

**MINUTES OF A MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD WEDNESDAY,
SEPTEMBER 26, 2007 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 Farrell, Kolar, and Pino and
Contorno (arriving at 7:37 p.m.).

Absent: Trustees Boland and Weiner

Also Present: Kathy Nelander, Village Administrator
J.W. Braithwaite, Village Attorney
Roberta A. Svacha, Village Treasurer
Kris Lennon, Deputy Village Clerk
Bruce Kramper, 178 Pheasant Run Trail
Rob Beranich, 609 Sioux Drive
Kim Block, 128 Cherry Hill Road
Patty Kalinowski, 497 Brookside Road
Tony A. Solano, Barrington Courier
Ed Harris, Lake County Sherriff's Department
Joe Arizzi, Wauconda Fire Department
John Rackow, 4207 Farmington Lane, Johnsburg
Joanne Potts, 255 Woodland Drive
Brooks Marsa, 255 Woodland Drive
Janice Faulkner, 28278 W. Savannah Trail, Lake Barrington
Nick Capaccio, 640 Masland Court
Wayne Leonardi, 471 Miller Road

II. Public Comment

Patty Kalinowski, 497 Brookside Road, stated that she has been attending the Flint Creek Watershed Partnership meetings and was concerned about the attendance of Village representatives at the meetings.

President Sauer explained that Trustee Weiner is the Village representative designated to attend the Flint Creek Watershed Partnership meetings. Typically, an alternate would attend if Trustee Weiner was unavailable. The importance of representation by North Barrington was noted.

President Sauer also noted that the Village will support the Flint Creek Watershed Partnership Plan; additionally, the Village is currently organizing a walk along the creek to survey the dead fall in an attempt to clean and rehabilitate the creek to its natural state.

Ms. Kalinowski added that she would like to be involved in the walk and would appreciate an invitation. President Sauer stated that the Village Administrator would add her to the list of persons to notify.

III. Consent Agenda

Motion: On motion of Trustee Pino, seconded by Trustee Kolar, moved approval of the following agenda items:

- A. Approve Minutes of Board Meeting – 8/22/07**
- B. Approve the 9/26/07 Vouchers for payment of bills**
- C. Approve the Treasurer’s Report for the 4th month of Fiscal Year 2008**
- D. Proclamation declaring October 7-13th Fire Prevention Week in the Village of North Barrington**

Discussion: There was no discussion.

Vote on Motion

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

President Sauer declared the motion approved.

IV. PRESENTATION

- A. Courtesy Review – Zoning Variation – 195 Rainbow Road. Property Owner requesting informal review by Board with regard to subdividing the property. Subdivision would require rezoning and zoning variations.**

Information regarding the courtesy review for the property located at 195 Rainbow Road was made available to Board in their packet materials. President Sauer invited the persons who requested the review to address the Board.

Janice Faulkner, 28278 W. Savannah Trail, Lake Barrington, and John Rackow, 4277 Farmington Lane, Johnsburg, addressed the Board. Janice Faulkner stated that she and her brother are asking the Board to review their request to subdivide the property located at 195 Rainbow Road. The property is approximately 4.5 acres and zoned as an R-1. Their intent is to split the parcel into two lots. The proposed lot sizes are, Lot 1 at 1.94 acres and Lot 2 at 1.93 acres. The remaining acreage would be given back to the Village for right-of-way use. There is an existing home on the property which is approximately 60 years old. There is also an existing barn on the property; however, it would be demolished in order for future development.

There were questions from the Board about the properties surrounding 195 Rainbow Road and how they are zoned. It was noted that the property abuts two subdivisions zoned as an R-1 (PUD) and an R-2 (PUD). Mr. Rackow noted that the proposed lot sizes of Lot 1 and Lot 2 are the total sizes after the right of way is given up. He added that a percolation test had been done on the lot and that the soil is suitable for a septic system.

There was discussion among the Board about setting a precedent by changing a zoning classification and conflicting with the Village's Comprehensive Plan.

President Sauer asked Ms. Faulkner and Mr. Rackow if they heard from any neighbors regarding the proposed subdivision.

Nick Capaccio, 640 Masland Court addressed the Board with his concerns regarding the issue. Mr. Capaccio stated that he is a resident who lives directly behind 195 Rainbow Road and in the Pennington Ponds subdivision. He feels that the proposed lot sizes should be compared with lot sizes in Pennington Ponds subdivision, and not adjoining subdivisions.

Trustee Contorno asked Mr. Capaccio what his concerns were if the lot is subdivided. Mr. Capaccio stated that he worries about the value of the homes decreasing if smaller homes are built on smaller sized lots.

Mr. Rackow stated that their current plan is to leave the existing house on the property, split the parcel, and sell the other lot. A renter lives in the existing home who plans on purchasing the house after the property is subdivided.

There was discussion about the location of the existing septic field.

President Sauer concluded the discussion by stating that the point of a courtesy review is to get a general sense of the proposal. President Sauer encouraged Ms. Faulkner and Mr. Rackow to speak with the neighbors before they proceed further.

V. AMENDMENTS/VARIATIONS

A. Ordinance # 1125 Zoning Variation, Mr. & Mrs. Earl Bird, 475 Duck Pond Lane, North Barrington.

The Ordinance had been made available to the Board in their packet materials. President Sauer explained the variance to the code requested by Mr. & Mrs. Earl Bird.

ZR-10-11-2A: No fence shall be located in a front yard.

A variation is needed in order to erect a fence around an existing in-ground swimming pool located in the front yard.

President Sauer asked if the Birds were present at the meeting. It was noted that that the Birds were out of town and would not be in attendance.

President Sauer explained that Warren Nass, Chairman of the Zoning Board of Appeals (ZBA) contacted him and stated that the ZBA did not have any problems with the request and that all the requirements for the variance have been met.

Trustee Pino stated that the ZBA voted unanimously in favor of the variance request.

Motion: Trustee Kolar moved to adopt Ordinance # 1125; seconded by Trustee Farrell.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

B. Ordinance # 1126 Amending Village Code Title 4, Chapter 5, Private Sewage Disposal Systems.

The Ordinance had been made available to the Board in their packet materials. President Sauer explained that the amended ordinance will allow the Village Health Officer, Natalie Karney to issue permits for septic repairs when circumstances arise where the application does not meet certain requirements of the Village Code.

Village Attorney J.W. Braithwaite stated that there are already similar provisions within the Village Code which allows the Village Health Officer to have discretion over septic matters and the proposed ordinance is consistent with those provisions.

Trustee Pino stated that additional language should be added to the ordinance stating, “and the solution will not create a health hazard”. It was noted that the applicant would still need approval from the county as currently required.

President Sauer noted that that the amended ordinance would be for extremely isolated cases where there is only one possible solution.

Motion: Trustee Pino moved to adopt Ordinance # 1126 as amended to include the language “and the solution will not include a health hazard”, subject to legal review; seconded by Trustee Kolar.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Contorno, Farrell, Kolar, and Pino
Nays: None
Absent: Trustees Boland and Weiner
Abstain: None

President Sauer declared the motion approved.

VI. COMMISSION & STAFF REPORTS

- A. Building Department Report (Kelly Rafferty – Rafferty Architects)**
- B. Building Inspection Report (B&F Technical Code Services Inc.)**
- C. Engineering Project Status Report (Andrea Pracht – Baxter & Woodman)**
- D. Health & Sanitation Report (Natalie Karney – Land Technology)**
- E. Parks & Recreation Commission Meeting Minutes 9/10/07**
- F. Environmental & Health Commission Meeting Minutes 9/4/07**
- G. Plan Commission Meeting Minutes 9/10/07**
- H. Zoning Board of Appeals Public Hearing Minutes 8/11/07**

VII. ADMINISTRATION – President Bruce Sauer

A. Proposed Burning Ordinance –Discussion

President Sauer explained that due to the absence of Trustees Boland and Weiner, the discussion would be tabled until the October Board meeting.

B. Request to Reduce Subdivision Bond – West Oaksbury Estates

The Village received a Subdivision Bond Reduction request from John Markham on behalf of K Court Partners LLC to reduce the (\$355,184.00) value of Subdivision Bond for the West Oaksbury Estates Subdivision. Baxter & Woodman submitted a recommendation that the present Subdivision Bond be reduced by an amount of \$72,499.75 to a new amount of not less than \$86,419.00.

Village Attorney J.W. Braithwaite stated that a state statute (65 ILCS 5/11-39-3) now mandates that all such security bonds may be no more than 110% of the estimated costs of the work. There is no provision in the statute for partial releases of such security and therefore the 110% limitation does not apply to reductions. The Village Code requires Board action on bond reductions.

Motion: Trustee Kolar moved to approve the reduction of the subdivision bond for the West Oaksbury Subdivision using a recommended retainage in the amount of not less than \$86,419.00; seconded by Trustee Contorno.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: President Sauer, Trustees Contorno, Farrell, Kolar, and Pino
Nays: None
Absent: Trustees Boland and Weiner
Abstain: None

President Sauer declared the motion approved.

C. Resolution #_____, Consideration of Resolution Authorizing the Village to file a Freedom of Information Request to the Assessor Regarding Inequities in Real Estate Tax Assessments

President Sauer explained that he has a meeting with the Cuba Township Assessor, Rebecca M. Tonigan to discuss the assessment process and obtain further information. The matter will be tabled until a later date.

VIII. REPORTS BY THE BOARD OF TRUSTEES

A. Trustee Boland

Trustee Boland was absent.

B. Trustee Contorno

Trustee Contorno had nothing to report.

C. Trustee Farrell

Trustee Farrell reported that the Plan Commission completed their research regarding the installation of sprinkler systems for newly constructed homes. The Plan Commission listened to presentations by Fire Departments and various interest groups, including a representative from the North Shore-Barrington Board of Realtors. At this time, the Plan Commission has decided against the recommendation of an ordinance requiring sprinkler systems in newly constructed homes, but would encourage residents to use sprinkler systems.

President Sauer stated that he finds it hard to support an ordinance for a system that is not 100% effective and may malfunction; additionally, due to the 98 % build out rate in the Village, he agrees with the Plan Commission's decision against the recommendation of an ordinance.

D. Trustee Kolar

Trustee Kolar reported that the Woodland Drive Culvert Project is complete and that the landscaping looks spectacular. Trustee Kolar had concerns about the AT&T electrical wires which hang above the bridge.

President Sauer stated that the Village is addressing the issue and working with AT&T to raise the wires using existing poles rather than erecting a new pole. Cuba Township tested the 13'6" clearance with their icing trucks. The trucks were able to pass under the bridge with no problem. Raising the wires will provide additional assurance.

Trustee Kolar also stated that there is a need to follow up on washouts which occurred within the Village and referenced Golfview and Woodbine. Trustee Kolar stated that he recently spoke with Robert Beranich about drainage issues on Sioux Drive.

Robert Beranich, 609 Sioux Drive, addressed the Board with his concerns of drainage issues on Sioux Drive. Mr. Beranich stated that due to his house sitting at the lowest point in the area, his house receives all of the drainage which falls on Sioux Drive. Mr. Beranich also stated that there is a dead Oak Tree on the right-of way which needs to be removed.

It was noted by Village Administrator Kathy Nelander that Cuba Township cleaned out the catch basin on Sioux Drive and an under road culvert may be required to improve drainage flow.

Mr. Beranich acknowledged that Cuba Township was at the site approximately two (2) hours cleaning the catch basin.

E. Trustee Pino

Trustee Pino reported that according to the activity report submitted by Village Building and Zoning Officer Kelly Rafferty, there are thirty-three (33) Building Permit Applications currently pending and three (3) Subdivision Petitions currently pending. Trustee Pino updated the Board on the activities of the Zoning Board of Appeals meeting held September 11, 2007.

F. Trustee Weiner

Trustee Weiner was absent.

IX. CLOSED SESSION: Motion: Trustee Kolar 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 Pino.

Vote on Motion

By Roll Call:	Ayes:	Trustees Contorno, Farrell, Kolar, and Pino
	Nays:	None
	Absent:	Trustees Boland and Weiner
	Abstain:	None

President Sauer declared the motion approved.

The Board went into closed session at 8:30 p.m.

X. RECONVENE OF OPEN SESSION

President Sauer reconvened open session at 9:16 p.m.

The roll was called and the quorum re-established.

XI. OLD BUSINESS

There was no old business to discuss.

XII. NEW BUSINESS

There was no new business to discuss.

XIII. ADJOURNMENT

There being no further business to come before the Board, Trustee Kolar moved to adjourn the meeting; seconded by Trustee Pino.

At 9:18 p.m. President Sauer declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held October 24, 2007.

Attest: _____
Kris Lennon, Deputy Village Clerk