

**MINUTES**  
**REGULAR VILLAGE BOARD MEETING**  
**May 24, 2010**

Present:

<del>Trustee Brandt</del>	Trustee Feldman
<del>Trustee McDonough</del>	Trustee Saltiel
Trustee Servi	<del>Trustee Walder, Jr.</del>
Mayor Blomberg	<del>Village Clerk Mastandrea</del>
Village Manager Irvin	Deputy Village Clerk Marshall
Chief of Police Melvin	Director of Public Works Hughes
Director of Community Development McNellis	Village Attorney Simon
<del>Director of Financial Systems Roelker</del>	<del>Village Treasurer Curtis</del>

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 May 10, 2010**

Trustee Servi moved and Trustee Saltiel seconded the motion to approve the minutes of the Regular Village Board Meeting of May 10, 2010 with the following change: Page 2, Village Manager's report #4 should read:

"Trustee Saltiel said, regarding the balance sheet, it looks as though there have been delays in payments from the State. He asked if it was safe to say (and he wants to make sure the public knows) that the amount owed from the State is about \$1.3 million. Village Manager Irvin said Sales Tax and Telecommunication Taxes are both received on a three month lag. Income taxes had been three months, but have now gotten to five months. The Village still has not received the December payment. The \$1.3 million is the estimate of taxes that we will receive in 2010, but are accounted for in 2009." The roll call vote was as follows: AYES: Trustees, Feldman, Saltiel, Servi, Mayor Blomberg. NAYS: None. ABSENT: Trustees Brandt, McDonough, Walder. ABSTAIN: None. The Mayor declared the motion carried.

## **REPORTS OF OFFICERS**

### 3.1 Mayor's Report

3.12. Mr. Vic Fernetz, Past President and President Elect of the Lincolnshire Morningstar Rotary, presented to the Board a defibrillator for use in North Park. The Board extended its appreciation to the Rotary.

### 3.2 Village Clerk's Report - No report

### 3.3 Village Treasurer's Report - No Report

### 3.4 Village Manager's Report - No Report

**BILLS PRELIST** - None

## **PETITIONS AND COMMUNICATIONS**

Mrs. Geissler, 201 Surrey Lane, is requesting to appeal enforcement of Title 13 of the Village Code as it relates to construction damage to Appendix A trees. Mrs. Geissler has been working with a landscape architecture firm to replace a retaining wall on their property that is failing. In conjunction with this replacement, they are planning to install a brick retaining wall, patio and stairs. Within two to five feet of this construction are the trunks of three Appendix A oak trees measuring 33", 27" and 20". Per the Village Code, staff believes a cash bond is required due to potential impacts for the trees and Mrs. Geissler believes she should not have to pay for that cash bond.

Mrs. Geissler introduced Mr. Scott Schifler from Guy Sopetti Landscaping. She said the retaining wall is the issue. She advised that the retaining wall is not coming closer to two of the oaks as Director of Public Works Hughes stated. She said getting the permit is contingent on her writing a \$12,000 check to the Village in the event that something might happen to these oaks once she replaces this retaining wall which is deteriorating and falling away from the land. She does not think that it is fair that the \$12,000 would be held over her head for five years because of a repair she is doing to her property.

Mr. Schifler said the new wall would not be any closer to the trees than it is now. With the third and smallest tree, there is an encroachment of about two to three feet to accommodate the patio. However, he has an alternate plan which would move the grill to the other side of the patio, bringing the patio in line with the existing patio that is there now, which would eliminate any encroachments. When it is built it will all be done by hand - there will be no machines involved. He said they are just replacing the timber wall with a nice, decorative concrete wall in the exact same location as the timbers that are there now. Mrs. Geissler does not think this issue applies to her. She is asking the Board to waive the requirement of the bond as it is cost prohibitive for her. It could put this project on hold for years, and it is a detriment to her home's value.

Trustee Saltiel would like to look at the ordinance to see if there is a way that might be appropriate to deal with it. Director of Public Works Hughes said this applies where there is repair or new construction. The section of the Village Code that applies is Section 13-1-3-M. She said it is staff's opinion that there will be damage to the trees. Trustee Saltiel asked if there was no messing with the soil and they replaced the railroad ties would that violate the code? Director of Public Works Hughes said no. Village Manager Irvin said that the Board could allow construction to begin without requiring the bond, knowing however, if during the excavation the staff determines that the tree is damaged to a point where the Village requires the bond, the Village would have to issue a stop work order.

After a lengthy discussion Trustee Saltiel asked to defer this matter so the Board could give it some thought. There was a consensus that this issue would come back to the Board.

#### Mayor's Report

#### **3.12 Stevenson High School Scholastic Bowl Winners**

Mayor Blomberg presented Proclamations to the 2010 Scholastic Bowl Winners from Stevenson High School.

#### **CONSENT AGENDA**

Trustee Saltiel moved and Trustee Feldman seconded the motion to approve the Consent Agenda

as presented. The roll call vote was as follows: AYES: Trustees Feldman, Saltiel, Servi, Mayor Blomberg. NAYS: None. ABSENT: Trustees Brandt, McDonough, and Walder. ABSTAIN: None. The Mayor declared the motion carried. The Consent Agenda is as follows:

- 7.1 Approval of the use of Spring Lake Park and Village Streets by the Lincolnshire Community Association and the granting of a waiver of the requirement to purchase a cash bond to conduct a race on Village streets during the LCA 4th of July celebration (Village of Lincolnshire)
- 7.2 Approval of an Economic Incentive Agreement with Forsythe Solutions Group, Inc. (Village of Lincolnshire)

Planning, Zoning and Land Use

- 8.11 **Approval of an amendment to Ordinance No. 00-1720-28, which granted approval of the final Planned Unit Development (PUD) Plans for a 78,300 square foot mixed-use retail development on Lot 6 of Unit 1 of the City Park of Lincolnshire, ECD Subdivision, to modify the approved site plan and building elevations, permit a music and entertainment venue, and permit a zoning exception for a reduction of code required parking spaces for the proposed Viper Alley music and bowling venue at the City Park of Lincolnshire development at the southwest corner of Milwaukee Avenue and Aptakisic Road (Environmental Community Development Company, Inc.)**

Village Attorney Simon advised that item 8.13 requires an affirmative of five members on the Village Board so that item will not be discussed during this meeting. a Director of Community Development McNellis said that requirement is only for signage and he said Mr. Greenburg is mainly interested in getting the use approved. He can come back for the signage discussion. Director of Community Development McNellis advised that the Board received a chart in their packet regarding parking availability at City Park. He said if you take into account Viper Alley and also a medical use or a restaurant in the Bin 36 space, and if we assume that Aloft is built, they are still less than 1% off of Code required parking. He said staff believes parking will not be an issue on this sight. Director of Community Development McNellis also advised that pyrotechnics displays are prohibited in the Village.

Trustee Saltiel said he really appreciates this chart because what it really does is set out that the problem is a perception and that there is more than adequate parking for virtually every aspect of the project except the most visible - Wild Fire, Big Bowl, and that is where we see the traffic jams. Trustee Saltiel asked that the developer propose some sort of directional signage so that people know where to park in the garage. Director of Community Development McNellis said since the signage will come back to the Board that would be the appropriate place to put that requirement.

Mr. Scott Greenburg said it is a good time to come back to the next meeting, and in the meantime, they will develop a couple of "sign ideas".

Trustee Servi moved and Trustee Feldman seconded the motion to approve an amendment to Ordinance No. 00-1720-28, which granted approval of the final Planned Unit Development (PUD) Plans for a 78,300 square foot mixed-use retail development on Lot 6 of Unit 1 of the City Park of Lincolnshire, ECD Subdivision, to modify the approved site plan and building elevations, permit a music and entertainment venue, and

permit a zoning exception for a reduction of Code required parking spaces for the proposed Viper Alley music and bowling venue at the City Park of Lincolnshire development at the southwest corner of Milwaukee Avenue and Aptakistic Road (Environmental Community Development Company, Inc.) with the 194 parking space reductions. The roll call vote was as follows: AYES: Trustees Feldman, Saltiel, Servi, Mayor Blomberg. NAYS: None. ABSENT: Trustees Brandt, McDonough, Walder. ABSTAIN: None. The Mayor declared the motion carried.

**8.12 Approval of modifications to the building materials and colors for the construction of Viper Alley within an existing tenant space located at 275 Parkway Drive/City Park (ECD Company)**

Trustee Saltiel moved and Trustee Servi seconded the motion to approve modifications to the building materials and colors for the construction of Viper Alley within an existing tenant space located at 275 Parkway Drive/City Park (ECD Company). The roll call vote was as follows: AYES: Trustees Feldman, Saltiel, Servi, Mayor Blomberg. NAYS: None. ABSENT: Trustees Brandt, McDonough, Walder. ABSTAIN: None. The Mayor declared the motion carried.

**8.13 Approval of an amendment to Ordinance No. 00-1719-27, which amended the Annexation Agreement authorized by Ordinance No. 96-1451-35 and designated Lot 6 of Unit 1 of the Lincolnshire Center for Business as an "Area of Special Control", to permit signage associated with the proposed Viper Alley music and bowling venue at the City Park of Lincolnshire development at the southwest corner of Milwaukee Avenue and Aptakistic Road (Environmental Community Development Company, Inc.)**

This matter will be discussed at the next Regular Village Board Meeting.

**ADJOURNMENT**

Trustee Servi moved and Trustee Saltiel seconded the motion to adjourn. The roll call vote was unanimous and the Mayor declared the meeting adjourned at 7:28 p.m.

Respectfully submitted,

**VILLAGE OF LINCOLNSHIRE**

Carol S. Marshall  
Deputy Village Clerk

csm