

**VILLAGE OF LINCOLNWOOD  
PRESIDENT AND BOARD OF TRUSTEES  
REGULAR MEETING  
VILLAGE HALL COUNCIL CHAMBERS  
FEBRUARY 6, 2018**

**Call to Order**

President Bass called the regular meeting of the Lincolnwood Board of Trustees to order at 7:35 p.m., Tuesday, February 6, 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**

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

PRESENT: President Bass, Trustees Sugarman, Spino, Hlepas Nickell, Ikezoe-Halevi, Cope, Patel

ABSENT: None

A quorum was present. Also present: Timothy Wiberg, Village Manager; Ashley Engelmann, Assistant Village Manager; Steven Elrod, Village Attorney; Charles Meyer, Assistant to the Village Manager; Doug Hammel, Community Development Manager; Andrew Letson, Public Works Director; Nadim Badram, Assistant to the Public Works Director; Steve McNellis, Director of Community Development

**Approval of Minutes**

The minutes from the January 16, 2018 Village Board Meeting were presented.

Trustee Hlepas Nickell moved to approve the minutes as presented, 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 \$878,966.64. Trustee Sugarman moved to approve, seconded by Trustee Hlepas Nickell

Upon a Roll Call the results were:

AYES: Trustees Patel, Cope, Ikezoe-Halevi, Hlepas Nickell, Spino, Sugarman

NAYS: None

The motion passed.

**Village President's Report**

1. Creation of the Ad-Hoc Infrastructure Committee
2. Appointments of the Following to the Ad-Hoc Infrastructure Committee: Gus Dimas, Jeffery Perl, Syed Mudassir, Rizwan Hussain, Teodor Strat, Kathy O'Brien, and Marilyn Marwedel
3. Swearing in of Police Officer Mark Gaseor (Chief Rottner introduced the family members in attendance, clerk swore him in)

4. Lincolnwood Lions Club: On Sunday, our Interim Police Chief, Bruce Rottner, Public Works Director, Andrew Letson and the Mayor were recognized by the Lincolnwood Lions Club at their luncheon which took place this last Sunday at Usmania Fine Dining 2244 W. Devon. Thank you to the Lions Club for the recognition.

5. Alternate Side Street Parking: As a reminder, whenever the Village receives a snowfall of two inches or greater, the alternate side street parking restrictions go into effect during the hours of 8:30AM to 3:30 PM, Monday through Friday. On even days of the month, vehicles may only park on the even side of the street and on odd days of the month vehicles may only park on the odd side of the street. Parking is prohibited on Pratt during snow emergencies. A notification is posted on the Village Website and cable channel. Snow removal is a two day process. Since the Village received more than two inches of snow on Monday evening, alternate side street parking will remain in effect until tomorrow. Please be sure to park on the odd side of the street.

6. The mayor gave a big shout out to the Human Relations Commission (HRC) for another successful Iron Chief's competition. The 2n Annual Iron Chief's Competition took place this past Saturday, February 3. The event is held to raise awareness and to raise funds for the Niles Township Food Pantry. A big part of the success of the event is Lincolnwood's very own Mario Rizzotti who is also a member of the HRC. Mario was our MC and one of the three judges at the event. The Fire and Police Departments both did a great job on their dish preparation, but the Police Department walked away with the win this year. Congratulations Lincolnwood Police Department! The event would not have been a success without the following vendors: Stefani Prime, Fabbri, Schlegl's Bakery, Vero Gelato, Binny's, Starr Catering, Psisteria, Fresh Farms, Wildwood Tavern, Libanais, Old Town Abby Beer, Caffè L'antico, and Fast Signs in Lincolnwood for providing all of the signage for the event.

**Consent Agenda** (If anyone wishes to speak to any matter on the Consent Agenda, a Speaker's Request form must be completed, presented to the Village Manager and the matter will be removed from Consent and added to regular business)

1. Approval of a Recommendation by the Plan Commission to Adopt a Resolution Approving a Final Plat of Subdivision and Subdivision Variation for 6530 North Lincoln Avenue, as well as an Ordinance Approving Special Uses Related to Parking Located in the Front Yard and Variations Related to Building Setbacks and Parking Lot Design on Both Parcels Resulting from the Requested Subdivision, and an Ordinance Approving the Rezoning of One of the Resulting Parcels
2. Approval of a Recommendation by the Zoning Board of Appeals to Adopt an Ordinance Approving a Zoning Code Variation Request Regarding Building Foundation Landscaping Requirements at 7110 North Lincoln Avenue
3. Approval of a Resolution Authorizing the Execution of a Contract with Dahme Mechanical Industries, Inc., of Arlington Heights, IL, for the Removal and Replacement of Water Pump #4 at the Pump House in the Amount of \$123,217.00

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

Upon a Roll Call the results were:

AYES: Trustees Hlepas Nickell, Ikezoe-Halevi, Spino, Cope, Sugarman, Patel

NAYS: None

The motion passed.

## Regular Business

4. Consideration of a Recommendation by the Plan Commission to Adopt an Ordinance Approving Text Amendments and a Map Amendment to Create the Auto Uses Overlay Zone Within the O, Office Zoning District and Rezone Certain Properties to the Auto Uses Overlay Zone

This item was presented by Mr. Hammel using PowerPoint.

Mr. Hammel discussed intent of the Ordinance.

### Case #PC-13-17

#### Text and Map Amendments

Auto Uses Overlay Zone within Office Zoning District and Rezone Certain Properties to Auto Uses Overlay Zone

#### Regulatory Context

Intent of requested text amendment:

-Capitalize on potential uses of properties regarding:

- Current lot sizes
- Compatibility with surrounding uses
- Proximity to I-94 and regional arterials

A map of the proposed Auto Use Overlay Zone Map was exhibited

\*Original recommendation:

- Modify Table 4.01.1 Permitted and Special Uses in all Zoning Districts to permit Auto/Light Truck Sales and Services as Special Uses in O Office District/

\*Updated recommendation:

- Establish overlay zone that would permit Auto/Light Truck Sales and Services in a more specific area without the potential of being located immediately adjacent to residential areas.

#### Text Amendment

\*Amendment to Section 4.01 Establishment of Districts to establish the Auto Uses Overlay Zone (AUOZ)

\*Amendment to Table 4.01.1 Permitted and Special Uses in all Zoning Districts to:

- Indicate the Auto/Light Truck Sales and Services as a permitted special use in the O Office District
- Include a new note establishing additional standards related to the permissibility of Auto/Light Truck Sales and Service uses in the O Office District

\*Auto Uses Overlay Zone applied to:

- All properties currently in O office District and located between Cicero and Lincoln Avenues.

#### Plan Commission Discussion

\*Village Board referral on September 5, 2017

\*Public Hearing held on December 6, 2017

- Commissioner concerns with original text amendment:

- Did not adequately protect the residents West of Cicero and East of Lincoln Avenue
- Hesitant regarding used car sales

-Commission suggested implementing standards associated with the Auto Uses Overlay Zone

- \*Regular Plan Commission meeting on January 3, 2018, Plan Commission
- Reinforced preference for overlay zone approach
- Commission discussed appropriate minimum lot size:
  - 2 acre minimum to keep smaller, short-term auto uses from being developed

Plan Commission Discussion  
January 3, 2018

1. Establish Auto Uses Overlay Zone
2. Permit Auto/Light Truck Sales and Service as special uses
3. Require a two-acre minimum lot size
4. Prohibit “Auto Service” as the primary use on a property

*Plan Commission unanimously recommended approval (6-0 vote) of the proposed text and map amendments*

Requested Action  
Move to approve

An Ordinance approving text amendments and a map amendment to create the Auto Uses Overlay Zone within the Office Zoning District and rezone certain properties to the Auto Uses Overlay Zone.

Trustee Hlepas Nickell moved to approve the Ordinance, seconded by Trustee Ikezoe-Halevi  
Upon Roll Call the Results were:

AYES: Trustees Hlepas Nickell, Ikezoe-Halevi, Cope, Patel, Spino, Sugarman

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

This item was presented by Mr. Hammel using PowerPoint

Regulatory Context

- \*R3 Residential
- \*2015 Building Permit for 6454 N. Kimball resulted in damaged fences
- \*Fences on both properties were replaced without a permit

Existing Fences – Photo exhibited

- \*Corner side yard of 6454 N. Kimball
- \*6’-tall solid fence
  - 4’- tall “semi-private permitted

Existing Fences

- \*Interior side yards of 6450 and 6454 N. Kimball
- \*6’-tall solid fence
  - 4’-tall “open” permitted

Required Variations

- \*Section 3.13(11) c

- Open fences of all types allowed by this regulation not more than four feet in height are allowed in side yards. – 6’ tall solid fences are *not* permitted in interior side yards
- \*Section 3.13(11) h
- On a corner lot open and semiprivate fences not more than four feet in height may be erected in a corner side yard – 6’ tall solid fences are *not* permitted in corner side yards

#### Petitioner Considerations

- \*General sense of safety and privacy
- \*Alley along the west property line generates additional traffic
- \*Local bus stops
- \*Traffic circle and curbside vehicular standing areas

#### Precedent Cases

6850 N. Lowell (2017)

- \*4’ tall semi-private fences along side yards and near front façade of the home
- \*Request modified through ZBA deliberations
  - Fences along front façade required to come into compliance as an “open” fence, but location could remain
- \*ZBA recommended approval of the modified variation request (3 – 1)
- \*Village Board concurred (6 – 0)

6402 N. Kolmar (2012)

- \*Replacement of a 5’ tall solid fence in the corner side yard
- \*ZBA imposed a condition for additional landscape screening, but then recommended denial of the variation (3 -2)
- \*Village Board approved the request (6 – 0) with the condition that it be screened by arborvitae

6546 N. Sauganash (2013)

- \*6’ tall solid fence in the corner side yard
- \*ZBA unanimously recommended denial of the variation
- \*No record of Village Board action (request may have been withdrawn)

#### ZBA Discussion

- \*Public Hearing held on September 27
    - ZBA failed to find a hardship based on the considerations presented by the petitioner
    - ZBA stated that landscaping could be used to provide privacy – Petitioner stated that landscaping would not provide desired level of security
    - ZBA found that the standards for a Variation had not been met
- ZBA unanimously recommended denial (6-0 vote) of the requested Variations*

#### Requested Action

Move to Concur

With the recommendation of the Zoning Board of Appeals to deny the requested Variations for fence height and openness.

Direct Village Attorney to draft a Resolution supporting this motion.

Mr. Kraft, petitioner addressed the Board. He spoke of his need for the fence. He stated that he had

sent a letter to the Board members. He hired a worker to replace the broken fence. He stated that the shorter and more transparent fence offers less privacy and safety and the opportunity for his children to reach the latch and open the gate. He would like to go through the proper process. Mr. Kraft presented 10 pictures of non-compliant fences, some of which had no permits. He may look at screening possibilities.

Trustee Cope stated that it seems that people today are looking for more safety and privacy than they were looking for in the past when this Ordinance was approved. He sees no problem with the fence, but the Ordinance speaks for itself.

Trustee Hlepas Nickell stated that it is too bad that the contractor didn't let Mr. Kraft know about the Ordinance. In the past it was felt by law enforcement that the openness was safer. The onus is on the Board to enforce current laws.

Attorney Elrod stated that the only issue tonight is granting of a variation, not anything regarding a permit.

Mayor Bass called for a motion, if no hardship was found, to deny.

Resident Steven Jacobowski addressed the Board. Mr. Jacobowski stated that he is a member of the Plan Commission. He opined that the definition of Hardship should be reviewed.

Trustee Cope asked how high the knocked down fence was. He feels that this needs to be reviewed.

Trustee Hlepas Nickell stated that the problem here is the lack of enforcement.

Mayor Bass again stated that the Trustees need to look and decide if there is a hardship.

Trustee Hlepas Nickell moved to have the Attorney draft a Resolution for Denial for the next meeting, seconded by Trustee Patel.

Upon Roll Call the Results were:

AYES: Trustees Spino, Hlepas Nickell, Ikezoe-Halevi, Patel

NAYS: Trustees Sugarman, Cope

The motion passed.

### **Manager's Report**

None

### **Board and Commissions Report**

None

### **Village Clerk's Report**

Applications for Absentee Ballots have been received. If any resident would like to have the application, please contact the office of the Village Clerk, leave your name address and the number of applications you will need. They will be mailed to you quickly.

## **Trustees Reports**

Trustee Patel attended the North West Municipal Conference Brunch. Manager Fowler offered to come to speak with our Board. Excellent idea.

## **Public Forum**

Resident Leah Brennan, a member of Lincolnwood Indivisible announced that the group will be sponsoring a meeting on February 19 at the Lincolnwood Library. Lou Lang will be speaking.

Resident Steven Jakubowski addressed the Board. He questioned the fact that not all Trustees seem to have knowledge which they need regarding "hardship". He also felt that the vote on the last item needs to be repeated. Trustee Ikezoe-Halevi responded and stated that her knowledge is thorough and that the vote was correct.

Trustee Ikezoe-Halevi clarified her earlier statement. She was on the Zoning Board for several years and understands the process for hardships completely. The gentleman did not have a hardship according to what the zoning code defines. That is what is being voted on.

Trustee Patel asked if the vote can be undone. Mayor Bass said the Board already made a decision.

Trustee Cope stated that if any Trustee wishes to change a vote, they can do so when the Resolution comes before the Board at the next meeting.

Resident Steven Jakubowski said that he accepted Trustee Ikezoe-Halevi's clarification about the Board and some Commissions needing a training session/workshop to better understand rules and policies, he then apologized to her.

## **Adjournment to Closed Session**

At 8:50 p.m. Trustee Ikezoe-Halevi moved to adjourn the meeting to Closed Session for the purpose of discussing Purchase or Lease of Property per Section 2(c)(5) and Pending Litigation per Section 2(c)(11), seconded by Trustee Hlepas Nickell.

Upon Roll Call the Results were:

AYES: Trustees Ikezoe-Halevi, Hlepas Nickell, Patel, Sugarman, Spino, Cope

NAYS: None

The motion passed.

## **Reconvention**

At 10:02 PM. President Bass reconvened the Village Board Meeting.

## **Adjournment to Return to Closed Session**

At 10:02 PM Trustee Sugarman moved to adjourn to Closed Session for the purpose of discussion of Personnel, seconded by Trustee Ikezoe-Halevi.

Upon Roll Call the results were:

AYES: Trustees Sugarman, Ikezoe-Halevi, Patel, Spino, Cope, Hlepas Nickell

NAYS: None

**Reconvention**

At 10:32 PM President Bass reconvened the Village Board Meeting.

**Adjournment**

At 10:32 PM Trustee Cope moved to adjourn the Village Board Meeting, seconded by Trustee Spino. The motion passed with a Voice Vote

Respectfully Submitted,



Beryl Herman  
Village Clerk