

**Village of Wadsworth
Minutes of the Village Board Meeting
Held at the Village Hall
May 16, 2006**

- Call to Order:** President Furlan called the meeting of the Village Board of Trustees to order at 7:30 P.M.
- Pledge of Allegiance:** President Furlan led the Pledge of Allegiance.
- Roll Call:** In attendance were Village President Ken Furlan, Village Trustees Mike DeMarco, Candye Nannini, John Nordigian, Glenn Ryback and Debbie Spurgeon, Village Clerk Christine Stickler and Attorney William Stanczak. Trustee Lynn Schlosser was absent.
- Approval of Agenda:** A motion was made by Ryback and seconded by DeMarco to approve the agenda as presented for the 5/16/06 meeting.
- Voice vote: Ayes all; Nays none; Absent Schlosser. Motion carried.
- Approval of the Minutes of the Meeting Held 5/2/06:** The minutes of the regular Village Board meeting held 5/2/06, as presented by the clerk to all Board members, were approved on a motion by Ryback and seconded by Nordigian.
- Voice vote: Ayes all; Nays none; Absent Schlosser. Motion carried.
- Correspondence:** All correspondence received at the Village Hall from 5/3/06 through 5/16/06 was reviewed and placed on file.
- Public Comment:**
- Gordon Olson, 13885 W. Stonegate Road, thanked the Board for providing information to the residents of Stonegate Subdivision detailing the changes that would result if the subdivision is changed to SR zoning; however, he noted he still had concerns about his ability to rebuild under SR zoning.
- Kenny and JoAnne Bullock, 40685 Lester Lane, also expressed concerns about rebuilding restrictions.
- Bill Schultz, 40735 Lester Lane, noted that he agrees with Mr. Olson and stated that he feels that Mr. Olson speaks for the whole subdivision as their issues are all the same.
- Rebecca Carpenter, 40805 Delany Road, asked whose responsibility it was to inform her of the non-conformity of her property at the time she purchased it. Mr. Stanczak informed her that the seller or the attorney in the transaction should have informed her. Carpenter also stated rebuilding concerns.
- Treasurer's Report:** A motion was made by Ryback and seconded by Nordigian to approve the Treasurer's Report as of 4/30/06, as presented by Treasurer Kwiecinski. Furlan questioned Kwiecinski as to where collected park impact fees are reported. Currently, park impact fees are not separated out. They are included in the cash asset figure, but a liability account needs to be created to break out the amount earmarked for park expenditures. Discussion was held on the asset/liability accounting structure being used. Figures being

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reported in the monthly reports are unadjusted because the Village does not use an accrual accounting method. Adjusting entries are posted at year-end.

Roll call vote: Ayes – Ryback, Nordigian, DeMarco, Spurgeon and Nannini. Nays none. Absent Schlosser. Motion carried.

**Checks Issued
4/19/06 – 5/16/06:**

A motion was made by Ryback and seconded by Nordigian to approve the checks issued from 4/19/06 through 5/16/06 in the amount of \$68,814.14 as presented in the report of Treasurer Kwiecinski.

Roll call vote: Ayes – Ryback, Nordigian, DeMarco, Spurgeon and Nannini. Nays none. Absent Schlosser. Motion carried.

Bills Paid as of 5/16/06:

A motion was made by Ryback and seconded by Nordigian to approve the bills to be paid as of 5/16/06 in the amount of \$38,012.38 as presented in the report prepared by Treasurer Kwiecinski.

Roll call vote: Ayes – Ryback, Nordigian, DeMarco, Spurgeon and Nannini. Nays none. Absent Schlosser. Motion carried.

**Resolution 2006-184:
2006 MFT Additional
Funds:**

A motion was made by Spurgeon and seconded by DeMarco to approve Resolution 184, A Supplemental Resolution for Maintenance of Streets and Highways by Municipality Under the Illinois Highway Code in the amount of \$15,000.00, to cover the additional funds needed per the bids received for the 2006 MFT road expenditure.

Approved

Voice vote: Ayes all; Nays none; Absent Schlosser. Motion carried.

**Old Business:
Greenspon Stables CUP:**

Dennis Greenspon requested a Conditional Use Permit to allow for the construction and operation of a commercial stable and riding academy on approximately 29 acres of land on the west side of Delany Road about ¾ of a mile north of Route 173. The establishment shall be known as Hidden Knoll. All permits are in order and all requirements of the Village Planner and the Village Engineer have been met. A motion was made by Ryback and seconded by Nannini to authorize the Village Attorney to prepare the necessary documents to produce a conditional use permit for Hidden Knoll Stables and Riding Academy.

Roll call vote: Ayes – Ryback, Nordigian, DeMarco, Spurgeon and Nannini. Nays none. Absent Schlosser. Motion carried.

**Zoning Map Amendment
Stonegate Subdivision:**

The Village of Wadsworth petitioned for a zoning map amendment for the Stonegate Subdivision to change the zoning from AG to SR in order for the existing lots to conform to the Village Zoning Ordinance. The properties are located east of Delany Road and South of 21st Street. It was again stated that if the properties remain in AG zoning that the Board must approve any rebuilding or improvements of the property. If the properties are changed to SR, the properties become conforming and the homes on

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the properties can be improved and rebuilt without Board approval as long as they meet the SR setback ordinances. All outbuildings will remain non-conforming and would follow the same process as if the property remained AG. Discussion was held on the possibility of constructing an ordinance that would declare the accessory buildings in this subdivision legal, however, any such ordinance could not be selective to a subdivision and would have to be upheld Village wide.

Gordon Olson again stated that he did not need a CUP when he built his accessory building in 2001. Again, the Board explained that an error occurred, apologized for the error, but explained that an error does not make his building legal.

Bob January questioned if something happened to his pole barn if he would have to seek approval from the Board again as he obtained approval prior to the initial building. Furlan responded that he was not aware of the particulars of Mr. January's approval and would have to review the details of the approval before he could respond.

Nordigian suggested the possibility of granting all the properties in Stonegate Subdivision a CUP. DeMarco responded that he disagreed with blanket decisions. Each circumstance should be considered individually because CUPs are perpetual. When a property is sold, new owners are not necessarily as agreeable to situations. As the Village changes, ordinances will have to be enforced if complaints are received. Nordigian also suggested that the Board could establish a time frame for Stonegate Subdivision residents to apply for a CUP with a waived fee. Nannini noted that the residents must understand that even if they apply for a CUP there is no guarantee it will be approved.

JoAnne Bullock noted that her pole barn was there when the property was annexed and the Village did not seem to have a problem with it at the time. If the Village had left her property in the county, the pole barn would not be a problem now. Ken Bullock added that the Village should be willing to reach some sort of compromise.

Bill Schultz asked why the Board could not grant amnesty to the present owners in the subdivision for as long as they own the property. Upon the sale of the property the amnesty would terminate.

Furlan again apologized for past errors that have occurred, but further noted that the Village has an innate right and a duty to correct past mistakes and the right to enforce the ordinances. There were no further comments by the Board. A motion was made by Spurgeon and seconded by DeMarco to authorize the Village Attorney to draw up the necessary paperwork for a zoning map amendment changing the Stonegate Subdivision from AG to SR.

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Roll Call Vote: Ayes – Nordigian, DeMarco, Spurgeon and Nannini; Nays Ryback; Absent Schlosser. Furlan cast an Aye vote to meet the required votes to pass. Motion carried.

**Cornerstone Community
Church Letter of Credit:**

A request was received from the Cornerstone Community Church, 40413 Delany Road, to reduce the letter of credit held by the Village to 10% of the original letter of credit for the next two years. Village Engineer Bleck inspected the property and noted site work, including landscaping and utilities, that must be completed prior to issuance of any occupancy permit. Bleck also noted that the Village is holding a Letter of Credit in the amount of \$404,365.50 and can only reduce or release it with Lake County Stormwater Management Commission concurrence. LCSMC has no objection to the Village reducing the letter of credit to 25% of the original cost. A motion was made by Ryback and seconded by DeMarco to reduce the Letter of Credit required by the Cornerstone Community Church to \$101,339.12. As the current Letter of Credit being held expires on 6/1/06, the revised Letter of Credit must be received at the Village Hall prior to the expiration date. If the revised letter is not received, the Village Attorney will be instructed to write a demand letter to the Cornerstone Community Church for the full amount.

Roll Call Vote: Ayes – Ryback, Nordigian, DeMarco, Spurgeon and Nannini. Nays none. Absent Schlosser. Motion carried.

Ogden Annexation:

Engineer Bud Reed presented a concept plan on behalf of Betty Ogden for the development of her property located on the northwest corner of Russell Road and Route 41. The property is approximately 2.19 acres, has been the site of the Lehman Manufactured Homes, Inc. sales office since 1994, is in unincorporated Lake County and is currently zoned general commercial. Ms. Ogden is seeking annexation into the Village of Wadsworth under the LI-2 zoning district. Upon annexation, Ogden would tear down the existing building and construct two pole barn structures. One would be a 4-unit cold storage warehouse and the other would be a 5-unit retail/office space. Mr. Reed presented a site plan and photos of the type of proposed construction. After consideration the Board offered the following comments. The front retail/office building cannot be a true pole barn structure, but should have a foundation and some exterior aesthetic appeal. As both buildings will be visible from Route 41 due to the grade of the property, both building exteriors should compliment each other. LI-2 zoning is the only zoning that would be permitted at that location. There should be no outside storage plans for the property. Overall no problems were noted with the concept as it would be an enhancement to the area. The Board recommended that Ms. Ogden proceed with her plans. The details of the roof materials, awnings, possible brick façade and other details can be worked out during the development process.

**NPDES Phase II
Year 3 Report:**

Village Engineer Bleck presented the NPDES Phase II Year 3 Annual Report that needs to be filed with the IEPA on 6/1/06. The report

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describes the Village accomplishments for the past year and outlines the goals for Year 4. Anticipated costs to complete the goals in Year 4 will be approximately \$18,500.00. Bleck also noted that Phase III has not yet been implemented, but will probably be set in the future to address testing of the identified outfalls. A motion was made by Ryback and seconded by Nordigian to approve the report as presented and to authorize the Village President to sign the Illinois Environmental Protection Agency Annual Facility Inspection Report NPDES Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems. Bleck will submit the signed document to the IEPA.

Voice Vote: Ayes all; Nays none; Absent Schlosser. Motion carried.

Wadsworth Trails:

A draft the proposed amendment to the Declaration of Covenants, Conditions and Restrictions for Wadsworth Trails Homeowners Association was presented for review. The amendment transfers the responsibility of the maintenance of the scenic corridor from the homeowners association to the individual owners of lots 1 through 8; however, should an owner fail to maintain the property the association has the right to maintain the property and charge the responsible owner. 77% of the total ownership has approved the amendment. A motion was made by DeMarco and seconded by Nannini to authorize the Village Attorney to prepare the necessary amendment to Article 3, Section 3.12 covering maintenance of the scenic corridor of the Wadsworth Trails Homeowners Association Declaration of Covenants.

Voice Vote: Ayes all; Nays none; Absent Schlosser. Motion carried.

Burke/Runzel Pole Barn:

Paul Burke and John Runzel own property at 42371 N. Delany Road and would like to expand the existing pole barn to 8400 square feet. No one lives on the premises full time, but international business associates of Mr. Burke use the house when they are in the area. Mr. Burke has a successful business record and wants to use the pole barn to house his collection of cars, boats, etc. He will have restoration done at the site, but only on his vehicles. Runzel checked with stormwater management regarding the structure and they indicated that Village Engineer Bleck could issue the permit since it is not going to be used as a commercial site. Bleck stated that he would need a site development plan showing the existing impervious area and the proposed impervious area. The proposed expansion will also require a conditional use permit due to the size of the structure. The CUP for the pole barn can be approved by the Board because the property is zoned AG. A motion was made by Ryback and seconded by Nordigian to approve the expansion of the timber frame pole barn at 42371 N. Delany Road. Spurgeon and DeMarco both indicated that they would like to see the property before making a decision. A motion was made by Nordigian and seconded by DeMarco to postpone the vote on the proposed expansion until the 6/06/06 meeting to allow time for the trustees to physically inspect the property.

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Voice vote: Ayes all; Nays none; Absent Schlosser. Vote postponed.

Mayor's Report:
173 Corridor Council:

Furlan reported that the 173 Corridor Council is getting closer to an agreement. The county has been talking to developers and the market is indicating warehouse facilities in the area. It was agreed that the Village would rather wait than develop that corridor for warehousing.

The YMCA of Chicago contacted Furlan regarding the placement of a clothing collection container in the Village. All were in agreement to decline because there is already a collection container at Rt. 173 and Green Bay Road that is always overflowing because the donations do not get picked up in a timely fashion.

Attorney's Report:

Nothing to report at this time.

Trustees' Comments:

Dan Bitton contacted Nordigian regarding the availability of gravel that could be used to fix 9th Street. Bitton stated that there would be no charge for the gravel and he would do the work at a cost not to exceed \$1,000.00. Stormwater management has limited what can be done to 9th Street. Bleck will check out what can be done and Bitton will be contacted.

In light of information on a memorandum from the Lake County SMC, Spurgeon suggested that the Village reconsider the value of acre of land as depicted in our ordinance. Spurgeon also reported on the following village hall and parks issues. The estimate to resurface the basketball and tennis court should be available by the next meeting. A decorative pole was damaged and needs to be replaced. The handicapped lift is proving to be more costly than originally determined and due to installation issues the final payment will have to be negotiated. The ballpark in Jonathan Knolls needs to be restored.

It is time for another newsletter and Nannini requested articles of interest.

DeMarco noted that the interviews for the Village Manager position have been scheduled for 5/20/06 beginning at 8:00 A.M.

Executive Session:

None required.

Adjourn:

There being no further business, the meeting adjourned at 9:40 P.M. on a motion by Nannini, seconded by DeMarco.

Voice vote: Ayes all; Nays none; Absent Schlosser. Motion carried.

Christine E. Stickler, Village Clerk