

MINUTES
REGULAR VILLAGE BOARD MEETING
July 13, 2009

Present:

Trustee Brandt	Trustee Feldman
Trustee McDonough (arrived 7:02 p.m.)	Trustee Saltiel
Trustee Servi	Trustee Walder, Jr.
Mayor Blomberg	Village Clerk Mastandrea
Village Manager Irvin	Deputy Village Clerk Marshall
Chief of Police Melvin	Director of Community Development McNellis
Director of Financial Systems Roelker	Director of Public Works Hughes
Village Attorney Simon	Village Treasurer Curtis
Planner Robles	

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 Village Clerk Mastandrea called the Roll.

APPROVAL OF MINUTES

2.1 Approval of the minutes of the Regular Village Board Meeting of June 22, 2009

Trustee Brandt moved and Trustee Saltiel seconded the motion to approve the minutes of the Regular Village Board Meeting of June 22, 2009 as presented. The roll call vote was as follows: AYES: Trustees Brandt, Feldman, Saltiel, Servi. NAYS: None. ABSENT: Trustees McDonough and Walder. ABSTAIN: None. The Mayor declared the motion carried.

REPORTS OF OFFICERS

3.1 Mayor's Report

3.11 The Mayor thanked the staff for the work it did for the 4th of July celebration as well as the Art Festival.

Trustee McDonough arrived (7:02 p.m.)

3.2 Village Clerk's Report - none

3.3 Village Treasurer's Report

Director of Financial Systems Roelker advised that the Revenues and Expenditure for the month of May, 2009 were in proper order.

3.4 Village Manager's Report

Village Manager Irvin advised that the Village's major capital projects: Schelter Road; the beautification in the TIF District at 400 Milwaukee Avenue; and the triangle project are moving along pretty much on schedule. He said the Streets Resurfacing Project and the bike path extension from Berkshire to Wood Creek Courts are moving along as well.

BILLS PRELIST

Director of Financial Systems Roelker presented the Bills Prelist for the month of June, 2009 totaling \$2,019,701.15. 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, Feldman, McDonough, Saltiel, Servi. NAYS: None. ABSENT: Trustee Walder. ABSTAIN: None. The Mayor declared the motion carried.

PETITIONS AND COMMUNICATIONS

- 6.1 Director of Community Development McNellis updated the Board. Dr. Patrick Emmelot, 259 Washington Drive, Lake Zurich, IL, one of the owners of the Animal Hospital, needed clarification on an Ordinance that was passed in February, 2009 regarding improvements being made to the Lincolnshire Animal Hospital. He said there was a discussion regarding having a locked barricade for the drive heading to the north parking lot. He said that the staff felt that the locked barricade was meant to be a gate but the Animal Hospital principals had talked about putting in a locked chain across the drive. If they had to have a gate, they would need two separate gates to lock in the middle in order to span 25 feet across the driveway. In the winter there would be a heavy snow load on the gate and it would need constant repair. Dr. Emmelot felt the chain would look better. During the day, the first person to open the gate would bring it inside the building, and the last person to leave at night would set it up outside. He is looking for clarification from the Board. The Board did not know how specific it got regarding the barricade. Aesthetics were discussed. Trustee Saltiel and Trustee Servi felt the gate looked better. Trustee Brandt did not think the Board should put any more economic hardship on a business and the gate does not look that much better. The snow removal issue was discussed. Village Attorney Simon said there was definitely an intent to put some kind of barrier across that drive. He believes the language of the Ordinance was ambiguous as to whether there should be a chain or a gate. Trustee Servi was leaning toward the chain because it could appear less obtrusive during the day. The Board determined that it would be acceptable for the Animal Hospital to put a chain across the driveway. Trustee Saltiel could not support this decision strictly on aesthetics.
- 6.2 Director of Community Development McNellis updated the Board. Mr. Greg Smolucha, 27 Portshire Drive, said he put a temporary gazebo up in his backyard and was told it did not comply

with Village Code in a letter dated November 11, 2008. As summer approached Mr. Smolucha contacted staff requesting use of the detached structure as he and his family only erect it and use it during the warmer season months. The structure has a “tent” top and they would like to use it from May to October. Trustee Brandt felt the Village was over-regulating, and with the number of mosquitoes in the area, it could be useful. She felt the Village was getting hung up on definitions and felt it is off base saying something should be made of wood. She felt we should be progressive and review the Code on these issues. She did not think it looked offensive. Trustee Saltiel said that the Village has to be careful as to how it defines things because the next person will come in and want to put up a storage shed that “kind of” looks like a gazebo, will say it is a gazebo and “so and so” has one. He said regarding this matter it does not fit any real classification that would be approved.

Director of Community Development McNellis said that staff classified this as a gazebo because of how it looks, stated that it needed to be removed, and Mr. Smolucha removed it. He then came to the staff this year asking if he could again put it up, and based on the Code it could not be considered a tent. Director of Community Development McNellis said temporary seasonal structures are not defined in the Code; and if they are not in the Code, they are not permitted. He said they do allow people to put up tents but there is a big difference between a tent and this structure. It looks like a gazebo but does not meet the requirements of being a gazebo. Director of Community Development McNellis said the only way he could see permitting it is if the Board wishes to consider allowing temporary structures in the Code. Then staff can go about putting together requirements. In the meantime, if the Board wishes to allow Mr. Smolucha to put it up because the Board is putting requirements in place, we can do that. Trustee Servi said he would rather have this in his back yard than a tent. He felt the Board should allow him to keep it up while the Board looks at the Codes.

Mayor Blomberg said he talked to staff about this very issue because he wanted to put up a temporary structure that is fully screened on all sides with a light duty metal frame. He was told that it was a light duty seasonal structure. The condition was if he set it on the lawn or on a couple of minor support blocks to anchor it so it doesn't move when the wind blows, that would be fine. He did not have a problem with Mr. Smolucha's structure, but in looking at the base he asked if there was a permit required and was one issued. Director of Community Development McNellis said his understanding was that the Mayor was just putting up a tent with screens. Director of Community Development McNellis said if the Board wishes to consider these types of structures we can put conditions together for them. They would be similar to a gazebo with some limitations to the amount of “hard” material. Mayor Blomberg suggested letting Mr. Smolucha use it for the season and sending it to the Zoning Board and Architectural Review Board and see what happens. Trustee Brandt asked staff to check the municipalities around Lincolnshire to see what they are doing on this issue. Trustee Saltiel said we should determine at what point it is a temporary structure, at what point do we need approval about a base and where will it be located. Trustee Brandt said staff should strongly look at the setback situation in relation to the other homes so that it is not infringing on neighbors. Trustee Saltiel said staff should look at materials and condition over time. His fear is a family leaves the structure up, it starts falling apart and it is still permitted. Village Manager Irvin said that material, location, size, and set backs makes what appears to be a really small issue much bigger. For example, the sheds are up to 100 square feet. Mr. Smolucha's structure is bigger. Staff will bring this matter back to the Board for referral.

Trustee Brandt asked if the Village has any Ordinances allowing or not allowing totem poles in the Village. Steve does not think it has been addressed. Trustee Brandt said supposedly there are three totem poles in the Spring Lake/Cumberland Lane area and some people are upset. Director of Community Development McNellis said staff will check it out and let the Board know. Trustee Brandt said that one of the totem poles has a carving that is provocative. Trustee Saltiel said when you think in terms of sculpture and art and what is potentially obscene, you don't want to go there. He strongly opposes any effort to legislate.

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, Feldman, McDonough, Saltiel, Servi. NAYS: None. ABSENT: Trustee Walder. ABSTAIN: None. The Mayor declared the motion carried. The Consent Agenda is as follows:

- 7.1 Approval of an Ordinance Amending Section 6-2-1, Definitions, to define Multi-User Buildings within Zoning Definitions; Section 6-8-5 (C) (9), Permitted Uses in the O/Ic Office/Industrial Zoning Subdistrict, to permit multi-user office/warehouse buildings, with certain restrictions; and Section 6-8-5 (D) (7), Permitted Uses in the O/Id Office/Industrial Zoning Subdistrict, to permit multi-user office/warehouse buildings, with certain restrictions (Village of Lincolnshire)
- 7.2 Approval of the lowest responsible bid from Trine Construction Corporation, West Chicago, IL in an amount not to exceed \$18,785.00 for the Hydrant Replacement Program (Village of Lincolnshire)

ADJOURNMENT

Trustee Brandt moved and Trustee McDonough seconded the motion to adjourn. The voice vote was unanimous and the Mayor declared the motion carried at 7:53 p.m.

Respectfully submitted,

VILLAGE OF LINCOLNSHIRE

Barbara Mastandrea
Village Clerk