

APPROVED MINUTES
VILLAGE OF LAKE ZURICH
Board of Trustees
70 East Main Street



Tuesday, January 2, 2018 7:00 p.m.

1. **CALL TO ORDER** by Mayor Thomas M. Poynton at 7.00pm.
2. **ROLL CALL:** Mayor Thomas Poynton, Trustee Jim Beaudoin, Trustee Mary Beth Euker, Trustee John Shaw, Trustee Marc Spacone, Trustee Jonathan Sprawka, Trustee Greg Weider. Also present: Village Manager Ray Keller, Asst. Village Manager Roy Witherow, Village Atty. Scott Uhler, Dir. of Innovation Michael Duebner, Police Chief Steve Husak, Fire Chief John Malcolm, Community Development Director Sarosh Saher, H.R. Dir. Doug Gibson, Atty. Carmen Forte Jr.

3. **PLEDGE OF ALLEGIANCE**

4. **PUBLIC COMMENT.**

Jody Kien, 805, N. Old Rand Road, addressed the Board on Board members commenting on FaceBook during meetings, open FOIA request, destroying documents, using Lifetime Fitness photo on a banner, "rubber stamping" by the Board and PZC of the Lifetime Fitness application, traffic study, snow on sidewalk by Hackney's property, proposed biergarten and alcohol in a public park, requested speed bumps on N. Old Rand Road and surrounding streets.

Trustee Sprawka requested a copy of the mentioned FOIA document.

Phil Gargano, 761 N. Old Rand Road, addressed the Board on the proposed Lifetime Fitness building blocking the view of sunsets from the Promenade.

Janice Gannon, 207 N. Old Rand Road, addressed the Board and stated that Board's feedback was she'd worn out her welcome. She had questions about the traffic study, membership numbers for the first few years, maximum capacity of the building, sales tax amounts and real estate taxes.

Marty Filson, 33 E. Harbor Road, addressed the Board on the zoning laws and the obvious togetherness of Lifetime and VOLZ, precedence of a 6 storey building, Board giving direction to PZC, neighbourhood impact, biergarten in public park.

John Tolomei, 190 and 803 N. Old Rand Road, addressed the Board on the 6 storey building precedence, public comments are the only opportunity for residents to bring up points they want addressed, misconception on the proposal being a "done deal" as it's in the PZC process, suggested a roof top pool, lower the height of the building, concerned about the impact on Foglia YMCA.

Chad Karecki, 785 N. Old Rand Road, addressed the Board on his opposition to the rezoning, sales tax revenue and suggested excavating to lower the building height.

Jody Kien, 805, N. Old Rand Road, read a partial statement from Foglia YMCA founders.

Matt Sadler, 751 N. Old Rand Road, addressed the Board on his opposition to the Lifetime proposal, rezoning, modification of plans and buffering with landscaping.

John Tolomei, 190 and 803 N. Old Rand Road, reiterated the comment about concerns for Foglia YMCA.

Marty Filson, 33 E. Harbor Road, addressed the Board on transparency, and the Lifetime photo on the VOLZ marketing banner is disrespectful.

Dylan DeGrave, 759 N. Old Rand Road, addressed the Board about the rezoning proposal, "monstrosity" of the building, need for tall trees.

Mike Gannon, 207 N. Old Rand Road, addressed the Board on the safety for residents and the neighbours being strongly affected.

5. PRESIDENT'S REPORT / COMMUNITY UPDATE

There was no report.

6. CONSENT AGENDA

A. Approval of Minutes of the Village Board Meeting, December 18, 2017

B. Agreement to Purchase Bulk Water Conditioning Salt from Midwest Salt for Village's Five Water Treatment Plants at \$102 per ton in the Amount Not-to-Exceed \$120,000

Summary: The FY 2018 budget includes \$120,000 for this salt commodity purchase, which is used during the regeneration process of the ion exchange filter resin at the Village's deep-aquifer well sites. The Village's current contract with Compass Minerals expires on December 31, 2017 and a recent competitive bid process has resulted in the recommendation of a new contract with Midwest Salt.

C. Ordinance Amending Special Service Area District Levy and Extension and Abating Portion Thereof for Coventry Creek Subdivision ORD. #2018-1-237

Summary: Following the December 18, 2017 Village Board public hearing, this proposed Ordinance allows the Board to formally amend Special Service Area #13 for the Coventry Creek subdivision, perpetually extending the SSA while also reducing the annual levy amount from \$38,377 to \$30,000 per year. This SSA is used for the maintenance and repair of wetlands, detention facilities, and easements.

Recommended Action: Motion was made by Mayor Poynton, seconded by Trustee Beaudoin, to approve the Consent Agenda as presented.

AYES: 6 Trustees Beaudoin, Euker, Shaw, Spacone, Sprawka, Weider.

NAYS: 0

ABSENT: 0

MOTION CARRIED.

7. OLD BUSINESS

None at this time.

8. NEW BUSINESS

A. Ordinance Granting Approval for a Planned Unit Development, Development Concept Plan, Special Use Permits, and Modifications to the Zoning and Land Development Code for the Redevelopment of the Former Omega Restaurant Property by True North Energy at 449 South Rand Road ORD. #2018-1-238

Summary: Truenorth Energy is requesting approval of a Planned Unit Development to construct a gas station and convenience store on the northwest corner of Rand Road and Route 22. The development proposal includes a Shell gas station consisting of a 3,500 square foot convenience store and six gasoline dispensing units with the ability to fuel up to 12 vehicles, operated on a 24-hour basis, 7 days a week. The operator is ultimately looking to sell beer and wine at the convenience store and have indicated they have no intention of installing video gaming machines.

The Planning & Zoning Commission held a public hearing on September 20, 2017 and voted 7-0 in favor of recommending approval of the Planned Unit Development subject to the conditions outlined in the proposed Ordinance.

Community Development Director Sarosh Saher introduced Ryan Howard, Mark Lyden and Scott DiGillio who gave a PowerPoint presentation of the proposed gas station and answered the Board's questions from the courtesy review in 2017.

The Trustees comments were about the monument sign, design enhancements, canopy, tankers route and timeframe and they were answered by the presenters. Dir. Saher reported on the next process.

Recommended Action: A motion was made by Trustee Sprawka, seconded by Trustee Shaw, to approve Ordinance #2018-1-238 Granting Approval for a Planned Unit Development, Development Concept Plan, Special Use Permits, and Modifications to the Zoning and Land Development Code for the Redevelopment of the Former Omega Restaurant Property by True North Energy at 449 South Rand Road.

AYES: 6 Trustees Beaudoin, Euker, Shaw, Spacone, Sprawka, Weider.

NAYS: 0

ABSENT: 0

MOTION CARRIED.

9. TRUSTEE REPORTS

Trustee Sprawka reported on the audio problems during the Public Comment portion of the meeting. Mr. Sprawka asked Dir. Saher to provide the answers to Ms. Gannon's tax and membership questions. The outstanding FOIA question posed by Ms. Kien was addressed to Village Manager Ray Keller who stated that the staff did not know of such a request and Atty. Uhler said that his office had not been notified by the Atty. General's office about any denied FOIA request. Trustee Sprawka emphatically denied that the zoning code is not for sale. He asked who was responsible for plowing sidewalks and requested an article with the answer in Benchmarks. On the question of the village being bankrupt, Mr. Sprawka stated there is a 2018 balanced budget, the village is meeting its pension commitments, the reserve fund is aiming for 40% reserves and there is a 20 year road replacement plan. He addressed the comments on social media that the Kohl's property was available for Lifetime as it is inaccurate about Kohl's leaving. He ended with the Board is respectful of residents who have the facts.

Mayor Poynton said that there were Board members comments on social media during the recent PZC meeting clarifying Public Comment portion.

Trustee Spacone reported on articles on the demise of retail which many residents wish to see in the village.

Trustee Beaudoin reiterated that there is no backroom deal, the village has a triple A bond rating which could not be achieved if in financial trouble. The challenges are unfunded State mandates and the withheld monies the State is not passing on to municipalities.

10. **VILLAGE MANAGER'S REPORT**

No report.

11. **ATTORNEY'S REPORT**

No report.

12. **DEPARTMENT HEAD REPORTS**

There were none.

13. **EXECUTIVE SESSION called for the purpose of:**

- 5 ILCS 120/ 2 (c) (21) approval of Executive Session minutes
- 5 ILCS 120/2 (c) (11) pending or imminent litigation and
- 5 ILCS 120/2 (c) (12) establish reserves or settle claims

A motion was made by Trustee Weider, seconded by Trustee Spacone, to adjourn to Executive Session for the purpose of 5 ILCS 120/ 2 (c) (21) approval of Executive Session minutes; 5 ILCS 120/2 (c) (11) pending or imminent litigation; 5 ILCS 120/2 (c) (12) establish reserves or settle claims.

AYES: 6 Trustees Beaudoin, Euker, Shaw, Spacone, Sprawka, Weider.

NAYS: 0

ABSENT: 0

MOTION CARRIED.

Meeting adjourned at 8.53pm

Meeting reconvened at 9.15pm

Meeting called to order by Mayor Poynton

ROLL CALL: Mayor Thomas Poynton, Trustee Jim Beaudoin, Trustee Mary Beth Euker, Trustee John Shaw, Trustee Marc Spacone, Trustee Jonathan Sprawka, Trustee Greg Weider. Also present: Village Manager Ray Keller, Village Atty. Scott Uhler, H.R. Doug Gibson.

14. **ADJOURNMENT**

Motion was made by Trustee Weider seconded by Trustee Spacone, to adjourn the meeting.

AYES: 6 Trustees Beaudoin, Euker, Shaw, Spacone, Sprawka, Weider.

NAYS: 0

ABSENT: 0

MOTION CARRIED.

Meeting adjourned at 9.16pm

Respectfully Submitted by:

Kathleen Johnson, Village Clerk.

Approved by:



Thomas M. Poynton, Village Mayor

1-17-2018
Date.