

**MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF KENILWORTH, ILLINOIS
HELD AT THE VILLAGE HALL, 419 RICHMOND ROAD
AT 7:30 PM ON MONDAY, JUNE 13, 2005**

The regular meeting of the Board of Trustees of the Village of Kenilworth, Illinois was held at 7:30 pm on Monday, June 13, 2005 at the Village Hall. Clerk Robert A. Hastings called the roll, as follows:

Present	T. Tolbert Chisum Jacquelynn Bossu Cristy Laier W. John McGinnis Craig A. Miller Katie Dold White James D. Wilson	President Trustee Trustee Trustee Trustee Trustee Trustee
Absent	NONE	

<i>Other Village Officials and Staff Present</i>	Peter Dyson Max Slankard Barbara A. Adams John Petersen Ben Mercieri	Treasurer Manager Legal Counsel Chief of Police Water Superintendent
<i>Village Residents Present</i>	Patricia Babb Curtis Barnett Kathleen Barnett Jack Barriger Paul Hayward William Holland Louanne Holland Cindy Ilg Robert Ilg Heidi Mangel John Mangel Hester McCarthy John Roberts Carol Schulz Bill Sethness Don Stephani Gwen Sommers Yant	349 Ridge Road 626 Wayland Avenue 626 Wayland Avenue 155 Melrose Avenue 414 Essex Road 342 Sterling Road 342 Sterling Road 156 Oxford Road 156 Oxford Road 205 Melrose Avenue 205 Melrose Avenue 336 Leicester Road 521 Kenilworth Avenue 84 Robsart Road 546 Melrose Avenue 538 Melrose Avenue 706 Cummings Avenue
<i>Others Present</i>	Mr. & Mrs. Robert Dold Sue Laue	71 Warwick Road, Winnetka Chicago Tribune

Approval of Minutes of May 9, 2005 Meeting The minutes of the May 9, 2005 meeting were presented for review and approval. Trustee Wilson moved their approval and Trustee McGinnis seconded. Trustee McGinnis noted that he was absent at the last meeting and could not have moved the motion on page 7. Trustee Wilson indicated he had seconded, and amended his motion to reflect approval as amended. Trustee McGinnis amended his second accordingly. Upon voice vote, *the minutes were unanimously approved as corrected.*

Building, Planning and Zoning Committee James D. Wilson, Chair

Trustee Wilson discussed draft **Ordinance No. 936 Amending Article V of the Zoning Ordinance, 1969, as Amended, Regarding Building Height and Side Yard Requirements** (copy attached). He described the process by which the ordinance had been developed, and the difficulties in securing accurate information which had been experienced by Teska and Associates, consultant to the Village, that prevented the committee from making additional dimensional recommendations. However, the committee will continue to review the other dimensional standards with the intent to address them in the near future.

There followed considerable discussion and clarification of various aspects of the proposed ordinance. Trustee Bossu noted that even with a 28 foot height limitation a "2-1/2 story" home can be built that contains livable space on the third floor. She noted that the committee had arrived at the various proposed heights using a "high norm" concept developed by Teska, defined as the mean height of the houses in the area plus one standard deviation. She showed pictures to try to provide a visual understanding of the proposed changes, stating that the sideyard setback increase, though important to maintain a certain degree of green space, will have little or no impact on altering the size and width of new homes currently being built.. Trustee Miller noted that the slope from the sidewalk to the base of the house differs on various streets and among individual houses. Trustee Wilson clarified that the consultant's measurements are from the base of the house, whereas the Village counts half of the slope into its height calculations. Trustee Bossu countered that the Village's Building Department coordinator, Susan Criezis, stated at the June 7th public hearing that it was not necessary to calculate the slope as a factor in determining the height in the R-2 East area.

Trustee Miller indicated that he opposed the "sandwich" concept that would allow a shorter home between two that were taller to build up to the lower of the two, because it treated the situation differently than with a taller single neighboring house.

Particular attention was paid to the R2 East area, for which Teska had just provided revised data after re-calculating Oxford, Abingdon, Tudor and Robsart. Trustee Bossu suggested that the height in this area be limited to 32 feet in light of the revised data, as now proposed by the consultant. She also noted that while there was a concern about creating non-conformity of existing houses, other villages had created non-conformities considerably higher than will be the case with the proposals.

Resident Roberts noted that lots in R1 generally are 100 by 175 feet, whereas in R2 they are generally 80 by 150 feet, suggesting that a lower height in R2 would be appropriate. Mr. Roberts then asked for confirmation that the consultant from Teska Associates had recommended a height of 32 feet for the R-2 East area to be consistent with the "high norm" concept. Trustee Bossu confirmed that yes, the consultant had recommended the height be lowered to 32 feet in the R-2 East area. Resident Holland suggested that the Board go with the high norm concept and adopt a height limit of 32 feet, since it seemed to be close to being right, rather than delay. Trustee Wilson indicated that there was discussion at the public hearing of going to 34 or 33 feet. He had no problem with taking this particular area back to the Committee for further consideration, but felt an obligation to vote on the current proposals. Resident Stephani noted that the maximum height of homes had been set at 35 feet for all of the Village in the 1920s. Nevertheless homes of varying heights had been built. In the various meetings to discuss the proposed changes no health or safety issues had been raised about that height, and each (in his opinion) property owner had a right to build to that height. He felt that the proposed height of 28 feet for his area therefore would remove 7 feet of his property rights.

Resident Kathleen Barnett indicated that she agreed with the proposed height limits. To get a feel for the change made by higher new construction she suggested looking at Lindenwood Lane in Winnetka, 1 block north of Hibbard Road. Trustee Laier noted that the homes in R2 East are more consistent because of the short development time for the area. Trustee Bossu noted that Lake Forest has a 30 foot height for homes on lots up to 18,000 square feet, and 35 feet for those of

18,000 to 40,000 square feet, and their concept is that the landscape should generally be dominant over the building

Trustee Wilson moved approval of ordinance 936 and Trustee Miller seconded. Legal Counsel Adams noted that a technical correction needed to be made in Section 3, Minimum Yard Requirements, in the first paragraph to state that “and it is hereby, amended so that the District Chart portion of said Section 5.6 ...” Trustee McGinnis stated that the data is not perfect, and the Building, Planning and Zoning committee will need to adjudicate some things in committee. He personally does not like some things like the R1 setback requirement. However, the Board should approve the ordinance and ask Building, Planning and Zoning to work out any problems.

Trustee Miller then moved to amend the height limit in R2 East to 34 feet. Trustee Wilson accepted the proposed amendment.

Trustee Miller then moved to remove the sandwich provision. Lacking acceptance or a second, the motion failed.

A roll call vote then was taken on the proposed ordinance, as corrected and amended.

Aye	Wilson, Miller, Bossu, Laier, McGinnis, White
Naye	NONE
Abstain	NONE

President Chisum declared the motion carried 6 to 0 and *Ordinance 936 was approved as corrected and amended.*

Trustee Wilson then brought forward draft **Ordinance No. 937 Amending the Official Zoning Map of the Village of Kenilworth and Rezoning Certain Properties from the R-1 Residence District to the R-4 Residence District** (copy attached). He noted that the building and lot size characteristics were inconsistent with the R-1 Residence District and had usually been considered to be similar to those in R-4. After a brief discussion Trustee Wilson moved approval of Ordinance 937 and Trustee McGinnis seconded.

A roll call vote then was taken on the proposed ordinance.

Aye	Wilson, McGinnis, Bossu, Laier, Miller, White
Naye	NONE
Abstain	NONE

President Chisum declared the motion carried 6 to 0 and *Ordinance 937 was approved.*

Trustee Wilson noted that the number of building permits issued in the month of May and their value seemed to be down considerably in comparison to prior years. The committee will look into this and report at the next meeting.

Community Affairs W. John McGinnis, Chair

Trustee McGinnis presented the Ad Hoc Committee Recommendations Regarding Trees, a copy of which is attached. He noted that the regulation of tree removal through a permitting process is intended to protect, preserve, and provide for the replacement of trees of 8 inches in diameter, whether on private, public or park property. Of particular concern are certain designated large “landmark/heritage trees”, but provision also is made for removal of sick, diseased or dying trees, those affecting the structural integrity of buildings or driveways, or other situations such as nuisance trees. He also noted that in cases where there is a conflict between a tree and a structure, the structure generally will be favored. Trustee McGinnis then moved that the recommendation be

advanced to the Building Planning and Zoning committee for ordinance consideration. Trustee Miller seconded, and the *motion regarding trees was unanimously approved by voice vote.*

Trustee McGinnis then discussed **Resolution R2005-06 to Extend the Term of Office of the Ad Hoc Committee by Nine Months**, (copy attached). The intention is to permit sufficient time for the committee to complete the work assigned to them, on the schedule indicated. In addition, the proposal suggests that the Plan Commission undertake parallel development of a comprehensive plan for the commercial areas, and that a subcommittee of the Ad Hoc committee and the Plan Commission be formed to meld the residential and commercial plans into a single entity. Further, the Ad Hoc Committee recommends that the Vision Statement (copy also attached) that was developed to guide in the development of the comprehensive plan be adopted by the Trustees to guide both efforts. Trustee McGinnis moved approval of the resolution, amended to include the Vision Statement, and Trustee Wilson seconded.

A roll call vote then was taken on the proposed Resolution.

Aye	McGinnis, Wilson, Bossu, Laier, Miller, White
Naye	NONE
Abstain	NONE

President Chisum declared the motion carried 6 to 0 and *Resolution R2005-06 as amended was approved.*

Trustee McGinnis noted that the Community Affairs Committee had met on May 24 and discussed a number of issues. These included Village Staff and Clerk Hastings working on a proposal for improving the website, the antennas on the water tower, Garden Club liaison, communication with the Park District regarding their responsibilities such as for maintenance of Mahoney Park and landscaping of the Village generally, SBC licensing, and recycling.

Trustee Bossu asked about the ongoing composition of the Ad Hoc Committee and Community Affairs Committee representation on it. Trustee Miller explained how the logic of who should be on the committee had worked previously. President Chisum stated that he would finalize the composition shortly.

Finance Craig A. Miller, Chair

Trustee Miller reviewed the **Payables for May**, noting the significant items of expense for the month. He made a motion to approve payment of invoices in the amount of \$158,522.99. Trustee Wilson seconded the motion, and a roll call vote then was taken.

Aye	Miller, Wilson, Bossu, Laier, McGinnis, White
Naye	NONE
Abstain	NONE

President Chisum declared the motion carried 6 to 0 and the *May Payables were approved.*

Trustee Miller then explained the need to approve **Ordinance #938 An Ordinance Making Appropriations for the Corporate Fund and Other Purposes of the Village of Kenilworth , Cook County, Illinois, for the Fiscal Year Commencing May 1, 2005 and Ending April 30, 2006** (copy attached). These funds are to provide for the budget for 2006, including several small contingencies.

Trustee Miller moved the approval of the ordinance and Trustee White seconded. A roll call vote was taken on the proposed Ordinance.

Aye	Miller, White, Bossu, Laier, McGinnis, Wilson
Naye	NONE
Abstain	NONE

President Chisum declared the motion carried 6 to 0 and *Ordinance 938 was approved.*

Trustee Miller then explained that approval was needed on **Ordinance #939 An Ordinance Abating the Tax Heretofore Levied for the Year 2004 to Pay the Debt Service on \$5,000,000 General Obligation Bonds (Alternate Revenue Source), Series 2002, of the Village of Kenilworth, Cook County, Illinois** (copy attached). Trustee Miler noted that this was the alternate revenue bond for the recent water plant improvements. Sufficient monies are in hand from water and utility tax revenues to make the necessary payments, and this ordinance abates the tax levied as a backup to those revenue sources.

Trustee Miller moved and Trustee McGinnis seconded the motion that said ordinance as presented be adopted.

After a full discussion thereof, the President directed that the roll be called for a vote upon the motion to adopt said ordinance. Upon the roll being called, the Trustees voted.

Aye	Miller, McGinnis, Bossu, Laier, White, Wilson
Naye	NONE
Abstain	NONE

Whereupon the President declared the motion carried 6 to 0 and said *Ordinance 939 adopted*, approved and signed, and directed the Village Clerk to record the same in the records of the President and Board of Trustees of the Village of Kenilworth, Cook County, Illinois, which was done.

Trustee Miller indicated that he hopes to have a meeting of the committee in July to review the budget, particularly the possible effect of the reduced permit fees and other possible variances. He also noted the intent to retain the temporary financial assistance while a part-time “government finance director” or person with similar experience is sought.

Police and Fire – Katie Dold White, Chair

Trustee White noted that the police department’s open house during the Kenilworth Memorial Day celebration, as well as their participation in the parades that day, at Sears graduation, and in the Torch Run, had all been well received.

The proposed approval of parking regulation changes in the 200 block of Raleigh Road is being deferred and will be considered in a public committee meeting, along any other proposed changes.

Water and Electricity – Jackie Bossu, Chair

Trustee Bossu noted that contrary to recent experience water usage the past month was at an all time high. If this experience continues the Village will be out of deficit on projected water revenue.

Trustee Bossu also noted that resident Pat Martin had reported three electrical outages during nearby construction. In meetings with ComEd, Com Ed representatives indicated they believed the problem was fixed, but that if there are further outages ComEd will replace the cable in question at their expense.

Streets, Drainage and Public Works – Cristy Laier, Chair

Trustee Laier noted that the Board had approved \$115,000 at the last meeting for repaving of certain streets, based on the engineering estimate of \$102,000 plus contingency. However, the low bid came in at \$130,951.15. She explained that the increase appears to be due to the increased cost of oil products generally and the small size of this project.

Trustee Laier then moved approval of **Resolution 2005-07 Appropriating Additional Funds for Maintenance of Streets and Highways** (copy attached) under the Illinois Highway Code (MFT funding of Road Projects) for the balance needed for the contract (\$30,000). Trustee McGinnis seconded.

A roll call vote was taken on the proposed Resolution.

Aye	Miller, McGinnis, Bossu, Laier, White, Wilson
Naye	NONE
Abstain	NONE

President Chisum declared the motion carried 6 to 0 and *Resolution R2005-07 was approved.*

Trustee Laier then moved to approve a **Contract with low bidder Peter Baker and Son Company of Lake Bluff, Illinois for street repaving, in the amount of \$130,951.15.** Trustee McGinnis seconded.

A roll call vote was taken on the proposed Contract.

Aye	Miller, McGinnis, Bossu, Laier, White, Wilson
Naye	NONE
Abstain	NONE

President Chisum declared the motion carried 6 to 0 and the *repaving contract approved.*

In response to a question, Trustee Laier and Village Manager Slankard noted that the street repaving project is expected to begin about July 1 and take approximately 17 working days to complete.

Trustee Laier explained that the Village is required to certify annually the prevailing wages in the area under the Illinois "Prevailing Wage Act". She then moved approval of **Ordinance #940 An Ordinance Determining the Prevailing Rate of Wages in the Village of Kenilworth** (copy attached). Trustee Bossu seconded and a roll call vote was taken on the proposed Ordinance.

Aye	Laier, Bossu, McGinnis, Miller, White, Wilson
Naye	NONE
Abstain	NONE

President Chisum declared the motion carried 6 to 0 and *Ordinance 940 was approved.*

Trustee Laier indicated that she and the staff would be driving around the Village to determine where there were situations that should be addressed in the future. It was particularly noted that the sidewalk in front of Helen's Cleaners on Park Drive should be looked at.

Village Treasurer – Peter Dyson

Treasurer Dyson noted that the auditing firm of Selden Fox Ltd. had submitted a more detailed proposal for this year, including making a change to having Treasurer Dyson and Manager Slankard have management oversight of the audit. In response to a question by Trustee Wilson Treasurer Dyson answered that the fee has increased about \$3,500 as a result of implementing GASB 34, but otherwise the increase is modest, and he recommended approval of their proposal, in a total amount of \$16,400.

Trustee McGinnis moved **Approval of the Audit Engagement with Selden Fox Ltd.** as outlined in their letter of May 17, 2005 (copy attached). Trustee Laier seconded and a roll call vote was taken.

Aye	McGinnis, Laier, Bossu, Miller, White, Wilson
Naye	NONE
Abstain	NONE

President Chisum declared the motion carried 6 to 0 and the *auditor engagement approved*.

Treasurer Dyson noted that at present the President of the Board of Trustees and the Treasurer are the two approved signatories on the Village bank accounts. A third person could be added, although it should not be the Village Manager, in order to maintain a proper separation of responsibilities. Trustee Wilson moved **approval of President Chisum, Treasurer Dyson and Trustee Miller as signatories on the Village's bank accounts**, Trustee McGinnis seconded, and the *motion regarding signatories was passed by unanimous voice vote*.

Village Legal Counsel – Barbara A. Adams

Counsel Adams reported that the Village had been sued regarding the approval of demolition of 512 Roslyn Road. At the hearing with Judge Quinn it was his decision that there was no basis for allowing a temporary restraining order. There has been no further action by either the plaintiffs or their legal counsel. If the matter remains quiet for another several months counsel Adams will act to have it legally closed.

Counsel Adams also noted that changes to the Affordable Housing bill (SB966) had been passed. The amendments generally fell into 5 categories.

1. Village zoning authority has been expanded to assist compliance.
2. The definition of what counts in developing the percentage of compliance has been clarified. A "project" shall include more than one home, and home replacements will not count.
3. Community Land Trusts may be created to raise funds.
4. Intergovernmental agreements may be made with other communities within a 10 mile radius to jointly comply.
5. Activation of the Appeal Board has been delayed to 2008, and hearings to 2009, and there likely will be further clarification before implementation.

Village Manager – Max Slankard

Manager Slankard reported that the Chicago Area Transportation Study has provided notification that the rules regarding the blowing of train horns at grade crossings will go into effect on June 24. Kenilworth will remain silent.

Village President – T. Tolbert Chisum

President Chisum submitted his proposed **appointments to Village Boards and Commissions** (copy attached) for approval. Trustee Bossu supported the addition of Robert Smietana to the Plan commission, but wondered why Trustee Laier was replaced in light of her interest and extensive work in this area. President Chisum indicated that he was the current Chairman of the Plan Commission, and he proposes to appoint Mr. Smietana as chairman. Trustee Laier asked whether Smietana would remain on the Ad Hoc Committee, and noted that planning for the Green Bay area should involve coordination with the Streets, Drainage and Public Works Committee, which she chairs. She also suggested that Ad Hoc be represented on the Plan Commission for coordination of planning. Resident Holland noted that of the members of the Plan Commission only one is a woman, and wondered whether the commission might be expanded to make it more balanced. In the ensuing discussion other suggestions and questions from residents included support for continuing Trustee Laier on the commission, and an inquiry as to whether additional Trustees are prohibited from serving. President Chisum indicated his intent was to get more Village involvement on the commission, that he appreciated the reminder of the limited female representation, and he would take the various comments into effect in making any further changes.

On motion of Trustee Wilson, seconded by Trustee Miller, a voice vote was taken and *the proposed board and commission appointments were approved, with Trustees Bossu and Laier dissenting.*

President Chisum reported that he and Manager Slankard had attended a June 3 meeting of North Shore communities hosted by Highland Park to discuss creation of a group to work together regarding issues involving Lake Michigan. The Village has been requested to approve participation in such a collaborative, through approval of **A Resolution to Establish the North Shore Lake Michigan Initiative** (copy attached). Following discussion, Trustee Wilson moved approval of the resolution, Trustee Laier seconded, and the *North Shore Lake Michigan Initiative resolution was approved by unanimous voice vote.*

In response to a question regarding the status, it was noted that participation in the Northwest Municipal Conference would come before the board in its July meeting.

Resident Holland asked if microphones might be added to facilitate hearing by residents attending the meetings. President Chisum indicated that was a good idea, and name signs also are under consideration. Resident Mangel asked if a listing of members of all Village committees could be posted at Village Hall.

Resident Holland also asked if Ad Hoc might consider sub-committees to help move things along more quickly. It was noted that several members of the committee already were working on specific issues, and that Trustee Laier similarly might be a good person to assign to the coordination between Ad Hoc and the Plan Commission.

Having concluded the open board meeting, Trustee Miller moved that the board go into executive session to consider certain personnel matters and pending litigation. The motion was seconded by Trustee White, and a roll call vote was taken.

Aye	Bossu, Laier, McGinnis, Miller, White, Wilson
Naye	NONE
Abstain	NONE

President Chisum declared the motion carried 6 to 0 and the *Board adjourned into executive session.*

Following the executive session Trustee McGinnis moved and Trustee Wilson seconded a motion to adjourn the executive session and the board meeting. *The motion to end the executive session and the board meeting was unanimously approved by voice vote* and the meeting adjourned at 10:25 pm.

Respectfully submitted,

Robert A. Hastings
Clerk

Max Slankard
Deputy Clerk

COMMITTEE COMPOSITION

FINANCE: Craig A. Miller, Chair; Trustees Laier & White
COMMUNITY AFFAIRS: W. John McGinnis, Chair; Trustees Laier & Miller
STREETS, DRAINAGE & PUBLIC WORKS: Cristy Laier, Chair; Trustees McGinnis & White
WATER & ELECTRICITY: Jacquelynn Bossu, Chair; Trustees McGinnis & Wilson
BUILDING, PLANNING & ZONING: James D. Wilson, Chair; Trustees Bossu & Miller
POLICE & FIRE: Katie Dold White, Chair; Trustees Bossu & Wilson