

**MINUTES OF THE REGULAR MEETING**  
**OF THE PRESIDENT AND BOARD OF TRUSTEES**  
**VILLAGE OF WHEELING**  
**BOARD ROOM - 2 COMMUNITY BOULEVARD**  
**COOK and LAKE COUNTIES, WHEELING, IL**  
**MONDAY, SEPTEMBER 16, 2019**

**1. Call to Order**

President Horcher called the Meeting to order at 6:30 p.m.

**2. Pledge of Allegiance**

**3. Roll Call - Village Clerk Elaine E. Simpson called the roll and the following Board members were present:**

Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Jim Ruffatto, Joe Vito, Dave Vogel

**4. Approval of Minutes**

Approval of Minutes of the Regular Meeting of August 19, 2019

Motion by Dave Vogel, second by Mary Krueger to approve Minutes as presented.

Final Resolution: Motion Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Jim Ruffatto, Joe Vito, Dave Vogel

**5. Changes to the Agenda - None**

**6. Proclamations - None**

**7. Appointments and Confirmations - None**

**8. Administration of Oaths - N/A**

**9. Citizen Concerns and Comments**

Tom Bouslog spoke about current projects going on at the Wheeling Rotary, and asked for support from the Village for the Rotary Club of Wheeling Fundraiser to honor Judy Abruscato on Nov 5, 2019.

**10. Staff Reports**

Community Development Director Andrew Jennings provided an update on the gateway sign project, and noted that a ribbon cutting invitation will be forthcoming. Manager Sfondilis stated that photos of the new signs will be posted on our website and Facebook after the first sign is installed.

President Horcher noted that Wheeling Road did not flood during the recent rain events and asked Director Janeck to explain why. Director Janeck stated that this is due to the Board approved investment in storm sewer improvements.

**11. Consent Agenda-All items listed on the Consent Agenda are considered to be routine by the Village Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member or citizen so requests, in which event the item will be removed from the general order of business and considered after all other Agenda items.**

**A. Resolution 19-110 Authorizing Acceptance of a National Highway Traffic Safety Administration / Illinois Department of Transportation Sustained Traffic Enforcement Program (STEP) Grant through Federal Fiscal Year 2020**

**B. Resolution 19-111 Authorizing the Village President to Execute a Settlement Agreement and Mutual Release in the Amount of \$34,000**

**C. Resolution 19-112 Accepting a Proposal from Haeger Engineering, LLC for Consulting Services Involving the 2020 Street Improvement Program in the Amount of \$118,500**

**D. Resolution 19-113 Accepting a Proposal from Haeger Engineering, LLC for Consulting Services Involving the 2020 Streetlight Replacement Program in the Amount of \$48,500**

**E. Resolution 19-114 Authorizing Execution of a Right-of-Way Use Agreement between the Village of Wheeling and Zayo Group, LLC**

**F. Resolution 19-115 Authorizing the Police Chief to Execute the Grant Funding Agreement from the Illinois State Police Office of the Statewide 9-1-1 System in the Amount of \$237,605.36 for Next Generation 9-1-1 Infrastructure**

**G. Resolution 19-116 Authorizing the Village President and Clerk to Execute a Master License Agreement with Verizon Relative to the Installation of Small Wireless Facilities on Village Property**

Motion by Jim Ruffatto, second by Mary Papantos to approve Consent Agenda as presented.

Final Resolution: Motion Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Jim Ruffatto, Joe Vito, Dave Vogel

## **12. Old Business - None**

## **13. New Business - All Listed Items for Discussion and Possible Action**

**A. Resolution 19-117 Authorizing a Jurisdictional Transfer Agreement with the Illinois Department of Transportation (IDOT) Associated with the Reconstruction of a Section of Wolf Road within the Village**

Clerk Simpson read legislation Items 13.A, 13.B, and 13.C into the record.

Public Works Director Mark Janeck reviewed Items 13.A, 13.B, and 13.C, and answered a question from the Board.

Motion by Ray Lang, second by Jim Ruffatto.

Final Resolution: Motion Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Jim Ruffatto, Joe Vito, Dave Vogel

**B. Resolution 19-118 Authorizing the Village President to Execute a Cost Participation Agreement with the Illinois Department of Transportation (IDOT) Associated with the Reconstruction of a Section of Wolf Road within the Village**

Motion by Mary Papantos, second by Dave Vogel.

Final Resolution: Motion Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Jim Ruffatto, Joe Vito, Dave Vogel

**C. Resolution 19-119 Approving the Apportionment of Funding for Additional Costs Not Covered by the Cost Sharing Agreement with the Illinois Department of Transportation (IDOT) Associated with the Reconstruction of a Section of Wolf Road within the Village**

Motion by Mary Krueger, second by Mary Papantos.

Final Resolution: Motion Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Jim Ruffatto, Joe Vito, Dave Vogel

**D. Ordinance 5287 Authorizing a Redevelopment Agreement between the Village of Wheeling and Victor Torishnyak for the Development of Land at 966 South Milwaukee Avenue, Wheeling, IL Comprising a Part of the Southeast-II TIF District of the Village of Wheeling, Cook and Lake Counties, Illinois**

Clerk Simpson read the legislation title into the record.

Economic Development Director John Melaniphy reviewed the property history. Petitioner was present and answered a question from the Board.

Motion by Ray Lang, second by Mary Papantos.

Final Resolution: Motion Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Jim Ruffatto, Joe Vito, Dave Vogel

**E. Ordinance 5288 Amending Chapter 4.32, "ALCOHOLIC LIQUOR DEALERS," and Chapter 4.08, "LICENSES AND PERMITS," of the Village of Wheeling's Municipal Code to Create a Class "C-LC" License to Authorize Later Operating Hours at Taverns, to Create a Class "J-1" Liquor License to Allow Service of Alcoholic Liquors at Cosmetic Service Establishments, to Modify the Requirements of the Class D-4 License, and to Increase the Fee for the Class N-V License** Motion to Approve (specifying fee amounts for the two new license classes)

Clerk Simpson read the legislation title into the record.

#### Class C-LC License

Manager Sfondilis reviewed the highlights of previous Board discussions on this item, and summarized what is being asked of the Board. Discussion followed regarding fee recommended by staff.

President Horcher asked for Board Consensus regarding the fee for a Class C-LC license, which allows taverns to operate between the hours of 2:00 a.m. to 4:00 a.m., in the amount of \$2,000.

Final Resolution: Consensus Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Jim Ruffatto, Dave Vogel

No: Mary Papantos, Joe Vito

#### Class J-1 License

Manager Sfondilis noted that staff recommendation for this license is \$250.00 with no initial fee.

President Horcher asked for Board Consensus regarding a \$250.00 fee for a Class J-1 license which allows liquor to be served at cosmetic service establishments.

Final Resolution: Consensus Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Jim Ruffatto, Joe Vito

No: Mary Papantos, Dave Vogel

President Horcher asked for a motion to approve the Ordinance with the fee amendments.

Motion by Ray Lang, second by Mary Krueger.

Final Resolution: Motion Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Jim Ruffatto, Joe Vito, Dave Vogel

#### **F. DISCUSSION RE: Major Site Plan & Appearance Concept Review of Spa Forest (350 East Dundee Road)**

Clerk Simpson read the Discussion title into the record. Manager Sfondilis reviewed the Concept Review process.

Community Development Director Andrew Jennings provided an overview of the project and shared staff review comments. Petitioner's representative delivered a presentation, and answered questions from the Board. Spa Forest owner, Steve Chon, provided an overview of their current locations, described services provided, and answered questions from the Board. Discussion continued regarding hours of operation, business and liquor licensing, and that the property is on a floodplain.

President Horcher asked the Board if they are in favor of the concept.

Final Resolution: Consensus Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

No: Jim Ruffatto

#### **G. DISCUSSION RE: Major Site Plan & Appearance Concept Review of the Wheeling Oak Shopping Center (Westin Outlot B, 751 North Milwaukee Avenue)**

Clerk Simpson read the Discussion title into the record. Manager Sfondilis reviewed the Concept Review process. Petitioner was present, reviewed some highlights of the concept, and answered questions from the Board. Mario Malone, CBRE, provided additional information on types of uses for this property, and answered questions from the Board.

Community Development Director Andrew Jennings shared staff comments based on their analysis, specifically traffic circulation issues.

President Horcher asked the Board if they are in favor of the concept.

Final Resolution: Consensus Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Jim Ruffatto, Joe Vito, Dave Vogel

#### **H. DISCUSSION RE: Recreational Cannabis – Zoning Considerations**

Clerk Simpson read the Discussion title into the record. Manger Sfondilis provided an overview of the state law related to cannabis.

Community Development Director Andrew Jennings credited Village Planner Marcy Knysz, and Assistant Community Development Director Steve Robles, who did the background work on this topic. Director Jennings spoke about the timeline related to the law and existing license holders, and briefly covered the license types. Director Jennings noted that municipalities can enact zoning restrictions or prohibit these uses outright, but cannot prohibit the individual use allowed by the State.

Manager Sfondilis read the list of types of recreational cannabis businesses (Cultivation Center, Craft Grower, Infuser, Dispensary, and Cannabis Lounge/Cafe) that the Board will consider, and read the staff recommendation for a lounge/cafe.

#### Lounge/Cafe

Attorney Ferolo and Manager Sfondilis answered questions from the Board related to lounges, including proximity to churches, schools, etc., and potential property tax income.

President Horcher asked the Board if they agree with staff recommendation to prohibit the Cannabis Lounge use, except in cases where the lounge is adjacent to and operated by a licensed dispensary.

Final Resolution: Consensus Approved

Yes: Pat Horcher, Ray Lang, Mary Papantos, Jim Ruffatto, Joe Vito

No: Mary Krueger, Dave Vogel

Trustees Krueger and Vogel are in favor of total prohibition whether adjacent to a dispensary or not.

#### Zoning

Manager Sfondilis read the staff recommendation for zoning. Attorney Ferolo and Manager Sfondilis answered questions from the Board.

President Horcher asked the Board if they agree with staff recommendation to allow cannabis sales in commercial and mixed-use districts, with cultivation over a certain size allowed only in industrial districts.

Final Resolution: Consensus Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Jim Ruffatto, Joe Vito, Dave Vogel

#### Limit on Number of Recreational Cannabis Businesses

Manager Sfondilis reminded the Board that they are only providing direction on these discussion topics, and noted that staff recommends starting with 2-3 licenses.

President Horcher asked the Board if they are in favor of not capping the number of licenses at this time.

Final Resolution: Consensus Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Jim Ruffatto, Joe Vito, Dave Vogel

#### Cannabis Tax

Manager Sfondilis stated that the staff recommendation for a tax of 3%.

President Horcher asked for Board Consensus on a 3% tax.

Final Resolution: Consensus Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Jim Ruffatto, Joe Vito, Dave Vogel

Discussion continued related to Cultivation Centers, Craft Growers, and Infusers.

### **14. Official Communications**

Clerk Simpson invited everyone to the Pancake Community Breakfast on September 28 from 8:00–10:00 a.m. at Wheeling Fire Station #42, 1 Community Blvd. Breakfast will be prepared by the Village President, Trustees, and Village Clerk.

Trustee Papantos congratulated Management Analyst Ileen Bryer on her accreditation through the Illinois Emergency Management Agencies Illinois Professional Emergency Manager program.

### **15. Approval of Bills**

Approval of Bills for August 15 – September 11, 2019, in the amount of \$6,501,122.59¢

Motion by Dave Vogel, second by Jim Ruffatto to approve Bills as presented.

Final Resolution: Motion Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Jim Ruffatto, Joe Vito, Dave Vogel

#### **16. Executive Session**

President Horcher asked for a Motion to recess to enter Executive Session for the purpose of discussing pending, probable, and/or imminent litigation, the appointment, employment, compensation, discipline, performance, or dismissal of a specific employee(s) of the Village, the purchase or lease of real property for the use of the Public Body, and the setting of a price for sale or lease of property owned by the village.

Motion by Jim Ruffatto, second by Mary Krueger, that the Regular Meeting recess to enter Executive Session.

Final Resolution: Motion Approved, the meeting recessed at 8:49 p.m.

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Jim Ruffatto, Joe Vito, Dave Vogel

#### **[Reconvene from Executive Session]**

President Horcher asked for a Motion to reconvene into open session.

Motion by Jim Ruffatto, second by Dave Vogel, that the Regular Meeting reconvene.

Motion carried by roll call vote, all Ayes, the open meeting reconvened at 10:10 p.m.

#### **17. Action on Executive Session Items - None**

#### **18. Adjournment**

President Horcher asked for a Motion to adjourn.

Motion by Jim Ruffatto, second by Mary Papantos.

Motion carried by voice vote, all Ayes, the meeting adjourned at 10:11 p.m.

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Elaine E. Simpson, Village Clerk

Approved this 7th day of October 2019, by the President and Board of Trustees