

**Board of Trustees Meeting
Village of Kenilworth, Illinois
April 14, 2008**

The regular meeting of the Board of Trustees of the Village of Kenilworth, Illinois in the Village Hall was called to order by Village President T. Tolbert Chisum at 7:37 pm on April 14, 2008. Village Clerk Robert A. Hastings called the roll, as follows:

Present:	T. Tolbert Chisum	President
	Jacquelynn Bossu	Trustee
	James Hughes	Trustee
	Cristy Laier	Trustee
	Robert Smietana	Trustee
	Thomas Terrill	Trustee
	Katie Dold White	Trustee

Absent: None

A quorum was present.

Others Recorded as in Attendance:

<i>Village Officials and Staff</i>	Bradly J. Burke	Manager, Deputy Clerk
	Barbara Adams	Legal Counsel
	Richard Cooper	Treasurer
	John Petersen	Chief of Police
	Ignazio Fiorentino	Superintendent of Public Works
	Kevin Zeoli	Superintendent of Water and Electricity
	Tim Neubeck	Intern

<i>Signed in using Village Addresses</i>	Patrick Arbor	140 Kenilworth Avenue
	Kathleen Barnett	626 Wayland Avenue
	Carrie Callegari	523 Abbotsford Road
	Kristin Casas	234 Warwick Road
	Ray Drexler	111 Kenilworth Avenue
	Robert Foley	240 Kenilworth Avenue
	William Folland	304 Melrose Avenue
	Jane Fraleigh	244 Cumnor Road
	William Holland	342 Sterling Road
	Cary Johnson	722 Roger Avenue
	Kelli Kobor	620 Abbotsford Road
	Roy Leonard	412 Cumnor Road
	Sheila Leonard	412 Cumnor Road
	John Mangel	205 Melrose Avenue
	Robert Mathias	414 Essex Road
	Henry Mawicke	381 Sterling Road
	Rose McGowan	324 Cumnor Road
	William McLeod	420 Brier Street
	Richard Nicolaides	240 Essex Road
	Rachel Noel	141 Kenilworth Avenue
	John Roberts	521 Kenilworth Avenue
	Fred Steingraber	615 Warwick Road
	Katy Sutter	333 Richmond Road
	Grace Terrill	122 Woodstock Avenue

Elicia Tippens
Antoinette Vigilante
Chris Williams

532 Kenilworth Avenue
140 Kenilworth Avenue
228 Raleigh Road

Signed in as *None*
Non-residents

President Chisum announced the meeting was being video-recorded. Any resident wishing to speak may request his/her remarks not be recorded.

Approval of Minutes

a. Approval of the draft *Minutes of the March 3, 2008 Committee of the Whole Meeting on Finance* was requested by President Chisum.

Trustee White requested the addition of “, just as it has the ability to sell water to neighbors” at the end of the paragraph beginning “Several people pointed out ...” on page 4. Trustee Laier requested the addition of “and New Trier High School” after “Kenilworth Club” and “all at once” after “deferred and done” in the paragraph beginning “Trustee Laier said the recent requests” on page 4.

There being no further requests, Trustee Hughes moved approval of the minutes as amended, seconded by Trustee Smietana, and ***the Amended Minutes of the March 3, 2008 Committee of the Whole Meeting on Finance were approved by voice vote without dissent.***

b. Approval of the *draft Minutes of the March 10, 2008, Board of Trustees Meeting* was requested by President Chisum. Trustee Smietana moved approval of the minutes as presented, seconded by Trustee Hughes, and ***the Minutes of the March 10, 2008 Board of Trustees Meeting were approved by voice vote without dissent.***

Action Items

a. Approval of the *Raffle Request for the Joseph Sears School Parent Volunteer Association for Saturday, May 17, 2008.*

Manager Burke indicated the Joseph Sears School Parent Volunteer Association (JSSPVA) has requested to hold a raffle as part of their annual fund raising event. Trustee White moved approval, Trustee Hughes seconded, and the ***Raffle Request for the Joseph Sears School Parent Volunteer Association for Saturday, May 17, 2008 was approved by voice vote without dissent.***

b. Consideration of an *Ordinance Authorizing the Sale of Surplus Property.*

Police Chief Petersen stated with the expected delivery in the next week of the new patrol vehicle previously approved, it is desirable to sell the 2004 Ford Crown Victoria which is being retired from the fleet. Chief Petersen noted, in addition, the sale of two older light bars which have not been in use for two years is recommended. The next auction of surplus items by the Northwest Municipal Conference is scheduled for Saturday, May 3, and approval for the sale is requested.

Trustee White moved *Approval of the Proposed Ordinance Authorizing the Sale of Surplus Property*, Trustee Terrill seconded, and a roll call vote was taken.

For: Bossu, Hughes, Laier, Smietana, Terrill, White
Opposed: None
Abstain: None

Clerk Hastings announced the **vote to Approve Ordinance No. 993 Authorizing the Sale of Surplus Property was six for and none opposed.** President Chisum declared the motion passed.

c. *Review and Authorize Payment of March, 2008 Accounts Payable in the amount of \$338,873.56.*

Trustee Terrill stated he had reviewed the bills and found them all in order. Included in the total are larger bills from Morrow Brothers Ford for the new police vehicle of \$23,332.00, Sawvell Tree Service for annual tree trimming of \$20,000.00, Terra Engineering for sewer lining of \$156,964.45 for sewer lining, and 8 escrow refunds totaling \$16,732.38.

Trustee Terrill moved to *Authorize Payment of the March, 2008 Accounts Payable*, Trustee Hughes seconded, and a roll call vote was taken.

For:	Terrill, Hughes, Bossu, Laier, Smietana, White
Opposed:	None
Abstain:	None

Clerk Hastings announced the **vote to Authorize Payment of \$338,873.56 in March, 2008 Accounts Payable was six for and none opposed.** President Chisum declared the motion passed.

Committee Reports

Community Affairs – Cristy Laier, Chair

Trustee Laier said the Village consultants' work on the proposed National Register Historic District Nomination is progressing. The consultants are drafting the statement of significance, completing the historic resource survey, and planning to develop the map which will identify contributing and non-contributing structures. At the Community Affairs meeting held prior to tonight's Village Board meeting, the minutes of the January 23, 2008 Public Forum were approved and will be posted on the Village website. Trustee Laier stated at their meeting, the Community Affairs Committee members discussed the progress of the nomination process, the joint Village and Sears School Board committee work, and the next informational letter to the community.

Trustee Laier then again provided a review of the National Register process, noting information is available on the Village website, including various past meeting minutes, copies of letters sent previously to residents, and Village Newsletter articles. The National Register was established in 1966 and many historic areas in the United States are listed. They include large districts in Evanston, Wilmette, and Lake Forest. Community Affairs continues to address questions that have been raised, and another letter to be sent to residents is planned for later this month.

Trustee Laier noted questions have been raised concerning the effect a National Register District listing may have on residents wishing to pursue possible changes to their property. She said being in a National Register Historic District requires no review or approval for changes property owners want to make, even demolition.

A question also was asked whether a structure would be considered historic if it had undergone major changes to the back of the structure. Trustee Laier said the proposed historic district is really looking at community character, and the focus is on what may be seen from the public way. There is an understanding structures may be changed over time, and updating and other changes are often necessary to maintain and improve historic structures.

Trustee Laier mentioned another question received concerns eminent domain. While many public entities have eminent domain powers, there are limitations on its use, and recent legislation and

the National Register listing also provide some protection against its use. In addition, the size of the Village budget and staff, and the value of properties in the Village, make it unlikely eminent domain would be used in Kenilworth. During the Comprehensive Planning process the Village stated it has no intention of using its eminent domain powers.

Trustee Laier stated there seems to be some confusion about the difference between a National Register historic district and a local historic district. She pointed out the option of applying for a potentially restrictive local historical district status has been thoroughly reviewed since 2004 and rejected, formerly by the Ad Hoc Committee, and more recently by the Community Affairs Committee and the Village Board. Trustee Laier noted the Village Board has routinely returned to a National Register District as a way to respond to resident desires to see the Village recognize community character without imposing restrictions on property owners. Trustee Laier noted there are no funds in the current or proposed budgets or the 10 year capital and special project plan for the Village to pursue a local historic district because the National Register process was considered more appropriate for the Village by all groups which have studied the alternatives.

Counsel Adams briefly reviewed eminent domain law, including recent changes that make it more difficult for municipalities to use. Counsel Adams noted the Village has always had authority to acquire property via eminent domain proceedings or by negotiation for historic or cultural purposes. Counsel Adams noted each eminent domain proceeding a municipality may undertake is evaluated on its own merits and on a property by property basis.

Trustee White noted it was not the intent of the Village to widen or increase its eminent domain authority via a National Register District nomination. Trustee Terrill concurred, noting the Village's eminent domain powers would not be increased by National Register recognition.

President Chisum added the Village's legal counsel would be providing a formal response to the legal questions raised regarding use of eminent domain, as well as other issues related to the National Register District nomination.

Building, Planning and Zoning – Jackie Bossu, Chair

Trustee Bossu reported there were fewer permits issued in March, but year-to-date permit activity is still ahead of last year. March permits had a total cost of improvements of \$385,129.00, resulting in permit fees of \$9,628.24.

Water and Electricity – Robert Smietana, Chair (Plan Commission)

Trustee Smietana reported finished water pumped into the distribution system in March, 2008 was just under 9 million gallons, or an average of 290,000 gallons per day, almost the same as the 293,000 in March of 2007.

The Water and Electricity Committee meeting was deferred pending the Village Manager's report so that a discussion can be held on whether to propose proceeding with the replacement of water meters. Manager Burke said he expected the report to be completed before the next meeting.

Streets, Drainage and Public Works – James Hughes, Chair

Trustee Hughes briefly summarized the memo prepared by Superintendent Fiorentino. Sawvell Tree Service has completed the 2007-8 annual trimming program, which included much of the work not completed on last year's tree trimming program because the focus was on storm damage recovery. Snow removal equipment is being checked and repaired by the Public Works crew after the wear and tear of the severe winter weather.

Planting of 23 trees in addition to the 19 Elms carried over from the fall 2007 planting program is planned for the coming spring months. The additional trees are being funded by a part of the funds

donated for replacement. Trustee Laier requested the next Newsletter remind residents to water new parkway trees regularly, as some have expired in the past due to lack of water.

Trustee Hughes reported a tree on Ashland Avenue is the first tree in Kenilworth to be identified with Emerald Ash Borer infestation. The Department of Agriculture was notified and confirmed the identification. President Chisum asked how it was proposed to proceed. Manager Burke responded the plan is to take down infested trees as they are identified, but no trees will be taken down in the May to September period when the borers are active and it might lead to spread of the disease.

Trustee Hughes said the Committee has two issues to be discussed – the continuing review of parkway plantings, and recycling, regarding which the committee will need to speak with our contractor, Perrin Brothers.

Police and Fire - Katie Dold White, Chair (Newsletter)

Trustee White reviewed in detail Chief Petersen's report covering March, 2008 police activity. There were 616 calls for service, with no Part I crimes but 10 Part II offenses including 2 each Criminal Damage and Criminal Trespass, 1 Deceptive Practice, 1 Disorderly Conduct, and 4 Illegal Use/Possession of Alcohol. Officers also made 3 arrests for traffic related misdemeanors. In addition, the police responded to 13 Fire and Ambulance calls, 13 Burglar Alarms, 7 Construction Complaints, 14 Animal Complaints, 2 Domestic Troubles, 1 Missing Person Located and Aided Outside Agencies on 8 occasions. Patrol officers investigated 11 Suspicious Persons/Circumstances incidents and a response was made to a Non-Injury Traffic Crash.

In response to a question regarding the 7 construction complaints, Chief Petersen described the types of complaints typically received. They include appropriate hours of work, appropriate fencing and maintenance of the site, location of equipment and noise.

Chief Petersen noted resident inquiries have been received concerning the lack of a handicapped accessible parking space immediately adjacent to the Village Hall/Stuart Memorial Building. He recommended a Police and Fire Committee meeting be scheduled to receive public comment and discuss staff recommendations, such as use of the most southerly angular parking space in front of Village Hall.

Chief Petersen said Officer Jason Kalinowski recently reported he has applied for employment with another police department to fulfill a personal desire to work in a community offering more opportunity and a greater diversity of criminal activity. Officer Kalinowski has not tendered a resignation, but he has received a conditional offer of employment. He therefore notified Chief Petersen, showing an understanding of the impact a vacancy would have on the Village's police staff. Chief Petersen reviewed the process by which the police department selects candidates for vacancies based on an eligibility list. Remaining candidates on the current list will be considered if a resignation is received prior to May 1, after which there will be a new list of eligible candidates available.

Trustee White noted the new E911 and administrative telephone systems are installed and operational. The terms of the contract require final payment upon acceptance, so an Emergency Telephone Systems Board meeting will be scheduled to confirm acceptance and authorize the payment. The cost of both projects was paid through the E911 account, so the Village's portion of the expense will be identified for reimbursement prior to the end of this fiscal year.

The second full week of April, this year April 13-19, has been designated by Congress as National Public Safety Telecommunications Week. The purpose is to honor the men and women who answer emergency calls, dispatch emergency personnel and equipment, and render life-saving

assistance. Anyone who passes by the police department desk during the week is encouraged to express a word of appreciation to communications officers Donald Washon, Carol Kennedy-Edelstein, and Thomas Pozniak for their hard work, dedication and professionalism.

Finance – Thomas Terrill, Chair

Trustee Terrill indicated he had nothing further to add.

Village President – T. Tolbert Chisum

President Chisum said the many community residents who knew Susan Hoopes continue to grieve her untimely loss. He noted she had served as a valuable member of the Plan Commission, and her contributions will be missed. President Chisum stated his intent to formally recognize Susan's contributions to the Village at a future meeting. Manager Burke added the Village had sent flowers.

President Chisum stated he was accepting suggestions of individual residents to be considered for nomination to fill the vacancy on the Plan Commission.

President Chisum reported prior to the February meeting, the Village Board had received a petition with 65 to 70 signatures from residents requesting a question regarding the National Register Nomination be placed on an upcoming ballot. President Chisum expressed his opinion it is appropriate for the Village Board to vote on whether or not to have such a question placed on the ballot, and asked for a motion accordingly.

A question was raised whether it was appropriate for the Board to vote on the topic of a ballot question, since it was not listed on the meeting agenda. Attorney Adams responded an item concerning a possible ballot question is not on the agenda for tonight, and a topic must be listed on the agenda if the Board is to take final action. However, the Board can discuss the topic and decide whether to direct staff and legal counsel to prepare the appropriate ordinance or resolution documents for consideration at a future meeting without the topic being formally listed.

Trustee Terrill stated the procedure for establishing a National Register District includes a voting process. He noted the results received from a ballot question are not necessarily binding on the Village Board, whereas the 30 day objection period provided in the nomination process is binding.

Trustee Laier indicated she did not recall the Village President stating an intent to have a vote on whether or not to hold a referendum, and agreed the National Register process is a binding process as opposed to a ballot question. Trustee Laier queried how the Village Board would respond to the results of an advisory ballot question should that option be pursued, and thought it likely it would be less contentious to have a definitive decision based on property owners' responses.

Trustee Smietana expressed his opinion it appears the Board is deliberating about which process is more representative and suggested it might be prudent for the Village to pursue both a ballot question and the objection process built into the National Register procedure. A further discussion of the National Register objection process and ballot question followed.

Treasurer Cooper expressed his opinion the National Register District nomination procedures appear biased if 51% of property owners must object.

Trustee Hughes expressed his opinion that if the Village pursues a ballot question, the Village would be further delaying the submission of the National Register District Nomination. Trustee White expressed her opinion there does not appear to be a required time-frame involved in submitting a nomination, so the Village could submit the nomination this year, next year, or some other future date.

Trustee Bossu noted the process built into the nomination procedures gives every property owner the right to vote and express an objection to the creation of a National Register District. If the Village decides to put a question on the ballot, there will be a number of voters who provide input on the proposed district who do not own property in the community, while a number of people who live and own property in the Village are not registered to vote here. Trustee Bossu noted agreeing to a ballot question would only delay the process another 6 or 7 months, and expressed her opinion she sees a lot of negatives in dragging the process out longer. Trustee Bossu noted the Village Board makes important decisions all the time that, unlike a non-regulatory National Register listing, directly impact residents and the Board does not delay making each decision by submitting the question to a ballot.

Trustee Smietana noted when he was elected he told the public it was his intent to listen to all views on all issues and asked what is wrong with letting the voters be heard on this matter. Trustee Laier observed, for example, a ballot question would not allow any non-resident business property owners on Green Bay Road to vote. She added this has been a long public process providing for extensive community discussion and input already, as in addition to the earlier Ad Hoc meetings, the Historic District nomination proposal was placed before the Board two years ago, and the Request for Proposal for consultant assistance was approved unanimously by the Board and sent out last summer.

A discussion on the advisability of accepting a delay in submitting the Historic District nomination by submitting the question to ballot followed. The extensive time the matter has been under discussion and the additional staff time and expense which would be incurred were noted.

President Chisum reminded everyone residents have a right to submit a petition to place a question on the ballot, and if this is properly done the Village Board will have to do so. President Chisum explained his purpose behind raising this discussion was to get a sense of the Village Board on the topic of a ballot question.

Trustee White again questioned why the Village Board should feel the need to rush the process and expressed her opinion if the community is asking to provide input, the Board should let them vote.

Trustee Laier said the process has not been rushed, noting the topic of the National Register District nomination has been discussed by the Community Affairs Committee at length, there have been committee meetings, community forums and Newsletter articles as noted previously, and the built-in procedures include a binding vote by property owners. Trustee Laier expressed her opinion keeping with the National Register nomination process will save the Village time and money, noting the National Register process has been used extensively by other communities along the North Shore. A fact sheet to answer all of the questions being asked is planned for the proposed Public Forum on May 27.

Following a further discussion of the petitions submitted requesting a ballot question, and the National Register Nomination process, President Chisum stated his intent to place the topic of the National Register District nomination on the agenda for the May meeting. Resident Kathy Barnett suggested the Board's continued discussion of this matter can send a confusing message to the public, and urged the Board to vote tonight. Resident Robert Foley noted preservation has been

the single dominant topic in the Village since he moved in seven years ago, and expressed his opinion to not put this issue on a ballot would be unconscionable.

Resident Bill Holland expressed his opinion the petition requesting a referendum question originated from a group opposed to anything that might protect community character and urged the Village Board to move forward and not delay the nomination process. Resident Kristin Casas expressed her opinion there still is a lot of confusion and uncertainty about the timing of various steps in the process.

Resident Kelli Kobor made reference to an initiative regarding Townley Field being considered by the Kenilworth Park District and the Park Board's commitment to not take final action on the project without the questions being posed to residents via ballot. It was mentioned the petition for a ballot question was submitted by a small group of residents identified as the Homeowner's for Kenilworth. Resident Kobor noted Homeowners for Kenilworth no longer exists as an organization.

Village Treasurer – Richard Cooper
Treasurer Cooper indicated he had nothing to add.

Village Legal Counsel – Barbara A. Adams
Counsel Adams said she had no further report.

Village Manager – Bradly Burke
Manager Burke mentioned the Kenilworth Beautification Committee's upcoming plant sale on Saturday, May 10; the receipt of a confirming letter confirming the Emerald Ash Borer finding; that Winnetka is increasing its charges for life support/ambulance service, and an Eagle Scout project to mark the locations of the approximately 450 Village catch basins is under consideration.

Trustee Smietana moved to *Adjourn into Executive Session for the Purpose of Evaluation and Compensation of an Employee Pursuant to Section 2(c)(1) of the Open Meetings Act*, seconded by Trustee White, and a roll call vote was taken.

For:	Smietana, White, Bossu, Hughes, Laier, Terrill
Opposed:	None
Abstain:	None

Clerk Hastings announced the ***vote to Adjourn into Executive Session for the Purpose of Evaluation and Compensation of an Employee Pursuant to Section 2(c)(1) of the Open Meetings Act, was six for and none opposed.*** President Chisum declared the motion passed and the Board adjourned into closed Executive Session at 9:18 pm.

The Board returned to regular open session at 11:12 pm.

Trustee Smietana moved to adjourn the meeting, Trustee White seconded, and the meeting was concluded by voice vote without dissent at 11:15 pm.

Respectfully submitted,

Robert A. Hastings
Clerk

Bradly J. Burke
Deputy Clerk

BOARD COMMITTEE COMPOSITION

BUILDING, PLANNING & ZONING: Trustee Jacquelynn Bossu, Chair; Trustees Hughes & Smietana

COMMUNITY AFFAIRS: Trustee Cristy Laier, Chair; Trustees Terrill & White

FINANCE: Trustee Thomas Terrill, Chair; Trustees Laier & White

POLICE & FIRE: Trustee Katherine White, Chair; Trustees Smietana & Terrill

STREETS, DRAINAGE & PUBLIC WORKS: Trustee James Hughes, Chair; Trustees Bossu & Laier

WATER & ELECTRICITY: Trustee Robert Smietana, Chair; Trustees Bossu & Hughes