Emails regarding any agenda item are welcomed. Please email contactcouncil@winnetka.org, and your email will be relayed to the Council members. Emails for the Tuesday Council meeting must be received by Monday at 4 p.m. Any email may be subject to disclosure under the Freedom of Information Act.

Winnetka Village Council
REGULAR MEETING
Village Hall
510 Green Bay Road
Tuesday, January 7, 2014
7:00 p.m.

AGENDA

1) Call to Order
2) Pledge of Allegiance
3) Quorum
   a) January 14, 2014 Study Session
   b) January 21, 2014 Regular Meeting
   c) February 4, 2014 Regular Meeting
4) Approval of Agenda
5) Consent Agenda
   a) Approval of Village Council Minutes
      i) December 10, 2013 Study Session 3
      ii) December 17, 2013 Regular Meeting 7
   b) Approval of Warrant Lists 1827 and 1828 10
   c) 2013/2014 GO Bond Series Proceeds 11
   d) Change Order for Transformer, Wesco 14
   e) Directional Boring Contract Extension, B-Max Inc. 18
   f) Line Truck #64 Replacement; NJPA Contract 33
6) Stormwater Report: No Report.
7) Ordinances and Resolutions
   a) Ordinance M-1-2014: 565 Lincoln Avenue Special Use Permit for CONLON: A Real Estate Company – Introduction/Adoption 57
   b) Ordinance MC-5-2013: Establishing an Administrative Hearing Process – Adoption 149
8) Public Comment
9) Old Business: None.
10) New Business

a) 976 Green Bay Road Appeal – Sprinkler Requirements 188

11) Appointments

12) Reports

13) Executive Session

14) Adjournment

NOTICE

All agenda materials are available at **villageofwinnetka.org** *(Council > Current Agenda);* the Reference Desk at the Winnetka Library; or in the Manager's Office at Village Hall (2nd floor)**.**

Broadcasts of the Village Council meetings are televised on Channel 10 and AT&T Uverse Channel 99 every night at 7 PM. Webcasts of the meeting may also be viewed on the Internet via a link on the Village's web site: **villageofwinnetka.org**

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator – Megan Pierce, at 510 Green Bay Road, Winnetka, Illinois 60093, 847.716.3543; T.D.D. 847.501.6041.

MINUTES
WINNETKA VILLAGE COUNCIL STUDY SESSION

December 10, 2013

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, December 10, 2013 at 7:00 p.m.

1) Call to Order. President Pro Tem Kates called the meeting to order at 7:00 p.m. Present: Trustees Arthur Braun, Jack Buck, Patrick Corrigan, Richard Kates and Stuart McCrary. Absent: President E. Gene Greable and Trustee Joe Adams. Also in attendance: Village Manager Robert Bahan, Assistant to the Village Manager Megan Pierce, Village Attorney Katherine Janega, Public Works Director Steve Saunders, and approximately 13 persons in the audience.

2) Stormwater Master Plan Final Draft. Village Engineer/Public Works Director Steve Saunders explained that the purpose of the Stormwater Master Plan (the Plan) is to combine goals and objectives into a single, comprehensive document which incorporates other consultant studies, a financial plan, and action items, etc. for the purpose of providing a planning resource to achieve the Village's stormwater goals. He said all of the action items have previously been approved by the Council, with the exception of Section 5 (Floodplain Management).

   Mr. Saunders explained that Staff is looking for final Council guidance on the Plan prior to publishing it for the public. Final adoption of the Plan will take place in early 2014, after public comment has been received. The document consists of the Stormwater Master Plan, followed by a series of appendices; the final form of the Plan will be split into two documents: the Plan and the appendices, for ease of use.

   President Pro Tem Kates suggested some changes to the wording in Section 2 – Our Vision. After a brief discussion, there was Council agreement to take out the last sentence on page 11 and modify the wording of the fourth bullet point on page 12.

   Debbie Ross, 921 Tower Road. Ms. Ross disagreed with removing the last sentence on page 11, as it is important to note that studies show runoff contains carcinogens, fecal matter, synthetic chemicals and detergents, which cannot be filtered. She posited that the Tunnel project will negatively affect property values in the region.

   Stacy Meyers, Policy Coordinator for Open Lands. Ms. Meyers said the language on page 11 should remain in the Plan, as it is timely and there is a movement to press for runoff protection. She presented the Council with a letter from Chicago Wilderness, an alliance of environmental groups.

   Laurie Morse, 271 Hawthorne Street, Glencoe. Ms. Morse said the language on page 11 refers to water quality data that was collected by the Village, and the effort to improve and enhance water quality should at least bring the Village's samples to a better level.

   Mr. Saunders said he would devise language to replace "enhance and protect" on page 12 of the Plan.

Mark Phipps, Baxter & Woodman (W&E), reviewed Sections Three – Stormwater Capital Improvements and Four – Infiltration & Inflow, which the Council had previously commented on. The Council suggested that a reference be inserted that the Stormwater Improvement Plan is designed for a 100-year flood, and also requested that the word "recommendation" be changed to "action items" throughout the Plan.

Ms. Morse commented that she did not see any green infrastructure included in the Capital Improvements, and Mr. Phipps said Section 7 specifically incorporates green infrastructure.

Trustee Buck requested that public comment be deferred until the Council has reviewed the entire Plan, to which the Council agreed. Trustee McCrary noted that citizens can also contact Council members or staff to discuss their issues further.

Mr. Phipps turned to Section Five – Floodplain Management, which the Council had not previously reviewed. He said the goal of floodplain management is to maintain good standing in the National Flood Insurance Program (NFIP), which is run by the Federal Emergency Management Agency (FEMA) in cooperation with local government units. Local governments agree to regulate development in the floodplain in exchange for FEMA underwriting flood insurance policies in the community.

Three critical aspects of the NFIP are: i) floodplain mapping which designates areas of significant flood hazard and specifies the level of hazard; ii) flood insurance availability; and iii) enactment of local building permit regulations in the floodplain that keep structures reasonably safe from flooding. Winnetka has been in the NFIP since 1973 and recently applied to become a member of the Community Rating System (CRS), a voluntary program which reduces flood insurance premiums for residents in communities that exceed the NFIP minimum requirements to reduce flood damages. Mr. Phipps reviewed several ways the Village could increase its score in the CRS, including examining repetitive loss areas to determine if steps can be taken to reduce flood loss in these areas.

Mr. Phipps mentioned that Cook County has just begun developing its Hazard Mitigation Plan, a multi-jurisdictional plan to ensure local governments are prepared for disaster. Winnetka could benefit from participation, and Mr. Saunders said the Village is enrolled to participate in the planning.

Mr. Phipps next reviewed Section 6 – Water Quality. He said these action items are requirements under the Village's National Pollutant Discharge Elimination System (NPDES) permit, which is granted to municipalities with separate storm and sanitary sewers. He said the Illinois Environmental Protection Agency (IEPA) has established a Total Maximum Daily Load (TMDL) for E. coli in Lake Michigan and is developing limits for the Skokie River watershed.

Mr. Saunders explained that the TMDL for E. coli will be a concern for the permitting agencies of the Tunnel Project, and that the Village should begin sampling for E. coli at Winnetka beaches. He noted that water quality is important in its own right, not just for permitting purposes; and Section 6 contains a number of water quality initiatives not tied to the Tunnel Project, which are the right practices for the Village. Water quality testing also ensures that stormwater projects are having the intended effect. For example, Elder beach had many fewer beach closings in 2012 and 2013 after the Village worked to correct cross connections that were affecting water quality at that beach.

Responding to a question about prohibiting the use of coal tar, Mr. Phipps said there are several towns in the Chicago area, as well as some states, that have banned the coal tar, which studies show is a carcinogen. He added that some towns ban phosphorus, which is found in lawn fertilizer, but that fertilizer is hard to ban because enforcement is difficult.

Mr. Phipps moved to Section 7 – Stormwater Best Management Practices (BMPs). There are two ways to encourage BMPs: i) urge individual property owners to take steps; and ii) implement BMPs in capital projects on public property, where it is cost effective and feasible to do so.

After Mr. Phipps reviewed the remaining sections in the draft Plan, President Pro Tem Kates called for public comment.

Ann Wilder, 1096 Spruce Street. Ms. Wilder, reading from her written comments, proposed alternate solutions with grey and green components and requested that the Tunnel Project be delayed until such solutions are investigated.

Debbie Ross, 921 Tower Road. Ms. Ross said she thinks the Village's lack of commitment to BMPs is appalling and suggested permeable pavers, utilization of the Villages IKE grant, changes in the Zoning Ordinance to reduce lot coverage and allow deep basements, and the use of Crow Island Park for stormwater detention.

Mr. Saunders explained that permeable pavers do not provide the volumes of stormwater detention for a 100-year storm, but that they are useful for filtering pollutants from stormwater runoff. Regarding the grant, he noted it was originally a group effort with Glenview, Niles, Winnetka and several Chicago neighborhoods. Chicago has dropped out of the process, and an initial Request for Proposals (RFP) came back with an expanded scope beyond what the grant initially offered. The grant is for planning purposes and not construction of stormwater projects. The Village has been working on a second RFP better suited to the vision and focusing on retrofitting neighborhoods and including green infrastructure. He noted that the grant funding is still available and the State has been very cooperative so that the municipalities can establish repeatable planning processes that benefit other localities.

Dan Wade, Alliance of Great Lakes. Mr. Wade expressed concerns about additional stormwater discharges to the Lake, and he asked if there are proposals to treat contaminated water at the existing outfalls, specifically, proposals in green infrastructure on private and public property.

Trustee Corrigan asked if a significant component of the pollution at Elder Beach is from the dog beach.

Mr. Saunders said testing to identify whether bacterial components are from human or non-human sources has not been done; however, there are many contributors of bacteria at beaches, and it would be unfair to say the dog beach is the main culprit. He noted that eliminating some sources of sanitary sewer infiltration into the storm sewer did improve the situation at Elder Beach, but he cautioned that finding cross-connections is difficult and repairing them is expensive.

Bill Krucks, 920 Sunset Lane. Mr. Krucks asked if anything can be done to provide relief for Area L and the "tree streets" until the Tunnel Project is completed.

Mr. Saunders explained that the Winnetka Avenue pump station improvement will help Area L, and the Ash Street pump station modernization will also help the "tree streets."

Rick McQuet, 528 Maple Street. Mr. McQuet asked for information that would quantify the effect of permeable pavers, and he asked how water coming through the Tunnel would be treated.

President Pro Tem Kates explained that the "first flush" of each rainstorm would be diverted to the river. Since the first flush picks up most of the pollutants, contaminants going through the Tunnel would be highly diluted, and engineering will be done to ensure the water is filtered before going into the Lake.

Mr. McQuet asked how much of the pollutant load would be carried away in the first flush, and Mr. Saunders responded that there are studies that estimate 70-80% or more of pollutants are contained in that first amount of runoff.

Jen McQuet, 528 Maple Street. Ms. McQuet said even if the first flush removes a majority of pollutants, there will still be more contaminants going into Lake Michigan as a result of the Tunnel Project, and she asked how the report could state that the Village will endeavor to improve the water quality of the Lake.

Mr. Saunders and Trustee McCrary explained that the wording had been discussed earlier in the meeting and was still being worked on, and the Council feels it is important to set a goal of cleaning the water for the future.

Laurie Morse, 271 Hawthorne Street, Glencoe. Ms. Morse said the beaches are essential to the property values of lakefront communities and suggested a combination of green infrastructure and other things might remove the need for a tunnel. The existing problem of pollution at Winnetka's beaches makes the Tunnel Project a worrisome prospect for many in the community.

Ted Wynnychenco, 1086 Oak Street. Mr. Wynnychenco said he was disappointed that the stormwater utility will not have credits or incentives for residents who take real steps to reduce their stormwater runoff and that a legal challenge to the utility could ensue.

Trustee Braun said the Council will examine the credits and incentives in more detail when the time comes to approve the stormwater utility fee, adding that the Stormwater Master Plan is not yet adopted and will be published for public comment.

Bob Zabors, 321 Willow Road. Mr. Zabors said the first concern of the Stormwater Master Plan is alleviating flooding, and he cautioned that pollutants added to the Lake through the Tunnel outfall will remain there for a long time. He suggested that money could be better spent on immediate projects, and he added that residents have heard a lot of details on funding of the Stormwater Improvement Plan, but not much about other options.

3) Public Comment. None.

4) Adjournment. Trustee Braun, seconded by Trustee Buck, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:19 p.m.

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Recording Secretary

MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
December 17, 2013

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Council Chambers on Tuesday, December 17, 2013, at 7:00 p.m.

1) Call to Order. President Greable called the meeting to order at 7:05 p.m. Present: Trustees Joe Adams, Arthur Braun, Patrick Corrigan, Richard Kates, and Stuart McCrary. Absent: Trustee Jack Buck. Also present: Village Manager Robert Bahan, Assistant to the Village Manager Megan Pierce, Village Attorney Katherine Janega, Director of Public Works Steve Saunders, Water & Electric Director Brian Keys, Police Chief Patrick Kreis, and approximately five persons in the audience.

2) Pledge of Allegiance. President Greable led the group in the Pledge of Allegiance.

3) Quorum.

   a) January 7, 2014 Regular Meeting. Trustee Braun said he will not be able to attend and Trustee Corrigan may not be able to attend, but all others present indicated that they expected to attend.

   b) January 14, 2014 Study Session. Trustee Adams said he may not be able to attend, but all others present indicated that they expected to attend.

   c) January 21, 2014. All of the Council members present indicated that they expected to attend.

4) Approval of the Agenda. Trustee Braun, seconded by Trustee Adams, moved to approve the Agenda. By roll call vote the motion carried. Ayes: Trustees Adams, Braun, Corrigan, Kates and McCrary. Nays: None. Absent: Trustee Buck.

5) Consent Agenda.

   a) Village Council Minutes.

      i) December 3, 2013 Regular Meeting.

   b) Warrant Lists Nos. 1825 and 1826. Approving Warrant List No. 1825 in the amount of $665,813.49, and Warrant List No. 1826 in the amount of $815,826.21.

   c) Police Computer Aided Dispatch Software Maintenance Renewal. An agreement with New World Systems and the Village of Wilmette for a five-year Standard Software Maintenance Agreement, substantially in the form attached.

   d) GIS Service Provider Agreement. Approval of a service agreement for GIS services with Municipal GIS Partners, Inc. for a fee based on the hourly rates set forth, not to exceed $56,946, for fiscal year 2014.

   e) Concrete Repairs to Water Plant Clearwell #3 – Change Order. Approval of a change order in the amount of $8,705 for additional repairs to Clearwell #3 at the Water Plant, which will increase the project cost from $36,845 to $45,550.

Trustee Braun, seconded by Trustee McCrary, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Adams, Braun, Corrigan, Kates and McCrary. Nays: None. Absent: Trustee Buck.

6) Stormwater Monthly Summary Report. Public Works Director/Village Engineer Steve Saunders explained that the Stormwater Monthly Summary Report provides an overview of status, cost and schedule information for each separate stormwater project. Highlights include the Lloyd Park storm sewer outlet, which Mr. Saunders noted is the first project in the Stormwater Management Program to be completed. Construction is essentially finished, with the exception of landscape restoration and paving of the Lloyd Park parking area. He also noted the project will be completed for about half of the original engineer's estimate of $600,000. The Master Plan was discussed at length during the last Study Session, and the Council's comments are being incorporated into the document before it is posted for public comment.

Trustee Braun inquired as to whether the list of government approvals required for the Willow Road Tunnel project could be added to the Master Plan document. Mr. Saunders said Staff had previously prepared the list of required permits and that the list could be added to the Master Plan as well as the regular Monthly Report.

The Council and Mr. Saunders discussed the installation of permeable pavers in the Village of Kenilworth. Pavers are one type of green infrastructure that will be looked at as part of the Tunnel project. Though engineering has not yet advanced to this stage, Mr. Saunders said pavers and similar items would be evaluated for upstream areas. Village Staff noted they have regular contact with Kenilworth and recently met to learn more about this project and will continue to monitor it as it advances.

Trustee McCrary inquired as to why the project came in so significantly under budget. Mr. Saunders responded that the project used a pre-existing pipe and outlet—meaning that less pipe was used than originally estimated. He said bids also came in well under the engineer's estimate, meaning it was a good time to hit the market with the project.

Responding to Trustee Kates, Mr. Saunders said the Skokie Ditch is periodically cleaned by Village Staff, usually during the winter months, and that the 2014 MWRD Watershed Management Ordinance takes effect in May. He anticipates bringing materials on Village regulations related to the MWRD ordinance to the Council in March or April.

Anne Wilder, 1096 Spruce Street. Ms. Wilder stated the Village's claims of a transparent process on stormwater projects are not true. It was stated that the design engineering contract for the Willow Road Tunnel would be awarded tonight and it is not. MPC dropped out of the Burke proposal, but no one knows why. She stated she had to send an email to Manager Bahan to learn about these matters.

Mr. Saunders said the recommendation for the Tunnel engineer will come to the Council in early 2014 and that materials will be made fully and publicly available. Staff has received the proposals and is in the process of digesting all of the information from the interviews. Trustee Kates asked if there were still be two competing firms. He stated the schedule of Council agenda items is an estimated schedule and that this was not a question of transparency. Trustee McCrary inquired as to whether a schedule would be accelerated if

there was any uncertainty. Trustee Braun stated that the meeting agenda clearly listed what would be covered.

Mr. Saunders said interviews with the two firms were scheduled the week before Staff hoped to bring material to the December Study Session. The information could not be prepared in time, and it was not desirable to present the data in a regular meeting format first. President Greable concluded that the report for such a major project is not yet ready, but that full transparency is and will be the practice of the Council.

7) Ordinances and Resolutions. None.

8) Public Comment and Questions.

Anne Wilder, 1096 Spruce Street. Ms. Wilder said the actions of a public body must be conducted openly. She said she observed members of the Council texting on their cell phones at the last meeting. She said it could have nothing to do with Village business, but it gives the appearance of conducting business in secret. She said the Council should have a policy regarding texting and email communications during a meeting.

Trustee Kates said he has never seen anyone texting from the dais. He said there are no secret messages. Trustee Corrigan noted that the Council was issued iPads by the Village and uses those devices to review the agenda and take notes. Trustee McCrary said he was strongly against any such policy. He said he uses his phone and iPad to look up information on the Internet that helps him to better understand information being presented. President Greable concluded that the Council is aware of the requirements of the Open Meetings Act.

9) Old Business. None.

10) New Business. None.

11) Appointments. None.

12) Reports.

a) Village President. President Greable said it has been a long year since his election, and it is an honor to serve the community. He thanked the Council and Village Staff for their work in dealing with major issues, such as the stormwater problem.

b) Trustees. No reports.

c) Attorney. No report.

d) Manager. Manager Bahan said he had received compliments on both the Village's snow removal efforts and the additional holiday lighting. Trustee Braun and Manager Bahan discussed slow plowing in the business districts to assist with parking.

13) Executive Session. None.

14) Adjournment. Trustee Braun, seconded by Trustee Adams, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 7:36 p.m.

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Recording Secretary

Agenda Item Executive Summary

Title: Warrant Lists Nos. 1827 and 1828

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 01/07/2014

Consent: ☑ YES ☐ NO

☐ Ordinance
☐ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☑ Informational Only

Item History:

None.

Executive Summary:

Warrant Lists Nos. 1827 and 1828 were emailed to each Village Council member.

Recommendation / Suggested Action:

Consider approving Warrant Lists Nos. 1827 and 1828.

Attachments:

None.

Agenda Item Executive Summary

Title: 2013/2014 GO Bond Series Proceeds

Presenter: Ed McKee, Finance Director

Agenda Date: 01/07/2014

Consent: ☑ YES ☐ NO

☐ Ordinance
☐ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☑ Informational Only

Item History:

The Village issued $9.5 million of general obligation bonds in 2013 and $7.5 million of general obligation bonds in 2014 to finance stormwater improvements. In connection with these transactions, the Village adopted a Bond Record Keeping Resolution, R-30-2013, on November 5, 2013. This report meets the annual requirements of this resolution: to report on sources and uses of funds and to ensure the Village complies with the IRS arbitrage rebate provisions of the tax code.

Executive Summary:

Attached are two reports prepared by the Village. The first report is a summary of sources and uses of bond proceeds. This report serves as a summary of all receipts related to the Village's two bond issues and all expenses. Going forward, staff will prepare this report annually, after the close of the prior fiscal year. Costs related to the issuance of the bonds are denoted in pink. Pending transactions are shown in yellow.

The second report is a calculation to determine if an arbitrage rebate is due to the federal government. If the Village earns a higher return on its investments than the interest paid on the bonds, the Village can be required to rebate the excess amount to the Federal Government. While it is clear no liability is owed at this time, it is important to keep a running computation of interest income and interest expense amounts.

Recommendation / Suggested Action:

Review the attached information only reports.

Attachments:

1) Sources and Uses of Bond Proceeds
2) Interest Arbitrage Calculation Worksheet

Village of Winnetka, IL. Sources and Uses of Bond Proceeds

Attachment #1

		Issuance Cost			as of	12.31.2013
		Pending	2013 Bonds	2013 Cumulative	2014 Bonds	2014 Cumulative
Vendor	Date	Source (use) of Funds:		$ 8,953,077.50		$ 7,663,428.37
	2013.11.05	Good Faith Deposit	$ 180,000.00	$ 180,000.00		
	2013.11.20	Settlement	$ 8,773,077.50	$ 8,953,077.50		
Imagemaster	2013.10.13	Preliminary OS printing	$ (1,762.00)	$ 8,951,315.50		
Amalgamated Bank of Chicago	2013.11.20	Bond registrar and paying agent	$ (950.00)	$ 8,950,365.50		
	2013.11.30	Interest @ .0015/12	$ 1,118.80	$ 8,951,484.30	$ -	$ -
	2013.12.03	Good Faith Deposit		$ 8,951,484.30	$ 190,000.00	$ 190,000.00
Imagemaster	2013.12.04	Preliminary OS printing		$ 8,951,484.30	$ (1,728.88)	$ 188,271.12
Lenny Hoffman Excavating	2013.12.17	Llyod Park Storm Sewer	$ (185,148.00)	$ 8,766,336.30		$ 188,271.12
	2013.12.31	Interest @ .0015/12	$ 1,095.79	$ 8,767,432.09	$ 23.53	$ 188,294.65
	2014.01.07	Settlement		$ 8,767,432.09	$ 7,473,428.37	$ 7,661,723.02
Moody's Investor Services	2014.01.07	Bond ratings for issues	$ (12,500.00)	$ 8,754,932.09	$ (10,000.00)	$ 7,651,723.02
Speer Financial Inc.		Financial Advisor	$ (19,000.00)	$ 8,735,932.09	$ (19,500.00)	$ 7,632,223.02
Chapman and Cutler, LLP		Bond Counsel	$ (18,730.00)	$ 8,717,202.09	$ (19,770.00)	$ 7,612,453.02
Open Sale		Internet auction	$ (5,000.00)	$ 8,712,202.09	$ (5,000.00)	$ 7,607,453.02

Village of Winnetka, IL.
Interest Arbitrage Calculation Worksheet

Attachment #2
12.31.2013

2013 interest paid calculated as 4.17% interest cost per IRS form 8038
2014 ineterest paid calculated as 4.47% interest cost per IRS form 8038

Calendar Year		2013 Bonds	2014 Bonds
2013	Beginning Balance	$ -	$ -
	Interest Earned	$ 2,214.59	$ 23.53
	Interest Paid	$ (61,565.54)	$ (701.31)
	Cumulative Rebate	$ (59,350.95)	$ (677.78)

Agenda Item Executive Summary

Title: Change Order for Transformer, Wesco

Presenter: Brian Keys, Director of Water & Electric

Agenda Date: 01/07/2014

Consent: ☑ YES ☐ NO

☐ Ordinance
☐ Resolution
☑ Bid Authorization/Award
☐ Policy Direction
☐ Informational Only

Item History:

The Winnetka Park District has increased the load on one of their existing transformers and plans to install additional equipment in the future. Replacement of the existing metal enclosed transformer bank is required to serve the electrical load. The Water & Electric Department is proposing a cost sharing agreement to replace the metal enclosed overhead transformer bank that serves the Park District Ice Arena and Golf Course Club House with a pad mount transformer and alternate cable (primary loop) line. This project was proposed in the FY 2014 Water & Electric Budget.

Executive Summary:

Staff is seeking approval to order the required pad mount transformer for the project. The total project cost is estimated at $104,170, which includes Village labor. The Park District has agreed to cover all on-property cable work, contracted labor, and material costs which includes the transformer that is required to upgrade the electrical service at the ice arena. A summary of project costs is contained in the Agenda Report.

The Water & Electric Department issued Bid Number 13-011 for the purchase and delivery of pad mount transformers through March 31, 2014. At the April 18, 2013, Council Meeting, the Village Manager was authorized to award a purchase order to Wesco for requirements of three phase transformers. The Park District service upgrade will require a 750 kVA (277/480V) pad mount transformer. The requested change order amount is $20,628.

The FY 2014 Budget contains $114,388 (account #500-42-34-660) for the purchase of transformers. The Village Council has previously approved purchase orders for $86,211 of transformer purchases from Wesco under the existing purchase order in 2013. The quoted prices are valid through March 2014.

Recommendation / Suggested Action:

Consider authorizing the Village Manager to award a change order to Wesco in the amount of $20,628 for the purchase of one (1) three phase transformer at the unit price bid, subject to the terms and conditions in Bid Number 13-011.

Attachments:

- Agenda Report dated December 27, 2013
- Letter from Park District dated December 20, 2013

AGENDA REPORT

SUBJECT: **Change Order for Transformer, Wesco**

PREPARED BY: Brian Keys, Director Water & Electric

REF:

April 18, 2013	Council Meeting, pp. 30-40
June 18, 2013	Council Meeting, pp. 72-73
August 20, 2013	Council Meeting, pp. 33-34

DATE: December 27, 2013

The Winnetka Park District has increased the load on one of their existing transformers and plans to install additional equipment in the future. Replacement of the existing metal enclosed transformer bank is required to serve the electrical load. The Water & Electric Department is proposing a cost sharing agreement to replace the metal enclosed overhead transformer bank that serves the Park District Ice Arena and Golf Course Club House with a pad mount transformer and alternate cable (primary loop) line. This project was proposed in the FY 2014 Water & Electric Budget. Both the Village and Park District benefit from the proposed improvements. The Park District facilities are contained in the Village's emergency response plan. Replacement of the overhead transformer enclosure will eliminate a non-standard transformation and provide additional capacity. Installation of an alternate 15kV underground line will provide additional switching flexibility. Staff is seeking approval to order the required pad mount transformer for the project.

The existing service is a radial cable line connected to a non-standard transformation of overhead transformers in a metal enclosed cabinet with secondary voltage of 240/480V. The proposed project would install a pad mount transformer with secondary voltage of 277/480V and an additional 15kV cable line as an alternate underground line for emergency switching. The metal enclosure (without overhead transformers) would remain as a junction box to intercept the existing secondary services for the club house, ice area and outdoor skating rink.

The total project cost is estimated at $104,170, including Village labor. Project costs are summarized as follows:

Village Line Crew Labor: $38,386
Primary (15kV) Cable: $25,923
Transformer (750 kVA): $20,628
External Contractor Labor (conduit work): $13,386
Secondary (600V) Cable: $2,989
Other materials (i.e. transformer pad, connectors, grounding, terminations): $2,858

As proposed, the Park District would be responsible for $32,776 in costs. This includes all on-property primary and secondary cable, contractor labor, transformer pad, terminations and the purchase of a new pad mount transformer. The Park District would also be responsible for any costs associated with internal electric service modifications to their electric service. The Water & Electric Department would fund construction material and labor required to extend the

alternate underground line in the right-of-way and all labor for the line crews. Mr. Robert Smith, Interim Executive Director, of the Park District has provided written confirmation that the Park District will be responsible for a total sum of $32,776 (Reference Exhibit A).

The Water & Electric Department issued Bid Number 13-011 for the purchase and delivery of pad mount transformers through March 31, 2014. At the April 18, 2013, Council Meeting, the Village Manager was authorized to award a purchase order to Wesco for requirements of three phase transformers. The Park District service upgrade will require a 750 kVA (277/480V) pad mount transformer. The quoted manufacturing lead-time for the transformers is 12-14 weeks. Staff is requesting authorization to proceed with an order for the following unit:

Three Phase:
Quantity of (1): 750 kVA (277/480V)
Total Cost: $20,628

The FY 2014 Budget contains $114,388 (account #500-42-34-660) for the purchase of transformers. The Village Council has previously approved purchase orders for $86,211 of transformer purchases from Wesco under the existing purchase order in 2013. The quoted prices are valid through March 2014.

Recommendation:
Consider authorizing the Village Manager to award a change order to Wesco in the amount of $20,628 for the purchase of one (1) three phase transformer at the unit price bid, subject to the terms and conditions in Bid Number 13-011.

December 20, 2013

Mr. Brian Keys
Director, Water and Electric Department
Village of Winnetka
510 Green Bay Road
Winnetka, IL. 60093

RE: Electrical Service Upgrade – Winnetka Park District Ice Arena

Dear Mr. Keys:

As a follow up to our November 7, 2013 meeting regarding the need to upgrade the main electric service to the ice arena, I forwarded this discussion to a meeting of the full Park Board on December 12. The discussion entailed that the existing transformer servicing this facility is undersized and obsolete for current conditions. It was also noted that upgrading the service was mutually beneficial to our respective agencies since the ice arena is part of a Village emergency response plan that requires properly sized and reliable electrical service. Additionally, the new service would allow for additional capacity for any future electrical demands of this facility and/or surrounding park site.

In a proactive intergovernmental effort, the Park Board took formal action and approved the cost sharing proposal presented by your office. Specifically, that the Winnetka Park District will assume the cost of the new transformer and ancillary items for a total sum of $32,776. Work for switch over to the new service is expected to take place in June 2014 with preliminary work beginning sooner.

Should you have questions, or need additional information, please contact feel free to contact me directly at (847) 501-2052.

Sincerely,

Robert Smith
Interim Executive Director
Winnetka Park District

cc: L.A. Schram
project file

recycled paper
540 HIBBARD ROAD, WINNETKA, IL 60093
Email: wpdinfo@winpark.org
847-501-2040, FAX: 847-501-5779
Website: www.winpark.org

Agenda Item Executive Summary

Title: Directional Boring Contract Extension, B-Max Inc.

Presenter: Brian Keys, Director of Water & Electric

Agenda Date: 01/07/2014

Consent: ☑ YES ☐ NO

☐ Ordinance
☐ Resolution
☑ Bid Authorization/Award
☐ Policy Direction
☐ Informational Only

Item History:

The existing purchase order for directional boring services expires on May 31, 2014. The scope of services performed under the original bid document (Bid #011-011) is primarily the installation of conduit and equipment pads for new underground electric facilities on an as-needed basis. B-Max Incorporated is the contractor presently performing this work for the Village.

Executive Summary:

Prior to re-bidding the contract for directional boring services required during the period June 1, 2014 through May 31, 2015, staff submitted an inquiry to B-Max Inc. about voluntarily extending the existing agreement one additional year, Year 4, at the same unit costs bid for Year 3. B-Max Inc. has provided written confirmation of their concurrence to extend the contract for one additional year at the same unit prices.

The contractor's third year of pricing was very competitive and the contractor's work performance in the current fiscal year has continued to meet staff's expectations. Staff is recommending that the Village Council consider extending the contract for an additional year.

There is $520,000 in the FY 2014 budget for directional boring and conduit work. The Underground System Account (500-42-31-660) has $120,000 and the New Business Cable Pulling & Conduit Account (500-42-37-660) has $400,000.

Recommendation / Suggested Action:

Consider waiving the bid process and authorizing the Village Manager to execute a purchase order for directional boring work for the period June 1, 2014 through May 31, 2015 to B-Max Inc. in the amount not to exceed $315,000 based on the third year unit pricing contained in Bid #011-011.

Attachments:

- Agenda Report dated December 27, 2013
- Exhibit A (unit prices)

AGENDA REPORT

Subject: **Directional Boring Contract Extension, B-Max Inc.**

Prepared by: Brian Keys, Director Water & Electric

Ref:

March 19, 2013	Council Meeting, pp. 24-38
April 3, 2012	Council Meeting, pp. 49-62
May 3, 2011	Council Meeting, pp. 4-17

Date: December 26, 2013

The existing purchase order for directional boring services expires on May 31, 2014. The scope of services performed under the original bid document (Bid #011-011) is primarily the installation of conduit and equipment pads for new underground electric facilities on an as-needed basis. B-Max Incorporated is the contractor presently performing this work for the Village. As part of the 2011 bid, all contractors were requested to provide unit prices for three years with an annual extension awarded at the sole discretion of the Village. In each of the prior two years, B-Max's contract was extended by the Village.

Prior to re-bidding the contract for directional boring services required during the period June 1, 2014 through May 31, 2015, staff submitted an inquiry to B-Max Inc. about voluntarily extending the existing agreement one additional year, Year 4, at the same unit costs bid for Year 3. B-Max Inc. has provided written confirmation of their concurrence to extend the contract for one additional year at the same unit prices.

In the original bid document, each bidder provided fixed unit prices for various items of work and the bid evaluation was based on estimated quantities of work for FYE 2012. Exhibit A contains the unit prices as bid by each company for the third year (FYE 2014). These are summarized as follows:

Summary 2011 Bid Evaluation

Contractor	Year 1 (FYE 2012) Bid Evaluation based on Estimated Quantities	Year 2 (FYE 2013) Bid Evaluation based on Estimated Quantities	Year 3 (FYE 2014) Bid Evaluation based on Estimated Quantities
B-Max Inc.	$507,399.63	$530,162.59	$556,998.58
Biagi Plumbing	$567,909.00	$591,961.00	$614,053.00
Archon Construction	$603,639.52	$632,287.82	$662,288.26
IHC Construction Co.	$688,548.00	$711,863.50	$737,624.75
Western Utility Contractors	$707,467.68	$744,948.08	$791,115.57
DiVane Bros. Electric Co.	$2,163,365.71	$2,271,061.61	$2,384,812.10

The actual work scope to be performed by the contractor is determined on an as-needed basis. Actual quantities used will vary over the course of the year. As noted above, the contractor's third year of pricing was very competitive and the contractor's work performance in the current fiscal year has continued to meet staff's expectations. In calendar year 2013, the vendor was paid approximately $416,000. Staff is recommending that the Village Council consider extending the contract for an additional year.

There is $520,000 in the FY 2014 budget for directional boring and conduit work. The Underground System Account (500-42-31-660) has $120,000 and the New Business Cable Pulling & Conduit Account (500-42-37-660) has $400,000.

Staff is requesting authorization to award a purchase order for the upcoming contract year with an initial funding amount of $315,000. If additional funds are required during the year, staff will request a Change Order. The Agenda Report for the contract extension is being submitted early in the calendar year to allow sufficient time to re-bid the contract should the Village Council prefer that approach over approval of a contract extension.

Recommendation:

Consider waiving the bid process and authorizing the Village Manager to execute a purchase order for directional boring work for the period June 1, 2014 through May 31, 2015 to B-Max Inc. in the amount not to exceed $315,000 based on the third year unit pricing contained in Bid #011-011.

EXHIBIT 'A'

SCHEDULE OF UNIT PRICES: **Bid # 011-011** **BIDDER NAME: B-Max, Inc.**

DIRECTIONAL BORING

Work Process:	Est. Qty.* (D)	Unit Price: (E)*** 6/01/11 to 5/31/12	Total (D x E)	Unit Price: (F)*** 6/01/12 to 5/31/13	Total (D x F)	Unit Price: (G)*** 6/01/13 to 5/31/14	Total (D x G)
Start or End Pit:							
For 2" conduit	85	$ 53.48 each	$ 4,545.80	$ 55.13 each	$ 4,686.05	$ 56.78 each	$ 4,826.30
For 4" conduit	168	$ 53.48 each	$ 8,984.64	$ 55.13 each	$ 9,261.84	$ 56.78 each	$ 9,539.04
For 5" conduit	2	$ 53.48 each	$ 106.96	$ 55.13 each	$ 110.26	$ 56.78 each	$ 113.56
For 6" conduit	0	$ 53.48 each	$ -	$ 55.13 each	$ -	$ 56.78 each	$ -
Test Holes In:							
Concrete	10	$ 374.12 each	$ 3,741.20	$ 385.88 each	$ 3,858.80	$ 397.64 each	$ 3,976.40
Asphalt	2	$ 320.83 each	$ 641.66	$ 330.75 each	$ 661.50	$ 340.67 each	$ 681.34
Parkway	219	$ 85.56 each	$ 18,737.64	$ 88.20 each	$ 19,315.80	$ 90.84 each	$ 19,893.96
Excavation for:							
Xfmr Pad 5'X5'X20"	0	$ 160.42 each	$ -	$ 165.38 each	$ -	$ 170.34 each	$ -
Xfmr Pad 8'X8'X20"	0	$ 231.50 each	$ -	$ 220.50 each	$ -	$ 227.11 each	$ -
Excavation for and Installation of:							
Xfmr Pad 5'X5'X20"	8	$ 347.58 each	$ 2,780.64	$ 358.32 each	$ 2,866.56	$ 363.06 each	$ 2,904.48
Xfmr Pad 8'X8'X20"	9	$ 411.74 each	$ 3,705.66	$ 424.42 each	$ 3,819.78	$ 437.20 each	$ 3,934.80
Excavation for:							
Splice Box 28"X40"X30'	0	$ 106.95 each	$ -	$ 110.25 each	$ -	$ 113.55 each	$ -
Splice Box 40"X50"X22'	0	$ 160.42 each	$ -	$ 165.38 each	$ -	$ 170.34 each	$ -
Excavation for and Installation of:							
Splice Box 28"X40"X30'	57	$ 450.00 each	$ 25,650.00	$ 472.50 each	$ 26,932.50	$ 496.12 each	$ 28,278.84
Splice Box 40"X50"X22'	5	$ 500.00 each	$ 2,500.00	$ 525.00 each	$ 2,625.00	$ 551.25 each	$ 2,756.25
Conduit/ft. (Material and Installation)							
1 ¼" (Orange) w/ pull line	16250	$ 0.94 /ft.	$ 15,275.00	$ 0.98 /ft.	$ 15,925.00	$ 1.06	$ 17,225.00
2"	9730	$ 1.20 /ft.	$ 11,676.00	$ 0.98 /ft.	$ 9,535.40	$ 1.06 /ft.	$ 10,313.80
4"	9400	$ 2.30 /ft.	$ 21,620.00	$ 2.41 /ft.	$ 22,654.00	$ 2.57 /ft.	$ 24,158.00
5"	200	$ 5.20 /ft.	$ 1,040.00	$ 5.46 /ft.	$ 1,092.00	$ 5.73 /ft.	$ 1,146.00
6"	0	$ 6.65 /ft.	$ -	$ 6.82 /ft.	$ -	$ 7.16 /ft.	$ -
Bore/Ream Size/ft.							
3"	1000	$ 9.17 /ft.	$ 9,170.00	$ 9.62 /ft.	$ 9,620.00	$ 10.10 /ft.	$ 10,100.00
4"	8300	$ 9.17 /ft.	$ 76,111.00	$ 9.62 /ft.	$ 79,846.00	$ 10.10 /ft.	$ 83,830.00
6"	5700	$ 11.53 /ft.	$ 65,721.00	$ 12.10 /ft.	$ 68,970.00	$ 12.70 /ft.	$ 72,390.00
8"	3450	$ 13.63 /ft.	$ 47,023.50	$ 14.31 /ft.	$ 49,369.50	$ 15.02 /ft.	$ 51,819.00
10"	1500	$ 15.72 /ft.	$ 23,580.00	$ 16.50 /ft.	$ 24,750.00	$ 17.32 /ft.	$ 25,980.00
12"	100	$ 20.95 /ft.	$ 2,095.00	$ 21.99 /ft.	$ 2,199.00	$ 23.08 /ft.	$ 2,308.00
14"	100	$ 23.05 /ft.	$ 2,305.00	$ 24.20 /ft.	$ 2,420.00	$ 25.41 /ft.	$ 2,541.00
18"	0	$ 31.43 /ft.	$ -	$ 33.00 /ft.	$ -	$ 34.65 /ft.	$ -
Tie into Existing Manhole							
First Conduit	16	$ 518.68 each	$ 8,298.88	$ 544.61 each	$ 8,713.76	$ 571.84 each	$ 9,149.44
Additional Conduits	10	$ 106.95 each	$ 1,069.50	$ 112.29 each	$ 1,122.90	$ 117.90 each	$ 1,179.00
Tie into Existing Splice Box							
First Conduit	20	$ 348.38 each	$ 6,967.60	$ 376.29 each	$ 7,525.80	$ 395.10 each	$ 7,902.00
Additional Conduits	10	$ 26.75 each	$ 267.50	$ 28.08 each	$ 280.80	$ 29.48 each	$ 294.80
E-Loc Couplings or Approved Equivalent (Material							
1 1/4"	50	$ 7.49 each	$ 374.50	$ 7.86 each	$ 393.00	$ 8.25 each	$ 412.50
2"	30	$ 10.38 each	$ 311.40	$ 10.89 each	$ 326.70	$ 11.43 each	$ 342.90
4"	60	$ 22.07 each	$ 1,324.20	$ 23.17 each	$ 1,390.20	$ 24.32 each	$ 1,459.20
5"	0	$ 39.41 each	$ -	$ 41.38 each	$ -	$ 43.44 each	$ -
6"	0	$ 52.36 each	$ -	$ 54.99 each	$ -	$ 57.73 each	$ -
Fusion Butt Splice (Material and Labor):							
2"	0	$ 26.75 each	$ -	$ 28.08 each	$ -	$ 29.48 each	$ -
4"	0	$ 26.75 each	$ -	$ 28.08 each	$ -	$ 29.48 each	$ -
5"	0	$ 26.75 each	$ -	$ 28.08 each	$ -	$ 29.48 each	$ -
6"	0	$ 26.75 each	$ -	$ 28.08 each	$ -	$ 29.48 each	$ -
90° Bends (Material Only, Steel)							
2" – 18" Sweep	10	$ 44.84 each	$ 448.40	$ 47.08 each	$ 470.80	$ 49.43 each	$ 494.30
2" – 24" Sweep	2	$ 55.31 each	$ 110.62	$ 58.07 each	$ 116.14	$ 60.97 each	$ 121.94
4" – 24" Sweep	10	$ 140.10 each	$ 1,401.00	$ 147.10 each	$ 1,471.00	$ 154.45 each	$ 1,544.50
4" – 36" Sweep	5	$ 182.80 each	$ 914.00	$ 191.94 each	$ 959.70	$ 201.53 each	$ 1,007.65
5" – 36" Sweep	0	$ 382.63 each	$ -	$ 401.76 each	$ -	$ 421.84 each	$ -
5" – 48" Sweep	0	$ 434.16 each	$ -	$ 455.86 each	$ -	$ 478.65 each	$ -
6" – 48" Sweep	0	$ 444.72 each	$ -	$ 466.95 each	$ -	$ 490.29 each	$ -
6" – 60" Sweep	0	$ 534.72 each	$ -	$ 561.45 each	$ -	$ 589.52 each	$ -

Bid # 011-011 **BIDDER NAME: B-Max, Inc.**

Work Process:	Est. Qty.* (D)	Unit Price: (E)*** 6/01/11 to 5/31/12	Total (D x E)	Unit Price: (F)*** 6/01/12 to 5/31/13	Total (D x F)	Unit Price: (G)*** 6/01/13 to 5/31/14	Total (D x G)
90° Bends (Material Only, PVC)							
2" – 18" Sweep	30	$ 10.05 each	$ 301.50	$ 10.55 each	$ 316.50	$ 16.11 each	$ 483.30
2" – 24" Sweep	10	$ 11.96 each	$ 119.60	$ 12.55 each	$ 125.50	$ 13.17 each	$ 131.70
4" – 24" Sweep	50	$ 34.36 each	$ 1,718.00	$ 36.07 each	$ 1,803.50	$ 37.87 each	$ 1,893.50
4" – 36" Sweep	15	$ 45.42 each	$ 681.30	$ 47.69 each	$ 715.35	$ 50.07 each	$ 751.05
5" – 36" Sweep	0	$ 68.08 each	$ -	$ 71.48 each	$ -	$ 75.05 each	$ -
5" – 48" Sweep	0	$ 68.08 each	$ -	$ 71.48 each	$ -	$ 75.05 each	$ -
6" – 48" Sweep	0	$ 108.02 each	$ -	$ 113.42 each	$ -	$ 119.09 each	$ -
6" – 60" Sweep	0	$ 176.94 each	$ -	$ 185.78 each	$ -	$ 195.06 each	$ -
90° Bends (Installation Only)							
2" – 18" Sweep	40	$ 42.78 each	$ 1,711.20	$ 44.91 each	$ 1,796.40	$ 47.15 each	$ 1,886.00
2" – 24" Sweep	12	$ 42.78 each	$ 513.36	$ 44.91 each	$ 538.92	$ 47.15 each	$ 565.80
4" – 24" Sweep	60	$ 64.17 each	$ 3,850.20	$ 67.37 each	$ 4,042.20	$ 70.73 each	$ 4,243.80
4" – 36" Sweep	20	$ 64.17 each	$ 1,283.40	$ 67.37 each	$ 1,347.40	$ 70.73 each	$ 1,414.60
5" – 36" Sweep	0	$ 74.87 each	$ -	$ 78.61 each	$ -	$ 82.54 each	$ -
5" – 48" Sweep	0	$ 85.66 each	$ -	$ 89.94 each	$ -	$ 94.43 each	$ -
6" – 48" Sweep	0	$ 96.26 each	$ -	$ 101.07 each	$ -	$ 106.12 each	$ -
6" – 60" Sweep	0	$ 96.26 each	$ -	$ 101.07 each	$ -	$ 106.12 each	$ -
10' Steel Conduit w/coupling (Material Only)							
2"	15	$ 66.74 each	$ 1,001.10	$ 70.07 each	$ 1,051.05	$ 73.57 each	$ 1,103.55
4"	25	$ 187.14 each	$ 4,678.50	$ 196.49 each	$ 4,912.25	$ 206.31 each	$ 5,157.75
5"	0	$ 266.88 each	$ -	$ 280.22 each	$ -	$ 294.23 each	$ -
6"	0	$ 349.87 each	$ -	$ 367.36 each	$ -	$ 385.72 each	$ -
10' PVC Conduit w/coupling (Material Only)							
2"	5	$ 66.74 each	$ 333.70	$ 70.07 each	$ 350.35	$ 73.57 each	$ 367.85
4"	5	$ 187.14 each	$ 935.70	$ 196.49 each	$ 982.45	$ 206.31 each	$ 1,031.55
5"	0	$ 266.88 each	$ -	$ 280.22 each	$ -	$ 294.23 each	$ -
6"	0	$ 349.87 each	$ -	$ 367.36 each	$ -	$ 385.72 each	$ -
10' Steel Conduit w/coupling (Installation Only)							
2"	15	$ 32.09 each	$ 481.35	$ 33.69 each	$ 505.35	$ 35.37 each	$ 530.55
4"	25	$ 32.09 each	$ 802.25	$ 33.69 each	$ 842.25	$ 35.37 each	$ 884.25
5"	0	$ 32.09 each	$ -	$ 33.69 each	$ -	$ 35.37 each	$ -
6"	0	$ 32.09 each	$ -	$ 33.69 each	$ -	$ 35.37 each	$ -
10' PVC Conduit w/coupling (Installation Only)							
2"	5	$ 32.09 each	$ 160.45	$ 33.69 each	$ 168.45	$ 35.37 each	$ 176.85
4"	5	$ 32.09 each	$ 160.45	$ 33.69 each	$ 168.45	$ 35.37 each	$ 176.85
5"	0	$ 32.09 each	$ -	$ 33.69 each	$ -	$ 35.37 each	$ -
6"	0	$ 32.09 each	$ -	$ 33.69 each	$ -	$ 35.37 each	$ -
Markup for red color or striped conduits (Cost to be shown is the ADDITIONAL OR INCREMENTAL AMOUNT PER FOOT above the cost of the conduit listed on the first page.)							
Color Coded							
2"	1000	$ 0.05 /ft.	$ 50.00	$ 0.07 /ft.	$ 70.00	$ 0.08 /ft.	$ 80.00
4"	1000	$ 0.05 /ft.	$ 50.00	$ 0.07 /ft.	$ 70.00	$ 0.08 /ft.	$ 80.00
5"	0	$ 0.05 /ft.	$ -	$ 0.07 /ft.	$ -	$ 0.08 /ft.	$ -
6"	0	$ 0.05 /ft.	$ -	$ 0.07 /ft.	$ -	$ 0.08 /ft.	$ -
Hourly Labor Rates:							
Foreman	345	$ 93.47 /hr.	$ 32,247.15	$ 101.03 /hr	$ 34,855.35	$ 106.08 /hr	$ 36,597.60
Laborer	611	$ 77.00 /hr.	$ 47,047.00	$ 80.85 /hr	$ 49,399.35	$ 84.89 /hr	$ 51,867.79
Hourly Equipment Rates:							
Pickup Truck	141	$ 53.35 /hr.	$ 7,522.35	$ 56.01 /hr	$ 7,897.41	$ 58.81 /hr	$ 8,292.21
Dump Truck	190	$ 77.60 /hr.	$ 14,744.00	$ 81.48 /hr	$ 15,481.20	$ 85.55 /hr	$ 16,254.50
Mini Excavator w/trailer	210	$ 67.90 /hr.	$ 14,259.00	$ 71.29 /hr	$ 14,970.90	$ 74.85 /hr	$ 15,718.50
Air Compressor	42	$ 38.80 /hr.	$ 1,629.60	$ 40.74 /hr	$ 1,711.08	$ 42.77 /hr	$ 1,796.34
Traffic Ballards							
Install 4" steel pipe filled with concrete	7	$ 374.31 each	$ 2,620.17	$ 393.02 each	$ 2,751.14	$ 412.67 each	$ 2,888.69
		TOTAL COST	$ 507,399.63		$ 530,162.59		$ 556,998.58

Notes:

Bid prices to include restoration of streets, sidewalks, driveways, parkways, alleys, and lawns to original condition. Contractor is responsible for all damage to underground utilities and for

* Estimated quantities will be determined prior to bid opening and used to determine the total bid cost. They will be used solely to calculate bid award. Bids to be evaluated by multiplying the estimated quantities by the unit price.

** Total Cost will be used in determining the successful bidder.

***Unit price in Column E denotes the price for the contract period from June 1, 2011 to May 31, 2012. Unit price in Column F denotes the price for the optional Contract Period from June 1, 2012 to May 31, 2013. The award of the work for the second year is at the sole discretion of the Village of Winnetka. Unit price in Column G denotes the price for the optional Contract Period from June 1, 2013 to May 31, 2014. The award of the work for the third year is at the sole discretion of the Village of Winnetka.

SCHEDULE OF UNIT PRICES: DIRECTIONAL BORING **Bid # 011-011** **BIDDER: BIAGI PLUMBING**

Work Process:	Est. Qty.* (D)	Unit Price: (E)*** 6/01/11 to 5/31/12	Total (D x E)	Unit Price: (F)*** 6/01/12 to 5/31/13	Total (D x F)	Unit Price: (G)*** 6/01/13 to 5/31/14	Total (D x G)
Start or End Pit:							
For 2" conduit	85	$ 60.00 each	$ 5,100.00	$ 62.50 each	$ 5,312.50	$ 64.50 each	$ 5,482.50
For 4" conduit	168	$ 70.00 each	$ 11,760.00	$ 72.50 each	$ 12,180.00	$ 74.50 each	$ 12,516.00
For 5" conduit	2	$ 70.00 each	$ 140.00	$ 72.50 each	$ 145.00	$ 74.50 each	$ 149.00
For 6" conduit	0	$ 70.00 each	$ -	$ 72.50 each	$ -	$ 74.50 each	$ -
Test Holes In:							
Concrete	10	$ 450.00 each	$ 4,500.00	$ 462.50 each	$ 4,625.00	$ 475.00 each	$ 4,750.00
Asphalt	2	$ 400.00 each	$ 800.00	$ 410.00 each	$ 820.00	$ 420.00 each	$ 840.00
Parkway	219	$ 220.00 each	$ 48,180.00	$ 225.00 each	$ 49,275.00	$ 230.00 each	$ 50,370.00
Excavation for:							
Xfmr Pad 5'X5'X20"	0	$ 200.00 each	$ -	$ 205.00 each	$ -	$ 210.00 each	$ -
Xfmr Pad 8'X8'X20"	0	$ 260.00 each	$ -	$ 268.00 each	$ -	$ 275.00 each	$ -
Excavation for and Installation of:							
Xfmr Pad 5'X5'X20"	8	$ 400.00 each	$ 3,200.00	$ 410.00 each	$ 3,280.00	$ 420.00 each	$ 3,360.00
Xfmr Pad 8'X8'X20"	9	$ 460.00 each	$ 4,140.00	$ 470.00 each	$ 4,230.00	$ 480.00 each	$ 4,320.00
Excavation for:							
Splice Box 28"X40"X30'	0	$ 100.00 each	$ -	$ 105.00 each	$ -	$ 110.00 each	$ -
Splice Box 40"X50"X22'	0	$ 160.00 each	$ -	$ 165.00 each	$ -	$ 170.00 each	$ -
Excavation for and Installation of:							
Splice Box 28"X40"X30'	57	$ 480.00 each	$ 27,360.00	$ 490.00 each	$ 27,930.00	$ 500.00 each	$ 28,500.00
Splice Box 40"X50"X22'	5	$ 530.00 each	$ 2,650.00	$ 540.00 each	$ 2,700.00	$ 550.00 each	$ 2,750.00
Conduit/ft. (Material and Installation)							
1 ½" (Orange) w/ pull lin	16250	$ 1.50 /ft.	$ 24,375.00	$ 1.65 /ft.	$ 26,812.50	$ 1.85	$ 30,062.50
2"	9730	$ 2.50 /ft.	$ 24,325.00	$ 2.75 /ft.	$ 26,757.50	$ 3.00 /ft.	$ 29,190.00
4"	9400	$ 4.00 /ft.	$ 37,600.00	$ 4.50 /ft.	$ 42,300.00	$ 4.80 /ft.	$ 45,120.00
5"	200	$ 6.50 /ft.	$ 1,300.00	$ 7.10 /ft.	$ 1,420.00	$ 7.70 /ft.	$ 1,540.00
6"	0	$ 8.50 /ft.	$ -	$ 9.30 /ft.	$ -	$ 9.90 /ft.	$ -
Bore/Ream Size/ft.							
3"	1000	$ 8.00 /ft.	$ 8,000.00	$ 8.25 /ft.	$ 8,250.00	$ 8.50 /ft.	$ 8,500.00
4"	8300	$ 9.50 /ft.	$ 78,850.00	$ 9.75 /ft.	$ 80,925.00	$ 10.00 /ft.	$ 83,000.00
6"	5700	$ 10.50 /ft.	$ 59,850.00	$ 10.80 /ft.	$ 61,560.00	$ 11.10 /ft.	$ 63,270.00
8"	3450	$ 15.00 /ft.	$ 51,750.00	$ 15.45 /ft.	$ 53,302.50	$ 15.90 /ft.	$ 54,855.00
10"	1500	$ 17.00 /ft.	$ 25,500.00	$ 17.50 /ft.	$ 26,250.00	$ 18.00 /ft.	$ 27,000.00
12"	100	$ 20.00 /ft.	$ 2,000.00	$ 20.50 /ft.	$ 2,050.00	$ 21.00 /ft.	$ 2,100.00
14"	100	$ 22.00 /ft.	$ 2,200.00	$ 22.50 /ft.	$ 2,250.00	$ 23.10 /ft.	$ 2,310.00
18"	0	$ 30.00 /ft.	$ -	$ 30.75 /ft.	$ -	$ 31.50 /ft.	$ -
Tie into Existing Manhole							
First Conduit	16	$ 500.00 each	$ 8,000.00	$ 510.00 each	$ 8,160.00	$ 520.00 each	$ 8,320.00
Additional Conduits	10	$ 115.00 each	$ 1,150.00	$ 120.00 each	$ 1,200.00	$ 125.00 each	$ 1,250.00
Tie into Existing Splice Box							
First Conduit	20	$ 390.00 each	$ 7,800.00	$ 400.00 each	$ 8,000.00	$ 410.00 each	$ 8,200.00
Additional Conduits	10	$ 30.00 each	$ 300.00	$ 31.00 each	$ 310.00	$ 32.00 each	$ 320.00
E-Loc Couplings or Approved Equivalent (Material							
1 1/4"	50	$ 8.00 each	$ 400.00	$ 9.00 each	$ 450.00	$ 9.75 each	$ 487.50
2"	30	$ 11.00 each	$ 330.00	$ 12.00 each	$ 360.00	$ 13.00 each	$ 390.00
4"	60	$ 22.50 each	$ 1,350.00	$ 25.00 each	$ 1,500.00	$ 27.50 each	$ 1,650.00
5"	0	$ 41.00 each	$ -	$ 44.00 each	$ -	$ 46.00 each	$ -
6"	0	$ 52.00 each	$ -	$ 57.00 each	$ -	$ 60.00 each	$ -
Fusion Butt Splice (Material and Labor):							
2"	0	$ 30.00 each	$ -	$ 32.00 each	$ -	$ 34.00 each	$ -
4"	0	$ 30.00 each	$ -	$ 32.00 each	$ -	$ 34.00 each	$ -
5"	0	$ 40.00 each	$ -	$ 43.00 each	$ -	$ 45.00 each	$ -
6"	0	$ 40.00 each	$ -	$ 43.00 each	$ -	$ 45.00 each	$ -
90° Bends (Material Only, Steel)							
2" – 18" Sweep	10	$ 45.00 each	$ 450.00	$ 47.00 each	$ 470.00	$ 49.00 each	$ 490.00
2" – 24" Sweep	2	$ 50.00 each	$ 100.00	$ 52.00 each	$ 104.00	$ 54.00 each	$ 108.00
4" – 24" Sweep	10	$ 140.00 each	$ 1,400.00	$ 144.00 each	$ 1,440.00	$ 149.00 each	$ 1,490.00
4" – 36" Sweep	5	$ 145.00 each	$ 725.00	$ 149.00 each	$ 745.00	$ 154.00 each	$ 770.00
5" – 36" Sweep	0	$ 250.00 each	$ -	$ 257.00 each	$ -	$ 262.00 each	$ -
5" – 48" Sweep	0	$ 325.00 each	$ -	$ 334.00 each	$ -	$ 340.00 each	$ -
6" – 48" Sweep	0	$ 350.00 each	$ -	$ 360.00 each	$ -	$ 370.00 each	$ -
6" – 60" Sweep	0	$ 500.00 each	$ -	$ 515.00 each	$ -	$ 530.00 each	$ -

Work Process:	Est. Qty.* (D)	Bid # 011-011 Unit Price: (E)*** 6/01/11 to 5/31/12	Total (D x E)	BIDDER: BIAGI PLUMBING Unit Price: (F)*** 6/01/12 to 5/31/13	Total (D x F)	Unit Price: (G)*** 6/01/13 to 5/31/14	Total (D x G)
90° Bends (Material Only, PVC)							
2" – 18" Sweep	30	$ 8.00 each	$ 240.00	$ 10.00 each	$ 300.00	$ 11.50 each	$ 345.00
2" – 24" Sweep	10	$ 12.00 each	$ 120.00	$ 14.25 each	$ 142.50	$ 15.50 each	$ 155.00
4" – 24" Sweep	50	$ 28.00 each	$ 1,400.00	$ 33.00 each	$ 1,650.00	$ 36.00 each	$ 1,800.00
4" – 36" Sweep	15	$ 27.00 each	$ 405.00	$ 31.00 each	$ 465.00	$ 33.50 each	$ 502.50
5" – 36" Sweep	0	$ 60.00 each	$ -	$ 68.00 each	$ -	$ 75.00 each	$ -
5" – 48" Sweep	0	$ 65.00 each	$ -	$ 72.00 each	$ -	$ 79.00 each	$ -
6" – 48" Sweep	0	$ 80.00 each	$ -	$ 88.00 each	$ -	$ 92.00 each	$ -
6" – 60" Sweep	0	$ 150.00 each	$ -	$ 165.00 each	$ -	$ 172.00 each	$ -
90° Bends (Installation Only)							
2" – 18" Sweep	40	$ 43.00 each	$ 1,720.00	$ 44.50 each	$ 1,780.00	$ 46.00 each	$ 1,840.00
2" – 24" Sweep	12	$ 44.00 each	$ 528.00	$ 45.00 each	$ 540.00	$ 48.00 each	$ 576.00
4" – 24" Sweep	60	$ 65.00 each	$ 3,900.00	$ 67.00 each	$ 4,020.00	$ 69.00 each	$ 4,140.00
4" – 36" Sweep	20	$ 65.00 each	$ 1,300.00	$ 67.00 each	$ 1,340.00	$ 69.00 each	$ 1,380.00
5" – 36" Sweep	0	$ 75.00 each	$ -	$ 78.00 each	$ -	$ 80.00 each	$ -
5" – 48" Sweep	0	$ 85.00 each	$ -	$ 87.00 each	$ -	$ 90.00 each	$ -
6" – 48" Sweep	0	$ 100.00 each	$ -	$ 105.00 each	$ -	$ 110.00 each	$ -
6" – 60" Sweep	0	$ 120.00 each	$ -	$ 127.00 each	$ -	$ 130.00 each	$ -
10' Steel Conduit w/coupling (Material Only)							
2"	15	$ 65.00 each	$ 975.00	$ 67.00 each	$ 1,005.00	$ 69.00 each	$ 1,035.00
4"	25	$ 190.00 each	$ 4,750.00	$ 196.00 each	$ 4,900.00	$ 200.00 each	$ 5,000.00
5"	0	$ 335.00 each	$ -	$ 345.00 each	$ -	$ 355.00 each	$ -
6"	0	$ 475.00 each	$ -	$ 490.00 each	$ -	$ 500.00 each	$ -
10' PVC Conduit w/coupling (Material Only)							
2"	5	$ 65.00 each	$ 325.00	$ 70.00 each	$ 350.00	$ 74.50 each	$ 372.50
4"	5	$ 160.00 each	$ 800.00	$ 172.00 each	$ 860.00	$ 180.00 each	$ 900.00
5"	0	$ 250.00 each	$ -	$ 270.00 each	$ -	$ 285.00 each	$ -
6"	0	$ 280.00 each	$ -	$ 300.00 each	$ -	$ 315.00 each	$ -
10' Steel Conduit w/coupling (Installation Only)							
2"	15	$ 35.00 each	$ 525.00	$ 37.00 each	$ 555.00	$ 39.00 each	$ 585.00
4"	25	$ 45.00 each	$ 1,125.00	$ 47.50 each	$ 1,187.50	$ 50.00 each	$ 1,250.00
5"	0	$ 55.00 each	$ -	$ 58.00 each	$ -	$ 61.00 each	$ -
6"	0	$ 60.00 each	$ -	$ 64.00 each	$ -	$ 67.00 each	$ -
10' PVC Conduit w/coupling (Installation Only)							
2"	5	$ 35.00 each	$ 175.00	$ 36.00 each	$ 180.00	$ 38.00 each	$ 190.00
4"	5	$ 40.00 each	$ 200.00	$ 42.00 each	$ 210.00	$ 44.00 each	$ 220.00
5"	0	$ 50.00 each	$ -	$ 52.50 each	$ -	$ 55.00 each	$ -
6"	0	$ 60.00 each	$ -	$ 63.00 each	$ -	$ 65.50 each	$ -
Markup for red color or striped conduits (Cost to be shown is the ADDITIONAL OR INCREMENTAL AMOUNT PER FOOT above the cost of the conduit listed on the first page.)							
Color Coded							
2"	1000	$ 0.05 /ft.	$ 50.00	$ 0.06 /ft.	$ 60.00	$ 0.07 /ft.	$ 70.00
4"	1000	$ 0.05 /ft.	$ 50.00	$ 0.06 /ft.	$ 60.00	$ 0.07 /ft.	$ 70.00
5"	0	$ 0.05 /ft.	$ -	$ 0.06 /ft.	$ -	$ 0.07 /ft.	$ -
6"	0	$ 0.05 /ft.	$ -	$ 0.06 /ft.	$ -	$ 0.07 /ft.	$ -
Hourly Labor Rates:							
Foreman	345	$ 98.00 /hr.	$ 33,810.00	$ 100.00 /hr	$ 34,500.00	$ 102.00 /hr	$ 35,190.00
Laborer	611	$ 81.00 /hr.	$ 49,491.00	$ 83.00 /hr	$ 50,713.00	$ 84.50 /hr	$ 51,629.50
Hourly Equipment Rates:							
Pickup Truck	141	$ 25.00 /hr.	$ 3,525.00	$ 27.00 /hr	$ 3,807.00	$ 29.00 /hr	$ 4,089.00
Dump Truck	190	$ 40.00 /hr.	$ 7,600.00	$ 43.00 /hr	$ 8,170.00	$ 45.00 /hr	$ 8,550.00
Mini Excavator w/trailer	210	$ 30.00 /hr.	$ 6,300.00	$ 32.50 /hr	$ 6,825.00	$ 35.00 /hr	$ 7,350.00
Air Compressor	42	$ 5.00 /hr.	$ 210.00	$ 6.00 /hr	$ 252.00	$ 6.50 /hr	$ 273.00
Traffic Ballards							
Install 4" steel pipe filled with concrete	7	$ 400.00 each	$ 2,800.00	$ 425.00 each	$ 2,975.00	$ 440.00 each	$ 3,080.00
		TOTAL COST	$ 567,909.00		$ 591,961.00		$ 614,053.00

Notes:

Bid prices to include restoration of streets, sidewalks, driveways, parkways, alleys, and lawns to original condition. Contractor is responsible for all damage to underground utilities and for

* Estimated quantities will be determined prior to bid opening and used to determine the total bid cost. They will be used solely to calculate bid award. Bids to be evaluated by multiplying the estimated quantities by the unit price.

** Total Cost will be used in determining the successful bidder.

***Unit price in Column E denotes the price for the contract period from June 1, 2011 to May 31, 2012. Unit price in Column F denotes the price for the optional Contract Period from June 1, 2012 to May 31, 2013. The award of the work for the second year is at the sole discretion of the Village of Winnetka. Unit price in Column G denotes the price for the optional Contract Period from June 1, 2013 to May 31, 2014. The award of the work for the third year is at the sole discretion of the Village of Winnetka.

SCHEDULE OF UNIT PRICES: **Bid # 011-011** **BIDDER NAME: ARCHON CONSTRUCTION**
DIRECTIONAL BORING

Work Process:	Est. Qty.* (D)	Unit Price: (E)*** 6/01/11 to 5/31/12	Total (D x E)	Unit Price: (F)*** 6/01/12 to 5/31/13	Total (D x F)	Unit Price: (G)**** 6/01/13 to 5/31/14	Total (D x G)
Start or End Pit:							
For 2" conduit	85	$ 60.64 each	$ 5,154.40	$ 63.68 each	$ 5,412.80	$ 66.85 each	$ 5,682.25
For 4" conduit	168	$ 60.64 each	$ 10,187.52	$ 63.68 each	$ 10,698.24	$ 66.85 each	$ 11,230.80
For 5" conduit	2	$ 60.64 each	$ 121.28	$ 63.68 each	$ 127.36	$ 66.85 each	$ 133.70
For 6" conduit	0	$ 60.64 each	$ -	$ 63.68 each	$ -	$ 66.85 each	$ -
Test Holes In:							
Concrete	10	$ 423.50 each	$ 4,235.00	$ 444.65 each	$ 4,446.50	$ 466.90 each	$ 4,669.00
Asphalt	2	$ 420.00 each	$ 840.00	$ 441.00 each	$ 882.00	$ 463.00 each	$ 926.00
Parkway	219	$ 105.00 each	$ 22,995.00	$ 110.25 each	$ 24,144.75	$ 115.75 each	$ 25,349.25
Excavation for:							
Xfmr Pad 5'X5'X20"	0	$ 181.90 each	$ -	$ 191.00 each	$ -	$ 200.55 each	$ -
Xfmr Pad 8'X8'X20"	0	$ 242.55 each	$ -	$ 254.66 each	$ -	$ 267.40 each	$ -
Excavation for and Installation of:							
Xfmr Pad 5'X5'X20"	8	$ 394.15 each	$ 3,153.20	$ 413.85 each	$ 3,310.80	$ 434.54 each	$ 3,476.32
Xfmr Pad 8'X8'X20"	9	$ 466.90 each	$ 4,202.10	$ 490.24 each	$ 4,412.16	$ 514.75 each	$ 4,632.75
Excavation for:							
Splice Box 28"X40"X30'	0	$ 200.00 each	$ -	$ 210.00 each	$ -	$ 220.50 each	$ -
Splice Box 40"X50"X22'	0	$ 250.00 each	$ -	$ 262.50 each	$ -	$ 275.62 each	$ -
Excavation for and Installation of:							
Splice Box 28"X40"X30'	57	$ 550.00 each	$ 31,350.00	$ 577.50 each	$ 32,917.50	$ 606.38 each	$ 34,563.66
Splice Box 40"X50"X22'	5	$ 600.00 each	$ 3,000.00	$ 630.00 each	$ 3,150.00	$ 661.50 each	$ 3,307.50
Conduit/ft. (Material and Installation)							
1 ¼" (Orange) w/ pull line	16250	$ 1.25 /ft.	$ 20,312.50	$ 1.35 /ft.	$ 21,937.50	$ 1.45	$ 23,562.50
2"	9730	$ 1.75 /ft.	$ 17,027.50	$ 1.85 /ft.	$ 18,000.50	$ 1.95 /ft.	$ 18,973.50
4"	9400	$ 3.85 /ft.	$ 36,190.00	$ 4.00 /ft.	$ 37,600.00	$ 4.15 /ft.	$ 39,010.00
5"	200	$ 6.95 /ft.	$ 1,390.00	$ 7.20 /ft.	$ 1,440.00	$ 7.45 /ft.	$ 1,490.00
6"	0	$ 9.40 /ft.	$ -	$ 9.65 /ft.	$ -	$ 9.95 /ft.	$ -
Bore/Ream Size/ft.							
3"	1000	$ 10.95 /ft.	$ 10,950.00	$ 11.50 /ft.	$ 11,500.00	$ 12.10 /ft.	$ 12,100.00
4"	8300	$ 11.10 /ft.	$ 92,130.00	$ 11.65 /ft.	$ 96,695.00	$ 12.25 /ft.	$ 101,675.00
6"	5700	$ 13.35 /ft.	$ 76,095.00	$ 14.00 /ft.	$ 79,800.00	$ 14.70 /ft.	$ 83,790.00
8"	3450	$ 15.75 /ft.	$ 54,337.50	$ 16.55 /ft.	$ 57,097.50	$ 17.35 /ft.	$ 59,857.50
10"	1500	$ 18.20 /ft.	$ 27,300.00	$ 19.10 /ft.	$ 28,650.00	$ 20.05 /ft.	$ 30,075.00
12"	100	$ 24.25 /ft.	$ 2,425.00	$ 25.46 /ft.	$ 2,546.00	$ 26.75 /ft.	$ 2,675.00
14"	100	$ 26.70 /ft.	$ 2,670.00	$ 28.00 /ft.	$ 2,800.00	$ 29.45 /ft.	$ 2,945.00
18"	0	$ 36.40 /ft.	$ -	$ 38.20 /ft.	$ -	$ 40.10 /ft.	$ -
Tie into Existing Manhole							
First Conduit	16	$ 588.50 each	$ 9,416.00	$ 618.00 each	$ 9,888.00	$ 649.00 each	$ 10,384.00
Additional Conduits	10	$ 121.30 each	$ 1,213.00	$ 127.35 each	$ 1,273.50	$ 133.70 each	$ 1,337.00
Tie into Existing Splice Box							
First Conduit	20	$ 424.50 each	$ 8,490.00	$ 445.70 each	$ 8,914.00	$ 468.00 each	$ 9,360.00
Additional Conduits	10	$ 31.00 each	$ 310.00	$ 32.50 each	$ 325.00	$ 34.00 each	$ 340.00
E-Loc Couplings or Approved Equivalent (Material							
1 1/4"	50	$ 8.50 each	$ 425.00	$ 8.95 each	$ 447.50	$ 9.40 each	$ 470.00
2"	30	$ 11.75 each	$ 352.50	$ 12.40 each	$ 372.00	$ 13.00 each	$ 390.00
4"	60	$ 25.00 each	$ 1,500.00	$ 26.30 each	$ 1,578.00	$ 27.60 each	$ 1,656.00
5"	0	$ 44.70 each	$ -	$ 47.00 each	$ -	$ 49.25 each	$ -
6"	0	$ 59.40 each	$ -	$ 62.35 each	$ -	$ 65.45 each	$ -
Fusion Butt Splice (Material and Labor):							
2"	0	$ 30.35 each	$ -	$ 31.85 each	$ -	$ 33.45 each	$ -
4"	0	$ 34.50 each	$ -	$ 36.25 each	$ -	$ 38.40 each	$ -
5"	0	$ 36.75 each	$ -	$ 38.95 each	$ -	$ 41.30 each	$ -
6"	0	$ 38.00 each	$ -	$ 40.30 each	$ -	$ 42.70 each	$ -
90° Bends (Material Only, Steel)							
2" – 18" Sweep	10	$ 40.75 each	$ 407.50	$ 42.80 each	$ 428.00	$ 45.00 each	$ 450.00
2" – 24" Sweep	2	$ 50.65 each	$ 101.30	$ 53.20 each	$ 106.40	$ 55.85 each	$ 111.70
4" – 24" Sweep	10	$ 126.50 each	$ 1,265.00	$ 132.85 each	$ 1,328.50	$ 139.45 each	$ 1,394.50
4" – 36" Sweep	5	$ 165.00 each	$ 825.00	$ 173.25 each	$ 866.25	$ 181.95 each	$ 909.75
5" – 36" Sweep	0	$ 297.10 each	$ -	$ 311.95 each	$ -	$ 327.55 each	$ -
5" – 48" Sweep	0	$ 391.98 each	$ -	$ 411.60 each	$ -	$ 432.15 each	$ -
6" – 48" Sweep	0	$ 401.50 each	$ -	$ 421.60 each	$ -	$ 442.65 each	$ -
6" – 60" Sweep	0	$ 564.45 each	$ -	$ 592.70 each	$ -	$ 622.30 each	$ -

Bid # 011-011 — **BIDDER NAME: ARCHON CONSTRUCTION**

Work Process:	Est. Qty.* (D)	Unit Price: (E)*** 6/01/11 to 5/31/12	Total (D x E)	Unit Price: (F)*** 6/01/12 to 5/31/13	Total (D x F)	Unit Price: (G)**** 6/01/13 to 5/31/14	Total (D x G)
90° Bends (Material Only, PVC)							
2" – 18" Sweep	30	$ 5.55 each	$ 166.50	$ 5.85 each	$ 175.50	$ 6.15 each	$ 184.50
2" – 24" Sweep	10	$ 8.35 each	$ 83.50	$ 8.75 each	$ 87.50	$ 9.20 each	$ 92.00
4" – 24" Sweep	50	$ 19.20 each	$ 960.00	$ 20.15 each	$ 1,007.50	$ 21.15 each	$ 1,057.50
4" – 36" Sweep	15	$ 17.60 each	$ 264.00	$ 18.50 each	$ 277.50	$ 19.40 each	$ 291.00
5" – 36" Sweep	0	$ 41.40 each	$ -	$ 43.45 each	$ -	$ 45.60 each	$ -
5" – 48" Sweep	0	$ 53.20 each	$ -	$ 55.88 each	$ -	$ 58.65 each	$ -
6" – 48" Sweep	0	$ 67.20 each	$ -	$ 70.55 each	$ -	$ 74.05 each	$ -
6" – 60" Sweep	0	$ 65.40 each	$ -	$ 68.65 each	$ -	$ 72.10 each	$ -
90° Bends (Installation Only)							
2" – 18" Sweep	40	$ 48.50 each	$ 1,940.00	$ 51.00 each	$ 2,040.00	$ 53.50 each	$ 2,140.00
2" – 24" Sweep	12	$ 48.50 each	$ 582.00	$ 51.00 each	$ 612.00	$ 53.50 each	$ 642.00
4" – 24" Sweep	60	$ 72.75 each	$ 4,365.00	$ 76.40 each	$ 4,584.00	$ 80.20 each	$ 4,812.00
4" – 36" Sweep	20	$ 72.75 each	$ 1,455.00	$ 76.40 each	$ 1,528.00	$ 80.20 each	$ 1,604.00
5" – 36" Sweep	0	$ 84.90 each	$ -	$ 89.15 each	$ -	$ 93.60 each	$ -
5" – 48" Sweep	0	$ 84.90 each	$ -	$ 89.15 each	$ -	$ 93.60 each	$ -
6" – 48" Sweep	0	$ 109.15 each	$ -	$ 114.60 each	$ -	$ 120.35 each	$ -
6" – 60" Sweep	0	$ 109.15 each	$ -	$ 114.60 each	$ -	$ 120.35 each	$ -
10' Steel Conduit w/coupling (Material Only)							
2"	15	$ 59.75 each	$ 896.25	$ 62.75 each	$ 941.25	$ 65.90 each	$ 988.50
4"	25	$ 179.10 each	$ 4,477.50	$ 188.00 each	$ 4,700.00	$ 197.50 each	$ 4,937.50
5"	0	$ 360.00 each	$ -	$ 378.00 each	$ -	$ 396.90 each	$ -
6"	0	$ 310.60 each	$ -	$ 536.10 each	$ -	$ 562.90 each	$ -
10' PVC Conduit w/coupling (Material Only)							
2"	5	$ 65.40 each	$ 327.00	$ 68.65 each	$ 343.25	$ 72.10 each	$ 360.50
4"	5	$ 189.20 each	$ 946.00	$ 198.65 each	$ 993.25	$ 208.55 each	$ 1,042.75
5"	0	$ 267.10 each	$ -	$ 280.45 each	$ -	$ 294.45 each	$ -
6"	0	$ 349.15 each	$ -	$ 366.60 each	$ -	$ 384.95 each	$ -
10' Steel Conduit w/coupling (Installation Only)							
2"	15	$ 36.40 each	$ 546.00	$ 38.20 each	$ 573.00	$ 40.10 each	$ 601.50
4"	25	$ 37.05 each	$ 926.25	$ 38.90 each	$ 972.50	$ 40.85 each	$ 1,021.25
5"	0	$ 37.70 each	$ -	$ 39.60 each	$ -	$ 41.60 each	$ -
6"	0	$ 38.45 each	$ -	$ 40.40 each	$ -	$ 42.40 each	$ -
10' PVC Conduit w/coupling (Installation Only)							
2"	5	$ 36.40 each	$ 182.00	$ 38.20 each	$ 191.00	$ 40.10 each	$ 200.50
4"	5	$ 37.05 each	$ 185.25	$ 38.90 each	$ 194.50	$ 40.85 each	$ 204.25
5"	0	$ 37.70 each	$ -	$ 39.60 each	$ -	$ 41.60 each	$ -
6"	0	$ 38.45 each	$ -	$ 40.40 each	$ -	$ 42.40 each	$ -
Markup for red color or striped conduits (Cost to be shown is the ADDITIONAL OR INCREMENTAL AMOUNT PER FOOT above the cost of the conduit listed on the first page.)							
Color Coded							
2"	1000	$ 0.10 /ft.	$ 100.00	$ 0.12 /ft.	$ 120.00	$ 0.14 /ft.	$ 140.00
4"	1000	$ 0.10 /ft.	$ 100.00	$ 0.12 /ft.	$ 120.00	$ 0.14 /ft.	$ 140.00
5"	0	$ 0.10 /ft.	$ -	$ 0.12 /ft.	$ -	$ 0.14 /ft.	$ -
6"	0	$ 0.10 /ft.	$ -	$ 0.12 /ft.	$ -	$ 0.14 /ft.	$ -
Hourly Labor Rates:							
Foreman	345	$ 108.10 /hr.	$ 37,294.50	$ 111.34 /hr	$ 38,412.30	$ 114.68 /hr	$ 39,564.60
Laborer	611	$ 83.27 /hr.	$ 50,877.97	$ 85.76 /hr	$ 52,399.36	$ 88.33 /hr	$ 53,969.63
Hourly Equipment Rates:							
Pickup Truck	141	$ 60.50 /hr.	$ 8,530.50	$ 63.50 /hr	$ 8,953.50	$ 66.70 /hr	$ 9,404.70
Dump Truck	190	$ 88.00 /hr.	$ 16,720.00	$ 92.40 /hr	$ 17,556.00	$ 97.00 /hr	$ 18,430.00
Mini Excavator w/trailer	210	$ 77.00 /hr.	$ 16,170.00	$ 80.85 /hr	$ 16,978.50	$ 84.90 /hr	$ 17,829.00
Air Compressor	42	$ 44.00 /hr.	$ 1,848.00	$ 46.20 /hr	$ 1,940.40	$ 48.50 /hr	$ 2,037.00
Traffic Ballards							
Install 4" steel pipe filled with concrete	7	$ 475.00 each	$ 3,325.00	$ 498.75 each	$ 3,491.25	$ 523.70 each	$ 3,665.90
		TOTAL COST	$ 603,639.52		$ 632,287.82		$ 662,288.26

Notes:

Bid prices to include restoration of streets, sidewalks, driveways, parkways, alleys, and lawns to original condition. Contractor is responsible for all damage to underground utilities and

* Estimated quantities will be determined prior to bid opening and used to determine the total bid cost. They will be used solely to calculate bid award. Bids to be evaluated by multiplying the estimated quantities by the unit price.

** Total Cost will be used in determining the successful bidder.

***Unit price in Column E denotes the price for the contract period from June 1, 2011 to May 31, 2012. Unit price in Column F denotes the price for the optional Contract Period from June 1, 2012 to May 31, 2013. The award of the work for the second year is at the sole discretion of the Village of Winnetka. Unit price in Column G denotes the price for the optional Contract Period from June 1, 2013 to May 31, 2014. The award of the work for the third year is at the sole discretion of the Village of Winnetka.

SCHEDULE OF UNIT PRICES: **Bid # 011-011** **BIDDER NAME: IHC CONSTRUCTION COMPANIES**
DIRECTIONAL BORING

Work Process:	Est. Qty.* (D)	Unit Price: (E)*** 6/01/11 to 5/31/12	Total (D x E)	Unit Price: (F)*** 6/01/12 to 5/31/13	Total (D x F)	Unit Price: (G)*** 6/01/13 to 5/31/14	Total (D x G)
Start or End Pit:							
For 2" conduit	85	$ 500.00 each	$ 42,500.00	$ 510.00 each	$ 43,350.00	$ 520.00 each	$ 44,200.00
For 4" conduit	168	$ 600.00 each	$ 100,800.00	$ 612.00 each	$ 102,816.00	$ 625.00 each	$ 105,000.00
For 5" conduit	2	$ 700.00 each	$ 1,400.00	$ 715.00 each	$ 1,430.00	$ 730.00 each	$ 1,460.00
For 6" conduit	0	$ 800.00 each	$ -	$ 815.00 each	$ -	$ 825.00 each	$ -
Test Holes In:							
Concrete	10	$ 300.00 each	$ 3,000.00	$ 305.00 each	$ 3,050.00	$ 310.00 each	$ 3,100.00
Asphalt	2	$ 250.00 each	$ 500.00	$ 255.00 each	$ 510.00	$ 260.00 each	$ 520.00
Parkway	219	$ 125.00 each	$ 27,375.00	$ 130.00 each	$ 28,470.00	$ 135.00 each	$ 29,565.00
Excavation for:							
Xfmr Pad 5'X5'X20"	0	$ 800.00 each	$ -	$ 815.00 each	$ -	$ 835.00 each	$ -
Xfmr Pad 8'X8'X20"	0	$ 1,200.00 each	$ -	$ 1,225.00 each	$ -	$ 1,250.00 each	$ -
Excavation for and Installation of:							
Xfmr Pad 5'X5'X20"	8	$ 1,200.00 each	$ 9,600.00	$ 1,225.00 each	$ 9,800.00	$ 1,250.00 each	$ 10,000.00
Xfmr Pad 8'X8'X20"	9	$ 1,600.00 each	$ 14,400.00	$ 1,630.00 each	$ 14,670.00	$ 1,660.00 each	$ 14,940.00
Excavation for:							
Splice Box 28"X40"X30'	0	$ 500.00 each	$ -	$ 510.00 each	$ -	$ 520.00 each	$ -
Splice Box 40"X50"X22'	0	$ 700.00 each	$ -	$ 715.00 each	$ -	$ 730.00 each	$ -
Excavation for and Installation of:							
Splice Box 28"X40"X30'	57	$ 800.00 each	$ 45,600.00	$ 815.00 each	$ 46,455.00	$ 835.00 each	$ 47,595.00
Splice Box 40"X50"X22'	5	$ 1,000.00 each	$ 5,000.00	$ 1,020.00 each	$ 5,100.00	$ 1,040.00 each	$ 5,200.00
Conduit/ft. (Material and Installation)							
1 ¼" (Orange) w/ pull lin	16250	$ 2.00 /ft.	$ 32,500.00	$ 2.20 /ft.	$ 35,750.00	$ 2.45	$ 39,812.50
2"	9730	$ 2.50 /ft.	$ 24,325.00	$ 2.75 /ft.	$ 26,757.50	$ 3.05 /ft.	$ 29,676.50
4"	9400	$ 5.00 /ft.	$ 47,000.00	$ 5.50 /ft.	$ 51,700.00	$ 6.05 /ft.	$ 56,870.00
5"	200	$ 6.00 /ft.	$ 1,200.00	$ 6.60 /ft.	$ 1,320.00	$ 7.30 /ft.	$ 1,460.00
6"	0	$ 9.00 /ft.	$ -	$ 9.90 /ft.	$ -	$ 10.90 /ft.	$ -
Bore/Ream Size/ft.							
3"	1000	$ 8.00 /ft.	$ 8,000.00	$ 8.15 /ft.	$ 8,150.00	$ 8.30 /ft.	$ 8,300.00
4"	8300	$ 8.00 /ft.	$ 66,400.00	$ 8.15 /ft.	$ 67,645.00	$ 8.30 /ft.	$ 68,890.00
6"	5700	$ 10.00 /ft.	$ 57,000.00	$ 10.20 /ft.	$ 58,140.00	$ 10.40 /ft.	$ 59,280.00
8"	3450	$ 12.00 /ft.	$ 41,400.00	$ 12.25 /ft.	$ 42,262.50	$ 12.50 /ft.	$ 43,125.00
10"	1500	$ 14.00 /ft.	$ 21,000.00	$ 14.30 /ft.	$ 21,450.00	$ 14.60 /ft.	$ 21,900.00
12"	100	$ 16.00 /ft.	$ 1,600.00	$ 16.30 /ft.	$ 1,630.00	$ 16.65 /ft.	$ 1,665.00
14"	100	$ 18.00 /ft.	$ 1,800.00	$ 18.35 /ft.	$ 1,835.00	$ 18.70 /ft.	$ 1,870.00
18"	0	$ 25.00 /ft.	$ -	$ 25.50 /ft.	$ -	$ 26.00 /ft.	$ -
Tie into Existing Manhole							
First Conduit	16	$ 1,000.00 each	$ 16,000.00	$ 1,020.00 each	$ 16,320.00	$ 1,040.00 each	$ 16,640.00
Additional Conduits	10	$ 400.00 each	$ 4,000.00	$ 410.00 each	$ 4,100.00	$ 420.00 each	$ 4,200.00
Tie into Existing Splice Box							
First Conduit	20	$ 800.00 each	$ 16,000.00	$ 815.00 each	$ 16,300.00	$ 830.00 each	$ 16,600.00
Additional Conduits	10	$ 200.00 each	$ 2,000.00	$ 205.00 each	$ 2,050.00	$ 210.00 each	$ 2,100.00
E-Loc Couplings or Approved Equivalent (Material							
1 1/4"	50	$ 10.00 each	$ 500.00	$ 10.50 each	$ 525.00	$ 11.00 each	$ 550.00
2"	30	$ 15.00 each	$ 450.00	$ 15.75 each	$ 472.50	$ 16.50 each	$ 495.00
4"	60	$ 25.00 each	$ 1,500.00	$ 26.25 each	$ 1,575.00	$ 27.50 each	$ 1,650.00
5"	0	$ 50.00 each	$ -	$ 52.50 each	$ -	$ 55.00 each	$ -
6"	0	$ 75.00 each	$ -	$ 78.75 each	$ -	$ 82.50 each	$ -
Fusion Butt Splice (Material and Labor):							
2"	0	$ 100.00 each	$ -	$ 105.00 each	$ -	$ 110.00 each	$ -
4"	0	$ 150.00 each	$ -	$ 157.00 each	$ -	$ 165.00 each	$ -
5"	0	$ 200.00 each	$ -	$ 210.00 each	$ -	$ 220.00 each	$ -
6"	0	$ 250.00 each	$ -	$ 265.00 each	$ -	$ 280.00 each	$ -
90° Bends (Material Only, Steel)							
2" – 18" Sweep	10	$ 32.00 each	$ 320.00	$ 35.00 each	$ 350.00	$ 39.00 each	$ 390.00
2" – 24" Sweep	2	$ 40.00 each	$ 80.00	$ 44.00 each	$ 88.00	$ 48.50 each	$ 97.00
4" – 24" Sweep	10	$ 100.00 each	$ 1,000.00	$ 110.00 each	$ 1,100.00	$ 125.00 each	$ 1,250.00
4" – 36" Sweep	5	$ 135.00 each	$ 675.00	$ 148.50 each	$ 742.50	$ 165.00 each	$ 825.00
5" – 36" Sweep	0	$ 250.00 each	$ -	$ 275.00 each	$ -	$ 305.00 each	$ -
5" – 48" Sweep	0	$ 325.00 each	$ -	$ 357.50 each	$ -	$ 395.00 each	$ -
6" – 48" Sweep	0	$ 325.00 each	$ -	$ 357.50 each	$ -	$ 395.00 each	$ -
6" – 60" Sweep	0	$ 450.00 each	$ -	$ 495.00 each	$ -	$ 550.00 each	$ -

Bid # 011-011 — **BIDDER NAME: IHC CONSTRUCTION COMPANIES**

Work Process:	Est. Qty.* (D)	Unit Price: (E)*** 6/01/11 to 5/31/12	Total (D x E)	Unit Price: (F)*** 6/01/12 to 5/31/13	Total (D x F)	Unit Price: (G)*** 6/01/13 to 5/31/14	Total (D x G)
90° Bends (Material Only, PVC)							
2" – 18" Sweep	30	$ 5.00 each	$ 150.00	$ 5.50 each	$ 165.00	$ 6.05 each	$ 181.50
2" – 24" Sweep	10	$ 7.50 each	$ 75.00	$ 8.25 each	$ 82.50	$ 9.10 each	$ 91.00
4" – 24" Sweep	50	$ 15.00 each	$ 750.00	$ 16.50 each	$ 825.00	$ 18.15 each	$ 907.50
4" – 36" Sweep	15	$ 15.00 each	$ 225.00	$ 16.50 each	$ 247.50	$ 18.15 each	$ 272.25
5" – 36" Sweep	0	$ 40.00 each	$ -	$ 44.00 each	$ -	$ 48.50 each	$ -
5" – 48" Sweep	0	$ 50.00 each	$ -	$ 55.00 each	$ -	$ 60.50 each	$ -
6" – 48" Sweep	0	$ 60.00 each	$ -	$ 66.00 each	$ -	$ 73.00 each	$ -
6" – 60" Sweep	0	$ 75.00 each	$ -	$ 82.50 each	$ -	$ 91.00 each	$ -
90° Bends (Installation Only)							
2" – 18" Sweep	40	$ 25.00 each	$ 1,000.00	$ 25.50 each	$ 1,020.00	$ 26.00 each	$ 1,040.00
2" – 24" Sweep	12	$ 25.00 each	$ 300.00	$ 25.50 each	$ 306.00	$ 26.00 each	$ 312.00
4" – 24" Sweep	60	$ 35.00 each	$ 2,100.00	$ 35.70 each	$ 2,142.00	$ 36.50 each	$ 2,190.00
4" – 36" Sweep	20	$ 35.00 each	$ 700.00	$ 35.70 each	$ 714.00	$ 36.50 each	$ 730.00
5" – 36" Sweep	0	$ 75.00 each	$ -	$ 76.50 each	$ -	$ 78.00 each	$ -
5" – 48" Sweep	0	$ 75.00 each	$ -	$ 76.50 each	$ -	$ 78.00 each	$ -
6" – 48" Sweep	0	$ 150.00 each	$ -	$ 153.00 each	$ -	$ 156.00 each	$ -
6" – 60" Sweep	0	$ 150.00 each	$ -	$ 153.00 each	$ -	$ 156.00 each	$ -
10' Steel Conduit w/coupling (Material Only)							
2"	15	$ 55.00 each	$ 825.00	$ 60.50 each	$ 907.50	$ 67.00 each	$ 1,005.00
4"	25	$ 175.00 each	$ 4,375.00	$ 192.50 each	$ 4,812.50	$ 212.00 each	$ 5,300.00
5"	0	$ 350.00 each	$ -	$ 385.00 each	$ -	$ 425.00 each	$ -
6"	0	$ 500.00 each	$ -	$ 550.00 each	$ -	$ 605.00 each	$ -
10' PVC Conduit w/coupling (Material Only)							
2"	5	$ 5.00 each	$ 25.00	$ 5.50 each	$ 27.50	$ 6.05 each	$ 30.25
4"	5	$ 15.00 each	$ 75.00	$ 16.50 each	$ 82.50	$ 18.15 each	$ 90.75
5"	0	$ 20.00 each	$ -	$ 22.00 each	$ -	$ 24.50 each	$ -
6"	0	$ 30.00 each	$ -	$ 33.00 each	$ -	$ 36.50 each	$ -
10' Steel Conduit w/coupling (Installation Only)							
2"	15	$ 35.00 each	$ 525.00	$ 35.70 each	$ 535.50	$ 36.50 each	$ 547.50
4"	25	$ 75.00 each	$ 1,875.00	$ 76.50 each	$ 1,912.50	$ 78.00 each	$ 1,950.00
5"	0	$ 100.00 each	$ -	$ 102.00 each	$ -	$ 104.25 each	$ -
6"	0	$ 125.00 each	$ -	$ 127.50 each	$ -	$ 130.00 each	$ -
10' PVC Conduit w/coupling (Installation Only)							
2"	5	$ 25.00 each	$ 125.00	$ 25.50 each	$ 127.50	$ 26.00 each	$ 130.00
4"	5	$ 50.00 each	$ 250.00	$ 51.00 each	$ 255.00	$ 52.00 each	$ 260.00
5"	0	$ 75.00 each	$ -	$ 76.50 each	$ -	$ 78.00 each	$ -
6"	0	$ 100.00 each	$ -	$ 102.00 each	$ -	$ 104.00 each	$ -
Markup for red color or striped conduits (Cost to be shown is the ADDITIONAL OR INCREMENTAL AMOUNT PER FOOT above the cost of the conduit listed on the first page.)							
Color Coded							
2"	1000	$ - /ft.	$ -	$ - /ft.	$ -	$ - /ft.	$ -
4"	1000	$ - /ft.	$ -	$ - /ft.	$ -	$ - /ft.	$ -
5"	0	$ - /ft.	$ -	$ - /ft.	$ -	$ - /ft.	$ -
6"	0	$ - /ft.	$ -	$ - /ft.	$ -	$ - /ft.	$ -
Hourly Labor Rates:							
Foreman	345	$ 70.00 /hr.	$ 24,150.00	$ 71.50 /hr	$ 24,667.50	$ 73.00 /hr	$ 25,185.00
Laborer	611	$ 69.00 /hr.	$ 42,159.00	$ 70.50 /hr	$ 43,075.50	$ 72.00 /hr	$ 43,992.00
Hourly Equipment Rates:							
Pickup Truck	141	$ 7.00 /hr.	$ 987.00	$ 7.00 /hr	$ 987.00	$ 7.00 /hr	$ 987.00
Dump Truck	190	$ 23.00 /hr.	$ 4,370.00	$ 23.00 /hr	$ 4,370.00	$ 23.00 /hr	$ 4,370.00
Mini Excavator w/trailer	210	$ 27.00 /hr.	$ 5,670.00	$ 27.00 /hr	$ 5,670.00	$ 27.00 /hr	$ 5,670.00
Air Compressor	42	$ 11.00 /hr.	$ 462.00	$ 11.00 /hr	$ 462.00	$ 11.00 /hr	$ 462.00
Traffic Ballards							
Install 4" steel pipe filled with concrete	7	$ 350.00 each	$ 2,450.00	$ 365.00 each	$ 2,555.00	$ 385.00 each	$ 2,695.00
		TOTAL COST	$ 688,548.00		$ 711,863.50		$ 737,624.75

Notes:

Bid prices to include restoration of streets, sidewalks, driveways, parkways, alleys, and lawns to original condition. Contractor is responsible for all damage to underground utilities and for

* Estimated quantities will be determined prior to bid opening and used to determine the total bid cost. They will be used solely to calculate bid award. Bids to be evaluated by multiplying the estimated quantities by the unit price.

** Total Cost will be used in determining the successful bidder.

***Unit price in Column E denotes the price for the contract period from June 1, 2011 to May 31, 2012. Unit price in Column F denotes the price for the optional Contract Period from June 1, 2012 to May 31, 2013. The award of the work for the second year is at the sole discretion of the Village of Winnetka. Unit price in Column G denotes the price for the optional Contract Period from June 1, 2013 to May 31, 2014. The award of the work for the third year is at the sole discretion of the Village of Winnetka.

SCHEDULE OF UNIT PRICES: DIRECTIONAL BORING **Bid # 011-011** **BIDDER NAME: WESTERN UTILITY CONTRACTOR**

Work Process:	Est. Qty.* (D)	Unit Price: (E)*** 6/01/11 to 5/31/12	Total (D x E)	Unit Price: (F)*** 6/01/12 to 5/31/13	Total (D x F)	Unit Price: (G)*** 6/01/13 to 5/31/14	Total (D x G)
Start or End Pit:							
For 2" conduit	85	$ 275.00 each	$ 23,375.00	$ 288.75 each	$ 24,543.75	$ 306.00 each	$ 26,010.00
For 4" conduit	168	$ 325.00 each	$ 54,600.00	$ 342.00 each	$ 57,456.00	$ 362.00 each	$ 60,816.00
For 5" conduit	2	$ 360.00 each	$ 720.00	$ 378.00 each	$ 756.00	$ 400.00 each	$ 800.00
For 6" conduit	0	$ 420.00 each	$ -	$ 441.00 each	$ -	$ 468.00 each	$ -
Test Holes In:							
Concrete	10	$ 450.00 each	$ 4,500.00	$ 473.00 each	$ 4,730.00	$ 501.00 each	$ 5,010.00
Asphalt	2	$ 500.00 each	$ 1,000.00	$ 525.00 each	$ 1,050.00	$ 557.00 each	$ 1,114.00
Parkway	219	$ 225.00 each	$ 49,275.00	$ 236.00 each	$ 51,684.00	$ 250.00 each	$ 54,750.00
Excavation for:							
Xfmr Pad 5'X5'X20"	0	$ 275.00 each	$ -	$ 289.00 each	$ -	$ 306.00 each	$ -
Xfmr Pad 8'X8'X20"	0	$ 350.00 each	$ -	$ 367.00 each	$ -	$ 389.00 each	$ -
Excavation for and Installation of:							
Xfmr Pad 5'X5'X20"	8	$ 150.00 each	$ 1,200.00	$ 158.00 each	$ 1,264.00	$ 168.00 each	$ 1,344.00
Xfmr Pad 8'X8'X20"	9	$ 210.00 each	$ 1,890.00	$ 221.00 each	$ 1,989.00	$ 235.00 each	$ 2,115.00
Excavation for:							
Splice Box 28"X40"X30'	0	$ 225.00 each	$ -	$ 236.00 each	$ -	$ 250.00 each	$ -
Splice Box 40"X50"X22'	0	$ 285.00 each	$ -	$ 300.00 each	$ -	$ 318.00 each	$ -
Excavation for and Installation of:							
Splice Box 28"X40"X30'	57	$ 710.00 each	$ 40,470.00	$ 745.00 each	$ 42,465.00	$ 790.00 each	$ 45,030.00
Splice Box 40"X50"X22'	5	$ 650.00 each	$ 3,250.00	$ 683.00 each	$ 3,415.00	$ 724.00 each	$ 3,620.00
Conduit/ft. (Material and Installation)							
1 ¼" (Orange) w/ pull lin	16250	$ 2.00 /ft.	$ 32,500.00	$ 2.20 /ft.	$ 35,750.00	$ 2.40	$ 39,000.00
2"	9730	$ 2.50 /ft.	$ 24,325.00	$ 2.65 /ft.	$ 25,784.50	$ 2.81 /ft.	$ 27,341.30
4"	9400	$ 6.50 /ft.	$ 61,100.00	$ 6.83 /ft.	$ 64,202.00	$ 7.25 /ft.	$ 68,150.00
5"	200	$ 8.00 /ft.	$ 1,600.00	$ 8.40 /ft.	$ 1,680.00	$ 8.91 /ft.	$ 1,782.00
6"	0	$ 8.50 /ft.	$ -	$ 8.92 /ft.	$ -	$ 9.45 /ft.	$ -
Bore/Ream Size/ft.							
3"	1000	$ 9.00 /ft.	$ 9,000.00	$ 9.45 /ft.	$ 9,450.00	$ 10.10 /ft.	$ 10,100.00
4"	8300	$ 9.00 /ft.	$ 74,700.00	$ 9.45 /ft.	$ 78,435.00	$ 10.10 /ft.	$ 83,830.00
6"	5700	$ 13.00 /ft.	$ 74,100.00	$ 13.65 /ft.	$ 77,805.00	$ 14.47 /ft.	$ 82,479.00
8"	3450	$ 15.00 /ft.	$ 51,750.00	$ 15.75 /ft.	$ 54,337.50	$ 16.70 /ft.	$ 57,615.00
10"	1500	$ 16.50 /ft.	$ 24,750.00	$ 17.35 /ft.	$ 26,025.00	$ 18.40 /ft.	$ 27,600.00
12"	100	$ 21.00 /ft.	$ 2,100.00	$ 22.05 /ft.	$ 2,205.00	$ 23.38 /ft.	$ 2,338.00
14"	100	$ 23.00 /ft.	$ 2,300.00	$ 24.15 /ft.	$ 2,415.00	$ 25.60 /ft.	$ 2,560.00
18"	0	$ 33.00 /ft.	$ -	$ 34.65 /ft.	$ -	$ 36.73 /ft.	$ -
Tie into Existing Manhole							
First Conduit	16	$ 600.00 each	$ 9,600.00	$ 630.00 each	$ 10,080.00	$ 640.00 each	$ 10,240.00
Additional Conduits	10	$ 250.00 each	$ 2,500.00	$ 265.00 each	$ 2,650.00	$ 270.00 each	$ 2,700.00
Tie into Existing Splice Box							
First Conduit	20	$ 460.00 each	$ 9,200.00	$ 485.00 each	$ 9,700.00	$ 515.00 each	$ 10,300.00
Additional Conduits	10	$ 200.00 each	$ 2,000.00	$ 210.00 each	$ 2,100.00	$ 215.00 each	$ 2,150.00
E-Loc Couplings or Approved Equivalent (Material and Labor):							
1 1/4"	50	$ 21.00 each	$ 1,050.00	$ 22.50 each	$ 1,125.00	$ 23.85 each	$ 1,192.50
2"	30	$ 23.00 each	$ 690.00	$ 24.15 each	$ 724.50	$ 25.60 each	$ 768.00
4"	60	$ 33.00 each	$ 1,980.00	$ 34.65 each	$ 2,079.00	$ 36.75 each	$ 2,205.00
5"	0	$ 58.00 each	$ -	$ 61.00 each	$ -	$ 65.00 each	$ -
6"	0	$ 70.00 each	$ -	$ 74.00 each	$ -	$ 78.00 each	$ -
Fusion Butt Splice (Material and Labor):							
2"	0	$ 36.00 each	$ -	$ 37.80 each	$ -	$ 40.00 each	$ -
4"	0	$ 45.00 each	$ -	$ 47.25 each	$ -	$ 50.00 each	$ -
5"	0	$ 60.00 each	$ -	$ 63.00 each	$ -	$ 66.75 each	$ -
6"	0	$ 100.00 each	$ -	$ 105.00 each	$ -	$ 111.00 each	$ -
90° Bends (Material Only, Steel)							
2" – 18" Sweep	10	$ 49.00 each	$ 490.00	$ 51.50 each	$ 515.00	$ 54.50 each	$ 545.00
2" – 24" Sweep	2	$ 59.00 each	$ 118.00	$ 62.00 each	$ 124.00	$ 66.00 each	$ 132.00
4" – 24" Sweep	10	$ 149.00 each	$ 1,490.00	$ 156.45 each	$ 1,564.50	$ 184.76 each	$ 1,847.60
4" – 36" Sweep	5	$ 166.00 each	$ 830.00	$ 174.30 each	$ 871.50	$ 184.75 each	$ 923.75
5" – 36" Sweep	0	$ 350.00 each	$ -	$ 367.50 each	$ -	$ 389.50 each	$ -
5" – 48" Sweep	0	$ 464.00 each	$ -	$ 488.00 each	$ -	$ 518.00 each	$ -
6" – 48" Sweep	0	$ 475.00 each	$ -	$ 499.00 each	$ -	$ 529.00 each	$ -
6" – 60" Sweep	0	$ 600.00 each	$ -	$ 630.00 each	$ -	$ 668.00 each	$ -

Bid # 011-011 — **BIDDER NAME: WESTERN UTILITY CONTRACTOR**

Work Process:	Est. Qty.* (D)	Unit Price: (E)*** 6/01/11 to 5/31/12	Total (D x E)	Unit Price: (F)*** 6/01/12 to 5/31/13	Total (D x F)	Unit Price: (G)*** 6/01/13 to 5/31/14	Total (D x G)
90° Bends (Material Only, PVC)							
2" – 18" Sweep	30	$ 15.00 each	$ 450.00	$ 16.00 each	$ 480.00	$ 18.00 each	$ 540.00
2" – 24" Sweep	10	$ 20.00 each	$ 200.00	$ 22.00 each	$ 220.00	$ 24.00 each	$ 240.00
4" – 24" Sweep	50	$ 35.00 each	$ 1,750.00	$ 37.00 each	$ 1,850.00	$ 40.00 each	$ 2,000.00
4" – 36" Sweep	15	$ 40.00 each	$ 600.00	$ 44.00 each	$ 660.00	$ 49.00 each	$ 735.00
5" – 36" Sweep	0	$ 60.00 each	$ -	$ 65.00 each	$ -	$ 70.00 each	$ -
5" – 48" Sweep	0	$ 70.00 each	$ -	$ 75.00 each	$ -	$ 80.00 each	$ -
6" – 48" Sweep	0	$ 100.00 each	$ -	$ 110.00 each	$ -	$ 120.00 each	$ -
6" – 60" Sweep	0	$ 120.00 each	$ -	$ 130.00 each	$ -	$ 140.00 each	$ -
90° Bends (Installation Only)							
2" – 18" Sweep	40	$ 42.00 each	$ 1,680.00	$ 44.00 each	$ 1,760.00	$ 46.00 each	$ 1,840.00
2" – 24" Sweep	12	$ 46.00 each	$ 552.00	$ 48.00 each	$ 576.00	$ 50.00 each	$ 600.00
4" – 24" Sweep	60	$ 60.00 each	$ 3,600.00	$ 63.00 each	$ 3,780.00	$ 66.00 each	$ 3,960.00
4" – 36" Sweep	20	$ 65.00 each	$ 1,300.00	$ 67.00 each	$ 1,340.00	$ 69.00 each	$ 1,380.00
5" – 36" Sweep	0	$ 80.00 each	$ -	$ 83.00 each	$ -	$ 86.00 each	$ -
5" – 48" Sweep	0	$ 90.00 each	$ -	$ 94.00 each	$ -	$ 98.00 each	$ -
6" – 48" Sweep	0	$ 100.00 each	$ -	$ 110.00 each	$ -	$ 120.00 each	$ -
6" – 60" Sweep	0	$ 110.00 each	$ -	$ 120.00 each	$ -	$ 130.00 each	$ -
10' Steel Conduit w/coupling (Material Only)							
2"	15	$ 58.00 each	$ 870.00	$ 61.00 each	$ 915.00	$ 65.00 each	$ 975.00
4"	25	$ 195.00 each	$ 4,875.00	$ 200.00 each	$ 5,000.00	$ 210.00 each	$ 5,250.00
5"	0	$ 375.00 each	$ -	$ 400.00 each	$ -	$ 425.00 each	$ -
6"	0	$ 490.00 each	$ -	$ 520.00 each	$ -	$ 530.00 each	$ -
10' PVC Conduit w/coupling (Material Only)							
2"	5	$ 35.00 each	$ 175.00	$ 37.00 each	$ 185.00	$ 40.00 each	$ 200.00
4"	5	$ 46.00 each	$ 230.00	$ 48.00 each	$ 240.00	$ 50.00 each	$ 250.00
5"	0	$ 59.00 each	$ -	$ 62.00 each	$ -	$ 64.00 each	$ -
6"	0	$ 70.00 each	$ -	$ 73.00 each	$ -	$ 76.00 each	$ -
10' Steel Conduit w/coupling (Installation Only)							
2"	15	$ 40.00 each	$ 600.00	$ 43.00 each	$ 645.00	$ 46.00 each	$ 690.00
4"	25	$ 60.00 each	$ 1,500.00	$ 63.00 each	$ 1,575.00	$ 66.00 each	$ 1,650.00
5"	0	$ 75.00 each	$ -	$ 79.00 each	$ -	$ 82.00 each	$ -
6"	0	$ 85.00 each	$ -	$ 89.00 each	$ -	$ 93.00 each	$ -
10' PVC Conduit w/coupling (Installation Only)							
2"	5	$ 33.00 each	$ 165.00	$ 36.00 each	$ 180.00	$ 39.00 each	$ 195.00
4"	5	$ 40.00 each	$ 200.00	$ 43.00 each	$ 215.00	$ 47.00 each	$ 235.00
5"	0	$ 65.00 each	$ -	$ 69.00 each	$ -	$ 73.00 each	$ -
6"	0	$ 75.00 each	$ -	$ 79.00 each	$ -	$ 83.00 each	$ -
Markup for red color or striped conduits (Cost to be shown is the ADDITIONAL OR INCREMENTAL AMOUNT PER FOOT above the cost of the conduit listed on the first page.)							
Color Coded							
2"	1000	$ 0.10 /ft.	$ 100.00	$ 0.11 /ft.	$ 110.00	$ 0.12 /ft.	$ 120.00
4"	1000	$ 0.10 /ft.	$ 100.00	$ 0.11 /ft.	$ 110.00	$ 0.12 /ft.	$ 120.00
5"	0	$ 0.10 /ft.	$ -	$ 0.11 /ft.	$ -	$ 0.12 /ft.	$ -
6"	0	$ 0.10 /ft.	$ -	$ 0.11 /ft.	$ -	$ 0.12 /ft.	$ -
Hourly Labor Rates:							
Foreman	345	$ 113.00 /hr.	$ 38,985.00	$ 118.65 /hr	$ 40,934.25	$ 125.77 /hr	$ 43,390.65
Laborer	611	$ 99.88 /hr.	$ 61,026.68	$ 104.87 /hr	$ 64,075.57	$ 111.16 /hr	$ 67,918.76
Hourly Equipment Rates:							
Pickup Truck	141	$ 26.00 /hr.	$ 3,666.00	$ 27.50 /hr	$ 3,877.50	$ 29.15 /hr	$ 4,110.15
Dump Truck	190	$ 31.00 /hr.	$ 5,890.00	$ 32.55 /hr	$ 6,184.50	$ 34.50 /hr	$ 6,555.00
Mini Excavator w/trailer	210	$ 30.00 /hr.	$ 6,300.00	$ 31.50 /hr	$ 6,615.00	$ 33.39 /hr	$ 7,011.90
Air Compressor	42	$ 25.00 /hr.	$ 1,050.00	$ 26.25 /hr	$ 1,102.50	$ 27.88 /hr	$ 1,170.96
Traffic Ballards							
Install 4" steel pipe filled with concrete	7	$ 450.00 each	$ 3,150.00	$ 477.50 each	$ 3,342.50	$ 510.00 each	$ 3,570.00
		TOTAL COST	$ 707,467.68		$ 744,948.07		$ 791,115.57

Notes:

Bid prices to include restoration of streets, sidewalks, driveways, parkways, alleys, and lawns to original condition. Contractor is responsible for all damage to underground utilities and for

* Estimated quantities will be determined prior to bid opening and used to determine the total bid cost. They will be used solely to calculate bid award. Bids to be evaluated by multiplying the estimated quantities by the unit price.

** Total Cost will be used in determining the successful bidder.

Unit price in Column E denotes the price for the contract period from June 1, 2011 to May 31, 2012. Unit price in Column F denotes the price for the optional Contract Period from June 1, 2012 to May 31, 2013. The award of the work for the second year is at the sole discretion of the Village of Winnetka. Unit price in Column G denotes the price for the optional Contract Period from June 1, 2013 to May 31, 2014. The award of the work for the third year is at the sole discretion of the Village of Winnetka.

SCHEDULE OF UNIT PRICES: **Bid # 011-011** **BIDDER NAME: DIVANE BROS. ELECTRIC CO.**
DIRECTIONAL BORING

Work Process:	Est. Qty.* (D)	Unit Price: (E)*** 6/01/11 to 5/31/12	Total (D x E)	Unit Price: (F)*** 6/01/12 to 5/31/13	Total (D x F)	Unit Price: (G)*** 6/01/13 to 5/31/14	Total (D x G)
Start or End Pit:							
For 2" conduit	85	$ 1,023.37 each	$ 86,986.45	$ 1,074.54 each	$ 91,335.90	$ 1,128.27 each	$ 95,902.95
For 4" conduit	168	$ 1,023.37 each	$ 171,926.16	$ 1,074.54 each	$ 180,522.72	$ 1,128.27 each	$ 189,549.36
For 5" conduit	2	$ 1,023.37 each	$ 2,046.74	$ 1,074.54 each	$ 2,149.08	$ 1,128.27 each	$ 2,256.54
For 6" conduit	0	$ 1,023.37 each	$ -	$ 1,074.54 each	$ -	$ 1,128.27 each	$ -
Test Holes In:							
Concrete	10	$ 484.40 each	$ 4,844.00	$ 508.62 each	$ 5,086.20	$ 534.05 each	$ 5,340.50
Asphalt	2	$ 484.40 each	$ 968.80	$ 508.62 each	$ 1,017.24	$ 534.05 each	$ 1,068.10
Parkway	219	$ 438.40 each	$ 96,009.60	$ 460.32 each	$ 100,810.08	$ 483.37 each	$ 105,858.03
Excavation for:							
Xfmr Pad 5'X5'X20"	0	$ 908.37 each		$ 953.79 each	$ -	$ 1,001.48 each	$ -
Xfmr Pad 8'X8'X20"	0	$ 1,023.37 each		$ 1,074.54 each	$ -	$ 1,128.27 each	$ -
Excavation for and Installation of:							
Xfmr Pad 5'X5'X20"	8	$ 1,134.50 each	$ 9,076.00	$ 1,191.22 each	$ 9,529.76	$ 1,250.78 each	$ 10,006.24
Xfmr Pad 8'X8'X20"	9	$ 1,249.50 each	$ 11,245.50	$ 1,311.97 each	$ 11,807.73	$ 1,377.57 each	$ 12,398.13
Excavation for:							
Splice Box 28"X40"X30'	0	$ 1,021.44 each	$ -	$ 1,072.51 each	$ -	$ 1,126.14 each	$ -
Splice Box 40"X50"X22'	0	$ 1,362.57 each	$ -	$ 1,430.69 each	$ -	$ 1,502.22 each	$ -
Excavation for and Installation of:							
Splice Box 28"X40"X30'	57	$ 1,021.44 each	$ 58,222.08	$ 1,072.51 each	$ 61,133.07	$ 1,126.14 each	$ 64,189.98
Splice Box 40"X50"X22'	5	$ 1,362.57 each	$ 6,812.85	$ 1,430.69 each	$ 7,153.45	$ 1,502.22 each	$ 7,511.10
Conduit/ft. (Material and Installation)							
1 ¼" (Orange) w/ pull lin	16250	$ 20.17 /ft.	$ 327,762.50	$ 21.18 /ft.	$ 344,175.00	$ 22.24	$ 361,400.00
2"	9730	$ 20.52 /ft.	$ 199,659.60	$ 21.54 /ft.	$ 209,584.20	$ 22.62 /ft.	$ 220,092.60
4"	9400	$ 24.15 /ft.	$ 227,010.00	$ 25.36 /ft.	$ 238,384.00	$ 26.63 /ft.	$ 250,322.00
5"	200	$ 31.88 /ft.	$ 6,376.00	$ 33.47 /ft.	$ 6,694.00	$ 35.15 /ft.	$ 7,030.00
6"	0	$ 33.37 /ft.	$ -	$ 35.04 /ft.	$ -	$ 36.79 /ft.	$ -
Bore/Ream Size/ft.							
3"	1000	$ 21.51 /ft.	$ 21,510.00	$ 22.58 /ft.	$ 22,580.00	$ 23.71 /ft.	$ 23,710.00
4"	8300	$ 27.65 /ft.	$ 229,495.00	$ 29.02 /ft.	$ 240,866.00	$ 30.48 /ft.	$ 252,984.00
6"	5700	$ 27.65 /ft.	$ 157,605.00	$ 29.02 /ft.	$ 165,414.00	$ 30.48 /ft.	$ 173,736.00
8"	3450	$ 50.86 /ft.	$ 175,467.00	$ 53.41 /ft.	$ 184,264.50	$ 56.08 /ft.	$ 193,476.00
10"	1500	$ 50.86 /ft.	$ 76,290.00	$ 53.41 /ft.	$ 80,115.00	$ 56.08 /ft.	$ 84,120.00
12"	100	$ 93.36 /ft.	$ 9,336.00	$ 98.03 /ft.	$ 9,803.00	$ 102.93 /ft.	$ 10,293.00
14"	100	$ 116.70 /ft.	$ 11,670.00	$ 122.54 /ft.	$ 12,254.00	$ 128.66 /ft.	$ 12,866.00
18"	0	$ 163.39 /ft.	$ -	$ 171.56 /ft.	$ -	$ 180.14 /ft.	$ -
Tie into Existing Manhole							
First Conduit	16	$ 1,026.28 each	$ 16,420.48	$ 1,077.60 each	$ 17,241.60	$ 1,131.43 each	$ 18,102.88
Additional Conduits	10	$ 201.25 each	$ 2,012.50	$ 211.31 each	$ 2,113.10	$ 221.88 each	$ 2,218.80
Tie into Existing Splice Box							
First Conduit	20	$ 680.32 each	$ 13,606.40	$ 714.33 each	$ 14,286.60	$ 750.05 each	$ 15,001.00
Additional Conduits	10	$ 201.25 each	$ 2,012.50	$ 211.31 each	$ 2,113.10	$ 221.88 each	$ 2,218.80
E-Loc Couplings or Approved Equivalent (Material							
1 1/4"	50	$ 78.49 each	$ 3,924.50	$ 82.41 each	$ 4,120.50	$ 86.53 each	$ 4,326.50
2"	30	$ 82.32 each	$ 2,469.60	$ 86.43 each	$ 2,592.90	$ 90.75 each	$ 2,722.50
4"	60	$ 97.00 each	$ 5,820.00	$ 96.60 each	$ 5,796.00	$ 101.43 each	$ 6,085.80
5"	0	$ 106.34 each	$ -	$ 111.66 each	$ -	$ 117.24 each	$ -
6"	0	$ 117.06 each	$ -	$ 122.91 each	$ -	$ 129.06 each	$ -
Fusion Butt Splice (Material and Labor):							
2"	0	$ 131.26 each	$ -	$ 137.82 each	$ -	$ 144.72 each	$ -
4"	0	$ 131.26 each	$ -	$ 137.82 each	$ -	$ 144.72 each	$ -
5"	0	$ 131.26 each	$ -	$ 137.82 each	$ -	$ 144.72 each	$ -
6"	0	$ 131.26 each	$ -	$ 137.82 each	$ -	$ 144.72 each	$ -
90° Bends (Material Only, Steel)							
2" – 18" Sweep	10	$ 29.83 each	$ 298.30	$ 31.32 each	$ 313.20	$ 32.89 each	$ 328.90
2" – 24" Sweep	2	$ 36.57 each	$ 73.14	$ 38.40 each	$ 76.80	$ 40.32 each	$ 80.64
4" – 24" Sweep	10	$ 99.52 each	$ 995.20	$ 104.50 each	$ 1,045.00	$ 109.72 each	$ 1,097.20
4" – 36" Sweep	5	$ 120.84 each	$ 604.20	$ 126.88 each	$ 634.40	$ 133.29 each	$ 666.45
5" – 36" Sweep	0	$ 212.68 each	$ -	$ 223.32 each	$ -	$ 234.48 each	$ -
5" – 48" Sweep	0	$ 279.72 each	$ -	$ 293.76 each	$ -	$ 308.45 each	$ -
6" – 48" Sweep	0	$ 287.81 each	$ -	$ 302.20 each	$ -	$ 317.31 each	$ -
6" – 60" Sweep	0	$ 404.62 each	$ -	$ 424.85 each	$ -	$ 446.09 each	$ -

Bid # 011-011 — **BIDDER NAME: DIVANE BROS. ELECTRIC CO.**

Work Process:	Est. Qty.* (D)	Unit Price: (E)*** 6/01/11 to 5/31/12	Total (D x E)	Unit Price: (F)*** 6/01/12 to 5/31/13	Total (D x F)	Unit Price: (G)*** 6/01/13 to 5/31/14	Total (D x G)
90° Bends (Material Only, PVC)							
2" – 18" Sweep	30	$ 6.43 each	$ 192.90	$ 6.75 each	$ 202.50	$ 7.09 each	$ 212.70
2" – 24" Sweep	10	$ 7.62 each	$ 76.20	$ 8.00 each	$ 80.00	$ 8.41 each	$ 84.10
4" – 24" Sweep	50	$ 21.49 each	$ 1,074.50	$ 22.57 each	$ 1,128.50	$ 23.70 each	$ 1,185.00
4" – 36" Sweep	15	$ 28.43 each	$ 426.45	$ 29.85 each	$ 447.75	$ 31.34 each	$ 470.10
5" – 36" Sweep	0	$ 43.52 each	$ -	$ 45.69 each	$ -	$ 47.97 each	$ -
5" – 48" Sweep	0	$ 53.70 each	$ -	$ 56.39 each	$ -	$ 59.21 each	$ -
6" – 48" Sweep	0	$ 69.16 each	$ -	$ 72.62 each	$ -	$ 26.25 each	$ -
6" – 60" Sweep	0	$ 113.19 each	$ -	$ 118.85 each	$ -	$ 124.80 each	$ -
90° Bends (Installation Only)							
2" – 18" Sweep	40	$ 484.15 each	$ 19,366.00	$ 508.35 each	$ 20,334.00	$ 533.78 each	$ 21,351.20
2" – 24" Sweep	12	$ 484.15 each	$ 5,809.80	$ 508.35 each	$ 6,100.20	$ 533.78 each	$ 6,405.36
4" – 24" Sweep	60	$ 484.15 each	$ 29,049.00	$ 508.35 each	$ 30,501.00	$ 533.78 each	$ 32,026.80
4" – 36" Sweep	20	$ 484.15 each	$ 9,683.00	$ 508.35 each	$ 10,167.00	$ 533.78 each	$ 10,675.60
5" – 36" Sweep	0	$ 484.15 each	$ -	$ 508.35 each	$ -	$ 533.78 each	$ -
5" – 48" Sweep	0	$ 484.15 each	$ -	$ 508.35 each	$ -	$ 533.78 each	$ -
6" – 48" Sweep	0	$ 484.15 each	$ -	$ 508.35 each	$ -	$ 533.78 each	$ -
6" – 60" Sweep	0	$ 484.15 each	$ -	$ 508.35 each	$ -	$ 533.78 each	$ -
10' Steel Conduit w/coupling (Material Only)							
2"	15	$ 53.13 each	$ 796.95	$ 55.79 each	$ 836.85	$ 58.58 each	$ 878.70
4"	25	$ 163.40 each	$ 4,085.00	$ 171.57 each	$ 4,289.25	$ 180.15 each	$ 4,503.75
5"	0	$ 337.20 each	$ -	$ 354.06 each	$ -	$ 371.66 each	$ -
6"	0	$ 490.32 each	$ -	$ 514.84 each	$ -	$ 540.58 each	$ -
10' PVC Conduit w/coupling (Material Only)							
2"	5	$ 5.95 each	$ 29.75	$ 6.24 each	$ 31.20	$ 6.55 each	$ 32.75
4"	5	$ 17.15 each	$ 85.75	$ 18.00 each	$ 90.00	$ 18.90 each	$ 94.50
5"	0	$ 24.01 each	$ -	$ 25.21 each	$ -	$ 26.47 each	$ -
6"	0	$ 31.53 each	$ -	$ 33.10 each	$ -	$ 34.75 each	$ -
10' Steel Conduit w/coupling (Installation Only)							
2"	15	$ 1,023.37 each	$ 15,350.55	$ 1,074.54 each	$ 16,118.10	$ 1,128.27 each	$ 16,924.05
4"	25	$ 1,023.37 each	$ 25,584.25	$ 1,074.54 each	$ 26,863.50	$ 1,128.27 each	$ 28,206.75
5"	0	$ 1,023.37 each	$ -	$ 1,074.54 each	$ -	$ 1,128.27 each	$ -
6"	0	$ 1,023.37 each	$ -	$ 1,074.54 each	$ -	$ 1,128.27 each	$ -
10' PVC Conduit w/coupling (Installation Only)							
2"	5	$ 1,023.37 each	$ 5,116.85	$ 1,074.54 each	$ 5,372.70	$ 1,128.27 each	$ 5,641.35
4"	5	$ 1,023.37 each	$ 5,116.85	$ 1,074.54 each	$ 5,372.70	$ 1,128.27 each	$ 5,641.35
5"	0	$ 1,023.37 each	$ -	$ 1,074.54 each	$ -	$ 1,128.27 each	$ -
6"	0	$ 1,023.37 each	$ -	$ 1,074.54 each	$ -	$ 1,128.27 each	$ -

Markup for red color or striped conduits (Cost to be shown is the ADDITIONAL OR INCREMENTAL AMOUNT PER FOOT above the cost of the conduit listed on the first page.)

Color Coded							
2"	1000	$ - /ft.	$ -	$ - /ft.	$ -	/ft.	$ -
4"	1000	$ - /ft.	$ -	$ - /ft.	$ -	/ft.	$ -
5"	0	$ - /ft.	$ -	$ - /ft.	$ -	/ft.	$ -
6"	0	$ - /ft.	$ -	$ - /ft.	$ -	/ft.	$ -
Hourly Labor Rates:							
Foreman	345	$ 90.67 /hr.	$ 31,281.15	$ 95.20 /hr	$ 32,844.00	$ 99.96 /hr	$ 34,486.20
Laborer	611	$ 73.76 /hr.	$ 45,067.36	$ 77.45 /hr	$ 47,321.95	$ 81.32 /hr	$ 49,686.52
Hourly Equipment Rates:							
Pickup Truck	141	$ 16.99 /hr.	$ 2,395.59	$ 17.83 /hr	$ 2,514.03	$ 18.73 /hr	$ 2,640.93
Dump Truck	190	$ 79.13 /hr.	$ 15,034.70	$ 83.09 /hr	$ 15,787.10	$ 87.24 /hr	$ 16,575.60
Mini Excavator w/trailer	210	$ 25.17 /hr.	$ 5,285.70	$ 26.43 /hr	$ 5,550.30	$ 27.75 /hr	$ 5,827.50
Air Compressor	42	$ 19.19 /hr.	$ 805.98	$ 20.15 /hr	$ 846.30	$ 21.16 /hr	$ 888.72
Traffic Ballards							
Install 4" steel pipe filled with concrete	7	$ 442.19 each	$ 3,095.33	$ 464.30 each	$ 3,250.10	$ 487.51 each	$ 3,412.57
		TOTAL COST	$ 2,163,365.71		$ 2,271,061.16		$ 2,384,812.10

Notes:

Bid prices to include restoration of streets, sidewalks, driveways, parkways, alleys, and lawns to original condition. Contractor is responsible for all damage to underground utilities and for

* Estimated quantities will be determined prior to bid opening and used to determine the total bid cost. They will be used solely to calculate bid award. Bids to be evaluated by multiplying the estimated quantities by the unit price.

** Total Cost will be used in determining the successful bidder.

***Unit price in Column E denotes the price for the contract period from June 1, 2011 to May 31, 2012. Unit price in Column F denotes the price for the optional Contract Period from June 1, 2012 to May 31, 2013. The award of the work for the second year is at the sole discretion of the Village of Winnetka. Unit price in Column G denotes the price for the optional Contract Period from June 1, 2013 to May 31, 2014. The award of the work for the third year is at the sole discretion of the Village of Winnetka.

Agenda Item Executive Summary

Title: Line Truck #64 Replacement; NJPA Contract

Presenter: Brian Keys, Director of Water & Electric

Agenda Date: 01/07/2014

Consent: ☑ YES ☐ NO

☐ Ordinance
☐ Resolution
☑ Bid Authorization/Award
☐ Policy Direction
☐ Informational Only

Item History:

During the 2014 budget review process, the Water & Electric Department proposed replacement of Truck #64, an aerial line truck purchased in 2000. In addition to daily service requests, locating and trouble response, this truck is the first vehicle utilized during off-hour emergency calls as it contains locating equipment and basic repair materials for both water and electric. The existing truck has 97,056 miles and maintenance costs (line body repair, aerial lift repairs, alternator replacement, engine leaks, etc.) have started to increase.

Executive Summary:

As an alternative to issuance of a bid and seeking more competitive pricing than potentially available by bidding a single line truck, staff requested contract pricing through National Joint Power Alliance (NJPA). NJPA is a national public agency committed to cooperative solutions for governmental and educational entities. NJPA Contract #060311-All contains pricing for aerial line trucks from Altec Industries. In accordance with the contract pricing, Altec Industries has quoted the new truck which includes the requirements specified by the Water & Electric Department at an amount not to exceed $140,856.

Staff recommends accepting Altec's quotation (#240009) using NJPA Contract #060311-All. The FY 2014 Budget for the Water & Electric Department contains $150,000 for the purchase of a replacement truck. Replacement funding is allocated 67% to the Electric Fund (account #500-40-01-630) and 33% to the Water Fund (account #520-60-01-630).

Recommendation / Suggested Action:

Consider authorizing the Village Manager to award a purchase order to Altec Industries Inc. in the amount of $140,856 for the purchase of an aerial line truck using the National Joint Power Alliance contract pricing.

Attachments:

- Agenda Report dated December 31, 2013
- Exhibit A: Quotation and Vehicle Profile

AGENDA REPORT

SUBJECT: **Line Truck #64 Replacement; NJPA Contract #060311-All**

PREPARED BY: Brian Keys Director Water & Electric

REF. February 13, 2013 Budget Review Meeting

DATE: December 31, 2013

During the 2014 budget review process, the Water & Electric Department proposed replacement of Truck #64, a smaller aerial line truck purchased in 2000. In addition to daily service requests, locating and trouble response, this truck is the first vehicle utilized during off-hour emergency calls as it contains locating equipment and basic repair materials for both water and electric. The existing truck has 97,056 miles and maintenance costs (line body repair, aerial lift repairs, alternator replacement, engine leaks, etc.) have started to increase. A replacement quote for this vehicle is $140,856.

As an alternative to issuance of a bid and seeking more competitive pricing than potentially available by bidding a single line truck, staff requested contract pricing through National Joint Power Alliance (NJPA). NJPA is a national public agency committed to cooperative solutions for governmental and educational entities. Through NJPA, members have access to contracted products, equipment, and service opportunities. The Village of Winnetka joined in 2010. New Trier High School, District 36, Winnetka-Northfield Library, and the Village of Glenview are also members.

NJPA Contract #060311-All contains pricing for aerial line trucks from Altec Industries. In accordance with the contract pricing, Altec Industries has quoted the new truck which includes the requirements specified by the Water & Electric Department at an amount not to exceed $140,856. The quote details have been included in Exhibit A. Altec is one of the larger line truck manufacturers. Both Naperville and ComEd utilize Altec trucks. The Village of Glenview has also utilized NJPA for the purchase of an Altec lift truck.

Staff recommends accepting Altec's quotation (#240009) using NJPA Contract #060311-All. The FY 2014 Budget for the Water & Electric Department contains $150,000 for the purchase of a replacement truck. Replacement funding is allocated 67% to the Electric Fund (account #500-40-01-630) and 33% to the Water Fund (account #520-60-01-630).

Manufacturing lead time for the new truck is 270 days upon receipt of the purchase order. Staff is recommending that the Village dispose of the old vehicle through a municipal or county auction upon receipt of the new truck.

Recommendation:
Consider authorizing the Village Manager to award a purchase order to Altec Industries Inc. in the amount of $140,856 for the purchase of an aerial line truck using the National Joint Power Alliance contract pricing.

Altec Industries, Inc.

National Joint Powers Alliance®

Opportunity Number:	45819
Quotation Number:	240009
NJPA Contract #:	060311-AII
Date:	**12/30/2013**

Quoted for: Village of Winnetka
Customer Contact:
Phone: /Fax: /Email:

Quoted by: Matthew W. Miller
Phone: /Fax: /Email: 270-505-1512/270-360-0600/matt.miller@altec.com
Altec Account Manager: Mark Finch

REFERENCE ALTEC MODEL

AT37-G	**Articulating Telescopic Aerial Device (Insulated)**	**$86,068**

Per NJPA Specifications plus Options below

(A.) NJPA OPTIONS ON CONTRACT (Unit)

1	AT40-G-BASE	40' Boom Height (AT40-G)	$1,933
2	AT37-G-EDC	Secondary Stowage System	$1,112
3			
4			
5			

(A1.) NJPA OPTIONS ON CONTRACT (General)

1			
2			
3			
4			
5			

NJPA OPTIONS TOTAL: $89,113

(B.) **OPEN MARKET ITEMS** *(Customer Requested)*

1	**UNIT**		
2	**UNIT & HYDRAULIC ACC**	Custom Unit & Hydraulic ACC	$491
3	**BODY**	Custom Body & Tailshelf in lieu of Stock	$10,592
4	**BODY & CHASSIS ACC**	Custom Body & Chassis ACC	$17,481
5	**ELECTRICAL**	Custom Electrical ACC	$12,059
6	**FINISHING**	Custom Finishing	$2,410
7	**CHASSIS**	Custom Chassis in lieu of Stock	$7,985
8	**OTHER**		

Delivery $726
OPEN MARKET OPTIONS TOTAL: $51,743

TOTAL FOR UNIT/BODY/CHASSIS: $140,856

(C.) **ADDITIONAL ITEMS** (items are not included in total above)

1			
2			
3			

****Pricing valid for 45 days****

NOTES

PAINT COLOR: White to match chassis, unless otherwise specified
WARRANTY: 12 months or 12,000 miles parts and labor, 90 days travel charges for chassis and mounted equipment (parts only for overseas customers).
TO ORDER: To order, please contact the Altec Inside Sales Representative listed above.
CHASSIS: Per Altec Commercial Standard
DELIVERY: No later than **270** days ARO, FOB Customer Location
TERMS: Net 30 days
FET TAX: If chassis over 33K GVWR, a 12 % FET may be applied
BEST VALUE: Altec boasts the following "Best Value" features: Altec ISO Grip Controls for Extra Protection, Only Lifetime Warranty on Structural Components in Industry, Largest Service Network in Industry (Domestic and Overseas), Altec SENTRY Web/CD Based Training, Dedicated/Direct Gov't Sales Manager, In-Service Training with Every Order.
BUILD LOCATION: Elizabethtown, KY

December 30, 2013
Our 84th Year

VILLAGE OF WINNETKA
510 GREEN BAY ROAD
WINNETKA, IL 60093
US

Bill To:
VILLAGE OF WINNETKA
510 GREEN BAY ROAD
WINNETKA, IL 60093
United States

Altec Quotation Number 240009 - 1
Account Manager: Mark Finch
Inside Sales Rep: Matthew W Miller
Altec Sales Order(s):

Item	Description	Qty	Price
	Unit		
1.	ALTEC Model AT40-G telescopic articulating Aerial device with lSO-Boom. **A.** ISO Boom: the inner telescopic fiberglass boom maintains full dielectric integrity even with the fiberglass inner boom fully retracted. **B.** Hydraulic platform leveling system. **C.** Hydraulic tool circuit at the platform. **D.** Emergency lowering valve at the platform. **E.** Single handle control at the platform with a safety interlock system. **F.** Two (2) operators and maintenance/parts manuals. **G.** Working height: 45.6 feet **H.** Side reach: 29.7 feet **I.** Low-power fiber-optic control system (FOC-L). **J.** Continous rotation	1	
2.	AT40G Unit Model	1	
3.	Post style pedestal mounting	1	
4.	Poly Reservoir, Pedestal Mounted, 7 Gallon; Includes Sight Gauge.	1	
5.	Single One-Man. End-Mounted Platform. With 180 Degree Rotator. 24 X 30 X 42. Platform is rated at 400 pounds.Control panel on platform dashboard, which provide controls for auxiliary functions. Includes emergency stop (push-pull) switch and rocker switches, which operate platform leveling, platform rotation, tools,battery selector (for fiber-optic controls system), and engine start/stop with secondary stowage (optional). Composite fiberglass platform mounting bracket. (AT40G)	1	
6.	Platform Leveling At Lower Controls. AT40-G	1	
7.	Two (2) Platform Steps	1	
8.	Soft nylon reinforced vinyl Platform Cover for a 24 x 30 inch platform qty 2	1	
9.	Platform liner for a 24 x 30 x 42 inch platform	1	
10.	4-Function Single Handle Fiber-Optic Controller.	1	
11.	Engine Start/Stop at the upper controls actuated through the Fiber-Optic controls system with Secondary Stowage System (AT40G) to include switch at rear of tailshelf.	1	
12.	Manual lowering valve located at the boomtip. For use in emergency situations to allow the operator to lower the boom to the ground	1	

Item	Description	Qty	Price
13.	Powder coat unit Altec White.	1	
14.	Custom unit color (specify color code). Federal School Bus Safety Yellow (or match N0933 EA Yellow Elite SS)	1	
	Unit & Hydraulic Acc.		
15.	HVI-22 Hydraulic Oil (Standard).	9	
16.	Standard Pump For PTO	1	
17.	Hot shift PTO for automatic transmission	1	
18.	Install Tool Circuit with Quick Disconnects, Below Rotation Add hydraulic tool circuit at rear (curbside) of tailshelf. This will be used for handheld tools, pumps, etc. Village will provide the quick disconnect fittings to match their fleet.	1	
19.	Scuff Pad With Step, 24" x 30"	1	
	Body		
20.	Altec Body	1	
21.	Steel Body	1	
22.	Low-Side General Service (LGS)	1	
23.	Body Is To Be Built In Accordance With The Following Altec Standard Specifications: **A.** Basic Body Fabricated From A40 Grade 100% Zinc Alloy Coated Steel. **B.** All Doors Are Full, Double Paneled, Self-Sealed With Built-In Drainage For Maximum Weather-Tightness. Hinge Rods Extend Full Length Of Door. **C.** Heavy-Gauge Welded Steel Frame Construction With Structural Channel Crossmembers And Tread Plate Floor. **D.** Integrated Door Header Drip Rail At Top For Maximum Weather Protection. **E.** Fender Panels Are Either Roll Formed Or Have Neoprene Fenderettes Mechanically Fastened. **F.** Steel Treated For Improved Primer Bond And Rust Resistance. **G.** Automotive Type Non-Porous Door Seals Mechanically Fastened To The Door Facing.	1	
24.	108" Estimated Body Length (Engineering To Determine Final Length)	1	
25.	94 Inch Body Width	1	
26.	40 Inch Body Compartment Height	1	
27.	20 Inch Body Compartment Depth	1	
28.	Undercoat Body	1	
29.	Finish Paint Body Custom Color (Provide Color And Code) Federal School Bus Safety Yellow, or match N0933 EA Yellow Elite SS. Complete Prime interior and exterior. Interior and exterior paint of compartment to be yellow.	1	

Item	Description	Qty	Price
30.	2 Inch x 4 Inch Drop-In Composite Retaining Board At Rear Of Body	1	
31.	Rope Lights (LED) Around Top And Sides Of Compartment Door Facings to include top boxes.	1	
32.	Stainless Steel Rotary Paddle Latches With Keyed Locks	1	
33.	Gas Shock (Gas Spring) Rigid Door Holders On All Vertical Doors	1	
34.	Standard Master Body Locking System (Standard Placement Is At Rear. Sidepacks With A Throughshelf/Hotstick Door At Rear, Standard Placement Is At The Front)	1	
35.	Two Chock Holders On Each Side of Body With Retaining Lip In Fender Panel	1	
36.	Hotstick Shelf Extending Full Length Of Body On Streetside	1	
37.	Black Masticated Rubber Lining For Hotstick Shelf On Streetside	1	
38.	Standard Drop-Down Hotstick Door For One (1) Shelf On Streetside, Stainless Steel Slam Paddle Latch With Keyed Lock	1	
39.	1st Vertical (SS) - Adjustable Shelf With Removable Dividers On 4 Inch Centers	2	
40.	1st Horizontal (SS) - Adjustable Shelf With Removable Dividers On 4 Inch Centers	1	
41.	1st Horizontal (SS) - Fixed Shelf With Removable Dividers On 4 Inch Centers On Bottom of Compartment	1	
42.	Rear Vertical (SS) - Locking Swivel Hooks On An Adjustable Rail - Left Wall	1	
43.	Rear Vertical (SS) - Locking Swivel Hooks On An Adjustable Rail - Rear Wall	3	
44.	Rear Vertical (SS) - Locking Swivel Hooks On An Adjustable Rail - Right Wall	1	
45.	Custom 1st Vertical (CS) Compartmentation Vertical compartment with single door. Two adjustable shelfs. Install cabinet with multiple drawers, approximately 18- 24 drawers, approximate size 5.5" wide, 3" tall and 11.5" deep. Approximate dimensions 35.5" wide x 40" tall.	1	
46.	Custom 1st Horizontal (CS) Compartmentation Horizontal compartment with single door. One adjustable shelf with removable dividers. Beneath shelf, six drawers (stacked three high), approximate dimensions 15" wide, 17" long, and 3" tall. Drawers shall contain latch provision to keep them safely stored. Drawers shall be of high quality and easily slid when loaded. Approximate dimensions 44.5" wide x 40" tall.	1	
47.	Rear Vertical (CS) - Locking Swivel Hooks On An Adjustable Rail - Left Wall	1	
48.	Rear Vertical (CS) - Locking Swivel Hooks On An Adjustable Rail - Rear Wall	3	
49.	Rear Vertical (CS) - Locking Swivel Hooks On An Adjustable Rail - Right Wall	1	
50.	Additional Body Option Stainless steel rod and pin hinges.	1	
51.	Additional Body Option Crown Fenders	1	
52.	Additional Body Option Bolts & Fasteners All bolts and screws shall be stainless steel, and shall include self-locking stainless steel nuts.	1	

Item	Description	Qty	Price
53.	Additional Body Option Tail shelf (approx, 38" wide x 94 wide) Rear tail shelf shall be furnished to facilitate entry to load bed level. Tail shelf and bed shall be painted with non-skid paint. Beneath the tailshelf on street side shall be one storage compartment. Steps, approximately 30 inch wide, shall be provided to facilitate access to load bed on the curbside. Suitably sized grab handles shall be mounted on the rear to further ease accessibility to load. A grab handle shall also be provided for three (3) points of contact. As you enter the truck bed, the left side rail will be a large "pool" bar style of hand rail.	1	
54.	Additional Body Option Drip Rails A drip rail shall be provided above exterior compartment doors. Both the body compartments and storage compartments installed on top of the body compartments will have drip rails.	1	
55.	Additional Body Option Antislip Mat: Install anti-slip non-adhesive (lay in) tool matting on all compartment floors, bins, and shelves.	1	
56.	Additional Body Option One vertical mounted hand rail shall be mounted on the street side rear of the compartment beneath the hot stick door access. This is used to hang canvas tool back.	1	
57.	Additional Body Option Additional storage area will be created by elevating the open space of the truck bed. A 6" tall by 53 ½" wide vertical storage space accessed through the rear of the truck is required. The first space will be 3 ft. wide by 9 ft.long. The second space will be a depth of 5 ft. 3" inches long. The area can be accessed by a single vertical door or two separate vertical doors. This space is used to store shovels and long handled "water keys".	1	
58.	Additional Body Option Internally to the curbside truck bed, a horizontal pipe bar style equipment hanger will be installed. The hanger will contain six sliding hooks.	1	
	Body and Chassis Accessories		
59.	Additional Horizontal Storage Box 1 A long curbside storage compartment with two equally spaced horizontal doors (44" wide by 10" tall) will be built on top of the body compartments. The box will extend the entire length along the top of the line body compartments starting from the cab. Leaving sufficient space for the use and maintenance of the grounding reel. Approximate dimensions of the compartment are 20" wide by 14" tall by 106" long. The box will be of equivalent width to the body compartments and painted similar. Access to the compartment will be curbside. Within the compartment, no internal divider will be installed. Each 1/2 section of the compartment shall contain one removeable and/or adjustable shelve. The compartment shall be designed, constructed, painted, and illuminated similar to the line body compartments.	1	
60.	Additional Horizontal Storage Box 2 On the streetside, a long storage compartment with two equally spaced horizontal doors (approximate 50" wide by 10" tall) will be installed. Approximate dimension of the compartment are 20" wide by 14" tall by 108" long. The box will be of equivalent width and length to the body compartments and painted similar. Within the compartment, no internal divider will be installed. Access to the compartment will be streetside. Each 1/2 section of the compartment shall contain one removeable and/or adjustable shelves. The compartment shall be designed, constructed, painted, and illuminated similar to the line body compartments.	1	
61.	Custom Ladder Storage To adequately facilitate the storage and transportation of a short fiberglass ladder and a two section fiberglass ladder assembly with 12 foot sections, a ladder rack system is required on top of the curbside side compartments.	1	

Item	Description	Qty	Price
	Ladder Rack #1: A horizontal rack shall rest on top of the curbside compartments, running approximately 126" with an internal width of 19 inches. The assembly shall have sufficient rollers to facilitate ease of removal and storage. A securing device shall be provided at the rear. Ladder Rack #2: A horizontal rack shall be spaced above Ladder Rack #1. The rack shall run the full length (approx. 150") and measure internally 19 inches in width. The assembly shall have sufficient rollers to facilitate ease of removal and storage. A securing device shall be provided at the rear. When mounted, the ladder rack will overhang the truck cab.		
62.	U-Shaped Grab Handle	1	
63.	Small Grab Handle Installed At Rear	1	
64.	ICC Underride Protection	1	
65.	Post Style Cone Holder For Installation On A Front Bumper	1	
66.	Platform Rest, Rigid with Rubber Tube	1	
67.	Boom Rest for a Telescopic Unit	1	
68.	Water Cask 5 Gallon (Plastic)	1	
69.	Water Cask Bracket Only, For 3 or 5 Gallon (Sheet Metal) Install on Streetside of tailshelf	1	
70.	Mud Flaps With Altec Logo (Pair)	1	
71.	Safety Harness & 4.5 FT Lanyard (Medium To X-large)	1	
72.	10 LB Fire Extinguisher With Heavy Duty Bracket, Installed 10# dry chemical type fire extinguisher and bracket, to be mounted in rear of cab. Location to be determined at pre-paint inspection.	1	
73.	Triangular Reflector Kit, Shipped Loose	1	
74.	First Aid Kit, 2 Person mounted in rear of cab.	1	
75.	Rear Torsion Bar Installed On Chassis	1	
76.	Appropriate counterweight added for stability.	1	
77.	Slope Indicator Assembly For Machine Without Outriggers	1	
78.	Vise Mounting Bracket, 2 Square Tube Vertical Receiver Type with 8 x 8 Mounting Plate Receiver for tube to be at rear of the tailshelf. Exact location at PAM.	1	
79.	Rock Guards To Protect Lower Front Section Of Body Compartments From Road Debris	1	
80.	Vinyl manual pouch for storage of all operator and parts manuals	1	
81.	Soft Vinyl Lanyard Pouch	1	
82.	Additional Body/Chassis Accessory Vise, Wilton Model 746	1	
83.	Additional Body/Chassis Accessory Install after-market front mudflaps.	1	
84.	Additional Body/Chassis Accessory Install VMAC air compressor on engine with 40-50 gallon air tank placed beneath truck. Air reservoir tank to have moisture bleed valve. Air	1	

Item	Description	Qty	Price
	line to be routed to rear / curbside of tailshelf. Air line to contain valve at rear of truck with 1" air compressor twist coupling. On /off compressor switch with indicator light to be located in cab of truck.		
85.	Additional Body/Chassis Accessory Weather Tech floormats for driver and passenger side of cab.	1	
86.	Additional Body/Chassis Accessory Install laptop computer stand in front, left side of passenger seat in chassis cab.	1	
87.	Additional Body/Chassis Accessory Remove Rear seats from Cab.	1	
	Electrical Accessories		
88.	Altec Standard Multi-Point Grounding System	4	
89.	Custom Grounding Reel Grounding Reel, One (1) Hastings Catalog# 21365 spring powered grounding fault reel with forty (40) feet of 2/0 AWG copper cable. Mounting location to be on top of curb side rear vertical. This shall include ground clamp and tie/bonding to frame and body.	1	
90.	Copper U Shaped Grounding Lug (Threaded) Install at rear of Frame Extension	1	
91.	Lights and reflectors in accordance with FMVSS #108 lighting package. (Complete LED, including LED reverse lights)	1	
92.	Custom Strobe Light Install 8-way amber flashing perimeter LED lighting by Echo (3510A) in the following locations: *FRONT: Two lights mounted in the front grille. *SIDES: One light mounted on each front corner and rear corner of the body compartment on both sides of the vehicle. *REAR: Two lights mounted at the rear of the body compartment.	1	
93.	Cab Mounted Light Bar Install small LED amber strobe light bar (4 way visibility) on roof of cab.	1	
94.	Custom Light Bar Directional Arrowstik (Code 3 Model # AS835H) shall be recessed into the rear panel of the tailshelf. Arrowstik shall be activated by means of a conveniently mounted control in the truck cab.	1	
95.	Custom Flood Light Install two (2) 4" Rectangular Halogen work lights with rubber housing. Switches to be located on dash. One light to be installed on rear of pedestal to illuminate the cargo area. Second light to be installed at rear, street side cabinets to illuminate tail shelf and access steps.	2	
96.	Custom Remote Spot/Flood Install two (2) Wireless Spotlights (Go-Light Model 3049). One light will be located at front of truck on right side of hood and one at the rear streetside on top of the compartment. Spotlights to be wired to ignition on. Two wireless remotes are to be provided for each Go-Light.	2	
97.	Single tone back up alarm installed between the chassis frame rails at the rear of the chassis. To work in conjunction with chassis reverse drive system	1	
98.	Altec Backup Camera System, 7" Color LCD Monitor, Heated Infrared Camera with Day/Night Sensor and Audio	1	

A. 7" Color LCD Monitor With LED Backlighting And Proximity Indicators
B. 2 Inputs With Independent Triggers
C. Heated Infrared Camera With Day/Night Sensor And Audio

Item	Description	Qty	Price
	D. Mirror/Normal View **E.** IP68 Rated **F.** Wide Viewing Angle (104 Degrees Horizontal x 78 Degrees Vertical) **G.** 20 Meter Cable Assembly		
99.	PTO Hour Meter, Rectangular With 10,000 Hour Display	1	
100.	3000 Watt Pure-Sine Wave Inverter Furnish a Dimension (or equivalent) minimum 3,000 watt, 110 volt AC, mounted Inverter unit. The installed unit must be cable of 3,000 watts of continuous operation. The vendor will be responsible for specifying the appropriate size of alternator and batteries. Inverter "on" indicator light installed in cab. Mount inverter inside cab behind the passenger seat.	1	
101.	Deep Cycle Auxiliary Battery For Vented Applications (Group 31)	2	
102.	Top Opening Vented Battery Box, Aluminum, 24.5" L X 13" H X 18" D, Smooth Lid With Gas Shocks And Non-Locking Zinc Plated Latch, Holds 2 Batteries	1	
103.	Marine Style Battery Enclosure, Black Plastic, Holds One (1) Battery	2	
104.	12 Volt Receptacles (Cigarette Lighter Style) Triple Bank (3 Gang) Non-Weatherproof Wired Ignition Hot and mounted in chassis cab.	1	
105.	120 Volt GFCI Receptacle Includes Weather-resistant Enclosure Five (5) GFCI protected electrical outlets shall be furnished to facilitate the operation of hand-held electrical tools, construction lights and accessories at ground level. These outlets are to be mounted as follows: *One (1) outside the front panel of the streetside body compartments. *One (1) on the rear panel of the curbside body compartments. *One (1) on the rear panel of the streetside body compartment *One (1) to be installed in cab, rear of center console. *One (1) in curbside front compartment. Electrical outlets are to be duplex type, with weatherproof covers.	5	
106.	Dash panel rocker switches supplied with Ford Chassis, 4 auxiliary switches supplied in up fitting package from Ford	1	
107.	PTO Indicator Light Installed In Cab	1	
108.	Power Distribution Module Is A Compact Self-Contained Electronic System That Provides A Standardized Interface With The Chassis Electrical System. (Includes Operator's Manual)	1	
109.	Additional Electrical Accessory Engine Start/Stop and Emergency stop control at rear of tailshelf. The emergency switch shall be visibly labeled "PUSH FOR AERIAL STOP" This is in addition to Engine Start/Stop and Emergency stop at both the lower and upper controls.	1	
110.	Additional Electrical Accessory 20 Watt Spot, Orange Litebox, Standard System, wired ignition hot, installed horizontally in cab directly behind center console in back floorboard. Install as close to console as possible.	1	
111.	Additional Electrical Accessory Install amber LED flashing strobe lighting into the headlight assemblies.	1	
112.	Additional Electrical Accessory All amber strobe lights excluding arrow stick and light on roof of cab shall be activated by single switch in truck cab.	1	
113.	Additional Electrical Accessory Supplemental interior cab LED lighting is to be installed.	1	

Item	Description	Qty	Price
	Location and size to be sufficient to facilitate blue print and map reading 24 hours a day. Light shall be installed in a manner that does not "pull down" headliner in cab.		
114.	Additional Electrical Accessory All auxiliary lighting and aerial master switch shall be activated from a lighted indicator control panel with an integral power socket. This control panel shall be centrally located in the truck cab, mounted in overhead compartment or on a pedestal. Mounting on top of dash is not acceptable.	1	
	Finishing Details		
115.	Focus Factory Build	1	
116.	Delivery Of Completed Unit	1	
117.	Custom Unit Color Federal School Bus Safety Yellow (or match N0933 EA Yellow Elite SS)	1	
118.	Finish Paint Body Accessories Custom Color (Specify Color Code) Federal School Bus Safety Yellow (or match N0933 EA Yellow Elite SS)	1	
119.	Finish Paint Body Compartment Interiors Custom Color (Supply Color Code) Federal School Bus Safety Yellow (or match N0933 EA Yellow Elite SS)	1	
120.	Apply Non-Skid Paint to all walking surfaces	1	
121.	English Safety And Instructional Decals	1	
122.	Vehicle Height Placard - Installed In Cab	1	
123.	Dielectric test unit according to ANSI requirements.	1	
124.	Stability test unit according to ANSI requirements.	1	
125.	DOT Certification Required DOT Certification Required. Place sticker on back window behind driver and form in manual pouch.	1	
126.	Prepaint Inspection Required By Customer	1	
127.	Placard, HVI-22 Hydraulic Oil	1	
128.	Inbound Freight	1	
129.	FA Unit Designator - AT40G Aerial Device	1	
130.	Additional Finishing Detail Overall height not to exceed 12 feet 8 inches.	1	
	Chassis		
131.	Chassis	1	
132.	Altec Supplied Chassis	1	
133.	2015 Model Year	1	
134.	Ford F550	1	
135.	4x4 Front Drive Axle	1	
136.	Chassis Cab To Axle Length - 60 inch	1	

Item	Description	Qty	Price
137.	Super Cab	1	
138.	XL Trim Package	1	
139.	Chassis Color - Yellow Federal School Bus Safety Yellow or match N0933 EA Yellow Elite SS.	1	
140.	Chassis Wheelbase Length - 162 inch	1	
141.	6.7L V8 Power Stroke Diesel	1	
142.	Ford 6R140 6-Speed Automatic Transmission With PTO Provision	1	
143.	GVWR 19,500 LBS	1	
144.	7,000 LBs Front Axle Rating	1	
145.	14,706 LBs Rear Axle Rating	1	
146.	225/70R19.5 Front Tire (Traction)	1	
147.	225/70R19.5 Rear Tire (Traction)	1	
148.	Hydraulic Brakes	1	
149.	Park Brake In Rear Wheels	1	
150.	Single Horizontal Exhaust Right Hand	1	
151.	98R - Operator Commanded Regeneration (OCR)	1	
152.	No Idle Engine Shut-Down Required	1	
153.	40 Gallon Fuel Tank (Behind Rear Axle)	1	
154.	Air Conditioning	1	
155.	AM/FM Radio	1	
156.	Power Door Locks	1	
157.	Power Windows	1	
158.	Tachometer	1	
159.	Block Heater	1	
160.	Limited Slip Rear Axle	1	
161.	Vinyl Split Bench Seat with fold down armrest/storage	1	
162.	Additional Chassis Option payload plus upgrade package	1	
163.	Additional Chassis Option power equipment group	1	
164.	Additional Chassis Option running boards on the driver and passenger side of chassis	1	
	Additional Pricing		
165.	Altec Provided Training	1	

Item	Description	Qty	Price
	Miscellaneous		
166.	Standard Altec Warranty One (1) year parts warranty One (1) year labor warranty Ninety (90) days warranty for travel charges Limited Lifetime Structural Warranty	1	
167.	Ext Warranty Travel (Day 91-365) Buckets Less Than 46 FT (AT237, AT30-GV, AT-G, AO,TA, L Series, LM)	1	

Total **140,856.00**

Altec Industries, Inc.

BY _____

Matthew W Miller

Notes:

1 Altec Standard Warranty:

One (1) year parts warranty.

One (1) year labor warranty.

Ninety (90) days warranty for travel charges.

Warranty on structural integrity of the following major components is to be warranted for so long as the initial purchaser owns the product: Booms, boom articulation links, hydraulic cylinder structures, outrigger weldments, pedestals, subbases and turntables.

Bidder is to supply a self-directed, computer based training (CBT) program. This program will provide basic instruction in the safe operation of this aerial device. This program will also include and explain ANSI and OSHA requirements related to the proper use and operation of this unit.

Altec offers its standard limited warranty with the Altec supplied components which make up the Altec Unit and its installation, but expressly disclaims any and all warranties, liabilities, and responsibilities, including any implied warranties of fitness for a particular purpose and merchantability, for any customer supplied parts

Altec designs and manufactures to applicable Federal Motor Vehicle Safety and DOT standards

2 Unless otherwise noted, all measurements used in this quote are based on a 40 inch (1016mm) chassis frame height and standard cab height for standard configurations.

3 F.O.B. - #FOB_TERMS#

4 Changes made to this order may affect whether or not this vehicle is subject to F.E.T. A review will be made at the time of invoicing and any applicable F.E.T. will be added to the invoice amount.

5 Price does not reflect any local, state or Federal Excise Taxes (F.E.T). The quote also does not reflect any local title or licensing fees. All appropriate taxes will be added to the final price in accordance with regulations in effect at time of invoicing.

6 Interest charge of 1/2% per month to be added for late payment.

7 Delivery: 270 days after receipt of order PROVIDING:
A. Order is received within 14 days from the date of the quote. If initial timeframe expires, please contact your Altec representative for an updated delivery commitment.
B. Chassis is received a minimum of sixty (60) days before scheduled delivery.
C. Customer approval drawings are returned by requested date.

D. Customer supplied accessories are received by date necessary for compliance with scheduled delivery.
E. Customer expectations are accurately captured prior to releasing the order. Unexpected additions or changes made at a customer inspection will delay the delivery of the vehicle.

Altec reserves the right to change suppliers in order to meet customer delivery requirements, unless specifically identified, by the customer, during the quote and or ordering process.

8 Trade-in offer is contingent upon equipment being maintained to DOT (Department of Transportation) operating and safety standards. This will include, but not limited to tires, lights, brakes, glass, etc. If a trade-in is not maintained to DOT standards, additional transportation expenses will apply and could be invoiced separately.

All equipment, i.e., jibs, winches, pintle hooks, trailer connectors, etc., are to remain with the vehicle unless otherwise agreed upon in writing by both parties. Altec Industries reserves the right to re-negotiate its trade-in offer if these conditions are not met.

Customer may exercise the option to rescind this agreement in writing within sixty (60) days after receipt of purchase order. After that time Altec Industries will expect receipt of trade-in vehicle upon delivery of new equipment as part of the terms of the purchase order.

Titles for trade-in equipment should be given to the appropriate Altec Sales associate or forwarded to Altec Nueco at address 1730 Vanderbilt Road, Birmingham, AL 35234.

9 This quotation is valid until FEB 17, 2014. After this date, please contact Altec Industries, Inc. for a possible extension.

10 After the initial warranty period, Altec Industries, Inc. offers mobile service units, in-shop service and same day parts shipments on most parts from service locations nationwide at an additional competitive labor and parts rate. Call 877-GO-ALTEC for all of your Parts and Service needs.

11 Please email Altec Capital at finance@altec.com or call 888-408-8148 for a lease quote today.

12 Please direct all questions to Mark Finch at (270) 360-0600

HERITAGE FORD

Presents...

The 2014 Ford F-550 Chassis XL

4x4 SD Super Cab 162" WB DRW

Prepared For: Matthew Miller
Prepared By: Ron Waldeck
Prepared On: December 12, 2013

Prepared For:
Matthew Miller
Altec-Elizabethtown
Indiana
Phone: 270-505-1512

Prepared By:
Ron Waldeck
HERITAGE FORD
2075 Edsel Lane
Corydon, Indiana, 47112

Vehicle Profile

2014 Ford F-550 Chassis

4x4 SD Super Cab 162" WB DRW XL (X5H)

Powertrain
Powerstroke 6.7L V-8 OHV direct diesel injection 32 valve intercooled turbo diesel engine * 200 amp HD alternator * 750 amp (total) 78 amp hours (Ah) (total) battery dual batteries with run down protection * Engine block heater * 6-speed electronic SelectShift automatic transmission with overdrive, lock-up, driver selection * Part-time four-wheel drive with manual transfer case shift, manual locking hubs * Limited slip differential, driveline traction control, power take-off provision * 4.88 axle ratio * Stainless steel exhaust

Steering and Suspension
Hydraulic power-assist re-circulating ball steering * 4-wheel disc brakes with front and rear vented discs * Firm ride suspension * Mono-beam non-independent front suspension * Front anti-roll bar * HD front coil springs * HD front shocks * Rigid rear axle * Rear leaf suspension * Rear anti-roll bar * HD rear leaf springs * HD rear shocks * Front and rear 19.5" x 6.00" argent steel wheels * LT225/70SR19.5 BSW AT front and rear tires

Safety
4-wheel anti-lock braking system * Dual airbags, passenger side front-impact cancellable airbag, seat mounted driver and passenger side-impact airbags, curtain 1st and 2nd row overhead airbags * Front height adjustable seatbelts * SecuriLock immobilizer, panic alarm, security system

Comfort and Convenience
Air conditioning, underseat ducts * AM/FM stereo, clock, seek-scan, 2 speakers, fixed antenna * Power door locks with 2 stage unlock, keyfob (front doors) keyless entry * 2 12V DC power outlets, retained accessory power * Analog instrumentation display includes tachometer, engine temperature gauge, turbo/supercharger boost gauge, transmission fluid temp gauge, engine hour meter, exterior temp, systems monitor, trip odometer * Warning indicators include oil pressure, engine temperature, battery, lights on, key, low fuel, door ajar, service interval, brake fluid * Steering wheel with tilt and telescopic adjustment * Power front windows and vented rear windows with light tint, driver and passenger 1-touch down * Variable intermittent front windshield wipers * Passenger side vanity mirror * Day-night rearview mirror * Interior lights include dome light with fade, front reading lights, illuminated entry * Full overhead console with storage, glove box, front cupholder, instrument panel bin, dashboard storage, driver and passenger door bins, rear door bins * Upfitter switches

Seating and Interior
Seating capacity of 6 * 40-20-40 split-bench front seat with adjustable head restraints, center armrest with storage * 4-way adjustable driver seat includes lumbar support * 4-way adjustable passenger seat * 60-40 folding rear split-bench seat with fold-up cushion, 2 fixed rear head restraints * Vinyl faced front seats with vinyl back material * Vinyl faced rear seats with carpet back material * Full cloth headliner, full vinyl/rubber floor covering, urethane gear shift knob, chrome interior accents

Exterior Features

Exterior Features (Continued)

Side impact beams, front license plate bracket, fully galvanized steel body material, side steps * Black fender flares * Black side window moldings, black front windshield molding * Black door handles * Black grille * 4 doors with reverse opening rear driver's side door, reverse opening rear passenger's side door * Trailer harness * Driver and passenger power remote black heated convex spotter folding manual extendable trailer outside mirrors with turn signal indicators * Front black bumper with front tow hooks * Aero-composite halogen headlamps * Additional exterior lights include cab clearance lights, underhood light, remote activated perimeter/approach lights * Clearcoat monotone paint * Snow plow provision

Warranty

Basic	36 month/36,000 miles	Powertrain	60 month/60,000 miles
Corrosion Perforation	60 month/unlimited mileage	Roadside Assistance	60 month/60,000 miles
Diesel Engine	60 month/100,000 miles		

Dimensions and Capacities

Output	300 hp @ 2,800 rpm	Torque	660 lb.-ft. @ 1,600 rpm
1st gear ratio	3.974	2nd gear ratio	2.318
3rd gear ratio	1.516	4th gear ratio	1.149
5th gear ratio	0.858	6th gear ratio	0.674
Reverse gear ratio	3.128	Curb weight	8,356 lbs.
GVW	19,500 lbs.	Front	7,000 lbs.
Rear GAWR	14,706 lbs.	Payload	11,240 lbs.
Front curb weight	4,865 lbs.	Rear curb weight	3,491 lbs.
Front axle	7,000 lbs.	Rear axle capacity	14,706 lbs.
Front spring rating	7,000 lbs.	Rear spring rating	15,000 lbs.
Front tire/wheel capacity	7,500 lbs.	Rear tire/wheel capacity	15,000 lbs.
Towing capacity	16,000 lbs.	5th-wheel towing capacity	16,600 lbs.
Front legroom	41.1 "	Rear legroom	31.6 "
Front headroom	40.7 "	Rear headroom	38.1 "
Front hiproom	67.6 "	Rear hiproom	67.3 "
Front shoulder room	68.0 "	Rear shoulder room	68.1 "
Passenger area volume	113.3 cu.ft.	Length	247.5 "
Body width	93.9 "	Body height	80.4 "
Wheelbase	162.0 "	Cab to axle	60.0 "
Axle to end of frame	47.6 "	Front tread	74.8 "
Rear tread	74.0 "	Turning radius	23.9 '
Fuel tank	40.0 gal.	Rear frame height loaded	27.9 "
Rear frame height unloaded	33.3 "		

Prepared For:
Matthew Miller
Altec-Elizabethtown
Indiana
Phone: 270-505-1512

Prepared By:
Ron Waldeck
HERITAGE FORD
2075 Edsel Lane
Corydon, Indiana, 47112

Selected Options

2014 Ford F-550 Chassis

4x4 SD Super Cab 162" WB DRW XL (X5H)

Vehicle Snapshot

Engine: 6.7L 4V OHV Power Stroke Diesel V8 B20
Transmission: TorqShift 6-Speed Auto w/OD
Rear Axle Ratio: Limited Slip w/4.88
GVWR: 19,500 lb Payload Plus Upgrade Package

Code	Description
X5H	**Base Vehicle Price (X5H)**
660A	**Order Code 660A**
425	**50 State Emissions System**
99T	**Engine: 6.7L 4V OHV Power Stroke Diesel V8 B20** *200 Amp Extra Heavy Duty Alternator; (X41) 4.10 Axle Ratio; Dual 78 AH Batteries. Includes clean idle decal and intelligent oil life minder. Torque: 660 ft.lbs. @ 1600 rpm.*
44W	**Transmission: TorqShift 6-Speed Auto w/OD** *Includes SelectShift.*
X8L	**Limited Slip w/4.88 Axle Ratio**
68M	**GVWR: 19,500 lb Payload Plus Upgrade Package** *Includes upgraded frame, upgraded springs and low deflection/high capacity. Increases max RGAWR to 14, 706. NOTE: See Order Guide Supplemental Reference for further details on GVWR.*
TGB	**Tires: 225/70Rx19.5G BSW Max Traction** *Includes 4 traction tires on the rear and 2 traction tires on the front. Not recommended for over the road applications; could incur irregular front tire wear and/or NVH. Optional spare is traction.*
64Z	**Wheels: 19.5" Argent Painted Steel (6)**

Code	Description
A	**HD Vinyl 40/20/40 Split Bench Seat** *Includes driver side manual lumbar support, center armrest, cupholder and storage.*
PAINT	**Monotone Paint Application**
162WB	**162" Wheelbase/60" Cab to Axle**
90L	**Power Equipment Group** *Accessory Delay; Power Locks; Remote Keyless Entry; Perimeter Anti-Theft Alarm; Power Front Side Windows : Includes 1-touch up and down power driver and passenger window.; MyKey : Includes owner controls feature.; Manual Telescoping Trailer-Tow Mirrors : Includes power heated glass, heate convex spotter mirror and integrated clearance lights/turn signals.; SecuriLock Passive Anti-Theft System (PATS). Deletes passenger-side lock cylinder. Includes upgraded door-trim panel.*
473	**Snow Plow Prep Package** *Includes pre-selected springs (see Order Guide Supplemental Reference for springs/FGAWR of specific vehicle configurations). NOTE 1: Restrictions apply; see Supplemental Reference or Body Builders Layout Book for details. NOTE 2: Also allows for the attachment of a winch.*
41H	**Engine Block Heater**
62R	**Transmission Power Take-Off Provision**
98R	**Operator Commanded Regeneration (OCR)**
18B	**6" Angular Black Molded-in-Color Running Boards**
587	**Radio: AM/FM Stereo w/Digital Clock** *Includes 2 speakers.*
AS	**Steel**
84S53	**School Bus yellow paint**

Vehicle Subtotal

Destination

Vehicle Subtotal (including Destination)

Prepared For:
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Altec-Elizabethtown
Indiana
Phone: 270-505-1512

Prepared By:
Ron Waldeck
HERITAGE FORD
2075 Edsel Lane
Corydon, Indiana, 47112

Dimensions & Capacities

2014 Ford F-550 Chassis

4x4 SD Super Cab 162" WB DRW XL (X5H)

Description	Value
Dimensions and Capacities	
Output	300 hp @ 2,800 rpm
Torque	660 lb.-ft. @ 1,600 rpm
1st gear ratio	3.974
2nd gear ratio	2.318
3rd gear ratio	1.516
4th gear ratio	1.149
5th gear ratio	0.858
6th gear ratio	0.674
Reverse gear ratio	3.128
Curb weight	8,356 lbs.
GVW	19,500 lbs.
Front	7,000 lbs.
Rear GAWR	14,706 lbs.
Payload	11,240 lbs.
Front curb weight	4,865 lbs.
Rear curb weight	3,491 lbs.
Front axle	7,000 lbs.
Rear axle capacity	14,706 lbs.
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Rear spring rating	15,000 lbs.
Front tire/wheel capacity	7,500 lbs.
Rear tire/wheel capacity	15,000 lbs.
Towing capacity	16,000 lbs.
5th-wheel towing capacity	16,600 lbs.
Front legroom	41.1 "
Rear legroom	31.6 "
Front headroom	40.7 "
Rear headroom	38.1 "
Front hiproom	67.6 "
Rear hiproom	67.3 "
Front shoulder room	68.0 "
Rear shoulder room	68.1 "
Passenger area volume	113.3 cu.ft.
Length	247.5 "
Body width	93.9 "

Prepared For: Matthew Miller
Prepared By: Ron Waldeck
Dealership: HERITAGE FORD

Description	Value
Dimensions and Capacities	
Body height	80.4 "
Wheelbase	162.0 "
Cab to axle	60.0 "
Axle to end of frame	47.6 "
Front tread	74.8 "
Rear tread	74.0 "
Turning radius	23.9 '
Fuel tank	40.0 gal.
Rear frame height loaded	27.9 "
Rear frame height unloaded	33.3 "

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Prepared By:
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Corydon, Indiana, 47112

Warranty

2014 Ford F-550 Chassis

4x4 SD Super Cab 162" WB DRW XL (X5H)

Description	Months/Distance
Basic	36 month/36,000 miles
Powertrain	60 month/60,000 miles
Corrosion Perforation	60 month/unlimited mileage
Roadside Assistance	60 month/60,000 miles
Diesel Engine	60 month/100,000 miles

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Corydon, Indiana, 47112

Performance Tests

2014 Ford F-550 Chassis

4x4 SD Super Cab 162" WB DRW XL (X5H)

Performance predictions in this report represent an estimate of vehicle performance based on standard operating conditions. Variati in customer equipment, load configuration, ambient conditions, and/or operator driving techniques can cause significant variations in vehicle performance. These values are not representative of results that may be shown in actual dynamometer tests. This report sh therefore be used as a guide for comparative vehicle performance.

Performance Start Tests	**Calculated**	**Desired**
Start grade capability in gear 1	37.6 %	.0 %
Start grade capability in reverse	29.6 %	.0 %

Performance Grade Tests	**Calculated**	**Desired**
Maximum grade in gear 3	15.1 %	3.0 %
Maximum grade in gear 4	11.4 %	3.0 %
Maximum grade in gear 5	8.5 %	3.0 %
Maximum grade in gear 6	6.7 %	3.0 %

Performance Speed Tests

Given your requirement to go 75 mph, you need a maximum axle ratio of 6.18.
Given your requirement to go 55 mph at a grade of 3.0%, you need a minimum of 127 hp.
The calculated cruise speed is 65 mph, your desired cruise speed is 60 mph.
The engine RPM at 60 mph cruise speed is 2,121 rpm

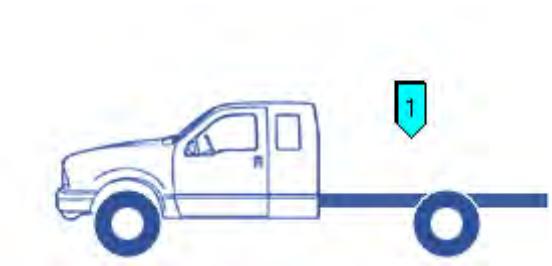
Performance Tests Variables in Use

Rear axle ratio:	4.88		2,300 rpm
Gear 1 ratio:	3.97	Worst road surface	Typical Highway
Gear reverse ratio:	3.13	Final Drive Ratio:	0.67
Tire size:	225/70R19.5 (645rev/mile)	Rear axle ratio:	4.88
Gross vehicle weight (GVW):	19,500 lbs	Drag Coefficient	0.80
Clutch engagement torque:	330 ft.lbs.		
Torque conversion ratio:	1.9		
Gear 3 ratio:	1.52		
Gear 4 ratio:	1.15		
Gear 5 ratio:	0.86		
Gear 6 ratio:	0.67		
Peak engine torque:	660 ft.lbs.		
Engine Power:	300 hp @ 2,800 rpm		
Governed RPM:	3,360 rpm		
Frontal Area:	46.6 Sq.Ft.		
Cruising RPM			

Performance Weight Tests

Variables	Front Axle	Rear Axle	Totals
Chassis	4,850 lbs	3,488 lbs	8,338 lbs
Body	0 lbs	0 lbs	0 lbs
Occupants	600 lbs	300 lbs	900 lbs
Fuel	187 lbs	93 lbs	280 lbs
1 Max. Payload	1,117 lbs	8,866 lbs	9,982 lbs
TOTAL	6,754 lbs	12,746 lbs	19,500 lbs

Weights



Ratings			GVWR
GAWR	7,000 lbs	14,706 lbs	19,500 lbs
Wheels/Tires	7,500 lbs	15,000 lbs	
Suspension	7,000 lbs	15,000 lbs	
Axle	7,000 lbs	14,706 lbs	
Legal Limit	0 lbs	0 lbs	

Weight Summary	Calculated	GAWR	Legal Limits
Front axle load is	6,754 lbs	7,000 lbs	0 lbs
Rear axle load is	12,746 lbs	14,706 lbs	0 lbs

Agenda Item Executive Summary

Title: Ordinance M-1-2014: 565 Lincoln Avenue, Special Use Permit for CONLON: A Real Estate Company

Presenter: Michael D'Onofrio, Director of Community Development

Agenda Date: 01/07/2014

Consent: ☐ YES ☑ NO

☑ Ordinance
☐ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☐ Informational Only

Item History:

No previous action.

Executive Summary:

Ordinance M-1-2014 grants a Special Use Permit in accordance with Section 17.56 of the Winnetka Zoning Ordinance to allow a real estate office in vacant retail space at 565 Lincoln Avenue. The property is located in the C-2 Retail Overlay District. Pursuant to Section 17.44.020 and the Table of Uses in Section 17.46.010 of the zoning ordinance, a Special Use Permit is required for non-retail uses located on the ground floor within 50 feet of the front property line in the Retail Overlay District.

Grafton Holdings d/b/a CONLON: A Real Estate Company, proposes to occupy 1,513 s.f. of space at 565 Lincoln Avenue. The application is subject to the Special Use Permit process due to its location directly adjacent to the front property line. The space measures approximately 15 ft. x 98 ft. and has been vacant since March 2011. The subject site is located in a single-story commercial building with six (6) commercial tenant spaces at 563-571 Lincoln Avenue.

The proposed space will be equipped with 10 workstations for agents and would be staffed seven days a week. The proposed business hours are Monday-Friday 9am to 5pm, Saturday 10am to 4pm, and Sunday 10am to 3pm. CONLON is an affiliate of Christie's International Real Estate. Through that affiliation, CONLON intends to display art work in the office and, from time to time, hold art shows.

The Plan Commission and Zoning Board of Appeals both recommended approval with the following two conditions:

1. Business hours shall be limited to 11am to 7pm on Mondays and Tuesdays with the remaining business hours as described on the application;
2. Between the hours of 9am to 5pm agents and employees must park in off-street parking, such as the public parking lot on Lincoln Avenue and the tenant's designated spots behind the building.

The Plan Commission added a third condition: The applicant may request reconsideration of condition no. 1 if there are circumstances leading to its position change.

Recommendation / Suggested Action:

Consider waiving introduction of Ordinance M-1-2014 and consider adoption granting a Special Use Permit to allow CONLON: A Real Estate Company to occupy retail space at 565 Lincoln Avenue.

OR

Consider introduction of Ordinance M-1-2014, granting a Special Use Permit to allow CONLON: A Real Estate Company to occupy retail space at 565 Lincoln Avenue.

Attachments:

Agenda Report
Attachment A: Special Use Application
Attachment B: Ordinance M-1-2014
Attachment C: Map of Site
Attachment D: Demising Plan and Proposed Floor Plan
Attachment E: Parking Study
Attachment F: Memo from Village Engineer Steve Saunders
Attachment G: ZBA Minutes
Attachment H: Plan Commission Minutes
Attachment I: Correspondence Received
Attachment J: Request to Waive Introduction

AGENDA REPORT

TO: Village Council

PREPARED BY: Michael D'Onofrio, Director of Community Development

SUBJECT: 565 Lincoln Ave., Ord. M-1-2014
Special Use Permit for CONLON: A Real Estate Company

DATE: January 2, 2014

PREPARED BY: Michael D'Onofrio, Director of Community Development

Ordinance M-1-2014 grants a Special Use Permit in accordance with Section 17.56 of the Winnetka Zoning Ordinance to allow a real estate office in vacant retail space at 565 Lincoln Ave. The property is located in the C-2 Retail Overlay District. Pursuant to Section 17.44.020 and the Table of Uses in Section 17.46.010 of the zoning ordinance, a Special Use Permit is required for non-retail uses located on the ground floor within 50 feet of the front property line in the Retail Overlay District.

Summary of Request

Grafton Holdings d/b/a CONLON: A Real Estate Company proposes to occupy 1,513 s.f. of space at 565 Lincoln Ave. The application is subject to the Special Use Permit process due to its location directly adjacent to the front property line. The space measures approximately 15 ft. x 98 ft. and has been vacant since March 2011. The subject site is located in a single-story commercial building with six (6) commercial tenant spaces at 563-571 Lincoln Ave. The building is also currently occupied by Sara Campbell (563 Lincoln), J. McLaughlin (567A Lincoln), M. Stefanich Antiques (569 Lincoln), and Donald Stuart Antiques (571 Lincoln). The space formerly occupied by Chambers Cross Real Estate (567 Lincoln) is also currently vacant.

The application materials explain the space will be equipped with 10 workstations for agents and would be staffed seven days a week. The proposed business hours are Monday-Friday 9am to 5pm, Saturday 10am to 4pm, and Sunday 10am to 3pm. CONLON is an affiliate of Christie's International Real Estate. Through that affiliation CONLON intends to display art work in the office and, from time to time, hold art shows.

Parking Study

Winnetka zoning regulations do not require off-street parking to be provided for many uses within the area; uses such as retail stores which are permitted "by right" are not required to provide off-street parking. However, real estate offices and other non-retail users are subject to evaluation under the Special Use Permit process by the Zoning Board of Appeals (ZBA), Plan Commission and Village Council for potential impacts on the business district, including possible impacts on the availability of parking.

As part of the application a parking impact study was ordered by the applicant and prepared by KLOA, Inc. (Attachment E). The purpose of the study was to determine the availability of public parking within the East Elm Street Business District on a weekday. As described in the

attached materials, it is anticipated that the maximum parking demand generated by the proposed real estate office would be five to six vehicles. However, taking the most conservative approach, KLOA assumed that a total of 17 additional parking spaces will be occupied by the proposed use during business hours on a weekday. KLOA concluded that with the combination of available unoccupied on-street parking and off-street parking in the nearby public parking lots, the parking needs of the proposed use, as well as other vacant storefronts in the area, will be met even under the conservative scenario of a parking demand of up to 17 spaces.

Village Engineer Steve Saunders has reviewed the parking study and he concurs with the method of analysis and the conclusions of the KLOA study (Attachment F).

Background on Retail Overlay District

The adoption of the Retail Overlay District standards and accompanying special use process first arose in 1987 out of concern about the viability of the business districts as a whole if non-retail occupancies were allowed to proliferate and occupy significant areas within retail shopping districts. The C-2 Retail Overlay zoning district requires issuance of a Special Use Permit for non-retail uses that include service establishments, general office uses, travel agencies, financial institutions, real estate offices and medical offices, to name a few.

Following lengthy discussions by the Plan Commission and Business Community Development Commission (BCDC), the Village Council amended several provisions of the C-2 Retail Overlay District in 2009. Revisions included modification of the overlay district's boundaries, which saw some parcels newly added to the Retail Overlay District, with other areas adjusted slightly to remove them from the Overlay District. Additionally, the underlying standards saw a reduction in the applicability of the Retail Overlay District to each property within the District's boundaries, reducing the required "depth of retail" from 100 feet to the current standard of 50 feet. Under previous standards, non-retail uses were permitted without a Special Use Permit if located more than 100 feet from the front property line. Under the amendments, such uses are now permitted to be located without a Special Use Permit beginning at 50 feet from the front property line.

Recommendations of Advisory Boards

At the November 11, 2013 ZBA meeting, the four members present voted 4 to 0 to recommend approval of the requested Special Use Permit. In recommending approval, the ZBA recommended that approval be subject to the following conditions in order to minimize the impact on on-street parking:

1. Business hours shall be limited to 11am to 7pm on Mondays and Tuesdays with the remaining business hours as described on the application; and
2. Between the hours of 9am to 5pm agents and employees must park in off-street parking, such as the public parking lot on Lincoln Ave. and the tenant's designated spots behind the building.

At the November 20, 2013 Plan Commission meeting, the nine members present voted eight recommending and one abstaining, in favor of approval of the Special Use Permit.

In recommending approval, the Plan Commission recommended that approval be subject to the following conditions:

1. Limiting the applicant's hours of operation between 11:00 a.m. and 7:00 p.m. on Monday and Tuesday with the remaining hours of operation as described in the application;
2. Require from 9:00 a.m. to 5:00 p.m. for the agents and employees to park off-street in parking such as at the public parking lot on Lincoln Avenue and in the tenant designated spots behind the leased premises; and
3. The applicant may request reconsideration of condition no. 1 if there are circumstances leading to its position change.

Introduction of the ordinance requires the concurrence of the majority of the Council.

The applicant, through its attorney, Chris Canning, has requested that introduction be waived and Ordinance M-1-2014 be considered for adoption. Pursuant to Winnetka Village Code Section 2.04.040(E) it requires the unanimous determination, by motion, of all Council members present "that cause has been presented to establish that the procedures do not in that instance serve the best interests of the Village" in order to waive introduction.

Recommendation

Consider waiving introduction of Ord. M-1-2014 and consider adoption granting a Special Use Permit to allow CONLON: A Real Estate Company to occupy retail space at 565 Lincoln Ave.

Or

Consider introduction of Ord. M-1-2014, granting a Special Use Permit to allow CONLON: A Real Estate Company to occupy retail space at 565 Lincoln Ave.

Attachments

Attachment A: Special Use Application
Attachment B: Ordinance M-1-2014
Attachment C: Map of Site
Attachment D: Demising Plan and Proposed Floor Plan
Attachment E: Parking Study
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Attachment G: ZBA Minutes
Attachment H: Plan Commission Minutes
Attachment I: Correspondence Received
Attachment J: Request to Waive Introduction

ATTACHMENT A

Special Use Permit Application

Village of Winnetka

1.

CASE NO. 13-19-SU

APPLICATION FOR SPECIAL USE

Name of Applicant Grafton Holdings d/b/a CONLON: A Real Estate Company

Property Address 1101 West Lake Street, First Floor, Chicago, IL 60607

Home and Work Telephone Number 312—558-1084(o); 312-515-3845(c)

Fax and Email benjie@conlonandco.com ; 312-733-2187(f)

Architect Information: Name, Address, Telephone, Fax & Email

Axios, 188 N. Wells Street, Suite 300, Chicago, IL 60606

312-750-1333 (p); 312-750-1335 (f)

Attorney Information: Name, Address, Telephone, Fax & Email
Christopher S. Canning, Canning & Canning LLC

1000 Skokie Blvd., Ste. 355

Wilmette, IL 60091 chris@canninglegal.com; 847-853-7040 (p) 847-853-7042(f)

Date Property Acquired by Owner The building was built in 1925.

Nature of Any Restrictions on Property The location is in the C-2 Retail Overly District.

Explanation of Special Use Requested Applicant is seeking a Special Use Permit to establish a real estate office. A full description of the office is contained in the attached letter.

OFFICE USE ONLY

Special Use Requested under Ordinance Section(s)_____

Staff Contact:_____ Date:_____

Respectfully Submitted,

[redacted]

~~Property Owner~~ LEASEE

8 Oct 2013
Date

1101 W LAKE, FIRST FLOOR, CHICAGO, IL 60607
Address

Bertha Turner TN4, LLC
6323 W. Dry Creek Road
Healdsburg, CA 95448-9109

TURNER NEWTON, MANAGER

October 9, 2013

VIA HAND DELIVERY
Zoning Board of Appeals
Village of Winnetka
c/o Michael D'Onofrio
Director of Community Development
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

Re: Special Use Application by Conlon & Co. regarding 565 Lincoln Ave.

Dear Chairman Johnson and Members of the Zoning Board:

We are the owners of the real property located at 563-571 Lincoln Avenue in Winnetka, Illinois. Our property is improved with a commercial building and contains a total of approximately 7,805 square feet of first floor commercial space. Our family built the building in 1925 and have maintained and operated this site since that time. Over the years, we have leased spaces to a variety of uses including both retail and non-retail uses.

We are pleased to report that we have reached an agreement with CONLON: A Real Estate Company of Chicago, Illinois to lease the vacant space at 565 Lincoln. CONLON is the only Chicago area affiliate of Christie's International Real Estate. The 1,513 square foot space is considered small for many retail and service uses but it is precisely the right size and location for CONLON. We have also agreed with CONLON to make all necessary and appropriate renovations to the space, including adding fire sprinklers to make it Code Compliant.

As the Village may know, the space at 565 Lincoln has been vacant since March 2011. Previously, the space was occupied by Jakes, a retail apparel store whose business failed and it defaulted on the lease and vacated the premises. It is important to point out that at least two spaces in the building have had real estate office tenants in the past. In both cases, the real estate offices were good, long-term tenants for our building and only closed when the owners retired. While we recognize that the building is in the C-2 Commercial Overlay District, we have been unable to lease the space to a suitable retail use. It is our fervent hope that the Village will grant CONLON's request for a Special Use Application so that our family will be able to lease out the space for the first time in more than two years. Accordingly, we have granted CONLON permission to make a Special Use Application for this space and we enthusiastically support their application. We trust that you will give this application your favorable consideration.

Very truly yours,

[redacted]

Turner Newton

CANNING & CANNING LLC
1000 SKOKIE BOULEVARD, SUITE 355
WILMETTE, ILLINOIS 60091
(847) 853-7042 - FAX

CHRISTOPHER S. CANNING
DIRECT DIAL NUMBER
(847) 853-7040
canningchris@comcast.net

October 10, 2013

VIA HAND DELIVERY
Zoning Board of Appeals
Village of Winnetka
c/o Michael D'Onofrio
Director of Community Development
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

Re: Special Use Application by Conlon & Co. regarding 565 Lincoln Ave.

Dear Chairperson Johnson and Members of the Zoning Board:

I am writing on behalf of Grafton Holdings d/b/a CONLON, a Real Estate Company (hereinafter "CONLON") regarding CONLON's Special Use Application in order to open and operate a real estate office at 565 Lincoln in Winnetka ("Subject Property"). As set forth more fully below, CONLON believes that Winnetka is the best location on the North Shore to open a new office to serve its clients who are interested in purchasing or selling homes on the North Shore. In addition, this office will enable Conlon's employees and agents who live in Winnetka to work closer to home rather than for them to commute to CONLON's Chicago office. Due to the C-2 Commercial Overlay District zoning of 565 Lincoln Avenue, CONLON must seek a Special Use. For the reasons set forth below, CONLON respectfully requests that the Village of Winnetka grant its requested Special Use.

I. About Conlon.

CONLON was co-founded in April 2009 by Sean Conlon and Benjie Burford with the goal of addressing the needs its clients in the ever changing Chicago real estate market. As of

October 2013, CONLON has over 200 agents each doing, on average, over $2 million in sales annually. Since its founding to 2013, Conlon's sales volume has grown 455%.

Mr. Conlon's prior experience in the real estate industry included forming Sussex & Reilly in 2009. Under his ownership, Sussex began with a 10-person staff and grew to over 300 employees, with annual brokerage sales in excess of $1 billion. Mr. Conlon sold Sussex in 2006. In 2000, Mr. Conlon also established Conlon & Co. a Real Estate Merchant Bank, to provide real estate consulting and financial services to clients in many facets of the real estate industry. He has been featured in Crain's Chicago Business "40 under 40" and has been a contributor to CNN, CNBC, New York Times, Forbes and the Wall Street Journal. Mr. Burford joined CONLON after successful careers at McKinsey & Company and General Electric. Mr. Burford also served seven years with the United States Air Force Special Operations Command.

In the summer of 2013, CONLON became an affiliate of Christie's International Real Estate, the real estate division of the historic London auction house, making CONLON the only Christie's affiliate in Chicagoland.

II. **The Subject Property**.

The Subject Property is located within the C-2 Commercial Overlay District. The Subject Property is located at the east side of Lincoln Avenue, north of Elm Street. The Subject Property has approximately 100 feet of frontage on Lincoln Avenue and is improved with a commercial building, containing a total of approximately 7,805 square feet of first floor commercial space. The building was built in 1925 by the current owner's family, Bertha Turner TN4, LLC, and is managed by Turner Newton.

CONLON intends to lease space within the Subject Property, which measures approximately 15'5" by 98' (1,513 square feet) ("Leased Space"). The Leased Space has been vacant since March 2011. Previously, the Leased Space was occupied by Jakes, a retail apparel store, whose business failed, defaulted on the lease and vacated the premises. It is important to point out that at least two spaces in the Subject Property have had real estate office tenants. In both cases, the real estate offices were long-term tenants and brought stability to the neighborhood. These offices only closed when the owners retired, not due to a lack of clients. The Subject Property is surrounded by properties zoned C-2 Commercial Overlay.

CONLON has reached an agreement with the owners of 565 Lincoln to lease the Leased Space at the Subject Property. The 1,513 square foot space is considered small by most office facilities but fits COLONS's needs as it is designed to support the realtor of the future, who, because of technology and other changes, does not require large, dedicated office space or large on-site staffing. The proposed location will have ten work stations for agents who live in Winnetka and adjoining communities on the North Shore or who are showing properties in the area.

III. **Standards of Review**.

Pursuant to the Village of Winnetka Zoning Ordinance, any application to establish a Special Use listed in Section 17.44.010.B of the C-2 zoning district designated by an asterisk, to be located on the ground floor in the C-2 Overlay District must establish in detail how the proposed occupancy and its operation will be in compliance with the following standards.

1. *That the establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;*

   Real Estate offices are permitted in the District pursuant to a Special Use Permit. The establishment of a Real Estate office at the Leased Space will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare. In fact, real estate offices have been located at the Subject Property in the past. In addition, the establishment of an office in this location will return vibrancy to this location by removing a vacant retail space and allowing an office use which will be utilized by local employees and visited by clients who live in the area or who are seeking to live in the area.

2. *That the Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;*

   The granting of a Special Use permit to CONLON to establish a Real Estate office in the Leased Space will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity, which are permitted by right in the district, nor will the establishment substantially diminish or impair property values in the immediate vicinity. To the contrary, the establishment of the CONLON office will restore vibrancy to the neighborhood by turning a long-vacant space into a vibrant one with an extensive renovation including code compliant upgrades. The impact on the surrounding business will be minimal if at all as the staffing at this location is small.

3. *That the establishment of Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;*

   The establishment of CONLON Real Estate office will not impede the normal and orderly development or improvement of other property in the immediate vicinity for use permitted by right in the district. The establishment of the CONLON office is consistent with the recommendations of the ULI panel. In the ULI final report, the panels made several recommendations to eliminate the commercial overlay and allow the market to dictate how available space can be utilized. Here, a long vacant space, which has not and cannot support a retail use, will be converted to an office use which will bring employees and clients to the East Elm neighborhood. Once there, employees and clients can take advantage of the restaurant and retail opportunities in the neighborhood.

4. *That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;*

   No additional ingress and egress will be necessary for the establishment of the office. The location has ample parking spaces available for employees and clients behind the Leased Space.

5. *That adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the Special Use exists or are to be provided;*

   Adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist and no additional facilities are necessary. As discussed above, the location has parking spaces available for employees and clients behind the Subject Tenant Space. As detailed in the Parking Study to be provided under separate cover, ample public parking exists a short walk northwest of the Subject Tenant Space.

6. *That the Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and codes.*

   The use conforms to the applicable regulations of this and other Village ordinances and codes. CONLON defers to Village Staff for a final determination that there are no other non-conforming aspects to consider in the context of this Special Use Application.

7. *The proposed special use at the proposed location will encourage, facilitate and enhance the continuity, concentration, and pedestrian nature of the area in a manner similar to that of retail uses of a comparison shopping nature.*

   The CONLON Real Estate office will enhance the pedestrian nature of the area in that it will have a foot traffic from agents and clients. Unlike the current vacant space which makes no contribution to the area, this office will be staffed seven days a week to meet the needs of clients and agents (the proposed hours are Monday-Friday 9am-5 pm; Saturday 10am-4 pm and Sunday 10 am-3pm) and this use is consistent with the nature of other business located in this area.

8. *Proposed street frontages providing access to or visibility for one or more special uses shall provide for a minimum interruption in the existing and potential continuity and concentration of retail uses of a comparison shopping nature.*

   The CONLON office will cause no interruption to the nearby retail use. To the contrary, a fully renovated office space will enhance the neighborhood that has suffered with vacant retail spaces. By bringing employees and clients to the office, it will permit them to take advantage of nearby retail and restaurant uses. Further, through its affiliation with Christie's, CONLON intends to display art work in the office and, from time to time, hold art shows that will generate foot traffic and enhance the vibrancy of the area, provide potential customers

for the retail sites in the area as well as offer a visual presence that has not been on Lincoln Avenue since Kamp Gallery moved.

9. *The proposed special use at the proposed location will provide for display windows, facades, signage and lighting similar in nature and compatible with that provided by retail uses of a comparison shipping nature.*

The proposed space has a large display window. CONLON's proposed renovation plan and furnishing plan is mindful that its office and its work will be on display for all to see. CONLON proposes high quality interior design that is consistent with the nearby retail uses. CONLON and Christie's are very well recognized brands for whom image is very important to its brand. Therefore, all of the facades, signage and lighting will not only meet the Village Code and community standards but will also reflect the prestige of the CONLON and Christie's brands.

If a project or building has, proposes or contemplates a mix of retail, office and service-type uses, and the retail portions of the project or building shall be located adjacent to the sidewalk. The minimum frontage for each retail use adjacent to the sidewalk shall be twenty (20) feet with a minimum gross floor area of four hundred (400) square feet. In addition, such retail space shall be devoted to active retail merchandising which maintains typical and customary hours of operation.

This standard is not applicable.

The proposed location and operation of the proposed special use shall not significantly diminish the availability of parking for district clientele wishing to patronize existing retail businesses of a comparison shopping nature.

As explained more fully in the Parking Study provided under separate cover, the proposed use will not diminish the availability of parking for district clientele wishing to patronize existing retail businesses of a comparable shopping nature. The Leased Space has parking available onsite adjacent to the rear of the Space and ample public parking northwest of the Space. Finally, unlike other real estate offices in the vicinity, CONLON's Winnetka office will <u>not</u> be the site of weekly or quarterly agent meetings as these will be held off-site (usually at a local restaurant or other venue).

CONLON looks forward to joining the Winnetka business community and making the same contributions to the community as it has in the Lincoln Park, West Loop and Roscoe Village neighborhoods of Chicago where CONLON has had real estate offices. We look forward to the opportunity to appear at the Public Hearing on the application and answer any questions you may have.

Thank you for your consideration of this request.

Very truly yours,

[redacted]

Christopher S. Canning

ORDINANCE NO. M-1-2014

AN ORDINANCE
GRANTING A SPECIAL USE PERMIT
FOR A REAL ESTATE OFFICE
WITHIN THE C-2 OVERLAY DISTRICT (565 Lincoln Avenue)

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village; and

WHEREAS, the Council of the Village of Winnetka ("Village Council") find that establishing standards for the use and development of lands and buildings within the Village and establishing and applying criteria for variations from those standards are matters pertaining to the affairs of the Village; and

WHEREAS, the property commonly known as 563-571 Lincoln Avenue in the Village of Winnetka ("Subject Property") is legally described as follows:

> Lot 3 in McGuire and Orr's Arbor Vitae Road Subdivision, being a subdivision of Block 4 and part of Block 5 in Winnetka, a subdivision of the Northeast Quarter of Section 20 and the North Half of fractional Section 21, Township 42 North, Range 13 East of the Third Principal Meridian, in the Village of Winnetka, Cook County, Illinois; and

WHEREAS, the Subject Property is located in the East Elm Business District, on the east side of Lincoln Avenue north of Elm Street, in the C-2 Retail Overlay Zoning District provided for in Chapter 17.44 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code; and

WHEREAS, the Subject Property is improved with a single-story commercial building measuring 7,805 square feet, with approximately 100 feet of frontage on Lincoln Avenue and six commercial tenant spaces; and

WHEREAS, the owner of the Subject Property, Bertha Turner TN4, LLC, ("Owner") has entered into an agreement with Grafton Holdings d/b/a CONLON: A Real Estate Company of Chicago ("Applicant"), whereby the Owner will lease that portion of the Subject Property with a common address of 565 Lincoln Avenue in the Village of Winnetka ("Lease Premises") to Applicant for use as a real estate sales office; and

WHEREAS, the Lease Premises, which has been vacant since March of 2011, measures 1,513 square feet and was formerly occupied by a retail apparel store named Jakes; and

WHEREAS, the Lease Premises is located on the ground floor and within 50 feet of the front property line of the Subject Property; and

WHEREAS, pursuant to Sections 17.44.020(B) and 17.46.010(I) of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, real estate sales offices are permitted only as special uses in the C-2 Overlay Zoning District when they are located within 50 feet of a public street; and

WHEREAS, pursuant to its agreement with the Owner, Applicant filed an application on October 10, 2013, seeking a Special Use Permit to allow Applicant to locate its real estate office in the Lease Premises; and

WHEREAS, on November 11, 2013, on due notice thereof, the Zoning Board of Appeals held a public hearing to consider the special use permit; and

WHEREAS, on November 20, 2013, on due notice thereof, the Plan Commission convened to consider the requested special use; and

WHEREAS, Applicant proposes to equip the real estate office with ten work stations and to staff the office seven days a week; and

WHEREAS, Applicant is also the Chicago area affiliate of Christie's International Real Estate, which is owned by Christie's Auction House; and

WHEREAS, the Lease Premises has a large display window which Applicant proposes to use to display art that would be sold in auctions conducted by Christie's Chicago office and the sales would occur by internet or at Christie's New York City office; and

WHEREAS, Applicant's proposed use of the Lease Premises would also include periodic evening receptions in which Christie's would display and provide information on art and jewelry objects; and

WHEREAS, Applicant's proposed business hours are Monday through Friday from 9:00 a.m. to 5:00 p.m., Saturday from 10:00 a.m. to 4:00 p.m., and Sunday from 10:00 a.m. to 3:00 p.m.; and

WHEREAS, the Applicant's representative testified that the morning hours are not busy, that the business does not hold morning meetings, that agents generally come into the office in the afternoon and show properties in the evening or on weekends, and that the office hours for Monday and Tuesday could be changed to run from 11:00 a.m. to 7:00 p.m. to avoid conflicts with parking demands caused by weekly meetings at other real estate offices in the vicinity; and

WHEREAS, Applicant submitted a parking study prepared by the traffic engineering firm of Kenig, Lundgren, O'Hara, Aboona, Inc. ("KLOA"), in which KLOA determined that the parking needs of the proposed special use, as well as the parking needs of other vacant storefronts in the area, which KLOA estimated at up to 17 spaces if occupied, would be met using a combination of available unoccupied on-street parking and off-street parking in the nearby public parking lots; and

WHEREAS, the Village Engineer reviewed the parking study and stated that he concurs with the method of analysis and conclusions of the KLOA study, but also noted that the off-street parking relied on in the KLOA study is located in the Elm Street and Lincoln Avenue Parking Lots, which are somewhat remote from the Subject Property and thus should be where Applicant's employees and agents park; and

WHEREAS, the separate proceedings before the Zoning Board of Appeals and the Plan Commission both included questioning of the Applicant and Applicant's representatives by members of the Zoning Board of Appeals and the Plan Commission; and

WHEREAS, the owners of five business located within 250 feet of the Subject Property have written to express concerns that the proposed special use might have a negative impact on the availability of parking in the immediate area; and

WHEREAS, no owners of property located within 250 feet of the Subject Property have submitted written objections to the proposed special use, submitted any evidence or requested an opportunity to cross-examine witnesses at either the Zoning Board of Appeals hearing or the Plan Commission meeting; and

WHEREAS, after considering the evidence presented at the November 11, 2013, hearing, the four members of the Zoning Board of Appeals then present voted unanimously to recommend approval of the request, subject to the following conditions: (i) that business hours on Mondays and Tuesday be limited to the hours from 11:00 a.m. to 7:00 p.m., with the business hours on the remaining days of the week being as described on the application, and (ii) that between the hours of 9:00 a.m. and 5:00 p.m., Applicant's agents and employees be required to park in off-street parking, such as the public parking lot on Lincoln Avenue and the tenant's designated parking spots at the rear of the Subject Property; and

WHEREAS, after considering all materials presented at its meeting on November 20, 2013, the eight voting members of the Plan Commission then present found the proposed special use to be consistent with the Comprehensive Plan and unanimously voted to recommend that it be approved; and

WHEREAS, the proceedings of the Zoning Board of Appeals and Plan Commission conformed with all requirements of their procedural rules, the Winnetka Village Code and applicable statutes of the State of Illinois; and

WHEREAS, the proposed special use is subject to the standards and requirements set forth in Section 17.56.120 of Chapter 17.56 of the Winnetka Zoning Ordinance, as well as to the conditions and requirements set forth in Section 17.44.020(B)(2)(b) of Chapter 17.44 of the Winnetka Zoning Ordinance; and

WHEREAS, subject to the terms and conditions of this Ordinance, the proposed special use will neither endanger nor be detrimental to the public health, safety, comfort, morals or general welfare, in that: (i) real estate offices are a permitted use pursuant to a special use permit, (ii) there are other real estate sales offices in the immediate vicinity, (iii) the proposed use is near the north end of the C-2 Overlay District, and (iv) the establishment of an office in this location will result in the upgrading and occupancy of a space that has been vacant for years; and

WHEREAS, subject to the terms and conditions of this Ordinance, the proposed special use will not substantially diminish or impair property values in the immediate vicinity, nor will the use and enjoyment of other property in the immediate vicinity be diminished, in that: (i) the establishment of the Applicant's office will help to restore vibrancy to the neighborhood and will help to introduce new residents and potential purchasers to the East Elm Business District, and (ii) the impact on surrounding businesses will be minimal, as the proposed staffing levels are small, and real estate offices are proven to be compatible with the retail uses in the vicinity; and

WHEREAS, subject to the terms and conditions of this Ordinance, the proposed special use will not impede normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the C-2 Retail Overlay District, as: (i) the establishment of the Applicant office is consistent with the final report recommendations of the

Urban Land Institute to allow the market to dictate how available space can be utilized, and (ii) a long vacant space, which has not and cannot support a retail use, will be converted to an office use which will bring employees and clients to the East Elm Business District, where they can take advantage of restaurant and retail opportunities in the vicinity; and

WHEREAS, the Subject Property is an existing building that has established patterns of ingress and egress and that is served by existing utilities, access roads, drainage and other facilities necessary for the operation of the proposed special use, and subject to the terms and conditions of this Ordinance, the proposed special use will not require any modifications or additions to such existing ingress and egress, utilities, access roads, drainage and other facilities; and

WHEREAS, subject to the terms and conditions of this Ordinance, there is adequate parking for the proposed special use, and the proposed special use will not significantly diminish the availability of parking in the East Elm Business District in that: (i) there is on-site parking at the rear of the Subject Property, (ii) there is public parking on the adjacent street, (iii) there is ample nearby public parking at the Lincoln Avenue Parking Lot, (iv) Applicant will not hold weekly or quarterly agent meetings in the Lease Premises, and (v) Applicant's hours of operation will be modified to avoid periods of heavy parking demand on Monday and Tuesday mornings; and

WHEREAS, subject to the terms and conditions of this Ordinance, the proposed special use conforms to the applicable regulations of Village Ordinances, in that Applicant proposes to bring the Lease Premises into full Code compliance, including making fire and life safety system upgrades; and

WHEREAS, subject to the terms and conditions of this Ordinance, the proposed special use will encourage, facilitate and enhance the continuity, concentration and pedestrian nature of the area in a manner similar to that of retail uses of a comparison shopping nature, in that, unlike the currently vacant Lease Premises, the proposed real estate office will generate foot traffic from agents and clients and the proposed hours of operation are consistent with the nature of the other businesses in the area; and

WHEREAS, subject to the terms and conditions of this Ordinance, the proposed special use will enhance the neighborhood and will not interrupt or negatively impact the concentration of existing and potential nearby retail uses of a comparison shopping nature in that: (i) the proposed special use will convert a vacant space into one that will bring employees and clients to the area, and (ii) Applicant will from time to time display art work and hold art shows that will generate foot traffic and enhance the vibrancy of the area, provide potential customers for the surrounding retail sites and offer a visual presence on Lincoln Avenue; and

WHEREAS, subject to the terms and conditions of this Ordinance, and as demonstrated in the proposed layout of the Lease Premises, the Applicant's use of the window display area will be similar in nature and compatible with that provided by retail uses of a comparison shopping nature in the immediate vicinity; and

WHEREAS, because the proposed special use will not change the appearance of the immediate vicinity, it is consistent with the *Winnetka 2020* objective to "ensure that commercial, institutional, and residential development is appropriate to the character of and minimizes the adverse impact on its surrounding neighborhood;" and

WHEREAS, because of its minimal intensity and the pre-existing infrastructure, the proposed special use is consistent with the *Winnetka 2020* objectives to: (a) "limit commercial, institutional and residential development within the Village to minimize potentially adverse impacts on adjacent residential neighborhoods and to prevent the need for significant increases in infrastructure and other community resources," (b) "ensure that development proposals minimize the potential adverse impact they might have on residential neighborhoods, including the impact on pedestrian character, on-site parking, traffic patterns, congestion, open space, storm water management and Village infrastructure," (c) "ensure that new development does not decrease the public parking supply, particularly on-street parking that supports retail use," and (d) "maintain the essential quality, viability and attractiveness of Winnetka's business districts while encouraging new economic development consistent with the character of the Village and the individual business districts;" and

WHEREAS, the proposed special use is consistent with the *Winnetka 2020 g*oals to: (a) "provide for a wide range of office/service and retail commercial land uses and development within the existing business districts in the Corridor," and (b) "promote a strong community identity and opportunities to interact while building a healthy commercial tax base and provide a broad range of goods and services so that Winnetka residents can satisfy most of their ordinary shopping requirements in the Village and so that non-residents will come to the Village for specialty goods and services;" and

WHEREAS, based on all of the foregoing, and subject to the terms and conditions of this Ordinance, the proposed special use satisfies both the general standards for special uses set forth in Section 17.56.120 of the Winnetka Zoning Ordinance and the additional standards of Section 17.44.020 (B)(2)(b) that apply to requests for office uses within the C-2 Retail Overlay District.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Winnetka, as follows:

SECTION 1: The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

SECTION 2: Pursuant to Section 17.56.120 and Section 17.44.020(B)(2) of the Winnetka Zoning Ordinance, a special use permit is hereby granted to the Subject Property, commonly known as 565 Lincoln Avenue, Winnetka, Illinois, and located in the C-2 General Retail Commercial Overlay Zoning District provided in Chapter 17.44 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, to allow Grafton Holdings LLC, d/b/a CONLON, A Real Estate Company of Chicago ("CONLON"), to use the Lease Premises of the Subject Property as a real estate office, subject to the terms and conditions hereinafter set forth.

SECTION 3: Pursuant to Section 17.56.070(C) of the Winnetka Zoning Ordinance, the special use permit granted by this Ordinance is subject to the following conditions:

A. The hours of business shall be limited as follows:

1. The business shall not open before 11:00 a.m. on Monday and Tuesday.

2. The business shall not open before 10:00 a.m. on Saturday and Sunday.

3. All other hours of operation shall be as represented and agreed by CONLON's representatives in the course of the proceedings on the application for special use, as recited in the preamble to this Ordinance.

B. CONLON's agents and employees shall park in off-street parking between the hours of 9:00 a.m. to 5:00 p.m., either in designated spots on the Subject Property or in designated employee parking areas of the Lincoln Avenue or East Elm Street Parking Lots. CONLON shall be responsible for purchasing a sufficient number of parking permits to enable its agents and employees to park in the employee parking areas of the foregoing parking lots.

C. All of the foregoing conditions and restrictions may be modified or revised from time to time by the Village Council, either at the request of CONLON or upon initiation by the Village, subject to the special use procedures set out in Chapter 17.56 of the Zoning Ordinance, including public notice and hearing.

D. Violation of any stipulation, condition or restriction imposed in this Section 3 shall be deemed a violation of (a) the provisions and regulations of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, and (b) of the special use granted by this Ordinance.

SECTION 4: This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 5: This Ordinance shall take effect immediately upon its passage, approval and publication as provided by law.

PASSED this _____ day of _____ 2014, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this _____ day of _____ 2014.

Signed:

_____
Village President

Countersigned:

_____
Village Clerk

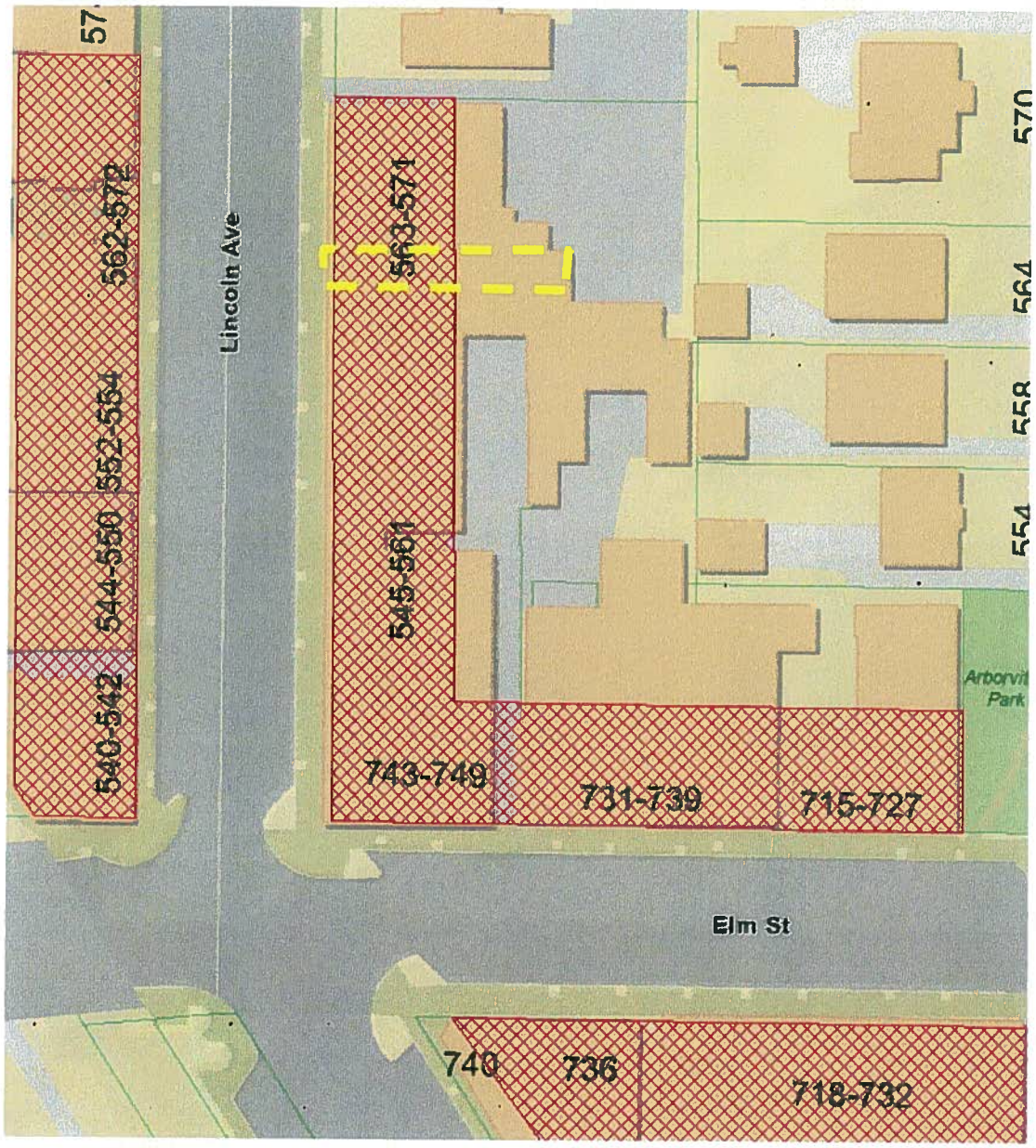
Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this _____ day of _____ 2014.

Introduced:

Passed and Approved:

ATTACHMENT C

565 Lincoln Avenue



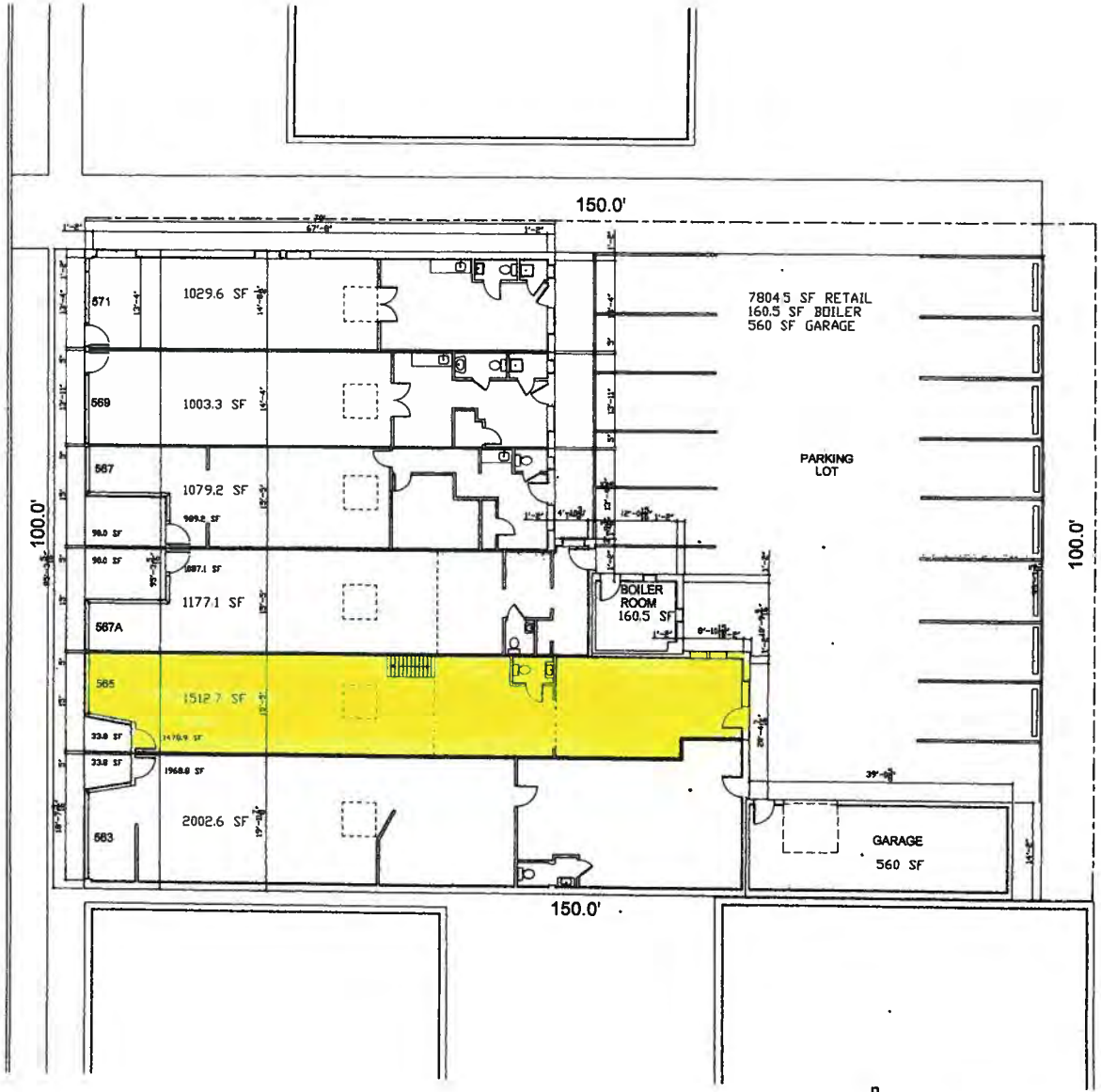
Legend

SUBJECT SITE: 565 Lincoln Avenue

Retail Overlay District

N

ATTACHMENT D



DEMISING PLAN
SCALE: 1/8" = 1'-0"

EXISTING BUILDING PLANS
563 - 571 N. LINCOLN AVE.
WINNETKA, ILLINOIS

HALLMARK & JOHNSON
6160 N. CICERO AVE, SUITE 620
CHICAGO, IL 60646
MIKE ROLOCONY, PROPERTY MANAGER P:773-545-6160 F:773-685-3402

T. S. HATZOLD & ASSOCIATES, INC.
PROJECT ARCHITECT
310 NORTH ELM STREET, ITASCA, ILLINOIS
PHONE = 630-773-3947 FAX = 630-773-4014

DATE
12-10-2005

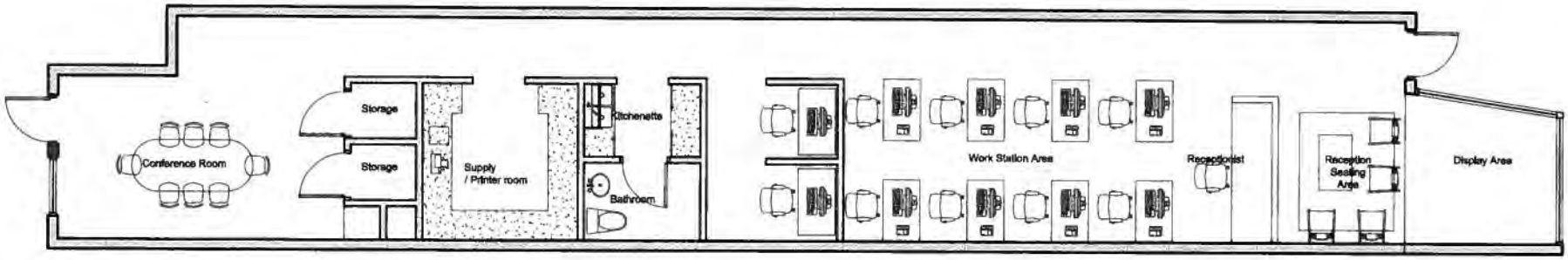
D1

565 Lincoln

Winnetka

Illinois

ATTACHMENT D



Proposed Floor Plan

Scale: N.T.S.

X I O S ARCHITECTS AND CONSULTANTS LTD

188 N. WELLS
SUITE 300
CHICAGO, ILLINOIS 60606
PH. 312.750 1333
FAX 312.750 1335

ATTACHMENT E

Kenig, Lindgren, O'Hara, Aboona, Inc.

9575 West Higgins Road, Suite 400 | Rosemont, Illinois 60018
p: 847-518-9990 | f: 847-518-9987

MEMORANDUM TO: Christopher S. Canning, Esq.
Canning & Canning LLC

FROM: Javier Millan
Senior Consultant

Luay Aboona, PE
Principal

DATE: October 28, 2013

SUBJECT: Parking Impact Study
565 Lincoln Avenue
Winnetka, Illinois

At your request, Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.) has conducted a parking study for the proposed occupancy by a real estate office of the vacant 565 Lincoln Avenue in Winnetka, Illinois. The real estate office will have two full-time employees (one employee on weekends) with 12 to 15 licensed real estate brokers assigned to the office. The hours of operation are Monday through Saturday from 9:00 A.M. to 5:00 P.M. and Sunday from 10:00 A.M. to 4:00 P.M. The future parking needs of the employees, brokers, and visitors are expected to be satisfied by the existing on-street and off-street parking near the East Elm Street District. The purpose of this parking study was to determine the availability of the public parking within the district on a weekday and compare it with the expected parking demand of the real estate office.

Existing Conditions

The site is located at 565 Lincoln Avenue within the East Elm Street District in downtown Winnetka. Land uses in the area include residential areas to the north and east and retail/commercial buildings to west and south. This site is also near the Winnetka train station, which is located approximately 600 feet southwest. The East Elm Street District and surrounding area contains multiple on-street and off-street locations for both permit and free parking. The location and parking restrictions of each of these areas is described below.

Lincoln Avenue provides on-street parking on both sides of the road between Oak Street and the Village of Winnetka public parking lot access drive. These parking spaces are limited to 90 minutes from 8:00 A.M. to 6:00 P.M. or Zone C (commuter parking) permit parking from 8:00 A.M. to 10:30 A.M. North of the public parking lot access drive, 90 minutes on-street parking is available on the west side of the road.

Elm Street provides on-street parking on both sides of the road between Lincoln Avenue and Arbor Vitae Road limited to one hour from 8:00 A.M. to 6:00 P.M. On-street parking limited to four hours from 8:00 A.M. to 6:00 P.M. is provided on the south side of the road between Arbor Vitae Road and Maple Street.

Two parking lots are available to the public and to vehicles displaying Zone A (employee parking) and Zone C permits. The north lot is located on the west side of Lincoln Avenue north of Elm Street and provides Zone A and C permit parking spaces as well as and 90 minute, two hour, and four hour parking spaces from 8:00 A.M. to 5:00 P.M. The south lot is located on the south side of Elm Street east of Lincoln Avenue. This lot provides Zone A permit parking spaces and two hour parking spaces from 8:00 A.M. to 6:00 P.M.

Figure 1 shows an aerial view of the site and the study area.

Existing Parking Characteristics

The study area which is located within the East Elm Street District provides approximately 284 regular (no-permit) parking spaces and 136 permit parking spaces. Approximately 63 of the permit spaces are designated for Zone A permit. In order to determine the availability of parking within close proximity to the site, a parking survey of the study area (per block and per side) was conducted. The surveys were conducted on Monday, October 21, 2013 and on Tuesday, October 22, 2013 from 9:00 A.M. to 5:00 P.M. **Table 1** lists the locations of the on-street and off-street parking areas. **Table 2** summarizes the parking demand and availability of the regular parking spaces within the study area. The results of the parking surveys (Tables 3 and 4) by area are included in the Appendix.

As can be seen from Table 2, the study area has a peak parking demand on Monday for regular parking spaces of 202 vehicles occurring at 11:00 A.M. This means that approximately 82 regular parking spaces are available during the peak hour. Further inspection of the parking surveys indicated that, during the peak hour, there were eight on-street parking spaces on Lincoln Avenue between Elm Street and the public parking lot access drive and approximately 16 on-street parking spaces available on Elm Street between Lincoln Avenue and Arbor Vitae Road.

On Tuesday, the peak parking demand for regular spaces also occurred at 11:00 A.M. with 222 parked vehicles. As such, approximately 62 regular parking spaces are available during 11:00 A.M. Further inspection of the parking surveys indicated that, during the peak hour, there were four on-street parking spaces available on Lincoln Avenue between Elm Street and the public parking lot access drive and approximately 12 on-street parking spaces available on Elm Street between Lincoln Avenue and Arbor Vitae Road. Furthermore there were an additional eight on-street regular parking spaces available on Lincoln Avenue between Elm Street and Oak Street.

In addition to the unoccupied on-street parking spaces available within close proximity to the site, the north public parking lot had 15 regular parking spaces available and the south public parking lot over 25 parking spaces available.

Aerial View of Site **Figure 1**

Table1
SURVEY AREA PARKING INVENTORY

Location	Block	Side	Capacity	Handicap Spaces	Regular Spaces	Permit Spaces	Parking Regulation
1	Elm Street (Green Bay Road to Lincoln Avenue)	North	0	0	0	0	No parking anytime (Standing Allowed)
		South	0	0	0	0	No parking anytime
2	Elm Street (Lincoln Avenue to Arbor Vitae Road)	North	15	2	13	0	One-hour parking 8:00 A.M. - 6:00 P.M.
		South	23	0	23	0	One-hour parking 8:00 A.M. - 6:00 P.M.
3	Elm Street (Arbor Vitae Road to Maple Street)	North	0	0	0	0	No parking anytime
		South	8	2	6	0	Four-hour parking 8:00 A.M. - 6:00 P.M.
4	North Lincoln Avenue (Public Lot Access Drive to Prospect Street)	West	12	0	12	0	90-minute parking
		East	0	0	0	0	No parking anytime
7	Lincoln Avenue (Elm Street to Oak Street)	West	42	0	9	-	90-minute parking 8:00 A.M. - 6:00 P.M.
				--	--	33	Zone C parking 8:00 A.M. - 10:30 A.M.
		East	32	1	20	-	90-minute parking 8:00 A.M. - 6:00 P.M.
				--	--	11	Zone C parking 8:00 A.M. - 10:30 A.M.
8	Lincoln Avenue (Elm Street to Public Lot Access Drive)	West	30	1	29	0	90-minute parking 8:00 A.M. - 6:00 P.M.
		East	35	1	34	0	9- minute parking 8:00 A.M. - 6:00 P.M.
9	Public Parking Lot (West of Lincoln, north of Elm)		160	5	63	-	90- minute parking, Two-hour parking, Four-hour parking
				--	--	92	Zone A (8:00 A.M. - 5:00 P.M.) Zone C (8:00 A.M. - 10:30 A.M.)
10	Public Parking Lot (South of Elm Street, east of the Site)		63	2	61	0	Zone A or two-hour parking (8:00 A.M. - 5:00 P.M.)
		Total	**420**	14	270	136	

Table 2
SUMMARY OF PARKING OCCUPANCY SURVEY - REGULAR PARKING ONLY

	Monday October 21, 2013		Tuesday October 22, 2013	
Time	Occupied	Available	Occupied	Available
9:00 A.M.	173	111	195	89
10:00 A.M.	180	104	210	74
11:00 A.M.	202	82	222	62
12:00 P.M.	184	100	191	93
1:00 P.M.	176	108	217	67
2:00 P.M.	164	120	192	92
3:00 P.M.	152	132	179	105
4:00 P.M.	148	136	164	120
5:00 P.M.	120	156	159	125

Proposed Development

Based on the proposed plan, the vacant space will be occupied by a real estate office. As planned, the proposed land use will have a maximum of two full time employees and 12 to 15 real estate brokers assigned to the office with a minimum amount of visitors. It is our understanding that only two to three brokers would be in the office at any given time and that the weekly number of visitors would be approximately ten. Given this information, it is anticipated that the maximum parking demand generated by the proposed real estate office would be five to six vehicles. However, in order to provide a very conservative scenario, we assumed that a total of 17 additional parking spaces will be occupied by the proposed development during the business hours on a weekday.

As can be seen from Tables 2, the peak parking demand occurred at 11:00 A.M. with a total of 202 occupied parking spaces on Monday and 222 parking spaces on Tuesday. During these time periods and as previously indicated, there were 82 and 62 regular parking spaces available within the study area on Monday and Tuesday, respectively. The availability of these parking spaces during the peak time and more during other times of the day coupled with the available parking spaces on the two adjacent public parking lots will be more than adequate to meet the conservative projected peak parking demand on 17 spaces.

Conclusion

Based on the results of the parking surveys, adequate parking supply exists in the vicinity of the proposed real estate office to accommodate the anticipated projected peak parking demand of five to six spaces. The combination of available unoccupied on-street parking spaces and off-street parking spaces in the adjacent public parking lots will ensure that the parking needs of the proposed office use as well as other vacant storefronts within the area will be met even under the conservative unlikely scenario with a parking demand of up to 17 spaces.

Appendix

Table 3
PARKING OCCUPANCY (MONDAY, OCTOBER 21, 2013)

		Number of Spaces Occupied																
Location	Side	9:00 A.M.	9:30 A.M.	10:00 A.M.	10:30 A.M.	11:00 A.M.	11:30 A.M.	12:00 P.M.	12:30 P.M.	1:00 P.M.	1:30 P.M.	2:00 P.M.	2:30 P.M.	3:00 P.M.	3:30 P.M.	4:00 P.M.	4:30 P.M.	5:00 P.M.
1	North	4	5	4	4	4	4	2	2	4	3	3	3	4	4	3	1	3
	South	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2	North	9	9	8	5	6	7	10	10	9	10	8	7	4	6	8	7	6
	South	11	10	15	14	16	11	9	19	17	18	16	12	12	17	17	15	18
3	North	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	South	1	1	3	3	3	3	3	2	2	2	2	2	2	1	2	2	2
4	West	11	12	10	10	11	9	10	9	4	2	2	3	3	3	2	1	4
	East	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7	West	7	7	9	9	9	9	9	9	9	8	7	7	7	7	9	9	7
		33*	33*	33*	33*	33*	33*	33*	33*	33*	32*	32*	32*	31*	30*	30*	31*	23*
	East	6	5	3	6	12	8	9	14	14	13	10	9	10	8	10	9	9
		11*	11*	11*	11*	11*	11*	11*	11*	11*	11*	11*	11*	11*	10*	11*	11*	10*
8	West	29	28	30	30	25	29	28	29	24	22	20	20	26	24	23	17	18
	East	30	32	23	33	31	28	31	32	29	30	32	20	28	31	27	24	22
9		42	44	50	46	53	32	37	31	32	31	27	25	22	17	17	18	14
		76*	78*	82*	88*	91*	88*	86*	84*	86*	90*	90*	89*	87*	82*	85*	79*	66*
10		27	29	29	36	36	36	38	38	36	36	40	39	38	37	33	31	28
	Total	**297**	**304**	**310**	**328**	**341**	**308**	**316**	**323**	**310**	**308**	**300**	**279**	**285**	**277**	**277**	**255**	**230**

*Permit Parking

Table 4
PARKING OCCUPANCY (TUESDAY, OCTOBER 22, 2013)

		Number of Spaces Occupied																
Location	Side	9:00 A.M.	9:30 A.M.	10:00 A.M.	10:30 A.M.	11:00 A.M.	11:30 A.M.	12:00 P.M.	12:30 P.M.	1:00 P.M.	1:30 P.M.	2:00 P.M.	2:30 P.M.	3:00 P.M.	3:30 P.M.	4:00 P.M.	4:30 P.M.	5:00 P.M.
	North	2	2	3	1	3	2	2	3	3	1	2	2	1	3	3	3	3
	South	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2	North	10	9	11	11	8	9	10	13	14	11	10	7	7	10	7	9	10
	South	17	21	12	11	18	9	16	21	23	17	15	12	19	15	12	17	16
3	North	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	South	0	0	1	3	4	4	4	4	4	5	5	3	2	1	1	1	1
4	West	12	12	11	10	11	7	4	4	8	10	10	8	6	4	8	6	7
	East	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7	West	7	7	6	7	8	7	9	9	8	8	9	9	8	7	7	8	8
		32*	33*	33*	33*	33*	32*	33*	33*	33*	33*	33*	33*	33*	33*	32*	31*	26*
	East	10	11	14	15	14	13	15	19	18	16	14	12	14	13	12	15	14
		11*	11*	11*	11*	11*	11*	11*	11*	11*	11*	11*	11*	11*	10*	10*	10*	11*
8	West	25	26	28	25	27	20	26	27	28	27	26	25	25	23	22	22	23
	East	28	26	35	32	34	24	29	32	33	29	30	32	29	28	30	33	31
9		56	59	61	53	62	45	40	35	40	34	32	32	28	25	26	27	20
		88*	92*	92*	91*	92*	87*	90*	89*	87*	89*	86*	85*	86*	84*	79*	69*	63*
10		30	31	31	31	36	39	38	38	41	40	41	41	41	41	39	32	29
	Total	**328**	**340**	**349**	**334**	**361**	**309**	**327**	**338**	**351**	**331**	**324**	**312**	**310**	**297**	**288**	**283**	**262**

*Permit Parking

Memorandum

To: Brian Norkus, Assistant Director of Community Development

From: Steven M. Saunders, Director of Public Works/Village Engineer

Date: October 31, 2013

Re: Review of Parking Study: 565 Lincoln Avenue Special Use Permit Request

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I have reviewed a parking study prepared by KLOA, Inc., a traffic engineering firm, in support of a Special Use Permit request to locate a proposed real estate office in vacant space at 565 Lincoln Avenue. The proposed office will provide for two full-time employees and 12 to 15 brokers. The hours of operation are Monday through Saturday from 9:00 A.M. to 5:00 P.M. and Sunday from 10:00 A.M. to 4:00 P.M. The applicant has stated that the "future parking needs of the employees, brokers, and visitors are expected to be satisfied by the existing on-street and off-street parking near the East Elm Street District."

One of the standards the applicant must meet to obtain a Special Use permit is demonstrating that sufficient parking exists in the vicinity of the proposed Special Use to support the proposed use. This parking study approaches the analysis by first evaluating the parking inventory in the vicinity of the site, and then by evaluating actual use of the nearby spaces to calculate average and peak parking demand, for both a weekday and a weekend.

The study identifies that peak parking demand occurs during the 11:00 AM hour, for both days studied. The study further concludes that concludes that there are a significant number of spaces available in the broader area during the peak hour, but it should be noted that many of these available paces are located in the Elm Street and Lincoln Avenue Parking Lots, which are somewhat remote from the office location. These lots are where employees of the business, including brokers, should be parking, using the appropriate employee permits.

KLOA further reduced their analysis to identify proximate on-street parking available near the proposed location for customers of the proposed office. KLOA's conclusion is that there were 8 and 4 on-street parking spaces in the immediate vicinity of the offices during the Monday and Tuesday peaks, respectively.

Since KLOA's analysis was based on estimates of only two to three brokers in the office at a given time, and approximately 10 visitors per *week*, KLOA has concluded that sufficient parking exists to support the proposed Special Use. I have reviewed this study and concur with both the method of analysis and the conclusions.

ATTACHMENT G

Minutes adopted 12.09.13

WINNETKA ZONING BOARD OF APPEALS
EXCERPT OF MINUTES
NOVEMBER 11, 2013

Zoning Board Members Present:	Joni Johnson, Chairperson Andrew Cripe Mary Hickey Carl Lane
Zoning Board Members Absent:	Chris Blum Jim McCoy Scott Myers
Village Staff:	Michael D'Onofrio, Director of Community Development Ann Klaassen, Planning Assistant
Agenda Items:	565 Lincoln Avenue Grafton Holdings d/b/a CONLON Special Use Permit: To allow a real estate office (CONLON) on the ground floor within 50 ft. of the front property line in the C-2 Retail Overlay District

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565 Lincoln Avenue, Grafton Holdings D/B/A/ CONLON, Special Use Permit: To allow a Real Estate Office (CONLON) on the ground floor within 50 Ft. of the front property line in the C-2 Retail Overlay District

Mr. D'Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Grafton Holdings d/b/a CONLON: A Real Estate Company for the property located at 565 Lincoln Ave., concerning a Special Use Permit in accordance with Section 17.56 of the Winnetka Zoning Ordinance to permit a real estate office on the ground floor as a special use located within 50 feet of the front property line in the C-2 Retail Overlay District.

Chairperson Johnson swore in those that would be speaking on this case.

Chris Canning introduced himself to the Board and stated that he would be representing CONLON Real Estate Company. He stated that the request is to seek a special use permit to establish a real estate office at 565 Lincoln Avenue. Mr. Canning stated that he assumed that everyone had a chance to review the packet of information which contained their application, Village staff memo and standards for review, a letter from the owner, Turner Newton, as well as the KLOA parking study and four additional letters in support of the application. He stated that there is a good amount of support for the application and that they have many members of the Winnetka

community who are in support of the request.

Mr. Canning stated that he and Benjie Burford would begin by explaining to the Board what CONLON is, why they want to be in Winnetka and why they want to occupy the proposed location. He also stated that Javier Millan from KLOA is present to answer any questions with regard to the parking study and referred to Steve Saunders' memo which analyzed the request and came to the same conclusion reached by KLOA that there will not be any impact on parking. Mr. Canning stated that they would then conclude by answering any questions the Board may have and to ask the Board to favorably recommend to the Village Council that the special use permit be granted.

Benjie Burford, one of the co-founders of CONLON, began by stating that in 2007, he joined with a long term friend, Sean Conlon, who has a great history in real estate in the Chicagoland area and was one of the top selling brokers in the United States doing $200 million in home sales per year in Chicago in the late 1990's. He stated that Mr. Conlon then launched Sussex & Riley which became a very well-known brand in Chicago for real estate. Mr. Burford stated that Mr. Conlon always had a sense of innovation in real estate and that they together launched a company and laid out a long term plan of launching a real estate company which they did in April 2009 which he described as the darkest part of the recession as far as real estate was concerned.

Mr. Burford stated that they started with approximately 40 agents and have been growing at a rate of 100% per year and that 25% of their business is represented by home sales valued at $1 million or more. He stated that they have a long term plan of 6 offices and approximately 250-300 agents and that their philosophy is that they do not want a lot of agents, but to have agents which sell a lot per agent. Mr. Burford then stated that their agents are in the top five as far as sales per agent are concerned.

Mr. Burford informed the Board that they opened their fourth office this year in Lincoln Park and that they then affiliated with Christie's International Real Estate which is owned by the Auction House and which has a 250 year history and which matched their boutique type approach in that a home purchase is the most important purchase to be made in someone's life. He then stated that they began looking at their fifth office in February 2013 and referred to their relationship and ties with Winnetka.

Mr. Burford then stated that with regard to why they chose Winnetka, he referred to their brand and philosophy which they believe aligned very much with Winnetka as far as housing stock, etc. He also stated that they have six agents who live in Winnetka as well as others who are on their way. Mr. Burford informed the Board that Christie's International and the Auction House have always looked for somewhere on the North Shore where they can have events and that many of the Auction House's customers live on the North Shore. He then referred the Board to a letter from the Christie's Auction House director and senior vice president attesting to what they plan to do in terms of events, as well as to educate people about auctions.

Mr. Burford stated that the other thing they have planned is that three to four times a year, the Auction House would bring pieces of art which are to be auctioned in to their location and have an open reception and referred to the Andy Warhol event they recently hosted. He then stated that

they began looking at properties in February and found Lincoln Avenue to be the place they want to be and identified their other locations which are very neighborhood type of areas with a downtown feel, which is what attracted them to this location. Mr. Burford informed the Board that they first considered 574 Lincoln Avenue which was formerly a real estate office. He then stated that the issue for them with regard to that location is that the total amount of space is too big for them and that they only need approximately 1,500 square feet whereas that space measured 2,000 square feet on two floors and that the basement space which was offered to them was unusable. Mr. Burford also stated that space would have needed approximately $50,000 to $75,000 worth of work to get it up to the level of decoration that they would like to have and that it did not match their level of philosophy.

Mr. Burford informed the Board that they looked at the north spot which is 567 Lincoln Avenue and that it measured only 900 square feet. He stated that the proposed location measured 1,500 square feet, has great wood floors, high ceilings, etc. and that it is move-in ready. Mr. Burford then informed the Board that their agents spend one to two hours three days a week in the office and that the desks are more for show for the agents. He stated that for example, at their Lincoln Park location, there are ten desks and maybe one or two agents are there at a time and described how their agents work with their clients in and out of the office. Mr. Burford also stated that they do not have meetings at the office with everyone there and that they have quarterly meetings which they hold at restaurants. He then stated that they have a philosophy of working with the community and that they join the Chambers of Commerce and support merchant groups and the businesses, etc. Mr. Burford stated that the proposed location which is at the northern edge of the retail overlay district would work perfectly for them. He then asked the Board if they had any questions.

Chairperson Johnson asked if their other four offices are of similar size.

Mr. Burford responded that two of their offices are exactly the same size and that their first office was the largest in order to have space for everyone and that it contained 40 desks and that the newer offices contain a fewer number of desks.

Chairperson Johnson then asked where they would like to have their sixth office.

Mr. Burford stated that it would be in Hinsdale and that their fifth office would be on the North Shore. He reiterated that their plan is not to be huge and that it is more about being a boutique real estate firm.

Chairperson Johnson asked if they had listings in Winnetka currently.

Mr. Burford stated that they do not but that they did four sales in Winnetka amounting to $4.5 million.

Chairperson Johnson asked the Board if they had any questions.

Mr. Lane stated that the materials stated that there were real estate tenants in that building and asked if that was recently or a long time ago.

Mr. Canning stated that in speaking with the owner, he pointed to the Chambers Cross office at 567 Lincoln Avenue and that CONLON wants the bigger space which is at 565 Lincoln Avenue. He also stated that with regard to the building, there is parking in the rear and that they would use those spaces. Mr. Canning then stated that in the owner's opinion, the two real estate offices which were in the building only left because the owners decided to sell the business and retire and believed that a real estate office is a very good tenant. He noted that they have not had a tenant in this space for two years and that the owner did not believe that at the north end of the retail overlay district, it would be the best and highest use for retail and that retail wanted to be closer to Elm Street or on Elm Street.

Mr. Lane asked what are the number of parking spaces behind the building and how is it decided who gets to use them.

Mr. Canning stated that would be addressed in the presentation.

Mr. Cripe asked what is the lease term.

Mr. Burford responded that it would be five years with an extension option. He informed the Board that they were told in their lease that two of the parking spaces would be theirs which would be for the assistant and office manager. Mr. Burford stated that the managing broker would also be there all week and that very often, she would be out of the office with the agents.

Chairperson Johnson stated that she drove behind the area to look at the parking spaces and that it says that it is reserved for the rest of the building. She stated that she is sure that the landlord will work it out once there are tenants and asked how many other tenants there were.

It was noted that there are four tenants with two vacancies.

Chairperson Johnson also stated that there is limited parking in the front and referred to other cases where they are requiring as a condition to approval that the full time employees get employee parking passes, but that she is not sure if that is necessary in this case. She suggested that it be something they consider down the line and that it would not be very expensive.

Mr. Burford stated that if there is an alternative for them to park where they can keep the rear parking spaces for their customers that would be great.

Chairperson Johnson asked in connection with their plans with Christie's, if there would be actual sales.

Mr. Burford responded that in Chicago, the Auction House is for showings only and that the auctions are held online or at 20 Rockefeller Center. He stated that this location would handle auction matters in Chicago.

Javier Millan introduced himself to the Board as a senior consultant with KLOA which prepared the parking study for the real estate office. He stated that they decided to look at the East Elm district which is the district which is in close proximity to the site, what type of parking and how

many parking spaces are there. Mr. Millan stated that they did surveys on two days, Monday and Tuesday from 9:00 a.m. to 5:00 p.m. He then stated that generally, the East Elm district experienced its biggest parking demand at 11:00 a.m. with approximately 60-80 parking spaces being available, with the rest being occupied at that time. Mr. Millan stated that they then zoomed closer in adjacent proximity to the proposed real estate office building to see how many parking spaces are available. He then stated that at 11:00 a.m., there are between four and eight parking spaces along Lincoln Avenue between Elm Street and the parking lot to the north and that there are approximately 12-16 parking spaces on Elm Street between Lincoln Avenue and Arbor Vitae.

Mr. Millan then stated that in the parking study, they assumed the worst case scenario of saying that every real estate broker is there along with the two employees. He added that they did not take into consideration the fact that there are two parking spaces behind the building which are most likely to be used by the employees and whether that amount of people can be accommodated. Mr. Millan stated that the results of the survey are that it can be accommodated. He noted that George Warga had a concern on Mondays that the northern parking lot is almost fully occupied by permit parking users from 9:00 a.m. to 11:00 a.m. because of the Coldwell Banker meetings which are being held there. Mr. Millan stated that the parking lot is full, but not fully occupied.

Mr. Millan then referred the Board to the data on the Tuesday table which is Table No. 4 which showed information on the amount of parking from 9:00 a.m. to 11:00 a.m. which concurred with what Mr. Warga suggested in that those parking spaces are pretty much occupied. He then stated that when you zoom in to the close proximity of the site, there is adequate parking to accommodate the use assuming everyone would be there, but that the reality is that there would be perhaps five parking spaces with two of those being accommodated behind the building with three additional parking spaces available.

Mr. Lane stated that in connection with zooming in, he stated that when you start looking at this and referred to the big lot to the north as well as the additional lot, he described it as a pretty big section of area. He asked how did they determine for retail what would be the appropriate size to do the study and how did they decide which streets make sense.

Mr. Millan responded that there is a guideline and that most people want to park as close as possible (to their destination). He indicated that roughly speaking, if you were to look at a radius of 400-500 feet, that is what is considered acceptable for someone to walk in order to patronize a restaurant, retail store, etc. Mr. Millan stated that outside of that area, people are still doing it, but that they would rather park in much closer proximity. He stated that is why they zoom and added that while it is nice to look at the overall area, he referred to the majority of people who would rather park closer to their destination.

Mr. Lane stated that this is a very different environment and that there may be only a handful of stores that people would want to go to.

Mr. Millan indicated that it would apply to any type of retail, such as an area like this or a shopping center. He reiterated the closer the better which is what people want.

Mr. Lane stated that the reason he is asking is that if you look at the primary parking area which is

what is depicted as Table No. 8 and which included Lincoln Avenue, Oak Street between Elm Street and the entrance to the permit parking lot, if you were to only look at the available parking spots during that period, he described it as pretty tight in terms of usage and that it is full if not more than full between 9:00 a.m. and 11:00 a.m. and that it varied a bit on the east side of the road with the same situation occurring during the same time frame the next day. He stated that he would like to feel more comfortable and that his view is that while parking around the corner may be reasonable, he did not think that people would park in that area. Mr. Lane then stated that he would feel more comfortable with a smaller space (being considered for the parking study).

Mr. Millan responded that is why they zoom in and referred to Lincoln Avenue and Elm Street between Lincoln Avenue and Arbor Vitae since it is so close to it. He then stated that on Elm Street, there are between four and eight [parking spaces available] and that he is considering the overall time of day.

Mr. Lane then referred to Table No. 4. He noted that you cannot include the handicap parking spaces.

Mr. Millan stated that in addition to those parking spaces, there are parking spaces available on Elm Street between Lincoln Avenue and Arbor Vitae which he described as very close.

Mr. Lane commented that he did not think 1-10 is the correct population for this study and that he needed better information as to what is the right sort of area.

Chairperson Johnson stated that she appreciated the fact that Mr. Lane took the time to compare these and stated that the problem is that the tables are not cross referenced and that you have to go back to page 20 of the agenda packet to Table No. 1. She also stated that Mr. Saunders noted in his memo that although he did agree with the conclusions reached, he did feel that it is problematic to expect the public parking lot on East Elm to be a viable place for anyone to park. Chairperson Johnson then stated that she estimated it to be more than 400 feet from the subject property. She also stated that if you are only looking at Lincoln Avenue north of Elm Street, that is the area to which Mr. Lane referred and that she had not cross referenced it to look at the capacity based on the actual parking needed.

Mr. Lane stated that the issue is that Lincoln Avenue is pretty much full and that if you were to go around to Elm Street, there seemed to be availability there with 13 parking spaces on the north and 23 parking spaces on the south.

Mr. Millan concluded that is correct and did not count the handicap parking spaces. He then asked the Board to keep in mind that the two employees would be parking in the rear and that there may be one or two agents during the day.

Mr. Burford informed the Board that their agents come into the office in the afternoon with showings in the evenings and on weekends. He noted that their office is not busy in the morning and that most of their business occurred in the afternoon. Mr. Burford reiterated that they do not have morning meetings.

Chairperson Johnson referred to employees who purchase permit parking and if they were to only come into the office once a week, it would not be worth the price.

Mr. D'Onofrio stated that the fee is fairly nominal.

Mr. Burford then stated that he would not have a problem purchasing six month parking passes for his employees.

Chairperson Johnson stated that this is a very small real estate office and informed the Board that she traveled on Lincoln Avenue three to four times a day and indicated that parking is tight. She stated that if they were able to get the employees to purchase parking passes that would be helpful.

Mr. Burford reiterated that he would have no problem with the permanent staff which is there every day to park in the permit lot and leave the two parking spaces in the rear for the agents.

Mr. Canning stated that the Board should also keep in mind that in working with the Village staff they conducted the study on a Monday and Tuesday based on staff direction, and in the worst case scenario, they had KLOA put in the 17 possible people there which they have heard is not going to happen. He also stated that the Board has heard that there would not be Monday or Tuesday meetings in the office and that they wanted to present the worst case possible for the real estate office. Mr. Canning agreed that questions are going to be raised with regard to the numbers, but that the situation would not be as bad as what was presented since there would not be that number of people in the office.

Mr. Burford informed the Board that everywhere that they have an office there is parking available and referred to Armitage which is very heavily traveled and that there may be one vehicle parked on the street there at one time, as well as in Roscoe Village. He added that he understood the impact of parking on his business and on the other businesses as well.

Mr. Lane asked if a study was done on Saturday or if they determined that Saturday would not be an issue.

Mr. D'Onofrio informed the Board that the Village staff has been dealing with real estate offices and parking issues since the dawn of the first real estate agent. He stated that he told Mr. Canning that they wanted Mondays and Tuesdays for the study because that is typically when the crunch occurred and morning meetings occurred. Mr. D'Onofrio stated that the Village staff said that this is the scenario that they wanted studied and that they did not ask them to include the weekend since the highest volume of use was on Mondays and Tuesdays. He stated that @Properties held their weekly meetings at the Community House since they have so many agents and that they worked out a parking solution with the Community House.

Chairperson Johnson added that she would also note in terms of parking, she referred to the antique store to the north which she indicated may not have a lot of foot traffic as well as the fact that they have very limited hours. She also referred to the other stores in the immediate vicinity and the amount of users which would patronize them in the afternoons. Chairperson Johnson then asked the Board if they had any other questions.

Mr. Burford informed the Board that if Monday and Tuesday hours are an issue, he can change their office hours from 11:00 a.m. to 7:00 p.m. and that he is willing to be flexible.

Chairperson Johnson suggested that the Plan Commission and Village Council deal with those types of issues.

George Warga informed the Board that he has a dental office in the Galleria building. He referred to Coldwell Banker and informed the Board that he spent time with them with regard to the parking issues as they were building out. Dr. Warga then stated that he appreciated the opportunity to be able to speak and that he spent a lot of time in meetings with regard to the parking issues. He commented that the new business sounded great and that it is the type of business that they want, but that he is concerned with regard to parking. Dr. Warga then commented that the parking study is not accurate and that there is no parking available in the lot behind the Galleria building or on the street.

Dr. Warga referred to the applicant's suggestion to change their hours of operation and suggested that these restrictions are put into the Board's recommendation. He described his business as a boutique business as well and referred to another application which was rejected in the Galleria building due to the volume of the business. Dr. Warga then stated that when Coldwell Banker wanted to occupy retail space and that although they abandoned it, the restrictions were put into place. He described the application as one which would promote growth and questioned what the restrictions are. Dr. Warga reiterated that restrictions should be put in place and that he agreed that meetings should not be held in their office.

Chairperson Johnson asked if there was any parking in lot no. 9 which is restricted to any of the businesses.

Dr. Warga described the parking lot restrictions as interesting and that there are a number of restrictions. He then asked how many parking spaces are required for retail per 1,000 square feet.

Mr. D'Onofrio responded that the Village did not have a requirement with regard to retail and that the standard varied and may be on the low end of between two and four parking spaces per 1,000 square feet.

Dr. Warga stated that he has heard from friends and those that live nearby the retail district that the reason they do not shop here is because of parking. He described the location as a great location and that the question is that if it is such a good location, why did a real estate office need to be here.

Chairperson Johnson stated that they have had this discussion and referred to Coldwell Banker wanting to occupy space in the Galleria building which she described as very controversial. She stated that they claimed to need the street frontage and that the zoning regulations were changed with regard to the office space use as of right. Chairperson Johnson then stated that @Properties came back to them with a request for a variance to build out in the back while at the same time saying that they do not use desks anymore. She stated that the request was sent to the Village Council and that the Board recommended to not approve the request. Chairperson Johnson reiterated that the matter has come up a number of times and asked if anyone had any questions.

Mr. Cripe asked Dr. Warga where his office was located.

Dr. Warga responded that he is located in the Galleria building.

Mr. Cripe then stated that this would suggest that there is parking on Elm Street.

Dr. Warga reiterated that the parking study is not accurate.

Mr. Cripe asked if the parking study broke down the parking between Zone A and two hour parking.

Mr. Lane stated that [the parking study indicated that] generally, there are a fair number of parking spots there.

Dr. Warga responded that is not true. He then referred to the Spinergy location on Oak Street and stated that use took up a fair amount of parking and commented that not controlling that is a big mistake.

Chairperson Johnson stated that the parking lot at 10:00 a.m. is very full.

Dr. Warga stated that the parking lot is filled with Coldwell Banker agents and asked how many parking permits are issued for them.

Mr. D'Onofrio estimated 20 parking permits. He stated that they are talking about a parking issue and that a real estate office can move into 574 Lincoln Avenue by right and that they would have no control over it. Mr. D'Onofrio stated that one person's parking problem is countered by another person saying they are running a good business. He then stated that having occupied buildings with a lot of activity would fill up a lot of parking spaces. Mr. D'Onofrio stated that if a retail use was put in this location, it would take up a lot more parking than that proposed by the real estate office. He suggested that be kept in mind.

Mr. D'Onofrio then stated that whenever someone cannot find a parking space, there is a parking problem. He stated that he has been in this business for a long time and that it related to your point of view and your perception. Mr. D'Onofrio then referred to the ability to park right in front of your destination and if you are not able to, it is perceived as a problem.

Chairperson Johnson stated that the Village has put in some of those 15 minute spaces which has helped. She commented that she did not think that the Village Council perceived it as a problem and that they have gone back and forth with putting in a lot by the Community House which would be very expensive. Chairperson Johnson stated that during the Board's discussion, they would discuss whether they would recommend approval of the request and whether they would put any conditions on the application.

Dr. Warga added that the applicant could go in a non-retail space like he did and that he looked at a building across the street which is not in the retail overlay district and referred to the amount of money he spent to relocate his office. He stated that the problem is that the Board is not required

to control that with regard to the businesses across the street, that there should be a certain amount of parking for those businesses and that it is not a matter of perception in that there is no available parking. Dr. Warga reiterated that the parking study is not accurate and that more restrictions should be put in place. He also stated that it should be addressed going forward and referred to the use of valet parking which would be available for anyone who wanted to use it.

Mr. Canning stated that the Board has heard why they chose Winnetka and the proposed location and that the reason is that it fit with what they are attempting to bring to Winnetka. He then stated that in terms of having tall walls so that they can have displays, he referred to the events which were mentioned and informed the Board that there are evening events. Mr. Canning stated that it is important to keep in mind to have a successful downtown you have to have a mix of service and retail. He then referred to the ULI Tap program which stated that the overlay district needed to either be revisited or eliminated. He stated that type of vibrancy is needed and that there is no vibrancy with empty spaces. Mr. Canning reiterated that they do not meet their clients in the office and that they meet them in coffee shops. He then stated that most restaurants on the North Shore make their money Thursday through Sunday at dinner time and foot traffic is needed to support them during lunchtime. Mr. Canning stated that a real estate office would do that far better than any retail establishment in this northern part of the overlay district. He added that retail has not been successful in this part of the overlay district and asked the Board to consider their application and provide a favorable recommendation as well as to not put any restrictions on it in that it would become the question of the role of how much control the government would have over it and to micro-manage business. Mr. Canning also stated that although they are open to it, he suggested that they find something that they can be careful with and that when it came to enforcement and that the staff would come back and say whether or not it can be done.

Chairperson Johnson stated that she would like to point out that Mr. Canning was a member and chairman of the Wilmette Zoning Board and President of Wilmette. She then called the matter in for discussion. Chairperson Johnson also pointed out that there are six standards and because the location is in the retail overlay district, there are five additional standards. She then stated that since there is a bare quorum of the Board, the request would need unanimous approval for a favorable recommendation to be made to the Village Council.

Ms. Hickey began by stating that the request sounded like a wonderful opportunity for the Village in creating something a little different. She also stated that she appreciated the accommodations that the applicant has made in suggesting that they could change their office hours and purchase parking passes. Ms. Hickey agreed that parking is an issue and that the request would create activity and take up parking. She then stated that she would be in favor of the request and that she would like to encourage the applicant to purchase the six month parking passes and consider changing the office hours and referred to enforcement.

Mr. Lane stated that part of what he is struggling with related to the area of the study and commented that it is too large and not fairly representative. He then stated that he went back and picked out what he considered to be the closer areas and that while it appeared that Lincoln Avenue appeared to be at maximum capacity during the early morning hours, Elm Street between Lincoln Avenue and Arbor Vitae has some availability. Mr. Lane stated that on Mondays, there is a fair amount of space and that on Tuesdays, there is a little bit of space. He also stated that if the

property was not in the retail overlay district that it would create parking demands, to him, that represented another issue and that the reality is that it is in the retail district and that one of the requirements is that they look at parking. Mr. Lane stated the fact that someone going in down the road would be outside of the retail overlay district would still create a parking problem and is irrelevant to their analysis. He stated that parking is the key issue here.

Mr. Lane went on to state that when he looked at other components of the request, there are positive aspects and that it would generate traffic. He commented that the Christie's name is one that sat well with the Village and the fact that they are willing to upgrade the property is positive and that the frontage of the building would be updated and brought up to code. Mr. Lane then stated that when you look at the things that could go into the retail overlay district, a real estate office would be one of the most fairly similar uses to retail as opposed to a workout area for example.

Mr. Lane stated that in the past when they have discussed real estate companies coming in, most people comment on how the use would generate traffic but that the traffic would be in and out. He then referred to the testimony with regard to the parking study being accurate and the fact that it concerned him a little, but they have had numerous studies that the Village has been comfortable with and referred to the competence of the firm which did the parking study and the fact that they have been hired numerous times.

Mr. Lane referred to the fact that Mr. Canning did not want any restrictions imposed on the request and stated that after hearing numerous special use permit requests, applicants will say anything to get the request approved and referred to Coldwell Banker holding meetings with 30 or 40 people. He indicated that he would feel very strongly about putting in restrictions and that the things that they do not hear end up being an issue. Mr. Lane stated that he would be generally in favor of the request.

Mr. Cripe stated that he would support the special use permit application and that restrictions should not be placed on it. He informed the Board that he lives close to the area and referred to the parking issue. Mr. Cripe stated that he and his family shop in the area and walk. He then stated that he understood the concerns with regard to Coldwell Banker and that the business model and space plan which were submitted are significantly different. Mr. Cripe also stated that he is not very concerned with regard to parking influx and that in terms of that element of the standard, it referred to whether it had any impact as opposed to a significant impact and that an occasional, diminimus impact is not the same as a significant impact. He commented that the applicant wisely did a scenario of the worst case impact and then used the parking that they have. Mr. Cripe then stated while he understood the comments made with regard to restrictions, any restrictions they would want to impose would be difficult to enforce and are not practical. He concluded by stating that the request would be better than having a vacant storefront there.

Chairperson Johnson stated that she liked that the applicant explained why they decided not to use the 900 square foot space that Chambers Cross previously occupied which is closer to the northern boundary of the retail overlay district. She suggested that the explanation be raised with the Plan Commission and the Village Council. Chairperson Johnson stated that she would be in favor of the request especially in light of the fact that the retail overlay district may be abated altogether and

that the space is small and at the northern end of the overlay district. She also referred to the proximity of the location to the Community House parking lot. Chairperson Johnson stated that she would like to have either conditions, restrictions or representations as part of any recommendation of approval rather than rely on the minutes to convey the ZBA's concerns about parking. She stated that she did not expect or require that the Village go out and police it, but that the applicant adhere to the honor code and be a good business. Chairperson Johnson suggested that the Board craft some conditions for the request and that the Plan Commission may have others and then the Village Council would evaluate them when they consider the request.

Mr. Lane stated that having the two primary employees park behind the building should be a requirement and that the agents should park in the Community House parking lot. He then referred to instances where the applicant decided to have meetings in the office due to the fact that they could not find another location and that it is important to make sure that does not happen. Mr. Lane asked if the Board would be overstepping boundaries by requiring something like that.

Mr. D'Onofrio stated that the Board can make a recommendation that the applicant not hold their monthly meetings at that location. He stated that the other issue related to enforcement.

Chairperson Johnson stated that the reason they have the condition regarding the parking is to protect the sales tax revenue generated by the retail businesses and referred to convenience for the applicant's clients and that they want to see the business succeed. She noted that the Board is a recommending body to the Village Council. Chairperson Johnson stated that she is not sure that the Board should necessarily say that the two employees park behind the building, but that they should be given the discretion to determine if they want their two full time employees or agents to park in back or park at the Community House parking lot.

Mr. Canning stated that while he is not a fan of restrictions, he understood the Board's concerns and that putting aside the enforcement concerns; they do not want to impose something which is too vague. He stated that the concern here related to the amount of street parking and its availability during certain peak hours. Mr. Canning stated that if they wanted to have restrictions, he suggested that it be narrowly paired to that concern and suggested that it be that no more than two common employees park on the street during the peak hours.

Mr. Lane commented that suggestion is harder to define and that the recommendation suggested by the Board is straightforward which is that the two office managers park in the lot by the building and that the agents must park in lot no. 9 and that there are no agent meetings in the office.

Mr. Canning reiterated that recommendation is too vague and that a meeting could be considered three or more employees.

Ms. Hickey suggested that the recommendation be phrased that it is a request that if the applicant is holding office-wide meetings, that it be done not to significantly diminish parking on the street. She stated that she also agreed that it should be at the applicant's discretion as to who would park where.

Chairperson Johnson suggested that they say that the two parking spaces in the rear be allocated

for the agents to use as opposed to street parking.

Mr. Cripe referred to Mr. Burford's suggestion that they open their office on Mondays and Tuesdays from 11:00 a.m. to 7:00 p.m. which could be something they recommend as a part of their business license permit.

Chairperson Johnson asked Mr. Canning if they were to do that, would they be more amenable to the parking restrictions.

Mr. Canning suggested that the parking discretion should be left to CONLON who have to see how this would work.

Chairperson Johnson then suggested that they recommend that the applicant purchase at least two permit parking passes.

Mr. Canning then asked if there are parking passes available for purchase.

Mr. D'Onofrio responded that there are and that the parking passes represented a license to hunt for a parking space.

Mr. Lane then suggested that the agents and/or the office managers need to park in lot no. 9 and for the applicant to use the parking spaces behind the building as they see fit. He stated that it did not relate to micromanaging and that it related to the realities of the process.

Mr. Canning stated that if they were to open at 11:00 a.m. that would address the worst case scenario.

Chairperson Johnson stated that the Board is attempting to address what is being anecdotally described as a problem.

Mr. Canning stated that he is not arguing with regard to their experience with Coldwell Banker and that while it would be his preference to not have any restrictions, he could envision restrictions that would be palatable, reasonable and enforceable and that he would not be in favor of those restrictions.

Chairperson Johnson stated that if they were to do some sort of restriction with regard to parking, they would have to make it clear that it is only during business hours until 5:00 p.m.

Dr. Warga referred to an ordinance which was drafted and related to this issue which was abandoned by Coldwell Banker, but that it spoke to some of the issues that they are talking about in connection with flexibility and that they can later create more restrictions if need be.
Mr. D'Onofrio stated that he is not familiar with all of the details.

Chairperson Johnson stated that since the request would be going to the Village Council, the Village attorney can provide assistance. She then stated that she is not sure that the Village Council would read the minutes and a specific condition or recommendation be made and that

would be explained in the agenda report which is written for the Village Council.

Mr. Cripe then asked if the Board could recommend that the special use permit be approved and also recommend that the Board consider the following restrictions.

Chairperson Johnson stated that the Board also has to review the findings.

Ms. Hickey suggested that the Board frame out the restrictions and stated that the applicant offered to change their business hours from 11:00 a.m. to 7:00 p.m. on Mondays and Tuesdays.

Mr. Lane then suggested that the recommendation be phrased that during the time frame of 9:00 a.m. to 5:00 p.m., agents and office employees must use off-street parking or the spaces behind the building.

Mr. Canning stated that is his concern specifically.

Mr. Lane then added public off-street parking to his recommendation.

Chairperson Johnson stated that there are no private parking lots in Winnetka in connection with the suggestion of removing the word "public."

Mr. Lane stated that they want to suggest something to the Village Council which is as simple and straightforward as possible.

Chairperson Johnson stated that the specific name of the parking lot should be identified along with the phrase "such as including but not limited to …" She then stated that the standards outlined in the application can be adopted and that the applicant did a nice job of explaining them which she identified as page nos. 10-12 of the application.

Ms. Hickey then moved to recommend approval to the Village Council for the special use permit for the non-retail occupants and that the Board would like to suggest that the Board adopt Mr. Canning's letter which outlined the standards on page nos. 10-12 in the agenda packet with the recommendations as follows: (1) the business hours of operation be 11:00 a.m. to 7:00 p.m. on Mondays and Tuesdays; and (2) between the hours of 9:00 a.m. and 5:00 p.m., agents and office employees park in off-street parking or spaces in the lot behind the building such as the public parking lot west of Lincoln Avenue commonly known as the Community House parking lot.

Chairperson Johnson suggested that language be added to make it clear with regard to the remaining business hours as requested in the application.

Ms. Hickey added that the applicant's regular business hours would be Wednesday through Sunday as proposed.

The motion was seconded by Mr. Lane.

A vote was taken and the motion was unanimously passed, 4 to 0.

AYES: Hickey, Johnson, Cripe, Lane
NAYS: None

Standards for Granting Special Uses

The standards for granting special uses are set both by statute and by Village Code. Section 17.56.010 requires that special uses be permitted only upon evidence that these meet standards established by the applicable classification in the zoning ordinances. Conditions "reasonably necessary to meet such standards" are specifically authorized. Section 17.56.010 establishes the following standards for granting special use permits:

1. That the establishment, maintenance and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare. Real Estate offices are permitted in the District pursuant to a Special Use Permit. The establishment of a Real Estate Office at the Leased Space will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare. In fact, real estate offices have been located at the Subject Property in the past. In addition, the establishment of an office in this location will return vibrancy to this location by removing a vacant retail space and allowing an office use which will be utilized by local employees and visited by clients who live in the area or who are seeking to live in the area.

2. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity. The granting of a Special Use permit to CONLON to establish a Real Estate office in the Leased Space will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity, which are permitted by right in the district, not will the establishment substantially diminish or impair property values in the immediate vicinity. To the contrary, the establishment of the CONLON office will restore vibrancy to the neighborhood by turning a long-vacant space into a vibrant one with an extensive renovation including code compliant upgrades. The impact on the surrounding business will be minimal if at all as the staffing at this location is small.

3. That the establishment of the Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern. The establishment of CONLON Real Estate office will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district. The establishment of the CONLON office is consistent with the recommendations of the ULI panel. In the ULI final report, the panels made several recommendations to eliminate the commercial overlay and allow the market to dictate how available space can be utilized. Here, a long vacant space, which has not and cannot support a retail use, will be converted to an office use which will bring employees and clients to the East Elm neighborhood. Once there,

employees and clients can take advantage of the restaurant and retail opportunities in the neighborhood.

4. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways. No additional ingress and egress will be necessary for the establishment of the office. The location has ample parking spaces available for employees and clients behind the Leased Space.

5. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the Special Use exists or are to be provided. Adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist and no additional facilities are necessary. As discussed above, the location has parking spaces available for employees and clients behind the Subject Tenant Space. As detailed in the Parking Study, ample public parking exists a short walk northwest of the Subject Tenant Space.

6. That the Special Use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes. The use conforms to the applicable regulations of this and other Village ordinances and codes. CONLON defers to Village Staff for a final determination that there are no other nonconforming aspects to consider in the context of this Special Use Application.

7. The proposed special use at the proposed location will encourage, facilitate and enhance the continuity, concentration and pedestrian nature of the area in a manner similar to that of retail uses of a comparison shopping nature. The CONLON Real Estate office will enhance the pedestrian nature of the area in that it will have foot traffic from agents and clients. Unlike the current vacant space which makes no contribution to the area, this office will be staffed seven days a week to meet the needs of clients and agents (the proposed hours are Monday-Friday 9am-5pm; Saturday 10am-4pm and Sunday 10am-3pm) and this use is consistent with the nature of other business located in this area.

8. Proposed street frontages providing access to or visibility for one or more special uses shall provide for a minimum interruption in the existing and potential continuity and concentration of retail uses of a comparison shopping nature. The CONLON office will cause no interruption to the nearby retail use. To the contrary, a fully renovated office space will enhance the neighborhood that has suffered with vacant retail spaces. By bringing employees and clients to the office, it will permit them to take advantage of nearby retail and restaurant uses. Further, through its affiliation with Christie's, CONLON intends to display art work in the office and, from time to time, hold art shows that will generate foot traffic and enhance the vibrancy of the area, provide potential customers for the retail sites in the area as well as offer a visual presence that has not been on Lincoln Avenue since Kamp Gallery moved.

9. The proposed special use at the proposed location will provide for display windows, facades, signage and lighting similar in nature and compatible with that provided by retail uses of a comparison shopping nature. The proposed space has a large display window. CONLON's proposed renovation plan and furnishing plan is mindful that its office and its work will be on display for all to see. CONLON proposes high quality interior design that is consistent with the nearby retail uses. CONLON and Christie's are very well recognized brands for whom image is very important to its brand. Therefore, all of the facades, signage and lighting will not only meet the Village Code and community standards but will also reflect the prestige of the CONLON and Christie's brands.

10. If a project or building has, proposes or contemplates a mix of retail, office and service-type uses, the retail portions of the project or building shall be located adjacent to the sidewalk. The minimum frontage for each retail use adjacent to the sidewalk shall be twenty (20) feet with a minimum gross floor area of four hundred (400) square feet. In addition, such retail space shall be devoted to active retail merchandising which maintains typical and customary hours of operation. This standard is not applicable.

11. The proposed location and operation of the proposed special use shall not significantly diminish the availability of parking for district clientele wishing to patronize existing retail businesses of a comparison shopping nature. As explained more fully in the Parking Study, the proposed use will not diminish the availability of parking for district clientele wishing to patronize existing retail businesses of a comparison shopping nature. The Leased Space has parking available on-site adjacent to the rear of the Space and ample public parking northwest of the Space. Finally, unlike other real estate offices in the vicinity, CONLON's Winnetka office will <u>not</u> be the site of weekly or quarterly agent meetings as these will be held off-site (usually at a local restaurant or other venue).

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DRAFT

WINNETKA PLAN COMMISSION
EXCERPT OF MINUTES
NOVEMBER 20, 2013

Members Present:	Bill Krucks, Chairman Jan Bawden Jack Coladarci Chuck Dowding Paul Dunn John Golan Jeanne Morette John Thomas
Non-voting Members Present:	Richard Kates
Members Absent:	Louise Holland Matt Hulsizer Keta McCarthy Scott Myers
Village Staff:	Brian Norkus, Assistant Director of Community Development

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Consideration of Special Use Permit Request by CONLON Real Estate to Locate Within the C-2 Retail Overlay District at 565 Lincoln Avenue

Chris Canning introduced himself to the Commission as an attorney from Wilmette representing CONLON. He stated that they are seeking a special use for a real estate office at 565 Lincoln Avenue. Mr. Canning informed the Commission that they received a positive recommendation from the ZBA and that the request would be presented to the Village Council on December 17, 2013. He also referred to the letter from Turner Newton with regard to the space. Mr. Canning informed the Commission that the space has been vacant since March 2011 when the retail operation defaulted on the lease. He also stated that the building was also the location for the Chambers Cross real estate office at 567 Lincoln and that they were a tenant beginning in 1995. Mr. Canning noted that the overlay district went into effect in 1987. He stated that Mr. Newton also pointed out that an interior design business, Castle Interiors, occupied the building for 30 years and vacated the space in 2005. Mr. Canning stated that Mr. Newton also asked him to share with the Commission that in his experience with the building, the location at the extreme north end of the overlay district is not considered desirable retail space for those types of uses in the Village.

Mr. Canning stated that Mr. Newton says that they planned to bring the space up to code to meet office needs rather than retail use and that the applicant would be a positive for the tenant and the

Village. He then referred to the 563 Lincoln Avenue building which had its own off-street parking behind the building. Mr. Canning noted that many buildings do not include off-street parking and are more densely developed. He stated that the applicant would be the lowest generator of parking demand even if it is fully occupied. Mr. Canning added that a real estate office would be appropriate here and that there would be no morning surge or afternoon surge and that the parking demands would not put a burden on the Lincoln Avenue area.

Mr. Canning then thanked the Village staff for their assistance in the process. He referred to the packet of information containing the application and letter addressed to the ZBA in that the request would meet each element granting the special use, as well as the letter from Mr. Newton and the KLOA parking study. Mr. Canning informed the Commission that the parking study reflected Monday and Tuesday and that the reason they picked those days is that it is the understanding of the Village staff's experience that those are the two days with the heaviest amount of parking this area of Lincoln Avenue. He also stated that they picked these days because a Columbus Day holiday would skew the results and that other days would also skew the results.

Mr. Canning then stated that there are four letters of support in the packet of materials. He informed the Commission the two witnesses including Benjamin Burford, a co-founder of CONLON, would describe the three points which would tell more about CONLON, why they want an office in Winnetka and why they chose the space on Lincoln Avenue. Mr. Canning also stated that Javier Millan of KLOA is present to testify in connection with the parking study. He stated that they would then answer questions and receive public comment. Mr. Canning stated that they are asking for positive findings on the seven items the Commission is to consider in that the request complied with the 2020 Comprehensive Plan.

Benjamin Burford introduced himself to the Commission as CEO and co-founder of the company with Sean Conlon. He stated that he would provide background and their association with Christie's International. Mr. Burford stated that in 2007, he worked with his long-time friend who is a long time real estate person in Chicago and that Mr. Conlon started Sussex & Riley. He stated that he then launched CONLON & Company and that Mr. Conlon grew to be the largest selling agent in Chicago with over $200 million in sales in the late 1990's. Mr. Burford described that time period as the darkness of the recession when the CONLON real estate company was launched.

Mr. Burford stated that they have a simple plan in that a home is a person's primary most important investment. He described their company as a boutique company and not a large company and that they have no desire for that. Mr. Burford stated that their plan is to have between 250 and 300 agents max in all six offices. He then informed the Commission that Winnetka was always their first choice for a location outside of the city expansion plan. Mr. Burford stated that they now have 200 agents with their fourth office located in the busy Lincoln Park corridor. He also stated that their other offices are located in Roscoe Village, the west loop and on the Gold Coast and that they are used to parking issues. Mr. Burford then stated that with regard to the way they run their office, it is not an issue and that they run their operation more as a hotel. He informed the Commission that they have 60 agents in the Roscoe Village office with a maximum of 8 to 10 agents in the office at one time. Mr. Burford added that they do not have weekly or monthly meetings and that their quarterly meetings are held offsite. He also stated that their agent group's

experience is on average 15 years so that there is no need to have weekly meetings.

Mr. Burford went on to state that their fourth office was launched in conjunction with Christie's International Real Estate which is owned by the Auction House. He noted that CONLON is an affiliate and not a franchise. Mr. Burford informed the Commission that Christie's is excited with the move to the North Shore which is where most of their clients are located. He stated that they have worked on a particular plan to have Christie's hold events in their space in the evening to draw people from Winnetka and the surrounding area. Mr. Burford stated that they plan to have experts come in to the office to give talks as well as hold how-to primers on auctions to be held.

Mr. Burford stated that with regard to why they chose Winnetka, he informed the Commission that it was always on their radar as a place they want to be and that they have friends and clients here. He also referred to the community involvement and that they like the amazing downtown look and feel. Mr. Burford informed the Commission that they are very active in the communities where they are located and that they attend events, schools, join chambers of commerce, etc.

Mr. Burford then stated that with regard to the type of clients Christie's has and how to align with them, he stated that 25% of their business represented multi-million dollar homes. He described Winnetka as the perfect place to service the North Shore. Mr. Burford then stated that with regard to why they chose Lincoln Avenue, they began looking at properties in February with eight properties being considered and that it was determined that they were not viable spaces. He informed the Commission that they looked at 574 Lincoln Avenue and that while it would have been a conforming space, the property owner was not willing to work with them to remodel the space. Mr. Burford stated that the focus went to 565 Lincoln Avenue which he described as a beautiful space with great high walls for art, a front window and inviting space, as well as the fact that it is ready to move into with the exception of one code issue relating to the sprinkler system that the property owner agreed to do. He then stated that they felt that being at the far edge [of the overlay district] with two parking spaces in the rear, there would be little impact on parking in the neighborhood and that their agents would be in and out.

Mr. Burford then stated that the biggest thing they have heard related to parking and reiterated that they would not hold weekly meetings. He agreed that there are companies which have very large meetings on Mondays and Tuesdays and referred to the fact that they offered to change their hours of operation from 11:00 a.m. to 7:00 p.m. as opposed to 9:00 a.m. to 5:00 p.m. Mr. Burford also stated that they offered to use the parking in the back for those who would be in and out and to have their assistant and full time employee park in the public parking lot farther away. He then stated that while there may be 25 agents in the office, there may be between 15% and 20% in at one time. Mr. Burford added that they have the same business model at all of their offices.

Mr. Burford stated that lastly, he would like to clarify that they did not say that they cannot control where the agents park. He added that they host meetings at restaurants or anywhere there is a large space. Mr. Burford then asked the Commission if they had any questions. No questions were raised by the Commission at this time.

Javier Millan of KLOA introduced himself to the Commission and stated that he was retained to conduct the parking study for the development. He informed the Commission that he conducted

the parking study on Monday and Tuesday from 9:00 a.m. to 5:00 p.m. every half hour. Mr. Millan identified the areas of the study and stated that the key findings of the study are that the peak parking demand overall on East Elm occurred Monday and Tuesday at 11:00. He then stated that in ignoring that availability and when he zoomed in to the area close to the site, in connection with on-street parking, there is availability found at any given time between 9:00 a.m. and 5:00 p.m. with three or more on-street parking spaces available in close proximity to the site which do not include handicap parking.

Mr. Canning informed the Commission that when the request was presented at the ZBA meeting, it was commented that the area of study was too large. He then stated that even if they were to take the area and shrink its dimensions, there would still be adequate parking.

Mr. Millan noted that they are only talking about the parking spaces close to the site. He then stated that given the proposed office with two full time employees and with a maximum of three to four visitors at any given time, as well as the fact that there are two off-street parking spaces in the back, the results of the survey clearly show that there is adequate on street parking to accommodate the demand of the development. Mr. Millan also stated that the staff reviewed the parking study and concurred with the findings. He stated that the concerns in connection with the results of the parking study such as available parking in the two lots, he referred to the fact that Coldwell Banker held Monday morning meetings and that parking is not available for three hours in the morning. Mr. Millan stated that when they counted Monday, it did not show that and that on Tuesday, the northern parking lot is used quite a bit by the Coldwell Banker meetings and that they may have moved the meeting date to Tuesday. He then stated that based on the review of the previous surveys of the district in 2011, they have found that the parking demand is consistent throughout the previous observation in 2011 and with this study. Mr. Millan reiterated that parking is available to accommodate the demand and asked the Commission if they had any questions.

Chairman Krucks asked Mr. Millan to define the term adequate parking.

Mr. Millan stated that if there are three visitors, within close proximity to the site, there are three or more parking spaces available and that there is more space available.

Mr. Kates referred to the Christie's relationship which was established this year. He stated that one of the points made by the applicant is that there would be a benefit to the community with regard to events with them. Mr. Kates asked for examples of the types of events they planned to hold with Christie's since their June affiliation and what time of day would they take place.

Mr. Burford referred to three events with Christie's including the John Hancock 7:00 to 7:30 p.m. private showings of an art auction. He also stated that there is the idea of hosting a jewelry event and to invite those in to talk with a jewelry expert. Mr. Burford also stated that there would be a wine expert from Christie's with whom they have worked to talk about wine collections. He added that these events would always be held in the evening.

Mr. Canning then stated that with regard to adequate parking, at the ZBA meeting, conditions were proposed to be imposed to be recommended to the Village Council. He stated that the first condition is that on Monday and Tuesday, their hours of operation would start at 11:00 a.m. to

address what is perceived as a parking issue. Mr. Canning stated that the second condition is to make sure that their employees park at the Community House parking lot which would free up two parking spaces behind the office. He noted that KLOA did not take into account those two parking spaces which are dedicated to CONLON.

Chairman Krucks stated that the memorandum stated that agents and employees would be required to park off-street.

Mr. Canning stated that the agents could also park behind the building since that is off-street parking. He stated that the reason [for the condition] is to focus on employees who would be there every day.

Ms. Morette asked what about the clients of the agents and that the clients could park wherever they want and would create foot traffic.

Mr. Canning reiterated that the office use has been a vacant space for over two years and that they are restoring vibrancy to the block.

Ms. Morette questioned whether they would be creating more of a parking problem.

Mr. Burford stated that the agents would grab the client and go.

Ms. Bawden indicated that the applicant should not be so defensive in connection with the parking business. She stated that they should think of the agents as consumers and that the clients are consumers. Ms. Bawden stated that she saw the use as potentially a traffic generator and that they would be adding vibrancy to the district as purchasers and foot traffic. She then stated that in the best case scenario, the use would be retail and in the worst scenario, the retail use would be so good that the users cannot find parking.

Chairman Krucks asked if there were any other comments.

Mr. Thomas asked if the applicant agreed with the ZBA conditions for off-street parking and questioned how would it be enforced.

Mr. Burford responded that it would be up to them to enforce, as well as the use of parking passes.

Mr. Canning stated that the issue was raised with the ZBA that anytime conditions are placed, it would be up to the staff and code enforcement. He indicated that they would do their best to self-police the matter and that if there is an issue, whether to call Mr. Norkus in connection with violators and the effect on their special use permit. Mr. Canning stated that the problem is how to enforce it.

Mr. Norkus stated that there is more involvement in the establishment of conditions rather than enforcement which he commented tended to be rather infrequent. He then stated that in previous similar cases, the Village Council attempted provide shape and form as to how applicants are to enforce parking requirements. Mr. Norkus stated that in connection with the previous

application, one condition of approval was for the real estate office to be required to include parking off-street condition as a condition of employment or agreements with the agents. He also stated that the staff has not spent time reviewing those agreements and that they are seen as addressed adequately through that condition.

Mr. Golan referred to it as out of sight, out of mind. He then referred to Dr. Warga's concern in connection with parking in the area. Mr. Golan suggested that letters to be sent to merchants in the area and if they notice an issue, for them to call. He commented that it would be worthwhile and referred to the good intention of the applicant.

Mr. Dunn stated that the call [for complaints] would go to the manager of the office and not to Mr. Norkus. He stated that the applicant paid for a parking study and changed their hours of operation to be accommodating and that it would be incumbent on the applicant to follow through.

Mr. Kates asked Mr. Burford if they have books where people sit down and go [through listings].

Mr. Burford responded that everything is done online.

Mr. Kates then asked when are contracts done.

Mr. Burford indicated that a lot of the time, it took place in the home being purchased.

Chairman Krucks asked if there were any other questions.

Ms. Bawden referred to Ms. Holland's memo and stated that she would like for Mr. Norkus to review the purpose of the C-1 and C-2 districts in order to put this into context. She then asked what was the intent of the overlay district.

Mr. Norkus informed the Commission that when the overlay district was created in the late 1980's, the idea was that circumstances in the Village at that time were the loss of Carson Pirie Scott and the concern related to the possibility of the mass exodus of retailers through the conversion of retail space to non-retailers like banks and real estate offices. He stated that the overlay was to put limits and try to control the conversion of retail space to non-retail space.

Chairman Krucks noted that there were substantial changes to the overlay district in 2009.

Mr. Norkus stated that it is addressed in detail in the agenda report. He noted that one major change in the 2009 era was that the Commission and the BCDC recommended a reduction in the retail depth of spaces from 100 feet and that it was reduced to the front 50 feet making the rear spaces available to non-retailers.

Mr. Dunn stated that Ms. Holland brought up the lawsuit which he described as so de minimis with regard to a small space such as this. He then stated that it was discussed with the staff and that the economic driver is not the consequence.

Ms. Bawden read a portion of the code to the Commission and stated that is why the applicant is

here. She then stated that while they prefer retail space, the applicant is saying that they can fill the space and give a nice looking frontage which would keep with the character of the street and provide for the realities of retail in these economic times. Ms. Bawden then asked if the Chambers Cross identity would still be on the building.

Mr. Canning responded that they have not talked to the landlord's representative.

Ms. Bawden asked if they planned to put up an awning.

Mr. Burford confirmed that they did.

Ms. Bawden then stated that the 2020 Comprehensive Plan is the look that Winnetka is going for. She also stated that another concern is Coldwell Banker across the street. Ms. Bawden then stated that on the other hand, it is a traverse street in terms of mixed retail and a variety of offerings on the street which she described as quite effective. She added that while she sympathized with Ms. Holland's point of view, she did find this addition to the street to be a less egregious application.

Chairman Krucks asked if there were any other questions. No additional questions were raised by the Commission at this time. He then asked if there were any comments from the audience.

George Warga introduced himself to the Commission and stated that he has been in business in Winnetka for over 20 years. He then stated that his intent is not to deny the applicant, but to bring a larger picture in connection with the parking situation and understanding the area. Dr. Warga stated that with regard to the parking studies, it was referenced in an email to him that in 2005, [a study was] done and recommendations made, but that at the time, there was not enough parking to support the businesses and a recommendation was made with regard to building a parking garage. He stated that the matter was discussed with the Village Council which agreed to do something and that he wondered what happened. Dr. Warga stated that this is his and the other tenants' concern and that he hoped the matter would be brought back to the table.

Dr. Warga stated that with regard to the theory in connection with the northern end, he described it as a very small area to begin with and that off-street parking is the biggest issue. He stated that they need parking for people to come and that he hears from his patients that they do not like shopping here because of the lack of parking. Dr. Warga also stated that he has listened for 10 years in zoning meetings, etc. with regard to the parking study being done on Mondays and Tuesdays which he described as an aberration. He then referred to his notes which indicated that there is nothing available on Monday between 9:30 a.m. to 11:00 a.m. which is the drop off. Dr. Warga stated that Coldwell Banker has 100 realtors holding meetings in their office and that restrictions are important. He also stated that on Mondays, @Properties has two meetings per month and that 100 locals come to the Winnetka meeting.

Dr. Warga stated that he would like to commend the realtors in trying to manage and that to put restrictions on the approval is very important. He stated that the applicant is attempting to be a good neighbor and suggested that they put in writing the fact that they plan to have evening events. Dr. Warga described it as a small business which would not be generating a lot of tax revenue. He then stated that parking for retail space is five spaces per 1,000 square feet.

Mr. Norkus indicated that it varied between two and four spaces per 1,000 square feet.

Dr. Warga then stated that they hear a prospective tenant wanting to be here and that they will make an adjustment. He reiterated that it be put in writing and enforce it as a home rule community. Dr. Warga also suggested that they can fine people so that the applicant would not lose their special use permit.

Chairman Krucks asked Dr. Warga if the lack of parking impacted his practice.

Dr. Warga stated that in his practice and as a member of the community, he would call patients who say on Monday mornings they may have a hard time parking and for them to park in the loading dock. He also stated that it is very difficult for elderly and handicapped patients. Dr. Warga then stated that on Monday, the KLOA study is not accurate and that the parking lot is completely filled.

Karen Arenson introduced herself as a managing broker at Coldwell Banker. She informed the Commission that at the time of the parking study, there was no meeting being held. Ms. Arenson agreed that they have over 100 agents in their office, but there are never more than 60 agents in the meetings. She noted that they do monitor parking and fine agents. Ms. Arenson also stated that they did make a promise when they took the space in the Galleria and that they have truly lived up to it. She stated that they have worked very hard to not park on the street. Ms. Arenson then informed the Commission that they have two handicapped agents and that it is impossible for them to park [in the parking lot] and that they park on the street.

Ms. Arenson then stated that she liked the idea of competition. She also stated that she is surprised by the tenor of the conversation and the fact that it took so long to go to the conversation of the overlay which is what the application is really about. Ms. Arenson noted that Coldwell Banker fought for 1½ years to get their location on Lincoln Avenue and that they had to do it since they had one location in the overlay district and one location out of the district and that they were attempting to merge both spaces to get into a space which would work with very small frontage. She then referred to the Lincoln Avenue space and the large space in the back of the building and that they are still in the back. Ms. Arenson indicated that it is very hard for them to hear after a two year fight that they are hearing it is great and taxes being de minimis.

Ms. Arenson then referred to the argument against what they were doing and that the purpose of the overlay retail district related to taxes, shopping participation, etc. and that they only wanted 20 feet of frontage. She stated that they were denied that and put in the back of the building. Ms. Arenson described their agents as consumers and that they are adding vibrancy. She also stated that they are in and out of their offices and that they have six full time staff. Ms. Arenson informed the Commission that they were at the northern end of the overlay district and their request was denied.

Ms. Arenson then stated that she did not want to say to not bring in the business which is not their purpose and that they welcome them. She stated that the issue is the overlay district and the fact that is not the piece of the application being discussed here which is the whole reason they are here. Ms. Arenson then stated that she appreciated the discussion on parking. She concluded by stating

that if another space became available for Coldwell Banker, she would expect similar treatment if this application is granted. She added that there is proof that they have monitored parking and have been good citizens.

Mr. Dunn asked Ms. Arenson if they received a benefit by the change in the overly district in 2009.

Ms. Arenson responded that they did not and that they are 75 feet in the back because of where the door is located.

Mr. Kates stated that the Commission is here to decide the applicant's application. He stated that when the Village Council met with regard to the future goals, concerns and what needed to be reviewed, one item is the overlay district. Mr. Kates noted that they are not setting any precedents here and that they deal with one matter at a time. He then stated that at the time of the @Properties application, there were concerns about those meetings and what it would do to neighboring businesses.

Ms. Arenson informed the Commission that the reason they do hold meetings early is to be done by 11:00 a.m. and that many business open later. She then stated that it is not necessary for them to have frontage and that the awning is there regardless. Ms. Arenson stated that the overlay district is there for a reason and that they fought against it and lost and honored the reasoning given for that.

Chairman Krucks asked if there were any other comments.

Mr. Canning stated that he would like to respond to the fact that they cannot address what happened in 2005 with regard to Rich and Associates (?) or when Coldwell Banker submitted their application. He stated that they are coming to the Commission after the ULI study which gave recommendations to the Village Council which needs to decide what to do in connection with the overlay district. Mr. Canning noted that their office would measure 1,500 square feet which is half the size of the home in the prior application. He also stated that with regard to the two parking spaces behind the office, they have heard the parking study expert determine that parking would be adequate. Mr. Canning stated that they have articulated how the application met the 11 standards of the ZBA. He then stated that in connection with the seven standards of the Commission, he asked that the Commission find that the applicant has met the first standard related to objective no. 1 and for the Commission to find in favor of standard nos. 3, 4, 5, 6 and 7. Mr. Canning also stated that they have heard that with regard to the parking study and the conditions to be imposed, he asked that the Commission return a positive recommendation to the Village Council on the applicant's special use application. He then asked the Commission if they had any questions.

Mr. Coladarci asked Mr. Canning if they estimated to have 10 customers per week.

Mr. Canning confirmed that is correct. He reiterated that they would have two full time employees, a certain number of agents and 10 customers over the course of a week. Mr. Canning then stated that in connection with the total numbers, KLOA used the maximum.

Mr. Golan noted that none of [the Commission members] heard the Coldwell Banker application

and that they are relying on Mr. Norkus to fill them on in connection with the details as to what was involved. He then referred to nail salons which did not fit the definition of retail use, but which are personal service. Mr. Golan described real estate offices as a personal service. He also stated that he believed that this would be a precedent setting decision.

Mr. Norkus informed the Commission that with regard to the Coldwell Banker experience, he cannot speak 100% how they came to the point where they are today. He also informed the Commission that when the applicant spoke to the conditions of the Village Council sought to impose on the previous real estate office which chose to request a special use permit in the overlay district, in connection with the imposition of conditions on employee contracts and agents dealing with employee parking, he read from the Village Council ordinance from 2010 which was the special use permit approved by the Village Council at the time for Anetfield Finance Company and Coldwell Banker. Mr. Norkus stated that he is not sure how it interlaced with the statements from Ms. Arenson. He then stated that he agreed with the fact that the Coldwell Banker application went through a lengthy review and discussion and that the ordinance says that the special use permit was approved.

Ms. Arenson stated that in 2010, Coldwell Banker South which was located at 552 Lincoln moved to the back and took over space in the Galleria. She informed the Commission that they were not granted a variance because they could not exercise it at the time. Ms. Arenson then stated that while they applied for it, the Galleria did not provide for them the front area where there is now the pediatric practice and that the landlord was not willing to divide the space into sections. She stated that they were granted the potential [for the special use], but that the landlord was not willing to make the change for that little space. Ms. Arenson then stated that a year later, they agreed to move out of the 586 Lincoln Avenue space to merge with what is now in the back since they could not take the front space. She noted that they were denied for that and that Jean Wright had a similar issue and was denied.

Mr. Kates then stated that precedent or not, he would like to mention at the time, there was severe disagreement between sections of the Village Council and that they wound up with a tie which was broken by the Village president. He informed the Commission that he spoke in favor of the Coldwell Banker application and that he was not on the Village Council [at that time]. Mr. Kates reiterated that each case presented to the Commission came on its own merit and that there would be no precedent. He described the application as a small operation and that it would have a small impact on the community. Mr. Kates reiterated that they dealing with a specific situation here and that he did not feel that they are setting a precedent for an organization having 100 brokers going to meetings. He then stated that under the ordinance, each case is taken on its own merits and that the question related to whether or not it met its own set of standards. Mr. Kates stated that this application is not equivalent to a large brokerage situation and that although he would not vote on this matter, the Commission is to consider the case on its own merits.

Mr. Coladarci asked how many real estate offices similar to the applicant have frontage in retail space and which are in the overlay district.

Mr. Norkus responded that Koenig & Strey was grandfathered in, as well as Jean Wright. He noted that Chambers Cross was not grandfathered.

Chairman Krucks stated that Chambers Cross moved in the building in 1995.

Mr. Norkus informed the Commission that @Properties did not need a special use.

Mr. Coladarci referred to the real estate office in the place of White's Drug Store in Indian Hill.

Ms. Arenson noted that Baird and Warner occupied the old Talbot's space which is not in the overlay district, Hudson is behind Chambers Cross and that Jameson Realty at 586 Lincoln Avenue is out of the overlay district.

Mr. Coladarci then asked if this would be the first real estate office given retail frontage in the overlay district which is not grandfathered in.

Mr. Norkus confirmed that it would be the first if you did not count the unsuccessful attempt [of Coldwell Banker] due to the landlord.

Mr. Golan indicated that it would not be entirely precedent setting.

Mr. Kates referred to the second denial of Coldwell Banker as by the Village Council since one office is in the overlay district and one office is out of the overlay district.

Chairman Krucks stated that in connection with the overlay district modification in 2009, he described it as well intentioned. He also stated that he respected Ms. Holland's support and involvement with the overlay district. Chairman Krucks then stated that the interesting thing with regard to the overlay district is that if it was clearly the intent of the overlay to limit first floor storefronts to retail, there would never have been a provision for special use permits. He also stated that the fact that the ordinance allowed for service businesses and professional service businesses along with retail, real estate and financial institutions provided that they did not go overboard with one or the other provided the kinds of mixed uses in the 21st century to bring people in the community and that to patronize a retailer or a restaurant in the area is a good thing. Chairman Krucks noted that the state of retail today is a lot different than it was in 1985 when the ordinance came in effect. He stated that to him, this case is very boutique and would be a small operation of 1,500 square feet, along with the fact that the space is not appealing to prospective retailers since it has been vacant for two years. Chairman Krucks added that if there was a restaurant in this space, it would create more pressure on parking than this organization. He concluded by stating that this request is well within the ordinance and the procedures that past Commissions have used to treat similar circumstances.

Mr. Thomas stated that the purpose of this hearing is to hear the special use application and that if the request was being made by a restaurant or coffee shop, it would be a slam dunk and that the available parking would disappear. He also commented that it would be a small operation which would not screw up parking.

Mr. Dowding stated that in the conversation, they have heard already there is a precedent granting real estate for 20 feet and that the applicant in this case is asking for 15 feet. He indicated that he found it odd that there was such a flawed parking study which missed typical events which occur

on a Monday and suggested that it should be redone so that the Village Council is aware. Mr. Dowding suggested that the study be redone on a normal Monday and the matter be continued.

Mr. Golan suggested that the applicant redo a limited parking study.

Mr. Coladarci described the parking issue as a red herring in that the applicant is estimating having foot traffic of 17 people per week and stated that a new parking study would not change that based on the estimation of foot traffic. He then stated that the question with regard to parking gets at the more important issue for the Commission which is the overlay district and the special use permit and that they would not be having this kind of discussion if retail was healthy. Mr. Coladarci referred to the desire of the Commission to assist tenants getting into the Village and that putting in a business which would bring only 17 people per week is an important fact to consider. He stated that they would be creating an argumentative precedent for other service based businesses and noted that sales tax is determined by the number of people this business would bring in.

Chairman Krucks stated that there is no way that Lincoln Avenue could accommodate the parking needs of a successful retail tenant.

Mr. Coladarci stated that the Village was laid out as walking distances and that it would be hard to create parking for a place which is designed for walking.

Chairman Krucks asked if there were any other comments.

Mr. Kates stated that he did not think doing a new parking study would have an impact on going forward. He stated that they are dealing with a de minimis factor and that he agreed with Chairman Krucks as to the philosophy for what is involved here.

Chairman Krucks again asked if there were any other comments.

Ms. Bawden stated that Dr. Warga asked that it be put in writing as to whether the Commission would be induced to do anything like that with parking.

Chairman Krucks stated that the Commission can echo the ZBA's clear requirement that employees and agents park off-street, especially on Lincoln Avenue.

Ms. Bawden stated that the ZBA's comments are adequate for this particular applicant.

Mr. Norkus suggested leaving it at it being a condition itself and that the Village attorney would draft the ordinance which will define how enforcement would take place.

Mr. Kates suggested that enforcement could include the use of stickers with the applicant's name.

Chairman Krucks indicated that he liked Mr. Dunn's comments with regard to giving notice to the community with regard to businesses as part of the permit or variance and that as a condition, employees be required to park in the public lots and not on the street. He noted that the business owners have a stake in keeping the parking spaces open and that they would be the best equipped

to enforce parking restrictions against their neighbor across the street.

Mr. Kates stated that they would need some sort of identification.

Mr. Thomas stated that the Commission is to address the findings and that parking enforcement had nothing to do with the Commission.

Mr. Norkus asked if the Commission is looking to restate the conditions of the ZBA and that those two conditions would be limiting the applicant's hours of operation between 11:00 a.m. and 7:00 p.m. on Monday and Tuesday with the remaining hours of operation as described in the application and require from 9:00 a.m. to 5:00 p.m. for the agents and employees to park off-street in parking such as at the public parking lot on Lincoln Avenue and in the tenant designated spots behind the leased premises.

Chairman Krucks agreed with both conditions. He noted that the first concession represented a concession from the applicant.

Mr. Coladarci referred to other businesses causing a jam-up at 11:00 a.m. and that he would hate the idea of limiting the applicant's business hours. He questioned whether the applicant can they ask for a later review of the business hours in connection as to whether there would be a conflict.

Everyone agreed with Mr. Coladarci's suggestion.

Mr. Norkus stated that statement no. 3 is that the applicant may request reconsideration of condition no. 1 if there are circumstances leading to its position change.

The Commission then reviewed the following findings:

Findings of the Winnetka Plan Commission Regarding Consistency of the 565 Lincoln Avenue Special Use Permit With the Village of Winnetka Comprehensive Plan

After considering the application, the Commission makes its findings as follows,

Chapter II - *Vision, Goals and Objectives*

(1) The proposed special use is consistent with the Objective to "Ensure that commercial, institutional, and residential development is appropriate to the character of and minimizes the adverse impact on its surrounding neighborhood." [Village Character and Appearance: Objective #1 page 2-2].

(2) The proposed special use is consistent with the Objective to "Limit commercial, institutional and residential development within the Village to minimize potentially adverse impacts on adjacent residential neighborhoods and to prevent the need for significant increases in infrastructure (streets, parking, utilities, sewers) and other community resources (schools, parks, recreational facilities)". [Growth Management: Goal; page 2-7].

(3) The proposed special use is consistent with the objective to "Ensure that development proposals minimize the potential adverse impact they might have on residential neighborhoods, including the impact on pedestrian character, on-site parking, traffic patterns, congestion, open space, storm water management and Village infrastructure." [Growth Management: Objective #1; page 2-7].

(4) The proposed special use is consistent with the Goal to "Provide for a wide range of office/service and retail commercial land uses and development within the existing business districts in the Corridor." [Green Bay Road Corridor: Commercial Development and Multiple Family Land Use Goals Objectives and Policies; page 54].

(5) The proposed special use is consistent with the Goal to "Promote a strong community identity and opportunities to interact while building a healthy commercial tax base. Provide a broad range of goods and services so that Winnetka residents can satisfy most of their ordinary shopping requirements in the Village and so that non-residents will come to the Village for specialty goods and services;" [Business Districts: Goals and Objectives and Recommendations; page 5-8].

(6) The proposed special use is consistent with the objective to "Maintain the essential quality, viability and attractiveness of Winnetka's business districts while encouraging new economic development consistent with the character of the Village and the individual business districts"; [Business Districts - Objectives and recommendations: Economic Vitality; page 5-8].

(7) The proposed special use is consistent with the objective to "Ensure that new development does not decrease public parking supply, particularly on street parking that supports retail use"; [Business Districts - Objectives and recommendations: Commercial Development and Multiple Family Land Use; page 5-10].

RESOLUTION

NOW THEREFORE BE IT RESOLVED that the Winnetka Plan Commission finds that the proposed Special Use Permit application for the property at 565 Lincoln Avenue is consistent with the Village of Winnetka Comprehensive Plan, based on the following conditions:

1. Limiting the applicant’s hours of operation between 11:00 a.m. and 7:00 p.m. on Monday and Tuesday with the remaining hours of operation as described in the application.

2. Require from 9:00 a.m. to 5:00 p.m. for the agents and employees to park off-street in parking such as at the public parking lot on Lincoln Avenue and in the tenant designated spots behind the leased premises.

3. The applicant may request reconsideration of condition no. 1 if there are circumstances leading to its position change.

Passed by a vote of eight in favor, none opposed and one abstention.

Date: November 20, 2013

AYES:	Bawden, Coladarci, Dowding, Dunn, Golan, Krucks, Morette, Thomas
NAYS:	None
NON-VOTING:	Kates

ATTACHMENT I

Correspondence Received

October 31, 2013

Zoning Board of Appeals
Village of Winnetka
c/o Michael D'Onofrio
Director of Community Development
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

To Whom It May Concern:

I am writing you today to enthusiastically endorse the Special Use application of CONLON/Christies International Real Estate. As a resident of Winnetka for more than 25 years, I can assure you that the addition of CONLON/Christie's in a building which has been home to several real estate firms in my time, will only add to the prestige of Winnetka's business district. Please permit me to explain.

I am aware, as most Winnetka residents are, of the strength of the Christie's brand and the incredibly high value-added properties it holds. Indeed, Christie's is extremely cautious about with whom it partners. It, therefore, says a lot about the CONLON organization that Christie's has chosen it as their exclusive real estate partner. In fact, it was only after a long selection process that CONLON was asked to affiliate with Christie's.

I believe the same can be said about the communities Christie's selects for its locations. The surrounding community's perceptions of Winnetka and its business district would surely benefit from including Christie's in its stable of commercial partners. That Christie's is interested in locating here in Winnetka really says a lot about the quality of our community and the high level of services it offers to its residents and visitors.

I believe Winnetka's potential partnership with Christie's should therefore be viewed as another jewel in the Winnetka business district's crown—a jewel that should be prominently displayed and easily seen. Given that the retail properties in question have been vacant for some time, and remain vacant today, I believe CONLON/Christie's represent a terrific use option. It can add value to the existing commercial establishments, underscore the strong, high quality of life in the Winnetka community, and provide a meaningful addition to Winnetka business district's tax base. In addition, association Christie's Auction House would attract many visitors from outside the community by sponsoring several high-visibility art events several times a year at the Lincoln Avenue office.

I understand that CONLON/Christie's is interested establishing their office in the building which once housed the Chambers Cross real estate office. I understand that now, this property is no longer zoned for businesses other than Retail. I believe CONLON/Christies represents the kind of high visibility, high-value use that will benefit our commercial district, despite this zoning restriction. CONLON/Christie's can and should be seen as a strong community partner for Winnetka. I would hate to see this opportunity squandered and wake up one day only to find that this prestigious brand has instead selected Glencoe, Kenilworth, or Highland Park as it's community partner while Winnetka sits with two empty storefronts in a very prominent part of our commercial district. That is why I support their request for a Special Use variance to put a real estate brokerage office within the Retail Overlay District. Thank you for your consideration of CONLON/Christie's International Real Estate request

Very Truly Yours,
[redacted]

John Fromstein
[redacted]
Winnetka

November 4, 2013

Village of Winnetka
Zoning Board of Appeals
c/o Michael D'Onofrio
Director of Community Development
510 Green Bay Road
Winnetka, IL 60093

To Whom It May Concern:

I am reaching out to you to express my support for CONLON: A Real Estate Company/Christie's International Real Estate's desire to establish an office in Winnetka within the Retail Overlay District. I retired from the Winnetka Police Department in 2005, after serving as a Police Sergeant for 28 years, and have seen many changes and growth opportunities in Winnetka over the course of my career. I think the opportunity to have a CONLON/Christie's would be a great addition to the Lincoln Avenue business district. Additionally, I have known Sean Conlon as a dear personal friend for over twenty years, and can attest to his business success based on his deep real estate knowledge, work ethic and dedication to supporting local communities.

I am sure that you are all familiar with the Christie's brand and the prestige and exclusivity that it connotes. Having CONLON/Christie's office in the downtown area will fit in well with our community. The vibrancy and opportunity to have Christie's sponsored art events will be welcomed by the whole community. Even though I am no longer working with the police department, I am a frequent visitor to the Village, have many friends among the residents there, and continue to do most of my shopping in the Winnetka business district. I support the businesses that I grew to love during the time I spent serving the Village. I am saddened when I see empty storefronts, especially in the downtown area. I fully support the CONLON/Christie's request for an exception to the Retail Overlay District, and sincerely hope that you will consider welcoming this business to Winnetka.

Sincerely,

[redacted]

Patricia A. McConnell
Winnetka Police Department
Sergeant (Retired) 1978-2005

November 4, 2013

Zoning Board of Appeals
Village of Winnetka
c/o Michael D'Onofrio
Director of Community Development
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

To the members of the Zoning Board of Appeals:

I am writing you today in support of CONLON: A Real Estate Company/Christie's International Real Estate's request for an exception to the Retail Overlay District along Lincoln Ave. It is my understanding that they are requesting to move into a space that has been vacant for over a year and that they are moving into a building that has housed a real estate office in the past and is at the northern edge of the district.

When my job as CEO of HSBC North America brought me to the area in 2006, I chose Winnetka for many reasons including quality of life, the schools and its downtown area. I truly believe that a CONLON/Christie's office will only add to that quality. The Christie's brand is synonymous with prestige and it will enhance the cachet of our village. Our community will benefit not only from the business aspect, but from the cultural aspect as well. I am very much looking forward to the potential art events that they hope to sponsor from time to time at the office.

Having known the principals at CONLON/Christie's for many years, I can attest to their business acumen, dedication to client service and community involvement. It is not surprising that Christie's chose them above all other firms to be the exclusive Christie's affiliate in the area. Furthermore, I am very glad that they chose Winnetka to host a local office as opposed to going to Glencoe or Kenilworth. I am hopeful that you will vote to allow them to establish their office in their chosen location.

Respectfully Yours,

[redacted]

Brendan McDonagh

[redacted]

Winnetka, IL

CHRISTIE'S
INTERNATIONAL REAL ESTATE

November 4, 2013

Zoning Board of Appeals
Village of Winnetka
c/o Michael D'Onofrio
Director of Community Development
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

To whom it may concern:

On behalf of Christie's and Christie's International Real Estate, we are delighted to offer this letter in support of CONLON: A Real Estate Company and their intent to establish an office in the prestigious Village of Winnetka. Founded in 1766 by James Christie, Christie's conducted the greatest auctions of the 18th, 19th and 20th centuries, and today remains a popular showcase for the unique and the beautiful. As you may know, many Winnetka residents are patrons of the arts and are clients of Christie's.

Additionally, Christie's International Real Estate was formed in 1995 to satisfy the lifestyle requirements of a discerning clientele by integrating centuries of experience with a hand-selected network of talented brokers worldwide. Only the most accomplished real estate brokers at the top of their markets are invited to join the Affiliate network. We undertake an exhaustive vetting procedure, examining all aspects of their business, their history, their character, and their potential. Once we determine a broker is a leader in their field, exceeds our stringent service standards, and demonstrates a proven record of success, they are awarded the Christie's International Real Estate Affiliate status, entering into a formal contractual relationship.

We were pleased to welcome CONLON: A Real Estate Company as an Affiliate in June of this year. With this exclusive partnership brings the potential for opportunities to co-host events in Winnetka, such as panel discussions on topics of interest to your residents, evening cocktail and wine tasting events, and jewelry and watch appraisal events with a Christie's specialist, just to name a few.

20 Rockefeller Plaza
New York, New York
10020 USA

T +1 212 468 7182
M +1 212 468 7141
W www.christiesrealestate.com

CHRISTIE'S
INTERNATIONAL REAL ESTATE

While we do understand that CONLON: A Real Estate Company's intent is to locate their office in an area that falls within the retail overlay district, we have the utmost faith that this new venture will prove to be beneficial for all parties involved.

Sincerely,

[redacted]

Clayton Andrews
Senior Vice President
Christie's International Real Estate
Central North America
Asia Pacific

[redacted]

Steven J. Zick
Vice President
Regional Director
Christie's

20 Rockefeller Plaza
New York, New York
10020 USA

T +1 212 468 7182
M +1 212 468 7141
W www.christiesrealestate.com

Brian Norkus

From: John Stone [redacted]>
Sent: Saturday, November 09, 2013 1:05 PM
To: Brian Norkus
Subject: Meeting Notice 11-20-13

Hello Brian:

Regarding the letter we received about the Winnetka Plan Commission meeting notice, article #3:

"Considerations of Special Use Permit request by Grafton Holdings":

Our biggest concern is parking. Does the village have any near future plans to increase parking on Lincoln Avenue? I know a multi-level garage was proposed years ago for the Community House lot. Is that still a viable option?

Dr. John H. Stone
575 Lincoln Avenue
Winnetka, IL 60093
847-446-0970

Brian Norkus

From: George Warga <[redacted]>
Sent: Monday, November 18, 2013 4:12 PM
To: Brian Norkus
Subject: 565 Lincoln Avenue Special Permit Use Application
Attachments: Parking Study November 18.docx

Dear Brian,

I would appreciate if you would forward this email to the Planning Commission prior to the November 20th meeting.

I attended the November 13 ZBA meeting regarding the 565 Lincoln Avenue property and am concerned about the retail overlay district deliberations. My concern is based on my experience as a very informed member of the community. I have operated my business within Winnetka since 1992. I live in Northfield and have attended countless Plan and Zoning meetings for over 12 years first as a commission member, then as Chair, and currently as a Village Trustee and board liaison. I have been intimately involved with the development and successful implementation of Northfield's Comprehensive Plan as we have minimal vacancies in our retail district and have minimal parking concerns.

In 2005 Rich and Associates did a parking study for the Winnetka Elm Street Business District and concluded there was not enough parking to sustain the current businesses. Village Manager Williams stated there was funding to build a parking garage as a solution to this problem. The Village Council concurred that parking must be addressed to manage the problems. A vital retail district is desired by the residents of the village and sufficient parking is necessary for retail to thrive.

Numerous village commission meetings occurred in 2009 regarding the Galleria Property and a proposal by Coldwell Banker to occupy retail space. Within these discussions significant concern is repeatedly expressed about the deleterious consequences of a realty firm occupying space within the retail overlay district. At the March 2, 2010 Winnetka Village Council Meeting, Ordinance No. M-04-2010 was passed and appropriately, significant parking restrictions were placed on the applicant. I encourage the Winnetka Plan Commission Members to review these documents.

Though this application was for a larger firm than the 565 Lincoln Avenue site, the concerns are similar. Currently, Coldwell Banker occupies space within the Galleria Building and holds weekly meetings on every Monday. Additionally, @Properties schedules meetings at the same time on Mondays at the Winnetka Community House. The other local realty firms hold meetings as well but I am not personally knowledgeable of their schedules. Coldwell Banker has upwards of 100 realtors attending their weekly Monday meetings from 9:30 to 11:00 am. The two public parking lots and all of the street parking on Elm and Lincoln are overutilized at these times amongst other times. The study presented by KLOA at the ZBA hearing on November 13 is not representative of a typical Monday. I have attached a parking study document to this email that is more representative of a typical Monday morning. I will be submitting a study of a typical Tuesday after it is completed tomorrow (Tuesday, November 19).

During the ZBA meeting, testimony was provided by the 565 Lincoln Avenue applicant, Conlon Real Estate, regarding parking concerns. Their applicant stated that because the realtors are independent contractors, they are difficult to control as to where and when they decide to park. Selling more Zone

A parking passes at a nominal cost is not a solution to the lack of parking in this area. There is no restriction on how many parking permits the village sells.

I respect the opinions and efforts of all parties who participate in these proceedings but respectfully contest some of the statements made at the ZBA. Commissioner Cripe stated he did not think there should be any restrictions placed on Conlon Realty. He stated that his opinion comes from the perspective of having recently lived in Wrigleyville. I do not recall the vision of Wrigleyville coming to mind as I read the Winnetka Comprehensive Plan. Additionally I respectfully disagree with Mr. D'Onofrio's comments regarding how parking is affected by tenant use in the commercial district. He stated that parking dynamics did not change whether the applicant was in the overlay district or 50 feet back from the sidewalk. He would only be correct if there were no restrictions placed. *Messrs.* Cripe and D'Onofrio also broached the subject of enforceability of restrictions. Their opinion apparently is that restrictions place a burden on staff and are in effect unenforceable. That is a very slippery slope to negotiate. Since many people roll through stop signs and exceed speed limits, should we abandon those as well?

Applicants in Northfield, Winnetka and surrounding communities are required to have special use permits because the community governments need to regulate matters such as parking, architecture and mix of uses to ensure the vitality of their business districts. There is no code that can define all the parameters necessary to do this in a community. If there was such a code, there would be no need for Special Use permits. My opinion that Conlon Reality seems like an excellent fit for the Winnetka Business Community is tempered by the concern I have for a viable Winnetka Business Overlay District. I do not believe any non-retail use should have more parking allocated than what is allowed per square foot for a retail use. Fail safes need to be in place to protect against the abuse of parking as caused by the current realty groups.

Finally, I am aware there has been discussion to reduce restrictions in the overlay district. If the goal is to reduce vacancies without adding retail, then you will probably be successful. If your goal is to increase retail, it might be a better investment of time and resources to better control parking within the entire district and provide an adequate amount of parking as suggested by the Rich and Associates study. I have spent the last 21 years as a business owner in Winnetka and have heard time and again complaints from the residents about parking. You cannot expect people to frequent businesses when there is inadequate parking. Thank you for your attention and consideration.

Respectfully,

George Warga

George F. Warga DDS
570 Lincoln Avenue
Winnetka, IL 60093
work: 847-441-6510
cell: [redacted]
www.wargadds.com

Parking Study November 18, 2013

This study was done using the same block locations designated by numbers as the study done by KLOA submitted on behalf of Conlon. Only available spots are counted in this study.

Location 2: Elm Street (Lincoln to Arbor Vitae Rd)

Location 7: Lincoln Ave (Elm Street to Oak Street)

Location 8: Lincoln Ave. (Elm Street to Public Lot Access Drive)

Location 9: Public Lot ("Community House Lot")

Location 10: Public Lot (South of Elm, East of Lincoln)

9:30 AM

Location 2: 2 x 90min, 2 x 15min

Location 7: 1 x 90min

Location 8: 2 x handicapped, 2 x 15min

Location 9: NONE

Location 10: NONE

10:30 AM

L2: NONE

L7: NONE

L8: 1 x handicapped, 1 x 15min

L9: 1 x A permit

L10: 1 x 90min

11:30 AM

L2: 1 x handicapped, 2 x 15min

L7: 2 x C permit

L8: 14 x 90min, 1 x 15min

L9: 16 x A/C permit

L10: 5 x 90min, 3 x A permit

12:30 PM

L2: 1 x 90min, 1 x handicapped

L7: NONE

L8: 10 x 90min, 3 x handicapped, 2 x 15min

L9: 3 x 2hour, 19 x A/C permit, 2 x handicapped

L10: 10 x 90min

Parking Study November 19, 2013

This study was done using the same block locations designated by numbers as the study done by KLOA submitted on behalf of Conlon. Only available spots are counted in this study.

Location 2: Elm Street (Lincoln to Arbor Vitae Rd)

Location 7: Lincoln Ave (Elm Street to Oak Street)

Location 8: Lincoln Ave. (Elm Street to Public Lot Access Drive)

Location 9: Public Lot ("Community House Lot")

Location 10: Public Lot (South of Elm, East of Lincoln)

10:00 AM

Location 2: 7 x 90min, 1 x handicapped, 1 x 15min

Location 7: 9 x 90min, 2 x handicapped

Location 8: 15 x 90min, 1 x handicapped

Location 9: 7 x 4hour, 20 x 2hour, 1 x A/C permit

Location 10: 2 x 90min, 1 x handicapped

11:00 AM

L2: 10 x 90min, 1 x handicapped, 1 x 15min

L7: NONE

L8: 1 x 90min, 1 x handicapped, 1 x 15min

L9: 10 x 90min, 1 x A/C permit

L10: 4 x 90min

12:00 PM

L2: NONE

L7: NONE

L8: 2 x 90min, 2 x handicapped, 2 x 15min

L9: 8 x 4hour, 15 x 2hour, 5 x A/C permit, 2 x handicapped

L10: 6 x 90min

1:00 PM

L2: 1 x 15min

L7: NONE

L8: 4 x 90min, 1 x handicapped, 1 x 15min

L9: 20 x 2hour, 5 x 4hour, 2 x A/C permit, 3 x handicapped

L10: 2 x 90min, 1 x handicapped

Brian Norkus

From: John Ford <[redacted]>
Sent: Tuesday, November 19, 2013 10:31 AM
To: Brian Norkus
Subject: Fwd: 565 Lincoln Avenue Special Permit Use Application
Attachments: Parking_Study_November_18.docx

Brian,
I have been in practice at 585 Lincoln Avenue for 29 years (Ford Orthodontics) succeeding my dad who practiced in Winnetka since 1951.
Parking has always been an issue for our clients. I served on the Board of Governors from 1993 to 1997 at the Winnetka Community House
with David Hilton who was serving as a Village Trustee at the time - parking was an issue we discussed frequently. I knew Doug Williams personally as a Rotarian in the Winnetka Rotary Club and he shared his concerns and plans to resolve the parking problems.
My former partners in our building moved their practices to The Glen in Glenview where the conditions for their businesses (zoning, parking) were much more favorable, and yet a big loss for me and Winnetka.
Brian, I echo Dr. Warga's concerns for parking and implore sensitivity to the parking needs to foster business vitality.
Regards,
John Ford
Ford Orthodontics
585 Lincoln Avenue
847-446-2245

From: Optique <optique@comcast.net>
Sent: Tuesday, November 19, 2013 3:53 PM
To: Brian Norkus
Subject: 565 Lincoln Avenue Special Permit Use Application

Brian,

I am an eye doctor and have been in practice for 21 years at our location in Winnetka (561 Lincoln Avenue). Throughout the years we have noticed that parking has been a problem for our customers. We've been told repeatedly from our customers that they had to circle around the neighborhood trying to find a spot without success at times. As a store owner, I am deeply concerned that allowing another real estate office in the area will greatly affect the already limited parking for our customers.

I agree with Dr. Warga's concerns regarding the ZBA meeting held on November 13th.

Thank you,
Dr. Michael Harms
847-446-3917

From: D's Haute Dogs <D@dshautedogs.com>
Sent: Tuesday, November 19, 2013 2:47 PM
To: Brian Norkus
Subject: 565 Lincoln

Mr Norkus:

As an owner of a retail space in Winnetka, I feel that this small pocket of retail space that we have should remain as retail space. Furthermore, how many real estate offices does this town need? Now don't get me wrong, we don't need another nail salon, coffee shop or dry cleaner either, but let's keep the area full of retail business which drive traffic to other retail shops.

Jared Boyar
Owner Operator D's Haute Dogs.

????

C: [redacted]

Gene Greable

Village President

Village of Winnetka

510 Green Bay Road

Winnetka, IL 60093

Dear President Greable & members of the village council,

I am writing to express my support of the possibility of CONLON: A Real Estate Company/Christie's International Real Estate opening a new office in Winnetka within the Retail Overlay District. My husband and I, and our four children, have lived in the village for eight years and I believe that the Conlon/Christies International Real Estate brand will be an exciting addition to the area. I am happy to hear that they have been given zoning approval and have passed the planning commission as well.

On a personal level, I have known Tim Sheahan and his family for nearly fifteen years. As a partner at Conlon/Christies International Real Estate, I can attest to his real estate knowledge, integrity and his commitment to the community. I am confident that Tim and his partners will succeed in bringing their boutique style of business to the village, while also supporting our other local businesses.

Kind Regards,

[redacted]

Kelly Lindstrom

RUSSELL NEWLIN, Agent
Auto - Life - Health - Home and Business
890 Green Bay Road
Winnetka, Illinois 60093
Phone Off. (847) 446-4167 FAX (847) 446-4180
E-Mail: russ.newlin.hj6l@statefarm.com

December 9, 2013

Gene Greable
Village President
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

Dear President Greable and Council Members:

RE: CONLON / CHRISTIE

I am writing in support of CONLON: A Real Estate Company/Christie's International Real Estate moving into our village. As a business owner in Hubbard Woods for over 16 years, I have witnessed many changes in our community in both downtown Winnetka and Hubbard Woods. Unfortunately, I have also noticed many vacant commercial spaces that we need filled. I have been associated with the Conlons for many years and applaud their wanting to move their business to our village.

I think with their expertise and the association with the Christie's exclusive name brand, they will provide our village with a much needed boost. I know that the location they are considering has been vacant for quite some time. I feel it is in the village's best interest to approve the requested variance and allow CONLON/Christie's to move into Winnetka. I sincerely hope that we will soon welcome them into our community.

Regards,

[redacted]

Russell Newlin
AGENT – STATE FARM INSURANCE
890 Green Bay Road
Winnetka, IL 60093

December 9, 2013

Village Council
Village of Winnetka
c/o Michael D'Onofrio
Director of Community Development
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

Dear President Greable and member of the Village Council:

I am writing today in support of CONLON: A Real Estate Company/Christie's International Real Estate's request for a variance to the Retail Overlay District along Lincoln Ave. As a new Winnetka resident, I am certain that the addition of CONLON/Christie's to the Winnetka business district in a space that has been vacant for some time and in a building that has housed real estate firms in the past will only enhance our wonderful Village.

We recently purchased a home here and chose Winnetka for the same reason we chose CONLON/Christie's as our broker – both are synonymous with excellence. I have known the founders at CONLON/Christie's for over 20 years and have nothing but the highest regard for them both personally and professionally. As the CEO of a large company, I understand the importance of branding and commitment to community and service and CONLON/Christie's adheres to the highest standards in all regards. I am confident that their addition to the Winnetka business community will enhance the community itself and bring unmatched professionalism and community involvement from their team.

I sincerely support CONLON/Christie's request for a variance to the Retail Overlay District and trust that the Board will welcome this wonderful business to our Village. Thank you for your consideration of CONLON's application.

Sincerely,

[redacted]

Trevor Campion

[redacted]

Winnetka, IL 60093

December 9, 2013

Gene Greable
Village President
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

Dear Gene and Council Members:

RE: CONLON/CHRISTIE'S

I am writing as a personal friend of the Conlon family for over 10 years and want to offer my support for their potential company move to Winnetka. I feel that CONLON/Christie's would quickly become a valuable member of our community. I would love to see them occupy this vacant space and add life back to that building and the street-scape.

I hope that the Council approves their request for a variance to the retail business overlay and welcome them to Winnetka. Thank you for your consideration.

Regards

[redacted]

LaDonna Covelle
[redacted]
Winnetka, IL 60093

December 10, 2013

Gene Greable
Village President
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

Dear Mr. Greable:

I am writing you today to support the application of CONLON/Christies International Real Estate's request for an exception to the Retail Overlay District along Lincoln Avenue. We have been residents of Winnetka for over 13 years, and we feel the addition of CONLON/Christie's in a building which has been home to several real estate firms over the years, will only add to Winnetka's business district. Not to mention they are requesting to move into a space that has been vacant for over a year. Having CONLON/Christie's brand and the prestige and exclusivity that it represents can only benefit our community. We feel the potential partnership with Christie's should therefore be viewed as another opportunity to add life and culture to our downtown, with Christie's sponsored art, wine and jewelry events and the high quality reputation associated with their auction house prominently displayed.

My husband and I have been lifelong friends with one of the co-founders of CONLON and can vouch for their excellent reputation, professionalism, and dedication to the communities they serve. It is not surprising that Christie's chose them above all other firms to be their affiliate in the area. We enthusiastically support their request for a Special Use variance to put a real estate brokerage office within the Retail Overlay District. Thank you for your consideration of CONLON/Christie's International Real Estate request.

Sincerely,

[redacted]

Mary and John Mooney
[redacted]
Winnetka, IL 60093

R. Stribling Koster
Global Co-Chairman
Industrials

227 W. Monroe Street
25th Floor
Chicago, IL 60606

T 312 876 8821
F 312 281 9054
strib.koster@citi.com

December 11, 2013

Gene Greable
Village President
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

Dear Mr. Greable:

I am writing this letter in support of CONLON/Christie's International Real Estate in their efforts to open a Winnetka office.

While we have only been Winnetka residents for several months, I have known Kiernan Conlon and his family for a number of years and can vouch for not only his quality of character but also the quality of his real estate business. Kieran is a proven real estate professional with a strong history of community involvement and dedication to supporting those communities in which he operates. His affiliation with the Christie's brand I am sure will also bring an extra measure of prestige to the Village as well as the opportunity to sponsor unique art events at their offices.

I look forward to having CONLON/Christie's as new members to the Winnetka community and fully support their efforts to open a Winnetka office.

Sincerely,

Enclosure

VillageWinnetkaDEC2013

Joseph B McQuillen
[redacted]
Winnetka, IL 60093

12/11/13

Dear President Greable and Village Council Members

Let this letter serve as an introduction and endorsement of Conlon: A Real Estate Company. As a 20 year resident of Winnetka I feel it is important to attract, lease and then patronize the establishments of businesses that add to our community. I feel that Conlon does that. I have been a close friend of one of the principals for over 20 years . I have also attended fundraisers organized and sponsored by Conlon that raised countless thousands of dollars to charities that touched all of our hearts. Also being in a related business, I know that their practices and reputation are stellar.

Having raised 3 children in Winnetka, coached numerous local sports teams as well as having a wife Sally who has sat on the Winnetka Community Nursery School board as well as other home town organizations such as Erika's Lighthouse, we are very cautious about recommending any business to move to our town. However we both feel strongly about supporting Conlon in their efforts to plant roots on the North Shore. Their presence on Lincoln would only add to the wonderful main street feel that already exists.

In closing I feel that Conlon, a world class company joining the family of businesses operating in Winnetka would be a perfect fit for all involved. I know that in no time they would be operating in the same Winnetka way that makes us all proud of our community.

Please feel free to contact via email [redacted] or cell [redacted]

[redacted]

Joseph McQuillen

Village Council
Village of Winnetka
c/o Michael D'Onofrio
Director of Community Development
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

Mr. Greable:

I am writing to express my support for Conlon: A Real Estate Company/Christie's International Real Estate to establish an office in the Winnetka Business District along Lincoln Ave. It is my understanding that the space they are hoping to occupy is zoned as retail space only, and a Special Use Permit would therefore be required for the establishment of their office. I support the granting of such a permit.

My husband and I moved to Winnetka in 2009, and one aspect that attracted us to Winnetka was its quaint downtown area. In the time we have lived here, I have had the pleasure of getting to know many of the local business owners, and I am proud to support the good men and women who make our downtown the attractive, quaint, and friendly place that it is. While we are all familiar with the prestige that the Christie's name carries with it-- a prestige Winnetka should be proud to be affiliated with, I support this business not because of any prestige, but because I have absolute confidence that the leaders of Conlon/Christie's will operate their business with the utmost professionalism and will play an active role in supporting our community. I have been a friend of Kieran Conlon, one of the partners in the business, for many years, and I can attest to his commendable work ethic, his respectable civic involvement, and his goodness as a person— he's just the kind of person I want involved in the businesses in my community. I have every confidence that Kieran and his business partners will make our community proud.

Thank you for your consideration.

[redacted]

Susie Smyth
[redacted]
Winnetka, IL 60093

Gene Greable

Village President

Village of Winnetka

510 Green Bay Rd

Winnetka, Il 60093

To Whom It May Concern:

I have been a life long resident of Winnetka and a business owner of Marian Michael for 7 years.

I would like to recommend that Conlon real estate company/Christie's International Real estate's join the business community in Winnetka. They are a full service and high level real estate company and will fit with the clientele of the North Shore.

We have known the Kasper familiy and, Rich Kasper, one of the principals of the company for many years as our children are on the same hockey team and we have enjoyed knowing them for a long time.

I am writing in support of CONLON: A real estate company/Christie's International Real estate's desire to establish an office in Winnetka. It is my understanding that the space they wish to occupy is currently in an overlay district. It was good to hear that they have approval from the first two boards. This means that the Zoning board and the planning commission board have already given their approval and they are now seeking your approval.

We look forward to CONLON/Christie's being in Winnetka, providing superior service and becoming part of the community, as they have an outstanding reputation of being a first class operation.

Best Regards,

[redacted]

Kimberly Chatain

[redacted]

Winnetka, IL 60093

847-441-9216

Kim.chatain@gmail.com

Dear President Greable and Members of the Village Council:

I am writing to express my support for Conlon/Christie's International Real Estate in their request for a variance in the Retail Overlay District on Lincoln Avenue in the Village. My family and I have lived in Winnetka for four years and we are walking distance to this location. I have noticed empty storefronts along this stretch and think Conlon/Christies International Real Estate would be a wonderful addition that would also support other local businesses. I am happy to hear that they have the support of the village zoning board and have passed the planning commission.

I have known Partners Sean Conlon and Tim Sheahan for fifteen and thirty years, respectively. I can attest to their business integrity, work ethic, and involvement in the community. Personally, they have represented me in several real estate transactions over the last twelve years. I have recommended Conlon/Christie's International Real Estate dozens of times to friends and colleagues. Their boutique style offices are well positioned in the city and are very attractive. I am sure they will continue to attract quality cliental and help enhance Lincoln Avenue.

Sincerely, [redacted]

Neil R. Hughes

[redacted]

ATTACHMENT J

CANNING & CANNING LLC
1000 SKOKIE BOULEVARD, SUITE 355
WILMETTE, ILLINOIS 60091
(847) 853-7042 - FAX

CHRISTOPHER S. CANNING
DIRECT DIAL NUMBER
(847) 853-7040
canningchris@comcast.net

December 23, 2013

Village Council
Village of Winnetka
c/o Michael D'Onofrio
Director of Community Development
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

Re: Special Use Application by Conlon & Co. regarding 565 Lincoln Ave.

Dear President Greable and Members of the Village Council:

I am writing on behalf of Grafton Holdings d/b/a CONLON, a Real Estate Company (hereinafter "CONLON") regarding CONLON's Special Use Application in order to open and operate a real estate office at 565 Lincoln in Winnetka ("Subject Property"). CONLON filed its Special Use Application on October 10, 2013. CONLON appeared before the Zoning Board of Appeals on November 11, 2013 and received a favorable recommendation from the Board. On November 20, 2013, CONLON appeared before the Plan Commission and received a favorable recommendation from the Commission. It was CONLON's intent to appear before the Village Council on December 17, 2013 to present its Application. Unfortunately, the meeting minutes of the Plan Commission were not prepared in time to be included in the Agenda Packet for the Village Council. As such, the CONLON Application was postponed to the Council meeting to be held on January 7, 2014.

Pursuant to Chapter 2.04.040 (E) of the Winnetka Village Code, CONLON respectfully request the Village Council waive Introduction of the Ordinance and adopt the Ordinance approving the CONLON Special Use Application at the meeting on January 7, 2014. In support thereof, CONLON states that it filed the Special Use Application in hopes of seeking approval

from the Council by the end of 2013 so that the build out of the space and the installation of the sprinkler system could commence promptly after the first of the year. It was CONLON's further intent that build the office open in the first quarter of 2014 to attract clients to during the important spring season when many home buyers who are attracted to Winnetka plan to enter into a purchase contract and close on the purchase prior to the summer. In that way, the new homeowners will have the opportunity to enjoy all that Winnetka offers in the summer and their children will be able to start in the Winnetka schools in the fall.

CONLON looks forward to joining the Winnetka business community in early 2014. We look forward to the opportunity to appear at the Village Council meeting on January 7, 2014 and answer any questions you may have.

Thank you for your consideration of this request. Best wishes for a Happy New Year.

Very truly yours,

[redacted]

Christopher S. Canning

Agenda Item Executive Summary

Title: Ordinance MC-5-2013 - Establishing an Administrative Hearing Process (Adoption)

Presenter: Katherine S. Janega, Village Attorney

Agenda Date: 01/07/2014

Consent: ☐ YES ☑ NO

☑ Ordinance
☐ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☐ Informational Only

Item History:

September 17, 2013 - Council Meeting, Agenda pp. 93 - 124
April 16, 2013 - Council Meeting, Agenda pp. 70 - 88
October 9, 2012 - Council Study Session, Agenda pp. 2 - 24
May 11, 2010 - Council Study Session, Agenda pp. 42-62
January 19, 2010 - Council Meeting, Agenda pp. 80 - 94

Executive Summary:

Ordinance MC-5-2013 was introduced at the September 17, 2013, Council meeting, after discussions at a series of meetings. The Ordinance establishes an Administrative Adjudication System to allow all parking violations, vehicle compliance tickets and certain other Village Code violations to be heard by an administrative hearing officer at the Village, rather than requiring all such violations to be heard in the Circuit Court. Under MC-5-2013, the new hearing process is limited to violations of Code provisions enforced by the Police Department. Thus, with the sole exception of construction hour offenses, which the Police Department enforces, building, construction and zoning violations would continue to go to court and could not be heard administratively without further amendments to the Village Code.

In addition to establishing the Administrative Adjudication System, and creating the office of Administrative Hearing Officer, MC-5-2013 incorporates all of the provisions required by the State enabling statute that authorizes home rule municipalities to establish administrative adjudication systems, subject to certain limitations. (65 ILCS 5/1-2.1-1, et seq.)

Ordinance MC-5-2013 contains several new amendments. First, it now sets fixed fines for all of the Code provisions within the Hearing Officer's jurisdiction, while preserving the full range of existing fines for matters that go to the court system. Second, it restructures the Liquor Ordinance by moving violations by persons other than licensees to the Code's disorderly conduct and nuisance chapters, so the Liquor Ordinance applies only to businesses. Third, it more clearly addresses offenses related to drug paraphernalia, tobacco use and possession by minors, fireworks and petty theft. Finally, MC-5-2013 increases the base parking fines by $10.00 and clarifies fines for offenses under the Illinois Vehicle Code, which the Village has adopted by reference. The attached Agenda Report and accompanying memorandum from Police Chief Kreis provide a more detailed explanation of the proposed amendments, and highlight open policy issues.

Recommendation / Suggested Action:

1. Consider amending Ordinance MC-5-2013, titled "An Ordinance Amending the Winnetka Village Code to Establish a System of Administrative Adjudication."

2. Consider adopting Ordinance MC-5-2013, as amended.

Attachments:

Agenda Report
MC-5-2013 - An Ordinance Amending the Winnetka Village Code to Establish a System of Administrative Adjudication
Attachment 1 - Memorandum from Police Chief Kreis to Village Manager

AGENDA REPORT

SUBJECT: **Ordinance MC-5-2013 – Amending the Winnetka Village Code to Establish a System of Administrative Adjudication**

PREPARED BY: Katherine S. Janega, Village Attorney
Patrick Kreis, Chief of Police

REFERENCE:

January 19, 2010	Council Meeting, Agenda pp. 80 – 94
May 11, 2010	Study Session, Agenda pp. 42 – 62
October 9, 2012	Study Session, Agenda pp. 2 – 24
April 16, 2013	Council Meeting, Agenda pp. 70 – 88
September 17, 2013	Council Meeting, Agenda pp. 93 – 124

DATE: January 2, 2014

I. Introduction

On September 17, 2013, the Council introduced Ordinance MC-5-2013, which amends various provisions of the Village Code to establish an administrative adjudication system and to set fixed fines for Code violations that would be heard by the hearing officer.

The Ordinance would add two new chapters to the Village Code:

- Section 2 of MC-5-2013 adds Chapter 2.72, which would establish the Administrative Adjudication System, defines the substantive scope of the system, defines the scope of the hearing officer's jurisdiction and authority, establishes a records unit, and establishes procedures for the full range of the process from the issuance of citations through the enforcement of judgments. Chapter 2.72 also incorporates all of the provisions required by the State enabling statute that authorizes home rule municipalities to establish administrative adjudication systems, subject to certain limitations. (65 ILCS 5/1-2.1-1, et seq.)
- Section 3 of MC-5-2013 adds Chapter 2.34, which would create the office of Administrative Hearing Officer, provides for the appointment and compensation of the hearing officer, incorporates the qualifications required by the State enabling statute, and briefly defines the hearing officer's duties.

At the conclusion of the Council's discussion on September 17th, it was determined that staff would return with an updated draft so that the Council could see a more comprehensive picture of the final structure of the administrative hearing process and how it would work. An essential part of that final package is the structure of the Village Code's fine provisions, because the hearing officer can only be authorized to imposed a fixed fine amount, while the Village Code must also provide for violations to go to the Circuit Court, where judges have broad discretion when it comes to assessing fines and penalties.

To that end, the Police Department has surveyed fines and penalties in other communities in the area and has proposed fine levels for violations that would be heard in the administrative hearing system. Those proposed fines are explained in a memorandum from Police Chief Kreis (Attachment 1) and are reflected in the amended draft of MC-5-2013.

An updated draft of Ordinance MC-5-2013 follows this Agenda Report. In addition to fixing fines, MC-5-2013 contains several other new amendments. It restructures the Liquor Ordinance by moving violations by persons other than licensees to the Code's disorderly conduct and nuisance chapters, so the Liquor Ordinance applies only to businesses. It also more clearly addresses offenses related to tobacco use and possession by minors, drug paraphernalia, fireworks and petty theft.

Part II of this Agenda Report explains the scope of the administrative hearing process, while Part III provides the details of the other proposed amendments.

II. Scope of the Administrative Hearing System

Under MC-5-2013, the new hearing process is limited to violations of Code provisions that are enforced by the Police Department. The Village Code provisions that correspond to that enforcement jurisdiction are listed in the Scope of Jurisdiction statement in Section 2.72.020(B) of the new Chapter 2.72. (See pp. 2-3 of MC-5-2013.)

With the sole exception of Section 15.32.140, the scope of jurisdiction does not include any provisions from either Title 15 of the Village Code (which contains all of the building and construction regulations) or Title 17 (which contains the Zoning Ordinance). Section 15.32.140 pertains to limitations on construction hours. Because the Police Department has officers on duty around the clock, the Police Department has issued citations for construction hour violations since the provision was added to the Village Code.

Thus, except for construction hour violations, all citations for building, construction and zoning violations would continue to go to court, and those matters could not be heard in the administrative hearing system unless the Village Council amended the scope of Chapter 2.72.

III. Summary of Amendments

Following is a summary of the provisions of Ordinance MC-5-2013, as amended. All page references are to pages of the Ordinance.

Section 2. As noted above, Section 2 adds Chapter 2.72 to the Village Code, and the text of the proposed Chapter 2.72 has been amended, as follows:

- 2.72.020(B) – As noted in Part II of this Agenda Report, the scope of jurisdiction has been modified so that it enumerates all parts of the Village Code subject to the administrative procedures. (See pp. 2-3)
- 2.72.070 – This section has been amended to provide a clearer definition of those who are authorized to issue citations and notices of violation for administrative adjudication. (See p. 6).

- 2.72.090 – The late fee provision in subsection B has been modified to clarify that the fee will be lifted if a hearing is requested. To avoid a gap in the process if a person fails to respond to an initial notice of violation by either pre-paying or requesting a hearing, a new subsection D has been inserted, to provide for a second notice to be issued. (See p. 8)
- 2.72.100 – A new subsection E has been inserted, to provide for proof by a preponderance of the evidence, and to provide that the certification of facts in the notice of violation is prima facie correct. These changes clarify the burden of proof and allow for the certified notice of violation to become part of the evidentiary record. (See p. 8)
- 2.72.170 and 2.72.180 – The substance of section 2.72.180 has been added to 2.72.170, allowing 2.72.180 to be eliminated. Section 2.72.170 also now includes a reference to late fees and clearly states that fines are set by Village Code, while fees and charges will be set by resolution. (See p. 14) There is a corresponding reference to late fees in the statement of the administrative hearing officer's authority. (See p. 4)

Section 3. Section 3 adds Chapter 2.34 to the Village Code, to create the office of Administrative Hearing Officer. (See p. 15) It has not been amended since introduction.

Sections 4 and 5. These two sections amend general Village Code provisions in Chapter 1.04 to reflect the addition of the administrative hearing process by allowing for the recovery of administrative costs, and to allow for service of citations as provided in the new chapter 2.72. (See pp. 15 – 16)

Section 6. This section amends the penalties provision in Chapter 1.08 to specifically address penalties imposed by the administrative hearing officer. The amendment accomplishes two things. First, it provides the basis for the fixed fines that are a necessary component of the administrative hearing process. Second, it distinguishes between judicial and administrative proceedings, and thus preserves the full array of sanctions that are available in a judicial proceeding. (See p. 16)

The section also increases the base fine from $5.00 to $25.00. The $5.00 amount had been in place to allow for a token fine to be imposed for bicycle violations by those under the age of 13. That token fine has been addressed in a corresponding amendment to Chapter 10.32 in Section 32 of the Ordinance. (See pp. 28-29)

Sections 7, 8, 20, 21 and 22. These two sections amend Section 5.09.260 and 5.09.270 of the Liquor Ordinance, by moving the individual responsibility provisions to Chapter 9.04 of the Code. Section 5.09.260, which prohibits sale of liquor to minors and intoxicated persons, now applies exclusively to liquor licensees. (See pp. 17-18) Section 5.09.270 now clearly requires the licensee and licensee's employees to require proof of age, and updates the description of acceptable identification. (See p. 18)

The provisions prohibiting individuals from purchasing liquor for minors, prohibiting parents and guardians from allowing minors to purchase liquor, and prohibiting individuals from misrepresenting their age in order to purchase liquor have been added as new Section 9.04.080,

9.04.090 and 9.04.100, in the chapter on Offenses Against Public Peace and Decency in Chapter 9.04. Section 22 adds a new provision pertaining to the use or possession of fraudulent identification cards. (See pp. 23 – 25)

Section 9. This section amends the penalties for violations of the Liquor Ordinance by licensees and their employees, increasing the minimum fines from $50.00 to $150.000 for the first offense and to $250.00 for the second offense. (See p. 19)

Sections 10 and 11. These sections set a minimum fine of $100.00 for violations of peddling, soliciting and taxicab licensing provisions. (See p. 20)

Sections 12 and 13. These two sections add the possession of fireworks to the fireworks violations and set the minimum fine at $100.00. (See p. 20)

Section 14. This section sets a minimum fine of $100.00 for open burning violations. (See p. 21)

Section 15. This section sets a minimum fine of $150.00 for the improper deposit of yard waste. (See p. 21)

Sections 16 and 17. Section 16 adds petty theft (theft valued at less than $300), to the disorderly conduct provisions, while Section 17 adds a new provision that sets a minimum fine of $250.00 for assaulting or fighting and a minimum fine of $150.00 for all other disorderly conduct violations. (See p. 22)

Section 18. This section expands the tobacco prohibitions to include possession by minors and sets minimum penalties at $75 for violations by minors and $250.00 for all others. (See pp. 22-23)

Section 19. This section adds possession of cannabis paraphernalia as a violation and sets a minimum fine of $250 for all cannabis violations.

Section 20, 21 and 22. (Discussed with Sections 7 and 8, above.)

Sections 23, 24 and 25. These sections set a minimum fine of $100.00 for general trespass violations and for trespass and handbill violations by peddlers and solicitors. (See pp. 25-26)

Sections 26 and 27. These sections set the minimum fine for property damage and for weapons violations at $250.00. (See p. 26)

Sections 28. Section 28 sets fines for Illinois Vehicle Code (IVC) violations that are incorporated into the Village Code by reference. It sets a minimum fine of $100.00 and a maximum fine of $750.00, but also includes language that caps the minimum fine at less than $100.00 if the IVC fine is lower (e.g., for seat belt and mobile phone violations), and raises the maximum if the IVC maximum is higher, as is the case with Weights and Measures violations. The corresponding amendment in Section 29 allows the reference to weights and measures to be stricken. (See p. 27)

Section 29. This section sets the basic fine for all vehicle compliance violations at $100.00. The fines are subject to the limitations set by the amendments in Section 28, which also allows the reference to weights and measures fines to be deleted. (See p.29)

Section 30. This section increases the base fine for parking violations to $35, as recommend by Chief Kreis, and maintains the $10.00 add-on for failure to pay within 10 days. (See pp. 30-31)

Section 31. This section amends the bicycle penalties provision, allowing a $5.00 fine for violators under the age of 13. It also modifies the impoundment provisions to provide standards for the Police Chiefs exercise of discretion in making that decision. (See p. 28)

Section 32. This section sets the fine for mobile telephone violations at the statutory maximum of $75.00. (See p. 29)

Section 33, 34 and 35. These sections set a minimum fine of $100.00 for violations pertaining to the improper use of public street and sidewalks.

Section 36. This section sets a $100.00 fine for violation of construction hour limitations.

IV. Conclusion

Staff recommends that the Council consider amending Ordinance MC-5-2013, to reflect the changes shown in the attached updated draft, and then proceed to adopt the Ordinance, as amended.

Staff continues to recommend that Duncan Solutions Professional Account Management, LLC, which already administers the Village's parking ticket system, be engaged to handle all of the administrative processing, as it would be easily implemented and therefore appears to be preferable to handling the records management in-house. Therefore, once the Ordinance is adopted, Staff will begin the implementation process by firming up administrative details and expanding the scope of Duncan's services to include the processing and management of records, as well as the collection of fines and fees for the administrative adjudication system.

ATTACHMENTS:

MC-5-2013	An Ordinance Amending the Winnetka Village Code to Establish an Administrative Adjudication Process
Attachment 1	Memorandum from Police Chief Kreis to Village Manager Bahan

RECOMMENDATION:

1. Consider amending of Ordinance MC-5-2013, titled "An Ordinance Amending the Winnetka Village Code to Establish an Administrative Adjudication Process," as presented in the agenda materials.
2. Consider adopting Ordinance MC-5-2013, as amended.

ORDINANCE MC-5-2013

AN ORDINANCE
AMENDING THE WINNETKA VILLAGE CODE
TO ESTABLISH A SYSTEM OF ADMINISTRATIVE ADJUDICATION

WHEREAS, the Village of Winnetka ("Village") is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village; and

WHEREAS, Article 1, Division 2.1 of the Illinois Municipal Code, 65 ILCS 5/1-2.1-1, *et seq.*, authorizes home rule units to provide by ordinance for a system of administrative adjudication of municipal code violations to the extent permitted by the Illinois Constitution of 1970; and

WHEREAS, pursuant to said Article 1, Division 2.1, and pursuant to Section 5/11-208.3 of the Illinois Vehicle Code, 625 ILCS 5/11-208.3, the Village is authorized to establish a system of administrative adjudication for the adjudication of any violation of the Winnetka Village Code, except for (i) moving vehicle offenses under the Illinois Vehicle Code or similar traffic regulations, (ii) offenses reportable under Section 6-204 of the Illinois Vehicle Code, and (iii) any other proceedings not within the Village's statutory or home rule authority; and

WHEREAS, the Village Council finds and determines that instituting a system of administrative adjudication to adjudicate contested matters with respect to violations of Village vehicular regulations, such as parking, standing, equipment and vehicle sticker regulations, and with respect to such other Village regulations as are permitted by the Illinois Constitution of 1970 and Illinois statutes, will facilitate the prompt and just resolution of disputes; and

WHEREAS, this Ordinance has been placed on the Village Council's agenda and made available for public inspection at Village Hall and on the Village's web site, in accordance with Sections 2.04.040 and 2.16.040 of the Winnetka Village Code and applicable law.

NOW, THEREFORE, be it ordained by the President and Board of Trustees of the Village of Winnetka as follows:

SECTION 1: The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

SECTION 2: Title 2 of the Winnetka Village Code, "Administration and Personnel," is hereby amended by adding a new Chapter 2.72, which shall be titled "Administrative Adjudication" and shall provide as follows:

Chapter 2.72
Administrative Adjudication

Section:

Section 2.72.010 Purpose.
The purpose of this Chapter is to provide for the fair and efficient enforcement of the Village ordinances delineated in this Chapter through an administrative adjudication process and by establishing a schedule of fines and penalties.

Section 2.72.020 Administrative Adjudication System.

A. Administrative Adjudication System Established. There is hereby established and created within the Village a system of administrative adjudication, which shall be responsible for the adjudication of certain violations of this Code, as provided in this Chapter, and shall be administered by the Administrative Hearing Officer and Administrative Hearing Records Unit established in Sections 2.72.050 and 2.72.060 of this Chapter.

B. Scope of Jurisdiction. To the extent permitted by the Illinois Constitution of 1970 and applicable Illinois statutes, the following provisions of this Code, as they may be amended from time to time, shall be subject to enforcement and adjudication in the Administrative Adjudication System established by this Section:

1. Chapter 5.09, Alcoholic Beverages.
2. Chapter 5.48, Peddlers and Solicitors.
3. Chapter 5.68, Taxicabs.

4. Title 6, Animals, including all chapters within Title 6.

5. Chapter 8.08, Fire Safety Code.

6. Chapter 8.16, Garbage and Refuse.

7. Title 9, Public Peace, Morals and Welfare, including all chapters within Title 9.

8. ~~6.~~ Title 10, Vehicles and Traffic, including all chapters within Title 10, excluding moving violations.

9. Chapter 12.04, Streets and Sidewalks Generally.

10. Section 15.32.140, Construction Hours.

11. ~~7.~~ Such other Village ordinances and Code provisions as the Village Council may designate from time to time.

Section 2.72.030 Hearing Procedures Not Exclusive.
The provisions of this Chapter shall not preclude the Village from using other methods or proceedings to enforce and adjudicate the Code or other ordinances of the Village, including, without limitation, the institution of an action in the Circuit Court of Cook County, the United States District Court, or any administrative proceeding.

Section 2.72.040 Organization of Administrative Adjudication System.
The Administrative Adjudication System shall consist of one or more Administrative Hearing Officers, as further described in Section 2.72.050 of this Chapter, an Administrative Hearing Records Unit, as further described in Section 2.72.060 of this Chapter, and hearing room personnel assigned by the Chief of Police as provided in Section 2.72.090(I) of this Code.

Section 2.72.050 Administrative Hearing Officer.

A. Appointment. The Administrative Hearing Office shall be appointed by the Village Manager, as provided in Section 2.34.010 of this Code.

B. Qualifications. To qualify as an Administrative Hearing Officer, an individual must:

1. Be an attorney licensed to practice law in the State of Illinois for at least three years;

2. Be in good standing with the Illinois Supreme Court Attorney Registration and Disciplinary Commission; and

3. Complete a formal training program conducted by the Village Manager and the Village Attorney consisting of:

a. Instruction on the rules of procedure for administrative hearings;

b. Orientation to each subject area of the Code that will be adjudicated;

c. Observation of hearings conducted by Illinois municipalities that have adopted the administrative hearing system; and

d. Participation in hypothetical hearings, including ruling on evidence and issuance of final orders.

C. Authority and Jurisdiction. The Administrative Hearing Officer shall have the duty and authority to:

1. Hear testimony and accept evidence that is relevant to the allegation of a violation.

2. Issue subpoenas, upon the request of the parties or their representatives, directing witnesses to appear and give relevant testimony at hearings, as provided in Section 2.72.090.

3. Preserve and authenticate the record of the hearing, including all exhibits and evidence introduced at the hearing.

4. Issue a written determination, based on the evidence presented at the hearing, on whether a violation occurred or exists. The written determination shall include a written finding of fact, decision and order, including any corrective measures, fines, penalties, and interest charges, or other actions, with which the defendant must comply.

5. Impose penalties consistent with applicable provisions of this Code, order the defendant to obtain a compliance bond, and require the defendant to take corrective measures to cure the violation upon finding a defendant liable for the charged violation, except as expressly provided in this Chapter.

6. Impose administrative costs in an amount not less than the minimum amount set by the Village Council in a resolution adopted pursuant to Section 2.72.170 of this Chapter, upon finding a defendant liable for the charged violation. The Administrative Hearing Officer does not have authority to waive, or to impose an amount less than, the minimum amount set by the Village Council.

7. Impose late fees and interest charges not less than the minimum amount set by the Village Council in a resolution adopted pursuant to Section 2.72.170 of this Chapter, if a defendant fails to pay the penalty, fine, or administrative costs set by the Administrative Hearing Officer on the day of the hearing; provided, however, that the Administrative Hearing Officer shall have no authority to waive, or to impose interest charges in an amount less than, the minimum interest charges set by the Village Council.

8. Postpone or continue a defendant's Hearing to a later Hearing date.

9. Impose, when applicable, Enforcement Expenses pursuant to Section 2.72.150(D) of this Chapter.

10. Ask questions of parties and witnesses.

11. Order the defendant to perform a term of community service, regardless of fines imposed or costs assessed.

Section 2.72.060 Administrative Hearing Records Unit.

A. Establishment. There is hereby established an Administrative Hearing Records Unit within the Administrative Adjudication System.

B. Appointment by Village Manager. The Village Manager will assign one or more employees of the Village to perform the functions set forth in this section and shall have the discretion to designate an employee of the Village to manage the operations of the Administrative Records Unit under the direction and control of the Village Manager. The Village Manager shall have the discretion to retain an independent contractor in addition to or in place of Village employees to perform any or all of the functions of the Administrative Records Unit.

C. Powers and Duties. The Administrative Hearing Records Unit shall have the duty and authority to:

1. Establish procedures reasonably required to manage the scheduling, operations and recordkeeping of the Administrative Adjudication System.

2. Adopt, distribute, and process all notices as may be required under this Chapter, or as may reasonably be required to carry out the purpose of this Chapter.

3. Collect payments made as a result of fines and/or penalties assessed and transmit such payments to the Director of Finance.

4. Certify reports to the Illinois Secretary of State concerning initiation of suspension of driving privileges in accordance with the provisions of this Chapter and section 6-306.5 of the Motor Vehicle Code (625 ILCS 5/6-306.5).

5. Refer ~~to the Director of Finance the collection of~~ unpaid fines and penalties to the Director of Finance for collection, which may be pursued through private collection agencies that the Village may retain or by filing complaints in the Circuit Court of Cook County.

6. Certify copies of findings, decisions, and orders adjudicated pursuant to this Chapter, and any factual reports verifying the findings, decisions, and orders that are issued in accordance with this Chapter or the laws of the State of Illinois.

7. Oversee the operation and maintenance of the computer programs for the Administrative Adjudication System, including, without limitation:

a. Inputting information for the Notice of Violation provided for in Section 2.72.070 of this Chapter;

b. Establishing hearing dates and notice dates;

c. Recording the assessment of fines and penalties;

d. Recording payments and issuing payment receipts;

e. Issuing notices of hearing dates, notices of default, final notices and such other notices as may be necessary to implement the Administrative Adjudication System; and

f. Keeping accurate records of appearances and non-appearances at hearings, pleas entered, fines, and other penalties assessed and paid.

8. Postpone or continue a defendant's hearing to a later hearing date, if such request is made prior to the first scheduled hearing date.

Section 2.72.070 Notice of Violation.

A. Issuance of Notice of Violation. A notice of any violation ("Notice of Violation") will be issued by the persons authorized under this Chapter. The Notice of Violation shall contain information as to the nature of the violation, shall be certified, and will constitute prima facie evidence of the violation cited.

B. Authority to Issue Notices. Any sworn law enforcement officer and any Community Service Officer ~~assigned to the Winnetka Police Department~~ who detects a violation of a provision of this Code that is subject to adjudication in the Administrative Adjudication System is authorized to issue a Notice of Violation and thereafter to serve the Notice of Violation in the manner set forth in this Section. As used in this chapter, "Community Service Officer" shall mean and include code enforcement officers as defined in this code, and non-police personnel who are employed by the Winnetka Police Department or New Trier High School and are duly authorized by the Winnetka Police Department to issue citations for parking and non-moving compliance offenses under Title 10 of this code.

C. Form and Content of Notice of Violation. A Notice of Violation shall be issued in writing on a Village form, which may include pre-printed tickets or citations. The Notice of Violation shall contain at least the following information:

1. The date, time, and location of the alleged violation;

2. The name and address of the defendant, if known;

3. The type and nature of the alleged violation, including a citation of the provision of this Code alleged to have been violated, and whether the violation is one that requires the person receiving the notice to appear before the Administrative Hearing Officer;

4. The signature of the person issuing the Notice of Violation;

5. The process for responding to the violation, including pre-payment and requesting a hearing date, including the time frame within which to take such actions;

6. The legal authority and jurisdiction under which the hearing is to be held; and

7. The penalties for failure to respond to the Notice of Violation, including, where applicable, the failure to appear before the Administrative Hearing Officer.

D. For violations of the parking regulations in Chapter 10.24 of this Code, and for any violation of any Chapter of this Code that has a penalty provision that permits the pre-payment of fines, an initial ticket shall be issued in compliance with the most current policies and procedures of the ticket issuer's Village Department (the "Initial Ticket"). In lieu of paying the fine provided in the Initial Ticket, the defendant may request a hearing. If the defendant requests the hearing, then the Administrative Hearing Records Unit shall issue a Notice of Violation to the defendant in accordance with Section 2.72.080 of this Chapter, containing the information required by subsection C of this section.

Section 2.72.080 Service of Notice.

A. Service of a Notice of Violation shall be made in one or more of the following ways:

1. By handing the notice to the person responsible for the violation or handing it to his or her employee or agent;

2. By leaving the notice with any person thirteen years of age or older at the residence of the responsible person, and informing that person of the contents of the summons, provided the person making service shall also send a copy of the Notice of Hearing in a sealed envelope with postage fully prepaid, addressed to the defendant at his or her usual place of abode;

3. By mailing the Notice of Hearing by certified mail, return receipt requested, to the last known address of record of the individual/entity or his or her/its registered agent;

4. For vehicle violations, by posting the Notice of Violation on the vehicle that is the subject of the violation, or by other means authorized by the Illinois Vehicle Code;

5. By posting the notice upon the property where the violation is found when the person alleged to have committed the violation is the owner, manager, or tenant of the property, and serving the owner/manager or agent therefor; or

6. In the case of a violation by a corporation or partnership, by serving the corporation or partnership in accordance with the Illinois Code of Civil Procedure (735 ILCS 5/2-201 *et seq.*).

B. Certification of Facts in Notice.

1. Except as provided in paragraph 2 of this subsection, the person issuing a Notice of Violation shall certify the correctness of the facts stated therein by signing his or her name to the notice at the time of issuance. Such certification shall

2. For electronically produced Notices of Violation, such as parking citations, the person that controls and operates the device that generates the notice shall certify the correctness of the facts stated therein by signing a single certificate attesting to the correctness of all notices produced by the device while under his or her control. The certificate shall be maintained by the Administrative Hearing Records Unit.

C. Record of Notice. The Administrative Hearing Records Unit will retain the original or a facsimile of the Notice of Violation and keep it as a record in the ordinary course of business.

D. Admissibility of Notice. The Notice of Violation or a copy thereof is admissible in any subsequent administrative or judicial proceeding to the extent permitted by law.

Section 2.72.090 Pre-Hearing Procedures

A. Minimum Notice Requirements.

1. The Notice of Violation shall specify whether the person receiving the notice must appear before the Administrative Hearing Officer, or if the fine or penalty for the violation can be pre-paid, in which case the amount of the fine or penalty shall be stated in the Notice of Violation.

2. The date, time, and place of the hearing will be set forth in the Notice of Violation, if appearance is mandatory, and in such additional notices as are issued in

accordance with this Chapter, subject to the minimum time periods set forth in subsection D.

B. Pre-payment. Unless the Notice of Violation requires the recipient to appear before the Administrative Hearing Officer, the person receiving a Notice of Violation may pre-pay the fine or penalty specified on the notice. If the pre-payment is not made within 10 days after the Notice of Violation is issued, a late fee shall be assessed. The late fee shall be subject to waiver if the request for hearing is made as provided in the following subsection C.

C. Request for Hearing. The recipient of a Notice of Violation may request a hearing on the violation. The request for hearing may be made by phone or in person, in the manner specified in the Notice of Violation. The request for hearing shall be made within 21 days after the date the Notice of Violation is issued.

D. Failure to pre-pay or request a hearing. A second notice of violation shall be issued to any person who does not pre-pay a fine or penalty or request a hearing as provided in subsection B and C of this section. The second notice shall be in the same form and content as prescribed in section 2.72.070 and shall require that the person named in the notice appear for a hearing on the date specified in the notice.

E. ~~D.~~ Period of Notice or Preparation. For hearings scheduled in all non-emergency situations, if requested by the defendant, the defendant will have at least 15 days after service of process to prepare for a hearing. For purposes of this subsection, "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety, health, or welfare. If service is provided by mail, the 15-day period begins to run on the date that the notice is deposited in the mail.

Section 2.72.100 Hearing Procedures

All hearings conducted under the Administrative Adjudication System will be conducted by a Hearing Officer in accordance with the following rules and procedures:

A. Audio Recording. A digital or taped audio recording shall be made of every hearing.

B. Representation of Parties. The parties may be represented by counsel, present witnesses, and cross-examine opposing witnesses.

C. Subpoenas. Parties may request the Administrative Hearing Officer to issue, and the Administrative Hearing Officer has the authority to issue, subpoenas to direct the attendance and testimony of relevant witnesses and produce relevant documents.

D. Rules of Evidence Not Applicable. The formal and technical rules of evidence will not apply. Evidence, including hearsay, may be admitted, but only if it is of a type commonly relied upon by reasonable, prudent persons in the conduct of their affairs.

E. Burden of Proof. No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a citation of notice of violation notice, or a copy thereof, issued in accordance with this chapter shall be prima facie evidence of the correctness of the facts specified therein.

F. ~~E.~~ Written Determination. At the end of each hearing, the Administrative Hearing Officer shall issue a written determination of liability or non-liability, or a determination of liability based upon the failure of the defendant to appear at the scheduled hearing, as the case may be. Upon issuance, the written determination of liability must either be personally delivered to the defendant at the time of hearing, or shall be mailed to the defendant via first class mail, postage prepaid, addressed to the defendant's last known residence or place of business**.**

G. ~~F.~~ Assessment of Fines, Penalties and Costs.

1. Fines and Penalties. Pursuant to, and subject to the limitations set forth in, subsection paragraphs 5 and 7 of Section 2.72.050(C) of this Chapter, the Administrative Hearing Officer, upon a determination of liability, shall have the discretion to assess fines and penalties in accordance with this Code, assess interest charges for late payments, and order the defendant to undertake corrective actions to remedy the violation.

2. Penalty Limitations. In no event shall the Administrative Hearing Officer have authority to: impose a penalty of incarceration for or a fine that exceeds the amounts set by the Village Council as provided in Section 2.72.170 of this Chapter.

3. Administrative Costs. In addition, pursuant to, and subject to the limitations set forth in paragraph 6 of Section 2.72.050(C) of this Chapter, the Administrative Hearing Officer will assess administrative costs upon finding a defendant liable for the charged violation.

H. ~~G.~~ Fines Exclusive of Costs. The maximum monetary fine imposed pursuant to the procedures in this Chapter shall be exclusive of administrative costs, the costs of enforcement, interest charges for late payments, and costs incurred by the Village to secure compliance with the Village's Code and ordinances, all of which costs shall be in addition to any fines imposed pursuant to this Chapter. The maximum monetary fine also shall not apply to cases to enforce the collection of any tax imposed and collected by the Village.

I. ~~H.~~ Hearing Room Personnel. Hearing room personnel shall be designated and appointed by the Village's Chief of Police and are authorized and directed to:

1. Maintain hearing room decorum;

2. Execute such authority as is granted to courtroom deputies of the Circuit Court of Cook County; and

3. Perform such other duties or acts as may reasonably be required and as directed by the Administrative Hearing Officer.

Section 2.72.110 Liability for Failure to Appear At Hearing.

A. Default. If at the time set for hearing, the defendant, or the defendant's attorney or agent of record, fails to appear, and the hearing was neither postponed by the Administrative Hearing Records Unit as provided in paragraph 8 of Section 2.72.060(B) of this Chapter, nor continued by the Administrative Hearing Officer as provided in paragraph 8 of Section 2.72.050(C) of this Code, the Administrative Hearing Officer may enter a finding of default in the findings, decision and order, and may impose liability

against the defendant including the assessment of fines and administrative costs. A copy of the finding of default, which is a final determination, will be promptly served upon the defendant by first-class mail, postage prepaid, addressed to the defendant at the defendant's last known residence or place of business, to notify the defendant of the procedure for setting aside the finding of default and of the opportunity to appeal the finding of default to the Circuit Court of Cook County as provided in Section 2.72.140 of this Chapter.

B. Petition to Set Aside Default. A written petition to set aside a finding of default may be filed by a person owing an unpaid fine or penalty assessed for a violation, and will be considered, in accordance with the following procedures:

1. The petition must be filed with the Administrative Hearing Officer not later than 21 days from the date on which the finding of default was served; however, a defendant may file a petition to set aside the finding of default at any time, if such defendant establishes that the Village did not provide proper service of process.

2. Upon receiving a timely filed set-aside petition, the Administrative Hearing Officer shall consider the grounds raised in the petition and enter an order granting or denying the petition.

3. The grounds for setting aside a finding of default are limited to the following circumstances:

a. If, on the date the Notice of Violation was issued, the person against whom the finding of default is made is not the owner or lessee of the cited vehicle, or is not the owner, tenant, or manager of the cited property;

b. If the person against whom the finding of default is made had paid the fine or penalty prior to the finding of default for the violation in question;

c. If the defendant establishes an excusable failure to appear at the hearing or to request a new date for any hearing; or

d. If the defendant establishes that the Village did not provide proper service of process.

C. Findings and Order on Petition to Set Aside Default. In the event the finding of default is set aside, the Administrative Hearing Officer will notify the defendant by first class mail, postage prepaid, to the address set forth in the petition, and service thereof shall be complete on the date the notice is deposited in the United States mail. The notice of findings on the petition shall contain all of the following:

1. A statement that the finding of default, as well as any related administrative costs, has been set aside.

2. Notice of the new date, time, and place for the hearing on the merits of the violation for which the finding of default has been set aside.

3. An order extinguishing any lien that may have been recorded for any debt that became due and owing the Village as a result of the vacated default.

Section 2.72.120 Contesting Violations by Written Statement.

A. Right to Contest Violation in Writing. Any person who has been served with a Notice of Violation for which a personal appearance is not mandatory may contest the alleged violation on its merits without personally appearing at a hearing pursuant to the following procedures:

1. Requesting and completing, in full, the "Request for Hearing - Appearance Waiver Form;"

2. Acknowledging in the space specified in said form that the person is waiving the right to appear in person and is submitting to an adjudication based upon the notarized statement filed by him or her and the facts contained in the Notice of Violation;

3. Filing the required form with the Administrative Hearing Records Unit within 21 days after the date of the Notice of Violation, with the filing to be done in the manner described on the Notice of Violation; and

4. Filing with the Administrative Hearing Records Unit, at the same time as the Appearance Waiver Form, a notarized statement of facts specifying the grounds for challenging the Notice of Violation.

B. Facts Considered by Hearing Officer. The Hearing Officer will make a decision based upon the facts as contained in the defendant's notarized written statement of facts and in the Notice of Violation.

C. Notice of Hearing Officer's Determination. Notice of the determination of the Administrative Hearing Officer will be served upon the defendant by first-class mail, postage prepaid, addressed to the defendant at the address set forth in the statement of facts submitted. Service of the notice of such determination will be complete on the date the notice is deposited in the United States mail.

Section 2.72.130 Certified Report and Contesting Certified Report.

A. Notice of Possible Suspension of Driver's License.

1. A notice of impending suspension of a person's driver's license will be sent to any person determined to be liable for the payment of any fine or penalty that remains due and owing on ten or more vehicular standing, parking, or compliance violations under Section 6-306.5 of the Motor Vehicle Code (625 ILCS 5/6-306.5). The notice shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State. The notice shall state the following:

a. That the failure to pay the fine or penalty owing within 45 days of the date of the notice will result in the Village notifying the Secretary of State that the person is eligible for initiation of suspension proceedings; and

b. That the person to whom the notice is directed may obtain a photo-copy of an original ticket imposing a fine or penalty by sending a self-addressed, stamped envelope to the Village along with a request for the photo-copy.

B. Certified Report to the Secretary of State. Upon a failure of a person to pay fines or penalties deemed due and owing to the Village pursuant to Chapter 10.24 of this Code, and after exhaustion of the procedures set forth herein, the Administrative Hearing

Records Unit shall make a certified report to the Secretary of State, pursuant to 625 ILCS 5/6-306.5(c), stating that the owner or lessee of a registered vehicle has failed to pay the fine or penalty due or owing the Village as a result of ten or more such violations of Chapter 10.24 of this Code, and thereby initiate the suspension of that person's driver's license.

C. Further Action by Village. The Administrative Hearing Records Unit will take no further action thereafter unless and until (i) the fines and penalties due and owing the Village are paid, or (ii) upon making a determination pursuant to subsection D and E of this section that the inclusion of the person's name on the certified report was in error. In either event, the Code Enforcement Administrator shall submit to the Secretary of State a notification to halt the driver's license suspension proceeding pursuant to 625 ILCS 5/6-306.5(d). The person named therein will receive a certified copy of such notification upon request and at no charge.

D. Within 21 days of the date of the Secretary of State's notice under 625 ILCS 5/6-306.5(b), a person may challenge the accuracy of the certified report by completing and filing a form provided by the Administrative Hearing Records Unit specifying the grounds on which such challenge is based. Grounds for challenge are limited to the following:

1. The person was neither the owner nor the lessee of the vehicle receiving the ten or more applicable Notices of Violations on the date or dates such notices were issued; or

2. The person has paid the fine and penalty for the ten or more violations indicated on the certified report.

E. The Code Enforcement Administrator shall make a determination within 14 days of receipt of the form challenging the accuracy of the certified report, and will notify the person filing the challenge of the determination, and, if applicable, will notify the Secretary of State.

Section 2.72.140 Judicial Review.

Any final decision by a Hearing Officer that a violation does or does not exist constitutes a final determination for purposes of judicial review and will be subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 et seq.).

Section 2.72.150 Debt to the Village.

Any fine, penalty, or part of any fine or penalty assessed in accordance with the provisions of this Chapter and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative procedures under this Chapter and the conclusion of any judicial review procedures, will be a debt due and owing the Village, and, as such, may be collected in accordance with applicable law and as provided in section 2.72.160 of this Chapter.

Section 2.72.160 Enforcement of Judgments.

A. Enforcement of Fines. All fines and other moneys to be paid to the Village in accordance with this Chapter shall be remitted to the Village and deposited in the appropriate Village account as designated by the Village Manager.

B. Compliance Bond.

1. In order to ensure that violations are remedied in a timely manner, the Administrative Hearing Officer, upon issuing a determination of liability that includes an order of compliance, will have the authority to order the defendant in the case to obtain a bond ("Compliance Bond") to ensure defendant's timely compliance in correcting the violation. Any Compliance Bond ordered pursuant to this subsection B shall name the Village as a beneficiary and shall be in the amount specified by the Administrative Hearing Officer, provided that the amount of the Compliance Bond is to be reasonably related to the cost of compliance. If the defendant fails to remedy in a timely manner the violation for which a Compliance Bond has been ordered and issued, and the Village thereafter undertakes remediation or otherwise expends funds related to the violation for which a Compliance Bond has been ordered and issued, the Administrative Hearing Officer, after giving the parties notice and an opportunity to be heard, as provided in subsection F of this section, may issue an order permitting the Village to draw against the Compliance Bond in an appropriate amount, not to exceed the remediation costs incurred by the Village. Upon proof of compliance, the Administrative Hearing Officer will order the Compliance Bond amount, less the reasonable costs incurred by the Village, returned to the defendant.

2. In the event a defendant ordered to secure a Compliance Bond as provided by this subsection B, seeks judicial review of the portion of the Administrative Hearing Officer's order requiring a Compliance Bond and prevails on that issue, the Village, within 30 days after receiving a copy of the reviewing court's mandate, shall release the Compliance Bond and shall refund to the defendant the total amount the Village drew against the Compliance Bond.

C. Expiration of Judicial Review Period. After expiration of the period that judicial review under the Illinois Administrative Review Law may be sought, unless stayed by a court of competent jurisdiction, the findings, decision, and order of the Administrative Hearing Officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

D. Liability for Village Enforcement Expenses. If the defendant fails to comply with a judgment that orders the defendant to correct a violation or that imposes any fine or other sanction, any expenses incurred by the Village to enforce the judgment entered against that defendant, including without limitation, administrative costs, attorney's fees, court costs, and costs related to property demolition or foreclosure (collectively "Enforcement Expenses"), after they are fixed by a court of competent jurisdiction, or by an Administrative Hearing Officer in accordance with subsection F of this section, shall be a debt due and owing the Village and may be collected in accordance with applicable law, including without limitation, drawing against any Compliance Bond.

E. Lien on Property. In addition to all other enforcement actions set forth in this Chapter, the Administrative Hearing Officer, after providing the notice and opportunity

to be heard as provided in subsection F of this section, shall have the authority to impose a lien on the real estate or personal estate, or both, of the defendant, in the amount of any debt due and owing the Village for any violation under this Chapter, including any and all Enforcement Expenses.

F. Final Notice and Hearing. Prior either to imposing Enforcement Expenses pursuant to subsection D of this section, or to imposing a lien pursuant to subsection E of this section, the Administrative Hearing Officer will conduct a hearing pursuant to notice sent to defendant by first-class mail, postage prepaid, not less than seven days prior to the date of the hearing. The defendant's failure to appear at such hearing will not preclude the Administrative Hearing Officer from imposing Enforcement Expenses or a lien.

Section 2.72.170 Fines, Penalties, Fees and Costs.

A. Amount Set by Village Council. Fines and penalties for any violation of any Village ordinance subject to administrative adjudication under this chapter shall be as established by this code. ~~from time to time by the Village Council.~~ The Village Council may by resolution set penalties and interest charges for late payment, as well as administrative fees in an amount sufficient to recover the costs of administering the Administrative Adjudication System.

B. Maximum Fine. No fines or penalties set by the Village Council shall exceed $50,000 or the statutory maximum, whichever is less.

C. Schedule of Fines and Penalties. The Administrative Hearing Records Unit shall publish a consolidated schedule of fines and penalties, which shall be posted on the Village's web site and at the Winnetka Police Department and shall be updated by the Administrative Hearing Records Unit as necessary to reflect amendments made by the Village Council.

~~**Section 2.72.180 Administrative Costs and Interest Charges.**~~
~~Administrative costs and interest charges assessed pursuant to this Chapter will be in the amounts established from time to time by the Village Council pursuant to an Administrative Hearings Costs and Interest Charges Schedule Resolution or similar enactment.~~

SECTION 3: Title 2 of the Winnetka Village Code, "Administration and Personnel," is hereby amended by adding a new Chapter 2.34, which shall be titled "Administrative Hearing Officer" and shall provide as follows:

Chapter 2.34
ADMINISTRATIVE HEARING OFFICER

Sections:

Section 2.34.010 Creation of Office; Appointment.
There is created the office of Administrative Hearing Officer, an administrative office of the Village. The Administrative Hearing Officer shall be appointed by the Village Manager.

Section 2.34.020 Compensation.
The compensation of the Administrative Hearing Officer shall be fixed by the Village Manager with the approval of the Council.

Section 2.34.030 Qualifications.
The qualifications of the Administrative Hearing Officer shall be as provided in Section 2.72.050 of this Code.

Section 2.34.040 Duties.
The Administrative Hearing Officer shall be responsible for conducting hearings and adjudicating matters in the Village's Administrative Hearing System, as provided in Chapter 2.72 of this Code. If so directed by the Village Manager, the Administrative Hearing Officer shall conduct liquor license hearings as provided in Chapter 5.09 of this Code, and vehicle impoundment or removal hearings, pursuant to the procedures established in Section 10.08.090 of this Code.

SECTION 4: Section 1.04.070 of Chapter 1.04, "General Provisions," of Title 1 of the Winnetka Village Code, "General Provisions," is hereby amended to provide as follows:

Section 1.04.070 Recovery of Village costs and expenses.

A. Attorneys' Fees and Costs. If the judgment or decision of any tribunal is in favor of the Village in any legal proceeding commenced by or on behalf of the Village pursuant to this code, the Village's costs, including reasonable attorneys' fees and, where applicable, administrative hearing costs, late fees and interest charges pursuant to section 2.72.170 of this code, shall be allowed in favor of the Village and against the defending party.

B. Administrative Charge. An administrative charge shall be added to all fines and fees not paid when due. The administrative charge shall be an amount sufficient to recover the Village's administrative and collection costs, as determined by the Village Manager.

SECTION 5: Section 1.04.100 of Chapter 1.04, "General Provisions," of Title 1 of the Winnetka Village Code, "General Provisions," is hereby amended by adding a new Chapter 2.34, which shall be titled "Administrative Hearing Officer" and shall provide as follows:

Section 1.04.100 Service by certified mail.

In all actions for violation of any Village ordinance where the fine would not be in excess of seven hundred fifty dollars ($750.00) and no jail term could be imposed, service of summons may be by certified mail, return receipt requested, whether service is to be within or without the state. Notwithstanding the foregoing, all notices relating to any violation subject to the administrative hearing process under chapter 2.72 of this code shall be issued in accordance with the procedures established in said chapter 2.72.

SECTION 6: Section 1.08.010 of Chapter 1.08, "General Enforcement and Penalty Provisions," of Title 1 of the Winnetka Village Code, "General Provisions," is hereby amended by adding a new Chapter 2.34, which shall be titled "Administrative Hearing Officer" and shall provide as follows:

Section 1.08.010 Penalties.

A. General Penalty.

1. Unless another penalty is specifically provided by this code for violation of any particular provision, section or chapter, any person found guilty in a judicial proceeding of violating any provision of this code, or any rule or regulation adopted or issued in pursuance of this code, or any provision of any code adopted in this code by reference, shall ~~upon conviction~~ be subject to a fine of not less than twenty-five dollars ($25.00), ~~($5.00),~~ nor more than seven hundred fifty dollars ($750.00), and the costs of prosecution. The Village Attorney, or, when directed by the Village Manager, the Village Prosecutor may file a civil action to recover any penalty or fine against any such person; provided, however, that the filing of such civil action shall preclude incarceration or imprisonment.

2. Unless another penalty is specifically provided by this code for violation of any particular provision, section or chapter, any person who, in an administrative proceeding in the Administration Adjudication System established by chapter 2.72 of this code, is found liable for violating any provision of this code, or any rule or regulation adopted or issued in pursuance of this code, or any provision of any code adopted by reference by this code, shall be subject to a fine of $ 25.00, plus the applicable administrative hearing costs established pursuant to section 2.72.180 of this code. Notwithstanding the foregoing, in the event this code does not set a fixed fine or penalty, but sets the fine or penalty by setting a minimum amount or by establishing a range for such fine or penalty, then the fine or penalty imposed by the administrative hearing office shall be equal to the minimum fine or penalty so provided. The Village Attorney, or, when directed by the Village Manager, the Village Prosecutor may file a civil action to

recover any penalty or fine against any such person; provided, however, that the filing of such civil action shall preclude incarceration or imprisonment.

B. Revocation of License. When a person is ~~convicted of~~ found guilty of or liable for a violation of any section of this code, any license or permit previously issued to that person by the Village may be revoked by the court or by the Village Council.

C. Each Day of Violation. Each act of violation and each day upon which a violation occurs constitutes a separate offense.

D. Applicability. The penalty provided by this section applies to the amendment of any section of this code or ~~a~~ any code adopted in this code by reference whether or not such penalty is reenacted in the amendatory ordinance.

E. Reference to Section. Reference to a section of this code shall be understood also to refer and include the penalty section relating to such section, unless otherwise expressly provided.

F. Failure of Officers to Perform Duties. The failure of an officer or employee of the Village to perform an official duty imposed by this code shall not subject such officer or employee to the penalty imposed for violation of this code unless a penalty is specifically provided in the section creating a duty.

G. Election of Remedies. Unless otherwise provided, in all cases where the same offense is made punishable, or is created by, different chapters or sections of this code, the Village Prosecutor may elect under which provision to proceed; provided, that not more than one recovery shall be had against the same person for the same offense. The revocation of a license or permit shall not be considered a recovery or penalty so as to bar any penalty being enforced.

SECTION 7: Section 5.09.260 of Chapter 5.09, "Liquor Control Regulations," of Title 5 of the Winnetka Village Code, "Business Licenses and Regulations," is hereby amended to provide as follows:

Section 5.09.260 Sales to minors and intoxicated persons~~— Responsibility of parents and owners or occupants of premises.~~

A. No licensee nor any officer, associate, member, representative, agent or employee of any licensee shall sell, give or deliver any alcoholic liquor to any of the following:

1. Any person under the age of twenty-one (21) years;
2. Any intoxicated person.

B. [Transferred to Chapter 9.04.]~~No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to any of the following:~~

~~1. A person under the age of twenty-one (21) years except in the performance of a religious ceremony or service;~~

~~2. Any intoxicated person.~~

C. [Transferred to Chapter 9.04.] It is unlawful for any person to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the Village where alcoholic liquor is sold.

D. Repealed.

E. In addition to all other fines and penalties, the Local Liquor Control Commissioner may revoke any license issued under this chapter for any violation of this section.

F. [Transferred to Chapter 9.04.] It is unlawful for any parent or guardian to permit any child under the age of twenty-one (21) of which he or she is parent or guardian, to violate any provision of this section.

G. The failure of any licensee, or of any officer, associate, member, representative, agent or employee of any licensee, to immediately cease serving alcoholic liquor to, and to immediately remove such alcoholic liquor from, any person under the age of twenty-one (21) years after being directed to do so by any law enforcement officer It is unlawful for any owner or occupant of any premises located within the Village who knows, or in the exercise of reasonably care should know, that a person under the age of twenty-one (21) years possesses or is consuming alcoholic liquor while on the premises to allow such minor to remain on such premises. After notice by any police officer of any violation of this Section 5.09.260, such owner or occupant shall immediately terminate any continuing violations. Failure to do so shall constitute a further violation of this section.

SECTION 8: Section 5.09.270 of Chapter 5.09, "Liquor Control Regulations," of Title 5 of the Winnetka Village Code, "Business Licenses and Regulations," is hereby amended to provide as follows:

Section 5.09.270 Purchase or acceptance of gifts of liquor by underage persons Requiring proof of age; Identification cards.

A. [Transferred to Chapter 9.04] No person under the age of twenty-one (21) years shall purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession.

B. If a liquor licensee, his or her agents or employees, believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because the prospective recipient may be less than twenty-one (21) years of age, he or she shall, before making such sale or delivery, demand proof of the person's age through the presentation of some form of current, positive government-issued identification, containing that includes the person's name, photograph and date of birth, such as a driver's license or passport.proof of age, issued by a public officer in the performance of his or her official duties.

C. [Transferred to Chapter 9.04] No person shall transfer, alter or deface such an identification card, use the identification card of another, carry or use a false or forged identification card or obtain an identification card by means of false information.

D. [Transferred to Chapter 9.04] No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this section.

SECTION 9: Section 5.09.300, "Violations and Penalties," of Chapter 5.09, "Liquor Control Regulations," of Title 5 of the Winnetka Village Code, "Business Licenses and Regulations," is hereby amended to provide as follows:

Section 5.09.300 Violations and penalties.

A. Except as provided in subsection B, ~~Any~~ any person who sells alcoholic liquor at any place within the Village without having a current valid license to do so issued under the provisions of this chapter, or who shall make any false statement or otherwise violate any of the provisions of this chapter in obtaining any license under this chapter, or who shall violate any other provisions of this chapter, or who, having obtained a license under this chapter, shall violate any of the provisions of this chapter or of the restrictions of such license with respect to the possession or sale of alcoholic liquor or to the maintenance of the licensed premises, shall for a first offense be fined not less than one hundred fifty dollars ($150.00) ~~($50.00)~~ nor more than seven hundred fifty dollars ($750.00), and for a second or subsequent offense shall be fined not less than ~~one~~ two hundred fifty dollars ($250.00) ~~($100.00)~~ nor more than seven hundred fifty dollars ($750.00). Any fine imposed pursuant to this section may be in addition to or in lieu of the revocation or suspension of any license issued under the provisions of this chapter.

B. Any person who violates section 5.09.260 or 5.09.270 of this chapter shall be subject to a fine of not less than two hundred fifty dollars ($250.00) nor more than seven hundred fifty dollars ($750.00). Any fine imposed pursuant to this section may be in addition to or in lieu of the revocation or suspension of any license issued under the provisions of this chapter.~~Each day on or during which any person violates any of the provisions of this chapter shall constitute a separate offense.~~

C.[Transferred to Chapter 9.04]~~Any person under the age of twenty-one (21) years who, for the purpose of buying or accepting or receiving alcoholic liquor from a licensee, represents that he or she is twenty-one (21) years of age or over, or who accepts or receives alcoholic liquor from a person other than a licensee, shall for a first offense be fined not less than twenty-five dollars ($25.00) nor more than seven hundred fifty dollars ($750.00), and for a second or subsequent offense shall be fined not less than fifty dollars ($50.00) nor more than seven hundred fifty dollars ($750.00).~~

D. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter, by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee, and such employer or licensee shall be ~~punishable in the same manner~~ subject to fines and penalties as if such act or omission had been done by him or her personally.

E. Each day on or during which any person violates any of the provisions of this chapter shall constitute a separate offense.

SECTION 10: Chapter 5.48, "Peddlers and Solicitors," of Title 5 of the Winnetka Village Code, "Business Licenses and Regulations," is hereby amended by adding a new Section 5.48.020, which shall be titled "Violations and penalties," and shall provide as follows:

Section 5.48.020 Violations and penalties.

Any person who engages in peddling in a location that violates subsection B of section 5.48.010 of this chapter, or who engages in a practice or conduct that is prohibited by subsection N of section 5.48.010 of this chapter, shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than seven hundred fifty dollars ($750.00).

SECTION 11: Section 5.68.190, "Penalties and violations; revocation and suspension," of Chapter 5.68, "Taxicabs," of Title 5 of the Winnetka Village Code, "Business Licenses and Regulations," is hereby amended by adding new subsections E and F, which shall provide as follows:

E. Fines. Except as provided in subsection F of this section, any person who is found guilty or liable for a violation of this chapter shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than seven hundred fifty dollars ($750.00).

F. Operating without a license. Any person who conducts or engages in the taxicab business in the Village in violation of section 5.68.020 of this chapter shall be subject to a fine of not less than one hundred fifty dollars ($150.00) nor more than seven hundred fifty dollars ($750.00).

SECTION 12: Subsection A of Section 8.08.110, "Fireworks," of Chapter 8.08, "Fire Safety Code," of Title 8 of the Winnetka Village Code, "Health and Safety," is hereby amended to provide as follows:

A. Possession and Sale Prohibited. No person shall possess, sell, offer for sale, loan or give away, to any retail dealer, consumer or user in the Village, any toy pistol, toy gun, toy cannon, blank cartridge, firecracker, sparkler, rocket, torpedo, squib, colored fire or any article or substance of an explosive nature designed or intended to be used as fireworks, except in accordance with a permit for a supervised public display issued by the Village Manager pursuant to rules and regulations adopted by the Council.

SECTION 13: Section 8.08.110, "Fireworks," of Chapter 8.08, "Fire Safety Code," of Title 8 of the Winnetka Village Code, "Health and Safety," is hereby amended by adding a new subsection C, which shall as follows:

C. Violation and penalties. Any person who violates this section shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than seven hundred fifty dollars ($750.00).

SECTION 14: Section 8.16.090, "Open burning," of Chapter 8.16, "Garbage and Refuse," of Title 8 of the Winnetka Village Code, "Health and Safety," is hereby amended to provide as follows:

Section 8.16.090 Open burning.

A. Open burning is prohibited anywhere in the Village, whether on public or private property, unless such burning is in connection with outdoor grills, barbecues, small recreational fires or fireplaces and such burning is not otherwise prohibited by law; provided, however, that no garbage (other than logs or untreated wood products) shall be burned in such cases.

B. Any person who violates this section shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than seven hundred fifty dollars ($750.00).

SECTION 15: Section 8.16.120, "Disposal of yard waste," of Chapter 8.16, "Garbage and Refuse," of Title 8 of the Winnetka Village Code, "Health and Safety," is hereby amended to provide as follows:

Section 8.16.120 Disposal of yard waste.

A. No person shall deposit any yard waste in or on any land or property in the Village unless the yard waste was collected from that land or property. No person shall deposit any yard waste in or on any street, alley or parkway in the Village unless the street, alley or parkway adjoins the property from which the yard waste was collected, and unless the yard waste has been placed in or on such street, alley or parkway for collection by the Village as part of a scheduled yard waste collection program.

B. Any person who violates this section shall be subject to a fine of not less than one hundred fifty dollars ($150.00) nor more than seven hundred fifty dollars ($750.00).

SECTION 16: Section 9.04.010, "Disorderly conduct," of Chapter 9.04, "Offenses Against Public Peace and Decency," of Title 9 of the Winnetka Village Code, "Public Peace, Morals and Decency," is hereby amended by adding a new subsection L, which shall provide as follows:

Section 9.04.010 Disorderly conduct.

Any person who shall knowingly do or make any act, utterance, gesture or display, which, under the circumstances, creates a clear and present danger of a breach of peace or an imminent threat of violence shall be guilty of the offense of disorderly conduct, which is prohibited. Without limitation, any of the following acts may constitute disorderly conduct:

A. Assaulting, striking or deliberately injuring another person;

B. Engaging in or aiding or abetting any fight, quarrel or other disturbance;

C. Disturbing any religious service, funeral, public or private meeting, place of amusement or assembly of persons;

D. Being intoxicated in public places, or in any place to the annoyance and disturbance of other persons;

E. Resisting or obstructing the performance of one known to be a police officer or any authorized act within the police officer's official capacity, or impersonating a police officer;

F. Assisting any person in custody of police to escape or furnishing any weapon, drugs, liquor to any such person;

G. Engaging in any fraudulent scheme, device or trick to obtain money or other valuable thing;

H. Giving any false alarm of fire, danger or disturbance to any person, or false information to any police officer or firefighter or any Village officer;

I. Making a telephone call with intent to annoy another, whether or not conversation ensues;

J. Throwing stones or missiles in public places or at any person or property, or using, brandishing or threatening to use any missile, or dangerous weapon or object;

K. Damaging or defacing trees, bushes, gardens, fences, windows, signs, buildings, monuments or vehicles, or engaging in any acts of vandalism.

L. Theft of any property valued at less than three hundred dollars ($300.00).

SECTION 17: Chapter 9.04, "Offenses Against Public Peace and Decency," of Title 9 of the Winnetka Village Code, "Public Peace, Morals and Decency," is hereby amended by adding a new Section 9.04.015, which shall be titled "Penalties for disorderly conduct violations," and shall provide as follows:

Section 9.04.015 Penalties for disorderly conduct violations.

A. Except as provided in subsection B, any person who violates commits the offense of disorderly conduct, as defined in section 9.04.010 of this code, shall be subject to a fine of not less than one hundred fifty dollars ($150.00) nor more than seven hundred fifty dollars ($750.00).

B. Any person who commits the offense of disorderly conduct, as defined in section 9.04.010(A) or section 9.04.010(B) of this code, shall be subject to a fine of not less than two hundred fifty dollars ($250.00) nor more than seven hundred fifty dollars ($750.00).

SECTION 18: Section 9.04.050 of Chapter 9.04, "Offenses Against Public Peace and Decency," of Title 9 of the Winnetka Village Code, "Public Peace, Morals and Decency," is hereby amended to provide as follows:

Section 9.04.050 Tobacco and smoking instruments--Sale to minors.

A. It is unlawful to sell or in any manner distribute to a minor any tobacco or any manufactured article consisting in whole or in part of tobacco or designed or marketed for use in the consumption of tobacco. Any person who violates this subsection shall be

subject to a fine of not less than two hundred fifty dollars ($250.00) nor more than seven hundred fifty dollars ($750.00).

B. It is unlawful for any minor to possess tobacco products, including cigarettes, or to possess any products designed or marketed for use in the consumption of tobacco.

C. ~~A~~ For purposes of this section, a minor is any person who has not yet reached eighteen (18) years of age. Any minor who violates this subsection shall be subject to a fine of seventy-five dollars ($75.00).

SECTION 19: Section 9.04.060 of Chapter 9.04, "Offenses Against Public Peace and Decency," of Title 9 of the Winnetka Village Code, "Public Peace, Morals and Decency," is hereby amended to provide as follows:

Section 9.04.060 Possession of cannabis, including marijuana.

A. Prohibited.

1. It is unlawful for any person within the corporate limits of the Village to possess cannabis, including marijuana.

2. It is unlawful for any person within the corporate limits of the Village to possess instruments or paraphernalia for the preparation, manufacture or use of cannabis, including marijuana.

B. Definition. As used in this section and Section 9.04.070, "cannabis" means marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds of such plant, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including naturally occurring or by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt derivative mixture, or preparation of such mature stalks (except the resin extracted from such mature stalks), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

C. Penalties or Disposition. ~~Every~~ Any person who violates this section with respect to not more than ten (10) grams of any substance containing cannabis shall be subject to a fine of not less than two hundred fifty dollars ($250.00) ~~($50.00)~~ nor more than ~~five~~ seven hundred fifty dollars ($750.00)~~($500.00)~~.

SECTION 20: Chapter 9.04, "Offenses Against Public Peace and Decency," of Title 9 of the Winnetka Village Code, "Public Peace, Morals and Decency," is hereby amended by adding a new Section 9.04.080, which shall be titled "Prohibited purchase, delivery and possession of alcoholic beverages; responsibility of parents, guardians and property owners," and shall provide as follows:

Section 9.04.080 Purchase or delivery of alcoholic beverages for minors; responsibility of parents, guardians and property owners.

A. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to a person under the age of twenty-one (21) years except in the performance of a religious ceremony or service.

B. It is unlawful for any parent or guardian of a child under the age of twenty-one (21) to permit such minor child to violate any provision of this section.

C. It is unlawful for any owner or occupant of any premises located within the Village who knows, or in the exercise of reasonable care should know, that a person under the age of twenty-one (21) years possesses or is consuming alcoholic liquor while on the premises to allow such minor to remain on such premises. After notice by any police officer of any violation of this subsection G, such owner or occupant shall immediately terminate any continuing violations. Failure to do so shall constitute a further violation of this section.

D. Penalties for Violation. Any person who violates this section shall be subject to a fine of not less than one hundred fifty dollars ($150.00) nor more than seven hundred fifty dollars ($750.00).

[Moved from Section 5.09.260]

SECTION 21: Chapter 9.04, "Offenses Against Public Peace and Decency," of Title 9, of the Winnetka Village Code, "Public Peace, Morals and Decency," is hereby amended by adding a new Section 9.04.090, which shall be titled "Purchase or acceptance of alcoholic liquor by underage persons; identification cards," and shall provide as follows:

Section 9.04.090 Purchase or acceptance of alcoholic liquor by underage persons; identification cards.

A. No person under the age of twenty-one (21) years shall purchase, accept as a gift or possess alcoholic liquor. No person under the age of twenty-one (21) years shall consume alcohol except in the performance of a religious ceremony or service.

B. It is unlawful for any person to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the Village where alcoholic liquor is sold.

C. No person shall purchase, accept delivery of or have possession of alcoholic liquor in violation of this section.

D. Penalties for Violation. Any person who violates this section shall be subject to a fine of not less than one hundred fifty dollars ($150.00) nor more than seven hundred fifty dollars ($750.00).

[Moved from Section 5.09.270]

SECTION 22: Chapter 9.04, "Offenses Against Public Peace and Decency," of Title 9, of the Winnetka Village Code, "Public Peace, Morals and Decency," is hereby amended by adding a new Section 9.04.100, which shall be titled "Petty Theft," and shall provide as follows:

Section 9.04.100 Use or possess of fraudulent identification card.

A. No person shall transfer, alter or deface any identification card, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false information.

B. Penalties for Violation. Any person who violates this section shall be subject to a fine of not less than one hundred fifty dollars ($150.00) nor more than seven hundred fifty dollars ($750.00).

[Moved from Section 5.09.270]

SECTION 23: Section 9.08.030, "Trespass," of Chapter 9.08, "Property Offenses," of Title 9 of the Winnetka Village Code, "Public Peace, Morals and Decency," is hereby amended to provide as follows:

Section 9.08.030 Trespass.

A. It is unlawful for any person to enter upon any property of another in the Village or any part of such property after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or to remain upon the property of another after receiving notice from the owner or occupant to depart.

B. A person shall be deemed to have received notice from the owner or occupant within the meaning of this section if he or she has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted at the main entrance to such property or the forbidden part of such property.

C. Any person who violates this section shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than seven hundred fifty dollars ($750.00).

SECTION 24: Section 9.08.040, "Trespassing by solicitors and peddlers," of Chapter 9.08, "Property Offenses," of Title 9 of the Winnetka Village Code, "Public Peace, Morals and Decency," is hereby amended by adding a new subsection D, which shall provide as follows:

D. Any person who violates this section shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than seven hundred fifty dollars ($750.00).

SECTION 25: Section 9.08.050, "Handbills," of Chapter 9.08, "Property Offenses," of Title 9 of the Winnetka Village Code, "Public Peace, Morals and Decency," is hereby amended by adding a new subsection C, which shall provide as follows:

C. Any person who violates this section shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than seven hundred fifty dollars ($750.00).

SECTION 26: Paragraph 1 of subsection C, "Penalties," of Section 9.08.070, "Damage or trespass to property," of Chapter 9.08, "Property Offenses," of Title 9 of the Winnetka Village Code, "Public Peace, Morals and Decency," is hereby amended to provide as follows:

1. Every person found guilty of any offense declared to be unlawful by this section shall be subject to ~~either or both of the following penalties: a fine or a period of conditional discharge not to exceed one year.~~ a fine of not less than one hundred fifty dollars ($150.00) nor more than seven hundred fifty dollars ($750.00). ~~The conditions of conditional discharge shall include that the guilty person not violate any criminal statute or quasi-criminal ordinance of any jurisdiction and report to and appear in person before such person or agency as directed by the court. The conditions of conditional discharge may, in addition, require that the guilty person work or pursue a course of study or vocational training; undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism; make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss; and, if a minor, reside with his or her parent or in a foster home, attend school, attend a nonresidential program for youth, and contribute to his or her own support at home or in a foster home.~~

SECTION 27: Section 9.12.050, "Penalties," of Chapter 9.12, "Weapons," of Title 9 of the Winnetka Village Code, "Public Peace, Morals and Decency," is hereby amended to provide as follows:

Section 9.12.050 Penalties.

A. Any person found in violation of section 9.12.010 of this chapter shall be subject to a fine of not less than one hundred fifty dollars ($150.00) nor more than one thousand dollars ($1,000.00).

B. Any person found in violation of section 9.12.025 or section 9.12.040 of this chapter shall be ~~fined~~ subject to a fine of not less than $500.00 nor more than $1,000.00 ~~for each offense~~.

SECTION 28: Subsection B of Section 10.04.010, "State traffic laws adopted" of Chapter 10.28, "Miscellaneous Vehicle and Traffic Regulations," of Title 10 of the Winnetka Village Code, "Vehicles and Traffic," is hereby amended to provide as follows:

B. Any person who violates any provision of the Illinois Vehicle Code within the Village shall be subject to ~~the penalty provided for violation of this code.~~ a fine of not less than one hundred dollars ($100.00); provided that, if the maximum fine set by the Illinois Vehicle Code is less than one hundred dollars ($100.00), then the amount of the fine shall equal said statutory maximum. The maximum fine for any violation of any provision of the Illinois Vehicle Code within the Village shall be subject to The

maximum fine for any the Illinois Vehicle Code shall be seven hundred fifty dollars ($750.00); provided that, if the maximum fine set by the Illinois Vehicle Code is more than seven hundred fifty dollars ($750.00), then the maximum fine shall equal said statutory maximum.

SECTION 29: Section 10.08.080, "Penalties," of Chapter 10.08, "Administration and Enforcement," of Title 10 of the Winnetka Village Code, "Vehicles and Traffic," is hereby amended to provide as follows:

Section 10.08.080 Penalties.

A. ~~Every~~Any person ~~convicted of a~~ found in violation of any ~~of the~~ provision~~s~~ of this chapter ~~for which no maximum penalty is specifically provided~~ shall be ~~punished by~~ subject to a fine of not less than one hundred dollars ($100.00) nor more than seven hundred fifty dollars ($750.00). Notwithstanding the foregoing, if the violation of this chapter is also a violation of the Illinois Vehicle Code, then the fine for such violation shall be subject to the limitations of section 10.04.010(B) of this code. ~~for each offense; provided, however, that the penalties for violation of the Illinois Size and Weight Law shall be those set forth in such law.~~

SECTION 30: Subsection C of Section 10.24.110 of Chapter 10.24, "Parking," of Title 10 of the Winnetka Village Code, "Vehicles and Traffic," is hereby amended to provide as follows:

C. Schedule of Fines for Parking Violations. Fines for parking violations shall be assessed as follows:

1. If paid within ten (10) days or less after the date of the citation alleging the violation, the fine shall be:

a. ~~Twenty-five~~ Thirty-five dollars ($35.00) ~~($25.00)~~ for each of the first, second and third violation within any twelve (12) month period;

b. Fifty dollars ($50.00) for each of the fourth, fifth and sixth violation within any twelve (12) month period;

c. One hundred dollars ($100.00) for each of the seventh, eighth and ninth violation within any twelve (12) month period; and

d. One hundred fifty dollars ($150.00) for the tenth violation within any twelve (12) month period, and for each violation thereafter within any twelve (12) month period.

2. If paid more than ten (10) days after the date of the citation alleging the violation, but prior to court hearing, the fine shall be:

a. ~~Thirty-five~~ Forty-five dollars ($45.00) ~~($35.00)~~ for each of the first, second and third violation within any twelve (12) month period;

b. Sixty dollars ($60.00) for each of the fourth, fifth and sixth violation within any twelve (12) month period;

c. One hundred ten dollars ($110.00) for each of the seventh, eighth and ninth violation within any twelve (12) month period; and

d. One hundred sixty ($160.00) for the tenth violation within any twelve (12) month period, and for each violation thereafter within any twelve (12) month period.

3. If not paid prior to court hearing, then upon a finding of guilty the fine shall be:

a. A minimum of thirty-five dollars ($35.00) and a maximum of one hundred fifty dollars ($150.00) for each of the first, second and third violation within any twelve (12) month period;

b. A minimum of sixty dollars ($60.00) and a maximum of one hundred fifty dollars ($150.00) for each of the fourth, fifth and sixth violation within any twelve (12) month period;

c. A minimum of one hundred ten dollars ($110.00) and a maximum of one hundred sixty dollars for each of the seventh, eighth and ninth violation within any twelve (12) month period; and

d. A minimum of one hundred sixty dollars ($160.00) and a maximum of one hundred seventy-five ($175.00) for the tenth violation within any twelve (12) month period, and for each violation thereafter within any twelve (12) month period.

SECTION 31: Section 10.28.110, "Use of mobile telephones" of Chapter 10.28, "Miscellaneous Vehicle and Traffic Regulations," of Title 10 of the Winnetka Village Code, "Vehicles and Traffic," is hereby amended by adding a new subsection C, which shall provide as follows:

C. Any person found guilty of violating the provisions of this section shall be subject to a fine of seventy-five dollars ($75.00).

SECTION 32: Section 10.32.050, of Chapter 10.32, "Bicycles," of Title 10 of the Winnetka Village Code, "Vehicles and Traffic," is hereby amended to provide as follows:

Section 10.32.050 Penalties; ~~–~~Impounding.

A. Fines. Any person ~~thirteen (13) years of age or older~~ who commits a violation of this chapter shall be subject to a fine of twenty-five dollars ($25.00) if paid within ten (10) days after the date of the Police Department citation alleging such violation, and to a fine of fifty dollars ($50.00) if paid after ten (10) days from such date. Notwithstanding the foregoing, any person under the age of thirteen (13) years who commits a violation of this chapter shall be subject to a fine of no more than five dollars ($5.00).

B. Impounding of Bicycle. The Chief of Police, in the exercise of his discretion, may impound a bicycle used in the commission of any violation of this chapter, provided the Chief of Police determines that such impoundment is necessary to protect the public safety and prevent further violations. ~~In addition to or in lieu of a fine, any person who commits a violation of this chapter may be penalized by the impounding of the bicycle used in committing any such violation~~ The impoundment shall be for a period for a period not ~~exceeding~~ more than thirty (30) days. ~~Such impounding shall be at the discretion of the Chief of Police.~~

SECTION 33: Section 12.04.070 of Chapter 12.04, "Streets and Sidewalks Generally," of Title 12 of the Winnetka Village Code, "Streets, Sidewalks and Public Places," is hereby amended to provide as follows:

Section 12.04.070 Private business on streets.

A. Except as provided in Section 5.20.010 of the Winnetka Village Code, it is unlawful for any person to use any public street or sidewalk as a place of business from or on which to make sales, display goods or merchandise, or conduct a business without specific prior approval of the Council.

B. Any person who violates this section shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than seven hundred fifty dollars ($750.00) for each offense.

SECTION 34: Section 12.04.080 of Chapter 12.04, "Streets and Sidewalks Generally," of Title 12 of the Winnetka Village Code, "Streets, Sidewalks and Public Places," is hereby amended to provide as follows:

Section 12.04.080 Deposits of harmful material.

A. It is unlawful for any person to deposit on any street, alley or public place any material which may be harmful to the pavement or sidewalk, or any waste material, or anything which might in any way cause injury to any person or vehicle.

B. Any person who violates this section shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than seven hundred fifty dollars ($750.00) for each offense.

SECTION 35: Section 12.04.090 of Chapter 12.04, "Streets and Sidewalks Generally," of Title 12 of the Winnetka Village Code, "Streets, Sidewalks and Public Places," is hereby amended to provide as follows:

Section 12.04.090 Depositing snow on street.

A. It is unlawful to plow or otherwise remove accumulated snow from a private parking lot, a private driveway, or any other private property, and deposit same on a Village street in a manner that decreases the street's drivable width.

B. Any person who violates this section shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than seven hundred fifty dollars ($750.00) for each offense.

SECTION 36: Subsection E of Section 15.32.140, "Construction Hours," of Chapter 15.32, "Construction Permits," of Title 15 of the Winnetka Village Code, "Building and Construction," is hereby amended to provide as follows:

E. Penalties. Any person who violates this section shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than seven hundred fifty dollars ($750.00) for each offense. In addition to such fine, and any other penalties provided in this code, a violation of this section shall constitute a sufficient basis for the revocation of any permit issued under the provisions of this code.

SECTION 37: This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 38: This Ordinance shall take effect immediately upon its passage, approval and publication as provided by law.

PASSED this ___ day of _____, 2014, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ___ day of _____, 2014.

Signed:

_____
Village President

Countersigned:

_____
Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this ____ day of _____, 2014.

Introduced:
Passed and Approved:

ATTACHMENT 1

VILLAGE OF WINNETKA
INTEROFFICE MEMORANDUM

TO: Rob Bahan, Village Manager

CC: Katherine Janega, Village Attorney

FROM: Patrick Kreis, Chief of Police

RE: Administrative Adjudication Fine Structure Recommendation

DATE: January 3, 2014

The proposed Administrative Adjudication process necessitates establishing fixed minimum fines for applicable violations. Fines need to be specified for each offense as persons cited may pre-pay the citation without appearing at a hearing, with some exception. Fines have been proposed for all ordinance violations subject to police enforcement. These fines have been incorporated into the suggested set of code amendments necessary to implement an Administrative Adjudication system.

In making fine recommendations, police staff balanced the goal of such sanctions with the perils of setting fines too high or low for a given offense. The Winnetka Police Department seeks to gain the public's compliance with state and local laws. Enforcement is a necessary *part* of gaining compliance. With that said, setting fines too low risks some offenses being disregarded as having meaningless consequence. Additionally, if fines are too low, the costs of running an Administrative Adjudication system are likely to exceed the fines and fees collected. Alternatively, excessive fines are rejected as unfair revenue grabs and often become the focus of the public, rather than the conduct leading to the citation. Enforcement personnel, supervisors and administrators become the recipient of excessive criticism. Other jurisdictions have discovered excessive fines often lead to less frequent or alternative enforcement measures as police officers, prosecutors and judges all exercise certain discretion in their duties.

In preparing the recommendations, staff has surveyed area communities whose Administrative Adjudication systems include ordinance violations enforced by police. A table is attached below and includes a survey of parking fines and village sticker violations from an even larger selection of area towns.

Parking Fines:

The average parking fine of eighteen communities is $36. Most Winnetka parking fines are presently $25, plus a $10 increase if not paid within 10 days. The data supports a recommended increase for the basic parking violation fine from $25 to $35, with the $10 increase after 10 days to remain. No change is recommended to the fine for failing to purchase or display a village vehicle sticker, which is currently $50 and compares closely to the fourteen community average of $57.

Ordinance Offense Fine Comparisons:

Beyond the parking and vehicle sticker offenses, the survey information becomes less useful. The table below includes ten violations typical of those enforced via an Administrative Adjudication system. The data demonstrates a wide range of fines different communities have established for the various offenses. With dozens of ordinances subject to enforcement via Administrative Adjudication, a more detailed survey would be cumbersome.

A more useful comparison can be made to the status quo of court imposed fines and fees associated with violations of these offenses. Such comparison has been discussed in previous agenda reports and public meetings. Most ordinance violations, other than animal and parking violations, do not currently allow for prepayment and require a court appearance. Whether an appearance is required or elected by the violator, the process presently results in $194 mandatory fees and costs on top of any fine assessed. Such costs and fees are only avoided where a person is found not guilty.

Violation	***Winnetka Fine***	***Minimum***	***Maximum***	***Average***	***# Returns***
Parking Violations	25	20	59	36	18
No Village Sticker	50	20	100	57	14
Non-moving Traffic	NA	20	50	31	8
Seatbelt Violations	NA	20	50	38	8
Vehicle Equipment Violations	NA	20	50	39	8
Dog at Large Dog violations	50	20	150	45	7
Bicycle violations	25	50	75	63	2
Disorderly Conduct	NA	25	250	133	6
Possession of Alcohol by a Minor	NA	25	250	137	6
Possession of Cannabis	NA	25	250	129	5
Soliciting Violations	NA	25	250	117	7
Trespassing Violations	NA	25	250	111	7

Non-moving Traffic Violations:

Most traffic tickets written to motorists presently have an associated minimum fine and fee of $147 if prepaid before a court date. These include non-moving traffic offenses. In the proposed fine structure, non-moving traffic violations would impose a $100 fine with the exception of a $75 fine for seat belt and wireless phone violations. The lower fine amount for those offenses mirrors what is set by statute for a state violation.

Other Offenses:
Several other ordinances require the establishment of a fixed minimum fine in order to enable police enforcement under the Administrative Adjudication process. Staff has recommended fines ranging between $25 and $250 depending on the violation.

Fixed Fines Necessary:
Parking violations presently result in escalating fines for multiple offenses. Current technology in use by the department enables escalating fines for such offenses. However such technology is not readily available to support the efficient enforcement of other offenses through an Administrative Adjudication process. As a result, fixed fines are recommended for all offenses other than parking violations. Village code will continue to allow for enforcement of all offenses with a circuit court citation. Should a repeat offender be identified, or should aggravating circumstances warrant, a police officer may issue a citation directing the matter to court where a judge has greater discretion to fine or impose other remedies as warranted. Technology improvements enabling the efficient enforcement of escalating fines for other offense are expected to be available in the next couple of years. As those systems become available, the Village may wish to reconsider additional escalating fines.

Agenda Item Executive Summary

Title: 976 Green Bay Road Appeal- Sprinkler Requirements

Presenter: Alan Berkowsky, Fire Chief

Agenda Date: 01/07/2014

Consent: ☐ YES ☑ NO

☐ Ordinance
☐ Resolution
☐ Bid Authorization/Award
☑ Policy Direction
☐ Informational Only

Item History:

Mr. Ken Richmond, owner of 976 Green Bay Road has requested that the Village Council review a requirement (from the Fire Department) to install sprinklers in a tenant space as a result of a change of use. The requirement is based upon existing Village Code. The sprinkler requirement was also identified as an action item in the Urban Land Institute Report. This memo summarizes the appeal as well as provides a history of the Ordinance.

Executive Summary:

The Village's sprinkler ordinance has been in effect since 1977. In an article dated January 22, 1977, the Winnetka Talk reported that, "Trustee Trindl introduced the proposed code revisions as a culmination of about four years of work between the council members, Village staff and Fire Marshal Gilbert Schmidt." Village Council apparently scrutinized this requirement very carefully. A small number of property owners have indicated that the sprinkler requirement has placed an undue burden on their ability to lease their property. However, many members of the business community have installed sprinkler systems over the years which have given them flexibility in their ability to attract a variety of tenants for their spaces.

The issue on whether the Sprinkler Code applies to certain occupancies has been in front of the Village Council in previous years. It has been appealed at least three times and each time it was upheld. Sprinklers are important in our commercial areas due to the inherent construction design of the buildings. This report will provide an in-depth background on sprinklers, as well as some historical perspective. It will also list some alternative solutions if Council feels that a change to the Code is needed.

Recommendation / Suggested Action:

Staff would recommend denial of the appeal.

Attachments:

-Berkowsky Memo, dated December 11, 2013
-Addendum 1: Richmond Appeal Correspondence
-Addendum 2: Existing Village Sprinkler Ordinance
-Addendum 3: Use Group Definitions (IBC)
-Addendum 4: Recent Sprinkler System Installs
-Addendum 5: D'Onofrio Memo- Actual Sprinkler Install Costs
-Addendum 6: Winnetka Commercial Fire Experience
-Addendum 7: Code Survey of Surrounding Communities
-Addendum 8: Fires in Similar Commercial Areas in Illinois

VILLAGE OF WINNETKA

INTERDEPARTMENTAL MEMO

TO: ROB BAHAN, VILLAGE MANAGER

FROM: ALAN BERKOWSKY, FIRE CHIEF

DATE: DECEMBER 30, 2013

SUBJECT: 976 GREEN BAY ROAD APPEAL/SPRINKLER REQUIREMENTS

Appeal

A pre-occupancy inspection was requested by Celeste Robbins (potential tenant) for the tenant space located at 976 Green Bay Road. Members from Community Development and the Fire Department conducted the pre-occupancy inspection on November 5th. The space is currently occupied by Leoleno, a retail store. The potential tenant is an architectural firm that would have some static displays and would be classified as a business. The inspection report noted that since this would be a change of use classification (mercantile to business), the Village Code requires the installation of a sprinkler system. The owner of the property (Ken Richmond, 430 Cedar Lane, Wilmette) requested a waiver of the sprinkler requirement on November 13th. This waiver was denied on November 14th and Mr. Richmond indicated he would appeal to the Village Council. Attached is the letter from the Fire Chief and appeal request (Addendum 1).

Per section 15.16.090 of the Village Code, the person may appeal to Village Council subject to the following conditions:

1. The basis of the appeal shall be a claim that the provisions of the Fire Prevention Code or the Life-Safety Code do not apply or that the provisions have been misconstrued or wrongly interpreted.
2. The appeal shall be initiated in writing within thirty (30) days from the date of the Fire Chief's decision or order.
3. The parties bringing an appeal to the Village Council shall have the burden of establishing that the Fire Chief's Decision or order was in error.
4. Decision on Appeal. The Council, in the exercise of its discretion, may uphold, reverse or modify the requirements of the Fire Chief.

Sprinkler Ordinance Overview

The Village's sprinkler ordinance has been in effect since 1977. In an article dated January 22, 1977, the Winnetka Talk reported that, "Trustee Trindl introduced the proposed code revisions as a culmination of about four years of work between the council members, Village staff and Fire Marshal Gilbert Schmidt." Village Council apparently scrutinized this requirement very carefully. The effect of the requirement is both tangible and intangible. The tangible effect is the cost associated with the installation of a sprinkler system. The intangible effect is the potential

saving of lives and property as a result of the sprinkler system when a fire occurs. A good example of this occurred just after the adoption of the sprinkler ordinance where a fire broke out on the stage of New Trier East High School in February of 1977. "It was the first time the sprinkler system was needed in the auditorium, built in 1956." (Winnetka Talk, February 17, 1977). Damage was limited to the stage area. The Village has been diligent in enforcing this Code over the years. As with any law, it is important to provide consistent and equitable enforcement. Waiving the requirement for one property over another will create challenges unless the decision is based upon a unique set of circumstances.

This report will provide an in-depth background on sprinklers as well as some historical perspective. It will also list some alternative solutions if Council feels that a change to the Code is needed. Regardless, I would recommend denial of the appeal unless the current Code is modified.

Sprinkler Systems by the Numbers

Percent of Buildings with Sprinklers in West Elm Commercial District	64%
Percent of Buildings with Sprinklers in East Elm Commercial District	62%
Percent of Buildings with Sprinklers in Hubbard Woods Commercial District	52%
Percent of Buildings with Sprinklers in Indian Hill Commercial District	45%
Percent of Businesses That Never Reopen After a Significant Fire[1]	43%
Percent Businesses That Never Reopen or Fail Within 3 Years of a Fire[1]	72%
Percent of Fires Controlled or Extinguished by a Sprinkler System[2]	91%
Average Number of Heads Required To Control or Extinguish a Fire[2]	2
# of Months Since a Fire in a Commercial Area Fire Similar to Our Commercial District	5 Months
Number of Businesses Lost in the Above Fire	8

1. Modernmachineshoponline.com 2. NFPA

Sprinkler Concerns

In 1977, the Winnetka Village Council enacted an ordinance that required fire sprinklers to be installed in any commercial building whenever there was a change of use (occupancy classification). This provided an avenue to protect the business district without being overly onerous. More importantly, due to the design of the business districts, these areas are more prone to devastating fires for the following reasons:

1. The proximity of the buildings to each other
2. The age of the buildings
3. Structural openings in walls/ceilings created over the years
4. Common elements of the buildings (i.e. basements, attics)
5. The amount of available fire load
6. Residential occupancies above the commercial uses

Each property has a direct impact (if a fire were to occur) on its neighboring properties due to the design of the commercial districts. Without sprinkler protection in these types of commercial blocks/areas, any type of fire can result in injuries, significant business interruption and/or permanent loss. The Village's sprinkler requirements were well thought out and provided the

business/property owner with sufficient time to plan for this upgrade in fire protection. Many communities have not only enforced a requirement for sprinklers in commercial buildings but have also implemented ordinances that require all new single family residential homes be sprinklered as well. The Winnetka sprinkler requirement has been in effect for 36 years. In that time, many business owners have invested in their buildings and installed sprinkler systems that will provide a significantly higher level of fire safety while giving them market flexibility in the use of the building as new tenants become available.

A few business owners in the past year have challenged the need for the installation of a sprinkler system when a change of occupancy occurred. It is important to note that the current and past administrations have always enforced this requirement with consistency in order to be effective and fair.

Regulatory Requirements

The Village's 2013 Technical Assistance Panel (TAP) process conducted by the Urban Land Institute (ULI) Chicago was in part spurred by a desire to increase the focus on economic development. ULI's final report (July, 2013), contained a number of recommendations, including:

> *"Evaluate change of use/fire sprinkler requirements in code; allow accessory uses within business without triggering a change."*

We have allowed businesses an accessory use which did not require the installation of sprinklers. However, there is a difference between an accessory use and a mixed-use occupancy. A mixed-use occupancy is a building or space that houses two or more use-group classifications (Addendum 3). Examples would be a retailer with a manufacturing component in the same space (Mercantile/Factory-Industrial Use) or an architectural firm with static displays of merchandise (Business/Mercantile Use.)

Examples of an occupancy with an accessory use include:

- A nail salon (business) that has a small area that sells nail polish and other beauty aids (mercantile)
- Sporting arena (assembly) with souvenir stands (mercantile)
- Pest control company (business) with an area to sell retail products (mercantile)

According to the International Building Code 2009 Edition (adopted by the Village) "Accessory occupancies are those occupancies that are ancillary to the main occupancy of the building or portion thereof (IBC 508.2). Incidental uses are typical functions that have a common element to the main use and are limited to 10% of the space" (IBC 508.2.1).

In order to determine whether an occupancy use remains the same or changes to a mixed-use, we follow the adopted code in which the factor of 10% of the occupancy is used as the criteria for determining whether it is a mixed-use or just incidental to the main use. The main problem with an accessory use is it is very difficult to monitor over time.

Modification Options

If there is a desire to modify the current Code, I have provided some options for Council to consider.

Option 1

Modify Current Code with Some Economic Development Incentives

Maintain the current code but eliminate Exceptions #2 and #3 so there is no gray area in the decision process (Addendum 2).

And

Encourage economic development and safety by establishing an Economic Development Fund that would supplement a portion of the cost of a sprinkler system by covering the fee to install the new water service. The Village's fees for installing a sprinkler system include:

- Water Service Tap Fee: Between $2,000 - $3,000
- Street Opening/Restoration Fee: Between $1,500 - $2,500
- Plan Review Fee: $400 - $865
- **Total Range of Village Fees: $3,900 - $6,365**

On the average, the Change of Use requiring a sprinkler system occurs three to four times a year (Addendum 4). I would suggest waiving the water tap, street restoration and plan review fees. The overall savings to the business owner would be up to $6,365. This would reduce the impact (of the cost of the sprinkler system) to the business while maintaining the existing safety standard. The tangible cost to the Village would be in the area of $2,500 for actual supplies and payments to third party vendors.

Option 2

Adopt an Overall Retrofit Ordinance for Certain Commercial Structures/Areas

Adopt a retrofit ordinance specifying certain commercial areas or structures to install a sprinkler system within a defined retrofit period (i.e. ten to twelve years). The ordinance could be drafted with a phased-in approach requiring certain components of the system to be completed every two or three years. This creates a level playing field and eliminates the case-by-case decisions.

Option 3

Be More Specific on Which Buildings Would Require Sprinklers

The current Ordinance requires any commercial space that has a change of use to install sprinklers. However, there are some commercial areas (typically outside the east/west Elm and Hubbard Woods) that do not have the same concerns. Below are some examples of buildings that could be exempt from the requirement for a change of use. Any significant remodeling or renovations would still require that they meet the requirements of the 2009 International Building Code.

Exempt certain structures that meet the following three criterions:

a. A single story structure on a slab (no basement)
b. Unobstructed fire department access to, at least, two sides of the building.
c. The tenant space does not exceed 5,000 square feet.

OR

Any change to a business use group where there is no residential space within the same building.

It is important to note that there is a high percentage of residential over commercial in the east/west Elm and Hubbard Woods shopping districts that would still require sprinklers in the event of a change of use. The significant concern for this type of property is that the commercial areas are typically vacated during the evening hours and any fire could obstruct the ability of the residents from safely evacuating from above. A working sprinkler system would control or extinguish the fires, providing for a safe evacuation.

Summary

A small number of property owners have indicated that the sprinkler requirement has placed an undue burden on their ability to lease their property. However, many members of the business community have installed sprinkler systems over the years which give them flexibility in their ability to attract a variety of tenants for their spaces. The issue on whether the Sprinkler Code applies to certain occupancies has been in front of the Village Council in previous years. It has been appealed at least three times and each time it was upheld. Sprinklers are important in our commercial areas for the reasons stated earlier. It is truly the best protection against a devastating fire. It is a difficult task to balance regulatory requirements while encouraging economic development.

We have made great strides since 1977 with an average overall compliance rate of 59% in the East & West Elm and Hubbard Woods commercial districts. I am hoping we can continue to work towards a 100% compliance rate in the future.

Addendum 1

Richmond Appeal Correspondence

December 3, 2013.

Robert M. Bahan,
Winnetka Village Manager,
510 Green Bay Road,
Winnetka, Illinois, 60093.

RE: Automatic Fire Extinguishing System Appeal

Dear Mr. Bahan;

As per the enclosed documents from the Winnetka Fire Chief, I am formally requesting an appeal to the new requirement for a fire suppression system at 976 Green Bay Road. I have owned this property since 1990 and have never been required to provide a fire suppression system, even with previous "mixed use" tenants. The cost to install this type of system prohibits my potential new tenant from leasing the space, leaving it unoccupied, like the multitude of empty spaces on Green Bay Road, as of March 1, 2014. Additionally, as stated by Fire Inspector Randy Fromm to my new tenant, had she opted to rent the space 2 doors north, there would be no requirement for the system. That space is in my same building, indicative of a lack of fairness regarding the new requirement.

Please let me know when the appeal to the Village Council will be heard, and I thank you for your assistance.

Yours truly,

Kenneth Richmond, M.D.

847 370-9745
klrmd@msn.com

WINNETKA FIRE DEPARTMENT

Alan J. Berkowsky, Fire Chief

November 14th, 2013

Dr. Ken Richmond
430 Cedar Lane
Wilmette, IL 60091

RE: 976 Green Bay Road
Appeal of Inspection Requirement

Dear Dr. Richmond:

On November 5th, a pre-occupancy inspection was conducted by the Winnetka Community Development and Fire Departments at the above captioned address. Ms. Celeste Robbins requested the inspection to determine what modifications, if any, would be required for her to relocate her architectural business to this location. The space is currently occupied by a retail store.

Based upon the pre-inspection and data collected by Fire Inspector Fromm, it was determined that the use of the space was changing from retail to business thus triggering the Village's sprinkler requirements (Winnetka Village Code 15.16.050 "Amendments to the Standards for Installation of Automatic Fire Extinguishing Systems…") to the aforementioned space. Over the course of several days, you made an exception request to both Inspector Fromm and Deputy Fire Chief John Ripka. Both of these conversations resulted in the Fire Department denying your request to waive the sprinkler requirements for this space.

Subsequently, I received a request for appeal of the sprinkler requirement on November 13th, 2013. The application of the requirements for sprinklers has been in the Village Code since 1977. The trigger for the requirement of a sprinkler system is a change of use. With the occupancy changing from retail to business, Inspector Fromm correctly applied the code requirement. Though I understand your frustration, the requirement has been applied consistently over the years to avoid unfair application or inconsistent waivers of the requirements. Thus, I cannot waive the requirement in this instance.

However, the Village Code does allow you to appeal the decision of the Fire Chief to Village Council. The requirements for the appeal are as follows:

1. The basis of the appeal shall be a claim that the provisions of the Fire Prevention Code or the Life Safety Code do not apply or that the provisions have been misconstrued or wrongly interpreted.

2. The appeal shall be initiated in writing within thirty (30) days from the date of the Fire Chief's decision or order.

3. The party bringing an appeal to the Village Council shall have the burden of establishing that the Fire Chief's decision or order was in error.

428 Green Bay Road * Winnetka, Illinois 60093 * (847) 501-6029 * Fax (847) 446-7989
"Proudly Serving Winnetka, Kenilworth and Unincorporated New Trier Township"

In order to facilitate the process of having your appeal heard by the Village Council, please remit a written appeal within the guidelines of 15.16.090 cited above to:

Robert M. Bahan, Village Manager
Re: Automatic Fire Extinguishing System Appeal
510 Green Bay Road
Winnetka, IL 60093

Once your formal appeal is received by the Office of the Village Manager, you will receive further instructions on proceeding to a hearing with the Village Council. Please be sure to include a copy of this letter with your formal appeal to the Office of the Village Manager.

Respectfully,

Alan J. Berkowsky
Fire Chief

428 Green Bay Road * Winnetka, Illinois 60093 * (847) 501-6029 * Fax (847) 446-7989
"Proudly Serving Winnetka, Kenilworth and Unincorporated New Trier Township"

Addendum 2 – Existing Village Sprinkler Ordinance

Section 15.16.050 Amendments to the Standards for Installation of Automatic Fire Extinguishing Systems, National Fire Protection Association (NFPA) Publication 13, 2010 Edition.

A. **Amendments.** The following provisions of the Standards for Installation of Automatic Fire Extinguishing Systems, National Fire Protection Association (NFPA) Publication 13, 2010 Edition are amended for adoption by the Village.

1. **Title.** The Standards for the Installation of Sprinkler Systems, 2010 Edition, also known as NFPA Publication 13, shall be known as Automatic Sprinkler Regulations of the Village of Winnetka.

2. **Applicability.** Except as provided in paragraph 3 of this subsection A, automatic fire extinguishing systems, installed in accordance with the standards set forth in NFPA Publication 13, Standard for the Installation of Sprinkler Systems, 2010 Edition, or alternate similar fire suppression systems as approved by the Fire Chief, shall be installed in all buildings used for the following occupancies:

a. Assembly occupancy used for gathering together six or more persons;
b. Any occupancy where there is an activity involving the use of flammable liquids or gases or where flammable or combustible finishes are applied;
c. Mercantile occupancy;
d. Institutional occupancy;
e. Multifamily residential occupancy;
f. Educational occupancy;
g. Business occupancy; or
h. Storage occupancy.

3. **Exceptions.** The requirements of the foregoing paragraph 2 shall not apply where the use or occupancy: (1) is the same as it was prior to the amendment of this section effective on February 15, 1977; (2) has continued without change or, if there has been a change, the change does not increase the hazard to life or property; and (3) does not constitute a distinct hazard to life or property as determined by the Fire Chief.
(Prior code § 26.17)

4. **Terms.** The terms used in this section shall have the same meanings as those terms have in the Fire Prevention Code and the Life Safety Code adopted by this chapter.
(MC-4-2012, § 24, Amended, 07/17/2012; MC-6-2010, § 5, Amended 10/5/2010; MC-10-2006, Amended, 12/19/2006; MC-3-2005, Amended, 06/21/2005)

<u>Section 15.16.090</u> Appeals.

A. Appeal to Village Council. A person who has applied for a permit or received an order from the Fire Chief may take an appeal to the Village Council from a decision of the Fire Chief disapproving or denying an application for a permit, or from an order of the Fire Chief requiring any fire prevention or safety-to-life measures to be taken. The appeal shall be subject to the following conditions:

1. The basis of the appeal shall be a claim that the provisions of the Fire Prevention Code or the Life Safety Code do not apply or that the provisions have been misconstrued or wrongly interpreted.

2. The appeal shall be initiated in writing within thirty (30) days from the date of the Fire Chief's decision or order.

3. The party bringing an appeal to the Village Council shall have the burden of establishing that the Fire Chief's decision or order was in error.

B. Decision on Appeal. The Council, in the exercise of its discretion, may uphold, reverse or modify the requirements of the Fire Chief.

(Prior code § 26.09) (MC-6-2010, § 4, Amended 10/5/2010; MC-3-2005, Renumbered, 06/21/2005)

Addendum 3 – Use Group Definitions

Below is a summary of each "Use Group":

Assembly Use Group: Assembly uses include theaters, banquet halls, restaurants, sporting arenas and the other like occupancies.

Business Use Group: The Business Use Group includes offices, banks, government buildings, etc.

Educational Use Group: Educational use group is defined as the gathering of six or more people for educational purposes through the 12th grade.

Factory Industrial Use Group: This includes the use of a building or portion thereof for the assembling, fabricating, finishing, manufacturing, packaging, repair or process operations.

Hazard Use Group: Hazard Use Group includes the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard in quantities in excess of those allowed by the Code.

Institutional Use Group: Buildings or structures for which people are cared for or live in supervised areas such as hospitals, nursing facilities, child care centers.

Mercantile Use Group: The Mercantile Use Group includes any building or structure that is used for the sale or display of merchandise.

Mixed Use Occupancy: For a building that has mixed uses, it must be protected to the highest hazard.

Residential Occupancy: Sprinklers are required in all residential use groups other than one/two family dwellings.

Storage Use Group: Buildings or portions thereof used for the storage of materials.

Addendum 4
Sprinkler System Installations
Impacted by Change of Use Requirements
2009 - Current

Date	Occupancy ID	Building	Installation Reason
2/19/2009	WW40-04	858 Green Bay *	Change of use.
11/23/2009	WW40-05	852 Green Bay *	Change of use.
2/11/2010	EW19-01	576-580 Lincoln	Addition to existing building.
3/30/2010	WW18-01	551-553 Chestnut	Below grade office / work area and storage.
5/12/2010	WW40-01	850-858 Green Bay	Change of use.
7/20/2010	WW38-01	750 Green Bay	Below grade office / work area and storage.
7/18/2011	WW15-01	791 Elm	Upper level build out change of use.
11/29/2011	EW08-03	728 Elm St.	Change of use.
1/24/2012	HW41-05	1007 Green Bay	Change of use.
2/2/2012	HW05-01	901-905 Green Bay	Below grade change of use.
2/9/2012	WW33-01	954 Green Bay	Change of use.
2/16/2012	EW08-08	720 Elm	Change of use.
2/28/2012	HW19-01	1041-1049 Tower & 856-890 Green Bay	Change of use.
4/2/2012	WW07-06	813 Chestnut Court	Change of use.
12/6/2012	HW14-02	1052 Gage	Change of use.

If option 3 were adopted, these two properties would not have been required to be sprinklered based upon a single story on slab with no residential occupancies.

Addendum 5

Village of Winnetka
Community Development

Memo

To: Alan Berkowsky, Fire Chief

From: Mike D'Onofrio, Director of Community Development

Date: December 30, 2013

Re: Fire Sprinkler Installations

In light of our discussions concerning potential changes to the fire sprinkler regulations, I have put together some cost data information. Specifically, I checked five commercial properties where portions of the buildings were retrofitted with fire sprinklers.

Based on my review of these cases I was able to determine the following:

- The five properties reviewed included tenant spaces in existing multi-tenant buildings, including both one-story and multi-story buildings.
- The average size of the tenant space where a fire sprinkler system was installed was 2,100 s.f.
- The type of installation ranged from the relocation and addition of several sprinkler heads, to the installation of an entire system including a new water service, backflow preventer, piping system and pendants.
- The costs ranged from a low of $2,000 (for addition of 15 sprinkler heads to an existing system), to a high of $33,200 (for installation of new water service, backflow preventer, piping system and pendants).
- Depending on the scope of the installation, the following Village fees/costs can be charged.
    - Water tap and meter - $2,900
    - Street replacement - $1,500
    - Right-of-Way opening - $125.
    - Plan review fee $400 - $865 (depending on number of heads installed)
- With respect to the actual cost of piping, according to several sprinkler installation companies they estimate $5/s.f. for occupied buildings. They also stated that the cost of an RPZ (backflow preventer) valve installed is $7,000.

- The cost of installation of a new water service is quite variable based on the length of the service to be installed. As of this time I am still checking with contractors in order to determine a linear foot cost. I am fairly confident however that at a minimum the cost would be in the neighborhood of $5,000 to $6,000.

Based on a review of the data, the following conclusions can be made:

1. Approximately 40% of all sprinkler systems installed required the installation of a new water service, backflow preventer and piping system.
2. The average cost of the five projects reviewed was approximately $14,000 (based on construction cost estimates provided by permit applicant).
3. The average cost of Village-related fees for these projects was $2,160, or 15% of the total cost.
4. Under the scenario where a tenant space (2,000 s.f.) needs to add sprinklers, where other portions of the building are already sprinklered, it is estimated that the cost would be approximately $10,000.
5. Under the scenario where the tenant space (2,000 s.f.) needs to add sprinklers, and there are no other sprinklers in the building, the estimated cost is approximately $30,000.

I hope this information provides more insight as to the cost impact of sprinkler systems in existing commercial spaces. Please let me know if you need additional information, or have any questions.

Addendum 6 – Commercial Fire Incidents in Winnetka

I have included a list of fires that have occurred in Winnetka over the last few years. It is important to point out that when a fire occurred in a building that had sprinklers, the damage was minimal and the building was able to return to full operation in a very short time period. Though the 4:17AM fire at Faith, Hope and Charity is not in the business district, it is a good example of a fire that could have easily destroyed the building if not for the sprinkler system. In direct contrast, the fires that occurred in buildings without sprinkler systems, the dollar loss was significantly higher. For instance, the fire that occurred above Johnson's Fish Market in 2005 resulted in the Fire Department having to rescue a sleeping teenager and dog from within the apartment where the fire originated. All three apartments in the structure were uninhabitable due to fire and smoke damage.

Date	Time	Address	Establishment	Use	Sprinklers
5/25/2012	**11:37pm**	**925 Green Bay**	**Gap Clothing store**	**Mixed use - residential over commercial**	**Full**
Exterior fire on roof/deck over commercial area. Extinguished by fire department.			***Loss - $25,000**		
Date	**Time**	**Address**	**Establishment**	**Use**	**Sprinklers**
12/18/2009	**3:23pm**	**620 Lincoln**	**Winnetka Community House**	**Assembly**	**Full**
Fire on the stage in the auditorium. Fire was controlled by sprinkler system.			***Loss - $25,000**		
Date	**Time**	**Address**	**Establishment**	**Use**	**Sprinklers**
9/10/2009	**4:17am**	**200 Ridge**	**Faith, Hope and Charity School**	**Educational Use – Church**	**Partial**
Fire in utility closet. Fire was controlled by sprinkler system			***Loss - $5,000**		
Date	**Time**	**Address**	**Establishment**	**Use**	**Sprinklers**
2/28/2007	**3:01pm**	**505 Chestnut**	**LaBella's Restaurant**	**Mixed use - Residential over assembly**	**Partially sprinklered at time of fire (now fully sprinklered)**
Fire in void space between ceiling and roof area. Extinguished by fire department			***Loss - $350,000 (Restaurant never re-opened after fire)**		
Date	**Time**	**Address**	**Establishment**	**Use**	**Sprinklers**
11/24/2006	**10:08pm**	**718-732 Elm**	**Samida Complex**	**Mixed use - Institutional, business, mercantile**	**Partial**
Fire in common hallway. Extinguished by fire department.			***Loss - $50**		

Date	Time	Address	Establishment	Use	Sprinklers
6/12/2005	**7:19am**	**809 Elm**	**Johnson's Fish Market**	**Mixed use - Residential over commercial**	**Non-sprinklered building**
Fire in apartment on second floor. Sleeping teenager & dog rescued. Flames from window on arrival, extinguished by fire department.			*** Loss - $110,00 (multiple residents displaced from fire)**		

Date	Time	Address	Establishment	Use	Sprinklers
4/1/2004	**9:01pm**	**896 Green Bay**	**Trooping the Colour Clothing Store**	**Mixed use - Residential over commercial**	**Non-sprinklered building**
Fire in basement of clothing store. Extinguished by fire department			*** Loss - $400,000 (multiple residents displaced from fire/business never reopened.)**		

Addendum 7 – Surrounding Community Code Survey

A survey was performed of neighboring municipalities to determine their requirements for sprinklers in existing commercial occupancies. The results are as follows:

Municipality	Date	Source
Glencoe	9-11-12	Chief Volling
Existing: Any change of use of the occupancy classification.		

Municipality	Date	Source
Highland Park	9-11-12	Chief Tanner
Existing: * Per 2009 Building/Fire Code		

Municipality	Date	Source
Lake Forest	9-5-12	Chief Howell
Existing: Renovation involving 50% or more of area or structure Two or more building systems being replaced Change in occupancy classification that increases risk to life/fire		
Additional: In the opinion of the Fire Chief or Director of Community Development that sprinklers are needed for a specific occupancy.		

Municipality	Date	Source
Northbrook	9-6-12	Chief Nolan
Existing: Change of use classification which increases the fire hazard of the structure Any addition of 2,000 square feet or more Any building greater than 4,000 square feet.		

Municipality	Date	Source
Northfield	12-10-13	Ordinance
Existing: Change to a more "intense" occupancy or use Renovations in excess of fifty percent (50%) of the fair market value of property		

Municipality	Date	Source
Wilmette	9-11-12	Chief Dominik
Existing: * Per IFC/IBC Code		

*The following information is the basic code requirements for sprinklers under the International Building Code (IBC), the International Fire Code (IFC) and the NFPA Life-Safety Code. Typically, sprinkler requirements are found in Chapter 9 of the IBC. However, there are many other factors that the Code takes into account to determine if sprinklers are required.

Addendum 8 – Commercial Fires

The following articles depict fires in commercial areas similar to the commercial areas in Winnetka.

ABC 7 Reporters Jason Knowles and Ravi Baichwal

November 10, 2010 (LOCKPORT, Ill.) (WLS) -- Approximately 75 firefighters responded to an extra-alarm fire Wednesday that destroyed four businesses.

Firefighters continued to investigate the scene late Wednesday morning, combing through the charred building to determine how the fire started.

No one was seriously hurt, but because the businesses burned down, some families now have to start over.

The fire tore through the string of businesses in the historic part of downtown Lockport just before 2 a.m. Wednesday. The now-charred building is attached to a boarded-up hotel and bar that burned down in a deadly fire in 2008.

"Bad luck, and unfortunately, four businesses. In this economy, if you lose a business, that's bad for the town," said Lockport Fire Chief Dave Skoryi. "When you're dealing with older buildings, they have timber construction which isn't used anymore."

The losses from the latest fire scene include an insurance company, a denim store, a bowling alley in the basement and Stephenson Photography.

"We had all of our customer files, our negatives, every event that ever happened in Lockport in the past --how many-- years," said Mary Pierson of Stephenson Photography. "It was all in there. It's all gone."

Some of the other business owners say they are not sure if they will re-emerge.

"With the wiring and stuff like that, it would probably have to be from the ground up because I'm sure all the water went down into it. We were down in the basement. We were below the other three businesses," said Lockport Lanes' Mike Stropkovic.

Then, there's the Henderson family. Mr. and Mrs. Henderson just rebuilt and moved their denim store, Weber Denim, after losing everything in yet another fire last year. They reopened in the now-destroyed Lockport building and had been planning on handing their business over to their son.

"A big loss. A lot of personal items, besides just the merchandise. A lot of hard work went into putting it all together. I just feel like, 'Pinch me.' It's a dream. It hasn't really hit me yet," shop owner Anna Henderson said.

Firefighters say they saved a man and a woman from an apartment next door to the burned building. The couple was treated on the scene and refused to be taken to the hospital.

"They helped us out. We had trouble breathing. They put us into an ambulance and had us checked out," said Brittany Arteaga who was rescued from the blaze.

"When engine company four got here, they went to the apartment building above," said Skoryi. "Smoke was so thick they couldn't see anyone, but they heard a female yelling. They were able to locate her and her husband and guide them out to safety."

Investigators say it will take days to determine a cause for the fire, but witnesses say they heard and saw and explosion.

"All of a sudden the building blew up across the street from my house. Literally, I thought my windows was going to get blown out. It was crazy," said witness Chazarae Musaraca.

Firefighters from several different suburban departments to put out the fire. None of them was injured.

Most business owners tell ABC7 Chicago they have insurance. Some say they are not sure if they will reopen. Even if they do, it will take time to do so, and they say they are losing money every day their businesses are closed.

But for a town that has rebuilt from flames before, there is confidence even the setback can be overcome

"As soon as we get them back in place, we hope to increase investment in the community because we have other buildings that have suffered from fire," said Tom Alves, Tallgrass Restaurant.

THURSDAY, AUGUST 11, 2011

Downtown Villa Grove, IL Fire

I was alerted by a text message from David Bellmore around 6:30 PM of a major fire in the downtown district of Villa Grove, a smaller town about 20 miles south of Champaign-Urbana, suggesting I go document the blaze. I quickly made my way and grabbed the camera gear and hit the road. Immediately upon exiting Urbana on Route 130 southbound I could see the smoke plume, from nearly 20 miles away. It wasn't hard to spot either. Not like an "oh yeah, something must be going on way down there" but more of a "oh crap."

Anyway, for an event such as this I will simply let the photos do the talking. It was very fun to later meet up with David, who also happens to be a fire fighter for the Edge-Scott FPD who was called from Urbana to assist in the fire.

I'm all for sharing by the way, but please don't let me find these images on other sites with my name cropped out. That's stealing.

Photos by Andrew Pritchard, DeKalb, Illinois

MINONK — Flames that ripped through a row of historic buildings Wednesday morning occupied firefighters from throughout the region for hours and claimed two long-standing businesses in the city.

Four storefronts were destroyed by a blaze that appears to have begun about 4:15 a.m. in a former video rental business in the 500 block of Chestnut Street.

From there, flames spread to adjacent businesses in the connected structure, claiming buildings from the Minonk IGA grocery store to the corner of Fifth and Chestnut streets.

"We don't have a lot of retail in our downtown, and this hurts," Minonk city administrator Doug Elder said. "We lost a lot of history today."

Two of the businesses - the law office of Ned Leiken and the Meyer-Jochums Insurance Agency - were still operational. Elder said owners of the insurance agency have long been supporters of community initiatives. Those owners could not be reached for comment Wednesday.

"It's sad for out downtown, and it's our hope these active businesses will rebuild downtown," Elder said. "Time will tell."

The Minonk IGA, which was immediately adjacent to one of the buildings that burned, was spared damage from the fire. The grocery store, however, lost power because of the flames and likely lost perishable products.

Elder said the buildings were more than 100 years old, and the extent of damage prevented them from being salvaged. As firefighters continued to douse hot spots in the rubble, a track hoe was brought in to begin demolition of the structures.

The walls were being collapsed as a matter of public safety and to protect adjacent properties, Elder said.

"It's a public hazard right now," he said as the first walls began to come down.

Elder praised the efforts of the Minonk Fire Department and expressed gratitude to other departments from Woodford County and beyond for assistance.

"The Minonk Fire Department just did a heroic job of preventing the fire from taking the entire block," he said.

In addition, the Central Illinois Chapter of the American Red Cross responded to the area with its emergency response vehicle. Volunteers mobilized shortly after 8 a.m.

"It's for mass care, and it's our volunteers who provide drinks and snacks to first responders," said Erin Miller, chapter spokeswoman. "From what we understand, it's probably going to be on for most of the day."

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October 26, 2011

Fire in downtown Macomb

August 12, 2000 - These images are of area firefighters fighting the fire that broke out in downtown Macomb, Illinois in the early afternoon of Saturday, 12 August 2000. The sequence begins Saturday afternoon and concludes with the post-fire cleanup Sunday evening. Buildings involved in the blaze were on the southeast corner of the Carroll and Lafayette St. intersection (between the Square and Chandler park). Businesses affected by this blaze include:

- Gemini Hair Salon (demolished)
- Copperfield & Company Booksellers (demolished)
- Tech Pro Computing (demolished)
- Family Eyewear (demolished)
- Damone's Restaurant (demolished)
- Hartmann Photography (demolished August 2001)
- Stitching Post (demolished August 2001)

Several apartments were also destroyed. Among the fire squads responding to the blaze were Macomb, Good Hope, Blandinsville, Emmet-Chalmers, New Salem, Bushnell, Colchester, Carthage, Rushville and Industry.

Update: September 4, 2001. A year, the 2 remaining buildings have just been demolished. The site of the other demolished buildings is clear of debris, level and grass is growing. Business status report:

- Stylists from Gemini have joined other salons
- Copperfield & Company re-opened Sept 5, 2000, at 118 North Side Square
- Family Eyewear's John Malinak operated out of his home for about a year, then opened a new office on the east edge of Macomb, before closing the business in the Fall 2002.
- Hartmann Photography relocated to 119 North Randolph (2nd floor above Century 21 Purdum-Epperson)
- The Stitching Post moved to the north side of the Square.

Prophetstown Downtown Area Fire
July 15, 2013
Destroyed eight (8) downtown businesses

Jersey City, New Jersey November 27, 2013