



# VILLAGE OF LINCOLNSHIRE

## MINUTES COMMITTEE OF THE WHOLE MEETING June 28, 2021

Present:

Mayor Brandt	Trustee Grujanac
Trustee Harms Muth	Trustee Mitchell
Trustee Pantelis	Trustee Raizin
Trustee Wright	Village Clerk Mastandrea
Village Attorney Simon	Village Manager Burke
Public Works Director Woodbury	Assistant Village Manager/Community & Economic Development Director Roesler
Assistant Finance Director Rossi	Planning & Development Manager Zozulya

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

### 1.0 ROLL CALL

Mayor Brandt called the meeting to order at 7:38 p.m., and Village Clerk Mastandrea called the roll.

### 2.0 ITEMS OF GENERAL BUSINESS

#### 2.1 Planning, Zoning, and Land Use

#### **2.11 Public Hearing Regarding an Amendment to a Special Use for Rivershire Planned Unit Development (PUD) for a Cluster Single Family Residential Development to Provide for Additional Commercial Uses (Village of Lincolnshire – 625, 675, and 725 Milwaukee Avenue)**

Mayor Brandt recessed the June 28, 2021, Committee of the Whole meeting and convened the Public Hearing regarding an amendment to a Special Use for Rivershire Planned Unit Development for a cluster single-family residential development to provide for additional commercial uses (Village of Lincolnshire – 625, 675, and 725 Milwaukee Avenue)

Mayor Brandt provided an overview of procedures for the public hearing.

Planning & Development Manager Zozulya provided a summary of an amendment to a Special Use for Rivershire Planned Unit Development for a cluster single-family residential development to provide for additional commercial uses. Planning & Development Manager Zozulya provided a table of proposed uses for the PUD indicating permitted uses and special uses noting staff recommendations. Planning & Development Manager Zozulya noted staff is the requestor in this instance, so there will be no other presentation.

Mayor Brandt asked if staff received any public comments or questions. Planning & Development Manager Zozulya noted no public

comments or questions have been received.

Mayor Brandt noted the findings of fact will be included in the record for the public hearing. Mayor Brandt adjourned the Public Hearing, and reconvened the Committee of the Whole meeting at 7:48 p.m.

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 Pre-Application Review Regarding Text Amendments to Title 6 (Zoning), Chapter 2 (Definitions) and Chapters 5A through 5E to Revise Definitions and Regulations for Community Residential Homes; and to Repeal Chapter 5F (R6 Mixed Use Estate District) of the Lincolnshire Village Code (Village of Lincolnshire)**

Planning & Development Manager Zozulya provided a summary of the proposed pre-application review regarding text amendments to Title 6 (Zoning), Chapter 2 (Definitions), and Chapter 5A through 5E to revise definitions and regulations for community residential homes; and to repeal Chapter 5F (R6 Mixed Use Estate District) of the Lincolnshire Village Code. These codes have not been amended since the 1990s, and staff believes the code needs the proposed revisions. Planning & Development Manager Zozulya noted Chapters 5A, 5B, 5C, and 5D are proposed to be amended to remove references to the maximum number of people in a community residential home as a permitted use and to add community residential homes to the Special Use list in those districts. A summary of changes in Chapter 5E – Community Residential Home Regulations would eliminate the administrative occupancy permit approval process and create the following approval options:

- **By Right:** Applications for six or fewer individuals (which includes both residents/staff residing on the property) can locate by right, provided they meet all state and federal requirements, including sponsor licensing. Currently, up to three unrelated individuals can locate by right. The change in the number of individuals from three to six is due to the updated definition of family and the elimination of the administrative occupancy permit process. No changes are proposed to the current home spacing requirements.
- **By Special Use:** Applications for 7-12 individuals (residents/staff residing on the property) will require a Special Use permit with a public hearing at the Zoning Board and notification to adjacent residents per Village code section 6-14-11. The only change to the maximum number of individuals (12) is to include any support staff residing on the property. No changes are proposed to the current home spacing requirements.

Trustee Raizin asked what part of the code staff is recommending be deleted. Planning & Development Manager noted staff is recommending 5F - R6 Mixed Use Estate District be deleted from the code for accessory commercial uses on residential properties. Trustee Harms Muth asked if there are any current properties zoned R6 Mixed Use Estate District. Planning & Development Manager Zozulya stated this district no longer exists.

Trustee Wright asked for further explanation on how Riverside Foundation fits into the proposed code changes. Planning & Development Manager Zozulya stated the Riverside Foundation is zoned R1 Residential; however, while they do provide services to individuals with disabilities, they are looked at differently because they are a more institutional use similar to Sedgebrook. They would not be affected by the proposed changes.

Trustee Mitchell asked if there are currently any group homes in Lincolnshire. Planning & Development Manager Zozulya stated staff is not aware of any. Staff also contacted the state department and they are not aware of any in Lincolnshire. Trustee Mitchell asked if a group home would be more like a business than a residential situation. Village Attorney Simon stated the definition does not make such a distinction. So long as the single-family dwelling is occupied by the semi-permanent housekeeping unit, they are entitled to the same right to live there as the traditional family. Trustee Mitchell asked how this would be different from a resident renting out their home. Village Attorney Simon stated the amended code changes would allow for the purpose of engaging in a residential lifestyle, they would be using the home for the purpose of which the neighborhood is designed. Attorney Simon noted if someone starts a home occupation, they are using the residential home for a business or non-residential purpose which would be treated differently. Trustee Mitchell asked if a group home would be treated as a business. Village Attorney Simon stated a group home would not be treated as a business under either the current or the proposed code changes.

Trustee Grujanac asked if a group home would be guided by the same rules as a residential home in the same district. Village Attorney Simon confirmed they would be governed by the same rules.

Trustee Mitchell asked if group homes are regulated by other agencies that may require them to have other regulations satisfied. Village Attorney Simon stated depending on the services, yes some are regulated by the state. Trustee Mitchell asked if the Village zoning incorporates language that says that they have to comply with those types of regulations. Village Attorney Simon stated we can't apply rules that restrict state law. We can add a condition indicating where there is an applicable license, they have to demonstrate they have one. If a license applies the Village can make sure they have it.

It was the consensus of the Board to refer this to the Zoning Board for review and recommendation.

2.2 Finance and Administration

**2.21 Continued Consideration of Potential Storm Sewer Utility Fee Model Recommendations (Village of Lincolnshire)**

Assistant Village Manager/Community & Economic Development (CED) Director Roesler provided a presentation regarding potential storm sewer utility fee model recommendations including a recap of past meetings and work completed since the May 24, 2021, Committee of the Whole meeting. Assistant Village Manager/CED Director Roesler noted during his presentation he would review recent work completed by Christopher B. Burke Engineering, staff's recommendation to adopt a straight line equivalent residential unit (ERU) model, reasons for the recommendation for the ERU model, and reasons staff is not recommending a floodplain surcharge.

Trustee Harms Muth asked if the four major capital projects in the 10-Year Capital Improvement Plan will help the residents if the Des Plaines River crests. Assistant Village Manager/CED Director Roesler noted the proposed projects would not help flooding if the river crests. Village Attorney Simon stated Christopher B. Burke Engineering explained the Village-Wide Drainage Study identified projects that were needed to make sure all community members receive an equivalent level of storm sewer service and areas in the community not capable of holding a 10-year rain event. Attorney Simon noted the four projects identified in the plan are designed to upgrade older parts of the community with modern storm water engineering and are not intended to address the type of rain event that would cause river flooding. Village Manager Burke stated in an event like the one the previous weekend, where the rain came down quickly and the river is low, we could use the proposed lift station to be able to get water off the roadways quicker. In a typical rain event, there will be more capacity for storm water storage with the planned projects.

A conversation regarding rain events and flooding in the Village followed.

Assistant Village Manager/CED Director Roesler continued the presentation highlighting storm sewer utility fee components including personnel costs, operating costs, recurring capital projects, and major capital project financing.

A conversation regarding ERU's followed.

Assistant Village Manager/CED Director Roesler continued the presentation with costs of core municipal services as a comparison to other Chicagoland communities that have also implemented a storm

sewer utility fee. The comparison also included property taxes for a \$500,000 home and average water/sewer user fees.

Trustee Wright asked what percentage of residential households would fit into the \$211 storm sewer fee outlined in the presentation and staff memorandum. Assistant Village Manager/CED Director Roesler stated approximately 63% of all users would fit into the \$211 fee. Assistant Finance Director Rossi stated 63% of properties within Lincolnshire have one ERU, 29% have two ERU's which make of the majority of all residential properties in the community.

Mayor Brandt expressed concern about the understanding of the chart presented which includes the fire protection district's portion of property taxes to reflect Lincolnshire's total tax burden. Village Manager Burke noted staff felt it was important to include the fire prevention district property tax since all the other municipalities, included in the comparison chart, have a fire department as part of municipal operations and tax accordingly to provide such services.

Trustee Mitchell asked if the Village of Riverwoods is not represented on the chart for comparison because they do not have a storm sewer fee. Assistant Village Manager/CED Director Roesler confirmed the Village of Riverwoods does not have a storm sewer fee and noted staff only used municipalities with a storm sewer fee for comparison purposes.

Trustee Raizin mentioned past requests from the Board regarding a portion of the annual operating costs being covered by the General Fund and asked again why a portion of this could not be covered by the General Fund. Assistant Village Manager/CED Director Roesler stated there are still projects in the Capital Plan that need to be funded, and staff does not have a recommendation at this time outside of a storm sewer fee to fund those. Assistant Village Manager/CED Director Roesler noted there would either have to be cuts made to the General Fund Budget or find additional revenue sources to fund these projects if the Village increases the financial burden needed to build and maintain new storm sewer infrastructure.

Trustee Harms Muth noted concern regarding how the Cross-Town Water Main project has been funded but not these projects. Village Manager Burke stated there are two funds that comprise the Water and Sewer Fund; a Water and Sewer Operating Fund and the Water and Sewer Improvement Fund which serves as the capital fund for water infrastructure. The fee the Village charges for the consumption of water and sanitary sewer services covers the cost of operating the system. Approximately seven years ago, the fees that were established were not adequate to cover operations or capital, so the General Fund was subsidizing both the operating portion as well as the needed capital projects. Back then, the Board committed to address the fee structure to ensure water and sewer operations and a portion

of the capital are funded via the utility user charge. Approximately \$1 million annually has been transferred out of the General Fund to fund needed water infrastructure. Village Manager Burke stated as a result of the Village-Wide Drainage Study, the Village went from approximately a \$23 million 10-Year Capital Improvement Plan to over a \$40 million 10-year Capital Improvement Plan because the Village-Wide Drainage Study projects were not historically reflected in the 10-Year Capital Plan.

Trustee Harms Muth noted further confusion regarding these projects not being funded the same way as the Cross-Town Water Main. Trustee Raizin noted she is not questioning the need for the improvements but also questioned why some of these projects could not be paid for out of the General Fund. Village Manager Burke stated when the meeting takes place kicking off the 5-year Financial Forecast, the first thing staff does is satisfy the goal of maintaining 20% operating expenses in the Water & Sewer Fund. There is also a policy of maintaining 75% of operating reserves in the General Fund. Village Manager Burke noted the 75% reserve policy is set so high due to the elasticity of Village revenue sources. Village Manager Burke noted that by the end of the fifth year of the current 5-year financial plan, finances are already reducing the level of reserves below the approved policy. Village Manager Burke stated the 75% operating reserves policy can be changed by the Board. Trustee Harms Muth reiterated that she would not know how to explain how the Village came up with the funds for the Cross-Town Water Main Project but not this project. Assistant Village Manager/CED Director Roesler stated the most recent phases of the Cross-Town Water Main Project were already included in the 10-year Capital Plan, and was accounted for when staff prepared previous budgets.

A conversation regarding what the General Fund pays and possibly reducing the 75% operating reserves followed. Mayor Brandt provided background into the 75% operating reserves and how staff has worked to be conservative through 2021 as a result of the pandemic.

Village Manager Burke noted staff can put together a model for an increment of the proposed Storm Water Fund expenses to come out of the General Fund reserves.

Trustee Grujanac requested staff present a further breakdown of the homes based on a more detailed impervious surface noting concern with the residents on a fixed income who also live on lots with potentially a small amount of impervious surface.

Mayor Brandt stated it appears the Board is behind the project, but would like more of a percentage on the breakdown of impervious surface, background history on what the General Fund has paid for, and communications to the residents regarding the proposed fee.

Assistant Finance Director Rossi noted within the General Capital Fund there is no money left for Capital Projects after 2025; up to that point in time all the money has been allocated.

Mayor Brandt asked when a decision would need to be made for this. Assistant Village Manager/CED Director Roesler noted ideally the decision would need to be made by July to provide for an opportunity to initiate a public education process and move forward with the fee in 2022.

Trustee Grujanac asked if staff has had communications with some of the larger impervious surface residents. Assistant Village Manager/CED Director Roesler noted staff has had brief communications that staff is working on this project but had not shared numbers because there is not solid direction from the Board yet or an agreed-upon fee model.

Trustee Mitchell asked if the fees over 10 years would pay off the bonds the Village obtains for the project. Assistant Village Manager/CED Director Roesler stated they are 30-year bonds, but that staff included both principal and debt payments into the fee model recommendation. Trustee Mitchell asked after 10 years would the Village still be collecting fees to pay off the bonds. Village Manager Burke confirmed the fees would continue to be collected for the 30-year bond payout and the first 10 years is for the engineering of the project.

Mayor Brandt asked if the Board would want to look at an amusement tax before The St. James coming in as a way for revenue. A brief conversation regarding a potential amusement tax followed.

It was the consensus of the Board for staff to provide additional breakdown of impervious surface, history of what the General Fund has paid for, information on a possible reduction in General Fund reserves to contribute to the proposed Storm Water Fund, and information regarding communications to the residents and bring information back to the Board for discussion.

2.3 Public Works

2.4 Public Safety

2.5 Parks and Recreation

**2.51 Consideration of Rejection of all Bids for the North Park/Florsheim Park Boardwalk Construction Project (Village of Lincolnshire)**

Public Works Director Woodbury provided a summary of rejection of all bids for the North Park/Florsheim Park Boardwalk Construction Project. Rasch Construction and Engineering was the low bidder for the project. After the bid opening, Rasch Engineering contacted the Village stating

they were withdrawing their bid from the project. Given pricing received from other bidders, staff does not recommend awarding a contract to the second or next lowest bidders for the project. Staff plans to adjust the budget numbers in the 10-year Capital Improvement Plan accordingly and re-bid the project at a more appropriate time when material costs are not as high.

Mayor Brandt asked what the budget for the project was. Public Works Director Woodbury stated there was approximately \$35,000 in the budget this year and staff was going to phase out the project over a number of years.

Trustee Mitchell asked if not awarding the contract would result in any of the boardwalks being closed. Public Works Director Woodbury stated this would not cause any of the boardwalks to be closed. Staff has performed some maintenance to the boardwalks. The contract was for a replacement plan in total.

Trustee Grujanac stated the Park Board conducted tours last week and noted her opinion that the parks look good. Trustee Grujanac stated Rivershire Park looks impressive and invited the Board to look at the new split rail fence and chipped path installed in this area.

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

## 2.6 Judiciary and Personnel

### **3.0 UNFINISHED BUSINESS**

#### **3.1 Signage**

Mayor Brandt noted as a follow up to the sign discussion at the previous meeting, she asked staff to look at the current location of some of the entryway signage. Mayor Brandt suggested these signs be placed in a more accurate location; to include the southern border.

Trustee Pantelis asked how much further does Lincolnshire go past Loft 21. Village Manager Burke stated there is approximately 100' of frontage past Loft 21 that is Lincolnshire.

Mayor Brandt requested staff take a picture of the Riverwoods kiosk sign to show the board how their electronic sign looks when considering replacing Lincolnshire's kiosk sign. Mayor Brandt suggested replacing all signs at once.

### **4.0 NEW BUSINESS**

### **5.0 EXECUTIVE SESSION**

### **6.0 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 9:05 p.m.

Respectfully submitted,

**VILLAGE OF LINCOLNSHIRE**

Barbara Mastandrea  
Village Clerk