

**VILLAGE OF LINCOLNWOOD  
PRESIDENT AND BOARD OF TRUSTEES  
REGULAR MEETING  
VILLAGE HALL COUNCIL CHAMBERS  
JANUARY 2, 2018**

**Call to Order**

President Bass called the regular meeting of the Lincolnwood Board of Trustees to order at 7:30 p.m., Tuesday, January 2, 2018, 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 recited the Pledge of Allegiance.

**Roll Call**

Prior to beginning roll call Attorney Elrod provided an overview of the Village's policy regarding electronic attendance at meetings. Two Trustees submitted requests to attend the meeting via phone. Trustees Patel and Spino acknowledged their presence via phone. No objections were raised regarding their electronic attendance.

On roll call by Deputy Village Clerk Ashley Engelmann the following were:

PRESENT: President Bass, Trustees Sugarman, Hlepas Nickell, Ikezoe-Halevi, Cope, Patel (via phone), Spino (via phone)

ABSENT: None

A quorum was present. Also present: Ashley Engelmann, Assistant Village Manager; Heather McFarland, Management Analyst; Steve Elrod, Village Attorney; Charles Meyer, Assistant to the Village Manager; Nadim Badran, Assistant to the Public Works Director; Doug Hammel, Community Development Manager.

**Approval of Minutes**

The minutes from the December 19, 2017 Village Board meetings were distributed and examined in advance.

Trustee Hlepas Nickell moved to approve the minutes, seconded by Trustee Sugarman.

The minutes were approved by a voice vote.

**Warrant Approval**

President Bass presented the warrants for approval in the amount of \$479,393.31. Trustee Sugarman moved to approve, seconded by Trustee Ikezoe-Halevi.

Upon a Roll Call the results were:

AYES: Trustees Sugarman, Hlepas Nickell, Ikezoe-Halevi, Cope, Patel (via phone), Spino (via phone)

NAYS: None

The motion passed.

## **Village President's Report**

1. **Village Anti-Harassment Policy (Consent #2 on Agenda)**

The Village has a zero-tolerance policy for harassment in the workplace and the Resolution that is being considered is a reiteration of the Village's stance of creating a work environment that is safe for employees that has been in effect for several years.

Additionally, the State of Illinois recently passed Public Act 100-0554 which requires all governmental units to adopt an Ordinance by January 15, 2018 with a policy prohibiting harassment in the workplace.

The Resolution on the consent agenda will achieve the Village's desire to continue to foster an environment in which harassment is prohibited and meet the guidelines of the State of Illinois.

2. **Coming Together 2018 Presents Celebrating Muslim-American Cultures**

This program is being offered by Niles West High school. A kickoff to the program will occur on January 11<sup>th</sup> with a press conference at 3:30 p.m. at the Skokie Public Library to introduce the program to the media. Programs will be offered that are educational and entertaining.

3. **Frozen Water Meters**

If a property owner notices their water is no longer running during freezing temperatures the water meter may be frozen. Contact Public Works during normal business hours or the non-emergency Police number outside of normal business hours to schedule an inspection.

4. **Holiday Tree Pick-up**

Groot will be picking up holiday greens until Monday, January 8<sup>th</sup>. All lights must be removed, lights that need to be recycled may be brought to the Public Works Department through the end of January.

## **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 a Resolution Amending the Village's Anti-Harassment Policy**

*Trustee Cope requested that Consent Item #2 be removed and placed as Item #6 under Regular Business.*

3. **Approval of a Resolution Concerning Construction on State Highways in Accordance with State Specifications for a Period of Two Calendar Years**

Trustee Hlepas Nickell moved to approve the Consent Agenda as amended. The motion was seconded by Trustee Cope.

Upon a Roll Call the results were:

AYES: Trustees Sugarman, Hlepas Nickell, Ikezoe-Halevi, Cope, Patel (via phone), Spino (via phone)

NAYS: None

The motion passed.

## Regular Business

### **4. Consideration of an Ordinance Repealing Ordinance No. 1033 (Adopted May 19, 1955), and Consideration of a Recommendation by the Traffic Commission to Adopt an Ordinance Vacating a Portion of the Alley on the Block Bound by North Lincoln Avenue, North Central Park Avenue, West Arthur Avenue, and North Drake Avenue**

This item was presented by Mr. Hammel using PowerPoint.

Mr. Hammel began by noting that two distinct actions are being presented. The alley on the subject property is bound by Lincoln Avenue and a portion of Devon Avenue on the south, Drake Avenue on the east and Arthur Avenue to the north and Central Park Avenue to the west. The property historically had been platted similarly to other residential blocks with a north south alley behind residential properties and an east west alley that served the commercial properties. In 1955 the Village Board adopted an Ordinance that vacated the north south portion of the alley.

The Ordinance was never recorded, abutting properties never claimed ownership, the alley has continued to provide garage access to residences and the Village has continued to maintain and service the alley.

In 2003 MB Financial Bank was developed at the southern end of the block. The southern portion of Central Park Avenue was vacated as part of the development for parking circulation and it created an east west alley as the result of Central Park Avenue being closed off. This also created an outlet to Central Park Avenue for residents on the block.

The first recommended action is to repeal the 1955 Ordinance that vacated the north south alley segment from Arthur Avenue to the southern end of the property at 6424 North Drake Avenue.

At this time Attorney Elrod noted that the first action that Mr. Hammel spoke of may not be absolutely necessary based on the facts that have been uncovered concerning the failure to fully comply with the vacation. It does create an unsettled situation. If the Village believes that the property is not duly vacated then his recommendation would be to repeal the 1955 Ordinance. The second action that Mr. Hammel will describe has a unique voting requirement under Illinois law. The first action requires a simple majority vote.

Mr. Hammel continued. If the Village Board approves the first recommended action it will ensure garage access for residents along the north end of the block. The residents are currently served by the functioning alley. The first recommended action is to adopt an Ordinance repealing Ordinance #1033 vacating the north south alley on the block bound by Lincoln Avenue, Drake Avenue, Arthur Avenue and Central Park Avenue.

Mr. Hammel presented the second matter for consideration. The request has to do with a vacation request of the southern portion of the north south alley from the southern edge of the east west alley south to where it currently dead ends and abuts the bank property. The ultimate goal of the request is to integrate the vacated property into a larger development of the 6424 North Drake Avenue parcel.

Mr. Hammel noted that this is a modified request from what the Village Board considered at the previous Committee of the Whole meeting on December 19. At that meeting, the petitioner was seeking vacation of the entire portion of the alley up to the northern end of 6424 North Drake Avenue. As a result of discussion at the last meeting and public comment received they have revised the request

so that the north south portion can extend down to the east west portion south of Central Park, preserving two means of access to the alley within the block.

The revised plat of vacation depicts the request. An easement is also included to maintain a 16 foot access easement for overhead utilities that currently exist in the right-of-way.

The proposed redevelopment concept has also been updated. The building footprint is on the north of the lot. Primary access would occur off of Drake Avenue with a curb cut in roughly the middle of the parcel. The portion of the alley requested for vacation would allow the petitioner to meet the parking requirement as required by the Zoning Code. The alley access would be maintained for two points of access on the block.

Considerations that the Village Board may want to discuss include the impacts of parking for 6424 North Drake Avenue and fair market compensation which is calculated at \$56,900. The petitioner would like to discuss the appraised value as part of consideration of the matter.

The second recommended action is adoption of an Ordinance vacating the southern 148.07' of the north south alley on the block bound by Lincoln Avenue, Drake Avenue, Arthur Avenue, and Central Park Avenue.

Mr. Hammel concluded his presentation by stating that he left a copy of an email received by a resident regarding this matter at the dais for each Board member. The residents who attended the previous discussion at the December 19 Committee of the Whole were notified that the matter would be discussed at this meeting, not as a statutory requirement but as a courtesy.

Mr. Hammel summarized the email from Mr. Steven Frey. Mr. Frey reiterated the importance of maintaining two access points from the alley which the revised concept does address. He notes that the property historically was used as a bowling alley and that there were certain behaviors that occurred as a result of the use that impacted surrounding properties. He also cited a 2013 Urban Land Institute report that discusses the location as a being an ideal site for senior housing or residential property. He also relayed concerns about the parking impacts on Drake Avenue.

Attorney Elrod discussed the voting requirement for the Ordinance. The Illinois statute requires  $\frac{3}{4}$  of the Trustees to approve the matter. The Mayor does not vote, five out of six Trustees must approve the matter.

At this time Mayor Bass called the petitioner's attorney Steven Bauer to speak.

Mr. Bauer also introduced Mordy Lebovics and David Schoning from the ML Group. Mr. Lebovics is a member of Bais Chaim Dovid East (BCDE). Since the December 19<sup>th</sup> meeting BCDE has evaluated possible modifications to the site plan, specifically addressing concerns raised by the public. They believe that the revised plan addresses the concerns raised at the December 19 meeting. The final matter requested to discuss is the valuation of the property.

Mr. Bauer noted that the appraisal references market value as the topic of consideration, the United States code and the definition of market value which identifies undue stimulus or unfair inflation, they believe that the valuation combines the value for the property at 6424 North Drake Avenue and the alley property which results in a value of \$25 per square foot. He noted there are only a few parties that would be interested in the property. The owner, contract purchaser or MB Financial Bank who has stated they have no interest in the property. The value is to be made in the judgement of the corporate

authorities. There are statutes that state the acceptability of accepting lower valuations.

Mayor Bass asked what the petitioner feels is an appropriate valuation for the property.

Mr. Bauer stated approximately \$28,000 which is the median between nothing and the valuation of the site.

Trustee Hlepas Nickell reviewed the appraisal; the assessed value is based on comparable properties. The appraisal appears to be sound and she disagrees that it does not have value to the contract purchaser because it will become part of the land. Absent any other information she believes it is a fair price. She recommends supporting the purchase price.

Trustee Ikezoe-Halevi asked if the current valuation is a deal breaker for the petitioner.

Mr. Bauer noted that the way the Ordinance is drafted is that it does not become effective until a payment is made to the Village.

Trustee Cope noted that he does not have any basis for disagreeing with the appraisal.

Trustee Sugarman stated that he did not have any questions.

Trustee Patel stated that the matter was discussed at the last Committee of the Whole and there was a lot of discussion centered around the area to be vacated and used for parking. There was little discussion about the alley being used for ingress and egress. It appeared as though there was some objection to this. He is in favor of the revised plan but he wants to ensure that they have a clear understanding of the impacts of the neighborhood to have access into the alley as well as access onto Drake Avenue, and whether access onto Drake Avenue should be controlled. Trustee Patel noted that he is in favor of a vacation but not without the Plan Commission opining on how the traffic flow will impact the site and surroundings. He asked if an approval can be made with a condition that it goes through a public hearing process relative to the access. The use is allowed and does not require a public hearing process but the traffic and parking situation should be reviewed.

Trustee Spino stated that she does not have a problem with the vacation. She noted that in the last discussion there were a lot of concerns raised about traffic coming to and from the property. She also feels that the Plan Commission would be appropriate to review the matter from a traffic standpoint.

Mayor Bass noted that the revisions that were made to the site plan since the last meeting were done to accommodate the concerns of the public. He noted that most of the members of BCDE own homes within a three block radius of the area. They have the same concerns. They are part of the area. This is an extension of their home. Mayor Bass stated that they have a legal right to use the property for its intended purpose. He asked the petitioner if they could make the site work without the vacation. He noted that this would most likely require traffic to enter and exit onto Drake Avenue.

Mr. Bauer stated that the use is a religious use, one that is an orthodox Jewish use. The congregants do not drive to services. The discussion is centered around a parking lot that is required by the Village Zoning Code. Ultimately it will not be used in the manner that the Zoning Code contemplates. A significant amount of parking is proposed to be located within the alley. Therefore, it is critical that BCDE have the opportunity to develop the site in the manner that has been developed on the proposed site plan. He believes that the updated site plan addresses the concerns of the public that were

presented at the previous Committee of the Whole.

Trustee Hlepas Nickell noted that acquiring that parcel will enhance the overall building envelope. There is an advantage to the purchaser no matter how you look at it. Sites redevelop at various points. The congregation may not use the parking area today but a site in the future may. She appreciates the site plan modifications that have been made. She agrees with Trustee Patel and Spino that the Plan Commission should review the site plan regarding traffic flow. She also noted that more input from the Board needs to be heard regarding compensation.

Trustee Cope stated that the previous discussion that occurred came to the conclusion that if the Village left the alley vacation in such a manner as to allow access through the area that goes west so that someone could enter or exit the alley that would be a reasonable accommodation of the neighbor's concerns. He stated that the appraisal has been done by an expert and does not see a reason to challenge it. He does not know what the Plan Commission would discuss that hasn't already been addressed. He believes it is a good use for the community.

Attorney Elrod stated that he will try and bring clarification to the matter because there are currently at least two Trustees that have indicated a preference for a certain approach. As long as they hold that approach there will not be five votes in favor to pass the Ordinance. He summarized that it appears that the main issue is not the revised configuration of the alley but whether or not there should be a prohibition of access from the parking lot to the non-vacated alley or an opening that will allow traffic to go from the parking lot into the alley. The purpose of the latter would be to relieve the amount of traffic from the property onto Drake Avenue. This use would then have two different accesses. That appears to be the remaining issue.

Mayor Bass noted that during the previous Committee of the Whole there was consensus of the Board to repeal and vacate the property for the appraised value. The use is a peaceful use that is not intrusive. Everyone wants safety and the congregants share the same concerns.

Trustee Hlepas Nickell stated that the new issue is the access for the parking lot to spill into the residential areas.

Attorney Elrod clarified that it is currently closed off and the question is whether to open it up or not. He does not know if the Plan Commission is the right location to make the decision. The Village Board could make the decision.

Trustee Hlepas Nickell reiterated that is her concern.

At this time the Mayor opened the floor for public comment regarding the matter.

Resident Pam Lefkowitz spoke on the matter. She spoke against the matter. She noted that she watched the previous Committee of the Whole meeting and heard the residents' concerns. She asked why so much parking is necessary. Mayor Bass explained that the regulation is from the Zoning Code. She asked if any of the Village Board members are stakeholders of the entity in question that is asking for the vacation.

Mayor Bass stated that he is not a member of the congregation.

Trustee Sugarman stated that he is not a member of the congregation.

Attorney Elrod pointed out that being a congregate would not prohibit someone from voting on the matter.

Mayor Bass noted that the process has been completely transparent and that is why the discussion is occurring this evening.

Resident Barry Wicker of 6430 Drake Avenue asked for clarification regarding what the issue is with the proposed plan.

Resident Steven Frey spoke on the matter. He thanked the petitioner for the changes that they made. He noted that his brother who lives at 6448 Drake Avenue does not like the idea of access for the synagogue onto the alley due to the flow of traffic. He believes others may share the concern for traffic flow. He thinks it is a good idea from a safety standpoint. His main concern is the zoning for the property. Mr. Frey agreed that the Plan Commission should review the matter including traffic concerns. He expressed various concerns about what the project will entail.

Attorney Elrod clarified and reminded the Board that in the Village of Lincolnwood in residential zones religious institutions are permitted uses which means that they are not subject to any additional review than any other use in a residential district. There is a request for a street vacation. Reasonable conditions can be imposed concerning a street vacation but they have to relate to issues related to the vacation, such as flow of traffic. If a review by the Plan Commission is requested it should be limited to only the issue related to the street vacation.

Attorney Elrod further clarified that there are codes they must comply with and that any use would have to comply with. Those codes are reviewed by Village staff to ensure any plans meet the Village Code.

Mr. Hammel, Development Manager, stated that the information provided to staff thus far complies with the code. If they do not they will have to seek a variation. If they are compliant with the Zoning Code they are not required to go through a public review.

Trustee Hlepas Nickell clarified that things such as lighting concerns have mechanisms in place to address any issues with light shielding. She also noted that she has tried to identify another property in the Village that is designed to exit onto an alley.

Mr. Hammel gave the example of Libanais.

Resident Barry Wicker of 6430 Drake Avenue commended the petitioner for the changes they made. He noted that opening up the alley helps the area. By opening the back end there is more egress opportunity. He suggested that resident only parking could be looked at on Drake Avenue. He feels that the property is a valuable property.

Mayor Bass asked how the Board can proceed.

Mr. Bauer reminded the Board that the use is permitted by right. The reason they are seeking the vacation is because of the Village's parking requirements. The applicant desires to provide a fully compliant site plan. If the Board's preference is not to have alley access the petitioner is willing to close off the access.

Attorney Elrod intervened and stated that there appears to be one open issue. He asked the petitioner if

they are willing to accept the appraised value. If they are then the issue of the alley can be addressed. He noted that the Ordinance could include a condition possibly based on a traffic study or a further review by a commission as to whether or not to allow access to the alley. The Village could require a traffic study that the petitioner would reimburse the Village for. He noted that may be a way to address the concerns of the Board.

Trustee Hlepas Nickell stated she is firm on the price and that we set a precedent when we sell property.

At this time Mr. Bauer stated that his client is accepting the appraised value of the property.

Attorney Elrod clarified that the only remaining issue is whether or not access should be allowed to the alley.

Trustee Patel stated that relative to the parking and the use of the parking lot for the site he disagrees with Mr. Bauer and the assertions that the parking lot is not used. He stated that he sent a picture just now to Mr. Meyer, Assistant to the Village Manager and Ms. McFarland, Management Analyst and asked if they could show it to the Board. He was a tenant at 3460 W. Devon for five years and he believes that the congregation is similar to the one near there although he is not sure of the details. He believes that the parking lot is always filled on Fridays until sundown on Saturday based on his own personal experience. This is a non-residential use extending into a residential area. He would like to see either the Plan Commission or the Village Board review the site plan with the benefit of a traffic study which should be prepared by the land owner and not by the Village. There is no obligation for the landowner to take the alley; they are asking us to vacate the alley for their use. He is in favor of vacating the alley for their use. He understands their need for it. He does not know what uses will occur at the facility and what type of traffic will be generated as a result.

Mayor Bass stated that he understands that Trustee Patel is open to a condition and appreciates his opinion. He noted that they are two separate organizations and Fast Signs and Global Podiatry also use the parking lot that he is referring to.

Trustee Patel reiterated that he believes the Plan Commission should review the traffic impact.

Mayor Bass asked if Trustee Spino asked if she would be open to the condition described previously.

Trustee Spino noted that she is in agreement with Trustee Patel's comments. She does not have an issue with the vacation. It does address a lot of the concerns of the residents in the area. She does have a little bit of concern as to how traffic will flow in the area. She also agreed with Trustee Hlepas Nickell's comments regarding the fact that we don't know what the building may be in the future. She has some concern with traffic near the park and onto Drake Avenue. She would want to have the Plan Commission review the traffic impact.

Attorney Elrod stated that new language in Section 3B could be added concerning northbound vehicular access, the language could state that the applicant shall either prohibit or allow ingress and egress to and from the northbound portion of the alley based solely on the determination made by the Corporate Authorities of the Village by Resolution duly adopted. That will give the Village Board the ability to make the decision. It could be with the assistance of a traffic consultant or to send it to a commission to review. The petitioner would be bound by whatever decision the Village Board makes.

Trustee Hlepas Nickell asked Attorney Elrod to clarify the Village's practice with respect to the responsibility for the costs associated with experts on matters such as traffic. She wants to ensure that if a study for example were conducted that the petitioner would absorb the costs.

Attorney Elrod stated unequivocally yes. The Ordinance provides that they will absorb any legal fees and those of any consultants.

Trustee Ikezoe-Halevi asked if it was better to have a separate motion on the Ordinance Repealing Ordinance No. 1033. She stated that she thought it would be cleaner to have two separate motions and not have the repealing ordinance tied to the one vacating the alley.

Attorney Elrod said that it was allowed to have these in one motion.

Trustee Cope moved to approve the Ordinance repealing Ordinance No. 1033 and to approve an Ordinance vacating a portion of the alley with a revision to Section 3B which allows for the ultimate determination of the driveways by the Corporate Authorities making that determination, seconded by Trustee Sugarman.

Trustee Patel asked for clarification as to whether or not traffic impact will be reviewed only for the alley or for all driveways, which would include a review of possible traffic controls on Drake Avenue such as turn restrictions.

There was consensus from the Board to include all driveways.

Trustee Spino agreed that if it is all driveways she does not have a concern.

Upon Roll Call the Results were:

AYES: Trustees Sugarman, Hlepas Nickell, Ikezoe-Halevi, Cope, Patel (via phone), Spino (via phone)

NAYS: None The motion passed.

**5. Consideration of a Recommendation by the Zoning Board of Appeals in Case #ZB-11-17 to Deny a Variation Request Regarding Existing Non-Conforming Fences in the Corner Side Yard and Interior Side Yard of 6454 North Kimball Avenue and in the Interior Side Yard of 6450 North Kimball Avenue**

Mr. Hammel informed the Village Board that the petitioner is requesting that the item be tabled to February 6, 2018.

Trustee Hlepas Nickell moved to table the item to February 6, 2018, seconded by Trustee Ikezoe-Halevi.

Upon Roll Call the Results were:

AYES: Trustees Sugarman, Hlepas Nickell, Ikezoe-Halevi, Cope, Patel (via phone), Spino (via phone)

NAYS: None The motion passed.

**6. Consideration of a Resolution Amending the Village's Anti-Harassment Policy**

Trustee Cope reviewed the State Statute and the proposed Resolution. He agrees that the policy is good

but in the State Statute there is a provision regarding due process. Given the fact that a penalty can be so severe he feels our Resolution should include a process, it could be internal to have due process.

Attorney Elrod noted that the State Statute obligates the Village to approve this policy before January 15, 2018. There is not another Board meeting before that date. The Resolution presented complies with the State Statute. He recommends approving the policy and amending it at a later date to add the due process provision.

Consensus was to approve the policy and to amend it at a later date to include due process language.

Trustee Cope moved to approve the Resolution and to direct the Village's Labor Council to draft language to address due process to amend the language at a later date, seconded by Trustee Ikezoe-Halevi.

Upon Roll Call the Results were:

AYES: Trustees Sugarman, Hlepas Nickell, Ikezoe-Halevi, Cope, Patel (via phone), Spino (via phone)

NAYS: None The motion passed.

**Manager's Report**

None

**Board and Commissions Report**

None

**Village Clerk's Report**

None

**Trustees Reports**

Trustee Hlepas Nickell asked what the status is of the tabled Plan Commission recommendation for 6733-6735 Lincoln Avenue.

Staff stated that the item was tabled to today and that it should have been placed on the agenda and was not in error.

Attorney Elrod recommended that public notice be reissued if the petitioner wants to proceed.

Consensus was to reissue public notice on the matter once the petitioner is ready to proceed.

**Public Forum**

None

**Adjournment**

At 9:20 p.m. Trustee Hlepas Nickell moved to adjourn the meeting to Closed Session for the purpose of discussion regarding Employment Matters Per Section 2(c) 1, seconded by Trustee Sugarman.

Upon Roll Call the Results were:

AYES: Trustee Sugarman, Hlepas Nickell, Ikezoe-Halevi, Cope, Patel (via phone), Spino (via phone)

NAYS: None

The motion passed.

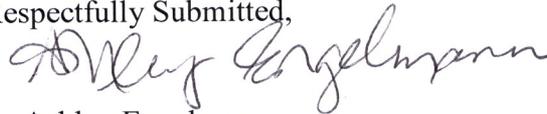
**Reconvention**

At 10:30 p.m. President Bass reconvened the Village Board Meeting.

**Adjournment**

At 10:30 p.m. Trustee Sugarman moved to adjourn the meeting, seconded by Trustee Cope.  
The motion passed with a Voice Vote.

Respectfully Submitted,



Ashley Engelmann  
Deputy Village Clerk