

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD MONDAY,
JUNE 23, 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. The Clerk led the Pledge of Allegiance.

and called the roll:

Present: Trustees Forman, Hjertstedt, McEnroe, Parker, Peterson, President Starkey

Absent: None

Also Present: Kathy Nelander, Village Clerk
Judy Janus, Administrative Assistant

Al Stefan, Baxter & Woodman

Andrea Pracht, Baxter & Woodman

J.W. Braithwaite, Arnstein & Lehr

Sidney Bartlett, 499 Randolph Ct.

Gregg Schmitt, 123 Stone Marsh Lane

Louis Werderitch, 1964 Abbotsford, Barrington

Peter Economos, 70 S. Wynstone Drive

George McCarty, 890 Rainbow Road

Evelyn Richer, 135 Mohawk Drive

Sue Manko, 242 Shady Lane

Bruce Zintz, 224 Kimberly Road

Bo & Renee Jaremus, 581 Signal Hill Road

Kelly Rafferty, Building & Zoning Officer

Joyce Best, 114 Mohawk Drive

Don Husted, 422 Kimberly Road

Paula Lucchesi, 120 Mohawk Drive

Joe Arizza, 109 W. Liberty, Wauconda Fire Department

Nancy Harbottle, Arnstein & Lehr

Ken Shepro, Special Counsel, Katz Randall Weinberg & Richmond

II. Public Comment

There was no one who wished to address the Board.

III: Consent Agenda

Under Item A in the Consent Agenda, the Minutes of a Village Board Public Hearing on 3/13/03, and the Regular Board Meeting on 5/19/03 were removed from the agenda.

Motion: On motion of Trustee McEnroe, seconded by Trustee Peterson, the following agenda

items were unanimously approved by a single omnibus vote:

- B. Approve the Treasurer's Report for the 1st month of F/Y 2004 for file and audit
- C. Approve the June 23, 2003 Vouchers for payment of bills
- D. Approve the release of the remaining T/A funds in the Palumbo Account after all Invoices have been received
- E. Adopt Resolution #2267 regarding signatures on Harris Banks Accounts
- F. Release Grassmere Farms Letter of Credit

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Forman, Hjertstedt, Parker, Peterson, McEnroe, and President Starkey
Nays: None
Absent: None
Abstain: None

President Starkey declared the motion approved.

Removed from the Consent Agenda for discussion and action:

- A. Approve the Minutes of a Village Board Public Hearing on 3/13/03, and the Regular Board Meeting on 5/19/03

The Minutes of the 3/13/03 Public Hearing were made available to the Board. Trustee Forman had some questions about the Minutes from the Public Hearing on 3/13/03.

Motion: Trustee Peterson moved to approve the Minutes of the 3/13/03 Public Hearing as presented; seconded by Trustee Hjertstedt.

Discussion: There was some discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved.

The Minutes of the 5/19/03 Meeting were made available to the Board. Trustee Forman asked that more information be included in the minutes regarding the Werd Subdivision request. The Clerk would review that portion of the minutes.

Motion: Trustee Forman moved to approve the Minutes of the 5/19/03 Meeting; seconded by Trustee McEnroe.

Discussion: There was some discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved.

IV. Appointments/Resignations

A. Resignation of Jeff Overton (Plan Commission)

President Starkey noted the resignation of Jeff Overton from the Plan Commission.

B. Resignation of Stephen Settle (Parks Commission)

President Starkey noted the resignation of Stephen Settle from the Parks Commission.

C. Retirement of William Buecking from ZBA

President Starkey reported that William Buecking had been a member of the Zoning Board of Appeals for 25 years. She thanked Mr. Buecking for all his time and dedication to the Village and presented him with a certificate of appreciation and an engraved desk clock.

D. Resolution #2265 Reappointing Roberta Svacha, Village Treasurer

E. Resolution #2266 Reappointing Roberta Svacha, Finance Committee

F. Resolution #2268 Reappointing Arnstein & Lehr Consulting Attorney and J. William Braithwaite and Nancy Harbottle Village Attorneys

G. Resolution #2271 Reappointing Baxter & Woodman, Inc. Consulting Engineer and Albert Stefan, Village Engineer

H. Resolution #2270 Reappointing Baxter & Woodman, Inc. Consulting Engineer and Andrea Pracht, Deputy Village Engineer

I. Resolution #2272 Reappointing Rafferty Architects & Kelly Rafferty as Building & Zoning Officer

J. Resolution #2269 Reappointing Ray Donini, Deputy Building Officer & Inspector

K. Resolution #2273 Reappointing Land Technology, Inc. Consulting Engineer for Health & Sanitation Matters and Natalie Karney, Health Officer

L. Resolution #2274 Appointing Sue Manko as Deputy Village Clerk

M. Resolution #2276 Appointing Gery Herrmann as Plan Commission Member

N. Resolution #2275 Appointing Terry Banach as Plan Commission Member

O. Resolution #2277 Appointing Kelly Mazeski as Zoning Board of Appeals Vice Chairman

P. Resolution #2278 Appointing Crag Hasselberger as Environmental Commission Member

Q. Resolution #2279 Reappointing Patrick Ryan as Environmental Commission Member

President Starkey outlined the Resolutions.

Motion: Trustee Forman moved to approve Resolution #2265; seconded by Trustee Hjertstedt.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared Resolution #2265 approved and put on file.

Motion: Trustee Forman moved to approve Resolution #2266; seconded by Trustee Hjertstedt.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared Resolution #2266 approved and put on file.

Motion: Trustee McEnroe moved to approve Resolution #2268; seconded by Trustee Peterson.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared Resolution #2268 approved and put on file.

Motion: Trustee Parker moved to approve Resolution #2271; seconded by Trustee Hjertstedt.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared Resolution #2271 approved and put on file.

Motion: Trustee Parker moved to approve Resolution #2270; seconded by Trustee Peterson.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared Resolution #2270 approved and put on file.

Motion: Trustee Parker moved to approve Resolution #2269, #2273, #2274, #2276, #2275, #2277, #2278, and #2279; seconded by Trustee Forman.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared Resolution #2269, #2273, #2274, #2276, #2275, #2277, #2278, and #2279 approved and put on file.

V. Variations/Subdivisions/Code Amendments

A. Motion to reconsider Zoning Variance Ordinance #1004 regarding 255 Essex Patio (Mazurek)

President Starkey explained that during the May Village Board Meeting the Trustees granted a zoning variation (Ordinance #1004) to Mr. & Mrs. Mazurek allowing them to construct an addition onto the rear of the home, with the condition that the concrete patio shown on the plans

not be constructed. President Starkey referred to a memo from Building & Zoning Officer Kelly Rafferty which explained that a zoning variation for the concrete patio to encroach beyond the 40 ft. setback line was not required, as stated in the Village Zoning Ordinance.

Motion: Trustee Parker moved to reconsider Ordinance #1004; seconded by Trustee Forman.

Discussion: There was some discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved.

President Starkey asked for a motion to adopt Ordinance #1008, which would repeal Ordinance #1004, and allow the concrete patio to be constructed as desired.

Motion: Trustee Parker moved to adopt Ordinance #1008; seconded by Trustee Forman.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Forman, Hjertstedt, Parker, Peterson, and McEnroe
	Nays:	None
	Absent:	None
	Abstain:	None

President Starkey declared the motion approved.

B. Ordinance Amending Zoning Text ZR-8-2(B) related to setback provision

President Starkey said that this topic was not discussed at the May Board meeting due to time constraints. President Starkey noted the memorandum from Building Officer Kelly Rafferty explaining the proposed text amendment to Section ZR-8-2(B), which is intended to eliminate the setback requirement which is based on the average of the existing setbacks of the properties within 200 feet. An additional memo from Kelly Rafferty explains that with regard to setbacks from lakes or waterways, the Village historically has relied upon and enforced only the setbacks required from a stormwater management perspective, such as those required under the present Lake County and North Barrington Watershed Development Ordinances. The memo also explains that the determination of the required setback based on the application of ZR-8-2(B) requires the compilation and study of site plans, plats of survey and/or aerial photos of all properties within 200 feet of a subject property. The application of ZR-8-2(B) can result in setback averages which are significantly altered by a single property having an extremely large setback.

Village Attorney J. W. Braithwaite explained that this ordinance section had not been put into use until recently applied. Village Attorney Braithwaite further explained that the current setback provision is illogical. There were some questions about eliminating the section from the Village Code. Trustee Forman asked if the Board amended the language, would the change affect

previous decisions made by the Board. There was further discussion and the Board decided to discuss the matter further when in Executive Session as this matter would impact property as to which litigation was probable under existing ordinances.

C. Ordinance #1005 Zoning Variation Ordinance regarding 254 Woodland, Mr. & Mrs. Timothy Beechick

President Starkey explained the variances to the code requested by Mr. & Mrs. Timothy Beechick:

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 6 thru 10 in Block 20 in Unit No. 2 of the Biltmore Country Estates) is approximately 34,307.9 square feet.

ZR-1-2(B) and

ZR-1-7(A,2) A non-conforming building or use shall not be expanded.

The subject property is non-conforming on account of lot size.

President Starkey invited Mr. Beechick to address the Board and explain the plans. Mr. Beechick referred to the Plat of Survey to illustrate how the footprint of the home would change. He said that the total area added on to the house would be about 220 square feet, as they were only extending out the rear of the home four feet in one location and 8.6 feet in an adjoining location. Mr. Beechick explained that they were going to relocate the galley style kitchen and create a kitchen with an island and a great room. He explained that the current flat roof would be replaced with a pitched roof to be in symmetry with the rest of the house. He said that the addition would be in the same materials as the existing home. There was further discussion and questions from the Board. It was noted that the architectural plans submitted were only preliminary plans. Mr. Beechick said that Building & Zoning Officer Kelly Rafferty had said that if the preliminary plans were fine for the Zoning Variation Request, and that the final architectural drawings would be reviewed as part of the permitting process. There was further discussion and questions from the Board.

Motion: Trustee Forman moved to adopt Ordinance #1005 allowing for Mr. & Mrs. Timothy Beechick to construct an addition and alterations to the home at 254 Woodland Drive noting that final architectural drawings would be required for permitting purposes; seconded by Trustee Hjertstedt.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Forman, Hjertstedt, Parker, Peterson, and McEnroe
	Nays:	None
	Absent:	None
	Abstain:	None

President Starkey declared the motion approved.

D. Request for annexation/rezoning for property at 22920 N. Hwy. 59 (Werd subdivision)
President Starkey explained that the Werd subdivision was tabled at the last Board meeting.

Motion: Trustee Parker moved to take from the table the Werd Subdivision Request; seconded by Trustee Forman.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved.

President Starkey said that Mr. Louis Werderitch and his attorney, Mr. Peter Economos were in the audience and invited either to remind the Board about Mr. Werderitch's request. Mr. Economos explained that his client had two applications pending before the Village with respect to the Werd property, located in un-incorporated Lake County and contiguous to the Village of North Barrington. Mr. Economos said that the property was approximately 5 acres and Mr. Werderitch was seeking to annex to the Village, contingent upon the Village granting variations allowing to subdivide the property into three lots, at about 1 1/2 acres each, as well as variances to the minimum average lot width for two of the three lots. Mr. Economos explained that Mr. Werderitch had appeared before and received approval from the Health & Sanitation Commission for a variance to the code with regard to excessive percolation rate, before a joint Planning Commission/Zoning Board of Appeals Public Hearing, and then again to the Zoning Board of Appeals, and the Plan Commission. Mr. Economos explained that the Board had heard the topic at the May 2003 Board Meeting, but the matter was tabled in order to do further research as well as to secure information from the Illinois Department of Transportation (IDOT). Mr. Economos explained that in a letter from IDOT's District Engineer, John P. Kos, it was stated that IDOT "was opposed to expanding the use of the existing residential driveway contained within Outlot 1 to include use by the newly created Lots 1-3."

Trustee Forman had questions regarding "hardship". Mr. Economos explained that the hardship involved annexing into the Village under the Village Comprehensive Plan's suggested 2 acre zoning and only allowing two homes to be built, if IDOT precluded access for any additional lots onto Route 59. Mr. Economos explained that Mr. Werd was asking for a third lot in order to defray the costs of constructing infrastructure to egress and ingress onto Signal Hill Road.

Village Attorney J.W. Braithwaite also explained that there were two related "hardship issues" in this case. One, the issue of access onto Route 59 and IDOT's suggestion that the access be obtained via the dedicated Iroquois Drive, which then required exploring other alternatives and the expense involved with constructing those alternatives, in this case Iroquois Drive and Signal Hill Road.

Village Engineer Al Stefan said that IDOT was very concerned about the access to the property

off Route 59 from a safety position. He explained that Mr. Werderitch's engineer Terry Cahill, as well as IDOT engineers, walked the site looking at site distances. Mr. Stefan said that they also looked at other factors involved to improve the site distance condition, which then generated the letter from IDOT opposing the expanded use of the existing driveway. Trustee Forman asked if the driveway could be used currently for the property. Mr. Stefan explained that the driveway could be used for the existing property, but would have to receive approval for the expanded use of the driveway, and that IDOT has indicated that they will not give that approval. Mr. Stefan also said that the property located to the south of Mr. Werderitch, the Skoville property, was also reviewed by the engineers for possible future access from Route 59. It was determined that, although it would take a lot of work to get approved, it would be possible to create a left turn lane/right turn lane into the Scoville property.

Mr. Economos also noted that if the Village annexed the Werd property, the Board would have the opportunity to annex other lots into the area. Village Attorney Braithwaite agreed that the annexation could lead to the Board having the right to annex other properties. There were questions about the Outlot. Mr. Werd said that he wanted to keep it at this time, and that he was not going to sell to either adjoining property owners. Village Attorney Braithwaite explained that the Village would want the property in the Village limits.

Mr. Economos summarized the request. He said that Mr. Werd was seeking to bring the current parcel, located in un-incorporated Lake County and zoned 5 acre zoning, into the Village of North Barrington and to construct three homes on approximately 1.5 acres each. Mr. Economos explained that the only Village property Mr. Werd's property is contiguous to is Biltmore Country Estates, which is zoned one acre zoning. Mr. Economos said that during all the Public Hearings related to the Werd annexation and subdivision, the only objections that were voiced were from neighbors to the proposed subdivision. He said that one of the concerns was that the development negatively impacted the Village. Mr. Economos said that he did not view the subdivision as negatively impacting the Village. Mr. Economos said that approximately 65% of the home sites in the Biltmore Country Estates subdivision were on non-conforming lots, or under one acre. Mr. Economos asked the Board to enforce the Village's Ordinance, and accept the Zoning Board of Appeals approval of the requested variations.

Trustee Peterson said that the main concern from the neighbors was with regard to traffic. It was asked how Iroquois Drive could be improved but remain free of any potential traffic if the Skoville property were developed. There was lengthy discussion on how to minimize future traffic with the possible vacation of the Iroquois Drive right away south of Onondaga Drive.

Motion: Trustee McEnroe moved to approve Ordinance No. 1006, providing for annexation of Lot 4 of the Oak Ridge Subdivision and granting the variations allowing Mr. Werderitch to subdivide the property into three lots, at about 1 1/2 acres each, and to allow the minimum average lot width variations for two lots as follows: proposed Lot 2 from 150 feet to 142.53 feet; and proposed Lot 3 from 150 feet to 141.86 feet as recommended by the Zoning Board of Appeals, provided that adequate safeguards are taken relative to the Outlot to Route 59 to

assure that the property remains in the Village unless the Village releases the property, and that the Iroquois Drive right of way south of Onondaga be vacated; seconded by Trustee Peterson. Discussion: There was lengthy discussion. Trustee Forman requested that the Board take into consideration that the Comprehensive Plan was established as a guide to give the existing residences a comfort level in regards to open space. Trustee Forman feels that this development is not consistent with the Village's Comprehensive Plan. Trustee Forman said that any variation given to this development could set a precedent for future development requests in the Village.

Vote on Motion

By Roll Call: Ayes: Trustees Hjertstedt, Parker, Peterson, and McEnroe
Nays: Forman
Absent: None
Abstain: None

President Starkey declared the motion approved.

President Starkey said that there was also a Health & Sanitation Ordinance regarding Excessive Percolation Rate for the Werd Subdivision. Ordinance #1007 was made available to the Board. President Starkey reminded the Board that Mr. Werd had appeared before the Health & Sanitation Commission in January of 2003, and that the Health & Sanitation Commission had recommended a variance for Werd Construction Co. to use a Wisconsin Mound system for the three-proposed homes at the subject to the approval of a Zoning Variance for the property and annexation into the Village of North Barrington.

Motion: Trustee McEnroe moved to approve Ordinance No. 1007 to allow for Werd Construction Co. to use a Wisconsin Mound system for the three-proposed homes at the "Oak Hills of North Barrington" Subdivision (Re-subdivision of Lot 4 in Oak Ridge Subdivision; seconded by Trustee Parker.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Forman, Hjertstedt, Parker, Peterson, and McEnroe
Nays: None
Absent: None
Abstain: None

President Starkey declared the motion approved.

E. Wynstone North Commercial proposal and request for drainage easement change by Talon Development

President Starkey explained that the Wynstone North Commercial proposal was tabled at the last Board meeting.

Motion: Trustee Peterson moved to take from the table the Wynstone North Commercial

proposal; seconded by Trustee Hjertstedt.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved.

President Starkey asked Gregg Schmitt of Talon Development to address the Board and briefly outline the previously presented proposal. Mr. Schmitt explained that he was the developer/agent for the last portion of Wynstone North Commercial and that the approximately five acre parcel was currently under contract, subject to certain stipulations. Mr. Schmitt said that the proposed site would be a five building office park, with low profile, residential look office buildings. These buildings/units would be sold as condominiums and a Condominium Association would be created. The surrounding parking lots and open space would be maintained by the Condo Association. Mr. Schmitt reminded the Board that he had been asked to provide answers to two questions. One for the Village Engineers to verify the topography/contours of the site after the approximate 5000 cubic yards of dirt was removed and two, having written confirmation from the Wynstone Architectural Review Committee for the final site plan and elevation approval of the proposed buildings. Mr. Schmitt outlined the office park layout as well as some proposed signs. He explained that they were proposing a monument sign, similar to the Village Bank and Trust, at the intersection of Rand Road and the right in/right out turn lane out of the present project, an internal monument sign off of Timberlake Road, and additional facade signs. Mr. Schmitt said that the proposed Sign Ordinance placed the emphasis on retail and did not really address office signage, and that he would have to work with Building & Zoning Officer Kelly Rafferty with regard to what kind of signage would be allowed. President Starkey explained that the Route 12 Corridor Planning Council Sign Guidelines, were in fact guidelines and that signage for the proposed project will be considered at a later date by the Plan Commission and then the Village Board.

Mr. Schmitt read a portion of a letter from Wynstone's Mimi Troy stating that the Wynstone Architectural Review Committee had reviewed and approved the proposed site plan and the building height elevations for Lot 2 in Wynstone North Commercial.

Al Stefan, Village Engineer, reported that Baxter and Woodman had completed the survey, both visually and electronically, and it was determined that an average of 5237 cubic yards was removed from the site and the contouring of the property was accurate. He also reported that Andrea Pracht had completed her review of the sizing of the retention facility and determined it was sufficient for the proposed improvement.

President Starkey explained that if the Board approves the proposed change to the concept plan for the site and if Talon Development decides not to proceed with the project, the concept plan would revert back to the original concept plan as approved by the Village Board of Trustees on March 12, 2001. . Mr. Schmitt said that if the project moved along quickly, site development

work would begin as soon as possible with occupancy in spring of 2004. There were questions about landscaping. Mr. Schmitt said that there was a provision in the contract that Talon Development would be getting a credit on the purchase price for \$25,000 which was the proposed cost to landscape the detention pond area, and that landscaping would be completed at the same the office park was landscaped. Trustee Forman asked who would be responsible for the landscaping if Talon Development did not pursue the project. Mr. Schmitt said that if Talon Development did not proceed with the project, Idealease would have to produce the landscaping that they previously agreed to. Mr. Schmitt noted that the construction may not begin for 10 months.

Motion: Trustee Forman moved to approve the change in the concept plan as proposed by Talon Development using the plans prepared by IG Consulting, Inc., last revision 5/14/03; seconded by Trustee Hjertstedt.

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Forman, Hjertstedt, Parker, Peterson, and McEnroe
	Nays:	None
	Absent:	None
	Abstain:	None

President Starkey declared the motion approved.

F. Flint Creek: Report by Andrea Pracht, Deputy Village Engineer

The report was made available to the Board. Andrea Pracht, Deputy Village Engineer addressed the Board regarding the status of the North Flint Creek Drainage Study. She explained that the four-phase project, which was started in an effort to reduce the occurrence of flooding along North Flint Creek, would 1) calibrate the original 1982 Federal Emergency Management Agency (FEMA) Flood Study to existing conditions; 2) model design alternatives and make recommendations to reduce flooding; 3) design proposed improvements; and 4) implement design through construction. She explained that Phase I, completed in March 2002, identified the existing flooding conditions along North Flint Creek, and included a survey of the residents to determine all areas being affected by the recurrent flooding. Ms. Pracht explained that the purpose of this study was to assess the capacity of the numerous culvert crossings of the Creek and to make recommendations for necessary improvements, which would reduce flooding in the surrounding community. The report recommends upgrades of the culverts at Woodland Drive, Miller Road, Biltmore Drive, and Eton Drive for the 100-year design storm. She noted that improvements to Miller Road were included in the total construction cost and phasing, but that Miller Road is part of the Lake County road system, and improvements will be scheduled by the County. Recommendations are as follows:

Year 1 - Replacement of Woodland Drive Culverts - \$280,000

Year 2 - Replacement of Miller Road Culverts - \$150,000

Year 3 - Replacement of Biltmore Drive and Eton Drive Culverts - \$410,000

There was further discussion and some questions. Ms. Pracht said that if, after reviewing the report, there were any questions, to contact her.

A. Building Department Report (Kelly Rafferty - Rafferty Architects)

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

B. Engineering Project Status Report (Al Stefan - Baxter & Woodman)

President Starkey said that the Engineering Project Status Report will be available at a later date.

C. Health & Sanitation Report (Natalie Karney - Land Technology)

The Health & Sanitation Monthly Report was made available to the Board. Trustee Forman asked about the status of the Biltmore Country Club septic issue. President Starkey said that Biltmore Country Club contacted her and explained that the Club did not feel that it would be completing the project at this time due to construction costs and concerns about the Licensing Agreement with the Village in lieu of a Lease which the Village Board did not have the 5 approval votes to approve.

D. Plan Commission Meeting Minutes from 5/27/03 and 6/9/03

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

E. Zoning Board of Appeals Meeting Minutes from 6/10/03

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

F. Parks Commission Meeting Minutes from 6/2/03

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

G. Environmental Commission Meeting Minutes from 5/22/03

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

H. Staff Meeting Minutes from 6/17/03

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

VI. ADMINISTRATION

A. President's report

The Report was made available to the Board. President Starkey reminded the Board about complaints regarding salt damage to roadway sides and residents requests for reimbursement. President Starkey said that she felt it was an expensive proposition, but a policy decision for the Board to discuss.

Trustee Forman noted that most of the reported damage was on the Village's road right of way, and reimbursement would be quite costly for the Village. She suggested that the claims be

submitted to the snow plow contractor for reimbursement, or that terms be inserted into any future contract regarding the salt damage and repairs or reimbursements.

Trustee Dave Peterson reported that the Environmental Commission was looking into the salt issue and would be reporting back to the Board with a recommendation for what the policy regarding salting, sanding, or some combination thereof. President Starkey said that the contractor had used too much salt and that the Village was going to ask them to restrict the amount of salt used.

Trustee Parker said that there was no perfect balance and that the Board needed to discuss the options. Attorney Braithwaite mentioned that to some, salt damage was less of a concern than providing safe roads. The Board decided that there would be no reimbursement for salt damage at this time.

B. Issue Final Occupancy to Idealease

President Starkey said that the Board may not want to issue the final occupancy to Idealease in light of the information presented regarding Wynstone North Commercial the landscaping agreement with Idealease and Talon Development. It was mentioned that neither the Village, nor any of the Village staff, had seen the agreement regarding the landscaping. The Board opted to extend the Idealease Temporary Occupancy Permit until July 30, 2003 in order to secure more information regarding the landscaping agreement.

Motion: Trustee Parker moved to continue extend the Idealease Temporary Occupancy Permit until July 30, 2003; seconded by Trustee McEnroe.

Discussion: There was some discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved.

C. Impact Fee policy matters

President Starkey explained that this matter, which the Board did not address at the May Board meeting, involved the application of Impact Fees on "pending subdivisions". Attorney Braithwaite explained that the issue surfaced when one property owner had a subdivision under consideration on the effective date of the new Impact Fee Ordinance and at what point did the new Ordinance apply. He explained that the Ordinance on its face applies to any subdivision and he recommended that the Board make a policy decision as to how to apply the Ordinance under different circumstances. The Board decided that the Ordinance would apply and would be in effect for the following cases:

A. Where an application had been filed but has not been heard before the Plan Commission;

B. Where an application had been filed and the Plan Commission had begun the review process;

- C. Where the application had been filed and the Plan Commission had completed the review process of a preliminary plat;
- D. Where the application had been filed and the Plan Commission had completed the review process of a final plat;
- E. Where the Village Board had received the recommendation from the Plan Commission but has not acted upon it.

Motion: Trustee McEnroe moved that the Impact Fee Ordinance is to apply to all subdivisions which are approved at anytime after the date of the Impact Fee Ordinance; seconded by Trustee Parker.

Discussion: There was some discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved.

President Starkey said that there was another issue regarding the application of the Impact Fee Ordinance and read the explanation from J.W. Braithwaite's memo of May 13, 2003:

"Where there is a division of an existing lot or subdivision into two or more parcels and one of the parcels has an existing home located on it, the ordinance appears to apply to both lots."

There was discussion on whether or not to exempt the application of the ordinance to the existing home in those circumstances. There was further discussion and the Board decided that it was impractical to apply the Ordinance to the existing home.

Motion: Trustee Peterson moved that where there is a division of an existing lot or subdivision into two or more parcels, the parcel that has the existing home is exempt from the Impact Fee Ordinance; seconded by Trustee Hjertstedt.

Discussion: There was some discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved.

- D. Authorization to enforce provision of Antenna Ordinance as related to Herreweyers antenna

President Starkey explained that this item was related to the Antenna Ordinance as well as the Herreweyers radio antenna. President Starkey referred to the previously passed Ordinance #1001 as well as the Agreement between the Village of North Barrington and Joseph Herreweyers regarding amateur radio antenna at 530 Castlevue Court, North Barrington. Attorney Braithwaite reported that the attorney for Mr. Herreweyers, Sheldon Epstein, was out of town and had asked that the matter be deferred. President Starkey explained that the antenna issue had been going on for a few years, and that the proposed Agreement applied to Mr. Herreweyers existing antenna. President Starkey said that she had received a call from Mr. Herreweyers shortly before the meeting stating that his attorney had not been able to review the

Agreement.

Attorney Braithwaite explained that the Agreement gives Mr. Herreweyers until April 30, 2004, to either conform or seek a variation for the existing antennas. The Agreement also states that the Village would refrain from filing any Court enforcement or penalty proceedings relative to violations, or alleged violations, of the Antenna Ordinance until April 2004, provided that Herreweyers shall not, from this date forth until a zoning variation is granted (if one is granted), take any action to increase the height of either the ground based antenna or the roof antenna or add any additional apparatus to either of such antenna. The Board decided to approve the Agreement and that the Village President would withhold her signature in order to provide some time for Mr. Herreweyers attorney to speak to Village Council.

Motion: Trustee McEnroe moved to approve the Agreement as presented; seconded by Trustee Peterson.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Forman, Hjertstedt, Parker, Peterson, and McEnroe
	Nays:	None
	Absent:	None
	Abstain:	None

President Starkey declared the motion approved.

E. Resident Contact Report

The report was made available to the Board.

F. Resolution ##2280 authorizing the use of MFT funds for FY 2004 Road Program
President Starkey explained that the resolution applied to the Village's road program. Trustee Parker explained that Village Engineer Al Stefan, along with former Trustee in charge of roads Kurt Kubon, previously performed a review of all the roads in the Village to assess the conditions of the road and to prioritize the work that needed to be performed. He said that the resolution allows for the Motor Fuel Taxes carried over from 2002, plus those received and projected by the State of Illinois to be received by the Village for the year 2003, to be used to pay for the road repairs, even though the Village has not received all the funds to date. Trustee Parker said that the road project was estimated to cost approximately \$225,000. Trustee Parker said that the resolution authorizes the Village to move forward, using the MFT funds, to put the work out to bid and complete the work. It was noted that Item #2, Hidden Oaks Lane should be removed from the project as it is not a Village owned road.

Motion: Trustee Parker moved to approve Resolution ##2280; seconded by Trustee Forman.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Forman, Hjertstedt, Parker, Peterson, and McEnroe, President Starkey
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Nays: None
Absent: None
Abstain: None

President Starkey declared the motion approved.

G. Motion to accept proposed agreement regarding Herreweyers antenna
The matter was discussed under Item D.

H. North Barrington/Barrington Intergovernmental Boundary Agreement (tabled)
President Starkey reported the attorneys for both Villages were ironing out the details in the language of the Agreement and the matter would remain tabled.

I. Run through the Woods Race Director
Trustee Hjertstedt explained that this is the fourth year of the Run Through the Woods and that the former Parks and Recreation Commission chairman, Patty Kudla, typically organized the run. Trustee Hjertstedt explained that after Patty Kudla's resignation, the Commission needed someone familiar with organizing a run, and no one on the Commission was in a position to do so. He also noted that the reference materials from previous Runs were not available. The Commission decided to hire Village resident Marilyn McAlester as Race Director at a cost of \$5000.00 out of the Parks Budget in order to run the race this year. There was lengthy discussion about the hiring of outside help for the Run and how that person would be paid. There were questions about how much the Run has contributed to Citizens for Conservation in the past and how that money was used. There was discussion about future races, how contributions are secured, and the purpose of the Run.

Don Husted, 422 Kimberly Road, asked the Board why a race director was to be paid when the Village had previously turned down requested compensation for the Village Forester.

Trustee Hjertstedt said that this would be a one time, one year hire for the Village. The Board decided to tie the proceeds from the event to the salary for the race director, that the salary would be considered a race expense, to put a cap on the salary at \$5000.00 and negotiate to bring that amount lower.

Motion: Trustee Hjertstedt moved to allocate not to exceed \$5000 from the proceeds of the Run Through the Woods Race to hire Marilyn McAlester as Race Director for Run Through the Woods; seconded by Trustee Parker.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Forman, Hjertstedt, Parker, Peterson, and McEnroe,
President Starkey

Nays: None
Absent: None

Abstain: None

President Starkey declared the motion approved.

VIII. Reports by Board of Trustees

A. Trustee Craig Parker

Trustee Parker had nothing to report.

B. Trustee Fred Hjertstedt

Trustee Hjertstedt had nothing to report.

C. Trustee Kimberly Forman

Trustee Forman reminded the Board that \$500 was put aside out of Charitable Contributions for the American Cancer Society Relay for Life, pending the formation of a team. She said that there was no time to form a team for the event and asked that the money be held for next year. President Starkey said that the check had been mailed because the Board had authorized the contribution. Trustee Forman said that she was interested in forming a team for 2004. President Starkey suggested including that information in the upcoming newsletter.

D. Trustee Dave Peterson

Trustee Peterson had nothing to report.

E. Trustee Jack McEnroe

Trustee McEnroe asked that a Finance Committee meeting be scheduled in order to review certain accounts that were scheduled to expire. Trustee Forman expressed an interest in joining the Finance Committee.

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 5ILCS 120/2(B) (1) to discuss personnel.

The Board went into Closed Session at 9:55 p.m.

RECONVENE OF OPEN SESSION

President Starkey reconvened open session at 10:45 p.m.

X. OLD BUSINESS

V. B. Ordinance Amending Zoning Text ZR-8-2(B) related to setback provision

Motion: Trustee Parker moved to table the Ordinance Amending Zoning Text ZR-8-2(B); seconded by Trustee Peterson.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved and the topic tabled until the July meeting.

XI. NEW BUSINESS

President Starkey said that she would be out of town from July 15 through August 1st and asked that Trustee Parker be appointed President Pro Tem in her absence.

Motion: Trustee McEnroe moved that Trustee Craig Parker be appointed President Pro-Tem in President Starkey's absence; seconded by Trustee Hjertstedt.

Discussion: There was some discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved.

XII. ADJOURNMENT

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

The voice vote was unanimous in favor.

At 10:55 p.m. President Starkey declared the meeting adjourned.

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

Attest: _____

Kathy Nelander, Village Clerk

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