

**MINUTES  
COMMITTEE OF THE WHOLE MEETING  
VILLAGE OF VERNON HILLS  
NOVEMBER 6, 2007**

IN ATTENDANCE: President Byrne called the meeting to order at 7:40 p.m. The following Trustees were present: Hebda, Koch, Marquardt, Schultz, Schwartz and Williams.

Also present were Village Manager Allison, Assistant Village Manager Kalmar, Finance Director Nakrin, Chief of Police Fleischhauer, Public Works Director Laudenslager, Attorney Kenny and Village Clerk Pelletier.

**1. APPROVAL OF 10/16/2007 COMMITTEE OF THE WHOLE MINUTES.**

Motion by Trustee Hebda, second by Trustee Koch approval of the 10/16/2007 Committee of the Whole Minutes. Roll call vote:

AYES: 5-Schwartz, Williams, Hebda, Koch, Marquardt

NAYS: 0-None

ABSTAIN: 1-Schultz

ABSENT: 0-None

Motion declared carried.

**2. NIRVANA WINE & GRILLERIE RESTAURANT-CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A RESTAURANT TO SERVE ALCOHOLIC BEVERAGES AND PROVIDE CARRY OUT SERVICE IN THE RIVERTREE COURT SHOPPING CENTER-701 N. MILWAUKEE AVENUE, UNIT 280.**

Alaine Johnson was present to request a special use permit to allow the serving alcoholic beverages and providing carry out service at Nirvana Wine & Grillerie restaurant to be located in the Rivertree Court Shopping Center. Trustee Koch had concerns regarding the carryout of packaged liquor and the use of the word "wine" in the restaurant title. Ms. Johnson stated the packaged wines would only be with the purchase of food. Trustee Koch inquired if there was enough space for the proposed outdoor seating space and Mr. Kalmar stated the outdoor seating space would be addressed before final permit was issued.

The Planning and Zoning Commission unanimously approved the special use permit subject to the following conditions:

- a) Receipt of a liquor license from the Liquor and License Committee.
- b) Receipt of all required licenses from the Village and Lake County Health Department prior to issuance of a final certificate of occupancy.
- c) Compliance with the plans prepared by Interwork Architects, Inc. with date of September 25, 2007 and consisting of plan Sheet SK9.25-1.
- d) Compliance with the Village Sign Ordinance.
- e) The maximum number of outdoor seats shall not exceed 24. The petitioner and property owner shall maintain pedestrian access on the sidewalk across the front of the lessee's space. The table and chairs shall not limit or prohibit pedestrians from walking on the sidewalk. The Building Commissioner will periodically inspect this area and may require a reduction in the number of tables if, in his opinion, the area is inhibiting the flow of pedestrians in the immediate area.
- f) Adequate outdoor storage of trash and food waste shall be provided for the use.
- g) Compliance with all ordinances and standards of the Village except as may otherwise be provided.

Motion by Trustee Williams, second by Trustee Marquardt approval to direct staff to prepare the necessary ordinance granting approval to the necessary special use permit, subject to the above conditions. Roll call vote:

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

**3. ANGELO'S FINE DINING-906 ROUTE 45-CONSTRUCTION OF A CANOPY/SHELTER ADDITION.**

Angelo Theotokatos was present to request revisions to his site plan and allow the construction of a 504 square foot canopy/shelter, to be located off the southwest side of the front facade cover the existing outdoor patio. The area would be used as an outdoor smoking shelter in compliance with village requirements and the new State of Illinois requirements, which becomes effective January 1, 2008. The shelter would have a minimum of 30% openings on at least two walls; the designated smoking area would be at least fifteen (15) feet from the public entrance; and removable plastic coverings would be used to protect users during inclement weather. Mr. Kalmar stated most enclosures were normally not on the front of a building. The design would include aluminum columns, beams and fascias painted brown to match the color of the existing façade. The roof structure would be white and the existing landscape planters would be located in front of the shelter to help soften its appearance and provide a separation from vehicular traffic.

Trustee Marquardt requested the roof to be gray to match the existing roof of the building. The frame of the structure should match the trim of the building. President Byrne requested stop blocks be placed in front of planter boxes. Motion by Trustee Williams, second by Trustee Hebda approval to direct staff to prepare the necessary ordinance amending the site plan, subject to the recommended change in color scheme, medium grey roof with red frame. Roll call vote:

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

**4. THE GODDARD SCHOOL - LOT 6 IN ASPEN POINTE - CONCEPT PRESENTATION.**

Assistant Village Manager Kalmar stated Ellen Ley and Michael Elliot, of Elliot Architects presented their proposal to place a Goddard School Child Learning center on Lot 6 in the Aspen Pointe. The proposed plan was to construct an 8,690 sq. ft. masonry building in the middle of the existing parking lot, relocating the parking to the front (east) and north sides of the building. The play area would be located to the rear (west) of the building. The sides and rear areas of the building would be enclosed by a four foot architectural grade fence. The Approved Site Plan for Lot 6 called for a 6,800 sq. ft. two story office building, located adjacent to the Aspen Pointe Road, with the parking located at the rear of the building, accessible via a shared driveway with American Charter Bank. The day care would require a special use permit approval. The school would be comprised of 140 children, 6 weeks to 6 years of age and would be dropped off at various times.

Trustee Hebda requested the playground equipment not be constructed of colored plastics and keep to the architectural look of the development. Trustee Koch stated concerns on the number of parking spaces. Mr. Kalmar stated a cross easement agreement could be drafted for additional parking. Motion by Trustee Hebda, second by Trustee Schultz approval to direct the petitioner to begin the

technical review process and appear before the Planning and Zoning Commission for a public hearing. Roll call vote:

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

**5. COMPREHENSIVE PLAN AMENDMENT.**

Assistant Village Manager Kalmar stated a public hearing was held 10/24/2007 before the Planning and Zoning Commission, which voted unanimously to amend the 2003 Comprehensive Land Use Plan by adding the Design Concepts and Guidelines for the Gregg's Landing Commercial Properties as Addendum #2. Motion by Trustee Koch, second by Trustee Marquardt approval to direct staff to prepare the necessary ordinance amending the 2003 Comprehensive Land Use Plan by adding the Design Concepts and Guidelines for the Gregg's Landing Commercial Properties as Addendum #2.

Roll call vote:

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

**6. ZONING ORDINANCE AMENDMENT.**

Assistant Village Manager Kalmar stated the Planning and Zoning Commission reviewed amendments to the Zoning Ordinance at their 9/19/2007 and 10/24/2007 meetings and voted unanimously the following amendments to the Zoning Code:

1. Article 4, Section 4.7.1.8 - The Zoning Code allows trampolines in residential districts which do not exceed sixteen (16) feet in diameter or two hundred twenty (220) square feet in area. The code further requires that that the trampoline be disassembled and stored within an enclosed building between November 1 and March 1 of each year. This requirement may place an undue burden on the property owner because trampolines are generally not designed to be portable and are difficult to disassemble and reassemble on yearly basis. The Commission recommended the amendment to exempt trampolines from this requirement, similar to that of basketball equipment and hockey nets.
2. Article 19, Section 19.3.2 - Commercial vehicles are those which are designed or operated primarily for the transportation of persons or property in the furtherance of any commercial, industrial or business enterprise. The Zoning Code prohibits the parking of commercial vehicles in connection with residential uses, where the weight classification is over one (1) ton or where the vehicle has a class "C" license plate. The State of Illinois has changed the "C" designation to a "D" license plate. The Commission recommended the amendment which would change the designation referenced in the Zoning Code from "C" to "D" to be consistent with State of Illinois Statutes.
3. Article 5, Section 5.4 - This section of the code defines fire limits as those areas within the B-1, B-2, O-R&D and B-P zoning districts; and all buildings with five or more dwelling units or within use groups A (Assembly), B (Business), F (Factory), M (Mercantile), I (Institutional), S (Storage) and hotels/motels. Buildings within these fire limits are required to follow certain fire rating requirements for exterior wall and roof components. However, these requirements are already regulated by the Building Code for all structures within the village, not just those within a

defined fire district. The Commission recommended the amendment to delete Fire District regulations from the Zoning Code to eliminate this redundancy.

Motion by Trustee Williams, second by Trustee Marquardt approval to direct the staff to prepare the necessary ordinance amending the Zoning Ordinance as recommended by P&Z. Roll call vote:

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried

**7. VERNON HILLS GRAND PRIX - BICYCLE RACE.**

Manager Allison stated he had received a request to hold and sponsor a bicycle race on a Sunday in May 2008. Motion by Trustee Schultz, second by Trustee Williams approval to hold a bicycle race with no additional dollars for sponsorship, except to cover Village staff expenditures. Roll call vote:

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried

**8. BUDGET TRANSFER RULES AND PROCEDURES AMENDMENTS.**

Finance Director Nakrin requested automation of the budget transfers and procedures and raise the transfer requirements from \$5,000 to \$10,000, which were initiated by the departments and approved by the Village Manager. A report would be generated for informational purposes to the Board. Consensus of the Committee was to direct staff to draft a resolution amending the budget transfer procedures for Board approval.

**9. UPDATE ON THE RESOLUTION REGARDING THE CIRCUMSTANCES IN WHICH CHECKS CAN BE RELEASED PRIOR TO BOARD APPROVAL.**

Finance Director Nakrin requested amending Res. 98-19 which allowed the Finance Department to make certain payments without the explicit approval at a legally constituted Village Board meeting; and authorize payments up to \$20,000 that the Village Manager or Assistant Village Manager and Department Head or Committee Chairman agreed cannot wait for a Board Meeting before being paid through the "Authorization to make payments prior to a Board Meeting Form". Consensus of the Committee was to direct staff to draft a resolution amending the budget transfer procedures for Board approval.

**10. ELECTRONIC VOTING.**

Village Manager Allison stated State law had passed a provision allowing corporate authorities could participate at a meeting via electronic means and presented a copy of the Evanston resolution. Consensus of the Committee was to direct staff to draft a resolution allowing the corporate authorities to participate in electronic attendance for Board approval.

**11. WEB STREAM.**

Village Manager Allison stated staff had reviewed several options regarding displaying meetings and public service announcements via the Village's website. Consensus of the Committee was not to proceed with the web stream project due to possible budget constraints.

**12. 2008 BOARD MEETING SCHEDULE.**

The Committee reviewed the 2008 Board meeting schedule for various conflicts and consensus of the Committee was to reschedule meeting dates as follows: 1/01/2008 to 1/08/2008 and 1/15/2008 to 1/22/2008 due to the New Year's holiday; 2/05/2008 to 2/04/2008 due to the Primary Election; 9/01/2008 to 9/03/2008 due to the Labor Day holiday; and 11/04/2008 to 11/05/2008 due to the General Election.

**13 CAPITAL IMPROVEMENT PROJECTS BUDGET.**

Village Manager Allison stated staff was in discussion with various HOAs regarding private street improvements. Due to Village Engineer Brown's absence, consensus of the Committee was to postpone discussion to a future meeting.

**14. AT&T STANDARDS FOR CONSTRUCTION OF FACILITIES ON THE RIGHTS OF WAY.**

Village Manager Allison stated with the new federal, state and local telecommunication law change, the Village would be required to adopt ordinances regarding the Right of Way Construction Standard; Cable/Video Service Provider Fee with the Inclusion or Public Education and Government (PEG) Access Fees' and the Cable/Video Customer Protection Law. Motion by Trustee Williams, second by Trustee Marquardt to direct legal counsel to prepare the necessary ordinances for final Board approval. Roll call vote:

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried

**15. ADJOURNMENT.**

Motion by Trustee Williams second by Trustee Marquardt approval to adjourn the Committee of the Whole meeting and go to Closed Session for discussion of land sale or lease-[Sec. 2(c)(6)] and litigation-[Sec. 2(c) (11)]. Roll call vote:

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried

Meeting adjourned at 9:20 p.m.

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Linda Pelletier, Village Clerk

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Roger L. Byrne, Village President