



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, MARCH 18, 2008.

The Village President called the meeting to order at 7:35 p.m.

Item:

1.0 ROLL CALL:

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

Absent: Mari D. Terman

Staff Present: Michael J. Earl, Village Manager
Timothy J. Frenzer, Corporation Counsel
Michael Braiman, Assistant to the Village Manager
Barbara L. Hirsch, Deputy Village Clerk
John Adler, Director of Community Development
Kathleen Gargano, Assistant Village Manager

2.0 APPROVAL OF MINUTES:

2.1 Trustee Watt moved approval of minutes of the Regular Board meeting held March 11, 2008, seconded by Trustee Basil. All voted aye, the motion carried.

3.0 PETITIONS AND COMMUNICATIONS:

4.0 REPORTS OF OFFICERS:

Village Manager Michael Earl announced that the Federal Emergency Management Agency (FEMA) had approved reimbursement for the clean up expenses of the August 2007 storm event in the amount of approximately \$908,000. He thanked staff for the work involved in documenting all the expenses needed to justify the request for FEMA.

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

- 6.11 Minutes, Land Use Committee.
- 6.12 Minutes, Plan Commission.
- 6.13 Temporary Use Permit #2008-TU-5 for the French Market every Saturday from the last Saturday in April through the last Saturday in October for a five year period.
- 6.14 Temporary Use Permit #2008-TU-8 for the Edens Plaza Art Fair to be held July 19 and 20, 2008.
- 6.15 Plan Commission Report, 640 Gregory Avenue and 210 Broadway Avenue regarding a request for tentative plat approval for a two-lot re-subdivision in conformance with the plans submitted.

- 6.21 Presentation of the January 31, 2008 Revenue and Expense Report.
- 6.22 Presentation of the January 31, 2008 Treasurer's Report of Cash Receipts and Disbursements.
- 6.23 Presentation of the January 31, 2008 Cash and Investments Summary.
- 6.24 Approval of Disbursements for the month of February 2008.
- 6.25 Approval of Resolution #2008-R-14 approving investments as previously authorized in the Illinois Public treasurer's Investment Pool (IPTIP).

- 6.31 Minutes, Historic Preservation Commission.
- 6.32 Minutes, Business Development Advisory Group.
- 6.33 Minutes, Transportation Commission.

- 6.41 Approval of contract, Camp Dresser & McKee, Chicago, IL for design and construction services associated with the Stormwater Pumping Station electrical improvements.
- 6.42 Adoption of Resolution #2008-R-13 amending an Intergovernmental Agreement for the Skokie Valley Trail Feasibility Study.
- 6.43 Approval of amendment to the Engineering Agreement, Chicagoland Bicycle Federation, Chicago, IL for the Skokie Valley Trail Feasibility Study.
- 6.44 Approval of contract amendment, T.Y. Lin, Chicago, IL for engineering design services for the Green Bay Road Traffic Signal Improvement Project.

- 6.45 Approval of engineering agreement, Christopher B. Burke Engineering LTD., Rosemont, IL for design services associated with the 2009 Relief Sewer and 2009 Birchwood Avenue Water Main Project.
- 6.46 Approval of Public Crossing Agreement with the Union Pacific Railroad, Omaha, NB for the Green Bay Road Traffic Signal Project.
- 6.47 Approval of contract, Mitch's Greenthumb Landscaping Corp., Spring Grove, IL for parkway restoration.
- 6.48 Approval of contract extension, Lenny Hoffman Excavating Inc., Wilmette, IL for hauling spoil and debris per provisions in the contract.
- 6.49 Approval of contract extension, Nels J. Johnson Tree Experts Inc., Evanston, IL for tree removals per provisions in the contract.
- 6.491 Approval of purchase, Avalon Petroleum Company, Tinley Park, IL for 6,000 gallons of fuel.

- 6.51 Minutes, Public Safety Committee.

- 8.1 Notice of vacancy, Commission for Persons with Disabilities.
- 8.2 Notice of vacancy, Community Relations Commission.
- 8.3 Notice of vacancy, Appearance Review Commission.
- 8.4 Notice of vacancy, Community Relations Commission.
- 8.5 Notice of vacancy, Historic Preservation Commission.
- 8.6 Notice of vacancy, Board of Health.
- 8.7 Notice of vacancy, Housing Commission.
- 8.8 Notice of vacancy, Commission for Persons with Disabilities.
- 8.9 Notice of vacancy, Plan Commission.
- 8.91 Notice of vacancy, Police Pension Fund Board of Trustees.
- 8.92 Notice of vacancy, Housing Commission.
- 8.93 Notice of vacancy, Youth Commission.
- 8.94 Notice of vacancy, Appearance Review Committee.
- 8.95 Notice of vacancy, Youth Commission.
- 8.96 Reappointment, Commission for Persons with Disabilities.
- 8.97 Notice of vacancy, Youth Commission.
- 8.98 Notice of vacancy, Youth Commission.

- 9.1 Recommendation of appointment, Community Relations Commission.
- 9.2 Notice of vacancy, Board of Fire and Police Commissioners.
- 9.3 Notice of vacancy, Commission for Persons with Disabilities.
- 9.4 Notice of vacancy, Police Pension Fund Board of Trustees.

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

4.2 Recognition of Christopher Dunn for his service on the Board of Fire and Police Commissioners.

President Canning thanked Mr. Dunn for his service, summarized his accomplishments while on the Board of Fire and Police Commissioners, and presented him with a plaque of appreciation.

4.3 Proclamation designating April 2008 as National Fair Housing Month.

President Canning read aloud the Proclamation.

4.4 Request for an executive session to discuss the performance and compensation of specific employees pursuant to Section 2(c) (1) of the Illinois Open Meetings Act, to discuss collective negotiating matters pursuant to Section 2(c) (2) of the Illinois Open Meetings Act, and to conduct the semi-annual review of minutes of closed meetings pursuant to Section 2(c) (21) 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 February 8, 2008 was handled with the Consent Agenda.

6.12 Presentation of minutes of the Plan Commission meeting held February 7, 2008 was handled with the Consent Agenda.

6.13 Approval of Temporary Use Permit #2008-TU-5 for the French Market every Saturday from the last Saturday in April through the last Saturday in October for a five year period was handled with the Consent Agenda.

6.14 Approval of Temporary Use Permit #2008-TU-8 for the Edens Plaza Art Fair to be held July 19 and 20, 2008 was handled with the Consent Agenda.

- 6.15 Plan Commission Report, 640 Gregory Avenue and 210 Broadway Avenue regarding a request for tentative plat approval for a two-lot re-subdivision in conformance with the plans submitted was handled with the Consent Agenda.

6.2 FINANCE COMMITTEE REPORT:

- 6.21 Presentation of the January 31, 2008 Revenue and Expense Report was handled with the Consent Agenda.
- 6.22 Presentation of the January 31, 2008 Treasurer’s Report of Cash Receipts and Disbursements was handled with the Consent Agenda.
- 6.23 Presentation of the January 31, 2008 Cash and Investments Summary was handled with the Consent Agenda.
- 6.24 Approval of Disbursements for the month of February 2008 was handled with the Consent Agenda.
- 6.25 Approval of Resolution #2008-R-14 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 February 13, 2008 was handled with the Consent Agenda.
- 6.32 Presentation of minutes of the Business Development Advisory Group meeting held February 14, 2008 was handled with the Consent Agenda.
- 6.33 Presentation of minutes of the Transportation Commission meeting held February 13, 2008 was handled with the Consent Agenda.
- 6.34 Approval of a two-year lease agreement with Mike and Melissa Hogan, owners/operators of Gross Point Café, for use of the Metra Train Station Concession Space.

Trustee Levin moved approval of a two-year lease agreement with Mike and Melissa Hogan, owners/operators of Gross Point Café, for use of the Metra Train Station Concession Space, seconded by Trustee Swanson.

Village Manager Michael Earl said Mr. Cash has been the operator of the coffee concession at the Metra Train Station for the past several years. In May 2007 Mr. Cash emailed the Village that he was no longer able to operate the concession space and indicated he would like to sell the business. Mr. Earl responded to Mr. Cash that if he was no longer able to operate the coffee concession, the Village would have to allow others to have the opportunity to operate a Village owned business space. After consulting with the Administration Committee of the Village Board, a Request for Proposal (RFP) was sent to all the café shop owners in the Village. Staff did receive five proposals, interviewed those individuals and made the recommendation to offer the lease to the Mr. and Mrs. Hogan, the owners of Gross Point Café. The Hogans and staff were able to come to agreement on a lease and the Administration Committee approved the recommendation.

Trustee Levin reviewed the process of the Village staff and Village government in the management of ongoing Village businesses. He said the issue of the Metra lease was brought to him as chair of the Administration Committee and he advised the Village Manager to issue an RFP and make a decision regarding the awarding of the lease. He believes the issue was handled correctly, procedurally, and supports the approval of the recommended lease agreement.

Trustee Watt noted that Mr. Cash sent an email in May 2007 that he could no longer operate the coffee concession. There seems to be a belief that Mr. Cash now wants to continue with his business at the Metra Station but is not being allowed to continue.

Mr. Earl described the time line of the process as follows:

- 1) Email May 2007 from Mr. Cash that he could no longer continue the business.
- 2) June 12, 2007 staff sought direction from the Administration Committee to issue an RFP for the lease at the Metra Station.
- 3) July 10, 2007 the RFP was issued.
- 4) August 13, 2007 the proposals were made due.
- 5) December 2007 interviews were held.
- 6) January 8, 2008 staff sent a memo to the Administration Committee regarding the recommendation for the Metra Station lease.
- 7) January 17, 2008 the Administration Committee approved the recommended lease.

President Canning noted that staff did receive a proposal from Mr. Cash which was an indication that he wanted to continue with his lease.

Trustee Watt said she notes that Mr. Cash was on a month to month lease.

Mr. Earl said the lease was month to month and there were no problems with Mr. Cash or the business. When Mr. Cash said he was no longer able to continue with the lease but wanted to sell the business, the Village had to notify him that he could not sell the lease because it was a Village asset and all potential operators are owed an opportunity to bid for the lease.

Trustee Watt asked if the condition that the lease could not be sold was in the contract agreement.

Corporation Counsel Timothy Frenzer said Mr. Cash's lease was originally with the Union Pacific Railroad and once the Metra Station was signed over to the Village after reconstruction, Mr. Cash's lease was assigned to the Village. Mr. Cash's lease stated that the lease was not transferable. The lease expired but continued on a month to month basis unless one party chose to notify the other party that the lease was not able to continue.

Trustee Spillers noted that there are ranking systems provided for other contract awards but rankings were not used for the Metra station lease award. She would like more clarification regarding how and why the lease was awarded to the Hogans.

Kathleen Gargano, Assistant Village Manager, said staff interviewed five candidates from the RFP process and determined four candidates had experience operating as a café. Staff considered the rent that was offered and evaluated the product service level. Three potential candidates were able to offer fresh baked goods, fresh breakfast sandwiches and a different menu than currently exists. Staff then did a comparison of the candidates as to the ability to run a quick service operation. The Hogans, who manage White Hens which are a quick service business, distinguished themselves in that area. Staff also took into consideration that three of the candidates were currently operating businesses in Wilmette and the Metra Station concession would be a source of advertisement for those cafés.

President Canning noted that the proposed lease allows for either party to terminate with 90 days notice. He asked if the synergy between an existing business in Wilmette and extending the brand by running the Metra Station coffee shop was part of the RFP.

Ms. Gargano said the issue was brought up by the candidates during the interview process but was not a deciding factor.

Trustee Basil asked why anyone would want to specify the type of music programming for the Metra Station concession.

Ms. Gargano said the type of music was brought up during the Administration Committee meeting, one of the Trustees wanted to be sure the music was appropriate for the morning commute.

Trustees Watt and Basil agreed that the Village should not regulate the type of music.

Tony Cash said he has operated the concession stand at the Metra Station for the past 11 years. Last year he developed a medical problem that required surgery and rehabilitation and at the same time had a person approach him who wanted to buy his business. He sent a letter to the Village Manager as previously stated. He said that after coming through the surgery very well, he called Mr. Earl in July and told him that he wanted to continue operating the concession stand. Mr. Earl told him he could submit an RFP as the process was already underway. Mr. Cash said he did submit an RFP and was interviewed by staff.

Trustee Watt said she wished Mr. Cash would have contacted the Village Board members before the RFP was published to let them know he wanted to continue. She is sympathetic to Mr. Cash and also to the Hogans who went through the process.

Mr. Cash said he received the materials for RFP unsolicited after his conversation with Mr. Earl that he would like to continue with the lease.

Trustee Basil said when the RFP went out, the Village had to know Mr. Cash had changed his mind and wanted to continue as he was asked to submit an RFP. He is troubled that the process was not stopped as Mr. Cash indicated soon enough into the process that he wanted to continue with his lease.

President Canning noted that Mr. Cash was able to take part in the RFP process and interviews.

Trustee Levin said when the issue was first discussed with him by Mr. Earl he told him that he believed this type of lease should go out to bid every five years as there is no property right at the Metra Station.

Trustee Swanson said in our form of government there is always some form of appeal no matter how mundane or complicated the issue is. He noted that there is no evidence to indicate from the RFP process that Mr. Cash has done a poor job. He believes the lease should stay at this time with Mr. Cash. He also believes that Mr. Cash should have done more to indicate he had changed his mind during the RFP process.

Trustee Watt said she wishes that Mr. Cash had contacted the Village Board once he knew he was able to continue with his lease but she does understand that during health issues one does not think through all the problems. She is not against putting leases out to bid but she believes the RFP process should be a little clearer than it was with the Metra Station lease. She believes the Hogans did everything the right way but she is not comfortable saying Mr. Cash should not continue with the lease at this time.

Trustee Levin said the Metra Station lease is worth less than \$4,000 per year to the Village and he does not believe a great deal of time should be spent on an RFP. He does not believe there was anything wrong with the RFP process or the decision that was made.

Trustee Spillers thanked the Hogans for going through the process but she is troubled with this RFP process as she believes it is subjective. She will not support the proposed lease at this time.

Trustee Basil said the Metra Station lease is an asset of the Village that needs to be utilized to the maximum benefit of the Village residents in terms of rent and quality of service. He does not fault the process although the timeline is awkward and difficult for many people. He would like to make this particular Village asset subject to the RFP process in the future. He is not inclined to vote to approve a lease with the Hogans at this time.

President Canning said he would like to be sure when he signs a lease that he is doing the right thing and he simply does not have enough information to vote in support of the proposal.

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

6.4 MUNICIPAL SERVICES COMMITTEE REPORT:

6.41 Approval of contract in an amount not to exceed \$78,500 with Camp Dresser & McKee, Chicago, IL for design and construction services associated with the Stormwater Pumping Station electrical improvements was handled with the Consent Agenda.

6.42 Adoption of Resolution #2008-R-13 amending an Intergovernmental Agreement for the Skokie Valley Trail Feasibility Study was handled with the Consent Agenda.

- 6.43 Approval of amendment to the Engineering Agreement in an amount not to exceed \$6,315.07 with Chicagoland Bicycle Federation, Chicago, IL for the Skokie Valley Trail Feasibility Study was handled with the Consent Agenda.
- 6.44 Approval of contract amendment in an amount not to exceed \$9,982.97 with T.Y. Lin, Chicago, IL for engineering design services for the Green Bay Road Traffic Signal Improvement Project was handled with the Consent Agenda.
- 6.45 Approval of engineering agreement in an amount not to exceed \$79,230 with Christopher B. Burke Engineering LTD., Rosemont, IL for design services associated with the 2009 Relief Sewer and 2009 Birchwood Avenue Water Main Project was handled with the Consent Agenda.
- 6.46 Approval of Public Crossing Agreement with the Union Pacific Railroad, Omaha, NB for the Green Bay Road Traffic Signal Project was handled with the Consent Agenda.
- 6.47 Approval of contract in the amount of \$16,566 with Mitch's Greenthumb Landscaping Corp., Spring Grove, IL for parkway restoration was handled with the Consent Agenda.
- 6.48 Approval of contract extension with Lenny Hoffman Excavating Inc., Wilmette, IL for hauling spoil and debris per provisions in the contract was handled with the Consent Agenda.
- 6.49 Approval of contract extension with Nels J. Johnson Tree Experts Inc., Evanston, IL for tree removals per provisions in the contract was handled with the Consent Agenda.
- 6.491 Approval of purchase in the amount of \$20,304 with Avalon Petroleum Company, Tinley Park, IL for 6,000 gallons of fuel was handled with the Consent Agenda.
- 6.5 PUBLIC SAFETY COMMITTEE REPORT:
- 6.51 Presentation of minutes of the Public Safety Committee meeting held January 29, 2008 was handled with the Consent Agenda.
- 6.6 JUDICIARY COMMITTEE REPORT:
- No Report.

7.0 REPORTS FROM SPECIAL COMMITTEES:

No Reports.

8.0 UNFINISHED BUSINESS:

- 8.1 Notice of vacancy on the Commission for Persons with Disabilities due to the term expiration of Linda Layfer was handled with the Consent Agenda.
- 8.2 Notice of vacancy on the Community Relations Commission due to the term expiration of Alice Chow was handled with the Consent Agenda.
- 8.3 Notice of vacancy on the Appearance Review Commission due to the resignation of Stuart Berger was handled with the Consent Agenda.
- 8.4 Notice of vacancy on the Community Relations Commission due to the term expiration of Harry Rhodes was handled with the Consent Agenda.
- 8.5 Notice of vacancy on the Historic Preservation Commission due to the resignation of Mary Abroe was handled with the Consent Agenda.
- 8.6 Notice of vacancy on the Board of Health due to the term expiration of Malcolm Hast was handled with the Consent Agenda.
- 8.7 Notice of vacancy on the Housing Commission due to the resignation of Alan George was handled with the Consent Agenda.
- 8.8 Notice of vacancy on the Commission for Persons with Disabilities due to the term expiration of Ellen McManus was handled with the Consent Agenda.
- 8.9 Notice of vacancy on the Plan Commission due to the term expiration of Vince McBrien was handled with the Consent Agenda.
- 8.91 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.
- 8.92 Notice of vacancy on the Housing Commission due to the term expiration of Marilyn Schaffer was handled with the Consent Agenda.
- 8.93 Notice of vacancy on the Youth Commission due to the term expiration of Joe Feldman was handled with the Consent Agenda.

- 8.94 Notice of vacancy on the Appearance Review Committee due to the term expiration of Caryn Summer was handled with the Consent Agenda.
- 8.95 Notice of vacancy on the Youth Commission due to the term expiration of Eve Williams was handled with the Consent Agenda.
- 8.96 Reappointment of Diane Wojcik to the Commission for Persons with Disabilities from March 2008 to March 2011 was handled with the Consent Agenda.
- 8.97 Notice of vacancy on the Youth Commission due to the resignation of Alison Field was handled with the Consent Agenda.
- 8.98 Notice of vacancy on the Youth Commission due to the resignation of Rita Strang was handled with the Consent Agenda.

9.0 NEW BUSINESS:

- 9.1 Recommendation of appointment of Chris Huang to the Community Relations Commission from April 2008 to April 2011 was handled with the Consent Agenda.
- 9.2 Notice of vacancy on the Board of Fire and Police Commissioners due to the term expiration of Sarah Oliver was handled with the Consent Agenda.
- 9.3 Notice of vacancy on the Commission for Persons with Disabilities due to the term expiration of Judy Panko Reis was handled with the Consent Agenda.
- 9.4 Notice of vacancy on the Police Pension Fund Board of Trustees due to the term expiration of George Trapp was handled with the Consent Agenda.
- 9.5 Trustee Watt said she has received resident comments regarding construction vehicles along Sheridan Road that have been left idling. She said Director of Engineering Brigitte Mayerhofer has indicated to her that she would speak to the issue at the next meeting she has with the construction people. She wondered if there was any type of clause to insert into future contracts that vehicles should be turned off rather than left idling.

Ms. Gargano said staff is in the process of reviewing bid specifications and are considering adding the anti-idling language.

Mr. Frenzer noted that the contract for Sheridan Road was bid through the Illinois Department of Transportation (IDOT) not the Village of Wilmette.

Trustee Swanson said IDOT operates under a standard set of specifications for all contracts. He said there is language addressing idling vehicles and emissions in the IDOT specifications.

10.0 ADJOURNMENT:

Trustee Levin made a motion to adjourn to Executive Session at 8:59 p.m. to discuss the performance and compensation of specific employees pursuant to Section 2(c)(1) of the Illinois Open Meetings Act, to discuss collective negotiating matters pursuant to Section 2(c)(2) of the Illinois Open Meetings Act, and to conduct the semi-annual review of minutes of closed meetings pursuant to Section 2(c) (21) of the Illinois Open Meetings Act, seconded by Trustee Spillers.

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

The Village Board returned from the Executive Session at 11:00 p.m.

Trustee Levin made a motion to adjourn the Village Board meeting at 11:01 p.m., seconded by Trustee Spillers.

All voted aye, the motion carried.

Barbara L. Hirsch
Deputy Village Clerk