

**REGULAR BOARD MEETING**  
**Village Hall, 102 South Second Street**

**May 20, 2013 - 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, Village Attorney John Brechin, Community Development Director Cathleen Tymoszenko, Public Works Director Rich Babica and nine (9) 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 Price and seconded by Trustee Kembitzky to approve the agenda as presented. Motion was approved unanimously.

**V. VILLAGE PRESIDENT'S REPORT:**

President Nelson reported that the first edition of the Construction Times newsletter was distributed to residents and businesses in the Rte 31/72 corridor regarding the intersection improvement project.

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

Trustee Wilbrandt inquired about the landscaping at LA Fitness. Manager Cavallaro noted that a complaint was received and correspondence sent to LA Fitness to address the concern.

**VII. VILLAGE STAFF REPORTS:**

Director Tymoszenko introduced Derek Rockwell, recently hired part-time Village Planner.

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

**IX. CONSENT AGENDA:**

- A. Approval of Debit Purchases: April 30, 2013
- B. Approval of Bills: April 30, 2013
- C. Approval of Bills: May 20, 2013
- D. Approval of Minutes: May 6, 2013 Regular Board Meeting

**MOTION:** Moved by Trustee Hanley and seconded by Trustee Wilbrandt to approve the Consent Agenda as presented. Motion was approved unanimously.

**X. RESOLUTIONS AND ORDINANCES**

**A. Ordinance Granting A Special Use Permit for Outdoor Dining, Chubby Bullfrog (Trustee Price)**

Trustee Price briefly described the Special Use Petition, noting that it has gone before both the Planning and Zoning Commission, which held a Public Hearing, and the Appearance Review Commission.

Director Tymoszenko advised that the Planning and Zoning Commission recommended approval with 2 conditions: no outdoor amplification and no smoking, and that the Appearance Review Commission recommendation stipulated four season plantings in the planter boxes, all weather wicker furniture and no advertising on the umbrellas or fencing.

The petitioner has requested relief from the conditions of (1) no smoking, (2) no outdoor amplification and (3) no advertising on the umbrellas.

With respect to #1 and #2 above, the Board discussed the existence of laws applicable to these activities, namely the Illinois Clean Air Act and West Dundee noise ordinance. Director Tymoszenko advised of the reasons provided by the Commission for these conditions. The ordinance being presented has been crafted to follow the Illinois Clean Air Act provisions of no smoking with 15' of an entrance.

With respect to #3 above, discussion was held regarding the reasons provided by the Commission for the condition and the significant cost to the business for umbrellas, which could be mitigated by use of sponsor umbrellas. Director Tymoszenko advised that the Board may ask the Appearance Review Commission to modify their recommendation.

It was noted that these 3 conditions are inequitable, as they are not imposed on other businesses or other approved outdoor dining areas in the community.

Mr. Mike Morrison, co-owner of The Chubby Bullfrog, spoke regarding the intentions and business practices of the establishment as related to the request for relief from these conditions. He stated that the furniture will be locked down at 10:30 pm and the outdoor dining area monitored to discourage congregation of smokers after this time, and that they do not intend to play music outdoors, but to broadcast sports games at a low volume.

Additional discussion was held regarding the potential for noise.

**MOTION:** Moved by Trustee Price and seconded by Trustee Yuscka to approve an Ordinance issuing a Special Use Permit to Allow a Restaurant Where Alcoholic Liquor is Served in an Outdoor Area in Conjunction with Food Service for the Property Commonly Known as 1959 Huntley Road (The Chubby Bullfrog), as amended to strike Condition #4: No loud speakers or music amplification. Upon roll call, motion was approved.

**AYES:** Trustee Price, Hanley, Yuscka, Pflanz and Wilbrandt  
**NAYS:** Trustee Kembitzky  
**ABSENT:** None

Director Tymoszenko noted that The Chubby Bullfrog will need go before the Local Liquor Control Commission for a Class E Liquor License to allow for alcohol service in the outdoor dining area. This is anticipated for a June 3 Local Liquor Control Commission Meeting.

## **XI. UNFINISHED BUSINESS:**

### **A. Fox Valley Homes for a Changing Region Project (Trustee Price)**

Director Tymoszenko provided background on the Homes for a Changing Region project and grant, which is regional study in conjunction with East Dundee, Carpentersville and Elgin to assist in future planning.

She introduced Jonathan Burch from Chicago Metropolitan Agency for Planning (CMAP), the agency providing technical planning assistance as part of the project/grant. Mr. Burch introduced Nancy Firfer from the Metropolitan Planning Council and Allison Milld Clements from the Metropolitan Mayors Caucus, who are also partners in this project.

Mr. Burch provided a graphical presentation to the Board outlining current housing supply and demand for both rental and owner-occupied housing, and projections for the same in 2040 based on market expectations and aging of the current population.

Potential future housing shortfalls were identified by the anticipated ages and income levels of the community, noting projected shortfalls in all categories based on anticipated population growth and the likelihood of various residential choices, such as aging in place.

A community workshop will be held on June 18 from 7:00 to 9:00 pm at Public Safety Center #2 to involve residents and community members in the development of a focus area visualization to guide future development. The workshop will be advertised via all available sources to encourage community attendance and participation.

The final report will incorporate this visualization, statistics and projections on a local and subregional basis. Ms. Firfer noted that the desire is to present a final product that integrates the input and thoughts of the Board, staff and community, so that it will be useful and appropriate for future development decisions and implementation.

## **XII. NEW BUSINESS:**

### **A. Approval- 2013 Neighborhood Tree Trim and Removal Contract, Homer Tree Care, Inc. (Trustee Yuscka)**

Trustee Yuscka advised that Homer Tree Care has provided tree trimming and removal services to the community for 3 years, has been a quality vendor and has held their prices quite well.

Director Babica noted that tree trimming would occur in Spring of 2014. This year's program will continue the tree trimming area defined for last year's program, as last year's budget was used largely for tree removals. 296 total trees were removed last year, 57 of those removed by Homer due to their height or proximity to power lines. A like number is expected again this year. The annual tree survey will be conducted during the month of June.

Manager Cavallaro noted that as part of the contract, Homer must extend the same pricing afforded to the Village for any private tree removals within West Dundee, and added that the Village's no-interest loan program was expanded to assist residents in funding tree removals.

Director Babica noted that the 2013 contract price with Homer Tree Care remains the second lowest in comparison to the 2010 bid results.

**MOTION:** Moved by Trustee Yuscka and seconded by Trustee Kembitzky to waive competitive bidding and authorize the execution of a contract with Homer Tree Care, Inc. of Wauconda, Illinois to perform the 2013 Tree Trim/Removal Program at the specified rates received within their May 13, 2013 Tree Trimming/Removal Program submittal. Upon roll call, motion was approved.

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

**NAYS:** None

**ABSENT:** None

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

**XIV. MISCELLANEOUS:**

Trustee Yuscka noted that the resident who testified in opposition to The Chubby Bullfrog's special use petition at the Public Hearing has historically been opposed to potential development and business activities in the area of the Tartans subdivision.

President Nelson advised of two ribbon cuttings later this week: Something 4 U at Tartans Crossing and Davisware at Century Plaza.

Trustee Price commented that the renovations at DreamCo Design on Main Street look great.

**XV. ADJOURNMENT:**

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

The Regular Board Meeting adjourned at 8:58 pm.

**ATTEST:**

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Kim Tibbetts  
Deputy Village Clerk

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Christopher Nelson  
Village President