

REGULAR BOARD MEETING
Village Hall, 102 South Second Street

May 5, 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 Nelson, Trustees Pflanz, Wilbrandt, Kembitzky, Price, Hanley and Yuscka.

Also present were Village Manager Cavallaro, Village Attorney Brechin, Community Development Director Tymoszenko, Public Works Director Babica, Fire Chief Freise, Police Chief Wieteska and thirty (30) people in the audience.

III. PLEDGE OF ALLEGIANCE:

President Nelson asked that the Pledge of Allegiance be moved to the Village President's Report.

IV. APPROVAL OF AGENDA:

MOTION: Moved by Trustee Yuscka and seconded by Trustee Hanley to approve the agenda as presented. Upon roll call, motion was unanimous.

V. VILLAGE PRESIDENT'S REPORT:

A. Cub Scout Pack 36 Color Guard Presentation and Awards

President Nelson introduced Cub Scout Pack 36 who led the Pledge of Allegiance after a Color Guard presentation by their Pack.

President Nelson also recognized Cub Scout Bryce Pfeiffer for his heroic act of obtaining help for a man, who while hiking on a trail, had a one hundred pound boulder fall on his foot and crush his toe.

President Nelson presented Scout Master Michael Dewey with a plaque for his dedicated involvement with the Cub Scouts.

President Nelson also presented Scout Master Kennedy with a plaque thanking him for his dedicated involvement with cub scouting.

B. Presentation by Northern Kane County Chamber of Commerce

Melissa Hernandez, President of the Northern Kane County Chamber of Commerce, informed the Board of the second annual community service recognition event to be held November 19, 2014 at Randall Oaks. She said the Chamber is asking each village to choose one recipient to be honored at the recognition event who goes above and beyond by volunteering on committees, dedicating free time to help at community events, and/or supporting organizations like Rotary, Lions Club and other service clubs that help local families in need.

Ms. Hernandez asked that the Villages provide feedback on last year's event and/or provide suggestions for this year's event, to review and approve the timeline submitted by the committee (will be sent in June), promote the event through website, Facebook, Twitter and Village Newsletter and finally if there is someone the Village would like to sit on the planning committee, to please let her know.

C. Proclamation-Dundee Township Historical Society 50th Anniversary

President Nelson said he attended the 50th anniversary ceremony, Sunday, May 4th, and was very impressed with the presentation. He read a Proclamation and presented the Proclamation to Marge Edwards of the Historical Society. Mrs. Edwards thanked the Board for the Proclamation and for their support of the Historical Society.

VI. REPORTS AND QUESTIONS FROM TRUSTEES:

Trustee Pflanz asked for an update for the Downtown Master Plan Task Force. Manager Cavallaro said he would get key dates and schedules to the Board.

VII. VILLAGE STAFF REPORTS:

Director Tymoszenko said there is an Appearance Review Meeting scheduled for May 6, 2014 with four signage requests.

Manager Cavallaro told the Board there will be three (3) meetings in May.

VIII. QUESTIONS FROM THE AUDIENCE: There were none.

IX. CONSENT AGENDA:

- A. Approval of Bill List: April 30, 2014**
- B. Approval of Bill List: May 5, 2014**
- C. Approval of Minutes: April 7, 2014 Regular Board Minutes**
- D. Approval of Minutes: April 14, 2014 Committee of the Whole Meeting**
- E. Approval of Minutes: April 21, 2014 Regular Board Meeting**
- F. Vehicle Purchase-Police Dept.**
- G. Approval-2014 Tree Trim & Removal Program, Homer Tree Care**
- H. Approval -2014 Carrington Reserves Open Space Maintenance Program, Applied Ecological Services**
- I. Approval-2014 Village Facility HVAC Preventative Maintenance Program Renewal-RMC Mechanical**
- J. AT&T Antenna Lease Agreement, Spring Hill Water Tower – Third Amendment**

MOTION: Moved by Trustee Yuscka and seconded by Trustee Pflanz to approve the Consent Agenda with items F and G at the request of Trustee Kembitzky moved to Unfinished Business. Upon roll call, motion was unanimous.

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

NAYS: None

X. RESOLUTIONS AND ORDINANCES:

A. Ordinance Amending Zoning Regulations Used Goods

Trustee Price asked that this Ordinance and the proposed Ordinance amending the zoning definitions be discussed together, and explained that the Board had requested that the Planning & Zoning Commission review regulations specific to used goods sales.

Director Tymoszenko said the Planning and Zoning Commission began discussions at the February 24, 2014 meeting and held a Public Hearing on March 24, 2014 and April 28, 2014 in order to provide a recommendation to the Village Board. She said the Commission determined that regulations and definitions specific to used good merchants are at present too vague to cover the wide differential between users classified as purveyors of used merchandise.

Director Tymoszenko said the Commission and Staff worked together to clearly define the variety of users in this category and which district or districts would be appropriate to accommodate the uses as defined based on compatibility of uses.

She explained in detail the analysis of defined uses and the zoning districts. These districts are **R-B Residential Business District** with uses to include antique shop, gift shop, gourmet shop with apartments allowed above the ground floor level; **B-1, Downtown Business District** with zoning regulations that recognize the historic significant, spatial layout, yard and parking limitations of the original downtown business district with uses including a mixture of residential, retail convenience, detail specialty and off uses; **B-2 Regional Business District** which recognizes the need to provide a large, modern, unified zoning district to serve great numbers of regional and local customers with spatial layout, yard and parking requirements reflecting existing development areas, and a regional viewpoint; and **B-3 Business Service District** which recognizes the need to provide business services for transient and local customers and recognizes the spatial layout, yard and parking requirements of such districts and the need to provide vehicular access without increasing traffic congestion on arterial and residential streets.

Director Tymoszenko said the permitted uses in the B-3 Zoning District could include antique, consignment and second hand merchandise stores in spaces with 5000 square feet or less and not within 750 feet of another similar merchant. She said B-3 Special Uses could include antique, consignment and second hand merchandise stores if larger than 5001 square feet and if within 750 feet of another similar user. She also said that pawn shops would need a special use permit before they open.

Attorney Thomas Yardley, Jr., from Robbins, Salomon and Patt, representing the Bank of Camden addressed the Board on this issue. He read a statement urging the Board to reject this Ordinance and stated the reasons for this.

MOTION: Moved by Trustee Price and seconded by Trustee Yuscka to adopt the Finding of Fact of the Planning and Zoning Commission at the March 24, 2014 and April 28, 2014, and adopt an Ordinance Amending the West Dundee Zoning Regulations for Conduct of Business and the Permitted Use Lists within the Business District .Upon roll call, motion was approved.

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

NAYS: None

B. Ordinance Amending Zoning Definitions

MOTION: Moved by Trustee Price and seconded by Trustee Yuscka to adopt an Ordinance Amending the West Dundee Zoning Chapter 2 Definitions. Upon roll call, motion was approved.

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

NAYS: None

C. Ordinance Amending Police and Fire Commission Regulations

Trustee Wilbrandt introduced this item for discussion explaining that a review and update of Article C by the Police and Fire Commission was necessary to stay current with Illinois legislation pertaining to the testing and hiring of firefighter/paramedics, while having a testing process in place in order to hire the most qualified candidates.

Chief Freise said that an important item of Article C that was updated was preference points for firefighter/paramedics. He said that preference points will be given for military service (required), for education and for years of service by West Dundee Fire Department part-time firefighters. He said this is a great benefit as the West Dundee firefighter/paramedics are a known commodity and know the workings of the Village and its residents. He said they will still have to go through the testing process, but would be eligible for 1 point for each year of service up to a maximum of 5 points.

Chief Wieteska explained that recent legislation in Illinois has created additional opportunities in terms of police office recruitment. He said one of those opportunities would include permitting preference to be awarded to certified police officers. He said it would allow preference not only to outside certified officers, but part-time officers currently working for the Police Department that have demonstrated proficiency and professionalism in their position. He, too, said that any candidate on the eligibility list would still be required to successfully complete all other phases of the testing process which include background investigations, polygraph examination, and agility testing.

Both Chief Freise and Chief Wieteska recognized and thanked Fire and Police Commissioner Fred Kleeburg for his help.

MOTION: Moved by Trustee Wilbrandt and seconded by Trustee Pflanz to adopt An Ordinance Amending Title 2, Chapter 3, Board of Fire and Police Commissioners, of the West Municipal Code. Upon roll call, motion was approved.

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

NAYS: None

D. ILEAS Resolution and Agreement

Trustee Wilbrandt said that the Village of West Dundee entered into a mutual aid agreement with the Illinois Law Enforcement Alarm System (ILEAS) in 2002 and now an updated and more comprehensive agreement is being adopted by member agencies. He said ILEAS is asking that members sign a new agreement, which clarifies the role of the Governing Board, includes new bi-laws, and allows for amendments rather than requiring new agreements to be signed.

Chief Wieteska said that ILEAS is a valuable resource for the Police Department usually informing them of a natural disaster and comes with no additional costs.

Manager Cavallaro said both Public Works and the Fire Department also have intergovernmental mutual aid agreements with neighboring communities.

MOTION: Moved by Trustee Wilbrandt and seconded by Trustee Price that the Village of West Dundee adopt the Resolution authorizing the execution of a law enforcement mutual aid agreement and the existence and formation of the Illinois Law Enforcement Alarm System by intergovernmental cooperation and that the Chief of Police be authorized to enter into said Agreement.

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

NAYS: None

XI. UNFINISHED BUSINESS

A. Ordinance Amending Fence Regulations

Trustee Price brought this item to the Board which is an amendment to include a relaxation of the prohibition against certain wire fencing when such material is of panel construction and encased in an upgraded and decorative pressure treated wood frame.

Director Tymoszenko said the amendment also adds solid plastic fencing as a prohibited material in the side yard parallel or facing the street on the address side.

Discussion was held regarding woven wire and welded wire, which are rot resistant when encased in wood or a decorative frame, gage of wire, colors of welded wire, vinyl, wooden frame, chain link fencing, location of fencing, height of fencing and composite fencing.

During discussion it was noted that subdivisions with HOA's do not allow fencing.

After discussion and a straw poll of the Trustees, it was decided to table this item until the June Board Meeting and obtain illustrated examples of woven and welded fencing that are stock (if possible in color) and to have a definition of gage and some samples of the various gages.

B. Approval-Street Light LED Luminaires, Sternberg Lighting

Trustee Yuscka said that the Village of West Dundee was awarded a grant to conduct a Pilot Street Light Conversion on South Second Street partially funded through the Illinois Clean Energy Foundation.

Director Babica addressed the inquiry of the Board members to see if the LED lights could be softened in appearance. He said that the representatives from KSA Lighting found that the LED lights themselves could be frosted. He then explained that the frosting process involves applying a coating of phosphorus material that reduces the Kelvin Temperature Rating. He then explained what and how the Kelvin Rating works.

Director Babica explained that by lowering the Kelvin Rating, the energy efficiency decreases and KSA expects to use additional 15-20% energy to produce the light. He also said there would be an additional cost of \$50 to \$75 pr fixture.

A brief discussion took place regarding the light wavelengths as the Kelvin Scale is raised or lowered, getting a sample to see first hand the difference, and the assessment from the Police Department that more light is better. It was decided that since this is a pilot program, going on one street, to use the standard bulb.

MOTION: Moved by Trustee Yuscka and seconded by Trustee Price to authorize staff to utilize the Sternberg LED Luminaire in use for installation on Village street light fixtures for the pilot program. Upon roll call, motion was approved.

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

NAYS: None

C. Capital Purchase – Two Marked Squad Cars

Trustee Kembitzky asked that this item be removed from the Consent Agenda as she had some questions concerning this purchase.

Chief Wieteska said that these two cars would replace two aging vehicles, which have seen increased repair costs and maintenance and that it is necessary to have a dependable front line emergency response fleet. He said the crossover vehicles are fuel efficient, that vehicle equipment will be re-used where possible and that the pricing is based on competitive contract bidding.

MOTION: Moved by Trustee Wilbrandt and seconded by Trustee Kembitzky to approve the purchase of two 2014 fully equipped Ford Police Utility Interceptors for a purchase price not to exceed \$73,000. Upon roll call, motion was approved.

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

NAYS: None

D. Approval: 2014 Tree Trim Removal Program Homer Tree Care, Inc.

This item was removed from the Consent Agenda, as Trustee Kembitzky had some questions about the contract.

Director Babica said Homer Tree Care has been an exceptional contractor and that the last two bids have been lower than all the others. He said this is the fourth renewal of the contract and Homer Tree removes infected trees (Emerald Ash Borers) that staff cannot safely remove due to height, size and proximity to energized lines or property, as well as trimming of trees.

MOTION: Moved by Trustee Kembitzky and seconded by Trustee Hanley to waive competitive bidding and authorize the execution of a contract with Homer Tree Care, Inc., of Wauconda, Illinois to perform the 2014 Tree Trim/Removal Program at the specified rates received within their April 14, 2014 Tree Trimming/Removal Program submittal. Upon roll call, motion was approved.

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

XII: MISCELANEOUS:

Trustee Hanley asked the Board to come up with a list of four or five code issues they observe and have them enforced this summer. He said a letter could be written to the resident informing of the issue with a time limit to have it corrected. He said if not corrected, and then the Ordinance would be enforced.

XIII: ADJOURNMENT

MOTION: Moved by Trustee Hanley and seconded by Trustee Wilbrandt to adjourn the Regular Board meeting. Motion was unanimous.

The Regular Board Meeting adjourned at 9:10 pm.

ATTEST:

Barbara Traver
Village Clerk

Christopher Nelson
Village President

EXECUTIVE SESSION
Village Hall 102 S. Second St.

May 5, 2014
Village of West Dundee

President Nelson called the Executive Session to order at 6:30 pm to discuss Section 2 (C) (11) of the Illinois Open Meetings Act: Litigation.

Present were President Nelson, Trustees Pflanz, Wilbrandt, Kembitzky, Price, Hanley and Yuscka. Also present were Village Manager Cavallaro, Village Attorney Brechin and Attorney Howard Levine.

Discussion was held regarding ongoing litigation.

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

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

NAYS: None

The Executive Session adjourned at 6:52 pm.

ATTEST:

Barbara Traver
Village Clerk

Christopher Nelson
Village President