

**VILLAGE OF LAKE BARRINGTON
MINUTES OF THE REGULARLY SCHEDULED MEETING
OF THE BOARD OF TRUSTEES HELD MAY 5, 2009**

Approved

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, May 5, 2009, and was called to order by President Richardson at 7:02 p.m. Village Clerk Peterson was appointed Recording Secretary.

2. ROLL CALL OF MEMBERS

Upon the roll being called, the following Trustees were physically present at said location: Trustees Burke, DeJesu, Raclaw, Schaller, and President Richardson

Absent: Trustees Vonder Haar and Struck

No Trustee attended the meeting by video or audio conference.

Staff Present: Treasurer Purcell, Village Administrator Martin, Village Accountant Vernon, and Village Clerk Peterson,

Others Present: ZBA Member Fortman, Village Attorney Bateman

3. PLEDGE OF ALLEGIANCE

4. CONSIDERATION OF MINUTES

A. Minutes of the Regular Meeting Held April 15, 2009

Board Action

A motion was made by Trustee Schaller and seconded by Trustee DeJesu to approve the minutes, item 4A above. After a voice vote, President Richardson declared the motion carried.

5. INAUGURATION OF NEWLY ELECTED OFFICIALS

President Richardson introduced and welcomed Second District Illinois Appellate Court Justice Ann Jorgensen to do the honors of inauguration of the newly elected officials. Trustees-Elect **Lauren DeJesu, Dorothy H. "Connie" Schofield, Chris Mitchell**, and Village President-Elect **Kevin C. Richardson** were sworn into office.

6. BRIEF RECESS

A recess was taken at 7:08 and the meeting reconvened at 7:28 p.m.

Agenda items for the remainder of the meeting were heard out of sequence.

7. ROLL CALL OF MEMBERS

Upon the roll being called, the following Trustees were physically present at said location: Trustees Burke, DeJesu, Mitchell Raclaw, Schaller, Schofield and President Richardson.

Absent: None

8. PRESIDENT'S REMARKS (President Richardson)

A. Welcome & Announcements: President Richardson welcomed the new Board, extended his best wishes to all of the candidates and noted a reception for the outgoing board members will be held at next month's meeting.

- B. Committee & Other Appointments Status: President Richardson will meet with the Trustees regarding committee appointments and will report on this matter next month.
- C. Fourth of July Parade Presentation: Melissa Bingham, Barrington resident and Chairperson of the Barrington 4th of July Parade, gave highlights of the parade and related activities. The parade begins at 10 a.m. at Barrington High School and is currently routed to end at the train station. She distributed an information sheet.
- D. Other: Dr. Susan Kanehann, Emergency Room Physician, Good Shepherd Hospital, provided information on swine flu and encouraged healthy habits. There have been no positive cases at Good Shepherd Hospital.

Other – Intergovernmental Organizations: President Richardson mentioned the BACOG Director's Report and information regarding the LCML Newly Elected Officials Workshop were distributed at the meeting.

9. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD

Kelly Sheehy, Barrington Harbor Estates resident, received a tree removal permit to remove a large pine. Based on her \$50,000 investment in landscaping over the last few years, she asked for relief from the permit fee of \$900 or three trees. She explained the location, reasoning for the removal of the tree and that it would be replaced with a deciduous tree that is more in line with her overall landscaping.

Board Discussion

President Richardson reviewed the objectives for having the tree removal ordinance. The Board was polled for comments. Discussion was held on meeting the spirit of the law, revising the ordinance to provide an allowance for trees that are planted prior to a removal, and creating a threshold for that allowance to enforce the ordinance.

Board Action

The Board reached a consensus that the spirit of the law was met with the previous landscaping and to waive the permit fee. Mr. Martin will bring an amendment to the tree removal ordinance to provide an allowance for trees planted prior to a removal for consideration at a future meeting.

10. TREASURER'S REPORT:

Treasurer Purcell reported on the following:

- A. He recommended acceptance of the proposal submitted by Dam, Snell, and Taveirne, Ltd. The firm has done a good job as auditor and accounting counsel for the last 10 years. Upon inquiry, Mr. Purcell stated costs are comparable with other firms, a firm may serve as auditor for up to 15 years, and that the \$320 increase over last year is fair. Attorney Bateman confirmed the bidding process for Trustee Mitchell. The proposal was provided in the board folder.
 - B. For the eleven months ended March 31, 2009, net income in the General Fund is \$57,000 compared to \$162,000 at this time last year. The lower amount is mainly due to a decrease in interest income and road work financed through the General Fund. The Equity in the General Fund is now \$1,561,417 which is an increase of \$26,000 from a year ago at this time. It is anticipated the fiscal year will finish with a positive number of approximately \$32,000.
- C-D.** The Accounts Payable Warrants have been reviewed and should be approved.

Board Action (A-D)

A motion was made by Trustee Raclaw and seconded by Trustee DeJesu to consider by omnibus vote and:

- A. Accept the proposal submitted by Dam, Snell, and Taveirne, Ltd. dated February 7, 2009 for audit services not to exceed \$11,100
- B. Approve the Financial Statements as of 03/31/09
- C. Pay Bills in the amount of \$ 220,665.42 as Listed on the Accounts Payable Warrant "A" Dated May 5, 2009; and
- D. Pay Bills in the amount of \$ 143,737.12 as Listed on the Accounts Payable Warrant "B" Dated May 5, 2009.

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Mitchell, Raclaw, Schaller, Schofield, and
President Richardson
Nays: None
Abstain: None
Absent: None

President Richardson declared the motion carried.

11. ADMINISTRATOR'S REPORT

- A. 50th Anniversary Summer Celebration co-hosted with LBS Ladies Club: An outdoor concert and family entertainment event in Lake Barrington Shores is being planned for Sunday, July 12th from 3 p.m.- 8 p.m. The event will be open to Lake Barrington residents.
- B. Plan Commission Meeting May 14: The Plan Commission will be considering a cell antenna in the LBS Golf Club near the driving range off of Miller Road and will be reviewing the requirement for a triple catch basin related to T C Global Ltd.'s special use permit.

10. CLERK'S REPORT

None

11. OLD BUSINESS

A. CONSIDERATION OF THE VILLAGE'S FY2010 FINANCIAL PLAN

The following Summary was provided with the Board folder: *Staff will present the Fiscal Year (May – April) 2010 Financial Plan previously reviewed by the Village Board and Finance Committee. The Board is being asked to review the Financial Plan as the Village's spending and planning guide. The Village's FY2010 Action Plan is included with Financial Plan in the Board Folder.*

President Richardson indicated the Board needs to meet for strategic planning which will lead into consideration of the budget in July. He commended Village Accountant Deborah Vernon, Treasurer Jim Purcell and Mr. Martin for their efforts in putting together the financial plan.

Mr. Martin explained the financial plan and appropriation ordinance process. He reviewed the proposed FY2010 Financial Plan that was included in the Board folder. He highlighted items affecting revenues in the current fiscal year and projections for next fiscal year. There

are no systemic revenue issues and no expense issues that would prompt raising taxes. The Village is in a strong financial position. Mr. Martin asked the Board to review the Action Plan.

Trustee DeJesu asked residents to check their utility bills to make sure the address reads "Lake Barrington" and if not, to contact the utility company to correct the city. This will further ensure the Village receives its appropriate utility taxes. Ms. Vernon indicated she will review this matter and have an item placed in the newsletter.

12. ORDINANCES

A. CONSIDERATION OF AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A AN AUTOMOTIVE DEALERSHIP AT 22258 HILLVIEW DRIVE – TC GLOBAL, LTD.

Mr. Martin read the summary that was provided in the Board folder, as follows: *The Plan Commission at its meeting on April 9 voted unanimously to recommend approval of a special use permit to allow for the operation of TC Global Ltd. a small scale used car dealership. The address is 22258/3 Hillview a multi-tenant building, the proposed business would occupy unit 3D. The petitioner uses EBay and other auction internet sites to sell the vehicles, materials are provided in the Board folder. The Commission recommended the following conditions be met:*

- *paving of parking areas and drives,*
- *triple basin drainage installed, and*
- *fire code inspection and CO detectors.*

Petitioner Tom Chodorowski, T C. Global, Ltd., and property owner Marge Malo of Malo Properties were in attendance.

Mr. Chodowowski stated he agrees with all of the conditions except the triple basin drainage. He will use an outside service to do the detailing work in order to avoid the need to install the drainage fixture.

Board Discussion

Upon inquiry of the business and property owners, it was confirmed the vehicles would be stored inside. Mr. Bateman stated the triple catch basin is required by Village Code not only for detailing but also for other vehicle fluids to stop them from entering the sewage system. After discussion, the Board affirmed its support for the business and the Plan Commission's recommendation.

Board Action

A motion was made by Trustee Burke and seconded by Trustee Schaller to refer the item back to the Plan Commission to clarify and advise the Board regarding the triple catch basin.

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Mitchell, Raclaw, Schaller, Schofield, and
President Richardson

Nays: None

Abstain: None

Absent: None

President Richardson declared the motion carried.

B. CONSIDERATION OF AN ORDINANCE REZONING AND APPROVAL OF A SPECIAL USE PERMIT FOR A BUSINESS MIXED USE PLANNED DEVELOPMENT - KVM DEVELOPMENT, LLC BUSINESS PLANNED UNIT DEVELOPMENT AT 22044 N. PEPPER ROAD

Mr. Martin read the summary that was provided in the Board folder, as follows: *The Plan Commission at its meeting on April 9 voted unanimously to recommend approval a rezoning and special use for the property located at 22044 Pepper Road from the R-5 Single Family District to the M manufacturing and commercial zoning district. The petitioner is proposing to construct a warehouse and retail/office building on the site. The single family home will be removed. Materials are provided in the Board folder, the development includes:*

	Current	Proposed
Lot	5 acres	5 acres
Structure	single family home	warehouse/retail/office
Building Size	1,938sq ft	60,602sq ft 45,952 (warehouse) 14,650 (retail/office)
Parking	None	145 spaces
Height	Unknown	24' 2"

Mr. Martin summarized that the proposed plan meets the use, has good landscaping and building design, and is the first retail frontage since the Market Place.

Bob Podgorski of Kelgor Construction, and Stephen Yost, attorney representing Mr. Malo and KVM Development, were in attendance. Mr. Podgorski presented the proposed development plans for the addition to Swiss Automation with an attached retail frontage facing Pepper Road.

Board Discussion

The following information was provided upon Board inquiry: retail tenants are not lined up yet, the retail frontage is a strip mall with a back corridor for deliveries accessed from the side of the building to avoid front delivery, the number of retail fronts and parking spaces were confirmed, landscaping consistent with Pasquesi Home & Garden Center is being proposed, and the setback and landscaping adjacent to the preschool was further specified.

Mr. Yost stated the purchase contract is contingent upon rezoning, and if approved, the contract would be signed by June 6th. Mr. Bateman confirmed for the Board that Mrs. Grovesnor signed the application as owner of the trust. An issue regarding connection and costs needs to be investigated and may result in a request to have the Board consider a reduction in the Special Service Area #3 (SSA #3) amount.

Several trustees expressed support for rezoning the property as it is consistent with the surrounding property and for the proposed mixed use development plan which falls in line with the Village's master plan for the business park. Mr. Podgorski indicated he developed the retail/business mixed use concept after reading the Village's Comprehensive Plan.

Board Action

A motion was made by Trustee Mitchell and seconded by Trustee Raclaw to pass Ordinance No. 2009-O-06, an Ordinance Granting Rezoning and Approval of a Special Use Permit for a Business Mixed Use Planned Unit Development re: KVM Development, LLC Business Planned Unit Development at 22044 N. Pepper Road

Upon roll call the vote was:

- Yeas: Trustees Burke, DeJesu, Mitchell, Raclaw, Schaller, Schofield, and President Richardson
- Nays: None
- Abstain: None
- Absent: None

President Richardson declared the motion carried.

The Board took a five minute recess at 8:47 p.m.

C. CONSIDERATION OF AN ORDINANCE PROPOSING THE ENLARGEMENT OF VILLAGE OF LAKE BARRINGTON SPECIAL SERVICE AREA NUMBER THREE AND THE FURTHER AMENDMENT OF VILLAGE OF LAKE BARRINGTON ORDINANCE NO. 96-O-5

Mr. Martin provided the following Summary with the Board Packet: *The approval of the development proposal for 22044 Pepper Road requires that the property be added to the Special Service Area number 3 for water and sewer. This ordinance sets the public hearing for this amendment. Materials are provided in the Board folder.*

Attorney Bateman explained the public hearing date to enlarge SSA #3 will be set for the June 3rd Board meeting. Approval of the enlargement follows a 60-day objection filing period. Mr. Yost indicated the property must close by June 6, 2009. Mr. Bateman further explained the time line is set by State statute and cannot be changed.

Board Action:

A motion was made by Trustee Schaller and seconded by Trustee DeJesu to pass Ordinance no. 2009-O-07 An Ordinance Proposing the Enlargement of Village of Lake Barrington Special Service Area Number Three and the Further Amendment of Village of Lake Barrington Ordinance No. 96-O- 22044

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Mitchell, Raclaw, Schaller, Schofield, and
President Richardson

Nays: None

Abstain: None

Absent: None

President Richardson declared the motion carried.

13. NEW BUSINESS

A. CONSIDERATION OF A RESOLUTION RE: ADVOCATING FAIR CAMPAIGN PRACTICES

The following Summary was provided in the Board packet: *A resolution affirming appropriate conduct in local elections as described in the Illinois Code of Fair Campaign Practices.*

President Richardson gave background on what led to the development of the resolution, in particular, the aggressive suburban campaigns reported this last election. He indicated the resolution would be a reminder to candidates regarding campaign practices and he read items from the resolution.

Board Discussion

Trustee Mitchell is glad to see the Village is taking a strong position on the issue.

Trustee Burke stated he was struck by the number of people who wanted to be in public service and ran for office. He wants to welcome people into the process and encourage spirited debate. The resolution encourages involvement, the ability to disagree and voice opinions in a professional, tactful way.

Trustee Schaller welcomes the parameters set for the future. People have the right to disagree and should feel they have the ability to do so in an open, fair manner.

Trustee DeJesu agreed with Trustee Burke's comments about welcoming people into the process.

Trustee Schofield concurs with the other Trustees and indicated she did not know about literature that was passed out in the last election.

President Richardson stated the resolution encourages qualified people to seek office and that those who take an interest in local government are welcome to join the process.

Board Action

A motion was made by Trustee Schaller and seconded by Trustee Raclaw to Pass Resolution No. 2009-R-10, A Resolution Advocating Fair Campaign Practices

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Mitchell, Raclaw, Schaller, Schofield, and
President Richardson

Nays: None

Abstain: None

Absent: None

President Richardson declared the motion carried.

B. CONSIDERATION OF A EXTENSION OF A LETTER OF CREDIT FOR THE TALLGRASS SUBDIVISION

Mr. Martin highlighted the Summary that was provided in the Board folder, as follows: *The Tallgrass Subdivision's Letter of Credit in the amount of \$1,209,259 is expiring June 15, 2009. The improvements have not been completed to date and the developer has requested an extension of the letter of credit. The Resolution grants an extension of the Letter of Credit to June 15, 2010, requires all improvements required in the subdivision be completed on or before May 4, 2010 and provides the Village with the means to draw upon the funds of the existing Letter of Credit if a new or extended irrevocable Letter of Credit is not deposited with the Village by June 1, 2009. Materials are provided in the Board folder.*

Board Action

A motion was made by Trustee Raclaw and seconded by Trustee Schofield to Approve Resolution No. 2009-R-11, a Resolution Approving the Extension of Time for a Performance Guarantee re: Tallgrass Subdivision

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Mitchell, Raclaw, Schaller, Schofield, and
President Richardson

Nays: None

Abstain: None

Absent: None

President Richardson declared the motion carried.

C. CONSIDERATION OF AN ENGINEERING SERVICES CONTRACT WITH MCDONOUGH ASSOCIATES INC. - WOODLAND BRIDGE INSPECTION

Mr. Martin reviewed the following Summary that was provided with the Board folder: *The Woodland Bridge, a two lane bridge on Woodland Road in Flint Lake Estates, requires evaluation and repair. Staff requested a recommendation from the Village Engineer and contacted McDonough Associates a firm with considerable experience in bridge evaluation, repair, and replacement. The firm provided the Village with a quote for inspectional and preliminary engineering services to allow for the development of a cost estimate and strategy for repair/replacement of the bridge. Materials are provided in the Board folder*

Board Action

A motion was made by Trustee Schaller and seconded by Trustee DeJesu to authorize the Village Administrator to contract with McDonough Associates Inc. for inspection and preliminary engineering services pertaining to the Woodland Bridge not to exceed \$4,500.

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Mitchell, Raclaw, Schaller, Schofield, and
President Richardson
Nays: None
Abstain: None
Absent: None

President Richardson declared the motion carried.

14. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD

None

15. CLOSED SESSION (Roll Call Vote)

Board Action

At approximately 11:10 p.m., a motion was made by Trustee Raclaw and seconded by Trustee Schaller That A Portion of The Meeting Be Closed To The Public, Effective Immediately, To Discuss Matters of Personnel, and/Or To Discuss Possible Real Estate Acquisitions, and/Or 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, the Board finding that Based Upon Advice of Counsel, Litigation is Probable or Imminent as to those Matters so Identified on the Record in Such Closed Session for the Reasons therein Stated.

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Mitchell, Raclaw, Schaller, Schofield, and
President Richardson
Nays: None
Abstain: None
Absent: None

President Richardson declared the motion carried.

The Board reconvened at ____ p.m. with all members present as the original Roll Call. Village Clerk Peterson was excused from and exited the meeting during Closed Session.

16. ACTION TO BE TAKEN FROM CLOSED SESSION

A. CONSIDERATION OF EMPLOYEE COMPENSATION ORDINANCE

Board Action

A motion was made by _____ and seconded by _____ to pass Ordinance No. 2009-O-08, an Employee Compensation Ordinance Effective May 1, 2009

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Mitchell, Raclaw, Schaller, Schofield, and
President Richardson

Nays: None

Abstain: None

Absent: None

President Richardson declared the motion carried.

B. CONSIDERATION OF A RESOLUTION REGARDING CLOSED SESSION MINUTES

The following Summary was provided with the Board folder: *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 Resolution. The Village Attorney has reviewed these minutes and his recommendations are reflected in said Resolution.*

Board Action

A motion was made by _____ and seconded by _____ to pass Resolution No. 2009-R-12 a Resolution Regarding the Confidentiality of Certain Closed Session Minutes and Destruction of Certain Audio Tapes.

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Mitchell, Raclaw, Schaller, Schofield, 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 _____ and seconded by Trustee _____ to adjourn the meeting. The voice vote was unanimous, the motion carried, and the meeting was adjourned at approximately _____ p.m.

Respectfully submitted,

Loretta Peterson
Village Clerk
Recording Secretary