

AGENDA
COMMITTEE OF THE WHOLE MEETING
Village Hall – Board Room
Monday, June 25, 2018
Following Regular Village Board Meeting

Reasonable accommodations / auxiliary aids will be provided to enable persons with disabilities to effectively participate in any public meetings of the Board. Please contact the Village Administrative Office (847.883.8600) 48 hours in advance if you need special accommodations to attend. The Committee of the Whole will not proceed past 10:30 p.m. unless there is a consensus of the majority of the Trustees to do so. Citizens wishing to address the Board on agenda items may speak when the agenda item is open, prior to Board discussion.

CALL TO ORDER**1.0 ROLL CALL****2.0 APPROVAL OF MINUTES**

- 2.1 Acceptance of the June 11, 2018 Committee of the Whole Meeting Minutes

3.0 ITEMS OF GENERAL BUSINESS**3.1 Planning, Zoning and Land Use****3.2 Finance and Administration**

- 3.21 Continued Consideration and Discussion of Potential Changes to Lincolnshire Admission Tax (Village of Lincolnshire)

- 3.22 Consideration of a Resolution Supporting Execution of and Compliance with Environmental Regulations and Laws for the Foxconn Development in the Des Plaines River Watershed (Village of Lincolnshire)

3.3 Public Works

- 3.31 Consideration of a Contract with Nettle Creek Nursery, Morris, IL for the Construction of the Indian Creek Streambank Stabilization Project in an Amount not to Exceed \$79,990.00 (Village of Lincolnshire)

- 3.32 Consideration of an Out of Village Sanitary Sewer Service Request for 23477 Elm Road (Village of Lincolnshire)

- 3.33 Consideration of the Use of Village Streets by CDW for a Charitable 5K Run/Walk from 8:00 a.m. to 10:30 a.m. on Sunday, July 29, 2018 (CDW)

- 3.34 Consideration of Permit Fee Waiver Request, Per Section 5-3-2A of the Lincolnshire Village Code (Adlai E. Stevenson High School District #125)

3.4 Public Safety**3.5 Parks and Recreation**

- 3.51 Consideration of Approval of Use of North Park for National Night Out on Friday, August 3, 2018 (Village of Lincolnshire)

3.6 Judiciary and Personnel**4.0 UNFINISHED BUSINESS**

- 5.0 **NEW BUSINESS**
- 6.0 **EXECUTIVE SESSION**
- 7.0 **ADJOURNMENT**



**MINUTES
COMMITTEE OF THE WHOLE MEETING
Monday, June 11, 2018**

Present:

Mayor Brandt	Trustee Harms Muth
Trustee Grujanac	Trustee Hancock
Trustee McDonough	Trustee Servi
Trustee Leider	Village Clerk Mastandrea
Village Attorney Simon	Village Manager Burke
Village Treasurer/Finance Director Peterson	Public Works Director Woodbury
Chief of Police Leonas	Assistant Village Manager/Community & Economic Development Director Gilbertson
Building Official Jesse	

ROLL CALL

Mayor Brandt called the meeting to order at 7:20 p.m. and Village Manager Burke called the Roll.

2.0 APPROVAL OF MINUTES

2.1 Acceptance of the May 29, 2018 Committee of the Whole Meeting Minutes

The minutes of the May 29, 2018 Committee of the Whole Meeting were approved as submitted.

3.0 ITEMS OF GENERAL BUSINESS

3.1 Planning, Zoning and Land Use

3.11 Consideration an Ordinance Rezoning 325 Marriott Drive from O/Ia to O/Ic Office-Industrial and Approving a Text Amendment to Permit Parking in Required Side and Rear Yard Setbacks in Non-Residential Zones (Heathrow Scientific and Daigger Scientific - 325 Marriott Drive)

3.12 Consideration of an Ordinance Granting Wall Sign Variances from Title 12 of the Lincolnshire Village Code (Heathrow Scientific and Daigger Scientific – 325 Marriott Drive)

Mayor Brandt opened Items 3.11 and 3.12 together.

Assistant Village Manager/Community & Economic Development (CED) Director Gilbertson provided a brief summary of a proposed ordinance rezoning 325 Marriott Drive to Office-Industrial and approving a text amendment to permit parking in required side and rear yard setbacks in non-residential and a proposed ordinance granting wall sign variances from Title 12 of the Lincolnshire Village code. Assistant Village Manager/CED Director Gilbertson noted both the Architectural Review Board (ARB) and Zoning Board have reviewed and unanimously

recommend approval of these requests.

Mr. Jim Woldenberg, representing Daigger Scientific, Inc. provided a presentation regarding a proposed ordinance rezoning 325 Marriott Drive to Office-Industrial and approving a text amendment to permit parking in required side and rear yard setbacks in non-residential and a proposed ordinance granting wall sign variances from Title 12 of the Lincolnshire Village code.

Trustee Hancock noted concern regarding the size of the building and its proximity to Route 22. Trustee Hancock asked if there should be some consideration to a berm or something else for screening along Route 22. Trustee Leider noted concern regarding granting a sign variance and proposed building size. He noted the school is directly across the street and the sign would then be more visible from the school. Mr. Woldenberg noted the sign variance is being requested so people traveling on Route 22 would be able to read the sign. Mayor Brandt asked staff for the size of the Sysmex sign. Assistant Village Manager/CED Director Gilbertson stated the code requirement is 36" and the Sysmex sign is 52".

Mr. Larry Dziurdzik, Landscape Architect with LA Design provided information relative to the landscape plan to address Trustee Hancock's concern regarding screening of the building. Mr. Dziurdzik noted the distance from the property line to the building, at the tightest point is approximately 130' with 60' plus of green space and they are proposing a very lush landscape design to screen the north side of the building. Mr. Dziurdzik provided the elevation drawing showing the screening on the north side of the building. Mr. Dziurdzik stated a berm can be considered, and they are willing to work with the civil engineer regarding a possible berm. Village Manager Burke provided statistics on other buildings located on major streets in Lincolnshire relative to their distance from the street. Mr. Woldenberg stated he thought a berm was considered but could not be built due to the recreational easement and asked the Board for direction on where the berm should go. A conversation regarding the location of a possible berm followed. Mr. Steve Bauer, Attorney representing the applicant noted a berm can be considered but confirmed the easements in the area may prohibit this. Village Manager Burke noted storm water would also need to be considered. Ms. Jennifer Oslager, Architect representing the applicant stated she is aware this type of building can be difficult for the community. Ms. Oslager stated she is not aware of the intent of the recreation easement and would need to research this before an answer can be given. Mayor Brandt directed staff to look at other locations in Lincolnshire to see how berms were constructed in these areas and asked staff to look at the previous plans presented to see if there were berms as part of the plan. Mr. Bauer recommended the Board look at some of the elevations to see what the building will look like in approximately 5 – 7 years.

Trustee Servi noted he was in agreement regarding a possible berm

Mr. Woldenberg stated they would work with their engineer on a possible berm but noted concern with the process and timing. Mr. Woldenberg asked for clarification on the process. Mayor Brandt noted the next meeting is taking place on June 25th and they would place this item under Items of General Business on the Regular Village Board Meeting to allow for review and discussion in terms of the berm.

It was the consensus of the Board to put these items under Items of General Business on the next Regular Village Board meeting Agenda.

3.13 Consideration and Discussion of Potential Adoption of Updated Building Codes (Village of Lincolnshire)

Building Official Jesse provided a presentation regarding the potential adoption of updated building codes. Building Official Jesse noted six years ago when the Village adopted the 2009 residential code, they approved an amendment exempting detached single-family dwellings from the fire sprinkler requirements. The Lincolnshire-Riverwoods Fire Protection District (LRFPD) sent a letter this morning requesting further discussion of the residential fire sprinkler exemption. Staff requests Board direction on moving forward with the code adoption and would recommend the 2018 edition for consideration to maintain our favorable evaluation with the community rating system.

Trustee Grujanac asked for clarification regarding the adoption of the fire sprinkler codes. Building Official Jesse noted currently the Village has adopted the 2009 residential codes with the fire sprinklers in the code but the Village specifically exempted that portion of the code. Mayor Brandt provided additional information regarding why the Board voted to exempt this requirement and stated it was determined this would be more burdensome to add on to potential new home construction.

A conversation regarding fire sprinkler requirements for alterations followed. Staff is recommending fire sprinkler requirements be exempt from all single-family homes including alterations.

It was the consensus of the Board to adopt the 2018 codes as presented by staff.

Building Official Jesse stated he would prepare an ordinance adopting the 2018 codes as discussed. Building Official Jesse noted there is a 30 day notification period required by the State. Village Attorney Simon stated as soon as it is posted with the Clerk the clock will start then bring this back for approval at a meeting in July.

3.2 Finance and Administration

3.21 Continued Consideration and Discussion of Potential Changes to Lincolnshire Admission Tax (Village of Lincolnshire)

Village Manager Burke provided an update from the May 29th meeting regarding potential changes to the Lincolnshire admission tax. The Board asked staff to look at standardizing the rate of the admission tax to a standard across both Regal Cinema and live theater. A table was included in the packet to reflect the numbers, and staff will meet with Marriott Theater and Bricton Group to discuss the admission tax and allow them to provide feedback. One item added was the College Park Athletic Club which is the tennis courts at the resort.

Trustee Leider asked if 4% is competitive. Village Manager Burke confirmed 4% is competitive. This tax would not apply if you were a member of a club.

Trustee Servi suggested passing this with the implementation of a few months after it is passed so staff can meet with the clubs currently not paying the tax.

A conversation regarding recent tax increases and the Village being diligent in budgeting followed.

A conversation regarding admission tax rates in other municipalities followed. Village Attorney Simon noted when reviewing rates of other municipalities the Board should consider some of these municipalities do not levy a property tax, and Lincolnshire levies a very minimal property tax.

It was the consensus of the Board for staff to provide feedback from the meeting with the Bricton Group and provide additional information as directed by the Board.

3.22 Consideration of an Ordinance Adopting the Prevailing Wage Rates to be paid to Laborers, Mechanics and Other Workers Performing Construction of Public Works for the Village of Lincolnshire (Village of Lincolnshire)

Village Manager Burke provided a summary of the annual ordinance adopting the prevailing wage rates to be paid to laborers, mechanics and other workers performing construction of Public Works for the Village of Lincolnshire.

Trustee Servi noted concern regarding the wage rates dictated by the state and wanted to understand the implications if this is not passed. Village Manager Burke noted for three years McHenry County did not approve a prevailing wage rate ordinance but still directed staff to follow the prevailing wage act. The prevailing wage rate act is clear regarding legal implications and penalties if you do not follow the act. Village Manager Burke stated it was his opinion that this would be charged to

himself as the Administrator of the Village. Village Attorney Simon stated if you don't follow the act, the Village is liable to pay the underpaid salaries plus additional damages which is typically multiple times what the initial salaries would be. Village Attorney Simon stated the best form of lobbying to affect change is to talk to the legislators.

Trustee Servi stated if we don't pass the Ordinance but still include the rates in our contracts would we still be okay. Village Manager Burke noted given the attention the Village has drawn with regards to the local unions, his opinion is they would monitor whether Lincolnshire filed or met the posting requirement under the statute.

A conversation regarding options the Village could take regarding prevailing wage rates followed. Village Attorney Simon recommended the Board make the suggestion to the local legislators that they increase the threshold when the prevailing wage act attaches.

Trustee Servi asked if Lincolnshire could go to the IML with past projects to request some analysis to compel legislators regarding impact. Village Manager Burke stated he would reach out to the Northwest Municipal Conference and IML for suggestions and analysis.

It was the consensus of the Board to put this items under Items of General Business on the next Regular Village Board meeting Agenda.

3.3 Public Works

3.4 Public Safety

3.5 Parks and Recreation

3.6 Judiciary and Personnel

4.0 UNFINISHED BUSINESS

5.0 NEW BUSINESS

5.1 Additional School Resource Officer at Stevenson High School

Village Manager Burke stated he has been in discussions with Sean Carney from Stevenson High School regarding potentially adding another School Resource Officer (SRO) at Stevenson High School. Village Manager Burke noted there is already one SRO at Stevenson and the agreement the Village has requires Stevenson to pay the full salary of the SRO. Staff is in the process of looking at the current agreement and what the addition will be. Village Manager Burke noted the current SRO is looking to retire at the end of the year and the Village is currently recruiting for this internally and an additional SRO would not be added until the beginning of next year. Staff will continue to update the Board.

5.2 4th of July Ticket Booth Volunteers

Mayor Brandt noted there are still openings for Ticket Booth Volunteers at the 4th of July celebration if any of the Board would like to sign up to volunteer for some of the day.

6.0 EXECUTIVE SESSION

7.0 ADJOURNMENT

Trustee Grujanac moved and Trustee Servi seconded the motion to adjourn. Upon a voice vote, the motion was approved unanimously and Mayor Brandt declared the meeting adjourned at 8:55 p.m.

Respectfully submitted,

VILLAGE OF LINCOLNSHIRE

Barbara Mastandrea
Deputy Village Clerk

REQUEST FOR BOARD ACTION
Committee of the Whole Meeting
June 25, 2018

Subject: Resolution Regarding Potential Stormwater Impact of Planned Foxconn Development in Southeastern Wisconsin

Action Requested: Consideration of a Resolution Supporting Execution of and Compliance with Environmental Regulations and Laws for the Foxconn Development in the Des Plaines River Watershed (Village of Lincolnshire)

Originated By/Contact: Brad Burke, Village Manager
Ben Gilbertson, Assistant Village Manager/Community & Economic Development Director

Referred To: Village Board

Summary / Background:

Earlier this year, the State of Wisconsin passed legislation waiving environmental regulations for and providing various incentives to Foxconn, a liquid crystal display (LCD) manufacturer, for the construction of manufacturing facilities in the headwaters of the Des Plaines River. The development includes filling 26 acres of wetlands without an Environmental Impact Study in an area which will detrimentally impact people and properties within the Village of Lincolnshire and throughout Lake County. These areas have already suffered significant property damage due to flooding.

Based on concerns regarding the environmental impact of this development, various agencies within the State of Illinois - including the Attorney General - are reviewing potential actions to protect the interests of Illinois with separate resolutions expressing concerns about the development and support for actions to address the concerns. This resolution expresses the Village of Lincolnshire's concerns and asks the State of Wisconsin to ensure that all existing regulations and laws are uniformly applied in this and future cases.

Budget Impact:

None.

Service Delivery Impact:

Potentially less flood response from Village staff.

Recommendation:

Staff recommends Village Board consideration of the proposed resolution and direct placement on the July 9, 2018 Regular Village Board meeting Consent Agenda for approval.

Reports and Documents Attached:

- Proposed Resolution Supporting Execution of and Compliance with Environmental Regulations and Laws for the Foxconn Development in the Des Plaines River Watershed



Agenda Item
3.22 COW

Meeting History	
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Committee of the Whole Meeting	June 25, 2018
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**VILLAGE OF LINCOLNSHIRE
RESOLUTION NO. XXX**

**A RESOLUTION SUPPORTING EXECUTION OF AND COMPLIANCE WITH
ENVIRONMENTAL REGULATIONS AND LAWS FOR THE FOXCONN
DEVELOPMENT IN THE DES PLAINES RIVER WATERSHED**

WHEREAS, the State of Wisconsin recently passed legislation waiving environmental regulations for the Foxconn development (Foxconn) to construct manufacturing facilities within Racine County along the Wisconsin-Illinois border in the headwaters the Des Plaines River; and

WHEREAS, the project calls for 26 acres of Des Plaines River watershed wetlands to be filled with dredged materials without an Environmental Impact Study, or input from the U.S. Army Corps of Engineers; and

WHEREAS, these wetlands may not all be replaced within the same watershed, thus foregoing multi-jurisdictional cooperation to reduce river flooding; and

WHEREAS, additional development and infrastructure improvements required to support Foxconn are likely to result in additional impervious pavement and filling of more wetlands; and

WHEREAS, businesses and residents of the Village of Lincolnshire have suffered hundreds of thousands of dollars in damage and loss of business revenue due to flooding of the Des Plaines River in recent years; and

WHEREAS, the frequency of record flood events in Lincolnshire has accelerated in the last decade, as evidenced by the top 10 historic crests all occurring since 2009; and

WHEREAS, on June 12 and June 18, 2018, the Lake County Board and Village Board of Gurnee, respectively, adopted resolutions denouncing the actions of certain governmental entities in Wisconsin for expediting Foxconn and incentivizing this company to pollute and damage natural resources, thereby negatively impacting communities outside the political and geographical boundaries of the state.

NOW, THEREFORE IT BE RESOLVED by the Village of Lincolnshire as follows:

SECTION 1. We urge our neighbors and counterparts in the State of Wisconsin to immediately reconsider any actions relative to Foxconn, as well as subsequent development and infrastructure construction, that waive enforcement of or compliance with all applicable regulations and laws which compromises the environmental integrity and resiliency of natural resources to the detriment of the people and property within the Village of Lincolnshire and throughout Lake County.

SECTION 2. We support the Illinois Attorney General, Illinois General Assembly, and Illinois agencies in taking whatever actions possible to protect the Village of Lincolnshire within Lake County and the State of Illinois against the loss of water resources, potential flooding, and other ecological impacts from this development.

SECTION 3. The Village of Lincolnshire supports coordination and cooperation between the appropriate political and professional leaders in both Illinois and Wisconsin with the jurisdiction over and/or interest in the Foxconn development in Racine and Kenosha Counties, Wisconsin.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Mayor Elizabeth J. Brandt

ATTEST:

Village Clerk Barbara Mastandrea

**REQUEST FOR BOARD ACTION
Committee of the Whole
June 25, 2018**

Subject: Indian Creek Streambank Stabilization Construction

Action Requested: Consideration and Approval of a Contract with Nettle Creek Nursery of Morris, Illinois for the Construction of the Indian Creek Streambank Stabilization Project in an Amount not to Exceed \$79,990.00 (Village of Lincolnshire)

**Originated
By/Contact:** Walter Dittrich, P.E., Assistant Public Works Director/Village Engineer

Referred To: Mayor and Board of Trustees

Summary / Background:

On July 18, 2017, the owners of 175 Olde Half Day Road (the Spectrum office building) informed the Village of an issue with their parking lot being caused by the erosion of the streambank of Indian Creek. Upon additional research, staff determined that in 2005, as part of an agreement with the 175 Olde Half Day Road property owners, the Village assumed responsibility for the maintenance of the streambank as part of a larger project that involved regrading and stabilizing Indian Creek in preparation for the downtown development. This obligation was also recognized during the sale of the parcel of land to Lincolnshire Marketplace LLC for development of a Culvers restaurant. In January 2018, the Village Board approved a contract with Christopher B. Burke Engineering to perform the design and development of bid documents for the improvements which include stabilizing the streambank with rocks and vegetation, as well as repair of the guardrail and parking lot that will be impacted as a result of the work. Due to not knowing the type of material that will be excavated, two bidding alternates were utilized to secure the best pricing for the project; one which assumed that the material would require special handling of the excavated material and one which did not.

There were five bidders on the project. Staff recommends approval of a contract with the low bidder Nettle Creek Nursery of Morris, Illinois in the amount of \$77,990.00 for the bid-alternate that assumes there will be non-special waste which requires special disposal.

Budget Impact: Funding for this project has been included in the 2018 budget.

Recommendation: Approval of the bid of the lowest responsible bidder, Nettle Creek Nursery of Morris, Illinois in an amount not to exceed \$77,990.00. \$132,000 was budgeted for the engineering and construction of this project in the 2018 budget. The professional services agreement for the engineering work with Christopher B. Burke included a not to exceed amount of \$27,700. The total anticipated cost of the project including both engineering and construction is expected not to exceed \$105,690 which is \$26,310 less than the approved budget.

Reports and Documents Attached:

- Project Location Map
- Bid Tabs



**Agenda Item
3.31 COW**

Meeting History	
Initial Referral to Village Board (COW):	June 25, 2018
Regular Village Board:	July 9, 2018



1 inch equals 42 feet

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Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

VILLAGE OF LINCOLNSHIRE														Nettle Creek Nursery	
PROJ: 2018 Indian Creek Stream Stabilization				APPROVED ENGINEER'S ESTIMATE OF COST				Martam Construction		Alliance Contractors		V3 Construction Group, LTD		Copenhaver Construction	
OPNBD: JUNE 20, 2018 @ 10:00 AM															
LOCTN: LINCOLNSHIRE VILLAGE HALL, ONE OLDE HALF DAY ROAD, LINCOLNSHIRE, ILLINOIS 60069-3035															
ITEM NO.	ITEM DESCRIPTION	UNITS	QUANTITY	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST
20100500	TREE REMOVAL, ACRES	ACRE	0.08	\$15,000.00	\$1,200.00	\$15,000.00	\$1,200.00	\$30,000.00	\$2,400.00	\$70,000.00	\$5,600.00	\$22,000.00	\$1,760.00	\$10,000.00	\$800.00
20101000	TEMPORARY FENCE	FOOT	200	\$5.00	\$1,000.00	\$10.00	\$2,000.00	\$10.00	\$2,000.00	\$5.75	\$1,150.00	\$2.00	\$400.00	\$5.00	\$1,000.00
2030001000	CHANNEL EXCAVATION	L SUM	1	\$14,000.00	\$14,000.00	\$81,600.00	\$81,600.00	\$23,000.00	\$23,000.00	\$30,122.50	\$30,122.50	\$42,500.00	\$42,500.00	\$8,000.00	\$8,000.00
21101625	TOPSOIL FURNISH AND PLACE, 6"	SQ YD	140	\$11.00	\$1,540.00	\$15.00	\$2,100.00	\$22.80	\$3,192.00	\$28.00	\$3,920.00	\$7.00	\$980.00	\$18.00	\$2,520.00
25100635	HEAVY DUTY EROSION CONTROL BLANKET	SQ YD	140	\$11.00	\$1,540.00	\$25.00	\$3,500.00	\$9.70	\$1,358.00	\$11.00	\$1,540.00	\$3.00	\$420.00	\$5.00	\$700.00
28100109	STONE RIPRAP, CLASS A5 (SPECIAL)	SQ YD	235	\$125.00	\$29,375.00	\$180.00	\$42,300.00	\$245.00	\$57,575.00	\$210.00	\$49,350.00	\$112.00	\$26,320.00	\$130.00	\$30,550.00
25200200	FILTER FABRIC	SQ YD	250	\$4.00	\$1,000.00	\$10.00	\$2,500.00	\$1.00	\$250.00	\$2.75	\$687.50	\$5.00	\$1,250.00	\$2.00	\$500.00
44201723	CLASS D PATCHES, TYPE IV 6"	SQ YD	40	\$90.00	\$3,600.00	\$185.00	\$7,400.00	\$175.00	\$7,000.00	\$140.00	\$5,600.00	\$80.00	\$3,200.00	\$60.00	\$2,400.00
63000003	STEEL PLATE BEAM GUARDRAIL, TYPE A 9' POSTS	FOOT	120	\$100.00	\$12,000.00	\$85.00	\$10,200.00	\$30.00	\$3,600.00	\$75.00	\$9,000.00	\$40.00	\$4,800.00	\$46.00	\$5,520.00
63200310	GUARDRAIL REMOVAL	SQ YD	120	\$15.00	\$1,800.00	\$15.00	\$1,800.00	\$10.00	\$1,200.00	\$10.00	\$1,200.00	\$6.00	\$720.00	\$20.00	\$2,400.00
NA	SEEDING, SPECIAL	FOOT	140	\$10.00	\$1,400.00	\$15.00	\$2,100.00	\$6.60	\$924.00	\$12.00	\$1,680.00	\$6.00	\$840.00	\$10.00	\$1,400.00
NA	SILT CURTAIN	FOOT	50	\$50.00	\$2,500.00	\$100.00	\$5,000.00	\$70.00	\$3,500.00	\$23.00	\$1,150.00	\$50.00	\$2,500.00	\$60.00	\$3,000.00
NA	CONSTRUCTION LAYOUT	LSUM	1	\$4,000.00	\$4,000.00	\$3,000.00	\$3,000.00	\$2,500.00	\$2,500.00	\$5,800.00	\$5,800.00	\$7,000.00	\$7,000.00	\$2,000.00	\$2,000.00
NA	DEWATERING, TEMPORARY COFFERDAM	LSUM	1	\$15,000.00	\$15,000.00	\$54,700.00	\$54,700.00	\$5,000.00	\$5,000.00	\$16,200.00	\$16,200.00	\$3,000.00	\$3,000.00	\$4,000.00	\$4,000.00
APPROVED ENGINEER'S ESTIMATE:				\$89,955	CORRECTED:	\$219,400.00	CORRECTED:	\$113,499.00	CORRECTED:	\$133,000.00	CORRECTED:	\$95,690.00	CORRECTED:	\$64,790.00	
AS READ:				219,400.00	AS READ:	113,499.00	AS READ:	133,000.00	AS READ:	95,690.00	AS READ:	64,790.00			

APPROVED ENGINEERS
ESTIMATE OF COST

ALTERNATIVE BID (NON-SPECIAL WASTE)

ITEM NO.	ITEM DESCRIPTION	UNITS	QUANTITY	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST
20100500	TREE REMOVAL, ACRES	ACRE	0.08	\$15,000.00	\$1,200.00	\$15,000.00	\$1,200.00	\$30,000.00	\$2,400.00	\$70,000.00	\$5,600.00	\$22,000.00	\$1,760.00	\$10,000.00	\$800.00
20101000	TEMPORARY FENCE	FOOT	200	\$5.00	\$1,000.00	\$10.00	\$2,000.00	\$10.00	\$2,000.00	\$5.75	\$1,150.00	\$2.00	\$400.00	\$5.00	\$1,000.00
2030001000	CHANNEL EXCAVATION, NON-SPECIAL WASTE	L SUM	1	\$40,000.00	\$40,000.00	\$181,600.00	\$181,600.00	\$40,000.00	\$40,000.00	\$47,122.50	\$47,122.50	\$57,000.00	\$57,000.00	\$18,000.00	\$18,000.00
21101625	TOPSOIL FURNISH AND PLACE, 6"	SQ YD	140	\$11.00	\$1,540.00	\$15.00	\$2,100.00	\$22.80	\$3,192.00	\$28.00	\$3,920.00	\$7.00	\$980.00	\$18.00	\$2,520.00
25100635	HEAVY DUTY EROSION CONTROL BLANKET	SQ YD	140	\$11.00	\$1,540.00	\$25.00	\$3,500.00	\$9.70	\$1,358.00	\$11.00	\$1,540.00	\$3.00	\$420.00	\$5.00	\$700.00
28100109	STONE RIPRAP, CLASS A5 (SPECIAL)	SQ YD	235	\$125.00	\$29,375.00	\$180.00	\$42,300.00	\$245.00	\$57,575.00	\$210.00	\$49,350.00	\$112.00	\$26,320.00	\$130.00	\$30,550.00
25200200	FILTER FABRIC	SQ YD	250	\$4.00	\$1,000.00	\$10.00	\$2,500.00	\$1.00	\$250.00	\$2.75	\$687.50	\$5.00	\$1,250.00	\$2.00	\$500.00
44201723	CLASS D PATCHES, TYPE IV 6"	SQ YD	40	\$90.00	\$3,600.00	\$185.00	\$7,400.00	\$175.00	\$7,000.00	\$140.00	\$5,600.00	\$80.00	\$3,200.00	\$60.00	\$2,400.00
63000003	STEEL PLATE BEAM GUARDRAIL, TYPE A 9' POSTS	FOOT	120	\$100.00	\$12,000.00	\$85.00	\$10,200.00	\$30.00	\$3,600.00	\$75.00	\$9,000.00	\$40.00	\$4,800.00	\$66.00	\$7,920.00
63200310	GUARDRAIL REMOVAL	SQ YD	120	\$15.00	\$1,800.00	\$15.00	\$1,800.00	\$10.00	\$1,200.00	\$10.00	\$1,200.00	\$6.00	\$720.00	\$20.00	\$2,400.00
NA	SEEDING, SPECIAL	FOOT	140	\$10.00	\$1,400.00	\$15.00	\$2,100.00	\$6.60	\$924.00	\$12.00	\$1,680.00	\$6.00	\$840.00	\$10.00	\$1,400.00
NA	SILT CURTAIN	FOOT	50	\$50.00	\$2,500.00	\$100.00	\$5,000.00	\$70.00	\$3,500.00	\$23.00	\$1,150.00	\$50.00	\$2,500.00	\$60.00	\$3,000.00
NA	CONSTRUCTION LAYOUT	LSUM	1	\$4,000.00	\$4,000.00	\$3,000.00	\$3,000.00	\$2,500.00	\$2,500.00	\$5,800.00	\$5,800.00	\$7,000.00	\$7,000.00	\$2,000.00	\$2,000.00
NA	DEWATERING, TEMPORARY COFFERDAM	LSUM	1	\$15,000.00	\$15,000.00	\$54,700.00	\$54,700.00	\$5,000.00	\$5,000.00	\$16,200.00	\$16,200.00	\$3,000.00	\$3,000.00	\$4,000.00	\$4,000.00
APPROVED ENGINEER'S ESTIMATE:				\$115,955	CORRECTED:	\$319,400.00	CORRECTED:	\$130,499.00	CORRECTED:	\$150,000.00	CORRECTED:	\$110,190.00	CORRECTED:	\$77,990.00	
AS READ:				319,400.00	AS READ:	130,499.00	AS READ:	150,000.00	AS READ:	110,190.00	AS READ:	77,990.00			

REQUEST FOR BOARD ACTION
Committee of the Whole
June 25, 2018

Subject: Out of Village Sanitary Sewer Service Request for 23477 Elm Road

Action Requested: Consideration of an Out of Village Sanitary Sewer Service Request for 23477 Elm Road (Village of Lincolnshire)

Originated By/Contact: Wally Dittrich, P.E., Assistant Public Works Director/Village Engineer

Referred To: Mayor and Board of Trustees

Summary / Background:

The Village received a request from a property owner on Elm Road to connect their home to the Village's sanitary system. The proposed connection will be for the a new proposed single family residence located at 23477 Elm Road and a future 2nd house on a lot be subdivided in unincorporated Vernon Township. The attached map highlights the location of the property.

The property owner has submitted a signed and notarized "Agreement to Provide Sanitary Sewer Service" and the \$150.00 filing fee. They have also filed an Unconditional Petition for Annexation as required by Section 8-2-3-1A-2 of the Village Code. A copy of the petition is attached. As a reminder, the Village Code states;

"[t]he Village shall not be required to permit such annexation and may include conditions of annexation in any Annexation Agreement."

The Public Works department has no objections to honoring the request for connection. Should the Village Board wish to annex the properties, staff will discuss with the petitioner their desire to move forward with their request. If not, staff will assist the petitioner through the permit process.

The Village has an existing sanitary sewer main the runs along Elm Road which can serve this property.

Budget Impact:

N/A.

Service Delivery Impact:

N/A

Recommendation:

Staff recommends acceptance and approval of the petition/agreement and associated easements required to complete the water service connections.

Reports and Documents Attached:

- Location Map
- Petition of Annexation
- Water Service Agreement
- Site Plans



**Agenda Item
3.32 COW**

Meeting History	
Village Board (COW):	June 25, 2018

23477 Elm Road OOV Water/Sanitary



Map created on June 13, 2018
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The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law.
Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

PETITION FOR ANNEXATION

TO: The Mayor and Board of Trustees
of the Village of Lincolnshire,
Lake County, Illinois

The PETITIONER, **Charles Murphy**, respectfully states under oath:

1. PETITIONER is the sole owner of record of all of the following legally described land (hereinafter sometimes referred to as the "SUBJECT PROPERTY") comprising 5.031 acre(s) legally described as follows:

The north quarter of the west 2/3 of the north 15 chains of the northwest quarter of the southeast quarter of section 14, township 43, range 11, east of the third principal meridian, (except the east 400 feet thereof), in lake county, illinois.

and Commonly Known As:

23477 North Elm Road, Unincorporated Lake County, Illinois

2. The SUBJECT PROPERTY is not situated within the limits of any municipality, but is contiguous to the Village of Lincolnshire.

3. There are no electors residing on the SUBJECT PROPERTY.

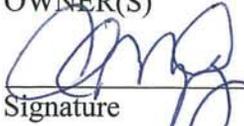
The PETITIONER respectfully requests that:

1. That the above described SUBJECT PROPERTY be annexed to the Village of Lincolnshire by ordinance by the Mayor and Board of Trustees of the Village of Lincolnshire, pursuant to Section 7-1-8 of Chapter 24 of the Illinois Municipal Code of the State of Illinois as amended.

2. That such other action be taken as is appropriate in the premises.

Dated this 20th day of April, 2018.

OWNER(S)


Signature

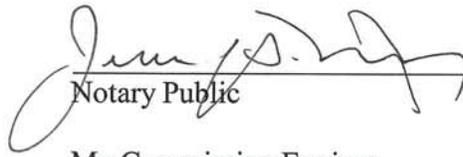
Charlie Murphy
(Print Name)

Signature

(Print Name)

Subscribed and sworn to me this 20th day of April, 2018,

by Charles Murphy


Notary Public

My Commission Expires:

5-11-2021



PETITION FOR ANNEXATION

TO: The Mayor and Board of Trustees
of the Village of Lincolnshire,
Lake County, Illinois

The PETITIONER, **Charles Murphy**, respectfully states under oath:

1. PETITIONER is the sole owner of record of all of the following legally described land (hereinafter sometimes referred to as the "SUBJECT PROPERTY") comprising 5.031 acre(s) legally described as follows:

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and Commonly Known As:

23477 North Elm Road, Unincorporated Lake County, Illinois

2. The SUBJECT PROPERTY is not situated within the limits of any municipality, but is contiguous to the Village of Lincolnshire.

3. There are no electors residing on the SUBJECT PROPERTY.

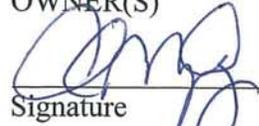
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2. That such other action be taken as is appropriate in the premises.

Dated this 20th day of April, 2018.

OWNER(S)


Signature

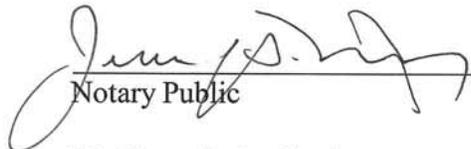
Charlie Murphy
(Print Name)

Signature

(Print Name)

Subscribed and sworn to me this 20th day of April, 2018,

by Charles Murphy


Notary Public

My Commission Expires:

5-11-2021



AGREEMENT TO PROVIDE

WATER SUPPLY AND/OR SANITARY SEWER SERVICE

THIS AGREEMENT (sometimes hereinafter referred to as “the AGREEMENT”) dated the 13th day of April, 2018, and approved by the Village Board on the _____ day of _____, 20__ by and between: The Village of Lincolnshire, a municipal corporation of the County of Lake, State of Illinois (sometimes hereinafter referred to as “the VILLAGE” and IBG Lincolnshire Elm, LLC. , (sometimes hereinafter referred to as “the OWNER”):

WITNESSETH:

WHEREAS, the VILLAGE currently operates and maintains a water main (sometimes hereinafter referred to as “the MAIN”) located in the right-of-way or easement of (road) Elm Road and

WHEREAS, the VILLAGE currently operates and maintains a sanitary sewer line (sometimes hereinafter referred to as “the LINE” located in the right-of-way or easement of Elm Road (road) and

WHEREAS, OWNER is the legal title holder of certain real estate legally described on EXHIBIT ‘A’ attached hereto and made a part hereof as if fully set forth herein, (sometimes hereinafter referred to as “the REAL ESTATE”) which real estate is located at (address) 23477 N Elm Rd., is adjacent to the LINE and MAIN, is not contiguous to the Village, and is not within

the corporate limits of any other City or Village; and

WHEREAS, the REAL ESTATE is presently vacant land; and

WHEREAS, the (watermain and/or sanitary sewer) to be constructed on the Real Estate is to be constructed according to certain plans and specifications entitled Site Development Plan and dated 04-06-2018, which plans and specifications are attached as EXHIBIT B, and which plans and specifications have been inspected and approved by the Village; and

WHEREAS, the OWNER desires that the VILLAGE provide (water supply and/or sanitary sewer) to the REAL ESTATE to such capacity and in such amounts as will adequately service the existing needs thereof for a Single-Family Residences.

WHEREAS, the VILLAGE and OWNER determine it to be to their mutual advantage and to the public interest that the REAL ESTATE be annexed to the VILLAGE; if in the sole discretion of the VILLAGE, the VILLAGE elects to do so; and

WHEREAS, the VILLAGE, prior to providing (water supply and/or sanitary sewer service) to the REAL ESTATE, desires to enter contractual agreements with the OWNER as to the terms and conditions under which such service and supply will be commenced and maintained;

NOW, THEREFORE, in consideration of the foregoing premises and in further consideration of the mutual covenants, agreements and conditions herein contained, and other good and valid consideration the parties hereto agree as follows;

1. Upon payment by the OWNER to the VILLAGE of the tap-in or connection charges in existence at the time of the actual connection under the applicable provisions of the ordinances of the VILLAGE, the VILLAGE will allow such tap-ins or connections to the LINE and MAIN as are necessary to provide (water service and/or sanitary sewer)to the REAL ESTATE in accordance with the attached EXHIBIT B.

2. Subsequent to such tap-ins or connections, the VILLAGE, subject to all rules, regulations and ordinances of the VILLAGE, will provide (water supply and/or sanitary sewer service) to the REAL ESTATE to such capacity and in such amounts as will adequately service the REAL ESTATE under its aforesaid intended usage, provided however;

(A) That the improvements to be constructed pursuant to the aforesaid plans and specifications are in no way to be changed, altered, varied or modified from the provisions of said plans and specifications without the express written approval from the Mayor and Board of Trustees.

(B) OWNER will pay all rates, fees and charges for such service and supply in effect for similar service and supply at the time of such tap-ins or connections or which may thereafter from time to time imposed therefore by the VILLAGE in accordance with normal Village procedures.

(C) OWNER acknowledges and agrees that: (i) the VILLAGE shall be constructing a new principal water main to provide water to the entire Village and that the Real Estate shall be benefited by such water main in the same proportion as if the Real Estate were within the Village; (ii) the VILLAGE may assess recapture fees or surcharges on the rates, fees and charges for water service as is required and to the extent necessary to offset the cost to construct the new principal water main; (iii) payment of such recapture fees or surcharges shall be a condition of continued service; (iv) the recapture fees or surcharges levied against the Real Estate, so long as it remains outside the boundaries of the Village, may be different from the recapture fees or surcharges levied on property within the Village, provided that such difference has a rational relationship to the sources of funding for the new water main; and (v) the OWNER, for him or herself and all persons claiming by or through the OWNER, forever waives and releases the VILLAGE from any challenge, objection or appeal of the "out-of Village"

recapture fees or surcharges assessed by the VILLAGE.

(D) Immediately upon receipt of a written request from the VILLAGE, signed by the Village Mayor, the OWNER will execute and file with the VILLAGE, a petition requesting annexation to the VILLAGE of the REAL ESTATE or any part thereof as may be so requested by the VILLAGE.

OWNER will execute such petition as the legal title holder of the REAL ESTATE and as elector residing thereon, if such is the case.

In the event there are other electors residing upon the REAL ESTATE who are not parties to this agreement, the OWNER will obtain the signatures of such electors upon the petition, if requested to do so by the VILLAGE.

In the event, at the time such request is made by the VILLAGE, it is necessary to obtain the signatures of persons other than the OWNER of the REAL ESTATE and the electors residing thereon upon such petition, the OWNER will obtain such signatures if requested to do so by the VILLAGE.

Such petition for annexation will be provided by the VILLAGE and will be in the form required under the applicable laws of the State of Illinois.

Subject to the applicable laws of the State of Illinois, the VILLAGE will at its option annex the REAL ESTATE within a reasonable time after the filing of the petition for annexation.

The OWNER will not annex the REAL ESTATE to any other municipality without the approval in writing of the VILLAGE. Should such REAL ESTATE be annexed into another municipality, the VILLAGE may, at its sole discretion, cause the (water supply and /or sanitary sewer service) to be disconnected.

(E) OWNER shall reimburse VILLAGE for, or directly and promptly pay, all expenses and

costs incurred by the VILLAGE in the preparation of this Agreement and in preparation of, or adoption, recording and filing of any ordinances, petitions or notices required hereunder including but not limited to: (1) Attorneys fees and expenses, (2) Surveyors fees and expenses, (3) Recording fees, (4) Publication costs, (5) Engineering fees and expenses and (6) Planning fees and expenses.

3. The use of the REAL ESTATE shall not change without the expressed written approval of the VILLAGE as long as (water service and/or sanitary sewer service) is hence provided by the VILLAGE. If the use changes without this expressed written consent, the VILLAGE may, at its sole discretion, cause the (water service and/or sanitary sewer service) to be disconnected.

4. This AGREEMENT and each and all of the covenants, obligations and conditions hereof, shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the OWNER and the successors in the office of the officers of the VILLAGE, and any successor municipal corporation of the VILLAGE.

5. All notices given under this AGREEMENT shall be given in writing by depositing the same in the United States Mail, registered or certified, postage prepaid, enclosed in an envelope addressed to the party to be notified, as follows:

If to OWNER, to: _____
(name)

(address)

If to VILLAGE, to: Village Manager, Village Hall

One Olde Half Day Road
Lincolnshire, IL 60069

or to any other address that any of the respective parties may, in writing, indicate for such party.

6. Failure of any party to the AGREEMENT to insist upon the strict and prompt performance to the terms, covenants, agreements and conditions herein contained, or any of them, upon any other party imposed, shall not constitute or be construed as a waiver or relinquishment of any party's right thereafter to enforce any such term, covenant, agreement or condition, but the same shall continue in full force and effect.

7. This AGREEMENT sets forth all promises, inducements, agreements, condition or understandings either oral or written, expressed or implied between them, other than are herein set forth. No subsequent alteration, amendment, change or addition to the AGREEMENT shall be binding upon the parties hereto unless reduced in writing and signed by them.

8. The submission of the AGREEMENT for examination does not constitute an offer to enter into the AGREEMENT and this AGREEMENT becomes effective only upon execution thereof by the parties hereto.

9. This AGREEMENT, upon signing by all parties hereto, shall be recorded by the VILLAGE in the office of the Recorder of Deeds in Lake County, Illinois.

10. Annexation and Terms of Village Code Sections 8-2-3-1 and 8-2A-1

10.1 This Agreement shall not be valid unless the Owner has done the following:

- (1) If the Property is contiguous to the Village, filed with the Village a fully executed and unconditional Petition to Annex the property to the Village, as approved by the Village Attorney.
- (2) If the Property is not contiguous to the Village, executed an Annexation

Agreement, approved by the Village, which shall contain, among other matters, an agreement to file an unconditional Petition to Annex the property to the Village as soon as the property becomes contiguous to the Village.

10.2 Village Code Sections 8-2-3-1 and 8-2A-1 are made a part of this Agreement as though fully set forth in this Agreement.

11. Application for Connect.

The Owner's Application for Connection is attached to and made a part of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed the day and year first above written.

VILLAGE OF LINCOLNSHIRE

LAKE COUNTY, ILLINOIS

By: _____

Mayor

ATTEST:

Clerk

OWNER(S)



STATE OF ILLINOIS)

) SS.

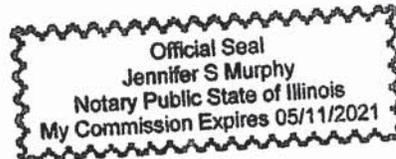
COUNTY OF LAKE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, do hereby certify, that Charlie Murphy, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Owner, he signed and delivered the said instrument as Owner of said IBG Lincroshire Elm, LLC.

Given under my hand and seal this 13 day of April, 2018



Notary Public



STATE OF ILLINOIS)

) SS.

COUNTY OF LAKE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, do hereby certify, that ELIZABETH BRANDT and BARBARA MASTANDREA, personally known to me to be respectfully the Mayor and Clerk of the Village of Lincolnshire, Lake County, Illinois, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared to me this day in person and severally acknowledged that as such Mayor and Clerk they signed and delivered the said instrument as Mayor and Clerk of said Village, and caused the corporate seal of said Village to be affixed thereto, pursuant to authority given by the Board of Trustees of said Village as their free and voluntary act, and as the free and voluntary act and deed of said Village for the uses and purposes therein set forth.

Given under my hand and seal this _____ day of _____, 20__.

**REQUEST FOR BOARD ACTION
Committee of the Whole Meeting
June 25, 2018**

Subject: Consideration and Discussion of the Use of Village Streets by CDW for a Charitable 5K Run/Walk from 8:00 AM until 10:30 AM on Sunday, July 29, 2018.

Action Requested: Consideration, Discussion of Fee Waiver and Street Usage and Direct Placement on the July 9, 2018 Consent Agenda for Approval

Originated By/Contact: Walter R. Dittrich, Assistant Public Works Director/Village Engineer

Referred To: Mayor and Board of Trustees

Summary/Background:

CDW requests a permit to utilize Village streets for their charitable 5K Run/Walk on Sunday, July 29, 2018 from 8:00 AM to 10:30 AM. The request is made pursuant to the "Village Street Use Policy" which requires Village Board approval of a permit prior to issuance. CDW requests the \$1,000 bond be waived, which the Village has traditionally done in the past for charitable events.

Budget Impact:

CDW will be contracting Lincolnshire Police Department to provide public safety for the duration of the event. Police Department staff will be closing off one lane of Westminster Way for racers who are returning to CDW from Half Day Road. The total estimated cost for two hours of public safety personnel will be \$270 and will be paid in full by CDW. The total event will come at no direct costs to the Village.

Service Delivery Impact:

CDW proposes to use a course beginning atop the parking deck and along the tollway side of the Complex rounding to pond side along Tri-State International Drive, going left onto Westminster Way to Sutton Court, making a right onto Windsor Drive, right onto Canterbury Road, a left onto Kings Cross Drive, a right onto Berkshire Lane, and then a right on Half Day Road, heading back to the Complex down Westminster Way to 25/75 Tri-State. During the race, one lane will be closed by the Lincolnshire Police Department on Westminster Way to assure racers a safe route back to CDW. CDW staff have been communicating with the Lincolnshire Police Department on public safety needs and cost of needed personnel the day of the event.

Currently a contractor is working to complete work on a water main and street resurfacing project on Westminster Way, all construction work is scheduled to be completed by July 20.

Recommendation:

Staff supports the requested waiver of the bond as it is consistent with past practice. Additionally, staff recommends approval of the permit subject CDW completing the following activities in conjunction with this permit:

1. Send a letter to all properties who will be impacted on the race course notifying them of the event. The letter should be delivered to the properties via U.S. mail a minimum of 10 days but no more than 21 days prior to the event.

Staff will place notice of the race in the Village's newsletter, website, e-news and social media posts prior to the race. Staff also plans to use the mobile message boards to inform residents of the planned race.

Reports and Documents Attached

- Letter from CDW requesting to utilize Village Streets
- Letter from Children's Miracle Network Hospitals Confirming Charitable Fundraising
- Village Street Usage Permit Application
- Village Street Usage Policy
- Required Certificate of Insurance
- Map of Race Route

Meeting History	
Initial Village Board Review (COW):	June 25, 2018

May 25, 2018

Mr. Walter R. Dittrich, P.E.
Assistant Public Works Director/Village Engineer
Village of Lincolnshire
One Old Half Day Road
Lincolnshire, IL 60069

Re: CDW – Sunday, July 29, 2018 - Charitable 5K Run/Walk

- 25-75 Tri-State International Office Center
- Lincolnshire, IL 60069

Dear Wally,

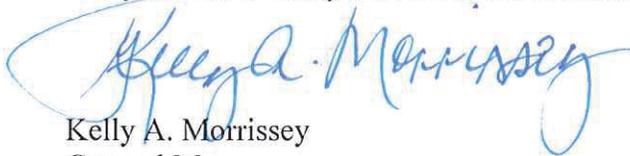
Hope this letter finds you well. Please be advised that CDW would like to hold their Charitable 5K Run/Walk on Sunday, July 29, 2018 from the hours of 8:00 a.m. until 10:30 a.m.

Ownership has approved the event to begin and end at the Complex. Enclosed is a completed Temporary Use Permit Application as required.

The event would start atop the CDW parking deck and then along the tollway side of the Complex rounding to pond side along Tri-State Int'l. Drive, taking a left onto Westminster to Sutton Court, making a right onto Windsor, right onto Canterbury, a left onto Kings Crossing Drive, a right onto Berkshire and then a right on Half Day Road heading back to the Complex down Westminster to 25/75 Tri-State.

We would appreciate the Board's consideration to waive the \$1,000 bond for this event. CDW and Bradford Allen would take care of any type of reasonable damage that may occur.

Sincerely,
Bradford Allen Realty Services/TCN Worldwide



Kelly A. Morrissey
General Manager

Encl.

Cc: Michele Marx, CDW

February 28, 2018



Sandy Pierantoni
Sr. Program Manager, Community Relations
CDW
sandpie@cdw.com

Re: Fundraising Authorization

Dear Sandy:

I am writing to confirm that Children's Miracle Network Hospitals is aware that CDW conducts an annual Fun Drive for charitable purposes and that CDW is authorized to raise funds through various means on behalf of Children's Miracle Network Hospitals.

Please do not hesitate to contact me if you have any other needs.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Andrew Sjoblom', located below the word 'Sincerely,'.

Andrew Sjoblom
Associate General Counsel



VILLAGE STREET USAGE POLICY January 2012

Policy Statement

To provide limitations to the number of events held on Village streets and to establish guidelines for the approval, pre-race coordination, race day set-up and clean-up process.

Criteria for Use

The following are the criteria that an organization must meet in order to be considered for approval:

1. The organization must be not-for-profit and must have a significant relationship to the Lincolnshire community. A significant relationship with the Village can be demonstrated by meeting one of the following:
 - A. Having a membership of which 55% or more reside within the corporate limits of the Village.
 - B. Having a charter or other official recognition by a parent state or national organization that designates it a Lincolnshire chapter.
 - C. The Corporate Authorities hereby find that the following organizations satisfy the foregoing criteria in subparagraphs (A) and/or (B):

Friends of Ryerson Woods/River Committee of Lincolnshire
Lincolnshire Community Association
Lincolnshire Garden Club
Lincolnshire Community Nursery School
Lincolnshire Sports Association
Lincolnshire Swim Club
Riverside Foundation Auxiliary
Greater Lincolnshire Chamber of Commerce
School District #103 Foundation
School District #103 Parent-Teacher Organization
School District #125 Foundation
Village Club of Lincolnshire

Houses of Worship
Homeowners association management offices that serve residential developments in Lincolnshire
Cub Scouts, Boy Scouts and Eagle Scouts
Brownies & Girl Scouts
Y Princesses and Y Guides
League of Women Voters
Lincolnshire Morningstar Rotary Club
Toastmaster of Lincolnshire

2. Being one of the following taxing bodies serving Village residents:

Lincolnshire-Riverwoods Fire Protection District
School District #103
School District #125
Vernon Area Public Library
Vernon Township
West Deerfield Township

3. Being one of the following entities serving the Village:

Federal, State and Local Representatives for purposes of holding Town Meetings, which will not be allowed within 30 days of an election if the representatives are running for office.

Being an organization of Lincolnshire business whose purpose is to support and encourage business within the Village

4. Being an organization which provides a recreational service within Lincolnshire
5. Being an organization which provides services for people with special needs:

Special Recreation Association of Central Lake Count (SRACLC)
Riverside Foundation

If the organization does not meet the above criteria, then they shall have an opportunity to present to the Mayor and Board of Trustees an explanation for consideration.

Number of Events

There shall be an opportunity for three (3) events to be held on Village streets per year. Each event will be limited to 1,000 participants. One each in the Spring, Summer and Fall. The Spring designation will be the months of March, April and May. The Summer will be June, July

and August, and the Fall will be September and October. There shall not be any activities allowed during November, December, January and February. This is due to the leaf collection and snow and ice control programs. The awarding of a Spring, Summer and Fall time slot shall be on a first come, first served basis. However, the previous year's event shall have priority over any new applicant.

Example: If an organization has held a run/walk in Lincolnshire for ten consecutive years in the summer and normally approaches the Village for approval in January and a new organization requests the summer time slot and their request is given to staff prior to the 10 year organization, then the Village would contact the incumbent group and inform them of the potential competition and secure a commitment. If the ten year organization declines to request a reservation, then the new group would take over that time slot and have first right of refusal power the following year.

Approval

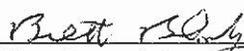
The organization must present to the Mayor and Board of Trustees in writing its intent and ability to meet the criteria as set forth. This information will be discussed at a Committee of the Whole meeting and voted on at a subsequent Village Board meeting.

- A. The organization will be required to provide the Village with a Certificate of Insurance in the amount of one (1) million dollars to cover any liability.
- B. A cash bond in the amount of \$1,000.00 will be required for maintenance.

Pre Race and Race Day Coordination

There shall be a single contact person the Village can communicate with during the entire process. This person will make a presentation to the Mayor and Board of Trustees, hold a minimum of one meeting with the Lincolnshire Police and Public Works Departments and Lincolnshire - Riverwoods Fire Protection District personnel and be present on the race day for the event and final clean up. **The start/finish and race course area shall be returned to its original condition within 8 hours of the completion of the event.**

There shall be no advertising signage allowed and disruption of the neighborhood should be held to an absolute minimum.


Brett Blomberg, Mayor



One Olde Half Day Road
 Lincolnshire, IL 60069
 Ph: 847.883.8600 | Fax: 847.883.8608
www.village.lincolnshire.il.us

STAMP HERE

VILLAGE STREET USAGE PERMIT APPLICATION

Permit # _____

APPLICANT INFORMATION

Name of Event: Charitable 5K Run/Walk Group Sponsoring Event: CDW, LLC
 Name of Event Director: Michele Marx & Kelly Morrissey (Bradford Allen)
 Address: 75 Tri-State Int'l. Drive Unit #: _____
 City: Lincolnshire State: IL Zip Code: 60069
 Telephone: 312-705-3282 Business: (Same)
 Email: michnie@cdw.com
 Date & Time _____
 Requested by: Kelly A. Morrissey, General Manager for CDW Center, LLC a/k/a Tri-State Int'l. Office Center

Spring (March, April, May)	Summer (June, July, Aug.)	Fall (Sept., Oct.)
-----------------------------------	----------------------------------	---------------------------

Date of Event: Sunday, July 29th, 2018
 Starting Time: 8:00 am
 Est. Number of Participants _____
 Ending Time: 10:30 am

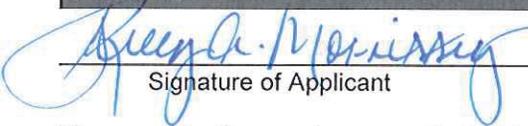
Has your group held an event in Lincolnshire before? Yes No
 If so, when was the most recent event? A Complex "only" event was held in July, 2017

How many consecutive years has the event been held? _____

Medical personnel must be present during the entire event. Please list the names of the doctors who will be participating: TBD

- A cash bond in the amount of \$1,000 is required and must be submitted at least 30 days prior to the event.
- A Certificate of insurance must be provided to the village showing the applicant has coverage of comprehensive general liability and automobile liability in a minimum amount of one (1) million dollars.
- There shall be a maximum of 1,000 participants and the event shall be limited to 3.1 miles or 5km.

SIGNATURE



 Signature of Applicant

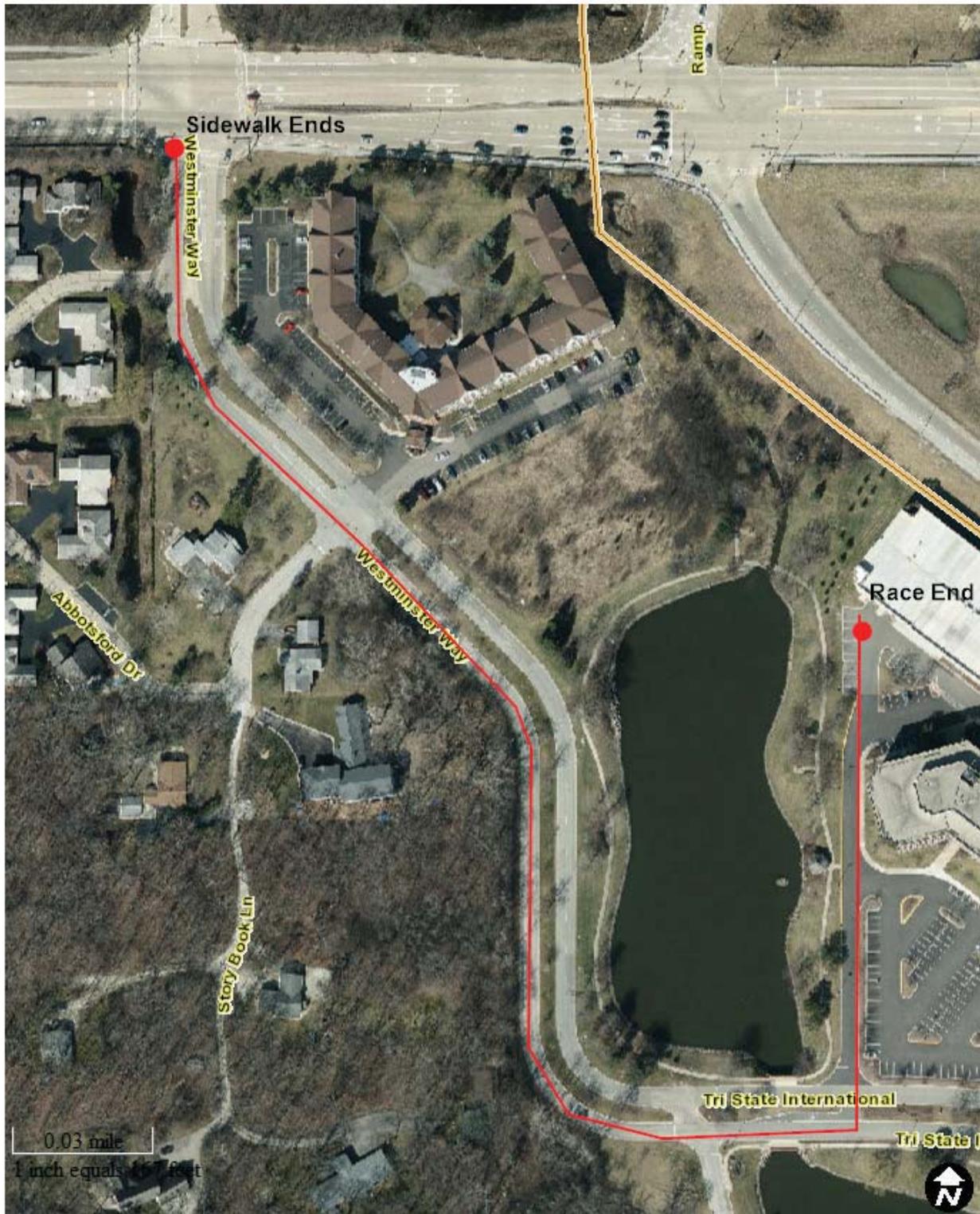
Kelly A. Morrissey, General Manager for CDW Center, LLC

 Printed Name and Title

The permit for the event proposed is hereby approved, based upon the information contained in this application and the provisions of the Village Code and Village Street Usage Policy. THIS PERMIT MAY BE REVOKED FOR DUE CAUSE OR IN CASE OF AN EMERGENCY AT THE SOLE DISCRETION OF THE VILLAGE

Date Approved: _____

 Public Works Director



Map created on May 30, 2018.

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Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

**REQUEST FOR BOARD ACTION
Village Board
June 25, 2018**

Subject:	Consideration of Requested Fee Waiver
Action Requested:	Consideration of Permit Fee Waiver, per Section 5-3-2A of the Lincolnshire Village Code (Adlai E. Stevenson High School, District 125)
Originated By/Contact:	Walter R. Dittrich, Assistant Public Works Director/Village Engineer
Referred To:	Village Board

Background:

Adlai E. Stevenson High School, District 125, requests a waiver of internal review fees (up to \$5,000) required for the proposed Port Clinton Road extension at the entrance to Stevenson High School. Based on Village Code Section 5-3-2A, regarding Not-For-Profit Fees, this request meets the criteria established to define a charitable organization. District 125 requests waiver of Village permit fees only. Out-of-pocket costs for outside consultant reviews or inspections, and any attorney's fees will be calculated and are still due. District 125 has received the permit for this improvement, and is expecting the project to be complete before the start of the 2018/2019 school year.

In the past the Village Board has waived similar permit fees under the provisions of Village Code Section 5-3-2A for Vernon Area Library District, Vernon Township, District 103, the Lincolnshire-Riverwoods Fire Protection District, as well as other District 125 projects including the current building addition and work on the special education house off of Port Clinton Road.

Budget Impact:

Permit fees being waived amount to \$2,125.00.

Service Delivery Impact:

N/A

Recommendation:

Staff recommend the request to waive Village internal review fees, in accordance with Section 5-3-2A of the Village Code, to be consistent with previous practices and be placed on the July 9, 2018 Consent Agenda for final board approval.

Reports and Documents Attached:

Letter from Assistant Superintendent for Business Sean Carney, dated May 22, 2018.

Meeting History	
Initial Referral to Village Board (COW):	June 25, 2018
Regular Village Board Meeting: (anticipated)	July 9, 2018



Adlai E. Stevenson High School

May 22, 2018

Mayor Elizabeth J. Brandt
Board of Trustees
One Olde Half Day
Lincolnshire, IL 60069

Dear Mayor Brandt,

I am writing to request a waiver of the Village fee's associated with the road work construction at the intersection of Port Clinton Road and Stevenson Drive.

As you are aware Adlai E. Stevenson High School qualifies under the State of Illinois as a non-profit organization. In addition, an overwhelming majority of our revenue comes from taxpayers within the community. As evidence of our non-profit status, I've included a copy of our W-9 as well as our certificate of tax exemption issued by the Illinois Department of Revenue.

If you have any questions or concern, please feel free to contact me at (847) 415-4117.

Sincerely,

Sean P. Carney

**ASSISTANT
SUPERINTENDENT FOR
BUSINESS**

Sean Carney
scarney@d125.org
847-415-4117

DIRECTOR'S ASSISTANT

Lorena Garcia
lgarcia@d125.org
847-415-4119

"SUCCESS FOR
EVERY STUDENT"

**COMMITTEE OF THE WHOLE
REQUEST FOR BOARD ACTION
June 25, 2018**

Subject: Consideration and Discussion of the Use of North Park for National Night Out on August 3, 2018 (Village of Lincolnshire)

Action Requested: Recommend Approval to Village Board of Trustees

Originated By/Contact: Joseph Leonas, Chief of Police

Referred To: Mayor and Board of Trustees

Summary / Background:

The Police Department requests the use of North Park on Friday, August 3, 2018 to conduct its annual National Night Out. Last year's event built on the success of previous years with more than 1,000 residents, family, and friends attending. The event will again be conducted from 5:00 p.m. to 8:00 p.m., but set-up will commence much earlier in the day and clean-up will take an hour or two after the event. Should the weather not allow NNO to commence at North Park, District 103 granted the police department permission to use Daniel Wright Junior High School for hold the event. Commander Kim Covelli and Officer Bethany Brown will be coordinating this year's event. Last year, the Police Department held its "Cruisin' With Cops" classic car cruise night on the Friday night preceding National Night Out. The Police Department will again be sponsoring a "Cruisin' With Cops" lead-in event on Friday, July 27, 2018 from 6:00 p.m. to 9:00 p.m. in The Fresh Market parking lot. In the event of rain on the Friday, there is a rain date scheduled for the next day on Saturday, July 30, 2018 from 12:00 p.m. to 3:00 p.m. The Lincolnshire Park Board reviewed the North Park use request at its meeting on Monday, June 18, 2018. Members of the Park Board voted unanimously to recommend the Village Board approve the use of North Park by the Police Department for National Night Out.

Budget Impact: All costs incurred by the Police Department (i.e., supplies and overtime) to sponsor this event are included in the Police Department's annual operating budget. The Public Works Department also has considerable staff time involved in this event for site preparation, set-up, and clean-up. Some overtime is incurred by Public Works as well.

Service Delivery Impact: This event will not have any adverse impact on the delivery of police services. The purpose of this event is to enhance police-community relations.

Recommendation: Staff recommends Village Board approval of this request to hold National Night Out on August 3, 2018 at North Park.

Reports and Documents Attached:

- National Night Out 2018 Flyer
- Cruisin' With Cops 2018 Flyer

Meeting History	
COW (Committee of the Whole)	June 25, 2018

NATIONAL NIGHT OUT



WHEN

August 3, 2018

5pm - 8pm

WHERE

North Park

1025 Riverwoods Road

Lincolnshire, IL

(Rain Location - Daniel Wright Junior High School, 1370 Riverwoods Rd.)



FEATURING • **Bingo** • **K-9 Demonstration** • **Water Slide** (bring bathing suit) • **Water Balloon Toss Competition** • **Bounce Houses** • **Food Items & Treats** • **Police Cars and other Emergency Vehicles on Display**



Contact Officer Bethany Brown
bbrown@lincolnshireil.gov
www.lincolnshireil.gov

ALL AGES
EVENT



KEY SPONSOR



Cruisin' With Cops

Friday, July 27th

6pm - 9pm

At The Fresh Market

475 Milwaukee Ave. Lincolnshire, IL

- ⇒ Unique, Classic, Race Cars
- ⇒ All Car Clubs Welcome
- ⇒ Entertainment
- ⇒ Food & Drink



- No Fee for Cars - Contact Officer Bethany Brown at 847-913-2354 or bbrown@lincolnshireil.gov to register a car
- Rain date: Saturday, July 28th, Noon - 3pm
- Visit www.lincolnshireil.gov



Village of Lincolnshire
One Olde Half Day Road, Lincolnshire, IL 60069

REQUEST FOR BOARD ACTION
Committee of the Whole Meeting
June 25, 2018

Subject: Possible Changes to Village of Lincolnshire Amusement License Requirements & Admission Tax

Action Requested: Continued Consideration and Discussion of Potential Changes to Lincolnshire Admission Tax (Village of Lincolnshire)

Originated By: Brad Burke, Village Manager
Michael R. Peterson, Finance Director/Treasurer

Referred To: Mayor Brandt and Board of Trustees

Summary/ Background:

As a result of the loss of significant sales tax revenue experienced in 2016 and 2017, the Village Board set an organizational goal for staff to complete a comprehensive review of all revenues and report back with recommendations on any changes needed. This goal was also included as part of the 2018 Budget, as staff continues to complete a review of Village revenue sources. In 2017, staff made several recommendations approved by the Village Board which have subsequently been implemented. These changes included: increase in Home Rule Sales Tax (½%); creation of Food & Beverage Tax (1%); and increase in water rates (5%).

Staff has studied the Village's Admission Tax ordinance to determine if any recommended changes were warranted. The last time the Village Board amended the admissions tax was in 1998. The following is a summary of discussion regarding amusement tax and licensing that took place at the June 11, 2018 Committee of the Whole meeting.

Update since June 11, 2018 Committee of the Whole Meeting

At the June 11, 2018 Committee of the Whole meeting, staff discussed the proposed 4% admissions tax and how this rate compares to several Chicago region communities surveyed. Of the 13 communities who responded to a survey on admission/amusement tax, 4% is slightly below the average tax rate of 4.08%. (Note: this excludes the City of Chicago which employs a 9% admissions tax. See the Admission Tax Chart in the attachments for the list of communities and their respective tax rates.)

Staff also presented information on the impact of a potential fee increase on a variety of activities currently not subject to the tax. The Board requested staff to calculate the incremental impact of the proposed 4% admissions tax compared with current admissions tax rates (if applicable). Below is an updated table reflecting those potential increases.

REGAL CINEMA – ADMISSIONS TAX – ADULT TICKET @ \$12.00

	4.0% Tax
Amount of Tax	\$0.48
Difference from Current 4.0% Tax	No change
Total Ticket Price	\$12.48

MARRIOTT THEATRE – ADMISSIONS TAX IMPACT – WEEKEND TICKET @ \$57.00

	1.5% (Current Rate)	2.0%	2.5%	3.0%	3.5%	4.0%
Amount of Tax	\$0.86	\$1.14	\$1.43	\$1.71	\$2.00	\$2.28
Difference from Current Tax	No Change	\$0.28	\$0.57	\$0.85	\$1.14	\$1.42
Total Ticket Price	\$57.86	\$58.14	\$58.43	\$58.71	\$59.00	\$59.28

OTHER USES – ADMISSIONS TAX IMPACT

Activity	Admission Price	1.5%	2.0%	2.5%	3.0%	3.5%	4.0%
Crain's Landing - Weekend 18-Hole	\$59.00	\$0.89	\$1.18	\$1.48	\$1.77	\$2.07	\$2.36
Lincolnshire Club - Court Rental (non-member)	\$48.00	\$0.72	\$0.96	\$1.20	\$1.44	\$1.68	\$1.92
Par King - Weekend Evening Play	\$9.50	\$0.14	\$0.19	\$0.24	\$0.29	\$0.33	\$0.38
College Park Athletic Club - Court Rental (non-member)	\$32.00	\$0.48	\$0.64	\$0.80	\$0.96	\$1.12	\$1.28

The Board also requested staff estimate the impact to the uses currently assessing an admissions tax, with increments of up to 4%. Regal Cinema is presently charged a 4% admissions tax; therefore, a uniform admission tax for all activities at 4% would not generate additional revenue. The only other use currently paying an admissions tax is Marriott Theatre at a rate of 1.5%. The table below depicts the impact of an increase admission tax in half percent increments based on existing theater revenues from 2014-2017.

Marriot Theatre Admissions Tax Revenue Difference from Revenue Generated at 1.5% Admissions Tax					
Tax Rate	2014	2015	2016	2017	Total
2.0%	\$42,519	\$40,439	\$41,684	\$38,778	\$163,421
2.5%	\$85,038	\$80,879	\$83,368	\$77,557	\$326,842
3.0%	\$127,557	\$121,318	\$125,052	\$116,335	\$490,263
3.5%	\$170,076	\$161,757	\$166,737	\$155,114	\$653,684
4.0%	\$212,595	\$202,197	\$208,421	\$193,892	\$817,104

Budget Impact: The Village typically receives between \$260,000 to \$300,000 annually in Admission Tax revenues from Regal Cinema and Marriott Theater. Any change in the existing fee schedule which would expand the types of applicable, taxable activities would result in additional General Fund revenues.

Reports and Documents Attached:

- Proposed Ordinance Amending the Comprehensive Fee & Tax Schedule Related to Admission Tax and Amending the Lincolnshire Village Code Pertaining to Licensing Amusements
- June 11, 2018 Committee of the Whole Agenda Materials Pertaining to Admissions Tax

Meeting History	
Committee of the Whole Meeting:	January 22, 2018
Committee of the Whole Meeting:	May 29, 2018
Committee of the Whole Meeting:	June 11, 2018
Committee of the Whole Meeting:	June 25, 2018

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 15, TITLE 1, SECTION 8 –
COMPREHENSIVE FEE SCHEDULE AND CHAPTER 4 OF TITLE 3 – BUSINESS
AND LICENSE REGULATIONS OF THE LINCOLNSHIRE VILLAGE CODE RELATED
TO ADMISSION TAX FEES AND AMUSEMENTS**

WHEREAS, the Village of Lincolnshire (the “Village”), is an Illinois home rule municipal corporation organized and operating pursuant to Article VII of the Illinois Constitution of 1970; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution of 1970, the Village may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to tax; and

WHEREAS, from time to time the Village reviews existing local taxes to ensure that they are up to date and that they are assessed at the appropriate rates; and

WHEREAS, the Mayor and Board of Trustees have reviewed and considered the recommendations of the Village Staff and determined it is in the best interests of the Village and its residents to revise the rate and scope of the admission tax and to revise the amusement licensing regulations within the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNSHIRE, LAKE COUNTY, ILLINOIS, ACTING IN THE EXERCISE OF THEIR HOME RULE POWERS:

SECTION ONE: RECITALS. The foregoing recitals represent the purpose and intent of this Ordinance and as such shall be incorporated as though fully set forth herein. In the event of any ambiguity or invalidity regarding the enforcement of this ordinance it is the intent of the corporate authorities that this ordinance be liberally construed or reformed to accomplish the purpose and intent so described.

SECTION TWO:

A. Section 1-15 of the Village Code of the Village of Lincolnshire, under the title “Comprehensive Fee Schedule”, shall be revised as follows [added text **bolded double underlined**; deleted text struck through]:

Admission Tax on the sale price of the ticket- <u>motion picture theater</u> movie theater	4.00%	3-1-5-2
Admission Tax on the sale price of the ticket- live theater (<u>dramatic, musical, or spectacular performance or show</u>)	4.00% 4.50%	3-1-5-2
<u>Admission Tax on the sale price of the</u>	<u>4.00%</u>	<u>3-1-5-2</u>

<u>ticket or admission fee – for participation in or viewing an athletic contest, sport, game or similar exhibition open and available for public entertainment including, without being limited to, skating, dancing, swimming, riding on animals or vehicles, baseball, basketball, softball, football, tennis, golf, hockey, track and field games, and any other exhibition, performance or entertainment open to the public and show, exhibited or staged in the Village</u>		
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B. Section 3-1-5-2 of the Village Code of the Village of Lincolnshire is hereby amended to read as follows [added text **operator or host**; deleted text ~~struck through~~]:

TAX IMPOSED: A Village amusement tax is hereby levied and imposed upon the ~~patrons~~ **operator or host** of any amusement within the Village. The tax shall be equal to the ~~following~~ percentage of the receipts **set forth in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code** from admission fees or other charges (sales price of each ticket), exclusive of Federal and State taxes, to witness, view or participate in the amusement. The ultimate liability for payment of the tax shall be borne by the presenter of the amusement, but the incidence of the tax may be passed on to the ticket user or purchaser. This tax shall be in addition to any other taxes.

~~The tax for Non-Motion Picture Theater Events and Motion Picture Theater Events is as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code.~~

This tax shall not apply to or be imposed upon those witnessing, viewing, or participating in any amusement, the proceeds of which inure exclusively to the benefit of religious, charitable or education institutions or organizations, or ~~not-for-profit~~ **tax-exempt** entities duly qualified under the laws of the State of Illinois **and the Internal Revenue Code**.

SECTION THREE: Title 3, Chapter 4 of the Village Code of the Village of Lincolnshire, under the title “Amusements”, shall be revised as presented in Exhibit A [added

text **bolded and double underlined**; deleted text ~~struck through~~, attached hereto and incorporated by reference as though fully recited herein.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form.

PASSED this _____ of _____ by the Corporate Authorities of the Village of Lincolnshire on a roll call vote as follows:

AYES:

NAYS:

ABSENT:

APPROVED this _____ Day of _____.

Elizabeth J. Brandt
Mayor

ATTEST:

Barbara Mastandrea
Village Clerk

EXHIBIT A

TITLE 3. CHAPTER 4

CHAPTER 4
AMUSEMENTS

SECTION:

- 3-4-1: Scope**
- 3-4-2: License Required; Application and Fee**
- 3-4-3: Inspections**
- 3-4-4: Street Shows Regulated**
- 3-4-5: Conditions and Requirements of License**
- 3-4-6: Responsibility for Compliance**
- 3-4-7: Obscene Shows Prohibited**
- 3-4-8: Riots**

3-4-1: **SCOPE:** The provisions of this Chapter shall apply to all ~~public shows, theatricals,~~ circuses and amusements in the Village, including, but not limited, to exhibitions and carnivals, ~~athletic exhibitions, motion pictures and public dances.~~ (1971 Code, 5-1-1)

3-4-2: LICENSE REQUIRED; APPLICATION AND FEE:

- A. It shall be unlawful to conduct or operate any such amusement which is open to the public for admittance for which a fee is charged without first having obtained a license therefor, except that no license shall be required for any athletic exhibition or public dance given under the auspices of any educational, religious, not-for-profit or charitable organization. Such license shall specifically state that it is issued subject to the provisions of Section 3-4-3 of this Chapter. (1971 Code, 5-1-2)
- B. All applications for such licenses issued under this Chapter shall be made in writing to the Village Clerk in the form and manner provided in Chapter 1 of this Title, and shall include a clause whereby the applicant specifically agrees to abide by and be bound by Section 3-4-3 of this Chapter, upon his receiving the license. Such applications shall also include such information as may be required by that section of this Chapter governing the specific amusement to be licensed. (1971 Code, 5-1-3)
- C. The fee for such licenses shall be as provided in the specific Articles of this Chapter, except that no fee for such license shall be charged for amusements given under the auspices of any educational, religious, not for profit or charitable organization. (1971 Code, 5-1-4)

3-4-3: INSPECTIONS: It shall be the duty of the Village Manager or his/her designee ~~Chief of Police~~ to see that every amusement is inspected to insure that the conducting of such amusement shall not endanger the health and safety of the persons attending such amusement, and to insure conformity with the provisions of all applicable Village codes and ordinances concerning amusements.

If, upon making such inspection, the Village Manager or his/her designee ~~Chief of Police~~ shall determine that the conducting of such amusement endangers the health and safety of the persons attending same, he shall so inform the person or persons in charge of conducting the amusement whose duty it shall be to take such action as is necessary to immediately remedy the condition or conditions responsible for such danger. In the event such person or persons in charge refuse or are unable to immediately remedy such dangerous condition or conditions they shall, upon order of the Village Manager or his/her designee ~~Chief of Police~~, forthwith cease the operation or conducting of such amusement until the dangerous condition or conditions is remedied. If the person or persons in charge of the amusement shall refuse such order, the Village Manager or his/her designee ~~Chief of Police~~ is authorized to take such action as is necessary to cause the cessation of the conducting of such amusement. (1971 Code, 5-1-7)

3-4-4: STREET SHOWS REGULATED: No license shall be granted for any amusement to be given on any public street or public way in such place that the only main accommodation for the public or the audience will be in a public place, except on order of the Mayor and Board of Trustees. (1971 Code, 5-1-5)

3-4-5: CONDITIONS AND REQUIREMENTS OF LICENSE:

A. Order, Crowding:

1. The audience of any amusement must be orderly and quiet at all times, and it shall be unlawful for any person in attendance to create a disturbance in the audience.
2. It shall be unlawful to permit or gather such a crowd to witness any amusement so as to create a dangerous condition because of fire or other risk. (1971 Code, 5-1-6)

B. Smoking Prohibited: **REPEALED BY ORD. 06-2040-32, EFF. 6/26/06**

C. Exit Lights: It shall be the duty of the owner or occupant in charge of any building or hall used as an assembly hall with accommodations for fifty (50) persons or more in which theatricals, shows, amusements, lectures and other entertainment is offered, operated or presented to provide and place a sign on which the word "EXIT" shall appear in letters at least six inches (6") high, over every door or other opening from such hall to every means of egress therefrom

and a light shall be provided with a red globe and placed at or over such sign, which light shall be kept burning during the entire period that the hall is open to the public and until the audience has left the hall. (1971 Code, 5-1-14)

- D. Premises: It shall be unlawful to operate or permit the operation of any amusement licensed in this Chapter unless the premises in which such amusement is operated or permitted to be operated, conforms with all the provisions or requirements of the Village relating to public buildings and public gatherings. (1971 Code, 5-1-15)

3-4-6: RESPONSIBILITY FOR COMPLIANCE: The licensee, or in his absence, the manager or other representative in control of any room, building or other place to which the public is admitted and in which such amusement is operated or conducted, shall be responsible for full compliance with the provisions of this Chapter, all other applicable Village codes and ordinances before the public shall be admitted to such amusement. (1971 Code, 5-1-16)

3-4-7: OBSCENE SHOWS PROHIBITED: It shall be unlawful for any person to present, exhibit, conduct or take part in any obscene show, theatrical play, motion picture, exhibit or other form of public amusement or show. (1971 Code, 5-1-8)

- A. Definition: For the purposes of this Chapter, a thing is obscene if, considered as a whole, its predominant appeal is to prurient interest that is, a shameful or morbid interest in nudity, sex or excretion, and if it goes substantially beyond the customary candor in description or representation of such matters. (1971 Code, 5-1-9)

- B. Interpretation: For the purposes of this Chapter, obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children and other especially susceptible audiences if it appears from the character of the material or circumstances of its dissemination to be specifically designed for or directed to such an audience.

Where circumstances of production, presentation, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is utterly without redeeming social importance. (1971 Code, 5-1-10)

3-4-8: RIOTS: It shall be unlawful to present any public amusement or show of any kind which tends to or is calculated to cause or promote any riot or disturbance. (1971 Code, 5-1-11)

CHAPTER 4

AMUSEMENTS

ARTICLE A. EXHIBITIONS AND CARNIVAL

SECTION:

- 3-4A-1: Definitions
- 3-4A-2: Application for License, Fees
- 3-4A-3: Insurance Requirements
- 3-4A-4: Conditions of License

3-4A-1: DEFINITIONS:

CARNIVAL

Includes amusement activities, rides, merry-go-rounds, booths for the conduct of games of skill, food dispensing facilities and side shows. A carnival shall not include gambling devices, games of chance, lotteries, punch boards or other activities in violation of this Code or the Statutes of the State of Illinois.

EXHIBITION

Includes circuses, menageries, carnivals, side shows and other similar amusement enterprises which are open to the public and for which an admission fee is charged. (1971 Code, '5-2-1)

3-4A-2: APPLICATION FOR LICENSE, FEES: Application for such licenses shall state specifically the nature of the activity to be licensed and the location thereof. The license fee for said exhibitions and carnivals shall be as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code (1971 Code, '5-2-2, 23-8)(Amd. Ord. 98-1550-12, eff. 4/13/98)

3-4A-3: INSURANCE REQUIREMENTS: No license shall be issued for conducting an exhibit or carnival until the applicant therefor has placed on file with the Village Clerk a certificate or certificates of insurance indicating that there is in effect public liability insurance covering damages arising out of the use and operation of any and all devices and facilities operated in connection with said exhibition

or carnival in the minimum amount of one million dollars (\$1,000,000.00) each person and three million dollars (\$3,000,000.00) each accident. (1971 Code, 5-2-4)

3-4A-4: CONDITIONS OF LICENSE: In addition to other requirements, as set forth herein, the applicant shall furnish suitable evidence of his intention and ability to comply with the following conditions of license:

- A. Duration of Operation: No carnival or exhibit shall operate in the Village for a period exceeding seven (7) days on any site during any twelve (12) month period.
- B. Hours of Operation: Hours of operation may be established by the Village as a condition of license taking into consideration the nature of the activity, site area, proximity to other uses, nuisance factors, policing problems and other such factors as may be pertinent.
- C. Maintenance of Premises: The operator and sponsor of the carnival or exhibition shall be wholly responsible for maintaining order and for keeping the site clean, free of trash, papers and other debris. Trash containers, in adequate number shall be placed in convenient locations for the use of the public.
- D. Noise; Lights: Special conditions may be established to reduce noise level or to reduce the glare of lights on to the public streets or on to areas adjacent to the site.
- E. Zone District: Amusements, exhibitions and carnivals shall not be permitted in any area unless specifically allowed under the applicable provisions of the Village Zoning Code¹.
- F. Public Safety: No ride shall be placed into operation for public use until the same has been inspected for mechanical, structural, electrical and other hazards by the Village Manager or his/her designee ~~Director of Building and Zoning~~ and such other officers or employees of the Village having competent jurisdiction. Adequate safeguards shall be placed to protect both operators and the general public from inadvertently coming into contact with moving parts, belts, motor gears, electric switches and other possible or potential hazards.
- G. Concessions and Food Dispensing Facilities: All concessions and food dispensing facilities shall be maintained in a safe, clean condition at all times and be in accordance with the applicable provisions of this Code and the County. (1971 Code, 5-2-3)

¹See Title 6 of this Village Code.

CHAPTER 4

AMUSEMENTS

ARTICLE B. ATHLETIC EXHIBITIONS

SECTION:

~~3-4B-1: License Fees~~

~~3-4B-2: Admission of Policemen~~

~~3-4B-1: LICENSE FEES: The annual license fees for athletic events shall be as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 4 of this Code. (Amd. Ord. 98-1550-12, eff. 4/13/98)~~

~~3-4B-2: ADMISSION OF POLICEMEN: For the purpose of preserving and maintaining order, a sufficient number of policemen of the Village shall be admitted to all athletic exhibitions free of charge. (1971 Code, 5-3-1)~~

CHAPTER 4

AMUSEMENTS

ARTICLE C. MOTION PICTURES AND THEATRICALS

SECTION:

~~3-4C-1: Application for License, Fees~~

~~3-4C-2: Building Requirements~~

~~3-4C-1: APPLICATION FOR LICENSE, FEES: Applications for motion picture and theatrical licenses shall state the place of the intended performance and the seating capacity thereof. The annual license fees for such licenses shall be as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 4 of this Code (Amd. Ord. 98-1550-12, eff. 4/13/98)~~

~~3-4C-2: BUILDING REQUIREMENTS:~~

- ~~A. General: It shall be unlawful to present any motion picture in any building or structure which does not contain the number of exits required by the applicable Village codes or State Statutes concerning buildings or places intended for motion picture performances or in premises which do not comply with the provisions of this Code relating to public gatherings or in premises in which the electric wiring does not fully comply with the applicable Village codes. All places used for such motion pictures or theatricals must be kept adequately ventilated during the performance and for as long a time as the audience remains therein. (1971 Code, 5-4-3)~~
- ~~B. Exits: It shall be unlawful to obstruct or permit the obstruction of any aisles, corridors or exits leading from the room or enclosure in which a motion picture performance or theatrical is being given or in which an audience for such performance is gathered. (1971 Code, 5-4-4)~~
- ~~C. Scenery: It shall be unlawful to use any scenery in any theater other than nonflammable scenery, or such as shall have been rendered nonflammable by the application of fire-preventive coatings. (1971 Code, 5-4-2)~~

CHAPTER 4

AMUSEMENTS

ARTICLE D. PUBLIC DANCES

SECTION:

~~3-4D-1: Definition~~

~~3-4D-2: Application for License, Fees~~

~~3-4D-3: Premises Requirements~~

~~3-4D-1: **DEFINITION:** For the purpose of this Article a public dance is defined as any dance open to the public for admittance regardless of whether or not a fee is charged for admission thereto. (1971 Code, 5-5-1)~~

~~3-4D-2: **APPLICATION FOR LICENSE, FEES:** Applications shall specify the location of the proposed dance or dances and the approximate number of persons expected to be in attendance. For each dance for which an admission fee is charged, there shall be levied a license fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. (1971 Code, 5-5-2,23-8)(Amd. Ord. 98-1550-12, eff. 4/13/98)~~

~~3-4D-3: **PREMISES REQUIREMENTS:** It shall be unlawful to conduct a public dance or operate a dance hall in any hall or place which is not equipped with sufficient and adequate exits; and no hall or building which is not provided with at least two (2) exits of four feet (4') in width, shall be used for such purposes. (1971 Code, 5-5-3)~~

AMUSEMENTS

ARTICLE E. AUTOMATIC AMUSEMENT DEVICES

SECTION

- 3-4E-1: Definitions**
- 3-4E-2: License Required**
- 3-4E-3: Application for License**
- 3-4E-4: Investigation of Applicant**
- 3-4E-5 : Number and Register of Licenses**
- 3-4E-6 : Personal Nature of Licenses**
- 3-4E-7 : Individual Decals Required**
- 3-4E-8 : Responsibility for Compliance, Floor Plan Required.**
- 3-4E-9 : Fees; Display of Decal**
- 3-4E-10 : Restrictions on Operations**

3-4E-1: DEFINITIONS:

AUTOMATIC AMUSEMENT DEVICE

Any machine which upon the insertion of a coin, slug, plate, disc or token may be operated generally by the public for use as a game, entertainment or amusement whether or not registering a score. It shall include, but not be limited to, such devices as marble machines, pinball machines, pool tables and air hockey, movie and video games, booths or stands, games played with any number of balls, spheres or electrically operated devices upon a table or board having holes, pockets, cups or electrically activated devices that are activated by said balls, spheres or electrical contacts, electrical impulse and/or cathode tube games, and all games, operations or transactions similar thereto under whatever name by which they may be indicated.

Automatic Amusement Devices shall not include "Video Gaming Terminals" as such term is defined in the Video Gaming Act, 230 ILCS 40/1, et seq.

PERSON

Shall include any person, firm, corporation or association having ownership, possession and/or control of any Automatic Amusement Device.

VIDEO GAMING TERMINAL

Shall have the meaning ascribed to such term as defined in the Video Gaming Act, 230 ILCS 40/1, et seq.

3-4E-2: LICENSE REQUIRED: No person shall make available for use by the public any Automatic Amusement Devices without first obtaining an amusement device license from the Village. Application for such a license shall be made to the Police Department upon forms supplied by the Village in compliance with Section 3-4E-3. An amusement device license may be issued upon satisfying the eligibility requirements described in this Article and upon payment of the required application fee for an Automatic Amusement Device License and Device Decal as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code.

3-4E-3: APPLICATION FOR LICENSE:

A. General Information: An applicant for a license shall furnish the following information under oath:

1. The identity of the person or organization filing the application;
2. For non-individual applicants, the applicant shall identify and list the following information for any person who exercises managing control of the applicant:
 - a. Name, including all aliases and former legal names,
 - b. Residential address,
 - c. Current residential telephone number, and
 - d. Date of birth.
3. The name, address and telephone number of the owner or supplier of the device(s) for which the applicant is seeking a decal;
4. Whether the applicant or any person required to be described on the application has ever been found guilty of a gambling offense or of any violation of any State Statute or local ordinance related to taxes or the commission of any act of moral turpitude, and if so, the precise nature of the offense, the date of the conviction and the court where it was adjudicated, and the status of any post-conviction requirements (e.g. restitution, probation, etc.).

5. The address of the building where the machine(s) will be located, the type of business conducted there and the name of the business (if different from item (3)).
6. Description of the machine(s) for which the applicant is seeking a decal, including mechanical features, name and address of manufacturer, and serial number.
7. The name, address and telephone number of the landlord if the premises are leased.
8. Whether the applicant has ever had a similar license revoked or suspended by any other municipality and, if so, a summary of the circumstances related to such revocation or suspension.

B. Applicant Other Than an Individual: If said application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed by at least two (2) members of such partnership or the president and secretary of such corporation. Applications made on behalf of limited liability companies shall be signed by either the Manager or two members.

C. Application Fee Requirement: Before any action is taken upon any application as provided in this Section, the applicant shall pay to the Village the required application fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code, no part of which shall be refundable, to cover the Village's costs in reviewing and investigating such applicant.

D. Issuance Prohibited: No license shall be issued to any applicant, if the person (1) is under twenty one (21) years of age; (2) is not a citizen of the United States; (3) has been found guilty of any gambling offense, felony or crime of moral turpitude or any State Statute or local ordinance related to taxes; (4) is not of good character or reputation, or (5) the use of the premises where the Automatic Amusement Device is proposed to be located would violate the applicable zoning designation.

3-4E-4: INVESTIGATION OF APPLICANT: Each application for a license hereunder shall be referred to the Village Manager or his/her designee ~~Chief of Police~~ for investigation and verification of the stated facts. The Village Manager or his/her designee ~~Chief of Police~~ shall determine whether the applicant or any person required to be described on the application has been found guilty of a gambling offense or any State Statute or local ordinance related to taxes or the commission of any act of moral turpitude in either the State or Federal court. The Village Manager or his/her designee ~~Chief of Police~~ shall also determine whether the applicant, or any person who exercises managing control of the applicant, has employed coercive or illegal measures to promote the use of his Automated Amusement Devices or Video Gaming Terminals. The Village Manager or his/her designee ~~Chief of Police~~ shall further determine whether the applicant, or any person who exercises managing control of the applicant, are persons of good moral character. If the Village Manager or his/her

designee Chief of Police shall determine that the applicant, any person who exercises managing control of the applicant, or any of them, have in fact been found guilty or have engaged in such coercive or illegal measures or otherwise are not persons of good character and fitness, then the license shall not be issued and the Village Manager or his/her designee Chief of Police shall describe the reasons for the denial in writing within thirty (30) days of receipt of the application. If the Village Manager or his/her designee Chief of Police investigation fails to discover any disqualifying factors as described in this Article, the Village Manager or his/her designee Chief of Police shall issue the license. Any applicant for whom the Village Manager or his/her designee Chief of Police refuses to issue or renew a license for the reasons herein described, within ten (10) days of receipt of the denial may appeal the decision to the Village Board, who may review the Village Manager or his/her designee Chief of Police determination after consideration of all relevant facts and circumstances. The Village Board's decision shall be made within thirty (30) days after the filing a written notice of appeal and shall be final.

3-4E-5: NUMBER AND REGISTER OF LICENSES: The number of licenses issued and the identity of every licensee shall be kept by the Police Department.

3-4E-6: PERSONAL NATURE OF LICENSES: A license shall be purely a personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this Article provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of the testate or intestate devolution, but it shall cease upon the death or dissolution of the licensee.

3-4E-7: INDIVIDUAL DECALS REQUIRED: No person shall keep, install, maintain or permit any Automatic Amusement Device in any building or place within the Village for use by anyone other than the licensee without first having obtained a decal for each Automatic Amusement Device.

3-4E-8: RESPONSIBILITY FOR COMPLIANCE, FLOOR PLAN REQUIRED: Responsibility for compliance with the regulations pertaining to Automatic Amusement Devices shall rest with the owner and lessee of the premises where such devices are located. Each application for a decal must be accompanied by a copy of Automatic Amusement Device License, or an application therefor, and an accurate floor plan showing the exact location of each machine, provided each premises may show all proposed locations for Automatic Amusement Devices on the same floor plan. Automatic Amusement Devices may not be located at any other location within the licensed premises except as shown on the floor plan. Any licensed Automatic Amusement Device moved and located contrary to said floor plan shall result in the automatic revocation of the decal for that machine. Licensed Automatic Amusement Devices may be replaced from time to time so long as their location remains as shown on the floor plan and provided that the Village Manager or his/her designee Chief of Police of the Village

is notified of such change and the applicant pays the Automatic Amusement Device transfer fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code to cancel the decal on the replaced Device and adheres the new decal to the new or replacement Device.

3-4E-9: FEES; DISPLAY OF DECAL: Before being granted a decal, every applicant shall pay the annual fee for each calendar year as prescribed in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code.

- A. Each decal shall be valid from May 1 to April 30 each year and these fees for each decal shall not be prorated for partial years.
- B. All fees shall be paid to the Police Department which shall issue as evidence of the payment thereof for each device an adhesive decal to be placed on each device. Such decal shall bear the words, "Village of Lincolnshire" and the date it shall become void. The decal shall be placed on the device in a location where it is viewable by the public. It shall be unlawful for any person to mutilate a decal during the year for which it is issued.
- C. Each decal shall be issued only for a particular Automatic Amusement Device and may not be transferred or used in any other way whatsoever including as the required decal of any other Device whether or not the other Device is new or a replacement for the original machine. Each and every machine must have such a decal issued for its particular use after the payment of the required fee. It is the intent of this ordinance for each decal to correspond to a distinct serial number.

3-4E-10: RESTRICTIONS ON OPERATIONS: Unless otherwise specified by the Mayor and Board of Trustees, premises eligible for Automatic Amusement Devices and the location, number and manner of operating Automatic Amusement Devices shall be as determined by the Village according to the standards set forth in this Section.

- A. Only taverns, hotels, restaurants or movie theaters shall be eligible to keep Automatic Amusement Devices.
- B. Nothing in this Article shall be construed to authorize, license or permit any gambling devices whatsoever or any mechanism that has been judicially determined to be a gambling device or is in any way contrary to law. No gambling or individual wager on any Automatic Amusement Device shall be permitted.
- C. The operation of Video Gaming Terminals is prohibited. This ordinance is intended to represent the Village's election to prohibit video gaming in the manner described in Section 27 of the Video Gaming Act, 230 ILCS 40/27.
- D. The Licensee may not promise to deliver or deliver any award, prize or cash equivalent to any person in exchange for the person's performance on any Automatic Amusement Device unless: (1) the amount of the award is fixed in

advance and a schedule of prizes is available in writing; (2) the amount of the award bears no relationship to the person's skill or performance on the Device; and (3) there is no cost to participate in the contest or compete for the award.

- E.** No Automatic Amusement Device shall be operated unless the reward for skill in the operation thereof, if any, is plainly posted upon such machine or the opportunity for a reward for skill in the operation thereof is the same for each individual player. Examples of permitted rewards include free plays or recognition on a leader board operated by the owner of the premises.
- F.** No Automatic Amusement Device shall be placed in any required exit path of travel.
- G.** No Automatic Amusement Device on the premises of a retail alcoholic liquor licensee shall be used by anyone under twenty one (21) years of age unless accompanied by a parent or legal guardian.
- H.** No one under eighteen (18) years of age shall be allowed to play any Automatic Amusement Device before ten o'clock (10:00) A.M., or after ten o'clock (10:00) P.M., unless accompanied by a parent or legal guardian.
- I.** No premises shall have more than eight (8) Automatic Amusement Devices unless the premises is (i) a hotel, recreational/entertainment facility or theater complex and has a designated and physically segregated "game room", or (ii) a tavern. For qualifying hotels, theater complexes and taverns, the number of Automatic Amusement Devices shall be limited so that (i) ingress and egress to the licensed premises shall not be impaired, and (ii) the aggregate power supply required for such Devices does not exceed the electrical rating permitted for the circuit serving such premises. An applicant for a decal shall certify compliance with this provision on the floor plan accompanying the application for decals. At all times when Automatic Amusement Devices are being operated in the licensed premises no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors which shall prevent a clear view into the interior of such premises.

CHAPTER 4

AMUSEMENTS

ARTICLE F. FIREWORKS DISPLAYS

SECTION:

- 3-4F-1: Definitions
- 3-4F-2: License Required
- 3-4F-3: License; Application
- 3-4F-4: License; Display
- 3-4F-5: Consumer Fireworks
- 3-4F-6: Indoor Fireworks Use Prohibited
- 3-4F-7: Violations; Penalty

3-4F-1: DEFINITIONS:

1.3G FIREWORKS

Those fireworks used for professional outdoor displays and classified as fireworks UN0333, UN0334 or UN0335 by the United States Department of Transportation under 49 C.F.R. 172.101.

CONSUMER FIREWORKS

Those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101.

"Consumer fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

DISPLAY FIREWORKS

1.3G or special effects fireworks.

FACILITY

An area being used for the conducting of a pyrotechnic display, but does not include residential premises except for

the portion of any residential premises that is actually used in the conduct of a pyrotechnic display.

FLAME EFFECT

The detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, or audible effect before the public, invitees, or licensees, regardless of whether admission is charged, in accordance with National Fire Protection Association 160 guidelines.

LEAD PYROTECHNIC OPERATOR

An individual with overall responsibility for the safety, setup, and discharge of a pyrotechnic display and who is licensed pursuant to the Pyrotechnic Operator Licensing Act.

PERSON

An individual, firm, corporation, association, partnership, company, consortium, joint venture, or commercial entity.

PYROTECHNIC DISPLAY

The detonation, ignition, or deflagration of consumer fireworks, display fireworks or flame effects to produce visual or audible effects of a exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged.

PYROTECHNIC DISTRIBUTOR

Any person or group of persons who distributes display fireworks for sale in the State of Illinois or provides them as part of a pyrotechnic display service in the State of Illinois or provides only pyrotechnic services.

SPECIAL EFFECTS FIREWORKS

Pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such or identified as "intended for indoor use". "Special effects fireworks" are classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 C.F.R. 172.101.

3-4F-2: LICENSE REQUIRED:

- A. Prohibition: No person may provide a Pyrotechnic Display without a license issued by the Village Manager. Every Pyrotechnic Display performed on separate dates or at separate Facilities must be issued a separate and distinct license.

- B. Pyrotechnic Distributor: No person may operate as a Pyrotechnic Distributor within the Village without first obtaining a Pyrotechnic Distributor's License from the Office of the State Fire Marshall.
- C. Lead Pyrotechnic Operator: No person may act as the Lead Pyrotechnic Operator for a Pyrotechnic Display within the Village without first obtaining a Lead Pyrotechnic Operator's License from the Office of the State Fire Marshall.
- D. Eligibility: No person except the Village or its designee is eligible for a license to provide a Pyrotechnic Display. (Amd. Ord. 10-3166-43, eff. 9/27/10)

3-4F-3: LICENSE; APPLICATION:

- A. General Information. An applicant for a Village license to perform a Pyrotechnic Display must submit a written application to the Village Manager containing not less than the following:
 - 1. Name of the Pyrotechnic Distributor.
 - 2. Name of the Lead Pyrotechnic Operator for the Pyrotechnic Display for which the application has been submitted.
 - 3. Copies of the applicable Pyrotechnic Distributor and Lead Pyrotechnic Operator licenses issued by the Office of the State Fire Marshall.
 - 4. The Facility where the Pyrotechnic Display is proposed to be provided.
 - 5. Evidence of the types and amounts of insurance required by the Pyrotechnic Distributor and Operator Licensing Act.
- B. Timing. All applications to perform a Pyrotechnic Display must be submitted to the Village Manager not less than 10 days prior to the date proposed for the Pyrotechnic Display.
- C. Cosignature. Any license issued by the Village Manager shall not be effective unless and until it is co-signed by an authorized officer of the Lincolnshire-Riverwoods Fire Protection District. Any license which does not receive the countersignature by an authorized officer of the Lincolnshire-Riverwoods Fire Protection District within 7 days from the date of issuance shall be null and void.
- D. Expiration. All licenses issued shall expire 30 days from the date of issuance unless an earlier date is expressly indicated on the license.
- E. License Fee. All applicants for a Pyrotechnic Display license shall pay to the Village an application fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code, no part of which shall be refundable, to cover the Village's costs in reviewing and investigating such applicant.

- 3-4F-4: LICENSE; DISPLAY:** All licenses issued by the Village Manager must be made conveniently available for review and inspection upon demand by any authorized officer of the Village, including the Village Manager, his designee or any police officer.
- 3-4F-5: CONSUMER FIREWORKS:** Nothing herein shall be construed to provide for a license for the private outdoor use of Consumer Fireworks by the Owner of the premises where the Consumer Fireworks are used. The private outdoor use of Consumer Fireworks is prohibited. (Amd. Ord. 10-3166-43, eff. 9/27/10)
- 3-4F-6: INDOOR FIREWORKS USE PROHIBITED:** No person may perform any Pyrotechnic Display or use any Consumer Fireworks inside any enclosed or substantially enclosed area within the Village.
- 3-4F-7: VIOLATION, PENALTIES:** Any person who is found to have violated the Provisions of this Article shall be guilty of a Class A misdemeanor and subject to a fine in Accordance with the Comprehensive Fine/Penalty Schedule set forth in Chapter 17 of Title 1 of this Code (Ord. 06-2042-34, eff. 6/26/06)

**CHAPTER 4
AMUSEMENTS
ARTICLE G. RAFFLES**

SECTION:

- 3-4G-1: Definitions**
- 3-4G-2: License**
- 3-4G-3: Not-For-Profit Organizations**
- 3-4G-4: Limitations**
- 3-4G-5: Fees**
- 3-4G-6: Approval**
- 3-4G-7: Conduct of Raffles**
- 3-4G-8: Records**
- 3-4G-9: Raffles Manager**
- 3-4G-10: Penalties**

3-4G-1: DEFINITIONS: For the purpose of this Chapter, the following terms shall have the meaning ascribed to them below. All terms not expressly defined herein shall have the meanings ascribed to them in the Illinois Raffles Act, 230 ILCS 15/2(b).

NET PROCEEDS

The term Net Proceeds shall mean the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, Village license fees, and other reasonable operating expenses incurred as a result of operating a raffle.

RAFFLE

The term Raffle means a form of lottery, as defined in 720 ILCS 5/28-2(b) of the "Criminal Code of 1961", conducted by an organization licensed under this Chapter in which:

- (1) They player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance; and
- (2) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

3-4G-2: LICENSE:

- A. LICENSE REQUIRED. No person, firm or corporation shall conduct raffles or chances without having first obtained a license therefor pursuant to this Chapter.
- B. APPLICATIONS. The license and application for license must specify the area or areas within the Village of Lincolnshire in which the raffle chances will be sold or issued, the time period during which raffles or chances will be sold or issued, the time of determination of winning chances and the location or locations at which winning chances will be determined. All organizations applying for a License issued under this Chapter shall be required, as a condition of receiving the License, to attest that the organization has elected to waive the requirement for the raffle manager designated by the organization to post a fidelity bond.
- C. SWORN STATEMENT. The license application must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by the presiding officer and the secretary of the organization.
- D. VALIDITY OF LICENSE. Each such license shall be valid for only one raffle or for a specific number of raffles to be conducted during a specified period not to exceed one (1) year; further such license may be suspended or revoked by the Chief of Police in the event of violation of the terms of this Chapter or any applicable State law.
- E. ELIGIBILITY. The following are ineligible for any license under this Chapter:
1. Any person who has been convicted of a felony;
 2. Any person who is or has been a professional gambler or gambling promoter;
 3. Any person who is not of good moral character;
 4. Any firm or corporation in which a person defined in (1), (2), or (3) has a proprietary, equitable or credit interest, or in which such a person is active or employed;
 5. Any organization in which a person defined in (1), (2) or (3) is an officer, director, or employee, whether compensated or not; and
 6. Any organization in which a person defined in (1), (2), or (3) is to participate in the management or operation of a raffle as defined in this Chapter.

3-4G-3: NOT FOR PROFIT ORGANIZATIONS: Licenses shall be issued only to bona fide religious, charitable, labor, fraternal, educational, civic, or veteran's organizations which operate without profit to their members, or to a non-profit fundraising organization that the Chief of Police determines is organized for the sole purpose of providing financial assistance to an identified individual or

group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster.

3-4G-4: LIMITATIONS:

- A. The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle under this Chapter is limited to \$1,000,000. The maximum retail value of each prize awarded by a licensee in a single raffle is limited to \$1,000,000. The maximum price which may be charged for each raffle chance issued or sold is limited to \$1,000, and the maximum number of days during which chances may be issued or sold is limited to 364 days.
- B. The sale of chances, and any person engaged in the sale of chances, for any raffle licensed under this Chapter must comply with the Title 3, Chapter 5, regulating the conduct of peddlers and solicitors.
- C. No person may engage in the sale of raffle chances unless the Raffle for which chances are being sold has been licensed in any jurisdiction in this State in accordance with the Raffles Act, 230 ILCS 15/1, et seq.

3-4G-5: FEES: Fees for such a license to conduct a raffle shall be as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code; provided that fees shall be waived for qualifying organizations falling in one of the following categories:

- A. Having a membership of which 55% or more reside within the corporate limits of the Village;
- B. Having a charter or other official recognition by a parent, state or national organization that designates it a Lincolnshire chapter; or
- C. Having a principal or sole place of business located in corporate limits of the Village; or
- D. Being an organization supporting exclusively a local unit of government which provides services to residents of the Village.

3-4G-6: APPROVAL: The Village of Lincolnshire shall, within thirty (30) days, evaluate and either approve or disapprove of said application. The Village Clerk shall issue the license provided that the applicant is eligible for a license and meets the requirements of the Chapter.

- 3-4G-7: CONDUCT OF RAFFLES:** The conducting of raffles is subject to the following restrictions:
- A. **USE OF PROCEEDS.** The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the licensee.
 - B. **PARTICIPATION IN MANAGEMENT.** No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
 - C. **REMUNERATION.** No person may receive any remuneration or profit for participating in the management or operation of the raffle.
 - D. **LOCATIONS.** Winning raffle chances may be determined only at those locations specified on the license.
 - E. **AGE OF PARTICIPANTS.** No person under the age of 18 years may participate in the conducting of raffles. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.
 - F. **EXEMPTION.** A license need not be issued to any bona fide religious charitable, labor, fraternal, educational, civic, or veterans= organization that conducts a raffle or lottery at a meeting or function held by that organization in which chances are sold only to members of said organization and their guests and invitees in attendance at said meeting or function and when the winning chance is chosen during the same function or event at which the chances are sold.
- 3-4G-8: RECORDS:** Each organization licensed to conduct raffles shall keep such Records and shall handle the receipts from the operation of such raffles as required in accordance with State law. The Village waives receipt of any records kept and maintained by the licensee, provided that acceptance of a license by the applicant represents the licensee=s agreement to provide any records related to the conduct of the raffle within five (5) days of receiving a written demand therefore from the Chief of Police, or his designee.
- 3-4G-9: RAFFLES MANAGERS:** All operations of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization in its application.
- 3-4G-10: PENALTIES:** Any person found to have conducted any raffle in violation of this Chapter shall be subject to the penalty provided in Title 1, Chapter 17, of the Village Code, the Comprehensive Fine Schedule. (Amd Ord. 10-3140-17, eff. 5/10/10)

REQUEST FOR BOARD ACTION
Committee of the Whole Meeting
June 11, 2018

Subject: Possible Changes to Village of Lincolnshire Amusement License Requirements & Admission Tax

Action Requested: Consideration and Discussion of Potential Changes to Lincolnshire Admission Tax (Village of Lincolnshire)

Originated By: Brad Burke, Village Manager
Michael R. Peterson, Finance Director/Treasurer

Referred To: Mayor Brandt and Board of Trustees

Summary/ Background:

As a result of the loss of significant sales tax revenue experienced in 2016 and 2017, the Village Board set an organizational goal for staff to complete a comprehensive review of all revenues and report back with recommendations on any changes needed. This revenue review goal was also included as part of the 2018 Budget, as staff continues to complete a review of Village revenue sources. In 2017, staff made several revenue change recommendations which were approved by the Village Board and have subsequently been implemented. These changes included: increase in Home Rule Sales Tax (½%); creation of Food & Beverage Tax (1%); and increase in water rates (5%).

Staff has studied the Village's Admission Tax ordinance to determine if any recommended changes were warranted. The following is a summary of discussion regarding amusement tax and licensing that took place at the May 29, 2018 Committee of the Whole meeting.

Update since May 29, 2018 Committee of the Whole Meeting

At the May 29, 2018 Committee of the Whole meeting, it was the consensus of the Village Board to direct staff to update the admission tax provisions in the Comprehensive Fee Schedule to expand the definition of admissions to include participants of sporting events/activities as well as attendance at sporting events. Village staff and Attorney Simon drafted an ordinance updating the Comprehensive Fee Schedule to reflect direction provided by the Village Board. A copy of the proposed ordinance is attached for review.

During the discussion of the admission tax and amusement licensing, it was the consensus of the Village Board to update the Lincolnshire Village Code to eliminate references to dated licensing requirements that are not currently followed. A copy of a draft ordinance updating Title 3 Business & Licensing Regulations, Chapter 4 Amusements updating various licensing provisions of in the code is attached for consideration.

Board members also asked staff to provide information on the impact to ticket prices for various activities if a standardized 4.00% admission tax was applied to uses currently paying the admission staff (Regal Cinema 4.00% and Marriott Theater 1.5%) as well as how the tax would apply to new activities where the tax does not currently apply. Please see table below:



Activity	Admission Price	Current Rate	Tax @ Standardized 4.00%	Ticket Increase
Regal Cinema Event Adult	\$12.00	\$0.48	\$0.48	No Change
Marriott Theater – Weekend Evening Ticket	\$57.00	\$0.86	\$2.28	\$1.42
Crain’s Landing – Weekend 18-Hole	\$59.00	\$0.00	\$2.36	\$2.36
Lincolnshire Club – Summer Court Rental (non-member)	\$48.00	\$0.00	\$1.92	\$1.92
Par King – Weekend Evening Play	\$9.50	\$0.00	\$0.38	\$0.38

Budget Impact: The Village typically receives between \$260,000 to \$300,000 annually in Admission Tax revenues from Regal Cinema and Marriott Theater. Any change in the existing fee schedule which would expand the types of applicable, taxable activities would result in additional General Fund revenues.

Reports and Documents Attached:

- Proposed Ordinance Amending Comprehensive Fee & Tax Schedule Related to Amusement Tax Amending Lincolnshire Village Code Pertaining to Licensing Amusements
- May 29, 2018 Committee of the Whole Agenda Materials Pertaining to Admissions Tax

Meeting History	
Committee of the Whole Meeting:	January 22, 2018
Committee of the Whole Meeting:	May 29, 2018
Committee of the Whole Meeting:	June 11, 2018
Regular Village Board Meeting:	

Municipality	Does your municipality have an amusement/entertainment tax?	If so, what is the amount?	What types of businesses/activities are subject to it?	What types of businesses/activities are exempt?	Does it apply to entertainment centers for children such as trampoline play centers?
Antioch	No.				
Barrington	No.	DNA.	DNA.	DNA.	DNA.
Bartlett	No.				
Buffalo Grove	No.				
Carpentersville	No.	N/A.	N/A.	N/A.	N/A.
Elk Grove	No.	N/A.	N/A.	N/A.	N/A.
			Any event, exhibition, performance, presentation, or show for amusement purposes which is exhibited or staged in the City, including, but not limited to, the following: (A) Any comedic, theatrical, dramatic, musical, opera, or spectator performance (except athletic contests) or production, or similar live or recorded amusement; (B) Any show, motion picture show, antique or flower show, speech or lecture; (C) Any exhibition of art or handicrafts or products; (D) Any poultry or animal show, animal act, circus, or rodeo.	(A) Governmental agencies; (B) Religious societies or organizations; (C) Live performances conducted or sponsored by not-for-profit institutions, organizations, groups or societies where no part of the net earnings inure to the benefit of any private shareholder or person.	
Evanston	Yes.	4%			No.
Fox Lake	No.				
Glencoe	No.				

Municipality	Does your municipality have an amusement/entertainment tax?	If so, what is the amount?	What types of businesses/activities are subject to it?	What types of businesses/activities are exempt?	Does it apply to entertainment centers for children such as trampoline play centers?
Hoffman Estates	Yes, the village has an Amusement and Entertainment surcharge.	6% of the admission fee or charge.	Any amusement devise or any athletic contest, event, activity, exhibition, performance, presentation, or show for entertainment purposes.	The surcharge does not apply when the proceeds benefit governmental entities. The surcharge does not apply to the following when located outside of the "entertainment district": Tennis/Athletic clubs, video tape, dvd or game cartridge rental, licensed golf courses, miniature golf courses, bowling alleys, billiard and pool halls, ice skating rinks, jukeboxes, roller skating rinks or sports complexes.	Yes.
Lake Zurich	No.				
Libertyville	No.				
Lincolnshire	Yes.	Admission Tax movie theater= 4.0%. Admission Tax live theater= 1.5%.	Movie theater, live theater.	Schools, churches, non-profits.	Not at this time.
Lincolnwood	No.				
Niles	The Village does have an Amusement tax.	3% of applicable sales.	Theatrical, dramatic musical or spectator performance, motion picture show, video game, carnival, amusement rides, animal acts, circus, athletic contest, sport or game.	Coin operated devices, or businesses that exclusively offer that service, services that are Village related or are affiliated with a religious group.	Currently those businesses are not required to pay the tax.
Northbrook	Yes.	\$0.25 per ticket.	Movie theaters.		No.
Northfield	No.				
Rolling Meadows	Not currently.				
Schaumburg	Yes - Amusement Surcharge.	5% of admission fee.	Any event, activity, exhibition, performance. presentation, or show for entertainment purposes.	Any show that is not open to the General Public; Religious, Educational and Charitable Institutions Non-profit; and Governmental Entities.	Yes.
Skokie	No.				
Streamwood	No.				

Municipality	Does your municipality have an amusement/entertainment tax?	If so, what is the amount?	What types of businesses/activities are subject to it?	What types of businesses/activities are exempt?	Does it apply to entertainment centers for children such as trampoline play centers?
Vernon Hills	Yes.	4%	Movie Theaters.	All others.	Not at this time.
Wheeling	No.	N/A.	N/A.	N/A.	N/A.

Municipality	Does your municipality have an Amusement Tax on Movie Theatres?	If yes, what is the rate?
Barrington	No.	
Buffalo Grove	The Village of Buffalo Grove does not have an entertainment tax.	
Carpentersville	No.	
Des Plaines	No.	
Evanston	The City of Evanston does have an amusement tax on movie theater admission.	The amusement tax rate is 4% of the admission fee.
Lake Zurich	No.	
Lincolnshire	Yes.	4%
Mount Prospect	Yes.	\$0.25 per ticket.
Northbrook	Yes.	\$0.25 per ticket.
Northfield	No movie theaters in town.	
Palatine	No.	
Park Ridge	No.	
Rolling Meadows	No theaters.	
Schaumburg	Yes.	5% of ticket cost.
Skokie	No.	
Streamwood	We have no movie theatres.	
Vernon Hills	Yes.	4%
Wheeling	No.	
Wilmette	No.	

Municipality	Has your municipality enacted an amusement or entertainment tax?	If so, what items or activities are taxed (e.g., movie tickets, bowling, sporting event tickets)?	What is the amount of the tax?
Arlington Heights	No.		
Carpentersville	No.		
Cary	No.		
Deerfield	No.		
Grayslake	No.		
Highland Park	No.	N/A.	N/A.
Inverness	No.		
Lake Zurich	No.		
Libertyville	No.		
Lincolnshire	We have an admission tax on movie tickets (4% on SP) and on live theater (1.5%) of SP of ticket.		
Morton Grove	No.		
Mount Prospect	No. Under consideration at 12/15 Village Board meeting.	Movie tickets.	\$0.25 per ticket.
Northfield	No. We have a license fee of \$1,000 not a tax.		
Park Ridge	No.		
Prospect Height	No.		
Rolling Meadows	No.		
Schaumburg	Yes. Amusement Surcharge enacted in 2004.	Any fee or charge received for admission to any amusement. Any event, activity, exhibition, performance, presentation, or show for entertainment purposes.	5% of admission fee/cover charge
Skokie	No.		
Wheeling	No.		

Municipality	Admission Tax %
City of Bloomington	4%
City of Chicago	9%
Village of East Dundee	5%
City of Effingham	5%
Village of Gurnee	3%
City of Harvard	3%
Village of Hawthorne Woods	5%
Village of Lake in the Hills	5%
City of Moline	3%
City of Peoria	3%
City of Rockford	5%
Village of Roselle	3%
Village of Schaumburg	5%
Village of Vernon Hills	4%
• Movie Theater	