

**VILLAGE OF LINCOLNWOOD  
PRESIDENT AND BOARD OF TRUSTEES  
REGULAR MEETING  
VILLAGE HALL COUNCIL CHAMBERS  
JANUARY 6, 2015**

**Call to Order**

President Turry called the Regular Meeting of the Lincolnwood Board of Trustees to order at 7:30 P.M., Tuesday, January 6, 2014, in the Council Chambers of the Municipal Complex, 6900 North Lincoln Avenue, Village of Lincolnwood, County of Cook, and State of Illinois.

**Pledge to the Flag**

The Corporate Authorities and all persons in attendance recited the Pledge of Allegiance to the flag of our country.

**Roll Call**

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

PRESENT: President Turry, Trustees Leftakes, Klatzco, Elster, Sprogis-Marohn, Patel

ABSENT: Trustee Cope

A quorum was present. Also present: Timothy Wiberg, Village Manager; Douglas Petroschius, Assistant Village Manager; Charles Meyer, Assistant to the Village Manager; Steven Elrod, Village Attorney; Amanda Williams, Management Analyst; Charles Greenstein, Village Treasurer; Timothy Clarke, Director of Community Development; Aaron Cook, Community Development Manager.

**Warrant Approval**

Trustee Klatzco moved to approve Warrants in the amount of \$863,017.26. Trustee Sprogis-Marohn seconded the motion.

Upon a Roll Call by the Village Clerk the results were:

AYES: Trustees Patel, Sprogis-Marohn, Elster, Klatzco, Leftakes

NAYS: None

The motion passed

**Village President's Report**

**1. Voices of Race**

President Turry announced the "Voices of Race" Opening Ceremony at the Holocaust Museum in Skokie. This event will take place on Sunday, January 11 at Noon, and will be the start of this year's "Coming Together in Skokie and Niles Township"

**2. Swearing in of Police Sergeant Travis Raypole**

President Turry introduced Police Chief LaMantia who spoke of new Sergeant Raypole's many accomplishments with the Lincolnwood Police, including his being named Lincolnwood Officer of the Year by the American Legion.

Clerk Herman swore in Sergeant Raypole, who then received congratulations from the Board and Staff.

### 3. Events

President Turry announced a “Winter Tea Party” at 10AM on Saturday, January 10 (*This event has been cancelled due to low enrollment*)

“Pizza Wars” is to be held on Thursday, January 15 at 6PM. Pizzerias from the area will participate and the mayors of Skokie, Morton Grove, Niles and Lincolnwood will sample and judge the pizzas.

### Consent Agenda

President Turry read the following item on the Consent Agenda:

1. **Approval of a Resolution Regarding the Release of Certain Written Minutes and the Destruction of Verbatim Records of Certain Closed Meetings of the Village Board**
2. **Approval of Three Resolutions Requesting Motor Fuel Tax Funds from the State of Illinois Pertaining to General Maintenance and Local Match Requirements for Various Grants**
3. **Approval of a Resolution Authorizing the Adoption of an Addendum to the Mutual Aid Box Alarm System (MABAS) Agreement**
4. **Approval of a Resolution Authorizing the Adoption of Chapter 56, Village of Lincolnwood Annex and Cook County Multi-Jurisdictional Hazard Mitigation Plan with Annexes**

Trustee Leftakes moved to approve the Consent Agenda as presented. Trustee Elster seconded the motion.

Upon Roll Call the Results were:

AYES: Trustees Elster, Sprogis-Marohn, Klatzco, Patel, Leftakes

Nays: None

The motion passed

### Regular Business

5. **Consideration of a Recommendation by the Traffic Commission to Amend Chapter Seven, Article Two, Section Twelve of the Village Code Pertaining to Prohibiting Vehicular Parking at all Times on the North Side of Lunt Avenue between a Point 205 Feet East of the East Curb Line of Ridgeway Avenue and a Point 230 Feet East of Such Curb Line**

This item was presented by Police Chief LaMantia using PowerPoint.

Photos of the area under consideration were exhibited.

The Traffic Commission recommended similar restrictions on the 7100 block of Ridgeway. Discussion ensued and questions were presented for the chief.

Discussion regarding other issues with this petitioner ensued. It was decided that President Turry would schedule a meeting with the petitioner.

Trustee Patel moved to concur with the recommendation of the Traffic Commission and prepare an Ordinance to be presented to the Board at a future Village Board meeting, seconded by Trustee Klatzco.

Upon a Roll Call vote the Results were:

AYES: Trustees Patel, Leftakes, Sprogis-Marohn, Klatzco, Elster

NAYS: None

The motion passed

**6. Consideration of Recommendations by the Zoning Board of Appeals to: 1) Deny a Variation from Section 3.13 of the Zoning Code, Sought to Permit a Solid Fence in the Rear Yard at 6529 North Central Park Avenue; and 2) to Refer a Text Amendment to the Plan Commission for Public Hearing to Clarify the Definition of Semi-Private Fence**

This item was presented by Mr. Cook using PowerPoint.

Commission for Public Hearing to Clarify the Definition of Semi-Private Fence

*The petitioner was not in attendance nor were any representatives for the petitioner in attendance.*

The PowerPoint presentation's purpose is clarification of discussion from the previous meeting

Subject Property

- \*Property at 6529 North Central Park Avenue
- \*Located in R5 Single Family Zone
- \*New single-family home under construction

Petitioner's Request Before Village Board

- \*To allow a Solid Fence to be constructed along a portion of the side property lines located in the Rear Yard
- \*Horizontal board design of proposed fence considered a Solid Fence by Code
- \*Proposed Solid Fence along alleyway allowed by Code as an exception to solid fence prohibition (no variation needed)

A revised site plan was exhibited, as well as a sketch of a horizontal board design fence.

ZBA Recommendations

By 5 – 1 Vote

Recommends denial of Variation to permit solid fence in rear yard at 6529 North Central Park Avenue

- Majority did not find a demonstrated hardship

By separate 6-0 Vote

Recommends referral of a Text Amendment to review fence definitions and related fence regulations as necessary

## Solid Fences

- \*Stockade
- \*Board and Batten
- \*Basket Weave
- Chain link with woven slat inserts
- Brick (except as otherwise provided)

Examples of Solid Fences were presented

### Current Regulation – Residential Solid Fences Prohibited

Zoning Code does not permit solid fences in residential districts (Section 3.13(11)a) except:

- \*Immediately surrounding and enclosing recreational water tub or swimming pool
- \*Abutting an alley
- \*Abutting a lot in a business district
- \*Abutting a lot in a residential district used for nonresidential uses
- \*In a rear or side yard along a lot line which abuts a lot in a manufacturing district

The property at 6529 North Central Park does not meet any of these exceptions

### ZBA Deliberations

#### \*Public Hearing

- September 17, 2014 – Began deliberation. Continued hearing to allow Petitioner to revise proposed fence design
- October 15, 2014 – Continued without discussion
- November 19, 2014 – Concluded deliberation

#### \*Related Cases

- Since November 2008 (new code) two similar requests
  - ZBA found these cases to not have direct relevance

#### \*Petitioner Testimony Received

- Petitioner indicated privacy and security are primary concerns

#### \*No Public Testimony Received

### Permitted Fences in Rear Yards

“Fence, Semiprivate or Semiprivate Fence:

A fence which is not a solid fence nor an open fence. These types of fences are restricted to board on board fences (also known as “shadow box types”). The open space between vertical fence boards shall not exceed 85% of the width of the boards on the same side of the fence.”

Section 3.13(11)g of the Zoning Code:

“**Open and semi-private fences** not more than six feet in height may be erected in a rear yard, but only to a line which is perpendicular to the rear face of the residence”

Trustee Patel moved to refer to the Plan Commission for a Text Amendment and continue to a date to be determined for consideration by the Village Board, seconded by Trustee Klatzco.

Upon a Roll Call Vote the Results were:

AYES: Trustees Sprogis-Marohn, Elster, Klatzco, Leftakes, Patel

NAYS: None

The motion passed.

Mr. Cook will notify the petitioner, and the item can go the Plan Commission February meeting.

**7. Consideration of Recommendations by the Plan Commission Pertaining to the Prohibition on the Painting of Exterior Brick Facades**

This item was presented by Mr. Cook using PowerPoint.

Background

- \*6557 North Keating Avenue – Variation Requested by Property Owner
  - New Owner Painted Exterior Brick as Part of Property Improvements
- \*ZBA Recommended Variation Approval by 4 – 4 Vote
- \*Village Board Action (November 4, 2014)
  - Tabled Consideration of Variation Request at 6557 North Keating
  - Referred to Plan Commission for Public Hearing
- Review of Current Prohibition on Painted Exterior Brick

Current Zoning Code Regulations

- \*Painting of exterior brick facades currently prohibited in Village:
  - Commercial Buildings
  - Institutional Buildings
  - Civic Buildings
  - Multi-Family Buildings
  - Single-Family Buildings

Legislative History – Prohibition – Painted Exterior Brick

Summary

- \*Regulation First Appeared in New 2008 Zoning Code
- \*Regulation Did Not Appear in Earlier Zoning Codes or Building Codes
- \*Regulation Appears to be in Response to Building Design Guidelines

November 2005: Lincoln Avenue Task Force (LATF) Report Adopted

- Report recommends preparation of building design guidelines for Lincoln Avenue Corridor
- Report recommends illustrated architectural design guideline handbook
- Report incorporated into Village Comprehensive Plan

\*May 2006: Committee of the Whole

- Discussed Assistant Village Administrator Report regarding Appearance Review Commissions
- The Report was in response to Village Board’s Strategic Planning Goal to “improve the Aesthetics of Private Development”
- COTW indicated that before considering appropriateness of an Appearance Review Commission, Village should review and establish design guidelines
- COTW directed Staff to compile appearance review guidelines for consideration at future meeting

\*September 2006: COTW reviewed draft Appearance Standards and Guidelines

- Draft Prepared by Staff – Assistant Village Administrator, Building Commissioner and Building Intern
- First documented reference to prohibited paint appears in draft. Prohibition reads, “Masonry facades shall not be painted.”
- COTW discussion not specific concerning possible prohibition on painted masonry facades. Direction however, was given to move forward with formal adoption of presented standards.

\*July 2007: Plan Commission/Zoning Board of Appeals (PC/ZBA) discuss draft of new Site Development Standards Section for proposed New Zoning Code

- During deliberation PC/ZBA changed draft regulation to prohibit painting of “brick” rather than prohibiting the painting of “masonry” as had been proposed
- Minutes of meeting do not reveal why “masonry was changed to “brick” by PC/ZBA

\*November 6, 2008: New Zoning Code Adopted

- Includes various design standards along with prohibition on painted brick facades
- First time prohibition on painted brick appears as part of the Zoning Code

#### Neighboring Communities

\*Staff consulted with representatives of nine neighboring communities concerning regulations pertaining to exterior painted brick/masonry

- Des Plaines, Evanston, Glenview, Morton Grove, Niles, Park Ridge, Skokie, Wilmette and Winnetka

\*None of these communities prohibit painting of exterior brick facades

#### Painting Regulations within Zoning Code

\*Current Zoning Code refers to painting of fences and wireless communications facilities

\*References pertain to maintenance of such structures

\*Sections do not stipulate how these structures should be painted (i.e. process, application, type of paint, etc.)

#### Public Hearing

\*Held December 3, 2014

\*Resident Patrick Kaniff, 6557 Keating Avenue, spoke

- Opposed current prohibition
- Summarized his Variation request

No other public comment received

#### Plan Commission Deliberation

\*Early in deliberations, Commission generally found that outright prohibition on painting exterior facades not appropriate

\*Commission discussed requiring a building permit to paint exterior facades

- Majority desired building permit in order to allow Staff to provide guidance
- Commissioners Sampen and Fishman opposed requiring building permit, although each indicated support for eliminating prohibition.

Plan Commission Recommendation

\*By 4 – 2 Vote, Commission recommends a Zoning Code Text Amendment to eliminate provisions prohibiting the painting of exterior brick facades

- Recommendation includes policy direction to institute a building permit requirement for painting of exterior brick facades
- Dissenting votes cast objected to requiring a building permit
- Recommended changes to Zoning Code
  - Section 2.02, Section 6.04(6), Section 6.05(8), and Section 6.09(1)

Discussion ensued and Mr. Cook answered questions and provided clarification.

Trustee Elster moved to prepare an Ordinance eliminating prohibition of painting on exterior facades, seconded by Trustee Sprogis-Marohn.

Upon a Roll Call vote the Results were:

AYES: Trustees Elster, Sprogis-Marohn, Patel, Leftakes, Klatzco

NAYS: None

The motion passed.

**Manager’s Report**

The first snowfall of the year has occurred and alternate side of street parking will be in effect for two days after the snow ends to allow for street plowing.

**Board and Commissions Report**

None

**Village Clerk’s Report**

None

**Trustees Report**

None

**Public Forum**

None

**Adjournment**

At 8:40 PM Trustee Patel moved to adjourn the Regular Board meeting, seconded by Trustee Klatzco.

The motion passed with a voice vote

Respectfully Submitted,



Beryl Herman  
Village Clerk