

**VILLAGE OF LINCOLNWOOD
PRESIDENT AND BOARD OF TRUSTEES
REGULAR MEETING
VILLAGE HALL COUNCIL CHAMBERS
MARCH 1, 2022**

Call to Order

President Patel called the Regular Meeting of the Lincolnwood Board of Trustees to order at 7:42 P.M. Tuesday, March 1, 2022, in the Council Chambers of the Municipal Complex at 6900 N. Lincoln Avenue, Village of Lincolnwood, County of Cook, and State of Illinois.

Pledge to the Flag

The Corporate Authorities and all persons in attendance stood and recited the Pledge of Allegiance.

Roll Call

On roll call by Village Clerk Beryl Herman, the following were:

Present: Mayor Patel, Trustees Halevi, Herrera, Sargon, Klatzco, Martel (remote), Saleem (remote).

A quorum was present.

Also present: Anne Marie Gaura, Village Manager; Denise Joseph, Finance Director; Doug Hammel, Development Manager; Steven Elrod, Village Attorney.

The motion passed

Approval of Minutes

The minutes of the February 15 Village Board meeting were presented for Village Board approval.

Trustee Klatzco made a motion to approve the minutes, seconded by Trustee Halevi

Upon Roll Call the results were:

Ayes: Trustees Klatzco, Herrera, Herrera, Martel, Saleem

Abstain: Trustee Sargon

Nays: None

Minutes Approved

Warrant Approval

Trustee Klatzco presented the warrants in the amount of \$477,178.32 and moved to approve the warrants. The motion was seconded by Trustee Sargon.

Upon roll call the results were:

AYES: Trustees Klatzco, Sargon, Herrera, Halevi, Martel, Saleem.

NAYS: None

The motion passed

President's Report

President Patel shared profiles of various significant women in history to recognize Women's History Month. The women mentioned included Anne Heloise Abel, Clara Barton, Amelia Earhart, Geraldyn "Jerrie" Cobb, and Sally Ride. He also noted the strength of women who have led Lincolnwood, both past and present. He recognized former Village President Madeline Grant, Trustees Sargon, Halevi and Herrera, Village Manager Gaura, Finance Director Joseph, and Parks and Recreation Director

President Patel shared that the Village will be lighting the Touhy Avenue pedestrian bridge blue and yellow to show solidarity with Ukrainians in light of recent conflicts.

President Patel asked residents to help keep their streets and sidewalks clean as the snow begins to melt and street sweeping doesn't begin for another month.

Village Trustees' Report

Trustee Sargon shared there is a Plan Commission meeting scheduled for March 2. She also noted March 2 is Ash Wednesday and wished those who celebrate a blessed and reflective Lent.

Trustee Klatzco shared the Traffic Commission had a meeting last week and discussed parking at the Village Hall campus and the Aquatic Center. He also wished his mother-in-law a Happy 91st Birthday.

Trustee Halevi shared her pleasure with the speed of the progress of the construction at the District 1860 site.

Trustee Klatzco added that there are two vacancies on the Traffic Commission and encouraged residents to apply.

Village Clerk's Report

No report

Village Manager's Report

Manager Gaura shared that on March 15 the Committee of the Whole will once again be discussing the prescribed ordinance look-back concerning animal sales in Cook County.

Manager Gaura also shared that staff is working with the developers of District 1860 to distribute regular communications regarding construction and progress made at the site.

Public Forum

None

Consent Agenda

- 1. Approval of a Resolution Approving the Award of a Contract to J.A. Watts, Inc., of Chicago, Illinois, for the Police Secured Parking Lot Fence and Gate Replacement Project in the Amount of \$143,600**
- 2. Approval of a Resolution Approving the Award of a Contract to Schroeder and Schroeder, Inc., of Skokie, Illinois, for the 2022 Sidewalk and Curb Replacement Program in an amount not to exceed \$55,000**
- 3. Approval of the Following Items Pertaining to the Village Water Fund; A) A Resolution Adopting the Ten Year Water Rate Study; B) Adoption of an Ordinance Amending the Village Code; and C) A Resolution Amending the Annual Fee Resolution Implementing Three Years of Water Rates Increases per the Water Rate Study**
- 4. Approval of a Resolution Adopting a Policy for the Use of Village-Issued Badges**

5. Approval of a Resolution Approving an Engagement Letter with Elrod Friedman LLP

Trustee Klatzco moved to approve the Consent Agenda as presented seconded by Trustee Halevi.

Upon Roll Call the results were:

AYES: Trustees Halevi, Herrera, Sargon, Klatzco, Martel, Saleem.

NAYS: None

The motion passed

Regular Business

6. Consideration of an Ordinance Authorizing an agreement with Sikich, LLP, of Naperville, Illinois, for Professional Audit Services

This item was presented by Denise Joseph, Finance Director.

Ms. Joseph shared that the Village issued a Request for Proposals (RFP) for professional auditing services earlier this year as the current contract with Lauterbach & Amen expired at the end of FY 2021. She shared that the RFP was sent to 5 firms that are associate members of the Illinois Government Finance Officers Association. She shared that following the RFP process staff is recommending Sikich, LLP as the new auditing firm for the Village. She shared the scope of services provide not-to-exceed fees for the agreed-upon services for the next three years, with two additional years subject to acceptable performance and she discussed the fees in detail.

Ms. Joseph shared that the engagement team consists of Resource Partner Dan Berg, CPA, and Engagement Partner Martha Trotter, CPA, and provided information about their background and experience with government accounting. Ms. Joseph introduced Mr. Berg and Ms. Trotter so they could discuss their firm in greater detail, and why they should be selected.

Ms. Joseph then shared that it is recommended that the board move to approve an ordinance authorizing an agreement with Sikich, LLP of Naperville, Illinois for Professional Audit Services.

Trustee Sargon moved to approve the Ordinance, seconded by Trustee Herrera.

Upon Roll Call the Results were:

AYES: Trustees Klatzco, Sargon, Herrera, Halevi, Martel, Saleem

NAYS: None

The motion passed

7. Consideration of a Resolution Declaring a Surplus of Tax Increment Financing Funds

This item was presented by Denise Joseph, Finance Director.

Ms. Joseph provided background on the Northeast Industrial District Tax Increment Finance (NEID TIF) Fund and shared that it was created in 1996. She shared that the typical maximum life of a TIF is approximately 23 years and that in November 2020 staff reached out to the Cook County Tax Extension Department to discontinue the deposit of tax increment revenue. She shared that the FY 22 budget included a surplus from the NEID TIF and staff determined that a third-party analysis showed the Village has a tax liability of approximately \$52,000 due to tax appeals within the NEID geographical boundaries. She shared that the third-party analysis also recommended that of the approximately \$2.2 million surplus the Village should hold approximately \$260,000 to protect against potential property tax appeals in the upcoming years. Staff recommends declaring a surplus of \$2,012,401 which will be distributed through the normal distribution process for property taxes.

Mayor Patel asked if the Village locked into reserving \$260,000 for potential liabilities caused by property tax appeals and Ms. Joseph responded no. Mayor Patel then asked if the amount presented for reserves is an amount staff is comfortable with and Ms. Joseph responded yes. Mayor Patel then asked if there is a limitation to how long the Village can hold the funds Ms. Joseph responded "no".

Village Attorney Elrod shared that there have been instances in which municipalities will deplete these funds and are offered no recourse and commended the initiative by staff to create this set-aside. Ms. Joseph added that the intention is to keep the reserve funds in the NEID TIF fund open until enough time has passed to determine that the funds can be utilized for other purposes.

Trustee Klatzco moved to approve the Resolution, seconded by Trustee Sargon.
Upon Roll Call the Results were:

AYES: Trustees Halevi, Herrera, Sargon, Klatzco, Martel, Saleem

NAYS: None

The motion passed

8. Consideration of a Recommendation by the Plan Commission to Approve an Ordinance Approving Special Use Permits and Variations for the Construction and Operation of a Drive-Through Car Wash at 3757 West Touhy Avenue

This item was presented by Doug Hammel, Development Manager. Mr. Hammel shared that the subject property is located at 3757 West Touhy Avenue, which currently houses a vacant industrial building that is within the M-B zoning district and adjacent to properties zoned as R-3 residential properties. He shared that the proposed development includes a building in the center of the site that houses an automated car wash tunnel, pay stations and vacuum stations and that egress is proposed to be onto Ridgeway Avenue or Touhy Avenue. He noted that IDOT approval is needed for the proposed plans. Mr. Hammel then shared that there are two special uses required and include a special use to allow for a drive-thru facility and a special use to allow for parking in the front yard. He shared there are ten variations being requested by the petitioner, plus one additional that came from site plan revisions. Mr. Hammel discussed public hearings held on January 5 and February 2 during Plan Commission meetings. He shared that staff presented considerations about the development that included findings in a summary traffic evaluation and response by village engineer, noise abatement measures within the Petitioner's plans, the approval of certain material to be used in potential construction, and the relevance of special use and zoning variation standards. He also shared a summary of concerns discussed by the public which include noise and light impacts, traffic impacts, a potential increase in the number of accidents on Touhy among other things. Mr. Hammel shared that during deliberations, the Plan Commission made a number of conclusions which include that the use of CMU for the building façade and wall is not inappropriate, acknowledgment of sound mitigation measures, an acknowledgment that lighting levels are properly managed, acceptance of the petitioner's statements related to required stacking spaces, and recognition that the extension of the wall along the west lot line is beneficial to residential properties. Mr. Hammel then went on to share some of the concerns that arose during deliberations as it relates to noise from customer's radios and vehicles, stacking on northbound Ridgeway Avenue, and the fact that approval of the development is contingent on IDOT's approval due to their jurisdiction over Touhy Avenue. He shared that a motion was unanimously approved by the Plan Commission with a number of conditions. Mr. Hammel then went on to share a revised site plan which included a number of revisions to increase stacking on the property and minimize impacts on surrounding streets. He shared that staff believes the revised site plan does not accurately reflect actual operations and that actual stacking would have greater traffic impacts than what is shown. He shared that, should the Board be supportive of the revised site plan, staff would recommend adding another variation to account for a reduced minimum setback of an accessory structure. Mr. Hammel shared that the proposed ordinance includes the two special uses and 10 variations as recommended for approval by the Plan Commission and noted there is an option to support the revised site plan with the additional variation. He also shared a number of other conditions of approval which include approval from IDOT, reduced outdoor lighting when the facility is closed, and ambient sound measurements before and after the redevelopment of the property. Mr. Hammel shared that staff recommends moving to approve an Ordinance allowing two special uses and 10 variations for the development and operation of a drive-through car wash at 3757 West Touhy Avenue. He also shared that other parties are present to speak on the issue. Mayor Patel invited them to speak.

Christian Kalischefski introduced himself as the engineer for Fuller's Car Wash. He shared that the car wash being proposed is an express-style car wash that is more efficient, convenient, and modern. He shared that they are proposing using high-quality materials and stated that while variances are being sought it does not indicate poorer quality. He shared that the proposal is being compared to the Harwood Heights location because it's the busiest Fuller's car wash and on a smaller lot than the lot that will be used in Lincolnwood. He shared that there will be a gate at the entry that will go down when the car was is full and that Mr. Fuller would be willing to hire private security forces to enforce signs that will be installed that say no parking and no standing. He emphasized that Fuller's is interested in being a strong community partner and that the proposed Lincolnwood will hold 50% more capacity than the Harwood Heights site. He shared that he is available for questions by the board.

Before beginning a discussion Mayor Patel asked if any member of the public is present to provide public comment. The Village Clerk and staff confirmed that no one is present at the meeting to provide public comment. Mayor Patel then confirmed there was one comment presented directly to the Board prior to the meeting. Mayor Patel then asked if , there is a majority of the Board willing to engage in this discussion. Trustee Saleem asked if any components of the proposed plan are different from the last time the Board rejected a proposed car wash and Mayor Patel shared that while some changes have been included, most of the application contents remain the same. Trustee Saleem shared that he does not believe there are enough significant changes from the first time a car wash was proposed that would warrant a discussion on this topic and offered to make a motion to deny consideration of the proposed recommendation.

Village Attorney Elrod spoke to make clear that the application that is being proposed is a brand new application that was fully vetted by the Plan Commission and included a positive recommendation. He shared that the petitioner made modifications following initial deliberations among the Plan Commission.

Mayor Patel offered background that this is a matter that was deliberated at the end of 2020 and early 2021. He shared that during that time, he visited the Fuller's Car Wash in Harwood Heights and found a stack of cars whose length in Lincolnwood would equate to cars eventually stacking on Touhy Avenue. He expressed his disappointment that, during the public hearing process, neither the applicant nor its professional consultants shared with the Village any information about the extent to which automobile stacking could be an issue.

Trustee Saleem made a motion to deny the multiple requests for zoning relief because the application fails to demonstrate that the standards set forth in the Zoning Code for approving zoning relief have been satisfied. The motion was seconded by Trustee Sargon. Discussion ensued.

Trustee Martel expressed concern about the number of special uses and variations being requested and does not believe the use matches the area. He expressed his support for Trustee Saleem's motion.

Trustee Klatzco shared his agreement with staff that Fuller's modifications do not adequately address stacking. He shared his experiences visiting other Fuller's locations and expressed concern with build-up of traffic and does not believe this is workable in Lincolnwood.

Trustee Herrera shared that she also visited the Harwood Heights location and that she does not believe that the comparisons between that location and the proposed one in Lincolnwood are adequate due to more daily traffic. She expressed that she appreciates the design of the car wash and desire to have one in Lincolnwood but that the proposed location is not the right fit.

Trustee Halevi appreciates the efforts of anyone willing to invest money in Lincolnwood but expressed concern about the potential for backup on Touhy. She shared that Touhy is a dangerous and busy road and that any backup will cause significant issues.

Matt Fuller addressed the board and stated that the aforementioned video was a perfect storm of scenarios that caused such a significant backup and that scenario, in his experience having grown up in the car wash industry, occurs approximately 10-12 times per year.

Mayor Patel expressed appreciation for Mr. Fuller's comments but countered that the Board would essentially be approving significant backups on Touhy a few times per year and that information wasn't initially shared with the Board. Mr. Fuller shared that it was not their intention to deceive the board. Mayor Patel shared that the Board is wary of causing such significant traffic impacts on Touhy Avenue and allowing so many variances. He again shared his experiences of visiting the Fuller's in Harwood Heights and expressed additional concern about the potential consequences of including a gate that would keep people from entering his property when it is full and how that impacts the Village's public roadways. He reiterated that the Board will be responsible for any negative consequence that results from allowing a car wash at the proposed site and again stressed that a lot of this discussion regarding traffic impacts could have been held during previous attempts to build the car wash.

Mayor Patel provided an opportunity to Mr. Fuller to make additional modifications but Mr. Fuller declined. Mayor Patel again asked if there is any additional information from the Applicant that can be shared before calling for a vote.

Mr. Kalischefski made a number of points to attempt to address the concerns that have thus far been expressed by the Board including stacking, ambient noise, and potential accidents. Mayor Patel stated disagreement with the points made. rebutted.

Trustee Saleem shared that he does not believe the traffic situations between Harwood Heights and Lincolnwood do not compare.

Trustee Sargon commented that she agrees with the points made by Mayor Patel and Trustee Saleem and that she does not need more information to make a decision. She expressed agreement with Trustee Herrera and shared that she'd be more than happy to help the applicant find a new location in Lincolnwood but that the proposed site is not a proper fit.

Mr. Fuller shared that he had previously looked into another site in Lincolnwood but ran into the fact that it was not zoned for a car wash. He shared that the Board at the time stated that if he found a site that was zoned for a car wash they would welcome him in the town.

Mayor Patel stated that just because a property is zoned a certain way doesn't mean the fit is correct.

Mayor Patel accepted the motion previously made and seconded and asked for the vote.

Upon Roll Call the Results were:

AYES: Trustees Klatzco, Sargon, Herrera, Halevi, Martel, Saleem.

NAYS: None

The motion passed

9. Discussion of potential Amendments to Regulations Related to Short-Term Rentals

This item was presented by Doug Hammel, Development Manager.

Mr. Hammel spoke of the fact that in 2016 the Village Board amended the zoning code to establish the definition of short-term rentals, which includes any rental less than 30 consecutive days in duration.

Trustee Sargon interjected to ask where the 30 consecutive days came from. Mayor Patel shared the context that it was determined because there was no legislation that covered emerging short-term rentals and that rentals lasting around 30 days were an emerging trend.

Mr. Hammel shared that there have been multiple instances where properties have been in violation of provisions of the code and in response, the Village strengthened language in the code to enforce the violations which included increased fines that are requested through the Village's adjudication process.

Village Attorney Elrod added that Lincolnwood added a unique provision that allows every Lincolnwood property owner one short-term rental per year which is not typical across other communities. He shared that concerns had previously been raised by members of the Orthodox Jewish community that rentals may be used during religious holidays and that is why the exception was added to the existing code language.

Mr. Hammel shared recent incidences of violations of the Village Code as it pertains to short-term rentals and that staff is recommending an amendment to the Village Code to prohibit short-term rentals and to refer the matter to the Plan Commission for a public hearing in the future.

Trustee Sargon made a motion to accept staff's recommendation as it pertains to amending the Village Code and referring the matter to the Plan Commission. Trustee Klatzco seconded the motion. No vote was taken...the motion died.

Trustee Herrera expressed that she would like more information as to why maintaining the once per year allowance may be unreasonable.

Trustee Sargon shared that this issue is coming up due to the number of complaints over the years and believes the Plan Commission would address her concerns.

Village Attorney Elrod stated the motion can be amended to adapt to Trustee Herrera's concerns. Mayor Patel inquired if the board would be open to any revisions, which may include the prohibition of short-term rentals and altering the language that indicates short-term rentals are allowed once per calendar year.

Trustee Halevi asked Village Attorney Elrod which holidays were a concern. Mayor Patel interjected and stated that regardless of the reason short-term rentals were allowed once per year, it may be allowed for any reason.

Trustee Herrera asked if there is an application process. Trustee Sargon said no and that the Village does not know who is allowing rental and when which creates enforcement issues.

Trustee Herrera expressed support for creating a regulatory framework. Mayor Patel expressed concern about the difficulty of enforcing such a regulation.

Mayor Patel asked who is in favor of initiating a zoning application with a recommendation to prohibit all short-term rentals around 30 days or less. A voice vote indicated support.

Adjournment

At 9:15 P.M., Mayor Patel called for adjournment of the Regular Village Board meeting.

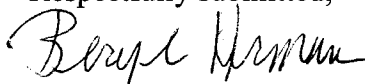
Trustee Sargon moved to adjourn, seconded by Trustee Martel.

AYES: Trustees Klatzco, Sargon Herrera, Halevi, Martel, Saleem

NAYS: None

The motion passed

Respectfully submitted,


Beryl Herman

Village Clerk.