

**Minutes  
Committee of the Whole Meeting  
Vernon Hills Village Board  
May 16, 2006**

IN ATTENDANCE: President Byrne called the meeting to order at 7:33p.m. The following Trustees were present: Hebda, Marquardt, Schultz, Schwartz, and Williams. Trustee Koch was absent.

ALSO IN ATTENDANCE: Manager Allison, Assistant Manager Kalmar, Finance Director Nakrin, Building Commissioner Gerth, Village Engineer Brown, Chief Fleischhauer, Public Works Director Laudenslager, and Attorney Citron

1. Approval of 5/02/2006 Committee of the Whole Minutes  
Motion by Trustee Schultz, second by Trustee Marquardt approval of 5/02/2006 Committee of the Whole Minutes. Roll call vote:  
AYES: 5-Marquardt, Schultz, Schwartz, Williams, Hebda  
NAYS:0-None  
ABSENT: 1-Koch  
Motion declared carried.

2. Smoke Free Vernon Hills.  
President Byrne asked Village Attorney Citron to comment on the most recent changes. Village Attorney Citron indicated he had a discussion with the Village Attorney of Skokie and noted some of the exceptions Skokie had in their ordinance. Trustee Schultz noted there were no exemptions in the current draft, except for the golf course. A discussion ensued regarding bowling alleys. Bowling alleys are still exempted as part of the state statutes. Village Attorney Citron will specifically review this item. Margie Stone from Deerfield confirmed that municipalities could not regulate bowling alleys; however, one legislative bill would allow for inclusion of bowling alleys within the definition of public place.

Trustee Marquardt indicated that it is important to take into account the concerns of business owners and the time, effort, and money put into their businesses. He noted, as an example, Lincolnshire allowing an exemption for smoking in areas having a separate HVAC system and installation of doors.

Trustee Schultz indicated that he was concerned with the approach that Lincolnshire had taken in regard to providing this exemption. He felt there should be no compromise in this area. He stated there is no heating, ventilation, or air conditioning standards that allow for smoke and carcinogen free air.

Trustee Schwartz indicated her disappointment with Lincolnshire's action and concern for business owners, like PhillyG's, being on the border of Lincolnshire, with their restaurants being able to close off an area that would allow smoking.

President Byrne indicated that at some point the state might provide a level playing field and asked about the inclusion in public places and for private clubs, such as the Forge Club. Village Attorney Citron stated that private clubs would fall under public places. Trustee Koch noted a lack of research in some areas in regard to smoking and definition of work place and public place. He felt one exemption that should be added, similar to what Lincolnshire did, was for legitimate theater using smoking as part of a play. Trustee Schultz noted that this had been previously discussed when it was noted that a comedian at Zanies might be smoking on stage, and how would this be different from a play. Trustee Koch indicated that the Lincolnshire exemption should be added and smoking should be permitted on stage in legitimate theater. He illustrated several examples. Further, he indicated the hardship for PhillyG's, as an example, and being cognizant of the rights of smokers.

Resident Maureen Wener stated her support of the smoking ban.

Trustee Koch indicated it was important to represent all the people's rights, balancing different party's interests.

Trustee Schwartz stated, relative to the Skokie ordinance, there did not seem to be many restaurants that could be eligible to secure a bar area for smoking, if that was the direction. Village Attorney Citron indicated Skokie's definition of a bar was a place where under 25% of the sales were food. Village Attorney Citron mentioned Slate Street where its competition in Buffalo Grove was also subject to the prohibition of Buffalo Grove's ordinance. Trustee Koch felt the bar within a restaurant exemption was not practical. Trustee Williams indicated ideally it would be preferable not to provide an ordinance to encourage people to quit smoking. She also noted the problem with the exemption granted by Lincolnshire.

President Byrne asked about a free standing structure outside an enclosed building and the ability to allow smoking in that structure. Currently, Village Attorney Citron stated smoking would be prohibited in a separate structure, but would be permissible to smoke in a gazebo, which was open and met the requirement of being 15 feet from an entrance of the enclosed public structure. Another exemption for indoors would be a smoke shop.

Trustee Schultz mentioned that one of the emails received indicated a 6.5% increase in restaurant sales in Highland Park, with Highland Park having a smoking prohibition and being immediately adjacent to Highwood, which does not have a smoking prohibition. Also Trustee Schultz read Michael Boodens' email.

President Byrne indicated that they did not want to create a situation where the Village has "smoke police."

Motion by Trustee Schultz, second by Trustee Koch, approval of the draft ordinance with the change of the exception for the theatrical use of smoking on stage and directed the Village Attorney Citron to place the ordinance on the agenda for the June 6, 2006 meeting. Further discussion indicated the ordinance would be effective on October 1, 2006. Roll call vote:

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

NAYS:0-None

ABSENT: 0-None

Motion declared carried.

3. Support of Highway Projects

During the month of May and June, it was noted there are meetings planned to take place in the County with the purpose of developing transportation improvement priorities. These meetings are scheduled beginning May 23 through June 13 with the closest meeting to Vernon Hills being at Trustmark Insurance in Lake Forest. Village Manager Allison noted an attached meeting agenda and previous resolutions and letters in regard to the Village's transportation priorities. Village President Byrne indicated a desire to maintain these priorities. Some of the Trustees wanted to make Route 45 the number one priority and there was concurrence to make Route 45 the Village's top priority.

4. Consideration of a Special Event Permit Application for C & M Auto located at 600 Lakeview Parkway for Saturday, June 17, 2006

Motion by Trustee Hebda, second by Trustee Schwartz approval of a Special Event Permit Application for C & M Auto located at 600 Lakeview Parkway for Saturday, June 17, 2006.

Roll call vote:

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

NAYS:0-None

ABSENT: 1-Koch

Motion declared carried.

5. Request form the Central Lake YMCA – Vernon Hills Branch located at 700 Lakeview Parkway to erect two, 30x40 foot tents adjacent to their building until August 20, 2006

Building Commissioner Gerth stated one of the issues was the placement of one of the tents in the front of the building. Previously, one tent located on the property was in the alcove area and this would be a departure from previous years. It was suggested that the second tent be placed to the rear of the building. The petitioner reviewed the concern they had with flooding, how they want children to congregate in this area, and during storm events, this would not be a good condition. Another option of placing the tent in the side yard between the YMCA building and Glacier was mentioned. The petitioner felt this was workable. They would have 150-160 children in two different age groups of first through sixth graders and sixth through ninth graders in the two separate tents; one tent in the alcove area and the other tent on the side yard.

Trustee Koch entered the meeting at 7:40p.m.

Trustee Schultz asked about their progress of raising funds for a gym, which would provide an alternative to the annual erection of tents. The petitioner indicated the first priority was to build a permanent patio space with an awning, which would provide the space benefits as the current tent for summer activities.

Motion by Trustee Schultz, second by Trustee Marquardt approval to allow one tent in the alcove area defined on the plan as part of the YMCA building and a second tent on the side yard of the YMCA building between the YMCA and Glacier Ice Arena, subject to approval of the Building Commissioner. Roll call vote:

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

NAYS:0-None

ABSENT: 0-None

Motion declared carried

6. ADJOURNMENT

Motion by Trustee Hebda, second by Trustee Schwartz to adjourn the Committee of the Whole and go to Closed Session to discuss land acquisition-[Sec.2(c)(5)]; litigation-[Sec.2(c)(11)]; personnel-[Sec. 2(c)(1)] as allowed under the Open Meetings Act. Roll call vote:

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

NAYS:0-None

ABSENT: 0-None

Motion declared carried

Meeting adjourned at 8:40 p.m.

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Michael S. Allison, Village Manager

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Roger L. Byrne, Village President