Call to Order

President Bass called the regular meeting of the Lincolnwood Board of Trustees to order at 7:45 p.m., Tuesday, February 20, 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 Deputy Village Clerk Beryl Herman the following were:

PRESENT: President Bass, Trustees Ikezoe-Halevi, Hlepas Nickell, Cope, Sugarman, Patel, and Spino (present electronically)

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; Heather McFarland, Management Analyst, Andrew Letson, Public Works Director, Nadim Badran, Assistant to the Public Works Director, Steve McNellis, Community Development Director, Bruce Rottner, Acting Police Chief, Robert Merkel, Finance Director, and Doug Hammel, Development Manager.

Approval of Minutes

The minutes from the February 6, 2018 Village Board Meeting were distributed and examined in advance. Trustee Ikezoe-Halevi moved to postpone approval of the minutes and seconded by Trustee Hlepas Nickell.

The motion was approved by a Roll Call and the results were:

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

NAYS: None

The motion passed.

Warrant Approval

President Bass presented the warrants for approval in the amount of $723,566.33. Trustee Sugarman moved to approve, seconded by Trustee Ikezoe-Halevi.

Upon a Roll Call the results were:

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

NAYS: None

The motion passed.
Village President’s Report

1. **Spring Break Camp**

Mayor Bass stated that registration for our new Spring Break camp is open. The camp is for grades kindergarten through 5th and features a different field trip each day, plus games, crafts and playground fun. You can register for individual days or take advantage of our full week discounted rate. The camp will run from March 26-30. For more information or to register stop by the Parks and Recreation office.

2. **Mayor Bass thanked Lieutenants Rathmell and Macaluso for having served as Interim Deputy Chief recently for the Police Department and announce that Lieutenant Schenita Stewart will be the Interim Deputy Chief for the next month.**

3. **The Mayor announced the renewed collaboration between the Village and School District 74**

The Mayor stated that the Village has renewed the collaboration with School District 74 and the Village regarding prevention training mitigating situations involving active shooter type scenarios. A special thank you was made to former Lieutenant Larry Martin for generously donating his time for the initial training. All training is in conjunction with Police Chief Bruce Rottner and acting Deputy Chief Schenita Stewart as coordinators with SD74 Superintendent Kim Nasshan and School Board President Scott Anderson.

4. **Excellence in Financial Reporting**

The Mayor announced that the Certificate of Achievement for Excellence in Financial Reporting has been awarded to the Village of Lincolnwood by Government Finance Officers Association of the United States (GFOA) for it comprehensive annual financial report for the year ended April 30, 2017. The certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represents a significant accomplishment by a government and its management.

5. **8th Senate District Candidate Forum**

Mayor Bass relayed that the 8th Senate District Candidate Forum will be taking place this Thursday, February 22 at 7 P.M. at the Bernard Horwich Center JCC located at 3003 W Touhy in Chicago. This event is organized by the League of Women Voters of Chicago.

6. **New Year Celebrations**

Mayor Bass stated that the Assyrian New Year begins April 1 and wanted to wish the Village’s Assyrian residents a Happy New Year. Mayor Bass also stated that the Chinese New Year began on February 16 and was the year of the dog.

7. **Extended Lobby Hours**

Mayor Bass announced that effective February 20, 2018, the Village had extended the hours from 7:00 am to 7:00 pm. Since the State of Illinois mandate required consolidation of the Village’s dispatch center the Village has been working to extend the police lobby hours in order to better serve the residents of the community. This is being accomplished with no impact to the budget. The department Records Clerks will ensure that the additional hours are staffed by on-
duty personnel to accommodate residents who may require assistance. The main goal is to offer excellent public safety and quality police service to our community.

Consent Agenda

1. Approval of a Resolution Appointing a Representative and an Alternate to the Governing Board of the North Suburban Employee Benefit Cooperative

2. Approval of a Resolution in Case #PC-01-18 to Approve a Final Plat of Subdivision for the Grossinger Subdivision at 7080 North McCormick Boulevard

3. Approval of a Resolution Approving a Memorandum of Understanding Between the City of Evanston and the MABAS Division 3 Agencies for a Joint Application to FEMA’s Firefighters Grant Program

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

Upon a Roll Call the results were:
AYES: Trustees Ikezoe-Halevi, Hlepas Nickell, Cope, Sugarman, Patel, and Spino
NAYS: None

The motion passed.

Regular Business

4. Consideration of an Ordinance Denying 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 Douglas Hammel, Development Manager, who provided a summary of the case to date. Mr. Hammel stated that the item had been reviewed previously by the Village Board and on February 6, 2018 the Village Board made a recommendation by a 4-2 vote to direct the Village Attorney to draft an Ordinance to deny a variation request regarding the 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.

Trustee Cope stated that the resident was making improvements to his yard and after the fence was damaged by a contractor the resident had the contractor put up a fence similar to other fences in neighboring properties. Trustee Cope said that since the Plan Commission is looking at natural screening that they are open to making adjustments to this aspect of the Village Code. Trustee Cope said that the resident does have a hardship that was caused in part by the Village allowing these types of fences going into place.

Trustee Patel moved to approve the Ordinance, seconded by Trustee Ikezoe-Halevi.

Upon Roll Call the Results were:
AYES: Trustees Ikezoe-Halevi, Hlepas Nickell, Cope, Sugarman, Patel, and Spino
NAYS: None

The motion passed.

5. Consideration of the Following Items Pertaining to the Former Purple Hotel Site: A) An Ordinance Authorizing Negotiations and Final Bona Fide Offers to Purchase Title to Certain Real Property Located at 4500 – 4560 W. Touhy Avenue and 7350 N. Lincoln Avenue B) A Resolution Directing Enforcement of the Village Code Against the Property Located at 4500 – 4560 W. Touhy Avenue and 7350 N. Lincoln Avenue
To begin the topic of discussion, Mayor Bass stated if interested speakers would like to speak, the timeframe for speaking would be extended from three minutes to five minutes per speaker. The topics discussed for each speaker would be limited to only the topic to be discussed under the topic of Regular Business.

Mr. Michael Siemen, on behalf of Lake Forest Real Estate Capital, requested the ability to speak for 10 minutes regarding the property and his organization’s vision for the property as the contract purchaser for the site in question. He stated that his intent was to speak for five minutes and then pass his speech over to his brother for the remaining five minutes to complete the speech.

After a discussion by the Village Board on the topic of allowing Mr. Siemen to speak for 10 minutes, Trustee Cope made a motion to allow Mr. Siemen to speak for 10 minutes on the subject matter of this topic. The motion was approved via a voice vote.

Attorney Elrod asked for the Board to consider if the subject matter from Mr. Sieman was related to the topic on the agenda and that if it does not pertain to the subject matter than should it occur during the Public Forum portion. The Mayor polled the Board of Trustees and all Trustees stated that they were in support for letting Mr. Siemen speak now regarding the topic on hand.

Mr. Michael Siemen read from a prepared statement as the contract purchaser for the property at the Purple Hotel Site:

- Mr. Siemen stated that he was present tonight on behalf of Lake Forest Real Estate Capital as the contract purchaser for the site located at the property in question.
- Mr. Sieman requested to share the background of him and his development team for this project to illustrate their plan for the Purple Hotel Site and asked that the Board not hold the failures of previous developers of the site against him and his team and ask for patience as they develop the site.
- Mr. Siemen stated that they will be able to develop a project together that everyone will be proud of if given the chance.
- Mr. Siemen stated that they are fully capitalized and capable for the project and ready to go. He said that he has a long familiarity for the property dating back to his grandfather.
- Mr. Siemen noted that in his time he has reviewed in excess of $100 billion in projects with 100 developers. Have been involved in $3 billion in development including the Glenview project on the former naval base that involved a public-private partnership analogous to the Purple Hotel Site.
- Mr. Siemen stated that he felt that the eminent domain process would create an unnecessary delay in the common goal for this property.
- Mr. Siemen said that they performed a market analysis and a design for the property. The team that has been assembled is a best in class team ready to setup for this project. Mr. Siemen said that they have more than enough capital to complete the project.
- Mr. Siemen stated since they have secured the contract for the property they have accomplished the following:
  - Due diligence on the property
  - Interviewing previous participants on the project
  - Extensive conversations with investors and after we demonstrated control of site we have redundant capital opportunities
  - Met with various contractors to discuss how we can remediate the site
- Mr. Siemen stated that he appreciates the Village’s desire to proceed forward with the site
and requested that the meeting that was previously scheduled between his organization and the Village be rescheduled so that they may present to the Village the actions undertaken for the site and the future development opportunities. Mr. Siemen stated that after that meeting if the Village wants to proceed with someone else then he would be inclined to discuss a price for the property provided that the Village acknowledges that they have full property rights to the site and that they have a very good idea of the value of the property.

- Mr. Siemen noted that he was confident that they were the property developer to further this project and that they have several incentive options to facilitate development.
- Mr. Siemen stated that if the Village is looking to issue General Obligation bonds to invest in the property then it could be used to help with financing to the site and provide a good return in investment.

Todd Zima, Design Director for ZS Development, said that he came here to make a couple of points:

- Mr. Zima stated that as the Design Director he would be responsible for bringing this project to fruition and that the organization understands the storied history for this site and that ZS Development plans to bring a development to the site.
- He stated that he has 20 years of experience delivering high quality projects in Chicago and internationally in which he has worked with several different entities and understands what it takes to bring plans to fruition.
- He then provided an update on where they are at in the development process:
  - ZS Development has made a full project plan and would like to meet with Village staff to discuss the next steps
  - They have met with construction consultants and have commissioned a full market analysis, and they plan to continually update the market analysis
  - An RFP has been created and they have interviewed three world class master planners and would like to invite the Village to judge these panelists with ZS Development
- The current concept plan is similar to what has been brought forward and we think that there is more to be done here and we want to be able to collaborate with you on the project.

Sandford Stein, Attorney, spoke on behalf of ZS Development not as a representative but as a friend of the family. Mr. Stein stated that ZS Development has the ability to bring a project in on time and under budget. He said that the team has been working on this site for two years. He said that it would be a mistake to judge this team as anything else but the very best. As you proceed with your charge, consider how this group can achieve this goal. He asked that the Board pause and allow this team to continue.

Mr. Elrod explained how the Village Board can proceed and that the two items for consideration on the agenda can be handled separately and in whatever order the Village Board decides.

Trustee Hlepas-Nickell moved to approve a Resolution Directing Enforcement of the Village Code against the Property Located at 4500 – 4560 W. Touhy Avenue and 7350 N. Lincoln Avenue, seconded by Trustee Patel.

Upon Roll Call the Results were:
AYES: Trustees Ikezoe-Halevi, Hlepas Nickell, Cope, Sugarman, Patel, and Spino
NAYS: None

The motion passed.

Trustee Patel asked for the Village Manager to explain the process that would be taken to facilitate
the completion of the purchase of the property. Mr. Wiberg stated that he would work with the Village Attorney to determine the next steps and debt-financing and would work with the Board to establish what that price would be. Then, the Village would develop a financing mechanism and would identify a debt instrument. The Village would then speak with a bond consultant and would determine the timing and total amount. The Village would then need to determine the debt service for any expenditure. After that is completed the Village would then proceed with a negotiation for the property based on this information.

Trustee Cope asked for the contract-purchaser to clarify the statement regarding the use of General Obligation (G.O.) Bonds to fund the project. Mr. Elrod clarified that by his understanding the developer had a desire for a public-private partnership in which the Village would invest in the form of G.O. Bonds to own the land and then a developer would be responsible for developing the land. Mr. Sieman confirmed Mr. Elrod's summary and stated that the G.O. Bonds would be a good way to do it and that it would be a good component to improve the property. Mr. Sieman stated that if the Village was interested in utilizing G.O. Bonds for this purpose then they should enter in agreement with his organization to complete the process.

Trustee Cope related that the Village's concern was that the previous developer of the property had three to four years working on the property while it laid dormant and that residents are upset that nothing was done to address the issues for the property. Mr. Sieman stated that it was their goal to develop the property understanding what led to the previous project to fail. Mr. Sieman stated that they have built a financial model for the project that is the largest that he has developed since he left his previous job. He stated that the project is scalable and that the financing can be adjusted based on what the Village wants to do with this site.

Trustee Cope asked for what the timeframe was for the project and to avoid going another couple of years without anything taking place on the site. Mr. Zima stated they were looking to create the right project and pick the right model for the site. Mr. Zima said that the next three months would be to select the right model and plan going forward before creating a plan and selecting the right group. Mr. Zima stated that no matter who is selected there is going to be a period of time to produce drawings and that they are positioned best to proceed quickly. Mr. Zima stated that the team that they have put together is poised to complete this as quickly as possible.

Trustee Patel asked if the Village needed an Ordinance to start looking at options for financing and could come back to the Village Board with that information in approximately two weeks. Village Manager Wiberg and Finance Director Merkel stated that the Village could start the process of meeting with their bond consultant and could get information together for the Board.

Mayor Bass requested that Attorney Elrod provide an overview for the process. Mr. Elrod stated that the Village has the ability to act in a regulatory manner or proprietary manner in respect to the property. The Village has previously exercised its regulatory authority and awaited for an application for the property and has seen that application fail. The Village may continue to operate with a regulatory capacity with regards to the developers that are before you tonight who have stated that they are ready to proceed. The Village can act in a proprietary capacity and take complete control over the property. The ordinance tonight allows for the Village to act in a proprietary motion to acquire the property. Tonight's action would be the first step in the eminent domain process, which would then be followed by a bona fide offer for the property to the owner, but not to the contract purchaser of the property. The Village would need to determine if there was a way to make a good faith deal for the property. If that process is not successful, then public action
to commence steps for acquisition of the property through eminent domain. Eminent domain for economic development would require additional action by the Village, which has been previously taken. Attorney Elrod stated that the direction of the Board would be to authorize the Mayor, Village Manager, and myself to meet with the land owner to present a bona fide offer for the property.

Trustee Patel asked for the Village to give staff more time to look at financing options and present them to the Board at the next meeting.

Trustee Hlepas Nickell asked for Attorney Elrod to provide an overview of the impact of the resolution that was passed regarding the Resolution for enforcement of the Village Code on the property. Mr. Elrod said that the Resolution was the culmination of several issues with the prior property owner and code violations still present on the property. The Village, at the request of the prior owner, allowed for the private owner to not take all of the steps necessary to complete the demolition – specifically removal of foundation and underground components of the property. Mr. Elrod stated that the Village estimates that the total cost to complete this work is $1 million. Mr. Elrod noted that the Village went to Court to require the property owner to complete the work and the Village would have the right to do the work. The Village was successful in the Court Action and the Village could enter the property to complete the work and lien the property if the Village desires. The Resolution previously approved allows the Village to proceed forward with that action if it so desires.

Trustee Cope stated that he would like to hear more about how this group would like to move forward and bring this project to fruition. Trustee Cope said that he wanted to wait on voting on this motion until after the Village Manager is able to determine how the Village may purchase the property and handle financing.

Trustee Patel made a motion to continue the discussion until the March 6, 2018, Village Board Meeting. The motion was seconded by Trustee Spino.

Upon Roll Call the Results were:
AYES: Trustees Ikezoe-Halevi, Hlepas Nickell, Cope, Sugarman, Patel, and Spino
NAYS: None

6. Consideration of a Recommendation by the Plan Commission Concerning Case #PC-10-17 to Adopt an Ordinance Regarding Zoning Code Text Amendments to Modify the Permissibility and Requirements for Natural Screening on and Adjacent to Single-Family Residential Properties

This item was presented by Steve McNellis, Community Development Director, who started with a background for the item:

- May 2, 2017 Committee of the Whole: Request for Natural Screening on/off-site at 3500 W. Arthur resulted in consensus that Village code requirements should be reviewed
- Referral to PC for review of Natural Screening on-site (specifically in Front Yards and Corner Side Yards) and in Public Right-of-Way
- PC began Public Hearing in July, 2017, concluding in February, 2018, after four meetings on the subject
- Natural Screening is defined as follows:
  - The use of deciduous trees, deciduous bushes, evergreen trees, evergreen
bushes, or other live plantings which are planted or grown in a manner that creates a hedge which acts as a barrier or boundary

- A. Natural Screening is currently permitted, by right, on single-family residential property in any required Yard (setback), with different height permissibility
- B. Natural Screening is also currently permitted in public Rights-of-Way, with special approval, as a “Special Fence”

Mr. McNellis provided an overview of natural screening:

- **Current Requirements for Public Rights-of-Way:**
  - Rear and Side Yards (interior & Corner Side with no front door) = no height restriction
  - Corner Side Yard with front door to residence = 4’ max. height
  - Front Yard = 30” maximum height
  - Can be increased only through a Variation process
  - Net effect – Generally, no visual barrier from the street is permitted

- **Current Requirements:**
  - Natural Screening on public rights-of-way is permitted only as a Special Fence (requires a Public Hearing process)
  - **Special Fence** – Those which have a greater potential than permitted fences to have an adverse impact upon the surrounding neighborhood. (These fences) may be appropriate in some locations and inappropriate in other locations
  - Other types of Special Fences include: wrought iron fences, brick or stone walls, through-lot fences and landscaped terrace walls over 30” in height

- **Proposed Amendments:**
  - **Natural Screening in Close Proximity to the Home:**
    - Section 3.13(1)(b)(ii) excludes Natural screening “adjacent to” the base of a home from any regulations. Result – No limitations in this area
    - Amend existing Code Section to expand this area to up to ten feet (10’) from the base/façade of the home
    - Reason – PC believes this is vague and potentially too limiting for foundation plantings
  - **Natural Screening Height in Corner Side Yard (with no front door):**
    - Section 3.13(12) provides no limitation on height of Natural Screening in Corner Side Yard, where front door of the home does not face that yard
    - Amend existing Code Section to limit Natural Screening in Corner Side Yards with no facing front door, to a maximum eight feet (8’) in height
    - Reason – PC concerned that in these cases, there should be a reasonable limitation on maximum Natural Screening height to reduce likelihood of a “canyon effect” along Village streets
  - **Natural Screening Height in Corner Side Yard (with front door):**
    - Section 3.13(12)(c) limits all Natural Screening in *entire* Corner Side Yard to no taller than four feet (4’) in height, on these types of lots
    - Amend existing Code Section to limit Natural Screening to four feet (4’) in height only in area between the house, corner side lot line, and front and rear facades of the house. Remainder permitted up to eight feet (8’)
    - Reason – Provide additional privacy in the “extended” Rear yard, as four foot (4’) height limitation is intended to leave primary facade visible
  - **Natural Screening Height in Front Yard:**
    - Section 3.13(20)(a) limits Natural Screening in Front Yards to no taller than
Mr. Plan Commission provided an overview of the Plan Commission deliberation:

- **Plan Commission Public Hearing on July 5, November 1 and February 7.**
  - General consensus - existing regulations are overly-restrictive and should be reduced
  - Concern by several Commissioners that a “canyon effect”, creating a natural “wall”, should be avoided on typical residential blocks
  - Recognition that corner lots and residential across from higher-intensity zoning created unique situations where additional privacy is warranted
  - No Public testimony received at the Hearing
  - Proposed text Amendments addressed separately, with all receiving unanimous support from the PC, with exception of the proposal to increase permissibility of Natural Screening in certain Front Yards

- **Commissioner Kohn voiced concern about the proposed 8’ height for Natural Screening in a Corner Lot Front Yard, apparently concerned the proposal was too tall**

- **Plan Commission Recommendation:**
  - By 5-0 Vote (4-1 Vote for #4), Plan Commission Recommends the following Text Amendments to regulate Natural Screening on Single-Family Residential Properties
and the adjacent Public Right-of-Way:

1. Permit Natural Screening within 10’ of the base/façade of a house, with no limitation on height
2. Limit Natural Screening in a Corner Side Yard, with no front door facing, to eight feet (8’) in height
3. Limit the height of Natural Screening, in a Corner Side Yard, with a front door facing, to four feet (4’) only in that area bound by the house, the Corner Side lot line, the front façade of the home and the rear façade of the home
4. Increase the maximum permitted height of Front Yard Natural Screening to six feet (6’) when a home is across from specific higher-intensity Zoning Districts, and to eight feet (8’) for all corner lots
5. Require minimum setbacks for Natural Screening, when permitted through the Special Fence process, to five feet (5’) from any hydrant, utility pole, or similar infrastructure, three feet (3’) from a sidewalk, and five feet (5’) from the curb line of a street
6. Eliminate inconsistencies, in favor of existing permissibilities

Trustee Patel voiced a concern regarding the allowance of eight feet for natural screening in the front yard that may cause a negative impact on the rest of the neighborhood.

Trustee Hlepas Nickell asked that a species list is included in the Ordinance to ensure that species are utilized that will maintain the Village’s direction for keeping line-of-sight on the property.

Trustee Cope moved to approve the Ordinance Regarding Zoning Code Text Amendments to Modify the Permissibility and Requirements for Natural Screening on and Adjacent to Single-Family Residential Properties with an Amendment to include a requirement that a list of applicable tree species list be included in the Ordinance. The motion was seconded by Trustee Sugarman.

Upon Roll Call the Results were:
AYES: Trustees Ikezoe-Halevi, Hlepas Nickell, Cope, Sugarman, and Spino
NAYS: Trustee Patel

The motion passed.

Manager’s Report
None

Board and Commissions Report
None

Village Clerk’s Report
None

Trustees Reports
Trustee Patel said that we are working through the process of the Finance Committee and asked about the status of the Ad-Hoc Infrastructure Committee. Mayor Bass stated that the Ad-Hoc Infrastructure Committee’s first meeting was being scheduled by Village Manager Wiberg and that the meeting would be open to the Public and the Village Board Liaison is going to be Trustee Cope who is handling similar projects in other communities.
Public Forum

1. Darlene Grossman stated that Mr. Wiberg's contract was terminated recently and asked if Mr. Wiberg had reapplied for the position. Mr. Elrod clarified that the Village Board did not terminate Mr. Wiberg's contract but instead had voted to not allow the automatic renewal of the existing Contract.

2. Scott Anderson, School District 74 President, came forward to complement the Police Department and said that the positive relationship between the School District and Village to resolve a recent safety issue.

3. Edye Kamensky, asked to clarify the financial award that was received by the Village during the President's Report along with who was responsible for the Village receiving the award.

Adjournment

At 9:36 p.m. Trustee Cope moved to adjourn the meeting to Closed Session for the purpose of discussing Employment Matters Per Section 2(c)(5) and Potential Litigation per Section 2(c)(11), seconded by Trustee Spino.

AYES: Trustees Ikezoe-Halevi, Hlepas Nickell, Cope, Sugarman, Patel, and Spino
NAYS: None

The motion passed.

Reconvened

At 10:47 p.m. President Bass reconvened the Village Board Meeting.

Adjournment

At 10:47 p.m. Trustee Cope moved to adjourn the meeting, seconded by Trustee Sugarman. The motion passed with a Voice Vote.

Respectfully Submitted,

Charles Meyer
Deputy Village Clerk