to create a formal code will over ride precedent and will give the Village Board an opportunity to exert control of the regulations.

Trustee Spillers said she appreciates the fact that the Board has learned a lot about solar panels and that there is a dire need for solar energy. She agrees with the comment from the ZBA report that states Ms. Dalman said “she was concerned that this could set a precedent for anything that is deemed to be of a higher social value by an applicant”. She does not believe it is up to an individual to decide that, that is why a Village Board is elected. She cannot support the request.

Trustee Basil said he does not believe the ends justify the means. The request is not offensive, he does not believe the solar panels were installed without a permit intentionally but the Village Board has a responsibility to all the residents in the Village. The problem for him is that he does not want to create a precedent and can not support the request.

President Canning said Mr. Wilson created a beautiful home and he is a brilliant and thoughtful architect. He is intrigued by Mr. Wilson’s arguments in support of solar panels. He does not believe there was intent by the petitioner to build the solar panels without a permit. He goes back to the standards of variation and does not believe the standards for a variation have been met. There is a conforming way to build the garage, so the hardship has not been met. The issues of solar technology are very interesting and will be used in the future. He does not support the application.

Voting yes: Trustees Swanson, Watt, Levin and Terman.

Voting no: Trustees Spillers, Basil and President Canning. The motion carried.

Trustee Swanson moved to adopt Ordinance #2007-O-67, seconded by Trustee Watt.

Voting yes: Trustees Swanson, Watt, Levin, Terman and President Canning.

Voting no: Trustees Spillers and Basil. The motion carried.

President Canning declared a recess.

President Canning brought the meeting back to order eight minutes later.

6.197 REMOVE FROM TABLE - Zoning Board of Appeals Report, 1314-1318
Wilmette Avenue, Case #2006-Z-74 regarding a request for a special use for a townhouse with more than four units in a building, a special use to permit more than one townhouse building on a lot and a special use to permit five townhouse units not fronting on a street all to allow the construction of seven townhomes in two buildings in accordance with plans submitted. The use shall run with the use; adoption of Ordinance #2007-O-58.

Trustee Swanson moved to remove Case #2006-Z-74 from the table, seconded by Trustee Levin. All voted aye, the motion carried.

Trustee Swanson noted the item was previously discussed at a Village Board meeting and referred to the Land Use Committee. The Land Use Committee discussed a contribution to the Affordable Housing Fund and concluded that the applicant would be coming to the Village Board with a \$15,000 contribution to the Affordable Housing Fund.

James Murray, attorney for the petitioner, said his client suggested the \$15,000 contribution due to the comments from the previous Village Board meeting and the Land Use Committee meeting. His clients believed that the matter would be better postured if they entered into a positive or proactive approach to affordable housing. After several minutes of discussion and negotiations with the Land Use Committee, a proposal was made in response to an offer of a \$15,000 contribution to the Affordable Housing Fund. He asked that in the consideration of the request for special uses, that the Village Board grant the request.

Trustee Basil said the property that the petitioner has proposed for development is in the R2 district. The Affordable Housing Ordinance applies to the NR, VC, GC1 and GC2 districts. The ordinance does not apply to the petitioners' property or to townhomes. He asked if Mr. Murray considered the \$15,000 voluntary if the approval of the application is conditioned upon making a payment.

Mr. Murray said he believes it is questionable if the Village Board can impose the condition of a voluntary contribution but believes the Village Board can accept the proposal of the developer to voluntarily contribute to the Affordable Housing Fund.

Trustee Basil said having read the Affordable Housing Ordinance, it does not state that there is a requirement to build affordable housing or make a contribution.

Mr. Murray said he is fully aware of that as are his clients. It is his position and his client's position, that the proposed development is a project that deserves to be constructed.

Peggy Smith, 1322 Wilmette Avenue, said she has found the process disturbing. There is no legal requirement for the petitioner to make the contribution but the only way the petitioner will receive the permit is to negotiate a contribution. She respectfully believed that coercing a payment is an abuse of power. If it is a policy to have an affordable housing fund, then every resident should contribute to the fund. She encouraged the Village Board to make future meetings regarding affordable housing available to the public.

Maurgerite McKenna, 527 Linden, said it is her understanding that there is no State Mandate or Village Ordinance that requires a townhome development, such as the proposed request, to provide an affordable housing unit or contribution to the fund. She does not believe it is legal to require a contribution to receive a permit. She believes the special use request should be considered on its own merit.

Mary Lyman, 630 Eighth Street, said taxes are going up in the Village and the Village Board should concentrate on keeping residents that are already here rather than focusing on affordable housing. She believes bringing in the proposed townhome development will increase traffic downtown and thus increase the tax base.

Lucine Narsesian, 531 Linden, said she finds it troubling that after a lengthy discussion regarding the special use, the matter was tabled to consider a contribution to the Affordable Housing Fund even though there is no ordinance requiring a contribution. She believes the proposed development will enhance the community. She encouraged the Village Board to be cautious on the affordable housing issue as it needs to be equitable for all.

Emily Rabjons, 314 14th Street, said she does not believe the request for a special use should be based on an affordable housing contribution.

Mary Lawler, 604 Lawler, said she is offended that the affordable housing issue was raised in the request for a townhome development. The Village Board should not be seeking contributions from people, the project should be addressed on its own merits.

Sam Gambacorta, 464 Highcrest, asked the Village Board to consider that potentially many properties in the area could also be developed for townhomes if the proposed project is approved.

Mr. Murray asked the Village Board to grant a positive recommendation for the petitioner's request with or without the affordable housing voluntary contribution.

President Canning noted there is not an amendment to the original motion regarding a contribution to the Affordable Housing Fund.

Trustee Swanson asked if there is a reference in the Affordable Housing Ordinance that suggests that applicants may consider contributing to the Affordable Housing Fund.

Corporation Counsel Timothy Frenzer said the current Affordable Housing Plan that was adopted in 2004 does call for an Affordable Housing consultation but it excludes the R2 Zoning District and is applicable only to multi-family housing which is defined as a multi-story apartment building.

Trustee Swanson said he has given a lot of consideration to the request and believes that a contribution to the Affordable Housing Fund is absolutely appropriate. However, he believes the intent is that the contribution should be voluntary and hopes the applicant sees the merits of making a contribution to affordable housing but he is not willing at this time to make it a contingency of approval.

Trustee Watt said she intends to vote against the request. She does not think a voluntary contribution is appropriate, she believes there should be regulations on any type of multi-family housing regarding affordable housing.

Trustee Basil said the current law does not imply that any voluntary contribution, mandatory contribution, or building an affordable unit be applied to an R2 property development. He is in favor of the request.

Trustee Levin said the Village has accepted money from developers towards affordable housing and it is not unlawful to accept the money nor is the Village Board prohibited from discussing with developers a contribution to show a developer's interest in affordable housing.

Trustee Terman said she would like to reaffirm what Mr. Murray said “to affirm the value of affordable housing for the community in the future” and if a voluntary contribution is made as an affirmation of that value, she believes that has merit.

Trustee Spillers said she believes previous discussions regarding affordable housing contributions have been discussed at the beginning of the process with other developers but that is not the case with this developer.

President Canning said affordable housing discussion occurred at various times in previous processes for development and was dictated by how the process developed.

Voting yes: Trustees Swanson, Levin, Terman, Spillers, Basil and President Canning. Voting no: Trustee Watt. The motion carried.

Trustee Swanson moved adoption of Ordinance #2007-O-58, seconded by Trustee Basil.

Voting yes: Trustees Swanson, Levin, Terman, Spillers, Basil and President Canning. Voting no: Trustee Watt. The motion carried.

6.193 Approval of Resolution #2007-R-39 establishing annual income standards as referenced in the Zoning Ordinance definition of housing for the elderly and/or persons with disabilities.

Trustee Swanson moved approval of Resolution #2007-R-39 establishing annual income standards as referenced in the Zoning Ordinance definition of housing for the elderly and/or persons with disabilities.

Trustee Swanson said during discussions of affordable housing last year, the Finance Committee said that the existing ordinance refers to a standard of what constitutes affordable for the elderly and people with disabilities and makes reference to resolutions that will be passed in that regard. He does not believe there is a resolution that exists so the Finance Committee sent the item to the Land Use Committee to establish the annual income standards as referenced in the Zoning Ordinance definition of housing for the elderly and/or persons with disabilities. He said the Land Use Committee sent the matter back to the Finance Committee who are now recommending the proposed Resolution.

Trustee Watt said some months ago there was a lengthy discussion about the development of four townhouse units at 1323 Central Avenue which was denied. The developer has since expressed interest in developing housing for elderly and disabled. The current ordinances do not have definitions for the elderly and/or disabled and the matter came back to the Finance Committee who had a discussion and decided that the definition should parallel the definition for anybody on a limited income.

Trustee Basil said the section of the Zoning Ordinance that defines housing for the elderly and/or persons with disabilities is 20 + years old and pre-dates any discussion in the community about the larger scope of affordable housing. Since the 20+ years that the provision has been in the Zoning Ordinance, the Village Board has enacted a community wide policy on affordable housing. The Village Board now has the ability to promote affordable housing regardless of whether one is disabled or elderly. Instead of adopting the proposed Resolution, he would like to move the process forward to strike the underlying language in the Zoning Ordinance, eliminating any means testing for the construction of housing for the elderly or persons with disabilities.

Corporation Counsel Timothy Frenzer said Trustee Basil's motion is suggesting a text amendment to the Zoning Ordinance which would require the appointment of a Special Zoning Committee and posting of a notice of public hearing and the actual introduction of an Ordinance.

Trustee Basil moved to appoint a Special Zoning Committee and table further consideration of the proposed language.

Trustee Levin said he would suggest tabling the motion and suggested a review of the Zoning Ordinance.

President Canning said he believes Trustee Basil is suggesting that taking the language as proposed will mix the affordable plan with the housing for the elderly and/or persons with disabilities.

Trustee Basil said the Zoning Ordinance was created without reference or information to the 2004 Affordable Housing Ordinance which is causing confusion and he is suggesting a referral to a special committee.

Trustee Basil moved to table the item, seconded by Trustee Terman.

Voting yes: Trustees Swanson, Levin, Terman, Spillers, Basil and President Canning. Voting no: Trustee Watt. The motion carried.

6.2 FINANCE COMMITTEE REPORT:

- 6.21 Presentation of the July 31, 2007 Revenue and Expense Report was handled with the Consent Agenda.
- 6.22 Presentation of the July 31, 2007 Treasurer's Report of Cash Receipts and Disbursements was handled with the Consent Agenda.
- 6.23 Presentation of the July 31, 2007 Cash and Investments Summary was handled with the Consent Agenda.

6.3 ADMINISTRATION COMMITTEE REPORT:

- 6.31 Presentation of minutes of the Ad Hoc West Village Center Parking Advisory Group held May 14, 2007 was handled with the Consent Agenda.
- 6.32 Adoption of Ordinance #2007-O-51 regarding the disposal of surplus Village owned electronic equipment was handled with the Consent Agenda.
- 6.33 Approval of contract renewal in the amount of \$65,724.38 with Tyler Technologies, Inc., Dallas, TX for annual licensing and support services for the MUNIS municipal application was handled with the Consent Agenda.

6.4 MUNICIPAL SERVICES COMMITTEE REPORT:

- 6.41 Approval of contract in an amount not to exceed \$56,813 with Omni Pump Repairs, Inc., Franklin Park, IL for carbon mixer replacements at the Water Plant was handled with the Consent Agenda.
- 6.42 Adoption of Resolution #2007-R-38 authorizing an easement agreement with the Metropolitan Water Reclamation District of Greater Chicago for a sanitary sewer service for the Wilmette Harbor utility shed was handled with the Consent Agenda.
- 6.43 Approval of Amendment No. 1 to the Local Agency Agreement for Federal Participation for engineering design services for the Sheridan Road Reconstruction Project was handled with the Consent Agenda.

- 6.44 Approval of contract in the amount of \$11,708.25 with Lund Industries Inc., for police car equipment installation was handled with the Consent Agenda.
- 6.45 Approval of contract not to exceed \$61,045 with St. Aubin Nursery, Kirkland, IL; Mike Greco Landscaping Inc., Gurnee, IL; Arthur Weiler Nursery, Zion IL, and Breezy Hill Nursery, Salem WI for tree planting was handled with the Consent Agenda.

6.5 PUBLIC SAFETY COMMITTEE REPORT:

- 6.51 Presentation of minutes of the Emergency Telephone System Board meeting held August 28, 2007 was handled with the Consent Agenda.
- 6.52 Presentation of minutes of the Public Safety Committee meeting held August 27, 2007 was handled with the Consent Agenda.

6.6 JUDICIARY COMMITTEE REPORT:

- 6.61 Adoption of Ordinance #2007-O-61 amending the Village Code smoking regulations to coordinate Village regulations with the new Smoke Free Illinois Act was handled with the Consent Agenda.
- 6.62 Adoption of Ordinance #2007-O-63 for amendments to the Class L Liquor License, Village Code, Chapter 11 (Liquor Control Ordinance) to permit the sale of certain specialty beers in up to 10% of its retail space 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 Senior Resources Commission due to the resignation of Michelle Teal was handled with the Consent Agenda.
- 8.2 Notice of vacancy on the Commission for Persons with Disabilities due to the term expiration of Walter Reed was handled with the Consent Agenda.
- 8.3 Notice of vacancy on the Commission for Persons with Disabilities due to the term expiration of Linda Layfer was handled with the Consent Agenda.

- 8.4 Notice of vacancy on the Community Relations Commission due to the term expiration of Pam Mondschein was handled with the Consent Agenda.
- 8.5 Notice of vacancy on the Community Relations Commission due to the term expiration of Alice Chow was handled with the Consent Agenda.
- 8.6 Notice of vacancy on the Senior Resources Commission due to the term expiration of Susan Lin was handled with the Consent Agenda.
- 8.7 Notice of vacancy on the Senior Resources Commission due to the resignation of Faqir Vohra was handled with the Consent Agenda.
- 8.8 Notice of vacancy on the Appearance Review Commission due to the resignation of Stuart Berger was handled with the Consent Agenda.
- 8.9 Notice of vacancy on the Community Relations Commission due to the term expiration of Harry Rhodes was handled with the Consent Agenda.
- 8.91 Notice of vacancy on the Historic Preservation Commission due to the resignation of Mary Abroe was handled with the Consent Agenda.
- 8.92 Notice of vacancy on the Youth Commission due to the resignation of Alison Field was handled with the Consent Agenda.
- 8.93 Notice of vacancy on the Youth Commission due to the resignation of Rita Strang was handled with the Consent Agenda.
- 8.94 Notice of vacancy on the Commission for Persons with Disabilities due to the term expiration of Diane Wojcik was handled with the Consent Agenda.
- 8.95 Notice of vacancy on the Board of Health due to the resignation of Raymond Lechner was handled with the Consent Agenda.
- 8.96 Notice of vacancy on the Board of Health due to the term expiration of Malcolm Hast was handled with the Consent Agenda.
- 8.97 Notice of vacancy on the Housing Commission due to the term expiration of Alan Barney was handled with the Consent Agenda.

- 8.98 Notice of vacancy on the Historic Preservation Commission due to the term expiration of Jim Bayley was handled with the Consent Agenda.
- 8.99 Notice of vacancy on the Housing Commission due to the resignation of Alan George was handled with the Consent Agenda.
- 8.991 Reappointment of Melissa Miller to the Youth Commission from September 2007 to September 2008 was handled with the Consent Agenda.

9.0 NEW BUSINESS:

- 9.1 Recommendation of reappointment of Paul Schwab to the Historic Preservation Commission from October 2007 to October 2011 was handled with the Consent Agenda.
- 9.2 Recommendation of reappointment of Jan Loew to the Fine Arts Commission from October 2007 to October 2010 was handled with the Consent Agenda.
- 9.3 Trustee Levin said the Village of Wilmette's storm was in the International Herald Tribune of August 25 and 26, 2007. He presented the article to the Village Manager.

10.0 ADJOURNMENT:

Trustee Terman moved to adjourn the meeting at 11:30 p.m., seconded by Trustee Watt. All voted aye, the motion carried.

Barbara L. Hirsch
Deputy Village Clerk