

REGULAR BOARD MEETING
Village Hall, 102 S. Second Street

August 8, 2016 - 7:30 pm
Village of West Dundee

I. CALL TO ORDER:

President Nelson called the Regular Board Meeting to order at 7:30 pm.

II. ROLL CALL:

Present were Village President Christopher Nelson, Trustees Billy Pflanz, Dan Wilbrandt, Michelle Kembitzky, Tom Price, Pat Hanley and Andy Yuscka.

Also present were Village Manager Joseph Cavallaro, Community Development Director Timothy Scott, Fire Chief Randy Freise, Police Chief Andrew Wieteska, Public Works Director Eric Babcock, Village Attorney John Brechin, and twenty-one (21) people in the audience.

III. PLEDGE OF ALLEGIANCE:

Trustee Pflanz led those in attendance in the Pledge of Allegiance.

IV. APPROVAL OF AGENDA:

MOTION: Moved by Trustee Yuscka and seconded by Trustee Kembitzky to approve the agenda as presented. Motion passed unanimously by voice vote.

V. VILLAGE PRESIDENT'S REPORT:

President Nelson introduced Mr. John Seaton, who has been nominated to fill the vacant seat on the Planning & Zoning Commission. He gave a brief background of Mr. Seaton's qualifications.

MOTION: Moved by Trustee Price and seconded by Trustee Yuscka to confirm the appointment of Mr. John Seaton to the Planning & Zoning Commission. Upon roll call, motion was approved.

AYES: Trustees Yuscka, Pflanz, Wilbrandt, Kembitzky, Price and Hanley

NAYS: None

Mr. Seaton took the Oath of Office, administered by Deputy Clerk Tibbetts.

VI. REPORTS AND QUESTIONS FROM TRUSTEES: There were none.

VII. VILLAGE STAFF REPORTS:

Manager Cavallaro reminded the Board that a Special Committee of the Whole Meeting has been called for next Monday, August 15, 2016.

VIII. QUESTIONS FROM THE AUDIENCE: There were none.

IX. CONSENT AGENDA:

A. Approval of Bill List: August 8, 2016

- B. Special Event - Shelley's Bridal End of Season Sale
- C. Special Event - West Dundee Halloween Party at Grafelman Park
- D. Special Event - 9/11 Memorial Healing Field Flag Tribute at Randall Oaks Park

Trustee Kembitzky inquired about the Minutes from the July 25, 2016 Regular Board Meeting. The Minutes are not yet available and will be presented at the August 22 Regular Board Meeting.

President Nelson asked the Halloween Party Committee for an update on this year's event, scheduled for October 22, 2016. Co-Chairs Jill Harris, Michael Dewey and Becky Gillam advised that many of the activities would continue, and presented some ideas for new activities. They noted that sponsorships have declined, resulting in their request for additional financial support from the Village, and noted some new fundraising efforts.

President Nelson invited Jerry Christopherson, President of True Patriots Care, to speak in regards to the 9/11 Memorial Flag Tribute. Mr. Christopherson provided details regarding the display at Randall Oaks Park and associated programs, scheduled for September 7-11, 2016. He thanked the Village Board for their consideration of providing staff assistance for the event. Upon inquiry, he provided a brief history of the True Patriots Care organization and the increasing number of American flag tributes the group undertakes each year.

MOTION: Moved by Trustee Kembitzky and seconded by Trustee Pflanz to approve the Consent Agenda as amended. Upon roll call, motion was approved.

AYES: Trustees Kembitzky, Price, Hanley, Yuscka, Pflanz and Wilbrandt

NAYS: None

X. RESOLUTIONS AND ORDINANCES:

- A. Oakview Corporate Park - 2nd Amendment to the Annexation Agreement to Allow Outdoor Dining (Trustee Price)**
- B. Oakview Corporate Park - Special Use Permit for Outdoor Dining at Blue Line Bar & Grill (Trustee Price)**

Trustee Price requested to address Items A and B together, as they are directly related. Item A is to amend the annexation agreement for Oakview Corporate Park to define a restaurant, with alcohol and/or entertainment to be conducted outdoors, as a permitted special use. Item B is to issue a special use permit to Blue Line Bar and Grill, located within the Leafs Ice Centre, to facilitate an outdoor dining area.

Director Scott noted that both requests have been recommended for approval by the Planning and Zoning Commission, and that a few additions to the patio design are being presented to the Appearance Review Commission tomorrow night.

George Othon (Managing Partner) and Joe Roberts (Superintendent) from Blue Line Bar & Grill provided information about the growth of their business and the daily foot traffic at Leafs Ice Centre, as well as the expected time table for construction of the outdoor patio (3 weeks).

MOTION: Moved by Trustee Price and seconded by Trustee Yuscka to approve an ordinance authorizing a Second Amendment to the Annexation Agreement regulating uses at the Oakview Corporate Park to allow "Restaurants, where alcohol service and/or entertainment is

conducted outdoors” as a Special Use in the Light Industrial Use Area. Upon roll call, motion was approved.

AYES: Trustees Price, Hanley, Yuscka, Pflanz, Wilbrandt and Kembitzky

NAYS: None

MOTION: Moved by Trustee Price and seconded by Trustee Pflanz to approve an ordinance issuing a Special Use Permit for a “Restaurant, where alcohol service and/or entertainment is conducted outdoors” (outdoor patio) to Blue Line Bar and Grill, located at 801 Wesemann Drive, subject to approval of the proposal by the Appearance Review Commission. Upon roll call, motion was approved.

AYES: Trustees Price, Hanley, Yuscka, Pflanz, Wilbrandt and Kembitzky

NAYS: None

C. Spring Hill Senior Residences - Rezoning, Approving Preliminary Plat of Subdivision, Granting Special Uses and Approving Zoning Variations (Trustee Price)

Trustee Price noted that this concept was first presented to and favorably considered by the Village Board in March of 2015. The variances being requested have been reviewed by the Planning & Zoning Commission, and a recommendation for approval has been provided. He noted that the project, location and plan have been well received by the Village and community.

Trustee Kembitzky inquired about the parking variance, to which Trustee Price clarified the number of parking spaces proposed and that it is reflective of the use.

MOTION: Moved by Trustee Price and seconded by Trustee Hanley to approve an ordinance (1) Rezoning from P – Parks District to B-2 – Planned Development District; (2) Approving a Preliminary Plat of Subdivision; (3) Granting a Special Use for Senior Housing and a Special Use for a Preliminary Planned Development; and (4) Approving Zoning Variations for Landscape Buffer, Unit Density, and Number of Parking Spaces for property commonly known as Gardner Capital’s Spring Hill Senior Residences, subject to the following conditions:

1. Compliance with documents, including the site plan as submitted with the Planning and Zoning Application;
2. Review and approval of engineering plans; and
3. Compliance with all other applicable Village codes and ordinances.

Upon roll call, motion was approved.

AYES: Trustees Price, Hanley, Yuscka, Pflanz, Wilbrandt and Kembitzky

NAYS: None

XI. UNFINISHED BUSINESS:

A. Agreement for Fire Chief Joint Management Services with East Dundee and Countryside FPD (Trustee Wilbrandt)

Trustee Wilbrandt stated that the proposal to share Fire Management Services with East Dundee & Countryside Fire Protection District furthers the stated goal of functional consolidation and resource sharing, and provides both operational and financial efficiencies to both entities, in terms of shared cost and equipment. He noted that the agreement would take effect on January 1, 2017.

Chief Freise added that the concept of shared fire management services received a favorable review by the Boards of both entities. It was also reviewed by the attorneys for entities, as well as the Village's insurer, IRMA, leading to clarification of liability, lines of authority and a few other points in the agreement. The cost of salary and benefits related to the Fire Chief's employment will be split 50/50.

Trustee Hanley asked if this agreement would impact the Fire Union agreements. Chief Friese stated that the unions would remain separate, but he has been asked to review both contracts in an effort toward consistency. He noted that the entities have also been working on shared training.

Manager Cavallaro added that another advantage of this agreement is the opportunity to bring consistency in operating procedures, which will be beneficial in mutual aid situations.

MOTION: Moved by Trustee Wilbrandt and seconded by Trustee Kembitzky to approve the Agreement for Fire Chief Joint Management Services between the Village of West Dundee and the East Dundee and Countryside Fire Protection District. Upon roll call, motion was approved.

AYES: Trustees Wilbrandt, Kembitzky, Price, Hanley, Yuscka and Pflanz

NAYS: None

B. Intergovernmental Agreement with Kane County for Electronics Recycling (Trustee Pflanz)

Trustee Pflanz noted the Board last discussed the possible re-initiation of Electronics Recycling on July 11, during which concerns regarding liability and funding were discussed, as well as the necessity for at least 2 other permanent drop off sites and monthly drop off events in unison with West Dundee in order to spread out the volume of materials for recycling.

Director Babcock noted that these concerns have been further addressed in the current proposal, with all liability for actions taken by either on-site eWorks employees or Village employees to remain with the employer of each. Funding of \$1,000 per month to those municipalities hosting a drop off site is proposed, however funding is currently available only through December.

Jennifer Jarland, Kane County Recycling Coordinator, noted that a grant application has been submitted to fund compensation for drop off sites for calendar year 2017, and that the awarding of this funding will be known by mid-October. Once the program is back up and running, Ms. Jarland will work to establish IGAs with each municipality and township in Kane County to pay into the program based on a per capita rate, to continue funding for the program in 2018 and beyond. Under this program, on-site eWorks staff will check IDs and only accept items from residents of participating municipalities.

Discussion was held regarding the availability of private sector electronics recycling firms, the potential locations of the other 2 drop-off sites within this program, the day-to-day demands on the Public Works Department to support the program, and the funding mechanisms as proposed.

Based on the current uncertainty of future funding, it was requested that this topic be revisited at the second meeting in December to discuss whether the Village should continue to participate at that time.

MOTION: Moved by Trustee Pflanz and seconded by Trustee Price to approve the Intergovernmental Agreement between the Village of West Dundee and the County of Kane for the Recycling of Electronic Equipment, contingent to the following:

1. Confirmation of approval and commitment to open and operate comparable daily electronics recycling drop off sites from at least two (2) additional agencies within Kane County.
2. Confirmation of approval and commitment to resume operation of monthly electronics recycling events by Kane County.

Upon roll call, motion was approved.

AYES: Trustees Pflanz, Wilbrandt, Kembitzky, Price, Hanley and Yuscka

NAYS: None

XII. NEW BUSINESS:

A. Parameters for Proposed Development Agreement - Springs at Canterfield (Trustee Price)

Trustee Price noted that the Springs at Canterfield apartment development project is being considered for the parcel north of River Valley Memorial Gardens cemetery. It is expected that this project will spark interest and kick start development of this portion of the Haeger property.

He noted that project-specific economic incentives have been identified that would assist in making this development economically viable, including: (1) a compromise between the developer data and that of the Village in establishing the basis for water and sewer tap-on fees; (2) a reduction in impact fees in exchange for the donation of 2 additional acres to the Village, above what is already required, for future park land; (3) a reimbursement of a portion of the costs of laying the necessary infrastructure for this development, which will also serve future adjacent developments; (4) an increase in the allowable density for the project. If the Board is in agreement with these items, they will be incorporated into a development agreement to be presented for formal approval at a later date.

Eric Thom of Continental Properties provided some additional insight and answered questions of the Board.

The concept of establishing a Recapture Agreement for the balance of the Haeger parcel to recoup some of the infrastructure reimbursements was discussed and strongly supported.

MOTION: Moved by Trustee Price and seconded by Trustee Yuscka to accept the following parameters for creation of Development Agreement for a proposed development of market rate apartments by Continental Properties on the Haeger property north of River Valley Memorial Cemetery:

1. 100 gallons per unit per day will be used as the basis for calculating tap-on fees, with the understanding that the actual average usage will be verified after two years of billing at

- full build out, and should the actual average usage exceed the basis of the tap-on fees, that Continental will pay the difference in the form of an increased water and sewer bill, payable over 6 billing periods (12 months), up to, but not to exceed, 122 gallons per unit per day; and
2. Impact fees due from Continental shall be reduced to \$815,000 as noted in the attached exhibit, in exchange for the additional donation of 2 acres of park land deeded to the Village by the property owner; and
 3. Public infrastructure reimbursement is agreeable in the following form: \$100,000 upon preliminary completion of public improvements, an additional \$100,000 upon completion and final turnover of public improvements, and a final reimbursement of \$200,000 upon full build out and completion of the development; and that a Recapture Agreement shall be put into place for the adjacent parcels for their prorata share as determined for these improvements; and
 4. Project density shall be 11.82 units per acre, based on 260 units to be developed on 22 acres of land.

Upon roll call, motion was approved.

AYES: Trustees Pflanz, Wilbrandt, Kemitzky, Price, Hanley and Yuscka
NAYS: None

B. Discussion – Committee of the Whole Meetings (Trustee Hanley)

Trustee Hanley requested that the Board consider reinstating scheduled Committee of the Whole Meetings, in order for the Board to be able to discuss items in further detail without a recommendation from staff or the need to vote.

President Nelson indicated that staff recommendations are a necessary part of the decision making process to keep the Board on track and in compliance with legal requirements.

Manager Cavallaro noted that discussion items can be placed on a Regular Board Meeting agenda, and that all Board members have the ability to request a specific item be included on an upcoming agenda. It was also noted that any item presented for discussion or vote can be tabled to a future meeting date for additional discussion.

It was noted that the Committee of the Whole Meetings were suspended at the start of Fiscal Year 2012/13. Holding monthly Committee of the Whole Meetings costs \$12,000 annually.

Discussion was held regarding whether meetings should be scheduled for each month and canceled if not needed, or called as needed with a minimum of 2 weeks notice.

Trustee Pflanz asked that any working groups that have met since the last Board Meeting report on their discussions and projects. Trustee Wilbrandt suggested that the agenda include a section to prompt discussion item requests.

XII. EXECUTIVE SESSION:

MOTION: Moved by Trustee Yuscka and seconded by Trustee Pflanz to recess to Executive Session for the purpose of discussing Litigation. Upon roll call, motion was approved.

AYES: Trustees Yuscka, Pflanz, Wilbrandt, Kembitzky, Price and Hanley

NAYS: None

ABSENT: None

The Regular Board Meeting recessed at 9:13 pm.

The Regular Board Meeting resumed at 9:39 pm.

XIII. MISCELLANEOUS:

Trustee Hanley inquired about The Village Squire’s potential participation in Heritage Fest. Deputy Clerk Tibbetts advised that they have again declined to participate.

A brief discussion was held regarding the upcoming Committee of the Whole Meeting.

Trustee Hanley stated that the Kane County portion of his property tax bill has increased by 7%.

A brief discussion was held regarding Spring Hill Mall anchors, and new tenants that have been signed.

XIV. ITEMS TO BE DISCUSSED AT A LATER MEETING:

- Recommendation to Award Contract for Demolition of Downtown Parcels
- Authorization to Solicit Bids for Rehabilitation / Construction of Downtown Parcels
- Recommendation to Award Contract for Rehabilitation / Construction of Downtown Parcels
- Report from the Police Department in regards to the necessity for a “no right on red” restriction from EB Huntley Road onto SB Sleepy Hollow Road.
- Analysis of Water & Sewer Rates
- Second meeting in December – Electronics Recycling

XV. ADJOURNMENT:

MOTION: Moved by Trustee Hanley seconded by Trustee Kembitzky to adjourn the Regular Board Meeting. Motion was approved by voice vote.

The Regular Board Meeting adjourned at 9:53 pm.

ATTEST:

Kim Tibbetts
Deputy Village Clerk

Christopher Nelson
Village President

**EXECUTIVE SESSION:
Village Hall, 102 S. Second Street**

**Monday, August 8, 2016
Village of West Dundee**

President Nelson called the Executive Session to order at 9:14 pm for the purpose of discussing Collective Bargaining pursuant to Section 2(c) (5) of the Open Meetings Act.

Present were Village President Christopher Nelson, Trustees Billy Pflanz, Dan Wilbrandt, Michelle Kembitzky, Tom Price, Pat Hanley and Andy Yuskca.

Also present were Village Manager Joseph Cavallaro, Village Attorney John Brechin and Community Development Director Tim Scott.

Discussion was held regarding ongoing litigation in the case of Village of West Dundee vs. First United Methodist Church.

MOTION: Moved by Trustee Hanley and seconded by Trustee Pflanz to adjourn the Executive Session. Upon roll call, motion was approved.

AYES: Trustee Hanley, Yuskca, Pflanz, Wilbrandt, Kembitzky and Price

NAYS: None

ABSENT: Trustee

The Executive Session adjourned at 9:39 pm.

ATTEST:

Kim Tibbetts
Deputy Village Clerk

Christopher Nelson
Village President