

**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/
MARCH 16, 2021**

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 6:05 P.M. Tuesday, March 16, 2021, 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.

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

Present: President Bass, Trustees Patel, Halevi and Nickell. The following trustees were present via GoToMeeting, Trustees Sargon, Klatzco, and Cope

Absent: None

A quorum was present.

Also present: Village Manager Anne Marie Gaura, The following were present via Go-To-Meeting Chuck Meyer, Assistant Village Manager; Jon Bogue, Acting Assistant to the Village Manager; Jake Litz, Management Analyst; Nadim Badran, Public Works Director; Scott Mangum, Community Development Director;; Melissa Rimdzius, Director of Parks and Recreation; Doug Hammel, Development Manager. Brendon Mendoza, Assistant to the Public Works Director.

Approval of Minutes

The minutes of February 23, 2021 Committee of the Whole CIP Workshop and the March 2, 2021 Meeting of the Committee of the Whole were presented for approval.

Trustee Nickell requested changes to the March 2, 2021 Meeting of the Committee of the Whole.

Trustee Klatzco moved to approve the minutes of February 23, 2021 Committee of the Whole, and the minutes of the March 2, 2021 Meeting of the Committee of the Whole as amended, seconded by Trustee Sargon.

Upon Roll Call the results were:

Ayes: Trustees Klatzco, Sargon, Nickell, Patel, Cope, and Halevi

Nays: None

Regular Business

1. Discussion Concerning Private Drainage Rebate Program Update

This item was presented by Public Works Director, Nadim Badran.

Mr. Badran provided background on the Rebate Program which includes the Sewer Line Program, the Private Flood Control Program, and the Private Drain Rebate Program

Mr. Badran stated that the Village traditionally budgets \$25,000 for this program and in December of 2020, the Village increased funding to \$40,000 to accommodate extra requests this Budget Year and the direction was for staff to return with plans for shared projects.

Mr. Badran provided a chart that included the breakdown of rebates with the majority being related to Private Drainage and Flood Control with no requests related to sewer rebate. Mr. Badran continued that the Village surveyed communities and found that of the 18 communities contacted eight offered rebate programs and only two had incentives for shared projects. Mr. Badran added that staff has noted that there is a desire for shared programs.

Mr. Badran stated that if there is a desire to incentivize shared programs the Village would be recommending a program based on the structure from Bartlett with 50% rebate up to \$2,500 / homeowner with an overall cap of \$10,000 per project. Mr. Badran stated that there would be \$500 incentive more for homeowners sharing in projects to address stormwater issues.

Mr. Badran continued by discussing funding questions and said that staff is looking for guidance on the following questions:

- Should the Village increase the shared project rebate total to \$2,500 per resident with a project cap of \$10,000?
- Should the Village maintain the adjusted \$40,000 program budget for the FY22 Budget, or revert to the \$25,000 original total?

Trustee Klatzco said that this is an important program and had no issue with incentivizing more people getting together as a group and solving the problem and asked to keep the amount at \$40,000.

Trustee Sargon said that she is in favor of increasing the cap to \$40,000 in FY 22 and said that while we are in a pandemic the interest shows that residents are in need of this project. Trustee Sargon said that the shared approach could be of value and would want the Village to have it out there for a year and see if it works and how it is received. Trustee Sargon asked what happens to any extra money left in the Budget.

Mr. Meyer responded that any unused money at the end of the Budget Year is returned to the general fund and does not roll over.

Trustee Nickell stated that she was wary of increasing this and asked if the Village could hold off on increasing that amount.

Mr. Badran stated that the Village would stick to whatever guidance is given by the Village Board and would seek guidance from the Board to make changes.

Trustee Nickell asked how this program would be communicated?

Mr. Badran stated that the Village Engineer has gone out and met with people and the Village takes calls that it receives as guidance on potential areas to target for this project and that it can be expanded on the Village's platforms.

Trustee Nickell asked if a portion of the rebate could be held back in order to entice people complete a survey as to the effectiveness of the work.

Mr. Badran stated that they could look into this situation but that the Village Engineer and staff review all plans and ensure the work is complete before money is expended by the Village.

Trustee Klatzco stated that he had a concern about holding back the rest of the money as it may create a beaucratic mess and additional work.

Trustee Nickell stated that the amount could be de minimus and was suggested as an idea to get more feedback on the program.

Trustee Sargon suggested that the Village look at doing a stormwater workshop once a year to publicize these types of programs and address stormwater management in the Village.

Trustee Patel stated that he was in support of the program and the \$40,000 but suggested that to reduce the complexities of the program he would recommend having neighbors on a single project needing to only submit one application as opposed to each neighbor submitting a separate application; again minimizing paper work.

Trustee Cope stated that he was in support of this program and that in these public meetings many residents listed their unique circumstances for problems and how they could be addressed. Trustee Cope continued that he did not have a concern with the \$40,000 but said that he would be in support of possibly increasing this if needed. Trustee Cope asked what the \$10,000 cap was related to?

Mr. Badran said that would be the cap of \$10,000 for total project sizes to ensure that a single large project did not consume the entire budget.

Trustee Cope said that he would recommend that the Village Engineer or someone go back after the work is completed to see how successful it was and to make a call or go out and see the project and see how it is working.

Trustee Halevi said that she was in support of the \$40,000 but she asked how the Village tracks how the money is spent?

Mr. Badran stated yes that they track the locations.

Trustee Halevi asked if anyone has ever come back and complained about the work?

Mr. Badran stated that no one to his knowledge has come back and complained but said that the Village Engineer will do a once over and review it and make suggestions as needed.

Mayor Bass stated that there was a consensus to follow through with the recommendation of staff to increase the project rebate to \$2,500 per resident with a project cap of \$10,000 and increasing the program budget to \$40,000.

Ms. Gaura approved.

2. Discussion Concerning Various Proposed Zoning Code Text Amendments

This item was presented by Doug Hammel, Development Manager, using PowerPoint.

Mr. Hammel stated that there are three topics that are being addressed tonight including amendments to the Minor Variations provisions to limit magnitude of relief, amendments to certain tables, and prohibit of reverse-slope garages. Mr. Hammel continued that the conversation will conclude with feedback and referral to the Plan Commission.

Mr. Hammel explained the Minor Variation Provisions which include a reduction in required lot area or reduction in the minimum required side or rear yard setback taking up the majority of variation requests. Mr. Hammel stated that the Minor Variation process is less burdensome in time and process.

Mr. Hammel provided a generic example of a variation and used that as an example of typical issue that is considered a Minor Variation.

Mr. Hammel said that Minor Variation provisions authorize staff but do not obligate staff to grant approval of Minor Variations. Mr. Hammel added that feedback in the past has relayed a desired for staff to require potentially more impactful Minor Variations to go through the Major Variation Public Hearing Process.

Mr. Hammel concluded with summarizing the requested policy questions:

- Are there certain eligible improvements that have a likelihood of creating impacts that go beyond the intent of the Minor Variation process?
- Are there certain thresholds that should be put in place to ensure that the Minor Variation process does not result in improvements that create excessive impacts (i.e. a total linear footage of new structure that can be approved through the Minor Variation process)?

Trustee Klatzco said that the Village needs to streamline the process and make it better but that there needs to be some regulation or control or rules to ensure consistency. Trustee Klatzco stated that there are some homes that are so close to the property line that it may trigger the Minor Variations but otherwise not triggered by someone else.

Trustee Sargon stated that she agreed with Trustee Klatzco to make the process more streamlined but wanted to make sure that there were triggers to make sure the Village is equitable in the process.

Trustee Nickell said that she agreed with Trustees Klatzco and Sargon and that the matter should go to Plan Commission but stated that since the Village is a community of custom built homes but had concerns that the Village is creating a precedent that it would be difficult to get away from. Trustee Nickell asked what would the variables be to make the determination on Minor to Major Variations to make those decisions as staff?

Mr. Hammel stated that in situations like this where there is administrative relief, staff doesn't like to guess and would request clear guidelines to assist the Village with how to handle certain situations. Mr. Hammel noted that in his time here he has not seen a Minor Variation is denied and normally staff asks the same questions asked by the Plan Commission for such projects.

Trustee Nickell asked what would be another standard that would move it to a Major Variation?

Mr. Hammel stated that if there was something out of the standards for Major Variations then it would all go to the Plan Commission and a change in the FAR would require a Major Variation.

Trustee Patel asked if Mr. Hammel wanted feedback on the five points presented by staff?

Mr. Hammel said that the topic is being brought forward to the Board for specific concerns related to the third provision in regards to the reduction of side yard or rear yard setback.

Trustee Patel stated that he recalled a situation in which there was a reduction in the rear yard and said that he thought it would be appropriate for the Village Board to give feedback on the proper standard for a Minor Variation. Trustee Patel stated that he was in support of previous direction given by the Plan Commission and wanted to create backstops in place for staff and the Village.

Mr. Hammel said they would go deeper into this issue.

Trustee Cope said that he was not in favor of allowing staff to make discretionary decisions and very often what seems like a small change can have a large impact on the property owner or neighbors and you want to give proper notice to the neighborhood on the possible variations and that requires a hearing process and discussion of how it would impact that situation. Trustee Cope stated that if someone needs a Variation then they should go through the process and neighbors are given an opportunity to present themselves but said it is not best to give staff the discretion to make such a decision.

Mr. Hammel stated that the process for Minor Variation requests does include letters being sent to neighbors similar to Major Variations and staff has received feedback in response to the mailers, but the process does play out differently in that staff takes that feedback and responds accordingly.

Trustee Cope reiterated that he would want a Board or Commission oversee the process.

Trustee Halevi stated that she was in agreement with Trustee Cope and that every situation may be unique and would rather see Minor Revisions and would rather see this presented before the Plan Commission or Zoning Board.

Mayor Bass summarized the discussion and said that the direction from the Board was to refer this to the Plan Commission.

Trustee Nickell said that Trustee Cope's points were well received and asked that a consensus be reviewed again and would say not to send it to Plan Commission at this point,

Mayor Bass then polled the Board on keeping status quo or sending this to the Plan Commission.

Trustee Klatzco stated that he did not want to penalize residents and wanted to give clear direction to staff on how to handle these types of situations especially for miniscule issues.

Trustee Patel asked for Trustee Cope to re-iterate his position.

Trustee Cope said that staff should not be put in the position of having to have discretion on approving a Variation and this should be handled by a Board or Commission and it is the better way of doing it and provides due process and ensures a fair standard. Staff should not be the judges.

Mr. Hammel stated that Minor Variations do exist now in the Code and this issue arose before the Board creating a concern to conform to standards.

Trustee Patel said that it sounds like Trustee Cope's proposal was to rescind the Minor Variation component of the Code.

Trustee Sargon said that she wants to see Plan Commission as they have time to look at the five provisions for Minor Variations.

Trustee Nickell said that she was still in support of the Plan Commission looking into this situation and appreciated their thoroughness in their review and that there are benefits to different nuances being discovered. Trustee Nickell continued that she was in support of Trustee Cope's concerns about making sure that notifications still occur and confirm that notifications are properly addressed.

Trustee Patel stated that the Minor Variation process was important but asked for Plan Commission to codify controls to ensure that Minor Variations do not negatively impact and asked for Plan Commission to come up with guidance to address these concerns. Trustee Patel asked for Mr. Hammel to give the good examples of situations where this occurred in the past to help with the discussion.

Trustee Cope is in agreement with this matter going to the Plan Commission and said that he was not sure how the discretion has been applied before and would want it to go before the Plan Commission but he is not in favor of staff approving Variations.

Trustee Halevi said she was in support of sending this to the Plan Commission and have this looked at and work from there.

Mr. Hammel presented the table with unclear bulk table references to avoid confusion. Mr. Hammel stated that there are not policy directions requested but rather that there is a confusing note in the table that needs to be cleaned up.

Trustee Klatzco was in support of staff's recommendation.

Trustee Sargon agreed with staff's recommendation.

Trustee Nickell said that she had no issue with the recommendation.

Trustee Patel said that he was in support of the recommendation.

Trustee Cope said that he was in support of the recommendation.

Trustee Halevi stated that she was in support of the recommendation.

Mr. Hammel presented the topic of reverse slope garages and stated that he found approximately 90 garages that would be covered on this topic. Mr. Hammel continued that this was an issue presented by the Village Engineer and that the presence of reverse sloped garages creates concerns for the area from an engineering and stormwater management perspective. Mr. Hammel stated that it would be staff's recommendation to prohibit reverse slope garages in the future.

Mr. Hammel presented the policy questions being requested upon:

- Are there certain locations in the Village or circumstances where reverse-slope garages are appropriate in order to offset other design challenges?
- If so, what other design or engineering solutions can be required to reduce the likelihood of negative impacts?
- Should larger projects, such as multi-family development, be permitted to have reverse-slope garages based on the assumption that they may be able to implement and maintain more advanced engineering solutions?

- If so, is there a minimum threshold for the size of a project that could utilize reverse-slope garages?

Mayor Bass stated that he was in support making such prohibitions.

Trustee Nickell stated that she would be in support of saying that the Village “discourages” tuck under garages as there are still opportunities to capture water and address concerns related to water.

Trustee Klatzco said that as a homeowner of a tuck under garage he was in support of prohibiting it in town and that the amount of rainstorms have gotten bigger and there is no reason to have them going forward with those in place being legal non-conforming.

Trustee Sargon stated that she was in support of prohibiting reverse slope garages and that if there is a unique circumstances they should look at it but in general should prohibit.

Trustee Nickell said that if someone can install a water vault or some other mechanism then we should say discourage instead of prohibit.

Trustee Patel stated that he is familiar with some homes that have tuck under garages and supports homeowner rights and as the Village utilizes street storage for water and tuck under garages presents issues with water storage on the street.

Trustee Patel said that he would be in support of the Plan Commission looking at the definition of sub-grade parking as part of the process.

Trustee Cope said that downward slope garages are commonly used for larger complexes but said he would not in support of prohibiting them but would instead be looking at tuck under garages as being considered as a special use and through that Hearing Process there would be engineering to backup any recommendations.

Trustee Halevi stated that she was in support of staff’s recommendation to prohibit reverse slope garages and said that with global warming there is a greater impact on residents who have reverse slope garages and feels bad for anyone who has this in their home.

Mayor Bass stated that the consensus in a 4-2 breakdown was to support prohibition of tuck under garages.

Public Forum

None

Adjournment

At 7:40 P.M. Trustee Sargon made a motion to adjourn the Meeting of the Committee of the Whole, seconded by Trustee Klatzco.

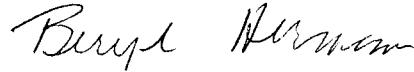
Upon roll call the results were:

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

Nays: None

Meeting Adjourned.

Respectfully Submitted,

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

Beryl Herman
Village Clerk