

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



Monday, November 19, 2018 7:00p.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, Atty. Carmen Forte Jr., Finance Dir. Jodie Hartman, Dir. of Innovation Michael Duebner, Police Chief Steve Husak, Community Development Director Sarosh Saher, Public Works Dir. Mike Brown.
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC COMMENT**
Marty Filson, 33 E. Harbor Dr., addressed the Board re: the Budget Workshop and he felt that the dollar bill graphic on page 27 was misleading as the residents pay other taxes beside property taxes; the NHRST revenue seemed low; water/sewer fund revenue; FTE numbers on page 12.
5. **PRESIDENT'S REPORT / COMMUNITY UPDATE**
There was none.
6. **TRUTH-IN-TAXATION PUBLIC HEARING FOR 2018 PROPERTY TAX LEVY**
Summary: The total proposed increase to the Village of Lake Zurich property tax levy is 3.24% an increase of \$301,754. This levy increase brings the total levy to \$9,301,822. As the proposed property tax levy for 2018 will not exceed 105% of the actual 2017 property tax extension, the Village is not required to hold a Truth-in-Taxation Public Hearing.
However, to promote the transparency of local government operations and finances, the Village has scheduled this Truth-in-Taxation hearing so the public can have the opportunity to comment on the proposed increase. The hearing notice was published on November 11, 2018 in the Daily Herald.
Recommended Action #1: A motion was made by Mayor Poynton, seconded by Trustee Beaudoin, to open the Truth-in-Taxation Public Hearing for the 2018 Property Tax Levy and receive public comments into record.
AYES: 6. Trustees Beaudoin, Euker, Shaw, Spacone, Sprawka, Weider.
NAYS: 0
ABSENT: 0
MOTION CARRIED.

Roll Call: Mayor Thomas Poynton, Trustee Jim Beaudoin, Trustee Mary Beth Euker, Trustee John Shaw, Trustee Marc Spacone, Trustee Jonathan Sprawka, Trustee Greg Weider.

PUBLIC COMMENT

There were none.

Recommended Action #2: A motion was made by Trustee Spacone, seconded by Trustee Sprawka, to close the Truth-in-Taxation Public Hearing for the 2018 Property Tax Levy.

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

NAYS: 0

ABSENT: 0

MOTION CARRIED.

7. CONSENT AGENDA

A. Approval of Minutes of the Village Board Meeting, November 5, 2018

B. Semi-Monthly Warrant Register Dated November 19, 2018 Totaling \$1,273,225.57

C. Annual Schedule of Meetings for 2019

Summary: Each year the Village Board approves the annual schedule of meetings for the following calendar year. Upon approval, the schedule for Lake Zurich commission and advisory boards will be published accordingly to fulfill the State of Illinois Open Meetings Act requirement.

D. Renewal of Ten Year Franchise Agreement with Comcast of Illinois / West Virginia LLC

Summary: Comcast has requested a 10-year renewal of the television franchise agreement that is due to expire on December 31, 2018. The agreement is based on a template negotiated in 2010 between Comcast and the Metropolitan Mayors Caucus.

Recommended Action: Motion was made by Trustee Weider, seconded by Trustee Shaw, to approve the Consent Agenda as presented.

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

NAYS: 0

ABSENT: 0

MOTION CARRIED.

8. OLD BUSINESS

None at this time.

9. NEW BUSINESS * Item D was moved to A, item A was moved to B, and items B and C were moved to C and D*

A. Annexation Agreement with M/I Homes, Annexation, Rezoning, and Approval of a Planned Unit Development for the Raupp Property at 24168 North Midlothian Road into the Corporate Boundaries of the Village of Lake Zurich

Summary: M/I Homes, the 14th largest single-family home builder in the United States, is requesting approval of annexation zoning and a preliminary plan for the development of a 35-lot single family residential subdivision at 24168 North Midlothian Road, currently located in unincorporated Lake

County. The property will become zoned R-5 Single Family Residential and will include two additional detention ponds. Full access to the subdivision will remain directly off Midlothian Road and will be located immediately north of the existing driveway access, which will be removed.

On June 20, 2018, the Planning and Zoning Commission held a public hearing and voted 4-0 in favor of recommending approval of the development. On October 1, 2018, the Village Board held a public hearing for the proposed annexation. Minor changes related to residential lot design warranted a second review by the Planning and Zoning Commission on October 24, 2018, which again recommended approval of the development to the Village Board.

Formal annexation of the property and approval of the M/I Homes development requires three separate votes by the Village Board.

Community Development Director Sarosh Saher introduced Greg Collins, Land Acquisition Manager for M/I Homes. Mr. Collins gave a PowerPoint presentation of the proposed development and answered the Board's questions. Community Development Dir. Saher also answered the Board's questions.

Recommended Action #1: A motion was made by Trustee Sprawka, seconded by Trustee Euker, to approve a Resolution Approving and Authorizing the Execution and Attestation of an Annexation Agreement with M/I Homes of Chicago, LKLC, A Delaware Limited Liability Company and Chicago Title Land Trust Company, as Successor Trustee to State Bank of Lake Zurich, under the Provisions of a Trust Agreement Dated November 19, 1997 and Known as Trust No. 87-0087 RES. #2018-11-028

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

NAYS: 0

ABSENT: 0

MOTION CARRIED.

Recommended Action #2: A motion was made by Trustee Sprawka, seconded by Trustee Beaudoin, to approve an Ordinance Annexing Certain Property to the Village of Lake Zurich at 24168 North Midlothian Road – Raupp Property Ord. #2018-11-277

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

NAYS: 0

ABSENT: 0

MOTION CARRIED.

Recommended Action #3: A motion was made by Trustee Sprawka, seconded by Trustee Shaw, to approve an Ordinance Rezoning Newly Annexed Property within an R-5 Single-Family Residential District and Granting Approval of a Planned Unit Development, Development Concept Plan and Modifications to the Zoning and Land Development Code for a Residential Subdivision ORD. #2018-11-278

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

NAYS: 0

ABSENT: 0

MOTION CARRIED.

B. Courtesy Review for Proposed 37-Acre Residential Subdivision on the Southside of Honey Lake Road at 24909 West Signal Hill Road

Summary: Developers from Taylor Morrison, the nation's sixth largest homebuilder, are proposing development of the approximately 37-acre property on the south side of Honey Lake Road with a new residential subdivision called Pine Ridge. The property is currently located in unincorporated Lake County and would need to be annexed into the Village of Lake Zurich prior to development. A large portion, approximately 20 acres, of the property comprises Lake County jurisdictional wetlands and would need to be maintained.

The development proposal includes 40 single-family residential lots located along the south side of Honey Lake Road and along the western portion of the property. The developer intends to locate 13 of the 40 single-family lots along Honey Lake Road with the remaining 27 lots within the interior of the property with access via an approximately 1,300 foot south-bound street that ends in a cul-de-sac.

Taylor Morrison and Village staff are seeking the Board's feedback on the potential annexation of this property into the Village and the configuration of the proposed development.

Upon initial review, Staff identified several issues to be addressed by the developer if they proceed. These include lot sizes, vehicle access, wetland and stormwater management, and the extension of utilities through the site.

Recommended Action: Staff recommends the Village Board provide feedback on the proposed development and highlight any areas of concern to the applicant. This is a non-voting agenda item for the Board at this time.

Community Development Director Sarosh Saher introduced Marc McLaughlin, Land Entitlement Manager, and Scott Barenbrugge, VP, Land Acquisition and Development, from Taylor Morrison. Mr. McLaughlin gave a PowerPoint presentation on the property and the proposed development and he answered the Board's questions on HOA, SSA, wetland, stormwater. Community Development Dir. Saher explained the next process and going to the PZC. The Board gave their consensus to this courtesy review.

C. Ordinance Amending Chapter 2 (Specific Regulations for Certain Businesses) of Title 3 (Business Licensing, Regulation, Taxation, and Fees) of the Village of Lake Zurich Municipal Code to Add E-Cigarettes and Raise the Age for Use, Sale and Possession of Tobacco Products ORD. #2018-11-275

Summary: Under existing Illinois law, the minimum age to buy or possess tobacco products and e-cigarettes is 18 years of age. Illinois municipalities have the authority to raise the minimum age to purchase tobacco within their corporate limits. Lake County became the first county in Illinois to raise the minimum purchase age to 21 effective January 1, 2018. Deer Park, Mundelein, Barrington, Buffalo Grove, and Vernon Hills are among the eleven Lake County municipalities who have also increased the minimum age to purchase tobacco to 21.

According to the Centers for Disease Control, the use of electronic cigarettes has tripled in the United States in the last three years. Lake Zurich Police have been involved with the Lake County Health Department, Lake Zurich Community Unit School District 95, and the Ela Coalition Against Youth Substance Abuse to reduce the use of e-cigarettes within our community.

The proposed Ordinance would make several changes to the Village Code regarding tobacco, e-cigarettes, and vaping products effective January 1, 2019. These include raising the legal age for sale, use and possession of tobacco, e-cigarettes, and vaping products to 21; adding language that e-cigarettes, vaping products, and alternative nicotine products are all treated the same as tobacco by Village Code, and establishing that sale, possession, or use by a person under 21 is a municipal code violation, subject to monetary fines and local adjudication hearing.

Recommended Action: Staff requests the Village Board's direction and feedback on this draft Ordinance. Any changes will be incorporated into final version for formal action at the December 3rd or December 17th meeting.

PUBLIC COMMENTS

Jim Cairo, Cairo Designs, a founding member of the Ela Coalition Against Youth Substance Abuse to addressed the Board in support of this proposed Ordinance.

Kane Osborn, Superintendent of Comm. School Dist. #95, addressed the Board and he read a statement and thanked the Board for this proposal.

Doug Goldberg, President of Dist. #95 and a resident of Lake Zurich, addressed the Board and supports these Ordinances.

Doug Miller, Country Club Road, addressed the Board and commended them on the two proposed Ordinances.

Marty Filson, 33 E. Harbor Drive, addressed the Board and he agreed with the proposal but was concerned about people's liberty.

The Board then discussed the proposed Ordinance and gave their feedback.

D. Ordinance Establishing a Temporary Moratorium on Application For, Establishment or Approval of Tobacco and Nicotine Businesses and Uses in the Village of Lake Zurich ORD. #2018-11-276

Summary: The proposed ordinance enacts a temporary moratorium on any tobacco, e-cigarettes, and vaping shops opening in the Village of Lake Zurich until December 31, 2019. This moratorium would allow the Village time to carefully consider appropriate zoning code amendments for dealing with new tobacco, vaping and alternative nicotine-related businesses. Possible zoning amendments may include changing the zoning districts in which smoking retail shops are allowed to operate, updating zoning definitions and establishing new site location criteria. Adoption of the moratorium would follow the same process as an amendment to the Zoning Code, including a public hearing before the Planning & Zoning Commission.

Recommended Action: Staff requests the Village Board's direction and feedback on the proposed moratorium. Unless directed otherwise, staff will publish notice for a public hearing on the moratorium by the PZC at their December 19 meeting. The PZC's recommendation and any public comments

received would be forwarded to the Village Board for possible action at the January 7, 2019 meeting.

Marty Filson, 33 E Harbor Dr., suggested that people with a Military ID who are under 21 be allowed to purchase.

The Board discussed the proposed Ordinance and gave their feedback.

Village Manager Keller explained the next process of the proposed Ordinances. Police Chief Husak also commented on the proposed Ordinances.

10. **TRUSTEE REPORTS**

There were none.

11. **VILLAGE MANAGER'S REPORT**

A. **Monthly Data Metric Reports**

B. Mr. Keller wished everyone a Happy Thanksgiving and he reminded residents of the Miracle on Main Street, Dec 1st from 3-7pm.

12. **ATTORNEY'S REPORT**

There was no report.

13. **DEPARTMENT HEAD REPORTS**

Community Development Director Sarosh Saher stated that the PZC meeting will be November 28th.

Dir. of Innovation Michael Duebner gave an update on the water meter replacement and there are 14 meters still to replace and their water shut off will be Dec. 4th. There are 152 residents using the portal.

14. **ADJOURNMENT**

Motion to adjourn was made by Trustee Shaw, seconded by Trustee Weider.

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

NAYS: 0

ABSENT: 0

MOTION CARRIED.

Meeting adjourned at 8.40pm

Respectfully Submitted by:

Kathleen Johnson, Village Clerk.

Approved by:



Thomas M. Poynton, Village Mayor

12-6-2018
Date.