



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

Committee of the Whole Meeting

April 8, 2008

Call To Order

The meeting was called to order at 7:35 p.m. Present were Trustees Harlfinger, Murawski, Bogdanowski, Mulcahy, Huckins, Yensen, and President Plaza.

Also present were Village Administrator Gerald Sagona, Director of Public Safety James Wales, Public Works Director Fred Mullard, Village Engineer Dave Van Camp, Parks and Rec. Director Trudy Wakeman, Community Development Director Dan Olson, Village Attorney Jennifer Gibson Village and Village Clerk Denise Wasserman Haugk.

Audience Participation:

Danial Igoe – 20 W. Oak Street – Mr. Igoe has a problem with his neighbor roof drainage system. The water is drainage is entering Mr. Igoe's yard. He has spoken with Public Works. The downspout needs to be more firmly attached to the neighbor's home. A pipe needs to be connected to the downspout so the water is directed into the neighbors yard. The Village Inspector has sent a letter and Mr. Igoe is hoping the Board might step in.

Robert Ward 1116 Heaven's Gate – Mr. Ward is concerned about the Harvest Gate bike path project. He is questioning the changes that keep taking place, however, he feels that another bike path is not a big deal. He also works in the Village at Advanced Flexible Composit's – Walter Road – He is here also on behalf of the company to inquire about possible water main improvements for the property.

Administrator:

Director of Public Safety:

Community Development:

Ordinance – Amendment to Ordinance No. 2005-17 (Hours of Operation and Signs) for the Prairie Stone Shops Development – presented by Community Development Director Dan Olson - In 2005, the Village approved Ordinance No. 2005-17 that granted zoning and provided development standards for the Prairie Stone Shops project at the southeast corner of Lakewood and Ackman Roads. The Ordinance also established hours of operation limitations, which included language that stated that no business could be open between 10:30 pm and 5:30 am. The applicant, Fuhler Properties, is requesting that the hour limitation be removed. The applicant has indicated in his petition and testified at the public hearing that these limitations inhibit the ability to lease the building to stores and restaurants. In addition, the commercial development at the northwest corner of Ackman Road and Redtail Drive in Lakewood has no hour restrictions. The applicant is also requesting an additional wall sign for one of the tenants (National Fitness and Tan). A public hearing was conducted by the Planning and Zoning Commission on March 17th on the amendments to the Planned Development Ordinance.

The Commission recommended approval 3 to 2 (Commissioners DeMay, Siakel and Stock voted yes and Commissioners Covone and Rambo voted no; Commissioners Stroud and Borkgren were absent) of the proposed amendment regarding the removal of the hour limitations and voted 5 to 0 to recommend approval of the amendment to allow the additional wall sign. There were two residents who spoke during the hearing. Jennifer Kerstiens of 8510 Weston Circle in Lakewood mentioned that she appreciated the cooperation with the Village in the past on the project and that the building is non-obtrusive. She noted concerns with the amendment on the elimination of hours mentioning it would open the door to a possible gas station/other uses and create noise issues. William Cherikos of 5 Banford Ct. had concerns about the possible increase in noise with the elimination of hours. John Fuller mentioned that Centegra is expanding into Huntley which will be competition with National Fitness and Tan. They would appreciate another sign. He also mentioned that a change in hours would also be beneficial for the businesses and allow them to be more competitive. Trustee Mulcahy wondered if National Fitness and Tan did not take up four spaces, then there would be additional business signage. Mr. Fuller agreed. He is also trying to lease some more space including putting a restaurant in. Trustee Yensen mentioned that there were some neighbors concerned about there being a business that might be open 24 hours. She wondered what type of business/restaurant Mr. Fuller is planning on bringing in. Mr. Fuller would like to attract a family style restaurant, not a 24 hour restaurant. Mr. Olson mentioned that the amendment does not allow for different zoning. The business requirements would be the same. Motion was made to place this item on the Village Board Agenda.

Ordinance – First Amendment to the Annexation Agreement – Prairie Stone Shops

Development– presented by Community Development Director Dan Olson - In 2005, the Village approved an annexation agreement for the Prairie Stone Shops development at the southeast corner of Lakewood and Ackman Roads. The agreement provided the development standards for the project and also established hours of operation limitations, which included language that stated that no business could be open between 10:30 pm and 5:30 am. The applicant, Fuhler Properties, is requesting that the hour limitation be removed. The applicant has indicated that these limitations inhibit the ability to lease the building to stores and restaurants. The applicant is also requesting to amend the agreement to allow an additional wall sign for one of the tenants (National Fitness and Tan). The applicant has also requested to amend the Planned Development Ordinance for the site, with respect to the hours of operation and additional sign. The Planning and Zoning Commission has recommended approval and the request is in front of the Village Board in conjunction with the annexation agreement amendment request. A public hearing on the amendment took place April 8th at 7:00 in front the Village Board. Motion was made to place this item on the Village Board Agenda.

Ordinance – Amendments to Chapter 38, Building Contractor Licensing, of the Municipal

Code– presented by Community Development Director Dan Olson - Proposed are some amendments to Chapter 38 “Building Contractor Licensing” of the Municipal Code. The changes involve some minor language changes and an increase in the annual licensing fee from \$50 - \$75. We have also reviewed the fees and the insurance and bonding requirements of some of our surrounding municipalities. Although some do not charge a fee we do have some considerable staff time involved in the processing of the licenses. In addition, the fee has not increase since April of 1995. If approved, an estimated \$6,000 in additional funds will be collected this fiscal year. Trustee Mulcahy mentioned that the Board discussed some of the fees at the last Strategic Planning Session. He is all in favor of making sure that any fee the Village imposes covers the administration time needed issue the permits. Trustee Harlfinger is not only in favor of increasing the fees, but he would even be for a higher fee. Motion was made to place this item on the Village Board Agenda.

Waiver of Site Development Permit Fee – McHenry County Conservation District– presented by Community Development Director Dan Olson - The McHenry County Conservation District is doing a habitat restoration project on part (about 12 acres) of the “Rothschild” property along Jefferson Street. The District will be doing some grading on the site and must obtain a Site Development Permit from the Village. The fee for the permit is \$250 and the District is requesting a waiver of the fee. In recent years the Village Board has entertained a few requests to the waiver of various development fees. In 2002, the Village received a request from the Algonquin/Lake in the Hill Fire Protection District to waive the water connection (\$21,220.00) and building permit (\$19,132.75) fees for their headquarters station at Pyott and Algonquin Roads. The Board granted a waiver of the building permit fee, however charged the minimum water connection fee for a non-residential building, which was \$3,690.00 at the time. In 2003, the Board granted a request to waive the building permit fees for two small projects. A building permit fee of \$30 was waived for a new roof for a home at 21 Roosevelt Street. A not for profit organization was assisting the homeowner, whose husband was serving overseas in the Army at the time. In addition, the Village Board approved waiving the building fee of \$35.60 to a local Boy Scout, who was constructing a new pier at 181 Hilltop Dr. on Wood Creek Lake. In 2006, Joy Community Church requested a waiver of fees for the water connection (\$33,375.00) and building permit (\$10,175.40) for their facility. The Board denied the requests. Motion was made to place this item on the Village Board Agenda.

Waiver of the Masonry Construction Requirements – 8709 Pyott Road (Riggsby Construction) – presented by Community Development Director Dan Olson - Mark Riggsby of Riggsby Construction, Inc. is requesting a waiver from the requirement for 100% masonry exterior finishes for new construction. Mr. Riggsby is rehabilitating an existing building at 8709 Pyott Road (former National Plumbing building). Mr Riggsby proposes to alter the presently all-brick front façade to a combination of cultured stone and EIFS. After subtracting for windows and doors, the proposed elevation shows approximately 34% masonry on the ease elevation that faces Pyott Road. The other three elevations will remain a combination of brick and metal siding. The Board of Trustees may grant an exception to this requirement, however, in a B-4 Commercial Business District, no less than 33% of the elevations facing a public street may be masonry. In reviewing the waiver, the Building Code delineates three factors that should be considered: The architectural value and significance of the structure or its size; The relationship of the exterior architectural features of the proposed structure to the existing structures in the surrounding area; The compatibility of the exterior design, arrangement, texture and material to be used with that used in the surrounding area. Motion was made to place this item on the Village Board Agenda.

Engineer:

Parks and Recreation:

Update - CMAQ Bike Path Grant Application – Parks and Recreation Director Trudy Wakeman introduced Village Engineer Dave Van Camp who presented this item. - At the March 13, 2008 Village Board Meeting, the Board directed staff to amend the CMAQ Harvest Gate Bike Path application, with the understanding that the resubmitted application would include two bridges and realignment away from the resident’s back yards. Since that time, staff has discovered Phase 1 and 2 engineering plans are required for federally funded programs. Phase 1 would include the IDNR and Army Corp. of Engineers’ assessment of the area, bridge or culvert design, wetland delineation, survey, and public involvement. Phase 2 would include the final contract plans, bridge abutment or culvert design, and wetland

mitigation design. Phase 3 includes the construction observation and administration of the construction contract. The additional engineering costs would put this project above and beyond the original \$187,288 that was requested. Since the inception of the CMAQ bike path application staff has notified residents bordering the potential path from the Harvest Gate as well as the Heaven's Gate side of the creek. Most of those who have voiced their concerns have been from the Harvest Gate section of town. As of late, the Heaven's Gate residents have also expressed their concerns to staff about the proximity of the future path to their homes. Furthermore, residents have contacted IDNR and CMAP for additional insight into the project. Staff has contacted those key residents and have invited them to tonight's meeting. Smith Engineering indicates that with Phase 1, 2, and 3 engineering included, the total project cost is \$707,502.50. The cost to the Village is 20% or approximately \$141,500 if the grant is awarded. Dave Van Camp from Smith Engineering is available for questions regarding there \$238,502.50 estimate. Trustee Mulcahy asked the approximate distance from possible bridge to homes on Heavens Gate. Motion was made to place this item on the Village Board Agenda.

Naming of the Parks and Memorial Tree Program Amendments— presented by Parks and Recreation Director Trudy Wakeman - At the April 3, 2008 Parks and Recreation Board meeting, the Board approved the document changes that combined the Memorial Tree and Naming of the Parks, Building, or Structures Programs. In addition to the Memorial Tree Program, memorial benches and picnic tables offer residents other amenities from which to choose. In an environmental effort, staff plans to use recycled plastic benches and picnic tables for this program. President Plaza likes this program as well as Trustee Mulcahy. Motion was made to place this item on the Village Board Agenda.

Public Works:

Airport – Participation Agreement with the Illinois Department of Transportation for Land Acquisition of the Pyott Road Relocation – presented by Public Works Director Fred Mullard - The Participation Agreement establishes rights and obligations of the Village and the State as they pertain to the purchase of land for the Pyott Road relocation. The land to be purchased under this agreement includes the Athans parcel and the L&V parcel. Under this agreement, the Village will be reimbursed 97.5 percent of the overall cost of the purchases through a Federal Aviation Administration – Illinois Department of Transportation grant. The total cost of the two properties is not yet known. This agreement will allow the Village to receive the funds necessary for the placement of an escrow for the Athans property and provide sufficient funds for the L&V purchase. The additional expenses incurred in the eminent domain proceedings are eligible expenses for future reimbursement under either an amendment to this agreement or an additional agreement dependant on final costs. As part of this agreement, the Village agrees to use the property for airport purposes and to follow federal and state regulations in the operation of the airport for the public's benefit for not less than 20 years. This is a standard agreement between the owner of public airports and the State of Illinois. Motion was made to place this item on the Village Board Agenda.

Finance Director:

Organizations and Developers:

Board of Trustees:

Trustee Harlfinger – **Planning and Zoning Commission Liaison Report** –

Trustee Huckins – **Community Advisory Council for Randall Road Liaison Report** -

Trustee Yensen – **McHenry County Transportation Liaison Report** -

Trustee Bogdanowski – **Business Relations Committee Liaison Report** -

Trustee Joe Murawski – **Senior Liaison Report** – The seniors are still happy☺

Trustee Paul Mulcahy - **Parks and Recreation Board Liaison Report** – The agenda covered the discussed items.

President:

Thursday there will be an appointment made to the Parks and Recreation Board.

There will be a proclamation for Volunteer Week.

Audience Participation:

Joseph Giarratana – 1109 Heavens Gate – wondered if the residents on both sides (Harvest Gate and Heavens Gate) would be allowed a copy of the placement of the bike path. According to Dave Van Camp, the exact alignment has not been determined and phase 1 of the study will help define the actual bike path.

Mary Wolski – 1112 Heavens Gate – She was against the path ten years ago. She wondered why the Village was not going through IDNR for this bike path. She also wanted to address the safety issue. There are coyotes in that area and she is worried about the safety of the children. She also wondered why the path was widened and wondered why there would be a bike path in the wetlands and what is a flood plain.

Denise Benages – 1118 Heavens Gate – She wondered about the outflow from Boulder Ridge that creates almost a second pond after heavy rains. She wondered if any consideration had been given to that.

Robert Ward - 1116 Heavens Gate – Wondered how many paths there were. President Plaza mentioned that the idea is to have the bike path continue from one area to another. He stated that bike paths are not always pretty but do not have a nuisance factor. He also mentioned that if the bike path is more than \$200,000 he feels it is a waste of money.

Bradley Appier – 459 Harvest Gate – He thanked the Engineering firm for the documents. He would like to confirm that there will be public input allowed and the path is totally flexible at this point. Mr. Van Camp mentioned that the recommendation from Smith Engineering did include estimated hours for two public meetings. He is concerned about the southern terminus. He would like to request that the path be connected to the existing berm. This would require the extension of the proposed path, but would be beneficial to the neighborhood.

Adjournment: There being no further business to discuss, the Committee of the Whole meeting was adjourned at 8:24 p.m.

Submitted by,

Denise Wasserman Haugk
Village Clerk