

**MINUTES
COMMITTEE OF THE WHOLE MEETING
VILLAGE OF VERNON HILLS
October 2, 2018**

President Byrne called the meeting to order at 7:57p.m.

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

Also present were: Village Manager Fleischhauer, Assistant Village Manager Carey, Chief Kreis, Building Commissioner Atkinson, Public Works Director Brown, Soham Upadhyay, Lauterbach and Amen, Attorney Hunt, Recording Secretary DeAnda and Recording Secretary Koehl.

1. APPROVAL OF COMMITTEE OF THE WHOLE MEETING MINUTES OF September 17, 2018

Motion by Trustee Marquardt second by Trustee Takaoka, to approve Committee of the Whole Minutes for the September 17, 2018 meeting.

Roll call vote:

AYES: 4 – Oppenheim, Marquardt, Takaoka, Brown,

NAYS: 0 – None

ABSTAIN: 1 - Schultz

ABSENT AND NOT VOTING: 1 - Koch

Motion carried.

2. REQUEST FOR AN OUTDOOR DINING AND SEATING ESTABLISHMENT PERMIT FOR NEXT DOOR AMERICAN EATERY LOCATED AT 899 N. MILWAUKEE AVENUE (BC ATKINSON)

BC Atkinson stated representatives of Next Door American Eatery have submitted an application for an Outdoor Dining and Seating Establishment permit for their establishment located in Mellody Farm. Thirteen (13) tables with a seating capacity of 40 customers are proposed on their patio located on the north/west corner of the building. A fence would be located around the perimeter separating the public from customers who may be consuming alcohol. Self-closing/self-latching gates would be provided on the north and south side of the patio.

The application and plans along with a picture of the proposed furniture were attached to the packet.

In 2000, the Village Board approved ordinance #2000-61 that outlines the permitting requirements and operating standards for all outdoor establishments. As this is the applicant's initial request, the Village Board has authority to consider the application.

Motion by Trustee Schultz, second by Trustee Takaoka, to direct staff to prepare a Resolution approving the request subject to the following conditions:

1. Compliance with the requirements described in the Village of Vernon Hills Code of Ordinances, Chapter 10, Article VI.
2. Compliance with the application and plan, dated July 6, 2018.
3. A self-closing/self-latching gate shall be provided on the north and south side of the patio.

Roll call vote:

AYES: 5 –Oppenheim, Marquardt, Takaoka, Brown, Schultz

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Koch

Motion carried.

3. REQUEST FOR AN OUTDOOR DINING AND SEATING ESTABLISHMENT PERMIT FOR B-GOOD RESTAURANT, LOCATED AT 875 N. MILWAUKEE AVENUE (BC ATKINSON)

BC Atkinson stated representatives of B-Good have submitted an application and plan for an Outdoor Dining and Seating Establishment permit for their establishment located in Melody Farm. Six (6) tables with a seating capacity of twelve (12) customers is proposed on their patio located on the North side of the building. Please note: B-Good does not serve alcohol, so a fence is not required.

The application and plans along with a picture of the proposed furniture were attached to the packet.

In 2000, the Village Board approved Ordinance 2000-61 that outlines the permitting requirements and operating standards for all outdoor establishments. As this is the applicant's initial request, the Village Board has authority to consider the application.

Motion by Trustee Schultz, second by Trustee Marquardt, to direct staff to prepare a Resolution approving the request subject to the following conditions:

1. Compliance with the requirements described in the Village of Vernon Hills Code of Ordinances, Chapter 10, Article VI.
2. Compliance with the application and plan, dated September 17, 2018.

Roll call vote:

AYES: 5 –Oppenheim, Marquardt, Takaoka, Brown, Schultz

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Koch

Motion carried.

4. MARIANO'S FUELING STATION – PRESENTATION OF CONCEPT PLANS – 1720 MILWAUKEE AVENUE (AVM CAREY)

Representatives from Mariano's appeared before the COW to present their concept plans for a fueling station to be located at the northernmost parking lot of the Mariano's property. The 116-space parking lot was initially approved in 2011 to provide additional parking for employees and customers of the store.

Mariano's proposed to amend their approved site plan for a fueling station. The proposal is to place a 264 sq ft kiosk to house an on-site attendant, a 5,418 sq ft canopy, 7-fuel dispenser islands and 2-underground fuel storage tanks. No convenience store operations will occur at the kiosk. The operating hours will be consist with the Mariano's grocery store hours but Mariano's may request the ability to have the fueling station open 24 hours if that was acceptable to the Village. The exterior finish on the kiosk will be similar to the existing Mariano's.

The proposed canopy signage for this site will consist of illuminated letter signage reading "Mariano's" on the north, south, east, and west sides and a LED illuminated price sign would be located on the east and south sides. The signage will not project above the roofline. There are no any ground-mounted signs proposed.

Placement of the station as proposed will result in the loss of 85 parking spaces. A total of 31 parking spaces is proposed, three of which would be utilized for Mariano's online pick-up option. No parking variation would be required due to this change. A total of 450 parking spaces would be available if the fueling station were completed as proposed.

The petitioner has indicated that fueling trucks would only utilize Gregg's Parkway via Milwaukee Avenue and would not travel westbound past the development. Mariano's has further indicated a willingness to restrict traffic from making left-turn movements from the truck access road located west of the controlled intersection of the development.

Staff expressed concerns to the petitioner about certain access points into the fueling station that could be addressed in technical review. These include restricting the easterly access to right-in only, limiting the southerly access to one location, and restricting the westerly access only for fueling trucks.

Copies of the plans and elevations were attached to your packets. An aerial showing the separation from the property to adjacent homes was also attached.

Residents of Gregg's Landing expressed their concerns about environmental issues, traffic, lighting, negative impact on property values, spillage, negative health aspects, and the wants and needs of residents. The Board suggested performing a Gregg's Landing Feedback Survey and requested Mariano's to cover costs of the survey. Representatives of Mariano's took suggestion under consideration. This will be brought back to a future COW meeting.

5. OLYMPIC DEVELOPMENT ACADEMY (ODA) (SOCCER) (VM FLEISCHHAUER)

Chad Gruen from Soccer Events Group (Pipe City, Chicago Cup, and the Labor Day Showcase) has become increasingly involved in the Vernon Hills sports programs, both Lacrosse and Soccer. Most recently, they are becoming a member of the Vernon Hills Park District affiliates programs. Chad appeared before the COW with a great opportunity for Lacrosse/Soccer athletes in our community. Soccer Events Group is in the process of creating an Olympic Development Academy (ODA). This is an elite program that would be sanctioned by the U.S Olympic Committee. There are only 46 ODAs in the country, and they would like to make Vernon Hills their host community. There is no cost to the community, but to be fully sanctioned by the US Olympic Committee, they would need to enter into an Intergovernmental Agreement with the Village, the Park District, and the Soccer Affiliates to allow them to practice on two of the VHAC soccer fields (Fields 11 & 12). Chad was present to more fully explain the concept and read a letter from Kevin Adkisson, Vernon Hills Soccer Affiliates in support of the concept.

Motion by Trustee Schultz, second by Trustee Oppenheim to draft and release a letter giving approval for Olympic Development Academy's request to use fields 11 and 12 at the Vernon Hills Athletic Complex, subject to the execution of an Intergovernmental Agreement with all affected parties.

Roll call vote:

AYES: 6 –Oppenheim, Marquardt, Takaoka, Brown, Schultz, Byrne

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Koch

Motion carried.

6. CONSIDERATION OF A TEXT AMENDMENT ESTABLISHING LICENSING REQUIREMENTS AND PROVIDING REGULATIONS FOR THE PLACEMENT OF DONATION DROP BOXES (BC ATKINSON)

BACKGROUND:

At the request of the Village Board, staff has been researching and preparing an amendment that would create regulations for the placement and operation of donation boxes. Typically operated by not-for-profit organizations in support of charitable causes, donation boxes could potentially create a nuisance if not maintained properly. Highlights of the draft amendments include:

- A license would be required, including annual renewals. The fee would be \$50 for the initial license and \$25 for annual renewals.

- Donation Boxes could be located on: 1) Properties within the B-1, General Business Zoning District; 2) Properties having retail uses located in the BP, Business Park District; 3) Properties within the PIB, Public and Institutional Building Zoning District; and 4) Properties containing religious or place of worship uses.
- Donation Boxes could only be operated by a Charitable Organization for its charitable purposes.
- Donation Boxes are required to include information posted on the box indicating the name and contact information of the organization accepting the donations.
- A maximum of two (2) Donation Boxes are permitted per lot. Maximum height is 6’-6” and maximum size is 20 square.
- Donation Boxes cannot be located in a required landscape buffer, and cannot be in a front or corner side yard.
- Donated items or materials shall not be located outside of the Donation Box.
- Minimum maintenance standards are established for donation boxes and surrounding area.
- A sunset clause is included whereby existing boxes must be removed or brought into compliance within sixty (60) days upon adoption of the ordinance.

Staff believes adoption these amendments would provide reasonable controls whereby the Village can regulate appropriate placement and operation of donation boxes, while still allowing their limited placement in support of charitable causes.

DRAFT AMENDMENTS:

I. Licensing:

The following amendments are recommended to Chapter 10, “Licenses, Permits and Miscellaneous Business Regulations”.

Chapter 10, “Licenses, Permits and Miscellaneous Business Regulations” of the Village of Vernon Hills Code of Ordinances is hereby amended by addition of a new Article “XI” to read as follows:

ARTICLE XI. DONATION BOXES

DIVISION 1. GENERALLY

Sec. 11-228. Definitions.

The following words, terms phrases, when used in this article, shall have the ascribed meanings to them in this section, except where the context clearly indicates a different meaning:

Donation Box means an unattended box receptacle designed with a door, slot or other opening, used for accepting donated goods and items by a charitable organization for its charitable purpose.

Charitable Organization means any entity determined by the Internal Revenue Service to be a tax-exempt organization established for any benevolent, philanthropic, humane, social welfare, public health or similar purpose.

Sec. 11-229. Purpose.

It is the Village’s intent to regulate Donation Boxes to protect the health, safety and welfare of the public by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances, and insuring the safe and sanitary maintenance of Donation Boxes and the property upon which Donation Boxes are located.

Secs. 11-230 – 11-240 Reserved

DIVISION 2. LICENSES

Sec. 11-241. Required.

It shall be unlawful for any person or business to place or allow to be placed on their own property, a Donation Box without having first obtained a license thereof from the Village.

Sec. 11-242. Application.

Applications for a Donation Box license shall be made on form(s) provided by the Village Clerk and shall be accompanied by a drawing showing the proposed location of the box or boxes. Said application shall also include documentation indicating the width, depth and height of the Donation Box.

The license application shall include written authorization and contact information of the property owner.

Sec. 11-243. Renewal

The license shall be renewed annually. The fee shall be in accordance with Chapter 25, Comprehensive fees and penalties.

Sec. 11-244. Fee.

The application and renewal fees shall be in accordance with Chapter 25, Comprehensive fees and penalties.

Secs. 11-245 – 11-254 Reserved

DIVISION 3. RULES & REGULATIONS

Sec. 11-255 – Permitted Zoning Districts

Donation Boxes shall only be located on: 1) Properties within the B-1, General Business Zoning District; 2) Properties having retail uses located in the BP, Business Park District; 3) Properties within the PIB, Public and Institutional Building Zoning District; 4) Properties containing religious or place of worship uses.

Sec. 11-256 – Charitable Organizations

Donation Boxes shall only be operated by a Charitable Organization for its charitable purposes.

Sec. 11-257 – Required Posting of Information

Donation Boxes shall include an information posted on a conspicuous location, indicating the name and contact information of the organization accepting the donations. Donation Boxes shall also include the license, issued by the Village, posted in a conspicuous location.

Sec. 11-258 – Maximum Number and Size

A maximum of two (2) Donation Boxes are permitted per lot. Said boxes shall not exceed 6’-6” in height and shall not exceed 20 square feet in size.

Sec. 11-259 – Permitted Location

Donation Boxes shall not be located in a required landscape buffer, nor within a required front or corner side yard as defined by the Zoning Code; and shall be located to minimize the visual impact from public rights of way.

Sec. 11-260 – Visual Obstructions

Donation Boxes shall be located only on permeable surfaces and shall not interfere with or cause a visual obstruction to vehicular or pedestrian traffic.

Sec. 11-261- Prohibited Placement of Donated Items

Donated items or material shall not be located outside of the Donation Box.

Sec. 11-262 – Required Maintenance

Donation Boxes shall be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti. All boxes shall be inspected regularly so as to prevent overflow of donations or the accumulation of junk, debris and similar materials.

Sec. 11-263 – Advertising Prohibited

There shall be no advertising of any kind on the box except for informational postings required by section 11-257 referenced herein.

Sec. 11-264 – Property Owner Responsibility

The owner of the property upon which the box is located shall share joint responsibilities for compliance with all conditions set forth in this chapter with the entity that owns or is in custody of the box. The failure of the entity in custody of the box to comply with the provisions of this chapter shall not be a defense by the property owner should there be a violation.

Sec. 11-265 – Existing Donation Boxes

A Donation Box that exists on the effective date of these requirements that fails to acquire a license within sixty (60) days of the effective date shall cease operation and remove the box from the premises.

Sec. 11-266 – Violation and Penalties

Any person or entity found in violation of this chapter shall be guilty of a class A misdemeanor and is subject to the fine prescribed in Chapter 25, Comprehensive fees and penalties.

Sec. 11-267 - 11-277 Reserved

II. Fees:

The following amendments are recommended to Article 25, “Comprehensive Fee’s and Penalties”.

Chapter 25 Section 25-3 of the Village of Vernon Hills Code of Ordinances is hereby amended by addition of the following fee for a donation box license, to read as follows:

“25-3. Donation Box, Fee required: The initial fee shall be \$50 for each Donation Box. The annual renewal fee shall be \$25.”

Motion by Trustee Schultz , second by Trustee Takaoka, to direct staff to prepare the ordinance amending Chapter 10 of the Village Code by creating licensing regulations for Donation Boxes and amending chapter 25, Comprehensive fees, subject to review by village attorney. This item will be placed under unfinished business to determine fees.

Roll call vote:

AYES: 5 – Oppenheim, Marquardt, Takaoka, Brown, Schultz

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Koch

Motion carried.

7. CONSIDERATION OF AN AMENDMENT TO THE FY 18-19 BUDGET, CREATING TWO PART-TIME BUILDING INSPECTOR POSITIONS AND AUTHORIZING A BUDGET TRANSFER OF \$10,000 TO FUND THE POSITIONS (BC ATKINSON)

BC Atkinson stated, the Village has experienced a significant spike in plan review and inspection services over the last 18 months. This increase stems primarily from an influx of large new developments, including Mellody Farm (Mixed-Use Retail/Residential), Menards, Aldi's, Cuneo/Pulte and Woodland Chase. Keeping up with high plan review and inspection demand was further complicated when a building inspector sustained a job related injury. He has been unable to work for a number of weeks and we cannot accurately forecast his return. We have been able to keep pace using three methods: 1) Implementing our shared building inspection service agreement with Libertyville and Mundelein (To the extent possible); 2) Delegating small inspections to the Code Enforcement Officer; and 3) Having the Building Commissioner review all commercial and new single family permit applications.

The injured employee has been out for a number of weeks and we do not anticipate his return during the current construction season. This, combined with anticipated scheduled time off for inspectors in the coming months has created a need to identify alternative methods to adequately provide plan review and inspection services. Staff researched two options:

- *Option I - Consulting Services:* Contract with an inspection services company. The cost would be approximately \$80 per inspection. This rate, calculated by eight inspections per day (Our current average for other than small inspections) would cost the Village \$640/day or \$3,200/week. Additional fees would apply for plan review services. The Board authorized \$10,000 in the FY 18-19 budget under "Professional Services – Not else Classified" to pay for this type of service.
- *Option II – Hire Retired building Inspectors:* The Village would create two "Part-Time Building Inspector" positions used only as needed, and not regularly scheduled (Note: we only anticipate needs when inspectors take scheduled time off during periods of heavy inspection demand, approximately 2-3 weeks per year.). The pay range for a building inspector position is \$32.14/hr. - \$43.47/hr. Assuming the scenario outlined above at a midpoint pay of rate \$37.81/hr., the cost to the Village would be \$302/day or \$1512/week.

Staff is recommending approval of Option II. This approach has worked successfully for police telecommunicators. The cost is less than the half of using the consulting option, saving the Village approximately \$338/day or \$1690/week. The Board would need to amend the FY18-19 by adding the two new part time positions. The amendment creating the new positions would only apply to the current budget. Additionally, the Board would need to approve a budget transfer of \$10,000 from "Professional service – Not else classified" to "Part-Time Salaries." If all goes well, the Board would have an opportunity to review and consider this new program as part of the FY19-20 budget process.

Motion by Trustee Schultz, second by Trustee Marquardt to direct staff to prepare an Ordinance creating two seasonal part-time building inspector positions, and approving a FY 18-19 budget transfer of \$10,000.

Roll call vote:

AYES: 5 – Oppenheim, Marquardt, Takaoka, Brown, Schultz

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Koch

Motion carried.

8. ADJOURNMENT

Motion by Trustee Oppenheim second by Trustee Marquardt, to adjourn the Committee of the Whole.

Roll call vote:

AYES: 5 – Oppenheim, Brown, Marquardt, Takaoka, Schultz

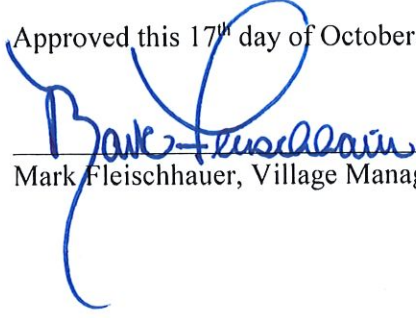
NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Koch

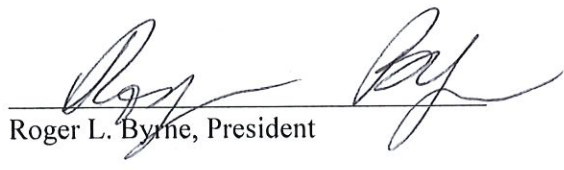
Motion carried.

Meeting adjourned 9:19 p.m.

Approved this 17th day of October 2018



Mark Fleischhauer, Village Manager



Roger L. Byrne, President