

Regular Meeting
WINNETKA VILLAGE COUNCIL
510 Green Bay Road
Winnetka, Illinois 60093
November 3, 2009
7:30 p.m.

AMENDED AGENDA

- 1) Call to Order
- 2) Pledge of Allegiance to the Flag
- 3) Quorum
 - a) November 10, 2009, Study Session
 - b) November 17, 2009, Regular Meeting
- 4) Approval of Agenda
- 5) Consent Agenda
 - a) Village Council Minutes.
 - i) October 13, 2009, Study Session3
 - ii) October 20, 2009, Regular Meeting.....6
 - b) Warrant Lists Nos. 1627 and 162810
 - c) Ordinance No. M-18-2009 – Zoning Variation: 933 Tower Rd. – Adoption.....11
 - d) Ordinance No. MC-12-2009 – Video Poker – Adoption.....18
 - e) Monitor Defibrillator Purchase27
- 6) Ordinances and Resolutions.
 - a) Ordinance No. MC-14-2009 – Amending the Village Code as it pertains to Student Membership on the Environmental & Forestry Commission – Introduction30
 - b) Resolution No. R-32-2009 – Collective Bargaining Agreement with the Metropolitan Alliance of Police, Representing Winnetka Police Officers – Adoption..... (Added)
- 7) Public Comment and Questions
- 8) Old Business – None
- 9) New Business
 - a) Policy Direction: Chamber of Commerce Banner Request34
- 10) Reports
- 11) Appointments

12) Executive Session

13) 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). Information regarding rebroadcast of regular Council meetings may also be found on the Village's website.

ADA NOTICE

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).

MINUTES
WINNETKA VILLAGE COUNCIL STUDY SESSION

October 13, 2009

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, October 13, 2009, at 7:30 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:34 p.m. Present: Trustees Gene Greable, Bill Johnson, Linda Pedian, King Poor, Chris Rintz and Jennifer Spinney. Absent: None. Also in attendance: Village Manager Doug Williams, Village Attorney Katherine Janega, Assistant Public Works Director Stephen Auth, and 4 people in the audience.
- 2) WEFC Strategic Plan and 2009-2010 Implementation Plan. President Tucker welcomed the Chair of WEFC, David Abell.

Mr. Abell presented the WEFC's strategic plan and said the WEFC would like guidance from the Council about some initiatives the Commission would like to pursue. He noted that the last Caucus Questionnaire revealed strong community support for environmental issues, with most residents favoring an emphasis on education rather than regulation, and commented that behavior can be strongly influenced by economic incentives.

Mr. Abell then explained the four focus areas of the WEFC's strategic plan: a) energy conservation; b) forestry and green space; c) green buildings; and d) water, air and solid waste. He stated that the WEFC is interested in collaborating with neighboring municipalities, regional government bodies and environmental and conservation organizations, and asked the Council to support the WEFC's recommendations, and to provide funding for the WEFC's educational tasks.

Following some suggestions and discussion with the Council, the public was invited to comment.

George Conbeer, 780 Prospect and Caucus Chair, asked if the WEFC has thought about communicating and collaborating with any of the Village's other local governing bodies.

Mr. Abell replied that some WEFC members prefer to let Village staff coordinate communications with local governing boards, and noted that the Park District and New Trier High School have representatives on the Commission.

Vicki Apatoff, 730 Ardsley, and Marc Hecht, 1096 Spruce, voiced concern about dwindling green space and the loss of trees in residential areas.

Mr. Abell explained the WEFC's previous efforts to have the Council pass a Heritage Tree Ordinance, but recalled that it was opposed by a majority of the public at the time and that the issue would not be revisited in the near future.

Mr. Abell then distributed and discussed a list of the WEFC's current projects and asked if for Council support mandatory recycling of construction debris and prohibiting synthetic phosphorous in fertilizer. The Council agreed on the need to educate the public, responded favorably to the construction recycling proposal, and asked the WEFC to do more research and come back with scientific and measurable reasons on the need for the phosphorous ban.

- 3) Draft Ethics Ordinance. Attorney Janega reviewed a PowerPoint presentation summarizing the fundamental policy issues involved in amending the Village's ethics, ordinance. She noted that normally conflict of interest prohibitions require some link between the interest of the official in question and the subject matter over which the official must make some decision, and pointed out that none of the communities she had surveyed had an ethics ordinance with as broad a prohibition as the draft that she had been directed to prepare.

Trustee Poor remarked that the presentation was a good informational exercise and that there had recently been a situation in the Plan Commission which the Council would like to avoid in the future, while at the same time steering clear of wholesale disqualifications. He indicated support for an ordinance similar to the Northfield's, which provides for Council review of certain situations, as opposed to being overly restrictive across the board.

There was an extensive discussion about how restrictive the ordinance should be in order to avoid future problems, with the Council generally in favor of having all board and committee members complete an annual disclosure statement, and using the Northfield ordinance as a model for what Winnetka is trying to accomplish. Attorney Janega remarked that Glencoe cites examples of violations in its ordinance, which could be a helpful thing to include in the draft under consideration in Winnetka.

Mr. Conbeer said the Caucus thinks the Village's entire ethics code is too weak and that it should apply to appointed boards. He added that the Caucus platform would likely have an ethics plank.

Mr. Hecht said that apparent conflicts are very real and should not be tolerated, and that rules should err on the side of caution to eliminate any possible conflict. He expressed support for making blue-ribbon panels subject to the ethics rules, in addition to the regular other boards and commissions.

Katie Stevens, 211 Winnetka, agreed with Mr. Hecht's comments, and said standards need to be more stringent to avoid having Village consultants serving on the Village's boards.

Ms. Apatoff said the concern about narrowing the pool of candidates is valid and noted that the real concern is preventing someone who serves on a Village board from being given a competitive advantage when bidding on a Village contract.

The Council weighed in with their views on the matter, and reached a consensus to have Attorney Janega return at some later date with a draft ordinance this is similar to Northfield's, that includes blue-ribbon panels and families of board members, and that gives examples of conflicts of interest.

- 4) Village President's Core Objectives. President Tucker asked the Council for their thoughts on the policy initiatives and concerns contained on her list of Core Objectives. After a short discussion, it was agreed that drainage issues should be discussed at a future Study Session, and that the Police Chief will give his recommendations on developing an administrative hearing procedure once he has completed his review of the process.
- 5) Reports. None.
- 6) Executive Session. Trustee Pedian moved to adjourn into Executive Session for the purpose of discussing Personnel Matters, Board Appointments, Pending Litigation and Collective Bargaining, pursuant to Sections 2(c)(1), 2(c)(3), 2(c)(11) and 2(c)(2) respectively, of the

Illinois Open Meetings Act. Trustee Spinney seconded the motion. By roll call vote, the motion carried. Ayes: Trustees Greable, Johnson, Pedian, Poor, Rintz and Spinney. Nays: None. Absent: None. The Council adjourned into Executive Session at 11:00 p.m.

The Council reconvened into Regular Session at 11:48 p.m. Present: President Tucker, Trustees Greable, Johnson, Pedian, Poor, Rintz and Spinney. Absent: None. Also present: Village Manager Doug Williams and Village Attorney Katherine Janega.

- 7) Adjournment. Trustee Rintz, seconded by Trustee Johnson, moved to adjourn the meeting. By roll call vote, the motion carried. Ayes: Trustees Greable, Johnson, Pedian, Poor, Rintz and Spinney. Nays: None. Absent: None. The meeting adjourned at 11:49 p.m.

Recording Secretary

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
October 20, 2009**

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, October 20, 2009, at 7:30 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:32 p.m. Present: Trustees Gene Greable, Bill Johnson, Linda Pedian, King Poor, Chris Rintz, and Jennifer Spinney. Absent: None. Also present: Village Manager Doug Williams, Village Attorney Katherine Janega, Director of Community Development Michael D’Onofrio, Police Chief Joe DeLopez, and four persons in the audience.
- 2) Pledge of Allegiance. President Tucker led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) October 27, 2009, Special Study Session. All of the Council members present indicated that they expected to attend.
 - b) November 3, 2009, Regular Meeting. All of the Council members present indicated that they expected to attend.
- 4) Approval of the Agenda. President Tucker read the list of items on the Consent Agenda. Trustee Poor, seconded by Trustee Johnson, moved to approve the Agenda as presented. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Spinney, Pedian, Rintz, and Greable. Nays: None. Absent: None.
- 5) Consent Agenda.
 - a) Village Council Minutes.
 - i) October 6, 2009, Regular Meeting
 - b) Warrant Lists Nos. 1625 & 1626. Approving Warrant List No. 1625 in the amount of \$1,255,561.18, and Warrant List No. 1626 in the amount of \$433,698.34.
 - c) Ordinance MC-13-2009 – Reducing the Speed Limit on Walden Road – Adoption. This Ordinance would reduce the speed limit on Walden Road to 25 mph. It was introduced at the October 6th Council meeting.

Trustee Johnson, seconded by Trustee Pedian, moved to approve the foregoing items on the consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Johnson, Pedian, Poor, Greable, Rintz, and Spinney. Nays: None. Absent: None.
- 6) Ordinances and Resolutions.
 - a) Ordinance No. M-18-2009 – Zoning Variation: 933 Tower Rd. – Introduction.

Mr. D’Onofrio reviewed this request for two zoning variations to permit the construction of an addition to an attached garage at 933 Tower Road. The proposed plan is to turn the existing one-car garage with a front facing door ninety degrees and construct an addition to accommodate a second car. The addition would result in a roofed lot coverage 5.04%

over the permitted maximum and a front yard setback of 21.34 ft, whereas a minimum of 50 ft. is required. He noted that the front yard setback is an existing nonconformity and that two previous zoning cases were approved, but neither project was ever completed. He added that the Zoning Board of Appeals recommended approval by a 4 to 0 vote.

The applicant, James Blum, explained that the main motivation behind the request is to solve significant water problems. It is hoped that changing the orientation of the garage and installing new pumps will change where the water pools on the property, in addition to providing the homeowners with a second garage bay.

Trustee Poor voiced support for granting the variation but commented that the absence of a two-car garage does not constitute a hardship or significantly impact reasonable return as there are numerous properties throughout the Village that lack that feature.

Trustee Greable agreed and suggested the removal of language in the draft ordinance stating that a two-car garage is considered a standard amenity for homes throughout the Village.

The other Trustees concurred.

Trustee Spinney pointed out that at best this variation will not solve the water issues, but will only facilitate the implementation of other water mitigation efforts.

In response to a question from Trustee Pedian, who expressed concern about the impact of increased impermeable surface on neighbors, Mr. Blum went on to briefly explain his other plans for addressing the water problem.

Attorney Janega remarked that the Village Code requires engineering approval of all plans. She added that the reference to the recital on economic return will be revised as discussed by the Council.

Trustee Rintz, seconded by Trustee Greable, moved to introduce Ordinance M-18-2009. By voice vote, the motion carried.

- b) Ordinance No. MC-12-2009 – Video Poker – Introduction. Attorney Janega explained the draft ordinance follows the Council's discussions on September 1st and would amend the Village Code to prohibit video gaming machines and other electronic gaming devices. She summarized the State's new Video Gaming Act, noting that it allows municipalities to pass an ordinance prohibiting video gambling. She observed that no restaurant has expressed an interest in video gaming, and that the State gaming Board hasn't yet enacted rules. She added that the proposed ordinance would also clarify distinctions between different types of gaming and amusement devices and how they are regulated by the Village, and would update the current code provisions.

Trustee Poor, seconded by Trustee Spinney, moved to introduce Ordinance MC-12-2009. By voice vote, the motion carried.

- 7) Public Comment and Questions. None.
- 8) Old Business. None.
- 9) New Business. None.

- a) Policy Direction: Request for New Liquor License Category. Chief DeLopez reviewed a request for a new liquor license category from the owner of D's Haute Dogs, 551 Lincoln Avenue. The applicant has requested the creation of a license category that would permit him to sell canned beer with the purchase of a hot dog. Chief DeLopez referred the Trustees to the information provided by the applicant, as outlined in the Agenda Report and pointed out that the beer sales would be in cans only, would be incidental to the purchase of food, and that there would be no direct customer access to the beer cooler and no sale of beer to go.

Trustee Rintz asked Chief DeLopez his opinion of the request. In response, Chief DeLopez stated that this specific request does not greatly disturb him, but that canned beer is easily portable, and he is also concerned about a proliferation of requests to modify the Village's ordinances.

Responding to a question from Manager Williams, Mr. Boyar indicated that the beer could be served in glasses.

Trustee Pedian pointed to the casual nature of the operation and the fact that it caters to families as possible causes for concern, and asked if the sale of beer would have a significant positive impact on the applicant's business, or if it was merely "nice to have."

Chief DeLopez replied that the applicant reports frequent requests for beer service.

Trustee Spinney indicated that she was struggling with this request. She expressed concern about alcohol abuse in the community and about whether this would just be one more step down a "slippery slope."

Trustee Johnson referred to the 2005 Village Caucus Platform, noting the community's opposition to liquor code revisions, particularly anything that could resemble a "bar." He stated that, while he hopes applicant's business succeeds, he cannot support this proposal.

The applicant, Jared Boyar, spoke in support of his request and responded to questions from the Trustees.

Trustee Greable commented on the 2005 Caucus survey question and Platform. He observed that this is a fast food restaurant, which historically has been omitted from being considered an acceptable place for liquor service, and that until he is satisfied that the community wants to change its values relating to alcohol, he cannot support this or any similar request.

Trustees Rintz, Pedian and Poor also indicated that they would not vote in favor of this expansion to the liquor code at this time.

Noting the lack of support among the Trustees, President Tucker voiced her own concerns and commented that there needs to be further discussion in the community about expanding the parameters of liquor service in the Village.

10) Reports

- a) Village President. President Tucker reported on her attendance at the NWMC monthly meeting last week where information regarding the H1N1 flu outbreak was presented. She added that pension reform continues to be a topic of discussion among the members.

b) Trustees.

- i) Trustee Greable reported that he had attended the recent meeting of the Historical Society's Board of Directors, and there was great excitement over the success of the showing of *The Winnetka Story*. He also reported on the Chamber of Commerce meeting, where the discussion focused on ways to generate support for holiday sales.
- ii) Trustee Spinney reported on the recent RED Center activities as well as the Streetscape Technical Committee meeting and the Library Board meeting, which was attended by former Trustee Berger in her stead.
- iii) Trustee Johnson invited interested residents to attend the upcoming meeting of the BCDC, where there will be a presentation and discussion regarding branding.
- iv) Trustee Poor reported on last week's Environmental and Forestry Commission meeting.

c) Attorney. None.

- d) Manager. Manager Williams announced that New Trier high School would take over the rebroadcast of Village Council meetings beginning on November 18th on Channel 18. He also reported that the Village expects to implement an electronic sign-up for the e-mail distribution of news and information in the very near future. In response to a question from Trustee Pedian, Mr. Williams stated that the Village would be sticking notices on garbage cans to advise residents of the upcoming changes in the recycling schedule.

11) Appointments.

- a) President Tucker asked for a motion to appoint Lawson Whitesides as the Environmental and Forestry Commission's representative to the Plan Commission, effective immediately. Trustee Pedian, seconded by Trustee Rintz, moved to so appoint Mr. Whitesides. By voice vote, the motion carried unanimously.

12) Executive Session. Trustee Johnson moved to adjourn into Executive Session to discuss Personnel, Pending and Probable Litigation, and Collective Bargaining pursuant to Sections 2(c)(1), 2(c)(11) and 2(c)(2), respectively, of the Illinois Open Meetings Act. Trustee Pedian seconded the motion. By roll call vote, the motion carried. Ayes: Trustees Greable, Johnson, Pedian, Poor, Rintz, and Spinney. Nays: None. Absent: None. The Council adjourned into Executive Session at 8:57 p.m.

The Council reconvened into Regular Session at 10:45 p.m. Present: President Tucker, Trustees Greable, Johnson, Pedian, Poor, Rintz and Spinney. Absent: None. Also present: Village Manager Doug Williams and Village Attorney Katherine Janega.

13) Adjournment. Trustee Poor, seconded by Trustee Johnson, moved to adjourn the meeting. By roll call vote, the motion carried. Ayes: Trustees Greable, Johnson, Pedian, Poor, Rintz and Spinney. Nays: None. Absent: None. The meeting adjourned at 10:46 p.m.

Recording Secretary

AGENDA REPORT

SUBJECT: **Warrant Lists Nos. 1627 and 1628**

PREPARED BY: Doug Williams, Village Manager

DATE: October 29, 2009

Warrants Lists Nos. 1627 and 1628 are enclosed in each Council member's packet.

Recommendation: Consider approving Warrants Lists Nos. 1627 and 1628.

AGENDA REPORT

TO: Village Council

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

DATE: October 29, 2009

SUBJECT: 933 Tower Rd., Ord. No. M-18-2009
(1) Intensity of Use of Lot
(2) Front Yard Setback

REF: October 20, 2009 Council Meeting, pp. 13-52

Ordinance M-18-2009 grants variations by Ordinance from Section 17.30.030 [Intensity of Use of Lot] and 17.30.050 [Front Yard Setback] of the Winnetka Zoning Ordinance to permit the construction of an attached garage addition that will result in a roofed lot coverage of 2,082.11 s.f., whereas a maximum of 1,982.23 s.f. is permitted, a variation of 99.88 s.f. (5.04%) and a front yard setback of 21.34 ft., whereas a minimum of 50 ft. is required, a variation of 28.66 ft. (57.32%).

The petitioner James Blum is requesting variations in order to construct an addition to the attached garage. The existing front-facing one-car attached garage measuring 19 ft. x 10.36 ft. would be expanded and rotated to face west. The additions to the garage would measure 20.58 ft. x 10.39 ft. and 10.36 ft. x 0.28 ft., adding 216.73 s.f. of roofed lot coverage. The proposed addition would provide a front yard setback, as measured from the private road easement, of 21.34 ft., whereas a minimum of 50 ft. is required. The existing residence is nonconforming with respect to the front yard setback; it is providing a front yard setback of 15.29 ft.

The property is located in the R-2 Single Family Residential District. The home was built in 1922. Subsequent building permits were issued in 1925 to construct a room and bath addition, in 1929 to construct a porch addition, in 1972 to alter and repair the residence, and in 1986 to construct a room addition and general remodeling to the residence. The petitioners purchased the property in 1997.

There are two previous zoning cases for this property. In 1986, Case No. 1339 was approved by the ZBA for the rear and front yard setbacks to permit the construction of a one-story addition on the north side of the residence (permit referenced above). In 1991, Case No. 1508 was approved by the Village Council to permit a front yard setback of 30.42 ft., as measured from the property line, to construct a two-story garage addition to the residence. This project was never brought to fruition.

An attached zoning matrix of zoning requirements summarizes the work proposed under this variation request.

933 Tower Rd.
October 29, 2009
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At its September 14, 2009 meeting the ZBA voted 4 to 0 to recommend approval of the variations.

Adoption of the ordinance requires the concurrence of the majority of the Village Council members.

Recommendation

Consider amending Ordinance M-18-2009.

Consider adoption of Ordinance M-18-2009, granting a variation from the intensity of use and front yard setback requirements.

ZONING MATRIX

ADDRESS: 933 Tower Rd.
CASE NO: 09-01-V2
ZONING: R-2

ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	24,000 SF	7,928.93 SF (1)	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	100 FT	114.91 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	1,982.23 SF (2)	1,865.38 SF	216.73 SF	2,082.11 SF	99.88 SF (5.04%) VARIATION
Max. Gross Floor Area	3,171.57 SF (2)	2,947.1 SF	216.73 SF	3,163.83 SF	OK
Max. Impervious Surface	3,964.46 SF (2)	2,839.2 SF	744.42 SF	3,583.62 SF	OK
Min. Front Yard (South)	50 FT	15.29 FT	21.34 FT	21.34 FT	28.66 SF (57.32%) VARIATION
Min. Side Yard (East)	12 FT	14.57 FT	N/A	N/A	OK
Min. Total Side Yards	34.47 FT	59.57 FT	49.54 FT	49.54 FT	OK
Min. Rear Yard (North)	10.35 FT	5.51 FT	N/A	N/A	EXISTING NONCONFORMING

NOTES:

(1) Excludes area of private road easement (374.97 s.f.).

(2) Based on lot area of 7,928.93 SF

ORDINANCE NO. M-18-2009

**AN ORDINANCE GRANTING A VARIATION IN
THE APPLICATION OF THE ZONING ORDINANCE
OF THE VILLAGE OF WINNETKA,
COOK COUNTY, ILLINOIS (933 Tower)**

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

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

WHEREAS, the property commonly known as 933 Tower Road, Winnetka, Illinois (the “Subject Property”), is legally described as follows:

Lot 1 in Jackson’s Subdivision of Lot 6 (except that part of said Lot 6 lying West of a line extending Northerly from a point in the South line of said Lot 6, 89 feet 9 inches East of the Southwest corner thereof, to a point in the Northerly line of said Lot 6, 95 feet 3 inches Easterly from the Northwest corner thereof) in the subdivision of Lot 2 in the subdivision of Block 13 Hubbard Estate Subdivision in the Northeast ¼ of the Fractional Section 17, Township 42 North, Range 13 East of the Third Principal Meridian, in Winnetka, Cook County, Illinois; and

WHEREAS, the Subject Property is located in the R-2 Zoning District provided in Chapter 17.24 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code; and

WHEREAS, on November 5, 2008, the owner of the Subject Property filed an application for the following variations from requirements of the Lot, Space, Bulk and Yard Regulations for Single Family Residential Districts established by Chapter 17.30 of the Zoning Ordinance: (a) a variation from the intensity of use of lot limitations of Section 17.30.030 to allow a roofed lot coverage of 2,082.11 square feet, whereas the allowed maximum is 1,982.23 square feet, resulting in a variation of 99.88 square feet (5.04%); and (b) a variation from the front yard setback requirements of Section 17.30.050 to permit a front yard setback of 21.34 feet, whereas the minimum required is 50 feet, resulting in a variation of 28.66 feet (57.32%), in order to permit the

construction of a one-story addition to expand the existing front-facing attached one-car garage to accommodate two cars; and

WHEREAS, at the request of the applicant, the application was not immediately set for hearing; and

WHEREAS, on September 14, 2009, on due notice thereof, the Zoning Board of Appeals conducted a public hearing on the requested variations and, by the unanimous vote of the four members then present, has reported to the Council recommending that the requested variations be granted; and

WHEREAS, there are practical difficulties and particular hardships associated with carrying out the strict application of the Zoning Ordinance with respect to the Subject Property in that: (a) the Subject Property is an irregularly shaped lot that has an average lot width of more than 125 feet wide and an average lot depth of less than 70 feet; (b) the Subject Property also has a substandard lot area of 7,928.93 square feet, which is 16,071 square feet less than the requirement for the R-2 Zoning District; (c) the Subject Property is improved with a single family residence, constructed in 1922, before the enactment of the Winnetka Zoning ordinance; (d) although the Subject Property has a Tower Road address, it is part of a cluster of homes located to the north of two parcels that front on Tower Road and is accessed via an easement that serves several of the other properties in the cluster and is therefore considered a street for zoning purposes; (e) because of the private street easement, the Subject Property is required by the Zoning Ordinance to observe a 50-foot front yard setback from the northern edge of the easement; (f) the Subject Property currently has a legal, nonconforming front yard setback of 15.29 feet; and (g) the existing garage is at the lowest point in the cluster's cul-de-sac, which makes it subject to drainage problems; and

WHEREAS, the Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the Zoning Ordinance, in that the drainage problems cannot be addressed without the proposed construction; and

WHEREAS, the requested variations will not alter the essential character of the neighborhood, as the new construction will be of a similar design to the residence on the Subject Property and to the other homes in the enclave; and

WHEREAS, the requested variations will not impair an adequate supply of light and air because: (a) the addition is one-story and does not encroach on neighboring property; and (b) the proposed construction will reduce the front yard setback nonconformity by 6.05 feet; and

WHEREAS, the requested variations will not increase the hazard from fire and other dangers to the Subject Property, as the proposed construction will comply with all applicable building and fire protection codes; and

WHEREAS, the requested variations will not diminish the taxable value of land and buildings throughout the Village, and the taxable value of the Subject Property may be increased because of the proposed new construction; and

WHEREAS, the proposed construction will not contribute to congestion on the public streets, as the property will continue to be used for single family residential purposes; and

WHEREAS, there is no evidence that the requested variations will otherwise impair the public health, safety, comfort, morals, and welfare of the inhabitants of the Village; and

WHEREAS, the requested variations are in harmony with the general purpose and intent of the Winnetka Zoning Ordinance, in that they allow the renovation, restoration and rehabilitation of a structurally sound existing building while maintaining the existing scale and appearance of the community and protecting established trees and landscaping.

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

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

SECTION 2: The Subject Property, commonly known as 933 Tower Road, and located in the R-2 Single-Family Residential District provided in Chapter 17.24 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code is hereby granted the following variations from requirements of the Lot, Space, Bulk and Yard Regulations for Single Family Residential Districts established by Chapter 17.30 of the Zoning Ordinance: (a) a variation from the intensity of use of lot limitations of Section 17.30.030 to allow a roofed lot coverage of 2,082.11 square feet, whereas the allowed maximum is 1,982.23 square feet, resulting in a variation of 99.88 square feet (5.04%); and (b) a variation from the front yard setback requirements of Section 17.30.050 to permit a front yard setback of 21.34 feet, whereas the minimum required is 50 feet, resulting in a variation of 28.66 feet (57.32%), in order to permit the construction of a one-story addition to expand the existing front-facing attached one-car garage to accommodate two cars, all in accordance with the plans and elevations submitted with the application for variations.

SECTION 3: This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 4: This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

PASSED this 3rd day of November, 2009, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: .

APPROVED this 3rd day of November, 2009.

Signed:

Village President

Countersigned:

Village Clerk

Introduced: October 20, 2009

Posted: October 21, 2009

Passed and Approved:

Posted:

AGENDA REPORT

SUBJECT: MC-12-2009 – Amending Village Code Chapter 5.12 to Prohibit Video Gaming Machines

PREPARED BY: Katherine S. Janega, Village Attorney

REFERENCE: September 1, 2009 Regular Council Meeting, pp. 44 - 78
October 20, 2009 Regular Council Meeting, pp. 53 - 61

DATE: October 28, 2009

Ordinance MC-12-2009, which was introduced at the October 20, 2009, Council meeting, would effectuate a prohibition against video gaming machines. Video gaming machines are allowed throughout the State of Illinois pursuant to a new Video Gaming Act (“Act”), which was signed into law on July 13, 2009.

Part of a lengthy legislative package that attempts to generate a new revenue stream for State road and highway projects, the Act allows up to five video gambling machines to be placed in any restaurant in the State that has a license to serve alcoholic beverages. It also allows video gaming terminals at licensed truck stops, licensed fraternal organizations and licensed veteran organizations that are chartered by a national organization. The Act then imposes a 30% tax on the net income from each terminal, allocates five-sixths of the tax revenues to the State for administering the Act and for general fund use, and leaves the remaining one-sixth for the local community. Section 27 of the Act allows any municipality to pass an ordinance prohibiting the video gambling within its corporate limits.

Chapter 5.12 of the Village Code regulates amusement devices, which are defined broadly and include all coin-operated amusement devices. The current definition pre-dates the types of electronic machines covered by the new Act and does not explicitly prohibit games of chance. In its current form, Chapter 5.12 also does not prohibit amusement devices. Rather, Chapter 5.12 establishes a licensing scheme and limits the operation of most license devices to no more than seven days in a given year. The one exception allows a mechanical toy-dispensing machine in restaurants.

As permitted by Section 27 of the Video Gaming Act, Ordinance MC-12-2009 adds a specific prohibition against video gaming to Chapter 5.12 of the Village Code. The Ordinance also restructures Chapter 5.12 to make clearer distinctions between the different types of gaming and amusement devices and how they are regulated by the Village. Those devices include: (i) mechanical devices, both large and small, ranging from the large devices and rides provided at the annual Children’s Fair to smaller, coin-operated devices; and (ii) electronic devices, including arcade-type games and video gambling machines.

Ordinance MC-12-2009 also adds several definitions to Chapter 5.12, all of which are based on the definitions in the Video Gaming Act. Finally, it should be noted that fraternal and veterans establishments are defined and included in the scope of the amended Chapter 5.12, because of the potential for such establishments to lawfully exist in the Village. Because truck stops are not permitted uses in the Village, and because there is no area large enough for one to be proposed, truck stops are not included in the amended Chapter 5.12.

Recommendation:

- 1) Consider adopting Ordinance MC-12-2009, amending Chapter 5.12 of the Winnetka Village Code to prohibit video gaming machines and other electronic gaming devices.

**AN ORDINANCE
AMENDING CHAPTER 5.12 OF THE WINNETKA VILLAGE CODE
TO PROHIBIT VIDEO GAMING
AND OTHER ELECTRONIC GAMBLING DEVICES**

WHEREAS, the Village of Winnetka (“Village”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs that protect the health, safety and welfare of its citizens; and

WHEREAS, the State of Illinois has enacted the Video Gaming Act (230 ILCS 40/1, *et seq.*, Public Act 96-0034 (the "Act"), which permits certain establishments to install and operate video gaming terminals, as defined in the Act; and

WHEREAS, the Act imposes taxes on the receipts from video gaming terminals and provides for one-sixth of the resulting tax revenues to be allocated to the municipality in which a terminal is located and for the remaining five-sixths to be allocated to the State of Illinois for investment in roads and infrastructure in the State of Illinois; and

WHEREAS, Section 27 of the Act permits any municipality to pass an ordinance prohibiting video gaming within its corporate limits; and

WHEREAS, the Goals and Objectives of the Village of Winnetka Comprehensive Plan, *Winnetka 2020* (Comprehensive Plan), call for (i) preserving the predominantly single-family character of the Village and protecting the Village’s single-family residential neighborhoods from incompatible land uses; (ii) providing commercial districts that promote a strong community identity and opportunities for residents to interact while building a healthy commercial tax base; and (iii) maintaining the essential quality, viability and attractiveness of the Village’s business districts while encouraging new economic development consistent with the character of the Village and the individual business districts; and

WHEREAS, the Council of the Village of Winnetka (“Village Council”) find and determine that the legalization of video gaming within the Village of Winnetka is not consistent with the stated Goals and Objectives of the Comprehensive Plan, and that the introduction of legalized video gaming into the Village would present a variety of adverse impacts on the

businesses and residents of the Village, including the potential for corruption, increased costs of law enforcement, regulatory difficulties and high social costs; and

WHEREAS, the Village Council have determined that it is in the best interests of the Village's citizens to prohibit video gaming within the Village's corporate limits, and to amend the Winnetka Village Code by adding certain provisions relating to said activities.

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

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

SECTION 2: Chapter 5.12, "Amusement Devices," of Title 5 of the Winnetka Village Code, "Licenses, Permits and Regulations for Businesses and Events," is hereby amended to provide as follows:

Chapter 5.12

AMUSEMENT AND GAMING DEVICES

Sections:

- 5.12.010** **Definitions, Amusement devices.**
- 5.12.020** **Video gaming and other electronic gaming prohibited.**
- 5.12.030** **Coin operated amusement devices.**
- 5.12.040** **Amusement device licenses.**
- 5.12.050** **Display of license.**
- 5.12.060** **Hours of operation.**
- 5.12.070** **Noises.**
- 5.12.080** **Violations; penalties.**

Section 5.12.010 **Definitions, Amusement devices.**

~~—A. Definitions.~~ For the purpose of this chapter, ~~the term "amusement device"~~ the following words, terms and phrases shall have the meanings ascribed to them and be construed in accordance with the definitions set forth in this section:

"Act" means the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., as amended from time to time by the Illinois State Legislature.

"Amusement device" means any Ferris wheel, merry-go-round, roller coaster, giant swing or other apparatus or contrivance designed or intended to be used for amusement purposes, or any shooting gallery, miniature golf course, throwing game or similar amusement. "Amusement device" shall not include billiard rooms, bowling alleys or coin-operated musical devices. "Amusement device" includes coin-operated amusement devices, as defined in this section.

~~which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score, including such devices as marble machines, pinball machines, electronic games and all games, operations or implements, under whatever name they may be indicated, kept for a similar purpose.~~

“Coin-operated amusement device” means an electronic or mechanical device which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score, including such devices as marble machines, pinball machines, electronic games and all games, operations or implements, under whatever name they may be indicated, kept for a similar purpose. “Coin-operated amusement device” shall not include video gaming terminals, as defined in this section.

“Distributor” means an individual, partnership, or corporation licensed under the Act to buy; sell, lease, or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

“Licensed establishment” means any establishment licensed under the Act or pursuant to Chapter 5.09 of this Code where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises.

“Electronic gaming terminal” means any electronic game machine, including a video gaming machine, that, upon insertion of cash, is available to play or simulate the play of a game utilizing microprocessors in which the player may receive tokens, free games or credits that can be redeemed for cash.

“Fraternal establishment” means the location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

“Manufacturer” means an individual, partnership, or corporation that is licensed under the Act and that manufactures or assembles video gaming terminals.

“Supplier” means an individual, partnership, or corporation that is licensed under the Act to supply major components or parts to video gaming terminals or to licensed terminal operators.

“Terminal operator” means an individual, partnership or corporation that is licensed under the Act and that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed fraternal establishments, or licensed veterans establishments.

“Veterans establishment” means the location where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

“Video gaming terminal” means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to the play of video poker, line up and blackjack as authorized by the Illinois Gaming Board, utilizing a

video display and microprocessors in which the player may receive tokens, free games or credits that can be redeemed for cash.

Section 5.12.020 Video gaming and other electronic gaming prohibited.

Video gaming and all other forms of electronic gaming are hereby prohibited within the corporate limits of the Village. The operation or installation of any electronic gaming terminal, including video gaming terminals, by any licensed establishment, fraternal establishment or veterans establishment, or by any other establishment, business or entity located within the corporate limits of the Village is prohibited.

Section 5.12.030 Coin operated amusement devices.

A. General Prohibition. Coin operated devices are hereby prohibited within the corporate limits of the Village. The operation or installation of coin operated amusement devices by any establishment, business or entity within the corporate limits of the Village is prohibited.

B. Notwithstanding the foregoing, the Village Manager may issue a single license to a restaurant, as that term is defined in Chapter 5.09 of this Code, to permit a single amusement device to be located in such restaurant, provided all of the following terms and conditions are met:

1. The device shall operate upon the insertion of one or more coins.
2. The device shall operate by requiring the user to attempt to retrieve a gift, toy or similar object from within a transparent enclosure by manipulating a mechanical device within the enclosure so as to grasp such gift, toy or similar object.
3. No restaurant shall be eligible for more than one such license.
4. No restaurant shall be eligible for any such license if it already has a license for any other amusement device.
5. Any such license may be issued for more than seven days.
6. Any such license shall expire no later than the end of the fiscal year in which it is issued.
7. Any such license may be renewed annually, provided that the renewal period does not extend beyond the end of the fiscal year for which it is renewed.
8. The application process for such license shall be the same as the process established in section 5.12.040 of this Code for other permitted amusement devices.

Section 5.12.040 Amusement device licenses.

A. License required. ~~B. License.~~ No person shall operate or maintain any amusement device for public use within the Village, either as a principal activity, or incidental to a principal activity, without first obtaining a license in accordance with the provisions of this section and paying the required fee.

B. Term of license. ~~1.~~ Except as provided in ~~subsection (B)(2) of this section~~ section 5.12.030 of this chapter, no amusement device shall be licensed to operate for more than seven days in any calendar year. The seven days may occur either consecutively, or as a cumulative total of days occurring at any time during the year.

~~2. The Village Manager may issue a license for more than seven days for an amusement device located in a restaurant, as that term is defined in Chapter 5.08 of this code, which device operates upon the insertion of one or more coins and requires the user to attempt to retrieve a gift, toy or similar object from within a transparent enclosure by manipulating a mechanical device within the enclosure so as to grasp such gift, toy or similar object. No restaurant shall be eligible for such license if it already has a license for any such device or for any other amusement device. Any such license shall expire no later than the end of the fiscal year in which it is issued, but may be renewed for successive periods of up to one fiscal year each.~~

C. Application. Application for ~~such an amusement device~~ license shall be made upon ~~blanks a form~~ to be provided by the Village, and such application shall state:

1. The name and address of the applicant;
2. A detailed description of The the nature of the amusement device, including how it operates and whether it dispenses any gift, toy, token, coin or other item;
3. The proposed location of the amusement device;The place where it is proposed to conduct such amusement device and a description of the device;
4. The Principal kind of principal business of the establishment in which the amusement device will be located;engaged in;
5. The ~~price it is proposed to charge, if any,~~ for the use or operation of such amusement device; ~~if any;~~
6. The hours of business of the establishment in which the amusement device will be located;during which it is proposed to operate or conduct such amusement device;
7. The period of time for which ~~such the~~ license is desired, including the beginning and ending dates;
8. A statement Statement of whether operation of the amusement device will be supervised by a manager or agent, and the name, address and date of birth of any such manager or agent;
9. A statement Statement of personal history of the supervising manager or agent; and
10. Such other information as the Village Manager may reasonably require.

D. Qualifications. The Village Manager shall investigate the information required on the application and determine if the premises designated by the applicant as the location ~~of for~~ the operation of the amusement device complies with the provisions of the zoning ordinance, Title 17 of this Code, of the Village. The Village Manager may cause an investigation to be made into the applicant's qualifications and satisfy himself or herself that the applicant's character and other qualities of general fitness are such as to warrant belief that the applicant's amusement devices will be operated lawfully and in a manner calculated to protect the health, safety, morals and general well-being of the public.

E. Bonds and Insurance. Before any license for an amusement device shall be issued, the applicant shall furnish a duplicate policy or certificate of insurance issued by an insurance company authorized to do business in the state of Illinois to be approved by the Village Manager. The insurance policy, which shall provide that the insurer will pay all final judgments recovered against such applicant for any injury to or death of any person or injury to property resulting from the operation of any amusement device, in such sum or sums as the Village Manager with

the approval of the Village Treasurer shall reasonably find to be appropriate for the risk of injury to person or property created by such operation.

Each such duplicate policy or certificate of insurance required in this chapter shall provide that suit may be brought in any court of competent jurisdiction upon such insurance policy by the owner of any such judgment and shall contain a description of each amusement device, giving the manufacturer's name, if applicable, and shall provide that such insurance policy shall not be cancelled by the company issuing the same without ten (10) days' notice of such cancellation in writing to the Village by registered mail.

In lieu of the duplicate policies or certificates of insurance required in this chapter, the applicant may furnish bonds, to be approved by the Village Manager. The amount of such bonds shall be the same as the amounts of the insurance policies set forth in this chapter and conditions for payment of the bonds shall be the same as those contained in the insurance policies set forth in this chapter. Such bonds shall contain all of the other provisions and conditions set forth in this chapter and required in the insurance policies.

The applicant shall, while any license under this chapter is in force, maintain the full insurance or bond covered provided in this chapter. Whenever the obligation provided for in any such insurance policy or bond shall cease or be determined, then such license shall also cease to be in force and effect.

Section 5.12.050 Display of license.

~~E. F. Display of License.~~ The license ~~provided issued pursuant to this section for in this chapter~~ shall be affixed to or displayed in a conspicuous place upon the amusement device for which it was issued.

Section 5.12.060 Hours of operation.

~~E. G. Hours of Operation.~~ It is unlawful for any person to conduct, for public use within the Village, any amusement device licensed under this section between the hours of twelve midnight and seven a.m.

Section 5.12.070 Noises.

~~H. Noises.~~ It is unlawful for any person conducting or operating an amusement device either to permit the patrons of the same to make such loud or boisterous noises as to disturb the peace of any person in the neighborhood or to permit the apparatus for such amusement device to be used in such a manner as to disturb the peace of any person in the neighborhood. (Ord. MC-185-97 §§ 1, 2, 1997; prior code § 32.13)

Section 5.12.080 Violations; penalties..

A. General penalties. Any person violating any provision of this chapter shall be subject to punishment as provided in subsection B, as well as the general penalty provided in chapter 1.08 of this Code.

B. License penalties. In addition to the foregoing general penalty, the Liquor Commissioner may suspend or revoke any license issued pursuant to chapter 5.09 of this Code, and any authorized officer may suspend or revoke any other license issued pursuant to Title V or

chapter 8 of this Code, in the event any holder of any such license violates of any provision of this chapter. Or any provision of the Act or any other State law pertaining to video gaming.

SECTION 3: This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 4: This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

PASSED this 3rd day of November, 2009, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 3rd day of November, 2009.

Signed:

Village President

Countersigned:

Village Clerk

Introduced: October 20, 2009

Posted: October 21, 2009

Passed and Approved: November 3, 2009

Posted: _____

AGENDA REPORT

Subject: Monitor Defibrillator Purchase

**Prepared by: Scott T. Smith
Fire Chief**

Date: October 28, 2009

The Village's FY 09-10 budget includes \$48,000 in account 10-28-540-134 for purchase of monitor/defibrillator replacements. Monitor/defibrillators are one of the vital pieces of emergency medical equipment carried on our apparatus and used by paramedics for patient cardiac assessment.

The Winnetka Fire Department has provided advanced emergency medical treatment and transportation to the citizens of Winnetka since the inception of our paramedic program in 1975. In the beginning, paramedics were only able to perform basic 3 lead (three angle) electrocardiograms (EKGs) in the field, and report their findings over a suitcase sized radio to a receiving hospital. Over the last 30 years, in-field EKG technology has greatly advanced. Now paramedics can administer, assess, interpret and wirelessly transmit a patient's 12 lead (12 angle view) EKG to the emergency room physician and very soon, simultaneously to the on-call cardiologist for them to examine on their PDA.

The Winnetka Fire Department currently maintains four (4) monitor/defibrillator units. Manufacturer's recommendations and historical experience has indicated that monitor/defibrillator field units be replaced after 5 to 7 years of service. Our monitor/defibrillators were purchased in the following years: Two (2) in 2000, One (1) in 2001, and One (1) in 2003 (cost of around \$20,000 each). All of these units were manufactured by MRL (this company has since been purchased by Welch Allyn). In addition, all monitor/defibrillators are required by the FDA (Food & Drug Administration) to be calibrated and certified by the manufacturer bi-annually (current costs have reached \$2,000 per monitor per year).

Two of our four monitors have exceeded their life expectancy and were scheduled for replacement in 2009. The remaining two units, while not yet due for replacement, are being considered for replacement due to increasing annual maintenance costs. For our ALS (Advanced Life Support) non-transport fire engines, we're looking to reduce our annual maintenance costs while still meeting Illinois Department of Public Health (IDPH) requirements and field medic equipment needs. Emergency medical equipment lists are mandated by the IDPH and our resource hospital St. Francis Hospital of Evanston. We will maintain a 12 lead EKG monitor on each of our two ALS ambulances and advanced AEDs (automatic external defibrillators) on our two ALS Engines. The advanced AEDs provide manual override as well as the ability to read EKG's in 3 of the 12 leads. This capability will allow for advanced emergency treatment to be started when a paramedic equipped ALS engine arrives on scene prior to the arrival of an ambulance.

Listed below in detail are the factors considered in our recommendation:

- These monitors have exceeded their life expectancy of 5 to 7 years.
- Over a year ago Welsh Allyn dropped the pre-hospital Cardiac Monitor / Defibrillator line of products. The service and support of these units will be discontinued in the near future. Because of this situation, bi-annual service and calibration costs (which are required by the FDA) have sky rocketed to approximately \$2,000.00 per unit per year.
- Pre-hospital cardiac care is technology driven and our current monitors do not have the diagnostic capabilities that are required to completely assess acute cardiac arrhythmias (3 lead EKG's vs 12 lead EKG's), blood oxygen levels (SPO2) or pulmonary output (capnography), which is now considered the "standard of care" for EMS providers. The ability to perform a 12 lead EKG in the field and wirelessly send a copy directly to the emergency room and the on-call cardiologist is now the "gold standard" in pre-hospital cardiac care.
- Early recognition of dangerous cardiac conditions greatly reduces the time a patient spends in the emergency room waiting for diagnostic testing, allowing the patient to be moved rapidly through the emergency department to the cardiac catheter lab for surgical intervention. This has been proven to significantly reduce cardiac muscle damage and patient mortality.

Three manufacturers of pre-hospital Cardiac Monitors / Defibrillators (Phillips, Medtronic, & ZOLL) were asked to provide units for consideration and our department paramedics conducted field testing for two months to assure that both the needs of the department and the requirements of the St. Francis EMS System would be met. All three manufacturers adequately passed.

	Philips	Medtronic/Physio	Zoll
Monitor/Defibrillator 2 units	\$43,072.50	\$49,150.70	\$49,098.75
Extended Warranty 2 units	(5 years) \$2,853.54	(5years) \$6,474.00	(5 years) \$8,580.00
Annual Certification and Calibration 2 units	(5 years) \$2,730.00		(1 year) \$2,300.00
Trade in allowance	(-\$4,000)	(None)	(-\$400)
Sub total	\$44,656.54	\$55,624.70	\$59,578.75
Professional AED (2)	\$4,159.66	\$5,174.00	\$(no charge)
Total	\$48,816.20	\$60,798.70	\$59,578.75

Annual Cost for calibration and certification

Philips	Physio	Zoll
\$273 per unit per year	\$198 per unit per year	\$1,150 per unit per year
5 years included in purchase	1 year included in purchase	1 year included in purchase

Recommendation:

Staff recommends awarding bid to Philips for 2 monitor defibrillators and 2 professional automatic external defibrillators in the amount of \$48,816.20.

AGENDA REPORT

SUBJECT: MC-14-2009 – Student Members on the
Winnetka Environmental and Forestry Commission

PREPARED BY: Katherine S. Janega, Village Attorney

DATE: October 29, 2009

The Winnetka Environmental and Forestry Commission (WEFC), which is created by Chapter 3.04 of the Village Code, consists of ten members. Eight of those members are appointed from among Winnetka residents, including one non-voting student member, who must also be enrolled in high school or college.

In the course of contacting New Trier High School in search of a new student representative, the Village learned that there are interested New Trier students who would qualify for appointment, except that they do not live in the Village. The Village has also learned that, due to academic and activity schedules, it is not always possible for a single student representative to commit to attend all meetings and that it may sometimes be desirable to have more than one student representative.

Ordinance MC-14-2009 amends Chapter 3.04 of the Village Code to allow for more than one student appointee. Having additional student representatives will not affect the formal acts of the WEFC, since the voting membership would remain at seven and the non-voting status of student members would be maintained, regardless of the number of student appointees.

Ordinance MC-14-2009 also expands the eligibility standards for student members to include non-resident students who attend school in the Village. This will allow students who attend New Trier High School and North Shore Country Day School to be eligible to serve on the WEFC, even if they do not live in Winnetka.

Recommendation:

- 1) Consider introduction of Ordinance MC-14-2009, amending Chapter 3.04 of the Winnetka Village Code as it pertains to student membership on the Winnetka Environmental and Forestry Commission.

ORDINANCE NO. MC-14-2009

**AN ORDINANCE
AMENDING CHAPTER 3.04 OF THE WINNETKA VILLAGE CODE
AS IT PERTAINS TO STUDENT MEMBERS OF THE
ENVIRONMENTAL AND FORESTRY COMMISSION**

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, except as limited by that provision, has the authority to exercise any power and perform any function pertaining to the government and affairs of the Village, including the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, on June 3, 2008, the Council of the Village of Winnetka (“Village Council”) passed Ordinance MC-3-2008, establishing a new Environmental and Forestry Commission (“Commission”) to provide for the study of environmental issues affecting the Village and its residents, and for the protection of the Village’s environmental resources; and

WHEREAS, pursuant to Ordinance MC-3-2008, Chapter 3.04 of the Winnetka Village Code provides for a student representative to be appointed as a non-voting member of the Commission; and

WHEREAS, the Village Council desires to encourage student participation the Commission’s activities; and

WHEREAS, the Village Council find and determine that matters pertaining to the membership and duties of the Winnetka Environmental and Forestry Commission are matters pertaining to the protection of the health, safety and welfare; and

WHEREAS, the Village Council desire to expand the scope of the Winnetka Forestry Commission’s actions.

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

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

SECTION 2: Subsection B of Section 3.04.010, “Creation; Members; Compensation,” of Chapter 3.04, “Environmental and Forestry Commission,” of Title 3 of the Winnetka Village Code, “Boards and Commissions,” is hereby amended to provide as follows:

B. Members; Appointment. The Commission shall consist of ~~ten~~ seven voting members and one or more student members, eight all of whom shall be appointed by the Village President, with the advice and consent of the Trustees, ~~and plus~~ two ex officio members who shall be appointed as provided in subsection D, below.

SECTION 3: Subsection C of Section 3.04.010, “Creation; Members; Compensation,” of Chapter 3.04, “Environmental and Forestry Commission,” of Title 3 of the Winnetka Village Code, “Boards and Commissions,” is hereby amended to provide as follows:

C. Appointed Members; Qualifications; Term of Office.

1. Qualifications. ~~All appointed~~ The seven voting members of the Commission shall be residents of the Village. In addition, one of the ~~appointed voting~~ members shall be a member of the Plan Commission; ~~and one appointed member~~ shall be a member of the Design Review Board; ~~and one appointed~~ Each student member shall be ~~a Winnetka resident who is~~ a high school junior or senior, or an undergraduate college student, who either resides in or attends school in the Village. All members of the Commission shall have experience, training or a demonstrable interest in such areas as environmental science, forestry, ecology, energy conservation, tree preservation, education, pollution control, engineering, science and public health.

2. Term of Office. Subject to the additional limitations set forth in the following paragraph 3, each appointed member other than the student appointees shall serve for a term of three years and until a successor is appointed and qualified. The terms of the appointed members shall be staggered so that the term of two appointed members expire in one year, the term of two other appointed members expire the following year and the term of the remaining three appointed members expire the next following year. No appointed member other than the student appointee shall serve more than two full terms consecutively.

3. Term of Representative Members. The members of the Commission who are the representatives of the Plan Commission and of the Design Review Board (the “representative members”) shall not serve on the Environmental and Forestry Commission beyond the termination of their respective memberships on the Plan Commission or Design Review Board, whether by expiration of that term, resignation or some other cause.

4. Student Members. The student members shall be appointed in September of each year and shall serve through the month of August of the following year, and until a successor is appointed and qualified. ~~The Any~~ student member may serve consecutive terms, without limitation, provided the student ~~remains enrolled in a high school or college~~ continues to meet the qualifications for appointment. For purposes of this section, if a student who is appointed while he or she is enrolled as a full time student in high school or college, the student’s enrollment shall be presumed to continue through the summer immediately following the academic year of appointment, regardless of whether the student enrolls for summer studies or has graduated.

SECTION 4: Subsection B of Section 3.04.040, “Meetings; Vote; Quorum,” of Chapter 3.04, “Environmental and Forestry Commission,” of Title 3 of the Winnetka Village Code, “Boards and Commissions,” is hereby amended to provide as follows:

B. Vote. The student memberss and the two ex officio members of the Commission shall not be entitled to vote. All other members of the Commission shall be voting members.

SECTION 5: This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 6: This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

PASSED this ___ day of _____, 2009, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ___ day of _____, 2009.

Signed:

Village President

Countersigned:

Village Clerk

Introduced: _____

Posted: _____

Passed and Approved: _____

Posted: _____

AGENDA REPORT

SUBJECT: Chamber of Commerce Banner request

PREPARED BY: Brian Norkus, Assistant Director of Community Development

DATE: October 26, 2009

The attached request from the Winnetka Chamber of Commerce requests approval of a new signage program by the Chamber. Intended as a promotion and lead-in to the holiday shopping season, the single banner would be strung across Green Bay Road in the Hubbard Woods business district, and would encourage shopping in Winnetka's business districts.

As requested, the sign would be displayed from November 16 through December 7, and would be installed and removed by the Village's Water and Electric department.

It is anticipated that the banner would be displayed annually. Scheduling of the banner is to be coordinated with a similar "blood drive" banner displayed at the same location from December 14 through December 21.

Other organizations have in previous years requested permission to hang similar banners, following the lead of the long-established blood drive banner. Staff has requested that such organizations use recently constructed sign kiosks near at the corner of Oak and Linden and Tower and Green Bay in the alternative.

Section 15.60.090 of the Village Sign Code allows the placement of banners within the Business Districts, allowing banners such as those displayed by the Chamber on multiple light poles throughout the various business districts. Section 15.60.090 of the Sign Code *[signs allowed without permit]* allows;

K. subject to the approval of the Village Council, banners displayed on any utility pole, street light or lamp post in the Hubbard Woods or Elm Street business districts, provided the Village Council determines that the banner is not a commercial or political advertisement.

Attempts to find a suitable location in the Elm Street business district were not successful as of this date. Any subsequent additional banner would need to be brought back to the Council for further consideration.

Recommendation

Consider a motion to allow the annual display of a single banner in the Hubbard Woods business district across the Green Bay Road right of way, north of Tower Road.

Memo

To: Village Council Trustees

From: Winnetka Chamber of Commerce Board of Directors

Dates: November 16 – December 7, 2009

CC: Brian Norkus, Assistant Director, Community Development

Re: Proposal for banner to be hung over Green Bay Road for Holiday Weekend

History: During September, there was a meeting hosted by the Winnetka Chamber of Commerce to address new ideas to attract support for the businesses in Winnetka, especially during the holiday season. Some members of Village Council also attended. From that discussion, a decision was developed to request a banner be modeled after the “Blood Drive” banner which is strung across Green Bay Road in Hubbard Woods.

Consideration of this recommendation was presented at the Business Community Development Commission meeting of October 22, 2009. A motion was passed to confirm that BCDC supports the Chamber recommendation that Council accept the following proposal.

As a way to encourage shopping in Winnetka’s business districts, the Winnetka Chamber is specifically submitting a proposal to have a banner in Hubbard Woods at the site of the “Blood Drive” banner.

The banner is a 20 ft. long x 3 ft. tall banner. It is secured by using ropes which are attached in each corner. It is made of heavy duty vinyl material. This banner is double sided with a 2 line message on each side. There will be red letters against a white background.

Sample layout is:

Celebrate · Shop · Winnetka
1st Weekend in December

The banner would be installed by the Village of Winnetka Public Works Department.

Terry Dason, Executive Director Winnetka Chamber of Commerce

Prepared by Cicely Clarke Michalak, Director of Internal Services

AGENDA REPORT

TO: Village Council
PREPARED BY: Doug Williams
DATE: November 2, 2009
SUBJECT: **Resolution No. R-32-2009 – Adoption of Collective Bargaining Agreement with the Metropolitan Alliance of Police, Representing Winnetka Police Officers**

The Village and the Metropolitan Alliance of Police (MAP), Winnetka Chapter 54, have reached an understanding regarding the collective bargaining agreement concerning wages, hours, and working conditions. The Agreement would authorize the following wage increases:

Effective April 1, 2009	3.5%
Effective April 1, 2010	3.0%

In addition, the Agreement incorporates the following changes with regard to health insurance:

I. Employee Monthly Insurance Contribution:

<u>Effective Date</u>	<u>Single</u>	<u>Single plus 1</u>	<u>Family Coverage</u>
Jan. 1, 2010	\$30	\$70	\$140
Jan. 1, 2011	\$40	\$85	\$170

II. Effective January 1, 2011, the following changes will be implemented:

- Maintain the single and family in-network deductibles at \$325 and \$975, respectively; increase the out-of-network single deductible to \$800 and the out-of-network family deductible to \$2,400.
- Maintain the in-network out of pocket maximums for individuals and families at \$1,000 and \$1,500, respectively; increase the out-of-network out of pocket maximum for individuals to \$3,000 and for families to \$7,000.
- Maintain the generic prescription co-pay at \$10.00; increase the co-pay for a brand prescription where no generic is available from \$15.00 to \$20.00, and the brand prescription co-pay from \$35.00 to \$40.00.

Recommendation: Adopt Resolution No. R-32-2009 approving the Agreement between the village of Winnetka and the Winnetka Chapter 54 of the Metropolitan Alliance of Police for the period April 1, 2009 through March 31, 2011.

RESOLUTION NO. R-32-2009

**A RESOLUTION ACCEPTING AND APPROVING THE
AGREEMENT BETWEEN THE VILLAGE OF WINNETKA, ILLINOIS, AND
THE METROPOLITAN ALLIANCE OF POLICE, CHAPTER 54**

BE IT RESOLVED by the Council of the Village of Winnetka, in the exercise of its home rule powers under Article VII, Section 6 of the Constitution of the State of Illinois of 1970, that the Agreement between the Village of Winnetka, Illinois, and the Metropolitan Alliance of Police, Chapter 54, and hereby made a part hereof, be and the same is hereby accepted and approved, effective April 1, 2009, through March 31, 2011.

BE IT FURTHER RESOLVED by the Council that the President of the Village be and is hereby authorized and directed to sign, and the Clerk of the Village to attest, said Agreement on behalf of the Village.

BE IT FURTHER RESOLVED that his resolution shall be in full force and effect upon its adoption.

ADOPTED this 3rd day of November, 2009, by the following roll call vote of the Council of the Village of Winnetka.

AYES:

NAYS:

ABSENT:

Signed:

Jessica B. Tucker
Village President

Attest:

Douglas G. Williams
Village Clerk