



# VILLAGE OF LINCOLNSHIRE

## MINUTES COMMITTEE OF THE WHOLE MEETING August 24, 2020

Present:

~~Mayer Brandt~~

Trustee Hancock

Trustee Leider

Trustee Raizin

Village Attorney Simon

Chief of Police Leonas

Public Works Director Woodbury

Trustee Grujanac

Trustee Harms Muth

Trustee Pantelis

Village Clerk Mastandrea

Village Manager Burke

Treasurer/Finance Director Peterson

Assistant Village Manager/Community &

Economic Development Director Gilbertson

Planning & Development Manager Zozulya

\*This was a remote video-conference meeting\*

### 1.0 ROLL CALL

Temporary Chair Grujanac called the meeting to order at 7:16 p.m., and Village Clerk Mastandrea called the Roll.

### 2.0 ITEMS OF GENERAL BUSINESS

#### 2.1 Planning, Zoning and Land Use

#### 2.11 **Consideration of an Ordinance Amending Title 1 (Administration), Chapter 8 (Village Finances), Chapter 10 (Annexation Procedures), and Chapter 15 (Comprehensive Fee Schedule) of the Lincolnshire Village Code Regarding Planning/Application/Escrow Fees and Annexation Procedures (Village of Lincolnshire)**

Planning & Development Manager Zozulya provided an update of the proposed Ordinance Amending Title 1 (Administration), Chapter 8 (Village Finances), Chapter 10 (Annexation Procedures), and Chapter 15 (Comprehensive Fee Schedule) of the Lincolnshire Village Code regarding planning/application/escrow fees and annexation procedures. The proposal no longer includes the expansion of in-house escrow fees related to engineering, forestry review or other services. Planning & Development Manager provided a summary of additional cleanup items related to the code changes.

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

#### 2.12 **Consideration of an Ordinance Regarding Text Amendments to Chapters 2 (Zoning Definitions) and Chapter 3 (General Zoning Regulations) of Title 6 (Zoning of the Lincolnshire Village Code to Define and Regulate Massage Businesses as Special Accessory Uses (Village of Lincolnshire)**

Assistant Village Manager/Community & Economic Development (CED) Director Gilbertson provided a summary of a proposed Ordinance regarding text amendments to Chapter 2 (Zoning Definitions) and Chapter 3 (General Zoning Regulations) of Title 6 (Zoning) of the Lincolnshire Village Code to define and regulate massage businesses as Special Accessory Uses. The intent of the recommendation is to only allow massage businesses to be permitted as special accessory uses to a principal use in the R5 (Mixed Use General Residence District), B1 (Retail Business), B2 (General Business), E (Small Scale Office), and all O/I (Office/Industrial) zoning districts. The Zoning Board issued an unfavorable recommendation to the Village Board, as the motion did not receive four affirmative votes per Village code section 2-6-2-D. The primary reason for Zoning Board's opposition to the proposed text amendments was the 25% limitation on total square footage of the principal business. With the Zoning Board failing to issue a favorable recommendation, a 2/3 vote from all members of the Village Board is required to override the Zoning Board's recommendation at a future Regular Village Board Meeting.

Trustee Harms Muth asked if companies such as Massage Envy would have to be classified as day spas in order to move into the Village of Lincolnshire. Assistant Village Manager/CED Director Gilbertson stated a business such as Massage Envy would need to offer other services and be labeled as a day spa in order to move into the Village of Lincolnshire.

Trustee Raizin asked if a day spa would have different hours of business to qualify as a day spa. Assistant Village Manager/CED Director Gilbertson stated if there was massage business that was not part of another business, it would have to go through the special use process, and through the special use process the Village Board could condition hours and other aspects of the business.

Trustee Hancock asked why the cap of 25% of the gross floor area of the principal use was being recommended. Assistant Village Manager/CED Director Gilbertson stated the 25% cap is being recommended to ensure massage services are in fact an accessory use and not the majority use for a site so as to try and prevent illegal activity. Village Attorney Simon clarified the 25% cap relative to zoning uses.

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

### **2.13 Consideration of 2020 Fall Special Events (Village of Lincolnshire)**

Planning & Development Manager Zozulya provided a report and request for recommendation of fall events which include Boo Bash and Holiday Tree Lighting relative to being in Phase 4 of the Restore Illinois

plan as it relates to the COVID-19 pandemic.

Village Manager Burke stated he had a discussion with Mayor Brandt and she suggested prior to making a decision about trick-or-treating, the Board may want to poll residents to find out how comfortable they would be with allowing their children to trick or treat. A number of the communities in the area are encouraging families to have alternative celebrations and not necessarily taking the task of promoting trick or treat hours.

Village Manager Burke stated the Holiday Tree Lighting ceremony is heavily supported by the schools, and due to focus on remote learning, it will likely be a challenge to engage local school choirs on this type of event. Village Manager Burke noted the Village Green would still be decorated. Village Manger Burke noted the typical singing and children gathering would not be in accordance with current social distancing guidelines.

All Trustees agreed both celebrations would not be able to safely take place this year. Trustee Raizin suggested having house decorations drive-byes. A conversation regarding a house decoration contest as was done over the 4<sup>th</sup> of July followed. Village Manager Burke stated staff could certainly work to have a similar celebration.

Trustee Hancock stated he was in favor of canceling the Village events but did not think the Village could cancel trick-or-treating. A conversation regarding trick-or-treating followed. Trustee Leider asked if something formal needed to be done for trick-or-treating. Village Attorney Simon stated if residents don't want to participate in trick-or-treating, they don't have to and can simply opt-out from answering the door; it should be as simple as that. Trustee Raizin suggested the Village could assist by providing a sign residents can use to opt-out of trick-or-treating. Trustee Hancock suggested putting out some guidelines on trick-or-treating to make it as safe as possible.

It was the consensus of the Board to cancel Boo Bash and Holiday Tree Lighting in light of the current pandemic.

## 2.2 Finance and Administration

### **2.21 Consideration of Staff Report regarding Potential Storm Water Utility Fee (Village of Lincolnshire)**

Assistant Village Manager/CED Director Gilbertson provided a brief presentation regarding implementation of a potential storm water utility fee including background related to the Village-Wide Drainage Study, estimated funding of the improvements as a result of the study, direction to staff, fee options, Special Service Area options, credit/waiver program, and community engagement. Staff seeks direction/next steps from the Village Board.

Trustee Hancock noted if the Village went with the fee route, they would need to be fair and asked how precise the fee could be when compared to homeowners' contribution. Village Attorney Simon stated there has to be a rational basis for allocating the fee, and the village is allowed to use rational classifications for establishing such a utility fee. Trustee Hancock asked if they could collect a flat fee for all residents. Trustee Leider asked if they could get a flat fee for residents and a calculated or graduated fee for commercially zoned properties. Village Attorney Simon stated staff's recommendation is that you can make an assumption that all residential lots have a common amount of impervious surface which could result in creation of a single flat rate, while other lots are more diverse and would be evaluated individually, and the storm water fee would vary.

Trustee Grujanac asked for clarification from the memo and asked what is meant by a fee being "voluntary". Village Attorney Simon stated the voluntary part is why there is a requirement for credits/waivers of the established fee. Any fee established will need to provide for an opportunity to payees to request relief in the form of a waiver or credit.

Trustee Raizin asked if anything regarding ratio was considered; how much impervious surface they have compared to total square footage. Assistant Village Manager/CED Director Gilbertson stated this is not something that was explored and asked Village Attorney Simon if this is something that may have been adopted in other Villages. Village Attorney Simon stated he has not seen it used in other communities, but it is something they can explore. Most communities that use this type of fee rely on impervious surface.

Trustee Leider suggested using simplicity and fairness when moving forward with this.

Trustee Hancock asked if someone bought a home in a flood plain, could this fact be taken into consideration in relationship to the established fee. Assistant Village Manager/CED Director Gilbertson stated the properties in the flood plain still contribute to storm water run-off if they have impervious surface, so the fee would be justifiable because they are adding storm water to the system. They do pay federal flood insurance, but the fee is applicable. Trustee Hancock stated they do not contribute any more to the storm water issue than someone who does not live in the flood plain. Village Attorney Simon stated this may justify a SSA for improvements that would be directly beneficial to a specific area of the community. Trustee Leider asked if Lincolnshire has ever done an SSA and asked if staff could provide more information on this. Village Attorney Simon stated Lincolnshire has had two SSA's in the past; one for Sedgebrook where the Village issued bonds to pay for public infrastructure improvements and now that senior residence development, along with Camberley Club

townhome owners, pay additional on their property taxes to pay back the SSA debt. Another was used at Westminster Lane and Route 22 to collect money for the installation of a traffic signal at this location. Trustee Harms Muth stated her opinion is the SSA could be difficult to facilitate.

Trustees Harms Muth and Raizin stated they would be more in favor of a flat rate for residential homes and a rate established separately for commercial. Trustee Hancock asked if you could have the majority of homes paying a flat rate, but homes directly affected pay a slightly additional fee. Village Attorney Simon stated a Village-wide utility fee is not necessarily exclusive with a local SSA; they can be combined.

Trustee Hancock agreed with Trustee Leider to simplify this as much as possible. However, he noted it will be important to understand if specific residences have made improvements to their own property to address their own impervious surface. Village Attorney Simon stated it would be more important to get accurate data for the multi-family and non-residential properties since they will may not fall within the flat fee. Assistant Village Manager/CED Director Gilbertson stated this could be cumbersome process because we do not know how much impervious surface data staff would need to update. Staff is currently exploring this with Lake County. An update will be provided to the Board in future meetings.

A conversation regarding how this fee would be communicated to the residents followed.

Trustee Hancock asked if the Village was moving away from the tax option. Village Attorney Simon stated that since the Village is Home Rule, it is authorized to levy a tax, but if the Village levies a tax, you end up excluding a number of parcels that contribute storm water to the system. Trustee Hancock asked what types of parcels would be excluded. Village Attorney Simon stated any tax exempt parcels would be excluded.

It was the consensus of the Board for staff to move forward with getting additional fee structures and information to present to the Board in the near future.

## 2.3 Public Works

### **2.31 Consideration of Approval of a Contract with American Underground at a Cost not to Exceed \$60,461.56 for the 2020 Sanitary and Storm Sewer Cleaning and Televising Project (Village of Lincolnshire)**

Public Works Director Woodbury provided a summary of a proposed contract with American Underground at a cost not to exceed \$60,461.56 for the 2020 Sanitary and Storm Sewer Cleaning and Televising Project.

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

2.4 Public Safety

**2.41 Consideration of a Resolution Approving an Agreement Pertaining to the Regulation of Traffic and Parking at 400, 450, 405, 425, and 445 South Village Green (Village Place Condominiums & Village Green of Lincolnshire Condominium Association)**

Chief of Police Leonas provided a summary of the proposed Resolutions approving an Agreement pertaining to the regulation of traffic and parking at 400, 450, 405, 425, and 445 South Village Green

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

2.5 Parks and Recreation

2.6 Judiciary and Personnel

**3.0 UNFINISHED BUSINESS**

**4.0 NEW BUSINESS**

**4.1 Daily Herald Reporter Russell Lissau**

Trustee Grujanac thanked Daily Herald reporter Russell Lissau and noted he is being reassigned.

**4.2 Whytegate Park Courts**

Trustee Hancock noted the tennis and basketball courts at Whytegate Park look near completion and asked the status. Public Works Director Woodbury stated the contractor is finishing the final stages of color coating, and the poles will be done Wednesday/Thursday of this week. The courts should be opened this week.

**5.0 EXECUTIVE SESSION**

**6.0 ADJOURNMENT**

Trustee Harms Muth moved and Trustee Raizin seconded the motion to adjourn. Upon a voice vote, the motion was approved unanimously and Temporary Chair Grujanac declared the meeting adjourned at 8:32 p.m.

Respectfully submitted,

**VILLAGE OF LINCOLNSHIRE**

Barbara Mastandrea  
Village Clerk