

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



Monday, September 16, 2019 7:00 p.m.

1. **CALL TO ORDER** by Mayor Thomas M. Poynton at 7:00 pm.
2. **ROLL CALL:** Mayor Poynton, Trustee Beaudoin, Trustee Euker, Trustee Gannon, Trustee Spacone, Trustee Sprawka, Trustee Weider. Also in attendance: Village Attorney Uhler, Village Manager Keller, Assistant Village Manager Witherow, Finance Director Hartman, HR Director Gibson, Fire Chief Malcolm, Police Chief Husak, Community Development Director Saher, Public Works Director Brown, Parks Director Caputo, Innovation Director Duebner.
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC COMMENT**
Mayor Poynton requested that any public comments related to agenda item 8C (recreational cannabis business establishments) be held until that point in the agenda. There were no other public comments.
5. **PRESIDENT'S REPORT / COMMUNITY UPDATE**
Mayor Poynton and Police Chief Husak honored Records Supervisor Julie Vormittag upon her retirement after 37 years of public service. Mrs. Vormittag has worked at the Police Department since 1982, her career and contributions were highlighted, and she was presented a proclamation upon her achievement.
6. **CONSENT AGENDA**
 - A. **Approval of Minutes of the Village Board Meeting, September 3, 2019**
 - B. **Approval of Semi-Monthly Warrant Register Dated September 16, 2019**

Totaling

\$2,321,180.94

- C. **Ordinance Authorizing Disposal of Surplus Property Owned by the Village of Lake Zurich (Assign Ord. ##2019-09-325)**
Summary: Staff has determined the items listed in this proposed Ordinance are no longer necessary, useful, or in the best interests of the Village to retain ownership. The proposed Ordinance declares the property as surplus and authorizes the sale or disposal of the items.
- D. **Agreement with Pure Technologies to Assess the Condition of the 24-Inch Force Main Transmission Pipe Connected to the Northwest Pump Station in an Amount Not-to-Exceed \$285,000**

Summary: The Fiscal Year 2019 budget includes \$300,000 in the Water and Sewer Fund for assessment of the 24" force main connected to the northwest pump station, which is approximately two miles long and made of concrete cylinder pipe. This main handles all of Lake Zurich's wastewater west of the CN railroad at Route 22 and Main Street and is a critical section of transmission pipe that connects to the Lake County Treatment Facility in Buffalo Grove. Pure Technologies will use a PipeDiver device that can be inserted into the force main and extracted two miles downstream after using sensors and GPS equipment to collect data on the condition of the pipe wall.

Mayor Poynton asked Director Brown to explain Consent Item Agenda 6D.
Director

Brown reviewed the 2018 force main assessment that occurred on about 2.8 miles of pipe on the southeast side of Lake Zurich last year. Brown said this approach with Pure Technologies allows the Village to assess the condition of underground pipes without bypass pumping or extensive ground excavations and provides the Village with important information about infrastructure funding and future capital improvement plans.

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

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

NAYS: 0

MOTION CARRIED.

7. OLD BUSINESS

None at this time.

8. NEW BUSINESS

A. Ordinance Granting Final Plan Approval for a Planned Unit Development at Canterbury Estates, 80 Genesee Street – Block G (Assign Ord. #2019-09-326)

Summary: Ryan Homes and the owner of property on Block G are requesting Final Plan Approval for a Planned Unit Development to construct a new 38-unit 9-building townhouse subdivision to be known as *Canterbury Estates*, located on the north side of Route 22, east of the CN railroad bypass and west of Old Rand Road. The property is almost entirely zoned within the Village's B-2 Central Business District but has a small Village-owned parcel that is zoned as OS - Open Space.

The builder and property owner were granted Preliminary Plan approval to proceed by the Village Board on April 15, 2019. The Planning and Zoning Commission considered this request for Final Plan Approval at a public meeting on August 21, 2019 and found that the Final Plan was in substantial conformity with the previously approved concept plan. The Commission voted 7-0 in favor of recommending approval of the Final Plan for the property development, subject to the conditions outlined in the attached staff report.

Director Saher introduced a representative from NVR, Inc. / Ryan Homes, Regional Manager Scott Shelton, to provide a brief presentation to the Board on the proposed development and any modifications since the Board meeting on April 15, 2019. Shelton reviewed stormwater management improvements, clarified floor plans and models, and shared improved illustration renderings to show what the site will look like once complete.

Trustee Beaudoin asked about available parking on site. Shelton said there are two full spaces in each garage plus two full spaces just outside each garage, plus six extra guest parking spaces that are unassigned for the development. Trustee Beaudoin asked if fire trucks can maneuver through the proposed development, Fire Chief Malcolm said yes. Trustee Gannon expressed concern about available on-side parking as well and also about the new sidewalk along Route 22 that is part of the development. Director Saher clarified how new sidewalks will connect to existing sidewalks that currently extend along Route 22.

Mayor Poynton asked when Ryan Homes expects to see shovels in the ground. Shelton said ideally summer 2020 they hope to begin selling units with construction starting in spring 2020.

Motion was made by Trustee Beaudoin, seconded by Trustee Weider, to approve Ordinance #2019-09-326 Granting Final Plan Approval for a Planned Unit Development at Canterbury Estates on Block G at 80 Genesee Street, as amended to include condition number 7 related to development impact fees.

AYES: Trustees Sprawka, Weider, Beaudoin, Euker, Spacone

NAYS: 0

ABSTAIN: Trustee Gannon

MOTION CARRIED.

B. Ordinance Approving and Authorizing the Execution and Attestation of a Development Agreement by and Between the Village of Lake Zurich, Ryan Homes, NVR, Inc. and Jade Development, Inc. Relating to the Development of Canterbury Estates Subdivision, 80 Genesee Street – Block G (Assign Ord. #2019-09-327)

Summary: Ryan Homes, a subsidiary of NVR, Inc. and Jade Development will be required to enter into a binding agreement with the Village in order to proceed with the development of the Canterbury Estates townhouse subdivision. This agreement contains all the provisions, terms and conditions to be implemented as part of the development as well as provisions for the conveyance for the Village-owned parcel requested by the Owner to make the development feasible.

Motion was made by Trustee Beaudoin, seconded by Trustee Euker, to approve Ordinance #2019-09-327 Approving and Authorizing the Execution and Attestation of a Development Agreement by and Between the Village of Lake Zurich, Ryan Homes, NVR, Inc. and Jade Development, Inc. relating to the Development of Canterbury Estates Subdivision at 80 Genesee Street on Block G.

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

NAYS: 0

ABSTAIN: Trustee Gannon

MOTION CARRIED.

C. Ordinance Prohibiting Recreational Cannabis Businesses from the Village of Lake Zurich (Assign Ord. #2019-09-328)

Summary: With the legalization of recreational marijuana for adults 21 and over by the State of Illinois effective January 1, 2020, municipalities across the State are deciding whether to authorize recreational cannabis businesses with local zoning restrictions or to out-right prohibit recreational cannabis businesses from locating within municipal boundaries.

While adult-use recreational cannabis businesses may be prohibited, local governments are required to allow medical cannabis dispensaries subject to local zoning provisions. The Lake Zurich Zoning Code already has existing regulations adopted in February 2014 regarding medical dispensaries.

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. Village staff estimates on the conservative side of a potential local revenue enhancement in the range of \$200,000 - \$400,000 per year if Lake Zurich authorizes recreational dispensaries and imposes the 3% municipal tax.

The proposed Ordinance would prohibit all recreational cannabis businesses from locating within Lake Zurich, including craft growers, cultivation centers, dispensaries, infusers, processing organizations, and transporting organizations.

Village Manager Keller clarified the format of the proposed Ordinance, which was prepared by Village Attorney Uhler in consultation with Village Staff. The proposed Ordinance provides a number of definitions and clarifies the intent to amend the Village Zoning Code as authorized by State Statutes, which requires a formal action of a local legislative body to effectively prohibit recreational cannabis businesses from Lake Zurich.

Mayor Poynton requested any public comments regarding the proposed ordinance.

- 1) Mike Hilt, 598 Dunhill Drive, voiced support for the proposed prohibition ordinance.
- 2) Tom Habley, 1122 Stanton Road voiced support for the proposed prohibition ordinance and encouraged the Board to begin a public hearing process with the Planning & Zoning Commission.
- 3) John Cargill, 439 North Main Street, Wauconda, raised concerns about the potential of recreational cannabis establishments within Lake Zurich.
- 4) Christine Wilkerson, 610 Andrew Lane voiced support for the proposed prohibition ordinance.
- 5) Amy Goggin, 23301 North Province Drive, Kildeer, said she was a former 15 year Lake Zurich resident that's still very active in the community and voiced support for the proposed prohibition ordinance.
- 6) Anna Goggin, 23301 North Province Drive, Kildeer, voiced support for the proposed prohibition ordinance.
- 7) Ms. Guillermina, 535 Ramblewood Lane, voiced her support for the proposed prohibition ordinance.
- 8) Bob Warren, 265 Sunrise Lane, voiced support for the proposed prohibition ordinance.
- 9) Myriam Peria, 201 South Buesching Road, voiced support for the proposed prohibition ordinance.
- 10) Kim Radoy, 155 West Harbor Drive, voiced her support for the proposed prohibition ordinance.

Trustee Spacone spoke about his first-hand experience with the negative impact of drugs on youth and families, societal impacts, and the potential abuses that can result with drug use. Trustee Spacone voiced his support for the proposed prohibition ordinance.

Trustee Euker said she spoke recently with elected officials of two municipalities in Colorado and that she understands from their experiences with recreational cannabis that the benefits do not outweigh the negatives those towns have experienced. Trustee Euker voiced her support for the proposed prohibition ordinance.

Trustee Beaudoin voiced his support for the proposed prohibition ordinance and shared his negative experiences with traveling in other towns that have recreational cannabis.

Trustee Weider voiced his support for the proposed prohibition ordinance in order to retain the “family-friendly” reputation of the Village.

Trustee Gannon spoke of the medicinal benefits of cannabis and how it might be better than prescription drugs. Trustee Gannon said legalization and regulation of recreational cannabis would be better than the current underground distribution market within Lake Zurich. Trustee Gannon also spoke about the benefits of increased local tax revenue and the positive economic development impacts of attracting new businesses. Trustee Gannon voiced her support for beginning a public hearing process at the Planning and Zoning Commission to craft local zoning restrictions for recreational cannabis establishments.

Trustee Sprawka said he has seen first-hand the negative impacts cannabis can have on youth and shared concerns about attracting this type of business to Lake Zurich. Trustee Sprawka voiced his support for the proposed prohibition ordinance.

Mayor Poynton shared the results of the Village’s ongoing public opinion poll that has been available for several weeks on this topic. Mayor Poynton clarified that recreational cannabis will be legal for all adults 21+ everywhere in Illinois no matter how the Village Board votes on the proposed prohibition ordinance. Mayor Poynton voiced his support for the proposed cannabis prohibition ordinance.

A motion was made by Trustee Spacone, seconded by Trustee Sprawka, to approve Ordinance #2019-09-328 prohibiting recreational cannabis businesses from the Village of Lake Zurich.

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

NAYS: Trustee Gannon

MOTION CARRIED.

D. Ordinance Approving Budget Amendment #1 for Fiscal Year 2019 Budget to Adjust Staffing Positions in the Police Department Records Division (Assign Ord. #2019-09-329)

Summary: The retirement of the Police Department’s Records Division Supervisor has provided an opportunity to assess the structure of the agency to advance organizational efficiencies, job task equity, and work distribution. The Records Division currently maintains a structure of one full-time supervisor and two full-time records clerks.

The proposed budget amendment for Fiscal Year 2019 will reclassify the authorized positions within the Records Division by amending the titles of the existing two Records Clerks to Records Coordinator and upgrading their organizational responsibility from a Grade 4 to a Grade 6. The proposed budget amendment maintains one full-time

Records Clerk as an entry level position, which the Village will begin recruiting for upon Village Board approval of these amendments.

Moving to a structure that includes two Records Coordinators and one Records Clerk produces an annual savings of approximately \$25,000. The restructuring also recognizes the diligent work of two long-serving employees and increases flexibility and efficiency within the Records Division.

Police Chief Husak spoke of the benefits of increased organizational efficiencies with the proposed staffing changes.

A motion was made by Trustee Gannon, seconded by Trustee Euker, to approve Ordinance #2019-09-329 approving budget amendment #1 for Fiscal Year 2019 budget to adjust staffing positions in the Police Department Records Division.

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

NAYS: 0

MOTION CARRIED.

9. TRUSTEE REPORTS AND COMMENTS

Trustee Euker thanked the volunteers and Village Staff for organizing a successful Rock the Block 2019 event.

10. VILLAGE MANAGER'S REPORT There was none.

11. ATTORNEY'S REPORT There was none.

12. DEPARTMENT HEAD REPORTS

Fire Chief Malcolm highlighted the upcoming Fire Station Open House and community blood drive coming up on October 6, 2019.

13. ADJOURNMENT

A motion to adjourn was made by Mayor Poynton, seconded by Trustee Sprawka.

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

NAYS: 0

MOTION CARRIED.

Meeting adjourned at 8:35 pm.

Respectfully Submitted by:

Kyle Kordell, Deputy Village Clerk

Approved by



 Thomas M. Poynton, Village Mayor

9-17-2019
 Date