

**VILLAGE OF LINCOLNWOOD
PRESIDENT AND BOARD OF TRUSTEES
REGULAR MEETING
VILLAGE HALL COUNCIL CHAMBERS
JULY 19, 2016**

Call to Order

President Turry called the Regular Meeting of the Lincolnwood Board of Trustees to order at 7:35P.M., Tuesday, July 19, 2016, 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 Elster, Patel, Spino, Cope, Klatzco, Bass

ABSENT: None

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; Steve McNellis, Director of Community Development; Aaron Cook, Acting Community Development Director; Amanda Pazdan, Management Analyst; Charles Greenstein, Village Treasurer.

Approval of Minutes

The minutes of the June 21, 2016 Village Board Meeting were distributed and examined in advance. Trustee Spino moved to approve the minutes as presented. The motion was seconded by Trustee Klatzco. The motion passed by voice vote.

Warrant Approval

Trustee Klatzco moved to approve warrants in the amount of \$1,139,143.49. The motion was seconded by Trustee Cope.

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

AYES: Trustees Klatzco, Cope, Bass, Spino, Elster, Patel

NAYS: None

The motion passed.

Village President's Report

1. Ramadan

President Turry wished all of our residents of the Muslim faith, Happy Eid Mubarak, the three day festival which ends Ramadan. He spoke of the month of fasting, charitable giving and peace making.

May Allah's blessings be showered on you on this Eid al-fitr.

2. Electronic Recycling and Shredding Event

President Turry announced the Electronics Recycling and Document Destruction Event which will take place on July 23, 2016 from 9AM until 12PM in the Lincolnwood Public Works Department parking lot at 7001 North Lawndale Avenue, the corner of Lunt and Lawndale.

3. 2016 Lincolnwood Fest

Damien Kardaras, Chair of Lincolnwood Fest, announced the 2016 Fest which will run from Thursday evening, July 21 through Sunday evening July 24.

Niles Township Trustee Donald Gelfund will be the Voice of the 2016 Fest.

He invited all to attend and enjoy this Lincolnwood tradition.

4. Appointment of Mario Rizzoti to the Human Relations Commission

President Turry requested Board approval for this appointment.

Trustee Patel moved to concur, seconded by Trustee Klatzco.

The motion passed with a Voice Vote.

5. Swearing in of Police Officers Ericson Masini and Pardeep Deol

Chief LaMantia introduced each of these new officers. He spoke of their educational backgrounds and the roads which led them to this point in their lives. The chief also introduced friends and family members who were in attendance.

Clerk Herman swore in each new officer

6. Police Officer of the Year Detective Eric Gronlund

Chief LaMantia spoke.

Each year one or more employees are recognized for exemplary service. The following employees were nominated for Employee of the year in 2015. Detective Eric Gronlund, Officer Michael Kieca and Officer Justin Lauria.

The recipient of this award is Detective Eric Gronlund who was joined by his wife Maegan Gronlund, his mother Ann Gronlund, his father Steve Gronlund and his in-laws Mary and Jeff Mazurkiewicz.

During 2015 Detective Gronlund served in patrol for the first six months and in criminal investigations for the second half of the year. During this time he made 21 arrests, eleven of which were self- initiated. He conducted 90 traffic stops and issued 127 citations, thereby promoting safety in the Village. He also investigated 55 criminal cases.

Chief LaMantia spoke of Detective Gronlund's accomplishments as a member of the Lincolnwood Police Department.

American Legion Post 1226 Commander Cary Kalant presented the 2015 Police Officer of the Year Award to Detective Eric Gronlund.

7. Town Meetings

State Senator Ira Silverstein will hold two Town Meetings in the area:

July 27 – 7PM – 4701 Oakton

August 3 – 7PM – 6834 Dempster

8. Upcoming Meetings

President Turry announced upcoming meetings. These meeting dates may be found on the Village Website.

Consent Agenda

President Turry introduced the Consent Agenda which was presented by PowerPoint as follows:

1. **Approval of an Ordinance Waiving Competitive Bidding and Approving Agreements for License and Land Management Software in the amount of \$77,080**
2. **Approval of a Resolution Adopting a Two-Year Collective Bargaining Agreement with the Illinois Fraternal Order of Police Labor Council**
3. **Approval of an Ordinance in Case #PC-06-16 to Approve a Special Use and Certain Variations of the Zoning Code to Permit a New Retail Building and Off-Street Parking Area at 3701 West Touhy Avenue**
4. **Approval of an Ordinance in Case #PC-11-16 to Approve a Moratorium on the Establishment of any New Businesses that are Primarily Warehouse or Self-Storage Uses on Certain Commercial Arterial Roadways in Certain Commercial Zoning Districts**
5. **Approval of a Resolution Approving a Participating Addendum for the Purchase of Small Hand and Power Tools Through the NASPO ValuePoint Cooperative Purchasing Organization**

Trustee Klatzco moved to approve the Consent Agenda as presented. The motion was seconded by Trustee Spino.

Upon Roll Call the Results were:

AYES: Trustees Cope, Patel, Bass, Elster, Klatzco, Spino

NAYS: None

The motion passed

Regular Business

6. **Consideration of an Ordinance in Case #PC-07-16 to Approve a Special Use and Certain Variations of the Zoning Code Needed to Allow an Expansion of an Existing Off-Street Parking Area at 3550 West Pratt Avenue**

This item was presented by Mr. Cook.

Mr. Cook stated that the petitioner has withdrawn his request.

No Board action is required.

7. Consideration of a Recommendation by the Plan Commission in Case #PC-08-16 to Approve an Amendment to Section 3.13 of the Zoning Code to Revise Fence Regulations for Residential Properties Abutting Public Recreation Paths and/or Commonwealth Edison Utility Rights-of-Way

This item was presented by Mr. Cook.

Background

- *Clearing and grading of the Valley Line Trail recently began
- *Construction of Union Pacific Railroad Recreation Path will begin this Fall
- *Public recreation paths adjacent to residential areas where no public access previously allowed
- *Clearing of existing trees and bushes in each corridor resulting in greater visibility from residential areas into public paths
- *Result in expressed desire for greater privacy

Hearing Process

- *May 3, 2016
 - Village Board refers matter to Plan Commission
- *July 6, 2016
 - Plan Commission concludes deliberation. Makes recommendation to Village Board.

Plan Commission Deliberation

- *Received Staff recommendation:
 - Increase permitted fence height to eight feet
 - Permit solid fence of all currently permitted fence material types
- *Commission generally concurred with intent of Staff recommended text
- *Several property owners adjacent to Valley Line Trail addressed the Commission
 - Agreed with need to permit solid fence
 - Recommended differing maximum fence heights between eight to 10 feet as well as a suggested height ratio

Commission Recommendations

By 5 – 2 Vote Commission Recommends Zoning Code Text Amendment for Residential Fences: Residential properties along rear and side lot lines abutting Public Recreation Paths and Commonwealth Edison Right-of- Way

- Maximum 10 feet in height
- Solid Fence
- All currently permitted fence materials

Photographs of the Union Pacific and Valley Line Trail were exhibited.

Discussion ensued. Trustees to visit the sites and observe placement and height of fences; then bring the item to a future meeting for deliberation

Trustee Patel moved to continue this discussion to a future meeting date, seconded by Trustee Cope. The motion passed with a Voice Vote.

8. Consideration of a Recommendation by the Plan Commission Concerning Case #PC-09-16 Regarding Text Amendments to the B-3 Village Center Planned Development (PD) District, Related to Fast-Food Restaurants with Drive-Through Facilities and Additional Use Standards for Business and Office Districts Related to All Drive-Through Facilities

This item was presented by Mr. McNellis.

Plan Commission Recommendation

Proposed Zoning Code Text Amendments concerning:

“Permissibility of Drive-Through in B3 Zoning District and Drive-Through Siting requirements in all Business Zoning Districts

Background

May 3rd COTW – VB Referred PC review of Drive-Through requirements with attention to B3 Zoning and properties along Touhy Avenue.

Plan Commission held Public Hearing on June 15th and July 6th

*1.Prohibition in B3:

A chart was presented indicating uses permitted by right, special use required and all drive-through types are permitted, except fast food restaurants with drive through facilities

Aerial photos and renderings of the area were presented.

Drive-Through Facilities Design

2. Special Use Standards

(currently applies to all Special uses)

*Limitation on number of lanes

*Sufficient stacking required

*Interference with operation of other businesses/residential

#Related to reduction of offsite traffic

*Location Prohibitions and Requirements

#More aesthetic

Drive-Through Facilities

Code Section 4.07(8)

Location: Drive through facilities shall be prohibited from facing a public street.

All drive-through facilities shall be located on the side or rear of the structure that is either facing the site’s parking area or internal drive aisle.

Difficult interpretation regarding meaning of “facility” and “facing”

Drive-Through Facility

Definition

*"Drive-through facility" interpreted as drive-through window and menu board

"Facing a Public Street"

*Parallel to and with primary visibility from a street, or

*Located between building wall and public street

Interpretations and renderings of the area were presented

Survey Research

Eight nearby communities surveyed

1. Regulation of Fast Food Drive-Through restaurants in Commercial Zoning Districts

*Two of eight permit in all business districts

*Favored on commercial arterial roadways

*Not typically permitted in pedestrian-scale environment

2. Location limitations (on-site configuration) for Drive-Through facilities

*Only one of eight limits (shopping centers)

*Generally, location regulated through Special Use

Plan Commission Deliberations

1. B2 Prohibition (June 15, 2016)

*Comments from many members of the public

*Plan Commissioners differed on whether or not prohibition is appropriate and whether a Special Use can address concerns.

*Concern about fast-food drive-thru's being appropriate on Touhy and in pedestrian areas

*Voted 4-3 in favor of removing prohibition and allowing through a Special Use

2. Siting Regulations (July 6, 2016)

*Site layout/configuration still reviewed through Special Use

*Confusion over interpretation of “facing a public street”

*Support to remove siting regulations

*Voted 7-0 to remove Siting Regulation and add Special Use requirement for all B3 Drive-Through

Action Requested

1. Eliminate Prohibition on fast-food restaurants with drive thru in B3 Zoning District and add Special Use Requirement

2. Eliminate siting regulations for drive-thru facilities and address through Special Use process

A) Caveat – further amend Code to enact new requirement – all drive-thru facilities in B3 Zoning District be classified as Special Use

Zave H. Gussin, attorney representing Barclay Place Condominium addressed the Board.

Mr. Gussin spoke identifying his clients’ stance in being against any fast food restaurant close to their building. Mr. Gussin also presented a letter reading as follows:

“We oppose a text amendment which will allow fast food drive through restaurants as a special use in the B3 District. Such a use at any location in the B3 District will adversely affect traffic congestion, safety, quality of residential life and enjoyment and the property values of surrounding condominium and single family residents. Such a use is prohibited under the present Zoning Ordinance, and that should not be amended. Thank You.”

This was signed by the presidents of Barclay, Lincolnwood Suites and Hampton Place condominiums and also by a single family home resident from the adjacent neighborhood.

The following residents spoke AGAINST the Recommendations:

Shirley Aberg, Leslie Wurman, Karen Berkley, Steven Rukin, Phil Penner, Jeff Weissman, Irwin Rosen, all residents of the Barclay and Stacy Katsibaros of 4435 W. Fitch.

Discussion ensued regarding definitions of Fast Food.

Maps and renderings of the area were presented.

Trustee Bass moved to deny the Recommendation Trustee Cope seconded the motion.

Upon Roll Call the Results were:

AYES: Trustees Bass, Cope, Elster

NAYS: Spino, Patel, Klatzco

A tie vote requires a vote by President Turry, who voted Nay

The motion failed

Discussion ensued with comments by all Trustees

Trustee Patel moved to have the Village Attorney prepare a draft ordinance for presentation to the Board at the Village Board Meeting of August 16, seconded by Trustee Spino.

Upon Roll Call the Results were:

AYES: Trustees Spino, Patel, Klatzco

NAYS: Trustees Bass, Cope, Elster

A tie vote requires a vote by President Turry, who voted Aye.

The motion passed.

President Turry pointed out to the audience that he, at no time, spoke to members of the Board regarding this item.

9. Consideration of a Resolution Approving the First Amendment to the Intergovernmental Agreement Concerning Tax Increment Financing Within the Village

This item was presented by Mr. Wiberg.

The amendment has been approved by District 74 and District 219 however, the Village must receive a count of students to whom this would apply.

Trustee Patel moved to adopt a Resolution, Trustee Elster seconded the motion.

Upon Roll Call the Results were:

AYES: Trustees Patel, Elster, Cope, Klatzco, Spino, Bass

NAYS: None

The motion passed

10. Public Hearing to Consider the Following Items Pertaining to Fiscal Year 2016-2017

A) Approval of the Annual Appropriation Ordinance for Fiscal Year 2016-2017 B) Approval of the Certificate of Estimated Revenues by Source for Fiscal Year 2016-2017

President Turry called the Public Hearing of the Village Board in accordance with Section 8-2-6 of the Illinois Municipal Code for consideration of the Village's annual appropriations Ordinance.

Upon Roll Call the following were Present:

Trustees Bass, Cope, Elster, Klatzco, Patel, Spino

This item was presented by Mr. Merkel.

President Turry opened the floor for Public Comment. There was no Public Comment.

Trustee Patel moved to close the Public Hearing. Trustee Klatzco seconded the motion. The motion passed by voice vote.

Trustee Cope moved to approve Items A and B, seconded by Trustee Patel.

Upon Roll Call the Results were:

AYES: Trustees Cope, Patel, Spino, Bass, Elster, Klatzco

NAYS: None

The motion passed. The Ordinance and Certificate were both approved.

Manager's Report

Mr. Wiberg announced that the next Village Board meeting will be on August 16, 2016
Bike Path construction has begun and should take about six weeks

Board and Commissions Report

None

Village Clerk's Report

None

Trustees Reports

None

Public Forum

None

Adjournment To Closed Session

At 10:20 P.M., Trustee Patel moved to adjourn the Village Board Meeting to Closed Session for purpose of discussion of Property Purchase Section 2(c)(5).

The motion was seconded by Trustee Bass.

Upon Roll Call the Results were

AYES: Trustees Cope, Elster, Bass, Klatzco, Spino, Patel

NAYS: None

The motion passed

Reconvention

At 11:06 PM President Turry reconvened the Village Board meeting.
A short discussion ensued regarding a press release.

Adjournment

At 11:09 PM Trustee Patel moved to adjourn, 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