

**MINUTES
REGULAR VILLAGE BOARD MEETING
October 22, 2007**

Present:

Trustee Brandt (arrived at 7:06 p.m.)	Trustee McDonough
Trustee Saltiel	Trustee Servi
Trustee Walder, Jr. (arrived at 7:08 p.m.)	Trustee Gary Walrath
Mayor Blomberg	Village Clerk Mastandrea
Village Manager Irvin	Deputy Village Clerk Marshall
Director of Public Works Tripicchio	Director of Community Development McNellis
Village Engineer Hughes	Chief of Police Melvin
Director of Financial Systems Roelker	Village Attorney Simon

Location: Village Hall, Public Meeting Room, One Olde Half Day Road, Lincolnshire, Illinois 60069.

CALL TO ORDER

ROLL CALL

Mayor Blomberg called the meeting to order at 7:00 p.m. and Deputy Village Clerk Marshall called the Roll.

APPROVAL OF MINUTES

Trustee Walrath moved and Trustee Saltiel seconded the motion to approve the minutes of the Regular Village Board Meeting of October 8, 2007 with the following change: Page 3, First Paragraph, Line 6, change “and for riders, ~~they are~~ connection...” to “and for riders, **they are** connections...”. The roll call vote was as follows: AYES: Trustees McDonough, Saltiel, Walrath. NAYS: None. ABSENT: Trustees Brandt, Walder. ABSTAIN: Trustee Servi. The Mayor declared the motion carried.

REPORTS OF OFFICERS

Mayor's Report

Mayor Blomberg reminded everyone that October is Fire Safety Month and suggested that residents review their "escape plan" and check their fire extinguishers and smoke detector.

Village Clerk's Report - No report

Village Manager's Report

1. Village Manager Irvin said that we have completed ten months of the FY 2007 budget, and both revenues and expenses are running close to expectations. Revenues are running a little ahead because of some commercial real estate transfers that we did not anticipate. He said we see some growth in our fund balances which will enable us to do some capital projects in the future.
2. The Board received the FY-2008 proposed budget, and he would like to establish some budget review meetings.
3. The Village's Annual Leaf Collection Program is underway. The Program ends on the last day of November.
4. We are finishing up some capital improvement projects we have for 2007 including some bike path construction. The Village staff has been putting in the path from Old Mill Park to Old Mill Road. Lake County is building the one we are involved with the City of Lake Forest from where our north path terminates at North Park to Everett Road. We are also pursuing the path along Westminster Way.

CONSENT AGENDA

Trustee Saltiel moved and Trustee McDonough seconded the motion to approve the Consent Agenda as presented with the exception of items 7.1 and 7.2. The roll call vote was as follows: AYES: Trustees Brandt, McDonough, Saltiel, Servi, Walrath. NAYS: None. ABSENT: Trustee Walder. ABSTAIN: None. The Mayor declared the motion carried.

The Consent Agenda is as follows:

- 7.3 Approval of Resolution_____ Authorizing the Village Clerk to Make Certain Closed Session Meeting Minutes Available for Public Inspection - First Review - 2007 (Village of Lincolnshire)
- 7.4 Approval of a State of Illinois Joint Purchasing Agreement to purchase 1,000 tons of rock salt from North American Salt Company at a rate of \$41.65 per ton (Village of Lincolnshire)
- 7.5 Approval of the rejection of the bid for the Construction of the Westminster Way to Wood Creek Court Hiking and Recreational Path to Alliance Contractors Inc. in the amount not to exceed \$116,587.10 (Village of Lincolnshire)

ITEMS OF GENERAL BUSINESS

Planning, Zoning & Land Use

- 8.11 **Further consideration, discussion and approval regarding Ordinance_____ amending an existing Special Use for a church, to permit the construction of a memorial garden and columbarium, for the property located at 1970 Riverwoods Road (Community Christian Church)**

Director of Community Development McNellis briefly summarized the proposal of the Community Christian Church and noted that no significant changes had been made since April, 2007. He then indicated that representatives of the church were present and wished to make a presentation.

Mr. Perry Grace, the church representative, summarized its proposal emphasizing the extensive landscaping, size of the columbarium and the crushed stone walkway. He presented a brief history of the meeting process that included the Board of Trustees directive in April that he contact the ten neighbors directly surrounding the church and proposed building area for their input. Mr. Grace indicated that two could not be reached. Of the remaining eight, three were moderately accepting of the columbarium with modifications. One resident was convinced the proposal would be excessively noisy. Four residents were unified that they totally opposed the columbarium unless it was completely enclosed within the existing church or a separate structure.

Mr. Grace showed slides of other outdoor columbariums in the northern suburbs, and Rev. Kory Wilcoxson, pastor of the Community Christian Church, spoke regarding the history of the columbarium. Mr. Grace concluded by stating that the church had also retained the services of an attorney to review this issue and determine if there is a precedent in Lincolnshire, as there is a columbarium at the Lutheran Church of the Holy Spirit.

Mr. Don Roth, 8 Coventry Lane, spoke on behalf of 12 residents who are either contiguous or adjacent to the church including those Mr. Grace cited, rebutting Mr. Grace's findings. He stated that eleven residents had signed a petition in opposition to the columbarium being within 50' of their properties. Some also sent e-mails. He felt that the opinion of the neighbors should weigh heavily in the ultimate decision, stressing that not only would it destroy the peace and tranquility of the area, but there was also a psychological and emotional issue to consider.

After a lengthy discussion the Board decided that there were still too many unresolved issues to vote on the proposal at this time. Staff was directed to put together a list of all the residences involved, and the distance from their property lines to the proposed columbarium. Staff was also directed to measure how far the homes near the Lutheran Church of the Holy Spirit were from its columbarium.

Trustee Saltiel said that the Board wants the neighbors to sit down with the church and come to some resolution because if they won't, the Board will make the decision, and they may not like it. Someone in the audience said it appears that the columbarium is a forgone conclusion. Trustee Saltiel said he was the first on the Board who said he didn't feel comfortable with it, but his problem is that another columbarium was in effect approved at another location. The comfort or discomfort now, is not so much on the table. What he is concerned about is to make sure we treat everyone the same way, so if, in fact, there is a way that is consistent with what is previously done, it may be something that we have no choice but to accept whether it be for legal reasons or moral reasons or whatever. Mayor Blomberg instructed the church and neighbors to again meet and attempt to reach a compromise on the proposal. He and any of the trustees would be glad to attend the meeting, at any time that was agreeable to the church and residents. He offered them use of the Village Hall. This issue will be discussed further at a later date.

Public Works

8.31 **Further consideration, discussion and approval regarding the Highland Park Water Agreement (Village of Lincolnshire)**

Village Manager Irvin updated the Board on this matter. He said the Village asked for a few changes, and Highland Park was agreeable to two of them, but not to the "most favored nation" clause. He said that the City of Highland Park concluded that a clause was not feasible because it would potentially bind the City and future elected bodies. It believes it has demonstrated a commitment over the years to maintain a fair and consistent pricing model for its customers and intends to continue this practice. Historically, previous agreements with Highland Park have not contained "favored nation" clauses and each contract customer has signed the same agreements. He advised

that all of the agreements will be effective January 1st. Trustee Brandt moved and Trustee McDonough seconded the motion to approve the Highland Park Water Agreement . The roll call vote was as follows: AYES: Trustees Brandt, McDonough, Saltiel, Servi, Walder, Walrath. NAYS: None. ABSENT: None. ABSTAIN: None. The Mayor declared the motion carried.

UNFINISHED BUSINESS

7.1 Approval of an amendment to extend the Downtown Redevelopment Agreement (CBK Lincolnshire LLC)

Trustee Saltiel said he had less of a problem with extending the Downtown Redevelopment Agreement as it expires at the end of the month. Regarding the Assignment and Assumption Agreement, there is something materially different that happened. Now there is going to be an assignment to a party that is actually different than the original developer. We don't know much about this company - Glimcher Realty Trust - and it is unclear whether that is the party that is going to be involved in this particular transaction or if it is a separate entity with which Glimcher is involved. Trustee Saltiel wants to make sure that the people who understand where we were coming from on the previous project are still involved, and still sign on to that high-quality level that was established for this project. He did not see that in the plan that will be discussed on the next agenda.

Trustee Saltiel moved and Trustee Brandt seconded the motion to extend the Downtown Redevelopment Agreement to December 31, 2007. The roll call vote was as follows: AYES: Trustees Brandt, McDonough, Saltiel, Walder, Walrath. NAYS: Trustee Servi. ABSENT: None. ABSTAIN: None. The Mayor declared the motion carried.

7.2 Approval of an Assignment and Assumption Agreement, assigning the rights and responsibilities of the Redevelopment Agreement to CFRI/CBK Lincolnshire LLC (CBK Lincolnshire LLC)

Village Attorney Simon said that CFRI is aware that the Board may not approve this tonight. Trustee Brandt advised that Mayor Blomberg, Village Manager Irvin, Director of Community Development McNellis, and she met with representatives of CFRI and were given an explanation of where they are coming from. She feels they are committed partners, but the challenge of the new plan is more a function of no grocery store. Trustee Saltiel would like to know "who's who".

Mr. Mike Richwine, a member of the CBK/CFRI venture, said the Commonfund is a \$35 billion fund from Connecticut. It is the financial backers of this and many other developments across the United States. They provide 100% of the financing. The

developers provide 100% of the local work, development and construction. The Commonfund gets a preferred interest on its investment, and the proceeds are split among the other parties involved. CBK/CFRI was under that situation, and with the loss of the grocer, it was determined by the group that the group needed a strong retailer with strong contacts. Mr. Richwine has been personal friends with the Commonfund and Herb Glimcher who is the Chairman Emeritus. Mr. Glimcher is now out of his non-compete clause, and this is one of the first ventures in which he personally is getting involved. He has relationships with tenants and has been in the business for 40-50 years. He is an upstanding gentleman in the business. Mr. Richwine, speaking of himself, said he is still part of the CBK/CFRI organization, and he will stay during the pre-development phase, and until the building gets started. Then Mr. Glimcher will take over. Mr. Richwine said that he will be the primary contact. Trustee Saltiel asked if it is safe to assume that the restaurants we are going to get are basically national types of tenants that are incredibly bankable that we can see on periodic street corners throughout the country.

Mr. Richwine said they hope to do better than that. There are some exciting ideas coming out of Columbus, OH. If someone can land them here, it's Herb Glimcher. Trustee Servi asked if they would have connections to grocers. Trustee Brandt said the challenge we have with the site is you can't build anything really large, and there are very few grocers who will put in something at 35,000 square feet. Trustee Saltiel's concern is that the Board permits the assignment and then it is presented with a variety of restaurants that we don't like. What remedies do we have under the contract but to simply say "no, we don't like what you are putting in here and you can't buy it"? Village Attorney Simon said that, for us to approve a new PUD, it would require us to renegotiate the contract which will probably require new financials for the Board's review as well. Trustee Walrath asked if we would have individual tenant approval. Village Attorney Simon said not necessarily. Trustee Saltiel said the plan that will be discussed during the upcoming Committee of the Whole Meeting is a plan that is, in one sense, just a bunch of outlots. We were always going to do something special and unique that would set us apart. He said if we have four separate out buildings, and there is a separate tenant in each, they will all insist on their own signage; and he is concerned that the Village will end up with just another average development. Mr. Richwine advised that the development is much less dense than originally planned. CFRI/CBK are keeping the same amenities they have on the site - the pocket park, the pergola, and the monument sign out front. They plan to keep the signage package the same, and everyone they talk to they will show the signage and say, this is the sign package, and if you want something else, it's going to take six month to get approved. Our goal is to be eating in these restaurants at this time next year. He said the Commonfund has been involved in the downtown YMCA; they are going to do the first Roundy's lifestyle grocer which will be about 60,000 square feet; they are doing projects in Boston, San Francisco and all across the country. They are a blue-ribbon type of venture plan. They already have over \$1 million in this project. Trustee Saltiel wants to make sure the Village's expectations will not change. Village Manager Irvin suggested

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that if the Board approves the assignment it will set in motion about two months of the assignment in order to come up with a site plan and uses with which the Board will be happy. Trustee Walrath felt that Mr. Richwine would be the one who can explain to the new party to the table what is likely to be accepted or what else could be done. Trustee McDonough moved and Trustee Saltiel seconded the motion to approve an Assignment and Assumption Agreement, assigning the rights and responsibilities of the Redevelopment Agreement to CFRI/CBK Lincolnshire LLC .

ADJOURNMENT

Trustee Brandt moved and Trustee McDonough seconded the motion to adjourn. The voice vote was unanimous and the Mayor declared the meeting adjourned at 8:50 p.m.

Respectfully submitted,

VILLAGE OF LINCOLNSHIRE

Carol S. Marshall
Deputy Village Clerk