

APPROVED MINUTES
VILLAGE OF LAKE ZURICH

Board of Trustees
70 East Main Street
ELECTRONIC ONLINE MEETING



Monday, June 7, 2021. 7:00p.m

1. **CALL TO ORDER** by Mayor Thomas M. Poynton at 7.01pm.
2. **ROLL CALL:** Mayor Thomas Poynton, Trustee Dan Bobrowski, 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, Finance Dir. Bane Thomey, Dir. of Innovation Michael Duebner, Acting Fire Chief Dave Pilgard, Police Chief Steve Husak, Dir. Of Community Development Sarosh Saher, Public Works Dir. Mike Brown, Park and Rec. Dir. Bonnie Caputo, H.R. Dir. Doug Gibson. Guests:- Brian Frank, Milieu Landscaping; Peter Starykowicz, All Community Events; Jack Zak, Andy's Deli.
3. **PUBLIC COMMENT**
There were none.
Public Comment on Agenda Item #7B was held at that time.
4. **PRESIDENT'S REPORT / COMMUNITY UPDATE**
There was no report.
5. **CONSENT AGENDA**
 - * *Trustee Euker requested Agenda Item #5E be removed from the Consent Agenda.*
 - A. Approval of Minutes of the Village Board Meeting, May 17, 2021
 - B. Approval of Semi-Monthly Warrant Register Dated June 7, 2021 Totaling \$1,097,166.61
 - C. Ordinance Approving a Special Use Permit for Milieu Landscaping at 525 Enterprise Drive ORD. #2021-06-413
Summary: Milieu Landscaping is seeking a Special Use Permit to allow outdoor storage associated with a permitted landscape and horticultural services contractor at 525 Enterprise Parkway within the I – Industrial Zoning District. The business proposes to establish a landscape company and office, along with an outdoor storage yard for landscape materials. The Planning and Zoning Commission held a public hearing on May 19, 2021 and voted 5-0 in favor of recommending approval.
 - D. Agreement with Layne Christensen Company for Preventative Maintenance on Well #9 in the Amount Not-to-Exceed \$150,000
Summary: The 2021 budget includes \$150,000 in the Water and Sewer Fund for this planned expense. In 2017, the Village Board approved a renewal of a five-

year professional services agreement with Layne Christensen Company to provide well and pump maintenance. This five-year agreement provides the Village with a 5% discount on labor and equipment rates. The current well maintenance rotation focuses on Lake Zurich's five wells that have the ion exchange water treatment process. Preventative maintenance on Well #9 last occurred in 2016.

*E. **Ordinance Restricting Parking on Ash Street, Oak Street, and Parkway Avenue**
ORD. #2021-06-414

*Removed from the Consent Agenda.

F. **Ordinance Amending Chapters 1 and 4 of Title 6 of the Lake Zurich Municipal Code Regarding All-Terrain Vehicles and Off-Highway Motorcycles** ORD. #2021-06-415

Summary: Staff is recommending this ordinance for minor language updates to the Village Code to ensure terminology and definitions are consistent with the Illinois Vehicle Code. Updates to the "All-Terrain Vehicle" definition and the addition of "Off-Highway Motorcycle" are needed so that the language remains consistent with the Illinois Vehicle Code. The rules for the use of these vehicles also require updates.

G. **Ordinance Amending the Village of Lake Zurich Municipal Code to Repeal Ordinance #91-05-448 Establishing a Portion of a Local Street as Residents Permit Parking Only** ORD. #2021-06-416

Summary: An ordinance passed in May 1991 created Resident Permit Parking Only on Lake Street intended to "preserve the residential character of said area." This went into effect when both JJ Twigs and Rock n' Roll bar were in the neighborhood. Both businesses have been gone for over 15 years. There are no other Resident Only restrictions on streets in Lake Zurich and the Village has not issued Resident Only parking permits since at least 2008. Staff recommends a repeal of the 1991 ordinance that created these restrictions.

H. **Ordinance Amending the Village of Lake Zurich Municipal Code to Update the Provisions of Title 3, Chapter 5, Section 10 Imposing a Municipal Cannabis Retailers' Occupation Tax** ORD. #2021-06-417

Summary: The Village Board adopted an ordinance on April 21, 2021 that amended a previous ordinance adopted on December 21, 2020 which enacted a 3% local tax on the sale of adult use recreational cannabis, should a dispensary decide to locate to Lake Zurich in the future. While this local tax ordinance has already been accepted for meeting the statutory filing deadline, the Illinois Department of Revenue has requested further amendments to correct provisions which are not consistent with the Municipal Cannabis Retailer's Occupation Tax Law.

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

AYES: 6 Trustees Bobrowski, Euker, Gannon, Spaccone, Sprawka, Weider.

NAYS: 0

ABSENT: 0

MOTION CARRIED.

**E. Ordinance Restricting Parking on Ash Street, Oak Street, and Parkway Avenue
ORD. #2021-06-414**

Summary: At the March 17, 2021 Community-Police Advisory Committee (CPAC) meeting, members reviewed a request from residents to address parking regulations in the neighborhood east of Breezewald Park. CPAC is recommending to the Village Board to restrict parking on the hydrant side of Ash Street between Beauteau Street and Grove Street, on Grove Street between Ash Street and Parkway Avenue, and on Parkway Avenue between Beauteau Street and Lions Drive. CPAC recommends restricting parking on the non-hydrant side of Oak Street between North Old Rand Road and Lions Drive because of commercial/shoulder parking currently in place on the hydrant side. Restrictions are recommended as the usable width of all roadways are less than 24 feet.

Trustee Euker stated that many of the residents of the affected streets did not receive any notification of the parking changes. She requested that the Agenda Item #5E be tabled so that notifications could be distributed to all residents. Trustee Euker asked for the basis of the CPAP recommendation and statistical data for the decision. She requested tabling to a future meeting. Police Chief Husak and Dir. Brown provided information and Atty. Uhler advised the Board.

A motion was made by Mayor Poynton, seconded by Trustee Euker, to table to a future meeting.

AYES: 6 Trustees Bobrowski, Euker, Gannon, Spaccone, Sprawka, Weider.

NAYS: 0

ABSENT: 0

MOTION CARRIED.

6. OLD BUSINESS

None at this time.

7. NEW BUSINESS

A. Special Event Approval for All Community Events for Jack O' Lantern World at Paulus Park for the Whole Month of October Wednesday through Sunday Evenings

Summary: The Village has received an event request from All Community Events, a Lake Zurich business, to operate an autumn family-friendly event called Jack O' Lantern World at Paulus Park throughout the entire month of October, Wednesday through Sunday evenings from 9 pm – 11 pm.

This event would include the exclusive use of the southeast end of the property for the entire month of October and one week in September and November for setup and cleanup efforts, use of electric and restroom facilities, as well as food trucks and adult beverages during event hours.

The ticketed entry event will feature a walk-through of designated pathways at Paulus to enjoy 10-15 stations of 100-200 professionally carved pumpkins with scene sounds at each station. All pumpkins would contain flameless candles only and all sounds would be directed towards Route 12 at all times. Entry fees are still being determined but the organizer has agreed to rental terms of 5% of gross ticket sales or a minimum of \$400 per night, whichever is greater.

Village Special Event guidelines for events with over 100 in attendance required approval by the Park and Recreation Advisory Board and the Village Board. Due to timing concerns, All Community Events has requested Village Board

consideration first and has agreed, pending Board feedback and approval, to present its event to the Park and Recreation Advisory Board at its June 8, 2021 meeting.

Park and Rec. Dir. Caputo stated that besides All Community Events proposal, Phase Three Brewery, Lake Zurich are interested in joining the first weekend of the proposed dates in an event in Paulus Park. Mayor Poynton enquired about the change in process of getting Board approval before the PAB's recommendation to the Board. Dir. Caputo stated that there was a timing problem and she had polled most of the PAB's members on their support of the proposal, and had a favourable response.

All Community Events Peter Starykowicz, President, gave a PowerPoint presentation of the proposal and he answered the Board's questions. Questions included:- dates, hours, handling inclement weather, traffic, possible earlier opening times, entrance fee. Staff also answered the Board's questions.

Recommended Action: A motion was made by Trustee Weider, seconded by Trustee Sprawka, to approve the special event request for All Community Events for Jack O' Lantern World at Paulus Park for the Whole Month of October Wednesday through Sunday Evenings.

AYES: 6 Trustees Bobrowski, Euker, Gannon, Spaccone, Sprawka, Weider.

NAYS: 0

ABSENT: 0

MOTION CARRIED.

B. **Ordinance Granting Approval of a Planned Unit Development, Amendment to the Official Zoning Map, Final Plan, Special Use Permits, and Modifications to the Zoning and Land Development Code for Andy's Deli at 265 North Rand Road ORD. #2021-06-418**

Summary: Kolasa Real Estate Investment has filed an application for a new development at 265 North Rand Road, site of the vacant Joe's Barber Shop. The proposal for Andy's Deli underwent a Courtesy Review with the Village Board on July 6, 2020, initial consideration by the Planning and Zoning Commission (PZC) on October 21, 2020, and further PZC consideration on February 17, 2021.

The proposal for Andy's Deli would require a Special use Permit for a Planned Unit Development for the construction of the restaurant with residential uses on the second floor, a Zoning Map Amendment to rezone the property from R-5 single-family residential to B-1 local and community business district, modifications to the zoning and building code requirements, and Site Plan Review and Exterior Appearance Review to approve their proposed building and landscaping design.

At its February 17, 2021 meeting, the PZC recommended denial of the Planned Unit Development and Zoning Map amendment as proposed by the developer. The Zoning Code allows petitioners to continue with the request for consideration of a project to the Village Board.

Recommended Action: The Village Board has three options it may choose:

- A) Deny the application for approval of the development concept plan
- B) Refer the application back to the PZC for further consideration of specified matters
- C) Approve the development concept plan, with or without modifications and conditions to be accepted by the applicant

PUBLIC COMMENT

Larissa Klavins, 245 Sunrise Lane, addressed the Board on her opposition to the proposal. Ms. Klavins had submitted a letter which was part of the packet.

Ralph Weber, 255 Sunrise Lane, addressed the Board on his opposition of the proposal. Mr. and Mrs. Weber had submitted letters including in the packet.

D.D. Johnson, representing her father, Bob Warren, addressed the Board in opposition of the proposal.

James Oesterreicher, Sunrise Lane, addressed the Board on his opposition of the proposal.

Dir. Saher introduced Jack Zak, General Manager of Andy's Deli, who then gave a PowerPoint presentation of the proposal.

Mayor Poynton stated that he was disappointed that the neighbours say there was little contact with Andy's Deli people about the proposal. The Trustees responded to the presentation and Staff and Mr. Zak answered them. Questions included traffic flow, parking, number of employees, odours and fences. Trustee Sprawka recommended that there be only a right turn exit from the property on Evanston Terr, and that there be a masonry wall instead of fencing. Atty. Uhler advised the Board on the option C which should include the wording of the right turn exit and masonry wall.

A motion was made by Mayor Poynton, seconded by Trustee Spacone, to approve an Ordinance Granting Approval of a Planned Unit Development, Amendment to the Official Zoning Map, Final Plan, Special Use Permits, and Modifications to the Zoning and Land Development Code for Andy's Deli at 265 North Rand Road and approving the development concept plan, with modifications and conditions to be accepted by the applicant including replace the references to "fence" with "stone or masonry wall" and new condition that all traffic exiting the site be directed to take a right turn onto Evanston Terrace in a west-bound direction.

AYES: 5 Trustees Bobrowski, Euker, Gannon, Spacone, Sprawka.

NAYS: 1 Trustee Weider.

ABSENT: 0

MOTION CARRIED.

8. TRUSTEE REPORTS

Trustee Spacone requested an update of citations and safety concerns by the Marine Patrol at a future meeting.

9. VILLAGE STAFF REPORTS

There were none.

10. EXECUTIVE SESSION called for the purpose of:

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

5 ILCS 120 / 2 (c) (1) appointment, employment, compensation, discipline, performance or dismissal of specific employees

Motion was made by Trustee Weider, seconded by Trustee Euker, to adjourn to Executive Session for the purpose of 5 ILCS 120 / 2 (c) (21) approval of executive session minutes and 5 ILCS 120 / 2 (c) (1) appointment, employment, compensation, discipline, performance or dismissal of specific employees. There will be no further business in Open Session after the close of the Executive Session.

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

NAYS: 0

ABSENT: 0

MOTION CARRIED.

The meeting adjourned to Executive Session at 9.17pm

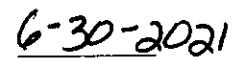
Respectfully Submitted by:-

Kathleen Johnson, Village Clerk

Approved by:-



Thomas M. Poynton, Village Mayor



Date.