

**REGULAR BOARD MEETING**  
**Village Hall, 102 S. Second Street**

**August 4, 2014 - 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 and Andy Yuscka. Trustee Pat Hanley was absent.

Also present were Village Manager Joseph Cavallaro, Community Development Director Cathleen Tymoszenko, Public Works Director Richard Babica, Fire Chief Randy Freise, Fire Prevention Officer Rick Paul and Village Attorney John Brechin. There were eight (8) people in the audience.

**III. PLEDGE OF ALLEGIENCE:**

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

**IV. APPROVAL OF AGENDA:**

**MOTION:** Moved by Trustee Pflanz and seconded by Trustee Kembitzky to approve the agenda as presented. Motion was approved unanimously by voice vote.

**V. VILLAGE PRESIDENT'S REPORT:** No report.

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

Trustee Pflanz stated that Manager Cavallaro's monthly updates to the Board have been helpful.

**VII. VILLAGE STAFF REPORTS:**

Director Freise reported that he recently received the results of the Fire Department consolidation mapping study. A committee meeting will be held on Tuesday to go over the results. A copy will be sent to the Board for review.

Director Babica advised that the Grafelman Park fountain is now in operation. Department staff were able to find a provisional work-around. Permanent repairs will need to be addressed in the next budget cycle. He also stated that Huntley Road patching is complete between Sleepy Hollow Road and Hamilton Drive.

Director Tymoszenko noted that the Appearance Review Commission will meet on Tuesday to hear 2 requests: Spa Bleu exterior renovations and Rx Creative signage.

**VIII. QUESTIONS FROM THE AUDIENCE:** There were none.

**IX. CONSENT AGENDA:**

- A. Approval of Bill List: August 4, 2014
- B. Approval of Minutes: July 14, 2014 Regular Board Meeting

- C. Approval of Minutes: June 21, 2014 Regular Board Meeting
- D. Sleepy Hollow Request for Sanitary Sewer Tap-On - 210 Rainbow
- E. Ordinance Approving Variation 303 N. 7th (Riggs)
- F. Ordinance Approving Variance 530 S. 7th (Sanchez Flores)
- G. Authorization to Proceed - 2014 Tree Replacement Program
- H. Ordinance Amending the Number of Liquor Licenses

Trustee Price inquired about Item D, a sanitary sewer tap-on for 210 Rainbow in the Village of Sleepy Hollow, in terms of the interior location of the home. Manager Cavallaro advised that the sanitary line is already in place, and that tap-on requests are approved in accordance with the existing Intergovernmental Agreement in the event of an emergency (septic failures), pursuant to a maximum flow capacity for the Phase 1 and Phase 2 areas outlined in the IGA.

Trustee Kembitzky asked about Item F, a variance for 530 S. Seventh Street. Trustee Price provided clarification regarding the location of the addition.

Manager Cavallaro requested that, pursuant to the Local Liquor Control Commission's conditional approval of a Class A Liquor License, that Item H, an ordinance amending the number of liquor licenses, be effective upon issuance of a certificate of occupancy for Bootleggers Kitchen and Pub at 629 S. Eighth Street.

**MOTION:** Moved by Trustee Price and seconded by Trustee Pflanz to approve the Consent Agenda as amended. Motion passed unanimously.

**X. NEW BUSINESS:**

**A. Underground Retrocade Temporary Occupancy Extension Request (Trustee Price)**

Director Tymoszenko provided that the existing temporary occupancy permit for Underground Retrocade, located at 121 W. Main Street, was first approved by the Village Board in September of 2013 for a period of 6 months, extended in February and scheduled to expire in October.

The business owner, Mr. Scott Lambert, and the property owner, Mr. Pete Patterson were in attendance.

Director Tymoszenko advised that a recent fire inspection identified a number of fire code violations, the most critical of which have been remedied. Furthermore, it was found that the business was occupying the second floor and a small portion of the basement, which are prohibited within the temporary occupancy permit. Director Tymoszenko noted that the expansion into the second floor improves the layout and flow of the arcade. Director Tymoszenko noted that the business is a unique and desired use for the downtown.

A permanent occupancy permit for the use as a place of public assembly cannot be issued without bringing the property in-line with the Illinois Plumbing Code, which would require 2 fully upgraded restrooms. Mr. Lambert, advised that the expense of this upgrade is not viable, nor are the restrooms warranted, pursuant to the current customer load.

Mr. Lambert has requested an extension of the temporary occupancy permit to continue to cultivate customers to validate the restroom upgrades. Discussion was held regarding quantifiable factors that would indicate an appropriate threshold by which the restroom upgrades would be

deemed warranted. Discussion was also held regarding an appropriate length for continuation of the temporary occupancy permit.

It was determined that continued use of the expanded occupancy (second floor and basement) would be allowed with an extension of the temporary occupancy permit for another 6 month interval, until April 1, 2015, pursuant to all other code issues being addressed.

**MOTION:** Moved by Trustee Price and seconded by Trustee Wilbrandt to approve an extension of Temporary Occupancy for Underground Retrocade at 121 W. Main Street through April 1, 2015 for the areas reflected in the provided exhibit, contingent upon addressing all outstanding code violations except the bathroom upgrades, with new data regarding customer loads to the provided prior to expiration. Upon roll call, motion was approved unanimously.

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

**NAYS:** None

**ABSENT:** Trustee Hanley

- B. Building Code Updates (Trustee Price)**
- C. Ordinance 14-\_ Adopting 2012 International Building Code**
- D. Ordinance 14-\_ Adopting 2012 International Mechanical Code**
- E. Ordinance 14-\_ Adopting IL State Plumbing Code**
- F. Ordinance 14-\_ Adopting 2011 National Electric Code**
- G. Ordinance 14-\_ Adopting 2012 International Energy Code**
- H. Ordinance 14-\_ Adopting 2012 International Property Maintenance Code**
- I. Ordinance 14-\_ Adopting 2012 International Residential Code**
- J. Ordinance 14-\_ Adopting Illinois Accessibility Code**
- K. Ordinance 14-\_ Adopting 2012 International Fuel Gas**
- L. Ordinance 14-\_ Adopting General Health Regulations**
- M. Ordinance 14-\_ Adopting 2012 International Fire Code**
- N. Ordinance 14-\_ Adopting Fire and Security Alarm Code**

Items B-N were taken together. The proposed amendments are necessary for the Village to adopt the most recent nationally published codes related to construction, property maintenance and fire prevention and to enact desired local amendments to such.

Trustee Price noted some minor revisions to correct errors or omissions, as discussed with and corrected by Director Tymoszenko.

Director Tymoszenko introduced Rich Piccolo of BNF, who assisted with the code updates, particularly in terms of local amendments.

She then provided an overview of some key items addressed within Items C-K, including amendments related to: exceptions of when a permit is required, the gage of wire fencing material, historic structures, storm water discharge, heat in places of business and plumbing to accessory structures.

In terms of plumbing to accessory structures, pursuant to previous discussion and direction from the Village Board, the amendment prohibits water and sewer connection to detached accessory structures and provides for a variance procedure for legal uses, which would require a “no conversion” title recordation.

Trustee Price commented on the requirement for a survey to be completed upon final inspection of any addition or new detached garage. Attorney Brechin noted that this is a common municipal requirement.

Fire Prevention Officer Rick Paul outlined some of the local amendments with respect to Items L-N, including: inspection of unsprinklered multi-family residential properties of 6 units or more, fees for three or more related inspections and for trouble alarms, square footage reduction in the size of commercial spaces required to maintain a fire alarm, the addition of floor exit signs in night clubs and authority to review the placement of speed bumps.

These amendments are intended to provide for both public and firefighter safety and to improve efficiency.

**MOTION:** Moved by Trustee Price and seconded by Trustee Kembitzky to pass the ordinances delineating in Items C-N with corrections as noted. Upon roll call, motion was approved.

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

**NAYS:** None

**ABSENT:** Trustee Hanley

**O. Authorization to Proceed: Binnie Road Resurfacing (Trustee Yuscka)**

Trustee Yuscka explained that the Village of Carpentersville has requested participation by the Village of West Dundee to resurface Binnie Road west of Randall Road.

Two segments of Binnie Road, totaling approximately 700 feet, were transferred to the Village when Randall Oaks Golf Course was annexed. The estimated cost to resurface of these segments of Binnie Road is \$33,321.60.

Staff recommends declining participation at this time, as the Board has provided recent direction that the remaining funds earmarked for Street and Infrastructure improvements, \$64,000, be prioritized for roadway repairs and patching throughout the community. Staff estimates that the available funds will provide for 100 full width street patches, and that if Binnie Road resurfacing is undertaken, the number of additional roadway patches would be reduced by half or more.

Discussion reiterated the Board's belief that maintenance of the residential streets throughout the community must be addressed and prioritized. It was noted that the 2016 Street and Infrastructure Program has been dedicated to Huntley Road widening and reconstruction, meaning that the next opportunity for any significant roadway projects would come in 2018.

Additional discussion was held regarding potential alternatives to allow these segments to be included within the Village of Carpentersville's resurfacing project.

**MOTION:** Moved by Trustee Yuscka and seconded by Trustee Pflanz to decline participation in a joint project with the Village of Carpentersville for the resurfacing of Binnie Road west of Randall Road.

**P. Fire Prevention Inspection Program Priorities (Trustee Wilbrandt)**

Trustee Wilbrandt outlined the Fire Department's goal to conduct an inspection of every business on an annual basis. In order to achieve this goal, shift crews are utilized to perform routine

inspections, allowing Fire Prevention Officer Rick Paul to oversee the more complicated or serious inspections or violations.

Manager Cavallaro noted that there has been some pushback from members of the business community who find annual fire inspections to be an unfriendly practice.

It was further noted that, per the Fire Code amendments adopted this evening, the inspection program is now extended to unsprinklered apartment buildings of 6 or more units.

An additional benefit of this practice is that the firefighters maintain familiarity with the commercial structures and spaces in the community to aid in fire response, should it be needed.

The general consensus was one of support by the Village Board for the Fire Prevention Inspection Program as described.

**XI. EXECUTIVE SESSION:**

**A. Section 2(c)(1) of Open Meetings Act: Personnel**

**MOTION:** Moved by Trustee Wilbrandt and seconded by Trustee Pflanz to recess to Executive Session for the purpose of discussing Personnel (Section 2(c)(1) of Open Meetings Act). Upon roll call, motion was approved.

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

**NAYS:** None

**ABSENT:** Trustee Hanley

The Regular Board Meeting was recessed at 8:49 pm. The Regular Board Meeting resumed at 9:37 pm.

**XII. MISCELLANEOUS:**

Discussion was held regarding Spring Hill Mall and potential development in West Dundee.

**XIII. ADJOURNMENT:**

**MOTION:** Moved by Trustee Wilbrandt and seconded by Trustee Yuscka to adjourn the Regular Board Whole Meeting. Motion passed unanimously by voice vote.

The Regular Board Meeting adjourned at 9:44 pm.

**ATTEST:**

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Kim Tibbetts  
Deputy Village Clerk

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Christopher Nelson  
Village President

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

**August 4, 2014**  
**Village of West Dundee**

President Nelson called the Executive Session to order at 9:02 pm for the purpose of discussing Personnel (Section 2(c)(1) of Open Meetings Act).

Present were Village President Christopher Nelson, Trustees Billy Pflanz, Dan Wilbrandt, Michelle Kembitzky, Tom Price and Andy Yuscka. Trustee Pat Hanley was absent. Also present was Village Attorney John Brechin.

Discussion took place regarding Village Manager Cavallaro's annual performance evaluation.

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

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

**NAYS:** None

**ABSENT:** Trustee Hanley

The Executive Session adjourned at 9:37 pm.

**ATTEST:**

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Kim Tibbetts  
Deputy Village Clerk

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Christopher Nelson  
Village President