

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD MONDAY,
FEBRUARY 24, 2003 AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD

I. Call to Order and Roll Call

At 7:30 P.M. President Starkey called the Meeting to order and the Deputy Clerk the called the roll:

Present: Trustees Forman, Hjertstedt, Kubon (arriving at 9:10 p.m.), Parker (via teleconferencing per Resolution #1073A) and Roth, President Starkey

Absent: Trustee Kudla

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

J.W. Braithwaite, Village Attorney

Peter Economos, 70 S. Wynstone Drive

Joe Herreweyers, 530 Castlevue Court

Jeff Stone, 420 Concord Lane

Colleen Liszewski, 127 Osage Drive

Bryan McGonigal, 297 Woodland Drive

Donald Whiteman, 545 Happ Road, Northfield

Sheldon L. Epstein, Attorney for J. Herreweyers, P.O.Box 400, Wilmette

Randy Barnholtz, Court Reporter, P.O. Box 777, Prospect Heights

Scott Mitchel, 455 E. Oakwood, Barrington

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 Starkey asked if any member of the Board wanted to remove any item from the consent agenda. Two invoices from Item C., Items D., E. and F. were removed from the consent agenda for further discussion.

V. Consent Agenda

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

A. Approve Minutes of Regular Board Meeting-01/27/03

B. Approve the Treasurer's Report for the 9th month of F/Y 2003 for file and audit

C. Approve the February 24, 2003 Vouchers for payment of bills (except for Baxter & Woodman invoice #75016, and Ronan Potts, L.L.C. Invoice #3179)

Discussion: There was no discussion.

Vote on Motion

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

President Starkey declared the motion approved.

Removed from the Consent Agenda for discussion and action:

C. February 24, 2003 Vouchers for payment of bills Baxter & Woodman invoice #75016,
and Ronan Potts, L.L.C. Invoice #3179

Trustee Forman asked about Invoice #75016 for \$2220.62 from Baxter & Woodman. President Starkey explained that the invoice, regarding the Potter Property, was for site visits, reviewing of plans, and submitted reports and that the bill was being paid from the Trust & Agency account, which was formed for these expenses, and is not paid by the Village.

Trustee Forman also questioned Invoice #3179 from Ronan Potts, L.L.C. for \$2000. She asked why the Village was still spending money on the Route 22 issue. President Starkey said that the Village needed to discuss the matter with the Village of Lake Barrington, since both Villages entered into the contract with Ronan Potts together, before any action was taken. President Starkey said that she had a scheduled appointment for a conference call with the Village of Lake Barrington to discuss the matter and would she would bring the matter before the Board at the March meeting.

Motion: Trustee Forman moved to approve the following February 24, 2003 Vouchers for payment:

Baxter & Woodman invoice #75016, and Ronan Potts, L.L.C. Invoice #3179; seconded by Trustee Roth.

Discussion: There was some discussion.

Vote on Motion

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

President Starkey declared the motion approved.

D. Motion to extend the Idealease Temporary Occupancy Permit until March 28, 2003

President Starkey explained that the Village Attorney had sent a letter to Simanco, Infracon &

Idealease regarding the removal of excess fill from the site. President Starkey explained that the removal of the fill has been a topic of concern with the Village for quite some time, and subject to a fine of \$750 per day. Simanco responded by letter indicating the property was under contract for sale, as is, with the dirt removal incorporated into the purchase price. Simanco was asking for a four month time frame, in order for the buyer to have a 30-day due diligence period and then a 90-day governmental contingency period to satisfy or waive the following contingencies:

1. Obtain Village preliminary site plans, building design and all other approvals required by the Village.
2. Obtain acquisition and construction financing necessary for the development of the property.
3. Purchaser must be able to verify that the storm water retention/detention on the property is adequate.

Peter Economos introduced himself to the Board as representing Simanco. Mr. Economos explained that Simanco entered into a contract to sell the balance of the North Commercial property, and that excess fill from the Idealease building, the Village Bank and Trust building and some other detention work was left at the site. Mr. Economos said that Simanco Vice President, Thomas Gray, was asking that the Village temporarily rescind the fines imposed pending the completion of the due diligence contingencies in the purchasers contract. There was lengthy discussion about the excess fill, its possible future use, and the problems with the removal due to weather conditions.

President Starkey expressed concerns about rebalancing the elevation of the site, that the change in topography of the site caused damage to drainage into Wynstone, and the unacceptable aesthetics of the site.

Trustee Parker said that Simanco has told the Village over a year ago that the excess fill would be addressed. He said that Simanco's request for another possible five months was not a guarantee that the work would be done. He said he would like to see the letter of credit increased to use that money to start to remove the excess fill. Trustee Parker said that neighbors have had to live with the unsightly area for too long, and he would like to see the Village protected.

Trustee Hjertstedt said that he would favor no extension because Simanco has already been given twelve months.

Village Attorney J.W. Braithwaite said that if the Board was to consider an extension, a requirement of that extension could call for the letter of credit to be substantially increased, and if the work were not completed in a timely matter, the Village could access the letter of credit to get the work completed.

Motion: Trustee Forman moved to extend the Idealease temporary occupancy permit until March 28, 2003 and direct the Village Attorney to draft the proper language to establish the increase in Simanco's letter of credit; seconded by Trustee Parker.

Discussion: There was lengthy discussion.

Vote on Motion

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

President Starkey declared the motion approved.

E. Approve Ordinance #916 (Zoning Variation Ordinance) regarding 127 Osage Drive

Trustee Roth explained the variances to the code requested by Mr. & Mrs. Greg Liszewski. She also noted that the requests were unanimously approved by the Zoning Board of Appeals.

ZR-5-3(A): R-3 Residential Zoning District requires that each lot have an area of at least 40,000 square feet.
The subject property (Lots 19, 20, 21 and 22 in Block 5 in Unit No. 3 of Biltmore Country Estates) is approximately 27,000 square feet in area.

ZR-8-2(A): From all roads or streets, the setback to any building or structure shall not be less than sixty (60) feet from the established center line of the road right-of-way.
Based on the 60 ft. wide road right-of-way established for Osage Drive, the required front setback shall be 30 ft. as measured from the front property line. The proposed addition will be located approximately 18 ft. from the front property line at its closest point. This represents a front yard setback encroachment of approximately 12 ft.

ZR-102(B) &
ZR-1-7(A,2): A non-conforming building or use shall not be expanded.
The existing property is considered as being non-conforming because it does not comply with the minimum lot size requirements.

Colleen Liszewski, homeowner at 127 Osage Drive, explained the request for the variances to the Board. Mrs. Liszewski said that their family had moved into the home approximately 1 1/2 years ago, and the home was located at the dead end of Osage Drive. She said that the existing greenhouse on the front of the house was unsightly, old, drafty, and posed security problems to the home. She said that they wanted to demolish the existing greenhouse and construct a sunroom addition, and that addition would be four feet longer than the existing structure. The old structure measuring 19x9" would be replaced with the new sunroom measuring 19"x13", and the old structure would be completely removed, including the foundation, that new concrete

footings would be poured, and that once finished, the addition would be sided to match the existing house. There were some questions from the Board regarding Village right of ways, and the use as a driveway.

Motion: Trustee Parker moved to approve Ordinance #916, allowing Mr. & Mrs. Greg Liszewski to construct a sunroom addition to the home at 127 Osage Drive using the plans prepared by D.A. Schiller & Associates dated 12/10/02, noting that the existing greenhouse will be demolished and the sunroom addition will be built in its place; seconded by Hjertstedt.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Hjertstedt and Trustee Parker
	Absent:	Trustees Kubon and Kudla
	Nays:	Trustee Roth
	Abstain:	Trustee Forman

President Starkey declared a tie existed, that she voted "Aye", and that the abstain vote applied to the majority vote and that the motion was approved.

F. Adopt Resolution pertaining to IDOT Construction

Trustee Forman asked about the Resolution. President Starkey explained that the Resolution, which states that any person, firm or corporation desiring to do work on State maintained rights of way, must first obtain a written permit from the Illinois Department of Transportation. There were questions as to why the Village needed to sign the resolution. Village Attorney J.W. Braithwaite explained that it is a standard resolution, usually passed every two years, and involves work that may need to be done in the State's right a ways. There was further discussion on why the Village should sign the resolution.

Motion: Trustee Parker moved to approve the Illinois Department of Transportation Resolution; there was no second.

President Starkey said that the motion died for lack of a second.

VI. TABLED ITEMS

- A. (Tabled) Motion to approve Ordinance #_____ (H&S Variation Ordinance, Section 7-4-3)
Re: Oak Hills Subdivision
- B. (Tabled) Motion to adopt Ordinance #_____ Zoning Ordinance Amendment (Definition)
Lot Line Front (ZR-2-1)
- C. (Tabled) Motion to adopt Ordinance #_____ Zoning Ordinance Amendment (Definition)
Road or Street (ZR-2-1)
- D. (Tabled) Biltmore Country Club Septic

President Starkey explained that all the Tabled Items would remain tabled and that a Public

Hearing and Special Meeting were scheduled regarding the Biltmore Country Club Septic on March 13, 2003 at 7:30 p.m.

VI. Presidents Report

The Report was made available to the Board. President Starkey highlighted the report on the Flint Creek Drainage Study. She said that the Village had met with Lake County regarding the County's Miller Road Drainage project, slated for 2005, and the Village was hopeful that the County would work with the Village in securing funds for the project. She also noted many subdivision requests coming before the Plan Commission, Zoning Board of Appeals, and ultimately the Board for review in the next few months.

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 John M. Kudla

A. Miscellaneous

Trustee Kudla was absent.

Trustee Craig S. Parker

A. Miscellaneous

Trustee Parker had nothing to report.

Trustee Fred D. Hjertstedt

A. Summary of Revenues:

- 1) Run Through the Woods
- 2) Fall Event

Trustee Hjertstedt reported on some of the numbers for both events. He explained that the total cost of the Run Through the Woods was \$11,304.50, with an income of \$10,579.15, and the amount to give to Citizens for Conservation would be determined when the Parks Commission resumed their meetings. The Fall Event cost \$4266.99, with \$2500 being donated by the Village

Bank and Trust. There were some questions from the Board.

B. Biltmore Country Club Signal Hill Trail

Trustee Hjertstedt said that he would like to remove the topic from the agenda.

Trustee Kimberly M. Forman

A. Miscellaneous

Trustee Forman expressed an interest in putting together a North Barrington team for the Run for Life fundraiser at Barrington High School. She said that the cost to the Village would be minimal, and anyone that was interested should contact her.

Trustee Melissa J. Roth

A. Plan Commission Meeting 2/10/03

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

B. ZBA Meeting 2/11/03

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

C. Antenna Ordinance

Trustee Roth noted the draft Antenna Ordinance previously made available to the Board. Trustee Roth said that the Plan Commission had recommended approval of the draft ordinance, which changes the definition of Antenna in the Zoning Ordinance. Village Attorney J.W. Braithwaite noted that the appropriate Public Hearing was published and held regarding this proposed Ordinance, and that the Ordinance applies to amateur radio operators in the Village of North Barrington.

Mr. Sheldon Epstein, attorney representing Mr. Joseph Herreweyers approached the Board and presented his credentials regarding amateur radio operators. Mr. Epstein said that Mr. Herreweyers objects to both the present and the proposed Ordinance on the grounds that the Ordinance unnecessarily restricts his ability to build, operate and maintain an effective Amateur Radio station. Mr. Epstein spoke in length about the technical aspects of amateur radio and antenna heights. Mr. Epstein said that Mr. Herreweyers wanted his ground-based antenna to be at a height of 75 feet.

J.W. Braithwaite, Village Attorney, explained that if the Board wished to adhere to the Plan Commission's recommendation that a ground-based tower is limited to a height of 60 feet, any resident wishing a higher antenna could seek relief through the Zoning Board of Appeals. Mr. Braithwaite also reminded the Board that Mr. Herreweyers present antenna was erected without a permit.

Mr. Don Whiteman of the North Shore Radio Club and President of the Village of Northfield explained the Village of Northfield's Antenna Ordinance. He explained that Northfield passed an

Antenna Ordinance due to the large satellite dish issues in the 1970's, and that Northfield restricted tower height to a 70 foot limit with no inspections required. Mr. Whiteman gave further technical information about antennas. Mr. Whiteman also said that in his opinion an antenna height of 65, 70, or 75 feet would be fair and reasonable.

Mr. Joseph Herreweyers addressed the Board. He said that the 50 foot tower and the additional antennas on top of it represent the minimum height to get over the trees and to have it be functional so it is both enjoyable and useful. He said he could manage with an antenna height of 70 to 75 feet. Mr. Herreweyers asked that the Board review his suggested changes to the Ordinance.

Scott Mitchel, 455 E. Oakwood, Barrington, said that he was outside the Village limits and planned on erecting a 100 foot tower at his home, and questioned if the Ordinance would apply to unincorporated areas outside the Village.

There was lengthy discussion about the proposed Ordinance, other antennas located in the Village, retractable towers, hours of operation, and height of tower.

Village Attorney J.W. Braithwaite asked Mr. Epstein if the proposed Ordinance was adopted with a height restriction of 60 feet, would litigation be imminent. Mr. Epstein said that if the Village pursued Mr. Herreweyers because the antenna was taller than permitted by the Ordinance, it would likely provoke a lawsuit.

IX. CLOSED SESSION: MOTION that a portion of the meeting be closed to the public, effective immediately as permitted by 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.
The Board went into closed session at 10:00 p.m.

X. RECONVENE OF OPEN SESSION
President Starkey reconvened open session at 10:50 p.m.

Motion: Trustee Forman moved to table the Antenna Ordinance to date certain, March 13, 2003 at 7:30 p.m.; seconded by Trustee Kubon.

Discussion: There was no discussion.

Vote on Motion

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

President Starkey declared the motion approved.

Trustee Kurt W. Kubon

A. Davis request to purchase road easement

President Starkey explained that the Village had a request from Mr. James M. Davis, contract purchaser of the property located at 0 N. Honey Lane, otherwise known as the Potter Property, to vacate and purchase Honey Lane and Rustic Drive adjacent to the property. President Starkey reported that the topic, involving possible sale of real estate, had previously been discussed in a Closed Session of the Board, and to act upon, had to be discussed during an Open Session of the Board.

Motion: Trustee Roth moved to put a moratorium on all road easement sales by the Village until the Board, or any future Board, would see fit to reconsider; seconded by Trustee Kubon.

Discussion: There was some discussion.

Vote on Motion

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

President Starkey declared the motion approved.

XI. Old Business

There was no old business to discuss.

XII. New Business

President Starkey asked if any member of the Board had been in contact with Trustee Kudla as he had not responded to any phone calls or emails. No member of the Board reported having had been in contact with Trustee Kudla.

XIII. Adjournment

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

The voice vote was unanimous in favor.

At 11:00 p.m. President Starkey declared the meeting adjourned.

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

Attest: _____
Kathy Nelander, Deputy Village Clerk
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