

STUDY SESSION
WINNETKA VILLAGE COUNCIL
Winnetka Police Department
410 Green Bay Road
Winnetka, Illinois 60093
Tuesday, January 10, 2012
7:30 p.m.

Emails regarding any agenda item are welcomed. Please email rbahan@winnetka.org, and your email will be relayed to the Council members. Emails for the Tuesday Council meeting must be received by Monday at 4:00 PM. Any email may be subject to disclosure under the Freedom of Information Act.

AGENDA

- 1) Call to Order
- 2) Reports to Council From Land-Use Related Lower Boards and Commissions2
- 3) Public Comment
- 4) Executive Session
- 5) Adjournment

NOTICE

All agenda materials are available at www.villageofwinnetka.org (click Council and then Current Agenda), the Reference Desk at the Winnetka Library, or in the Manager's Office at Village Hall (2nd floor).

Videos of the Regular Village Council meetings are televised on Channel 10, Mondays, Wednesdays, and Fridays at 7:00 p.m. Videos of the meeting may also be viewed on the Internet via a link on the Village's web site: www.villageofwinnetka.org.

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator – Liz Rosenthal, at 510 Green Bay Road, Winnetka, Illinois 60093, (Telephone (847) 716-3540; T.D.D. (847) 501-6041).

AGENDA REPORT

SUBJECT: **Reports from Land Use-Related Boards and Commissions**
 Business Community Development Commissions
 Design Review Board
 Environmental and Forestry Commission
 Landmark Preservation Commission
 Plan Commission
 Zoning Board of Appeals

PREPARED BY: Katherine S. Janega, Village Attorney

DATE: January 6, 2012

On April 26, 2011, the Village Council adopted Ordinance MC-3-2011, which restructured several advisory boards and commissions, provided for increased communication between the Village Council and its advisory bodies, including annual reports. The ordinance also made other amendments to Title 3 of the Village Code, to confirm the Council's role as the Village's policy-making body and to provide for more efficient use of the Village's professional and clerical staff.

After conferring with the Village President and Village Manager, it was determined that, in light of upcoming change-over on the Council, it would be appropriate to receive reports and engage in a dialogue in a study session early in the year. In so doing, the Council members who were most involved in the enactment of MC-3-2011 would get the benefit of the reports and could help assess the effectiveness of the 2011 amendments. At the same time, the Council avoids the risk that the desired communications would be deferred due to the Council's heavy budget schedule in the next few months, which will quickly be followed by the seating of the new Council.

To facilitate the discussions, the chairs of the six boards and commissions involved in land use and zoning matters have been invited to participate in a joint discussion at the first study session of the year. The staff liaisons will also attend, as will the Village Manager and Village Attorney. The discussion will also include an update on recent Open Meetings Act amendments, which affect every member of the Village Council and every one of the Village's other boards and commission.

To facilitate the discussion, the attachments to this Agenda Report contain excerpts from the Village Code pertaining to the role of Village staff and the scope of the powers and duties of the boards and commissions.

Recommendation: Receive and discuss status reports from boards and commission.

**Chapter 3.02
GENERAL PROVISIONS**

Sections:

- 3.02.010 Open Meetings**
- 3.02.020 Meeting Attendance**
- 3.02.030 Limitation on Powers and Authority**
- 3.02.040 Staff Liaisons**
- 3.02.050 Applicability**

Section 3.02.010 Open Meetings

It is the policy of the Village of Winnetka that all meetings of all boards, commissions and committees of the Village, and all committees and subcommittees thereof, shall be held in accordance with the provisions of the Illinois Open Meetings Act.

(MC-3-2011, Amended 04/26/2011; MC-8-2007, Added, 06/05/2007)

Section 3.02.020 Meeting Attendance

A. Attendance in Person. It is the policy of the Village of Winnetka that the members of all boards, commissions and committees of the Village, and all committees and subcommittees thereof, shall attend meetings of their respective bodies in person, notwithstanding any statutes of the State of Illinois permitting attendance by some means other than physical presence at the location of the meeting.

B. Rules Governing Attendance. No board, commission or committee of the Village, nor any committee or subcommittee thereof, shall have the power or discretion to establish rules permitting any of their members to attend meetings by any means other than by their physical presence, unless the Village Council has specifically granted such power and discretion in the enumerated powers set forth in the chapter of this Title pertaining to such board, commission or committee or subcommittee thereof.

(MC-3-2011, Amended 04/26/2011; MC-8-2007, Added, 06/05/2007)

Section 3.02.030 Limitation of Powers and Authority.

A. No board, commission or committee of the Village, and no committee or subcommittee thereof, shall have the power or authority to advertise for bids, to request proposals for work, to enter into a contract, to purchase any goods or services, or to encumber or expend Village funds unless one of the following conditions exists:

1. the Village Council has specifically granted such power and discretion in the enumerated powers set forth in the chapter of this Title pertaining to such board, commission or committee or committee or subcommittee thereof;
2. the Village Council has specifically granted such power or authority in an open meeting of the Village Council; or
3. the board or commission is created pursuant to State law and such power either has been granted pursuant to statute or is necessary to the performance of such board's or commission's statutory duties.

B. No board, commission or committee of the Village, and no committee or subcommittee thereof shall have the power or authority to create other committees or

subcommittees to assist such board, commission or committee in the performance of its work, unless directed by the Village Council or, if time is of the essence, by the Village President, subject to ratification by the Village Council at its next meeting.

C. Notwithstanding the foregoing, any board, commission, or committee of the Village, and any committee or subcommittee thereof, may request additional power or authority from the Village Council at any time, provided such request is for a specific purpose related to the duties of the requesting body.

(MC-3-2011, Added 04/26/2011)

Section 3.02.040 Staff Liaisons

The Village Manager shall have the authority and discretion to assign such Village staff as is necessary to provide professional and technical assistance, to provide clerical support, and to serve as a liaison between the Village administration and each board, commission or committee established pursuant to this Title 3 of the Village Code.

(MC-3-2011, Added 04/26/2011)

Section 3.02.050 Applicability

The provisions of this Chapter shall apply to all boards and commissions established pursuant to this Title 3 of the Village Code, to all boards and commissions of the Village established by State law and to all standing committees and ad hoc committees established by the Village Council. The provisions of this Chapter shall also apply to all committees and subcommittees of any of the foregoing, whether such committee or subcommittee is established by such board or commission or by State law, this Code, or other act of the Village Council.

(MC-3-2011, Added 04/26/2011)

Chapter 3.04
ENVIRONMENTAL AND FORESTRY COMMISSION

Section 3.04.050 Powers and Duties

The Commission shall have the following powers and duties:

A. Urban Forestry.

1. To act in an advisory capacity to the Village Council on matters relating to urban forestry, including the enhancement and preservation of trees in the Village, and methods to mitigate threats to trees in the Village such as Dutch elm disease and the emerald ash borer;
2. In consultation and coordination with the Village Council and Village professional staff, to make recommendations to the Village Council regarding amendments to the provisions of Tree Preservation Code, Chapter 15.28 of this code;
3. To apply annually for Tree City U.S.A. designation or other awards and incentives recognizing the Village or any portion of the Village for its trees or forestry;
3. To provide advice and mediation in disputes concerning the maintenance or removal of trees in the Village when requested by all parties to a dispute;
4. To determine, at the request of the Director of Public Works, whether an application for a permit to remove a tree under Section 15.28.040(B)(6) meets the requirement of that subsection that the removal of the tree will avoid or alleviate an economic hardship or hardship of another nature on the property or residence; and
5. To hear and decide appeals from the action of the Director of Public Works denying a permit to remove a tree pursuant to Section 15.28.040 of this Village code, in accordance with the procedures set out in Section 15.28.090.

B. Environmental Stewardship.

1. To act in an advisory capacity to the Village Council on matters relating to:
 - a. sustainability, meaning the use of resources so that they do not become depleted or permanently damaged and requiring the balancing of environmental, economic and social demands, so as to meet present needs without compromising the future;
 - b. the protection of the environment;
 - c. the conservation of energy; and
 - d. the preservation, conservation, enhancement and protection of the quality of the Village's natural resources, including issues related to pollution and recycling;
2. In consultation and coordination with the Village Council, to make recommendations to the Village Council regarding the improvement of private energy stewardship by the Village's residents and businesses, including strategies for energy conservation, reduced energy consumption and access to renewable energy sources; and
3. In consultation and coordination with the Village Council and Village professional staff, to make recommendations to the Village Council regarding the adoption of "green" building strategies for public and private development and redevelopment, such as the Leadership in Energy and Environmental Design Program developed by the U.S. Green Building Council.

C. Technical Assistance and Information Services.

1. In consultation and coordination with the Village Council and Village professional staff, to assist in disseminating information about protection of the environment, the conservation of energy, and the protection, maintenance and improvement of the Village's tree population;

2. To work in consultation and cooperation with the Plan Commission in the Plan Commission's review and updating of the Comprehensive Plan on matters pertaining to the protection of the environment, and to make recommendations to the Plan Commission for amendments to the Comprehensive Plan pertaining to:

a. sustainability, as defined in Section 3.04.050B.1.a, above; and
b. the protection, maintenance and improvement of the Village's tree population, including updating Chapter XIV, "Street Tree Planting," of the Winnetka Comprehensive Plan; and

3. In consultation and coordination with the Village Council and Village professional staff, to act as a liaison between the Village and other local and regional governmental, public and private agencies, such as the Winnetka Park District, area schools, Great Lakes Commission and Chicago Wilderness, for the purpose of obtaining information on matters related to the foregoing powers and duties of the Commission.

D. To report to the Village Council from time to time on the work of the Commission, including but not limited to (i) presenting a report to the Village Council in an open session of the Village Council at least once each calendar year, and (ii) submitting such other and additional reports as the Village Council, in the exercise of its discretion and authority, may direct from time to time; and

E. To perform such other duties and responsibilities as directed by the Village Council or as otherwise required by ordinance or statute.

(MC-3-2011, Amended 04/26/2011; MC-3-2008, Amended, 06/03/2008)

Chapter 3.08
PLAN COMMISSION

Section 3.08.060 Powers and Duties

- A. The Plan Commission shall have the following powers and duties:
1. To prepare and recommend to the Council a Comprehensive Plan for the present and future development or redevelopment of the Village;
 2. To assist the officials of the Village charged with the direction of projects for improvements embraced within the official plan, to further the making of such improvements, and generally to promote the realization of the official plan;
 3. To conduct an annual review of Appendix 6 of the Comprehensive Plan and to submit proposals to the Council and to the Board of Local Improvements for specific improvements enumerated therein;
 4. To prepare and recommend to the Council changes in the official Comprehensive Plan from time to time;
 5. To consider and make recommendations to the Council on applications for land subdivisions as provided in Title 16 of this Code;
 6. To consider and make recommendations to the Council on applications for special use permits, wireless telecommunications facilities and planned developments, as provided in Title 17 of this Code;
 7. To adopt rules of procedure not inconsistent with this section;
 8. To report to the Village Council from time to time on the work of the Commissions, including but not limited to (i) presenting a report to the Village Council in an open session of the Village Council at least once each calendar year, and (ii) submitting such other and additional reports as the Village Council, in the exercise of its discretion and authority, may direct from time to time; and
 9. To perform such other duties and responsibilities as directed by the Village Council or as otherwise required by ordinance or statute.
- (Ord. MC-228-99 § 4 (part), 1999: prior code § 6.02)
(MC-3-2011, Amended 04/26/2011; MC-8-2005, Amended, 12/20/2005)

Chapter 3.12
DESIGN REVIEW BOARD

Section 3.12.010 Design Review Board.

* * *

E. Powers and Duties. The Design Review Board shall have the following powers and duties:

1. To hold hearings on the issuance of certificates of appropriateness of design in connection with applications for building permits pursuant to the provisions of Chapter 15.40 of this code;
2. To hold hearings on the issuance of certificates of appropriateness in connection with applications for sign permits pursuant to the provisions of Chapter 15.60 of this code;
3. Upon completion of hearings on the issuance of certificates of appropriateness that are part of applications that require any approval by the Village Council, to make findings and recommendations to the Council as to whether such certificate should be issued or denied;
4. Upon completion of hearings on the issuance of certificates of appropriateness that are not part of applications that require any approval by the Village Council, to make findings and to issue or deny such certificates;
5. To adopt and publish standards and criteria for the review of external architectural features associated with the issuance of certificates of appropriateness under subsection (E)(1) of this section;
6. To make recommendations to the Council or the Village Manager as to measures appropriate to improve the appearance of public buildings and public property;
7. To study plans and specifications for any proposed public works or public improvements and to make recommendations to the Council, the Board of Local Improvements, or the Village Manager, as the case may be, as to the architectural or aesthetic aspects of such plans and specifications;
8. To consult with and to cooperate with the Plan Commission, Village departments, and any other municipal or governmental bodies on matters affecting the appearance of the Village;
9. To formulate plans, measures or guidelines for improvement of the appearance of privately owned real estate in the Village and, with the approval of the Council, to consult with the owners or occupants of such real estate with a view to achieving improvement appearance through voluntary cooperation;
10. To adopt rules of procedure not inconsistent with this section; and
11. To perform such other duties and render such other services as may be specified by ordinance or resolution of the Village Council.

(Ord. MC-228-99 § 4 (part), 1999; Ord. MC-192-97 § 4 (part), 1997; prior code § 6.04)
(MC-8-2007, Amended, 06/05/2007, Subsection D)

BUSINESS COMMUNITY DEVELOPMENT COMMISSION

Section 3.22.060 Powers and Duties.

The Business Community Development Commission shall have the following powers and duties:

A. To act in an advisory capacity to the Village Council on matters relating to business and economic development opportunities within the Village's commercial zoning districts, including identifying services and professional resources available to the Village for business and economic development;

B. In consultation and coordination with the Village Council, to collect information and report to the Village Council on opportunities for business and investment in the Village's commercial zoning districts;

C. In consultation and coordination with the Village Council, to perform studies and make recommendations to the Village Council concerning business development in the Village, including but not limited to helping existing businesses grow, encouraging new businesses to be started and attracting businesses from outside the Village;

D. To identify grants and other financial resources available to the Village for business and economic development and, subject to the prior approval of the Village Council, to apply for such grants or financial resources;

E. To perform such other duties pertaining to the development and improvement of the Village's business districts as the Village Council, in the exercise of its discretion, may direct from time to time;

F. To report to the Village Council from time to time on the work of the Commissions, including (i) presenting a report to the Village Council in an open session of the Village Council at least once each calendar year, and (ii) submitting such other and additional reports as the Village Council, in the exercise of its discretion and authority, may direct from time to time; and

G. To perform such other duties and responsibilities as directed by the Village Council or as otherwise required by ordinance or statute.

(MC-3-2011, Amended, 04/26/2011; MC-8-2007, Amended, 06/05/2007, Paragraph 5 of Subsection A; MC-3-2004, Added, 04/06/2004)

Chapter 3.24

Chapter 3.40
LANDMARK PRESERVATION COMMISSION

Section 3.40.060 Powers and Duties.

The Commission shall have the following powers and duties:

A. Surveys and Education.

1. To conduct an ongoing survey of the Village the criteria identified in Chapter 15.64 to identify buildings, structures and properties by address or location that are of historic, cultural or architectural significance, and, therefore, potential landmarks;

2. To develop and maintain technical information pertaining to the physical and financial aspects of preservation, renovation, rehabilitation and reuse, and on procedures for inclusion on the National Register of Historic Places and to make such information available to the owners of potential and designated landmarks; and

3. To inform and educate the residents of the Village concerning the historic, cultural or architectural heritage of the Village;

B. Landmarks.

1. Upon receipt of an application for landmark designation from a property owner, to hold public hearings and make findings and recommendations to the Village Council on the application, in accordance with procedures established in Chapter 15.64;

2. To hold public meetings and review applications for alteration affecting designated landmarks and comment upon such alteration;

3. To compile information concerning potential and designated landmarks;

4. To prepare, keep current, and publish maps and/or registers of potential and designated landmarks; and

5. To establish an appropriate system of certificates, markers or plaques for designated landmarks;

C. Building Demolitions.

1. To review applications for demolition permits and to determine whether a historic and architectural impact study should be conducted before a demolition permit is issued, as provided in Chapter 15.52 of this code; and

2. To order that the issuance of a demolition permit be delayed to allow an opportunity to determine alternatives to demolition of buildings or structures that are historically or architecturally significant, as provided in Chapter 15.52 of this code;

D. Rules. To develop and adopt rules and procedures necessary to carry out its functions under the provisions of this chapter; and (Prior code § 20.02)

E. Other Powers and Duties.

1. To seek grants and donations to achieve the purposes of this chapter and, upon authorization by the Village Council, to seek certifications or approvals necessary to qualify the Village, the Commission or the owners of designated landmarks, for financial or other assistance;

2. Upon authorization by the Village Council to undertake any other action or activity necessary or appropriate to the implementation of the powers and duties, or the implementation of the purposes of this chapter.

(MC-5-2009, Amended, 05/05/2009)

Chapter 3.44
ZONING BOARD OF APPEALS

Section 3.44.050 Powers and Duties

A. Rules of procedure. The Board shall adopt and publish its own rules of procedure for all matters under its jurisdiction, Such rules of procedure shall be consistent with the provisions of this chapter, Title 17 of this code and state statutes.
(Prior code § 22.16 (part))

B. Powers and duties. In addition to the foregoing duty, the Board shall have the following powers and duties:

1. To conduct hearings, enter findings and render decisions on applications for zoning variations, special uses and planned developments, as provided in Title 17 of this code;

2. To hear and decide certain appeals as provided in Chapter 17.72 of this code;

3. To perform such other duties and functions in the administration of the Winnetka Zoning Ordinance, as provided in Title 17 of this code;

4. To hear and consider appeals from certain orders, requirements, decisions or determinations of any Building Officer as provided in Chapter 15.72 of this code, for which purposes the Board shall be known as the Building and Zoning Board of Appeals;

5. To make recommendations to the Village Council from time to time regarding the administration of and possible amendment to this Code; and

6. To perform such other duties as the Village Council may direct from time to time.

(MC-5-2009, Amended, 05/05/2009; MC-8-2007, Amended, 06/05/2007)