

MINUTES OF THE RESCHEDULED REGULAR MEETING
OF THE PRESIDENT AND BOARD OF TRUSTEES
VILLAGE OF WHEELING
BOARD ROOM - 2 COMMUNITY BOULEVARD
COOK and LAKE COUNTIES, WHEELING, IL
MONDAY, SEPTEMBER 10, 2018

1. Call to Order

President Horcher called the Regular Meeting to order at 6:30 p.m.

2. Pledge of Allegiance

3. Roll Call - Clerk Simpson called the roll and the following Board members were present:

Pat Horcher, Ken Brady, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

4. Approval of Minutes

A. Approval of Minutes of the Regular Meeting of August 20, 2018

Motion by Mary Papantos, second by Mary Krueger to approve Minutes as presented.

Final Resolution: Motion Approved

Yes: Pat Horcher, Mary Krueger, Mary Papantos, Joe Vito, Dave Vogel

Abstain: Ken Brady, Ray Lang

Trustees Brady and Lang abstained as they were not present at the August 20, 2018 meeting.

5. Changes to the Agenda - None

6. Proclamations, Awards, Congratulatory Resolutions

Village Clerk Elaine E. Simpson read the following Proclamation into the record:

Suicide Prevention Month - September 2018

7. Appointments and Confirmations-N/A

8. Administration of Oaths-N/A

9. Citizen Concerns and Comments

Sam Fakhouri spoke about the possibility of a combined license type of package liquor stores and video gaming.

Melissa Sobie complained about nighttime airport noise.

Barbara Barclay (and a business colleague) spoke in favor of video gaming.

Deborah Wilson commented on property taxes related to school district contributions.

10. Staff Reports

President Horcher addressed specific accusations made by Deborah Wilson.

11. Consent Agenda-All items listed on the Consent Agenda are considered to be routine by the Village Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member or citizen so requests, in which event the item will be removed from the general order of business and considered after all other Agenda items.

Clerk Simpson read the Consent Agenda items into the record.

A. Resolution 18-121 Authorizing Acceptance of a Previously-Bid Suburban Purchasing Contract for the Purchase of Seven (7) 2019 Ford Utility Police Interceptor SUVs from Currie Motors in an Amount Not to Exceed \$29,750 per Vehicle, with the Total Not to Exceed \$207,867

B. Resolution 18-122 Authorizing Acceptance of a National Highway Traffic Safety Administration / Illinois Department of Transportation Sustained Traffic Enforcement Program (STEP) Grant through Federal Fiscal Year 2019

C. Resolution 18-123 Accepting a Bid and Approving a Contract in the Amount of \$816,155 with Bolder Contractors, Inc. for the South Wheeling Road Drainage Improvements

D. Resolution 18-124 Accepting a Bid and Approving a Contract in the Amount of \$73,784.15 with Archon Construction Co., Inc. for the Milwaukee Avenue Sanitary Sewer Extension to North Wolf Road

E. Resolution 18-125 Waiving Competitive Bidding and Accepting a Contract in the Amount of \$24,955 with Chicagoland Paving Contractors, Inc. for the Installation of a Pedestrian Path along Meadow Lane

F. Resolution 18-126 Approving a Contract with G.E. Riddiford Co. for Roof Repair and Replacement in an Amount Not to Exceed \$244,820 during FY2018 and FY2019

G. Resolution 18-127 Authorizing Acceptance of the State of Illinois' Previously-Bid Contract with CDW Government LLC for the Purchase of Cisco Network Equipment in the Amount of \$101,233.10

Motion by Dave Vogel, second by Ray Lang to approve Consent Agenda as presented.

Final Resolution: Motion Approved

Yes: Pat Horcher, Ken Brady, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

12. Old Business

A. Ordinance 5208 Granting Special Use – Site Plan Approval for a Tavern, 79 S. Milwaukee Avenue (Karma Pub) [Docket No. 2018-19]

Clerk Simpson read the legislation title into the record.

President Horcher asked for a Motion to Remove item 12.A from the Table.

Motion by Ray Lang, second by Mary Papantos to Remove from the Table.

Final Resolution: Motion Approved

Yes: Pat Horcher, Ken Brady, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

Community Development Director Andrew Jennings explained why this item was Tabled and noted previous recommendations and conditions for approval.

Petitioners were present and answered questions from the Board.

Motion by Ray Lang, second by Mary Krueger to approve item 12.A.

Final Resolution: Motion FAILED

Yes: Pat Horcher, Mary Papantos, Joe Vito

No: Ken Brady, Mary Krueger, Ray Lang, Dave Vogel

B. Resolution 18-128 Ratifying the Village Manager's Execution of a Contract with Lorig Construction Co. for the Wolf Court Diversionary Channel Crossing and Roadway in the Amount of \$1,707,546.00

Clerk Simpson read the legislation title into the record.

President Horcher asked for a Motion to Remove item 12.B from the Table.

Motion by Dave Vogel, second by Mary Krueger to Remove from the Table.

Final Resolution: Motion Approved

Yes: Pat Horcher, Ken Brady, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

Village Manager Jon Sfondilis explained the reason for the ratification.

Motion by Ken Brady, second by Mary Papantos.

Final Resolution: Motion Approved

Yes: Pat Horcher, Ken Brady, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

13. New Business - All Listed Items for Discussion and Possible Action

A. Ordinance 5209 Granting Special Use – Site Plan Approval for a Recreational and Instructional Facility at 593 N. Wolf Rd. (Blooming Minds STEAM Academy) [Docket No. 2018-21]

Clerk Simpson read the legislation title into the record.

Community Development Director Andrew Jennings described the Ordinance.

The Petitioner was present and answered questions from the Board.

Motion by Dave Vogel, second by Ray Lang.

Final Resolution: Motion Approved

Yes: Pat Horcher, Ken Brady, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

B. Resolution 18-129 Approving and Authorizing Execution of an Intergovernmental Agreement Regarding the Nicor Gas Franchise Ordinance Alliance (Cost Sharing Agreement)

Clerk Simpson read the legislation title into the record.

Village Attorney James Ferolo and Village Manager Jon Sfondilis provided background for this item and answered questions from the Board.

Motion by Mary Papantos, second by Ken Brady.

Final Resolution: Motion Approved

Yes: Pat Horcher, Ken Brady, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

C. DISCUSSION RE: Concept Review for a Senior Housing Planned Unit Development, Opus Development Company and Allegro Senior Living, Vacant Parcel, Southwest Corner of Lake Cook Road and Milwaukee Avenue

Clerk Simpson read the discussion title into the record.

Village Manager Jon Sfondilis stated that the current request is for a non-binding approval of the proposed land use. The feedback by the Board will be used by the development team as a guide in the preparation of the formal land use plan. The outcome of this evening shall not constitute a formal approval or denial of the application. The decision by the Board tonight is non-binding and shall not prevent the applicant from moving forward with a formal application. Manager Sfondilis outlined the Concept Review process.

Community Development Director Andrew Jennings introduced the item and described the planned use.

Petitioners gave their presentation and answered questions from the Board.

President Horcher asked for Board Consensus as follows:

1. Is the Village Board in favor of the concept for putting senior housing at this location?

Final Resolution: Consensus Approved

Yes: Pat Horcher, Ken Brady, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

2. If the project moves forward, is the Board in favor of providing TIF incentive?

Final Resolution: Consensus FAILED

Yes:

No: Pat Horcher, Mary Krueger, Mary Papantos, Dave Vogel

Undecided: Ken Brady, Ray Lang, Joe Vito

D. DISCUSSION RE: Liquor Code Review

Clerk Simpson read the discussion title into the record.

Village Manager Jon Sfondilis outlined the discussion as it relates to moving forward with issuing gaming licenses vs. reinstating the cap on this license type.

Village Board discussion followed.

Trustee Vogel asked Village Attorney James Ferolo to clarify the 50% rule for cafes. Attorney Ferolo explained that this is made up of the total revenue generated by alcohol, non-alcohol, and food; to be a cafe (not gaming cafe) at least 50% of that revenue has to be related to food and non-alcoholic beverages. The Village has the right to reasonably request documents necessary to confirm this. Trustee Vogel asked that staff begin to enforce this.

President Horcher asked for Board Consensus as follows:

1. Is the Board desirous of reinstating the video gaming cafe license cap?

Final Resolution: Consensus FAILED to reinstate the cap therefore no change to the Code as written.

Yes: Ken Brady, Ray Lang, Dave Vogel

No: Mary Krueger, Mary Papantos, Joe Vito, Pat Horcher

2. Do you want staff to present an amended liquor code Ordinance that gives the Liquor Control Commission the right to grant an exemption from the 100 foot requirement of a school, church or military facility (with certain criteria)?

Final Resolution: Consensus Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

No: Dave Vogel

Attorney Ferolo clarified that if the does Village allow for this, they are not bound to use it. Attorney Ferolo further explained that this applies to businesses such as retail liquor or taverns and does not apply to businesses where the principal business is not the sale of alcohol, such as a restaurant or hotel.

Village President Pat Horcher asked if anyone wanted to discuss the possibility of gaming machines in packaged liquor establishments; there was no discussion on this topic.

14. Official Communications

Village President Pat Horcher read a statement about Deborah Wilson's allegations related to farm use and taxes.

Trustee Mary Papantos wished everyone a happy Rosh Hashanah and thanked Chuck Spratt for his due diligence related to the Police vehicle item.

Human Services Director Shari Huizar announced the Senior Services Extravaganza on September 14th.

Village Manager Jon Sfondilis announced that the October 15 Regular Board meeting is canceled.

Trustee Ray Lang spoke about the success of the Helping Hands event held the previous weekend and thanked all volunteers.

Trustee Dave Vogel thanked everyone involved in the Helping Hands event and commented on the great public turnout.

[Trustee Ken Brady left the meeting at 9:15]

15. Approval of Bills

Approval of Bills for August 16 - September 5, 2018 in the amount of \$2,908,365.79¢.

Motion by Dave Vogel, second by Mary Krueger to approve Bills as presented.

Final Resolution: Motion Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

Not Present at Vote: Ken Brady

16. Executive Session

President Horcher asked for a Motion to recess to enter Executive Session for the purpose of discussing of pending, probable or imminent litigation and minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

Motion by Joe Vito, second by Dave Vogel, that the Regular Meeting recess to enter Executive Session.

Final Resolution: Motion Approved, the meeting recessed at 9:19 p.m.

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

Not Present at Vote: Ken Brady

[Reconvene from Executive Session]

President Horcher asked for a Motion to reconvene into open session.

Motion by Mary Papantos, second by Mary Krueger, that the Regular Meeting reconvene.

Motion carried by Roll Call vote, the open meeting reconvened at 9:40 p.m.

17. Action on Executive Session Items - None

18. Adjournment

President Horcher asked for a Motion to adjourn.

Motion by Mary Papantos, second by Joe Vito.

Final Resolution: Motion Approved

Motion carried by Voice Vote, all ayes, the meeting adjourned at 9:41 p.m.

Elaine E. Simpson, Village Clerk

Approved this 1st day of October, 2018 by the President and Board of Trustees