



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, FEBRUARY 9, 2010.

Item:

The Village President called the meeting to order at 7:31 p.m.

1.0 ROLL CALL:

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

Absent: Cameron Krueger

Staff Present: Timothy J. Frenzer, Village Manager
Michael F. Zimmermann, Corporation Counsel
Michael Braiman, Assistant to the Village Manager
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 January 26, 2010, seconded by Trustee Basil. All voted aye, the motion carried.

3.0 PETITIONS AND COMMUNICATIONS:

Alan Alongi, attorney for Walgreen's, asked to remove item 6.64 from the Consent Agenda.

4.0 REPORTS OF OFFICERS:

Village Manager Timothy Frenzer noted that due to the current snow event, the Public Works Department crews are working 24 hours a day to plow the streets, alleys and sidewalks.

4.1 Consent Agenda. Trustee McKenna removed item 6.16. Trustee Terman removed item 6.65. Trustee Basil moved approval of the remaining items of the Consent Agenda as follows:

- 6.11 Minutes, Appearance Review Commission.
- 6.12 Minutes, Land Use Committee.
- 6.13 Temporary Use Permit #2010-TU-3 for the Edens Plaza Art Fair to be held July 17 and 18, 2010.
- 6.14 Temporary Use Permit #2010-TU-4 for the St. Joseph's School and Parish 5K Fun Run and Jubilee Jog to be held Monday, May 31, 2010.
- 6.15 Request for a variation extension, 2007-Z-58, 911 Michigan Avenue for an additional twelve months.
- 6.17 Introduction of Ordinance #2010-O-17 amending the Zoning Ordinance, Part 14 regarding the OR, Office Research Zoning District.
- 6.18 Adoption of Ordinance #2010-O-19 granting variations to retain a tree house and deck on the legal nonconforming structure at 516 Lake Avenue.
- 6.19 Z BA Report, Case #2010-Z-01 regarding a request for variations to permit the enclosure of an area underneath an existing second-story porch and construct a two story enclosed porch addition to the rear of a legal nonconforming structure in accordance with the plans submitted; adoption of Ordinance #2010-O-15.
- 6.191 Z BA Report, Case #2010-Z-03 regarding a request for a variation to allow the construction of a second floor stairs and landing and to expand roof access on the existing legal nonconforming structure in accordance with the plans submitted; adoption of Ordinance #2010-O-16.
- 6.21 Approval of December 2009 Disbursements.
- 6.22 Approval of Resolution #2010-R-8 authorizing the transfer of \$950,000 from the Water Fund to the General Fund.
- 6.23 Approval of Resolution #2010-R-9 authorizing the transfer of \$9,000 from the Clampitt Estate Fund to the General Fund.
- 6.24 Approval of Resolution #2010-R-10 authorizing the transfer of \$100,000 from the Water Fund to the Sewer Fund.
- 6.31 Minutes, Commission for Persons with Disabilities.
- 6.32 Minutes, Historic Preservation Commission.

- 6.33 Minutes, Historic Preservation Commission.
- 6.34 Minutes, Environmental and Energy Commission.
- 6.35 Adoption of Resolution #2010-R-11 regarding adjustments to the employee pay plan.

- 6..41 Adoption of Ordinance #2010-O-8 amending the Village Code, Chapter 18 regarding Sewer Use.
- 6.42 Approval of five year contract, Fox Valley Fire and Safety, Elgin, IL for the annual testing and maintenance of Village Sprinkler Systems.

- 6.51 Adoption of Ordinance #2010-O-10 amending the Village Code regarding implementing Life Safety Code Compliance in high-rise buildings.
- 6.52 Adoption of Ordinance #2010-O-14 amending the Village Code, Chapter 13 prohibiting low speed and non-highway vehicles on all public thoroughfares in the Village.

- 6.61 Adoption of Ordinance #2010-O-12 amending the Village Code, Chapter 2 regarding Foreign Fire Insurance Board changes.
- 6.62 Adoption of Ordinance #2010-O-13 amending the Village Code, Chapters 1 and 2 regarding the Freedom of Information Act and Open Meetings Act.
- 6.63 Report and Recommendation concerning the application of Wilmette Food Mart (531 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, 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 Notice of vacancy, Youth Commission.
- 8.96 Notice of vacancy, Historic Preservation Commission.
- 8.97 Notice of vacancy, Environmental and Energy Commission.
- 8.98 Notice of vacancy, Fine Arts Commission.

- 8.99 Notice of vacancy, Historic Preservation Commission.
- 8.991 Notice of vacancy, Appearance Review Commission.

- 9.1 Notice of vacancy, Building Code Board of Appeal.

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

- 4.2 Proclamation supporting the Wilmette Public Library’s 2010 “One Book, Everybody Reads” Program.

President Canning read aloud the Proclamation.

- 4.3 Request for an Executive Session to discuss pending litigation pursuant to Section 2 (c) (11) of the Illinois Open Meetings Act.

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 January 4, 2010 was handled with the Consent Agenda.
- 6.12 Presentation of minutes of the Land Use Committee meeting held November 2, 2009 was handled with the Consent Agenda.
- 6.13 Approval of Temporary Use Permit #2010-TU-3 for the Edens Plaza Art Fair to be held July 17 and 18, 2010 was handled with the Consent Agenda.
- 6.14 Approval of Temporary Use Permit #2010-TU-4 for the St. Joseph’s School and Parish 5K Fun Run and Jubilee Jog to be held Monday, May 31, 2010 was handled with the Consent Agenda.

- 6.15 Request for a variation extension, 2007-Z-58, 911 Michigan Avenue for an additional twelve months was handled with the Consent Agenda.
- 6.16 Adoption of Ordinance #2010-O-9 amending the Village Code, Chapter 3 regarding certain restrictions regarding air pollution.

Trustee McKenna said the proposed change to the Village Code is regarding outdoor open fireplaces. He asked if the proposed change could be summarized.

John Adler, Director of Community Development, said currently outdoor fireplaces are not allowed but staff has seen an increase in resident use of outdoor fireplaces. In some instances, staff has received complaints from neighbors about excessive smoke entering adjacent homes. The proposed ordinance will allow the outdoor fireplaces and still protect those residents that are being impacted by them.

Trustee Terman asked if the proposed ordinance allows residents to burn leaves or trash.

Mr. Adler said the proposed ordinance does not allow residents to burn leaves or trash and specifically outlines what can be burnt in the outdoor fireplaces.

- 6.17 Introduction of Ordinance #2010-O-17 amending the Zoning Ordinance, Part 14 regarding the OR, Office Research Zoning District was handled with the Consent Agenda.
- 6.18 Adoption of Ordinance #2010-O-19 granting variations to retain a tree house and deck on the legal nonconforming structure at 516 Lake Avenue was handled with the Consent Agenda.
- 6.19 Zoning Board of Appeals Report, Case #2010-Z-01 regarding a request for an 11.5' side yard setback variation to permit the enclosure of an area underneath an existing second-story porch and a variation to construct a two story enclosed porch addition to the rear of a legal nonconforming structure in accordance with the plans submitted; adoption of Ordinance #2010-O-15.

The request was handled with the Consent Agenda for an 11.5' side yard setback variation to permit the enclosure of an area underneath an existing second-story porch and a variation to construct a two story enclosed porch addition to the rear of a legal nonconforming structure in accordance with the plans submitted.

Ordinance #2010-O-15 was adopted with the Consent Agenda, authorizing the variations of this case.

- 6.191 Zoning Board of Appeals Report, Case #2010-Z-03 regarding a request for a 1,897.17 square foot total floor area variation to allow the construction of a second floor stairs and landing and to expand roof access on the existing legal nonconforming structure in accordance with the plans submitted; adoption of Ordinance #2010-O-16.

The request was handled with the Consent Agenda for a 1,897.17 square foot total floor area variation to allow the construction of a second floor stairs and landing and to expand roof access on the existing legal nonconforming structure in accordance with the plans submitted. Ordinance #2010-O-16 was adopted with the Consent Agenda, authorizing the variations of this case.

6.2 FINANCE COMMITTEE REPORT:

- 6.21 Approval of December 2009 Disbursements was handled with the Consent Agenda.
- 6.22 Approval of Resolution #2010-R-8 authorizing the transfer of \$950,000 from the Water Fund to the General Fund was handled with the Consent Agenda.
- 6.23 Approval of Resolution #2010-R-9 authorizing the transfer of \$9,000 from the Clampitt Estate Fund to the General Fund was handled with the Consent Agenda.
- 6.24 Approval of Resolution #2010-R-10 authorizing the transfer of \$100,000 from the Water Fund to the Sewer Fund was handled with the Consent Agenda.

6.3 ADMINISTRATION COMMITTEE REPORT:

- 6.31 Presentation of minutes of the Commission for Persons with Disabilities meeting held October 26, 2009 was handled with the Consent Agenda.
- 6.32 Presentation of minutes of the Historic Preservation Commission meeting held October 27, 2009 was handled with the Consent Agenda.
- 6.33 Presentation of minutes of the Historic Preservation Commission meeting held December 9, 2009 was handled with the Consent Agenda.
- 6.34 Presentation of minutes of the Environmental and Energy Commission meeting held December 7, 2009 was handled with the Consent Agenda.

6.35 Adoption of Resolution #2010-R-11 regarding adjustments to the employee pay plan was handled with the Consent Agenda.

6.4 MUNICIPAL SERVICES COMMITTEE REPORT:

6.41 Adoption of Ordinance #2010-O-8 amending the Village Code, Chapter 18 regarding Sewer Use was handled with the Consent Agenda.

6.42 Approval of five year contract in the amount of \$20,000 with Fox Valley Fire and Safety, Elgin, IL for the annual testing and maintenance of Village Sprinkler Systems was handled with the Consent Agenda.

6.5 PUBLIC SAFETY COMMITTEE REPORT:

6.51 Adoption of Ordinance #2010-O-10 amending the Village Code regarding implementing Life Safety Code Compliance in high-rise buildings was handled with the Consent Agenda.

6.52 Adoption of Ordinance #2010-O-14 amending the Village Code, Chapter 13 prohibiting low speed and non-highway vehicles on all public thoroughfares in the Village was handled with the Consent Agenda.

6.6 JUDICIARY COMMITTEE REPORT:

6.61 Adoption of Ordinance #2010-O-12 amending the Village Code, Chapter 2 regarding Foreign Fire Insurance Board changes was handled with the Consent Agenda.

6.62 Adoption of Ordinance #2010-O-13 amending the Village Code, Chapters 1 and 2 regarding the Freedom of Information Act and Open Meetings Act was handled with the Consent Agenda.

6.63 Report and Recommendation concerning the application of Wilmette Food Mart (531 Green Bay Road) for a Class H (grocery with packaged beer and wine) Liquor License was handled with the Consent Agenda.

6.64 Report and Recommendation concerning the application of Walgreens, (811 Green Bay Road) for amendments to the Liquor Control Ordinance to authorize the sale of alcohol.

President Canning noted that the Judiciary Committee recommended unanimously to take no action regarding the request from Walgreens to sell alcohol.

Mr. Alongi, attorney representing Walgreens, said Walgreens would like to be a good neighbor in the Village. He noted that Walgreens used to have a liquor program at their stores 20-30 years ago nationwide. They stopped the liquor program as they found it difficult to manage. They have now come to the conclusion that they can manage beer and wine sales with lock downs on the registers and the use of security cameras. The intent of the marketing program is to match the typical needs of their customers. He said it is Walgreen's hope that the Village will create an ordinance in the future.

President Canning asked where else Walgreens was looking to sell liquor.

Mr. Alongi said it is a nationwide request, locally he knows that Hinsdale just approved the sale of alcohol at Walgreens.

President Canning asked if Walgreens was operating any alcohol sales in the State of Illinois.

Mr. Alongi said no, as the program has just started.

President Canning said there is no data then for Illinois regarding the impact to neighborhoods with Walgreen's selling alcohol.

Trustee Basil said he was at the Judiciary Committee meeting and concerns were received from neighbors in the area regarding the sale of alcohol, that the Walgreens store is located close to a school in the area, and the Village Center Master Plan is currently being discussed which may encourage or discourage the product. He is inclined not to support the request at this time.

President Canning said Walgreens may return with their request in the future.

Trustee Spillers said the representatives from Walgreens that presented the request at the Judiciary Committee did a very good job. What she found most intriguing was the business need for alcohol sales as compared to card sales. She asked what the sale of alcohol would add to their business.

Mr. Alongi said Walgreens is trying to create more convenience for their customers.

Trustee Spillers asked if Walgreens had done a needs assessment for more liquor sales in Wilmette.

Mr. Alongi said Walgreens did a corporate needs assessment for customers only.

Trustee Terman asked if residents were present at the Judiciary Committee discussion.

Trustee Spillers said they had received email from residents expressing concern at granting Walgreens a liquor license.

Trustee McKenna said if an ordinance was created, it would have to address the sale of alcohol at all pharmacies in the Village.

President Canning said the only action this evening is to receive the negative recommendation from the Judiciary Committee. He also noted that there have been many negative comments from residents regarding granting a liquor license for Walgreens.

President Canning asked if there was anyone present to address the request.

Allison Williams, 818 Park Avenue, said there are 15 children living close to the Walgreens. She believes traffic and loitering would be a problem with Walgreens selling alcohol.

Jonathan Stein, 634 LaCrosse, said he has lived in Wilmette for 10 years and believes Walgreens has been a good neighbor for Wilmette. He does not believe they would do anything to endanger children in the neighborhood. He would be in favor of Walgreens selling alcohol in a controlled environment.

James O'Brien, 830 Park Avenue, said he also believes Walgreens is a good company and a decent neighbor. Regardless of how well Walgreens controls the sale of liquor inside the store, they will not be able to control what happens outside the store. Currently, there are underage smokers in the Walgreens parking lot every day. He said national studies do not concern him, he is only concerned with what will happen in Wilmette.

President Canning said there is no track record for Walgreens selling liquor as it is a new program and until there is some information available, he does not think Walgreens has met the burden of proof.

President Canning said the Village Board will accept the Judiciary Committee's recommendation.

Allison Williams asked how the neighbors would be informed if Walgreens decided to come back again with a request to sell alcohol.

President Canning said it is the Village Board's policy to contact the people who have expressed interest in the case.

Greg Mayer, 832 Park Avenue, asked to be on the list of people to notify regarding Walgreens.

- 6.16 President Canning recalled item 6.16 as the item was up for adoption and no action was previously taken.

Trustee Swanson moved adoption of Ordinance #2010-O-9 amending the Village Code, Chapter 3 regarding certain restrictions regarding air pollution, seconded by Trustee Terman.

Trustee Swanson said he believes the proposed Ordinance is a reasonable way to place restrictions on outdoor fireplaces and avoid neighbor disputes.

President Canning said there are many people who currently have outdoor fireplaces and he hopes that all will follow the rules of the Ordinance.

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

- 6.65 Introduction of Ordinance #2010-O-18 amending the Village Code, Chapter 14 regarding leaf blowers.

Trustee Terman said she was concerned with the proposed Ordinance repealing the previous Ordinance that was passed in 2006. She believes moving the penalty from the Court to local jurisdiction makes great sense but does not understand why the entire previous Ordinance should be repealed.

Trustee Basil said the Judiciary Committee discussed increasing the fine to ensure compliance and also the experience of Corporation Counsel interfacing with the Courts to enforce the fines for leaf blowers. It seemed to the Committee that they were wasting time and energy with a limitation that was confusing to residents, difficult to understand and had very little practical effect. Gas powered

leaf blowers, electric leaf blowers as well as gas powered lawn mowers will produce noise and there is not a meaningful difference in noise. He said the Village has a situation where neither residents nor landscapers know what the rules are or how to follow them. It seemed awkward and unfair from a policy standpoint to continue to confuse people with inconsistent and ineffective enforcement. Trustee Basil said it was the Committee's conclusion and recommendation that the most recent enhancements be repealed and people are allowed to use the equipment under the reasonable restrictions that were in place before.

Trustee Terman said it was her perception that there was a great deal of community support for restricting the use of leaf blowers which led to the Ordinance. She said it was a very singular Ordinance, at the time, attempting to control sound. What seemed ineffective was the penalty because the penalty did not generate compliance or revenue. In terms of lack of clarity of the Ordinance, she did not see any evidence of that.

Trustee Basil said the Judiciary Committee talked about the feedback from neighbors and the timing of the use of leaf blowers. The timing did not seem to be clear or understood by residents and/or landscapers to follow.

Trustee Terman said she agrees that it is impossible to assure compliance in all things but the instructions for the timing of leaf blowers was printed in both English and Spanish and were given to landscapers when they renewed their business license. She believes there was some compliance which contributed to improvement in the overall noise pollution in the community. Trustee Terman said she does not agree with the recommendation to repeal the current Ordinance. She strongly approves of changing the penalty as that does makes sense to her.

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 Agenda.
- 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 Notice of vacancy on the Youth Commission due to the resignation of Dennis Allen was handled with the Consent Agenda.
- 8.96 Notice of vacancy on the Historic Preservation Commission due to the term expiration of Richard Brill was handled with the Consent Agenda.
- 8.97 Notice of vacancy on the Environmental and Energy Commission due to the term expiration of Karen Glennemeir was handled with the Consent Agenda.

- 8.98 Notice of vacancy on the Fine Arts Commission due to the term expiration of Mary Ann Grannemann was handled with the Consent Agenda.
- 8.99 Notice of vacancy on the Historic Preservation Commission due to the term expiration of William Shapiro was handled with the Consent Agenda.
- 8.991 Notice of vacancy on the Appearance Review Commission due to the term expiration of James Kalas was handled with the Consent Agenda.

9.0 NEW BUSINESS:

- 9.1 Notice of vacancy on the Building Code Board of Appeal due to the term expiration of Kent Nusekabel was handled with the Consent Agenda.

10.0 ADJOURNMENT:

Trustee Terman moved to adjourn to executive session at 8:30 p.m. to discuss pending litigation pursuant to Section 2 (c) (11) of the Illinois Open Meetings Act, seconded by Trustee Basil.

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

The Village Board returned from the Executive Session at 9:05 p.m.

Trustee Basil made a motion to adjourn the Village Board meeting at 9:06 p.m., seconded by Trustee Terman.

All voted aye, the motion carried.

Barbara L. Hirsch
Deputy Village Clerk