



**MINUTES
COMMITTEE OF THE WHOLE MEETING
Monday, January 14, 2019**

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
Finance Director/Treasurer Peterson	Public Works Director Woodbury
Chief of Police Leonas	Assistant Village Manager/Community &
Planning & Development Manager Zozulya	Economic Development Director Gilbertson
Assistant Public Works Director/Village Engineer Dittrich	Public Works Management Analyst Facchini

ROLL CALL

Mayor Brandt called the meeting to order at 7:08 p.m. and Village Clerk Mastandrea called the Roll.

2.0 APPROVAL OF MINUTES

2.1 Acceptance of the December 10, 2018 Committee of the Whole Meeting Minutes

The minutes of the December 10, 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 and Discussion of Recent Amendments to Title 12 (Signs) of the Lincolnshire Village Code Regarding Residential Real Estate Signs (Village of Lincolnshire)

Assistant Village Manager/Community & Economic Development (CED) Director Gilbertson provided background and summary of recent amendments to Title 12 (signs) of the Village code regarding residential real estate signs as a result of feedback received from local businesses, residents, and real estate brokers. Assistant Village Manager/CED Director Gilbertson noted the recent size changes were modeled after the requirements Lake Forest and Lake Bluff have. In terms of duration, the decision to have all temporary signs in each district visible for 91 days was based on a U.S. Supreme Court decision (*2015 Reed v. Town of Gilbert*).

Trustee Harms Muth asked if the U.S Supreme Court decision states only content neutrality applies to the duration of the sign. Village Attorney Simon noted each sign district is allowed to have time, place, and manner restrictions that are content blind. Trustee Harms Muth asked how other villages have their signs up for longer than 91 days. Village Attorney Simon stated the Supreme Court case is fairly recent. Planning & Development Manager Zozulya surveyed other communities to see if they changed their code to comply with the Supreme Court ruling and only a few of them have changed; many communities have ignored it so far.

Trustee Harms Muth asked what other signs fall into the same category as real estate signs that the Village may be concerned about having up after 91 days. Village Attorney Simon stated other signs would be contractor signs. Trustee Leider asked if buildings under construction/developers would fall into this same category. Village Manager Burke confirmed they would fall under this category. Planning & Development Manager Zozulya noted church events would also fall under this category.

Mayor Brandt asked Village Attorney Simon if exceptions could be made. Village Attorney Simon stated the exception cannot be based on the message on the sign. There is an existing rule that says signs must come down within five days after the purpose of the sign is mute. There is a closed-end rule so people do not leave signs up if they are irrelevant. One way to track this is if a permit has been closed.

Mayor Brandt stated there are a few emails that came from realtors and invited those in the audience to make a statement. Mayor Brandt noted sign size was also brought up as an issue.

Ms. Edie Love, resident of 24 Berkshire and also a realtor, stated as a local agent she is concerned with the proposed size and duration. Ms. Love stated Lake Forest and Lake Bluff are the only areas that have the small size Lincolnshire is proposing to change to. The current market time in Lincolnshire for home sales is 270 days, making the current duration an issue for real estate signs.

Mr. Steve Grunyk, resident of 4 Sherwood Drive and also a realtor, stated his biggest concern is losing momentum and noted realtors need every tool to sell homes. Taking the signs down prevents this from happening and asked the Board to reconsider.

Ms. Marcia Vecchione, resident of 32 Berkshire Lane and also a realtor, stated she is in agreement with Ms. Love and Mr. Grunyk.

Trustee Leider asked for clarification on what the residents are suggesting. All three residents stated they are not in favor of the proposed changes to the sign code. The residents/realtors are asking

how these changes came up. Planning & Development Manager Zozulya provided background to the proposed sign code changes. A conversation regarding real estate signs and time frame related to the proposed sign changes followed.

Trustee Servi voiced concern over trying to regulate the outlier and asked if there was another way to regulate duration. Village Attorney Simon stated if there was no time limit required for temporary signs in this zoning district, with no rule to enforce an end time of an event, this could be a way to regulate. Assistant Village Manager/CED Director Gilbertson stated the intent of revising the code was to address signs going up well before the start time of an event. Trustee Leider stated his concern is the temporary signs would stay up indefinitely and suggested creating a separate categories for temporary signs. Village Attorney Simon stated it is easier to create sign maintenance rules than to carve out categories for these signs.

Trustee Harms Muth asked how other municipalities are dealing with the end time for real estate signs. Village Attorney Simon stated other municipalities are governing these signs by their sign codes and may not yet have amended their codes to reflect content neutrality requirements based on the *Reed v. Town of Gilbert* case. A conversation regarding proposed time limits and on temporary signs followed.

Trustees Grujanac and Harms Muth noted there opinion was to make the time limit of the temporary signs a year. Trustee Leider stated his opinion was there needs to be a time limit on the temporary signs but thought a year might be too long.

Trustee Harms Muth asked for further clarification on what other types of signs fall into this category. Village Attorney Simon stated contractor signs, roofing, decorating, remodeling, school signs, Village signs, and promotional events for churches in the residential areas.

Village Manager Burke noted the concern of the Village Board seemed to be the duration limit of so many days before and after the event. Village Manager Burke asked why couldn't there be a duration attached to the code change. Village Attorney Simon stated he is not aware how to enforce a time limit before a house goes up for sale. Village Attorney Simon stated almost every type of sign requires an end date that can be associated with it and suggested having the rule apply to the end of the period. Trustee Leider noted concern regarding refreshing a sign after a long period of time. Mayor Brandt asked if they can include language to have the signs refreshed after a certain amount of time. Village Attorney Simon suggested adding rules regarding sign aesthetics.

A conversation regarding the change to temporary sign sizes followed. Ms. Love expressed the desire to keep the sign size the same it

currently is.

Mayor Brandt directed staff to poll the Trustees not in attendance and go with the consensus for size.

It was the consensus of the Board to refer this to the Architectural Review Board for a Public Hearing at the February 19, 2019 Meeting once staff makes noted changes and gets consensus on sign sizes from the absent Trustees.

3.12 Preliminary Evaluation Regarding a Text Amendment to Eliminate Ground Floor Sales Tax Generating Use Restrictions in B1 and B2 Business Zoning Districts (Alexander and Julia Katsnelson)

Assistant Village Manager/CED Director Gilbertson provided a summary of a preliminary evaluation regarding a text amendment to eliminate ground floor sales tax generating use restrictions in B1 and B2 Business Zoning Districts as petitioned by Alexander and Julia Katsnelson. The text amendment is necessary for them, as physicians, to establish new dermatology and oral, maxillofacial, and surgery practices at 231 Olde Half Day Road in the B1 zoning district. The proposal is supported and has been approved by property owner Njb Real Estate LLC.

Mayor Brandt asked if this was addressed a few weeks ago when the Board discussed this for the O/I District and thought the decision was already made. Assistant Village Manager/CED Director Gilbertson stated this is a different zoning district. Village Manager Burke noted Staff saw an opportunity to raise a broader conversation about the entirety of B1 and B2. Assistant Village Manager/CED Director Gilbertson noted staff would bring back changes for the entire zoning district but the petitioner would like to move forward with their business and this is the reason the request is being brought up separately.

Dr. Alex Katsnelson provided a presentation regarding their proposed business and petition for preliminary evaluation regarding a text amendment to eliminate ground floor sales tax generating use restrictions in B1 and B2 Business Zoning Districts.

Mayor Brandt asked how large the lot was and noted concern about building size and if parking requirements would be sufficient. Dr. Katsnelson stated they would present the findings at the next meeting but stated he felt parking would be adequate. Mayor Brandt asked if they had looked at other locations in Lincolnshire. Dr. Katsnelson stated they had but preferred this particular location given its accessibility on Olde Half Day Road and proximity to other businesses and institutions.

The consensus of the Board was to refer this to the Zoning Board.

3.13 Consideration of Amendments to Title 5 (Building Regulations and

Title 7 (Subdivision and Lane Development) of the Lincolnshire Village Code (Village of Lincolnshire)

Assistant Village Manager/CED Director Gilbertson provided a summary of amendments to Title 5 (Building Regulations) and Title 7 (Subdivision and Lane Development) of the Lincolnshire Village Code. Assistant Village Manager/CED Director Gilbertson noted the following high-level, proposed changes or areas for additional research:

- Timing of approvals and when preliminary improvement plans are available to the Village Board. Staff has discussed having the Board authorize preliminary improvement plans but hold off on final plat approval until all offsite improvements are known.

Trustee Leider asked if this is enough of a requirement noting the example of the development on Riverwoods Road offsite improvements being a requirement of Lake County and ultimately the offsite improvements not being beneficial to the residents. A conversation regarding jurisdiction, offsite improvements, and how the village can better understand offsite improvement followed. It was noted that the Board would like all offsite improvements captured prior to final approval.

- Development donations and application fees for unincorporated subdivisions.
- Updated construction and landscaping standards.
- Park donations for commercial developments and PUD's. Village Attorney Simon stated it could be difficult for the Village to substantiate this type of donation for commercial developments. Mayor Brandt stated she noticed a lot of people in the corporate center walk during lunch and asked if the Village could use PUD donations for path improvements. Village Attorney Simon provided statistics used for residential donations and stated a similar calculation for employees generated by commercial developments would be needed. Trustee Leider suggested collecting donations for open space/green space for new commercial development in order to prevent density. Village Attorney Simon stated the Village has authority to require developments have a certain amount of green space or provide an alternative to pay a donation fees in lieu of green space. Trustee Grujanac asked if they could include a requirement for connectivity. Village Attorney Simon stated they could include a requirement for sidewalks and paths.
- Reimbursement of connection fees. The code currently allows property owners or tenants of a building to seek reimbursement of connection fees if they can demonstrate actual usage is less

than what the Village originally estimated when calculating connection fees. Mayor Brandt asked if this had ever been done. Assistant Village Manager/CED Director Gilbertson stated this has been done, and Village Manager Burke stated there is currently one reimbursement pending which could be substantial.

- Potential implementation of a storm water utility and/or storm water connection fee.

Assistant Village Manager/CED Director Gilbertson stated In terms of approval process, the Village Board holds all authority with review and approval of all subdivision and building codes. The Board can refer the revisions to the Zoning Board if they would like them to look at things in more detail but it is not required. Any changes to the building code would require a 30 day notice to the Capital Development Board.

Trustee Leider would like staff to research and possibly add noise pollution, industrial machinery, and hours of operation for large pieces of property to be developed in residential areas. Trustee Leider noted additional concern regarding utility companies coming in to work and asked staff to look at this and possibly be more limiting. Assistant Village Manager/CED Director Gilbertson stated the utility contractors go out in an event of an emergency for repair and have authority to do this. Village Manager Burke stated staff can look at this and noted residents may not realize when a utility company is in one location, the work they are doing may be affecting a resident across town. Village Manager Burke noted staff will research how other municipalities are handling this.

Mayor Brandt requested staff get a recap of working hours for contractors and report back to the Board.

3.2 Finance and Administration

3.21 Consideration of an Extension to Tolling Agreement Related to the Illinois Municipal Investment Fund (IMET) (Village of Lincolnshire)

Village Manager Burke provided a summary of the fourth extension to Tolling Agreement related to the Illinois Municipal Investment Fund (IMET) which relates to funds the Village has put in an account with IMET for an ongoing securities fraud case.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.22 Consideration of a Resolution Approving Closed Session Meeting Minutes and Authorizing the Village Clerk to Make Certain Closed Session Meeting Minutes Available to the Public for Inspection Second Review – 2018 and Authorizing the Destruction of Certain

Audio Recordings of Closed Session Minutes (Village of Lincolnshire)

Village Manager Burke provided a summary of the semi-annual resolution approving closed session meeting minutes and authorizing the Village Clerk to make certain closed session meeting minutes available to the public for inspection and authorizing the destruction of certain audio recordings of closed session minutes.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.3 Public Works

3.31 Consideration of a Waiver of Posting Request for Qualifications (RFQ) for Sanitary Sewer System Analysis and Engineering and Approval of Staff Negotiating a Contract Extension with RJN Group, Inc. for Design Engineering Services (Village of Lincolnshire)

Assistant Public Works Director/Village Engineer Dittrich provided a summary of a waiver of posting request for qualifications (RFQ) for sanitary sewer system analysis and engineering and approval of staff negotiating a contract extension with RJN Group, Inc. for design engineering services which is the same contractor used for the last three years.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.32 Consideration of Qualifications-Based Selection Policy and Procedure for the Village of Lincolnshire (Village of Lincolnshire)

Assistant Public Works Director/Village Engineer Dittrich provided a summary of proposed qualifications-based selection policy and procedure for the Village of Lincolnshire. The policy was provided by the Illinois Department of Transportation and is required in order to use federal funds on projects.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.33 Consideration of an Ordinance Amending Chapter 15 of Title 1 Comprehensive Fee Schedule of the Lincolnshire Village Code to Update Engineering Fees & Water Meter Fees (Village of Lincolnshire)

Assistant Public Works Director/Village Engineer Dittrich provided a summary of a proposed Ordinance amending Chapter 15 of Title 1 Comprehensive Fee Schedule of the Village Code to update

engineering fees and water meter fees.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.4 Public Safety

3.5 Parks and Recreation

3.51 Consideration of a Lincolnshire Parks Survey (Village of Lincolnshire)

Public Works Management Analyst Facchini provided a summary of a proposed Lincolnshire Parks Survey which was approved by the Park Board and is to be shared through the Villages communication network.

Trustee Grujanac provided additional information regarding what the Park Board is seeking from the survey as a result of Park Board tours.

Mayor Brandt asked how the survey would be communicated to residents. Public Works Management Analyst Facchini stated the survey would be administered through an online web provider and posted on the Village website, E-News, Facebook, and Twitter. Village Manager Burke noted the survey would also be included in the monthly utility bills. Mayor Brandt suggested sending this out to the Lincolnshire Council of Presidents and sharing it with the other community groups. Trustee Grujanac suggested providing the link to Lincolnshire Sports Association to be included as part of registration and shared with the schools. Mayor Brandt stated she could share the survey to her personal Facebook page and asked the other Board members if they would be willing to do the same.

Mayor Brandt noted she would like Blackboard Connect shared with the schools so they could post it to their virtual backpack.

Trustee Leider asked when the survey would be going out and what the timeframe for completion was. Public Works Management Analyst Facchini stated the survey could be loaded on the website within minutes and sharing that link on social media. The Park Board did not indicate an end time. Village Manager Burke suggested leaving the survey open for 30 – 45 days.

A discussion on sharing with other organizations followed.

Trustee Leider asked what we are trying to achieve from the survey and is the survey the right mechanism to get results. Trustee Grujanac noted the Park Board wanted to know in general how the residents felt about the parks.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.6 Judiciary and Personnel

4.0 UNFINISHED BUSINESS

5.0 NEW BUSINESS

5.1 Sedgebrook Special Tax Report

Village Manager Burke stated the Sedgebrook Special Tax Report was included in Manager's Notes this past week and is updated annually.

5.2 Illinois Municipal League Lawsuit

Village Manager Burke noted there was a motion filed by the plaintiff to amend and alter the judgement on the dismissal of the Illinois Municipal League (IML) lawsuit. There is a hearing slated for later this month.

5.3 Summer Slam

Village Manager Burke stated a date was previously provided for Summer Slam of June 25th and Lincolnshire Sports Association has potentially moved it up to June 19th.

5.4 Ascension of Our Lord Greek Orthodox Church

Assistant Village Manager/CED Director Gilbertson stated the Architectural Review Board (ARB) is considering a minor amendment to the Ascension of Our Lord Greek Orthodox Church building plans at the meeting tomorrow. The church is looking to revise the material of the dome. The materials are easier to maintain and consistent with the current materials. Village Manager Burke stated the color is a gray, zinc material.

Mayor Brandt stated the Village Board will want to see a sample of what was approved and the proposed.

Village Manager Burke stated this is considered a minor amendment so is not required to be approved by the Village Board.

Mayor Brandt asked for staff opinion regarding the change. Village Manager Burke noted staff thinks it meets what the original approval in terms of color and finish.

Mayor Brandt stated there is half a fence hanging up around the house they purchased and asked if they could mandate they do something with the fence. Staff will look into the issue of the fence.

6.0 EXECUTIVE SESSION

7.0 ADJOURNMENT

Trustee Grujanac moved and Trustee Harms Muth seconded the motion to adjourn. Upon a voice vote, the motion was approved unanimously and Mayor Brandt declared the meeting adjourned at 9:10 p.m.

Respectfully submitted,
VILLAGE OF LINCOLNSHIRE

Barbara Mastandrea
Village Clerk