

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



Monday, August 5, 2019 7:00 p.m.

1. **CALL TO ORDER** by Mayor Thomas M. Poynton at 7.00p.m.
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 was absent and excused. Also in attendance: Village Manager Ray Keller, Asst. Village Manager Roy Witherow, Village Atty. Scott Uhler, Finance Dir. Jodie Hartman, Dir. of Innovation Michael Duebner, Fire Chief John Malcolm, Deputy Police Chief Dave Anderson, Dir. Of Community Services Sarosh Saher, Public Works Dir. Mike Brown, Rec Dir. Bonnie Caputo, Atty. Carmen Forte Jr.
3. **PLEDGE OF ALLEGIANCE**  
*Mayor Poynton announced that Public Comment for Agenda item #8C would be held at that time.*
4. **PUBLIC COMMENT**  
Jack Momaw, addressed the Board on Agenda item #8C and he stated that it was not appropriate to build high density housing on Honey Lake Road.  
Mary Bach-Keller, Lions Dr, addressed the Board on her support of music at the Sunset Pavilion.  
Marty Filson, 33 E. Harbor Dr., addressed the board on various issues including dogs in the parks and their waste and the sidewalk issue on the East side of Church Street.  
Rob Padula, 170 N. Old Rand Road, addressed the Board on the Agenda item #8B and requested that the ordinance set limits. He also pointed out that there is a parking issue in his neighbourhood with cars from the overflow parking lot. He opined that he was okay with dogs in the park as long as they are kept away from the playground areas.  
Stephanie Halen, 154 S. Pleasant Rd., addressed the Board on agenda item #8A and suggested that Ancient Oaks Foundation could be a good partner on the proposed OSLAD grant and she was in favour of dogs in the parks and suggested hiring a company to pick up the waste.
5. **PRESIDENT'S REPORT / COMMUNITY UPDATE**  
There was none.

**6. CONSENT AGENDA**

- A. **Approval of Minutes of the Village Board Meeting, July 15, 2019**
- B. **Approval of Semi-Monthly Warrant Register Dated August 5, 2019 Totaling \$1,835,696.74**

- C. **Ordinance Amending Title 3 of Chapter 3 of the Village of Lake Zurich Municipal Code to Amend the Number of Authorized Liquor Licenses for 7-Eleven at 1150 South Old Rand Road ORD. #2019-08-319**

**Summary:** The 7-Eleven previously located at 1150 South Old Rand Road was permanently closed in early July 2019. This location was in possession of a Class C – Convenience Store liquor license from the Village. Licenses not in active use are to be revoked and the total number of license issued shall be reduced by one.

- D. **Agreement with Berger Excavating Contractors, Inc. for Thorndale Lift Station Relocation in the Amount Not-to-Exceed \$642,736**

**Summary:** The Fiscal Year 2019 budget includes \$400,000 in the Water and Sewer Fund for the Thorndale lift station replacement with an additional funding of \$250,000 available in the Water & Sewer Fund from the deferment of Route 12 water main improvements. The Thorndale lift station has been in operation since the 1980's and has reached the end of its service life. The old lift station will be decommissioned and a new lift station will be constructed on the Village-owned parcel of Chestnut Corners Park to the immediate northwest. A competitive bid opening on July 24, 2019 resulted in five bids, with the lowest responsible bid from Berger Excavating of Wauconda.

- E. **Agreement with Chicagoland Paving for Parking Lot Rebuild at Paulus Park in the Amount Not-to-Exceed \$1,007,048.30**

**Summary:** The Fiscal Year 2019 budget includes \$679,000 in the Capital Projects Fund and \$243,138 from the Special Recreation Association for parking lot rehabilitation with ADA improvements at Paulus Park, Zurites Park, and the bird observatory on Lions Drive. However, due to engineering pavement testing at Paulus, it is determined that a more aggressive parking lot rehabilitation project is needed that includes stormwater drainage improvements.

With a significant increase in costs related to the Paulus parking lot, Staff is recommending rehabilitation of the Zurites Park lot and the bird observatory walking path be deferred until a future budget year in order to allocate more resources to Paulus. This project includes 13,000 square yards of asphalt pavement parking lot, access drives, and all asphalt walking paths inside Paulus Park, as well as stormwater drainage and grading improvements.

A competitive bid opening on July 17, 2019 resulted in three bids, with the lowest responsible bid received from Chicagoland Paving of Lake Zurich.

Trustee Gannon requested an explanation of the Lifetime Fitness payment in the warrant and Dir. Brown stated that it was a pass-through payment to Lake County as Lifetime had paid the fee to the Village. Mayor Poynton requested an explanation of the Paulus Park project and Dir. Brown said that work inside the park was first, followed by Whitney Road and the Barn area and lastly the north part of parking lot.

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

AYES: 5 Trustees Beaudoin, Euker, Gannon, Spacone, Sprawka.

NAYS: 0

ABSENT: 1 Trustee Weider.

MOTION CARRIED.

7. OLD BUSINESS

None at this time.

8. NEW BUSINESS

A. Resolution for Open Space and Land Acquisition Development Grant Program Authorization for Paulus Park Improvements with \$400,000 Matching Commitment and Presentation from Hitchcock Design Group

**Summary:** The Village has contracted with Hitchcock Design Group to redesign plans for Paulus Park improvements and to apply with the Illinois Department of National Resources for OSLAD grant funding. OSLAD helps communities acquire open space and improve recreational assets. If approved by the State, this year's application would require a dollar-for-dollar matching financial commitment from the Village of at least \$400,000, which would be funded through next year's 2020 budget.

This year's OSLAD application will focus on the extension of trails to the north side of Paulus Park, installation of a fishing pier, shoreline restoration on the south side of Paulus Park, a non-motorized boat launch, replacement of the existing stage, additional picnic shelters with storage, interactive play features for children, as well as landscaping, electrical upgrades, and remediation of stormwater drainage issues in the park.

Steve Konters from Hitchcock Design Group will present an overview of the proposed park improvements and the grant application process.

Mr. Konters gave an overview of previous applications and then gave a PowerPoint presentation of the proposed application for the OSLAD grant which is a 50/50 matching grant. Mr. Konters and Staff answered the Board's questions on using Special Recreation funds for the ADA parts of the proposal, the old fishing pier, lighting in the park even though park hours are dawn to dusk, matching funds.

**Recommended Action:** A motion was made by Trustee Euker, seconded by Trustee Sprawka, to approve a Resolution for the Open Space and Land Acquisition Development Grant Program for Paulus Park Improvements with \$400,000 Matching Commitment.

AYES: 5 Trustees Beaudoin, Euker, Gannon, Spacone, Sprawka.

NAYS: 0

ABSENT: 1 Trustee Weider.

MOTION CARRIED.

B. Ordinance Approving a Special Use Permit for Performance Space for Outdoor Live Entertainment at Sunset Pavilion at Breezewald Park, 125 North Old Rand Road ORD. #2019-08-320

**Summary:** The operator of Sunset Pavilion at 125 North Old Rand Road is seeking a Special Use Permit to allow for outdoor live entertainment,

specifically music, scheduled on certain days of the month during hours of operation of the beer garden at the pavilion. This request would be restricted by the Village's established noise regulations, which prohibits the use of amplifiers and loudspeakers on Sunday's or between the hours of 8:00 pm and 9:00 am any other day of the week.

Sunset Pavilion has confirmed its intention is to add to the ambiance of the environment and experience that they are currently offering to guests and not bring in loud music that would disrupt the surrounding neighborhood. The outdoor live entertainment would be limited to no more than two amplifiers with a maximum of two performers at any given time.

The Planning and Zoning Commission held a public hearing on July 17, 2019 to consider this request and voted 4-0 in favor of recommending approval of the Special Use Permit to allow for the outdoor live entertainment.

Stefani Schweda Jerard, Scoreboard and Sunset Pavilion, addressed the Board on her request for a Special Use Permit and answered the Board's questions. Dir. Saher explained the zoning code and answered the Board's questions. The Board discussed extending the hours and number of performers. It was mentioned by some Board members that other establishments had music longer that the code states and there was a need to be equitable. Parking issues were discussed by the Board and patrons need to be steered to municipal lots close by. Atty. Uhler advised the Board on including the two revisions to the Ordinance.

**Recommended Action:** A motion made by Trustee Beaudoin, seconded by Trustee Euker, to approved Ordinance #2019-08-320 Approving a Special Use Permit for Performance Space for Outdoor Live Entertainment at Sunset Pavilion at Breezewald Park, 125 North Old Rand Road with the revisions of number of performers and hours and the use of amplifiers and or loudspeakers shall conform to the requirements of Section 3-2-16, entitled Sound Amplifiers, as amended from time to time.

AYES: 5 Trustees Beaudoin, Euker, Gannon, Spacone, Sprawka.

NAYS: 0

ABSENT: 1 Trustee Weider.

MOTION CARRIED.

**C. Courtesy Update on Proposed Residential Subdivision by Taylor Morrison at the Hummel Property on the Southside of Honey Lake Road**

**Summary:** Taylor Morrison of Illinois is proposing development of a portion of the 37-acre property on the south side of Honey Lake Road with a new residential subdivision to be known as Pine Ridge. This courtesy review is intended to serve as an update on the developer's plans for the property at 24909 West Signal Hill Road currently located in unincorporated Lake County.

In November 2018, Taylor Morrison first approached the Village with the intention of a new 40-lot single-family residential subdivision. Based on the implications of the 40-lot development on stormwater management and wetlands on properties surrounding this property, the Village advised Taylor Morrison that it could not recommend approval of that proposed development, should they decide to proceed with their petition.

Taylor Morrison is now proposing a redesigned plan to develop the northerly 5 acres of the property. The developer has submitted a revised concept to

construct 22 duplex homes on 11-multiple-family lots. This proposal has a greatly reduced footprint that essentially proposes residential development only along the south side of Honey Lake Road and no longer requires significant infrastructure upgrades, thereby minimizing the impacts on the property's wetlands or its storm water management functions.

Mark McLaughlin, Land Entitlement Manager, for Taylor Morrison, explained their previous proposal and then gave a PowerPoint presentation of the new proposal of 22 duplex homes along Honey Lake Road. Mr. McLaughlin and Staff answered the Board's questions on impact to the environment, wetlands, walkout basements, road improvements and sidewalks, price point, Hawthorn Woods models and those proposed and marketing.

**Recommended Action:** The developer and staff seek to understand the Village Board's preferences towards the proposed annexation of the property to Lake Zurich and the revised configuration of the development.

The Board gave their amenable consensus of the proposed development. Mr. McLaughlin stated that Taylor Morrison was acquiring the Raupp property.

*There was a 6 minutes recess on a motion from Trustee Beaudoin, seconded by Trustee Euker, and approved by VOICE VOTE.*

*Meeting recessed at 8.27pm.*

*Meeting reconvened at 8.33pm on a motion by Trustee Euker and seconded by Trustee Sprawka and approved by VOICE VOTE.*

#### D. Discussion on the Potential of Recreational Cannabis Businesses

**Summary:** On June 25, 2019, Governor Pritzker signed into law the Cannabis Regulation and Tax Act, making Illinois the 11th state in the nation to legalize recreational cannabis sale and use for adults 21 and older effective January 1, 2020. The State of Illinois is allowing municipalities to decide whether to prohibit recreational cannabis businesses from locating in their communities, or to allow these types of uses subject to local zoning restrictions.

In addition to granting or restricting the authority of adult-use recreational dispensaries, municipalities have the option of authorizing on-site consumption of cannabis, as well as the co-location of craft growers, infusers, and cultivation centers.

There are a number of zoning regulations Lake Zurich could impose on recreational dispensaries, such as restricting the zoning districts they may operate in, restricting the hours of operation, regulating the proximity to other land uses, or imposing a cap on the number of recreational dispensaries allowed. The State also allows the application of an extra 3% local sales tax, which could generate a dedicated revenue source for parks, storm water improvements or other service and infrastructure needs.

**Recommended Action:** This is only an initial discussion on the future of recreational cannabis businesses in Lake Zurich and no final decisions will be made at this time. Village staff will eventually need direction from the Board on whether to prepare ordinances prohibiting recreational dispensaries, amending the zoning code to accommodate them, or establishing other parameters for these uses.

Village Manager Ray Keller gave a PowerPoint presentation on the potential of Recreational Cannabis Businesses and stated that there is no timeline on opting in or out.

**PUBLIC COMMENTS.**

Kim Rordoy, 155. W. Harbor Dr., addressed the Board on her opposition to cannabis businesses/cafes in Lake Zurich. She stated that she worked in the substance abuse field.

Christina Grey, 200 Rosehall Dr, #240, addressed the Board on her opposition and echoed the previous speaker's comments. She advised the Board to opt out.

Marty Filson, 33 E. Harbor Dr., addressed the Board and advised them to consider 1 or 2 licenses to be located in downtown with proceeds earmarked for the TIF #2 debt plus a distribution located in the Industrial park. He stated no cafes.

The Board members then discussed the topic sharing their comments including not allowing in the Village, contacting similar sized communities in legalized States for more information and data, information from the Police Chief, survey more residents through Facebook. This discussion is to be continued.

**9. TRUSTEE REPORTS AND COMMENTS**

Trustee Sprawka asked about the CPAC addressing the on-street parking issue on Forest, Parkway and Beauteau by Sunset Pavilion patrons. There was discussion about who and how this was petitioned to CPAC.

**10. VILLAGE MANAGER'S REPORT**

There was none.

**11. ATTORNEY'S REPORT**

There was none.

**12. DEPARTMENT HEAD REPORTS**

Finance Dir. Jodie Hartman reported on the Popular Annual Financial Report 2018 which is available to the public.

Asst. Village Manager Roy Witherow reported that he and Dir. Saher will be attending the Annual Meeting of the Select Chicago Foreign Direct Investment Group and then some foreign guests will be visiting the Village on Thursday, August 8<sup>th</sup> 2019.

**13. ADJOURNMENT**

Motion to adjourn was made by Trustee Spacone, seconded by Trustee Sprawka.

AYES: 5 Trustees Beaudoin, Euker, Gannon, Spacone, Sprawka.

NAYS: 0

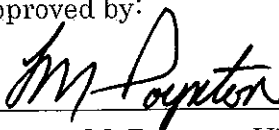
ABSENT: 1 Trustee Weider.

MOTION CARRIED.

Meeting adjourned at 9.36pm

Respectfully Submitted by: Kathleen Johnson, Village Clerk.

Approved by:

  
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Thomas M. Poynton, Village Mayor

8-20-2019

Date.