

**MINUTES
COMMITTEE OF THE WHOLE MEETING
VILLAGE OF VERNON HILLS
JUNE 20, 2019**

President Byrne called the meeting to order at 8:15 p.m.

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

Also present were: Village Manager Fleischhauer, Assistant Village Manager Petrillo, Finance Director Fairbairn, Intern Takaoka, Chief Kreis, Director of Community Development Atkinson, Attorney Hunt and Recording Secretary Fischbach.

1. APPROVAL OF COMMITTEE OF THE WHOLE MEETING MINUTES OF JUNE 4, 2019

Motion by Trustee Schultz second by Trustee Marquardt to approve Committee of the Whole Minutes for the June 4, 2019 meeting.

Roll call vote:

AYES: 7–Brown, Schultz, Koch, Oppenheim, Marquardt, Byrne, Takaoka

NAYS: 0 – None

ABSENT AND NOT VOTING: 0 - None

Motion carried.

2. REQUEST FROM BROOKDALE SENIOR LIVING FOR APPROVAL OF FAÇADE RENOVATIONS, SITE PLAN AND LANDSCAPE REVISIONS AT 145 N MILWAUKEE AVENUE

Representatives of Brookdale Senior Living appeared before the COW to request approval of facade renovations, site plan and landscape revisions to the building and site at 145 N. Milwaukee Avenue. This primary scope is mostly interior renovation to accommodate expanded memory care services, but will also include an addition located at the inside corner of the assisted living wing (Building ‘B’ on the attached site plan).

The new 2-story addition (approximately 1,000 sf), will include expanded dining room space on the first floor and a screened porch on the second floor. The first floor will have direct access to a new secured memory care courtyard. This new courtyard will have an 8’-0” tall wood fence, concrete sidewalks, landscaping and outdoor furniture. The exterior construction will consist of an EIFS cladding system on metal stud walls and steel framing. The new exterior walls will be designed to accentuate existing building features by use of color, pattern, and varying wall thickness windows and doors at the first floor dining room will be aluminum storefront to match the existing building.

Please note, as a condition of approval Brookdale Senior Living has agreed to restore and upgrade the landscaping and repair the parking/walking surfaces in accordance with Village requirements.

1. Compliance with the color renderings and elevation drawings prepared by ESA Architecture, dated June 10, 2019.
2. Compliance with the site plan prepared by Ingram Civil Engineering Group, dated May 9, 2019, subject to review and approval by the Village Engineering Technician.

3. Compliance with the landscape plan prepared by Grunk Engineering, dated May 9, 2019, subject to review and approval by the Village Landscape Technician.
4. Existing landscaping shall be restored and/or upgraded in compliance with Village requirements, subject to inspection by the Village Landscape Technician.
5. Sidewalks, curbs, pavement and striping shall be repaired in accordance with village requirements, subject inspection by the Village Engineering Technician.
6. The fence material is subject to review and approval by the Director of Community Development prior to installation.

President Byrne asked if there was EFIS (dryvit) on the façade and was concerned about mold. DCD Atkinson indicated that it was within Code and the product has been improved with an appropriate drainage system to prevent mold.

Motion by Trustee Oppenheim second by Trustee Takaoka directing staff to prepare an Ordinance approving the changes subject to the above conditions.

Roll call vote:

AYES: 3 - Koch, Oppenheim, Takaoka

NAYS: 3 – Byrne, Marquardt, Brown

PRESENT: 1 - Schultz

ABSENT AND NOT VOTING: 0 - None

Motion failed.

3. REQUEST FROM JAMESON'S CHARHOUSE FOR APPROVAL OF FAÇADE RENOVATIONS AND SITE PLAN REVISIONS AT 151 E. TOWNLINE ROAD

Spiro Angelos of Jameson's Charhouse appeared before the COW to request approval of facade renovations and site plan revisions to the building and site at 151 East Townline Road. The new restaurant would be located in the building formerly occupied by TGI Fridays. The size of the building would remain the same; however, they are proposing a complete renovation of the exterior façade, including a new outdoor patio that would be located on the west side of the building.

The front (north) façade would be updated with new wall finish materials to include decorative stone and brick. Fabric awnings would be located over the windows and a metal canopy over the main entrance. The existing split face block at the base of the building would be painted. The side and rear facades would include a combination of stone, brick and EIFS cladding. The existing garbage enclosure would be repaired and painted to match the building. A sample board identifying the building materials and colors was available at the meeting for review. The new outdoor patio will include a metal fence with a decorative wood cap that would extend around the entire perimeter. Although not shown, the applicant has been made aware that a self-closing, self-latching gate is required.

Please note, as a condition of approval Jameson's Charhouse has agreed to restore and upgrade the landscaping and repair the parking/walking surfaces in accordance with Village requirements.

If the COW feels that the façade renovation and site plan revisions are appropriate, staff should be directed to prepare an Ordinance approving the changes subject to the following.

1. Compliance with the color renderings and elevation drawings prepared by DXU Architecture, dated June 7, 2019.
2. Compliance with the site plan prepared by DXU Architects, dated June 7, 2019, subject to review and approval by the Village Engineering Technician.
3. Existing landscaping shall be restored and/or upgraded in compliance with Village requirements, subject to inspection by the Village Landscape Technician.
4. Sidewalks, curbs, pavement and striping shall be repaired in accordance with Village requirements, subject inspection by the Village Engineering Technician.

Motion by Trustee Koch, second by Trustee Marquardt, directing staff to prepare an Ordinance approving the changes subject to the above conditions.

Roll call vote:

AYES: 7 - Koch, Oppenheim, Takaoka, Byrne, Marquardt, Brown, Schultz

NAYS: 0 - None

ABSTAIN: 0 - None

ABSENT AND NOT VOTING: 0 - None

Motion carried.

4. CONSIDERATION OF AN AMENDMENT TO ORDINANCE 2018-062, REGULATING THE PLACEMENT OF SMALL WIRELESS FACILITIES IN THE VILLAGE

Background:

The use of small wireless facilities supports digital data connections for smart phones, tablets and other devices that have placed a growing demand on the cellular network. These facilities are utilized to eliminate “dead” zones where service is limited or non-existent due to physical or other constraints, or to specific areas where the demand for cellular service exceeds data capacity, particularly during peak hours. These small cell antenna devices can be self-supported or mounted to existing buildings and structures such as utility and light poles.

CDD Atkinson stated, as the Board is aware, last year Illinois approved legislation known as the “Small Wireless Facilities Deployment Act” (SB 1451). The Act allows small wireless facilities in a public right of way and greatly limits a municipality’s authority to regulate their installation. Small wireless facilities are classified as permitted uses and are not subject to zoning review or board approval. They can 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 Bill allows for certain local controls provided that municipalities enact an Ordinance establishing these controls in accordance with the Act.

Just prior to the effective date of SB 1451, the Village Board, at its meeting on April 17, 2018, approved Ordinance 2018-062 establishing new regulations for small wireless facilities. The new regulations permit small wireless facilities in commercial zoning districts and on publicly owned land (subject to certain regulations), but requires Board approval for those facilities located in a residential zoning district. At that time, the Village was aware of a pending House Bill (HB 1187) that would amend SB 1451 by granting an

exemption to municipalities having an ordinance in place prior to SB 1451 becoming law. The exemption would allow a Village to require zoning or Board approval for installations in a residential zoning district. This created a small window of opportunity for the Village to pass regulations without preemption by the State. Unfortunately, HB 1187, amending SB 1451 was not passed and subsequently not made part of the Illinois "Small Wireless Deployment Act." The Village is now obligated to amend Ordinance 2018-062 by permitting small wireless facilities in residential zoning districts. The Village can retain certain local controls in accordance with State Law.

Draft amendment:

Chapter 27, of the Village of Vernon Hills Code of Ordinances titled, "Small Wireless Facilities" is hereby amended to read as follows:

- Amend Article 27, Section 27-1, "Definitions" by adding a new definition, "Camouflage" to read as follows:
"Camouflage shall mean to conceal to the maximum extent possible Small Cell Wireless equipment, antennas and infrastructure in the following ways:
 1. By using colors which blend, hide, mask or conceal the equipment;
 2. By utilizing antennas and equipment made to look like trees, steeples, cupolas or other similar objects as appropriate given the character and uses in the surrounding area;
 3. By placing equipment in locations designed to conceal its existences such as placing antennas behind a roof parapet, by placing ground equipment in a vault or by landscaping to create a visual buffer."
- Amend Article 27, Section 27-2 by deleting this section in its entirety and to remain as "Reserved" to read as follows:

"27-2 (Reserved) Standards and Regulations – Residential Zoning Districts

Unless otherwise approved by the Village Board of Trustees, Small Wireless Facilities shall not be placed in residential zoning districts, including but not limited to R-1, R-2, R-3, R-3A, R-4, R-5, R-5A, R-6 and R-7 districts."

- Amend Article 27, Section 27-3, "Standards and Regulations – Public Rights of Way" by addition of new residential zoning classifications to read as follows:

27-3 Standards and Regulations – Public Rights of Way

Small Wireless Facilities are permitted to be placed in a public right-of-way within R-1, R-2, R-3, R-3A, R-4, R-5, R-5A, R-6, R-7, B-1, BP and OR&D, PIB or COS-1 zoning districts subject to compliance with the Illinois Small Wireless Facilities Deployment Act and in compliance with the following requirements:

- Amend Article 27, Section 27-3-1, "Design Standards" by addition of new camouflage concealment requirements to read as follows:

"Design Standards. Where applicable, the Wireless Provider shall comply with design standards applicable for decorative street lights as prescribed in Appendix B, "Development Regulations"; Exhibit 32 of the Villages Code of Ordinances; ~~or~~ and, where determined by the Village, shall provide reasonable ~~stealth concealment~~ comply with camouflage and concealment requirements as defined herein acceptable

to the Village. In lieu of placement on a decorative street light, the Village reserves the authority to request Small Wireless Facilities to place the Small Wireless Facilities on new poles or collocate on an existing utility pole within fifty (50) of the decorative street light."

- Amend Article 27, Section 27-3 "Standards and Regulations- Public Rights of Way" by creating a new section, "L" to read as follows:

"L. "Authority Utility Pole: Personal wireless telecommunication facilities shall be, whenever possible, mounted to Village-owned infrastructure including, but not limited to, streetlights, traffic signal, towers or buildings, if authorized by a license or other agreement between the owner and the Village, unless the operator can show that coverage/signal strength would be insufficient."

Motion by Trustee Koch, second by Trustee Schultz, directing staff to prepare an Ordinance amending Ordinance 2018-062 as recommended herein.

Roll call vote:

AYES: 7 - Koch, Oppenheim, Takaoka, Byrne, Marquardt, Brown, Schultz

NAYS: 0 - None

ABSTAIN: 0 - None

ABSENT AND NOT VOTING: 0 - None

Motion carried.

5. REQUEST FROM VERIZON WIRELESS TO ENTER INTO A MASTER LICENSE AGREEMENT WITH THE VILLAGE OF VERNON HILLS FOR PLACEMENT OF ANTENNA FACILITIES ON VILLAGE OWNED INFRASTRUCTURE

SUMMARY OF REQUEST:

Representatives of Chicago SMSA limited partnership, d/b/a Verizon Wireless appeared before the COW to request approval of a master license agreement. The agreement sets forth terms by which Verizon can place small wireless facilities on Village owned infrastructure such as light poles, utility poles and similar structures. The request is made pursuant to the Illinois Small Wireless Deployment Act and in accordance with requirements contained in Chapter 27, "Small Wireless Facilities" of the Vernon Hills Code of Ordinances.

Terms and conditions of the master license agreement would only have to be authorized once by the Village Board, but would apply to all future small wireless facilities installed on Village owned infrastructure. License supplements would be required for individual small cell facilities installed subsequent to approval of the master license agreement and will be made an exhibit to the agreement.

Small wireless facility requirements:

A. *Separation and Clearance Requirements.* With respect to applications for the collocation of small wireless facilities associated with a new utility pole, the Village, at its discretion, may require that the small wireless facility be collocated on an existing utility pole, or an existing wireless support structure within 50 feet of the proposed collocation. If the applicant determines the alternate location imposes technical limits, the applicant shall provide written certification specifically describing the technical limitations.

B. *Height Limitations.* The maximum permitted height of small wireless antennas shall be not greater than 10 feet above an existing utility pole or wireless support structure on which the small wireless facility

is collocated. Unless otherwise authorized by the Village Board, the height of a new or replacement utility pole or wireless support structure on which the small wireless facility is collocated is permitted to be the higher of (i) 10 feet in height above the tallest pole, other than utility poles supporting only small wireless facilities, that is in place on the date the application is submitted to the Village, that is located within 500 feet of the new or replacement utility pole or wireless support structure and that is in the same right of way of the Villages jurisdictional boundary; or (ii) 45 feet above ground level.

- C. *Interference.* The small wireless facility shall not interfere with the frequencies used by a public safety agency for public safety communications. A wireless provider shall only install small wireless facilities of the type and frequency that will not cause unacceptable interference with public safety agencies communication equipment.
- D. *Contracts.* The wireless provider shall comply with requirements imposed by a contract between the Village and private owner concerning design or construction standards applicable to utility poles and ground mounted equipment in the right of way.
- E. *Spacing.* Unless otherwise authorized by the Village Board, the wireless provider shall comply with applicable spacing requirements for ground mounted equipment located in the right of way.
- F. *Underground Utilities.* Small wireless facility provider must comply with Village code provisions concerning underground utilities shall require Village Board approval for the installation of new utility poles or the modification of an existing utility pole.
- G. *Public Safety.* The wireless provider shall comply with all applicable regulations concerning public safety.
- H. *Term.* *The duration of a permit for small wireless facilities shall be ten (10) years. The permit may be renewed for additional ten (10) year periods unless the Village makes a finding that the small wireless facility does not comply with applicable codes.*
- I. *Design Standards.* Where applicable, the wireless provider shall comply with design standards applicable for decorative street lights as prescribed in Appendix B, "Development Regulations"; Exhibit 32 of the Villages Code of Ordinances; or provide reasonable stealth concealment acceptable to the Village. In lieu of placement on a decorative street light, the Village reserves the authority to request small wireless facilities to place the small wireless facilities on new poles or collocate on an existing utility pole within fifty (50) of the decorative street light
- J. *Insurance.* The wireless provider shall carry, at the wireless providers own cost and expense, (i) Property Insurance for its property's replacement cost against all risk; (ii) Workman's Compensation Insurance as required by law; and (iii) Commercial Liability Insurance with respect to its activities on the Village improvements and rights of way to afford protection limits in accordance with Appendix B, "Development Regulations", Section 1.07 of The Villages Code of Ordinances.
- K. *Attachment Limitations.* No small wireless facility and antenna within the right-of-way will be attached to a non-Village utility pole, a Village utility pole or wireless support structure, unless all of the following conditions are satisfied:

1. Surface Area of Antenna: Each antenna shall be located inside an enclosure of no more than 6 cubic feet in volume, or in the case of an antenna that has exposed elements, the antenna and all its exposed elements must fit within an imaginary enclosure of no more than 6 cubic feet.
2. Size of equipment, other than antenna: The total combined volume of all above-ground equipment and appurtenances comprising a small wireless facility, exclusive of the antenna itself, cannot exceed 28 cubic feet.
3. Personal wireless telecommunication equipment: The operator of a small wireless facility must, whenever possible, locate the base of the equipment or appurtenances at a height of no lower than eight (8) feet above grade.
4. Color: A small wireless facility, including all related equipment and appurtenances, must comply with the applicable aesthetic standards regarding color of equipment to blend with the surrounding area and structures for construction in the Village right of way. The color shall blend with the surroundings of the pole, structure tower or infrastructure on which it is mounted and use non-reflective materials which blend with the materials and colors of the surrounding area and structures.
5. Antenna panel covering: A small wireless antenna may include a radome, cap or other antenna panel covering or shield. Such covering must be of a color that blends with the color of the pole on which it is mounted.
6. Wiring and cabling: Wires and cables connecting the antenna to the remainder of the facility must be installed in accordance with the Vernon Hills Electrical Code. No wiring and cabling serving the facility will be allowed to interfere with any wiring or cabling installed by a cable television or video service operator, electric utility or telephone utility.
7. Grounding: The small wireless facility must be grounded in accordance with the requirements of the Vernon Hills Electrical Code.
8. Signage: Other than signs required by federal law or regulations or identification and location markings, installation of signs on a personal wireless telecommunication facility is prohibited.
9. Equipment location: Small wireless utilities located on a utility pole shall not be installed within the communication worker safety zone of the pole or the electric supply zone of the pole. Small wireless facilities may be located in the communication space and on top of the utility pole if space is otherwise not available in accordance with applicable codes.

Motion by Trustee Koch, second by Trustee Schultz, directing staff to prepare a Resolution authorizing the Village Manager to enter into a master lease agreement with Chicago SMSA limited partnership, d/b/a Verizon Wireless as recommended subject to the terms referenced therein and subject to final review and approval by the Village Attorney.

Roll call vote:

AYES: 6 - Koch, Oppenheim, Takaoka, Marquardt, Brown, Schultz

NAYS: 1 - Byrne

ABSTAIN: 0 - None

ABSENT AND NOT VOTING: 0 - None

Motion carried

6. REQUEST FROM AT&T TO ENTER INTO A MASTER LICENSE AGREEMENT WITH THE VILLAGE OF VERNON HILLS FOR PLACEMENT OF ANTENNA FACILITIES ON VILLAGE OWNED INFRASTRUCTURE

Summary of request:

Representatives of New Cingular Wireless PCS, LLC, d/b/a, AT&T appeared before the COW to request approval of a master license agreement. The agreement sets forth terms by which AT&T can place small wireless facilities on Village owned infrastructure such as light poles, utility poles and similar structures. The request is made pursuant to the Illinois Small Wireless Deployment Act and in accordance with requirements contained in Chapter 27, "Small Wireless Facilities" of the Vernon Hills Code of Ordinances.

Terms and conditions of the master license agreement would only have to be authorized once by the Village Board, but would apply to all future small wireless facilities installed on Village owned infrastructure. License supplements would be required for individual small cell facilities installed subsequent to approval of the master license agreement and will be made an exhibit to the agreement.

Small wireless facility requirements:

- A. *Separation and Clearance Requirements.* With respect to applications for the collocation of small wireless facilities associated with a new utility pole, the Village, at its discretion, may require that the small wireless facility be collocated on an existing utility pole, or an existing wireless support structure within 50 feet of the proposed collocation. If the applicant determines the alternate location imposes technical limits, the applicant shall provide written certification specifically describing the technical limitations.
- B. *Height Limitations.* The maximum permitted height of small wireless antennas shall be not greater than 10 feet above an existing utility pole or wireless support structure on which the small wireless facility is collocated. Unless otherwise authorized by the Village Board, the height of a new or replacement utility pole or wireless support structure on which the small wireless facility is collocated is permitted to be the higher of (i) 10 feet in height above the tallest pole, other than utility poles supporting only small wireless facilities, that is in place on the date the application is submitted to the Village, that is located within 500 feet of the new or replacement utility pole or wireless support structure and that is in the same right of way of the Village's jurisdictional boundary; or (ii) 45 feet above ground level.
- C. *Interference.* The small wireless facility shall not interfere with the frequencies used by a public safety agency for public safety communications. A wireless provider shall only install small wireless facilities of the type and frequency that will not cause unacceptable interference with public safety agencies communication equipment.
- D. *Contracts.* The wireless provider shall comply with requirements imposed by a contract between the village and private owner concerning design or construction standards applicable to utility poles and ground mounted equipment in the right of way.

- E. *Spacing.* Unless otherwise authorized by the Village Board, the wireless provider shall comply with applicable spacing requirements for ground mounted equipment located in the right of way.
- F. *Underground Utilities.* Small wireless facility provider must comply with Village code provisions concerning underground utilities shall require Village Board approval for the installation of new utility poles or the modification of an existing utility pole.
- G. *Public Safety.* The wireless provider shall comply with all applicable regulations concerning public safety.
- H. *Term.* The duration of a permit for small wireless facilities shall be ten (10) years. The permit may be renewed for additional ten (10) year periods unless the Village makes a finding that the small wireless facility does not comply with applicable codes.
- I. *Design Standards.* Where applicable, the wireless provider shall comply with design standards applicable for decorative street lights as prescribed in Appendix B, "Development Regulations"; Exhibit 32 of The Villages Code of Ordinances; or provide reasonable stealth concealment acceptable to the Village. In lieu of placement on a decorative street light, the Village reserves the authority to request small wireless facilities to place the small wireless facilities on new poles or collocate on an existing utility pole within fifty (50) of the decorative street light
- J. *Insurance.* The wireless provider shall carry, at the wireless providers own cost and expense, (i) Property Insurance for its property's replacement cost against all risk; (ii) Workman's Compensation Insurance as required by law; and (iii) Commercial Liability Insurance with respect to its activities on the Village improvements and rights of way to afford protection limits in accordance with Appendix B, "Development Regulations", Section 1.07 of The Villages Code of Ordinances.
- K. *Attachment Limitations.* No small wireless facility and antenna within the right-of-way will be attached to a non-Village utility pole, a Village utility pole or wireless support structure, unless all of the following conditions are satisfied:
1. Surface area of antenna: Each antenna shall be located inside an enclosure of no more than 6 cubic feet in volume, or in the case of an antenna that has exposed elements, the antenna and all its exposed elements must fit within an imaginary enclosure of no more than 6 cubic feet.
 2. Size of equipment, other than antenna: The total combined volume of all above-ground equipment and appurtenances comprising a small wireless facility, exclusive of the antenna itself, cannot exceed 28 cubic feet.
 3. Personal wireless telecommunication equipment: The operator of a small wireless facility must, whenever possible, locate the base of the equipment or appurtenances at a height of no lower than eight (8) feet above grade.
 4. Color: A small wireless facility, including all related equipment and appurtenances, must comply with the applicable aesthetic standards regarding color of equipment to blend with the surrounding area and structures for construction in the village right of way. The color shall blend with the surroundings of the pole, structure tower or infrastructure on which it is mounted and use non-

reflective materials which blend with the materials and colors of the surrounding area and structures.

5. Antenna panel covering: A small wireless antenna may include a radome, cap or other antenna panel covering or shield. Such covering must be of a color that blends with the color of the pole on which it is mounted.
6. Wiring and cabling: Wires and cables connecting the antenna to the remainder of the facility must be installed in accordance with the Vernon Hills Electrical Code. No wiring and cabling serving the facility will be allowed to interfere with any wiring or cabling installed by a cable television or video service operator, electric utility or telephone utility.
7. Grounding: The small wireless facility must be grounded in accordance with the requirements of the Vernon Hills Electrical Code.
8. Signage: Other than signs required by federal law or regulations or identification and location markings, installation of signs on a personal wireless telecommunication facility is prohibited.
9. Equipment location: Small wireless utilities located on a utility pole shall not be installed within the communication worker safety zone of the pole or the electric supply zone of the pole. Small wireless facilities may be located in the communication space and on top of the utility pole if space is otherwise not available in accordance with applicable codes.

Motion by Trustee Schultz, second by Trustee Marquardt, directing staff to prepare a Resolution authorizing the Village Manager to enter into a master lease agreement with New Cingular Wireless PCS, LLC, d/b/a, AT&T as recommended subject to the terms referenced therein and subject to final review and approval by the Village Attorney.

Roll call vote:

AYES: 7- Koch, Oppenheim, Takaoka, Marquardt, Brown, Schultz, Byrne

NAYS: 0 - None

ABSTAIN: 0 - None

ABSENT AND NOT VOTING: 0 - None

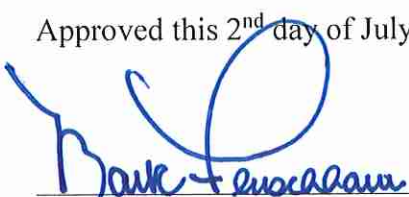
Motion carried.

7. ADJOURNMENT

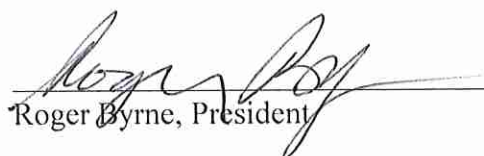
Motion by Trustee Koch, second by Trustee Marquardt, to adjourn the Committee of the Whole. On a unanimous voice vote, the meeting was adjourned.

Meeting adjourned 8:45 p.m.

Approved this 2nd day of July 2019



Mark Fleischhauer, Village Manager



Roger Byrne, President