



VILLAGE OF WILMETTE

1200 Wilmette Avenue
WILMETTE, ILLINOIS 60091-0040

(847) 251-2700
FAX (847) 853-7700
TDD (847) 853-7634
EMAIL wilmette@wilmette.com

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, MAY 10, 2011.

Item:

The Village President called the meeting to order at 8:23 p.m.

1.0 ROLL CALL:

President	Christopher S. Canning
Trustees	Alan Swanson
	Bob Bielinski
	Mike Basil
	Cameron Krueger
	Ted McKenna
	Julie Wolf

Staff Present:	Timothy J. Frenzer, Village Manager
	Kathleen Gargano, Assistant Village Manager
	Michael Zimmermann, Corporation Counsel
	Barbara L. Hirsch, Deputy Village Clerk
	John Adler, Director of Community Development
	Brigitte Mayerhofer, Director of Engineering
	James Dominik, Fire Chief

2.0 APPROVAL OF MINUTES:

3.0 PETITIONS AND COMMUNICATIONS:

Patricia Winter, asked to remove item 6.61 from the Consent Agenda.

4.0 REPORTS OF OFFICERS:

No Reports.

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

- 6.11 Minutes, Appearance Review Commission.
- 6.12 Temporary Use Permit #2011-TU-10 for the Wilmette Chamber of Commerce Summerfest to be held Friday, July 8 and Saturday, July 9, 2011.
- 6.13 Approval of Resolution #2011-R-24 authorizing the Village Manager to take certain actions related to the Village Green Atrium.
- 6.14 ZBA Report, Case #2011-Z-15, 621 Hibbard regarding a request for a variation to permit the construction of a new detached garage in accordance with the plans submitted; adoption of Ordinance #2011-O-33.

- 6.41 Approval of contract, American Underground, Inc., Glenview, IL for the 2011 Sewer Televising and Cleaning Program.
- 6.42 Approval of contract, Schroeder & Schroder, Inc., Skokie, IL for the 2011 Curb and Sidewalk Program.

- 8.1 Notice of vacancy, Historic Preservation Commission.
- 8.2 Notice of vacancy, Appearance Review Commission.
- 8.3 Notice of vacancy, Historic Preservation Commission.
- 8.4 Notice of vacancy, on the Plan Commission.
- 8.5 Notice of vacancy, Housing Commission.
- 8.6 Notice of vacancy, Zoning Board of Appeals.
- 8.7 Notice of vacancy, Historic Preservation Commission.
- 8.8 Notice of vacancy, Board of Fire and Police Commissioners.

- 9.1 Appointment, Environmental and Energy Commission.
- 9.2 Appointment, Environmental and Energy Commission.
- 9.3 Notice of vacancy, Appearance Review Commission.
- 9.4 Notice of vacancy, Board of Fire and Police Commissioners.
- 9.5 Notice of vacancy, Housing Commission.
- 9.6 Notice of vacancy, Plan Commission.
- 9.7 Notice of vacancy, Plan Commission.
- 9.8 Recommendation of reappointment, Board of Fire and Police Commissioners.

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

4.2 Approval of recommendation of Village Board committee assignments.

President Canning presented his recommendations of Village Board committee assignments:

Land Use: Alan Swanson (chair), Mike Basil and Ted McKenna

Finance: Bob Bielinski (chair), Mike Basil and Ted McKenna

Administration: Mike Basil (chair), Cameron Krueger and Julie Wolf

Municipal Services: Cameron Krueger (chair), Alan Swanson and Julie Wolf

Public Safety: Ted McKenna (chair), Bob Bielinski and Cameron Krueger

Judiciary: Julie Wolf (chair), Alan Swanson and Bob Bielinski

Trustee Basil moved to adopt the recommendation of the Village Board committee assignments, seconded by Trustee Swanson. All voted aye, the motion carried.

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 April 4, 2011 was handled with the Consent Agenda.

6.12 Approval of Temporary Use Permit #2011-TU-10 for the Wilmette Chamber of Commerce Summerfest to be held Friday, July 8 and Saturday, July 9, 2011 was handled with the Consent Agenda.

6.13 Approval of Resolution #2011-R-24 authorizing the Village Manager to take certain actions related to the Village Green Atrium was handled with the Consent Agenda.

- 6.14 Zoning Board of Appeals Report, Case #2011-Z-15, 621 Hibbard regarding a request for a 71.87 square foot (7.67%) rear yard structure impervious surface coverage variation to permit the construction of a new detached garage in accordance with the plans submitted; adoption of Ordinance #2011-O-33.

The request was handled with the Consent Agenda for a 71.87 square foot (7.67%) rear yard structure impervious surface coverage variation to permit the construction of a new detached garage in accordance with the plans submitted. Ordinance #2011-O-33 was adopted with the Consent Agenda, authorizing the variation of this case.

6.2 FINANCE COMMITTEE REPORT:

No Report.

6.3 ADMINISTRATION COMMITTEE REPORT:

No Report.

6.4 MUNICIPAL SERVICES COMMITTEE REPORT:

6.41 Approval of contract in the amount of \$108,000 with American Underground, Inc., Glenview, IL for the 2011 Sewer Televising and Cleaning Program was handled with the Consent Agenda.

6.42 Approval of contract in the amount of \$120,000 with Schroeder & Schroder, Inc., Skokie, IL for the 2011 Curb and Sidewalk 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 #2011-O-32 amending the Village Code, Chapter 4 regarding animals.

Trustee Wolf moved adoption of Ordinance #2011-O-32 amending the Village Code, Chapter 4 regarding animals, seconded by Trustee Basil.

President Canning noted that Ms. Winter asked that the item be removed from the Consent Agenda.

Ms. Winter said she is a resident of Wilmette, an attorney, and an animal shelter volunteer. In all of those capacities, she is concerned about the aspect of this particular ordinance that would prohibit the care and maintaining of feral cat colonies in Wilmette. She believes the proposed ordinance is in conflict with a Cook County ordinance that permits feral cat colonies.

President Canning said it is his understanding that as a Home Rule Municipality, the Village can adopt the proposed ordinance and it would supersede a county ordinance.

Ms. Winter said more importantly, the trap, neuter and return approach to the management of these colonies that is authorized by the Cook County ordinance has been shown repeatedly to be the most effective way to reduce feral colonies, feral populations as well as the most humane. In addition, statistics indicate it is the most cost effective. Successfully managed colonies have a controlled population of sterilized, healthy cats who are cared for and who can control the rodent population, not increase it. She encouraged the Village Board to reject the proposed ordinance or defer action on this part of the ordinance until additional information can be made available.

Trustee McKenna asked if it was just feral cats Ms. Winter was interested in.

Ms. Winter said she is only interested in feral cats.

Trustee Basil said he is looking at the Illinois Constitution, Article 7, Section 6, Subsection C states "If a Home Rule County Ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction". He said the proposed ordinance has been discussed for the past year and it is not productive on the last day for public comment that someone asks that the ordinance be rejected. He does not believe the Village has a feral cat problem at this time so it seems like it would be appropriate to adopt the proposed ordinance as it is written. Ms. Winter could review her information and request in the future that the Village Board revisit the issue of feral cats.

Ms. Winter said she believes it would be more efficient not to adopt the part of the ordinance that addresses feral cats. She just heard about the proposed ordinance after reading a recent article in the Wilmette Life.

Trustee Swanson said it is his understanding that the proposed ordinance is similar to the existing ordinances. He asked if there was anything in the current ordinances regarding feral cats.

Corporation Counsel Michael Zimmermann said the regulations regarding feral cats in the proposed ordinance are new.

Village Manager Timothy Frenzer said currently feeding stray cats is not allowed in the Village Ordinance but the County Ordinance is in effect until the Village passes a new ordinance.

Trustee Krueger said he believes it is imperative that the Village Board passes the proposed ordinance as it updates the Village Code which is out of date. The proposed ordinance changes very little, but it reduces fees, clarifies what vicious dogs are and how we handle them. The proposed ordinance has been subject to many public meetings in the past year.

President Canning said he concurs with Trustees Basil and Krueger. He distinctly remembers when he received the County ordinance regarding feral cats from Cook County Commissioner Larry Suffredin and so knew of the existence of the County's ordinance while working on the Village's proposed animal ordinance. He is firm in his belief that the Home Rule Municipality ordinance that promotes the health, safety and welfare of our residents will supersede the County ordinance. He believes the proposed ordinance is well thought out to bring our animal ordinance up to date and clarify issues. He said there has not been a year that he has sat on the Village Board where there have not been several comments about vicious dogs and residents wanting clarification about what they can do. He does not believe the Village has feral cats and he has not received a cat question in six years.

Ms. Winter said if caring for feral cats is illegal, what would the Village propose to do with them.

Mr. Frenzer said if there are stray or nuisance cats in the Village, the animal control officer would bring the cat to the veterinarian to see if the cat is claimed, if not claimed, the cat would probably be euthanized. Mr. Frenzer said he is not aware that the Village has ever had to euthanize a cat.

Trustee Krueger asked if there was currently a feral cat colony in the Village.

Ms. Winter said she did not know the answer to that. She is concerned that the Village will adopt an ordinance that will legalize the euthanization of feral cats as opposed to the healthy maintenance of controlled colonies, and would criminalize the conduct of people who would care for feral cats. She said the organization that cares for feral cat colonies is very structured, registered with the county, and trains their employees. As a resident of Wilmette and animal lover she would rather see a feral cat colony.

Mr. Frenzer said for the past two years the Village has been dealing with a rodent problem and what they have found is that the outdoor feeding of animals is part of the rodent problem. He said part of the proposed ordinance prohibits outdoor feeding of animals.

Ms. Winter said the outdoor feeding of feral cats is very controlled, food is not left out and the animals are fed at a certain time and the food is then removed.

Trustee Basil said the Board has heard Ms. Winter's request but the Village does not have a feral cat problem at this time. He urged her to collect information that the Village Board has asked for and the Village would consider the request to change a portion of the ordinance. He is not inclined to change the proposed ordinance at the last minute.

Ms. Winter said she is asking the Village Board to not implement the portion regarding feral cats in the proposed ordinance.

Trustee Krueger thanked everyone for public comment on the ordinance. He believes the update to the animal ordinance is overdue. The proposed ordinance addresses some of the problems that need to be addressed and maintains the intent and spirit of the Village as a Home Rule Community. He believes it is very important to not delay voting on the proposed ordinance as it has a lot of benefits to it.

Trustee Swanson said he agrees with Trustee Krueger and believes it is important to adopt the ordinance as proposed.

Trustee Wolf said she has mixed feelings about the proposed ordinance. She believes the proposed ordinance has been well thought out and there is need for control of dangerous dogs. She believes the best course of action is to adopt the proposed ordinance and look into more information regarding feral cats in the future.

Trustee Bielinski said he will support the proposed ordinance as he agrees with Trustees Krueger and Swanson's comments. He thanked Ms. Winter and Ms. Schaffner for their comments regarding the proposed ordinance.

President Canning said he will support the proposed ordinance for the reasons stated by his fellow trustees. He noted that the proposed ordinance is not a new idea as the Village Board started discussing the need to update the animal ordinance in 2005. The Judiciary Committee has held many public hearings regarding the proposed ordinance and it is important to adopt the proposed ordinance at this time.

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

7.0 REPORTS FROM SPECIAL COMMITTEES:

No Reports.

8.0 UNFINISHED BUSINESS:

- 8.1 Notice of vacancy on the Historic Preservation Commission due to the term expiration of William Shapiro was handled with the Consent Agenda.
- 8.2 Notice of vacancy on the Appearance Review Commission due to the resignation of Paul Holzman was handled with the Consent Agenda.
- 8.3 Notice of vacancy on the Historic Preservation Commission due to the term expiration of Kevin Kilpatrick was handled with the Consent Agenda.
- 8.4 Notice of vacancy on the Plan Commission due to the term expiration of Ron Grossman was handled with the Consent Agenda.

- 8.5 Notice of vacancy on the Housing Commission due to the term expiration of Polly Kuehl was handled with the Consent Agenda.
- 8.6 Notice of vacancy on the Zoning Board of Appeals due to the term expiration of Kent Davidson was handled with the Consent Agenda.
- 8.7 Notice of vacancy on the Historic Preservation Commission due to the resignation of Raymond Pruchnicki was handled with the Consent Agenda.
- 8.8 Notice of vacancy on the Board of Fire and Police Commissioners due to the term expiration of Sarah Oliver was handled with the Consent Agenda.
- 9.0 NEW BUSINESS:
 - 9.1 Appointment of Linda Kurtz to the Environmental and Energy Commission from May 2011 to May 2014 was handled with the Consent Agenda.
 - 9.2 Appointment of Tim Perry to the Environmental and Energy Commission from May 2011 to May 2014 was handled with the Consent Agenda.
 - 9.3 Notice of vacancy on the Appearance Review Commission due to the resignation of Julie Wolf was handled with the Consent Agenda.
 - 9.4 Notice of vacancy on the Board of Fire and Police Commissioners due to the term expiration of George Pearce was handled with the Consent Agenda.
 - 9.5 Notice of vacancy on the Housing Commission due to the term expiration of Jane Hornstein was handled with the Consent Agenda.
 - 9.6 Notice of vacancy on the Plan Commission due to the term expiration of Scott Goldstein was handled with the Consent Agenda.
 - 9.7 Notice of vacancy on the Plan Commission due to the term expiration of Bob Spriggs was handled with the Consent Agenda.
 - 9.8 Recommendation of reappointment of George Pearce to the Board of Fire and Police Commissioners from June 2011 to June 2014 was handled with the Consent Agenda.

10.0 ADJOURNMENT:

Trustee Bielinski moved to adjourn the meeting at 8:51 p.m., seconded by Trustee Wolf. All voted aye, the motion carried.

Barbara L. Hirsch
Deputy Village Clerk