

Winnetka Village Council
REGULAR MEETING
Village Hall
510 Green Bay Road
August 20, 2019
7:00 p.m.

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

AGENDA

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Quorum
 - a) September 3, 2019 Regular Meeting
 - b) September 10, 2019 Study Session
 - c) September 17, 2019 Regular Meeting
- 4) Public Comment
- 5) Reports
- 6) Approval of Agenda
- 7) Consent Agenda
 - a) Approval of Village Council Minutes
 - i) August 6, 2019 Regular Meeting.....3
 - b) Approval of Warrant List dated August 2-15, 20199
 - c) Ordinance No. MC-7-2019: Amending Village Flood Plain Regulations (Adoption).....10
 - d) Ordinance No. M-10-2019: 315 Fairview Avenue Public Alley Vacation (Adoption).....16
 - e) Ordinance No. M-11-2019: 12 Indian Hill Road Annexation and Map Amendment (Adoption).....26
 - f) Resolution No. R-71-2019: District 36 Reciprocal Reporting Agreement (Adoption).....38
 - g) Reject Bids: Police Department Partial Remodel Phase 2.....53
- 8) Ordinances and Resolutions: None.
- 9) Old Business: None.
- 10) New Business: None.

- 11) Appointments
- 12) Closed Session
- 13) Adjournment

NOTICE

All agenda materials are available at [villageofwinnetka.org](http://www.villageofwinnetka.org) (Government > Council Information > Agenda Packets & Minutes); the Reference Desk at the Winnetka Library; or in the Manager's Office at Village Hall (2nd floor). Webcasts of the meeting may be viewed on the Internet via a link on the Village's web site: <http://www.villageofwinnetka.org/government/village-videos/>.

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator – Megan Pierce, at 510 Green Bay Road, Winnetka, Illinois 60093, 847-716-3543; T.D.D. 847-501-6041.

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
August 6, 2019**

(Approved: xx)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, August 6, 2019, at 7:00 p.m.

- 1) Call to Order. President Rintz called the meeting to order at 7:02 p.m. Present: Trustees Jack Coladarci, Andrew Cripe, Robert Dearborn, Penfield Lanphier, John Swierk, and Anne Wedner. Absent: None. Also present: Village Manager Robert Bahan, Assistant Village Manager Megan Pierce, Village Attorney Peter Friedman, Fire Chief Alan Berkowsky, Community Development Director David Schoon, Finance Director Tim Sloth, Assistant Finance Director Tony Vasquez, Accounting Manager Dell Duckworth, Public Works Director Steve Saunders, and approximately 70 persons in the audience.
- 2) Pledge of Allegiance. Trustee Swierk led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) August 20, 2019 Regular Meeting. All of the Council members present except Trustees Cripe and Wedner said they expect to attend.
 - b) September 3, 2019 Regular Meeting. All of the Council members present said they expect to attend.
 - c) September 10, 2019 Study Session. All of the Council members present except Trustee Wedner said they expect to attend.
- 4) Public Comment.

Leo Birov, Sheridan Road. Mr. Birov expressed concern about Winnetka's construction regulations for the Lake Michigan bluff.

Ron White, Berkeley Avenue. Mr. White asked about the status of a home under renovation on the corner of Cherry Street and Hibbard Road. Mr. Schoon explained that the project had changed from major renovation to a new home construction, which involves approval from FEMA. The homeowner is expected to be in compliance within the next week or so, at which time the construction work will recommence.
- 5) Reports:
 - a) Trustees.
 - i) Trustee Wedner reported that at a recent Community Conversations, a suggestion was received to refinish the benches in Moffat Mall; the Village's Public Works Department is taking the lead on the project.
 - b) Attorney. Attorney Friedman noted that the First District Appellate Court upheld the Circuit Court's decision for Summary Judgment in Green v. Winnetka, finding that the Village adequately established a relationship between stormwater runoff and impervious surfaces.

- c) Manager. None.
- d) Village President. President Rintz shared an email he received last week from former resident Jane Singer offering to gift a painting of Village Hall to the Village. He said he would accept the painting on behalf of the Village, and he proposed displaying it at Village Hall.
- 6) Approval of the Agenda. President Rintz suggested moving Item 8(e) onto the Consent Agenda. Trustee Dearborn, seconded by Trustee Lanphier moved to do so. By voice vote, the motion carried. Trustee Wedner, seconded by Trustee Cripe, moved to approve the final form of the Agenda. By voice vote, the motion carried.
- 7) Consent Agenda
 - a) Village Council Minutes.
 - i) July 9, 2019 Special Meeting.
 - ii) July 16, 2019 Regular Meeting.
 - b) Approval of Warrant List dated July 12 – August 1, 2019 in the amount of \$1,474,675.70.
 - c) Resolution No. R-66-2019: Approving an Agreement with Northern Divers USA for Maintenance of the Water Plant's Raw Water Intake (Adoption).
 - d) Resolution No. R-67-2019: Waiving the Formal Bidding Process and Approving a Contract with Boller Construction (Adoption).
 - e) Resolution No. R-68-2019: Design Engineering Services for Streetscape Phase 2 (Adoption).
 - f) Reject Bids: Boal Parkway Pump Station Project.
- 8) Ordinances and Resolutions.
 - a) Resolution No. R-69-2019: Termination of One Winnetka Development Agreement and Zoning and Subdivision Approvals (Adoption).

Trustee Cripe, seconded by Trustee Dearborn, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Coladarci, Cripe, Dearborn, Lanphier, Swierk, and Wedner. Nays: None. Absent: None.

Trustee Cripe recused himself and stepped down from the dais.

Attorney Friedman explained that the One Winnetka development agreement required the developer to provide a third-party financial guaranty by November 20, 2018. To-date, the developer has not provided a fully-executed guarantee of completion and has not submitted a certification from an independent auditor certifying that the third-party guarantor satisfies the financial standard set forth in the development agreement. Secondly, the developer was required to close on the Conney's property and record the plat of subdivision by June 29, 2019. Neither of these events have occurred - and the developer, David Trandel of Stonestreet Partners LLC, states they will not happen for another nine weeks.

Attorney Friedman noted that in addition to the development agreement defaults described above, the One Winnetka parcel has property maintenance issues, and the Village has been in regular contact with the developer. An inspection on August 5, 2019 revealed that progress has made: combustible materials have been reduced, and some emergency fire alarm repair has been undertaken; however, there are still concerns regarding unauthorized access, mold growth, and standing water in the buildings. On July 16, 2019 after discussing the defaults and the health and safety issues of the vacant buildings, the Village Council directed him to prepare a Resolution repealing the zoning approvals for the project and terminating the development agreement. He reviewed the resolution, which voids the One Winnetka approval ordinance, the subdivision Resolution, and the zoning map amendment ordinance; and terminates the development agreement.

Glenn Udell, attorney for Stonestreet Partners LLC. Mr. Udell admitted that his client was in default with the development agreement and blamed circumstances beyond Mr. Trandel's control. He said it was in the best interests of the community to have the One Winnetka project move forward rather than have the property sit as an eyesore for several more years.

David Trandel, CEO of Stonestreet Partners LLC. Mr. Trandel blamed changing markets, Conney's Pharmacy, and the wealth flight from the State of Illinois for the defaults in the development agreement and asked the Village to let bygones be bygones.

Sean Spellman, Chief Development Officer, CA Ventures. Mr. Spellman said his firm has approximately \$10 billion in assets and is active in student, luxury, and senior living. He asked for more time to work with the Village, as the timing of a guaranty did not work out within the constraints of the Conney's negotiations.

Jason DeJonker, attorney for Romspen Investment. Mr. DeJonker said he represents the secured lender and mortgage holder on the One Winnetka parcel. He explained that his client has lent Stonestreet in excess of \$11.4 million and they are prepared to loan another \$2.6 million to begin the development. He said revoking the development agreement will not benefit anyone and he asked for more time to get the project moving forward.

Mark Jacobs, owner of Conney's Pharmacy. Mr. Jacobs said he has a contract with Mr. Trandel, and he is prepared to move his business out of the One Winnetka parcel.

President Rintz called for public comment.

Denny Niles, Spruce Street. Mr. Niles urged the Council to rethink terminating the development agreement and to give Mr. Trandel more time.

Louise Holland, Chair of the Hadley School Board. Ms. Holland expressed concern for the Hadley building if the One Winnetka demolition takes place and asked the Council to consider protection of the building if the project moves forward.

Rob Apatoff, 730 Ardsley Road. Mr. Apatoff said the comments from the developer and his team are insulting to the Village and it is past time to end the One Winnetka project.

Richard Metzler, 120 Woodley Road. Mr. Metzler said he is one of the lenders of the project and a contract purchaser of a unit in One Winnetka. He said the best choice is to learn from past mistakes and go forward with the development.

George Walper, 870 Prospect Avenue. Mr. Walper said terminating the development agreement is a tough decision but in light of Mr. Trandel's suggestion to remove some of the underground parking and add more units, the Council should put a stop to One Winnetka.

Brian Van Cleve, 1047 Elm Street. Mr. Van Cleve urged the Council to terminate the development agreement, as Mr. Trandel's plan does not seem like a good one.

Wally Greenough, 500 Maple Street. Mr. Greenough said the project is still changing at this late hour, and the sooner the Council terminates the development agreement with One Winnetka, the sooner it can begin again with a more responsible developer.

Frank Petrek, 711 Oak Street. Mr. Petrek reiterated his safety concerns from the July 16 Council meeting and asked the Council to protect the community from the hazards of the One Winnetka site.

Rick Cavanaugh, SEC Investors. Mr. Cavanaugh said he was an original investor in the property. He said the long approval process, combined with the delays in the Conney's negotiations, has dragged out the demolition process. He asked the Council to consider that the developer is close to having all the necessary pieces in place.

Next, President Rintz called for Council questions or comments.

Trustee Swierk asked Mr. Trandel about his proposal to modify the parking garage and to increase the number of units from 58 to up to 80.

Mr. Trandel said he would not change the building envelope, and he intends to adhere to the provisions in the development agreement with regard to public benefit. He asked for flexibility to fine tune the development due to changing market conditions.

Trustee Dearborn asked if the Village had received Exhibit Q of the development agreement locking in a third party guarantor. Attorney Friedman said the Village has not received Exhibit Q.

Trustee Wedner commented that Mr. Trandel's suggestion to eliminate the development's balconies is a substantial change in the design.

Mr. Trandel said he was suggesting the switch to Juliette balconies to simplify the development, but it is merely a discussion point.

Trustee Dearborn commented that One Winnetka has been exhaustively discussed and deliberated both on the Council and in the community. He rejected the notion that the decision to terminate the development is a knee-jerk reaction; he added that the development is a business transaction that is in serious default, not a personal matter.

There being no further Council discussion, Trustee Swierk, seconded by Trustee Lanphier, moved to adopt Resolution No. R-69-2019. By roll call vote, the motion carried. Ayes: Trustees Coladarci, Dearborn, Lanphier, Swierk, and Wedner. Nays: None. Absent: None. Abstain: Trustee Cripe.

President Rintz called a recess at 8:40 PM.

b) Ordinance No. MC-7-2019: Amending Village Flood Plain Regulations (Introduction).

President Rintz reconvened the meeting at 8:48 PM.

Mr. Saunders explained that recent changes to the definition of “substantial improvements” in the Metropolitan Water Reclamation District’s Watershed Management Ordinance have created a loophole in Winnetka’s flood protection ordinance. In order to comply with National Flood Insurance Program requirements, the Village must update its definition of “substantial improvements” in its flood plain regulations.

President Rintz called for public comment.

Leo Birov, Sheridan Road. Mr. Birov asked how a basement can be approved in the flood plain. Mr. Saunders explained that the lowest floor has to be above flood plain elevation and the property must get a letter of map amendment from FEMA before a basement can be approved.

There being no further Council discussion, Trustee Wedner, seconded by Trustee Cripe, moved to introduce Ordinance No. MC-7-2019. By voice vote, the motion carried.

- c) Ordinance No. M-10-2019: 315 Fairview Avenue Public Alley Vacation (Public Hearing & Introduction).

President Rintz opened the public hearing at 8:56 PM.

Mr. Schoon explained that a resident, in conjunction with the construction of a new home on the Subject Property, has asked the Village to sell him a portion of an unimproved alley adjacent to their property. He noted that the Village has approved such requests in the past, and the sale is subject to fair market value for the land, the provision of utility easements, and the payment of any associated fees.

There being no questions or comments from the public or Council, Trustee Cripe, seconded by Trustee Wedner, moved to introduce Ordinance No. M-10-2019. By voice vote, the motion carried.

- d) Ordinance No. M-11-2019: 12 Indian Hill Road Annexation and Map Amendment (Public Hearing & Introduction).

President Rintz opened the public hearing at 8:58 PM.

Mr. Schoon said the Village has received an application for annexation of the portions of the Subject Property that are in unincorporated Cook County. If approved, the property would be rezoned to the R2 Single Family Residential District.

Joan Ferraro, a representative of the applicants. Ms. Ferraro explained that the parcel at 12 Indian Hill Road is located partially in Winnetka and partially in unincorporated Cook County. Annexation into Winnetka would ensure the parcel is subject to Winnetka development regulations for the construction of a home on the property, and would bring the entire parcel into Winnetka’s tax base.

There being no comments or questions from the public or Council, Trustee Swierk, seconded by Trustee Cripe, moved to introduce Ordinance No. M-11-2019. By voice vote, the motion carried.

- 9) Old Business. None.

- 10) New Business.

- a) Comprehensive Annual Financial Report (CAFR). Mr. Sloth explained that the annual audit confirms that the Village's financial statements are accurate and complete. After thanking Accounting Manager Dell Duckworth for helping prepare the Audit, he noted that there were no deficiencies or material weaknesses found in the 2018 Audit, and no recommendations given.

Mr. Sloth said all of the Village's funds are in good cash positions. A small decrease in the Electric Fund was offset by increases in the other funds; and the funding ratios for the public safety pension funds were down slightly from 2017.

Ron Amen, Partner at Lauterback & Amen, the Village's Auditor. Mr. Amen noted that the Village's Certificate of Achievement for the Audit is a very prestigious award, and the fact that the Village continually earns it is something to be proud of. The audit firm's opinion of Winnetka's financial reporting was "clean" or "unmodified" which is the highest opinion possible.

The Council discussed pension funding in light of the minor slippage in funding for 2018. At issue was finding a benchmark to measure Winnetka's funding against. Mr. Amen explained that every town is unique and comparisons are not likely to provide helpful information. He noted that the Village's pension funding is very reasonable due to its use of conservative assumptions, and is well within the statewide averages. He added that the issue of unfunded liability is not as important in his mind as the percentage of the pensions that are funded.

It was agreed that Winnetka's public safety pensions are in good shape, particularly compared to comparable communities. The Trustees commended the Finance Department for a good audit report, for their hard work planning for future needs, and keeping financial trends positive for the Village.

- 11) Appointments: None.
- 12) Closed Session. None.
- 13) Adjournment. Trustee Wedner, seconded by Trustee Lanphier, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:24 p.m.

Recording Secretary



Agenda Item Executive Summary

Title: Approval of Warrant List Dated August 2-15, 2019

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 08/20/2019

Consent: ☒ YES ☐ NO

☐ Ordinance
☐ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☒ Informational Only

Item History:

None.

Executive Summary:

The Warrant List dated August 2-15, 2019 was emailed to each Village Council member.

Recommendation:

Consider approving the Warrant List dated August 2-15, 2019.

Attachments:

None.



Agenda Item Executive Summary

Title: Ordinance No. MC-7-2019: Amending Village Flood Plain Regulations (Adoption)

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

Agenda Date: 08/20/2019

Consent: ☒ YES ☐ NO

- | | |
|-------------------------------------|-------------------------|
| ☒ | Ordinance |
| ☐ | Resolution |
| ☐ | Bid Authorization/Award |
| ☐ | Policy Direction |
| ☐ | Informational Only |

Item History:

The Metropolitan Water Reclamation District of Greater Chicago ("MWRD") has county-wide authority to regulate stormwater management, which it accomplishes via its Watershed Management Ordinance ("WMO"). The Village has adopted the WMO by reference. On May 16, 2019, the MWRD amended the WMO to, among other things, delete from the WMO the definition of "substantial improvement," which is a critical component of floodplain management for existing buildings.

Executive Summary:

Under the guidelines of the National Flood Insurance Program (NFIP) the substantial improvement language functions as an upper limit for the level of investment that can be made to structures that do not comply with flood protection regulations and that were constructed before flood protection regulations were implemented. Under NFIP regulations, once investment in a non-compliant structure in the flood plain reaches 50% of the fair market value of that structure, it must be brought completely into compliance with current flood protection requirements. When the MWRD deleted the definition of "substantial improvement" and removed all references to the term in its WMO, a loophole was created that may permit a property owner to disaggregate improvements to a structure into separate projects, thereby nullifying the requirement that property owners bring structures into compliance with the Village's flood protection regulations when level of investment in that structure equals or exceeds 50% of its fair market value.

Ordinance No. MC-7-2019 adopts local amendments to the WMO and updates the Village's definition of "substantial improvements" in Section 15.68.020 of the Village Code to maintain the Village's current flood regulations and close the loophole created by the WMO amendment. The Village Council introduced this ordinance at the August 6, 2019 Council meeting.

Recommendation:

Consider adopting Ordinance No. MC-7-2019, amending the Village's Flood Plain regulations pertaining to the definition of substantial improvements.

Attachments:

Ordinance No. MC-7-2019

**AN ORDINANCE ADOPTING LOCAL AMENDMENTS TO THE COUNTYWIDE
WATERSHED MANAGEMENT ORDINANCE AND AMENDING SECTION 15.68.020
OF THE WINNETKA VILLAGE CODE TO AMEND THE VILLAGE'S
FLOOD PROTECTION REGULATIONS**

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 and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, pursuant to Section 15.08.010(j) of the Winnetka Village Code, as amended ("**Village Code**"), the Village has adopted by reference the Metropolitan Water Reclamation District of Greater Chicago ("**MWRD**") Countywide Watershed Management Ordinance, October 2013, as amended ("**WMO**"); and

WHEREAS, on May 16, 2019, the MWRD amended the WMO to, among other things, delete from the WMO the definition of "substantial improvement" ("**WMO Amendment**"); and

WHEREAS, while Section 15.68.020 of the Village Code contains a definition of a "substantial improvement," that definition is not as strict as the definition of the same term in the in the WMO prior to the WMO Amendment; and

WHEREAS, by the MWRD deleting the definition of "substantial improvement" and removing all references to the term in the WMO, a loophole was created that may permit a property owner to disaggregate improvements to a structure into separate projects, thereby nullifying the requirements that property owners bring structures into compliance with the Village's flood protection regulations when the costs of a project equals or exceeds 50 percent of the fair market value of a building; and

WHEREAS, pursuant to the Village's home rule authority, the Village may adopt flood protection regulations that are stricter than the WMO; and

WHEREAS, the Village Council desires to adopt local amendments to the WMO and to update the Village's definition of "substantial improvements" in Section 15.68.020 of the Village Code to maintain the Village's current flood regulations and to close the loophole created by the WMO Amendment; and

WHEREAS, the Village Council has determined that it will serve and be in the best interest of the Village and its residents to amend the Village Code pursuant to this Ordinance;

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

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

SECTION 2: AMENDMENTS TO THE WATERSHED MANAGEMENT ORDINANCE. Chapter 15.08, titled “Model Codes Adopted by Reference,” of Title 15, titled “Buildings and Construction,” is amended by adding a new Section 15.08.100 to read as follows:

“Section 15.08.100 Amendments to Metropolitan Water Reclamation District of Greater Chicago Countywide Watershed Management Ordinance, October 2013.

A. Amendments. The following provisions of the Metropolitan Water Reclamation District of Greater Chicago Countywide Watershed Management Ordinance, October 2013, are amended for adoption by the Village and shall provide as follows:

1. **Section 200.5** Existing structures that do not conform to the requirements of this Ordinance shall not be substantially improved, replaced, or enlarged in any manner unless such substantial improvements, replacements, or enlargements conform to the requirements of this Ordinance.
2. **Section 602.1** For substantial improvements to single family homes or a new building or a foundation expansion of an existing building that increases the building footprint by the lesser of either twenty percent (20%) or 2,500 square feet, in aggregate, the proposed lowest floor shall be elevated to at least the FPE in accordance with the requirements specified in §602.8, §602.9, §602.10, and the local municipality’s NFIP ordinance. A non-residential new building or a foundation expansion to an existing building that increases the building footprint by the lesser of either twenty percent (20%) or 2,500 square feet may be floodproofed in accordance with the municipality’s NFIP ordinance.
3. **Section 602.2** New building or foundation expansions to existing buildings that increases the building footprint by the lesser of either twenty percent (20%) or 2,500 square feet, in aggregate, or substantial improvements to single family homes, with the lowest floor below the BFE, shall comply with the following:
 - A. The lowest entry elevation, shall be at or above the FPE;
 - B. Provide compensatory storage per §602.5 and §602.6 of this Ordinance;
 - C. Demonstrate that a building, and foundation below the BFE are reasonably safe from flooding per design standards requirements in Technical Bulletin 10-01 issued by FEMA; and

D. Obtain a Letter of Map Revision Based on Fill (LOMR-F) if the building is in the regulatory floodplain.

4. **Section 602.8** New structures that are elevated, existing structures that are floodproofed, foundation expansions, or substantial improvements shall:

A. Be anchored to prevent flotation, collapse, or lateral movement;

B. Use flood resistant materials below the FPE;

C. Use construction methods and practices that do not increase the potential for increases in flood damage;

D. Elevate electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities to the FPE or higher;

E. Provide adequate access and drainage; and F. Provide a backup power source that will activate without human intervention if electricity is required.

B. Definition of Development. The definition of “Development” contained in Appendix A of the Metropolitan Water Reclamation District of Greater Chicago Countywide Watershed Management Ordinance, October 2013, is amended for adoption by the Village and shall read as follows:

Development. Any human-induced activity or change to real estate (including, but not limited to, grading, paving, excavation, fill, or mining; alteration, subdivision, change in land use or practice; building; or storage of equipment or materials) undertaken by private or public entities that affects the volume, flow rate, drainage pattern or composition of stormwater or the substantial improvement of an existing building in a Special Flood Hazard Area. The term development shall include redevelopment and shall be understood to not include maintenance, maintenance activities, or demolition. [Compare development with maintenance, maintenance activity, and demolition.]

C. Definition of Substantial Improvement. Appendix A of the Metropolitan Water Reclamation District of Greater Chicago Countywide Watershed Management Ordinance, October 2013, is amended for adoption by the Village to include the following definition of “Substantial Improvement”

Substantial Improvement. Determined by the local municipality in accordance with NFIP regulation. FEMA defines substantial improvement as “Any repair, reconstruction, rehabilitation, addition, or other improvement of a building, the cost of which improvement equals or exceeds, individually or in the aggregate, fifty percent (50%) of the fair market value of the building, determined from the equalized assessed value of the building before the start of construction of the

improvement. This term includes buildings which have incurred “substantial damage”, regardless of the actual repair work performed.” The term "cost of improvement" includes the market value of volunteer labor and donated materials. The term "cost of improvement" does not, however, include either (a) any project for improvement of a building to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions or (b) any alteration of a historic building or a historic district that will not preclude the building's continued designation as a historic building.”

SECTION 3: AMENDMENTS TO SECTION 15.68.020 OF THE VILLAGE CODE. Section 15.68.020, titled, “Definitions,” of Chapter 15.68, titled “Flood Hazard Protection Regulations,” of Title 15, titled “Buildings and Construction,” is amended to read as follows:

“15.68.020 Definitions.

Terms used in this chapter mean as follows:

* * *

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost, as substantiated by an executed contract that outlines the entire scope of work, of which equals or exceeds, **individually or in the aggregate,** fifty (50) percent of the market value of the structure either (1) before the improvement or repair is started; or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either any improvement necessary to make a structure comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

* * *

SECTION 4: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

[SIGNATURE PAGE FOLLOWS]

PASSED this ____ of _____, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2019.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this ____ day of _____,
2019.

Introduced: August 6, 2019

Passed and Approved: _____, 2019



Agenda Item Executive Summary

Title: Ordinance No. M-10-2019: 315 Fairview Avenue Public Alley Vacation (Adoption)

Presenter: David Schoon, Director of Community Development

Agenda Date: 08/20/2019

Consent: ☒ YES ☐ NO

☒ Ordinance
☐ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☐ Informational Only

Item History:

August 6, 2019: Village Council Regular Meeting - Public Hearing and Introduction of Ordinance No. M-10-2019 - <https://www.villageofwinnetka.org/assets/1/20/gv-council-pkt-20190806.pdf#page=149>

Executive Summary:

At the Village Council meeting on August 6, 2019, the Council conducted a public hearing and introduced Ordinance No. M-10-2019, an Ordinance Vacating a Portion of a Public Alley Right-of-Way Adjacent to 315 Fairview Avenue and Approving a Subdivision Plat to Consolidate the Parcels.

Attached is the staff report provided for the August 6 meeting, which contains details regarding the request. If you would like to review additional details regarding the request, a link to the August 6 Village Council agenda materials is provided above.

Recommendation:

Consider adoption of Ordinance No. M-10-2019, an Ordinance Vacating a Portion of a Public Alley Right-of-Way Adjacent to 315 Fairview Avenue and Approving a Subdivision Plat to Consolidate the Parcels.

Attachments:

Staff Report from the August 6, 2019 Village Council meeting
Attachment A: Ordinance No. M-10-2019



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL
FROM: DAVID SCHOON, DIRECTOR OF COMMUNITY DEVELOPMENT
DATE: AUGUST 1, 2019
SUBJECT: ORDINANCE M-10-2019: REQUEST TO VACATE ALLEY RIGHT-OF-WAY
ADJACENT TO 315 FAIRVIEW AVENUE

INTRODUCTION

At the August 6, 2019 Village Council meeting, the Council is scheduled to hold a public hearing and consider introduction of Ordinance M-10-2019, An Ordinance Vacating a Portion of a Public Alley Right-of-Way Adjacent to 315 Fairview Avenue and Approving a Subdivision Plat to Consolidate the Parcels (*Attachment A*). The owners of 315 Fairview Avenue, Jack Kruszewski and his wife, are in the process of developing plans for a new house for their property and have inquired into the status of an unimproved Village alley lying immediately east of their parcel. Subsequently, the property owner has expressed interest in acquiring that portion of the unused alley adjacent to their rear lot line. The owner plans to construct a detached garage in that general area.

A legal notice was published in the Winnetka Current on July 18, 2019 and a mailed notice was sent to property owners within 250 feet of the Subject Property. As of the date of this memo, staff has not received any written comments from the public regarding this petition.

PROPERTY DESCRIPTION AND BACKGROUND

The location of the 20-foot wide alley, platted in the year 1872, is in one of Winnetka's earliest land subdivisions, "*Dale's Addition to Winnetka*" (See *Attachment B*). In the years that followed platting of this area, the 21 homes on this one-block area have all been built with driveway access from the street. Village records indicate that the alley has never been improved with pavement or otherwise provided access to individual lots.

While the Village-owned alley includes overhead electrical utilities, the area does not include any other utilities such as sewer or water services. As a result, the Village has had a minimal need to access or maintain the unimproved alley. Adjacent private property owners have performed the vast majority of landscape maintenance over the years.

PREVIOUS APPROVALS

The Village has responded favorably to prior requests for sale of portions of the same alley, which were typically received as part of plans for new home construction. *Attachment C* depicts five (5) previous instances in which the Village has vacated and sold portions of the unused alley to adjacent property owners. The most recent vacation and sale was in 2015 for the neighboring property to the north at 319 Fairview. Previous sales have been subject to (a) payment of established fair market value for the land; (b) provision of utility easements for replacement and maintenance of Village utilities; and (c) payment

of other fees such as appraisal, document preparation and recording fees. It should be noted that prior to 2015, a more informal approach was taken to determine fair market value for the alley vacations. Beginning in 2015, the Village began to use the services of certified appraisers.

CURRENT REQUEST

The property owners of 315 Fairview have expressed interest in purchasing the alley portion after it is vacated by the Village. In order to establish a figure for Council consideration of such a transaction, staff arranged for an appraisal to be conducted, with that appraisal establishing a fair market value of **\$24,000** (See *Attachment D – Property Appraisal Commissioned by Village*).

The appraisal takes a traditional *Sales Comparison* approach toward determining an appropriate value for the subject parcel, explained in detail in *Attachment D*. Using comparable sales identified in the report; the appraisal notes a market value of \$80 per square foot for buildable lots of a similar size. Subsequently, the appraisal provides a detailed discussion of an appropriate factor for adjustment to the property value for the 500 square foot alley area (page 19), based on its size and location. The appraisal recommends a reduction in value by a factor of 40 percent, to **\$48/square foot (\$24,000)**. The analysis and valuation of the Subject Property can be found in pages 12-19 of the appraisal report in *Attachment D*.

The owners of 315 Fairview have submitted a letter via email requesting that the Village consider a lower value of the alley right-of-way portion to be vacated (See *Attachment E*). He states that the appraisal should be lower for various reasons including the omission of more appropriate comparable property sales in the commissioned appraisal report. The value he proposes for the property is **\$16,250, or \$32.50 per square foot**. The owners have included their own commissioned appraisal that includes a separate analysis and valuation that can be found on pages 34-37 of their appraisal report, included in *Attachment E*. (Note: In his letter, the owner references some errors in the appraisal commissioned by the Village (i.e. incorrect data errors and wrong comparable photos). Staff had previously identified those errors, which have been corrected in the attached version of the appraisal. The owners also reference their separately commissioned appraisal report before it was received by Village staff.)

The petitioner also cites the previous sale of property by the Village in 2015, located next door at 319 Fairview. In 2015, the Village received a similar purchase request from the owner of 319 Fairview, and arranged for an appraisal. The 2015 appraisal, using a similar *Sales Comparison* approach, yielded a market value of \$66 per square foot, and a discount factor of 50%, ultimately resulting in an appraised value of \$33 per square foot. If a discount factor of 50% were applied to the current appraisal it would result in a sale price of **\$40 per square foot, or \$20,000**.

The Village Manager made a counter offer of \$20,000, which the petitioner has accepted.

SUMMARY

The Village Council is scheduled to hold a public hearing and consider introduction of Ordinance M-10-2019, An Ordinance Vacating a Portion of a Public Alley Right-of-Way Adjacent to 315 Fairview Avenue and Approving a Subdivision Plat to Consolidate the Parcels. The petitioner has agreed to pay the Village \$20,000 for the portion of the alley that is being vacated.

ATTACHMENTS

Attachment A: Ordinance M-10-2019, an Ordinance Vacating a Portion of the Public Alley Right-of-Way Adjacent to 315 Fairview Avenue and Approving a Subdivision Plat to Consolidate the Parcels

ATTACHMENT A

ORDINANCE NO. M-10-2019

**AN ORDINANCE
VACATING A PORTION OF A PUBLIC ALLEY RIGHT-OF-WAY
ADJACENT TO 315 FAIRVIEW AVENUE AND APPROVING A SUBDIVISION
PLAT TO CONSOLIDATE THE PARCELS**

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 and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village of Winnetka has the power to vacate alleys pursuant to Section 11-91-1 *et seq.* of the Illinois Municipal Code, 65 ILCS 5/11-91-1 *et seq.*, and its home rule powers; and

WHEREAS, the Village Board of Trustees does hereby determine that there is no public benefit to be obtained by the Village's continued ownership of the portion of the public alley adjacent to the property commonly known as 315 Fairview Avenue ("**Receiving Property**"); and

WHEREAS, the Village Council further determines that it would be in the best interests of the public to vacate the portion of the previously dedicated public alley adjacent to the Receiving Property and the owner of the Receiving Property, Jacek Kruszewski and Chelsea Halweg (collectively, "**Owners**"), have requested this vacation; and

WHEREAS, the Village Council does hereby certify that the right-of-way described in Section 2 below is located entirely within the corporate limits of the Village of Winnetka and is subject to the jurisdiction of the Village of Winnetka; and

WHEREAS, the Owners have prepared a Plat of Consolidation for the Receiving Property consolidating the corresponding portion of the Public Alley described in this Ordinance; and

WHEREAS, consolidation of land is considered a minor subdivision procedure under the Winnetka subdivision regulations ("**Subdivision Regulations**"); and

WHEREAS, staff has reviewed the Plat of Consolidation and recommends approval by the Village Council;

NOW, THEREFORE, be it ordained by the President and Board of Trustees of the Village of Winnetka as follows:

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

SECTION 2: VACATION. Subject to and contingent on the prior satisfaction of the conditions stated in Section 4 of this Ordinance, the portion of the public alley depicted and

described on the Plat of Vacation ("**Public Alley**"), prepared by Geodetic Survey, Ltd., and dated March 28, 2019, consisting of one sheet, attached to and made a part of this Ordinance as **Exhibit A ("Plat of Vacation")**, is hereby vacated and closed to public use, with title to the Public Alley transferring to the owners of the Receiving Property located adjacent thereto.

SECTION 3: EASEMENTS RESERVED. Perpetual easements are hereby reserved for public and municipal utility purposes as set forth on the Plat of Consolidation.

SECTION 4: CONDITION OF VACATION. The Owners shall pay to the Village, as consideration for the vacated Public Alley, the amount of \$20,000.00, plus the total amount of all fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance (collectively, "**Vacation Compensation Fee**"). The Owners shall pay the Vacation Compensation Fee to the Village within 30 days after the date of adoption of this Ordinance.

SECTION 5: RECORDATION. The Village Manager is hereby authorized and directed to cause a certified copy of this Ordinance, together with the Plat of Vacation, to be recorded with the Cook County Recorder of Deeds upon compliance with all the conditions and requirements of this Ordinance.

SECTION 6: APPROVAL OF PLAT OF CONSOLIDATION. The Plat of Consolidation for 315 Fairview Avenue, prepared by Geodetic Survey, Ltd., on March 28, 2019, attached to, and by this reference, made a part of this Ordinance as Exhibit B ("**Plat of Consolidation**") shall be, and are hereby, approved in substantially the following form, and in a final form to be approved by the Village Manager.

SECTION 7: AUTHORIZATION TO EXECUTE PLAT OF CONSOLIDATION. The Village President and Village Clerk are hereby authorized and directed to execute and seal, on behalf of the Village, the Plat of Consolidation, subject to certification by the Office of the Cook County Clerk that there are no property tax delinquencies, as well as all other certifications as necessary.

SECTION 8: RECORDATION OF PLAT OF CONSOLIDATION. The Village Manager is hereby directed to record the Plat of Consolidation in the Office of the Cook County Recorder upon the occurrence of all of the events listed in Section 12 of this Ordinance.

SECTION 9: REPEAL. Unless the conditions set forth in Section 4 are satisfied in full within 30 days after passage of this Ordinance, the Village Council shall have the right, but not the obligation, to repeal this Ordinance by Resolution, in which case this Ordinance shall not take effect and shall be deemed null and void after that date.

SECTION 10: EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage, approval, and publication as provided by law.

[SIGNATURE PAGE FOLLOWS]

PASSED this ____ day of _____, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2019.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this ____ day of _____,
2019.

Introduced: August 6, 2019

Passed and Approved: _____, 2019

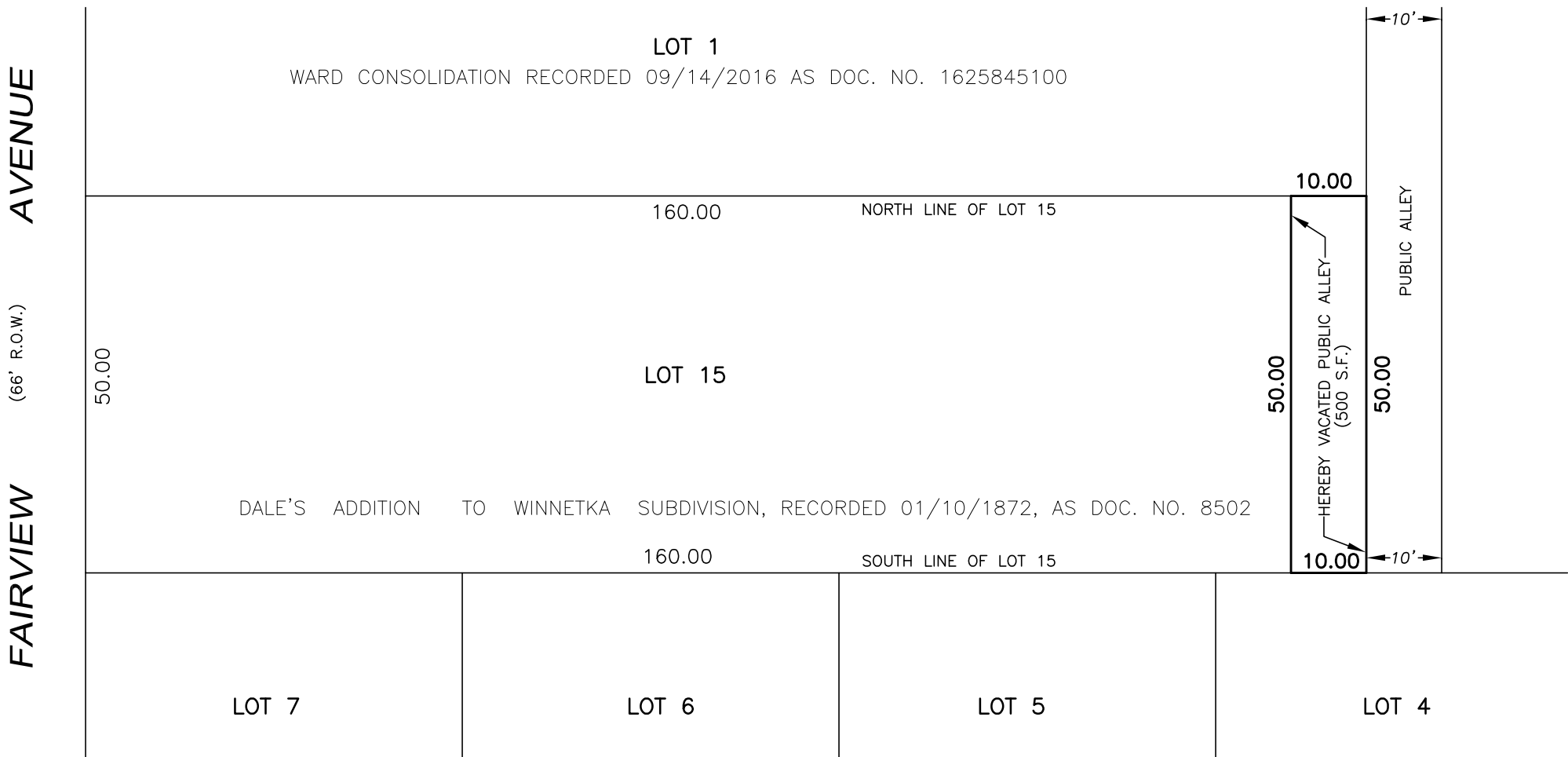
EXHIBIT A
PLAT OF VACATION
(SEE ATTACHED EXHIBIT A)

August 20, 2019

M-10-2019

PLAT OF VACATION OF

BLOCK 3



BY *Thomas R. Krider*
PROFESSIONAL ILLINOIS LAND SURVEYOR NO.3000
LICENSE EXPIRES 11/30/2020

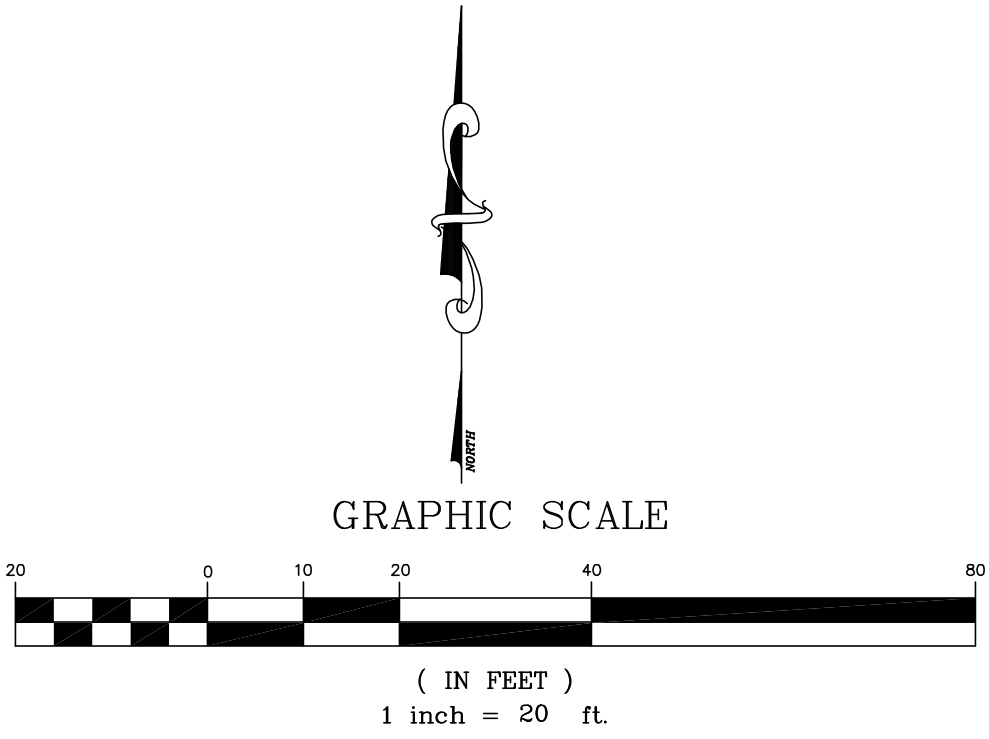
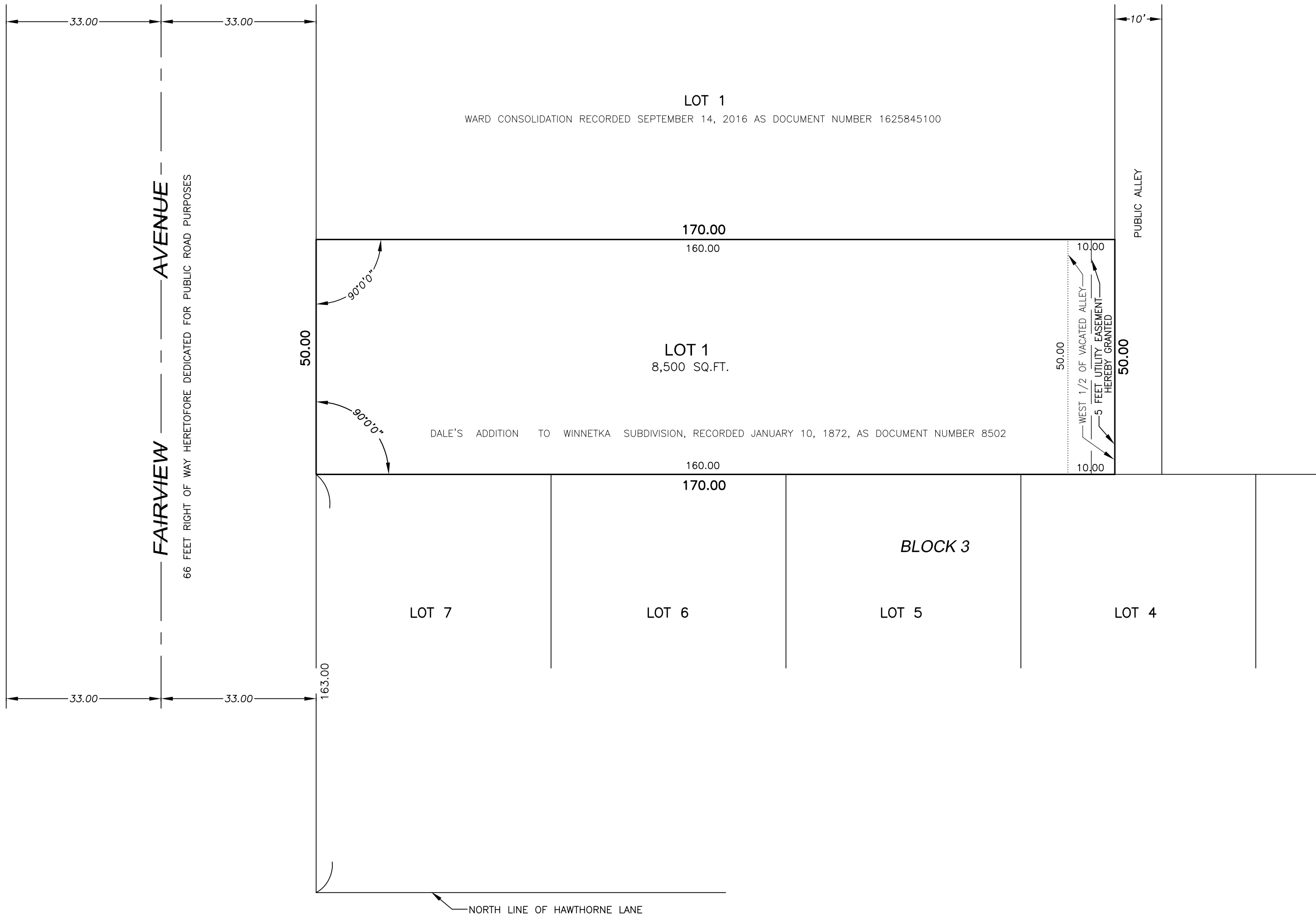
EXHIBIT B
PLAT OF CONSOLIDATION
(SEE ATTACHED EXHIBIT B)

August 20, 2019

M-10-2019

FINAL PLAT OF
KRUSZEWSKI HALWEG CONSOLIDATION

OF LOT 15 IN BLOCK 3 TOGETHER WITH THE WEST HALF OF VACATED ALLEY LYING EAST OF AND ADJOINING LOT 15 IN DALE'S ADDITION TO WINNETKA, A SUBDIVISION OF THE NORTH 7.50 CHAINS OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



This plat submitted for recording by:
Name: VILLAGE OF WINNETKA
Address: 510 GREEN BAY ROAD
City: WINNETKA
State: ILLINOIS Zip 60093

PERMANENT INDEX NUMBER: 05-21-401-010-0000

TAX BILL RECIPIENT:
JACEK KRUSZEWSKI & CHELSEA HALWEG
315 FAIRVIEW AVENUE
WINNETKA, ILLINOIS 60093

OWNER'S CERTIFICATE:

State of Illinois } s.s.
County of Cook }

We, Jacek Kruszewski & Chelsea Halweg, do hereby certify that we are the owners of the property described hereon and that we have caused the said property to be surveyed and resubdivided as shown hereon as the Kruszewski Halweg Consolidation and legally described on the plat of the same name.

Dated this ____ day of _____, A.D. 20__.

Owner's Signature

Owner's Signature

NOTARY CERTIFICATE:

State of Illinois } s.s.
County of Cook }

I, _____ a Notary Public in and for said County in the State

aforesaid do hereby certify that _____ personally known to me to be the same persons whose names are subscribed to the foregoing instrument as owners of the property described hereon, appeared before me this day in person and acknowledged that they signed and delivered this plat as their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this ____ day of _____, A.D. 20__.

Notary Public

MORTGAGE CERTIFICATE:

State of } s.s.
County of }

This is to certify that _____ as mortgage under the provisions of that certain mortgage and assignments of rents dated _____, _____ recorded in the public records of _____ County, _____, on _____ as Document No. _____ is the mortgage of the property described on the plat of subdivision and does hereby consent to and acknowledge and adopt said plat.

Dated this ____ day of _____, A.D. 20__.

By: _____
(Vice) President

Attest: _____
Secretary

NOTARY CERTIFICATE:

State of } s.s.
County of }

I, _____ a Notary Public in and for said County in the State

aforesaid do hereby certify that _____ personally known to me to be the same persons whose names are subscribed to the foregoing instrument as owners of the property described hereon, appeared before me this day in person and acknowledged that they signed and delivered this plat as their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this ____ day of _____, A.D. 20__.

Notary Public

SURVEYOR'S CERTIFICATE:

State of Illinois } s.s.
County of Cook }

I, Thomas R. Krohn an Illinois licensed land surveyor do hereby certify that I have surveyed and subdivided the following described property: LOT 15 IN BLOCK 3 TOGETHER WITH THE WEST HALF OF VACATED ALLEY LYING EAST OF AND ADJOINING LOT 15 IN DALE'S ADDITION TO WINNETKA, A SUBDIVISION OF THE NORTH 7.50 CHAINS OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

All dimension are in feet and decimal parts thereof.

I further certify that the property shown hereon is identified as Zone "X" (Unshaded), areas determined to be outside the 0.2% annual chance floodplain and is not situated in a special flood hazard area, by The Federal Emergency Management Agency, as per The Flood Insurance Rate Map, Village of Winnetka Community Number 170176, Map 233 of 832, Panel No. 17031C0251 J, effective date August 19, 2008.

I further certify that the property shown hereon is situated within the corporate limits of the Village of Winnetka, Illinois.

Dated this 28th day of March, 2019.

Thomas R. Krohn
Illinois Licensed Land Surveyor No. 3000



State of Illinois
County of Cook SS

Approved this ____ day of _____, 20__ by the VILLAGE PRESIDENT
AND BOARD OF TRUSTEES of the Village of Winnetka, Cook County, Illinois.

Village President

Village Clerk

State of Illinois
County of Cook SS

Approved this ____ day of _____, 20__ by the DIRECTOR OF THE
WATER AND ELECTRIC DEPARTMENT of the Village of Winnetka, Cook County, Illinois.

Water and Electric Director

State of Illinois
County of Cook SS

Approved this ____ day of _____, 20__ by the DIRECTOR OF THE
COMMUNITY DEVELOPMENT DEPARTMENT of the Village of Winnetka, Cook County, Illinois.

Community Development Director

State of Illinois
County of Cook SS

Approved this ____ day of _____, 20__ by the VILLAGE ENGINEER
of the Village of Winnetka, Cook County, Illinois.

Village Engineer

State of Illinois
County of Cook SS

I, _____, Village Collector of the Village of Winnetka, Illinois, do hereby certify that there are no delinquent or unpaid current or forfeited special assessments, or any deferred installments thereon that have been apportioned against the tract of land included in this plat of consolidation

Dated this ____ day of _____, 20__.

Village Collector

GEODETIC SURVEY, LTD.
PROFESSIONAL DESIGN FIRM NO. 184-003942
1121 DEPOT STREET, GLENVIEW IL 60025
TEL. (847) 904-7690; FAX (847) 904-7691

REVISIONS	DATE

FILE NO. 19-044
DATE: 03/28/2019



Agenda Item Executive Summary

Title: Ordinance No. M-11-2019: 12 Indian Hill Road Annexation and Map Amendment (Adoption)

Presenter: David Schoon, Director of Community Development

Agenda Date: 08/20/2019

Consent: ☒ YES ☐ NO

☒ Ordinance
☐ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☐ Informational Only

Item History:

August 6, 2019: Village Council Regular Meeting - Public Hearing and Introduction of Ordinance No. M-11-2019 - <https://www.villageofwinnetka.org/assets/1/20/gv-council-pkt-20190806.pdf#page=251>

Executive Summary:

At the Village Council meeting on August 6, the Council conducted a public hearing and introduced Ordinance No. M-11-2019 to approve annexing that portion of 12 Indian Hill Road (the "Subject Property") located in unincorporated Cook County into the corporate limits of the Village of Winnetka and a zoning map amendment to rezone the portion of the Subject Property to be annexed into Winnetka to the R-2 Single Family Residential District.

Attached is the staff report previously provided for the August 6 meeting, which contains more details regarding the request.

Recommendation:

Consider adoption of Ordinance No. M-11-2019.

The Ordinance would approve the annexation for that portion of 12 Indian Hill Road currently located in unincorporated Cook County and approve the zoning map amendment to rezone that same portion of 12 Indian Hill Road to the R-2 Single Family Residential District.

Attachments:

Staff Report from the August 6, 2019 Village Council meeting
Attachment A: Ordinance No. M-11-2019



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL
FROM: DAVID SCHOON, DIRECTOR
DATE: JULY 31, 2019
SUBJECT: ORDINANCE NO. M-11-2019: ANNEXATION AND REZONING OF 12 INDIAN HILL ROAD

INTRODUCTION

On August 6, 2019, the Village Council is scheduled to hold a public hearing and consider introduction of Ordinance No. M-12-2019, an ordinance approving the annexation and rezoning of that portion of 12 Indian Hill Road (the "Subject Property") currently located in unincorporated Cook County into the Village of Winnetka (Attachment A). The Village has received a petition from Michael and Chloe Ciaglia (the "Applicants"), as the owners of the Subject Property, to annex that portion of the Subject Property currently located in unincorporated Cook County into Winnetka (represented in Figure 2 on the following page). A portion of the Subject Property is currently in Winnetka; the other portion is in unincorporated Cook County.

A mailed notice was sent to property owners within 250 feet of the Subject Property in compliance with the Village Code. The hearing was properly noticed on July 18, 2019 in the *Winnetka Current*. As of the date of this memo, staff has not received any written comment from the public regarding this petition.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.91 acres in size, is located at the northwest corner of Indian Hill Road and Golf Lane, and is currently a vacant lot. The approximate southern two-thirds (26,436 square feet) of the Subject Property is currently located in unincorporated Cook County. Figures 1 and 2 on the following page identify the Subject Property. The portion of the property currently within the corporate limits of the Village of Winnetka is zoned R-2 Single Family Residential, and it is bordered by R-2 Single Family Residential to the north and northwest and R-1 Single Family Residential to the southwest (represented in Figure 4 later in this report). The property east of the Subject Property is also partially located in unincorporated Cook County, the portion of that lot within the corporate limits of the Village is also zoned R-2 Single Family Residential.

The Comprehensive Plan designates the Subject Property as appropriate for single family residential development. The zoning of the property is consistent with the Comprehensive Plan.

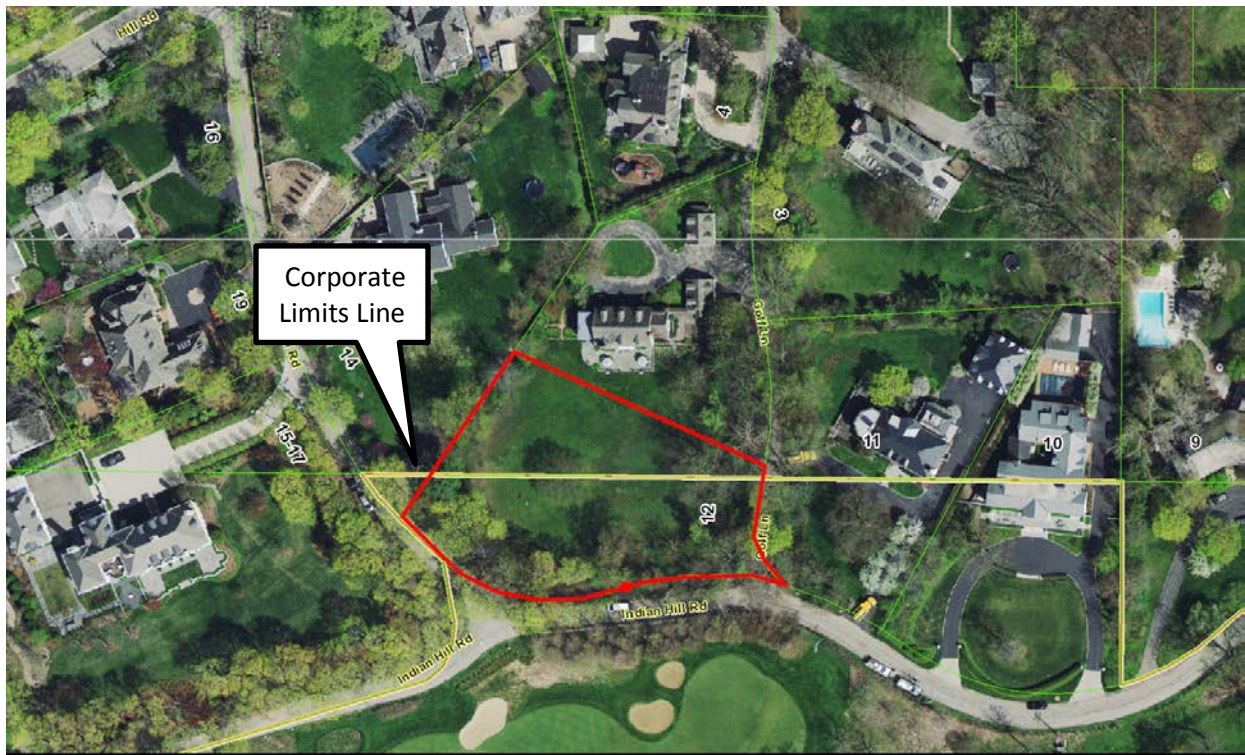


Figure 1 – Subject Property Aerial Map

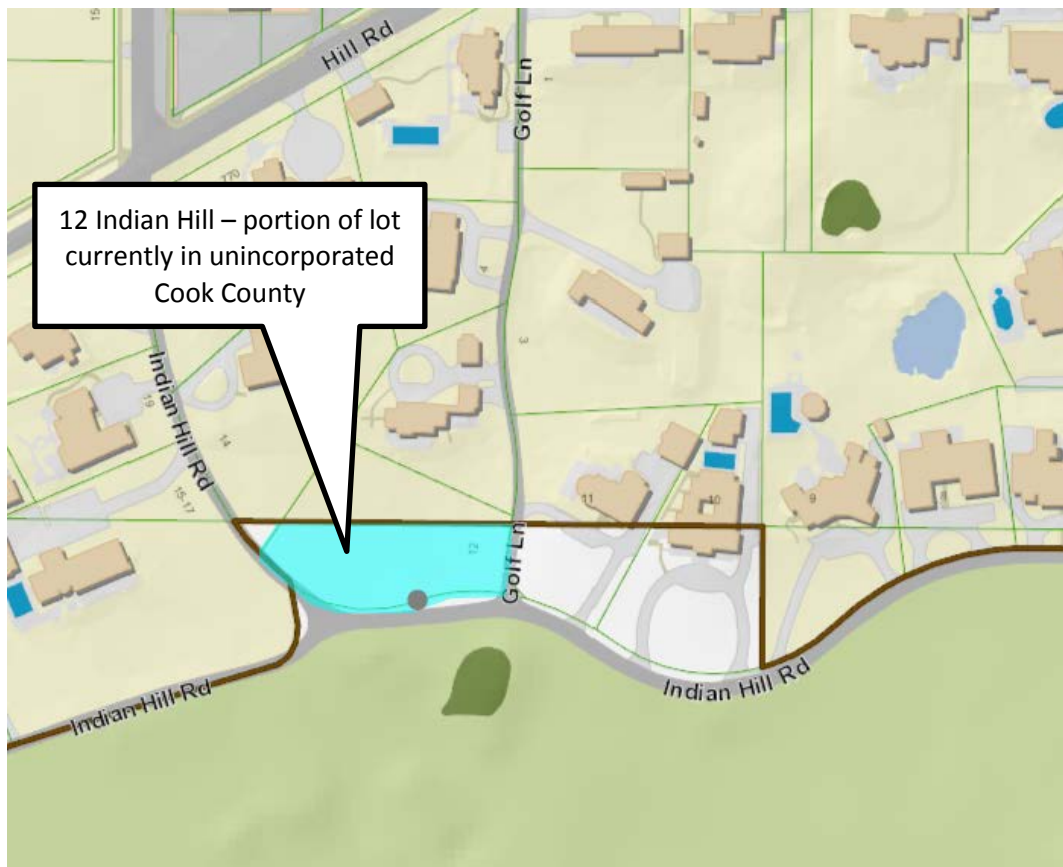


Figure 2 – Subject Property



Figure 3 – Corporate Limits Line

CURRENT REQUEST

The Applicants have submitted the petition for annexation with the intent of constructing a new single family residence on the Subject Property. Annexation of the approximate southern two-thirds of the Subject Property is required to assure that the entire parcel is subject to the Village's land development regulations.

The requested annexation also requires a map amendment to rezone that portion of the Subject Property to be annexed into Winnetka to the R-2 Single Family Residential District. This zoning classification is consistent with the other lots in the area (represented in Figure 4 below).

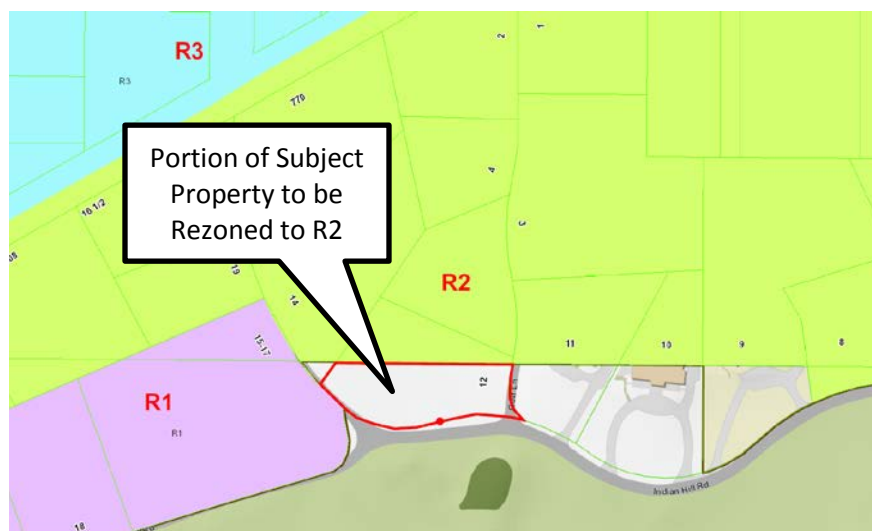


Figure 4 – Zoning Map

RECOMMENDATION

After holding the public hearing, the Village Council may consider introduction of Ordinance M-11-2019. The Ordinance would approve the annexation for that portion of 12 Indian Hill Road currently located in unincorporated Cook County into the Village of Winnetka and approve the zoning map amendment to rezone that same portion of 12 Indian Hill Road to the R-2 Single Family Residential District.

ATTACHMENTS

Attachment A: Ordinance No. M-11-2019, an Ordinance Annexing and Rezoning 12 Indian Hill Road

Attachment B: Petition for Annexation

ATTACHMENT A

ORDINANCE NO. M-11-2019

AN ORDINANCE ANNEXING THE PROPERTY AT 12 INDIAN HILL ROAD TO THE VILLAGE OF WINNETKA AND ZONING THE PROPERTY IN R-2 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT

WHEREAS, Michael Ciaglia and Chloe Ciaglia (collectively, ***“Petitioners”***) are the legal and record title owners of a tract of land located at 12 Indian Hill Road, a portion of which is located in unincorporated Cook County, Illinois (***“Subject Property”***), and legally described on the plat of annexation attached to this Ordinance and, by this reference, incorporated into this Ordinance as **Exhibit A** (***“Plat of Annexation”***); and

WHEREAS, the Petitioners desire and propose to have the Subject Property annexed to the Village in accordance with the provisions of Section 7-1-24 of the Illinois Municipal Code, 65 ILCS 5/7-1-24 (***“Annexation”***); and

WHEREAS, the Petitioners filed with the Village a petition requesting the Annexation of the Subject Property signed by the Petitioners, who are the sole owners of the Subject Property; and

WHEREAS, all petitions and other documents necessary to accomplish the Annexation have been executed; and

WHEREAS, all notices required by Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-1 have been provided; and

WHEREAS, the Village is authorized to annex the Subject Property under Section 7-1-24 of the Illinois Municipal Code; and

WHEREAS, pursuant to Section 7-1-47 of the Illinois Municipal Code, 65 ILCS 5/7-1-47, properties annexed into the Village are classified within the R-1 Single Family Residential District; and

WHEREAS, the Applicants submitted an application to amend the Official Zoning Map of the Village of Winnetka (***“Zoning Map”***) to classify the Subject Property within the R-2 Single Family Residential District (***“R-2 District”***) of the Village (***“Proposed Zoning Classification”***); and

WHEREAS, pursuant to Section 17.72.040 of the Winnetka Village Code (***“Village Code”***) and the Village’s home rule power, the Village gave notice of a public hearing by the Village Council to consider the Proposed Zoning Classification by publication in the *Winnetka Current* on July 18, 2019 and by mail to owners of real property located within 250 feet of the Subject Properties, which public hearing was held by the Village Council on July 15, 2019; and

WHEREAS, the Village Council heard evidence regarding the Proposed Zoning Classification and has found and determined that the Proposed Zoning Classification of the

Subject Property satisfies all of the findings required by Section 17.72.040 of the Village Code; and

WHEREAS, the Village Council of the Village of Winnetka ("**Village Council**") has found and determined that it is in the best interests of the Village to approve the Annexation and Proposed Zoning Classification as set forth in, and subject to the provisions of, this Ordinance;

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

SECTION 1. RECITALS. The foregoing recitals are hereby incorporated into this Ordinance as findings of the Village Council.

SECTION 2. ANNEXATION. The Subject Property is hereby annexed to the Village of Winnetka.

SECTION 3. APPROVAL OF PROPOSED ZONING CLASSIFICATION. Pursuant to the Village's home rule power and Section 17.72.040 of the Village Code, the Village Council hereby: (a) approves the Proposed Zoning Classification of the Subject Property, and (b) amends the Zoning Map to classify the Subject Property within the R-2 District.

SECTION 4. RECORDATION AND REPORTING. The Village Clerk is hereby authorized and directed, promptly after the effective date of this Ordinance, to record in the Office of the Cook County Recorder of Deeds and file with the Office of the Cook County Clerk a certified copy of this Ordinance, including the Plat of Annexation, and the affidavits of service of notice required by law. The Village Administrator is hereby authorized and directed to notify the Election Authorities, as defined in Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-1, and the United States Post Office branches serving the Subject Property of the Annexation granted by Section 2 of this Ordinance by registered or certified mail within 30 days after the effective date of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect only after passage, approval, and publication of this Ordinance in pamphlet form in the manner provided by law.

[SIGNATURE PAGE FOLLOWS]

PASSED this ____ day of _____, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2019.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this ____ day of _____,
2019.

Introduced: August 6, 2019

Passed and Approved: _____, 2019

EXHIBIT A

PLAT OF ANNEXATION

(SEE ATTACHED EXHIBIT A)

THAT PART OF LOT 1 IN OSGOOD'S RESUBDIVISION OF A PART OF LOT 10 IN INDIAN HILL SUBDIVISION NUMBER 2, BEING A SUBDIVISION OF PARTS OF SECTIONS 20 AND 29, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE NORTH LINE OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

State of Illinois }
County of Cook } ss.

Dated this _____ day of _____, A.D., 2019.

Michael Ciaqlia	Chloe Ciaqlia
-----------------	---------------

State of Illinois }
County of Cook } ss.

Given under my hand and Notarial Seal this _____ day of _____, A.D., 2019.

State of Illinois }
County of Cook } ss.

Approved by the President and Board of Trustees of the Village of Winnetka, Illinois, this _____ day of _____, A.D., 2019.

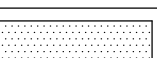
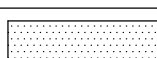
By: _____ Attest: _____
Village President, Winnetka, Illinois Clerk

FOR DETAILS OF THIS ORDINANCE NO. _____ SEE _____

EXISTING P.I.N. 05-29-203-022-0000
SEND TAX BILL TO:
Michael Ciaglia and Chloe Ciaglia
656 Sheridan Road, Winnetka, Illinois 60093

SUBMITTED BY AND RETURN PLAT TO:

All dimenations hereon shown, unless it is otherwise noted, are given in feet and decimal parts thereof.

	B.H. SUHR & COMPANY, INC.	
R. R. HANSEN MEMBER: I.P.L.S.A. N.S.P.S.	SURVEYORS ESTABLISHED 1911 450 SKOKIE BLVD. SUITE 105, NORTHBROOK, ILLINOIS, 60062 TEL. (847) 864-6315 / FAX (847) 864-9341 E-MAIL: SURVEYOR@BHSUHR.COM	Professional Design Firm License No. 184.008027--0008
LOCATION <u>12 INDIAN HILL ROAD (LOT1)</u> ORDER No. <u>19-111-ANNEX</u>	SURVEY DATE, <u>JULY 3</u> 20 <u>19</u> ORDERED BY: <u>JOAN M.FERRARO & ASSOCIATES, LTD.</u>	
AA	© 2019 B. H. Suhr & Company, Inc. All rights reserved.	

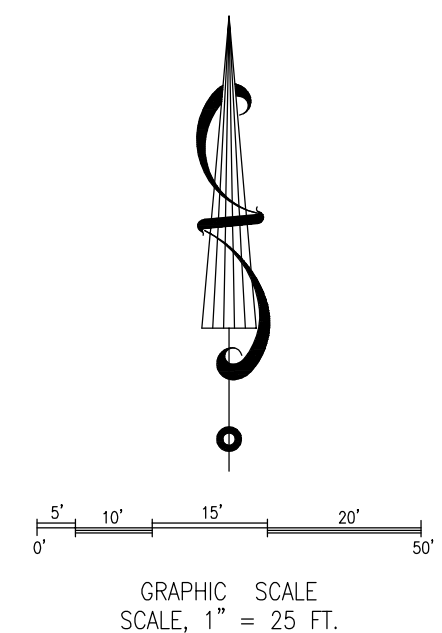
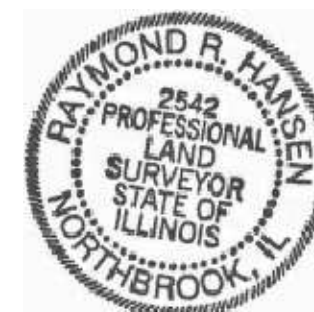
EVANSTON, JULY 3 2019

State of Illinois }
County of Cook } ss.

I, Raymond Hansen, an Illinois Professional Land Surveyor, do hereby certify that I have prepared the plat hereon drawn from previous plats and records for Annexation purposes as shown on the plat hereon drawn.

Dated at Northbrook, Illinois, this 3rd day of July, 2019.

By: [Signature]
Illinois Professional Land Surveyor No. 035-002542
License Expiration Date 11/30/20



ATTACHMENT B

PETITION FOR ANNEXATION TO THE VILLAGE OF WINNETKA

To: **The President and Board of Trustees**

Of the Village of Winnetka, Cook County, Illinois

THE UNDERSIGNED PETITIONERS RESPECTFULLY STATE UNDER OATH:

1. Petitioners MICHAEL CIAGLIA AND CHLOE CIAGLIA are the sole owners of the following parcel of property ("Subject Property"):

THAT PART OF LOT 1 IN OSGOOD'S RESUBDIVISION OF A PART OF LOT 10 IN INDIAN HILL SUBDIVISION NUMBER 2, BEING A SUBDIVISION OF PARTS OF SECTIONS 20 AND 29, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE NORTH LINE OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS.

PIN: 05-29-203-022-0000

2. The Subject Property is owned by the Petitioners, is currently vacant land, with a common street address of 12 Indian Hill Road, Winnetka, IL.

3. The Subject Property is located in unincorporated Cook County.

4. The northern property line of the Subject Property is 270.10 feet long, and is fully contiguous to the corporate limits of the Village of Winnetka.

5. Petitioners own all of Lot 1 including but not limited to the Subject Property and the land immediately north of the Subject Property and currently located within the corporate limits of the Village of Winnetka.

6. Petitioners desire to annex the Subject Property into the corporate limits of the Village of Winnetka for the intended purpose of constructing a single family home on Lot 1 on both the Subject Property and that portion of Lot 1 currently located within the corporate limits of the Village of Winnetka.

7. Petitioners are the only voters who reside on the Subject Property.

6. The foregoing statements are true to the best of Petitioner's knowledge, information and belief.

FOR ALL OF THE FOREGOING REASONS, PETITIONERS RESPECTFULLY REQUEST that the Subject Property be annexed to the Village of Winnetka, pursuant to section 7-1-8 of the Illinois Municipal Code, 65 ILCS 5/7-1-8, for the reasons set forth in this Petition.

DATED this 5 day of July, 2019.

I, the undersigned Michael Ciaglia and Chloe Ciaglia, state on oath that we are the sole owner(s) of record of the above-described Subject Property, which is commonly known as 12 Indian Hill Road, Winnetka, IL, that we are the only registered electors at that address, that we have read the foregoing Petition and that the statements made herein are true to the best of our knowledge and information.

MICHAEL CIAGLIA

[Redacted Signature]

CHLOE CIAGLIA

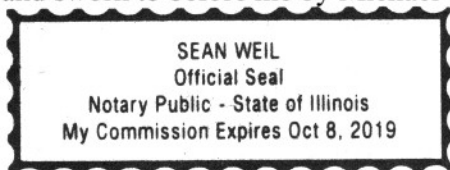
[Redacted Signature]

STATE OF ILLINOIS)

COUNTY OF COOK)

Signed and sworn to before me by Michael Ciaglia, on the 5 day of July, 2019.

[Seal]

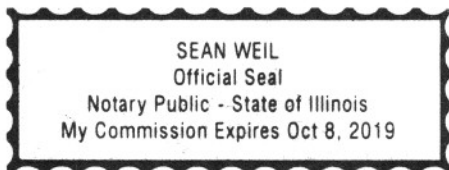


Notary Public

[Redacted Signature]

Signed and sworn to before me by Chloe Ciaglia, on the 5 day of July, 2019.

[Seal]



Notary Public

[Redacted Signature]



Agenda Item Executive Summary

Title: Resolution No. R-71-2019: District 36 Reciprocal Reporting Agreement (Adoption)

Presenter: Marc Hornstein, Chief of Police

Agenda Date: 08/20/2019

Consent: ☒ YES ☐ NO

☐ Ordinance
☒ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☐ Informational Only

Item History:

None.

Executive Summary:

The Illinois School Code, Juvenile Court Act, and School Student Records Act authorize the establishment and maintenance of a reciprocal reporting system between school districts and local law enforcement agencies for sharing information regarding criminal offenses committed by students.

Maintaining a safe learning environment within the community is a top priority of the Police Department. The purpose of the agreement is to promote safety, security, and order for school district staff, students, and premises. The agreement further establishes a cooperative relationship between the school district and Police Department.

The agreement has been reviewed by the Village Attorney.

Recommendation:

Consider approval of Resolution No. R-71-2019.

Attachments:

- Resolution No. R-71-2019
- Winnetka Public School District No. 36 Reciprocal Reporting Agreement

RESOLUTION NO. R-71-2019

**A RESOLUTION APPROVING AN AGREEMENT WITH WINNETKA PUBLIC
SCHOOLS DISTRICT NO. 36 FOR RECIPROCAL REPORTING**

WHEREAS, the Village of Winnetka (“**Village**”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

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

WHEREAS, Winnetka Public Schools District No. 36 (“**District**”) is the owner and operator of schools in the Village (“**School**”); and

WHEREAS, the Illinois School Code, Juvenile Court Act, and the Illinois School Student Records Act authorize the establishment and maintenance of a reciprocal reporting system between school districts and local law enforcement agencies for sharing information regarding criminal offenses committed by students (“**Reciprocal Reporting System**”); and

WHEREAS, the Village and the District desire to enter into an agreement to share information to enhance public safety in the District’ schools and the community (“**Agreement**”); and

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

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

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

SECTION 2: APPROVAL OF AGREEMENT. The Village Council hereby approves the Agreement in substantially the form attached to this Resolution as **Exhibit A**.

SECTION 3: AUTHORIZATION TO EXECUTE AGREEMENT. The Village Council hereby authorizes and directs the Village President and Village Clerk to execute and attest, respectively, on behalf of the Village, the Agreement.

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

[SIGNATURE PAGE FOLLOWS]

ADOPTED this __ day of _____, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT A
AGREEMENT

**INTERGOVERNMENTAL AGREEMENT FOR RECIPROCAL REPORTING AND
DIGITAL IMAGE ACCESS BETWEEN THE VILLAGE OF WINNETKA AND THE BOARD OF
EDUCATION OF THE WINNETKA PUBLIC SCHOOLS DISTRICT NO. 36**

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is made and entered into by and between the Board of Education of the Winnetka Public Schools District No. 36, Cook County, Illinois (“**School District**”), and the Village of Winnetka, a municipal corporation (“**Village**”) (collectively, “**Parties**”).

WHEREAS, both the 1970 Illinois Constitution (Article VII, Section 10) and the Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.) authorize and encourage intergovernmental cooperation; and

WHEREAS, Section 1-7(A)(8) and 5-905(1)(h) of the Juvenile Court Act, Sections 10-20.14, 10-21.7, 10-27.1A&B and 22-20 of the Illinois School Code, and Section 10/6(a)(6.5) of the Illinois School Student Records Act provide for and authorize agreements between local law enforcement agencies and school districts for reciprocal reporting of criminal offenses committed by students; and

WHEREAS, the School District may install a digital camera system at its schools to enhance security and safety at the schools, and the Parties believe that if the School District does so, it would be beneficial to grant the Village access to the images created by the School District’s digital camera system and the Village Police Department would be better situated to assist the School District in the case of an emergency situation that endangered students, employees, or School District property; and

WHEREAS, the School District and the Village are desirous of entering into this Agreement for the purposes of promoting safety, security, and order for the staff, students, and premises at the School District and of establishing a cooperative relationship between the School District’s and the Village’s law enforcement efforts;

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions contained in this Agreement and other good and valuable consideration, the School District and Village agree as follows:

I. COOPERATION AND AUTHORITY

A. General Cooperation

1. The Superintendent of the School District will provide the Village Police Chief with a list of administrators (“**School Officials**”) to be contacted as needed. The list will contain regular and emergency telephone and mobile numbers (if applicable), and identify which administrators are to be contacted for various types of problems and the order in which the administrators are to be contacted. The administrators identified shall be considered the “Appropriate School Officials” for purposes of Section 1-7(a)(8) of the Juvenile Court Act, 705 ILCS 405/1-7(a)(8).
2. The Village Police Chief will provide the Superintendent of the School District

with the names and titles of a primary and two back up contacts ("**Police Officials**") responsible for implementing this Agreement. The officers shall provide their regular and emergency telephone numbers (if applicable).

3. The Superintendent and Police Chief may, as they deem necessary and upon written notice, designate different persons to the respective positions of School Official and Police Official. The Police Official shall represent the Police Department in the Department's capacity as "juvenile authorities" within the meaning of the federal *Family Educational Rights and Privacy Act*. The School Official shall be an individual determined by the School District to have a legitimate educational or safety interest in the juvenile record information.
4. School Officials and Police Officials will meet to facilitate and review implementation of this Agreement as often as necessary.
5. Nothing in this Agreement is intended to limit or restrict the duty and authority of school personnel to request police services for disturbances or other emergencies occurring in or around any school building, nor is it intended to limit or restrict the duty or ability of any person attending or employed by the School District to provide information or otherwise cooperate in law enforcement investigations, including but not limited to providing witness statements and testimony.

B. School District Authority Over the Educational Environment

1. Collaboration between the School District and the Village and respect for the important role each party plays in connection with our community's youth are essential to the success of the mission of both Parties.
2. The Village recognizes the responsibility and authority of School Officials to manage the educational environment.
3. Both Parties recognize that disciplining students for violations of the School District's rules and policies is appropriate for School Officials to manage.
4. The School District recognizes that discretion regarding whether to investigate or charge a student or other individual with an ordinance, criminal, or traffic violation lies with Police Officials.
5. The Parties seek to implement a partnership that creates effective and positive school student discipline that (a) is part of the School District's larger effort to address school safety and climate; (b) includes proactive and restorative methods rather than only punitive; and (c) is clear, consistent, and equitable.
6. Both Parties understand the privacy protections of federal and state law in the disclosure of student records. The School District will refuse disclosure requests by Police Officials without a warrant, court order, or other exception enumerated by the Illinois School Student Records Act, 105 ILCS 10/, and the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.

II. RECIPROCAL REPORTING

A. Reporting of Student Criminal Activity

1. *By School Officials to Police Officials*

- a. School Officials will promptly report to Police Officials when required by law or when otherwise deemed warranted in the reasonable discretion of the District, the activity of students who attend the Schools that involve or is suspected to involve the following:
 - i. Criminal gang activity;
 - ii. Criminal sexual offenses;
 - iii. Any violation of Article 24 of the Criminal Code, 720 ILCS 5/24-1 et seq, or weapons such as guns and knives, explosives, impact devices, or any item used as a weapon;
 - iv. Sale of drugs or other intoxicants;
 - v. Possession of drugs or other intoxicants;
 - vi. Fights or other violent activity which might reasonably carry over into the community;
 - vii. Abuse, neglect, lock-out, and runaway situations;
 - viii. Acts of vandalism;
 - ix. Hate crimes;
 - x. Other activities involving students which threaten the safety of students or any other person on or off School District property; or
 - xi. Any state or federal crime occurring or which has occurred on school property or at a school event that might reasonably carry over into the community.
- b. Upon receipt of a written complaint from any school personnel, School Officials shall report all incidents of battery committed against teachers, teacher personnel, administrative personnel, educational support personnel, or school employees to Police Officials. 105 ILCS 5/10-21.7.
- c. School Officials will immediately report to Police Officials any time a report is made that a person with a firearm has been observed on school grounds. 105 ILCS 5/10-27.1A.

- d. School Officials will immediately report to Police Officials any time a report is made of a verified incident involving drugs in the Schools or on school owned or leased property, including any conveyance owned, leased, or used by the Schools for the transport of students or school personnel. 105 ILCS 5/10-27.1B.
- e. Where School Officials determine, in their reasonable discretion, that violence or other activity poses an imminent threat to the safety of students or any other person, the information will be shared as soon as possible; otherwise, School Officials will share the information not later than two business days after the information becomes known to School Officials.
- f. Information shared under Section II.A.1.a above may be communicated orally and may also include the disclosure of student records in accordance with Section 10/6(a)(6.5) of the Illinois School Student Records Act. All information disclosed and communications made under this Agreement are therefore to remain confidential and will not be disclosed to any other party, except as provided by law or court order. Section 10/6(a)(6.5) of the Illinois School Student Records Act and Section (b)(1)(E) of the Family Educational Rights and Privacy Act provide that the School District may release school student records or information to juvenile authorities when necessary for the discharge of their official duties to effectively serve, prior to adjudication, the student whose records are released upon a request for information prior to adjudication of the student and if certified in writing that the information will not be disclosed to any other party except as provided under law or order of court. "Juvenile authorities" include probation officers, law enforcement officers and prosecutors, and others as defined in Section 10/6(a)(6.5) of the Illinois School Records Act.

2. *By Police Officials to School Officials*

- a. As provided by Section 1-7(a)(8) of the Juvenile Court Act, and except as limited or prohibited by other laws or administrative regulations, Police Officials will share law enforcement records with School Officials that relate to the following offenses or suspected offenses with respect to a minor enrolled in one of the Schools who has been taken into custody or arrested when Police Officials believe that there is an imminent threat of physical harm to students, school personnel, or others who are present in the school or on School grounds and sharing the information will not (unless outweighed by the public safety benefit in sharing the law enforcement records as determined by the Police Officials) (i) create a threat of harm to any person, (ii) jeopardize a pending or actually and reasonably contemplated investigation, (iii) interfere with a pending or contemplated law enforcement, administrative, or judicial proceeding; (iv) create a substantial likelihood that a person would be deprived of a fair trial or impartial judicial hearing; or (v) disclose unique or specialized investigative techniques:

- i. Any violation of Article 24 of the Criminal Code (720 ILCS 5/24 seq.) (weapons);
 - ii. A violation of the Illinois Controlled Substances Act (720 ILCS 570/100, et seq.);
 - iii. A violation of the Cannabis Control Act (720 ILCS 550/1, et seq.);
 - iv. A forcible felony as defined in Section 2-8 of the Criminal Code (720 ILCS 5/2-8);
 - v. A violation of the Methamphetamine Control and Community Protection Act (720 ILCS 646/1 et seq.);
 - vi. A violation of Section 1-2 of the Harassing and Obscene Communications Act (720 ILCS 5/26.5);
 - vii. A violation of the Hazing Act (720 ILCS 5/12C-50); or
 - viii. A violation of Section 12-1, 12-2, 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5, 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the Criminal Code (720 ILCS 5/) (bodily harm and mob action).
- b. As provided by Section 1-7(a)(8) of the Juvenile Court Act, and except as limited or prohibited by other laws or administrative regulations, information shared with School Officials concerning a minor who is the subject of a current police investigation that is directly related to school safety may only be shared orally. An investigation means an official, systemic inquiry by Police Officials into actual or suspected criminal activity.
- c. Upon request, as provided by 5 ILCS 140/2.15, Police Officials will share the following arrest and criminal history information with School Officials that relate to a student enrolled in one of the School District's schools who is 18 years of age or older, unless Police Officials determine that disclosure would: (i) create a threat of harm to any person, (ii) jeopardize a pending or actually and reasonably contemplated investigation, (iii) interfere with a pending or contemplated law enforcement, administrative, or judicial proceeding; (iv) create a substantial likelihood that a person would be deprived of a fair trial or impartial hearing; (v) disclose unique or specialized investigative techniques; or (vi) cause an unnecessary invasion of a person's privacy:
- i. name;
 - ii. any charges relating to the arrest; and

- iii. if the student is incarcerated.
 - d. As required by Section 22-20 of the Illinois School Code, Police Officials shall report to the School District's Principal or designee whenever a student is detained for proceedings under the Juvenile Court Act or for any criminal offense or any violation of a municipal or County ordinance. The report shall include the basis for the detention, the circumstances surrounding the detention, and the status of the proceedings. Police Officials shall periodically update the report as significant stages of the proceedings occur and with the disposition of the matter.
3. Nothing in this Agreement is intended to limit the rights otherwise afforded by law to the School Officials and Police Officials to access, receive or share any student records or information or law enforcement or juvenile records or information, and amendments to the laws applicable to such information exchanges shall be deemed to be incorporated herein.

B. Confidentiality and Records

- 1. *Content of Criminal Activity Information.* All criminal activity information shall include the names of all involved persons, including School District students and minors, except in cases where the name of the victim is protected under the Rights of Crime Victims and Witnesses Act, 725 ILCS 120/1, *et seq.*, as amended, or other applicable law.
- 2. *Confidentiality of Records and Criminal Activity Information.* Any law enforcement and student records subject to disclosure under this Agreement between the School Officials and Police Officials shall not be disclosed or made available in any form by the receiving party to any person or agency other than as set forth in this Agreement or as authorized by law or court order. Police Officials and School Officials shall develop procedures to ensure such nondisclosure of criminal activity information. Such procedures shall be designed to also ensure that any criminal activity information is not available to other employees, or any persons other than as authorized by this Agreement or by law.
- 3. *Non-Educational or School Records.*
 - a. School Officials shall follow State and federal laws regarding student records.
 - b. All reports and records shared by Police Officials with School Officials shall be kept in a secure location and shall not be a public record. Such information shall be kept separate from and shall not become a part of the student's official school record. The information shall be used by School Officials solely to aid in the proper rehabilitation of the student and to protect the safety of students and employees in the Schools.

III. VILLAGE ACCESS TO IMAGES FROM SCHOOL DISTRICT DIGITAL CAMERAS

In the event that the School District installs a digital camera system at its schools, the School District shall provide the Village Police Department access to the images created by such digital camera system, subject to the terms of any software license, in accordance with this Section III, and pursuant to written protocols developed by the Parties and attached to this Agreement as Attachment A.

- A. Provision of Digital Camera System Software. Subject to appropriation of costs, the School District shall provide the Village Police Department with the necessary software in order to enable the Village Police Department to view real time and recorded images created by the School District digital cameras on Village Police Department computers. The Village shall use reasonable and good faith efforts to enter into any required software license agreement with the vendor of the software at the Village's sole cost.
- B. Limited Viewing. Individuals authorized to view images created by the School District digital cameras shall be limited to
 - 1. The Village Police Chief;
 - 2. Village Police Department employees authorized by the Chief or, in the absence of the Chief, the Chief's designee; and
 - 3. The Village's IT employees and IT contractors authorized by the Chief, or in the absence of the Chief, the Chief's designee.

(Collectively, "**Authorized Viewers**") The Village shall not permit any individual, including Authorized Viewers, to view images created by the School District digital cameras on a routine basis. Authorized Viewers shall only view real time or recorded images created by the School District digital cameras when viewing is:

- 1. Necessary or prudent, as determined by the Village, for the Village Police Department to deter or protect against an imminent and substantial threat that is likely to result in significant bodily harm or damage to School District property;
 - 2. Necessary or prudent for training purposes, with advance notice of the date, time, and purpose to the School Superintendent or designee; or
 - 3. Consented to by the School District for investigative purposes.
- C. Limited Retention. The School District's digital images are automatically recorded and maintained for a limited time period. The Village shall not retain any recordings beyond the automatic maintenance period unless such images are part of an active or reasonably contemplated police investigation into actual or

suspected criminal activity. The Village will provide notice to the Superintendent of such extended maintenance.

- D. Freedom of Information Act. If the Village receives a Freedom of Information Act request for any School District digital images, the Village shall immediately notify the School District and work in good faith with the School District before responding to the Freedom of Information Act request.
- E. School Student Records.
 - 1. The images created on the School District's digital cameras are created for security purposes and are not routinely maintained by the District; therefore they are not ordinarily school student records as defined by Section 2 of the Illinois School Student Record Act, 105 ILCS 10/2, Section 375.10 of Title 23 of the Illinois Administrative Regulations, 23 ILADC 375.10, Family Educational Rights and Privacy Act, 20 U.S.C. 1232g(a)(4), 34 C.F.R. 99.3. Such images may, however, become school student records if they are maintained by the School District, such as for use by the School District in a student disciplinary matter.
 - 2. The School District shall endeavor to notify the Village Police Chief of any recordings that become school student records. The Village shall, if permitted by law, erase any images that the Village has retained that have become school student records, unless such images are part of an active or reasonably contemplated police investigation into actual or suspected criminal activity.
 - 3. Any images that the Village maintains that have become school student records must be kept strictly confidential and only disclosed
 - a. With prior approval of the Superintendent of the School District or the Superintendent's designee;
 - b. In the case of an emergency as defined in Section 375.60 of Title 23 of the Illinois Administrative Regulations, 23 ILADC 375.60; or
 - c. In good faith consultation with the Superintendent of the School District or the Superintendent's designee and in accordance with the Illinois School Student Records Act and the Family Educational Rights and Privacy Act

IV. OTHER TERMS AND CONDITIONS

- A. Complete Agreement. This Agreement sets forth all the covenants, conditions, and promises between the Parties. There are no covenants, promises, agreements, conditions or understandings between the Parties, either oral or written, other than those contained in this Agreement.

B. Relationship of the Parties. Nothing in this Agreement shall be construed to consider any party, or its respective employees or agents, as the agents or employees of the other party. Nothing contained in or done pursuant to this Agreement shall be construed as creating a partnership, agency, joint employer, or joint venture relationship between the Village and the School District. No party shall become bound, with respect to third parties, by any representation, act, or omission of the other party. This Agreement is for the benefit of the Parties only and is not intended to raise or acknowledge any duty regarding conduct or other form of liability as to third parties.

C. Indemnification.

1. To the fullest extent permitted by law, the School District agrees to indemnify and hold harmless the Village, its officers, officials, agents, volunteers, employees, and their successors and assigns, in their individual and official capacities (the ***"Village Indemnified Parties"***) from and against any and all liabilities, loss, claim, demand, lien, damage, penalty, fine, interest, cost and expense, including without limitation, reasonable attorneys' fees and litigation costs, incurred by the Village Indemnified Parties arising out of any activity of the School District in performance of this Agreement, or any act or omission of the School District or of any employee, agent, contractor, or volunteer of the School District (the ***"School Indemnitors"***), but only to the extent caused in whole or in part by any negligent or willful and wanton act or omission of the School Indemnitors.
2. To the fullest extent permitted by law, the Village agrees to indemnify and hold harmless the School District, its Board and its members, employees, volunteers, agents, their successors, and assigns, in their individual and official capacities (the ***"School Indemnified Parties"***) from and against any and all liabilities, loss, claim, demand, lien, damage, penalty, fine, interest, cost and expense, including without limitation, reasonable attorneys' fees and litigation costs, incurred by the School Indemnified Parties arising out of any activity of the Village in performance of this Agreement, or any act or omission of the Village or of any employee, agent, contractor or volunteer of the Village (the ***"Village Indemnitors"***), but only to the extent caused in whole or in part by any negligent or willful and wanton act or omission of the Village Indemnitors.
3. Nothing contained in Section IV.C or in any other provision of this Agreement is intended to constitute nor shall it constitute a waiver of the defenses available to the School District or the Village under the Illinois Local Governmental and Governmental Employees Tort Immunity Act.

B. Term and Renewal. This Agreement shall immediately take effect on the effective date, as set forth in Section IV.H of this Agreement and shall be in full force and effect for a period of one year thereafter. This Agreement shall automatically renew for successive one-year periods unless terminated as provided below. The parties shall endeavor to review this Agreement periodically to ensure its

effectiveness and legal compliance.

- C. Termination. This Agreement may be terminated at any time upon 30 days advance written notice by either party. Section II of this Agreement may be terminated at any time upon 30 days advance written notice by either party without terminating the other Sections of this Agreement.
- D. Amendments and Modifications. This Agreement may be modified or amended from time to time provided, however, that no such amendment or modification shall be effective unless reduced to writing and duly signed by an authorized representative of the each Party.
- E. Provisions Severable. If any term, covenant, condition, or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.
- F. Assignment. Neither party hereto may assign its respective rights or duties hereunder.
- K. Waiver of Breach. If either party waives a breach of any provision of this Agreement by the other party, that waiver will not operate or be construed as a waiver of any subsequent breach by either party nor shall it prevent either party from enforcing such provisions.
- H. Effective Date. This Agreement shall be deemed dated and become effective on the date the last of the Parties signs as set forth below the signature of their duly authorized representatives.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement by their property officers duly authorized to execute the same.

Signed: _____ Date: _____
Village of Winnetka

Title: _____

Print Name: _____

Attest: _____
Village Clerk

The Board of Education of the Winnetka Public Schools District 36,

By: _____ Date: _____
President, Board of Education

Final

Attest: _____
Secretary, Board of Education



Agenda Item Executive Summary

Title: Reject Bids: Police Department Partial Remodel Phase 2

Presenter: Marc Hornstein, Chief of Police

Agenda Date: 08/20/19

Consent: ☒ YES ☐ NO

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

Item History:

None.

Executive Summary:

In June 2017, after dispatch services were consolidated with Glenview Public Safety Dispatch, the need arose to re-purpose the communications center at the Police Department. Phase 1 of the project was successfully completed earlier this year, resulting in the fully-renovated work space of the former communications center. The 2019 Budget contains \$87,500.00 in funding for Phase 2 renovations. The second phase includes remodeling several rooms on the first floor of the building to create more functional space. Architectural services were secured and plan designs for Phase 2 renovation were developed.

On July 8, the Village published a request for bids on the second phase of the remodeling. The bid opening was held on July 30. Six bids were received, and are summarized below; the bid tabulation is attached.

Bidder	Bid Amount
ATP Enterprise Group Inc.	\$91,200.00
Kaundu Construction Inc.	\$137,000.00
Orbis Construction Co. Inc.	\$142,700.00
MAG Construction Co.	\$159,499.00
D Kersey Construction Co.	\$182,200.00
5366 Logistics	\$188,000.00

All bids received were well above the amount budgeted. In reviewing cost drivers for the project, staff identified case and mill work expense for remodeling and expanding the patrol equipment room as a significant factor. Additional factors included upgraded replacement flooring in specific locations on the first floor, and enhanced wall coverings.

Executive Summary (continued):

Staff also learned that construction costs in general went up by mid-year due to poor weather in the Spring which adversely impacted contractors' ability to complete projects as scheduled.

Staff recommends rejecting the bids received pursuant to RFB #019-014. The scope of the plan would be revised; and staff recommends rebidding the project so a portion of the remodeling can be completed within the current year Capital budget.

Recommendation:

Consider authorizing the Village Manager to reject bids received pursuant to RFB #019-014 Police Department Partial Remodel Phase 2.

Attachments:

-Copy of Bid Tab

RFB #019-014 - Police Department Partial Remodel Phase 2
BID OPENING DATE: 07/30/2019

Bidder	Cost
ATP Enterprise Group Inc	\$ 91,200.00
Kaundu Construction Inc	\$ 137,000.00
Orbis Construction Co. Inc	\$ 142,700.00
MAG Construction Co.	\$ 159,499.00
D Kersey Construction Co.	\$ 182,200.00
5366 Logistics	\$ 188,000.00
Notes: 6 sealed bids received	