



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

Committee of the Whole Meeting

August 21, 2007

Call To Order

The meeting was called to order at 7:31 p.m. Present were Trustees Harlfinger, Murawski, Bogdanowski (via telephone), Mulcahy, Wakeman, Yensen, and President Plaza.

Also present were Village Administrator Gerald Sagona, Chief of Support Services Mary Frake, Assistant Public Works Director Dave Gregoria, Village Engineer Dave Van Camp, Parks and Rec. Director Trudy Wakeman, Finance Director Pete Stefan, Community Development Director Dan Olson, Village Attorney Kevin Chrzanowski and Village Clerk Denise Wasserman Haugk.

Audience Participation:

Steve Clancy -14 Wander Way – He has concerns about water issues, specifically a sulfur smell. He has spoken with Public Works about this issue. He was told they were going to install a chlorine injector and then he was told that the Village was not going to provide a chlorine injector. According to Dave Gregoria, it is a challenge to keep that end of the line going. Dave will check with Baxter Engineering to find out what the time frame is to correct the problem. Mr. Clancy also wondered about the water main replacement on the first block of Wander Way. Village Engineer Dave Van Camp will have an answer on Wednesday.

Rob Parrish – 8715 Pyott Road – Regarding issues about Mr. Hagele’s property. He thanked the Board for letting him speak.

Rich Hagele – 8713 Pyott Road – Reminded the Board he had complied to the issues the Board brought up at the last weekend. He would like to make changes to the proposed landscaping to the back of the building.

Administrator:

Raffle Application – Glacier Ridge Elementary PTA – presented by Village Administrator Gerald Sagona – Glacier Ridge Elementary PTA is requesting a raffle license. All provisions of Section 31.02 of the Village Code have been met. The Glacier Ridge Elementary PTA unanimously voted to request a waiver of the fidelity bond requirement associated with the Raffle Application Form. Motion was made to place this item on the Village Board agenda.

Termination of an Agreement – Statement Marketing, Inc. - presented by Assistant Village Administrator Shannon Andrews– The Village entered into an agreement on December 9, 2004 with Statement Marketing, Inc. (SMI) to increase Village revenues through the implementation of a marketing program using the Village’s Utility Bill envelopes. The Village had entered into this

agreement with an understanding that a website would be created allowing businesses to bid for the opportunity to advertise each month. This website was never produced. In addition, since the beginning of the year, SMI has struggled to dedicate the time necessary to secure advertisements and those which have been sole, have been to recurrent businesses. Correspondence itemizing the Village's concerns with the program was forwarded to SMI in early February, but no action was taken. After repeated attempts to follow up, a notice of intent to terminate the contract was sent in June, satisfying the contract's 90 day notice period. A copy of the contract has been given to the Board. As the Village is currently not planning to pursue another vendor, this would conclude the utility bill advertisements. Motion was made to place this item on the Village Board agenda.

Waiver of Liquor Event Permit – Algonquin/Lake in the Hills Jaycess – presented by Village Administrator Gerald Sagona – The Algonquin/Lake in the Hills Jaycess are requesting a waiver of Liquor Event Permit. They will be selling liquor this year during the Summer Sunset Festival. They are requesting the Event Permit fee of \$25.00 be waived. Motion was made to place this item on the Village Board agenda.

Director of Public Safety:

Community Development:

Ordinance – Variations – 8713 Pyott Road (Rich Hagele) – presented by Community Development Director Dan Olson – In July 2003, the Planning and Zoning Commission recommended approval and the Board of Trustees approved a variance to reduce the south side yard setback of 8713 Pyott Road in order to build a 12,000 square foot building. Because no building permit had been issued for the variance within a year, it was no longer valid. Therefore the applicant submitted another application for the same variance. Since the applicant's 2003 request for a variance, landscape standards have been added to the Zoning Ordinance. The applicant is now also requesting variances to reduce the north pavement setback and to reduce required perimeter landscape plantings in both side yards and the rear yard to 0 plantings. A public hearing was held in front of the Planning and Zoning Commission on July 16, 2007. By a vote of 5 to 1 (Commissioner Covone was opposed; Commissioner Stroud was absent), the Commission recommended approval of the requested variances subject to inclusion of a fence surrounding the back of the property and subject to 150% landscape plantings in the front yard. At its July 26th meeting, the Board denied the variances and referred the matter back to the Commission. The Board expressed concerns about the feasibility of the hardship and the size of the building. The Board provided direction to the applicant on what might be acceptable for the development of the site. The consensus on the Board was that the south side yard setback should be increased from 6 feet to 8 feet. The Board also suggested the length of the building be reduced by 20 feet. There was also mention by a Trustee of not being in favor of the fence and the 150% landscape requirement in the front yard. In response to Board comments, the applicant submitted a revised plan reflecting a reduction in the building length of 20 feet, a reduction the building width of 2 feet and a landscape plan. The Commission revisited the matter at its August 13th meeting based on the applicant's reduction of the building size and moving the building 2 feet to the north for a total of an 8 foot setback on the south side. By a vote of 5 to 1 (Commissioner Siakel was opposed, Commissioner Stroud was absent) the Commission recommended, for the purpose of constructing a 10,560 square foot commercial building on the subject property as depicted on the site plan dated July 29, 2007, approval of a variance to Section 9.4 of the Zoning Ordinance to decrease the south side yard building setback requirement from 20 feet to 8 feet, and approval of a variance to Sections 26.3-1, Section 26.3-6 and Section 26.6-1 to reduce the north pavement setback from 10 feet to 0 feet for the easternmost 314 feet of the property and

to reduce the required landscape setback from 10 feet to 6 feet for the rest of the north side, from 10 feet to 6 feet for the rear/west and from 10 feet to 8 feet for the south side and to reduce the required landscape plantings proportionally. Staff provided an Exhibit C to the Ordinance that notes the landscape requirements that reflect the Commission's directions. The applicant has submitted a revised plan that shows a further reduced building size to 9840 square feet (205 feet by 48 feet). Mr. Hagele did not have sufficient time to revise the landscape plan. Staff is again further recommending that the following timeframe conditions be added: 1) that the applicant secure a permit for construction of the building within 3 months of the date of the ordinance granting the variation and 2) that the applicant have a minimum 2640 square foot first phase of the building "under roof" by December 31, 2007. Mr. Rob Parrish of 8715 Pyott Road, again spoke in opposition to the variations. He felt that the applicant does not have a legitimate hardship and that there was no need for such a large (10,560 square foot) building. Trustee Mulcahy believes the plan is greatly improved, he likes the landscaping along the back. Though Mr. Hagele has reservation regarding the landscaping along the back, Trustee Mulcahy feels the landscaping will help attract tenants. Trustee Harlfinger questioned a fence. According to Mr. Olson, the P&Z commission has dropped the request of a fence. Trustee Harlfinger is concerned regarding the back side of the property, he would like to see a fence installed. He is also concerned regarding drainage/septic etc (he has asked to see engineering drawings regarding these issues). Mr. Olson mentioned that this discussion is only for a variance. Trustee Harlfinger is concerned that there may be engineering issues in the future. Mr. Hagele has spoken with the county regarding drainage, etc. Trustee Harlfinger is now more comfortable with the plans, except he would like to see a fence. Mr. Hagele is questioning the rear landscaping since he is planning on putting a covered chain link fence in the lot. No one would see the landscaping. Trustee Wakeman does not feel we should require landscaping around the back of building where equipment storage is. It's an industrial area. She also does not feel we should require the fence; that should be up to Mr. Hagele. She thanked Mr. Hagele for being responsive to the Board's request. Trustee Murawski concurred. Trustee Mulcahy wondered about moving the building to the North and narrowing the parking lot a bit. Trustees Wakeman and Harlfinger were not in favor of that idea. Mr. Sagona mentioned that there are tickets pending regarding the clean-up of Mr. Hagele's property. He wants to confirm with Mr. Hagele that by Dec. 31 a min 2,600 ft will be under foot. Mr. Hagele sent a letter to Mr. Olson regarding this issue. Mr. Hagele doesn't expect construction to be under way until at least Spring. Trustee Harlfinger would be inclined to allow a time frame of spring. According to President Plaza, the time frame was set in motion due to the ordinance violations. He does feel we should require anyone to build something within a set amount of time. President Plaza is wondering about the ordinance violation. Mr. Hagele is using the trailers for storage, they were on the property when he bought it. President Plaza is in favor of this project moving forward pursuant to current requests. However, he wants the ordinance violations taken care of. He feels the violations should be corrected within 30 days. He is not inclined to move forward on the ordinance variance, if Mr. Hagele is not taking care of his violations. Trustee Wakeman feels that one issue should not necessarily have to affect the other, as long as fines are being paid and/or violations being taken care of. Trustee Harlfinger wondered about storage facilities on the property. According to Mr. Olson, pods would probably be okay. The make-shift roof and condition of trailers are the violations. As far as the time frame, Trustee Harlfinger is unsure. Mr. Hagele is asking for six months to move the trailers. Trustee Yensen feels that Mr. Hagele needs to be in compliance of the ordinances. She stated that we have worked with him in good faith, and he needs to clear up the violations. Further discussion took place regarding possible "under roof" date. Mr. Sagona would like clean up on property. The Village is looking for good faith steps for him to get this project underway. He is concerned that the project is not going to get underway. Trustee Mulcahy mentioned that Mr. Hagele has not answered the question as to what he plans to do regarding the violations. He also reminded the

Board that Mr. Hagele said that if he had to include landscaping in back of building, he would not build. Several people mentioned that the foundation could possibly be poured by December 31st (though the ordinance states “under roof”. Mr. Sagona feels that there is no reason that a permit should not be issued within three months, as well as a foundation. Trustee Harlfinger feels a permit should also be available within two months. Mr. Sagona thinks it’s advisable for the Board to include a time frame in the ordinance. President Plaza mentioned changing “under roof” to foundation in the ordinance. Granting the variance would put a stay of execution on the violation until the time frame ends. The hearing scheduled for Friday would be continued until December 31, 2007. Mr. Hagele will fix the code violations, he’ll move them or fix the roofs, whatever he needs to do. Regarding the landscaping requirements in the back of the building, Trustees Wakeman, Harlfinger and Murawski were in favor of dropping the landscaping in the back of the building. The ordinance will still be written with a time line. Mr. Hagele stated that he can not have the foundation poured by the end of the year. Mr. Sagona doesn’t believe that Mr. Hagele has any intent to build on this property. He is suggesting that the board table this discussion until he cleans up the property. President Plaza mentioned that at the hearing on Friday, he should have 30 days to clear up the ordinance violations. Trustee Wakeman now feels that she can not vote in favor of the ordinance if the applicant is telling the Board he can not have the foundation poured by the end of the year. President Plaza would like to see the property cleaned up within 30 days. Section 3 regarding timing requirements will be stricken from the ordinance language. Mr. Sagona mentioned that he does not feel the applicant is going to move forward with this project. Regarding the landscaping around the back, landscaping requirements will be taken out of the ordinance. Motion was made to place this item on the Village Board Agenda.

Ordinance – Zoning District Map Ammendment – 817 Menominee Drive – presented by Community Development Director Dan Olson – On July 12th, the Village Board directed staff to initiate a zoning application to re-zone the Village-owned lot at 817 Menominee Drive from the R-2 One Family Dwelling District to the O-S Open Space District. The Board had previously accepted the donation of the subject lot. The unbuildable lot lies adjacent to Crystal Creek and is in the floodway. The O-S District will ensure the lot has the proper zoning for its continued use. The property will serve as a buffer zone for flooding and storm water quality. The Planning and Zoning Commission conducted a public hearing on August 13th and recommended approval 6 to 0 (Commissioner Stroud was absent) There were no objectors at the meeting. Motion was made to place this item on the Village Board Agenda.

Ordinances – Text Amendment/Amended Development Plan – Meadows Commercial Subdivision – Lot 7 (Dunkin Donuts) – presented by Community Development Director Dan Olson – The applicant, John Griparis of DD (Dunkin’ Donuts) 6 LITH, LLC, is a prospective tenant in 280 Randall Road, site of the former Famous Firehouse Coffee. An existing Conditional Use for a drive-through specifically for a coffee shop was approved by the Board in September 2005. The applicant is requesting a text amendment to define “Coffee Shop,” as its use is the same as that of Famous Firehouse Coffee, even though its name may suggest differently. With “Coffee Shop” defined, Dunkin’ Donuts or any other “Coffee Shop” may operate under the existing Conditional Use Permit. The applicant is requesting to amend the existing Amended Development Plan approved in September 2005 to reconfigure the drive through land for a greater turning radius, to alter the south/side building elevation, to add a menu board and instruction sign indicating drive-thru and to change the wall signage. In response to Planning and Zoning Commissioners concerns about the turning radius for large trucks exiting the site, the applicant reduced the size of the island while still increasing the drive-through turning radius, and added additional painted striping to separate exiting traffic from the drive-through.

The applicant initially asked for a waiver to reduce the existing 100% masonry on the south/side elevation to 75% in order to add 250 square feet of fiber cement board/siding as part of its current prototype. The Commissioners did not favor reducing the masonry elevation. The applicant has revised the elevations to reflect 100% masonry. The applicant will now add additional brick to the exterior, either dark brown in color or painted dark brown to shape approximately 213 feet of the tower prototype above the existing 3 foot base of the building. The applicant brought samples of the masonry that they plan on using (it would be an overlay to the existing brick). Several Trustees commented on the improvement of the drive thru. Motion was made to place this item on the Village Board Agenda.

Ordinance – Conditional Use Permit – Lot 11, Larsen Industrial Park, Unit #8 – (Great Northwest Auto) - presented by Community Development Director Dan Olson – The applicant, Kevin Mangold of Great Northwest Auto, is requesting a Conditional Use Permit to operate an internet automobile sales facility in approximately 2400 square feet at 14 Prosper Court, Unit #8, which is Lot 11 in Larsen Industrial Park. The applicant intends to buy cars at auction, store them inside the unit and sell them over the internet. Buyers would then come to the site to retrieve their purchases. A public hearing was held in front of the Planning and Zoning Commission on August 13th. By a vote of 6 to 0 (Commissioner Stroud was absent), the Commission recommended approval of the Conditional Use Permit to operate an internet automobile sales facility subject to the condition that no automobiles will be stored or displayed outside. Trustee Murawski wondered about storing the vehicles in the buildings and fire safety. According to Trustee Harlfinger, the building has ample ventilation. Motion was made to place this item on the Village Board Agenda.

Engineer:

Dave Van Camp passed out a memo regarding letters of credit for some builders that have not yet finished work. These properties include Lakewood Pointe, Algonquin Plaza and Acorn Lane Commercial (Milne).

Parks and Recreation:

Waiver of Section 8.15A, Operating Policy – Larsen Park Shelter (Elliott Levy) – presented by Parks and Recreation Director Trudy Wakeman – Mr. Elliott Levy has submitted an application to reserve the Larsen Park shelter on Sunday, September 2, 2007 from 3 pm – 10 pm. His band would like to perform between the hours of 5:30 pm – 10 pm. Section 8.15A of the municipal code states that Village parks shall be open daily to the public during the hours from dawn to dusk. Mr. Levy is requesting the Village Board waive the requirements of Section 8.15A, Operating Policy of the Municipal Code. His request was given to the Board for consideration. This item has been pulled by the applicant.

Amendment to Intergovernmental Agreement – School District 158 - presented by Parks and Recreation Director Trudy Wakeman – On February 10, 2005 the Village of Lake in the Hills, the Huntley Park District and the Consolidated School District 158 entered into an Intergovernmental Agreement for the construction of a bike path. Due to changes in the path location on Haligus Road directly east of Marlow Middle School, the Huntley Park District is now not affected by this change. Consolidated School District 158 is recommending the path changes indicated in Exhibit B (in the Board's packet) as part of the Intergovernmental Agreement. Motion was made to place this item on the Village Board Agenda.

Public Works:

Task Order – Smith Engineering – 2008 Drainage Project – presented by Public Works Director Fred Mullard – The Board of Trustees included funds in the 2007 budget for survey, design and engineering services for the 2008 Drainage Improvement Project at a cost of \$50,000. Smith Engineering has submitted a task order, which outlines the scope of services. A representative from Smith Engineering was available to answer any questions. Motion was made to place this item on the Village Board Agenda.

Airport – Office Lease with Aviation Insurance Consulting, Inc. - presented by Public Works Director Fred Mullard – Aviation Insurance Consulting Inc., an aviation insurance company, would like to enter into a six month lease for the office space in the airport administration building. The monthly airport lease fee will be \$850. The lease will be valid September 2007 through March 2008. Motion was made to place this item on the Village Board Agenda.

Finance Director:

Ordinance - Sale of Surplus Property – presented by Village Finance Director Pete Stefan – The Illinois Municipal Code requires adoption of an Ordinance to dispose of surplus Village property. The Ordinance declares certain personal property surplus in order to allow for their disposal. Next month, the Village plans to participate in the McHenry County Council of Governments vehicle and equipment auction for all serviceable items listed on Exhibit A of the Ordinance, and will dispose of all unserviceable items which can not be auctioned. Six Public Works vehicles were accidentally left out of the e-packet to the Board. Mr. Stefan passed out an updated list to the Board. Motion was made to place this item on the Village Board Agenda.

Organizations and Developers:

Board of Trustees:

Trustee Harlfinger – **Planning and Zoning Commission Liaison Report** – Asking for volunteers to help with beer bracelets at the Summer Sunset Festival.

Trustee Wakeman – **Community Advisory Council for Randall Road Liaison Report** – Encouraged all to attend and visit the Kidz Korner at the Summer Sunset Festival.

Trustee Yensen – **McHenry County Transportation Liaison Report** – Attended 8/15 meeting. McHenry county bridge status – there is a watch list (128 to inspect with 2 crossing the river). The red light running resolution was passed.

Trustee Bogdanowski – **Business Relations Committee Liaison Report** – Shannon did a great job on a tour within the Village. He mentioned that volunteers were needed all over for the Sunset Festival.

Trustee Joe Murawski – **Senior Liaison Report** – The seniors wondered why the police were not coming to the meeting to speak. They also wondered about luncheons from the Police Department. According to Chief Frake, the luncheons were not in the budget for this year. The community relations officer has been there within the year, though she will look into it. The seniors also wondered about the P.A. system. They would like a new one, its outdated. President Plaza mentioned that he and Jerry can bring this issue up to the Rotary. Trudy Wakemen mentioned that there is a P.A. system within the Hain House.

Trustee Paul Mulcahy - **Parks and Recreation Board Liaison Report** – He too, mentioned that the Festival needs volunteers. It is his 25th wedding anniversary. He plans on taking his bride to the White Castle.

President:

Re-Appointment to the Parks and Recreation Board – Cathy Neilan (08-23-07 thru 08-23-11)

Audience Participation:

Adjournment: There being no further business to discuss, the Committee of the Whole meeting was adjourned at 9:11 p.m.

Submitted by,

Denise Wasserman Haugk
Village Clerk