

**VILLAGE OF LINCOLNWOOD  
PRESIDENT AND BOARD OF TRUSTEES  
COMMITTEE OF THE WHOLE MEETING  
VILLAGE HALL COUNCIL CHAMBERS  
JUNE 16, 2015**

**Call to Order**

President Turry called the Committee of the Whole meeting of the Lincolnwood Board of Trustees to order at 6:00 PM, Tuesday, June 16, 2015 in the Council Chambers of the Municipal Complex, 6900 North Lincoln Avenue, Village of Lincolnwood, County of Cook and State of Illinois.

**Roll Call**

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

PRESENT: President Turry, Trustees Elster, Spino, Klatzco, Bass, Cope (6:15)

ABSENT: Trustee Patel

A quorum was present. Also present: Timothy Wiberg, Village Manager; Charles Meyer, Assistant to the Village Manager; Douglas Petroschius, Assistant Village manager; Steven Elrod, Village Attorney; Amanda Williams, Management Analyst; Ashley Engelmann, Public Works Director; Andrew Letson, Assistant to the Public Works Director; Charles Greenstein, Village Treasurer; Timothy Clarke, Director of Community Development; Traffic Commission Chair, Donald Gelfund.

**Approval of Minutes**

Minutes of the June 2, 2015 Committee of the Whole meeting were distributed in advance of the meeting and were examined. Trustee Spino moved to approve the minutes as presented. Trustee Elster seconded the motion.

The motion passed with a Voice Vote.

**Regular Business**

**1. Discussion Concerning a Request to Waive Enforcement of the Village Code Regarding Obstructions in the Village parkway**

Mrs. Engelmann introduced this item using PowerPoint.

**Background**

July 2006 Committee of the Whole

\*Inventory of structures in the parkway presented

\*Approximately 350 identified

- Possible actions discussed
  - Do Nothing
  - Indemnify Each Obstruction
  - Order Removal of Obstructions

\*Village Board Direction – existing structures would remain, no new structures going forward

### Purpose of Discussion

\*6956 Kilpatrick requests to install a fountain within the parkway and obtain a waiver of enforcement from the Village Code

- 3.75 feet tall and 3.75 feet wide
- Solar powered water pump
- Approximately one to two feet north of the property line
- Combined sewer approximately 12 feet from the property line

Photographs of the property, house and proposed fountain were displayed.

### Fountain Survey

\*Windshield Survey

\*West Side of Village

\*13 Fountains

- Five in the parkway

A map of parkway fountain locations was presented

### Village Attorney Review

\*Waiver of Enforcement from the Village Code

- Indemnification Agreement

\*Amendment to the Village Code

### Village's Insurance Company Review

\*The intergovernmental Risk Management Agency

“We strongly recommend that the Village of Lincolnwood not allow any additional private structures to be constructed in the Village right-of-ways. Waivers of enforcement or known deviations from the Village’s building code prohibiting these structures/obstructions in the right-of-way increases the Village’s liability exposure.”

“These structures present a liability exposure, not only for the Village, but also for the homeowner, Illinois law Section 368 of the Restatement of Torts and *Battisfore v. Morales, City of Waukegan* 186 Ill.

App.3d180(1989) provides that A possessor of land who creates or permits to remain thereon an artificial condition so near an existing highway (roadway) that he realizes or should realize that it involves and unreasonable risk to others accidentally brought into contact with such conditions while traveling with reasonable care upon the highway is subject to liability for physical harm thereby caused to persons who: Are traveling on the highway (roadway) , or; Foreseeably deviate from it in the ordinary course of travel.”

### Indemnification Agreement

\*If the Village Board were to approve a waiver of enforcement an indemnification agreement should be entered into and recorded with the property.

\*Village of Lincolnwood, its officials, employees and agents should be named as additional insured on the homeowner’s liability insurance policy on a primary and non-contributory basis, with minimum limits of \$1million per occurrence.

### Options

\*Deny the request for a waiver of enforcement

\*Grant a waiver of enforcement to the property owner, direct the Village Attorney to prepare an Ordinance and enter into an indemnification agreement to be recorded with the property

### Village Board Direction Sought

\*Direction regarding the petitioner's request to obtain a waiver of enforcement to install a fountain within the parkway

The petitioner spoke providing reasons for the Village to allow this fountain. He stated that he has less of a set-back than most other property owners in his area.

Discussion ensued with questions for the Village Attorney, Mrs. Engelmann and Mr. Wiberg.

Attorney Elrod clarified that no action will be taken at this meeting. The question is "Does the Board wish to see this on the agenda of a future Village Board meeting?"

President Turry asked for a consensus on this question. The Board consensus was "No".

## **2. Discussion Concerning the Touhy/Lawndale Tax Increment Financing (TIF) District**

This item was introduced by Attorney Elrod.

Mr. Elrod provided background regarding the Inter-governmental Agreement with School District 74.

### Touhy/ Lawndale TIF

\*TIF was established on April 2, 1998 to assist in the development of the old Illinois Tool Works site

- By its terms, the TIF is scheduled to expire in 2021

\*In December 2002, the Village entered into a development agreement with Lowe's to construct a store at this site

\*Agreement called for rebate of TIF increment and 25% of regular sales tax to Lowe's for a period of 12 years with a cap of \$6 million

\*After final payment, Village has paid \$5,693,417 to Lowe's (\$4,964,983 of TIF increment and \$728,434 of sales tax from the Village General Fund)

\*Final payment was made to Lowe's on June 16 (there will be a small "true up" payment to Lowe's based upon outstanding 2012 property tax appeal by Lowe's)

\*The TIF has achieved all goals established in the original TIF Plan

### Touhy/Lawndale TIF Options

\*Close the TIF early

- Can terminate in 2015 by:
  - Adoption of ordinance
  - Provision of notice to taxing districts

\*Continue the TIF until 2021

- Declare annual TIF surplus

Attorney Elrod and Mr. Wiberg discussed financial reasons for closing of TIF. Mr. Wiberg clarified the past agreements with School District 74.

Consensus was to go forward with termination. Attorney Elrod stated that this is not action. An Ordinance will be presented at a Village Board meeting and taxing bodies will be notified.

### **3. Discussion Concerning Public Transportation Options**

This item was introduced by Mr. Meyer.

#### Overview of Process

- \*September 2, 2014 – Village Board directed staff to conduct survey of residents regarding a PACE bus route operated by the Village.
- \*Survey conducted from October 1, 2014 – December 31, 2014 with findings presented at the February 17, 2015 Committee of the Whole
- \*February 17, 2015 – Village Board directed staff to survey other communities and met with Niles regarding PACE bus service options.

#### 2014 Survey Results

- \*Surveys performed in late 2014 and were available online, at Village Hall and sent to interested residents.
- \*55 responses received (.44% of the community)
- \*Most respondents were in favor of a route on Devon Avenue
- \*Most common requested destinations were the Edgebrook Metra Station and the Devon-Kedzie CTA stop
- \*Fares
  - 77% of respondents said they would pay at least \$1.00 per trip if a bus route was created by the Village
  - 23% of respondents said they would not expect to pay for trips on the bus route
  - Many respondents requested that a senior discount be applied to any route, if created in, in Lincolnwood

#### Research Results

- \*Contacted several communities and met with PACE regarding the 12-person bus available to Lincolnwood
- \*Communities utilize this program exclusively for “Door to Door” service or “Call-n-Ride” services
  - Used primarily for residents to get to appointments, groceries or to run errands
- \*No communities use the 12-person bus for fixed route

#### Niles

- \*Operates large free bus program with 11 full-sized buses at an annual cost of \$1,600,000
- \*Recommendations from Niles regarding the 12-person bus:
  - Extra cost for operating gasoline powered bus over diesel vehicle
  - Utilize two buses for proposed route
  - Insufficient storage/space on bus for groceries, backpacks and luggage
  - Vehicle is not designed for fixed route schedule and recommended that the Village investigate larger buses for a route

The proposed route was exhibited.

#### Proposed Route

- \*Two buses would encircle the Village
- \*Operate for approximately six hours per day
  - Three hours during the morning rush and three hours during the afternoon rush
- \*Aligns with 14 trains at Edgebrook

The annual financial impact was exhibited with the total cost for the first year being \$100,022.

Deposit on Vehicle (one time cost)	\$2,000
Personnel (Drivers)	\$50,000
Maintenance (Parts and Labor)	\$17,760
Gasoline	\$21,000
Insurance (Draft Estimate)	\$6,000
Lease	\$2,400
<b>Total Cost in First Year</b>	<b>\$100,022</b>

#### Considerations if Fixed Route is Implemented

- \*Insurance/liability for operating bus program
  - High rate of occupational injuries and illnesses for bus drivers
- \*Finalizing and advertising route
- \*Funding Source
- \*Cost structure for riders (both residents and non-residents)
  - Senior discount

#### Current Mass Transit Options

- \*PACE Bus Routes
    - Route 226: Service along Central
    - Route 210: Service along Lincoln and McCormick
    - Route 290: Service along Touhy
  - \*CTA Bus Routes:
    - Route 11: Service along Kedzie and South on Lincoln in Chicago
    - Route 54A: Service along Cicero
    - Route 82: Service from Lincolnwood Town Center and South to 31<sup>st</sup> St
    - Route 96: Service on McCormick to Redline
    - Route 155: Service from Devon-Kedzie to Redline
  - \*Metra:
    - Edgebrook Metra Station: Milwaukee District/North Line
- Subsidized Taxi Program: Available for seniors through Parks and Rec
- \*Pace Ride Share: Vanpool program to allow residents to commute together or a low monthly rate

The location of respondents and current Pace routes were exhibited.

#### Recommended Options

- \*Lobby Pace and CTA for additional coverage
- \*Creation of a route using two 12-person buses
- \*Issue an RFP for a private company to provide these services
- \*Status Quo

Discussion ensued.

Resident Abe Rokach joined the discussion.

Perhaps a citizens committee could be formed to look into the various options and to try to establish need and interest. This will be reviewed.

**Adjournment**

At 7:40 PM Trustee Klatzco moved to adjourn the Committee of the Whole, seconded by Trustee Spino.  
The motion passed with a Voice Vote.

Respectfully Submitted

A handwritten signature in cursive script that reads "Beryl Herman".

Beryl Herman  
Village Clerk