

**Winnetka Village Council
VIRTUAL STUDY SESSION**

Zoom
December 8, 2020
7:00 PM

AGENDA

In accordance with social distancing requirements and Governor Pritzker's Executive Orders 2020-43 and 2020-44, and Section 7(e) of the Illinois Open Meetings Act, the Winnetka Village Council meeting on Tuesday, December 8, 2020 will be held virtually. The meeting will be livestreamed via the Zoom platform. At least one representative from the Village will be present at Village Hall in compliance with Section 7(e) of the Illinois Open Meetings Act, and the virtual meeting will be simulcast at Village Hall for members of the public who do not wish to view the virtual meeting from another location. Pursuant to Executive Orders 2020-43 and 2020-44 issued by the Governor, the number of people who may gather at Village Hall for the meeting is limited due to the mandated social distancing guidelines. Accordingly, the opportunity to view the virtual meeting at Village Hall is available on a "first come, first-served" basis.

The public has two options for observing and participating in this virtual Village Council meeting including the ability to provide oral comments during the meeting. To facilitate an efficient meeting, public comments submitted in advance are encouraged.

- 1) Telephone (audio only Call 312-626-6799), when prompted enter the Meeting ID – 96356935610 (Please note there is no additional password or attendee ID required)
- 2) Livestream (both audio and video feed) Download the Zoom meetings app to your smartphone, tablet or computer and then join Meeting ID: 96356935610. Event Password: VC120820

Public comments should be emailed to contactcouncil@winnetka.org. Public comments received by 6:45 p.m. on Tuesday, December 8, 2020 will be read at the appropriate time during the meeting. General comments for matters not on the agenda will be read at the beginning of the meeting under the Public Comment agenda item. Comments specific to a particular agenda item will be read during the discussion of that agenda item. The Village will attempt to have comments received after the meeting has started read at the end of the meeting. Public comment is limited to 200 words or less. Public comments should contain the following information:

- In the subject line – "Village Council Meeting Public Comment"
- Name
- Address (optional)
- Phone (optional)
- Organization or agency representing, if applicable
- General comment or comment on topic of specific agenda item number

All emails received will be acknowledged either during or after the meeting, depending on when they are received. If you do not have access to email, you may leave a message with your public comment at the Village Manager's office at 847-716-3541 or mail to Village Clerk, Village of Winnetka, 510 Green Bay Road, Winnetka, IL 60093.

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AGENDA

- 1) Call to Order
- 2) Public Comment
- 3) Parkway Planting Permit Review2
- 4) Sales Tax Rebate Economic Relief Program Review & Restaurant Relief Grant Proposal...7
- 5) Adjournment

NOTICE

All agenda materials are available at [villageofwinnetka.org](https://www.villageofwinnetka.org) (Governance > *Agendas & 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:
<https://www.villageofwinnetka.org/AgendaCenter>.

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 at 510 Green Bay Road, Winnetka, Illinois 60093, 847-716-3546; T.D.D. 847-501-6041.



Agenda Item Executive Summary

Title: Parkway Planting Permit review

Presenter: Steven M. Saunders, Director of Public Works

Agenda Date: 12/08/2020

Consent: ☐ YES ☒ NO

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

Item History:

This summer, a Village resident installed a raised planter garden in the public parkway (the strip of grass between the sidewalk and the street) adjacent to their property. The Village Code, Section 12.28.010, requires permission from the Village for planting on Village parkways. The Village Code also prohibits structural encroachments in Village rights-of-way, in Section 12.04.040. This planter garden was constructed without a planting permit from the Village. After several communications between Village staff and the resident, it has become apparent that additional clarity and guidance are needed in both the Village Code and the permit application materials for planting in public rights-of-way.

Executive Summary:

The attached Memorandum contains suggested modifications to Village Code Section 12.04.040 - Encroachments, to clarify the prohibition on constructing structures and encroaching into public rights-of-way. The Memorandum also contains suggested clarifications to the permit application form to better communicate policy on plantings in Village rights-of-way.

Staff will present this item for discussion at the December 8, 2020 Council Study Session.

Recommendation:

1. Staff is seeking concurrence from the Village Council to prepare an ordinance modifying Section 12.04.040 (Encroachments) as described in the attached Memorandum;
2. Staff is seeking concurrence to clarify the application and approval documents for plantings in the public right-of-way as outlined in the attached Memorandum; and
3. Staff recommends that the Village Council direct the Winnetka Environmental & Forestry Commission to research and develop guidance on planting rain gardens and bioswales in Village rights-of-way.

Attachments:

- 1) December 2, 2020 Memorandum: Parkway Planting Permit Review

MEMORANDUM

TO: VILLAGE COUNCIL

FROM: STEVEN M. SAUNDERS, DIRECTOR OF PUBLIC WORKS

SUBJECT: PARKWAY PLANTING PERMIT REVIEW

DATE: DECEMBER 2, 2020

CC: ROBERT BAHAN, VILLAGE MANAGER

This summer, a Village resident installed a raised planter garden in the public parkway (the strip of grass between the sidewalk and the street) adjacent to their property. The Village Code, Section 12.28.010, requires permission from the Village for planting on Village parkways:

"It is unlawful for any person without a written permit from the Village to injure, trim, treat, plant or remove any tree, shrub, vine or flower in any street, parkway or other public place in the Village, or injure, misuse or remove any device set for the protection of any such tree, shrub, vine or flower. Application for a permit from the Village shall be made in writing to the Director of Public Works or the Director's designee (in this chapter referred to collectively as the "Director"). If in the judgment of the Director the desired work is necessary, beneficial, in compliance with applicable Village standards and regulations, and if the proposed method is such as the Director approves, he or she shall issue a written permit for such work. Such permit shall contain a detailed statement of the nature of the work permitted to be done. Any work done under such written permit must be performed in accordance with the terms of such permit."

The Village Code also prohibits structural encroachments in Village rights-of-way, in Section 12.04.040.

"It is unlawful to construct any building, fence, cellar, vault door, coal chute, vent, fill pipe or structure or portion of any of the foregoing which encroaches on any public street or sidewalk in the Village. All such encroachments, except cellar or vault doors lawfully in existence in 1932, are declared to be nuisances and the Director of Public Works is authorized to abate such nuisances."

This planter garden – photo below – was constructed without a planting permit from the Village.



After several communications between Village staff and the resident, staff issued a citation and initiated enforcement proceedings for violating the Village Code. Since that citation was issued, it has become apparent that additional clarity and guidance are needed in both the Village Code and the permit application materials for planting in public rights-of-way. Staff recommends the following changes to Section 12.04.040 (Encroachments) of the Village Code:

Current Language:

It is unlawful to construct any building, fence, cellar, vault door, coal chute, vent, fill pipe or structure or portion of any of the foregoing which encroaches on any public street or sidewalk in the Village. All such encroachments, except cellar or vault doors lawfully in existence in 1932, are declared to be nuisances and the Director of Public Works is authorized to abate such nuisances.

Proposed Language (markup):

It is unlawful to construct any ~~building, fence, cellar, vault door, coal chute, vent, fill pipe or structure or portion of any of the foregoing~~ structure or portion thereof which encroaches on any public street ~~or sidewalk~~ or right-of-way in the Village. Structures include, but are not limited to, buildings, fences, vents, fill pipes, retaining walls, raised planter areas, light posts, and gates. All such encroachments, except cellar or vault doors lawfully in existence in 1932, are

declared to be nuisances and the Director of Public Works is authorized to abate such nuisances.

Proposed Language (clean):

It is unlawful to construct any structure or portion thereof which encroaches on any public street or right-of-way in the Village. Structures include, but are not limited to, buildings, fences, vents, fill pipes, retaining walls, raised planter areas, light posts, and gates. All such encroachments, except cellar or vault doors lawfully in existence in 1932, are declared to be nuisances and the Director of Public Works is authorized to abate such nuisances.

Staff does not recommend any changes to Section 12.20.010 of the Village Code.

Elements of Parkway Planting Policy

The Village Code provides the Director of Public Works with a significant amount of discretion in evaluating and approving permits for planting in parkways. This discretion is important because there are a wide variety of conditions present on Village parkways that affect the feasibility and appropriateness of plantings. Some of the conditions that affect planting types include:

- Presence or absence of sidewalk and/or curb
- Proximity to an intersection
- Slope and elevation of parkway
- Width of parkway
- Presence or absence of existing trees
- Location of adjacent driveways
- Volume and speed of traffic
- Presence or absence of existing or planned overhead and underground utilities
- Character of adjacent land use (residential, multi-family, institutional, etc.)

While these varied conditions prevent a “one size fits all” approach, staff will update the permit form to provide additional clarity and guidance including:

- A list of preferred tree and plant species will be included with the planting application, as well as a list of prohibited invasive species
- Because green technologies are a part of the Village’s ongoing stormwater quality management efforts, guidance on constructing and maintaining rain gardens and bioswales – to be researched and developed by the Winnetka Environmental and Forestry Commission – will be included as part of the permit application
- The permit application will be clarified to indicate that no structures, planters, boulders, fences, etc. are permitted in public rights-of-way

- Guidance for height and location of plantings with respect to intersection and driveway sight distance, trees, utilities, and setbacks from curbs and sidewalks will be provided in the permit application
- A disclaimer statement will be included indicating that maintenance responsibility (except for trimming of trees) lies with the adjacent property owner, that the Village may revoke permission if the plantings are not properly maintained, and that the installation may be removed to allow construction of utility projects and Village infrastructure projects

Recommendation

1. Staff is seeking concurrence from the Village Council to prepare an ordinance that would modify Section 12.04.040 (Encroachments) as described above;
2. Staff is seeking concurrence to clarify the application and approval documents for plantings in the public right-of-way as outlined above; and
3. Staff recommends that the Village Council direct the Winnetka Environmental & Forestry Commission to research and develop guidance on planting rain gardens and bioswales in the Village's rights-of-way.



Agenda Item Executive Summary

Title: Sales Tax Rebate Economic Relief Program Review & Restaurant Relief Grant Proposal

Presenter: Kristin Kazenas, Assistant Village Manager

Agenda Date: 12/08/20

Consent: ☐ YES ☒ NO

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

Item History:

On August 18, 2020, the Village Council adopted Ordinance M-13-2020 - a Sales Tax Rebate Economic Relief Program for local businesses. This program offered a fixed rebate of \$2,500, \$5,000, or \$10,000 based upon total 2019 sales for qualifying businesses. Large franchise, multi-location chains, and home businesses were excluded. The rebate program was funded from a draw-down of the accumulated General Fund fund balance as a result of strong financial results from 2019. The application deadline was December 1, 2020.

Executive Summary:

Sales Tax Rebate Economic Relief Program Review

The Village acknowledges the financial hardship on the local business community as a result of the COVID-19 pandemic. As a result of conservative fiscal policies, strong financial leadership and dedicated staff, the Village had the financial capacity to support local businesses by rebating a portion of the sales tax revenue generated. This program provided much needed financial support to help local businesses stay open and thrive. Feedback from local businesses who participated in the program was overwhelmingly positive.

The program was administered by the Economic Development Coordinator in partnership with the Finance Department. Businesses submitted an application for rebate to the Economic Development Coordinator. After a review for completeness and accuracy, the application was administratively approved by the Village Manager. A check request was then submitted to Finance and the disbursement appeared on the warrant list for review and approval by the Village Council. The one page streamlined application process expedited the financial support to the local businesses.

The Sales Tax Rebate Economic Relief Program was a success. Of the 95 qualifying businesses, 76 businesses received a rebate. Total rebates of \$297,500 were issued. The initial estimate of the total rebates to be issued was \$375,000. Therefore, \$77,500 of funding remains available.

Executive Summary (continued):**Restaurant Relief Grant Proposal**

The State enacted Tier 3 mitigations on October 28, 2020 which prohibited indoor dining. As a result, restaurants have been restricted to outdoor dining and carry out/delivery only. Although the Village has extended the outdoor seating permits to December 31, 2020, winter weather reduces the appeal of outdoor dining. These constraints have negatively impacted the local restaurants.

The Village has provided additional support to local restaurants such as social media campaigns, the Distinctly Winnetka texting loyalty platform, installing signage for carry out parking, relaxing liquor license requirements for carry out, creating a GIS map of all restaurants and offering payment plans for utility bills. In addition, the Village is currently working on a carry out challenge to encourage the community to support local restaurants.

Staff is seeking Council input on additional financial support for local restaurants in the form of a cash grant using the remaining allocation from the Sales Tax Rebate Economic Relief Program. This grant would be \$4,000 for each of the 25 qualifying restaurants. This proposal would exclude large franchise, multi-location chains consistent with the original program. New restaurants that opened in 2020 would qualify for participation in this grant.

With Council direction to proceed, staff would prepare an Ordinance for consideration at the December 15, 2020 meeting. With the option to waive introduction, Council approval of the Restaurant Relief Grant program at the December 15, 2020 Council meeting would authorize the grants to be issued before the end of the 2020 fiscal year providing timely financial support to our struggling local restaurants.

Recommendation:

Staff is requesting policy direction related to the implementation of a Restaurant Relief Grant Program. Total funding for this program would be \$100,000, utilizing \$77,500 of the remaining funds from the Sales Tax Rebate Economic Relief Program plus \$22,500 of available funding from the Economic Development operating budget.

Attachments:

1. Power Point Presentation

THE VILLAGE OF
Winnetka

**LOCAL BUSINESS SALES TAX REBATE ECONOMIC RELIEF
PROGRAM REVIEW & RESTAURANT RELIEF GRANT PROPOSAL**

12/8/2020

510 Green Bay Road | Winnetka, IL 60093 | 847-501-6000 | www.villageofwinnetka.org



Purpose: Provided financial assistance to Winnetka local businesses that have suffered economic loss during the COVID-19 pandemic.

Immediate cash for short-term financial operational needs such as payroll, payment to suppliers, payment to service providers, or payment of rent and utilities.



SUMMARY RESULTS

			BUDGET		ACTUAL	
			Total		Total	
			# of	Budget	# of	Actual
Tier	2019 Taxable Sales	Rebate	Businesses	Total	Businesses	Disbursed
Tier 3	\$1,250,001 to \$4,000,000	\$ 10,000	14	\$140,000	11	\$ 110,000
Tier 2	\$750,000 to \$1,250,000	\$ 5,000	13	\$ 65,000	10	\$ 50,000
Tier 1	Less than \$750,000	\$ 2,500	68	\$170,000	55	\$ 137,500
Total			95	\$375,000	76	\$ 297,500



Purpose: Provide financial assistance to Winnetka local restaurants that have suffered economic loss during the COVID-19 pandemic due to State mitigation restrictions.

Grant: \$4,000 per restaurant – no application required

Funding: \$77,500 remaining balance from Sales Tax Rebate Economic Relief program plus \$22,500 from the Economic Development operating budget.

Total funding: \$100,000

Eligible Restaurants: 25 local restaurants, chains excluded. New restaurants opened in 2020 qualify.



- Immediate financial relief to restaurants – most significant negative impact of tier 3 mitigations
- Streamlined process
- Minimal staff time – no forms to process or review
- Innovative approach



Next Steps:

- 1) Council considers approval of Restaurant Relief Grant Program Ordinance at 12/15 Council meeting
- 2) Checks included in 12/15 warrant list – grant assistance received by end of the year



Questions ?

