

**MINUTES OF A MEETING OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD WEDNESDAY,  
NOVEMBER 18, 2009 AT THE NORTH BARRINGTON VILLAGE HALL,  
111 OLD BARRINGTON ROAD**

**I. Call to Order and Roll Call**

At 7:33 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, Koertner, Kolar, Pino  
and Weiner  
Absent: Trustee Das Gupta  
Also Present: Kathy Nelander, Village Administrator  
J.W. Braithwaite, Village Attorney  
Kris Lennon, Deputy Village Clerk  
Kelly Rafferty, Village Building and Zoning Officer  
Warren Nass, Zoning Board of Appeals Chairman  
Bruce Kramper, 178 Pheasant Run Trail  
Gery Herrmann, 257 Kimberly Road  
Ed Harris, Lake County Sherriff's Department,  
1301 N. Milwaukee, Libertyville  
Scott Gaschler, Wauconda Fire Dept., 109 W. Liberty Street, Wauconda  
Brad Rot, 890 Rainbow Road

**II. PUBLIC COMMENT**

There is no one who wished to speak.

**III. CONSENT AGENDA**

Motion: Trustee Weiner moved approval of the consent agenda consisting of the following agenda items; seconded by Trustee Koertner:

- A. Approve Minutes of Village Board Meeting – 10/28/09**
- B. Approve 11/18/09 Voucher for payment of bills**
- C. Approve the Treasurer's Report for the 6th month of Fiscal Year 2010**
- D. Approve Resolution # 2543 appointing Lisa Onyx as Parks and Recreation Commission Member**
- E. Approve Resolution # 2544 appointing Wayne Onyx as Parks and Recreation Commission Member**
- F. Confirm previous Board action giving Trustee Koertner authority to negotiate the five-year contract extension between the consortium members of SWALCO and Waste Management Inc.**

Discussion: There was no discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**IV. ORDINANCES/ CODE AMENDMENTS/LEASE AGREEMENTS/ RESOLUTIONS**

**A. Ordinance # 1173, Amending Ordinance #179, dated August 23, 1976, which granted a zoning variance to Biltmore County Club to build a tennis shop**

The proposed ordinance was made to the Board in their packet materials. President Sauer explained that one of the provisions in Ordinance # 179 provided that the plumbing facilities within the tennis shop be limited to two (2) bathrooms containing one (1) sink and one (1) toilet each; and one (1) drinking fountain however; the club requested a variance to Ordinance # 179 in order to install one (1) additional toilet in the women's bathroom and a urinal in the men's.

There was brief discussion among the Board.

Motion: Trustee Pino moved to adopt Ordinance # 1173; seconded by Trustee Boland:

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**B. Ordinance Approving 99 year Lease Agreement with Biltmore Country Club to Install a Fire Line within the public road rights-of-way as prepared and approved**

Village Attorney J.W. Braithwaite suggested that the matter be continued as the club will be reviewing the proposed Ordinance.

Motion: Trustee Kolar moved that the Board recommend approval to continue the matter to the December 16, 2009 Board meeting; seconded by Trustee Boland.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved and continued to the December 16, 2009 Board meeting.

**C. Resolution # 2545, approving Final Plat of Subdivision, Pennington Ponds II Subdivision (890 Rainbow Road)**

The Resolution was made to the Board in their packet materials. President Sauer explained that Mr. & Mrs. Brad Rot wish to subdivide their 5.01 acre property into 2 lots pursuant to the previously approved Planned Unit Development (PUD) Ordinance # 260.

It was noted that the Plan Commission recommended approval of the Final Plat of Subdivision, Pennington Ponds II on 11/9/09 subject to revisions to the Declaration of Covenants, Conditions and Restrictions made by Village Attorney J.W. Braithwaite.

Village Attorney J.W. Braithwaite explained that the Declaration of Covenants, Conditions and Restrictions are in the process of being finalized with the owner's attorney.

There was brief discussion among the Board regarding the history of previous owners related to the property and relevant to its annexation agreement and PUD Ordinance.

Motion: Trustee Weiner moved to approve Resolution # 2545 approving the Plat of Subdivision of Pennington Ponds II, with conditions set forth in the Resolution; seconded by Trustee Kolar:  
Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**D. Ordinance # 1174, Establishing Special Service Area #18, Old Barrington Farm Subdivision**

The proposed Ordinance was made available to the Board in their packet materials. President Sauer suggested that Village Attorney J.W. Braithwaite explain the proposed Ordinance.

Village Attorney J.W. Braithwaite explained that Special Service Area #18 provides the ability to levy taxes, if needed, in order to provide funding for the cost of all maintenance, repair and replacement of drainage facilities associated with the portion of Old Barrington Farm Subdivision requiring drainage facilities pursuant to approved plans.

There was brief discussion among the Board.

Motion: Trustee Koertner moved to adopt Ordinance # 1174; seconded by Trustee Weiner.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**E. Ordinance # 1175, Road Detail Ordinance**

President Sauer explained that the proposed Ordinance provides an amendment to the Village Code in order to maintain current standards for new road construction and installation. The proposed ordinance is based on recommendations provided by the Village Engineer.

Trustee Pino asked if Village roads meet the standards as provided within the Ordinance.

It was noted that roads constructed within new subdivisions such as Bickerstaff Subdivision and West Oaksbury Estates meet current standards.

Motion: Trustee Weiner moved to adopt Ordinance # 1175; seconded by Trustee Boland.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**F. Ordinance # 1176, Amending Village Code Title 2, Chapter 5, Section 3 - Powers and Duties – Environmental & Health Commission**

The proposed Ordinance was made available to the Board in their packet materials.

Village Attorney J.W. Braithwaite explained that amendment provides for notification, by the applicant, to all real estate taxpayers within 250 feet from the specific location of the proposed variation.

Motion: Trustee Boland moved to adopt Ordinance # 1176; seconded by Trustee Koertner.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**G. Ordinance # 1178, approving Intergovernmental Agreement transferring to Cuba Township Highway District jurisdiction over portions of Old Barrington Road and Scott Road adjacent to Old Barrington Farm Subdivision**

President Sauer stated that an agreement was reached between the Village and the Cuba Township Highway Commissioner to transfer jurisdiction over portions of Old Barrington Road and Scott Road adjacent to the Old Barrington Farm Subdivision. It was noted that transferring jurisdiction benefits the Township of Cuba Highway District as it provides Road & Bridge funds.

Motion: Trustee Boland moved to adopt Ordinance # 1178; seconded by Trustee Kolar.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**H. Ordinance # 1177, Zoning Variation Request by Mr. & Mrs. Ben Andrew, 610 Signal Hill Road**

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

**ZONING VARIATION NEEDED:**

**Section 10-11-2(A): No fence shall be located in a front yard.**

The proposed driveway entry gates will be located in the front yard approximately 30 to 40 feet off the edge of the pavement of Signal Hill Road.

**Section 10-11-2(B): Except as otherwise permitted or required by this chapter or by this code, no fence shall be more than forty two inches (42”) in height at any point.**

The proposed driveway entry gates will have a maximum height of approximately six (6) feet.

President Sauer invited Zoning Board of Appeals (ZBA) Chairman Warren Nass to address the Board. It was noted that the petitioners had advised the Village that were out of town and, therefore, were not in attendance. Chairman Nass explained that the applicants made a modification regarding the location of the driveway gates from 30-40 feet off the edge of Signal Hill Road, as initially requested in their petition to the ZBA, to approximately 20-35 feet off the edge of Signal Hill Road.

Village Attorney J.W. Braithwaite explained that the petitioners had not realized that Signal Hill Road is an 80-foot right of way; therefore, depending on the width of the pavement, the gate could have been within the right-of-way. Village Building and Zoning Officer Kelly Rafferty consulted with the petitioners about the location of the gates to which the petitioners complied that the gate would be located entirely on their property.

Chairman Nass stated that there are similar driveway gates located within the Village. Chairman Nass suggested that the petitioners submit their finalized plans to the Village for review prior to the issuance of a building permit. It was noted that such submission is required as part of the building permit process.

There was brief discussion among the Board.

Motion: Trustee Kolar moved to adopt Ordinance # 1177 subject to submission of final plans to the Village Building and Zoning Officer and to Zoning Board of Appeals Chairman Warren Nass; seconded by Trustee Weiner.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**I. Authorize Baxter & Woodman to proceed with preparing documents for temporary and permanent easements in order to perform proposed improvements at Eton Drive Culvert**

President Sauer explained that Baxter & Woodman requested permission to proceed with preparing documents necessary to obtain temporary and permanent easements in relation to the Eton Drive Culvert replacement project.

Trustee Boland stated that he would like to have Arnstein & Lehr LLP acquire the title commitments rather than Baxter & Woodman.

Village Attorney J.W. Braithwaite stated that he is awaiting a response from Baxter & Woodman as to which title company they plan to use. Trustee Boland noted that he would like Attorney Braithwaite to be actively involved in the Title process.

There was discussion among the Board about the costs associated with the proposal and notification to affected residents.

Motion: Trustee Boland moved that the Board recommend approval for Baxter & Woodman to proceed with the tasks necessary to accomplish the work required for the Village to obtain easements on Eton Drive at North Flint Creek as outlined in the proposal letter dated 11/13/09 in the amount not to exceed \$4,000 in engineering fees; seconded by Trustee Pino.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**V. COMMISSION & STAFF REPORTS**

President Sauer stated that the following items were contained in the Trustee's packets and if there were any questions, to contact the appropriate Commission Chair or Village Officer.

- A. Building Department Report (Kelly Rafferty – Rafferty Architects)**
- B. Building Inspection Report (B&F Technical Code Services Inc.)**
- C. Engineering Project Status Report (Baxter & Woodman)**
- D. Health & Sanitation Report (Natalie Karney – Land Technology)**
- E. Environmental & Health Commission Meeting Minutes (11/3/09)**
- F. Plan Commission Meeting Minutes (11/9/09)**

**G. Zoning Board of Appeals Meeting Minutes (11/10/09)**

Trustee Boland had a few questions regarding the Building Department Report which were addressed by Village Building and Zoning Officer Kelly Rafferty.

**VI. ADMINISTRATION – President Bruce Sauer**

President Sauer provided an update on Village administrative projects including a class action suit involving the Village Hall building and its asphalt shingles.

**VII. REPORTS BY BOARD OF TRUSTEES**

**A. Trustee Edmund “Pete” Boland**

Trustee Boland had nothing to report.

**B. Trustee Ginger Das Gupta**

Trustee Das Gupta was absent.

**C. Trustee Camille Koertner**

**1. Ordinance # 1179, Amending SWALCO Intergovernmental Agreement**

Trustee Koertner reported that Walter Willis, Executive Director of Solid Waste Agency of Lake County (SWALCO) became aware that the qualifications of some of the members’ directors and alternate directors did not meet the requirements in the Intergovernmental Agreement subsequently; SWALCO found it necessary to amend the SWALCO Intergovernmental Agreement. The proposed ordinance, in part, would allow full time employees such as public works directors, assistant village managers and other executive level personnel to be appointed to SWALCO as alternate directors. Trustee Koertner recommended that the Board pass the ordinance, noting that all consortium members must approve the ordinance in order for it to be in effect.

Motion: Trustee Weiner moved to adopt Ordinance # 1179; seconded by Trustee Koertner.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**D. Trustee Mark Kolar**

Trustee Kolar reported that the Plan Commission is looking for projects to engage in. President Sauer requested that the Board give thought to projects for the Commission.

**E. Trustee Al Pino**

Trustee Pino reported the 2009 Road Program ran efficiently however; outstanding issues remain at the properties located at 450 Signal Hill Road and 301 Rustic Drive. Trustee Pino stated that he is planning to discuss the issues with the Cuba Township Highway Supervisor.

**F. Trustee Lawrence “Lawre” Weiner**

Trustee Weiner had nothing to report.

**VIII. CLOSED SESSION**

Motion: Trustee Boland 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, or to consider the selling price of real estate and 5 ILCS 120/3(c)(11), to discuss litigation against, affecting, or on behalf of the Village which has been filed and is pending in a court or administrative tribunal or which is probable or imminent and 5ILCS 120/2(c)(1) to discuss personnel; seconded by Trustee Weiner.

Vote on Motion

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

President Sauer declared the motion approved.

**IX. RECONVENE OF OPEN SESSION**

President Sauer reconvened open session at 8:56 p.m.  
The roll was called and the quorum re-established.

**X. NEW BUSINESS**

There was no new business to discuss.

**XI. OLD BUSINESS**

There was no old business to discuss.

**XII. ADJOURNMENT**

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

At 8:57 p.m. President Sauer declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held December 16, 2009.

Attest: \_\_\_\_\_  
Kris Lennon, Deputy Village Clerk