

MINUTES OF A PUBLIC HEARING OF THE GURNEE VILLAGE BOARD IN
REFERENCE TO THE ANNEXATION AGREEMENT FOR THE FIRST MIDWEST
BANK FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF
WASHINGTON STREET AND HUNT CLUB ROAD
GURNEE VILLAGE HALL
DECEMBER 7, 1998

The Public Hearing was called to order at 6:30 p.m. by Mayor Welton.

Roll Call, Present: O'Brien, Amaden, Ratfelders, Chamberlain, Narusis, Rocheleau
Absent: None

Other officials present: James T. Hayner, Village Administrator
Barbara Swanson, Village Attorney
David Grum, Building Commissioner
Jon Wildenberg, Assistant Village Administrator
Tracy Velkover, Village Planner
Brad Burke, Village Information Officer
Bud Reed, Village Engineer

Mayor Welton announced the purpose of this public hearing is to consider the annexation petition of the First Midwest Bank for the property located at the southwest corner of Washington Street and Hunt Club Road, and that the public hearing is being held as published.

From the audience, Mr. Murray Conzelman, attorney for the petitioner, said that this morning at 10:30 a.m. he had received a call from the Village Engineer who suggested making changes in the traffic patterns for the proposed site. The desire of the petitioner is to meet with the Village staff and traffic consultants. Mr. Conzelman then requested that the Village Board continue this public hearing until the next Regular Meeting on December 21, 1998, at 6:45 p.m.

Amaden moved, seconded by Ratfelders, to approve continuation of the annexation hearing on the petition of First Midwest Bank for the property located at the southwest corner of Washington Street and Hunt Club Road until 6:45 p.m. on December 21, 1998, as recommended by the Village Administrator.

All Aye. Motion Carried.

Chamberlain moved, seconded by O'Brien, to adjourn the public hearing until 6:45 p.m. on December 21, 1998, for consideration of the annexation petition of the First Midwest Bank.

All Aye. Motion Carried.

The meeting was adjourned at 6:40 p.m. by Mayor Welton.

Norman C. Balliet
Village Clerk

MINUTES OF A PUBLIC HEARING OF THE GURNEE VILLAGE BOARD
IN REFERENCE TO THE ANNEXATION PETITION OF EDWIN AND BRIAN
HUFFHINES AND MCDONALD'S CORPORATION
FOR THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF
WASHINGTON STREET AND HUNT CLUB ROAD
GURNEE VILLAGE HALL
DECEMBER 7, 1998

The Public Hearing was called to order at 7:00 p.m. by Mayor Welton.

Roll Call, Present: O'Brien, Amaden, Ratfelders, Chamberlain, Narusis, Rocheleau
Absent: None

Other officials present: James T. Hayner, Village Administrator
Barbara Swanson, Village Attorney
David Grum, Building Commissioner
Jon Wildenberg, Assistant Village Administrator
Tracy Velkover, Village Planner
Brad Burke, Village Information Officer
Bud Reed, Village Engineer

Mayor Welton announced the purpose of this public hearing is to consider the annexation petition of Edward and Brian Huffhines and McDonald's Corporation for the property located at the northeast corner of Washington Street and Hunt Club Road, and that the public hearing is being held as published.

The Village Administrator explained the memo, dated December 2, 1998, from the Village Planner. He explained that the property is located on the northeast corner of Hunt Club Road and Washington Street of which approximately 1/2 acre is zoned R-1 in the Village and the eastern two acres are zoned S, suburban, in unincorporated Lake County. Proposed is a McDonald's restaurant on the western portion of the property and an office building on the eastern portion of the property. In August, the Village Plan Commission forwarded an unfavorable recommendation. He explained that changes have since been made in the proposal. He then introduced the petitioners to make their presentation.

From the audience was introduced Mr. Mark Eiden, attorney for the McDonald's Corporation. Mr. Eiden began by an introduction explaining the parcel consists of three equal size parcels which will now be taken into two equal size parcels. McDonald's is proposing a zoning of C/B-2 with a special use permit for a drive-thru facility. The eastern portion of the parcel is proposed zoning of CO-1, restricted office. The petitioner has filed the required petitions for annexation, zoning, and the special use. The petitioner has also delivered to the Village staff the proposed annexation agreement. The petitioner has also met with Village staff and has sought the CB-2 office district. The eastern parcel is to be a proposed office building with standard construction, pitched roofs and with acceptable architectural criteria. On the western parcel, the petitioner is proposing that if a McDonald's restaurant is not built, then the same standards will still apply to the site. If a restaurant is not built within 30 months, the CB-2 zoning can be rezoned to CO-1 zoning. He added that many uses for the CB-2 site have been eliminated and many restrictions have been put in place. He further added that on the southeast corner of the intersection is a bank. On the northwest corner of the intersection is an Amoco station which was rezoned by the Village at CB-2 zoning with a special use permit for a car wash. Based on the latter agreement, the Village made the decision that the use was appropriate for the area of the intersection. Mr. Eiden added that sewer and water are available for the site. In reference to the special use request, the petitioner contemplates customers will be kept in their car. He added that the Plan Commission had forwarded an unfavorable recommendation since some Plan Commissioners had mentioned the desire for more residential style architecture. The petitioner now thinks that the newer architecture reflects those desires. The landscape has also been modified. The limited uses have been done. There is now a revised architectural plan and landscape plan. The proposal allows for special use. He noted that the proposed agreement includes all of these changes.

From the audience, Ms. Melanie Soos, architect, explained how the architecture of the proposed restaurant has been revised in that the roof has been redesigned into a traditional gable roof which makes the facility look more like a residential house. Softer colors with a whitewash trim are being proposed. Cedar siding and trim along with a cedar shake roof are proposed. A colonnade will be in part of the building which will be cedar clap.

The architect noted that the style will be similar to the Stonebridge Subdivision. This is not to be a traditional McDonald's roof.

From the audience, Mr. Dave Biore, landscaping planner, said that he had worked with the Village staff and has revised the screening on the northern and eastern borders of the property. Using a display, he explained the sizes of the plantings which will be installed. There will be a 50/50 mix of evergreens and deciduous trees for all seasons.

Mr. Eiden noted that there are other consultants available if there are any questions.

Trustee Chamberlain said that the Plan Commission concerns were about the land. Should a fast food use be the best use for this site?

Mr. Eiden answered that he was at the meetings, too, and that architecture was a concern. Here the use is desired to be kept in consistency with the use for the area. Future uses are limited and restricted considerably. Other CB-2 uses already exist at that intersection which are allowed for an intent at such intersections. Unlike the Amoco facility, this site will meet the new Village lighting standards. The CB-1 zoned lot to the east will buffer the residents to the east.

Trustee Narusis asked that if Washington Street is widened, what is the impact on this site?

From the audience, Mr. Stottleman, traffic consultant said that the proposal is allowing a 20 ft. right-of-way dedication on Washington Street and a 20 ft. right-of-way dedication on Hunt Club Road. The proposal still meets the 30 ft. setback standards of the Village. Within this setback would be a greenbelt area.

Trustee Narusis said if the widening of these streets would involve no removal of the plant material.

Mr. Stottleman answered that is his understanding.

Trustee Ratfelders asked what are the peak traffic hours.

Mr. Stottleman answered that the peak traffic hours are for lunch and then for breakfast. Approximately 40 to 45% of traffic at a McDonald's restaurant is for lunch, 25 to 30% of traffic is for breakfast hours, and the balance of traffic is during the rest of the day.

Trustee Ratfelders asked if there would be any rush for breakfast.

Mr. Stottleman answered that there should be no additional rush for this restaurant as for any other McDonald's restaurant.

Ratfelders moved, seconded by O'Brien, to adjourn the Public Hearing.

All Aye.

Motion Carried.

The Public Hearing was adjourned at 7:26 p.m. by Mayor Welton.

Norman C. Balliet
Village Clerk

The meeting was called to order at 7:30 p.m. by Mayor Welton.

Roll Call, Present: O'Brien, Amaden, Ratfelders, Chamberlain, Narusis, Rocheleau
Absent: None

Other officials present: James T. Hayner, Village Administrator
Barbara Swanson, Village Attorney
David Grum, Building Commissioner
Jon Wildenberg, Assistant Village Administrator
Tracy Velkover, Village Planner
Brad Burke, Village Information Officer
Bud Reed, Village Engineer
Patricia Wesolowski, Village Finance Director

Mayor Welton led the Pledge of Allegiance.

O'Brien moved, seconded by Narusis, to approve the Minutes of the Public Hearing of the Gurnee Village Board on November 16, 1998, and to approve the Minutes of the Regular Meeting of the Gurnee Village Board on November 16, 1998, both as presented.

All Aye, except Ratfelders who votes "Present." Motion Carried.

Mayor Welton asked if there was anyone in the audience who had comments to make about an item which was not on the agenda. There were no comments at this time.

After an explanation by the Village Administrator, Ratfelders moved, seconded by Narusis, to approve the Proclamation stating the Village's support and participation in Census 2000 through the formulation of a complete count committee.

All Aye. Motion Carried.

The Village Administrator said the next item for consideration was the proposed meeting schedule for calendar year 1999.

Trustee Rocheleau said that she desires to eliminate one of the Committee-of-the-Whole Meetings in those months when two such meetings are scheduled. She suggested that the first scheduled meeting of those months be taken off for every month for which there are two Committee-of-the-Whole Meetings.

Trustee Chamberlain suggested that this be done until the meeting of May 24, 1999 at which point the motion could be re-addressed since new Trustees will have been elected and taken office by that time.

Rocheleau moved, seconded by Chamberlain, to approve the proposed meeting schedule for calendar year 1999 as amended by the elimination of one Committee-of-the-Whole Meeting for those months in which two said meetings are proposed, with a possible revision to be done in the future after the election of new Trustees.

Roll Call, Aye: O'Brien, Ratfelders, Chamberlain, Narusis, Rocheleau.
Nay: None.
Absent: None.
Abstain: Amaden. Motion Carried 5-0-1.

The Village Administrator said there were no reports for consideration.

The Village Administrator said there was no old business for consideration.

The consideration of the execution of the annexation agreement with First Midwest Bank has been adjourned until the Regular Meeting on December 21, 1998.

Mayor Welton said the next item for consideration was the annexation agreement for the McDonald's restaurant at the northeast corner of Washington Street and Hunt Club Road. He then allowed the meeting to be opened up for public comments.

From the audience, Mr. John Courshon, 55 Silo Court, said he wished to echo the statements of Trustee Chamberlain. The Plan Commission had forwarded a unanimous unfavorable recommendation. The traffic at the corner intersection and the use of the corner for a McDonald's restaurant is not wanted. McDonald's is not needed at that corner. Please take these desires into consideration.

From the audience, Ms. Mary Courshon, of 55 Silo Court, said her concern is in reference to people driving to that area. Hunt Club Road or Washington Street turns can be very treacherous. Another concern is in reference to children getting to the McDonald's restaurant crossing the street. The Village is looking for tragedy. Another concern is the desire for the Village Board to review the exhaust practices of a McDonald's restaurant and a concern about the garbage. Such a restaurant is not attractive for the Village and such a restaurant might attract vermin. She noted that the Lake Forest McDonald's does not smell. Why can't the Village of Gurnee obtain the same considerations as was done in Lake Forest?

From the audience, Ms. Kristina Kovarik, of 67 Silo Court, said that she is a homeowner and a member of the Plan Commission. She feels there is no reason for the Village to get desperate at this time. There is no reason this corner cannot develop into an office development. The petition also involves a special use. The public need is for a particular use at this location. There is a need to impose mitigating factors. There are four McDonald's nearby and there is no need for a McDonald's at this site. This could be the fourth special use at this intersection. Nothing on the proposed plan takes any mitigation impacts on the area. No attempt has been made for extra effort at mitigation for the area. The neighborhood has no need for a McDonald's. They desire only to meet a commuter at this location. In reference to traffic, this intersection is number one in the Village for accidents with injuries. It should also be noted that schools are nearby. This special use request also refers to improvements being done for Washington Street. The design does not solve the traffic concerns. This special use endangers the public and provides no mitigation for the area. There are other places for the location of a McDonald's restaurant. She concluded by asking the Village Board to please vote against the land use change and special use change.

From the audience, Mr. Mark Morton, of 59 Silo Court, said he was at the Plan Commission meetings and noted that architecture was not an issue. Traffic was the issue. Last week the Plan Commission gave approval to a professional building in the same area. He asked that the Village not use the Amoco site as an example since he feels the Amoco site is a mistake.

From the audience, Mr. Gary Silha, of 6180 Indian Trail Road, said he is concerned about the traffic and commercialization of Washington Street. Last week it was noted that the proposed entertainment village will add 600 cars per hour on Washington Street. If a driver goes straight, then the right turn on red cannot be done. Cut-thru traffic through nearby subdivisions should result. The corner of Washington Street and Hunt Club Road is already feared by the residents, even with a proposed entertainment village. He asked that the Village Board please represent the views of the residents.

From the audience, Ms. Kathy Tripp, of 6160 Indian Trail Road, asked the Village Board to vote against this proposal until Washington Street is fixed. McDonald's creates competition. There are already plenty of McDonald's in the Village of Gurnee. Please vote "no."

From the audience, Ms. Allison Ashland, of Country Trails Subdivision and student at Warren Township High School, said she has a hard time understanding why there should be another McDonald's. Down the road is Almond Road on which traffic is already crazy. McDonald's would only make it worse. She asked if students would be more prone to cut class to go to a nearby McDonald's. She strongly urged a "no" vote.

From the audience, Mr. Carl Cepon, a resident of Charles Street and member of the Plan Commission, said that architecture was secondary at the Plan Commission hearings. The vote was 7-0 against the proposed McDonald's.

From the audience, Ms. Suzanne Banking, of 16990 W. Washington St., said she lives near the intersection. The morning traffic is terrible. Accidents have happened and have affected her property. She does have insight about the traffic.

A resident of 16894 Washington Street also said that the traffic is bad and a McDonald's restaurant would attract more traffic. He also had concerns about people in the community in reference to snow, traffic, and property values. He prefers an office building and asked the Village Board to please forget about fast food.

From the audience, Mr. Stottleman answered that the developer appreciates the time and the comments. He would like to respond to the comments. In reference to odors, he welcomed anyone to view McDonald's sites. The restaurants have a venting system second to none which shoots the exhausts 150 feet into the air. There are no cooking smells near McDonald's restaurants. In reference to garbage control, it should be noted that the McDonald's Corporation polices its lots at least two times a day. The developer envisions no problems. In reference to eastbound traffic on Washington Street, the access for such traffic would be from Hunt Club Road. The development is proposing only a right-in right-out entrance on Washington Street. Traffic on eastbound Washington Street would have to make a left-turn from eastbound Washington Street and enter the entrance from Hunt Club Road northbound. In reference to children going to McDonald's, pedestrian walkways are proposed with pedestrian crossing signals for which the petitioner will provide the funds. In reference to the Lake Forest McDonald's, that was special architecture. This will also be a one-of-a-kind Gurnee design architecture. Much time has been spent to develop the appearance and landscape which he feels is second to none. The petitioner has McDonald's in Gurnee and they do well. In reference to the marketing plan, the average McDonald's has three-minute trading areas for volume. Nowhere are projections included in the proposal from Six Flags Great America's or from the proposed entertainment village. The clientele for this restaurant would come from a three-minute distance. In reference to lighting, there will not be any light spill-out from the property lines, including the signage lighting. He then expressed thanks to the Village Board for its consideration.

From the audience, Mr. Jerry Lengren, traffic consultant, explained that the a.m. peak traffic would have 73% of the McDonald's traffic already at the intersection. Sixty-three percent of the McDonald's traffic is already there in the evening. Forty-seven percent of the McDonald's traffic is already there during the lunch hours. The traffic study was done in cooperation with the Village staff, Lake County, the State of Illinois, and the Six Flags proposal. Information and data has been included. He said that the traffic for this proposal would be less than that of the service station.

Mr. Stottleman said that is the end of the presentation.

Chamberlain moved, seconded by Rocheleau, to deny the annexation agreement with Edwin and Brian Huffhines and McDonald's Corporation for the property located at the northeast corner of Washington Street and Hunt Club Road.

Trustee Ratfelders noted that the comments from the public have been good. Now may not be the appropriate time to bring this item before the Village. The roll call vote was as follows:

Trustee O'Brien votes "aye."

Trustee Amaden said that his son-in-law is a senior vice president for McDonald's. He then voted "aye."

Trustee Ratfelders votes "aye."

Trustee Chamberlain votes “aye.”

Trustee Narusis votes “aye.”

Trustee Rocheleau votes “aye.”

Nay: None. Absent: None.

Motion carried to deny the annexation agreement with McDonald’s Corporation.

The Village Administrator explained the history of the requested side yard setback variation for a detached garage structure on property located at 3731 Highland Avenue, owned by Mr. Lucchesi. He then introduced Mr. Lawrence LaLuzerne, attorney for Mr. Lucchesi.

Mr. LaLuzerne distributed a hand-out to the Village Board and then explained that Mr. Lucchesi had obtained an original building permit in 1996 and construction had started on his building in 1997. In October, 1997, changes had been made in the plan and phone conversations had been made with the Building Commissioner. In May, 1998, a stop-work order was issued by the Village. Mr. Lucchesi then met with Mr. Wildenberg at which time he first learned of the ratio for the proposed building and other buildings on the site. He feels there was nothing that prohibits this building in the Village except for the height. If this building was located slightly differently on the site, the building could be built. Mr. Lucchesi has installed many upgrades to this garage. The present building is not completed. The landscaping as proposed by Mr. Lucchesi would consist of an arborvitae hedge for screening. In reference to concerns of nearby residents, Mr. LaLuzerne said that what the neighbors see presently is natural vegetation which tends to hide the building. In reference to the impact of the building on the neighborhood, Mr. Lucchesi is proposing to lower the roof of the building on that section located closer to the lot line.

From the audience, Mr. Lucchesi showed a plan proposal in which he has been working on the section near the side yard and has worked with Village staff. That roof area would be lowered by three feet. Hopefully, the Village staff and himself can work together to reach a formula.

Mr. LaLuzerne said that in reference to the concerns about the formula for the roof, the roof is still one foot eight inches too high. However, lowering the roof to a 15 foot height would make the building look strange and could be a worse solution. The proposed landscaping is proposed not to be changed or altered even if the lot is subdivided. The height of the building is in relationship to the house. A plan is made to raise the roof of the house. Mr. Lucchesi has invested much time and over \$25,000.00 already on the garage. Due to a misunderstanding, he developed his property and building. He did not purposely develop the building to be illegal. The building, as modified, would be in character with the neighborhood.

Trustee Ratfelders asked if this is conforming or not.

The Assistant Village Administrator answered that the proposal tonight helps diminish the problems. A variance could be done.

Trustee Ratfelders asked if the petitioner is aware of the Village ordinance.

Mr. LaLuzerne answered that Mr. Lucchesi is aware of the issue. At the time of the understanding, he learned that he had to bring the roof line down to a level. The removal of an additional one foot eight inches of roof would involve destruction of much material installed in the garage.

The Assistant Village Administrator answered that much of the garage would come into conformance.

From the audience, Mr. Terry Howard, of Cemetery Road, said that he has known Mr. Grum as a professional and asked if there are other avenues to alleviate this problem.

From the audience, Mr. Pete Nordigan, attorney representing Mr. Fred Gust, Ms. Patricia Gust and Ms. Bonnie Mihevic, said he wished to make a formal objection. He then presented this formal objection to the Village Clerk.

The Village Clerk received the formal objection and noted it has been duly received.

Mr. Nordigan continued by stating it is his clients' desire that the hearing here before the Village Board is moot. The Village Board had voted and an appeal was done to the Zoning Board of Appeals. A final vote was done. The petitioner can obtain administrative review in the courts. The Zoning Board of Appeals has no application on file. Certainly changes were made, but it was not a proper hearing. This is not a proper referral to this Village Board at this time. According to Illinois State Statutes, there must be findings of fact. There have been no findings of fact. Village standards have not been met. Two years ago the petitioner tried to buy land from Ms. Mihevic in order to build this garage. The Assistant Village Administrator has admitted a difference exists between the building permit plans and the actual construction. Mr. Grum has admitted that the building plans submitted did meet the Village building code. Other petitioners for height variation have been denied by the Village. This is unreasonable use of property. There are no hardships and no attempts are made to prevent usage of the garage. He has heard no Village official admit error. The Village has in the past ordered buildings to be torn down. Other structures in the area are higher but are on large, five acre lots. Mr. Nordigan stated "My clients, the Gusts, plan to build on their lot." Mr. Nordigan continued by stating that his position is that a violation exists. If the Village Board grants this variation, then the Village rewards violators.

From the audience, Ms. Courshon said that this particular garage was built by personal construction. Twenty-five thousand dollars of investment strikes her as a hardship on the owner. Can there be a compromise?

Trustee Chamberlain asked if Mr. Nordigan's points can be responded to by the Village Attorney.

Mr. Nordigan said that at a July meeting the Zoning Board of Appeals had denied the proposal. The Village Board had voted it down at a later meeting, but as an afterthought suggested that the petitioner discuss the solution with the Zoning Board of Appeals. Mr. Lucchesi had gone back with his request to the Zoning Board of Appeals, but no application was filed yet something different was being planned.

The Village Attorney answered that the Village Board had waived the fee for a second hearing before the Zoning Board of Appeals. New plans had been filed and new public notices were given about the new Zoning Board of Appeals hearing. Notices to neighbors were done. In reference to Mr. Nordigan's improper notice, what specifically can be done? What was not done was to inform the public of the proceedings.

Trustee Chamberlain said he feels there is a need for the Village Attorney's opinion. He then asked the Assistant Village Administrator about any other height variations. Is there any precedent and could this be dangerous?

The Assistant Village Administrator answered that if this variance is approved, this could bring forward other similar requests.

Trustee Amaden asked if Mr. Lucchesi has not been informed of Village ordinances. He still is in violation.

Amaden moved, seconded by Ratfelders, to deny the request for a zoning variation for the required side yard setback for 3731 Highland Avenue.

Chamberlain moved, seconded by Amaden, to approve Village Ordinance No. 98-140, which authorizes the Mayor and Clerk to execute an Engineering Services Agreement Amendment No. 1 with Baxter & Woodman, as recommended by the Village Engineer, and to publish in pamphlet form.

Roll Call, Aye: O'Brien, Amaden, Ratfelders, Chamberlain, Narusis, Rocheleau.
Nay: None.
Absent: None. Motion Carried.

The Village Administrator explained the memo, dated December 2, 1998, from the Village Finance Director in reference to the lease purchase agreement with Harris Bank Libertyville for the ladder truck for the Fire Department.

From the audience, the Village Finance Director said that she did not yet have the final paperwork.

The Village Administrator explained the memo allows for a 4% interest rate according to the memo last week.

Chamberlain moved, seconded by O'Brien, to approve Village Ordinance No. 98-141, which authorizes the Village Administrator to execute a lease purchase agreement with Harris Bank Libertyville for the platform ladder truck for the Fire Department, as recommended by the Village Finance Director, and to publish in pamphlet form.

Roll Call, Aye: O'Brien, Amaden, Ratfelders, Chamberlain, Narusis, Rocheleau.
Nay: None.
Absent: None. Motion Carried.

Amaden moved, seconded by Narusis, to approve Village Ordinance No. 98-142, which authorizes the acquisition of certain real estate through condemnation or otherwise, as recommended by the Village Administrator, and to publish in pamphlet form.

Roll Call, Aye: O'Brien, Amaden, Ratfelders, Chamberlain, Narusis, Rocheleau.
Nay: None.
Absent: None. Motion Carried.

The Village Administrator explained the memo, dated December 1, 1998, from the Village Finance Director in reference to the workers compensation renewal proposal. He explained that the premium is up 13.6%. The experience modification factor was up 4%. The insurer has provided the Village with excellent insurance service.

Trustee Chamberlain asked if the Village administration knows why the experience modification factor and premium have gone up. Has any analysis been done? Is there any specific department?

From the audience, Mr. Joe Tomei, insurance agent, answered that there is no specific department responsible. The Village has just had some large claims. The Village, however, does have a safety program and training.

Ratfelders moved, seconded by Amaden, to approve the renewal of the workers compensation insurance with the Illinois Public Risk Fund in the amount of \$341,720.00, as recommended by the Village Administrator.

Roll Call, Aye: O'Brien, Amaden, Ratfelders, Chamberlain, Narusis, Rocheleau.
Nay: None.
Absent: None. Motion Carried.

The Village Administrator explained the memo, dated December 1, 1998, from the Village Finance Director in reference to the direct deposit program - request for proposals results. Six banks had bid on the proposal. The cost in the amount of \$500.00 was the low bid and the proposal submitted by Grand National Bank meets all criteria.

Mayor Welton announced the Executive Session had been in reference to pending litigation and possible property acquisition and that no action will be taken at this time.

The Village Administrator announced that he had received the revised agreements in reference to the planned unit development for the "entertainment village" on the northwest corner of the Illinois Tollway and Washington Street. He explained that Mr. Francke, the attorney, had been working with the Village staff in order to resolve previous issues.

From the audience was introduced Mr. Hal Francke, attorney for the developers of the proposed "entertainment village." Mr. Francke made a review of the revisions which are significant and which have been the result of public input. On the agreement, dated December 3, 1998, language has been added on page 5 in reference to a tree survey which must still be submitted with the preliminary plats. Using the same dated agreement on page 6, language has been added in reference to increasing or decreasing the size of acreage by 20% or more. This paragraph 4 allows for more flexibility as a minor revision.

Trustee Chamberlain asked if the 20% applies to open spaces.

Mr. Francke answered that it can be so done. It actually refers to parcels E, F and G. Mr. Francke continued with the revisions in the same dated agreement in that language has been added on page 8 in reference to the construction of the bike path from the western side of Six Flags Great America west to the entertainment village. If it is not possible to install the path in the present bridge structure, the path will be installed at time when the structure is changed. This is the missing link between the two sections of the proposed bike path. Also on page 8 is language added in reference to ongoing traffic studies and consultants.

Then referring to the proposed annexation P.U.D. agreement, dated December 7, 1998, Mr. Francke explained that paragraph D has been broken down into separate paragraphs. Paragraph E1 is in reference to ongoing traffic monitoring. Paragraph E2 provides for special provisions for Southridge and any traffic back-up on Hunt Club Road. The traffic consultant thinks that this traffic back-up will never happen. If the Village gets complaints from Southridge residents, traffic personnel will be sent by the Village and the cost for said personnel will be paid by Six Flags Great America. On page 8 is the latest version of such language. He continued by referring back to the agreement dated December 3, 1998 in reference to paragraph I on page 9 which contains language in reference to the bus shuttle system. On page 12 of the agreement dated December 3, 1998, has been added paragraph 2 in reference to the north/south roadway clarification and language for paragraph 3 in reference to the Tri-State Parkway requiring a public hearing. Anything happening to the Tri-State Parkway is dependent upon the Plan Commission or Village Board decisions. Then referring again to the document dated December 7, 1998, he explained the language on page 11, paragraph 3, in that a decision will be made within 120 days of the effective date of this agreement. Until the issue of the Tri-State Parkway is resolved, the proposal cannot go forward. If the Village decides not to connect to the Tri-State Parkway, there could be other public vehicles to use said road. Continuing with the same dated version of the agreement of December 7, 1998, he explained language in paragraph B1 (b) has been added to cover improvements to Hunt Club Road and Route 120 intersection. Paragraph B1 (c) has been added. The traffic direction plan is to be submitted prior to improvements to Route 21. Six Flags Great America is willing to make accommodations.

Trustee Narusis asked when does this become operational.

Mayor Welton asked about the phases of improvement to Interstate 94 and Milwaukee Avenue. Would there be temporary lights?

Mr. Francke answered that if IDOT allows and if the Village traffic consultant agrees, there would be no problem. In reference to other road improvements, Six Flags Great America will construct the improvements at its own expense. This is at the cost of

millions of dollars. In exchange, Six Flags Great America will not pay impact fees and will not come back for tax rebates in the future. This is explained on page 14 of the document dated December 3, 1998. Continuing on page 15 of the same dated version of the agreement, Mr. Francke explained paragraph A of article 9 which is in reference to recapture for future beneficiaries. The Village will work with Six Flags Great America to get a recapture agreement and determine the criteria.

Trustee Amaden asked “acceptable to whom?” What does reasonable mean?

Mr. Francke answered that this is according to the desires of the Village Board. The Village has the ultimate control.

Trustee Chamberlain asked about the version, dated December 7, 1998, in that pages 14 through 17 are missing.

Mr. Francke answered that there were no changes on those pages from previous versions.

Mayor Welton asked how these were addressed.

Mr. Francke answered these were for information, not changes.

The Village Attorney then explained the pagination situation.

Mr. Francke explained that on the version of the agreement dated December 7, 1998, on page 13 the VII should be VIII. On the new version dated December 3, 1998, the IX would be in sequence. He continued by stating that exhibit F has been added in reference to the rules and regulations for the employee housing. These are basically existing rules.

Trustee Narusis asked if there were any standards for the residents’ assistants or counselors.

From the audience, Mr. Foerster explained that these would probably be like the present situation of a ratio of one resident assistant to 30 residents.

Mr. Francke continued by explaining that exhibit E is now a one page document in reference to the roadway improvement list. This is found on both versions of the document. He continued by explaining the “free flow” on page D-2 is the result of meetings with the Lake County Department of Transportation. Lake County desires a single left-turn lane on eastbound Washington Street. Westbound Washington Street will be free flow into the theme park.

Trustee Narusis said he would like the measurements included.

Mr. Francke explained that all measurements in the document are subject to the approval by Lake County and the State of Illinois. The only revision to the development standards is in reference to the landscaping on page 20 in that the language now allows taller height and a minimum height of 6 feet for under-story trees. He then asked if there were comments on the proposal.

Mayor Welton then asked if there were any public comments on the changes which have been made.

From the audience, Mr. Ted Cummings, of 7254 Presidential, said that he had presented a proposal for a referendum at the last meeting. He has as of yet heard no comment. He had a concern about the quote from Mr. Wintrode about the “joint effort.” Where is the input?

He continued by stating that his public input may not be adequate. Mr. Wintrode talked about economic viability of the proposal, yet Mr. Francke talked about waiting 120 days for the Tri-State Parkway issue. He continued by stating he senses a nearing of a vote. He asked the Village Board to pursue a referendum. He asked that no vote be put into opposition to a referendum. He urges a “no” vote. This is a significant issue. The

Village residents need input, information, and see what the resident sentiment is. He requests that the Village Board take the time to wait for that information. In reference to time frame limits, there is clearly an opportunity to go forward. In reference to the other alternatives, he explained that if the Village Board takes no action within 60 days, it was considered a denial. A denial means that no application can be made by the petitioner within one year. Is this harsh? He feels they don't want to participate. He then explained that he feels Village Ordinance 13 deals with a time frame for the denial of an amendment. The exception of new evidence changes conditions. A referendum could so qualify. The Village Board determines the validity of a change or new evidence. This is a solution. Mr. Cummings again asked for a "no" vote. This is important. An abstention is not valid. During the proceedings, comments have been made. He then asked the Village Board to not hold anything against the residents. At the Plan Commission meetings, he noted that Mr. Sula had found the findings of the blue ribbon committee to be of limited value. This requires serious consideration. This is the time for a referendum since we now know the actual information. In closing, Mr. Cummings stated that different trustees sit in different positions. He asked if they want to make a major decision based on 1) what is the Gurnee residents' opinion or 2) the residents' opinions don't matter. He recognized the value of the trustees. This is something a little different. Don't the Village trustees need the views of the residents? This issue has been somewhat contentious. It's a question of doing the right thing knowing the sentiments of the residents. The Village has a great tool available for use as provided by the general assembly. He then asked the Village Board to wait on its decision.

The Village Attorney answered with a clarification in that Village Ordinance 13.10.6 only applies to map amendments and text amendments. It does not apply to conceptual plans, preliminary approvals, final plat approvals, or special use approvals. That has 60 day time limits.

Mr. Cummings answered there was no provision in the planned unit development in section 9. By the rules of construction, this is applicable. He stated the rules of construction of the Village ordinances make it apply.

Trustee Narusis asked if there are any circumstances or changes that would make this project favorable in Mr. Cummings' mind. He continued by saying he would like Mr. Cummings to explain the general business the Village Board needs to do to make this proposal acceptable.

Mr. Cummings answered that the major concern of this proposal is if economically this project can be viable. Will the promised revenue stream happen? An upscale resort with a water park doesn't make sense.

Trustee Narusis asked if there need be more studies.

Mr. Cummings answered he didn't say that. As to a water park, does it go hand in hand with a resort? Mr. Cummings then said "I don't want a water park."

Trustee Narusis answered that he now knows what Mr. Cummings doesn't like.

Mr. Cummings retorted that what was originally planned is not what is proposed now.

Mr. Francke asked about the employee housing.

From the audience, Ms. Mary Courshon, of 55 Silo Court, said that the term the "public" was used by Mr. Francke. She takes umbrage at this comment. She has had good results from the Village staff. She then reviewed the history of the RFP for this proposal, continuing with meetings of the blue ribbon committee and the Plan Commission hearings. However, the public forum has only existed since June of 1998. She then explained her question is if there a cost analysis for Great America on the road improvements on Route 21. What is the difference of the recapture agreements and resident inconveniences? Is it still proposed for one right-turn lane from Route 120 to Hunt Club Road and two right-turn lanes from Hunt Club Road to Washington Street?

She then related how she used to shop at a small family store on Old Grand Avenue where the store owner was conscientious. She continued by saying she felt that person looked out for the people of Gurnee.

From the audience, Mr. Gary Silha, of 6180 Indian Trail Road, said he had questions about clarifications. How will the traffic be routed down Route 21?

Mr. Francke answered that the developer will discuss signage before the final plat approval.

Mr. Silha asked if the viaduct on Washington Street can handle the traffic from Milwaukee Avenue. Is it wide enough?

Mr. Francke answered it's not on our traffic consultant's priority list. This is for the Village traffic consultant to answer.

From the audience, Mr. Bill Grieve, Village traffic consultant, explained that the road improvements were for Route 21 and Washington Street. These improvements can accommodate the traffic on all the regional routes.

Mr. Silha asked about a recapture agreement. Is this not similar to a rebate program?

Mr. Francke answered that this is an opportunity for the party to put in the improvements which benefit other developers to make those other developers share in those costs. Undeveloped properties, not in the Village, are likely to be developed in the future. They contribute their fair share for the improvements to their property.

Mr. Silha asked if the recapture is borne by the future developments.

Trustee Chamberlain explained that recapture is a standard agreement. This is nothing about a rebate.

Mr. Silha then asked about "discretionary recapture."

The Village Administrator explained the recapture agreement must come back before the Village Board.

Mr. Silha asked if tax rebates can be requested in the future. Can't the developer ask for rebates for the road improvements. What about rebates for any other items?

Mr. Francke answered that is not the developer's intent. He continued by explaining the point of the agreement is determined by the Village. However, the petitioner still has rights.

Mr. Silha then expressed concerns about the employee housing during the eight months while the park is closed. Will those dorms also be closed?

From the audience, Mr. Foerster said that for the record, the housing will be used only for the seasonal employees. The housing will be closed the rest of the year.

Mr. Silha then asked questions about the bike path. He first commended Six Flags Great America for developing the bike path on both sides of the viaduct. However, will the bike path be a hazard under the viaduct? He then continued by stating he was disturbed by an event earlier in this meeting by Trustee Narusis questioning Mr. Cummings. Mr. Cummings had only asked for the Village Board to work for the residents. He is concerned about the impact of this proposal on the residents. The Village as a whole has opinions that are important. The residents of this Village are entitled to be heard. This is a total town issue.

Trustee Amaden said that Mr. Silha was repeating himself.

Trustee Rocheleau asked if Mr. Silha and Mr. Cummings put out the petition. She said that she feels they are doing a disservice. This particular property has been zoned for ten years.

Mr. Silha answered that they had asked the Village Board to be proactive to put this referendum on the ballot. He said he is suggesting that the Village Board do that.

From the audience, Ms. Cathy Kreigh, of 6160 Indian Trail Road, asked why is she objecting now. This particular proposal has only been published since June of 1998. Village newsletters for the past year have mentioned nothing about this proposal. There was not a word of this proposal in the Warren-Newport Library. Elected officials are to do critical thinking. She was shocked when the Plan Commission gave its recommendation. She said she feels the Village Board is being asked to change the Village of Gurnee. Before doing so, she asked that the Village Board ask the people. The proposal is incongruous with Gurnee. Ask the people! She continued by requesting that the Village Board listen to the people which is the job of the Village Board. The people want to have an impact. The percentage of the residents of the Village signing the petitions are impressive. The original plan has changed so much to this proposal. She then again asked to give the citizens the voice for which they are asking. They are Village residents. She then continued by stating that the Village residents can support their schools without the money from Six Flags Great America. Six Flags Great America has not fixed their own traffic problem yet. They now want to invite thousands more people into the Village. She pleaded with the Village Board to please wait until the developer has a plan being executed to solve the traffic problems. Everyone should wait for a comprehensive traffic plan and for the residents' voice. The residents don't want transient carnival workers living in Gurnee. The "noise, theft, and alcohol problems" exist at the present dorms of Six Flags Great America. She asked that more problems not be added to the Gurnee Police Department. This particular proposal will suck Gurnee's resources while the developer makes money. She asked the Village Board to not listen to the constantly changing convoluted plans. Please vote "no" -- the right thing.

From the audience, Ms. Kristina Kovarik, a resident and member of the Plan Commission, said she had concerns about the single left-turn lane. It is imperative to strike the word "minimal" on page 6. She asked that the Village Board clarify the situation about the Tri-State Parkway. No one has asked for an entrance from Route 132. They were just asking for a dedicated right-of-way.

From the audience, Mr. Dean Sprake-Jones, of 1117 Laurel Lane, said that traffic is a sensitive issue. What is the population growth being accounted for in the traffic figures? During construction, how will the traffic be handled? If the Route 21 and I-94 intersection is closed down, what will be the intersection capacities? He stated he is hoping for serious considerations. Does Six Flags Great America have a security force for the housing?

From the audience, Mr. Perry Howard of Cemetery Road, said he feels the proposal will be bringing in 500,000 more people. How can Hunt Club Road and Washington Street intersection handle this traffic? What about Cemetery Road? Is not the route of the Tri-State Parkway near wetlands? Has the original drainage ditch been rerouted? What is the bike path route? Gurnee has become the crime capital of Lake County. Is this not a threat to the properties near the rear lot lines? What about vandalism? He urges the Village Board to review this or to reject it. Send it back to Six Flags.

From the audience, Ms. Jones, of West Washington Street, said that change requires adaptation. All people adapt. All people need to make a good decision. She feels that the traffic might actually be eased from what it is at present. Good hotels could serve a convention center. Commercial dollars do underscore a community's viability. She feels that Six Flags Great America has been a responsible business and that all people are new to change and must adapt.

Mayor Welton then ended the public comments and called for a motion for the proposal.

Ratfelders moved, seconded by O'Brien, to approve Village Ordinance No. 98-143, which authorizes the execution of a planned unit development agreement, rezoning and issuing a special use permit for planned unit development, and approving a preliminary P.U.D. plat with respect to property located at the northwest corner of the Illinois Tollway (I-94) and Washington Street, as recommended by the Plan Commission, and to publish in pamphlet form.

Roll Call: O'Brien votes "aye."

Amaden votes "nay."

Ratfelders votes "aye."

Chamberlain votes "nay" and adds that he feels the Village Board should wait for a referendum.

Narusis says "pass."

Rocheleau votes "aye."

Narusis then says he likes the overall issues that have been discussed. However, the Village staff has overlooked some issues which have gotten into the document.

The Village Administrator asked "such as?"

Trustee Narusis answers that the document overlooks an interchange committee, an employee entrance, on-site resident security, traffic study in the future and when put into place, the Southridge cut-off study, sewer and water issues, the movie theater, and a live performance venue. Can these issues be addressed? He then asked the developer if he was prepared to address these issues.

(Numerous members of the audience shout for Trustee Narusis to vote.)

Mr. Francke answered that the developer has had countless hours of meetings in order to meet the staff desires. These issues can be subject to further clarification of these issues.

(Members of the audience asked for a vote.)

Trustee Narusis retorts that all he has asked for is fairness. He feels that certain members of the audience have been hypocritical. If the concerns can be addressed, they should be. Trustee Narusis then votes "aye."

Mayor Welton votes "aye."

Absent: None.

Motion carried 5-2.

Ratfelders moved, seconded by Rocheleau, to approve Village Ordinance No. 98-144, which grants a special use permit for employee housing facilities at Six Flags Entertainment Village, as recommended by the Plan Commission, and to publish in pamphlet form.

Roll Call, Aye: O'Brien, Ratfelders, Narusis, Rocheleau, Welton.

Nay: Amaden, Chamberlain.

Absent: None.

Motion Carried 5-2.

Ratfelders moved, seconded by Narusis, to approve Village Ordinance No. 98-145, which grants a special use permit for a regional hotel and conference center at Six Flags Entertainment Village, as recommended by the Plan Commission, and to publish in pamphlet form.

Roll Call, Aye: O'Brien, Ratfelders, Narusis, Rocheleau, Welton.

Nay: Amaden, Chamberlain.

Absent: None.

Motion Carried 5-2.

Ratfelders moved, seconded by Rocheleau, to approve Village Ordinance No. 98-146, which grants two special use permits for hotels at Six Flags Entertainment Village, as recommended by the Plan Commission, and to publish in pamphlet form.

Roll Call, Aye: O'Brien, Ratfelders, Narusis, Rocheleau, Welton.

Nay: Amaden, Chamberlain.

Absent: None.

Motion Carried 5-2.

Mayor Welton said there was no other business.

From the audience, Ms. Courshon asked if a Trustee had voted twice.

The Village Clerk repeated the vote on Village Ordinance No. 98-143 in that the vote was O'Brien voting aye, Amaden voting nay, Ratfelders voting aye, Chamberlain voting nay and saying he felt the Village Board should wait for a referendum, Narusis voting pass, and Rocheleau voting aye. Narusis then votes aye after clarification of certain issues. Mayor Welton votes aye. The motion is carried 5-2.

Chamberlain moved, seconded by Rocheleau, to adjourn the meeting.

All Aye.

Motion Carried.

The meeting was adjourned at 12:06 a.m. by Mayor Welton.

Norman C. Balliet
Village Clerk