

**MINUTES
REGULAR VILLAGE BOARD MEETING
August 11, 2008**

Present:

Trustee Brandt	Trustee McDonough
Trustee Saltiel	Trustee Servi
Trustee Walder, Jr.	Trustee Walrath - <i>arrived at 7:10 p.m.</i>
Mayor Blomberg	Village Clerk Mastandrea
Village Manager Irvin	Deputy Village Clerk Marshall
Director of Public Works Tripicchio	Director of Community Development McNellis
Chief of Police Melvin	Village Engineer Hughes
Village Attorney Simon	Village Treasurer Curtis

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

2.1 Approval of the minutes of the Regular Village Board Meeting of July 28, 2008

Trustee McDonough moved and Trustee Servi seconded the motion to approve the minutes of the Regular Village Board Meeting of July 28, 2008 as presented. The roll call vote was as follows: AYES: Trustees Brandt, McDonough, Saltiel, Servi, Walder. NAYS: None. ABSENT: Trustee Walrath. ABSTAIN: None. The Mayor declared the motion carried.

REPORTS OF OFFICERS

Mayor's Report - There was no report.

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Village Clerk's Report - There was no report.

Village Treasurer's Report

Director of Financial Systems Roelker presented the Revenues & Expenditures by Fund for the month of June, 2008, and said they were in proper order.

Village Manager's Report

Village Manager Irvin updated the Board on some capital projects that have been completed over the last month or so: Dukes Lane watermain replacement; the annual fire hydrants replacement; sand blasted and repainted the Village Hall exterior lighting fixtures; the Public Works Facility gas pump and island has been replaced with a canopy; and a project that should start tomorrow is the resurfacing of the Village Hall parking lot and overflow lot. The resident or customer parking will be accessible throughout the construction, although there will be some inconveniences. The project should take about two to three weeks.

BILL PRELIST

Director of Financial Systems Roelker presented the Bills Prelist for the month of July, 2008 totaling \$985,796.06. Trustee Brandt moved and Trustee McDonough seconded the motion to approve the Bills Prelist as presented. The roll call vote was as follows: AYES: Trustees Brandt, McDonough, Saltiel, Servi, Walder. NAYS: None. ABSENT: Trustee Walrath. ABSTAIN: None. The Mayor declared the motion carried.

CONSENT AGENDA

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

- 7.1 Approval of Ordinance ____ amending Title 6 of the Lincolnshire Village Code, in order to address outdoor lighting in all non-residential zoning districts and by all non-residential users in all residential zoning districts in the Village of Lincolnshire (Village of Lincolnshire)
- 7.2 Approval of Ordinance _____ Authorizing the Sale by Public Auction of Village Property - Vehicles & Equipment (Village of Lincolnshire)

- 7.3 Approval of Euro Soccer be awarded field usage under Classification F at North Park for the fall soccer season (Village of Lincolnshire)

ITEMS OF GENERAL BUSINESS

Community Development

- 8.11 **Further consideration, discussion and approval regarding Ordinance _____ amending an existing Annexation Agreement (Ordinance No. 00-1694-02) to extend a temporary five-year exemption on conformance with the Village's Automatic Building Sprinkler System requirement to permit the continued occupancy of the existing religious facilities at 1207 Riverwoods Road (Ascension of our Lord Greek Orthodox Church)**

Director of Community Development McNellis updated the Board on this matter.

Trustee Walrath arrived at 7:10 p.m.

Mr. James Bakk, attorney for the church, introduced Mr. Paul Lillios, representative for the church, who indicated that Father Gordon had a service tonight. Mr. Bakk said there was a general agreement with the church and the fire department that it would not be prudent to install a sprinkler system at this time.

Director of Community Development McNellis reviewed the options the Board had as follows:

Option 1 – Deny an Extension:

Since the extension will expire on Friday, August 8th, the Board can elect to deny the request for an extension and enforce the building sprinkler code requirement. If the Board wishes to proceed in this manner, we would recommend that the sprinkler system be required to be installed (with Village Building Permit approval) and operational within ninety (90) days from Board action. This would be a reasonable time frame for design, Building Permit review and installation.

Option 2 – Original November, 2010 Request:

Amend the Annexation Agreement to further extend the sprinkler code requirement exemption to November 30, 2010 as originally requested by the Petitioner, with the following caveats:

1. The exemption shall apply only for and until November 30, 2010, provided that such exemption shall automatically terminate and expire if construction of a

building foundation for a new church structure and/or parish activity center has not commenced by May 31, 2009 or four months from Village Board approval of the new church facility, whichever comes earlier. If this caveat is not met, the church would have ninety (90) days to install and make operational a sprinkler system.

2. After Village Board approval, but prior to issuance of a Building Permit for the new church facility, the Church must demonstrate to the Village that it has the financial ability to complete the construction. This can be satisfied by providing a good faith estimate of construction costs and current available funds to cover those costs.
3. It continues to be agreed amongst the parties that the use and occupancy of the existing structure and temporary sanctuary addition shall cease, and the owner shall demolish and remove all structures prior to occupancy of the new church facility. The existing structure and temporary sanctuary addition can continue to be used after November 30, 2010, only if the new church facility has not received its Certificate of Occupancy and a code-approved sprinkler system has been installed in the existing facility.
4. In the event the owner fails to comply with the benchmarks identified in the approved Timeline, the continued use and occupancy of the existing structure and temporary sanctuary addition shall cease until conformance to the Automatic Building Sprinkler System requirement, Lincolnshire Village Code Section 5-4-4(F), has been satisfied.
5. The owner shall meet with representative(s) from the Lincolnshire-Riverwoods Fire Protection District, every six month interval from the granting of this Amendment, to present progress updates on the status of construction for a new church structure and/or parish activity center, until no longer necessary, as determined by the Lincolnshire-Riverwoods Fire Protection District.
6. The extension granted, hereby, shall be the final extension and no further extensions shall be granted.
7. In the event the owner fails to comply with these requirements, the Village shall have the right, but not the obligation, without notice or process, to enter the subject property to enforce these terms and to place a lien against the property for the Village's reasonable costs arising from the enforcement of such requirements, including the demolition and removal of the existing structures.

Staff recognizes that this option is the hardest line to take and is proposed for approval only if the Board is concerned about compliance, reasonable landmarks being met, a desire not to continue extending this agreement, and assurances that construction can move forward in a timely manner. This ordinance is designed to insure that, if the Village determines, through the process, that a reasonable completion date will not be met, that a sprinkler system would then be required within a short period of time.

Option 3 – New November, 2013 Petitioner Request:

Attached, you will find a Letter of Request and Draft Ordinance, submitted by the President of the Parish Council and the Church's Attorney, Jim Bakk. That request is for an extension of the sprinkler code requirement exemption to November 30, 2013. The Church's Letter of Request explains the reason for their additional extension request. Their Draft Ordinance does not contain any additional caveats besides the extension termination of 2013.

The Trustees struggled with this issue, and after a lengthy discussion Trustee Saltiel moved and Trustee Brandt seconded the motion to amend the annexation agreement to further extend the sprinkler exemption with the following caveats:

1. The exemption shall apply only for and until February 28, 2010, provided that such exemption shall automatically terminate and expire if construction of a building foundation for a new church structure and/or parish activity center has not commenced by July 31, 2009, or four months from Village Board approval of the new church facility, whichever comes earlier. If this caveat is not met, the church would have ninety (90) days to install and make operational a sprinkler system.
2. It continues to be agreed amongst the parties that the use and occupancy of the existing structure and temporary sanctuary addition shall cease, and the owner shall demolish and remove all structures prior to occupancy of the new church facility. The existing structure and temporary sanctuary addition can continue to be used after February 28, 2010, only if the new church facility has not received its Certificate of Occupancy and a code-approved sprinkler system has been installed in the existing facility.
3. In the event the owner fails to comply with the benchmarks identified in the approved Timeline, the continued use and occupancy of the existing structure and temporary sanctuary addition shall cease until conformance to the Automatic Building Sprinkler System.
4. The owner shall meet with representative(s) from the Lincolnshire-Riverwoods

Fire Protection District, every six month interval from the granting of this Amendment, to present progress updates on the status of construction for a new church structure and/or parish activity center, until no longer necessary, as determined by the Lincolnshire-Riverwoods Fire Protection District.

5. In the event the owner fails to comply with these requirements, the Village shall have the right, but not the obligation, without notice or process, to enter the subject property to enforce these terms and to place a lien against the property for the Village's reasonable costs arising from the enforcement of such requirements, including the demolition and removal of the existing structures.

The roll call vote was as follows: AYES: Trustees Brandt, McDonough, Saltiel, Walrath, Mayor Blomberg. NAYS: Trustees Servi, Walder. ABSENT: None. ABSTAIN: None. The Mayor declared the motion carried.

ADJOURNMENT

Trustee McDonough moved and Trustee Brandt seconded the motion to adjourn. The voice vote was unanimous, and the Mayor declared the meeting adjourned at 7:40 p.m.

Respectfully submitted,

VILLAGE OF LINCOLNSHIRE

Carol S. Marshall
Deputy Village Clerk