

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



Monday, November 4, 2019 7:00 p.m.

1. **CALL TO ORDER** by Mayor Thomas M. Poynton 7.00 p.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.

Also in attendance: Village Manager Ray Keller, Asst. Village Manager Roy Witherow, Village Atty. Scott Uhler, Recreation Director Bonnie Caputo, Public Works Director Mike Brown, Police Chief Steve Husak, Fire Chief John Malcolm, Innovation Director Michael Duebner. Deputy Police Chief Dave Anderson.
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC COMMENT**

Marty Filson, 33 East Harbor Drive, addressed the Board about agenda item 8C and raised several questions regarding the appropriateness of municipal restrictions on smoking, vaping, and alcohol establishments. Mr. Filson expressed he is not supportive of local government hindering small mom-and-pop type vape shop businesses and raised questions about the potential benefits that vaping products offer.
5. **PRESIDENT'S REPORT / COMMUNITY UPDATE**
 - A. **Lake Zurich Girl Scouts Main Street Scarecrows Recognition**
Dozens of girls from Lake Zurich Girl Scout Troops #4, #166, #1728, #1897, #1930, and #1872 were given certificates of appreciation from Mayor Poynton for their creative scarecrow displays.
 - B. **Proclamation Recognizing Finance Director Jodie Hartman**
Director Hartman was absent tonight so this Proclamation was held by Mayor Poynton for a future recognition.
 - C. **Community Updated on Barn Structure Fire**
Chief Malcolm gave an update on the Barn structure fire at Paulus Park that occurred on the evening of Saturday, November 2, 2019. Mutual aid from neighboring communities resulted in 60 fire fighters and 8 engines on scene. Nobody was injured from this fire but the building has extensive structural damage. Director Caputo provided an update on relocation plans for recreation programming for the next several months and appreciation to the community for the outpouring of support over the last two days.
6. **CONSENT AGENDA**
 - A. **Approval of Minutes of the Village Board Meeting, October 7, 2019**
 - B. **Ratification of Semi-Monthly Warrant Register Dated October 21, 2019 Totaling \$340,802.33**

- C. **Approval of Semi-Monthly Warrant Register Dated November 4, 2019 Totaling \$650,586.75**
- D. **Ordinance Authorizing Disposal of Surplus Property Owned by the Village of Lake Zurich (Assign Ord. #2019-11-332)**
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.
- E. **Ordinance Approving a Special Use Permit for Massage Therapy and Holistic Healing at 765 Ela, Suite 109 (Assign Ord. #2019-11-333)**
Summary: The owner and operator of Ayur-Jyoti Massage and Holistic Healing has filed a zoning application for the property at 765 Ela Road, Suite 109 within Fidelity Corporate Park seeking a Special Use Permit for massage therapy service. The Subject Property is located within the Village's O-2 Limited Office Zoning District. The Planning and Zoning Commission held a public hearing on October 23, 2019 to consider this application and voted 5-0 in favor of recommending approval of the Special Use Permit.
- F. **Ordinance Amending Title 3 of Chapter 3 of the Village of Lake Zurich Municipal Code to Amend Authorized Liquor Licenses for M & P Lake Zurich, Inc. DBA / Meat and Potato's Eatery at 927 Rand Road (Class A and Class V) (Assign Ord. #2019-11-334)**
Summary: Meat and Potato's Eatery formerly located at 927 Rand Road has been closed. This location was in possession of a Class A – Restaurant Full Service and Class V – Video Gaming liquor licenses from the Village. Licenses not in active use are to be revoked and the total number of licenses issued shall be reduced by two.
- G. **Ordinance Amending Title 3 of Chapter 3 of the Village of Lake Zurich Municipal Code to Amend Authorized Liquor Licenses for Algonquin2 LLC DBA / The Hungry Mule at 463 South Rand Road (Class A) (Assign Ord. #2019-11-335)**
Summary: The Hungry Mule Restaurant located at 463 South Rand Road was sold in September 2019 to Algonquin2 LLC. The new owners are requesting a Class A Restaurant Full Service liquor license from the Village. The existing Class A license that was issued to the original owners is being revoked and a new Class A is being issued to the new owners.
- H. **Full Release of Letter of Credit to Foxford Communities for Public Streetscape Improvements at 4 North Main Street**
Summary: It has been over one year since the letter of credit for Foxford Communities was reduced to its 10% maintenance guarantee of \$19,534. Staff has performed a final inspection of the public streetscape improvements at the northwest corner of Main Street and Old Rand Road and recommends full release of the remaining 10% letter of credit.
- I. **Ordinance Approving Budget Amendment No. 2 for Fiscal Year 2019 Budget to Adjust Staffing Positions in the Finance Department (Assign Ord. #2019-11-336)**
Summary: The Accounting Supervisor position has been vacant since August 2019, creating an opportunity for reorganization within the Finance Department. Staff suggests the modification of the existing Accountant and Accounting Supervisor positions into two Senior Accountant positions. The financial impact of changing these two positions is negligible, with a net salary decrease of approximately \$450.
- J. **Village of Lake Zurich Social Media Policy**

Summary: The updated social media policy governs the Village's use of social media as a mechanism for disseminating information and for public discourse. The policy memorializes the Village's current practices for social media engagement in accordance with the applicable laws and statutes. The policy guides the use of social media by elected officials, as they engage in personal communication and/or public discourse.

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

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

NAYS: 0

ABSENT: 0

MOTION CARRIED.

7. OLD BUSINESS

A. Ordinance Restricting Parking on Beauteau Street (Assign Ord. #2019-10-330)

Summary: After the September 18, 2019 meeting of the Community-Police Advisory Committee and their discussions on parking restrictions on Parkway Avenue and the surrounding neighborhood, Village staff suggests the Village Board to restrict parking on the fire hydrant side of Beauteau Street between Ash Street and Oak Street because the usable width of the roadway is less than 24 feet, per the Federal Highway Administration Manual on Uniform Traffic Control Devices. The proposed Ordinance authorizes the installation of "No Parking" signs on the northeast side of Beauteau Street

This Ordinance appeared on the October 7, 2019 Village Board agenda but a vote was postponed at that time until additional notices could be sent to residents on Beauteau Street and the immediate vicinity. Notices were sent the week of October 14, 2019 and Village staff has not received a single inquiry or concern since that time.

Trustee Gannon commented that the original request from the neighbors who initiated this CPAC review was to focus on Ash, Parkway, Oak, and Forest, not Beauteau and a major concern was people parking closer than 30 feet to the stop signs on those streets. She said the Ordinance that is being proposed does not address these immediate concern but is the next best thing.

Chief Husak said police could address this and more actively enforce the no parking closer than 30 feet to the stop signs in that neighborhood.

A motion was made by Trustee Gannon, seconded by Trustee Spacone to approve Ordinance #2019-10-330 Restricting Parking on Beauteau Street.

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

NAYS: 0

ABSENT: 0

MOTION CARRIED.

8. NEW BUSINESS

A. Fire Pension Municipal Compliance Report and Tax Levy Request

Summary: The Illinois Pension Code requires the Village levy a tax each year to meet the actuarial requirements of the Fire Pension Fund. The Lake Zurich Fire Pension Board is requesting a tax levy in the amount of \$2,509,753 for the Village Board to consider. Last year, the Fire Pension Board requested a levy of \$2,153,131 and the actual levy was \$2,186,343. The Fire Pension Fund is now 63.72% funded, a decrease of 0.15% on an actuarial value from last year's status of 63.87% funded.

No Village Board action requested at this point. This tax levy request is for informational purposes only.

B. Police Pension Municipal Compliance Report and Tax Levy Request

Summary: The Illinois Pension Code requires the Village levy a tax each year to meet the actuarial requirements of the Police Pension Fund. The Lake Zurich Police Pension Board is requesting a tax levy in the amount of \$1,924,555 for the Village Board to consider. Last year, the Police Pension Board requested a levy of \$1,799,590 and the actual levy was \$1,804,000. The Police Pension Fund is now 50.84% funded, an increase of 0.17% on an actuarial value from last year's status of 50.67% funded.

Deputy Chief and Police Pension Board Secretary Dave Anderson spoke on behalf of the Pension Board and thanked the Village Board for fully funding the pension in recent years.

No Village Board action requested at this point. This tax levy request is for informational purposes only.

C. Ordinance Amending Chapters 4, 5, and 7D of Title 9 of the Village of Lake Zurich Municipal Code Relating to Tobacco and Alternative Nicotine Businesses (Assign Ord. #2019-11-337)

Summary: The Village of Lake Zurich has filed an application for a proposed text amendment to the Zoning Code seeking to change regulations on the sale and distribution of tobacco and alternative nicotine products. The existing Zoning Code, adopted in 2004, allows the establishment of tobacco stores by-right as permitted uses in the business districts and certain office districts. Currently there are five stand-alone tobacco stores that are operating along Rand Road. On January 7, 2019, the Village Board enacted a temporary one-year moratorium to allow time to consider appropriate zoning changes for dealing with such new establishments.

The proposed Ordinance will re-classify "Tobacco stores and stands" as "Tobacco and Alternative Nicotine Product stores and stands;" provide definitions and regulations for such stores and stands as principal and accessory uses; and also include definitions and regulations for "lounges" for the use of tobacco and alternative nicotine products. The uses will remain as permitted by-right uses but with additional conditions for their establishment including a 1,500 foot distancing requirement from residential properties, schools, day care facilities, and recreational facilities and a 1,000 foot separation requirement between similar stores. Exceptions to these requirements may be considered on a case-by-case basis through the PUD process if such uses are proposed as part of a larger development that is desirable by the village.

The proposed ordinance will also repeal Ordinance No. 2019-01-290 that established the temporary moratorium on the approval of new tobacco and nicotine businesses in the village.

The Planning and Zoning Commission opened a public hearing on September 18, 2019 and continued the public hearing to October 23, 2019 to provide the

community with a 30-day comment period. On October 23, 2019, the Commission voted 5-0 in favor of recommending approval of the proposed zoning amendments.

Trustee Gannon asked if a current vape store wants to move to a smaller location, will they be prevented from doing so? Manager Keller said it would depend on their proposed new location being in compliance with the distance and separation regulations in the proposed Ordinance.

Trustee Gannon asked how does the proposed Ordinance impact larger retail chain stores and expressed concern about taking business away from small businesses and giving it to big box stores. Manager Keller said the vape products themselves are legally available in the State of Illinois, so a non-home rule municipality cannot outlaw the product themselves, but a non-home rule municipality can regulate land uses in zoning districts per the Zoning Code.

Trustee Spacone said the public outcry in recent months was regarding the smaller standalone vape shops and while the proposed Ordinance may indeed drive business to big box stores at the cost of small businesses, this proposed Ordinance is a step in the right direction in terms of regulating the issue of vaping access in Lake Zurich. Trustee Spacone said having a policy in place to restrict zoning options for vape shops will help reduce the number of vaping establishments in Lake Zurich.

Mayor Poynton said local government can only do so much with municipal regulations and parents need to step up and take responsibility for their children's actions as well.

Trustee Sprawka said he is supportive of every step we can take to restrict vaping opportunities.

A motion was made by Trustee Beaudoin seconded by Trustee Spacone to approve Ordinance #2019-11-337 Amending Chapters 4, 5, and 7D of Title 9 of the Village of Lake Zurich Municipal Code Relating to Tobacco and Alternative Nicotine Businesses and repeal Ordinance No. 2019-01-290 to remove the temporary one-year moratorium.

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

NAYS: 0

ABSENT: 0

MOTION CARRIED

- D. Ordinance Authorizing the Issuance of \$1,143,000 Taxable General Obligation Refunding Bonds (Limited Tax), Series 2019, to Refund Certain Outstanding Obligations of the Village, Pay Related Expenses, Provide for the Levy and Collection of a Tax to Pay the Bonds, and Authorize the Sale of said Bonds to the Purchaser Thereof (Assign Ord. #2019-11-338)**

Summary: From 2009 through 2016, the Village has issued various General Obligation Tax Increment Financing Bonds with this being the tenth year of this procedure. The proposed Series 2020 bonds will pay interest and principal due during fiscal year 2020. These bonds allow the Village to borrow \$1,143,000 for the purpose of paying costs related to TIF district bond refunding. These bonds are part of the Village's overall debt limit and fall within the Village's tax cap

limit. The total size of the proposed bonds are \$1,143,000 which includes fees of approximately \$11,500.

A motion was made by Trustee Sprawka seconded by Trustee Euker to approve Ordinance #2019-11-338 Authorizing the Issuance of \$1,143,000 Taxable General Obligation Refunding Bonds (Limited Tax), Series 2019, to Refund Certain Outstanding Obligations of the Village, Pay Related Expenses, Provide for the Levy and Collection of a Tax to Pay the Bonds, and Authorize the Sale of said Bonds to the Purchaser Thereof.

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

NAYS: 0

ABSENT: 0

MOTION CARRIED

9. TRUSTEE REPORTS AND COMMENTS

There were none.

10. VILLAGE MANAGER'S REPORT

Manager Keller spoke on the Paulus Park Barn fire and highlighted Staff collaborating with IRMA insurance valuations and building assessments, more updates will be coming. Also, Manager Keller thanked Finance Director Jodie Hartman for her years of service to the community. She has been a tremendous asset to the community and Staff in explaining complex financial information and allocating financial resources.

11. ATTORNEY'S REPORT

There were none.

12. DEPARTMENT HEAD REPORTS

Nothing further.

13. ADJOURNMENT

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

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

NAYS: 0

ABSENT: 0

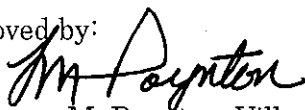
MOTION CARRIED.

Meeting adjourned at 8:02 pm

Respectfully Submitted by:

Kyle Kordell, Deputy Village Clerk

Approved by:



/s/Thomas M. Poynton, Village Mayor