



VILLAGE OF LINCOLNSHIRE

MINUTES REGULAR VILLAGE BOARD MEETING February 12, 2024

Present:

Mayor Brandt	Trustee Grujanac
Trustee Kelly (Arrived at 7:02 p.m.)	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 Sports Association Fee Structure Increase**

Mayor Brandt noted she had a phone conversation with Ryan Daube, President of Lincolnshire Sports Association (LSA) regarding their programs and the proposed fee structure increase for participants.

3.12 **Par-King Property**

Mayor Brandt noted that she along with Village Manager Burke, Assistant Village Manager/Community & Economic Development (CED) Director Roesler, and Planning & Development Manager Zozulya met with George Boznos, manager, and owner of the Par-King property. Mr. Boznos noted concern about not getting offers on his parcel of land and shared his plans to open in April. Mr. Boznos expressed concern about finding workers for the coming season and noted frustration with the recent implementation of an amusement tax which affects his pricing. Mayor Brandt stated staff encouraged Mr. Boznos to write a letter of appeal regarding the amusement tax and encouraged him to remain open.

3.2 Village Clerk's Report – None

3.3 Village Treasurer's Report – None

3.4 Village Manager's Report

3.41 **Lincolnshire Sports Association Fee Structure Increase**

Village Manager Burke noted he, along with Public Works Director Woodbury, and Public Works Management Analyst Hoffman met with Lincolnshire Sports Association (LSA) representatives to make them aware of the start of the annual capital planning process that will feed into the 2025 budget. The purpose of the meeting was to solicit their input on projects at North Park. Staff also informed them that Management Analyst Hoffman was the staff lead on a planned fee analysis and possible changes to the fee structure which would need to come before the Park Board and Village Board. Subsequent to the meeting, staff has not heard any specifics from LSA regarding input on projects. The discussion intended to telegraph to LSA, that staff is looking at the fee structure, the registration requirements, and reporting requirements in the affiliate usage agreements and processes.

3.42 School Shooting

Village Manager Burke noted as a follow-up discussion from a Village Board member, he requested Chief of Police Leonas report on the Uvalde Texas police shooting and update Lincolnshire's approach to school safety and the training our officers go through. This update is planned for the February 26 meeting.

3.43 Public Works and Police Open House

Village Manager Burke noted the Public Works and Police Open House is scheduled for April 20.

3.44 SharePoint File Migration

Village Manager Burke provided an update on the SharePoint File Migration noting all Village files have been moving into the cloud-based system. Village Manager Burke noted kudos to Assistant Village Manager/CED Director Roesler for leading the project for the Village. The Village Board will be receiving additional information before the next meeting regarding accessing files in the new locations, and there may be some training in the future.

Mayor Brandt noted if the Board has any issues with their Office 365 account, they can get the packets off the website as an alternative.

A conversation regarding accessing the packet information from the website versus Office 365 followed.

4.0 PAYMENT OF BILLS

4.1 Bills Presented for Payment on February 12, 2024, in the Amount of \$212,915.69

A summary of the February 12, 2024, bills was presented for payment with the total being \$212,915.69. The total amount is based on \$140,000 for the General Fund; \$36,000 for the Water & Sewer Fund; \$1,400 for Water &

Sewer Improvement Fund; \$12,000 for the Vehicle Maintenance Fund; \$902 for Storm Sewer Improvement Fund; and \$21,000 for the General Capital Fund.

Trustee Grujanac moved, and Trustee Pantelis seconded the motion to approve the bills dated February 12, 2024, as presented. The roll call vote was as follows:

Aye: Grujanac, Pantelis, Kelly, Raizin
Nay: None
Absent: Wright, Mitchell
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 January 29, 2024, Regular Village Board Meeting Minutes

6.02 Approval of the January 29, 2024, Committee of the Whole Meeting Minutes

6.03 Approval of a Supplemental Professional Services Agreement with Hitchcock Design Group of Naperville, Illinois for Signage Design, Final Sign Execution, and Design Consulting Services at a Cost Not to Exceed \$17,500 (Village of Lincolnshire)

6.04 Approval of a Contract with Sheridan Plumbing and Sewer of Bedford Park, IL for the Stafford Court – Farrington Circle Drainage Improvement Project in an Amount Not to Exceed \$192,262.50 (Village of Lincolnshire)

Trustee Grujanac moved, and Trustee Kelly seconded the motion to approve the Consent Agenda as presented. The roll call vote was as follows:

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

Mayor Brandt declared the motion carried.

7.0 ITEMS OF GENERAL BUSINESS

7.1 Planning, Zoning & Land Use

7.11 Consideration of an Appeal Pertaining to a Cash Deposit for

Impacted Trees per Title 13 (Tree Preservation & Landscaping), Chapter 1 (Tree Preservation) of the Lincolnshire Village Code (62 Lincolnshire Drive – John E. Heinzinger)

Assistant Village Manager/Community & Economic Development (CED) Director Roesler provided context on the tree protection bond appeal process, as well as the appeal at hand. Assistant Village Manager/CED Director Roesler noted the appeal process allows the applicant, Mr. Heinzinger, to present his side of the case. Assistant Village Manager/CED Director Roesler stated staff feels the appeal should be dismissed on procedural grounds because it was filed 16 days after the Village's initial decision, which is past the 10-day deadline required by the Village Code.

Mr. Heinzinger, owner of 62 Lincolnshire Drive, noted concerns over the timeframe mentioned, stating he submitted the appeal within the allowed timeframe, noting he received the paperwork on the Wednesday before Thanksgiving, then the Village was closed for two days. The code does not stipulate whether it is 10 business days or 10 calendar days. Typically, for government agencies, the timeframe is business days.

Mayor Brandt stated she did not believe the issue was necessarily the 10 days but the appeal itself. The Board has not strayed from the Tree Preservation Ordinance and does not like to set precedents.

Trustee Raizin asked about the date regarding the tree protection bond appeal, noting the packet says the appeal was sent on November 16, but Mr. Heinzinger said he received the information on November 23. Trustee Raizin asked for clarification on when the information was mailed versus received, as it relates to calculating the 10-day deadline for submitting the appeal. Assistant Village Manager/CED Director Roesler clarified the November 16 date is when the Village issued the footing and foundation permit, and November 22 is when staff followed up with calculations for the tree bond. Therefore, November 22 is when the clock started ticking for the appeal deadline.

Village Attorney Simon provided clarification on Section 1-3-1 of the Village Code, which describes the rules of construction of all Village Ordinances. Weekends and holidays are excluded from calculating a period of time only if the final day of the timeline falls on a weekend or holiday; otherwise, weekends and holidays are counted as qualifying days. Therefore, the days Village offices were closed for Thanksgiving would not extend the timeframe for Mr. Heinzinger to file his appeal.

Mr. Heinzinger expressed frustration he did not receive an actual breakdown of how the tree protection bond amount was calculated, only an email stating the dollar amount owed. Mr. Heinzinger noted this speaks to one of his concerns about a lack of transparency and specifics in how the Village assessed and determined the bond amount. Mr. Heinzinger also expressed concerns with how the Tree Preservation Ordinance was constructed and how the Village assesses

the health of a tree when estimating tree bond amounts.

Village Attorney Simon provided an analogy to help explain the purpose and scope of the appeal hearing. Village Attorney Simon likened it to a criminal trial, where a defendant cannot lobby the judge to change the law they are being prosecuted under. Similarly, the Village Board is acting as a judge to review how staff administered the existing Tree Ordinance, not to lobby for changes to the Ordinance itself.

A conversation regarding Mr. Heinzinger’s fees, the breakdown, and how he received the information followed.

Mr. Heinzinger noted his opinion that one of the problems with the Ordinance is not being able to post a Surety Bond for the potentially impacted trees.

Mr. Heinzinger noted concern that if he goes to sell his home in the next five years, he will automatically forfeit not only the bond but also another \$8,750 per Village Code. Village Manager Burke stated this is not true; various land transactions have been established where the properties are transferred, and the existing bonds held by the Village may go with the contract. Village Attorney Simon stated it does not say forfeit, it says the amount of the deposit is increased to make sure the money is available. The bond would not be forfeited unless, at the end of five years, the Village determines a was damaged or died because of the construction activity. The money is still eligible to be refunded, which could be negotiated between Mr. Heinzinger and the purchaser. A conversation regarding the time frame and how this would be handled if Mr. Heinzinger sold his home within the next five years followed.

Mr. Heinzinger provided context for why he needs to elevate the home, stating since he remodeled more than 50% of the structure's value in the floodplain, it now classifies them as needing to bring the home up to 100% flood code compliance. Village Manager Burke respectfully disagreed with the statement about floodplain requirements. Village Manager Burke emphasized the Village is not demanding the home be raised and noted for the record that it is Mr. Heinzinger’s choice to elevate the home due to the cost of repairs he elected to make to his home, per National Flood Insurance Program standards.

Trustee Grujanac moved, and Trustee Pantelis seconded the motion to uphold staff’s decision to dismiss the appeal. The roll call vote was as follows:

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

Mayor Brandt declared the motion carried.

Mayor Brandt noted the Village Board is always willing to improve what we do and invited Mr. Heinzinger to apply for an Advisory Board.

7.2 Finance and Administration

7.3 Public Work

7.4 Police

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 Raizin 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