

**VILLAGE OF LINCOLNWOOD
PRESIDENT AND BOARD OF TRUSTEES
MEETING OF THE COMMITTEE OF THE WHOLE
VILLAGE HALL COUNCIL CHAMBERS
MEETING HELD VIA GOTO MEETING AND
AVAILABLE LIVE AT WWW.LINCOLNWOODIL.ORG/LIVE-CABLE-CHANNEL/
NOVEMBER 17, 2020**

Call to Order

Village President Bass called the Meeting of the Committee of the Whole of the Lincolnwood Board of Trustees via GoToMeeting to order at 6:06 P.M. Tuesday, November 17, 2020, meeting held via GoToMeeting and available live at WWW.LINCOLNWOODIL.ORG/LIVE-CABLE-CHANNEL/, County of Cook, and State of Illinois.

Before calling the roll the Village President read into the record the requirements for public comments for later in the meeting.

President Bass asked that for roll calls at this meeting, the Village Clerk start with Trustee Klatzco and end with Trustee Ikezoe-Halevi. The roll is called in the order in which the trustees sit on the dais.

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

PRESENT: President Bass, Trustees Ikezoe-Halevi (Via GoToMeeting), Patel, Klatzco (Via GoToMeeting), Hlepas Nickell (Via GoToMeeting), Sargon (Via GoToMeeting), Cope (Via GoToMeeting)

ABSENT: None

A quorum was present.

Also present: Anne Marie Gaura, Village Manager; Chuck Meyer, Assistant Village Manager; Heather McFarland, Assistant to the Village Manager; Jon Bogue, Management Analyst; Jake Litz, Management Analyst; Jay Parrott, Police Chief; Anna Koperski-Walsh, Superintendent Parks and Recreation Department; Doug Hammel, Development Manager; Hart Passman, Village Attorney (all present via GoToMeeting).

Approval of Minutes

The minutes of October 20, 2020 Meeting of the Committee of the Whole and the November 4, 2020 Committee of the Whole meeting were presented for approval.

Trustee Hlepas Nickell moved to approve the minutes of October 20, 2020 of the Committee of the Whole as amended, seconded by Trustee Ikezoe-Halevi.

Clerk Herman called the roll.

Ayes: Trustees Ikezoe-Halevi, Sargon, Patel, Hlepas Nickell, Klatzco, Cope
Nays: None

Trustee Hlepas Nickell moved to table the minutes of November 4, 2020 of the Committee of the Whole to the December 1, 2020 Committee of the Whole, seconded by Trustee Patel.

Clerk Herman called the roll.

Ayes: Trustees Klatzco, Sargon, Hlepas Nickell, Patel, Cope, Ikezoe-Halevi

Nays: None

Regular Business

1. Code Enforcement Process Improvements Update

This item was presented by Anne Marie Gaura, Village Manager, using PowerPoint.

Ms. Gaura provided an overview of the process in which the Village Board held meetings previously on August 4 and September 15 to provide guidance on code enforcement efforts. Ms. Gaura stated that the purpose of tonight's presentation was to provide a summary of staff-initiated code enforcement efforts and hold a discussion on stakeholder communication, timeliness in compliance, and effective adjudication.

Ms. Gaura continued by describing recent code enforcement efforts. Ms. Gaura summarized PublicStuff modifications to track self-initiated cases, (since August 3, staff has observed and initiated 64% of code enforcement cases opened), weekly Code Enforcement Team meetings, the Community Cleanliness Pilot Program, and Park Patrol's role in code enforcement. Ms. Gaura added that the Village also began regular weekend code enforcement, routine staff-initiated code enforcement patrol, and the creation of a code enforcement web page.

Ms. Gaura explained the nature of coordinating a complaint and the parties involved in the process to ensure that an allegation is received, responded to, and addressed. Ms. Gaura utilized flowcharts to emphasize the route that a case can take from inception to closing the case and how that process can be impacted by voluntary compliance and non-compliance in order to close a case and the role of different stakeholders, including the complainant, have in getting to compliance and an effectively closed case. Ms. Gaura added that some items that affect communication and coordination are anonymous complaints that limit staff's ability to follow-up and learn additional information and complex issues that require an inter-departmental response.

Ms. Gaura detailed the issues that arise in achieving compliance. Ms. Gaura summarized these factors which include the nature of the violation which can affect the magnitude of the issue, staff's approach to customer service of engaging stakeholders to achieve compliance, and deferred enforcement of some violations pending policy discussions that may include the required actions.

Ms. Gaura addressed effective adjudication as a component of compliance. The Village has become more proactive in terms of issuing citations and utilizing the legal process of adjudication to gain compliance. Adjudication does increase the timeframe and costs for the process in order to prepare and handle adjudication hearings.

To conclude that Ms. Gaura presented and summarized the key takeaways from the presentation:

- Staff is able to track and document staff-initiated code enforcement issues
- Weekly Code Enforcement Team meeting allow for formalized protocols and enhanced coordination and effectiveness
- Community Cleanliness Program along with the Park Patrol staff and monthly code enforcement have been effective and should be continued
- Through the code enforcement webpage there is enhanced communication
- Adjudication process is being used very effectively
- Performance measures are being implemented and we are monitoring the effectiveness over time

Trustee Klatzco asked for the definition of fly dumping.

Mr. Hammel stated that fly dumping was the leaving of refuse or large items out on someone else's property. It was noted that the materials were often left in areas where it was not easily identifiable who was responsible for dropping the materials off.

Trustee Klatzco asked how fly dumping was being addressed.

Ms. Gaura stated that the weekly Code Enforcement Team meetings had been focusing on addressing the fly dumping issue.

Trustee Sargon said that the public should not submit complaints anonymously and would want someone to provide contact information.

Trustee Patel stated that he was encouraged by the progress that was being made in regards to code enforcement. Trustee Patel stated that he was in support of being able to submit complaints anonymously and noted that he has dealt with people having concerns about their neighbor finding out their name and people want that anonymity and people do not want to feel like they are being found out for reporting on their neighbors. Trustee Patel stated that the lack of being anonymous may be concerning to some residents who would otherwise report an issue.

Mayor Bass stated that he agreed with Trustee Patel where people have concerns about reporting a concern and sometimes it helps to encourage someone to make that complaint.

Trustee Sargon asked for a point of clarification and if someone reports an issue to the Village if it is kept anonymous.

Mr. Hammel stated that staff does not provide that information to the complainant and the only way that it would become public would be through a Freedom of Information Act (FOIA) process and it would be subject to applicable laws. Mr. Passman added that FOIA could in theory be used and that there are exemptions that could be used to protect someone under FOIA guidelines but there are tools that prevent improper disclosure.

Trustee Patel continued in asking about leaves. Trustee Patel asked if there have been any issues or complaints about leaves being collected.

Mr. Meyer stated that two inquiries have been received this year. Ms. Gaura added that the Code Enforcement Team was looking at this issue and would be considering options for further considerations.

Trustee Cope stated that he doesn't have a concern with someone filing a complaint anonymously and that if someone calls about a home burning three doors down the Village would not be concerned about the call being anonymous. Trustee Cope stated that he was not sure if someone was being called in as a witness and that there would not be a need for them to testify or to get further information.

Trustee Ikezoe-Halevi asked if there were a lot of neighbor against neighbor complaints or what is the impetus for this type of request.

Mr. Hammel stated that there are instances where we are not able to investigate the situation to get more information as to what is going on in order to address it. Mr. Hammel continued that there have been instances where the Village immediately makes contact with the violator but it may take several weeks to complete the issue but we cannot follow up with the complainant to let them know that the issue is being worked on by staff.

Trustee Ikezoe-Halevi stated that she was in support of Trustee Sargon's viewpoint on this issue in not allowing for complaints to be anonymous.

Trustee Ikezoe-Halevi stated that she has seen more people putting leaves into the street and asked how that should be addressed.

Mr. Hammel stated that staff engages in weekly Code Enforcement Team meetings and it is a topic that they will be looking to address it. Ms. Gaura added that they will follow-up with the Board and let them know what the status is of this inquiry.

Mayor Bass asked what happens when a complaint happens on a Sunday and how days for enforcement are being rotated in a weekend.

Ms. Gaura stated that the Village is coordinating one weekend a month for code enforcement efforts. Ms. Gaura stated that the dates are not announced in advance and enforcement is done equally on the weekend. Chief Parrott stated that if there is a call after hours then it should go to the non-emergency line for the Police Department to respond accordingly.

Trustee Nickell asked about using neighboring cameras to address code enforcement issues or issues with fly dumping.

Chief Parrott confirmed that the Village does work with neighbors to address code enforcement concerns or to gather information.

Trustee Hlepas Nickell stated that she is in support of using anonymous complaints and that the self-initiated complaints from residents anonymously are needed. Trustee Hlepas Nickell stated that usually once a neighbor complains about another neighbor it is usually egregious.

Ms. Gaura summarized the direction of the Village Board to allow for complaints to be filed anonymously and provide follow-up to the Village Board.

2. Discussion Concerning Board's Expectations for a Code Review

This item was presented by Chuck Meyer, Assistant Village Manager, using PowerPoint.

Mr. Meyer provided an overview of the topic regarding the Village's history with reviewing the Village Code. Mr. Meyer stated that the last time that the Village Code was reviewed was in 2011 and prior to that it was in 1977. Mr. Meyer continued that the process involves the Village Board, contractors, and staff reviewing the Village Code and providing guidance in regards to inconsistencies, conflicts, and modernization of language in regards to local and State laws.

Mr. Meyer stated that it was the recommendation of staff to utilize the Village Attorney for \$45,000 to \$50,000 in which CORB will review the Village Code and provide recommended changes for the Village Board's consideration. Mr. Meyer stated that it was likely that the entire process would take approximately 12 months to complete from the first CORB Meeting to the approval of changes.

Mayor Bass asked if the Village Board had any questions on the matter.

Trustee Patel stated that Village Attorney Hart Passman was involved when there was a review of the Code in 2010, and noted that there were a lot of changes at that time. He asked the Village Attorney if in 10 years he expected there to be a need to make such a change.

Mr. Passman stated that he would not expect there to be much that needs to be changed. Mr. Passman continued that at that time there was a complete overhaul of the Code and with the passing of 10 years would not lead to as much of a change that is needed. Mr. Passman added that it was true that with the best of Code processes there is always something that with a look back it may be done a little bit differently. Mr. Passman stated that they could always find things but it comes down to price and cost. Mr. Passman noted it was a time consuming process in preparing and addressing the Code Review in that there would be two meetings with staff for each CORB meeting in which the topics would be discussed.

Trustee Patel asked there were instances where there have been inconsistencies or problems with the Code that need to be addressed?

Ms. Gaura stated that with 10 years there may not be many items that need to come up. Ms. Gaura continued that there have been options for having a surgical approach and brainstorm and have staff and Development Manager Hammel provide a list of outstanding items to be addressed.

Trustee Patel stated that the Village Code has been revised as items come up from 2010 until now. Trustee Patel stated that it may make sense to identify a schedule and process to have an evaluation prior to engaging a consultant to do the review or to review on an annual basis what

goes through for a variance request or change the nature of a request. The Village can then look at going through a deep dive on this topic and in going to professional staff. Trustee Patel stated this would be different than the Building Code which is updated regularly.

Trustee Cope stated that he has worked on Codes and there are two levels of work that needs to be done. Trustee Cope stated that it was useful for the attorney to go through certain sections to see if they are impacted by recent legal decisions, going through those sections and seeing what can be done. Trustee Cope continued that the second component is to integrate into the Code the ordinances that have been passed over the last several years and make sure that they are properly integrated into the Code. Trustee Cope stated that he worked on part of the update and had these meetings on a fairly regular basis and took sections and talked about things to be done. Trustee Cope stated that it would be good to have a Codifier integrate the document but it is more important to have the attorney review it.

Mayor Bass stated that are there any Codes that have come up that are important enough to dissect and do an overhaul and see if it needs to be refined.

Trustee Sargon asked if the Village is not codifying the Code and integrating the information?

Mr. Passman stated that the codification happens now by the Village Codifier.

Trustee Sargon asked if there are best practices for the Code being updated.

Trustee Cope stated that every five years it would be good to see if things should be changed based on the law but every year the Village should be ensuring that integration. Mr. Passman added that communities should take action to address issues and it is a good idea as a general proposition to do this, but the question is how deep the analysis needs to go.

Trustee Sargon asked if it would be a good time frame to start looking at this or is action needed right now.

Ms. Gaura stated that we would be looking at that item in terms of the targeted approach and provided that feedback as part of the Budget process.

Trustee Hlepas Nickell stated that she was thinking it would be good to use guidance from the Trustee Cope's wisdom to address these types of issues and utilize his knowledge. Trustee Hlepas Nickell added that School Districts have this type of service that pushes the new information on laws out automatically for the School District to take action and address any changes in the law. Trustee Hlepas Nickell added that she felt that items when they go to the Codifier should come back to CORB first before they go into effect to confirm that they were enacted properly.

Trustee Hlepas Nickell asked how often communities review this type of depth in terms of a comprehensive review.

Mr. Passman stated that an overhaul of the Code is not a common practice and that there are communities out there with much older Codes and arcane laws.

Trustee Hlepas Nickell asked if there are adjustments needed due to State Law or if changes happen does the Village or staff analyze those changes in the law and compare it to the Code and provide feedback for potential changes.

Ms. Gaura stated that there is a collaboration or feedback on a certain item or subject matter issues that come up then it will be addressed. Ms. Gaura continued that there is not a single trigger that occurs to facilitate a change in the Code. Mr. Meyer added that as large changes are provided at the State level the Village Attorney will provide that to staff to then start the process of making changes at the local level. Mr. Meyer continued that an example of such a change would be the Village's regulations on Small Wireless Facilities which occurred as a result of a change at the State level and then more recent changes in regards to the Open Meetings Act in light of the pandemic and guidance from the State and Village Attorney.

Trustee Hlepas Nickell inquired about if Code changes are codified once approved and stated she cannot find the rules for a subdivision.

Mr. Hammel followed up regarding the specific changes in subdivisions in regards to lot width and confirmed that the online version of the Code that is available to the public and created by the Codifier does reflect those changes.

Mayor Bass stated that there is a desire to proceed with this and to utilize Trustee Cope and have an initial look over by Trustees and Attorneys and some level of professional review. Mayor Bass asked for the conversation to be continued to a future Committee of the Whole or during Budget time.

Adjournment

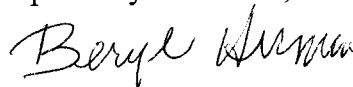
At 7:39 P.M. Trustee Sargon made a motion to adjourn the Meeting of the Committee of the Whole, seconded by Trustee Ikezoe-Halevi.

Upon roll call:

Ayes: Trustees Klatzco, Sargon, Hlepas Nickell, Patel, Cope, Ikezoe-Halevi

Nays: None

Respectfully Submitted,



Beryl Herman
Village Clerk