



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, SEPTEMBER 8, 2009.

Item:

The Village President called the meeting to order at 7:33 p.m.

1.0 ROLL CALL:

President	Christopher S. Canning
Trustees	Alan Swanson
	Michael W. Basil (7:45 pm)
	Karen Spillers
	Mari D. Terman
	Ted McKenna
	Cameron Krueger

Staff Present:	Timothy J. Frenzer, 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
	Peter Skiles, Information Services Director

2.0 APPROVAL OF MINUTES:

2.1 Trustee Terman moved approval of minutes of the Regular Board meeting held August 25, 2009, seconded by Trustee Spillers. All voted aye, the motion carried.

3.0 PETITIONS AND COMMUNICATIONS:

4.0 REPORTS OF OFFICERS:

No Reports.

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

- 6.11 Minutes, Appearance Review Commission.
- 6.12 Temporary Use Permit #2009-TU-27 for the Howard School class of 1974 reunion to be held at Howard Park on September 25, 2009.
- 6.13 Temporary Use Permit #2009-TU-26 for three temporary canopies for a Tent Sale to be held at 3207 Lake Avenue for the period of October 9, 2009 through October 29, 2009.
- 6.14 Adoption of Resolution #2009-R-27, Case #2009-P-03 regarding a request for final plat approval of a multi-lot consolidation in conformance with the plans submitted, located at 1100 Laramie Avenue.
- 6.15 ZBA Report, Case #2009-Z-37, 2123, 2127, 2145 and 2147 Wilmette Avenue regarding a request for variations to permit an 8 lot subdivision in accordance with the plans submitted; adoption of Ordinance #2009-O-56.
- 6.16 ZBA Report, Case #2009-Z-39, 234, 236, and 238 Charles Place regarding a request for variations to permit the replacement of a 6' tall solid fence in a required front yard in conformance with the plans submitted; adoption of Ordinance #2009-O-57.

- 6.31 Minutes, Administration Committee.
- 6.32 Minutes, Administration Committee.
- 6.33 Approval of contract, Tyler Technologies, Dallas, TX for annual MUNIS maintenance and licensing.
- 6.34 Adoption of Ordinance #2009-O-51 for disposal of surplus Village electronic equipment.
- 6.35 Approval of design-build-warranty contract, Audio Visual Systems, Inc., Chicago, IL for cable system improvements.

- 6.41 Approval of contract, KLF Trucking Inc., Markham, IL for hauling spoil and debris.
- 6.42 Approval of contract extension, Cornerstone Material Recovery Inc., McHenry, IL for leaf hauling and disposal and a request for the allocation of additional funds for the leaf disposal account.
- 6.43 Approval of contract, Chicagoland Paving Contractors Inc., Lake Zurich, IL for the 2009 Fall Road Program.

- 6.61 Adoption of Ordinance #2009-O-52 amending the Village Code, Chapter 11 (Liquor Control Ordinance) to increase the number of Class H liquor licenses (grocery stores selling beer and wine only), in order to permit issuance of a Class H license to A La Carte, 111 Green Bay Road.
- 6.62 Adoption of Ordinance #2009-O-53 amending the Village Code, Chapter 12 to prohibit video poker and other forms of video gaming pending review of future State regulations.

- 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, Fine Arts Commission.
- 8.6 Notice of vacancy, Housing Commission.
- 8.7 Notice of vacancy, Commission for Persons with Disabilities.
- 8.8 Notice of vacancy, Board of Health.
- 8.9 Notice of vacancy, Historic Preservation Commission.
- 8.91 Notice of vacancy, Fine Arts Commission.
- 8.92 Notice of vacancy, Youth Commission.
- 8.93 Notice of vacancy, Youth Commission.
- 8.94 Notice of vacancy, Community Relations Commission.
- 8.95 Reappointment, Community Relations Commission.
- 8.96 Appointment, Historic Preservation Commission.
- 8.97 Appointment, Historic Preservation Commission.
- 8.98 Appointment, Youth Commission.

- 9.1 Recommendation of appointment, Zoning Board of Appeals.

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

- 4.2 Introduction of Jenny Swann who is recommended for appointment to the Youth Commission.

President Canning introduced Ms. Swann to the Village Board and recommended her appointment to the Youth Commission.

4.3 Recognition of Elissa Morgante for her service on the Appearance Review Commission.

President Canning thanked Ms. Morgante for her service, summarized her accomplishments while on the Appearance Review Commission, and presented her with a plaque of appreciation.

5.0 REPORT OF THE LIQUOR CONTROL COMMISSIONER:

No Report.

6.0 STANDING COMMITTEE REPORTS:

6.1 LAND USE COMMITTEE REPORT:

- 6.11 Presentation of minutes of the Appearance Review Commission meeting held August 3, 2009 was handled with the Consent Agenda.
- 6.12 Approval of Temporary Use Permit #2009-TU-27 for the Howard School class of 1974 reunion to be held at Howard Park on September 25, 2009 was handled with the Consent Agenda.
- 6.13 Approval of Temporary Use Permit #2009-TU-26 for three temporary canopies for a Tent Sale to be held at 3207 Lake Avenue for the period of October 9, 2009 through October 29, 2009 was handled with the Consent Agenda.
- 6.14 Adoption of Resolution #2009-R-27, Case #2009-P-03 regarding a request for final plat approval of a multi-lot consolidation in conformance with the plans submitted, located at 1100 Laramie Avenue was handled with the Consent Agenda.
- 6.15 Zoning Board of Appeals Report, Case #2009-Z-37, 2123, 2127, 2145 and 2147 Wilmette Avenue regarding a request for a 6.35' lot width variation for 2123 Wilmette Avenue and a 5.99 side yard adjoining a street setback variation for 2127 Wilmette Avenue to permit an 8 lot subdivision in accordance with the plans submitted; adoption of Ordinance #2009-O-56.

The request was handled with the Consent Agenda for a 6.35' lot width variation for 2123 Wilmette Avenue and a 5.99 side yard adjoining a street setback variation for 2127 Wilmette Avenue to permit an 8 lot subdivision in accordance with the plans submitted. Ordinance #2009-O-56 was adopted with the Consent Agenda, authorizing the variations of this case.

- 6.16 Zoning Board of Appeals Report, Case #2009-Z-39, 234, 236, and 238 Charles Place regarding a request for a 2.0' fence height variation and openness variation to permit the replacement of a 6' tall solid fence in a required front yard in conformance with the plans submitted; adoption of Ordinance #2009-O-57.

The request was handled with the Consent Agenda for a 2.0' fence height variation and openness variation to permit the replacement of a 6' tall solid fence in a required front yard in conformance with the plans submitted. Ordinance #2009-O-57 was adopted with the Consent Agenda, authorizing the variation of this case.

- 6.17 Zoning Board of Appeals Report, Case #2009-Z-36, 535 Lavergne Avenue regarding a request for a 66.55 square foot (1.25%) lot coverage variation and a 92.4 square foot (8.75%) rear yard structure impervious surface coverage variation to permit the retention of a greenhouse addition to a detached garage in accordance with the plans submitted.

Trustee Swanson moved to grant a request for a request for a 66.55 square foot (1.25%) lot coverage variation and a 92.4 square foot (8.75%) rear yard structure impervious surface coverage variation to permit the retention of a greenhouse addition to a detached garage in accordance with the plans submitted, seconded by Trustee Spillers.

President Canning noted that there were six Trustees present and the applicant would need five positive votes. He asked the applicant if he would like to proceed with the request.

Nick Stevens, petitioner, said he would like to proceed.

Mr. Stevens said he would like to keep the greenhouse. He reviewed the request noting that he only has a 2" cement base under the greenhouse structure. Mr. Stevens said his daughter, who lives next door, and a neighbor did not have any objections to the greenhouse and were present to answer any questions.

President Canning asked what the hardship of the case would be if Mr. Stevens was not allowed to keep the greenhouse.

Mr. Stevens said he has had the greenhouse for seven years and it would be very difficult to take it down and put up just a temporary structure in the summer months.

President Canning asked if the original greenhouse structure was constructed with a permit.

Mr. Stevens said when he originally built the greenhouse it was very small and he did not believe he needed a permit for a temporary structure. He has added on to it over the years.

Trustee Basil arrived at 7:45 p.m.

Trustee Swanson asked if there were any drainage problems in Mr. Steven's back yard.

Mr. Stevens said he does not have a drainage problem. If there is a heavy rain, water will sit for a day and then drain away.

Trustee Swanson said he believes the report indicates that the property does not require an impervious variation.

Mr. Adler said the petitioner only needs a variation for the structure coverage allowed on the property.

Trustee Basil asked if the neighbor at 537 Lavergne had any complaints regarding the greenhouse structure.

Patricia Fuentes, 531 Lavergne, daughter of the petitioner said when she delivered the variation notices, none of the neighbors complained about the structure.

Trustee Spillers asked if Mr. Stevens would have needed a variation when he built the structure seven years ago.

Mr. Adler said he would have needed a lot coverage variation.

Trustee Spillers asked if Mr. Stevens knew he needed a permit to build the greenhouse.

Mr. Stevens said he started with a very small structure.

Trustee Terman said the greenhouse structure does not seem to be a very permanent structure and wondered at what point it becomes a permanent structure.

Mr. Adler said the greenhouse is more temporary in nature in construction but it does remain up for a significant amount of time.

Trustee Terman asked if there was water in the greenhouse.

Mr. Stevens said no, he has a rain barrel that collects water for the greenhouse.

Trustee McKenna asked if Mr. Adler considered the greenhouse the same way he would consider a shed on the property.

Mr. Adler said yes, but the greenhouse has been attached to the garage so that is why it was considered an addition to the garage.

Trustee McKenna asked if there were any other sheds on the property.

Mr. Stevens said there were no other sheds on the property.

Trustee Krueger asked Mr. Stevens how long he had lived at the property.

Mr. Stevens said he has lived at the property for 14 years.

Trustee Krueger asked if the greenhouse structure meets the Village Code safety requirements.

Mr. Adler said he has talked to Mr. Stevens regarding the way the temporary greenhouse was constructed and he may require a few changes to the existing structure.

Thomas Clark, 531 Lavergne, said he has lived near Mr. Stevens for five years and he believes Mr. Stevens has improved the property during that time and is an asset to the community. The person that made the original complaint about the greenhouse also complained about other neighbors.

Harold Fuentes, 527 Lavergne, said he agreed with Mr. Clark's statements. He also said that he does not have any drainage problems in his yard.

Trustee Spillers asked what neighbors were notified regarding Mr. Steven's request for the variation.

Mr. Adler said all neighbors within 250' were notified.

Mr. Stevens thanked the Board for consideration of his request.

Trustee Swanson said the primary issue for him would be drainage but the petitioner is not over the limit for pervious surface and the structure does not seem to have a negative impact in the neighborhood. He also noted that the garage is only 370 square feet which is considerably under the 400 square foot garage bonus. He will support the request.

Trustee Basil said he agrees with Trustee Swanson as the impervious surface and drainage issues do not factor into the request. The greenhouse is also a temporary structure and could be removed easily. He will support the request.

Trustee Spillers agreed with Trustees Swanson and Basil.

Trustee Terman agreed with Trustees Swanson and Basil and noted that the pitch of the greenhouse roof is steep so there does not seem to be a problem with snow.

Trustee McKenna also agreed with Trustees Swanson and Basil.

Trustee Krueger agreed with Trustees Swanson and Basil. He also thought it was important that Mr. Stevens used a rain barrel to collect water, had added more greenery to the area, and there were no complaints from neighbors in the area.

President Canning said he concurred with the Trustees comments and he also believed it was important to hear positive comments from the neighbors.

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

6.2 FINANCE COMMITTEE REPORT:

No Report.

6.3 ADMINISTRATION COMMITTEE REPORT:

- 6.31 Presentation of minutes of the Administration Committee meeting held February 3, 2009 was handled with the Consent Agenda.
- 6.32 Presentation of minutes of the Administration Committee meeting held August 19, 2009 was handled with the Consent Agenda.
- 6.33 Approval of contract in the amount of \$58,322 with Tyler Technologies, Dallas, TX for annual MUNIS maintenance and licensing was handled with the Consent Agenda.
- 6.34 Adoption of Ordinance #2009-O-51 for disposal of surplus Village electronic equipment was handled with the Consent Agenda.
- 6.35 Approval of design-build-warranty contract in an amount not to exceed \$254,156.52 with Audio Visual Systems, Inc., Chicago, IL for cable system improvements was handled with the Consent Agenda.

6.4 MUNICIPAL SERVICES COMMITTEE REPORT:

- 6.41 Approval of contract at a rate of \$695/truckload for street sweeping debris, and \$290/truckload for excavation spoil with KLF Trucking Inc., Markham, IL for hauling spoil and debris was handled with the Consent Agenda.
- 6.42 Approval of contract extension at a rate of \$14 per compacted cubic yard, with Cornerstone Material Recovery Inc., McHenry, IL for leaf hauling and disposal and a request for the allocation of \$12,400 in additional funds for the leaf disposal account was handled with the Consent Agenda.
- 6.43 Approval of contract in the amount of \$299,613.25 with Chicagoland Paving Contractors Inc., Lake Zurich, IL for the 2009 Fall Road Program was handled with the Consent Agenda.

6.5 PUBLIC SAFETY COMMITTEE REPORT:

No Report.

6.6 JUDICIARY COMMITTEE REPORT:

- 6.61 Adoption of Ordinance #2009-O-52 amending the Village Code, Chapter 11 (Liquor Control Ordinance) to increase the number of Class H liquor licenses (grocery stores selling beer and wine only), in order to permit issuance of a Class H license to A La Carte, 111 Green Bay Road was handled with the Consent Agenda.
- 6.62 Adoption of Ordinance #2009-O-53 amending the Village Code, Chapter 12 to prohibit video poker and other forms of video gaming pending review of future State regulations 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 Fine Arts Commission due to the term expiration of Peter Yang was handled with the Consent Agenda.
- 8.6 Notice of vacancy on the Housing Commission due to the term expiration of John Thomason was handled with the Consent Agenda.
- 8.7 Notice of vacancy on the Commission for Persons with Disabilities due to the resignation of Sally Schiller was handled with the Consent Agenda.
- 8.8 Notice of vacancy on the Board of Health due to the term expiration of Kenneth Krebs was handled with the Consent Agenda.

- 8.9 Notice of vacancy on the Historic Preservation Commission due to the term expiration of Neal Vogel was handled with the Consent
- 8.91 Notice of vacancy on the Fine Arts Commission due to the resignation of Philip Simmons was handled with the Consent Agenda.
- 8.92 Notice of vacancy on the Youth Commission due to the resignation of Emily Swann was handled with the Consent Agenda.
- 8.93 Notice of vacancy on the Youth Commission due to the resignation of Nicole Kukulka was handled with the Consent Agenda.
- 8.94 Notice of vacancy on the Community Relations Commission due to the term expiration of Robert Gordon was handled with the Consent Agenda.
- 8.95 Reappointment of Andrew Geier to the Community Relations Commission from September 2009 to September 2012 was handled with the Consent Agenda.
- 8.96 Appointment of Rich Lytle to the Historic Preservation Commission from September 2009 to September 2013 was handled with the Consent Agenda.
- 8.97 Appointment of Senta Plunkett to the Historic Preservation Commission from September 2009 to September 2013 was handled with the Consent Agenda.
- 8.98 Appointment of Jenny Swann to the Youth Commission from September 2009 to September 2011 was handled with the Consent Agenda.

9.0 NEW BUSINESS:

- 9.1 Recommendation of appointment of Mike Boyer to the Zoning Board of Appeals from September 2009 to September 2014 was handled with the Consent Agenda.

10.0 ADJOURNMENT:

Trustee Spillers moved to adjourn the meeting at 8:14 p.m., seconded by Trustee Terman. All voted aye, the motion carried.

Barbara L. Hirsch
Deputy Village Clerk

9/8/09

Approved 9/22/09