

APPROVED
**LAKE ZURICH BOARD OF TRUSTEES
REGULAR MEETING
70 East Main Street**

Monday, October 20, 2008

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:38 pm.

Present were Village President Tolomei, Trustees Branding, Callahan, Johnson, McAvoy, Poynton, and Taylor. Also present were Village Administrator Vitas, Village Attorney Burkland, Police Chief Finlon, Public Works Director/Engineer Heyden, Park Director Perkins, Building/Zoning Director Peterson, and Finance Director Zochowski.

2. PLEDGE OF ALLEGIANCE

3. PRESIDENT'S REPORT

- A. Proclamation, Lake Zurich Rotary Club's, End Polio Now Campaign, October 24, 2008

Ron Roberti, President of the Lake Zurich Rotary, described the "End Polio Now" campaign being recognized in the community on October 24th. The proclamation was read by Village Clerk Palmblad. A collection will be taking place at major intersections that day and donations can also be made through the website.

- B. Swearing - in of Police Officer Colin Gaffney

Police Chief Finlon introduced the Village's newest officer, Colin Gaffney. Officer Colin Gaffney introduced his family before being sworn in by Police Commissioner Grooms.

4. PUBLIC COMMENT

No comments

5. APPROVAL OF MINUTES

- A. Regular Village Board meeting October 6, 2008

MOTION was made by Trustee McAvoy, seconded by Trustee Johnson, to approve the Regular Village Board meeting minutes of October 6, 2008 as presented.

Voice vote, all in favor.

MOTION CARRIED

6. CONSENT AGENDA

Items A and G were removed for further discussion under Other Business.

- B. Sonic Restaurant, 205 S. Rand Road, site redevelopment. The Planning and Development Committee recommends approval and the Board of Trustees approves AN ORDINANCE APPROVING A SPECIAL USE PERMIT, SITE PLANS, EXTERIOR APPEARANCE PLANS, A LAND DEVELOPMENT CODE MODIFICAION, AND VARIATIONS FOR 205 S. RAND ROAD (SONIC). (assign ORD. #2008-10-585)
- C. Cell phone agreement with Nextel/Sprint. The Finance Committee recommends approval and the Board of Trustees approves the cell phone agreement with Nextel/Sprint.
- D. PAR Group professional services agreement. The Finance Committee recommends approval and the Board of Trustees approves the PAR Group professional services agreement.
- E. Deerpath Commons request for release of letter of credit. The Public Works Committee recommends approval and the Board of Trustees approves the Deerpath Commons request for release of letter of credit.
- F. Agreement with Lake County for fees regarding animal control. The Public Safety Committee recommends approval and the Board of Trustees approves the Agreement with Lake County for fees regarding animal control.
- H. Newsline, November edition. The Committee of the Whole recommends approval and the Board of Trustees approves this edition of the *Newsline* as presented.

MOTION was made by Trustee Callahan, seconded by Trustee Poynton, to approve the Consent Agenda as read.

AYES: 6 Trustees Branding, Callahan, Johnson, McAvoy, Poynton, and Taylor

NAYES: 0

ABSENT: 0

MOTION CARRIED

7. ADMINISTRATOR'S REPORT

No report.

8. ATTORNEY'S REPORT

No report.

9. COMMITTEE AND TRUSTEE REPORTS

Park Director Perkins reminded everyone there is still time to see the Haunted House on October 24th and 25th. Everyone is welcome.

Public Works Director/Engineer Heyden provided an update on Mionske Pond. Work on the sewer bypass has begun and must be completed by November 22nd. Once the contractor schedule is received, residents along the pond will be contacted. Water samples will be required for testing during the first six months after a rainfall of one half inch.

10. OTHER BUSINESS

A. M Square/Urban Design professional services agreement.

At a previous meeting, Trustee Branding had questioned whether Mr. Vasandani was a licensed architect. Mr. Vasandani confirmed he is not a licensed architect, but has a master's degree in both Architecture and in Urban Planning and Design. His education more than qualifies him to assist the Village in reviewing, developing, and adopting a Forms Based Code for downtown redevelopment plans.

MOTION was made by Trustee Callahan, seconded by Trustee McAvoy, to approve a professional service agreement with M Square/Urban Design in assisting with Forms Based Code.

AYES: 5 Trustees Callahan, Johnson, McAvoy, Poynton, and Taylor

NAYES: 0

ABSENT: 0

ABSTAIN: 1 Trustee Branding

MOTION CARRIED

B. Consideration of AN ORDINANCE AMDENDING VARIOUS SECTIONS OF THE LAKE ZURICH MUNICIPAL CODE RELATED TO LIQUOR LICENSING REGULATIONS (Graham C-Stores Co., 1 N. Rand Road). (assign ORD #2008-10-587)

Village Attorney Burkland explained the Lake Zurich Municipal Code related to Liquor Licensing Regulations were amended to separate the general retail license from the gas station convenience store license and added several conditions.

Questions were raised regarding condition G2c, *beer and wine be stored or displayed on the premises must be contained in a locked case*. Some Board members thought this was very restrictive and highly unusual. Both Michael and John Graham, Graham C Stores, 33978 N. Hwy. 45, explained the operations in their other locations and feels this would be inconvenient.

Village Attorney Burkland verbally read corrected language to paragraph c, requiring the case be locked during store hours when sale is prohibited.

Discussion continued and was suggested this line item be completely removed from the ordinance.

MOTION was made by Trustee Callahan, seconded by Trustee Poynton, to approve an Ordinance amending various sections of the Lake Zurich Municipal Code related to Liquor Licensing Regulations and subject to the change of eliminating G2c.

AYES: 6 Trustees Branding, Callahan, Johnson, McAvoy, Poynton, and Taylor

NAYES: 0

ABSENT: 0

MOTION CARRIED

C. Status of Churchill Property development with Kildeer

John Sfire has submitted a proposed site plan to develop the Churchill property which consists of one large retail store with six outlots. For the past year, discussions have taken place between the Village of Lake Zurich and the proposed development submitted by the Village of Kildeer with no agreement on the sharing of sales tax. Village President Tolomei requested direction from the Board on whether to continue discussions with the Village of Kildeer. The development plan for the Cedar Hill property has been agreed upon by both Villages; however, the revenue sharing on the Cedar Hill property is contingent upon the revenue sharing of the Churchill property. The developer of the Cedar Hill property is anxious to begin construction and is hoping some agreement can be reached soon; otherwise the development will be built in Lake County rather than in Lake Zurich.

Village President Tolomei proposed the question of whether the Board was willing to accept a limited term of sharing to make future discussions possible. The Board concurred.

Consent Agenda

- A. Warrant dated October 20, 2008. The Finance Committee recommends approval and the Board of Trustees approves the Warrant dated October 20, 2008 in the amount of \$624,283.59 which includes the following items over 5% of the total:

1. Manusos General Contracting	\$78,796.64	12.83%
2. LZ Fire Pension Fund	\$74,535.00	12.13%
3. Midwest Operating Engineers	\$57,716.14	9.40%
4. Lake County Public Works	\$46,774.37	7.61%
5. Exelon Energy, Inc	33,037.59	5.38%

MOTION was made by Trustee McAvoy, seconded by Trustee Poynton, to approve the Warrant dated October 20, 2008, in the amount of \$624,283.59.

AYES: 5 Trustees Callahan, Johnson, McAvoy, Poynton, and Taylor

NAYES: 0

ABSENT: 0

ABSTAIN: 1 Trustee Branding

MOTION CARRIED

- G. Ordinance amending Class II Truck routes. The Public Safety Committee recommends approval and the Board of Trustees approves AN ORDINANCE AMENDING TITLE 6 OF THE LAKE ZURICH MUNICIPAL CODE REGARDING VEHICLE LOADS. (assign ORD. #2008-10-586)

Trustee Poynton pointed out the word "Old" needs to be inserted under Section 6-2C-2, second line from the bottom. Village Attorney Burkland stated the correction had already been made to the final document.

MOTION was made by Trustee Taylor, seconded by Trustee Branding, to approve an Ordinance amending Title 6 of the Lake Zurich Municipal Code regarding Vehicle Loads, Ordinance #2008-10-586.

AYES: 6 Trustees Branding, Callahan, Johnson, McAvoy, Poynton, and Taylor

NAYES: 0

ABSENT: 0

MOTION CARRIED

Other comments:

Building/Zoning Director Peterson advised the Census Bureau has been in contact with the Village and the start of the Special Census will begin on October 30th and continue for the first two weeks of November.

D. Executive Session for the purpose of pending, probable or imminent litigation

MOTION was made by Trustee McAvoy, seconded by Trustee Johnson, to adjourn to Executive Session for the purpose of discussing pending, probable or imminent litigation and not reconvene to open session.

AYES: 6 Trustees Branding, Callahan, Johnson, McAvoy, Poynton, and Taylor

NAYES: 0

ABSENT: 0

MOTION CARRIED

11. ADJOURNMENT

Meeting adjourned at 8:40 pm.

Respectfully submitted: *Gloria M. Palmblad, Village Clerk*

Approved by: _____
President John G. Tolomei