

VILLAGE OF LAKEWOOD
MINUTES OF VILLAGE BOARD MEETING
FEBRUARY 14, 2017

The Village Board Meeting was called to order at 7:00 p.m. at Turnberry Country Club by President Smith. Present were Trustees Furey, Iden, McMahon, Serwatka, and Thomas. Trustee Davis was absent. Also present were Interim Village Manager Shannon Andrews; Village Clerk Janice Hansen; Village Attorney Michael Smoron; Chief of Police Leigh Rawson; RedTail Golf Club General Manager Chris Neuhart; Jason Fluhr from Baxter & Woodman; and many members of the public.

PUBLIC COMMENTS: Elizabeth Stromberg of 6918 Inverway remarked about a packet of legal documents dropped off on her driveway. She commented that the correspondent was not identified.

Ric Ritchie of 9916 Lakewood Road commented that the packet was a travesty and who ever compiled this information did not research the documents in their entirety.

John O'Hare of 7619 Dairy Lane commented on video gaming and needed clarification on why the Village did not allow video gaming in the past and why is it under consideration now.

Janet Hibbs of 6920 Inverway, a local realtor, is against video gaming and believes it is a negative factor toward the Village.

Bruce Welz of 7250 Bannockburn Drive commented about packet which was dropped off in his driveway; there was no identification as to who delivered the documents, and was a low blow to Trustee Serwatka. He also is against video gaming and feels it will impact real estate values.

Patrick Hauser of 8515 Trevino read a pre-written document stating the reasons he moved to the Village of Lakewood; a great place to live and a wonderful quality of life. He believes video gaming does not belong in Lakewood. He also commented that video gaming will not increase revenues for Turnberry Country Club.

Elizabeth Stromberg of 6918 Inverway asked when Turnberry Country Club will open their swimming pool and tennis courts. She is in favor of video gaming and believes it will help support the facility.

Cheryl Lockwood of 9517 Lennox commented that no other country clubs have video gaming in the area and the Board should continue its ban.

Patrick Rexroat of 7411 Fairway commented that it was cowardly to drop off the packets anonymously. Why the need for video gaming to be presented as an Ordinance.

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Cheryl Leppert of 9805 Turnberry Trail read a prepared statement to the Board of Trustees. Turnberry homeowner covenants state that Turnberry Country Club is private. Video gaming is not part of the country clubs activities. The Club is located within a family oriented neighborhood. The Board should maintain a high standard for the Village and not allow video gaming.

Ric Ritchie of 9916 Lakewood Road hopes the Board weighs residents influence when making decisions.

CONSENT AGENDA: The following were considered and enacted on a single motion by Trustee Furey, seconded by Trustee Iden:

APPROVAL OF MINUTES: January 24, 2017 Regular Village Board Meeting

APPROVAL OF BILL LISTS: Accounts Payable Dated February 15, 2017 in the Amount of \$179,183.56 and Accounts Payable Pre-Paid Invoices for January, 2017 in the Amount of \$29,387.74

APPROVAL OF FINANCIAL STATEMENTS: None

Voting Aye: Trustees Furey, Iden, McMahon, and Serwatka. Voting Nay: None. Absent: Trustee Davis. Abstain: Trustee Thomas. Motion declared carried.

ITEMS REMOVED FROM THE CONSENT AGENDA: None

Trustee Iden, seconded by Trustee Thomas, moved to discuss Agenda Item 11. Voting Aye: Trustees Furey, Iden, McMahon, Serwatka, and Thomas. Voting Nay: None. Absent: Trustee Davis. Motion declared.

APPROVAL OF ORDINANCE NO. 2017-05 – AN ORDINANCE AMENDING CHAPTER 9, LIQUOR CONTROL AND LIQUOR LICENSING RELATIVE TO CERTAIN LIQUOR LICENSE CLASSIFICATIONS AND RELATED MATTERS AND TO PROVIDE FOR VIDEO GAMING AND RELATED REGULATIONS:

Illinois Video Gaming Act was legalized in 2009 at which time there was strong support from the Village Board not to allow video gaming within Village limits. A request was made at the October 11, 2016 Board Meeting by the owners of Turnberry Country Club for the Village to consider video gaming. November 22, 2016 the Board gave staff direction to research this issue; there was discussion to present a referendum to residents, and finally to prepare a detailed Ordinance for consideration. This proposed Ordinance is for information purposes to see if the Board is interested in making a change. Gaming will give the Village a limited amount of revenue due to the limited amount of liquor licenses within the Village; \$40,000 maximum.

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There are only two business who are in favor of video gaming; Turnberry Country Club and Craig Woods Golf Course.

Village Attorney Michael Smoron commented that covenants are separate from Village Ordinances. The Village enforces Ordinance issues; homeowner associations enforce covenant issues. The Village does not get involved in third party disagreements; covenants are third party agreements.

Trustee McMahon asked if that the Village's proposed ordinance is more restrictive than other municipalities; no video cafes, over 100 feet from a school, enclose games visibility, gaming hours only during dinner, must have a liquor license for one year, every license must be approve by the Board. Trustee McMahon would like to table this Ordinance until the Turnberry Property Association and the Turnberry Country Club owners reconcile this issue.

Trustee Serwatka does not like to see government over regulate issues. Most residents he spoke to are opposed to video gaming. Tabling this Ordinance would only defer its outcome.

Trustee Iden commented that he is pro business. There are only two businesses that would like video gaming. He is against video gaming cafes. He would like to table this Ordinance at this time.

Trustee Furey commented that the Village of Lakewood is his hometown. Small businesses participate in Celebrate Lakewood to keep the Village's integrity. Video gaming would generate a small amount of income and he feels it is not worth the effort.

Trustee Thomas resents that it was conceived that the Village Board would pass this Ordinance. She appreciates that Turnberry Country Club asked for video gaming. The Board does not want to get involved with Turnberry Property Association issues. She votes no for gaming, maybe in the future it would be fine in a favorable location.

President Smith commented that she votes only when there is a tied issue. She has lived in Turnberry for many years where she raised her family. She has deep concerns about this issue and has talked to many people who are against video gaming.

Trustee Serwatka, seconded by Trustee Furey, moved to approve Ordinance No. 2017-05. Voting Aye: None Voting Nay: Trustees Furey, Serwatka, and Thomas. Absent: Trustee Davis. Abstain: Trustees Iden and McMahon. Motion failed.

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APPROVAL OF LOW BID FROM JETCO, LTD. FOR WATER STORAGE TANK REPAINTING IN AN AMOUNT NOT TO EXCEED \$212,520, WITH PROJECT COMPLETION PRIOR TO SEPTEMBER 30, 2017 AND TO AUTHORIZE THE PRESIDENT TO ENTER INTO CONTRACT FOR SAME: Interim Village Manager Shannon Andrews commented that \$350,000 was budgeted, based on the engineer's estimate, for this project. Six proposals were received with the lowest base bid from Jetco, Ltd. Baxter & Woodman have reviewed the bid results to verify that they have no concerns with the acceptance of this low proposal.

Trustee Thomas., seconded by Trustee Iden, moved to approve the low bid from Jetco, Ltd. for water storage tank repainting in an amount not to exceed \$212,520, with project completion prior to September 30, 2017 and to authorize the Village President to enter into contract for same. Voting Aye: Trustees Furey, Iden, McMahon, Serwatka, and Thomas. Voting Nay: None. Absent: Trustee Davis. Motion declared carried.

APPROVAL OF A WORK ORDER FROM BAXTER & WOODMAN FOR THE HALIGUS STORAGE TANK PAINTING IN AN AMOUNT NOT TO EXCEED \$29,800: Interim Village Manager Shannon Andrews commented that \$30,000 was budgeted for the cost of engineering oversight for this project. The work order includes initial project preparation, construction documentation, paint inspection, issuance of certificate of project completion and project closeout.

Trustee McMahon, seconded by Trustee Iden, moved to approve a Work Order from Baxter & Woodman for the Haligus storage tank paint in an amount not to exceed \$29,800. Voting Aye: Trustees Furey, Iden, McMahon, and Serwatka. Voting Nay: None. Absent: Trustee Davis. Abstain: Trustee Thomas. Motion declared carried.

APPROVAL OF ORDINANCE NO. 2017-01 – AN ORDINANCE AMENDING CHAPTER 8, REDTAIL GOLF CLUB, OF THE LAKEWOOD MUNICIPAL CODE TO INCLUDE 2017 GOLF RATES: Golf Manager Chris Neuhart commented that this year, there is no increase in the proposed green fees for non residents, as the existing rates are in line with other area golf courses. Manager Neuhart remarked that membership rates had a slight increase as the membership base is strong and pre-twilight rates are new and a no cost resident ID card.

Trustee Thomas thanked Manager Neuhart for his countless efforts managing the golf club.

Trustee Furey commented that five or six years ago Manager Neuhart brought the golf course to its current business level; he addressed the condition of the course and is its Manager/Superintendent. Good work!!!

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Interim Village Manager Shannon Andrews highlighted that the ordinance provides the General Manager with the authority to adjust rates as necessary. She also highlighted the new section related to the resident ID card.

Trustee Thomas, seconded by Trustee Iden, moved to approve Ordinance 2017-01. Voting Aye: Trustees Furey, Iden, McMahan, Serwatka, and Thomas. Voting Nay: None. Absent: Trustee Davis. Motion declared carried.

APPROVAL OF ORDINANCE NO. 2017-02 – AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH GPS TECHNOLOGIES, INC. FOR iPAR7 TRACKING: Golf Manager Chris Neuhart commented that this lease agreement is limited to a single season so that it coincides with the termination of our current golf cart lease which is in its fifth and final year. Having both of these leases expire at the end of the same season will give the most flexibility when determining the best golf cart/gps combination for the 2018 golf season and beyond.

Trustee McMahan questioned if a 15 day removal period for the units at the end of the contract was reasonable. Manager Neuhart replied it should not be an issue.

Trustee McMahan, seconded by Trustee Furey, moved to approve Ordinance No. 2017-02. Voting Aye: Trustees Furey, Iden, McMahan, Serwatka, and Thomas. Voting Nay: None. Absent: Trustee Davis. Motion declared carried.

APPROVAL OF ORDINANCE NO. 2017-03 – AN ORDINANCE AUTHORIZING AN AGREEMENT WITH REVTECHPLUS, INC. FOR MARKETING/REVENUE MANAGEMENT SERVICES: Golf Manager Chris Neuhart stated that RevTechPlus is a full service company that specializes in many of the technical services that are needed for RedTail Golf Club to efficiently operate on a day to day basis. The most valuable part of this service is their proprietary revenue management software that allows tee time rates that RedTail offers to dynamically change throughout the day (every thirty minutes) to maximize the possible revenue based on a variety of factors; availability, weather, and historical demand for the time of the reservation. Also included in the agreement is the design of a new website, mobile website, mobile app., and update any information for these sites provided by the golf course. The agreement also will design and implement email marketing campaigns as well as design marketing materials available for distribution at RedTail.

There was discussion regarding whether an “uptime guarantee” was included in the proposed agreement. Manager Neuhart will confirm this issue and make provisions within the agreement to insure “uptime guarantee” conditions.

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Trustee Thomas, seconded by Trustee Iden, moved to approve Ordinance No. 2017-03. Voting Aye: Trustees Furey, Iden, McMahon, Serwatka, and Thomas. Voting Nay: None. Absent: Trustee Davis. Motion declared carried.

APPROVAL OF ORDINANCE NO. 2017-04 – AN ORDINANCE AMENDING CHAPTER 13.26, UNLAWFUL POSSESSION OF CANNABIS AND CHAPTER 13.27, UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA: Chief Rawson commented that in July of 2016 Governor Rauner signed the Marijuana Decriminalization Bill which amends the Cannabis Control Act, Drug Paraphernalia Act and the Illinois Vehicle Code as it relates to minor cannabis possession, possession of drug paraphernalia, and to driving under the influence of drugs. Changes within the Act reduce what were previously misdemeanor offenses to violations of civil law, meaning no criminal arrest can occur as a result of some specific violations.

Trustee Furey, seconded by Trustee Thomas, moved to approve Ordinance No. 2017-04. Voting Aye: Trustees Furey, Iden, McMahon, Serwatka, and Thomas. Voting Nay: None. Absent: Trustee Davis. Motion declared carried.

APPROVAL OF RESOLUTION NO. 2017-R06 – A RESOLUTION OF THE VILLAGE OF LAKEWOOD TO AUTHORIZE THE SALE OF SURPLUS PUBLIC REAL ESTATE (8015, 8216, 8316, AND 8404 REDTAIL DRIVE AND 9211 MCINTOSH COURT: President Smith commented that in December of 2015 the Village accepted a donation of six vacate lots on RedTail Drive; two have been purchased. August 2016 the Board accepted another donation of five lots on RedTail Drive. This Resolution authorizes the Board to declare these lots surplus real estate property for sale.

Trustee Iden, seconded by Trustee McMahon, moved to approve Resolution No. 2017-R06. Voting Aye: Trustees Furey, Iden, McMahon, Serwatka, and Thomas. Voting Nay: None. Absent: Trustee Davis. Motion declared carried.

APPROVAL OF PROGRESS PAYMENT 4 IN THE AMOUNT OF \$219,148.69 TO MERRYMAN EXCAVATION, INC. FOR WORK COMPLETED ON THE EAST SEWER PROJECT: this progress payment has been reviewed by Strand Associates. There is a balance of \$147,814.73 remaining for this project.

There was general discussion regarding the pooling of water along the median on the east side of Broadway with the exception of punch list items. Merryman Excavation has satisfied their contract. The water in the median is due to the roadway being re-pitched toward the median and away from homes. An arborist has assessed the trees within the median and believes the water has no impact. Merryman has designed the control panel according to specs. The screening of the panel will be addressed in early spring. Staff will increase the level of communication concerning this project by updating the Village website. Staff will work with the

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Village engineers to address the pooling at Essex. There are permit issues with the City of Crystal Lake to create a wet well; there needs to be more research in addressing this matter.

Trustee Iden, seconded by Trustee Thomas, moved to approve progress payment 4 in the amount of \$219,148.69 to Merryman Excavation, Inc. for work completed on the East Sewer Project. Voting Aye: Trustees Furey, Iden, McMahon, Serwatka, and Thomas. Voting Nay: None. Absent: Trustee Davis. Motion declared carried.

REPORTS: Trustee Iden commented that bond rates are favorable and would like the Village Treasurer to look into refinancing the Village's utility bonds.

Interim Village Manager Shannon Andrews commented on many Village matters: There was a Joint Review Board meeting on January 26, 2017 to document the state of the Village's TIF district. The School District 200 agreement was discussed as well as current Village development.

The Board has received the Budget Calendar within their meeting packets. RedTail Golf Club will be discussed at the first budget meeting.

The Village's 2017 road project has received significantly lower bids than anticipated; approximately 40% lower. The low bid came from Geske but there documents were not in compliance. The next lowest bid was from Plote; which will be at \$20,000 increase.

The Village's sewer atlas has been completed.

There have been 7 or 8 water main breaks along Inverway through the past five year. Village staff and engineers will look into this problem.

The Police Department is waiting to see what other communities are doing with the "A Way Out" program before joining the program.

Wedgewood Subdivision is seeking additional financial support from the Village to cover their expenses related to the East sewer Project. Staff has been directed not to move forward with any further support in these matters.

President Smith welcomed newly appointed Village Trustee Jason McMahon.

She thanked the public for attending the meeting to discuss video gaming.

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President Smith spoke at the State of the Community luncheon on February 3, 2017. She addressed the Village's lowest in McHenry County tax rate, thanked the Village Board for the privilege in serving as president for the past eight years; the Village is financially strong and thanked staff for their outstanding efforts.

With nothing further to discuss, Trustee Iden, seconded by Trustee Furey, moved to adjourn the meeting. Voting Aye: Trustees Furey, Iden, McMahan, Serwatka, and Thomas. Voting Nay: None. Absent: Trustee Davis. Motion declared carried. The meeting adjourned at 9:06 p.m.

Janice S. Hansen
Village Clerk

Approved: _____ Dated: February 28, 2017