



**MINUTES
REGULAR VILLAGE BOARD MEETING
Monday, July 25, 2016**

Present:

Mayor Brandt	Trustee Feldman (Arrived 7:02 p.m.)
Trustee Grujanac	Trustee Hancock
Trustee McDonough	Trustee Servi
Trustee Leider	Village Clerk Mastandrea
Village Attorney Simon	Village Manager Burke
Acting Chief of Police Price	Public Works Director Woodbury
Village Treasurer/Finance Director Peterson	Assistant Director of Public Works/Village
Economic Development Coordinator	Engineer Dittrich
Zozulya	

ROLL CALL

Mayor Brandt called the meeting to order at 7:00 p.m., and Village Clerk Mastandrea called the Roll.

2.1 Approval of the July 11, 2016 Regular Village Board Meeting Minutes

Trustee McDonough moved and Trustee Servi seconded the motion to approve the minutes of the Regular Village Board Meeting of July 11, 2016 as presented. The roll call vote was as follows: AYES: Trustees Grujanac, McDonough, Servi, and Mayor Brandt. NAYS: None. ABSENT: Trustees Hancock and Feldman. ABSTAIN: Trustee Leider. Mayor Brandt declared the motion carried.

3.0 REPORTS OF OFFICERS

3.1 Mayor's Report –

3.1 Recognition – Lincolnshire Police Explorers

Mayor Brandt noted an article in the Lincolnshire Review which highlighted the efforts of Sergeant Jamie Watson and the Lincolnshire Police Explorer Post who were traveling to Arizona to a competition/training event and aided a motorcyclist who was in an accident. Mayor Brandt highlighted some of the volunteer efforts of Sergeant Jamie Watson and commended him and the Police Explorers for their efforts.

3.2 Village Clerk's Report - None

3.3 Village Treasurer's Report - None

3.4 Village Manager's Report - None

4.0 PAYMENT OF BILLS

4.1 Bills Presented for Payment on July 25, 2016 in the amount of \$1,394,775.04

Village Treasurer/Finance Director Peterson provided a summary of the July 25, 2016 bills prelist presented for payment with the total being \$1,394,775.04. The total amount is based on \$617,000 for General Fund; \$280,000 for Water & Sewer Fund; \$46,100 for Retirement Fund; \$131,500 for Water & Sewer Improvement Fund; \$2,100 for Fraud, Alcohol, Drug Enforcement; \$8,200 for Vehicle Maintenance; \$900 for Park Development Fund; and \$309,200 for the General Capital Fund.

Trustee McDonough moved and Trustee Grujanac seconded the motion to approve the bills prelist as presented. The roll call vote was as follows: AYES: Trustees McDonough, Feldman, Servi, Grujanac, and Leider. NAYS: None. ABSENT: Trustee Hancock. ABSTAIN: None. Mayor Brandt declared the motion carried.

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

6.0 PETITIONS AND COMMUNICATIONS

7.0 CONSENT AGENDA

8.0 ITEMS OF GENERAL BUSINESS

8.1 Planning, Zoning & Land Use

8.11 Approval of an Ordinance Adopting a Donation Agreement for Park, School and Library Cash Donations for Proposed 404 Social Rental Residential Community at CityPark of Lincolnshire (ECD-Lincolnshire Theater, LLC)

Economic Development Coordinator Zozulya provided background and summary points regarding the proposed Ordinance adopting a donation agreement for park, school and library cash donations for proposed 404 Social Rental Residential Community at CityPark. Economic Development Coordinator Zozulya stated Village Attorney Simon drafted an agreement highlighting the points the Board discussed at the July 11, 2016 Committee of the Whole Meeting. Village Attorney Simon also included language in the Agreement, proposed by the petitioner, to address the possibility of the bedroom count going up or down after planning approval. Staff conducted research regarding the Village historically granting reductions to the code-required park donations and found only two reductions; Camberley Club received a reduction based on an open-space credit, and Sedgebrook received a reduction based on population averages. Economic Development Coordinator Zozulya noted Camberley Club also received approval to defer their donation payment to be paid at the time of permit issuance and Sedgebrook was deferred to be paid in four installments. Staff included information in the packet relative to current park and open space availability.

Trustee McDonough asked if staff calculated what was discussed at the July 11, 2016 Committee of the Whole meeting to come up with 1.84 as the average number of occupants per unit. Economic Development Coordinator Zozulya stated staff did the calculation and pointed out where to find the summary chart in the packet. Staff did not calculate it in regards to the

number of bedrooms, but used the average household size and then the formula the code requires. Village Manager Burke noted the calculation was based on the overall number of units for the development; the developer brought up the possibility of looking at bedroom count as a way to arrive at a more exact park donation amount. Trustee Grujanac asked what the standard is for the Village. Village Manager Burke noted the Ordinance applies it on a per unit basis/population equivalent by unit. A conversation regarding the revised calculation proposed by the developer followed.

Mr. Harold Francke, Attorney with Meltzer Purtill and Stelle, representing ECD Company, provided additional information regarding the tables used for the proposed park donation calculation. Mr. Francke noted after the July 11, 2016 Committee of the Whole meeting, ECD wanted to re-approach the Board with a different proposal. Mr. Francke provided a summary of the request for an Ordinance adopting a Donation Agreement for park, school and library cash donations for proposed 404 Social Rental Residential Community at CityPark.

Trustee McDonough stated at the last meeting the Board agreed to defer payment of fees to building permit but the agreement is now stating 50% paid at building permit and 50% at certificate of occupancy. Village Attorney Simon stated the agreement presented shows the terms directed by the Board at the July 11, 2016 Committee of the Whole meeting and includes a request by the developer on what they propose to change. Mr. Francke noted the request to defer some of the fees to certificate of occupancy is a new request due to ECD paying a higher amount than requested for park donations. Mr. Francke summarized and asked Board consideration of the revised request from the July 11, 2016 Committee of the Whole meeting. Mr. Francke noted ECD is agreeing to pay all school and library donations at building permit but is requesting 50% of the payment of the park donations be deferred to the time of certificate of occupancy.

Mayor Brandt asked how the Sedgebrook fees were calculated. Economic Development Coordinator Zozulya noted a similar continuing care project was compared when Sedgebrook brought forward their population adjustment request and the Board agreed with the comparison.

Trustee McDonough suggested tabling the request since the proposed Ordinance is not what the Board directed. Mayor Brandt asked for input from the rest of the Board and noted it appeared no other Trustees are agreeing to table the request. A conversation regarding the two versions of the proposed agreement followed.

Trustee Leider asked Trustee McDonough if his main concern was the timing of the donation payment. Trustee McDonough stated the amount that was going to be paid with the conversion to a calculation based upon bedroom counts and the delay of payment from building permit to occupancy certification is a concern. Village Attorney Simon clarified the deferred payment at the time of occupancy would be due when the first certificate of occupancy was issued for the first building, not full occupancy.

Mr. Francke clarified the donation payment calculation as it was discussed at the previous Committee of the Whole Meeting. Mayor Brandt asked Economic Development Coordinator Zozulya if staff was in agreement with the calculation used for the park donations. Economic Development Coordinator Zozulya stated staff agreed with the methodology adding it is a reasonable request since ECD is still using all the other variables in the Code. Mayor Brandt asked if the number would be adjusted if the bedroom mix changed. Economic Development Coordinator Zozulya confirmed the proposal stated the donation amount would change if the bedroom count changed.

A conversation related to the proposed calculation followed.

Trustee Grujanac questioned if the 1.84 per dwelling calculation being proposed for the park donation would also be used for school donations. Village Attorney Simon stated the school donation in the code is taken from a table which is similar to the one being proposed but would not change the donation for the school.

Trustee McDonough read a portion of the July 11, 2016 Committee of the Whole meeting minutes and stated he would be in favor of approving the direction given for park donations at that meeting. Trustees Servi and Grujanac were in agreement with Trustee McDonough.

Trustee Feldman ask if the reason for the 50/50 split in payment of the park donations at building permit/certificate of occupancy was to help with cash flow. Mr. Francke stated agreement that deferring payment would help with cash flow. Trustee Feldman asked if the park donation would be deferred and the school and library donations would be paid up front. Mr. Francke clarified school and library donations would be paid at the time of building permit.

Trustee McDonough suggested using the wording in the ordinance so there is full agreement on what is owed and when it is owed. Mr. Francke noted if the wording in the ordinance is used, it would also need to state how the money is to be used.

Trustees Servi, Feldman, and Grujanac stated they would be in favor of the 50/50 split for deferred payment of the park donations.

Trustee Leider asked if the Board could come to an agreement on the park donation amount. Trustee Feldman stated this is the first rental community and agreed the calculation should be different from what has been used in the past. Trustee Servi stated he was in agreement with the proposed calculation of 1.84 average occupants per unit or \$3,028,456 million. Trustee Leider noted the calculation that was agreed upon at the last meeting is in the proposed agreement and stated from what he could tell the split for deferred payment is in question and suggested possibly changing the % of the split.

Village Attorney Simon noted the code specifically recognizes that there are times where an agreement is more appropriate than following default provisions that are otherwise provided for; it recognizes circumstances change from the time when the code was adopted allowing the Board to consider project specific facts. The goal is to be reasonable and accurate. Village Attorney Simon noted based on his experience with municipalities and park districts it is not unreasonable to divide the payment of impact fees between building permit and occupancy. Trustee Leider asked if the typical split was 50/50. Village Attorney Simon stated he could give various examples noting some have been 100% at occupancy. Economic Development Coordinator Zozulya noted staff researched and found Deerfield and Northbrook does allow payment deferment to certificate of occupancy. Trustee Feldman asked Economic Development Coordinator Zozulya if she knew what table the other municipalities used for fees for rental properties. Economic Development Coordinator Zozulya stated the amounts were all negotiated; the developers received substantial open space credits but no population adjustments were apparent. Mr. Francke noted some statistics from other municipalities.

Mr. Francke asked if he could pass out a summary on how ECD came to the amount proposed for park donations and walk the Board through why the law would suggest it is a reasonable proposal and the donation money is not to be used wherever the village wants. Village Attorney Simon noted he did not believe the Village was expecting to use the donation money wherever they wanted; they have to use it in way that has rationale. Mr. Francke noted the agreement states the donation has to be used in a manner that benefits the subdivision but it doesn't have to state this and it could come out if the Village agrees to a revised donation amount. Village Attorney Simon clarified that Mr. Francke is stating if the Board agrees to take less he would agree to put in the agreement that the Village could use the donation as they see fit; for park purposes and not specifically to better the subdivision.

Trustee McDonough suggested having the attorneys get together to revise the agreement. Village Attorney Simon noted the proposed agreement is legally sound and the Board has to decide what is the most reasonable way to accurately estimate what the population will be that is generated from this community.

Trustee McDonough moved and Trustee Servi seconded the motion to approve an Ordinance adopting a Donation Agreement for park donations using the calculation of 1.84 average occupants per unit which is estimated at \$3,028,456 million and 50% of the park donation payment would be due at building permit issuance, 50% due at first certificate of occupancy, with all school and library cash donations due at building permit, for proposed 404 Social Rental Residential Community at CityPark of Lincolnshire. The roll call vote was as follows: AYES: Trustees Grujanac, McDonough, Leider, and Servi. NAYS: Trustee Feldman. ABSENT: Trustee Hancock. ABSTAIN: None. Mayor Brandt declared the motion carried.

8.2 Finance and Administration

8.3 Public Works

8.4 Police

8.41 Approval of an Amendment to Section 3-3-2-6 of Title 3, Chapter 3 (Liquor Control) Cancelling a Class “D” Liquor License Previously Issued to Cosi, Inc. (Waiver of First Reading - Village of Lincolnshire)

Trustee McDonough moved and Trustee Grujanac seconded the motion to waive the first reading for an ordinance amending Section 3-3-2-6 of Title 3, Chapter 3 (Liquor Control) Cancelling a Class “D” Liquor License Previously Issued to Cosi, Inc. The roll call vote was as follows: AYES: Trustees McDonough, Feldman, Grujanac, Leider, and Servi. NAYS: None. ABSENT: Trustee Hancock. ABSTAIN: None. Mayor Brandt declared the motion carried.

Trustee McDonough moved and Trustee Servi seconded the motion to approve an ordinance amending Section 3-3-2-6 of Title 3, Chapter 3 (Liquor Control) Cancelling a Class “D” Liquor License Previously Issued to Cosi, Inc. The roll call vote was as follows: AYES: Trustees McDonough, Feldman, Grujanac, Leider, and Servi. NAYS: None. ABSENT: Trustee Hancock. ABSTAIN: None. Mayor Brandt declared the motion carried.

8.5 Parks and Recreation

8.6 Judiciary and Personnel

9.0 REPORTS OF SPECIAL COMMITTEES

10.0 UNFINISHED BUSINESS

11.0 NEW BUSINESS

12.0 EXECUTIVE SESSION

13.0 ADJOURNMENT

Trustee Grujanac moved and Trustee Feldman seconded the motion to adjourn. The voice vote was unanimous and Mayor Brandt declared the meeting adjourned at 8:01 p.m.

Respectfully submitted,
VILLAGE OF LINCOLNSHIRE

Barbara Mastandrea
Village Clerk