

**I.        CALL TO ORDER:**

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

**II.       ROLL CALL:**

Present were President Keller, Trustees Voss, Gillam, Price, Osth, Hanley and Yuscka. Also present were Village Attorney Brechin, Police Chief Sawyer, Public Works Director Babica, Community Development Director Tymoszenko, and thirty-six (36) persons in the audience.

**III.      PLEDGE OF ALLEGIANCE:**

President Keller led the Board and the audience in the Pledge of Allegiance.

**IV.      APPROVAL OF AGENDA:**

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

Village Manager Cavallaro arrived at 7:32 pm.

**V.       VILLAGE PRESIDENTS REPORT:**

President Keller proclaimed May as Motorcycle Awareness Month in conjunction with A.B.A.T.E. of Illinois, Inc and the State of Illinois, urging all motorists to join in an effort to improve safety and awareness on our roadways.

Manager Cavallaro and President Keller asked Chief Sawyer to come forward. Each spoke regarding Chief Sawyer's integrity and depth of character, as well as the positive impact that he has had on the entire Dundee-area community in his 30 years as a police officer and 4 years as Chief. They thanked Chief Sawyer on behalf of the Village Board and Staff and wished him well in his retirement. Chief Sawyer thanked the Board, Staff, past and present members of the West Dundee Police Department and his family for their support throughout his career.

President Keller thanked Trustee Gillam and Deputy Clerk Tibbetts for their efforts in putting on the Earth Day Celebration on April 24. He commented that while much weeding and planting was completed along the Riverwalk, the greater success was the impressive show of volunteerism, with over 50 community members participating in the event.

**VI.      REPORTS AND QUESTIONS FROM TRUSTEES:**

Trustee Hanley inquired whether a survey of dead and dying public trees has yet been completed, noting that many Ash trees are leafing late this season as a sign of disease. Director Babica advised that more immediate priorities have kept Public Works from beginning this survey.

**VII.     VILLAGE STAFF REPORTS:**

Manager Cavallaro noted that Chief Sawyer's retirement party will be held on Saturday, May 8, 2010 at Randall Oaks Golf Club.

Director Babica advised that ComEd has sent notice to the residents regarding line clearing/tree trimming. He added that last summer, they cleared lines north of 72 and that a majority of the Village is due for line clearing this year. The Public Works Department will make all efforts to obtain their work schedule and monitor their progress.

Attorney Brechin noted that the real estate closing for purchase of the Ace Hardware property is scheduled for tomorrow, May 4, 2010 at 1:00 pm.

#### **VIII. QUESTIONS FROM THE AUDIENCE:**

Carl Jacobs, 712 Lisa Road, stated his opposition to a proposal discussed by the Planning and Zoning Commission on April 26, 2010 to rezone the property commonly known as 511 Eichler from O: Office to B-3: Business-Service District. Mr. Jacobs is concerned about noise and that the rezoning opens up the opportunity for a number of potentially unsuitable uses. President Keller advised that denial of this rezoning request is on the Consent Agenda, explaining the purpose and process of the Consent Agenda.

Randy Errington, owner of Hammerheads Billiards Pub, 105-107 W Main Street, spoke about economic hardship befalling the downtown businesses. He advised that he has spoken to the other business owners and that many are ready to leave town. Mr. Errington stated that the Village Board and Staff are not invested in and are unresponsive to the downtown businesses, referencing three emails to the Board to which he did not receive response.

Mr. Errington also mentioned the potential changes to the sign code. Manager Cavallaro noted that proposed changes to the sign code are intended to be less restrictive and to balance the needs of the businesses. Mr. Errington stated that the Village has not spoken to the business community about these changes. He stated that if the Board did not listen to him, they would be sorry. Trustee Osth asked if that was a threat and Mr. Errington confirmed that it was a threat.

Mr. Errington referenced several ideas for enhancement of his business that he believed had been stymied by Manager Cavallaro and the Board, including establishing a street level or rooftop beer garden, allowing off-track betting, continuing liquor privileges until 3:00 am and expanding his business by purchasing the adjacent properties to the west. Manager Cavallaro advised that it was the belief of the Village Board and Staff that 3:00 am liquor privileges, especially in an outdoor setting, are not appropriate for the downtown, given its proximity to the residential neighborhood. Mr. Errington cited that these limitations make it impossible for him to compete with businesses such as Bandito Barney's in East Dundee and The Titled Kilt in Elgin.

Trustee Osth noted that a meeting was held last year with downtown business owners, at which it was recommended that an organization be formed and a spokesperson identified for the downtown, but that nothing of this sort has come about. Mr. Errington stated that he will be the spokesperson.

Mr. Errington requested that the Board meet with him and the other downtown business owners. Manager Cavallaro invited Mr. Errington to name the time and place and he and two members of the Board would be happy to participate in a meeting. Mr. Errington stated that he wants to meet with the entire Board and not Manager Cavallaro. President Keller advised that only two members of the Board may be present in order to abide by the Open Meetings Act.

President Keller ended the conversation, noting that Mr. Errington had been provided more than the five minutes customarily allowed for questions from the audience.

**IX. CONSENT AGENDA:**

- A. Bill List: 5/4/2010
- B. Approval of Minutes: Regular Board Meeting 4/19/2010
- C. Approval- 2010 Carrington Subdivision Mowing Contract, Acres Group
- D. Approval- 2010 Tree Removal Contract, Nels J. Johnson
- E. Resolution 2010-XX, A Resolution for Maintenance of Streets and Highways by Municipality Under the Illinois Highways Code
- F. Motion to Deny Rezoning and Variances for 511 Eichler
- G. Springhill Gateway Special Service Area

Trustee Price requested removal of Item C: Approval- 2010 Carrington Subdivision Mowing Contract, Acres Group. This item was moved to New Business.

Trustee Gillam requested removal of Item D: Approval- 2010 Tree Removal Contract, Nels J. Johnson. This item was moved to New Business.

**MOTION:** Moved by Trustee Hanley and seconded by Trustee Voss to approve the Consent Agenda with the removal of Item C: Approval- 2010 Carrington Subdivision Mowing Contract, Acres Group and Item D: Approval- 2010 Tree Removal Contract, Nels J. Johnson. Upon roll call, the motion was approved unanimously.

President Keller noted for the benefit of the audience that the passing of the Consent Agenda indicates that the 511 Eicher rezoning petition was denied.

**X. RESOLUTIONS AND ORDINANCES:**

- A. **Resolution 2010-12: Authorizing Application for Case Study Evaluation for Police Department Consolidation (Trustee Gillam)**

Trustee Gillam introduced this item regarding application to participate in a case study by the Metropolitan Mayors Caucus to evaluate potential consolidation of the Police Departments of West Dundee, East Dundee and Sleepy Hollow. Manager Cavallaro noted East Dundee is considering the adoption of a similar resolution at their Board meeting this evening. President Keller also noted that Sleepy Hollow President Stephen Pickett is optimistic about the study, and commented that this is strictly a Phase I compatibility study. Manager Cavallaro noted that even if just two communities participate in the case study, it would be worthwhile.

**MOTION:** Moved by Trustee Gillam and seconded by Trustee Osth to approve a Resolution Authorizing Application for Case Study Evaluation of Police Department Consolidation with Metropolitan Mayors Caucus between the Villages of West Dundee, Sleepy Hollow and East Dundee. Upon roll call, the motion was approved unanimously.

**XI. NEW BUSINESS:**

- A. **Approval- Downtown Streetscape Project Construction Engineering Services (Trustee Yuscka)**

Trustee Yuscka introduced this item. The Local Agency Agreement for Federal Participation with the State of Illinois calls for an 80/20 split of Federal and local funding for the downtown streetscape project. It was noted that due to the low bid awarded, the local match has been

reduced from \$73,600 to just \$33,407. This total and proposal is based upon full utilization of the 60 working days allocated to this project by IDOT. It is anticipated by all parties that the work will require only 30 working days, which would reduce project costs by an additional \$12,000.

Director Babica advised that the role of the Resident Engineer provided by IDOT for the project would be limited to that of a project manager and not of construction manager. Therefore, Village Staff (i.e. Superintendent of Streets Brim, Public Works Director Babica or senior maintenance staff) will act as on-site construction manager and perform daily inspections.

Trustee Price inquired whether an RFP was necessary. Attorney Brechin advised that professional services are not subject to the bidding requirement. It was noted that Engineering Resource Associates was selected based on Hitchcock Design Group's completion of the engineering specs for the project and their intention to subcontract engineering services to ERA.

**MOTION:** Moved by Trustee Yuscka and seconded by Trustee Voss to approve the proposal from Engineering Resource Associates, Inc. to perform the Construction Engineering Services for the Downtown Streetscape Project, not to exceed \$33,446.68. Upon roll call, the motion was approved unanimously.

**B. Approval- Applied Ecological Services Conceptual Plan Proposal for Riverbank Stabilization (Trustee Yuscka)**

Trustee Yuscka explained that this proposal relates to the riverbank stabilization plan, for which \$15,000 in matching grant funds has been received from Kane County. The conceptual plan is necessary in order to gain agreement from the Army Corps of Engineers as to the proper course of action. The cost for Applied Ecological to prepare the conceptual plan and meet with the Army Corps will be \$1570.

The conceptual plan will include the use of large boulders, which the Village hopes to obtain for little to no cost. Manager Cavallaro noted that once the concept plan has been developed and approved, the work could be completed in-house this fall utilizing Public Works staff and equipment, as well as rental equipment as needed.

**MOTION:** Moved by Trustee Yuscka and seconded by Trustee Voss to authorize execution of an agreement with Applied Ecological Services in an amount not to exceed \$1570, for development of a conceptual plan and meeting with the Army Corps of Engineers. Upon roll call, the motion was approved unanimously.

**C. Approval- 2010 Carrington Subdivision Mowing Contract, Acres Group**

Trustee Price requested the removal of this item from the Consent Agenda. He inquired whether the obligation of mowing the parkways and bike paths located within the restored natural areas could be satisfied through the utilization of seasonal staff, and whether that would provide a cost savings to the Village.

Director Babica advised that the cost of the mowing is paid from the Carrington Subdivision SSA and raised the question of whether SSA dollars can be used to repay the Village if staff were to fulfill the mowing obligation. In order to do this, detailed records would need to be kept as to the personnel hours, equipment upkeep and maintenance and other costs associated with the task and an audit of these records would need to be produced.

Trustee Price inquired whether a part-time temporary employee could be hired to perform this task, with the benefit of utilizing this individual for other maintenance tasks throughout the Village. The concept of providing comp time to staff in exchange for time spent on the Carrington mowing obligation was also discussed.

Consensus was reached that the complications and additional requirements of this type of arrangement surpassed any potential benefit to be gained. It was noted that Acres Group maintains the rest of the subdivision currently, which is the reason for their low bid of \$7,020. The contract stipulates one mowing every nine days, with any additional mowings to be requested at an additional fee.

**MOTION:** Moved by Trustee Yuscka and seconded by Trustee Price to approve the proposal from the Acres Group of Wauconda, Illinois in the amount not to exceed \$7,020 to conduct the 2010 Carrington Reserve Mowing Contract adjacent to the Natural Areas of the Carrington Reserve Subdivision. Upon roll call, the motion was approved unanimously.

**D. Approval- 2010 Tree Removal Contract, Nels J. Johnson**

Trustee Gillam requested the removal of this item from the Consent Agenda, inquiring whether the tree removal contract should be put out to bid, based on the lower labor costs that exist due to the economic downturn.

The existing contract with Nels J. Johnson Tree Experts, Inc., which can be renewed annually, allows for a fee increase of 90% of the Consumer Price Index for Urban Chicago, or 5%, whichever is lower. For the past 2 years, there has been no increase, but this year the contract would allow for an increase of 2.34%. It was noted that the Village has continued to utilize Nels Johnson based on the quality of their work.

Trustee Hanley noted that if contract proposals are requested, the specifications could require a provision to extend the unit price provided to the Village to private property owners in West Dundee, pursuant to past Board discussions regarding the Emerald Ash Borer.

Director Babica will prepare proposal specifications for the review at the next Regular Board Meeting.

**XII. EXECUTIVE SESSION:** There was none.

**XIII. MISCELLANEOUS:**

Trustee Hanley asked Director Tymoszenko to come forward in response to the comments made by Randy Errington during the Questions from the Audience. Director Tymoszenko noted that the sign code revisions are intended to loosen restrictions, which was made clear in Appearance Review Commission meetings attended by Mr. Errington. The revised code continues to attempt to balance the businesses' stated desire for less restrictions with the Appearance Review Commission's desire for more enforcement and preservation and enhancement of the physical appearance of the Village. Director Tymoszenko cited several instances in which downtown business owners have verbally attacked her and her staff regarding sign restrictions and other Village code issues.

Trustee Hanley addressed the threat made by Mr. Errington, stating that any threat to the Board should be grounds to remove an individual from the meeting. He further stated that the Village

Staff should not be made to endure disrespect, inappropriate language or abuse from the community, advising that Police assistance be utilized in these situations.

Trustee Osth provided background on his past concerns and current support for the Springhill Gateway SSA approved tonight under the Consent Agenda, stating that the receipt of additional information regarding Mr. Aktipis's personal investment in the project as well as confirmation that the additional tax would not place an economic disadvantage on the center, persuaded him in this matter.

Attorney Brechin noted that a decision regarding the Wal-Mart litigation should be received sometime around Memorial Day if oral arguments are not granted, which both parties have requested. Manager Cavallaro advised that the schedule is in the hands of the Appellate Court.

Trustee Price advised of a comment he received from a resident in the vicinity of Starbucks, regarding refuse pickup at the commercial site starting before 5:00 am. Manager Cavallaro advised Starbucks has been approached about this violation in the past and that Staff will draft a letter to Starbucks, Chipotle and their refuse carriers regarding the problem.

Trustee Gillam thanked the staff and volunteers who assisted with the Earth Day Celebration, noting that two additional gardening days are scheduled for June 26 and August 28.

Director Babica responded to an inquiry from Manager Cavallaro for the cost of providing mulch to residents who wish to landscape the buffer along Huntley Road near Hamilton Court. The lowest available cost would be \$15 per yard from Midwest Forestry, which is less than it would cost in staff time to grind mulch from collected tree material.

**XIV. EXECUTIVE SESSION:** There was none.

**XV. ADJOURNMENT:**

**MOTION:** Moved by Trustee Hanley and seconded by Trustee Gillam to adjourn the Regular Board Meeting. Motion was approved unanimously through voice vote.

The Regular Board Meeting adjourned at 9:25 pm.

**ATTEST:**

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Kim Tibbetts  
Deputy Village Clerk

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Larry Keller  
Village President