



1200 Wilmette Avenue
WILMETTE, ILLINOIS 60091-0040

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 8, 2018.

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

1.0 ROLL CALL

Trustees

Julie Wolf
Senta Plunkett
Kathy Dodd
Joel Kurzman

President

Bob Bielinski

Absent:

Daniel Sullivan

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
Kyle Murphy, Chief of Police
Patrick Collins, Deputy Chief

2.0 PUBLIC COMMENT

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 April 24, 2018.

3.2 Approval of minutes of the Special Meeting held April 17, 2018.

LAND USE COMMITTEE CONSENT AGENDA

3.3 Presentation of minutes of the Zoning Board of Appeals meeting held April 4, 2018.

- 3.4 Approval of Temporary Use Permit #2018-TU-07 to locate a construction trailer at 1100 Laramie Avenue (Loyola Academy) from May 21, 2018 through January 1, 2020.
- 3.5 Approval of Temporary Use Permit #2018-TU-08 to permit two food trucks in conjunction with a triathlon at Gillson Park on Sunday, September 16, 2018.
- 3.6 Zoning Board of Appeals Report, Case #2018-Z-16, 803 Lake Avenue regarding a request for a 242.51 square foot (1.69%) total floor area variation and a 20.42' rear yard setback variation to allow the construction of an attached two-car garage on a legal non-conforming structure in accordance with the plans submitted; adoption of Ordinance #2018-O-33.
- 3.7 Zoning Board of Appeals Report, Case #2018-Z-17, 1153 Wilmette Avenue regarding a request for a special use for an indoor amusement facility (Outatime Games Live Escape Rooms) in accordance with the plans submitted. The use shall run with the use; adoption of Ordinance #2018-O-34.
- 3.8 REMOVE FROM TABLE - Zoning Board of Appeals Report, Case #2018-Z-02, 3730 Lake Avenue regarding a revised request for a 3.0' side yard setback variation and a 3.0' separation variation to permit the retention of a grill island in accordance with the plans submitted; adoption of Ordinance #2018-O-28.
- 3.9 REQUEST TO TABLE TO JUNE 12, 2018 REGULAR VILLAGE BOARD MEETING - Zoning Board of Appeals Report, Case #2018-Z-14,1200 Cleveland Street, regarding a request for an 8.6' rear yard setback variation to permit the construction of a one-story attached garage addition in accordance with the plans submitted.
- 3.10 REQUEST TO TABLE TO JUNE 12, 2018 REGULAR VILLAGE BOARD MEETING - Zoning Board of Appeals Report, Case #2017-Z-63, 238 Kilpatrick Avenue regarding a revised request for a 587.21 square foot (7.43%) total floor area variation, a variation to exceed the first floor height limit, a 1.05' side yard setback variation, and a 2.99' combined side yard setback variation to permit the construction of a substantial addition and remodel that is classified as a new home in accordance with the plans submitted.

FINANCE COMMITTEE CONSENT AGENDA

- 3.11 Approval of April 2018 Disbursement Report.

ADMINISTRATION COMMITTEE CONSENT AGENDA

- 3.12** Appointment of William Bradford to the Plan Commission from May 8, 2018 to May 8, 2022.
- 3.13** Appointment of William Muno to the Environmental and Energy Commission from May 8, 2018 to May 8, 2021.
- 3.14** Appointment of Carmen Corbett to the Historic Preservation Commission from May 8, 2018 to May 8, 2022.
- 3.15** Appointment of Richard Brill to the Appearance Review Commission from May 8, 2018 to May 8, 2023.
- 3.16** Appointment of Rebecca Boyd to the Environmental and Energy Commission from May 8, 2018 to May 8, 2021.
- 3.17** Appointment of Benjamin Schmitt to the Transportation Commission from May 8, 2018 to May 8, 2022.

MUNICIPAL SERVICES COMMITTEE CONSENT AGENDA

- 3.18** Approval of seven-month contract extension in the amount not to exceed \$119,911 and at unit process set forth in the contract extension request letter dated April 23, 2018 with Nels J. Johnson Tree Experts, Evanston, IL for routine and emergency tree removal services.
- 3.19** Approval of one-year contract extension in the annual amount of \$29,780 with Meade Electric Co., McCook, IL for traffic signal maintenance.

JUDICIARY COMMITTEE CONSENT AGENDA

- 3.20** Introduction of Ordinance #2018-O-26 making technical amendments to the Administrative Adjudication ordinance.

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

4.0 REPORTS OF OFFICERS:

- 4.1** Approval of appointment of George M. Pearce to the office of Village Trustee, to fill the vacancy created by the resignation of Village Trustee Stephen M. Leonard.

Trustee Wolf moved approval of appointment of George M. Pearce to the office of Village Trustee, to fill the vacancy created by the resignation of Village Trustee Stephen M. Leonard, seconded by Trustee Plunkett.

President Bielinski said that Mr. Pearce would serve as Village Trustee until the May 2019 Election noting there will be a two year unexpired term for Village Trustee on the May 2019 ballot.

Voting yes: Trustees Wolf, Plunkett, Dodd, Kurzman and President Bielinski. Voting no: none. The motion carried.

Timothy J. Frenzer, Village Clerk, administered the oath of office to Village Trustee George M. Pearce.

- 4.2** Life Saving event recognition for resident David Zier and Officers Stephen Leigh, Valerie Davis and Julie Parisi.

Kyle Murphy, Chief of Police, summarized the lifesaving event, thanked Mr. Zier and Officers Leigh, Davis and Parisi and presented them with a plaque of appreciation.

- 4.3** Presentation of 2017 Officer of the Year Award to Detective Connor Cavanagh.

Chief Murphy summarized Detective Connor Cavanagh's accomplishments and presented him with the Officer of the Year Award.

- 4.4** Proclamation designating May 20-26, 2018 as Public Works Week.

President Bielinski read aloud the Proclamation.

President Bielinski recognized William Bradford for his volunteer service of 20 years to the Village of Wilmette through serving on the Zoning Board of Appeals, Appearance Review Commission and now serving on the Plan Commission.

There were no reports from the Village Manager or Corporation Counsel.

5.0 REPORT OF LIQUOR CONTROL COMMISSIONER:

No Reports

6.0 STANDING COMMITTEE REPORTS:

6.1 LAND USE STANDING COMMITTEE REPORT

- 6.11** Zoning Board of Appeals Report, Case #2018-Z-15, 405 Vista Drive regarding a request for a 2.0' fence height variation and a fence openness variation to permit the retention of a 6' tall solid fence in a front yard in accordance with the plans submitted.

Trustee Pearce moved to grant a request for Zoning Board of Appeals Report, Case #2018-Z-15, 405 Vista Drive regarding a request for a 2.0' fence height variation and a fence openness variation to permit the retention of a 6' tall solid fence in a front yard in accordance with the plans submitted, seconded by Trustee Wolf.

President Bielinski noted that the applicant was not present.

John Adler, Director of Community Development, said it is his understanding that the applicant was considering withdrawing the application but they did not hear back from the applicant. He believes that due to the negative recommendation from the Zoning Board of Appeals, the applicant decided not to attend and argue their case to the Village Board.

President Bielinski said the Village Board could go ahead and vote on the application and if the applicant decides to come to the next Village Board meeting they could ask for a reconsideration of the application.

Trustee Pearce said assuming the Village Board goes along with the Zoning Board of Appeals recommendation, what will happen next.

Mr. Adler said the applicant would have to reduce the height of the fence from 6.0' to 4.0' and then make the fence 50% open in a reasonable amount of time. The Community Development Department will follow up on the situation.

Voting yes: None. Voting no: Trustees Wolf, Plunkett, Dodd, Kurzman, Pearce and President Bielinski. The motion was denied.

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

No Report

6.6 JUDICIARY STANDING COMMITTEE REPORT

6.61 Ratification of Holland and Knight Agreement.

Trustee Plunkett move to approve ratification of Holland and Knight Agreement, seconded by Trustee Wolf.

Corporation Counsel Jeff Stein said the Village has an existing relationship with the law firm Holland & Knight (H&K). H&K has represented the Village as its litigation counsel for over a decade in various matters. Currently, H&K is the Village's litigation counsel for the matter of First American Bank, et. al. v. Village of Wilmette ("Lawsuit"), which is set for trial – after 10 years of litigation – on May 8, 2018. As the Village desires to have H&K continue with its representation of the Village, but at the same time desires to appoint an H&K attorney (George Pearce) as Village Trustee, a conflict of interest will be created.

In October of 2007, the time the relationship between the Village and H&K – as it relates to the Lawsuit was established – Mr. Pearce was not a Village Trustee. Now that Mr. Pearce's appointment is approved and he is sworn in as a Village Trustee, a conflict of interest has been created. Doing so requires a new vote on the H&K agreement to be taken. The existing terms and conditions of the agreement between H&K and the Village will not be changed. Rather, this ratification is a formality needed to lawfully allow the contractual relationship between H&K and the Village to continue.

Upon investigation, the Corporation Counsel has determined that this is a permitted conflict of interest as allowed by state law. Trustee Pearce does not own more than 1% share of H&K; therefore, there is no statutory bar to such a contract and there is no monetary limit upon the contract between H&K and the Village, as would be if Mr. Pearce owned more than a 1% share of H&K. In order to ensure the state statutes are complied with, there are certain actions Mr. Pearce and the Village Board must take.

Per 50 ILCS 105/3(b-5) and 65 ILCS 5/3.1-55-10(b-5), the Village may continue its engagement with H&K, even after Mr. Pearce's appointment becomes effective, because Mr. Pearce's ownership share in H&K is less than 1% of the company. However, Mr. Pearce must first publicly disclose the nature and extent of his interest in H&K and abstain from voting on the matter. The agreement must be approved by a majority vote of the remaining Village Board members (4 votes).

Voting yes: Trustees Wolf, Plunkett, Dodd, Kurzman and President Bielinski. Voting no: none. Abstain: Trustee Pearce. The motion carried.

6.7 REPORTS FROM SPECIAL COMMITTEES

No Reports

7.0 NEW BUSINESS

No Report

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.

9.0 ADJOURNMENT

Trustee Pearce moved to adjourn the meeting at 7:59 p.m., seconded by Trustee Wolf. All voted aye, the motion carried.

Barbara L. Hirsch
Deputy Village Clerk