



# 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, JULY 28, 2009.**

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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  
 Kathleen Gargano, Assistant Village Manager  
 Michael Braiman, Assistant to the Village Manager  
 Barbara L. Hirsch, Deputy Village Clerk  
 John Adler, Director of Community Development  
 Bob Amoruso, Finance Director  
 Brian King, Interim Police Chief

2.0 APPROVAL OF MINUTES:

- 2.1 Trustee Terman moved approval of minutes of the Regular Board meeting held July 14, 2009, seconded by Trustee Spillers. All voted aye, the motion carried.
- 2.2 Trustee Terman moved approval of minutes of the Special Meeting of the Village President and Board of Trustees held July 9, 2009, seconded by Trustee Spillers. All voted aye, the motion carried.

### 3.0 PETITIONS AND COMMUNICATIONS:

Dr. Boxer, 3220 Temple, asked when the generator would be installed at the pumping station.

Timothy Frenzer, Village Manager, said he would have Brigitte Mayerhofer, Director of Engineering, contact Dr. Boxer. It is his understanding that the generator installation is proceeding on time.

### 4.0 REPORTS OF OFFICERS:

Mr. Frenzer said there was a ceremony held today for the re-opening of Sheridan Road. He noted that the Sheridan Road project has been completed on time and under budget. Mr. Frenzer thanked the Harbor Association and the Bahai` House of Worship for their cooperation during the project. He also thanked Village Staff, especially the Village Engineer Brigitte Mayerhofer, for the work that went into the project during the past nine years. Mr. Frenzer thanked the residents and the merchants for their patience during the construction.

Mr. Frenzer said the Union Pacific Railroad will be performing track maintenance at Lake Avenue and Wilmette Avenue during the next few weeks.

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

- 6.11 Temporary Use Permit #2009-TU-18 for the Beth Hillel Congregation Picnic to be held August 23, 2009.
- 6.12 Temporary Use Permit #2009-TU-19 for the St. Francis Xavier School Casino Night to be held October 3, 2009.
- 6.13 Temporary Use Permit #2009-TU-20 for the St. Joseph Oktoberfest Market and Family Festival to be held September 19, 2009.
- 6.14 Temporary Use Permit #2009-TU-21 for the Harper Elementary School Hoedown to be held September 20, 2009.
- 6.15 Request for variation extension, Case #2009-Z-07, 2716 Old Glenview Road for an additional twelve months.
- 6.16 Request for variation extension, Case #2009-Z-10, 2904-2908 Old Glenview Road for an additional twelve months.
- 6.17 REMOVE FROM TABLE – TABLE TO AUGUST 25, 2009 REGULAR VILLAGE BOARD MEETING - Adoption of Ordinance #2009-O-2 amending the Zoning Ordinance regarding Planned Unit Developments (PUD).
- 6.21 Adoption of Resolution #2009-R-24, which grants authority to file with the Cook

- County Property Tax Board of Appeals an objection to the reassessment appeal filed by the Estate of Robert Conter, concerning the property located at approximately 1 Happ Road (undeveloped property), for Assessment Year 2007.
- 6.22 Presentation of the Annual Treasurer's Report of Cash Receipts and Disbursements for the year ended December 31, 2008.
  - 6.31 Minutes, Board of Health.
  - 6.32 Minutes, Community Relations Commission.
  - 6.41 Approval of contract extensions, Mike Greco Landscaping Inc., Gurnee, IL; Arthur Weiler Nursery, Zion, IL; and Breezy Hill Nursery, Salem, WI for tree planting.
  - 6.42 Disqualification of prior contract award, Brancato Landscaping Inc., Niles, IL for parkway restoration.
  - 6.43 Approval of contract, KGI Landscaping Co., Skokie, IL for parkway restoration.
  - 6.44 Adoption of Resolution #2009-R-25 regarding the annual determination of prevailing wages for Public Works contracts.
  - 6.51 Approval of contract, Air One Equipment, Inc., South Elgin, IL for MSA Self Contained Breathing Apparatus (SCBA) equipment.
  - 6.61 Application of Wilmette Food Mart (531 Green Bay Road) for a Class H (grocery with packaged beer and wine) Liquor License-Referral to Judiciary Committee.
  - 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, Housing Commission.
  - 8.9 Notice of vacancy, Historic Preservation Commission.
  - 8.91 Notice of vacancy, Commission for Persons with Disabilities.
  - 8.92 Notice of vacancy, Board of Health.
  - 8.93 Notice of vacancy, Historic Preservation Commission.
  - 9.1 Notice of vacancy, Zoning Board of Appeals.
  - 9.2 Notice of vacancy, Community Relations Commission.
  - 9.3 Notice of vacancy, Fine Arts Commission.
  - 9.4 Recommendation of appointment, Youth Commission.

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

4.2 Introduction of William Daniels who is recommended for appointment to the Youth Commission.

President Canning introduced Mr. Daniels to the Village Board and recommended his appointment to the Youth Commission.

4.3 Swearing in of Police Chief, Brian M. King.

Village Manager Timothy Frenzer said he is grateful for the opportunity to appoint Brian King as the next Police Chief. Brian has been with the Wilmette Police Department for the past 22 years. His accomplishments are many and he has exemplified what the Wilmette Police Department does best. He is a dedicated law enforcement officer and is someone the community can rely on and be proud of.

Village President Christopher Canning said the Village Board fully supports the appointment of Brian King as Police Chief.

Terrence C. Porter administered the Oath of Office to Police Chief, Brian M. King.

Police Chief Brian King thanked the Village Manager and the Board of Trustees for his appointment. He appreciates their confidence and said it has been a privilege to work for the Village for the past 22 years. He thanked the previous Chiefs, the men and women of the Police Department and Village Staff. He looks forward to serving as Chief of Police.

5.0 REPORT OF THE LIQUOR CONTROL COMMISSIONER:

No Report.

6.0 STANDING COMMITTEE REPORTS:

6.1 LAND USE COMMITTEE REPORT:

6.11 Approval of Temporary Use Permit #2009-TU-18 for the Beth Hillel Congregation Picnic to be held August 23, 2009 was handled with the Consent Agenda.

- 6.12 Approval of Temporary Use Permit #2009-TU-19 for the St. Francis Xavier School Casino Night to be held October 3, 2009 was handled with the Consent Agenda.
- 6.13 Approval of Temporary Use Permit #2009-TU-20 for the St. Joseph Oktoberfest Market and Family Festival to be held September 19, 2009 was handled with the Consent Agenda.
- 6.14 Approval of Temporary Use Permit #2009-TU-21 for the Harper Elementary School Hoedown to be held September 20, 2009 was handled with the Consent Agenda.
- 6.15 Request for variation extension, Case #2009-Z-07, 2716 Old Glenview Road for an additional twelve months was handled with the Consent Agenda.
- 6.16 Request for variation extension, Case #2009-Z-10, 2904-2908 Old Glenview Road for an additional twelve months was handled with the Consent Agenda.
- 6.17 REMOVE FROM TABLE – TABLE TO AUGUST 25, 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.
- 6.18 Zoning Board of Appeals Report, Case #2009-Z-32, 824 Oakwood Avenue regarding a request for a 3.0' detached garage height variation to permit the retention of a new detached garage in accordance with the plans as submitted.

Trustee Swanson moved to grant a request for a 3.0' detached garage height variation to permit the retention of a new detached garage in accordance with the plans as submitted, seconded by Trustee Basil.

Nina Gworek, petitioner, reviewed the request as presented in the Zoning Board of Appeals (ZBA) Report. She noted it was always her intention to build a conforming garage but mistakes were made by her architect and Village staff while they were reviewing the case. She also said it would be quite costly to redesign the garage.

President Canning asked the petitioner if she had previously appeared before the Village Board.

Ms. Gworek said she has been before the Village Board twice regarding variations.

Trustee Swanson asked if the petitioner's architect was present.

Ms. Gworek said her architect was not present.

Trustee Swanson asked if the architect had previously worked in Wilmette.

Ms. Gworek said her architect has previously worked in Wilmette but works in Chicago and other suburbs.

Trustee Swanson asked if the petitioner was present during any conversations the architect had with staff.

Ms. Gworek said she was not present during those discussions.

John Notch, 627 Maple, said he was not in favor of the request. He noted that the garage was originally built 16 inches too close to the property line and the garage was subsequently moved back the 16 inches. He urged the Board to deny the request and have the petitioners make the garage conforming.

Stasha Rosenthal, 430 Beverly Drive, said he was not in favor of the request and did not believe the process has been fair. He does not believe the idea of building what you want and asking the Board to grant variations is the right thing to do.

Trustee Swanson asked John Adler, Director of Community Development, if staff was involved in the review process from the beginning.

Mr. Adler said he wasn't involved in the review in 2007 but in speaking with staff, they indicated there was a lot of discussion with the architect regarding the plans for the new home and garage. It appears that the plan reviewer looked at the cross wall section of the garage rather than the elevation as the elevation should not have been approved.

Trustee Swanson asked if the wall section was shown in its entirety in the plans.

Mr. Adler said there is one side of the garage that is conforming but the side that is adjacent to the alley is non-conforming and he does not believe that side of the garage was shown in the plans.

Trustee Swanson said the issue isn't necessarily that the height is 18', it is that the garage needs to be designed in a conforming fashion.

Trustee Spillers asked what the difference is in elevation regarding the structure that is currently there and what is proposed to make the roof conforming.

Mr. Adler said the garage roof would have to be sloped back 24 inches to become conforming.

Trustee McKenna asked when in the inspection process do the inspectors look at the height of a building.

Mr. Adler said the plans were approved so the inspectors did not measure the height at the inspections.

Ms. Gworek said she has not done any more construction on the garage since the mistake was found regarding the wrong height. They were not trying to deceive the Village, they assumed the plans were correct as well as the height of the garage. The contractor has given them estimates on three designs to redo the garage and they are quite costly.

Trustee Basil said he has great sympathy for the petitioner as he had the same type of experience with his home. He asked the petitioner if she expected the Village to be the guarantor that the plans meet the Village Code.

Ms. Gworek said she did not expect the Village to be the guarantor of the plans but the Village plan reviewers do have a function and this was a glaring error if you know the rules. She believed the plan reviewer could have called the error to the attention of the architect.

Trustee Basil said he understands the petitioner's position but he has a problem with the Village bearing the responsibility.

Ms. Gworek said she wonders what benefit it will be to the Village for her to spend quite a bit of money to change the appearance of the garage and make it conforming.

Trustee Swanson said he finds the case very difficult. The review process does not alter the requirements of the builder or architect to follow the rules. What bothers him is that the garage was found to be non-conforming in location and was moved, but the non-conforming height of the garage was not noticed at that time.

He is not sure how he will vote at this time, he would like to hear from the other Trustees.

Trustee Basil said he also finds the case to be very difficult. There is an issue with volume and mass, as the garage is well beyond what ought to be allowed. The neighbors believe there is a cost to them in terms of the use and enjoyment of their property. He believes the architect should be responsible for the cost of the garage, it is not the role of government to certify that the building is safe or compliant with the Code. He will reluctantly vote against the request.

Trustee Spillers said she is also sympathetic to the case. She believes the architect has a professional responsibility to know the Codes and do what is right. It is unfortunate that the architect is not present this evening. She would also like to hear from her fellow Trustees.

Trustee Terman said there seems to be a sequence of problems, particularly when Village staff found the garage to be non-conforming and had to be moved, but that does not absolve the responsibility of the builder to build to Code. The Village does not have an aesthetic code so she is not sympathetic to that as a concern. She will not support the request.

Trustee McKenna said clearly the onus is on the architect but he would like to know what steps staff is taking to learn from this case. He agrees with the comments of his fellow Trustees and does not believe he can support the request.

Trustee Krueger said he is sympathetic to the case as well and notes that the structure is very unique. He can understand how the neighbors feel about the garage infringing upon their property rights. He believes it is the architects fault and he can not support the request.

President Canning said as Trustee Terman said, the Village does not have an aesthetic code and some of the objections are based on aesthetics, and he traditionally does not take that into account. However, he does take into account when there is a conforming option and there is a conforming option in this case. He can not support the request.

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



6.2 FINANCE COMMITTEE REPORT:

6.21 Adoption of Resolution #2009-R-24, which grants authority to file with the Cook County Property Tax Board of Appeals an objection to the reassessment appeal filed by the Estate of Robert Conter, concerning the property located at approximately 1 Happ Road (undeveloped property), for Assessment Year 2007 was handled with the Consent Agenda.

6.22 Presentation of the Annual Treasurer's Report of Cash Receipts and Disbursements for the year ended December 31, 2008 was handled with the Consent Agenda.

6.3 ADMINISTRATION COMMITTEE REPORT:

6.31 Presentation of minutes of the Board of Health meeting held April 22, 2009 was handled with the Consent Agenda.

6.32 Presentation of minutes of the Community Relations Commission meeting held February 9, 2009 was handled with the Consent Agenda.

6.4 MUNICIPAL SERVICES COMMITTEE REPORT:

6.41 Approval of contract extensions in an amount not to exceed \$61,470 with Mike Greco Landscaping Inc., Gurnee, IL; Arthur Weiler Nursery, Zion, IL; and Breezy Hill Nursery, Salem, WI for tree planting was handled with the Consent Agenda.

6.42 Disqualification of prior contract award in the amount of \$29,950 to Brancato Landscaping Inc., Niles, IL for parkway restoration was handled with the Consent Agenda.

6.43 Approval of contract in the amount of \$35,365 with KGI Landscaping Co., Skokie, IL for parkway restoration was handled with the Consent Agenda.

6.44 Adoption of Resolution #2009-R-25 regarding the annual determination of prevailing wages for Public Works contracts was handled with the Consent Agenda.

6.5 PUBLIC SAFETY COMMITTEE REPORT:

6.51 Approval of contract in the amount of \$166,120 with Air One Equipment, Inc., South Elgin, IL for the purchase of MSA Self Contained Breathing Apparatus (SCBA) equipment was handled with the Consent Agenda.

6.6 JUDICIARY COMMITTEE REPORT:

6.61 Application of Wilmette Food Mart (531 Green Bay Road) for a Class H (grocery with packaged beer and wine) Liquor License - Referral to Judiciary Committee 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 resignation of Paul Schwab was handled with the Consent Agenda.

8.8 Notice of vacancy on the Housing Commission due to the term expiration of John Thomason was handled with the Consent Agenda.

8.9 Notice of vacancy on the Historic Preservation Commission due to the term expiration of Peter Gutzmer was handled with the Consent Agenda.

8.91 Notice of vacancy on the Commission for Persons with Disabilities due to the resignation of Sally Schiller was handled with the Consent Agenda.

- 8.92 Notice of vacancy on the Board of Health due to the term expiration of Kenneth Krebs was handled with the Consent Agenda.
- 8.93 Notice of vacancy on the Historic Preservation Commission due to the term expiration of Neal Vogel was handled with the Consent Agenda.
- 8.94 REMOVE FROM TABLE - Reconsideration of vote, Case #2009-P-02 611 Green Bay Road 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 8.94 from table, seconded by Trustee Basil. All voted aye, the motion carried.

The motion to reconsider was previously moved by Trustee McKenna and seconded by Trustee Swanson.

Trustee McKenna said his purpose in asking for the vote to be reconsidered was to provide an opportunity to have a broader discussion as the property is extremely unique.

Voting yes on the motion to reconsider: Trustees Swanson, Basil, Spillers, Terman, McKenna, and Krueger. Voting no: President Canning. The motion carried.

Mitch Miller, petitioner, said they have reviewed their request, researched and tried to refine their proposal. He said parking was a concern of the proposed request so he proposed to make a contribution to the Village of \$80,000 to use for various parking initiatives.

Trustee McKenna asked if the applicant had received what they needed from the Village and have they learned anything from the process.

Mr. Miller said they have learned that over the last 15 years the Village has conducted 9 major studies, which led to a range of findings and that is what was invaluable to them in terms of massing, density, use, parking, height, traffic and integration. The difficulty they have had is translating all of that into a development. The first development took them 24 months to get through the process and then the market changed which rendered the previous development unfeasible. They have tried to use the economic market with the findings and have come up with the proposed development.

Trustee McKenna asked if the Village was any closer to improving the rest of the block by accepting the proposed plans.

Bruce Huvad, attorney for the petitioner, said he thinks the problem is a mismatch between the powers of a single developer and the powers of a municipality that is able or willing to employ such powers. If the Village would like to develop the whole block they have the power to use eminent domain but it is a subject that is fraught with emotions on both sides. The developer did attempt to acquire all the properties on the block but it was not possible as some of the property owners did not want to sell and they respected their decision not to sell. They have tried to design a plan that showed development on the block piece by piece but tied together. The economy has not made it easier for any type of development.

Trustee Basil said the Village provided studies for guiding developers as to what they would like to see developed on the block and direction for parking, noting that it was recommended that the Village should be flexible on the parking issue. He referred to the many studies provided over the past nine years as to what was recommended for future redevelopment. He noted that none of the studies say that a CVS should not be part of the redevelopment. He does not believe the Village has given enough clarity to developers as to what can and can not be redeveloped on the proposed property.

President Canning declared a recess at 9:30 p.m.

President Canning brought the meeting back to order at 9:40.

Marguerite McKenna, Linden Avenue, said she is in favor of the proposed development as it will produce sales tax and property tax revenues and jobs which are a benefit to the Village. She also believes the proposed building will improve the streetscape.

Randy Tieman, 905 Linden Avenue, said he is in the development business and felt compelled to speak on the issue. He believes the property was purchased for too much money, the developer made a leap of faith regarding developing the property and in this case, it did not work out. He does not support the proposed development as he does not believe it will attract people to the community or generate new sales tax.

Trustee Basil asked if Mr. Tieman would like to see a three story building on the site.

Mr. Tieman said he would prefer a three or four story building over a five story building.

Trustee Basil said the original proposal was for four stories but added a fifth story to address affordable housing.

Trustee Krueger thanked Mr. Tiemen for coming to the meeting to address the issue. He agreed with him that the plight of the developer should not factor into the Board's decision making process. He asked if the retail tenant was not named, would that change Mr. Tiemen's view of the proposed development.

Mr. Tiemen said he has reservations regarding the medical office use, parking, and traffic. It is not specifically about CVS, it is the fact that there is a Walgreens and Osco down the street.

Trustee Krueger said he has asked many people if they think CVS is an acceptable tenant and more than half the people agree that CVS is an acceptable tenant. He asked if Mr. Tiemen had dealt with issues of competing tenants.

Mr. Tiemen said he believes communities have become more involved now than in the past regarding development.

Trustee Krueger said from many perspectives, he does not believe eminent domain is feasible, so what does Mr. Tiemen think becomes the highest and best use of the property, now or five years from now?

Mr. Tiemen said the best long term use for the block is to redevelop the entire block but he does not know if the other businesses on the block would like to sell.

Andy Koglin, architect for the petitioner, said he believes Mr. Tiemen is making enormous conjecture about the nature of risk regarding the property. He said there is always a leap of faith in redevelopment but the petitioners are very professional. The petitioners met with staff early in the process and also worked with the master plan studies regarding the development for the proposed property. He said the issue of whether to build a parking structure between the library and post office has been discussed for many years and should not affect the parking issues of the proposed development. Mr. Koglin said through all of the projects that have been proposed, the market ebbs and flows, the Comprehensive Plan allows flexibility so that both the developer and the community can adjust to some degree to the market and still achieve the goals of the Village and developer.

Trustee McKenna noted the Mr. Koglin has been involved with the project from the beginning, and asked how the process went with the previous project proposed for the property site.

Mr. Koglin said the previous development took longer than they anticipated but he did not think it was a surprising length of time considering it is a critical piece of property in the downtown area. It was a very cooperative environment in terms of meetings with staff and the various boards and commissions.

Trustee McKenna asked what has been Mr. Koglin's experience of redevelopment in other communities in terms of the process.

Mr. Koglin said over the last 10-15 years, communities have become more sophisticated in terms of their expectations.

Trustee Krueger asked what the infield development would look like, assuming the development is approved, and typically what would happen with the properties around the new development.

Mr. Koglin said the timing is driven by the market so there is no way to estimate the timing but usually the new development sets the tone for the quality of the architecture, the scale of the buildings, but not necessarily the uses.

Mr. Huvad called the Board's attention to The Glen, which is an example of what it is to have a master plan to envision what you would like in an area but now the developer for The Glen is in trouble. One never knows what can happen with the economy in the years ahead.

Trustee Spillers asked if Mr. Koglin would design the building any differently if it were to be designed for a different retail store.

Mr. Koglin said the medical offices will have a glass façade with shades or blinds for privacy. He said all retailers are faced with issues of how to handle their inventory and that affects the design of the building.

Trustee Krueger asked what type of development could be built by right on the property.

Mr. Koglin said there would be a much smaller building and the parking would require a larger lot due to Village parking requirements.

Trustee Basil discussed the parking requirements for the proposed development in relation to parking requirements at other businesses in the area. He noted that there is a lot behind the petitioner's property that the Village intends to promote and support for commerce downtown that has 36 spots. Since the petitioner is willing to accommodate people parking in their lot to visit the library and post office, he does

not believe it would be unreasonable that the 36 spots in the public lot should accommodate the proposed development. Trustee Basil said he believes that what the applicant is being required to have for parking spaces is unfair compared to other businesses and developments in the area.

Mr. Miller said he did not consider the parking requirements when he bought the property because he believed they were archaic and the Village provided numerous studies regarding parking requirements for new developments. He was under the impression that the Village would be using the various studies for parking requirements. It would be to their detriment if there was not enough parking for the store as customers would go elsewhere.

Mr. Huvad and Mr. Miller thanked the Village Board for their reconsideration of the request and reminded the Village Board that they were offering \$80,000 to study parking management solutions in the Village.

President Canning noted that the request came with a negative recommendation so the request would need five positive votes to be approved.

Trustee McKenna said he appreciates everyone's participation and thanked Trustee Basil for trying to make the request a more public discussion. He said he was surprised that there was so much ambivalence from the public on the petitioner's request. Based on his observations over the years, he thinks the Village has done somewhat of a dis-service to developers on the lack of direction and he would like to see that addressed. He cannot support the request at this time.

Trustee Krueger said he finds it amazing that the Village is still debating the development of the proposed property after four years as if the Village owned this private piece of property. He believes the proposed building for the property is very aesthetically pleasing and should the other properties on the block decide to improve their land, the proposed building provides an outstanding foundation. He notes that the developers of the proposed plan did create a plan that shows what the rest of the block would like. It incorporated all the other pieces of property into a very nice looking, highest and best use plan of the block. He believes the Village needs to work within the confines of the economics, the legal realities, and the influences of the property owners to create a project that benefits the public as a whole. He believes the Village is not in the business of real estate development or land banking property. The Village Board's job is to ensure that the Village gets the development that is appropriate for the location, and fits the overall needs of the Village as it understands them. He believes that today's proposed plan will be further worked out as the Board works on the development agreement. He certainly would like to see a different anchor tenant but the anchor is not the Village's problem. Over the past

four years, over 200 anchor tenants have been contacted and none of them wanted the proposed property. He said CVS has committed to the Village and they are a good corporate citizen. He believes the proposed building sets a very good aesthetic standard for Green Bay Road. He also believes CVS will create jobs in the Village and will draw new shoppers and employees into the heart of the Village. Trustee Krueger said he believes that for the next year five years the Village will see significant revenue to fund two new ambulances, or replacement of all the Police cars in 2010 and 2011 or the sewer maintenance for one year. He also believes there will be significant tax revenue for the other taxing bodies in the Village. Trustee Krueger conducted his own survey of the property and he believes that most residents are in favor of the proposed CVS development.

Trustee Swanson said he believes that the parking requirements for the proposed property are arbitrary and too high. His professional experience tells him that the current parking regulations were based on past experiences. He believes traffic management is based on limiting the amount of parking on a property and the proposed underground parking limits the curb cuts off the main roads. Trustee Swanson said he does not believe the proposed development will spur development for the rest of the block but he does not believe any type of development will do so in the current economic environment. He believes the employees that CVS will bring will increase daytime business in the Village.

Trustee Basil said the developer of the property had previously proposed a five story building with commercial development on the first floor and residential on the remaining floors and could not sell the development in one of the best real estate markets. He believes the Village Board is not comfortable with a CVS store, but the free market determines what will go on the property. Since the previous five story development was approved, how can the Village Board now not approve a three story development with an anchor store. If the property is improved, it is going to absorb property taxes that residents will not have to pay. He believes the Village is continuing the bad reputation that Wilmette is difficult to work with for developers. He believes the Village should allow progress to continue on the proposed site and generate tax dollars for the residents.

Trustee Spillers said there has been a lot of discussion regarding the CVS anchor. She objects to the CVS drive-thru proposal and many residents have told her that the proposed property is not a good place for a drive-thru. She said she believes the drive-thru would negatively impact the surrounding area and it is not consistent with the Comprehensive Plan. She said the current Village Board is serving at a very unprecedented time and she believes a recession brings the Village opportunity. She does not support the request and is not going to settle for the proposed development.



Trustee Terman thanked the developers who have worked on the development for such a long time, she supported the previous development. She believes the Village Board is on the cusp of creating a Comprehensive Plan for the West Village Center and believes it behooves the Village to wait for that information. She does not feel that this is an emergent time, as she is beginning to see the market improve a little, and will not support the proposed development at this time.

President Canning said he voted for the previously proposed development as he believed in it and thought it would spur development. He does not believe this proposal will spur development and he can not support the request. He appreciates the hard work of Trustees Basil and Krueger regarding the proposal. This is a vitally important area and issue to the Village and believes the Village should wait, plan and take the appropriate steps when they come along.

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

#### 9.0 NEW BUSINESS:

- 9.1 Notice of vacancy on the Zoning Board of Appeals due to the term expiration of Nigel Stroud was handled with the Consent Agenda.
- 9.2 Notice of vacancy on the Community Relations Commission due to the term expiration of Andrew Geier was handled with the Consent Agenda.
- 9.3 Notice of vacancy on the Fine Arts Commission due to the resignation of Philip Simmons was handled with the Consent Agenda.
- 9.4 Recommendation of appointment of William Daniels to the Youth Commission from August 25, 2009 to August 25, 2012 was handled with the Consent Agenda.

#### 10.0 ADJOURNMENT:

Trustee Swanson moved to adjourn the meeting at 11:18 p.m., seconded by Trustee McKenna. All voted aye, the motion carried.

Barbara L. Hirsch  
Deputy Village Clerk

7/28/09

Approved 8/25/09