

Winnetka Village Council
REGULAR MEETING
Village Hall
510 Green Bay Road
Tuesday, December 20, 2016
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.

AGENDA

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Quorum
 - a) January 3, 2017 Regular Meeting
 - b) January 10, 2017 Study Session
 - c) January 17, 2017 Regular Meeting
- 4) Approval of Agenda
- 5) Consent Agenda
 - a) Approval of Village Council Minutes
 - i) December 6, 2016 Regular Meeting3
 - b) Approval of Warrant List.....7
 - c) Resolution No. R-63-2016: GIS Service Provider Agreement (Adoption)8
 - d) Resolution No. R-64-2016: Security for Construction on State Highways (Adoption)17
 - e) Resolution No. R-65-2016: Approving Additional Funding Authorizations and Change Order with B-Max Inc. for Electric Distribution System Work (Adoption)22
 - f) Resolution No. R-66-2016: Approving a Change Order to the Agreement with Burns & McDonnell Engineering Company for the Development of a Water Main Replacement Plan (Adoption).....25
 - g) Resolutions No. R-67-2016 and No. R-68-2016: Establishing Department Head & Manager Salaries (Adoption).....28
 - h) Resolution No. R-69-2016: Data Line Upgrades (Adoption).....34
- 6) Stormwater Report: None.
- 7) Ordinances and Resolutions
 - a) Resolution No. R-70-2016: Approving a Work Program for Downtown Master Plan Implementation (Adoption)49

- b) Ordinance No. M-19-2016: 521 Birch Street, Winnetka Park District, Special Use Permit and Variation (Introduction/Adoption)73
- c) Ordinance No. M-20-2016: Authorizing the Disposition of Surplus Personal Property Owned by the Village of Winnetka (Introduction)232
- 8) Public Comment
- 9) Old Business: None.
- 10) New Business: None.
- 11) Appointments
- 12) Reports
- 13) Closed Session
- 14) 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://www.villageofwinnetka.org/government/village-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
REGULAR MEETING
December 6, 2016**

(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, December 6, 2016, at 7:00 p.m.

- 1) Call to Order. President Greable called the meeting to order at 7:04 p.m. Present: Trustees Andrew Cripe, William Krucks, Penfield Lanphier, Scott Myers, Christopher Rintz and Kristin Ziv. Absent: None. Also present: Village Manager Robert Bahan, Village Attorney Peter M. Friedman, Finance Director Tim Sloth, Assistant Finance Director Nick Mostardo, and one person in the audience.
- 2) Pledge of Allegiance. President Greable led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) December 13, 2016 Study Session. All of the Council members present indicated that they expect to attend.
 - b) December 20, 2016 Regular Meeting. All of the Council members present indicated that they expect to attend.
 - c) January 3, 2017 Regular Meeting. All of the Council members present indicated that they expect to attend.
- 4) Approval of the Agenda. Trustee Myers, seconded by Trustee Cripe, moved to approve the Agenda. By voice vote, the motion carried.
- 5) Consent Agenda
 - a) Village Council Minutes.
 - i) October 20, 2016 Budget Meeting.
 - ii) October 27, 2016 Rescheduled Budget Meeting.
 - iii) November 15, 2016 Regular Meeting.
 - b) Warrant List. Approving the Warrant List dated November 11 – December 1, 2016, in the amount of \$1,328,758.26.
 - c) Resolution No. R-60-2016: Renewing the Contract with SAFEbuilt Illinois, Inc. (Adoption). A Resolution renewing the Village's contract with SAFEbuilt Illinois, Inc. for an additional one-year period.
 - a) Resolution No. R-61-2016: Change Order No. 1 - Underground Storage Tank Removal Project (Adoption). A Resolution approving Change Order No. 1 to Crown Industries, Inc. for the removal and disposal of contaminated soil and liquids, along with manhole replacements, for a price not to exceed \$35,263.05.

- b) Resolution No. R-62-2016: Approving a Contract with MAG Construction Company for Concrete Repairs to Water Plant Clearwells (Adoption). A Resolution approving an agreement with MAG Construction Company for Concrete Repairs to the Water Plant Clearwells.
- c) Annual Meetings Notice. Approval of the 2017 regular meeting schedule for the Village Council and its advisory Boards and Commissions.
- d) Public Safety Pension Report. An annual report from the Police and Fire Pension Boards to the Village Council on the health and performance of the pension plans, required by State Statute prior to adoption of the annual property tax levy.

Trustee Myers, seconded by Trustee Ziv, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Cripe, Krucks, Lanphier, Myers, Rintz and Ziv. Nays: None. Absent: None.

2) Stormwater Report. None.

3) Ordinances and Resolutions.

- a) Budget & Rate Resolutions. Mr. Sloth explained that adoption of the 2017 budget resolution, rate resolutions and tax levy ordinances are the final step in the budget process. The Budget and tax levy have been thoroughly discussed by the Council, and a Public Hearing on the budget was held in November. He reiterated that a typical resident will not see an increase in the Village's portion of the property tax levy.

- i) Resolution No. R-57-2016: Village Budget (Adoption).

- Trustee Krucks, seconded by Trustee Myers, moved to adopt Resolution No. R-57-2016. By roll call vote, the motion carried. Ayes: Trustees Cripe, Krucks, Lanphier, Myers, Rintz and Ziv. Nays: None. Absent: None.

- ii) Resolution No. R-58-2016: FY 2017 Utility Rates and Fees (Adoption).

- Trustee Lanphier, seconded by Trustee Krucks, moved to adopt Resolution No. R-58-2016. By roll call vote, the motion carried. Ayes: Trustees Cripe, Krucks, Lanphier, Myers, Rintz and Ziv. Nays: None. Absent: None.

- iii) Resolution No. R-59-2016: FY 2017 General Fees (Adoption).

- Trustee Myers, seconded by Trustee Ziv, moved to adopt Resolution No. R-59-2016. By roll call vote, the motion carried. Ayes: Trustees Cripe, Krucks, Lanphier, Myers, Rintz and Ziv. Nays: None. Absent: None.

- b) Property Tax Levy and Abatement Ordinances.

- i) Ordinance No. M-13-2016: An Ordinance Levying Taxes for the Year 2016 (Adoption).

- Trustee Cripe, seconded by Trustee Rintz, moved to adopt Ordinance No. M-13-2016. By roll call vote, the motion carried. Ayes: Trustees Cripe, Krucks, Lanphier, Myers, Rintz and Ziv. Nays: None. Absent: None.

- ii) Ordinance No. M-14-2016: An Ordinance Levying Taxes for the Year 2016 for the Village of Winnetka, Cook County, Illinois Special Service Area #3 (Adoption).
Trustee Myers, seconded by Trustee Ziv, moved to adopt Ordinance No. M-14-2016. By roll call vote, the motion carried. Ayes: Trustees Cripe, Krucks, Lanphier, Myers, Rintz and Ziv. Nays: None. Absent: None.
 - iii) Ordinance No. M-15-2016: An Ordinance Terminating Special Service Area Number Four (Adoption).
Trustee Rintz, seconded by Trustee Myers, moved to adopt Ordinance No. M-15-2016. By roll call vote, the motion carried. Ayes: Trustees Cripe, Krucks, Lanphier, Myers, Rintz and Ziv. Nays: None. Absent: None.
 - iv) Ordinance No. M-16-2016: An Ordinance Terminating Special Service Area Number Five (Adoption).
Trustee Cripe, seconded by Trustee Ziv, moved to adopt Ordinance No. M-16-2016. By roll call vote, the motion carried. Ayes: Trustees Cripe, Krucks, Lanphier, Myers, Rintz and Ziv. Nays: None. Absent: None.
 - v) Ordinance No. M-17-2016: An Ordinance Abating the Tax Heretofore Levied for the Year 2016 to Pay the Principal of and Interest on \$9,000,000 General Obligation Bonds, Series 2013 (Adoption).
Trustee Ziv, seconded by Trustee Myers, moved to adopt Ordinance No. M-17-2016. By roll call vote, the motion carried. Ayes: Trustees Cripe, Krucks, Lanphier, Myers, Rintz and Ziv. Nays: None. Absent: None.
 - vi) Ordinance No. M-18-2016: An Ordinance Abating the Tax Heretofore Levied for the Year 2016 to Pay the Principal of and Interest on \$7,500,000 General Obligation Bonds, Series 2014 (Adoption).
Trustee Myers, seconded by Trustee Rintz, moved to adopt Ordinance No. M-18-2016. By roll call vote, the motion carried. Ayes: Trustees Cripe, Krucks, Lanphier, Myers, Rintz and Ziv. Nays: None. Absent: None.
- 4) Public Comment. Pat Balsamo, 1037 Cherry. Ms. Balsamo asked what a special service area is and why two were terminated. Manager Bahan explained that a special service area is a local infrastructure improvement for a given area, which the residents who benefit from the improvement agree to co-fund through a special tax levy for a specified period of time. When the time period is up, it means the project is paid for; therefore, the special tax levy is terminated.
- 5) Old Business. None.
- 6) New Business. None.
- 11) Appointments. None.

12) Reports.

- a) Village President. President Greable reported on the success of the Winnetka holiday tree lighting ceremony.
- b) Trustees.
 - i) Trustee Ziv announced the next Community Conversations is on Saturday at Peet's Coffee.
- c) Attorney. None.
- d) Manager. None.

13) Closed Session. None.

- 14) Adjournment. Trustee Cripe, seconded by Trustee Ziv, moved to adjourn the meeting. By roll call vote, the motion carried. The meeting adjourned at 7:22 p.m.

Deputy Clerk



Agenda Item Executive Summary

Title: Approval of Warrant List

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 12/20/2016

Consent: YES NO

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

Item History:

None.

Executive Summary:

The Warrant List dated December 2 - 15, 2016 was emailed to each Village Council member.

Recommendation:

Consider approving the Warrant List dated December 2 - 15, 2016.

Attachments:

None.



Agenda Item Executive Summary

Title: Resolution No. R-63-2016: GIS Service Provider Agreement (Adoption)

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

Agenda Date: 12/20/2016

Consent: YES NO

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

Item History:

2017 Budget Item

Executive Summary:

The Village of Winnetka is a member of the Geographic Information Systems Consortium, or GISC, a public entity that was formed in 1999 to help small and medium-size communities meet the challenges of developing effective information system solutions. The GISC model is based on creating economies-of-scale that reduce cost and risk for its 32 municipal members. The model provides for a contractual staffing arrangement with a service provider, who provides staffing and training for the management, development, operation, and maintenance of the Village's Geographic Information System (GIS), while the Village provides the necessary computer hardware software, and office facilities.

This is a renewal of the annual contract with Municipal GIS Partners (MGP), the GISC's selected service provider, for GIS support services. The GISC board performs a service provider evaluation every 3 years. MGP has been the service provider for the GIS Consortium since 1999 and has been re-selected numerous times during this period as the best vendor for these services. The contract consists of a master service provider agreement (reviewed by Holland & Knight, the Village's legal counsel) approved by the Village Council in 2014, and an annual "Supplemental Statement of Work" that sets forth the labor hours and rates for the coming year.

For FY 2017, MGP has provided a contractual maximum, not-to-exceed figure of \$60,140.10. This represents a 3% increase from the prior year's contract amount. The Village has budgeted \$81,000 in its FY 2017 operating budget for the GIS program.

Recommendation:

Consider approving Resolution No. R-63-2016, entering a service agreement for GIS services with Municipal GIS Partners, Inc., of Des Plaines, Illinois for a fee based on the hourly rates set forth, not to exceed \$60,140.10.

Attachments:

- 1) Agenda Report
- 2) Resolution No. R-63-2016 and Supplemental Statement of Work

AGENDA REPORT

SUBJECT: R-63-2016: GIS Service Provider Agreement

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

DATE: December 1, 2016

The Village of Winnetka is a member of the Geographic Information Systems Consortium, or **GISC**, a public entity that was formed in 1999 to help small and medium-size communities meet the challenges of developing effective information system solutions. The GISC model is based on creating economies-of-scale that reduce cost and risk for its 32 municipal members. The model provides for a contractual staffing arrangement with a service provider, who provides staffing and training for the management, development, operation, and maintenance of the Village’s Geographic Information System (GIS), while the Village provides the necessary computer hardware, software, and office facilities.

The Village joined the GISC in 2002 and started the process to implement a GIS. The GIS has proven to be a very wise investment for the Village. The digital mapping information is a tremendous tool used daily by the Village staff and the residents and businesses of the Village through the Village’s website tool called MapOffice.

This is a renewal of the annual contract with Municipal GIS Partners (MGP), the GISC’s selected service provider, for GIS support services. The GISC board performs a service provider evaluation every 3 years. MGP has been the service provider for the GIS Consortium since 1999 and has been re-selected numerous times during this period as the best vendor for these services. The contract consists of a master service provider agreement (reviewed by Holland & Knight, the Village’s legal counsel) approved by the Village Council in 2014, and an annual “Supplemental Statement of Work” that sets forth the labor hours and rates for the coming year. Resolution R-63-2016 (**Attachment #1**) approves the “Supplemental Statement of Work” for 2017.

For FY 2017, MGP has provided estimates of the labor hours and associated labor rates needed to perform these services, which are set forth in the following table:

Classification	Est. Hours	Hourly Rate	Total
GIS/RAS Specialist	493	\$ 81.30	\$40,080.90
Client Account Manager	49	\$ 99.00	\$ 4,851.00
GIS Analyst	49	\$ 99.00	\$ 4,851.00
GIS Platform Administrator	28	\$ 123.30	\$ 3,452.40
GIS Application Developer	28	\$ 123.30	\$ 3,452.40
GIS Manager	28	\$ 123.30	\$ 3,452.40
TOTALS	675		\$60,140.10

The contractual maximum, not-to-exceed figure is \$58,391.60. This represents a 3% increase from the prior year’s contract amount. The Village has budgeted \$81,000 in its FY

2017 operating budget for the GIS program, which includes this contract, software support, aerial photography, and mapping services.

In the last year, the work completed under this agreement includes updating and maintaining data, including annual data updates from the County Assessor and planimetric and topographic data obtained via aerial photogrammetry. MGP staff also provided significant support to Village staff in implementing and improving several asset management projects. In the upcoming year, MGP will be providing continuing support for the stormwater utility, including updates of impermeable surface data to keep the utility information current, as well as implementing tablet display, collection, and management of data, allowing field personnel access to detailed mapping and infrastructure information.

Recommendation:

Consider adopting Resolution R-63-2016, approving a service agreement for GIS services with Municipal GIS Partners, Inc., of Des Plaines, Illinois for a fee based on the hourly rates set forth above, not to exceed \$60,140.10.

Attachments:

1. Resolution R-63-2016 and Supplemental Statement of Work

RESOLUTION NO. R-63-2016

**A RESOLUTION APPROVING A SUPPLEMENTAL STATEMENT OF WORK
WITH MUNICIPAL GIS PARTNERS, INC.
FOR GEOGRAPHIC INFORMATION SYSTEM SERVICES**

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the Village of Winnetka (“*Village*”) to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, on January 1, 2015, the Village entered in to that certain GIS Consortium Service Provider Contract (“*Contract*”) with Municipal GIS Partners, Inc. (“*Consultant*”), for the performance of geographic information system services (“*Services*”); and

WHEREAS, pursuant to the Contract, the Village may agree to renew the Contract for calendar year 2017 by entering into a Supplemental Statement of Work (“*SOW*”) with Consultant; and

WHEREAS, the Village desires to enter into the SOW with Consultant for the performance of the Services during calendar year 2017 in an amount not to exceed \$60,140.10; and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to enter into the SOW with Consultant;

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

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL OF SUPPLEMENTAL STATEMENT OF WORK. The Village Council hereby approves the SOW in substantially the form attached to this Resolution as **Exhibit A** and in a final form approved by the Village Attorney.

SECTION 3: AUTHORIZATION TO EXECUTE SUPPLEMENTAL STATEMENT OF WORK. The Village Council hereby authorizes and directs the Village President and the Village Clerk to execute and attest, respectively, on behalf of the Village, the final SOW after receipt by the Village Manager of two executed copies of the final SOW from Consultant; provided, however, that if the Village Manager does not receive two executed copies of the final SOW from Consultant within 60 days after the date of adoption of this Resolution, then this authority to execute and seal the final SOW will, at the option of the Village Council, be null and void.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

December 20, 2016

R-63-2016

ADOPTED this 20th day of December, 2016, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT A

SUPPLEMENTAL STATEMENT OF WORK

Supplemental Statement of Work

Pursuant to and in accordance with Section 1.2 of that certain GIS Consortium Service Provider Contract dated January 1, 2015 (the “*Contract*”) between the Village of Winnetka, an Illinois municipal corporation (the “*Municipality*”) and Municipal GIS Partners, Incorporated (the “*Consultant*”), the parties hereby agree to the following SUPPLEMENTAL STATEMENT OF WORK, effective January 1, 2017 (“*SOW*”):

1. Description of Additional Services:

No additional services beyond such Services described in any previously approved SOWs to the Contract are added by this SOW.

2. Project Schedule/Term:

Pursuant to Section 5.2 of the Contract, this SOW shall extend the Initial Term for an additional one (1) year period. For the avoidance of doubt, this Renewal Term shall commence on January 1, 2017 and remain in effect for one (1) year.

3. Projected Utilization:

As set forth in Section 4.1(c) of the Contract, the project utilization shall adjust each calendar year in accordance with the annual rates approved by the Board of Directors of GISC. The projected utilization for the calendar year beginning January 1, 2017 and ending December 31, 2017 is set forth in this SOW as follows:

- A. X hours of GIS Specialist
- B. 493 hours of GIS/RAS Specialist
- C. 49 hours of Client Account Manager
- D. 49 hours of GIS Analyst
- E. 28 hours of GIS Platform Administrator
- F. 28 hours of GIS Application Developer
- G. 28 hours of GIS Manager

4. Service Rates:

As set forth in Section 4.1(c) of the Contract, the service rates shall adjust each calendar year in accordance with the annual rates approved by the Board of Directors of GISC. The service rates for the calendar year beginning January 1, 2017 and ending December 31, 2017 is set forth in this SOW as follows:

- A. \$ 77.80 per hour for GIS Specialist

- B. \$ 81.30 per hour for GIS/RAS Specialist
- C. \$ 99.00 per hour for Client Account Manager
- D. \$ 99.00 per hour for GIS Analyst
- E. \$ 123.30 per hour for GIS Platform Administrator
- F. \$ 123.30 per hour for GIS Application Developer
- G. \$ 123.30 per hour for GIS Manager

Total Not-to-Exceed Amount for Services (Numbers): \$60,140.10.

Total Not-to-Exceed Amount for Services (Figures): sixty thousand one hundred forty dollars and ten cents.

In the event of any conflict or inconsistency between the terms of this SOW and the Contract or any previously approved SOW, the terms of this SOW shall govern and control with respect to the term, projected utilization rates, service rates and scope of services. All other conflicts or inconsistencies between the terms of the Contract and this SOW shall be governed and controlled by the Contract. Any capitalized terms used herein but not defined herein shall have the meanings prescribed to such capitalized term in the Contract.

SIGNATURE PAGE FOLLOWS

Signature Page to Supplemental Statement of Work

IN WITNESS WHEREOF, the undersigned have placed their hands and seals hereto as of _____, _____.

ATTEST:

VILLAGE OF WINNETKA

By: _____
Name: _____
Its: _____

By: _____
Name: _____
Its: _____

ATTEST:

CONSULTANT:

**MUNICIPAL GIS PARTNERS,
INCORPORATED**

By: Donna J. Thomey
Name: Donna Thomey
Its: Office Administrator

By: Thomas A. Thomey
Name: Thomas Thomey
Its: President



Agenda Item Executive Summary

Title: Resolution No. R-64-2016: Security for Construction on State Highways (Adoption)

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

Agenda Date: 12/20/2016

- | | |
|-------------------------------------|-------------------------|
| <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 |

Consent: YES NO

Item History:

Executive Summary:

From time to time, the Village has a need to undertake or permit for repairs on or under roadways under the jurisdiction of the Illinois Department of Transportation. Permits for such work require performance security, however IDOT allows municipalities to provide said performance security in the form of a resolution, rather than a bond. The attached Resolution No. R-64-2016 represents IDOT's standard form, and would provide performance security for a two-year period.

Recommendation:

Consider adoption of Resolution No. R-64-2016 providing the State of Illinois performance security as required for Highway Permits, for calendar 2017 and 2018.

Attachments:

- 1) IDOT Correspondence
- 2) Resolution No. R-64-2016



Illinois Department of Transportation

Office of Highways Project Implementation / Region 1 / District 1
201 West Center Court / Schaumburg, Illinois 60196-1096

PERMITS

Resolution for Construction on State Highway

November 3, 2016

The Honorable E. Gene Greable
Village President
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

Dear Village President Greable:

Chapter 121 of the Illinois revised statutes requires that any person, firm or corporation desiring to do work on state maintained rights of way must first obtain a written permit from the Illinois department of transportation. This includes any emergency work on broken watermains or sewers.

A surety bond is required with each permit application to insure that all work is completed in accordance with state specifications and that the right of way is properly restored.

For permit work to be performed by employees of a municipality a resolution is acceptable in lieu of the surety bond. This resolution does not relieve contractors hired by the municipality from conforming with the normal bonding requirements nor from obtaining permits.

The resolution should be enacted for a period of two years. This procedure will save time and effort as well as reduce the annual paperwork associated with an annual resolution.

In order to expedite the issuance of permits to your municipality during the next two calendar years the attached sample resolution should be adopted and a signed and certified copy thereof returned to this office. This resolution does not constitute a blanket permit for work in the State system. A separate application must be made in each instance. In the case of an emergency, verbal authority may be given prior to receipt of the written application. After normal working hours or weekends, this authority can be obtained from our Communications Center at (847)705-4612.

November 3, 2016
Page two

We would appreciate the cooperation of your community in withholding the issuance of building permits along State highways until the builder shows evidence of a State highway permit having been obtained. Our permit staff would be willing to answer any questions you may have regarding current policies or practices and to work with your planning commission on any new developments within your municipality.

Do not hesitate to contact Ms. Beverly Hawley, Office Coordinator at (847) 705-4142.

Very truly yours,

John Fortmann, P.E.
Region One Engineer

By: 
Thomas G. Gallenbach, P.E.
Traffic Permits Engineer

RESOLUTION NO. R-64-2016

**A RESOLUTION REGARDING PERMITS GRANTED BY THE STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION, OPERATION,
AND MAINTENANCE OF STREET IMPROVEMENTS ON STATE HIGHWAYS
MAINTAINED BY THE VILLAGE**

WHEREAS, Article VII, Section 10, of the 1970 Illinois Constitution authorizes the Village to contract with individuals, associations, and corporations, in any manner not prohibited by law or ordinance; and

WHEREAS, the Village of Winnetka, hereinafter referred to as “Municipality,” located in the County of Cook, State of Illinois, desires to undertake, in the calendar years 2017 and 2018, the location, construction, operation and maintenance of driveways and street returns, watermains, sanitary and storm sewers, street light, traffic signals, sidewalk, landscaping, etc., on State highways, within said Municipality, which by law and/or agreement come under the jurisdiction and control of the Department of Transportation of the State of Illinois, hereinafter referred to as “Department;” and

WHEREAS, an individual working permit must be obtained from the Department prior to any of the aforesaid installations being constructed either by the Municipality or by a private person or firm under contract and supervision of the Municipality;

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

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: COMPLIANCE WITH IDOT PERMITS; HOLD HARMLESS. The Municipality hereby pledges its good faith and guarantees that all work shall be performed in accordance with conditions of the permit to be granted by the Department, and to hold the State of Illinois harmless during the prosecution of such work, and assume all liability for damages to persons or property due to accidents or otherwise by reason of the work which is to be performed under the provisions of said permit.

SECTION 3: AUTHORIZATION TO EXECUTE PERMITS. All authorized officials of the Municipality are hereby instructed and authorized to sign said working permit on behalf of the Municipality.

SECTION 4: EFFECTIVE DATE. this Resolution shall be in full force and effect from and after its passage and approval according to law.

[SIGNATURE PAGE FOLLOWS]

ADOPTED this 20th day of December, 2016, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk



Agenda Item Executive Summary

Title: Resolution No. R-65-2016: Approving Additional Funding Authorizations and Change Order with B-Max Inc. for Electric Distribution System Work (Adoption)

Presenter: Brian Keys, Director of Water & Electric

Agenda Date:

12/20/2016

Consent:

YES

NO

Ordinance

Resolution

Bid Authorization/Award

Policy Direction

Informational Only

Item History:

At the April 19, 2016 Village Council Meeting, the Council approved Resolution No. R-23-2016, approving a contract with B-Max Inc. for directional boring services which included the installation of conduit and equipment pads for the electrical distribution system. The first year of the contract extends through May 31, 2017. The Village Council approved an expenditure of \$250,000 for the period of June 1 through December 31, 2016.

Executive Summary:

The contract period for the first year of bid prices for directional boring services is June 1, 2016 through May 31, 2017. Resolution No. R-23-2016 authorized staff to utilize B-Max Inc. for directional boring services during the period of June 1 through December 31, 2016 with initial funding authorization of \$250,000. Staff has currently expended \$249,668 of the authorized funding. It is anticipated that approximately \$35,000 of additional funding will be required for the remainder of 2016.

For fiscal year 2016, the Electric Fund Budget contained \$561,000 for directional boring services. Year-to-date, \$463,777 has been expended.

For fiscal year 2017, the Electric Fund Budget contains \$560,000 for directional boring services. Of this funding, \$120,000 (account #500.42.31-660) is allocated for system reinforcement and \$440,000 (account 500.42.37-660) is allocated for new business projects.

Staff is seeking Village Council authorization on both an increase of \$35,000 for 2016 directional boring work, and an initial funding authorization of \$214,000 for directional boring work during the period of January 1 through May 31, 2017.

Resolution R-65-2016, prepared by the Village Attorney, authorizes the Village President and Village Clerk to execute and attest, a change order to the contract with B-Max Inc. pursuant to the funding authorizations.

Recommendation:

Consider adoption of Resolution No. R-65-2016, approving additional funding authorizations and change order #1 to the contract with B-Max Inc. for electric distribution system work.

Attachments:

Resolution No. R-65-2016: Approving Additional Funding Authorizations and Change Order No. 1 to the Contract with B-Max Inc. for Electric Distribution System Work

RESOLUTION NO. R-65-2016

**A RESOLUTION APPROVING ADDITIONAL
FUNDING AUTHORIZATIONS AND CHANGE ORDER NO. 1 TO THE CONTRACT
WITH B-MAX, INC. FOR ELECTRIC DISTRIBUTION SYSTEM WORK**

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the Village of Winnetka ("**Village**") to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, on April 19, 2016, the Village Council approved Resolution R-23-2016 authorizing the Village to enter into a contract ("**Contract**") with B-Max, Inc. ("**Contractor**") for the performance of directional boring, equipment pad installation, splice box installation, conduit installation, and related work necessary to maintain and support the Village's electric distribution system ("**Work**") during the period of June 1, 2016 to May 31, 2017 ("**Term**"); and

WHEREAS, the Contract provided, and the Village Council authorized, the Work for the period of June 1, 2016, to December 31, 2016 in amount not to exceed \$250,000.00 ("**Initial 2016 Funding Authorization**"); and

WHEREAS, it is anticipated that the Work for the remainder of 2016 will cost an additional \$35,000 ("**Supplemental 2016 Funding Authorization**"); and

WHEREAS, the Village has allocated \$560,000 in its 2017 Electrical Fund Budget for directional boring services during the 2017 fiscal year; and

WHEREAS, it is anticipated that the Work will cost \$214,000 for the period of January 1, 2017 to the end of the Term ("**2017 Funding Authorization**"); and

WHEREAS, the Village desires to authorize: (i) the Supplemental 2016 Funding Authorization; (ii) the 2017 Funding Authorization; and (iii) issue a change order to the Contract to authorize the Contractor to carry out the Work during the remainder of the Term; and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to approve: (i) the Supplemental 2016 Funding Authorization; (ii) the 2017 Funding Authorization; and (iii) issue a change order to the Contract to authorize the Contractor to carry out the Work during the remainder of the Term;

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

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL OF ADDITIONAL FUNDING AUTHORIZATIONS. The Village Council hereby approves: (i) the Supplemental 2016 Funding Authorization; and (ii) the 2017 Funding Authorization.

SECTION 3: AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 1. The Village Council hereby authorizes and directs the Village President and the Village Clerk to execute and attest, respectively, on behalf of the Village, a change order to the Contract to authorize the Contractor to do the Work for the remainder of the Term pursuant to the funding authorizations approved in Section 2 of this Resolution, which change order shall be in a final form approved by the Village Attorney.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

ADOPTED this 20th day of December, 2016, pursuant to the following roll call vote:

AYES: _____
NAYS: _____
ABSENT: _____
ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk



Agenda Item Executive Summary

Title: Resolution No. R-66-2016: Approving a Change Order to the Agreement with Burns & McDonnell Engineering Company for the Development of a Water Main Replacement Plan (Adoption)

Presenter: Brian Keys, Director of Water & Electric

Agenda Date: 12/20/2016

- Ordinance
- Resolution
- Bid Authorization/Award
- Policy Direction
- Informational Only

Consent: YES NO

Item History:

At the December 1, 2015 Village Council Meeting, the Council approved Resolution No. R-43-2015: Approving an Agreement with Burns & McDonnell Engineering Company Inc. for Professional Services. The consultant was retained to develop an asset replacement strategy for the aging water distribution system and conduct a rate study.

Executive Summary:

At the September 6, 2016 Village Council meeting, Burns & McDonnell presented their preliminary report entitled, "Water Main Replacement Plan and Water Rate Study". The report and accompanying presentation generated several questions and the Council requested additional information and analysis. The additional work was outside the original scope of the Request for Proposal. As such, additional funding is required to address the following topics:

- Retail rate comparison with additional Cook and DuPage communities
- Unincorporated retail rate comparison
- Additional funding scenarios
- Preliminary rate scenarios
- Additional Village Council presentation
- Update written report

Burns & McDonnell has estimated the cost of the additional work at \$12,407, above the awarded amount of \$48,840. Prior to engaging the consultant to proceed, the Village Manager polled Village Trustees to secure their consensus to proceed with preparing the additional information for further discussion with the Village Council on the Water Main Replacement Plan and Rate Study.

The fiscal year 2016 Water Fund Budget contains \$72,260 for Engineering Services (account 520.60.01-552) of which \$46,957 has been expended.

Resolution No. R-66-2016, prepared by the Village Attorney, authorizes the Village President and Village Clerk, to execute and attest, a change order to the agreement with Burns & McDonnell Engineering Company Inc.

Recommendation:

Consider adoption of Resolution No. R-66-2016, approving change order #1 to the agreement with Burns & McDonnell Engineering Company Inc. for the development of a water main replacement plan.

Attachments:

Resolution No. R-66-2016: Approving Change Order No. 1 to the Agreement with Burns & McDonnell Engineering Company Inc. for the Development of a Water Main Replacement Plan

RESOLUTION NO. R-66-2016

A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE AGREEMENT WITH BURNS & MCDONNELL ENGINEERING COMPANY, INC. FOR THE DEVELOPMENT OF A WATER MAIN REPLACEMENT PLAN

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the Village of Winnetka ("**Village**") to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, on December 1, 2015, the Village Council approved R-43-2015 authorizing the Village to enter into an agreement with Burns & McDonnell Engineering Company, Inc. ("**Consultant**"), for the performance of consulting services for the development of a comprehensive water main replacement plan and water rate study for the Village ("**Services**") in an amount not to exceed \$48,840.00 ("**Agreement**"); and

WHEREAS, while performing the Services, the Village determined that it desired the following additional services to be performed by the Consultant: (i) a retail rate comparison with additional Cook County and DuPage County communities; (ii) a retail rate comparison with unincorporated areas; (iii) additional funding scenarios; (iv) preliminary rate scenarios; (v) an additional Village Council presentation; and (vi) an updated written report (collectively, the "**Additional Services**"); and

WHEREAS, the Village and the Consultant desire to ratify the Change Order Number 1 under the Agreement to authorize the Consultant to carry out the performance of the Additional Services in the not-to-exceed amount of \$12,407.00 ("**Change Order No. 1**"); and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to issue Change Order No. 1;

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

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL OF CHANGE ORDER NO. 1. The Village Council hereby ratifies and approves Change Order No. 1 in a final form to be approved by the Village Attorney.

SECTION 3: AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 1. The Village Council hereby authorizes and directs the Village President and the Village Clerk to execute and attest, respectively, on behalf of the Village, the final Change Order No. 1 after receipt by the Village Manager of two executed copies of the final Change Order No. 1 from Consultant; provided, however, that if the Village Manager does not receive two executed copies of the final Change Order No. 1 from Consultant within 60 days after the date of adoption of this

December 20, 2016

R-66-2016

Resolution, then this authority to execute and seal the final Change Order No. 1 will, at the option of the Village Council, be null and void.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

ADOPTED this 20th day of December, 2016, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk



Agenda Item Executive Summary

Title: Resolutions No. R-67-2016 and No. R-68-2016: Establishing Department Head & Manager Salaries (Adoption)

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 12/20/2016

- | | |
|-------------------------------------|-------------------------|
| <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 |

Consent: YES NO

Item History:

None.

Executive Summary:

As required by Village Code, Resolution No. R-67-2016 approves and establishes the salaries for Department Heads, while Resolution No. R-68-2016 establishes the Village Manager's salary.

The resolutions provide that the salary changes are effective January 1, 2017. This is consistent with other employee pay adjustments.

Recommendation:

1. Consider adoption of Resolution No. R-67-2016 titled "A Resolution Approving and Establishing the Salaries of Department Heads Effective January 1, 2017."
2. Consider adoption of Resolution No. R-68-2016, titled "A Resolution Approving and Establishing Changes in the Base Salary of the Village Manager."

Attachments:

1. Resolution No. R-67-2016, "A Resolution Approving and Establishing the Salaries of Department Heads Effective January 1, 2017."
2. Resolution No. R-68-2016, "A Resolution Approving and Establishing Changes in the Base Salary of the Village Manager."

**A RESOLUTION
APPROVING AND ESTABLISHING
THE COMPENSATION OF DEPARTMENT HEADS
EFFECTIVE JANUARY 1, 2017**

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; and

WHEREAS, pursuant to the Winnetka Village Code (“*Village Code*”), the compensation for the Village’s department heads shall be fixed by the Village Manager with the approval of the Council of the Village of Winnetka (“*Village Council*”); and

WHEREAS, the Village Manager has fixed the compensation for the departments heads for 2017 as set forth in this Resolution; and

WHEREAS, pursuant to its home rule authority, the Village Council has determined that it is the best interests of the Village to approve the compensation for the Village’s department heads for 2017 as set forth in this Resolution;

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

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL OF BASE SALARIES. In accordance with the sections of the Winnetka Village Code referenced in the table below, the Village Council hereby approves and establishes the following monthly base salaries for the department heads:

Name and Title	Monthly Salary Effective January 1, 2017
Alan Berkowsky (Fire Chief, WVC 2.52.030.B)	\$ 12,665.20
Michael D’Onofrio (Community Development Director WVC §2.44.030.B)	\$ 12,620.66
Brian L. Keys (Water & Electric Director WVC §2.68.010.C)	\$ 13,732.46

Patrick Kreis (Chief of Police WVC §2.60.030.B)	\$ 13,261.61
Timothy J. Sloth (Finance Director WVC §2.48.010.D)	\$ 12,826.34
Steven M. Saunders (Director of Public Works WVC §2.64.010.C)	\$ 14,184.44

SECTION 3: APPROVAL OF ADDITIONAL COMPENSATION. In addition to the base salaries established in Section 1 of this Resolution and all other benefits available generally to Village employees, the department heads listed in Section 1 of this Resolution (“*Department Heads*”) shall also receive the following additional compensation for 2017: (a) each of the Department Heads shall be entitled to an annual, lump sum payment of \$2,500.00, which the Village Treasurer shall deposit, on behalf of each Department Head, into a qualified Internal Revenue Code Section 457 deferred compensation plan; (b) Director of Public Works Steven M. Saunders shall be paid a one-time bonus of \$10,000.00; (c) Director of Water and Electric Brian Keys shall be paid a one-time bonus of \$5,000.00; (d) Police Chief Patrick Kreis shall be paid a one-time bonus of \$5,000.00; (e) Community Development Director Michael D’Onofrio shall be paid a one-time bonus of \$5,000.00; and (f) Fire Chief Alan Berkowsky shall be paid a one-time bonus of \$5,000.00.

SECTION 4: REPEALER. Resolution R-45-2015 is hereby repealed in its entirety.

SECTION 5: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

[SIGNATURE PAGE FOLLOWS]

ADOPTED this 20th day of December, 2016, by the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed

Village President

Countersigned:

Village Clerk

RESOLUTION NO. R-68-2016

**A RESOLUTION
APPROVING AND ESTABLISHING
CHANGES IN THE COMPENSATION OF THE VILLAGE MANAGER**

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; and

WHEREAS, pursuant to Section 2.12.040 of the Winnetka Village Code (“*Village Code*”), the compensation of the Village Manager shall be determined by the Council of the Village of Winnetka (“*Village Council*”); and

WHEREAS, the Village entered into a September 29, 2010 Employment Agreement with the Village Manager (“*Employment Agreement*”), pursuant to which the Village Council agreed to periodically review the Village Manager’s compensation; and

WHEREAS, pursuant to its home rule authority, the Village Council has determined that it is the best interests of the Village to set the compensation for the Village Manager as set forth in this Resolution;

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

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL OF BASE SALARY. In accordance with Section 2.12.040 of the Village Code and Section 5 of the Employment Agreement, the Village Council hereby approves and establishes the monthly base salary of the Village Manager as follows:

	Monthly Salary Effective January 1, 2017
Robert M. Bahan	\$ 17,275.61

SECTION 3: APPROVAL OF ADDITIONAL COMPENSATION. In addition to the base salary established in Section 1 of this Resolution, the benefits and payments established in the Employment Agreement, and all other benefits available generally to Village employees, Village Manager Robert M. Bahan shall be paid a one-time bonus of \$20,000.

SECTION 4: EFFECT OF RESOLUTION. Except for the salary and payment adjustments made pursuant to this Resolution, all provisions of the Employment Agreement remain in full force and effect, without change.

SECTION 5: REPEALER. Resolution R-46-2015 is hereby repealed in its entirety.

SECTION 5: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

ADOPTED this 20th day of December, 2016, by the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed

Village President

Countersigned:

Village Clerk



Agenda Item Executive Summary

Title: Resolution No. R-69-2016: Data Line Upgrades (Adoption)

Presenter: Nicholas A. Mostardo, Assistant Director of Finance

Agenda Date: 12/20/2016

Consent: YES NO

Ordinance
 Resolution
 Bid Authorization/Award
 Policy Direction
 Informational Only

Item History:

The Water & Electric Department currently utilizes two Digital Signal 0 (DS0) low baud data lines provided by AT&T to communicate with computer systems that manage water interconnects with Northfield and Wilmette. The cost of these two lines is approximately \$1,000 per month and rising due to the sunsetting of copper-based telecommunication networks.

Executive Summary:

In mid-2016, AT&T approached the Village with a proposal to convert the Village's remaining copper data lines over to their fiber optic network. Two of the existing four lines are related to 911 services and were not evaluated for conversion. The remaining two lines are the above-referenced water interconnect communication circuits.

By converting those two circuits from the copper network to the fiber network, the monthly recurring charge will drop to approximately \$600 per month. AT&T has proposed a 36 month agreement with favorable pricing and all work and installation associated with the proposed improvements will be completed in 2017.

The total value of the contract is not to exceed \$22,002.48. Normally, this contract amount would be under the purview of the Village Manager's purchasing authority; however, the Village's purchasing policy requires Council approval for a waiver of competitive bidding when a contract exceeds \$20,000. Staff is requesting the waiver as this type of point-to-point fiber service to replace legacy DS0 data circuits is unique to AT&T.

Resolution No. R-69-2016, prepared by the Village Attorney, provides for a waiver of competitive bidding and authorizes the Village Manager to execute an agreement with AT&T for the new fiber service.

Recommendation:

Consider adoption of Resolution No. R-69-2016, waiving competitive bidding and authorizing the Village Manager to execute an agreement with AT&T for data line upgrades.

Attachments:

- 1) Resolution No. R-69-2016, A Resolution Waiving Formal Bidding and Approving Agreements with AT&T for Network Upgrades and Telephony Service at the Water Plant.
- 2) Exhibit A: AT&T Master Services Agreement
- 3) Exhibit B: AT&T Fiber Agreement

RESOLUTION NO. R-69-2016

**A RESOLUTION WAIVING FORMAL BIDDING AND APPROVING AGREEMENTS
WITH AT&T FOR NETWORK UPGRADES AND TELEPHONY SERVICE
AT THE WATER PLANT**

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the Village of Winnetka (“*Village*”) to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, the Village desires to (i) upgrade two data lines at the Water Plant from copper to point-to-point fiber (“*Network Upgrades*”), and (ii) procure telephony services for the Water Plant (“*Services*”); and

WHEREAS, the Village has appropriated funds for the procurement of the Network Upgrades and the Services; and

WHEREAS, AT&T Corp. (“*AT&T*”) offers the Network Upgrades in a manner that is technologically superior to other services providers; and

WHEREAS, the Village Council desires to enter into a fiber upgrade agreement (“*Fiber Agreement*”) and a master services agreement (“*Master Services Agreement*”) (collectively, the Fiber Agreement and the Master Services Agreement are the “*Agreements*”) with AT&T for the Network Upgrades and the Services in a total amount not to exceed \$22,002.48; and

WHEREAS, pursuant to Section 4.12.010.C of the Village Code and Section IV.3.D of the Village’s Purchasing Manual, the Village Council has determined that it is in the best interests of the Village to waive competitive bidding and enter into the Agreements with AT&T;

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

SECTION 1: RECITALS. The Village Council adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: WAIVER OF COMPETITIVE BIDDING. Pursuant to Section 4.12.010.C of the Village Code, Section IV.3.D of the Village’s Purchasing Manual, and the Village’s home rule authority, the Village Council waives the requirement of competitive bidding for the procurement of the Network Upgrades and the Services.

SECTION 3: APPROVAL OF AGREEMENTS. The Village Council approves the following agreements:

- (i) the Master Services Agreement in substantially the form attached to this Resolution as **Exhibit A** and in a final form approved by the Village Attorney; and

- (ii) the Fiber Agreement in substantially the form attached to this Resolution as **Exhibit B** and in a final form approved by the Village Attorney.

SECTION 4: AUTHORIZATION TO EXECUTE AGREEMENTS. The Village Council hereby authorizes and directs the Village Manager and the Village Clerk to execute and attest, respectively, on behalf of the Village, the final Agreements.

SECTION 5: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval by the vote of two-thirds of the Trustees.

ADOPTED this 20th day of December, 2016, pursuant to the following roll call vote:

AYES: _____
NAYS: _____
ABSENT: _____
ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT A

MASTER SERVICES AGREEMENT



Sales Contact Information
CRAIG; ALEXANDER
7084199984
ac392u@us.att.com

eSign Fax Cover Sheet Contract Id: 4888548

To: AT&T Automated Fax Handling Service

From:

Fax: 877-374-4632 or 877-eSignFax

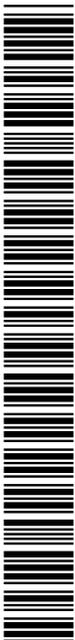
Total Pages: 4
(Excluding Fax Cover Sheet)

Or with Copiers / Scanners w/ email, Send To: esign@att.com

To sign via fax:

1. Sign, Title and Date the document where applicable,
2. Fax back documents in the following order:
 - I. eSign Fax Cover Sheet for Contract Id: 4888548
 - II. All Pages stamped with Contract Id: 4888548
3. If there are additional documents, use the corresponding eSign Fax Cover Sheet(s) as separator(s) and Fax back as in 2.I and 2.II.

(see Picture below)



Request Id: 1301818
Contract Id: 4888548



MULTI-SERVICE AGREEMENT

Customer	AT&T
Village of Winnetka Street Address: 510 GREEN BAY RD,NA City: WINNETKA State/Province : IL Zip Code: 60093-2563 Country: United States	AT&T Corp.
Customer Contact (for notices)	AT&T Contact (for notices)
Name: Nicholas Mostrado Title: Director Street Address: 510 Green Bay Rd City: Winnetka State/Province: IL Zip Code: 60093 Country: United States Telephone: 8475016000 Fax: Email: nmostardo@winnetka.org	Street Address: 225 W RANDOLPH ST City: CHICAGO State/Province: IL Zip Code: 60606 Country: United States With a copy to: AT&T Corp. One AT&T Way Bedminster, NJ 07921-0752 ATTN: Master Agreement Support Team Email: mast@att.com
This Multi-Service Agreement between the customer named above ("Customer") and AT&T Corp. ("AT&T") is effective when signed by both parties.	
Customer (by its authorized representative)	AT&T (by its authorized representative)
By:	By:
Name:	Name:
Title:	Title:
Date:	Date:

Agreement: The terms and conditions for the products and services that AT&T provides to Customer under this Agreement ("Services") are found in this document and the following additional documents (collectively, the "Agreement"): (i) Tariffs, Guidebooks and Service Guides found at att.com/service publications; (ii) pricing schedules or other documents attached to or later executed by the parties and referencing this document ("Pricing Schedule"); and (iii) the Acceptable Use Policy ("AUP") found at att.com/aup. AT&T may revise Tariffs, Guidebooks, Service Guides or the AUP (collectively "Service Publications") at any time and may direct Customer to websites other than listed above. The order of priority of the documents that form this Agreement is: the applicable Pricing Schedule or Order, this Multi-Service Agreement, and the applicable Service Publications; provided that, Tariffs will be first in priority in any jurisdiction where applicable law or regulation does not permit contract terms to take precedence over inconsistent Tariff terms. This Agreement continues so long as Services are provided under this Agreement.

Affiliate Signature: An AT&T or Customer Affiliate may sign a Pricing Schedule in its own name, and such Affiliate contract will be a separate but associated contract incorporating the terms of this Agreement. Customer and AT&T will cause respective Affiliates to comply with any such separate and associated contract.

Services: AT&T will either provide or arrange to have its Affiliate provide Services to Customer and its Users (anyone who uses or accesses any Service provided to Customer), subject to the availability and operational limitations of systems, facilities and equipment. Where required, an AT&T Affiliate authorized by the appropriate regulatory authority will be the service provider. Customer may not resell the Services or rebrand the Services for resale to third parties without AT&T's prior written consent. Customer will cause Users to comply with this Agreement and is responsible for their use of any Service unless expressly provided to the contrary in a Service Publication. If a Service is provided over or accesses the Internet or is a wireless (i.e., cellular) data or messaging Service, Customer, its Affiliates and Users will comply with the AUP.

MULTI-SERVICE AGREEMENT

Ordering: If an applicable Service Publication expressly permits placement of an order for a Service under this Multi-Service Agreement without the execution of a Pricing Schedule, Customer may place such an order using AT&T's standard ordering processes (an "Order"), and upon acceptance by AT&T, the Order shall otherwise be deemed a Pricing Schedule under this Multi-Service Agreement for the Service Ordered.

Access to Premises: Customer will in a timely manner allow AT&T to access or at Customer's expense obtain timely access to property (other than public property) and to equipment as AT&T reasonably requires for the Services. Access includes information, the right to construct, install, repair, maintain, replace and remove access lines and network facilities and the right to use ancillary equipment space within the building for Customer's connection to AT&T's network. Customer will furnish any conduit, holes, wireways, wiring, plans, equipment, space, power/utilities and other items AT&T reasonably requires for the Services and will obtain any necessary licenses, permits and consents (including easements and rights-of-way).

Hazardous Materials: Customer will ensure that the location where AT&T installs, maintains or provides Services is a suitable and safe working environment, free of any substance or material that poses an unreasonable risk to health, safety or property or whose use, transport, storage, handling, disposal or release is regulated by any law related to pollution, to protection of air, water or soil or to health and safety. If AT&T encounters any such hazardous materials at a Customer location, AT&T may terminate any affected Service or any affected component of a Service ("Service Component") or suspend performance until Customer removes the hazardous materials.

Independent Contractor Relationship: Each party is an independent contractor. Neither party controls the other, and neither party nor its Affiliates, employees, agents or contractors are Affiliates, employees, agents or contractors of the other party.

License and Other Terms: Software, Purchased Equipment and Third-Party Services may be provided subject to the terms of a separate license or other agreement between Customer and either the licensor, the third-party service provider or the manufacturer. Customer's execution of the Pricing Schedule for or placement of an Order for Software, Purchased Equipment or Third-Party Services is Customer's agreement to comply with such separate agreement.

Unless a Service Publication specifies otherwise, AT&T's sole responsibility with respect to Third-Party Services is to place Customer's orders for Third-Party Services, except that AT&T may invoice and collect payment from Customer for the Third-Party Services.

Equipment: Services may be provided using certain equipment owned by AT&T that is located at the Site ("AT&T Equipment"), but title to the AT&T Equipment will remain with AT&T. Customer must provide electric power for the AT&T Equipment and keep the AT&T Equipment physically secure and free from liens and encumbrances. Customer will bear the risk of loss or damage (other than ordinary wear and tear) to the AT&T Equipment. The Site is the physical location where AT&T installs or provides a Service.

Except as specified in a Service Publication, title to and risk of loss of Purchased Equipment shall pass to Customer on delivery to the transport carrier for shipment to Customer's designated location.

AT&T retains a lien and purchase money security interest in each item of Purchased Equipment and Vendor Software until Customer pays all sums due. AT&T is authorized to sign and file a financing statement to perfect such security interest.

Prices, Pricing Schedule Term and Taxes: The prices listed in a Pricing Schedule are stabilized until the end of the Pricing Schedule Term and will

apply in lieu of the corresponding prices set forth in the applicable Service Publication. No promotion, credit, discount or waiver set forth in a Service Publication will apply. Unless the Pricing Schedule states otherwise, at the end of the Pricing Schedule Term, Customer may continue Service (subject to any applicable notice or other requirements in a Service Publication for Customer to discontinue a Service Component) under a month-to-month service arrangement at the prices, terms and conditions in effect on the last day of the Pricing Schedule Term. AT&T may change such prices, terms or conditions on 30 days' prior notice to Customer.

Prices in the Pricing Schedules are exclusive of and Customer will pay all taxes, regulatory surcharges, recovery fees, customs clearances, duties, levies, shipping charges and other similar charges relating to the sale, transfer of ownership, installation, license, use or provision of the Services.

If required by law to withhold or deduct applicable taxes from payments due to AT&T, Customer must use reasonable commercial efforts to minimize any such taxes and must furnish to AT&T such evidence as may be required by relevant taxing authorities to establish that such tax has been paid so that AT&T may claim any applicable credit.

Billing, Payments, Deposits and MARC: Unless a Service Publication specifies otherwise, Customer's obligation to pay for a Service Component begins upon availability of the Service Component to Customer ("Cutover"). Payment is due 30 days after the invoice date (unless another date is specified in an applicable Tariff or Guidebook) and must refer to the invoice number.

At Customer's request, but subject to AT&T's consent (which may not be unreasonably withheld or withdrawn), Customer's Affiliates may be invoiced separately, and AT&T will accept payment from such Affiliates. Customer will be responsible for payment if Customer's Affiliates do not pay charges in accordance with this Agreement.

Restrictive endorsements or other statements on checks are void. If Customer does not dispute a charge in writing within 6 months after the date of the invoice in which the disputed charge initially appears, Customer waives the right to dispute the charge. AT&T may recover all costs (including attorney fees) of collecting delinquent or dishonored payments and may charge late payment fees (i) for Tariff or Guidebook Services, at the rate specified therein; or (ii) for all other Services at the lower of 1.5% per month (18% per annum) or the maximum rate allowed by law. AT&T may require a deposit as a condition of providing Services, and AT&T may apply such deposit to any charges owed.

If a Pricing Schedule includes a MARC and Customer's MARC-Eligible recurring and usage charges after deducting discounts and credits and excluding taxes, regulatory charges and charges for Purchased Equipment in any applicable 12-month period are less than the MARC, Customer will pay the shortfall, and AT&T may withhold contractual credits until Customer pays the shortfall charge.

Termination and Suspension: Either party may terminate this Agreement immediately upon notice if the other party becomes insolvent, ceases operations, is the subject of a bankruptcy petition or makes an assignment for the benefit of its creditors.

AT&T may terminate or suspend an affected Service or Service Component and, if the activity materially and adversely affects the entire Agreement, terminate or suspend the entire Agreement, immediately upon notice if Customer: (i) commits a fraud upon AT&T; (ii) uses the Service to commit a fraud upon another party; (iii) unlawfully uses the Service; (iv) abuses or misuses AT&T's network or Service; or (v) interferes with another customer's use of AT&T's network or services.

Customer may terminate an affected Service Component for material breach by AT&T if such breach is not cured within 30 days of notice.

MULTI-SERVICE AGREEMENT

AT&T may terminate or suspend (and later terminate) an affected Service Component for material breach by Customer if such breach is not cured within 30 days of notice.

If Customer fails to rectify a violation of the AUP within 5 days after notice from AT&T, AT&T may suspend or terminate the affected Service Component. AT&T may suspend or terminate immediately if: (i) the suspension or termination is a response to multiple or repeated AUP violations or complaints; (ii) AT&T is acting in response to a court order or governmental notice that certain conduct must be stopped; or (iii) AT&T reasonably determines that: (a) AT&T may be exposed to sanctions, liability, prosecution or other adverse consequences under applicable law if AT&T allows the violation to continue; (b) the violation may harm or interfere with the integrity, normal operations or security of AT&T's network or of networks with which AT&T interconnects or may interfere with another customer's use of AT&T services or the Internet; or (c) the violation presents imminent risk of harm to AT&T, AT&T's customers or its or their respective employees.

Termination Charges: If prior to Cutover, Customer terminates a Service Component other than for cause or AT&T terminates a Service Component for cause, Customer (i) will pay any pre-Cutover termination or cancellation charges set out in a Pricing Schedule or Service Publication, or (ii) in the absence of such specified charges, will reimburse AT&T for time and materials, including any third-party charges, incurred prior to the effective date of termination.

Thereafter, if Customer terminates a Service or Service Component for Customer's convenience or AT&T terminates a Service or Service Component for cause, Customer must pay: (i) 50% (unless a different amount is specified in the Pricing Schedule) of any unpaid recurring charges for the terminated Service Component attributable to the unexpired portion of an applicable Minimum Payment Period specified in the Pricing Schedule or Service Publication, (ii) if termination occurs before the end of an applicable Minimum Retention Period, any associated credits or waived or unpaid non-recurring charges, and (iii) any access facilities cancellation charges and other third-party charges incurred by AT&T due to the termination.

If Customer terminates a Pricing Schedule that has a MARC, Customer must pay an amount equal to 50% of the unsatisfied MARC for the balance of the Pricing Schedule Term.

In addition, Customer may terminate an affected Service Component without incurring termination charges if (a) AT&T revises a Service Publication and the revision has a materially adverse impact upon Customer; (b) Customer gives 30 days' notice of termination to AT&T within 90 days of the date of the revision; and (c) AT&T does not remedy the materially adverse impact prior to the effective date of termination. "Materially adverse impacts" do not include changes to non-stabilized pricing, changes required by governmental authority or assessment of, or assessment of or changes to additional charges such as surcharges or taxes.

Disclaimer of Warranties and Liability: AT&T MAKES NO EXPRESS OR IMPLIED WARRANTY, DISCLAIMS ANY WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE OR NON-INFRINGEMENT AND DISCLAIMS ANY WARRANTIES ARISING BY USAGE OF TRADE OR BY COURSE OF DEALING. FURTHER, AT&T MAKES NO WARRANTY THAT TELEPHONE CALLS OR OTHER TRANSMISSIONS WILL BE ROUTED OR COMPLETED WITHOUT ERROR OR INTERRUPTION (INCLUDING 911 CALLS) AND MAKES NO WARRANTY REGARDING NETWORK SECURITY, THE ENCRYPTION EMPLOYED BY ANY SERVICE, THE INTEGRITY OF ANY DATA THAT IS SENT, BACKED UP, STORED OR LOAD BALANCED,

THAT AT&T'S SECURITY PROCEDURES WILL PREVENT THE LOSS OR ALTERATION OF OR IMPROPER ACCESS TO CUSTOMER'S DATA AND INFORMATION OR THAT SERVICES WILL BE UNINTERRUPTED OR ERROR-FREE. AT&T WILL NOT BE LIABLE FOR ANY DAMAGES RELATING TO: INTEROPERABILITY, ACCESS OR INTERCONNECTION OF THE SERVICES WITH APPLICATIONS, DATA, EQUIPMENT, SERVICES, CONTENT OR NETWORKS PROVIDED BY CUSTOMER OR OTHERS; SERVICE DEFECTS, SERVICE LEVELS, DELAYS, SERVICE ERRORS OR INTERRUPTIONS, INCLUDING INTERRUPTIONS OR ERRORS IN ROUTING OR COMPLETING ANY 911 CALLS OR ANY OTHER CALLS OR TRANSMISSIONS (EXCEPT FOR LIABILITY EXPLICITLY SET FORTH HEREIN); LOST OR ALTERED TRANSMISSIONS; OR UNAUTHORIZED ACCESS TO OR THEFT, ALTERATION, LOSS OR DESTRUCTION OF CUSTOMER'S OR OTHERS' APPLICATIONS, CONTENT, DATA, PROGRAMS, INFORMATION, NETWORKS OR SYSTEMS.

Limitation of Liability: AT&T'S ENTIRE LIABILITY AND CUSTOMER'S EXCLUSIVE REMEDY FOR DAMAGES ARISING OUT OF AT&T'S BREACH OF THIS AGREEMENT AND NOT DISCLAIMED UNDER THIS AGREEMENT SHALL NOT EXCEED THE APPLICABLE CREDITS SPECIFIED IN THE SERVICE PUBLICATION OR, IF NO CREDITS ARE SPECIFIED, AN AMOUNT EQUAL TO THE TOTAL NET CHARGES TO CUSTOMER FOR SERVICE TO WHICH SUCH BREACH RELATES DURING THE PERIOD IN WHICH SUCH BREACH OCCURS AND CONTINUES. IN NO EVENT SHALL ANY OTHER LIABILITY ATTACH TO AT&T. THIS LIMITATION WILL NOT APPLY TO BODILY INJURY, DEATH OR DAMAGE TO REAL OR TANGIBLE PROPERTY DIRECTLY CAUSED BY AT&T'S NEGLIGENCE OR INTENTIONAL MISCONDUCT.

ALL SOFTWARE AND PURCHASED EQUIPMENT IS PROVIDED TO CUSTOMER ON AN "AS IS" BASIS.

NEITHER PARTY WILL BE LIABLE TO THE OTHER PARTY UNDER ANY CIRCUMSTANCES FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, PUNITIVE OR SPECIAL DAMAGES.

These disclaimers and limitations of liability will apply regardless of the form of action, whether in contract, tort, strict liability or otherwise, of whether damages were foreseeable and of whether a party was advised of the possibility of such damages. These disclaimers and limitations of liability will survive failure of any exclusive remedies provided in this Agreement.

Indemnity: Customer agrees at its expense to defend, indemnify and hold harmless AT&T, its Affiliates and its and their employees, directors, subcontractors and suppliers or to pay all damages finally awarded against such parties on account of a third-party claim where: (i) the claim arises from Customer's or a User's use of a Service; or (ii) the claim alleges a breach by Customer, its Affiliates or Users of a Software license agreement.

Import/Export Control: Customer and not AT&T is responsible for complying with import and export control laws, conventions and regulations applicable to any equipment, software or technical information that Customer moves or transmits between countries.

ARBITRATION: ALL CLAIMS AND DISPUTES ARISING FROM THIS AGREEMENT SHALL BE SETTLED BY BINDING ARBITRATION ADMINISTERED BY THE AMERICAN ARBITRATION ASSOCIATION UNDER ITS COMMERCIAL ARBITRATION RULES (SUBJECT TO THE REQUIREMENTS OF THE FEDERAL ARBITRATION ACT). ANY JUDGMENT ON ANY AWARD RENDERED MAY BE ENTERED AND ENFORCED IN A COURT HAVING JURISDICTION. THE ARBITRATOR SHALL NOT HAVE THE AUTHORITY TO AWARD ANY DAMAGES

MULTI-SERVICE AGREEMENT

DISCLAIMED BY THIS AGREEMENT OR IN EXCESS OF THE LIABILITY LIMITATIONS IN THIS AGREEMENT, SHALL NOT HAVE THE AUTHORITY TO ORDER PRE-HEARING DEPOSITIONS OR DOCUMENT DISCOVERY, BUT MAY COMPEL ATTENDANCE OF WITNESSES AND PRODUCTION OF DOCUMENTS AT THE HEARING. THE PARTIES WAIVE ANY RIGHT TO TRIAL BY JURY AND WAIVE ANY RIGHT TO PARTICIPATE IN OR INITIATE CLASS ACTIONS; IF THE PARTIES CANNOT WAIVE THESE RIGHTS, THIS ENTIRE PARAGRAPH IS VOID.

General Provisions: This Agreement and any pricing or other proposals are confidential to Customer and AT&T. Neither party may publicly disclose any confidential information of the other party without the prior written consent of the other, unless authorized by applicable law, regulation or court order. Until directed otherwise by Customer in writing, if AT&T designates a dedicated account representative as Customer's primary contact with AT&T, Customer authorizes that representative to discuss and disclose Customer's customer proprietary network information to any employee or agent of Customer without a need for further authentication or authorization. Each party will comply with all applicable laws and regulations and with all applicable orders issued by courts or other governmental bodies of competent jurisdiction.

Each party is responsible for complying with the privacy laws applicable to its business. AT&T shall require its personnel, agents and contractors around the world who process Customer Personal Data to protect Customer Personal Data in accordance with the data protection laws and regulations applicable to AT&T's business. If Customer does not want AT&T to comprehend Customer data to which it may have access in performing Services, Customer must encrypt such data so that it will be unintelligible. Customer is responsible for obtaining consent from and giving notice to its Users, employees and agents regarding Customer's and AT&T's collection and use of the User, employee or agent information in connection with a Service. Customer will only make accessible or provide Customer Personal Data to AT&T when it has the legal authority to do so. AT&T may monitor electronic transmissions across its network to maintain compliance with its legal and regulatory obligations and to operate, maintain and enhance the network and Services. Where required by law, AT&T may provide Customer Personal Data to third parties such as courts, law enforcement or regulatory authorities.

This Agreement may not be assigned by either party without the prior written consent of the other party, which consent will not be unreasonably withheld or delayed, except that AT&T may: (i) assign in whole or relevant part its rights and obligations under this Agreement to an AT&T Affiliate, or (ii) subcontract work to be performed under this Agreement, but AT&T will in each such case remain financially responsible for the performance of such obligations.

Any claim or dispute arising out of this Agreement must be filed within two (2) years after the cause of action arises.

This Agreement does not provide any third party (including Users) the right to enforce it or to any remedy, claim, liability, cause of action or other right or privilege.

Unless a regulatory agency with jurisdiction over the applicable Service applies a different law, this Agreement will be governed by the law of the State of New York, without regard to its conflict of law principles. The United Nations Convention on Contracts for International Sale of Goods will not apply.

Except for payment of amounts due, neither party will be liable for any delay, failure in performance, loss or damage due to causes beyond such party's reasonable control, including strikes and labor disputes.

Customer must send any notice required or permitted under this Agreement in writing to the AT&T address set forth above.

This Agreement constitutes the entire agreement between the parties concerning its subject matter. Except as provided in License and Other Terms, above, this Agreement supersedes all previous agreements, whether written or oral.

This Agreement may not be modified or supplemented without a writing signed by authorized representatives of both parties.

Definitions:

"Affiliate" of a party means any entity that controls, is controlled by or is under common control with such party.

"API" means an application program interface used to make a resources request from a remote implementer program. An API may include coding, specifications for routines, data structures, object classes, and protocols used to communicate between programs.

"AT&T Software" means software, including APIs, and all associated written and electronic documentation and data owned by AT&T and licensed by AT&T to Customer. AT&T Software does not include software that is not furnished to Customer.

"Customer Personal Data" means information that identifies an individual, that Customer directly or indirectly makes accessible to AT&T and that AT&T collects, holds or uses in the course of providing the Services.

"Purchased Equipment" means equipment or other tangible products Customer purchases under this Agreement, including any replacements of Purchased Equipment provided to Customer. Purchased Equipment also includes any internal code required to operate such Equipment. Purchased Equipment does not include Software but does include any physical media provided to Customer on which Software is stored.

"Software" means AT&T Software and Vendor Software.

"Third-Party Service" means a service provided directly to Customer by a third party under a separate agreement between Customer and the third party.

"Vendor Software" means software, including APIs, and all associated written and electronic documentation and data AT&T furnishes to Customer, other than AT&T Software.

EXHIBIT B
FIBER AGREEMENT



Sales Contact Information
CRAIG; ALEXANDER
7084199984
ac392u@us.att.com

eSign Fax Cover Sheet Contract Id: 4888549

To: AT&T Automated Fax Handling Service

From:

Fax: 877-374-4632 or 877-eSignFax

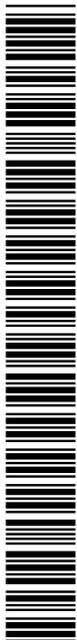
Total Pages: 4
(Excluding Fax Cover Sheet)

Or with Copiers / Scanners w/ email, Send To: esign@att.com

To sign via fax:

1. Sign, Title and Date the document where applicable,
2. Fax back documents in the following order:
 - I. eSign Fax Cover Sheet for Contract Id: 4888549
 - II. All Pages stamped with Contract Id: 4888549
3. If there are additional documents, use the corresponding eSign Fax Cover Sheet(s) as separator(s) and Fax back as in 2.I and 2.II.

(see Picture below)



Request Id: 1301818
Contract Id: 4888549



AT&T MA Reference No. MA50003542UA
 AT&T Contract ID No. SDN55YOGFS

AT&T SWITCHED ETHERNET SERVICESM (with NETWORK ON DEMAND)
Pricing Schedule Provided Pursuant to Custom Terms

Please sign by 10-08-2016

Customer	AT&T
Village of Winnetka Street Address: 510 GREEN BAY RD , NA City: WINNETKA State/Province: IL Zip Code: 60093-2563 Country: USA	The applicable AT&T ILEC Service-Providing Affiliate(s)
Customer Contact (for Notices)	AT&T Contact (for Notices)
Name: Nicholas Mostrado Title: Director Street Address: 510 Green Bay Rd City: Winnetka State/Province: IL Zip Code: 60093 Country: USA Telephone: 8475016000 Fax: Email: nmostardo@winnetka.org Customer Account Number or Master Account Number: 1-33DK-4020	Name: ALEXANDER CRAIG Street Address: 225 W RANDOLPH ST City: CHICAGO State/Province: IL Zip Code: 60606 Country: USA Telephone: 7084199984 Fax: 1231231234 Email: ac392u@us.att.com Sales/Branch Manager: JOHN CAMPBELL SCVP Name: DAVIDPALUMBO Sales Strata: Retail-Direct Sales Region: US-MIDWEST With a copy (for Notices) to: AT&T Corp. One AT&T Way Bedminster, NJ 07921-0752 ATTN: Master Agreement Support Team Email: mast@att.com
AT&T Solution Provider or Representative Information (if applicable) <input type="checkbox"/>	
Name: Company Name: Agent Street Address: City: State: Zip Code: Country: USA Telephone: Fax: Email: Agent Code	

This Pricing Schedule for the service(s) identified below ("Service") is part of the Agreement referenced above. Customer requests that its identity be kept confidential and not be publicly disclosed by AT&T or by any regulatory commission, unless required by law.

Services purchased under this Pricing Schedule must be ordered and managed using the AT&T Network on Demand process described in the Network on Demand Guide available at: http://cpr.att.com/pdf/publications/NOD_Guide.pdf which is incorporated herein by reference and is subject to change by AT&T from time to time.

AT&T California currently provides billing and collections services to third parties, which may place charges that Customer authorizes on Customer's bill for intrastate Services. To the extent that AT&T California makes blocking of such charges available, Customer may block third-party charges from its bill at no cost.

Customer (by its authorized representative)	AT&T (by its authorized representative)
By:	By:
Printed or Typed Name:	Printed or Typed Name:
Title:	Title:
Date:	Date:

For AT&T internal use only:	Contract Ordering and Billing Number (CNUM):
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WK# - Interstate-InterLATA – TBD	For AT&T Administrative Use Only Pricing Schedule No. _____ Original Effective Date: _____
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AT&T Switched Ethernet ServiceSM (with Network On Demand) Pricing Schedule Provided Pursuant to Custom Terms

1. SERVICE, SERVICE PROVIDER(S) and SERVICE PUBLICATION(S)

1.1 AT&T Switched Ethernet ServiceSM

Service	Service Publication (incorporated by reference)	Service Publication location
AT&T Switched Ethernet Service SM	AT&T Switched Ethernet Service Guide	http://cpr.att.com/pdf/commonEthServGuide.html

Service Providers			
AT&T Alabama	AT&T Indiana	AT&T Missouri	AT&T Tennessee
AT&T Arkansas	AT&T Kansas	AT&T Nevada	AT&T Texas
AT&T California	AT&T Kentucky	AT&T North Carolina	AT&T Wisconsin
AT&T Florida	AT&T Louisiana	AT&T Ohio	BellSouth Telecommunications,
AT&T Georgia	AT&T Michigan	AT&T Oklahoma	LLC d/b/a AT&T Southeast
AT&T Illinois	AT&T Mississippi	AT&T South Carolina	

1.2 Inside Wiring

Service	AT&T Inside Wiring
----------------	--------------------

Service Provider	Service Publication	Service Publication Location
Same as the AT&T Service Provider for the AT&T Switched Ethernet Service	AT&T Inside Wiring Service Attachment	http://cpr.att.com/pdf/service_publications/AS_E_SDN_Inside_Wiring_Attachment.pdf

2. PRICING SCHEDULE TERM, EFFECTIVE DATES

Pricing Schedule Term	36 months
Pricing following the end of Pricing Schedule Term	Non-stabilized prices as modified from time to time in applicable Service Publication or, if there is no such pricing, the pricing in this Pricing Schedule

3. MINIMUM PAYMENT PERIOD

Service Components	Percentage of Monthly Recurring Charge Applied for Calculation of Early Termination Charges*	Minimum Payment Period per Service Component
All Service Components	50% plus any unpaid or waived non-recurring charges	Until end of Pricing Schedule Term

*Early termination charges shall not exceed the total amount of monthly recurring charges for the remainder of the Minimum Payment Period; refer to [Network on Demand Guide](#) for details.

4. ADDS

AT&T Switched Ethernet Service Customer Port Connections may be purchased during the Pricing Schedule Term at the rates, terms and conditions herein.

WK# - Interstate-InterLATA – TBD	For AT&T Administrative Use Only Pricing Schedule No. _____ Original Effective Date: _____
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AT&T Switched Ethernet ServiceSM (with Network On Demand) Pricing Schedule Provided Pursuant to Custom Terms

5. RATES and CHARGES

5.1 AT&T SWITCHED ETHERNET SERVICE

5.1.1 Monthly Recurring Charges (MRC)

All Monthly Recurring Charge (MRC) rates are per port. The total MRC for a port is the sum of the Port Connection MRC, the Bandwidth MRC, and any associated Feature MRC(s).

Port Connection MRC

Customer Port Connection Speed	MRC
100 Mbps	\$214.5
1 Gbps	\$214.5

Bandwidth MRC

If Customer changes the CIR and/or CoS configuration during the billing cycle, the Bandwidth MRC will be prorated based on the time interval for each configuration.

Bandwidth MRC (100 Mbps and 1 Gbps Basic Port Connections)					
Committed Information Rate (CIR)	Class of Service (CoS)				
	Non Critical High	Business Critical Medium	Business Critical High	Interactive	Real Time
2 Mbps	\$91.09	\$94.23	\$113.08	\$133.49	\$144.49
4 Mbps	\$107.34	\$110.50	\$129.44	\$146.80	\$157.85
5 Mbps	\$136.61	\$142.97	\$158.85	\$174.74	\$187.44
8 Mbps	\$180.68	\$187.50	\$202.84	\$216.47	\$231.81
10 Mbps	\$210.80	\$221.00	\$255.00	\$289.00	\$309.40
20 Mbps	\$276.32	\$289.17	\$321.30	\$353.43	\$379.13
50 Mbps	\$323.40	\$338.25	\$371.25	\$404.25	\$435.60
100 Mbps	\$380.53	\$400.56	\$433.94	\$467.32	\$500.70
150 Mbps	\$530.94	\$557.29	\$582.82	\$607.95	\$652.53
250 Mbps	\$604.95	\$635.20	\$715.86	\$796.52	\$855.00
400 Mbps	\$665.91	\$699.50	\$778.54	\$857.58	\$920.82
500 Mbps	\$707.17	\$742.33	\$820.47	\$898.61	\$965.03
600 Mbps	\$809.63	\$849.73	\$939.47	\$1002.49	\$1073.14
1000 Mbps	\$918.26	\$965.11	\$1040.07	\$1115.03	\$1195.61

WK# - Interstate-InterLATA – TBD	For AT&T Administrative Use Only Pricing Schedule No. _____ Original Effective Date: _____
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AT&T Switched Ethernet ServiceSM (with Network On Demand) Pricing Schedule Provided Pursuant to Custom Terms

Feature MRC

Feature	MRC
Enhanced Multicast	\$70

5.1.2 Non Recurring Charges (NRC)

Standard Non Recurring Charges for installation of new Customer Port Connections, per the applicable Service Publication, will be waived.

5.1.3 Additional Charges

Charges for additional Service options may apply, per Service Publication. Charges for special construction, if needed, may also apply.

5.2 AT&T INSIDE WIRING

Charges for AT&T Inside Wiring are as set forth in the Service Publication.

End of Document



Agenda Item Executive Summary

Title: Resolution No. R-70-2016: Approving a Work Program for Downtown Master Plan Implementation (Adoption)

Presenter: Michael A. D'Onofrio, Director of Community Development & Megan E. Pierce, Assistant Village Manager

Agenda Date: 12/20/2016

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:

-October 25, 2016: Village Council Budget Review of Business District Revitalization Fund

-November 3, 2016: Village Council Adoption of Ordinance M-12-2016, Amending the Winnetka 2020 Comprehensive Plan to include the Downtown Master Plan

Executive Summary:

In both October and November, the Council had an opportunity to review and approve the Downtown Master Plan (DMP) as well as to allocate budget funds to begin its implementation in fiscal year 2017. A cornerstone of the DMP Action Plan is the establishment of an Implementation Task Force and immediate focus on critical land use/regulatory challenges. In addition, the Council desired to quickly pursue some of the highlighted physical improvements and potential streetscape projects.

Staff presented a FY2017 Budget of \$450,000 to provide for DMP Implementation. The Task Force will have a structure and purpose similar to that of the DMP Steering Committee-- they will be facilitated to study issues, gather appropriate input, and make recommendations. Teska Associates, the DMP lead consultant, has proposed a work program to further DMP Implementation and to again assist the community-based Task Force. Teska Associates and Sam Schwartz Engineering propose a work program including: 1) Zoning Implementation Consulting; 2) Public Parking Allocation & Regulatory Signage Review; 3) Business District Wayfinding Program and Signage; and 4) Street Parklet Prototype Design.

Detail regarding the proposed work program can be found in the attachment. Staff anticipates the work program would require nine to ten months to complete. The FY2017 Budget provides sufficiently for this scope, in addition to the physical improvements that it would facilitate-- such as purchasing signage that is designed. Staff and Michael Blue of Teska Associates will be at the December 20 Village Council meeting to answer any questions.

Recommendation:

Adopt Resolution No. R-70-2016, approving a Work Program for Teska Associates to assist in Downtown Master Plan Implementation for a not-to-exceed fee of \$86,500.

Attachments:

- 1) Resolution No. R-70-2016
- 2) Exhibit 1, Professional Services Agreement
- 3) Exhibit A, Teska Work Program Memorandum, dated December 12, 2016

RESOLUTION NO. R-70-2016

**A RESOLUTION APPROVING AN AGREEMENT WITH
TESKA ASSOCIATES, INC.,
FOR THE IMPLEMENTATION OF THE DOWNTOWN MASTER PLAN**

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the Village of Winnetka (“*Village*”) to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, the Village retained Teska Associates, Inc. (“*Consultant*”) to develop a master plan for downtown Winnetka (“*Downtown Master Plan*”); and

WHEREAS, the Downtown Master Plan recommends that the Village conduct: (i) a zoning implementation review; (ii) a public parking allocation and regulatory signage review; (iii) a business district wayfinding program and signage review; and (iv) a street parklet prototype design (collectively the “*Implementation Tasks*”); and

WHEREAS, the Village desires to obtain professional consulting services to complete the Implementation Tasks (“*Services*”); and

WHEREAS, Consultant submitted a proposal to the Village to perform the Services in an amount not to exceed \$86,500.00; and

WHEREAS, the Village has determined that Consultant’s proposal to perform the Services meets the needs of the Village; and

WHEREAS, the Village desires to enter into an agreement with Consultant for the performance of the Services in an amount not to exceed \$86,500.00 (“*Agreement*”); and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to enter into the Agreement with Consultant;

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

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL OF AGREEMENT. The Village Council hereby approves the Agreement in substantially the form attached to this Resolution as **Exhibit 1** and in a final form approved by the Village Attorney.

SECTION 3: AUTHORIZATION TO EXECUTE AGREEMENT. The Village Council hereby authorizes and directs the Village President and the Village Clerk to execute and attest, respectively, on behalf of the Village, the final Agreement after receipt by the Village Manager of two executed copies of the final Agreement from Consultant; provided, however,

December 20, 2016

R-70-2016

that if the Village Manager does not receive two executed copies of the final Agreement from Consultant within 60 days after the date of adoption of this Resolution, then this authority to execute and seal the final Agreement will, at the option of the Village Council, be null and void.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

ADOPTED this 20th day of December, 2016, pursuant to the following roll call vote:

AYES: _____
NAYS: _____
ABSENT: _____
ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT 1
AGREEMENT

**VILLAGE OF WINNETKA
PROFESSIONAL SERVICES AGREEMENT**

This **PROFESSIONAL SERVICES AGREEMENT** ("**Agreement**") is dated as of the 20th day of December, 2016, and is by and between the **VILLAGE OF WINNETKA**, an Illinois home rule municipal corporation ("**Village**"), and the Consultant identified in Section 1.A of this Agreement.

IN CONSIDERATION OF the recitals and the mutual covenants and agreements set forth in this Agreement, and pursuant to the Village's statutory and home rule powers, the parties agree as follows:

SECTION 1. CONSULTANT.

A. Engagement of Consultant. The Village desires to engage the Consultant identified below to perform all necessary professional consulting services to for work in connection with the project identified below:

Consultant Name ("Consultant**"):** **Teska Associates, Inc.**
Address: **627 Grove Street**
Evanston, IL 60201
Telephone No.: **847.869.2015, ext. 200**
Email: **mblue@TeskaAssociates.com**
Project Name/Description: **Downtown Master Planning Implementation**
Agreement Amount: **\$86,500.00**

B. Project Description. The Consultant shall provide the Village with professional services associated with (i) zoning implementation consulting, (ii) public parking allocation and regulatory signage review, (iii) business district wayfinding program and signage, and (iv) street parklet prototype design to assist the Village in implementing the Downtown Master Plan for the Village's three commercial business districts, all as more thoroughly described and provided in Consultant's Proposal attached as **Exhibit A ("**Proposal**")**.

C. Representations of Consultant. The Consultant represents that it is financially solvent, has the necessary financial resources, and is sufficiently experienced and competent to perform and complete the consulting services that are set forth in the Proposal and in this Agreement ("**Services**") in a manner consistent with the standards of professional practice by recognized consulting firms providing services of a similar nature.

SECTION 2. SCOPE OF SERVICES.

A. Retention of the Consultant. The Village retains the Consultant to perform, and the Consultant agrees to perform, the Services.

B. Services. The Consultant shall provide the Services pursuant to the terms and conditions of this Agreement.

C. Commencement; Time of Performance. The Consultant shall commence the Services immediately upon receipt of written notice from the Village that this Agreement has been fully executed by the Parties ("**Commencement Date**"). The Consultant shall diligently and continuously prosecute the Services until the completion of the Services on or before November, 2017 ("**Time of Performance**") in accordance with a schedule mutually agreed to by the Consultant and the Village. The Village and the Consultant may modify the Time of Performance by mutual agreement. Delays caused by the Village shall extend the Time of Performance in equal proportion to the delay caused by the Village; provided, however, that the Consultant shall be responsible for completion of all work within the Time of Performance, notwithstanding any strike or other work stoppage by employees of either Consultant or of the Village.

D. Reporting. The Consultant shall regularly report to the Village Manager, or the Manager's designee, regarding the progress of the Services during the term of this Agreement and as otherwise specifically provided in the Proposal.

SECTION 3. COMPENSATION AND METHOD OF PAYMENT.

A. Agreement Amount. The total amount paid by the Village for the Services pursuant to this Agreement shall not exceed the amount provided in the Proposal. No claim for additional compensation shall be valid unless made in accordance with Sections 3.D or 3.E of this Agreement.

B. Invoices and Payment. The Consultant shall submit invoices in an approved format to the Village for costs incurred by the Consultant in performing the Services. The amount billed in each invoice for the Services shall be based solely upon the rates set forth in the Proposal. The Village shall pay to the Consultant the amount billed within 30 days after receiving such an invoice.

C. Records. The Consultant shall maintain records showing actual time devoted and costs incurred, and shall permit the Village to inspect and audit all data and records of the Consultant for work done pursuant to this Agreement. The records shall be made available to the Village at reasonable times during the term of this Agreement, and for one year after the termination of this Agreement.

D. Claim In Addition To Agreement Amount.

1. The Consultant shall provide written notice to the Village of any claim for additional compensation as a result of action taken by the Village, within 15 days after the occurrence of such action.

2. The Consultant acknowledges and agrees that: (a) the provision of written notice pursuant to Section 3.D.1 of this Agreement shall not be deemed or interpreted as entitling the Consultant to any additional compensation; and (b) any changes in the Agreement Amount shall be valid only upon written amendment pursuant to Section 8.A of this Agreement.

3. Regardless of the decision of the Village relative to a claim submitted by the Consultant, the Consultant shall proceed with all of the work required to complete the Services under this Agreement, as determined by the Village, without interruption.

E. Additional Services. The Consultant acknowledges and agrees that the Village shall not be liable for any costs incurred by the Consultant in connection with any services provided by the Consultant that are outside the scope of this Agreement ("**Additional Services**"), regardless of whether such Additional Services are requested or directed by the Village, except upon the prior written consent of the Village.

F. Taxes, Benefits, and Royalties. Each payment by the Village to the Consultant includes all applicable federal, state, and Village taxes of every kind and nature applicable to the Services, as well as all taxes, contributions, and premiums for unemployment insurance, old age or retirement benefits, pensions, annuities, or similar benefits, and all costs, royalties, and fees arising from the use on, or the incorporation into, the Services, of patented or copyrighted equipment, materials, supplies, tools, appliances, devices, processes, or inventions. All claims or rights to claim additional compensation by reason of the payment of any such tax, contribution, premium, cost, royalty, or fee are hereby waived and released by the Consultant.

G. Final Acceptance. The Services, or, if the Services are to be performed in separate phases, each phase of the Services, shall be considered complete on the date of final written acceptance by the Village of the Services or each phase of the Services, as the case may be, which acceptance shall not be unreasonably withheld or delayed.

SECTION 4. PERSONNEL; SUBCONTRACTORS.

A. Key Project Personnel. The Key Project Personnel identified in the Proposal shall be primarily responsible for carrying out the Services on behalf of the Consultant. The Key Project Personnel shall not be changed without the Village's prior written approval.

B. Availability of Personnel. The Consultant shall provide all personnel necessary to complete the Services including, without limitation, any Key Project Personnel identified in this Agreement. The Consultant shall notify the Village as soon as practicable prior to terminating the employment of, reassigning, or receiving notice of the resignation of, any Key Project Personnel. The Consultant shall have no claim for damages and shall not bill the Village for additional time and materials charges as the result of any portion of the Services which must be duplicated or redone due to such

termination or for any delay or extension of the Time of Performance as a result of any such termination, reassignment, or resignation.

C. Approval and Use of Subcontractors. The Consultant shall perform the Services with its own personnel and under the management, supervision, and control of its own organization except as provided in the Proposal. All subcontractors and subcontracts used by the Consultant shall be acceptable to, and approved in advance by, the Village. The Village's approval of any subcontractor or subcontract shall not relieve the Consultant of full responsibility and liability for the provision, performance, and completion of the Services as required by this Agreement. All Services performed under any subcontract shall be subject to all of the provisions of this Agreement in the same manner as if performed by employees of the Consultant. For purposes of this Agreement, the term "Consultant" shall be deemed also to refer to all subcontractors of the Consultant, and every subcontract shall include a provision binding the subcontractor to all provisions of this Agreement.

D. Removal of Personnel and Subcontractors. If any personnel or subcontractor fails to perform the Services in a manner satisfactory to the Village and consistent with commonly accepted professional practices, the Consultant shall immediately upon notice from the Village remove and replace such personnel or subcontractor. The Consultant shall have no claim for damages, for compensation in excess of the amount contained in this Agreement, or for a delay or extension of the Time of Performance as a result of any such removal or replacement.

SECTION 5. CONFIDENTIAL INFORMATION.

A. Confidential Information. The term "***Confidential Information***" shall mean information in the possession or under the control of the Village relating to the technical, business, or corporate affairs of the Village; Village property; user information, including, without limitation, any information pertaining to usage of the Village's computer system, including and without limitation, any information obtained from server logs or other records of electronic or machine readable form; and the existence of, and terms and conditions of, this Agreement. Village Confidential Information shall not include information that can be demonstrated: (1) to have been rightfully in the possession of the Consultant from a source other than the Village prior to the time of disclosure of such information to the Consultant pursuant to this Agreement ("***Time of Disclosure***"); (2) to have been in the public domain prior to the Time of Disclosure; (3) to have become part of the public domain after the Time of Disclosure by a publication or by any other means except an unauthorized act or omission or breach of this Agreement on the part of the Consultant or the Village; or (4) to have been supplied to the Consultant after the Time of Disclosure without restriction by a third party who is under no obligation to the Village to maintain such information in confidence.

B. No Disclosure of Confidential Information by the Consultant. The Consultant acknowledges that it shall, in performing the Services for the Village under this Agreement, have access, or be directly or indirectly exposed, to Confidential Information. The Consultant shall hold confidential all Confidential Information and shall not disclose or use such Confidential Information without the express prior written

consent of the Village. The Consultant shall use reasonable measures at least as strict as those the Consultant uses to protect its own confidential information. Such measures shall include, without limitation, requiring employees and subcontractors of the Consultant to execute a non-disclosure agreement before obtaining access to Confidential Information.

SECTION 6. STANDARD OF SERVICES AND INDEMNIFICATION.

A. Representation and Certification of Services. The Consultant represents and certifies that the Services shall be performed in accordance with the standards of professional practice, care, and diligence practiced by recognized consulting firms in performing services of a similar nature in existence at the Time of Performance. The representations and certifications expressed shall be in addition to any other representations and certifications expressed in this Agreement, or expressed or implied by law, which are hereby reserved unto the Village.

B. Indemnification. The Consultant shall, and does hereby agree to, indemnify, save harmless, and defend the Village against all damages, liability, claims, losses, and expenses (including attorneys' fees) that may arise, or be found to have arisen, out of or in connection with the Consultant's negligent performance of, or negligent failure to perform, the Services or any part thereof, or any negligent failure to meet the representations and certifications set forth in Section 6.A of this Agreement.

C. Insurance. The Consultant shall provide, at its sole cost and expense, liability insurance in the aggregate amount of \$1,000,000, which insurance shall include, without limitation, protection for all activities associated with the Services. The insurance shall be for a minimum of \$1,000,000 per occurrence for bodily injury and \$1,000,000 per occurrence for property damage. The Consultant shall cause the Village to be named as an additional insured on the insurance policy described in this Section 6.C. Not later than 10 days after the Commencement Date, the Consultant shall provide the Village with either: (a) a copy of the entire insurance policy; or (b) a Certificate of Insurance along with a letter from the broker issuing the insurance policy to the effect that the Certificate accurately reflects the contents of the insurance policy. The insurance coverages and limits set forth in this Section 6.C shall be deemed to be minimum coverages and limits, and shall not be construed in any way as a limitation on the Consultant's duty to carry adequate insurance or on the Consultant's liability for losses or damages under this Agreement.

D. No Personal Liability. No elected or appointed official or employee of the Village shall be personally liable, in law or in contract, to the Consultant as the result of the execution of this Agreement.

SECTION 7. CONSULTANT AGREEMENT GENERAL PROVISIONS.

A. Relationship of the Parties. The Consultant shall act as an independent contractor in providing and performing the Services. Nothing in, nor done pursuant to, this Agreement shall be construed: (1) to create the relationship of principal and agent, employer and employee, partners, or joint venturers between the Village and

Consultant; or (2) to create any relationship between the Village and any subcontractor of the Consultant.

B. Conflict of Interest. The Consultant represents and certifies that, to the best of its knowledge: (1) no elected or appointed Village official, employee or agent has a personal financial interest in the business of the Consultant or in this Agreement, or has personally received payment or other consideration for this Agreement; (2) as of the date of this Agreement, neither Consultant nor any person employed or associated with Consultant has any interest that would conflict in any manner or degree with the performance of the obligations under this Agreement; and (3) neither Consultant nor any person employed by or associated with Consultant shall at any time during the term of this Agreement obtain or acquire any interest that would conflict in any manner or degree with the performance of the obligations under this Agreement.

C. No Collusion. The Consultant represents and certifies that the Consultant is not barred from contracting with a unit of state or local government as a result of: (1) a delinquency in the payment of any tax administered by the Illinois Department of Revenue, unless the Consultant is contesting, in accordance with the procedures established by the appropriate revenue act, its liability for the tax or the amount of the tax, as set forth in Section 11-42.1-1 *et seq.* of the Illinois Municipal Code, 65 ILCS 5/11-42.1-1 *et seq.*; or (2) a violation of either Section 33E-3 or Section 33E-4 of Article 33E of the Criminal Code of 1961, 720 ILCS 5/33E-1 *et seq.* The Consultant represents that the only persons, firms, or corporations interested in this Agreement as principals are those disclosed to the Village prior to the execution of this Agreement, and that this Agreement is made without collusion with any other person, firm, or corporation. If at any time it shall be found that the Consultant has, in procuring this Agreement, colluded with any other person, firm, or corporation, then the Consultant shall be liable to the Village for all loss or damage that the Village may suffer, and this Agreement shall, at the Village's option, be null and void.

D. Termination. Notwithstanding any other provision hereof, the Village may terminate this Agreement at any time upon 15 days written notice to the Consultant. In the event that this Agreement is so terminated, the Consultant shall be paid for Services actually performed and reimbursable expenses actually incurred, if any, prior to termination, not exceeding the value of the Services completed, which shall be determined on the basis of the rates set forth in the Proposal.

E. Compliance With Laws and Grants.

1. **Compliance with Laws.** The Consultant shall give all notices, pay all fees, and take all other action that may be necessary to ensure that the Services are provided, performed, and completed in accordance with all required governmental permits, licenses, or other approvals and authorizations that may be required in connection with providing, performing, and completing the Services, and with all applicable statutes, ordinances, rules, and regulations, including, without limitation: any applicable prevailing wage laws; the Fair Labor Standards Act; any statutes regarding qualification to do business; any statutes requiring preference to laborers of specified classes; any statutes prohibiting discrimination because of, or requiring affirmative

action based on, race, creed, color, national origin, age, sex, or other prohibited classification, including, without limitation, the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.*, and the Illinois Human Rights Act, 775 ILCS 5/1-101 *et seq.* The Consultant shall also comply with all conditions of any federal, state, or local grant received by the Village or the Consultant with respect to this Agreement or the Services. Further, the Consultant shall have a written sexual harassment policy in compliance with Section 2-105 of the Illinois Human Rights Act.

2. Liability for Noncompliance. The Consultant shall be solely liable for any fines or civil penalties that are imposed by any governmental or quasi-governmental agency or body that may arise, or be alleged to have arisen, out of or in connection with the Consultant's, or any of its subcontractors, performance of, or failure to perform, the Services or any part thereof.

3. Required Provisions. Every provision of law required by law to be inserted into this Agreement shall be deemed to be inserted herein.

F. Default. If it should appear at any time that the Consultant has failed or refused to prosecute, or has delayed in the prosecution of, the Services with diligence at a rate that assures completion of the Services in full compliance with the requirements of this Agreement, or has otherwise failed, refused, or delayed to perform or satisfy the Services or any other requirement of this Agreement ("***Event of Default***"), and fails to cure any such Event of Default within ten business days after the Consultant's receipt of written notice of such Event of Default from the Village, then the Village shall have the right, without prejudice to any other remedies provided by law or equity, to pursue any one or more of the following remedies:

1. Cure by Consultant. The Village may require the Consultant, within a reasonable time, to complete or correct all or any part of the Services that are the subject of the Event of Default; and to take any or all other action necessary to bring the Consultant and the Services into compliance with this Agreement.

2. Termination of Agreement by Village. The Village may terminate this Agreement without liability for further payment of amounts due or to become due under this Agreement after the effective date of termination.

3. Withholding of Payment by Village. The Village may withhold from any payment, whether or not previously approved, or may recover from the Consultant, any and all costs, including attorneys' fees and administrative expenses, incurred by the Village as the result of any Event of Default by the Consultant or as a result of actions taken by the Village in response to any Event of Default by the Consultant.

G. No Additional Obligation. The Parties acknowledge and agree that the Village is under no obligation under this Agreement or otherwise to negotiate or enter into any other or additional contracts or agreements with the Consultant or with any vendor solicited or recommended by the Consultant.

H. Village Council Authority. Notwithstanding any provision of this Agreement, any negotiations or agreements with, or representations by the Consultant to, vendors shall be subject to the approval of the Village Council. For purposes of this Section 7.H, "vendors" shall mean entities engaged in subcontracts for the provision of additional services directly to the Village. The Village shall not be liable to any vendor or third party for any agreements made by the Consultant without the knowledge and approval of the Village Council.

I. Mutual Cooperation. The Village agrees to cooperate with the Consultant in the performance of the Services, including meeting with the Consultant and providing the Consultant with such non-confidential information that the Village may have that may be relevant and helpful to the Consultant's performance of the Services. The Consultant agrees to cooperate with the Village in the performance and completion of the Services and with any other consultants engaged by the Village.

J. News Releases. The Consultant shall not issue any news releases, advertisements, or other public statements regarding the Services without the prior written consent of the Village Manager.

K. Ownership. Designs, drawings, plans, specifications, photos, reports, information, observations, calculations, notes, and any other documents, data, or information, in any form, prepared, collected, or received from the Village by the Consultant in connection with any or all of the Services to be performed under this Agreement ("**Documents**") shall be and remain the exclusive property of the Village. At the Village's request, or upon termination of this Agreement, the Consultant shall cause the Documents to be promptly delivered to the Village.

L. GIS Data. The Village has developed digital map information through Geographic Information Systems Technology ("**GIS Data**") concerning the real property located within the Village. If requested to do so by the Consultant, the Village agrees to supply the Consultant with a digital copy of the GIS Data, subject to the following conditions:

1. Limited Access to GIS Data. The GIS Data provided by the Village shall be limited to the scope of the Services that the Consultant is to provide for the Village;

2. Purpose of GIS Data. The Consultant shall limit its use of the GIS Data to its intended purpose of furtherance of the Services; and

3. Agreement with Respect to GIS Data. The Consultant does hereby acknowledge and agree that:

a. Trade Secrets of the Village. The GIS Data constitutes proprietary materials and trade secrets of the Village, and shall remain the property of the Village;

b. Consent of Village Required. The Consultant will not provide or make available the GIS Data in any form to anyone without the prior written consent of the Village Manager;

c. Supply to Village. At the request of the Village, the Consultant shall supply the Village with any and all information that may have been developed by the Consultant based on the GIS Data;

d. No Guarantee of Accuracy. The Village makes no guarantee as to the accuracy, completeness, or suitability of the GIS Data in regard to the Consultant's intended use thereof; and

e. Discontinuation of Use. At such time as the Services have been completed to the satisfaction of the Village, the Consultant shall cease its use of the GIS Data for any purpose whatsoever, and remove the GIS Data from all of the Consultant's databases, files, and records; and, upon request, an authorized representative of the Village shall be afforded sufficient access to the Consultant's premises and data processing equipment to verify compliance by the Consultant with this Section 7.L.3.e.

SECTION 8. GENERAL PROVISIONS.

A. Amendment. No amendment or modification to this Agreement shall be effective until it is reduced to writing and approved and executed by the Village and the Consultant in accordance with all applicable statutory procedures.

B. Assignment. This Agreement may not be assigned by the Village or by the Consultant without the prior written consent of the other party.

C. Binding Effect. The terms of this Agreement shall bind and inure to the benefit of the Village, the Consultant, and their agents, successors, and assigns.

D. Notice. All notices required or permitted to be given under this Agreement shall be in writing and shall be delivered (1) personally, (2) by a reputable overnight courier, or by (3) by certified mail, return receipt requested, and deposited in the U.S. Mail, postage prepaid. Unless otherwise expressly provided in this Agreement, notices shall be deemed received upon the earlier of: (a) actual receipt; (b) one business day after deposit with an overnight courier, as evidenced by a receipt of deposit; or (c) four business days following deposit in the U.S. mail, as evidenced by a return receipt. By notice complying with the requirements of this Section 8.D, each party shall have the right to change the address or the addressee, or both, for all future notices and communications to the other party, but no notice of a change of addressee or address shall be effective until actually received.

Notices and communications to the Village shall be addressed to, and delivered at, the following address:

Village of Winnetka
510 Green Bay Road
Winnetka, Illinois 60093

Attention: Village Manager

With a copy to:

Holland & Knight LLP
131 S. Dearborn, 30th Floor
Chicago, Illinois 60603
Attention: Peter M. Friedman, Village Attorney

Notices and communications to the Consultant shall be addressed to, and delivered at, the following address:

Michael Blue, FAICP
Teska Associates, Inc.
627 Grove Street
Evanston, Illinois 60601

With a copy to:

E. Third Party Beneficiary. No claim as a third party beneficiary under this Agreement by any person, firm, or corporation shall be made or be valid against the Village.

F. Provisions Severable. If any term, covenant, condition, or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

G. Time. Time is of the essence in the performance of all terms and provisions of this Agreement.

H. Calendar Days and Time. Unless otherwise provided in this Agreement, any reference in this Agreement to "day" or "days" shall mean calendar days and not business days. If the date for giving of any notice required to be given, or the performance of any obligation, under this Agreement falls on a Saturday, Sunday, or federal holiday, then the notice or obligation may be given or performed on the next business day after that Saturday, Sunday, or federal holiday.

I. Governing Laws. This Agreement shall be governed by, construed and enforced in accordance with the internal laws, but not the conflicts of laws rules, of the State of Illinois.

J. Authority to Execute.

1. The Village. The Village hereby warrants and represents to the Consultant that the persons executing this Agreement on its behalf have been properly authorized to do so by its corporate authorities.

2. The Consultant. The Consultant hereby warrants and represents to the Village that the persons executing this Agreement on its behalf have the full and complete right, power, and authority to enter into this Agreement and to agree to the terms, provisions, and conditions set forth in this Agreement and that all legal actions needed to authorize the execution, delivery, and performance of this Agreement have been taken.

K. Entire Agreement. This Agreement constitutes the entire agreement between the parties to this Agreement and supersedes all prior agreements and negotiations between the parties, whether written or oral, relating to the subject matter of this Agreement.

L. Waiver. Neither the Village nor the Consultant shall be under any obligation to exercise any of the rights granted to them in this Agreement except as it shall determine to be in its best interest from time to time. The failure of the Village or the Consultant to exercise at any time any such rights shall not be deemed or construed as a waiver of that right, nor shall the failure void or affect the Village's or the Consultant's right to enforce such rights or any other rights.

M. Consents. Unless otherwise provided in this Agreement, whenever the consent, permission, authorization, approval, acknowledgement, or similar indication of assent of any party to this Agreement, or of any duly authorized officer, employee, agent, or representative of any party to this Agreement, is required in this Agreement, the consent, permission, authorization, approval, acknowledgement, or similar indication of assent shall be in writing.

N. Grammatical Usage and Construction. In construing this Agreement, pronouns include all genders and the plural includes the singular and vice versa.

O. Interpretation. This Agreement shall be construed without regard to the identity of the party who drafted the various provisions of this Agreement. Moreover, each and every provision of this Agreement shall be construed as though all parties to this Agreement participated equally in the drafting of this Agreement. As a result of the foregoing, any rule or construction that a document is to be construed against the drafting party shall not be applicable to this Agreement.

P. Headings. The headings, titles, and captions in this Agreement have been inserted only for convenience and in no way define, limit, extend, or describe the scope or intent of this Agreement.

Q. Exhibit. Exhibit A attached to this Agreement is, by this reference, incorporated in and made a part of this Agreement. In the event of a conflict between Exhibit A and the text of this Agreement, the text of this Agreement shall control.

R. Rights Cumulative. Unless expressly provided to the contrary in this Agreement, each and every one of the rights, remedies, and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies, and benefits allowed by law.

S. Counterpart Execution. This Agreement may be executed in several counterparts, each of which, when executed, shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Agreement this _____ day of December, 2016.

ATTEST:

VILLAGE OF WINNETKA

By: _____
Village Clerk

By: _____
Village President

ATTEST:

TESKA ASSOCIATES, INC.

By: _____
Title: _____

By: _____
Its: _____

EXHIBIT A
PROPOSAL



Memorandum

To: Megan Pierce, Assistant Village Manager
Michael D’Onofrio, Director of Community Development
From: Michael Blue, FAICP, Principal
Lee Brown, FAICP, President
Date: December 12, 2016
RE: Winnetka Downtown Master Plan Implementation – Work Program Proposal

As follow up to completing the Village of Winnetka Downtown Master Plan (DMP) we are pleased to provide this work program proposal for the implementation tasks described below.

1. Zoning Implementation Consulting
2. Public Parking Allocation & Regulatory Signage Review
3. Business District Wayfinding Program and Signage
4. Street Parklet Prototype Design

Zoning Implementation Consulting

The Downtown Master Plan identified seven areas of recommendation. Each will be addressed working with the plan Implementation Task Force.

1. Revise Commercial Overlay
 - a. *Permitted Uses*: The list of permitted uses will be evaluated and refined to better reflect current trends in downtown business districts and potentials for success identified in the DMP Market Assessment.
 - b. *Special Uses*: The list of Special Uses will be reviewed and refined to include businesses considered appropriate for the districts but meriting a higher level of review than those allowed by right.
 - c. *Boundaries*: The boundaries of the C-2 Overlay will be evaluated with the intent of reducing its size and applying the Overlay standards where most appropriate.
 - d. *Name Change*: A new name for the C-2 Commercial Overlay will be established to reflect its purpose as a separate zoning district.
2. Reduce / Clarify Standards for Zoning Entitlement: Standards for consideration of Special Uses, Planned Unit Development, and Variations will be reviewed, refined, consolidated, and clarified.
3. Administrative Approval for Minor Variations (Commercial Districts): Small variations from the zoning ordinance will be considered for administrative approval in commercial zoning districts.

4. Establish a Planned Development Commission: A process and membership for a standing Village Commission to hear zoning applications for Planned Developments will be outlined.
5. Refine Design Review Process: This task will include evaluation of existing review standards in the 2001 Village Design Guidelines and the Village sign code. This review will also evaluate the scope of the Design Guidelines and sign code, procedures for DRB project review, and establishment of administrative approval process for minor projects.
6. Establish a Fee in Lieu for Parking Relief: In certain instances, there may be a hardship in providing the number of commercial parking spaces required under the zoning code, (lack of alley, or undesirable location for curb cuts and driveways). Currently a petitioner may request a zoning variation in such instances. As an alternative to the granting zoning relief from parking requirements, a fee-in-lieu option would allow the Council to consider accepting a financial payment in lieu of constructing some or all of the parking required under the zoning code.

A fee in lieu program establishes a uniform fee structure and criteria for consideration of such requests. Establishment of a fee in lieu program does not obligate the Village to accept such petitions, but where deemed appropriate, fees accepted by the Village would be programmed for new parking development or improvement of existing parking facilities.
7. Commissioner Training: A joint development entitlement process training session will be held to review zoning changes and cover commission operations generally for the Plan Commission, Zoning Board of Appeals, and Design Review Board.

The process for considering these Downtown Master Plan recommendations will be as follows:

Task 1: Project Kick Off and Management – The consultant and Village Staff will conduct a project kick off meeting to review project scope, schedule, program for project transparency, focus group participants, etc. In addition, the consultant and Village Staff will conduct weekly project status meetings to manage the Plan implementation process.

The consultant will conduct a project kick off meeting with the plan Implementation Task Force to review the project scope and objectives, as well as meeting and code review logistics.

Task 2: Focus Groups – The consultant will hold four focus group meetings to secure public insight into code amendments being considered. Focus groups will be tied to key topics: 1) design review process, 2) C-2 overlay, 3) other amendments (zoning standards/administrative variations/Planned Development Commission/fee in lieu of parking), and 4) session with commissioners of PC/ZBA/DRB.

Task 3: Evaluate Best Practices – The consultant will conduct a literature search of national best zoning practices related to the zoning topics being amended, as well as consider local examples. This research will be incorporated into revised code drafts.

Prior to preparing draft code sections, the consultant and Village Staff will hold internal, half day workshops on the topics to ensure that recommended actions are best suited for Winnetka. Three such workshops will be held, one each for: 1) design review process, 2) C-2 overlay, and 3) other amendments (zoning standards/administrative variations/Planned Development Commission/fee in lieu of parking).

Task 4: Draft Code Sections – Recommended Village Code amendments will be drafted for each of the sections previously noted. Drafts will be reviewed with Village Staff and Corporation Counsel and revised as appropriate. Brief memoranda will be prepared for each section explaining logic behind the changes.

Relevant code section drafts will be presented to the focus groups for their insights. Again, groups will be tied to the aforementioned key topics. Commissioners of PC/ZBA/DRB will be invited to attend workshop meetings. As with the DMP process, this round of focus groups will be held immediately prior to the Task Force Meetings to facilitate sharing of perspectives.

Task 5: Outreach – The consultant will conduct up to three project update meetings in the community. One of the meetings is recommended to be a project update with the Village Council. The other two meetings will be conducted in the community and determined jointly by the Village and Consultant. In addition, the consultant will update and maintain the DMP project website to serve as a source of information and community input for the zoning update process. Consultant will work with Village Staff to prepare other outreach materials, such as newsletter articles, during the process.

Task 6: Implementation Task Force Workshops – Five task force workshops will be scheduled: Meeting 1 – project kick off, Meeting 2 – design review process, Meeting 3 – C-2 Overlay, Meeting 4 – Other zoning amendments, and Meeting 5 – consideration of outstanding items. Meetings could be conducted once a month on predetermined dates – as was done with the DMP process.

Task 7: Adoption – The consultant will present recommended code amendments at a Plan Commission Public Hearing. Plan Commission recommendation and draft code amendments will be reviewed at a Village Council workshop meeting and then presented at a Council meeting for formal adoption.

Task 8: Commissioner Training – The Consultant will conduct a one commissioner training session for all Village advisory board and commission members. Training will focus on new zoning amendments, commission roles and responsibilities, meeting protocols, and standards for approval.

Public Parking Allocation & Regulatory Signage Review

As the DMP outlines, a parking user hierarchy has been established that prioritizes Downtown customer parking over employees and commuters. Therefore, it has been recommended that all street parking time restrictions be made 90-minute or 15-minute to simplify customer usability of the system and encourage turnover of these most desirable spaces. Furthermore, to the extent possible, each lot will be wholly or mostly designated for a user – whether its customers, employees, or commuters. As such, the following tasks, which will be conducted by Sam Schwartz Transportation Consultants, build on the momentum of the DMP to implement these parking recommendations.

Task 1: Conduct a site visit for field observations verifying existing condition parking regulations and parking sign opportunities, and meet with Village Department Heads and other staff involved in parking regulation and enforcement to review existing practice and expectations for new standards.

Task 2: Develop an implementation map of the locations of proposed 90 and 15-minute on-street parking, as well as any changes to permit designated areas. This plan will also show the priority designation of

each municipal parking lot that best accommodates either customers, commuters, or employees. As part of this task, the type of parking accommodated within the lot will be identified for use in developing signage content.

Task 3: Assist the Village in developing a written protocol for the request and processing of parking time limit and/or designation changes by residents and businesses. The process may include a request form and will establish a decision matrix for the Village to follow as street parking modifications are received.

Task 4: Assist Teska in developing a directional sign map that identifies sign locations and content for each sign location.

Task 5: A representative of Sam Schwartz will attend one Implementation Task Force meeting to discuss parking recommendations.

Implement Village Wayfinding and Gateway Signage Programs

Study Area

The study area includes the Green Bay Road Corridor as defined through the DMP process. The Village will coordinate meetings, stakeholder interviews, schedules, etc.

Phase 1 | Analysis and Programming

The first phase of this assignment is to research and assess existing opportunities and constraints related to the Green Bay Corridor regarding existing signage and corridor enhancements. Consultant will work with the Village Staff to understand project goals, resources, and other issues.

Task 1.1: Kick off Meeting and Tour – In advance of the kick off meeting, the Village will provide base plan information for the study area, preferably in digital format such as AutoCAD, not already available to the Consultant from the DMP process.

Consultant will conduct a kick off meeting with Village Staff to review project goals, objectives, and schedule. The group will review corridor and signage enhancement issues, including constraints, opportunities, visibility, and conditions as well as applicable regulatory standards for signage, such as size, color, logo, and materials. Prior to the meeting, and as background for the project, the Consultant will review previously prepared streetscape and wayfinding plans prepared by and for the Village, as well as relevant aspects of the Village Code.

Staff will lead a tour to review the corridor with a focus on wayfinding and gateway issues and opportunities including:

- Vehicular routes,
- Parking lots and designated users,
- Bus transit stop,
- Pedestrian routes,
- Open space destinations,
- Existing gateways and wayfinding, and
- Interconnectedness of sidewalks and opportunities for enhancement.

The Consultant will perform additional site visits as required to further review circulation patterns and to assess site conditions relative to signage and corridor enhancements.

Task 1.2: Existing Corridor and Signage Inventory – Consultant will document existing corridor features, including permanent and temporary signs, vistas, open spaces, walkways, and landscape conditions and will assess the feasibility to reuse existing materials as appropriate. Photo exhibits will be prepared depicting existing conditions, corridor enhancement opportunities, and possible signage locations.

Task 1.3: Corridor and Signage Assessment – Consultant will review existing conditions data and prepare a diagrammatic plan that depicts vehicular and pedestrian circulation routes, entry points, destinations, and key decision points. A technical memo that identifies issues and opportunities will be prepared.

Task 1.4: Stakeholder Engagement – Consultant will hold a workshop at which to engage stakeholders in the process. Members of Village DRB, and Plan Commission (as well as others suggested by the Village) will be asked to attend the workshop meeting.

Task 1.5: Preliminary Corridor Enhancement Plan & Wayfinding Plan – Prepare a Preliminary Plan that addresses corridor enhancements, gateway opportunities, and wayfinding signage. All signs shall be evaluated for location within the public rights of way or on municipal property. Coordination with roadway agencies and MUTCD (Manual on Uniform Traffic Control Devices) standards will be considered as appropriate.

Wayfinding enhancements include a hierarchy of sign types, recommended locations and sign orientations. The signs will be depicted in plan view and organized based on destinations and key decision points as identified in Task 1.1. Sign types may include, but are not limited to:

- Gateway signs
 - Village and business district entry
- Destination signs
 - Community and institutional locations
 - Parking areas with regulations
- Wayfinding signs
 - Motorist oriented directional signs
 - Pedestrian oriented directional signs
- Community Event Signs
 - Informational kiosks

Task 1.6: Review Meeting with Staff – Consultant will present materials prepared to date, including the Phase 1 Assessment and the Preliminary Corridor Enhancement & Wayfinding Plan.

Phase 2 | Corridor Enhancement & Wayfinding Plan Development

Based on information gathered during Phase 1, this phase will include preparation of corridor and signage design concept alternatives.

Task 2.1: Corridor Enhancement Design Alternatives – Consultant will prepare Design Development Plans that identify alternatives for wayfinding and gateway signs. Concepts will address recommended materials and treatments for each of the three business districts.

Task 2.2: Sign Design Alternatives and Budgeting – Consultant will prepare Design Development Alternatives that identify various signage components. Two (2) concepts will be prepared for each sign type. Concepts will address thematic style, color palette, materials, and lighting.

The Consultant will develop three (3) alternatives for a Village signage logo. Logo design will reflect the Village’s established logo and theme, the “Trail Tree”. The intent of the logo design will be to refresh the existing trail tree design such that it is more legible across multiple visual environments, including proposed signs. The logo options will be presented on sign alternatives to consider and choose between the designs.

Sign design alternatives will be presented via elevation drawings and sketches. Six (6) photo-realistic views will be prepared as appropriate to convey sign features within the existing surroundings. Photographs, material boards, and catalogue cuts will be used as appropriate to convey the design intent.

Budget costs will be prepared for each of the sign alternatives for discussion purposes.

Task 2.3: Stakeholder Engagement – Consultant will hold a second workshop at which to engage the stakeholders from Task 1.4 to build consensus regarding a preferred design. A follow up workshop meeting will be held with Village Staff to review the Design Plans and Alternatives to review input and alternatives, and recommend a preferred alternative.

Task 2.4: Plan Refinement – Based on input gathered, revisions will be made to the plans to define the preferred alternative. Generalized budget costs will be prepared for the preferred alternative.

Task 2.5: Sign Mock-Ups – Consultant will prepare three (3) full-scale mockups of preferred sign features. These will be paper mock-ups of proposed wayfinding sign panels attached to foam core boards. The purpose of this is to evaluate signs for clarity and legibility. Consultant will be responsible for production of sign mock-ups and will require assistance by the Village Public Works Department to install and display sign mock-ups. Consultant will review full scale sign mock-ups with Staff to confirm proposed sign size and orientation. For an additional fee, consultant will engage a sign company to assist with temporary sign mockups that can be installed temporarily for Village review.

Task 2.6: Presentation to Village Council – Consultant will present and review the Corridor Enhancement Plan and Wayfinding Plan to the Village Council. The sign mock-ups will be set up such that Council members can review them prior to the meeting.

Final Design Specification and Construction Documents

Priority locations and anticipated cost of signs will be set during Phase 2 (both are a function of final sign design). This determination will direct the number of signs to be fabricated and installed, which is not a part of this scope. Cost for sign fabrication will include preparation of construction documents.

Create a Street 'Parklet' Prototype

Study Area

A pilot project will be conducted to design and install a prototype parklet in one of the Village's business districts. As recommended in the DMP, a parklet would be installed in a space created by merging two existing parking spacers on a downtown street. The parklet creates an opportunity to enhance aesthetics in the downtown and potentially create a space for outdoor dining.

Task 1: Parklet Location – The first step in the process will be to work with the Village Staff to identify an appropriate parklet location. The recommended location will be selected to maximize the benefits of the space, and will take into consideration the mix of adjacent commercial uses, pedestrian traffic levels, and availability of nearby open space.

Task 2: Parklet Design and Review – The consultant will investigate options for installation and maintenance of a prototype parklet. The structures can be permanent, temporary and stored in the winter, stick built, based on a prefabricated product, etc. Ultimately, the design will reflect Village needs for construction and maintenance of the parklet. Based on that direction, the consultant will prepare two (2) concept designs for the parklet. The alternative designs will be reviewed with Village Staff and refined as needed. Budget estimates will be prepared for each design.

Task 3: Design Approval – The consultant will make one presentation regarding the parklet to the Village Council or its designee that will approve the design. Based on input, a final plan will be developed.

Task 4: Refined Parklet Design and Budget – The consultant will prepare refined design plans and budget for the chosen parklet design.

Preparation of detailed design specifications or construction drawings would be conducted as separate work. As the type of parklet structure is not predetermined, the degree of effort for those designs is not known till the project is substantially complete.

Budget

Work tasks outlined above will be conducted for not to exceed budget amounts noted below.

1. Zoning Implementation Consulting:	\$50,000
2. Public Parking Allocation & Regulatory Signage Review:	\$7,000
3. Business District Wayfinding Program and Signage:	\$24,000
4. Street Parklet Prototype Design:	\$5,500
Total:	\$86,500



Agenda Item Executive Summary

Title: Ordinance No. M-19-2016: 521 Birch Street, Winnetka Park District, Special Use Permit and Variation (Introduction/Adoption)

Presenter: Michael D'Onofrio, Director of Community Development

Agenda Date: 12/20/2016

- Ordinance
- Resolution
- Bid Authorization/Award
- Policy Direction
- Informational Only

Consent: YES NO

Item History:

None.

Executive Summary:

The Winnetka Park District is requesting a Special Use Permit and variation to permit a new gazebo, an expanded and updated playground, and various modifications to the pathways and landscaping, as well as the installation of a baggo court that would result in a front yard setback of 16.98 ft. from Dwyer Court, whereas a minimum of 28.74 ft. is required, a variation of 11.76 ft. (40.92%) at Dwyer Park located at 521 Birch Street. The Park District's initial application materials described plans that were dependent on funding and contractor bids; as such these plans included work outlined as a base level plan with a series of possible options and/or phases, which could become part of the plan as funding and costs permit. In response to the comments and concerns voiced by the advisory boards, the plans have been revised to address some of the concerns.

The Plan Commission voted 7 to 1 to find the application consistent with the Comprehensive Plan at its meeting September 28, 2016.

The Zoning Board of Appeals considered the application at its meeting October 10, 2016. With a vote of 5 to 0, the ZBA recommended approval of the Base plan, Options 2 and 3, as well as the baggo courts. The ZBA recommended denial of Option 1, with the exception of the light poles if the Park District substitutes the originally proposed light poles with lower poles. Lastly, the ZBA voted unanimously to recommend approval of the front yard setback variation for the baggo courts.

The Design Review Board considered the application at its September 15, October 20 and November 17, 2016 meetings. After modifications to the plans, the DRB voted 4 to 0 to recommend approval of the application.

Recommendation:

Consider introduction of Ordinance No. M-19-2016, granting a Special Use Permit and a front yard setback variation to permit a new gazebo, an expanded and updated playground, and various modifications to the pathways and landscaping, as well as the installation of baggo courts at Dwyer Park located at 521 Birch Street.

Or

Consider waiving introduction of Ordinance No. M-19-2016 and consider adoption, granting a Special Use Permit and a front yard setback variation to permit a new gazebo, an expanded and updated playground, and various modifications to the pathways and landscaping, as well as the installation of baggo courts at Dwyer Park located at 521 Birch Street.

Attachments:

- Agenda Report
- Attachment A: Zoning Matrix
- Attachment B: Ordinance No. M-19-2016
- Attachment C: GIS Aerial Map
- Attachment D: Application Materials
- Attachment E: Park District Addendum 1 Community Engagement
- Attachment F: Excerpt of draft September 28, 2016 PC meeting minutes
- Attachment G: Excerpts of September 15, draft October 20 and November 17 DRB meeting minutes
- Attachment H: Public Correspondence

AGENDA REPORT

TO: Village Council

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

SUBJECT: 521 Birch St., Dwyer Park, Ord. M-19-2016
(1) Special Use Permit
(2) Variation: Front Yard Setback

DATE: December 5, 2016

Ordinance M-19-2016 grants a Special Use Permit to the Winnetka Park District, in accordance with Section 17.56.010 and a variation from Section 17.30.050 [Front and Corner Yard Setbacks] of the Winnetka Zoning Ordinance to permit a new gazebo, an expanded and updated playground, and various modifications to the pathways and landscaping, as well as the installation of a baggo court that would result in a front yard setback of 16.98 ft. from Dwyer Ct., whereas a minimum of 28.74 ft. is required, a variation of 11.76 ft. (40.92%) at Dwyer Park located at 521 Birch St.

Dwyer Park is located in the R-5 Single Family Residential zoning district, on the western edge of the Elm Street business district on a 1.23 acre parcel. There is on-street parking on the park's north, east and west boundaries. With street frontage on all four sides of the property, front yard setbacks are required from all four property lines.

Proposed Improvements

The Park District's initial application materials described plans that were dependent on funding and contractor bids; as such these plans included work outlined as a base level plan with a series of possible options and/or phases, which could become part of the plan as funding and costs permitted. The components of the base plan and options are described below and illustrated on the Site Plan Concept dated 8/23/2016 within Attachment D. In response to the comments and concerns voiced by the advisory boards, the plans have been revised to address some of the concerns. The specific changes are described later in this report.

Base plan:

1. Expansion of existing play area. According to the application materials, the play area will be expanded by 50%. New play equipment will be supplemented by refurbishment of existing equipment. Poured-in-place play surfacing will be replaced and expanded in size;
2. New concrete sidewalk along the entire eastern edge of the park, connecting the Elm St. sidewalk to the Oak St. sidewalk. The proposed walk would replace an existing brick paver walk which extends only a portion of the park's length;
3. "Pedestrian amenities" including five (5) trash and recycling containers and ten (10) benches surrounding the playground;

4. Bicycle facilities including a bike repair station near Elm St., and two (2) bike racks adjacent to the northeast corner of the play area as well as two (2) bike racks at the south entry to the park;
5. New concrete picnic area with three (3) picnic tables located south of the play area.

Option 1

1. Expanded picnic plaza, seat walls and terrace steps located south of the play area;
2. Gazebo. Open sided 17 ft. tall structure;
3. Light poles. Three (3) decorative light poles along the north/south walk.

Option 2

1. Expansion of existing north garden area (along Elm St.), with addition of a sculpture, seat wall and gravel pathway.

Option 3

1. New garden on south park perimeter (along Oak St.), with a sculpture, seat wall and gravel pathway.

In addition to the items described above, plans also call for two (2) precast concrete baggo courts towards the southeast corner of the park. Photo examples of the equipment are included as Exhibit E within the attached Ordinance (Attachment B). A variation is required to allow the baggo courts to encroach the required front yard setback of 28.74 ft. from the east property line along Dwyer Ct. The baggo courts would be setback 16.98 ft. The initial plan also included a gaga ball pit that required a front yard setback variation from Birch St. After receiving a negative recommendation from the Zoning Board of Appeals, the Park District removed the gaga ball pit from the proposed plan. As represented on the attached zoning matrix (Attachment A), all of the other improvements comply with the zoning regulations.

Recommendations of Advisory Boards

Parks are permitted as a "Special Use" in the R-5 Single Family Residential zoning district, and as such are subject to review by the Plan Commission, Zoning Board of Appeals and the Design Review Board.

As detailed below, as the SUP was considered by the three advisory bodies, a number of plan revisions were made. It should also be mentioned that as represented in the attachments related to the advisory board meetings, there was significant public comment at all of the advisory board meetings. Please see the minutes of each meeting for details. In response to some of the public comments received, the Park District submitted an addendum to its application regarding community engagement (Attachment E).

Plan Commission

At the Plan Commission's (PC) September 28, 2016 meeting an initial motion to recommend approval subject to elimination of the gazebo and adjacent concrete terrace area failed with a 4 to

4 vote. After further discussion, the PC ultimately voted to recommend approval of the project as proposed with one dissenting vote (Attachment F).

Zoning Board of Appeals

The Zoning Board of Appeals (ZBA) considered the application at its meeting October 10, 2016. With a unanimous vote of the five members present, the ZBA voted to recommend approval of the Base plan, Options 2 and 3, as well as the baggo courts. The Board recommended denial of Option 1, with the exception of the light poles if the Park District substitutes the originally proposed light poles with lower poles. The Board also voted to recommend denial of the gaga ball pit. Additionally, with a vote of 4 to 1, the ZBA voted to recommend denial of the front yard setback variation required for the gaga ball pit. Lastly, the ZBA voted unanimously to recommend approval of the front yard setback variation for the baggo courts. It should also be mentioned that the ZBA had considerable discussion regarding the proposed concrete sidewalk and that a brick paver walk would be preferred.

Design Review Board

At the Design Review Board's (DRB) September 15, 2016 meeting, the DRB voted to provide favorable comment on the proposed plans, excluding both the proposed gazebo and hardscape and paving materials (Attachment G). The Board recommended further study of the gazebo's scale and roof configuration, as well as the extensive use of concrete for hardscape areas. At the October 20, 2016 meeting, the Park District submitted a modified plan, primarily with refinements to the paving and gazebo. Specifically, the 6 ft. wide concrete walk running north and south between Elm and Oak Streets was detailed to visually reduce the width of the walk and create a "border" to the pavement. Additionally, portions of the concrete gazebo patio were replaced with brick pavers. The design of the gazebo was also adjusted. A weathervane now tops the gazebo, where a cupola was previously proposed. Modifications made to address prior DRB comments prompted additional questions, with the DRB requesting further study of the paved patio surfacing, spacing of stone seat walls and the location of the gazebo relative to the east-west axis of the paved area (Attachment G).

Revised plans were submitted by the Park District and considered by the DRB at its meeting November 17, 2016. All of the concrete paving, including the 6 ft. wide concrete walk between Elm and Oak Streets was further detailed with a smooth border around each "tooled" square with a textured brushed finish in the center. This additional detail is intended to visually reduce the width of the walk and improve the aesthetics. Also, the size of the paved patio area around the gazebo was reduced (by approximately 228 s.f.) by pulling the south edge of the patio 6 ft. north to create more lawn area. The stone steps were also placed closer together (now 36 inches apart rather than the previous 52 inches). Additionally, the stone seat walls were relocated 6 ft. north. The majority of the patio around the gazebo will now be constructed of pavers in a herringbone pattern, with the exception of the area under the ping pong table and a concrete octagonal "band" under the gazebo columns to break up the brick area. With a unanimous vote of the four members present, the DRB voted to recommended approval of the project (Attachment G).

In summary, the final plan being considered by the Village Council includes the following and is illustrated on the Site Plan Concept Revised, with a final date of 10/28/2016 (Exhibit C in Attachment B):

1. Base plan: playground improvements and expansion, seat walls, benches, site furniture, landscaping, sidewalk, and picnic tables;
2. Option 1: Gazebo, additional seat walls, picnic plaza, terrace steps, and light poles;
3. Option 2: North sculpture, seat wall, gravel pathway and expanded butterfly garden;
4. Option 3: South sculpture, seat wall, gravel pathway and garden;
5. Baggo courts.

Recommendation

Consider introduction of Ord. M-19-2016, granting a Special Use Permit and a front yard setback variation to permit a new gazebo, an expanded and updated playground, and various modifications to the pathways and landscaping, as well as the installation of baggo courts at Dwyer Park located at 521 Birch St.

Or

Consider waiving introduction of Ord. M-19-2016 and consider adoption, granting a Special Use Permit and a front yard setback variation to permit a new gazebo, an expanded and updated playground, and various modifications to the pathways and landscaping, as well as the installation of baggo courts at Dwyer Park located at 521 Birch St.

Attachments

Attachment A: Zoning Matrix

Attachment B: Ordinance M-19-2016

Attachment C: GIS Aerial Map

Attachment D: Application Materials

Attachment E: Park District Addendum 1 Community Engagement

Attachment F: Excerpt of draft September 28, 2016 PC meeting minutes

Attachment G: Excerpts of September 15, draft October 20 and November 17 DRB meeting minutes

Attachment H: Public Correspondence

ATTACHMENT A

ZONING MATRIX
(Revised 12.02.2016)

ADDRESS: 521 Birch St. (Dwyer Park)
CASE NO: 16-15-SU
ZONING: R-5

ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	8,900 SF	53,745.59 SF	N/A	N/A	OK
Min. Average Lot Width	70 FT	143.7 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	13,436.4 SF (1)	0 SF	682 SF	682 SF	OK
Max. Gross Floor Area	14,176.48 SF (1)	0 SF	0 SF	0 SF	OK
Max. Impermeable Surface	26,872.79 SF (1)	3,860 SF	9,348 SF	13,208 SF	OK
Min. Front Yard (Elm/North)	30 FT	(+) 30 FT	(+) 30 FT	N/A	OK
Min. Corner (Front) Yard (Birch/West)	28.74 FT	(+) 28.74 FT	(+) 28.74 FT (2)	N/A	OK
Min. Through Lot (Oak/South)	30 FT	(+) 30 FT	(+) 30 FT	N/A	OK
Min. Third Street (Dwyer/West)	28.74 FT	27.09 FT (3)	16.98 FT (4)	N/A	11.76 FT (40.92%) VARIATION

NOTES:

(1) Based on actual lot area of 53,745.59 s.f.

~~(2) Setback to Gaga ball pit.~~

(3) Setback to existing play equipment.

(4) Setback to baggo courts.

ATTACHMENT B

ORDINANCE NO. M-19-2016

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND VARIATIONS
FOR IMPROVEMENTS TO A PUBLIC PARK
WITHIN THE R-5 SINGLE FAMILY RESIDENTIAL DISTRICT
(521 Birch Street)**

WHEREAS, Winnetka Park District ("*Applicant*") is the record title owner of that certain parcel of real property commonly known as 521 Birch 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 within the R-5 Single Family Residential Zoning District of the Village ("*R-5 District*"); and

WHEREAS, the Subject Property is improved with a public park known as Dwyer Park; and

WHEREAS, the Subject Property includes, among other things, green space, pathways, and a playground (collectively, the "*Existing Improvements*"); and

WHEREAS, the Applicant desires to improve the Subject Property by: (i) updating and expanding the playground equipment; (ii) constructing seat walls, benches, and site furniture; (iii) making landscape, sidewalk, terrace steps and pathway improvements; (iv) constructing a gazebo; (v) installing light poles; (vi) installing two sculptures; (vii) expanding the butterfly garden; and (viii) constructing two baggo courts (collectively, the "*Proposed Improvements*"); and

WHEREAS, pursuant to Section 17.12.020 of the Winnetka Zoning Ordinance ("*Zoning Ordinance*"), the operation of a park is not permitted within the R-5 District without a special use permit; and

WHEREAS, pursuant to Section 17.56.090 of the Zoning Ordinance, no special use may be enlarged or extended by structural alteration of a building or structure without a special use permit; and

WHEREAS, pursuant to Section 17.30.050 of the Zoning Ordinance, the Subject Property may not have a front-yard setback of less than 28.74 feet; and

WHEREAS, the Applicant desires to construct the Proposed Improvements with a front-yard setback of 16.98 feet in the front yard located adjacent to the east property line of the Subject Property, in violation of Section 17.30.050 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for (i) a special use permit pursuant to Section 17.12.020 and Chapter 17.56 of the of the Zoning Ordinance to allow the construction of the Proposed Improvements within the R-5 District ("**Special Use Permit**"); and (ii) a variation from Section 17.30.050 of the Zoning Ordinance to permit the construction of the Proposed Improvements with a front-yard setback of 16.98 feet in the front yard located adjacent to the east property line of the Subject Property ("**Variation**") (collectively, the Variation and the Special Use Permit are the "**Requested Relief**"); and

WHEREAS, on September 15, October 20, and November 17 2016, after due notice thereof, the Design Review Board met to consider the Requested Relief and, after modification of the application by the Applicant, recommended by unanimous vote of the four members then present, that the Village Council approve the Requested Relief; and

WHEREAS, on September 28, 2016, after due notice thereof, the Plan Commission met to consider whether approval of the Requested Relief is consistent with "Winnetka 2020," the Winnetka comprehensive plan ("**Comprehensive Plan**"), and found, by a vote of seven in favor and one opposed, that approval of the Requested Relief is consistent with the Comprehensive Plan; and

WHEREAS, on October 10, 2016, after due notice thereof, the Zoning Board of Appeals ("**ZBA**") conducted a public hearing on the Requested Relief and, by the unanimous vote of the five members then present, recommended that the Council of the Village of Winnetka ("**Village Council**") approve the Requested Relief; and

WHEREAS, pursuant to Chapter 17.56 of the Zoning Ordinance, the ZBA heard evidence and made certain findings in support of recommending approval of the Special Use Permit, 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, the Village Council has determined that approval of the Special Use Permit: (i) is consistent with the Comprehensive Plan; and (ii) satisfies the standards for the approval of special use permits set forth in Chapter 17.56 of the Zoning Ordinance; and

WHEREAS, pursuant to Section 17.60.050 of the Zoning Ordinance, the Village Council has determined that: (i) the Variation is in harmony with the general purpose and intent of the Zoning Ordinance and 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 Variation has been sought; and

WHEREAS, the Village Council has determined that approval of the Requested Relief for the construction and operation of the Proposed Improvements 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 SPECIAL USE PERMIT. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, the Special Use Permit is hereby granted, pursuant to Chapter 17.56 and Section 17.12.020 of the Zoning Ordinance and the home rule powers of the Village, to allow the construction and operation of the Proposed Improvements on the Subject Property within the R-5 District.

SECTION 3: APPROVAL OF VARIATION. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, the Variation is granted to allow construction of the Proposed Improvements on the Subject Property, pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village.

SECTION 4: CONDITIONS. The Special Use Permit granted by Section 2 of this Ordinance and the Variation granted by Section 3 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 on 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:

1. The Dwyer Park Site Plan, consisting of one sheet, and with a latest revision date of October 28, 2016, attached to and, by this reference, made a part of this Ordinance as **Exhibit C**;
2. The Dwyer Park Playground Equipment Plan, consisting of three sheets attached to and, by this reference, made a part of this Ordinance as **Exhibit D**;
3. The Dwyer Park Site Amenities Plan, consisting of one sheet, attached to and, by this reference, made a part of this Ordinance as **Exhibit E**;
4. The Dwyer Park Plant Schedule, consisting of one sheet, attached to and, by this reference, made a part of this Ordinance as **Exhibit F**; and
5. The Dwyer Park Lighting Plan, with a latest revision date of August 23, 2016, attached to and, by this reference, made a part of this Ordinance as **Exhibit G**.
6. The Dwyer Park Gazebo Plan, prepared by ACP, consisting of four sheets, and with a latest revision date of September 28, 2016, attached to and, by this reference, made a part of this Ordinance as **Exhibit H**.

SECTION 5: 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 6: 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 and 3 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 and 3 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 7: AMENDMENT OF SPECIAL USE PERMIT AND VARIANCE. Any amendments to the approval granted in Section 2 and 3 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance.

SECTION 8: 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 9: 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 I** 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 9.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 20th day of December, 2016, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2016.

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 _____,
2016.

Introduced: _____, 2016

Passed and Approved: _____, 2016

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

The West 176.00 Feet (measured from the center line of Birch Street) of Block 27 in Winnetka Subdivision, in the East Half of the Northeast Quarter of Section 20, Township 42 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 521 Birch Street, Winnetka, Illinois.

EXHIBIT B

OCTOBER 10, 2016 PUBLIC HEARING MINUTES OF THE ZBA

Zoning Board Members Present: Joni Johnson, Chairperson
Mary Hickey
Thomas Kehoe
Kathleen Kumer
Mark Naumann

Zoning Board Members Absent: Carl Lane

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

Agenda Items:

Case No. 16-15-SU: 521 Birch Street, Dwyer Park
Winnetka Park District - Special Use Permit:
To allow a gazebo, expanded and updated playground and various modifications to the pathways and landscaping;
Variations By Ordinance:
Front and Corner Yard Setbacks

Case No. 16-15-SU: 521 Birch Street, Dwyer Park, Winnetka Park District – Special Use Permit: to allow a gazebo, expanded and updated playground and various modifications to the pathways and landscaping; Variations by Ordinance - Front and Corner Yard Setbacks

Mr. D'Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by the Winnetka Park District, concerning a Special Use Permit in accordance with Section 17.56.010 and variations by Ordinance from Section 17.30.050 [Front and Corner Yard Setbacks] of the Winnetka Zoning Ordinance to permit the installation of a gaga ball pit that would result in a front yard setback of 13.23 ft. from Birch St., whereas a minimum of 28.74 ft. is required, a variation of 15.51 ft. (53.97%) and the installation of a baggo court that would result in a front yard setback of 16.98 ft. from Dwyer Ct., whereas a minimum of 28.74 ft. is required, a variation of 11.76 ft. (40.92%), as well as a new gazebo, an expanded and updated playground, and various modifications to the pathways and landscaping of Dwyer Park at 521 Birch St.

Chairperson Johnson swore in those that would speak to this matter.

Costa Kutulus, Superintendent of Parks for the Winnetka Park District, introduced himself to the Board and thanked the Board for letting them present the request and stated that he would give them a rundown of the plan for Dwyer Park. He stated that with him is Rick Schram who is the Landscape Architect who has been involved in the plan from the first rendering that has been installed to date. Mr. Kutulus informed the Board that Mr. Schram designed the park as it sits today and has the knowledge, background and ability to redesign the park. Mr. Kutulus also introduced Park Board members, Teresa Claybrook and John Thomas.

Mr. Kutulus stated that he would start off talking about the community engagement and then go into the plan to the detail level that the Board wants and then on further topics as needed and warranted. He informed the Board that the Park District has looked at the project for quite some time. Mr. Kutulus then stated that with the development and foresight of the development of the post office site, they held off on the project for many years. Mr. Kutulus stated that the four corners of the park property are not in the purview of the post office site development.

Mr. Kutulus stated that in discussions with the planning team and community representatives from the Village, they decided to plan and get the park back up to today's standards. He noted that the last renovation was done in 1997 and

that the park is used heavily and since then has been determined to be the most used park in the Village. Mr. Kutulus stated that they planned to take advantage of the contours of the land and do improvements to the park.

Mr. Kutulus stated that they planned to enlarge the playground by 50% and that he can go through it so that the Board can see the use zones. He also stated that there would be a gazebo structure and that it would be set as a park element to help with shade. Mr. Kutulus informed the Board that they heard loud and clear that there is nowhere for the children to sit during inclement weather and the need for shade. He also stated that they thought of ideas of its use for future performances and possibly book readings, etc. and that these were things which were brought to their attention during the community surveys in terms of thinking of things people would like to see.

Mr. Kutulus went on to describe the other park elements in the plan along with the gazebo area and the patio area adjacent to that. He then stated that to the north towards Elm, they planned to enlarge the butterfly garden and that it would be extended to the eastern edge of the park to the sidewalk. Mr. Kutulus stated that he can show that to the Board on the illustration. He also stated that at the southern edge of the park, there would be a woodland garden which would be a mirror image to the north and that it would include a small seat wall and interpretive garden and that the woodland garden would be 30 inches in height to help soften the transfer to the park neighbors. Mr. Kutulus stated that they were cognizant of the neighbors and the setting. He added that there would be sidewalks adjacent to that and crushed stone pathways throughout the plan.

Mr. Kutulus stated that the request included design elements which they heard from focus groups of tweens and younger children to help make the park attractive to children through preteens. He stated that they heard it clear that they wanted a gaga pit and that after some explanatory information and at other schools, they found that it is popular with the tween group. Mr. Kutulus described it as an octagon pit which would be 30 inches high and is similar to a dodge ball game.

Chairperson Johnson asked if people stand in the pit.

Mr. Kutulus confirmed that is correct and stated that the activity would be contained in the pit. He also stated that they looked at different design elements like a ping pong table which they have not tried before and bag games that are popular with the youth. Mr. Kutulus stated that he would show the Board a couple different renderings of the park.

Rick Schram stated that he would like to point out that the plan the Board saw here is the full concept plan. He then stated that the implementation of each element may be determined by the final costs that come in and which would be up to the Park Board to decide.

Chairperson Johnson stated that if the Board was to recommend approval and the Village Council, she stated that she had a question about whether the applicant would come back if they did not implement some of these features. She stated that they have waited for years and that conditions change. Chairperson Johnson also asked if they had a priority list and the most important improvement they want to make.

Mr. Kutulus responded that he would go through that in the base bid and Options 1, 2 and 3. He then identified the park in an illustration for the Board as well as the playground to the north, the butterfly garden and lawn pavilion to the south with a natural park grade change. He also identified the meditation garden which was donated by the Garden Guild of Winnetka to the south. Mr. Kutulus indicated that they are looking to change the design to increase and get the play structures that the children want to see. He confirmed that the playground would be included in the base bid. Mr. Kutulus then stated that they would be increasing the swing sets and design features and that they also have a 3D rendering.

Mr. Kutulus informed the Board that one of the things they were cognizant of was to make sure to be wise with the dollars they have. He stated that there would be a base structure of a 5-12 structure and a 2-5 structure and that they would try to repurpose and use as many of the existing components as possible. Mr. Kutulus then stated that when they expand that area, you would notice the fall and use zones for the swing sets. Mr. Kutulus stated that to the north, it is because of the requirement needed for fall zones for swing sets. He noted that they did change one thing which is that the sand would be out for the most part and that they would be using poured-in-place surfacing as it exists today through use areas. Mr. Kutulus added that there would also be a fiber wood engineering fill.

Chairperson Johnson asked with regard to the poured-in-place surfacing, in the submission, it was stated that it would be similar to Hubbard Woods Park and asked if it would be a multi-colored surface.

Mr. Kutulus confirmed that is correct and noted that the color tones would be what is out there now at Dwyer Park and not Hubbard Woods.

Chairperson Johnson asked what are the percentages of poured-in-place surfacing.

Mr. Kutulus responded that he did not have the exact figure and referred the Board to the plan which shows the lighter tan areas as the wood fiber fill and that the darker areas are the poured-in-place materials. He noted that both are porous material and permeable and that they do not have to worry about water collection since the water flows through. Mr. Kutulus also stated that the sand pit would be located at the far southwest corner and that they heard that they needed the element of sand for the children.

Mr. Kutulus went on to state that there would be shrubbery and low lying plants at the western and eastern fronts which would help block and contain the children. He described it as a subtle and natural block which would keep people contained to the park area. Mr. Kutulus also stated that there would be bench areas throughout the park in three areas. Mr. Kutulus indicated that they would lose a couple of crab trees and that they planned to reinstall 6 new trees to the north and that anything which is taken out would be put back.

Mr. Kutulus then stated that to the south, the Option 1 plan includes the gazebo complex and patio area. He identified the gazebo shelter and shade and entertainment venue which would be down the road. Mr. Kutulus also stated that there would be benches and picnic tables, a ping pong table and terrace steps down the grade. He then stated that Option 2 is the expansion of the butterfly garden to the north. Mr. Kutulus stated that they would grow and move it to the eastern edge and encroach the park to the south. Mr. Kutulus also stated that there would be a seat wall which would be similar and have the same stone as at Hubbard Woods Park and Skokie Playfield and which he described as a nice design element which broke the barrier between the two and create a seat wall and opportunity for art or a sculpture. He then stated that there would be a few benches and a crushed granite path to connect that while remaining cognizant of the permeability.

Mr. Kehoe asked why they are called options.

Mr. Kutulus explained to the Board that when they considered the playground renovation, they considered the entire park to suit the community and not just the playground. He stated that is where the alternatives come in and that the budget would only allow for "X" but that the Park Board can adapt after the formal bid.

Chairperson Johnson stated that for clarification, she stated that doing the playground renovation is a given or if it is dependent on the budget.

Mr. Kutulus responded that the playground is a given and that the options are dependent on the Park Board which is the intent. He went on to state that with regard to the seat wall to the north and crushed granite path, they planned to mirror that as alternative no. 3 to the south. Mr. Kutulus stated that in connection with the seat wall, they were mindful of what the Garden Guild did with the meditation garden and to have an area for art and a focal area for sitting and relaxing for the children and adults. Mr. Kutulus noted that the crushed stone path would run through that.

Mr. Kutulus also stated that there are two other design elements, the first of which related to the variance for the setback for the gaga pit which he identified at the southwest corner and the baggo courts which would be adjacent to the sidewalk. He noted that the sidewalk is part of the base bid because of ADA compliance and that the baggo games are adjacent and part of the alternative. Mr. Kutulus then identified the ping pong table as alternative no. 1.

Mr. Kutulus went on to state that adjacent to the walkway would be seating areas and garbage cans and to the north, they included a bike repair station like that at other parks. He stated that they wanted to make sure that they are hearing what the community wants and in connection with the downtown master plan. He also stated that if you follow part of the Bennett plan to have the western edge, the gazebo winds up on the center line from the Village

Hall and that would be the western corridor through Moffitt Mall and would depend on the post office site and would be the anchor.

Chairperson Johnson stated that she could not figure out where the gazebo would be and asked if it would line up with the Village Hall.

Mr. Kutulus confirmed that is correct. He also stated that there is natural grading there now and that they would bring the tableland south to make sure they have a plateau.

Mr. Kehoe asked why would the gaga pit be located next to the meditation area.

Mr. Kutulus responded that they chose that location since the north side of the park is saturated with activity. He stated that they were cognizant with regard to the north green space and referred to putting it in the green area to the south. Mr. Kutulus stated that the corner lent itself as a perfect opportunity. He also stated that they chose that location because of the trees and do not want to remove any others if they do not have to. Mr. Kutulus also referred to the safety concerns close to Birch which is a one way street and is short with angled parking, shrubs and trees. Mr. Kutulus added that they are not concerned because the game plays inside and that the ball should not be errant and would not intercede onto Birch.

Mr. Kehoe asked who plays.

Mr. Kutulus stated that it would be 8 year olds to 13 and 14 year olds.

Chairperson Johnson stated that the bocce courts are lit and asked if these would be lit.

Mr. Kutulus stated that they would not and that there would be daytime play only.

Mr. Kehoe then asked what are the park's hours.

Mr. Kutulus responded that it would be the same as in Ordinance 504 until sundown.

Mr. Kehoe asked if the lights would be turned off.

Mr. Kutulus informed the Board that they have three lights in the park which he identified for the Board. He stated that the reason for the lights is to have natural sight lights for the sidewalk. Mr. Kutulus informed the Board that now they have them programmed on in the evening and off in the morning. He stated that they heard people say that they may change the dynamic of the park. Mr. Kutulus stated that they are open to that and talked and had dialog that if they were put on a timer or they could change the poles out with low level bollards. He then stated that they thought that it was a great idea until the Plan Commission meeting where they heard there were objections from the neighbors 30 hours before that meeting.

Mr. Kehoe stated that he is concerned about light pollution.

Mr. Kutulus stated that there would be 3 fixtures which would be similar to that at Hubbard Woods but that he did not have the photometrics. He indicated that there would be minimal light shed and that it would be a 35,000K yellowish light which is the same as at other park sites with interior lighting.

Ms. Hickey asked what is the measurement of the gaga pit from Birch and Oak.

Mr. Kutulus stated that it would be on Park District property.

Mr. Schram stated that it would be off of the roadway and that it is in the packet which stated the dimensions. He noted that the gaga pit would sit in the Park District boundaries and that because it is surrounded by roads, there is a 28 foot setback required from Birch and Dwyer Court. Mr. Schram also stated that there is a full 30 foot setback on Oak and Elm. He informed the Board that the setback of the gaga pit would be approximately 28 to 30 feet from the parking area on Birch. Mr. Schram added that the bag games and courts would sit about 14 inches from the ground

and stated that the setback requirement and the Village staff determined that the play pieces of equipment would need the full setback.

Mr. Kutulus then stated that runs through the gist of the park design. He then referred the Board to an illustration which contained a close-up view of the playground elements. Mr. Kutulus noted that the darker areas are the poured-in-place material and that the lighter tan area represented the fiber fill. Mr. Kutulus noted that both materials are permeable. He then identified the gazebo area and patio, ping pong table and the western edge center line for the Board.

Chairperson Johnson asked if the white and gray area around the gazebo is concrete.

Mr. Kutulus confirmed that is correct. He stated that when they heard when the DRB felt that it was a lot of concrete, they were asked to do something about that. Mr. Kutulus stated that if they change it to pavers, it would have a great look but the upfront cost and maintenance would be cumbersome. He also stated that the picnic tables would have pavers underneath them as well as the gazebo.

Chairperson Johnson referred to the submission to the DRB and the red areas.

Mr. Kutulus stated that they have an illustration of that.

Chairperson Johnson asked if the red areas are pavers.

Mr. Kutulus confirmed that is correct.

Ms. Kumer asked if the gazebo changed.

Mr. Kutulus responded that they changed the neoclassical look of the cupola and were told by the DRB that a weather vane would suffice and is included on the different views on all concrete. He stated that they decided to put an octagon under the gazebo and pavers as well as under the picnic area which would include pavers.

Chairperson Johnson stated that they also made a change to the banding on the concrete walk and asked if they had a photograph.

Mr. Kutulus informed the Board that they talked about different design ideas and that they looked to have it at 6 inches. He indicated that there would be no height difference but that it would be trolled into the sidewalk.

Mr. Schram then stated that they did not have a photo and informed the Board that it would be 6 feet wide with a 6 inch curb on the side. He indicated that visually, it would be a narrow sidewalk and that the footprint would stay the same. Mr. Schram described it as a decorative feature and that the concrete would be tooled along the perimeter and make it look more like a smaller sidewalk.

Chairperson Johnson asked if the sidewalk would have the same width as Hubbard Woods.

Mr. Schram confirmed that is correct.

Chairperson Johnson also asked if it would be ADA compliant.

Mr. Kutulus noted that the width was determined with the flow and everything else of the park. He stated that they also have photos of the terrace steps and the other park elements. Mr. Kutulus stated that the steps can be a used as a natural seating area and that there would be a limestone cap and Victor Straney (sp?) benches like at the rest of the site, along with a bike repair station, the gaga pit, etc. He then referred the Board to the current design elements in an illustration.

Mr. Kutulus went on to identify the site as it existed today and the features in the park. He referred the Board to an illustration of the views from the park and the adjacent properties as it sits today, including the church, the business

district and the residences to the south, the northwest residential areas, the west residential areas and the southern residential areas. Mr. Kutulus added that to the east is the post office site.

Mr. Kutulus stated that the playground is the last piece of the request which he would give the Board a view of in an illustration. He also referred the Board to a 3D rendering of what it would look like. Mr. Kutulus stated that you see two different colors, one of which is gray and which represented the portions of the playground that they plan to repurpose and reuse while the colored portions represent the new and installed portions. Mr. Kutulus also stated that if you looked west to east, he identified those areas to the Board in an illustration as well as the location of the gazebo. He then asked the Board if they had any questions.

Chairperson Johnson also asked if there was any additional presentation from the Park District. No additional presentation was made by the applicant at this time. She then asked the Board if they had any questions.

Mr. Naumann stated that in connection with the gaga pit, he would harp on the safety issue. He then stated that the children threw hard and far and commented that it is pretty low if you look at the height. Mr. Naumann referred to the 13 and 14 year olds who would be playing. He also stated that in connection with parking and it being close to the street, that presented a concern and stated that balls fly.

Mr. Kutulus stated that it would be a small rubber dodge ball.

Chairperson Johnson asked how many children would be in the pit.

Mr. Kutulus indicated that he did not know and estimated that with one ball, he guessed that there may be 5 or 6 children.

Mr. Kehoe stated that he has never seen a gaga pit before and that he took his grandkids to the park. He asked where else one is located.

Mr. Kutulus responded at Crow Island as well as at other schools in town.

Ms. Kumer asked how big across would it be.

Mr. Kutulus responded 20 feet.

Chairperson Johnson asked how long is it at Crow Island.

Mr. Kutulus responded that he did not know.

Ms. Hickey stated that she had a question on the gazebo. She stated that when they talk about it being in line with the Village Hall and Moffitt Mall, she asked if there are any assurances in terms of who develops the post office site. Ms. Hickey also asked does the Village have control having that site line all the way down.

Mr. Kutulus stated that at this point, it is unknown and to look to the Village as far as redevelopment to weigh in on that. He reiterated that it is unknown and that there could be visual blockages. Mr. Kutulus noted that they had the forward thinking in connection with the development as it sits but in the future as well. He also stated that they had conversations with different user groups 5, 10 and 15 years in terms of redevelopment.

Mr. Schram informed the Board that they took cues from the master plan which was developed for the downtown area this summer. He stated that on that plan, it shows visually the corridor through the site. Mr. Schram added that it is not their property.

Ms. Hickey asked who is in control of programming.

Mr. Kutulus stated that it would be through the Winnetka Park District.

Ms. Hickey asked if there would be programs after dark.

Mr. Kutulus responded possibly and stated that as part of the community outreach, they asked those questions in terms of what people would like to see at the park. Mr. Kutulus informed the Board that the choices of ice cream socials, concerts, food tastings and book readings all hit the marks. He also informed the Board that 75% of people were in favor of activation.

Ms. Hickey stated that in terms of the neighborhood, her concern is about noise after hours.

Mr. Kutulus stated that they have always been cognizant of the neighbors which is why they held 6 open community meetings and focus groups and that they have heard that people love to see what was done at Hubbard Woods to activate this portion of town. He stated that there would not be large bands because of the setting, but something similar to a quartet.

Chairperson Johnson asked if the gazebo is the same size at Hubbard Woods.

Mr. Kutulus stated that they would be similar.

Mr. Naumann asked if there was any direct engagement with the neighbors to the west and south.

Mr. Kutulus reiterated that they had community outreach and mailings to properties within a 500 foot radius to make sure they heard everyone and they had a chance to speak their voice and concerns.

Ms. Kumer questioned the feedback in terms of what people wanted in the park.

Mr. Kutulus informed the Board that they did online surveys and looked at different age groups using the park, as well as community sessions from the surrounding park neighbors before they started the design and development of the park.

Ms. Kumer stated that based on the feedback, she asked if that is how they came up with Option 1 as the biggest priority and then Options 2 and 3.

Mr. Kutulus confirmed that is correct. He stated that there was a large draw for the south side features like the gaga pit and that there was a high draw for that and that it was felt it was something that the Park District was missing. Mr. Kutulus described it as a great opportunity to tie in and bring something to the community as a whole. He also informed the Board that this plan is rendering 5 and 6 of the site and that they changed the plan based on the intel they received from the hearings. Mr. Kutulus reiterated that this is not the first rendering but one of many.

Mr. Kehoe stated that he is concerned about the loss of open space and asked the applicant to address it.

Mr. Kutulus stated that with regard to the loss of open space, he referred the Board to an illustration of the existing property versus what they are proposing. He also stated that in connection with the topography of the grading and open pick-up games, etc., they made sure that they were cognizant of that and that it would eat into that space a little which is needed for the shelter and the expanded playground. Mr. Kutulus noted that they did choose the gaga location to the far southwest portion of the site instead of crowding up that area in order to keep the open space and to keep a buffer for the neighbors. He stated that most of the activities would be to the north as opposed to the south.

Ms. Kumer asked if the meditation area would be part of the new plan.

Mr. Kutulus informed the Board that is the seating area to the center. He reiterated that they planned to repurpose what they can and that they would be replacing that. He also stated that it would have the same purpose as it was before. Mr. Kutulus also stated that the area is not activated until after school.

Ms. Hickey asked what option included the gaga pit and baggo court.

Mr. Kutulus responded that it is Option 3 or if the Park Board may push for it and stated that until they have the dollar figures figured out, he cannot speak on their behalf.

Ms. Hickey stated that the meditation area and wall would provide a buffer for the neighbors on Oak. She stated that if there is a gaga pit and it is left open, there would be no buffer and questioned what if they did not do Option 3.

Chairperson Johnson asked if it would not go to bid until the Village Council reviewed it.

Mr. Kutulus stated that meanwhile, they can work on the construction documents. He then stated that until they know what changes are to be made, they would not go to formal bid. Mr. Kutulus stated that in theory, they are waiting until the Village Council hearing.

Chairperson Johnson asked Mr. D'Onofrio to give the Board direction on all of the moving parts. She stated that if the Board was to recommend approval, could they not go ahead with one part and not the other. Chairperson Johnson indicated that it is complicated because it is not a firm plan and described it as a wish list almost. Chairperson Johnson then asked if there were any other questions.

Ms. Kumer stated that with regard to the gazebo, she asked what would be in there and if there would be seating.

Mr. Kutulus stated that they would be able to take the picnic tables and mobile items in there. He indicated that they could be brought out as needed.

Ms. Kumer questioned when they are not there.

Mr. Kutulus stated that is unless it is being used for an activity. He stated that they would always be there and that they do not want to do a fixed table in case of future programming.

Chairperson Johnson asked if there would be any fixed picnic tables.

Mr. Kutulus confirmed that is correct and identified three picnic tables which would be adjacent to the patio area. He reiterated that they would be mobile in the gazebo.

Chairperson Johnson again asked if there were any other questions. She then asked what is the acreage of Hubbard Woods.

Mr. Schram informed the Board that Dwyer Park is slightly smaller and estimated it to be 1.3 acres. He noted that information is in the packet of materials and that Hubbard Woods is 1.5 acres.

Chairperson Johnson commented that Hubbard Woods seemed bigger.

Mr. Schram confirmed that it is wider.

Chairperson Johnson recalled that when they looked at the Hubbard Woods Park renovation, they planned to use the open space for an ice rink.

Mr. Kutulus confirmed that is correct.

Chairperson Johnson then stated that there was talk about walkways and that currently, they have a shorter brick walkway which is in great condition although it cost more. She informed the Board that the DRB had issues about the concrete and now they have a revised plan with brick under the gazebo and picnic tables. Chairperson Johnson also referred to making the walk from Oak to Elm brick.

Mr. Kutulus stated that if they were to take and extend that, it would be a matter of cost as well as maintenance. He indicated that concrete is easy to patch and repair and that pavers have a tendency to settle which would require spraying for weeds. Mr. Kutulus also stated that if there is no edging, they will creep off the edge and that they noticed that at the Indian Hill Park. Mr. Kutulus stated that they found out that was not the best use of dollars.

Chairperson Johnson questioned the maintenance of the current walkways.

Mr. Kutulus informed the Board that they do maintain them every year and that they have to reset the pavers and include vegetation removal between the pavers.

Chairperson Johnson asked if it had anything to do with ADA requirements.

Mr. Kutulus stated that both options are capable of supporting the ADA requirements.

Chairperson Johnson questioned what the reason is to have so much concrete around the gazebo.

Mr. Kutulus stated that they were cognizant of the budget of \$500,000 for the playground. He stated that once they have added pavers, that would creep into the budget beyond their expectation and that they are not looking to do that now.

Chairperson Johnson stated that with regard to the tweens and teens providing input on the amenities, she asked if they considered having the gaga pit and baggo games over at Nielsen which is closer to Skokie and Washburn. She indicated that they can be tucked behind the playfields.

Mr. Kutulus informed the Board that the first time the gaga pit came to light was during the community outreach. He informed the Board that they are maxed out at those locations and that there is no ping pong table there either.

Chairperson Johnson asked if there were other options for the ping pong table so that it does not look like a big block of concrete.

Mr. Kutulus stated that they may be able to do more research. He informed the Board that it has worked well for other communities and would last the test of time.

Chairperson Johnson then asked how many teens participated in the focus group.

Mr. Kutulus responded that there were 18 and 12 in terms of the number of participants and that 130 responded to the focus group survey. He stated that they also did an online survey.

Mr. Schram stated that the community and the teens expressed an interest in this particular site and that they got input from the age when the children are more independent and leave Washburn then go downtown where mom and dad would pick them up and that they wanted an area to gather and have activity in which they could partake. He stated that they planned to accommodate them with those features.

Chairperson Johnson then stated that with regard to the gazebo, they know that the Village Green is owned by the Village. She stated that they did not own the property and asked if there was any consideration of working with the Village to put a gazebo at the Village Green.

Mr. Kutulus responded that there was not and that they would be developing this park within its four corners. He also stated that the Village Green did not come up until they redesigned that park.

Chairperson Johnson asked if there were any other questions. No additional questions were raised by the Board at this time. She then asked if there were any comments from the audience.

Stacy Burgoon, 856 Oak, informed the Board that she lives across from the park and that she has four children who are at the park daily and that she witnesses the users. She also stated that she went to many of the meetings and indicated that she heard a very different story and had not heard the want for programming at the park. Ms. Burgoon also stated that she talked to other parents, etc. and that everyone was happy with the park the way it is. She commented that they feel the very nature of the space is for the children to play and for the people who use the park and that the younger children run on the green space and that it is not used by the older kids and indicated perhaps on Friday afternoons.

Ms. Burgoon stated that if they build all of this stuff that they think people will use that she did not think that will happen. She stated that it would take away from those using it. Ms. Burgoon stated that they would see who uses it.

Ms. Burgoon also commented that it would be sad to cover the green space with a gazebo and the gaga pit and baggo court. She then stated that there is a gaga pit at Crow Island and that it is not used often on the weekends. Ms. Burgoon stated that there is space for them to play gaga and that the pit will get rough and wild. She described it as a safety hazard with the vehicles, it was not well thought out. Ms. Burgoon also stated that in connection with the surveys, there may be people who did not do the survey. She also stated that it would be sad for the butterfly garden to be extended and that events in the space and huge picnics would be taking away space and covering it up.

Ms. Burgoon then stated that with regard to the variance, it was created for a reason to protect the park. She stated that it is now at 50% under the requirement, which she commented is a huge deal. Ms. Burgoon also stated that in the community, there is so much equipment everywhere like at the beach, etc., they should leave some space natural and that it is okay without so much structure which would allow the children to use their imaginations. She stated that the park is used year round and that she is worried that with all of the equipment under being under snow, it would present a safety hazard and would be dangerous.

Ms. Burgoon reiterated that they would be taking away all of the green space. She then stated that with regard to the gaga pit, if someone monitored Crow Island to see how much it is used, she questioned the need for a second one. Ms. Burgoon also stated that in hearing the reference to Hubbard Woods in terms of programming, Hubbard Woods is surrounded by all commercial businesses and that the majority is residences here. She stated that comparing that is not a good argument.

Ms. Burgoon added that the lights would also be distracting. She stated that they would be ruining the park and reiterated that she has been to the meetings and that there was a group which was very vocal about the plan who are being ignored. Ms. Burgoon stated that with regard to the community, they are not listening and that there are not well thought opinions on it. Ms. Burgoon stated that they are also ignoring the adults who are using it and that adults have lunch there. She concluded by stating that the plan would make it a crazy amusement park which is not very Winnetka and that they are ruining the beauty of it.

Chairperson Johnson asked Ms. Burgoon if she is opposed to expanding the playground area 50%.

Ms. Burgoon responded that she has not heard a single complaint and that it is great how it is. She then stated that with regard to safety updates, that would be great even if there is new equipment and that she is happy with it as is. Ms. Burgoon reiterated that she has not heard comments that people are not happy.

Mr. Naumann asked Ms. Burgoon with regard to the gaga pit and the safety issue, from 4:00 p.m. to 6:00 p.m., what is the traffic like.

Ms. Burgoon responded that the only time you see middle schoolers is on Friday afternoon. She also stated that the children are wild in the park and they fight. Ms. Burgoon commented that having an aggressive game like that would present several safety issues. She also stated that with regard to balls and parked cars, that would be a safety issue. Ms. Burgoon then referred to mixing ages and commented that it is a great game at Crow Island which is not over utilized and that there is no need for a second one.

Chairperson Johnson asked if there were any other comments. She stated that to clarify, there would be no lighting in the park.

Mr. Kutulus confirmed that is correct.

Teresa Claybrook introduced herself to the Board as a neighbor at 878 Oak and stated that she is also on the Park Board. She informed the Board that she has lived in her home for 12 years and has three children ranging in age from 11 and 9 years old. Ms. Claybrook stated that when the children were younger, they were at the park for hours every day and that the park only meets the needs of the younger children. She stated that where it is positioned is where the kids are coming down from Washburn and Skokie and hang out at Starbucks and Pete's since there is no facility for them to hang out. Ms. Claybrook stated that there is an unmet need in the community and that it is an area they are already going to. She stated that the south side has become a hangout spot and that it would help give them something which allows them to interact with their friends without looking for something and getting into trouble. Ms. Claybrook stated that the children are always looking for places to go and that adding the facilities

would help them age up the park and allow diversity and an opportunity for the community to enjoy the park. She concluded by confirming that Hubbard Woods is 1.3 acres and that Dwyer Park is 1.24 acres.

Chairperson Johnson asked if there were any other questions.

Philip Brewster, 872 Oak, introduced himself to the Board as the attorney representing several neighbors. He stated that he wanted to make it clear that the residents object to the variation on two grounds, the first of which is that the change in the use of the gazebo is for a use other than as a park and second with regard to the intensity on the grounds given the variations for both. Mr. Brewster referred to the highlights in increased intensity in a space relative to what it is zoned for.

Mr. Brewster stated that on behalf of his clients, he sat down with the Park District to discuss the issues which were raised at the Plan Commission meeting. He informed the Board that the discussions are not final and that they are working with them on some changes. Mr. Brewster stated that for the record, he wanted to raise their objections. He then stated that he believed that the Park District is interested in making changes at the southern end of the site and that the concerns related to late night entertainment. Mr. Brewster also stated that at the meeting with the Park District, they indicated that they planned to move away from the use of tall lighting and to use bollards. Mr. Brewster noted that the Park District has some interest in working with the residents but that the objections remain unresolved. He reiterated that they are working with the Park District and that he wanted the record to reflect that they raise an objection.

Chairperson Johnson commented that it is great that they are having discussions. She then asked Mr. Brewster if he is representing two other neighbors and himself.

Mr. Brewster identified the locations of their homes on an illustration for the Board.

Chairperson Johnson then asked Mr. Brewster which plan did they object to the most.

Mr. Brewster referred to the gaga pit and the intensity of the use and safety. He also stated that landscaping and other items can be put in place and would address the safety concerns and that the Park District is open to that.

Chairperson Johnson asked if there would be another meeting.

Mr. Brewster stated that there would not. He then referred to a neighbor who was previously represented by him and that when a decision was made, she stated that she had no interest in the discussions and that the relationship was terminated because of a lack of similarity of interest. Mr. Brewster informed the Board that the neighbor still opposed everything with the exception of maintaining what the park currently is. He then referred to tailoring the whole park to a small fraction of those who would use it.

Chairperson Johnson asked the Board if they had any questions for Mr. Brewster. No questions were raised for Mr. Brewster at this time. She then asked if there were any other comments.

Todd Eagan, 892 Oak, stated that he has lived in his home for 26 years and that he was born and raised in Winnetka. He stated that he has enjoyed the park for many years as it is and that he saw no reason to change anything except for the safety feature which was overlooked. Mr. Eagan stated that the park is full of flowers, trees and green grass and that a lot is missing and would be covered over unnecessarily with this plan. He referred to the amount of hours that went into planning. Mr. Eagan stated that there are those in town who feel they have to change something and commented that the park serves beautifully the way it is. He stated that he is strongly in favor of keeping it as it is and that Ms. Burgoon said it perfectly to him. Mr. Eagan reiterated that they should leave it as it is and put the money to be spent on the park in their pocket.

Chairperson Johnson stated that is an issue to be addressed with the Park Board and not this Board. She then asked if there were any other comments.

Patrick Milks, 514 Birch, informed the Board that he lives across from the park. He referred to the comments summarized by saying that Dwyer Park is a little kids park. Mr. Milks stated that it is used heavily by infants,

parents, caregivers and younger children even in the winter. He then stated that it is too small for gazebos, plazas, a gaga pit and baggo courts where large parks can easily accommodate that type of equipment. Mr. Milks also referred to the expanded gardens at the north and south end and the connection to the developments to the east which would surely follow and that a lot of green space would be lost. He stated that he would argue that the playground should be maintained at its current size and location in order to minimize loss rather than expand it as part of programming. Mr. Milks then stated that more infrastructure would mean more maintenance and stated that they should leave the little park to little kids.

Chairperson Johnson asked if there were any other comments. She then swore in John Kessler.

John Kessler, 860 Oak, referred to a survey which was taken and informed the Board that he never received the survey which was discussed. He also stated that 12 people he spoke to like the park as it is and did not want any change to it. Mr. Kessler then referred to the concrete steps in terms of pushing the cost and that the children cannot do them. He also referred to Ms. Burgoon's thoughts with regard to the park remaining as it is. Mr. Kessler concluded by stating that they should leave everything alone and that in connection with ping pong, those who want to bring their own equipment and with the wind, it is a common sense issue and that the park should remain as it.

Chairperson Johnson asked if there were any other comments. She then swore in Leslie Hardy.

Leslie Hardy, 508 Birch, informed the Board that she lives next door to the Milks and the other neighbors and that her home faced the park directly. She stated that in all due respect, there has been fine work and preparation, but that she is horrified by the whole thing. Ms. Hardy stated that she has lived in her home for 44 years and informed the Board that the reason her mother bought the home was because of the beautiful open park across the street. She stated that unfortunately, when you do things like this, you lose sight of what a park is as opposed to a playground and that it would no longer be a park. Ms. Hardy referred to a little grass around structures and that it would not be a park and that it would become a playground. She commented that it is perfect the way it is.

Ms. Hardy stated that she knew there was mention of using cement instead of pavers because of the cost and stated that if they did not do all of the things here, to make something beautiful of what is already there and use quality materials without destroying the ambiance and the fact that the applicant referred to aging up the park, the children will go away because they are nervous. She stated that she sees who plays there and that the little children shy away from the older children and that it will no longer be for little children.

Ms. Hardy then stated that on a selfish note, she informed the Board that she has a big picture window and if there are lights in the park, that would make her life miserable with the lights all night shining in the windows.

Chairperson Johnson noted that the lights would only be on the eastern portion.

Ms. Hardy then stated that light travels. She also stated that they already have streetlights and that there is more than enough light. She then stated that she agreed with the neighbors and that it would be nice if they could spruce up what is already there with high quality materials and not turn it into Disneyland.

Chairperson Johnson asked if there were any other comments. No additional comments were made at this time. She then called the matter in for discussion. Chairperson Johnson then asked Ms. Hickey for her comment first since she is the liaison to the Plan Commission. She stated that the Plan Commission looks at the Comprehensive Plan as opposed to the Board's consideration of special use and variation standards. Chairperson Johnson asked Ms. Hickey to summarize the issues raised at the Plan Commission meeting.

Ms. Hickey informed the Board that much of the discussion related to what they have heard tonight. She then stated that with regard to the gazebo and programming, it was whether it changes the nature of the park as it exists. Ms. Hickey then stated that there was a split in terms of the discussion. She stated that there was talk again with regard to relocating the gaga pit and baggo court and switching them closer to the post office site and it was determined not to be a feasible idea. Ms. Hickey informed the Board that the first motion to recommend approval without Option 2 received a 4 to 4 vote, which is the gazebo. She then stated that she thought that lighting was included and that there was a strong recommendation for bollards and exploring low lighting. Ms. Hickey added that the terrace steps and

safety issue was also discussed. She stated that they then moved on to get the full vote and that the final vote was on the whole package versus taking options out. Ms. Hickey added that they did not go standard by standard.

Ms. Kumer stated that they cannot go option by option and that it related to the whole thing.

Chairperson Johnson referred to approving parts of it and noted that the Board is a recommending body. She stated that they can also have conditions and continue to see what happens at the DRB meeting next week. Chairperson Johnson stated that would be a good time and that they would have a better sense of what happens if they were to vote to recommend approval of the gazebo and that because of the Park Board budgeting, if it is determined that it would be put off for two or three years, they would have to come back if they want to build for approval.

Mr. D'Onofrio stated that the Village Council makes the final decision. He stated that the Park District is coming with a plan with three options in addition to the base plan and that it would be up to the Village Council to determine and that the special use would be good for 12 months. Mr. D'Onofrio then stated that if the Village Council decides to give the Park District 24 months to perfect Options 2 and 3, that would be up to them. He stated that nothing is in front of them yet. Mr. D'Onofrio then stated that given the alternatives of the three options, it would be up to the Village Council to decide what and when to commence work on that.

Chairperson Johnson asked whether it would be possible for the applicant to come back.

Mr. D'Onofrio responded not necessarily. He noted that normally, a special use is good for 12 months. Mr. D'Onofrio then stated that they had a case of a special use that was granted by the Village Council back in December that went back to the Council because the applicant requested an extension which was granted. He stated that it could come back theoretically. Mr. D'Onofrio also stated that if no action is taken in 12 months on a special use which was approved, it lapses unless the applicant requests an extension from the Village Council.

Chairperson Johnson asked each to member consider and referred to the base plan and Options 1, 2 and 3. She stated that it is her understanding that the Board would be recommending approval of any combination of the options and the base plan and that they are also to look at the two variations which are a separate set of standards.

Ms. Kumer stated that is only for Option 3 in terms of setbacks.

Mr. Kutulus stated that the baggo court and gaga pit are part of a general add on. He stated that they can look at it as Options 4 and 5 if they want to separate it. Mr. Kutulus noted that they are not part of Options 1, 2 or 3 and are separate line items.

Chairperson Johnson stated that did not fall under the special use standards.

Everyone else stated that they would.

Mr. D'Onofrio confirmed that they are in the base plan.

Mr. Kutulus stated that they are part of the scope. He informed the Board that the base plan related to hardscape for the walkways, the playground, etc. and if they tie into something, they tie into Option 3. Mr. Kutulus stated that they would present it to the Park Board if they want to choose to add on and that they could.

Mr. D'Onofrio asked if the base plan is the expansion of the playground.

Mr. Kutulus confirmed that is correct along with the sidewalk and site amenities for that.

Chairperson Johnson asked for clarification on the options in the base plan.

Mr. D'Onofrio stated that the base plan is identified on page 21 of the packet of materials. He then stated that Option 1 is the gazebo and picnic tables, terrace steps and lighting.

Ms. Hickey referred the Board to page 2 and no. 5 of the base plan and the new concrete picnic area.

Mr. D'Onofrio stated that it says picnic tables.

Ms. Hickey referred to the base plan and no. 5 at the top of page 2.

Mr. D'Onofrio referred the Board to page 21.

Mr. Kutulus stated that to clarify, the base bid included three picnic tables adjacent to the sidewalk and tables. He then stated that on page 21, the picnic tables are on the right side which amounted to three of them south of the playground itself along with the planting which he identified for the Board in an illustration. Mr. Kutulus noted those are fixed tables. He stated that regardless of whether there is a gazebo, it goes forward.

Chairperson Johnson questioned how did they want to proceed. She suggested that they talk about the base plan, the whole plan and the gaga pit.

Mr. Kehoe asked what if they do not want certain options and want to vote against it.

Mr. D'Onofrio stated that the Plan Commission had the same discussion. He informed the Board that after one vote, they voted on the entire thing with all of the options.

Chairperson Johnson indicated that she is not comfortable with that and that they used the Comprehensive Plan and they do not have the minutes from that meeting.

Ms. Hickey stated that she would like to go through the special use on each for the base and options.

Chairperson Johnson stated that with regard to the base option, to clarify with the Park District representatives, she asked if there is anything in the base option like the expansion of the playground and changing the surface material which is required under safety or ADA provisions.

Mr. Kutulus responded that the way in which the playground was designed and the base option, he stated that in connection with the development of the site with the inclusion of the features, additional square feet is required per the recommendation of the manufacturer in the guidelines.

Chairperson Johnson asked that if the Board recommended that the playground remain as is, would they still have to make changes to make it compliant.

Mr. Kutulus stated that as it sits today, they would need to make corrections for items which are out of compliance. He stated that they do not know what items they are.

Mr. Schram informed the Board that there are a number of safety zone problems and access and potential entrapment problems for the head and feet.

Ms. Kumer asked when all of the structures were put in.

Mr. Schram responded that they were installed in 1997.

Chairperson Johnson questioned if they do not make any changes to the playground in terms of adding equipment are they required under the law to make the safety changes.

Mr. Schram stated that they have withheld making renovations for five years because of letting the Village determine the downtown master plan. He also stated that they have tried to maintain and update the playground every 12 years. Mr. Schram then stated that they would go ahead with the renovation no matter what for public safety, etc.

Mr. Kutulus stated that in terms of what they could add through the design phase, the base line plan is to do the corrections required and is the minimal approach. He referred to the community outreach and the overwhelming population who would like to see a way in which improvements can be made.

Mr. D'Onofrio stated that there are five options in front of the Board. He referred to whether it is possible to determine a consensus on those five options one way or the other. Mr. D'Onofrio then stated that when they vote on the special use permit, there would be one vote with conditions if there is a consensus. He also stated that they can discuss each of them with one final motion on the special use and that if there are conditions on the special use meaning options, those would go to the Village Council.

Ms. Kumer stated that at the DRB meeting, things may change pursuant to that meeting. She stated that if the Board was to recommend approval of the plan, she asked how does that affect the Board's vote. Ms. Kumer stated that the PC made a recommendation and referred to there being an infinite loop.

Chairperson Johnson stated that the DRB purview included colors and materials and not special use standards. She stated that the DRB is to focus on the architecture of the gazebo.

Mr. D'Onofrio stated that the DRB is to make a recommendation and that all of the decisions are made by the Village Council. He stated that the Village Council would have the benefit of all of the input from the advisory boards. Mr. D'Onofrio noted that the outstanding issue is the gazebo.

Mr. Kutulus informed the Board that the DRB passed everything with two exceptions, which include the concrete which they described as overbearing and that they have given that rendition to the Board. He also stated that they are to include a 6 inch cut into the concrete. Mr. Kutulus then stated that the second portion was the gazebo and that the DRB wanted it without the cupola and weather vane and that they would be given different views. He indicated that they have those ready for the DRB and that with regard to the overall site design, colors, etc., the DRB approved it already.

Chairperson Johnson stated that to be clear, the DRB is looking at the design elements and not the special use standards or variation standards. She then suggested that they start with the base plan and reach a consensus on each element and that depending on what the recommendation is, if there is no consensus to recommend approval, it would be noted as a condition unless there is a recommendation to not recommend approval of any changes. Chairperson Johnson stated that in connection with the base plan, the Board would discuss whether the special use provisions have been met.

Ms. Hickey stated that in terms of the first standard that the establishment, maintenance and operation of the special use would not be detrimental to or endanger the public health, safety, comfort, morals or general welfare, the base development plan meets this standard, as well as standard no. 2. She then stated that all of the special use standards to her have been met with regard to the base plan.

Chairperson Johnson asked if there were any other comments. No additional comment was made at this time.

Chairperson Johnson then stated that she is not in favor of the concrete sidewalk which she described as a minor part. She also stated that the sidewalk from Oak to Elm makes sense. Chairperson Johnson stated that having concrete for that length of the playground is not appropriate and that she would prefer to see a brick sidewalk which falls within the purview of the DRB than the special use standards. She stated that the only special use standard affected by the concrete versus brick is standard no. 2. Chairperson Johnson added that they would be expanding the playground area 50% and that even if people are happy with the playground now, she referred to it not being necessary about adding more playground equipment. She also stated that it did not change the nature of a park.

Chairperson Johnson then stated that she did not like adding too much stuff like an amusement park. She stated that expanding it 50% violated the special use standards and would make it more than what it was intended to be and that she is in favor of it. Chairperson Johnson then stated that the Village Council would read the minutes and referred to having a concrete sidewalk that long and several feet wide. Chairperson Johnson also referred to the detail requested by the DRB and that it would not make much of a difference. She commented that the brick walkway now is beautiful and that requiring maintenance for 10 hours a year is not onerous.

Ms. Hickey stated that the Park District made a great point in terms of the playground needing to be updated for safety reasons. She stated that part of that expansion is because of the swing zones and that they have demonstrated special use.

Ms. Kumer stated that with regard to the expansion, she agreed with Ms. Hickey's comments. She informed the Board that her children went to the French School and used that park. Ms. Kumer then referred to picnics, etc. and stated that the park is packed with children. She also stated that it is crazy in terms of running around and referred to expanding the space. Ms. Kumer stated that there is enough green space for picnics on the grass. She then stated that for those uses, expanding the playground would not be a detriment but that it would be better. Ms. Kumer added that it is the only park on the west side of Green Bay Road and that it is nice for the children.

Chairperson Johnson asked if there were any other comments. No additional comments were made at this time. She then stated that they would move on to Option 1 which included the picnic expansion, the plaza, the gazebo and light poles.

Ms. Hickey stated that her concern with Option 1 is the gazebo impact on changing the use of the park which fell under standard no. 3 with regard to the immediate vicinity users. She also stated that there is the potential to impact the neighborhood on Oak and Birch. Ms. Hickey then stated that in connection with the terrace steps, they represent a potential safety hazard. She also stated that they would be taking away green space if the children are running up and down in that area and reiterated that it presented a potential safety problem.

Ms. Hickey then stated that with regard to the picnic area and concrete for the gazebo, she referred to standard no. 3. She stated that in connection with lighting, they already talked about that and that they would like to see more information on lighting in terms of the impact on Birch and Oak and that there could be some compromise there. Ms. Hickey added that there are streetlights. She indicated that it is not clear if the lighting would be on all night or if it would be turned off.

Mr. Kehoe confirmed that it would not be on all night.

Mr. Kutulus informed the Board that it can timed and turned off at 10:00 p.m. and that the initial thought was for site lighting through the evening. He referred to the option of doing bollards which was brought to their attention during the Plan Commission meeting.

Chairperson Johnson asked if the bollards would downcast the light.

Mr. Kutulus responded that they would be 30 to 48 inches off of the ground and that there would be down light from there. He then stated that shade on the light pole is a different object.

Chairperson Johnson asked if they would be the poles as depicted or bollards.

Mr. Kutulus stated that they could look into it and that there would be the potential to need more of those.

Chairperson Johnson then asked if they considered having motion sensor lights for walking.

Mr. Kutulus indicated that could be an option, but is typically not in a park setting.

Chairperson Johnson questioned whether there is no Village requirement that there be lighting in a park for safety.

Mr. Schram stated that the gazebo would have an under light like the gazebo at Hubbard Woods. He informed the Board that the old gazebo at Hubbard Woods had a down light as well as the Tower Road park gazebo. Mr. Schram stated that it is for the police so that when they drive by they can see.

Ms. Kumer asked if there were other gazebos in Winnetka.

Chairperson Johnson asked if the gazebo at Hubbard Woods was demolished.

Mr. Kutulus stated that it was taken down for safety. He then referred to the park shelter at the beach.

Chairperson Johnson then stated that with regard to the gazebo for shade for the children, she referred to the use of awnings for the playground for shade.

Mr. Kutulus stated that there would be shade structures.

Mr. Schram informed the Board that there would be fabric canopies which measure approximately 8 square feet and that there would be two of them proposed in the center of the playground for shade.

Chairperson Johnson stated that if the Board recommended against the gazebo, how would there be shade for the children.

Mr. Schram responded that with regard to shade, they would use that and the trees as part of the landscaping which would be the only shade. He noted that the caregivers would not be in the center of the playground and that shade is to be provided for the caregivers and parents and that there was big concern for the design. Mr. Schram stated that they call it a picnic shelter.

Mr. Naumann asked if there were safety factors in connection with the Hubbard Woods gazebo being taken down.

Mr. Kutulus stated that it was a wood structure and it was unsound. He indicated that there was no point to try to re-salvage any damaged portion and referred to its life cycle. Mr. Kutulus informed the Board that the material was to last for 30 years and that it had a good life. He then referred to the shelter which was put in the park pavilion with bathrooms and a band shelter.

Chairperson Johnson asked if there were any other comments on Option 1.

Ms. Hickey referred to the light poles but not the other portions. She then referred to the gazebo being lined up with Moffat Mall which meets the further disclaimer that they do not know what will happen with the other property.

Chairperson Johnson stated that she agreed with Ms. Hickey's comments. She also stated that there is no talk with regard to the development on the post office site. She asked if there were any other comments on Option 1.

Mr. Naumann stated that as it relates to the special use, he referred to the concern about safety for the younger children's use and that they would be adding a lot of concrete space and steps. He commented that grass would be a safer environment for the children for that age group. Mr. Naumann then stated that he is in favor of the gazebo and that he had an issue with the picnic plaza and steps.

Mr. Kehoe referred to the concerns with regard to the gazebo and that he is not fond of the 18 foot height which would affect neighboring properties. He stated that the request did not meet standard no 2. Mr. Kehoe also stated that with regard to the types of events which would possibly be held there, there would be a detrimental effect on the contiguous properties and stated that he is opposed to the gazebo. He added that in connection with the lights, he would want lower lights.

Ms. Kumer stated that she agreed that the light poles should be lower toward the walkway and that landscape lighting would make more sense than having light poles. She stated that for the neighbors, it is important and that they have an issue with it. Ms. Kumer then stated that in connection with the gazebo, there could be issues in connection with standard no. 3. with regard to concerts and informed the Board that she lives near Hubbard Woods Park and that it is not used often. She commented that it seemed so forlorn. Ms. Kumer then questioned whether there is a way to keep the concerts tame. She informed the Board that is one issue she has and that there is a lot of concrete but that is more of a DRB issue. Ms. Kumer added that she is fine with three picnic tables.

Chairperson Johnson stated that she concurred and that she is not in favor of the gazebo and referred to the special use standards and the fact that the structure would be taking up green space and would be surrounded by a lot of concrete and hosting events which would be disruptive to the neighborhood and that it did not meet standard nos. 2 and 3. She added that because of the post office site being developed soon, there might be community components of that site which might meet the same needs of the potential gazebo. Chairperson Johnson stated that even if the Village Council agreed and did not accept the gazebo, that did not mean it would never happen. She stated that there is so much in flux with regard to the application that she would not recommend approval of the gazebo. Chairperson Johnson then stated that she is in favor of the lighting and referred to the fact that there is no sidewalk on Birch. She commented that is important regardless of the other improvements. She reiterated that she is in favor of lower lighting and to make a condition to the recommendation.

Mr. D'Onofrio stated that the consensus is not clear.

Chairperson Johnson stated that they are saying yes to the expanded picnic plaza which would not change the nature of the park and that they are not in favor of the gazebo. She stated that there are four members to one on the gazebo. Chairperson Johnson then stated that she did not know how from the recommendation of approval of the light poles and that now, there are three tall poles and that unless they word it on a condition that the Board would be amenable to a shorter light fixture even if meant two additional fixtures. Chairperson Johnson stated that the consensus is that the lighting is appropriate and meets the special use standard subject to what kind of lighting it is. She added that the applicant has not shown them lower fixtures.

Mr. D'Onofrio stated that the goal in going through the options is not to pick and choose from the menu unless there is something significant that the Board would like to point to. He stated that the Board is to say that they are generally in favor of Option 1 or opposed. Mr. D'Onofrio stated that it is not an a la cart menu.

Chairperson Johnson stated that the Park District proposed the items as a la cart. She reiterated that it is all still up in the air. Chairperson Johnson then referred to Option 2.

Mr. Kehoe stated that he had no issues and that he would be in favor of Option 2.

Ms. Kumer also stated that she is in favor.

Mr. Naumann stated that he had no issues.

Chairperson Johnson then asked for the Board's comments on Option 3.

Ms. Kumer stated that matches Option 2 except for the butterfly garden and that it would create symmetry. She then stated that she would be in favor of Option 3. Ms. Kumer also stated that if they were to go with Options 4 and 5, they would need Option 3.

Ms. Hickey, Mr. Naumann and Mr. Kehoe all agreed.

Chairperson Johnson then asked for the Board's comments on Option 4 which is the gaga pit. She noted that it related to both the special use and variation standards. Chairperson Johnson stated that they would first consider the special use.

Mr. Naumann stated that they have voiced their concerns with regard to safety and that it speaks to standard no. 1.

Ms. Hickey stated that she agreed with the concern about safety and its proximity to the street.

Mr. Kehoe commented that it is a tough call and that he thought that the park would serve the unmet needs of 10 to 12 year olds. He stated that he is in favor of the gaga pit.

Ms. Kumer stated that she is torn and described it as a draw and that she had never heard of a gaga pit before. She then referred to the safety issues between the children and that she could see both sides of the issue.

Chairperson Johnson stated that she is against it so the vote would be 3 to 2.

Ms. Kumer then stated that she liked the fact that it represented an option for tweens and now there is no place for the children to go. Ms. Kumer then referred to the Frisbee location and that she rarely saw it used and that she did not know if this is set up, whether it would be used. She concluded that she would be in favor.

Chairperson Johnson reiterated that she is against it. She then stated that the number of tweens who weighed in on the process was not large. Chairperson Johnson also stated that it would not be a huge draw and would be a detriment to the younger children in the main playground. She added that the tweens will use the younger children's equipment. Chairperson Johnson also stated that the way in which the gaga pit looks, she described it as unattractive and detrimental to the neighborhood as well as the fact that there is a safety issue. She stated that the consensus is

not to recommend the gaga pit and whether the Board still needed to look at the variation for the Village Council's benefit.

Mr. D'Onofrio responded that they should since they have to vote on the variation itself.

Chairperson Johnson stated that the Board would now review the variation standards and whether the gaga pit satisfies the variation standards.

Mr. Naumann stated that there could be reasonable return without the gaga pit and then referred to the second standard. He stated that the character of the park would be somewhat changed and that for the other standards, there would be no impact. Mr. Naumann also referred to the last standard given the location of the gaga pit.

Ms. Hickey referred to the full agreement that the plight of the applicant is due to unique circumstances in that it would fill a void for the tweens.

Chairperson Johnson referred to the location of the gaga pit so that it would not require a variation. She also stated that unique circumstances were not addressed in the application. Chairperson Johnson then stated that if it was located to the east, it would impact open space and not be accessible by the disabled and would require the removal of a tree. She added that because of the site dimensions, they cannot fit it in the setback footprint without impacting the grassy open space at the south end of the park. Chairperson Johnson then referred to the effect on the arch of the equipment.

Chairperson Johnson then asked the Board for their comments as to whether the request can yield a reasonable return without the gaga pit.

Mr. Naumann, Mr. Kehoe and Ms. Kumer agreed that it could.

Chairperson Johnson added that with regard to some of the reasons the applicant is claiming that it met the standards, if they want to maintain green space, they would not ask for a gazebo and that it undercuts the argument that the conforming to setback requirements, they would have to take green space that they would otherwise have. She stated that the request has not met standards no. 1 or 2 for a variation and asked for a motion.

Ms. Kumer moved to state that with regard to reasonable return, if there is no gaga pit, there would still be reasonable return. She then stated that with regard to the plight of the applicant being due to unique circumstances, putting things in certain areas is what is making it unique and that the gazebo creates less green space. Ms. Kumer stated that with regard to altering the character of the locality, the gaga pit would alter the character because of the nature of the loud and aggressive game. She stated that with regard to the light and air to surrounding properties, there is no issue and that the request met that standard.

Ms. Kumer stated that the request would have no effect on the hazard from fire and the taxable value of the land would not be impaired. She stated that congestion would not be affected and that with regard to the public health, comfort, morals, welfare and safety of the Village, the biggest issue is that safety has not been met and concluded that the request did not meet the variation standards.

Ms. Hickey seconded the motion.

Chairperson Johnson asked for a motion to deny the variation for the gaga pit.

A vote was taken and the motion was passed, 4 to 1.

AYES: Hickey, Johnson, Kumer, Naumann

NAYS: Kehoe

FINDINGS OF THE ZONING BOARD OF APPEALS

1. The requested variation is within the final jurisdiction of the Village Council.

2. The requested variation is not in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is not 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 no practical difficulties or a particular hardship which prevents strict application of Section 17.30.050 [Front and Corner Setbacks] 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 can yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone. There will still be a reasonable return without a gaga pit located within a required setback.
2. The plight of the owner is not due to unique circumstances associated with the characteristics of the property in question, rather than being related to the occupants. The proposed locations of the improvements are what make it unique, not the property itself. Additionally, the gazebo impacts the open green space more than a conforming location for the gaga pit.
3. The variation, if granted, may alter the essential character of the locality. The gaga pit would alter the character of the neighborhood due to the loud and aggressive nature of the game.
4. An adequate supply of light and air to the adjacent property will not be impaired with the proposed location of the gaga pit.
5. The hazard from fire or other damages to the property will not be increased.
6. The taxable value of the land and buildings throughout the Village will not diminish.
7. Congestion in the public streets will not increase.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village may otherwise be impaired. There is a safety concern given the close proximity of the gaga pit in relation to Birch Street.

Chairperson Johnson stated that the Board would now discuss Option 5 which is the baggo court. She stated that they are to look at the special use standards and then the variation standards.

Ms. Hickey stated that Option 5 met the special use standards and that in comparison with the gaga pit; number one is the issue in terms of safety. She stated that with regard to the second standard, in connection with its placement as proposed, it would be out of sight and close to Dwyer Court. Ms. Hickey also stated that it would be located away from the playground area and would not be impacting the neighborhood since it is by the post office property.

Ms. Hickey stated that with regard to standard no. 3, there is no issue. She then stated that with regard to standard no. 4 which related to ingress and egress, there is enough distance between Dwyer Court and the baggo court so that they would not be flying into traffic.

Mr. Kutulus informed the Board that there would be two people on each side and that four people would play at one time. He also stated that there would be no running back and forth and that bean bags would be used.

Ms. Hickey then stated that standard nos. 4 and 5 are ok.

Chairperson Johnson asked if there were any other comments. She referred to the consensus on the baggo court. Chairperson Johnson stated that now the Board would discuss the variation standards and referred to page 13 in the packet of materials. Chairperson Johnson also referred to whether there could be reasonable return if they were not allowed to have the baggo court. She stated that to clarify, on the side that the variation standards are met, if they were to recommend the special use standards on the baggo court, if the Village Council agreed that it meets the standards, they can overrule the Board's decision.

Mr. D'Onofrio stated that the whole thing goes to the Village Council and that the Board is to provide a recommendation. He then stated that when there is a special use, the variations go as a package.

Chairperson Johnson indicated that it is hard to say that a baggo court is necessary for reasonable return. She then stated that to be consistent, they did not have to say it meets the variation standards although they say it meets the special use standards.

Mr. Kehoe asked how did it meet the standards.

Mr. D'Onofrio stated that with regard to the standards and referred to the Board's conversation between the gaga pit and the baggo courts as one of safety. He stated that they are to look at standard no. 8 which is where the gaga pit did not meet the standards and the baggo court does.

Ms. Kumer referred to getting it as close to the edge as possible and prolong the 2020 Comprehensive Plan to keep the green and open space at a maximum. She stated that if you were to look at it from a social aspect, the public in general would support more open space unless they were to move the baggo court as far as possible to get reasonable social return.

Chairperson Johnson asked if the footprint of the baggo court is lower than the gaga pit.

Mr. Kutulus confirmed that is correct.

Ms. Kumer stated that tucking it away helps her in terms of the standard. She also stated that she would support the whole contention of keeping the green space option as much as possible.

Chairperson Johnson then asked for a motion on the variation standards. She stated that they have to determine whether they believe that the standards have been met with regard to the baggo court as articulated in the applicant's statement on page nos. 14 to 16. Chairperson Johnson suggested that the Board adopt that if they are in favor of granting the variation and if they would like to add that contrary to the gaga pit, the variation footprint of the baggo court is not as large and would not create a safety hazard in the way the gaga pit would.

Mr. Kehoe moved to state that with regard to reasonable return, they have to determine this is different than the gaga pit. He stated that the baggo court would ensure the preservation of green space which is desirable. Mr. Kehoe stated that with regard to the plight of the applicant being due to unique circumstances, it is similar to the first position that the desire to preserve green space is the best way to do that.

Mr. Kehoe stated that the request would not alter the character of the locality and that with regard to the light and air to surrounding properties, they already discussed that. He stated that it is an activity that would be engaged in by four people. Mr. Kehoe stated that there would be no hazard from fire, the taxable value of the land would not diminish and that congestion would not increase. He concluded by stating that the public health, comfort, morals, welfare and safety of the Village would not be impaired.

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

AYES: Hickey, Johnson, Kehoe, Kumer, Naumann

NAYS: None

FINDINGS OF THE ZONING BOARD OF APPEALS

1. The requested variation is within the final jurisdiction of the Village Council.
2. The requested variation is 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 Section 17.30.050 [Front and Corner Setbacks] 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. The location along the proposed sidewalk of one of the two (2) proposed baggo courts causes the setback from the edge of the east court target to be 16.98 ft. instead of the 28.74 ft. required off of Dwyer Court, a variation of 11.76 ft. To avoid the zoning variation, this court could be relocated immediately west of the court on the west side of the sidewalk, but this would negatively impact the open lawn space, would not make the court accessible for the disabled, and would require the relocation of an existing tree. Moving the court to the north is not possible due to slope constraints. Moving it to the gazebo patio creates conflicts with picnic tables and other activities. Moving it to the area north of the playground will interfere with future development of the park. Eliminating one of the two courts would reduce the opportunities for multiple group use and possible tournaments. The precast concrete targets are also, theoretically, movable since they just sit on the concrete pad.
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. Dwyer Park, with dimensions of approximately 143.13 ft. x 375.75 ft., occupies a site bounded on all four (4) sides by streets. Thus the dimensions of the site within which play equipment, of any variety, can be installed based on the setbacks, is roughly 85.64 ft. x 315.67 ft. This creates problems for siting amenities without impacting other site features. The baggo court cannot fit within the setback footprint without substantially impacting the grassy open space in the center of the south end of the park.
3. The variation, if granted, will not alter the essential character of the locality. The proposed location of the baggo court is close to the eastern edge of the site. Dwyer Court along the eastern property line is used for angled public parking. The addition of the baggo court will have less impact on the visual aesthetics of the park than the parked cars do.
4. An adequate supply of light and air to the adjacent property will not be impaired. The height of the baggo court target is 14 inches, and is not visually prominent nor will they cast shadows that will affect adjacent properties.
5. The hazard from fire or other damages to the property will not be increased. The baggo court targets will be 55 inches long and 31 inches wide precast concrete forms sitting on concrete pads. The proposed feature is durable and resistant to fire and vandalism.
6. The taxable value of land and buildings throughout the Village will not diminish. The proposed baggo court will actually make Dwyer Park a more attractive destination in the Village and for the neighboring community, and the Central Business District. This item has been requested by different users in the public meetings and online surveys conducted by the Winnetka Park District during the design of Dwyer Park. A more attractive park that attracts a variety of users of different ages will not negatively affect property values. An upgraded park may also attract potential developers of the post office site immediately east of Dwyer Court.
7. The congestion in the public streets will not increase. The proposed amenity will not negatively affect traffic on any of the streets. Access to the baggo court is from a new walkway within the park itself.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not otherwise be impaired. The proposed improvements planned for Dwyer Park will create varied recreational amenities for a wide age range of residents. The addition of the baggo court will directly benefit pre-teen users, a demographic that has been underserved in Winnetka based on feedback from residents during the park design development. The proposed park design attempts to balance features offered with citizen's input to create a site that offers increased fitness opportunities, event programming, unstructured use, and aesthetics.

Chairperson Johnson stated that the Board is to make a motion on the special use standards for all of the components. She stated that as was the issue before, the Board is to make a motion to recommend approval with conditions of the items or do not recommend approval or a motion to recommend denial. Chairperson Johnson stated that they have reached a consensus for the special use as the base plan and Options 2, 3 and 5 and that they do not know how to deal with the light pole issue. She stated that they have not seen or do not know what would happen. Chairperson Johnson stated that the Board can recommend approval of the special use for the base plan and options 2, 3 and 5 and for the condition to state that they do not recommend approval of the special use for Option 1 except for the light poles in that they be shorter instead of tall as depicted in the plan. She then asked for a motion.

Ms. Hickey moved to recommend approval of the special use permit request by the Park District for the base plan as depicted on page 21 of the packet. She also referred to Option 2 as depicted page 21, Option 3 on page 21 and Option 5 for the baggo court. Ms. Hickey also moved for the Board to make a recommendation of denial of Option 1 on page 21 with the exception of the light poles if the Park District changes them to lower light fixtures and considering the use of bollards. She added that the Board is recommending denial of Option 4 due to the considerations of safety.

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

AYES: Hickey, Johnson, Kehoe, Kumer, Naumann

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 operations of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare. With the exception of the gazebo and gaga ball pit, the Board found the proposed improvements meet this standard, provided lower light fixtures are used along the sidewalk rather than the light poles as proposed. The updated playground will be a safety improvement. However, the gaga ball pit was found not be safe in the proposed location. Additionally, there was discussion and comment regarding the proposed concrete sidewalk and that a brick paver walk would be preferred.
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. All of the improvements meet this standard, with the exception of the gazebo in Option 1 and Option 4, the gaga ball pit.
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.
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.
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.
6. That the Special Use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes.

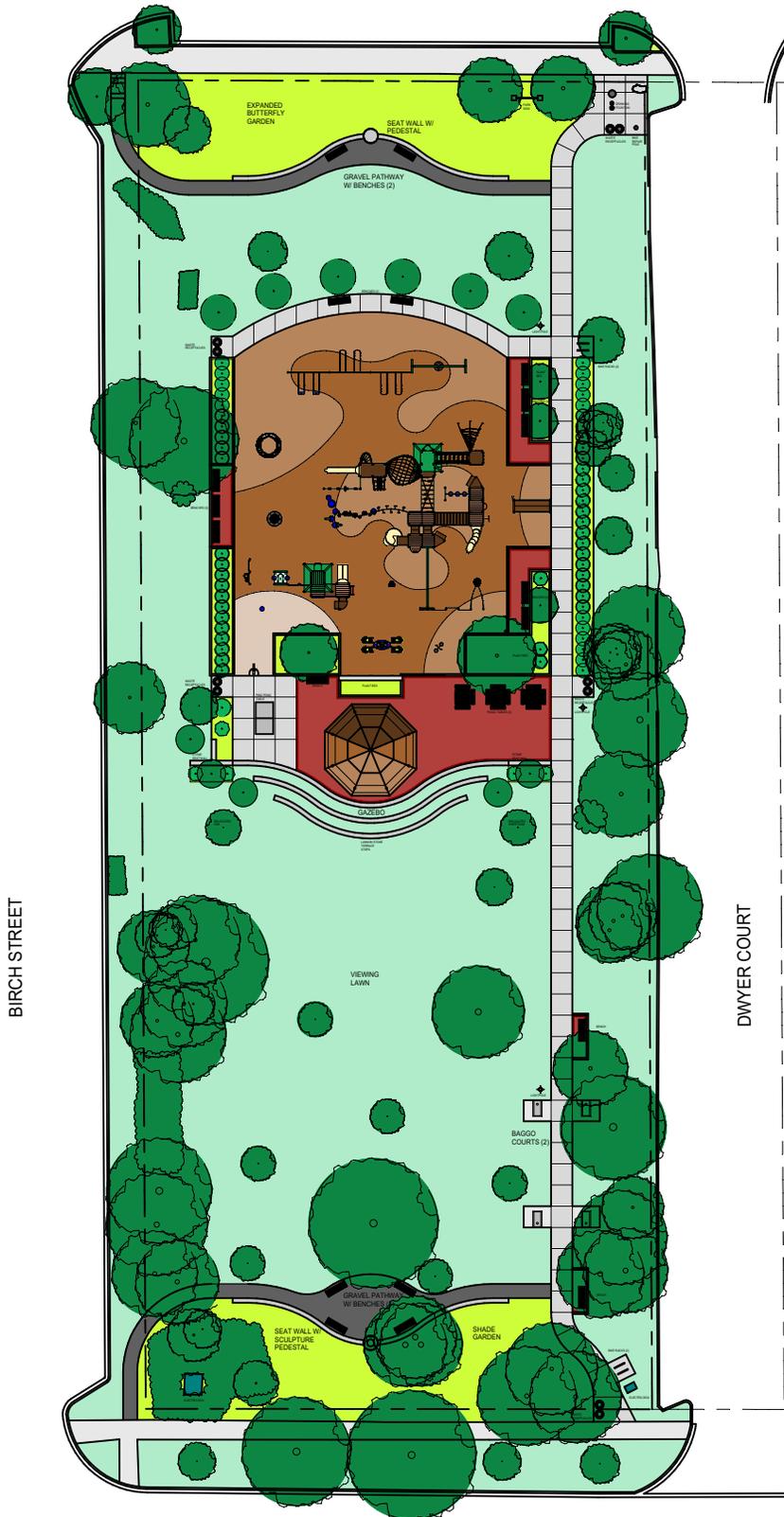
EXHIBIT C

SITE PLAN

(SEE ATTACHED EXHIBIT C)

EXHIBIT C

ELM STREET



BIRCH STREET

DWYER COURT

OAK STREET

DWYER PARK

521 Birch St., Winnetka, IL 60093
WINNETKA PARK DISTRICT
SITE PLAN CONCEPT REVISED

8/23/2016 REV. 9/16/2016 10/14/2016 10/21/2016 10/28/2016



EXHIBIT D

PLAYGROUND PLAN

(SEE ATTACHED EXHIBIT D)



EXISTING MAIN PLAYSTRUCTURE



EXISTING MAIN PLAYSTRUCTURE



EXISTING MAIN PLAYSTRUCTURE



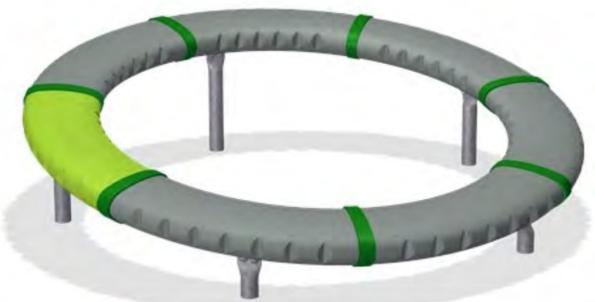
COOLTOPPER WAVE ROOF



TOPSYTURNY SPINNER



CREST CLIMBER



SUPERNOVA



LOOP SEATS



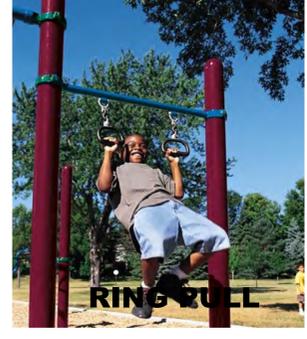
WOBBLE POD



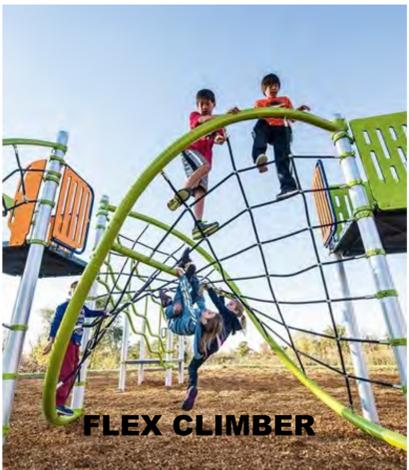
FIRE POLE



STAR SEEKER



RING PULL



FLEX CLIMBER



CREST CLIMBER



TRAVELER CLIMBER



NOODLE PODS



LOLLILADDER



TIGHTROPE BRIDGE



SQUIGGLEKNOTS BRIDGE



POLYSLIDE



TRIANGLE TRANSFER DECK



VERTICAL ASCENT CLIMBER



BLENDER SPINNER

PROPOSED NEW EQUIPMENT FOR LARGE PLAYSTRUCTURE



EXISTING TOT PLAYSTRUCTURE



EXISTING TOT PLAYSTRUCTURE



EXISTING TOT PLAYSTRUCTURE



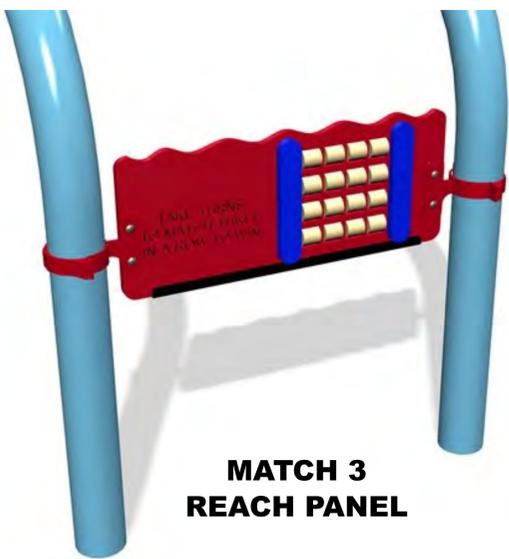
**COOLTOPPER
WAVE ROOF**



**TRANSFER
STATION**



WE-SAW



**MATCH 3
REACH PANEL**



BELT BRIDGE



ARCH ROOF



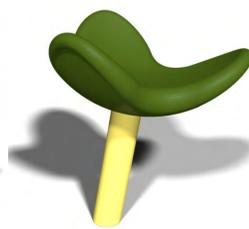
PODS



DOUBLE BOBBLE RIDER



TABLE PANEL



**SADDLE
SPINNER**



**ACCESSIBLE
SUPERSCOOP**



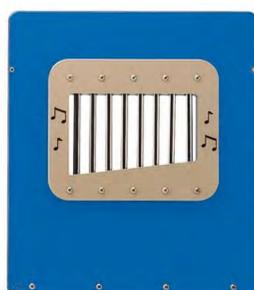
**SLANT
WINDOW
PANEL**



BONGO PANEL



**MARBLE
PANEL**



**CHIME
PANEL**

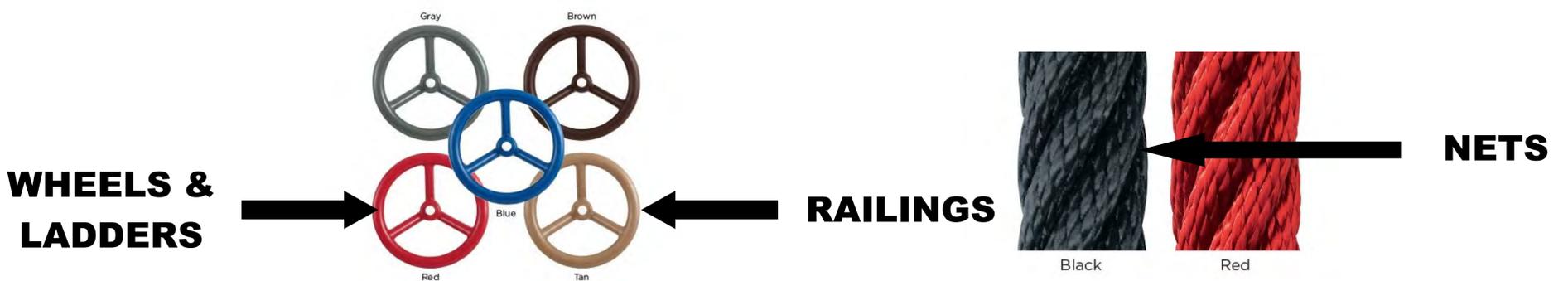
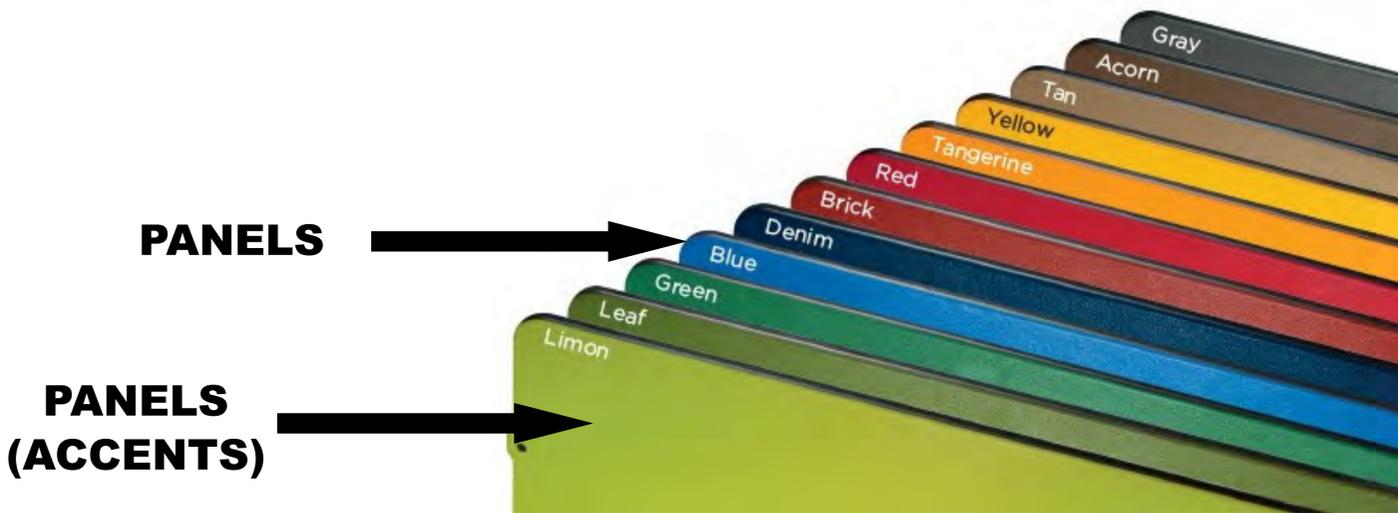


**IMAGE
PANEL**



**SLANT ENTRANCE
PANEL**

PROPOSED NEW EQUIPMENT FOR TOT PLAYSTRUCTURE



DWYER PARK PLAYGROUND COLORS

EXHIBIT E

SITE AMENITIES PLAN

(SEE ATTACHED EXHIBIT E)



STONE & GRASS TERRACES



STONE & GRASS TERRACES



STONE & GRASS TERRACES



STONE SEATWALL



BIKE RACKS



BENCH



PICNIC TABLE



BAGGO COURT



PING PONG TABLE



GAGA COURT



LIGHTPOLE



WASTE RECEPTACLES



BIKE REPAIR POLE

DWYER PARK PROPOSED SITE AMENITIES

EXHIBIT F

PLANT SCHEDULE

(SEE ATTACHED EXHIBIT F)



CORNUS FLORIDA



CERCIS CANADENSIS



**HIBISCUS SYRIACUS
'APHRODITE'**



MAGNOLIA STELLATA



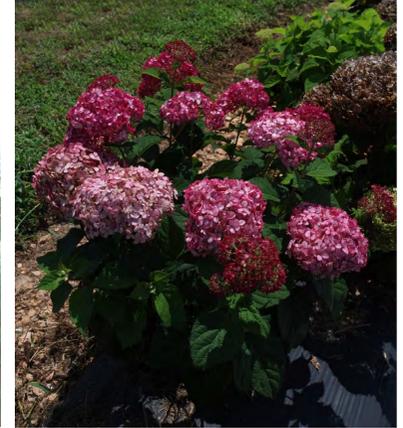
**EUONYMUS ALATUS
'FIREBALL'**



**HIBISCUS SYRIACUS
'BLUE SATIN'**



**HYDRANGEA QUERCIFOLIA
'GATSBY MOON'**



**HYDRANGEA ARBORESCENS
'INVINCABELLE RUBY'**



SYRINGA x BLOOMERANG



**VIBURNUM DENTATUM
'BLUE MUFFIN'**



**WEIGELA FLORIDA
'WINE & ROSES'**



**CALAMAGROSTIS x ACUTIFLORA
'KARL FOERSTER'**



**ECHINACEA PURPUREA
'GREEN JEWEL'**



**SEDUM TELEPHIUM
'CHOCOLATE DROP'**



LIRIOPE SPICATA

PLANT SCHEDULE

DECIDUOUS TREES

CF	6
CC	2
HSA	5
MS	1

CORNUS FLORIDA
CERCIS CANADENSIS
HIBISCUS SYRIACUS 'APHRODITE'
MAGNOLIA STELLATA

HYDRANGEA ARBORESCENS
REDBUD
APHRODITE ROSE OF SHARON
STAR MAGNOLIA

3" CALIPER B & B TREE FORM
3" CALIPER B & B TREE FORM
3" CALIPER B & B TREE FORM
3" CALIPER B & B TREE FORM

DECIDUOUS SHRUBS

EAF	4
HSBS	1
HQGM	22
HAIR	3
SB	14
VDBM	2
WFWR	16

EUONYMUS ALATUS 'FIREBALL'
HIBISCUS SYRIACUS 'BLUE SATIN'
HYDRANGEA QUERCIFOLIA 'GATSBY MOON'
HYDRANGEA ARBORESCENS 'INVINCABELLE RUBY'
SYRINGA x 'BLOOMERANG'
VIBURNUM DENTATUM 'BLUE MUFFIN'
WEIGELA FLORIDA 'WINE & ROSES'

FIREBALL BURNINGBUSH
BLUE SATIN ROSE OF SHARON
GATSBY MOON OAKLEAF HYDRANGEA
RUBY INVINCABELLE HYDRANGEA
BLOOMERANG LILAC
BLUE MUFFIN VIBURNUM
WINE & ROSES WEIGELA

30"-36" HT.

PERENNIALS, ORNAMENTAL GRASSES

CAKF	12
EPGD	9
STCD	15

CALAMAGROSTIS x ACUTIFLORA 'KARL FOERSTER'
ECHINACEA PURPUREA 'GREEN JEWEL'
SEDUM TELEPHIUM 'CHOCOLATE DROP'

KARL FOERSTER FEATHER REED GRASS
GREEN JEWEL CONEFLOWER
CHOCOLATE DROP SEDUM

1 GAL. @ 24" O.C.
1 GAL. @ 18" O.C.
1 GAL. @ 12" O.C.

GROUNDCOVERS

LS	1210
----	------

LIRIOPE SPICATA

CREeping LILYTurf

QUART @ 12" O.C.

**DWYER PARK PROPOSED
PLANT SCHEDULE**

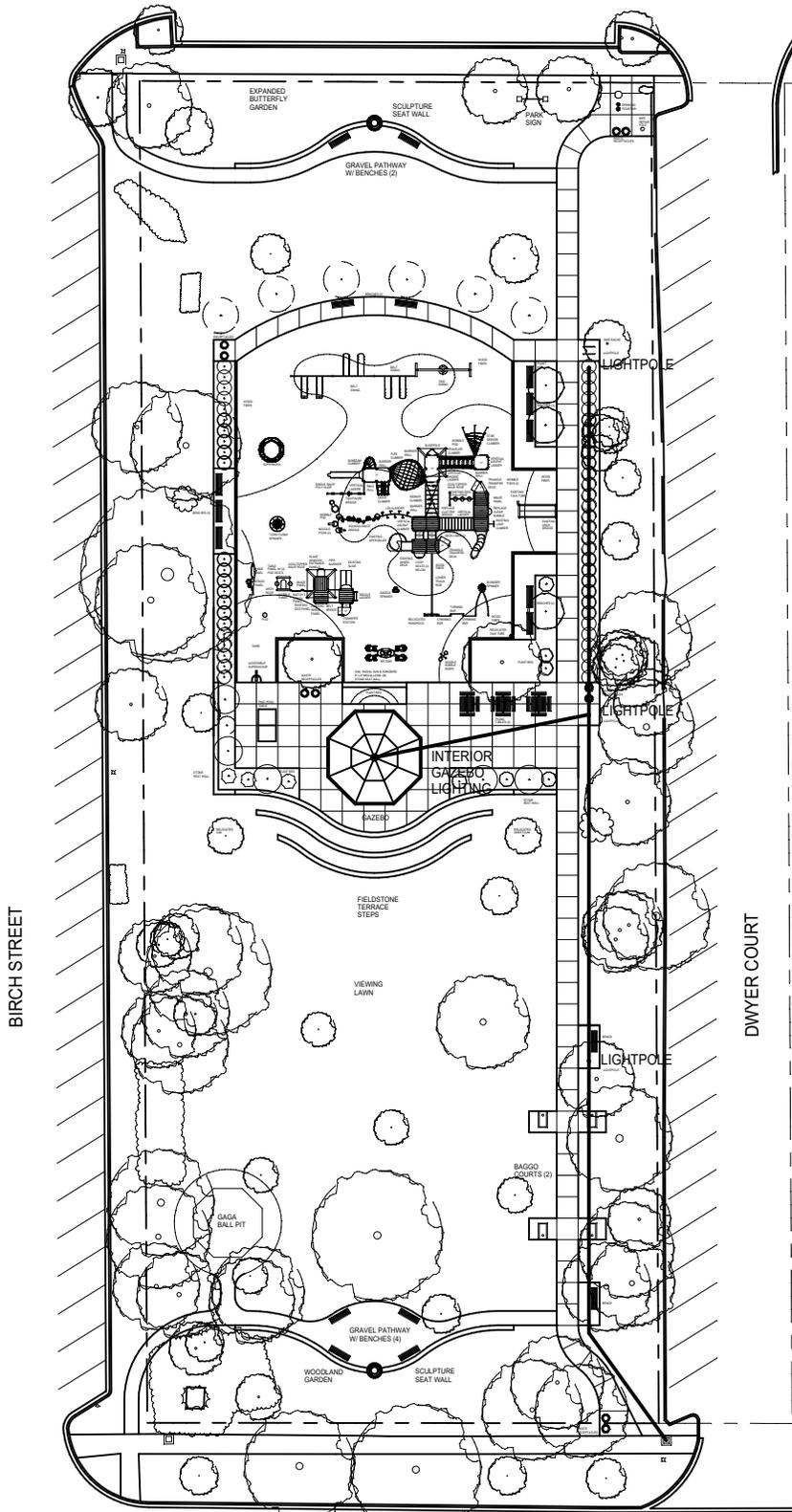
EXHIBIT G

LIGHTING PLAN

(SEE ATTACHED EXHIBIT G)

EXHIBIT G

ELM STREET



BIRCH STREET

DWYER COURT

OAK STREET

DWYER PARK

521 Birch St., Winnetka, IL 60093
WINNETKA PARK DISTRICT
LIGHTING PLAN CONCEPT

8/23/2016

GRAPHIC SCALE



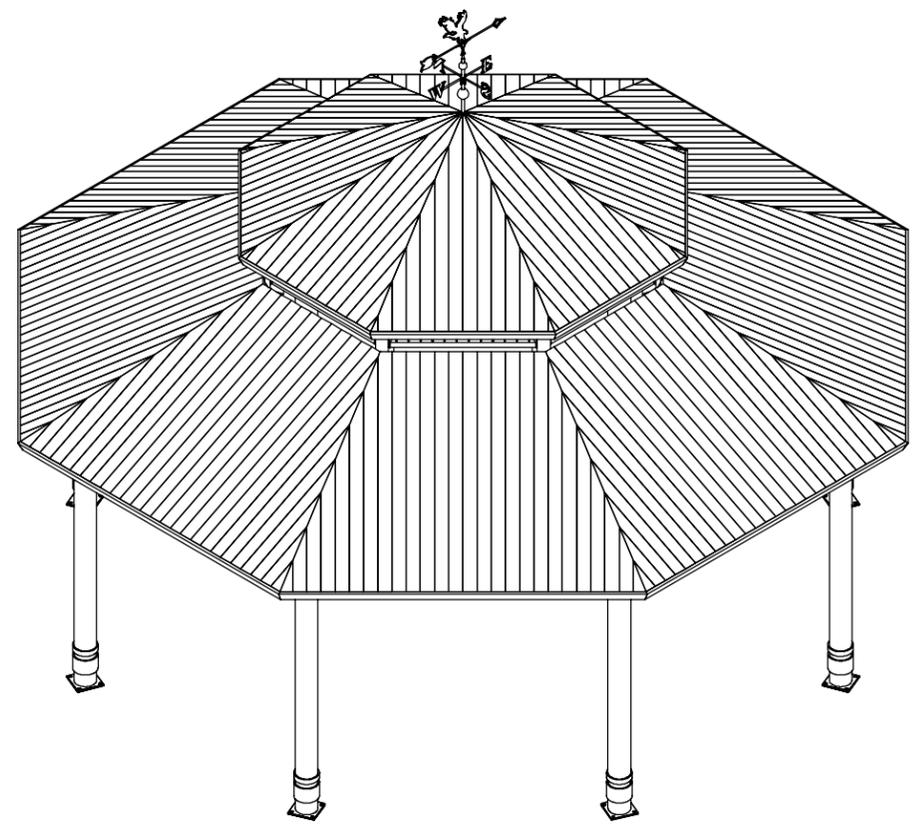
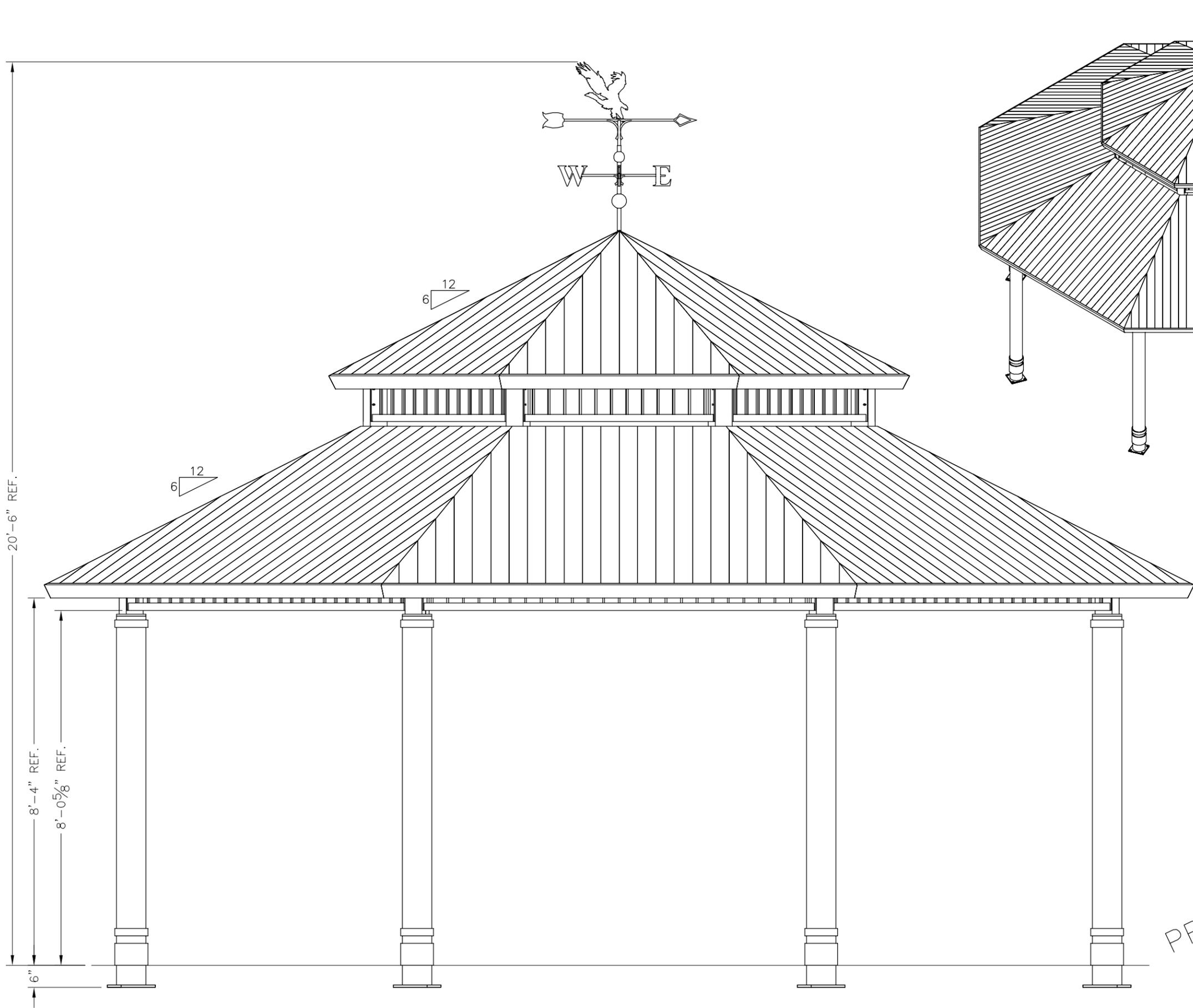
EXHIBIT H

GAZEBO PLAN

(SEE ATTACHED EXHIBIT H)

EXHIBIT H





ICON
 Shelter Systems Inc
 DISTINCTIVE STEEL SHELTERS
 WWW.ICONSHELTERS.COM
 COPYRIGHT 2004, ICON SHELTER SYSTEMS, INC.
 1455 LINCOLN AVE.
 HOLLAND MI, 49423
 616.396.0919
 800.748.0985
 616.396.0944 FX

Elevation

DRAWN BY:	ACP
DATE:	9/28/2016
JOB NO.:	STANDARD
REVISION:	A
BUILDING TYPE:	OC28TA2C-P6
PROJECT NAME:	

PRELIMINARY: NOT FOR CONSTRUCTION

SHEET
 2.0

DWG: \Company\Engineering\Standards\Shelters\OC\28\TC2C-P6-30-130-40\Drawings\Preliminary\OC28TC2C-P6-30-130-40~45446.DWG





EXHIBIT I

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Winnetka Park District ("*Applicant*") is the record title owner of the property commonly known as 521 Birch Street in the Village ("*Subject Property*")

WHEREAS, the Applicant desires to improve the Subject Property by: (i) updating and expanding the playground equipment; (ii) constructing seat walls, benches, and site furniture; (iii) making landscape, sidewalk, terrace steps and pathway improvements; (iv) constructing a gazebo; (v) installing light poles; (vi) installing two sculptures; (vii) expanding the butterfly garden; and (viii) constructing two baggo courts (collectively, the "Proposed Improvements"); and

WHEREAS, Ordinance No. M-19-2016, adopted by the Village Council on December 20, 2016 ("*Ordinance*"), grants a variation from provisions of the Winnetka Zoning Ordinance and a special use permit to the Applicant to permit the construction of the Proposed Improvements on the Subject Property; and

WHEREAS, Section 9 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 a special use permit 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 special use permit 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: _____, 2016

ATTEST:

WINNETKA PARK DISTRICT

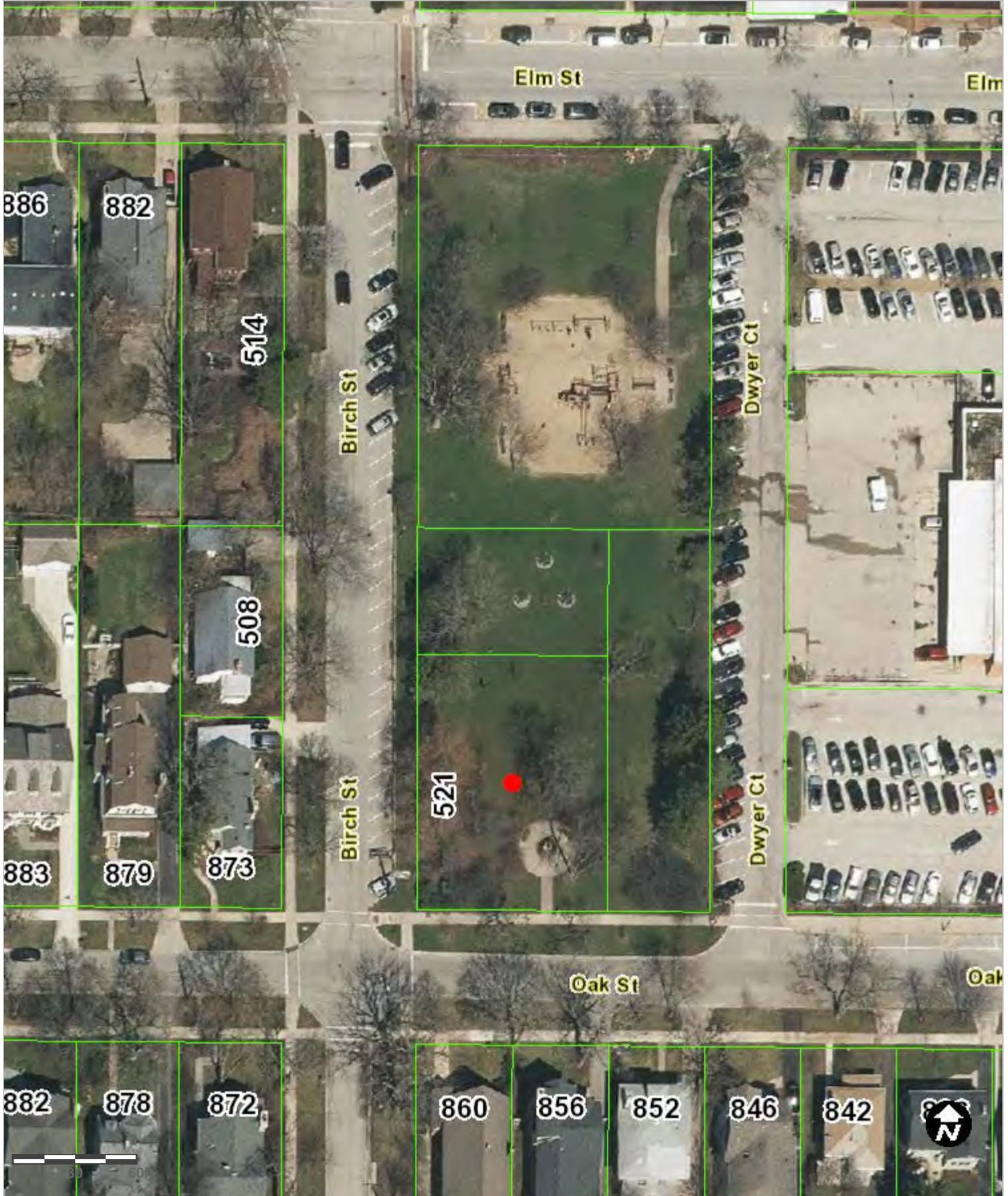
By: _____
Its: _____

By: _____
Its: _____

ATTACHMENT C



MapOffice™ Dwyer Park (521 Birch St.)



ATTACHMENT D

CASE NO. 16-15-SU

APPLICATION FOR SPECIAL USE

Name of Applicant Winnetka Park District

Property Address Dwyer Park (521 Birch Street)

Home and Work Telephone Number 847/501-2040

Fax and Email 847/501-5779, info@winpark.org

Architect Information: Name, Address, Telephone, Fax & Email
Winnetka Park District

540 Hibbard Road, Winnetka, IL 60093

Attn.: Richard Schram 847/501-2055, Fax 847/441-5711, rschram@winpark.org

Attorney Information: Name, Address, Telephone, Fax & Email
Steven B. Adams, Attorney

Robbins Schwartz, 55 W. Monroe St., Suite 800, Chicago, IL 60603-5144

312/332-7760, Fax 312/332-7768, sadams@robbins-schwartz.com

Date Property Acquired by Owner March 19, 1941; Feb. 4, 1944; Feb. 26, 1952; May 14, 1959

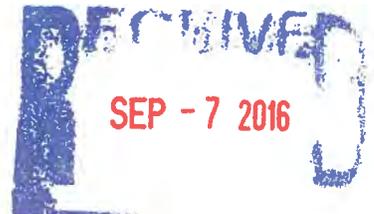
Nature of Any Restrictions on Property None

Explanation of Special Use Requested Park renovation (please see attached narrative)

OFFICE USE ONLY

Special Use Requested under Ordinance Section(s) _____

Staff Contact: _____ Date: _____



Explain in detail how the proposed Special Use meets the following standard. Under the terms of the Zoning Ordinance, no Special Use Permit shall be granted unless it is found:

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

Respectfully Submitted,

Winnetka Park District

Property Owner

September 6, 2016

Date

540 Hibbard Rd., Winnetka, IL 60093

Address

**Hubbard Woods Park
Special Use Permit
Narrative**



Dwyer Park is located on the west side of the Village of Winnetka Central Business District. It abuts Dwyer Court, the downtown post office and village parking lot property on its eastern boundary. Elm Street, Oak Street, and Birch Street front the 1.23 acre park site on its northern, southern, and western boundaries, respectively.

The current park development includes a grassy open space to the north which sits a few feet higher than the more wooded southern end. A butterfly garden and park sign sit adjacent to Oak Street. A paver path connects Oak Street, a bench, and a drinking fountain to a playground located just south of the lawn. The playpit includes a large playstructure to the east, a swing structure to the north, a tot playstructure to the west, and bouncers and a digger to the south. Three (3) sitting areas with six (6) benches surround the playpit. A cluster of three (3) picnic tables is located in the center of the wooded southern end of the site. A small patio surrounding a bronze sculpture of children connects to Oak Street and includes a couple of benches.

The Winnetka Park District intends to renovate Dwyer Park to provide an improved and feature rich open recreational space for residents and visitors to the Central Business District of all ages. Some features of the master plan may be deferred depending on final bids from contractors.

The playground will be expanded by approximately 50% in the park redevelopment. This enlarged playpit will accommodate additional play features for both preschool aged and grade school aged children. The majority of the existing play equipment will remain and be refurbished, eliminating potential safety and accessibility issues. The large playstructure to the east will be expanded with nets, a slide, and climbing apparatus. A new swing structure will add additional belt swings to the north. The existing tot playstructure will be relocated and enlarged with ground level activities including a play house. New spinners, bouncers and a seesaw will be installed. Two fabric roofs (approximately 8' x 8' each) will be installed over the playstructures to provide shade for the children. The existing sand surfacing will be removed and replaced with wood fiber except for a small sand play area adjacent to the tot playstructure. The existing permeable poured-in-place synthetic surfacing will be resurfaced and enlarged to provide increased accessibility and reduce maintenance under heavily used play features. Colors will be similar to the current playground: pine green posts and major beams (current color is bright green), tan slides and climbing components, blue plastic panels and components, lime green plastic components, red accents, brown decks, green fabric roofs, black nets, and beige play surfacing.

A new concrete sidewalk, replacing a shorter brick paver walkway, will be installed along the eastern side of the park to connect Elm Street and Oak Street to make the playground and park site more easily accessible. Waste and recycling receptacles (5 pairs) will be added along this path as well as a bike repair station and bike racks. Three (3) decorative lightpoles along this path will provide illumination to the park. Ten (10) benches will surround playground. Some of these benches will be located on concrete paver patios. All of these amenities will be the styles and materials adopted by the Winnetka Park District as their standard, such as those installed at Skokie Playfield and Hubbard Woods Park.

A gazebo in the center of the park, just south of the playground, will provide a performance area for community events and a western locus for a future pedestrian spine leading from the Village Hall to the park. The octagonal gazebo will also shelter portable picnic tables. The gazebo will utilize round metal posts with decorative bands at the base and capital that echo the round columns of Village Hall and the Winnetka Bible Church to the north of the park. The roof will have a clerestory opening with decorative infill and a matching ornamentation will be installed under the roof line. Cedar colored architectural asphalt shingles will be placed over the tongue and grooved decking, colored, like the metal posts and beams, an ivory.

An adjacent concrete patio area is designed for three (3) permanent picnic tables (same manufacturer as Skokie Playfield and Hubbard Woods Park) and a concrete ping pong table. A series of cut fieldstone terrace steps will lead from the patio to the lower south side of the park and provide additional seating.

Curved stone seat walls are proposed for both the north and south ends of the park, each facing the center of the park and the gazebo. The northern one will provide a backdrop for an enlarged butterfly garden, a potential location for piece of artwork, two (2) new benches, and an edge for a crushed granite path that will provide park access from the northeast corner of the site. The southern seat wall will include a new pedestal in the seatwall for the relocated children's' sculpture and a cluster of four (4) benches in the quiet side of the park. All seat walls will match the ones installed at Skokie Playfield and Hubbard Woods Park. A crushed granite pathway also borders the southern wall to allow pedestrian access from the southwest corner of the site. A new woodland garden between the seat wall and Oak Street is also proposed.

Additional amenities for the park include two (2) precast concrete bag courts and two (2) benches adjacent to the new concrete path, as well as an octagonal Gaga ball court at the southwest corner of the site. New landscaping is proposed for the park including adding new shade trees and perennial beds around the playground. Stone walls will also be located around the central patio area.

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;*

The renovation of Dwyer Park will bring the playground, which was built in 1997, up to current safety standards. In addition, the inclusion of additional pathways, relocation of site furniture, and increased playground features will make the site completely accessible in the spirit of the Americans with Disabilities Act. The location of the planting beds and bench placements will discourage children using the playground from running into the nearby parking areas paralleling the east and west sides of the park. The final proposed plan has received substantial input from the community during the design phase (six (6) public meetings on- and off-site plus one (1) meeting focusing on tween users), business owners (two (2) meetings), and internet surveys (160 respondents).

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 general layout of the Dwyer Park renovation follows closely the existing use patterns in the site. The lawn area to the north side of the park, which is used by children for games, is maintained. The playground has not been relocated from its current location, although its footprint has been expanded to accommodate additional equipment safety zones. The southern wooded portion of the site is minimally disturbed in deference to the nearby residences.

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 proposed redesign of Dwyer Park takes into consideration the possible future development of the village's post office property to the east by locating the gazebo and central patio in the center of the park, lined up with the center of Village Hall, Moffat Mall, Chestnut Court, and early proposed renderings of the post office site to provide a westerly anchor to a possible pedestrian pathway. Linkages to the business district are maintained along Elm Street and Oak Street sidewalks.

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;*

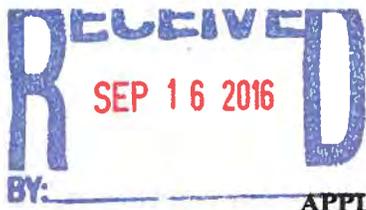
The entire park will be accessible for pedestrians via the new concrete pathway connecting Elm Street and Oak Street on the east side of the park. New crushed granite pathways will provide additional pedestrian access to the park for residents to the west of the park while reducing impermeable surfacing. No vehicular traffic on Elm Street and Oak Street or future modifications to the parking provided along Dwyer Court and Birch Street are affected.

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; and*

Additional utilities will be provided as needed for the renovation, including expanded underground drainage for the playground and surrounding area and underground electric to the lightpoles and gazebo.

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

All regulations and other village ordinances and codes will be followed. Any trees around the playground and proposed gazebo patio that must be removed for construction will be either transplanted or replaced per the requirements of the village forester.



CASE NO. 16-15-SU

**APPLICATION FOR VARIATION
WINNETKA ZONING BOARD OF APPEALS**

Owner Information:

Name: Winnetka Park District
Property Address: Dwyer Park (521 Birch Street)
Home and Work Telephone Number: 847/501-2040
E-mail: info@winpark.org

Architect Information: Name, Address, Telephone, E-mail:

Winnetka Park District
540 Hibbard Road, Winnetka, IL 60093
Attn.: Richard Schram, 847/501-2055, rschram@winpark.org

Attorney Information: Name, Address, Telephone, E-mail:

Steven B. Adams, Attorney c/o Robbins Schwartz
55 W. Monroe St., Suite 800, Chicago, IL 60603-5144, 312/332-7760, sadams@robbins-schwartz.com

Date Property Acquired by Owner: 3/19/41, 2/4/44, 2/26/52, 5/14/59 _____

Nature of Any Restrictions on Property: None

Explanation of Variation Requested: Park renovation (please see attached narrative)
(Attach separate sheet if necessary)

OFFICE USE ONLY

Variation Requested Under Ordinance Section(s): _____

Staff Contact: _____ Date: _____

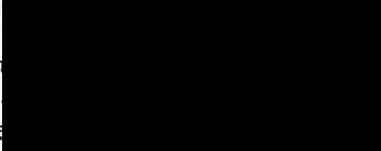
STANDARDS FOR GRANTING OF ZONING VARIATIONS

Applications must provide evidence and explain in detail the manner wherein the strict application of the provisions of the zoning regulations would result in a clearly demonstrated practical difficulty or particular hardship. In demonstrating the existence of a particular difficulty or a particular hardship, please direct your comments and evidence to **each** of the following items:

1. The property in question can not yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.
2. The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.
3. The variation, if granted, will not alter the essential character of the locality.
4. An adequate supply of light and air to the adjacent property will not be impaired.
5. The hazard from fire and other damages to the property will not be increased.
6. The taxable value of the land and buildings throughout the Village will not diminish.
7. The congestion in the public street will not increase.
8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

For your convenience, you will find attached examples of general findings, for and against the granting of a variation, which have been made by the Zoning Board of Appeals and Village Council in prior cases.

NOTE: The Zoning Board of Appeals or the Village Council, depending on which body has final jurisdiction, must make a finding that a practical difficulty or a particular hardship exists in order to grant a variation request.

Property Owner's Signature:  _____ September 14, 2016
(Proof of Ownership is required)

Variations, if granted, require initiation of construction activity within 12 months of final approval. Consider your ability to commence construction within this 12 month time period to avoid lapse of approvals.

Dwyer Park
Standards for Granting Zoning Variations
Narrative

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.*

The location at the southwest corner of Dwyer Park of the GaGa Ball Pit, an activity that is attractive to pre-teens and is a variation of dodgeball within an approximate 20.0' wall-to-wall octagonal enclosure, was chosen for its separation from other park activities. It was located within a cluster of shrubs and trees to make it less intrusive in the open lawn area at the south end of the park and away from the sitting area proposed along the seat wall. This location will cause the outer edge of the enclosure to be setback 13.23' instead of the 28.74' required setback off of Birch Street, a variation of 15.51'. Relocating the GaGa Ball Pit so it does not require a zoning variation will place it within the open lawn south of the proposed gazebo or in the grass to the north of the proposed enlarged playground. The former location is intended to remain open for picnics, free play, and lawn seating for public performances at the proposed gazebo. The latter location has been set aside for current lawn games and possible future development of other park amenities.

The location along the proposed sidewalk of one of the two (2) proposed Baggo Courts causes the setback from the edge of the east court target to be 16.98' instead of the 28.74' required off of Dwyer Court, a variation of 11.76'. To avoid the zoning variation, this court could be relocated immediately west of the court on the west side of the sidewalk, but this would negatively impact the open lawn space, would not make the court accessible for the disabled, and would require the relocation of an existing tree. Moving the court to the north is not possible due to slope constraints. Moving it to the gazebo patio creates conflicts with picnic tables and other activities. Moving it to the area north of the playground will, like the GaGa Ball Pit discussed above, interfere with future development of the park. Eliminating one of the two courts would reduce the opportunities for multiple group use and possible tournaments. The precast concrete targets are also, theoretically, moveable since they just sit on the concrete pad.

The setback of the existing arch bridge in the existing playground, which was originally installed in 1999, is 27.09' to its east edge instead of the 28.74' required off of Dwyer Court, a variation of 1.65'. This item will not be relocated in the proposed playground redevelopment as it forms an entrance into the playground and is a popular piece of equipment based on input from users. Moving the arch bridge to the west to keep it out

of the required roadway setback would impact the use zones of the other existing play apparatus that is required by safety standards in the playground industry.

2. *The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.*

Dwyer Park, with dimensions of approximately 143.13' x 375.75', occupies a site bounded on all four (4) sides by roads. Thus the dimensions of the site within which play equipment, of any variety, can be installed based on the setbacks, is roughly 85.64' x 315.67'. This creates problems for siting amenities without impacting other site features. The GaGa Ball Pit and the Baggo Court cannot fit within the setback footprint without substantially impacting the grassy open space in the center of the south end of the park. The existing arch bridge in the playground would need to be relocated and that would impact the rest of the playground equipment safety zones.

3. *The variation, if granted, will not alter the essential character of the locality.*

The proposed locations of the GaGa Ball Pit and Baggo Court are close to the western and eastern edges, respectively, of the site. Birch Street and Dwyer Court, which parallel, respectively, these western and eastern property lines, are currently used for angled public parking. The addition of the above two (2) proposed park amenities will have less impact on the visual aesthetics of the park than the parked cars do. The existing arch bridge in the main playground, installed in 1999, will remain. Its minimal current encroachment into the setback of 1.65' will not change in the redesign of the playground, and thus, not alter the current character of Dwyer Park.

4. *An adequate supply of light and air to the adjacent property will not be impaired.*

The height of the GaGa Ball Pit is 30 inches. The height of the Baggo Court target is 14 inches. The height of the 5" diameter posts and railings at the end of the arch bridge is 40 inches. None of these items will be prominent visually nor will they cast shadows that will affect adjacent properties.

5. *The hazard from fire and other damages to the property will not be increased.*

The GaGa Ball Pit will be constructed of metal corner brackets and recycled plastic board walls. The interior of the pit will be poured-in-place synthetic surfacing (the same material which will be used in the playground). The surrounding pathway will be crushed granite. The Baggo Court targets will be 55" long x 31" wide precast concrete

forms sitting on concrete pads. The arch bridge is manufactured of steel and aluminum. All the proposed features are durable and resistant to fire and vandalism.

6. *The taxable value of the land and buildings throughout the Village will not diminish.*

The proposed amenities that require the zoning variation will actually make Dwyer Park a more attractive destination in the Village and for the neighboring community, and the Central Business District. These items have been requested by different users in the public meetings and online surveys conducted by the Winnetka Park District during the design of Dwyer Park. A more attractive park that attracts a variety of users of different ages will not negatively affect property values. An upgraded park may also attract potential developers of the old post office site immediately east of Dwyer Court.

7. *The congestion in the public street will not increase.*

None of the proposed amenities will negatively affect traffic on Birch Street and Dwyer Court. Access to the GaGa Ball Pit, Baggio Court, and arch bridge are all from new concrete and gravel walkways within the park itself.

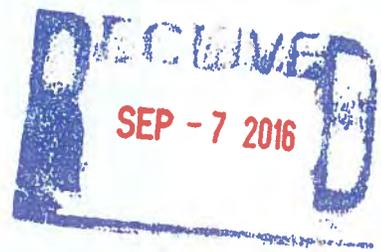
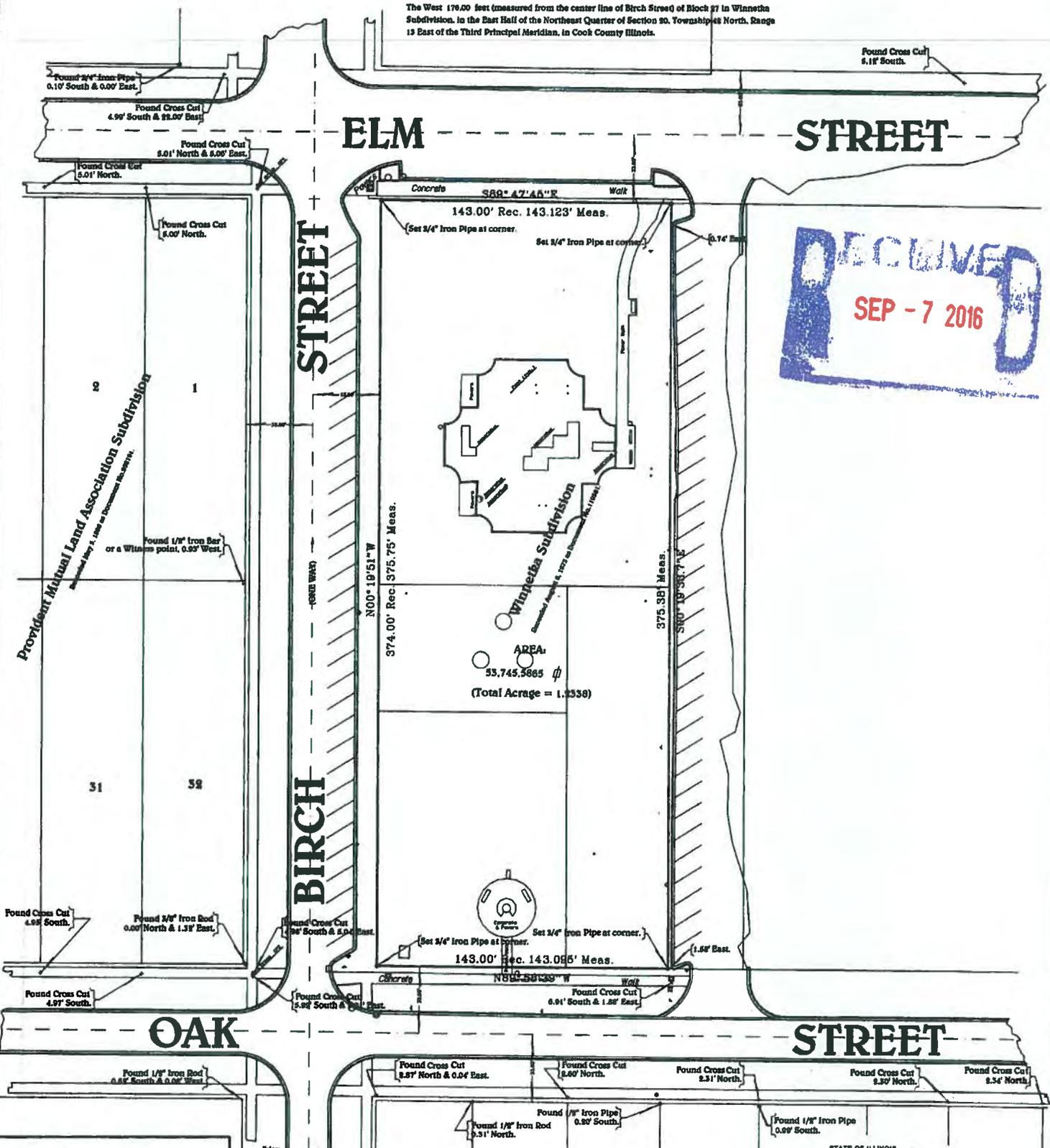
8. *The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.*

The proposed improvements planned for Dwyer Park will create varied recreational amenities for a wide age range of residents. The addition of the GaGa Ball Pit and Baggio Court will directly benefit pre-teen users, a demographic that has been underserved in Winnetka based on feedback from residents during the park design development. The proposed park design attempts to balance features offered with citizen's input to create a site that offers increased fitness opportunities, event programming, unstructured use, and aesthetics.

PLAT OF SURVEY

Scale: 1" = 30.00'

The West 176.00 feet (measured from the center line of Birch Street) of Block 77 in Winnetka Subdivision, in the East Half of the Northeast Quarter of Section 20, Township 48 North, Range 13 East of the Third Principal Meridian, in Cook County Illinois.



Provident Mutual Land Association Subdivision
 Found 1/4" Iron Pipe at corner or a Witness point, 0.53' West.

AREA:
 53,745.5665
 (Total Acreage = 1.2338)

DANIEL CREANEY COMPANY
 CONSULTING CIVIL ENGINEERS
 450 BROADWAY, SUITE 105
 NORTHBROOK, ILLINOIS
 (847) 480-2177
 FAX (847) 480-7209

BOOK: _____
 JOB NO.: **6399**
 SHEET 1 OF 1

- Notes:
- This plat is subject to the conditions and restrictions as shown on the title insurance policy. A copy of a current title insurance policy should be obtained when using this plat.
 - All survey points should be compared on the ground and with one another before building by some and any discrepancies be reported immediately to this firm.
 - No discrepancies or angles known to be assumed by scaling. Distances noted herein are to full end terminal parts thereof.
 - Any information relative to utilities or elevations herein are taken from available records, unless otherwise noted.

NOTE:
 Bearings are based on localized system.



STATE OF ILLINOIS ss
 COUNTY OF COOK

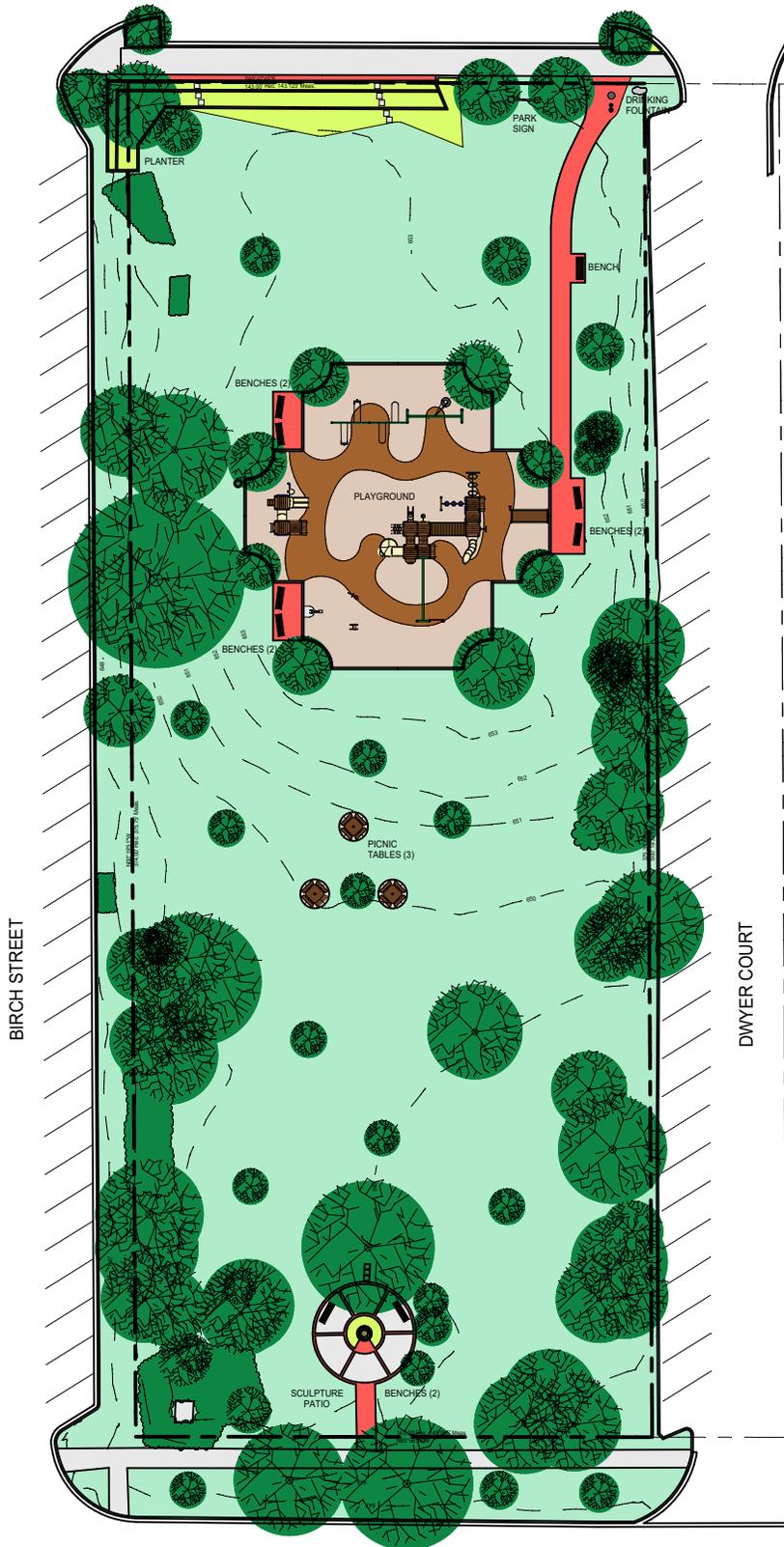
I, Jeffrey D. Carlson, do hereby certify that I have surveyed the property as described in the above caption and that the Plat herein drawn is a correct representation of said survey.

I further state that this professional service conforms to current Illinois minimum standards for a boundary survey. The work was performed for W.P.D. and the field work was completed on June 25, 2009.

Northbrook, Illinois June 25, 2009

Jeffrey D. Carlson
 Professional Land Surveyor No. 2538
 State of Illinois

ELM STREET



BIRCH STREET

DWYER COURT

OAK STREET

DWYER PARK

521 Birch St., Winnetka, IL 60093

WINNETKA PARK DISTRICT

EXISTING SITE PLAN

8/23/2016

GRAPHIC SCALE





PARK SIGN



BUTTERFLY GARDEN



PLAYGROUND



PLAYGROUND



PLAYGROUND



PLAYGROUND



BENCH



VIEW FROM ELM STREET



PLAYGROUND



DRINKING FOUNTAIN



VIEW FROM OAK STREET



PLAYGROUND



SCULPTURE PATIO



PLAYGROUND



PICNIC TABLES



BUTTERFLY GARDEN

DWYER PARK EXISTING SITE PHOTOS



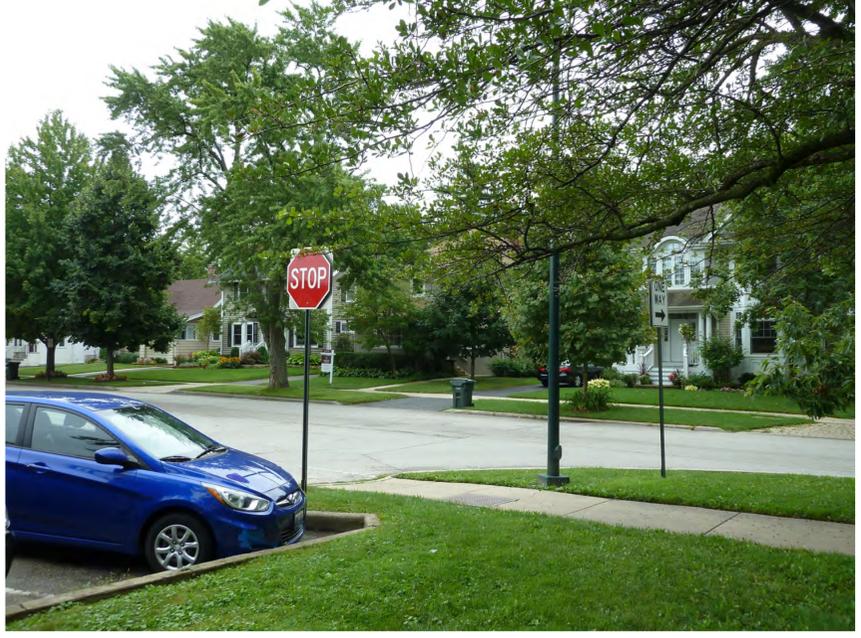
VIEW TO NORTH



VIEW TO NORTHEAST



VIEW TO EAST



VIEW TO SOUTHEAST



VIEW TO SOUTH



VIEW TO SOUTHWEST

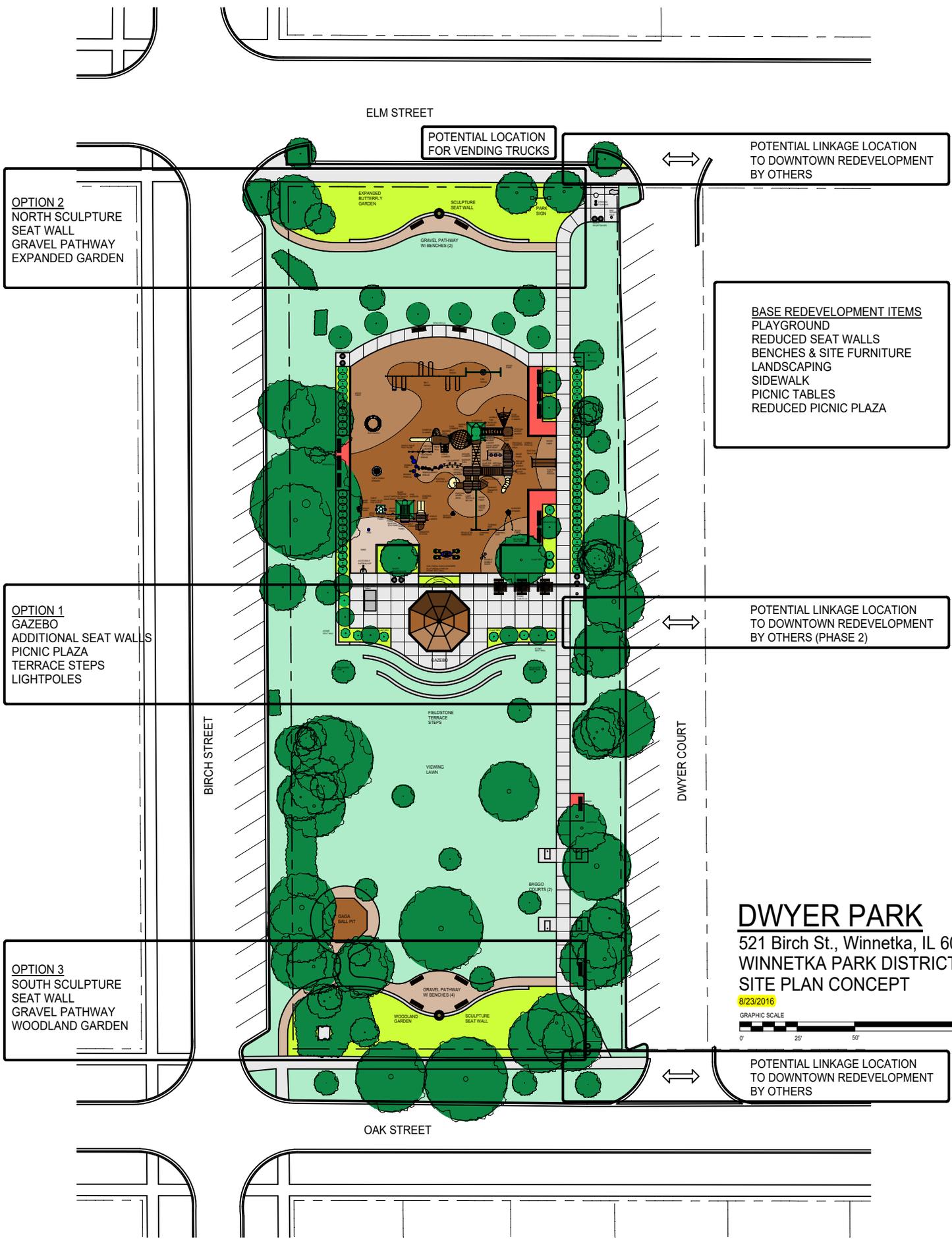


VIEW TO WEST



VIEW TO NORTHWEST

DWYER PARK ADJACENT PROPERTY PHOTOS



DWYER PARK
 521 Birch St., Winnetka, IL 60093
 WINNETKA PARK DISTRICT
 SITE PLAN CONCEPT

8/23/2016
 GRAPHIC SCALE
 0' 25' 50' 100'





Winnetka Park District Dwyer Park Special Use Permit

Addendum 1

Community Engagement

The key goals and initiatives for the Winnetka Park District through the Dwyer Park Planning process were to make sure we completed an extensive community outreach and communication to engage the entire community throughout the planning process. As stewards of Dwyer Park we are always interested in what the community has to say and welcome all positive and negative feedback, which allows us to make informed and educated recommendations/decisions through the planning process.

Through this engagement process we have gathered information from the community on several different fronts including, but not limited to, on site meetings, community wide surveys for residents, tweens and local businesses, focus groups, website postings (Park District and Village sites), social media outreach, one on one meetings with community groups, mass mailings for the surrounding property owners and park patrons (500' radius), press releases, Park District Board and Committee Meetings, and all Village Review Board Meetings leading up to the Village Council Meeting. Along with this engagement we also notified residents with postings of meeting dates at least one week prior, and completed both email as well as social media blast too. Our contact lists for the project was always growing with new residents being added weekly.

Below is a listing of some of the public participation for a reference. (Does not include Park Committee or Board Meetings or Village Review Board Meetings)

Description of the Public Participation	Number of Responses
Residents online & paper survey	38
Business owner online & paper survey	4
Tween focus group online survey	118
May 21, 2016 on-site public meeting	9
May 25, 2016 on-site public meeting	6
June 16, 2016 public meeting	3
June 18, 2016 public meeting	9
July 7, 2016 on-site public meeting	16
July 7, 2016 on-site public meeting (chambers)	5
July 9, 2016 on-site public meeting	16
July 25, 2016 tween focus group meeting	8
August 4, 2016 Winnetka Youth Organization meeting	14
October 25, 2016 Garden Guild of Winnetka Meeting	10

During this process several neighbors and the Garden Guild of Winnetka came forward in opposition to the proposed plan. The park district then engaged each of these groups and has come to several resolutions. After numerous meetings and continued dialog with the neighbors and Park Board members the planning team then addressed several concerns, of those opposed.

Through a correspondent that was sent to the Park District Board, Executive Director and Village of Winnetka Trustees the Garden Guild of Winnetka identified concerns that they had with the proposed renovations for Dwyer Park. In the email they addressed concerns on the efforts both past, present and future in regards to designs, plans and maintenance for the gardens and park space. In effort to maintain and enhance the relationship between the Garden Guild of Winnetka and the Winnetka Park District staff met with several members of the GGW and presented to them the park plans, addressed their questions and discussed the relationship as it pertains to Dwyer Park in great detail. At the conclusion of that meeting a consensus was reached. A few weeks later staff was contacted from a member of the GGW who informed the Park District that the Garden Guild of Winnetka had no objections to the proposed plans regarding the expansion of the butterfly garden or the shade garden.

Throughout the entire community engagement process, we kept focus on our mission to provide a balance of quality recreation and leisure opportunities, while protecting assets, natural resources and open space for the benefit of present and future generations. As good stewards we are charged with the protection, maintenance and enhancement our assets. We strive for a project which has broad base support among residents and user groups, but understand that may be unrealistic. What the engagement process ultimately provided was an opportunity for the community to be heard and considered in our final plans.

ATTACHMENT F

DRAFT

WINNETKA PLAN COMMISSION EXCERPT OF MEETING MINUTES SEPTEMBER 28, 2016

Members Present:

Tina Dalman, Chairperson
Caryn Rosen Adelman
Mamie Case
Jack Coladarci
Paul Dunn
Louise Holland
Keta McCarthy
Jeanne Morette
John Thomas

Non-voting Members Present:

Mary Hickey

Members Absent:

Dana Fattore Crumley
John Golan
Andrew Cripe

Village Staff:

Brian Norkus, Assistant Director of Community
Development

**Case #16-15-SU: Consideration of Special Use Permit Request by Winnetka Park
District for Proposed Renovations to Dwyer Park at 521 Birch Street**

Chairperson Dalman asked if the procedures the Commission just adopted would take effect now or if they would have to wait until they are published. She then stated that she would use them for guidance purposes but that they may need to first be published. Chairperson Dalman also stated that out of an abundance of caution, she would ask those people who intended to speak to be sworn in. She then referred to the formal process and informed the audience that they want people to be relaxed and not feel inhibited in what they say. Chairperson Dalman also informed those who are new to the process that the applicant would make their presentation and that there would be an opportunity for the audience to ask questions. She stated that the Commission would typically discuss the matter before taking public comment but that they may take public comment before they talk about it. She then stated that at the end of this meeting, there is also opportunity for public comment and other business.

Chairperson Dalman then swore in those who intended to speak.

Mr. Thomas explained that he would be recusing himself from the discussion and vote on the matter.

Chairperson Dalman explained Mr. Thomas is the designated representative of the Park District and recused himself for that reason.

Mr. Norkus stated that to briefly remind the Commission and to inform the audience of the Commission's role in the special use process such as the Dwyer Park renovation plan, the Commission is acting in an advisory capacity to the Village Council and that the Village Council has the final authority to approve the special use. He stated that the Commission's role is to evaluate the plans in terms of its consistency with the Village's Comprehensive Plan. Mr. Norkus then stated that the Village staff has drafted potential findings for the Commission which include certain policy statements and recommendations in order to help shape the discussion and help identify the relevant factors in the Comprehensive Plan which are relevant to this request. He stated that the matter before the Commission tonight is also subject to the review of the ZBA and the DRB. Mr. Norkus informed the Commission that the DRB met on this request on September 15, 2016 and gave a favorable recommendation for the majority of the plan and asked that the Park District return to another meeting with some additional study on the gazebo structure as well as the hardscape specifically sidewalk materials and is included in the Commission's agenda report. He added that the matter is to be presented to the ZBA on October 10, 2016 and that they have received notice in the mail of tonight's meeting as well as notice of the ZBA meeting. Mr. Norkus stated that concluded his remarks.

Chairperson Dalman asked for clarification of the status of the application for Special Use Permit, noting that it would appear as though the application is being treated and evaluated as a new use when it is obviously an existing park.

Mr. Norkus explained that the process for approval of modifications to existing uses is similar to the process for establishment of a new use.

Chairperson Dalman invited the applicant to present their case.

Robert Smith introduced himself to the Commission as the Executive Director of the Winnetka Park District. He stated that they would be bringing forth their initiative in connection with the master plan for the Dwyer Park. Mr. Smith then introduced the rest of the design team which included Costa Kutulus, the Superintendent of Parks, Richard Schram, the landscape architect, as well as two of their board members, Ian Larkin, Teresa Claybrook and senior staff member, John Munro.

Mr. Smith stated that the proposal they are presenting is something that they have had in their long range planning for the past 6 years. He informed the Commission that the park has turned 17 years old since its last renovation and that at a park's 10 year point, they start assessing it every year going forward. Mr. Smith noted that the typical life span of a park is 12 to 13 years and reiterated that the park is 17 years old which is well past the time for renovation.

Mr. Smith stated that it is assessed every year and that its priorities are pushed into their sights and referred to the waterfront 2030 plan, Hubbard Woods and with regard to some of their master plan designs, this comes to the front burner. He stated that he was directed by their Park Board to do a master planning process for the site and to study not only the playground

renovation, but to look at the park site as a whole and which were the marching orders given to the design team and which they took to their regular planning process.

Mr. Smith stated that they began approximately 5 or 6 months ago and that they began the process with public engagement which included the introduction of the project, soliciting input as well as doing an extensive outreach into the community specifically and even more so around the neighborhoods. He then referred the Commission to the marketing plan which he provided to the Commission which included the communication tools they used and which guided them through each and every one of their park planning initiatives.

Mr. Smith stated that their outreach included at least 6 community meetings, two tween meeting focus groups which he described as interesting and neighborhood mailers to those properties which are within 500 feet of the park site which is twice the amount of what the Village required. He noted that was done twice. Mr. Smith stated that they also did press releases as well as signs at the site, as well as on the Park District events calendar and cross marketed with the Village in terms of newsletters and that they used social media and hard copy.

Mr. Smith stated that the standing item in the community and on the Park Board agenda for the past 6 months and to update the reports. He informed the Commission that they got a lot of input which ranged from do not do anything to do only the minimal to what is the grand plan. Mr. Smith stated that it was also suggested taking over the post office site. He added that the suggestions ranged from fencing off the entire park and making it an off leash dog park and having zip lines. Mr. Smith informed the Commission that as part of the process, they took it all and assessed it and determined what is realistic and achievable. He stated that what the Commission would see is what they felt that the plan team and Park Board determined what is doable and what is the proper fit, the right place and the right design. Mr. Smith then stated that through the objections, they considered every aspect of development. He noted that they understood the concern and reiterated that there was open dialog and concerns expressed. Mr. Smith stated that is why they feel very strongly with regard to what would remain a part of the plan. He indicated that some areas south of the park are open to discussion and that they feel that this plan has shown that there has been responsiveness as a plan team and that they have done their due diligence and have been very transparent in the process. Mr. Smith added that the information is also on the website.

Mr. Smith then referred the Commission to an objection letter they received in opposition to the program and that they drafted a response to it. He noted that they received the letter 30 hours ago and referred to the months it took to compile the letter but that they just got it. Mr. Smith then referred to where they come from as a Park District and why they did the things they did. Mr. Smith stated that he would now turn over the presentation to Costa Kutulus and Rick Schram who would walk the Commission through the highlights and that then, they would open the matter for discussion, questions and comments.

Mr. Kutulus informed the Commission that he would talk about the design project for Dwyer Park and the Park Board master plan. He stated that he would be walking the Commission through and looking at what they have proposed. Mr. Kutulus also stated that he would walk through the site and amenities and what they have reached through community outreach and the

public engagement process. He then stated that they have done 3D renderings to help the Commission understand it from the north, south, etc., as well as an illustration map of Dwyer Park. Mr. Kutulus stated that to the north is the butterfly garden which is attended to by the Winnetka Garden Guild. He also identified the north and south playground and site amenities, seating amenities, small picnic area and that further south is the lawn pavilion and meditation garden which was donated and given to the park. Mr. Kutulus identified those as the existing conditions and asked the Commission if they had any questions. No questions were raised by the Commission at this time.

Mr. Kutulus stated that the next illustration is the proposed plan. He then referred to the community outreach meetings. Mr. Kutulus stated that he would start with the north portion and that he wanted to make sure that people understand the park design as it exists today. He informed the Commission that they have four bid options which include the base bid and options 1, 2 and 3. Mr. Kutulus stated that they chose to do it this way to have dollars associated to give the Park Board the option to decide as to what to proceed with. He informed the Commission that the original budget was for the playground renovation and that they looked at the four corners of the park and decided to go after the master plan. Mr. Kutulus noted that they are all estimates now and the original proposed amount of \$500,000 was for the renovation based on the issues in front of them such as ADA, ASTI and other compliance issues which basically meant refreshing the playground. He stated that the base option ranged from \$600,000 to \$700,000 and that for each option from there, to add \$100,000 to \$80,000 per item. Mr. Kutulus indicated that he can associate the cost with each item.

Mr. Kutulus went on to state that with regard to the park itself to the north, he informed the Commission that the butterfly garden would be enlarged. He also stated that they broke up the access points north and to the site. Mr. Kutulus stated that included in the butterfly garden is a small seat wall and seating area and that on the left portion, which is for a piece of art which was donated to the park. He commented that it gave a nice element and more interest. He then stated that there would be a crushed walkway and the playground which is where the base option bid comes in.

Mr. Kutulus stated that they talked about how to do it in several ways. He informed the Commission that to take the entire playground out would not be the best practice and that what they have done is to repurpose the playground to the best of their abilities. Mr. Kutulus also stated that they planned to reuse the majority of the structures and that there would be some new items done as a result of the public meeting outreach. He informed the Commission that the community felt strongly that those items would be a great fit in order to engage a full spectrum of the children. Mr. Kutulus also stated that there would be a swing set to the north. He informed the Commission that they heard through community outreach that they want more swings and that the children have to wait to use the swings. Mr. Kutulus stated that they have accommodated that with a larger swing bank and then stated that with regard to the fall zone restrictions, they have to be cognizant of the playground and the way it is designed to make sure that they install a playground for the residents. He noted that the size of the playground would be enlarged. Mr. Kutulus informed the Commission that the dotted line showed the existing playground and the new fall zones and noted that the playground has increased 50% in square footage. He stated that

from that perspective, you have to take the measurement of the playground and add 6 feet around the circumference.

Mr. Kutulus also stated that they heard the need for seating and shaded areas and that they have included that in some designs. He noted that they had to remove a couple of crab trees which were encroaching into the play zones. Mr. Kutulus stated that they plan to put new trees to the north and benches, along with seating to the west and east and a small sand pit to the far southwest of the playground. He stated that it would change dramatically the surfacing throughout the playground. Mr. Kutulus informed the Commission that sand is no longer compliant with the current standards and that they included poured-in-place surfacing with a wood fiber fill. Mr. Kutulus noted that is the standard for the Winnetka Park District and what the industry has done to be fiscally responsible as well as for cost and pervious surfacing for rain and storm water.

Mr. Kutulus then stated that to the south of that is the patio area. He stated that with regard to the gazebo, he stated that the Commission would see a 3D rendering. Mr. Kutulus stated that in connection with the gazebo, its purpose on the site is to provide a shade structure and for use during inclement weather. Mr. Kutulus stated that they also included a few picnic tables to the east and a ping pong table to the west which is a result of what they heard through the engagement process. He then stated that adjacent to that are the terrace steps which round out the patio area. Mr. Kutulus stated that he would like to mention that they are trying to be cognizant of what the downtown master plan is for the post office site although it is a proposed plan at this point and that there are no renderings yet. Mr. Kutulus stated that they were taking into consideration that was said before as part of the Bennett plan and the hope of having a western anchor to the Village Hall. He indicated that it worked out well that the gazebo would be western focal point for that. Mr. Kutulus also stated that the gazebo will continue from the Moffat Mall. He commented that they felt that the gazebo would be a nice site amenity which would help with shelter, shade, etc. Mr. Kutulus also stated that there could be potential designs for programming which have yet to be determined such as with the library, having concerts, etc.

Mr. Kutulus stated that to the south, they would be keeping the main lawn area and that the pavilion setting would be for open play. He stated that adjacent to that to the south, they planned to mirror the image of the north woodland garden to create a buffer to the south residents. Mr. Kutulus also stated that there would be crushed granite there. He also stated that they planned to retain the sculpture as it sat today and remove the meditation garden and reinvent it here with stone seating for the wall.

Mr. Kutulus informed the Commission that a feature that they had added was a gaga pit which is a request that came from the tween community. He stated that it something that people love to see at the park was the gaga pit which he described as a condensed version of dodge ball in a hexagonal area. Mr. Kutulus stated that there would be a 30 inch tall wall set in there. He also stated that it would have the same surfacing as the playground for fall protection and ADA accessibility. Mr. Kutulus noted that adjacent to that, they have a lateral connection from Elm Street to Oak Street. He added that there would be full ADA accessibility through the entire park which was missing before.

Mr. Kutulus went on to state that they would put in a couple of paths as well as a bike repair station similar to what has been done throughout town located on the north side of the park in the corner by the fountain. He stated that below that would be bike racks and benches and that down further, there would be a couple more bench areas and a bags game area to entertain the tweens. Mr. Kutulus stated that the two portions would be adjacent to the sidewalk and benches.

Mr. Kutulus stated that they also planned to include site lighting and informed the Commission that currently, it is not lit. He then referred the Commission to the fixtures which he identified in the illustration and stated that it was done to have site lighting and safety lighting in the park which would not impact the neighborhood like at Hubbard Woods. Mr. Kutulus stated that they took the same design cues as was done throughout the community. He noted that they would be the same fixture which has been used in the Village. Mr. Kutulus then noted that the light at the corner is more predominant.

Mr. Kutulus then referred the Commission to the gazebo in the illustration which represented a south view looking north. He also identified the pavilion area to the front along with a ping pong table and a picnic table. Mr. Kutulus informed the Commission that when the project was originally proposed with the DRB, they had all of the surfacing as concrete and that they chose that because of the cost and long term maintenance. He stated that now, they have included design elements and brick pavers under the picnic tables and the gazebo. Mr. Kutulus informed the Commission that the DRB was worried that the gazebo was too short and that with regard to the cupola on top like that at the Village Hall, they thought that was too much and were told to remove it and do a weather vane instead. He then stated that this design will be presented again to the DRB. Mr. Kutulus then referred the Commission to another view looking north to south as well as the trees and gazebo.

Ms. McCarthy asked if the renderings in the packet are of the gazebo with the weather vane.

Mr. Kutulus responded that view was submitted with the special use permit which anticipated a cupola which was now changed after the DRB meeting. He then referred the Commission to an illustration which represented a 3D rendering of the playground and the view south to north. Mr. Kutulus stated that he would like to point out that anything colored in gray represented what they planned to repurpose. He informed the Commission that they planned to take the materials out, have them blasted down and powder coat, paint and put on new fixtures and hardware which would provide a second life and help to save money. Mr. Kutulus also identified the different site elements and the shade structures which they heard from the moms in that the equipment gets warm and that shade is needed for the children. He then referred the Commission to an illustration of an aerial view east to west. Mr. Kutulus stated that to the left is the patio area and that they are showing what it is without the gazebo. Mr. Kutulus noted that the width would be the same but that there would be a small bump out where the gazebo would be set to the south slightly. He then asked the Commission if they had any questions.

Chairperson Dalman asked with regard to the existing picnic tables if they are those movable or stationary. She commented that she liked how moving the tables created an uninhibited open area and that now, the tables are in the middle.

Mr. Kutulus responded that those would be fixed in concrete. He also stated that they planned to install and bring in temporary picnic tables and move those out for programming.

Mr. Dunn asked with regard to the notion of having a gravel path, if that is state of the art. He then questioned what would happen during cold weather and with snow and whether it is the proper material to have.

Mr. Kutulus stated that there is a reason they chose that material and that there is a tendency to put it in high traffic routes. He agreed that while there would be more maintenance, it would be 100% impervious. Mr. Kutulus then stated that it was done north to south as a design element and which served to break up the concrete.

Mr. Dunn asked if the maintenance cost is high.

Mr. Kutulus responded that it is not that bad.

Ms. Adelman arrived at the meeting at this time.

Ms. McCarthy stated that with regard to the ping pong table and dodge ball, she asked what about the supplies and how that would work.

Mr. Kutulus responded that people would have to bring their own supplies. He then stated that if they had them out there, they would have to worry about theft and replace them as well as vandalism.

Ms. McCarthy then asked with regard to the illustration of the stone and grass terraces if that is different stone and grass and if there would be any safety issues for the younger children falling on those if they are raised in the grass.

Mr. Kutulus stated that those steps would be leading to the gazebo area. He also referred to the change in grading to the raised platform and that the park now has a natural raised grade. Mr. Kutulus also stated that there is a lot of water runoff because of the natural design of the park. He then stated that with regard to safety, it would be no more of an issue as steps sitting anywhere else.

Ms. Holland stated that in connection with putting concrete steps to the south of the gazebo, they would be using the gazebo for future events and the south lawn like that at Hubbard Woods Park. She also referred to the color of the equipment for the playground. Ms. Holland asked if in repurposing a lot of the equipment does any of it have to be orange which is a color not normally seen in nature. She commented that they have done a great job with the Village Green and that is because the people around the Village Green paid for it to be an all green playground. Ms. Holland indicated that she understood that they want color.

Mr. Kutulus stated that as a result of the surveys and public polling, etc., the response was down the middle. He stated that the tan and green colors get lost in the background and that others wanted a pop of color. Mr. Kutulus stated that he could show the Commission a color palette.

Mr. Smith stated that for clarification, the terrace of concrete steps is actually stone.

Chairperson Dalman noted for the record that Ms. Adelman has joined the meeting.

Mr. Smith referred the Commission to the color palette for the park site. He then stated that the pods would be blue and tan and a lighter green. Mr. Smith stated that the panels would be blue and lemon and that the shade structures would be green. He then stated that the wheels for the ladders would be red and that the climbers for the net would be black. Mr. Smith added that the rails and posts would be tan. He then stated that it would be a lot of the same color palette as what is already there. Mr. Smith then stated that the lemon green would be more than hunter green or forest green which gives it more pop and excitement.

Rick Schram informed the Commission that the existing playground match is pretty similar. He also stated that they are proposing darkening the posts to make them more forest green and that now, they are bright green.

Ms. Case asked what was the thinking behind putting the gaga pit and baggo courts so far away from the rest of the action. She referred to their location near the residential side of the park.

Mr. Kutulus identified the location of the gaga pit. He then stated that the reason they chose to use the south lawn area is because they felt that the other area was already congested and that they did not want to take away any more green space from the north. Mr. Kutulus also stated that with the butterfly garden and expansion, the base option was chosen by the Park Board. He then stated that they chose the south lawn since it is farther away and referred to the excitement it would bring to the table by the children.

Ms. Morette questioned the amenities such as the coin toss, gaga pit, etc.

Mr. Kutulus responded that there is a gaga pit at almost every school and the other schools. He stated that the concrete back sections would be set on concrete. Mr. Kutulus also stated that the ping pong table would be a new amenity to the park.

Mr. Schram informed the Commission that they have seen baggo games used other parks and ping pong tables used in other areas. He then stated that it has concrete and that it is not going anywhere. Mr. Schram added that if they are not be used, they are portable.

Ms. Adelman ask if there had been any lessons learned from Hubbard Woods Park. She indicated that the bocce park is not used much. Ms. Adelman also asked how did they make decisions as to their expectations.

Mr. Kutulus informed the Commission that at the Hubbard Woods Park, bocce became alive at night. He stated that with regard to the other site amenities, they had a great turnout with regard to the stone seating area and that there is a small one adjacent to the playground on the backside to cut off the back of the gazebo. Mr. Kutulus stated that everything has been received well. He then stated that they learned that if they do a paver walkway, there would be long term

maintenance issues. Mr. Kutulus also stated that they are cognizant of the future and long term maintenance.

Ms. Hickey asked what is the life span.

Mr. Kutulus responded that a gazebo metal structure would have a life span of 30 plus years. He then stated that if you looked at the one in Morton Grove, Mr. Smith did that one 25 years ago and that it looked brand new and was done by the same manufacturer. Mr. Kutulus stated that they are hopeful that they would get a long duration out of it. He added that what is also nice about the gazebo is that it is fixed to the ground and removable.

Ms. McCarthy questioned the thinking about removing the gazebo and referred to the gazebo at Hubbard Woods and having a gazebo at Dwyer Park.

Mr. Kutulus informed the Commission that with regard to the gazebo at Hubbard Woods, in terms of the condition it was in, unfortunately, ants and other rodents had done their work and that it was on its way out. He also stated that there maintenance issues with the roof and that it had molded. Mr. Kutulus stated that it had lived its life cycle. Mr. Kutulus then stated that the Hubbard Woods gazebo was a performance based theme and that it included other features such as housing mechanical equipment. He stated that this would be a little different in that it would be in a calmer community setting where the gazebo would be more relevant and would fit in with the contextual wall in the downtown area.

Ms. Hickey questioned the traffic flow. She indicated that it sounded as if they are enlarging the space, more people would be coming. Ms. Hickey also referred to parking on Elm.

Mr. Kutulus confirmed that there is no parking on Oak and that people coming to the park would use the Dwyer lot and post office lot as well as park on Birch. He then stated that with regard to the parking as a flow and draw, Dwyer Park is the most used playground rivaled by Hubbard Woods at least until the newness wore off. Mr. Kutulus informed the Commission that they are cognizant of that and that it would not draw more use than what was there before.

Ms. Hickey referred to children running and those going into the post office and if there had been any accidents.

Chairperson Dalman asked if it is sloped.

Mr. Kutulus stated that there is grading off of the edges. He informed the Commission that with regard to other public officials, there have been no issues as they understand it.

Mr. Schram stated that the design of the playground and landscape borders on the east and west sides would keep the children in the playground. He stated that there is a slightly raised border and planter benches on either side for parents and guardians and which would resolve any potential worries.

Ms. Hickey stated that if the post office site is developed and they decide to put a building along Dwyer Court where the access is there now, she asked what does that do to make the park dark. She stated that there would be no access down Moffat Mall. Ms. Hickey also stated that in terms of lighting, what are the other safety reasons.

Chairperson Dalman stated that it is incumbent on the Village Council and the ZBA to take comments on the post office site.

Ms. Hickey stated that it would impact lighting and asked if they felt that there is sufficient lighting there.

Mr. Kutulus confirmed that is correct. He then stated that with regard to the future development of the post office site, knowing that there is talk about the site in the cue is the reason they held off on master planning for 6 years and that they do not know what will be. Mr. Kutulus stated that there will always be the driveway and parking there. He stated that their responsibility is for the four corners of the site only and that anything else is beyond their purview. Mr. Kutulus then stated that they are hopeful that the Village review process would be cognizant of that knowing what is currently there. He added that with regard to site lighting, he asked Ms. Hickey if she is questioning night lighting.

Ms. Hickey stated that if they would be drawing teens and tweens using the park later with activities, she is wondering if there is enough lighting.

Mr. Kutulus confirmed that is correct and added that they are not condoning for it to be a nighttime handout for the children. He stated that the site lighting for the park is there as a safety concern for the walkway there which is the main purpose. Mr. Kutulus then stated that if people use the park in the evenings, they would not put spot lighting. Mr. Kutulus added that like at the rest of the parks, at dusk, the bell rings.

Mr. Schram stated that most likely there would be under lighting under the gazebo for illumination.

Mr. Dunn asked if it is the busiest park in the system.

Mr. Smith confirmed that Dwyer is their busiest park, and that for the children and the playground, they have to schedule maintenance crews. He also stated that they heard complaints about their operations. Mr. Smith indicated that justified expanding and separating the activities of the children in order to give more space for them. He then stated that in terms of driving to the park, people walk to the park. Mr. Smith also stated that it is used from 8:00 a.m. to early evening.

Mr. Schram informed the Commission that the online and paper surveys confirmed that most people like to walk or ride bikes to the site.

Chairperson Dalman stated that the French School uses it as a playground.

Mr. Dunn then stated that if this is the busiest park in terms of usage in the system, he wondered if in pledging enough money, there was \$2 million at Hubbard Woods and that there would be substantially less than that here. He also stated that the grant concepts accomplished at Hubbard Woods cost a lot of money.

Chairperson Dalman asked if there was a grant involved in this project.

Mr. Smith informed the Commission that they received a \$380,000 grant which offset the price tag. He referred to the price tag there and the building at \$700,000 and that for the full site blowout, that did not exist here since there would be not be a lot of earth moving. Mr. Smith also informed the Commission that the scope of the original project was set at \$500,000 just for the playground. He stated that as a directive and as the focus expanded and with the budget, they have the financial ability to do it and that they have broken up the core amount to do \$200,000 set aside for ADA compliance.

Chairperson Dalman stated that it is the decision of the Park District board on how to use its resources. She then stated that as a resident in Hubbard Woods, she loved the park and commented that they did a great job which helped the district. Chairperson Dalman also stated that she liked the lights in the bocce courts and that you can see at night. She added that she also liked the gaga pit which expanded the park for use by those beyond 8 and 10 years of age. Chairperson Dalman indicated that it is very popular for 12 and 13 year olds and that you would not see high schoolers playing gaga. She described it as a way to provide more teen based activities.

Ms. Adelman stated that it would not be attracting teens or adults and that it is for the children. She stated that some European parks put in equipment that adds to a jogger or exerciser's activity. Ms. Adelman stated that would make it so that it is not just for early childhood. She then asked if they had given any thought to what else they could do to enhance the exercise and lifestyle of younger adults.

Mr. Smith stated that they overlay a piece of that with the bikeway master plan. He noted that Elm is one of the avenues for the proposed bike plan highway which is why they put the bike station there. Mr. Smith then stated that in connection with physical exercise stations, those were successful because they were tied into a walking path and that to do that in a small park could be part of the lakefront master plan from beach to beach for instance. He stated that there is not that level of detail here and that something like that at the Skokie Playfield may be a good location since people walk there all day.

Chairperson Dalman asked if people use it.

Mr. Smith confirmed that it is used, and that they also see groups utilizing the Northfield equipment.

Chairperson Dalman stated that with regard to the lighting or additional planting, there were some objections in connection with public safety and the ability of hiding in bushes, she asked if there would be a lot of additional plantings or where would those be.

Mr. Kutulus responded that to the south, there is a transformer there now at the southwest corner near the bushes and shrubs. He stated that the lighter green area represented where they planned to install lower level planting which is nothing someone could hide behind. Mr. Kutulus then stated that they planned to remove one tree which he identified in an illustration and 6 crab trees and that they would reinvest and put back what they are taking out. He noted that they would remove an elm tree adjacent to the playground which was brought to their attention by the Village Forester as being an active nuisance. Mr. Kutulus referred to the replacement in the near future.

Chairperson Dalman stated that there are a lot circles to the west along the wall and asked if there would be plantings there.

Mr. Schram confirmed that is correct and stated that there would be low decorative shrubs. He stated that they are also adding additional trees which would provide future shade and that most of the shade trees which are shade casting cast shade to the north.

Chairperson Dalman asked if there would be 4-foot bushes.

Mr. Schram stated that is not their intent and that everything would be low.

Mr. Smith stated that they looked at it in the park design driveway and that you can see through them, especially for the police.

Mr. Smith stated that with regard to lessons learned in connection with Hubbard Woods Park, in comparing those two, in terms of programming ideas, they were approached by a string quarter with regard to the gazebo and that a Ravinia grass seating area would be a nice venue for that. He indicated that there may be more low key activities such as wine and cheese tasting, etc. but nothing beyond the realm of the possibility of small concerns in the summer. Mr. Smith reiterated that they were sensitive to the neighbors and that they want to make it an enjoyable destination point and to enhance the town. He described it as a great opportunity.

Chairperson Dalman asked if there were any other questions. No additional questions were raised by the Commission at this time. She then asked for comments from the audience. Chairperson Dalman then asked the designated speaker, Mr. Brewster, if it would be him only speaking or if there would be others speaking.

Mr. Brewster responded that there would be also two residents speaking.

Chairperson Dalman then asked how many others in the audience planned to speak in order to get a sense of timing. She stated that she did not want to impose a deadline and indicated to Mr. Brewster that he be mindful of the time.

Phillip Brewster introduced himself as counsel for the residents at 856 Oak, 860 Oak, 872 Oak and 873 Oak in objection to Case No. 16-15-SU. He then referred the Commission to an illustration of the location of the residents at the southwest and south portions of the map.

Chairperson Dalman asked Mr. Brewster if he is also a resident across from the park.

Mr. Brewster confirmed that is correct. He stated that the objections set forth in the letter to Mr. Norkus dated September 27, 2016 stand and asked the Commission to read it carefully in light of the presentation. Mr. Brewster also noted for the record a memorandum provided on September 20, 2016 to the Commission which was sent to Mr. Norkus and referred to the second paragraph on the first page with regard to surrounding lane uses. He stated that there has been no discussion in that description of the residential portion area of the map. Mr. Brewster then stated that second, he would like to note that that the Park Commission Board stated that the letter objected in whole to the special use and the project which is not true and that the relief to the south is specific on page 3. Mr. Brewster stated that they did not object to the whole park plan and that their specific complaints are listed in the letter and modifications requested.

Chairperson Dalman stated that given the fact that many of the Commission members did not read the letter, she asked Mr. Brewster to reiterate specific points.

Mr. Brewster stated that the specific objection in the application related to the Commission's duty to review and approve with regard to Village of Winnetka 2020 Comprehensive Plan and that it is inconsistent with nos. 1, 2, 7, 9, 11, 13 and 14 of the Comprehensive Plan. He stated that the request is inconsistent with regard to the preservation and expansion of open space, the protection of natural features of the Village, the impact to adjacent residential properties and light and noise being held to acceptable limits. Mr. Brewster stated that there are specific components of the plan which are objectionable to the Comprehensive Plan. He referred the Commission to the letter and page nos. 1, 4 and 5 which discuss the issues.

Mr. Brewster stated that first, he referred to the expanded picnic area and terrace slope of the playground. He also referred to the 18 foot tall gazebo south of the expanded play area. Mr. Brewster then stated that the pedestrian scale and light poles would be creating light pollution from a previously unilluminated park. He also referred to the gaga pit, baggo pit, etc. as well as storm water management. Mr. Brewster then stated that those issues are inconsistent with the Comprehensive Plan and are detailed in the letter.

Chairperson Dalman asked Mr. Brewster if he would prefer that there be no lighting.

Mr. Brewster confirmed that is correct.

Chairperson Dalman stated that they can ask the Park District if there can be lower level lighting but that would get into the public safety aspect.

Mr. Brewster stated that there has been no evidence of criminal activity presented.

Ms. McCarthy asked where would the lighting and pedestrian scale light poles be located.

Mr. Kutulus identified the three locations of the light poles.

Ms. McCarthy then asked about the wattage.

Mr. Kutulus responded that there would be low level LED 3500K lighting which is what they did at Hubbard Woods. He also stated that the lighting would project 20 to 25 feet around the fixtures.

Mr. Coladarci asked if there would be a cap or shield on the light. He then stated that the neighbors objected to a light bulb glaring in bedrooms.

Ms. Adelman asked if there is a streetlight on Oak Street.

Mr. Kutulus confirmed that there is a streetlight on Oak Street.

Chairperson Dalman asked if they looked at or knew the level of lighting required to illuminate the path.

Mr. Smith informed the Commission that the introduction of the walkway required a higher level especially during dusk and in connection with mobility issues. He indicated that it makes sense beyond security and safety and that with regard to the light, it would be controlled and that there is a lot of technology. Mr. Smith added that they planned to work with the Village and control the wattage. Mr. Smith then stated that he heard the light pollutions issues and suggested that there could be alternatives that may require one or two more low wattage lighting and down casting.

Ms. Case stated with regard to the lights and low voltage, there are two types of LED lighting, one of which is white and one which is yellow. She then suggested the use of lighting with a warmer yellow tint.

Chairperson Dalman stated that there is much greater wattage elsewhere and which is existing. She stated that they have to decide whether there would be an impact.

Mr. Kutulus informed the Commission that the color of the 3500K lighting would be more of a yellow scale and that the higher K value with the brighter white light would not be used here.

Chairperson Dalman asked if there were any other questions for Mr. Brewster.

No additional questions were raised by the Commission at this time.

Mr. Brewster asked the Commission to read the letter.

Mr. Dunn then asked Mr. Brewster why bring up the matter now months later.

Mr. Brewster responded that to be fair, in reality, his clients are interested property owners who have legal rights under the zoning ordinance and the right to exercise those legal rights.

Mr. Dunn stated could have been done in May, June or all summer.

Mr. Brewster then stated that the Park District went to the business owners to the north and not the residents to south. He also stated that he wanted that in the file and on the record.

Chairperson Dalman stated that the Park District gave lots of notice and opportunity for comment. She then stated that it would be different when walking to a place of public accommodation as opposed to private property and that there is a different standard there.

Mr. Brewster reiterated that his clients are exercising their lawful legal rights as interested property owners.

Ms. Hickey asked Mr. Brewster in terms of the games, whether they wanted those to be located elsewhere.

Mr. Brewster responded that would be helpful.

Chairperson Dalman referred to the gaga pit and baggo court.

Mr. Coladarci stated that would run afoul of the Park District's intent not to jam everything in one area. He then questioned how would it solve the problem and preserve the butterfly garden and not jam everything in.

Mr. Brewster stated that they are not here to solve the problem and that the Park District solution did not include as an answer.

Ms. Adelman stated that they live across the street from a public park and that there are some advantages to that which other residents did not get. She then referred to their expectations when they bought their homes.

Mr. Brewster stated that his clients can speak to that issue and that generally speaking, Winnetka has a strong commitment to public space. Mr. Brewster also stated that in Chicago, he referred to the wisdom of the founding leaders of Winnetka who did not make quick decisions to enhance one thing and not another. He referred to the standard to enhance green space and open areas in Winnetka.

Chairperson Dalman asked if there were any other questions from the Commission. No additional questions were raised by the Commission at this time. She then asked if there were any other comments from the audience.

Brenda Kessler introduced herself as one of the four people and households represented by Mr. Brewster. She then identified her home as the corner home which the old church converted into a home and that she has lived there for 15 years. Ms. Kessler then stated that when the realtor explained the property to them, they were told to be prepared because the post office was coming down the next year and that has not happened yet. She also stated that both homes on either side were rebuilt.

Ms. Kessler then stated that they observe the park and commented that they love it. She informed the Commission that they moved to Winnetka because they wanted to be able to walk around town and that it was their goal to walk. Ms. Kessler reiterated that they love the park and described it as charming. She informed the Commission that they have five grandchildren and that when you look out the window, you see two benches and a sculpture with people, children, etc. which she comment is so pleasant. She also stated that you can see the children playing in the park and hear the sound of the children's voices. Ms. Kessler stated that they should not ruin a good thing and that it is a question of do not overdo it. She then stated that if they wanted to change the play equipment in order to make it more 21st century, that is fine, and referred to doing all of this other work and taking out trees. Ms. Kessler also stated that she hoped that they did not demolish the charm of the older park as it is now. She then agreed that the other park at Hubbard Woods needed refurbishing and that the question is do they need to go to this extent. She also stated that she did not want trees at the south end and for there to be low bushes so that you can see who is sitting in the park. Ms. Kessler then commented that it is like a little European park to her and that with regard to the gazebo, she did not see a purpose for it and that it is not needed here. She reiterated that if they change the equipment, that would be fine which she indicated is her observation as a 15 year property owner. Ms. Kessler stated that the park would be modified quite a bit and that she is scared of lights into her home. She concluded by stated that you do not see people there after dark and that it is not an evening park and that she hoped that it did not become one.

Jack Snyder introduced himself as the one resident by Mr. Brewster who has lived in his home since 2012. He stated that he appreciated everyone and their service to the Village and the Park District. Mr. Snyder then stated that he is one of the most frequent users of the park system and his family. Mr. Snyder stated that he was present for the comments and that he did not want to say no never and that referred to offering ideas and solutions at this stage of the process.

Mr. Snyder then stated that in response to why are they voicing their opinions now, he informed the Commission that he paid attention to the process and that he went to one of the earliest meetings where he had input and observed the process. He referred to the opportunity to speak as a resident of the town. Mr. Snyder stated that he would like to call to the Commission's attention a couple of things. Mr. Snyder stated that in connection with the gazebo in the center, there would be a change in the use of the park and that this is a walk-to park. He indicated that the gazebo can be used for a lot of things and also for broader event programming which he commented is inconsistent with the current park. Mr. Snyder also stated that it would draw large crowds and that Hubbard Woods Park served that purpose well. He stated that it would not be an appropriate purpose for this park.

Mr. Snyder also stated that the concrete was referred to as a mass of concrete. He then stated that as much as he is a father and a resident, a concrete pad and pool would be a bad idea for the children and that he is the father of smaller children. Mr. Coladarci added that it would not be a good idea for the playground where children chase each other to have a concrete pad in between those two things as well as steps and risers.

Chairperson Dalman asked the audience to limit their comments and that she did not realize that the comments would be this extensive since there is a representative who spoke for them already. She asked Mr. Snyder to go through anything that their counsel has not hit on.

Mr. Brewster stated that the record should reflect that he attempted to yield to the amount of time. He also referred to the rules they are using today which were adopted and not published and that those are the rules of order.

Chairperson Dalman stated that she did not hear him state that he would yield any time. She asked that they expedite and hear and that the Commission also has to hear the Park District's opportunity for rebuttal and for the Commission to deliberate.

Mr. Snyder then stated that with regard to the gaga pit, the question was raised during the presentation with regard to traffic patterns. He stated that he observed cars going the wrong way on Birch which he described as a hazard. Mr. Snyder also stated that if they were to put the game at the southwest corner of the park with the site line issue and cars going that way, it would be a potential traffic hazard there. Mr. Snyder then stated that he is not saying no to the gaga pit being anywhere and for the applicant to consider moving it to the east. He stated that location would be a safety move and would be more consistent with the buffer instead of attempting to keep the games away from the perimeter of the park and prevent traffic accidents.

Mr. Snyder also stated that as a resident, his observation is a topic of vagrancy and referred to it being a major issue. He informed the Commission that he has observed on multiple occasions of vagrancy and loitering and that putting in a structure which is a permanent shelter and the gaga pit, the issue would arise of the need to run around of the police department and should be considered in the context of providing things in a children's park and creating an invitation to vagrancy.

Chairperson Dalman commented that it is a shame that they did not give those comments as part of the visioning of the park. She also commented that they are good thoughts which should have been considered. Chairperson Dalman indicated that it is important that when they give notices to give those feedbacks.

Amy Polachek, 917 Ash, introduced herself and her daughter to the Commission who is representing the tween community. She informed the Commission that they have lived here for 10 years and are four blocks away on Ash and that they moved here from the city for the walkability to schools, green space as well as the fact that it is an enclosed town with the ability walk to the train. Ms. Polachek stated that she strongly supported the updates to the park to include activities which appeal to tweens and that the current form maxes out at the second grade.

Ms. Polachek stated that they are occasional users of Dwyer Park and that their children played at home. She then stated that as they got older and after the fourth grade, they had new independence and go to the park now a lot. Ms. Polachek asked that the Commission consider and make sure that whatever is accommodated or adjusted that they consider it to be inclusive of all children so that the children can be free range and feel free to go and not worry about mom

saying that they cannot go, as well as to consider traffic concerns. She stated that there are always people there and that they are only there from 4:00 p.m. to 6:00 p.m. after school while the older children's activities are later in the evenings. Ms. Polachek added that there is no gaga play at night.

Ms. Polachek then stated that she appreciated the Park District and work that they put into it and that she has listened to the comments. She informed the Commission that she considered the playground an extension of her backyard which is a safe place and something that everyone enjoyed.

Yuki Hartman, 852 Oak, informed the Commission that she lives across the street and is the mother of a 2 year old, an 8 year old and an 11 year old. Ms. Hartman stated that they moved here five years ago when the children were in elementary school and that the reason for purchasing their property was because of Dwyer Park which they saw as an extension of their home.

Ms. Hartman then stated that when they first moved here, they were shocked in that they moved from Houston where their property was bigger, but that the compromise for not having a big yard was that the property was located across the street from the park. She informed the Commission that they love the park and that it is important to them. Ms. Hartman then thanked the gentleman for his comments and stated that they were lucky to know about the planning process which was participated in from the beginning.

Ms. Hartman stated that they were privy to meetings throughout the summer and the planning process from midway. She stated that they are very appreciative of the fact that their voices were heard in the process. Ms. Hartman then stated that as a resident, they are lucky to be able to look out the window and see the activity on a daily basis. She then stated that in connection with an accurate description of the park and how it is used, she stated that the park is much of a toddler and preschool park from 8:00 a.m. to 3:30 p.m. and that then, there is a mixture of children there. Ms. Hartman described it as a great location and a straight walk from Skokie School. She also commented that it represented a great opportunity for them to gather and that they are always looking for an alternative for the children to go besides Starbucks.

Ms. Hartman stated that in the dialog, they questioned whether it was possible to create a park which would appeal to an age range beyond the second grade and that everyone had good points to share. She stated that they very much want activities for the children and that they would love to have a place for an 11 year old to hang out after school.

Ms. Hartman then stated that as a resident across the street, lighting would be a concern. She noted that there is a light on the street now and in the parking lot of the post office and that they invested in blackout shading for the children's bedrooms on the Oak side of their home. Ms. Hartman also stated that she agreed that traffic ends around dinner time. She stated that she noticed that it is not offensive where the light is in the parking lot and that you see older teens gather there later. Ms. Hartman suggested that they consider that the lighting would attract traffic which is currently not there and that part of the reason that Dwyer Park closes at dinner is because there is no lighting.

Ms. Hartman also stated that they have heard comparisons of the park with Hubbard Woods Park. She suggested that they keep in mind that Hubbard Woods is surrounded completely by commercial businesses where this park is more than 50% residential. Ms. Hartman stated that because of that, while they want it to be valuable to the community, it is a different animal in terms of its purpose. She then thanked everyone for their effort and that they should be able to reach a happy medium and that they are on the right track. Ms. Hartman then referred to the butterfly garden as a passive area which also serves as a buffer. She stated that since there are no residences on that side, she asked if there is a way to swap and have more nature on the residential side of the park and to put the structure and play things against the commercial side.

Mr. Kutulus noted that Elm Street is the busiest street abutting the park which makes the north edge of the site inappropriate for play equipment.

Mr. Kutulus referred to the butterfly garden and the Garden Guild of Winnetka and that they gave that back to the community. He informed the Commission that the Guild Club would weed and maintain the garden which it has done for 20 years. Mr. Kutulus noted that they have had very good meetings with them and that they do not want to see that change. He then stated that with regard to the activities and flow and the more congested activities to the north section of the park, he described Elm as a predominately busy street and a major artery to the downtown area. Mr. Kutulus stated that they were cognizant of that. He then stated that the natural buffer and planting addressed the concern of safety and children being kept off of the street and playing in traffic. Mr. Kutulus added that the intent of the design as presented was for that reason.

Ms. McCarthy asked how many feet is the gaga pit from Oak Street.

Mr. Schram stated that the gaga pit is 40 feet from Oak Street and approximately 20 feet from Birch Street. He also stated that the baggo court would be the same at 40 feet to the southern boundary of the park.

Chairperson Dalman asked if there were any other comments.

Teresa Claybrook, 878 Oak, identified her home on the illustration for the Commission. She stated that as a resident, they have lived in their home for 12 years and that they moved here and informed the Commission that she is pregnant with twins and that they have a 9 year old. Ms. Claybrook also stated that when they moved here, they spent a considerable amount of time at Dwyer Park when the children were young. She described the park as a singularly focused park and that it only meets the needs of younger children. Ms. Claybrook then referred to the straight line from the Skokie School and Washburn and that it could serve a wider audience of residents. She indicated that there are some attributes which are being added to the park such as the gaga pit and ping pong table which would interest more people than tweens but families. Ms. Claybrook then informed the Commission that she has been to the bocce courts and that you see a lot of families doing that activity. She stated that there are other things and different things that people can do together and encourage the tweens and teens to come to the park as well as encourage families to participate and allow the park to be of interest to a broader audience. Ms. Claybrook also stated that with regard to the question why all of the activity is not up at one location, she referred to congestion problems and that they do not want that for tweens and 2

year olds. She concluded by commenting that there would be a nice separation with the two sides of the park.

Chairperson Dalman asked if there were any other comments.

John Kessler stated that he and his wife, Mrs. Kessler, spoke with the neighbors and that he voiced his opinions. He then stated that he had two things to add, the first of which is that he saw it as a 17 year old park and that they have spent \$600,000 on it. Mr. Kessler then identified a road on the illustration which fills up with cars in the daytime and leave at 4:00, 5:00 or 6:00 p.m. and that it becomes a path. He then questioned why do they need a bike path to come one way. Mr. Kessler stated that the neighbors look and see an empty park. He concluded by stating that to put up trees would encourage mischief and the gazebo in the middle which was referred to.

Bill Schneider of West Elm Stated that he was not sworn in.

Chairperson Dalman then swore in Mr. Schneider.

Mr. Schneider informed the Commission that he came to hear the discussion and that he has heard all sides. He stated that what would bring the biggest change is the gazebo which he stated changes the use of the park from a neighborhood park to a performance park. Mr. Schneider stated that the West Elm park is big and has open green space which is quiet and that they would be changing the nature of the park from a neighborhood park to that of the Hubbard Woods Park. He suggested that the Park District consider West Elm Park by Skokie School for some activities.

Chairperson Dalman asked if there were any other comments – with no further comments offered she stated that they would close the public testimony aspect of the hearing. Chairperson Dalman then asked the Commission members for their thoughts. She stated that first, before they deliberate, she asked if there were any questions for the Park District.

Mr. Coladarci asked if it is possible to switch the gaga pit with the baggo court. He stated that would answer the question of the resident of a ball flying around over Birch which is the quieter street. Mr. Coladarci also stated that the baggo court would represent less of a change than a ball flying in the street.

Ms. Claybrook stated with regard to the gaga pit, the ball never leaves the court.

Mr. Coladarci asked what if a child misthrows and suggested that they flip the two.

Mr. Kutulus informed the Commission that they looked at that, but that because of the tree coverage and removing a tree, doing that would make the area congested.

Chairperson Dalman asked if there were any other questions for the Park District. No additional questions were raised by the Commission at this time. She then stated that the Commission would now deliberate. Chairperson Dalman stated that they are being asked to consider whether

the application satisfied the conditions of a special use. She then stated that while it is an existing use, they have to treat it as an amendment to a special use in the way that the code is set up and that it would have to apply to all of the criteria as if they were approving a new special use.

Mr. Norkus confirmed that is correct.

Chairperson Dalman then stated that in the packet of materials, they have draft findings that the Village staff presented which she described as helpful. She also stated that the memo Mr. Norkus prepared did a good job laying out the Commission's job as to whether there is consistency with the 2020 Comprehensive Plan. Chairperson Dalman stated that the findings break it down specifically as to whether the request is consistent with the Comprehensive Plan. She then stated that before they read through them and have a motion and resolution, she asked the Commission members if they would like to discuss any concerns or thoughts about specific aspects as to whether it is consistent or not with the Comprehensive Plan.

Ms. Holland stated that she would like to start at the north end and stated that she is concerned about the box which indicates it being a potential location for vending trucks. She stated that she assumed that it would not be for the businesses on Elm but for the activities occurring in the park.

Mr. Kutulus informed the Commission that the area was identified near parallel parking was noted out for future development. He stated that it is possible that it may be a destination for lunch time. Mr. Kutulus then stated that they included that since they were hearing from the community to have an outside venue and that there is no set program yet. He stated that they wanted to make sure that it is incorporated in the plan for the potential location for a future use because of how it would be set up and the location of the park proximity.

Mr. Smith stated that an alternate location for that since it is a busy thoroughfare, during an event or art show, they would stage the truck in an area he identified for the Commission. He then stated that it would be the same concept as at Hubbard Woods Park. Mr. Smith described it as an interesting element to add to the program.

Ms. Holland then commented that the butterfly garden is wonderful and should remain where it is. She also stated that since this is a heavily used park, it was crowded today on a wet day. Ms. Holland then stated that she would applaud the fact that they would be increasing the park space 50% and that it is needed with more activities and uses. She noted that with regard to the gazebo from the end of the park south through the field and stone terrace steps, she would not like to see that. Ms. Holland stated that this does change the use of the park from a park that has a meditation area on Oak just because and referred to the residences across the street to a very busy activity park. She stated that there is a reason for that and that they do not have enough green space in downtown Winnetka. Ms. Holland stated that the park has wonderful green space and the minute you bring in all of the cement and steps, it would change the use of the park to her. She then stated that the gaga pit should belong and not be put on the east side of the park where it belongs and not adjacent to the residences. Ms. Holland also referred to spending dollars to put in a gravel path, benches, a garden and sculpture wall for sitting and to enjoy the green space and then have a gaga pit. She commented that Elm would be a great place for those two

activities to fight across from the Skokie School with a lot of oak trees. Ms. Holland stated that this also changes the use of the park and that they are trying to do too much in too of a small park. She stated that the Park District has many parks in the Village which are managed beautifully and carefully and concluded by stating that this is much density for what they are intending to provide.

Ms. McCarthy stated that she supported the development of recreational facilities to meet the needs of all residents in connection with standard no. 8, taken with the audience's comments. She stated that there are positive aspects of having other gaga pits and that it makes sense. Ms. McCarthy described the original plan as too busy but that they changed their mind and also it occurred that there was too much going on as Ms. Holland indicated with the gazebo. She stated that to look of the scale of the gazebo, she did not see that and concluded by stating that it is a great plan.

Ms. Case stated that she would applaud the expansion of the play area and that she liked what they are doing for people. She then referred to stuffing too many things into a long narrow park which has a different character than a Hubbard Woods Park which is commercial all around. Ms. Case then stated that there are residences along two sides of the park. She then stated that personally, the first finding with regard to the impact on the residential neighborhood, she agreed with Mr. Coladarci that she would feel better if the gaga pit was located on the other side of the park on the commercial side at Dwyer Court. Ms. Case stated that she did not want it to look junky especially in the area of the meditation area. She stated that they would be throwing things in low and less obtrusive and suggested that they flip and move the gaga pit closer to the gazebo area and that there is too much going on in a small, narrow space. Ms. Case stated that while she liked the ideas, it is too much for the space. She also stated that she knew that they want to attract tweens.

Chairperson Dalman stated that with regard to a lot of oak trees, the residents say it looked very natural.

Ms. Case referred to the section near Oak and Birch and minimizing adverse impact.

Ms. Morette stated that she agreed with Ms. McCarthy and that she is not feeling the gaga pits and other things. She commented that she thought that it is trendy. Ms. Morette also stated that she was moved by the comments from the public and that with regard to its placement, she cannot speak to that. She stated that she understood the concern of the residents and that with regard to the gazebo, she is not feeling it. Ms. Morette then stated that if it was her household, she stated to build and hold and if they want to add to it years later, she did not know if that is practical.

Chairperson Dalman stated that they have approved the master plan.

Ms. Morette concluded by stating that all in all, it is a good plan.

Mr. Dunn stated that there are a lot elements that he liked a lot and that he is encouraged by the expanded activities. He informed the Commission that he has spent a lot of time in park with his

grandchildren and that he liked the new walk at the corner of Oak and Birch whereas now, they walk over the grass. Mr. Dunn stated that a lot of the tree street population comes in that way.

Mr. Dunn then stated that now, in connection with the south end of the park, it is nice to look at if the neighbors enjoy that and that there is not much going on. He also stated that he liked the fact that they would be introducing activities at the south end but that he is sensitive to the neighbors. Mr. Dunn stated that they would not be putting in a high intensity use but softer, quieter uses at the south end. He indicated that he did not know if the gaga pit should go at the north or south end but that he liked the fact that there is one. Mr. Dunn also stated that he liked that they have expanded the playground which he commented is definitely needed. He stated that with regard to the gazebo, he can live with it and that it is relatively small. Mr. Dunn also stated that while there is shade in the park by the trees, there is also the need for structural shade which comes into play there.

Mr. Dunn commented that on a macro level, he described it as pretty darn good. He indicated that he did not know if they can make it better if they spent more money and that it would be a wonderful amenity for downtown Winnetka and for all of the tree street population of children. Mr. Dunn concluded by giving it an A.

Mr. Coladarci informed the Commission that when he was little, the park was a lawn. He stated that in 1997, additions were done to it and he asked if they just put that in. Mr. Coladarci commented that his favorite parks are West Elm and Centennial Park. He stated that he realized that there would be change and the desire for a park to change over time. Mr. Coladarci stated that they recognize that there should be change if the users want it. He then stated that the gazebo did not have to be there and referred to the concrete around it. Mr. Coladarci stated that it would add to the hard space into the park for a marginal increase in value or use of the park. He stated that there would be less of a change in the nature of the park by not having the gazebo. Mr. Coladarci also stated that to switch the gaga pit and baggo court is a good idea and putting the tween stuff at that end of the park is a good idea in terms of moving it away from the little children.

Mr. Coladarci then stated that in terms of young children, he referred to them going to west Elm, Starbucks and Pete's downtown and that they sit there where they used to go to Love's which moved and that it is now Café Roma or they sit on top of the monument. He stated that having something for them to do is a good idea. Mr. Coladarci also suggested putting a hood on the lights even if means putting in extras such as a light which goes down in a small circle. He also suggested that they consider the possibility of lights with a shut off which would answer a lot of the problems for the neighbors in terms of inviting people into the park at night. Mr. Coladarci stated that it would also cut down on light pollution.

Mr. Coladarci stated that a gazebo with a light under it would be good for the police to see if people are there who should not be. He described the plans as very good and suggested that they take out the gazebo and concrete and stairs because as Mr. Snyder said, they would be asking for a lot of accidents. Mr. Coladarci stated that they could return more grass to it by taking out those risers. He concluded by stating in general, with some of the changes suggested, he would be in favor.

Ms. Adelman stated that it is not what she liked but what they are supposed to be doing. She then stated that they do not need the gazebo. Ms. Adelman also referred to her orientation more to Hubbard Woods Park and the gazebo was a Harris Bank kind of thing. She stated that if they want to use it as a public space, they can do that with or without the gazebo. Ms. Adelman then stated that with regard to shade, there are pergolas and other different ways to provide it. She stated that she agreed with Mr. Coladarci's comments in connection with the gazebo and concrete and stone steps. Ms. Adelman then stated that when you look at the plan, she understood the concerns with regard to the gaga pit and baggo court and that at the south end, there is a whole space which separates that from the residential area with the gravel pathways and sculpture seat wall and that there is a buffer there. She referred to it accomplishing more as a multi-use rather than it being a preschool extension for the children.

Ms. Hickey stated that she had no comment now and that she would save her comment for the ZBA meeting.

Chairperson Dalman stated that she would touch on a couple things with regard to the application and its consistency with Comprehensive Plan. She then stated that she liked how the plan would provide an alternative to downtown coffee shops for area kids, and stated that she sees packs of children downtown who are downtown with nothing to do. Chairperson Dalman informed the Commission that she is new to gaga and that her children played it at camp as well as other places they go outside of Winnetka which she described as great. She commented that it is great and that she had three girls who do not go to a field and that she did not know if there is demographic information but stated that girls like play structures. Chairperson Dalman stated that it would be engaging of children of all genders and all ages and commented that it is great and added that she liked what Hubbard Woods has done to activate that area and that you see people eating dinner and going into the park which is great for business.

Chairperson Dalman then stated that she liked the plan and that it supports the development of recreational facilities to meet the needs of residents of all ages and that it satisfied all of these criteria. She stated that in thinking about the biggest change which would be the gazebo, they are now privy to the fact that they just recently recommended to the Village Council a downtown master plan that provides for a view corridor down Moffat Mall to the Village Hall. She indicated that lays out blocks for proposed development for the post office site which would allow this gazebo to have view corridor to this beautiful building. Chairperson Dalman then stated that she could see the forward thinking about the gazebo and that she liked it.

Chairperson Dalman informed the Commission that she went to the park today and wanted shelter from the rain and reiterated that she is ok with the gazebo but that she understood that it may be an issue. She commented that a great plan was done and that the applicant has done a great job of investing in the community. Chairperson Dalman then stated that in hearing about what they are to do next, since there are some concerns about the gazebo, she suggested that they vote on the plan without the gazebo, and take a separate vote on the gazebo, and asked the Commission members for their thoughts.

Ms. Morette suggested that they would also have to discuss taking out the terrace steps and light poles and other items which were raised as an issue.

Ms. Adelman stated that the gazebo and lighting is commentary and stated that the application does satisfy the plan and reiterated that the rest is commentary.

Chairperson Dalman stated that she is trying to decide in hearing that people have concerns with regard to the gazebo the best way in which to proceed. She then stated that she personally would vote for plan as is, but wished to provide a means for those opposed only to the gazebo to state that.

Ms. Adelman stated that they can that it satisfies the criteria but that the consensus was that they liked this or that and that then they pass it through with commentary to be added.

Ms. Case stated that if they pass the plan but issue concern about the gazebo as commentary that concern would be lost on the Council.

Ms. Holland stated that she agreed with Ms. Case's comment and stated that the gazebo and the surrounding cement is enough of a level of detail that it should be voted on by the Commission. She stated that they are faced with a change in a special use. Ms. Holland stated that everything in Winnetka is single family residential with the exception of churches, schools and parks and that to her, the gazebo changes the use of the park.

Chairperson Dalman stated that while she understood Ms. Holland's comments, she disagreed in that they would not be changing the use of the park and that they would be adding an amenity which would not change the use of the park. She suggested that the most prudent thing to do is to vote on whether the application as a master plan with three options to give them flexibility whether it satisfies the Comprehensive Plan criteria and then see where they are at. Chairperson Dalman then stated that the presentation made it clear that they have not decided whether they have the funding or if it would be approved and that they want the flexibility to not have to come back to the Commission. She then asked Mr. Smith for clarification.

Mr. Smith asked the Commission if it would be simpler to approve the plan as presented with the exception of removing the gazebo and the Commission's determination with regard to lighting and other issues they have to deal with. He indicated that would give them the latitude to work with regard to relocating the gaga pit and massaging the plan a bit. Mr. Smith stated that they realize that the big contention is gazebo and the question on modify the lighting.

Chairperson Dalman questioned how do they do that procedurally and that they have to go through the criteria and have a resolution. She asked that they take a motion whether to gauge whether the Commission would support the plan as presented without modifications versus the significant feeling that for the Commission, the only way to approve the plan is with modifications of removing the gazebo and concrete and lighting issues.

Mr. Norkus stated that he is trying to count the sentiment expressed and that he is coming up with an even split with thoughts on the gazebo. He then questioned whether the Commission wanted to make a motion one way or the other with or without gazebo to see how it goes.

Chairperson Dalman asked for a motion.

Mr. Coladarci moved to consider the plan as presented with the following exceptions: to not approve the gazebo and concrete pad around it, to require the Park District to change or make sure that the lighting going in meets the criteria discussed to make sure that there is no light pollutions to the neighboring homes.

Ms. Adelman seconded the motion.

Chairperson Dalman then stated that based on that motion, the Commission would go through the criteria.

A vote was taken and the motion failed, having not received a majority.

AYES:	Adelman, Case, Coladarci, Holland (4)
NAYS:	Dalman, Dunn, McCarthy, Morette (4)
NON-VOTING:	Hickey
RECUSED:	Thomas

Ms. McCarthy suggested that they consider the plan as presented, including the gazebo.

Chairperson Dalman stated that they need a final resolution.

Ms. Adelman suggested that they go through the criteria and say that the request meets the criteria and then have commentary and discussions on the gazebo and the concrete and identify those that are not in consensus.

Ms. Holland stated that with respect to the findings, the “exceptions” get lost and referred to One Winnetka as an example. She stated that there was no comment to the Village Council on the Commission’s conversation. Ms. Holland then stated that this is important enough not to pass it with exceptions. She added that she cannot accept the gazebo and commented that it is a mistake to her.

Chairperson Dalman stated that Ms. Adelman made a good point and that if they cannot find a majority to approve it in order to move it forward, they would be taking no action.

Mr. Coladarci stated that if they take a vote on the plan and the vote is split, they can come back.

Chairperson Dalman stated that they can continue the matter to the next meeting with more members present.

Ms. Adelman suggested that they vote on accepting that the basic plan meets the Comprehensive Plan with commentary.

Mr. Coladarci stated that his motion did not pass.

Chairperson Dalman stated that if there is no decision, the applicant cannot move forward and that it would be better for the Park District to continue the matter to the next meeting. She stated that there are other Commission members who may not be here next time.

Ms. Case stated that the Plan Commission's disagreement with regard to the Saints Faith Hope and Charity parking proposal got lost in the bigger discussion.

Chairperson Dalman stated that the Village Council did look at it at the parking issue very closely, including the Plan Commission's recommendation.

Ms. McCarthy stated that they are not experts and that she felt that the other boards would look at it along with the trustees. She then stated that if they did not feel they should move forward on something, to put it off bothers her.

Ms. Case noted that the DRB continued their meeting because of the gazebo and that the ZBA will look at it.

Ms. Adelman stated that if every Commission member said that they did not like the gazebo, the Village Council can say that they do like it.

Mr. Dunn stated that it is like One Winnetka and that the Village Council would have the final decision. He then stated that the Commission could debate all night long but that the Park District has to submit this plan to the Village Council.

Chairperson Dalman stated that they are not suggesting to continue the request for the applicant to change the plan. She then suggested that they try a motion and that she did not know if a Commission member's opinion changed with regard to adopting the plan as is. Chairperson Dalman stated that if they cannot get a vote, they can ask for a continuance.

Mr. Norkus informed the Commission that with regard to the ZBA standpoint, if the ZBA does not receive a majority vote in favor of granting a special use or zoning variation, the request goes to the Village Council "without a positive recommendation", which conveys the message that it did not receive support. He stated that with a split vote on Mr. Colardarci's motion, that vote together with the discussion of the gazebo will reflect the Commission's concerns about that element.

Chairperson Dalman stated that Mr. Norkus' suggestion is a better way to address Ms. Holland's concern is that there is a significant issue that half of the Commission members did not support. She stated that she would support the gazebo but did not want to parcel it out. Chairperson Dalman also stated that if the procedure happened in the Village before, she is fine with that. She then asked for a motion on the draft resolution and findings of the Commission in the packet of materials which says that the proposal is consistent with the Comprehensive Plan. Chairperson Dalman stated that they would take a vote and finding of support and that then, the Park District would not be held up by the fact that they did not have majority support which would keep the request moving. She again asked for a motion in support of the resolution and read the resolution in the packet of materials which stated "Now therefore be it resolved that the Winnetka Plan

Commission finds that the proposed special use permit application by the Winnetka Park District for improvements to Dwyer Park is consistent with the Village of Winnetka Comprehensive Plan.”

Mr. Norkus stated that in the event of not having a majority report to support an application, the action of that body is conveyed to the Village Council as a lack of support or failure to receive a positive recommendation and that is conveyed no differently than a recommendation of denial.

Mr. Coladarci stated that the Village Council would look at the fact that the Commission was not able to come to a consensus which would give them the idea of the need to look at something deeper.

Mr. Norkus confirmed that it would be reflected both in the minutes and in the agenda report to the Village Council.

Chairperson Dalman asked if there were any other suggestions.

Ms. Adelman referred to accepting the proposal in pieces.

Mr. Coladarci stated that has been done in the past where they have said what is and what is not consistent.

Chairperson Dalman stated that they can vote the request up or down and that if there is a split vote, the matter still goes forward and that otherwise, that would take hours. She also stated that either plan as presented either satisfies the conditions or it does not unless [it met] a few of the provisions.

Ms. Adelman referred to the provision with regard to the lighting.

Chairperson Dalman stated that they still ended up with a 4 to 4 split.

Ms. Adelman stated that they would approve 15 out of 17 of the findings.

Ms. Case stated that would still be passing it.

Chairperson Dalman stated that they still need to say whether it is consistent or not. She also stated that there would be commentary in the public record in connection with the issue with regard to the gazebo and lighting and that the record is clear on that. Chairperson Dalman stated that the motion is on whether the application as presented by the Park District is consistent with the points of Comprehensive Plan. She read the findings into the record as follows:

**Findings of the Winnetka Plan Commission
Dwyer Park Special Use Permit
Consistency with the
Village of Winnetka Comprehensive Plan**

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

The proposal **is consistent** with the following policies and objectives contained within the Village 2020 Comprehensive Plan:

Parks, Open Space Recreation and Environment

- (1) “Preserve or expand the quantity, quality and distribution of open space and recreational opportunities.”
- (2) “Protect the Village’s natural features and environmental resources.”

Village Character and Appearance

- (3) “Encourage organizations, schools, religious institutions businesses and citizens in their efforts to beautify the Village.”
- (4) “Use high quality design and materials when constructing public improvements.”
- (5) “Enhance the beauty of improvements with appropriate decorative details, artwork or sculpture.”

Educational and Community Institutions

- (6) “Ensure safe and attractive access to educational and community institutions. Pursue improvements that address public safety as well as traffic, congestion and parking.”

Parks, Open Space, Recreation and Environment

- (7) “Preserve or expand the quantity, quality and distribution of open space and recreational opportunities.”
- (8) “Support the development of recreational facilities to meet the needs of residents of all ages.”
- (9) “Engage in a public process that balances institutional goals and minimizes any adverse impact to the character of the adjacent residential neighborhood.”
- (10) “Foster greater cooperation among all institutions — private and public — in the joint use of recreation facilities.”

Land Use — Winnetka Park District and Open Space

- (11) “Cooperate with the Winnetka Park District in achieving the District’s goal of providing Village residents with high quality recreational programs and open space.”

(12) “Work with the Park District to minimize the impact of existing programs on adjacent neighborhoods.”

(13) “Coordinate planning for any new facilities and programs to balance recreational needs of the community with the residential character of the surrounding neighborhood.”

(14) “Ensure that street and parking infrastructure are adequate and that other ancillary effects such as artificial lighting, noise and water runoff are held to acceptable levels.”

Green Bay Road Corridor and Business Districts

(15) “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.”

(16) “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.”

(17) “Ensure that new development does not decrease public parking supply, particularly on-street parking that supports retail use.”

RESOLUTION

NOW THEREFORE BE IT RESOLVED that the Winnetka Plan Commission finds that the proposed Special Use Permit application by the Winnetka Park District for improvements to Dwyer is consistent with the Village of Winnetka Comprehensive Plan.

Passed by a vote of (8) in favor and none (0) opposed.

[DRAFTER’S NOTE: While the vote to recommend approval of the plan was unanimous, member Holland later clarified that she misunderstood the nature of the motion and intended to voice opposition to the plan, and requested that the record reflect her continued opposition.]

September 28, 2016

Chairperson Dalman again asked for a motion.

Mr. Coladarci made a motion and the motion was seconded by Ms. McCarthy. A vote was taken and the motion passed.

AYES: Adelman, Dalman, Case, Coladarci, Dunn, Holland, McCarthy,
Morette

NAYS: None

NON-VOTING: Hickey
RECUSED: Thomas

Ms. Holland reiterated that the details get lost. She referred to the gazebo and the cement apron which changes the use of the park and is a change of a special use.

Chairperson Dalman stated that they are treating the request as an adoption of a new use.

Mr. Dunn asked Ms. Holland why she is against the gazebo.

Ms. Holland responded that it is a park with children, a playground and meditation area along with an open, grassy area. She stated that when you bring in a gazebo and cement and other permanent uses, it changed the use. Ms. Holland then stated that is not up to the Commission to decide. She added that when you change the use on a special use request, it is up to the Village Council.

Mr. Dunn agreed that they will make that decision. He then stated that adding the gaga pit and baggo court would bring more function to the park which is what happens in parks.

Ms. Holland responded not in a 1.1 acre park in downtown Winnetka.

Chairperson Dalman confirmed that the motion carries.

Ms. Holland reiterated that the commentary gets lost. She stated that they are forcing the Commission members to go and explain their opposition to the plan when it goes to the Village Council and added that it is not right.

Chairperson Dalman stated that is the way it always works. She reiterated that everything would be in the minutes and that the Commission members can attend the Village Council meeting.

Chairperson Dalman then asked if there was any other business. No additional business was discussed by the Commission at this time.

ATTACHMENT G

Winnetka Design Review Board/Sign Board of Appeals September 15, 2016 Excerpt of Minutes

Members Present:

John Swierk, Chairman
Bob Dearborn
Michael Klaskin
Paul Konstant

Members Absent:

Kirk Albinson
Brooke Kelly
Peggy Stanley

Village Staff:

Brian Norkus, Assistant Director of Community
Development

521 Birch Street - Comment To Village Council Regarding Special Use Permit Application By Winnetka Park District For The Proposed Park Renovations.

Robert Smith introduced himself to the Board as the Executive Director of the Winnetka Park District along with John Muno, a member of their senior management team and a member of the planning team, architect Rick Schram and Park Superintendent, Costa Kutulas. He informed the Board that what they would be presenting is part of the Dwyer Park master plan and that it is part of their long range project capital improvement plan which has been on their docket for approximately 7 years and that they have been deferring it for about 5 years for different projects which became a priority. Mr. Smith also referred to the post office site which has been coming to a good level of planning and that they felt that it was now time to take on Dwyer Park.

Mr. Smith stated that their Board gave their planning team the directive of looking at the four corners of the site in terms of what it could possibly be and referred to the master plan which was similar at Hubbard Woods Park. He then stated that when they first started setting the project into the cue, they just considered upgrading the playground. Mr. Smith informed the Board that they did not have the grand plan in their budget to do more. He stated that once they received the marching orders from the Board to begin the public engagement process with a complete marketing program for this process, they held several onsite meetings and several open houses and that they went through several iterations and a lot of review. Mr. Smith added that they also held focus groups and had discussions with the Chamber of Commerce, and that they heard comments from the public meetings, surveys, etc. He stated that the Board would see the culmination of what came out of that engagement.

Mr. Smith went on to state that their Board approved the plan in July 2016 and gave them the permission to continue with regard to the special use permit.

Costa Kutulas began by stating that the Board should have the center view port packet (?) which has a brief summary and narrative in terms of what the plan of attack was as to what they plan to

do with the park site, along with renderings and additional site plans as far as showing what the adjacent properties are, the current site amenities and the current presentation for the improvements to the park site. He stated that he would first like to walk through the presentation and that he would point out the items which are key for this group as far as questions or for what they would like input on. Mr. Kutulas indicated that the Board could stop and ask questions along the way if they preferred or they could wait until the end of the presentation and ask questions.

Mr. Kutulas first referred the Board to an illustration of Dwyer Park as it existed along with the playground which is centrally located on the property due to the gradient change throughout. He also identified the butterfly garden to the far north of the site and the central path which connects from the north to the playground. Mr. Kutulas stated that to the far south of the site, there is a meditation garden as well and a few picnic tables in between and which he described as a very simple park design.

Mr. Kutulas stated that they took to where they were instructed from their Board which is to look beyond the playground replacement and do a full park design of the four corners and master plan for the park which is what they planned to present to this Board in terms of what they are looking to do. Mr. Kutulas informed the Board that the plan is rendered as a base point of an option for a bid and that it has options 1, 2 and 3 due to cost. He noted that they budgeted for the plan in the amount of \$500,000 for the replacement of the playground and some of the sitescapes for that. Mr. Kutulas then stated that with the development of turning it into a master plan, the price was driven beyond what they had budgeted and beyond what their Park Board would allow them to do. He stated that in terms of ala carte, they devised options 1, 2 and 3 which he would walk the Board through. Mr. Kutulas then informed the Board that once they go through the process and what their Board would like for them to do once they go out for formal bid. He noted that the project that is being presented to the Board is holistic and included everything but that the determination of what might happen in actuality might be in phases and further phase out designs over the next few years as funds become available.

Mr. Kutulas then stated that he would first discuss the base bid option which is the first point of attack and would take on the playground located at the north end of the park and that it would be enlarged by approximately 50%, a lot of which is due to the fall zones in connection with the equipment on the site. He stated that the one big thing that they have been asked and told emphatically is to include more swings since the children do not like to wait. Mr. Kutulas identified swings as the biggest taker of the use zones for that. He stated that the whole north quarter of the site would be dedicated for that use in order to give the Board some perspective.

Mr. Kutulas also stated that along with the playground renovations, they did change some of the hardscapes and that some benches have been improved. He then identified the new sidewalks to the north and to the south and that there would be a ribbon curve that comes along with the walk and which would include picnic tables and a sidewalk walking through the cut-through. Mr. Kutulas then stated that there would be a gazebo along with the hardscape around it and that it would be built out into the second option of work.

Mr. Kutulas stated that there would have to be some trees which would have to be removed because of that and identified trees throughout the site which would be removed. He noted that they would be replaced per caliper inch throughout the park in terms of what would be taken out in being mindful of the forestry of the park.

Mr. Kutulas went on to state that there would be a lateral sidewalk which would connect the property from the north to the south half. He stated that they planned to take out the brick pavers and put in a concrete sidewalk throughout the park as part of the base option along with the site line. Mr. Kutulas also stated that there would be trash receptacles adjacent to that which represented the base option.

Mr. Kutulas stated that from there, they move into option 1 which is an extension of the playground facility of the playground itself. He then stated that they are calling out a patio area and terrace steps through that, along with the gazebo, more picnic tables and possibly a ping pong table. Mr. Kutulas stated that the terrace steps and the venue presented here would appear like a natural lawn and Ravinia type of setting where they could hold concerts, special events and engage the town as they have done with Hubbard Woods. He noted that a lot of design cues that the Board would see with this park design are things that have been implemented and have been very successful at the Hubbard Woods Park and embraces the community.

Mr. Kutulas stated that option 2 represented the extension of the butterfly garden from the Garden Club of Winnetka and connecting it from where it currently stopped by the park sign to the east to the edge of the sidewalk. He then stated that along with that, they would do a small stone seat wall with a limestone cap with the potential of the center section having some sort of sculpture or art piece of central interest. Mr. Kutulas suggested that something could be donated such as a bronze statue as had been done at Hubbard Woods Park and other sites. He then stated that there would be crushed stone granite through there.

Mr. Kutulas then stated that they would mirror that same concept as option 3 and that it would not necessarily be a butterfly garden since this area did not get as much sun but connecting with crushed granite and maintaining what was previously put there for the meditation garden but reinventing it and keeping the sculpture which is there to the south in terms of the feel and look of what that is with another seat wall in an area which he identified for the Board. He also stated that it included putting in some extras that were brought to their attention that the tweens of Winnetka would like and enjoy such as the Gaga pit and backboards.

Mr. Kutulas identified the presentation as the grand plan as it sits and noted that through the process, they have been in constant dialog with the site development east of the location and making sure that they understand that there are going to be potential linkages that come in and drive this with regard to how the development goes to the east. He then identified potential walkways in an area for the Board and the connection of downtown and keeping in consideration with what the Bennett plan was back in the day. Mr. Kutulas noted that the car line of the gazebo would line up with the line of that and which is dependent on the design and the architecture that is put forth by the developer of the other site and that they considered the corridor which cuts through town and the gazebo and Dwyer Park being the western focal edge of that. Mr. Kutulas then asked the Board if they had any questions.

Chairman Swierk asked with regard to the meditation garden at the bottom if that was previously dedicated or provided by someone.

Mr. Kutulas responded that was the Winnetka Garden Guild and that they would be reinventing and recapturing the statue that is there. He informed the Board that they discussed it with them and that they have had positive dialog with them.

Mr. Dearborn asked if the options were ordered in number of cost.

Mr. Kutulas stated that they did not have a per se order but that they did it based on what they felt was best suited for the plan. He stated that they felt that option 1 would be the next move with regard to the dollars to be spent and the best choice followed by options 2 and 3. Mr. Kutulas added that it would be up to their Park Board to dictate to them what they would like to move forward with as far as...

Mr. Klaskin commented that he felt that they had them optioned correctly since it would make sense to do everything in the middle in one fell swoop and then Elm Street is basically a corner corridor with more traffic. He asked if there was a priority cost-wise.

Mr. Kutulas responded that this is the vision of the design team and that it goes base bid then options 1, 2 and 3.

Mr. Klaskin asked if there is a rendering of the proposed gazebo.

Mr. Kutulas confirmed that there is and that he would now move into the next part of the presentation. He stated that as part of the full site design, there are key amenities that they would be improving such as the picnic tables, the bike racks, the benches, etc. Mr. Kutulas stated that you can get a handle on what they would look like from the presentation and that what they are proposing into that is that they planned on mimicking their standard in the district with the stylings for the seat walls as was done at Hubbard Woods Park and at the Skokie Playfield complex as well as park benches which have been used throughout the entire district. He stated that they wanted to make sure that they have the same sense of unity throughout the entire park district so that it is not one off per site.

Mr. Dearborn asked if the items shown are the ones to be used as opposed to black.

Mr. Kutulas informed the Board that is the tone of the wood and that they use all Epay wood which seemed to last the longest.

Rick Schram noted that the photos are of Hubbard Woods Park.

Mr. Dearborn stated that they are currently black and seemed to blend in with the green space. He also asked what is a Gaga court.

Mr. Kutulas described it as dodge ball contained in a hexagon which he stated that they found was very popular with the tweens at focus group discussions.

Mr. Schram informed the Board that the wall is an octagonal shape and that it is approximately 20 feet across and 30 inches tall made out of recycled wood and referred to the corner brackets. He also stated that they would have to be accessible via a swing door for those disabled users. Mr. Schram also stated that there would be a couple of low barrier drops so that the children can step over.

Mr. Kutulas went on to state that they included some of the adjacent properties so that you can see how it would fit in contextually. He then identified the site as it existed today and that you can see the color cues from the playground and the design work. Mr. Kutulas indicated that they planned to take a deeper step into the playground and talk through that process. He then asked if there were any questions.

No questions were raised by the Board at this time.

Mr. Kutulas noted that the playground itself has been enlarged and that they attempted to repurpose and reuse what they can within the play structure. He stated that they planned to reuse

any ladders, posts and decks that they can repaint and refresh in order to get a second life out of them. Mr. Kutulas informed the Board that the same process has been done at Northfield Park and the Village Green and that it is a cost savings for the community and allowed them to make sure that they are as green as possible.

Mr. Kutulas went on to discuss the play elements in the site design. He suggested that the Board not get hung up on the colors in the photos as they are design photos from the manufacturer. Mr. Kutulas stated that he would go through a color palette which will be a 3-D rendering that they planned on using with one exception. He then stated that he did not know how concerned the Board would be with regard to the play structure itself and that they may be more concerned about the coloring and asked the Board if they would like for him to go through it.

Chairman Swierk questioned the surface.

Mr. Kutulas responded that the surface would consist of what they have there already and that they planned to use a poured-in-place rubberized surface which would increase in areas he identified for the Board. He stated that they planned to keep the same material throughout the park and that they planned to take the first layer off and install a new layer on top of that, extending it where necessary for the fall zones. Mr. Kutulas informed the Board that it helped their maintenance teams to be more efficient and for practicality.

Mr. Kutulas then stated that the second thing they planned to take away is the sand and that the lighter areas he identified in the illustration represent a wood constructed fibar (sp?) fill which met all of the current ASTM and ASTI standards. He stated that the standards for the equipment that they meet are based on the highest level of activity and referred to a structure which is 6 feet tall and that they have to ensure that they have fall containment for that structure. Mr. Kutulas noted that the fibar fill meets that standard and is the same product which is used at all of their playgrounds.

Chairman Swierk asked if it is impervious.

Mr. Kutulas confirmed that is correct and described it basically as wood chips. He also noted that they planned to retain some areas of sand that the children enjoy.

Chairman Swierk asked how it would be separated from the other surface.

Mr. Schram informed the Board that the poured-in-place will act as a barrier between the sand and the wood chips and that it should not intermix at any great extent. He also noted that they have done this at the Village Green with sand in the play pit and wood chips under the swings and that at the Indian Hill park, they have a completely separate sand area.

Mr. Kutulas then referred the Board to a rendering of the playground equipment and the actual color palette. He stated that at the end of the day, you would see two color tones out there and that the areas shown in gray are the portions of the playground that they plan on repurposing and served to differentiate between the new and old play structures. Mr. Kutulas stated that there different aerial views which would provide a perception of what it is and put into context the fall zones. He stated that with regard to swing sets and the potential to jump off of them, in terms of fall zones, they have to mitigate and make sure that they have enough place for that. Mr. Kutulas noted that everything has been laid out and that they have reaffirmed all of the calculations so that they do not have any issues down the road.

Mr. Schram stated that the existing color on the posts is a plain green and stated that they would be going with a darker, pine green color. He noted that the slides would remain and that they would be adding one more slide and that they would be beige in color. Mr. Schram then stated that there would be some accent colors which he described as nemone (sp?) which is a lime green color. He stated that some of the other plastic components would be blue in color and which they already have out there which are the play panels which are currently blue. Mr. Schram also stated that they would have a couple of play wheels which would have a small red spot in color as well as the nets which would be black. He then stated that they are proposing a shade canopy on two of the structures and informed the Board that one of the requests that they received from the surveys from the children and the parents was that there be more shade provided at the playground. Mr. Schram noted that while they are adding trees around the perimeter of the playground, they would not provide shade for the playground. He then referred the Board to an illustration of a cool topper fabric canopy and that on the big structure, those would sit approximately 15 feet in the air and that the tallest deck is 6 feet and would reach another 9 feet above the canopy. Mr. Schram also stated that there would be on the small tot structure a canopy which would reach 11 feet at its maximum height.

Mr. Schram stated that the fabric canopy is shown on the rendering as beige and that they planned to change the color to green so that it would blend in with the trees and tree canopy so that it would be less visible.

Chairman Swierk stated that given the size of the canopies, he asked if they would actually provide any shade.

Mr. Schram stated that they will provide some shade and that as the sun goes around, it would cast a shadow and would also help to cool some of the equipment down. He noted that it would not provide shade to the swings and to the south of where the canopies are located, particularly for the children who would sit in the vicinity of those tall structures.

Chairman Swierk asked how big is one of those canopies.

Mr. Schram responded that they are 8 feet square and that the decks are approximately 3½ feet. He noted that there are bigger canopies available but that they attempted to create a balance in terms of the size so that they would not have giant tent structures all over the playground. Mr. Schram stated that they wanted to be cognizant of the neighbors so that it did not look like a surface. He added that in other areas of the country, these canopies are very popular and go over the whole playground but that they would do a less obtrusive structure.

Mr. Kutulas informed the Board that what the biggest thing they heard is that they want shade for the children and that they are providing that with trees, although it would take time for them to mature and develop. He indicated that this would help to mitigate some of that time lapse.

Mr. Schram informed the Board that what they also heard from the community meetings is to provide more physical activity for the older children and that a lot of the comments related to the fact that the park did not provide a lot of things for the tween children which are in the 12 year old range. He then stated that they made an effort to provide a lot of climbing things on the larger structure which is why you see a lot of the net structures similar to that at Hubbard Woods. Mr. Schram also stated that there is a net structure behind the Skokie Playfield which is a dome with a rope structure and which is very popular for the children.

Mr. Kutulas asked the Board if they had any questions about the playground equipment and the color palette.

Chairman Swierk also asked the Board if there were any questions or concerns in connection with the canopies and whether it is worth doing.

Mr. Konstant commented that they are worth doing and that they would cast shadows.

Chairman Swierk asked the Board if they thought that the colors were okay.

Mr. Klaskin stated that he thought that it looked nice but that it almost looked a little too conservative and questioned who they tried to appeal to. He suggested that they incorporate a little more color since it is a children's park. Mr. Klaskin then stated that the park is well shaded and would not be an eyesore to anyone who lived in the neighborhood. He suggested that a little more color be given to the spinner in order to give it more punch.

Chairman Swierk asked the applicant if they were worried about concern from the neighbors.

Mr. Kutulas responded that is correct and that the color palette that Mr. Schram mentioned is essentially identical and that they wanted to keep that palette true to what it was. He informed the Board that they voted that question out through online surveys and that there was a mixed result.

Mr. Klaskin suggested the use of a deeper maroon color or a different shade of a milder blue which would give it more visual appeal without it appearing like a neon sign.

Mr. Dearborn stated that he had a different perspective and that if he was a neighbor, he would have some issues with this and referred to the beautiful green space. He stated that he liked the idea of a path but that he did not like the idea of concrete and commented that he wished that they had kept the brick pavers which would have given it a more classy look. Mr. Dearborn then stated that they are taking a fair amount of green space and that the intensity is more than what was done at other parks since this is not as big of a space as the other parks and that there is a lot going on. He then stated that while he realized that they are the park experts, given the fact that the intensity of the area is amping up, he would keep it more subtle so that it would blend in more. Mr. Dearborn then asked if the concrete would be a white path.

Mr. Smith informed the Board that what they have learned with regard to the use of brick pavers is that they are high maintenance for them as well as the fact that they are more expensive going in. He stated that when they look at the economics of the project, they are looking for efficiencies and things which are durable.

Mr. Dearborn stated that he assumed that they talked to the neighbors and asked if this would be announced to the neighbors.

Mr. Norkus confirmed that is correct.

Mr. Dearborn stated that it would become a much more colorful and intense area compared to what is there now.

Mr. Smith noted that this playground is one of the most heavily used playgrounds in the Village and that it is only trumped now by Hubbard Woods. He stated that they knew for years that they would have to expand this playground component and once they got the master plan, he referred to the gazebo and the discussions with regard to shade and what can be done in terms of shade relief areas, as well as shelter against the weather. Mr. Smith then referred to the return of the

gazebo which they were criticized for taking out at Hubbard Woods and to access the western edge of the Village Hall.

Mr. Dearborn then asked how much green space would be taken away in terms of percentage.

Mr. Kutulas stated that he can get the calculations.

Chairman Swierk estimated it to be 10%.

Mr. Klaskin stated that when you look at the aerial views, it looked like a big reduction of green space but that from a ground level view, he commented that it would blend in nicely. He then stated that considering the concentration of young families that are walking to the park, he described it as pretty essential.

Mr. Kutulas stated that the biggest flashes are the north-central location and referred to an extra quarter section that would be gone.

Chairman Swierk stated that when you look at the two renderings, they are just the playground zoomed in.

Mr. Dearborn stated that he did not object to anything they are doing, but that he would take a different opinion and suggested that it be kept more subtle where they could in terms of color.

Chairman Swierk asked for the shade elements if it would make sense to have a lower area of shade where people could sit underneath it and instead of it being 8 feet, for it to be 12 feet which would allow more people to sit under it and which would cast a bigger shadow.

Mr. Kutulas referred to the gazebo and the amount of trees out there.

Chairman Swierk also stated that he would like to see a different material other than concrete and asked if pavers are not the answer, is there another type of concrete that they looked at.

Mr. Smith stated that he has been building parks for 40 years and that he has seen stamped (?) at Hubbard Woods and that it is difficult to cut and repair and in terms of matching. He also stated that they are sensitive to the issue of hard scape and that it had been brought up several times.

Mr. Smith stated that they also had to consider the ADA component and what would be best.

Chairman Swierk asked if the crush stoned counted toward ADA.

Mr. Kutulas stated that would also be difficult to maintain.

Mr. Smith stated that when they began the process, the reason why they eliminated a majority of the sand was that at the Village Green, Indian Hill and Northfield Park is that it is a maintenance issue and that it migrates out of the play area and allowed grass to grow through it.

Mr. Dearborn then asked if there is a path which went through the center of Hubbard Woods.

It was confirmed that there is a sidewalk.

Mr. Konstant suggested the use of a third canopy structure and that the use of only two seemed odd and out of balance.

Mr. Kutulas identified the use of the canopies over the play structures and stated that another structure that might be warranted would be in an area he identified for the Board. He stated that they would have to consider that option.

Mr. Konstant then stated that he agreed with Mr. Klaskin that it would be nice to have a light colored structure.

Mr. Klaskin referred to the use of the color red in the Village and on various buildings. He stated that he did not think it would be objectionable to have red in the structure which would provide a pop of color.

Mr. Schram stated that he suggested black for the color of the climbers and that they could go with red which is what they have at Hubbard Woods.

Mr. Klaskin then stated that he did not have an issue with the sidewalk and that it would be nice to keep the green space but that it offered a huge amount of practicality.

Chairman Swierk asked if there was any discussion that the sidewalk might be the best idea for the children and referred to it being along the parking strip.

Mr. Schram stated that for its current location, there is a sidewalk along Birch and that this would provide access to the other side. He also identified an existing sidewalk which was removed. Mr. Schram then informed the Board that he was an designer of the original playground and that it was always a thought that there be a connection between Oak Street and Elm Street and that it was never finished because of cost.

Mr. Konstant stated that with regard to the discussion about access to the Village Hall, he felt as if the gazebo and the access to the street would be off of that access and referred to whether it would make sense to be inaccessible.

Chairman Swierk then referred to an area which is off center.

Mr. Klaskin stated that item should be the last thing to worry about until the post office issue is resolved.

Mr. Kutulas agreed that it could be changed depending on that development.

Mr. Klaskin then referred to Mr. Konstant's suggestion of adding another shade element and suggested that they consider a shade element where the parents would be sitting or for children to cool off.

Mr. Kutulas stated that is denoted where the park benches are cued in and commented that Mr. Schram did a fantastic job of keying those in where there are currently trees. He stated that the gazebo would be the direct object for the tables, etc.

Mr. Dearborn asked if those are the same concrete sidewalk pavers around the gazebo as the sidewalk.

Mr. Kutulas responded that it would be concrete sidewalk.

Mr. Klaskin commented that it is too bad that they cannot use the rubberized play surface concrete [as opposed to the concrete].

Mr. Dearborn asked if there was no other concrete material that would blend in more than a white concrete sidewalk.

Mr. Schram indicated that they can change the color of the concrete.

Chairman Swierk then stated that it would become a future patching problem.

Mr. Smith stated that it is for simplicity and added that with regard to maintenance, the simpler, the better. He stated that he understood what they are saying. Mr. Smith then stated that when you look at it in the totality of all the parts, they want to try to make it simple.

Chairman Swierk stated that with regard to the straightness of the concrete walk, he asked if any thought was given to it being straight north to south and asked if there was any thought to curving it at all.

Mr. Klaskin commented that it would be better to parallel it with the sidewalk on the other side.

Mr. Kutulas went on to discuss the gazebo. He stated that in connection with the structure itself, he referred the Board to a couple of different options shown on the illustration. Mr. Kutulas then stated that with regard to the heights, for the two tier design, they would like the Board's input on how it would fit contextually with the park setting and the surrounding properties.

Mr. Konstant asked how wide it would be.

Mr. Schram informed the Board that it would be 28 feet wide which is what Hubbard Woods was. He also stated that it would not be the same as the gazebo in Hubbard Woods and that it would be made out of metal while the Hubbard Woods gazebo is made out of wood. Mr. Schram informed the Board that the proposed shingles are asphalt architectural fiberglass shingles and that there would be a tongue-in-groove wood deck underneath it. He also stated that there would be decorative ornamentation underneath the eaves of the structure and that would be metal. Mr. Schram added that the slope would be either 5:12 or 6:12. He then stated that for the cupola on top, the neoclassic look would match what is on top of the Village Hall and that the round columns are queued from the playground and the church to the north on the other side of Elm Street.

Mr. Konstant asked how tall are the columns.

Mr. Schram stated that there would be an 8 foot walk underneath and that to the peak of the cupola, it is about 18 feet.

Mr. Kutulas commented that what is nice about the structures and that would make them user friendly is that they be unassembled and removed if necessary and that it can be broken down. Mr. Kutulas stated that it would have a powder coated steel durable finish which would stand the test of time. He noted that many of these designs and the manufacturer are still standing 25 years later.

Mr. Konstant commented that they do not need the cupola on top and that the second roof is the cupola. He added that they could save some money [by eliminating it]. He also commented that the structure feels squatty and that it appeared too low and referred to the height of the columns in comparison.

Mr. Klaskin commented that he loved the idea of having a place to sit. He also commented that it seemed incongruous and that something is missing.

Chairman Swierk agreed that something is not proportionate and referred to the people in the illustration and the 8 foot height. He indicated that it should have a railing or something.

Mr. Schram informed the Board that they discussed that and that they found that it would make it difficult for people to pass through. He also stated that it would end up being a performance space for a poetry reading or violin quartet performing and that railings would cut things off.

Chairman Swierk then suggested the use of having a railing on five sides and leaving three open facing the green space.

Mr. Kutulas stated that they would have to leave one section open for flow, utility and accessibility.

Mr. Smith informed the Board that they put in at the park on Dempster Street in Morton Grove and that there is a pool and large park at one of the intersections. He then stated that if they drove down Dempster, they would see it on the north side. He noted that they put that in 25 years ago. Mr. Smith commented that it is a good quality structure and that it is fine. He then that they can see how it weathers.

Mr. Konstant asked if there would be illumination.

Mr. Kutulas and Mr. Schram confirmed that is correct.

Mr. Smith referred to a palette of ornamentation underneath the eaves and that there are all different types of ornamentation.

Mr. Dearborn stated that in connection with the eaves at 8 feet, he asked where did they come up with that and referred to the comment that it is short.

Mr. Schram responded that is the standard and that it is at Hubbard Woods and Tower Road. He also stated that this would be visible from an area he identified for the Board and that in another area, it would be at the same ground level.

Mr. Smith asked would anyone want to see a larger type gazebo.

Chairman Swierk stated that they can duplicate the one in Hubbard Woods. He commented that 28 feet is a decent size.

Mr. Kutulas asked the Board what they would like to see with regard to the gazebo and asked where could they hit the mark a little closer. He then referred to the height and the posts.

Mr. Konstant suggested that there be no ornamentation on top and that two levels are enough. He also suggested that a weather vane or flag be placed on top and that the column heights be increased by a foot.

Mr. Kutulas went on to state that with regard to the park site, he referred the Board to the planting plan. He stated that they wanted to keep the same contour pushed through while being cognizant of the terrace steps down. Mr. Kutulas stated that the green area would step down and that they wanted to make sure it is natural. Mr. Kutulas then informed the Board that they discussed it with the quarry in terms of getting the actual stones that they are proposing for any of the hardscapes as far as seat walls and for it to have the same context and blend in and match. He asked the Board if they had any questions.

Chairman Swierk asked if there were any concerns with regard to storm water issues and the additional amount of impervious surface.

Mr. Klaskin questioned the amounts of pervious surface.

Mr. Kutulas responded that it is within the means.

Mr. Kutulas stated that the next area related to lighting. He informed the Board that they are proposing light spots throughout the park and referred the Board to an illustration of the site lighting which was identified in areas on the illustration. Mr. Kutulas noted that the gazebo would have up lighting. He also stated that with regard to the lighting and bulbs, they would be the same as are seen throughout the Village and park sites.

Mr. Schram noted that they would have the same height at 10 feet.

Mr. Kutulas stated that they planned to go with LED lighting which he stated worked well. He asked the Board if they had any questions. No questions were raised by the Board at this time.

Mr. Kutulas stated that next, he would discuss the palette planting which included different tree ornamentation and plant material that have been selected for the site. He stated that it would have the same design cues as in all of the other park sites. Mr. Kutulas then stated that there is a standard pallet that they would like to stay with which worked well in the hearty zone and similar environment. He also identified the low lying areas and examples and planting beds which would contain a mixed pallet as shown. Mr. Kutulas asked the Board if they had any questions with regard to the vegetation. No questions were raised by the Board at this time.

Mr. Schram informed the Board that they did not include what would be done with the Garden Guild around the butterfly garden and at the south end.

Mr. Kutulas noted that they wanted to work with those clubs as to what the presentation should be and what would work. He also stated that they have an open relationship which they would maintain.

Mr. Klaskin referred to the perimeter part which has a good amount of trees and asked if any would be lost.

Mr. Kutulas stated that the ones they would be losing are the tier at the playground and parking which have grown beyond and reach into the use zones. He then stated that takes them through most of the design plan for the park. Mr. Kutulas stated that the Board has now seen the presentation and reiterated that they have had outreach with the community and have had numerous open houses, online surveys, focus groups, etc. Mr. Kutulas asked the Board if they had any questions for them.

Chairman Swierk first asked if there were any comments from the audience. No comments were made by the audience at this time.

Mr. Dearborn asked if there were any objections from neighbors.

Mr. Kutulas responded that there were a few and that a percentage of 10% did not want them to do anything to the park while a few wanted them to do the bare minimum to meet ADA compliance issues and other standards. He then stated that for the most part, they have been met with open arms by those who wholeheartedly support the project. Mr. Kutulas also stated that in terms of what the community wanted, they wanted to make sure that the project reached to all age groups.

Mr. Dearborn then asked about the homes which are contiguous to the park.

Mr. Kutulas stated that a lot of those neighbors were present and identified concerns such as lighting. He noted that they were cognizant of those and that the design cues and recommendations were considered throughout the process.

Mr. Dearborn asked with regard to the landscaping, if none of that landscaping would be changing for them in terms of their view to the park.

Mr. Kutulas informed the Board that would only relate to Option 3 to the far south and that it would change what is against the sidewalk. He stated that there would be low lying plants and

confirmed that all of the trees would all stay. Mr. Kutulas stated that with regard to anything which would be taken out, it is because of the hazard.

Mr. Smith stated that through the entire process, they have heard everything from having zip lines, fences, an off leash dog park, etc. He noted that at one meeting, people were very adamant not to do anything until the post office site is resolved. Mr. Smith informed the Board that there was contentious dialog between two people who insisted on that and that they addressed the concerns. Mr. Smith also informed the Board that two Park Board members met with Margaret Benson who chaired the downtown master plan committee and that they are all in agreement. He stated that they wanted to make sure that they gave opportunities for that development which is key to their site. Mr. Smith added that they have built a strong consensus.

Chairman Swierk stated that it would be positive for future development for the homeowners that the park is being improved and maintained.

Mr. Klaskin referred to those who worry about their own backyard before they worry about the park.

Mr. Smith stated that point was brought up that the park that with it being a renovated park, it would be more attractive to development.

Mr. Klaskin stated that he was surprised that there was no suggestion that there be Wi-Fi.

Mr. Smith responded that was discussed and that it is one piece of the strategic plan.

Chairman Swierk asked if there would be a 4 or 5 foot sidewalk north south.

Mr. Schram confirmed that it would be 6 feet.

Chairman Swierk asked if they could tool in the joint to make it look like a curb and for there to be 8 inches on each side in order to make it more decorative. He asked if that would that help.

Mr. Dearborn commented that it is a great park.

Chairman Swierk commented that he loved the ping pong table.

Mr. Dearborn then stated that there is a lot of concrete.

Mr. Klaskin asked if people would have to bring their own equipment.

A gentleman in the audience stated that at Hubbard Woods, there was a gigantic sale for bocce balls.

Mr. Klaskin stated that with the tweaks they discussed, it would be a great plan.

Chairman Swierk stated that with regard to the gazebo, they do not have the full details and they would have to come back to the Board. He then asked what approvals were they looking for today.

Mr. Schram stated that is the biggest part of the presentation.

Mr. Smith stated that before they put it out to bid, they would structure the bid to unit cost, etc. and that it has gotten to the point where the Park Board has to consider, they now have \$500,000 budgeted for the playground and that there is a potential donor who planned to donate a substantial amount to the project. He also stated that they would be receiving money from the Illinois Department of Natural Resources for the Hubbard Woods Park. Mr. Smith stated that they would be reimbursed for \$398,000 and that they would have the financial latitude.

Mr. Klaskin stated that when they discussed the Hubbard Woods Park, the park district was up against a deadline for funding and asked if there is a similar timeline or deadline for this project. He asked if the Board could make recommendations for adjustments to the gazebo and that the applicant can come back and make some adjustments.

Mr. Smith confirmed that is correct and that if there is a consensus on the site plan as it exists today, they can come back with more detail in terms of the gazebo plan.

Mr. Dearborn referred to the gazebo and sidewalk and suggested that they do something to make it more ____.

Mr. Kutulas agreed that they can make it pop.

Mr. Dearborn then stated that he would like for the sidewalk to blend more and that he is hearing that is not possible. He suggested that they find another way to make it attractive.

Mr. Kutulas agreed that could be done.

Mr. Smith and Mr. Schram confirmed that they will look at it.

Mr. Kutulas informed the Board that if there are any loose rocks, the children would find, throw and play with them.

Mr. Klaskin referred to exposed aggregate driveways and referred to a home on Westmore which was done in spring. He also stated that the same thing was done on Maple.

Mr. Smith stated that he heard where the Board is coming from but that it is public place and is unique. He then stated that if this was a garden area, that would be fine. Mr. Smith informed the Board that clearing the pathways and sidewalks in the winter would be an issue. He also stated that some of the pavers have been there for 20 years.

Mr. Schram noted that the intent of the design is to break up the concrete as much as possible. He referred to the use of brick pavers under a majority of the benches and gravel pathways instead of concrete. Mr. Schram then stated that he sympathized with the situation with the concrete. He also stated that they have a brick border on the Indian Hill pathways which has not worked well over a long period of time. Mr. Schram added that the brick settles and moves.

Mr. Dearborn stated that with regard to the concrete around the gazebo, it is an enormous amount.

Mr. Smith responded that for the gazebo, they did brick pavers underneath and that it worked because of the solid structure around it. He then stated that it is not like a sidewalk where the edge creeps out and you start to get separation. Mr. Smith stated that they would carve out a diagonal to match the footprint.

Mr. Schram informed the Board that it was done at Hubbard Woods.

Mr. Dearborn suggested that they soften it a little bit.

Mr. Smith agreed that they could come back with a better proposal around the gazebo.

Chairman Swierk asked if there is no need for full approval at this point.

Mr. Norkus stated that the Board is to comment on the balance of the request as being favorable which would become part of the record. He then stated that the Plan Commission and the ZBA would benefit from that.

Mr. Dearborn asked if they can ask to see some iterations on some portions.

Mr. Norkus stated that the applicant can return with additional alternatives. He stated that he is hearing that the gazebo design and hardscape and concrete areas are the concerns.

Chairman Swierk asked for a motion approving the overall design subject to the comments which were identified.

Mr. Dearborn then moved to approve the plan for Dwyer Park as presented with the exceptions that they would like to have follow-up conversations with regard to the gazebo and hardscape, particularly the concrete areas which are to be approved as part of the park background. He also stated that the applicant is to provide information on these items at a future meeting.

Mr. Norkus stated that prior to the upcoming meeting, he would talk to Mr. Smith.

The motion was seconded. A vote was taken and the motion was unanimously passed.

AYES: Dearborn, Klaskin, Konstant, Swierk

NAYS: None

DRAFT

**Winnetka Design Review Board/Sign Board of Appeals
October 20, 2016
Excerpt of Minutes**

Members Present:

John Swierk, Chairman
Kirk Albinson
Bob Dearborn
Brooke Kelly

Members Absent:

Michael Klaskin
Paul Konstant
Peggy Stanley

Village Staff:

Brian Norkus, Assistant Director of Community
Development

521 Birch Street - Winnetka Park District / Dwyer Park Special Use Permit

Chairman Swierk noted that this item was continued from the previous meeting and asked the applicant to go through the changes which were made.

Robert Smith introduced himself to the Board as the Executive Director of the Winnetka Park District and stated that they are coming back to the Board with additional information on items that the Board requested, specifically the gazebo component of the plan and some surfacing issues and possibly some other changes. He stated that with regard to an update, before their first appearance before the Board, they were going to the ZBA and that the day before they went to planning, they received a letter with objections by the neighbors and that they were represented by an attorney. Mr. Smith stated that they spoke with them through their attorney and stated that they were opposed to several components of the project, specifically the gazebo and the hardscape and that their concern related to water retention in terms of storm water. He informed the Board that they met with the attorney and attempted to come to some resolution on the issues. Mr. Smith also stated that they had an issue with the lighting which he indicated that they could solve and which they may show to the Board tonight. He stated that they were steadfast in that the gazebo must go away. Mr. Smith stated that he did not think that was an option as a component that they want to see.

Mr. Smith also informed the Board that the other objections related to the gaga pit which he identified as well as some hardscape, the wall and the amount of concrete. He stated that they tried to come to some terms with them and that they were receptive to some lighting changes and were more receptive to the garden area. Mr. Smith then stated that they felt that the gaga pit had to go. He informed the Board that the ZBA took that off of the table and that they would not give them variance support.

Mr. Smith then stated that they proposed bollard lighting as opposed to tall 10 foot lighting and that they tried to soften up the gazebo space. He also stated that they received a letter from the Garden Guild of Winnetka which is in charge of the butterfly garden to the north and noted that their concerns were not so much an objection to the project, but were concerns of logistics. Mr. Smith stated that they would be doubling the size of the garden and that their concerns related to logistics, maintenance and the irrigation system. He noted that the Guild has limited resources and that they have a great partnership with them for decades. Mr. Smith informed the Board that they have a meeting scheduled with them next week and that they would come to a resolution and address their concerns. He noted that the letter was not only circulated to their Board, but also to all of the Village Council members. Mr. Smith stated that in terms of transparency, he wanted to let the Board know that they are working with them and would come to a resolution with the neighbors who objected to the plan.

Mr. Smith identified the location of the residences who are in objection and stated that they would not be affected by the development on one side of the park which he identified for the Board. He stated that once they heard that, they took it back to their Park Board since they wanted to keep them in the loop in terms of what is being proposed and what they have heard. Mr. Smith stated that after they heard the presentation, they reaffirmed that they want the plan to move forward as it is if possible. He stated that they want to keep working with the neighbors on a portion of the project which he identified for the Board and see if they can come to some resolution with regard to the surfacing.

Mr. Smith stated that people were under the impression that there would be a massive amount of concrete. He stated that there would be appropriate surfacing throughout the park to navigate. Mr. Smith stated that the Board would see some of the changes they are suggesting and that if they felt that it is appropriate size wise, he informed the Board that they took the actual dimensions of the amount of concrete and that they did not think that the mass of concrete is overwhelming. He then stated that Rick Schram, the landscape architect, and Costa Kutulas would go through the details. Mr. Smith reiterated that he wanted to make sure that they were transparent, upfront and honest with regard to how their process has engaged these people and that they are still listening and trying to come to terms. He stated that they are going to come to a point where the parties are going to disagree.

Mr. Dearborn asked Mr. Smith if they met with the Plan Commission.

Mr. Smith confirmed that is correct. He informed the Board that they approved the plan and that there was a lot of discussion.

Mr. Norkus informed the Board that they do not have the minutes yet and that he would give a brief summary of the discussion. He then stated that there was an initial motion with some modifications including the elimination of the gazebo and that motion ultimately tied and did not carry. Mr. Norkus stated that a second motion was ultimately approved to approve the project as presented.

Chairman Swierk asked what was the big objection with regard to the gazebo from the neighbors.

Mr. Smith responded that it related to the size and scale and that they did not think that it was appropriate. He stated that they felt that it is a good fit and that it would fit in well and is where a gazebo belonged which is a park. Mr. Smith referred to the ZBA meeting and stated that while he was not present at the meeting, he received a briefing. He informed the Board that they eliminated the gaga pit which would reduce the amount of activity at one end of the park which he identified for the Board and stated that they are coming to some concessions along the way. Mr. Smith also referred to the lighting which was an issue to the objectors and the amount of light and the height of the poles which was changed.

Mr. Dearborn asked if there were any concerns with regard to the colors on the equipment.

Mr. Smith stated that there were not and referred to the comments in connection with programming and the perception that people have that it would be similar to that at Hubbard Woods Park and stated that they have no intention of doing anything on that scale. He stated that their vision and with regard to the surveys which engaged over 200 people engaged in the process and that people were very interested in seeing some sort of public activity. Mr. Smith stated that they made it clear that it would not be to the level of Hubbard Woods Park but would be more along the lines of ice cream socials and possibly low level concerns such as a string quartet, wine and cheese tasting events, etc. He indicated that they may also engage with the library and indicated that they may pepper the site with Adirondack chairs under the gazebo as opposed to the use of picnic tables.

Chairman Swierk asked if they planned on going through the storm water requirements with the Village and that they planned to meet the requirements.

Mr. Smith confirmed that is correct and that they absolutely have to and stated that they would not receive a permit otherwise. He then stated that with regard to the Garden Club and the art piece, he stated that there concern with regard to the meditation garden as it sits now. Mr. Smith noted that there is an art piece there now and that they plan to relocate it on the seating wall. He informed the Board that there is also another opportunity for another art piece in an area which he identified for the Board. Mr. Smith stated that they would work with that group and he commented that it may be an easy solution and would work with them on funding. He then asked the Board if they had any questions.

No additional questions were raised by the Board at this time.

Costa Kutulas introduced himself to the Board as the Superintendent of the Winnetka Park District along with Rick Schram who is the landscape architect on the project. He informed the Board that Mr. Schram had the privilege of designing the initial phase of the park back the way it was back in 1997 and now has the opportunity to redesign it today. Mr. Kutulas stated that he would not go through a lot of the details which were explained before since the Board had a pretty good idea in terms of a broad stroke of what they are intending to do. He then stated that he would highlight the revisions and changes that the Board requested for some more thinking and better opportunities and those different issues.

Mr. Kutulas then stated that there are two different things, the first of which related to hardscape and what they did to help break up the concrete and the different ways of achieving that, as well as how it would look and the texture of how it would feel in connection with the park site. He stated that after going around town and looking at different things in different areas, he stated that before, the patio area was entirely concrete with regard to how it was laid out before as well as the walkway and the crushed stone granite to allow certain areas to be pervious. Mr. Kutulas stated that they made a change in that the areas underneath the picnic tables which measured approximately 12 feet x 30 feet would entirely change to pervious pavers. He stated that the brick also added a nice design element and referred to the soldier course around it. Mr. Kutulas stated that they also considered playing around with the octagon in an area which he identified for the Board similar to what was done at Tower Road Park. Mr. Kutulas stated that they split in half the concrete surfacing and that it would have the walkway in as well as the patio area, the picnic tables and the ping pong table.

Mr. Kutulas also stated that they looked at different paving options such as using more pavers and that although they felt that it could work, he stated that it would have a driver beyond this year and that they are cognizant of maintenance costs in perpetuity. He stated that what they decided to do with the brick is to come up with tooled joints which would help break up the large amount of concrete. Mr. Kutulas referred to one suggestion to tool in a 6 inch joint which would help turn a 6 foot walk into a 5 foot walk with curb appeal to it.

Mr. Kutulas stated that another option would be a brushed concrete which would help them get a tooled look that way. He referred the Board to an illustration and stated that the joint lines would be smooth as well as the edges and the center portions are brushed for use as traction and for a different effect. Mr. Kutulas then stated that he would like to hear the Board's opinions on these alternatives before he moved on to the gazebo.

Mr. Dearborn stated that at the last meeting, his main objection was to the concrete. He informed the Board that he went to Tower Road and took photos of the Tower Road Park where the gazebo is. Mr. Dearborn then stated that he did not know what the neighbors are thinking but that no matter how it is broken, it is still a lot of white concrete in the park. He stated that as he saw the Tower Road pavers, he described them as quite attractive and that there is quite a fair amount of pavers. Mr. Dearborn stated that he did not know when they were put in and whether the neighbors would like them, but to him, it is much more attractive and subtle look. He stated that as a neighbor, he would want that subtleness in the park to be improved and for it to meld into the neighborhood. Mr. Dearborn stated that if it is impossible to do that, then it is impossible but in his opinion, that would be a much better option.

Mr. Kutulas stated that with regard to the Tower Road Park, in the area near the drinking fountain and where it connected to the drinking fountain, you would see a lot of settling pavers. He referred to the amount of maintenance needed and informed the Board that they put a line item in their budget in the amount of \$5,000 every year which is something they do not want to continue growing in perpetuity. Mr. Kutulas stated that while the concrete is a cheaper approach, if they were to change it to two pavers all the way through, it would dramatically grow the budget.

Mr. Kutulas stated that they also came up with another idea to take an area he identified for the Board and to use pavers throughout that area so that the entire section where the gazebo would be only have a band around it to help retain it so that they do not get off tracking around it. He also stated that it would help keep things tighter niched. Mr. Kutulas stated that from their purview, in terms of the ongoing maintenance and budget creep as projects have a tendency to do, they are trying to be cognizant of that for their Board.

Chairman Swierk stated that as far as the pavers and maintenance, if they are installed on the south face, with 12 and 14 inches of stone and rock, the pavers are not going to move. He then stated that maintenance should not be much of an issue if they are installed properly. Chairman Swierk then stated that if they were to look at the north south city sidewalk, he referred to the portion which is pavers and which would be a different way to approach it.

Mr. Dearborn stated that this is all green space. He stated that when they met the last time, there were no neighbors here and they asked the applicant if there were any objections from the neighbors. Mr. Dearborn then stated that he is not surprised that they are looking at it pretty closely now. He then stated that he understood the budgeting, to him, the whole thing just pops out including the gazebo which is a different issue. Mr. Dearborn stated that if one wanted to make this blend into the neighborhood more comfortably, some enhancements like this would go a long way.

Ms. Kelly stated that with regard to the red portion which is outlining an area she identified, she asked if that is pavers as well.

Mr. Kutulas confirmed that is correct and also the seating areas which are adjacent to the playground.

Ms. Kelly stated that with regard to the three picnic tables with the pavers underneath, they do not do anything to the design of that area and that she would rather see them do the whole center section as pavers. She stated that doing that area with pavers did not make sense to her and that using the pavers in the center would be a better alternative appearance wise.

Mr. Kutulas explained the option he suggested to the Board with the landscaping and pavers around it.

Ms. Kelly then stated that for the pavers around the seating area, she referred to the poured-in-place material and stated that she did not think that three paver areas are going to need that. She then stated that color wise, they would be similar and that in connection with the texture, there is not a lot of difference between the two in her opinion. Ms. Kelly stated that she would rather see more of them used in another area.

Mr. Kutulas stated that it would be hard to mount the benches to it.

Rick Schram stated that there would be a color difference and that they would be going with the reddish pavers as opposed to the ones used at Tower Road which are more gray brown and that the play area would be beige.

Mr. Kutulas stated that the rendering fairly represented what the area would look like and that if he had to guess, it would be closer to the tan.

Ms. Kelly questioned whether they would be going with the red pavers.

Mr. Schram stated that is what is used downtown and at Hubbard Woods.

Mr. Kutulas stated that it has worked well with Hubbard Woods and that it blended through.

Mr. Dearborn asked if the neighbors have recommendations or preferences.

Mr. Kutulas responded that it was more of size and mass. He stated that they wanted to lose the patio and gazebo and felt that it was too heavy for the park site and would turn it into a concert venue.

Mr. Smith asked Mr. Schram if there is a reason the sidewalk is 6 feet versus 5 feet.

Mr. Schram stated that 6 feet was used at Hubbard Woods and that a minimum of 5 feet is needed for ADA compliance.

Mr. Smith stated that if the sidewalk was narrowed, that would be one way to eliminate the amount of concrete. He then stated that he would argue against not doing a section he identified in pavers since the only access around the block, he referred to the fact that there is no sidewalk on one side and that there is a natural cut through in an area he identified.

Mr. Dearborn asked what if they did one portion in concrete and the rest in pavers.

Chairman Swierk stated that he brought up last time instead of the sidewalk being on one side of the park, why not have it along one of the parking strips.

Mr. Schram stated that there is a sidewalk on the side of the park near Birch. He also stated that they have slope issues on another side.

Chairman Swierk then stated that for people parking there, they have to walk through the grass to get to the sidewalk. He stated that would make it less obtrusive.

Mr. Kutulas referred to the grading which he stated has a dramatic drop off of 5 to 6 feet.

Chairman Swierk then asked about the Birch side.

Mr. Kutulas stated that there is also a slope issue on that side and a naturally raised table land. He then informed the Board that as a result of the surveys, they heard that this park is not a destination park in terms of driving and that people walk or ride their bikes to the park.

Ms. Kelly stated that she had a problem with the concrete sidewalks and referred to the suggestion which included the use of pavers. She stated that she believed that the neighbors are

opposed to the big block of concrete under the gazebo. Ms. Kelly then stated that if they used pavers in that area and get rid of the other pavers for budget reasons.

Mr. Albinson asked what is the reason behind the amount of concrete and whether it was for ice cream socials, etc.

Mr. Schram referred to the portable picnic tables that they planned to put in that area and that it would be a place where people can rest. He also stated that having picnic tables put on something which is more permanent would be easier to maintain.

Mr. Smith also stated that there are accessibility issues.

Chairman Swierk asked what is the depth of the gazebo.

Mr. Schram responded that it is 28 feet.

Mr. Albinson stated that while he was not at the last meeting to hear the presentation, his general reaction is that in looking at the renderings, it did appear that there is a lot of hard surface area relative to what he understood would be the program. He then referred to the rendering which was submitted with the packet and the area between the sidewalk and the gazebo and asked if it would be used for a function or to get from the gazebo to the sidewalk. Mr. Albinson also stated that around the perimeter of the gazebo, he questioned the need for the amount of hard surfacing around it outside the canopy of the gazebo.

Mr. Kutulas stated that one of the things that they did is that they may have a small band or quartet there and that there would be someplace to offset the picnic tables and which could be used during events. He also stated that the area around the gazebo could be used for the performance stage for someone who would come out to address the audience and they would have that area out in front and described it as a nice way to traverse around it.

Mr. Smith stated that it would be a function of the stage area and stated that if there was a play, you would be out in front of the gazebo instead of underneath it. He also stated that it was the terrace idea and that they would now have that area for transition. Mr. Smith informed the Board that the grade in that area goes down.

Mr. Schram then informed the Board that the gazebo would be lined up directly with the Village Hall and that if development occurred in an area he identified for the Board, there would be a direct shot to the gazebo.

Mr. Albinson stated that his reaction in not knowing what their programming would be, he felt as though they are trying to create more of a stage effect and that the distance to the edge of the canopy to the edge of the concrete seemed like a lot. He stated that the question would be whether the stage is the gazebo or the area in front of the gazebo. Mr. Albinson reiterated that not knowing about the programming, it seemed like long distance and that emotionally, it did not feel as though he would sit in the lawn and watch the performance, there would be a disadvantage since he would be so far away from the activity he is viewing. He stated that at

Hubbard Woods, there is a relatively short distance between the stage and where people would congregate. Mr. Albinson stated that with regard to concrete versus pavers, it feels as though there are not a lot of specifically dedicated hard surface areas or usable areas and that reducing that would allow them to pull it back in toward the edge of the stage.

Chairman Swierk stated that from the edge of the gazebo to the retaining wall is approximately 25 feet.

Mr. Albinson asked if the steps would remain or if they would be removed.

It was confirmed that they would be part of the project.

Mr. Schram stated that from the edge of the concrete, there is about 8 feet and then there is grass and then steps. He stated that the area would be gradually tiered down.

Mr. Albinson then suggested that the tiers to be a relatively shorter distance and as Chairman Swierk stated, they would not be functionally used for seating.

Mr. Kutulas stated that in talking with the tweens and others in community engagement, they wanted somewhere to hang out which is where they felt the terrace steps could be a natural way for them to hang out. He then stated that they would keep the meditation garden for what it is intended for and would keep them away from the play structures.

Mr. Albinson stated that to conclude his comments with regard to the amount of concrete, he commented that the design is good but that it could go from good to great by reducing the amount of hard surface area and that they would not sacrifice much in terms of program surface area. He stated that he also liked the idea of creating a curb around the pavers long term. Mr. Albinson then stated that if there was a 4 foot sidewalk around the perimeter and the infill was pavers, thinking strategically in connection with reducing the amount of concrete so that you can get to the tiered stone steps quicker. He also suggested that they reconsider the amount of width between the permanent picnic benches and the grass area to the south. Mr. Albinson questioned the amount of time you would have portable picnic tables set up there versus if they do and that it would block the traffic zone.

Mr. Kutulas stated that they would still have a 6 foot alley to traverse that.

Mr. Albinson stated that if they looked at the pavers as infill along with a couple of other comments, he stated that the pavers would be successful long term if there are permanent picnic benches and under the gazebo in connection with how the spaces are used and dragging the equipment. He stated that it is an installation issue which is why many of the paver projects fail and that they would know 5 years from now if they are done right. Mr. Albinson stated that they should think strategically with regard to the amount of program that they need for the hard surface area, to consider concrete around the perimeter and to use concrete under the gazebo and under the picnic tables which would functionally make more sense. He also suggested to look at the use of pavers where people would be moving about on the site in terms of circulation or where that could be the pop up space for an ice cream stand for instance.

Mr. Albinson then stated that the stone wall to the north, he would recommend putting that adjacent to the hard surface areas and that it could be used as part of the program space. He also stated that would create more social areas for people to interact. Mr. Albinson added that the picnic tables would be in the sun most of the day and suggested that they think about the relationship of the picnic tables relative to the trees and the use of larger trees to the south. Mr. Albinson referred to the travel of the path of the sun and capturing more shade which the parents would appreciate.

Mr. Kutulas stated that on the east side, there are mature trees existing.

Mr. Albinson reiterated that with some tweaking, they could go from good to great and alleviate a lot of the concerns with regard to the amount of hard surface area. He also stated that he agreed with Ms. Kelly's comment in connection with the colors being different between the concrete and the red pavers, it would not have as much meaning the way it is laid out now in terms of the center line of the gazebo versus the area where they would have the picnic table pavers.

Mr. Albinson stated that with regard to the north-south sidewalk, he commented that it would work well as a concrete sidewalk and that it would feel more municipal in terms of a public walk. He also commented that he liked it at that location since it would draw people into the site and have them interact more with what the program is.

Mr. Kutulas stated that to recap, they are suggesting to keep the concrete and to flip everything else for the most part and clarified where the concrete should be substituted with pavers.

Mr. Albinson stated that from a picture frame perspective, it might provide some psychological incentive for people to use the sidewalk.

Mr. Kutulas informed the Board that the one big driver for the placement of the gazebo was the whole vision of the Bennett plan with the western focal edge. He stated that while it depended on what would happen with the development of the post office site, they have the Moffitt Mall already, if they were to offset that focal edge to the west and the placement of the gazebo is keyed off of that, he asked if they could soften the lip in an area he identified for the Board and instead of taking it from the front edge of the landscaping to the back edge of the landscaping. Mr. Kutulas stated that the border and the stone was included by Mr. Schram in order to have a backdrop and that it would be lost in not being the focal point of the playground anymore. He then stated that for the south to north visuals, these help break that up and tie it back together with regard to what they are attempting to do with the seat walls and to tie it all together.

Mr. Albinson commented that you would get more bang for the buck if they were to flip those on the other side of the trees and if they were adjacent to a hard surface area. He stated that it would also create more visual greenery and make the south view seem longer. Mr. Albinson stated that would completely activate the hard surface area between the new trees to the south and the picnic tables to the north and that it would be a social area or many small different areas. He also suggested the combination of pulling the picnic tables to the south and with the seat wall coming to the north, they could reduce the amount of hard surface area and still allow program flexibility.

Mr. Kutulas stated that the one nice thing about this is that it would allow a 10 foot by 20 foot pop up tent to be easily erected and would allow for people to congregate under it for an ice cream social when there is a chance of rain for instance. He noted that they had a couple of different community events out here in the past where the school has used it for farmer's market days and that it would help to have a spot where there is some hard surfacing for shade, etc. and to have a focal point for people to go to. Mr. Kutulas then stated that he liked the transition of the seat walls and that he agreed with that suggestion but that he wanted to explain some of the thought processes in connection with the utilization of that space.

Mr. Albinson stated that there would still be the opportunity to do that and reduce the physical hard surface perception which is the reaction they are getting from the Board and the neighbors. He stated that there are some tricks to do it which would still allow them to have the same amount of program space. Mr. Albinson also stated that the gazebo, aside from the red color, feels like it is floating and if they reinforce the access points in terms of the Bennett plan, it can feel much more intentional and that he is reacting to the gazebo with the thin columns and the concrete area and that it did not feel as intentional. He then stated that by pulling in the front edge of the stage and the seat wall, he encouraged the use of concrete under those areas and under the gazebo and look at the circulation areas as pavers which would be much more deliberate and serve to activate the plan.

Mr. Dearborn asked what is the reasoning for having concrete under the picnic tables.

Mr. Albinson stated that for personal reasons, for installation.

Mr. Dearborn then asked if they are permanent picnic tables.

Mr. Kutulas identified the three fixed mounted tables.

Mr. Dearborn asked if it is a requirement to have permanent tables and that at Tower Park, they are portable.

Mr. Kutulas stated that at Skokie, they have 14 which are permanent behind the administration building and that at Hubbard Woods, there are 6 permanent tables. He stated that the nice thing about the permanent tables is that they cannot be dragged or moved. Mr. Kutulas informed the Board that they do have approximately 35 to 40 throughout the district which are portable and that they are placed where there are the most appropriate and utilized spaces. He then referred to Crow Island Woods and the hardscape patio area and that they have some which are removable if they want to use the venue for something beyond a seating plaza.

Mr. Dearborn then stated that with the concrete wall and to have concrete under the gazebo, why not have portable picnic tables and have the rest be pavers.

Chairman Swierk stated that they could still do the permanent tables with pavers.

Mr. Dearborn described it as odd to have the separate hardscape.

Mr. Kutulas suggested that they go into the discussion with regard to the design of the gazebo which would help tie it in.

Mr. Albinson stated that there needed to be a strong access point between the gazebo and the sidewalk.

Chairman Swierk stated that if you are walking from Moffitt Mall toward the gazebo which is in the center, the sidewalk should also be in the center.

Mr. Kutulas informed the Board that through the different plans, they have always had lateral connections identifying three focal points that would connect to the development of the post office site. He then stated that for their plan, not knowing how that site would be developed or when it would take effect, he identified their two access points to the north and south and referred to one area which was left out for now. Mr. Kutulas informed the Board that the access is not defined and referred the Board to the rendering.

Mr. Albinson stated that if the pavers are located along the circulation zones and to have concrete elsewhere for example, he stated that they would have a stronger presence.

Mr. Schram stated that they were trying to balance how big the playground was and that in redoing the playground, they would be reutilizing a lot of the items which are there. He referred the Board to an area which he stated he did not want to pull too far to the south and referred to the trees and other items. He noted that he needed to maintain a central point although he understood Mr. Albinson's comments.

Mr. Albinson stated that although it is verbally intentional, it did not translate. He then stated that there are some easy tricks that they can play from concrete to pavers.

Mr. Kutulas stated that they would work with the dimensions to make sure that the true center line is correct as well as the line of sight and that it would not be an issue. He stated that it would be accurate in the construction documents and that these are only renderings.

Chairman Swierk stated that the center line of the gazebo is the point which is the east-west center line.

Mr. Albinson recommended that there be something that defines the access and that maybe that is their circulation.

Mr. Schram confirmed that he understood the comments. He also stated that is the reason the wall is directly behind an area which he identified for the Board. Mr. Schram agreed that there are ways to accomplish it.

Mr. Kutulas then stated that with regard to the gazebo, a few of the things which were brought to the conversation was how it felt and how it fit in the site. He stated that there were also some things that they wanted to make sure that they identified with that discussion which were the concerns in connection with contextual as far as the height and whether it looked too

compressed. Mr. Kutulas referred to the scale of the people who were out there [in the illustration] and that it may have looked compressed.

Mr. Schram confirmed that their height was 6 feet.

Mr. Kutulas then stated that the drawings are shown to scale and that it would be 28 feet from point to point and that it would be 17 feet without the weather vane. He stated that they removed the neo-classical cupola as was directed by the Board and replaced it with a weather vane. Mr. Kutulas then identified the elevation from the bottom of the surfacing to the first railing as 8 feet. He also stated that the two tier illustration of the flat roof that you would see under the eaves and which you would see from the presentation of the wood structure as far as what is under there for the tongue in groove. He also stated that they are looking to sheet it with actual shingle in order to make it the same as others.

Mr. Schram informed the Board that the columns would be approximately 8 inches in diameter and would have a band at the top and the base in order to give it some detail. He also informed the Board that there is flexibility in terms of what the manufacturer can offer them and that he designed it as a simple vertical slat for the eave ornamentation and the clear story ornamentation. Mr. Schram stated that the weather vane can be whatever they want in terms of a bird or eagle and that they could also match the one at the top of the Village Hall.

Mr. Albinson stated that his big reaction was with the scale and that he is trying to envision this being more of a Victorian type of look which would justify the thinner profile. He stated that he realized that it is manufactured.

Mr. Schram reiterated that it could be customized to what they want.

Mr. Albinson stated that his first reaction was that the columns seemed very slender relative to the scale.

Chairman Swierk stated that it appeared as if there is no base on it.

Mr. Albinson suggested that a seat wall be put between some of the columns.

Mr. Schram informed the Board that with regard to the way in which it was done, they wanted to keep the space open and flexible so that people could pass through without being constricted with a railing. He then referred to the Hubbard Woods gazebo and the fact that they had to have the railings away from the steps. Mr. Schram again referred to the fact that they wanted to keep it open and that with railings, it would serve to create a dead space behind it.

Chairman Swierk suggested that [there be railings] on three of the six sides and to keep the back open.

Ms. Kelly suggested that the railings be bigger and then asked how big is the top of an area near the valance line which she identified.

Mr. Schram responded that it is inches and that the manufacturer stated that it can be as big as 12 inches.

Mr. Kutulas stated that some of the rook takes away from that and that it takes away from some of it and referred to the portions of the eave which are coming down and reaching over it.

Mr. Albinson stated that he went to the manufacturer's website and referred to a stone base and that if they cannot increase the thickness of the columns, that might be a trick and the same sort of detailing.

Mr. Schram informed the Board that they did something similar at Tower Road and that they went all the way to the top.

Chairman Swierk stated that if they wanted to tone it down a little bit for the neighbors and enclosed the columns as seats which would make it more...

Mr. Dearborn stated that he did not object to the gazebo and that in terms of programming or no programming, that is a different issue with regard to what the neighbors want. He stated that to him, it is open and airy and if they were to put something at the base to anchor it, that would be fine but that he liked the openness and airiness of it and that it is a playground which would have children running through it.

Mr. Kutulas stated that he could cycle through some of the different views which may help the Board.

Chairman Swierk stated that in terms of the different views and in connection with the idea of having concrete in the middle, if around the columns and the octagon, whether it is an 8 inch or 12 inch concrete octagon, to center the columns on the points and to have pavers inside and out. He stated that it appeared to be all concrete.

Mr. Albinson commented that is a perfect example of how they would be able to detail it better in terms of the visual experience.

Mr. Kutulas asked if the concession is to flip to make the current area of concrete into pavers.

Mr. Albinson stated that in his personal opinion, pavers would feel more natural in circulation zones. He stated that in his past experience where pavers are under cover permanently or where there is a specific programming use such as setting up equipment on a level flat ground over time, there would be water collecting and mud which would make them dirty. Mr. Albinson then referred to using pavers under the gazebo.

Mr. Dearborn stated that they are talking about using pavers under the picnic tables.

Mr. Albinson stated that he did not have good experience with pavers being installed under picnic tables.

Mr. Kutulas stated that with regard to the picnic tables which are to be installed, there would be a steel post which would come up and further described how they would be situated.

Mr. Albinson described how the pavers would be dirtier and that concrete would be easier to wash out.

Mr. Kutulas referred to the pavers used around the Skokie playfield site and that the whole field behind the courtyard site has the same permanent mounted picnic tables and that there is a sea of pavers and they do not have those issues. He also stated that there is a finer crushed granite between them so that they do not have drainage concerns as well as ample C-7 (?) stone underneath to make sure that there is ample drainage and that there is no puddling or mud. Mr. Kutulas also stated that they went through the extra step of sealing the pavers to make sure that the salt did not break them down over time.

Mr. Albinson stated that he trying to consider strategies with their budget as well as trying to define the experience better. He then stated that is not married to any concept and referred to the applicant maintaining them.

Mr. Dearborn asked if they could not install permanent picnic tables into a paver base.

Mr. Kutulas responded that it has been done ample times and that they are very confident with that.

Mr. Dearborn stated that with the concrete and the nice design of the gazebo, it would be a lot more attractive. He also stated that it would be more subtle.

Mr. Kutulas stated that for clarity, he referred the Board to the initial rendering, he stated that he is hearing that to keep an area which he identified as possibly pavers and to do the banding of where the posts are going to be coming down in a concrete band. He stated that it is to be comfortable where it is not too thick or thin of a band.

Mr. Albinson referred to the tools with the brushed element.

Mr. Kutulas agreed that they could brush it out.

Mr. Schram asked the Board if the brushed element is preferred.

Mr. Dearborn and Mr. Albinson stated that they would prefer brushed.

Mr. Albinson added that he would not include too many tool joints especially if they have a short facing versus cut and that he did not know if there is a big cost difference there.

Mr. Dearborn also suggested that they use the brushed element under the gazebo.

Mr. Kutulas then stated that with regard to the concrete, he is hearing the north and south walkway and that it is to be brushed and asked the Board if that is their consensus.

The Board agreed that is correct.

Mr. Kutulas then stated that moving to the hard surface around, he referred to the area north and working their way south, the sidewalk adjacent to this area where they have two picnic tables and the trash receptacles and that he asked what would be the preferred material and asked if it should be brushed concrete. He informed the Board that they would need a concrete curb to contain the playground and everything around it which would have a concrete band regardless. Mr. Kutulas then stated that as far as the edging, he asked if there should be a straight concrete sidewalk with normal tool joints and not a 6 inch in set as shown in the illustration and whether the Board would like to see brushed pattern.

The Board confirmed that is correct.

Mr. Kutulas stated that going to the south area and the patio area and not considering the gazebo portion of that yet, he has heard two schools of thought on this. He stated that with regard to the whole area in pavers, he would recommend the 12 squares which are required for the ping pong table, he would like to see those set in concrete because of the play and the fact that they could propose a trip hazard. Mr. Kutulas then stated that [the pavers?] and the picnic tables go hand in hand and if the picnic tables are pulled and not a part of the design, the pavers would come out. He asked the Board if that is something that would be amenable.

Chairman Swierk stated that it also defined the ping pong area.

Mr. Kutulas then stated that considering the straight edge from the ping pong area to the patio area, they planned to take an area which he identified to the northwest edge of the sidewalk all throughout in pavers with the exception of doing a band of where the actual concrete band that would shape the octagon throughout the width of whatever that is which would be their determination and that they would do a brushed pattern symmetrically with the lines the way in which the roof and wood is pushed out or that they could work with that.

Mr. Albinson stated that if they are doing pavers around the outside of the gazebo...

Mr. Kutulas stated that he is suggesting that they do a ribbon with pavers on the inside and outside.

Mr. Albinson stated that he is not a proponent of pavers inside of the gazebo and that it might help create a visual effect and that it is more of a stage area.

Mr. Schram stated that they reduced the amount of concrete on the outside edge of the gazebo so that they would not have that 8 foot effect extension. He then stated that if they were to put the rest of that in concrete, would that be too massive a scope of concrete.

Mr. Albinson suggested that they pull the edge back at the end of the stage somewhere around the eave line and that if they had concrete around the edge of the gazebo to the edge of the stage.

Mr. Schram stated that they could leave it at all concrete, but that the amount of concrete would be reduced since they would not have it at 8 feet.

Mr. Albinson stated that there would then be no pavers under the gazebo and that there would be no pavers between the edge of the gazebo and the lawn.

Mr. Kutulas referred to the area which it would start to taper out and that there would have to be a net pattern and that if there are pavers throughout and up to the ping pong area and they brought the scallop back in to follow the roof line, to the north would be pavers except for the shell of the gazebo.

Mr. Albinson then suggested that they flip the seat wall as they previously discussed immediately adjacent to the south edge of the sidewalk. He stated that what the Board is suggesting is to make all of the rest of the area pavers.

The Board agreed with Mr. Albinson's suggestion.

Mr. Albinson stated that would create a strong visual access point and that all of the hard surface areas would be to the north of the access points. He stated that then, it would be completely flexible whether they were to have pop up tents, etc.

Mr. Dearborn stated that going back to the gazebo on the south side, he asked what if they do not pull back and if they have some area between the gazebo and the lawn and that they would then have pavers.

Mr. Albinson stated that the scallop would extend to the edge of the stage and that there would be no need for the pavers.

Mr. Kutulas stated that if they were to inset that area back 8 feet to the edge of the gazebo, it would come directly in line with the drip edge of the gazebo. He informed the Board that there would have to be an edge defined for whatever they do in terms of curbing, etc.

Mr. Albinson commented that it felt as though there is a very long distance of where people would sit in the grass to the gazebo especially in a more intimate setting.

Mr. Kutulas stated that in his experience with these areas and concerts, etc., the first 15 to 20 feet is the children's play area and that from there, the chairs start.

Mr. Albinson stated that there are some fun things they can do with the curb and play with some of the classical design patterns to detail it.

Chairman Swierk stated that the stairs are backwards in terms of the entertainment venue.

Mr. Kutulas stated that it related to the seating and the natural lay.

Chairman Swierk asked how far is it from the edge of the gazebo.

Mr. Schram responded that from the south edge of the patio to the lowest terrace step is 12 feet 8 inches and that there is approximately a 3 foot drop.

Mr. Albinson then asked what is the width of the typical lawn mowing equipment.

Mr. Kutulas responded that they have 21 inch hand pushed mowers as well as 72 inch.

Chairman Swierk asked why not have a 3 foot berm down.

Mr. Albinson referred to the children which would hang out on the steps.

Mr. Dearborn asked what is the decision on the posts of the gazebo.

Chairman Swierk stated that they are okay the way they are.

Mr. Dearborn asked if there would be a pattern at the base.

Mr. Albinson stated that they are thin and that it is a gazebo and that to him, it had a more Victorian type reference to it.

Chairman Swierk asked if a different color would make a difference as opposed to white.

Mr. Schram stated that the color shown is white and that the color on the posts would be dark green. He indicated that they are open to changing the color and referred to the church to the north with white towers and the Village Hall which is why they kept it white.

The Board agreed with the white color.

Ann Wilder introduced herself to the Board and stated that she and many members of the Garden Guild of Winnetka attended the Park District public outreach meetings in May, June and July and expressed their concerns with regard to the renovations at Dwyer Park. She stated that unfortunately, they were not aware that the renovation plans had been submitted to the Park Board in late July for approval and that they were not aware that they were going through this special use process. Ms. Wilder stated that she is here behind the 8 ball with regard to the Board and that she would like to speak.

Ms. Wilder then stated that they are not on board with this plan and that as Mr. Smith mentioned, they recently wrote a letter to the Park Board and hoped to meet with them and the staff to discuss their concerns but that she would like to present it to the Board for their records. She noted that she is speaking as an individual and not as a member of the Garden Club.

Ms. Wilder stated that she wanted to clear up some confusion and that there are several garden clubs in Winnetka, all of whom provide a service to Winnetka toward making it beautiful. She stated that her garden club is frequently confused with the Winnetka Garden Club and in the previous meeting minutes and that she would like to make it clear that the Garden Guild of Winnetka is the one that has provided the butterfly garden and the meditation garden at Dwyer

Park and that it is their club that has a close relationship with Dwyer Park. Ms. Wilder stated that in the past, they have provided landscaping at the post office, currently plant the two planters at the post office, contributed to the Save Our Streetscape program in the early 1990's, planted trees at the Village Green and Station Park and maintained the west entrance of the Village Hall, gave a master horticultural plan for Station Park and designed and planted the Tower Road garden and more. She stated that they have been around since the late 1940's and that they have been active ever since.

Ms. Wilder also stated that they contributed to the project at the Hadley School, the Community House and the Winnetka Historical Society as well as projects outside of Winnetka such as the Botanic Gardens Open Lands, Midwest Palliative Center and others. She stated that they care deeply about open green space, natural beauty and that their activities and projects show that. Ms. Wilder stated that they are very proud of several members of their club who fought very hard to keep the open park space at Skokie playfield where the Park District wanted to put their service center.

Ms. Wilder stated that with the Dwyer Park development project, they are concerned with regard to the impact on the butterfly garden and the meditation garden, the excessive use of non-permeable surfaces and the loss of open green space and space for quiet reflection. She stated that they felt that none of their concerns were considered in the final renovation plans which remain concerns. Ms. Wilder also stated that they feel that they have been ignored by the Park District and are not pleased with their process and that contrary to their minutes, they do not feel that the dialog they had with the Park District at the spring and summer outreach sessions was positive. She stated that she hoped that their concerns can be resolved with the Park District in the meeting which they have yet to set up and that she wanted the Board to know that their perspective is very different from that of the Park District and that they are not fully on board with the Dwyer Park project.

Mr. Smith responded that the engagement process was transparent and that they did their due diligence. He stated that they were informed at each of the meetings and that they set forth the next steps. Mr. Smith stated that they were public and that it was on their agenda for both their committee meetings and board meetings, etc. and that there was plenty of opportunity to engage. He noted that they did address all of these concerns and dealt with them directly.

Mr. Smith stated that he personally spoke with people at the meeting and regardless of whether they are on board with this or not, they service everyone in town and that the directive of the Park Board is to serve the main interest of this public space. He added that they own the property and that part of their mission is recreation, open space and parks and that they engaged a lot of people in this process. Mr. Smith stated that this is the result of it. He stated that there is not just one interest here and that it is a partnership and that they have had a good relationship with them. He informed the Board that they met with all six garden clubs and that they are actually taking their mission further in that they are using bioswales in the playfield and have butterfly gardens at Hubbard Woods, Indian Hill Park and Northfield Park. Mr. Smith stated that while they want to keep them as partners, the direction of his Board and what they have heard broad base in their engagement is this is what people would like to see. He added that the statement that they were not engaged is nonsense.

Chairman Swierk stated that the Board's next step is to have the applicant to come back with some of the items they discussed.

Mr. Dearborn asked the applicant to explain more the neighbors and their concerns and whether their concerns dovetail into some of the concerns of the Garden Guild with regard to green space and the meditation garden, etc. He also asked if there was some commonality in their objections.

Mr. Smith identified the neighbors at one end in the illustration for the Board who were concerned with regard to tree preservation, shrubs, etc. and that they thought they would complement it in terms of shade and sunlight with another piece of shade garden of ferns. He stated that it is the shaded area of the park and they felt that it would be a good buffer for anyone who would come in through this site and activate. Mr. Smith then stated that they have not yet come up with construction documents phase. He stated that they have worked with them on their garden and that they have replaced the railroad ties and sign and have been good partners with them.

Mr. Smith then went on to state that the residents had more of a concern with the gaga pit and the bags court and were less concerned with the bags court when they realized that the seat wall is 24 to 26 inches high and that with the line of sight with landscaping, it became more acceptable. He stated that a big piece was the gaga piece which is now gone and the gazebo. Mr. Smith informed the Board that the Park Board was adamant and felt that the gazebo was a proper fit and component of the plan. He stated that they explained how it would tie in at three points with future development and that it made sense.

Mr. Dearborn stated that the gazebo is going to be an issue that is decided elsewhere ultimately. He stated that they can agree on a design for the gazebo and that the request has not been presented to the Village Council yet who can get rid of it. Mr. Dearborn stated that when he hears from the neighbors and the Garden Guild, the big change on this whole program is the programs in the center such as the playground, the activity and not so much the south end of it and the butterfly garden.

Mr. Smith stated that they wanted to keep that area as passive space and knew that it was important since it was green open space. He stated that they have to expand the playground with regard to space issues for play.

Mr. Schram added that it is the most heavily used playground in the district.

Chairman Swierk commented that he is happy to see the playground being redone and that he was concerned that the park would be removed in connection with some future development.

Mr. Dearborn then stated that on the north and south ends, he is hearing that there are neighbors and other constituencies who are not pleased with the north and south end which would seem to be minor adjustments to this plan.

Chairman Swierk stated that it has always been a park for the people who want to enjoy the park.

Mr. Smith stated that the neighbors have softened their position and that they want to see the green space be nicely landscaped. He then identified two neighbors who were at their first meetings and never saw them after that and that they have that documented. Mr. Smith stated that they are talking about a number of residents compared to a whole neighborhood. He stated that is the way that the Park Board and the Park District is looking at it and they unanimously told them to keep moving forward twice.

Chairman Swierk stated that it is indicative that Birch has the whole row of parking on that side to have people come there.

Mr. Smith also stated that they are respectful of the garden members and that in terms of any assistance they need, he stated that some of the garden clubs are aging out and that at some point, they are going to dissolve. He then stated that they are enhancing it with the seat wall and getting people more engaged. Mr. Smith also stated that they would be putting in a sign stating that there is a butterfly garden and make it an educational piece. He stated that in keeping the dialog going, maybe they can clarify some of this and that their commitment is with them to succeed.

Chairman Swierk asked if there were any other comments.

Mr. Norkus stated that he is hearing that the Board would like to see the revisions to the plan as opposed passing the recommendation. He informed the Board that the next meeting date is November 17, 2016.

Mr. Kutulas stated that the reason he would request to have a recommendation made with the changes suggested is that they are looking to go to the Village Council in early November with a final rendering prior to the next Board meeting date. He stated that they would have to move their process yet again another month as they have done unfortunately so many times through design review, public input and everything else.

Chairman Swierk asked if there is a possibility that the Board can approve with the exception of the middle hardscape area and gazebo hardscape area and have the applicant come back with that.

Mr. Norkus responded that is ultimately is the decision ... and making the recommendation conditional.

Chairman Swierk stated that they basically agree with 95% of the plan.

Mr. Albinson stated that aside moving the edge of the stage and the seat, the rest of it related to just materials.

Chairman Swierk stated that from the Village Council standpoint, that would not make a difference either and that the Village Council would either agree with the gazebo or not. He also stated that if they wanted to make major changes, the request would have to come back to all of the boards.

Mr. Albinson stated that to be very specific, as presented now, he would not approve it as submitted with hardscape concerns and the area between the playground and the grass to the gazebo, as well as the materials. He stated that moving the seat wall would be an easy change to make.

Mr. Kutulas apologized and stated that the timetable that he initially thought was incorrect was moved back.

Mr. Smith informed the Board that they had an opportunity to talk earlier today about moving through the process and that if they pushed back to December for the Village Council meeting, that would give them some time to settle some nerves and work through the process. He stated that he wanted to keep the level up.

Mr. Albinson stated that they are almost there and apologized for not being at the earlier meeting.

Mr. Norkus stated that there did not need to be a motion.

DRAFT

**Winnetka Design Review Board/Sign Board of Appeals
November 17, 2016
Excerpt of Minutes**

Members Present:

John Swierk, Chairman
Bob Dearborn
Brooke Kelly
Michael Klaskin

Members Absent:

Kirk Albinson
Paul Konstant
Peggy Stanley

Village Staff:

Brian Norkus, Assistant Director of Community
Development

Call to Order:

Chairman Swierk called the meeting to order at 7:40 p.m.

521 Birch Street - Winnetka Park District / Dwyer Park Special Use Permit (Continued from Previous Meeting); Comment to Village Council Regarding Modifications to Application for Proposed Park Renovation

Chairman Swierk stated that the matter was continued from the previous meeting and that he hoped that the applicant had good updates to give to the Board.

Robert Smith introduced himself to the Board as the Executive Director of the Winnetka Park District along with Costa Kutulas and Rick Schram of the design team for the Park District and some of their Park Board members, Fred McClain and Gary Conlon.

Mr. Smith then stated that without going into details with regard to what the Board has already heard in terms of the planning process and public engagement process, they wanted to report back to the Board with some updates, specifically some of the changes that this Board asked them to consider and the input and feedback from last month's meeting and that they brought their whole Park Board up to speed. He stated that they wanted to affirm certain aspects of the project that were firm and essential to the plan as well as go into detail with regard to the some of the changes.

Mr. Smith stated that at the last meeting, there was some opposition, specifically from the Winnetka Garden Guild. He informed the Board that they met with the group on October 25, 2016 for a two hour meeting. Mr. Smith stated that they cleared up a lot of the details that they were looking for and are prepared to start addressing things like the construction documents. He stated that through that meeting, they discussed taking the actual design of the plantings for the

garden to 2018 and informed the Board that the Garden Guild's docket is full through 2017 which they were not aware of.

Mr. Smith then stated that they would build the seating walls to the north and south and referred the Board to information in the packet of materials. He stated that the Garden Guild took that information back to their group and sent an email supporting the project.

Mr. Smith stated that their Board members have been engaged in discussions with Phil Brewster who is representing some of the neighbors and that they have made some progress. He stated that although they are now buying more into the project, they are not on board 100% and that they have come to some solutions. Mr. Smith then stated that Rick Schram and Costa Kutulas can walk the Board through the presentation.

Costa Kutulas introduced himself to the Board as the Superintendent of Parks and that he would walk the Board through the presentation and go to through the details in connection with the concerns which were raised at the last meeting and the changes made as a result of that meeting. He stated that they took the renderings through their Park Board process and that they were very happy and pleased and felt that the changes and design elements meet the mark they discussed the last go around. Mr. Kutulas also stated that they are very confident and are excited to bring it forward to the Board.

Mr. Kutulas referred the Board to an illustration of the overall layout design which he stated that the Board should be very familiar with. He stated that he would only preview the changes that were made to address last month's meeting in order to move things along. Mr. Kutulas then stated that there were design elements built into the patio area as well as the gazebo and concerns that the concrete is a little overwhelming and some of the relationships. He also referred to the distance from the terrace steps to the lawn seating area and that he would go over some of the design elements for the concrete itself.

Mr. Kutulas stated that through that discussion, they looked at and re-evaluated those conversations that they had and what they bring forward to the Board is what they feel have hit the mark on those conversations. He then stated that they pulled in the scallop on the far southern edge of the patio approximately 6 feet which would allow them to bring that closer in to the awning of the gazebo as well as give more of the green space that people are asking for. Mr. Kutulas also stated that they pulled the terrace steps back together a bit and restricted them to approximately 46 to 48 inches in terms of placement and that now it is 3 feet. He stated that the shorter step can be used more of a seating or entertainment venue as well as closing the gap between the design elements in the future in terms of programming such as bands or string quartets which they previously discussed.

Mr. Kutulas then identified for the Board some small plantings which were adjacent to an area he identified and stated that by pulling the scallop back in, they flipped the design of the seat walls accordingly which would allow the activation of the area between the hardscape and the softscape with green scape which was another design element which was changed at the request of Kirk Albinson in connection with the comment of bringing the plan from good to great.

Mr. Kutulas stated that along with that, they did not discount the fact of the pavers and that they decided to go ahead throughout with pavers. He then referred to the shadow or eave of the gazebo and that there was discussion with regard to the area being better suited as concrete or with pavers. Mr. Kutulas stated that they decided that the look with soldier coursing which would be a more elegant fit and would fit in with the park more contextually.

Mr. Kutulas then stated that with regard to the design element as far as the space and versatility, they are not as concerned with muddying or settling and that they are very confident that with the hardscapes all around with keeping that area tight and that the pavers would be installed properly which would provide years of service worry free.

Mr. Kutulas stated that in terms of the pattern, they decided to go with the trolled edge around there which would create a squared pattern with the center to be brushed and the edging to be a 6 inch band which would be trolled smooth in order to give it a little bit more definition. He informed the Board that they chose this route in comparison to some of the other things which is something that up front looks great but would also allow them to change out and repair as needed with something that they can put back in. Mr. Kutulas stated that if they were to go with something colored, it would be more difficult years down to the road to repair and put back in.

Mr. Kutulas then stated that with regard to the gazebo, eaves and heights, they were discussed the last time and that there were not a lot of design changes to the gazebo. He stated that there was some talk of the eaves and how they fit but that there was nothing that was really addressed for that concern because he felt that there was a unanimous vote from the Board that they felt comfortable with the way it was designed previously.

Mr. Kutulas stated that with regard to the ping pong table to the western edge, they left that in the concrete pattern which would help them in terms of programming for that space which was the intent to keep it firm and flat and not pose a trip hazard or other types of issues for safety down the road. He also stated that symmetrically, they felt that it would be a nice fit and that you can see throughout the plan the way that it lays out with the corridor and how it would lay out potentially in the future development. Mr. Kutulas stated that with the development of the post office site, they felt that this fit contextually and would work well with future expansion of that site.

Mr. Kutulas then referred the Board to an illustration of a bird's eye view of the southeast portion of the site. He stated that you can see how the seat wall was brought back and made a nice division of the hard and softscapes. He then identified the ping pong table. Mr. Kutulas also referred to the view of Maple north to south and the segregation between the two different play areas and picnic areas which are separated. He then referred the Board to a view from the west looking to the east which is what the residents see looking into park, they lose the concrete area and that the ping pong table disappeared a little bit.

Mr. Kutulas then identified what he described as the most important thing which is the view entering the parking looking east to west into the park and referred to the post office site. He stated that they feel that it is a nice balance and that with the seat wall, soldier course, etc., they would continue that same theme throughout the rest of the area in terms of flow.

Ms. Kelly asked if there would be a concrete band which would go around the pillars of the gazebo and then there would be a pattern inside of the brick pavers.

Mr. Kutulas informed the Board that the pattern inside would mimic the pattern outside on both sides of that. He stated that they do not to do anything fancy there.

Ms. Kelly also stated that with regard to the pink area in the diagram, she asked what is that surface.

Mr. Kutulas responded that represented the sand pit. He stated that they heard throughout the process that the children liked sand, and stated that the Fibar material will be used within fall zones but wanted to keep an area of sand for the children.

Mr. Dearborn asked what were the changes for the garden areas.

Mr. Kutulas responded that as Mr. Smith mentioned, in connection with the garden areas to the north and south, with the Garden Guild of Winnetka looking at some of the planting that they already have set up today, they did not feel that they could give the Park District their best efforts to help design the park and redesign those flower beds and shade area to the south. He stated that they want to work with them as a partner as was their original intent with them being the stewards from start to finish on the butterfly garden as it existed today. Mr. Kutulas stated that there is nobody better suited who knew the garden as well as the Garden Guild and that the reason they chose to delay that as part of the construction is to make sure that they are engaged throughout the process and that it will be cycled in a year down the road.

Chairman Swierk stated that in the interim, he asked what would that be.

Mr. Kutulas stated that it would be the existing garden with the exception that the pathway which would be the hardscape to go in. He stated that once they did the construction, it would be extended in the way that the Board saw it on the illustration.

Ms. Kelly asked if the hardscape would be done now and the garden would be done later.

Mr. Kutulas confirmed that is correct.

Chairman Swierk stated that the applicant has addressed a lot of the concerns and commented that he liked the north-south sidewalk being concrete which makes it seem like a typical street sidewalk in order to get from north to south. He also commented that the pavers are great and that the applicant has addressed all of the concerns. Chairman Swierk asked if there were any other questions from the Board. No additional questions were raised by the Board at this time. Chairman Swierk then asked if there were any comments from the audience.

Stacy Burgoon, 856 Oak, stated that she had some comments and that she was at the last meeting and that every neighbor who lived around the park stood up and talked about how nobody wanted the gazebo. She stated that she felt as though they have been at all of the meetings and that people are very intent on putting it in. Ms. Burgoon stated that she has four children who are at the park every day and that she saw how the park is used. She stated that the park is not big enough for all of the items that are going in and that they are attempting to age up the park with a

ping pong table and that it is primarily a little children's park who range in age from barely walking to 9 or 10 years old.

Ms. Burgoon stated that primarily during the day, there are younger children there and that the gazebo would take away the great green space which is used by everyone. She stated that the area would be covered up by pavers and commented that it is sad since the green space is used by so many people. Ms. Burgoon reiterated that the gazebo is not necessary and that no one wanted programming in the park. She stated that it is not Hubbard Woods and that it is all residential. Ms. Burgoon also stated that there is a lot of concern with regard to the lights going in the park and how it will affect the neighbors. She stated that people keep speaking up and saying that they do not want this and that although some of the items have been addressed and removed, she did not see the need for the gazebo.

Ms. Burgoon also stated that with regard to having the ping pong table, common sense says that you do not see children bringing ping pong paddles with them to the park to play. She then stated that for the middle school children who are not using the ping pong table, they would get on the smaller children's equipment and make it a dangerous situation.

Ms. Burgoon commented that the park is great as it is and that some of the changes with regard to the new playground equipment that is going to be modified, that is great and that the children do love the sand. She stated that she has not heard anyone say that the gazebo is what they want.

Chairman Swierk informed Ms. Burgoon that the meeting where she attended with the neighbors talking about the gazebo was not this Board but may have been the ZBA.

Ms. Burgoon stated that it was in this room and that it was voted against by that Board.

Chairman Swierk then asked what is the status of the ZBA.

Mr. Smith stated that it was his understanding that they supported the project as presented and that there was a lot of discussion around that in that some of the Board members wanted the gazebo and felt that it was proper while others felt that it was not. He stated that at the end of the two-plus hour discussion, the Board took a vote in support.

Mr. Norkus stated that he did not believe that the ZBA gave positive comment on it. He stated that to clarify how the process worked, there are three advisory bodies which are the ZBA, the PC and the DRB. He stated that ultimately, there would be a fourth body which is the Village Council which would have to digest all of those recommendations and make the final determination. Mr. Norkus then stated that her comments and the comments from previous meetings will be part of the record which goes to the Village Council who would have an opportunity to see that as well.

Chairman Swierk stated that generally, this Board is the design approval side whereas the PC and the ZBA is to say whether they want the gazebo and that this Board is to say that this would look nice if it is there and approved. He then stated that they definitely appreciated Ms. Burgoon coming in and expressing her opinions.

Mr. Dearborn asked what is Ms. Burgoon's point on the lighting and asked how this is going to be lit and if the neighbors would be impacted by the lighting.

Mr. Kutulas stated that initially, they had high level street lighting throughout the area which are typical of the fixtures that are in the Village. He stated that through the process, the residents to the south brought it to their attention that they felt that the lights were not needed and that the park closed at dusk. Mr. Kutulas stated that they looked at lighting as an opportunity for the safety of the thoroughfare and that it was not intended to operate the park after dark.

A gentleman stated that was because of the initial three poles which were coming across, they changed that direction and that they are looking to put a low level bollard type of lighting in so that the impact on the neighbors would be a lot less.

Rick Schram stated that there is a perspective included in the materials. He noted that it is the same fixture at the corner of Green Bay Road and Tower Road. Mr. Schram stated that there would be five or six of them scattered and that there would be no elevated lighting.

The gentleman also stated that the ones that are there are adjacent for the actual drives currently in the post office parking lot.

Mr. Smith added that they agreed to put the lights on timers.

Ann Wilder of the Winnetka Garden Guild informed the Board that she spoke at the last meeting and stated that they did have a good, helpful meeting and that they brought the information back to their board. She stated that she wanted to clarify their position and that they do not object to the changes the Park District is making to the two gardens. Ms. Wilder stated that they have had a long relationship with the Park District and look forward to working with them on the gardens and that their position is strictly with regard to the gardens.

Mr. Dearborn stated that the first meeting, the issue of the gazebo came up and that they talked about it at length. He stated that the feeling was that issue ultimately would be determined at the Village Council level. Mr. Dearborn stated that they took it from what was not as good of a plan in his personal opinion to what has come a long, long way. He stated that he understood the comments made with regard to the gazebo but that it is as good as it gets including the gazebo. Mr. Dearborn then stated that in connection with the amount of concrete that has been removed, the lighting changes, green space added back, etc., the Park District has responded.

Mr. Kutulas stated that they wanted to hit all demographics and that they did special media testing to make sure that they hit all the markets and that they were instructed that one of the demographics they missed was the tweens. He informed the Board that they held special focus groups just for them to make sure that they were on board with the project and had a say in what they were looking for design-wise. Mr. Kutulas stated that to say that they have not exhausted almost every opportunity that they could is not fair and that to say that they have not done their due diligence and are always looking to improve the community and that each of the parks is for an entire community and not a certain age group. He stated that they wanted to make sure that they hit the broad spectrum of what that is and that they are trying to do everything for everyone and that they are trying to do it in a tasteful way. Mr. Kutulas concluded by saying that what they are presenting tonight achieves that goal.

Mr. Dearborn then stated that Ms. Burgoon might be the first neighbor to have attended one of this Board's meetings.

Ms. Burgoon stated that there were definitely neighbors at the ZBA meeting.

Mr. Dearborn then suggested that she go to the Village Council meeting.

Ms. Burgoon reiterated her previous comments to the Board in opposition to the changes to the park.

Chairman Swierk stated that he is assuming this is not the color of the pavers.

Mr. Kutulas stated that it would be the same color as is used throughout other parks.

Chairman Swierk then asked if there were any other comments from the audience. No additional comments were made from the audience at this time.

Chairman Swierk asked if there were any other comments from the Board. No additional comments were made by the Board at this time. He then asked for a motion.

Mr. Norkus asked if it is to provide favorable comment to the Village Council.

Chairman Swierk confirmed that is correct.

Mr. Dearborn moved to provide favorable comment to the Village Council regarding the current renovations dated November 11, 2016 as presented for the Dwyer Park project based on the discussion at this meeting and the elements that were presented.

Ms. Kelly seconded the motion.

A vote was taken and the motion was unanimously approved.

AYES: Dearborn, Kelly, Klaskin, Swierk

NAYS: None

ATTACHMENT H

From: [Robert Bahan](#)
To: [Michael D'Onofrio](#); [Brian Norkus](#); [Ann Klaassen](#)
Cc: [Megan Pierce](#); [Kathie Scanlan](#)
Subject: Fwd: Renovation of Dwyer Park
Date: Sunday, October 16, 2016 2:13:56 PM

Please see the email below - the correspondence should be included with the packet materials when ready to go.

Thx
Rob

Sent from my iPhone

Begin forwarded message:

From: Anne Wilder <[REDACTED]>
Date: October 16, 2016 at 2:06:41 PM CDT
To: <rbahan@winnetka.org>
Cc: Gordon Dorsey <[REDACTED]>, Benz Pam <[REDACTED]>, "Hill Mary" <[REDACTED]>, Wilder Anne <[REDACTED]>, Apatoff Vicki <[REDACTED]>, Ross Debbie <[REDACTED]>, Hickey Mary <[REDACTED]>
Subject: Fw: Renovation of Dwyer Park

Rob,

The letter below, sent today, was cc'd to all the Village Council members. This issue will be coming before the Village Council. Can you put this in the agenda packet for that meeting and also let me know when the meeting to discuss Dwyer Park is scheduled?

Thanks,

Anne Wilder

From: [Anne Wilder](#)
Sent: Sunday, October 16, 2016 2:01 PM
To: ilarkin@winpark.org
Cc: rsmith@winpark.org; ggreable@winnetka.org; [Cripe Andrew](#); planphier@winnetka.org; wkrucks@winnetka.org; [Myers Scott](#); crintz@winnetka.org; kziv@winnetka.org
Subject: Renovation of Dwyer Park

October 16, 2016

Ian Larkin
President
Winnetka Park District
540 Hibbard Road
Winnetka, IL 60093

RE: Renovation of Dwyer Park

Dear Mr. Larkin and Park Board Members,

We want to reiterate the concerns we expressed to the Park District about the renovation plans for Dwyer Park during the Park District's public meetings in May, June and July. As you know, our 127 member garden club, the Garden Guild of Winnetka, has a special relationship with Dwyer Park. Our club designed the butterfly garden in 1997 and allocated \$25,000 then for plantings and installation of a sprinkler system. We have maintained the butterfly garden every year with our member manpower and financial resources beyond our initial allocation. Every time we are working in the garden, we receive wonderful thanks and appreciation from people passing by who also exclaim how beautiful it is. In addition, we officially dedicated the Meditation Garden in June 1961. This garden, which is on the south side of the park, includes the bronze sculpture of three children and was a joint effort between our club and the Park District. We feel a special bond with Dwyer Park and for this reason, we are very invested and interested in the renovation plans.

Many members of our club attended the many public meetings about Dwyer Park and several members even attended a private meeting with your staff. All expressed very clear concerns about the expansion of the butterfly garden and the inability of our club to maintain a larger space and despair over the probable destruction of what is already there. Other concerns were expressed about the fate of the Meditation Garden and bronze sculpture, the excessive use of non-permeable concrete and the loss of open green space and space for quiet reflection. Unfortunately, we feel that none of our concerns were considered in the final renovation plans, and they remain concerns.

Moreover, despite giving our email addresses for further communication from the Park District on this issue, none of our members who attended the meetings ever received any communication. Thus, none knew about the Board meeting where the renovation plans were approved nor about the Village advisory board meetings. We are not at all pleased with the process the Park District has followed and feel we have been ignored.

In order to know what to expect going forward, we would like you to provide us with a detailed explanation of what you expect of our club with respect to the renovation:

1. What exactly do you expect our club to do and to be responsible for?
2. In order to expand the butterfly garden and add the gravel path, will you have to dig up the plants currently there, and if so, what will you do with those plants? Do you plan to reuse them, and if so, how and where will they be stored?
3. Will you be replacing the existing sprinkler system, and if so, who will be paying for that and who will be responsible for the ongoing maintenance and costs of the new system?
4. Who will be responsible for the maintenance and costs of the garden?
5. What do you expect our club to do with respect to the Meditation garden?

The above are our initial questions and as we learn more from you about your expectations and specific plans, we may have additional questions.

We hope the Park District will reconsider the renovation plans for Dwyer Park and will communicate more closely with us.

Yours truly,

Dorsey Gordon, President, Garden Guild of Winnetka [REDACTED]
Pam Benz, Chair, Butterfly Garden Committee [REDACTED]
Mary Hill, Chair, Civic Committee [REDACTED]
Anne Wilder, Vice-Chair, Civic Committee [REDACTED]
Vicki Apatoff, Co-Chair, Awards Committee [REDACTED]
Debbie Ross, GGW member [REDACTED]
Mary Hickey, GGW member [REDACTED]

Cc: Robert Smith, Executive Director, Winnetka Park District
Village of Winnetka Trustees

Philip Brewster

September 27, 2016

VIA EMAIL AT BNORKUS@WINNETKA.ORG

Plan Commission
Village of Winnetka
510 Green Bay Road
Winnetka, Illinois 60093

Re: **Case Number: 16-15-SU**

Dear Members:

I am counsel to the residents of 856, 860, 872 and 873 Oak Street ("Interested Parties") who are interested parties in connection with Case Number: 16-15-SU. This correspondence objects to certain aspects of the Special Use Permit application by Winnetka Park District ("WPD") for the property known as Dwyer Park at 521 Birch Street ("Dwyer Park"). Specifically, objection is made to WPD's response in the permit application 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, nor substantially diminish or impair property values in the immediate vicinity."

WPD's answer is inaccurate. WPD states, "the general layout of the Dwyer Park renovation follows closely the existing use patterns in the site." In fact, WPD intends to dramatically alter the existing use patterns of Dwyer Park, particularly the central and southern portion. Further, WPD's actual design plans are inconsistent with WPD's response that "*the southern wooded portion of the site is minimally disturbed in deference to the nearby residences.*" WPD notes that it met with two (2) business owners in its public comment period, but never personally met with the Interested Parties. In actuality, WPD seeks approval of the following elements in their re-development plan that do not closely match existing use patterns:

- (a) Expanded picnic plaza, seat walls and terrace steps located *south* of expanded play area;
- (b) Open sided 18' tall gazebo structure (*again south of the expanded play area*);
- (c) Three (3) pedestrian scale light poles along north-south sidewalk (creating light pollution for residents emanating from a previously un-illuminated park); and
- (d) Two (2) precast-concrete bag courts and an octagonal Gaga ball court measuring 20 feet in diameter in southern portion of the park (destroying the wood area in the southern portion).

WPD seeks to expand Dwyer Park's playground structure area by "50%" and WPD further intends to have "community events" utilizing the gazebo similar to those held at Hubbard Woods. There is no study as to the ancillary effects, such as noise, traffic, and litter of any such community events by WPD in their proposal.

WPD's present proposal, in part, fails to distinguish between the residential and open space nature of Dwyer Park compared to Hubbard Woods Park. Hubbard Woods Park is completely surrounded by non-residential property – commercial buildings, Green Bay Road and a Metra station. WPD, as presented in the submitted plans, seeks to re-develop Dwyer Park without consideration of unique residential characteristics of the area and its residents, particularly the southern portion. In particular, the areas to the west and south of Dwyer Park are entirely residential, as distinct from the areas to the east and the north of the park. WPD proposes that Dwyer Park (now a children's park) become a park that holds community events as well. This is a dramatic change in long-term historical use patterns.

Ultimately, WPD's current plan will dramatically curtail the open space in the central and southern portions of Dwyer Park to the detriment of adjacent residents. WPD would destroy the wooded area in the southern portion, construct a large structure in the current open space in the central and southern portion, and introduce undefined "community events" at this very quiet residential park surrounded by homes on west and south sides. This is a dramatic change in use pattern to anyone familiar with Dwyer Park and is inconsistent with the open space and wooded area that, in the central and south portion, both characterize and comprise the key buffer between Winnetka's most populous residential "tree street" neighborhood and downtown. This is injurious to my clients' enjoyment of their property and will substantially diminish and/or impair their property values in violation of the zoning ordinance requirements for a special use permit.

Additionally, given that the area to the east of Dwyer Park is made up almost entirely of impermeable surface, i.e., a parking lot, the open, grassy areas of the park are a critical source of storm water absorption and abatement. Residents to the west and the south of the park – whose homes are situated at an elevation either at or below the elevation of the park – will be prejudiced by any increase in runoff from the park as a result of increasing the impermeable surface area of the park, as WPD's plans would do. Therefore, WPD's plans would only exacerbate the most pressing challenge facing the village today. Accordingly, the special use permit should be denied.

The Plan Commission, consistent with the policies and objectives contained within the Village 2020 Comprehensive Plan, must not approve the Special Use Permit for the factual reasons discussed above because WPD does not meet or is inconsistent, in part, with the following criteria of the Village 2020 Comprehensive Plan:

- (1) *"Preserve or expand the quantity, quality and distribution of open space and recreational opportunities."*
- (2) *"Protect the Village's natural features and environmental resources."*
- (7) *"Preserve or expand the quantity, quality and distribution of open space and recreational opportunities."*
- (9) *"Engage in a public process that balances institutional goals and minimizes any adverse impact to the character of the adjacent residential neighborhood."*
- (11) *"Cooperate with the Winnetka Park District in achieving the District's goal of providing Village residents with high quality recreational programs and open space."*
- (12) *"Work with the Park District to minimize the impact of existing programs on adjacent neighborhoods."*
- (13) *"Coordinate planning for any new facilities and programs to balance recreational needs of the community with the residential character of the surrounding neighborhood."*
- (14) *"Ensure that street and parking infrastructure are adequate and that other ancillary effects such as artificial lighting, noise and water runoff are held to acceptable levels."*

[Emphasis added]

Petition is made that Plan Commission approval be subject to modification of WPD's re-development plans to (1) preserve the wooded space of the southern portion of Dwyer Park without further development (excluding the creation of expanded garden areas and other appropriate landscaping improvements without large shrubs or additional trees), (2) remove reference to any gazebo-like structure in the central portion and any park lighting, and (3) and make adequate provision for storm water retention.

Without modification, WPD's current re-development plan does not meet the policies and objectives of the Village 2020 Comprehensive Plan discussed above and the requirements of the zoning ordinance for a Special Use Permit. Additionally, WPD's plans do not adequately address storm water abatement and the special use permit should be separately denied.

Very sincerely yours,

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes.

Philip S. Brewster, Esq.

To: Winnetka Village Council
Winnetka Plan Commission
Winnetka Design Review Board/Sign Board of Appeals

VILLAGE OF WINNETKA

CASE NUMBER: 16-15-SU

APPEARANCE

Special Use Permit Requested by Winnetka Park District

Dwyer Park at 521 Birch Street

The undersigned hereby enter his/her appearance as an interested party and property owner within 250 feet of the above proposed Special Use Permit.

Name: CHARLES T. BURGOON

Signature: 

Address:  Oak Street

Email: 

Date: September 26, 2016

The undersigned demand notice by email of all subsequent submissions and all documents filed in the matter of the proposed special use permit.

To: Winnetka Village Council
Winnetka Plan Commission
Winnetka Design Review Board/Sign Board of Appeals

VILLAGE OF WINNETKA

CASE NUMBER: 16-15-SU

APPEARANCE

Special Use Permit Requested by Winnetka Park District

Dwyer Park at 521 Birch Street

The undersigned hereby enter his/her appearance as an interested party and property owner within 250 feet of the above proposed Special Use Permit.

Name: Brenda Kessler

Signature: 

Address:  Oak Street

Email: 

Date: September 26, 2016

The undersigned demand notice by email of all subsequent submissions and all documents filed in the matter of the proposed special use permit.

To: Winnetka Village Council
Winnetka Plan Commission
Winnetka Design Review Board/Sign Board of Appeals

VILLAGE OF WINNETKA

CASE NUMBER: 16-15-SU

APPEARANCE

Special Use Permit Requested by Winnetka Park District

Dwyer Park at 521 Birch Street

The undersigned hereby enter his/her appearance as an interested party and property owner within 250 feet of the above proposed Special Use Permit.

Name: Philip & Susan Brewster

Signature:  

Address:  Oak Street

Email: @gmail.com

Date: September 8, 2016

The undersigned demand notice by email of all subsequent submissions and all documents filed in the matter of the proposed special use permit.

To: Winnetka Village Council
Winnetka Plan Commission
Winnetka Design Review Board/Sign Board of Appeals

VILLAGE OF WINNETKA

CASE NUMBER: 16-15-SU

APPEARANCE

Special Use Permit Requested by Winnetka Park District

Dwyer Park at 521 Birch Street

The undersigned hereby enter his/her appearance as an interested party and property owner within 250 feet of the above proposed Special Use Permit.

Name: Jack Snyder

Signature: 

Address:  Oak Street

Email: 

Date: September 26, 2016

The undersigned demand notice by email of all subsequent submissions and all documents filed in the matter of the proposed special use permit.

From: [Kesslermfj](#)
To: [OneWinnetka](#)
Subject: DWYER PARK RENOVATIUON
Date: Friday, September 16, 2016 11:35:36 AM

YES -- I HAVE AN OPINION THAT NO ONE APPEARS TO EVEN WANT TO "LISTEN TO:"
I AM [REDACTED] OAK ST ACROSS FROM THE PARK. TO PUT UP MORE BUSHES SO
PEOPLE CAN BE UNDETECTED AND HIDE, IS LOOKING FOR TROUBLES.
TO BUILD A "HOUSE" THAT WILL ENCOURAGE PARTIES AND NOISE TO THE
NEIGHBORHOOD IS DEPLORABLE.
AND TO SPEND THE \$500,000. JUST BECAUSE YOU HAVE IT IS SINFUL "SHOWOFF"
AND THE MONIES SHOULD GO TO BETTER AND NEEDED CAUSES.
THE COMMON SENSE APPROACH IS: DO NOT FIX IT IF NOT BROKEN.
SO GOES THE THINKING OF :JOHN KESSLER WHO HOPES TO BE ABLE TO ATTEND



Agenda Item Executive Summary

Title: Ordinance No. M-20-2016: Authorizing the Disposition of Surplus Personal Property Owned by the Village of Winnetka (Introduction)

Presenter: Brian Keys, Director of Water & Electric

Agenda Date: 12/20/2016

- Ordinance
- Resolution
- Bid Authorization/Award
- Policy Direction
- Informational Only

Consent: YES NO

Item History:

None

Executive Summary:

During the calendar year, the Village of Winnetka's Water & Electric Department and Police Department have materials and equipment that have reached the end of their useful lives, are not capable of re-use, or no longer useful to the Village.

The Water & Electric Department routinely monitors the condition of its equipment and retires equipment such as transformers, meters, switchgear, and cable as it becomes obsolete or too costly to repair, or when it becomes unsuitable for further use due to factors such as its size, short length, mechanical damage or electrical failure.

The Police Department gains possession of items of abandoned, lost, stolen, or illegally-posessed personal property and transfers custody of this personal property to the Village pursuant to Section 3 of the Illinois Law Enforcement Disposition of Property Act, 765 ILCS 1030/3.

Staff is also requesting to dispose of two vehicles that are past their useful life and/or have been replaced with other vehicles.

- 2010 Dodge Charger, Police Interceptor (VIN #2B3CA4CT3AH117416)
- 1995 Navistar International, Model 4700, Dump Truck (VIN #1HTSCABN4TH301703)

Ordinance No. M-20-2016, prepared by the Village Attorney, authorizes the Village Manager, or his designee, to dispose of such items of Surplus Property deemed to be no longer necessary or useful to the Village during the 2017 calendar year in a manner to be determined by the Village Manager, in his discretion. The ordinance also authorizes the Village President and Village Clerk to execute and attest, all documents necessary to complete the disposition of the Surplus Property.

Recommendation:

Consider introduction of Ordinance No. M-20-2016, titled "An Ordinance Authorizing the Disposition of Surplus Personal Property Owned by the Village of Winnetka."

Attachments:

Ordinance No. M-20-2016, An Ordinance Authorizing the Disposition of Surplus Personal Property Owned by the Village of Winnetka

**AN ORDINANCE
AUTHORIZING THE DISPOSITION OF
SURPLUS PERSONAL PROPERTY
OWNED BY THE VILLAGE OF WINNETKA**

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; and

WHEREAS, from time to time during each calendar year: (i) equipment and materials owned by the Village and used by the Village Water and Electric Department reach the end of their useful lives, are not capable of re-use by the Village, and are longer necessary or useful to, or for the best interests of, the Village; (ii) the Village Police Department gains possession of items of abandoned, lost, stolen, or illegally-possessioned personal property and transfers custody of this personal property to the Village pursuant to Section 3 of the Illinois Law Enforcement Disposition of Property Act, 765 ILCS 1030/3, which personal property is not necessary or useful to, or for the best interests of, the Village; and (iii) vehicles owned by the Village and used by the Village Water and Electric Department or Village Police Department reach the end of their useful lives, are not capable of re-use by the Village, and are longer necessary or useful to, or for the best interests of, the Village, including, but not limited to, a 2010 Dodge Charger Police Interceptor (V.I.N. No. 2B3CA4CT3AH117416) and a 1995 Navistar International Model 4700 Dump Truck (V.I.N. No. 1HTSCABN4TH301703) (collectively, items (i), (ii), and (iii) are the “*Surplus Property*”); and

WHEREAS, the Village Council desires to authorize the Village Manager to dispose of Surplus Property that is not necessary or useful to, or for the best interests of, the Village during the 2017 calendar year; and

WHEREAS, the Village Council has determined that it is in the best interests of the Village to authorize the Village Manager to dispose of Surplus Property as set forth in this Ordinance;

NOW, THEREFORE, be it ordained by the Council of the Village of Winnetka as follows:

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

SECTION 2: AUTHORIZATION TO DISPOSE OF ELECTRIC AND POLICE SURPLUS PROPERTY. Pursuant to the Village’s home rule authority, the Village Council hereby authorizes the Village Manager to deem any item of Surplus Property, as defined in this Ordinance, that the Village may possess during the 2017 calendar year to be no longer necessary or useful to, or for the best interests of, the Village, if the item: (a) has reached the end of its useful life; (b) will be retired from service by the Village and cannot be re-used by the Village for any useful purpose; or (c) is not of a type that can be used by the Village for any useful purpose. The Village Council hereby authorizes the Village Manager, or his designee, to dispose of such items of Surplus Property deemed to be no longer necessary or useful to, or for the best

interests of, the Village by the Village Manager during the 2017 calendar year in a manner to be determined by the Village Manager, in his discretion.

SECTION 3: EXECUTION OF REQUIRED DOCUMENTATION. The Village Manager and the Village Clerk are hereby authorized to execute and attest, on behalf of the Village, all documents necessary to complete the disposition of the Surplus Property authorized pursuant to Section 2 of this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED this 20th day of December, 2016, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 20th day of December, 2016.

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 _____, 2016.

Introduced: December 20, 2016

Passed and Approved: _____