

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

IN ATTENDANCE: President Byrne called the meeting to order at 7:45 p.m. The following Trustees were present: Hebda, Koch (arrived at 8:00 p.m.), Marquardt, Schultz and Schwartz. Trustee Williams was absent.

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

1. APPROVAL OF 2/21/2006 COMMITTEE OF THE WHOLE MINUTES AND 2/28/2006 SPECIAL COMMITTEE OF THE WHOLE MINUTES.

Motion by Trustee Schultz, second by Trustee Marquardt approval of the 2/21/2006 Committee of the Whole Minutes and 2/28/2006 Special Committee of the Whole Minutes. Roll call vote:

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

NAYS: 0-None

ABSENT: 2- Koch, Williams

Motion declared carried.

2. SMOKING BAN.

President Byrne gave an overview from a previously distributed memo and stated the smoking ban had been discussed at the 2/07/2006 Committee of the Whole. Manager Allison stated over 300 surveys had been sent out to licensed businesses in the Village with 50 businesses responding. Mr. Allison stated staff had met with Buffalo Grove, Lincolnshire and Libertyville and the municipalities were at different stages in their drafting of regulations. Mr. Allison stated he anticipated Buffalo Grove to have their draft finished sometime by the 1st of April. President Byrne stated it would be difficult to regulate smoking outdoors other than at a sporting event. Manager Allison went through the survey dated 3/03/2006 on how the businesses responded.

Resident Mike Arshovsky stated he had asthma and smoke impacted him when he would patronize a restaurant. He presented a petition of 350 signatures from the Vernon Hills High School supporting a smoking ban.

Margie Stone of Deerfield stated outdoor smoking was to be self enforced by law bidding citizens.

Resident Debbie Pozner stated she was a cancer survivor and worked as a therapist treating recovering patients. She had lived in San Francisco and found more people went to restaurants once the smoking ban was introduced in California.

Resident Jerri Cotton stated she supported a smoke free Vernon Hills and complimented the Committee on being proactive in the matter.

Resident Mark Pozner stated he was an oncologist and treated patients everyday from smoke exposure. He stated concerns for bartenders and waitresses working in a smoke environment.

Resident Jason Kozil stated he disliked working at an establishment where smoking was allowed. He stated concerns of smoking in the park areas where children are exposed to the smoke.

Dwight Houchins of the GLMV Chamber of Commerce stated he was a cancer survivor and was a supporter of the "Relay for Life" and the American Cancer Society. He stated he viewed the smoking as a business issue, which increases costs. Trustee Koch suggested getting commitments from other communities.

The Committee directed Counsel to begin drafting an ordinance pertaining to a smoking ban. "Public places" would have to be defined. Regulation of smoking in outdoor areas would be difficult to enforce. Manager Allison stated that Buffalo Grove Park District prohibits smoking.

Trustee Schultz recommended tobacco stores be required to have separate HVAC systems. He questioned the number of units in a hotel or nursing home could allow for smoking. Trustee Schultz added smoking should not be allowed in theatrical performances. He added no smoking be allowed within 25 feet of the entrance of a public building and referred to it as the "gold standard".

Enforcement of the smoking ban could be difficult. Trustee Koch had no problem regulating no smoking indoors, but didn't think it was necessary to regulate all outdoor areas. The Committee discussed whether the main entrance or all entrances should be no smoking and whether the distance should be 20 or 25 feet from the entrance. Village Counsel was directed to prepare the first draft by the first meeting in April. Trustee Schultz added Hawthorn School Dare Program students presented a petition for no smoking.

3. LAKEVIEW/GREGG'S LANDSCAPING REPORT.

Village Engineer Brown stated the Rolf Campbell design proposed in the FY2006-07 Capital Improvement budget in the amount of \$20,000 was shared with Gregg's Landing North HOA. The 5-foot sidewalk was included in our sidewalk program at an additional cost of \$6,000 and the plant material was to be donated by KB Home.

The Gregg's Landing North HOA had an alternate design of which they would be responsible for any upgrades. The upgrades included the import and placement of berms and reseeding of these areas; two additional benches; outcropping stone costs and replacement of any damages to public property. The HOA plan was less informal than the Rolf Campbell plan. Manager Allison added the maintenance could be shared with the HOA.

Don Kathan, the HOA President and Brian Fluno, landscape architect for the HOA were introduced to present the HOA plan. The fill was available at no charge and the HOA would be responsible for the grading costs. Mr. Fluno stated irrigation would need to be done more than once a month. The boulders to be installed would be quite large. The HOA recommended the first \$20,000 for the project should be paid by the Village. Mr. Brown stated the project could start in April, with the sidewalk to come later.

Trustee Schultz questioned the height of the berm at the intersection and was informed by Mr. Brown that the intersection had a clear line of site. The majority of the landscaping plantings had been moved back on the site. Consensus was to go ahead and bid out the project.

4. WHITE DEER RUN SIGNAGE.

Manager Allison introduced Dan Sheppard, representative for White Deer Run Golf Course. The proposed signage included upgraded architectural features and landscaping to their marketing signs. Trustee Schultz questioned how much revenue would be generated with the new signs and didn't see the need for signage on Butterfield Road. Trustee Schultz added the signage on Milwaukee Avenue was on undeveloped commercial property and would have to be removed when the property was developed. Trustee Schultz stated no information or directions were included on the Milwaukee signage. Mr. Sheppard stated any signage was beneficial for generating revenues.

President Byrne stated the Village had a long term partnership with the lessee of the golf course and would benefit the municipality. President Byrne stated he had no problem with signs. Trustee Hebda stated she was not in favor of the columns on the signage and would like to see the signage lowered with additional landscaping. Trustee Koch stated the signage was better. Building Commissioner Gerth stated he would work with Mr. Sheppard on the signage, draft an ordinance reflecting the height and landscaping.

Trustee Koch inquired of staff regarding other outstanding issues pertaining to the White Deer Run Golf Course. Manager Allison stated issues had not been resolved to date.

5. GYMBOREE LEARNING CENTER AT WESTFIELD HAWTHORN – PROGRAM INTRODUCTION.

Building Commissioner Gerth introduced Steven Sulkin, owner of the Gymboree Learning Center. Gymboree was relocating their existing facility from Mundelein to the Westfield Hawthorn Shopping Center May 1st. The Gymboree programming included "parent optional" classes and staff had determined the "parent optional" portion of the business would require a Special Use Permit. The lease at the current location was due to expire and the owner had requested permission to begin construction and open for business without offering the "parent optional" classes until a Special Use Permit was secured. Consensus of the Committee was to allow the Gymboree Learning Center to proceed with their plans.

6. DISCUSSION OF THE VILLAGE CODE OF ORDINANCE SECTION 9-7(A) AS IT RELATES TO THE STORING OF TRASH CONTAINERS ON RESIDENTIALLY ZONED PROPERTY.

Building Commissioner Gerth stated that Village residents had voiced concerns regarding their neighbor's storage of trash containers in public view. Mr. Gerth noted the Village's Code of Ordinance Section 9-7(a) stated trash containers shall be out of sight of the front entrance or entrances of the property by 7:00 p.m. on the day the trash was scheduled for picked-up and not placed curbside prior to 5:00 p.m. the day preceding the scheduled pick-up. Photographs were distributed to the Committee showing the violations in their packets. Mr. Gerth stated the trash containers detract from an aesthetically pleasing image of the Village and recommended trying to reduce the number of trash containers stored in front of dwellings. Staff could notify residents with information that trash containers should be placed indoors or outdoors, behind the garage or dwelling. If the residents chose to store trash containers on the side of the garage, some type of screening or enclosures must be placed. Trustee Hebda requested containers to be out of sight and garbage should not be placed at the curb prior to the 5:00 p.m. as required in the current ordinance. Manager Allison noted many garbage and recycling totes were visible from the front and was wide spread throughout the Village. Trustee Schwartz stated she had no problem with containers being stored at the side of building. Resident Mr. Goin, 10 Montgomery suggested the containers not be visible from the street. President Byrne suggested no containers be stored in front of the building or at the curb. Staff was directed to provide more information at a future meeting.

7. CONSIDERATION OF PROPOSED ORDINANCE TO AMEND SEVERAL SECTIONS OF THE VILLAGES' CODE OF ORDINANCES CHAPTER 19 - SIGN ORDINANCE.

Building Commissioner Gerth stated Sloan Enterprises had requested the Village Board to consider allowing a single-color electronic fuel price message component into the approved ground-mounted sign for the motor vehicle service center located on Milwaukee Avenue. The electronic component would replace the manually changeable numerals originally approved. The electronic fuel price message component appeared to be used component when service stations considered upgrading their signage. An ordinance amendment was proposed to allow all Village service stations similar upgrade opportunities. Trustee Koch questioned if the size of the signage would change as depicted in the photographs and Mr. Gerth stated the size would remain the same.

Mr. Gerth added other amendments were proposed to clarify development and construction sign size, temporary sign location and the number of different colors allowed on signs and logos. Motion by Trustee Hebda, second by Trustee Koch approval of the amendments to the Village's sign ordinance as presented. Roll call vote:

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

NAYS: 0-None

ABSENT: 2- Koch, Williams

Motion declared carried.

8. ADJOURNMENT

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

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

NAYS: 0-None

ABSENT: 1-Williams

Motion declared carried.

Meeting adjourned at 10:00 p.m.

Linda Pelletier, Deputy Village Clerk

Roger L. Byrne, Village President