

**VILLAGE OF LAKE BARRINGTON
MINUTES OF THE REGULARLY SCHEDULED MEETING
OF THE BOARD OF TRUSTEES HELD AUGUST 1, 2006**

1. CALL TO ORDER

A regular meeting of the President and Board of Trustees of the Village of Lake Barrington was held at the Village Municipal Center, 23860 Old Barrington Road, on Tuesday, August 1, 2006, and was called to order by President Richardson at 7:04 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL OF MEMBERS

Upon roll call, the following were:

Present: Trustees DeJesu, Kipferl, Marshall, Schaller, Smith, Vonder Haar, and
President Richardson

Absent: None

Staff Present: Village Administrator Martin and Village Clerk Hoover

Others Present: Treasurer Purcell, Plan Commissioner Carpenter, ZBA Member Fortman,
Attorney Bateman

4. CONSIDERATION OF MINUTES

A. July 10, 2006 Regular Meeting Minutes

Board Discussion:

President Richardson stated that he gave Clerk Hoover minor edits to the draft minutes.

Board Action:

A motion was made by Trustee Vonder Haar and seconded by Trustee DeJesu to approve the Minutes of the Regular Meeting of the Board of Trustees held July 10, 2006 as amended. The voice vote was unanimous and the motion carried.

5. PRESIDENT'S REMARKS (President Richardson)

A. Comprehensive Plan

President Richardson reported that the Village had an outstanding meeting with URS regarding the Comprehensive Plan this past Saturday. He stated that a formal Public Hearing would be held by the Plan Commission to give residents the opportunity for public comment. The Comprehensive Plan would be the product of public hearings. President Richardson stated that the residents' survey responses on priorities were discussed during the draft process.

B. Good Shepherd Hospital

President Richardson stated that Good Shepherd Hospital would be holding "Art in the Barn" this fall. He stated that Trustee Kipferl would be reporting on this event later on the agenda (see agenda item 10-D).

C. Other

President Richardson reported on a bat found in his home that was being tested for rabies.

6. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD - None.

(also see public comment during 8D, 11B, 11C, and 14)

7. TREASURER'S REPORT:

Treasurer Purcell reported on the following:

- A) **Audited Financials as of 04/30/06 – Status:** The audit reports are being reviewed by the firm’s partner and will most likely be presented to the Board in September.
- B) **6/30/06 Financial Statements:** The General Fund and MFT Funds were discussed.
- C& D) **Warrants:** The warrants are in order and should be approved.

Other Comments:

President Richardson requested more information about the positive change in the Village’s financial condition. Treasurer Purcell responded that the Pepper Road project has been completed and the Village has investment income and is spending less.

Upon the conclusion such discussion, the Board took action on items B-D (see below).

Board Action:

A motion was made by Trustee Vonder Haar and seconded by Trustee Smith to consider by ominous vote and:

- B. Approve the Financial Statements as of 6/30/2006;
- C. Pay bills in the amount of \$191,013.18 as listed on Accounts Payable Warrant “A” dated August 1, 2006;
- D. Pay bills in the amount of \$1,092.41 as listed on Accounts Payable Warrant “B” dated August 1, 2006.

Upon roll call the vote was:

Yeas:	Trustees DeJesu, Kipferl, Marshall, Schaller, Smith, Vonder Haar, and President Richardson
Nays:	None
Abstain:	None
Absent:	None

President Richardson declared the motion carried.

8. ADMINISTRATOR’S REPORT

- A. **Comprehensive Plan – Special Meeting July 29th:** Administrator Martin stated that a Public Hearing has been scheduled for September 14th for the Comprehensive Plan.
- B. **Market Place Signage:** Administrator Martin stated that the Plan Commission continued the Public Hearing regarding the Market Place signage until August 24th.
- C. **Kelsey Road Bridge Update:** Administrator Martin reported that the binder course has been completed and the sealing is scheduled. Administrator Martin stated that the Project Engineer would be contacting the Village staff later this week as to a date that the bridge would be opening. He stated that the original date of completion was expected by August 15th.
- D. **Other: Pre-Application Discussion – Freier Farm Property (along Kelsey Road):** Administrator Martin introduced Mr. Quentin Bull representing Land Shapes, the proposed Petitioner for a potential subdivision for seven to fourteen homes.

Public Comment: Mr. Quentin Bull addressed the Board about the subdivision layout which was distributed to the Board at the meeting, attached hereto and incorporated into these minutes by reference. Mr. Bull stated that they may consider including either a 1.9 acre parcel or a 7.9 acre parcel to the Freier Farm property to complete the proposed subdivision. Mr. Bull described the reasoning behind the layout of the roads and lots to maximize the easterly view of the wetlands area.

Board discussion followed about the Schuck and Pawlenko properties. Discussion followed about the homes expected to be built ranging from 8,000 to 9,000 square feet including a basement.

Upon polling the Board, they offered the comments including:

- The Plan Commission should review the topography of the property.
- Connection to the trail system would be favorable.
- Remembrance of the Christmas trees on the old Freier Farm.
- Open space and combination of parcels was discussed.
- Upfront inclusion with Citizens for Conservation and/or the Lake County Forest Preserve would be favorable.
- Informal environmental review should be done in the early stages.
- Work with stakeholders. Assistance would be offered by the Village.
- Consider higher landscaping standards (such as Tallgrass).
- Consider cedar shake roofing standards.

During the Board comments, Mr. Bull stated that he was working with a real estate agent to locate the property owners of the 1.9 and 7.9 acre parcels and didn't know the owners' names. Mr. Bull stated that a decision has not been made if the developer would offer either a package deal (home and lot) or vacant lot sales for this project. Mr. Bull stated that they have done other subdivisions in South Barrington and Hawthorne. Mr. Bull stated that the developer also owns a landscaping company so the Village would not be disappointed with their proposal.

President Richardson stated that it is hard to see the Village's heritage farms developed, but the Village would respect the property owners' rights of development.

It was the consensus of the Board to encourage the proposed petitioner to work with other governmental bodies and conservation groups (i.e. the Lake County Forest Preserve, Citizens for Conservation) if they decide to pursue subdivision proceedings with the Plan Commission.

9. CLERK'S REPORT:

- A. **2007 Consolidated Election:** Village Clerk Hoover reported that the April 17, 2007 Consolidated Election petition packets would be available to anyone interested in running for Village Trustee in mid October. She stated that the circulation period would be from November 7, 2006 through February 5, 2007. The filing period runs from January 29, 2007 through February 5, 2007.
- B. **Comcast:** In reference to a forwarded email attaching the Comcast Newsletter, Trustee Vonder Haar wondered what Comcast's rates would be after the initial twelve month rate.

10. REPORTS OF STANDING COMMITTEES

- A. **Building & Facilities:** Trustee Schaller stated that after Saturday's meeting, the Village Administrator should look into purchasing shades for the community room. In response to Trustee Schaller's inquiry about the ADA compliant entrance doors, Administrator Martin stated that scheduling an electrician has been difficult.
- B. **Environmental Protection:** Trustee DeJesu reported that residents should be on the look out for the Emerald Ash Borer, although it hasn't reached the Barrington area yet. Trustee DeJesu asked residents to conserve water by not using sprinklers during the hot day hours when it typically evaporates. She stated to consider limiting water usage that may affect neighboring wells.
 - 1) Administrator Martin reported that the *Flint Creek Watershed Partnership* is requesting that member communities (12 in all) commit to no more than \$5,000 to update the

1994 Flint Creek Watershed Management Plan. This money (\$40,000 total) will be used as matching funds for a \$100,000 grant application, letter provided.

Board Action:

A motion was made by Trustee DeJesu and seconded by Trustee Schaller to authorize the Village Administrator to make a payment not to exceed \$5,000 to the Flint Creek Watershed Partnership for use in updating their Management Plan as discussed above.

Upon roll call the vote was:

Yeas: Trustees DeJesu, Kipferl, Marshall, Schaller, Smith, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: None

President Richardson declared the motion carried.

President Richardson referred back to Trustee DeJesu's comments on the drought. He stated that lawns go dormant. As a Home Rule municipality, President Richardson stated that the Village could consider a groundwater conservation Ordinance. Attorney Bateman agreed. President Richardson asked residents to contact the Village staff or Trustees with their opinion on this matter as the Village would like to be respectful of all property owners at all levels.

C. Finance & Human Resources: No report.

D. Good Shepherd Liaison & Community Outreach: Trustee Kipferl reported on the following Good Shepherd Hospital events:

- **Gala:** The Gala is scheduled for September 16th at the Stonegate in Hoffman Estates.
- **Art in the Barn, 9/23-9/24:** The event draws around 8,000 visitors.

E. Intergovernmental Affairs: No report.

At 7:35 p.m., President Richardson left the meeting for an emergency phone call. Administrator Martin led the meeting until his return.

F. Public Safety & Emergency Planning: No report.

G. Public Works: Administrator Martin gave the report on the Wedgewood Trails resurfacing project. He stated the final course is scheduled for later this week due to a scheduling issue with the contractor since this is a joint project between Cuba Township, Tower Lakes, and Lake Barrington. He stated that a concrete ribbon would be installed at the turning points in lieu of the typical gravel. The cost of the ribbon was per lineal foot and estimated at a total of around \$20,000 for this project. Administrator Martin stated that he would like to use this concept for future projects and possibly retro-fit other subdivisions.

H. Stormwater Management: No report.

J. Other Reports:

- 1) **BACOG:** Administrator Martin reported that the GIS software was being changed to a more user friendly Internet system which is browser based instead of the Arc View software.

- 2) **SWALCO:** Trustee Marshall reported on the household chemical waste collection events on August 12th in Round Lake Beach and September 23rd in Lake Forest. He stated that more information is available online.

President Richardson returned to the meeting. He stated that he would give a report next month on BACOG.

11. ORDINANCES

Agenda Item 11-C was moved up on the agenda due to public interest.

C. CONSIDERATION OF AMENDMENT TO THE MUNICIPAL CODE REGARDING FENCING REQUIREMENTS FOR SPAS AND HOTUBS

Administrator Martin distributed the following summary to the Board in their packets and summarized it at the meeting: Staff was requested to review the Village's definition of Swimming Pool as it relates to the fencing requirement for hot tubs and spas. The current definition requires a fence for any "pool" that is greater than 24 inches deep including hot tubs and spas. The proposed ordinance allows for locking covers to be used for spas that are no greater than 9 feet wide. This type of ordinance is used throughout California, Florida, and other municipalities in Illinois.

Village Administrator's Comments

Administrator Martin stated that Inverness has this type of Ordinance. He stated that the Village's consideration should be towards safety. Administrator Martin stated that resident Andy Burke brought this to our attention during his permit application process. Administrator Martin stated that the State has a 30 day notice requirement, so the Ordinance would not be effective immediately.

Board Discussion

Board discussion followed. It was determined that a fence would not be required for above ground or in ground spas and hot tubs if a locking cover is approved. Attorney Bateman agreed.

Public Comment

Mr. Andy Burke, resident in the Estates of Lake Barrington Subdivision and Zoning Board of Appeals Member, addressed the Board regarding his pending building permit for an in ground spa. He submitted a copy of the ASTM standards to Attorney Bateman and gave the Board an example of the rigid, locking cover. He stated that the locking mechanism is built into the concrete or platform surface. Mr. Burke asked if the 30-day notice would delay his permit. Mr. Burke thanked Administrator Martin for bring this issue to the Board.

Discussion

In response to Mr. Burke's question, Attorney Bateman stated that a permit could be issued as long as it is not occupied until after the 30-day waiting period. Attorney Bateman recommended amending the draft Ordinance to reference in Paragraph "F" the most recent Code, "ASTMF 1346.91 published in 1996". Attorney Bateman stated that he does not recommend the language, "from time to time", because the Code could change in either direction, more lax or more restrictive which would warrant Board consideration.

Board Action

Upon the conclusion of such discussion, a motion was made by Trustee Smith and seconded by Trustee Kipferl, to pass Ordinance No. 2006-O-26, an Ordinance amending Chapter 7, Sections 7-5-1 and 7-5-6 of the Village of Lake Barrington RE: Swimming Pools – Definitions & Construction Specifications, as amended above.

Upon roll call the vote was:

Yeas: Trustees DeJesu, Kipferl, Marshall, Schaller, Smith, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: None

President Richardson declared the motion carried.

A. CONSIDERATION OF AMENDMENT TO THE MUNICIPAL CODE REGARDING PERMIT FEES

Administrator Martin distributed the following summary to the Board in their packets and read it aloud at the meeting: As discussed during the workshop sessions for the FY2007 Financial Plan, a review of the Village's building permit fee schedule has been completed. The proposed ordinance and fee schedule will offset the new building inspection services fees while remaining comparable to adjacent municipalities. The revised permit fee scheduled also simplifies the fee structure. The proposed increases are approximately 6% depending on permit type. Due to State reporting requirements the revised fee schedule will go into effect 30 days after passage.

Village Administrator Comments

Administrator Martin stated that the Village had three goals when drafting the revised Permit Fees Ordinance, 1) Use a simpler methodology which is easier to use than the old multi-method of cost per square foot, flat fee, or fixture, 2) Formulate a schedule where revenues exceed expenditures – due to the new inspector's two hour weekly service fee, and 3) Construct a schedule that is easier to update in the future. At the same time, Village staff added a few "housekeeping" items, such as number of plans to be submitted, etc. Village Administrator Martin stated that the reason that the "square foot" method was selected was because the valuation method was unstable due to changing construction supply costs and unfair permit fees for higher end material use in similar projects. Mr. Martin stated that the Ordinance provides for seven types of construction projects.

Discussion

Discussion followed. Village Clerk Hoover stated that the effective date on the Ordinance should be changed to reflect the State's 30-day notice period. For clarification, it was determined that the fee schedule would be effective on the 30-day mark regardless of when an application is received by the Village.

Administrator Martin stated that miscellaneous construction categories were eliminated and a new category was added to cover all other projects not listed as \$100 flat fee plus reimbursement of all charges incurred by the Village for outside services (i.e. building or engineering reviews, etc.). In response to Trustee Schaller's question, balconies would fall under the "deck" or "patio" category.

Board Action

Upon the conclusion of such discussion, a motion was made by Trustee Vonder Haar and seconded by Trustee DeJesu to pass Ordinance No. 2006-O-27 an Ordinance amending Chapter 2 of Title 7 of the Village of Lake Barrington RE: Permit Fees, as amended to reflect an effective date of August 31, 2006.

Upon roll call the vote was:

Yeas: Trustees DeJesu, Kipferl, Marshall, Schaller, Smith, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: None

President Richardson declared the motion carried.

B. CONSIDERATION OF AN AMENDMENT TO THE MUNICIPAL CODE REGARDING TREE PROTECTION

Village President's Comments

President Richardson stated that this proposed Ordinance is supportive of the Comprehensive Plan's objective to protect heritage trees. He stated that there was an issue with the original draft as it relates to the Lake Barrington Shores robust landscaping program. The revised Ordinance balances these interests. President Richardson thanked the Village Officials on the task force for their participation, including Plan Commissioner Carpenter, Sabatello Tree Care, and Dr. Skrukud of the Sierra Club.

Administrator Martin distributed the following summary to the Board in their packets and summarized it at the meeting: After a thorough review of the Village's Tree Preservation Ordinance, the Environmental Protection Committee is recommending the proposed changes. The revised tree ordinance offers these additional protections and requirements:

1. Protects all trees above 4 inches at all times regardless of whether a building permit is required or if a development is proposed.
2. Does not permit removal of any tree over 30 inches in diameter, a.k.a. Heritage Trees.
3. All removals of trees over 4 inches require a tree removal permit.
4. Preservation of Evergreen Species now included.
5. Doubles the replacement requirements for trees over 20" in diameter.
6. Adds "Fee in Lieu" of replacement provision.
7. Provides Enforcement Authority status and clarifies the role of Village as it relates to Lake Barrington Shores.

Staff and the Village President met with representatives from LBS. The revised ordinance allows LBS to act as an Enforcement Authority and clarifies the appeals process. This was done in recognition of their use of a contracted arborist and their comprehensive reforestation program. Village staff will monitor the ordinance revisions to determine impacts on workload.

Village Administrator's Comments

Administrator Martin stated that in most cases replacement trees would not be required. Some examples would be if resident wanted to remove buckthorn, cottonwood, or diseased trees.

Village Attorney's Review of Changes

Attorney Bateman summarized the changes since last month's draft Ordinance. He stated that the definition of the enforcement authority was simplified to read, "the Village Administrator or his/her designee". Other changes reflected were referenced as follows, in Paragraph 7 on pages 6 and 7 about ways to document an application for a tree removal permit by means of photographs or written reports by qualified arborists, and in Paragraph 8 on page 7 relative to planned development communities with common grass like Lake Barrington Shores, providing for "global annual review" in lieu of individual tree removal permits and replacements. Additionally, the appeal section was changed so that only the owners of the property on which the tree or trees in question are located can appeal the Village Administrator's decision.

Public Comment

Trustee Schaller stated that Lake Barrington Shores (LBS) appreciates the opportunity to meet with the Village's task force. He stated that LBS has approximately 12,000 trees and has a \$200,000 tree replacement budget. Trustee Schaller stated that LBS Homeowners Association feels they are stewards of our community and agrees in the protection of heritage trees. He stated that the annual basis review method is acceptable to LBS and they appreciate the Village's corporation.

Board Discussion

Trustee DeJesu stated that she is waiting for a response from the Morton Arboretum about suitable replacement trees. Trustee DeJesu would like to consider adding other replacement tree species to the list, to include red oaks, black oaks, birches, American elms, maples, and hackberries. This Ordinance is an effect to prevent mass cutting. Trustee Vonder Haar stated that residents can request permission to substitute replacement trees. Administrator Martin stated that he would refer those requests to the Village Arborist. Trustee Marshall stated that by way of protecting private property owners, the Village should widely publicize the new Ordinance to residents to reduce any anxiety.

Administrator Martin suggested a slim newsletter for this fall to include news about the Heritage Tree Ordinance, Comprehensive Plan Public Hearing, Bridge Status, and Spa Covers Ordinance.

Board Action

Upon the conclusion of such discussion, a motion was made by Trustee DeJesu and seconded by Trustee Schaller, to pass Ordinance No. 2006-O-28, an Ordinance amending Title 11 of the Village of Lake Barrington RE: RE: Title 11, "Trees", specifically, Chapter 1, "Protection and Preservation of Existing Trees", and a New Chapter 3, "Penalties.

Upon roll call the vote was:

Yeas: Trustees DeJesu, Kipferl, Marshall, Schaller, Smith, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: None

President Richardson declared the motion carried.

C. CONSIDERATION OF AN AMENDMENT TO THE MUNICIPAL CODE REGARDING FENCING REQUIREMENTS FOR SPAS AND HOTUBS

Action was taken prior to Agenda Item #11-A.

12. OLD BUSINESS: None.

13. NEW BUSINESS

A. CONSIDERATION OF A RESOLUTION ADOPTING THE LAKE COUNTY MULTI-JURISDICTION ALL NATURAL HAZARDS MITIGATION PLAN

Administrator Martin distributed the following summary to the Board in their packets and read it aloud at the meeting: The Lake County All Hazards Planning Committee has received notification from FEMA that the Lake County All Natural Hazards plan has met the required criteria and has been approved pending local adoption. The Committee has requested adoption of the Plan by Resolution prior to August 15. LCSMC will send the final plan and community resolutions to FEMA for final approval.

Discussion

Administrator Martin passed around the executive summary pages of the proposed Lake County All Hazards Plan which will set the area up for federal assistance if needed.

Board Action

Upon the conclusion of such discussion, a motion was made by Trustee Marshall and seconded by Trustee Kipferl to pass Resolution No. 2006-R-19, a Resolution adopting the Lake County Multi-Jurisdiction All Natural Hazards Mitigation Plan. The voice vote was unanimous and the motion carried.

B. AUTHORIZATION FOR REPAYMENT OF CHARGES FOR A COMMUNITY INFORMATION GUIDE

Administrator Martin distributed the following summary to the Board in their packets: In 2005 the Village requested that local businesses provide a contribution to participate in the development of a Community Information Guide and Map. The firm, formally known as CMC Communications Inc., was to produce the calendar but has since gone into bankruptcy and is facing charges filed by the Pennsylvania Attorney General's Office for fraud. The total amount paid by local businesses was approximately \$11,400 and ranged from \$335 to \$1,440 per ad. There is very little chance that funds will be returned to any of the dozens of municipalities and companies that were involved with CMC. Staff recommends that the Village reimburse the local businesses for these funds while seeking repayment via the Pennsylvania Attorney General's Office Bureau of Consumer Protection.

Village Administrator's Comments

Administrator Martin deferred discussion of this matter for Closed Session due to the ongoing litigation.

Board Action: None.

14. **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD:** None.
(also see public comment during items 5, 8D, 11B, and 11C)

15. **CLOSED SESSION**

At 8:15 p.m., a motion was made by Trustee DeJesu and seconded by Trustee Schaller to that a portion of the meeting be closed to the public, effective immediately, to discuss litigation involving an action against this municipality which is pending in court or in an administrative tribunal, and/or to discuss such litigation which is probable or imminent, and/or to discuss matters of personnel, and/or to discuss possible real estate acquisitions, as permitted by the Illinois Compiled Statutes.

Upon roll call, the vote was:

Yeas:	Trustees DeJesu, Kipferl, Marshall, Schaller, Smith, Vonder Haar, and President Richardson
Nays:	None
Abstain:	None
Absent:	None

President Richardson declared the motion carried.

After the conclusion of Closed Session, the Board reconvened at 8:57 p.m. with all members of the Village Board present as stated in the original roll call.

16. **ACTION TO BE TAKEN FROM CLOSED SESSION ITEMS**

A. **CONSIDERATION OF RELEASE OF CERTAIN CLOSED SESSION MINUTES**

Village Clerk Hoover distributed the following summary to the Board in their packets: The Village of Lake Barrington is mandated by law to semi-annually review closed session minutes. Audio tapes older than 18 months may be destroyed upon Ordinance. The Village Attorney has reviewed these minutes.

Board Action

A motion was made by Trustee Smith and seconded by Trustee Kipferl to pass Resolution No. 2006-R-20, a Resolution regarding the confidentiality of certain closed session minutes.

Upon roll call the vote was:

Yeas:	Trustees DeJesu, Kipferl, Marshall, Schaller, Smith, Vonder Haar, and President Richardson
Nays:	None

Abstain: None
Absent: None

President Richardson declared the motion carried.

17. **OTHER**: None.

18. **ADJOURNMENT**: A motion was made by Trustee Smith and seconded by Trustee Kipferl to adjourn the meeting. The voice vote was unanimous, the motion carried, and the meeting was adjourned at approximately 8:55 p.m.

Respectfully submitted,

Cynthia L. Hoover
Village Clerk
Recording Secretary