



# VILLAGE OF WILMETTE

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**MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILMETTE, ILLINOIS HELD IN THE COUNCIL ROOM OF SAID VILLAGE HALL, 1200 WILMETTE AVENUE, WILMETTE, ILLINOIS ON TUESDAY, OCTOBER 23, 2007.**

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

Item:

1.0 ROLL CALL:

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

Staff Present:

- Michael J. Earl, Village Manager
- Maureen Barry, Assistant Village Manager
- Mary Beth Cyze, Assistant Corporation Counsel
- Barbara L. Hirsch, Deputy Village Clerk
- 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 October 9, 2007, seconded by Trustee Terman. All voted aye, the motion carried.

3.0 PETITIONS AND COMMUNICATIONS:

James Murray, Wilmette resident, said he believes the United States government carried out the events of 9/11 and suggested that there is a lot of information to consider regarding the events.

#### 4.0 REPORTS OF OFFICERS:

Village Manager Michael Earl said Governor Blagojevich announced that the federal government approved assistance to Cook County units of local government related to the storm event in August. He noted that the Village incurred approximately \$1.4 million dollars in storm related expenses and will be eligible for reimbursement of a portion of the expenses.

Mr. Earl said the Village Board has held their first meeting regarding the proposed 2008 budget. There will be three more meetings related to the proposed budget to be held at the Village Hall on Saturday, October 27, Tuesday, October 30, and Thursday, November 1.

Trustee Watt asked what steps the Village would have to take to apply for the approved federal funding related to the August storm event.

Mr. Earl said staff will be attending an informational meeting regarding how to apply for the funding but he believes the Village will receive approximately 75% of the storm related expenses.

#### 4.1 Consent Agenda. Trustee Levin removed item 6.19. Trustee Watt removed item 6.18. Trustee Terman moved approval of the remaining items of the Consent Agenda as follows:

- 6.11 Minutes, Land Use Committee.
- 6.12 Minutes, Land Use Committee.
- 6.13 Minutes, Appearance Review Commission.
- 6.14 Temporary Use Permit #2007-TU-44 for St. Francis Xavier School outdoor casino night fundraiser to be held November 3, 2007.
- 6.15 Plan Commission Report, 1314-1318 Wilmette Avenue, Case #2007-P-05 regarding a request for tentative plat approval for a two lot consolidation.
- 6.16 Adoption of Resolution #2007-R-45 regarding final plat approval for a two lot consolidation at 1314-1318 Wilmette Avenue.
- 6.17 ZBA Report, 921 Tenth Street, Case #2007-Z-38 regarding an amended request for variations to permit the construction of a one and two story addition to a legal nonconforming structure in accordance with the plans submitted; adoption of Ordinance #2007-O-78.
- 6.21 Approval of Disbursements for the month of September 2007.
- 6.22 Approval of Resolution #2007-R-44 approving investments as previously authorized in the Illinois Public Treasurer's Investment Pool (IPTIP).
- 6.31 Minutes, Historic Preservation Commission.
- 6.32 Minutes, Youth Commission.

- 6.41 Approval of contract, McAllister Equipment Co., Ingleside, IL for a wheel loader.
- 6.42 Approval of contract, Flink Corporation, Streator, IL for the purchase of one new snowplow.
  
- 6.51 Minutes, Board of Fire and Police Commissioners.
  
- 6.61 Adoption of Ordinance #2007-O-73 amending the Village Code, Chapters 16 and 17 to update right-of-way utility construction standards and regulations covering cable service and video service providers pursuant to the 2007 Illinois Cable and Video Competition Law and the Illinois Cable and Video Consumer Protection Law.
  
- 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, Housing Commission.
- 8.97 Notice of vacancy, Historic Preservation Commission.
- 8.98 Notice of vacancy, Housing Commission.
- 8.99 Notice of vacancy, Commission for Persons with Disabilities.
- 8.991 Notice of vacancy, Plan Commission.
- 8.992 Reappointment, Plan Commission.
- 8.993 Reappointment, Plan Commission.
- 8.994 Appointment, Board of Health.
  
- 9.1 Notice of vacancy, Police Pension Fund Board of Trustees.
- 9.2 Notice of vacancy, Transportation Commission.
- 9.3 Recommendation of appointment, Transportation Commission.

Trustee Watt 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 Alan Barney for his service on the Housing Commission.

President Canning noted Mr. Barney was unable to attend the meeting.

4.3 Introduction of Keith MacKenzie who is recommended for appointment to the Transportation Commission.

President Canning introduced Mr. MacKenzie to the Village Board and recommended his appointment to the Transportation Commission.

4.4 Introduction of students participating in Sister Cities Program.

President Canning welcomed the student visitors and the President of Wilmette Sister Cities Association, Linda Cosby. He noted the Association has had a partnership with Mona Vale, Australia since the 1980's.

Ms. Cosby introduced the students from Australia who are staying in the area and attending New Trier High School: Becky Daly, Liam Gurman, Deearn Hughes, and Kate Newland.

4.5 Announcement of appointment of Gary Glenn to the Ad-hoc Business Development Advisory Group.

President Canning announced the appointment of Gary Glenn to the Ad-hoc Business Development Advisory Group.

4.6 Announcement of cancellation of the December 25, 2007 regular Village Board meeting.

President Canning announced the cancellation of the December 25, 2007 regular Village Board meeting.

4.7 Request for an executive session to discuss setting the price for sale of public property owned by the Village pursuant to Section 2 (c) (6) of the Illinois Open Meetings Act, and to discuss pending litigation pursuant to Section 2 (c) (11) of the Illinois Open Meetings Act.

5.0 REPORT OF THE LIQUOR CONTROL COMMISSIONER:

No Report.

6.0 STANDING COMMITTEE REPORTS:

## 6.1 LAND USE COMMITTEE REPORT:

- 6.11 Presentation of minutes of the Land Use Committee meeting held September 14, 2007 was handled with the Consent Agenda.
- 6.12 Presentation of minutes of the Land Use Committee meeting held September 24, 2007 was handled with the Consent Agenda.
- 6.13 Presentation of minutes of the Appearance Review Commission meeting held October 1, 2007 was handled with the Consent Agenda.
- 6.14 Approval of Temporary Use Permit #2007-TU-44 for St. Francis Xavier School outdoor casino night fundraiser to be held November 3, 2007 was handled with the Consent Agenda.
- 6.15 Plan Commission Report, 1314-1318 Wilmette Avenue, Case #2007-P-05 regarding a request for tentative plat approval for a two lot consolidation was handled with the Consent Agenda.
- 6.16 Adoption of Resolution #2007-R-45 regarding final plat approval for a two lot consolidation at 1314-1318 Wilmette Avenue was handled with the Consent Agenda.
- 6.17 Zoning Board of Appeals Report, 921 Tenth Street, Case #2007-Z-38 regarding an amended request for a 2.28 side yard setback variation, a 6.45' combined side yard setback variation, a 16.37' rear yard setback variation, a variation from the requirement to provide two enclosed parking spaces, an 8.0' air conditioning unit setback variation, a 469.15 square foot total rear yard impervious surface coverage variation, a 314.24 square foot rear yard structure impervious surface coverage variation, and a 67.41 square foot rear yard paved impervious surface coverage variation to permit the construction of a one and two story addition to a legal nonconforming structure in accordance with the plans submitted; adoption of Ordinance #2007-O-78.

The request was handled with the Consent Agenda for a 2.28 side yard setback variation, a 6.45' combined side yard setback variation, a 16.37' rear yard setback variation, a variation from the requirement to provide two enclosed parking spaces, an 8.0' air conditioning unit setback variation, a 469.15 square foot total rear yard impervious surface coverage variation, a 314.24 square foot rear yard structure impervious surface coverage variation, and a 67.41 square foot rear yard paved impervious surface coverage variation to permit the construction of a one and two story addition to a legal nonconforming structure in accordance with the plans submitted. Ordinance #2007-O-78 was adopted with the Consent Agenda, authorizing the variations of this case.

- 6.18 Zoning Board of Appeals Report, 123 Fifteenth Street, Case #2007-Z-41 regarding a request for a 563.26 square foot total floor area variation to permit the construction of a detached garage on a legal nonconforming property in accordance with the plans submitted; adoption of Ordinance #2007-O-79.

Trustee Swanson moved to grant a request for a 563.26 square foot total floor area variation to permit the construction of a detached garage on a legal nonconforming property in accordance with the plans submitted, seconded by Trustee Watt.

Trustee Watt said she removed the item as she was concerned with the following comment from Chairman Greenberger on page 11 of the ZBA report, "Chairman Greenberger explained that previously there was a rule for 20' by 20' garages. At the last meeting the Board decided to allow garages of 20' by 22'. In this case the applicant is actually replacing the existing garage with one that is smaller."

Trustee Watt said she did not know there was a change in the garage size approved by the Village Board.

Lisa Roberts, Community Development, said she believed Mr. Greenberger was referring to the Zoning Board not the Village Board in his statement. She said the ZBA has reviewed cases that have requested garages that are 20' by 22'. She believes the Zoning Board is feeling that they are moving in the direction of granting 20' by 22' garages. It has been an unofficial standard in floor area cases, to grant 20' by 20' garages and generally no larger.

Trustee Watt said she recalls granting a request for 20' by 22' garage but the applicant was replacing a garage that was on an existing 20' by 22' foundation. She does not recall that the Village Board said it was a general concept. That request was granted due to saving the expense of removing and replacing the existing foundation.

President Canning said he concurs with Trustee Watt. He does not believe the Village Board gave direction to the Zoning Board to routinely grant 20' by 22' garage requests.

Trustee Watt said she personally does not believe 20' by 22' garages should be routinely granted by the Zoning Board of Appeals without further discussion from the Village Board. That is the reason she removed the request from the Consent Agenda.

Pamela Solomon, petitioner, said that the existing foundation for her garage is actually a little larger than 20' by 22' but the proposed garage will only be 20' by 22'.

Trustee Watt asked why the petitioner was not building a 20' by 20' garage.

Ms. Solomon said it would be a hardship financially to replace the existing foundation.

Trustee Swanson asked if the intent of the petitioner is to reuse the existing foundation and make it slightly smaller.

Ms. Solomon said the existing foundation is 20.13' by 22.17' and they will reduce it to 20' by 22'.

Trustee Terman noted that the applicant is using the existing foundation to replace the rundown garage, which has been stated in the ZBA report.

Trustee Levin said when the Zoning Ordinance is being reviewed the issue of garage size could be addressed at that time.

Trustee Watt said she personally has not accepted the 20' by 22' garage size as standard and asked that the ZBA not make the policy change.

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

Trustee Swanson moved to adopt Ordinance #2007-O-79 authorizing the variations of this case, seconded by Trustee Watt.

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

- 6.19 Zoning Board of Appeals Report, 317 Ridge Road, Case #2007-Z-42 regarding a request for a 2' front yard setback variation, a 12' south side yard setback variation, a 3,295.5 square foot (41%) total floor area variation, a 5.67' building height variation, a 6.25' chimney height variation, a 3 space parking space variation, a 2 space loading space variation, a variation from the requirement that curbing be provided along the perimeter of the parking lot, a variation from the requirement that open off-street parking be screened from any abutting residential lot, a 2' aisle width variation, a 5' north side yard parking setback variation, a 5' south side yard parking setback variation, a 5' rear yard parking setback variation, a 657.6 square foot side yard impervious surface coverage variation, an 866.25 square foot rear yard paving impervious surface coverage variation, a 495square

foot total rear yard impervious surface coverage variation, and a variation from the requirement that multi-family dwellings not have any residential parking at grade to permit the construction of a three-story mixed use building in accordance with the plans submitted; adoption of Ordinance #2007-O-80.

Trustee Swanson moved to grant a request for a 2' front yard setback variation, a 12' south side yard setback variation, a 3,295.5 square foot (41%) total floor area variation, a 5.67' building height variation, a 6.25' chimney height variation, a 3 space parking space variation, a 2 space loading space variation, a variation from the requirement that curbing be provided along the perimeter of the parking lot, a variation from the requirement that open off-street parking be screened from any abutting residential lot, a 2' aisle width variation, a 5' north side yard parking setback variation, a 5' south side yard parking setback variation, a 5' rear yard parking setback variation, a 657.6 square foot side yard impervious surface coverage variation, an 866.25 square foot rear yard paving impervious surface coverage variation, a 495 square foot total rear yard impervious surface coverage variation, and a variation from the requirement that multi-family dwellings not have any residential parking at grade to permit the construction of a three-story mixed use building in accordance with the plans submitted, seconded by Trustee Levin.

Trustee Levin said he understands what the petitioner is asking for but given the large amount of requested variations and the change in policy with respect to the magnitude of changes necessary to make the construction of apartment buildings economically feasible; he believed the case deserved some discussion.

Trustee Levin said there were two changes that have significant magnitude: 1) the total floor area variation which is needed to have the necessary number of apartments to generate the revenue to build the building; 2) the lot coverage impacts on the neighboring lots. Trustee Levin was concerned that covering the lot with a parking lot and building may cause water flow issues for the neighboring lots.

Jeff Strang, petitioner, said he owns the adjacent lot and he has never had a water issue. The lot has been completely covered by an existing green house, a florist shop and pavement for parking. He does not believe there will be a water drainage issue as Ridge Road is a high spot in the Village and he has never experienced drainage problems. He also anticipates connecting into the sewer in the back of the lot and placing a restrictor on the sewer to pool the water in the parking lot to drain slowly.

Trustee Levin said the petitioner is asking for variations that are necessary to create the economics that would permit the construction of an apartment building.



Mr. Strang said the proposed project is four two bedroom units. He believes there is a shortage of two bedroom units in the community and there is a demand for two bedroom units. Six unit buildings or less are taxed at a lower rate which was a policy decision by Cook County to encourage mixed use buildings. He is addressing the need for retail space and apartments in the area.

President Canning asked if he has any retail clients interested in the proposed building.

Mr. Strang said he has not leased the space yet but he has had inquiries from various business people.

President Canning noted from the ZBA report that the retail spaces are small, approximately 1,000 square feet each, and will be rented for \$45 per square foot.

Mr. Strang there must be an error in the report as he will rent for \$25 per square foot. He said he would like to make the two spaces larger but the business district in the area is for smaller retail shops.

Trustee Watt said generally speaking she is in favor of mixed used buildings and smaller rental apartments. She would strongly prefer to see retail shops over doctor/professional use in the proposed building.

Mr. Strang said he would like to see retail shops in the proposed building as retail does well in the adjacent lot.

Trustee Terman asked if Mr. Strang would be marketing on his own or would he expect help from the Village to market business.

Mr. Strang said he was open to any suggestions or help from the Village.

Trustee Terman asked if Mr. Strang had considered a flat roof for the proposed building as it would eliminate some of the variations and would be consistent in the neighborhood.

Mr. Strang said he believed the area needed some help with a nicer looking building and that is why he liked the proposed design. He did a similar type of building in Evanston which fit in better with the area even though it is a little more expensive to build.

Trustee Spillers asked if Mr. Strang had contacted the Business Development Planner from the Village to see what type of opportunities/businesses have an interest in coming to Wilmette.

Mr. Strang said he has not spoken to Village staff yet. He is also considering making one large retail space rather than two smaller spaces. His architect is working on redesigning the first floor to see if it is possible to have one larger space.

Trustee Spillers asked if Mr. Strang had spoken to a business broker on how to market the proposed retail space.

Mr. Strang said he has spoken to a few commercial brokers but he does not have a specific floor plan until the case is approved.

President Canning said he was under the impression that due to the location of the elevator and stair case, that there could not be a combined first floor in the proposed building.

Mr. Strang said the architect is trying to redesign the space as there does need to be two exits for the building.

Trustee Basil asked where the petitioner would envision signage on the building as there does not seem to be space in the front of the building.

Mr. Strang said he believed signage would have to be mounted on the front of the building.

Trustee Watt asked what the height of the proposed retail space would be.

Mr. Strang said it is proposed at 10'.

Trustee Watt asked if 10' is tall enough for modern retail space.

Mr. Strang said he could adjust the height of the apartment units to allow 11' on the first floor.

Trustee Swanson asked where the trucks would load and unload for the retail space.

Mr. Strang said trucks would unload in the back of the building as there are 15 parking spaces in the back. He said from previous experience with other buildings, residents are usually gone during the day and the parking lot is mostly empty during the day to allow trucks to come and go.

Trustee Swanson asked how large the parking spaces were.

Mr. Strang said the parking spaces are 8' wide.

Trustee Swanson said he does not believe there will be enough room for all the proposed parking spaces as there is a proposed 6' fence along the side of the property.

Mr. Strang said he is not planning on having a fence, he believes there is an error in the plans.

Trustee Watt also noted that the plans show no curbing as there will be a fence.

Trustee Swanson said there is a sidewalk on the south side of the proposed building, with the combination of the width of the parking spaces and the width of the aisle, he believes the amount of proposed parking spaces will be unworkable.

Mr. Strang said he believes it is workable without the fence and the curbing.

President Canning noted in the Site Plan Review comments from the ZBA report, #15 states: "concrete curbing not less than 6" in height must be installed along the perimeter of the parking lot".

Mr. Strang said he requested a variation from the curbing but does not recall that the fence was part of the proposed plans.

Trustee Swanson said he does not believe the proposed plans for 18 parking spaces is practical.

Ms. Roberts said Mr. Strang's proposed site plan does not include a trash enclosure or handicap parking space. She assumes that he will be providing those and will then be losing two parking spaces. Staff had also made a recommendation to remove the southern most space in the middle aisle to make a pass through in the parking lot but did not receive a corrected site plan.

Trustee Swanson said the handicap parking space would most likely eliminate 2 regular parking spaces. He said the concept of water drainage and sewer restrictors will have to be fully studied per site plan review comments in the ZBA report.

Mr. Strang said he only envisioned have 15 parking spaces in the back and requested a 3 space parking variation.

Trustee Swanson he believed there would only be room for 13 or 14 parking spaces on the proposed site. He would like to see the proposed site plan adjusted to show the actual parking variation that is being requested, and the request for no curbing and no fencing.

Mr. Strang said he submitted the original site plan and then there were variations approved by the ZBA and a new site plan was not submitted. He believed he was granted a variation from the requirement of curbing and fencing.

Trustee Swanson said he believes curbing and/or a fence will prevent cars from parking on the sidewalk to the south of the property.

Trustee Levin asked if the Site Plan Review Committee's comments were made part of the ZBA's recommendation.

Ms. Roberts said the Site Plan Review Committee's comments are not conditions just recommendations.

President Canning noted that the petitioner did ask for a variation from the curbing.

Trustee Levin asked if the variation from curbing was only for the south side of the property.

President Canning said there should probably be an amendment regarding a curbing variation. Trustee Swanson has also raised a number of issues with respect to the site plan presented.

Trustee Terman said the plan the Village Board is considering tonight does not seem to match the variations that are being requested and wondered if the petitioner should review the site plan again. She also noted there is an assumption, since the petitioner owns the proposed property and the property to the south, that the area is all one space. She suggested that a condition be placed that if the property is sold in parcels in the future that the lot line be made concrete by the addition of curbing for a physical barrier.

Trustee Basil suggested encumbering the adjacent property with an easement as an alternative to separating the lots with curbing as a possibility for the petitioner.

Trustee Watt said she is concerned about the trash enclosure and the water retention on the proposed site.

Mr. Strang said he will meet the Village Code requirements for water retention and a trash enclosure for the proposed site.

Trustee Swanson said he is uncomfortable with the proposed site plan regarding parking spaces, water retention and the trash enclosure.

Mr. Strang said he would be fine with providing curbing along the south side of the property but he did not want to install a 6' fence.

Trustee Swanson said there is a strip of property along the south side which may be large enough for bushes to provide screening from car lights for the existing apartment building.

Trustee Terman asked where the access was to the existing adjacent apartment building's parking lot.

Mr. Strang said an easement was given in the 1960's to allow access to the adjacent existing apartment building's parking lot.

Trustee Levin said he finds it frustrating that the ZBA report does not show the process for a major intensive use and the reason for granting the exceptional variations. He said there are very good reasons to allow the variations but they do not apply as a general rule and that was not brought out in the record.

Trustee Watt said she agrees with Trustee Levin as she was amazed that there were not more thoughtful conditions placed on the variation requests. The Village Board must be careful that the proposed requested variations do not tie the Village Board's hands when another plan for a development comes before them.

Trustee Swanson moved to table the case to the December 11, 2007 Regular Village Board meeting, seconded by Trustee Watt.

Mr. Strang said he will comply with the Village Code regarding the water/sewer issue and asked if he had to address that for the next meeting.

Trustee Swanson said the petitioner had an acceptable plan for water/sewer but he believed the petitioner's engineer should provide calculations to account for the water drainage for the next meeting.

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

President Canning suggested the petitioner contact Village Staff for the approved minutes from this evening's meeting to provide to his architect to address the issues the Village Board has raised.

President Canning declared a recess at 8:59 p.m.

President Canning brought the meeting back to order at 9:04 p.m.

- 6.191 Zoning Board of Appeals Report, 3520 Lake Avenue, Case #2007-Z-43 regarding a request for a special use to allow a limited service restaurant (Jimmy John's) and a four (4) space parking variation in accordance with the plans submitted, conditioned upon a restriction on the timing of any truck traffic on the site. The use shall run with the use; adoption of Ordinance #2007-O-81.

Trustee Swanson moved to grant a request for a special use to allow a limited service restaurant (Jimmy John's) and a four (4) space parking variation in accordance with the plans submitted, conditioned upon a restriction on the timing of any truck traffic on the site. The use shall run with the use, seconded by Trustee Terman.

President Canning asked Ms. Roberts to review the memo presented to the Board relating the concerns of Jerry Coleman, 3529 Forest Avenue.

Ms. Roberts said Mr. Coleman attended the ZBA hearing to express his concerns about truck noise on the property of 3520 Lake Avenue. The ZBA recalled other cases that had delivery restriction hours and as Ms. Roberts did not have the restricted hours from previous cases, she provided the hours of restriction in the memo provided to the Village Board.

President Canning asked the petitioners when trucks would normally make deliveries to the store.

Faisal Ghany, petitioner, said deliveries are normally made between 8 am and 11 am and also between 3 pm and 5pm seven days a week. The trucks only make one delivery per week for Jimmy John's and take approximately 30 minutes to unload the order.

Jeff Silverman, MJK Realty, said Starbucks has a delivery every evening, typically between 8 pm and 10pm. He noted the trucks park in the front of the building to unload which screens noise to the neighborhood behind the development. There are no deliveries made at the back of the building as the Starbucks drive-thru in the back does not allow enough room for a truck to pass through. Mr. Silverman said he is at the development daily and has sent out letters and cards to the neighbors to contact him if there is an issue. He strongly encourages neighbors to call him with any type of complaint. When he became aware of the complaint regarding garbage pick up at Starbucks, he contacted the waste company to request that garbage be picked up between 9am and 11am.

Trustee Watt said she frequents Starbucks at 3520 Lake frequently and said the drive-thru always seems to be very busy. She asked if a truck was able to go around the back of the building to deliver.

Mr. Silverman said Starbucks has their delivery between 8 pm and 10 pm and the truck usually unloads in the front of the building when there is very little business.

Mr. Ghany said the delivery trucks want to get in and out so they will adjust their schedule to deliver at a less busy time.

Trustee Levin asked what kind of trucks make the deliveries.

Mr. Silver said a single unit box truck delivers supplies.

Trustee Terman asked what type of vehicles are used for delivery.

Mr. Ghany said they use cars for delivery and they are rarely parked at the development.

Trustee Spillers noted that a special use had previously been granted in Village Center for a Jimmy John's store but the petitioner decided not to move to Wilmette. What is different with this request?

Mr. Ghany said the ceilings were so low that air conditioning could not be constructed for the space at the previous request.

Trustee Swanson said when the development at 3520 Lake was originally approved, it was discussed that a follow up traffic study would be done. He asked if had been done.

Mr. Silverman said he has contacted a traffic consultant and the consultant was working on the specific day to conduct the study.

Trustee Swanson asked when Jimmy John's would be opening their store.

Mr. Ghany said they are hoping to open in February.

Trustee Swanson suggested conducting the traffic study after Jimmy John's had opened the store.

Trustee Swanson moved to amend the motion with the following three conditions;

- 1) Waste hauling to follow the Village Code hours of 7am to 7pm except on Sunday.
- 2) Delivery truck hours restricted to between the hours of 7 am and 10 pm, Monday through Saturday, 8 am – 5pm on Sunday
- 3) Location of deliveries to be conducted at the front of the building not along the north façade of the building.

The motion to amend was seconded by Trustee Watt.

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

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

Trustee Swanson moved to amend Ordinance #2007-O-81 to enumerate the same three conditions, seconded by Trustee Watt.

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

Trustee Swanson moved to adopt amended Ordinance #2007-O-81, authorizing the variations and special use of this case, seconded by Trustee Watt.

Voting yes on amended Ordinance #2007-O-81: Trustees Swanson, Watt, Levin, Terman, Spillers, Basil and President Canning

## 6.2 FINANCE COMMITTEE REPORT:

6.21 Approval of Disbursements for the month of September 2007 was handled with the Consent Agenda.

6.22 Approval of Resolution #2007-R-44 approving investments as previously authorized in the Illinois Public Treasurer's Investment Pool (IPTIP) was handled with the Consent Agenda.

## 6.3 ADMINISTRATION COMMITTEE REPORT:

6.31 Presentation of minutes of the Historic Preservation Commission meeting held August 1, 2007 was handled with the Consent Agenda.

6.32 Presentation of minutes of the Youth Commission meeting held September 10, 2007 was handled with the Consent Agenda.

## 6.4 MUNICIPAL SERVICES COMMITTEE REPORT:

6.41 Approval of contract in the amount of \$147,782 with McAllister Equipment Co., Ingleside, IL for a wheel loader was handled with the Consent Agenda.

6.42 Approval of contract in the amount of \$10,508 with Flink Corporation, Streator, IL for the purchase of one new snowplow was handled with the Consent Agenda.



6.5 PUBLIC SAFETY COMMITTEE REPORT:

6.51 Presentation of minutes of the Board of Fire and Police Commissioners meeting held August 10, 2007 was handled with the Consent Agenda.

6.6 JUDICIARY COMMITTEE REPORT:

6.61 Adoption of Ordinance #2007-O-73 amending the Village Code, Chapters 16 and 17 to update right-of-way utility construction standards and regulations covering cable service and video service providers pursuant to the 2007 Illinois Cable and Video Competition Law and the Illinois Cable and Video Consumer Protection Law 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 term expiration of Malcolm Hast was handled with the Consent Agenda.
- 8.96 Notice of vacancy on the Housing Commission due to the term expiration of Alan Barney was handled with the Consent Agenda.
- 8.97 Notice of vacancy on the Historic Preservation Commission due to the term expiration of Jim Bayley was handled with the Consent Agenda.
- 8.98 Notice of vacancy on the Housing Commission due to the resignation of Alan George was handled with the Consent Agenda.
- 8.99 Notice of vacancy on the Commission for Persons with Disabilities due to the term expiration of Ellen McManus was handled with the Consent Agenda.
- 8.991 Notice of vacancy on the Plan Commission due to the term expiration of Vince McBrien was handled with the Consent Agenda.
- 8.992 Reappointment of Susan Friedman to the Plan Commission from November 2007 to November 2011 was handled with the Consent Agenda.
- 8.993 Reappointment of Ron Grossman to the Plan Commission from November 2007 to November 2011 was handled with the Consent Agenda.
- 8.994 Appointment of Carol Hincker to the Board of Health from September 2007 to September 2008 was handled with the Consent Agenda.

9.0 NEW BUSINESS:

- 9.1 Notice of vacancy on the Police Pension Fund Board of Trustees due to the term expiration of Michael Dwyer was handled with the Consent Agenda.
- 9.2 Notice of vacancy on the Transportation Commission due to the resignation of Rachael Nocera was handled with the Consent Agenda.
- 9.3 Recommendation of appointment of Keith MacKenzie to the Transportation Commission from November 2007 to November 2011 was handled with the Consent Agenda.

0.0 ADJOURNMENT:

Trustee Watt made a motion to adjourn to Executive Session at 9:39 p.m. to discuss setting the price for sale of public property owned by the Village pursuant to Section 2 (c) (6) of the Illinois Open Meetings Act, and to discuss pending litigation pursuant to Section 2 (c) (11) of the Illinois Open Meetings Act, seconded by Trustee Terman.

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

The Village Board returned from the Executive Session at 10:13 p.m.

Trustee Watt made a motion to adjourn the Village Board meeting at 10:14 p.m., seconded by Trustee Terman.

All voted aye, the motion carried.

Barbara L. Hirsch  
Deputy Village Clerk