

MINUTES OF A MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD MONDAY,
NOVEMBER 21, 2005 AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD

I. Call to Order and Roll Call

At 7:30 p.m. President Sauer called the Meeting to order. The Deputy Village Clerk led the Pledge of Allegiance, and then called the roll:

Present: President Sauer, Trustees Farrell, Moran, Pino, and Schnure

Absent: Trustee Contorno

Also Present: Sue Manko, Deputy Village Clerk
Judy Janus, Village Administrator
J. W. Braithwaite, Village Attorney
Joseph Arizzi, Wauconda Fire Department
Bill Graft, 1900 E. Golf Road, Schaumburg
Brian Thomson, Biltmore Country Club
Harvey Silets, 125 Arrowhead Lane
Warren Nass, 107 Mohawk
Robert Koziel, US Cellular
Don and Lauri Darge, 150 N. Old Barrington Road
Trevor Gadson, Rick Rasham, - US Cellular
Paul Kalmer, 23148 N. Old Barrington Road
Jim Colella, 290 Lakeview Place
Bill Bishop, 489 Pinewoods Drive
Denis Taillon, 483 Brookside Road
Martin Pais, 180 Clover Hill Lane
Bozena Johnson, 563 Signal Hill Road
William Weidner, 412 Foster Road

II. Public Comment

There was no one who wished to speak.

III. Consent Agenda

Items B, November, 2005 Vouchers, and was removed from the Consent Agenda for further discussion.

Motion: On motion of Trustee Farrell, seconded by Trustee Pino, moved approval of the following agenda items by a single omnibus vote:

- A. Approve Minutes of Board Meeting – 10/24/05
- C. Approve Treasurer’s Report for the 6th month of Fiscal Year 2006

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Farrell, Moran, Pino, and Schnure, President Sauer
Nays: None
Absent: Trustee Contorno
Abstain: None

President Sauer declared the motion approved.

Items removed from the Consent Agenda for further discussion:

- B. November 21, 2005 Vouchers for payment of bills

Trustee Moran said that he would like to remove from the Vouchers, the \$3900 bill submitted by Village Engineer Baxter and Woodman as associated with the Plan Commission, so he could, at a later time, discuss the matter with the Village Engineer.

Trustee Schnure said that he was not in favor of paying the \$2000 bill submitted by Mr. Milan Petrovic of Advanced Practical Solutions, LLC. Trustee Schnure said that the lobbyist, Mr. Petrovic, had been instructed to submit monthly reports, while the State Legislature is in session. Village Attorney J.W. Braithwaite explained that he had phoned the lobbyist and found that Mr. Petrovic was unaware of the early date for the Board meeting, but had said that they would attempt to get something to the Village Board for review, although that report had not arrived at meeting time.

Trustee Moran referred to the vouchers to an expenditure of over \$2500, for office furniture, and said that he was under the impression that expenditures over \$2500 would require Board authorization. Trustee Moran said that he was not arguing the expenditure, but asked that if there were any further expenditure in excess of the \$2500 amount that they be brought before the Board for approval.

Motion: Trustee Pino moved to approve the November 21, 2005 Vouchers for payment of bills, excluding the payment of \$3900 to Baxter & Woodman; seconded by Trustee Moran.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Farrell, Moran, Pino, and Schnure, President Sauer
Nays: None
Absent: Trustee Contorno
Abstain: None

President Sauer declared the motion approved.

IV. VARIATIONS/SUBDIVISIONS/CODE AMENDMENTS

A. Ordinance #1075, Zoning Variation, Silets, 125 Arrowhead Lane, North Barrington

The Ordinance was available to the Board with the agenda on November 18, 2005. The variances to code requested by Mr. & Mrs. Harvey Silets are as follows:

ZR-10-2-1: Accessory structures, except barns, shall not exceed two hundred fifty (250) square feet in area; barns shall not exceed seven hundred fifty (750) square feet in area. Accessory vehicular storage structures shall not exceed seven hundred fifty (750) square feet in area.

The existing accessory structure is approximately 1,722 square feet in area (1,209 s.f. studio/barn + 513 s.f. garage = 1,722 s.f.). The proposed greenhouse addition will add approximately 1,120 square feet. Upon completion of the addition, the accessory structure will be approximately 2,842 square feet in area.

ZR-10-1-2(B) and

ZR-10-4-2(A,1,b): A non-conforming building or use shall not be expanded.

The existing accessory structure is non-conforming due to its square footage.

ZR-10-9-4: Accessory buildings and structures shall be located at least eighty-five feet (85') from the front of the lot or right-of-way.

The proposed greenhouse addition will be located approximately 84 feet from the front of the lot or right-of-way.

President Sauer invited Mr. Silets to address the Board. Mr. Silets explained that he and his wife Elaine, wished to build a greenhouse which would be attached to an existing barn. He noted that the Zoning Board of Appeals had heard their request at the November 8, 2005 Public Hearing and had unanimously recommended approval of the variance requests. Mr. Silets explained that the greenhouse would be a non-commercial endeavor and would be used over the winter to start plants for use in their gardens. Mr. Silets noted that their gardens, which has been named as one of the 400 best in the country, are opened annually for a charity event. Mr. Silets introduced his architect, Bill Weidner, and said that he could answer any further questions. There were some questions from the Board and additional comments from Zoning Board of Appeals Trustee Liaison Al Pino as well as Zoning Chairman Warren Nass.

Motion: Trustee Schnure moved to adopt Ordinance #1075 granting approval of the variance

requests for Mr. & Mrs. Harvey Silets to construct a greenhouse addition onto an exiting accessory structure at 125 Arrowhead Lane using the plans prepared and signed by William Weidner dated November 8, 2005; seconded by Trustee Pino.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Farrell, Moran, Pino and Schnure
	Nays:	None
	Absent:	Trustee Contorno
	Abstain:	None

President Sauer declared the motion approved.

B. Ordinance #1076, Zoning Variation, Colella, 290 Lakeview Place, North Barrington

The Resolution was made available to the Board. President Sauer invited Zoning Board of Appeals Chairman Warren Nass to address the Board and explain the variance request. Chairman Nass noted that all requirements had been met by the applicant and explained the variance to the code requested by Mr. & Mrs. James Colella, 290 Lakeview Place, North Barrington, Illinois 60010.

ZR-10-6-3(A): R-3 Residential Zoning District requires that each lot have an area of at least 40,000 square feet.

The lot area of the subject property is 23,868 square feet .

ZR-10-1-2(B) and

ZR-10-4-2(A,1,b): A non-conforming building or use shall not be expanded.

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

Chairman Nass explained that the Zoning Board of Appeals had heard the Colella's request at the November 8, 2005 Public Hearing. Chairman Nass noted that there were no objections or concerns about the addition from the Village Forester, the Village Health Officer, or any adjacent neighbors and the ZBA had unanimously recommended approval of the variance requests. Chairman Nass explained that the addition would expand the second floor to provide for a master suite, and the addition would not change the existing footprint of the home. Chairman Nass said that the improvements would increase the value of the home, would not adversely affect neighbors, and recommended approval of the variance request.

Motion: Trustee Pino moved to adopt Ordinance #1076 allowing Mr. & Mrs. James Colella to construct a 2nd floor Master Bedroom Suite addition to the home at 290 Lakeview Place using the preliminary plans prepared by Salvatore Ganello and signed by the homeowner, dated 9/7/05; seconded by Trustee Moran.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Farrell, Moran, Pino and Schnure
Nays: None
Absent: Trustee Contorno
Abstain: None

President Sauer declared the motion approved.

C. Ordinance #_____ Amending H&S Code regarding repairs

The item was previously removed from the agenda.

D. Ordinance #1078 Annexation of properties surrounded by the Village

The Ordinance had been made available to the Board in their packet materials. President Sauer asked if there were any questions about the annexations. Trustee Schnure said that the annexations of the properties on the northwest and southwest side of the intersection of Signal Hill Road and Route 59 would bring that portion of Signal Hill Road, currently under Cuba Township's jurisdiction, into the Village's jurisdiction and he felt would have a negative financial impact on the Village due to maintenance of the road.

Trustee Pino asked if there were any of the affected homeowners in the audience.

Paul Karmas, 23048 N. Old Barrington Road, addressed the Board. He explained that his property was located at the south west corner of Old Barrington Road and Signal Hill Road, also known as parcels G & H in the Annexation Ordinance. Mr. Karmas said that he was opposed to the annexation due to the increase in costs.

Don Darge, 150 N. Old Barrington Road, addressed the Board. He explained that his property was just south of Mr. Karmas property, also known as parcels I & J in the Annexation Ordinance, and he was opposed to the annexation due to the increase in costs. Mr. Darge voiced complaints about the Village's decisions in the past, and said that he did not want to be incorporated into the Village. His concerns included previous annexations and rezoning of property adjacent to his property which allowed homes on smaller lots than the required five acre zoning.

There was further discussion about annexations, subdividing properties, and notification procedures.

Motion: Trustee Schnure moved to adopt Ordinance #1078 which provides for the Annexation of Surrounded Properties; seconded by Trustee Moran.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Farrell, Moran, Pino and Schnure
Nays: None
Absent: Trustee Contorno
Abstain: None

President Sauer declared the motion approved.

E. 2nd Amendment to Lease Agreement (Crown Castle & Village)

Village Attorney J.W. Braithwaite explained that there were two matters for the Board to consider; the 2nd Amendment to the Lease Agreement between Crown Castle and the Village of North Barrington, which required an Executive Session, and the other matter, a continuation of last month's topic regarding the possible addition of a co-provider on the cellular tower.

President Sauer invited the U.S. Cellular representatives to address the Board. Trever Gatson, introduced himself to the Board as Project Manager for U.S. Cellular. He explained that U.S. Cellular and Crown Castle have an internal agreement, in principle, for U.S. Cellular to locate on the cellular tower located on the Village's property, with some ground space inside the garage. He explained that the outstanding question is the amount of the lease payment to be paid for the space on the tower. He explained Crown Castle and U.S. Cellular have agreed to a rental payment in the amount of \$19,200 per year. Mr. Gatson referred to a letter from Village Attorney Nancy Harbottle, where she outlined what the other carriers were paying and she suggested that U.S. Cellular pay an average of this combined amount, or \$29,400 per year. Mr. Gatson said that this amount is a sizable increase from the \$19,200 previously agreed to. Mr. Gatson said that U.S. Cellular wished to receive some consideration for a lower lease payment for the following reasons:

- * The tower is overloaded and U.S. Cellular will be required to reinforce the monopole for a cost of approximately \$50,000
- * Although U.S. Cellular is spending \$50,000 to increase loading, they will be limited to erecting three antennas and six lines, which is much lower structurally and wind loading which limits their capacity as opposed to the other tenants on the tower. Most have six antennas and 12 lines, with T-Mobile having 12 antennas and up to 40 lines.

There were some questions from the Board. Color coded maps were distributed showing current U.S. Cellular sites and coverage, as well as how it would change with the added Village location.

CLOSED SESSION: Motion: Trustee Pino moved 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 possible amendment of an existing lease; seconded by Trustee Moran.

Vote on Motion

By Roll Call: Ayes: Trustees Farrell, Moran, Pino and Schnure

Nays: None
Absent: Trustee Contorno
Abstain: None

President Sauer declared the motion approved.
The Board went into Closed Session at 8:25 p.m.

RECONVENE OF OPEN SESSION

President Sauer reconvened open session at 8:48 p.m.
The roll was called and a quorum re-established.

Motion: Trustee Pino moved to enter into a Ground Lease with Crown Castle, approving the sublease with U.S. Cellular, pending U.S. Cellular's discussions with its officials, that the Village would approve a sublease providing for annual rent of \$28,800 (of which 75% would be retained by the Village), and \$8000 for an annual ground lease, subject to satisfactory documentation and legal counsel review, as well the completion of tower fortification and restoration as previously discussed; seconded by Trustee Schnure.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Farrell, Moran, Pino and Schnure, President Sauer
Nays: None
Absent: Trustee Contorno
Abstain: None

President Sauer declared the motion approved.

Motion: Trustee Schnure moved to approve the Second Amendment to the Ground Lease Agreement between Crown Castle and the Village of North Barrington; seconded by Trustee Farrell.

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Farrell, Moran, Pino and Schnure, President Sauer
Nays: None
Absent: Trustee Contorno
Abstain: None

President Sauer declared the motion approved.

F. Biltmore Country Club: 1) Lease Agreement, 2) Ordinance #1079

The Lease Agreement and Ordinance had been made available to the Board in their packet

materials. President Sauer invited the representative from Biltmore Country Club to address the Board. Mr. William Graft introduced himself as a member of the law firm Graft & Jordon, and was representing Biltmore Country Club with regard to a Lease Agreement providing for the Club to construct a force main from the holding tank on the beach along the south side of Beachview Lane and under Biltmore Drive to the new septic system on the Club property. Mr. Graft gave a brief overview of the current situation at the beach site, and the benefits of utilizing a septic system rather than the existing holding tank, which requires pumping on a regular basis. He noted that the system had been previously approved by the Village's Health & Sanitation Commission. He explained that the Village Board, in 2003, had approved a License Agreement, but later the Club preferred to have the legal assurances as provided by a Lease Agreement.

There were some questions from the Board for Brian Thomson, grounds manager for Biltmore Country Club.

Village Attorney J.W. Braithwaite had previously distributed a red-lined version of the Lease Agreement and explained that the changes were based a conversation between himself and Mr. Graft earlier in the day. Mr. Braithwaite explained that originally, there was going to be a dedication of a portion of Biltmore Drive to allow the Village to have ownership of the road where it is now located. He explained that the dedication is being changed to a quit claim deed, which is stronger than a dedication and that this would allow the Club to maintain the parking area within a small area of the newly dedicated right-of-way, as the deed would be subject to such parking.

There were some questions from the Board.

Motion: Trustee Pino moved to adopt Ordinance #1079 approving the Lease Agreement between the Village of North Barrington and the Biltmore Country Club in the form presented this evening; seconded by Trustee Farrell.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Farrell, Moran, Pino and Schnure, President Sauer
	Nays:	None
	Absent:	Trustee Contorno
	Abstain:	None

President Sauer declared the motion approved.

V. PRESENTATIONS

A. Redevelopment Ordinance – Martin Pais, Bill Bishop, Denis Taillon

President Sauer invited the Plan Commission's representatives to address the Board. Bill

Bishop introduced himself to the Board as a member of the Plan Commission and the chairman of the committee that researched and developed the Redevelopment Policy for the Redevelopment Ordinance. Mr. Bishop also introduced Plan Commission chairman Martin Pais and member Denis Taillon to the Board. Mr. Bishop said that he was before the Board to explain the Plan Commission's reasoning behind creating the Ordinance. Mr. Bishop explained:

* In 2003 the Plan Commission responded to a request from the Village Trustees to study the issue of teardowns and develop a teardown policy for the Village. A committee was formed within the Plan Commission and began to review teardowns in the Chicagoland area and across the country. Research showed that the teardown issue, across the country and in other parts of the world, has become a huge issue.

* The "teardown policy" was renamed the Redevelopment Policy and is being presented to the Board of Trustees and uses as its source document, the Village's Comprehensive Plan of 2004. The Comprehensive Plan addresses many issues, including the desire for open spaces, conservation, green areas, and proper drainage. In formulating the redevelopment policy, the Plan Commission felt that each of these items was closely related to the ongoing development of the Village of North Barrington.

* The Land Area Ratio table takes into consideration several different lot sizes within the community, and the Commission feels that the ratios provide for a more liberal use of land for smaller lots. The proposed redevelopment policy establishes land area ratios which will maintain acceptable open spaces and/or green areas for the future. The Plan Commission recognizes that overly restrictive guidelines could make the community unattractive to future buyers and/or developers.

Chairman Pais addressed the Board and gave further detail how the Plan Commission researched the topic and created the lot coverage ratio chart, including considerations such as septic systems, and height of home.

There were questions from the Board and further discussion. President Sauer noted that the proposed Ordinance provided for guidelines, and offers an option for variances, but the goal of the proposed Ordinance was to maintain the character of the Village, and to be able to control, monitor and be involved with the continuing development in the Village.

Trustee Schnure said that he is not convinced that this Ordinance will work in the Village, and felt that more research was required to see exactly how this ordinance will affect specific pieces of property. Trustee Schnure suggested taking a sampling of lots and see how the lot coverage ratio would really apply to specific lots. Trustee Schnure agreed to work with the Plan Commission.

President Sauer said he felt that the Village has a responsibility to maintain the character of the Village regardless of existing conditions, but also has to allow for change. President Sauer said he agreed with Trustee Schnure's suggestion to take a couple of examples of lots in different areas and determine what kind of structure can be built on a lot. He would also like to

see what size addition could be placed in the same example, and that by using a practical application of the ordinance, it would give the Board a better perspective of the ordinance.

B. U.S. Cellular/Crown Castle

The matter was previously discussed.

VI. CLOSED SESSION

The Closed Session was held previously in the meeting.

VII. COMMISSION AND STAFF REPORTS

President Sauer stated that the following items were contained in the Trustee's packets and that if there were any questions, to contact the corresponding Commission Chair or Village Officer.

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

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

B. Building Inspection Report (B&F Technical Code Services, Inc.)

The Building Inspection Report was made available to the Board.

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

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

D. Engineering Project Status Report (Andrea Pracht – Baxter & Woodman)

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

E. Environmental Commission Meeting Minutes (11/10/05)

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

F. Parks & Recreation Commission Meeting Minutes (11/7/05)

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

G. Plan Commission Meeting Minutes (11/14/05)

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

H. ZBA Meeting Minutes (11/8/05)

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

IX. ADMINISTRATION – President Bruce Sauer

A. Resolution #2390, 239 Shady Lane Driveway

The Resolution had been made available to the Board in their packet materials. President Sauer referred to the Resolution and explained that the resolution provided the homeowner at 239 Shady Lane to maintain the driveway to serve the property within the dedicated, but unimproved portion of Oxford Road, for ingress and egress to the property. President Sauer explained that the Resolution provided that the owners of the property at 239 Shady Lane would maintain the driveway and agree to hold the Village harmless from any and all claims of whatever kind and nature arising from the use of the driveway. The Resolution will be in effect until such time as the Village improves Oxford Road, although the Village has no obligation to do so.

Motion: Trustee Moran moved to approve Resolution #2390; seconded by Trustee Farrell.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Farrell, Moran, Pino and Schnure
	Nays:	None
	Absent:	Trustee Contorno
	Abstain:	None

President Sauer declared the motion approved.

B. Roads – Update

President Sauer explained that the road program was complete.

VII. Reports by Board of Trustees

A. Trustee Rick Contorno

Trustee Contorno was absent.

B. Trustee Jane Farrell

Trustee Farrell asked about the Village's regulations on dogs due to the recent reports of pit bull attacks in the news. President Sauer asked Trustee Farrell to review the Village's policy as well as other Village's policies, to determine if she felt the Village needed additional regulations, and then make any recommendations to the Board.

C. Trustee Dave Peterson

President Sauer noted Trustee Peterson's resignation and said that he was now considering candidates for a replacement. President Sauer asked for any recommendations from the Board, and noted that he had a candidate in mind, and if the person agrees, he would encourage the Trustees meeting with the candidate and making recommendations.

D. Trustee Al Pino

Trustee Pino had nothing to report.

E. Trustee Moran

Trustee Moran said that he had been in contact with Detterbeck and Associates, and they were available to address the Board at the December meeting regarding the Village's audit.

Trustee Moran said that he would like to have the topic of the Lobbyist on the Agenda for the December meeting.

F. Trustee John Schnure

Trustee Schnure had nothing to report.

VIII. OLD BUSINESS

There was no old business to discuss.

IX. NEW BUSINESS

President Sauer explained that the Village of Lake Barrington had approached the Village and asked if the Board would volunteer two trustees to work with two of their trustees to consider the idea of sharing joint services, specifically engineering and road work. President Sauer explained that earlier he had asked Trustees Schnure and Moran to volunteer for this project, and they had agreed.

President Sauer also mentioned meeting dates for the Village Board. He said that typically they are held on the fourth Monday of the month and asked if anyone had any objections to changing the date to the third Monday of the month. He asked that the Trustees think about the proposal.

X. ADJOURNMENT

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

At 9:40 p.m. President Sauer declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held December 19, 2005.

Attest: _____

Kathy Nelander, Village Clerk

