

**VILLAGE OF LAKE BARRINGTON
MINUTES OF THE REGULARLY SCHEDULED MEETING
OF THE BOARD OF TRUSTEES HELD APRIL 6, 2011**

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 Wednesday, April 6, 2011, and was called to order by President Pro Tem Raclaw at 7:10 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, Raclaw, Schaller and Schofield.

Absent: Trustees DeJesu and Mitchell, and President Richardson.

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: Trustees DeJesu and Mitchell, and President Richardson.

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

Others Present: Village Attorney Bateman and Zoning Board Member Fortman

3. PLEDGE OF ALLEGIANCE

4. CONSIDERATION OF MINUTES

- A. Minutes of the Special Meeting of the Committee of the Whole held February 1 and March 1, 2011
- B. Minutes of the Regular Meeting held March 1, 2011

Board Action

A motion was made by Trustee Schaller and seconded by Trustee Schofield to approve the minutes in block, 4A and 4B above. The voice vote was unanimous and President Pro Tem Raclaw declared the motion carried.

5. PRESIDENT'S REMARKS (President Richardson)

- A. Other: President Pro Tem Raclaw congratulated, on behalf of President Richardson, the newly-elected Trustees Andrew Burke, David Raclaw and John Schaller.

6. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD - NON AGENDA ITEMS

Mr. and Mrs. Joseph Balsamo, 23578 Old Barrington Road, described a drainage problem they have related to a swale and berm in their neighbor's yard. Mr. Martin and Trustee Burke explained the process of how drainage problems are examined and categorized. Upon Mrs. Balsamo's comment regarding laws related to drainage flow, Mr. Bateman commented on the Illinois Drainage Code and

further explained it is not enforced by a municipality or village ordinance, but that it is a private civil matter. The Village will review the matter.

John Rader, 310 Oak Hill Road, commented on the rumor that the Village of Lake Barrington is donating \$500,000 towards purchase of the Lake Barrington Shores Golf Club. Trustee Schaller clarified that the Village was asked to consider assisting the Lake Barrington Shores homeowners association to acquire the golf course. Trustee Schaller stated that consideration would only be given by the Village Board if there is a solid business plan and broad LBS resident support. Mr. Bateman explained the legal parameters for use of the Open Space Bond funds and he noted that the idea of the Village participating in any golf course transaction would be speculation at this point.

7. CONSENT AGENDA

- A.** Proclamation in Celebration of Arbor Day, Friday, April 29, 2011. Trustee Raclaw read the Proclamation and Mrs. Peterson announced the Village of Lake Barrington was designated a Tree City USA community again.
- B.** Salvation Army: to conduct two annual fundraisers for 2011: 1) Donut Day on Friday and Saturday, June 3 and 4, and 2) Holiday Kettles on Friday, November 18 through Sunday, December 24, 2011.

Board Action

A motion was made by Trustee Schofield and seconded by Trustee Schaller to approve the Consent Agenda, items 7A & 7B above.

Upon roll call the vote was:

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

President Pro Tem Raclaw declared the motion carried.

8. TREASURER'S REPORT:

Mr Purcell reported:

- A.** Staff recommends accepting the proposal for audit in the amount of \$11,425 as outlined in the Dam, Snell, and Taveirne, Ltd. engagement letter. The audit is \$250 more than last year.
- B.** At the end of ten months, the Village shows a net loss of \$30,623. Non-MFT road repairs and other sources of funding for that work were reviewed. The State of Illinois owes the Village \$128,648 for past due state income tax allocations. Net equity and the MFT Fund balances were reviewed.
- C-D.** The Accounts Payable Warrants have been reviewed and should be approved.

Board Action (A-D)

A motion was made by Trustee Schofield and seconded by Trustee Schaller to consider by omnibus vote and:

- A.** Accept the proposal submitted by Dam, Snell, and Taveirne, Ltd. dated March 14, 2011 for audit services not to exceed \$11,425
- B.** Approve the Financial Statements as of 2/28/2011

- C. Pay Bills in the amount of \$ 143,563.95 as Listed on the Accounts Payable Warrant "A" Dated April 6, 2011.
- D. Pay Bills in the amount of \$ 33,048.84 as Listed on the Accounts Payable Warrant "B" Dated April 6, 2011.

Upon roll call the vote was:

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

President Pro Tem Raclaw declared the motion carried.

9. ADMINISTRATOR'S REPORT

Mr. Martin reported on the following:

- A. Financial Plan will be presented at the May 3 Board meeting.
- B. Roadwork Planned-Village, county and state projects were reviewed.
- C. Other: Public hearings scheduled for the April 28 Plan Commission meeting were reviewed. Upon inquiry, Mr. Martin indicated he will check into proposed road work on Miller Road in North Barrington.

10. CLERK'S REPORT

Ms. Peterson reported on the following:

- A. Business License Renewals Due May 1
- B. Yard Waste Pick Up Begins April 6, 2011
- C. BACOG Well Water Testing Program – March 2011: results were shared.
- D. Other: community events were announced.

Trustee Schaller provided comments regarding the April 3 newspaper article regarding the Lake Barrington Shores Golf Club foreclosure. He explained Lake Barrington Shores and its associated homeowners association are not going bankrupt and not going under foreclosure. The bank action is against the LBS Golf Club only which is a separate entity from the residential community though it is located within the same development. He provided further comments regarding the operations of the golf course scheduled to open on April 14 and the rumored purchase by a private entity.

11. REPORTS OF STANDING COMMITTEES

- A. Communications and Community Relations (C. Mitchell): No report
- B. Environment & Open Space (L. DeJesu): No report.
- C. Finance, Human Resources and Economic Development (D. Raclaw): No report.
- D. Gated Communities (J. Schaller): Trustee Schaller facilitated a meeting between the new LBS management staff (Wentworth Management) and Village staff. Mr. Martin confirmed the Enclave sheriff sale was not held and the Tallgrass sheriff sale is scheduled. He is meeting with the Tallgrass receiver's representatives to complete the landscaping work.
- E. Intergovernmental & External Relations (K. Richardson): No report.
- F. Public Safety (J. Schaller): No report.
- G. Roads and Infrastructure (A. Burke): Trustee Burke reported he and staff met with Farm Trails residents in preparation for a significant resurfacing and drainage project. They also addressed drainage issues that are not part of the Village work. He thanked Mr. Martin, Mr. Bateman and Village engineering consultant Geoff Perry.
- H. Village Hall and Grounds (C Schofield): Trustee Schofield reported the Committee last met in February to discuss the Gibbs property and Freier Farm planning. The Committee is meeting next week to make final planning decisions for presentation in May.

12. OLD BUSINESS – NONE

13. ORDINANCES

A. CONSIDERATION OF AN ORDINANCE AMENDING ECONOMIC INCENTIVE AGREEMENT – FIDELITY MOTOR GROUP

Mr. Martin, indicated Mr. Sfire, owner of Fidelity Motor Group, LLC, requested minor modifications to the previously approved Economic Incentive to list himself as owner. Mr. Bateman explained why the change was being made and confirmed there is no material change to the agreement.

Board Action

A motion was made by Trustee Schaller and seconded by Trustee Burke to pass Ordinance No. 2011-O-05, an Ordinance Approving and Authorizing the Execution of a Certain “Economic Incentive Agreement, As Amended and Restated”, By and Among the Village of Lake Barrington, Fidelity Motor Group, LLC, and John Alan Sfire.

Upon roll call the vote was:

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

President Pro Tem Raclaw declared the motion carried.

B. CONSIDERATION OF AN ORDINANCE: IDENTITY PROTECTION AND IDENTITY THEFT PREVENTION POLICIES

Mr. Bateman explained the ordinance adds a new Chapter 14, “Identity Protection and Identity Theft Prevention Policies”, to include the requirements of the Illinois Identity Protection Act and the Fair and Accurate Credit Transaction Act of 2003 and implement such Village programs and policies as required by such laws. The provisions provide protection with use of social security numbers and private information related to transactions with the public.

Board Action

A motion was made by Trustee Burke and seconded by Trustee Schofield to pass Ordinance No. 2011-O-06, an Ordinance Amending the Village of Lake Barrington Village Code (RE: New Chapter 14, “Identity Protection and Identity Theft Prevention Policies”, of Title 1, “Administration”).

Upon roll call the vote was:

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

President Pro Tem Raclaw declared the motion carried.

C. CONSIDERATION OF AN ORDINANCE PROVIDING FOR COMPREHENSIVE AMENDMENTS TO THE VILLAGE’S BUILDING CODES - ADOPTING THE 2009 INTERNATIONAL CODE SERIES

Mr. Martin reported the ordinance enacts a significant change by updating the building code from the 1983 BOCA code with local amendments to the 2009 International Code Series. Building

Permit Coordinator Erica Rezula, representatives from the fire protection districts, Richard Piccolo of B & F Technical Code, and Mr. Bateman were involved in the process to examine the update.

Board Action

A motion was made by Trustee Schofield and seconded by Trustee Schaller to pass Ordinance No. 2011-O-07, an Ordinance Amending the Village of Lake Barrington Village Code (RE: Amendments to Title 7, "Building Regulations", of the Lake Barrington Village Code).

Upon roll call the vote was:

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

President Pro Tem Raclaw declared the motion carried.

14. NEW BUSINESS

A. CONSIDERATION OF PERIODIC AMENDMENTS TO THE ZONING MAP

Mr. Martin stated the Village periodically updates the Zoning Map to reflect changes that were previously approved by the Board. Changes being considered to the map include: special use permits for Barrington Judo, Kon Jo Karate, Truckmasters, Inc., and Fidelity Motor Group; amendment to the Swiss Automation rezoning and special use permit; and minor corrections.

Board Action

A motion was made by Trustee Burke and seconded by Trustee Schofield to adopt Resolution No. 2011-R-08, A Resolution Authorizing Publication of the Village of Lake Barrington Zoning Map.

Upon roll call the vote was:

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

President Pro Tem Raclaw declared the motion carried.

B. CONSIDERATION OF LETTER OF CREDIT TRANSFER AND REDUCTION: FLINT CREEK PROMED

Mr. Martin indicated the new owners of the Flint Creek ProMed building, 28160 Northwest Highway, are requesting a transfer and reduction of the Letter of Credit to \$61,800. The Village Engineer has confirmed that this amount is appropriate for the work remaining on the property.

Mr. Alexander Drapetsky, Astor Law Group, whose client owns a substantial portion of the building, explained a pediatrician previously purchased 30% of the building and his client owns the remaining portion. He shared information regarding his client's plans for the building.

Board Action

A motion was made by Trustee Schofield and seconded by Trustee Schaller to adopt Resolution No. 2011-R-09, a Resolution Approving an Assumption Agreement for a New Developer, and Approving the Extension of Time For and a Reduction in a Performance Guarantee(re: Flint Creek ProMed Subdivision).

Upon roll call the vote was:

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

President Pro Tem Raclaw declared the motion carried.

15. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD

None

16. CLOSED SESSION

Board Action

At approximately 8:15 p.m., a motion was made by Trustee Schofield 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.

17. ACTION TO BE TAKEN FROM CLOSED SESSION

A. CONSIDERATION OF A RESOLUTION REGARDING CLOSED SESSION MINUTES

Board Action

A motion was made by Trustee Burke and seconded by Trustee Schaller to pass Resolution No. 2011-R-10, a Resolution Regarding the Release of Closed Session Minutes.

Upon roll call the vote was:

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

President Pro Tem Raclaw declared the motion carried.

18. OTHER

None

19. ADJOURNMENT: A motion was made by Trustee Raclaw and seconded by Trustee Burke to adjourn the meeting. The voice vote was unanimous, the motion carried, and the meeting was adjourned at approximately 8:23 p.m.

Respectfully submitted,

Loretta Peterson
Village Clerk
Recording Secretary