



AGENDA
COMMITTEE OF THE WHOLE MEETING
Village Hall – Board Room
Monday, November 23, 2015
Immediately following Regular Village Board Meeting

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.

The Committee of the Whole will not proceed past 10:30 p.m. unless there is a consensus of the majority of the Trustees to do so. Citizens wishing to address the Board on agenda items may speak when the agenda item is open, prior to Board discussion.

CALL TO ORDER

1.0 ROLL CALL

2.0 APPROVAL OF MINUTES

- 2.1 Acceptance of the November 9, 2015 Committee of the Whole Meeting Minutes
- 2.2 Acceptance of the October 21, 2015 Special Committee of the Whole Budget Workshop Meeting Minutes

3.0 ITEMS OF GENERAL BUSINESS

3.1 Planning, Zoning and Land Use

- 3.11 Consideration of an Architectural Review Board recommendation regarding Variations to Title 12, Sign Control, of the Lincolnshire Village Code for permanent identification signage and temporary signage for the 86-unit Camberley Club townhome Planned Unit Development (Pulte Home Corporation)
- 3.12 Report and Update Regarding Annexation Activity (Village of Lincolnshire)

3.2 Finance and Administration

- 3.21 Consideration and Discussion of the 2016 Village Calendar and Meeting Schedule (Village of Lincolnshire)
- 3.22 Consideration and Discussion of Supplemental Appropriation Ordinance of the Village of Lincolnshire, Illinois for the Fiscal Year Beginning January 1, 2015 and Ending, December 31, 2015 (Village of Lincolnshire)
- 3.23 Consideration and Discussion of an Ordinance Levying Taxes for Corporate Purposes of the Village of Lincolnshire, Lake County, Illinois for Fiscal Year January 1, 2016 and Ending December 31, 2016 (Village of Lincolnshire)
- 3.24 Consideration and Discussion of an Ordinance Abating the Tax Heretofore Levied for the Year 2015 to Pay Debt Service on Several Notes of the Village of Lincolnshire, Lake County, Illinois (Village of Lincolnshire)

- 3.25 Consideration and Discussion of an Ordinance Abating and Reducing Certain Taxes Heretofore Levied to Pay Debt Service on Special Service Area (SSA) Bonds of the Village of Lincolnshire, Lake County, Illinois (Sedgebrook Special Service Area Number 1 Special Tax Bonds)
- 3.26 Consideration and Discussion of an Ordinance Abating Certain Taxes Heretofore Levied for the Westminster Way Transportation Special Service Area Number 1A (Village of Lincolnshire)
- 3.27 Consideration and Discussion of Update to Village of Lincolnshire Fixed Asset Policy (Village of Lincolnshire)
- 3.28 Continued Discussion Regarding Village of Lincolnshire Proposed 2016 Budget – Utility Rate Options (Village of Lincolnshire)
- 3.3 Public Works
- 3.4 Public Safety
 - 3.41 Continued Consideration and Discussion of Recent Amendments to the Illinois Liquor Control Act (Village of Lincolnshire)
- 3.5 Parks and Recreation
 - 3.51 Consideration and Discussion of Park Board Recommendation to Approve a Lincolnshire Sports Association (LSA) Request to Host Two “Skate Nights” in January/February 2016 at North Park (Lincolnshire Sports Association)
- 3.6 Judiciary and Personnel
- 4.0 **UNFINISHED BUSINESS**
- 5.0 **NEW BUSINESS**
 - 5.1 Consideration and Discussion of an Ordinance Economic Development and Worker Empowerment by Regulation of Involuntary Payroll Deductions for Private Sector Workers in the Village of Lincolnshire
- 6.0 **EXECUTIVE SESSION**
- 7.0 **ADJOURNMENT**



**MINUTES
COMMITTEE OF THE WHOLE MEETING
Monday, November 9, 2015**

Present:

Mayor Brandt	Trustee Feldman (Left at 8:17 p.m.)
Trustee Grujanac	Trustee Hancock
Trustee McDonough	Trustee Servi
Trustee Leider	Village Clerk Mastandrea
Village Attorney Simon	Village Manager Burke
Chief of Police Kinsey	Treasurer/Finance Director Peterson
Public Works Director Woodbury	Community & Economic Development
Village Planner Robles	Director McNellis
Management Analyst Shoukry	

ROLL CALL

Mayor Brandt called the meeting to order at 7:20 p.m. and Village Manager Burke called the Roll.

2.0 APPROVAL OF MINUTES

2.1 Acceptance of the October 26, 2015 Committee of the Whole Minutes

The minutes of the October 26, 2015 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 of Architectural Review Board Recommendation Regarding Updates to Lincolnshire Design Guidelines for Construction and Development along Major Thoroughfares (Village of Lincolnshire)

Village Planner Robles provided a presentation of the Architectural Review Board (ARB) recommendation regarding updates to the Lincolnshire Design Guidelines for construction and development along major thoroughfares. The current guidelines have never been updated since their adoption. Village Planner Robles noted the intentions of the updates are to modernize guidelines.

Trustee Feldman noted it was her opinion not to dictate architectural style due to constant change but noted other elements presented are acceptable to change. Trustee Hancock noted he is not familiar with some of the architectural terms related to style of architecture used in the presentation and agreed with Trustee Feldman. Trustee Hancock noted it was his opinion to change or soften the terminology to state "suggested" and/or "recommended" instead of implying that certain

defined styles are required or are the only types permitted. A brief discussion followed regarding architectural design approvals in the past. Village Planner Robles noted staff would revise some of the language to be more general in nature.

There was a consensus of the Board to revise some of the language regarding architecture and to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.2 Finance and Administration

3.21 Public Comment Regarding the Proposed Fiscal Year 2016 Budget (Village of Lincolnshire)

Village Manager Burke noted this item is in accordance with the budget schedule for fiscal year 2016. The proposed budget has been posted online; has been made available at the Vernon Area Library and the Village Hall for review. Village Manager Burke noted staff has not received any public comments as a result of the proposed 2016 Budget posting.

3.3 Public Works

3.31 Consideration and Discussion of Concept Plans for Stage 2 of the Illinois Transportation Enhancement Project (ITEP) Grant (Village of Lincolnshire)

Public Works Director Woodbury provided a summary of the concept plans for Stage 2 of the ITEP Grant, which are for enhancements of the right-of-way area along the north side of Olde Half Day Road. Two different concept plans are being presented. One is a base plan and the other is an enhanced plan. The enhanced plan would require funds above the approved budget and beyond the current ITEP Grant allocation. Staff seeks direction and feedback regarding the design concepts.

Village Manager Burke noted the Stage 1 funding and Stage 2 funding of the ITEP Grant are both included in the proposed 2016 budget. Village Manager Burke provided a summary of what is included in each stage and what the Village would like to accomplish with this project. Trustee Hancock noted he saw the Stage 2 budget but not the Stage 1. Public Works Director Woodbury noted Stage 1 was bid in the current year, only one bid was received and the contractor who bid was not a qualified vendor through Illinois Department of Transportation (IDOT) standards, so this will be re-bid in January. Trustee Hancock asked if staff is confident the state share of the Grant will be received by the Village. Village Manager Burke noted the funds were allocated for the Village of Lincolnshire years ago and staff has confirmed with IDOT through this process that the funds are available; regardless of the state budget, these are federal funds the state administers. Village Manager Burke explained this is an 80/20 split with 20% being the responsibility of the Village.

Mr. Craig Most with 3D Design Studio provided a presentation highlighting both the base plan and the enhanced plan for the Olde Half Day Road right-of-way area to the east and north of the Village Hall.

Mayor Brandt asked if the current kiosk sign would be replaced. Village Manager Burke noted near term, the kiosk mentioned in the plan would be in addition to the current kiosk and on a smaller scale, for travelers on the path.

Trustee Grujanac noted concern that the proposed plan appears as if the natural areas are being taken out to be more manicured at Route 22. Mr. Most noted the area is currently natural, but most plant material to be removed is invasive plant material such as buckthorn. Trustee Grujanac stated it was her opinion she liked the natural look and did not want to be able to see Route 22 when walking down the path. Village Trustee Feldman noted she was in agreement with Trustee Grujanac. Mr. Most described in more detail the intentions of the area in question and the desire to open up the vistas to the existing ponds on Lake County Forest Preserve property which are currently obscured by overgrowth. A brief conversation regarding the location on Route 22 where the proposed enhancement would start followed. Mayor Brandt noted the lake area is Lake County property, and they approved the proposed plans to open up the views. Mr. Most noted the area in question would still be heavily wooded, the intention would be to clear more of the path, and all vegetation north of the path will stay.

Mr. Most continued with his presentation. Conversations regarding the proposed views and the removal of trees and vegetation followed. Trustees Hancock and McDonough noted their approval of the proposed base plan. Trustees Grujanac and Feldman noted their opinion in support of the current more natural look.

Mr. Most continued with his presentation highlighting the area on Olde Half Day Road moving toward Village Green.

Trustee Leider asked if by opening up the view to the lake, would this open up liabilities regarding the lake and children on the bike path. Trustee McDonough noted this would be the liability of Lake County since it is their property.

Trustee Grujanac noted concern regarding the removal of the crab apple trees on Olde Half Day Road. Trustee Hancock asked if it was possible to keep some of the trees. Mr. Most noted the plan reflects not all the crab apple trees are to be removed and additional trees will be added towards the Village Green. It was the consensus of the Village Board to explore ways to retain the existing crab apple trees.

Mr. Most continued with his presentation highlighting proposed lighting and benches.

Mr. Most continued his presentation and explained details of the enhanced plan.

Mayor Brandt suggested moving the proposed Lake County kiosk sign further down where the path splits so it does not conflict with the current Village kiosk sign.

Trustee Leider noted his opinion was the less man-made materials the better and the more cost effective; less time and money to maintain the area is his desire. Trustee McDonough noted his agreement with Trustee Leider's suggestion. It was the consensus of the Board not to pursue the more enhanced plan with site structures or public art in order to reduce initial costs and long-term maintenance expenses.

Trustee Hancock asked since the plan was done in stages, would the work actually be done in stages. Public Works Director Woodbury noted Stage 1 is the median work and will be handled separately. However, the work contemplated by the base plan for Stage 2 would all be completed at one time.

Trustee Grujanac suggested combining the proposed kiosk with the current kiosk instead of adding an additional kiosk.

Lighting was discussed briefly and staff noted it was added to the proposed plan for safety. Village Manager Burke noted some of the desire behind the proposed plan is related to economic development interests and the goal for people driving by to get a sense of space and arrival at the Village's central business area.

Staff will make revisions based on comments made regarding moving forward with the base plan; retaining some of the trees and increasing the amount of native plantings in areas throughout the base plan.

There was a consensus of the Board to move forward with the base plan and make revisions based on comments to explore ways to retain the trees and increase the native plantings.

3.4 Public Safety

3.41 Consideration and Discussion of an Amendment to Section 3-3-2-6 of Title 3-3, Liquor Control, for the Creation and Issuance of Class "N" and Class "J" Liquor License for Half Day Brewing, LLC (Half Day Brewing Company)

Chief of Police Kinsey provided a summary of the proposed amendment to the Code regarding liquor control, for the creation and issuance of Class "N" and Class "J" liquor licenses for Half Day Brewing, LLC.

There was a consensus of the Board to place this item on the Consent

Agenda for approval at the next Regular Village Board Meeting.

3.5 Parks and Recreation

3.6 Judiciary and Personnel

4.0 UNFINISHED BUSINESS

4.1 Village of Lincolnshire Proposed 2016 Budget Follow Up

a. Central Area Corridor Plan – Update

Village Manager Burke provided a Central Area Corridor Plan update. As a result of the Budget meetings it was requested staff seek out information regarding engaging planning and/or architectural design students for this project. Community & Economic Development Director McNellis has created a timeline for the process of reaching out to area Universities to see if it is possible to market this as a spring semester project for planning students. If the timeline cannot be met with the Universities, staff would engage the consulting community to see if they have ideas regarding an RFP incorporating student work.

Trustee McDonough asked if there was any budget money being applied for this. Village Manager Burke noted no additional dollars would be budgeted and spent for this aspect of the project. There is \$65,000 in the budget for the actual corridor plan and RFP.

b. Discussion of Options Regarding Utility Rates

Village Manager Burke noted at the October 21, 2015 meeting there was discussion regarding water and sewer rates. There was a proposed budget amount for water rates based on Highland Park increasing the rates they charge Lincolnshire for purchase of water. Staff included a report in the packet proposing a number of options based on discussion at the October 21, 2015 meeting. Village Manager Burke provided information about minimum billing.

Trustees Hancock and McDonough asked for clarification regarding the minimum charge for water. Management Analyst Shoukry noted the proposal would not change the minimum charge in terms of gallons but the rate will change. Trustee McDonough asked if the current minimum charge is for 4,000 gallons per quarter. Management Analyst Shoukry noted the minimum charge is based on 4,000 gallons per month. A brief conversation followed regarding the sanitary sewer rate versus the water rate, and it was noted Lincolnshire has rates below the average.

Trustee McDonough noted over time the Village Board made decisions to establish rates at a certain level and rely on transfers from the General Fund to cover needed costs. General Fund revenues such as sales tax have helped the Village to minimize the amount of increases applied to the water and sewer rate over time. Village Manager Burke noted connection fees also used to be a huge revenue source to cover

cost of needed capital expense; however, much of this revenue has gone away due to reductions in construction activity as well as the Village nearing build out status.

Village Manager Burke stated Trustee Servi suggested looking into a graduated or tiered rate structure. Village Manager Burke noted the survey data included in the agenda materials reflect a number of communities incorporating some type of tiered structure for their billing. Some municipalities charge a different amount for higher users. An analysis was done of Lincolnshire's top users and found the tiered scale would largely affect institutions; such as Sedgebrook, Stevenson High School, and Riverside Foundation.

Management Analyst Shoukry provided a presentation regarding proposed options for utility rates. The presentation covered the current state of the funds, recommended options, the impact on homeowners, and long term considerations.

Trustee Hancock asked what the capital outlays are based upon in the reports since the last four years the Village has had basically no expenses and according to the charts presented, the next six years the Village will have a great capital expense for these utilities. Village Manager Burke noted in the late 1990's there was a study of the water system that identified a number of recommended improvements needed for the system which have been deferred until now. The Jamestown Lane looping planned for 2016 was one of these projects. The Westwood Lane/Bedford Lane project that was completed in the current year was another of these projects which is a million dollar project and will improve the overall system. Projects identified as critical path have been included in the Village's Long-Term Capital Plan, which then are reflected in the amount of capital expenditures planned over the next several years. Village Manager Burke noted there are other projects identified in the projected capital plan but is uncertain if these can be accomplished with existing staff/resources.

Management Analyst Shoukry continued with his presentation.

Trustee McDonough asked how much of the \$60 per household total per year would be revenue for the Village. Village Manager Burke stated the total per year would be \$144,000 in additional revenue. Trustee Leider asked why the initial proposed \$10 monthly infrastructure fee was reduced to \$5. Management Analyst Shoukry noted as a result of the budget meeting and discussion by the Village Board at that time, it was stated the \$10 was very aggressive and may not go over well with residents. Trustee Leider asked what the rates have been over the last five years. Village Manager Burke stated the water rates had increased 4% over the last two years and sewer rates were increased significantly four years ago due to a pending Lake County sewer rate increase that never happened. Trustee Leider asked what the expected increase is compared to the last few years. Village Manager Burke stated it is

higher than normal since the past increases have only been to cover the charge of the Highland Park increase for the wholesale purchase of water and not needed infrastructure.

Trustee Hancock noted if this is being subsidized, the power users are getting even more subsidized and asked what the economic impact would be if the tiered or power user received a higher increase. Management Analyst Shoukry stated a lot of the high tier usage is in the business community; the top ten commercial users which are primarily institutions would drive approximately 70% of additional revenues from a tiered structure. When the tiered analysis was done; staff based this off of three tiers with an additional 3% on top of the previous tier based on their usage. Trustee Hancock asked why this tiered system would not be fair since the top ten users are driving the increased costs and not the residents. Trustee McDonough agreed with Trustee Hancock regarding possibly implementing a tiered system for water rate increases based on usage. Management Analyst Shoukry noted when putting together information on the tiered model, it was only applied to commercial. There would be an impact on residential but residential use is significantly lower.

Trustee McDonough asked Village Attorney Simon if the Village would have to justify the rate increase. Village Attorney Simon stated the expenses far outweigh the revenues so no justification would need to be made to increase the rates but a rational basis would need to be made to develop categories. Separating commercial from residential is a rational basis. Trustee McDonough asked if the tiered system was split between commercial and residential and as an example usage was the same for both commercial and residential but the rate increase was different; could this be disputed. Village Attorney Simon noted there is a rational basis for distinguishing between commercial user and residential user.

Mayor Brandt asked what the average residential water usage was. Management Analyst Shoukry noted residential usage is about 6,000 gallons per month with little variance overall between users. Commercial average is 23,000 gallons per month with a wide range of variance between users.

Trustee Grujanac noted her concern regarding a tiered system specifically if this could affect Stevenson High School since they are not a business and this would involve tax dollars. Trustee McDonough noted Lincolnshire has approximately 10% of the taxpayers for Stevenson and Lincolnshire is subsidizing a big portion of Stevenson's water rate bill. Trustee Grujanac noted concern that this might take away funds going towards education and the classroom.

Management Analyst Shoukry noted the top users are significantly above the next tier. Finance Director/Treasurer Peterson stated the water meters for commercial are significantly more money and next year

many of the mentioned power users are due to exchange their meters as part of the new automated meter reading system. Village Attorney Simon stated the power users in a tiered system also have the greater ability to conserve with the potential and incentive to decrease their usage.

Trustee McDonough noted he did not believe the \$5 a month increase or \$144,000 a year would do anything to help the current problem.

Trustee Hancock suggested getting additional analysis on the power users and a possible tiered system. Mayor Brandt and several Trustees asked staff to gather how much of an increase it would be for each power user. Management Analyst Shoukry noted there are different ways to allocate the tiers and based on the model used as the example an increase to Stevenson High School per year could be approximately \$44,000.

Trustee Grujanac suggested getting the power users mentioned into a room for a conversation prior to implementing a tiered system. Mayor Brandt and Trustee McDonough noted this is a decision of the Board and not the power users. Mayor Brandt noted the Village gave Stevenson High School their water connection at no charge.

Mayor Brandt noted one of the jobs of the Board is to be fiscally responsible and protect the Village and the infrastructure.

A brief conversation followed regarding the tier structure used in the model and what percentage of increase would be recommended based on usage. Trustee Hancock recommended including revenues per tier when staff figures increases. Mayor Brandt asked if there are other known communities using the tiered approach. Management Analyst Shoukry noted many other communities use the tiered approach. Each community has different factors involved in their tiered systems making it difficult to compare.

A conversation followed regarding the infrastructure fee verses the tiered structure.

There was a consensus of the Board for staff to research a tiered structure and report back prior to the last meeting of the year with information related to how many tiers, what the affect would be regarding the proposed change, revenue impact per tier, information and comparison to fair market rates, and infrastructure fees.

5.0 NEW BUSINESS

6.0 EXECUTIVE SESSION

7.0 ADJOURNMENT

Trustee McDonough moved and Trustee Hancock seconded the motion to adjourn. Upon a voice vote, the motion was approved unanimously and Mayor Brandt declared the meeting adjourned at 9:32 p.m.

Respectfully submitted,

VILLAGE OF LINCOLNSHIRE

Barbara Mastandrea
Village Clerk



SPECIAL COMMITTEE OF THE WHOLE MEETING

Community Room
Thursday, October 19, 2015
5:00 p.m.

Present:

Mayor Brandt	Trustee Hancock
Trustee Feldman	Trustee Grujanac
Trustee McDonough	Trustee Servi
Trustee McAllister	Village Clerk Mastandrea
Village Attorney Simon	Village Manager Burke
Finance Director/Treasurer Peterson	Public Works Director Woodbury
Community & Economic Development Director McNellis	Management Analyst Shoukry

CALL TO ORDER

1.0 ROLL CALL

Mayor Brandt called the meeting to order at 5:17 p.m., and Village Manager Burke took the roll call.

2.0 ITEMS OF GENERAL BUSINESS

2.1 Finance and Administration

Village Manager Burke thanked the Board and staff for their attendance at the budget workshop and explained the reason for meeting is to review the proposed 2016 Budget and provide opportunity for the Board to ask questions. Village Manager Burke explained staff will attempt to cover the entire budget, including the general capital fund and other funds to avoid the need for a second workshop on the proposed budget. Village Manager Burke noted the proposed capital expenditures for 2016 should come as no surprise to the Village Board as the expenditures proposed largely fall in line with the projects and equipment/vehicle purchases detailed in the recently adopted 10-Year Capital Improvement Plan.

Village Manager Burke provided an overview of the assumptions and fiscal policies used in creating this budget, including:

- Flat or nominal increases in revenues; budgeted wage increases of 3% for non-union personnel;
- A 3.5% maximum merit increase; no major operational changes; no new personnel changes;
- Property tax levy only to fund police pensions and IMRF obligations.
- Carrying over capital projects which could not be accomplished in 2015.

Village Manager Burke noted the proposed budget does not contemplate any increases in the number of full time personnel, though it does include several position changes. The empty Records Clerk position will be filled by an additional Community Service Officer position, and the empty Engineering Supervisor position will be filled by an Assistant Public Works Director/Village Engineer Position. Finally, one Police Officer position will be unfilled for 2016.

Village Manager Burke then discussed the Village's general financial position, especially as it relates to the ongoing State budget crisis noting there have not been new developments on the matter, though it is important to consider the possible impact the State budget could have on the Village. The Village could be exposed to losses up to \$720,000 in State Income Tax and State Use Tax, as well as a possible property tax freeze. Village Manager Burke followed with discussion of the general economic opportunities and threats on the horizon for the Village, as well as an overview of the Village's position in regard to the Board's financial policies.

A discussion of the 20% Water and Sewer reserve funding policy and the general state of the Water and Sewer Fund followed. Village Manager Burke noted the policy of maintaining a reserve of 20% is sensible, but reiterated the fund continues to rely on annual transfers from the General Fund to fund operations and capital needs. Village Manager Burke noted this is contrary to the Board's policy of establishing water and sewer rates at a level of support the total cost of water and sewer operations. Mayor Brandt noted keeping the water and sewer rates low was a Board decision which may require revisiting.

Village Manager Burke stated the proposed budget anticipates total operating revenue of \$11,733,950 and total operating expenditures of \$13,011,838. Village Manager Burke reviewed the following highlights of the proposed 2016 budget:

- General Fund operating revenues represent a slight decrease over the previous year. Village Manager Burke noted Room and Admission taxes have performed better than anticipated, likely due to increased weddings due to the new Noah's event venue.
- General Fund: Operating Expenditures Reflect 10.9% (\$1,278,114) Increase over the 2015 projected year end. However, if expenses related to the Police Pension Fund transfer (\$833,550) are excluded, FY2016 expenditures represent only 3.8% (\$444,564) over the 2015 projected year end.
- Prior to factoring in Capital Expenditures (reflected as transfer to General Capital and Water & Sewer Improvement Fund), General Fund operating Budget (\$10,017,810 for General Government, CED, Police, Public Works) is balanced.
- The budget contemplates use of FY2016 revenues and reserves to fund capital projects.

Village Manager Burke reviewed anticipated revenues in the FY2016 budget, noting most revenue sources are unchanged with slight modifications to projections based on this year's performance. Village Manager Burke stated staff has taken a conservative approach to projecting revenues and hopes actual numbers will outperform the projections. Mayor Brandt inquired about the Village's hotel tax compared to neighboring communities, noting she is not advocating an increase but the concept should be kept in mind if necessary.

Mayor Brandt asked about revenues from the potential sale of Marriot land, staff noted the budget does not include any potential one time revenues such as the sale of the Marriott or Pulte properties. The group discussed if the Village has considered acquiring land. Staff noted the Board considered it in the past when appropriate.

2.11 Fiscal Year 2016 Budget Workshop

o General Fund - Expenditures

Administration: Village Manager Burke explained the Administration budget is largely unchanged, with a \$6,300 overall decrease related to lack of professional development expenditures. Village Manager Burke also detailed the Administration department's goals for 2015 as being: strategic planning for the Village; continuing to work with the GovITC consortium; increased utilization of mobile technology for staff; continuing to update the personnel policies manual; explore high-deductible health insurance; increased transparency and use of video on Village website; performance management reporting; and a coordinated community organization/business community planning event.

Finance: Finance Director/Treasurer Peterson updated the group regarding the Finance budget, which is largely unchanged from 2015. Overall, a 3.5% increase in operating costs is anticipated. Finance Director/Treasurer Peterson also outlined the Finance Department's goals for FY2016 as being: introduce accounts payable vendor payment via auto withdrawal; a request for proposal for banking services; adding credit card payment options; document new software procedures; monthly utility billing; and utilizing positive pay to limit exposure to check fraud.

Police: Chief of Police Kinsey noted the Police Department budget reflects a 25.6% (\$816,350) increase over FY2015. However, \$833,550 of the increase is related to budgeting for Police Pension Fund expenses in the Department's budget which were not included as a departmental expense in previous years. Per the auditors, Police Pension Fund expenses are now recorded in the Police budget. Major budget changes in the FY2016 budget are succession planning for the Deputy Chief position, implementation of the STARCOM21 radio system, and staff realignment due to the addition of the Community Service Office position in place of the vacant Records Clerk position.

Chief of Police Kinsey reviewed the Police Departments goals for 2016, which include: deployment of the STARCOM21 radio system, emergency telephone system board consolidation, examining Village Hall security, department succession planning, continuing to form collaborative relationships with the community.

Trustee Hancock inquired about how the Village's police related spending would compare to a comparable community. Staff noted there are metrics available which can allow for some comparisons between communities. Mayor Brandt mentioned the Village is somewhat unique do to the Village's high daytime population.

Community and Economic Development: Community & Economic Development Director McNellis outlined changes in the Community & Economic Development Department; most notably a \$65,000 increase related to central area/Milwaukee corridor planning; increased expenses related marketing and membership costs with Visit Lake County; and increased professional development for the Village Planner. Trustee Grujanac asked if the Village could work with a local university to collaborate on the central area plan in addition to retaining a consultant. Village Manager Burke stated staff will look into partnering with a university and report back to the Village Board. The group discussed other projects in the Community and Economic Development budget, most notably the Pocket Park. Mayor Brandt suggested the Village pursue completing the Pocket Park as part of the 2016 budget rather than waiting for a developer to move forward with the buildout of the remaining outlots in the downtown triangle site. Trustee Grujanac noted she would like to see a movie in the park type of event be considered at this location, and staff responded that the idea is currently being discussed for other parks in the Village. Mayor Brandt mentioned she would like to replant the median adjacent to the Fresh Market so the median trees are consistent in size with the rest of the Village. Public Works Director Woodbury stated the ITEP Grant work will address some of the medians, but he will contact IDOT and see if we can expand the scope of the ITEP project to include the rest of the medians.

Community & Economic Development Director McNellis reviewed other Community & Economic Development Department goals for 2016, including: continue the comprehensive review of development-related codes - zoning definitions, cellular facilities, the subdivision code, and the tree preservation ordinance; provide planning and support to community events; continue to focus on economic development efforts including landlord/tenant/broker meetings; creation of economic development promotional materials; creation of a dedicated commercial website; evaluation of kiosk signs on Milwaukee Avenue and identification & wayfinding signage throughout the Village; create a comprehensive pedestrian plan for the village downtown and commercial corridors; research the methodology and applicability of existing utility connection fees, school and library impact fees, annexation impact fees and park fees to determine if current fees satisfy current needs; and review zoning

regulations and research design-oriented regulations to insure residential character/integrity of the village is preserved.

Insurance and Common Expense: Village Manager Burke stated the Insurance and Common Expense budget reflects an 0.9% (\$12,615) increase over last year's budget, noting the most significant changes being: reductions in the telephone line expense by approximately 75% due to elimination of costly copper communication circuits; refining of splits in individual line items between other departments and funds; and new and continuing technology projects. Management Analyst Shoukry updated the board on upcoming technology goals and projects for 2016, including: continuing planned desktop refresh; storage upgrades; firewall upgrades; backup power upgrades; and GovITC projects.

Public Works Administration: Public Works Director Woodbury outlined the Public Works Administration budget and noted the budget contemplates a 4% (\$6,325) decrease compared to FY2015. Public Works Director Woodbury noted the most significant change as a decrease in professional engineering services from \$50,000 to \$40,000. Public Works Director Woodbury then reviewed the goals for the year including: implementing a department safety training program; investigating lighting options for outdoor fixtures; implementing long-range pedestrian improvement plan; developing long-range flood mitigation plan for Lincolnshire Drive area; and increasing visibility and awareness of tree planting program. Trustee Grujanac asked about the All Natural Hazards Mitigation Plan, noting it would be good to reengage these residents in assisting with planning for the Des Plaines River area. Mayor Brandt suggested staff promote the Village's Tree Adoption Program more. Mayor Brandt also noted her opinion is to see more Village involvement in addressing the ash trees in the corporate center.

Public Works Streets: Public Works Director Woodbury stated the proposed budget reflects a 1.3% (\$15,250) increase compared to FY2015 due to inclusion of funds for potential flashing pedestrian signal at Olde Half Day Road and South Village Green as well as increased funds for contractual services for storm sewer repair on Lincolnshire Drive.

Public Works Parks and Open Space: Public Works Director Woodbury stated the proposed budget reflects a 0.7% (\$10,150) increase compared to FY2015. Public Works Director Woodbury noted the following highlights in the budget: \$19,300 increase in landscape maintenance resulting from the recent bid of contractual mowing and increase in tree pruning expenditures by \$5,000. Mayor Brandt asked about spraying medians for dandelions. Staff stated it was done in the past but has not been effective due to the heavy traffic around the medians. Trustee Grujanac commented on how much time staff puts into special events, and it is important to communicate the level of staff involvement. Mayor Brandt stated she has previously brought up the idea of hiring a part-time special events coordinator, and it could be further discussed in the future. Trustee Hancock stated he worries advertising the level of staff

involvement may lead to community groups coming to rely on the Village to put on special events.

Buildings: Public Works Director Woodbury noted the proposed budget reflects a 2.8% (\$4,000) decrease compared to FY2015. Public Works Director Woodbury also noted the major initiatives as being: evaluate emergency response plan needs for all village facilities; replacing shake roof at village hall; replacing overhead doors at public works facility; replacing garage door motors in Police Department; and participating in joint project with School District #103 on Rivershire Nature Center building.

o **Water and Sewer Fund Revenues & Expenditures**

Village Manager Burke provided an overview of the Water and Sewer operating funds, noting the following highlights: the total budgeted revenue is \$4,661,657, which includes a \$467,942 transfer from the General Fund, and the budgeted expenditures total \$5,195,885, including \$1,121,800 in capital projects. Village Manager Burke also called special attention to the 5.0% (roughly \$0.23/1000 gallons) increase in the water rate due to the 5.02% rate increase from Highland Park, and its impact on the projected revenues of the fund. Village Manager Burke also noted the recommendation to discontinue the current minimum billing practice and implement a \$10 monthly infrastructure fee on all accounts. Trustee McDonough questioned the monthly fee and noted he would be more likely to support increasing the minimum bill, as he feels the flat fee would be difficult to explain to residents. Trustee Hancock asked if the rate should be increased more than 5% given the needs of the funds. Mayor Brandt noted the Board has not chosen to pass on every rate increase from the City of Highland Park historically, but it may now be time to increase rates more than 5%. Mayor Brandt also noted she is worried rate increases may cause negative resident feedback. The group continued the discussion and concluded that more information is necessary before making a decision. Staff stated they would bring the topic back at the next Board meeting.

o **Other Funds**

Motor Fuel Tax Fund: Village Manager Burke stated this budget area reflects the street resurfacing project for the amount of \$392,505, with \$175,000 coming from Motor Fuel Tax proceeds and \$217,505 from the General Capital Fund. The project aims to address .57 miles of streets targeting mainly Berkshire Lane, Friar Tuck Court, Robinhood Court, and Sherwood Drive. Trustee Servi asked what would happen if the state budget crisis continues into the construction season. Village Manager Burke responded the Village would execute the projects using existing reserves.

Police Pension Fund: Finance Director/Treasurer Peterson reviewed the Police Pension Fund budget noting a major goal for FY2016 is to implement GASB 68: Accounting and Financial Reporting for Pensions procedures. Finance Director/Treasurer Peterson also noted the budgeted amount of Village contribution is currently \$833,550, which reflects a 33.7% increase

from FY2015. Finance Director/Treasurer Peterson noted the budgeted amount exceeds the request submitted by the Police Pension Board.

Retirement Fund: Finance Director/Treasurer Peterson reviewed the Retirement Fund budget, noting the FY2016 budget reflects a \$206,000 decrease in the Village's contribution due to the extra contribution made in 2015 not being made in 2016.

Fraud, Alcohol, and Drug Enforcement Fund: Village Manager Burke outlined the Fraud, Alcohol, and Drug Enforcement budget, commenting that the budgeted revenues are not based upon anticipated 2016 forfeitures but the budget is based on forfeited funds on hand as of December 31, 2015.

Vehicle Maintenance Fund: Village Manager Burke noted the Vehicle Maintenance budget is proposed to decrease \$65,410 (-11.8%) largely due to the retirement of the Fleet Maintenance Supervisor.

E911 Fund: Village Manager Burke reviewed the E911 fund and commented it reflects the E911 surcharge revenues only and the cost of Vernon Hills Dispatch Services, in its 3rd full year of service. Village Manager Burke also noted the land line and wireless surcharge revenues show signs of growth. Finally, the budget contemplates the use of \$151,000 of reserves for the STARCOM21 radio system deployment.

Park Development Fund: Village Manager Burke stated 2015 was the first year of the Park Development Fund, and it is anticipated to have a fund balance of \$277,048 as of December 31, 2015. The budget reflects \$188,500 in expenses related to the construction of the downtown Pocket Park.

Sedgebrook Special Service Area Fund: Village Manager Burke reviewed the fund noting 2014 as the first year for this fund being reflected in the Village's budget, and it is responsible for repayments of bonds issued as part of Sedgebrook Development. Village Manager Burke also noted the remaining debt service amounts range from \$1,159,375 to \$1,164,063 through 2034.

Special Service Area Traffic Signal Fund: Village Manager Burke outlined the fund and commented IDOT completed traffic signal installation in FY2013 and agreed to cover 100% of the construction costs of the intersection. Village Manager Burke also noted fund reserves are expected to cover 2015 to end of 2016 ongoing signal maintenance costs.

- **General Capital Fund Summary**

Village Manager Burke reviewed the General Capital Fund, noting \$3,674,504 in revenues, including \$2,044,504 in transfers from the General Fund. He also noted the fund has been broken down into operating areas rather than departments so the projects can be broken down similarly to the way they are reflected in the Village's financial reports.

Facilities - Public Works Director Woodbury reviewed the projects planned for 2016, and asked for Board direction on what variety of roof shingle to use for the Village Hall roof project. The group discussed various options and it was the consensus the project should be budgeted for at the cost of the da Vinci shingles, but a final decision will be made once the project is brought to the Board in 2016.

Equipment - Public Works Director Woodbury outlined the projects planned in 2016. The Board did not discuss any specific item.

Furniture and Fixtures - Public Works Director Woodbury outlined the projects planned in 2016. The Board did not discuss any specific item.

Storm Water and Sewer - Public Works Director Woodbury outlined the projects planned in 2016. The Board did not discuss any specific item.

Parks - Public Works Director Woodbury outlined the projects planned in 2016. Mayor Brandt noted she would like to meet with the Village of Vernon Hills and state representative and senator regarding sharing the cost of the Jamestown Court pedestrian signal prior to the Village moving forward with this project on its own.

Roadways – Public Works Director Woodbury outlined the projects planned in 2016. The Board did not discuss any specific item.

Vehicles – Public Works Director Woodbury outlined the projects planned in 2016. The Board did not discuss any specific item.

Miscellaneous Capital - Staff reviewed the projects planned in 2016. The Board inquired about ongoing costs associated with the E-Citation Printer project. Police Chief Kinsey remarked he does not believe there would be ongoing costs, but it will be noted when the project is brought to the Board for approval in 2016.

Water and Sewer Improvements - Public Works Director Woodbury reviewed the proposed capital expenditures contemplated for the Water and Sewer Improvement Fund. The Board inquired about the roof project, and Village Manager Burke noted it should be relabeled in the proposed budget as many of the satellite water and sewer facility roofs were completed this year. The Board requested seeing what the completed roofs look like, and staff said they would follow up with the addresses of those facilities.

General Feedback

Village Manager Burke asked if there were other items of concern or feedback from the Board, and the following items were brought up:

Mayor Brandt brought up seeking aid on the crosswalk project from Vernon Hills, Lake County, IDOT, and other entities.

Trustee Hancock commented his opinion is it is very important to get to an overall Village strategic plan, but feels like the Village is in a good position. The group further discussed involving students in the Village's corridor planning process.

Mayor Brandt again noted her support for completing the Pocket Park project in 2016 rather than waiting for a developer.

Mayor Brandt highlighted several upcoming events which the Board is invited to attend, and encouraged the Board to join her at these events.

Mayor Brandt brought up the idea of a proclamation to honor the services of Mike Denning to coincide with his 60th birthday at an upcoming Board meeting, and the Board was supportive.

Trustee Grujanac brought up expanding holiday lighting at the Village Hall. Staff noted it would obtain a quote to increase the amount of holiday lighting.

3.0 EXECUTIVE SESSION - None

4.0 ADJOURNMENT

Trustee Grujanac moved and Trustee Servi seconded the motion to adjourn. Upon a voice vote, the motion was approved unanimously and Mayor Brandt declared the meeting adjourned at 9:07 p.m.

Respectfully submitted,

VILLAGE OF LINCOLNSHIRE

Bradly J. Burke
Deputy Village Clerk

**REQUEST FOR BOARD ACTION
Committee of the Whole
November 23, 2015**

Subject:	Camberley Club Monument and Temporary Signage
Action Requested:	Consideration of Variations to Title 12, <i>Sign Control</i> , of the Lincolnshire Village Code associated with permanent identification signage and temporary signage for the 86-unit Camberley Club townhome Planned Unit Development
Petitioner:	Pulte Home Corporation
Originated By/Contact:	Stephen Robles, AICP Village Planner Department of Community & Economic Development
Advisory Board Review:	Architectural Review Board

Background:

- On October 13, 2015, the Village Board approved Pulte's Preliminary Development Plans for a Planned Unit Development (PUD) to develop an 86-unit gated townhome community.
- This townhome community will be located on the northern 20 acres, previously part of the Sedgebrook Continuing Care Retirement Campus, located at the southeastern corner of Milwaukee Avenue and Riverside Road.
- Although signage was included as an exhibit in the Preliminary Development Plans approved by the Board, such signage is not compliant with Village Sign Control regulations and requires Pulte to seek variances before Final PUD Plans can be approved.
- At the November 17, 2015 Architectural Review Board (ARB) meeting, the ARB unanimously recommended approval of proposed sign Variations, subject to the following conditions:
 1. The Milwaukee Avenue monument ground sign panel be extended in length to 2 feet to improve the sign proportion related to the wall size.
 2. The end columns and concrete base of the Riverside Road monument ground sign be consistent in design with the end columns and base of the Milwaukee Avenue wall.
 3. The Riverside Road monument ground sign area be revised to 37 square feet, consistent with the advertised public hearing notification.
 4. Temporary Project Announcement Sign to be refreshed at a time during the display period, as determined by Staff, to insure it remain updated and relevant, and not become stale.

Summary:

- Following is a summary of the proposed variations to permanent and temporary signage (depicted in the attached presentation packet), recommended by the ARB, with the conditions listed above. Staff's comments are summarized in the attached November 17th ARB presentation packet:

Monument Ground Sign (Milwaukee Avenue) Variations:

- Section 12-9-1(A)(1), *Ground Signs*, to increase the maximum permitted height of a monument sign from 5 feet to 5 feet - 8 inches (5'8").
- Section 12-9-1(A)(1), *Ground Signs*, to increase the maximum permitted length of a monument sign from 6 feet to 45 feet - 6 inches (45'-6").
- Section 12-9-1(A)(1), *Ground Signs*, to increase the maximum permitted sign area of a monument sign from 30 square feet to 230 square feet.

The request for increased monument sign height, length, and sign area are attributed to a technicality in which the entire fence wall is classified as a sign per the Village's Sign Code. Further detail is provided in the attached Staff memo.

Monument Ground Sign (Riverside Road) Variations:

- Section 12-9-1(A)(1), Ground Signs, to increase the maximum permitted length of a monument sign from 6 feet to 10 feet.
- Section 12-9-1(A)(1), Ground Signs, to increase the maximum permitted sign area of a monument sign from 30 square feet to 40 square feet.

A secondary monument sign is proposed within the landscaped median at the Riverside Road gated entry to the development. As the sign panel is attached to the wall, the height and length are based on the dimensions of the wall. Given the size of the landscaped median and entry driveway, the petitioner seeks an entry wall and sign panel in this location proportional to the size of the median. Further detail is provided in the attached Staff memo.

Temporary Signs Variations:

- Section 12-13-1(B)(1), Project Announcement Signs, to increase the maximum permitted display period to require removal upon the final sale of the last unit of the development, rather than the code required removal immediately upon the issuance of the first certificate of occupancy.
- Section 12-13-1(B)(5), Real Estate Signs, to increase the maximum permitted display period to require removal upon the final sale of the last unit of the development, rather than the code required removal immediately upon the sale, rental or lease of the subject premises.

The Sign Code requirement for removal of temporary signage upon issuance of the certificate of occupancy is not a problem for single-phased/single building developments. However, in multiple construction phases or buildings, such as Camberley Club, the issuance of the first certificate of occupancy occurs in advance of final build-out of the development. The requested display period is consistent with past practices authorized for the Lincolnshire Place condominium project and the current Sedgebrook project announcement sign.

Recommendation:

Consideration of variations to Title 12, Sign Control, with associated signage plan details for permanent monument signage and temporary signage related to the Camberley Club townhome PUD, and placement on the December 14th Consent Agenda.

Reports and Documents Attached:

- Draft Ordinance, prepared by Village Attorney Simon, and Presentation Packet, prepared by Pulte Home Corporation.
- Staff Memorandum to the November 17, 2015 Architectural Review Board.

Meeting History	
Architectural Review Board:	November 17, 2014
Current Board Discussion (COW):	November 23, 2015

ORDINANCE NO. _____

**AN ORDINANCE GRANTING SIGN VARIANCES
FROM TITLE 12 OF THE VILLAGE CODE
FOR CAMBERLEY CLUB
(Pulte Home Corporation)**

WHEREAS, application has been made by Pulte Home Corporation (the “Petitioner”), for approval of variations to Section 12-9-1(A)(1), Section 12-13-1(B)(1), and Section 12-13-1(B)(5), of the Lincolnshire Sign Control Ordinance (collectively, the “Variances”), to permit the installation of Monument Ground Signs, Temporary Project Announcement and Temporary Real Estate Development Signs for Camberley Club (the “Development”) on property commonly known as the northern 20 acres along Riverside Road, of the Sedgebrook Continuing Care Retirement Community (the “Subject Property”); and

WHEREAS, a public hearing was duly advertised by certified or registered mail, return receipt requested, and publication on October 29, 2015 in the Daily Herald and was held by the Architectural Review Board on November 17, 2015, on which date the Architectural Review Board voted in favor of recommending approval of the Petitioner’s application for said Variances; and

WHEREAS, the Architectural Review Board has heretofore submitted to the Mayor and Board of Trustees of the Village of Lincolnshire, Lake County, Illinois, its findings of fact and recommendations related thereto, including that the Variances satisfy the standards to qualify for a sign variance set forth in Section 12-17-1 of the Village Code, attached hereto as **Exhibit C**; and

WHEREAS, the Corporate Authorities of the Village of Lincolnshire, Lake County, Illinois, have duly considered said finding and recommendations of said Architectural Review Board;

THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Lincolnshire, Lake County, Illinois, in exercise of its home rule authority, as follows:

SECTION 1: The findings and recommendations of the Architectural Review Board of the Village of Lincolnshire, Lake County, Illinois, are herein incorporated by reference as the findings of this Board to the same effect as if fully recited herein at length. All references in the findings and recommendations are made the references of the Mayor and Board of Trustees of the Village of Lincolnshire.

SECTION 2: That the property which is the subject of this Ordinance is legally described as set forth in **Exhibit A**, attached hereto and incorporated as though fully set forth herein.

SECTION 3: Variances.

A. Subject to the conditions described in Section 4 below, variances from Section 12-9-1(A)(1) , Monument Ground Signs, are hereby granted and issued to the Subject Property, as herein more specifically described and as depicted on the sign plans attached hereto in **Exhibit B**, for the purpose of permitting the following relief:

1. Milwaukee Avenue Monument Ground Sign

- a. To increase the maximum permitted height of a monument sign from 5 feet to 5 feet and 8 inches;
- b. To increase the maximum permitted length of a monument sign from 6 feet to 45 feet and 6 inches; and
- c. To increase the maximum permitted sign area of a monument sign from 30 square feet to 230 square feet.

2. Riverside Road Monument Ground Sign

- a. To increase the maximum permitted length of a monument sign from 6 feet to 10 feet; and
- b. To increase the maximum permitted sign area of a monument sign from 30 square feet to 37 square feet.

B. Subject to the conditions described in Section 4 below, a variance from Section 12-13-1(B)(1), Temporary Project Announcement Signs, is hereby granted and issued to the Subject Property, as herein more specifically described and as depicted on the sign plans attached hereto in **Exhibit B**, for the purpose of permitting an increase of the maximum permitted display period, to require removal upon the final sale of the last unit of the Development, rather than the code required removal immediately upon the issuance of the first certificate of occupancy.

C. Subject to the conditions described in Section 4 below, a variance from Section 12-13-1(B)(5), Temporary Real Estate Signs, is hereby granted and issued to the Subject Property, as herein more specifically described and as depicted on the sign plans attached hereto in **Exhibit B**, for the purpose of permitting an increase of the maximum permitted display period, to require removal upon the final sale of the last unit of the Development, rather than the code required removal immediately upon the sale, rental or lease of the subject premises.

SECTION 4: The following exhibits shall be attached to and made a part of this Ordinance and, except as expressly modified by this Ordinance, all covenants, standards, requirements, designs or specifications in such exhibits shall be binding on the Petitioner:

A. Presentation Packet, prepared by Pulte Home Corporation and Signature Design Group, comprised of 10 pages, dated November 23, 2015, attached hereto in **Exhibit B**; and

provided, however, in the event the Petitioner, or its successor and assigns, elects to maintain the signs described herein in a manner providing for the same intensity, scale and purposes approved by this Ordinance, any future sign face changes may be made only with the recommendation of the Architectural Review Board and approval of the Village Board. The decision whether future modifications preserve or expand the intensity, scale and purposes for which the approved signs are used shall be made in the sole discretion of the Director of Community Development.

SECTION 5. The specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the Village to the extent that there might be any conflict. Except for the foregoing limitation, the development of the Subject Property is subject to all terms and conditions of applicable ordinances and regulations of the Village of Lincolnshire.

SECTION 6. No order granting the variances herein shall be valid for longer than one year from the date approval was granted by the Corporate Authorities unless an application for building permit is filed with the Village's Building Official within such period or the use is commenced within such period. The Corporate Authorities may grant one extension of time not exceeding one year, upon written application made within the initial one year period, without further notice or hearing. The right to so extend said time shall not include the right to grant additional relief by expanding the scope of variance.

SECTION 7: Any person violating the terms and conditions of this Ordinance shall be subject to a penalty not exceeding Five Hundred Dollars (\$500.00) with each and every day that the violation of the Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including,

without limitation, an action in equity to compel compliance with its terms. Any person violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees. This section shall not apply to the Village of Lincolnshire, its officials, agents or employees.

SECTION 8: The premises shall be made available for inspection by any department of the Village at all reasonable times for compliance with this Ordinance and any other laws or regulations.

SECTION 9: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. Provided, however, that this Ordinance shall not take effect until a true and correct copy of this Ordinance is executed by the Owner of the Subject Property or such other parties in interest consenting to and agreeing to be bound by the terms and conditions contained within this Ordinance. Such execution shall take place within sixty (60) days after the passage and approval of this Ordinance or within such extension of time as may be granted by the Corporate Authorities by motion.

PASSED this ____th day of December, 2015, by the Corporate Authorities of the Village of Lincolnshire on a roll call vote as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED this ____th day of _____, 2015.

Elizabeth Brandt, Mayor

ATTEST:

Barbara Mastandrea, Village Clerk

Published by me in pamphlet form
this ____th day of _____, 2015.

ACKNOWLEDGED and ACCEPTED
this ___ day of _____, 2015.

PULTE HOME CORPORATION

By:

Its:

EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

LOT 2:

LOT 2 IN SEDGEBROOK RESUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 22, THE SOUTHWEST 1/4 OF SECTION 23, THE NORTHWEST 1/4 OF SECTION 26, AND OF THE NORTHEAST 1/4 OF SECTION 27, ALL IN TOWNSHIP 43 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 12, 2014 AS DOCUMENT NUMBER 7122660, IN LAKE COUNTY, ILLINOIS.

EXHIBIT B
APPROVED SIGN PLANS
[ATTACHED]

Chairman Grover and Members of the Architectural Review Board
Village of Lincolnshire
One Olde Half Day Road
Lincolnshire, IL 60069

RE: Proposed Sign Variations for Camberley Club

Dear Chairman Grover and Members of the Architectural Review Board:

On behalf of Pulte Home Corporation, I would like to thank you for the Architectural Review Board's thoughtful assistance in the evolution of the Camberley Club plan of development. With its careful eye for design and architectural detail, the ARB served a key role in challenging our team to create a new standard for townhome communities in the Village that is consistent with the high quality of development established throughout the Village.

Having received preliminary planned unit development plan approval at the October 13th Village Board meeting, we now seek the signage variations necessary to construct (a) a primary, permanent monument sign as a component of the masonry wall to be located at the northwest corner of Camberley Club in the manner illustrated and depicted by the preliminary planned unit development plan, which was previously part of the ARB's project review, (b) a freestanding, secondary, permanent monument sign to be located at the Camberley Club entrance off of Riverside Road and (c) limited temporary signage necessary to successfully market units in the development for sale until all such units are sold.

The proposed primary monument sign variations as to height, length and area result from integration of the sign into the attractive masonry walls and associated fencing located at the northwest corner of Camberley Club, which is a fundamental design component of the project as a private, gated community. The requested variations associated with this sign are required simply due to interpretational requirements of the Village's sign code, which does not appear to contemplate the aesthetic benefits of integrating monument signage into a landscape and privacy accent such as the proposed masonry walls.

The proposed freestanding, secondary monument sign at the Camberley Club entrance off of Riverside Road is intended to both (i) demarcate the Camberley Club entry point and internal street network from the adjacent, public trailhead park and realigned and reconstructed Riverside Drive and (ii) function with the associated vehicular security gates at that location to provide the privacy and limited access central to Camberley Club's nature as a private, gated community. Although this freestanding sign is not intended to be visible from Milwaukee Avenue, we seek variations to allow an increase in this sign's length and area as are required by the Camberley Club entry design to enable the development to function as a private, gated community, as intended. This secondary sign is intended to complement the aforementioned primary sign through the use of similar colors, materials, style, design elements and landscaping.



Finally, we seek variations necessary to allow use of limited temporary marketing signage to successfully market units in the development for sale until all such units are sold. More specifically, we respectfully seek an increase in the maximum permitted display period of temporary marketing signage to require removal thereof upon the sale of the last unit in the development in lieu of removal upon issuance of the first certificate of occupancy in the development. This request is both consistent with our established marketing practice and with durational temporary marketing signage variations previously granted by the Village.

We look forward to further presenting these proposed signage variations at the November 17th ARB meeting, and we thank you again for your review and consideration of these requests.

Sincerely,



Mark Mastrorocco
Director of Land Acquisition
Pulte Homes – Illinois Division
Telephone: (847) 230-5281
Fax: (847) 230-5435
Email: mark.mastrorocco@pulte.com

A PULTE HOMES COMMUNITY

Camberley Club

Village Board - Sign Variations
NOV. 23. 2015

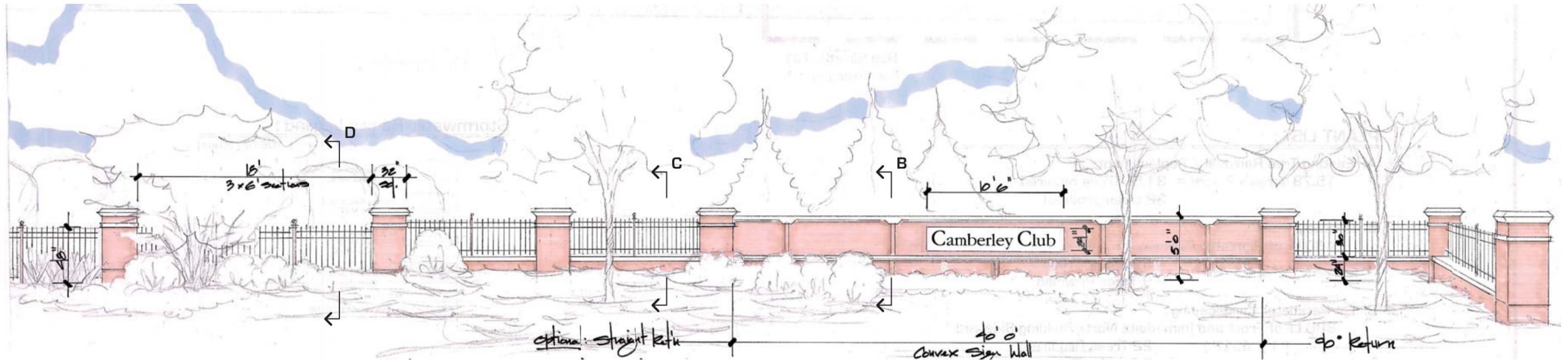


Pulte Homes - Illinois Division
Contact: Mark Mastrorocco
Telephone: (847) 230-5281
Fax: (847) 230-5435
Email: mark.mastrorocco@Pulte.com



Signage Standards

DESIGN STANDARDS	PROPOSED STANDARDS	VILLAGE STANDARD	DEPARTURE
Monument Signs			
Maximum Sign Area	230 s.f.	30 s.f.	200 s.f.
Maximum Height	5' 8"	5'	8"
Maximum Length	45' 6"	6'	39' 6"
Minimum Setback	10'	15'	5'



*see Landscape Sheet L.110 for construction details

project:

Camberley Club

Lincolnshire, Illinois

sheet description:

Monument Sign Wall

owner:

Pulte Homes
1900 E. Golf Road, Suite 300
Schaumburg, Illinois 60173



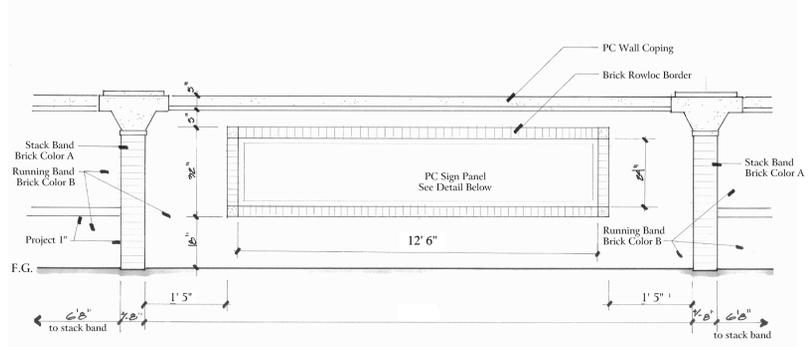
north: scale:

revisions: | 11.18.2015 | Per Staff & ARB Comments

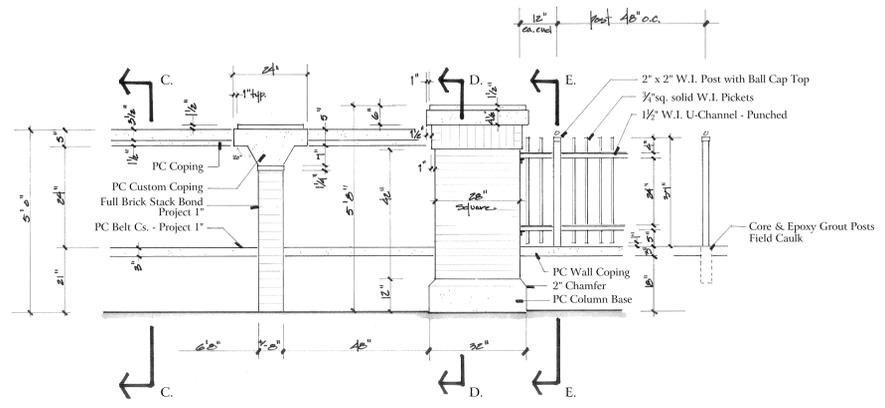
original issue date: **30 November 2015**

drawn by: _____
checked by: _____
project no.: **24005**
sheet no.: _____

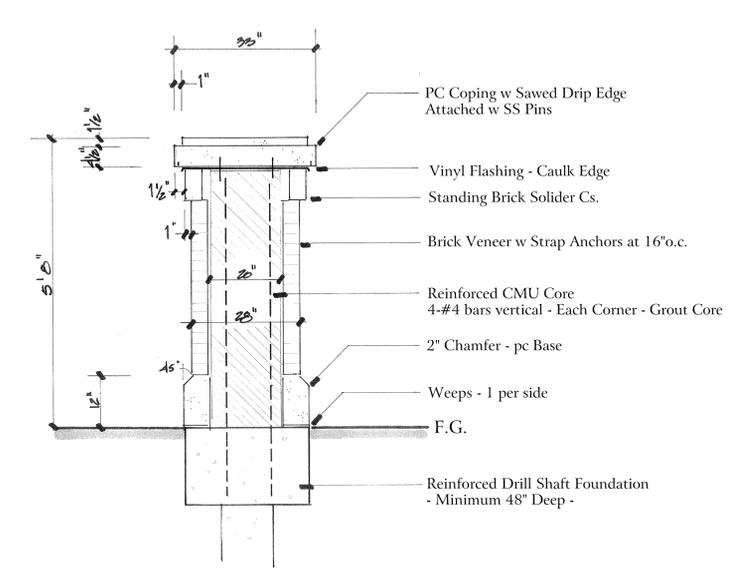
L.110



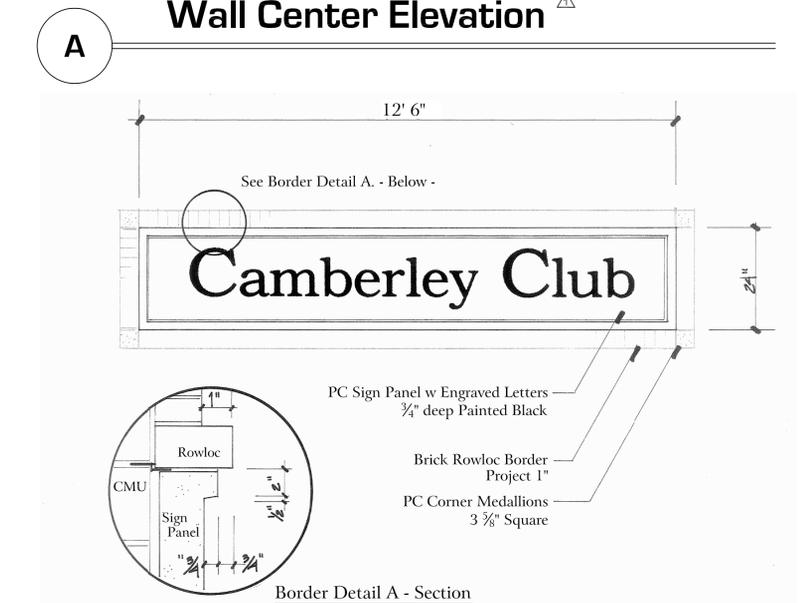
Wall Center Elevation



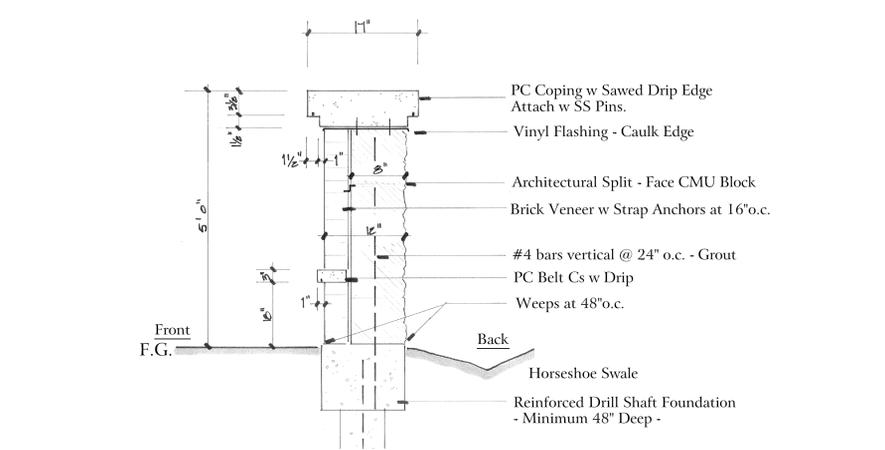
Wall Ends - Elevation



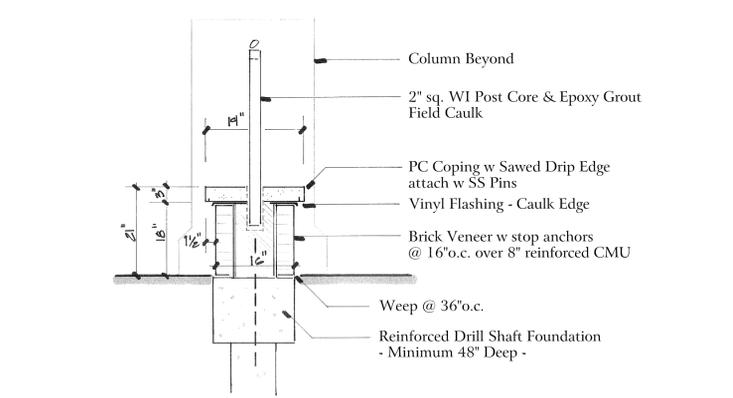
Column - Section



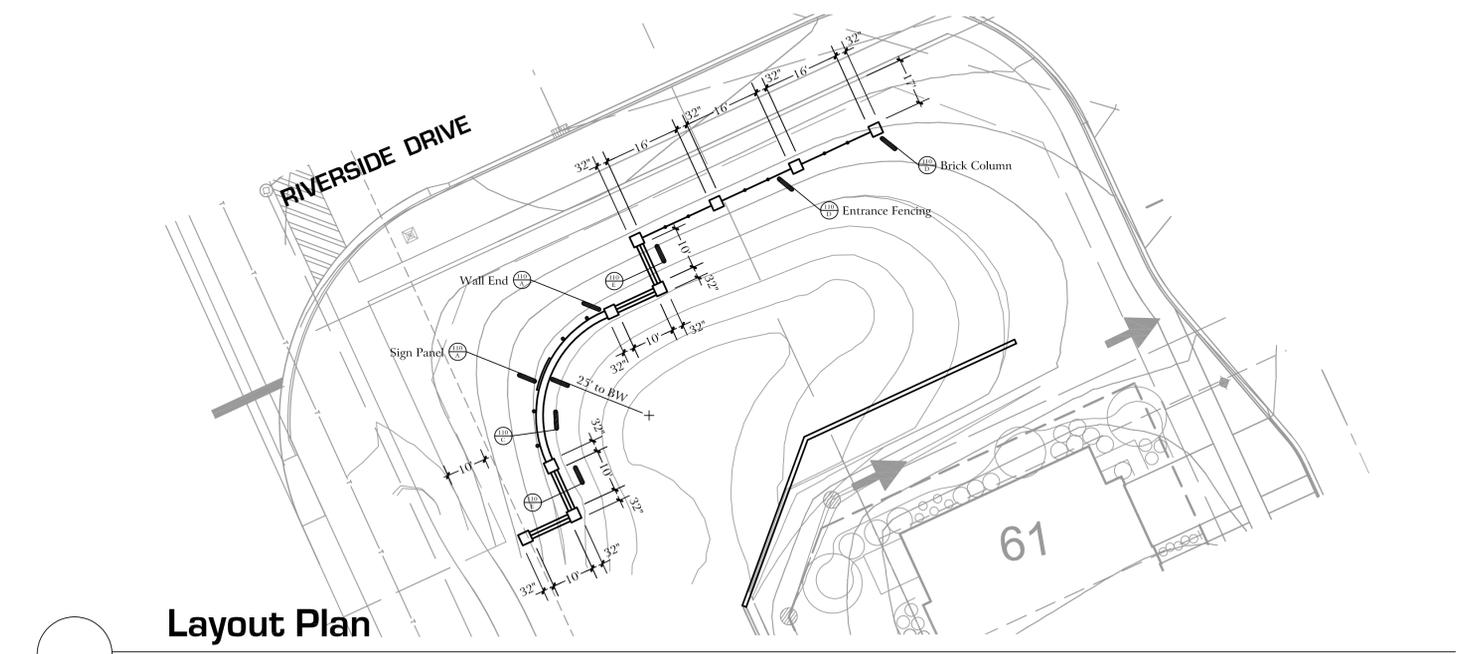
Sign Panel Detail



Sign Wall - Section



Kneewall / Fencing - Section



Layout Plan

scale: 1" = 20'0"

Monument Sign Notes :

- Contractor shall submit color and material samples to owner for approval prior to construction.
- Submit shop drawings for review to Landscape Architect and Owner for approval prior to fabrication.
- Reinforced concrete foundation to be reviewed by a Structural Engineer provided by Contractor.
- Contractor shall verify all existing conditions in the field prior to construction and shall notify Landscape Architect or any variance from construction drawings.
- Contractor shall verify underground utility lines and is responsible for any damage.
- Contractor shall secure and pay for all permits, fees, and inspection necessary for the proper execution of the work and comply with all codes applicable to this work.
- Architectural Split-Face CMU:
- Brick Veneer - Type A
- Brick Veneer - Type B
- Architectural Precast as provided by Edwards Stone - or approved equal. Lettering Font - ArrusBT. Oversize 'C'

project:

Camberley Club

Lincolnshire, Illinois

sheet description:

Entrance Area Enlargement Plan

owner:

Pulte Homes
1901 Roselle Road
Schaumburg, Illinois 60195



north: scale: 1" = 20'0"

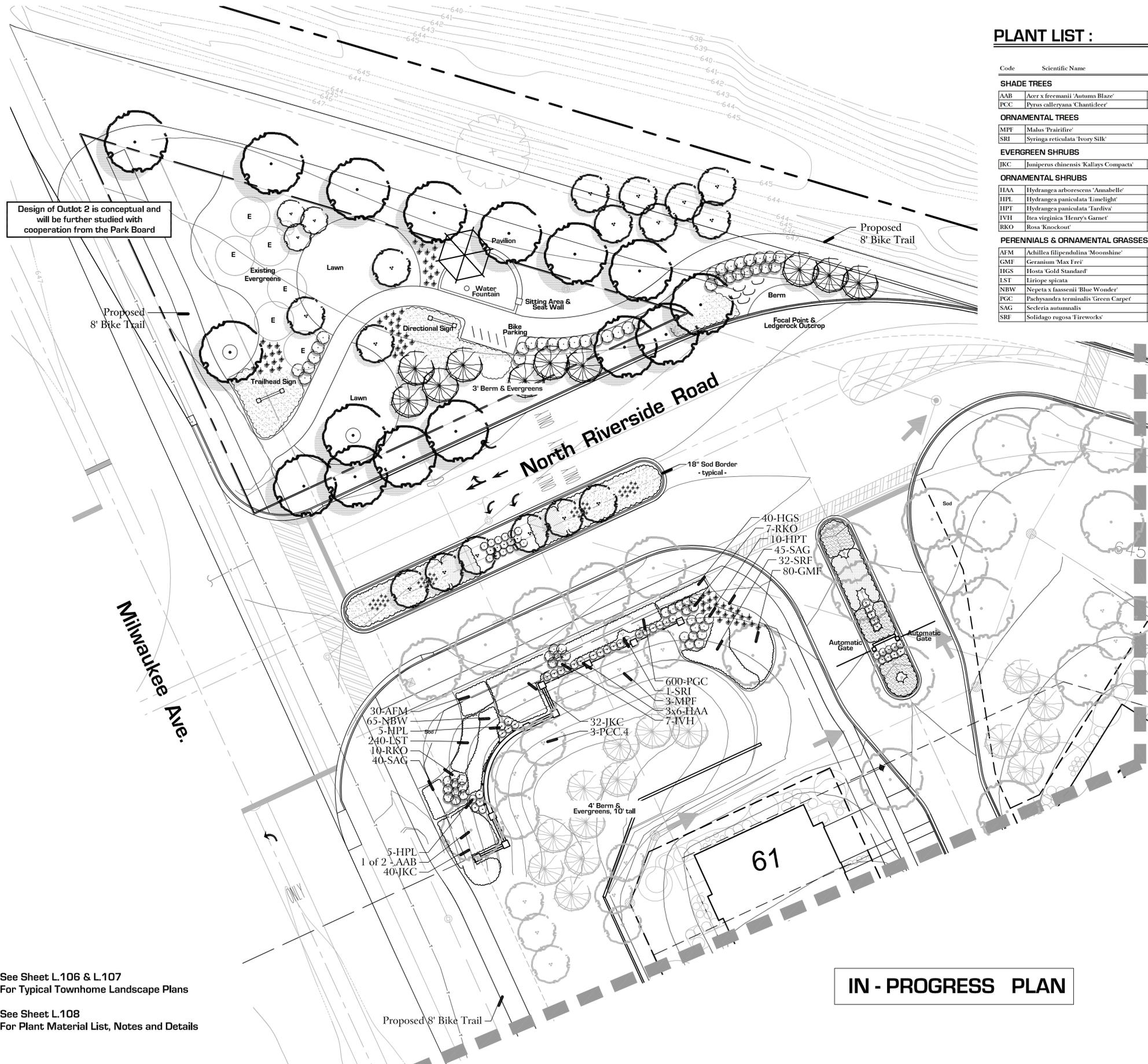
revisions:
original issue date: **30 November 2018**

drawn by:
checked by:
project no.: **24005**
sheet no.:

L.101

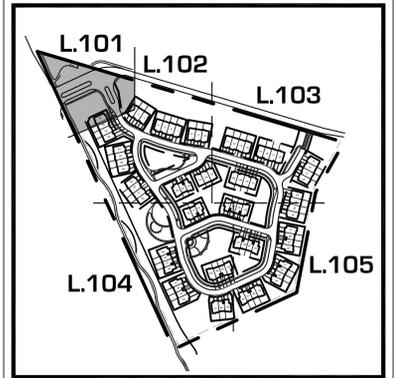
PLANT LIST :

Code	Scientific Name	Common Name	Size	Qty	Remarks
SHADE TREES					
AAB	Acer x freemanii 'Autumn Blaze'	Autumn Blaze Maple	4.0'	2	B&B
PCC	Pyrus calleryana 'Chanticleer'	Chanticleer Pear	4.0'	3	B&B
ORNAMENTAL TREES					
MPT	Malus 'Prairifire'	Prairifire Flowering Crab	8'	3	B&B, Multi-Stem
SRI	Syringa reticulata 'Ivory Silk'	Ivory Silk Tree Lilac	8'	1	B&B, Multi-Stem
EVERGREEN SHRUBS					
JKC	Juniperus chinensis 'Kallays Compacta'	Kallay's Compact Juniper	18"	72	B&B
ORNAMENTAL SHRUBS					
HAA	Hydrangea arborescens 'Annabelle'	Annabelle Hydrangea	24"	18	B&B
HPL	Hydrangea paniculata 'Limelight'	Limelight Hydrangea	30"	10	B&B
HPT	Hydrangea paniculata 'Tardiva'	Tardiva Hydrangea	30"	10	B&B
IVH	Itea virginica 'Henry's Garnet'	Henry's Garnet Sweetspire	24"	7	B&B
RKO	Rosa 'Knockout'	Knockout Shrub Rose	18"	17	B&B
PERENNIALS & ORNAMENTAL GRASSES					
AFM	Achillea filipendulina 'Moonshine'	Moonshine Yarrow	1 G	30	Container
GMF	Geranium 'Max Frei'	Max Frei Geranium	1 G	80	Container
HGS	Hosta 'Gold Standard'	Gold Standard Hosta	1 G	40	Container
LST	Liriope spicata	Creeping Lily Turf	1 G	240	Container
NBW	Nepeta x faassenii 'Blue Wonder'	Blue Wonder Catmint	1 G	65	Container
PGC	Pachysandra terminalis 'Green Carpet'	Green Carpet Pachysandra	1 G	600	Container
SAG	Sceleria autumnalis	Autumn Moor Grass	1 G	85	Container
SRF	Solidago rugosa 'Fireworks'	Fireworks Goldenrod	1 G	32	Container



IN - PROGRESS PLAN

Sheet Key :

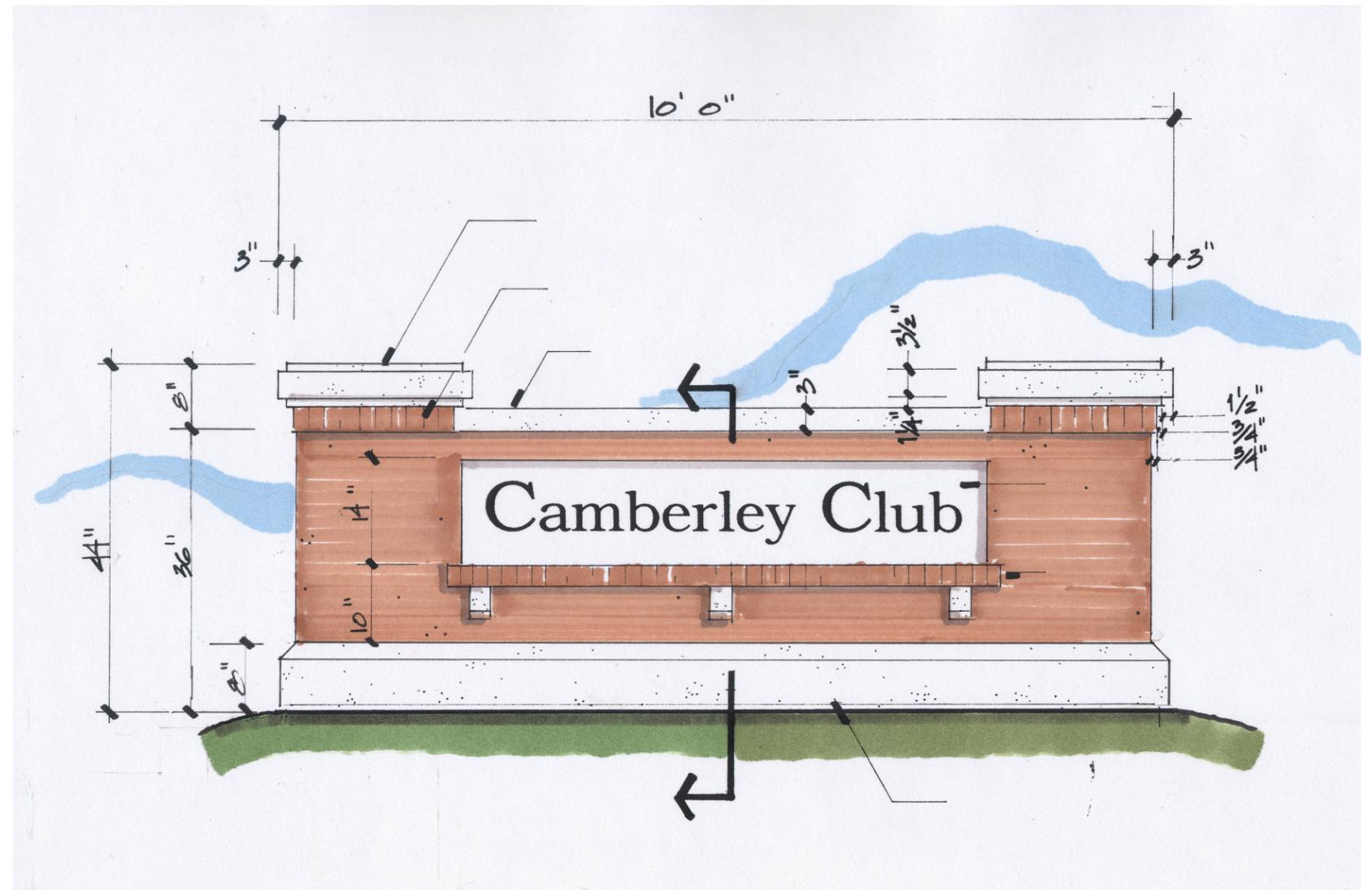
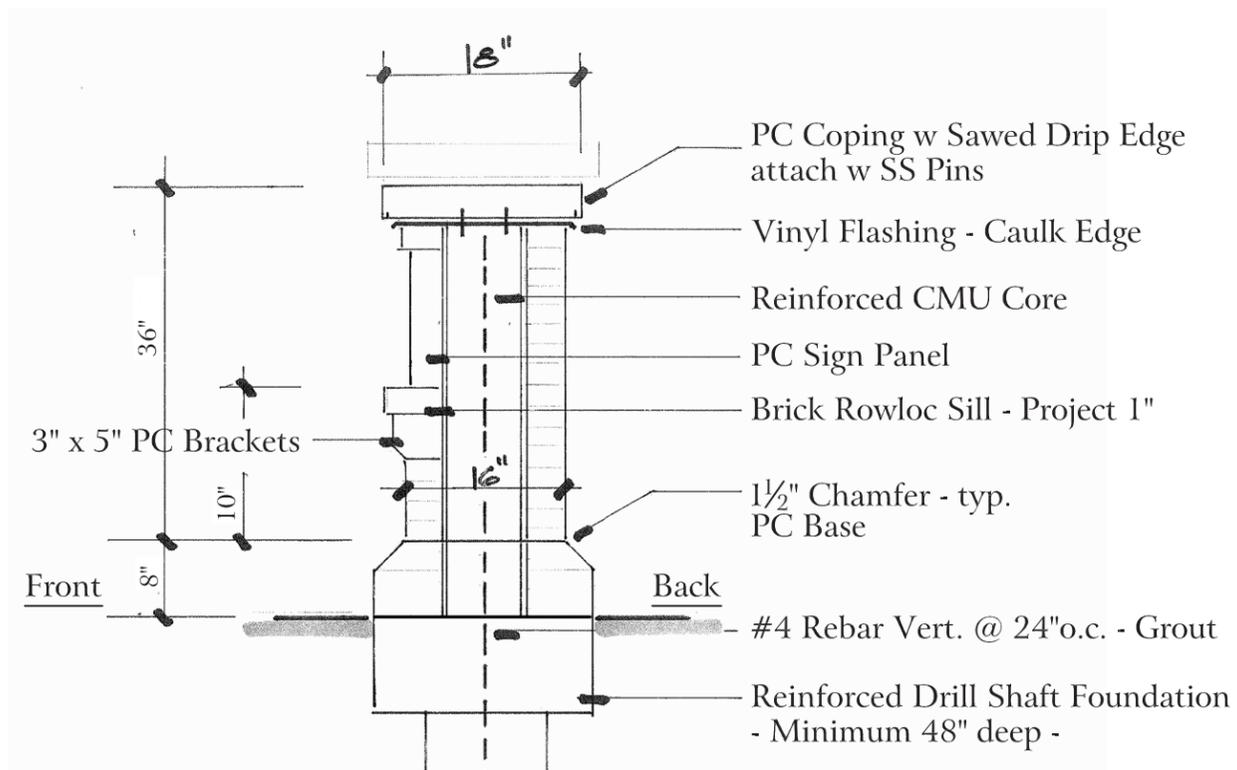


- See Sheet L.106 & L.107 For Typical Townhome Landscape Plans
- See Sheet L.108 For Plant Material List, Notes and Details

Signage Standards



DESIGN STANDARDS	PROPOSED STANDARDS	VILLAGE STANDARD	DEPARTURE
Secondary Sign			
Maximum Sign Area	37 s.f.	30 s.f.	7 s.f.
Maximum Height	4'-8"	5'	none
Maximum Length	10'	6'	4'



project:

Camberley Club

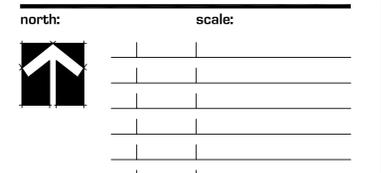
Lincolnshire, Illinois

sheet description:

Secondary Entrance Sign & Median

owner:

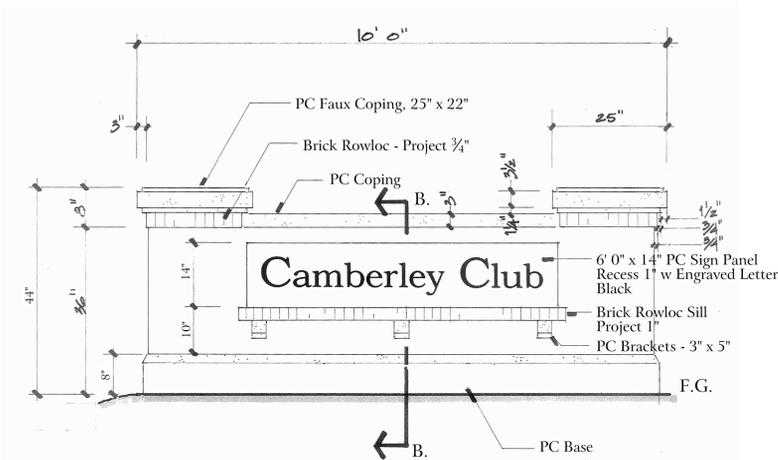
Pulte Homes
1900 E. Golf Road, Suite 300
Schaumburg, Illinois 60173



revisions: | 11.18.2015 | Per Staff & ARB Comments

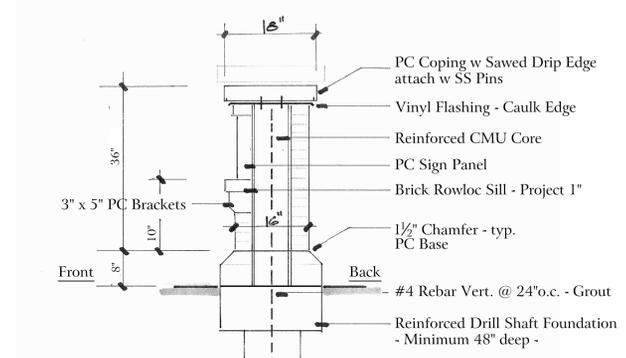
original issue date: **30 November 2015**

drawn by: _____
checked by: _____
project no.: **24005**
sheet no.: _____



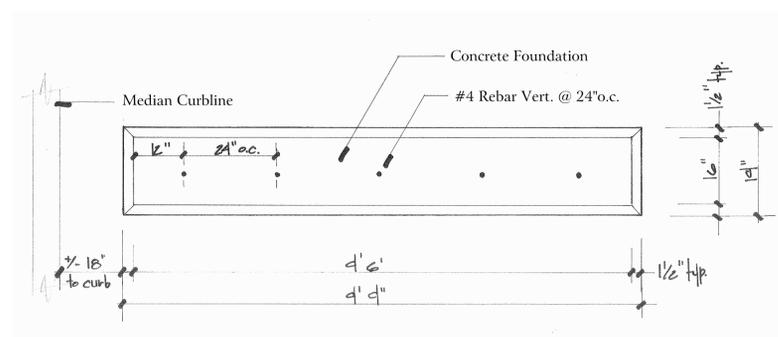
A Sign Wall - Front Elevation

N.T.S.



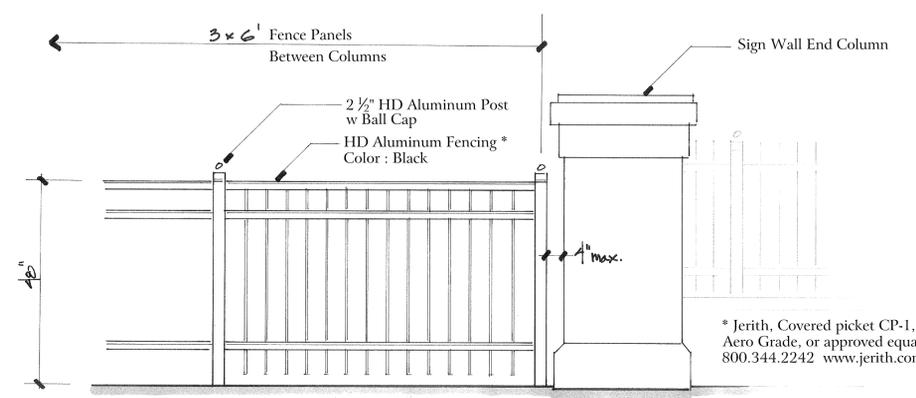
B Sign Wall - Section

N.T.S.



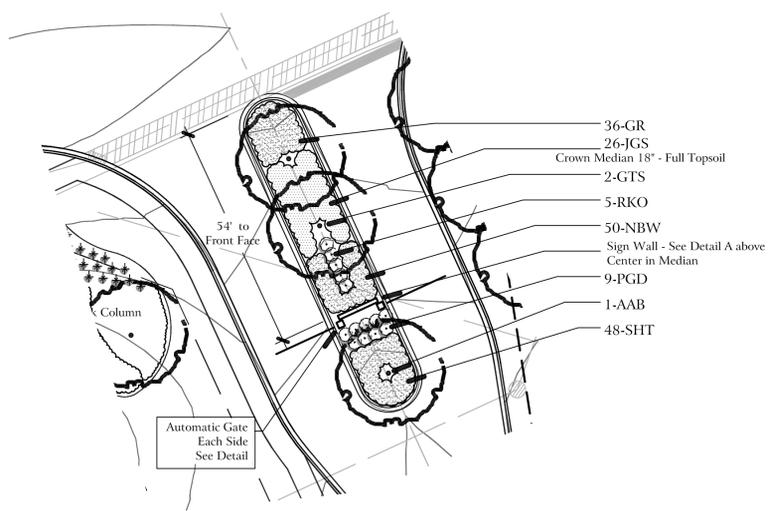
C Foundation Plan

N.T.S.



D Riverside Dr. Entrance Fencing

N.T.S.



E Sign Location Plan

scale: 1" = 20'0"

PLANT LIST :

Code	Scientific Name	Common Name	Size	Qty	Remarks
SHADE TREES					
AAB	Acer x freemanii 'Autumn Blaze'	Autumn Blaze Maple	4.0'	1	B&B
GTS	Gleditsia triacanthos var. inermis 'Skyline'	Skyline Honeylocust	3.0'	2	B&B
ORNAMENTAL TREES					
PGD	Potentilla fruticosa 'Gold Drop'	Gold Drop Potentilla	18"	9	5 Gallon Container
RKO	Rosa 'Knockout'	Knockout Shrub Rose	18"	5	5 Gallon Container
EVERGREEN SHRUBS					
JGS	Juniperus chinensis var. sargentii	Green Sargent Juniper	18"	26	5 Gallon Container
ORNAMENTAL SHRUBS					
GR	Geranium x 'Rozanne'	Rozanne Cranesbill	1 G	36	Container
NBW	Nepeta x faassenii 'Blue Wonder'	Blue Wonder Catmint	1 G	50	Container
SHT	Sporobolus heterolepis 'Tara'	Dwarf Prairie Dropseed	1 G	48	Container

See Sheet _____ for Full Project Plant List

Project Announcement Sign



Sign Face Is 24 SQ FT

DESIGN STANDARDS	PROPOSED STANDARDS	VILLAGE STANDARD	DEPARTURE
Project Announcement Signs	(Community Entrance Sign)	1 allowed	none
Material	MDO Plywood	Wood	none
Maximum Height	7'	Max. 7'	none
Location	noted	Located 20' from the edge of pavement and 20' from an adjacent property line shall be permitted.	none
Two-sided Signs	Noted	1 two-sided sign per development frontage may be displayed	none
Time Period	Must be removed upon the final sale of the last unit of the development.	Must be removed upon issue of first certification of occupancy or if construction exceeds 180 days	Yes



7'x4' Double Sided Information Billboard w/Custom Built Frame.
 3/8" MDO Painted Ronan Dark Blue w/White Vinyl.
 MDO Mounted To Custom Built Frame Made Out Of 4"x6" & 2"x4"
 Wooden Brace Painted Black.

14"x35" MDO Tack On Mounted To Top Of Billboard.
 3/8" MDO w/Digitally Printed Face.
 Qty: 2

Note: MDO Is Medium Density Overlay Panel Made Out Of Plywood.

Sales Office Signs

DESIGN STANDARDS	PROPOSED STANDARDS	VILLAGE STANDARD	DEPARTURE
Sales Office Signs	Sales Center Sign	A sign indicating the location of the sales office for a real estate development.	none
Max. Size	Sales Center Sign = 4 sq. ft.	Max. 4 sq. ft. in area	none
Max. Height	Sales Center Sign = 4'	Max. height of 4'	none
Two-sided Signs	The Info Center Sign is single sided	Only commercial real estate signs may be double sided	none
Time Period	Must be removed upon the final sale of the last unit of the development.	Must be removed upon issue of first certification of occupancy or if construction exceeds 180 days	Yes



24"x24" Double Sided Information Center Sign. Back Of Sign Is Blank
 3/8" MDO Painted Ronan Dark Blue w/White Vinyl Copy.
 Back & Edges Of MDO Painted Ronan Dark Blue.
 Mounted To 1 Black Wooden 4"x4" Post Painted Black w/Wooden Topper Painted Black.

EXHIBIT C

FINDINGS FOR SIGN VARIATIONS

Responses to Standards of Review for Findings of Fact

Petitioner Pulte Home Corporation provides the following responses to the standards of review in support of its request for approval of the variations necessary to allow construction of permanent monument signage and extended use of temporary marketing signage for the Camberley Club private, gated townhome community to be located on Lot 2 of the Sedgebrook Resubdivision at the southeast corner of the intersection of Milwaukee Avenue and Riverside Road.

The applicant's plans are substantially consistent with the design criteria of Title 12.

The applicant's signage plans, inclusive of the variations requested to allow for dimensional increases in the maximum permitted height, length and area of permanent monument signage, are substantially consistent with the design criteria of Title 12. The applicant seeks limited variations from the design criteria of Title 12 to provide for the proposed permanent signage's aesthetic and functional design characteristics (i.e., sign walls, pillars, privacy enhancement), which are fundamental to the composition of that signage and the overall character of Camberley Club as a private, gated community. Although these characteristics present an aesthetically appealing product, they are not contemplated by the sign code due to the manner in which the code requires dimensional calculations to be measured. The proposed permanent signage variations are a result of the monument signage's good scale and proportion in relation to the proposed masonry privacy walls, fencing and existing earthen berm and mature landscaping.

The applicant's signage plans, inclusive of the variations requested to allow for an extension of the maximum permitted display period for temporary marketing signage, are substantially consistent with the design criteria of Title 12. Furthermore, the design of the proposed temporary marketing signage substantially conforms to the requirements of Chapter 13, "Temporary Signs." The proposed variations for temporary signage are not reflective of requests for relief from the design criteria of Title 12, but are necessary only to allow an increase in the maximum permitted period of display until the sale of the last unit in the development.

The proposed exterior design features of the sign are suitable and compatible with the character of neighboring buildings and structures existing or under construction and with the character of the neighborhood and the applicable zoning district, and enhance the environment of the Village.

The design of permanent monument signage and temporary marketing signage will be consistent and compatible with the character of the adjacent trailhead park to be constructed upon realignment of Riverside Road and with the residential buildings and other improvements that

are to be constructed within Camberley Club in accordance with the final planned unit development plan. Comparable materials, colors, and design features will be utilized for permanent monument signage to fit in with existing commercial and residential development surrounding the site, as well as, the proposed Camberley Club neighborhood. As a result, the proposed permanent signage will enhance the environment of the Village in conjunction with Pulte's construction of Camberley Club and the adjacent trailhead park. Furthermore, the proposed temporary marketing signage employs a traditional, two-post design that is consistent with the Village's traditional design aesthetic.

The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

The requested variations for both permanent and temporary marketing signage will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located because the design of the signage is in substantial conformance with Title 12. All proposed signage will (i) adhere to the applicable setbacks of Title 12; (ii) comply with the line of sight visibility standards for the safety of both vehicular and pedestrian traffic circulation along Milwaukee Avenue and Riverside Road; (iii) satisfy the applicable construction standards; (iv) be professionally designed to form an attractive complement to surrounding development; and (v) be professionally landscaped in conformance with Title 12.

The exterior design features of the sign will not cause a substantial depreciation in the property values in the neighborhood.

The requested variations for permanent and temporary monument signage will not cause a substantial depreciation in the property values of the neighborhood. To the contrary, the requested variations will allow the proposed permanent signage to be integrated with design enhancements, such as attractive sign walls, pillars, and decorative fencing, for the purpose of reducing sign clutter that may otherwise result from free-standing permanent signage independent of such design enhancements. The requested variations for temporary signage will allow an increase in the maximum permitted period of display of marketing signage until the sale of the last unit in the development, which will assist in the expeditious sale of units in the development to enable Pulte's completion of the project and all associated improvements to minimize impact on adjacent properties in the neighborhood during the project's construction. Furthermore, the proposed temporary marketing signage will not negatively impact property values because the two-post design of this signage is consistent with the Village's traditional architectural style.

The alleged difficulty or hardship is caused by Title 12 and has not been created by any persons presently having an interest in the property.

The request for dimensional variations is strictly necessitated by the manner in which Chapter 7, “Dimension Measurement,” of Title 12 is applied to the aesthetic and functional design of the proposed permanent signage (i.e., sign walls, pillars, privacy enhancement), which are fundamental to the overall character of Camberley Club as a private, gated community. Although these characteristics present an aesthetically appealing product, they are not contemplated by the sign code due to the manner in which dimensional calculations are required to be measured for monument signage by including the entire area of the background, including any supporting framework, bracing and structure.

The request for an extension in the allowed display period for temporary marketing signage is necessary to allow marketing of units until the last unit in the development is sold rather than the issuance of the first certificate of occupancy in the development. Title 12 does not appear to contemplate temporary signage for a large-scale, multi-phased development such as Camberley Club for which use of project announcement signage is required beyond the issuance of the first Certificate of Occupancy is required. As a result, the difficulties and hardships from which variations are requested are caused by Title 12.

The conditions upon which an application for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.

The conditions upon which the proposed permanent signage variations are based are unique to the subject property, which is generally shielded from public visibility by both Milwaukee Avenue and Riverside Road by a considerably-sized earthen berm, which features a variety of mature landscape plantings thereon. The presence of this landscaped berm not only results in a lack of visibility of the Camberley Club community, but also restricts the number of possible locations on the subject property at which project monument signage could be constructed to a small area in the northwest corner of the subject property. Camberley Club’s design character as a private, gated community necessitates the proposed primary and secondary monument signage for which variations are now proposed. The proposed permanent sign variations will enhance both the aesthetic and functional characteristics of Camberley Club as a private, gated community.

The conditions upon which the temporary signage variations are requested to allow an increase in the maximum permitted period of display of marketing signage until the sale of the last unit in the development are unique to the petitioner’s development of the Camberley Club townhome community at the subject property. Development of that community, including use of the proposed temporary signage for which durational variations are requested, is necessary as a result of the period of time that will be required to construct all units within Camberley Club due to the size of the subject property as the single largest undeveloped parcel within the Village. Pulte’s ability to market the sale of units in the development until the last unit is sold is of critical importance to the success of the development, which is unique to the subject property.

**REQUEST FOR BOARD ACTION
Architectural Review Board
November 17, 2015**

Subject:	Camberley Club Monument and Temporary Signage
Action Requested:	Public Hearing - Variations to Title 12, <i>Sign Control</i> , of the Lincolnshire Village Code associated with permanent identification signage and temporary signage for the 86-unit Camberley Club townhome Planned Unit Development
Petitioner:	Pulte Home Corporation
Originated By/Contact:	Stephen Robles, AICP Village Planner Department of Community & Economic Development
Advisory Board Review:	Architectural Review Board

Background:

- In early 2015, the ARB reviewed Preliminary PUD plans for Pulte Home Corporation's 86-unit gated townhome community proposed for the northern 20 acres previously part of the Sedgebrook Continuing Care Retirement Campus, located at the southeastern corner of Milwaukee Avenue and Riverside Road.
- On October 13, 2015, the Village Board approved Pulte's Preliminary Development Plans for a Planned Unit Development (PUD) to develop this townhome community.
- Although signage was included as an exhibit in the ARB's prior review, such signage is not compliant with Village Sign Control regulations and requires Pulte to seek variances before Final PUD Plans can be approved by the Village Board.

Summary:

- Pulte Home Corporation seeks the following variations regarding permanent and temporary signage, as depicted in the attached presentation packet:

Monument Ground Sign (Milwaukee Avenue) Variations:

1. Section 12-9-1(A)(1), *Ground Signs*, to increase the maximum permitted height of a monument sign from 5 feet to 5 feet - 8 inches (5'8").
2. Section 12-9-1(A)(1), *Ground Signs*, to increase the maximum permitted length of a monument sign from 6 feet to 45 feet - 6 inches (45'-6").
3. Section 12-9-1(A)(1), *Ground Signs*, to increase the maximum permitted sign area of a monument sign from 30 square feet to 230 square feet.

- A design element for the gated townhome community is a decorative entry wall located at the southeast corner of the realigned Milwaukee Avenue and Riverside Road intersection. The entry wall includes a convex curved segment which will contain the proposed sign panel for Camberley Club development.
- The request for increased monument sign height, length, and sign area are attributed to a technicality in how the proposed sign is classified by the Village's Sign Code. Although the proposed sign will be attached to the decorative entry wall of the townhome development, the Sign Code classifies it as a monument ground sign, rather than a wall sign. As a result, the sign length and height are measured based on the overall dimensions of the entire wall. The actual sign panel area will measure 21 square feet, and that portion of the wall is only 5' tall, which would be compliant with the 30 square foot maximum sign panel area and 5' maximum sign height, if the Sign Code treated it

as a wall sign.

Monument Ground Sign (Riverside Road) Variations:

4. Section 12-9-1(A)(1), *Ground Signs*, to increase the maximum permitted length of a monument sign from 6 feet to 10 feet.
 5. Section 12-9-1(A)(1), *Ground Signs*, to increase the maximum permitted sign area of a monument sign from 30 square feet to 40 square feet.
- A secondary monument sign is proposed within the landscaped median at the Riverside Road gated entry to the Camberley Club townhome development. This sign is proposed to serve as a continuation of the gated community appearance and entry. As the sign panel is attached to the wall, the height and length are based on the dimensions of the wall.
 - Given the size of the landscaped median and entry driveway Staff believes a reduction of 4' in length would negatively affect the proportionality of the sign to the median.
 - The Riverside Road entry sign continues the same brick field and concrete base and caps used on the Milwaukee Avenue sign. However, the end column style employs a different design from the Milwaukee Avenue wall end columns. In order to achieve continuity between the two walls, the end columns should be consistent in design. Additionally, the brick rowlock border around the Milwaukee Avenue sign panel is missing from the Riverside Road sign panel and should be incorporated into the design for consistency.

Temporary Signs Variations:

6. Section 12-13-1(B)(1), *Project Announcement Signs*, to increase the maximum permitted display period to require removal upon the final sale of the last unit of the development, rather than the code required removal immediately upon the issuance of the first certificate of occupancy.
 7. Section 12-13-1(B)(5), *Real Estate Signs*, to increase the maximum permitted display period to require removal upon the final sale of the last unit of the development, rather than the code required removal immediately upon the sale, rental or lease of the subject premises.
- Per Village Sign Code, temporary “project announcement signs” and “real estate signs” must be removed upon the issuance of the first certificate of occupancy. Such requirement is not a problem for single-phased or single building developments. However, when a development includes multiple construction phases or buildings, as with the Camberley Club PUD, the issuance of the first certificate of occupancy occurs well in advance of final build-out of the development.
 - The requested variations to extend the display period for the temporary project announcement sign and real estate sign is consistent with past practices. Similar temporary signage was authorized by the Village for the Lincolnshire Place condominium project by Weiss Development in the South Village Green and the current Sedgewood project announcement sign at the northeast corner of Milwaukee Avenue and Aptakisic Road.

- **Findings of Fact:** Attached are Petitioner's responses to the six Standards for Sign Variation for consideration by the ARB, which Staff believes have been sufficiently met.

Recommendation:

Approval of variations to Title 12, Sign Control, and associated signage plans for the construction of new monument signage and temporary signage for the Camberley Club townhome PUD, subject to the following revisions to be completed for Staff review and approval prior to Village Board action:

1. The end columns of the Riverside Road monument ground sign shall be consistent in design with the end columns of the Milwaukee Avenue wall.
2. The brick rowlock border around the Milwaukee Avenue sign panel shall also be included around the Riverside Road sign panel.

Motion:

The Architectural Review Board moves to approve and recommend to the Village Board for their approval of variations to Title 12, Sign Control, of the Lincolnshire Village Code, associated with permanent identification signage and temporary signage, as detailed in a Staff memorandum to the ARB dated November 17, 2015, for the 86-unit Camberley Club townhome Planned Unit Development, located at the southeast corner of Milwaukee Avenue and Riverside Road, as depicted in a presentation packet prepared by Pulte Homes, and based on the facts presented at a Public Hearing held on November 17, 2015, subject to Staff recommendations contained in the Staff Memorandum dated November 17, 2015, and further subject to...

{Insert any additional conditions or modification desired by the Architectural Review Board}

Reports and Documents Attached:

- Presentation Packet, prepared by Pulte Home Corporation,

Meeting History	
Architectural Review Board:	November 17, 2014

REQUEST FOR BOARD ACTION
Village Board
November 23, 2015

Subject:	Update on Proposed Annexation Parcels
Action Requested:	Informational Purposes – No Action Required
Originated	Steve McNellis, Director
By/Contact:	Department of Community & Economic Development
Referred To:	None

Per Village Board direction, Staff initiated Involuntary Annexation process for properties along the east side of Milwaukee Avenue at the Village's current southern boundary. Following, is a summary of steps taken to date, as well as a timeline of remaining steps:

Completed Steps:

- July 13:** Staff presented Annexation Feasibility Study for Area 6 at Committee of the Whole meeting. Village Board directed staff to coordinate meeting with Boznos family regarding annexation.
- July 17:** Mayor Brandt, Trustee McDonough and Staff met with Mrs. Boznos and son to discuss Annexation options, including a possible voluntary Annexation Agreement.
- July 22:** Sample of existing Annexation Agreement sent to Boznos family for review and consideration. After receiving this information family indicated they were not interested in pursuing annexation at this time.
- September 21:** Village Attorney developed a draft Annexation Agreement for consideration by Boznos family. Deadline established for Boznos family to notify the Village if they wished to pursue voluntary Annexation Agreement.
- October 7:** Village Attorney Simon received a letter from Boznos' Attorney indicating they are reviewing the Draft Annexation Agreement and plan to provide comments.
- October 26:** Staff provided update to Village Board on status of communications with key property owners in the Involuntary Annexation area and the next steps.
- October 30:** Staff sent statutorily required Notification Letters regarding involuntary annexation to all affected property owners.
- November 12** – Legal Notice published in the Daily Herald.

This past week Staff received comments on the Draft Annexation Agreement from the Boznos family Attorney, and continues to work toward a resolution that meets both party's needs. Staff was also contacted by the Attorney for Cubby Bear owner George Loukas and contract purchaser for the Cubby Bear property. Cubby Bear's Attorney asked basic questions limited to the default zoning and permitted uses.

Remaining Steps:

November 23: Deadline to provide Legal Notice in Lincolnshire Review of a Public Hearing for an Annexation Agreement (assuming an Annexation Agreement is pursued by a property owner in the Involuntary Annexation area).

Staff update on the status of the Involuntary Annexation and any Annexation Agreement request(s) at Committee of the Whole.

December 14: Village Board vote on Involuntary Annexation. Possible Public Hearing(s) for requested Annexation Agreements. Second reading requested to be waived for any Annexation Agreements and final determination made at this time.

REQUEST FOR BOARD ACTION

Subject: Consideration and Discussion of 2016 Village Calendar and Meeting Schedule (Village of Lincolnshire)

Action Requested: Consideration of Proposed Calendar and Meeting Schedule and Direct Placement on Consent Agenda for Approval

Originated By/Contact: Brad Burke, Village Manager

Referred To: Village Board

Summary / Background:

Attached is a copy of the proposed Village meeting calendar for 2016. The following are a list of dates identifying Village Board meetings. All but one of the dates noted fall on the regularly scheduled second and fourth Mondays of the month. However, the one date noted with the “*” reflects there will only be one meeting in December due to winter holidays.

January 11, 2016	January 25, 2016
February 8, 2016	February 22, 2016
March 14, 2016	March 28, 2016
April 11, 2016	April 25, 2016
May 9, 2016	May 23, 2016
June 13, 2016	June 27, 2016
July 11, 2016	July 25, 2016
August 8, 2016	August 22, 2016
September 12, 2016	September 26, 2016
October 10, 2016	October 24, 2016
November 14, 2016	November 28, 2016
December 12, 2016*	

Please note: Different than in prior years, a meeting is scheduled for Monday, October 10, 2016, Columbus Day, which was not re-scheduled to Tuesday due to other holidays noted in October.

Once the meeting dates are approved, staff will send out electronic meeting invites to Board members.

Budget Impact: Not Applicable.

Service Delivery Impact: Not Applicable.

Recommendation: Consideration and discussion of proposed meeting calendar.

Reports and Documents Attached:

- Proposed meeting calendar listing standing meetings of all Village Boards.

Meeting History	
Initial Referral to Village Board (COW):	11/23/2015
Regular Village Board Meeting:	12/14/2015

January 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 New Year's Day - Village Offices Closed	2
3	4	5	6	7	8	9
10	11 RVB/COW - 7:00 p.m.	12 Zoning Board - 7:00 p.m.	13	14	15	16
17	18 Martin Luther King Day	19 ARB - 7:00 p.m.	20 LCOP - 7:30 p.m. Park Board - 7:00 p.m.	21	22	23
24	25 RVB./COW - 7:00 p.m.	26	27	28	29	30
31						

ARB = Architectural Review Board

LCOP = Lincolnshire Council of Presidents

RVB/COW = Regular Village Board/Committee of the Whole

February 2016

Sun Mon Tue Wed Thu Fri Sat

	1	2	3	4	5	6
7	8 RVB/COW - 7:00 p.m.	9 Police Pension Board - 6:00 p.m. Zoning Board - 7:00 p.m.	10	11	12	13
14 Valentine's Day	15 President's Day	16 ARB - 7:00 p.m.	17 Park Board - 7:00 p.m.	18	19	20
21	22 RVB/COW - 7:00 p.m.	23	24	25	26	27
28	29					

March 2016

Sun

Mon

Tue

Wed

Thu

Fri

Sat

		1	2	3	4	5
6	7	8 Zoning Board - 7:00 p.m.	9	10	11	12
13 Daylight Savings - Set you clock ahead one hour	14 RVB/COW - 7:00 p.m.	15 ARB - 7:00 p.m.	16 LCOP - 7:30 p.m.	17	18	19
20	21 Park Board - 7:00 p.m.	22	23	24	25 Good Friday	26
27 Easter Sunday	28 RVB/COW - 7:00 p.m.	29	30	31		

April 2016

Sun

Mon

Tue

Wed

Thu

Fri

Sat

					1	2
3	4	5	6	7	8	9
10	11 RVB/COW - 7:00 p.m.	12 Zoning Board - 7:00 p.m.	13	14	15	16
17	18 Park Board - 7:00 p.m.	19 ARB - 7:00 p.m.	20	21	22 Passover Begins	23
24	25 RVB/COW - 7:00 p.m.	26	27	28	29	30 Passover Ends

May 2016

Sun

Mon

Tue

Wed

Thu

Fri

Sat

1	2	3	4	5	6	7
8 Mother's Day	9 Town Meeting - 7:00 p.m. RVB/COW - After Town Meeting	10 Zoning Board - 7:00 p.m.	11	12 Police Pension Board - 6:00 p.m.	13	14
15	16 Park Board - 7:00 p.m.	17 ARB - 7:00 p.m.	18 LCOP - 7:30 p.m.	19	20	21
22	23 RVB/COW - 7:00 p.m.	24	25	26	27	28
29	30 Memorial Day - Village Offices Closed	31				

June 2016

Sun

Mon

Tue

Wed

Thu

Fri

Sat

			1	2	3	4
5	6	7	8	9	10	11
12	13 RVB/COW - 7:00 p.m.	14 Zoning Board - 7:00 p.m.	15	16	17	18
19 Father's Day	20 Park Board - 7:00 p.m.	21 ARB - 7:00 p.m.	22	23	24	25
26	27 RVB/COW - 7:00 p.m.	28	29	30		

July 2016

Sun Mon Tue Wed Thu Fri Sat

					1	2
3	4 4th of July - Village Offices Closed	5	6	7	8	9
10	11 RVB/COW - 7:00 p.m.	12 Zoning Board - 7:00 p.m.	13	14	15	16
17	18 Park Board - 7:00 p.m.	19 ARB - 7:00 p.m.	20	21	22	23
24	25 RVB/COW - 7:00 p.m.	26	27	28	29	30
31						

August 2016

Sun

Mon

Tue

Wed

Thu

Fri

Sat

	1	2	3	4	5	6
7	8 RVB/COW - 7:00 p.m.	9 Police Pension Board - 6:00 p.m. Zoning Board - 7:00 p.m.	10	11	12	13
14	15 Park Board - 7:00 p.m.	16 ARB - 7:00 p.m.	17	18	19	20
21	22 RVB/COW - 7:00 p.m.	23	24	25	26	27
28	29	30	31			

September 2016

Sun

Mon

Tue

Wed

Thu

Fri

Sat

				1	2	3
4	5 Labor Day - Village Offices Closed	6	7	8	9	10
11	12 RVB/COW - 7:00 p.m.	13 Zoning Board - 7:00 p.m.	14	15	16	17
18	19 Park Board - 7:00 p.m.	20 ARB - 7:00 p.m.	21 LCOP - 7:30 p.m.	22	23	24
25	26 RVB/COW - 7:00 p.m.	27	28	29	30	

October 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2 Rosh Hashanah Begins	3 Rosh Hashanah	4 Rosh Hashanah Ends	5	6	7	8
9	10 RVB/COW - 7:00 p.m. Columbus Day	11 Yom Kippur Begins	12 Yom Kippur Ends	13 Zoning Board Mtg - 7:00 p.m.	14	15
16 Sukkot Begins	17 Park Board - 7:00 p.m.	18 ARB - 7:00 p.m.	19	20	21	22
23 Sukkot Ends	24 RVB/COW - 7:00 p.m.	25	26	27	28	29
30	31 Halloween					

November 2016

Sun

Mon

Tue

Wed

Thu

Fri

Sat

		1 Police Pension Board - 6:00 p.m.	2	3	4	5
6 Daylight Savings - Turn your clock back one hour.	7	8 Election Day Zoning Board - 7:00 p.m.	9	10	11 Veteran's Day	12
13	14 RVB/COW - 7:00 p.m.	15 ARB - 7:00 p.m.	16 LCOP - 7:30 p.m.	17	18	19
20	21 Park Board - 7:00 p.m.	22	23	24 Thanksgiving Holiday - Village Offices Closed	25 Thanksgiving Holiday - Village Offices Closed	26
27	28 RBV/COW - 7:00 p.m.	29	30			

December 2016

Sun

Mon

Tue

Wed

Thu

Fri

Sat

				1	2	3
4	5	6	7	8	9	10
11	12 RVB/COW - 7:00 p.m.	13 Zoning Board - 7:00 p.m.	14	15	16	17
18	19 Park Board - 7:00 p.m.	20 ARB - 7:00 p.m.	21	22	23	24 Christmas Eve Hanukkah Begins
25 Christmas	26 Christmas Holiday Observed - Village Offices Closed	27	28	29	30	31

REQUEST FOR BOARD ACTION

Subject: Consideration and Discussion of Supplemental Appropriation Ordinance of the Village of Lincolnshire, Illinois for the Fiscal Year Beginning January 1, 2015 and Ending December 31, 2015 (Village of Lincolnshire)

Action Requested: Consideration of Ordinance and Direct Placement on the December 14, 2015 Consent Agenda

Originated By/Contact: Michael Peterson, Finance Director
Brad Burke, Village Manager

Referred To: Mayor and Village Board of Trustees

Summary / Background:

In accordance with State law, the Village Board approved the annual appropriations ordinance for the Village of Lincolnshire for Fiscal Year 2015 on February 23, 2015. The Annual Appropriation Ordinance represents the legal spending limit available to fund items included in the 2015 Village of Lincolnshire Budget. The 2015 approved Appropriation Ordinance reflects expenditures at the department/operating level. The approved 2015 Appropriation Ordinance delineates the spending authority of the Village at the departmental level to provide flexibility in the allocation of expenditures among the line items as long as the total spending authorized in the original Appropriation for the specific department was not exceeded. Essentially, the budget document is the spending plan for the Village, and the Appropriation Ordinance provides the formal spending authority which provides some flexibility to meet unplanned expenditures that may arise throughout the year.

The proposed ordinance identifies those line item expenditures expected to exceed the original appropriation amount and recommends an adjustment to the original appropriation where needed. The following is a summary of those expenditures staff recommends addressing in the supplemental appropriation and a brief explanation why the expenditure exceeds the original appropriation.

Item 1: The Village's auditor, Sikich, recommended Lincolnshire implement an accounting standards released by the Governmental Accounting Standards Board several years ago. In short, the Police Pension Property Taxes are recorded as revenue to Lincolnshire's revenue and the offsetting Pension Contributions are reported as Police Department expenditures.

Item 2: Reclassifies a \$281,000 transfer from the General Fund to the Water/Sewer Operations, as a transfer to the Water/Sewer Improvement Fund.

Item 3: During the 2015 Budget workshop staff reported the planned transfer from General Fund to General Capital Fund is significantly more than what was contemplated in the original appropriation for Fiscal Year 2015.

Item 4: The Police Pension Board requested a second actuary prepare the actuarial study and GASB 67 reporting.

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>New Appropriation</u>	<u>Changes</u>
GENERAL CORPORATE FUND:			
POLICE DEPARTMENT			
01-05-70-9510 Police Pension	0	630,000	\$630,000
DEBT & TRANSFERS			
01-26-98-0200 Transfer Out- WS Oper	281,000	0	(\$281,000)
01-26-99-0700 Transfer Out- WS Improv	529,000	810,000	\$281,000
01-26-98-5100 Transfer Out- Gen Capital	393,923	1,320,000	\$926,077
POLICE PENSION FUND			
05-01-61-4001 Prof Services- Actuary	3,300	6,300	\$3,000
05-01-61-4031 Contract Serv- Invest Advisor	88,000	85,000	(\$3,000)

The approved Appropriation Ordinance for Fiscal Year 2015 provided expenditure authority at the department line versus line item level. Staff is happy to report, no supplemental appropriation is needed to address Department expenditures exceeding the appropriation.

Budget Impact:

There are times during the fiscal year that unanticipated events occur requiring additional expenditures resulting in appropriation line item(s) exceeding the approved budgets and original appropriation. A supplemental appropriation addresses these expenditures. **The projected year end expenditures for the total budget are not expected to exceed the total approved budget or original Appropriation Ordinance.**

Service Delivery Impact:

N/A

Recommendation:

Staff recommends approval of Supplemental Appropriation Ordinance.

Reports and Documents Attached:

- Ordinance of Supplemental Appropriation Ordinance of the Village of Lincolnshire, Illinois for the Fiscal Year Beginning January 1, 2015 and Ending December 31, 2015

Meeting History	
Initial Referral to Village Board (COW):	11/23/2015
Regular Village Board Meeting:	12/14/2015

ORDINANCE NO. _____

**SUPPLEMENTAL APPROPRIATION ORDINANCE
OF THE VILLAGE OF LINCOLNSHIRE, ILLINOIS FOR THE FISCAL YEAR
BEGINNING JANUARY 1, 2015 AND ENDING DECEMBER 31, 2015.**

WHEREAS, the Mayor and Board of Trustees of the Village of Lincolnshire, Lake County Illinois did on the 23rd of February, 2015, pass the Annual Appropriation Ordinance #15-3353-80 for said municipality for the fiscal year ending December 31, 2015, in the amount of which is ascertained to be in the aggregate sum of \$26,156,200 (Twenty six million one hundred fifty six thousand two hundred dollars) which said Appropriation Ordinance was duly published in pamphlet form on the 9th day of February, 2015; and

WHEREAS, the Village, through its Mayor and Board of Trustees, has determined it is in the best interests of the Village to increase the appropriation of funds to various line items in order to make provision for the payment of certain obligations: and

WHEREAS, it has been deemed necessary to adopt an ordinance making a supplemental appropriation to defray the expenses, designated the "Supplemental Appropriation Ordinance" for the fiscal year commencing January 1, 2015, and ending December 31, 2015.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNSHIRE, LAKE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

Section 1: That the following increases be made in the following line items:

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>New Appropriation</u>	<u>Changes</u>
GENERAL CORPORATE FUND:			
POLICE DEPARTMENT			
01-05-70-9510 Police Pension	0	630,000	\$630,000
DEBT & TRANSFERS			
01-26-98-0200 Transfer Out- WS Oper	281,000	0	(\$281,000)
01-26-99-0700 Transfer Out- WS Improv	529,000	810,000	\$281,000
01-26-98-5100 Transfer Out- Gen Capital	393,923	1,320,000	\$926,077

POLICE PENSION FUND

05-01-61-4001 Prof Services- Actuary	3,300	6,300	\$3,000
05-01-61-4031 Contract Serv- Invest Advisor	88,000	85,000	(\$3,000)

Section 2: This Appropriation Ordinance is adopted pursuant to procedures set forth in the Illinois Municipal Code, provided, however, that any limitations in the Illinois Municipal Code in conflict with the provisions of this Ordinance shall not be applicable to this Ordinance pursuant to Section 6 of the Article VII of the Constitution of the State of Illinois. This Ordinance is enacted pursuant to the home rule powers of the Village of Illinois.

Section 3: That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form.

Section 4: That the ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

Passed by the board of Trustees of the Village of Lincolnshire this ____ day of _____, 2015 by a roll call vote as follows:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor of the Village of Lincolnshire on this ____ day of _____, 2015;

Elizabeth J. Brandt, Mayor

ATTEST:

Barbara Mastandrea, Village Clerk

REQUEST FOR BOARD ACTION

Subject: Public Hearing and Consideration and Discussion of an Ordinance Levying Taxes for Corporate Purposes of the Village of Lincolnshire, Lake County, Illinois for the Fiscal Year Beginning the first day of January, 2015 and Ending December 31, 2015 (Village of Lincolnshire)

Action Requested: Consider Proposed Tax Levy Ordinance and Direct Placement on the December 14, 2015 Consent Agenda

Originated By/Contact: Michael Peterson, Finance Director
Brad Burke, Village Manager

Referred To: Mayor and Village Board of Trustees

Summary / Background:

Attached for consideration and discussion by the Mayor and Board of Trustees is the Ordinance levying taxes for Corporate Purposes of the Village of Lincolnshire, Lake County, Illinois to be collected in the fiscal year beginning the first day of January 1, 2015 and ending December 31, 2015. The proposed levy is intended to raise the required funds to contribute to the Village's Police Pension Fund and Retirement Fund.

Pursuant to State statute, the Village Board previously declared its estimated levy at the October 13, 2015 Committee of the Whole meeting. The Truth-In-Taxation Act requires that for any increase in the "aggregate levy" more than 105% of the previous year's tax extension, the Village to publish a legal notice making known the size of the tax levy and announce a Public Hearing to be held prior to the adoption of the levy Ordinance. Given this year's levy is less than 105% of the previous year's tax extension, a public hearing and publication is not required.

The 2015 estimated property tax levy to be collected in Fiscal Year 2016 is \$1,425,500. The property tax revenue reflected in the Proposed 2016 Budget will be used to fund pension contributions for the Retirement Fund (Illinois Municipal Retirement Fund and Social Security) (\$591,950) and Police Pension Fund (\$833,550). The total proposed levy is exclusive of election costs and debt retirement, which is equivalent to last year's contributions.

A comparison with the previous fiscal year's tax extension and this year's tax levy is supplied for your information.

	FY 2014 Extension	FY 2015 Levy	Percent Change
Police Pension Fund	\$623,302	\$833,550	33.73%
Retirement Fund	\$735,003	\$591,950	-19.46%
TOTAL	\$1,358,305	\$1,425,500	4.95%

The Village Board as a matter of policy abates the portion of the tax levy that pertains to the debt service.

Budget Impact:

Prior to the County Clerk establishing the extension for the 2015 levy, staff plans to request the rate not to exceed .241 which is the total tax extension for the most recent year.

Service Delivery Impact:

N/A

Recommendation:

Staff recommends the Village Board consider the draft ordinance for inclusion on the December 14, 2014 Consent Agenda for approval.

Reports and Documents Attached:

- Tax Levy Ordinance

Meeting History	
Tax Levy Estimated (COW):	10/13/2015
Initial Referral to Village Board (COW):	11/23/2015
Regular Village Board Meeting:	12/14/2015

ORDINANCE NO.XX-XXXX-XX

AN ORDINANCE LEVYING TAXES FOR CORPORATE PURPOSES OF THE VILLAGE OF LINCOLNSHIRE, LAKE COUNTY, ILLINOIS FOR THE FISCAL YEAR BEGINNING THE 1ST DAY OF JANUARY 2015 AND ENDING DECEMBER 31, 2015

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Lincolnshire, Lake County, Illinois, as follows:

WHEREAS, the Mayor and Board of Trustees of the Village of Lincolnshire, Lake County Illinois did on the 23rd of February, 2015, pass the Annual Appropriation Ordinance #15-3353-80 for said municipality for the fiscal year ending December 31, 2015, in the amount of which is ascertained to be in the aggregate sum of \$26,156,200 (twenty six million one hundred fifty six thousand two hundred dollars) which said Appropriation Ordinance was duly published in pamphlet form on the 9th day of February, 2015; and

WHEREAS, in order to finance in part expenditures authorized pursuant to the Annual Appropriation Ordinance, and pursuant to the authority granted under Section 6 of Article VII of the Constitution of the State of Illinois, the Mayor and the Board of Trustees hereby deem it necessary and appropriate to levy ad valorem taxes for extension upon all taxable real property in the Village so hereinafter set forth; and

WHEREAS, a proposed or tentative Tax Levy Ordinance for said municipality for the aforesaid fiscal year, upon which said Tax Levy Ordinance was based, had been duly prepared and made conveniently available on November 23, 2015 for public inspection by said Corporate Authorities of this municipality continuously for at least twenty days prior to the adoption of said Tax Levy Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNSHIRE, COUNTY OF LAKE AND STATE OF ILLINOIS, as follows:

SECTION 1: Finding of Facts. The Corporate Authorities of this municipality hereby find all facts all of the matters hereinabove recited in the "whereas" clauses hereof.

SECTION 2: General Corporate. That there be and hereby is levied upon all taxable property within the corporate limits of said Village for the Fiscal Year 2015 the total sum of Zero dollars (\$0).

SECTION 3: Special Levies. That there be and is hereby levied upon all taxable property within the corporate limits of said Village for the Fiscal Year 2015 in addition to the maximum of the taxes authorized for general purposes the total sum of One million, four hundred twenty five thousand five hundred dollars (\$1,425,500), for the following special purposes set forth in said Appropriation Ordinance in the respective sums as follows, to wit:

	<u>AMOUNT APPROPRIATED</u>	<u>AMOUNT LEVIED</u>
<u>RETIREMENT FUND</u>		
FICA Payments	\$241,900	\$223,950
IMRF Payments	\$758,000	\$368,000
<u>POLICE PENSION FUND</u>		
Retirement Payments & Reserves	\$1,204,800	\$833,550
TOTAL TAXES LEVIED FOR SPECIAL PURPOSES		\$1,425,500

SECTION 4: That the following is a summary of the items herein before levied:

General Corporate	0
Retirement Fund	\$591,950
Police Pension Fund	<u>\$833,550</u>
TOTAL LEVIED	\$1,425,500

SECTION 5: Filing with the County Clerk. The Village Manager is authorized and directed to file a certified copy of this Ordinance with the County Clerk, Lake County, Illinois.

SECTION 6: Partial Invalidity. If any item or portion of this Ordinance is for any reason held invalid, such decision shall not affect the validity of remaining portions of this Ordinance.

SECTION 7: This Tax Levy Ordinance is adopted pursuant to procedures set forth in the Illinois Municipal Code, provided, however, any limitations in the Illinois Municipal Code in conflict with the provisions of this Ordinance shall not be applicable to this Ordinance pursuant to Section 6 of Article VII of the Constitution of the State of Illinois. This Ordinance is enacted pursuant to the home rule powers of the Village of Lincolnshire.

SECTION 8: That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form.

SECTION 9: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED by the Board of Trustees of the Village of Lincolnshire on this _____ day of _____, 2015 by a roll call vote as follows:

AYES:
NAYS:
ABSENT:

APPROVED by the Mayor of the Village of Lincolnshire on this _____ day of _____, 2015.

Elizabeth J. Brandt, Village Mayor

ATTEST:

Barbara Mastandrea, Village Clerk

CERTIFICATE

I, Elizabeth J. Brandt, President of the Village of Lincolnshire, hereby certify that I am the presiding officer of the Village of Lincolnshire, and as such presiding officer, I hereby certify that the Levy Ordinance, a copy of which is appended hereto, was adopted pursuant to, and in all respects in compliance with, the provisions of Section 4 through 7 of the so-called "The Truth in Taxation Act".

Specifics: For tax year 2015 the Village's tax levy did not exceed 5% of the 2014 tax year levy extended and therefore was not required to publish a notice. On October 13, 2015, as prescribed by the Truth in Taxation Act, the Village Board "did determine how many dollars in aggregate property tax extensions will be necessary" during its regular meeting, which was not less than 20 days before the Tax Levy Ordinance's passage on December 14, 2015. A certified copy of the October 13, 2015 minutes are appended hereto attached.

Dated: _____, 2015

Elizabeth J. Brandt, President
Village of Lincolnshire, Illinois

REQUEST FOR BOARD ACTION

Subject: Consideration and Discussion of an Ordinance Abating the Tax Heretofore Levied for the Year 2015 to Pay Debt Service on Several of the Notes of the Village of Lincolnshire, Lake County, Illinois (Village of Lincolnshire)

Action Requested: Consideration of Ordinance and Direct Placement on the December 14, 2015 Consent Agenda

Originated By/Contact: Michael Peterson, Finance Director
Brad Burke, Village Manager

Referred To: Mayor and Village Board of Trustees

Summary / Background:

As part of the annual tax levy, the Village is required to levy a property tax to fund the principle and interest payments required by the Village's two loans. However, the Village has the right to abate the taxes associated with these loans in whole, or in part, in any or all years when the Village Board determines that there are sufficient funds on hand to pay in full the principle and interest due that year on the notes.

Every fiscal year since FY1996-97, the Village has abated the portion of the property tax related to its debt obligation. The Village Board for Fiscal Year 2016 has elected to abate that portion of the property tax that would finance the debt on the two loans that currently exist.¹

Budget Impact:

None. The budget document includes funds for debt service without property taxes.

Service Delivery Impact: N/A

Recommendation:

Staff recommends consideration of the proposed Tax Levy Abatement Ordinance and direct placement on the consent agenda for approval at the December 14, 2015 Village Board meeting.

Reports and Documents Attached:

- Abatement Ordinance

Meeting History	
Initial Referral to Village Board (COW):	11/23/2015
Regular Village Board Meeting:	12/14/2015

¹The Village refinanced and consolidated its four loans (North Park land, Schelter Road, Rte. 22 Utility Line, and TIF land) into two loans.

ORDINANCE NO.

AN ORDINANCE ABATING THE TAX HERETOFORE LEVIED FOR THE YEAR 2015 TO PAY DEBT SERVICE ON SEVERAL OF THE NOTES OF THE VILLAGE OF LINCOLNSHIRE, LAKE COUNTY ILLINOIS.

WHEREAS, the Village Board (the "*Board*") of the Village of Lincolnshire, Lake County, Illinois (the "*Village*"), by Ordinance 11-3184-06, adopted on the 24th of January 2011, did provide for the issue of \$4,250,000 Corporate Purpose Notes, Series 2011A, of the Village of Lincolnshire, Lake County, Illinois (the "*2011A Note*") and the levy of a direct annual tax sufficient to pay principal and interest on the 2011A Notes; and

WHEREAS, the Board of the Village, by Ordinance 11-3185-07, adopted on the 24th day of January 2011, did provide for the issue of \$2,675,000 Corporate Purpose Notes, Series 2011B, of the Village of Lincolnshire, Lake County, Illinois (the "*2011B Note*"), and the levy of a direct annual tax sufficient to pay principal and interest on the 2011B Notes; and

WHEREAS, the 2011A Notes and 2011B Notes, are collectively referred to as the "Notes," and each of the ordinances authorizing the Notes are collectively referred to as the "Ordinances";

WHEREAS, the Village has sufficient revenues for the purpose of paying the debt service due on the Notes during the next succeeding year; and

WHEREAS, it is necessary and in the best interests of the Village that the taxes heretofore levied for the year 2015 to pay debt service on the Notes be abated.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED By the Village Board of the Village of Lincolnshire, Lake County, Illinois, in exercise of its home rule authority, as follows:

Section 1. Abatement of Tax. The taxes heretofore levied for the 2015 in the Ordinances for each of the 2011A Notes and 2011B Notes, are hereby abated in their entirety so that the taxes to be extended to pay principal and interest therefore shall be Zero Dollars (\$0.00).

Section 2. Filing of Ordinance. Forthwith upon the adoption of this ordinance, the Village Clerk shall file a certified copy hereof with the County Clerk of Lake County, Illinois, and it shall be the duty of said County Clerk to abate said tax levied for the year 2015 in accordance with the provisions hereof.

Section 3. Effective Date. This ordinance shall be in full force and effect upon its adoption.

PASSED by the Board of Trustees of the Village of Lincolnshire on this _____ day of _____, 2015 by a roll call vote as follows:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor of the Village of Lincolnshire on this _____ day of _____, 2015.

Elizabeth J. Brandt, Village Mayor

ATTEST:

Barbara Mastandrea, Village Clerk

(Seal)

REQUEST FOR BOARD ACTION

Subject: Consideration of an Ordinance Abating and Reducing Certain Taxes Heretofore Levied to Pay Debt Service on Special Service Area (SSA) Bonds of the Village of Lincolnshire, Lake County, Illinois. (Sedgebrook Special Service Area No. 1 Special Tax Bonds)

Action Requested: Consideration of Ordinance and Direct Placement on the December 14, 2015 Consent Agenda

Originated By/Contact: Michael Peterson, Finance Director
Brad Burke, Village Manager

Referred To: Mayor and Village Board of Trustees

Summary / Background:

In November of 2004 the Village signed an agreement with Erickson Retirement Communities calling for the establishment of a Special Service Area (SSA) and the authorization of the sale of \$15 million of SSA bonds. The major portion of the bond proceeds (\$11.5 million) was used for the construction of the infrastructure (roads, water retention ponds, and utilities) that would serve the Sedgebrook community.

A levy is required each year until the bonds are retired. The bond agreement states that each year a pre-determined maximum property tax is to be levied. This amount will then be adjusted downward based on the actual amount of taxes required to service the debt.

Budget Impact:

N/A

Service Delivery Impact:

N/A

Recommendation:

Staff recommends consideration and discussion of the proposed SSA No.1 (Sedgebrook) Tax Levy Abatement Ordinance and direct placement on the consent agenda for the December 14, 2015 Village Board meeting.

Reports and Documents Attached:

- SSA No.1 Abatement Ordinance

Meeting History	
Initial Referral to Village Board (COW):	11/23/2015
Regular Village Board Meeting:	12/14/2015

ORDINANCE NO.

**AN ORDINANCE ABATING AND REDUCING CERTAIN TAXES
HERETOFORE LEVIED TO PAY DEBT SERVICE ON SPECIAL SERVICE AREA
(SSA) BONDS OF THE VILLAGE OF LINCOLNSHIRE, LAKE COUNTY, ILLINOIS.**

(SEDEBROOK SPECIAL SERVICE AREA NO. 1 SPECIAL TAX BONDS)

WHEREAS, the Village of Lincolnshire, Lake County, Illinois (the "Village") has heretofore issued \$15,000,000 Special Service Area Number 1 Special Tax Bonds, Series 2004 (Sedgebrook Project) (the "Bonds"); and

WHEREAS, the Village adopted an Ordinance on September 27, 2004 (the "Bond Ordinance"), which authorized the Bonds and levied the taxes to pay debt service on the Bonds; and

WHEREAS, pursuant to Section 10 of the Bond Ordinance, the Special Tax Requirement of the Bonds (as defined in the Rate and Method of Apportionment of Special Tax prepared for the Special Service Area of the Village) has been calculated and is hereby approved, and the Village desires to abate the taxes previously levied for 2015 for those Bonds and establish the new levy for 2015;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNSHIRE, LAKE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. Abatement of Taxes. The taxes in the following amounts heretofore levied for the Bonds are hereby partially abated:

<u>For the Year</u>	<u>Original Levy</u>	<u>Current Abatement</u>	<u>New Levy</u>
2015	\$1,625,000.00	\$463,125.00	\$1,161,875.00

Section 2. Filing of Ordinance. Following adoption of this Ordinance, the Village Clerk shall file a certified copy hereof with the County Clerk of Lake County, Illinois, and it shall be the duty of said County Clerk to abate and reduce the taxes heretofore levied as provided in Section 1 hereof.

Section 3. Effective Date. This Ordinance shall be in full force and effect forthwith upon its adoption.

ADOPTED this _____ day of _____, 2015 by a roll call vote as follows:

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2015.

Elizabeth J. Brandt, Mayor

ATTEST:

Barbara Mastandrea, Village Clerk

REQUEST FOR BOARD ACTION

Subject:	Consideration and Discussion of an Ordinance Abating Certain Taxes Heretofore Levied for the Westminster Way Transportation Special Service Area Number 1A (Village of Lincolnshire)
Action Requested:	Consideration of Proposed Abatement Ordinance and Direct Placement on the December 14, 2015 Consent Agenda for Approval
Originated	Michael Peterson, Finance Director
By/Contact:	Brad Burke, Village Manager
Referred To:	Mayor and Board of Trustees

Summary / Background:

The Westminster Way Transportation Special Service Area (SSA) was established for the initial construction and annual maintenance of a traffic control signal system located at the intersection of Route 22 and Westminster Way. The costs related to the traffic signal system are shared by three property owners and the Village of Lincolnshire. Revenues received by the fund initially came from an annual property tax levy. At the conclusion of the construction of the signalized intersection, the Illinois Department of Transportation (IDOT) paid the full cost of construction of the new signal.

The creation of the SSA was intended to cover the initial cost related to construction and ongoing annual maintenance expenses; the largest component of costs being the initial installation. Since these costs did not have to be borne by the SSA, the only costs remaining are the relatively minimal annual maintenance expenses. There is an existing fund balance in this SSA Fund; therefore, the Village does not plan to levy a tax for the SSA. Existing money in the SSA No. 1A Fund will be used to cover annual operating expenses continuing until all money in the fund is depleted which is expected to occur at the end of 2016. At that time the Village will take necessary action to eliminate the SSA.

The Village has the authority to abate taxes associated with the Special Service area in whole or in part in any and all years when the Village Board determines there are sufficient funds available to pay the costs associated with the maintenance of the traffic signal.

Budget Impact:

There will be no tax levy to fund the SSA in Fiscal Year 2016. Available funds in the Westminster Way Transportation Special Service Area will be used to pay for annual maintenance costs in 2016.

Recommendation:

Staff recommends consideration and discussion of the attached ordinance and direct placement on the consent agenda for approval at the December 14, 2015 Regular Village Board Meeting.

Reports and Documents Attached:

- An Ordinance Abating Certain Special Taxes Levied For The Westminster Way Transportation Special Service Area Number 1A

Meeting History	
Initial Referral to Village Board (COW):	11/23/2015
Regular Village Board Meeting:	12/14/2015

ORDINANCE NO.

**AN ORDINANCE ABATING CERTAIN SPECIAL TAXES LEVIED
FOR THE WESTMINSTER WAY TRANSPORTATION
SPECIAL SERVICE AREA NUMBER 1A**

WHEREAS, the Village adopted Ordinance 11-3227-49 on December 12, 2011 (Establishing Ordinance), which established the Westminster Way Transportation Special Service Area Number 1A (the "SSA") to levy a property tax sufficient to pay for construction and annual maintenance of a traffic control signal located at the intersection of Route 22 and Westminster Way; and

WHEREAS, pursuant to Section 5 of the Establishing Ordinance, a Special Tax Roll was prepared and a Maximum Annual Tax was levied against all taxable property located within the Area according to the Rate and Method, as defined in the Establishing Ordinance; and

WHEREAS, once the traffic signal construction was completed, the Illinois Department of Transportation (IDOT) paid the full cost of the new signal installation; and

WHEREAS, the actual amount to be collected annually for the Village of Lincolnshire Westminster Way Transportation Special Service Area Number One based upon the Special Tax Roll is to be determined annually based upon the estimated budget for the costs and expenses connected with the financing, including the principal and interest on the Note, and maintenance of the Improvements within the Area and the administration of the Area for the forthcoming year; and

WHEREAS, with the adoption of the 2013 Village of Lincolnshire Budget, the Village Board agreed to eliminate future SSA 1A property taxes and absorb maintenance costs within the operating budget once the existing SSA 1A funds are depleted; and

WHEREAS, the SSA 1A current cash balance is derived from the 2011 SSA 1A property tax levy (collected in 2012); and

WHEREAS, beginning with Tax Year 2012, the Village abated SSA 1A property taxes; and

WHEREAS, the Village plans to utilize existing SSA 1A fund reserves to pay for annual maintenance costs related to the Westminster and Route 22 traffic signal for the 2015 tax year for the purposes described in the Establishing Ordinance and determined it necessary to abate the Maximum Annual Tax levied therein in its entirety.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNSHIRE, LAKE COUNTY, ILLINOIS, ACTING IN THE EXERCISE OF THEIR HOME RULE POWERS:

SECTION 1. ABATEMENT OF TAXES. The taxes in the following amounts heretofore levied for the Bonds are hereby partially abated:

Common Address	PIN	Maximum Annual Tax	Amount to be Abated	Amount to be Levied
10 Westminster Way	15-13-403-039	\$1,428.63	\$1,428.63	\$0
	15-13-403-016	\$1,451.67	\$1,451.67	\$0
90 Hewitt	15-13-400-045	\$1,287.63	\$1,287.63	\$0
98 Hewitt, 100 Hewitt	15-13-400-043	\$7,019.44	\$7,019.44	\$0
25 Tri-State, 75 Tri-State, 100 Tri-State, 200 Tri- State. 300 Tri-State	15-13-403-017	\$13,560.85	\$13,560.85	\$0
	15-13-403-040			
	15-24-209-019			
TOTAL		\$24,748.22	\$24,748.22	\$ 0.00

SECTION 2. FILING OF ORDINANCE. Following adoption of this Ordinance, the Village Clerk shall file a certified copy hereof with the County Clerk of Lake County, Illinois, and it shall be the duty of said County Clerk to abate and reduce the taxes heretofore levied as provided in Section 1 hereof.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect forthwith upon its adoption.

ADOPTED this _____ day of _____, **2015** by the Corporate Authorities of the Village of Lincolnshire on a roll call vote as follows:

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2015.

ATTEST:

Elizabeth J. Brandt, Mayor

Barbara Mastandrea, Village Clerk

REQUEST FOR BOARD ACTION
COMMITTEE OF THE WHOLE MEETING
November 23, 2015

Subject: Fixed Assets Accounting Policy

Action Requested: Acceptance of Policy Updates

Originated By/Contact: Michael Peterson, Finance Director/ Treasurer

Referred To: Village Board

Summary / Background:

In June 1999, the Governmental Accounting Standards Board (GASB) published Statement 34 (often referred to as GASB 34). The GASB Chairman characterized the statement as "the most significant change to occur in the history of government financial reporting." Lincolnshire, like many municipalities throughout the country, adopted a Fixed Asset Policy with a suggested \$5,000 capitalization threshold. GASB's intent for setting the threshold is to track approximately 20% of the total assets representing approximately 80% of the total asset value.

Finance proposes to raise the \$5,000 capitalization threshold to \$10,000. Moving to a higher threshold reduces insignificant items currently being capitalized. The result from this change would eliminate 35 assets from the GASB 34 Reporting valued at \$240,200 or .25% of the total assets \$106,607,200 (see attached).

Items for Consideration: None

Recommendation: Village Board's acceptance .

Reports and Documents Attached:

Fixed Asset Accounting Policies and Procedures
List of present items to be eliminated for reporting purposes.

Meeting History	
Referral to Village Board (COW):	11/23/2015
Village Board- Consent Agenda:	12/14/2015

Fixed-Asset Accounting Policies and Procedures

Definition of a Fixed Asset

The dollar amount to be capitalized is a unit cost of ~~\$5,000~~ \$10,000 or greater and useful life exceeding one year. Fixed assets include equipment, computers, furniture and vehicles. [The unit cost is applied to individual assets; acquiring a group of assets with values below the individual unit cost will not result in inclusion.](#)

Infrastructure assets such as building improvements, roads, water/sewer pipes and lift stations are capitalized when costs reach the \$200,000 threshold. An inventory of specific assets falling below the ~~\$5,000~~ \$10,000 unit cost threshold (i.e. computer equipment and off-the-road equipment-pumps, generators, etc.) is maintained for the purpose of insurance coverage and accountability. Once inventoried, all capital items are maintained in the physical inventory and Capital Replacement Program until disposed.

The Governmental Accounting Standards Board (GASB) Statement No. 34 requires the following infrastructure be inventoried (capitalized and depreciated): [buildings, furniture & equipment](#), land improvements, roadways, [storm sewers](#), pedestrian/bike paths, street and field lights, traffic lights, and bridges,.

Purchasing Fixed Assets

Capital items (fixed assets) shall be identified for purchase through three methods:

1. New - Through a new initiative in the Capital Improvement Plan that justifies the feasibility of a project or program requiring the purchase.
2. Replacement - Through the Capital Replacement Program for items already in inventory requiring replacement.
3. Emergency - Ad hoc needs are addressed through special meetings of the Board and Management resulting in subsequent amendments to the budget.

The procedures for purchasing fixed assets are:

1. Capital items must be approved for inclusion in the proposed budget. ~~as outlined in the Capital Improvement Program Policies.~~

~~2. Through the purchasing/payment accounting system, departments initiate, for review and approval, a purchase order and subsequent check request.~~

2. [Through the Accounts Payable software, departments initiate payment requests for review and approval.](#)

Year-End Procedures

At year-end, Finance records the assets into proper asset classifications in the fixed asset maintenance files. Depreciation is calculated annually on all assets (except land).

Disposition/Transfer of Assets

The department/division transferring/disposing of an asset shall complete a property disposition form, signed by the department head and approved by the Village Manager. The form is routed to Finance for entry into the accounting records. At least annually the Village auctions assets that have salvage or resale value. After disposal, a list of the assets auctioned and their sales price is sent to Finance. Unsold assets are noted in a memorandum to Finance.

Physical Inventory

Each year, as part of the Capital Replacement Program Budget, a complete inventory of fixed assets will be distributed to every department/division. At that time, all items on the inventory must be physically verified by a representative and corrections or changes made on the inventory sheets, which will then be signed and returned to Finance.

Fixed Asset Losses/Damages

Damaged, lost or stolen assets should be reported to Finance so changes to the fixed assets inventory can be made and the appropriate insurance claims/coverage can be made.

Finance Responsibilities

1. Review fixed asset file.
2. Maintain additions, deletions and transfers of fixed assets.
3. Update fixed asset system and record depreciation at year-end.
4. Work in conjunction with Village departments to conduct annual physical inventory of fixed assets.
5. Make adjustments of asset records when deemed necessary.
6. Review asset records to ensure adequate insurance coverage.
7. Prepare CAFR fixed asset schedules and reconcile schedule balances to fixed asset records.

Department Responsibilities

1. Justify need for capital purchases through the Budgeting Process.
2. Seek purchase approval and submit payment request.
3. Department/division managers are responsible for proper account coding and description of asset on every purchase order and check request for all capital purchase.
4. Conduct an annual physical inventory of fixed assets.
5. Prepare property disposition forms when assets are transferred, removed from inventory, lost, stolen or damaged.

Dynaweld Flatbed Trailer/19K42ADXXP1X23309	5,055.20
Hertiage Creek Sign	5,123.24
Truck Broom	5,150.00
In Car Video Camera Sn Ie03746	5,160.00
Novell File Server 146 Gb (T=7,719.97) (Compaq Proliant)	5,173.37
Chlorine Scada	5,287.00
Mobile Message Board/Shared Cost=15,329	5,365.15
PWF-Upgrade HVAC System Replace Control/Monitoring Panel	5,445.00
Generator Control Center OT0468	5,505.60
Telemetry-XT/AT 386 Comput/Monit,Printer,Modems,Tape Backup	5,657.02
Slit Seeder 58 Inch	5,704.00
Finance Finanical Systems(20,399.00)	5,737.00
Vertical Centrifugal Water Pump 6 Inch 25 Ft Sump W/25 Hp	5,745.36
Vertical Centrifugal Water Pump 6 Inch 25 Ft Sump W/25 Hp	5,745.36
Wells Cargo Trailer Cw1422-102/Tandem	5,761.00
Trailer Mounted 600 Gal Tank	5,840.00
Wells Cargo Aw1822 Trailer	5,905.00
Raft For Slp	6,032.89
Tow Behind Aerator Model 544317	6,200.51
Speed Detection Unit 6923	6,368.75
Copier By Lease Purchase Agreement- Coco	6,431.02
Atv Arctic Cat Tbx 4uf04atv34t250055	6,699.90
Mobile Message Board/Shared Cost=15,329	7,664.50
Copier By Lease Purchase Agreement- Mimi	7,929.00
Remote Control Camera System	8,031.70
Water Wagon: Trailer/Sump/Pump/Hose 1000gal Tank	8,291.50
Lightening Prediction System Model L50	8,498.60
Recreation Registration/Track System	8,816.00
Locating Equipment	8,919.63
Pwf Storage Rack System	8,964.04
Install T-1 Trunk Line For Gis System	9,198.46
Virus Protect Software/ File Server (Compaq Proliant)	9,380.00
Kubota Mini Excavator	9,600.00
Dispensing System Pumps, Meters	9,870.52
Anti-Icing System	9,941.09

\$ 240,197.41

**REQUEST FOR BOARD ACTION
November 23, 2015 Committee of the Whole Meeting**

Subject: Utility Rate Follow-Up

Action Requested: Village of Lincolnshire Proposed 2016 Budget Follow Up:
Consideration and Discussion of Options Regarding Utility Rates

Originated By: Brad Burke, Village Manager
Youssef Shoukry, Management Analyst

Referred To: Village Board

Summary/Background:

At the November 9, 2015 Village Board meeting, staff presented options pertaining to water and sewer rates for the 2016 Budget and beyond. The Board discussed the options and asked for further information on the following subjects: what it would take to make the Water & Sewer Fund self-sustaining immediately; all-in rate comparisons with other communities; and options for a tiered billing model. This memo discusses the tiered billing model, while information on other communities' rates and illustrative scenarios for immediately making the water and sewer funds self-sufficient are included as attachments.

Previous Recommendations

On November 9, 2015, staff recommended introduction of a \$5 monthly infrastructure fee per account as well as general rate increase of 6% to the total utility rate, bringing the rate paid by residential customers from \$9.95/1,000 to \$10.55/1,000 gallons. This rate recommendation is estimated to result in \$288,000 in additional revenues for the Water & Sewer Fund in Fiscal Year 2016. Given the need for a fee change to cover operating expenses as well as address capital needs, staff continues to support this recommendation in addition to the tiered approach to be discussed in this report. Any change in rate philosophy will be a step forward in starting to address the long-term stability of the fund in covering operations as well as infrastructure costs outlined in the Village's Long-Term Capital Plan.

Tiered Rate Structure

The concept of tiered billing attempts to place a greater burden of the cost of providing service on customers who use higher amounts of water. The philosophical justification behind this practice is the more water a user consumes, the more they strain the system. For example, a group of users consuming 10,000 gallons of water a month require a more robust infrastructure than a group consuming 5,000 gallons a month. The pipes need to be bigger to accommodate increased flow; pumps need to be stronger to meet demand; and more staff time is needed to maintain the infrastructure. To illustrate this option, staff developed the following tiered structure:

	Range (Gallons/Month)	Number of Accounts in Tier Based on Average Usage	Increase Over Current Rate	New Rate	Additional Revenues Generated from Tier over Current Rates
Tier 1	0-50,000	143	6.0%	\$10.55	\$13,581
Tier 2	51,000-400,000	60	13.5%	\$11.29	\$73,088
Tier 3	401,000-750,000	4	21.4%	\$12.08	\$48,768
Tier 4	750,000-1,099,999	1	29.9%	\$12.92	\$30,123
Tier 5	1,100,000+	3	39.0%	\$13.83	\$142,601
Total					\$308,162

This approach is intended to be applied to commercial accounts, as 96.6% of residential accounts use less than 50,000 gallons. The tiered structure operates similarly to tax brackets, meaning a user who consumes 75,000 gallons of water/month pays the tier 1 rate for the first 50,000 gallons, and the tier 2 rate for gallons 51,000 through 75,000. This user would therefore experience a 6% increase on the first 50,000 gallons billed, then a 13.5% increase over the other 25,000 gallons billed. As such, users will have an “effective rate” increase depending on their usage. The following table illustrates this concept based upon a user with a monthly bill of 75,000 gallons:

Gallons Billed (Monthly)	75,000
Current Model	Billed Amount
75,000 x \$9.95	\$746.25
Total	\$746.25
Tier Model	
50,000 x \$10.55	\$527.50
25,000 x \$11.29	\$282.25
Total	\$809.75
Additional Charges	\$63.50
Effective Increase	8.5%

The impact of tiered commercial billing depends on the exact tier model. Using the tiered model, identified above, staff anticipates additional revenues of roughly \$308,000 from tiered billing. Approximately 56% of the additional revenues (\$172,480) would be generated from the top 5 users. The following table summarizes the anticipated dollar impact on those users, based on 2014 actual usage:

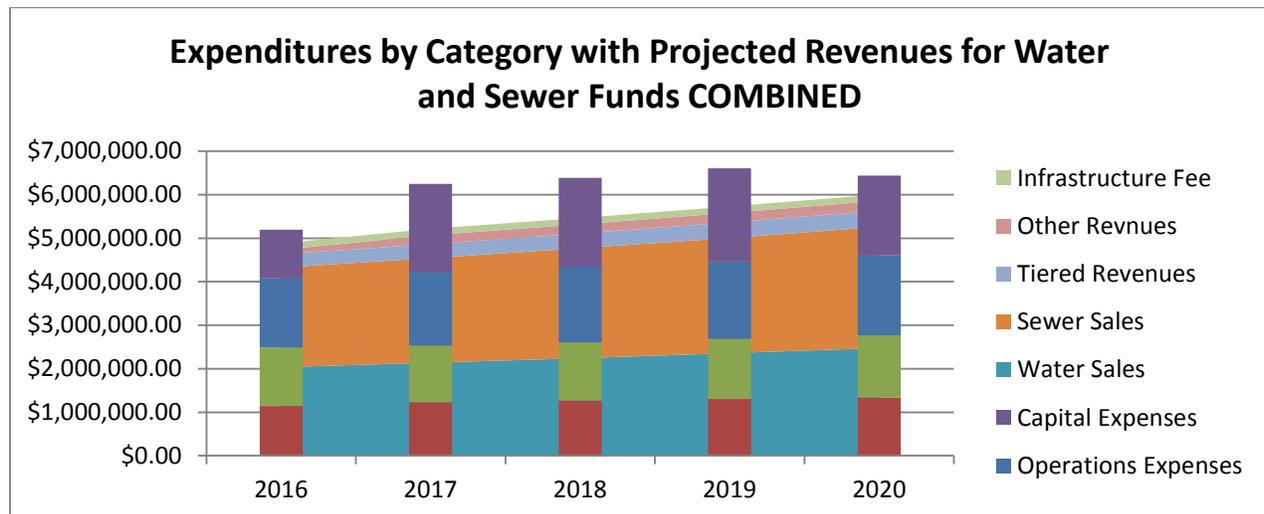
	Annual Total Bill without Tiers	Annual Bill with Tier	Annual Difference due to Tiered Billing	Effective Rate Increase
Sedgebrook	\$275,197	\$343,972	\$68,775	25.0%
Aon Hewitt	\$196,642	\$234,821	\$38,179	19.4%
Marriott	\$168,583	\$204,230	\$35,647	21.1%
Stevenson	\$128,833	\$148,552	\$19,720	15.3%
Walgreens	\$66,824	\$77,228	\$10,404	15.6%

The impact on other commercial accounts will vary depending on their usage. The following table illustrates the impact on the median user for each of the proposed tiers. As there is often no true median or average user, this table is meant to illustrate the extent of the effect of tiered billing:

Tier	Monthly Usage (Gallons)	Annual Difference for Median User in Tier	Effective Rate Increase
1	25,000	\$180	6.0%
2	225,000	\$3,174	11.8%
3	575,000	\$10,452	15.2%
4	924,000	\$21,137	19.2%
5	1,780,000	\$59,173	27.8%

Recommendation

A combination of tiered billing, an overall rate increase, and monthly flat fees may be necessary to address the needs of the water and sewer funds. Staff projects increasing the total utility rate to \$10.55/1,000 gallons, introducing tiered billing, and introducing a \$5 monthly infrastructure fee to produce roughly \$575,000 of additional revenues in 2016. The following chart summarizes the projected revenues as they relate to expenditures:



The recommendation laid out above differs from the November 9, 2015 recommendation in that the commercial portion of the utility user base bears a greater share of the burden of the additional revenues to be generated. The recommendations break down as follows:

	November 9 Recommendation	November 23 Recommendation
Residential General Rate Increase (\$9.95 to \$10.55/1,000 Gallons)	\$123,611	\$123,611
Commercial General Rate Increase (\$9.95 to \$10.55/1,000 Gallons)	\$164,389	N/A
Commercial Flat Fee Impact (\$5.00 per Account per Month)	\$13,200	\$13,200
Residential Flat Fee Impact (\$5.00 per Account per Month)	\$130,800	\$130,800
Tier Rate Impact	N/A	\$308,162
Total	\$432,000	\$575,773
Total Residential	\$254,411	\$254,411
Total Commercial	\$177,589	\$321,362
Share of Total Impact Residential	59%	44%
share of Total Impact Commercial	41%	56%

While the recommended rate options do not immediately make the fund completely self-sufficient, these changes dramatically decrease the funds dependence on general fund transfers while providing an opportunity for future rate adjustments.

Attachments

- **Additional Information on Rate Comparisons, Cost Based Rate Model, and Fixed Cost Model**

Meeting History	
Committee of the Whole Meeting	November 9, 2015

Rate Comparisons

Staff surveyed neighboring communities on the total utility rate (water and sewer) paid by residents for 6,000 gallons used in one month. The total paid per month therefore includes any minimum billing charges, additional fees, or other charges which would be paid by a resident in that municipality consuming 6,000 gallons in one month.

Municipality	Water Rate/1,000 gallons	Sewer Rate/1,000 Gallons	Combined Rate/1,000 Gallons	Flat Charges	Total/Month
Bannockburn	\$8.33	\$5.95	\$14.28		\$85.68
Kenilworth	\$6.95	\$0.87	\$7.82	\$28.75	\$75.67
Libertyville	\$7.24	\$4.95	\$12.19		\$73.14
<u>Lincolnshire - Proposed</u>	\$4.96	\$5.59	\$10.55	\$5.00	\$68.28
Gurnee	\$4.37	\$4.37	\$8.74	\$12.84	\$65.28
Vernon Hills	\$5.81	\$4.77	\$10.58		\$63.48
Lincolnshire - Current	\$4.68	\$5.27	\$9.95		\$59.70
Deerfield	\$5.45	\$4.21	\$9.66		\$57.96
Lake Forest	\$5.30	\$2.32	\$7.62	\$11.66	\$57.38
Buffalo Grove	\$4.38	\$5.09	\$9.47		\$56.82
Wilmette	\$3.33	\$5.67	\$9.00		\$54.00
Lake Bluff	\$6.80	\$1.10	\$7.90	\$2.50	\$49.90
Glenview	\$5.65	\$1.29	\$6.94	\$7.61	\$49.25
Winnetka	\$4.47	\$1.85	\$6.32		\$37.92
Northbrook	\$4.90	\$1.05	\$5.95		\$35.70
Glencoe	\$4.55	\$1.28	\$5.83		\$34.98
Highland Park	\$2.68	\$1.47	\$4.15	\$7.00	\$31.92

Cost Based Rate Model

One approach to addressing water and sewer fund needs immediately is setting the rate based on the anticipated amount of water and sewer sales to cover all expenditures. The rate is then computed as follows:

$$\frac{(\text{total expenditures} - \text{revenues not from water and sewer sales})}{(\text{number of anticipated water and sewer units sold})}$$

The equation is as follows based on proposed 2016 Budget numbers:

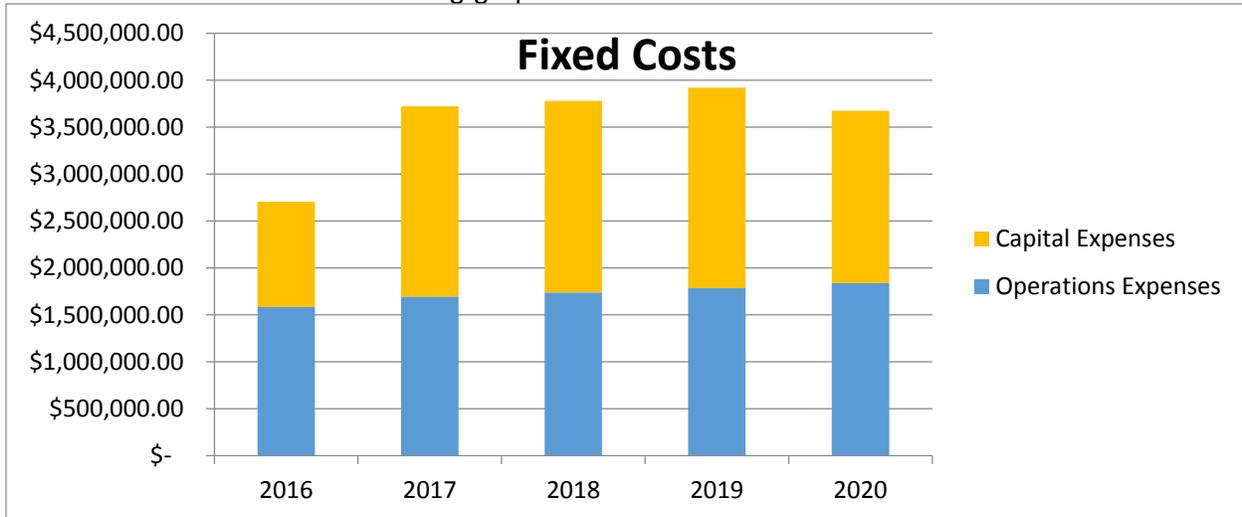
$$\frac{(\$5,195,885 - \$192,907)}{(480,000 \text{ units})}$$

The numbers in the top half of the equation represent the total cost which needs to be covered by water and sewer sales. That number is then divided by 480,000, the anticipated number of gallons sold in 2016.

The rate needed to cover all expenditures is \$12.40/1,000. However, since expenditures and revenues fluctuate year to year, the recommended approach is setting the rate to the average required over the next 5 years to avoid rate fluctuations, at roughly \$14.60/1,000 gallons. This allows the fund to accumulate reserves in years of light spending to compensate for years of heavier spending. This rate reflects a 46.7% increase over the current charge.

Fixed Cost Model

Another approach to stabilizing the fund immediately is setting the monthly fee paid by each account to the total “fixed” costs of the system; distributed across all account holders. Costs of the system can fall into 4 different categories: the cost of the Highland Park water purchase (variable depending on demand), the cost of the Lake County sewer treatment purchase (variable depending on demand), capital expenditures, and general administrative costs (such as personnel, insurance, and non-capital system maintenance). The “fixed” costs of the system exclude the Highland Park water purchase and Lake County treatment amounts, since those costs are wholly dependent on demand. While capital costs fluctuate year to year and are somewhat more controllable than operations expenses, they are characterized as fixed costs in this illustrative model. The following graph illustrates the cost breakdown:



In 2016, the budgeted, fixed costs, capital and operations expenses, total \$2,511,727. There are approximately 2,430 water accounts for 2016. If the “fixed” (operations and capital) costs were to be divided equally between all accounts, the monthly fee needed to cover all non-variable costs would be approximately \$86 per month, per account. With the fixed costs covered, utility rates can be set lower as they only need to cover the cost of the Highland Park water purchase and Lake County sewer treatment purchase. For 2016, staff anticipates the rate would need to be a combined \$6.57/1,000 gallons.

Bottom Line

The answer to the question, what would it take to stabilize the fund immediately is either:

- Setting the total rate at \$14.60 or
- Introduce a monthly flat fee of roughly \$86

Another way to approach these two models is as trade-off between the monthly fee and the total rate charged/1,000 gallons. For each additional \$1 charged as a monthly flat charge, the combined utility rate can be reduced by 7.2¢ /1,000 gallons while still generating enough revenues to cover all costs of the system.

**REQUEST FOR BOARD ACTION
NOVEMBER 23, 2015 COMMITTEE-OF-THE-WHOLE MEETING**

Subject: Liquor Control Act Amendments

Action Requested: Continued Consideration and Discussion of Recent Amendments to the Illinois Liquor Control Act (Village of Lincolnshire)

**Originated
By/Contact:** Peter D. Kinsey, Chief of Police

Referred To: Village Board

Summary / Background:

At the July 27, 2015 Committee-of-the-Whole Meeting, staff informed the Board about Public Act #99-0046, signed into law by Governor Rauner on July 15, 2015. This legislation amended several provisions of the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-1 et al), including the reinstatement of "happy hours", the reduction to a single State liquor license for hotels, the introduction of regulations for infusion drinks, and the requirement that all servers of alcoholic beverages be BASSET trained by July 1, 2016.

As a home rule community, the Village of Lincolnshire has the authority to elect to implement the State legislation as drafted or elect to impose stricter regulations than afforded by statute. Direction from the Village Board regarding whether or not they would like to implement the provisions of the Liquor Control Act amendments is requested.

Previously, staff recommended leaving the Village Code's prohibition of happy hours in place, maintaining current local licensing requirements for hotels, allowing Village Code to remain silent regarding the regulation of infusion drinks, and amending Village Code to require BASSET training for all servers of alcoholic beverages, similar to State statute.

There appeared to be a consensus of agreement with staff's recommendations concerning hotel licensing, infusion drinks, and BASSET training. However, the Village Board directed staff to survey neighboring communities to determine how those communities were handling the happy hour issue. Nine (9) local communities were surveyed earlier this month. The results of the survey have been recorded in the attached table.

Budget Impact:

Not Applicable.

Service Delivery Impact:

Not Applicable.

Recommendation:

In summary, staff recommends leaving current Village Liquor Code regulations concerning the prohibition of happy hour drink specials and hotel licensing in place. Staff recommends allowing statutory requirements regarding infusion drinks to stand alone and recommends amending Village Code to require BASSET training for all servers of alcoholic beverages.

Reports and Documents Attached:

- Table – “Local Response to Amendments to Illinois Liquor Control Act of 1934 Regarding Happy Hours (P.A. #99-0046)”
- Staff Memorandum for July 27, 2015 Committee-of-the-Whole Meeting

Meeting History	
Initial Referral to Village Board (COW):	July 27, 2015
	November 23, 2015
Regular Village Board Meeting:	

LOCAL RESPONSE TO AMENDMENTS TO ILLINOIS LIQUOR CONTROL ACT OF 1934 REGARDING HAPPY HOURS (P.A. #99-0046)

Municipality	Is your municipality a "Home Rule" community?	Does your municipality currently have an ordinance which <u>prohibits</u> happy hours?	If so, does your municipality have plans to amend the municipal code <u>to allow</u> happy hours consistent with state statute?	If not, does your municipality plan to amend the municipal code <u>to prohibit</u> happy hours?
Buffalo Grove	Yes	No	Yes - recently adopted the changes to State Statute by ordinance.	N/A
Deerfield	Yes	Yes	No	Already does.
Highland Park	Yes	No	N/A	Not at this time.
Lake Forest	Yes	No	Entire municipal code currently being revised - uncertain if City Council will allow or prohibit happy hours.	
Libertyville	No	Yes	Yes - will amend ordinance to comply with State Statute effective 1/1/16.	N/A
Mundelein	Yes	No	Yes - recently adopted the changes to State Statute with the exception of infusions.	N/A
Northbrook	Yes	No	TBD	TBD
Vernon Hills	Yes	No	Yes - recently adopted the changes to State Statute by ordinance.	N/A
Wheeling	Yes	No	N/A	No, will be adopting the changes to State Statute by ordinance.

**REQUEST FOR BOARD ACTION
JULY 27, 2015 COMMITTEE-OF-THE-WHOLE MEETING**

Subject: Liquor Control Act Amendments

Action Requested: Consideration and Discussion of Recent Amendments to the Illinois Liquor Control Act (Village of Lincolnshire)

**Originated
By/Contact:** Peter D. Kinsey, Chief of Police

Referred To: Village Board

Summary / Background:

On July 15, 2015 Governor Rauner signed into law Public Act #99-0046 which amended several provisions of the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-1 et al). Some of the more significant amendments are as follows:

- Happy Hours – Liquor licensees may now discount the price of alcoholic beverages for up to four (4) hours per day (but not after 10pm), and not more than 15 hours per week, provided the schedule of prices is published at least 7 days in advance.
- Hotels – The State of Illinois will begin issuing a single liquor license for all premises from which a hotel sells alcoholic beverages so long as they are all under common ownership.
- Infusions – Retail licensees may now sell homemade alcoholic beverages created by “infusing” natural flavors into spirits with fruits, spices, and/or nuts, for consumption on the premises. For example, a bar could open and mix several bottles of vodka with fruit, age it for up to 14 days, and sell it by the glass for up to 21 days. While the ingredients need to be labeled, the proof (percentage of alcohol content) does not need to be identified.
- BASSET Training – All servers of alcoholic beverages are now required to obtain a Beverage Alcohol Sellers and Servers Education and Training (BASSET) certificate by July 1, 2016, or within 120 days of the first day of work, whichever is later. A BASSET training certificate is transferable with the employee between licensees, but cannot be transferred between employees.

The Village has the authority to elect to implement the State legislation as drafted or elect to impose stricter regulations than afforded by statute. Direction from the Village Board regarding whether or not they would like to implement the provisions of the new Liquor Control Act rules and regulations is requested. A summary of staff's thoughts regarding an approach to these changes can be found as follows.

Law enforcement was a strong supporter of the legislation that banned happy hour drink specials in 1989 to combat excessive drinking and drunken driving. The discounting of alcoholic beverages during happy hour promotions only encourages patrons to consume more alcohol than they might normally consume, and in a shorter period of time, increasing the opportunities for negative consequences. The concept of happy hour is a marketing strategy employed to attract patrons to a business and increase sales, but it can have tragic results. A better strategy

might be to discount food or other services during happy hours (such as Kona Grill's half price appetizers on Wednesdays). Currently, Lincolnshire Village Code prohibits happy hours. It is staff's recommendation to leave the Village's prohibition of happy hours in place.

There are currently six hotels in the Village, five of which have liquor licenses. Three of the hotels have multiple local licenses – Courtyard by Marriott (3), Marriott's Lincolnshire Resort (8), and Springhill Suites by Marriott (2). Reduction to a single license for each hotel will certainly result in a reduction in fees collected by the Village and will require some considerable recodification of the Liquor Code. Continuing the requirement for additional licenses for each area where alcoholic liquor is to be sold affords the opportunity for the Village to better monitor alcohol sales and ensure the hotels are in compliance with all applicable building and zoning codes, ordinances and regulations. Staff recommends maintaining current local licensing requirements.

Currently, Village Code does not address the issue of creating homemade alcoholic beverages through infusion of fruits, spices, or nuts. Staff is not aware of any Village license holders that may be contemplating introducing such a product line to their operations. Staff recommends Village Code remain silent on this issue and allow state statute to be the guiding regulation.

Staff recommends the Village Board amend Village Code to require BASSET training for all servers of alcoholic beverages, similar to state statute. Some of the Village's current liquor license holders already voluntarily require their employees to be BASSET trained. In addition, the Village Board recently created a Class Q license for taverns, and a requirement of that license class is that all servers be BASSET trained. Amending Village Code to require BASSET training for all servers of alcoholic beverages will make Village Code consistent with state statute, with which all licensees will have to comply by July 1, 2016 anyway.

Budget Impact:

Should the Village Board elect to modify licensing requirements for hotels to mirror state statute (i.e., one license for the entire premises), without changing the license fee structure, the loss of revenue would be about \$5,000. None of the other issues directly affect the budget.

Service Delivery Impact:

Not Applicable.

Recommendation:

In summary, staff recommends leaving current Village Liquor Code regulations concerning the prohibition of happy hour drink specials and hotel licensing in place. Staff recommends allowing statutory requirements regarding infusion drinks stand alone and recommends amending Village Code to require BASSET training for all servers of alcoholic beverages.

Reports and Documents Attached:

- None

Meeting History	
Initial Referral to Village Board (COW):	July 27, 2015
Regular Village Board Meeting:	

REQUEST FOR BOARD ACTION
Committee of the Whole
November 23, 2015

Subject: Consideration and Discussion of Park Board Recommendation to Approve a Lincolnshire Sports Association (LSA) Request to Host Two "Skate Nights" in January / February 2016 at North Park (Lincolnshire Sports Association)

Action Requested: Consideration, Discussion and Placement on the December 14, 2015 Village Board Consent Agenda

Originated By/Contact: Scott Pippen, Operations Superintendent

Referred To: Village Board

Summary / Background: LSA is requesting that the Village allow Lincolnshire Sports Association to host two "Skate Nights" at the North Park ice rink on two of the following dates:

- Saturday January 9
- Saturday January 23
- Saturday January 30
- Saturday February 6

The time would be from 7-10 pm, and refreshments would be served. Music would be played during the skating and a short fireworks display would complete the evening on one of the nights. Mr. Lee Fell, Park Board member and LSA Director of Travel Baseball will be in attendance at the meeting to provide further details and answer any questions the Board might have.

Budget Impact: LSA requests the Village expend \$2,500.00 for fireworks, which would need to be included in the 2016 Village budget. Public Works may need to provide minimal support for set-up and clean-up for the events.

Service Delivery Impact: There will be minimal impact to Public Works services for these events.

Recommendation: At the November 16 Park Board meeting, the Park Board voted unanimously to recommend to the Village Board approval of the LSA Skate Nights, and requested the Village Board consider adding \$2,500.00 to the 2016 Village budget for fireworks for the event.

Reports and Documents Attached:

- Memo from Lee Fell Requesting Approval for Skate Night

Meeting History	
Park Board	November 16, 2015
Village Board (COW):	November 23, 2015
Regular Village Board Meeting:	December 14, 2015

To: Scott Pippen

From: Lee Fell - LSA Director of Travel Baseball

Subject: Lincolnshire Skate Night

On behalf of LSA, we would like to request a "Lincolnshire Skate Night" at North Park. We are targeting two of the following dates:

- January 9th Saturday night
- January 23rd Saturday night - Weekend of Conference Championships
- January 30th Saturday night
- February 6th Saturday night - Super Bowl Weekend

The time would be from 7-10 pm.

LSA plans on having the following items for free: coffee, hot chocolate and s'mores. We will be meeting with Dunkin Donuts, Fresh Market and Sunset Foods about donating all the items.

LSA has secured ice skates for use from Glacier Ice Arena in Vernon Hills. All skates would be rented to skaters for free.

We are looking to either purchase fire pits and/or rent heaters to keep the skaters and families warm.

LSA has purchased hay bales for additional seating around the rink.

We will have music played during the event.

We have contacted Johnny Rockets (same company who does the 4th of July fireworks) to have a 5 to 10 minute show. The cost will be \$2500.

LSA will secure all the volunteers and funds. We are requesting the Village to pay for the \$2500 for the fireworks.

We will work with Banner for additional parking if necessary.

Please feel free to call me with any questions.



**REQUEST FOR BOARD ACTION
November 23, 2015 Committee of the Whole Meeting**

Subject: Right to Work

Action Requested: Consideration and Discussion of an Ordinance on Economic Development and Worker Empowerment by Regulation of Involuntary Payroll Deductions for Private Sector Workers in the Village of Lincolnshire

Originated By: Elizabeth Brandt, Mayor

Referred To: Village Board

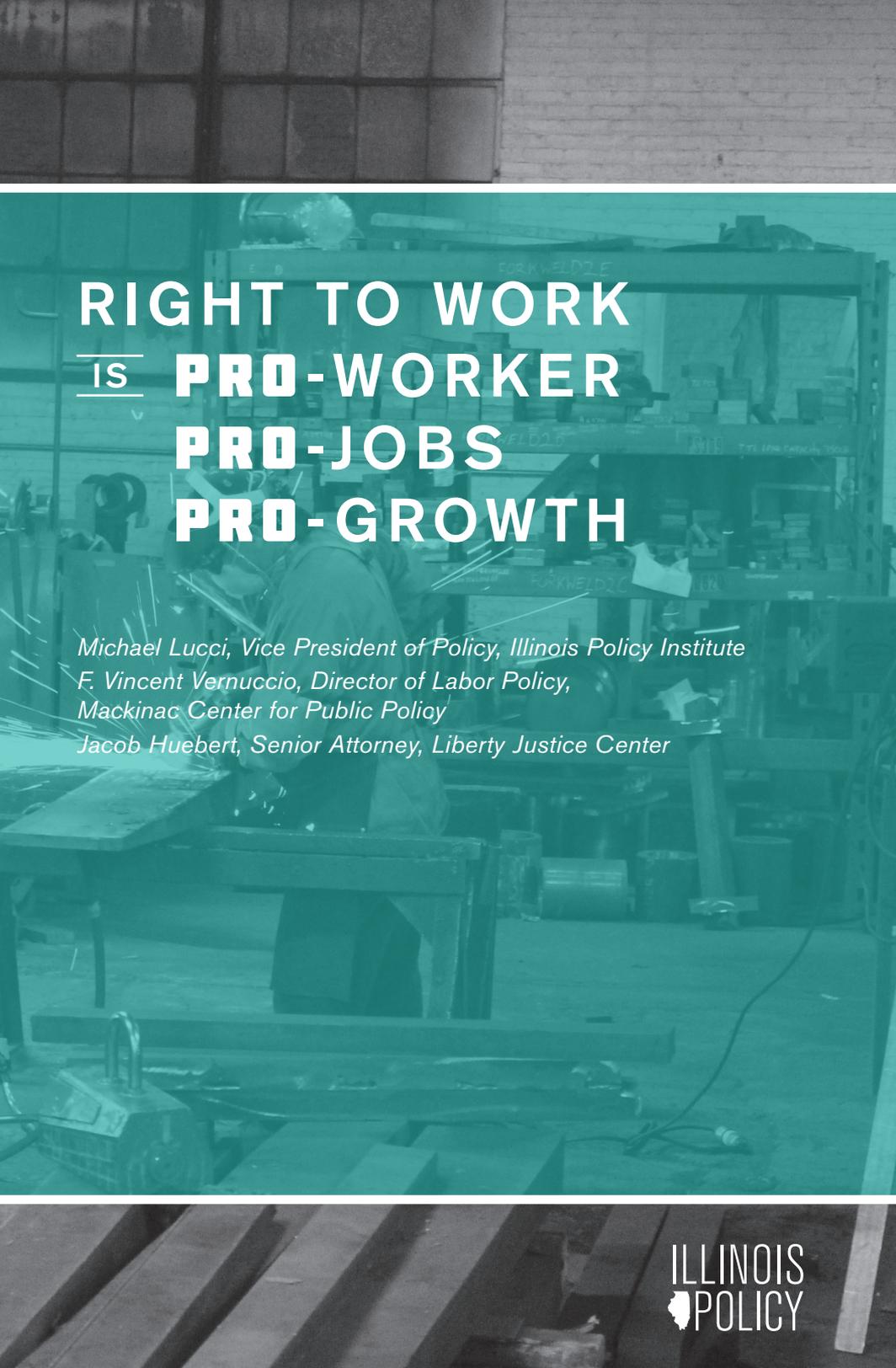
Summary/Background:

Mayor Brandt requested the attached ordinance be shared with the Village Board for consideration and discussion. The attached booklet outlines the details of the legislation.

Attachments

- Right-to-Work Informational Booklet from Illinois Policy Institute
- Draft Ordinance

Meeting History	
Committee of the Whole Meeting	November 23, 2015



RIGHT TO WORK
IS PRO-WORKER
PRO-JOBS
PRO-GROWTH

Michael Lucci, Vice President of Policy, Illinois Policy Institute

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Right-to-Work laws protect individual freedom. These laws create a level playing field among union management, employers and employees by guaranteeing that no worker can be forced, as a condition of employment, to join a union or to pay dues or fees to a union.¹ Thus, Right-to-Work laws are neither pro-union nor anti-union. They are pro-worker. These laws provide choices to individual workers so that each worker can join a union that serves him or her well, or opt out of a union that does not.

Take it from Gary Casteel, a former regional director for the United Auto Workers, or UAW, and current secretary-treasurer of the UAW. Casteel explained that Right to Work doesn't hurt unions, and in many ways it helps unions by keeping union management accountable to workers:

This is something I've never understood, that people think right to work hurts unions. ... To me, it helps them. You don't have to belong if you don't want to. So if I go to an organizing drive, I can tell workers, 'If you don't like this arrangement, you don't have to belong.' Versus, 'If we get 50 percent of you, then you all have to belong, whether you like to or not.' I don't even like the way that sounds, because it's a voluntary system, and if you don't think the system's earning its keep, then you don't have to pay.²

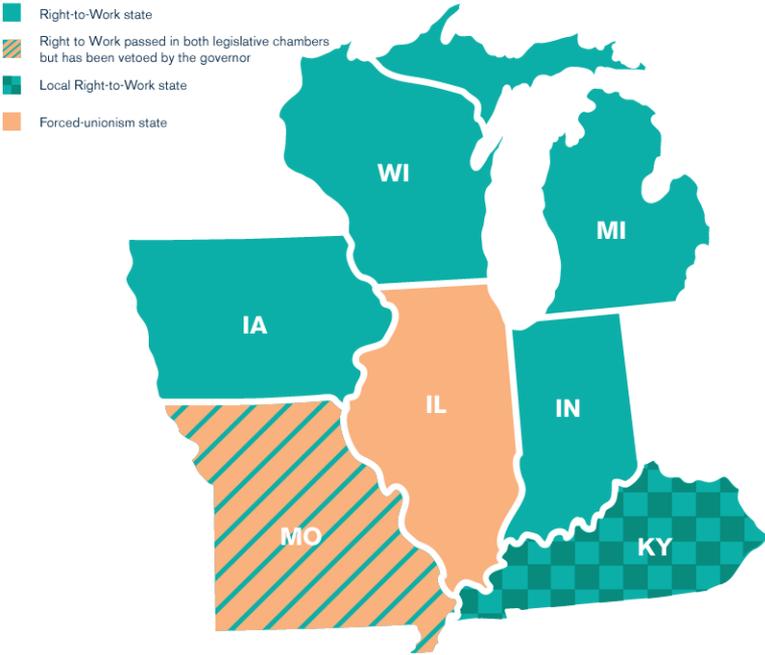
An increasing number of lawmakers agree with Casteel's perspective. As of September 2015, 25 states have Right-to-Work laws. The industrial Midwest in particular has been moving toward worker freedom. In fact, the last three states to enact Right to Work are all Illinois neighbors: Indiana enacted Right to Work in 2012; Michigan's Right-to-Work law went into effect in 2013; and Wisconsin enacted a Right-to-Work law in 2015.

Missouri's legislature passed Right to Work in 2015, but Gov. Jay Nixon vetoed the bill. Missouri likely will enact statewide Right to Work in the near future. And counties in Kentucky have enacted Right to Work at the local level using county home-rule powers, particularly in counties near the Tennessee border.

Illinois stands as an outlier, refusing to reform its laws to guarantee worker rights and to facilitate business expansion.

Right-to-Work states surrounding Illinois

Status of Right-to-Work laws in Illinois and neighboring states



Source: National Right-to-Work Legal Defense Foundation

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Illinois' opportunity to embrace worker freedom begins at the local level, following Kentucky's example. Kentucky counties have been flexing their home-rule muscles to enact countywide Right-to-Work ordinances. Warren County, Kentucky, on Dec. 19, 2014, became the first Kentucky county to enact a Right-to-Work ordinance. Fifteen other Kentucky counties have followed suit.

What is Right to Work?

Right-to-Work laws mean a union cannot get a worker fired for not paying dues or fees to the union. It does not affect collective bargaining in any other way.³

Twenty-five states give workers this right, including Wisconsin, Michigan, Indiana, Iowa and Tennessee – all in close proximity to Illinois.⁴ Eight of 12 states in the Midwest have Right-to-Work laws.

How does Right to Work affect collective bargaining and other labor laws?

Right to Work has no effect on collective bargaining or any other labor law. Workers and unions can still negotiate with employers over wages, hours, benefits and anything for which they could negotiate before the enactment of a Right-to-Work law.

It also does not affect prevailing-wage laws or any laws dealing with government employees. The only change brought by a Right-to-Work law is the prohibition against unions' requiring workers to pay union dues or fees as a condition of employment.

Without Right to Work, does a worker need to be a member of a union?

No. The difference is that in forced-unionization states, workers are still forced to pay money to unions in the form of agency or fair-share fees⁵ even if they resign their union memberships.⁶

Does Right to Work apply to workers in both the public and private sectors?

In general, Right-to-Work laws can be applied to both private-sector and public-sector workers. However, in the case of Illinois, public-sector employment is governed by state law, which precludes local governments from making their own laws on the issue of Right to Work for public-sector employment. However, there is no state law that pre-empts local governments from enacting Right-to-Work ordinances to govern the private sector.

The Illinois Public Labor Relations Act⁷ applies to most public employees, with the exception of teachers and other school employees, who are covered under the Illinois Educational Labor Relations Act.⁸ Both of these acts can be amended by state statute to include Right to Work. However, public labor law is set by state statute.

The federal law that governs private-sector employment is the National Labor Relations Act, or NLRA.⁹ This law defines for state and local governments which labor laws they can enact for private-sector workers. Section 14(b) of the Taft-Hartley Act,¹⁰ which amended the NLRA in 1947, provides governments the ability to enact Right to Work for private-sector employees.

It's important to note that the local Right-to-Work initiative in Illinois would apply only to private-sector workplaces, because public-sector workplaces are governed by the Illinois Public Labor Relations Act and the Illinois Educational Labor Relations Act.

How does a union organize a workplace?

In both the public sector in Illinois and the private sector nationally there are two ways in which a union can organize employees in a workplace.¹¹

First, a union can attempt to organize a workplace through a secret-ballot election in which a union gathers “cards” or documents that show support for the union from at least 30 percent of workers at the work site (this is called a bargaining unit). Once the union receives this “showing of interest,” it can ask the employer for an election.¹² If the employer refuses, then a secret-ballot election is held to determine whether a majority of the employees want the union in their workplace. If the union receives the majority of votes cast, it then represents all the workers in the bargaining unit.¹³

Second, a union can initiate a petition or card-check election in which an employer recognizes a union without a secret-ballot election.¹⁴ The union must obtain signatures from a majority of employees in the unit in order to be recognized. These signatures can be obtained out in the open, and can lead to the intimidation and coercion of employees.¹⁵

Most unionized employees have never had a chance to participate in the decision about whether their workplaces should be unionized. Only around 7 percent of workers in the private sector have had the opportunity to vote for the unions that represent them.¹⁶

Once the union has organized the workplace, it is the exclusive representative of all workers in the bargaining unit. Workers who do not want to be represented by the union are unable to represent themselves and are forced to accept union representation with or without Right-to-Work laws. Right-to-Work laws protect these workers from having to pay union dues and fees for the unwanted representation.¹⁷

How does Right to Work affect a union's ability to organize a workplace?

Right to Work does not change the process for unionizing a workplace. It does, however, change the stakes of the game. In forced-unionization states, a simple majority of workers voting or signing cards results in a unionized workplace where 100 percent of employees covered by a collective bargaining agreement must pay union dues or fees. However, in a Right-to-Work state, a simple majority can still unionize the workplace. Fortunately, workers who do not wish to unionize can opt out of the union and associated union dues. This decreases the incentive for a union to organize a workplace that lacks robust support for the union, and it increases the pressure on the union to prove its value to individual workers.

Shouldn't the government stay out of private contracts between employers, workers and unions?

In an ideal world, the government would stay neutral in contracts between unions and employers. However, labor law has tilted the table in favor of unions. If a union organizes a workplace, the employer is forced by law to allow the union into its business, is required to negotiate "in good faith" with union representatives, and is required to make many other accommodations and concessions to the union.¹⁸ These requirements are laid out in labor law, and they have biased public policy in favor of unions over individual workers and employers. Right-to-Work laws move the government to a more neutral position.

Federal law exempts unions from anti-monopoly laws, giving unions sole power over representation and bargaining on behalf of workers. If a majority of workers vote to organize as a union, then the union gains monopoly control of employee representation and bargaining. The workers are forced to accept union representation whether they want it or not.

Because of the special privileges afforded unions, Right to Work helps level the playing field and allows workers to decline to pay for unwanted representation. In Right-to-Work and forced-unionization states, both employers and workers have no choice but to deal with unions.

Whom does Right to Work benefit?

- **Workers** – Right to Work gives workers the choice of whether to pay a union.
 - Workers see faster wage growth and make about 4 percent more in Right-to-Work states when the cost of living is factored in.¹⁹
- **States** – States with Right to Work have higher economic growth, lower unemployment, higher population growth and more job creation.²⁰
- **Unions** – Right to Work can make unions stronger and help them grow. In Right-to-Work states, unions must compete and prove their worth to their members. In some years, Right-to-Work states add more union members than non-Right-to-Work states, and over the last decade, union membership has grown in Right-to-Work states, while it has declined by 9 percent in forced-unionization states.²¹
 - In 2014, the Right-to-Work state of Indiana tied for first in the country for adding the most union members. That year, the Hoosier state added 50,000 new dues-paying union members.²²
- **Elected officials** – Time and again voters have sided with brave elected officials who put workers, job creators and taxpayers first through labor reform.
 - In the election after Indiana passed Right to Work, Republicans picked up nine seats in the Indiana House of Representatives and did not lose any in the Indiana Senate. Republican Gov. Mike Pence replaced term-limited former Gov. Mitch Daniels, who

signed worker freedom into law.

- o In Michigan, not a single lawmaker who voted for Right to Work lost in the general election, and Gov. Rick Snyder, who signed the bill into law, easily won re-election. Right to Work was not even a minor issue in the first election after the law went into effect.²³

Right-to-Work matters. When workers lose out on job opportunities because employers won't expand in areas that don't support worker freedom, then political leaders should take action and embrace worker freedom. In the case of Illinois, there are more than a thousand businesses that have blacklisted the state for its lack of a Right-to-Work law. In a jobs-starved state like Illinois, nothing is more anti-worker than driving away jobs.

Whether worker-freedom legislation is enacted to attract new businesses and promote facilities expansions, or for the simple fact that it protects the paychecks of everyday workers, Right to Work makes a difference.

This fact is being increasingly recognized, especially in the Midwest. Iowa has been a Right-to-Work state since 1947. The three states to enact Right-to-Work laws most recently are Illinois' neighbors: Indiana (2012), Michigan (effective 2013) and Wisconsin (2015). Missouri passed Right to Work in both legislative chambers in 2015, but the bill was vetoed by the governor,²⁴ making it likely that Missouri will enact Right to Work in the near future. Worker freedom has bubbled up in Kentucky, where counties have renewed statewide discussion of Right to Work by enacting local Right-to-Work ordinances.

These developments in bordering states put pressure on Illinois. The Land of Lincoln is increasingly surrounded by Right-to-Work states, and if Missouri and Kentucky enact Right to Work, Illinois will be completely encircled. Illinois' lack of worker freedom is already costing jobs and opportunities for working-class Illinoisans.

State and local governments that enact Right to Work put themselves on the map for gaining new jobs. Warren County, Kentucky, was the first Kentucky community to enact Right to Work. In the first few months after enacting local Right to Work, Warren County received 27 inquiries about prospective company projects, representing 3,700 new jobs and \$324 million in new investment,²⁵ all for a county with a total labor force of 62,000 people.

In 2015, CNBC surveyed its Global CFO Council, which is made up of chief financial officers from a broad array of public and private

companies, to gauge the importance of 10 factors when deciding where to locate or expand facilities. Two-thirds of the Global CFO Council rated Right-to-Work laws “important” or “very important” in deciding where to locate and expand.²⁶ This finding lines up exactly with Michigan’s experience. Dr. Brian Long, the director of supply management research at Grand Valley State University, found that two-thirds of major companies would not even consider Michigan before it was a Right-to-Work state.²⁷ Faced with a globalized marketplace and international competition, Illinois companies need the flexibility provided by Right-to-Work laws.

Illinois’ lack of worker freedom is causing companies to avoid Illinois, according to Jim Schultz, the director of the Illinois Department of Commerce and Economic Opportunity. Schultz says that Illinois’ lack of worker freedom is taking the state off the map for new business opportunities. He notes that more than 1,100 companies blacklist Illinois because it does not have a Right-to-Work law.²⁸ By enacting local Right to Work, Illinois municipalities can help put themselves, and Illinois, back on the map.

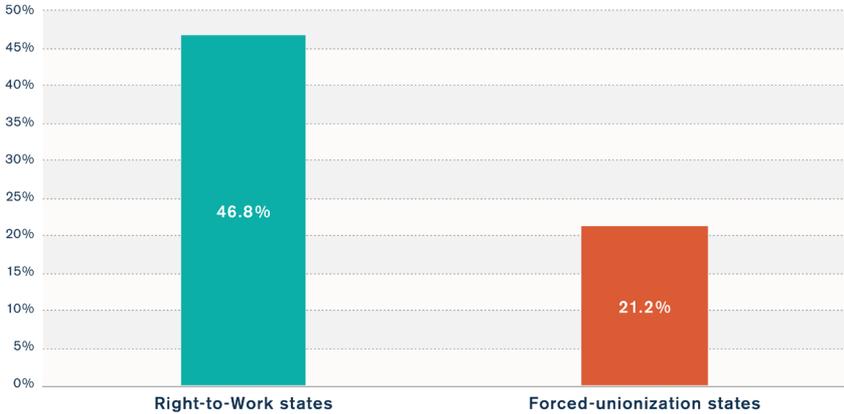
Jobs data from the Bureau of Labor Statistics and income statistics from the Bureau of Economic Analysis demonstrate that Right-to-Work states do better in job creation and in boosting paychecks. That’s because Right to Work encourages hiring and business expansion, especially in production industries such as manufacturing.

Jobs and income grow faster in Right-to-Work states nationwide

Since 1990, Right-to-Work states have been growing jobs at twice the rate of forced-unionization states. Taken as a group, Right-to-Work states have increased their jobs count by 47 percent, versus only 21 percent in forced-unionization states, according to data from the Bureau of Labor Statistics.²⁹

Jobs growth twice as fast in Right-to-Work states as in forced-unionization states

Payroll-jobs growth, Right-to-Work states vs. forced-unionization states, 1990 – 2015



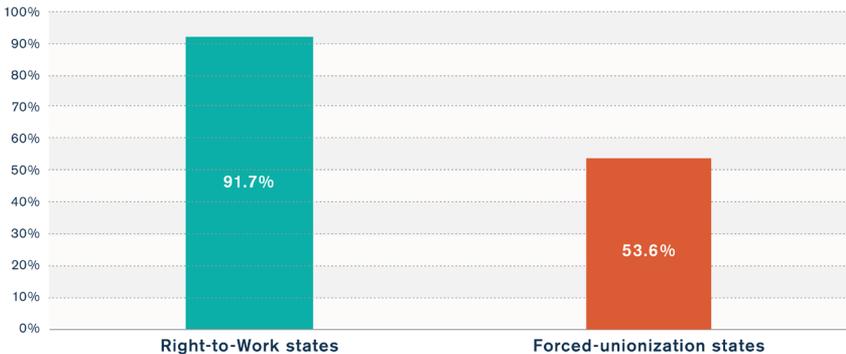
Source: Bureau of Labor Statistics establishment survey

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Incomes are growing faster in Right-to-Work states, too. Since 1990, inflation-adjusted personal income has grown by 92 percent in Right-to-Work states, compared to 54 percent growth in forced-unionization states, according to data from the Bureau of Economic Analysis.³⁰

Personal income growing faster in Right-to-Work states than in forced-unionization states

Personal-income growth in Right-to-Work states vs. forced-unionization states, 1990 – 2014



Source: Bureau of Economic Analysis

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One reason that personal income has grown so much faster in Right-to-Work states is because people are moving to those states, and their populations are growing faster. Since 1990, the combined population of Right-to-Work states has grown by 44 percent, while the population in forced-unionization states has grown by just 19 percent.

Population growing twice as fast in Right-to-Work states as in forced-unionization states
Population growth in Right-to-Work states vs. forced-unionization states, 1990 – 2014



Source: Bureau of Economic Analysis

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Thus, Right-to-Work states are adding more income earners than forced-unionization states. The higher population growth in Right-to-Work states can also be accounted for by looking at the growth in per-capita personal income, which accounts for changes in population. Even on a per-capita basis, Right-to-Work states show more growth in personal income. Since 1990, per-capita personal income has grown by 33 percent in Right-to-Work states, compared to 29 percent in forced-unionization states.

Per-capita personal income growing faster in Right-to-Work states than in forced-unionization states

Per-capita personal-income growth in Right-to-Work states vs. forced-unionization states, 1990 – 2014



Source: Bureau of Economic Analysis

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Right-to-Work states are winning across the board. Job creation, population growth and per-capita personal-income growth are significantly stronger in Right-to-Work states.

Right-to-Work neighbors are outperforming the Land of Lincoln

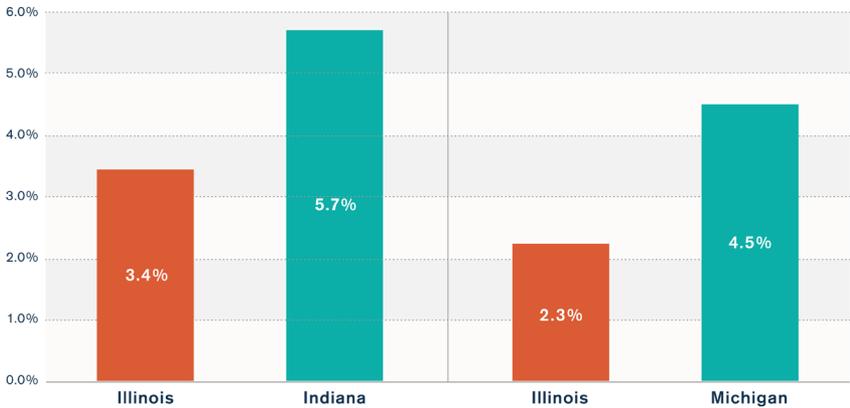
The Right-to-Work advantage is playing out in the Midwest. Since enacting Right to Work, Indiana and Michigan have both outperformed Illinois in job creation and income growth.

Indiana and Michigan have created jobs significantly faster than Illinois since they enacted Right-to-Work laws. Michigan has enjoyed double the job-creation rate of Illinois during that time, and Indiana's jobs-growth rate is also significantly higher than Illinois'.

Jobs growth faster in Indiana and Michigan since Right to Work

Jobs growth, Illinois vs. Indiana, February 2012 – August 2015;

Illinois vs. Michigan, March 2013 – August 2015



Source: Bureau of Labor Statistics establishment survey

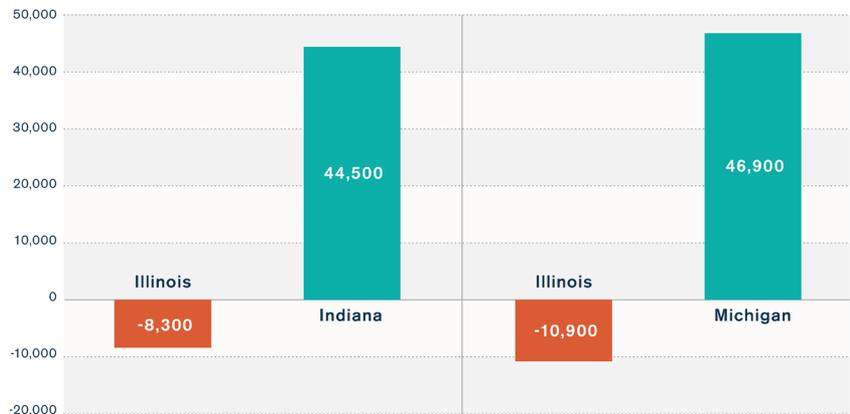
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Indiana and Michigan have dramatically outperformed Illinois in gaining manufacturing jobs since enacting Right to Work. While Indiana and Michigan have each gained more than 40,000 manufacturing jobs since the enactment of their worker-freedom laws, Illinois lost thousands of manufacturing jobs over the same time period.

Manufacturing jobs booming in Indiana and Michigan since Right to Work, collapsing in Illinois

Manufacturing-jobs growth, Illinois vs. Indiana, February 2012 – August 2015;

Illinois vs. Michigan, March 2013 - August 2015



Source: Bureau of Labor Statistics establishment survey

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Finally, personal income has grown faster in Indiana and Michigan since they enacted Right to Work than it has in Illinois. Indiana and Michigan had better income growth than Illinois in every recorded year since the enactment of their Right-to-Work laws.

Personal income growing faster in Indiana and Michigan since Right to Work than in Illinois

Personal-income growth, Illinois vs. Indiana, 2012 – 2014;
 Illinois vs. Michigan, 2013 – 2014

	Illinois	Indiana		Illinois	Michigan
2014	2.4%	2.5%	2014	2.4%	4.0%
2013	2.1%	2.3%	2013	2.1%	2.5%
2012	2.5%	3.7%			

Source: Bureau of Economic Analysis

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Minority unemployment much lower in Right-to-Work states

Jobs and incomes are growing faster in Right-to-Work states, and that affects minority workers. Taken as a group, Right-to-Work states have much lower minority unemployment rates than forced-unionization states. White unemployment rates, on the one hand, are very similar in Right-to-Work states and forced-unionization states.³¹ As of 2014, black unemployment rates were 1 percentage point lower in Right-to-Work states, and Latino unemployment rates were 2 percentage points lower in Right-to-Work states.

Right-to-Work states have lower minority unemployment

Right-to-Work vs. forced-unionization states, unemployment rate for blacks and Latinos

	Blacks	Latinos
Unemployment rate in forced-unionization states	11.9%	8.3%
Unemployment rate in Right-to-Work states	10.9%	6.3%

Source: Bureau of Labor Statistics

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Black and Hispanic men in particular do better in Right-to-Work states. As of 2014, the unemployment rate for black men was 1.3 percentage points lower in Right-to-Work states, and the

unemployment rate for Latino men was 2.3 percentage points lower in Right-to-Work states.

Minority men fare better in Right-to-Work states

Right-to-Work vs. forced-unionization states, unemployment rate for black and Latino men

	Black men	Latino men
Unemployment rate in forced-unionization states	13.0%	7.9%
Unemployment rate in Right-to-Work states	11.7%	5.6%

Source: Bureau of Labor Statistics

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Right-to-Work states do better across the board: job creation, population growth, income growth and minority opportunities. It's no wonder that states all around Illinois are embracing worker freedom as they adjust to the 21st-century economy.

If an Illinois home-rule municipality wants to adopt a Right-to-Work ordinance, federal labor law should not stand in its way.

After Gov. Bruce Rauner began promoting local Right to Work to boost the state's economy, Illinois Attorney General Lisa Madigan issued an opinion claiming that federal labor law prohibits it. Madigan has argued that federal law allows the General Assembly to pass a statewide Right-to-Work law but pre-empts local governments from passing their own Right-to-Work ordinances.

Madigan's position – which is only her opinion and is not binding on anyone – is incorrect. As law professor Richard Epstein has explained in an article for Forbes (reprinted below), federal law does not pre-empt or prohibit local Right-to-Work ordinances. On the contrary, federal law recognizes state governments' authority to adopt Right-to-Work laws and does not prohibit a state from delegating that authority to local governments through home-rule powers, as Illinois has through the home-rule provision of its Constitution.

If Illinois local governments start passing Right-to-Work ordinances, the unions will almost certainly file lawsuits against one or more of them, most likely in federal court, asking the courts to strike down the ordinances for the reasons Madigan gave in her opinion. If the unions sue, the Liberty Justice Center will be prepared to defend those local governments and their ordinances in court, free of charge. Any local government interested in passing a Right-to-Work ordinance should contact the Liberty Justice Center beforehand to make arrangements for pro bono legal defense.

Of course, one can never be certain what a judge will do; a court that is so inclined could always find a way to rule in the unions' favor. But as Epstein's argument shows, the legal arguments against local Right to Work are weak indeed, and a fair-minded judge should reject them.

ILLINOIS AND LOCAL CONTROL OF RIGHT-TO-WORK LAWS

By Professor Richard Epstein, Laurence A. Tisch Professor of Law at New York University School of Law, Senior Lecturer at University of Chicago, Senior Fellow at the Hoover Institution

This article appeared in Forbes April 23, 2015, and is reprinted here in its original, unedited form.

Home Rule Units Have the Right to Compete

Right now one of the major issues in labor law is the extent to which individual states will take advantage of the opportunity expressly recognized under Section 14(b) of the National Labor Relations Act to allow its workers to hold their jobs without becoming members of unions or paying union dues. That option, which the states have enjoyed all along, is reflected in a key provision of the National Labor Relations Act that reads as follows:

(b) Agreements requiring union membership in violation of State law

Nothing in this subchapter shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.

In recent years, Indiana, Michigan and Wisconsin have all adopted right-to-work measures at the state level that removes these membership obligations from individual workers. No one doubts that the legislature of Illinois can adopt a similar provision at the statewide level. With the election of Bruce Rauner as Governor of Illinois in November, 2014, a different question has arisen, which is “whether, under current Illinois law, Illinois counties and municipalities, either home rule or non-home rule, may adopt ‘right-to-work’ ordinances, or whether votes may authorize, by referendum, ‘right to work’ zones within a particular government entity’s corporate boundaries.”

The question was put in just those words in a March 20, 2105 memorandum³² by the Illinois Attorney General, Lisa Madigan, who concluded that under federal law only states acting as a unit could adopt a right-to-work law. I was asked by Governor Rauner's office to evaluate the merits of the Attorney General's analysis. My review of the Attorney General's memorandum and the relevant federal and state law led me to conclude that the Attorney General's analysis is incorrect.

In addressing this question, the Attorney General gets off on the wrong foot when she states that section 14(b) "permits only states (and territories of the United States) to enact statewide (or territory-wide) 'right-to-work' laws." In fact Section 14(b) says no such thing. The words "state wide" and "territory-wide" are not in the statute. Her use of those two phrases thus creates the false impression that statewide legislation is needed to trigger the application of section 14(b). But under Section 14(b), state law is all that is needed to reach that result. There is no federal requirement that the law impose a uniform measure inside any state if it wishes to act otherwise. On its face, section 14(b) recognizes the state's ability to enact state-level legislation under which a local unit of government with independent power can make that change.

In general, the federal government has no power to tell states how it is that they should divide up their powers of government. Nor does Section 14(b) carry some hidden implication that limits how the state may exercise its power. Remove the false reference to "statewide right to work laws" and the Attorney General's interpretation of the federal statute collapses from her own fundamental mischaracterization of the federal law.

The Attorney General's misconstruction is compounded by her serious misapprehension of the basic principles of the federal law of preemption. She is correct, to be sure, to state that the test of preemption is "one of congressional intent." But she misstates the choices that are available under federal regulation. In her view, the only two possibilities are explicit preemption or implied preemption. She ignores the most relevant alternative, which is federal legislation that expressly recognizes a state's ability to displace federal law as it sees fit, which is what Section 14(b) does.

The two general categories of federal preemption are express and implied. The Attorney General recognizes that there is no explicit federal preemption in Section 14(b), but insists that there is implied preemption. But her letter makes no reference to Supreme Court law that establishes a presumption against preemption in the 1947 case of *Rice v. Santa Fe Elevator Corp.*³³

Congress legislated here in a field which the States have traditionally occupied. See Munn v. Illinois, 94 U.S. 113; Davies Warehouse Co. v. Bowles, 321 U.S. 144, 148-149. So we start with the assumption that the historic police powers of the States were not to be superseded by the Federal Act unless that was the clear and manifest purpose of Congress.

*That proposition has been affirmed in countless cases. See, e.g., Bates v. Dow Agrosciences (2005) and Wyeth v. Levine (2009).*³⁴

This strong presumption against preemption can only be overcome in three ways. By showing an explicit conflict with federal law, the frustration of a federal program, or by a federal occupation of the entire field. None of these is remotely plausible given the federal government has explicitly recognized the states' authority on this key point. The situation is analogous to a federal state that explicitly says that states may raise the minimum wage above the federal minimum. It is perfectly clear that this general authorization allows for state subdivisions, such as the city of Seattle³⁵ or the city and county of San Francisco³⁶ to raise the minimum wage in the locality even if the state does not do it more generally. So too here.

The Attorney General does not attempt to establish any of these heads of preemption, but instead cites two clearly distinguishable cases. In the 1965 *Kentucky State AFL-CIO v. Puckett*,³⁷ the Court denied that Congress could have intended to waive other than to major policy-making units such as states and territories, the determination of policy in such a controversial area as that of union-security agreements. We believe Congress was willing to permit varying policies at the state level, but could not have intended to allow as many local policies as there are local political subdivisions in the nation.

Nowhere does that decision discuss preemption. Instead it reaches a bald conclusion of Congressional intention, which is nowhere expressed in the legislation. In addition, *Puckett* only covers the case where the local unit acts on its own initiative, and not where it acts pursuant to state legislative authority, where the outcome could be different. Nor does *Puckett* explain what interest the federal government has in maintaining uniformity within the state so long as state law authorizes the overall situation. Indeed, it is worth noting that as of January, 2015 five Kentucky counties, over fierce union opposition, have enacted their own 'right-to-work' laws in order to stem the loss of jobs.³⁸

In my view, therefore, federal law does not block state legislation that authorizes home rule adoption of a right-to-work. But there is an open question of what is required to make that decision. Under *Puckett*, "Congress has preempted from cities the field undertaken to be entered by the [subject] ordinance." But Congress has not preempted the states from authorizing those local variations by state law. Indeed, at no point does *Puckett* explain how its result overcomes the well-established federal presumption against preemption.

A somewhat more difficult question arises about whether a home rule unit can enact a right to work law without further explicit authorization from the state. In *New Mexico Federation of Law v. City of Clovis*,³⁹ the Court held that a broad delegation of home rule authority under the New Mexico did not allow for enactment of a right-to-work law. But that decision did not deal with the federal preemption issue. It did not, in other words, address whether, especially in light of the strong presumption against preemption, a state legislation that authorized home-rule legislation would enable the passage of right-to-work ordinances at the local level.

It is, moreover, unclear whether Illinois would follow New Mexico on this point. Article 7, section 6(i) of the Illinois Constitution states that "[h]ome rule units may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive." There is at present no specific declaration that the passage of right-

to-work laws governing the private sector falls exclusively into the domain of the General Assembly. Case law dealing with this issue holds that this provision means what it says, so that, as stated in 1976 in *Stryker v. Village of Oak Park*⁴⁰ “A statute intended to limit or deny home rule powers must contain an express statement to that effect.”

At present, therefore, Attorney General Madigan has not identified any explicit federal or state prohibition against a home rule unit adopting a right-to-work law unilaterally. There appears therefore to be no explicit impediment to Illinois home rule units following the lead of the five Kentucky counties in seeking to introduce a local right-to-work law. It is of course, perfectly clear that any effort to do so will meet with strenuous opposition on both federal and state law grounds. It is very dangerous business to predict the outcome of such prolonged litigation, which is itself a reason why the Attorney General's opinion is ill-advised when the alternative position has support in both general principle and state practice on city and county initiatives elsewhere.

The issue should be resolved cleanly by fresh legislation. Nor in my view, is there any doubt as to what that legislation should provide. Right-to-work laws were adopted in Indiana, Michigan, and Wisconsin to revive the moribund economies of those states. They have had that effect. Right now there is every reason for a new midwestern firm to set up shop in a state that offers it a more congenial labor content. It is well understood that competition among states is one effective way to the economic competitiveness of a given state. Illinois continues to experience low rates of labor market recovery,⁴¹ and surrounding states continue to gain jobs as Illinois stagnates.⁴² If the state legislature does not throw off labor union dominance, local home rule units should take the lead. Their own anticipated economic success could make it politically expensive for the state legislature to undo this long-overdue reform.

Illinois home-rule municipalities can enact local Right-to-Work ordinances through majority votes by their municipal councils. Kentucky home-rule communities have already enacted Right-to-Work laws in just this way, by achieving simple majority votes in county councils in home-rule counties. Such ordinances leave intact any ongoing union agreements. Going forward, these Right-to-Work laws prohibit union security agreements that compel workers to pay union dues or fees. A draft version of a local Right-to-Work ordinance is attached as an appendix.

APPENDIX – DRAFT RIGHT-TO-WORK ORDINANCE

STATE OF ILLINOIS

VILLAGE OF XXXX

XXXX COUNTY, ILLINOIS

ORDINANCE NUMBER 15-XX

AN ORDINANCE RELATING TO THE PROMOTION OF WORKER EMPOWERMENT AND ECONOMIC DEVELOPMENT BY REGULATION OF CERTAIN INVOLUNTARY PAYMENTS REQUIRED OF PRIVATE-SECTOR EMPLOYEES IN THE VILLAGE OF XXXX

WHEREAS, it is the intent of this Ordinance to protect individual choice and worker freedoms such that no employee covered by the National Labor Relations Act shall be compelled to join or pay dues to a union, or refrain from joining a union, as a condition of employment; and provide certain penalties for violation of those employment rights; and

WHEREAS, The Village of XXXX and its residents compete for employment opportunities and business development with other municipalities and states whose citizens benefit from similar worker freedom legislation; and

WHEREAS, as of August 2015 the State of Illinois has 214,000 fewer Illinoisans working compared to before the Great Recession, the worst employment recovery of any state in the U.S., necessitating local policy solutions that will attract businesses, manufacturers and investors and thus provide more plentiful opportunities for the residents of Illinois and XXXX; and

WHEREAS, a recent poll of CNBC's Global Council of CFOs revealed that two-thirds of CFOs polled consider a Right-to-Work law to be either "important" or "very important" when they decide where to invest and locate new facilities

WHEREAS, the Village of XXXX, XXXX County, Illinois (the "Village"), is a municipal corporation and home rule unit by referendum pursuant to the provisions of the 1970 Constitution of the State of Illinois, in particular Article VII, Section 6(a) and Section 6(m) thereof, and as such may exercise any power or perform any function pertaining to its government and affairs, the powers and functions of which shall be construed liberally; and

WHEREAS, the Board of Trustees of the Village of XXXX hereby finds and determines that it is in the best interest of the citizens of the Village of XXXX to promote and encourage direct labor commerce for the protection and convenience of the public, by giving employees freedom to choose employment without restraint or coercion regarding the payment of mandatory dues, fees or other payments to a labor organization as a condition of that employment.

NOW, THEREFORE, BE IT ORDAINED by the President and Village Council of the Village of XXXX, XXXX County, Illinois, as follows:

SECTION 1: RECITALS

The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the Village President and Village Council.

SECTION 2: DEFINITIONS

The terms "employee," "employer," "labor organization," and "person" as used in this Ordinance shall have the same meanings as defined by the National Labor Relations Act.

SECTION 3: AUTHORITY

This Ordinance is enacted pursuant to the authority granted to the Village of XXXX as a home-rule political subdivision of the State of Illinois in accordance with the powers of home-rule, which shall be liberally construed, of political subdivisions as laid out in Article VII Section 6 of the Constitution of Illinois. The intent of this Ordinance is to be applied throughout the Village of XXXX.

SECTION 4: GUARANTEE OF EMPLOYEE RIGHTS

No person covered by the National Labor Relations Act shall be required as a condition of employment or continuation of employment with a private-sector employer:

- (A) to resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;
- (B) to become or remain a member of a labor organization;

- (C) to pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization; or
- (D) to pay to any charity or third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments, or other charges regularly required of members of a labor organization; or
- (E) to be recommended, approved, referred, or cleared by or through a labor organization.

SECTION 5: VOLUNTARY DEDUCTIONS PROTECTED.

It shall be unlawful to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization, unless the employee has first presented, and the employer has received, a signed written authorization of such deductions, which authorization may be revoked by the employee at any time by giving written notice of such revocation to the employer.

SECTION 6: IMPLIED AGREEMENTS PROHIBITED.

Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that violates the rights of employees as guaranteed by provisions of this Ordinance is hereby declared to be unlawful, null and void, and of no legal effect.

SECTION 7: COERCION AND INTIMIDATION PROHIBITED.

It shall be unlawful for any person, labor organization, or officer, agent or member thereof, by any threatened or actual intimidation of an employee or prospective employee, or an employee's or prospective employee's parents, spouse, children, grand-children, or any other persons in the employee's or prospective employee's home, or by any damage or threatened damage to an employee's or prospective employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support a labor organization or to refrain from doing so, or otherwise forfeit any rights as guaranteed by provisions of this Ordinance. It shall also be unlawful to cause or attempt to cause an employee to be denied employment or discharged from employment because of support or nonsupport of a labor organization by inducing or attempting to induce any other person to refuse to work with such employees.

SECTION 8: PENALTIES.

Any person who violates Section 6 of this Ordinance shall be guilty of a Class A misdemeanor. A violation of any other section of this Ordinance shall be classified as a Class B misdemeanor.

SECTION 9: CIVIL REMEDIES.

Any individual harmed as a result of any violation or threatened violation of the provisions of this Ordinance shall have a civil cause of action in the Circuit court to enjoin further violations, and to recover the actual damages sustained, together with the cost of the lawsuit, including a reasonable attorney's fee. Such remedies shall be independent of and in addition to the penalties and remedies prescribed in other provisions of this Ordinance.

SECTION 10: DUTY TO INVESTIGATE.

It shall be the duty of the Village of XXXX Chief of Police to investigate complaints of violation or threatened violations of this Ordinance and to take all means at his/her command to ensure the effective enforcement of this Ordinance.

SECTION 11: PROSPECTIVE APPLICATION.

The provisions of this Ordinance shall apply to all contracts entered into after the effective date of this Ordinance by employers or labor organizations covering non-governmental employees within this City, and shall apply to any renewal or extension of any existing contract.

SECTION 12: SEVERABILITY.

If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinances are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 13: CONFLICTING ORDINANCES.

All ordinances, resolutions and parts of ordinances and resolutions, in conflict herewith are hereby repealed.

SECTION 14: HEADINGS.

The headings or titles of the several sections shall be solely for convenience of reference and shall not affect the meaning, construction or effect of this ordinance.

SECTION 15: EFFECTIVE DATE.

This Ordinance shall be in full force and effect on and upon its passage, approval and publication, in accordance with law.

- ¹“Right to Work Frequently-Asked Questions,” *National Right to Work Legal Defense Foundation*, http://www.nrtw.org/b/rtw_faq.htm.
- ² Lydia DePillis, “Why Harris v. Quinn Isn’t as Bad for Workers as It Sounds,” *Wonkblog, Washington Post*, July 1, 2014, <http://www.washingtonpost.com/news/wonkblog/wp/2014/07/01/why-harris-v-quinn-isnt-as-bad-for-workers-as-it-sounds/>.
- ³ F.V. Vernuccio, “What Is Right to Work? Illinois Lawmakers Don’t Seem to Know,” *Illinois Policy Institute*, May 22, 2015, <https://www.illinoispolicy.org/what-is-right-to-work-illinois-lawmakers-dont-seem-to-know/>.
- ⁴“Right to Work States,” *National Right to Work Legal Defense Foundation*, <http://www.nrtw.org/rtws.htm>.
- ⁵ F.V. Vernuccio, “Potential Supreme Court Case Uses Rauner’s Argument for Ending ‘Fair Share’ Union Dues,” *Illinois Policy Institute*, February 19, 2015, <https://www.illinoispolicy.org/national-employee-freedom-week-sheds-light-on-illinois-forced-unionism/>.
- ⁶ F.V. Vernuccio, “National Employee Freedom Week Sheds Light on Illinois’ Forced Unionism,” *Illinois Policy Institute*, August 17, 2015, <https://www.illinoispolicy.org/national-employee-freedom-week-sheds-light-on-illinois-forced-unionism/>.
- ⁷ Illinois Public Labor Relations Act, 5 ILCS 315.
- ⁸ Illinois Educational Labor Relations Act, 115 ILCS 5.
- ⁹ National Labor Relations Act, 29 U.S.C. §§ 151-169.
- ¹⁰ Taft-Hartley Act, 29 U.S.C. § 164 (b).
- ¹¹“Conduct Elections,” *National Labor Relations Board*, <https://www.nlr.gov/what-we-do/conduct-elections>.
- ¹² Ill. Admin. Code, tit. 80, § 1110.80.
- ¹³ Ill. Admin. Code, tit. 80, § 1110.140.
- ¹⁴ Ill. Admin. Code, tit. 80, § 1110.40.
- ¹⁵ Nick Cote, “New Right to Work Video: Real Faces of Card Check Intimidation,” *National Right to Work Legal Defense Foundation*, April 16, 2009, <http://www.nrtw.org/en/blog/card-check-intimidation-04162009>.
- ¹⁶ F.V. Vernuccio, “Vernuccio: Bring Democracy to Michigan Workplaces,” *Detroit News*, November 14, 2014, <http://www.detroitnews.com/story/opinion/2014/11/14/vernuccio-democracy-michigan-workplaces/18987945/>.

- ¹⁷ F.V. Vernuccio, "Right to Work Isn't the Only Option: 'One or None' Also Gives Workers, Unions Choice," *Illinois Policy Institute*. February 12, 2015, <https://www.illinoispolicy.org/right-to-work-isnt-the-only-option-one-or-none-also-gives-workers-unions-choice/>.
- ¹⁸ "Employer/Union Rights and Obligations," *National Labor Relations Board*, <https://www.nlr.gov/rights-we-protect/employerunion-rights-and-obligations>.
- ¹⁹ Peter Kinder and F.V. Vernuccio, "Will Missouri Be the Tipping Point for Worker Freedom?" *Washington Times*, June 5, 2015, <http://www.washingtontimes.com/news/2015/jun/5/peter-kinder-and-f-vincent-vernuccio-will-missouri/?page=all>.
- ²⁰ F.V. Vernuccio, "Half of U.S. States Have Right-to-Work Laws after Wisconsin Signs State Law," *Illinois Policy Institute*, March 16, 2015, <https://www.illinoispolicy.org/half-of-u-s-states-have-right-to-work-laws-after-wisconsin-signs-state-law/>.
- ²¹ Michael Lucci, "Union Membership Collapsing in Forced-Union States," *Illinois Policy Institute*, March 9, 2015, <https://www.illinoispolicy.org/union-membership-collapsing-in-forced-union-states/>.
- ²² F.V. Vernuccio, "Right to Work: No Impact on Collective Bargaining, but Can Make Unions Stronger," *Illinois Policy Institute*, March 24, 2015, <https://www.illinoispolicy.org/right-to-work-no-impact-on-collective-bargaining-but-can-make-unions-stronger/>.
- ²³ F.V. Vernuccio, "Labor-Reform States Offer Illinois Important Lessons in Political Bravery," *Illinois Policy Institute*, July 23, 2015, <https://www.illinoispolicy.org/labor-reform-states-offer-illinois-important-lessons-in-political-bravery/>.
- ²⁴ Jason Hancock, "Missouri House Fails to Override Governor's Veto of 'Right-to-Work' Bill," *Kansas City Star*, September 16, 2015, <http://www.kansascity.com/news/government-politics/article35534319.html>.
- ²⁵ Monica Spees, "Potential Projects Might Add 3,600 Jobs," *Bowling Green Daily News*, March 6, 2015, http://www.bgdailynews.com/news/potential-projects-might-add-jobs/article_06cb81af-786a-5797-a3a3-5094adab0b2c.html.
- ²⁶ Scott Cohn, "An American Workplace War That's Reached a Tipping Point," *CNBC*, May 29, 2015, <http://www.cnbc.com/2015/05/29/the-right-to-work-battle-has-reached-a-tipping-point.html>.
- ²⁷ Jarrett Skorup, "Income Growth In Right-to-Work-States Significantly Higher," *Michigan Capitol Confidential*, June 5, 2014, <http://www.michigancapitolconfidential.com/20161>.

- ²⁸ Greg Hinz, "Rauner's New Economic Development Chief Defends Move to Privatize His Agency," *Crain's Chicago Business*, May 12, 2015, <http://www.chicagobusiness.com/article/20150512/BLOGS02/150519969/rauners-new-economic-development-chief-defends-move-to-privatize-his-agency>.
- ²⁹ "Regional and State Employment and Unemployment (Monthly)," *Bureau of Labor Statistics*, <http://www.bls.gov/news.release/laus.toc.htm>.
- ³⁰ "Regional Data: GDP & Personal Income," *Bureau of Economic Analysis*, <http://www.bea.gov/iTable/iTable.cfm?reqid=70&step=1&isuri=1&acrnd=7#reqid=70&step=1&isuri=1&7022=21&7023=0&7024=non-industry&7001=421&7090=70>.
- ³¹ Michael Lucci, "Right-to-Work States Have Lower Minority Unemployment," *Illinois Policy Institute*, February 16, 2015, <https://www.illinoispolicy.org/right-to-work-states-have-lower-minority-unemployment/>.
- ³² Lisa Madigan, "LABOR: Authority of Counties and Municipalities to Adopt Right-to-Work Ordinances," *State of Illinois Office of the Attorney General*, March 20, 2015, <http://illinoisattorneygeneral.gov/opinions/2015/15-001.pdf>.
- ³³ *Rice v. Santa Fe Elevator Corp*, 331 U.S. 218 (1974).
- ³⁴ *Munn v. Illinois*, 94 U.S. 113 (1876); *Davies Warehouse Co. v. Bowels*, 321 U.S. 144 (1944); *Bates v. Dow Agrosciences*, 544 U.S. 431 (2005); *Wyeth v. Diana Levine*, 129 S.Ct. 1187 (2009).
- ³⁵ "\$15 Minimum Wage," *City of Seattle, Office of the Mayor*, <http://murray.seattle.gov/minimumwage/#sthash.9nahbsuU.S9DBOM9w.dpbs>.
- ³⁶ "Minimum Wage Ordinance (MWO)," *City & County of San Francisco, Office of Labor Standards Enforcement*, <http://sfgsa.org/index.aspx?page=411>.
- ³⁷ *Kentucky State AFL-CIO v. Puckett*, 391 S.W.2d 360 (Ky. 1965).
- ³⁸ Joseph Gerth, "Ky Counties Take Up Own 'Right-to-Work' Laws," *Louisville Courier-Journal*, January 17, 2015, <http://www.courier-journal.com/story/news/local/2015/01/16/right-work-movement-kentucky-elsewhere/21890143/>.
- ³⁹ 735 F. Supp. 999 (D. N.M. 1990).

- ⁴⁰ Stryker v. Village of Oak Park, 343 N.E.2d 919 (Ill. 1976).
- ⁴¹ Michael Lucci, "Act Locally: Right-to-Work Zones Can Spark IL Comeback," *Illinois Policy Institute*, February 2, 2015, <https://www.illinoispolicy.org/act-locally-right-to-work-zones-can-spark-il-comeback/>.
- ⁴² Michael Lucci, "State and Local Policy Solutions Can Help Granite City Keep Steel in Town," *Illinois Policy Institute*, March 25, 2015, https://www.illinoispolicy.org/state-and-local-policy-solutions-can-help-granite-city-keep-steel-in-town/?utm_source=Illinois+Policy%3A+Opens&utm_campaign=c836afdaa7-utm_source%3Dmailchimp&utm_medium=email&utm_term=0_9471dd8540-c836afdaa7-12878649.

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ORDINANCE NO. _____

VILLAGE OF LINCOLNSHIRE, ILLINOIS

AN ORDINANCE ON ECONOMIC DEVELOPMENT AND WORKER EMPOWERMENT BY REGULATION OF INVOLUNTARY PAYROLL DEDUCTIONS FOR PRIVATE SECTOR WORKERS IN THE VILLAGE OF LINCOLNSHIRE

WHEREAS, the Village of Lincolnshire, Lake County, Illinois (the “Village”), is a municipal corporation and Home Rule unit by referendum pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, and as such may exercise any power or perform any function pertaining to its government and affairs, the powers and functions of which shall be construed liberally; and

WHEREAS, Mayor and Council of the Village of Lincolnshire find that fostering a commercially competitive environment to maintain a stable, diverse tax base in the Village and the promotion of job growth for the Village’s residents pertain to the government and affairs of the Village of Lincolnshire; and

WHEREAS, it is the intent of this Ordinance to protect individual choice and worker freedoms such that in the Village of Lincolnshire, no employee covered by the National Labor Relations Act (“NLRA”) shall be compelled to join or pay dues to a union, or refrain from joining a union, as a condition of employment; and provide certain penalties for violation of those employment rights; and

WHEREAS, the Village of Lincolnshire and its residents compete for employment opportunities and business development with other municipalities and states whose citizens benefit from similar worker freedom legislation; and

WHEREAS, as of September, 2015 the State of Illinois has 200,000 fewer Illinoisans working compared to before the Great Recession, the worst employment recovery of any state in the U.S., necessitating local policy solutions that will attract businesses, manufacturers and investors and thus provide more plentiful opportunities for the residents of Illinois and Lincolnshire; and

WHEREAS, a recent poll of CNBC’s Global Council of CFOs revealed that two-thirds of CFOs polled consider a Right-to-Work law to be either “important” or “very important” when they decide where to invest and locate new facilities; and

WHEREAS, the NLRA authorizes the State of Illinois and Home Rule units of government to prohibit compulsory union membership and dues payments for employees choosing not to join a union; and

WHEREAS, Article VII, Section 6(i) of the Illinois Constitution provides that:

- (i) Home rule units may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive;

WHEREAS, with respect to the regulation of compulsory union dues payments for employees governed by the NLRA, the General Assembly has neither specifically limited the concurrent exercise of authority by Home Rule units, nor declared the State’s exercise to be exclusive; and

WHEREAS, the Mayor and Council of the Village of Lincolnshire hereby find and determine that it is in the best interest of the public health safety and welfare of the residents of the Village of Lincolnshire to promote and encourage direct labor commerce by giving employees the freedom to choose employment without restraint or coercion regarding the payment of mandatory dues, fees or other payments to a labor organization as a condition of that employment.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Village of Lincolnshire, Lake County, Illinois, in the exercise of its Home Rule authority as follows:

SECTION 1: RECITALS

The foregoing recitals are incorporated into, and made a part of, this Ordinance as if fully set forth in this section 1.

SECTION 2: DEFINITIONS

The terms “employee,” “employer,” “labor organization,” and “person” as used in this Ordinance shall have the same meanings as defined by the NLRA.

SECTION 3: AUTHORITY

This Ordinance is enacted pursuant to the City’s Home Rule authority under Article VII, Section 6 of the Constitution of the State of Illinois.

SECTION 4: GUARANTEE OF EMPLOYEE RIGHTS

No person covered by the NLRA shall be required as a condition of employment or continuation of employment with a private-sector employer:

- (A) to resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;
- (B) to become or remain a member of a labor organization;
- (C) to pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization;
- (D) to pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments, or other charges regularly required of members of a labor organization; or
- (E) to be recommended, approved, referred, or cleared for employment by or through a labor organization.

SECTION 5: VOLUNTARY DEDUCTIONS PROTECTED.

For employers located in the Village, it shall be unlawful to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization, unless the employee has first

presented, and the employer has received, a signed written authorization of such deductions, which authorization may be revoked by the employee at any time by giving written notice of such revocation to the employer.

SECTION 6: IMPLIED AGREEMENTS PROHIBITED.

Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that violates the rights of employees as guaranteed by provisions of this Ordinance is hereby declared to be unlawful, null and void, and of no legal effect.

SECTION 7: COERCION AND INTIMIDATION PROHIBITED.

It shall be unlawful for any person, labor organization, or officer, agent or member thereof, by any threatened or actual intimidation of an employee or prospective employee, or an employee's or prospective employee's parents, spouse, children, grand-children, or any other persons in the employee's or prospective employee's home, or by any damage or threatened damage to an employee's or prospective employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support a labor organization or to refrain from doing so, or otherwise forfeit any rights as guaranteed by provisions of this Ordinance. It shall also be unlawful to cause or attempt to cause an employee to be denied employment or discharged from employment because of support or nonsupport of a labor organization by inducing or attempting to induce any other person to refuse to work with such employees.

SECTION 8: PENALTIES.

Any person who violates this Ordinance shall be guilty of a Class A misdemeanor, punishable by fine or imprisonment as set forth in section 5-4.5-55 of the Illinois Unified Code of Corrections, 730 ILCS 5/5-4.5-55.

SECTION 9: CIVIL REMEDIES.

Any individual harmed as a result of any violation or threatened violation of the provisions of this Ordinance shall have a civil cause of action to enjoin further violations, and to recover the actual damages sustained, together with the cost of the lawsuit, including a reasonable attorney's fee. Such remedies shall be independent of and in addition to the penalties and remedies prescribed in other provisions of this Ordinance.

To the extent that the law applicable to the forum in which any civil enforcement proceeding is brought under this section 9 provides that a Home Rule unit is not authorized to legislate an award of attorneys fees via an ordinance, then the attorney's fees provision of this section shall be of no force and effect in such forum.

SECTION 10: PROSPECTIVE APPLICATION.

The provisions of this Ordinance shall apply to all collective bargaining agreements and employment agreements entered into after the effective date of this ordinance by

employers, employees and/or labor organizations covering non-governmental employees within this Village, and shall apply to any renewal or extension of any existing collective bargaining agreements and employment agreements covering non-governmental employees within this Village made after the effective date of this Ordinance.

SECTION 11: SEVERABILITY.

If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 12: CONFLICTING VILLAGE COUNCIL ACTIONS.

The specific terms of this Ordinance shall supersede any portion of the Lincolnshire Municipal Code or any ordinance, resolution or motion of the Village Council adopted prior to and the terms of which conflict with this Ordinance.

SECTION 14: HEADINGS.

The headings of the several sections shall be solely for convenience of reference and shall not affect the meaning, construction or effect of this Ordinance.

SECTION 15: PUBLICATION IN PAMPHLET FORM.

The Village Clerk is directed to publish this Ordinance in pamphlet form.

SECTION 16: EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon its passage, approval and publication, in the manner provided by law.

Passed this ____ day of _____, 2015.

Approved this ____ day of _____, 2015.

Mayor

ATTEST:

Village Clerk

AYES:

NAYS:

ABSENT:

Published in pamphlet form: _____, 2015