

**VILLAGE OF LAKE BARRINGTON
MINUTES OF THE REGULARLY SCHEDULED MEETING
OF THE BOARD OF TRUSTEES HELD NOVEMBER 13, 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 Monday, November 13, 2006, and was called to order by President Richardson at 7:01 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, PC Chair Daulton-Lange, Village Attorney Bateman

4. CONSIDERATION OF MINUTES

- A. September 5, 2006 Regular Board Meeting Minutes
- B. October 3, 2006 Regular Board Meeting Minutes

Board Action

A motion was made by Trustee Vonder Haar and seconded by Trustee DeJesu to approve by unanimous vote the minutes of the September 5, 2006 and October 3, 2006 Regular Board Meetings. The voice vote was unanimous and the motion carried.

5. PRESIDENT'S REMARKS (President Richardson)

Administrator Martin reported that Citizens for Conservation (CFC), a local non-profit environmental organization, was honored by the Lake County Stormwater Management Commission (LCSMC) with the Project of the Year Award for their floating island project. Mr. Martin read aloud a portion of the LCSMC memo, *which is attached hereto and incorporated into these minutes by reference.*

President Richardson requested the Village staff send a congratulations letter to CFC,

6. SPECIAL PRESENTATIONS

Ms. Rebecca Darr, a representative of Women in Need Growing Stronger (WINGS) presented President Richardson with a plaque recognizing him for his time and assistance in securing State grant money for the construction of a safe house for abused women and children escaping domestic violence. President Richardson responded with kind words about the WINGS program.

**7. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD - None.
(Also see public comment during agenda item 6, 14C & 17)**

8. TREASURER'S REPORT:

Treasurer Purcell reported on the following:

- A) Audited Financials Statements for Fiscal Year Ending 04/30/2006:** There are no reported discrepancies of the Fiscal Statements, the MFT fund balance increased \$62,545 overall primarily due to interest income, annexation fees, and the decline in health insurance costs. The auditor's letter suggests better internal control which is being addressed by a new policy that the Deputy Clerk will open all the mail, list and copy the incoming payments for the Treasurer and Accountant. The auditor's letter also suggests that the Village track the Fox River Grove records for the water pumped and the billing sent out to SSA #3 customers.
- B) Financials as of 09/30/06:** The Village's Financial Statements for the first five months of the new fiscal year yields a \$310,000 net income. The report also covered the Fiscal Policy, real estate tax revenue, and the Motor Fuel Tax Fund reserves.
- C) Warrant:** The warrant is in order and should be approved.

Trustee Smith agreed that the proposed fiscal control policy is a good implementation to tighten the controls in response to the auditor's report. President Richardson thanked the Staff and Treasurer for their exceptional work.

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

Board Action

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

- A. Approve and accept the Audited Financial Statements for FYE 04/30/2006;
- B. Approve the Financial Statements as of 09/30/2006;
- C. Pay bills in the amount of **\$185,114.49** as listed on Accounts Payable Warrant "A" dated November 13, 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

A. Proclaim November 15, 2006 as America Recycles Day

Administrator Martin read aloud a portion of the proposed Proclamation, *which is attached hereto and incorporated into these minutes by reference.*

Board Action

A motion was made by Trustee DeJesu and seconded by Trustee Schaller to proclaim November 15, 2006 as America Recycle Day.

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.

10. ADMINISTRATOR'S REPORT

A. Comprehensive Plan – Status: Administrator Martin reported that the Comprehensive Plan Public Hearings were held in September and the final document would be considered by the Board in December.

B. FY 2008 Action Plan: Administrator Martin reported that the draft FY2008 Action Plan would be reviewed at the December Board meeting.

Trustee Vonder Haar stated that the work on the Comprehensive Plan is a gigantic step forward for the Village.

11. CLERK'S REPORT:

Village Clerk Hoover reported the following:

- Voter registration has re-opened in Lake County.
- Candidate and Political Party packages for the April 17th 2007 Consolidated Election are available at Village Hall. General information is also posted on the Village's website at www.lakebarrington.org.
- The last day for yard waste pick-up is Wednesday, Nov. 29th.
- Next month the Board will consider the regular meeting dates for 2007. Due to possible conflicts, holidays, etc., the Board was asked to bring their respective calendars for 2007.

12. REPORTS OF STANDING COMMITTEES/TASK FORCES

A. Building & Facilities: Trustee Schaller reported that he toured the Village Hall property to determine possible projects for the coming fiscal year, such as office updates. Administrator Martin reported that the Village Hall's well had been treated and it was tested by Lake County Health Department earlier in the day.

B. Environmental Protection: Trustee DeJesu reported that the Annual Community Forestry Program should be considered later on the agenda. She reported on the Flint Creek Watershed Planning meeting held at the end of October about the completion of the Flint Creek Study and low point of Flint Lake.

C. Finance & Human Resources: Trustee Smith reported that there was a Finance Committee Meeting earlier that evening to review the financial data and projected budgets. He commended the Village staff and Treasurer for the work on the financial forecasts and stated that it was great to get a clean report from the auditors.

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

- “Catch a Penny” – Open House planned for November 14th at their location on the corner of Route 59 and Lake Cook Road.
- **Good Shepherd Hospital Awards** – Good Shepherd Hospital (GSH) was awarded number 1 in the best quality care for cardiac surgery programs and overall excellence in the top 5% in the United States. She read aloud a quote from GSH President Karen Lambert, *which is attached hereto and incorporated into these minutes by reference.*
- **United Way of Lake County** – United Way offered human services resources to the public and a link would be added to the Village's website.

- E. **Intergovernmental Affairs & BACOG:** President Richardson reported on the upcoming Veto Session and read aloud BACOG's 2006 Action Report, which is attached hereto and incorporated into these minutes by reference.
- F. **Public Safety & Emergency Planning:** Trustee Marshall reported that emergency siren plans were reviewed and deemed viable by the Committee which item shall be considered as part of the FY2008 budget, including "reverse speed calling". Trustee Marshall reported that a new Sheriff was elected in Lake County which should not affect the continued fine services by the Sheriff's Department.
- G. **Public Works:** Trustee Vonder stated that the Committee met to discuss next year's roadwork. However due to the anticipated costs, the Committee will have to take another look at the projects. She stated that Cuba Township has been involved in the process. President Richardson thanked Tom Gooch for the great job he has done for the Village.
- H. **Stormwater Management:** No report.
- I. **Rules:** No report.
- J. **SWALCO:** No report.

13. PUBLIC HEARINGS

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

Administrator Martin distributed the following summary to the Board in their packets: The Board approved the Tallgrass Subdivision on May 17, 2006 and the Resolution provides for the establishment of a back-up Special Service Area (SSA). The Board previously approved an Ordinance proposing the establishment of a Special Service Area and the Village Clerk published a legal notice in compliance with the Village Code. The SSA would be used in event that the homeowner's association fails to maintain the roads, detention areas, and other improvements.

Discussion

Attorney Bateman 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 quasi-public improvements (i.e. roads, landscaping) that has some public interest function to perform in the Tallgrass Subdivision. In response to Trustee Smith's request, Attorney Bateman explained that the Homeowners Association is primarily responsible for maintaining certain improvements as a matter of record in the Covenants. Attorney Bateman further responded that with the exception of the Wesley 2-lot Subdivision, it is a policy for the Village to create back-up SSA's for some time. In response to Trustee Marshall's inquiry, Attorney Bateman responded that as situations come to the Village's attention either through a Village Engineer analysis or staff investigation, the Village would first send a letter to the Homeowners Association of the needs to be fulfilled. Only the instance of a compelling reason would the back-up SSA be levied a tax to pay for such maintenance. Attorney Bateman further responded that the Village Board has the authority to impose a levy by approving an Ordinance. Discussion followed about the responsibilities to maintain detention areas as a Homeowners Association function and private roads would need to be in a "state of collapse" before the Village would proceed with a levy.

Board Action

A motion was made by Trustee Kipferl and seconded by Trustee Schaller to open a Public Hearing regarding the establishment of Special Service Area Number Thirteen. The voice vote was unanimous and the motion carried.

Opportunity for Public Comment

No parties came forward.

Board Action

A motion was made by Trustee Schaller and seconded by Trustee Kipferl to close a Public Hearing regarding the establishment of Special Service Area Number Thirteen. The voice vote was unanimous and the motion carried.

Attorney Bateman stated that the Ordinance establishing the SSA should be considered by the Board in February.

14. ORDINANCES

A. CONSIDERATION OF AN ORDINANCE PROPOSING THE ESTABLISHMENT OF A SPECIAL SERVICE AREA FOR THE WALNUT GROVE SUBDIVISION

Administrator Martin distributed the following summary to the Board in their packets and read it aloud at the meeting: It has been more than 90 days since the approval of the Walnut Grove 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 approval of a Special Service Area.

Discussion

Attorney Bateman stated that this Ordinance should be passed first, followed by a Public Hearing next month, and then a 60-day waiting period. He stated that the Walnut Grove Subdivision's proposed SSA was agreed upon with an Annexation Agreement.

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-36 an Ordinance proposing the establishment of Special Service Area Number Twelve (SSA #12) for the Walnut Grove Subdivision.

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 SPEED LIMITS

Village Clerk Hoover distributed the following summary to the Board in their packets and read it aloud at the meeting: The Speed Limit Ordinance should be revised to include the newer subdivisions (i.e. Walnut Grove, Enclave, and Tallgrass) and clean-up any other discrepancies.

Board Action

Upon the conclusion of such discussion, a motion was made by Trustee DeJesu and seconded by Trustee Kipferl to pass Ordinance No. 2006-O-37 an Ordinance amending Chapter 4 of Title 5 of the Lake Barrington Municipal Code regarding Speed Limits.

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 THE WATERSHED DEVELOPMENT ORDINANCE (I.E. ADOPTION OF THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) AN AMENDED & RESTATED EXHIBIT C)

Administrator Martin distributed the following summary to the Board in their packets and read it aloud at the meeting: The Illinois Department of Natural Resources has requested the Village adopt the NFIP in the Village's Floodplain Ordinance with an effective date of November 16, 2006. The Lake County Stormwater Management Commission had provided an amendment to the Watershed Development Ordinance in compliance, which was passed on September 5th. Due to an error on Lake County's Exhibit, an amended Ordinance with an effective date of November 24, 2006 should be considered (the date the Village received the revision plus 30 days). Attached for your use is an Ordinance amending the Village Code and adopting the amended and restated Appendix C to the Lake County Watershed Development Ordinance. The new Appendix C is also attached. This Ordinance also repeals Ordinance No. 2006-0-33.

Discussion

Trustee DeJesu stated her concern over possible map changes to Flood Plain Maps. President Richardson stated that the laws are being updated on how to deal with floods and disasters.

Board Action

Upon the conclusion of such discussion, a motion was made by Trustee Marshall and seconded by Trustee Schaller to pass Ordinance No. 2006-O-38 an Ordinance repealing Ordinance No. 2006-O-33 and amending Chapter 1 of Title 10 of the Village of Lake Barrington Municipal Code by adopting by reference an amended and restated Exhibit C to the Lake County Watershed Development Ordinance

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.

15. **OLD BUSINESS:** None.

16. **NEW BUSINESS**

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

C. PRE-APPLICATION DISCUSSION: TENNIS COURT LIGHTING

Administrator Martin distributed the following summary to the Board in their packets and read it aloud at the meeting: Staff has received a request from Lake Barrington Park District to discuss lighting of the tennis courts located near Village Hall. A special use permit requires Board approval of any lighting changes on the Village Hall properties.

Public Comment

Mr. Mark Thorndyke of the Lake Barrington Countryside Park District introduced Tony from A to Z Electric who submitted a bid. Mr. Thorndyke stated that the Park District is proposing a push button "on" system as needed up until 9 or 9:30 p.m. with an automatic timer to shut the lights off. Discussion followed about LBS lighting and daylight savings time.

Board Action

It was the consensus of the Board to direct the Park District to notify the surrounding residents in the Estates of Lake Barrington and Flint Creek Farm Unit 2 Subdivisions about their request and gain their feedback prior to Board action.

A. CONSIDERATION OF AN ANNUAL FORESTRY PROGRAM

Village Clerk Hoover distributed the following summary to the Board in their packets and read it aloud at the meeting: As a requirement for Tree City USA municipalities, the Village must approve an Annual Forestry Program. The Program was reviewed by the Environmental Protection Committee on Nov. 8th.

Board Action

A motion was made by Trustee DeJesu and seconded by Trustee Kipferl to approve the Annual Forestry Program for Fiscal Year 2006-2007 as provided.

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 RESOLUTION APPROVING AN AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT FOR COOPERATIVE ROAD PROGRAM ADMINISTRATION, ROADSIDE MAINTENANCE, SNOW AND ICE CONTROL, AND OTHER SERVICES

Administrator Martin distributed the following summary to the Board in their packets and read it aloud at the meeting: The Cuba Township Highway Department provides road repair and maintenance, snow removal and other services to the Village pursuant an Intergovernmental Agreement. This agreement has expired. The amended agreement provides additional detail regarding project types and expands the Highway Department's role in managing large road replacement and repair projects within the Village. The annual cost to the Village is \$84,048 subject to annual increases to follow the Municipal Price Index. The agreement runs for 3-years.

Discussion

Discussion followed relative to Cuba Township's involvement with the process and their request to extend the agreement for an additional two years (5 years total until 11/13/2011). Trustee Vonder Haar stated that she is very pleased with the clarity of the Agreement and that the Village gets their monies worth from this Agreement.

Board Action

A motion was made by Trustee Vonder Haar and seconded by Trustee DeJesu to pass Resolution No. 2006-R-26, a Resolution approving an Amended and Restated Intergovernmental Agreement for Cooperative Road Program Administration, Roadside

Maintenance Snow and Ice Control, and Other Services subject to amendments approved 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. Trustee DeJesu thanked Clerk Hoover for her work on maintaining the Village of Lake Barrington as a Tree City USA community.

C. PRE-APPLICATION DISCUSSION: TENNIS COURT LIGHTING

See discussion and action above 14-A on the agenda.

D. CONSIDERATION OF A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE VILLAGE OF FOX RIVER GROVE ALLOWING FOR THE DE-ANNEXATION OF A PARCEL 13-21-100-012.

Administrator Martin distributed the following summary to the Board in their packets and read it aloud at the meeting: The Village has received a request from Fox River Grove to de-annex a single parcel that is currently in Lake Barrington. The parcel is located on Route 22 west of Kelsey. The address is 28963 W. Highway 22 and the PIN number is 13-21-100-012. The parcel is 1.9 acres and is behind the Talon office development. The purpose of this de-annexation is to allow Fox River Grove to construct a Public Works facility on the property, as well as, on other properties they currently own or are attempting to purchase behind the office development. The Village has requested consideration in the form of conditions on the property and adjustments to the existing intergovernmental agreement.

Discussion

Administrator Martin reported that the Agreement is not ready for the Board's action at this time. Discussion followed describing the proposed buildings and facilities on the site plan, which is attached hereto and incorporated into these minutes by reference. Administrator Martin stated that one of the Village's adjacent property owners would like to have further discussion with the Villages. Other limitations, such as not permitting a cell tower and proposed height limitations with proposed clarification to exclude a water tower were discussed. The limited impacts on the surrounding property owners, proposed rezoning from residential to light industrial, and County Line Road access were also discussed.

Administrator Martin stated that a presentation would be scheduled for the December 5th Board meeting to overview the project. He stated that a Public Hearing is not required for De-Annexation. In regards to notification to those outside of Lake Barrington, Mr. Martin stated that it is Fox River Grove's responsibility to notify surrounding property owners through "good will".

In response to Trustee Marshall's inquiry about the benefits to the Village of Lake Barrington, Administrator Martin responded that there is a certain spirit about intergovernmental cooperation and that Fox River Grove has offered an agreement to consider freezing SSA #3 expenses.

Discussion followed about the Welch's Subdivision which was forcibly annexed by Fox River Grove. Trustee Smith suggested that we have Fox River Grove's notification documentation in our file before we proceed.

Board Action - Tabled per the request of the Village Administrator.

17. **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD** - None.
(Also see public comment during item 6, 7 & 14C)

Other Announcements: Trustee Smith announced that the Holland and Knight Law Firm would be hosting a free Land Use Development seminar at their offices at 131 S. Dearborn this Wednesday.

Trustee Vonder Haar inquired about the carbon monoxide detectors information in the packets. Village Attorney Bateman responded that no action is required by the Village and that the new State Law is effective January 1, 2007. He stated that a carbon monoxide detector is mandatory either in every sleeping space or within 15 feet of any sleeping space in a residential structure. Attorney Bateman stated that it is unclear who is responsible for enforcement, although compliance may be observed by the Building Inspector during new construction or remodeling projects. He also said that the new law may become an issue for home sales and inspections.

18. **CLOSED SESSION**

At 8:00 p.m., a motion was made by Trustee Schaller and seconded by Trustee Kipferl 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 9:18 p.m. with all members of the Village Board present as stated in the original roll call.

19. **ACTION TO BE TAKEN FROM CLOSED SESSION ITEMS** – None.

20. **OTHER:** None.

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

Respectfully submitted,

Cynthia L. Hoover
Village Clerk
Recording Secretary