

**VILLAGE OF LAKE BARRINGTON
MINUTES OF THE REGULARLY SCHEDULED MEETING
OF THE BOARD OF TRUSTEES HELD FEBRUARY 3, 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, February 3, 2009, and was called to order by President Richardson at 7:01 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, Schaller, Struck, Vonder Haar, and President Richardson

Absent: Trustee Raclaw

The following Trustees were allowed by a majority of the members of the President and Board of Trustees in accordance with and to the extent allowed by rules adopted by the President and Board of Trustees to attend the meeting by video or audio conference: None.

No Trustee attended the meeting by video or audio conference.

The following Trustees were absent and did not participate in the meeting in any manner or to any extent whatsoever: None

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

Others Present: ZBA Member Fortman, Village Attorney Bateman

3. PLEDGE OF ALLEGIANCE

4. CONSIDERATION OF MINUTES

A. Minutes of the Regular Meeting Held January 6, 2009

B. Minutes of the Special Meeting of the Committee of the Whole Held January 6, 2009

Board Action

A motion was made by Trustee Schaller and seconded by Trustee Vonder Haar to approve the minutes, items 4A-B above. The voice vote was unanimous and the motion carried.

5. PRESIDENT'S REMARKS (President Richardson)

A. Village Officials

- 1) President Richardson stated a sign variance may be heard by the Zoning Board of Appeals. ZBA Chairperson Delisle interviewed and recommended Susan Beattie and Jim Austgen to be appointed to the ZBA. Ms. Beattie, 10-year resident of Flint Creek Farms, and Mr. Austgen, 8-year resident and Board President of Barrington Harbor Estates Homeowners Association gave their backgrounds.

Board Discussion

Board members individually welcomed Ms. Beattie and Mr. Austgen.

Board Action

A motion was made by Trustee Vonder Haar and seconded by Trustee Schaller to make the following appointments (all terms expire April 30 of the year listed or until such time as a successor is appointed):

Zoning Board of Appeals
2010 – Member, Jim Austgen
2010 – Member, Susan Beattie

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Schaller, Struck, Vonder Haar, and
President Richardson
Nays: None
Abstain: None
Absent: Trustee Raclaw

President Richardson declared the motion carried.

- 2) The Official Oath of Office for ZBA Members Austgen and Beattie were administered by Clerk Peterson.

6. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD

Item 14A was heard out of sequence following the President's Remarks.

7. CONSENT AGENDA

None

8. TREASURER'S REPORT:

Treasurer Purcell reported on the following:

- A. Net income and equity in the General Fund for the first eight months of the fiscal year is up compared to last year at this time. Building Permits and Licenses revenue has increased 77% compared to last year due to the Northpointe project. Other Revenue is down, mostly due to interest. The Motor Fuel Tax Fund has an equity of \$51,155 and is increasing at approximately \$11,500 per month. The funds will be available for future road work.

Mr. Purcell stated the Village is in a sound financial position and specifically noted that the Village's finances "are the envy of the County". President Richardson acknowledged the work of staff and the Board, and he commended Mr. Purcell and Village Accountant Deborah Vernon for overseeing the Village's finances.

B-C. The Accounts Payable Warrants have been reviewed and should be approved.

Board Action (B-C)

A motion was made by Trustee Vonder Haar and seconded by Trustee De Jesu to consider by omnibus vote and:

- B. Pay Bills in the amount of \$ 118,421.23 as Listed on the Accounts Payable Warrant "A" Dated January 6, 2009; and
- C. Pay Bills in the amount of \$ 51,993.38 as Listed on the Accounts Payable Warrant "B" Dated January 6, 2009.

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Schaller, Struck, Vonder Haar, and
President Richardson
Nays: None
Abstain: None
Absent: Trustee Raclaw

President Richardson declared the motion carried.

Agenda Item 16 – Closed Session was heard out of sequence.

9. ADMINISTRATOR'S REPORT

Administrator Martin reported the Plan Commission is holding the public hearings for the zoning text amendments and application for special use for an off-track betting facility at the Kelsey Road House.

10. CLERK'S REPORT

Clerk Peterson reported on the following:

A. Have A Heart Annual Food Drive: Cuba and Barrington Townships are holding their annual drive on February 14th at the Barrington Public Safety Building. More information is posted on the Village website and at Village Hall.

B. Office Closure: The Village office will be closed on Monday, February 16th in observance of Presidents Day.

11. COMMITTEE REPORTS

No reports.

12. OLD BUSINESS

A. SLOCUM DRAINAGE DITCH

Trustee Vonder Haar asked for status on the IGA with Slocum Drainage District. Attorney Bateman has an outline and is drafting an agreement with the District's attorney.

13. ORDINANCES

A. CONSIDERATION OF AN ORDINANCE AMENDING THE VILLAGE OF LAKE BARRINGTON VILLAGE CODE RE: SUBDIVISION REGULATIONS-IMPACT FEES

Administrator Martin distributed and reviewed the following summary to the Board in their packets. The Village participates with all of the BACOG communities to set identical development impact fees. The ordinance provides an update to the per acre value used to calculate impact fees as provided by BACOG via their consultant and has been adopted by the other BACOG communities. Materials were provided in the Board folder.

Attorney Bateman explained the ordinance will keep the impact fee program identical to other BACOG governments with the exception of language that gives the Village more authority to reserve the right for school donations to be used in this village.

Board Action

A motion was made by Trustee Vonder Haar and seconded by Trustee Struck to pass Ordinance No. 2009-O-01 an Ordinance Amending the village of Lake Barrington Village Code re: Paragraphs F, G, H, and Q of Section 9-3-7 of the Lake Barrington Subdivision Regulations.

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Schaller, Struck, Vonder Haar, and
President Richardson
Nays: None
Abstain: None
Absent: Trustee Raclaw

President Richardson declared the motion carried.

B. CONSIDERATION OF AN ORDINANCE TO PROVIDE FOR THE ABATEMENT OF A PORTION OF THE PROPERTY TAX LEVY FOR THE OPEN SPACE BOND ISSUE

Administrator Martin distributed and reviewed the following summary to the Board in their packets. The proposed Tax Abatement Ordinance reduces the amount of property taxes levied for the Open Space Bonds from other Village sources (i.e. impact fees, general fund, other). Staff is recommending a \$40,000 reduction in the \$334,412.50 levy to be paid from previously collected parks and open space impact fees. This is the same abatement as last year. The total open space tax levy will therefore be \$294,412.50. Materials were provided in the Board folder.

Board Action

A motion was made by Trustee Vonder Haar and seconded by Trustee Struck to pass Ordinance No. 2009-O-02 an Ordinance Abating a Portion of the Taxes Heretofore Levied for \$5,500,000 in General Obligation Bonds Series 2007 of the Village of Lake Barrington as Set Forth in the Village of Lake Barrington Ordinance No. 2007-O-10 Adopted on July 9, 2007.

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Schaller, Struck, Vonder Haar, and
President Richardson
Nays: None
Abstain: None
Absent: Trustee Raclaw

President Richardson declared the motion carried.

14. NEW BUSINESS

A. CONSIDERATION OF NORTHPOINTE 3; IN THE NORTHPOINTE DEVELOPMENT

Item 14A was heard out of sequence following the President's Remarks.

Trustee Struck presented a slide program of his comments, "Review Impact and Current Issues to the Savannah of Lake Barrington Subdivision." The presentation outlined issues brought forth by residents of the Savannah subdivision relative to the Lake Barrington Field House building and its attendant lighting, and described alternatives to resolve those issues. The presentation is attached and made a part of these minutes.

Administrator Martin summarized that the Village entered into an agreement for the development of the 26-acre Northpointe development following 1.5 years of public hearings ending in 2007. Pursuant to that agreement the Village Board has the authority to review the architecture, lighting, landscaping and other details related to lots 1 and 3 which are undeveloped.

G23 Development, via architect Tom Crylen and principal Mike Mago, are requesting approval of a 52,500 square foot sports facility on lot 3 (4.3 acres). The building is of a similar color scheme and employs the same materials (tilt up pre-cast panels) of the Fieldhouse and building 4. The building is 35 feet high and includes basketball/volleyball courts and an ice rink. There are 112 parking spaces.

As landscaping and lighting are of specific interest to the Board, staff requested and the petitioner provided additional materials along the north and east of the building for screening purposes. The petitioner also provided evergreen trees in the SW corner of lot 5, adjacent to the Field house lot, to help screen the Fieldhouse parking areas. Additional foundation plants were also added. The total plant count is as follows:

- 24 evergreen trees (mix of 6-8 and 10-12 foot trees on lot 5)
- 40 deciduous trees

- 170+ shrubs and grasses

In sensitive areas lighting has been reduced to the minimum required for public safety. The rear of the building is lit only at the loading area and the northerly side includes just 425 total watts of parking area lighting. There is no light leakage beyond the lot lines.

The general scope, size, and uses associated with the proposed building comply with the development agreement. Full-site engineering was completed as part of the Plan Commission process. Construction engineering will be reviewed by Gewalt Hamilton as part of the building permit process and is not expected to be problematic. Intrusion into the 100' wetland buffer is permitted via a granted special use, there are only minor intrusions shown.

Mike Mago of G23 stated Mr. Martin has clearly communicated the residents' concerns and that G23 has worked diligently with the Village towards resolution of those issues. He gave a presentation of the site and landscaping plans and elevations for Building #3 of the Northpointe Development. Mr. Mago indicated the building size was reduced by 40% because of the adjacent wetlands. Design and layout of Building #3 on the site took resident concerns into consideration. Landscaping was also increased to address resident concerns.

President Richardson inquired about overflow parking. Tom Crylen of G23 replied 40 existing spaces were not plowed and have been cleared and explained the parking will be shared as a whole development when it is built out.

President Richardson referred to Sheet 2 of the G23 packet and asked the project representatives to hypothetically place themselves in the residents' shoes and to surmise what kind of landscaping plan they would design if they lived next to the Northpointe development. Tom Crylen stated that as a resident he would want as much as you can get, however, he pointed out G23 has been a responsible developer in working closely with Mr. Martin and that they made offers and provided a financial incentive to the residents who are directly behind the property in good faith.

Mr. Crylen stated Lot 3 was planned with residents in mind, as follows:

- The plans were changed radically to move the building farther away from the residents and conserve as much of the property as possible
- Landscape plans include a mix of 6-8 and 10-12 foot fast growing trees
- There is virtually no lighting on the east side of the building and the north side has one wall pack light and one single pole light fixture pointed away from the subdivision for employee safety. It was confirmed upon Trustee Struck's inquiry that the east side lighting shown in the preliminary plan will be removed.
- Potential installation of a short berm on the north side of the building if it can be done and that 10-12 foot trees would be planted on the berm.

Trustee Struck stated that based on the illustrations in the developer's packet and using the completed buildings as a baseline, the landscaping plan is inadequate in size and scale and does not address the screening problem sufficiently.

Trustee Burke stated he finds it difficult to move forward with Lot 3 until the issues with Lots 1 and 2 are resolved. He suggested that the inadequacies with the current buildings be identified, satisfy those issues and apply what is learned to Lot 3. He agreed with Trustee Struck to use the first two buildings as a baseline for comparison.

Mr. Crylen stated they have shown willingness and sensitivity to the residents over the last year to resolve the issues, but that certain options are cost prohibitive.

Trustee Schaller commented on the community's positive reception of the business. He identified density of trees, height of trees and lighting as the residents' main issues.

Tom Laue of Lake Barrington Field House (LBFH) recounted working with Mr. Martin to adjust the lights and he stated they cannot place lower wattage bulbs in current fixtures. President Richardson asked Mr. Martin to follow up on the fixtures. Mr. Laue stated the trees need to be allowed to grow.

Trustee Schaller asked about the capacity of buildings versus the availability of parking. Mr. Martin replied the plans were conceived as a joint parking area based on a presumption that all buildings won't be filled at the same time.

Trustee Vonder Haar summarized most resident requests have to do with much less lighting and a lot more screening at LBFH. She would like to see resolution of the LBFH issues before moving forward with Lot 3.

President Richardson recognizes and appreciates G23's efforts and investment. The Village is willing to work with G23 to resolve the issues. The Board may have to make tough decisions and possibly provide funding towards resolution.

Trustee DeJesu stated she drove into the Savannah subdivision and found the appearance of the LBFH wall to be concerning. She suggested replacing the shorter trees at the LBFH with larger trees and transplanting the shorter existing trees at Building 3. She suggested placing a darker shade of precast walls on the back side of Building 3 that faces the residents to decrease the reflection of light, and if possible, lower the wall packs lights or reduce the amount of lights on the Building 2 walls which face the residents. She is concerned with the parking but understands more spaces will be available when Building 1 is completed.

President Richardson stated the Village is trying to find the balance between the business and residents' needs and reiterated collaborating and amending the original plan to resolve the issues.

Trustee Burke proposed the Board table further discussion on Lot 3 for 30 days. From what is being presented tonight, issues are understood but he cannot pass the plan while there are unresolved issues with the previously built lots.

Public Comment

Angela Incandela, 28085 W. Savannah Trail, thanked the Board for taking the residents into consideration. She expressed her concerns at the last meeting she attended and added a berm was originally proposed and that the grading for the LBFH is higher than anticipated. She reported people are seeing "indiscretions" behind the building. She asked about the grading for Lot 3.

Mr. Crylen stated they dug down 10 feet below grade before erecting the building. From street level, Building 3 will be 7-10' below the finished height of the LBFH.

Mr. Martin reviewed a berm was initially proposed when the building placement was different in the original site plan. The berm was removed from the plans and the building placement changed during the public hearing process because a berm cannot be built in the wetlands.

President Richardson stated there needs to be a punch list of issues, agreement of what the list of issues are, what the possible solutions are for each issue and the need for interested parties to collaborate to find acceptable remedies.

Renee Kelsch, 27779 E. Savannah Trail, stated she generally supports development if it improves her quality of life and increases her property value. This development does neither. She stated landscape screening and light pollution must be remedied. Mr. Crylen stated the current oak grove on the east side of Building 3 will not be cut down. Her home is not directly affected by the development but they see the lights as they pull into the subdivision.

Randy Study, Director and Treasurer of Savannah Homeowners Association, 27842 Savannah, stated Trustee Struck approached the HOA regarding his proposal for jointly funding landscaping. Mr. Study does not believe the HOA can legally provide funding for this type of project pursuant to its rules. They can provide money for common areas and HOA landscape easements. President Richardson addressed the concept of the Neighborhood Beautification Initiative and the possibility of not requiring matching funds for this situation. Mr. Study reiterated the HOA would accept monies toward landscaping remediation, but will not provide funding themselves for this type of situation. He agreed with President Richardson's request that an agreed-upon punch list be created to address resident concerns. He requested the lights be shut off at night until the trees have grown high enough to screen the lights and mentioned a package of concessions may be needed to resolve the issues to move forward.

President Richardson stated certain lighting related to security must be maintained but that addressing other types of lighting should be reviewed.

Trustee Vonder Haar suggested using a taskforce like the village has in the past to put together the agreed-upon punch list.

President Richardson recommended that the taskforce be comprised of Trustee Schaller, the Chairperson of Public Safety Committee; Trustee Struck who lives in the community; the relevant staff from G23 Development; and 2 or 3 homeowners from Savannah including Mr. Study.

President Richardson called a 5 minute recess at 7:39 p.m. Upon return, he stated the Board would finish addressing the Northpointe item, go into Executive Session, then finish the rest of tonight's open session agenda.

Glen "Max" McGee, 28182 W. Savannah Trail, thanked the trustees for noticing how developments look different from the plans after they are built. He distributed copies and projected a slide of a part of the LBFH. He pointed out plantings in relation to the scale of the height of the building. He hopes the taskforce will be put together.

Judy Almand, 27842 E. Savannah, pointed out pictures don't illustrate scale. She is concerned with the new building and pictures presented tonight. She heard a middle school is proposed for a property near the LBFH and is concerned with homes losing value with all of the building near her. She feels homeowners should be compensated for all of the building that is going on nearby.

Mike Schwan, 21849 W. Savannah Trail, thanked Tom Laue for turning the lights off at night. He suggested having 3D scale models and noted residents only saw plans for the front of the building when LBFH was first proposed. He suggested installing a separate circuit for essential lighting. He asked if the ice arena is a not-for-profit that will be competing with the other ice rink. He inquired as to whether the businesses are for-profit and if they are paying property taxes.

Tom Laue stated the LBFH is a 501c3 which generates sales tax revenue for the Village. The ice arena will pay property and sales taxes. He further explained the setup of the businesses. Mr. Martin indicated taxation was reviewed at three public hearings and outlined the projected tax revenues to the Village and school district upon full build-out as well as other monetary benefits for the industrial park SSA and fire protection district.

Tom Ganzer, 27545 E. Savannah, asked if it was possible to have the ice rink built in a sunken mode. Dale Bianco touched upon the design of the ice rink. Mr. Crylen said it would be cost-prohibitive to build it that way for this site and noted that Building 3 will block part of the LBFH on the residents' side. Mr. Ganzer requested replacement of the liaison from the Board.

Cindy Alexander, 27858 Savannah Trail, reported there is more traffic in the subdivision. Mr. Martin contacted IDOT which indicated that there is a two year waiting period for a decision on tourism signage. It was suggested that Ms. Alexander join Village representatives when they meet with IDOT to express her concern.

President Richardson recounted the Board opted to have control over the outcome of the development with the annexation of the property into the Village versus having a project built in unincorporated Lake County. He expressed the Board empathizes and has heard the concerns of residents. He believes the taskforce will be a fair and sensible way to deal with the situation. He stated his approach to dealing with problems is to eliminate the problem and, if that cannot be done, then to minimize the problem to the greatest extent possible. He indicated that the criteria for evaluation should include the expense, ease and speed of implementation of various alternatives. He hopes a balance can be found to address all parties' concerns respecting the residents' interests as well as the business that is investing millions of dollars in the community during a time when few communities are receiving this level of investment.

Board Action

A motion was made by Trustee Burke and seconded by Trustee Schaller to table further discussion on Lot 3 and to have a taskforce comprised of Trustee Schaller, the Chairperson of Public Safety Committee; Trustee Struck who lives in the Savannah subdivision; relevant staff from G23 Development; and 2 or 3 homeowners from Savannah including Mr. Study and Mr. McGee to develop a documented, agreed-upon punch list and action list to resolve the issues with LBFH.

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Schaller, Struck, Vonder Haar, and
President Richardson
Nays: None
Abstain: None
Absent: Trustee Raclaw

President Richardson declared the motion carried.

15. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD

None

16. CLOSED SESSION

This item was heard out of sequence following Item 8.

Board Action

At approximately 9:18 p.m., a motion was made by Trustee Schaller and seconded by Trustee Vonder Haar 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, Schaller, Struck, Vonder Haar, and
President Richardson
Nays: None
Abstain: None
Absent: Trustee Raclaw

President Richardson declared the motion carried.

Open Session reconvened at 10:30 p.m. with all Board Members present as the original roll call and the meeting proceeded with Agenda Item #9 Administrator's Report.

17. ACTION TO BE TAKEN FROM CLOSED SESSION

A. CONSIDERATION OF A RESOLUTION REGARDING CLOSED SESSION MINUTES

No action taken.

B. CONSIDERATION OF A LEASING AGREEMENT FOR THE FARMHOUSE PROPERTY LOCATED AT 23685 KELSEY ROAD

Board Discussion

Attorney Bateman stated the lease could be offered as presented to the Board in the packet or if the renter is willing to pay a lump sum at the beginning of each 1-year term to keep the rent at the same price. Discussion was held on the full term of the lease extension. The Board came to a consensus to extend the lease for one year and to keep the price the same if the renter is willing to pay a lump sum at the beginning of the lease term, if not than an increase of 5% would be proposed to the tenant with discretion provided to the Village Administrator.

Board Action

A motion was made by Trustee DeJesu and seconded by Trustee Schaller consistent with statement of Village Counsel to pass Ordinance No. 2009-O-03, an Ordinance Authorizing the Lease of Real Property by the Village of Lake Barrington, Lake County, IL (RE: The Single-Family Residence at 23685 N. Kelsey Road, Lake Barrington, IL, commonly known as the Freier Farm House).

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Schaller, Struck, Vonder Haar, and
President Richardson

Nays: None

Abstain: None

Absent: Trustee Raclaw

President Richardson declared the motion carried.

C. APPROVAL OF A PURCHASE AGREEMENT

No action taken.

18. OTHER

None

19. ADJOURNMENT: A motion was made by Trustee DeJesu and seconded by Trustee Schaller to adjourn the meeting. The voice vote was unanimous, the motion carried, and the meeting was adjourned at approximately 10:44 p.m.

Respectfully submitted,

Loretta Peterson
Village Clerk
Recording Secretary