

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

Monday, October 5, 2009, 7:00 p.m.

A G E N D A

1. CALL TO ORDER

2. ROLL CALL

Village President Suzanne Branding

Trustee Jeff Halen

Trustee Tom Poynton

Trustee Jonathan Sprawka

Trustee Jim Johnson

Trustee Dana Rzeznik

Trustee Rich Sustich

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

(This is an opportunity for residents to comment briefly on matters included on the agenda and otherwise of interest to the Board of Trustees.)

5. PRESIDENT'S REPORT

(This is an opportunity for the Village President to report on matters of interest to the Village.)

A. Certificates of recognition from Police and Fire Departments

6. CONSIDERATION OF MINUTES (*Documents included in packet*)

A. Committee of the Whole meeting, September 9, 2009

B. Minutes of the Special Board meeting, September 17, 2009

C. Minutes of the Village Board meeting, September 21, 2009

D. Executive session minutes dated April 20, May 18, June 1, June 8, June 29, July 6, July 20, August 3, August 17, August 24, August 31, September 8, and September 17, 2009. (Minutes will be reviewed for release to public after six-month review process is complete.)

Recommended Action: Motion to approve each of the minutes. (*Voice Vote*)

7. CONSENT AGENDA

(Matters on the Consent Agenda will be considered by a single motion and vote because they are considered to be generally of a routine nature. Any

member of the Board of Trustees may request that an item be removed from the Consent Agenda and considered separately.)

(No items at this time.)

8. OLD BUSINESS

(This agenda item includes matters for action by the Board of Trustees.)

A. **Ordinance Amending Code Provisions Regarding Committees.** (Trustee Sustich) (Tabled 9-21-09)

Summary: The Board of Trustees has been considering amendments to the Village's Municipal Code to clarify the provisions related to special committees of the Board of Trustees; other boards or commissions advisory to the Board of Trustees; and task forces appointed by the Village President. This draft ordinance amends Section 1-4-7 of the Code to provide that new special committees of the Board of Trustees may be designated and established by the Village President with the advice and consent of the Board of Trustees and also may be established by the Board of Trustees directly. The Village President retains her standard authority to appoint task forces that are advisory only to the President and not to the Board of Trustees. This draft ordinance also amends Chapter 8 of Title 2 of the Code to provide for establishment of additional boards or commissions advisory to the Board of Trustees. The establishment procedure is similar to establishment of special committees of the Board of Trustees. The new Chapter 8 includes, among other things, requirements that the duties and term of an advisory committee be set at the time the committee is established. The new Chapter 8 replaces old provisions related to an old downtown development commission that long ago dissolved.

Recommended action: Motion to pass "An Ordinance Amending The Lake Zurich Municipal Code Related To Board Committees, Task Forces, And Board Advisory Committees." (Roll Call Vote)

9. NEW BUSINESS

(This agenda item includes matters coming to the Board of Trustees for discussion and possible action.)

A. **Installment of New Antennas at 200 Mohawk Trail.** (Trustee Poynton)

Summary: Towerco filed an application for approval of a special use permit to authorize installation of three new dish antennas at the existing communication tower located at 200 Mohawk Trail. The Plan Commission recommended approval of the application.

Recommended Action: Motion to approve “An Ordinance granting a special use permit for a cell tower at 200 Mohawk Trail.” *(Roll Call Vote)*

B. Installment of New Antennas at 515 Capital Drive. *(Trustee Poynton)*

Summary: Crown Castle International filed an application for approval of a special use permit to authorize installation of three new dish antennas at the existing communication tower located at 515 Capital Drive. The Plan Commission, at its September 16 meeting, recommended approval of the application.

Recommended Action: Motion to approve “An Ordinance granting a special use permit for 515 Capital Drive (Crown Castle Tower).” *(Roll Call Vote)*

C. Installment of New Antennas at 690 June Terrace. *(Trustee Poynton)*

Summary: Crown Castle International filed an application for approval of a special use permit to authorize installation of three new panel antennas, three dish antennas, and an equipment cabinet at the existing communication tower located at 690 June Terrace. The Plan Commission, at its September 16 meeting, recommended approval of the application, subject to a condition that all outstanding permit work must be completed prior to the installation of the additional antennas and equipment cabinet recommended for approval. That condition is included in the proposed ordinance.

Recommended Action: Motion to approve “An Ordinance granting a special use permit for 690 June Terrace (Crown Castle Tower).” *(Roll Call Vote)*

D. 35 South Shore Lane, Request for Permit for Variation for Patio. *(Trustee Poynton)*

Summary: The owners of 35 South Shore Lane recently completed construction of a house on the subject property. The patio plan for the house changed from its initial design. Construction of the patio was commenced, but was stopped when it was discovered that the patio did not comply with yard requirements. The owners applied for a variation, requesting a reduction of the required rear yard to 10 feet from 20 feet. The Zoning Board of Appeals unanimously recommended approval of the application.

Recommended Action: Motion to approve “An Ordinance Approving a Variation for 35 South Shore Lane.” *(Roll Call Vote)*

E. 680 Pheasant Ridge Road, Request for Permit for Retaining Wall. *(Trustee Poynton)*

Summary: The owners of 680 Pheasant Ridge Road applied for a modification of the requirements of Section 10-6-18E of the Land Development Code to permit a retaining wall up to 6 feet in height. After considerable discussion of drainage and safety matters at its meeting on September 16, the Plan Commission voted unanimously to recommend approval of a modification to allow a retaining wall up to 6 feet in height. The proposed ordinance requires the owner to solve the drainage and safety issues to the satisfaction of the Director of Public Works and the Director of Building and Zoning.

Recommended Action: Motion to approve “An Ordinance approving a modification to the Land Development Code for a retaining wall at 680 Pheasant Ridge Road.” *(Roll Call Vote)*

F. 1325 Ensell Road, Site Plan Approval for Parking Lot and Freezer Room Addition. (Trustee Poynton)

Summary: Peapod, LLC applied for site plan approval for a parking lot expansion onto an adjacent lot and a 1,767-square-foot addition to its existing building. After a public hearing on September 16, the Plan Commission unanimously voted to recommend approval of the site plan for the parking lot expansion and freezer room addition. The site plan includes ample landscaping of the new improvements.

Recommended Action: Motion to approve “An Ordinance approving Site Plans for 1325 Ensell Road.” *(Roll Call Vote)*

G. 400 Oakwood and 325 Telser Roads, Site Plan, Exterior, and Permit for Retaining Wall Approvals for an addition. (Trustee Poynton)

Summary: Echo, Inc applied for site plan, exterior appearance plan, and retaining wall approvals for a proposed 127,338-square-foot addition to its existing facility. The proposed addition will face Rose Road on the south and require a larger detention pond requiring a 10-foot retaining wall. After a public hearing on September 16, the Plan Commission voted unanimously to recommend approval of the site plan, exterior appearance plans, and modification to the Land Development Code to permit a retaining wall up to 10 feet in height.

Recommended Action: Motion to approve “An Ordinance approving Site Plan, Exterior Appearance, and Modification to the Land Development Code for 400 Oakwood and 325 Telser Road (Echo Inc.)” *(Roll Call Vote)*

H. 400 Oakwood and 325 Telser Roads, Courtesy Review of Text Amendments to Zoning Code Section 10-102. (Trustee Poynton)

Summary: Echo, Inc., is proposing to construct a 127,338-square-foot addition to its facility located at 400 Oakwood and 325 Telser Roads in the Village's I-2 Limited Industrial District. The addition faces Rose Road and has 12 loading docks. Section 10-102 permits only one loading dock to face a public right-of-way. The situation warrants relief because Echo's property is bounded on all sides by public streets and there is not place for the proposed loading docks that does not violate the limitation. The applicant seeks relief through the proposed text amendment.

Recommended Action: Presentation of proposed text amendment for referral to Plan Commission. *(No vote required)*

I. Semi-Monthly Warrant Register Dated October 5, 2009, Totaling \$1,089,061.22. (Trustee Sprawka)

Recommended Action: Motion to approve the semi-monthly warrant register dated October 5, 2009, totaling \$1,089,061.22 *(Roll Call Vote)*

J. Professional Services for Utility Cost, Municipal Franchise, and Tax Audits. (Trustee Sprawka)

Summary: Azavar Solutions, Inc. submitted a proposal to perform utility cost, franchise fee, and tax audits at the most competitive cost among the qualified firms. The Village staff recommends that the Board of Trustees approve an agreement with Azavar to perform the work as set forth in Azavar's proposal and the fee schedule described in Finance Director Zochowski's memorandum.

Recommended Action: Motion to approve an agreement with Azavar, Solutions, Inc. of Chicago, Illinois to perform Utility Cost, Municipal Franchise and Tax Audits as set forth in the proposal and Director Zochowski's memorandum. *(Roll Call Vote)*

K. Consultant Selection for Route 12 Force Main. (Trustee Sustich)

Summary: The Village was awarded grant funding through the Illinois Department of Commerce and Economic Opportunity in the amount of \$480,000 when Governor Pat Quinn signed the capital bill earlier this year. This project includes replacement of approximately 2,300 feet of sanitary sewer main along Route 12 under Ela Road and the Canadian National Railroad. The Village received qualifications from several firms, which were reviewed in detail and compared to the proposed project for experience with the type of works and permitting agencies.

Recommended Action: Motion to approve a contract with Baxter & Woodman Consulting Engineers for the Route 12 Sanitary Force Main Replacement

Project Replacement Project, subject to agreement of hours and approval of the final contract by the Village Attorney. (*Roll Call Vote*)

L. Letter of Credit for Country Club Plaza. (*Trustee Sustich*)

Summary: The Village received a request from the developer for Country Club Plaza to release Letter of Credit 414. The Public Works Department and Engineering Division have inspected all the site improvements and found them to be acceptable. Because there are no dedicated public improvements, there is no maintenance warranty and the letter of credit can be released.

Recommended Action: To release Letter of Credit 414 in the amount of \$88,190.30.

M. Ordinance Amending the Lake Zurich Municipal Code Regarding the Administrative Adjudication System. (*Trustee Johnson*)

Summary: Under Title 1, Chapter 8 of the Village's Municipal Code, the Village's administrative adjudication system currently has authority to adjudicate automated traffic law violations. The proposed ordinance amends Chapter 8 to (i) expand the administrative adjudication system to authorize adjudication of violations concerning the standing, parking, or condition of vehicles, (ii) authorize the imposition of a traffic education program requirement for certain violations of Title 6 of the Village Code, and (iii) authorize the imposition of a "violation penalty" on defendants found liable to help cover the administrative costs incurred by the Village in conducting administrative hearings. The draft ordinance also amends various sections of Title 6 to (a) enhance the Village's regulations concerning the condition of vehicles and (b) replace the existing informal and formal review process with the administrative adjudication process.

Recommended action: Motion to pass "An Ordinance Amending Various Sections of the Lake Zurich Municipal Code Regarding the Traffic Code and the Administrative Adjudication System." (*Roll Call Vote*)

10. TRUSTEE REPORTS

(This is an opportunity for Trustees to report on matters of interest to the Board of Trustees.)

11. ADMINISTRATOR'S REPORT

(This is an opportunity for the Village Administrator to report on matters of interest to the Board of Trustees.)

A. Fiscal Year 2010 1st Quarter Performance Report from all departments. (*Document included in packet*)

12. ATTORNEY'S REPORT

(This is an opportunity for the Village Attorney to report on legal matters of interest to the Board of Trustees.)

A. Village policy regarding video gaming.

13. DEPARTMENT HEAD REPORTS

(This is an opportunity for department heads to report on matters of interest to the Board of Trustees.)

A. Fire Chief Mastandrea: (1) Illinois Premise Alert Program, Public Act 96-0788, (2) Illinois Department of Public Health EMS Assistance Grant (*Documents included in the packet*)

B. Building and Zoning Director Peterson: (1) Local Business Economic Development Survey, (2) ICSC Chicago Deal Making Show–Local Marketing Efforts (*Documents included in the packet*)

14. CLOSED SESSION / ADJOURNMENT

Recommended Action: Motion to recess into closed session to discuss matters related to pending litigation and review of closed session minutes and to adjourn immediately after the closed session without conducting further business. (*Roll Call Vote*)

Note to Clerk:

NEXT ORDINANCE #: 2009-10-658

NEXT RESOLUTION #: 2009-10-05A

Attachments:

1. Park and Recreation Advisory Board meeting minutes, September 15, 2009
2. Plan Commission meeting minutes September 16, 2009
3. Zoning Board of Appeals meeting minutes September 17, 2009
4. Notice cancellation, Zoning Board of Appeals meeting October 15, 2009
5. Calendar for October, 2009.

The Village of Lake Zurich is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA Coordinator at 847.438.5141 (TDD 847.438.2349) promptly to allow the Village to make reasonable accommodations for those individuals.