

**MINUTES
COMMITTEE OF THE WHOLE MEETING
Monday, August 13, 2012**

Present:

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

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

ROLL CALL

Mayor Blomberg called the meeting to order at 7:20 p.m. and Village Clerk Mastandrea called the Roll.

APPROVAL OF MINUTES

2.1 Acceptance of the July 23, 2012 Committee of the Whole Meeting Minutes

2.11 The minutes of the July 23, 2012 Committee of the Whole Meeting were accepted as submitted.

3.0 ITEMS OF GENERAL BUSINESS

Division Chief Eric Norlin from the Lincolnshire Riverwoods Fire Department presented a video to the Board in regards to the fire suppression system Code which the Fire Department is recommending the Village adopt for single family residential construction. This item was previously discussed at the Regular Village Board meeting. Division Chief Norlin asked that this be discussed further at the next meeting.

3.1 Planning, Zoning and Land Use

- 3.11 Consideration and discussion of a Zoning Board recommendation regarding approval of a Final Plat of Subdivision for Sidor's Subdivision, within the R3 Zoning District, with a variation to Section 6-5A-5-A(1), Site and Structure Provisions, to permit a minimum lot area of 19,838 square feet for Lot One, rather than the code permitted 20,000-square foot minimum lot area, for the property commonly addressed as 13 Reliance Lane (Angel Sidor).**
- 3.12 Consideration and discussion of a Zoning Board recommendation regarding a variation to Section 6-3-5-A-1(e), General Requirements of the Lincolnshire Zoning Code, to permit an existing detached storage shed to be located on a vacant lot prior to the establishment of a principal structure on the same lot, for the property located at 13 Reliance Lane (Angel Sidor)**

Mayor Blomberg opened up items 3.11 and 3.12 together at the request of Director of Community Development McNellis.

Director of Community Development McNellis said this is a request to sub-divide a lot within the R3 Zoning District, which has a minimum lot size of 20,000 square feet. Once sub-divided, one of the lots would meet the Zoning Code requirement but the other lot would be less by 162 square feet. Director of Community Development McNellis said the Zoning Board unanimously recommended approval of the division of the lots.

Director of Community Development McNellis said the other request is for a variation to allow the existing detached storage shed to remain on the lot if the sub-dividing is granted. The shed was granted a variation in 2004 and will be the only structure remaining on the north lot, therefore making it not permitted in the Zoning Code. The Zoning Board unanimously recommended approval of this variance with the stipulation that the shed be removed when the lot is either sold or improved with a new residence.

Trustee Brandt said the Board granted approval of the shed years ago and this was grandfathered in knowing it would eventually come back to the Board for the request to subdivide.

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

- 3.13 Consideration and discussion of a Zoning Board recommendation regarding an amendment to the original Special Use Permit for the continued operation of an existing church, located at 1970 Riverwoods Road in the R1 Single-Family Residence Zoning District (Community Christian Church)**

Director of Community Development McNellis said the church was granted a special use as part of a Code amendment in 1965. Since that time, the church has built two of the three existing buildings on the property and both would have required a Special Use amendment. The church sought and received their building permits for these buildings, but did not seek the Special Use amendments. Although the church was responsible for obtaining the Special Use amendment, at the time of issuing the permit staff would have some responsibility in making sure all proper Zoning Board requirements were met. Director of Community Development McNellis said there were discussions at the Zoning Board in June and July about whether or not the site should be required to conform with all current Codes. The Zoning Board felt all relevant Codes were presumably met at the time of construction, and the site and buildings should be considered grandfathered. The church property is grandfathered in from SMC requirements due to the age of the buildings and site improvements. The Zoning Board recommended approval of an amendment to the original Special Use Permit for the church and the two additions.

Perry Grace, representing Community Christian Church came before the Board and said the church is requesting an amendment to the existing Special Use Permit, which the church mistakenly missed when obtaining building permits for the two building added to the property after 1965.

Trustee Saltiel said his position is that Special Use is appropriate. Trustee Brandt said she is the liaison for the Zoning Board and has sympathy for the residents living near the church but feels there is a need for the Montessori school and is in favor of the Special Use.

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

3.14 Consideration and discussion of a Zoning Board recommendation regarding a new Special Use Permit for the continued operation of an existing nursery school, to operate as an accessory use to the Community Christian Church, located at 1970 Riverwoods Road in the R1 Single-Family Residence Zoning District (Community Christian Church/Lincolnshire Montessori School).

Director of Community Development McNellis said after much discussion, the Zoning Board unanimously recommended the Special Use Permit for the continued operation of the existing Montessori School, which has been in existence at this property since 1981. The Zoning Board stipulated the recommendation was subject to a limitation on the outside playground time

at the school. The limitation recommended by the Zoning Board is that outside playtime be no more than forty-five minutes in the morning, ending by 12:00 p.m. and no more than forty-five minutes in the afternoon, ending by 4:00 p.m.; year round. Director of Community Development McNellis said several of the issues discussed at the Zoning Board meeting have been addressed in the staff memo and noted the school has been following the recommended outside playtime hours. Director of Community Development McNellis said it was requested at the last Zoning Board meeting to have staff look into whether or not there is a requirement for a playground fence by DCFS. Staff clarified with DCFS representatives, the school is exempt from DCFS requirements and this is exempt from the requirement for a playground fence.

Perry Grace, representing Community Christian Church came before the Board and said the nursery school has operated out of the church facility since 1981. Mr. Grace noted in the thirty years since the nursery school has been operational, they had not received any complaints up until now. In April of this year, a phone call was made to the Village stating the school had more students in attendance than the number allowed. Village staff investigated and was made aware the school did not and has never had more than the allowed number of students enrolled in the school. Mr. Grace said the church did not realize a Special Use Permit was required for the school. Mr. Grace said the school is already adhering to the time restrictions the Zoning Board recommended but has found it has been a hardship on the school. The school met with some of the neighbors to try and discuss this, but was unable to make a compromise. Mr. Grace said the school would like to be able to operate with the same hours as Sprague School, which is located in the same area. Mr. Grace requested the Village approve the Montessori School to operate based on limitations of the Village Code.

Trustee Saltiel asked if there are any effective limitations of the Village Code. Director of Community Development McNellis said there would be no limitations on the hours. Trustee Brandt said there were a few Zoning Board members that felt there should be no restrictions on the school, but since there were surrounding residents with complaints, the Zoning Board tried to come up with a compromise. Mayor Blomberg asked what the normal hours of operation are. Mr. Grace said hours of operation are from 7:30 a.m. – 6:00 p.m. Mayor Blomberg asked what times of day are usually for outside playtime or would it vary. Mr. Grace said there is one recess period in the morning and one in the afternoon, but the school would prefer to push the time out, since it is difficult to meet the afternoon time limit. Trustee Servi said his residence is adjacent to Sprague School and feels that the two forty-five minute time periods are reasonable but thought there could be some flexibility in the times.

Steve Bauer, Attorney for Ungaretti and Harris, representing Community Christian Church, came before the Board and said what the church is asking for is in fact what they have been operating under for the last thirty-one years without issue. Mr. Bauer gave a short description of what the church was requesting as far as amendments and property use. Mr. Bauer said there is no distinction made legally between public and private schools, so the treatment should not be different. Mr. Bauer read a statement from the church stating their request and gave it to Village Clerk Mastandrea for the record.

Bill Cameron, resident at 6 Victoria Lane, came before the Board and said the area in question is zoned R1, and he would like to try and find a compromise to control the noise. Mr. Cameron stated there are never twenty-five children in one single family dwelling and he is trying to get the noise low enough to enjoy his back yard. Mr. Cameron thought the compromise set by the Zoning Board seemed fair.

Evelyn Cooper, resident at 8 Victoria Lane said she too feels the Zoning Board came up with a fair compromise.

Joan Cameron, resident at 6 Victoria Lane, came before the Board and said she has spent thousands of hours supporting the school districts and sports association. Ms. Cameron said she has fought to have the Village of Lincolnshire the way it is and feels zoning is important. Ms. Cameron said the Community Christian Church is running a nursery school, a book store and a yoga studio and this is acceptable as long as they have applied for an exempt status with the Illinois Department of Revenue and she asked if this had been done. Ms. Cameron said the Montessori School is not an accredited school such as Sprague School, and the two should not be compared. Trustee Brandt asked Ms. Cameron if she is in agreement with the Zoning Board recommendation for specific times for outside play at the school. Ms. Cameron said she is in agreement with the Zoning Board recommendation. Trustee Grujanac said the hour parameters are an issue and wanted to know what would be acceptable to the residents. Ms. Cameron said up until 4:30 p.m. is acceptable. Trustee Brandt said other residents had issues with going past 4:00 p.m. Trustee Brandt said she went to Victoria Lane and did not feel the noise was offensive.

Trustee Brandt said she thinks the Board needs to be consistent with the other nursery schools in the Village. Trustee Saltiel said he thought the forty-five minutes for the morning and afternoon was acceptable and thought going to 6:00 p.m. was not a problem since the school has been in operation for over thirty-years. Trustee Saltiel expressed his opinion, the churches and schools were a big part of being a community. Mayor Blomberg was in agreement with Trustee Saltiel and said all the residents

have the same rights in the community. Mayor Bloomberg said he did not think the church and school were asking for anything out of the ordinary. Trustee Brandt asked how the vote would go and would the Board put an end time on the outside playtime. Trustee Grujanac said she was an educator and did not think there should be limitations on the end time. Trustee Saltiel and Mayor Bloomberg both agreed that forty-five minutes in the morning and forty-five minutes in the afternoon are sufficient, and indicated they do not feel the need to designate the time frames for outside playtime.

Mina Dadrass, owner of the Montessori School came before the Board and said the school tried for two months to follow the time frames of the Zoning Board recommendation for an end time. Ms Dadrass did not want to see a set end to for outside playtime.

Mayor Bloomberg recommended staff come up with language stating the school could have two, forty-five minute outside playtimes but not limiting the time to be specific for each period. Trustee Grujanac said however staff crafts this, outdoor education time would be different. Trustee Saltiel expressed his opinion, staff needs to come up with something that the residents in the area can not come back and make complaints about. Mayor Bloomberg asked Director of Community Development McNellis if he had enough information to write up a recommendation. Director of Community Development McNellis said he would need more clarification.

Mr. Bauer came back up to speak to the Board and presented the schools daily schedule to Village Clerk Mastandrea in order to help prepare language for the recommendation. Mr. Bauer said the question is in regard to outside playtime limitation periods and the owner of the Montessori school is in favor of limiting two forty-five minute recess periods but asks that the Board not limit the time the children can go out as part of the curriculum of the school. Mr. Bauer said he can work with staff in regards to getting a better schedule from the school to narrow down the independent periods. Trustee Saltiel said in order to compromise and not get complaints, he thought it would be better to state the children could not be out before a certain hour or after a certain hour. Mr. Bauer said the school took it upon themselves to try to follow the time frames suggested by the Zoning Board and found it hard to conform. Trustee Brandt asked Director of Community Development McNellis if there was any time restriction for Bright Stars. Director of Community Development McNellis said he knew Bright Stars was consistent with the recess times but was not sure if there were restrictions. Trustee Brandt said she was concerned about setting time restrictions when other schools might not have the same restrictions. Trustee Saltiel said this is a rare instance and is in agreement with Trustee

Brandt about concerns in regards to setting restrictions and feels this school should be treated the same as the other schools in the Village.

Trustees Saltiel, Grujanac, Brandt, Servi and Mayor Blomberg were all in favor of placing no restrictions for outside playtime on the Montessori School. Village Attorney Simon said the intent would be to keep the outside playtime within the normal operating hours of the school. Mr. Bauer asked for clarification and Trustee Saltiel said there would be no restrictions.

Christine Weebler came before the Board and stated that she started the Montessori School and has lived in the Village for thirty-five years. Ms. Weebler said this is about the children and there should be no restrictions.

There was a consensus of the Board to have staff draft a recommendation placing no recess time restrictions on the Montessori School and discuss this item at the next Regular Village Board Meeting.

3.15 Consideration and discussion of a request for fee waivers, per Section 5-3-2(A) of the Lincolnshire Village Code, for both the Community Christian Church and Lincolnshire Montessori School, both located at 1970 Riverwoods Road (Community Christian Church/Lincolnshire Montessori School)

Director of Community Development McNellis said in accordance with Code, the Community Christian Church and the Lincolnshire Montessori School are requesting fee waivers for both requests. The church is the applicant for both requests, but the question is that one of the requests is for the school, and it is not a not-for-profit organization. The Ordinance reads that this is to benefit not-for-profit organizations. Trustee Saltiel asked about the applicant being the church and would this be acceptable. Director of Community Development McNellis read the Code, stating the applicant would need to be a charitable organization or a non-for-profit organization. Trustee Saltiel said the church was the applicant and therefore making them eligible for the fee waiver for both requests.

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

3.16 Consideration and discussion of a request for referral to the Zoning Board for a Special Use Permit to establish and operate a yoga studio at 300 Village Green, in the R5 Mixed Use General Residence Zoning District (Village Green Baseline LP / 2 Hot Yoga)

Director of Community Development McNellis said this is a request for a Special Use for a yoga studio in the same location as the previous Lincolnshire Academy of Dance. Although yoga studios are not listed in the Special Uses for this property, staff is recommending the Special Use process be undertaken given the substantial similarity between the yoga studio and the dance studio. Director of Community Development McNellis said at the last Committee of the Whole meeting there was a general consensus from the Board this was the appropriate process to take. Staff has listed a few issues in the memo to take into consideration when referring this request. One of the issues would be parking, which staff believes can be satisfied with the shared parking concept at the Village Green. Director of Community Development McNellis said hours of operation are typical of other uses in this location and does not believe sound will be a factor due to the distance from the nearest residential location.

Luke Sementa, representing Baceline, came before the Board and said the use of the yoga studio is very similar to the previous tenant. Mr. Sementa said parking could be shifted to other areas if it becomes a problem.

Trustee Saltiel said the parking is a little different than the dance studio and asked if Mr. Sementa is concerned with this and what will be done to make sure the correct lot and parking are used. Mr. Sementa said the tenants will be communicating with the customers with regard to the parking. Trustee Brandt said she does not see a problem with parking due to current vacancies. Director of Community Development McNellis said that he thought 9:30 a.m. to 11:00 a.m. would be the peak times for the studio and did not think parking would be an issue at those times. Trustee Grujanac thought there was enough overflow parking at the Village Green.

There was a consensus of the Board to refer this to the Zoning Board for a Special Use Permit.

3.2 Finance and Administration

3.21 Amendment to the Electric Aggregation Program Adopted April 16, 2012 with Integrys Energy Services, Inc.

Director of Financial Systems Roelker said staff is asking that the Electric Aggregation Program be changed to include space heater customers.

Trustee Saltiel asked what a space heater customer was. Mayor Blomberg said if the heat is electric or baseboard then ComEd gives a different rate to these customers.

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

Agenda for approval at the next Regular Village Board Meeting.

3.3 Public Works

3.31 Consideration and Discussion of an Ordinance Adopting by Reference the Lake County Watershed Development Ordinance (Village of Lincolnshire)

Director of Public Works Hughes said on July 10, 2012 Lake County approved revisions to the Watershed Development Ordinance. This was a multi-year process with a technical advisory committee. The County has adopted the Ordinance. The proposed Ordinance adopts the resolution, consistent with the requirements approved by the County. Director of Public Works Hughes said if the Board is in favor of adopting the Ordinance, it would need to be put on the September 10, 2012 Consent Agenda due to a thirty day comment period.

There was a consensus of the Board to place this item on the September 10, 2012 Consent Agenda for approval at the Regular Village Board Meeting.

3.32 Consideration and Discussion of an Award of a Contract for the Replacement of the Northampton Lift Station Emergency Generator with Pattern Power Systems, Elmhurst, IL, in the Amount Not to Exceed \$35,681.00 (Village of Lincolnshire)

Director of Public Works Hughes said the budget for this project is actually \$45,000.00. While investigating joint purchasing opportunities, staff came across the National Joint Powers Alliance, which is an organization out of Minnesota that put similar projects out to bid. Staff recommends purchasing this equipment through the National Joint Powers Alliance.

Village Attorney Simon recommended the Village become a member of the National Joint Powers Alliance in conjunction with the purchase of the equipment. Mayor Blomberg wanted to know if this is going from diesel to natural gas. Director of Public Works Hughes confirmed it would be natural gas. Mayor Blomberg asked if the amount would go up due to extending the gas line for the natural gas. Director of Public Works Hughes said this would add an additional cost and the work would be contracted separately.

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

3.51 Consideration and Discussion of a Park Board Recommendation Regarding the Use of North Park for Boo Bash to be Held October 27, 2012 (Village of Lincolnshire)

Director of Public Works Hughes said the Park Board recommended approval for LCA to utilize North Park for Boo Bash to be held on October 27, 2012. The event last year was well attended and exceeded expectations.

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

4.0 UNFINISHED BUSINESS

Trustee Grujanac wanted to commend Police Chief Kinsey on the success of National Night Out.

5.0 NEW BUSINESS

Director of Public Works Hughes said there was a memo in the packets regarding the Lake County tax redemption and wanted to confirm staff's recommendation as acceptable to the Board. Mayor Blomberg asked if part of the land was owned by Mr. Santos and given to the Lake County Forest Preserve. Village Attorney Simon said the land in question was a small parcel that was privately owned and forfeited to the County.

Director of Community Development McNellis said with regard to the church uses memo, is there any direction from the Board to do anything more at this time. Trustee Saltiel said he did not think there was a need to do anything else at this time.

6.0 EXECUTIVE SESSION

Trustee Grujanac moved and Trustee Servi seconded the motion to go into Executive Session for the purpose of discussing land sale. The roll call vote was as follows: AYES: Trustees Brandt, Servi, Grujanac and Saltiel. NAYS: None. ABSENT: Trustees Feldman and McDonough. ABSTAIN: None. The Mayor declared the motion carried and the Board went into Executive Session at 9:09 p.m. and came out of Executive Session at 9:38 p.m.

7.0 ADJOURNMENT

Trustee Servi moved and Trustee Saltiel seconded the motion to adjourn. The voice vote was unanimous and the Mayor declared the meeting adjourned at 9:39 p.m.

Respectfully submitted,

VILLAGE OF LINCOLNSHIRE

Barbara Mastandrea
Village Clerk

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