



**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, OCTOBER 10, 2017.**

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

**1.0 ROLL CALL**

Trustees	Julie Wolf Daniel E. Sullivan, Jr. Senta Plunkett Kathy Dodd Stephen M. Leonard
President	Bob Bielinski
Absent	Joel Kurzman
Staff Present:	Timothy J. Frenzer, Village Manager Michael Braiman, Assistant Village Manager Jeffrey M. Stein, Corporation Counsel Barbara Hirsch, Deputy Village Clerk John Prejzner, Assistant Director of Administrative Services John Adler, Director of Community Development

**2.0 PUBLIC COMMENT**

President Bielinski said at the last Village Board Meeting, while interacting with a resident during Public Comment, he lost his cool and said he is disappointed with himself. He apologized immediately afterwards in the meeting and also spoke with the resident a few days later, to apologize directly for speaking over him and being combative during the exchange. In addition to the private apology, he is making a public apology this evening to Mr. Axelrod. He has been a member of the Village Board for over six years and almost without exception, he has conducted himself in a calm and professional matter. He is a huge proponent and champion of civil discourse in our public debate. Unfortunately, for several minutes at our last meeting, he did not live up to that expectation or that standard and for that he apologizes to the entire community.

Jeff Axelrod, 631 Central Avenue, said he believes the Village Board's decision to opt out of the Cook County Sick Leave and Minimum Wage ordinances is bad for the people that work and live in Wilmette and bad for the businesses that operate in Wilmette. He is quite troubled by the Village *Communicator* mailed out to every resident to fight a public health initiative that 74% of voters supported. He was disappointed that President Bielinski refused his request to respond to the article in *The Communicator*. He urged the Village Board to undo the opt out of the Cook County Ordinances.

Dan Fogel, Hawthorn Lane, said he read through Village President's letter in *The Communicator* and was upset to see that President Bielinski was advocating for the Village Board's position on opting out of the Cook County Sick Leave and Minimum Wage Ordinances. He believes the majority of past *Communicators* have been used to booster local businesses, which he believes is appropriate. He believes the Village President's letter should stick to boosting or allow letters to the Village President be published that criticize or address the things the Village President says to provide a balance.

Harriett Meyer, 8<sup>th</sup> Street, says she is part of the Wilmette Justice Team and would like to implore that the Village Board opt back into the Cook County Sick Leave and Minimum Wage Ordinances. As for the alleged boycott on the part of the Wilmette Justice Team, it is not a boycott, it is an honor roll, which is something positive. She personally has mixed feelings about it and as far as she know it is in abeyance. She believes the issue is that there should be a higher minimum wage and earned paid sick leave in Wilmette as the minimum wage has not kept up with the cost of living. She is proud and not surprised, according to the Chamber of Commerce that nearly all Wilmette businesses already pay at least \$10 per hour. She is very grateful that a Committee of the Village Board will be looking into the matter further.

John Marshall, Prairie Avenue, said he respects President Bielinski for issuing an apology but he still has concerns with his statements from the last Village Board meeting and what information remains on the Village website and what is published in *The Communicator*. He believes President Bielinski made statements that were misleading and in some cases inaccurate about his group's effort in support of a higher minimum wage and paid sick leave. He said he is unaware of any boycott and would oppose any boycott if there were one. His group is doing quite the opposite, they are developing an honor roll of businesses, they clearly state that they will "encourage the public to support these businesses". He requested that the Village and President Bielinski issue a prompt correction to the President's letter in *The Communicator*.

President Bielinski said *The Communicator* letter in the current issue was a longer one than usual because it was a complicated issue. He noted that other public policy decisions that the Board makes have also been addressed in *The Communicator*. He said it is completely within his purview to take the time to explain to the community an issue that had come in front of the Village Board and,

describe the nature of the complicated issue. It is his prerogative to express his opinion and he did express his opinion on the matter. He appreciates that some people do not agree with him as expressed this evening, but he has had residents that have told him they found the letter very helpful in terms of framing the issue.

Trustee Sullivan said there were comments made at the last meeting and he is concerned with the accusations that Trustees were not doing their job and doing it in conflict of interest for their own interest versus the Village. He believes that is something that should be investigated based on the comments Mr. Axelrod made about passing laws. He would like to know more about those comments as he had residents tell him they believe those comments were directed towards him and he takes personal offense to that.

President Bielinski asked Corporation Counsel if someone has a question of conflict of interest, should they contact him.

Corporation Counsel Jeffrey Stein said Trustees should reach out to him with questions and if there is any evidence or insinuation of wrong doing, it would be the Law Department that would take the complaint and investigate it.

Trustee Sullivan said he wanted the comments in the minutes from the previous meeting addressed further as it was a serious accusation directed at either him or his fellow colleagues.

President Bielinski asked Mr. Axelrod to follow up with Corporation Counsel regarding those comments.

### **3.0 CONSENT AGENDA**

Trustee Wolf moved approval of the Consent Agenda as follows:

- 3.1** Approval of minutes of the Regular Board meeting held September 26, 2017.

#### **LAND USE COMMITTEE CONSENT AGENDA**

- 3.2** Approval of Temporary Use Permit #2017-TU-29 for the Ronald Knox Montessori School Pumpkin Run and Fall Fest to be held on October 22, 2017 from 3pm to 5:00 pm.
- 3.3** Approval of Temporary Use Permit #2017-TU-30 for a private event to be held at 1925 Wilmette Avenue on November 17, 2017 from 6:30 p.m. to 10:30 p.m.
- 3.4** Adoption of Ordinance #2017-O-59 regarding technical amendments to the Zoning Ordinance.

- 3.5** Introduction of Ordinance #2017-O-61 amending Ordinance #2015-O-38 to modify conditions of approval and inclusion of a new sidewalk easement agreement at 607-617 Green Bay Road.

**FINANCE COMMITTEE CONSENT AGENDA**

- 3.6** Approval of September 2017 Disbursement Report.
- 3.7** Adoption of Ordinance #2017-O-58 authorizing the issuance of not to exceed \$10,000,000 General Obligation Bonds, Series 2017A and not to exceed \$4,000,000 General Obligation Refunding Bonds, Series 2017B.
- 3.8** Adoption of Resolution #2017-R-22 authorizing the Section 125 Plan Administrator to write-off unclaimed flex plan balances from fiscal year 2016.

**ADMINISTRATION COMMITTEE CONSENT AGENDA**

- 3.9** Approval of a Binding Memorandum of Understanding establishing the Northern Illinois Benchmarking Cooperative.

**MUNICIPAL SERVICES COMMITTEE CONSENT AGENDA**

- 3.10** Approval of contract in the amount of \$75,000 with Chicagoland Paving, Inc., Lake Zurich, IL for the Sheridan Road Retaining Wall Repair Project.
- 3.11** Approval of contract amendment in the amount of \$21,300 with Baxter & Woodman Consulting Engineers, Chicago, IL for additional design and construction inspection services associated with the Public Works Yard Improvement Project.

**PUBLIC SAFETY COMMITTEE CONSENT AGENDA**

- 3.12** Introduction of Ordinance #2017-O-50 extending the implementation timeline for the High-Rise Life Safety Requirements.

**JUDICIARY COMMITTEE CONSENT AGENDA**

- 3.13** Adoption of Ordinance #2017-O-55 making a technical correction to the hours of operation for a Class G liquor license in the Village of Wilmette.
- 3.14** Adoption of Ordinance #2017-O-60 amending Chapter One of the Village Code in regards to the General Penalty.
- 3.15** Introduction of Ordinance #2017-O-62 amending Chapter 13 of the Village Code adopting the Illinois Vehicle Code.

Trustee Sullivan seconded the motion. Voting yes: Trustees Wolf, Sullivan, Plunkett, Dodd, Leonard and President Bielinski. Voting no: none. The motion carried.

#### **4.0 REPORTS OF OFFICERS:**

**4.1** Proclamation designating October 24, 2017 as World Polio Day in Wilmette.

President Bielinski read aloud the Proclamation.

**4.2** Announcement of cancellation of the December 26, 2017 Regular Village Board Meeting.

President Bielinski announced the cancellation of the December 26, 2017 Regular Village Board Meeting.

Village Manager Timothy Frenzer said leaf collection in the Village will take place October 16 through December 8, 2017. The leaf collection schedule is available on the Village website and also in *The Communicator*.

Mr. Frenzer said the Ordinance authorizing the issuance of General Obligation Bonds was approved this evening. Last Friday, Moody's Investor Service reaffirmed the Village's Aaa rating and complimented the Village on its stable financial condition and sound economic position financial reserves. He complimented the Village Board on its financial stewardship as this is the highest rating that can be received.

#### **5.0 REPORT OF LIQUOR CONTROL COMMISSIONER:**

No Report

#### **6.0 STANDING COMMITTEE REPORTS:**

##### **6.1 LAND USE STANDING COMMITTEE REPORT**

6.11 Zoning Board of Appeals Report, Case #2017-Z-40, 1100 Laramie Avenue regarding a request for an expansion of a special use (educational facility, secondary), modification of the special use approved by ordinance 93-O-63 regarding enrollment, a 20.0' side yard setback variation, a 3.0' side yard adjoining a street setback variation, a 7.0' light pole height variation, a 6.0' fence height variation, a 3.5' fence height variation, a fence openness variation, a variation to permit a chain link fence in a side yard adjoining a street, a 1.0' fence pier height variation, and a 1.5' fence pier diameter variation to permit the construction of an addition (natatorium) and to

relocate existing tennis courts, expand the parking lot, and install new fencing in accordance with the plans submitted and with the following conditions: 1) the Transportation Commission review traffic issues in the neighborhood, particularly Manor Drive and 2) that the Village periodically review the effectiveness of the on-site traffic plan as proposed. The use shall run with the use – REQUEST TO TABLE TO OCTOBER 24, 2017 REGULAR VILLAGE BOARD MEETING.

Trustee Leonard moved to table the item to the October 24, 2017 Regular Village Board Meeting, seconded by Trustee Dodd. All voted aye, the motion carried.

- 6.12 REMOVE FROM TABLE - Zoning Board of Appeals Report, Case #2017-Z-28, 1300 Sheridan Road regarding a revised request for a 430.7 square foot (16.89%) front yard impervious surface coverage variation and a variation to permit parking spaces in a required front yard to allow the expansion of the existing legal non-conforming driveway in accordance with the plans as revised.**

Trustee Leonard moved to remove the item from table, seconded by Trustee Wolf. All voted aye, the motion carried.

Trustee Leonard moved to grant a revised request for a 430.7 square foot (16.89%) front yard impervious surface coverage variation and a variation to permit parking spaces in a required front yard to allow the expansion of the existing legal non-conforming driveway in accordance with the plans as revised, seconded by Trustee Sullivan.

President Bielinski noted that the request received a negative recommendation from the Zoning Board of Appeals and will need five positive votes to overturn the recommendation of the Zoning Board of Appeals.

Jeff Harting, GTH Architects, reviewed the revised request presented by the applicants. He noted they tried to find solutions to issues that the Zoning Board of Appeals raised. The applicants are trying to increase the surface of the driveway to make it safer as it is difficult to back out of the driveway onto Sheridan Road.

Trustee Leonard said he believes there are two issues with the request, the configuration of the driveway and the impervious surface that is being created. The changes that were made since the Zoning Board of Appeals meeting went a long way towards addressing the concerns satisfactorily. He was at the home today and had difficulty backing out and said it is not a safe situation. He is concerned with the impervious surface issue as it is a concern throughout the

community. He asked if the applicant would be willing to create a part of the expansion of the driveway with impermeable pavers.

Mr. Harting said they did discuss using impermeable pavers but there is the issue of maintenance, the children being able to play basketball on pavers and snow removal. The home owners would like to have a snow melt system placed under the driveway and that would not work with the pavers.

Trustee Leonard said he did google permeable surface pavers with heated snow removal and they do exist. He asked if that would be worthy of additional consideration by the applicant.

Mr. Harting said if they did not do asphalt, it would have to be a solid block paver due to the water that would pass through. He has not talked to his client about that option. He is not sure what type of climate that system would work in as there is a specific depth due to the Freon in the snow melt system.

Trustee Leonard said he can support the project from a design standpoint but he would really like the applicant to exhaust all options regarding the impermeable surface issue. If it is physically impossible to do this, it is something he would like to know.

Julie Kraemer said she is the applicant and when she looked at the snow melt systems, you really cannot use impermeable pavers with the system as there would be a lot of heat loss and the system would not work. She said her home is on a hill so half her property does drain towards the lake and there is not a retention problem on the property. She said she does have a sidewalk that is behind the front yard setback that had to be torn out for plumbing issues and she would be happy to replace the sidewalk with permeable pavers if that would help address Trustee Leonard's concern.

Trustee Leonard said he would be open to any off set for the additional permeable surface. If the driveway suggestion he made does not work, that may be an option as well as a rain garden type of landscaping alternative. He would hesitate to support the request without some type of nod towards the impermeable issue.

President Bielinski asked how many square feet the applicant is proposing with the driveway.

Mr. Harting said they are asking for 140 square feet.

President Bielinski said in walking up the applicant's street today, he noted there are many driveways with turn around areas so it is very clear there is a hardship. He believes the issue is whether the design is acceptable.

Trustee Wolf asked how large the sidewalk area is that is currently torn up.

Mrs. Kraemer said the sidewalk area is approximately 200 square feet. She said the lot is large and the backyard is mainly grass going down the hill to the lake.

Trustee Wolf said there are many aesthetically pleasing permeable pavers if the applicant wanted to pursue permeable pavers when replacing the sidewalk.

Trustee Wolf asked if there were any Trustees interested in pursuing a condition in return for allowing a little more impervious surface in the front of the home, it would be stipulated that only so much area could be built in the back of the home.

President Bielinski asked if there was any impervious surface in the back of the home.

Mrs. Kraemer said there is an existing patio in the back of the home but nothing else can be added as they are on a hill.

Mr. Adler referred to the property site plan in the report noting that there is a lot of area on the lot that is undeveloped and cannot be developed as it is a lakefront property.

Trustee Dodd asked what the zoning regulations are for front yard parking spaces as there are a number of homes on Michigan Avenue that do have parking pads.

Mr. Adler said a separate parking pad is not allowed in the required front yard but people do park in the front yard where there is a driveway. The original request from the applicant concerned the Zoning Board because the proposed driveway was wide enough to park a car and then drive a vehicle around it. He believes that is why the applicant reduced the width of the driveway for the revised request and now a car cannot be parked in the driveway and another car be driven around it.

Trustee Wolf said the landscaping and mature trees in the front yard are nice screening from the street and if a car is parked in the driveway, it would not be seen from the street.

Trustee Leonard asked Mr. Adler if he had any suggestions regarding permeable surface for the proposed driveway.

Mr. Adler said if the applicant is willing to consider for the sidewalk being replaced, that is way to address the surface. He also suggested a foot and a half of permeable pavers on either side the proposed asphalt driveway if that was possible to work with snow melt system the applicant is looking to install in the driveway.

President Bielinski said this case seems to be more about where the impervious surface is which is a function of where the garage is located on the property.

Mr. Adler said most of the impervious surface is on the west side of the lot, the east side of the lot has very little.

Trustee Plunkett asked if the applicant had a reason for removing the brick border on the driveway.

Mrs. Kraemer said the proposed driveway also has a brick border.

Mr. Harting said on the proposed site plan they show an eight to twelve inch brick border around the entire driveway and that has not been taken into consideration with the calculations.

Mr. Adler said the only time you are given a credit for permeable is when the entire driveway is being done, not just a border around the driveway. We are talking about possibly reducing the amount to the impervious surface that is there currently.

President Bielinski said given the layout of the lot and also it is a lakefront lot, this lot seems to have more impervious surface than what a typical lot would have because they cannot build on the bluff or the lakefront.

Mr. Adler said as they are on the lakefront, typically there is an elevation under which one cannot build as it is considered flood plain and it is a large portion of the property.

President Bielinski said he is less troubled by the impervious surface versus the flooding issue because you would not think of this property as being overly surfaced, it is more the placement of the

home and the garage that forces this activity closer to the street. If the home was set back further, there would not be a need for the variations.

President Bielinski asked if there was anyone present to speak for or against the application.

Dan Fogel, Hawthorn Lane, said when impervious surface is discussed, is there a total amount that the whole Village should have or is it evaluated per parcel of property. He also asked how they evaluate the request as there seems to be certain aspects of the home that were there when the homeowners bought the home and wanted to make the changes later.

President Bielinski said one of the standards in the Zoning Ordinance is that the homeowner did not create the condition themselves.

Mr. Adler said there is not a total amount of surface for the Village, each residential lot is calculated on its own for the required front yard, required side yards combined and the required rear yard. The Village looks at impervious surface on a lot by lot basis.

Ben Phillips asked if the applicant could consider installing a dry well system to collect some of the rain water.

Mr. Adler said there are many things one could do if they are concerned about rain water if that is something the Village Board feels they want to do and is appropriate for this case.

President Bielinski said he does not believe that stormwater is an issue in this particular request given how much is undeveloped on the property and the fact that it drains to the lake.

Trustee Leonard said he appreciates the fact that the rear of the property is mostly sand but if you look at our total stormwater capacity and our total improvements, the current condition is contributing to some of the stormwater impact on the existing pipes and any impervious surface that is added is an impact to that. He thinks there are reasonable, probably relatively inexpensive methods of accommodating that impact and personally he would like to see something be imposed upon this approval. He is happy to just say with staff's approval, as long as the applicant can find the least expensive method to address the issue.

Trustee Plunkett said she would like to be careful about getting so technical with stormwater collection. She is looking at the applicant's property and sees the landscaping and all the trees and if we are talking about how much water is being collected, more water is being collected with the landscaping than if there were grass. She believes everything has to be taken into account and we cannot discount how much the landscaping is helping with the stormwater problem if there is an issue.

Mr. Harting said if there is any possible way to capture the water and direct it to the lake while paving the driveway, they would absolutely try to do it without great expense.

Trustee Leonard said he believed a rain garden or impervious pavers could probably solve the problem.

Mr. Harting said he has seen some rain gardens that are successful and some that are not and that is more of a landscape issue. He said the other option is permeable pavers.

Mrs. Kraemer said she would be happy to replace the sidewalk with permeable pavers and the border around the driveway and keep the rest of the driveway as proposed.

Mr. Harting said there is always the possibility of using pavers for the area from the sidewalk to the street for the driveway also.

Trustee Sullivan said the applicant originally asked the Zoning Board for 341 square feet to redo the driveway, received comment and feedback from the Zoning Board and came to the Village Board asking for 173 square feet which seems to be a little over as we did not give credit for the pavers bordering the driveway. The applicant has also offered to redo the sidewalk in permeable pavers so the applicant is really reducing the requested variation. He asked if doing the proposed project is bettering the situation on the lot.

Mr. Harting said they are absolutely bettering the situation on the lot with the proposed project.

Trustee Dodd said she is concerned with stormwater but as she understands it, this area does not have as much of a stormwater issue due as the home is built on a hill and the water is draining down into the lake.

Mr. Adler said in reviewing the topography of this particular property, the applicant did mention the house is on the hill and the front does appear to drain towards the street but the rear of the home has a lot of stormwater drainage going towards Lake Michigan. If that is true for many of the homes on Michigan Avenue, that is a lot of stormwater that is draining to the lake and not into the stormwater system.

Trustee Wolf said she believes the majority of the situation is not created by the owner, the home was built already, the lot is narrow, with the slope of the yard the setback is what it is and there are mature trees on the lot. She believes the proposed request will improve the situation and she also pleased to see that the applicant has worked with the comments from the Zoning Board to revise the original request. She would be in favor of replacing the sidewalk with impermeable pavers but she thinks the proposed request is a good solution.

Trustee Sullivan said he agrees with Trustee Wolf and the comments from the Zoning Board led to a good solution. He appreciates that the applicant revised the request. He said for him it is not a stormwater issue, it is more of the two hardships, one being the difficult location and the other is the setback of the property. He appreciates that the applicant has done as much as they can to make this a better situation for them without adding to what has been approved. He can support the request.

Trustee Plunkett said she will support the request. She appreciates the time the applicant has spent trying to minimize the driveway and make it as safe and useful as possible. She believes this is definitely a situation where the Board would look at the hardship and the applicant has tried to minimize the amount of variance that they are requesting. She does not know if the applicant could minimize the amount of the variance as per the Zoning Code than they already have. The home is close to the street, there is a small front yard and a very, very long back yard. Everything they will do to add pervious surface is wonderful and she appreciates that they are doing that but she does not see how she could make that a condition for the request because she does see the hardship and that the applicant is trying to make an improvement and she does not see that the applicant could make the request smaller.

Trustee Dodd thanked the applicant for taking the time to answer all the Boards' questions. She agrees with everything the three Trustees that spoke before her said. She will support the request. Making sure people can get in and out of their driveways as safely

as possible is really very important. She agrees that she would like to see the applicant do as much as they can with permeable pavers and respect the issue of stormwater management but she does not see this as a big issue with stormwater in the area.

Trustee Leonard said he also believes the applicant has done a great job in recognizing the concerns of the Zoning Board and the changes that the applicant has made are great and he supports that. He disagrees with his colleagues, as he thinks any time we are taking permeable surface away from the community, we should be replacing it. He believes we set policy by doing that and he will not support the request. He would support the request if there was a requirement to do everything you can do to try to mitigate that as every square foot matters.

President Bielinski said on this particular case, the question of hardship is pretty easy because of Sheridan Road. We have had cases in front of us where there have been requests for additional impervious surface using the same argument but the Village Board's opinion differed from the applicant. He believes in this case everyone is in agreement that there is an issue. He agrees with his colleagues who commend the applicant for minimizing the request and believes that had this request come before the Zoning Board as it is now, they would have approved it. He does not disagree with Trustee Leonard regarding the importance of impervious surface, but the applicant has minimized the request and it is a small amount. In this particular case, given how clearly the hardship is, he does not believe he would require conditions to be put upon the approval.

President Bielinski noted there was a consensus to approve the request as it stands without conditions.

Trustee Dodd said she believes this request is a safety issue but the Village Board needs to continue to think about impervious surface and be careful about.

President Bielinski said he agrees completely and had the applicant not made as much effort to minimize the request, he would not have supported it. The request is not what they wanted, but what they need.

Trustee Sullivan said this case does not set precedent, we review every request case by case and we have given minimizations to other requests not 100% of what an applicant asks for.

President Bielinski said that is what the zoning variance process is for as we cannot write a Village Code for every issue that exists in our diverse community.

Trustee Leonard said if it was impossible for the applicant to accommodate this, he would agree with his fellow Trustees but it is very possible. Several comments were made that the applicant should do their best, but he has to assume that if we are not going to require it, it is not going to be done. He believes it sets a precedent as we are saying there is an issue and we are going to ignore it because they have done such a good job of minimizing it and he respectfully disagrees.

Voting yes: Trustees Wolf, Sullivan, Plunkett, Dodd, and President Bielinski. Voting no: Trustee Leonard. The motion carried.

President Bielinski said the ordinance approving the request will be on the October 24, 2017 Regular Village Board Meeting agenda.

**6.2 FINANCE STANDING COMMITTEE REPORT**

All items listed on the Consent Agenda

**6.3 ADMINISTRATION STANDING COMMITTEE REPORT**

All items listed on the Consent Agenda

**6.4 MUNICIPAL SERVICES STANDING COMMITTEE REPORT**

All items listed on the Consent Agenda

**6.5 PUBLIC SAFETY STANDING COMMITTEE REPORT**

All items listed on the Consent Agenda

**6.6 JUDICIARY STANDING COMMITTEE REPORT**

All items listed on the Consent Agenda

**6.7 REPORTS FROM SPECIAL COMMITTEES**

No Reports

**7.0 NEW BUSINESS**

No Reports

**8.0 MATTERS REFERRED TO STANDING COMMITTEES**

- 8.1** Review adding group homes for private school students as a permitted or special use in the residential zoning districts.

**8.2** Review Westlake Plaza Local Sign Ordinance regulations

**9.0** ADJOURNMENT

Trustee Sullivan moved to adjourn the meeting at 9:08 p.m., seconded by Trustee Wolf. All voted aye, the motion carried.

Barbara L. Hirsch  
Deputy Village Clerk