

**VILLAGE OF LAKE BARRINGTON
MINUTES OF THE REGULARLY SCHEDULED MEETING
OF THE BOARD OF TRUSTEES HELD NOVEMBER 1, 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 Tuesday, November 1, 2011, and was called to order by President Richardson at 7:01p.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, Schofield, Schaller, and President Richardson

Trustee Mitchell entered the meeting at 7:26 p.m.

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 was not permitted to attend 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: Village Administrator Martin, Village Accountant Vernon, and Village Clerk Peterson

Others Present: Village Attorney J. Bateman, Assistant Village Attorney R. Bateman and Zoning Board Member Fortman

3. PLEDGE OF ALLEGIANCE

4. CONSIDERATION OF MINUTES

A. Minutes of the Rescheduled Board of Trustees Meeting held October 11, 2011

Board Action

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

President Richardson announced the meeting would be heard out of sequence.

5. PRESIDENT'S REMARKS (President Richardson)

A. Barrington Bank & Trust Land Donation to Citizens for Conservation

Sam Oliver and Patsy Mortimer of Citizens for Conservation (CFC), and Brad Stetson, Chairman and CEO of Barrington Bank and Trust (BB&T), were introduced. President Richardson spoke of the familial relationship between the Village and CFC, and he announced Barrington Bank & Trust's donation of land to CFC resulting in the expansion of Flint Creek Savanna South. Ms. Mortimer gave highlights and Mr. Stetson commented on the donation of the land. President Richardson thanked Mr. Stetson, and Barrington Bank and Trust for being a good corporate citizen, and expressed appreciation for their commitment to the community. Board members individually joined President Richardson in commending and expressing gratitude to both CFC and BB&T.

B. Other: None

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

Bob Bilocerkowycz, 25228 Cayuga Trail, spoke on behalf of the Farm Trails subdivision, expressing their gratitude to the Village for the recently completed road and drainage work in their subdivision. He praised President Richardson and the Board for their leadership and for being responsive to community concerns and issues. He recognized Trustees Burke and Mitchell, Mr. Martin and President Richardson for meeting with residents regarding the project. He commended the Village's ability to be fiscally responsible while balancing community and Village needs.

President Richardson recognized Assistant Village Attorney Rebecca Bateman.

7. CONSENT AGENDA-None

8. TREASURER'S REPORT:

Ms. Vernon reported on behalf of Mr. Purcell.

A. Approve Ordinance No. 2011-O-23, a Tax Levy Ordinance for Fiscal Year 2011/2012. The Board considers the tax levy ordinance on an annual basis.

B. The first five months showed net income of \$291,452. Sales Tax Revenue is up \$32,580 over the same period last year. The Village collected \$385,570 in real estate taxes and the State owes the Village over \$176,000. The General Fund Equity is \$171,786 more than this time last year. She also reviewed road maintenance expenses and the Motor Fuel Tax Fund equity balance

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

Board Discussion

Comments were made and discussion held regarding the Village's low property tax rate, application of revenues, and possible interpretation of the tax levy ordinance spreadsheet. President Richardson asked Mr. Martin and Ms. Vernon to write an article for the newsletter regarding the Village's financial planning process.

Board Action (A-D)

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

- A. Approve Ordinance No. 2011-O-23, a Tax Levy Ordinance for Fiscal Year 2011/2012.
- B. Approve the Financial Statements as of 9/30/11.
- C. Pay Bills in the amount of \$ 280,679.16 as Listed on the Accounts Payable Warrant "A" Dated November 1, 2011.
- D. Pay Bills in the amount of \$ 18,561.07 as Listed on the Accounts Payable Warrant "B" Dated November 1, 2011.

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.

9. ADMINISTRATOR'S REPORT

Mr. Martin reported on the following:

- A. 2011 Conservation and Native Landscaping Award: The Village received notification that the USEPA and Chicago Wilderness selected the Village's naturalized detention basin retrofit for the award. Information regarding presentation of the award was announced. He thanked the Flint Creek Watershed Partnership and Trillium Native Landscaping who were involved in the project.
- B. OSLAD Update: Mr. Martin gave a presentation for the grant in Springfield along with 65 other applicants.
- C. Other: Buckthorn removal will begin at the Gibbs property in 2-3 weeks and the gateway signage will be discussed at a future Board meeting. ComEd began the electric line project which the Village is partially funding.

10. CLERK'S REPORT

Ms. Peterson reported on the following:

- A. New Voter Cards: Residents are to discard old cards and replace with the new cards.
- B. BACOG Water Quality Testing Program: Test kit pick up and water sample drop off dates and times were announced.
- C. Yard Waste Pick Up Ends November 23
- D. Other: Community events and workshops were announced. Trustee Schofield stated the Cuba Township Fall Festival was a success and that it collected a lot of food and money for the pantry.

11. REPORTS OF STANDING COMMITTEES

- A. Communications and Community Relations (C. Mitchell): Trustee Mitchell stated a group of high school students collected 37 bags of food for the Cuba Township food

drive from Farm Trails residents. He surmised how much food could be collected in a Village-wide event and made the suggestion the Village consider a food collection program. He is planning on giving a presentation on communications.

- B. Environment & Open Space (L. DeJesu):** Trustee DeJesu reviewed open burning regulations and asked residents to be considerate of neighbors.
- C. Finance, Human Resources and Economic Development (D. Raclaw):** Trustee Raclaw noted the audit was presented last month and a human resources item will be addressed at the end of the year. There were several successful meetings this past month including a discussion with Mr. Gardner of Houseal Lavigne. He is encouraged as the Village is narrowing its focus for economic development. Trustee DeJesu talked about a new resale shop on Pepper Road located in a commercial strip with other resale shops and how the business owner told her how swamped they were since they opened recently. Mr. Martin indicated that in July the Village had its highest sales tax collection month in seven years. President Richardson recounted conversations he had with the owners of Fidelity Motor Group and Treetime Christmas Creations regarding their recent successes. Trustee Mitchell noted the Lake Barrington Field House's marketing outreach.
- D. Gated Communities (J. Schaller):** Trustee Schaller reported on the underground installation of electric lines in front of LBS and that the first annual Run the Shores was a success. More landscape activity is set for Tallgrass
- E. Intergovernmental & External Relations (K. Richardson):** President Richardson was approached indirectly to endorse smart grid legislation which he declined, because he had not discussed it with the Board. He reported on veto session activity including a review of property tax cap legislation. He invited Lake County Board Chairman Stolman to visit with southwest Lake County officials. Trustee Raclaw, who attended the last BACOG meeting, reported discussion was held on purchasing third party electrical power as a community. Trustee Schaller shared LBS experience with electrical aggregation and Trustee Schofield raised concern for service prioritization for those who choose to participate. Mr. Bateman explained the process the Village would need to follow to implement such a program.
- F. Public Safety (J. Schaller):** Trustee Schaller reported Mr. Martin is coordinating an emergency response management meeting with first responders. Trustee DeJesu shared a situation involving a fallen tree which blocked normal access to a subdivision. Trustee Raclaw reported on BACOG's discussion to form a BACOG regional emergency response management committee.
- G. Roads and Infrastructure (A. Burke):** Trustee Burke reflected on comments of gratitude given on behalf of Farm Trails earlier in the meeting and he recounted how the Board was open to the subdivision's activism and exchange of ideas. He commended Farm Trails residents for working with the Village to resolve various issues. He also recognized Cuba Township Road District Commissioner Tom Gooch, Mr. Martin and the consultant engineers from Gewalt Hamilton. The Roads and Infrastructure Committee is meeting in November to begin next year's plan. Mr. Martin reported on the projects that were completed in 2011.
- H. Village Hall and Grounds (C Schofield):** Trustee Schofield stated the committee is waiting on the OSLAD grant announcement and that adjustments will be made for implementation of the Freier Farm plan if it is not awarded.

12. OLD BUSINESS-None

13. ORDINANCES

A. CONSIDERATION OF AN ORDINANCE TO GRANT A SPECIAL USE PERMIT FOR A VEHICLE REPAIR SERVICE AT 28147 COMMERCIAL AVENUE, UNIT 8 – MW AUTOWERKS, INC. d/b/a DEVO 2NING.

Staff was informed today that the property owner is objecting the condition for landscape screening. The tenant wants to proceed. Staff informed the owner they need to work it out with the tenant and that the Board will consider the item at the next meeting.

Board Action

President Richardson announced that there being no objections the item would be tabled until the December Board meeting.

B. CONSIDERATION OF AN ORDINANCE TO GRANT A SPECIAL USE PERMIT FOR A FITNESS SCHOOL AT 28066 aka 28064 COMMERCIAL AVENUE, UNITS 8 & 9– UNDERGROUND PERFORMANCE LLC d/b/a CROSSFIT BARRINGTON.

Mr. Martin reported the Plan Commission at its meeting on October 13 voted unanimously to recommend approval of a special use permit to allow for the operation of Crossfit Barrington, a fitness school, at 28066 aka 28064 Commercial Avenue, Units 8 & 9. The ordinance includes a provision for potential expansion of the business based on certain conditions and submittal of a request in writing.

Chris Bluse, Co-owner, 211 E. Hillside, Barrington, explained the concept of the fitness business and provided information regarding his background and training in fitness.

Trustee Mitchell entered the meeting.

Board Discussion

Discussion was held and comments were made regarding a past fire at the location, how the building is on well and septic and the ability for them to meet capacity for this type of use, and competition with other athletic facilities. Mr. Bluse answered questions regarding the type of fitness training he provides, hours of operation, and parking and lighting. Upon inquiry, Mr. Bateman indicated the property was excluded from the special service area by court decree following legal action.

Board Action

A motion was made by Trustee Schofield and seconded by Trustee Schaller to pass Ordinance No. 2011-O-22, an Ordinance Granting a Special Use Permit to Allow for a Fitness School on the Property at 28066 aka 28064 Commercial Avenue, Units 8 & 9.

Upon roll call the vote was:

Ayes: Trustees Burke, DeJesu, Raclaw, Schaller, Schofield,
and President Richardson
Nays: None
Abstain: Trustee Mitchell

Absent: None

President Richardson declared the motion carried.

**C. CONSIDERATION OF AN ORDINANCE TO AMEND THE ZONING CODE:
INDOOR RECREATION**

Mr. Martin reported the Plan Commission at its meeting on October 13 voted unanimously to recommend approval of a zoning text amendment to define and permit the operation of indoor recreation as a special use among other minor items, in the M, B and O zoning districts. The specification of health and fitness businesses was recommended, because more fitness type businesses are approaching the Village. Mr. Bateman explained why he is removing moving and storage facilities as a use from the B Business zoning district, and upon inquiry, explained why some other business categories are included as a special use to defend zoning regulations.

Board Action

A motion was made by Trustee Burke and seconded by Trustee Raclaw to pass Ordinance No. 2011-O-24, an Ordinance Amending Title 8, "Zoning Regulations" to define and add "Indoor Recreation" as a special use in the M, B and O zoning districts and for other miscellaneous amendments.

Upon roll call the vote was:

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

Nays: None

Abstain: None

Absent: None

President Richardson declared the motion carried.

**D. CONSIDERATION OF AN ORDINANCE TO AMEND THE VILLAGE CODE:
FREEDOM OF INFORMATION ACT AND RELATED FEES PER PA 97-0579**

Mr. Bateman explained, Public Act 97-0579 amended FOIA to define and address "recurrent requesters", to allow fees to be charged by public bodies for commercial requests within certain parameters, and to eliminate the pre-approval that fall within the personal privacy and draft document exemptions. The Ordinance amends the Village's FOIA to reflect the new law.

Board Action

A motion was made by Trustee Schaller and seconded by Trustee Raclaw to pass Ordinance No. 2011-O-25, an Ordinance Amending Title 1, "Administration" for FOIA Amendments per PA 97-0579.

Upon roll call the vote was:

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

Nays: None

Abstain: None
Absent: None

President Richardson declared the motion carried.

14. NEW BUSINESS

A. CONSIDERATION OF A RESOLUTION APPROVING THE EXTENSION OF TIME FOR A PERFORMANCE GUARANTEE - ENCLAVE OF HERITAGE ESTATES

Mr. Martin reviewed the agenda summary. The Enclave of Heritage Estates Subdivision's Letter of Credit in the amount of \$475,687.00 is expiring January 31, 2012. The improvements have not been completed to date. The Resolution grants an extension of the Letter of Credit to January 31, 2013, requires all improvements required in the subdivision be completed on or before September 1, 2012 and provides the Village with the means to draw upon the funds of the existing Letter of Credit if the Letter of Credit is not provided to the Village by December 30, 2011.

Board Action

A motion was made by Trustee Schofield and seconded by Trustee DeJesu to pass Resolution No. 2011-R-21, a Resolution Approving the Extension of Time for a Performance Guarantee (Re: Enclave of heritage Estates Subdivision).

Upon roll call the vote was:

Ayes: 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 CONTRACT FOR MARKET ANALYSIS AND PLANNING SERVICES – PEPPER ROAD BUSINESS PARK

Mr. Martin reviewed that at the recent planning workshop held July 16 and discussed in previous years, staff was directed to secure a market analysis for the Pepper Road Business Park. He shared Houseal Lavigne Associates experience for this type of analysis and that this study will be paid from water fund reserves as uses and desired outcomes directly impact this utility and SSA #3. He described the services to conduct a detailed market assessment and to determine and create schematic plans/drawings to visualize desirable uses that could be located on various properties in the Park.

Dan Gardner, Associate, Houseal Lavigne, gave background on the company and the planning process they will use.

Board Discussion

Discussion was held, inquiries addressed by Mr. Gardner and comments made regarding businesses the Board would like to have in the Village, support for the consultant study, how the study will take into consideration existing businesses,

similarities between Lake Barrington and other towns that Houseal Lavigne has done this type of study for, the return on investment to conduct this study and the need to have a professional firm to do this work, branding the Village as business-friendly and pro-business, the inclusion of input from existing businesses and other leaders and stakeholders in the development of the plan.

Board Action

A motion was made by Trustee DeJesu and seconded by Trustee Raclaw to pass Approved Contract for Market Analysis and Planning Study of the Pepper Road Business Park Not to Exceed \$25,000.

Upon roll call the vote was:

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

President Richardson declared the motion carried.

15. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD

None

16. CLOSED SESSION

The Board did not enter closed session.

17. ACTION TO BE TAKEN FROM CLOSED SESSION

The Board did not enter closed session.

18. OTHER

Upon inquiry, Mr. Martin stated the park district is doing drainage work around the tennis court.

19. ADJOURNMENT: A motion was made by Trustee Burke and seconded by Trustee Schaller to adjourn the meeting. The voice vote was unanimous, the motion carried, and the meeting was adjourned at approximately 9:03 p.m.

Respectfully submitted,

Loretta Peterson
Village Clerk
Recording Secretary