

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

Monday, July 21, 2008

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:33 pm.

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

2. PLEDGE OF ALLEGIANCE

3. PRESIDENT'S REPORT

A. Appointment and oath for Gerald Kmiecik as Zoning Board of Appeals member for term expiring April 30, 2010.

Mr. Kmiecik was unable to attend and will take the oath of office at the next Zoning Board meeting.

4. PUBLIC COMMENT

Jim Tarbet, 1195 Cedar Creek Drive, stated his comments were misinterpreted in the Committee of the Whole meeting minutes of July 14th, included in this week's packet, and clarified his concerns are with the problems of the TIF not being addressed by the Board.

Dennis Abbott, 216 West Main, reiterated to the Board that he would also request his property be removed from the TIF if any other property is approved to do so. Mr. Abbott also requested an ordinance be drafted to fine anyone poisoning the lake in an effort to protect it from happening again. A copy of the Pesticide Act was submitted to the Clerk for the record.

Stephanie Halen, 154 S. Pleasant Rd., lives behind the construction of the new Holiday Inn Express and is seeking a solution to the landscaping most recently removed south of the pond. A prepared letter was read requesting additional help and support from the Village Trustees to secure additional landscaping from the developer, Joseph Freed. Mrs. Halen reminded everyone that a year ago she asked for the codes to be rewritten to protect the residents that back up to commercial property and to date, nothing has taken place. Questions were also raised on the projected numbers to the remainder of the TIF by removing Trustee Branding's property from the TIF.

Angela Kula, 201 S. Pleasant, also addressed the recent bulldozer work that removed the buffer between the property owners and the Holiday Inn Express. Additional buffering was requested from the developer of the project.

Thomas Habley, 1122 Stanton, is equally concerned about the chemicals being placed in the lake and is worried about the affect to the beach.

Public Works Director/Engineer Heyden explained the offsite improvement that took place behind the Kmart building, next to the Holiday Inn Express. The swale needed to be redefined so the overgrown invasive plants needed to be removed. In order to minimize the impact, the developer was told to use smaller equipment; but did not abide to this request. The developer is looking into additional landscaping to this area.

President Tolomei asked for an update on the dying carp in the lake. Public Works Director/Engineer Heyden stated the IDNR will not have a report for two weeks. Diseased carp is still being spotted in the lake and will most likely continue to perish. Other species of fish have not been affected. The lake/beach was closed for treatment today but will reopen again tomorrow.

President Tolomei requested verification on the incremental revenue from the TIF if property is removed and the impact to the other taxing bodies. Finance Director Zochowski explained how the incremental tax shortfall would affect the Village.

5. APPROVAL OF MINUTES

A. Regular Village Board meeting July 7, 2008

MOTION was made by Trustee Callahan, seconded by Trustee Poynton, to approve the Regular Village Board meeting minutes of July 7, 2008 as presented.

Voice vote, all in favor.

MOTION CARRIED

6. CONSENT AGENDA

Trustee Taylor requested Items D and K be removed from Consent for further discussion under Other Business.

A. Warrant dated July 21, 2008. The Finance Committee recommends approval and the Board of Trustees approves the Warrant dated July 21, 2008 in the amount of \$853,955.58 which includes the following items over 5% of the total:

1. Manusos General Contracting	\$223,994.60	26.23%
2. LZ Fire Pension	\$113,125.53	13.25%
3. MM Burke, Inc.	\$73,419.30	8.60%
4. Lake Cty. Public Wks.	\$44,389.70	5.20%

B. 300 Hanbury Drive, variation for patio. The Planning and Development Committee recommends approval and the Board of Trustees approves AN ORDINANCE GRANTING A VARIATION FOR 300 HANBURY DRIVE. (Assign ORD. #2008-07-571)

- C. 462 N. Old Rand Road, variation for driveway. The Planning and Development Committee recommends approval and the Board of Trustees approves AN ORDINANCE GRANTING A VARIATION FOR 462 NORTH OLD RAND ROAD. (Assign ORD. #2008-05-572)
- E. Intergovernmental Agreement between Village and CUSD#95 for installation of Midlothian Traffic Signal. The Public Works Committee recommends approval and the Board of Trustees approves Intergovernmental Agreement Between the Village of Lake Zurich and Community Unit School District 95 for Installation of Midlothian Traffic Signal.
- F. Intergovernmental Agreement between villages of Lake Zurich and Hawthorn Woods allocating responsibility for construction of sanitary sewer main within ROW. The Public Works Committee recommends approval and the Board of Trustees approves an Intergovernmental Agreement Between the Village of Lake Zurich and the Village of Hawthorn Woods Allocating Responsibility for Construction of a Sanitary Sewer Main within Railroad Right of Way.
- G. Special Census Outreach & Complete Count Committee appointment. The Committee of the Whole recommends approval and the Board of Trustees approves the appointment of the 2008 Special Census Outreach Committee.
- H. Resolution supporting Chicago's bid for the 2016 Olympic. The Committee of the Whole recommends approval and the Board of Trustees approves A Resolution Supporting the City of Chicago's Bid for the 2016 Olympic and Paralympic Games. (Assign RES. #2008-07-21A)
- I. Newsline, August edition. The Committee of the Whole recommends approval and the Board of Trustees approves this edition of the *Newsline* as presented.
- J. Agreement establishing Regional Answer to CN (TRAC). The Committee of the Whole recommends approval and the Board of Trustees approves An Intergovernmental Agreement Establishing the Regional Answer to Canadian National ("TRAC"), a regional coalition of units of local government pursuing common goals in opposition to CN rail congestion.

MOTION was made by Trustee Johnson, seconded by Trustee McAvoy, 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

Last week, Finance Director Zochowski processed the refunding of the 2000 general obligation bonds at a net savings close to 7.25%. The closing will take place around August 1st and the refunding of the current bonds around September 1st.

8. ATTORNEY'S REPORT

No report.

9. COMMITTEE AND TRUSTEE REPORTS

As Chairman of the Public Works Committee, Trustee Taylor commended resident Judy Thode for her extensive volunteer work at Oak Ridge Marsh and encouraged others to get involved.

Trustee Callahan thanked the Lions Club and all their volunteers for a successful Alpinefest.

10. OTHER BUSINESS

A. Courtesy review referral. Fidelity, Goodwill Retail Services, 746 S. Rand Road - request for special use permit and exterior appearance.

No additional information was provided. This item will now move forward to the appropriate Boards and Commissions without recommendation from the Board.

Consent Agenda Items:

D. Ela Township Hall, 1155 E. Route 22. The Public Works Committee recommends:

- 1) Approval and the Board of Trustees approves the Tree Preservation/Revised Landscape Plan dated June 11, 2008 to a) change the variety of trees from the majority of the Maple family to trees of other tree families to provide more diversification, and b) to meet/comply with the parking lot ordinance of 15% parking lot landscaping: Change the sidewalk/planter area so that the sidewalk is on the side instead of the center and plant one shade tree in the planter. Also, add a shade tree in the center area south of the parking lot.
- 2) Referral and the Board of Trustees refers the motion for a developer donation of \$35,100 to the tree replacement budget line item to be used as planting as needed throughout the village back to the Tree Commission for discussion.

Trustee Taylor said a compromise had been reached with the Tree Commission to not fine Ela Township, as stated in item 2, but to accept their offer of planting trees along Church Street, Echo Lake, etc over the next three years. This plan allows them to properly budget for these items. Trustee Poynton requested additional improvements in the buffer between the new town hall and the residents.

MOTION was made by Trustee Taylor, seconded by Trustee Poynton, to approve Item 1 as written.

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

NAYES: 0

ABSENT: 0

MOTION CARRIED

K. Amendment to the Boundary of Downtown TIF District to remove 15 Lake View Place. The Committee of the Whole recommends approval and the Board of Trustees approves an amendment to the Boundary of the TIF District to remove 15 Lake View Place from the TIF District.

Trustee McAvoy recapped his understanding of the current situation facing Trustee Branding and the potential conflict of interest in her voting on issues concerning the TIF District. Several Trustees were concerned with the financial outcome of removing the property from the TIF. It was determined a shortfall of approximately \$194,000 will be realized at the end of the TIF. Finance Director Zochowski explained tax money will be collected as usual; however, tax money will be redistributed to other taxing bodies rather than collected by the Village to pay TIF expenses. Other property owners hinted they would request the same consideration of having their property removed from the TIF if Trustee Branding was allowed to be removed.

Trustee Poynton questioned why further discussion was needed when in September of 2007, the Board voted to amend the downtown TIF plan with Friedman & Associates at a cost of \$65,000. President Tolomei explained the amendment approved last September was in anticipation of certain projects moving forward and, for the primary reason of amending the budget. Unfortunately, pertinent information to amend the budget is still not available and therefore, the Village cannot justify spending the approved \$65,000 to do so.

Discussion continued with several questions asked of Village Attorney Burkland regarding precedence, requests from others to be excluded from the TIF, lawsuit possibility, etc.

MOTION was made by Trustee Johnson, seconded by Trustee Poynton, to approve an Amendment to the Boundary of Downtown TIF District to remove 15 Lake View Place.

AYES: 2 Trustees Johnson and Poynton

NAYES: 3 Trustees Callahan, McAvoy and Taylor

ABSTAIN: 1 Trustee Branding

MOTION DENIED

11. ADJOURNMENT

MOTION was made by Trustee Taylor, seconded by Trustee McAvoy, to adjourn the meeting.

Voice vote, all in favor.

MOTION CARRIED.

The meeting adjourned at 8:40 pm.

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

Approved by: _____
President John G. Tolomei