

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



Tuesday, September 8, 2020 7:00 p.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 Janice Gannon, Trustee Marc Spacone, Trustee Jonathan Sprawka, Trustee Greg Weider. Also in attendance: Village Manager Ray Keller, Village Atty. Scott Uhler, Dir. of Innovation Michael Duebner, Dir. Of Community Development Sarosh Saher and H.R. Dir. Doug Gibson.
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC COMMENT**

Judi Thode, 52 Robertson Rd., AOF President, addressed the Board on Agenda item 6A, amending the noxious weed list with removal of blue vervain and common milkweed.

Marty Filson, 33 E. Harbor Dr., addressed the Board on Agenda item 7A, the survey and its options and no sunset provided.
5. **PRESIDENT'S REPORT / COMMUNITY UPDATE**
 - A. **Proclamation Recognizing the 233rd Anniversary of the U.S. Constitution on September 17, 2020**
 - B. Mayor Poynton thanked Asst. to the Village Manager Kyle Kordell for spearheading the Prairieland Disposal transition with minor hiccups due to very hot weather.
 - C. **Farmers Market**, the last market is Friday, September 18th 2020.
6. **CONSENT AGENDA**
 - A. **Approval of Minutes of the Village Board Meeting, August 17, 2020**
 - B. **Approval of Semi-Monthly Warrant Register Dated September 8, 2020 Totaling \$1,475,488.04**
 - C. **Ordinance Amending the Provisions of Chapter 4 of Title 4 of the Lake Zurich Municipal Code on Weeds. ORD. #2020-09-377**

Summary: The ordinance regulating the growth of weeds was first adopted in 1989 and later amended in 1993. The current request for a modern amendment was recommended by the Park and Recreation Advisory Board. Specifically, certain plants such as Blue Vervain and Common Milkweed currently listed in the definition of weeds were no longer considered noxious and were therefore recommended to be removed from the list. Staff additionally used this as an opportunity to update the remaining portion of the chapter to reflect current requirements and procedures being undertaken to enforce the mowing of

properties within the village. Since this matter does not relate to zoning or land development, there was no requirement for a public hearing. The Park Advisory Board has reviewed the proposed language and has not objected to the amendments.

- D. **Ordinance Amending Title 3 of Chapter 3 of the Village of Lake Zurich Municipal Code to Increase Authorized Class V – Video Gaming Liquor Licenses for The Hungry Mule at 463 South Rand Road ORD. #2020-09-378**

Summary: The Hungry Mule at 463 South Rand Road is requesting a *Class V – Video Gaming* liquor license from the Village that would allow the installation of up to six video gaming terminals. The restaurant is expanding its operation into the adjoining space at 461 South Rand Road presently occupied by Lake Zurich Travel & Cruise.

- E. **Ordinance Amending Title 3 of Chapter 3 of the Village of Lake Zurich Municipal Code to Increase Authorized Class A – Full Service Restaurant and Class V – Video Gaming Liquor Licenses for the La Mula Mexican Grill at 927 South Rand Road ORD. #2020-09-379**

Summary: La Mula Mexican Grill is anticipating to open a restaurant in the former Meat & Potatoes location at 927 South Rand Road. The incoming restaurant is requesting *Class A – Full Service Restaurant* and *Class V – Video Gaming* liquor licenses from the Village that would allow for the retail sale of alcoholic beverages for on-premises and off-premises consumption when such sales are incidental to and complementary to the sale and service of food and also allow the installation of up to six video gaming terminals.

- F. **Ordinance Granting Final Plan Approval for a Planned Unit Development for Vela Carina at 23 and 35 West Main Street and 22 and 28 Park Avenue ORD. #2020-09-380**

Summary: Vela Carina, represented by Mr. Don and Ms. Cindy Malin are requesting final plan approval for a Planned Unit Development for the redevelopment of the former Bank of America property on Main Street and Park Avenue. Vela Carina entered into a binding re-development agreement with the village for the re-development of the property, approved by the Village Board on January 20, 2020.

The Applicant and Owner were granted Development Concept Plan approval by the Village Board on July 6, 2020. The Planning and Zoning Commission (PZC) considered the application at a public meeting on August 19, 2020 and found that the final plan was in substantial conformance with the approved development concept plan approved by the Village Board. The PZC therefore voted 7-0 in favor of recommending approval of the final plan for the development of the property, subject to the conditions outlined in the ordinance.

- G. **Automatic Response Agreements between the Village of Lake Zurich, Lake Zurich Rural Fire Protection District, Village of Barrington Fire Department, Barrington Countryside Fire Protection District, Countryside Fire Protection District, Long Grove Fire Protection District and Wauconda Fire Protection District**

Summary: Several automatic response agreements between Lake Zurich and emergency response mutual aid partners require some updates. The most recent Insurance Services Organization review from 2018 indicated several revisions to these agreements, such as Lake Zurich's ability to capture cost for service for ambulance billing.

Trustee Spacone remarked that Agenda item 6E was not a gaming salon but a restaurant.

Recommended Action: A motion was made by Trustee Sprawka, seconded by Trustee Euker, to approve the Consent Agenda as presented.

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

NAYS: 0

ABSENT: 0

MOTION CARRIED.

7. OLD BUSINESS

A. Resolution Declaring the Village Board's Commitment to Use Increased Non-Home Rule Sales Tax Revenue, if Approved by Referendum on November 3, 2020, to Fund Building Improvements at the Paulus Park Barn and Fire Station #1 RES. #2020-08-050

Summary: At the Village Board meeting on August 17, 2020, Trustees approved a resolution providing for a referendum question on the November 3, 2020 election ballot to increase the local sales tax from 0.5% to 1% for public infrastructure, municipal operations, or property tax relief.

Recent facility assessments of the Paulus Park Barn and Fire Station #1, two of the Village's oldest facilities, identified pressing space and building deficiencies that would require substantial reinvestment in both facilities. A fire at the park barn in November 2019 accelerated recognition of these needs, prompting the Village to conduct a public participation process focusing on future investment in the two facilities. Participants favored investment in a one-story expansion to the Paulus Park barn and a new Fire Station #1 to address the needs identified in the facility assessments. The two facility improvements are estimated to cost \$15.9 million, necessitating consideration of an appropriate revenue source to fund them.

The wording of the referendum question is set by State statute, without an opportunity to declare the Village Board's intent for the use the increased revenue. Adoption of this resolution would memorialize the Board's intent to continue to use the first half-cent (0.5%), collected since 2010, for the Village's road improvement program. If approved by voters this November 3, the additional half-cent (0.5%) would be used for improvements to the Paulus Park barn and Fire Station #1. Thereafter, the increased funding would be invested in the Village's infrastructure projects, be applied to property tax relief, and/or rescinded by the Village Board at that time.

Trustee Gannon opined that the recent survey and community conversations did not separate the two items, and did not discuss other priorities e.g. Lake Michigan water, aging infrastructure, bike paths etc., Data was not shared with residents and it is a bad timing for a referendum.

There were no further comments from the rest of the Board

Recommended Action: A motion was made by Mayor Poynton, seconded by Trustee Sprawka, to approve Resolution #2020-08-050 Declaring the Village Board's commitment to use increased non-home rule sales tax revenue, if approved by referendum, for fund building improvements at the Paulus Park Barn and Fire Station #1.

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

NAYS: 1 Trustee Gannon.

ABSENT: 0

MOTION CARRIED.

8. NEW BUSINESS

- A. Ordinance Approving a Special Use Permit for a Planned Unit Development, Rezoning within the B-3 Regional Shopping District and R-6 Multiple-Family Residential District and Granting Special Use Permit Approval for Various Uses at 99 Quentin Road / Cummings Property – Somerfield Mixed-Use Development ORD. #2020-09-381

Summary: Quentin 22 LZ, represented by Mr. Joe Elias, requests a Special Use Permit for a Planned Unit Development (PUD) and Approval of a Development Concept Plan for the property at 99 Quentin Road, commonly known as the Cummings Property, located on the southwest corner of IL Route 22 and Quentin Road.

The applicant is seeking a Special Use Permit for a PUD to develop the approximately 4.6-acres along Route 22 with commercial uses including a drive-through coffee shop, bank, two general retail sites and a gas station at the corner of Route 22 at Quentin Road. The remaining approximately 9.8 acres to the south is proposed to be developed with 56 residential townhomes within 14 buildings. Stormwater management facilities and a centrally located open space are also proposed and will take up the remaining approximately 3.9 acres of the property.

The applicant is requesting a rezoning of the property from the existing R ½ - Single Family Residential District to B-3 Regional Shopping and R-6 Multiple-Family Residential District.

The Planning and Zoning Commission (PZC) opened the electronic virtual public hearing on July 15, 2020 to consider the application. However, the hearing was continued to August 19, 2020 as the PZC requested additional information from the applicant to better understand the proposal and allow them the ability to make a more informed recommendation on the land use, design and operation of the development.

The PZC ultimately voted on August 19, 2020 to recommend approval of the proposed development and its accompanying land uses, but with the condition that the gas station not operate on a 24-hour basis.

Mayor Poynton stated that two public comments had been submitted by email regarding opposition to the development.

Dir. Of Community Development Sarosh Saher introduced Mr. Joe Elias, Vintage Luxury Homes of Deer Park, IL., who gave a PowerPoint presentation and answered the Board's questions. These included price point, number of townhomes, suggested lighting barrier for drive through coffee shop to avoid headlights glare on neighbours, concerns about 24/7 hours of the proposed Thornton's gas station, tenants in the retail, exit going north on Quentin Road, any creek issues, discussion of night lighting of the gas station. Dir. Saher also answered questions. Mayor Poynton reminded Mr. Elias about if the vote failed to pass then they would have to wait two years to reapply. Atty. Uhler advised the Board on Trustee Sprawka's request to modify section 2 C to be amended in the Ordinance.

Recommended Action: A motion was made by Mayor Poynton, seconded by Trustee Spacone, to approve Ordinance #2020-09-381 Approving a Special Use Permit for a Planned Unit Development, Rezoning within the B-3 Regional Shopping District and R-6 Multiple-Family Residential District and Granting Special Use Permit Approval for Various Uses at 99 Quentin Road / Cummings Property – Somerfield Mixed-Use Development.

AYES: 4 Trustees Gannon, Spacone, Sprawka, Weider.

NAYS: 2 Trustees Beaudoin, Euker.

ABSENT: 0

MOTION CARRIED.

9. **TRUSTEE REPORTS AND COMMENTS**

There were none.

10. **VILLAGE MANAGER'S REPORT**

V. M. Ray Keller added an item to the Executive Session agenda – 5ILCS 120/2 (c) 11 Imminent or Current Litigation.

11. **DEPARTMENT HEAD REPORTS**

There were none.

12. **EXECUTIVE SESSION CALLED FOR THE PURPOSE OF:**

5 ILCS 120 / 2 (c) (21) approval and public release of executive session minutes

5 ILCS 120 / 2 (c) (2) collective bargaining

5 ILCS 120 / 2 (c) 11 Imminent or Current Litigation

Motion to adjourn to Executive Session for the purpose of 5 ILCS 120 / 2 (c) (21) approval and public release of executive session minutes, 5 ILCS 120 / 2 (c) (2) collective bargaining and 5 ILCS 120 / 2 (c) 11 Imminent or Current Litigation was made by Trustee Euker, seconded by Trustee Sprawka.

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

NAYS: 0

ABSENT: 0

MOTION CARRIED.

Meeting adjourned to Executive Session at 8.34pm.

Meeting reconvened at 9.17pm

Called to order by Mayor Tom Poynton.

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, Village Atty. Scott Uhler, H.R. Dir. Doug Gibson

13. **ADJOURNMENT**

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

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

NAYS: 0

ABSENT: 0

MOTION CARRIED.

Meeting adjourned at 9.18pm

Respectfully Submitted by:

Kathleen Johnson, Village Clerk.

Approved by:



Thomas M. Poynton, Village Mayor

9-24-2020
Date.