**WINNETKA PARK DISTRICT**

**MINUTES OF THE SPECIAL BOARD**

**MEETING OF THE COMMISSIONERS AND OFFICERS**

**OF THE WINNETKA PARK DISTRICT, WINNETKA, IL**

**THURSDAY, JUNE 9, 2022**

President James called the special meeting to order at 6:00 p.m.

**Commissioners Present:** Mickey Archambault, Warren James, Cynthia Rapp, Colleen Root, David Seaman

**Commissioners Absent:** Christina Codo and Eric Lussen

**Staff Present:** John Peterson, Executive Director; Kyle Berg, Superintendent of Recreation; Molly Krohe, Marketing/Brand Manager; Libby Baker, Office Associate; Ania Cramer, Community Outreach/Business Development

**Staff Present Via Zoom:** Costa Kutulas

**Audience Present:**  Rob Apatoff, Vicki Apatoff, Elisa Bartels, Beth Bishop, Kitty Bliss, Carl Buccellato, Kate Casale MacNally, Rowan MacNally, Eve MacNally, Helen Cassin, T. Charbonneau, Patrick Coonan, Susan Curry, Layla Danley, Lucas Day, Amanda Day, Arabella Day, Chuck Dowding, Sheila Duran, Rick Duran, Cece Durbin, Tim Earle, Peter Eatherton, Chris Eilers, Philip Enquist, Rebecca Ferguson, Marc Garrison, Mary Garrison, Sid Glenn, Lynn Golden, Kimberly Handler, Pat Heraty, Stephanie Heraty, Susan Hering, Mary Hickey, Lynn Jackson, Tom J., Joanna Karatzas, Laura Kastelic, Tom Kehoe, Judy Kehoe, Marianne Klein, Elizabeth Lane, Carl Lane, Brian Liechtz, Anne Madden, Kim Marsh, Essie Mitchell, Sherry Molitor, Cha McDaniel, Beth Mulhern, Lori Mulhern, Alexandra Nichols, Brenna Nichols, Robin Oldfield, Bridget Orsic, Holly Raddon, Mike Ray, John Root, Jon Shabica, Jean B. Schreiber, Rob Schriesheim, G. Seiler, Nanci Shirrell, Don Smith, Irene Smith, Susan Snyder, David Stevens, Katie Stevens, Arthur Tokarczyk, Sally Tomlinson, Rick Ufford, Joan Vatz, Linda & Allen Welch, Randy Whitchurch, Peggy Wise, Ted Wynnychenko

**Audience Present Via Zoom:** Amy Boyer, Senator Laura Fine, Stephanie Heraty, Rebecca’s iPhone, Bob Dearborn, Connie Henry, Julie Peterson, Ben Isabel, Laura Hill, Amy’s iPhone,Judith’s iPad

**CHANGES TO THE AGENDA**

Commissioner Rapp requested Agenda Item 4. a – “Video Recording of Board Meetings” be moved to “New Business”, and “Review of Public Documents on the Website” be added to “New Business”.

Commissioner Root stated she might want to make some remarks, as well as a make a motion under “New Business”.

**REMARKS FROM VISITORS**

Ted Wynnychenko expressed disappointment with what has happened so far. He feels the information is designed to steer people away from public access.

David Stevens expressed astonishment the plan has progressed this far. He thanked the board for their long-term vision, but questioned the effect of this plan on the community.

Rob Schriesheim thanked the board for their efforts to beautify the beach but expressed opposition to the wall, stating no such wall exists anywhere.

Chuck Dowding thanked the audience for their participation and the board for their efforts to join the beaches. He shared slides of the lakefront giving an analysis of lake levels. Mr. Dowding said he would like to see development happen, but without the wall. He asked the board to look for other solutions. *(see attached)*

Irene Smith read a statement and requested it be included in the minutes. Her statement posed several questions to the board. *(see attached)*

Kate Casale MacNally thanked the board for their dedication. She expressed support of development of the beaches, but not a wall. She requested the board reconsider the design.

Rob Apatoff stated he is an advocate of joining the beaches, but does not understand the efforts to move forward considering the opposition. He noted he has never seen such an issue in the community as big as this.

Brenna Nichols expressed her opposition to the project, stating no one wants this to happen. She stated the wealth of one individual should not dictate the actions of the entire community. Ms. Nichols asked the board to terminate the land swap.

Pat Heraty expressed his view there are members of the board who are not considering the long-term consequences. He asked if the board wants their legacy to be walls on the beach.

Joanne Karatzas inquired if there has been a site line analysis from the lifeguard chairs for monitoring children in the lake.

Katie Stevens expressed strong opposition to the project, specifically the walls. She reiterated a statement made by Commissioner James at a previous meeting that the plan would go through without the wall. Ms. Stevens commented on the opposition expressed from the Village board and the community. She concluded by saying the lakefront is not for sale, riparian rights go to the water, and the process has not been transparent.

Rebecca Ferguson reported the petition now has 1,302 signatures. She expressed her disbelief the board is still discussing the project when there is such opposition. Ms. Ferguson stated the community wants to understand the motive if there is one so assumptions are not made. She requested the board drop the land swap and submitted the petition to Park District attorney Steve Adams.

Phil Enquist referenced a 1918 quote from Montgomery Ward, “the lakefront is a common to remain forever open, clear and free of any buildings, or other obstruction whatever.” He stated we have a responsibility for future generations to keep the lake open clear and free of all obstructions, noting the elevations of the wall are not justifiable.

Lori Mulhern echoed previous comments and expressed support of the plan but not the wall, adding it would set a precedent. She requested the board table the project.

Lynn Golden thanked other speakers and urged residents to continue sharing information and working together to stop the plan.

Mark Garrison thanked the board for their stewardship. He expressed confusion with the boards’ support of the project and design. He questioned whether blocking views of the lakefront is good stewardship.

Lisa (last name indistinguishable) expressed her opinion that the walls are an abomination, and having steel in the lake is against nature.

Stephanie Heraty read a statement on behalf of resident Judy Rauh. *(see attached)*

Susan Hering stated she lives in Winnetka because of the lakefront. She said open green space should not contain large metal structures.

Mary Garrison shared history about 261 Sheridan Road property stating the Park District had an opportunity to purchase the property 20 years ago but the community said no to an advisory referendum. She stated the land swap is a good idea but the design is not, and it is obvious the community is not interested.

Amy H. (last name indistinguishable) stated it is clear to her the residents do not want the walls. She said it feels as if the interests of the community are not being accurately reflected.

Cece Durbin expressed appreciation for the board’s efforts. The board should be able to figure out something the residents will like and that is in the best interest of the village. Ms. Durbin asked the board to listen to the community.

Carl Buccelatto echoed comments made previously, adding residents do not want Winnetka to be a town of walls. He asked the board to reflect on the comments made by residents.

Kimberly Handler echoed sentiments previously shared, and added she hopes the board takes this decision seriously, as it is a legacy decision.

Vicki Apatoff stated every time she attends a meeting information is shared that had not been previously presented. She thanked the board for recording the meeting. Ms. Apatoff explained some families are too busy to learn about project, and requested the board take the presentations to the people.

Alexandra Nichols stated all the comments made have been very thoughtful and caring. She is appalled the plan has changed from the previously approved plan and hopes the board will do the right thing.

Joan Vatz stated her entire family objects to the plans and hopes the board is listening to the community.

Peter Eatherton thanked the audience for their comments. He referenced the Park District mission and asked the board to follow the mission, listen to the community, and reassess plan.

Chris Eilers questioned if has anyone has considered lifesaving measures given the walls in the proposed design.

Mary Hickey expressed opposition and urged the board to find a practical solution; the park is beautiful and should stay that way with unobstructed views.

Rick Ufford shared an example of a difficult negotiation and the positive impact of the resulting decision. He stated a dollar value cannot be placed on views of the lake, and asked the board to recognize the intrinsic value of the lake.

Commissioner James thanked the audience for their comments.

There was a short break from 7:40 pm – 7:45 pm.

**COMMUNICATIONS**

Executive Director Peterson acknowledged several emails and news articles included in the packet, as well as items received after the packet was posted. He noted the packet on the website would be updated to include these items once the personal information was redacted.

**NEW BUSINESS**

**Petition Requesting Removal of Metal Barriers from Elder + Centennial Beach Plan**

Executive Director Peterson explained the petition in the packet was given to the board at the May 26, 2022 meeting.

Commissioner Seaman commended the audience for caring. He stated their input is a critical part of the process.

Commissioner Rapp noted more than 1,300 people signed the petition which is more than the number of people who completed the Caucus survey. It is a sign for the board to listen.

Commissioner Root said the board should take the time to read and acknowledge the work done by Rebecca Ferguson to educate the community about how to submit public comments to administrative agencies. She added it is the Park District’s responsibility to provide information on how and where the public should send comments relative to the WPD’s outstanding applications with the Army Corp and IDNR.

Commissioner James acknowledged the petition and number of signatures. He expressed his respect for the objections but wished the petition represented the louver design more fairly.

Commissioner Rapp asked if Vicki Apatoff’s email would be read for the record, as requested. Executive Director Peterson replied the concerns raised by Ms. Apatoff are being addressed and her letter will be added to the board packet along with other communications.

**Pending IDNR/USACE Breakwater Permit Application/Public Related to the Project**

Commissioner James told the audience the board is listening to all comments. He noted the board would not be taking any action at this meeting given the absence of two board members. Commissioner James informed the audience that all documents reviewed at the meeting would be added to the website.

Commissioner James explained this discussion began in 2020, prior to Commissioners Root and Rapp joining the board. Commissioner Root clarified that upon joining the board she asked to review all files related to the property exchange. She explained that despite her efforts the Park file provided for her review was incomplete. There was no way to come up to speed. There were no diagrams, plans, or evidence of design in the file.

Commissioner James began a review and explanation of prior board presentations with the intent to explain the evolution of the design. Slides dated April 8, 2021, May 12, 2021, May 18, 2021, June 2, 2021, August 26, 2021 and September 9, 2021 were reviewed and discussed.

Commissioner Rapp noted her attendance at the April 8, 2021 Zoom meeting and asked to listen to the audio recordings of the open and closed meetings of April 8, 2021.

Commissioner Seaman asked if the slides were on the website. Commissioner Root asked why the diagram from April 8, 2021 was not part of the minutes of that meeting. She added she has made several requests to add documents to the website, noting they still have not been posted. She expressed concern the Park District is not being transparent.

Commissioner Seaman read a statement expressing his view on the process *(see attached).* He added it is presumptuous of Commissioner James to state the board would not make any decisions at this meeting.Commissioner James clarified his remark saying he wanted the audience to know the board would not be making any decisions to move forward.

Upon being asked the purpose of showing the slides, Commissioner James responded he is trying to show the history of the process.

Commissioners Seaman, Rapp and Root each stated they had not previously seen some of the presentations being shown, adding they should have been in the meeting records.

Commissioner Root questioned the status of the property exchange agreement, referring to Section 4 of the agreement. She pointed out the Park District does not have the deed to the property. Commissioner Root noted the minutes of November 2020 show work had begun on design plans. The minutes also reflect a joint effort to work on the design. Commissioner Root questioned the authority of ongoing negotiations without a valid contract.

Park District attorney Adams addressed Commissioner Root’s points and shared his belief the contract is still in effect. He added the negotiations related to the breakwater design are separate from the contract.

Discussion continued with Commissioners Root, Rapp and Seaman expressing frustration with the process, perceived lack of transparency, need for confidentiality, ongoing expenditures, and no property deed. Commissioner James explained reiterated there were certain things that could not be discussed publicly.

The slide review continued, showing the evolution of the plan design and the thought processes employed. Commissioners Seaman, Rapp and Root questioned the need to discuss the process, and expressed their disinterest in continuing to review the slides.

Commissioner James referenced the August 2021 board meeting, noting it focused on the dog beach and efforts to relocate the dog beach. The result was the formation of a dog beach advisory committee.

Commissioner Root referenced the August 26, 2021 minutes and clarified her recollection of the discussion surrounding the motions made at that meeting.

Commissioner Seaman again expressed his disinterest in continuing to review the slides.

Commissioner James continued his review of slides depicting pictures of properties with fences along the lakeshore. He noted each state interprets the Public Trust Doctrine differently as it pertains to public access. Commissioner Root noted many of the fences were installed after a permit was obtained.

Commissioner James responded to a question from Susan Curry about the mechanical benefit of louvers above the rock. Benefits include erosion control, keeping dogs and humans on public property, and fall protection.

Commissioner Root made a motion for the Winnetka Park District to withdraw its joint applications for permit currently pending with the Illinois Department of Natural Resources and the United States Army Corps of Engineers so that we can review the design that has been requested for permit, and that we can incorporate the desires and comments that have been very well vocalized by this community. Commissioner Rapp seconded the motion.

Commissioner James then made a motion to table the previous motion so all board members could have the opportunity to speak. Commissioner Archambault seconded the motion.

Park District attorney Steve Adams clarified the priority of motions, noting the motion to table the previous motion takes precedence over the initial motion.

Commissioner Root stated she made her motion because she feels there is a need to sever the joint filing of applications. She questioned the legitimacy of the agreement, and expressed interest in a bilateral agreement.

Park District attorney Adams explained he has deferred his interpretation of the contract to preserve the rights of the board.

A roll call vote was taken on Commissioner James’ motion to table the motion to withdraw the joint application for permit.

**Ayes:** Archambault, James

**Nays:** Rapp, Root, Seaman

**Motion failed**

In response to a question from Commissioner Seaman, Park District attorney Adams explained the Park District could unilaterally withdraw the application for permit, but there may be implications.

Commissioner Archambault acknowledged the Park District would still have the option to remove the wall from the design if the permit was approved. He suggested the board wait on a motion to withdraw the permit.

Park District attorney Adams recommended the board wait until after closed session to vote on withdrawing the permit. Commissioner James asked the board to consider waiting. Commissioner Seaman replied he does not want to wait.

Commissioner James explained both the north and south groin are on park district property. With or without the center property, the groins could be built, consistent with the lakefront plan. Commissioner James asked the board to allow him to make an alternate motion to remove the louvers. His request was denied by Commissioners Root, Rapp and Seaman. A roll call vote was taken on Commissioner Root’s motion to withdraw the joint application for permit.

**Ayes:** Rapp, Root, Seaman

**Nays:** Archambault, James

**Motion carried**

Commissioner Seaman made a motion to begin Agenda Item 7, “Remarks from Visitors”. Commissioner Root seconded the motion. By a voice vote, **motion carried**

**REMARKS FROM VISITORS**

Mary Garrison stated the safety issues at Elder should be addressed.

Rob Apatoff acknowledged the difficult position of the board and stated all the work will pay off in the end.

Rick Duran referenced a private Malibu homeowner inaccurately representing a private beach, and the resulting lawsuit. He acknowledged certain states have different interpretations than Illinois of the Public Trust Doctrine and inquired why the board would try to create a private beach without public access. Mr. Duran noted the idea of selling the public’s trust in closed session and understanding the process better should not be the purpose of this meeting.

Joanna Karatzas questioned the hydraulic purpose of the proposed fence, referencing a previous statement from Commissioner James that the fence was to minimize the amount of stone used.

John Root questioned the justification for planting trees, noting they would also be a visual barrier.

Name indistinguishable - said the drawings show no indication of the location of the water intake. He suggested new pipes be installed.

Krysia Miller stated limited input was received for the development of the lakefront masterplan. She questioned the amount of money to be spent, and expressed her opinion there only needs to be a groin on the south to capture sand. Ms. Miller suggested more sand be brought in to create a natural beach.

Chuck Dowding questioned why a breakwater like the one at Lloyd would not be replicated at Centennial given the success at Lloyd. He asked the board to revisit the 2030 plan.

Katie Stevens expressed her feelings about the process, saying the community, and several members of the board, feel there was no transparency about the louvers. She questioned how the permit could be submitted for a plan when the public did not know there was a plan, and the design information was not made available. Ms. Stevens stated it is likely that many people would support a new plan without a fence.

Mary Garrison commented on the design of the Kenilworth beach and the amount of sand.

Michelle Kachevsky spoke on behalf of the young people who could not sign the petition, but opposed the proposed design.

Vicki Apatoff expressed her gratitude to the three board members who spoke up against the plan. She said Commissioner James should not takes this personally, stating she and others only want what is best for Winnetka.

Commissioner James expressed his passion for the project. He only wanted the board to take a time out to give Mr. Ishbia the opportunity to do the right thing.

**ADJOURNMENT**

Commissioner Seaman made a motion at 9:30 p.m. to adjourn the special meeting. Commissioner Root seconded the motion. A roll call vote was taken.

**Ayes:** Archambault, James, Rapp, Root, Seaman

**Nays:** None

**Motion carried**

*The following documents are attached and included in the minutes of this meeting:*

* *Petition Requesting the Removal of Metal Barriers from the Elder + Centennial Beach Plan, dated June 9, 2022*
* *Presentation and pictures submitted to the Board by Chuck Dowding June 9, 2022*
* *Comments submitted to the Board by Irene Smith June 9, 2022*
* *Comments submitted to the Board on behalf of Judy Rauh June 9, 2022*
* *Comments submitted to the Board by Commissioner David Seaman June 9, 2022*
* *Comments submitted to the Board by Rob Schriesheim June 9, 2022*

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John Peterson, Board Secretary Date Approved