

MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
January 9, 2024

(Approved: February 6, 2024)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held at the Council Chambers on Tuesday, January 9, 2024, at 7:00 PM.

- 1) Call to Order. President Rintz called the meeting to order at 7:03 PM. Village Manager Rob Bahan called the roll. Present: Trustees Kirk Albinson, Rob Apatoff, Robert Dearborn, Kim Handler, and Bridget Orsic. Absent: Trustee Tina Dalman. Also present: Assistant Village Manager Kristin Kazenas, Deputy Village Clerk Berina Gradjan, Village Attorney Peter Friedman, Community Development Director David Schoon, Engineering Director Jim Bernahl, and approximately 45 persons in the audience.
- 2) Pledge of Allegiance. Trustee Dearborn led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) January 16, 2024 Study Session All of the Council members present said they expect to attend with the exception of Trustee Dearborn.
 - b) January 23, 2024 Regular Meeting All of the Council members present said they expect to attend.
- 4) Public Comment.
 - i. Robert Griffin addresses Council regarding construction on parkways and fiber optic cables. Village Manager Bahan confirms that AT&T has a right to access public right of ways for utility purposes with proper permitting, however, the Village is not financially responsible.
 - ii. Ted Wynnychenko addresses Council regarding the Bertling-Hill-Woodland pathway vacation.
- 5) Reports.
 - a) Trustees.
 - i. Trustee Dearborn states that Friends of the Green Bay Trail will be in attendance at the Environmental & Forestry Commission meeting to present on matters related to the Green Bay Trail.
 - ii. Trustee Apatoff commends the vacancy rates within the Village, stating that the Village currently has the lowest vacancy rate since 2017.
 - b) Attorney. No report.
 - c) Manager. No report.
 - d) Village President. No report.
- 6) Establishment of the Consent Agenda.

Trustee Apatoff seconded by Trustee Handler moved to approve the Establishment of the Consent Agenda. By voice vote, the motion carried.

7) Approval of the Consent Agenda

- a) Approval of Village Council Minutes
 - i. December 5, 2023 Regular Meeting
 - ii. December 19, 2023 Regular Meeting
- b) Approval of Warrant List Dated December 15, 2023 – December 28, 2023 in the amount of \$969,682.45.
- c) Ordinance No. MC-13-2023: Amending the Text of the Winnetka Zoning Ordinance Regarding Residential Uses in the C-2 General Retail Commercial Zoning District (Adoption)
- d) Ordinance No. M-21-2023: Granting Special Use Permits, a Variation from the Winnetka Zoning Ordinance, and a Certificate of Appropriateness for the Construction of a New Multifamily Residential Building Within the C-2 General Retail Commercial Zoning District (Adoption)
- e) Resolution No. R-1-2024: Awarding a Contract to Christy Webber Landscapes for the Commercial District Floral Program 2024-2026 (Adoption)
- f) Resolution No. R-2-2024: Waiving Competitive Bidding and Approving a Contract with Great Lakes Urban Forestry Management for Forestry Professional Services in 2024 (Adoption)

Trustee Albinson seconded by Trustee Apatoff, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Albinson, Apatoff, Dearborn, Handler, and Orsic. Nays: None. Absent: Trustee Dalman.

8) Ordinances and Resolutions.

- a) Ordinance No. MC-2-2024: Amending Titles 9 and 10 of the Winnetka Village Code Regarding Unscheduled Bus Stops (Introduction/Adoption)

There has been an increase in unscheduled and unannounced one-way bus traffic in the Northern suburbs leading to concerns about dangerous, inhumane conditions for passengers, and the potential public nuisance and public safety concerns. At least thirty-six surrounding municipalities have adopted similar ordinances governing the intercity bus drop off of passengers and governing the extended stay of passengers and matters related to temporary housing.

The proposed ordinance regulates only the unscheduled and unannounced one-way bus traffic. Village Attorney Peter Friedman confirms that the ordinance is content neutral and applies to intercity buses providing one way transportation with ten or more passengers, originating outside of the Village, and not providing a regularly scheduled service. Additionally, Mr. Friedman confirms that unscheduled bus stops are prohibited and informs Council of the implications, fines, and the approval process requiring regulated scheduled hours of services, designated pick up and drop off areas, coordination provided for the disembarking of passengers, and advanced approval by the Village Manager.

Council discusses the process for scheduled stops and the Village's role to ensure that passengers continue to their final destination.

Trustee Handler, seconded by Trustee Orsic, moved to waive introduction of Ordinance No. MC-2-2024. By voice vote, the motion carried unanimously.

Trustee Dearborn, seconded by Trustee Orsic, moved to adopt Ordinance No. MC-2-2024. By roll call vote, the motion carried. Ayes: Trustees Albinson, Apatoff, Dearborn, Handler, and Orsic. Nays: None. Absent: Trustee Dalman.

- b) Ordinance No. M-17-2023: Granting a Variation from the Winnetka Zoning Ordinance to Allow the Construction of a Pickleball Court for an Existing Residence Within the R-2 Single Family Residential District (889 Sheridan Road) (Adoption)

Without objection, this item was deferred.

- c) Ordinance No. MC-1-2024: Amending the Winnetka Zoning Ordinance to Establish Bluff Regulations for Development in the Steep Slope Area Along Lake Michigan (Public Hearing/Introduction)

The public hearing was advertised in the Winnetka Talk on December 21, 2023.

Village Attorney Peter Friedman reviews the public hearing guidelines, advising members of the public that President Rintz will administer an oath to all who are planning to testify. Mr. Friedman states that Council may introduce the ordinance, defer the introduction of the ordinance, or propose changes to the ordinance in conjunction with either an introduction or deferral.

The public hearing opened at 7:30 pm.

President Rintz administers the oath.

Community Development Director David Schoon reviews the proposed changes reflected in the ordinance presented to Council. Amendments related to the proposed ordinance include size limitation of boat houses, existing Federal, State, and Village regulations related to boat ramps, options regarding the ordinary high water mark, pre-existing and non-conforming structures, definitions related to slope, and matters related to slope along the lakefront.

Additionally, Mr. Schoon addresses proposed permitted development in the steep slope zone; decks, stairs, fences, retaining walls, various structures, the proposed additional permitted development related to the slope transition area and steep slope zone, and development and general standards. Furthermore, Mr. Schoon advises on the appeals process, variations, and special uses.

Public Comment

Mike Bonz addresses Council regarding the impacts of the proposed ordinance to private homeowners along the lakefront.

John Shabica addresses Council regarding natural bluff, the historic timeline of steep slope and erosion along the lakefront.

Hal Francke, on behalf of lakefront property owners, addresses Council regarding lakefront construction, impacts of the proposed regulations, and proposed language of the ordinance.

Seth Ronig, licensed architect, addresses Council regarding case studies along the lakefront related to the proposed construction regulations, development restrictions, and concerns regarding the decrease in lot coverage.

Donna Pugh, on behalf of the property owner at 771 Sheridan, addresses Council regarding the proposed setback and construction limitations regarding the proposed ordinance.

George Kissel, also on behalf of the property owner at 771 Sheridan, addresses Council regarding concerns related to steep slope, development, and property value.

Bill Jackson, the property owner at 771 Sheridan, addresses Council regarding the institution of the proposed ordinance, unintended consequences, and concerns related to the timing of implementing the ordinance.

Bill McKenna, also on behalf of the property owner at 771 Sheridan, addresses Council regarding value reduction, concerns related to the proposed ordinance, and consideration of public good.

Michael Herra addresses Council on concerns related to foundation restoration, development, and property value.

Irene Smith commends Council and the Village's greatest asset.

Betsy Alfar addresses Council on concerns related to property value, construction, restoration concerns, and the impacts of the proposed ordinance.

Andy Torry addresses Council regarding the opposition of lakefront property owners on the proposed ordinance.

Ted Wynnychenko addresses Council regarding property owner rights, property value, and commends the regulations of the proposed ordinance.

Jenna Radney addresses Council regarding property value.

Susie Schreiber addresses Council regarding bluffs along the lakefront.

The Village President confirmed that everybody who wanted to testify had been given the opportunity and confirmed that there were no additional speakers. There were no requests for any cross examination. The Village President then declared that the public hearing was closed, at 8:54 pm.

Council discusses key concerns on behalf of members of the public related to restoration, construction, and development along the lakefront. Despite the proposed ordinance, Council ensures the granting of variances, discusses various exceptions, the appeals process, matters related to grandfathering, and permitted restoration and construction.

Trustee Dearborn suggests that Village staff memorialize any permitting exceptions.

Council emphasizes that despite the minor changes to language and size limitations of the boat houses, the proposed ordinance has not had major changes that should prevent the delay in adopting the ordinance.

Additionally, Council discusses the restoration of existing foundations and structures, granting of variations, construction along the steep slope, language and definitions, and matters related to the approval process after the implementation of the ordinance such as department head authorization.

President Rintz emphasizes the importance of trust and having a collaborative approach on Village business between the Council and the residents on Village.

Council further discussed deferring possible adoption of the proposed ordinance until the February 6 regular meeting in order to provide even more additional time for review and

public comment.

Trustee Handler, seconded by Trustee Orsic, moved to introduce Ordinance No. MC-1-2024. By voice vote, the motion carried unanimously.

9) Old Business. None.

10) New Business. None.

11) Appointments:

a) Appoint Cyrus Subawalla to a full term on the Plan Commission – his term will expire January 9, 2027.

Trustee Orsic, seconded by Trustee Handler, moved to approved the appointment of Cyrus Subawalla to the Plan Commission. His term will expire on January 9, 2027. By voice vote, the motion carried.

b) Appoint Kathryn Leister to a full term on the Zoning Board of Appeals – her term will expire January 9, 2029.

Trustee Albinson, seconded by Trustee Apatoff, moved to approve the appointment of Kathryn Leister to the Zoning Board of Appeals. Her term will expire on January 9, 2029. By voice vote, the motion carried.

c) Appoint Colin Kennedy to a full term on the Design Review Board – his term will expire January 9, 2029.

Trustee Albinson, seconded by Trustee Apatoff, moved to approve the appointment of Colin Kennedy to the Design Review Board. His term will expire on January 9, 2029. By voice vote, the motion carried.

12) Closed Session: None.

13) Adjournment. President Rintz asks for motion to adjourn. Trustee Dearborn, seconded by Trustee Orsic, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 10:16 PM.

/s/ Berina Gradjan, Deputy Village Clerk

Recording Secretary