

**VILLAGE OF LINCOLNWOOD
PRESIDENT AND BOARD OF TRUSTEES
SPECIAL MEETING
VILLAGE HALL COUNCIL CHAMBERS
MEETING HELD VIA GOTO MEETING AND
AVAILABLE LIVE AT WWW.LINCOLNWOODIL.ORG/LIVE-CABLE-CHANNEL/**

DECEMBER 22, 2020

Call to Order

President Bass called the Special Meeting of the Lincolnwood Board of Trustees to order at 6:06 P.M. Tuesday, December 22, 2020, in the Council Chambers and via GoToMeeting Meeting and available live at WWW.LINCOLNWOODIL.ORG/LIVE-CABLE-CHANNEL/, County of Cook, and State of Illinois.

Pledge to the Flag

The Corporate Authorities and all persons in attendance stood and recited the Pledge of Allegiance.

Roll Call

On roll call the following were:

Present: President Bass, Trustees Halevi, Patel, Klatzco (Via GoToMeeting), Nickell (Via GoToMeeting), SargMinon (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; Robert Merkel, Finance Director; Nadim Badran, Public Works Director; Doug Hammel, Development Manager; Hart Passman, Village Attorney; Jake Litz, Management Analyst.

President Bass requested that all roll call votes at this meeting be started with Trustee Klatzco and end with Trustee Ikezoe-Halevi, and be called in the order in which the trustees sit on the dais.

Approval of Minutes

Trustee Sargon moved to approve the minutes of November 17, and moved to continue the December 1, 2020 meeting minutes to the regular Village Board meeting scheduled for January 5, 2021; the motion was seconded by Trustee Patel.

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

Nays: None

Trustee Nickell requested that minutes be circulated before the meetings.

President's Report

President Bass shared that on December 19, long time Lincolnwood resident, Paul Grant, passed away. He then shared some words about Paul Grant:

Professor Paul Bernard Grant II, 89, of Chicago. Beloved husband of the late Madeleine. Loving father of Maura Neuendank, Elizabeth Keno, Paul Grant, Francis Grant, and Timothy Grant.

Born on March 18, 1931, Paul grew up in Oak Park, IL and obtained his bachelor's degree in History from Loyola University of Chicago. A forever learner, Paul pursued three post-graduate degrees in Industrial Relations, Economics and Higher Education Administration from Loyola and Northwestern Universities. After completing his first master's degree at the age of 23, Paul joined the U.S. Army Reserve and made his way to Orleans, France, where he served until 1956. Paul spent the last 58 years as resident of Lincolnwood, IL actively participating in his community, serving on a number of boards and committees, and only recently stepped down from his commission on the Zoning Board of Appeals. Paul was first husband to former Mayor, Madeleine Grant. One of Paul's greatest roles was his portrayal of Abraham Lincoln at the 2008 Memorial Day service held in Madeleine's Garden, which is named after his wife.

Professionally, Paul spent most of his career at Loyola University of Chicago in various roles as a teacher and Administrator. Paul was a passionate member of his academic community and served as an instructor, lecturer and assistant professor at Loyola University's Institute of Human Resources and Industrial Relations. In addition to his teaching accolades, Paul was Secretary and a founding member of the University Retirement Allowance Committee, establishing the University's Credit Union that is still active to this day. Outside of Loyola, Paul was also an Arbitrator for more than 45 years and facilitated the Chicago Musician Associations elections for over 40 years.

Paul was always an avid reader and lifelong Chicago White Sox fan.

President Bass concluded by sharing that Paul was one of the kindest people he had ever met and was a wonderful asset to this community. He will be sorely missed by all.

Funeral services will be held privately. Donations can be made to Feed America.

Regular Business

1. Consideration of a Recommendation by the Zoning Board of Appeals to Adopt an Ordinance Granting Variations for the Development of a Restaurant at 3300- 3310 West Devon Avenue

This item was presented by Doug Hammel, Development Manager, using PowerPoint. Mr. Hammel stated that Jerry Nellesson of SAFEbuilt and Eddie Kheneiser were both present at the meeting to answer questions. Also present was Nathan Kriska, of NK Architect.

Mr. Hammel reviewed the Subject Property including the location and the proposed improvements to the property. He shared that the exterior facade improvements would be using EIFS as a predominant building material. This required approval of variations from Sections

6.04(3) and 6.04(4) of the Zoning Code regarding the use of certain exterior materials. Mr. Hammel shared staff considerations for the Village Board.

Mr. Hammel stated that there had been a public hearing at the Zoning Board of Appeals held last night, and reviewed the comments against and in support of the requested variation. He shared that staff received one public comment prior to the distribution of the Village Board agenda which objected to the use of EIFS. Staff received an additional comment prior to the ZBA hearing which reinforced concerns regarding the nature of the existing facade to which the EIFS would be applied. A neighboring property owner attended the ZBA hearing and reiterated his concerns about the potential impacts of the use of EIFS on his building which abuts the subject property. In response, the petitioner's architect stated that the beams were assessed and were found to be fully capable of performing as designed. The ZBA passed a motion by a 4-2 vote (1 abstention) recommending approval of the requested variation.

Staff considerations were exhibited.

President Bass shared his concern that the work was interrupted and asked the Trustees to offer their comments.

Trustee Ikezoe-Halevi expressed concern over a written article that was sent to the Board without attribution. She watched the ZBA discussion and was surprised that the Village didn't catch that EIFS is not allowed in Lincolnwood. She expressed that the mistake should be corrected to avoid this problem in the future. She sympathized with the owners as they started this project in good faith with the Village and agreed that the variations should be approved.

Trustee Cope agreed with the recommendation of the ZBA. He was not in favor of this material being used universally without some explanation but believed that in this case it made sense to allow them to proceed.

Trustee Patel asked Mr. Hammel if he is confident that if allowed, the construction can be done in a way that provides the durability that is expected.

Mr. Nellesson responded that, if it is installed to the manufacturer's installation specifications, it is a good system. He explained that the new EIFS has a drainage system that would be installed.

Trustee Patel asked if the inspections up to that point had been done and if an inspection will be done to ensure that installation specifications are being followed.

Mr. Hammel answered that this specific system had not undergone specific inspection by SAFEbuilt yet as work was stopped before they could do so. A third party inspection service had been out and affirmed that the EIFS was being installed to manufacturer specifications. He reiterated that any inspections that are desired will be performed.

Trustee Patel explained that he was making sure that we are inspecting it as needed as it is not something typically used in the Village. He agreed with the recommendation of the ZBA given that those inspections would be carried out.

President Bass asked if the owners were willing to take responsibility if the product does not hold up in the future.

Mr. Kriska reiterated that the product should hold up because it is being installed according to requirements of the manufacturer.

Trustee Nickell stated that the mayor asked her to take a closer look at the property and that she connected with the property owner. She shared that she has had experience with EIFS and believed that there were things the property owner could do to safeguard and protect longevity of building. Those safeguards included spot tuck-pointing in certain areas, application of sealant, reinforcing the exposed beams, and cladding to provide a barrier between the EIFS and the other building. She stated that the owner should hold the Village harmless as for the longevity of the EIFS application. She stated that the rationale shared by the owner was that he is using EIFS to maintain the consistency of the facade. She expressed concern that the review process failed to bring attention to this on the plans. She agreed to approve the variations to get the project going again but reiterated that there is a reason EIFS is not an approved material.

President Bass stated that it seems like those safeguards would potentially reduce the odds of possible damage to the building or the adjacent building.

Trustee Nickell stated that there is a small gap between the two buildings. She mentioned this to the owner but wanted to make sure we aren't further impeding on the process. She asked to hear from the architect.

Trustee Cope suggested that the Village Board check with the Village Attorney on the issue of immunity in regard to issuing permits but stated that the Village shouldn't be liable for anything. Even though it was a Village mistake, those who created the plans are obligated to know and follow the laws. He reiterated that the fault does not lie with the Village.

Mr. Passman agreed with Trustee Cope and explained that the Village does enjoy tort immunity as it relates to the approval of permits. He stated he had no legal concern if the Board desired more protection, but also didn't think it was needed.

President Bass asked if the owners would be willing to eliminate headaches by taking these extra precautions.

Mr. Kriska stated that the tuck-pointing has been done and that they are continuing work on it. He explained that some of the wood beams that are exposed have steel beams behind them therefore the wood is not structural on those places. He stated that they would cover wood and replace any rotten wood. He explained that there will be cement boards on any wood beams that are exposed.

President Bass again expressed that he felt terrible that there was a halt to the process. He asked the owner if they would be satisfied with the language added to the recommended motion outlining the extra safeguards.

Mr. Kheneiser agreed to the added language.

Trustee Sargon shared that she attended the ZBA meeting and agreed with a lot of what had been said. She stated that this happened at no fault of the petitioner and was in favor of the recommended motion. She added that the Village Board approved a material similar to this at the District 1860 location. She stated that if the EIFS material is installed similarly it should be fine. She was in favor of the recommendation of the ZBA.

Trustee Klatzco shared that he was on the Board when they banned EIFS years ago due to the water leakage for wood structures. He emphasized that the Subject Property is not a wood structure. He stated that he did not think anyone on the Village Board should be giving recommendations. SAFEbuilt should be inspecting and making sure that these precautions will be sufficient. He was in favor of approving the use of EIFS on the building.

President Bass clarified that he does not want to delay the process for the business owner any further and wants to take precautions to alleviate headaches. He stated that SAFEbuilt will perform an inspection.

Trustee Sargon agreed with Trustee Klatzco that those recommendations should be coming from our Village staff and experts.

Trustee Nickell clarified that she never claimed to be an expert but has had experience with EIFS. The owner of the property wants to create a situation where there is no angst between him and the neighbor. She explained that she was trying to mediate so that everyone can be protected and clarified that these suggestions were made by contractors.

Trustee Klatzco stated that he did not want to slow the process but wanted Village experts to sign off on it.

Trustee Nickell expressed her opinion that our experts should have caught it.

President Bass stated that the petitioner wants to do what is right and the added precautions are to ensure there are no problems in the future.

Trustee Patel shared his appreciation for Trustee Cope's comment about tort immunity. He stated the importance of setting a standard in the building department. If a permit is approved, the applicant should be able to rely on that approval. He recommended putting stopgaps in place that would prevent this type of thing from happening. He appreciated the points that the ZBA members made about whether the owner should have known that EIFS should not have been used but emphasized that our plan reviewer should have known.

Ms. Gaura stated that staff will look at how we need to revise our process. Right now there is one review planned but that may need to be adjusted.

Trustee Patel stated that this issue goes back to our conversation about improving the Building Department. There may be a cost associated with providing the level of service we demand but the cost would be justified.

Trustee Nickell made a motion to approve including the extra safeguards.

Trustee Sargon asked if adding the extra language to the motion is necessary if the expectation is that it would already be included in the process.

Trustee Nickell insisted that the motion include the addition of a band of different material that breaks the EIFS finish to the end of the building.

Trustee Cope asked if the property owner had any objections to this addition.

Mr. Kheneiser had no objections but wanted to make sure that the width of the band remain five inches as was discussed.

Trustee Nickell confirmed that it would be five inches.

President Bass asked that Trustee Nickell clarify the motion.

Trustee Nickell moved to grant the variations for the development of a restaurant at 3300-3310 W Devon Ave but to include the band from grade to height of the structure vertically of an approved cladding which creates a break from the EIFS material from the adjacent building at five inches from the corner to the EIFS.

Trustee Patel asked for clarification on the addition of the band.

Trustee Nickell clarified that it is for separating the EIFS from the neighboring property. She explained that the break in the EIFS would act as a buffer between it and the adjacent building.

Trustee Patel asked for clarification on if the specifications are related to the construction method. He reiterated that the Village Board should clarify or leave the construction method up to staff.

Trustee Nickell asked if she should clarify the motion by saying that there is an addition of vertical band to act as a buffer.

Trustee Cope asked if someone could read back the motion that was previously stated.

Trustee Nickell clarified that it included the band from grade to height of the structure vertically of an approved cladding which creates a break from the EIFS material to prevent water and mold.

Trustee Patel suggested leaving out the wording about preventing the mold. He shared that he was inclined to vote yes but wanted to make sure that we clarify for everyone.

Mr. Kriska expressed that the five inch barrier would only create moisture. He recommended leaving it out of the motion to allow them to look into the best solution. He expressed concern that the five inch band of different material could introduce water rather than solve the problem.

Trustee Cope suggested approving the motion and giving direction to staff that best practices be used while installing the material. He stated that the Village Board should approve the zoning

and then allow the building department to ensure that it is done in the proper fashion. He recommended modifying the motion.

Trustee Nickell withdrew the earlier motion. She began to amend her previous motion but asked staff for the best language to use to ensure that the neighboring building is protected.

Trustee Cope suggested the wording that it is the desire of the Village Board that best practices will be used in regard to the installation of this material and rely on the expertise of the architect.

Trustee Nickell made a motion to approve an Ordinance granting a Variation for the use of EIFS as a facade material at 3300-3310 West Devon Avenue adding that best practices be used with the installation of the material, seconded by Trustee Cope.

Upon Roll Call the Results were:

AYES: Trustees Halevi, Cope, Patel, Nickell, Sargon, Klatzco

NAYS: None

Trustee Klatzco asked that staff work with the engineer to ensure the proper use of the material.

The architect thanked the Village Board for their time.

Manager's Report

Village Manager Gaura wished Happy Holidays to everyone.

Board and Commissions Report

Trustee Patel shared that the Finance Committee met last week and shared upcoming items that will be discussed at the next Committee of the Whole meeting. He also shared information about the Lincolnwood Limits challenge which runs through March. He challenged the other trustees to participate.

Trustee Halevi read the following statement:

“Village Board Meeting 11-4-20 – Lincolnwood Together requested to make a presentation to the Village Board on a possible mission statement for Lincolnwood. Mayor Bass and Trustees agreed to send this to the Human Relations Commission.

HRC Meeting 12-14-20 – The presentation was interrupted at the start by a commissioner. She didn't feel it was appropriate for Lincolnwood Together to present because she incorrectly thought they are a political group. They are not. They are a civic not-for-profit community organization. The commissioner badgered the presenter several times. I stepped in and asked the commissioner to let the presenter continue. After several back and forths with the commissioner, the presenter was allowed to continue as requested by the Mayor and the Board. Neither co-chair stepped in to manage the meeting and I felt, as the Board liaison, that the suggestion of the Board should be respected.

Village Board Meeting 12-15-20 – I reported what happened in my Trustee report. The Mayor said he thought I should not have taken over the meeting, which I had not done. I asked to meet with the Mayor on Friday to further discuss and he agreed.

Meeting with Mayor Bass 12-18-20 – The Mayor agreed to meet with me and suggested a staff member be present to take notes during the meeting. I agreed and Village Manager Gaura attended.

In 1997 Mayor Madeleine Grant created the Lincolnwood Human Relations Commission. I became one of the first commissioners and served from 1997 to 2013; at that time there were no limits on how long commissioner could serve. According to the HRC brochure “The purpose of the Commission is to promote understanding, mutual respect and neighborly cooperation among all Lincolnwood residents.

I met with Mayor Bass believing we could have an amicable discussion. I wanted to express my concerns that it was a bad precedent to allow a commission member to ignore a recommendation from the Mayor and Board.

Instead the Mayor claimed that he was often misrepresented in what he said. He said he had watched the video of the HRC meeting twice and did not think that the commissioner in question had done anything wrong. He said he had contacted members of the commission and some were upset.

The Mayor said, as liaison, I should not have intervened. I explained that I spoke up because the co-chairs didn't say anything. I did so, so that the agenda item could be addressed.

He told me he was removing me as liaison and that he would be taking over the position. He complained that he would have to give up his time to do this. I asked if any HRC members had asked for my removal and didn't want any names, but he did not give me a direct answer.

I maintain that the commissioner's actions were disrespectful to the Mayor, to the Board, to the commission and the presenter. The HRC wasn't given a choice whether to listen or not, we told them to listen. The HRC is the perfect group to make decisions regarding Lincolnwood's image. For a commissioner to disrespect the Board's wishes so blatantly, sets a bad precedent.

I asked the Mayor what would happen if another commission, such as the Plan Commission, had said they didn't want to talk to a developer because they didn't like who he gave money to politically or for some other reason? What will we do if a commission or commissioners refuse to do what the Board requests in the future?

At the Board meeting and this meeting, the Mayor indicated, that as liaison, I should not be talking at the commission meetings. I replied that if this is the case, it should be applied to all Trustee liaisons at all commission meetings. I am sure that every other Trustee contributes as liaisons. If this is only being applied to me, it's discriminatory. You cannot have one set of rules for one Trustee and another for the other five.

If the Mayor believes he is punishing me for what I did, he is wrong.

I did the right thing as liaison, as Trustee and as government representative and would do it again in order to see that the request of the Mayor and the Board is honored by commissions. And, as a Trustee and a resident I don't think anyone should be spoken to so disrespectfully, especially at the Human Relations Commission."

Trustee Halevi continued:

If Board members believe what I did was wrong and that I should not have spoken up, then they should not be allowed to speak at commission meetings either.

If the Board believes we have the right to speak freely at commission meetings and offer our opinions, then I should not have been removed as liaison of the Human Relations Commission. We cannot have it both ways.

After 23 years of supporting the Human Relations Commission, I care deeply about its members and its mission. As I mentioned at the last Board meeting, the HRC meeting should be one meeting where every resident feels safe to express their opinion. Members of the HRC don't have to agree with a speaker, but they owe each resident the courtesy to be heard.

It should be noted that at the end of the HRC meeting, they allowed a resident to speak uninterrupted in direct opposition to the HRC's Diversity Flag display. No one made any comment, even though he was criticizing them for their decision."

President Bass stated that Trustee Halevi made blanket statements and misrepresented facts. He clarified that he did not say she shouldn't speak but that a liaison is a resource and an observer and can gently speak to a commissioner but that to taking a stand when someone was trying to get a question answered was not appropriate. He was asked to review. He stated that the Village Board was remiss sending such a broad item to HRC. He stated that Trustee Halevi made a blatant statement that she didn't like the way the question was asked. He was asked to eliminate contention and friction.

Trustee Sargon shared that she watched the HRC meeting and she respectfully disagreed with President Bass that Trustee Halevi overstepped. She believed that Trustee Halevi stepped up at the right time as a liaison. She respectfully asked that President Bass reconsider her removal as liaison.

President Bass explained that he was trying to avoid friction and not to embarrass anyone. He stated that he would talk to the commissioners again and told Trustee Sargon to feel free to call them herself.

Trustee Sargon shared that there is an opportunity to mend and to grow from this.

President Bass again recommended that she call the two chairs as well. He stated that he was open to work with anything.

Trustee Sargon expressed her fear that it sets a bad precedent.

President Bass stated that he didn't want to be sitting in an HRC meeting and again invited her to see if she can do anything.

Trustee Patel shared that he also reviewed the meeting and expressed that the issue was one that the Village Board should have been handling. He expressed that the Village Board didn't provide any direction for the HRC and that is why there was an issue. He stated the President Bass has never shared what his expectation is of the liaisons. He suggested discussing this further at the next meeting.

President Bass stated that he places lots of trust in the liaisons and that there are very few issues. He reiterated that he was trying not to embarrass anyone.

Trustee Nickell stated that this conversation that needs more attention and that there might need to be more direction for liaisons. She watched the meeting live and expressed that the virtual meeting setup is difficult in that sometimes people sound different than they intend. She stated that these points shouldn't go overlooked but recommended discussing this later and reminded everyone to be kind to each other.

President Bass stated that it was duly noted and asked to move on to the Village Clerk's report.

Trustees Reports

There were no further Trustee reports.

Clerk's Report

Clerk Herman began to announce the petitions that had been submitted the previous night for candidates for mayor, trustee and clerk.

Trustee Nickell expressed that this was not an appropriate venue for this to be announced. She stated that the petition hasn't been certified yet.

There was some discussion over whether or not the petitions should be shared. It was decided they should not.

Public Forum

Resident Sean Batista was present at the meeting to speak about his chickens. He explained that he has backyard chickens and did not realize that it was against Village Code. He stated that there are no more than four chickens and that there is no rooster. He lives at 6832 N Hamlin Ave, there is a cemetery right behind him and there is room for a chicken coup. He wanted to speak to the Village Board to find a resolution and to find out if it was possible for him to keep his chickens.

President Bass asked if he received a violation.

Mr. Batista answered that he did.

President Bass asked Attorney Passman if the Village Board would be allowed to comment.

Mr. Passman answered that the Village Board should refrain from discussing the pending citation but as this is a policy discussion, they could discuss the policy.

President Bass told the resident that the Village Board may revisit the discussion about chickens but that it is not going to be immediate. It is a policy discussion that will be revisited sometime early next year.

Ms. Gaura clarified that the Village received a complaint and then a staff member went out and gave the citation.

Mr. Batista asked if it was possible to postpone the removal discussion as it was right before the holidays.

Trustee Sargon asked if there was a way to continue this matter or if it was for adjudication.

Ms. Gaura invited Attorney Passman to answer the question.

Mr. Passman stated that there as a policy discussion scheduled for next year, and that it would be inappropriate to discuss this item with respect to the pending litigation.

Mr. Batista asked for clarification on what he should do.

Trustee Patel suggested that it may be helpful to direct the resident to the staff member who gave the citation.

Ms. Gaura clarified that the officer found the violation and gave the resident the opportunity to remove the chickens by tomorrow. Adjudication would take place down the line if that removal does not occur. She told the resident that Development Manager, Doug Hammel could follow up with him. The Community Development and Police Departments were working together on this violation. She reiterated that staff would follow up with him tomorrow.

Mr. Batista thanked her and left the meeting.

Assistant to the Village Manager, Heather McFarland read an email into the record regarding the chickens at 6832 N Hamlin.

President Bass concluded that staff will follow up with the resident.

Trustee Klatzco asked to share his Trustee Report. He stated that 1,648 residents have now tested positive and there have been 37 deaths. He urged residents to please wear a mask. He reported that Donna Sofier had passed away and encouraged those who knew her to reach out to the family to offer their condolences. He concluded by again asking everyone to please wear a mask.

Trustee Hlepas Nickell asked when Mrs. Sofier passed away and stated she was very sorry to hear of her passing.

Trustee Klatzco shared that it was two days ago and again asked everyone to offer their condolences.

Adjournment

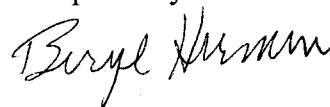
At 7:59 P.M. Trustee Hlepas Nickell moved to adjourn the Village Board meeting, seconded by Trustee Patel

At 8:00 pm, the GoToMeeting platform stopped working and prevented Trustees from voting on adjournment. A pause on the vote was initiated in the Council Chambers as the GoToMeeting software reconnected. Upon the return of the Trustees to the virtual platform, the meeting resumed, and the vote on the pending motion to adjourn was taken as follows:

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

NAYS: None

Respectfully submitted

A handwritten signature in cursive script that reads "Beryl Herman".

Beryl Herman
Village Clerk