



VILLAGE OF WILMETTE

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MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILMETTE, ILLINOIS HELD IN THE COUNCIL ROOM OF SAID VILLAGE HALL, 1200 WILMETTE AVENUE, WILMETTE, ILLINOIS ON TUESDAY, MARCH 10, 2009.

Item:

The Village President called the meeting to order at 7:48 p.m.

1.0 ROLL CALL:

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

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

2.0 APPROVAL OF MINUTES:

2.1 Trustee Terman moved approval of minutes of the Regular Board meeting held February 24, 2009, seconded by Trustee Watt. All voted aye, the motion carried.

3.0 PETITIONS AND COMMUNICATIONS:

Michael Thirman, 214 Westmoreland, asked to remove item 6.16 from the Consent Agenda.

4.0 REPORTS OF OFFICERS:

President Canning said the Village of Wilmette will participate in Earth Hour 2009 to be held on Saturday, March 28 from 8:30 pm – 9:30 pm. He encouraged businesses and residents to turn off non essential lighting for the hour.

President Canning noted the passing of former Village President James Sweeter.

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

- 6.11 Minutes, Appearance Review Commission.
- 6.12 Temporary Use Permit #2009-TU-02 for the Eden's Plaza Art Fair to be held July 18 & 19, 2009.
- 6.13 Temporary Use Permit #2009-TU-03 for the St. Augustine Plant Sale to be held May 8 to May 17, 2009.
- 6.14 Request for a variation extension, Case #2008-Z-34, 1225 Wilmette Avenue for an additional twelve months.
- 6.15 ZBA Report, Case #2009-Z-06, 165 Green Bay Road regarding a request for a special use to allow a limited service restaurant (Subway) and an 11 space parking variation in accordance with the plans submitted. The use shall run with the use; adoption of Ordinance #2009-O-24.
- 6.17 ZBA Report, Case #2009-O-Z-12, 103 Sixteenth Street regarding a request for variations to allow a second story addition and deck on a legal non-conforming structure in accordance with the plans submitted; adoption of Ordinance #2009-O-26.
- 6.18 ZBA Report, Case #2009-Z-13, 929 Thirteenth Street regarding a request for variations to allow a two-story addition and extended rear porch on the legal non-conforming structure in accordance with the plans submitted; adoption of Ordinance #2009-O-27.
- 6.21 Adoption of Resolution #2009-R-12 authorizing the write off of the uncollected balance of the 2005 Tax Levy.
- 6.22 Adoption of Resolution #2009-R-13 authorizing the write off of the uncollected balance of the 2006 Tax Levy.
- 6.31 Minutes, Environmental and Energy Commission.
- 6.41 Approval of participation in 2009/2010 Illinois Joint Purchasing Agreement for the purchase of rock salt.
- 6.42 Approval of contract, E.J. Equipment Inc., Manteno, IL for a catch basin/sewer cleaner truck.

- 6.43 Approval of extension of contract, KGI Landscaping Company, Skokie, IL for landscaping.
- 6.44 Approval of extension of contract, Nels L. Johnson Tree Experts Inc., Evanston, IL for tree removals.
- 6.45 Approval of contract, Mauro Sewer Construction, Inc, Des Plaines, IL, for the 2009 Sewer Repair Program.
- 6.46 Approval of contract, Midwest Brick Paving, Inc., Antioch, Illinois, for the 2009 Brick Street Repairs.

- 6.61 Minutes, Judiciary Committee.
- 6.62 Minutes, Judiciary Committee.
- 6.63 Adoption of Ordinance #2009-O-19 amending the Wilmette Village Code, Chapter 11 (Liquor Control) to permit the issuance of a new Class A liquor license (restaurant – full service without bar) to NEA Agora, Inc., d/b/a Olive Oil, 1154 Central Avenue, and amending the provisions of Chapter 11 concerning the definition of “restaurant.”
- 6.64 Introduction of Ordinance #2008-O-28 amending the Wilmette Village Code, Chapter 11 (Liquor Control) to reduce the number of Class B liquor license by one, and increase the number of Class C licenses in order to permit Ridgeview Grill, 827 Ridge Road, to convert its existing Class B liquor license to a Class C liquor license.

- 8.1 Notice of vacancy, Board of Health.
- 8.2 Notice of vacancy, Housing Commission.
- 8.3 Notice of vacancy, Community Relations Commission.
- 8.4 Notice of vacancy, Board of Health.
- 8.5 Notice of vacancy, Youth Commission.
- 8.6 Notice of vacancy, Fine Arts Commission.
- 8.7 Notice of vacancy, Historic Preservation Commission.
- 8.8 Notice of vacancy, Historic Preservation Commission.
- 8.9 Notice of vacancy, Housing Commission.
- 8.91 Notice of vacancy, Historic Preservation Commission.
- 8.92 Notice of vacancy, Youth Commission.
- 8.93 Notice of vacancy, Commission for Persons with Disabilities.
- 8.94 Appointment, Appearance Review Commission.

- 9.1 Notice of vacancy, Fine Arts Commission.

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

- 4.2 Introduction of Carrie Woleben-Meade who is recommended for appointment to the Appearance Review Commission.

President Canning introduced Ms. Woleben-Meade to the Village Board and recommended her appointment to the Appearance Review Commission.

- 4.3 Proclamation designating April 2009 as Fair Housing Month.

President Canning read aloud the Proclamation.

- 4.4 Announcement of cancellation of the March 24, 2009 Regular Village Board meeting.

President Canning announced the cancellation of the March 24, 2009 Regular Village Board meeting.

5.0 REPORT OF THE LIQUOR CONTROL COMMISSIONER:

No Reports.

6.0 STANDING COMMITTEE REPORTS:

6.1 LAND USE COMMITTEE REPORT:

- 6.11 Presentation of minutes of the Appearance Review Commission meeting held February 2, 2009 was handled with the Consent Agenda.
- 6.12 Approval of Temporary Use Permit #2009-TU-02 for the Eden's Plaza Art Fair to be held July 18 & 19, 2009 was handled with the Consent Agenda.
- 6.13 Approval of Temporary Use Permit #2009-TU-03 for the St. Augustine Plant Sale to be held May 8 to May 17, 2009 was handled with the Consent Agenda.
- 6.14 Request for a variation extension, Case #2008-Z-34, 1225 Wilmette Avenue for an additional twelve months was handled with the Consent Agenda.
- 6.15 Zoning Board of Appeals Report, Case #2009-Z-06, 165 Green Bay Road regarding a request for a special use to allow a limited service restaurant (Subway) and an 11 space parking variation in accordance with the plans submitted. The use shall run with the use; adoption of Ordinance #2009-O-24.

The request was handled with the Consent Agenda for a special use to allow a limited service restaurant (Subway) and an 11 space parking variation in accordance with the plans submitted. The use shall run with the use. Ordinance #2009-O-24 was adopted with the Consent Agenda, authorizing the special use and variation of this case.

- 6.16 Zoning Board of Appeals Report, Case #2009-Z-07, 2716 Old Glenview Road regarding a request for a special use for a park, a 12.06' side yard adjoining a street setback variation, a 4.68' side yard setback variation, a 15' side yard adjoining a street step setback variation, a 26' fence height variation to allow a 30' high back stop fence in a side yard adjoining a street, a variation to permit a chain link fence in a side yard adjoining a street, a 23.5' fence height variation to allow a 30' high back stop fence in a side yard, a 1.5' fence height variation to allow an 8' high fence in a side yard, and a variation to allow six accessory structures all to allow improvements to the existing concession stand and park facilities in accordance with the plans submitted. The use shall run with the use; adoption of Ordinance #2009-O-25.

Trustee Swanson moved to grant a request for a special use for a park, a 12.06' side yard adjoining a street setback variation, a 4.68' side yard setback variation, a 15' side yard adjoining a street step setback variation, a 26' fence height variation to allow a 30' high back stop fence in a side yard adjoining a street, a variation to permit a chain link fence in a side yard adjoining a street, a 23.5' fence height variation to allow a 30' high back stop fence in a side yard, a 1.5' fence height variation to allow an 8' high fence in a side yard, and a variation to allow six accessory structures all to allow improvements to the existing concession stand and park facilities in accordance with the plans submitted. The use shall run with the use, seconded by Trustee Watt.

President Canning noted that staff had recommended placing a condition on the request due to concerns raised by residents regarding the safety of the existing gate on the west side of the property that opens directly on to Westmoreland Drive.

Trustee Swanson moved to amend the motion placing a condition on the special use approval that the pedestrian gate at Westmoreland Drive be locked at all times except when deliveries are made to the concession stand and in the case of an emergency, seconded by Trustee Watt.

Jim Ferguson, 2200 Kenilworth, said he is on the Board of the Wilmette Baseball Association. He reviewed the Zoning Board of Appeals (ZBA) report noting that the Wilmette Baseball Association wanted to upgrade a 55 year old park without changing the look and feel of the park, and to have the upgrades benefit everyone including the neighbors. He noted that they are proposing to upgrade the bathrooms to make them handicap accessible, improve the drainage of the rainwater, improve the façade at the concession stand, move the recycling containers within the park and move the majority of the deliveries to within the park area. He said in response to neighbors' concerns, the gate on Westmoreland Drive will be locked at all times with staff being the only ones to have a key to open the gate.

Michael Thirman, 214 Westmoreland Drive, said the neighbors recognize the special character of the baseball park but they do have a safety issue with the gate on Westmoreland Drive. He noted that there is parking on Westmoreland Drive which causes zero visibility for oncoming traffic. The neighbors' concern is that if the gate on Westmoreland Drive is used during baseball games there will be many safety issues. He suggested the possibility of moving the gate to a different location or just removing the gate.

David Roberts, 2608 Old Glenview Road, architect for the project, said it would be very difficult to move the gate farther to the north on Westmoreland Drive due to the significant grade change in the area. He noted that the park was originally placed very close to the lot line as Westmoreland Drive was not developed at that time. The current wood fence will be removed and an open wrought iron fence will be installed for better visibility in the area.

Trustee Watt asked if the applicant has considered any techniques to try to keep people from walking into the street that is beside the ball park.

Mr. Roberts said they did consider installing the fence nearer to the street but there are trees that they do not want to remove so they believe the new open fence will provide better visibility. The gate on Westmoreland Drive will always be kept locked, will have limited use and staff will control the opening of the gate.

Trustee Swanson asked for the width of Westmoreland Drive.

Mr. Roberts said Westmoreland Drive is 32' wide with allowable parking on the west side.

Trustee Swanson said that allows 24' of pavement for cars going both ways and

removing the wood fence will allow more visibility to the cars also. He asked if the applicant could install a buzzer on the gate to alert people if the gate is open for some reason.

Mr. Roberts said a buzzer could be installed on the gate.

Trustee Terman said it seems that there have been remarks made about people's behavior in utilizing the gate. She believes having a buzzer on the gate will help remind staff that the gate is to remain closed. She also hopes the baseball association will work with staff to remind them to keep the gate locked except in the case of emergencies and certain deliveries.

Mr. Ferguson said only a handful of staff will have a key to open the gate for purposes of emergencies and some deliveries. He also noted that the baseball park is only open for 3 ½ months of the year.

Trustee Spillers asked how foul balls would be retrieved if the gate cannot be opened.

Mr. Ferguson said they will be installing a new back stop and hopes that will stop the foul balls from going out of the ball park.

Mr. Thirman said the neighbors have raised concerns previously with the ball park but have not contacted the police as they do want to be unfriendly to the baseball association. He would like to see the gate opened only for emergencies, otherwise staff will open the gate for any type of situation they deem fit.

President Canning asked if Mr. Thirman had a contact within the baseball association to call if there is a problem.

Mr. Thirman said previously he did not but now he does have names and numbers of people to contact within the baseball association.

Scott Johnson, 246 Westmoreland, said he is also concerned with the gate on Westmoreland Drive due to traffic safety concerns. He would like to see the gate eliminated on Westmoreland Drive.

Mr. Ferguson said the vast majority of the deliveries will be made through the gate on Old Glenview Road. He again stressed that only four or five staff people will have a key to the gate on Westmoreland Drive.

Trustee Watt asked how the garbage and recycling is picked up if the gates are locked.

Mr. Ferguson said the garbage and recycling companies have a key to the gate on Old Glenview Road.

Trustee Swanson said he believes it is a life safety issue to have two exits at the baseball park. He does not have a problem with traffic issues as the new fence will allow better visibility. He supports a buzzer on the gate to alert staff that the gate is open for any reason.

Trustee Watt thanked the residents and applicant for the civil behavior regarding the issues at the ball park. She believes that removing the wood fence and having more visibility with the open fence will improve traffic concerns in the neighborhood.

Trustee Levin said if the condition of the special use is violated, the only remedy is to terminate the special use, which in this case is to shut down the park. He suggested making the locking of the gate a condition to the existence of the gate as part of the special use.

President Canning asked if the gate was a life safety issue.

John Adler, Director of Community Development, said he did not believe the gate along Westmoreland Drive was required by life/safety codes.

Mr. Roberts said in all cases there has to be two exits from any venue indoors or outdoors to meet the safety codes.

Trustee Levin moved to amend the motion to say “the special use approval with respect to the gate along Westmoreland Drive as described in the materials presented to the Board, shall be conditioned upon the gate being locked at all times”.

Interim Village Manager/Corporation Counsel Timothy Frenzer suggested the following language for the amendment ‘specifically conditioned’ rather than “conditioned”.

Trustee Levin moved to amend the motion to say “ the special use approval with respect to the retention of the gate along Westmoreland Drive as described in the materials presented to the Board, shall be specifically conditioned upon the gate being locked at all times” seconded by Trustee Terman.

Trustee Basil asked if the condition would cause hardship for the applicant.

Mr. Ferguson said they will accept the condition.

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

Trustee Swanson moved to amend the motion that a buzzer be placed on the gate, seconded by Trustee Levin. All voted aye, the motion carried.

Trustee Watt suggested that the buzzer not be loud enough to be a disturbance to the neighborhood.

Mr. Roberts said they would prefer to have the gate buzzer set up in the concession stand to alert staff right away.

Trustee Spillers said Trustee Levin’s amendment has clarified the gate issue and she believes the Wilmette Baseball Association does a really good job and will follow the rules.

Trustee Basil said the plans are a great enhancement to a great institution.

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

Trustee Swanson moved to adopt Ordinance #2009-O-25, authorizing the special use and 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.

President Canning declared a recess at 8:50 p.m.

President Canning brought the meeting back to order at 8:55 p.m.

- 6.17 Zoning Board of Appeals Report, Case #2009-O-Z-12, 103 Sixteenth Street regarding a request for a 165.14 square foot (5.08%) total floor area variation, a 15.87 front yard setback variation, a 4.23' side yard setback variation, a 0.85' side yard setback variation, a 7.58' combined side yard setback variation, a 12.87' front yard eave setback variation, a 3.23' side yard eave setback variation and a 2.0' side yard deck setback variation all to allow a second story addition and deck on a legal non-conforming structure in accordance with the plans submitted; adoption of Ordinance #2009-O-26.

The request was handled with the Consent Agenda for a 165.14 square foot (5.08%) total floor area variation, a 15.87 front yard setback variation, a 4.23' side yard setback variation, a 0.85' side yard setback variation, a 7.58' combined side yard setback variation, a 12.87' front yard eave setback variation, a 3.23' side yard eave setback variation and a 2.0' side yard deck setback variation all to allow a second story addition and deck on a legal non-conforming structure in accordance with the plans submitted. Ordinance #2009-O-26 was adopted with the Consent Agenda, authorizing the variations of this case.

- 6.18 Zoning Board of Appeals Report, Case #2009-Z-13, 929 Thirteenth Street regarding a request for a 355.17 square foot (4.05% of lot area) total floor area variation, a 14.5' side yard adjoining a street setback variation, an 11.5' side yard adjoining a street eave setback variation, an 8.5' side yard adjoining a street porch setback variation and a 319.38 square foot side yard adjoining a street impervious surface coverage variation to allow a two-story addition and extended rear porch on the legal non-conforming structure in accordance with the plans submitted; adoption of Ordinance #2009-O-27.

The request was handled with the Consent Agenda for a 355.17 square foot (4.05% of lot area) total floor area variation, a 14.5' side yard adjoining a street setback variation, an 11.5' side yard adjoining a street eave setback variation, an 8.5' side yard adjoining a street porch setback variation and a 319.38 square foot side yard adjoining a street impervious surface coverage variation to allow a two-story addition and extended rear porch on the legal non-conforming structure in accordance with the plans submitted. Ordinance #2009-O-27 was adopted with the Consent Agenda authorizing the variations of this case.

- 6.19 Zoning Board of Appeals Report, Case #2009-Z-17, 601 Linden Avenue regarding a request for a 6.0' side yard setback variation, a 28.9' rear yard setback variation, a 171.18 square foot (1.19%) lot coverage variation, and a 756.13 square foot (5.27%) total floor area variation to permit the construction of garage and front façade additions in accordance with the plans submitted.

Trustee Swanson moved to grant a request for a 6.0' side yard setback variation, a 28.9' rear yard setback variation, a 171.18 square foot (1.19%) lot coverage variation, and a 756.13 square foot (5.27%) total floor area variation to permit the construction of garage and front façade additions in accordance with the plans submitted, seconded by Trustee Levin.

Nancy Fendley, petitioner, reviewed the case as presented in the ZBA report. She also noted that her twins were born prematurely and suffer from chronic lung disease, and have both been recently hospitalized. She has a letter from her doctor that they require an attached garage for health reasons. She would like to move forward as the permits have been issued by the Village, the home has been demolished and the construction of the new home is underway. The reason they had an alternate plan for the construction of an attached garage and breezeway drawn by their architect is due to concerns of the Nersesians, who live across the street. She noted that other neighbors do not support the variations needed for the alternate plan. If the alternate plan is not approved, she will go ahead with the original plans to build the attached garage with the curb cut on Sixth Street. Ms. Fendley read some of Chairman Greenberg's comments from the ZBA report stating that he believed the best solution for all involved is not the breezeway proposal, but rather the curb cut on Sixth Street.

Trustee Basil said he is sympathetic to the applicant's difficulty and he believes a plan could be worked out. He noted the applicant could use the foundation that has already been constructed and could place a driveway from the attached garage to the alley. He asked the applicant if that would be a workable plan.

Ms. Fendley said that option has been evaluated by her and her husband but they concluded that option is not desirable due to the large amount of pervious surface (120') involved in constructing the driveway, and also trees would have to be removed to build a driveway to the alley.

Trustee Basil said he believes the area of the single driveway of 120' would be approximately the same as the double driveway proposed. He said there are benefits to a longer driveway such as having more space for off street parking.

Ms. Fendley said she must continue with the construction or pursue the alternate plan due to financial considerations.

President Canning asked what drove the decision for the proposed house plans.

Ms. Fendley said having an open yard for their children and keeping the trees were the reasons for the proposed construction plans.

Trustee Watt said she is somewhat appalled that the Board is having the discussion. She is sorry that the applicant is going through the situation. She has a policy of trying to respond to every email she receives but could not respond in this case due to legal considerations. Many of the emails she has received have tremendous numbers of factual error. The applicant did what she believed was right, the Village Board did what was absolutely right in granting the moving of the curb cut from one side to another and she believes it is a really bad idea to get into a situation where neighbors get involved in what can legally be done by the Fendleys on their property. Homeowners have a right to develop their property the way they want as long as they are within the Village Code and rules.

Steven Thayer, attorney for the Nersesians, said that he had written a letter that was included in the ZBA report. The point of the letter was to try to reach an agreement with the Fendleys. The Nersesians were not able to support the alternate plan of a breezeway. He believes the first solution would be to grant the breezeway variations if supported by the neighbors, the second solution would be to grant a variation to construct a detached garage similar to other garages in the neighborhood without a breezeway and a possible bonus area for the proposed home, and the third option would be to deny the application and the building permit to evaluate safety solutions for the driveway. There is also the option suggested by Trustee Basil to have an attached garage and have the driveway placed from the garage to the alley. Mr. Thayer asked if he could read a consultation report from Nels Johnson regarding the trees on the property.

Trustee Levin said the consultation was new evidence.

President Canning conferred with Corporation Counsel Timothy Frenzer and noted that the consultation could not be admitted as it was new evidence since the ZBA hearing.

Mr. Thayer asked the Village to revoke the building permit as the attached garage and curb cut will set a precedent in the Village.

Trustee Watt asked Mr. Thayer why he believed the curb cut would set a precedent.

Mr. Thayer said the Village Code outlines the standards to overturn the Village Engineer's decision and he does not believe the Village Board followed the standards.

Trustee Watt said according to Corporation Counsel, it was absolutely appropriate for Village Engineer Brigitte Mayerhofer to follow the Village Code and deny the curb cut request and also absolutely appropriate for the Village Board to come to a different conclusion.

Darrel Graham, 530 Laurel, said he disagrees with Trustee Watt regarding the Village Board following the Village Code in applying the standards to the curb cut request and granting the request.

Mary Lawlor, 604 Laurel, said the neighbors are entitled to voice their objections to the curb cut and the proposed variations. She is opposed to both.

Melissa Siebert, 523 Linden, said she does not support the proposed variations for a breezeway as she does not believe it is necessary. She would also prefer to have the driveway constructed to the alley rather than have the curb cut on Sixth Street.

Scott Poole, 605 Linden, said he lives next door to the applicant. He does not support the proposed variations for the breezeway and urged the Board to deny the request.

Michelle Poole, 605 Linden, said she is hoping for a good faith compromise to the situation. The proposed breezeway will impose on their property which is next door.

Michael Graham, 923 Linden, said he believes the proposed variations will set a very disturbing precedent for the community.

Andrew Beckman, 614 Linden, said he does not support the proposed variations for the construction of a breezeway. He believes most of the neighbors would like to see a compromise to the situation.

Mary Lyman, 630 Eighth Street, said she does not support the proposed variations for a breezeway.

Emily Rabjohns, 314 Fourteenth Street, said she is opposed to the proposed variations for a breezeway and also the proposed curb cut.

Ms. Fendley said they have received permits to construct a new home. They are before the Village Board with an alternate plan to appease the neighbors.

Trustee Swanson said as an engineer he believes there are alternatives to every plan. He does not believe that the proposed variations for a breezeway are a good solution. He will vote against the request.

Trustee Watt said she supports the decision of the ZBA to deny the request for variations to construct a breezeway. She will not support the application.

Trustee Levin said he agrees with most of the statements of the ZBA and will not support the request.

Trustee Terman said she will not support the request for variations to construct the breezeway.

Trustee Basil said Ms. Fendley deserves credit for making the effort and spending the money to try to find an alternative plan. He urged the neighbors to work together to find a solution.

President Canning said he concurred with the comments of the Village Board. He thanked everyone for attending the meeting and trying to find a solution. He does not support the request.

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

President Canning declared a recess at 10:20 p.m.

President Canning brought the meeting back to order at 10:28 p.m.

6.2 FINANCE COMMITTEE REPORT:

- 6.21 Adoption of Resolution #2009-R-12 authorizing the write off of the uncollected balance of the 2005 Tax Levy was handled with the Consent Agenda.
- 6.22 Adoption of Resolution #2009-R-13 authorizing the write off of the uncollected balance of the 2006 Tax Levy was handled with the Consent Agenda.
- 6.23 Discussion of Finance Committee Recommendation Regarding the 2010 Budget Process.

Trustee Watt reviewed the report presented to the Board noting that the Finance Committee had discussed the Village's budget development process at its December, January and February meetings. The Committee recommends that the Village Board review high level assumptions at a budget workshop to be held in the summer, prior to staff dedicating a significant amount of time in drafting the proposed budget, and continue to hold at least one budget workshop in October to finalize the budget.

Trustee Watt said the recommended budget process is as follows:

- 1) Finance Committee monthly review of revenue and expenses
- 2) Quarterly Financial Review – Set Preliminary Personnel Projections (April)
- 3) Budget Workshop #1 – Set Key Revenue & Expense Assumptions (June/July)
- 4) Review of CIP at the Committee Level (July)
- 5) Mid-year Financial Review (July/August)
- 6) Budget Workshop #2 (October)
- 7) Optional Budget Workshop #3 (October)

Trustee Terman said she absolutely supports the idea of establishing key assumptions early on in the budget process. She believes it is appropriate to deal with the Capital Improvement Program (CIP) review at the Committee levels. Trustee Terman believes the recommendation is very good.

Trustee Basil said he agrees that giving direction to the Village Manager and Department Heads before they start the budget process makes perfect sense.

Trustee Spillers thanked the Finance Committee as she believes it is a good proposal.

Trustee Swanson thanked the Finance Committee as he believes this will make the process of the budget that much better.

President Canning asked when the proposed budget process would take public comment from residents.

Trustee Watt said she does not see that the new process would be any different from the old process, residents may come and comment at any of the budget meetings.

Trustee Terman said it may be more convenient for residents to comment at the

Committee level meetings and as always, the meetings will be well noticed.

President Canning also thanked the Finance Committee and Assistant Village Manager Kathleen Gargano for the proposed budget process.

6.3 ADMINISTRATION COMMITTEE REPORT:

6.31 Presentation of minutes of the Environmental and Energy Commission meeting held January 12, 2009 was handled with the Consent Agenda.

6.4 MUNICIPAL SERVICES COMMITTEE REPORT:

6.41 Approval of participation in 2009/2010 Illinois Joint Purchasing Agreement for the purchase of rock salt was handled with the Consent Agenda.

6.42 Approval of contract in the amount of \$240,911 with E.J. Equipment Inc., Manteno, IL for a catch basin/sewer cleaner truck was handled with the Consent Agenda.

6.43 Approval of extension of contract in the amount of \$70,273 with KGI Landscaping Company, Skokie, IL for landscaping was handled with the Consent Agenda.

6.44 Approval of extension of contract with Nels L. Johnson Tree Experts Inc., Evanston, IL for tree removals was handled with the Consent Agenda.

6.45 Approval of contract in the amount of \$324,900 with Mauro Sewer Construction, Inc, Des Plaines, IL, for the 2009 Sewer Repair Program was handled with the Consent Agenda.

6.46 Approval of contract in the amount of \$30,000 with Midwest Brick Paving, Inc., Antioch, Illinois, for the 2009 Brick Street Repairs was handled with the Consent Agenda.

6.5 PUBLIC SAFETY COMMITTEE REPORT:

No Report.

6.6 JUDICIARY COMMITTEE REPORT:

- 6.61 Presentation of minutes of the Judiciary Committee meeting held February 10, 2009 was handled with the Consent Agenda.
- 6.62 Presentation of minutes of the Judiciary Committee meeting held February 23, 2009 was handled with the Consent Agenda.
- 6.63 Adoption of Ordinance #2009-O-19 amending the Wilmette Village Code, Chapter 11 (Liquor Control) to permit the issuance of a new Class A liquor license (restaurant – full service without bar) to NEA Agora, Inc., d/b/a Olive Oil, 1154 Central Avenue, and amending the provisions of Chapter 11 concerning the definition of “restaurant” was handled with the Consent Agenda.
- 6.64 Introduction of Ordinance #2008-O-28 amending the Wilmette Village Code, Chapter 11 (Liquor Control) to reduce the number of Class B liquor license by one, and increase the number of Class C licenses in order to permit Ridgeview Grill, 827 Ridge Road, to convert its existing Class B liquor license to a Class C liquor license 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 Board of Health due to the term expiration of Malcolm Hast was handled with the Consent Agenda.
- 8.2 Notice of vacancy on the Housing Commission due to the term expiration of Marilyn Schaffer was handled with the Consent Agenda.
- 8.3 Notice of vacancy on the Community Relations Commission due to the term expiration of Shahid Siddiqui was handled with the Consent Agenda.
- 8.4 Notice of vacancy on the Board of Health due to the term expiration of Diana Hackbarth was handled with the Consent Agenda.
- 8.5 Notice of vacancy on the Youth Commission due to the term expiration of Melissa Miller was handled with the Consent Agenda.
- 8.6 Notice of vacancy on the Fine Arts Commission due to the term expiration of Peter Yang was handled with the Consent Agenda.

- 8.7 Notice of vacancy on the Historic Preservation Commission due to the term expiration of Martin Jaffe was handled with the Consent Agenda.
- 8.8 Notice of vacancy on the Historic Preservation Commission due to the resignation of Paul Schwab was handled with the Consent Agenda.
- 8.9 Notice of vacancy on the Housing Commission due to the term expiration of John Thomason was handled with the Consent Agenda.
- 8.91 Notice of vacancy on the Historic Preservation Commission due to the term expiration of Peter Gutzmer was handled with the Consent Agenda.
- 8.92 Notice of vacancy on the Youth Commission due to the term expiration of Ann Hughes was handled with the Consent Agenda.
- 8.93 Notice of vacancy on the Commission for Persons with Disabilities due to the resignation of Sally Schiller was handled with the Consent Agenda.
- 8.94 Appointment of Carrie Woleben-Meade to the Appearance Review Commission from March 2009 to March 2014 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 George Radosavljevic was handled with the Consent Agenda.
- 9.2 Discussion of report from the Wilmette Historic Preservation Commission regarding an appeal to Illinois Supreme Court on Chicago Preservation Ordinance.

Bill Shapiro, Historic Preservation Commission (HPC), said on January 30, 2009 the Illinois Appellate Court issued a decision that the Chicago Landmark Ordinance is unconstitutional because it is too vague. The case has been sent back to the trial court that previously had dismissed the case, but the City is also expected to appeal the case directly to the Illinois Supreme Court. If the City of Chicago's Landmark Ordinance were to be struck down as unconstitutional, efforts to strike down Wilmette's ordinance might be emboldened, even though the HPC does not believe they would ultimately be successful.

President Canning asked how many homes in Wilmette would be affected.

Mr. Shapiro said there are 28 homes that would be affected, but there are many more historic homes that are not landmarked.

He urged the Board to approve the proposed agreement that will enable Wilmette to be a friend of the Court in Chicago's appeal to the Illinois Supreme Court as stated in the report presented.

At 10:47 p.m., Trustee Basil excused himself from the meeting, but noted that he did not have a problem in supporting the agreement.

Trustee Levin said he did not have a problem supporting the agreement but he did not believe there would be an issue if Chicago's Ordinance was declared unconstitutional. He believed the Village would only have to amend their own Historic Preservation Ordinance to make it constitutional.

Trustee Watt said she did not have a problem supporting the agreement and thanked the Historic Preservation Commission for coming to the meeting.

Trustees Swanson, Terman and Spillers agreed with Trustee Watt's comments.

President Canning said he agrees with Trustee Levin and does not believe there is a reason to be concerned at this time, as in the interim the Chicago City Council can amend the Ordinance.

Mr. Shapiro said as he understands the situation, Chicago is just going to appeal the decision of the Appellate Court to the Supreme Court as they do not believe the terms in the Ordinance are vague. He believes the Village should endorse the proposed agreement.

President Canning said he does not see a compelling reason at this time as either the Supreme Court will send it back or reverse the decision and there is still an Ordinance.

Trustee Levin moved to sign the proposed agreement with the exception of the words "except as may be further agreed", seconded by Trustee Watt.

Trustee Levin asked that Corporation Counsel do due diligence into whom the lawyers are in the case and that they will represent the Village appropriately.

Mr. Shapiro said the agreement was sent to the Historic Preservation Commission by Landmark Illinois and the Commission respects their decision.

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

10.0 ADJOURNMENT:

Trustee Terman moved to adjourn the meeting at 10:55 p.m., seconded by Trustee Spillers. All voted aye, the motion carried.

Barbara L. Hirsch
Deputy Village Clerk