



**MINUTES
COMMITTEE OF THE WHOLE MEETING
Tuesday, May 28, 2019**

Present:

Mayor Brandt	Trustee Harms Muth
Trustee Grujanac	Trustee Hancock
Trustee Leider	Trustee Pantelis
Trustee Raizin	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

ROLL CALL

Mayor Brandt called the meeting to order at 7:22 p.m., and Village Manager Burke called the Roll.

2.0 APPROVAL OF MINUTES

2.1 Acceptance of the May 13, 2019 Special Committee of the Whole Meeting Minutes

The minutes of the May 13, 2019 Special Committee of the Whole Meeting were approved as submitted.

2.2 Acceptance of the May 13, 2019 Committee of the Whole Meeting Minutes

The minutes of the May 13, 2019 Committee of the Whole Meeting were approved as submitted.

3.0 ITEMS OF GENERAL BUSINESS

3.1 Planning, Zoning and Land Use

3.11 Preliminary Evaluation of a Request for a Special Use Permit to Establish and Operate a Banquet Hall (XO Restaurant and Banquet Hall, Iryna Kiyan)

3.41 Consideration of an Amendment to Section 3-3-2-6 of Title 3-3, Liquor Control, for the Creation and Issuance of Village Liquor License for XO Restaurant & Banquet Hall, Inc. Class "B" Restaurant Full Liquor License and Class "N" Banquet Liquor License for (XO Restaurant & Banquet Hall – 250 Marriott Drive)

Mayor Brandt opened up items 3.11 and 3.41 together.

Planning & Development Manager Zozulya provided a summary of the proposed preliminary evaluation of a request for a special use permit to establish and operate a banquet hall for XO Restaurant and Banquet Hall at 250 Marriott Drive. Planning & Development Manager Zozulya noted if a special use permit is granted, the petitioner would have up to three years to begin operating the banquet hall or the special use permit would expire. The petitioner will be required to provide responses to required special use standards prior to the Zoning Board public hearing as it relates to the requested special use permit for a banquet facility. Planning & Development Manager Zozulya stated staff recommends a stipulation be placed within XO's special use ordinance to prohibit outdoor live music/bands altogether, and to limit the hours of indoor live music/bands to 10 p.m. daily which would be reviewed by the Zoning Board in a public hearing.

Planning & Development Manager Zozulya stated the petitioner indicated they would not move forward with the special use request unless they are successful in obtaining their liquor licenses for the restaurant and the banquet uses. Staff recommends a stipulation be placed that any special use approvals are contingent upon receipt of the appropriate liquor licenses.

Planning & Development Manager Zozulya provided an overview of the process for next steps with the preliminary evaluation and subsequent stages of review.

Chief of Police Leonas provided a summary of the request for creation and issuance of Village liquor licenses for XO Restaurant & Banquet Hall, Inc. Class "B" Restaurant full liquor license and Class "N" Banquet liquor license for XO Restaurant & Banquet Hall. Staff found several issues with the liquor license application in which the Mayor, acting as Liquor Commissioner, wrote a letter. Chief of Police Leonas noted this letter is included in the packet. Staff had a meeting with the applicant and their attorney to clarify the issues and received an amended application which was compared to the original application. Upon a second review, the Police Department still found inconsistencies with the revised application. Chief of Police Leonas read through the inconsistencies in the revised application as follows: 1. XO Restaurant & Banquet Hall, Inc., indicated no shareholder possessing at least 5% of the business had ever been convicted of any felony under Federal or State Law. This is untrue as Vadym Pobyegayev was convicted of a Class 3 Felony on June 5, 2017 for Theft. 2. XO Restaurant & Banquet Hall advised no hearings had been conducted regarding the conduct and/or operation of the business in Wheeling as required by code. This is untrue as XO Restaurant & Banquet Hall, Inc., had their liquor license revoked by the Village of Wheeling in 2018. 3. Exhibit A in the license application revealed Mr. Pobyegayev stated he purchased meat which turned out to be stolen which he planned on serving at his

restaurant. 4. A review of the proposed floorplan and seating arrangement provided by XO Restaurant & Banquet, Inc., proved inconsistent with what is allowed by Village code. 5. The registered agent (Vadym Pobyegayev) is listed by the Secretary of State as the President and Iryna Kiyan is listed as the Secretary. Chief of Police Leonas referenced the Village code and stated for all the reasons listed, it is the recommendation of the Police Department that this application should be rejected.

Mr. William O'Donaghue, attorney with Daley & Georges, representing the petitioners, addressed the liquor license issues stating Ms. Kiyan initially filed the application herself without aid of an attorney and misunderstood some of the questions specifically regarding ownership since Mr. Pobyegayev only owns 5% of the business. Mr. O'Donaghue stated there was no intent to hide anything from the Village of Lincolnshire. Mr. O'Donaghue noted the petitioners currently operate a restaurant/banquet hall in Wheeling, which Iryna has run and managed for the last five years. The Village of Wheeling submitted a letter that the restaurant is in good standing. The Village of Wheeling held a hearing after Mr. Pobyegayev was convicted of the felony, and their license was revoked for a three-week period. The Village of Wheeling then gave them an opportunity to reorganize the corporation and suggested Mr. Pobyegayev drop his shares to 5%. Mr. O'Donaghue stated Ms. Kiyan is willing to buy her husband's 5% shares so that she has 100% of the corporate shares and will be the restaurant and banquet manager. Mr. Pobyegayev would still be the chef of the restaurant/banquet facility. Mr. O'Donaghue noted Mr. Pobyegayev has made two mistakes with his felony convictions; they were not crimes against persons or related to drugs, and his probation will end on June 5, 2019. Mr. O'Donaghue stated they have not reorganized the corporation since they wanted to get feedback from the Village of Lincolnshire before they did this. Rehabilitation can be sought for Mr. Pobyegayev in a few years once he is in good standing. Mr. O'Donaghue provided a brief summary of the proposed facility and the proposed menu. Mr. O'Donaghue noted he would address the bar seating to comply with code. Mr. O'Donaghue noted the petitioner would like the music to go longer than the Village staff recommendation since many of the banquets they have would go until about 1:00 a.m. Mayor Brandt stated the hotel is in close proximity and the music would be a concern. Mr. O'Donaghue proposed they test the music or provide necessary sound proofing once they obtained occupancy of the building.

Mayor Brandt asked the Board if they would want to approve a liquor license for banquet and restaurant. Trustee Leider stated he would not be comfortable doing so and will stick with the Police Department recommendation.

A conversation regarding the revoking of the liquor license in Wheeling

followed. Village Attorney Simon stated the reason for the revocation was because of the felony charge in which they reorganized the corporation to meet Wheeling's requirements.

Village Attorney Simon noted in reviewing the application, the applicants represent that they are going to be operating a restaurant and a banquet hall and the operating hours for both overlap with each other but state when a banquet is taking place they will not operate as a restaurant and asked how this would be communicated to customers. Mr. O'Donaghue stated if someone comes in to reserve the facility for a banquet, it will operate as a banquet hall that night; some nights it will operate "half and half," and some nights it will operate only as a restaurant. This information will be communicated on the website.

Trustee Hancock stated he is comfortable with Chief of Police Leonas' recommendation and is not comfortable with how the application was submitted.

Trustee Raizin stated she is uncomfortable with the way the petition has been presented, whether it is the application or the menus shared which reflect banquet sales only. Mr. O'Donaghue stated the banquet menus were presented to show the types of food provided.

Trustee Harms Muth stated she was not as concerned with the way the proposed businesses would operate but is uncomfortable issuing any liquor license. All Trustees were in agreement with Chief of Police Leonas not recommending issuance of the liquor licenses.

Mr. O'Donaghue asked what the petitioner could do for the Board to be comfortable accepting the business. Trustee Grujanac recommended working with the Chief of Police on the liquor license application. Chief of Police Leonas stated once an application is rejected, a new application cannot be made for a 12 month period.

Village Attorney Simon clarified that in the normal course of business, if the applicant wants to stand by their application they would come back before the Village Board and the Village Board would vote on the proposed Ordinance. In order to avoid the 12 month waiting period, the applicant can withdraw their application and rescind the request.

3.12 Consideration of Approval of a Building Permit Fee Waiver Per Section 5-3-2(A) Not For Profit Fees of the Lincolnshire Village Code (Vernon Area Public Library)

Assistant Village Manager/Community & Economic Development (CED) Director Gilbertson provided a summary of the proposed Vernon Area Public Library request for a building permit waiver per section 5-3-2(A) Not-for-profit fees of the Lincolnshire Village Code for their resurfacing project. The fee waiver request is \$100.00.

Trustee Harms Muth stated this seems like a small amount of money to come before the Board. Village Manager Burke suggested bringing these types of requests forward on the consent agenda.

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

3.13 Consideration of an Ordinance Amending Title 12 (Signs) of the Lincolnshire Village Code – Permanent Wall and Ground Sign Requirements in the Proposed Commercial Sign District Created via a Merger of Downtown and Corridor Commercial Sign District; Revisions to the Illumination Requirements in the Commercial Sign District; and Revisions to Ground Sign Approval Requirements in all Sign District (Village of Lincolnshire)

Planning & Development Manager Zozulya provided a summary of the proposed Ordinance amending Title 12 (Signs) of the Lincolnshire Village Code – permanent wall and ground sign requirements in the proposed Commercial Sign District created via a merger of Downtown and Corridor Commercial Sign District; revisions to the illumination requirements in the commercial sign district; and revisions to ground sign approval requirements in all sign districts. Staff held two workshop meetings with the Architectural Review Board (ARB) then scheduled a Public Hearing to recommend the following:

1. Apply current Corridor Commercial Sign District dimensions to the proposed Commercial Sign District.
2. Eliminate the front-lit (channel illumination) restriction so both front-lit/channel and backlit/reverse channel signs would be allowed in the proposed Commercial Sign District.
3. Require all code-compliant, brand new ground signs and structural ground sign alterations in all sign districts be reviewed and approved by the ARB. Currently, such signs are reviewed and approved by staff.

Trustee Raizin asked why Village Green is allowed to have larger size signs. Planning & Development Zozulya stated the landlord, at the time of construction made the request before the Board for the larger signs. Village Green has also evolved since at one point the signs were small, then there were many vacancies and the landlord petitioned the Village for larger signs.

Trustee Raizin noted the area where Bontà is has smaller signs and may benefit from larger signs. Planning & Development Manager Zozulya responded the Oak Tree Corners Center has tenant wall signage criteria approved by the Village Board by ordinance, which is different from the underlying Code. The landlord would have the ability to come back to the Board with proposed revisions for larger wall signs.

Trustee Harms Muth asked if this would allow all areas to be more equal and no one would have to redo a sign. Village Manager Burke confirmed this and stated no one would have to redo their sign.

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

3.14 Continued Consideration of Branding Initiative and Direction to Staff (Village of Lincolnshire)

Assistant Village Manager/CED Director Gilbertson summarized the areas the Board requested in the new logo, and presented the final three recommendations of the logo to the Board for feedback and consideration. Assistant Village Manager/CED Director Gilbertson stated if a logo is approved at the June 10th meeting, staff would like to move forward with an RFP for a style guide and there is money in the budget for this expense. Assistant Village Manager/CED Director Gilbertson provided steps staff would take to implement the logo and possibly partnering with Stevenson High School on getting updated, current photos of the Village. Staff will research new sign designs and replacing some of the larger signs with budget discussions for next year.

Trustee Hancock asked if it made sense to use only the “L” in some places with the words Village of Lincolnshire in other places. All Trustees were in agreement with using the “L” with “Village of Lincolnshire” under it. All Trustees were in agreement with concept #2 without the arrows on the sides. A brief discussion regarding the final design, and the implementation of different signs in the Village followed. Village Manager Burke noted staff would work with a stylist to develop a guide for using the logo in various applications.

Assistant Village Manager/CED Director Gilbertson thanked Erin Rice and Jamie Flagg with all their help coming up with the new logo.

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

3.2 Finance and Administration

3.3 Public Works

3.4 Public Safety

~~3.41 Consideration of an Amendment to Section 3-3-2-6 of Title 3-3, Liquor Control, for the Creation and Issuance of Village Liquor License for XO Restaurant & Banquet Hall, Inc. Class “B” Restaurant Full Liquor License and Class “N” Banquet Liquor License for (XO Restaurant & Banquet Hall – 250 Marriott Drive)~~

Moved up for discussion under Planning, Zoning, and Land Use

3.42 Report Regarding Lincolnshire Police Department Social Media Communication Categories (Village of Lincolnshire)

Chief of Police Leonas provided a report with photos regarding the following proposed Lincolnshire Police Department social media communication categories:

1. Green – Information (advisory)
2. Orange – Caution (watch)
3. Red – Emergency (warning)

Trustee Leider asked if this was a standard across other Villages to use red, orange, green compared to red, yellow, green. Chief of Police Leonas noted visually when using yellow, it appeared to look washed away. Trustee Leider stated his opinion is the simpler the better and liked the idea.

Trustee Harms Muth stated the font in the star seems too small and suggested using something that is clearer. Chief of Police Leonas thanked the Board for the feedback and suggested using the badge instead of the star.

Trustee Hancock asked who has final sign off for social media alerts. Village Manager Burke stated all social media is currently managed through the Village Manager's office so when an event takes place Village Manager staff works with the PIO to get the message out.

3.5 Parks and Recreation

3.6 Judiciary and Personnel

4.0 UNFINISHED BUSINESS

4.1 Illinois State Fair

Mayor Brandt stated she and Trustee Grujanac attended the Illinois State Fair at the school. The 4th grade students voted on a name for the new pocket park and the results were for the name to be Creekside Park. Staff will take the name to the Park Board and it will then come back to the Village Board in June for approval. The Village will have a park dedication that the students will be invited to.

5.0 NEW BUSINESS

6.0 EXECUTIVE SESSION

Trustee Grujanac moved and Trustee Leider seconded the motion to go into Executive Session for the purpose of discussing litigation. The roll call vote was as follows: AYES: Trustees Harms Muth, Hancock, Pantelis, Grujanac, and Raizin. NAYS: None. ABSENT: None. ABSTAIN: None. Mayor Brandt declared the motion carried and the Board went into Executive Session at 8:54 p.m. and came out of

Executive Session at 8:59 p.m.

7.0 ADJOURNMENT

Trustee Grujanac moved and Trustee Leider seconded the motion to adjourn. Upon a voice vote, the motion was approved unanimously and Mayor Brandt declared the meeting adjourned at 9:00 p.m.

Respectfully submitted,
VILLAGE OF LINCOLNSHIRE

Bradly J. Burke
Deputy Village Clerk