

## MINUTES OF TOWER LAKES

### PRESIDENT AND BOARD OF TRUSTEES MEETING

Date: November 20, 2000

Location: Village Office

Time: 7:10 p.m.

**PLEDGE:** President Fitzpatrick called the meeting to order and led the Pledge of Allegiance. Sign in sheet circulated.

#### **ROLL CALL:**

Present: Trustees Aitken, Cantieri, Heagarty, Kuskowski, Filippell, Parro; President Fitzpatrick.

Absent: Village Clerk Leitner.

#### **APPROVAL OF MINUTES:**

Trustee Kuskowski made a motion to approve the September 18, 2000 minutes which motion was seconded by Trustee Cantieri and followed by a unanimous voice vote.

Trustee Cantieri made a motion to approve the October 16, 2000 minutes which motion was seconded by Trustee Aitken and followed by a voice vote: AYES: Trustees Aitken, Cantieri, Heagarty, Filippell, Parro. NAYES: None. Trustee Kuskowski abstained.

Minutes of the Executive Sessions will follow from President Fitzpatrick.

#### **ZONING BOARD OF APPEALS:**

Chairman Larry Gold presented the report from the Zoning Board of Appeals meeting held November 17, 2000.

##### **1). JAMES AND STEPHANIE GRAY, 804 Roberts Road.**

Chairman Gold briefly reviewed the history of the Gray's variance request (see last month's minutes). All requirements for the variance request were met at the Nov. 17<sup>th</sup> meeting. Many residents were in attendance at that meeting., again expressing their concern about the height request. The ZBA recommends the Village Board deny the variance request.

Trustee Heagarty asked who the increased height would affect: no one. Trustee Cantieri asked what it was that opponents were opposing: size of the house by neighbors, and one of the ZBA members felt the height was excessive. Chairman Gold expressed his own view that the opposition seems mostly esthetic in nature; that the increased height will not negatively effect any neighbor.

Motion to grant relief from Tower Lakes Ordinance Section 14.01(1) and enact an ordinance allowing a five foot variance of the Height limitation made by Trustee Parro, seconded by Trustee Heagarty. Discussion ensued. Trustee Cantieri mentioned that one of the opposing neighbors couldn't tell where the lowest point of grade was being measured from, and asked Mr. Gray at what point the lowest grade was being measured from. Trustee Cantieri expressed concern about the drainage, and reiterated an earlier request for topographical plans for the property prior to development. Mr. Gray mentioned that he had not prepared drawings of the property prior to development, and Lake County only requires that the lot's boundary topography not be changed. Mr. Gray acknowledged that future new drainage issues—should they arise—will need to be dealt with. Mr. Gray was given the opportunity to recap for the Board. He noted that general building standards require a 35-foot height requirement. Pres. Fitzpatrick noted that this is the measurement for the newer parts of Tower Lakes in the A-1 zoning. A-2 is 27 feet, primarily to prevent people encircling the lakes from blocking others' views of the Lakes. Trustee Cantieri explained that the Village granted the permit initially because Mr. Gray agreed to reduce the roof pitch to 27 feet so that he could break ground, with the Board's understanding that Mr. Gray would pursue a height variance to install a 4/12 pitch roof. Trustee Parro asked what the disadvantage of a 1.5/12 pitch roof is: Snowloading. Trustee Kuskowski asked if Mr. Gray is requesting anything other than a height variance: no. Mrs. Liberio, Mr. Gray's neighbor, asked how high the roof-line ridge is: 26 feet. Mr. Gray mentioned that he doesn't think the finished home will in any way impair the sun exposure for the Liberios, and explained that the higher portion of the roof is setback from the ridge. Discussion ensued among Board members about potential increase in home values, construction trends, attractiveness of Tower Lakes. Trustee Parro explained that the Village Board routinely grants height variances in A-2 zoning, especially for parcels with sloping topography. When asked, he noted that the variances are granted on a case-by-case basis, that there is no set standard for height variations. Pres. Fitzpatrick noted that because the ZBA voted 3-to-2 against the variance, the Board vote will require that at least 5 of the Trustees vote in favor of granting the variance, and that he

cannot vote on it. **VOTE:** AYES: Aitken, Cantieri, Kuskowski, Heagarty, Parro, Filippell. NAYES: None. Ordinance is ready for Grays to sign.

**2). KEN AND JAN STEVENS, 234 Tomahawk Lane:** The Stevens seek an addition to their existing two-car garage, requiring a 5.2 foot variation of the rear yard setback.. The ZBA recommends that the Board grant this variation request. Trustee Cantieri asked if there was any opposition to the Stevens petition: none at the meeting.

Motion to grant relief from Tower Lakes Ordinance Section 13.02 and enact an ordinance allowing a 5.2 foot variance of the Rear yard setback made by Trustee Parro, seconded by Trustee Heagarty. **VOTE:** AYES: Aitken, Cantieri, Kuskowski, Heagarty, Parro, Filippell. NAYES: None. Ordinance ready for Stevens to sign.

**3). MIKE AND CAROL ROLFS, 631 Leon Drive:** The Rolfs propose to make an addition to their existing two-car garage which will allow them to both expand their kitchen into half of the existing garage space and develop a three-car garage oriented to face Leon Drive. This project will require a variance of the side yard setback of 11.7 feet. The ZBA recommends that the Board grant this variation request. There was no opposition to this variation request.

Motion to grant relief from Tower Lakes Ordinance Section 13.02 and enact an ordinance allowing an 11.7 foot variance of the Side yard setback made by Trustee Parro, seconded by Trustee Aitken. **VOTE:** AYES: Aitken, Cantieri, Kuskowski, Heagarty, Parro, Filippell. NAYES: None. Ordinance ready for Rolfs to sign.

## **WATER SYSTEM REPORT:**

One of the two old leaky water mains at Esther and Tomahawk is being repaired with part of the \$250,000 from the Illinois First funds. The whole of the \$250,000 must be spent by June 30, 2001. Len is keeping track of this. Trustee Kuskowski noted that the Board had to submit to the IEPA for a permit to do this project. He expects to have the permit next week and can then start the work. The Dehnert's new Buffalo box has not been replaced yet. Community Sewer and Septic does the tear-up and Stepanek Landscape to repair/replace landscaping. Trustee Kuskowski also reported that he and John Castilo met with Mark Ackerman of Meadows Equipment. Two matters: 1) they are working on eliminating Well Two. It will probably be done by

next week (waiting for rain to clear). 2) Mark will prepare an estimate for us for repairing Well One and making minor modifications to Well Four. One of the things that will help Tower Lakes is that Meadows discovered from the EPA that it is okay with the EPA to fill the storage tanks at Well One with the same sludgy material approved for the Well Two storage tank.

**Water Production Report:** For October, 2000: Tower Lakes used 2,887,500 gallons for the month. The Daily Average was 93,145 gallons. This figure is down from Tower Lakes usual monthly reading.

**Letter From Sue Widmar:** Trustee Kuskowski spoke to John Castillo of Consumers Illinois Water Co. about her letter (attached). Trustee Kuskowski is not sure what the Village can do for her, everyone else has good water pressure. Perhaps, because she is on the end of the line, we can put in a flushing hydrant, which might help her problem. They have considered alternatives within the house, but nothing has or will alleviate the problem. Perhaps it is a problem in the line to her house.

**Driveway Repair Ordinance:** A one page change is presented, which includes a provision excluding from the Village's liability damage done by the utilities. This ordinance will allow the Village the authority, in its discretion, to repair a driveway which was damaged by one of its contractors in the course of performing water system repairs, but only to the amount necessary to repair/replace with asphalt, gravel or concrete. Does not include exposed aggregate or patterned concrete. Must be sure these are excluded. The Board discussed whether Village's discretion should be relied upon, or revise the ordinance to specifically exclude these upgraded driveway materials or be able to define concrete. No vote taken. This matter will need to be addressed at December's meeting.

## **BUILDING AND ZONING:**

**Monthly Report:** Trustee Cantieri reported that the Village issued sixteen permits this month: including eight involving new roofs or reroofs, a deck, an addition, concrete stairs. TC also has a copy of the zoning ordinance from the Village of Barrington, which involves the light and square foot ratio analysis for permitted variances involving teardowns or major reconstruction. Barrington is currently conducting a survey in its Village to determine how many homes this ordinance might affect. He will pass to all Board members for their review. It

may be something the Board wants to consider in light of recent variance requests and opposition to them.

**House Bill #22112:** The Illinois House of Representatives passed this bill regarding soil and water conservation districts in effect as of January 1, 2000. Developers will now have to obtain a national resource information ("NRI") report from Lake County's Soil and Water Conservation District ("LCSWCD") prior to new development in the conservation area. This is in addition to the requirements of LCSMC and ACOE, and will be administered by LCSMC. This needs to be completed by developers prior to any new construction in Tower Lakes.

**The Religious Land Use and Institutionalized Persons Act:** Jim Bateman gave a brief on the Religious Land Use and Institutionalized Persons Act, which prevents governments from prohibiting churches from being put into a community. Bateman will look at our zoning, which allows churches, but we currently do not have a large enough lot to sustain one.

**Garage Ordinance:** This ordinance has been designed to require that no new or existing residence can reduce the number of parking spaces within the garage without compensating by building another garage at the same time, under same permit. Motion to enact ordinance amending Village Code by Trustee Aitken, seconded by Trustee Heagarty. **VOTE:** AYES: Aitken, Cantieri, Kuskowski, Heagarty, Parro, Filippell. NAYES: None.

### **Codification of Existing Code And Rewriting of Zoning**

**Ordinances:** President Fitzpatrick strongly recommends to the Village Board that this project be budgeted for and undertaken in 2001. It has not been done since 1979. Sterling could be used again for the codification, but the rewrite is a different project. Bids can be taken. Jim Bateman can be contacted; Lake Barrington has recently redone theirs. Once it's rewritten, then you codify it. This should be done by professionals.

### **TREASURER'S REPORT:**

**Monthly Bills:** Trustee Filippell addressed the distributed list of monthly bills to be paid. He was not able to reach our Treasurer, Brian Gidley. Former Trustee Jansing was going to sign the checks because he is still on the bank's signature cards, but has not yet signed. The final check to Rob Jensen is to be held. The check to Peter Baker for \$22,000.00 has been held back pending completion of the rebars

project. Total bid 220,000. Actual billed was \$248,000.00, which included an overage for petromat on Barsumian and additional general patching we asked to have done prior to paving. They also paved Essex, which was not in the original plan. The total bill reflects a reduced charge of \$4,000.00 for shoulder sand. Peter Baker used only ¼ of the shoulder sand originally bid. Striping is also included in the total, which has been performed by a subcontractor. Trustee Cantieri would like to hold back some amount for until the completion of the rebar portion of the project. Trustee Heagarty went around Tower Lakes with the Baker people and identified all areas which needed addressing; they have all been taken care of, except the rebar. Motion to approve the Treasurer's Report and monthly bills made by Trustee Kuskowski, seconded by Trustee Parro, and followed by a roll call vote.

**VOTE:** AYES: Aitken, Cantieri, Kuskowski, Heagarty, Parro, Filippell.  
NAYES: None.

**Audit:** President Fitzpatrick has hired the firm Dam, Snell & Taveirne, Ltd out of Libertyville, IL to perform the Village Audit, though not timely. We had received an RFP from another firm, and decided not to use our previous firm, McGladrey and Pullen because they tripled their fee to us. The Village was required to publish certain provisions from the Audit by October 31, 2000. Due to transitions in personnel on the Board, this was not accomplished. The delay means we haven't properly certified to the County Clerk that the Audit has occurred, so that we don't receive funds from the County Clerk until we do certify and publish. The Audit should be completed by the end of this month.

## **FINANCE:**

**New Signature Cards:** A resolution is required along with new signature cards. President Fitzpatrick suggests that three people sign the signature cards: Len Kuskowski, Mike Filippell, and Brian Gidley. Check signing would require any two of the three.

**Tax Levy Ordinance:** Motion to enact the tax ordinance made by Trustee Cantieri, seconded by Trustee Aitken, and followed by a roll call vote. **VOTE:** AYES: Aitken, Cantieri, Kuskowski, Heagarty, Parro, Filippell. NAYES: None.

## **POLICE:**

**Monthly Police Report:** Trustee Aitken reviewed the monthly Police Activity Report which is on file at the Village Office. Discussed a resident's question as to why the Police car decals were changed. In order to obtain the additional squad car from the \$35,000.00 state grant , we were required to 'tone down' our decal design, according to our Police Chief.

## **STORM WATER MANAGEMENT:**

Required to pass the Lake County Storm Water Management Development Ordinance ("WDO"), which is voluminous. Motion to enact the Lake County Storm Water Management Development Ordinance made by Trustee Kuskowski, seconded by Trustee Cantieri. Trustee Parro asked if we are now a 'certified community', which means that we are able to perform our own watershed impact inspections. Trustee Kuskowski responded that all certifications are on hold, but once we turn in a signed and certified ordinance, we will be 'back on track'. Lake County has received all information necessary for the certification. Roll Call Vote. **VOTE:** AYES: Aitken, Cantieri, Kuskowski, Heagarty, Parro, Filippell. NAYES: None.

## **ROADS:**

**Public Ways/Mud/Gravel/Snow Ordinance:** Residents liable for the mud, gravel, snow that their contractor's plow onto neighbor's property. Enacting this ordinance allows the Village to issue a cease and desist order. Motion to enact the Public Ways/Mud/Gravel/Snow Ordinance made by Trustee Aitken, seconded by Trustee Heagarty, and followed by a roll call vote. **VOTE:** AYES: Aitken, Cantieri, Kuskowski, Heagarty, Parro, Filippell. NAYES: None.

**Parking Ordinance Violations:** Two residents have been cited since enactment of the ordinance. Trustee Cantieri raises the question of enforcement, beyond a letter from the Village Clerk. The residents have thirty days to respond. Trustee Cantieri suggests then sending to the Village Attorney. Question raised as to whether we can impound: Village has no impound ordinance.

**Vehicle Stickers:** The Village office has produced a list of the 24 residents who have not paid their Village Stickers. The Ordinance requires payment by September( after which the cost doubles); a letter goes out. If not paid by October, a fine is issued. Trustee Aitken suggests another letter go out, stating that failure to pay by December



will raise the fine to \$90 and names will be published in the newsletter. The letter will be issued by President Fitzpatrick.

The Route 59 Arterial Study is on the reading materials table in the Village. TAC is studying how to avoid expansion of Rte 59.

### **HEALTH AND SANITATION:**

Garbage is picked up every week. Leaf collection is over.

### **UTILITIES:**

Trustee Parro reports that Com Ed had a couple of outages in connection with emergency upgrades required by ComEd. Com Ed has a new community relations person. Nicor now has a community relations person. Some mercury inspections are occurring here—36 total. Checking homes as requested, or where Nicor's records are incomplete in some way. Home owners are notified if their home is being examined. No problems expected. In anticipation of high gas costs, NICOR has instituted a program to spread out payment for January or February . Call Nicor for information. Ameritech has extended DSL service further south to Roberts Rd., so some homes in the Village have access to DSL. You have to call Ameritech to ask about availability house by house. Cable: no new news.

### **URBAN FORESTRY:**

We had a big fall brush pickup, spending \$5,375.00. for 43 hours of the Gitchell's time. There have been many complaints about a certain area of the village. Firewood is available at Arum Park for the taking. Randy Spiess has volunteered to be new Chair of Tree Commission; he can recommend a replacement for himself as a member on that commission. President Fitzpatrick requested Board Approval of his appointment, which was forthcoming.

### **OLD BUSINESS:**

**Insurance Policies:** Pres. Fitzpatrick has delivered them to the office.

**Office Person Ad** put in the paper, responses will go to Rick Jansing.

**Electronic Records Act** enacted calling for public records to be made available in electronic digitized format, though not mandatory, per Village Attorney Jim Bateman.



## **NEW BUSINESS:**

The Forest Preserve is acquiring a parcel of land 'The Karel's Parcel' along the north side of Roberts Rd to the west of Twin Pond's Farm.

Harper College Plan on the reading table, describes what they intend to do with their referendum money. Other materials are also available on the table.

Ralph Jensen has responded to the Treasurer's questions regarding bonding of officers. All board members are covered.

Pati Schaefer wants \$500 to subsidize the Tower Lakes Yearbook. Motion to approve expenditure made by Trustee Heagarty, seconded by Trustee Parro, and followed by a roll call vote. **VOTE:** AYES: Aitken, Cantieri, Kuskowski, Heagarty, Parro, Filippell. NAYES: None.

**Lightning Detectors:** Trustee Parro reports that the TLI Association prefers that the Village take this on. Suitable site locations are few in the Village. If a sufficient amount of static electricity is in the area, this will be triggered. Cost should be minimal, for electric. North Barrington School and Ron Beese Park each have one.

**House Medallion:** Trustee Parro reports on the photo from Vogel's . Trustee Parro had a trophy made up to display the medallion. This met with the Vogel's approval.

## **MEETING ADJOURNED:**

At 9:43 pm., Trustee Aitken made a motion to move into Executive Session to discuss personnel matters, seconded by Trustee Kuskowski and followed by unanimous voice vote. At 10:10 pm motion made to adjourn the Executive Session and move back into the Board meeting; seconded and followed by unanimous voice vote. At 10:15 pm, motion made to adjourn the Board meeting which was seconded and followed by unanimous voice vote.

Respectfully Submitted,

Kathleen Leitner

Village Clerk

12-08-00