

**MINUTES
COMMITTEE OF THE WHOLE MEETING
Monday, January 9, 2012**

Present:

Trustee Brandt	Trustee Feldman
Trustee Grujanac	Trustee McDonough
Trustee Saltiel	Trustee Servi
Mayor Blomberg	Village Clerk Mastandrea
Village Manager Irvin	Director of Community Development McNellis
Director of Financial Systems Roelker	Director of Public Works Hughes
Police Chief Kinsey	Village Attorney Simon
Village Treasurer Curtis	

Location: Village Hall, Public Meeting Room, One Olde Half Day Road, Lincolnshire, Illinois 60069

ROLL CALL

Mayor Blomberg called the meeting to order at 7:53 p.m. and Village Clerk Mastandrea called the Roll.

APPROVAL OF MINUTES

2.1 Acceptance of the minutes of the December 12, 2011 Committee of the Whole Meeting

2.11 The minutes of the December 12, 2011 Committee of the Whole Meeting were accepted as submitted.

3.0 ITEMS OF GENERAL BUSINESS

3.1 Planning, Zoning and Land Use

3.11 Consideration and discussion of a request to amend the Village Green PUD Ordinance No. 95-1401-31, to permit medical clinics on the ground floor of the 300 Village Green building, located in the R5 Mixed-Use General Residence Zoning District (Baceline Investments, LLC)

Director of Community Development McNellis said the PUD does not currently permit medical clinics on the ground floor of any building of the Village Green except for 100. Staff believes the reasoning behind this was due to the sales tax restriction the Village previously had on the center as part of the TIF which stated

that no more than 25% of tenants could be non-tax producing and this is no longer a restriction. Staff also believes there is poor visibility of the 100 building, which would make it more difficult to get retail, commercial or service type uses into that building. Director of Community Development McNellis said the 300 building is similar to the 100 building with regard poor visibility. The property owner, Baseline Investments, is requesting an amendment to the PUD and only requesting to open up 300 Village Green to this amendment. Director of Community Development McNellis informed the Board that the underline zoning district does not have the same restriction in it and Staff believes this is an appropriate request.

Luke Sementa, a realtor representing Baseline Investments introduced himself and said a chiropractor was interested in moving his location to the 300 Village Green building and this was the reason for the request.

Trustee Saltiel said he did not have a problem with the amendment, but said there would be parking issues. Trustee Servi asked how much of the ground floor the clinic will take up. Mr. Sementa said the clinic would be 1,240 square feet of space or approximately 10% of the entire building. Trustee Grujanac said she was concerned with the other retailers currently in the building and how the parking would affect them. Mr. Sementa said they are looking into parking management. Trustee McDonough said he was in favor especially since the space would not be vacant.

There was a consensus of the Board to refer this item to a Public Hearing for approval.

3.12 Consideration and discussion of the permissibility of mesh “garden fences” and proposed Code Language to regulate such fences (Village of Lincolnshire)

Director of Community Development McNellis said this is a follow up to the December 12, 2011 meeting regarding this permissibility for the fence at 5 Fox Trail. Staff was requested to survey the surrounding communities to see what their permissibility was in regards to this type of fence materials and similar heights. Staff was also asked to look into revising the Code language that might adequately describe what a garden fence is. Director of Community Development said Staff surveyed seven communities in which six of them responded. None of the communities specifically referenced this type of fence material except for Riverwoods, who recently changed their Code to permit this type of fence material at 8' high and call it a deer fence. Three of the other five communities would permit this material as long as it would meet the required fence height. One community would require this type of fence to go to the ARB for review and another community would require a variation request for material and height.

All communities would require a variation if the height was more than what the Code permits in that district. All six communities would allow fences at least up to 6' in height. Two communities allow 6' to 6 ½' in height, two allow 7' and two allow 8'.

Only one community would permit what is currently at 5 Fox Trail and that is Riverwoods. Village Attorney Simon has provided draft Ordinance language that would permit a 4' fence of this mesh material and would only be permitted around 33% of the rear yard fence area without obtaining a permit. Director of Community Development McNellis said that even if the draft language was approved, there was still concern with the fence at 5 Fox Trail, since a variance would still be needed. When a variance is applied for, there has to be something unique going on in the property to permit a variance and this would be hard to define at this location.

Trustee Saltiel said the Board should not be regulating garden fences, but knew there was a complaint and the fence height of 8' would not be permitted at 5 Fox Trail. Trustee Feldman said she drove behind 5 Fox Trail and did notice the fence and could see why it was an issue. Trustee Servi said he thought it was unfortunate that this has taken a lot of time for an issue that the Board has been unable to resolve and did not think there was a way to justify the fence in question. Trustee McDonough would be in favor of leaving the ordinance as is. Village Attorney Simon said the USDA had expressed concerns in regards to the draft Ordinance because the deer will find a way to find food and thought this was not going to solve the deer problem. Mayor Blomberg said he liked the current fence code and if we allowed 5 Fox Trail to keep the current fence up, others would want this type of fence material and height. Village Manager Irvin said the Code Amendment that the Board just approved would not permit the material or height of the fence at 5 Fox Trail.

Mayor Blomberg informed Mrs. Carl of 5 Fox Trail that this issue has been discussed and unfortunately it is the consensus of the Board not to allow her fence to remain at 5 Fox Trail. Director of Community Development McNellis said he would need to give Mrs. Carl a deadline to remove her fence and due to the winter would like to give her until the end of May. Mayor Blomberg agreed with Director of Community Development McNellis in regards to the deadline of the end of May for the removal of the fence at 5 Fox Trail.

3.13 Consideration and discussion of amendments to Title 5, Building Regulations, to consider adoption of an updated ICC Code Series regarding Building and Property Maintenance, and associated Fire and Plumbing Codes (Village of Lincolnshire)

Director of Community Development McNellis said at the November 14, 2011 meeting, staff introduced the idea of amending the current ICC Codes series from

2006 to 2012. Due to several questions and concerns, Staff was directed to survey surrounding communities to see what Code series they use or what they will use going forward. Mike Jesse, Building Inspector surveyed nineteen communities and found approximately half of the communities are using the 2006 Code series and half are using the 2009 Code series. Based upon what the communities anticipate approving over the next year, it was found out that one year from now, half of the communities will be on the 2009 Code series, the other half will be on the 2012 Code series and only three communities will remain on the 2006 Code series.

Doing a cursory review of 2009, staff found many significant changes that were actually from 2012 and not 2009. The only significant change in the 2009 Code is in regards to the residential fire sprinkler requirement; all other changes discussed back in November would not be a part of 2009. Trustee Saltiel asked if the communities that adopted 2009 have excluded the residential sprinkler requirement. Building Inspector Jesse said the other communities did not exclude the residential fire sprinkler requirement. Director of Community Development McNellis said at this time, staff would like Board approval to research the 2009 Code series. Trustee Servi said he would recommend researching the 2009 Code series and have staff note any significant changes, but would not approve the residential fire sprinkler requirements. Trustees Saltiel and Grujanac both were in favor of researching changes in the 2009 Code series.

Director of Community Development McNellis said the State is adopting the 2012 Energy Conservation Code in April or May, so the Village would be required to adopt this as well. The two significant changes that were of concern of the Board from the Energy Conservation Code would be exempted by the State.

It was the consensus of the Board to approve researching the use of the 2009 ICC code.

3.3 Public Works

3.31 Consideration, discussion and approval regarding the use of Village Streets by the District 103 Parent-Teacher Organization for a 5K Walk/Run to be Held on May 19, 2012 (Village of Lincolnshire)

Director of Public Works Hughes said the request is the same race as last year. The race will start at Daniel Wright Middle School, will then go down Riverwoods Road, through the neighborhoods and end up back at Daniel Wright Middle School. The race will start at approximately 8:00 A.M. and continue for two hours. Director of Public Works Hughes said this went well last year but there were some concerns from residents in regards to not getting enough notice. Notice will be addressed and sent out earlier this year.

Trustee Saltiel said to make sure the no parking signs are out. Trustee Feldman asked if there was a limit to the number of races an organization can have in a year's time. Director of Public Works Hughes said the limit was three and this would be the third.

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

3.32 Consideration and Discussion of Adoption of a “Service Animal Policy” (Village of Lincolnshire)

3.33 Consideration and Discussion of Adoption of a “Mobility Device Use Policy” (Village of Lincolnshire)

Mayor Blomberg opened up 3.32 and 3.33 together per the request of Director of Public Works Hughes. Director of Public Works Hughes said Village Attorney Simon prepared the two policies and they are a result in changes to the ADA.

Director of Public Works Hughes said the first policy allows service animals such as dogs and small horses to utilize Village facilities including buildings and parks. Staff is recommending approval of this policy.

There was a consensus of the Board to place item 3.32 on the Consent Agenda for approval at the next Regular Village Board Meeting.

Director of Public Works Hughes said the second policy allows for mobility devices, similar to segways, in Village facilities including buildings and parks. The only restriction on these motor vehicles would be that they would need to be electric powered, not gas, in order to run indoors. Staff is recommending approval of this policy.

Trustee Saltiel asked if golf carts would be allowed on bike paths or could the Village limit certain places where golf carts could go. Village Attorney Simon said the State of Illinois has separate regulations relative to electric vehicles operating on the right-of-way and did not think golf carts would be allowed on the bike path. Village Attorney Simon said the Village has to provide accessibility to individuals with mobility disabilities in a legal matter and will have to check and see if the Village can limit the use of golf carts on the bike path before putting this item on the Consent Agenda for approval.

3.34 Consideration and Discussion of Adoption of a “ Soccer Goal and Education Policy” (Village of Lincolnshire)

Director of Public Works Hughes said recent changes to State law requires the Village to adopt a policy related to moveable soccer goals. The Policy states that

no one will move the soccer goal unless done so by Village staff, the goals are required to be tip resistant, anchored at all times and the Village is to notify any users of the park of this policy. Director of Public Works Hughes said the policy just affirms what the Village is already doing in our procedures with Lincolnshire Sports Association.

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

3.35 Consideration and Discussion of the “Violation & Stop Work Order Enforcement Policy” (Village of Lincolnshire)

Director of Public Works Hughes said back when the Village adopted revisions to the Fine Schedule, there was a discussion about developing a policy to identify when a minor or a major stop work order would apply. This policy defines a minor stop work order as a stop work order based on a violation of law or approved plans that if permitted would cause a problem with the Code. A minor stop work order is not a life safety situation and is something that can be easily rectified. The policy defines a major stop work order as a stop work order based on a violation of law or something that is a life safety issue or an immediate impact to trees.

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

5.0 NEW BUSINESS

5.1 Gypsy Moth National Slow the Spread of Gypsy Moth Project

Director of Public Works Hughes said when Village staff began preparing the budget for 2012, an item was included for spraying for the Gypsy Moth. The Village did not spray for Gypsy Moth in 2011 but did spray in 2010. Since the budget was approved, staff found out that the U.S. Department of Agriculture has been studying the Gypsy Moth in Illinois and has found that the spread of the Gypsy Moth has not been as significant as staff would have thought. The study found that a lot of the Gypsy Moth egg masses that have been deposited have not been fertilized and, therefore, not spreading as quickly. Staff is recommending joining a monitoring project with the U.S. Department of Agriculture that would lay traps throughout the Village in order to determine if the eggs are fertilized and see whether the problem is spreading. Director of Public Works Hughes said as part of the project the Village would forego Gypsy Moth spraying in the spring of 2012. The U.S. Department of Agriculture has already approved the Village to be a member of this project. If the Village decides not to join the project, staff will move forward with Gypsy Moth spraying in May or June.

Trustee Grujanac asked what the cost of the project would be and if the money that was currently in the 2012 budget would be used for this project. Director of Public Works Hughes said there was no cost to the Village to be involved in the project.

The consensus of the Board was to support the recommendation of staff and join the U.S. Department of Agriculture Gypsy Moth Project.

7.0 **ADJOURNMENT**

Trustee McDonough moved and Trustee Servi seconded the motion to adjourn. The voice vote was unanimous and the Mayor declared the meeting adjourned at 8:56 p.m.

Respectfully submitted,

Barbara Mastandrea
Village Clerk