

UNAPPROVED MINUTES  
VILLAGE OF LAKE ZURICH  
Board of Trustees  
70 East Main Street



AGENDA ITEM

5A

Monday, June 15, 2020 7:00 p.m.  
ELECTRONIC ONLINE MEETING

1. **CALL TO ORDER** by Mayor Thomas M. Poynton at 7.00pm
2. **ROLL CALL:** Mayor Thomas Poynton, Trustee Jim Beaudoin, Trustee Mary Beth Euker, Trustee Janice Gannon, Trustee Jonathan Sprawka, Trustee Greg Weider. Trustee Marc Spacone was absent and excused. Also in attendance: Village Manager Ray Keller, Asst. Village Manager Roy Witherow, Village Atty. Scott Uhler, Finance Dir. Bane Thomey, Dir. of Innovation Michael Duebner, Fire Chief John Malcolm, Police Chief Steve Husak, Dir. Of Community Development Sarosh Saher, Public Works Dir. Mike Brown, Park and Rec. Dir. Bonnie Caputo, H.R. Dir. Doug Gibson. Guests: Mr. Coropassi and Mr. Bogdan Klek (K Development), Amanda Marrazzo (Pioneer Press), Martin Jablonski.
3. **PUBLIC COMMENT**  
This is an opportunity for residents to comment briefly on matters included on the agenda and otherwise of interest to the Board of Trustees. You may request a virtual meeting link by emailing [info@lakezurich.org](mailto:info@lakezurich.org) prior to the start of the meeting. Comments submitted to [info@lakezurich.org](mailto:info@lakezurich.org) prior to the start of the meeting will be read into the record. You may also call into the meeting live with the following: 1-309-249-8140 Conference ID: 450 363 042#.  
Jeff Halen, 154 S. Pleasant Rd., addressed the Board (by phone) on Agenda item 7A and listed his concerns including 1<sup>st</sup> Amendment rights.  
Marty Filson, 33 E. Harbor Dr., addressed the Board (by phone) on Agenda item 7A.
4. **PRESIDENT'S REPORT / COMMUNITY UPDATE**  
Mayor Poynton read a letter sent to local Health and Fitness businesses offering certain Village parks for outdoor fitness classes.
5. **CONSENT AGENDA**
  - A. Approval of Minutes of the Village Board Meeting, June 1, 2020
  - B. Approval of Semi-Monthly Warrant Register Dated June 15, 2020 Totaling \$313,997.65
  - C. Member Contribution to the Special Recreation Association of Central Lake County in the Amount Not-to-Exceed \$110,046  
**Summary:** The Village of Lake Zurich is a cooperative member agency of SRACLC, which provides community based therapeutic recreation programs and services to people for all ages with disabilities or special needs. The 2020 budget includes \$180,000 in the General Fund for this expense.

**Recommended Action:** A motion was made by Trustee Beaudoin, seconded by Trustee Sprawka, to approve the Consent Agenda as presented.  
**AYES:** 5 Trustees Beaudoin, Euker, Gannon, Sprawka, Weider.  
**NAYS:** 0  
**ABSENT:** 1 Trustee Spacone.  
**MOTION CARRIED.**

6. **OLD BUSINESS**

None at this time.

7. **NEW BUSINESS**

A. **Resolution Establishing a Policy for Public Comment during Village Board Meetings RES. #2020-06-046**

**Summary:** Village Board meetings are legislative sessions for the corporate authorities held for the specific purpose of conducting the municipal business of the Village. Section 2.06 of the Open Meetings Act provides any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body. Rules pertaining to public comment are not intended to deprive any person of their right to freedom of speech, but are intended to encourage positive communication and to uphold the level of civility and professionalism that is expected during a legislative session.

Establishment of a time limit for individual speakers is the most commonly adopted rule in local government settings. The rules established in the proposed Resolution are intended to fairly balance all interests and considerations involved in a meeting of the Board, to maintain the orderly conduct of meetings, and to ensure fairness to those who wish to address the Board.

Mayor Poynton read a statement about the resolution and then asked for comments from the Board. Board members shared their comments including this would restrict residents' comments, other local entities have similar guidelines, timeline could be extended, re: Exhibit A, #2 attachment to the Resolution, researched many municipalities which have public comment rules.

**Recommended Action:** A motion was made by Mayor Poynton, seconded by Trustee Beaudoin, to approve Resolution #2020-06-046 Establishing a Policy for Public Comment during Village Board Meetings.

**AYES:** 4 Trustees Beaudoin, Euker, Sprawka, Weider.

**NAYS:** 1 Trustee Gannon.

**ABSENT:** 1 Trustee Spacone.

**MOTION CARRIED.**

B. **Courtesy Review for Proposed Development at 300 North Rand Road and 881 North Old Rand Road on the Southeast Corner of Rand Road and Old Rand Road**

**Summary:** Mr. Cortopassi, broker for the property and developer Mr. Klek of K Development, are proposing the development of the approximately 1.9 acre site at the southeast corner of Rand Road and Old Rand Road. The owner of the property is currently Lakeside Condominiums of Lake Zurich LLC. The property is currently vacant and zoned within the B-1 Local and Community Business District and LP Lake Protection District.

K Development had initially proposed to develop the property with three 10-unit residential condo buildings that are three stories each and no greater than 39 feet in height, matching the height of the Life Time building being constructed across

the street. This original concept did not propose a commercial component but was of a lower density than previous concepts discussed. The developer has revised their plans to include a retail component in one of the three buildings with residential in the upper stories.

The developer and Village staff seek to understand the Village Board's preferences towards the proposed development. The developer has indicated that if positive feedback is received by the Village Board, they will move forward with a development concept plan to the Planning and Zoning Commission.

Community Development Dir. Sarosh Saher introduced Mr. Cortopassi, broker, and Mr. Bogdan Klek, K Development, 33 W Armitage St., Chicago. A PowerPoint presentation was given of the proposed development with three condo building with and without a commercial component. Mr. Klek spoke about alternatives he could consider and answered the Board's questions. Some of the questions included pricepoint, more parking options, lack of elevator, building height, egress off Rt 12, piers into the lake, development in the area, retail tenants, walking path, larger condos with higher pricepoints, building materials. Staff and Mr. Cortopassi answered the Board's questions.

**Recommended Action:** This is a non-voting item, at this time. The developer and Staff seek to understand the Village Board's preferences towards the proposed development on the subject property and highlight any areas of concern to the applicant.

Feedback was provided by the Board members.

**C. Village Beaches Operations Update and Budget Forecast**

**Summary:** The Governor's Restore Illinois Plan places restrictions and provides guidance for recreational program and service operations. Staff hope that the opening of summer camp programs, playgrounds, and beaches will be allowed in Phase 4, yet it remains to be seen whether the State will enter this next phase in July or later in the year.

The Illinois Department of Public Health has advised that all licensed IDPH aquatic facilities, including both Lake Zurich public beaches, are not permitted to open in Phase 3. IRMA, the Village's liability insurance provider, has advised clients that any actions taken in contradiction of the Governor's emergency orders would place them outside of their insurance coverage. As a result, the State entering into Phase 4 would be a precondition to the possibility of opening Lake Zurich's beaches this summer.

Staff is requesting the Board's direction on whether to proceed with the necessary steps to open the Village's beaches, subject to the State's Phase 4 regulations, should conditions sufficiently change prior to the next Board meeting on July 6. Getting the beaches ready would take about two weeks before opening.

Should the Village proceed with opening the beaches in accordance with the State's requirements, revenue is unlikely to cover this season's operating costs, resulting in a projected budget deficit of about \$14,000. Should the beaches not open this year, the Village is projected to incur a loss of about \$7,000, primarily due to equipment purchases already made.

There are potential conflicts and risk exposure to the Village's seasonal aquatics staff should the beaches open in the current climate. Aquatics staff could be potentially exposed to a COVID-positive patron in the event of a rescue, as water-appropriate PPE

would necessarily be less effective than what our full-time first responders use. Our seasonal staff, typically aged 16-21 years old, would also be required to manage patrons' frustrations with physical distancing expectations, admission restrictions, or environmental factors. Village staff may be able to mitigate some of these potential confrontations, though managing community expectations at the beaches remains an area of concern.

Park and Rec. Dir. Bonnie Caputo shared the projected deficit with the opening of the beaches and answered questions. Board members shared their thoughts and concerns about opening the beaches including open to Lake Zurich residents only, following the guidelines by IDPH for Phase 4. Atty. Uhler, Village Manager Ray Keller and H.R. Dir. Doug Gibson advised the Board on waivers, risk management and costs.

**Recommended Action:** If the Village Board wishes to enact a particular direction at the meeting, Staff advise that a motion be made to reflect the Board's wishes.

A motion was made by Mayor Poynton, seconded by Trustee Euker, to direct staff to proceed toward opening the beaches to residents only, if permitted by and in accordance with the State's Phase 4 requirements.

AYES: 5 Trustees Beaudoin, Euker, Gannon, Sprawka, Weider.

NAYS: 0

ABSENT: 1 Trustee Spacone.

MOTION CARRIED

**D. Village Summer Camp Operations Update and Budget Forecast**

**Summary:** Similar to the above agenda item on municipal beach operations, summer camp program are not permitted under current Phase 3 restrictions, per IDPH guidelines. This required all Summer Session 1 summer camps to be cancelled this year. The State entering Phase 4 is a precondition to the Village offering any summer camp programs this year. When Illinois enters Phase 4, Staff anticipate the State to provide new guidance for modified summer camps, allowing groups of 50 or less.

Staff is requesting the Board's direction on whether to proceed with the necessary steps to offer this program, subject to the State's Phase 4 regulations and should conditions sufficiently change prior to the next Board meeting on July 6. Lake Zurich's Summer Session 2 is scheduled to begin July 6 and run through August 7.

Should the Village proceed with modified Summer Session 2 camps, revenue is unlikely to cover operating costs, resulting in a projected budget deficit of about \$14,000. Should the Village cancel the Summer Session 2 camps, the Village is projected to incur a loss of about \$5,000.

In addition to budgetary considerations, there may be some unmet community expectations, as the program shifts from "day camp" to a "child care" model resulting in a different camper experience. As with the beaches, staff would be required to uphold and address frustrations with required physical distancing expectations, admission restrictions, masks or other requirements set by the State.

Park and Rec. Dir. Caputo described the possible ways to have summer camp which should start on July 6th, second session, and she answered the Board's questions which included numbers of students, ACA issues, safety of children and staff, beach use by campers and hours.

**Recommended Action:** If the Village Board wishes to enact a particular direction at the meeting, Staff advise that a motion be made to reflect the Board's wishes. A motion was made by Mayor Poynton, seconded by Trustee Beaudoin, to direct staff to proceed toward opening modified Summer Camp, Session 2, if permitted by and in accordance with the State's Phase 4 requirements

AYES: 3 Trustees Gannon, Sprawka, Weider.

NAYS: 3 Trustees Beaudoin, Euker, Mayor Poynton

ABSENT: 1 Trustee Spacone

MOTION DENIED.

Village Manager Keller advised the Board to make a second motion and discussion followed.

A motion was made by Trustee Weider, seconded by Trustee Beaudoin, to authorize staff to cancel the Summer Camp, second session.

AYES: 4 Trustees Beaudoin, Euker, Weider, Mayor Poynton.

NAYS: 2 Trustees Gannon, Sprawka

ABSENT: 1 Trustee Spacone.

MOTION CARRIED.

**8. TRUSTEE REPORTS AND COMMENTS**

There were none.

**9. VILLAGE MANAGER'S REPORT**

**A. Monthly Data Metric Reports**

**10. DEPARTMENT HEAD REPORTS**

There were none.

**11. EXECUTIVE SESSION called for the purpose of:**

5 ILCS 120 / 2 (c) (21) approval of executive session minutes from February 3, 2020, May 18, 2020.

5 ILCS 120 / 2 (c) (1) appointment, employment, compensation, discipline, performance or dismissal of specific employees.

Motion was made by Trustee Sprawka, seconded by Trustee Beaudoin, to move to Executive Session for the purpose of 5 ILCS 120 / 2 (c) (21) approval of executive session minutes from February 3, 2020, May 18, 2020.

5ILCS 120/2/(c)(1): Appointment, employment, compensation, discipline, performance or dismissal of specific employees.

AYES: 5 Trustees Beaudoin, Euker, Gannon, Sprawka, Weider.

NAYS: 0

ABSENT: 1 Trustee Spacone.

MOTION CARRIED.

Meeting moved to Executive Session at 9.32pm

Meeting reconvened at 10.21pm and called to order by Mayor Tom Poynton.

ROLL CALL: Mayor Thomas Poynton, Trustee Jim Beaudoin, Trustee Mary Beth Euker, Trustee Janice Gannon, Trustee Jonathan Sprawka, Trustee Greg Weider. Trustee Marc Spacone was absent and excused. Also in attendance: Village Atty. Scott Uhler and H.R. Dir. Doug Gibson.