

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

Monday, August 2, 2010, 7:00 p.m.

1. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

2. ROLL CALL:

Present: Village President Suzanne Branding, Trustee Jeff Halen, Trustee Jim Johnson, Trustee Tom Poynton, Trustee Dana Rzeznik and Trustee Rich Sustich. Also present were Village Attorney Schlossberg, Village Administrator Vitas, Finance Director Zochowski, Police Chief Finlon, Fire Chief Mastandrea, Park and Recreation Director Perkins and Building/Zoning Director Peterson. Excused: Trustee Jonathan Sprawka

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

Jim Tarbet, 1195 Cedar Creek Drive participated by expressing his views regarding the Acting Village Clerk referendum proposal and budget concerns.

5. PUBLIC HEARING to consider proposed amendment to annexation agreement for Coventry Creek by Cummings and Lake Zurich One, LLC (continued from 7-19-10).

A public hearing was called to order and a roll call vote was then taken.

Present: Village President Branding, Trustees Halen, Johnson, Poynton, Rzeznik and Sustich. Also present were Village Attorney Schlossberg, Village Administrator Vitas, Finance Director Zochowski, Police Chief Finlon, Fire Chief Mastandrea, Park and Recreation Director Perkins and Building/Zoning Director Peterson. Excused: Trustee Sprawka

Village Attorney Schlossberg advised that she is working closely with the staff and are moving forward, but certain documents are not ready. She advised that the public hearing be continued at the next Board of Trustees meeting on August 16, 2010.

6. PRESIDENT'S REPORT

Village President Branding remarked on the recent publicity regarding salaries paid to officials (outside of the Village of Lake Zurich) and advised that Village salaries can be found on the website for public viewing.

7. CONSIDERATION OF MINUTES

A. Minutes of the Special Village Board Joint Meeting, July 19, 2010 (6 PM).

The Special Village Board Joint Meeting minutes of July 19, 2010 were recommended for approval upon voice vote.

There was a correction made to the day of the week on the first page.

Upon voice vote, the minutes of the Special Village Board Joint Meeting, July 19, 2010 were approved with the correction.

B. Minutes of the Village Board Meeting, July 19, 2010 (7 PM).

The Board of Trustees meeting minutes of July 19, 2010 were recommended for approval upon voice vote.

There was a correction made to the day of the week on the first page.

Upon voice vote, the minutes of the Village Board Meeting, July 19, 2010 were approved with the correction.

8. OLD BUSINESS

No items at this time.

9. NEW BUSINESS

A. 437 S. Old Rand Road request for a permit for a variation for a driveway.
(Trustee Rzeznik)

Summary: The owner of 437 S. Old Rand Road requested a variation from the Zoning Code to allow for expansion of the driveway with a 0 foot side yard. The Zoning Code requires a minimum three-foot interior side yard be maintained. The Zoning Board of Appeals recommends that the driveway be authorized to be widened without mandating a three-foot side yard be maintained, and the requested variation be granted.

Property owner, Jose Gonzalez was present to respond to any questions. Trustees Sustich and Rzeznik asked questions of Director Peterson.

MOTION made by Trustee Rzeznik, seconded by Trustee Johnson to approve "An Ordinance Granting a Variation for 437 S. Old Rand Road." Assign ORD. 2010-08-724. (Roll Call Vote)

AYES: 5 – Trustees Halen, Johnson, Poynton, Rzeznik and Sustich

NAYS: 0

ABSENT: 1 – Trustee Sprawka

MOTION CARRIED

- B. 32 South Shore Lane request for a permit for a variation for a deck. (Trustee Rzeznik)

Summary: The owner of 32 South Shore requested a variation from the Zoning Code to allow construction of a deck with a 14 foot rear yard. The Zoning Code requires a minimum 23 foot rear yard be maintained. The Zoning Board of Appeals recommends the requested variation be granted.

Property owner, Kevin Koch was present to respond to any questions. Director Peterson concurred with the findings.

MOTION made by Trustee Rzeznik, seconded by Trustee Halen to approve "An Ordinance Granting a Variation for 32 South Shore Lane." Assign ORD. #2010-08-725 (Roll Call Vote)

AYES: 5 – Trustees Halen, Johnson, Poynton, Rzeznik and Sustich

NAYS: 0

ABSENT: 1 – Trustee Sprawka

MOTION CARRIED

- C. 415 Thistle Lane, request for a permit for a retaining wall. (Trustee Rzeznik)

Summary: The owner at 415 Thistle Lane requested a modification to the Land Development Code to allow a five-foot high retaining wall around the swimming pool. The Plan Commission unanimously recommended approval of the application.

Property owners, Gary and Marina Kraversky were present to respond to any questions. Director Peterson concurred with the findings.

MOTION made by Trustee Rzeznik, seconded by Trustee Sustich to approve "An Ordinance approving a modification to Section 10-6-18E (2) of the Lake Development Code for 415 Thistle Lane." Assign ORD. 2010-08-726 (Roll Call Vote)

AYES: 5 – Trustees Halen, Johnson, Poynton, Rzeznik and Sustich

NAYS: 0

ABSENT: 1 – Trustee Sprawka

MOTION CARRIED

- D. Fosco Fullett Rosenlund PC, 430-440 Telser Road, request for a text amendment to allow for legal services. (Trustee Rzeznik)

Summary: The Applicant requested a text amendment and special use permit to allow for the operation of a legal office on the Subject Property. The Subject

Property is classified in the Village's I-1 Limited Industrial District and has an existing 12,000 square-foot building. The Plan Commission unanimously recommended approval of the application for the Applicant and successor owners for the uses identified at the Plan Commission meeting.

Business owners Paul Fosco and Stuart Fullett, Fosco Fullett Rosenlund PC, were present to respond to any questions.

It was noted that there were no changes since the recent courtesy review and that no contact was received from the Industrial Council. It was also noted that this property would house legal services only.

MOTION made by Trustee Rzeznik, seconded by Trustee Halen to approve "An Ordinance approving a Zoning Code text amendment and a special use permit for 430-440 Telser Road." Assign ORD. #2010-08-727 (Roll Call Vote)

AYES: 5 – Trustees Halen, Johnson, Poynton, Rzeznik and Sustich

NAYS: 0

ABSENT: 1 – Trustee Sprawka

MOTION CARRIED

- E. Village of Lake Zurich, 296 Grand Avenue, request for a map amendment. (Trustee Rzeznik)

Summary: The Village has filed an application seeking approval of a Zoning Code map amendment to rezone the Subject Property from the Village's OS Open Space District to R-4 Single Family Residential District. The Subject Property has been identified as a surplus property, and the proposed R-4 District will preserve the established Grand Avenue neighborhood and encourage new residential development in a manner consistent with the overall character of the neighborhood and Village. The Plan Commission unanimously recommended approval of the application subject to the conditions identified in the staff report supporting the amendment.

Discussion took place regarding any small, spare and unused parcels of land.

MOTION made by Trustee Rzeznik, seconded by Trustee Sustich to approve "An Ordinance approving a Zoning Code map amendment for 296 Grand Avenue." Assign ORD. #2010-08-728 (Roll Call Vote)

AYES: 5 – Trustees Halen, Johnson, Poynton, Rzeznik and Sustich

NAYS: 0

ABSENT: 1 – Trustee Sprawka

MOTION CARRIED

- F. Bid Award for generator at fire station. (Trustee Johnson)

Summary: The FY 10/11 Budget included \$50,000 to replace the standby 30-year old generator at the Main Fire Station. Six formal bids were received and opened on July 20, 2010. The two lowest bids were examined to ensure compliance, and the bid from Greco Electric included all costs necessary to upgrade the gas service and provide the listed alternatives. There is an additional charge of approximately \$300 for Nicor to upgrade the gas meter. Staff recommends purchase of the generator system from Greco Electric.

Chief Mastandrea explained the critical need for a new generator.

MOTION made by Trustee Johnson, seconded by Trustee Poynton to approve the purchase of a Generac commercial series 100KW 120/208V 3-phase liquid cooled natural gas standby generator system from Greco Electric at a base price of \$45,983 with alternates at \$3,380 and Nicor charge at \$300, totaling \$49,663. (Roll Call Vote)

AYES: 5 – Trustees Halen, Johnson, Poynton, Rzeznik and Sustich

NAYS: 0

ABSENT: 1 – Trustee Sprawka

MOTION CARRIED

- G. Semi-Monthly Warrant Register Dated August 2, 2010, Totaling \$656,136.69 (Trustee Halen)

Discussion took place regarding ongoing concerns and the Board raised questions on various aspects. Director Zochowski his staff were thanked for all of the information prepared for inclusion in the packet.

President Branding stated that she will continue and persist with contacting the State of Illinois in pursuit of needed funding.

MOTION made by Trustee Halen, seconded by Trustee Johnson to approve the semi-monthly warrant register dated August 2, 2010, totaling \$656,136.69. (Roll Call Vote)

AYES: 5 – Trustees Halen, Johnson, Poynton, Rzeznik and Sustich

NAYS: 0

ABSENT: 1 – Trustee Sprawka

MOTION CARRIED

- H. Ordinance authorizing referendum for appointed Village Clerk. (President Branding)

Summary: The Village Board requested staff to investigate the option of conducting a public referendum to determine whether the elected Village Clerk's position should be replaced by an appointed position following the resignation of the elected Village Clerk. Staff recommends moving from an

elected to an appointed clerk position because the clerk position is increasingly technical and closely tied to the daily administrative operations of the Village. The Board has asked for additional information related to this proposal and will discuss the matter at this meeting.

A number of questions and concerns were raised by the Board and much discussion ensued.

MOTION made by Trustee Johnson, seconded by Trustee Rzeznik to approve "An Ordinance Authorizing Referenda Question for Appointed Village Clerk" Assign ORD. 2010-08-729 (Roll Call Vote)

AYES: 2 – Trustees Johnson and Rzeznik

NAYS: 3 – Trustees Halen, Poynton and Sustich

ABSENT: 1 – Trustee Sprawka

MOTION FAILED

I. Referendum for public safety pension reform initiative. (President Branding)

Summary: The Metropolitan Mayors Caucus has asked municipalities throughout the Chicagoland area to place a public safety pension reform advisory referendum question on the ballot for the November, 2010 election. The model resolution they have provided is similar to that used by the Village of Barrington and the City of Lake Forest this past spring. However, the question has been updated to reflect the general assembly's recent pension reform actions that excepted those affecting police, fire and county sheriffs. The Mayor's Caucus and the Pension Fairness Coalition (of which Lake Zurich is a member), will provide written material and suggestions for public meetings to help educate the public on the issue of why public safety pension reform is needed. The deadline for approving referenda questions on the November ballot is August 16, 2010. The proposed resolution has been modified to include specific information relative to Lake Zurich.

The Board discussed concerns over the handling of the pension payments and the importance to our firefighters and police. Village Administrator Vitas addressed questions and concerns before a vote was taken.

Trustee Sustich suggested that the notation of a "fiscal crisis" be removed from the resolution and it was agreed.

MOTION made by Trustee Johnson, seconded by Trustee Poynton to approve "A Resolution Initiating the Submission of a Public Question to support regional actions to attain long term pension sustainability." Assign RES. 2010-08-02A (Roll Call Vote)

AYES: 5 – Trustees Johnson, Poynton, Rzeznik and Sustich

NAYS: 1 – Trustee Halen

ABSENT: 1 – Trustee Sprawka
MOTION CARRIED

10. TRUSTEE REPORTS

None at this time.

11. ADMINISTRATOR'S REPORT

- A.** Presentation of educational information for non home rule sales tax referendum.

Trustee Halen addressed changes he proposed in the document and asked Administrator Vitas if they could work together on the final edition of the document. Discussion took place regarding the need to address other items and infra-structure issues.

12. ATTORNEY'S REPORT

None at this time.

13. DEPARTMENT HEAD REPORTS

- A.** Finance Director Zochowski: Phone system upgrade

Director Zochowski advised the new telephone system for the Village of Lake Zurich will be up and running within the next two weeks.

- B.** Fire Chief Mastandrea: Results of community-wide blood drive

Chief Mastandrea reported the goal of 100 units had been surpassed and 106 units (the equivalent to save 318 lives) were collected. People can continue to donate blood through September at LifeSource by using Sponsor Code LZ32. Please contact LifeSource at 312-279-2958 or you can make an appointment online at www.lzblooddrive.com.

- C.** Park and Recreation Director Perkins: Beach hours

Breezewald Park will be open daily until August 15th and will then close for the season. Paulus Park will remain open on weekends and holidays only after August 15th. Director Perkins also discussed the upcoming Taste of the Town Chamber event.

Director Peterson also reported that many welcome new projects are underway within the Village.

14. ADJOURNMENT / CLOSED SESSION

MOTION made by Trustee Sustich, seconded by Trustee Poynton to adjourn the meeting and recess into a closed session to discuss matters pertaining to probable or imminent litigation issues and other matters if required.

AYES: 5 – Trustees Halen, Johnson, Poynton, Rzeznik and Sustich

NAYS: 0

ABSENT: 1 – Trustee Sprawka

MOTION CARRIED

15. ADJOURNMENT OF PUBLIC MEETING

MOTION made by Trustee Sustich, seconded by Trustee Johnson to adjourn the meeting.

AYES: 5 – Trustees Halen, Johnson, Poynton, Rzeznik and Sustich

NAYS: 0

ABSENT: 1 – Trustee Sprawka

MOTION CARRIED

The meeting was adjourned at 10:30 p.m.

Respectfully submitted by: Debra E. Incardone, Acting Village Clerk

Approved by:

/s/ Suzanne K. Branding, Village President 8/16/10