

**Winnetka Village Council
REGULAR MEETING
Village Hall
510 Green Bay Road
Tuesday, May 5, 2015
7:00 p.m.**

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.

AMENDED AGENDA

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Quorum
 - a) May 12, 2015 Study Session
 - b) May 19, 2015 Regular Meeting
 - c) June 2, 2015 Regular Meeting
- 4) Approval of Agenda
- 5) Consent Agenda
 - a) Approval of Village Council Minutes
 - i) April 14, 2015 Study Session.....3
 - ii) April 21, 2015 Regular Meeting6
 - b) Approval of Warrant List dated April 17 to 30, 2015.....10
 - c) Ordinance No. M-10-2015: 1050 Spruce Street, Variations for the Construction and Use of a New Detached Garage – Adoption11
 - d) Resolution No. R-9-2015: Kenilworth Intergovernmental Agreement for Fire Prevention Services – Adoption33
- 6) Stormwater Report: None.
- 7) Ordinances and Resolutions: None.
- 8) Public Comment
- 9) Old Business:
- 10) Reports

- 11) Seating of the New Village Council
 - a) Village Clerk’s Report: Election Results
 - b) Administration of Oath of Office to Trustee-elect Andrew Cripe, Trustee-elect Scott Myers, Trustee Bill Krucks, and President-elect Gene Greable.
 - c) Call the new Council to Order
- 12) Ordinances and Resolutions
 - a) Commendation Resolutions
 - i) Resolution No. R-11-2015: Commending Trustee Richard Kates – Adoption43
 - ii) Resolution No. R-12-2015: Commending Trustee Arthur Braun – Adoption.....44
 - iii) Resolution No. R-13-2015: SWANCC Board Appointments – Adoption45
- 13) Public Comment
- 14) New Business: None.
- 15) Appointments
 - a) Council Organization
- 16) Reports
- 17) Executive Session
- 18) Adjournment

NOTICE

All agenda materials are available at villageofwinnetka.org (Government > Council Information > Agenda Packets & Minutes); 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: <http://winn-media.com/videos/>

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

April 14, 2015

(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, April 14, 2015 at 7:00 p.m.

- 1) Call to Order. President Greable called the meeting to order at 7:01 p.m. Present: Trustees Arthur Braun, Carol Fessler, Richard Kates, William Krucks, Stuart McCrary and Marilyn Prodromos. Absent: None. Also in attendance: Village Manager Robert Bahan, Assistant to the Village Manager Megan Pierce, Fire Chief Alan Berkowsky, Deputy Fire Chief John Ripka, and approximately 16 persons in the audience.
- 2) Sprinkler Requirements for Commercial Buildings. Chief Berkowsky explained that the issue of amendments to the fire sprinkler ordinance was first brought up in February, 2014 during a review of the existing fire sprinkler regulations. Several discussions have been held since then, including review of a draft retrofit ordinance, which was rejected after a survey of Winnetka business owners revealed that a majority opposed it. Last November, after the Council concluded that a retrofit ordinance was not a good fit for the community, staff was asked to study the “change of use” provision in the current sprinkler code.

Chief Berkowsky reviewed a table of proposed amended uses, and he also proposed eliminating language granting the Fire Chief discretion in appeal situations, to enable more consistent enforcement. The Chief noted that the proposals in the amended use table are less restrictive, and would have resulted in 50% less sprinkler installations had it been in use over the last 20 years.

Trustee Kates commented that he would only want to require sprinklers when a change of use creates a greater fire hazard, since the sprinkler installation is such a large expense for the building owner. The Chief noted that most fire deaths occur in residential dwellings, and that business uses are a threat to the residential occupancies. He explained that Winnetka’s building stock is unique with respect to proximity, age of structures, residential above commercial, and the size of basement storage spaces.

The Chief explained that the change of use provision in the sprinkler code is intended to provide a trigger for installation of the sprinklers, rather than a determination of a greater fire hazard.

The Council discussed the proposed sprinkler code modifications at length, with several Trustees preferring a greater fire hazard metric to replace the change of use standard. Chief Berkowsky explained that it would be difficult to determine the greater hazard, and further research would need to be conducted.

Trustee Krucks said the Council needs to decide if the Village still has an interest in advancing the installation of fire sprinklers in commercial buildings. He noted that the current ordinance may contribute to demolitions, since once the cost of a building rehabilitation passes a certain point, current building code compliance becomes mandatory.

Trustee Fessler suggested prioritizing uses and placing more urgency on the most risky ones; and Trustee Kates agreed with the suggestion.

Chief Berkowsky explained that different communities deal with the fire sprinkler issue in different ways. For example, Evanston has a retrofit ordinance, but Wilmette strictly follows the model building code. He said it would be challenging to create a ranking of uses based on the hazard they present, and he added that the residential occupancies over the businesses are his greatest concern.

Glenn Weaver, 574 Lincoln Avenue. Mr. Weaver said the cost of installing a sprinkler system is a major drawback, and he noted that all commercial buildings are required to have smoke detection systems installed. He opined that heat and smoke detectors are the best solution to the fire hazard dilemma.

Terry Dason, Director of the Winnetka-Northfield Chamber of Commerce. Ms. Dason said the Winnetka business community is comprised of small, independent business owners who cannot afford the expense of installing a fire sprinkler system.

Lisa Ditkowsky, 528 Kenmore, Wilmette. Ms. Ditkowsky said she agreed with the Fire Chief that sprinklers are a necessity, especially in light of the recent fire at the Wilmette Women's Club.

Richard Busscher, 1275 Asbury. Mr. Busscher commented that most building owners cannot afford the high cost of sprinkler installation, and he recommended finding a solution that landlords and business owners can implement together.

Sean Scott, Doyl Opticians. Mr. Scott said when the fire sprinkler code was adopted in 1977 there were very few absent landlords; however, much of Winnetka's commercial stock is now owned by investment companies that are off-site and out-of-state. He opined that if a retrofit ordinance passes, rents would increase and he will have to close his shop.

Patricia Burwanger, Village Toy Shop. Ms. Burwanger said she also would have to close her shop if rents increase, and she urged the Council not to pass a retrofit ordinance.

Madonna Titoman, property manager for 560 Green Bay Road. Ms. Titoman said the fire sprinkler code creates a financial burden, and she agreed that a fire hazard assessment would be sensible.

Tom Fritts, 560 Chestnut – TL Fritts. Mr. Fritts said he has heat and smoke detectors and that installation of fire sprinklers would put him out of business. He added that his insurance company would not lower his rates even if he installed fire sprinklers.

Manager Bahan explained that the draft retrofit ordinance is no longer under consideration and that tonight's discussion was intended to explore amendments to uses that would address concerns about requirements for sprinkler installation.

President Greable called for comments from the Council.

Trustee Braun asked why all the homes in Winnetka are not required to install fire sprinklers, instead of just the commercial buildings. He suggested the instead of enforcing the sprinkler code provisions, the Village require a fire inspection, inform both the owner and occupant of the results and let them work together to decide whether or not to comply with the sprinkler code.

Manager Bahan commented that doing so would be more in line with the Wilmette model for fire sprinklers. Chief Berkowsky added that a private home is not treated the same as a public building, where there is an expectation of safety that must be met.

Trustee Kates said he preferred a hazard-based metric if possible, but if the amended use table is to be used, he suggested removing: (i) business to merchantile; (ii) business to multi-family; and (iii) multifamily to business.

Trustee Krucks said the nature of the building's construction should be a consideration for risk. He also said it would be helpful to have the building code requirements on hand to facilitate the discussion.

Trustee McCrary asked whether a standard water main could be used to deliver to individual sprinkler heads to reduce installation costs. Chief Berkowsky said fire sprinklers typically require a large water supply.

Trustee Fessler asked if there were grant funds available to help the businesses pay for sprinkler installation; asked how the smoke detection systems work; and expressed concern about uses as a benchmark without any risk data attached.

The Chief responded that he is not aware of any grant funds available to help the businesses. Then he explained that smoke and heat detectors are an early warning system; however, a sprinkler system will actually put the fire out. He suggested using a different trigger point such as the cost of a renovation instead of change of use, or tweaking the model building code to accelerate certain areas. Finally, he said he would do more research in an effort to delineate the hazards associated with specific uses.

- 3) Executive Session. Trustee McCrary moved to adjourn into Executive Session to discuss Personnel and Pending and Probable Litigation, pursuant to Sections 2(c)(1) and 2(c)(11) of the Illinois Open Meetings Act. Trustee Prodromos seconded the motion. By roll call vote, the motion carried. Ayes: Trustees Braun, Fessler, Kates, Krucks, McCrary, and Prodromos. Nays: None. Absent: None.

President Greable announced that the Council would not return to the open meeting after Executive Session. The Council adjourned into Executive Session at 8:46 p.m.

- 4) Adjournment. Trustee Kates, seconded by Trustee Prodromos, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:39 p.m.

Deputy Clerk

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
April 21, 2015**

(Approved: xx)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, April 21, 2015, at 7:00 p.m.

- 1) Call to Order. President Pro Tem Braun called the meeting to order at 7:01 p.m. Present: Trustees Carol Fessler, Richard Kates, William Krucks, Stuart McCrary, and Marilyn Prodromos. Absent: President Gene Greable. Also present: Village Manager Robert Bahan, Village Attorney Peter M. Friedman, Director of Water & Electric Brian Keys, Community Development Director Mike D'Onofrio, and approximately 10 persons in the audience.
- 2) Pledge of Allegiance. President Pro Tem Braun led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) April 28, 2015 Special Meeting. All of the Council members present indicated that they expected to attend.
 - b) May 5, 2015 Regular Meeting. All of the Council members present indicated that they expected to attend.
 - c) May 12, 2015 Study Session. All of the Council members present indicated that they expected to attend.
- 4) Approval of the Agenda. Trustee Krucks, seconded by Trustee Prodromos, moved to approve the Agenda. By voice vote, the motion carried.
- 5) Consent Agenda
 - a) Village Council Minutes.
 - i) April 9, 2015 Rescheduled Regular Meeting.
 - b) Warrant List. Approving the Warrant List dated April 3 to April 16, 2015 in the amount of \$1,139,639.67.
 - c) Police Patrol Vehicle Purchase. An item approving the purchase of a 2016 Ford Utility Police Interceptor through the Suburban Purchasing Cooperative for a price of \$28,228. Trustee McCrary commented that he believed this vehicle choice to be an inferior, since the job could be accomplishing using an automobile.

Trustee Fessler, 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 Braun, Fessler, Kates, Krucks, McCrary and Prodromos. Nays: None. Absent: President Greable.
- 6) Stormwater. No Report.

7) Ordinances and Resolutions.

- a) Resolution No. R.8-2015 – Approving an Intergovernmental Agreement with the Board of Education of New Trier Township High District No. 203 – Adoption. Mr. Keys explained that the New Trier High School (NTHS) renovation project will require utility improvements. Some of the facilities will be installed by the school district; however, a significant amount of work will also be done by the Village. The Subject Resolution would approve an intergovernmental agreement to establish the obligations and ownership pertaining to the new utility improvements.

After Mr. Keys described the proposed water and electric infrastructure improvements, he explained that out of the total project budget of \$1.2 million, the Village will be reimbursed \$1.08 million by District 203. At the time the 2015 Budget was approved last year, the NTHS improvements had not yet been approved by referendum and there was not sufficient design information available to allocate funds for the project.

Mr. Keys reviewed the 2015 Electric budget pertaining to the necessary equipment for the NTHS upgrades, and noted that construction of the majority of the water system improvements are being paid for by District 203. He explained that two bid approvals and one change order request on the Agenda for Council consideration under New Business are directly related to the NTHS renovation project.

After a brief discussion, Trustee Fessler, seconded by Trustee McCrary, moved to adopt Resolution R-8-2015. By roll call vote, the motion carried. Ayes: Trustees Braun, Fessler, Kates, Krucks, McCrary and Prodromos. Nays: None. Absent: President Greable.

- b) Ordinance M-10-2015: 1050 Spruce Street, Variations for the Construction and Use of New Detached Garage – Introduction. Mr. D’Onofrio described this request for relief from Zoning Ordinance provisions for front/corner yard setback and garages to allow construction of a detached garage located nearer to the street line than the residence. He explained that the Subject Property is being redeveloped with a new single family home, and that all other site improvements comply with the Zoning Ordinance. The variation request is being sought because a conforming garage would require the removal of several trees, and grade changes on the property would prohibit ingress/egress to the garage in a safe manner.

Trustee McCrary said the change in elevation seemed a minor issue, and he was not convinced that there were no conforming alternatives.

Trustee Fessler confirmed that the zoning challenges are due to the fact that the Subject Property is a corner lot.

Trustee Krucks, seconded by Trustee Prodromos, moved to introduce Ordinance M-10-2015. By voice vote, the motion carried.

- c) Public Hearing – Consideration of Ordinance No. M-11-2015: Rezoning 96 and 100 Church Road as R-2 Single-Family Residential – Introduction. President Pro Tem Braun opened the public hearing at 7:35 p.m.

Mr. D’Onofrio said the rezoning request stems from the annexation of the two Subject Properties in March, which were classified as R-1, Winnetka’s most restrictive zoning class, in compliance with the Illinois Municipal Code. The annexation was conditioned upon the submittal of applications to re-zone the parcels to the adjacent R-2 Zoning District, for the sake of continuity. The adoption of Ordinance M-11-2015 will effectuate Resolution R-2-2015, which approved annexation of the Subject Properties to the Village of Winnetka.

There being no audience or Council comments or questions, President Pro Tem Braun closed the public hearing at 7:39 p.m.

Trustee Kates suggested waiving introduction and adopting the Ordinance immediately.

Trustee Kates, seconded by Trustee McCrary, moved to waive introduction of Ordinance M-11-2015. By voice vote, the motion carried. By roll call vote, the motion carried.

Ayes: Trustees Braun, Fessler, Kates, Krucks, McCrary and Prodromos. Nays: None. Absent: President Greable.

Trustee Fessler, seconded by Trustee McCrary, moved to adopt Ordinance M-11-2015. By roll call vote, the motion carried. Ayes: Trustees Braun, Fessler, Kates, Krucks, McCrary and Prodromos. Nays: None. Absent: President Greable.

8) Public Comment.

Patricia Balsamo, 1037 Cherry Street. Ms. Balsamo requested that the Council purchase better microphones for the Study Sessions, as it is difficult or impossible to hear the discussions on the video recordings of the meetings.

Manager Bahan said Village staff is exploring the purchase of better microphones.

Trustee Fessler commended the community’s good citizenship during the Northwest Winnetka construction project, and she asked residents to contact the Village with their concerns, as staff is very responsive and concerned about safety. She also encouraged the community to attend and participate in Village meetings.

9) Old Business. None.

10) New Business.

- a) 15kV Distribution Switchgear, Bid #015-007. Mr. Keys reiterated that the next three requests are related to the construction at New Trier High School, and he noted that the intergovernmental agreement that was approved with the adoption of Resolution R-8-2015 would ensure the proper reimbursement to the Village.

Trustee Kates, seconded by Trustee McCrary, moved to authorize the Village Manager to award a purchase order to S&C Electric Company to acquire four 15kV metal enclosed switchgear units and the associated fuse holders, in an amount not to exceed \$73,580, subject to the terms of Bid #015-007. By roll call vote, the motion carried. Ayes: Trustees Braun, Fessler, Kates, Krucks, McCrary and Prodromos. Nays: None. Absent: President Greable.

b) 2500 kVA Transformer Bid #015-008.

Trustee Krucks, seconded by Trustee Prodromos, moved to authorize the Village Manager to award a purchase order to Resco to acquire three 2500 kVA three-phase pad mount transformers manufactured by Ermco in an amount not to exceed \$96,558, subject to the terms of Bid #015-008. By roll call vote, the motion carried. Ayes: Trustees Braun, Fessler, Kates, Krucks, McCrary and Prodromos. Nays: None. Absent: President Greable.

c) Change Order for Primary Cable, the Okonite Company.

Trustee Krucks, seconded by Trustee McCrary, moved to authorize the Village Manager to award a \$348,167 change order to the Okonite Company for the purchase of copper cable, subject to the terms of Bid #014-023. By roll call vote, the motion carried. Ayes: Trustees Braun, Fessler, Kates, Krucks, McCrary and Prodromos. Nays: None. Absent: President Greable.

11) Appointments. None.

12) Reports.

a) Village President. None.

b) Trustees.

i) Trustee Kates reported on the most recent Plan Commission meeting.

ii) Trustee Prodromos reported on the latest Chamber meeting and gave an update on the Willow Road construction in Northfield.

iii) Trustee Fessler reported on the progress of plans for 4th of July Parade and commented that the Community House is a great Winnetka institution which hosts the annual Chamber Recognition Lunch and Governor's Ball. She also reported on the timeline for her column in the Winnetka Current.

c) Attorney. None.

d) Manager. Manage Bahan said a press release was issued Monday announcing that Mrs. Greens, a natural organic market, will open a store at the former GAP building in Hubbard Woods.

13) Executive Session. Trustee Fessler moved to adjourn into Executive Session to discuss Pending & Probable Litigation, pursuant to Section 2(c)(11) of the Illinois Open Meetings Act. Trustee McCrary seconded the motion. By roll call vote, the motion carried. Ayes: Trustees Braun, Fessler, Kates, Krucks, McCrary and Prodromos. Nays: None. Absent: President Greable.

President Pro Tem Braun announced that the Council would not return to the open meeting after Executive Session. The Council adjourned into Executive Session at 7:53 p.m.

14) Adjournment. Trustee Fessler, seconded by Trustee Prodromos, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:30 p.m.

Deputy Clerk



Agenda Item Executive Summary

Title: Approval of Warrant List Dated April 17 - April 30, 2015

Presenter: Robert M. Bahan, Village Manager

Agenda Date:

05/05/2015

Consent:

YES

NO

Ordinance

Resolution

Bid Authorization/Award

Policy Direction

Informational Only

Item History:

None.

Executive Summary:

The Warrant List dated April 17 to April 30, 2015 was emailed to each Village Council member.

Recommendation:

Consider approving the Warrant List dated April 17 to April 30, 2015.

Attachments:

None.



Agenda Item Executive Summary

Title: Ordinance No. M-10-2015: 1050 Spruce Street, Variations for the Construction and Use of a New Detached Garage- Adoption

Presenter: Michael D'Onofrio, Director of Community Development

Agenda Date:

05/05/2015

Ordinance

Resolution

Bid Authorization/Award

Policy Direction

Informational Only

Consent:

YES

NO

Item History:

Ordinance No. M-10-2015 was introduced at the April 21, 2015 Village Council meeting (see April 21, 2015 Agenda Packet, pp. 72-111).

Executive Summary:

The request is for variations from Sections 17.30.050 [Front and Corner Yard Setbacks] and 17.30.110 [Garages] of the Winnetka Zoning Ordinance to permit the construction of a detached garage that would provide a front (corner) yard setback of 6.41 ft. from Rosewood Ave., whereas a minimum of 20 ft. is required, a variation of 13.59 ft. (67.95%) and to allow an accessory building to be placed nearer the street line than the principal building.

The variations are being requested in order to construct a two-car detached garage measuring 20.45 ft. x 22 ft. In addition to the front (corner) setback variation, a second variation is necessary to allow the garage to be located nearer the street line than the residence. The proposed residence would be setback 14.23 ft. from Rosewood Ave.

The proposed garage is part of a larger project to redevelop the site with a new residence. With the exception of the variations related to the detached garage, the proposed residence and related improvements comply with all other zoning requirements.

Recommendation:

Consider adoption of Ordinance No. M-10-2015, granting variations from the minimum required front (corner) yard setback and garage regulations to permit the construction of a detached garage.

Attachments:

Agenda Report

Attachment A: Zoning Matrix

Attachment B: Ordinance No. M-10-2015

Attachment C: GIS Aerial Map

AGENDA REPORT

TO: Village Council

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

SUBJECT: 1050 Spruce St., Ord. M-10-2015
(1) Front and Corner Yard Setbacks
(2) Garages

DATE: April 22, 2015

REF: April 21, 2015 Council Mtg. pp. 72-111

Ordinance M-10-2015 grants variations from Sections 17.30.050 [Front and Corner Yard Setbacks] and 17.30.110 [Garages] of the Winnetka Zoning Ordinance to permit the construction of a detached garage that would provide a front (corner) yard setback of 6.41 ft. from Rosewood Ave., whereas a minimum of 20 ft. is required, a variation of 13.59 ft. (67.95%) and to allow an accessory building to be placed nearer the street line than the principal building.

The variations are being requested in order to construct a two-car detached garage measuring 20.45 ft. x 22 ft. that would provide a setback of 6.41 ft. from the west property line along Rosewood Ave. The zoning ordinance requires detached garages on a corner lot be setback at least 20 ft. from the corner lot line.

In addition to the front (corner) setback variation, a second variation is necessary to allow the garage to be located nearer the street line than the residence. The proposed residence would be setback 14.23 ft. from Rosewood Ave.

The property is located in the R-5 Single Family Residential District at the southeast corner of Spruce St. and Rosewood Ave.

The proposed garage is part of a larger project to redevelop the site with a new residence. With the exception of the variations related to the detached garage, the proposed residence and related improvements comply with all other zoning requirements. The attached zoning matrix summarizes the work proposed.

The petitioner purchased the property in 2011.

There are no previous zoning variations for this property.

Recommendation of Advisory Board

The Zoning Board of Appeals considered the application at its meeting March 9, 2015. The five voting members present voted unanimously to recommend approval of the variation request.

Village Council Action

Introduction of Ordinance M-10-2015 was approved by the Council at the April 21, 2015 meeting.

Recommendation

Consider adoption of Ord. M-10-2015, granting variations from the minimum required front (corner) yard setback and garage regulations to permit the construction of a detached garage.

Attachments

- Attachment A: Zoning Matrix
- Attachment B: Ordinance M-10-2015
- Attachment C: GIS Aerial Map

ATTACHMENT A

ZONING MATRIX

ADDRESS: 1050 Spruce St.
CASE NO: 15-06-V2
ZONING: R-5

ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	8,900 SF	8,873 SF	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	70 FT	50 FT	N/A	N/A	EXISTING NONCONFORMING
Max. Roofed Lot Coverage	2,218.25 SF (1)	N/A	2,200.44 SF	2,200.44 SF	OK
Max. Gross Floor Area	3,371.74 SF (1)	N/A	3371 SF	3371 SF	OK
Max. Impermeable Lot Coverage	4,436.5 SF (1)	N/A	3,392.65 SF	3,392.65 SF	OK
Min. Front Yard (Spruce/North)	30 FT	N/A	32.47 FT	N/A	OK
Min. Corner Yard (Rosewood/West)	14 FT	N/A	14.23 FT (2)	N/A	OK
Detached Garage Setback	20 FT	N/A	6.41 FT	N/A	13.59 FT (67.95%) VARIATION
Min. Side Yard (East)	6 FT	N/A	6.5 FT	N/A	OK
Min. Rear Yard (South)	25 FT	N/A	(+) 25 FT	N/A	OK
Detached Garage Setback	0 FT	N/A	4.25 FT	N/A	OK

NOTES:

- (1) Based on lot area of 8,873 SF
- (2) Setback to proposed residence.

ATTACHMENT B

ORDINANCE NO. M-10-2015

**AN ORDINANCE GRANTING VARIATIONS
FROM THE WINNETKA ZONING ORDINANCE
FOR THE CONSTRUCTION AND USE OF A NEW DETACHED GARAGE
WITHIN THE R-5 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT
(1050 Spruce Street)**

WHEREAS, 1050 Spruce, LLC ("*Applicant*"), is the record title owner of that certain parcel of real property commonly known as 1050 Spruce Street in Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("*Subject Property*"); and

WHEREAS, the Subject Property is located in the R-5 Single Family Residential District ("*R-5 District*") of the Village on a corner lot at the intersection of Spruce Street and Rosewood Avenue in the Village; and

WHEREAS, the Subject Property is improved with a single-family residence and detached garage (collectively, the "*Existing Improvements*"); and

WHEREAS, the Applicant desires to demolish the Existing Improvements and construct on the Subject Property a new single-family residence ("*Proposed Residence*") and a new detached two-car garage ("*Proposed Garage*") (collectively, the "*Proposed Improvements*"); and

WHEREAS, pursuant to: (i) Section 17.30.050.C.5 of the Winnetka Zoning Ordinance ("*Zoning Ordinance*"), an accessory structure located on a corner lot may not be constructed nearer to the street line of the lot than the principal building located on the lot; and (ii) Section 17.30.110.E of the Zoning Ordinance, a detached garage located in a corner yard must have a setback from the street that is equal to the setback of the principal building, provided that the garage setback must not be less than 20 feet; and

WHEREAS, the Applicant desires to construct the Proposed Garage on the Subject Property: (i) at a location nearer to the street line of Rosewood Avenue than the location of the Proposed Residence, in violation of Section 17.30.050.C.5 of the Zoning Ordinance; and (ii) with a corner yard setback of 6.41 feet from Rosewood Avenue, in violation of Section 17.30.110.E of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for variations from: (i) Section 17.30.050.C.5 of the Zoning Ordinance to permit the construction of the Proposed Garage on the Subject Property at a location nearer to the street line of Rosewood Avenue than the location of the Proposed Residence; and (ii) Section 17.30.110.E of the Zoning Ordinance to permit the construction of the Proposed Garage on the Subject Property with a corner yard setback from Rosewood Avenue of 6.41 feet, where a corner yard setback of 20 feet is otherwise required (collectively, the "*Variations*"); and

WHEREAS, on March 9, 2015, after due notice thereof, the Zoning Board of Appeals (“**ZBA**”) conducted a public hearing on the Variations and, by the unanimous vote of the five members then present, recommended that the Council of the Village of Winnetka (“**Village Council**”) approve the Variations; and

WHEREAS, pursuant to Chapter 17.60 of the Zoning Ordinance, the ZBA heard evidence and made certain findings in support of recommending approval of the Variations, which findings are set forth in the ZBA public hearing minutes attached to and, by this reference, made a part of this Ordinance as **Exhibit B**; and

WHEREAS, pursuant to Section 17.60.050 of the Zoning Ordinance, the Village Council has determined that: (i) the Variations are in harmony with the general purpose and intent of the Zoning Ordinance and are in accordance with general or specific rules set forth in Chapter 17.60 of the Zoning Ordinance; and (ii) there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions or regulations of the Zoning Ordinance from which the Variations have been sought; and

WHEREAS, the Village Council has determined that approval of the Variations for the construction of the Proposed Garage on the Subject Property within the R-5 District is in the best interest of the Village and its residents;

NOW, THEREFORE, the Council of the Village of Winnetka do ordain as follows:

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

SECTION 2: APPROVAL OF VARIATIONS. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, the Village Council hereby grants the Variations from: (a) Section 17.30.050.C.5 of the Zoning Ordinance to permit the construction of the Proposed Garage on the Subject Property at a location nearer to the street line of Rosewood Avenue than the location of the Proposed Residence; and (ii) Section 17.30.110.E of the Zoning Ordinance to permit the construction of the Proposed Garage on the Subject Property with a corner yard setback from Rosewood Avenue of 6.41 feet.

SECTION 3: CONDITIONS. The Variations granted by Section 2 of this Ordinance are subject to, and contingent upon, compliance by the Applicant with the following conditions:

- A. **Commencement of Construction.** The Applicant must commence the construction of the Proposed Improvements no later than 12 months after the effective date of this Ordinance.
- B. **Compliance with Regulations.** Except to the extent specifically provided otherwise in this Ordinance, the development, use, and maintenance of the Proposed Improvements and the Subject Property must comply at all times with all applicable Village codes and ordinances, as they have been or may be amended over time.

- C. Reimbursement of Village Costs. In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable Village codes, ordinances, resolutions, rules, or regulations, the Applicant must pay to the Village, promptly upon presentation of a written demand or demands therefor, of all fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made shall be made by a certified or cashier's check. Further, the Applicant must pay upon demand all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.
- D. Compliance with Plans. The development, use, and maintenance of the Proposed Improvements on the Subject Property must be in strict accordance with the following documents and plans, except for minor changes and site work approved by the Director of Community Development or the Director of Public Works (within their respective permitting authority) in accordance with all applicable Village codes, ordinances, and standards: the plans titled "Overall Site Plan – W/Option 4 Variation," prepared by H. Gary Frank Architects AIA, LTD, consisting of one sheet, and dated February 4, 2015, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit C**.

SECTION 4: RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 5: FAILURE TO COMPLY. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the Village, the approvals granted in Section 2 of this Ordinance will, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Council may not so revoke the approvals granted in Section 2 of this Ordinance unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Council. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the applicable zoning district and the applicable provisions of the Zoning Ordinance, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 6: AMENDMENTS. Any amendment to this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance for amending or granting variations.

SECTION 7: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 8: EFFECTIVE DATE.

A. This Ordinance will be effective only upon the occurrence of all of the following events:

1. Passage by the Village Council in the manner required by law;
2. Publication in pamphlet form in the manner required by law; and
3. The filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent in the form of **Exhibit D** attached to and, by this reference, made a part of this Ordinance to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent described in Section 8.A.3 of this Ordinance within 60 days after the date of passage of this Ordinance by the Village Council, the Village Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

[SIGNATURE PAGE FOLLOWS]

PASSED this ____ day of _____, 2015, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2015.

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 _____,
2015.

Introduced: April 21, 2015

Passed and Approved: _____, 2015

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

Lot 10 in Block 4 in Groveland Addition to Winnetka, being a subdivision of the East 70 acres of the Northwest Quarter of Section 20, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 1050 Spruce Street, Winnetka, Illinois.

EXHIBIT B

PUBLIC HEARING MINUTES OF THE ZBA

**WINNETKA ZONING BOARD OF APPEALS
EXCERPT OF MINUTES
MARCH 9, 2015**

Zoning Board Members Present: Joni Johnson, Chairperson
Chris Blum
Andrew Cripe
Carl Lane
Scott Myers

Zoning Board Members Absent: Mary Hickey
Jim McCoy

Village Staff: Michael D’Onofrio, Director of Community
Development
Ann Klaassen, Planning Assistant

Agenda Items:

Case No. 15-06-V2: 1050 Spruce Street
Arbor Development 1050 LLC / H. Gary
Frank Variations by Ordinance
1. Front and Corner Yard Setbacks
2. Garages

1050 Spruce Street, Case No. 15-06-V2, Arbor Development 1050 LLC / H. Gary Frank; Variations by Ordinance: (1) Front and Corner Yard Setbacks and (2) Garages

Mr. D’Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Arbor Development 1050 LLC / H. Gary Frank concerning variations by Ordinance from Sections 17.30.050 [Front and Corner Yard Setbacks] and 17.30.110 [Garages] of the Winnetka Zoning Ordinance to permit the construction of a detached garage that would provide a front (corner) yard setback of 6.41 ft. from Rosewood Ave., whereas a minimum of 20 ft. is required, a variation of 13.59 ft. (67.95%) and to allow an accessory building to be placed nearer the street line than the principal building.

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

Gary Frank introduced himself to the Board as the local architect who lives in Winnetka and stated that he lives one block from the applicant's home. He stated that the request is for a variation for a detached garage which will be in violation of current codes. Mr. Frank then stated that the reasons for the request are based on the topography of the site, the possibility of the removal of significant trees and the lack of available alternatives where the degree of the existing legal nonconformity would not be an increase or additional nonconformities would be created. He then referred the Board to a photograph of the home, all of which are included in the packet of information. Mr. Frank then referred to the photograph of the existing site and stated that there are a couple of anomalies.

Mr. Frank stated that with regard to photograph no. 1, it showed the existing home with the existing garage. He noted that the site sloped from Spruce and that there is a slope of 6 feet 9 inches. Mr. Frank also stated that the site sloped east to west at 2 feet 6 inches over 50 feet of the site. He stated that because of those two issues, they are requesting a variation.

Mr. Frank then stated that the existing garage sat right at the corner of the alley and the property line. He noted that the occupants do not use both doors now and that they use the Rosewood side door facing west. Mr. Frank then referred the Board to photograph no. 4 where you can see where the garage sloped up to the north.

Mr. Myers stated that he had questions with regard to the slope and asked if the trees in the alley are small.

Mr. Frank responded that they met with Jim Stier with regard to the trees.

Mr. Myers then asked if they can be easily replaced if taken down. He stated that it is really a question of the slope and commented that the slope did not look that dramatic. Mr. Myers then stated that if they were to dig the foundation then the garage can be set down and set back some amount from the alley, could they grade from the driveway to the alley.

Mr. Frank stated that there are two parts in the packet of materials, the first of which related to the alley elevations on Z.5 which show a conforming position of the garage. He then stated that you can see on the right side to the east, the slope of the alley is from 0 to 2 feet 6 inches and that the garage has to be level. Mr. Frank also stated that at the west side, there is a 17 inch drop right at the property line and a 20 inch drop to the center line of the alley. He indicated that it is possible to get a vehicle in the right side, but that you would never get in because the alley is 20 inches lower than the garage slab.

Mr. Myers stated that if the garage were to be set back to the north into the backyard a certain amount, there would not be a 20 inch drop from 0 feet.

Mr. Frank referred the Board to Z.6 which represented conforming position no. 1 with the garage set back 4 feet and that there would be a 17 inch drop from the alley to the garage. He indicated that there would be no way to get a vehicle in a 17 inch ramp over 4 feet. Mr. Frank also stated that they would have to angle into the garage and referred to the angle of the alley. He informed the Board that this is the only property on that alley which did not have a flat area. Mr. Frank

added that the existing garage was placed in its current position because it is on the flattest part of the alley and that it was built in 1910. He also stated that trying to get in the garage would be nearly impossible.

Mr. Lane asked how much farther they could put the garage into the property to make that angle. Mr. Frank stated that if they place the garage within the rear quarter of the property, they would receive a 400 s.f. GFA bonus for the garage. He then stated that when the garage is moved further into the yard, they would lose the bonus as well as lose yard space. Mr. Frank stated that they would have to move it 10 to 12 feet to get an easy graded slope from the alley to the garage. He stated that the Board should remember also that there is a compound slope.

Chairperson Johnson asked if the alley to the west is flat.

Mr. Frank confirmed that is correct.

Chairperson Johnson then asked are there other areas where there are similar problems with the alleys and slope. She indicated that she is concerned with regard to setting a precedent. Chairperson Johnson then referred to one driveway on Locust and stated that in general, there are slopes in that area.

Mr. Blum referred the Board to Z.5 and that with regard to the variation requested, you can see a 12 inch difference dropping down on the lower left corner of the garage. He asked if they looked at conforming alternatives either 1.A or 1.5 or if they are talking about 6 inches between the two.

Mr. Frank confirmed that is correct. He then stated that although it went from 0 to 6 inches over 4 feet, it related to the other direction as well. Mr. Frank described it as very awkward and unusual even though other sites may do that. He stated that once the vehicle car roof goes up, it could not come back down. Mr. Frank also stated that you would have that much headroom to get in big vehicles or the head of a vehicle in.

Mr. Myers stated that if they were to say sorry and put the garage where it existed, could they scrape more dirt off and sink the area down so that the entrance of the garage is not at a 17 inch difference from the alley, but more like 12 inches.

Mr. Frank stated that on the right hand side of the garage, they call that area "0 0" and that the edge of the garage and alley at that point is even with the garage. He stated that if they were to sink the garage, it would now be below alley level.

Mr. Blum stated that it would create a triangle shaped wedge.

Chairperson Johnson asked if they could move the garage further north if they flip the home to face Rosewood and that would be similar to the home located across the street. She stated that the applicants would lose the GFA bonus and that other than that, would that be a conforming alternative. Chairperson Johnson stated that they would still have to move the garage and that she understood the reason why.

Mr. Frank stated that because of the 6 foot 9 inch slope north to south, it happens that part of the code says that the floor cannot be more than 2 feet 6 inches above the basement and that otherwise, the basement area would get counted toward GFA. He informed the Board that they explored that alternative and that if they were to go out of the ground so that it would be 1 foot higher, it would count at 100 square feet. Mr. Frank also stated that the home would be difficult to build because of the grade and that they have to step it down in the back at the first floor at level A. He stated that would trigger the request further and would take all of the heights at the lowest point which would drop the attic, the roof and that attic space would be difficult.

Chairperson Johnson commented that Mr. Frank has done a good job of explaining the conforming alternatives.

Mr. Myers asked if they planned to tear everything down and rebuild.

Mr. Frank confirmed that is correct.

Chairperson Johnson referred to the wooden walkway in the plans from the garage to the home and asked why it is wooden.

Mr. Frank informed the Board that they are well under the impermeable surface requirements and that it related more to the look for the home. He also stated that there would be 50% of the storage of storm water on the site.

Chairperson Johnson then asked with regard to the trees, there are two trees that they planned to save and asked if Mr. Stier is confident that even with the construction, it would not damage the root system.

Mr. Frank responded that it would be an improvement for the root system and that the garage currently is right at the property line. He stated that they would be pushing the garage back from the existing root structures.

Chairperson Johnson referred to the two trees further north flanking the sidewalk and asked how the home construction would affect those.

Mr. Frank stated that with regard to the root structure, there would be no effect and that with regard to the overhanging limbs, they talked with Mr. Stier with regard to taking down those limbs which would be an improvement for the trees.

Chairperson Johnson stated that the drawings show that if they go ahead with the proposal, she asked if there would be a single door on the Rosewood west elevation.

Mr. Frank confirmed that is correct and stated that the reason is that there is the most direct route out and to the back of the home.

Chairperson Johnson then asked about windows.

Mr. Frank informed the Board that they would be adding windows there which may be an improvement.

Chairperson Johnson asked if there were any other questions. No additional questions were raised by the Board at this time. She then called the matter in for discussion.

Chairperson Johnson then asked if there were any questions from the audience. No questions were raised by the audience at this time. She again called the matter in for discussion.

Mr. Cripe described the request as a reasonable proposal given the constraints of the space and slope as well as the fact that the applicants considered all of the viable alternatives. He stated that he would support the request.

Mr. Lane stated that he is generally in favor of the request and that there are clearly unique circumstances with the corner lot and slope and the fact that they cannot alter the alley. He noted that he viewed the property and that it seemed like the right alternative. Mr. Lane also stated that the applicants explored the options and explained why they were not feasible.

Mr. Myers indicated that it is important to note that the request represented a tear down and that it would be new construction. He stated that they really looked very negatively at variations for new construction. Mr. Myers then stated that given the significant slope north to south and east to west, when looking at the alternatives, the construction of the home in a different location would penalize the applicants and force the garage deeper into the lot which would force the significant loss of backyard space. He described the request as unusual and that it warranted a variation.

Mr. Blum stated that he agreed with the comments made and would like to comment that they did not base the findings on the GFA issue. He referred to there being room within the rear 25% of the lot depth to move the garage without impacting GFA.

Mr. Lane noted that all down the alley, the garages are all lined up.

Mr. Blum stated that otherwise, the request is fine.

Chairperson Johnson stated that she would like to add that the lot is 20 feet narrower than the average lot width on the block and that they would be bumping up to the maximum on everything including the setbacks on the east side. She stated that she is concerned and that she knew the neighbor to the east whose house is located right on the property line and that it is an older home. Chairperson Johnson stated that there is no need for a variation there.

Mr. Frank informed the Board that the new home would not have as big of a roof overhang as the existing home and that there would be a one foot overhang. He indicated that the existing overhang may be 4 feet. Mr. Frank added that with regard to the tear down, they would be extremely careful. He also stated that the setback code required 6 feet, they are also required to have a 2 foot offset and noted that the new home would be further away than the existing home. Mr. Frank stated that the new home would be set back to 8 feet. He also stated that they cannot

have a full 50 foot wall and that the code stated that at 35 feet, it has to be set back because of the articulation requirement.

Chairperson Johnson referred to the current condition of having the driveway curb cut and garage right on Rosewood which was very dangerous with regard to pedestrians and traffic use and that shifting it to the alley use like the other homes on that part of Spruce made sense in terms of safety and aesthetics. She added that it would be an improvement there and that she is in favor of the request. Chairperson Johnson commented that the applicants made a great presentation and then asked for a motion.

Mr. Lane moved to recommend approval of the variations based on the facts that with regard to reasonable return, the alternatives of pushing the garage into the yard would limit the usable space of the yard and that the alternative of twisting the home to face Rosewood would not be viable. He also stated that the added GFA would be counted in for the basement. Mr. Lane then stated that the plight of the applicants is due to the unique property and the fact of the combination of it being a corner lot sloping east to west and north to south dramatically, the driveway and the entrance to the garage from the alley. He stated that the request would not alter the character of the locality and that the location of the garage would be consistent with other garages on the alley in a relatively similar position as it is currently. Mr. Lane also stated that they would be taking away a curb cut which is an improvement. He then stated that standard nos. 4, 5 and 6 are not applicable and that there has been no testimony suggesting that those would have an impact on public congestion and that there would be a decrease in one and an increase off of the alleyway. Mr. Lane concluded by stating that the public health, safety, comfort, morals and welfare of the Village would not be otherwise impaired.

Mr. Myers seconded the motion. A vote was taken and the motion was unanimously passed, 5 to 0.

AYES: Blum, Cripe, Johnson, Lane, Myers
NAYS: None

FINDINGS OF THE ZONING BOARD OF APPEALS

1. The requested variations are within the final jurisdiction of the Village Council.
2. The requested variations are in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is compatible, in general, with the character of existing development within the immediate neighborhood with respect to architectural scale and other site improvements.
3. There are practical difficulties or a particular hardship which prevents strict application of Sections 17.30.050 [Front and Corner Yard Setbacks] and 17.30.110 [Garages] of the Winnetka Zoning Ordinance which is related to the use or the construction or alteration of buildings or structures.

The evidence in the judgment of the Zoning Board of Appeals has established:

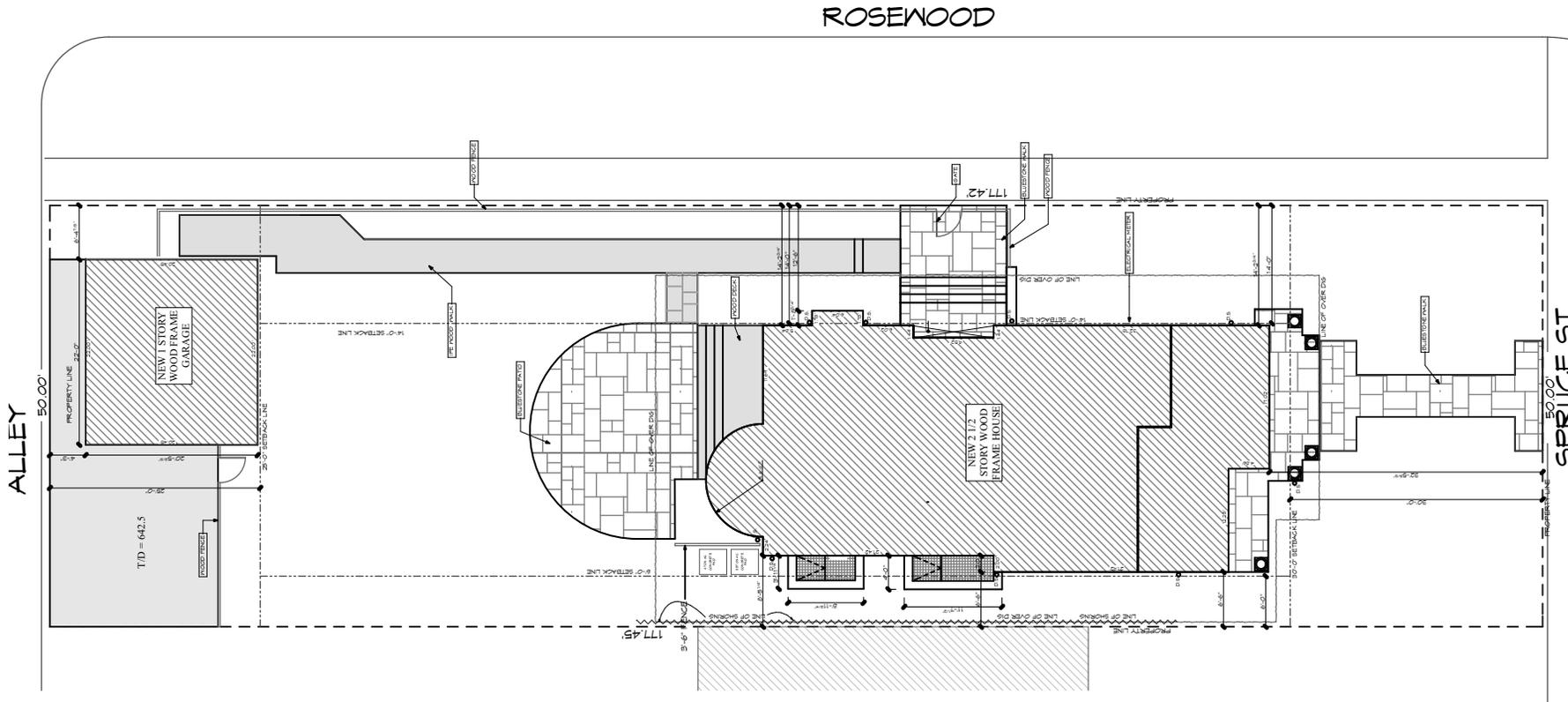
1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone. Conforming alternatives have been explored and they do not allow the property to yield a reasonable return. The alternative of pushing the garage north, into the yard, would limit the usable yard space. A second alternative of reorienting the house to face Rosewood would is not viable either, and would require at least a portion of the basement to be included in the GFA.
2. The plight of the owner is due to unique circumstances. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants. The property is unique due to the fact it is a corner lot in combination with the dramatic slope from east to west and north to south.
3. The variations, if granted, will not alter the essential character of the locality. The location of the proposed garage is consistent with other garages on the alley and it is in a relatively similar position as the existing detached garage. Additionally, removing the curb cut on Rosewood is an improvement.
4. An adequate supply of light and air to the adjacent property will not be impaired by the proposed variations, as there are no proximate structures to the proposed detached garage.
5. The hazard from fire or other damages to the property will not be increased as the proposed improvements shall comply with building code standards, including fire and life safety requirements.
6. The taxable value of the land and buildings throughout the Village will not diminish. The proposed construction is generally an improvement to the property.
7. The congestion in the public street will not increase. No testimony was provided to suggest the proposed garage will have an impact on the congestion in the street or alley.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not otherwise be impaired. No testimony was provided to the contrary.

EXHIBIT C

PLANS

(SEE ATTACHED EXHIBIT C)

EXHIBIT C



ZBA V2
02/04/15

1050 Spruce Street

50.00' SPRUCE ST

H. GARY FRANK ARCHITECTS AIA, LTD

525 Chestnut Street Winnetka, IL 60093
Office: 847.501.4212
contact@hgaryfrankarchitects.com

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A0.2

OVERALL SITE PLAN - W/OPTION 4 VARIATION
SEE A0.2.4 FOR ENLARGED PLAN OF OPTION 4

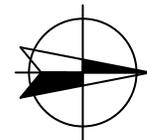


EXHIBIT D

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Winnetka, Illinois ("*Village*"):

WHEREAS, 1050 Spruce, LLC ("*Applicant*"), is the record title owner of the property commonly known as 1050 Spruce Street in the Village ("*Subject Property*")

WHEREAS, the Applicant desires to construct on the Subject Property a new single-family residence and two-car detached garage on the Subject Property; and

WHEREAS, Ordinance No. M-10-2015, adopted by the Village Council on _____, 2015 ("*Ordinance*"), grants variations from the provisions of the Winnetka Zoning Ordinance to the Applicant to permit the construction of the garage on the Subject Property: (i) at a location nearer to the street line of Rosewood Avenue than the location of the single-family residence; and (ii) with a corner yard setback of 6.41 feet, where a corner yard setback of not less than 20 feet is otherwise required; and

WHEREAS, Section 8 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant has filed, within 60 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant does hereby unconditionally agree to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's grant of the variations for the Subject Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.
4. The Applicant does hereby agree to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting the variations for the Subject Property.

5. The Applicant hereby agrees to pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses will include all out-of-pocket expenses, such as attorneys' and experts' fees, and will also include the reasonable value of any services rendered by any employees of the Village.

Dated: _____, 2015

ATTEST: **1050 SPRUCE LLC**

By: _____

By: _____

Its: _____

Its: _____

ATTACHMENT C





Agenda Item Executive Summary

Title: Resolution No. R-9-2015: Kenilworth Intergovernmental Agreement For Fire Prevention Services- Adoption

Presenter: Alan Berkowsky, Fire Chief

Agenda Date: 05/05/2015

Consent: YES NO

- | | |
|-------------------------------------|-------------------------|
| <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Bid Authorization/Award |
| <input type="checkbox"/> | Policy Direction |
| <input type="checkbox"/> | Informational Only |

Item History:

As municipalities continue to explore strategies to achieve regional service sharing, the Village of Kenilworth approached Winnetka with the concept of contracting out Fire Prevention Inspections to the Winnetka Fire Department. An intergovernmental agreement (IGA) similar to this was approved in March of 2014 with the Village of Northfield and has worked out well for both entities.

Executive Summary:

The concept of regional service sharing is not new to the fire service. Currently, the Fire Department has a contract for the sharing of dispatch services (RED Center), providing fire inspection services for the Village of Northfield and for auto/mutual assistance from its neighboring departments (MABAS).

As the Village continues to explore regional service sharing opportunities, the Village of Kenilworth has asked us to consider the possibility of providing them with "Fire Inspection Services" under an Intergovernmental Agreement (IGA). After careful analysis, we determined that it would be feasible to provide these services using our existing resources and without diminishing our current level of service. The Kenilworth Village Council approved the IGA at their April 20, 2015 meeting.

Recommendation:

Staff recommends adoption of Resolution No. R-9-2015, approving an intergovernmental agreement to provide fire inspection and prevention services to the Village of Kenilworth.

Attachments:

- 1) Memo from Chief Berkowsky
- 2) Fire Inspector Cost Analysis dated 4/23/15
- 3) Resolution No. R-9-2015: "Approving an Intergovernmental Agreement to Provide Fire Inspection & Prevention Services to the Village of Kenilworth"
- 4) Exhibit A: Fire Inspection & Prevention Services Contract

VILLAGE OF WINNETKA

INTERDEPARTMENTAL MEMO

To: Robert Bahan, Village Manager

From: Alan Berkowsky, Fire Chief

Date: April 24, 2015

Re: Kenilworth Intergovernmental Agreement for Fire Prevention Services

Executive Summary

As the Village continues to explore regional service sharing opportunities, the Village of Kenilworth has asked us to explore the possibility of providing them with “Fire Inspection Services” under an Intergovernmental Agreement (IGA). After careful analysis, we determined that it would be feasible to provide these services using our existing resources and without diminishing the current level of service to Winnetka. This is the process that was used to provide the Village of Northfield with similar services.

Background

The Village of Kenilworth has approached Winnetka to provide them with Fire Inspection Services. Currently, they are not performing fire inspections on any consistent basis.

The Winnetka Fire Department has three part-time inspectors and an Administrative Lieutenant in the Fire Prevention Bureau along with additional support from the Deputy Chief and Fire Chief. We budget approximately 40 hours a week to divide amongst the part-time inspectors. The addition of fire inspection services for Northfield was seamless and it has worked out well for Winnetka in providing staffing of the Fire Prevention Bureau on a more regular basis. Kenilworth has a manageable number of commercial buildings (approximately 38) that would require a fire inspection.

The Village of Kenilworth’s fire codes closely reflect those of Winnetka’s so there should be a minimal learning curve for fire inspection and code enforcement activities.

Cost-Benefit Analysis

In order to determine if it would be feasible to provide fire prevention services to the Village of Kenilworth, we evaluated their needs and compared it to our capabilities and current resources. Kenilworth has approximately 38 structures that will need to be inspected. In addition to these inspections, there is an expectation of responding to fire prevention related inquiries and performing specialty inspections such as temporary structures. Plan review and system testing are not part of the services being requested.

In order to determine reasonable fees for these services, a spreadsheet was developed (see attachment) that takes into consideration the hourly salaries, benefits, training, overhead and any administrative costs associated with the Fire Prevention Bureau. The following bullet points highlight the spreadsheet’s formula:

- There are approximately 1,872 work hours between the three part-time Fire Inspectors. The division of hours/time are estimated below:
 - Village of Winnetka: 1100 hours or 59%
 - Village of Northfield 564 hours or 30%
 - Village of Kenilworth 208 hours or 11%
- We added a 20% administrative overhead charge to the fee;
- The total annual fee for Kenilworth will be \$7,862.99 (paid quarterly);
- The maximum service hours per quarter are 52 (approximately four hours per week). Any hours required beyond 52 will be charged at a rate of \$40.00 per hour. Any hours not used will not be carried-over. The current blended hourly rate for a Fire Inspector is \$22.00/hour.

The Village of Kenilworth is not sure if they will be doing the inspections annually or on a bi-annual basis. The contract gives them the flexibility to make that decision annually. This contract would expire on January 1, 2017.

For an intergovernmental agreement to work, it has to benefit both municipalities. The Village of Kenilworth benefits from the experience of our Fire Prevention Bureau team and they do not have to hire and train an employee to handle these necessary services. The benefit to the Village of Winnetka is three-fold. First, it continues to build on regionalizing services between municipalities. Second, it provides us with new revenue. Lastly, since the Fire Inspectors will continue to operate out of the Winnetka Fire Administrative Office, the Bureau will be staffed a more frequent basis.

Staff Recommendation

Attached is the IGA that has been vetted by both Kenilworth’s and Winnetka’s attorneys. The Kenilworth’s Village Council has approved the IGA at their April 20th Meeting. Staff recommends approval of this IGA.

Fire Inspector Cost Analysis

Note: To Conduct "What-If" Analysis, Only Change Yellow Values in the "Totals" Table.

Base Compensation Costs		
	Value	Notes
Hourly Rate	\$25.00	
Hours Per Week: Inspector 1	12	Must Be Kept Under 1000 Hours/Year Per IMRF
Hours Per Week: Inspector 2	12	Must Be Kept Under 1000 Hours/Year Per IMRF
Hours Per Week: Inspector 3	12	Must Be Kept Under 1000 Hours/Year Per IMRF
Total Weekly Hours	36	---
Weeks Per Year	52	---
Total Base Compensation Cost	\$46,800.00	Hourly rate X Total Weekly Hours X Total Work Weeks/Year
Fire Prevention Bureau Overhead		
	Value	Notes
Village FICA Contribution (7.65%)	\$3,580.20	6.2%-Social Security, 1.45%-Medicare (Ed)
General Liability Cost	\$936.00	2% of Base Compensation (Ed)
Workman's Compensation	\$655.20	1.4% of Base Compensation (Ed)
Training Costs	\$2,246.96	Estimated based on CY2014 expenditures
Fire Prevention Supplies	\$1,500.00	Increased from \$1,000 in CY2014
Vehicle Costs	\$2,560.00	256 Village Work Days in 2015 X \$10.00 Daily Vehicle Operation Cost X 2 Vehicles
Cellular Phone	\$504.00	350 Minutes X \$0.06/Minute X 2 Phones/Month X 12 Months
Uniform Costs	\$785.71	Estimated from CY2015 Fire Department Uniform Budget (100-28-20-546)
Total Village Costs	\$12,768.07	---
Totals		
	Value	Notes
Total Village Cost of Fire Prevention Bureau Services	\$59,568.07	Sum of Base Compensation Costs and Fire Prevention Bureau Overhead
Kenilworth Workload Percentage Multiplier	11.00%	USER INPUT (Currently assumes four (4) hours a week, which is 11%)
Kenilworth Workload Base Cost	\$6,552.49	Total Village Cost of Fire Prevention Bureau Services X Current Percentage in Above Field
Administrative Overhead Percentage Multiplier	20.00%	USER INPUT
Administrative Overhead Cost	\$1,310.50	Kenilworth Workload Base Cost X Current Percentage in Above Field
CY2015 Kenilworth Amount Due (Annual)	\$7,862.99	Sum of Kenilworth Workload Base Cost plus Administrative Overhead Cost
	Quarterly	\$1,965.75
	Hourly	\$40.00

36 hours x 11% = 4 hours
 52 weeks/4 = 13 weeks per quarter
 13 weeks x 4 hours per week = 52 hours per quarter

1872 Hours for FPB total. 1100 Hours Winnetka.
 564 Hours Northfield
 208 Hours Kenilworth

**A RESOLUTION
APPROVING AN INTERGOVERNMENTAL AGREEMENT
TO PROVIDE FIRE INSPECTION AND PREVENTION SERVICES
TO THE VILLAGE OF KENILWORTH**

WHEREAS, the Village of Winnetka (Village) is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970 and, except as limited by Section 6 of Article VII of the Constitution of the State of Illinois of 1970, is authorized to exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the Village of Kenilworth is a municipality located immediately south of the Village of Winnetka; and

WHEREAS, Article VII, Section 10 of the Illinois Constitution of 1970 and the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, encourage and authorize cooperation between and among governmental entities through intergovernmental agreements; and

WHEREAS, the Fire Inspection and Prevention Division of the Winnetka Fire Department provides fire inspection, fire code enforcement, and fire prevention services within the corporate limits of the Village of Winnetka; and

WHEREAS, the Village of Kenilworth desires that the Village of Winnetka provide substantially the same services to the Village of Kenilworth within the latter's corporate limits; and

WHEREAS, the Village of Winnetka and the Village of Kenilworth have agreed to the terms and conditions for an intergovernmental agreement for such services, as set forth in the Fire Inspection and Prevention Services Contract that is attached to this Resolution as Exhibit A.

NOW, THEREFORE, be it resolved by the Council 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: The agreement between the Village of Winnetka and the Village of Kenilworth, titled Fire Inspection and Prevention Services Contract is hereby approved, substantially in the form set forth in Exhibit A to this Resolution, which is attached to and made part of this Resolution by reference, as if fully set forth herein.

SECTION 3: The Village President is authorized to sign, and the Village Clerk is authorized to sign and seal, the above-described Fire Inspection and Prevention Services Contract, substantially in the form attached.

SECTION 4: This Resolution is adopted 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 Resolution shall take effect immediately upon its adoption.

ADOPTED this ___ day of ____, 2015, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

EXHIBIT A

FIRE INSPECTION AND PREVENTION SERVICES CONTRACT

THIS CONTRACT, entered into this 5th day of May, 2015, by and between the Village of Winnetka (“Winnetka”), an Illinois municipal corporation, and the Village of Kenilworth (“Kenilworth”), an Illinois municipal corporation.

WITNESSETH

WHEREAS, the Village of Winnetka maintains a Fire Inspection and Prevention Division within its Fire Department, which is staffed with qualified personnel to provide a program of fire inspection and prevention services; and

WHEREAS, the Village of Winnetka is willing to make available to the Village of Kenilworth certain services of its Fire Inspection and Prevention Division, and the Village of Kenilworth desires to purchase such services upon terms and conditions hereinafter set forth:

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS and undertakings hereinafter set forth, it is agreed between the parties hereto, as follows:

1. The following definitions will apply to this contract between the Winnetka and Kenilworth:
 - a. Base Service: The number of hours of fire prevention service, as provided in Paragraph 6, to be provided to Kenilworth by Winnetka per calendar quarter.
 - b. Base Rate: The fixed quarterly fee that shall be charged to Kenilworth for fire prevention services provided by Winnetka for Base Service.

- c. Overage Rate: An hourly fee charged for services in excess of Base Service.
 - d. Calendar Quarter: The contract billing and service utilization periods will be measured through the following dates each calendar year:
 - Quarter 1: January 1st-March 31st
 - Quarter 2: April 1st-June 30th
 - Quarter 3: July 1st-September 30th
 - Quarter 4: October 1st-December 31st
2. Upon written request from Kenilworth, the Fire Inspection and Prevention of Winnetka shall perform the following fire inspection, code enforcement, and prevention services, which shall be substantially the same as is provided for the Village of Winnetka, and shall include:
 - a. Complete annual inspections of the occupancies identified by Kenilworth;
 - b. Respond to inquiries relative to code, inspectional and prevention issues related to fire inspection and prevention matters;
 - c. Assist with the review and drafting of appropriate codes and/or regulations dealing with fire inspection and prevention matters; and
 - d. Testify, as needed, in any court cases brought by Kenilworth for correction of violations related to inspections performed under this contract.
 3. By entering into this contract, Kenilworth authorizes those appointed by the Winnetka Fire Chief or his designee as authorized fire inspectors for the Village of Kenilworth.
 4. It is understood that Winnetka reserves the right to provide fire inspection services on a contractual basis to other municipalities, provided that it does not interfere or otherwise diminish the services provided to Kenilworth under this contract.
 5. The Fire Inspection and Prevention Division of Winnetka shall submit to the Village of Kenilworth documentation of all relevant code, inspectional and prevention services provided in Kenilworth at the close of each quarter.
 6. The Village of Kenilworth shall pay to the Village of Winnetka a fixed fee of \$1,965.75 per quarter, which includes up to 52 hours of base service time performed by Village of Winnetka fire prevention staff, including full-time

personnel as required. No credits will be issued for service utilization of less than 52 hours per quarter. Any services beyond the 52 hours must be authorized by Kenilworth prior to the service being performed. For any extended service utilization (beyond 52 hours per quarter), Kenilworth shall pay an overage rate of \$40.00/hour, with timekeeping rounded to the nearest quarter hour. Winnetka will be responsible for generating quarterly invoices and all such bills shall be payable as provided in the Local Government Prompt Payment Act.

7. The contract service base rate and overage rate provided for in Paragraph 6 may be modified annually by the mutual written agreement of the parties to reflect changes in the cost of providing these services, provided either party gives notice to the other of the desire to negotiate a rate change. Notice to modify the rates of this contract shall be given by September 1st and any such changes shall become effective on January 1st of each year.
8. This contract may be amended at any time on mutual written agreement of the parties.
9. This contract shall become effective when signed by duly authorized representatives of both parties, and shall continue in effect until January 1, 2017. The contract shall automatically be renewed effective each year on January 1st unless one party shall give the other written notice by September 1st of its intention not to renew the contract.
10. Kenilworth agrees to hold harmless, indemnify, and defend the Village of Winnetka and its officials, employees, and agents from any and all claims, costs, or expenses, including attorneys' fees, arising from the provision by the Village of Winnetka of the fire prevention and inspection services provided under this Agreement ("Covered Claims"); provided, however, that the Village of Kenilworth's obligations under this Paragraph shall not apply to the extent any Covered Claims are caused by the negligent, grossly negligent or willful and wanton actions or omissions of the Village of Winnetka, its officials, employees or agents.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed by the Village President of the Village of Winnetka and the Village President of the Village of Kenilworth. Their signatures are attested to by the respective clerks of these municipalities, and their respective corporate seals have been hereunto affixed on the day and year first above written.

VILLAGE OF WINNETKA:

Village President, E. Gene Greable

Date: _____

ATTEST: _____
Village Clerk, Robert M. Bahan

Date: _____

VILLAGE OF KENILWORTH:

Village President, William Russell

Date: _____

ATTEST: _____
Village Clerk, Patrick Brennan

Date: _____

RESOLUTION NO. R-11-2015

THE VILLAGE COUNCIL OF WINNETKA, ILLINOIS

May 5, 2015

WHEREAS, Richard Kates has faithfully served the Village of Winnetka as Village Trustee for four years, from 2011 to 2015, serving as President Pro Tem from 2013 to 2014; and

WHEREAS, during his tenure on the Village Council, he served as the Council's Representative to the Northwest Municipal Conference, Winnetka Historical Society, Business Community Development Commission, and Plan Commission; and

WHEREAS, Mr. Kates supported efforts to reduce flooding in Winnetka, including adoption of a Stormwater Master Plan, construction of several major Stormwater Projects, implementation of a Stormwater Utility to fund stormwater improvements far into the future; and

WHEREAS, as Village Trustee, Mr. Kates furthered the Village's goal of reducing stormwater pollution by approving a sanitary sewer evaluation and enactment of a ban on the commercial application of coal tar-based pavement sealers in Winnetka; and

WHEREAS, he participated in the 2013 Urban Land Institute study and advocated for the business community, approving infrastructure and beautification projects in the commercial districts; passing regulatory and commercial zoning amendments to encourage businesses and developers and to make the Village's regulatory processes easier to navigate; and approving the development of a downtown master plan; and

WHEREAS, Mr. Kates assisted the Council in adopting a new, calendar-based fiscal year aligning the budget and tax levy processes, and in approving an administrative hearing system that allows for fair and timely adjudication of certain civil code violations; and

WHEREAS, Mr. Kates was instrumental in the selection of a new Village Attorney to succeed Winnetka's previous Village Attorney, who retired after 20 years of service, and in the approval of the Village's website redesign which significantly enhanced the Village's communications procedures to allow the timely dissemination information to the community across multiple platforms; and

WHEREAS, by listening carefully to public input and thoughtfully considering the reports and studies prepared by advisory committees, consultants and Village staff, in addition to his commitment to transparent public process, and his prudent deliberation of all matters of public policy brought before the Village Council, he enhanced the deliberations of the governing body.

NOW THEREFORE, BE IT RESOLVED that the Village Council, on behalf of the Village of Winnetka and Village staff, commends Richard Kates for his unselfish dedication and donation of time, effort, and expertise to serving our community and extends to him sincere appreciation for his contributions to this Village; and

BE IT FURTHER RESOLVED that Richard Kates transmits this Village greater and more beautiful than it was transmitted to him.

E. Gene Greable, Village President

Attest:

Robert M. Bahan, Village Clerk

RESOLUTION NO. R-12-2015

**THE VILLAGE COUNCIL OF WINNETKA, ILLINOIS
May 5, 2015**

WHEREAS, Arthur Braun has faithfully served the Village of Winnetka as Village Trustee for four years, from 2011 to 2015, serving as President Pro Tem from 2014 to 2015; and

WHEREAS, prior to his election as Village Trustee, he served the Village of Winnetka on the Business Community Development Commission for three years; and

WHEREAS, during his tenure on the Village Council, he served as the Council's Representative to the Chamber of Commerce and Environmental & Forestry Commission, and also acted as Warrant Officer; and

WHEREAS, Mr. Braun supported efforts to reduce flooding in Winnetka, including adoption of a Stormwater Master Plan, construction of several major Stormwater Projects, implementation of a Stormwater Utility to fund stormwater improvements far into the future, and enactment of a ban on the commercial application of coal tar-based pavement sealers in Winnetka; and

WHEREAS, he participated in the 2013 Urban Land Institute study and advocated for the business community, approving infrastructure and beautification projects in the commercial districts; he also passed regulatory and commercial zoning amendments to encourage businesses and developers and to make the Village's regulatory processes easier to navigate; and

WHEREAS, Mr. Braun aided the Village's effective communications and efficient operation by assisting the Council in adopting a calendar-based fiscal year which aligned the budget and tax levy processes and approving technology upgrades that further increased efficiency of Village operations; implementing an administrative hearing system that allows for fair and timely adjudication of certain civil code violations; and providing valuable input for the administration of the inaugural Village Citizen Survey, results of which will help guide Council policy decisions; and

WHEREAS, by listening attentively to public input and thoroughly considering the reports and studies prepared by advisory committees, consultants and Village staff, in addition to his commitment to transparent public process, and his prudent deliberation of all matters of public policy brought before the Village Council, he enhanced the deliberations of the governing body.

NOW THEREFORE, BE IT RESOLVED that the Village Council, on behalf of the Village of Winnetka and Village staff, commends Arthur Braun for his unselfish dedication and donation of time, effort, and expertise to serving our community and extends to him sincere appreciation for his contributions to this Village; and

BE IT FURTHER RESOLVED that Arthur Braun transmits this Village greater and more beautiful than it was transmitted to him.

E. Gene Greable, Village President

Attest:

Robert M. Bahan, Village Clerk



Agenda Item Executive Summary

Title: Resolution No. R-13-2015: SWANCC Board Appointments- Adoption

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 05/05/2015

Consent: YES NO

Ordinance
 Resolution
 Bid Authorization/Award
 Policy Direction
 Informational Only

Item History:

None.

Executive Summary:

The Village of Winnetka is a member of the Solid Waste Agency of Northern Cook County (SWANCC) and is entitled to appoint a director and alternate director to serve on SWANCC's Board of Directors. The terms for the Village's current SWANCC representatives expired on April 30, 2015. Traditionally, the Village President and Village Manager have been appointed to fill these positions, and serve two-year terms.

Recommendation:

Consider adoption of Resolution No. R-13-2015, appointing the Village's representatives to the SWANCC Board of Directors for a two-year term.

Attachments:

1. Resolution No. R-13-2015

**RESOLUTION APPOINTING A DIRECTOR
AND ALTERNATE DIRECTOR TO THE
SOLID WASTE AGENCY OF NORTHERN COOK COUNTY**

BE IT RESOLVED by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: The Village of Winnetka is a member of the Solid Waste Agency of Northern Cook County (“the Agency”) and, pursuant to the Agency Agreement establishing the Agency, is entitled to appoint a Director and one or more Alternate Directors to the Board of Directors of the Agency.

SECTION 2: The Village Council hereby appoints Village President E. Gene Greable, as the Village of Winnetka’s Director on the Board of Directors of the Agency, and appoints Village Manager Robert M. Bahan as the Village of Winnetka’s Alternate Director, in each case for a term expiring April 30, 2017, or until his successor is appointed.

SECTION 3: This Resolution shall be in full force and effect upon passage and approval.

ADOPTED this 5th day of May, 2015, by the following roll call vote of the Council of the Village of Winnetka.

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk