

**MINUTES  
COMMITTEE OF THE WHOLE MEETING  
VILLAGE OF VERNON HILLS  
JULY 5, 2006**

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, Deputy Police Chief Price, Public Works Director Laudenslager, Building Commissioner Gerth, Attorney Citron and Deputy Clerk Pelletier.

**1. APPROVAL OF 6/20/2006 COMMITTEE OF THE WHOLE MINUTES.**

Motion by Trustee Marquardt, second by Trustee Williams approval of the 6/20/2006 Committee of the Whole Meeting Minutes. Roll call vote:

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

**2. SUSAN G. KOMEN-BREAST CANCER 3-DAY EVENT-SEPTEMBER 5-8, 2006.**

Village Manager Allison stated the Breast Cancer 3-day Event, benefiting the Susan G. Komen Foundation and the National Philanthropic Trust would be held September 5-8, 2006. Staff and Mary Stiles, Sam's Club event planner had identified Kohl's and Sam's Club as the staging area for the event with 2,500 participants. The route would proceed through the Des Plaines River path. Motion by Trustee Schwartz, second by Trustee Marquardt approval to authorize the Village Manager to sign the notification and approval of event. Roll call vote:

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

**3. OPUS NORTH-PORT CLINTON PLACE-CONSIDERATION OF RECOMMENDATIONS FROM THE PLANNING & ZONING COMMISSION FOR VARIOUS FINAL APPROVALS FOR RESIDENTIAL PROJECT WITHIN THE TIF REDEVELOPMENT DISTRICT (CASE 05-05, OPUS NORTH PUD)**

Assistant Manager Kalmar stated Matt Nix from Opus North was in attendance and had appeared before the P&Z Commission on June 21, 2006 to formally present the plans for Town Center Residence Planned Unit Development (PUD) known as Port Clinton Place and requested the following approvals:

1. Final site and landscaping plans approval for a 179-unit development.
2. Final approval of the architectural elevations for the proposed townhomes and condominium buildings.
3. Preliminary and Final site improvement plans.
4. Final approval of Plat of Subdivision.
5. Approval of the Temporary Sales Trailer.

Matt Nix had presented plans for the sales trailer and had expectations of opening the sales trailer in September, 2006.

The following actions were recommended by the Planning and Zoning Commission.

- A. The Commission voted 4-1 to recommend approval of the final site and landscaping plans for the 179 unit development, subject to the above noted conditions. Commissioner Heidner stated the development was too dense for this site.
- B. The Commission voted 5-0 to recommend approval of the final architectural elevations for the proposed townhome and condominium units, subject to the previously stated conditions.
- C. The Commission voted 5-0 to recommend approval of the preliminary final site improvement, subject to the previously stated conditions.
- D. The Commission voted 5-0 to recommend approval of the final Plat of Subdivision, subject to the previously stated conditions.
- E. The Commission voted 5-0 to recommend approval of the temporary sales trailer, subject to the previously stated conditions.

The motions were subject to the following conditions:

1. General Compliance with the following plans:
  - Preliminary Engineering, Site, Grading and Utility Plans prepared by Manhard Consulting Ltd. consisting 15 pages with a revision date of May 15, 2006.
  - Front, Side and Rear Elevations for the Condominium Building prepared for Opus consisting 3 pages undated with a date of June 2, 2006.
  - Front, Side and Rear Elevations for the 3 and 8 Unit Townhome buildings prepared by Bloodgood Sharp Buster consisting 4 pages with a date of March 9, 2006.
  - Final Plat of Town Center Residences prepared by Manhard Consulting Ltd. consisting 3 pages with a date of May 16, 2006.
  - Landscape Plan prepared by Brickman consisting 2 pages with a revision date of May 2, 2006.
  - Sales Trailer Location Exhibit prepared by Manhard Consulting Ltd. consisting 1 page with a date of June 16, 2006 and undated Sales Trailer elevations from Burr Ridge Village Center consisting of 2 pages of photos.
  - Color/Material Selections for Townhomes and Condominiums prepared by BSB Architects and Planners and dated May 3, 2006 and consisting of 2 pages.
  - Preliminary Color Selections of brick colors and cast stone accents for the Townhomes and Condominiums dated May 5, 2006 and consisting of 4 pages.
2. Final approvals of all plans by the Village Engineer and Landscape Architect.
3. Compliance with the conditions as recommended by the Planning and Zoning Commission and Village Board's Committee of the Whole on April 4, 2006.
4. Review and approval of the homeowner's association documents and the disclosure letter by the Village Attorney prior to final approval by the Village Board.

5. Review and approval by the Village landscape Architect of a detailed landscaping plan for the temporary sales trailer.
6. The petitioner would submit a lighting plan for the trailer that would comply to all ordinances and standards of the Village.
7. The Sales Trailer would be permitted to operate on the site a maximum of 18 months from the date of issuance of a certificate of occupancy. The petitioner could request an extension of time to allow further operation of the trailer and the extension would be considered by the Village Board.
8. The hours of operation for the Sales Trailer would be 10 a.m. to 7 p.m.
9. Access to the Sales Trailer from Route 45 would be reviewed and approved by the Village Engineer prior to issuance of a building permit for the trailer.
10. Staff would review the need for the guardrail versus the use of taller barrier curbs or berms. If a guardrail was deemed necessary, the developer would provide an earth-tone color guardrail with landscape screening. The landscape screening to the guardrail, if necessary, would be subject to staff approval.
11. Compliance with all ordinances and standards of the Village except as otherwise provided.
12. Staff approval of the 4 and 5 unit buildings being substantially similar with noted material differences from the 3 and 8 unit building. If there were significant differences as determined by staff, the petitioner would need to return to the Commission for approval.
13. Staff approval of the landscape plan for the sales trailer.
14. Modification of the top middle band on the condominium building to a lighter color shade would be needed to increase the contrast.
15. Subject to the provisions of the photo-metric plan that would a) add the additional garage lights at the building ends and rear of the townhomes b) would ensure the neighborhood lighting on the side of the condo buildings as well as the rear of the townhome buildings and the rear parking access to the condominium buildings.
16. Continued work with staff regarding the interconnection to the Half Day Partners development.

The developer would need to reappear before the Commission and Board to present details on the monument and related signage for the development, exterior lighting for the buildings, courtyard lighting for the internal parking lots, and railing and bench details for the overlook on the pond. Opus was to return to the Commission on July 26, 2006 for consideration of these items. The signage and lighting would require an amendment to the approval ordinance and development permit.

Trustee Koch stated he had received positive comments on the development. Trustee Schwartz inquired if a bike path was proposed. Mr. Kalmar stated the site was tight, but paths would be available along the Port Clinton Road. Trustee Schultz requested the plans to be posted on the cable access channel and on the Village's website. Motion by Trustee Williams, second by Trustee Marquardt approval to direct staff to prepare the necessary ordinances granting approval of the proposed PUD, special use permit and related rezoning of the property, subject to the conditions listed above and draft a development permit similar to the agreements used in Gregg's Landing to be attached to the ordinance. Roll call vote:

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

4. **CONSIDERATION OF REVISED LANDSCAPE PLAN FOR HSBC BUILDING ADDITION LOCATED AT 475 CORPORATE WOODS PARKWAY.**

Building Commissioner Gerth stated late last year staff issued a *Stop Work Order* on the project after it was noticed the landscaping materials being installed were not on the approved landscape plan. Architect Timothy Morgan had submitted a revised landscape plan that staff had reviewed and endorsed. The guard building had been eliminated. Motion by Trustee Schwartz, second by Trustee Koch approval of the revised landscape plan prepared by D. T. Donohue and Assoc. Ltd. dated 4/03/2006 for HSBC building addition, located at 475 Corporate Woods Parkway. Roll call vote:

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

5. **REQUEST FOR A TWO-YEAR TEMPORARY DEVELOPMENT MARKETING SIGN TIME EXTENSION – RIVER’S EDGE CONDOMINIUMS LOCATED ON MILWAUKEE AVENUE.**

Building Commissioner Gerth stated Weiss Development had submitted a letter dated 6/22/2006 requesting a two-year extension for the temporary marketing sign originally approved in conjunction with the River’s Edge Condominiums PUD. Mr. Jerry Weiss had indicated the extension was needed since Building-1 was behind schedule and still under construction. The construction of Building-2 was not anticipated to begin until Spring 2007. The location of the existing sign would stay the same. Motion by Trustee Schultz, second by Trustee Hebda approval of request by River’s Edge Condominiums for a two-year extension on their temporary development marketing sign, located on Milwaukee Avenue until July 15, 2008. Roll call vote:

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

6. **ORDINANCE REGULATING SMOKING IN PUBLIC PLACES.**

Manager Allison stated direction was needed on the issue of private offices, bowling alleys and bars/taverns. The question as to whether a gazebo could be used for outdoor smoking was discussed. Consensus was as long as it was open it could serve as an accessory structure. Interpretation of what was an open accessory structure was not defined. Trustee Schwartz inquired if a roll up awning could be permissible. Village counsel’s interpretation of the gazebo would be for smoking only. There would be no food or beverages served to patrons by wait staff in the gazebo. The bowling alley exemption could be challenged in the future. Jude Le Bourhis, Forge Club manager requested if an exemption for a private room would be permitted as Lincolnshire had allowed in their ordinance and was informed the current draft of the ordinance did not provide for separate smoking indoor areas.

Mr. Allison added the Surgeon General had released a report on the dangers of second hand smoke the previous week. Trustee Schultz stated he had no problem with an open gazebo for smoking out of doors. Trustee Marquardt stated the ordinance could stand as it had been drafted with later amendments if needed. President Byrne stated businesses would need to be notified of the change in smoking regulations. Trustee Schwartz inquired if a state smoking ban was passed, how would it effect the municipal ordinance and was informed the state ban would pre-empted the municipal rules and language. Trustees Marquardt and Schwartz recommended bowling alleys be included in the smoking ban. Trustee Schultz recommended designated seating for smokers/non-smokers in open air dining, fifteen feet from the entrance. Village counsel was directed to draft additional language to the ordinance for discussion at the 7/18/2006 Board meeting.

**7. 2006-07 SNOW REMOVAL CONTRACT REVIEW.**

Public Works Director Laudenslager stated a proposed contract had been submitted from James Martin Associates for snow and ice control operation for the 2006/07 season. Mr. Laudenslager referred to his memo dated June 23, 2006 regarding the review of staffing and equipment issues. Trustee Schultz inquired about the need for stockpiling salt at various locations and Mr. Laudenslager stated it cut down on travel time to the various areas of town to begin salting of streets. Trustee Koch stated concerns regarding runoff from the stockpiled salt as at Hawthorn School. The Committee directed Mr. Laudenslager to prepare the necessary resolution for approval of a soul source contract with James Martin Associates for the 2006/07 snow removal season.

**8. CONSIDERATION OF A SPECIAL EVENT PERMIT APPLICATION FOR SAM'S CLUB LOCATED AT 335 N. MILWAUKEE AVENUE FOR JULY 28, 29, 30.**

Building Commissioner Gerth stated Mary Seitz, Sam's Club events coordinator had submitted a request for permission to host a charity cookout for the Children's Miracle Network on July 28, 29, & 30. Ms. Seitz had requested permission for Paradise Patio Sunrooms to display products in a portion of the parking lot. The Village to date does not authorized retail merchants to facilitate events in off-street parking areas that included the display of merchandise. Mr. Gerth added there seemed to be an interest toward charitable organizations to hold fundraising events in off-street parking area of the business Motion by Trustee Hebda, second by Trustee Schwartz approval of a special event permit for Sam's Club located at 335 N. Milwaukee Ave. for the Children's Miracle Network Cookout to be held for three days, July 28-30, 2006. Roll cal vote:

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

**9. REVIEW OF VILLAGE POLICY REGARDING RETAIL MERCHANTS HOLDING SPECIAL EVENTS/PROMOTIONS IN PARKING LOTS.**

Building Commissioner Gerth stated local merchants had expressed interest in facilitating outdoors fund-raising events for charitable organizations. The merchants would like to display merchandise as a way to increase customer traffic while supporting a worthwhile cause. Trustee Koch had concerns on how to regulate the events. Village counsel recommended the charity would have to be registered through the State as a 501(c)(3) charitable organization. The operating standards should include the number of special events allow per year, per business, the maximum number and location of parking spaces available for the promotion and temporary signage. The Sam's Club Special Event would serve as a sample event. Staff was directed to oversee the Children's Miracle Network Cookout at Sam's Club and prepare a draft ordinance to be reviewed by the Committee at a future date regarding the Village's policy and procedures to allow retail merchants to hold special events and promotions in parking lots.

**10. VILLAGE CLERK REFERENDUM.**

Village Manager Allison referred to his memo dated June 13, 2006 regarding creating an appointed Village Clerk's position by the Mayor versus an elected Village Clerk's position question for the November ballot. Motion by Trustee Schultz, second by Trustee Schwartz approval to direct the Village Attorney to draft a ballot question to create an appointed Village Clerk as outlined.

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

11. **ADJOURNMENT.**

Motion by Trustee Williams, second by Trustee Hebda to adjourn the Committee of the Whole Meeting and go 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: 6-Koch, Marquardt, Schultz, Schwartz, Williams, Hebda

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

Meeting adjourned at 8:55 p.m.

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Linda Pelletier, Deputy Village Clerk

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Roger L. Byrne, Village President