



VILLAGE OF LINCOLNSHIRE

AGENDA

SPECIAL VILLAGE BOARD MEETING **Village Hall – Board Room** **Thursday, March 19, 2020** **4:30 p.m.**

Resident remote participation options:

- Watch live on cable Channel 10.
- Call 646-749-3122 and use Access Code: 576-602-757 to listen to the meeting.
- **Participants wishing to comment should use the following link:**
<https://global.gotomeeting.com/join/576602757> and enter Access Code: 576-602-757. Participants will be allowed to enter typewritten comments for consideration during the appropriate time on the agenda.

CALL TO ORDER

1.0 ROLL CALL

2.0 PLEDGE OF ALLEGIANCE

3.0 REPORTS OF OFFICERS

- 3.1 Mayor's Report
- 3.2 Adoption of Temporary Public Comment Rules (Village of Lincolnshire)
- 3.2 Village Clerk's Report
- 3.3 Village Treasurer's Report
- 3.4 Village Manager's Report

4.0 PAYMENT OF BILLS

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

6.0 CONSENT AGENDA

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

- 6.1 Acceptance of Public Improvement–Water Main (4 Story Book Lane)

- 6.2 Adoption of a Complete Streets Policy for the Village of Lincolnshire (Village of Lincolnshire)
- 6.3 Adoption of Update to Village of Lincolnshire All Natural Hazard Mitigation Plan (Village of Lincolnshire)
- 6.4 Approval of Ordinance Amending Section 3-3-2-3 of Title 3 (Business & License Regulations), Chapter 3 (Liquor Control), for the Creation and Issuance of a Village Liquor License (Class "H" Package Liquor) for Kssah Oil, Inc. (Marathon Gas Lincolnshire – 435 Milwaukee Avenue)
- 6.5 Approval of an Ordinance Amending Title 3 (Business and License Regulations), Chapter 5 (Peddlers and Solicitors), of the Lincolnshire Village Code (Village of Lincolnshire)
- 6.6 Approval of an Ordinance Amending Title 1 (Administration), Chapter 15 (Comprehensive Fee Schedule), of the Lincolnshire Village Code Related to the Establishment of Fees and Charges for Service (Peddlers and Solicitors Licenses – Village of Lincolnshire)

7.0 ITEMS OF GENERAL BUSINESS

- 7.1 Planning, Zoning & Land Use
- 7.2 Finance and Administration
 - 7.21 Consideration and Approval of an Ordinance Granting Emergency Powers to the Mayor and Approving an Extension of a Declaration of Emergency (Village of Lincolnshire)
 - 7.22 Consideration and Approval of a Resolution Approving a Policy Concerning Attendance at Village Meetings by Video or Audio Conference (Village of Lincolnshire)
- 7.3 Public Works
- 7.4 Police
- 7.5 Parks and Recreation
- 7.6 Judiciary and Personnel

8.0 REPORTS OF SPECIAL COMMITTEES

9.0 UNFINISHED BUSINESS

10.0 NEW BUSINESS

11.0 EXECUTIVE SESSION (None)

12.0 ADJOURNMENT

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. Regular Village Board Meetings will not proceed past 10:30 p.m. unless there is a consensus of the majority of the Trustees to do so.

**VILLAGE OF LINCOLNSHIRE
LAKE COUNTY, ILLINOIS**

ORDINANCE No. _____

**AN ORDINANCE GRANTING EMERGENCY POWERS TO THE MAYOR AND APPROVING AN
EXTENSION OF A DECLARATION OF EMERGENCY**

WHEREAS, the Village of Lincolnshire is an Illinois home rule municipal corporation operating under the Constitution and laws of the State of Illinois; and

WHEREAS, Section 11-1-6 of the Illinois Municipal Code provides the corporate authorities of each municipality may, by ordinance, grant to the mayor the extraordinary power and authority to exercise, by executive order, during a state of emergency, such of the powers of the corporate authorities as may be reasonably necessary to respond to the emergency; and

WHEREAS, Section 11 of the Illinois Emergency Management Agency Act provides that a local disaster may be declared by the principal executive officer of a political subdivision, which declaration shall not be continued or renewed for a period in excess of 7 days except by or with the consent of the governing board of the political subdivision; and

WHEREAS, the Mayor intends to exercise the power described in Section 11 of the Illinois Emergency Management Agency Act to declare a local emergency; and

WHEREAS, the Village Board desires for this ordinance to: (a) establish standards for determination by the Mayor of when a state of emergency exists; and (b) provide that the Mayor shall not exercise such extraordinary power and authority except after signing, under oath, a statement that: (1) finds such standards have been met; (2) sets forth facts to substantiate such findings, (3) describes the nature of the emergency; and (4) declares that a state of emergency exists; and

WHEREAS, the Village Board further desires to approve an extension of the Mayor's declaration of emergency to a date no later than the adjournment of the first regular board meeting in April 2020, after which the Village Board may reassess current conditions and renew or terminate the emergency declaration.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Lincolnshire, in exercise of its home rule powers, as follows:

Section 1. Recitals; Findings.

A. The corporate authorities incorporate the foregoing recitals as through fully restated herein and adopt them as an expression of the legislative intent for this Ordinance and the authority bestowed upon the Mayor hereby.

B. Legislative Findings.

(1) The United States Center for Disease Control and Prevention (CDC), the United States Department of Health and Human Services (HHS), and the World Health Organization (WHO) have each determined that the SARS-CoV-2 virus causes the COVID-19 respiratory disease. The SARS-CoV-2 virus is a new strain of coronavirus not been previously identified in humans and is easily spread from person to person. The COVID-19 disease can result in serious illness and death.

(2) Dozens of confirmed cases of COVID-19 have been identified in the State of Illinois to date, and many of the cases in Illinois are in the greater Chicagoland area. On January 31, 2020, the Secretary of HHS declared a public health emergency for the entire United States of America concerning COVID-19. On March 9, 2020, Governor Pritzker issued a disaster proclamation concerning the spread of COVID-19 in Illinois. On March 11, 2020, WHO declared that the spread of COVID-19 is a global pandemic. On March 13, 2020, President Trump declared a national emergency concerning the COVID-19 pandemic.

(3) The Illinois Department of Public Health has now confirmed localized community person-to-person transmission of COVID-19 in Illinois, significantly increasing the risk of exposure and infection to Illinois' general public and creating an extreme public health risk in the Village and throughout the State. As has been experienced in other locales in the United States and around the world, the SARS-CoV-2 virus has the potential to infect large numbers of people in a short amount of time, placing extreme burdens on the health care system and the economy.

(4) In exercise of the authority granted by law, the Mayor has heretofore issued a Declaration of Emergency.

(5) In order to prevent the spread of COVID-19 in the Village, and to protect the residents of the Village from disease and death, it is necessary to approve and extend the Mayor's Declaration of Emergency to implement emergency regulations and orders, all as set forth in the Mayor's Declaration.

Section 2. Mayor's Emergency Powers. Section 1-5-1 of the Lincolnshire Village Code is hereby amended by adding new subparagraph "F", Emergency Powers, as set forth in Exhibit A, attached hereto and incorporated by reference.

Section 3. Approval and Extension of Declaration of Emergency. For the reasons identified in the recitals and legislative findings, the Board of Trustees hereby ratifies and approves the Mayor's Declaration of Emergency, a copy of which is attached hereto as Exhibit B and incorporated by reference, and consents to the extension of such Declaration until the adjournment of the first regular meeting of the Village Board in April 2020. The Village Board may terminate or extend the Declaration by the majority vote of the Trustees then in attendance.

Section 4. Notice of Declaration of Emergency. The Mayor's Declaration of Emergency and this Ordinance shall be given prompt and general publicity and shall be filed promptly with the Village Clerk.

Section 5. Effective Date. The adoption and implementation of this Ordinance is a matter of urgent public concern which requires it to take effect immediately upon its passage by a vote of two-thirds (2/3) of all the members of the corporate authorities now holding office.

SO ORDAINED this 19th Day of March, 2020.

AYES:

NAYS:

ABSENT:

APPROVED:

Elizabeth J. Brandt, Mayor

ATTEST:

Barbara Mastandrea, Village Clerk

Filed in the Office of the Village Clerk
This 19th Day of March, 2020.

Barbara Mastandrea, Village Clerk

EXHIBIT A

MAYOR AND VILLAGE BOARD OF TRUSTEES

1-5-1: Mayor

1-5-1: MAYOR:

* * *

F. EMERGENCY POWER:

1. As used in this section, "state of emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the Village of Lincolnshire caused by conditions such as a public health emergency, hazardous materials release, fire, flood, storm, epidemic, riot, earthquake, or conditions resulting from war or imminent threat of war.
2. Whenever the Mayor determines that a state of emergency exists, the mayor is hereby empowered to:
 - a. **Emergency Regulations:** Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such state of emergency, provided that such rules and regulations must be confirmed at the earliest practicable time by the Village Board;
 - b. **Emergency Procurement:** Obtain vital supplies, equipment and such other properties and services needed for the protection of life and property, and to obligate the city for the fair value thereof and, if required immediately, to commandeer same for public use, without adhering to the regular purchasing procedures otherwise applicable;
 - c. **Emergency Services:** Require emergency services of any city officer or employee and, in the event of the proclamation of a state of emergency in the County of Lake or the existence of a state of war emergency, to command the aid of as many citizens of the Village as he or she deems necessary in the execution of his or her duties, provided that such persons shall be entitled to all privileges, benefits, and immunities as are provided by law for registered disaster service workers;
 - d. **Emergency Staffing and Resource Management:** Requisition and allocate necessary personnel, equipment, or material of any city department or agency;
 - e. **Emergency Police Power:** Enforce all orders from the United States Centers for Disease Prevention and Control, State of Illinois Department of Public Health, County of Lake Department of Public Health, Army Corp of Engineers, and the Governor of the State of Illinois;
 - f. **Emergency Spending:** Approve the payment of all current invoices and wages which are not inconsistent with the appropriations adopted by the Village Board and which are made necessary for the protection of life and property as affected by such state of emergency;
 - g. **Emergency Succession:** Prepare an order of succession in the event of the Mayor's inability to perform such powers;
 - h. **Emergency Administrative Power:** Temporarily modify licenses and permits granted by the Village to the extent reasonably necessary for the protection of life and property as affected by such state of emergency and for the preservation of the economic welfare of the Village; and
 - i. Execute all of his or her ordinary power as mayor, all of the special powers conferred upon him or her by this section, all powers conferred upon him or her by any statute, by any agreement approved by the Village Board, and by any other lawful authority.
3. The Mayor shall not exercise the extraordinary powers and authority provided herein until after he or she has signed, under oath, a statement finding that the definition of a state of emergency has been met, setting forth facts to substantiate such a finding, describing the

- nature of the emergency, and declaring that a state of emergency exists. Such statement shall be filed with the Village Clerk as soon as practicable.
4. A state of emergency, declared as provided herein, shall expire not later than the adjournment of the first regular meeting of the Village Board after the state of emergency is declared.

EXHIBIT B
MAYOR'S DECLARATION OF EMERGENCY

[SEE ATTACHED]

**DECLARATION OF EMERGENCY
VILLAGE OF LINCOLNSHIRE
MARCH 17, 2020**

I, Elizabeth J. Brandt, Mayor of the Village of Lincolnshire, Lake County, Illinois, being first duly sworn under penalty of perjury, attest to the truthfulness of the following and do hereby issue this Declaration of Emergency for the Village of Lincolnshire, this 17th day of March, 2020 (“Declaration”).

Findings of Fact

The United States Center for Disease Control and Prevention (CDC), the United States Department of Health and Human Services (HHS), and the World Health Organization (WHO) have each determined that the SARS-CoV-2 virus causes the COVID-19 respiratory disease. The SARS-CoV-2 virus is a new strain of coronavirus not been previously identified in humans and is easily spread from person to person. The COVID-19 disease can result in serious illness and death.

Dozens of confirmed cases of COVID-19 have been identified in the State of Illinois; to date, all of the cases in Illinois are in the greater Chicagoland area. On January 31, 2020, the Secretary of HHS declared a public health emergency for the entire United States of America concerning COVID-19. On March 9, 2020, Governor Pritzker issued a disaster proclamation concerning the spread of COVID-19 in Illinois. On March 11, 2020, WHO declared that the spread of COVID-19 is a global pandemic. On March 13, 2020, President Trump declared a national emergency concerning the COVID-19 pandemic.

The Illinois Department of Public Health has now confirmed localized community person-to-person transmission of COVID-19 in Illinois, significantly increasing the risk of exposure and infection to Illinois’ general public and creating an extreme public health risk in the Village and throughout the State. As has been experienced in other locales in the United States and around the world, the SARS-CoV-2 virus has the potential to infect large numbers of people in a short amount of time, placing extreme burdens on the health care system and the economy.

In order to prevent the spread of COVID-19 in the Village, and to protect the residents of the Village from disease and death, I find that it is necessary to issue this Declaration to implement emergency regulations and orders, all as set forth in this Declaration.

Statement of Authority

This Declaration is issued pursuant to the authority granted to me by Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1-6; and Section 11 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/11.

Declaration

I hereby declare that a state of emergency exists in the Village of Lincolnshire, for the reasons set forth in this Declaration.

Emergency Regulations and Orders

In exercise of the emergency power granted to the office of Mayor upon the declaration of an emergency, I hereby direct and order as follows:

1. *Emergency Purchasing.* I order that the Village may enter into contracts for the emergency purchase of goods and services that may be necessary for the preparation for, response to, and from, the COVID-19 pandemic. The Mayor and the Village Manager are hereby authorized to execute such contracts in accordance with applicable law.
2. *Emergency Staffing.* This Declaration constitutes a declaration of civil emergency and/or force majeure under the Village's collective bargaining agreements. Accordingly, I direct the Village Manager to implement such emergency staffing protocols and procedures as may be necessary for the preservation of public health and safety, and for the preservation of the health of Village employees. Specifically, and without limitation of the foregoing, the Village Manager is authorized to implement alternative staffing protocols, procedures, and shifts for the Village Police Department.
3. *Cooperation with Other Government Agencies.* I direct all Village officials and employees to take all practicable steps to coordinate the Village's resources and emergency operations with the State of Illinois, the County of Lake, and other local governments in and around the Village, to best utilize resources of all agencies in the area for the preparation for, response to, and recovery from, the COVID-19 pandemic.
4. *Enforcement of Executive Orders.* I direct all law enforcement officers to enforce the terms and conditions prescribed in the Executive Orders issued by the Governor which relate to the State's efforts to limit the spread of the COVID-19 disease.
5. *Liquor Commissioner.* Under my authority as the Local Liquor Commissioner, I hereby declare that any bar or restaurant which violates the Executive Order which prohibits service of food or beverage for on-site consumption shall be subject to an immediate suspension of their liquor license for a period of one week. Furthermore, all liquor licenses which are normally limited to on-site consumption are hereby temporarily amended to permit the sale of alcoholic beverages in the unopened, original container for off-site consumption, provided such sale occurs in relation to the service of whole meals. Nothing herein is intended to affect the application of the requirements imposed by the State Liquor Control Commission.
6. *Plan of Succession.* Provisions in the Village of Lincolnshire Emergency Operation Plan shall provide the direction and control of the Village's response to the COVID-19 Pandemic.
7. *Ability to Cease Utility Late Fees / Water Shut-Offs.* I order that the Village Manager be granted the authority to cease water and/or sewer service shut-offs or cease application of utility late fees that may accrue as a result of delays in payment that may impact a utility customer's ability to make payment in a timely matter.
8. *Payment of Bills to be Ratified at Next Available Board Meeting.* In the event the Village Board may not hold its regularly scheduled meetings, I order that the Village may process all wages and accounts payable that are not inconsistent with the Village Appropriation Ordinance. Such payments will be ratified at the next regularly scheduled Village Board meeting.
9. *Essential Village Meetings.* I direct the Village Manager or his designee to work with the chairperson of each respective advisory Board to determine whether upcoming Zoning Board, Architectural Review Board, Police Pension Board, and Park Board meetings should be cancelled in response to the COVID-19 pandemic.

Pursuant to the authority vested in me pursuant to Section 1-5-1 of the Village Code, I reserve the right to issue additional emergency regulations and orders in furtherance of this Declaration. Notice of any additional regulations and orders will be provided to the Village Clerk, posted on the Village website, and otherwise provided to the general public as quickly as practicable.

Effective Date and Period of Emergency

This Declaration shall take effect immediately, and shall expire automatically upon the first to occur of: (i) the adjournment of the next regular or special meeting of the corporate authorities of the Village; and (ii) the date that is seven days after the date of this Declaration; provided, however, that corporate authorities, in their discretion, may extend the duration of this Declaration by a majority vote at any regular, special, or emergency meeting of the corporate authorities.

Signed and sealed with the official seal of the Village of Lincolnshire on this 17th day of March, 2020.

By:

Elizabeth J. Brandt
Mayor
Village of Lincolnshire

**A RESOLUTION APPROVING A POLICY CONCERNING
ATTENDANCE AT VILLAGE MEETINGS BY VIDEO OR AUDIO CONFERENCE**

WHEREAS, the Village of Lincolnshire (“**Village**”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1 et seq. (“**Act**”), members of public bodies may attend meetings via video or audio conference (“**Electronic Attendance**”) subject to certain conditions and restrictions and to the extent allowed by rules adopted by the public body; and

WHEREAS, the Village Mayor and Village Board desire to implement a policy (“**Policy**”) authorizing Electronic Attendance by members of the Village Board and the Village’s subsidiary bodies in accordance with the Act; and

WHEREAS, the Village Mayor and Village Board have determined that it is in the best interest of the Village and the public to approve and implement the Policy;

NOW, THEREFORE, BE IT RESOLVED, by the Board of the Village of Lincolnshire, Lake County, Illinois, as follows:

SECTION 1: RECITALS. The Village Board hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL OF POLICY. The Village Board hereby approves the Policy in the form attached to this Resolution as **Exhibit A**.

SECTION 3: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

ADOPTED this 19 day of March, 2020, pursuant to the following roll call vote:

AYES:

NAYS:

ABSENT:

Signed

Elizabeth J. Brandt, Mayor

Barbara Mastandrea, Village Clerk

VILLAGE OF LINCOLNSHIRE
ELECTRONIC ATTENDANCE AT MEETINGS POLICY

I. Background and Purpose.

The Illinois Open Meetings Act, 5 ILCS 120/1 et seq. (the "Act"), requires that the actions of public bodies be taken openly and that their deliberations be conducted openly, except for certain limited circumstances that permit closed meetings. Section 7 of the Act provides that if a quorum of members of a public body are physically present, the public body may allow a member of the body to attend the meeting by a means other than physical presence subject to certain requirements and restrictions and to the extent allowed by rules adopted by the public body. See 5 ILCS 120/7. This Policy is intended to adopt certain rules and procedures for attendance at meetings by video or audio conference by members of the Village Board and members of the Village's Subsidiary Bodies consistent with Section 7 of the Act.

II. Definitions.

"**Electronic Attendance**" shall mean the attendance at a meeting of a Public Body by a member of that Public Body who is not physically present at the meeting but attends by either video or audio conference.

"**Public Body**" shall mean the Village Board of the Public Body of Lincolnshire and all other Subsidiary Bodies of the Village.

"**Subsidiary Body**" shall mean all Village boards and commissions other than the Village Board, including without limitation, the Architecture Review Board, Park Board, Police Pension Board, and Zoning Board.

III. Member Qualifications for Electronic Attendance.

A duly appointed member of the Public Body is qualified to attend a meeting of the Public Body electronically only if the member is physically prevented from attending the meeting by:

- (1) personal illness or disability;
- (2) employment purposes including the business of the Public Body; or
- (3) a family or other emergency.

IV. Procedures for Authorizing Electronic Attendance.

The following procedures are required before a member of the Public Body is authorized to attend electronically a meeting of that Public Body:

- A. Notice to the Clerk. The member must notify the Village Clerk at least two hours prior to the meeting in which the member desires to attend electronically, unless advance notice is impractical. The notice shall provide the reason the member cannot be physically present at the meeting in accordance with Section III of this Policy. If the member is unable to give the required written notice

prior to the meeting, the member shall notify the Village Clerk by other means prior to the meeting.

- B. Determination of Authorization of Electronic Attendance. Upon receipt of notice in accordance with Subsection IV.A, the Clerk or recording Secretary shall promptly forward the notice to the presiding officer of the Public Body. After determining if a quorum of the Public Body is physically present at the meeting at which a member has requested to attend electronically, the presiding officer shall state that (i) a notice was received by a member of the Public Body in accordance with this Policy, and (ii) the member will be deemed authorized to attend the meeting electronically unless a motion objecting to the member's electronic attendance is made, seconded, and approved by a majority of the members of the Public Body physically present at the meeting. If no such motion is made and seconded or if any such motion fails to achieve the required vote by the members of the Public Body physically present at the meeting, then the request by the member to attend the meeting electronically shall be deemed approved by the Public Body and the presiding officer shall declare the requesting member present. After such declaration by the presiding officer, the question of a member's electronic attendance may not be reconsidered.

V. Special Rules for Meetings Involving Electronic Attendance.

A meeting of a Public Body at which any member has been authorized to attend electronically in accordance to Section IV of this Policy must be conducted in accordance with the following special rules, in addition to any other applicable rules and procedures of the Public Body:

- A. Roll Call and Quorum. A quorum of the Public Body must be physically present at the meeting. Following the call of the roll, and at the conclusion of the procedures set forth in Section IV.B of this Policy, the presiding officer shall identify each member who is attending the meeting electronically.
- B. Identification and Recognition of Electronic Attendees. Any member attending electronically must identify himself or herself each time the member wishes to speak and must be recognized by the presiding officer prior to addressing matters before the Public Body.
- C. Public Access to Meeting. The speech of a member attending electronically shall be amplified in such a manner that it shall be generally audible to members of the Public Body who are physically present at the meeting. Also, any video image of a member attending electronically shall be projected in such a manner that the member's video image shall be generally visible and audible to members of the Public Body who are physically present at the meeting. In addition, the votes of any member of the Public Body attending electronically shall be generally audible at the location where such meeting is being held and expressly acknowledged by the presiding officer. When a member attends a closed meeting electronically, the member's speech shall be generally audible to all members of the Public Body who are physically present at the meeting, and the audio recording of the meeting required by the Act shall incorporate the speech of the member electronically attending the closed meeting.

- D. Minutes. The minutes of each meeting of a Public Body shall identify which of the members of the Public Body were physically present and, if applicable, which members of the Public Body attended electronically. The minutes shall also reflect the reason for a member's attendance electronically (as described in Section III of this Policy), the fact that there was no valid objection to such attendance pursuant to this Policy, and the electronic means by which the member attended the meeting.

VI. Effect of Electronic Attendance.

A member attending a meeting of a Public Body electronically shall be considered present at the meeting and entitled to vote on any matter before the Public Body as if the member were physically present at the meeting, provided that the member's attendance at the meeting electronically complies with the terms of this Policy.

DRAFT

Appendix A
Form of Notice

I, _____, am a member of the _____, a Public Body.

In accordance with Subsection IV.A of the Village's "Electronic Attendance at Village Meetings Policy," I am submitting this notice evidencing my desire to electronically attend the _____, 20__, meeting of the Public Body. I am physically prevented from attending that meeting due to one or more of the following circumstances:

- Personal illness or disability.
- Employment purposes or the business of the public body.
- A family or other emergency.

Date: _____

Signature: _____