

Minutes
Committee of the Whole Meeting
Vernon Hills Village Board
June 2, 2010

IN ATTENDANCE: President Byrne called the meeting to order at 8:26p.m. The following Trustees were present: Koch, Marquardt, Schultz, Schwartz, Williams. Trustee Hebda was absent.

Also present were Village Manager Allison, Assistant Village Manager Kalmar, Finance Director Nakrin, Chief Fleischhauer, Public Works Director/Village Engineer Brown, Building Commissioner Atkinson, Village Attorney Kenny, and Recording Secretary DeAnda

1. Approval of May 19, 2010 Committee of the Whole Minutes

Motion by Trustee Marquardt, second by Trustee Koch to approve the Committee of the Whole minutes of May 19, 2010. Roll call vote:

Ayes: 5-Koch, Marquardt, Schultz, Schwartz, Williams

Nays: 0-None

Absent and not voting: 1-Hebda

Motion carried.

2. Request for an Outdoor Merchandise Display Permit for Home Depot, 493 Milwaukee Avenue

Building Commission Atkinson requested before Home Depot's presentation that the Board give direction on the broader policy issue of how Outdoor Merchandise Display and Sales Permits (OMDSP) should be approved. Building Commissioner Atkinson stated currently items can not be displayed in the parking lot. He asked as the Board considers Home Depot's request, which includes a waiver from this requirement, that the Board reviews this broad based policy and consider other guidelines in place of a strict prohibition. Certain guidelines to consider include:

1. Approvals shall be granted only in conjunction with retail stores having an outdoor garden center (Minimum 10,000 square feet in size) where landscaping is a typical part of seasonal merchandise.
2. Merchandise shall be limited to the outdoor display of seasonal landscaping such as plants, trees, flowers, shrubs and similar live goods. Mulch, Stone, brick pavers, tools, equipment and similar dry goods shall not be permitted,
3. Seasonal merchandise may be displayed between April 1 and August 1 as approved by the Village Board. Applicants must seek approval from the Village Board on a yearly basis.
4. Tents, green houses and similar structures are prohibited.
5. The display area shall be maintained in a clean condition. Empty storage racks and similar equipment shall not be stored within the display area.
6. Decorative fencing shall be placed around the perimeter of the display area.

7. Appropriate safety devices shall be used to protect pedestrians from vehicular traffic.
8. Signs shall not be permitted.

Building Commissioner Atkinson stated based on the guidelines outlined, Home Depot, Lowes, and Wal-Mart would be the three stores in the Village that would qualify for this request. Further, the seasonal display be allowed between April 1 and August 1, which is the peak time for the sale of landscape goods.

Building Commission Atkinson stated Heather Weingart, store manager for the Home Depot, was appearing before the Committee of the Whole to present details of their request for an OMDSP. Home Depot also requested a waiver from Section 10-198(e) to display their merchandise in the parking lot. The display area (approximately 96'x52') would be located within a portion of the parking lot adjacent to the drive aisle in front of the garden center. Due to the current prohibition of displaying items in a parking lot, Building Commission Atkinson recommended if the Board approved the request that it be allowed only on a trial basis. Staff would monitor the activities of the display area, get feedback, identify issues, and, if appropriate, come back to the Board to consider modification of the Village Code.

Trustee Schultz asked if Home Depot received approval to use the Home Expo site they are currently using. Building Commissioner Atkinson said they did because Home Depot had merchandise beyond their capacity and were given permission to put it on the Home Expo site with the condition that they appear before the Village Board to get final direction on what they would be allowed to do and that was the reason they were here tonight.

Heather Weingart discussed Home Depot's power point presentation and loss of revenue. Village President Byrne asked for their timeframe and Ms. Weingart stated they needed until the weekend of July 4.

Building Commissioner Atkinson stated if the Board feels that this temporary use was appropriate, staff should be directed to prepare a resolution approving the OMDSP and to approve a waiver from Chapter 10, Article VI, Section 10-198(e) to display merchandise in the parking lot, subject to the following conditions:

1. The Merchandise and Display area shall be in accordance with the application and site plan, dated May 26, 2010.
2. Merchandise shall be limited to the outdoor display of seasonal landscaping such as plants, trees, flowers, shrubs and similar live goods. Mulch, Stone, brick pavers, tools, equipment and similar dry goods shall not be permitted,
3. Seasonal merchandise may be displayed until July 6, 2010. The Home Depot must seek approval from the Village Board on a yearly basis.
4. Tents, green houses and similar structures are prohibited.

5. The display area shall be maintained in a clean condition. Empty storage racks and similar equipment shall not be stored within the display area.
6. White decorative picket fencing shall be placed around the perimeter of the display area in accordance with the photograph, dated May 26, 2010.
7. Safety cones shall be placed in the center median of the drive aisle as shown on the site plan dated May 26, 2010.
8. Signs shall not be permitted.

Building Commission Atkinson again recommended that this approval be on a trial basis only. This allowance would be granted only in conjunction with retail stores having an outdoor garden center (Minimum 10,000 square feet in size) where landscaping is a typical part of seasonal merchandise.

Trustee Marquardt stated that Waukegan/Gurnee area businesses have larger displays and lost revenue. He thought with the guidelines it would worth trying.

Trustee Koch stated the uniqueness of the times was probably the reason he would agree on a temporary basis. He stated as a fundamental principle, it works against what he would like to see in the community.

Motion by Trustee Marquardt, second by Trustee Williams to approve the outdoor merchandise and sales permit and further grant a waiver from Chapter 10, Article VI, Section 10-198(e) to allow the display to be in a parking lot. Roll call vote:

Ayes: 5-Koch, Marquardt, Schultz, Schwartz, Williams

Nays: 0-None

Absent and not voting: 1-Hebda

Motion carried.

3. School Crossing Guard Discussion

Chief Fleischhauer stated this was a continuation of a discussion from the Committee of the Whole on April 6. Since that discussion, Trustee Marquardt, Village Manager Allison, and he met with Dr. Zook, District 73, to identify possible alternatives. Chief Fleischhauer outlined the six crossing guard positions. District 73's main concern was cost and asked that the Village assist in funding the cost of the crossing guard program for the two Police Officers that staff the Aspen/Windsor and Aspen/Route 60 positions. Currently, those positions are staffed for four hours a day (two crossings in the morning and two hours in the afternoon) for a cost of \$39,000 for the entire school year. District 73's plan was to eliminate the Aspen/Route 60 crossing after the end of the current school year; however, the opening of the Aspen Drive Library and start of a series of after school activities would require the continuation of this crossing and may require keeping the crossing at Aspen/Route 60 staffed for an undetermined additional period of time.

Trustee Marquardt stated District 73 was looking for approximately \$40,000 and the 2008 NWMC survey showed Vernon Hills was the only Village that does not participate in contributing to a crossing guard program. Trustee Marquardt was in favor of funding this safety

issue, but the Village approved a budget he would like to stick to. He would like to review the issue and possibly phase the cost in.

Trustee Schultz stated the Village has to move forward and should ask the Library District to participate in the cost.

Trustee Williams asked if the request was for the fall school season. Chief Fleischhauer stated it was. Trustee Williams thought the request was made late in the budget process, but the Village had no choice.

Village President Byrne suggested the funding come from another school fee.

Trustee Williams stated the Village needs to continue conversations with the Library District and District 73 for options.

Trustee Schwartz suggested District 73 pay for the morning crossing and the Village pay for the afternoon crossing.

The Village Board directed staff to continue conversations with the Library District and District 73.

4. Blackboard Connect – Contract Renewal – Emergency Notification System

Assistant Village Manager Kalmar asked for comments on the notification system. The Village Board had no comments and the resolution to execute the contract will be on the June 15 agenda.

Trustee Hebda joined the meeting at 8:52p.m.

5. Adjournment

Motion by Trustee Williams, second by Schultz to adjourn the Committee of the Whole meeting.

Roll call vote:


Ayes: 6-Schwartz, Williams, Hebda, Koch, Marquardt, Schultz

Nays: 0-None

Absent and not voting: 0-None

Motion carried.

Meeting adjourned at 8:55p.m.


Lynn DeAnda, Recording Secretary


Roger L. Byrne, Village President

Approved this 15th day of June 2010