

1. CALL TO ORDER

Chairman Johnson called the meeting to order at 6:30 p.m. on February 12, 2020.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present were Commissioners Blinova, Creech, Johnson, Kalis, Sprague, Thomson and Yedinak. Also present were Marcy Knysz, Village Planner and Mallory Milluzzi, Village Attorney.

4. CHANGES TO THE AGENDA - None

5. CITIZEN CONCERNS AND COMMENTS – None

6. CONSENT ITEMS

- A) Docket No. SCBA 20-1
BBKUP Restaurant
1960 Wolf Road
- B) Docket No. SCBA 20-2
Goodman Distribution
660 Northgate Parkway
- C) Docket No. SCBA 20-3
Rise N Dine
102 S Milwaukee Avenue

Commissioner Creech moved, seconded by Commissioner Sprague to approve the following consent items.

Approve Docket No. SCBA 20-1 to permit the installation of one wall sign in accordance with the sign plans prepared by Neon Art Co, dated 12/3/2019, located at 1960 S. Wolf Road.

Approve Docket No. SCBA 20-2 to permit a wall sign in accordance with the sign plans prepared by Parvin-Clauss Sign Company, dated 1/15/20, for Goodman Distribution located at 660 Northgate Parkway.

Approve Docket No. SCBA 20-3 to permit the replacement of a canopy on the north façade and replacement of the sign faces of the freestanding sign in accordance with the sign plans prepared by Omega Sign & Lighting Inc., dated 1/10/20, for Rise N Dine located at 102 S. Milwaukee Avenue.

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Creech, Johnson, Kalis, Sprague, Thomson, Yedinak
NAYS: None
ABSENT: None
PRESENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

7. ITEMS FOR REVIEW

- A) Docket No. PC 20-1
PNF Church
6310 Capital Drive
Minor Site Plan Approval to Construct a Playground

Ms. Knysz explained the church wants to add an approximate 1,900 square foot playground in an existing grass area southwest of the building entrance at 6310 Capital Drive. There is currently no landscaping in the area. It would also include a 5' wide sidewalk that would connect the playground to the front door. There is no proposed lighting or landscaping. Staff recommends approval.

Mr. Sung, 917 Ashland, Evanston was present.

The church is a congregation of about 150 members including 20 children (kindergarten to 6th grade). After they moved to this location two years ago, parents are now asking for a play area for their children located away from the parking. The proposed playground is on the west side of the church entrance and would connect with a 5' wide concrete sidewalk. The playground will include a couple of slides and climbers along with parallel and chin up bars.

The play area will mostly be used on Sunday afternoons after the service. The parents will supervise the children.

Commissioner Creech questioned if they had plans to add a fence around the playground. Mr. Sung explained most play areas for the proposed age groups did not include fences. Their site is primarily a business park so there is no residential around it and it will only be used on Sundays and the play would be supervised by the parents. They don't believe a fence is necessary. Commissioner Creech expressed concern since it is located 15' from one of the parking stalls and there is a driveway that goes around the property. Mr. Sung confirmed the driveway is only used for the trash pickup during the week.

Commissioner Thomson had no questions.

Commissioner Yedinak noticed there were no proposed benches in the playground. He felt the parents may want to sit while the kids play. Mr. Jung explained their budget didn't allow for seating at this time, but he agreed to consider adding it in the future.

Commissioner Blinova had no questions.

Commissioner Sprague questioned if a couple of bollards could be added along the driveway to keep cars from being able to drive into the area. He understands the Code does not require it. Mr. Jung referred to the plan and explained the playground was higher than the parking lot. Commissioner Sprague mentioned that the backside was only 15' from the parking lot. He expressed concern about a car accidentally driving into the play area. Mr. Jung confirmed there was no traffic in the parking lot since they have ample amount of parking on the property. There are only about 50-60 cars during the service. There are about 150 parking stalls in front of the church. Commissioner Sprague was concerned an accident could happen and a car could reach the play area. Mr. Jung confirmed the play area was raised.

Commissioner Kalis agreed with adding bollards. He questioned if there was a Code that required it. He expressed concern that a car could drive over a hill. Mr. Jung agreed to provide car stops in front of the concrete parking curbs. Commissioner Kalis explained it was a liability for the church so he would want to add bollards since cars can drive over curbs. He recommends adding bollards if they were not required by Code.

In reply to Commissioner Kalis' question, Mr. Jung confirmed they would use 9" of wood chips for the ground in the play area. Commissioner Kalis suggested using a synthetic instead of wood chips to prevent splinters. Mr. Jung agreed to look at options.

In reply to Commissioner Kalis' question, Mr. Jung confirmed the lighting came from the parking lot. The playground will only be used during the daytime and there will be a surveillance camera around the church.

Chairman Johnson questioned if the church owned all four of the buildings. Mr. Jung confirmed the church owned the entire site.

Chairman Johnson questioned if the petitioner was considering adding a fence. Mr. Jung confirmed they were considering adding benches in the future, but not a fence.

Commissioner Kalis moved, seconded by Commissioner Sprague to approve Docket No. PC 20-1, granting minor site plan approval, as required under Title 19, Zoning, of the Wheeling Municipal Code and Chapter 19-12, Site Plan and Building Appearance Approval Requirements, in order to permit the construction of a new playground adjacent to the building located at 6310 Capitol Drive in accordance with the Petitioners Project Description Letter and the Playground Design Plans prepared by Main Architecture, dated 7/23/19 (last revised 12/30/19)

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Creech, Johnson, Kalis, Sprague, Thomson, Yedinak
NAYS: None
ABSENT: None
PRESENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

- B)** Docket No. SCBA 19-39
Pita Inn
Appearance Approval of a Replacement Wall Sign and Pylon Sign and a New
Electronic Message Center
122 S. Elmhurst Road

Ms. Knysz explained the face panel on the existing wall sign will be replaced but will look the same and the outside of the box which is currently white will be painted red. The face on the round Pita Inn sign on the top of the pylon sign will be replaced with a new face and the outside cabinet of the sign will be painted red as well as the pylon will also be painted red. The last item is replacing the existing reader board on the pylon sign with an electronic message center. The sign is currently an existing legal, non-conforming sign because it is located within the vision triangle. The proposed modifications are permitted, and it will remain legal, non-conforming. If it moved closer to the road or increased the non-conformity, it would be a different situation. Ms. Milluzzi explained legal, non-confirming meant that it was legal when it was constructed and then due to changes in the Code, it is no longer in conformity with the Code, but they retain legal status. It will remain if the non-conformity doesn't change or increase.

Commissioner Yedinak questioned what was non-conforming. Ms. Knysz explained the sign was put up before the vision triangle was added to the ordinance. The vision triangle is 20' from the corner down each street and that is the reason for no landscaping. Ms. Milluzzi confirmed there was no obstruction to the vision triangle and she confirmed the sign had been in existence for a few years without any issues. The majority of the sign is high enough up, so it doesn't impact the cars.

Mr. Mohammed, Lincolnwood was present.

Mr. Mohammed confirmed they were making the changes Ms. Knysz described.

Commissioner Blinova had no questions.

Commissioner Sprague had no questions.

Commissioner Kalis thanked the petitioner for refreshing the look and beautifying the Village.

Commissioner Kalis questioned when did a freestanding sign turn into a billboard. He thinks it looks like an electronic billboard instead of a sign. Ms. Milluzzi believed it still met the Code for electronic messaging signs. She explained that billboards didn't usually advertise for the business on the same location. She referred to the large electronic message sign at Fresh Farms

located at a busy intersection.

Ms. Knysz noted the proposed electronic message center was a little smaller than the existing board.

Commissioner Creech had no questions.

Commissioner Thomson had no questions.

Commissioner Yedinak appreciated that the petitioner was cleaning up the existing sign.

Commissioner Yedinak was opposed to the sign because of the residential located nearby, he questioned if the electronic sign could be separated from the other improvements so they could be voted on separately. Ms. Milluzzi explained they could not because there is a legal concept called vested right. Commissioner Yedinak had an issue with the electronic sign because of the proximity to residential. She explained the Commission could add conditions that specifically relate to the concern or impact on residential. It could not be held off for any future Code changes.

Commissioner Yedinak questioned the proposed content for the sign. Mr. Mohammed mentioned there were a lot of trees going north and south, so they wanted people to be able to see the restaurant. They want to display pictures of the menu items with no prices and it may include holiday messages. The material will not change frequently. Commissioner Yedinak asked if they were going to control the brightness/dimness. Mr. Mohammed confirmed they would control it during the night. Commissioner Yedinak is still not a fan of it due to the proximity to residential areas.

Commissioner Yedinak wants the Commission to discuss electronic message signs at a future meeting to possibly change some of the Code.

Chairman Johnson is also concerned due to the proximity to residential. He was unsure about the type of conditions that could be added. Ms. Milluzzi referred to a condition in another Village's Code that states "All message centers shall be installed with an automatic dimmer controlled to distinctly lower illumination levels during night and daytime hours. The intensity of the electronic message center shall not exceed an average 4,600 nits in daytime hours and shall not exceed 1,750 nits during nighttime hours (dusk to dawn)." Another measurable condition she saw in other codes was not to exceed a 3-foot candle over ambient light conditions. Mr. Mohammed stated that the proposed sign had a regular brightness of 7,000 and 5,000 at nighttime. Chairman Johnson felt 5,000 was a lot higher than the Code Ms. Milluzzi had found. Ms. Milluzzi referred to Morton Grove that doesn't allow the brightness to exceed 500 nits during dusk and dawn and 5,000 during the day. Mt. Prospect had a similar Code. Mr. Mohammed mentioned they just put a similar sign on Dempster Street.

Commissioner Creech expressed concern that they could make such a large change to the sign. Ms. Milluzzi explained they were not making the sign larger and nothing proposed would make them lose their legal, nonconforming status.

Commissioner Blinova felt it would be difficult to control the brightness/dimming. She felt it would be noticeable since it's the only electronic sign in the immediate area. She wants it dimmed as low as possible.

Mr. Tabahi, owner, 529 Voltz, Northbrook came forward. He stated they just installed a similar sign at their Skokie location and confirmed it dimmed down at night to meet the Village's Code. He felt it was half as bright at night. The Skokie location is also located across the street from residential and it hasn't been an issue. He mentioned at the Wheeling location there are no houses in front or behind them so he didn't think it would distract anyone. They will not have animation so it shouldn't be distracting. They want the Wheeling location to look more updated.

Chairman Johnson asked the Commission if some conditions should be added regarding the brightness. Commissioner Kalis wants a professional to provide the levels. He suggested matching Skokie's requirements.

Chairman Johnson asked if the sign could be turned off when the store was closed. Mr. Tabahi agreed it was a possibility but explained most people just leave it on. He agreed to match Skokie's Code.

Commissioner Yedinak asked for a list of the restrictions from Skokie. Ms. Milluzzi had the list.

Commissioner Yedinak was also in favor of turning it off when the business was closed. Commissioner Kalis was not in favor. Mr. Tabahi felt the sign would be more distracting when it was turned off.

Ms. Milluzzi stated that Skokie's code read "It must not exceed a maximum illumination of 5,000 nits during the daylight hours and a maximum illumination of 500 nits between dusk and dawn and/or on cloudy days as measured from the sign space of maximum brightness." The other restrictions were "It shall not consist of flashing, chasing or animated lights" and "It shall not change more frequently once every 20 seconds."

Mr. Tabahi agreed to the conditions and then agreed to change if necessary.

Ms. Knysz referred to the proposed conditions:

- The brightness shall not exceed a maximum illumination of 5,000 nits during the day and 500 nits between dusk to dawn and/or on cloudy days as measured from the sign space of maximum brightness.
- It shall not consist of flashing, chasing or animated lights or include animated pictorial graphics.
- The message including text shall not change more frequently than once every 20 seconds.

Commissioner Kalis moved, seconded by Commissioner Creech to approve Docket No. SCBA 19-39 to permit the replacement of sign faces of an existing wall sign and freestanding sign, paint the sign boxes and pylon red, and replace the existing attraction sign with an electronic message center on the pylon in accordance with the sign plans prepared by Express Signs & Graphics, received 11/13/19, located at 122 S. Elmhurst road with the following conditions:

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1. The brightness shall not exceed a maximum illumination of 5,000 nits during the day and 500 nits between dusk to dawn and/or on cloudy days as measured from the sign space of maximum brightness.
2. It shall not consist of flashing, chasing or animated lights or include animated pictorial graphics.
3. The message including text shall not change more frequently than once every 20 seconds.

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Creech, Johnson, Kalis, Sprague, Thomson
NAYS: Commissioner Yedinak
ABSENT: None
PRESENT: None
ABSTAIN: None

There being six affirmative votes, the motion was approved.

- C) Docket No. 2020-1
Elsa's Gaming Café
Special Use for a Sit-Down Restaurant
735 N. Milwaukee Avenue

See Findings of Fact and Recommendation for Docket No. 2020-1.

Commissioner Yedinak moved, seconded by Commissioner Creech to recommend approval of Docket No. 2020-1, granting Special Use Approval as required under Title 19, Zoning, of the Wheeling Village Code, Chapter 19.05, Mixed Use and Overlay Districts, Chapter 19-10 Use Regulations and associated sections, in order to establish a sit-down restaurant at 735 N. Milwaukee Ave., which is zoned MXC - Commercial/Residential Mixed Use District in accordance with the Project Description Letter received by the Village of Wheeling on 1/20/2020, Elsa's Menu received by the Village of Wheeling on 1/17/2020, and the Floor Plan prepared by Wei Tan dated 12/15/2019.

On the roll call, the vote was as follows:

AYES: Commissioners Creech, Johnson, Kalis, Sprague, Thomson, Yedinak
NAYS: Commissioner Blinova
ABSENT: None
PRESENT: None
ABSTAIN: None

There being six affirmative votes, the motion was approved.

Commissioner Creech moved, seconded by Commissioner Sprague to close Docket No. 2020-1. The motion was approved by a voice vote.

- D)** Docket No. 2019-26A
Westin Outlot B
Amendment to the Westin North Shore Hotel/Retail Planned Unit Development
751 N. Milwaukee Avenue
(to be continued to February 26, 2020)

Commissioner Creech moved, seconded by Commissioner Kalis to continue Docket No. 2019-26A to February 26, 2020.

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Creech, Johnson, Kalis, Sprague, Thomson, Yedinak
NAYS: None
ABSENT: None
PRESENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

- E)** Docket No. 2019-26B
Westin Outlot B
Special Use for a Sit-Down Restaurant
751 N. Milwaukee Avenue
(to be continued to February 26, 2020)

Commissioner Yedinak moved, seconded by Commissioner Thomson to continue Docket No. 2019-26B to February 26, 2020.

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Creech, Johnson, Kalis, Sprague, Thomson, Yedinak
NAYS: None
ABSENT: None
PRESENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

- F)** Docket No. PC19-23
Westin Outlot B
Major Site Plan & Appearance Approval
751 N. Milwaukee Avenue
(to be continued to February 26, 2020)

Commissioner Thomson moved, seconded by Commissioner Kalis to continue Docket No. PC19-23 to February 26, 2020.

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Creech, Johnson, Kalis, Sprague, Thomson, Yedinak
NAYS: None
ABSENT: None
PRESENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

8. APPROVAL OF MINUTES

- A) Approval of Minutes of the Regular Meeting of January 22, 2020 (including Findings of Fact for Docket No. 2019-27)

Commissioner Yedinak moved, seconded by Commissioner Kalis to approve the minutes dated January 22, 2020 as presented.

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Creech, Johnson, Kalis, Sprague, Thomson, Yedinak
NAYS: None
ABSENT: None
PRESENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

9. OTHER BUSINESS

- A) Trash Enclosure Discussion

Ms. Knysz put together some of the regulations, information on materials and the potential text changes. The material is for discussion only and was not put out for public notice.

Ms. Knysz referred to the section related to sanitation and storage and the design guidelines in Appendix D (same for residential and commercial). In the Code for sanitation related to storage it was wood or masonry. The Commission felt the materials in the Code were tied to wood or masonry. In the design guidelines, it states the enclosures had to be constructed of durable materials and didn't list the material types. The Commission felt there was a loophole in allowing different types of materials. She took some pictures of different materials. Wood is

seen most of the time but maybe is not the best for commercial uses. Some of the enclosures are brick and brick with composite and there is also CMU. The Village has not been pleased with the vinyl material. Commissioner Yedinak felt all the enclosures looked nice in the pictures. He questioned the negative about the plastic. Ms. Knysz explained the pictures were from online since she couldn't find any that looked nice in person. She referred to the composite material, the TREX material that has been used for fencing and decks. It is made from reclaimed wood, sawdust and recycled plastic. A sample was included of a hollow material that is Natures Composites that was proposed for the fire station and has been used in the Village. It is made with straw and recycled plastic milk jugs. All the composite material she found had been single boards that could be replaced individually.

Ms. Knysz referred to concerns that had been previously brought up like the glare from the vinyl material and a single board couldn't be replaced with the vinyl material. The wood, composite and CMU didn't have these problems. The vinyl wasn't very strong with wind and vehicles bumping into it.

Ms. Knysz referred to other specific requirements being required, post caps, caps on the masonry and enclosures on the sides. The materials should match and be compatible with the primary building material. It needs to be on a concrete slab and 6' high. She questioned if there were other design items that should be considered when looking at fences.

Ms. Knysz felt the biggest issue was to add that the materials should be wood, composite or masonry. She also added that hollow materials would not be permitted, but then she received the sample for Natures Composites and it was hollow, so she felt it was not a good idea to exclude hollow materials. Chairman Johnson agreed.

Ms. Knysz suggested thinking about specifications about the gates, wood only on enclosures that are wood or are wood gates OK when the enclosures are made of composite material? The Appendix D guidelines will follow what will be in the regular code. She questioned if there were other design guidelines that the Commission wanted to add that weren't strict code related, but would maybe guide someone to the design.

Ms. Knysz opened the discussion to the Commission.

Commissioner Creech referred to the wood material. He noted the disparities between the different pictures. One of the pictures showed a gate sagging when opened and it almost touches the concrete. Structurally, the framing for the enclosure is lacking. He felt it resembles a fence on a post.

Commissioner Creech noted the wood goes all the way to the ground which doesn't work in Chicago's weather conditions. Snow would be packed up against the wood which will absorb the moisture and make it deteriorate even faster.

Commissioner Creech referred to a picture that looks like it's put together the best, but he also noted it's also close to the ground. He feels if wood is going to be used, a post needs to support the gates and a separate post for the rest of the structure. The wood needs to be on a steel frame or a supported frame that would go all the way to the top of the wood to keep it from curling.

Commissioner Creech doesn't feel a wood enclosure or wood gate is functional in a commercial application.

Commissioner Creech referred to brick which he feels is the best material out of all of them. He referred to the pictures and felt the brick enclosures were all put together very well. Two of the enclosures had stone caps and bollards with a steel reinforced gate with wood, but he doesn't think the wood should go that far to the ground because of snow and ice conditions. Another picture looks like TREX material on a metal frame, but they didn't have caps on the brick. He couldn't tell if the last picture had all steel posts or if it was a manmade material, but they didn't have caps on the brick. He also noted there were only two hinges on each gate, and should probably have three on a 6' gate.

Commissioner Creech referred to the enclosures at the theater, bank and Starbucks drive-thru and he felt they were very nice. They had caps on top and split face was used on the theater one which he didn't think the Commission wanted and there were no bollards on any of them which had been discussed.

Commissioner Creech referred to vinyl material which he felt looked clean. He felt if the vinyl was put together properly it could be workable. The only problem with vinyl is the weight of it for being wind resistance and durable. He felt if the Commission could come up with a material that was a specific gauge and was heavy enough to withstand the use, he would be fine with it since it was clean looking. He didn't like it used in a commercial application, but he felt it could be used in a residential application. Commissioner Yedinak suggested that enclosures in residential complexes allow for alternative resident access besides gates. Possibly a screened walkway that allows residents to dispose of their trash without opening and closing a gate. In his experience, if residents have to go through gates to dispose of their trash, the gates are usually left open. Gates should still be provided for the bin removal by the waste hauler. Commissioner Creech agreed it was a good idea. Ms. Milluzzi questioned if the Village's design appendix had differences between commercial and residential. Ms. Knysz confirmed they were currently the same, but could be different.

Commissioner Creech recommended making residential different than commercial. He feels commercial needs to be a stronger unit because it will get more use.

Commissioner Thomson questioned if there would be issues with larger animals if there weren't gates on the enclosures for residential. Commissioner Creech felt the animals would get in one way or another if they wanted. Commissioner Yedinak has seen a lot of trash enclosures in residential developments and he has noticed they were always left opened.

Commissioner Thomson asked if there were issues with using a different material for the fence and the gate. Commissioner Creech noted that Burger King's remodel includes cement board siding applied to the existing masonry and had a cap on a wooden fence.

Commissioner Thomson expressed a concern that the different materials should be visually compatible.

Commissioner Yedinak agreed with Commissioner Creech's suggestion on making the requirements different between residential and commercial.

Commissioner Yedinak liked the idea of bollards but doesn't want to make them a requirement if the enclosure was far enough away from the traffic pattern.

Commissioner Yedinak felt they were making a better vinyl product than in the past. He is not opposed to vinyl and thinks it ages better than wood. If there was a concern about a glare, he suggested not allowing white. He thinks vinyl, composite and brick will age better than wood. The brick and composite will cost more than wood, but he thinks the vinyl might be more cost competitive with wood. He feels if vinyl is not permitted, the Village would probably end up with a lot of wood that would deteriorate over time. He would recommend not ruling out vinyl. He is a big fan of composite.

Commissioner Creech explained the bollards were for the garbage trucks since they do the most damage to the enclosures. Commissioner Yedinak felt it depended on the location because the trash is rolled out in a lot of locations. Commissioner Creech explained the bollards also kept the gates from swinging around into the parking area near cars. Commissioner Yedinak suggested adding them where they serve a purpose and not for all locations.

Commissioner Blinova agreed about separating commercial and residential. She agrees about not allowing white vinyl and likes the appearance of composite. She agrees with Commissioner Creech's concern about the durability of wood gates in the winter.

Commissioner Sprague believes wood should not be permitted except for existing enclosures. He is in favor of composite or masonry. He agrees residential and commercial should be separated. He is not a big fan of vinyl and thinks bollards is a good addition.

Commissioner Kalis is not in favor of wood or white vinyl. He believes bollards should be reviewed on a case-by-case basis depending on the location. He prefers composite.

Commissioner Creech referred to the picture with a composite fence, he noted the posts were anchored to the slab which he feels should not be allowed since it wasn't as secure.

Chairman Johnson believes the consensus is to get away from wood which was the standard in the past. Commissioner Creech wants the Commission to be open to reviewing new materials as they come out. Chairman Johnson also wants to determine a gauge on the vinyl. Commissioner Creech suggested a gauge similar to the composite material.

Ms. Milluzzi referred to the comment about only allowing vinyl in residential (multi-family) versus commercial. She questioned if that was the consensus?

Commissioner Creech agreed.

Commissioner Kalis would be OK with it if it was a good quality thickness.

Commissioner Creech agreed if it was the same strength as the composite.

Ms. Milluzzi mentioned that the appendix for residential and commercial were the same. She questioned what differences, if any, did the Commission want between residential and commercial. Commissioner Yedinak felt the access should be different. He also felt the location of the trash bin should be considered for commercial.

Commissioner Creech mentioned there was a big difference between the hardware in residential and commercial. He believes the specification for the commercial units should be much more durable than residential and the Code should be as specific as possible.

Ms. Milluzzi announced a workshop about electronic message signs will be scheduled in the near future.

10. ADJOURNMENT

Commissioner Kalis moved, seconded by Commissioner Sprague to adjourn the meeting at 8:20 p.m. All were in favor on a unanimous voice vote and the meeting was adjourned.

Respectfully submitted,

Joe Kalis, Secretary
Wheeling Plan Commission