



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, MAY 27, 2008.

The Village President called the meeting to order at 7:33 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
Timothy J. Frenzer, Corporation Counsel
Michael Braiman, Assistant to the Village Manager
Barbara L. Hirsch, Deputy Village Clerk
Lisa Roberts, Assistant Director of Community Development
Bob Amoruso, Finance Director
Kathleen Gargano, Assistant Village Manager

2.0 APPROVAL OF MINUTES:

2.1 Trustee Terman moved approval of minutes of the Regular Board meeting held May 13, 2008, seconded by Trustee Watt.

Trustee Watt moved approval of minutes as amended, seconded by Trustee Basil.
Voting yes: Trustees Swanson, Watt, Levin, Terman, Spillers, Basil and President Canning. Voting no: none. The motion carried.

- 2.2 Trustee Watt moved approval of minutes of the Committee of the Whole meeting held May 13, 2008, seconded by Trustee Terman. All voted aye, the motion carried.

3.0 PETITIONS AND COMMUNICATIONS:

- 3.1 Dr. William Ernstein, 229 Heather Lane addressed the subject of prohibiting the use gasoline-powered leaf blowers during summer months. He said his landscaper recently received a warning regarding the use of a gas leaf blower. Dr. Ernstein said he lives on a corner lot and using a broom to sweep would be very time consuming. He believes that lawnmowers, snowblowers, trucks and motorcycles make more noise than a leaf blower and he does not believe he is disturbing anyone around him with the few minutes it takes to use the leaf blower.

President Canning asked Village Manager Michael Earl to contact Dr. Ernstein following the meeting.

- 3.2 Joe Feldman, 2515 Kenilworth Avenue, said he is a member of the Executive Committee of the New Trier Township Alliance for Youth. The Committee will be sending out a letter to residents in the area asking them to fill out a survey to help improve the community's youth services and urged residents to take the time to fill out the survey.

4.0 REPORTS OF OFFICERS:

Village Manager Michael Earl said the Northeastern Illinois Public Safety Training Academy (NIPSTA) will be sponsoring their first Public Safety Awareness Day on Sunday June 8, 2008 from 11:00 a.m. to 3:00 p.m. at 2300 Patriot Boulevard, Glenview.

Mr. Earl said the Village currently has an E-News service available with approximately 500 subscribers. The service is used to provide key news items to residents and all residents are welcome to sign up.

- 4.1 Consent Agenda. Trustee Watt removed item 6.13. Trustee Watt moved approval of the remaining items of the Consent Agenda as follows:

- 6.11 Minutes, Land Use Committee.
- 6.12 Temporary Use Permit #2008-TU-22 for the Plaza del Lago Concert Series to be held on Thursday, June 19 & 26, July 3,10,17,24,31, and August 7, 2008 from 6:00 p.m. to 8:00 p.m.

- 6.14 ZBA Report, Case #2008-Z-28, 100 Linden Avenue regarding a request for an expansion of a special use for a place of worship, and variations to permit the construction of a new one-story visitors' center and the replacement of garden steps in accordance with the plans submitted. The use shall run with the use; adoption of Ordinance #2008-O-37.
- 6.21 Minutes, Finance Committee.
- 6.31 Minutes, Bike Task Force.
- 6.32 Minutes, Transportation Commission.
- 6.33 Minutes, Fine Arts Commission.
- 6.34 Minutes, Youth Commission.
- 6.35 Minutes, Administration Committee.
- 6.36 Approval of contract, Allen Visual Systems, Inc., Buffalo Grove, IL for audio improvements in the Council Chambers.
- 6.37 Approval of contract, Xerox Corporation, Oak Brook, IL for the lease of a copier at the Village Hall.
- 6.41 Approval of contract, United Septic Inc., Bristol, IL for catch basin cleaning.
- 6.42 Approval of contract, Prairie/Archway International Trucks for the purchase of two dump trucks.
- 8.1 Notice of vacancy, Community Relations Commission.
- 8.2 Notice of vacancy, Community Relations Commission.
- 8.3 Notice of vacancy, Board of Health.
- 8.4 Notice of vacancy, Plan Commission.
- 8.5 Notice of vacancy, Housing Commission.
- 8.6 Notice of vacancy, Youth Commission.
- 8.7 Notice of vacancy, Youth Commission.
- 8.8 Notice of vacancy, Youth Commission.
- 8.9 Notice of vacancy, Youth Commission.
- 8.91 Notice of vacancy, Community Relations Commission.
- 8.92 Reappointment, Board of Fire and Police Commissioners.
- 8.93 Appointment, Appearance Review Commission.
- 8.94 Appointment, Police Pension Fund Board of Trustees.
- 8.95 Appointment, Electrical Commission.
- 9.1 Recommendation of appointment, Commission for Persons with Disabilities.
- 9.2 Recommendation of appointment, Commission for Persons with Disabilities.
- 9.3 Recommendation of appointment, Historic Preservation Commission.

- 9.4 Recommendation of appointment, Housing Commission.
- 9.5 Recommendation of appointment, Community Relations Commission.
- 9.6 Notice of vacancy, Electrical Commission.
- 9.7 Notice of vacancy, Electrical Commission.
- 9.8 Notice of vacancy, Electrical Commission.
- 9.9 Notice of vacancy, Youth Commission.
- 9.91 Notice of vacancy, Zoning Board of Appeals.
- 9.92 Notice of vacancy, Board of Health.

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

- 4.2 Introduction of Jane Hornstein who is recommended for appointment to the Housing Commission.

President Canning introduced Ms. Hornstein to the Village Board and recommended her appointment to the Housing Commission.

- 4.3 Introduction of Anita Miller who is recommended for appointment to the Commission for Persons with Disabilities.

President Canning introduced Ms. Miller to the Village Board and recommended her appointment to the Commission for Persons with Disabilities.

- 4.4 Introduction of Daniel Elkins who is recommended for appointment to the Appearance Review Commission.

President Canning introduced Mr. Elkins to the Village Board and recommended his appointment to the Appearance Review Commission.

- 4.5 Introduction of Al Husain who is recommended for appointment to the Community Relations Commission.

President Canning introduced Mr. Husain to the Village Board and recommended his appointment to the Community Relations Commission.

- 4.6 Announcement of cancellation of the August 12, 2008 regular Village Board meeting.

President Canning announced the cancellation of the August 12, 2008 regular Village Board meeting.

- 4.7 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.

5.0 REPORT OF THE LIQUOR CONTROL COMMISSIONER:

President Canning, Liquor Control Commissioner, announced fines for the following businesses for violations of the Liquor Control Ordinance on February 28, 2008:

Dinner at Eight - \$250.00 fine
Burhops - \$400.00 fine
The Bottle Shop - \$500.00 fine

6.0 STANDING COMMITTEE REPORTS:

6.1 LAND USE COMMITTEE REPORT:

- 6.11 Presentation of minutes of the Land Use Committee meeting held March 7, 2008 was handled with the Consent Agenda.

- 6.12 Approval of Temporary Use Permit #2008-TU-22 for the Plaza del Lago Concert Series to be held on Thursday, June 19 & 26, July 3,10,17,24,31, and August 7, 2008 from 6:00 p.m. to 8:00 p.m. was handled with the Consent Agenda.

- 6.13 Zoning Board of Appeals Report, Case #2008-Z-27, 614 Laurel Avenue regarding a request for a 372.66 square foot (4.67%) total floor area variation to permit the construction of a new detached garage in accordance with the plans submitted; adoption of Ordinance #2008-O-36.

Trustee Swanson moved to grant a request for a 372.66 square foot (4.67%) total floor area variation to permit the construction of a new detached garage in accordance with the plans submitted, seconded by Trustee Basil.

President Canning noted that the request received a positive recommendation from the Zoning Board of Appeals (ZBA).

Trustee Watt said she removed the item due to the ongoing issue of garage size which was recently referred to the Land Use Committee. She noted that the Land Use Committee had reviewed the issue of garage size after the petitioner's request had been heard by the ZBA.

Trustee Swanson, chair of the Land Use Committee, said the Land Use Committee discussed the issue of garage size in relation to storage. The Land Use Committee has not recommended any changes as there has been a consultant hired to review the current Zoning Ordinance. The Land Use Committee did send a memo to the ZBA stating that until the review of the Zoning Ordinance has been completed, the garage bonus is 400 square feet according to the current ordinance.

Trustee Terman asked if that meant that each request for a garage larger than 400 square feet will require a variation.

Trustee Swanson said if there is a variation request for a garage larger than 400 square feet then each Trustee will have to decide the merits of each case that comes before the Board.

Trustee Basil said he was sorry that the applicant applied for the garage in November of 2007 and the case is just now before the Village Board. All the petitioner would like to do is replace his garage with a new, improved garage.

Brian Roche, applicant, said he has lived in Wilmette for 20 years and needs to replace a garage that is falling down. The majority of garages on his street are the same size as he is currently applying for which is 20' by 22'. He said Wilmette promotes recycling, his family believes in recycling, and uses four recycling bins. He currently keeps his four bins in a one car garage. He would like the larger sized garage to store both his cars and the recycling bins.

Trustee Watt thanked the petitioner for recycling. She further stated that unfortunately there are many people in the Village that have a single car garage or no garage who can not expand for storage because of floor area ratio requirements. Simply allowing bigger garages (20' by 22') to be built does not deal with the Village wide storage problem.

Mr. Roche said he is not storing anything, he is trying to promote recycling, cleanliness and neatness with having his bins in the garage rather than in the alley.

Trustee Levin said he will support the petitioner's request as he does not believe it is fair to have the petitioner in the middle of the garage issue at this time.

Trustee Spillers said she does not have a problem with the 20' by 22' garage size, she will support the request.

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

Trustee Swanson moved adoption of Ordinance #2008-O-36, authorizing the variations of this case, seconded by Trustee Basil.

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

- 6.14 Zoning Board of Appeals Report, Case #2008-Z-28, 100 Linden Avenue regarding a request for an expansion of a special use for a place of worship, a 5' side yard setback variation, a 7' window well setback variation, a 16' side yard pergola setback variation, a 2' accessory structure height variation, a 5' elevator height variation, and a fence openness variation to permit the construction of a new one-story visitors' center and a 20' front yard stair setback variation to permit the replacement of garden steps in accordance with the plans submitted. The use shall run with the use; adoption of Ordinance #2008-O-37.

The request was handled with the Consent Agenda for an expansion of a special use for a place of worship, a 5' side yard setback variation, a 7' window well setback variation, a 16' side yard pergola setback variation, a 2' accessory structure height variation, a 5' elevator height variation, and a fence openness variation to permit the construction of a new one-story visitors' center and a 20' front yard stair setback variation to permit the replacement of garden steps in accordance with the plans submitted. The use shall run with the use. Ordinance #2008-O-37 was adopted with the Consent Agenda, authorizing the special use and variations of this case.

- 6.15 Zoning Board of Appeals Report, Case #2008-Z-26, 420 Maple Avenue regarding a request for a special use to construct a detached garage greater than 600 square feet, a 458.78 square foot total floor area variation, and a 6.33 square foot rear yard structural impervious surface coverage variation to permit the construction of a one story garage addition in accordance with the plans as amended.

Trustee Swanson moved to grant a request for a special use to construct a detached garage greater than 600 square feet, a 458.78 square foot total floor area variation, and a 6.33 square foot rear yard structural impervious surface coverage variation to permit the construction of a one story garage addition in accordance with the plans as amended. The use shall run with the use, seconded by Trustee Terman.

President Canning noted the case received a negative recommendation from the ZBA.

Marybeth Rennolds, petitioner, said she believes the initial information submitted to the ZBA was incorrect and submitted a letter explaining the difference in calculations.

James Rennolds, petitioner, said his architect realized the number calculations were incorrect and they do not believe the numbers reflected in the report are correct.

President Canning asked if the numbers in the report to the Village Board are correct and are the petitioners in agreement with the report.

Lisa Roberts, Assistant Director of Community Development, said the numbers on the current report are accurate based on the amended size of the lot. During the applicant's presentation to the ZBA, the numbers were amended to address the corrected lot size and the removal of the existing shed.

President Canning asked the applicants if they agreed with the variation numbers that are being requested.

Ms. Rennolds had some questions regarding the numbers in the variation request.

President Canning asked Ms. Roberts to meet and discuss the variation number calculations with the applicants and the case would be addressed later in the meeting.

6.2 FINANCE COMMITTEE REPORT:

- 6.21 Presentation of minutes of the Finance Committee meeting held May 5, 2008 was handled with the Consent Agenda.
- 6.22 Discussion of level of financial contributions to the Police and Fire Pension Funds.

Trustee Watt said the Finance Committee met to discuss the level of financial contributions to the Police and Fire Pension Funds and believed the issue should be addressed by the whole Village Board. She reviewed the report noting that the Finance Committee met jointly with the Police and Fire Pension Boards of Trustees to discuss the actuarial assumptions that were used in the preparation of

the December 31, 2006 Pension Fund valuations. The goal of the joint meeting was to determine if the actuarial assumptions reflected an accurate assessment for future projections. Two recommendations for changes in assumptions resulted from that meeting: 1) Use of an updated mortality table reflecting longer life spans than were projected 24 years ago, and 2) Updated retirement rate projections that reflect recent legislation which provides for a maximum retirement benefit at an earlier age than previously was the case. Accordingly, it is recommended that the Village Board accept the findings that would increase the total actuarial liability of the Police and Fire Pension Funds by nearly \$6.5 million. The financial impact in 2008 will be approximately \$410,000. The Finance Committee provided four options to fund the increased liability and believed two of the options were appropriate: 1) fund the \$410,000 that now needs to be addressed through the 2009 tax levy or 2) spread the impact of \$410,000 over four levy years at the cost of approximately \$120,000 per year.

Bob Amoruso, Finance Director, said the change in funding was due to utilizing a 1994 mortality table rather than the 1984 mortality table previously used as life spans are likely to be longer now as well as revised retirement rate projections.

President Canning noted that the \$6.5 million in funding does not have to be fully funded until 2033 and the Village funding of the pensions is relatively good at this time.

Trustee Terman said there is a fiscal difference in the two options of funding and asked Mr. Amoruso to provide more detail in the differences.

Mr. Amoruso said if the Village chooses to fund the entire \$410,000 amount in 2009, the tax levy would increase approximately 4% next year. If the four year funding option were to be approved, there would be a smaller increase in the tax levy but there would also be an actuarial financing cost of approximately \$80,000 over the four years.

Trustee Swanson said he understands that there is a State mandate to fund 100% of the pension plan by 2033 but would 70% or 80% be reasonable in funding the pension plan.

Mr. Amoruso said the Village's pension plans are not 100% funded but the Fire and Police pension plans are in good shape in terms of funding. It is difficult to say what the State legislature will mandate in the next 25 years in terms of full pension funding and time lines.

Trustee Spillers noted the rate of return is an assumption on the investment profile and asked what is the agreed upon profile, how often does it change, and how does that factor into the long term assumptions.

Mr. Amoruso said the matter of investment assumptions was not resolved at the recent meetings of the Pension Boards and will continue at future meetings as a topic of discussion.

President Canning said the Village appoints people to serve on the pension boards with investment experience and that an investment rate of return of 7.5% is reasonable based on past experience.

Mr. Amoruso said deciding on the amount to raise the tax levy would not have to be decided this evening, the options could be discussed and decided at the mid year financial review and/or the budget meetings in the fall.

Trustee Watt moved to accept the recommendation of the Police and Fire Pension Boards and the Finance Committee to adjust two actuarial assumptions used in preparing the annual actuarial valuations of the Police and Fire Pension Funds, these two being an updated mortality table reflecting longer life spans and updated retirement rate projections reflecting recent legislation that provides for a maximum retirement benefit at an earlier age than previously was the case, seconded by Trustee Terman.

All voted aye, the motion carried.

6.15 President Canning recalled item 6.15.

President Canning asked if Mr. and Mrs. Rennolds agreed with the variation number calculations as presented in the ZBA report.

Mr. Rennolds said the numbers as presented in the report are correct. He said he is reducing the lot coverage variation in replacing the old garage with a new garage.

Trustee Watt noted the petitioner has a large driveway and asked why that is not sufficient in helping to remove the cars from the street.

Mr. Rennolds said he does not believe a driveway is a parking lot. He has replaced the asphalt with a pervious brick driveway. Mr. Rennolds said with four cars to move around routinely, it is an inconvenience not to have a three car garage.

Trustee Terman said if the petitioner were to replace the current garage with a two car garage that had doors facing the alley and the front driveway, the petitioner would be able to access both the alley and the driveway without moving the cars around.

President Canning asked the petitioner what the hardship is for the request.

Mr. Rennolds said the proposed three car garage will remove the cars from the street and noted there have been many car burglaries in the neighborhood. He said his street does not have permit parking and some days it is difficult to park during Northwestern activities and the Cubs games.

Trustee Swanson noted there is permit parking available for the petitioner's street that allows them to park longer than the two hour restriction.

Trustee Watt said she does not see a hardship in parking in the driveway as many homes in west Wilmette routinely park their cars in the driveway.

Mrs. Rennolds said she believes their situation is unique. They will be taking cars off the street, will not be adding any more asphalt to the lot, they are consolidating the shed area and there would be access from the alley.

Trustee Swanson said the ZBA agreed that the special use standards had been met and he agreed with the ZBA. He lives in the area and knows that parking is a problem in the neighborhood. He also believes that the petitioner has tried to minimize the request for the variations and the asphalt driveway has been replaced with pervious paver bricks. He does not believe the garage is out of line with what appears in the alley and will support the application.

Trustee Watt said she can not see the hardship of the request and will not support the application.

Trustee Levin said he is familiar with the neighborhood in regard to the parking situation. He does not see the hardship of the case and does not believe the request is unique for a three car garage.

Trustee Terman said she does not see a unique hardship for the request and does not support the application.

Trustee Spillers said she does not see the hardship and can not support the application.

Trustee Basil said each case is unique and the petitioner is reducing the overall coverage of the lot. He believes the hardship is that the proposed garage is not oriented the way other garages would ideally be oriented so he will support the request.

President Canning said he appreciates the work done by the petitioner and his architect. He does not see the hardship or the uniqueness of the case so he can not support the application.

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

6.3 ADMINISTRATION COMMITTEE REPORT:

- 6.31 Presentation of minutes of the Bike Task Force meeting held April 15, 2008 was handled with the Consent Agenda.
- 6.32 Presentation of minutes of the Transportation Commission meeting held April 9, 2008 was handled with the Consent Agenda.
- 6.33 Presentation of minutes of the Fine Arts Commission meeting held March 31, 2008 was handled with the Consent Agenda.
- 6.34 Presentation of minutes of the Youth Commission meeting held April 14, 2008 was handled with the Consent Agenda.
- 6.35 Presentation of minutes of the Administration Committee meeting held January 17, 2008 was handled with the Consent Agenda.
- 6.36 Approval of contract in the amount of \$36,794 with Allen Visual Systems, Inc., Buffalo Grove, IL for audio improvements in the Council Chambers was handled with the Consent Agenda.

6.37 Approval of contract in the amount of \$718 per month for 60 months with Xerox Corporation, Oak Brook, IL for the lease of a copier at the Village Hall was handled with the Consent Agenda.

6.4 MUNICIPAL SERVICES COMMITTEE REPORT:

6.41 Approval of contract in the amount of \$52,000 with United Septic Inc., Bristol, IL for catch basin cleaning was handled with the Consent Agenda.

6.42 Approval of contract in the amount of \$282,830 with Prairie/Archway International Trucks for the purchase of two dump trucks was handled with the Consent Agenda.

6.5 PUBLIC SAFETY COMMITTEE REPORT:

No Report.

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 Community Relations Commission due to the term expiration of Alice Chow was handled with the Consent Agenda.

8.2 Notice of vacancy on the Community Relations Commission due to the term expiration of Harry Rhodes was handled with the Consent Agenda.

8.3 Notice of vacancy on the Board of Health due to the term expiration of Malcolm Hast was handled with the Consent Agenda.

8.4 Notice of vacancy on the Plan Commission due to the term expiration of Vince McBrien was handled with the Consent Agenda.

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

- 8.6 Notice of vacancy on the Youth Commission due to the term expiration of Joe Feldman was handled with the Consent Agenda.
 - 8.7 Notice of vacancy on the Youth Commission due to the term expiration of Eve Williams was handled with the Consent Agenda.
 - 8.8 Notice of vacancy on the Youth Commission due to the resignation of Alison Field was handled with the Consent Agenda.
 - 8.9 Notice of vacancy on the Youth Commission due to the resignation of Rita Strang was handled with the Consent Agenda.
 - 8.91 Notice of vacancy on the Community Relations Commission due to the term expiration of Shahid Siddiqui was handled with the Consent Agenda.
 - 8.92 Reappointment of George Pearce to the Board of Fire and Police Commissioners from June 2008 to June 2011 was handled with the Consent Agenda.
 - 8.93 Appointment of Daniel Elkins to the Appearance Review Commission from June 2008 to June 2013 was handled with the Consent Agenda.
 - 8.94 Appointment of Jeffrey Kinzel to the Police Pension Fund Board of Trustees from May 2008 to May 2010 was handled with the Consent Agenda.
 - 8.95 Appointment of Eric Duray to the Electrical Commission from May 2008 to May 2012 was handled with the Consent Agenda.
- 9.0 NEW BUSINESS:
- 9.1 Recommendation of appointment of Elizabeth Cochran to the Commission for Persons with Disabilities from June 2008 to June 2011 was handled with the Consent Agenda.
 - 9.2 Recommendation of appointment of Anita Miller to the Commission for Persons with Disabilities from June 2008 to June 2011 was handled with the Consent Agenda.
 - 9.3 Recommendation of appointment of Jim McClure to the Historic Preservation Commission from June 2008 to June 2012 was handled with the Consent Agenda.

- 9.4 Recommendation of appointment of Jane Hornstein to the Housing Commission from June 2008 to June 2011 was handled with the Consent Agenda.
- 9.5 Recommendation of appointment of Al Husain to the Community Relations Commission from June 2008 to June 2011 was handled with the Consent Agenda.
- 9.6 Notice of vacancy on the Electrical Commission due to the term limit of Joseph Drelicharz was handled with the Consent Agenda.
- 9.7 Notice of vacancy on the Electrical Commission due to the term limit of Thomas McDaniel was handled with the Consent Agenda.
- 9.8 Notice of vacancy on the Electrical Commission due to the term limit of Robert May was handled with the Consent Agenda.
- 9.9 Notice of vacancy on the Youth Commission due to the term limit of Craig Crawford was handled with the Consent Agenda.
- 9.91 Notice of vacancy on the Zoning Board of Appeals due to the term limit of Kent Darbyshire was handled with the Consent Agenda.
- 9.92 Notice of vacancy on the Board of Health due to the resignation of Carol Hincker was handled with the Consent Agenda.
- 9.93 Discussion of request from Mallinckrodt Residences, LLC to change the occupancy restrictions for the Mallinckrodt in the Park condominiums from 62 years of age to 55 years of age.

President Canning asked Mr. Frenzer to review the memo presented to the Board regarding the correspondence received from the developer of Mallinckrodt in the Park, seeking to change the development's age restrictions.

Mr. Frenzer summarized the memo regarding the background of the Mallinckrodt redevelopment process noting that the Village adopted a new special use in the form of "adaptive reuse senior housing". The Village Board at the time of the process was sensitive to not wanting to create a multi-family special use in single-family zoning districts that went beyond the limited need to allow the adaptive reuse of structures that the community wished to preserve. Should the Village choose to grant the developer's request to reduce the minimum age requirement for occupancy from 62 to 55, a number of public process steps would be required. The Village would need to: 1) In conjunction with the Park District, re-open the development

agreements and sub-agreements and reach agreement on modifications to them, which would need to be contingent on additional legislative actions (enumerated following); 2) Conduct the required hearing process and adopt a text amendment to the Zoning Ordinance that would create a new special use for which the developer could apply; 3) Conduct the required hearing process before the Zoning Board of appeals and adopt a new ordinance granting the new special use (and such variations as might be necessitated by the new zoning application).

President Canning said the Village Board will have to decide at this time whether they would like to go forward with the request.

Erin Nolan, Oculus Development, LLC, said she was present to answer any questions from the Village Board.

President Canning said going forward with the request would take time and there could be negotiations that may not be fruitful. He asked Ms. Nolan if she would still like to proceed with the request.

Ms. Nolan said she would like to proceed with the request.

Trustee Watt asked if people present would be able to address the Village Board and had neighbors been notified of the request.

President Canning said notice had been made through the normal procedures but the issue this evening is for the Village Board to decide if they would like to proceed with the request.

Ted Pickus, contractor, asked if the age could only be changed in the development agreement.

President Canning said no, the number could not just be changed. The development agreement was based on the age of 62 and above and changing it could potentially have a big impact on the neighborhood.

Mr. Pickus asked if the Village Board was aware that the Park District Senior Center that now occupies the building has a minimum age of 55.

President Canning said the negotiating team was aware of all issues during the process.

Mr. Pickus said they would not ask to renegotiate the process if they didn't think it was critical to the Mallinckrodt Residences as home sales are currently down in the market.

Trustee Terman said during the process of reconstruction were there safe harbor decisions that had financial implications based on special provisions for senior housing.

Mr. Frenzer said the restriction of the age 62 on the use of the property played a roll in the consideration of the amount paid for the property.

Trustee Spillers said she realizes home sales are down at this time. She did note that Mallinckrodt Residences had an article in the Chicago Tribune that they recently sold one of their units for the highest price of any condominium on the North Shore. She asked how changing the age would benefit the Village of Wilmette.

Ms. Nolan said there is a need for senior housing in Wilmette. It was difficult to predict who the buyers would be years ago when going through the process but now they see a demand for housing for ages 55 and above that they are not able to fulfill.

Mr. Pickus said there is still 40% of the building that needs to be filled.

Trustee Swanson asked if the affordable units had been sold.

Mr. Pickus said all twelve affordable units had been sold.

Trustee Levin said he understands the request and that the residents of the building support the request. He said the issue is that a business deal was made between the Village of Wilmette, Wilmette Park District and Oculus Development, LLC. If the developer would like to change the deal, what would be the advantages to the Village.

Ms. Nolan said the units would sell quicker and everyone would like to see the units sold.

Trustee Watt said she agrees with Trustee Levin that the issue is a business deal. She said the developers agreed to the age of 62, and if they would like to renegotiate the age requirement, then she is not sure why the developers would not ask to drop the age limit altogether. She is not comfortable having the discussion as there has not been an opportunity to let others know of the possible renegotiating process.

Ms. Nolan said they are making an initial request and if the Village Board agrees to proceed, they will give notice to the neighbors.

Trustee Watt also noted that the Park District was not under any obligation to have the Senior Center occupy the Mallinckrodt building, that was a choice they made.

Trustee Terman said she believes the inclusion of the residents and neighbors in the current discussion is premature. If the Village Board decides to consider the request then the whole process of renegotiations would begin and notice would have to be provided to everyone.

Trustee Spillers asked if the contract was renegotiated, would the process include those developers who bid on the project but were not chosen and would they have any type of legal recourse.

Mr. Frenzer said the building project is complete, so he was not concerned with those who bid and were unsuccessful. The age of 62 was part of the negotiation process and the ultimate amount of cash and compensation paid was part of the negotiated process.

President Canning asked Mr. Frenzer how to proceed with the request.

Mr. Frenzer said if the Village Board would like to go forward, opportunity should be given to neighbors and residents to address the Board. If the Village Board does not want to go forward, no action need be taken.

Trustee Swanson said he would be agreeable to continuing the discussion so all would be given an opportunity to address the issue but he does not want to renegotiate the contract if it will cost the Village any more money.

Trustee Watt said she has no interest in pursuing the request.

Trustee Levin said he believes the request is premature, he believes the developer should wait and see how the housing market does in the future.

Trustee Terman said she does not see any compelling reason to pursue the request at this point.

Trustee Spillers said she agrees with Trustee Swanson that she has no interest in spending any more money to renegotiate the contract as she does not see a benefit to the overall community. The housing market is down right now but she is a firm believer that Wilmette property is a good investment and the housing market will eventually come back. She is not interested in pursuing the request at this time.

Trustee Basil said he does not have a problem with continuing the discussion but he cautioned the developer to take into consideration the interests of the surrounding property owners, the Village and the Park District. He advised them to clearly address the property concerns of the neighbors and meet the financial and logistical concerns of the Village and Park District.

President Canning said the consensus of the Village Board is not to move ahead with the request at this time.

10.0 ADJOURNMENT:

Trustee Levin made a motion to adjourn to Executive Session at 9:56 p.m. to discuss the Performance and compensation of specific employees pursuant to Section 2 (c) (1) 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 11:40 p.m.

Trustee Levin made a motion to adjourn the Village Board meeting at 11:41 p.m., seconded by Trustee Terman.

All voted aye, the motion carried.

Barbara L. Hirsch
Deputy Village Clerk