

**MINUTES OF A MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD WEDNESDAY,
JUNE 23, 2010 AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD**

I. Call to Order and Roll Call

At 7:35 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 Das Gupta, Koertner, Kolar, and Pino
Trustees Weiner (arriving at 8:32 p.m.) and Boland (arriving at 8:35 p.m.);
both Trustees were delayed due to weather related shut down of Metra
Absent: None
Also Present: Kathy Nelander, Village Administrator
J.W. Braithwaite, Village Attorney
Kris Lennon, Deputy Village Clerk
Nancy Schumm-Burgess, Schumm Consulting LLC
Patsy Mortimer, Flint Creek Watershed Partnership
Sam Oliver, 480 Eton Drive
Scott Gilday, 240 Oxford Road
Bruce Kramper, 175 Pheasant Run Trail
Ed Harris, Lake County Sherriff's Department

II. PUBLIC COMMENT

There was no one who wished to speak.

III. CONSENT AGENDA

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

- A. Approve Minutes of Board Meeting, Public Hearing - 5/26/10
- B. Approve 6/23/10 Vouchers for payment of bills
- C. Approve the Treasurer's Report for the 1st month of Fiscal Year 2011
- D. Adopt Ordinance # 1187, Annual Appropriation Ordinance
- E. Approve Resolution # 2561 re-appointing (Arnstein & Lehr), J.W. Braithwaite & N. Harbottle, Attorneys
- F. Approve Resolution # 2562 re-appointing (Land Technology, Inc.), Natalie Karney, Health Officer
- G. Approve Resolution # 2563 re-appointing (Rafferty Architects), Kelly Rafferty, Building & Zoning Officer

- H. Approve Resolution # 2564 re-appointing (Baxter & Woodman, Inc.), Al Stefan, Andrea Pracht and Jennifer Sorensen Village Engineers
- I. Approve Resolution #2565 re-appointing Pat Ryan, Parks & Rec. Chairman

Discussion: There was no discussion.

Vote on Motion

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

President Sauer declared the motion approved.

IV. ORDINANCES/CODE AMENDMENTS

- A. (Tabled) Consideration of Ordinance # _____, Amending Village Code Title 6, Chapter 2, Animals

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

Motion: Trustee Das Gupta moved to remove from the table consideration of Ordinance # _____, Amending Village Code Title 6, Chapter 2, Animals; seconded by Trustee Koertner:

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 Das Gupta explained that she had not met with the committee formed to review basic policy decisions for the matter since she made her revisions to the proposed ordinance.

There was brief discussion among the Board about the proposed revisions.

Trustee Pino suggested tabling the matter in order to review the material.

It was noted that the committee was meeting at the latter portion of the Board meeting to review the revisions and discuss proposed fines.

Motion: Trustee Pino moved that the Board table the proposed amendment to Title 6, Chapter 2, Animals, until a subsequent Board meeting; seconded by Trustee Kolar.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

- B. Consideration of Ordinance # 1188, Zoning Variation Request submitted by Mr. & Mrs. Matthew Menges, 145 Clover Hill Lane, North Barrington

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

ZONING VARIATIONS NEEDED:

The petitioner requests a zoning variation to allow the continued utilization of their lot compromising of 1.853 acres as a single family site. The minimum otherwise required by the Zoning Ordinance is 2 acres. The Village entered into an annexation agreement in 1993 which provided that the subject property would be allowed to be 1.853 acres

President Sauer explained that Mr. & Mrs. Matthew Menges are seeking a zoning variation in order to eliminate the non-conforming status of the Lot 1 in Clover Hill Estates. Lot 1 in Clover Hill Estates Subdivision is 1.853 acres in size rather than the 2 acres minimum required for properties in the R-2 Zoning District. In order to correct what appeared to be an oversight by the Village in 1993, it is necessary for a zoning variation to be granted by the Village Board. The Zoning Board of Appeals (ZBA) recommended approval of the zoning variation at the ZBA meeting held 6/8/10. It was noted that the petitioners were not in attendance.

Motion: Trustee Pino moved to adopt Ordinance # 1188; seconded by Trustee Koertner.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the Ordinance adopted.

- C. **Request for Extension of Zoning Variations Granted by Ordinance # 1144, Mr. & Mrs. Scott Gilday, 240 Oxford Road, North Barrington**

Ordinance #1144 was approved by the Village Board on May 28, 2008 upon the recommendation of the Zoning Board of Appeals (ZBA) on April 8, 2008. An extension of the zoning variation to May 28, 2010 was approved by the Village Board on March 18, 2009 upon the recommendation of the ZBA. Mr. & Mrs. Gilday did not secure a permit for the addition, and are requesting a second extension.

President Sauer explained that the ZBA and Board previously recommended approval of the zoning variations needed to construct an addition to the property located at 240 Oxford Road. The Zoning Ordinance provides that the term of a zoning variation may be extended by the Board of Trustees upon recommendation by the Zoning Board of Appeals for a period or for periods not to exceed a total of three (3) years from the original grant of variation. Mr. & Mrs. Gilday requested a second extension of the zoning variations be granted with a new expiration date of November 28, 2010. It was noted that the ZBA recommended approval of the second extension at the meeting held June 8, 2010.

President Sauer invited Mr. Gilday to address the Board. Mr. Gilday explained that they were not able to begin the construction process as originally planned. Additionally, the septic work was delayed due to weather related conditions.

President Sauer asked if there were any questions from the Board. No one wished to speak.

Motion: Trustee Pino moved to approve an extension of the zoning variations previously granted by Ordinance #1144 and allowing a new expiration date of 11/28/2010; seconded by Trustee Kolar:

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

V. ADMINISTRATION – President Bruce Sauer

A. Village Update

President Sauer noted that recent severe weather conditions caused numerous tree limbs to fall on electrical lines causing outages throughout the Village. He asked that the Village consider having a certified arborist determine the exact condition of dead trees within Village right-of-ways in order to prevent individual accidents and electrical outages. President Sauer explained that there are unused funds available for tree maintenance and would like the Board to consider the idea.

It was noted that Cuba Township Highway Department observed the amount of dead trees within Village right-of-ways following the recent storm and suggested having a certified arborist examine the dead trees.

Trustee Kolar noted that the Biltmore Subdivision was significantly affected due to the amount of trees in the subdivision.

There was brief discussion among the Board regarding tree trimming and electrical lines. President Sauer stated that he would like a separate list of potentially hazardous trees within the Village right-of-ways in addition to a follow-up plan. It was noted that Village Administrator Kathy Nelander would contact a Com Ed representative to coordinate a meeting with President Sauer, Trustee Pino and the Village Administrator.

President Sauer commented on the exceptional clean up conducted by the Cuba Township Highway Department following the recent storm.

It was noted that Cuba Township Highway Department will conduct a one day clean up of debris in Village right-of-ways on 6/24/10.

B. Flint Creek Update

President Sauer invited Nancy Schumm-Burgess, Schumm Consulting LLC, to address the Board. Ms. Schumm-Burgess explained that she obtained several estimates in order to stabilize Phase 1 of the restoration project. She explained that the estimates, obtained from one contractor, range from a minimum to maximum expense that included:

- \$ 4,500 – includes cover crop, replace 50 native shrubs
- \$ 14,000 – includes cover crop with native seed (approx. 5 acres), 50 shrubs
- \$ 22,000 – includes cover crop, shrubs, seeds, trees, and maintenance

It was noted that to add maintenance for one year to all estimates would cost an additional \$4,000.

Trustee Das Gupta asked if the estimates would handle normal rainfall.

Ms. Schumm-Burgess explained that weather conditions vary. During the month of May, the Village accumulated 6.3 inches total rainfall, however; during the rain incident on 5/13/10, the Village accumulated 3.25 inches of rain in a four hour period. Due to the ground being previously saturated, the considerable volume of rain in four hours caused water levels to rise 5-6 feet above the flood plain level.

Trustee Pino asked if volunteers could assist with the cover crop. Ms. Schumm-Burgess stated that volunteers could be used and help reduce labor costs.

President Sauer stated that Phase 1 of the restoration project may need to be re-evaluated due to the most recent storm. He asked Ms. Schumm-Burgess to provide a recommendation for any damage.

Ms. Schumm-Burgess stated that she recommends that the Board approve the stabilization of the (Phase 1) restoration project. She noted that she would need to submit a grant application by July 30th. The stabilization requires further engineering which was not included in the estimates and is needed prior to submitting the grant application. Ms. Schumm-Burgess stated that she would need 20 hours of work time approved in order to work on the project.

Trustee Das Gupta stated that she'd like to see a more detailed plan and address unresolved issues with residents concerning private property. She noted her concern about engineering costs being excessive.

Ms. Schumm-Burgess stated that the creek requires stabilization and continues to degrade. The problem will escalate if not treated. The lack of stabilization may potentially cause a substantial increase in future Village expenditures.

It was noted that Ms. Schumm-Burgess and Trustee Pino met with Gery Herrmann, 257 Kimberly Road at his property. It was noted that Mr. Herrmann is concerned about creek bank erosion.

There were a few questions from the Board about grant application process which were addressed by Ms. Schumm-Burgess.

Trustee Koertner stated that the community is responsible for protecting its water resources however; issues remain regarding engineering and education.

Trustee Das Gupta stated that she believes an explicit contract is needed between the Village and residents to access private property.

Attorney J.W. Braithwaite noted that state statute provides that the Village could acquire authorization for stream maintenance and water flow, if necessary.

Trustee Pino asked if there was a specific amount of money that the Board could allocate toward planning for the project prior to 7/30/10.

Trustee Das Gupta expressed her concern for a more complete and overall plan noting the importance of resident education.

Ms. Schumm-Burgess noted that restoration work depends on the condition of the site such as Eton Park which has been stabilized due to the cover crop being planted in that particular area however; Phase 1 of the initial project requires more restoration work due its poor condition.

Ms. Schumm-Burgess noted that the Environmental & Health (E&H) Commission could be instrumental in educating residents.

President Sauer suggested that Trustees Das Gupta and Koertner work together, creating a sub-committee, in order to create a plan for public relations and education.

Ms. Schumm-Burgess stated that costs for planning the completion of Phase 1, including engineering plans and required permits should not exceed \$20,000.

Trustee Pino was reluctant to approve the amount of \$20,000.

There was discussion among the Board about an amount to be allocated to the “planning” of the completion of Phase 1.

Ms. Schumm-Burgess noted that she would need engineering estimates prior to submitting a grant application. She stated that she would have the figures at the July Board meeting. It was noted that the engineering estimates would be for the Phase 1 area of land around the stream corridor, not the stream banks. Ms. Schumm-Burgess considers that area to be most important.

There was discussion among the Board about creating a commitment and/or contract with Village residents for the maintenance of private property once restored.

Motion: Trustee Kolar moved to approve the amount of not to exceed \$15,000 for the “planning” of the completion of Phase 1 of the Flint Creek Restoration Project; seconded by Trustee Koertner.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

It was noted that Trustee Weiner arrived during this portion of the meeting.

President Sauer asked which estimate provided by Ms. Schumm-Burgess that the Board would be interested in. Trustee Koertner stated that it would be beneficial for the estimates to be reviewed by the E&H Commission.

There were no objections from the Board.

It was noted that Trustee Boland arrived during this portion of the meeting.

VI. REPORTS BY BOARD OF TRUSTEES

A. Trustee Edmund “Pete” Boland

Trustee Boland had nothing to report.

B. Trustee Ginger Das Gupta

Trustee Das Gupta reported that she attended the Barrington Area Council of Governments (BACOG) Water Resources Committee meeting 6/9/10; she noted that the Committee has been working on the review of a draft proposal for McHenry County that focuses on a ground water protection plan; BACOG is looking to use the plan as a model for other municipalities. The committee additionally discussed the Water Initiatives Education Program which focuses on gaining public support for the maintenance and protection of the water supply.

C. Trustee Camille Koertner

Trustee Koertner reported on the activities of the E&H Commission from the meeting held 6/1/10.

Trustee Koertner additionally reported on the activities of the Flint Creek Watershed Partnership (FCWP) meeting held 6/22/10 and noted that Patsy Mortimer, FCWP, volunteered to work at the Village’s Fall Festival.

Trustee Koertner reported the Clark Mosquito continues to spray in the Village in an effort to keep the mosquito counts down.

Trustee Koertner noted that the Wynstone Property Owners Association is appreciative of Special Service Area #17. The Special Service Area created sewer improvements and improved drainage within the Wynstone subdivision.

Trustee Koertner stated that will be attending a SWALCO Board of Directors meeting on 6/24/10.

D. Trustee Mark Kolar

Trustee Kolar had nothing to report.

E. Trustee Al Pino

Trustee Pino reported that he attended a meeting on 6/17/10 at the Village Hall as Trustee Liaison for Village roads regarding the Miller Road Project. He explained that Lake County anticipates the project beginning in the summer of 2011 and that plans have been submitted.

Trustee Pino noted that Lake County is scheduling another meeting in August to discuss detour routes and tree plantings. It was noted that Lake County intends to notify Village residents of the construction plans and development.

F. Trustee Lawrence “Lawre” Weiner

Trustee Weiner had nothing to report.

VII. CLOSED SESSION

Motion: Trustee Koertner 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 Pino.

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 9:28 p.m.
The roll was called and the quorum re-established.

IX. NEW BUSINESS

There was no new business to discuss.

X. OLD BUSINESS

There was a general discussion by the Board relative to the pending animal ordinance.

It was noted that the Board agreed to keep the \$25.00 fines within the proposed ordinance within Section 6-2-2 and; paragraphs “A”, “B”, “C” and “D” of Section 6-2-2 would remain.

There was discussion about Section 6-2-3 paragraph “A” 2. It was noted that the word “provoked” would be added to Section 6-2-3 “B”.

It was noted that signage provisions would be left out of the proposed ordinance and; language would be added to include, “in the case of a conflict between the Village ordinance and County ordinance, the more restrictive would apply”.

It was noted that the Village Attorney would prepare the draft ordinance and the Board would compare it with the County ordinance.

XI. ADJOURNMENT

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

At 9:48 p.m. President Sauer declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held July 28, 2010.

Attest: _____
Kris Lennon, Deputy Village Clerk