

COMMITTEE OF THE WHOLE MEETING
JUNE 8, 2010
MINUTES

1. CALL TO ORDER

Mayor Knigge called the Committee of the Whole Meeting to order on Tuesday, June 8, 2010 at 7:02 p.m. at the Village Hall.

2. ROLL CALL

On roll call by Sherry Davies, the following Trustees were:

Present: Trustees Wahl, Lochmayer, Mayo, Knight and Murphy

Absent: Trustee Barbini

Also present were Village Administrator Dan Quick, Chief Larsson and Attorney Rudy Magna.

3. ITEMS FOR DISCUSSION

A. Request from Tom Murphy, Owner of Murphy's Pub Located at 110 Slocum Lake Rd., Wauconda, to Change his Liquor License Classification from Class "A" to Class "T" for the Purpose of Building an Outdoor Fenced Smoking Area.

Administrator Quick informed the Board that Mr. Murphy was in the audience and that this matter needed further discussion and evaluation. Mr. Murphy is not really in need of a Class "T" liquor license, but a new liquor license classification would have to be created. Mr. Murphy has reduced the size of the smoking space to 18'x18'. His patrons would use this space for smoking and drinking purposes, however, no drinks would be served in this area. Mr. Murphy will also be installing a 6' privacy fence. Administrator Quick advised Mr. Murphy to prepare a drawing, designed on a site plan, for presentation at the next Committee of the Whole meeting, identifying such things as seating, lighting, emergency exit and the like.

Administrator Quick said that the drawing provided by Mr. Murphy is not acceptable for the Building Department. Administrator Quick is concerned that allowing drinking in the smoking space will allow for loud, rowdy people in an area only 50' from residents on Mill Street. He suggested that the area be allowed to operate only until 10:00 p.m. seven days per week. He remarked that allowing anything later than that would generate problems for the police department.

Mr. Murphy said he has never had complaints about noise that he is aware of and that right now his patrons just wander around the parking lot to smoke. He feels that with the smoking space confining them to a specific area, the noise level will be reduced. Administrator Quick commented that he would like to see a window in the doorway to the smoking space, and Mr. Murphy said there will be a window in the door.

Mayor Knigge said that because of the new liquor license classification, it will set a precedent with other establishments that want to have something similar, especially in close proximity of other residences and this is a point of consideration for the Board. Attorney Magna indicated that the current liquor license does not allow for consumption of alcohol outside Mr. Murphy's establishment and that is why he is seeking relief of that restriction.

Trustee Mayo indicated that Mr. Murphy has been in business for a long time. She said there are many decks in the Village within closer proximity of their neighbors where there is smoking and drinking going on. She doesn't know that a precedent will be set since the American Legion has been allowed to build a smoking area. Mr. Murphy is reducing the size from 21'x24' and if the hours are considered, she doesn't know how the Board can stop this. She thinks it needs further discussion. She doesn't have a problem with it.

Tim Medved, a resident at 135 W. Maple, said he understands the smoking issue in a contained area and thinks that is a great idea, however he does take issue with the addition of drinking and thinks it will create a significant problem with noise. With the way things are presently, there is not much of a problem.

Attorney Magna suggested that Administrator Quick put together the substantive provisions that will be included in this new ordinance, in draft form. It was suggested that the operating hours of the smoking area be until 10:00 p.m. on weekdays and 11:00 p.m. or 12:00 a.m. on weekends.

This matter was moved forward to June 22nd.

B. Vacation of Mill Street Alley (Wauconda Bowl).

Administrator Quick informed the Board that everything is ready to go with this issue, and everything has been approved by all concerned.

Attorney Magna reminded the Board that this involves vacating for ownership, evenly divided between the two adjacent property owners, an unused and unusable alleyway. The sum of \$205,010.60 is the total payment to be divided between the neighboring property owners as they have agreed. There is an electrical box on the side of the bowling alley that is an issue, and the Village will take a five-year easement regarding the electrical box or, if the wall blows down or explodes, the easement will end sooner than five years. At the end of five years, the Village will have to move the electrical box.

This matter was moved forward to June 15th.

C. Request from Michael Curcio, Director of Operations of Docks Bar and Grill Located at 313 E. Liberty St., Wauconda, to Extend his Outside Music Hours from 11 p.m. to Mid-Night over the Fourth of July and Labor Day Holidays.

Administrator Quick informed the Board that he, Mayor Knigge and Commander Thibault recently met with Mr. Curcio to discuss some of the activities at the

establishment and the current request. Commander Thibault is going to prepare a survey of other communities and how they deal with noise level. Mr. Curcio indicated he has done some investigation of other communities and finds that Wauconda is attuned with the decibel level but not the radius.

Trustee Lochmayer suggested the Board consider granting Docks' request for the July 3rd and 4th weekend and make Labor Day contingent 100% on the July weekend, then grant the Labor Day weekend extension request. Attorney Magna recommended that the Board consider giving relief for the July 3rd and 4th weekend only, see how it works out and then revisit the Labor Day extension request. The Board indicated general agreement with this recommendation. Attorney Magna recommended that this be taken on by the liquor commissioner's jurisdiction rather than at a board meeting.

This matter was moved forward to June 15th.

D. Request from Mike Wahl on Behalf of the "Guns-N-Hoses Benefit Golf Outing" to Obtain a Raffle License and Waive the Bond Requirement.

Administrator Quick advised the Board that Mr. Wahl is merely applying for his raffle permit as part of the Raffle Ordinance and asking that the bond be waived.

This matter was moved forward to June 15th.

E. Updated Village of Wauconda Organizational Chart.

Administrator Quick advised the Board that this is the latest draft of the Organizational Chart for the Board's information. One of the trustees questioned the Director of Economical Development section and the appropriate change will be made.

F. Fireworks 2010 Update.

Administrator Quick informed the Board that to-date \$21,118.00 has been collected from residents and businesses in donations for the fireworks. He indicated that at some point the dollar amount must be increased if the Board wants to have the same type of show because of the increase in fireworks each year. Trustee Wahl said she doesn't want to make a change this year and carry it over to next year. Trustees Murphy, Mayo, Lochmayer and Knight recommended spending the donations since people expect money they have contributed to be spent for that particular item. Mayor Knigge expressed his belief that this should be a community funded event as it's the most anticipated event of the year. There has been talk about cuts and the overwhelming consensus of the residents is, please don't cut the fireworks.

The consensus of the Board is to increase the amount to \$22,000.00 for the fireworks and any further donations that come in will be put in escrow.

G. Proposed Ordinance Ascertaining the Prevailing Rate of Wages for Laborers, Workmen and Mechanics Employed in Public Works of this Public Body.

Attorney Magna explained that this is an annual event, state mandated of all public bodies, requiring all public works contractors be paid the prevailing rate of wages to their laborers established for Lake County, Illinois, and the State Department of Labor publishes this each June. There is a lot of safety to this because if a complaint is filed because a laborer wasn't paid the prevailing rate of wage, the Department of Labor can extract the difference from the employer but also look to the Village for the difference.

Trustee Murphy asked about the Village doing an audit and Attorney Magna explained that an audit is up to the Department of Labor to conduct. By ordinance, the Village is obligated to obtain certified payrolls.

This matter was moved to June 15th.

H. Other Business.

Mayor Knigge received a thank you letter from Bonnie Thomson Carter, President of the Lake County Forest Preserve District, for the Village's contribution and support for the Senior Day Celebration.

Mayor Knigge reminded the Board of the Relay for Life this Saturday, June 12th. Opening ceremonies are at 6:00 p.m. at Paulus Park in Lake Zurich.

4. ADJOURNMENT

Meeting adjourned at 8:10 p.m.

Sherry Davies

