

**MINUTES  
COMMITTEE OF THE WHOLE MEETING  
VILLAGE OF VERNON HILLS  
FEBRUARY 7, 2006**

IN ATTENDANCE: President Byrne called the meeting to order at 8:10 p.m. The following Trustees were present: Hebda, Koch, Marquardt, Schultz and Schwartz. Trustee Williams was absent.

Also present were Village Manager Allison, Assistant Village Manager Finance Director Nakrin, Building Commission Gerth, Police Chief Fleischhauer, Public Works Director Laudenslager, Village Engineer Brown, Attorney Citron and Deputy Clerk Pelletier.

**1. APPROVAL OF 3/15/2005 & 1/17/2006 COMMITTEE OF THE WHOLE MINUTES.**

Motion by Trustee Koch, second by Trustee Hebda to approve the 3/15/2005 Committee of the Whole Minutes. Roll call vote:

AYES: 4-Koch, Marquardt, Schwartz, Hebda

NAYS: 0-None

ABSTAIN: 1-Schultz

ABSENT: 1-Williams

Motion declared carried.

Motion by Trustee Schultz, second by Trustee Marquardt to approve the 1/17/2006 Committee of the Whole Minutes. Roll call vote:

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

NAYS: 0-None

ABSENT: 1-Williams

Motion declared carried.

**2. ETHAN ALLEN HOME INTERIORS – LOT 2 OF KERASOTES RESUBDIVISION – CONCEPT PRESENTATION.**

Assistant Manager Kalmar stated representatives of Ethan Allen were in attendance to present their plans for an 18,000 sq. ft. show room to be constructed on the vacant lot at the corner of Lakeview Parkway and Executive Way in Continental Executive Parke. Mr. Kalmar stated the lot was created in 1995 as a part of a four lot subdivision that created the Showplace 8 Theater and 3 outlots, which were originally designated for restaurant use. The front of the building would face towards Lakeview Parkway. Their intention was to relocate the existing access drive approximately 40 feet to the west to allow more parking adjacent to the front entrance. Staff believed the restaurant owners would have to agree to this change. The parking lot west of the drive would be constructed and would be shared with the theater as overflow parking. Pedestrian/vehicular connection between the lots would be reviewed.

Mr. Kalmar stated the plan was a permitted use in CEP. Staff had discussions with Mr. Guarnaccio who was in agreement subject to final approval by the association board. Staff would work to preserve as many of the existing trees as possible while also trying to create some view corridors onto the site for enhanced visibility of the store from Milwaukee Avenue. The concept plan showed additional signage to be visible from Lakeview, Executive Way and Milwaukee Avenue. A monument sign on Milwaukee Avenue was proposed. Trustees Koch and Hebda requested the east

elevation to resemble the west elevation. Engineer Brown stated there were no engineering issues. The Committee of the Whole recommended the project to go to technical review.

**3. KOHL'S-PRESENTATION OF NEW FRONT ELEVATION.**

Building Commissioner Gerth introduced David DeVos, the Director of Store Planning for Kohl's Corporation. Kohl's redesigned the front entrances on their new stores and had selected the Vernon Hills store as the first existing store for the makeover. The entrance would include a variety of architectural features intended to create a more inviting, contemporary look. The architectural features included an increase of the overall wall height of the area immediately above the entrances, installation of an awning over the front entrance and into the building, re-designed columns, back-lit glass adjacent to the front entrance, and additional offsets that add depth to the front building elevation. Several different exterior material textures in lighter colors would be applied to the exterior face. The interior of the store would be upgraded. New carpeting and re-designed merchandise fixtures would complement the new brands being introduced. Trustee Schultz questioned the back-lit glass and was informed it would illuminate the front and extend the appearance of the store front. Motion by Trustee Schwartz, second by Trustee Marquardt approval to direct staff to prepare the necessary ordinance for the new front elevation as presented. Roll call vote:

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

NAYS: 0-None

ABSENT: 1-Williams

Motion declared carried.

**4. US CELLULAR SPECIAL USE PERMIT – CONSIDERATION OF P&Z COMMISSION REPORT AND RECOMMENDATION.**

Assistant Manager Kalmar stated pursuant to Village's Zoning Ordinance, Section 4.13 Wireless Communication Transmission Sites and Articles 18 and 21, US Cellular appeared before the Planning and Zoning Commission on November 16, 2005 and January 18, 2006 to request a Special Use Permit to allow the placement of a wireless telephone transmitting and receiving facility within the ComEd right-of-way located at the southwest corner of Royal Oak and Tennis Drives. Their proposal was to construct a 125-foot "power mount" pole within the existing lattice tower owned by ComEd. A small equipment building would be located at the base of the tower. Access to the building would be from Tennis Drive. The building would be unmanned and would be maintained or monitored remotely from an off-site center. It would be a masonry structure and be landscaped.

US Cellular indicated that the antenna was needed due to poor signal coverage for this portion of the community in and around Grosse Pointe. Extensive responses had been provided regarding ordinance requirements. A map was presented showing the areas of diminished signals. Mr. Kalmar stated notices had been sent out to all surrounding property owners and only one resident adjacent to the ComEd right-of-way and west of the proposed location had expressed concerns regarding the impact on his property value from the antenna.

Mr. Kalmar stated the Planning and Zoning Commission voted unanimously on two (2) motions.

1. To recommend approval of the Special Use Permit with certain variations including location and placement on property owned by ComEd and allow the construction of a Wireless Telecommunications Transmission Site subject to the following conditions:

- a) Compliance with the Zoning Ordinance Section 4.13 and all ordinances and standards of the Village except as otherwise noted.

- b) Compliance with the Overall Site and Landscape Plans prepared by WT Communication Design Group, LLC consisting of pages C-1 thru 3, L-1 and G-1 with a revision date of 9/29/05.
- c) Compliance with the proposed color photos dated 9/9/04.
- d) Submission by the petitioner of a complete set of revised plans prepared by WT Communication Design Group, LLC including the amended site plan prior to appearance before the Village Board.
- e) Architectural grade shingles with a minimum of 25-year warranty shall be used on the roof of the equipment building.
- f) The A/C units of the equipment building shall not exceed the maximum dB levels as established in the Village's Code of Ordinances.
- g) That the centerline of the pole will be 121 foot maxim with a maximum height of 125 foot.
- h) The Petitioner will continue to cooperate with regard to co-location with regard to the power mount pole and/or the ComEd transmission tower.
- i) Use of downward facing lights on the equipment building.
- j) If the Commission feels that the co-location of an additional antenna is appropriate, conditions regarding how design of the site and future review should be considered. It is suggested that a maximum # of additional antennas be stipulated. Any proposed building shall be consistent with the design of the US Cellular structure. Access to any new antenna shall be through the US Cellular driveway. This SUP will have to be amended which will require reappearance before the Commission and Village Board.

2. To recommend that a finding be made stating that the Planning and Zoning Commission found it contrary to the intent to the Wireless Ordinance of the Vernon Hills to grant variances within residential areas for the erection of wireless telecommunications monopoles unless there was a significant mitigating circumstance to provide for such transmission facilitates in residential areas, which would include the co-location on an existing ComEd transmission structure.

Motion by Trustee Marquardt, second by Trustee Koch to direct staff to prepare the necessary ordinance with the above conditions and findings as recommended by the Planning and Zoning Commission. Roll call vote:

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

NAYS: 0-None

ABSENT: 1-Williams

Motion declared carried.

## 5. PROPOSED SMOKING BAN.

President Byrne referred to the NWMC Smoking Ban Survey Results. Manager Allison stated discussions had taken place with several communities and staff decided to discuss the matter before the Committee of the Whole prior to discussing the issue with the local businesses. Mr. Allison stated Deerfield had passed an ordinance, which required smokers to be 25 feet from an entrance. President Byrne inquired if the County could pass a smoking ban and was informed by the village attorney that the County could only cover unincorporated areas. Mr. Allison questioned the language in the definition of a "public place" in the public act. Trustee Koch stated time had come to discuss the smoking ban, but could not want to do a disservice to the businesses. Trustee Koch suggested surrounding communities should have matching ordinances. Trustee Schultz stated smoking ban surveys had been done in other states and business revenues had increased. Trustee Marquardt stated the businesses needed to be contacted for input. Trustee Hebda concurred in the inclusion of the businesses in the discussions. Additional information would be collected for discussion at the 3/07/2006 meeting.

Margie Stone, 531 Hermitage, Deerfield stated she had worked with Deerfield for a smoke-free ordinance. The ordinance also banned smoking at outdoor venues. Ms. Stone recommended using the term smoke-free versus smoking ban.

**6. SENIOR CITIZEN BUS TRANSPORTATION.**

Manager Allison stated he and Ed Laudenslager had met to discuss the limitations of the PACE Van the Village currently leases at \$3,240 per year. The van's limitation of transporting only 3 seniors at a time limits the number of seniors capable of attending events. A coach bus is rented for out of area trips several times during the year, and some seniors cannot access transportation to the Village Hall to use the coach bus. Trustee Schwartz inquired why the life expectancy on a smaller van was less and Mr. Laudenslager stated the lighter weight vans wouldn't last as long. Trustee Marquardt suggested a smaller van for 8-10 people and recommended adding a punch card program. Manager Allison recommended an ambulatory van the size of the Ford Econoline. Trustee Schultz recommended alternate funding for transportation. Trustee Hebda suggested a possible partnership with Hawthorn Lakes and The Park. Further discussion would be done March 7<sup>th</sup> during the budget meeting.

**7. CONSIDERATION OF PROPOSED ORDINANCE TO AMEND CHAPTER 14 OF THE VILLAGE CODE OF ORDINANCES AS IT RELATES TO GARAGE SALE PERMITS.**

Building Commissioner Gerth stated this amendment was discussed several meetings ago to eliminate the issuance of Garage Sale Permits. The recommendation was to do neighborhood-wide sales. A letter had been drafted to be sent to neighborhood association representatives once the proposed ordinance was approved. All other regulations regarding advertising of sales would remain the same. Any abuse to the regulation would be handled on a case by case basis. Motion by Trustee Schultz, second by Trustee Hebda to approve the proposed ordinance amending Chapter 14 of the Village Code relative to Garage Sale Permits. Roll call vote:

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

NAYS: 0-None

ABSENT: 1-Williams

Motion declared carried.

**8. ADJOURNMENT**

Motion by Trustee Hebda, second by Trustee to adjourn the Committee of the Whole to Closed Session for discussion of land acquisition-[Sec. 2(c)(5)] and personnel-[Sec. 2(c)(1)] as allowed under the Open Meetings Act. Roll call vote:

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

NAYS: 0-None

ABSENT: 1-Williams

Motion declared carried.

Meeting adjourned at 9:30 p.m.

---

Linda Pelletier, Deputy Village Clerk

---

Roger L. Byrne, Village President