

**Board of Trustees Meeting
Village of Kenilworth, Illinois
Kenilworth Village House
Monday, December 11, 2006**

The regular meeting of the Board of Trustees of the Village of Kenilworth, Illinois on Monday, December 11, 2006, was called to order in the Kenilworth Village House by Village President T. Tolbert Chisum at 7:08 pm. Village Clerk Robert A. Hastings called the roll, as follows:

Present:	T. Tolbert Chisum	President
	Jacquelynn Bossu	Trustee
	Cristy Laier	Trustee
	Craig A. Miller	Trustee
	Robert Smietana	Trustee
	John Vitt	Trustee
	Katie Dold White	Trustee

Absent: None

Village Officials and Staff Recorded as in Attendance:

Bradly J. Burke	Manager, Deputy Clerk
Barbara Adams	Legal Counsel
Richard Cooper	Treasurer

Trustee Miller moved the meeting be adjourned to Executive Session for the purpose of discussing matters pertaining to personnel and probable or imminent litigation at 7:09 pm, seconded by Trustee White. A roll call vote was taken.

For:	Bossu, Laier, Miller, Smietana, Vitt, White
Opposed:	None
Abstain:	None

Clerk Hastings announced the motion was passed without dissent. President Chisum declared the meeting adjourned to Executive Session.

At 7:35 pm the Board adjourned from Executive Session.

Others Recorded as in Attendance at the Regular Session:

<i>Village Officials and Staff</i>	John Petersen	Superintendent of Police
	Kevin Zeoli	Superintendent, Water and Electricity
	William Burns	Police Officer
	David Miller	Police Officer

<i>In Attendance, Using a Village Address</i>	Kathleen Barnett	626 Wayland Avenue
	Sharon Busby	621 Abbotsford Road
	April Callahan	416 Cumnor Road
	John F. Callahan	416 Cumnor Road
	Thomas Feeney	307 Ridge Avenue
	Cameel Halim	533 Roslyn Road

Nefrette Halim	533 Roslyn Road
William Holland	342 Sterling Road
Susan Hoopes	538 Exmoor Road
James Hughes	538 Kenilworth Avenue
Kelli Kobor	620 Abbotsford Road
Mohan Rao	615 Abbotsford Road
Mary Remien	542 Kenilworth Avenue
Richard Schumacher	616 Abbotsford Road
Thomas Terrill	122 Woodstock Avenue
Albert Tippens	532 Kenilworth Avenue
Robert R. Yohannon	550 Greenwood Avenue

<i>In Attendance, Signed In as a Non-resident</i>	Daniel Creaney, P.E.	Daniel Creaney Company
	Donald R. Fielding, P.E.	Greengard, Inc.
	Richard F. Friedman	Neil & LeRoy, LLC
	Chip Hackley	Representing 517 Greenwood applicants
	Douglas Paulus	Hampton Lenzini and Renwick Village Engineering Consultant
	David M. Schrauth	Stevens & Schrauth, P.C., Attorney for Petitioner at 517 Greenwood Avenue

Proclamations and Recognition

President Chisum called on Trustee White to present a commendation. Trustee White stated it is a real pleasure to recognize the wonderful employees of the Village. She said Police Chief Petersen has prepared a commendation letter for Officer William Burns acknowledging his exemplary performance in relation to a criminal forgery investigation, and called on Chief Petersen to present it. Chief Petersen noted Officer Burns is a forensic specialist, having completed several courses in that area. He then read the letter of commendation for Officer Burns covering his performance in Case 06031, a loss of approximately \$10,000 resulting from the criminal actions of the son of a caregiver. Officer Burns efforts led to the identification of the person who had committed the crime and his location after fleeing the state, and the offender's return and the obtaining of a confession and guilty plea. President Chisum said the Board and Village are very appreciative of such fine work, and those in attendance gave Officer Burns a long round of applause.

Approval of Meeting Minutes

President Chisum asked for the minutes of the *October 30, 2006 Committee of the Whole Public Hearing*, the *November 13, 2006 Village Board Meeting*, and the *November 15, 2006 Committee of the Whole Meeting on Finance* to be presented for approval.

Trustee Bossu requested the following changes in the October 30 Committee of the Whole Public Hearing:

- On page 6, in the 2nd paragraph substitute the specific language in the Ordinance for the definition of the rear lot line.
- On page 8, in the first paragraph and the subsequent paragraph on the vote, add “, lot line rear” after the parenthetical.

Trustee Smietana then moved approval of the amended minutes, Trustee Laier seconded, and a voice vote was taken. Clerk Hastings reported ***the amended minutes of the October 30, 2006 Committee of the Whole Public Hearing were approved without dissent.***

Opposed: None
Abstain: None

Clerk Hastings announced the **vote to approve Resolution 2006-13 approving the renewal of the Fires Services Agreement with the Village of Winnetka for the period April 1, 2007 through March 31, 2012 was six for and none opposed.** President Chisum declared the motion passed.

b. Proposed Ordinance No. 969 Amending the Kenilworth Zoning Ordinance, 1969, As Amended, Regarding Lot Lines and Zoning Credits.

President Chisum initiated discussion of proposed Ordinance No. 969 by summarizing the background and reason for the proposal. Counsel Adams referred to a minor modification of the ordinance was made this morning and shown in the version distributed to the Trustees at the meeting. The change is to include the definition of through lots inadvertently omitted in editing the earlier draft.

Trustee White asked whether there were remaining constitutional issues. Manager Burke said Counsel had not been asked to research that question. Counsel Adams said the claim as she understood it was in regard to the use of a date for differentiation of applicability. In her opinion a date alone without other factors could be a possible issue. However, since there are other rational reasons for the choice of the date, such as the nature of the houses, the nature of the features, along with the use of the specific date on which the floor area regulations were established, she does not think it poses an issue. Counsel Adams added there is a separate policy issue about whether to consider similar credits for new houses. Many communities have used a combination of feature(s) and date.

Trustee White said the challenge in her mind was the lack of addressing all older homes. Trustee Bossu said she does not see this proposal as a piecemeal approach. The older houses for which relief is proposed have exterior features that are not considered livable space. Whether to add other credits for older homes generally is a question that can be addressed, but needs further study.

Trustee Miller said he would again voice for the record his feeling the proposal should apply to all houses.

Trustee Smietana clarified he had voted against this proposal at the last meeting, but only because he thought more discussion might be helpful. However, he feels all of the issues, such as inefficient space in older houses, are not going to be solved in one piece of legislation. Trustee Laier added she agreed with Trustee Smietana, and property owners can go to the Zoning Board of Appeals to request a variation if there are clear issues regarding interior space.

Trustee Bossu expressed a concern that without approval of this proposal, there would be a continuing incentive for property owners to remove the features or tear down the house altogether.

Trustee Vitt said he agreed with some of what both Smietana and Miller had presented. He personally feels newer homes also should be considered for the zoning credits.

Trustee White *moved to send proposed Ordinance #969 back to committee for additional research, seconded by Trustee Miller.*

Trustee Laier said she did not see a reason for not going ahead with the present proposal, as relief for the specified features is needed now. Director of Community Development Susan Criezis has stated these features are causing the most requests for variances now. Trustee Laier said Building, Planning and Zoning Committee (BPZ) could be instructed to address the other issues. Trustee Bossu pointed out the motion at the Public Hearing was to send this proposal to the Board, and refer the other issues to BPZ. Trustee White said a part of her concern was to clarify and simplify the language in the ordinance as much as possible.

Trustee Smietana said what he is hearing is others saying "me, too". He feels it is desirable to address the specific features in the proposal now, and have BPZ take up the other issues. Treasurer Cooper said he thinks it is better to cover all of the issues together. Trustee Smietana replied zoning ordinances change regularly, so there is no need to hold up the present relief, which has been thoroughly studied.

A roll call vote was taken on the motion to send proposed Ordinance #969 back to committee for additional research.

For:	White, Miller
Opposed:	Bossu, Laier, Smietana, Vitt
Abstain:	None

Clerk Hastings announced the ***vote to send proposed Ordinance #969 back to committee for additional research regarding such factors as large hallways and dining rooms often included in older houses, was two for and four opposed.*** President Chisum declared the motion failed.

Trustee Smietana moved approval of proposed Ordinance No. 969 Regarding Lot Lines and Zoning Credits as presented. Trustee Laier seconded

Trustee White raised a question regarding the second definition of floor area presented in the proposed ordinance. Counsel Adams stated it was simpler to have two definitions, and Trustee Bossu added that is how the BPZ Committee discussed it. Trustee White said she would like it simplified and consistent. Counsel Adams expressed concern about altering a defined term.

Trustee Vitt asked whether under Trustee Smietana's motion having the language specifically defined might make it apply to houses built after 1990. Trustee Smietana said his intent was to leave it to apply only to houses built before the 1990 date.

Counsel Adams said if a change was desired she needed specific language. Trustee Bossu suggested inserting "except single family dwellings" after the phrase "and any other building" to respond to this concern, and asked if that would be acceptable. Counsel Adams said it would be. *Trustees Smietana and Laier as mover and seconder accepted the modified language.*

Trustee White raised an additional question regarding a reference to porte cocheres. Trustee Bossu noted the intent was to avoid double counting of the area under port cocheres. Trustee Laier added a reason for not having the credits apply to newer houses was to avoid having them added where they would not be appropriate. This may be a question to be considered along with possible design review.

A roll call vote was taken on the motion to approve proposed Ordinance No. 969 Regarding Lot Lines and Zoning Credits as presented and amended.

For:	Smietana, Laier, Bossu, Vitt
Opposed:	Miller, White
Abstain:	None

Clerk Hastings announced the **vote on Proposed Ordinance # 969, as presented and Amended, Amending the Kenilworth Zoning Ordinance, 1969, as Amended, Regarding Lot Lines and Zoning Credits was four for and two opposed.** President Chisum declared the motion passed.

c. Proposed Resolution Approving the Final Plat of Subdivision for 517 Greenwood Avenue Resubdivision.

President Chisum noted that a question had been raised regarding a possible conflict of interest on his part with respect to this item. He read a statement indicating while a bank in the group he works for had made a loan on the property, he did not think there was a conflict, particularly as he had not had any involvement with the approval of the loan. Nevertheless, he wished to recuse himself from the discussion in order to avoid any appearance of impropriety. President Chisum then left the room.

Trustee Vitt moved to appoint Trustee Miller, as the senior member of the Board, to act as president pro tem in the absence of the President, seconded by Trustee White. A voice vote was taken and the motion carried without dissent.

Trustee Miller commended President Chisum for his effort to avoid any appearance of impropriety. He expressed a desire for a summary of the issue to be presented, rather than repeating all of the Plan Commission meeting testimony.

Attorney David Schrauth introduced himself as representing petitioner for the 517 Greenwood resubdivision. He said the owners had worked to address the concerns of the Village, and Don Fielding, a professional engineer hired by the owners, would address the questions in the letter written by Daniel Creaney and concerns raised by others regarding the drainage engineering for the property.

Engineer Fielding indicated two studies have been made relative to the water issues. Retention for the site was proposed so that even with more impervious surface area the existing storm water situation would be improved. In making the calculations the current Metropolitan Water Reclamation District (MWRD) criteria had been used, although it is only required for sites of ten acres or more and this site is less than one acre. A topographic study was made of the surrounding area, which indicated about half of the block drains through the property. The proposed swales and retention will detain runoff from storms up to those considered to be in the "100 year flood" level, and slow the release rate into the Greenwood Avenue storm sewer.

Engineer Fielding believes the majority of communities in Cook County follow the MWRD criteria. A 3 inch restrictor is proposed, and with more restrictive criteria an even smaller restrictor would be needed. The retention pipe proposed is 42 inches in diameter, and was sized based on the MWRD criteria. Additional swales are proposed to provide for above ground storage in an extreme storm. The underground retention capacity is about 1,800 cubic feet, and the total onsite storage capacity close to 4,000 cubic feet.

Attorney Richard Friedman, speaking on behalf of the neighbors, noted the Bulletin 70 larger potential rainfall data did not appear to have been used in the calculations. A number of

communities in the area are asking for the Bulletin 70 levels to be used in determining adequate retention.

Trustee Bossu raised a question regarding whether the 3 inch restrictor opening could be reduced. Engineer Fielding said the MWRD is concerned smaller openings are likely to clog regularly. The design should restrict clogging, and the property owner is responsible for unplugging the restrictor outlet and should be able to do so if proper access points are provided. Trustee Miller indicated the intent was to provide a covenant in the agreement to require the property owner to maintain the restrictor opening.

Trustee White asked how communities that do not use the current MWRD standards proceed. Attorney Schrauth noted "alleviation" of storm water management issues for the whole area is not the obligation of the property owner, only an acceptable engineering solution that does not add to the problem.

Village engineering consultant Doug Paulus was asked to comment. He indicated some problems were found in the initial proposal. The Village and property owners went back and forth 3-4 times, and he is now comfortable the solution will not contribute to the existing water problem

Attorney Friedman said there is a real question regarding the adequacy of the drainage, particularly if Bulletin 70 is considered. In addition there are other issues such as the integrity of the process. President Chisum has done the right thing in disclosing his relationship and recusing himself, but the community needs to understand the issue. Attorney Friedman expressed the opinion because Northbrook Bank put their signature on the papers, the process is infected and the board should not approve this request. If the attorneys have different opinions, the courts may have to decide. Also, there was a large debate about setbacks, and the developer agreed to make the setback 25 feet as a side yard setback, but that wording would permit outlying buildings in the setback.

Engineer Creaney, representing the neighbors to 517 Greenwood Avenue, expressed concern about the amount of the release rate and the detention. The current MWRD criteria are 35 years old. There is now better data on the amount of likely rainfall, and the numbers are 25% higher. He suggested following the pattern of neighboring communities in using the newer rainfall estimates, as in his opinion a 100 year rain will add to the flooding. Cook County is considering changing to the newer data, and Northbrook, Glenview and Northfield already are using it. That means an increase of about a third is needed in the retention. In addition, the retention is only calculated for the newly created lot, not the existing one, and it is not uncommon to require retention based on all of the lots in a subdivision.

Engineer Creaney went on to say most communities inadequately consider the potential impact of allowable later increases in impervious surfaces in the area. In his estimation, the developer could provide adequate retention for both lots at a cost of about \$60,000. Even if the present proposal is accepted, he suggests a larger structure to make it easier to access and maintain the restrictor, as it is near the bottom of the pipe and almost six feet underground.

Trustee Smietana asked how communities usually go about deciding to adopt standards. Engineer Creaney said they usually decide and spell out the desired criteria. Village Engineering Consultant Paulus said most use the MWRD standard by default. Trustee Smietana asked if Kenilworth uses the MWRD standard. Paulus said this is the first time there has been a Kenilworth subdivision with this issue, but he has used the MWRD standards in other communities in Cook County.

Trustee Bossu asked for clarification regarding the issue of putting buildings in the side yard setback. Trustee Miller said a covenant restricting such building has been accepted. Trustee Bossu also asked about the question of providing for retention for the existing and adjacent lots. Engineer Fielding responded the added retention provided by the swales is for that purpose.

Resident Yohannon indicated he lived on the opposite side of Greenwood, and flooding has been experienced on both sides in recent storms. He urged the Board to turn down the proposed resubdivision, or at a minimum increase the retention. In his estimation the conflict of interest also provides a reason to turn the proposal down.

Trustee Miller asked Counsel Adams to comment on the issues raised. She noted a 25 foot side yard is shown on the latest plat submitted, along with a restrictive covenant regarding any buildings. Trustee Miller read the covenant. Trustee Smietana wondered if that meant nothing could be built within 13 feet, rather than 25 feet. Trustee Laier asked about the potential for a garage within the setback area. Counsel Adams noted the setback, as depicted on the Plat, would not permit any accessory structure to be constructed within the setback area, and clarified that buildings do not appear on certain drawings per the code and state law.

Counsel Adams described the potential conflict of interest as a regulatory situation, not a contractual one. As a matter of statute the issue is whether the conflict is sufficiently ascertainable, or a direct conflict. She cited a City of Geneva case, in which the court held the potential conflict was not sufficient to uphold the complaint. In Attorney Adams' reading, President Chisum's situation is one more step removed, so she does not believe it rises to a conflict of interest.

Trustee Miller asked if the Village could put retention in the street to help alleviate the current flooding. Village Engineering Consultant Paulus said it is considerably less expensive to add it to virgin ground unless you are rebuilding the entire road.

Engineer Creaney said his review showed the retention only covered the new lot. He made two different calculations, one including the Bulletin 70 standards, and it showed inadequate retention. Engineer Fielding stated his calculations showed with 50% impervious covering of the new lot, the swales should contain all the volume based on the MWRD standards.

Engineer Creaney again suggested a larger clean-out structure 4 feet in diameter, rather than 2, as well as other design improvements. He feels the proposed 3 inch restrictor will allow about three times the amount of water that MWRD standards allow. If the proper restrictor is used, the retention needed would be about 1.5 times the amount calculated, and if Bulletin 70 standards were used, the retention needed would about double. If the latter standards also are applied to the existing lot, the retention needed would increase by about 4 times. Also, the swales might not be retained by a future owner, reducing the retention. Trustee Miller said retention of the swales also was to be covered in the covenants.

Resident Tippens said when the original development occurred the vacant space was left for retention of storm water through ponding. He feels the Village should not be insensitive to the neighbors, and study the water problem in the whole area.

Resident Nefrette Halim asked what happens if the neighbors increase their impervious to the maximum. Will the retention in the proposed design provide for this? Resident Tippens said he lives directly behind the property, so this is important to him. Engineer Fielding stated the plan as proposed will improve the drainage on the adjacent lots.

Resident Hughes asked about the permanency of the intended covenants. Trustee Smietana said they are recorded on the Plat of Subdivision, and stay with the property. Counsel Adams added any change would require approval of both lots of the subdivision and the Village. Resident Holland asked for an expansion on the explanation. Trustee Miller said the Village can enter the property to cure anything not in conformity with the recorded covenants and restrictions.

There were further comments and discussion in which the engineers repeated their various positions. Trustee Bossu said she felt the higher Bulletin 70 standards should be applied, since a variation is being sought. Trustee Miller stated with the swales the retention seems to be adequate under the existing Bulletin 70 criteria. Engineer Creaney said a smaller restrictor of 2 inches would achieve acceptable MWRD release levels. Trustee Miller expressed the opinion the central question is whether anything would be made worse.

Engineer Creaney said he thinks the proper question is whether the developer has met current standards. Attorney Schrauth said the only question should be whether the standards of the Plat Act are satisfied. Since the Village's engineering consultant says the MWRD standards were used, even though they are not required, Trustee Miller's opinion is correct. Attorney Friedman said the burden should be on the developer to show the proposed plan will not make the situation worse.

Counsel Adams reminded the Board a variance had previously been granted with the tentative plat approval, so the question is whether the proposal meets all of the standards.

Trustee Smietana said he would like to amend the proposal to require the control manhole be increased to at least a 3 foot diameter. Attorney Adams said if he wishes to make a motion, she would suggest section 2 of the proposed resolution be modified to state "subject to increasing the size of the control manhole to a diameter of 3 feet". Also, a December 7 date should be substituted. Trustee Smietana said he would so move, seconded by Trustee Vitt.

Trustee Bossu said she would like to request the applicant to test the impact of using the Bulletin 70 standards in order to satisfy the neighbors. Attorney Adams said the question is whether the application meets reasonable engineering standards.

A roll call vote was taken regarding *approval of Resolution 2006-14 approving the Final Plat of Subdivision for 517 Greenwood Avenue Resubdivision, amended to include "subject to increasing the size of the control manhole to a diameter of 3 feet", and substituting a December 7 date.*

For:	Smietana, Vitt, Miller, White
Opposed:	Laier
Abstain:	Bossu

Clerk Hastings announced the ***vote on approval of Resolution 2006-14 approving the Final Plat of Subdivision for 517 Greenwood Avenue Resubdivision, amended to include "subject to increasing the size of the control manhole to a diameter of 3 feet", and substituting a December 7 date, was four for, one opposed, and one abstaining.*** Trustee Miller declared the motion passed.

President Chisum was asked to return, and resumed the chair.

d. Consideration of an Appeal of the Village Manager's Decision Regarding Waiver of the Tree Replacement Requirement – Fee in Lieu of Replacement (615 Abbotsford Road).

Resident Dr. Mohan Rao appeared to discuss the appeal. He described his background and that of his wife, Ms. Maria Yen, who he said has worked as an urban planner. Resident Rao and his wife believe the tree in question presents a sufficient safety hazard the proposed replacement fee of \$16,900 should be waived. He described five considerations he believes to be important to the decision.

1. The driveway is shared with a neighbor and the tree is near the garage and in the line of entry or removal of an auto in the right hand position in the garage, so that auto cannot be removed without first removing the left hand auto.
2. Backing out onto the street so close to Sears School poses a potential safety hazard.
3. The tree is on the side where his vision is 20/200, or legally blind, rather than the side of his 20/20 eye.
4. It would be desirable to be able to turn such that exit from the driveway can be made in the forward direction.
5. Because it is a narrow lot, alternatives of providing a turnaround there would take most of the grass area, requiring the couple's children to play in the front yard.

Trustee Vitt asked if the garage was in the current position, or the applicant's eye-sight impaired, when the house was acquired. Resident Rao said the tree and the garage were in their current location, and his vision was impaired at the time he purchased the home just over a year ago. However, the tree ordinance was not in effect at that time, and in retrospect he should have cut the tree down prior to the passage of the ordinance. Trustee Vitt asked if the previous owner had two cars. Resident Rao said he was not sure.

Trustee Smietana said this appears to be a monetary issue, as the Rao's desire to take the tree down. Trustee Laier added the Village's forester looked at the tree and said it probably is about 200 years old and would have a value of about \$40,000.

Trustee Miller asked about the meaning of a note on the background memo. Manager Burke clarified it means there is not sufficient room on the property for enough trees to offset removal of such a large tree, so a payment in lieu of planting replacement trees likely will be required unless the appeal is approved.

Resident Rao indicated he does not believe the tree enhances the value of the property. Trustee Vitt said most residents value mature trees. Trustee Bossu said she had personally visited the property to see the situation firsthand. She spoke with Ms. Yen, who said she thought there were alternatives, but they did not want to add more asphalt in the back yard. Trustee Bossu added she had pulled up to the garage and was able to back out easily without hitting the tree. She added a small apron might permit a turnaround, and such a large tree absorbs considerable water, so the tree may help with moisture absorption in an area where there is considerable impervious coverage.

Resident Rao stated the green space in the back yard is only about the equivalent of two garages, so they are reluctant to cover over any more of it with impervious surface. Trustee Bossu added that she called the former owners and they said they drove a large Suburban and were able to back out.

Resident Sharon Busby said she is the neighbor to the north. She asked if trees could be planted elsewhere in the Village as an offset. The tree is where the eye stops when looking in that direction. Manager Burke explained how the ordinance provides for replacement on the property,

or if not the monetary charge is used to plant replacement trees. Trustee Smietana added the money goes into a fund to be used to plant trees elsewhere in the Village on public property.

Resident Schumacher stated he lives across the street and no one would like to see the tree come down. However, he thinks the ordinance did not consider a situation such as this with a narrow shared drive. Resident Busby said she agrees backing out on Abbotsford Road presents a safety issue. Trustee Bossu said she would like to focus on whether there is a solution to permit driving out in the forward direction. She would like to ask the Village Arborist to look at alternatives.

Trustee Vitt asked what number would be acceptable to settle the question. Resident Rao said the right number is zero, because this is a unique situation.

President Chisum said it appeared the decision should be delayed so options can be evaluated. Manager Burke asked what questions he should ask of the arborist. Trustee Smietana said every effort should be made to save the tree. Trustee Miller said the ordinance provided for application of good horticultural practice.

The consensus of the Board was to defer a decision.

Trustee Laier was excused from the meeting.

e. Consideration of Resolution 2006-15 Authorizing the Execution of the Cook County Mobile Video and Data Communications Network Participation Agreement and First Amendment.

Trustee Miller moved approval of Resolution 2006-15, seconded by Trustee White, and a roll call vote was taken.

For:	Miller, White, Bossu, Smietana, Vitt
Opposed:	None
Abstain:	None

Clerk Hastings announced the ***vote on approval of Resolution 2006-15 Authorizing the Execution of the Cook County Mobile Video and Data Communications Network Participation Agreement and First Amendment was five for and none opposed.*** President Chisum declared the motion passed.

f. Consideration of Resolution 2006-16 Approving the Purchase of One Dodge Durango at a Cost Not to Exceed \$22,097.

Trustee White noted the Police Department's fiscal year 2007 approved budget included \$23,500 for replacement of one vehicle. A bid process has been held, and it is proposed to accept the low bid from Thomas Dodge of Orland Park in the amount of \$22,097.

Trustee Miller noted the Durango is one of the four worst environmental cars. Police Chief Petersen said green standards had not been applied in the past, and they are not getting a package which may impact on the performance. He estimated the alternate vehicles are \$7-10,000 more costly. Treasurer Cooper asked about the Escape hybrid as an alternative. Chief Peterson explained the department needs space in the cabin for equipment, which has a high electric draw, and similar issues make such a small vehicle impractical. Trustee Bossu asked if 4 wheel drive is important. Chief Petersen said that capability is needed in the winter when the vehicle needs to be in service before plowing is accomplished. Trustee Miller suggested looking at the Tahoe. It was agreed the police department would include green considerations in future vehicle evaluations.

Trustee White moved *approval of Resolution 2006-16 authorizing the Purchase One Dodge Durango from Thomas Dodge of Orland Park at a Cost Not to Exceed \$22,097*, Trustee Vitt seconded, and a roll call vote was taken.

For: White, Vitt, Bossu, Smietana
Opposed: None
Abstain: Miller

Clerk Hastings announced the ***vote on approval of Resolution 2006-16 authorizing the purchase One Dodge Durango from Thomas Dodge of Orland Park at a Cost Not to Exceed \$22,097 was four for, none opposed, and one abstaining.*** President Chisum declared the motion passed.

g. Consideration of Ordinance #970 for the Levy, Assessment and Collection of Taxes for the Village of Kenilworth, Cook County, Illinois for the Fiscal Year Commencing on the first Day of May, 2006, and Ending on the Thirtieth Day of April, 2007.

Trustee Miller provided a brief summary of why a formal approval to levy, assess and collect the taxes is required, following which he moved approval of Ordinance #970. Trustee Smietana seconded, and a roll call vote was taken.

For: Miller, Smietana, Bossu, Vitt, White
Opposed: None
Abstain: None

Clerk Hastings announced the ***vote on approval of Ordinance #970 for the Levy, Assessment and Collection of Taxes for the Village of Kenilworth, Cook County, Illinois for the Fiscal Year Commencing on the first Day of May, 2006, and Ending on the Thirtieth Day of April, 2007 was five for and none opposed.*** President Chisum declared the motion passed.

h. Consideration of Resolution R2006-17 Regarding Limiting the Additional Tax Levy Extension for Loss and Cost to Two Percent.

Following a brief summary as to why the resolution was needed to fulfill legal requirements, Trustee Miller moved approval of Resolution R2006-17. Trustee Smietana seconded, and a roll call vote was taken.

For: Miller, Smietana, Bossu, Vitt, White
Opposed: None
Abstain: None

Clerk Hastings announced the ***vote on approval of Resolution R2006-17 Regarding Limiting the Additional Tax Levy Extension for Loss and Cost to Two Percent was five for and none opposed.*** President Chisum declared the motion passed.

i. Consideration of Resolution Authorizing a Levy for Street and Bridge Purposes in the Amount of 0.10%.

Trustee Miller moved approval of Resolution R2006-18, seconded by Trustee Smietana. Trustee Bossu asked for an explanation why a separate resolution was required. Counsel Adams responded it is required by state law. A roll call vote was taken.

For: Miller, Smietana, Bossu, Vitt, White

Opposed: None
Abstain: None

Clerk Hastings announced the **vote on approval of Resolution R2006-18 Authorizing a Levy for Street and Bridge Purposes in the Amount of 0.10% was five for and none opposed.** President Chisum declared the motion passed.

j. Consideration of Resolution R2006-19 Approving the Village of Kenilworth Financial Policy. Trustee Miller moved approval of Resolution R2006-19, which had been discussed in previous finance and committee of the whole sessions. Trustee Vitt seconded the motion. Trustee White noted the policy should be regularly updated. A roll call vote was taken.

For: Miller, Vitt, Bossu, Smietana, White
Opposed: None
Abstain: None

Clerk Hastings announced the **vote on approval of Resolution R2006-19 Approving the Village of Kenilworth Financial Policy was five for and none opposed.** President Chisum declared the motion passed.

k. Review and Approval of November Bills.

Trustee Miller noted two wire transfers for bond payments already were made in November. One was to Harris Bank in the amount of \$431,268.75 for repayment of the Series 2005 bond. The other was to JP Morgan Chase in the amount of \$166,020.27 for principal and interest on the Series 2006B bond.

Bills proposed for approval at this meeting amount to \$192,241.16. Holland and Knight's legal services for the month of October totaled \$11,461.05, covering basic legal services in the amount of \$4,974.45, zoning code issues in the amount of \$3,355.00, and subdivision issues in the amount of \$3,131.60. Holland and Knight's billed legal services for November totaled \$12,877.72, covering basic legal services in the amount of \$6,335.03, zoning code issues in the amount of \$5,195.19, and subdivision issues in the amount of \$1,347.50. Other November bills include partial payment to Concrete Express for sidewalk replacement of \$14,197.19, and several other items of less than \$5,000.00. In addition, twenty-one refunds of escrow funds total \$38,879.50.

Trustee Vitt asked if credit was received for an earlier error on the part of Village Counsel in preparing draft ordinance language. Manager Burke said further work was done and the credit used to offset those billings. Counsel Adams said the Holland and Knight billings covered public hearing related time, and zoning code interpretation and subdivision issues. Manager Burke referred the Board to the financial report, which shows on page 3 the significant amounts spent this year on specialized legal support for BPZ and the Plan Commission, as well as for committee and commission general support as shown on page 4.

There being no further questions Trustee Miller moved *Approval of the November Bills*, seconded by Trustee White, and a roll call vote was taken.

For: Miller, White, Bossu, Smietana, Vitt
Opposed: None
Abstain: None

Clerk Hastings announced the **vote on Approval of the November Bills was five for and none opposed**. President Chisum declared the motion passed.

l. Consideration of 2007 Meeting Schedule.

Manager Burke described the proposed schedule of Board meetings for calendar 2007. All the proposed meeting dates are the second Monday of the month, except for the second Tuesday in October to avoid the Columbus Day holiday. He also noted the April 9 date is immediately following Easter and may need to be reconsidered.

Trustee Miller moved to approve the dates as presented, seconded by Trustee White. **The motion setting the 2007 meeting dates was passed by voice vote without dissent.**

m. Consideration of Holiday Bonuses.

Trustee White moved the approval of modest holiday bonuses, seconded by Trustee Smietana. The amounts proposed are in keeping with the budget and recent practice. A roll call vote was taken.

For:	White, Smietana, Bossu, Miller, Vitt
Opposed:	None
Abstain:	None

Clerk Hastings announced the **vote on Approval of Holiday Bonuses was five for and none opposed**. President Chisum declared the motion passed.

Committee Reports

Building, Planning and Zoning – Jackie Bossu, Chair

Trustee Bossu reported 26 permits were issued in November covering improvements of \$1,943,885.69, an increase from the corresponding month in 2005 of over \$1.5 million. This raises year-to-date permit improvement cost to \$12,103,712.91.

Manager Burke said adjustments are being made to the permit report to reflect a fiscal year reporting period rather than the calendar year. Trustee Vitt said he would like to see a couple of past years year-to-date numbers on the report.

Community Affairs – John Vitt, Chair (also Ad Hoc)

Trustee Vitt reported the committee will review plans for the next educational forum at its next meeting.

Finance – Craig A. Miller, Chair

Trustee Miller said preparations are continuing for the upcoming committee of the whole meeting of the Finance Committee. He noted a copy of Wilmette's ordinance pertaining to reduced vehicle sticker fees for "green" vehicles will be provided to Board members.

The Finance Committee also will meet as a committee of the whole on January 10 and March 7 to wrap up financial planning activities for this fiscal year.

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

November police activity was reviewed by Trustee White. The Police Department responded to 427 calls for service, with 5 Part I offenses, 1 residential burglary and 4 thefts under \$300. Seven Part II crimes were reported, including 4 criminal trespass, 1 disorderly conduct, 1 narcotics

offense, and 1 illegal possession/use of alcohol incident. Two arrests were made for driving under the influence, and 5 arrests were made for other traffic related offenses.

The police also responded to 21 fire and ambulance calls, 20 burglar alarms, 6 construction complaints, 19 animal complaints and aided outside agencies on 4 occasions. Also, 12 suspicious persons investigations were conducted, and responses were made to 5 non-injury traffic crashes.

In response to a question regarding the status of the burglary investigation, Chief Petersen said it has not yet been solved.

Trustee White mentioned a Crime Prevention Alert was recently distributed to the community via fliers, a cable TV message, posting on the website, and an email to remind residents to take basic security measures. It was stimulated by two recent crimes in Kenilworth, the burglary mentioned above which occurred in late November, and an early December automobile theft.

Streets, Drainage and Public Works – Cristy Laier, Chair
No report.

Water and Electricity – Robert Smietana, Chair (Plan Commission)
Trustee Smietana reported November daily average pumpage of 293,000 gallons, just slightly down from 298,000 gallons in November 2005.

Village Treasurer – Richard Cooper
The Finance Committee report covered financial matters satisfactorily, said Treasurer Cooper.

Village Legal Counsel – Barbara A. Adams
Counsel Adams reported Manager Burke and Community Development Director Criezis attended the special meeting on zoning and land issues her firm of Holland and Knight presented on November 15.

Village Manager – Brad Burke
The next committee of the whole public hearing date to further discuss zoning matters is scheduled for January 31, reported Manager Burke.

Village President – T. Tolbert Chisum
There being no further pressing business, President Chisum said he would entertain a motion to adjourn. Trustee Miller moved to adjourn the meeting, Trustee Vitt seconded, and the meeting was concluded by voice vote without dissent at 11:24 pm.

Respectfully submitted,

Robert A. Hastings
Clerk

Bradly J. Burke
Deputy Clerk

BOARD COMMITTEE COMPOSITION

FINANCE: Craig A. Miller, Chair; Trustees Laier & White

COMMUNITY AFFAIRS: John Vitt, Chair; Trustees Laier & Miller

STREETS, DRAINAGE & PUBLIC WORKS: Cristy Laier, Chair; Trustees Vitt & White
WATER & ELECTRICITY: Robert Smietana, Chair; Trustees Bossu & Vitt
BUILDING, PLANNING & ZONING: Jacquelynn Bossu, Chair; Trustees Smietana & Miller
POLICE & FIRE: Katie Dold White, Chair; Trustees Bossu & Smietana