

**MINUTES
COMMITTEE OF THE WHOLE MEETING
VILLAGE OF VERNON HILLS
JANUARY 9, 2018**

President Byrne called the meeting to order at 7:15p.m.

IN ATTENDANCE: President Byrne and Trustees Koch, Hebda, Marquardt, Oppenheim, Schultz, and Takaoka. A quorum was established.

Also present were: Village Manager Kalmar, Assistant Village Manager Carey, Building Commissioner Atkinson, Deputy Chief Zimmerman, Public Works Director Brown, Finance Director Larson, Assistant to the Finance Director Bourdeau, Attorney Brankin, and Recording Secretary DeAnda.

**1. APPROVAL OF SPECIAL COMMITTEE OF THE WHOLE MEETING MINUTES OF
DECEMBER 12, 2017**

Motion by Trustee Schultz, second by Trustee Hebda, to approve Special Committee of the Whole Minutes for the December 12, 2017 meeting.

Roll call vote:

AYES: 5 – Oppenheim, Koch, Hebda, Schultz, Takaoka

NAYS: 0 – None

ABSTAIN: 1 - Marquardt

ABSENT AND NOT VOTING: 0 - None

Motion carried.

**2. NIRVANA WINE & GRILLERIE– CONCEPT PRESENTATION AND CONSIDERATION
OF A TEXT AMENDMENT TO THE LIQUOR AND LICENSING CODE, ALLOWING THE
ONLINE SALE OF WINE (BC ATKINSON)**

Background

BC Atkinson stated Daniel Caldwell representing Nirvana Wine & Grillerie requested an amendment to the Liquor and Licensing Code to allow the sale of wine via the internet. Wine would be purchased from Nirvana’s website and shipped directly to customer by way of UPS or FedEx. Deliveries would require a signature from the recipient and would be made only to individuals that are 21 years of age or older.

A summary of his business plan was attached to the packet.

The Vernon Hills Liquor & Licensing Code establishes a Class “L” Liquor license, authorizing the online sale of wine, not for consumption on premise; however this classification was created to serve an office/warehouse use. A restaurant use, including Nirvana’s proposal would not comply with conditions set forth for this type of License. An amendment creating a new liquor classification and associated fees would therefore be required authorizing the online sales of wine for restaurants. Staff is recommending that a similar amendment be made that would authorize the online sale of wine for retail stores.

Proposed Amendments

Amend Chapter 3, Section 3-12 of the Village of Vernon Hills Code of Ordinances by addition of new section, 3-12(15) creating Liquor License Classification “O” to read as follows:

3-12(12) Class “O” License: A class “O” license shall authorize the online sale of wine from a restaurant or retail establishment, not for consumption on the premises. Class “O” licenses shall be subject to the following conditions and limitations.

1. The license shall apply only to business establishments having a Class "A"; Class "B"; Class "D"; or Class "E" Liquor License as authorized by the Vernon Hills Liquor and Licensing Commission.

As a point of reference, A and B licenses are for full liquor consumption on (A) and off (B) premise.

D and E licenses are for beer and wine consumption on (D) and off (E) premise.

2. Hours of operation shall be in accordance with Section 3-23 of the Liquor and Licensing Code.
3. Delivery shall require a signature by the recipient and shall be made only to individuals who are 21 years of age or older.
4. The business owners and managers shall be subject to criminal background checks and shall comply with the license restrictions set forth in section 3-7 of the Liquor and Licensing Code.
5. Not more than one (1) class "O" licenses shall be issued at any one time in the Village.

Amend Chapter 25, Section 25-3 of the Village of Vernon Hills Code of Ordinances by addition of the following fee for a class "O" Liquor License to read as follows:

25-3. Fee required: Class "O" Liquor License fees shall be \$300 for new license applications and \$1,000 for the annual license fee.

Motion by Trustee Marquardt, second by Trustee Koch, to direct staff to prepare an ordinance amending the Liquor & Licensing Code as described herein and as otherwise directed by the Board.

Roll call vote:

AYES: 6 – Oppenheim, Koch, Hebda, Schultz, Takaoka, Marquardt

NAYS: 0 – None

ABSENT AND NOT VOTING: 0 - None

Motion carried.

3. UPDATE – SB 1451 - SMALL WIRELESS FACILITIES DEPLOYMENT ACT (BC ATKINSON)

BC Atkinson stated, as the Board is aware, a pending bill in the State Legislation would allow small wireless facilities in a public right of way. SB 1451, otherwise known as "The Small Wireless Facilities Deployment Act" would limit a municipality's authority to regulate small cell sites in a right of way. Small wireless facilities would be classified as permitted uses and not subject to zoning review and approval. They could be mounted on existing utility poles, street lights (That are not decorative), traffic signals or on a new pole installed in the public right of way.

The Act, sponsored by Senator Link, was originally introduced to the State legislature in February 2017. Several municipalities, including ours, raised concerns about the lack of local authority to enact reasonable zoning regulations controlling height, location, size and the like. In response to these concerns, the Illinois Municipal League (IML) offered draft language for consideration during negotiations with industry representatives and sponsors of the bill. The amended bill, which included several but not all of IML's recommendations, passed the House and Senate and is currently on

“legislative hold” after a motion to reconsider was filed by Senator Cullerton. Key points of the bill include:

- Permit Application: \$1000 for installing a new pole; \$650 for a single collocation application; \$350 for each application that is batched in groups of 2-25 that will be collocated on existing poles; 120 days to approve or deny collocation on a new utility pole.
- Term: 5 year minimum duration of permits.
- Size and Placement: Maximum cumulative size of all equipment to 25 cubic feet, must be attached directly to a utility pole; signage not permitted; distance from a proposed new utility pole that an authority may propose that an applicant collocate on an existing pole is 100 feet; Right to remove abandoned small wireless facilities.
- Height limitations: Can be no greater than 10 feet above the top of an existing pole; or for new poles, no greater than the tallest of (i) 45 feet above grade, or (ii) The height of an existing utility pole within 200 feet. The right to request a variation is required as part of height restrictions.
- Permit Process: All critical information about equipment must be provided as part of the application process, including all equipment type and model numbers, product literature. If mounted on a street light, structural engineering analysis is also required.
- Local Government Control: Local governments can determine whether an authority-owned pole can accommodate both public safety use and wireless placement, with public safety use taking precedent.
- Frequency Regulation: Equipment must not cause unacceptable interference with public safety communications. Wireless provider must take all reasonable steps to eliminate interference, at their expense

As outlined above, the Bill allows for certain local controls; however municipalities would have to enact an Ordinance establishing these controls in accordance with the Act.

BC Atkinson stated staff is currently drafting this Ordinance to amend Section 4.13 of the Zoning Ordinance. Once the work is completed, a public hearing will be scheduled before the Planning & Zoning Commission to consider the amendments to the Zoning Ordinance. This will put us in position to quickly forward P&Z’s recommendation to the Village Board for final review and approval once the bill is signed by the governor.

4. ADJOURNMENT

Motion by Trustee Schultz, second by Trustee Hebda, to adjourn the Committee of the Whole.

Roll call vote:

AYES: 6 – Koch, Hebda, Marquardt, Oppenheim, Schultz, Takaoka


NAYS: 0 - None

ABSENT AND NOT VOTING: 0 - None

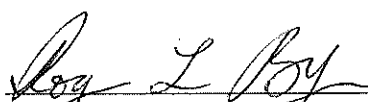
Motion carried.

Meeting adjourned 7:35p.m.

Approved this 23rd day of January 2018



John M. Kalmar, Village Clerk



Roger L. Byrne, President