

REGULAR BOARD MEETING
Village Hall, 102 South Second Street

October 15, 2012 - 7:30 pm
Village of West Dundee

I. CALL TO ORDER:

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

II. ROLL CALL:

Present were Village President Keller, Trustees Voss, Gillam, Price, Osth, Hanley and Yuscka.

Also present were Village Manager Cavallaro, Village Attorney Brechin, Community Development Director Tymoszenko, Public Works Director Babica and five (5) people in the audience.

III. PLEDGE OF ALLEGIENCE:

Trustee Hanley led the Board and those in attendance in the Pledge of Allegiance.

IV. APPROVAL OF AGENDA:

MOTION: Moved by Trustee Price and seconded by Trustee Gillam to approve the agenda as presented. Upon roll call, motion was approved.

AYES: Trustees Osth, Hanley, Yuscka, Voss, Gillam and Price.

NAYS: None

ABSENT: None

V. VILLAGE PRESIDENT'S REPORT: There was none.

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

VII. VILLAGE STAFF REPORTS:

Director Babica reported that Well #1 at South End Park will be serviced on October 16, 2012 and equipment will be staged between Dunning and Second and Third Streets.

VIII. QUESTIONS FROM THE AUDIENCE:

Vivian Maly, Executive Director, of TLC Pregnancy Services addressed the Board regarding their mobile unit which provides emotional, spiritual and practical resources for women experiencing pregnancy. She explained that she would like the Village of West Dundee to waive the \$500 fee for a non-profit itinerant merchant license.

The Board told Ms. Maly and Attorney John Jurgensmeyer that this item is on the agenda for tonight and asked that they make their statements at that time.

IX. CONSENT AGENDA:

- A. Approval of Debt Purchases: September 2012
- B. Approval of Bill List: October 15, 2012
- C. Approval of Minutes: Regular Board Meeting September 10, 2012

- D. Approval of Minutes: Regular Board Meeting October 1, 2012
- E. Approval of Minutes: Committee of the Whole Meeting, October 8, 2012
- F. Dickens in Dundee – Event Approval & Parade Resolution

MOTION: Moved by Trustee Voss and seconded by Trustee Gillam to approve the Consent Agenda as presented. Upon roll call, motion was approved.

AYES: Trustees Voss, Gillam, Price, Osth, Hanley and Yuscka
NAYS: None
ABSENT: None

X. RESOLUTIONS AND ORDINANCES:

A. Resolution Expressing Continued Support – Fox Performing Arts Center

Trustee Price said that this item was discussed at length at the Committee of the Whole Meeting and that changes were made to the draft resolution as well as in the exhibit as a result of the discussion.

Trustee Hanley asked if any triggers have been set up to see how progress was being made on the goals and dollar amounts that have been set.

Manager Cavallaro said that there are obligations for presentations and that the Board could take action at that time. He also said that this can be re-negotiated at any time.

Trustee Hanley said that he is in favor the Fox Performing Arts Center, but said that an independent feasibility study showed that demographics wouldn't support it and that some venues had to rely on public funding.

Director Tymoszenko said that with the exception of the Steel Beam Theater, which is independent, that others are part of municipalities or park districts.

Rick Browne, Chairperson of the FPAC organization, said that this resolution is an excellent road map for both parties and that it is the goal of this business to raise money, open debt free and to operate without borrowing money.

Trustee Osth had questions on items #9 and #12 asking to have the word "building" inserted along with property. A discussion ensued regarding easements at the south and north side of the building, adjusting the price if this were to occur, having the property from the north and south sides of the building from the building wall to the lot line remain under the control of the Village of West Dundee and whether or not to add a disclaimer.

Attorney Brechin said that how much property should be put in a lease and that no changes are needed for this document at this time, but should be in the lease document. He said this is not a contract, but a future document should better define this concept.

MOTION: Moved by Trustee Price and seconded by Trustee Gillam to adopt Resolution 2012-13, a Resolution Expressing Continued Support for a Public-Private Partnership between the Village of West Dundee and Fox Performing Arts Center. Upon roll call, motion was approved.

AYES: Trustees Price, Osth, Yuscka, Voss and Gillam

NAYS: Trustee Hanley
ABSENT: None

XII. NEW BUSINESS:

A. Itinerant Fee Waiver: TLC Pregnancy

Director Tymoszenko explained that the Municipal code regulates itinerant merchants and peddlers in a very similar fashion. She said there is an exception for non-profit itinerant merchants and peddlers who operate for no more than 2 days per calendar year. She said the Village Manager can waive the fees for a non-profit peddler or itinerant merchant if such operates for 7 consecutive days on public or non-profit property. She said that TLC doesn't meet either of these exceptions as they have applied to operate for 12 days in a privately owned commercial district.

Director Tymoszenko said that the Itinerant Merchant and Peddler regulations are the only regulations that the Village has to prevent the proliferation of these itinerant and temporary uses in our commercial district. She said that this is necessary as the regional appeal of the area is desirable to itinerants and that it is important to uphold these regulations to preserve the marketability and presentation of the commercial areas.

Vivian Maly, Executive Director of TLC Pregnancy Services, said that they are a 501-C3 non-profit organization, which does not benefit financially whatsoever from any of the programs or services offered. She said all of their funding comes solely from private donors, churches, and organizations who choose to partner with us in our outreach. She said the \$500 year cost would put an additional burden on the organization and that is why she is requesting a waiver of the fee.

Discussion took place regarding the setting of a precedent in waiving the fee, if TLC would try other areas, such as Church parking lots, TLC's desire to be as visible as possible, and a suggestion to contact First Congregation Church on Angle Tarn to see whether they could use their parking lot

Ms. Maly said there is a definite need to be as visible as possible and their conference doesn't recommend parking in Church lots.

It was suggested that TLC finish off this year where they are parked and to look for another location in the area that would give them visibility including looking at the parking lot at the end of the property of the First Congregational Church.

XI. UNFINISHED BUSINESS:

A. Approval – 2012 Tree Replacement Program

Trustee Yuscka said that there are changes in the 2012 Tree Replacement Program based on the fact that Fairhills Homeowner's Association wants to go in on the 50/50 Tree Planting Program, which would necessitate an additional \$1400 allocation to this program.

Manager Cavallaro said that the pricing for new trees came in at a very favorable amount and that the quality of the tree stock is of significantly high quality. He said that the 2012 Tree Replacement program as proposed has an average unit cost of just over \$133 per tree and offers fifteen varieties of trees. He said that Staff has successfully negotiated the purchase from three separate nurseries.

He further stated that the Tree Replacement program proposes to replace at least 247 trees and possibly more due to 50/50 cost participation. 100 trees have been allocated to the Grand Pointe Subdivision which will be accommodated with the Letter of Credit funds, 120 to the waiting list installed at Village cost and the remaining quantity dedicated to the 50/50 cost sharing program.

Director Babica said tree planting should begin November 1, 2012.

MOTION: Moved by Trustee Yuscka and seconded by Trustee Gillam to approve the 2012 Tree Replacement program in the amount of \$26,500.

AYES: Trustees Yuscka, Voss, Gillam, Price, Osth and Hanley

NAYS: Trustee Price

ABSENT: None

XII. MISCELLANEOUS:

Manager Cavallaro announced that Jennifer Becker tendered her two week resignation to accept a full time position with KDOT. He said she will be missed.

XIII. EXECUTIVE SESSION: There was none.

XIV. ADJOURNMENT:

MOTION: Moved by Trustee Price and seconded by Trustee Voss to adjourn the Regular Board Meeting. Motion passed unanimously by voice vote.

The Regular Board Meeting adjourned at 8:40 pm.

ATTEST:

Barbara Traver
Village Clerk

Larry Keller
Village President