

**MINUTES
COMMITTEE OF THE WHOLE MEETING
VILLAGE OF VERNON HILLS
OCTOBER 3, 2006**

IN ATTENDANCE: President Byrne called the meeting to order at 7:58 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, Village Engineer Brown, Public Works Director Laudenslager, Building Commissioner Gerth, Attorney Citron and Deputy Clerk Pelletier.

1. APPROVAL OF 9/19/2006 COMMITTEE OF THE WHOLE MINUTES.

Motion by Trustee Koch, second by Trustee Hebda approval of the 9/19/2006 Committee of the Whole Meeting Minutes. Roll call vote:

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

2. CONSIDERATION OF REPORT AND RECOMMENDATION FROM THE PLANNING & ZONING COMMISSION REGARDING THE PROPOSED APPLE ORCHARD SHOPPING CENTER.

President Byrne stated the petitioner, John Zizzo, representing DeMonte Builders and Brett Duffy of Spaceco Engineering appeared before the Planning and Zoning Commission on 7/26/2006 requesting approval of a Special Use Permit to allow for of a multi-tenant commercial building for general retail sales and approval of the final plat of subdivision, final site landscaping and architecture for a proposed building location at 1315 Apple Orchard Lane, south of Ernie's Shell on the east side of Milwaukee Avenue. The P&Z Commission voted 6-0 to deny approval, since the petitioner failed to meet the conditions as setforth in the Zoning Ordinance, Section 18.3 Standards.

Assistant Village Manager Kalmar stated the petitioner had since addressed lighting issues and a conservatory easement to preserve the area to the south next to Lincolnshire. Mr. Kalmar stated the concerns had to do with the uncertainty of the users of the building. Mr. Kalmar stated Louis Brydges Jr., attorney for the nearby residents, had prepared a video if the Committee so chose to view it. Mr. Kalmar stated the site was difficult to develop due to the alignment to other developments. The egress would need to be addressed.

Trustee Schultz inquired if another use for the site, such as a medical facility would be better and Mr. Kalmar stated the parking would be a problem. The site had limited retail use and the best would be more service oriented. The intersection would not meet state requirements for signalization. Trustee Hebda was not in favor of the plan. Trustee Koch could not support overturning the P&Z recommendation to deny approval.

Mr. Kalmar stated there were three options the Committee could take. One, would be to direct staff to prepare the necessary documents for approvals subject to P&Z Commission's conditions; two, would be to accept the recommendation of the P&Z Commission and deny the approvals; and three, would be to have the petitioner return to P&Z with addition information on their plans.

Trustee Schultz stated the plan was too nebulous. Mr. Zizzo stated twelve items had been addressed and the kiosk signage had been withdrawn. Mr. Zizzo added letters of intent had been received by a graphic facility and carpet facility to occupy 2/3 of the building. Mr. Zizzo stated it was not in the best interest to rent out the entire building at this time, due to the final cost of development. Trustee Schwartz inquired how many large delivery trucks would be accessing the site for deliveries due to the limited size of the parking area, with no rear access. Trustee Schwartz requested a change in the architecture of the building. Mr. Kalmar recommended the developer to meet with Trustees Hebda and Koch to address the architecture concerns. Village counsel recommended a fourth option, which would be to table the discussion to review space changes and bring back to Committee of the Whole at a future meeting, which the Committee agreed to.

3. CONSIDERATION OF AN AMENDMENT TO VILLAGE OF VERNON HILLS CODE OF ORDINANCES CHAPTER 26 – SMOKE FREE AIR REGULATIONS SECTION 26-007(9) RELATING TO THE DESIGN CRITERIA FOR OUTDOOR COVERED SHELTERS WHERE SMOKING IS NOT REGULATED.

Building Commissioner Gerth stated Charles Baum, Director of Administration for Mitsubishi Electric, 500 Corporate Woods Parkway, had submitted a request for permission to install three (3) pre-fabricated "Smoking Shelters", similar in design to bus stops shelters. Mr. Gerth provided photographs of similar shelters, which had clear plastic sides that were elevated twelve to sixteen inches off the ground, had a permanently-mounted bench, and 36 inch wide opening for ingress and egress. Mitsubishi also requested installation of one of the shelters to be against the building, which would have one or two sides of the shelter fully enclosed by the building. Heating of the shelter was also discussed. The shelters would have to be installed no closer than 15 feet of any door as was intended in the ordinance. Trustee Koch was in favor of the compromise, but had concerns if the State passed legislation, it may be more restrictive. Trustee Schultz was in favor of the shelter and questioned the cost of such structures. Trustee Williams commended Mr. Baum and his staff on the compromise to benefit his employees to be able to smoke in an outdoor area. The Committee also discussed the accommodation of a smoking area for the Vernon Hills Golf Course. Motion by Trustee Hebda, second by Trustee Williams to direct staff to prepare the necessary ordinance amendment to allow the use of freestanding and partially enclosed pre-fabricated "Smoking Shelters for the next Committee of the Whole meeting for further discussion. Roll call vote:

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

4. VERNON HILLS PARK DISTRICT – VHAC INTERGOVERNMENTAL AGREEMENT.

President Byrne stated the Village of Vernon Hills and Park District liaisons met on 9/26/06 to discuss the renewal of the VHAC Intergovernmental Agreement. The discussion entailed the control of scheduling of the ball fields and the use by outside interests. The liaison committee concurred the residents should have first choice and schedules were to be posted by the Park District and the Village's staff to be notified of the schedules. The 51% of Village resident participation fee schedule would stay the same. Staff was directed to draft the necessary agreement for renewal of the agreement and bring back for final approval at a later date. The Park District Board would have to review and approve of said agreement.

5. **MAY 2007 SOCCER TOURNAMENT.**

Also discussed at the Village/Park Liaison meeting was a proposal for a soccer tournament in May, 2007 at the VHAC site coordinated by Buffalo Grove United Soccer Club, which a number of the participants were Vernon Hills' residents. President Byrne inquired if there was a conflict and Manager Allison stated there was none. The Committee decided the out of resident fee should be charged if 51% of the tournament participants were not Village residents. The additional income would off-set expenditures for the tournament.

6. **ADJOURNMENT.**

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

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

Meeting adjourned at 9:07 p.m.

Linda Pelletier, Deputy Village Clerk

Roger L. Byrne, Village President