



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, AUGUST 26, 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
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
John Adler, Director of Community Development
George Carpenter, Police Chief
Brian King, Deputy Police Chief
Blythe Trilling, Assistant Finance Director

2.0 APPROVAL OF MINUTES:

- 2.1 Trustee Watt moved approval of minutes of the Regular Board meeting held July 22, 2008, seconded by Trustee Terman. All voted aye, the motion carried.
- 2.2 Trustee Watt moved approval of minutes of the Committee of the Whole meeting held July 22, 2008, seconded by Trustee Terman. All voted aye, the motion carried.

3.0 PETITIONS AND COMMUNICATIONS:

4.0 REPORTS OF OFFICERS:

Village Manager Michael Earl reported that a new sound system to broadcast Village meetings has been installed to replace the previous 15 year old system. He thanked Assistant to the Village Manager Joe McCrae and Cable Coordinator Karen Meersman for overseeing the project.

President Canning said Northwestern University has invited North Shore residents and mayors to attend the August 30 football game to celebrate North Shore Day. Tickets may be purchased for half price by Wilmette residents and he encouraged residents to attend.

President Canning also announced that on Saturday, September 13 from 5pm to 9 pm there will be a Village Center Block Party. He noted there will be three bands, food and other entertainment.

4.1 Consent Agenda. Trustee Levin removed item 6.196. Trustee Basil removed item 6.191. Trustee Terman moved approval of the remaining items of the Consent Agenda as follows:

- 6.11 Minutes, Appearance Review Commission.
- 6.12 Minutes, Building Code Board of Appeals.
- 6.13 Temporary Use Permit #2008-TU-32 for the Trinity United Methodist Church Pumpkin Patch to be held at 1024 Lake Avenue from October 4 through October 31, 2008.
- 6.14 Temporary Use Permit #2008-TU-33 for the St. Francis Xavier Parish 5K Running Race to be held on September 21, 2008.
- 6.15 Temporary Use Permit #2008-TU-34 for the Linden Square Pumpkin Walk to be held October 25, 2008.
- 6.16 Temporary Use Permit #2008-TU-35 for the Ridge Road Fall Fest to be held September 20, 2008.
- 6.17 Request for a variation extension, Case #2008-Z-31, 522 Forest Avenue for an additional six months.
- 6.18 Request for a variation extension, Case #2008-Z-16, 1018 Isabella for an additional six months.
- 6.19 Appointment of the Land Use Committee as a Special Zoning Committee to consider the rezoning of 514 Poplar Drive from R2, Townhouse Residence to VC, Village Center Business District.
- 6.192 Adoption of Ordinance #2008-O-58 granting a variation in order to permit the retention of a new home at 2411 Greenwood Avenue, and on the condition that all other requirements of the Zoning Ordinance be complied with.

- 6.193 Adoption of Ordinance #2008-O-59 granting a special use for a parking lot not located on the same lot as the use served by the parking lot, a variation from the requirement that such facility is within 300 feet walking distance of the use being served, a variation from the requirement that off-street parking is located on a lot owned by the same party as the lot on which the use to be served is located, a 2.5' aisle width variation, a variation from the requirement that curbing be provided along the perimeter of the parking lot, and a variation from the requirement that open off-street parking be screened from any abutting lot located in a residential zoning district, all of the foregoing on the property at 2041 Elmwood Avenue, in accordance with the plans as submitted, on the conditions that the special use shall run with the use and not with the land, and that all other requirements of the Zoning Ordinance be satisfied.
- 6.194 ZBA Report, Case #2007-15, 1620 Forest Avenue regarding a request for a variation to permit the placement of a generator in accordance with the plans submitted; adoption of Ordinance #2008-O-61.
- 6.195 ZBA Report, Case #2008-Z-46, 2216 Thornwood Avenue regarding a request for variations to allow the replacement of an existing non-conforming awning and the construction of a new porch on a legal non-conforming structure in accordance with the plans submitted; adoption of Ordinance #2008-O-62.
- 6.197 ZBA Report, Case #2008-Z-48, 701 Forest Avenue regarding a request for a variation to allow a one-story addition to the legal nonconforming home in accordance with the plans submitted; adoption of Ordinance #2008-O-64.
- 6.198 ZBA Report, Case #2008-Z-49, 1154 Locust Road regarding a request for a special use and variations to allow a one and two story addition and accessory living unit in accordance with the plans submitted. The use shall run with the use; adoption of Ordinance #2008-O-65.
- 6.21 Minutes, Finance Committee.
- 6.22 Approval of contract with Northwest Collectors, Inc., Rolling Meadows, IL to provide collection services for unpaid ambulance transport fees.
- 6.23 Approval of contract with Tele-Collection Systems Ltd., Oakbrook Terrace, IL to provide collection services for unpaid parking tickets and false alarms.
- 6.24 Presentation of the June 30, 2008 Revenue and Expense Report.
- 6.25 Presentation of the June 30, 2008 Treasurer's Report of Cash Receipts and Disbursements.
- 6.26 Presentation of the June 30, 2008 Cash and Investments Summary.
- 6.27 Approval of June 2008 Disbursements.
- 6.28 Approval of Resolution #2008-R-27 approving investments as previously authorized in the Illinois Public Treasurer's Investment Pool (IPTIP).
- 6.29 Presentation of the December 31, 2007 Comprehensive Annual Financial Report (CAFR) and Auditor's Management Letter; refer to Finance Committee.

- 6.31 Minutes, Board of Health.
- 6.32 Minutes, Historic Preservation Commission.
- 6.33 Minutes, Historic Preservation Commission Sub-Committee.
- 6.34 Minutes, Historic Preservation Commission.
- 6.35 Minutes, Historic Preservation Commission Sub-Committee.
- 6.36 Minutes, Bicycle Task Force.
- 6.37 Minutes, Administration Committee.

- 6.41 Approval of contract, Mosele & Associates, Inc., Ingleside, IL for Water Plant troughs replacement.
- 6.42 Approval of change order, Chicagoland Paving Contractors Inc., Lake Zurich, IL for the addition of street patches to the 2008 Road Program.
- 6.43 Approval of contract, Cornerstone Material Recovery Inc., McHenry, IL for leaf hauling and disposal.
- 6.44 Approval of contract, Nels J. Johnson Tree Experts Inc., Evanston, IL for parkway ash tree removals.

- 6.51 Minutes, Public Safety Committee.

- 6.61 Application of 7-Eleven (350 Ridge Road) for a Class I (grocery with packaged beer, wine and liquor) Liquor License; referral to Judiciary Committee.
- 6.62 Adoption of Ordinance #2008-O-52 amending the Village Code, Chapter 9 and Chapter 20 to exempt from the 60-day affordable housing consultation process commercial developments with one or fewer dwelling units planned.
- 6.63 Adoption of Ordinance #2008-O-54 amending the Village Code, Chapter 11 to amend the provisions of the Class L liquor license to permit consumption on the premises.

- 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 Notice of vacancy, Youth Commission.
- 8.93 Notice of vacancy, Board of Health.
- 8.94 Notice of vacancy, Youth Commission.

- 9.1 Notice of vacancy, Fine Arts Commission.

- 9.2 Notice of vacancy, Historic Preservation Commission.
- 9.3 Notice of vacancy, Youth Commission.
- 9.4 Notice of vacancy, Youth Commission.
- 9.5 Notice of vacancy, Historic Preservation 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 Proclamation for Knobel Kitchens and Bath 75th anniversary.

President Canning read aloud the Proclamation and congratulated Mr. Paul Knobel on the 75th anniversary of his family's business.

4.3 Recognition of Officer Michael Robinson as the 2007 Police Officer of the Year.

Deputy Police Chief Brian King, recognized Michael Robinson, highlighted his career and presented him with the Police Officer of the Year Award.

4.4 Presentation from Commonwealth Edison.

President Canning said ComEd representative Eric Duray was present to update the Village Board regarding what repairs and updates have been completed in the last six months as a result of the August 2007 storm event.

Mr. Duray, ComEd External Affairs Manager, said there have been significant improvements addressing problems that were a result of the 2007 storm event. He noted there is an upgraded communication system in place and enhancements have been added to the power outage system. He said Wilmette residents have experienced less outage interruptions due to improvements that have been made this year. Mr. Duray reviewed the specific areas in the Village that have had service improved, experienced tree cutting and trimming and have had circuit upgrades.

Trustee Watt asked if residents should call ComEd when they experience a power outage and also how frequently should they be called to follow up on the power outage.

Mr. Duray said ComEd does monitor power outages but there may be multiple homes on a fuse with service disconnected. ComEd may not be able to identify if a block's service is restored but a single residence does not have power. He encouraged residents to continue calling ComEd for power outages.

Trustee Levin asked if a resident should call ComEd if they notice a tree growing into ComEd wires.

Mr. Duray said residents should call ComEd or email them regarding their regulations for tree trimming and power lines.

Trustee Terman asked if ComEd could identify the frequency of power outages in specific areas, and asked whether they use these data to identify weaknesses in the system and areas for improvement.

Mr. Duray said ComEd reviews power outages on a monthly basis. If there is a repeat interruption of service in the same area, they will identify the area and create a work order to address the situation.

Trustee Spillers asked if ComEd was considering increasing capacity west of Ridge Road and looking at pole replacement in the east portion of the Village.

Mr. Duray said ComEd does have a capacity planning group that annually rates the capacities of ComEd standards for improvements and replacements. He said poles are also reviewed on a yearly basis for improvement or replacement.

President Canning thanked Mr. Duray for his report.

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 Appearance Review Commission meeting held July 7, 2008 was handled with the Consent Agenda.

6.12 Presentation of minutes of the Building Code Board of Appeals meeting held June 19, 2008 was handled with the Consent Agenda.

6.13 Approval of Temporary Use Permit #2008-TU-32 for the Trinity United Methodist Church Pumpkin Patch to be held at 1024 Lake Avenue from October 4 through October 31, 2008 was handled with the Consent Agenda.

6.14 Approval of Temporary Use Permit #2008-TU-33 for the St. Francis Xavier Parish 5K Running Race to be held on September 21, 2008 was handled with the Consent Agenda.

- 6.15 Approval of Temporary Use Permit #2008-TU-34 for the Linden Square Pumpkin Walk to be held October 25, 2008 was handled with the Consent Agenda.
- 6.16 Approval of Temporary Use Permit #2008-TU-35 for the Ridge Road Fall Fest to be held September 20, 2008 was handled with the Consent Agenda.
- 6.17 Request for a variation extension, Case #2008-Z-31, 522 Forest Avenue for an additional six months was handled with the Consent Agenda.
- 6.18 Request for a variation extension, Case #2008-Z-16, 1018 Isabella for an additional six months was handled with the Consent Agenda.
- 6.19 Appointment of the Land Use Committee as a Special Zoning Committee to consider the rezoning of 514 Poplar Drive from R2, Townhouse Residence to VC, Village Center Business District was handled with the Consent Agenda.
- 6.191 Adoption of Ordinance #2008-O-53 amending the Village Code, Chapter 9 regarding tree canopy coverage regulations.

Trustee Swanson moved adoption of Ordinance #2008-O-53 amending the Village Code, Chapter 9 regarding tree canopy coverage regulations, seconded by Trustee Watt.

President Canning noted that Trustee Basil removed the item from the Consent Agenda.

Trustee Basil stated his opinions, and said he became actively engaged in Village matters because the prior Village Board had proposed a tree protection ordinance that was unnecessary and unreasonable. Nearly every resident he spoke to said they did not believe there was a tree cutting problem. The previously proposed tree ordinance was not passed but the prior Village Board embarked on a survey of what trees residents were removing. He believes in reviewing that survey data, that the Village has never had a tree cutting problem. In April 2007, he ran for Village Trustee and the residents he spoke to believed the Village Board had more pressing matters to address than imposing new regulations on homeowners and how they were going to manage the trees on their own property. Nevertheless, after the 2007 election but before he was sworn in as a Trustee, the prior Village Board passed a less restrictive but still unnecessary Tree Protection Ordinance. What was true then, is still true today. There is no demonstrated need to restrict and require homeowners to meet regulations on how they manage the trees on their property. We have managed the trees on our properties without the benefit of this ordinance for 135 years without involving Village Hall and he does not

believe the Village needs to be involved now. The very notion that homeowners are incapable or unwilling or not motivated to take proper care of the trees on their property is insulting and condescending. He recognizes that the amendments to the proposed ordinance are technical and minor but it is still an unnecessary solution in search of a nonexistent problem. He takes particular issue with the subtle but important expansion of the Ordinance. He thinks the prior ordinance dealt with only trees in the R zoning district and this particular amendment proposes to regulate trees in R, R1 and R2 zoning districts. He does not believe the amendment and also the original tree ordinance is necessary and does not support expansion of the tree ordinance, however subtle or minor. Every time an ordinance is passed, the Board is increasing the cost of housing. He believes the least restrictive, least expansive definition of the amendment is appropriate.

Trustee Basil moved to amend the proposed amendment to strike R1 and R2 from the proposed Ordinance, seconded by Trustee Spillers.

Trustee Spillers said she would also like to strike the entire Ordinance and is not looking to expand it as she believes less regulation is better.

Trustee Terman said she disagrees with Trustees Basil and Spillers. The intent of the proposed Ordinance was not to increase a burden, the actual cost is diminimus. The intent was to provide an assay of the Village's canopy and to see whether or not something was beginning to happen to the tree canopy. We have seen in neighboring communities a great deal of damage that was not adequately restored until they put legislation in place. This was viewed as a systematic and constructive response to try to head off a potential problem.

Trustee Levin said the first proposed tree ordinance was draconian and there would have been significant financial penalties for taking down a tree of a certain size which would have made any reconstruction on a lot significantly more expensive. Through aerial photographs and sophisticated software, the Village tried to find out what the current tree canopy was in Wilmette. The purpose of the Tree Ordinance was to replace a tree that was removed to keep the tree canopy consistent. It is in the interest of the homeowner to maintain their property but at the time that the Ordinance was passed, developers building spec homes were removing trees and not replacing them. The purpose of the Ordinance was not to tell someone they could not remove trees, but to tell them if trees were removed, they must be replaced to restore the canopy that would blend in with the rest of the Village. He said tree canopy does affect neighboring homes and the rest of the Village. He said the proposed Ordinance was to address the issue of constructing parking lots to make sure that they are landscaped.

Trustee Watt said she believes it is a mischaracterization to say the Village Board is telling residents how to manage the trees on their property. A resident can remove a tree on their property at any time, they just have to apply for a permit to remove it. She said removing trees from a property affects the property values of the neighbors and everyone else in the community. Therefore, she does not believe it is unreasonable to expect residents to have a tree canopy that already exists in the community that can be easily arrived at with just two trees on the property. She has talked to many residents in the community that have asked how they could protect and prevent trees from being removed. She has seen a great degree of support for protecting trees in the community. She believes the proposed ordinance simply serves to reinforce the concern that is widespread in the community and she has no problem with the technical correction. She supports the proposed Ordinance.

Trustee Swanson said the Village Board was careful in their review of a Tree Canopy Ordinance and the Ordinance protects from completely denuding a front yard of tree canopy. Trees are a resource everyone enjoys and they clean the air. He agrees with Trustee Levin that the proposed Ordinance was to address the issue of building a parking lot and making sure it is landscaped.

President Canning said he does not like when bad facts make bad laws so he believes the proposed Ordinance is unnecessary. He did vote for the prior Ordinance but does not see the need to amend it.

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

Trustee Basil said he does not question the intent of the Tree Canopy Ordinance, he knows it was well intended. He does not question the creativity of the solution, it was a very creative solution. He does not question the motives behind the Tree Canopy Ordinance and he does not question that the burden to meet the Ordinance is light. He does question the Ordinance's justification and the impact of price and the regulatory burden on homes. He questions the need for the Tree Canopy Ordinance and the proposed expansion. The Village has a survey and the facts and data are that the Village does not have a tree canopy problem and has not had a problem for the past 135 years. He does not support expanding the Ordinance.

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

- 6.192 Adoption of Ordinance #2008-O-58 granting a 1,459.39 square foot (20.27%) total floor area variation in order to permit the retention of a new home at 2411 Greenwood Avenue, and on the condition that all other requirements of the Zoning Ordinance be complied with was handled with the Consent Agenda.
- 6.193 Adoption of Ordinance #2008-O-59 granting a special use for a parking lot not located on the same lot as the use served by the parking lot, a variation from the requirement that such facility is within 300 feet walking distance of the use being served, a variation from the requirement that off-street parking is located on a lot owned by the same party as the lot on which the use to be served is located, a 2.5' aisle width variation, a variation from the requirement that curbing be provided along the perimeter of the parking lot, and a variation from the requirement that open off-street parking be screened from any abutting lot located in a residential zoning district, all of the foregoing on the property at 2041 Elmwood Avenue, in accordance with the plans as submitted, on the conditions that the special use shall run with the use and not with the land, and that all other requirements of the Zoning Ordinance be satisfied was handled with the Consent Agenda.
- 6.194 Zoning Board of Appeals Report, Case #2007-15, 1620 Forest Avenue regarding a request for a 4.43 decibel variation to permit the placement of a generator in accordance with the plans submitted; adoption of Ordinance #2008-O-61.

The request was handled with the Consent Agenda for a 4.43 decibel variation to permit the placement of a generator in accordance with the plans submitted. Ordinance #2008-O-61 was adopted with the Consent Agenda, authorizing the variation of this case.

- 6.195 Zoning Board of Appeals Report, Case #2008-Z-46, 2216 Thornwood Avenue regarding a request for a 0.7' side yard awning setback variation to allow the replacement of an existing non-conforming awning and a 187.49 square foot (3.07%) total floor area variation to allow the construction of a new porch on a legal non-conforming structure in accordance with the plans submitted; adoption of Ordinance #2008-O-62.

The request was handled with the Consent Agenda for a 0.7' side yard awning setback variation to allow the replacement of an existing non-conforming awning and a 187.49 square foot (3.07%) total floor area variation to allow the construction of a new porch on a legal non-conforming structure in accordance with the plans submitted. Ordinance #2008-O-62 was adopted with the Consent Agenda, authorizing the variations of this case.

- 6.196 Zoning Board of Appeals Report, Case #2008-Z-47, 2612 Greenleaf Avenue regarding a request for a 0.69 decibel variation to permit the retention of a generator in accordance with the plans submitted and modified to include a nondeciduous planting to the east of the installed unit, and subject to the condition that the applicant present the Village Board with a letter from a credible authority stating that the proposed screening is likely to cause the decibels at the east property line to be 70 or less or the applicant provides evidence that the sound is at 70 decibels or less at the lot line and therefore there is no need for any type of screening; adoption of Ordinance #2008-O-63.

Trustee Swanson moved to grant a request for a 0.69 decibel variation to permit the retention of a generator in accordance with the plans submitted and modified to include a nondeciduous planting to the east of the installed unit, and subject to the condition that the applicant present the Village Board with a letter from a credible authority stating that the proposed screening is likely to cause the decibels at the east property line to be 70 or less or the applicant provides evidence that the sound is at 70 decibels or less at the lot line and therefore there is no need for any type of screening, seconded by Trustee Levin.

President Canning noted that the item was removed from the Consent Agenda by Trustee Levin.

Trustee Levin said he does not have a problem with the variation and the non-deciduous plantings. He does have a problem with the procedure and the principal with the request by the Zoning Board of Appeals that the plantings would not be necessary if there was a test at the lot line to show that decibel levels were 70 or less.

Louisa Trujillo, daughter of the applicant, said they had the test done and also put in the plantings.

Trustee Levin said he would like the Zoning Board of Appeals to know that as a matter of policy, the Village should abide by the testing parameters set by the manufacturer as each subsequent sound test would likely result in a different decibel level.

Trustee Levin moved to amend the motion to strike the wording “and subject to the condition that the applicant present the Village Board with a letter from a credible authority stating that the proposed screening is likely to cause the decibels at the east property line to be 70 or less or the applicant provides evidence that the sound is at 70 decibels or less at the lot line and therefore there is no need for any type of screening, 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 main motion: Trustees Swanson, Watt, Levin, Terman, Spillers, Basil and President Canning. Voting no: none. The motion carried.

Trustee Swanson moved adoption of Ordinance #2008-O-63, 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.

- 6.197 Zoning Board of Appeals Report, Case #2008-Z-48, 701 Forest Avenue regarding a request for a 311.70 square foot (2.73%) total floor area variation to allow a one-story addition to the legal nonconforming home in accordance with the plans submitted; adoption of Ordinance #2008-O-64.

The request was handled with the Consent Agenda for a 311.70 square foot (2.73%) total floor area variation to allow a one-story addition to the legal nonconforming home in accordance with the plans submitted. Ordinance #2008-O-64 was adopted with the Consent Agenda, authorizing the variations of this case.

- 6.198 Zoning Board of Appeals Report, Case #2008-Z-49, 1154 Locust Road regarding a request for a special use to construct an accessory living unit, a variation from the requirement that the owner of an accessory living unit must have owned and occupied the subject property for three years prior to the unit's construction, a 2.13' side yard setback variation, an 8.62' side yard setback variation, a 4.38' rear yard setback variation, a 628.32 square foot (2.63%) lot coverage variation, and a 70.21 square foot (1.36%) rear yard impervious surface coverage variation, all to allow a one and two story addition and accessory living unit in accordance with the plans submitted. The use shall run with the use; adoption of Ordinance #2008-O-65.

The request was handled with the Consent Agenda for a special use to construct an accessory living unit, a variation from the requirement that the owner of an accessory living unit must have owned and occupied the subject property for three years prior to the unit's construction, a 2.13' side yard setback variation, an 8.62' side yard setback variation, a 4.38' rear yard setback variation, a 628.32 square foot (2.63%) lot coverage variation, and a 70.21 square foot (1.36%) rear yard impervious surface coverage variation, all to allow a one and two story addition and accessory living unit in accordance with the plans submitted. The use shall run with

the use. Ordinance #2008-O-65 was adopted with the Consent Agenda, authorizing the special use and variations of this case.

6.199 Approval of Temporary Use Permit to extend the hours of the Festival of Fine Arts on Saturday, September 13, 2008 in the Metra parking lot.

President Canning said that the applicant asked that the request be withdrawn.

6.1991 Zoning Board of Appeals Report, Case #2008-Z-20, 406-416 Poplar Drive regarding a request for a special use to allow more than one townhouse building on a lot, a special use to allow a townhouse development where six (6) of the townhouse units do not front on a street, a 44.31' combined side yard setback variation for Buildings A and B, a 75.72' combined side yard setback variation for Building C, a 38.97' combined side yard deck setback variation, a 44.97' combined side yard stair setback variation, and a variation to permit a masonry wall in a required side yard setback to permit the construction of 12 townhouses in 3 buildings in accordance with the plans submitted.

Trustee Swanson moved to grant a request for a special use to allow more than one townhouse building on a lot, a special use to allow a townhouse development where six (6) of the townhouse units do not front on a street, a 44.31' combined side yard setback variation for Buildings A and B, a 75.72' combined side yard setback variation for Building C, a 38.97' combined side yard deck setback variation, a 44.97' combined side yard stair setback variation, and a variation to permit a masonry wall in a required side yard setback to permit the construction of 12 townhouses in three buildings in accordance with the plans submitted; the use shall run with the use and further move that the granting of the special uses and variations shall be conditioned upon approval of the alley vacation and consolidation that are required to assemble the properties that are the subject of the variation, seconded by Trustee Terman.

Trustee Levin asked Trustee Swanson to expand upon the last condition of the motion.

Trustee Swanson said the petitioner's proposal utilizes property that includes a vacated alley that the petitioner does not own, the Village owns the alley. If the special use and variations are approved, the alley vacation request would be reviewed and a recommendation made by the Plan Commission. The Village Board would then vote on the Plan Commission's recommendation.

Jane George, 1055 Linden Avenue, said she was confused regarding the variation request to be heard this evening and the alley vacation request and when it would be discussed.

President Canning said the variation request would be voted on this evening and the alley vacation request would be referred to the Plan Commission.

Ms. George asked if the Plan Commission would be the only Commission responsible for voting on the alley vacation.

Trustee Swanson said the Plan Commission would make a recommendation regarding the vacation of the alley and the Village Board would have the final vote on the alley vacation.

John Myefski, Myefski Cook Architects, reviewed the revised plans as presented in the ZBA report. He noted that the driveway entrance was changed to the center of the property which reduced the amount of variations that are being requested. There is also one new variation that is being requested for a masonry fence at the front of the building to create a buffer zone for the back yards. The amount of units has been reduced to 12 from the original plans of 14. He noted that he did request that the neighbors call him regarding any questions with the proposed plans but he did not receive any calls from the neighbors. Mr. Myefski reviewed the landscaping plans but noted they would have to appear before the Appearance Review Commission for approval of the proposed landscaping.

Trustee Swanson asked if the petitioner was asking for a floor area variation or a height variation.

Mr. Myefski said they are not asking for a floor area or height variation. Two of the buildings are just less than 35' high and the third building is 33' high.

Trustee Swanson said since the driveway slopes down, what plans are there for snow and ice removal.

Mr. Myefski said they have proposed to heat the ramp.

Trustee Swanson asked what has been proposed for storm water management.

Mr. Myefski said they have proposed a depression in the center of the driveway areas and will be burying large pipes to hold the water from a storm and there will also be pumps. The grade will slope into the site so water will never affect the neighbors.

Trustee Swanson noted that the foresters would like to save the parkway trees. He asked if it was the petitioner's intent to save the trees.

Mr. Myefski said they have saved the trees indicated by the foresters by moving the driveway to a center entrance.

Trustee Swanson asked why the combined yard requirement was 100'.

Mr. Myefski said the development was set at an angle which doubled the requirement but they do meet the intent of the Code.

Trustee Watt asked if the back triangle lot had a street frontage rather than an alley frontage what would the setbacks be.

Mr. Adler explained how the side yard setbacks were determined noting a smaller setback if the triangular lot fronted on a street rather than an alley.

Trustee Watt noted the masonry wall in the front yard but asked what type of fencing would be in the rest of the side yards.

Mr. Myefski said the other fences would be board on board wood fencing.

Trustee Levin asked who owned the property to the south of the petitioner's property.

Mr. Myefski said Manor Care owns that property.

Trustee Spillers asked why the petitioner did not just build what could be built by right.

Mr. Myefski said staff believed the triangular piece of property behind the petitioner's property did not have a great deal of use and encouraged them to incorporate the property into their site plans.

Trustee Spillers asked what the development would look like without the triangular piece of property.

Mr. Myefski said they would propose two buildings with four units in each.

Trustee Basil noted that there is small triangle of land near the back of the development and the petitioner has indicated that it may be sold at a later time as they would not be building on it. He asked how that would affect the current calculations.

Mr. Myefski said it would not affect the side yard calculations but would most likely affect the floor area ratio and how much could be built on the triangular lot.

Jane George, 1055 Linden, said she still believes the development is too big for the property and does not blend in with other structures in the neighborhood. She said the overall mass of the development is the same as the previous plans. She believes the development should be sensitive to the existing neighborhood homes. She urged the Village Board to deny the proposed plans.

John Plante, 1004 Oakwood, said he agrees with Ms. George's statement. He also believes that single family homes would be appropriate for the property as there were single family homes there previously. He believes the proposed townhome development is too large for the neighborhood.

Maria Bettini DeBoer, 1035 Linden, said she sent an email to the Village Board stating that she believed the proposed development is too large for the neighborhood. She asked what the status was of the property adjoining the petitioner's property.

President Canning said Mr. Myefski would answer that question at the end of public comment.

Donna Porter, 1025 ½ Linden, said she also sent the Village Board an email stating that she believed the proposed development was too large for the neighborhood. She asked why Building C in the proposed plans was at a higher grade and asked how high it actually was from the ground.

Tom McDaniel, 1018 Oakwood, said his property is immediately to the east of the proposed property. The proposed development will be built along his back yard and he does not believe the variations should be granted to allow the development to be built closer to his property.

Mr. Myefski said in response to Ms. DeBoer's question, they did not include the property to the south on the corner in the proposed development as it is a conforming piece of property and a single family home or duplex could be built on the property. Including that piece of property into the current development would have caused too many difficulties with setbacks. Both pieces of property are owned by Manor Care but would be sold together to the petitioner.

Trustee Terman asked if Manor Care would continue to have a fiscal interest in the property.

Mr. Myefski said no, once the property is sold the petitioner will own both pieces of property. The corner property would most likely be developed as a single family home or a duplex, it would not be a group home as stated by one of the neighbors.

Mr. Myefski said one of the neighbors said they did not believe seniors would be interested in the proposed townhome development. He still believe seniors would be interested in the proposed development as he has found in the surrounding communities that 25-30% of townhome developments have been purchased by seniors. That is why they are proposing elevators for the development.

Trustee Terman asked if the petitioner would wait to demolish and build until they have sold approximately 50% of the units due to the fragility of the current housing market.

Mr. Myefski said that is hard to anticipate as they would need to build the infrastructure for everything at the same time. He said that because of tax codes, it was likely that the property would be cleared upon ownership, regardless of when actual construction would start.

Mr. Myefski said in response to Ms. Porter's question, the height of Building C is measured from grade and is 33' high. He said they have tried to soften the proposed structure from Mr. McDaniel's home with landscaping.

Ms. Porter asked how high Building C actually is.

Mr. Myefski said it is 33' high measured from grade.

Trustee Basil said he appreciates all the work that has been done on the proposed development but he believed he heard many of the neighbors and Trustees say that the previous plans were too big and too intense. He said the neighbors have legitimate concerns regarding bulk and intensity and he does not understand why the revised plans are at the maximum floor area ratio.

Mr. Myefski said he thought the number of the units was the issue and they reduced the number of units by 2. He said his client tried to improve the plans by reducing the number of units and minimize what is seen from the street and try to have the project make financial sense.

Trustee Terman asked how the snow storage area would drain.

Mr. Myefski said the snow area would have drains in the center and would drain to storage areas below. In a huge snow event, they would bring in vehicles to remove the snow and haul it away.

President Canning said he believes the Eleventh Street Townhouses are more analogous to the proposed project and that was a replacement of two homes. He believes eleven units would move the development farther away from the neighbors, reduce the perceived mass and bulk and would be in keeping with a very nice type of development. He is not persuaded as to why four units are needed in the back of the proposed development other than to maximize revenue. He shares the same concerns as Trustee Basil regarding the size and bulk of the proposed project.

Trustee Swanson said it is difficult to legislate look and style in neighborhoods. The Village Board can legislate size and height and the proposed development meets those requirements. He believes the side yard variations requested are due to the driveway having been moved to the middle of proposed project to allow backyards, which he believes is a good thing for the project. He does have a problem with Building C and believes it should be smaller than the proposed four units.

Trustee Watt said she appreciates that the developer listened to their previous concerns and has revised the plans to change the driveway and allow backyards for each unit in Buildings A and B. She has an issue with the request for a special use as the petitioner turned around the buildings which requires more variations. She shares a concern of the neighbors as she does not know whether or not the units will sell and is also concerned that there is no affordable housing offered in the project. She does not support the request.

Trustee Levin said in looking at the project, he would just build the ten units that could be built by right. He said the petitioner must recognize that six votes are needed from the Village Board to grant the alley vacation. He also has an issue with the special use request to turn the buildings.

Trustee Terman said she finds the revised plans appealing as there is one driveway and all the units have a backyard. She appreciates the desire to create the development and suggested to the petitioner that the bulk of the buildings proposed is an aesthetic phenomenon. There are very few masonry buildings in the neighborhood, she believes the petitioner could have chosen different colors and materials to blend into the neighborhood and alleviate some of the neighbors' concerns.

Trustee Spillers thanked the petitioner for the persistence in revising the plans and coming back to the Village Board. She agrees with Trustee Basil that the Board sent a clear message previously that they would like to see less units and bulk in the project. She agrees with the neighbors that the proposed development is too massive for the property. What concerns her the most is how much longer the process will go in terms of the vacation alley.

Trustee Basil said he would also like to see one less unit in Building C. He agrees with Trustee Terman that the proposed project should blend in with the neighborhood to alleviate the neighbor's anxiety. He respects that the petitioner has tried to make good use of the land but he believes it is intensive and not respectful of the neighbor's concerns.

President Canning said he does not support the application.

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

President Canning declared a recess at 10:52.

President Canning brought the meeting back to order at 10:57.

FINANCE COMMITTEE REPORT:

- 6.21 Presentation of minutes of the Finance Committee meeting held May 22, 2008 was handled with the Consent Agenda.
- 6.22 Approval of contract with Northwest Collectors, Inc., Rolling Meadows, IL to provide collection services for unpaid ambulance transport fees was handled with the Consent Agenda.
- 6.23 Approval of contract with Tele-Collection Systems Ltd., Oakbrook Terrace, IL to provide collection services for unpaid parking tickets and false alarms was handled with the Consent Agenda.
- 6.24 Presentation of the June 30, 2008 Revenue and Expense Report was handled with the Consent Agenda.
- 6.25 Presentation of the June 30, 2008 Treasurer's Report of Cash Receipts and Disbursements was handled with the Consent Agenda.
- 6.25 Presentation of the June 30, 2008 Cash and Investments Summary was handled with the Consent Agenda.

- 6.26 Approval of June 2008 Disbursements was handled with the Consent Agenda.
- 6.28 Approval of Resolution #2008-R-27 approving investments as previously authorized in the Illinois Public Treasurer's Investment Pool (IPTIP) was handled with the Consent Agenda.
- 6.29 Presentation of the December 31, 2007 Comprehensive Annual Financial Report (CAFR) and Auditor's Management Letter; refer to Finance Committee was handled with the Consent Agenda.
- 6.3 ADMINISTRATION COMMITTEE REPORT:
 - 6.31 Presentation of minutes of the Board of Health meeting held April 23, 2008 was handled with the Consent Agenda.
 - 6.32 Presentation of minutes of the Historic Preservation Commission meeting held June 4, 2008 was handled with the Consent Agenda.
 - 6.33 Presentation of minutes of the Historic Preservation Commission Sub-Committee held June 12, 2008 was handled with the Consent Agenda.
 - 6.34 Presentation of minutes of the Historic Preservation Commission meeting held July 9, 2008 was handled with the Consent Agenda.
 - 6.35 Presentation of minutes of the Historic Preservation Commission Sub-Committee meeting held July 29, 2008 was handled with the Consent Agenda.
 - 6.36 Presentation of minutes of the Bicycle Task Force meeting held June 8, 2008 was handled with the Consent Agenda.
 - 6.37 Presentation of minutes of the Administration Committee meeting held July 14, 2008 was handled with the Consent Agenda.
 - 6.38 Introduction of Ordinance #2008-O-60 amending the Village Code to provide for a commercial/institutional franchise for the collection of solid waste.

Trustee Levin introduced Ordinance #2008-O-60 amending the Village Code to provide for a commercial/institutional franchise for the collection of solid waste.

Village Manager Michael Earl said adoption of the proposed Ordinance on September 9, 2008 will allow the Village to enter into a franchise agreement with Veolia.

President Canning noted that the proposed Ordinance will not affect single family residential homes in the Village only businesses and multi unit housing.

Trustee Spillers said she understood that the local Village businesses were surveyed and she asked what the response rate was and were the majority of businesses in favor of the idea.

Mr. Earl said the response rate for the survey was about 15% and is consistent with the response rate the Solid Waste Agency Northern Cook County (SWANCC) has experienced when assisting other communities in evaluating a commercial waste franchise.

Trustee Spillers asked how many waste haulers currently work in the Village.

Mr. Earl said there are at least six different waste haulers that service businesses and multi-family buildings in the Village.

Trustee Spillers noted that Veolia currently provides waste hauling for the residential single family homes and asked if there was a bid process for the commercial waste franchise.

Mr. Earl said there was not a bid process, staff recommended to the Administration Committee that staff focus on negotiating a franchise with Veolia because they are the predominant waste hauler in town, they provide good service on the residential side; and, with the help of SWANCC, staff knows the Village will receive competitive rates. In addition, there was concern that a bid process would be time consuming and there was some doubt that the Village could complete a process before a new state law takes effect that would require municipalities to wait 18 months before implementing a franchise if one is not approved by October 1, 2008.

Trustee Terman added that although the Village did not go out to bid, Mr. Beale, SWANCC Executive Director, did provide the Administration Committee with information regarding the rates charged by other waste hauling companies.

Trustee Levin noted the Veolia was highly competitive with the fees of the other waste hauling companies.

Trustee Watt said she is delighted the Village is moving forward with the proposed Ordinance as it has always bothered her that recycling was not available for businesses. She asked if the same trucks would pick up for residential single family homes as for commercial and multi family homes.

Jeff Hayes, Veolia representative, said the same trucks would not pick up residential and commercial. He said different styled trucks are used for residential and commercial waste.

Trustee Watt asked if commercial waste hauling would be collected per different zones on different days.

Mr. Hayes said commercial waste would be collected every day to serve the business needs of the commercial facilities.

Trustee Watt asked to what degree other government entities will be participating in the commercial waste hauling process.

Mr. Earl said staff has kept other entities apprised of the process throughout and Veolia has agreed to extend the negotiated rates to other local governments in Wilmette.

Trustee Watt said she is a little uncomfortable in not going through a more formal bid process. She noted that the residential contract with Veolia expires next year and by entering into a commercial agreement with them, is the Village tying its hands in terms of negotiating with other companies.

Trustee Levin said that was discussed at the Administration Committee and the answer is no. The contracts do not start or end simultaneously and each time a contract ends, the Village can look for the best arrangement on the market.

Trustee Watt noted that the memorandum states that the rates for fuel will be adjusted. She asked if there were parameters set for these rates.

Mr. Earl said that the details of the fuel surcharge are being discussed and will be presented at the next meeting as part of the recommended franchise agreement.

Trustee Basil said he understands and appreciates the work that has gone into the process but he is concerned about the appearance of rushing into an arrangement without going out to bid to meet a deadline. He asked if the effective date was delayed to allow the Village to go out to bid, would that meet the State deadline.

Mr. Frenzer said the proposed State Law says that a municipality can not grant a franchise without going through the public hearing process and also requires that the contract can not take effect for 18 months.

Trustee Terman says the main discussion in the Administration Committee was the element of advantage to vendors, business people and residents who live in multi unit facilities. It seems to her that in negotiations with Veolia, the Village has the prerogative with proceeding now and getting the fiscal advantage of 18 months for the residents and businesses.

Trustee Terman asked the duration of the proposed contract.

Mr. Earl said the proposed contract is for seven years.

Trustee Watt asked if the contract had to be for seven years.

Mr. Earl said seven years is standard and would allow Veolia to recoup on the investment they are making in the Village.

Trustee Levin said the Village has an option between now and October 1, 2008 to enter into a franchise agreement without going through an 18-24 month procedure and meet the needs of a number of Village businesses and entities with a commercial contract that is less than they are now paying. The Administration Committee thought it was a good thing to do.

Trustee Swanson said the proposed commercial waste franchise rates are competitive.

Trustee Levin said every business that has been affected has been kept informed all along the process and he has not received any negative comments.

Trustee Watt said by not going through a formal bid process, is the Village opening itself up to any legal issues.

Mr. Frenzer said the Board has the legal authority to enter into a contract.

Trustee Watt said she will personally feel more comfortable about the process if she could see the rates of what businesses are paying now and what they would be paying with the new franchise agreement.

Mr. Earl said he would provide survey information to the Village Board.

Trustee Watt asked if staff had dealt with the specialized needs of certain waste products.

Mr. Frenzer said the Ordinance is drafted with an exemption clause that if Veolia can not handle a certain type of waste than the business could have their own waste pick up.

Mr. Hayes said medical waste would be outside of the regular contract and could be handled by the business as they would like.

President Canning said he supports the franchise concept. He has written to the legislators in Springfield indicating that he believes the proposed law that will take effect October 1, 2008 is a bad idea.

President Canning thanked Veolia for the extra pick ups and trucks to clean up waste in the Village after the August 2007 storm. He said the Veolia crews worked very hard to pick up waste in a professional manner.

6.4 MUNICIPAL SERVICES COMMITTEE REPORT:

- 6.41 Approval of contract in the amount of \$119,000 with Mosele & Associates, Inc., Ingleside, IL for Water Plant troughs replacement was handled with the Consent Agenda.
- 6.42 Approval of change order in the amount of \$41,242.50 with Chicagoland Paving Contractors Inc., Lake Zurich, IL for the addition of street patches to the 2008 Road Program was handled with the Consent Agenda.
- 6.43 Approval of contract in the amount of \$127,400 with Cornerstone Material Recovery Inc., McHenry, IL for leaf hauling and disposal was handled with the Consent Agenda.
- 6.44 Approval of contract in the amount of \$201,277 with Nels J. Johnson Tree Experts Inc., Evanston, IL for parkway ash tree removals was handled with the Consent Agenda.

6.5 PUBLIC SAFETY COMMITTEE REPORT:

- 6.51 Presentation of minutes of the Public Safety Committee meeting held February 22, 2008 was handled with the Consent Agenda.

6.6 JUDICIARY COMMITTEE REPORT:

- 6.61 Application of 7-Eleven (350 Ridge Road) for a Class I (grocery with packaged beer, wine and liquor) Liquor License; referral to Judiciary Committee was handled with the Consent Agenda.
- 6.62 Adoption of Ordinance #2008-O-52 amending the Village Code, Chapter 9 and Chapter 20 to exempt from the 60-day affordable housing

consultation process commercial developments with one or fewer dwelling units planned was handled with the Consent Agenda.

- 6.63 Adoption of Ordinance #2008-O-54 amending the Village Code, Chapter 11 to amend the provisions of the Class L liquor license to permit consumption on the premises 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 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 Notice of vacancy on the Youth Commission due to the term expiration of Craig Crawford was handled with the Consent Agenda.

- 8.93 Notice of vacancy on the Board of Health due to the term expiration of Diana Hackbarth was handled with the Consent Agenda.
- 8.94 Notice of vacancy on the Youth Commission due to the term expiration of Melissa Miller was handled with the Consent Agenda.
- 9.0 NEW BUSINESS:
 - 9.1 Notice of vacancy on the Fine Arts Commission due to the term expiration of Peter Yang was handled with the Consent Agenda.
 - 9.2 Notice of vacancy on the Historic Preservation Commission due to the term expiration of Martin Jaffe was handled with the Consent Agenda.
 - 9.3 Notice of vacancy on the Youth Commission due to the term expiration of Sheila Bower was handled with the Consent Agenda.
 - 9.4 Notice of vacancy on the Youth Commission due to the term expiration of Emily Swann was handled with the Consent Agenda.
 - 9.5 Notice of vacancy on the Historic Preservation Commission due to the resignation of Paul Schwab was handled with the Consent Agenda.
- 10.0 ADJOURNMENT:

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

Barbara L. Hirsch
Deputy Village Clerk