

**MINUTES OF A MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD WEDNESDAY,
SEPTEMBER 22, 2010 AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD**

I. Call to Order and Roll Call

At 7:34 p.m. President Sauer called the Meeting to order. The Deputy Village Clerk led the pledge of Allegiance, and then called the roll:

Present in Person: President Sauer, Trustees Boland, Das Gupta, Koertner, Kolar, and Pino
and Weiner

Absent: None

Also Present: Kathy Nelander, Village Administrator
J.W. Braithwaite, Village Attorney
Kris Lennon, Deputy Village Clerk
Warren Nass, Zoning Board of Appeals Chairman
Adam Sauer, 23 Hidden Brook Drive
Rich Politowicz, Professional Home Services, Chicago
Pat Rozzano, 635 Signal Hill Road
Scott Perkins, 635 Signal Hill Road
Gery Herrmann, 257 Kimberly Road
Bruce Kramper, 175 Pheasant Run Trail
Ed Harris, Lake County Sherriff's Department

II. PUBLIC COMMENT

Gery Herrmann, 257 Kimberly Road, addressed the Board to ask about a previous inquiry pertaining to a land swap. Mr. Herrmann offered to donate two parcels of land in exchange for a Village owned road right of way located at the end of Mockingbird Lane.

President Sauer stated that the Village would be interested in his proposal however; Mr. Herrmann must obtain concurrence of the other property owners abutting that portion of right of way. It was noted that Mr. Wiener is one of the property owners abutting that portion of the right of way and is opposed to Mr. Herrmann's proposal.

Mr. Herrmann inquired about the Rugby Road Culvert Project. President Sauer explained that the matter was going to be discussed during the Board meeting. Mr. Herrmann requested to be contacted upon initiation of the Rugby Road Culvert Project.

III. CONSENT AGENDA

Motion: On motion of Trustee Boland, seconded by Trustee Weiner, moved approval of the consent agenda consisting of the following agenda items:

- A. Approve Minutes of Board Meeting – 8/25/10
- B. Approve 9/22/10 Vouchers for payment of bills
- C. Approve the Treasurer’s Report for the 4th month of Fiscal Year 2011

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: President Sauer, Trustees Boland, Das Gupta, Koertner, Kolar, Pino and Weiner
Nays: None
Absent: None
Abstain: None

President Sauer declared the motion approved.

IV. ORDINANCES/ RESOLUTIONS

- A. (Tabled) Approve Resolution # 2571 re-appointing Susan Allman, Village Forester (3 year term)

President Sauer explained that the matter had been tabled at the previous Board meeting.

Motion: Trustee Boland moved to take from the table consideration of Resolution # 2571 re-appointing Susan Allman, Village Forester (3 year term); seconded by Trustee Weiner:

Discussion: There was no discussion.

Vote on Motion

By Voice Call: The voice vote was unanimous in favor.

President Sauer declared the motion approved.

Trustee Weiner asked if the Village Forester was employed by the Village or independently contracted. President Sauer stated that the Village Forester was an independent contractor.

Motion: Trustee Boland moved to approve Resolution # 2571; seconded by Trustee Koertner.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Boland, Das Gupta Koertner, Kolar and Pino and Weiner
Nays: None
Absent: None
Abstain: None

President Sauer declared the motion approved.

- B. Re-Adoption of Ordinance # 1189, Amendment to Ground Lease Agreement with Crown Castle GT Company LLC
Crown Castle plans to modify AT&T's equipment located on the monopole located at the North Barrington Village Hall, 111 Old Barrington Road, North Barrington.

Village Attorney J.W. Braithwaite recommended that the Village re-adopt Ordinance # 1189 as Crown Castle cannot directly impact the matter concerning AT&T. A separate Resolution was drafted to address the AT&T matter.

There was brief discussion among the Board about the reconsideration of Ordinance # 1189.

It was noted that the Minutes of Board Meeting from 8/25/10 were inaccurate and required an amendment deleting any language referencing the tabling Ordinance # 1189.

Motion: Trustee Boland moved to amend the Minutes of the Board Meeting of 8/25/10, previously approved this evening, to provide for reconsideration of Ordinance # 1189 (rather than tabling); seconded by Trustee Kolar:

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Boland, Das Gupta Koertner, Kolar and Pino and Weiner
Nays: None
Absent: None
Abstain: None

President Sauer declared the Minutes of August 25, 2010 amended and directed they be put on file.

Motion: Trustee Boland moved that upon reconsideration, the Corporate Authorities re-adopt Ordinance #1189, Amendment to Ground Lease Agreement with Crown Castle GT Company LLC; seconded by Trustee Koertner:

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Boland, Das Gupta Koertner, Kolar and Pino and Weiner
Nays: None
Absent: None
Abstain: None

President Sauer declared the Ordinance re-adopted.

- C. Consideration of Resolution # 2572, Resolution discouraging AT&T's advertising of the availability of AT&T U-verse® TV in the Village of North Barrington

The Resolution had been made available to the Board in their packet materials.

President Sauer explained that AT&T repeatedly engages in a broad program of advertising to the residents of North Barrington regarding a U-verse service. Despite repeated requests for the U-verse service by a number of Village residents, the U-verse service remains unavailable to those residents and AT&T is unwilling to give firm commitments as to the date such service will become available.

Trustee Boland suggested that the language in Section 2. of the resolution be amended by removing the word “demand” and replacing it with “request”. There were no objections from the Board.

Motion: Trustee Boland moved to approve Resolution # 2572 as amended; seconded by Trustee Koertner:

Discussion: There was some discussion.

Vote on Motion

<u>By Roll Call:</u>	Ayes:	Trustees Boland, Das Gupta Koertner, Kolar and Pino and Weiner
	Nays:	None
	Absent:	None
	Abstain:	None

President Sauer declared the motion approved.

D. Consideration of Resolution # 2573, Resolution authorizing vacation of Wetland and Detention easement on Lot B13 of Wynstone Subdivision

The Resolution had been made available to the Board in their packet materials.

Village Attorney J.W. Braithwaite provided an amended version of Resolution #2573 to the Board. Attorney Braithwaite explained that the plat of Wynstone Subdivision includes a wetland and detention easement on a portion of Lot B-13. Village Engineers recommended that the entire existing wetland and detention easement be vacated and be replaced by a new easement on a revised plat.

It was noted that the Army Corps of Engineers is in agreement with the Village Engineer’s recommendation.

There was discussion among the Board.

Motion: Trustee Koertner moved to approve Resolution # 2573 as amended; seconded by Trustee Pino:

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Boland, Das Gupta Koertner, Kolar and Pino and Weiner
Nays: None
Absent: None
Abstain: None

President Sauer declared the motion approved.

- E. Consideration of Resolution # 2574, Accepting Title to Donated Lot (Lot 6, Block 8, Unit No. 3, Biltmore Country Estates, PIN: 13-23-210-002), 0 Sioux Drive, North Barrington

The Resolution had been made available to the Board in their packet materials.

It was noted that the Village expects to receive from the McKay family an executed deed conveying to the Village the property, Lot 6, Block 8, Unit No. 3, Biltmore Country Estates, PIN: 13-23-210-002), 0 Sioux Drive, North Barrington and that the Village will gratefully accept the donation.

Trustee Kolar asked if the lot was located adjacent to Village owned property. Village Administrator Kathy Nelander replied that the Village owns property adjacent to the lot being donated.

There was brief discussion among the Board.

Motion: Trustee Boland moved to approve Resolution # 2574; seconded by Trustee Wiener:

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Boland, Das Gupta Koertner, Kolar and Pino and Weiner
Nays: None
Absent: None
Abstain: None

President Sauer declared the motion approved.

- E.(1) Consideration of Ordinance # 1191 Rezoning portion of 635 Signal Hill Road from R-3 to R-1

The Ordinance was provided to the Board in their packet materials.

President Sauer explained that Attorney Kathleen Leitner represented the petitioners and that the proposed rezoning is in conformity with the Village's Comprehensive Plan.

Trustee Kolar asked if the proposed zoning variation included language that the variation would run with the land. Village Attorney J.W. Braithwaite explained that there is language reflecting that the proposed zoning variation will run with the land.

Motion: Trustee Kolar moved to adopt Ordinance #1191; seconded by Trustee Das Gupta:

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Boland, Das Gupta Koertner, Kolar and Pino and Weiner
Nays: None
Absent: None
Abstain: None

President Sauer declared the Ordinance adopted.

- F. Consideration of Ordinance # 1192, Zoning Variation Request submitted by Messrs. Scott Perkins and Patrick Rozzano, 635 Signal Hill Road, North Barrington
Petitioners request certain zoning variations to run with the land to allow for a lot area of approximately 3.105 acres rather than the 5 acre requirement of the R-1 District and allow for an average lot width of approximately 216 feet rather than the 300 feet required for properties in the R-1 District for the property located at 635 Signal Hill Road, North Barrington, IL 60010.

The Ordinance was made available to the Board in their packet materials. President Sauer explained the variance to the code requested by Messrs. Scott Perkins and Patrick Rozzano.

ZONING VARIATIONS NEEDED:

The petitioners request certain zoning variations to run with the land to allow for a lot area of approximately 3.105 acres rather than the 5 acre requirement of the R-1 District and allow for an average lot width of approximately 216 feet rather than the 300 feet required for properties in the R-1 District for the following legally described property:

Parcel 1:

Lots 1 And 2 And That Part Of Lots 4, 5, 6, 7, 8,9 And 10 Lying West Of The East Line Of Lot 2 Extended South To The South Line Of Lot 10, In Block 12 Of Unit No. 3 The Biltmore Country Estates, Being A Subdivision Of Part Of The Southeast Quarter Of Section 14 And Part Of The Northeast Quarter Of Section 23, Township 43 North, Range 9 East Of The Third Principal Meridian According To The Plat Thereof Recorded August 28, 1930 In Book "V" Of Plats, Page 43, As Document 358475, All Being In Lake County, Illinois.

Parcel 2:

That Part Of The West 51.0 Rods Of The Southeast Quarter Of Section 14, Township 43 North, Range 9 East Of The Third Principal Meridian, Lying South Of The Centerline Of Signal Hill Road, Lake County, Illinois Described As Follows: Beginning At A Point On The South Line Of Said Southeast Quarter 721.75 Feet East Of The Southwest Corner Of Said Southeast Quarter; Thence Northerly Parallel With The West Line Of Said Southeast Quarter 101.00 Feet To The Centerline Of Said Signal Hill Road; Thence Southeasterly Along Said Centerline 120.33 Feet To The East Line Of The Aforesaid West 51.0 Rods, Thence South 97.35 Feet Along Said East Line Of The West 51.0 Rods To The South Line Of The Aforesaid Southeast Quarter Of Section 14; Thence Westerly Along Said South Line 118.98 Feet To The Point Of Beginning. Also The Easterly 118.98 Feet, As Measured Perpendicular To The West Line Of The North 12 Acres Of The West 22 Acres Of The North 70 Acres Of The Northeast Quarter Of Section 23, Township 43 North, Range 9 East Of The Third Principal Meridian, All Being In Lake County, Illinois.

President Sauer explained that the petitioners, Messrs. Scott Perkins and Patrick Rozzano, request certain zoning variations to run with the land to allow for the existing lot area of approximately 3.105 acres rather than the 5 acre requirement of the R-1 District and allow for an average lot width of approximately 216 feet rather than the 300 feet required for properties in the R-1 District.

President Sauer asked Zoning Board of Appeals (ZBA) Chairman Warren Nass if there were any objections at the ZBA hearing. Chairman Nass stated that there were no objections and that the ZBA made a favorable recommendation.

Motion: Trustee Weiner moved to adopt Ordinance #1192; seconded by Trustee Boland:

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Boland, Das Gupta Koertner, Kolar and Pino and Weiner
Nays: None
Absent: None
Abstain: None

President Sauer declared the Ordinance adopted.

G. Consideration of Ordinance # 1193, Zoning Variation Request submitted by Mr. & Mrs. Matthew R. Shemluck, 1535 W. Lonquist Blvd., Mt. Prospect, IL 60056 for the property located at 593 Signal Hill Road, North Barrington, IL 60010

The Ordinance was made available to the Board in their packet materials. President Sauer explained the variance to the code requested by Mr. & Mrs. Matthew R. Shemluck.

ZONING VARIATION NEEDED:

ZR-10-6-3(A): R-3 Residential Zoning District requires that each lot have an area of at least 40,000 square feet.

The lot area of the subject property (East ½ of Lot 3 and all of Lots 4,5,6 and 7 in Block 4 in Unit No. 3 of Biltmore Country Estates Subdivision) is approximately 33,512 square feet.

ZR-10-1-2(B) and

ZR-10-4-2(A,1,b): A non-conforming building or use shall not be expanded.

The subject property is non-conforming due to lot area.

President Sauer asked ZBA Chairman Warren Nass to address the Board as the petitioners were not in attendance.

ZBA Chairman Warren Nass addressed the Board. He stated that he visited the property and that the house is in disrepair and in need of restoration. At the site, Chairman Nass was approached by a few neighbors who informed him that they are in favor of the restoration. Chairman Nass stated that there were no objections from the surrounding property owners. The petitioners elected to submit only preliminary architectural plans for the zoning variation process however; have agreed to submit final plans for review and approval by the Village Building and Zoning Officer. Mr. & Mrs. Shemluck are the new owners of the house and planning to reside in the house.

President Sauer asked the Board if they had any questions for the petitioner's builder, Rich Politowicz, Professional Home Services, Chicago.

There were no comments from the Board.

Motion: Trustee Das Gupta moved to adopt Ordinance #1193; seconded by Trustee Koertner:

Discussion: There was some discussion.

Vote on Motion

<u>By Roll Call:</u> Ayes:	Trustees Boland, Das Gupta Koertner, Kolar and Pino and Weiner
Nays:	None
Absent:	None
Abstain:	None

President Sauer declared the Ordinance adopted.

V. ADMINISTRATION – President Bruce Sauer

A. Update - Mobile to Mobile Communication

President Sauer invited Adam Sauer, 23 Hidden Brook Drive, iZigg Representative, to address the Board.

Mr. Sauer stated that during the August Board meeting, he conducted a presentation for iZigg, a cellular phone service which uses one way text messaging in order to communicate with Village residents. Subsequently, there were a few questions from the Board, including how the resident database would be protected and; if the service is used in other communities.

Mr. Sauer stated that he provided Village Administrator Kathy Nelander with forms reflecting how the database is protected against outsourcing to third parties, as well as a list of references. Mr. Sauer noted that the Village of Tower Lakes was recently added to the list of references. It was noted that Walgreens, Sonic (Lake Zurich), and Egg Shells (Lake Zurich) were included in the list of references.

Trustee Boland asked about the cost for the service. It was noted that the cost is \$2,400/year and is automatically renewed after the first year.

Mr. Sauer explained that if the Village is not happy with iZigg after the first year, the Village can discontinue its service.

Trustee Kolar noted his reservation about the service.

President Sauer stated that the Village has received complaints about the Village's Connect-CTY service. It was noted that the contract with Connect-CTY is annual.

Mr. Adam Sauer stated that Village residents have the option of subscribing to the service.

There was discussion among the Board about alternative services such as "Twitter".

Mr. Sauer explained that residents have a choice to opt in for specific texts such as mosquito spraying or Village meetings.

Trustee Das Gupta asked if iZigg provides information regarding the number of residents who are using the service. Mr. Adam Sauer stated that user information is available via a database and that the Village would be able to see which texting services residents are using.

Trustees Koertner and Weiner noted their reservations about the service.

Trustees Boland and Pino noted their interest in the service.

It was noted that President Sauer would recuse himself from voting on the matter if called upon to vote.

Motion: Trustee Pino moved to enter into a one year contract with iZigg at a cost not to exceed \$2,400.00; seconded by Trustee Boland:

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Boland, Das Gupta Koertner, Kolar and Pino and Weiner
Nays: None
Absent: None
Abstain: None

President Sauer declared the motion approved.

B. Consideration of Donation - Say YES! to Youth Success, Lake County After School Coalition

President Sauer explained that the Lake County After School Coalition and several Barrington area communities, are participating in a Lake County-wide campaign to Say YES! to Youth Success - the campaign recognizes youth who strive to succeed in unique ways. Middle and high school age students in the Barrington area are currently being nominated and the selected students will be highlighted to the community.

President Sauer stated that he is in favor of supporting the campaign in order to recognize the youth and their success. It was noted that the campaign is seeking donations in the amount of \$250.00.

There was brief discussion among the Board.

It was noted that President Sauer would recuse himself from voting on the matter if called upon to vote.

Motion: Trustee Weiner moved to approve the amount of not to exceed \$250.00 for the Lake County After School Coalition campaign to Say YES! To Youth Success; seconded by Trustee Pino:

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Boland, Das Gupta Koertner, Kolar and Pino and Weiner
Nays: None
Absent: None
Abstain: None

President Sauer declared the motion approved.

C. Rugby Road Culvert Replacement – Authorize an additional \$15,000 for erosion and sediment control measures that may arise during construction

((At the August Board Meeting, the Board moved that the Village President be given authorization to expend up to, but not exceed the amount of 200,000 for the Rugby Road Culvert Replacement Project. A bid has been awarded to Bolder Contractors, Inc. for \$199,381.00))

President Sauer explained that a bid was previously awarded to Bolder Contractors, Inc. in the amount of \$199,381.00 for the Rugby Road Culvert Replacement Project. Subsequently, Gewalt Hamilton Associates, Inc. recommended that the Village Board budget an additional \$15,000.00 for erosion and sediment control measures that may arise during construction due to weather and/or Lake County SMC/Army Corps of Engineers requirements.

It was noted that the culvert will be replaced with (2) pre-cast concrete culverts and that Bolder Contractor's Inc. will monitor the erosion and sediment control measures during construction.

There was brief discussion among the Board.

Motion: Trustee Boland moved to approve the amount of not to exceed \$15,000.00 for erosion and sediment control measures that may arise during the construction of the Rugby Road Culvert Replacement Project as recommended by Gewalt Hamilton Associates, Inc.; seconded by Trustee Koertner:

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Boland, Das Gupta Koertner, Kolar and Pino
Nays: None
Absent: None
Abstain: Weiner

President Sauer declared the motion approved.

D. Honey Lake Road – Guard Rail Repairs

Tom Gooch, Cuba Township Highway Commissioner for the Cuba Township Road District submitted a letter to Village Administrator Kathy Nelander stating that the guard rails on Honey Lake Road are deteriorating and require replacement/repair in order to meet safety standards. The east side culvert requires replacement immediately and the west side may be able to be fixed with a repair. The installation would be provided by a guard rail company.

Village Administrator Kathy Nelander explained that the bids for the Rugby Road Culvert Replacement Project indicate that wood faced steel guard rails cost \$75.00 per foot installed. A standard guard rail is estimated at \$50.00 per foot. Both options require bollards on ends set in concrete at a cost of approximately \$1,000.00 per end, according to the Highway Commissioner.

It was noted that the Board preferred the wood faced steel guard rails at \$75.00 per foot installed.

Motion: Trustee Weiner moved to approve the amount of not to exceed \$20,000.00 for the replacement of the guard rails on the east and west sides of Honey Lake Road using the wood faced steel guard rails at not to exceed \$75.00 per foot installed; seconded by Trustee Boland:

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: President Sauer, Trustees Boland, Das Gupta Koertner, Kolar and Pino and Weiner

Nays: None

Absent: None

Abstain: None

President Sauer declared the motion approved.

E. Village Update

President Sauer noted that the Lake County has been slow to respond to the Village regarding the 2011 Miller Road Project regarding certain issues such as compensatory storage however; he will continue efforts to obtain a response.

VI. REPORTS BY BOARD OF TRUSTEES

A. Trustee Edmund “Pete” Boland

Trustee Boland had nothing to report.

B. Trustee Ginger Das Gupta

Trustee Das Gutpa reported that the Fall Festival will be October 3rd in Eton Park from 1:00 to 4:00 p.m.

C. Trustee Camille Koertner

Trustee Koertner reported that she feels that the Village is behind other municipalities who use larger recycling containers. Of the 43 Villages that participate in SWALCO, 30 Village use larger recycling containers. North Barrington is one of the 13 municipalities not using larger recycling containers.

It was noted that the matter was previously discussed however; the cost for a larger container deterred a positive response.

Trustee Koertner noted that residents may contact Waste Management to request a larger container. Some municipalities including Gurnee and Warren Township are using 95 gallon recycling containers. Trustee Koertner noted that the recycling container size should be

considered when renewing the contract with Waste Management as larger containers promote more recycling. Village Administrator Kathy Nelander stated that she would place the information on the Village website.

Trustee Koertner reported on information provided by Patsy Mortimer, Flint Creek Watershed Partnership, regarding a groundwater study that reflected projected changes in natural groundwater discharge due to pumping of up to 51% by 2049; Flint Creek was one of the worst affected areas with a projected loss of 44-78% of its groundwater to shallow well withdrawals for drinking water. There was some discussion from the Board.

Trustee Koertner reported that SWALCO has a program that recycles used gym shoes. She asked if there were any objections to asking North Barrington Elementary School if they'd be interested in placing a box at the school. There were no objections. President Sauer stated that he thought it was a good idea and in addition, a box could be placed at the Village Hall.

D. Trustee Mark Kolar

Trustee Kolar reported that the Plan Commission and Zoning Board of Appeals held a joint meeting on September 13, 2010. He felt that the combined meeting was not a good idea and that it should not be done in the future.

Trustee Kolar reported as Liaison for the Plan Commission that there are vacant positions on the commission.

E. Trustee Al Pino

Trustee Pino reported on the Village roadwork. He noted that the roads are a concern and that expenses have to be closely monitored.

F. Trustee Lawrence "Lawre" Weiner

Trustee Weiner reported on the most recent matters concerning the Zoning Board of Appeals.

VII. CLOSED SESSION

Motion: Trustee Das Gupta moved a portion of the meeting be closed to the public, effective immediately as permitted by 5 ILCS 120/2(c)(5), to consider the acquisition of real property by the Village; seconded by Trustee Weiner.

Vote on Motion

<u>By Roll Call:</u>	Ayes:	President Sauer, Trustees Boland, Das Gupta, Koertner, Kolar, Pino and Weiner
	Nays:	None
	Absent:	None
	Abstain:	None

President Sauer declared the motion approved.

VIII. RECONVENE OF OPEN SESSION

President Sauer reconvened open session at 9:05 p.m.
The roll was called and the quorum re-established.

IX. NEW BUSINESS

There was no old business to discuss.

X. OLD BUSINESS

There was discussion regarding Gery Herrmann, 257 Kimberly Road, and his claim that the Flint Creek Restoration Project clearing caused damage to his property.

It was noted that Trustee Pino previously offered to help Mr. Herrmann write a letter to Tallgrass Restoration, LLC regarding his concerns however; Mr. Herrmann has not contacted him to date.

XI. ADJOURNMENT

There being no further business to come before the Board, Trustee Weiner moved to adjourn the meeting; seconded by Trustee Boland. The voice vote was unanimous in favor.

At 9:10 p.m. President Sauer declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held October 27, 2010.

Attest: _____
Kris Lennon, Deputy Village Clerk