

**VILLAGE OF LAKE BARRINGTON
MINUTES OF THE REGULARLY SCHEDULED MEETING
OF THE BOARD OF TRUSTEES HELD OCTOBER 3, 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, October 3, 2006, and was called to order by President Richardson at 7:00 p.m. Village Clerk Hoover was appointed Recording Secretary.

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, ZBA Members Fortman, Hallerberg, Henehan, PC Chair Daulton-Lange, Village Attorney Bateman, Village Engineer Pracht

4. CONSIDERATION OF MINUTES

A. September 5, 2006 Regular Board Meeting Minutes

Board Action

A motion was made by Trustee Kipferl and seconded by Trustee Schaller to table consideration of the September 5th minutes until next month. The voice vote was unanimous and the motion carried.

5. PRESIDENT'S REMARKS (President Richardson)

President Richardson stated that there are concerns about recent events related to the Tallgrass Subdivision. He stated that Administrator Martin would be reporting on the measurement data as compiled by Baxter & Woodman. President Richardson stated that the Village Attorney has given him information of some action that has inflamed this issue. President Richardson stated that there would be an opportunity for public comment after Administrator Martin's presentation. President Richardson stated that the Village would like everyone to work together and renew their commitment together to address all issue relating to our community. He stated that he has struggled with the best way to transmit in a constructive manner as there are strong feelings on both sides. President Richardson asked that all parties, although they may not agree, be civil and mutually respectful. He stated that residents would be afforded their full rights to disagree with government by criticizing or opposing actions. President Richardson stated that in regards to recent correspondence, the Village cannot take a position on claims or factual allegations mentioned in such correspondence and the Village has neither approved nor sanctioned these letters.

6. ADMINISTRATOR'S REPORT

B. Halloween Hours (see 14.A): Administrator Martin announced the Trick or Treat hours as 3pm – 7pm on Tuesday, October 31st.

A. Tallgrass Subdivision – Engineering Analysis: Administrator Martin reviewed the Tallgrass Subdivision via a Power Point Presentation, which is attached hereto and incorporated

into these minutes by reference. Administrator Martin summarized the hearing process and gave details about the berm and fencing. He stated that the fencing wall would be approximately 7000 lineal feet, of which about 5000 lineal feet would be bermed and 1400 lineal feet would not be bermed, the berm height should not exceed plus or minus eight feet (from the pre-construction topography), the average berm height is eight feet two inches, and the height of the wall is 48 inches. Administrator Martin stated that the Village would be reviewing the “as built” drawings and as of September 14th, the measurements were consistent with the approved engineering drawings. He stated that landscaping would include over one hundred evergreens, approximately 133 shade trees, 377 shrubs, and a multitude of prairie mixes. Administrator Martin stated that the Village’s next steps would include reviewing compliance by monitoring the berm surveys, landscape plan, and stormwater and erosion controls. He stated that “as built” drawing would be required for the road and berms upon completion.

7. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD

(also see public comment during agenda item 15)

RE: TALLGRASS SUBDIVISION

Person 1: Dale Hallerberg, 15 Old Barrington Road. Although Mr. Hallerberg stated that he is a member of the Village of Lake Barrington Zoning Board of Appeals, he addressed the Board as a resident. Mr. Hallberg passed out a proposed Board Statement, which is attached hereto and incorporated into these minutes by reference, which he read aloud and urged the Board to consider regarding freedom of citizens to opening participate in Village meetings.

Mr. Hallerberg continued with his testimony that the Tallgrass wall is too tall and doesn’t integrate well into our community. He stated that he understands that the Village accepted the subdivision as a package and hopes that it would be more appealing after the landscaping is completed. Mr. Hallerberg stated that this was not a good decision by the Board and he wishes that the wall could be torn down. He also encouraged public comment. Mr. Hallerberg offered a quote, “the time to debate has long since passed”. He stated that the public has the right to come and he is very disturbed about attempted intimidation of those that exercise free speech in our Village. Mr. Hallerberg asked about the wall height measurement from the posts or including the posts. [Audience Applauded]

Person 2: Brad Schnack 25184 Cayuga Trail. Dr. Schnack stated his concerns over the aesthetics and would like to exercise his rights and voice his disappointment. Dr. Schnack stated that he has lived and worked in the area for 17 years and has learned from this experience that lawyers make house calls. He stated that Bill Graft allegedly appeared at his home uninvited with a letter, which he passed out to members in the audience and the Board, which is attached hereto and incorporated into these minutes by reference, which he described as an attempt to intimidate his family. He stated his shock that Mr. Graft allegedly ran a background check on him and his assets. Dr. Schnack stated that he spoke at a Village Board meeting during the agenda item title, “Opportunity for Public to Address the Village Board.” Dr. Schnack stated that these actions show his character. Dr. Schnack stated that the measurement results are different than what appears at eye level. He said shame on the Board and Plan Commission for not considering the berming from the level of the road and that the wall on top of it makes it even worse. Dr. Schnack stated that he allegedly heard some officials say that if this is what it takes for million dollar homes in Lake Barrington then go for it. Dr. Schnack stated that a petition was circulated about the prefab concrete walls from September 23-28 until he received a “house call”. He noted that the petition was circulated after the initial landscaping. Dr. Schnack stated that since he received a late night visit, he decided to call it a “survey” so that the people signing it wouldn’t be intimidated. Dr. Schnack stated that the survey said that the wall was over one mile long, a dramatic change from the countryside view, not consistent with the area, diminishes appeal of Lake Barrington, and negative reference to the wall and berm. Dr. Schnack stated that there were 78 responses, 71 signatures, and 3 persons wishing not to sign and of those 1 was moving out of the area. He stated that 95.9% agreed with the survey and of those 58 out of 71 referred to the aesthetics as “looking like a prison”, “ugly”, “cheap”, “berm fine – wall bad”, “hideous”, “tear down wall”, “Little Tykes fence”, “too high”, “RV storage”, “Berlin Wall”. Dr.

Schnack said that there is a 4 to 8 inch gap between the fence posts and the bottom of the fence, giving it a "billboard" type of appearance. [Audience Applauded]

Person 3: Bob Henehan, 794 Golf Court, LBS. Although Mr. Henehan stated that he is a member of the Village of Lake Barrington Zoning Board of Appeals, he addressed the Board as a resident. Mr. Henehan compared the Tallgrass Development to Lake Barrington Shores (LBS). He stated that back in 1973 when LBS subdivision was under development. They had a berm, fencing, and a chain link fence with barbed wire, which now isn't as visible with the trees and shrubs. Mr. Henehan stated that the LBS development initially looked like a military base, but today it looks great with the extensive landscaping. Mr. Henehan stated that he was neither for nor against the Tallgrass development but just wanted residents to see the bigger picture. This developer is building 5x that of LBS and would think the landscaping would look better.

Person 4: Annette Nicollette, 32 Rivers Bend. Mrs. Nicollette stated that she has been a resident since 1970. She also referred to the LBS back in the seventies when she was in grade school trying to save the Bartlett estate and save the deer. She stated the difference is topography. She stated that the Tallgrass development is different because the land was flat, farm field and LBS and Wynstone have rolling hills. She stated that Mr. Graft wanted to change it to something it is not. What's done is done. Next steps not to consider this agenda. She stated that she drives by the development ten times a day and feels that it is not within the "character of the area". [Audience Applauded]

Person 5: John Nicollette, 32 Rivers Bend. Mr. Nichollette stated that he was disappointed in Bill Graft and the Graft brothers as business leaders, government leaders, and neighbors. He stated that he was disappointed in the Board of Trustees since they haven't addressed the issue and considered it a "done deal". Mr. Nichollette stated that he realizes that it is being built based on the study, and can accept that, but he is still disappointed. [Audience Applauded]

Village President's Comments: President Richardson asked if any else would like to address the Board. Upon no response, he discussed his own personal feelings when his mother's family farm near Volo was turned into a town home development and how it was a "heart breaking" experience for him that helped him understand. President Richardson stated that he accepted the residents' criticisms of the project's current appearance and is willing to be held accountable for how he voted regarding the project. He also said that he believes that the project will be a credit to the community once it is complete. He also said that residents are always welcome to state their views on important issues. President Richardson stated that reasonable people may have differing opinions, but civility and mutual respect should always be shown. He stated that residents are welcome to be in touch with the Village Administrator, the Trustees and him at any time.

Person 6: Tom Zimmer, 23 Rivers Bend Court. Mr. Zimmer stated that civility is having the right to speak and referred to the letters issued by the developers' attorneys.. He stated that he can and will come before the Board to prevent this from happening again. He knows that this developer builds beautiful homes, but he stated that the Village should stop doing business with people like that in our community. [Audience Applauded]

Person 7: Michael Graft Jr., President of Exclusive Land Development. Mr. Graft stated that he is truly grateful for the comments that have made, have taken all the phone calls, and agrees with the statements about public forum. He stated that neither him nor his team attempted to limit the public process. He stated that he was sorry that some folks feel injured or upset about the letters. He stated that the letters were sent out by his legal team. Mr. Graft stated that he would continue to have dialogue with folks as need arises. Mr. Graft wanted to address some of the points from the public comment. He stated that the process of the berm, streets, and gated community were discussed over a period of many months and meetings. He stated that the development is still underway and the final product will be something the Village is proud of. Mr. Graft stated that the IEPA and IDNR encouraged him to alter the curb design so that the nearby endangered species, the Blantding turtle, could get around to its nesting spot and migrate. Mr. Graft stated that he is always open to questions and further communications.

Person 8: Jeff Woolford, 18 Rivers Bend. Mr. Woolford stated that as a newer resident to Lake Barrington he was concerned about the wall and his neighbors suggested that he voice his opinion at the Board meeting. He stated that his 9-year old son has commented to him about the wall and that his family moved here to avoid the walls. Mr. Woolford stated that he was trying to help his children understand the public process by taking him to the last Board meeting. He stated that he was upset that one of his children was by his side when he received the letter between 8:30 and 9:00 p.m. from the developer. Mr. Woolford stated that he hopes the Board never puts up another wall and that that he expects nothing less than an apology, an apology letter, from the developer for coming to his home after dark with the letter. [Audience Applauded]

President Richardson requested that further public comment not be redundant please.

Person 2: Brad Schnack 25184 Cayuga Trail. Dr. Schnack stated that it was an insult to his intelligence to the Board and the audience to hear Mr. Graft's "good cop/bad cop" speech with him putting responsibility off on his legal team and to then start talking about saving the turtles. Dr. Schnack referred to the last speaker's comments. Dr. Schnack stated that the Board should distance themselves from this as they have no responsibility to be taken by intimidation with more important things going on in this community right now. Dr. Schnack stated that the Board should look out for the residents' interests by acting on addressing this issue and by having the community and residents concerns above intimidation by the developer. [Audience Applauded]

Person 9: Anne Warren, 25941 Farm View Circle. Dr. Warren stated that she has been a resident for thirteen years in the Village and is a surgeon at the hospital. She said that she is not a big fan of the wall, but is here to talk about the letters. Dr. Warren stated that as a surgeon she is held responsible and accountable for any problems in the operating room. She stated that the Board should remember this problem prior to considering future developments and the residents must be and will be honored. Dr. Warren stated that it was unfortunate that there wasn't civility by honoring the freedom of speech.

8. TREASURER'S REPORT:

Treasurer Purcell reported on the following:

- A) **Tax Levy:** The Board received a copy last month of the proposed tax levy.
- B) **Financials as of 08/31/06:** The Village's financial condition was reported as net income of \$203,000 for the first four months of this fiscal year. Treasurer Purcell stated identified the income sources, discussed the MFT fund and the roads program, and the preliminary audit.
- C& D) **Warrants:** The warrants are in order and should be approved.

Administrator Martin added that Lake Barrington has the lowest municipal tax rate in Lake County.

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

Board Action

A motion was made by Trustee DeJesu and seconded by Trustee Schaller to consider by ominous vote and:

- A. Pass Ordinance No. 2006-O-34, a Tax Levy Ordinance for Fiscal Year 2006-2007;
- B. Approve the Financial Statements as of 8/31/2006;
- C. Pay bills in the amount of \$290,499.05 as listed on Accounts Payable Warrant "A" dated October 3, 2006;
- D. Pay bills in the amount of \$2,735.35 as listed on Accounts Payable Warrant "B" dated October 3, 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.

9. CONSENT AGENDA – None.

10. CLERK'S REPORT:

Village Clerk Hoover reported the following:

- The Village is now in Open Burning Season. It began Oct. 1st and runs through May 31st.
- The last day for yard waste pick up in November 30th.
- Another “bulletin-style” newsletter is in the works and should be coming this fall.
- In regards to the November election, some key dates were announced about voter registration, early voting, absentee voting, and the General Election Day.
- The next Village Board meeting was postponed from Tuesday, November 7th to Monday, November 13th due to Election Day.
- In regards to the 2007 Consolidated Election, three – four year Trustees positions will be on the ballot for the Village and petition packages will be available later this month. The circulation dates are November 7, 2006 through February 5, 2007. The filing period runs from January 29, 2007 through February 5, 2007.
- Residents can visit the website for more information. General candidacy information is available on the State Board of Elections website. All candidates must file at the Village Hall.
- And finally, Clerk Hoover thanked the Board for the opportunity of Continuing Education. She stated that the previous weekend she attended the Illinois Municipal League Annual Conference– Clerk’s session and that she would be attending her second year of Institute training by the University of Illinois and Municipal Clerks of Illinois in Springfield next week.

11. REPORTS OF STANDING COMMITTEES/TASK FORCES

- A. Building & Facilities:** Administrator Martin reported that the Village Hall’s well would be treated this week. He stated that B&F would watch the process and give us insight if it fails again. Trustee Vonder Haar asked if the cap was checked as this was a problem a few years ago. Administrator Martin responded affirmatively.
- B. Environmental Protection:** Trustee DeJesu reported that CFC was looking for volunteers, Lake County Health Department’s “tobacco free tulips” program, and open burning hours.
- C. Finance & Human Resources:** Trustee Smith had no report.
- D. Good Shepherd Liaison & Community Outreach:** Trustee Kipferl reported on the following Good Shepherd Hospital events:
- **Gala, 9/16** – This was a successful, record breaking year for revenue gained from this event. She thanked everyone for their overwhelming support.
 - **Art in the Barn, 9/23-9/24** – The numbers are not in yet. Trustee DeJesu said that most of the sales were on Saturday.
- E. Intergovernmental Affairs:** No report.
- F. Public Safety & Emergency Planning:** No report.
- G. Public Works:** Trustee Vonder stated that the committee would be meeting to discuss next year’s roadwork.

H. **Stormwater Management:** No report.

I. **Rules:** No report.

J. **Other Reports:**

1) **BACOG:** President Richardson reported that the groundwater research work has begun for BAGIS and the Legislative Committee is ready for November's veto session. President Richardson thanked Trustee Vonder Haar for attending the BACOG meetings in his absence.

2) **SWALCO:** No report.

12. ORDINANCES

A. CONSIDERATION OF AN ORDINANCE TO ESTABLISH A SPECIAL SERVICE AREA FOR THE TALLGRASS SUBDIVISION

Administrator Martin distributed the following summary to the Board in their packets: It has been more than 90 days since the approval of the Tallgrass Subdivision. In accordance with those approvals, a Special Service Area should be established. This Ordinance authorizes the Village Clerk to publish a legal notice and notify the subject property owners of a Public Hearing to consider the establishment of a Special Service Area. Sixty days following said hearing, the Village Board may consider such a Special Service Area by Ordinance.

Discussion

Administrator Martin stated that the proposed back-up Special Service Area would be used to levy a special tax in the event that the homeowners association fails to maintain the berm, fence walls, etc. Attorney Bateman stated that this Ordinance should be passed first, followed by a Public Hearing next month, and then a 60-day waiting period.

Board Action

Upon the conclusion of such discussion, a motion was made by Trustee Vonder Haar and seconded by Trustee Smith to pass Ordinance No. 2006-O-35 an Ordinance proposing the establishment of Special Service Area Number Thirteen.

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.

13. OLD BUSINESS: None.

14. NEW BUSINESS

A. CONSIDERATION OF A RESOLUTION ESTABLISHING TRICK OR TREAT HOURS

Administrator Martin distributed the following summary to the Board in their packets: The Village adopts the Halloween Trick or Treating Hours each year in accordance with the BACOG area hours. This year, Trick or Treating is permitted on Tuesday, October 31st from 3 pm to 7 pm. Parents are urged to allow children to trick-or-treat only at homes of neighbors known by the parents and homes with porch lights on. As always, parents are encouraged to inspect all candy for safety reasons.

Board Action

A motion was made by Trustee Vonder Haar and seconded by Trustee Kipferl to pass Resolution No. 2006-R-24, a Resolution regarding Trick or Treat Hours in the Village of Lake Barrington.

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 A RESOLUTION RE: DEER RUN SUBDIVISION ACCEPTANCE OF ROADS

Administrator Martin distributed the following summary to the Board in their packets: The developer has satisfactorily completed the punchlist items and the Village Engineer has recommended that the Village accept the roads contingent upon receipt of a 2-year maintenance guarantee.

Board Action

A motion was made by Trustee DeJesu and seconded by Trustee Vonder Haar to pass Resolution No. 2006-R-25, a Resolution accepting Fieldstone Court as a Village road and releasing their Letter Credit subject to approval of as-built drawings by the Village Engineer and approval of a 2-year Maintenance Guarantee by the Village Attorney.

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 A RESOLUTION RE: ENCLAVE OF HERITAGE ESTATES SUBDIVISION – REDUCTION OF LETTER OF CREDIT

Village Clerk Hoover distributed the following summary to the Board in their packets: Per the request of the developer, the Village Engineer has inspected the improvements to date for the Enclave of Heritage Estates Subdivision. Based upon the recommendations as provided in the Board folder, the subdivision has completed substantial improvements but not enough to release the Letter of Credit. Therefore, the Village Engineer has recommended a reduction in their Letter of Credit.

Board Action – Since the developer’s materials were not received and per staff request, President Richardson tabled action on this item.

D. CONSIDERATION OF EMERGENCY GATE DESIGN – ENCLAVE SUBDIVISION

Administrator Martin distributed the following summary to the Board in their packets: As required by the annexation agreement for the Enclave subdivision, the Village Board must approve the design of the emergency gate to be located at the end of Flint Drive. Staff is recommending a simple single or double swing gate of black aluminum, with simple posts.

Cut sheets and examples are provided in the Board folder. The gate will include emergency access only signage and a fire department held padlock.

Board Discussion

The Village Board and staff discussed the possible locking mechanisms, gate styles, posts, screening, width, and ditch line for the proposed emergency access only gate for the Enclave of Heritage Estates Subdivision. Trustees Vonder Haar and Smith had no comment. A proposed "No Outlet" sign was recommended by the Village Attorney to address liability concerns. He also stated that Baxter & Woodman may have other specs for signage to recommend which are consistent with State Statutes.

Board Action

A motion was made by Trustee Kipferl and seconded by Trustee Schaller to approve an emergency gate design. The voice vote was unanimous and President Richardson declared the motion carried.

15. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD - None.
(also see public comment during item 7)

Person 1: Dale Hallerberg, 15 Old Barrington Road. Although Mr. Hallerberg stated that he is a member of the Village of Lake Barrington Zoning Board of Appeals, he addressed the Board as a resident. Mr. Hallberg referred to the proposed Board Statement which was distributed to the Board during the first opportunity for public comment. He said that this is a serious issue of principal and would be a strong message for the public and residents.

16. CLOSED SESSION

At 8:27 p.m., a motion was made by Trustee Schaller and seconded by Trustee Vonder Haar 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 9:04 p.m. with all members of the Village Board present as stated in the original roll call.

17. ACTION TO BE TAKEN FROM CLOSED SESSION ITEMS – None.

18. OTHER: Trustee DeJesu commented on the return of the Toll Bros. two-year maintenance guarantee, which is set to expire in November. Trustee DeJesu stated that the Estates of Lake Barrington Subdivision's two detention ponds on Hillfarm Road and bordering the trail should be revisited. She stated that the detention pond was deeper initially but has since eroded with non-native plants. Trustee DeJesu stated that the detention was not completed correctly to control run-off, it has silted in badly, and the depth of the pond should be checked. Administrator Martin stated that staff would contact the Village Engineer for another inspection.

President Richardson commented about the recent power outage and sump pump failure at his home.

19. **ADJOURNMENT**: A motion was made by Trustee Kipferl and seconded by Trustee Schaller to adjourn the meeting. The voice vote was unanimous, the motion carried, and the meeting was adjourned at approximately 9:08 p.m.

Respectfully submitted,

Cynthia L. Hoover
Village Clerk
Recording Secretary