

**MINUTES OF THE REGULAR BOARD**  
**MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES**  
**THURSDAY, JANUARY 20, 2011**

**CALL TO ORDER AND ROLL CALL**

President Nunamaker called the meeting to order at 7:00 p.m. in the Municipal Center. Present at roll call were Trustees Blohm, Figurski, Ireland, Knar and Menzel. Attorney Donahue, Chief Lukasik, Administrator Osten and Village Clerk Brouder were also present. Trustee Tuman entered at 7:05 p.m.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**APPROVAL OF MINUTES**

~ **Trustee Figurski made a motion to approve the minutes of the December 15, 2010 Special Village Board Meeting. Trustee Knar seconded.** It was approved by a roll call of five yes votes.  
**Trustee Figurski made a motion to approve the minutes of the December 16, 2010 Village Board meeting. Trustee Knar seconded.** It was approved by a roll call of five yes votes.  
**Trustee Figurski made a motion to approve the minutes of the December 23, 2010 Village Board meeting.** Trustee Ireland seconded. It was approved by a roll call of four yes votes.  
Trustee Knar abstained.

**VISITOR'S PRESENT**

Chief Bob Kreher, Chaplain Gerald Schalk, Huntley Firefighter Jim Saletta and many members of the Fox River Grove Fire Protection District attended to support the Commercial Fire Sprinkler ordinance. Business owners John Derer, David Bryant, Teri Bryant, Jim Burke and Jim Lund were in attendance for the Aetna agenda item. Michael Graft for MJG Construction, Pat Riley for the Rec Council, Joanna Colletti Trustee Candidate and Parks Commission member and Dan Otto, Parks Commission Chair for the St. Pat's Fundraiser and resident Walter Weinert also were in attendance.

President Nunamaker stated the Fire Protection District came to the Public Health & Safety meeting and asked the Village Board to enact an ordinance to require fire sprinklers in new buildings and buildings being 50% renovated, but that Committee was split on the vote. He then proposed that all new commercial construction would be required to have a sprinkler system and any buildings that are 50% renovated. **Trustee Menzel made a motion to adopt an ordinance amending Sections 6-3 and 6-12 of Chapter 6 of the Code of Ordinances of the Village of Fox River Grove. Trustee Figurski seconded.** There was a discussion regarding the ordinance, its contents, and questions

about multi-family, someone doing just less than a 50% remodel so they don't have to install sprinklers, and if this ordinance can be required for any building in a TIF district. This ordinance will cover all that is not residential. Multi family falls under residential. The building inspector makes the judgement if a project is done in stages. Trustee Knar asked about PSI (pounds per square inch) that sprinklers require – how does the Village know they can provide enough water pressure. Administrator Osten stated it is in Village code that a minimum amount of water pressure must be provided. If that is not enough, they would have to install a pump. Trustee Knar stated the Board has moved quickly on this and hasn't researched the remodeling. We should check with other communities and see what they have. He is behind this ordinance, but believes rushing to pass this may be detrimental to any redevelopment of the older buildings. He suggested passing the zero square footage, but to rewrite the remodeling part. Trustee Figurski stated that fires are fought from the outside not the inside. A restaurant owner told him his insurance was reduced because of the sprinklers. Trustee Menzel added State Farm reduces rates 25% for sprinklers. The motion passed with five yes votes and one no vote. Trustee Knar voted no. This will be Ordinance 2011-01.

Trustee Blohm added this could be discussed at Public Health & Safety for any adjustments.

**Walter Weinert**, 903 Lincoln Avenue, stated that last year the Village replaced blacktop west of the railroad tracks. He said Lincoln Avenue west of South River needs to be repaired. President Nunamaker informed him that the Village is just starting their road program for next year.

**Fire Chief Robert Kreher**, 426 Hunters Way, stated that the Fire Protection District approached the Public Health & Safety committee months ago regarding the fire sprinklers. He grew up in Fox River Grove and has been with the Fire District for 32 years. Most business owners are friends he has known through the years. The Fire District is not looking to put any hardship on businesses. He appreciates the Village Board passing the ordinance for sprinklers.

**Gerald Schalk**, 217 Lexington Avenue, thanked the Village Board for their wise decision. He is the Fire Protection District Chaplain and said that about 100 firefighters are lost each year and he hoped to never have to do a line of duty death. He thanked the Board again.

**Jim Saletta**, 11395 Middletown, Huntley, stated he came to support the Fire District. Huntley has a similar ordinance on their books. He thanked the Village Board.

### **VILLAGE PRESIDENTS REPORT**

~ President Nunamaker moved to agenda item 5B - MJG Construction. Mr. Graft is purchasing land from the Village and will also be doing the site grading on the Village property for the Public Works Garage. Baxter & Woodman presented grading information to MJG Construction and there was a one-foot discrepancy. Mr. Graft stated he is working out the details with the Village Engineer and will be moving forward. The property will close in February.

~ Zoning Case 2010-09, Aetna Development ~ the Zoning Board of Appeals made the following recommendations ~ 1) Unanimously recommend the over 5,000 foot building be allowed. They would like to see a corner of the building reduced so the trucks exit on their own property. Mr. Freedman, Attorney for Aetna, stated Aetna is buying the adjacent land, so the trucks can exit on the property. 2) Auto repair is allowed, but not major auto repair. That is undefined in Village Ordinances and would be unfair to the other businesses. He added that Chairman Celske stated at the hearing that it is not the Zoning Boards job to determine what businesses can come into the Village. Mr. Freedman stated the petitioner is willing to accept a cap that only 20% can be major auto repair. The Zoning Board of Appeals was split in their decision. Attorney Donahue stated Mr. Freedman presented the Village with the deed for the strip of property and was asking the Board to approve the plan as presented. With the property deed, they will be circulating truck traffic on their own property. They are willing to cap their major auto repairs at 20%. Mr. Freedman added that

Pep Boys lists what they do on their website and they are willing to accept a list of items they would not do. Trustee Ireland added the Board has not defined what “major” is – what if it is outside the parameters when we do finalize major. Trustee Blohm questioned the easement issue and that River Pointe thought it was theirs. The seller has been paying the taxes and has the deed for the property. President Nunamaker stated this was between the two parties and the Village can not be involved. **Trustee Menzel made a motion to direct Attorney Donahue to draft an Ordinance granting the applicant in zoning case 2010-09: (1) a special use to build a building over 5,000 square feet based upon the plan presented subject to compliance with the Village Engineer’s report, compliance with the report of Urban Forest Management (except paragraph 7), the completion of off-site drainage improvements prior to the issuance of an occupancy permit and traffic signs and pavements markings set forth in the applicant’s traffic report; and (2) a special use for major automobile repairs limited to those repairs contained in Pep Boys website. Trustee Ireland seconded.**

Trustee Knar reminded the Board that the other businesses that had signed in had not spoken yet. **Dave Bryant**, 416 Northwest Highway stated that his questions had been answered.

**John Derer**, 907 Route 22, stated that five out of six members of the Zoning Board voted no. President Nunamaker reiterated what Chairman Celske said “There isn’t anything in Village authority that says what can be on what property”.

**Jim Burke**, 915 Route 22, stated he lives and works in the Village and he is concerned about the TIF, which is very valuable to a developer. This money would not go back to the Village - roughly \$50,000 per year that would benefit our community. There are currently too many vacant properties. If businesses are duplicated, the Village won’t grow. He does not want to see another business go under.

Trustee Knar added that we are in extraordinary times. He would like to see Fox River Grove become a destination and draw people here. The Pep Boys vision is probably looking for a service area of about five miles out. This is an opportunity to develop the property. Mr. Burke replied that 80% - 90% of his business comes from a three-mile radius.

**Dr. Kipferl** from River Pointe, stated that he and another partner started the business. Mr. Freedman’s information surprised him as well. The Zoning Board made many good recommendations and he hopes the Village Board takes their advice. The parking lot will pose a safety hazard for the elderly and children. The Attorneys have complex paperwork regarding the shared access of the two properties. Dr. Kipferl originally bought the property and sold it to Preferred Development. He has documents for all. He is currently reviewing any future changes. He is in favor of development, but is concerned how it will impact their parking lot. His concern is the safety of the patients. He thanked the Village Board for their time.

Attorney Donahue read the motion again. The motion was approved by a roll call of six yes votes. ~ President Nunamaker moved to agenda item 9A. He explained that the Recreation Council (Rec Council) came to the Village last year to let them know they would be joining with the Cary Baseball Program because of low enrollment. Everyone had concerns about how it would work out, so they had a one-year trial agreement. It worked well, so the Rec Council is looking for a multi-year agreement now. It would be the same as last year. Cary changed the name to the Cary-Grove Youth Baseball and Softball Association (CGYSB). There is a 90-day written notice to cancel clause. The Rec Council and CGYSB is looking for Board approval. **Trustee Ireland made a motion to approve the agreement contingent on all parties to include the Village, School District #3, Rec Council and CGYSB. Trustee Knar seconded.** Administrator Osten added that #13 of the agreement has a typo – it says it is open all day Friday and Saturday and it should be Friday and Sunday. Trustee Tuman asked how many Cary kids will be playing in our parks. Pat Riley, Rec Council President stated that 10% of the kids are from Fox River Grove just like the high school. Trustee Tuman asked why we let the Cary kids play for relatively nothing. With any park agreement there is a volunteer fee and it is kept if you don’t volunteer. He feels they should pay a

little extra to play in our parks – even if it’s only \$5. This is an opportunity to help Fox River Grove parks. Trustee Blohm asked if he was suggesting we charge a fee to the Cary residents. If we did that, we would not have a program. Cary is chipping in by taking care of field maintenance. Superintendent Mahaffy added that the school has always had a reciprocal agreement with the Rec Council. The school is onboard because we want kids to use the fields. Kids pay for everything at the school. Trustee Menzel added that by doing this, we are saving kids from paying more elsewhere. Pat Riley stated that last year we dissolved baseball. The kids pay the same as Cary. Cary is looking for field space and they are willing to put up batting cages and backstops. That is why we are looking for the three-year agreement, so they can use what they install. Trustee Knar added that he coached 16 games last year and two were played in Fox River Grove and 14 in Cary. The kids love playing in Fox River Grove. Trustee Ireland asked what would be a fair amount. Would it be shared with the school? President Nunamaker asked Dan Otto, Chairman of the Parks Commission and Director of the Schaumburg Park District to comment. He stated that when the Parks Commission looked at the agreement, they all felt it was good for the kids. As far as Schaumburg, they charge outside residents, but it is not really the same. Cary and Fox River Grove are affiliates now. If it were an independent team, then would absolutely charge. President Nunamaker stated that Trustee Tuman raised good points. There was further discussion. Cary helping to pay for our fields is payment enough. The agreement could be modified at any time, but it is a solid agreement and provides an opportunity to play ball. We could have a project in the park and ask them to donate money toward that as a means of payment, too. Pat Riley stated that if we charge a fee they will just pass it along to the kids that are playing. Mr. Jedicker asked the percentage of kids playing on our fields and have Cary kids pay more. A roll call was taken the Trustees Knar, Ireland, Blohm and Menzel voted yes and Trustees Figurski and Tuman voted no. The motion passed. Trustee Figurski added that our fields probably see double the use from what they used to.

~ Downtown Redevelopment – President Nunamaker stated it is logical to go forward, but not immediately.

### **LEGISLATIVE REPORT**

~ Trustee Figurski stated the Local Government Distribution Fund will get 6% of the 5% tax increase, but if the state exceeds the cap, income tax will go back to 3%. The legislative program highlights are to preserve and protect local government revenues, no new unfunded mandates, and apply reasonable standards to disability and workers compensation, restore balance to collective bargaining and continue pursuit of meaningful public safety pension reform.

~ Nothing to report on McCOG or IML.

### **CONSENT AGENDA**

~ **Trustee Menzel made a motion to establish the consent agenda. Trustee Blohm seconded.**

The agenda includes ~

- A. Accounts Payable, December 2010
- B. Ordinance: Elected/Appointed Officials Stipend
- C. Schroeder Asphalt Services, Inc. -- \$193,623.79 / \$494,083.25 / \$1,049,871.99
- D. B & W: Garage Grading & Stormwater Permit -- \$5,892 / \$10,510.50 / \$27,000
- E. Koenig & Strey -- \$452.60 / \$40,986.98 / \$52,500

The motion to establish the consent agenda was approved by a roll call of six yes votes. **Trustee Menzel made a motion to approve the consent agenda. Trustee Knar seconded.** It was approved by a roll call of six yes votes.

## **FINANCE AND ADMINISTRATION COMMITTEE REPORT**

~ **Trustee Menzel made a motion to approve payment to the Northern Illinois Municipal Gas Consortium. Trustee Tuman seconded.** This motion was rescinded. The Committee did not feel it was worthwhile to continue the franchise agreement. We can't spend what they consider to be our share of costs.

~ The Koenig & Strey Addendum #4 item will be postponed.

~ **Trustee Menzel made a motion for payment to Busse Consulting in the amount of \$1,518.80. Trustee Figurski seconded.** This brings all bills paid. The motion was approved by a roll call of six yes votes.

~ There was a discussion regarding cutting Saturday hours at the Village Hall as a cost saving measure. Trustee Blohm prepared a task sheet and asked if the Board would like staff to keep track of Saturday morning activity. President Nunamaker took a straw poll vote and Trustees Menzel and Ireland said yes. Trustee Blohm said she would go with the majority. Trustees Tuman, Knar and Figurski said no. President Nunamaker stated we would not be tracking Saturday activity.

## **PUBLIC WORKS REPORT**

~ Trustee Ireland stated the Village hosted a webinar regarding fundraising. Some members of the Parks Commission and Planning & Economic Development Commissions attended. Parks Commission Chair Dan Otto, stated the Parks Commission is looking to host a St. Patrick's Day fundraiser. It is going to be Saturday, March 12<sup>th</sup> at Wool Street and tickets are \$30. They hope to sell 100 tickets. The profit is \$10 on each ticket and that would raise \$1,000. **Trustee Ireland made a motion to approve the Parks Commission St. Pat's Day fundraiser. Trustee Figurski seconded.** There were a couple questions. Who are the checks made out to? Is there any liability for the Village? Attorney Donahue said the event is being held in Cary, so they should check to make sure there is nothing they need to do through them. Also, the checks should be payable to the McHenry County Community Foundation. The motion was approved by a roll call of six yes votes.

~ **Trustee Ireland made a motion to approve the joint Fox River water sampling between Fox River Grove and Cary not to exceed \$2,800. Trustee Knar seconded.** This is to be proactive for changes coming by the Illinois Environmental Protection Agency (IEPA). This is contingent on approval by the IEPA and matching funds by Village of Cary. The motion was approved by roll call of six yes votes.

## **PUBLIC HEALTH & SAFETY COMMITTEE REPORT**

~ **Trustee Figurski made a motion to adopt an ordinance amending Chapter 3, "Alcoholic Beverages" of the Code of Ordinances of the Village of Fox River Grove to add new Section 3-19.1 in order to require certain license holders to complete a beverage alcohol sellers and servers education and training (Bassett) program. Trustee Ireland seconded.** This is for the owner or manager and is a one-time certification process. It was approved by a roll call of six yes votes. This will be Ordinance 2011-03.

## **VILLAGE ATTORNEY'S REPORT**

~ Attorney Donahue reported that a transitional zone is when a residential zone is adjacent to a business zone. The idea for this was generated from the Village Planner when he reviewed the zoning case for the doggy day care. President Nunamaker stated it is fairly common and will require more information before the Village decides to do anything.

## **VILLAGE ADMINISTRATOR'S REPORT**

None.

**VILLAGE CLERK'S REPORT**

Clerk Brouder stated she would like to begin fundraising for the fireworks and wanted to verify that we will still be having them. The date would be July 9, 2011. She would also like to continue using Melrose Pyrotechnics. The Village Board agreed to both.

**OTHER BUSINESS AND ANNOUNCEMENTS**

Norge Ski Club will be having their annual tournament on January 29<sup>th</sup> & 30<sup>th</sup>.

**EXECUTIVE SESSION**

**~ Trustee Knar made a motion to enter into Executive Session at 9:06 p.m. Trustee Menzel seconded. All were in favor. Trustee Figurski made a motion to leave Executive Session and return to Village Board meeting at 10:06 p.m. Trustee Menzel seconded. All were in favor.**

**Trustee Ireland made a motion to authorize President Nunamaker to sign a Notice of Default affidavit for Talon's Letters of Credit. Trustee Blohm seconded. It was approved by a roll call of six yes votes.**

**ADJOURNMENT**

**~ Trustee Knar made a motion to adjourn the Village Board meeting at 10:08 p.m. Trustee Menzel seconded. All were in favor.**

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Robert J. Nunamaker, Village President

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Date Approved

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Donna M. Brouder, Village Clerk