



VILLAGE OF LINCOLNSHIRE

MINUTES REGULAR VILLAGE BOARD MEETING November 27, 2023

Present:

Mayor Brandt	Trustee Grujanac
Trustee Kelly	Trustee Mitchell
Trustee Pantelis	Trustee Raizin
Trustee Wright	Village Clerk Mastandrea
Village Attorney Simon	Village Manager Burke
Village Treasurer/Finance Director Rossi	Chief of Police Leonas
Public Works Director Woodbury	Assistant Village Manager/Community & Economic Development Director Roesler
Planning & Development Manager Zozulya	

CALL TO ORDER

1.0 ROLL CALL

Mayor Brandt called the meeting to order at 7:00 p.m., and Village Clerk Mastandrea called the Roll.

2.0 PLEDGE OF ALLEGIANCE

3.0 REPORTS OF OFFICERS

3.1 Mayor's Report

3.11 **Lincolnshire Lights**

Mayor Brandt noted Lincolnshire Lights is taking place on Friday, December 1 from 5:30 – 6:30 p.m. at Village Green and invited all to attend.

3.2 Village Clerk's Report

3.21 **New Entryway Signs**

Village Clerk Mastandrea noted she has heard positive comments from at least 30 more residents regarding the new signage in Lincolnshire.

Trustee Grujanac noted some mixed reviews posted on NextDoor regarding the signs.

A brief conversation regarding negative comments on NextDoor and the ability for non-residents to comment on this social media platform followed.

3.3 Village Treasurer's Report - None

3.4 Village Manager's Report

3.41 **Leaf Collection**

Village Manager Burke stated this is the last week for leaf collection. Landscape waste continues through December 13 for any remaining

leaves and/or yard waste. After this week, yard waste must be bagged, and leaf stickers are available for purchase at Village Hall.

3.42 Lincolnshire Lights – Citizen of the Year

Village Manager Burke noted 2023 Citizen of the Year, Village Clerk, Barbara Mastandrea will light the tree at Lincolnshire Lights.

4.0 PAYMENT OF BILLS

4.1 Bills Presented for Payment on November 27, 2023, in the Amount of \$410,180.64

A summary of the November 27, 2023, bills were presented for payment with the total being \$410,180.64. The total amount is based on \$142,000 for the General Fund; \$180,000 for the Water & Sewer Fund; \$6,100 for the Vehicle Maintenance Fund; \$2,000 for the Storm Sewer Operating Fund; \$2,900 for the Storm Sewer Improvement Fund; and \$76,000 for the General Capital Fund.

Trustee Grujanac moved, and Trustee Wright seconded the motion to approve the bills dated November 27, 2023, as presented. The roll call vote was as follows:

Aye: Grujanac, Wright, Raizin, Pantelis, Mitchell, Kelly
Nay: None
Absent: None
Abstain: None

Mayor Brandt declared the motion carried.

5.0 CITIZENS WISHING TO ADDRESS THE BOARD (on non-agenda items only)

6.0 CONSENT AGENDA

Items on the Consent Agenda will be approved by one motion. If a Trustee wishes to discuss any item, it will be pulled from the Consent Agenda and discussed under "Unfinished Business."

6.01 Approval of the November 13, 2023, Regular Village Board Meeting Minutes

6.02 Approval of the November 13, 2023, Committee of the Whole Meeting Minutes

6.03 Approval of an Ordinance Granting Variances from Sections 6-8b-7 (Building Setback); 6-11-2(b)(3)(a) (Parking Setback); 6-11-2(e)(4) (Building Foundation Landscape Area Width), and 6-15-3(e)(2)(a) (Ground-Mounted Equipment Setback) of the Lincolnshire Village Code (121 Schelter Road – Fitzgerald Architecture Planning Design on behalf of TZ Properties LLC)

6.04 Approval of an Ordinance Amending Title 1 (Administration), Chapter 6 (Village Officers and Employees) of the Lincolnshire Village Code to

Amend the Lincolnshire Employee Handbook Regarding the Paid Leave for All Workers Act (Village of Lincolnshire)

- 6.05 Approval of the 2024 Village Calendar and Meeting Schedule (Village of Lincolnshire)**
- 6.06 Approval of an Agreement with Municipal GIS Partners, Inc. of Des Plaines, Illinois for Geographic Information System Mapping Services for 2024 (Village of Lincolnshire)**
- 6.07 Approval of a Contract with Native Restoration Services, Inc. of Lake Bluff, Illinois for Natural Areas Maintenance and Controlled Burning Services (Village of Lincolnshire)**
- 6.08 Approval of a Contract with City Escape Garden and Design, LLC. of Chicago, IL for Landscape Corridor/Parks Mowing and Planting Bed Maintenance Services (Village of Lincolnshire)**
- 6.09 Approval of a Resolution Pertaining to Regulation of Traffic and Parking on Beaconsfield Homeowners Condominium Association Corporation Property (Beaconsfield of Lincolnshire Homeowners Condominium Association Corporation)**

Village Manager Burke noted he received comments from Trustee Raizin regarding her recommendation of the tax rate under the Committee of the Whole minutes for November 13, 2023. Trustee Raizin requested the minutes be edited to make clear she suggested the compromise rate of .29 rather than the staff-recommended rate of .32 for various reasons including economic uncertainty, avoiding future budget shortfalls, the still recovering economy, and optics. Village Manager Burke noted staff will make the edits to correct the November 13, 2023, Committee of the Whole minutes.

Trustee Grujanc moved, and Trustee Raizin seconded the motion to approve the Consent Agenda with the recommended changes to the November 13, 2023 Committee of the Whole Minutes. The roll call vote was as follows:

Aye: Grujanac, Raizin, Kelly, Mitchell, Pantelis
Nay: None
Absent: Wright
Abstain: None

Mayor Brandt declared the motion carried.

7.0 ITEMS OF GENERAL BUSINESS

7.1 Planning, Zoning & Land Use

7.2 Finance and Administration

7.3 Public Work

7.4 Police

7.41 Approval of an Ordinance Amending Title 11 (Peace and Safety), Chapter 2 (Minors) of the Lincolnshire Village Code Pertaining to Social Hosting (Village of Lincolnshire)

Village Manager Burke explained there were two separate Ordinances in the packet, and the one at every Board member's place incorporates both Ordinances into one which would amend the Village Code combining the fine changes related to social hosting changes discussed at the last meeting. If the items had been left as two separate Ordinances, Open Meetings Act questions may have been posed given the wording included on the agenda for the meeting.

Trustee Raizin asked what the intent of "unlawful transfer of a telecommunications device to a minor" referred to noting when her children went to Stevenson High School, they could not have their cell phones and suggested this section may be outdated. Village Attorney Simon stated the section referenced would not be amended by this Ordinance. Village Attorney Simon noted this section prohibits an adult from delivering a telecommunications device to a minor to facilitate the commitment of an offense related to dealing with a controlled substance.

Trustee Raizin asked if a parent would be liable as a host of a party if they were not present and did not know the party was happening. Chief of Police Leonas stated if the parent did not take reasonable steps to prevent the party from happening, they could be held liable; this takes away the ability for the parent to say they were not there and therefore, not liable. If the parents are trying to do the right thing, this would become apparent during the Police investigation. Based upon evidence gathered reasonable decisions would be made based on the totality of the events. Chief of Police Leonas added that the changes give the Police Department reasonable ways to address underage drinking and cannabis.

Trustee Grujanac asked if the \$500 fine should be increased to be a bit more of a deterrent. Chief of Police Leonas stated if the Board feels the fine should be increased, they can increase the amount. Staff is not recommending the amount of the fine to change; however, the code is being amended to allow the fine to be applicable to social hosting related to cannabis. Village Attorney Simon stated there is also a state law violation which violators may be cited for which is more punitive.

Trustee Grujanac asked if the Ordinance changes addressed someone being falsely accused of social hosting. Chief of Police Leonas stated there are laws on the books for a false police report. Mayor Brandt stated if these changes are passed, it will be important to communicate information on false reporting.

Trustee Kelly asked if you become aware of a violation on your premises, do you need to report it to the police? Chief of Police Leonas related that this means the parents would need to call the police to report the party to be able to assert a defense they did not authorize the party. Trustee Kelly asked what the wording "has not informed the police thereof" refers to. Village Attorney Simon stated this is a safe harbor provision. If you call and report the violation, voluntarily, by making that voluntary disclosure, an individual may be excused from

this violation. Trustee Kelly asked if a parent reports the violation voluntarily, would they be in jeopardy of proving beyond a preponderance of evidence that this did not occur? Village Attorney Simon stated the goal of such provisions in the social hosting ordinance is to help parents. Chief of Police Leonas noted if the police showed up, and the parents said they had no idea or they were there and did not let the police know, that would be evidence of the violation. Trustee Kelly noted concern about a parent coming home to a party and once home having knowledge of the party, reporting the party after having knowledge would put the parent in trouble. Village Attorney Simon noted paragraph three of the Ordinance has an exception where there is a presumption that there is a violation unless contrary evidence is presented; the violation is contrary evidence.

Trustee Kelly asked if someone is consuming alcohol at your house, and for whatever reason the police find out later, would the resident need to present a presumption with a preponderance of the evidence that they did not supply the alcohol to that person? Chief of Police Leonas stated in this instance, the police would have to prove beyond a reasonable doubt the defendant/resident had supplied the alcohol.

A conversation regarding concerns about the proposed language as it relates to the owners' and parental obligations followed.

Village Attorney Simon noted the language mimics the corresponding state law which places the onus on the owner to take affirmative action to prevent social hosting from happening. There is a duty upon the property owners not to let social hosting happen.

Chief of Police Leonas stated the police have the burden of proof to make an arrest, which is merely probable cause it is not even a preponderance of evidence of events. There are two standards beyond a reasonable doubt a preponderance of evidence, patterns of evidence for civil claims which this would be, and this is what a hearing officer would use to determine whether the person is liable or not liable. The officers would issue a ticket based on their investigation. The direction in the Ordinance is for the adjudicator and would give guidance on how to handle evidence of innocence during an adjudication hearing.

Trustee Kelly asked if what is being added to the code is repetitive with prior sections. Chief of Police Leonas stated the proposed change includes cannabis in addition to alcohol.

A conversation regarding the code changing to mirror state law followed.

Trustee Kelly noted concern regarding changes related to having knowledge of social hosting in a public place and a place as listed "under my control." Village Attorney Simon stated he believes other premises under your control are meant to modify other private property or public places, separate from your residence. It is meant to

modify other private property or public places. Trustee Kelly expressed concern the Village is applying this more broadly, and noted his opinion he is afraid of parents being held to a standard they cannot reasonably enforce.

A conversation regarding dealing with cannabis today; having access that was not around previously ensued.

Chief of Police Leonas noted that if you are over 21, you can have cannabis, but if you are a police officer, you cannot. The social hosting law is written liberally to address police problems of enforcing when there is a defense by a parent. Whether a person is under the influence of cannabis or alcohol, the police are not doctors; they do not make the diagnosis but can tell you what the impairment signs are. What staff is trying to do is address underage drinking that is allowed and condoned by parents, whether it is parents or whether it may be the parents of friends. What staff has done is try to construct a variety of defenses that have been seen and used to defend against those situations. We are not immune to the fact that some people would see this as difficult for a parent to try to do in every single case to defend themselves. We are certainly not trying to be overly enforced, but this is a tool we feel is important to try to keep parties with drugs and alcohol to a minimum if not zero.

Trustee Raizin stated this is an educational tool for parents, so they know what is allowed and what is not.

Mayor Brandt noted the Board will need some more information before making a vote and asked Chief of Police Leonas to provide the state law and show how it mimics what is being proposed in the ordinance change. Mayor Brandt also asked Chief of Police Leonas to provide a quick history so people can see the number of people being arrested for social hosting.

Village Manager Burke noted staff will come back with a report on citations, fines, history, and the state statute as a copy to accompany the proposed Ordinance in two weeks.

7.5 Parks and Recreation

7.6 Judiciary and Personnel

8.0 REPORTS OF SPECIAL COMMITTEES

9.0 UNFINISHED BUSINESS

10.0 NEW BUSINESS

11.0 EXECUTIVE SESSION

12.0 ADJOURNMENT

Trustee Grujanac moved, and Trustee Wright seconded the motion to adjourn. The voice vote was unanimous, and Mayor Brandt declared the meeting adjourned at 7:48 p.m.

Respectfully submitted,

VILLAGE OF LINCOLNSHIRE

Barbara Mastandrea
Village Clerk