

**VILLAGE OF LINCOLNWOOD
PRESIDENT AND BOARD OF TRUSTEES
REGULAR MEETING
VILLAGE HALL COUNCIL CHAMBERS
AUGUST 21, 2018**

Call to Order

President Bass called the regular meeting of the Lincolnwood Board of Trustees to order at 7:50 PM Tuesday, August 21, 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, Hlepas Nickell, Ikezoe-Halevi, Patel

ABSENT: Trustees Cope and Spino

A quorum was present.

Also present: Village Manager, Tim Wiberg, Assistant Village Manager, Ashley Engelmann, Assistant to the Village Manager, Charles Meyer; Management Analyst, Heather McFarland; Doug Hammel, Community Development Manager; Andrew Letson, Public Works Director; Nadim Badran, Assistant to the Public Works Director, and Village Attorney Steven Elrod

Approval of Minutes

The minutes from the June 19, 2018, July 17, 2018 Village Board Meetings and the July 23, 2018, Special Meeting of the Village Board were presented. Trustee Patel made a motion to approve, seconded by Trustee Sugarman.

Upon roll call the results were:

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

NAYS: None

The motion passed

Warrant Approval

President Bass presented the warrants for approval in the amount of \$1,312,512.38. Motion to approve the warrants made by Trustee Sugarman, seconded by Trustee Hlepas Nickell.

Upon roll call the results were:

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

NAYS: None

The motion passed.

Village President's Report

- 1. A Resolution Consenting to the Village President's Appointment of Robert Merkel as the Interim Village Manager**

President Bass asked Village Attorney Elrod to explain the action being considered, and then asked for a motion. Trustee Hlepas Nickell moved to adopt the resolution consenting to the appointment, seconded by Trustee Sugarman.

Village Clerk Herman began the roll call. Trustee Hlepas Nickell asked for the vote to be suspended for discussion. She asked that Trustee's Spino and Cope's emails be read into the record.

President Bass read the following into the record:

Trustee Spino wrote: I had an opportunity of course to read the packet for our meeting and wanted to note that I am happy for the appointment of Mr. Merkel as interim Village Manager.

I feel that Mr. Merkel's long tenure within the Village in his financial capacity has afforded him an opportunity to work alongside all of our Village staff in all departments. I think this relationship provided Mr. Merkel with a strong understanding of the daily operations and needs of the Village more intimately than many other positions. Having this understanding should provide Mr. Merkel with a good base for his interim position as Village Manager.

Further, I feel that promoting from within is always a great option even if on an interim basis. This offers continuity of service to residents as well for those within the work environment.

Trustee Cope wrote: Mayor Bass, Please be advised that I have reviewed the Board Agenda for tonight's Village Board meeting. I concur in the appointment of Robert Merkel as Interim Village Manager.

On further discussion of the Motion, Trustee Patel raised concerns about the process or lack thereof in filling the soon to be vacant Village Manager position. Trustee Patel stated it was his understanding that either a replacement of the Village Manager or a change in the organization chart was to occur.. Trustee Patel also expressed concern about asking Mr. Merkel to take on the role of several positions, especially with more projects coming forward. Trustee Patel stated he did speak with President Bass about going forward with an interim position without a plan to install a permanent manager and asked that the process begin for the finding of a permanent Village Manager. Trustee Patel asked President Bass what his plan is for finding a permanent Village Manager.

President Bass stated he is standing by his decision. President Bass stated comments have ended and asked if anyone else wishes to speak.

Trustee Ikezoe-Halevi asked President Bass if he is coming up with a plan in the near future. President Bass stated that he told Trustee Ikezoe-Halevi his plan in their meeting last Monday.

Trustee Ikezoe-Halevi stated this contract for the interim Village Manager is only for one year wanted to know what will happen after that.

President Bass stated he is standing by his decision and asked if other Trustees had comments. There were no other comments.

President Bass asked Village Clerk Herman to call the roll on the Motion on the table.

Ayes: Trustees Sugarman, Nickell,
Nayes: Trustees Ikezoe-Halevi, Patel

Village Attorney Elrod noted that because this Motion involves an expenditure by the Village, four votes are required to pass. He also noted that if the motion does not pass, the Board will have to make a determination regarding the Village Manager position before August 31st (and no meeting is currently scheduled before August 31st)

Trustee Patel stated he would have supported the Resolution if there had been a plan in place. President Bass stated there will be a plan.

Trustee Ikezoe-Halevi stated that she would change her vote if President Bass simply told the Board that there would be a plan going forward for a permanent Village Manager.

President Bass stated this had been discussed in closed session and that he met with every Trustee or talked with them on the phone. He stated that there is a plan to review candidates during the time period that the interim manager is in office.

After receiving advice from the Village Attorney, the Village Clerk then called for Trustee Ikezoe-Halevi's vote on the original motion. Trustee Ikezoe-Halevi announced that she is changing her vote to Aye. Village Attorney Elrod stated that President Bass could now call the vote total which was three ayes and one nay. Village Attorney Elrod also stated that Illinois law would require the Village President to vote on this issue because there are three votes in the affirmative. Village Clerk then called for President Bass' vote on the original motion. President Bass voted aye. President Bass then announced the final vote which was four aye and two nay, and he announced that the motion passes and the resolution is adopted.

AYES: President Bass, Trustees Ikezoe-Halevi, Hlepas Nickell, Sugarman

NAYS: Trustee Patel

The motion passed

2. Appointment of Jennifer Cosentino to the Human Relations Commission

Motion by Trustee Sugarman, seconded by Trustee Ikezoe-Halevi.

Village Clerk called the roll

Ayes: Trustee Sugarman, Hlepas Nickell, Ikezoe-Halevi, Patel

Nays: None The motion passed

3. Passing of Charles Greenstein, former Treasure

President Bass announced the former Treasure, Charles (Chuck) Greenstein passed away on Tuesday, August 7. Chuck was the Village Treasure for 14 years. President Bass gave his sympathies to the Greenstein family.

4. Tucker Development

Tucker Development, the contract purchaser for the former Purple Hotel site at the northwest corner of Lincoln and Touhy Avenues, is on schedule to complete all plans and documentation for their submittal for a Planned Unit Development. Tucker's District 1860 plan is scheduled for a September 5th Public Hearing at the Plan Commission, to hear the Planned Unit Development request. This meeting will be held in the Council Chambers, starting at 7 p.m. The public is invited to attend this meeting or watch on the Village's cable channel or on the Village website.

5. National Night Out

On Tuesday, August 7 the Lincolnwood Police Dept. participated in National Night Out. The event was a success and the Police Department plans to continue National Night Out annually. The Police Department's message is one of unity between the residents, business owners, and police. This also encompasses the close working relationship of all Village staff in keeping our Village safe, clean and viable.

6. Part One Crime Statistic

Part One Crime statistic through the month of July of this year compared to the same time period last year, show a double digit reduction of 16%. Keeping officers in the field and readily available to address crime related issues are a priority for the Village. Placing officers in the right location at the right time help compress these numbers from increasing.

7. Bridge Update

The fabrication of the Touhy Avenue Overpass bridge structure is nearing completion. The fabricator is expected to deliver the bridge by the end of next week. Shortly after the bridge arrives, the contractor will be working to install it over three phases. The final phase will be the installation of the center span, which will require a full closure of Touhy Avenue. This work will be performed overnight to minimize the impact on traffic. Message boards will be installed and information will be provided through the Village's means of communication to notify the public of the closure date. Once the bridge structure is installed, the remaining work will take about two weeks to complete. A ribbon cutting is going to be scheduled for early October, so please keep an eye out for the official date.

8. Lincolnwood Fest

The 28th annual Lincolnwood Fest was held July 26-29th in Proesel Park. Lincolnwood's premier summer festival presented by the Friends of the Community Center featured live entertainment every night, a carnival, car show, Bingo, food vendors, a beer garden and a Business Expo. Fest organizers reported this has been the best year yet for the Fest. It was well attended due to the beautiful weather. Proceeds raised from the Fest benefit improvements to the parks and facilities within Lincolnwood Parks and Recreation system.

9. Pool Season

Now that our local high school students are back in school and several aquatics team members have left for college, the aquatic center has shifted to late-season hours to ensure safe provision of recreational swimming opportunities. The aquatic center continues to be open seven days per week during the "late season" – Monday-Friday 4pm-8pm, Saturdays 10am-9pm, and Sundays 10am-7pm. The aquatic center will remain open through Labor Day, hosting residents, pass holders, and guests between the hours of 10am and 7pm on the holiday.

10. Police Department Promotions

President Bass announced that the Police Department has completed the promotional process for its command staff vacancies and the following personnel are being promoted to the following ranks: Deputy Chief of Police, Schenita Stewart; Police Lieutenant, Timothy O'Connor and Travis Raypole; Police Sergeant, David Kramarz. The official swearing-in will take place this Friday, at the Police/Fire

Training Room at 3 p.m. and the ceremonial swearing-in will take place at the September 20th Village Board meeting. Congratulations to all on their promotions.

Consent Agenda

- 1. Approval of a Resolution to Authorize the Execution of a Contract with All American Exterior Solutions of Lake Zurich, Illinois for the Repair and Replacement of the Pump House Roof in the Amount of \$23,300**
- 2. Approval of a Resolution Authorizing the Purchase of a Two-Post Vehicle Lift through the Sourcewell Joint Purchasing Contract #061015-RRL from Rotary Lift of Madison, Indiana, in the Amount Not-to-Exceed \$25,309.91**
- 3. Approval of Approval of a Resolution Appointing an Alternate Delegate to the Intergovernmental Risk Management Agency (IRMA)**
- 4. Approval of a Resolution Updating the Designation of the Village's Delegate and Alternate Delegate to the Northeastern Illinois Public Safety Training Academy Board of Directors**
- 5. Approval of a Resolution Appointing a Director and Alternate Director to the Solid Waste Agency of Northern Cook County**
- 6. Approval of a Resolution Appointing an Alternate to the Governing Board of the North Suburban Employee Benefit Cooperative**
- 7. Approval of a Resolution Designating the Village's Authorized Agent to the Illinois Municipal Retirement Fund**
- 8. Approval of a Resolution Approving the Installation of Street Light Pole Banners on Pratt Avenue from Lincoln Avenue to Ramona Avenue**
- 9. Approval of an Ordinance Amending Section 7-2-24 of the Municipal Code Regarding Parking of Commercial Vehicles**

Trustee Patel moved to approve the Consent Agenda as amended. The motion was seconded by Trustee Sugarman.

Upon Roll Call the results were:

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

NAYS: None

The motion passed.

Regular Business

10. Consideration of a Recommendation by the Plan Commission to Approve a Final Plat of Subdivision for 6636 North Leroy Avenue

This item was presented by Mr. Hammel with use of PowerPoint. Mr. Hammel gave a brief overview of the request regarding how it relates to certain provisions in the subdivision ordinance.

Mr. Hammel stated that currently there is a single family home at 6636 N Leroy and is over 19,000 square feet. The proposal is to subdivide the lot into two new residential lots. The lot to the north

would be 9,903 square feet and the lot to the south would be 9,423 square feet. The regulatory lot size in R-1 is 9,000 square feet.

Mr. Hammel stated regarding the requirements there needs to be an approval of a Final Plat of Subdivision as per the Subdivision Ordinance.

Mr. Hammel listed the subdivision standards that are part of the subdivision process.

Mr. Hammel stated there was a public hearing on June 6, 2018 which was continued to the July 5 and July 10 meetings. Mr. Hammel said the Plan Commission deliberated on two key factors: potential impacts of subdivision approval and subsequent development and Village government's role in reviewing a proposed Subdivision that complies with established standards.

Mr. Hammel stated that the subdivision meets all the requirements subdivision standards.

Mr. Hammel stated the Plan Commission assessed the possible impacts and were presented with two possible scenarios. The first scenario looks at the existing lot if the house were to be torn down and what the property owner could do with it under existing regulations and compared that scenario with what could be done with two lots if the proposed subdivision were to be approved.

Trustee Hlepas Nickell asked if that scenario exists in the Towers currently? Trustee Hlepas Nickell also asked if there was a lot like this currently in the Towers that has not been developed yet? Mr. Hammel stated not that he was aware of.

Mr. Hammel continued with his PowerPoint presentation and stated that the only thing that would really change by allowing the subdivision would be the side yard setbacks which are currently at 14 feet, once lot subdivided it would be 7.5 feet each side yard.

Mr. Hammel conveyed that through Public Input there were eight emails submitted and six speakers opposing the proposed subdivision and three speakers in support. Mr. Hammel touched on some of the concerns that were presented by those opposed to the subdivision.

Mr. Hammel stated that the Plan Commission asked the Petitioner to be open to subjective staff review to ensure the resulting homes would not be too similar in design. Mr. Hammel stated the Petitioner agreed and this condition would be fully met and would be under the discretion of the Zoning Administrator under the building review process. A building permit would not be issued unless the two buildings are in compliance.

Mr. Hammel stated that based on the recommendations by the Plan Commission, the Plan Commission approved the request by a vote of 5-2.

Mr. Hammel stated the two dissenting votes were for the following: One commissioner felt the request should be considered a Major Subdivision and require a development agreement and the other Commissioner felt that compliance with all Subdivision standards had not been demonstrated.

Trustee Patel spoke of the Plan Commissioner who felt the request should be considered a Major Subdivision and require a development agreement, from discussion at Committee of the Whole regarding Major and Minor Subdivision, does a Major Subdivision require a development agreement? Mr. Hammel answered not necessarily, only in the instance there are real improvements anticipated as part of the Subdivision.

Mr. Hammel recapped the requested action that the Board is being asked to take.

President Bass asked if there was any discussion.

Trustee Patel made a motion to approve and direct that a resolution adopting the subdivision be prepared for consideration at the next meeting.

Before anyone seconded the motion, Trustee Ikezoe-Halevi stated she would like a little discussion. Trustee Ikezoe-Halevi asked about legal responsibility in the Village. If we don't approve this would it set the Village up for a lawsuit. Mr. Elrod stated if she was asking about probable litigation, that would need to be discussed in Closed Session. Mr. Elrod stated there is the obligation to follow the Subdivision Code and that with respect to subdivision versus zoning relief, subdivision code is limited.

Trustee Hlepas Nickell stated her strong objection to this request. She then made a motion to deny the subdivision request.

President Bass asked for a second to this Motion. There was no second to Trustee Hlepas Nickell's motion.

Trustee Patel then restated his initial motion to approve, seconded by Trustee Sugarman. Mr. Elrod clarified that this was a motion to direct the Village Attorney to draft the Ordinance which would be at an upcoming Village Board meeting. Trustee Patel agreed.

Upon Roll Call the results were:

AYES: Trustees Sugarman, Ikezoe-Halevi, Patel

NAYS: Trustee Hlepas Nickell

The motion passed

11. Consideration of a Text Amendment to Chapter 14-14-10-M of the Village Code to Permit Extended Hours of Construction in Certain Instances

This item was presented by Mr. Hammel with use of PowerPoint. Mr. Hammel presented the background and current hours of construction for commercial construction.

Mr. Hammel stated that at the June 19, 2018 Village Board meeting there were concerns by the Board regarding noise impacts in regard to before or after normal construction hours. He also spoke of the Boards concern of monitoring compliance. Also it was recommended by staff this would be for non-residential properties only.

Mr. Hammel stated that some specific amendments to staff's proposed language that will address the concerns the Village Board expressed on June 19th. Applicants would be required to provide information about specific machinery or vehicles to be in operation to allow staff to better assess potential impacts and to allow Police to determine compliance more objectively. Secondly, standards would receive additional scrutiny for properties adjacent to residential areas.

Mr. Hammel spoke of an Administrative Protocol which would provide an internal checklist to ensure technical feedback is provided to the Village Manager. It is intended to protect neighboring properties, ensure adequate information is provided, ensure appropriate Village staff has opportunity to provide feedback and to determine compliance with standards of approval. Involves certain departments who are responsible for certain findings and that information is then brought before the Village Manager for either approval or denial.

Mr. Elrod stated that at the last meeting the Village Board had Tabled this item. Therefore, before any final action can be taken on the item, it would need to be removed from the Table and then the request may be considered for action.

President Bass asked for a motion to remove the item from the Table. Trustee Patel made a motion to remove from Table, seconded by Trustee Hlepas Nickell.

Ayes: Trustees Sugarman, Hlepas Nickell, Ikezoe-Halevi, Patel.

Nayes: None. Motion passes to remove from Table.

Trustee Patel asked if it was possible to add language similar to what is in a variance regarding financial hardship as he does not feel financial hardship should not be a consideration unless it is an operating business that would then shutter. Trustee Patel stated he knows this is a constant request for working beyond the hours. Mr. Elrod said that could be done but would not use the term, "financial hardship", because sometimes there are things that occur that you would want to allow an exception. If you want to build in a "not self-created hardship", that is the standard.

Trustee Hlepas Nickell asked what if it were a subcontractor working for the Village and they have a timeline to complete and we want the work done, we need to be consistent with all of them. Trustee Patel said he concurs, there should be consistency. Trustee Sugarman stated the he agrees with Trustee Hlepas Nickell that you cannot have a hard and fast rule.

Mr. Elrod stated the Village Manager would still be making a determination. The standards are the items the Village Manager is to consider. Trustee Sugarman asked about the financial hardship if it is not necessary. Mr. Elrod stated this is something the Village Manager could consider in making the decision.

Trustee Patel stated the language proposed provides direction for the Village Manager and that he would like to provide further direction to the Village Manager whether self-inflicted hardship or financial hardship would not be considered for an extension of work hours.

Mr. Elrod stated it could be one of the many factors.

Trustee Sugarman agreed with what Trustee Patel was proposing.

Trustee Hlepas Nickell asked if there was a definition in the Zoning Code regarding financial hardship. Mr. Elrod stated it only lists hardship. Mr. Elrod stated for the Zoning Board, they either have to find there is a hardship or not. Mr. Elrod stated this is set up so the manager has the discretion to issue the relief and lists five different factors that the Manager is to consider when granting the relief. Mr. Elrod stated that if he is understanding Trustee Patel correctly, in addition to these other five standards you add one more and takes into account the individuals hardship created solely by the applicant. There was further discussion by Trustee Patel regarding hardship and he would like for that to be a criteria the Manager considers.

Mr. Elrod stated one of the standards is the legitimate need for the identified work to be completed during the extended hours of construction rather than the regular permitted hours of construction. Trustee Patel presented a hypothesis regarding Mr. Elrod's explanation. Trustee Patel stated he was just asking about the financial hardship.

Trustee Hlepas Nickell stated when a restaurant wants to extend hours for a holiday they need to go before the Village Board and would like the same for extension of work hours.

Trustee Hlepas Nickell motioned to draft the Ordinance as presented. There was no second to the motion.

President Bass asked Trustee Patel if he wanted to make a motion based on his comments. Trustee Patel stated there does not seem to be support for that so he would not make a motion.

Mr. Elrod stated because this was not a recommendation by another body that this can be brought forward at another time. The matter ended with no action being taken.

Manager's Report

President Bass stated he would like to make a couple of comments during the Manager's Report.

President Bass stated it was the last Village Board meeting for the Village Manger, Tim Wiberg and Assistant Village Manager, Ashley Engelmann. President Bass spoke of their years of service to the Village and thanked them for their years of service and wished them both well.

Mr. Wiberg spoke of his last 15 years with the Village and spoke of what a great place Lincolnwood was to work in and highlighted some key items from his years of service to the Village.

Board and Commissions Report

Trustee Hlepas Nickell wanted to remind the public the School District 74 was holding their 75th Anniversary celebration on August 31st at Lincoln Hall.

Trustee Ikezoe-Halevi spoke of attending the National Night Out for the Police Department and the great turnout to celebrate the event.

Trustee Ikezoe-Halevi thanked Mr. Wiberg and Mrs. Engelmann for their service and wished them well.

Village Clerk's Report

None

Trustees Reports

Trustee Patel spoke about Mr. Wiberg and Mrs. Engelmann and their service to the community and the changes they made over the years to make the Village a better place.

Public Forum

President Bass called up Caren Ex to speak. Ms. Ex spoke how she was watching the meeting from home but felt she had to come in and speak. Ms. Ex spoke of her disappointment as to no permanent appointment being made to replace Mr. Wiberg. Ms. Ex spoke of President Bass running on transparency. The question was, "Do you have a plan?" and all you had to say was that you have a plan.

Ms. Ex said there are times when she has praised President Bass and times when she has been disappointed in him. Ms. Ex stated that it is not ok with her that there is no Village Manager, no Assistant Village Manager and that you are asking one person to take on the role of three people.

President Bass called on Susan Ginsberg to speak. Ms. Ginsberg stated that she was at a meeting a few months ago and stated that when she was at the meeting she was schooled by the Village Attorney as to why President Bass did not have to answer her question during Public Forum. Ms. Ginsburg suggested that perhaps the Village Board take turns answering questions at the Board meeting.

President Bass introduced Edie Komenski to speak. Ms. Komenski stated she has been appalled several times at this meeting especially by the fact no search has begun for a new Village Manager. Ms. Komenski stated that there is no transparency. Ms. Komenski stated she was appalled at how President Bass treated Caren Ex when she spoke this evening. Ms. Komenski stated she comes to the meetings because she is a resident, and it should be appreciated that residents come to the meetings. Ms. Komenski again said she was appalled that there was no Village Manager, appalled at lack of transparency and appalled at how President Bass treated Caren Ex.

Adjournment

At 9:10 PM Trustee Sugarman moved to adjourn the meeting to Closed Session for the purpose of discussing Potential Litigation Per Section 2(c)(11), seconded by Trustee Ikezoe-Halevi.

Upon Roll Call the results were:

AYES: President Bass, Trustees Sugarman, Hlepas Nickell, Ikezoe-Halevi

NAYS: Trustee Patel

The motion passed.

Trustee Patel ask about the reading of FOIA requests.

Reconvention

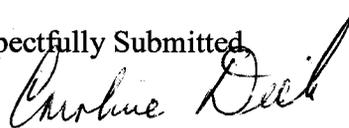
At 10:00 PM Mayor Bass reconvened the Regular Meeting.

Adjournment

At 10:05 PM Trustee Sugarman moved to adjourn the Regular Meeting, seconded by Trustee Ikezoe-Halevi.

The motion passed with a Voice Vote

Respectfully Submitted



Caroline Dick
Deputy Village Clerk