

**MINUTES OF A REGULAR BOARD MEETING OF THE VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE, LAKE AND MCHENRY COUNTIES, HELD ON THE 24<sup>th</sup> DAY OF APRIL 2008**

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**CALL TO ORDER** Mayor Thomas P. Hyde called the meeting to order at 7:35 pm.

**ROLL CALL** Roll call indicated the following present: Trustees Garling, Herrmann, Ponio, Saville and Verciglio.

Also in attendance was: Attorney Scott Puma, Ancel Glink and Sergeant Scarrione.

**AGENDA**

1. Presentation by Mr. & Mrs. Huffman regarding zoning petition for 419 Burnett Road, Island Lake, IL

Attorney Kaiser stated that last time, they presented a mixed use plan. They have since changed the plan. Mr. Rooney is the engineer for the plan. Instead of PUD, go with a condo structure. Issue with zoning ordinance though then with the Village. They have created a text amendment to fit their needs with regard to ordinance 9-3- 2 C. in order to obtain light industrial uses. With light industrial, parking spaces are limited – not a need for so many spaces then. Attorney Kaiser emailed for the Board a draft of the petition which was then provided to the Board Members. The lot size parallels the ordinances as it is. They would have an association with covenants and restrictions and/or obligations. They will also submit a development plan and landscaping plan. They are looking for the Board comments this evening on this proposed plan and if the Board is receptive to the text amendment to the ordinance that they are presenting. Mr. Mark Rooney presented to the Board that the new plan includes 3 changes – 1 entrance was eliminated and the one existing entrance was moved further down, the property can accommodate a 75 foot trailer and with the parking, 23 spaces are required, they are showing 56 spaces. Mr. Rooney explained that there would be a maximum of 14 units and there would be 4 parking spaces per unit. Trustee Ponio asked how the parking spaces were arrived at and Mr. Rooney explained that the parking spaces are based on square footage so, for 14 units, there are 4 spaces available for each unit. Mr. Rooney said that each space is approximately 2000 square feet with 14 total. He said that most of the units will most likely end up small offices. Mayor Hyde mentioned that there will be a need for a public hearing with the ZBA and Plan Commission. Attorney Kaiser stated that they will also be seeking a division of property and right of access on the back end of the property. They understand too in the ordinance the park land donation to the Village. Trustee Ponio expressed concern with developers writing Village ordinances for the Village. Attorney Kaiser explained that text amendments are not all that unusual and they are just presenting it for discussion and consideration. They are looking for an ordinance to work for everyone and that this was only presented as a consideration which can always be discussed and modified. Trustee Ponio said that there are problems with our Village ordinances as well as pending lawsuits because of them and he is working on hoping to get the Village ordinances in order. HE feels the Village should be telling people what the ordinances are not developers telling the Village what they are. Attorney Kaiser said that this is no way a force but merely a suggestion for discussion. Mayor Hyde inquired about the topographical map of the property. There was concern expressed for the back of the property and the creek. 75 foot trailers will be able to make turns in there. Trustee Garling said that they need to work together on this to make the best plan for the Village and the developer. Attorney Puma suggested that this next go to the Plan Commission and ZBA.

2. *Approval of temporary liquor license and approval to waive the permit fee for the Lions Club for the Island Lake Chamber of Commerce's Annual Spring Carnival May 15<sup>th</sup>, May 16<sup>th</sup>, May 17<sup>th</sup> and May 18<sup>th</sup> – Lions Club*

*Motion by Trustee Herrmann, properly seconded to approve the temporary liquor license and approval to waive the permit fee for the Lions Club for the Island Lake Chamber of Commerce's Annual Spring Carnival May 15<sup>th</sup>, May 16<sup>th</sup>, May 17<sup>th</sup> and May 18<sup>th</sup>.*

*Trustee Herrmann questioned Roy, the President of the Lions Club, as to the layout of the carnival, where the beer tent will be located, etc. Roy replied that he believes that the tent will be located on the eastside near the port potties.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Garling, Herrmann, Ponio, Saville and Verciglio.  
NAYS: None  
ABSENT: None  
ABSTAIN: None*

*Motion was declared carried*

3. *Approval of temporary tent permit and to waive the fee for the Lions Club for the Island Lake Chamber of Commerce's Annual Spring Carnival – Lions Club*

*Motion by Trustee Herrmann, properly seconded to approve the temporary tent permit and to waive the fee for the Lions Club for the Island Lake Chamber of Commerce's Annual Spring Carnival.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Garling, Herrmann, Ponio, Saville and Verciglio.  
NAYS: None  
ABSENT: None  
ABSTAIN: None*

*Motion was declared carried*

4. *Approval of the 2008-2009 Village Budget – Trustee Herrmann*

*Motion by Trustee Herrmann, properly seconded to approve to table the budget to the next meeting.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Garling, Herrmann, Ponio, Saville and Verciglio.  
NAYS: None  
ABSENT: None  
ABSTAIN: None*

*Motion was declared carried*

5. *Approval of temporary tent permit for Sideouts/3D Bowl for April 26th and 27th*

*Motion by Trustee Herrmann, properly seconded to approve the temporary tent permit for Sideouts/3D Bowl for April 26th and 27<sup>th</sup>.*

*Trustee Saville asked Mr. DeLaurentis III if the tent is already up. Mr. DeLaurentis replied that yes, the tent was put up today. Trustee Saville stated that he does not have a problem with this business, or any other business, and he is in agreement with temporary tents; however, he does not appreciate the fact that the tent went up before the approval was even given by the Board. Trustee Saville explained that it is just not the proper thing to do. Attorney Puma replied that the tent should not go up before there is a vote by the Board. Trustee Ponio expressed his dislike as well that the tent went up before the Board even had an opportunity to discuss this matter and vote on it. He said that this is not the first time that a tent has been put up at Mr. DeLaurentis' property. He said that the Board Members need to follow the Village ordinances and that is what they are trying to do. Trustee Ponio has an issue with parking and questioned if there is enough room for all the parking for all these events and questioned if parking is adequate. He said that he has in his hands a letter from the McHenry IDOT stating that the DeLaurentis' do not have approval to park across the street in the other lot so he does not know where they plan to park all these vehicles. Trustee Ponio it says temporary weekend parking "will not be permitted". Jerry DeLaurentis said that he never received it. Trustee Ponio said the letter is addressed to Sideouts. Trustee Ponio said the Village has zoning ordinances to follow and they need to be followed. He said that events need adequate parking room. There is an inspection report but not an occupancy level on the report. Trustee Ponio feels that the building inspector should be working with the applicant on this matter before issuing a permit. He is concerned with safety. Trustee Ponio questioned the event and the planning. Jerry DeLaurentis explained that this is for a Police Officer and was recently put together in order to help this individual. Trustee Ponio said he is not against the event, just the permitting, safety, etc. Mr. DeLaurentis said they have had several events year after year, much like this, and they normally put up a tent and they have had no past issues. Trustee Ponio asked if the tent is 30 feet away from residential as there are apartments back there. He asked Mr. DeLaurentis to address these issues with the vacant property so all is being addressed. Trustee Ponio said there was a permit applied for, for the vacant piece, including bike trails, etc. Mr. DeLaurentis requested a copy of the IDOT report. Mr. DeLaurentis replied that he had assumed that this would okay as they have had many events before and have received approval before for temporary tents. Trustee Saville replied that he is okay with the event and the tent; however, the tent should not be up before a vote is taken. He stated that this is not right and asked Mr. DeLaurentis to please not do this again. Trustee Ponio said that he will not vote this way again if everything is not in place and in order.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Garling, Herrmann, Ponio, Saville and Verciglio.  
NAYS: None  
ABSENT: None  
ABSTAIN: None*

*Motion was declared carried*

6. *Approval of Wauconda Bulldogs temporary signs for sports program sign up and waiving of the permit fee – Trustee Verciglio*

*Trustee Verciglio reported that signs were put up without approval and they are now seeking approval.*

*Motion by Trustee Verciglio, properly seconded to approve the Wauconda Bulldogs temporary signs for sports program sign up and waiving of the permit fee.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Garling, Herrmann, Ponio, Saville and Verciglio.  
NAYS: None  
ABSENT: None  
ABSTAIN: None*

*Motion was declared carried*

7. *Approval of Island Lake ad for the Wauconda yearbook – Trustee Herrmann*

*Motion by Trustee Verciglio, properly seconded to approve the Island Lake ad for the Wauconda yearbook.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Garling, Herrmann, Ponio, Saville and Verciglio.*

*NAYS: None*

*ABSENT: None*

*ABSTAIN: None*

*Motion was declared carried*

8. *Discussion of vacant Trustee position – Trustee Ponio*

*Trustee Ponio inquired where the Mayor is at with this matter. HE said the Board received a memo and the Board has 60 days to fill the position. He questioned why they were not made aware of this before. Trustee Ponio said that that is the Village Attorneys responsibility to let the Board know the rules and laws. He said it took over a month for the Board to get a letter after Trustee Sadoski's resignation. Trustee Ponio said they are running out of time. Mayor Hyde said that there is a process with this. He said that no one has applied thus far for the position. Attorney Puma explained that if the Mayor brings someone forward, and if that person is rejected by the Board, if 2 people are rejected by the Board, it is then a Mayoral privilege then to appoint one of those two people. The Mayor does loose his privilege if he does not bring anyone forward in 60 days. The memo was sent to clarify the process for the Board Members. After 60 days, it will require a majority vote. Trustee Ponio asked if there is an official resignation and Attorney Puma stated that a letter was submitted on March 6<sup>th</sup> by Fran Sadoski. Mid May is about 60 days. Trustee Ponio said the Mayor then has until the middle of May to bring a candidate or two forward and if not, the Board Members can bring forward candidates. At this time, there are no candidates. Mayor Hyde reported that he has asked several people but they are not interested.*

9. *Discussion of filling the eligibility list in order to hire full time Police Officers – Trustee Garling*

*Joan Kreiling, of the Police Commission, went through the process with the Board as to the process the Officers go through from application to testing to becoming an Officer. Attorney Puma commented that an eligibility list is required per state statute. He added that the Board has to fund for testing, etc. Ms. Kreiling explained that there was about 20 individuals on the eligibility list and at this time, there are about 6 left.*

10. *Discussion regarding the Architectural Review Board – Trustee Ponio*

*Trustee Ponio explained that he had asked Frank DeSort about AutoZone and that Mr. DeSort told Mr. Ponio that he would have to wait to see everything until all the changes were made, etc. Trustee Ponio questioned why a permit was given if the plans are not complete and have not received a final approval from engineering. Trustee Ponio said that the Mayor is supposed to be the Chair of the Architectural Committee and that proper process is not being followed per the Village ordinances. Mayor Hyde explained that he had originally started this committee in the past; however, it is now not effective based on the Village's needs and the ordinance should be removed. Mayor Hyde said that originally, this committee offered the Board recommendations. He said that the committee started due to sign issues within the Village. The purpose of the committee was to give those that would like to come into the Village some direction and initial concepts. Mayor Hyde said that this would not work well even with Walgreens. Trustee Ponio disagreed stating that Walgreens has all kinds of different appearances in different Villages. Mayor Hyde said that this committee has not functioned for 8 years and he does not feel that it is necessary. He recommended terminating the ordinance. Trustee Herrmann explained that she was on the Board when the committee first came together. She said that former Mayor Amrich could not fill the committee seats. The intention was to improve the downtown area and give the downtown a theme for all to follow; however, the committee did not go that direction. She stated that there is a TAC committee in place where such items are discussed and she does not feel that it is good to micro manage departments. Trustee Garling pointed out to Trustee Ponio that this is just another example of why the ordinance book needs to be re-done. He said that the ordinance book needs serious looking into. Trustee Ponio questioned AutoZone. Mayor Hyde replied that the zoning is already there for that*

development and that the Village can not stop them from coming in. Attorney Puma explained that it is illegal to stop development especially if the zoning allows for it. Trustee Ponio commented that many Villages have facades though for developments to follow. Attorney Puma replied that the Village does have the right to have an architectural commission. He said that the Village ordinance does not comply though with state statute but that such a committee can exist. HE said that the Village can establish a design review process. Trustee Saville commented that what Attorney Puma has pointed out is that the Village can have and ask for an architectural pattern or look. He said that the Village can make this town anything it would like it to be but that it takes everyone coming together. Trustee Saville said that the ordinances in on the books and that there are other ordinances on the book too that are not followed such as the Park and Recreation Committee. He asked why some committees were there and why some of them have disappeared and/or are not being utilized. Trustee Herrmann replied that Shiner Group came in with a preliminary plan. They presented a drawing and they met with TAC. Trustee Ponio said that the Board Members should have respect for the ordinances and follow them instead of always adding some here, taking out some there, etc. Trustee Herrmann said that developers don't just come into the Village and do exactly what they want. They sit down with the TAC committee, etc. Trustee Verciglio questioned the ordinance on the books and questioned if the Village should really be following a 1976 ordinances. Trustee Ponio questioned why there is not then a TAC ordinance, what their duties are, what the membership is comprised of, etc. Trustee Herrmann replied that TAC is run by the department heads that run the Village every day.

11. Discussion regarding Trustees responsibilities and committee assignments – Trustee Ponio

Trustee Ponio questioned what his responsibility is as a Chair. He commented that Trustee Herrmann took over his committee, Frank DeSort won't give him any information, etc. Mayor Hyde commented to Trustee Ponio that he does not get along with his Department and that he needs to find a way to do so. Trustee Ponio said that they used to have committees of 3. He would prefer 4 person committees so they can legally hold meetings. Trustee Herrmann asked Attorney Puma for his suggestion as other Villages function with committees of 3. She expressed her frustration too and questioned why other Village's get away with this. Attorney Puma replied that he understands the frustration and that this does happen all the time with school boards, committees, etc. He said that he does not understand the States Attorneys position on this matter. Attorney Puma said that he can not advise the Board to go back to 3 member committees. He said that the Board can have 4 person committees and then just post the meetings as a committee meeting. 5 to 7 member boards can speak. It takes a minimum of 5 to talk.

12. Discussion regarding committee reassignments and committee make-up – Trustee Ponio

Trustee Ponio commented that he sees no purpose being on a committee if he can not work with Frank DeSort. He stated that he received a letter from a Peggy Raynor but that everyone knows very well that Mr. Kootstra nor Mr. DeSort will speak to him so how can he get anything done. Trustee Saville stated that he went out there on his own, on a Sunday, at looked at the problem. He commented that Ms. Raynor does not like anyone's answer anyway. Trustee Verciglio questioned if a Trustee posts a meeting, and he/she is the only member there, is this a violation. Attorney Puma said that for example, if a committee is 1 Trustee and 4 residents, there has to be 5 members for 2 to talk outside of a meeting. He said that this applies to all committees.

13. Discussion regarding replacement of the Village legal counsel – Trustee Ponio

Trustee Ponio said that he does not feel that the Trustees are getting equal representation from the Villages legal team. He would like to see an avenue in place for the Trustees to be able to go to. He said that this has been going on for years and that it is not right. Trustee Verciglio and Trustee Garling expressed that they have no problems with legal themselves. Trustee Ponio pointed out too that the legal fees are very high. Trustee Herrmann commented that she has had no issues with legal as well. She said that legal is appointed by the Mayor anyway and that's been done.

14. Discussion regarding a new vote on Ordinance 1327 – 08 Amending Various Provisions of the Island Lake Zoning Ordinance Concerning Village Uses, Buildings, Structures and Facilities – Trustee Ponio

Trustee Ponio said that a  $\frac{3}{4}$  vote is required per the ordinance and that it took legal 2-3 weeks to find case law and the Mayor said that the ordinance had passed. Trustee Ponio said that proper procedure is to take an ordinance off the books first and then vote on a new ordinance to put into place. He commented that this was not done so the ordinance does not pass really even though the mayor said that it did. Attorney Puma said that the Board does not need to revoke and that there were sufficient votes to pass the ordinance. Trustee Ponio suggested getting off the books then ordinance 9-1-6 C. It was stated that this needs to go before the Plan Commission and Zoning Board of Appeals.

15. Discussion regarding board review of building projects coming into our Village prior to permitting – Trustee Ponio

Trustee Ponio stated that this matter was basically already discussed earlier and that he plans to post his comments on the public blog.

16. Discussion regarding Ordinance 9-1-6 - Chapter 1 General Provisions, Title 9, Amendments – Trustee Ponio
17. Discussion and approval of de-annexation of the Northern Moraine Wastewater Reclamation District from the Village of Island Lake

Motion by Trustee Saville, properly seconded to approve to deny the petition by Northern Moraine to disconnect from the Village of Island Lake.

Upon roll call, Trustees voted as follows:

AYES: Trustees Garling, Herrmann, Ponio, Saville and Verciglio.

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was declared carried

#### **Items from the Clerk, Trustees and Departments Heads**

- Trustee Garling mentioned the email from Tom McRay regarding the SE corner of Darrel and 176. They are seeking a right in, right out. A Mr. Patel who presented a E85 gasoline station is also looking for a right in, right out. Trustee Garling said that the Village could use these businesses to come into the Village but they are in need of right in's and right out's. Mayor Hyde commented that there are two right now by Walgreens. He said that they are positive and used by many. He said that there is a second one by the Westridge strip mall right by the bank. He said that these work well and are a good answer for high volume traffic. Mayor Hyde said that businesses won't come in without these. Trustee Saville said that Trustee Herrmann had an issue last time, with the Shell, because of the wetlands. Trustee Herrmann said that she had a concern with the tanks.
- Trustee Garling reported on the free bulbs received the Lake County Municipal League. From 10 to 12 last Saturday, he handed the free lightbulbs out. They were also handed out at the Mother-Son Bowling event. Over 1400 bulbs were given away.
- Trustee Herrmann reported that she is having conversations with local businesses who are having trouble with recycling pick up for businesses. She said that the Village does not have a recycling program either. Attorney Puma suggested contacting Walter Willis at SWALCO for assistance with this matter.
- Trustee Herrmann reported that she met with several individuals who are interested in trying to raise funds for the Village fireworks. One individual will donate the paper for the flyers. She is also working with the Village Clerk to mail out letters to the local businesses.

- *Trustee Verciglio questioned that if a Trustee asks for information from legal, that shouldn't everyone get a copy of the information. Trustee Saville replied that he is all for that and has suggested it before. Trustee Garling stated that he sees the Clerk passing on many emails from the Village Attorney to all the Board Members on a weekly basis.*
- *Trustee Verciglio requested executive session for litigation.*
- *Trustee Saville requested executive session for litigation regarding number 17 on the agenda.*
- *Trustee Saville apologized for not making the Budget Meeting this past Tuesday. He questioned where the spraying of the lake is coming out of, etc. Trustee Herrmann replied that park land is park land, it does not include water, and that it will be coming out of Lake Management. Trustee Saville commented that he would like to see the Board Members give up their meeting pay and give the funds for the Village Fireworks but that they would all have to agree to do this together. Trustee Ponio replied that he is not interested.*

*Items from the Mayor*

- *Mayor Hyde stated that a memo has been given to the Board Members from IDOT regarding a guardrail.*
- *Mayor Hyde mentioned the endorsement that Mayor Daley of Chicago is looking for. An assault weapons ban is being sought by Mayor Daley. He asked for the Board Members feelings on this endorsement. Trustee Ponio said that if the city would work on getting rid of the drugs then the guns would be gone as well. He stated that he is not for gun control. Mayor Hyde said that in 2005, over 8,000 people were killed by guns. Trustee Ponio questioned how many though are killed by cars. Trustee Garling, Herrmann, Verciglio and Saville were all in support of the endorsement to Mayor Daley. Trustee Ponio was not.*
- *Mayor Hyde stated that the Relay for Life event is June 21<sup>st</sup> and 22<sup>nd</sup> in Lake Zurich and invited all to attend.*
- *Mayor Hyde reported that there are Lake County Housing Program for Seniors. He has passed this information on to Frank DeSort. It is a \$1200 grant.*
- *Mayor Hyde providing information on Board and committee appointments. He will have this on the May agenda for a vote.*
- *Mayor Hyde reported that Village Hall is giving their copy machine to the PD as the PD is in need of a copier and Administration will seek a new copier. This is in the budget already.*

*Attorney Puma requested approval to review the weed spraying contract. It was agreed for Attorney Puma to move forward on this.*

*Motion by Trustee Verciglio, properly seconded to extend the meeting time past 10 pm. All in favor.*

*Motion by Trustee Garling, properly seconded to open the meeting to the floor.*

*No comments.*

*Motion by Trustee Garling, properly seconded to bring the meeting back to the Board. All in favor.*

*Motion by Trustee Garling, properly seconded to adjourn to Executive Session. Upon voice vote, motion was unanimously declared carried. 10:05 pm.*

*Clerk Kaczmarek was adjourned from executive session at 10:40 pm.*

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*Christy Kaczmarek, Village Clerk*