

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



Monday, May 20, 2019 7:00 p.m.

1. **CALL TO ORDER** by Mayor Thomas M. Poynton at 7.00pm.
**Mayor Poynton announced that Agenda Item 8A was removed from the Agenda at the petitioner's request.*
2. **ROLL CALL:** Mayor Thomas Poynton, Trustee Jim Beaudoin, Trustee Mary Beth Euker, Trustee Janice Gannon, Trustee Marc Spacone, Trustee Jonathan Sprawka, Trustee Greg Weider. Also in attendance: Village Manager Ray Keller, Asst. Village Manager Roy Witherow, Village Atty. Scott Uhler, Dir. of Innovation Michael Duebner, Fire Chief John Malcolm, Police Chief Steve Husak, Dir. Of Community Services Sarosh Saher, Public Works Dir. Mike Brown.
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC COMMENT**
Ted Valenti, a Kildeer resident, addressed the Board on the Agenda item 7A and his opposition to the proposed gas station at Mariano's.
Jody Kien, Bayshore Village, addressed the Board on the skunk problem in the Village.
Lake Zurich resident, addressed the Board on the recent report on the proposed Marian's gas station in Vernon Hills.
Marty Filson, 33 E. Harbor Dr., addressed the Board on a number of issues including the proposed tree code changes, Trustee reports be included on the Agenda, signs for Main Street businesses be displayed on Rt. 22 and Main St., and more information on water volume being down and revenues up.
5. **PRESIDENT'S REPORT / COMMUNITY UPDATE**
 - A. **Proclamations**
 - Designating the Week of May 19 – 25, 2019 as National Public Works Week
 - Declaring the Week of May 19 – 25, 2019 as Emergency Medical Services Week
 - Recognizing May 27, 2019 as Memorial Day in Lake Zurich with the Parade which leaving the American Legion at 10am.
6. **CONSENT AGENDA**
**Agenda Items 6C and 6D were pulled from the Consent Agenda by Mayor Poynton and Trustee Gannon respectively.*

- A. **Approval of Minutes of the Village Board Meeting, May 6, 2019**
- B. **Semi-Monthly Warrant Register Dated May 20, 2019 Totaling \$601,326.65**
- E. **Agreement with Patriot Pavement Maintenance, Inc. for 2019 Street Maintenance Crack Sealing Program in the Amount Not-to-Exceed \$60,000**
Summary: The FY 2019 budget includes \$60,000 in the Motor Fuel Tax Fund for preventative street maintenance via crack sealing. A joint competitive bid opening with other municipalities through the Lake County Municipal League occurred on February 15, 2017 with an option to extend for two additional consecutive years. Village staff recommends extending the contract through 2019 with Patriot Pavement of Des Plaines, IL at the unit price of \$1.13 per pound of sealant.
- F. **Agreement with L & T Painting for Repainting the Exterior of the Paulus Park Water Tower in the Amount Not-to-Exceed \$84,480**
Summary: The FY 2019 budget includes \$171,000 in the Water & Sewer Fund for exterior paint coating of the Paulus Park water tower, which has not been painted since 2005. A competitive bid opening on April 30, 2019 resulted in eight bids received with the lowest bid received by L & T Painting of Shelby Township, MI at \$76,800. A 10% project contingency is included in the total project amount of \$84,480.
- G. **Ordinance Amending Title 3 of Chapter 3 of the Village of Lake Zurich Municipal Code Amending the Number of Authorized Liquor Licenses for True North Energy, LLC at 449 South Rand Road ORD. #2019-05-314**
Summary: True North Energy at 449 South Rand Road, owners of the Shell gas station currently under construction, is requesting a Class C – Convenience Store liquor license from the Village that would authorize retail sales in original package form for consumption off the premises where it is sold.
- H. **Resolution to Illinois Department of Transportation for Route 22 Road Closure for Alpine Festival and Parade on Sunday, July 21, 2019 RES. #2019-05-036**
Summary: The annual Lions Club Alpine Fest is scheduled for July 19, 20, and 21, 2019 with a parade scheduled for Sunday, July 21. The proposed resolution authorizes a request to the Illinois Department of Transportation to close a portion of Route 22 to facilitate the parade between the hours of 10:30 am and 1:30 pm on Sunday, July 21, 2019.
A Motion was made by Trustee Sprawka, seconded by Trustee Euker, to approve the Consent Agenda as amended, excluding Agenda Items 6C and 6D.
AYES: 6 Trustees Beaudoin, Euker, Gannon, Spacone, Sprawka, Weider.
NAYS: 0
ABSENT: 0
MOTION CARRIED.
- *C. **Ordinance Amending Title 7, Chapter 6 of the Lake Zurich Municipal Code Concerning the Regulation of Trees ORD. #2019-05-312**
Summary: The proposed Ordinance amends the Village Code concerning the regulation of trees, including permitted tree species, permit requirements,

construction activity protection plans, tree spacing and diversification. On March 5, 2019, the Tree Commission voted unanimously in favor of recommending approval of this Ordinance.

Mayor Poynton invited two Tree Commissioners to address the meeting on the proposed code changes. Mary Kozub and Curt Hansen, with Mr. Hansen giving a description of the changes including categorizing trees as Heritage, Landmark, Desirable, Undesirable and Noxious. They answered the Board's questions.

A Motion was made by Trustee Weider, seconded by Trustee Spacone, to approve Ordinance Amending Title 7, Chapter 6 of the Lake Zurich Municipal Code Concerning the Regulation of Trees ORD. #2019-05-312

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

NAYS: 0

ABSENT: 0

MOTION CARRIED.

***D. Ordinance Approving a Special Use Permit for Nisei Dojo to Establish a Martial Arts Facility at 58 North Old Rand Road ORD. #2019-05-313**

Summary: The business owner of Nisei Dojo has filed a Zoning Application for the property at 58 North Old Rand Road seeking a Text Amendment and Special Use Permit to establish a Martial Arts Facility within a tenant space at the Alpine Shopping Center. The property is located within the Village's B-2 Central Business District. The Planning and Zoning Commission held a public hearing on May 15, 2019 and voted in favor of recommending approval of this item to the Village Board.

Trustee Gannon questioned a possible conflict of interest with the Owner of Nisei Dojo as she teaches at the Park programme. Ms. Gannon asked why there was a delay in the timeline release of the meeting agenda. Dir. of Community Services Sarosh Saher explained the delay in the agenda release. Atty. Uhler advised on the conflict of interest, as Ms. Donner is a contractor there is no conflict.

Motion was made by Trustee Spacone, seconded by Trustee Euker, to approve an Ordinance Approving a Special Use Permit for Nisei Dojo to Establish a Martial Arts Facility at 58 North Old Rand Road
ORD. #2019-05-313.

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

NAYS: 0

ABSENT: 0

MOTION CARRIED.

7. OLD BUSINESS

A. Ordinance Amending a Planned Unit Development, Approving a Special Use Permit for a Gasoline Service Station, and Approving Modifications to the Zoning Code for Mariano's Fuel Center at 1300 East Route 22

ORD. # 2019-04-308

Summary: Mariano's is requesting approval to construct a fuel center at 1300 East Route 22 via an amendment to the Planned Unit Development approved in July 2017. As part of a nationwide initiative, the company plans

to install gas stations at all of its grocery stores. The proposed fuel center includes a canopy, transaction kiosk, and five gasoline dispensers.

This property is located within the Village's B-3 Regional Shopping Business District. The Planning and Zoning Commission held a public hearing on March 20, 2019 and voted 6-1 in favor of recommending approval of the project following certain conditions.

This proposal was presented to the Village Board at its April 15, 2019 meeting. Following discussion, the item was continued to a future meeting date to allow Mariano's the opportunity to respond to questions and concerns that were raised by the Village Board.

Community Services Sarosh Saher explained the reason for this proposal's return was to address three conditions requested of the Board at the recent meeting. Tim Kratz, senior project manager, addressed the Board about the relocation of the tanks, the route of the fuel trucks, landscaping and he answered the Board's questions. Debbie Blankenship, Environmentalist from 3838 Park 370, Hazelwood, MO, addressed the Board on the fuel tanks which are double walled fiberglass. Ms. Blankenship explained the process of checking Mr. Henry's well, the aquifer, the terrain and the depth of the tanks and she answered the Board's questions.

Recommended Action: A motion was made by Trustee Beaudoin, seconded by Trustee Sprawka, to approve Ordinance #2019-04-308 Amending a Planned Unit Development, Approving a Special Use Permit for a Gasoline Service Station, and Approving Modifications to the Zoning Code for Mariano's Fuel Center at 1300 East Route 22.

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

NAYS: 0

ABSENT: 0

MOTION CARRIED.

***8. NEW BUSINESS**

**This item removed at the request of the petitioner.*

- A. **Ordinance Granting Development Concept and Final Plan Approval of a Planned Unit Development and Approving a Special Use Permit for Outdoor Seating Accessory to Permitted Eating Places for a Multi-Tenant Retail Center at 455 South Rand Road ORD. #2019-05-315**

Summary: Midwest Design and Construction is requesting approval to demolish the existing vacant building and construct a new 8,640 square-foot multi-tenant retail building consisting of four tenant spaces at 455 South Rand Road. The property is on the southwest corner of Rand Road and Route 22 and located within the Village's B-3 Regional Shopping Business District.

The Planning and Zoning Commission considered the development at a public hearing on April 17, 2019 and voted unanimously to recommend approval of the project pending the concerns raised by the adjacent property owner be resolved, which have been successfully completed.

Recommended Action: A motion to approve Ordinance #2019-05-315 Granting Development Concept and Final Plan Approval of a Planned Unit Development and Approving a Special Use Permit for Outdoor Seating

Accessory to Permitted Eating Places for a Multi-Tenant Retail Center at 455 South Rand Road.

9. **TRUSTEE REPORTS**

There were none.

10. **VILLAGE MANAGER'S REPORT**

A. **Monthly Data Metric Reports**

Village Manager Keller reminded residents that the beaches are about to open and Sunset Pavilion is open.

11. **ATTORNEY'S REPORT**

There was no report.

12. **DEPARTMENT HEAD REPORTS**

There were no reports

13. **ADJOURNMENT**

Motion to adjourn was made by Trustee Beaudoin, seconded by Trustee Euker.

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

NAYS: 0

ABSENT: 0

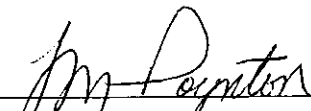
MOTION CARRIED.

Meeting adjourned at 8.02pm

Respectfully Submitted by:

Kathleen Johnson, Village Clerk.

Approved by:



Thomas M. Poynton, Village Mayor

7-11-2019
Date.

