



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, JUNE 9, 2009.

Item:

The Village President called the meeting to order at 7:36 p.m.

1.0 ROLL CALL:

President	Christopher S. Canning
Trustees	Alan Swanson
	Michael W. Basil
	Karen Spillers
	Mari D. Terman
	Ted McKenna
	Cameron Krueger

Staff Present: Timothy J. Frenzer, Interim Village Manager/Corporation Counsel
 Kathleen Gargano, Assistant Village Manager
 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 May 26, 2009, seconded by Trustee Basil. All voted aye, the motion carried.

3.0 PETITIONS AND COMMUNICATIONS:

4.0 REPORTS OF OFFICERS:

Timothy J. Frenzer, Interim Village Manager, said Wilmette has been identified as one of the first areas in Illinois to have a verified case of West Nile Virus this year. The information provided to the Village from Cook County and the Illinois Department of Health has been posted on the Village's website. He encouraged residents to eliminate sources of standing water on their property which are breeding grounds for mosquitoes.

Mr. Frenzer also noted that on the second Tuesday of the month, the Village accepts prescription drug disposal from residents. Unfortunately, there has been a change from the Federal government that prohibits the Village from receiving narcotic drugs. The list of prescriptions the Village can not accept are posted on the Village's website.

President Canning said he has been notified by Congressman Mark Kirk's office that he will host an Open Town Meeting on Saturday, June 13 at 2:00 p.m. at the Wilmette Village Hall to talk about key congressional issues.

President Canning said on Thursday, June 18, 2009 there will be an ABC7 Jim Gibbons 3K Walk sponsored by the Leukemia Research Foundation beginning in the Village Center. Registration will begin at 4:30 p.m. with the walk starting at 6:30 p.m.

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

- 6.11 Minutes, Appearance Review Commission.
- 6.12 REMOVE FROM TABLE – TABLE TO JUNE 23, 2009 REGULAR VILLAGE BOARD MEETING - Adoption of Ordinance #2009-O-2 amending the Zoning Ordinance regarding Planned Unit Developments (PUD).
- 6.13 Appointment of Land Use Committee as a Special Zoning Committee to review fence regulations, Section 6.4.3 of the Zoning Ordinance, specifically as they refer to fence exception areas.
- 6.14 ARC Report, Case #2009-AR-05, 3201 Old Glenview Road regarding a request for a variation to allow an additional permanent sign to permit the display of two wall signs.
- 6.15 ARC Report, Case #2009-AR-17, 1100 Central Avenue, Healing Tree Physical Therapy regarding a request for a 9.56 square feet surface area variation and a one descriptive word variation for a pedestrian window sign.
- 6.16 ZBA Report, Case #2009-Z-26, 1428 Gregory Avenue regarding a request for a variation to permit changes to the existing private walks in accordance with the plans submitted; adoption of Ordinance #2009-O-42.

- 6.17 ZBA Report, Case #2009-Z-28, 739 Lamon Avenue regarding a request for a variation to permit a second story addition on a legal nonconforming structure in accordance with the plans as amended; adoption of Ordinance #2009-O-43.
- 6.18 ZBA Report, Case #2009-Z-29, 1204 Michigan Avenue regarding a request for a variation to permit the expansion of an existing driveway and sidewalk in accordance with the plans submitted; adoption of Ordinance #2009-O-44.

- 6.21 Adoption of Resolution #2009-R-20, which grants authority to file with the Cook County Property Tax Board of Appeals an objection to the reassessment appeal filed by Carol Farrell concerning 1300 Sheridan road, for Assessment year 2007.

- 6.31 Minutes, Fine Arts Commission.
- 6.32 Authorization to appoint one additional sworn police officer beyond the 2009 approved staffing level of 45.

- 6.41 Approval of contract, Brancato Landscaping, Inc., Niles, IL for parkway restoration.

- 6.51 Approval of Police Department consulting and transitional services agreement.
- 6.52 Approval of contract, Rudnick and Company, Wheeling, IL for building modifications necessary to accommodate a 14' high apparatus door at Fire Station #26, 1304 Lake Avenue.
- 6.53 Approval of contract, Raynor Door Company, Northfield, IL for the installation of new overhead doors.

- 6.61 Referral to Judiciary Committee – Application of DCH Acquisition, d/b/a A La Carte (111 Green Bay Road) for a Class H (grocery with packaged beer and wine) 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 Notice of vacancy, Board of Health.

- 8.95 Notice of vacancy, Historic Preservation Commission.
- 9.1 Reappointment, Building Code Board of Appeals.
- 9.2 Reappointment, Housing Commission.
- 9.3 Reappointment, Fire Pension Fund Board of Trustees.
- 9.4 Reappointment, Fire Pension Fund Board of Trustees.
- 9.5 Notice of vacancy, Board of Health.

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

4.2 Recognition of winners of Youth Volunteer Service Award and Wilmette Harbor Rotary Club and Rotary Club of Wilmette Scholarships.

Stephani Becker, Youth Commission Chair, recognized the following award winners:

- 1) Emily Stern, Wilmette Harbor Rotary Club Scholarship
- 2) Michael McGuire, Rotary Club of Wilmette Scholarship
- 3) Junjie Shangguan, Youth Commission Youth Volunteer Service Award.
- 4) Stephen Blood, Youth Commission Youth Volunteer Service Award

4.3 Announcement of cancellation of the August 11, 2009 Regular Village Board meeting.

President Canning announced the cancellation of the August 11, 2009 Regular Village Board meeting.

4.4 Request for an executive session to discuss the appointment of specific employees pursuant to Section 2 (c) (1) of the Illinois Open Meetings Act.

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 May 4, 2009 was handled with the Consent Agenda.

- 6.12 REMOVE FROM TABLE – TABLE TO JUNE 23, 2009 REGULAR VILLAGE BOARD MEETING - Adoption of Ordinance #2009-O-2 amending the Zoning Ordinance regarding Planned Unit Developments (PUD) was handled with the Consent Agenda.
- 6.13 Appointment of Land Use Committee as a Special Zoning Committee to review fence regulations, Section 6.4.3 of the Zoning Ordinance, specifically as they refer to fence exception areas was handled with the Consent Agenda.
- 6.14 Appearance Review Commission Report, Case #2009-AR-05, 3201 Old Glenview Road regarding a request for a variation to allow an additional permanent sign to permit the display of two wall signs was handled with the Consent Agenda.
- 6.15 Appearance Review Commission Report, Case #2009-AR-17, 1100 Central Avenue, Healing Tree Physical Therapy regarding a request for a 9.56 square feet surface area variation and a one descriptive word variation for a pedestrian window sign was handled with the Consent Agenda.
- 6.16 Zoning Board of Appeals Report, Case #2009-Z-26, 1428 Gregory Avenue regarding a request for a 139.85 square foot (9.32%) front yard impervious surface coverage variation to permit changes to the existing private walks in accordance with the plans submitted; adoption of Ordinance #2009-O-42.

The request was handled with the Consent Agenda for a 139.85 square foot (9.32%) front yard impervious surface coverage variation to permit changes to the existing private walks in accordance with the plans submitted. Ordinance #2009-O-42 was adopted with the Consent Agenda, authorizing the variations of this case.

- 6.17 Zoning Board of Appeals Report, Case #2009-Z-28, 739 Lamon Avenue regarding a request for a 1.82' rear yard setback variation to permit a second story addition on a legal nonconforming structure in accordance with the plans as amended; adoption of Ordinance #2009-O-43.

The request was handled with the Consent Agenda for a 1.82' rear yard setback variation to permit a second story addition on a legal nonconforming structure in accordance with the plans as amended. Ordinance #2009-O-43 was adopted with the Consent Agenda, authorizing the variation of this case.

- 6.18 Zoning Board of Appeals Report, Case #2009-Z-29, 1204 Michigan Avenue regarding a request for a 150.8 square foot (3.68%) front yard impervious surface coverage variation to permit the expansion of an existing driveway and sidewalk in accordance with the plans submitted; adoption of Ordinance #2009-O-44.

The request was handled with the Consent Agenda for a 150.8 square foot (3.68%) front yard impervious surface coverage variation to permit the expansion of an existing driveway and sidewalk in accordance with the plans submitted. Ordinance #2009-O-44 was adopted with the Consent Agenda, authorizing the variation of this case.

- 6.19 Zoning Board of Appeals Report, Case #2009-Z-27, 828 Ashland Avenue regarding a request for a 5' side yard air conditioner condenser setback variation to permit the installation of two air conditioner condensers in accordance with the plans as amended.

Trustee Swanson moved to grant a request for a 5' side yard air conditioner condenser setback variation to permit the installation of two air conditioner condensers in accordance with the plans as amended, seconded by Trustee McKenna.

President Canning noted that the applicant was not present and passed the item.

- 6.191 REMOVE FROM TABLE - Plan Commission Report, Case #2009-P-02 regarding a request for a Planned Unit Development (PUD) Submittal approval for the proposed PUD at 607-617 Green Bay Road.

Trustee Swanson moved to remove item 6.191 from the table, seconded by Trustee Basil. All voted aye, the motion carried.

Trustee Swanson moved to amend the motion to grant approval of the Planned Unit Development submittal by making the approval subject to the conditions that the developer and the Village reach agreement on a development agreement prior to a final approval of the PUD and that the agreement address the recommendations made by the Plan Commission and the Site Plan Review Committee as set out in the Plan Commission's report to the Village Board, seconded by Trustee Basil

President Canning asked Mr. Frenzer to clarify the procedural process of the petitioner's request.

Mr. Frenzer said the Village Board would vote on the preliminary approval of the Planned Unit Development this evening and before a vote on the final approval there would be a development agreement addressing the conditions set forth by the Plan Commission and Site Plan Review Committee.

President Canning noted that the petitioner's attorney sent a letter to the Village Board, which they have all received.

Bruce Huvad, attorney for the petitioner, said he was present to answer questions from the Village Board.

Trustee Krueger asked if there were any updated financial documents.

Mr. Huvad said they did not have any updated financial documents this evening.

Mr. Huvad reviewed his letter, discussing the parking requirements and parking demand management for the site. The petitioner would be willing to enter into agreements with other parking areas for off site parking spaces for employees of CVS and the medical offices. He said if the development is short of parking spaces, the petitioner would be obligated to participate in the development of a parking garage and participate in the upkeep and maintenance of the garage and he noted that his client is willing to participate in the development and maintenance of a parking garage. He noted that other municipalities have built private/public parking garages and they have worked well in the community for everyone. Mr. Huvad said that it is difficult in this economy to find a bank that is willing to lend money for commercial development. CVS is a stable company that is able to finance the development of a store at this time and they would be a solid anchor tenant for the proposed development.

Trustee Basil asked for the square footage difference between the previous project and the proposed project.

Mitch Miller, petitioner, said the previous proposed development had 16,000 square feet and the current proposed development has 12,000 square feet.

Trustee Spillers asked if the petitioner had considered building rental apartments or condominiums rather than office space above the CVS store.

Mitch Miller, said due to the economy, building condominiums was not feasible at this time.

Trustee Terman said Mr. Huvad stated that the Village would be lucky to have CVS as a corporate member of the community, she asked how CVS would demonstrate its role as a solid citizen.

Lee Winter, CVS representative, said CVS is open to participation in any community activity that is requested of them. They are a growing company and try very hard to become involved in the community.

Trustee Basil asked what programs corporate CVS participates in nationally.

Mr. Winter said CVS participates in many programs that deal with their own medical sector such as scholarships in pharmacy and discount prescriptions.

Trustee Krueger asked if the proposed budget for the CVS development included community involvement.

Mr. Winter said when CVS is asked to participate in neighborhood activities, they do respond positively, it is rare that they refuse.

Trustee Swanson asked how many parking spaces were required for the proposed development by the Village Code and how many spaces were being provided by the petitioner's proposal.

Mr. Miller said 224 spaces are required by Village Code and the project is proposing to have 125 parking spaces above and below ground.

President Canning asked if there was anyone to speak for or against the proposal.

Margaret Martin, Linden Avenue, asked for an explanation of a four stacking drive-thru.

President Canning said the proposal is that CVS would like to have a drive-thru that four cars could stack up in while waiting.

Ms. Martin said she does not believe that four cars having their engines running is a good idea.

Mr. Huvad thanked the Village Board for their consideration of the proposed development.

Trustee Swanson said he has not changed his mind in support of the project.

He believes the parking requirements for the proposed development of five per thousand is a little strict, and believes four per thousand is more realistic. He believes the issues surrounding the development will be satisfactorily addressed and believes the proposed development will help the Village in terms of sales tax, property tax and a higher activity level in the Village. He is willing to take the risk that everything in the development proposal will be satisfactorily dealt with.

Trustee Basil said he has not changed his mind regarding supporting the project. He does not believe the proposed development is an ideal use for the property but believes it is a good use. He believes there will be adjustments made concerning parking and traffic through the development agreement to accommodate, adjust and correct whatever parking deficiencies may arise. He believes this project represents millions of dollars of property tax relief to existing Wilmette residents. The petitioner will be financially invested in the success of the site and are already financially invested in other properties in the Village. He believes a yes vote creates momentum for Wilmette, and a no vote will kill momentum for the Village of Wilmette. He is in favor of the project.

Trustee Spillers said she has not changed her mind regarding not supporting the proposed development. She is concerned about the proposed drive-thru as it relates to the Comprehensive Plan and does not believe the petitioner has addressed the issue. She remains concerned that the traffic issue has not been configured the correct way. She spoke to many residents concerning the proposed project and no one really thought there was a public benefit to the proposed project. She has confidence that the community and the country will bounce back and does not believe the proposed project is what is right for the community in the long term.

Trustee Terman said she agrees with the other Trustees that the proposed development is being presented out of context of a completed Village plan. She sees the Green Bay corridor as a series of buildings that will hold residential and office space, and retail space of merit, including restaurants. There are opportunities to take advantage of public transportation and present a handsome face to the world. She does not see a singular advantage to the Village for having CVS as a retailer in the proposed site. She really does not know if she will support the project as she does not know if the proposed development is a good solution. She would also like to see a more solid commitment to participating in the construction of a parking garage but that is possibly something that could be worked out in the final agreement. She is undecided about supporting the request.

Trustee McKenna said it is difficult to envision that CVS would spur re-development of the Green Bay corridor. The response to the Boards' parking concerns has several merits to it and he commended the petitioner. He has a problem with the second and third floors being proposed as medical space. He believes the second and third floor space presents itself as retail space. He does not believe the proposal addresses the impact the development will have on the site.

Trustee Krueger said he believes he is here to represent Wilmette residents. He believes everyone agrees that there needs to be some sort of anchor to spur activity in the market to make Village Center a more attractive place to be. While CVS is not his first favorite, it is certainly a suitable candidate and if they promote competition in the Village, it is a good thing. If there is going to be development in the Village, there is going to be more traffic in the Village. He believes the CVS development is a reasonable development. He is not convinced there is going to be a parking problem as the Chase Bank development parking lot is partially empty on a daily basis. He talked to many residents regarding property tax relief from the proposed development. He is going to change his mind and support the request.

President Canning said from staff's calculations, the property tax relief will be approximately \$3.00 per household. He likes the proposed development and also liked the previous proposed development for the site. He likes the look of the building and CVS is a great anchor but he does not see the proposed development as a catalyst to development on the block. He has not had anyone tell him that the Village needs a drive-thru pharmacy. President Canning believes the Village should have a master plan and does not believe the proposed plan has a positive intensity, he believes there should be more density. He will not support the request.

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

6.19 President Canning recalled item 6.19. He noted the petitioner was not present.

Trustee Swanson moved to table the item to the June 23 2009 Regular Meeting of the Village Board, seconded by Trustee Basil. All voted aye, the motion carried.

6.2 FINANCE COMMITTEE REPORT:

- 6.21 Adoption of Resolution #2009-R-20, which grants authority to file with the Cook County Property Tax Board of Appeals an objection to the reassessment appeal filed by Carol Farrell concerning 1300 Sheridan road, for Assessment year 2007 was handled with the Consent Agenda.

6.3 ADMINISTRATION COMMITTEE REPORT:

- 6.31 Presentation of minutes of the Fine Arts Commission meeting held March 18, 2009 was handled with the Consent Agenda.
- 6.32 Authorization to appoint one additional sworn police officer beyond the 2009 approved staffing level of 45 was handled with the Consent Agenda.

6.4 MUNICIPAL SERVICES COMMITTEE REPORT:

- 6.41 Approval of contract in the amount of \$29,950 with Brancato Landscaping, Inc., Niles, IL for parkway restoration was handled with the Consent Agenda.

6.5 PUBLIC SAFETY COMMITTEE REPORT:

- 6.51 Approval of Police Department consulting and transitional services agreement was handled with the Consent Agenda.
- 6.52 Approval of contract in the amount of \$33,100 with Rudnick and Company, Wheeling, IL for building modifications necessary to accommodate a 14' high apparatus door at Fire Station #26, 1304 Lake Avenue was handled with the Consent Agenda.
- 6.53 Approval of contract in the amount of \$27,768.60 with Raynor Door Company, Northfield, IL for the installation of new overhead doors was handled with the Consent Agenda.

6.6 JUDICIARY COMMITTEE REPORT:

- 6.61 Referral to Judiciary Committee – Application of DCH Acquisition, d/b/a A La Carte (111 Green Bay Road) for a Class H (grocery with packaged beer and wine) 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 Notice of vacancy on the Board of Health due to the term expiration of Kenneth Krebs was handled with the Consent Agenda.

8.95 Notice of vacancy on the Historic Preservation Commission due to the term expiration of Neal Vogel was handled with the Consent Agenda.

9.0 NEW BUSINESS:

9.1 Reappointment of Paul James to the Building Code Board of Appeals from March 2009 to March 2014 was handled with the Consent Agenda.

9.2 Reappointment of Gregory Braun to the Housing Commission from June 2009 to June 2012 was handled with the Consent Agenda.

9.3 Reappointment of Christopher S. Canning to the Fire Pension Fund Board of Trustees from May 2009 to May 2012 was handled with the Consent Agenda.

9.4 Reappointment of Robert Amoruso to the Fire Pension Fund Board of Trustees from May 2009 to May 2012 was handled with the Consent Agenda.

9.5 Notice of vacancy on the Board of Health due to the term expiration of Denise Thrasher was handled with the Consent Agenda.

10.0 ADJOURNMENT:

Trustee Spillers moved to adjourn to executive session at 8:56 p.m. to discuss the appointment of specific employees pursuant to Section 2 (c) (1) of the Illinois Open Meetings Act, seconded by Trustee Basil.

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

The Village Board returned from the Executive Session at 9:45 p.m.

Trustee Spillers made a motion to adjourn the Village Board meeting at 9:46 p.m., seconded by Trustee Basil.

All voted aye, the motion carried.

Barbara L. Hirsch
Deputy Village Clerk

6/9/09

Approved 6/23/09