

**MINUTES  
COMMITTEE OF THE WHOLE MEETING  
VILLAGE OF VERNON HILLS  
JULY 19, 2016**

President Byrne called the meeting to order at 7:26 pm.

IN ATTENDANCE: President Byrne, Trustees Grieb, Schultz, Koch and Marquardt. Trustees Williams and Hebda were absent. A quorum was established.

Also present were: Village Manager Kalmar, Assistant Village Manager Carey, Chief Fleischhauer, Finance Director Larson, Building Commissioner Atkinson, Public Works Director Brown, Attorney Brankin and Recording Secretary Fischbach.

**1. APPROVAL OF THE COMMITTEE OF THE WHOLE MINUTES OF JULY 6, 2016**

Motion by Trustee Koch, second by Trustee Marquardt, to approve the Committee of the Whole Minutes for the July 6, 2016 meeting.

Roll call vote:

AYES: 4 – Schultz, Marquardt, Grieb, Koch

NAYS: 0 - None

ABSENT AND NOT VOTING: 2 – Hebda, Williams

Motion carried.

**2. REQUEST FROM THE AMERICAN HEART ASSOCIATION TO OPERATE AN OUTDOOR SPECIAL EVENT AT 200 N. MILWAUKEE AVENUE AND THE VHAC**

Shelby Darnell, representing the American Heart Association, requested approval of an outdoor special event. A festival consisting of several sponsor tents, music (D.J.), Kid Zone, and give-aways would be located on the CDW parking lot. There would also be a 1-mile and 3-mile walk routing along Lakeview Parkway, Fairway Drive and thru the VHAC. The route does not cross any major streets. The purpose is to raise awareness for heart disease and stroke with proceeds benefiting the American Heart Association. VHHS, Park District, and Cougar organizations have approved this event.

The event would take place on Saturday, September 24 from 8:00AM to 11:00AM. Approximately 5000 participants/attendees are anticipated.

If the Board feels that the special event is appropriate, staff should be directed to prepare a Resolution approving the American Heart Association special event, subject to the following conditions:

1. The special event shall take place on Saturday, September 24, 2016 from 8:00AM until 11:00AM.
2. Compliance with the site plan dated June 15, 2016.
3. Race marshals shall be stationed at appropriate locations along the race route to direct runners.
4. Garbage receptacles shall be provided and the general vicinity shall be cleaned immediately following the event.

Motion by Trustee Koch, second by Trustee Marquardt, directing staff to draft the necessary Resolution approving the request subject to the conditions noted above.

Roll call vote:

AYES: 4 – Schultz, Marquardt, Grieb, Koch

NAYS: 0 - None

ABSENT AND NOT VOTING: 2 – Hebda, Williams

Motion carried.

**3. CHABAD OF VERNON HILLS - CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION REGARDING VARIOUS ITEMS INCLUDING THE PROPOSED SITE & BUILDING PLAN, AND SPECIAL USE FOR A HOUSE OF WORSHIP FOR PROPERTY LOCATED AT 204 US HIGHWAY 45 (AVM CAREY)**

Representatives from the Chabad of Vernon Hills appeared before the Planning & Zoning Commission on July 13, 2016 to present their plans for occupying the existing building located at 204 US Highway 45 and requested the following:

1. Approval of Special Use Permit to allow a house of worship; and
2. Grant certain variations related to parking; and
3. Preliminary and final approval of the building and site plans.

The proposed property is the former J.L. Oil property and is located adjacent to the Mobil Gas Station and across from Village Hall. Approximately 6,000 square feet of the building is currently leased to a dental storage facility who will continue to operate from this property. The house of worship is proposed to occupy 8,000 square feet of space on two floors and would provide religious services to 25 families with seating for up to 55 individuals. These services are proposed to take place on Saturdays on the second floor of the building. The Chabad of Vernon Hills is interested in relocating from the Montessori and Music Center at 1200 S. Lake Street in Mundelein.

In addition to religious services, classes are proposed to be provided for both adults and children. Up to 40 children would be taught on Sunday and up to 20 adults would be taught during the week. These classes would take place on the first floor of the building. Countryside Fire reviewed the proposed classroom use and indicated the property did not need to be sprinklered.

Chabad of Vernon Hills intends to remodel the interior of the building but does not plan to make any exterior modifications. In the future, they intend to install a single tenant monument sign on the property. A sign location is designated on the site plan but no specific signage has been proposed to date and it will be required to comply with the Village's Sign Ordinance.

**Parking:** There are currently 34 parking spaces on the property, but the petitioner intends to create an additional 11 parking spaces along the north property line (45 parking spaces total) by re-striping of existing pavement.

Parking for places of worship requires 1 parking space per 3 seats which results in Chabad of Vernon Hills needing 19 parking spaces based on the 55 seats being proposed. The existing warehouse use requires 30 parking spaces which results in a total of 49 parking spaces being required for the property. The special use requires a parking variation for 4 parking spaces. It should be noted that the existing use does not utilize the existing parking spaces and the hours of operation should not conflict with each other.

**Variations:** The petitioner requested a variation to allow a parking variation to allow 45 parking spaces for the property in lieu of the minimum number of spaces required (49). The Commission was supportive of the request.

**Public Notice:** Notices were sent out to the surrounding property owners and no comments were received.

**Recommendations:**

The Commission voted 6-0 (Hezner absent) to recommend approval of the following:

- a. Approval of Special Use Permit to allow a house of worship; and
- b. Grant certain variations related to parking; and
- c. Preliminary and final approval of the building and site plans.

General Compliance with the following plans:

- Proposed Site and Floor Plan prepared by J. Kirk Irwin Architect received on May 17, 2016 and consisting of 3 pages.

Conditions of Approval for the entire Site:

- a. Final approval of plans by the Village Engineer and Landscape Architect prior to issuance of a building permit.
- b. Compliance with all ordinance and standards of the Village except as otherwise noted.
- c. Work with the property owner to identify additional parking spaces on the property.

If the COW feels that the request is appropriate, it is recommended that the staff be directed to prepare the necessary Ordinance granting approval to the following:

- 1. Approval of Special Use Permit to allow a house of worship
  - a. To allow a parking variation to allow 45 spaces in lieu of the minimum number of spaces required (49).
- 2. Preliminary and final approval of the building and site plans.

Motion by Trustee Schultz, second by Trustee Marquardt, directing staff to draft the necessary Ordinance approving the request subject to the conditions noted above.

Roll call vote:

AYES: 5 – Schultz, Marquardt, Grieb, Koch, Byrne

NAYS: 0 - None

ABSENT AND NOT VOTING: 2 – Hebda, Williams

Motion carried.

**4. PROPOSED VERNON HILLS ATHLETIC COMPLEX FIELD USE AND USER FEE POLICY DATED JULY 19, 2016**

The following information or clarifications are provided, based on questions raised at the July 6 COW meeting. A copy of the draft Policy and spreadsheet showing VHAC expenses and revenues were attached to the packet.

Regarding the question about adding a Thorguard unit to Grosse Point Park, the property is too far from our station to receive a reliable signal. We understand that the Park District is already looking into purchasing a system (or systems) to cover their parks.

Regarding the question of collecting user fees from players who do not use the VHAC, we have reached out to the Park District to determine how we would collect from only VHAC users. It appears that most of their sports use the VHAC exclusively but girls' recreational softball might be the exception. We will talk further with the District to get a more definitive answer.

### Notes and changes to current services/practices

- Proposing using Village staff to do all field maintenance (except mowing) and prepare all fields for games and practices. This will relieve volunteers from grooming fields and allow for more control over how fields are maintained.
- Pets will not be allowed on fields or in areas where players or spectators are located. Dog walking will be allowed on the outside perimeter pathway.
- Operation of model aircraft/drones will not be allowed unless a permit has been obtained by the Village or Park District
- User fees. All participants in Recreational or Travel leagues will pay a fee to help offset the cost of maintenance at the VHAC. Tournaments will be charged by the number of games scheduled for the tournament. Proposed fees are based upon a survey provided by the Park District of other nearby communities and the fees they are charging for similar activities. A copy of the survey is attached.

### Proposed User Fees (Highlights)

- The total VHAC budget for personnel, supplies, contracts equals nearly \$300,000 annually. Labor cost for PW to drag a field is approx. \$20 per field weekday, \$30 per field weekend.
- **VHCBS Baseball/Softball** - Recreational Baseball and Softball and Travel Baseball combined consist of approx 520 players. (approx. 400 Rec. players and 120 Travel players) The fees proposed would contribute approx. \$11,600. The teams play approx. 260 games at the VHAC over the course of the season which equates to about \$44/game. (or \$22/hour). Proposed Fee: (per player) \$20 for recreational baseball/softball, \$20 for travel softball and \$30 for travel baseball.
- **Stingers Travel Softball** - Approx. 96 players would contribute approx. \$1,920. The Stingers play about 56 games at the VHAC which would equate to approx. \$34 per game or \$17 per hour. Proposed Fee: \$20 per player for travel softball.
- **Travel Soccer** consists of approx. 175 players and they play approx. 85 games at the VHAC. Proposed fees would bring in \$2,625 which would equate to approx. \$ 30 per game. Proposed Fee: \$15 per player for travel soccer.
- **Soccer Tournaments** - Proposed Fee: \$15 per game.
- **Recreational Soccer** - Approx. 300 players per season (spring and fall) or 600 per year. They play approx. 200 games in the spring and 325 games in the fall for a total of 525 games per year. Proposed fees would bring in approx. \$6,000 per year which would equate to approx. \$12 per game. Proposed Fee: \$10 per player for recreational soccer.
- **Football** - Approx. 175 players playing approx. 20 games. Proposed fees would bring in approx. \$5,250. This would equate to approx. \$260 per game but football holds about 36 practices for each team or about 180 practices. This would be about 200 uses of the field which would equate to approx. \$26 per use. Proposed Fee: \$30 per player for Tackle Football and \$20 per player for Flag Football.
- **Adult Softball and Kickball** consists of approx. 840 players annually. This would equate to approx. \$12,600 in revenue at the proposed rate. Proposed Fee: \$15 per player. Please note that the Park District uses a portion of the fees they collect from this program to pay a contractor to clean the restrooms at the VHAC. They are requesting that the proposed fee be waived.
- **Field Lighting** – Proposed Fee: \$40 per hour.
- Baseball, softball and soccer use estimates do not include practices.

With the implementation of this Policy and proposed fees, we estimate that the Village will receive an additional \$42,035 in revenue that can be used to offset annual maintenance costs for the VHAC.

Motion by Trustee Koch, second by Trustee Schultz, directing staff to draft the necessary Ordinance approving the Vernon Hills Athletic Complex – Field use and User Fee Policy, dated July 19, 2016. It is also recommended that, in advance of approving said Ordinance, the staff also be directed to immediately communicate the proposed fees to those team organizations who are preparing for team tryouts for the 2017 season

Roll call vote:

AYES: 4 – Schultz, Marquardt, Grieb, Koch

NAYS: 0 - None

ABSENT AND NOT VOTING: 2 – Hebda, Williams

Motion carried.

**5. CONSIDERATION OF AN AMENDMENT TO THE ELECTRICAL CODE, REQUIRING WHOLE HOUSE SURGE PROTECTION IN NEW CONSTRUCTION**

Electrical devices and appliance use sensitive solid state components that can easily be damaged by power surges. Most power surges last for a short duration and are rated at 1,000 volts or less. “Plug-in” type surge protectors can effectively protect devices and appliances against these most common types of power spikes.

Guarding against larger power spikes however is more effectively accomplished through the use of a “Whole-House Suppressor.” Typically, whole-house suppressors are hard-wired to the service panel, a process that takes a licensed electrician about two hours. Whole-house systems should be rated to stop a 40,000-amp surge, at minimum. Protection for an average house with 200-amp service will cost about \$500 (including an electrician's labor). Separate but smaller whole-house units can also be installed to protect devices connected to the phone and cable lines (fax and answering machines, televisions, and modems). The combined costs for these units would be an additional \$500. These devices indicated above could also be used in commercial applications.

Please note, “Whole House Suppressors” are only effective against power spikes from the power supply company. Technology does not have an effective solution for protection against lightning strikes

The Village’s Electrical Code does not require whole-house-surge protection. Given the minimal cost to install these types of systems and the potential benefit of having the increased protection, staff is recommending an amendment to the Electrical Code that would require these types of devices in new construction.

If the COW believes the amendment is appropriate, staff should be directed to prepare an Ordinance amending the Vernon Hills Electrical Code, requiring whole house surge protection as described above. The draft amendment would be placed on a future agenda for final review and consideration by the Village Board.

Motion by Trustee Schultz, second by Trustee Marquardt, directing staff to draft the necessary Ordinance amending the Vernon Hills Electrical Code, requiring whole house surge protection as described above. The draft amendment would be placed on a future agenda for final review and consideration by the Village Board

Roll call vote:

AYES: 4 – Schultz, Marquardt, Grieb, Koch

NAYS: 0 - None

ABSENT AND NOT VOTING: 2 – Hebda, Williams

Motion carried.

**6. DISCUSSION AND CONSIDERATION OF TEXT AMENDMENTS REGARDING SHORT TERM RENTALS IN RESIDENTIAL ZONING DISTRICTS (BC ATKINSON)**

**Background:**

Short term rentals typically allow someone to rent a house, room, or even sometimes just a couch for a short period of time (typically no more than a few days). Short term rentals have gained popularity for travelers in recent years, with websites like [www.airbnb.com](http://www.airbnb.com) and [www.couchsurfing.com](http://www.couchsurfing.com) offering short term rentals around the world.

**Municipal Code Review:**

In reviewing the Municipal Code, staff determined there was not an adequate definition or criteria for short term rentals. The Zoning Ordinance, under the definition of "Dwelling", specifically prohibits "Lodging Houses." Based on this, it would appear that Airbnb and couch surfacing uses are not permitted, however staff recommends an amendment to the Zoning Ordinance that more clearly defines and regulates "Short Term Rentals." The amendment could either prohibit or allow this type of use as follows:

**Short Term Rentals – Prohibited:**

If it is determined that short term rentals is not appropriate in residential zoning districts, staff recommends an amendment that 1) Clearly defines this type of use; and 2) Specifically prohibits short term rentals in residential districts. A clear definition of "Short Term Rental" is key. It is important to distinguish between a use that involves someone occupying a unit as their primary place of residency versus a business use where an owner/occupier is deriving income from transient visitors who stay temporarily within the unit.

**Short Term Rentals – Allowed:**

If it is determined that short term rentals is appropriate, staff recommends an amendment that clearly defines and provides regulations for this type of use. Talking points to consider as part of this option include:

- Can this be a permitted use or should a Special Use Permit be required?
- Should this only be allowed in a detached single family district or can it also be allowed in a multi-family district?
- Maximum number of individuals that can rent at the same time per dwelling unit.
- Maximum number of consecutive days that a room or space can be rented to any single individual and maximum number of days per year.
- The percentage of the dwelling unit or maximum number of rooms that can be devoted to short term rental use.
- Should the property owner be required to reside in the dwelling unit when short term rentals are taking place?
- Required off street parking should be reviewed. Note, the minimum number must be adequate to accommodate increased parking demand from short term renters.
- Should a license be required, and what is the fee?
- Should annual building inspections be required?

Please note the NWMC conducted a survey of communities. Of the 17 respondents, only Schaumburg regulates short term rentals.

Motion by Trustee Schultz, second by Trustee Koch, to refer this matter to the Planning and Zoning Commission for a public hearing

Roll call vote:

AYES: 4 – Schultz, Marquardt, Grieb, Koch

NAYS: 0 - None

ABSENT AND NOT VOTING: 2 – Hebda, Williams

Motion carried.

**7. DISCUSSION REGARDING RESIDENTIAL FENCES – PERMITTED MATERIALS AND DESIGNS (BC ATKINSON)**

**Background:**

At a previous meeting, the Board briefly discussed a new style of residential fence that was observed on property located in Grosse Pointe Subdivision (186 Fiore Parkway). The design of the fence consists of cedar posts spaced at 6' intervals along with horizontal runners at the top and bottom. A thin gauge metal screen is located inside of each framed section (Please see attached photos). Note: The fence complies with Village requirements and a permit was issued prior to installation.

**Discussion:**

Staff is requesting feedback and direction from the Board regarding the design. If the Board feels the design is appropriate, no further action is needed and this style of fence will continue to be allowed. If the Board feels the fence is not appropriate, staff can prepare a draft amendment that would prohibit this style of fence (Note: Any changes to the code would not apply to the fence in question because the permit was legally issued prior to the amendment.)

The amendment would create a definition of "chicken wire" and "cyclone fence." The definitions would establish a minimum gauge wire that is required to be considered a cyclone fence (#6 or better). Anything less would be considered chicken wire and therefore not permitted. Staff would work with the Village Attorney in coming up with specific language.

To help further tonight's discussion, pictures of various fence styles have been provided. Ornamental fence designs can vary from traditional picket, split rail or anodized aluminum (metal), to more unique designs that incorporate both metal and wood materials.

Motion by Trustee Schultz, second by Trustee Koch, to refer this matter to the Planning and Zoning Commission for a public hearing.

Roll call vote:

AYES: 5 – Schultz, Marquardt, Grieb, Koch, Byrne

NAYS: 0 - None

ABSENT AND NOT VOTING: 2 – Hebda, Williams

Motion carried.

**6. ADJOURNMENT OF THE COMMITTEE OF THE WHOLE**

Motion by Trustee Schultz, second by Trustee Koch, to adjourn the Committee of the Whole.

Roll call vote:

AYES: 4 – Schultz, Marquardt, Grieb, Koch

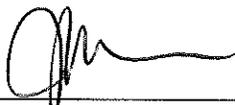
NAYS: 0 - None

ABSENT AND NOT VOTING: 2 – Hebda, Williams

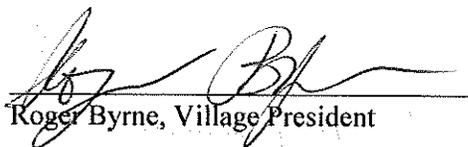
Motion carried.

Meeting adjourned 8:30 p.m.

Approved this 9<sup>th</sup> day of August 2016



John M. Kalmar, Village Manager/  
Village Clerk



Roger Byrne, Village President

JMK/LLF