

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD MONDAY,
MARCH 31, 2003 AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD

I. Call to Order and Roll Call

At 7:30 P.M. President Pro-Tem Kubon, having previously been appointed, called the Meeting to order and the Deputy Clerk the called the roll:

Present: Trustees Hjertstedt, Kubon, Parker (via teleconferencing per Resolution #1073A) and Roth

Absent: President Starkey, Trustees Forman and Kudla

Also Present: Kathy Nelander, Deputy Village Clerk
Roberta Svacha, Treasurer
Judy Janus, Administrative Assistant

Don Husted, 422 Kimberly Road

Robert Wulff, 477 Eton Drive

Bruce Tinkoff, 413 E. Main St., Barrington

Joseph M. Arizzi, Wauconda Fire Department

Susan Allman, 425 Mockingbird Lane

Al Stefan, Baxter & Woodman

Warren Nass, 107 Mohawk Drive

Pat & Jim Kemper, 471 E. Oxford Road

J.W. Braithwaite, Arnstein & Lehr

II. Pledge of Allegiance

The Deputy Clerk led the Pledge of Allegiance.

III. Public Comment

There was no one present who wished to speak.

IV: Add/Remove Items from Agenda

President Pro-Tem Kubon asked if any member of the Board wanted to remove any item from the consent agenda. A portion of Item A. Minutes from the Regular Board Meeting held 2/24/03, and Items E. and I. were removed from the consent agenda for further discussion.

V. Consent Agenda

Motion: On motion of Trustee Parker, seconded by Trustee Roth, the following agenda items were unanimously approved by a single omnibus vote:

- A. Approve Minutes of Special Board Meeting, February 13, 2003
- B. Approve the Treasurer's Report for the 10th month of F/Y 2003 for file and audit
- C. Approve the March 31, 2003 Vouchers for payment of bills
- D. Extend the Idealease Temporary Occupancy Permit until April 30, 2003

- F. Approve Arbor Day Proclamation declaring April 25, 2003 as Arbor Day
- G. Motion to approve permission for Biltmore Country Club to host a fireworks display on Friday, June 27, 2003 (rain date, Sunday, June 29, 2003)

H. Adopt Resolution #2250 amending the joint refuse contract agreement with Waste Management

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Hjertstedt, Parker and Roth, President Pro-Tem Kubon
Nays: None
Absent: Trustees Forman and Kudla, President Starkey
Abstain: None

President Pro-Tem Kubon declared the motion approved.

Removed from the Consent Agenda for discussion and action:

- A. Approve Minutes of Regular Board Meeting---2/24/03

Trustee Forman (absent) asked that these be removed from the consent agenda.

Motion: Trustee Roth moved to table the Minutes of Regular Board Meeting 2/24/03; seconded by Trustee Hjertstedt.

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Hjertstedt, Parker and Roth, President Pro-Tem Kubon
Nays: None
Absent: Trustees Forman and Kudla, President Starkey
Abstain: None

President Pro-Tem Kubon declared the motion approved.

- E. Adopt Ordinance #917 Encouraging the use of Native Plant Communities as an Alternative in Landscape Design

Trustee Roth asked Village Forester Susan Allman if the Ordinance applied to wetlands and forested areas. There was discussion regarding the Ordinance and how it was designed to apply to the maintenance of turf lawns. The Board decided to add to the language in the Ordinance to address the difference between turf lawns and wetland and forested areas.

Motion: Trustee Roth moved to adopt Ordinance #917 with the provision that it excludes property within wetlands and wooded areas; seconded by Trustee Hjertstedt.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Hjertstedt, Parker and Roth, President Pro-Tem Kubon

Nays: None
Absent: Trustees Forman and Kudla, President Starkey
Abstain: None

President Pro-Tem Kubon declared the motion approved.

I. Adopt Ordinance #913 Zoning Ordinance Amendments-Lot Line Front (ZR-2-1), Road or Street (ZR-2-1) and ZR8-2(A4) Building Standards Front Yard Setback

Trustee Roth explained that Ordinance #913 amends the definitions for Lot Line Front and Road or Street, to include private easements. She explained that the current code only pertains to dedicated easements. Trustee Roth explained that the amended definition for Lot Line, Front, also designates the front lot line for a property on a corner lot. She explained that previously the Code stated that the property owner could determine which would be the front lot line, and now the code states that the shorter lot line would serve as the front lot line. She also explained that front yard setbacks were addressed where the property is served by a private driveway, and that the setback shall not be less than 30 feet. Trustee Roth said that Building and Zoning Officer Kelly Rafferty asked that a minor change be made to the Ordinance for clarity purposes. There were some questions from the Board.

Motion: Trustee Roth moved to adopt Ordinance #913 as amended; seconded by Trustee Parker.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Hjertstedt, Parker and Roth, President Pro-Tem Kubon
Nays: None
Absent: Trustees Forman and Kudla, President Starkey
Abstain: None

President Pro-Tem Kubon declared the motion approved.

VI. Presidents Report

The Report was made available to the Board. President Pro-Tem Kubon said that any questions regarding the report be forwarded to President Starkey.

VII. Reports by Village Consultants

A. Building Department Monthly Report (Kelly Rafferty)

The Building and Zoning Department Activity Report was made available to the Board.

B. Engineering Project Status Report (Albert Stefan)

The Engineering Project Status Report was made available to the Board.

C. Health & Sanitation Monthly Report (Natalie Karney)

The Health & Sanitation Monthly Report was made available to the Board.

D. Village Attorney's Report (J. William Braithwaite/Nancy Harbottle)
Attorney J. William Braithwaite was present to answer questions.

VIII. Reports by Board of Trustees

Trustee Melissa J. Roth

A. Plan Commission Meetings 3/10/03 (Special, Regular & Hearing)
The Minutes of the Meetings were made available to the Board.

B. Zintz: Request for Waiver of the Requirement of Plat of Subdivision (224 & 226 Kimberly Rd. Resolution #2251

Trustee Roth explained that the owner of the properties 224 Kimberly Road (Lot 2) and 226 Kimberly Road (Lot 3) proposed to convey the westerly 15 feet of Lot 2 to the purchasers of Lot 3. Trustee Roth explained that if the Village Board did not waive the Subdivision Ordinance, then the owners would be required to re-subdivide the property.

Jim Kemper, 471 E. Oxford Road, expressed his concerns about building a home on Lot 3, or 226 Kimberly. He asked if waiving the Subdivision Ordinance was giving the Zoning Board of Appeals a "green light" in order to proceed with the proposed home. He said that building a large home on Lot 3 would affect many neighbors, would degrade the property from an environmental standpoint and adversely affect drainage in the area.

Village Attorney J.W. Braithwaite explained that Lot 3, as enlarged, would still require a variation from the ZBA in order to comply with Village Codes. He explained that by waiving the Subdivision Ordinance requirements, in this specific case, the Village would still have protections, through the ZBA process, which otherwise would be forthcoming from a re-subdivision procedure before the Plan Commission. Village Attorney Braithwaite referred to the language of the proposed Resolution which states that the waiver of said sections of the Subdivision Ordinance does not in any way indicate the Village will or will not grant the requested zoning variation which is an independent decision to be rendered after a public hearing before and recommendations of, the Zoning Board of Appeals.

Trustee Roth said that Building and Zoning Officer Kelly Rafferty reported that the proposed lot line change did not have any adverse impact to either lot from a Zoning Ordinance compliance standpoint (lot area, lot width, setbacks, etc.). Trustee Roth also said that if the Zoning Variance is not approved, that Lot 3 is not a buildable lot. Memos were submitted by Village Engineer Baxter and Woodman and Village Health Officer Natalie Karney with respect to the lot line change. There was lengthy discussion.

Motion: Trustee Hjertstedt moved to adopt Resolution #2251; seconded by Trustee Roth.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Hjertstedt, Parker and Roth, President Pro-Tem Kubon
Nays: None
Absent: Trustees Forman and Kudla, President Starkey
Abstain: None

President Pro-Tem Kubon declared the motion approved.

Trustee Fred D. Hjertstedt

- A. Transfer \$1766.99 from the Fall Event to the Parks Budget
- B. Transfer \$725.35 from the 2002 Run Through the Woods to the Parks Budget
- C. Approve the donation to Citizens for Conservation in the amount of \$2659.35 from the Parks Budget

Trustee Hjertstedt explained that all accounting from the Run Through the Woods was complete and that monies needed be transferred from the Fall Event and the Run Through the Woods accounts into the Parks Budget account, as well as approving the donation to Citizens for Conservation.

Motion: Trustee Hjertstedt moved to transfer \$1766.99 from the Fall Event to the Parks Budget, to transfer \$725.35 from the 2002 Run Through the Woods to the Parks Budget, and to approve the donation to Citizens for Conservation in the amount of \$2659.35 from the Parks Budget; seconded by Trustee Roth.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Hjertstedt, Parker and Roth, President Pro-Tem Kubon
Nays: None
Absent: Trustees Forman and Kudla, President Starkey
Abstain: None

President Pro-Tem Kubon declared the motion approved.

- D. Parks & Recreation Commission Meeting 3/3/03
The Minutes of the Meeting were made available to the Board.

E. Walking Trail Maintenance

Trustee Hjertstedt said that the Parks Commission was securing bids to re-chip the walking trails this spring.

F. Village Memorial

Trustee Hjertstedt explained that a Veterans memorial had been suggested by Warren Nass, and since then, Parks & Recreation Commission member Bob Wulff had secured an artist and subsequently a design for the memorial.

Bob Wulff explained the proposed memorial, "On Eagle's Wings". He said that this design was a recommendation by the Parks & Recreation Commission to the Village Board. He said that the approximate six foot high memorial would incorporate steel wings of the country's official bird, the eagle, on a concrete base. He explained that the steel needed to be waxed once a year to preserve it from the elements and would be erected to the west of the flag pole at the Village Hall. He said that the memorial was to be finished by Memorial Day, 2003, for a cost of \$2000.00 and an additional plaque for \$250. Tentatively, the wording of the plaque is as follows, "In memory of the residents of North Barrington, Illinois, who devoted and sacrificed their lives for country, community, and the betterment of the world."

Motion: Trustee Hjertstedt moved to move forward with the Village Memorial at an approximate cost of \$2250 from the Parks and Recreation Budget; seconded by Trustee Parker.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Hjertstedt, Parker and Roth, President Pro-Tem Kubon
	Nays:	None
	Absent:	Trustees Forman and Kudla, President Starkey
	Abstain:	None

President Pro-Tem Kubon declared the motion approved.

Warren Nass thanked the Board for moving forward with the memorial and said that he has been lobbying the Village for such a memorial for over 27 years. He suggested contacting the local VFW for help with planning of the Memorial Day dedication.

G. 2003 Run Through The Woods

Trustee Hjertstedt said that the race would be restructured this year, and the Commission was exploring the possibility of forming a sub-committee to work with the Commission in the running of the event.

H. Miscellaneous

Trustee Hjertstedt said he had nothing more to report.

Trustee Kurt W. Kubon

A. Environmental Commission Meetings 1/23/03, 2/27/03 & 3/20/03 (update)
The Minutes of the Meetings were made available to the Board.

B. Environmental Commission's recommendation

1) Designers & Builders Development, Inc. - Penalty (Memorandum of Agreement)
Village Attorney J.W. Braithwaite gave background information regarding the fine for cutting trees in violation of Village Code by Designers & Builders Development, Inc. He explained that before being issued a permit, the builder, Designers & Builders Development, Inc. (D & B),

proceeded to cut down a number of trees on Lot K8, Hillburn Lane, in the Wynstone Subdivision. He said that a tree plan had been completed before the cutting had taken place, so there was no question as to how many trees and how many inches had been removed. Village Attorney Braithwaite explained that under the Village's Tree Ordinance, there is a fine for cutting trees without a permit, and that the fine was \$100 per inch of diameter of trees, and if taken literally, the fine would be between \$26,000 and \$27,000. He noted that some of the trees that were removed would have had to be removed if the builder had secured a permit. D & B said that the tree removal was an oversight, because permission to proceed had been received from Wynstone's P.O.A. After reviewing the Village's building permit records, it was found that the builder had previously secured permits for tree removal and was aware of the proper Village procedures. Attorney Braithwaite said that there was a discrepancy between the Village and the builder regarding the number of trees removed or that needed to be removed. He gave his opinion as to the amount of fine which would be imposed if the case went to court. A Memorandum of Agreement was signed by D & B and President Starkey, but the amount of the penalty, set forth therein, \$5,550, is subject to approval by the Board of Trustees. It also states that D & B reserves the right to appear before the Board of Trustees and seek a reduction in the amount set forth and the Village reserves the right to increase the penalty, but to an amount not in excess of \$9800.00. The builder, D & B, has previously deposited the amount of \$5550.00 to the Village.

Pat Kemper, 471 E. Oxford Road, said that as an Environmental Commission member, she was in favor of increasing the fine because she felt that the Village needed to enforce its Tree Ordinance and subsequently send a message to the developers in the Village.

Motion: President Pro-Tem Kubon moved to levy a fine against D & B Builders for \$9800.00, of which \$5550.00 was previously submitted as a deposit, leaving the balance of the fine to \$4250.00; seconded by Trustee Hjertstedt.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Hjertstedt, Parker and Roth, President Pro-Tem Kubon
	Nays:	None
	Absent:	Trustees Forman and Kudla, President Starkey
	Abstain:	None

President Pro-Tem Kubon declared the motion approved.

Trustee Craig S. Parker

A. Lake Zurich Fire/Rescue Department "Open House"

Trustee Parker said that the second Lake Zurich Fire/Rescue Department Open House was scheduled for May 10, 2003 from 1-4 p.m. at Lake Zurich's Station 2 located on Route 22 just east of Route 59. He said that announcements would be included in the Village Newsletter, a postcard mailing to all residents, "backpack mail" at North Barrington and Seth Paine Schools, and a hanging banner at Station #2.

Trustee John M. Kudla

A. Health & Sanitation Meeting 3/4/03

The Minutes of the Meeting were made available to the Board.

B. SWALCO

Trustee Kudla was absent.

Trustee Kimberly M. Forman

A. Miscellaneous

Trustee Forman was absent.

IX. CLOSED SESSION: MOTION that a portion of the meeting be closed to the public, effective immediately as permitted by 5 ILCS 120/2(A) (c), 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 5 ILCS 120/2(B) (1) to discuss personnel. Also, approval of Closed Session Minutes - 02/13/03, 2/24/03

The Board went into closed session at 9:05 p.m.

X. RECONVENE OF OPEN SESSION

The Board reconvened open session at 9:09 p.m.

XI. Old Business

There was no old business to discuss.

XII. New Business

Trustee Parker said that he would be back in town for the April Board Meeting and thanked the Board for their patience with the teleconferencing. He also thanked outgoing Trustees Kurt Kubon and Melissa Roth for all their hard work and dedication to the Village and for helping him "learn the ropes".

XIII. Adjournment

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

The voice vote was unanimous in favor.

At 9:15 p.m. President Pro-Tem Kubon declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held April 28, 2003.

Attest: _____

Kathy Nelander, Deputy Village Clerk

