

MINUTES
REGULAR VILLAGE BOARD 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
Chief of Police Kinsey	Director of Financial Systems Roelker
Director of Public Works Hughes	Village Attorney Simon
Village Treasurer Curtis	

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

CALL TO ORDER**ROLL CALL**

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

2.1 Approval of the December 12, 2011 Regular Village Board Meeting Minutes

Trustee McDonough moved and Trustee Saltiel seconded the motion to approve the minutes of the Regular Village Board Meeting of December 12, 2011 as presented. The roll call vote was as follows: AYES: Trustees Feldman, Grujanac, McDonough, Saltiel and Servi. NAYS: None. ABSENT: Trustee Brandt. ABSTAIN: None. The Mayor declared the motion carried.

3.0 REPORTS OF OFFICERS

3.1 Mayor's Report - None

3.2 Village Clerks Report - None

3.3 Village Treasurer's Report -

3.31 Revenues and Expenditures by Fund for the month of November 2011

Director of Financial Systems Roelker said the revenues and expenditures for the month of November 2011 have been reviewed by the Village Treasurer and all balances have been properly recorded.

3.4 Manager's Report

Village Manager Irvin said in mid-December the last revenues were provided for the Board to include the third quarter of 2011 and the Village had met expectations. Sales tax and revenue tax continue to do well and the revenues are still meeting or exceeding expectations.

4.0 PAYMENT OF BILLS

4.1 Bills Prelist for the month of December 2011

Director of Financial Systems Roelker gave a summary of the December 2011 bills prelist presented for payment with the total being \$665,570.04. The total amount is based on \$329,000 for the General Fund, \$267,000 for Water & Sewer Operations, \$661.00 for Water & Sewer Improvements, \$26,000 for Vehicle Maintenance, \$37,000 for the TIF Fund and \$6,000 for the E-911 Fund, all amounts being rounded.

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

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

6.0 PETITIONS AND COMMUNICATIONS

- 6.1 Steven Brenner, resident at 2469 Waterbury Lane, Buffalo Grove, IL introduced himself and said he had written a letter to Mayor Blomberg, Chief of Police Kinsey and Village Manager Irvin in regards to an experience he had with the Police Department on December 13, 2011. Mr. Brenner said he received two tickets on this date; one for speeding and the other for an improper yield to a Police Officer. Since this date Mr. Brenner has met with Chief of Police Kinsey and Village Manager Irvin. Chief of Police Kinsey agreed not to prosecute for an improper yield to a Police Officer. Mr. Brenner said that at the time of the incident he did not think he was speeding. The Officer informed Mr. Brenner the radar showed his speed at 53 Miles Per Hour. Mr. Brenner said he was upset by the incident and did not think the incident was handled properly. Mr. Brenner quoted one of the Officers stating the following: "When someone is rude to me, I let my hand do the talking with a pen." Mr. Brenner said after the incident, he went home and called the Police Station because he needed to get his license back in order to travel. Mr. Brenner said he received two different bond amounts, but was able to go to the Police Station that night to pay the bond and get his license back. Mr. Brenner asked the Board members to look at the traffic stop.

Trustee Saltiel said he did not think there was any question to whether or not Mr. Brenner was speeding and this would need to be handled with the court. Trustee Grujanac said the incident would be used as a learning opportunity. Mr. Brenner was informed that Chief of Police Kinsey would be using the traffic stop for training for all Police Officers so that procedures could be further reviewed.

- 6.2 Randy Podolsky, resident at 5 Briarwood Lane, Lincolnshire, IL introduced himself and his wife Wendy and said that in the month of December 2011 they applied for a permit for a partial yard fence as permitted by Village Code. Mr. Podolsky said the permit request was denied and asked the Board for understanding as to why the permit was not approved and issued.

Trustee Saltiel asked for a plat showing where the fence would go and wanted to know if the fence would be going through the conservancy area or around the conservancy area. Director of Community Development McNellis said the fence would be going through the conservancy area and this was the reason staff denied the permit request. Mr. Podolsky said nothing in the Codes, Ordinances or on the plat stated they could not put a fence along the property line. Trustee Saltiel said a fence is considered a structure and this was prohibiting the fence going through a conservancy area. Trustee Saltiel asked if this has been allowed before. Mr. Podolsky said a permit was applied for at another resident in the past and granted but the fence was not constructed. Director of Community Development McNellis said this was in Old Mill and the instance was not the same since the land was not a conservancy but a state-owned preservation. Trustee Feldman asked if Mr. Podolsky knew the conservancy area was on his lot when he purchased his home. Mr. Podolsky said he was aware of the conservancy area being on his lot, but did not think this would prevent him from putting a fence up along his property line.

Director of Community Development McNellis said it came down to a fundamental difference and staff considers a conservancy area as an overlay of a subdivision. Conservancy areas are almost always platted as part of a subdivision and not lot by lot. In this case the conservancy goes beyond the area of the lot into the east and west and the conservancy area crosses property lines. Director of Community Development McNellis said it was the decision of the Board to keep these natural habitats open allowing wildlife to move within the area and to keep the area looking natural.

Mr. Podolsky said there is nothing in the Code that states a fence is considered a structure and asked for clarification. Director of Community Development McNellis said a structure is defined as anything erected; the use of which requires more or less permanent location on the ground. Village Attorney Simon said the definition of a fence in the Code is described as a structure other than a building which is a barrier and used as a boundary as means of protection or used as confinement. Village Attorney Simon agreed that this would prohibit the placement of a fence in the conservancy area. Trustee Servi agreed and said a fence is a structure and should not be allowed.

The consensus of the Board is to support staff and their interpretation of the current Code.

7.0 CONSENT AGENDA

The items on the Consent Agenda will be approved by one motion. If a Trustee wishes to discuss any item, it will be pulled from the Consent Agenda and discussed under "Unfinished Business."

- 7.1 **Approval of a request for fee waiver, per Section 5-3-2(A) of the Lincolnshire Village Code, for the Riverside Foundation property, located at 14588 Half Day Road (Riverside Foundation)**

7.2 Approval of the State of Illinois Emerald Ash Borer Compliance Agreement an Application for the Illinois Urban Forest Restoration Grant for Emerald Ash Borer (Village of Lincolnshire)

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

8.0 ITEMS OF GENERAL BUSINESS

8.1 Planning, Zoning & Land Use

8.11 Continued discussion and approval of a Zoning Board recommendation regarding a comprehensive text amendment to Title 6, Zoning, related to Chapter 15, Fences and Screens, to clarify and revise regulations regarding fences and screens (Village of Lincolnshire)

Director of Community Development McNellis said at the last Board meeting the Board requested clarification in regards to a few points in the proposed Fence Code. Staff has since incorporated these items into the draft Ordinance. As requested, the subject of the plastic/nylon mesh fences has been separated out and would be discussed at the Committee of the Whole meeting directly following this Regular Village Board Meeting.

Trustee Saltiel said he objected to Section 6-15-3 A.1, C(i) which allows a 6' fence in a residential area zoned R1 & R2. Trustee McDonough said he agreed with Trustee Saltiel.

Trustee Servi moved and Trustee Grujanac seconded the motion to approve the Zoning Board recommendation regarding a comprehensive text amendment to Title 6, Zoning, related to Chapter 15, Fences and Screens, to clarify and revise regulations regarding fences and screens as presented. The roll call vote was as follows: AYES: Trustees Grujanac, Servi and Feldman. NAYS: Trustees McDonough, Saltiel and Mayor Blomberg. ABSTAIN: None. ABSENT: Trustee Brandt. The Mayor declared the motion failed.

Trustee Saltiel proposed a motion to accept the Code as submitted with exclusion of section 6-15-3 A.1, C(i). Attorney Simon said the motion cannot be stated to exclude an exemption.

Trustee Saltiel then amended the motion.

Trustee Saltiel moved to approve the draft Code subject to the following change in Section 6-15-3 A.1, C(i); the language that says "except that yard fences designed of an ornamental metal material on a lot in the R1 and R2, Single-Family Residence Zoning Districts shall not exceed six feet (6') in height" should be excluded. Trustee McDonough seconded the motion. The roll call vote was as

follows: AYES: Trustees Saltiel, Servi, Feldman, Grujanac and McDonough. NAYS: None. ABSTAIN: None. ABSENT: Trustee Brandt. The Mayor declared the revised motion carried.

8.4 Public Safety

8.41 Continued discussion and approval of an Ordinance Amending Title 11, Chapter 10, Offenses Affecting Public Health and Safety, by Adding Section 11-10-6-5, Synthetic Cannabinoids and Synthetic Stimulants, to the Municipal Code of the Village of Lincolnshire (Village of Lincolnshire)

Chief of Police Kinsey said this Ordinance will give the Village the option in dealing with these situations instead of involving the juvenile court system, since many times it is a juvenile using these drugs. Trustee Grujanac asked if synthetics were more deadly than natural and Chief of Police Kinsey said he believed they were more deadly because the synthetics are constantly changing chemicals. Trustee Grujanac asked if it was appropriate to make the penalty more severe for the synthetic drugs. Village Attorney Simon said the Ordinance provides for the most severe penalty the Village could impose, which is a class B misdemeanor. Village Attorney Simon said the Village of Lincolnshire is a Home Rule Village and due to this fact, the penalty cannot exceed six months incarceration.

Trustee Grujanac moved and Trustee McDonough seconded the motion to approve the Ordinance Amending Title 11, Chapter 10, Offenses Affecting Public Health and Safety, by Adding Section 11-10-6-5, Synthetic Cannabinoids and Synthetic Stimulants, to the Municipal Code of the Village of Lincolnshire as presented. The roll call vote was as follows: AYES: Trustees McDonough, Saltiel, Grujanac, Servi and Feldman. NAYS: None. ABSTAIN: None. ABSENT: Trustee Brandt. The Mayor declared the motion carried.

9.0 REPORTS OF SPECIAL COMMITTEES

10.0 UNFINISHED BUSINESS

11.0 NEW BUSINESS

11.1 Approval of an amendment to the Village Manager's Employment Agreement (Village of Lincolnshire)

Trustee Servi moved and Trustee Grujanac seconded the motion to approve an amendment to the Village Manager's Employment Agreement as presented. The roll call vote was as follows: AYES: Trustees McDonough, Saltiel, Grujanac, Servi and Feldman. NAYS: None. ABSTAIN: None. ABSENT: Trustee Brandt. The Mayor declared the motion carried.

ADJOURNMENT

Trustee Grujanac moved and Trustee McDonough seconded the motion to adjourn. The voice vote was unanimous and the Mayor declared the meeting adjourned at 7:51p.m.

Respectfully submitted,

VILLAGE OF LINCOLNSHIRE

Barbara Mastandrea
Village Clerk

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