

**MINUTES OF A MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD WEDNESDAY,
JULY 25, 2007 AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD**

I. Call to Order and Roll Call

At 7:35 p.m. President Sauer called the Meeting to order. The Deputy Village Clerk led the Pledge of Allegiance, and then called the roll:

Present in Person: President Sauer, Trustees Boland, Farrell, Kolar, Pino, Weiner and Contorno (arriving at 7:40 p.m.)
Absent: None
Also Present: Kathy Nelander, Village Administrator
Nancy Harbottle, Village Attorney
Roberta A. Svacha, Village Treasurer
Kris Lennon, Deputy Village Clerk
Joe Arizzi, Wauconda Fire Department
Bruce Kramper, 178 Pheasant Run Trail
Warren Nass, 107 Mohawk Drive
Mr. & Mrs. Wayne Onyx, 452 Eton Drive
Gabriela Maganlal, 811 Verdi Court, Woodstock
Carolyn Boyle, 425 Kimberly Road
Bill Powell, 230 Crooked Lane

II. Public Comment

There is no one who wished to speak.

III. Consent Agenda

Item:

D. Reduce Subdivision Bond for West Oaksbury Estates

was removed from the Consent Agenda for discussion.

Motion: Trustee Weiner moved approval of the following consent agenda items; seconded by Trustee Boland.

- A. Approve Minutes of Board Meeting - 6/27/07**
- B. Approve the 7/25/07 Vouchers for payment of bills**
- C. Approve the Treasurer's Report for the 2nd month of Fiscal Year 2008**
- E. Resolution # 2467 appointing Jennifer Christian Haidu, Parks and Recreation Commission Member**

- F. Resolution # 2468 appointing Bruce Kramper, Vice Chairman Environmental & Health Commission**
- G. Resolution # 2469 appointing Dan Nass, Vice Chairman Plan Commission**
- H. Resolution # 2470 appointing Pete Wesley, Environmental & Health Commission Member**

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: President Sauer, Trustees Boland, Farrell, Kolar, Pino, and Weiner
Nays: None
Absent: Contorno
Abstain: None

President Sauer declared the motion approved.

Item removed for the Consent Agenda for further discussion:

D. Reduce Subdivision Bond for West Oaksbury Estates

The Village received a proposal from John Markham on behalf of K Court Partners LLC to reduce the (\$355,184.00) value of Subdivision Bond No. 1011908 for the West Oaksbury Estates Subdivision. Baxter & Woodman submitted a recommendation that the Subdivision Bond be reduced by an amount of \$215,335.50 to a new amount not less than \$139,848.50.

Trustee Boland stated that the recommended retainage (the value of the work remaining \$127,135.00 x 110 %) is not enough and suggested that 125 % is more appropriate. He wants to make sure that there are sufficient funds for the Village in the event that the Village needs to complete or redo any work.

Motion: Trustee Boland moved to approve the reduction of Subdivision Bond No. 1011908 for the West Oaksbury Subdivision using a recommended retainage in the amount of not less than \$158,918.75; seconded by Trustee Weiner.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: President Sauer, Trustees Boland, Farrell, Kolar, Pino, and Weiner
Nays: None
Absent: Contorno
Abstain: None

President Sauer declared the motion approved.

Trustee Kolar stated that there was recent discussion among the Plan Commission about placing a stop sign on Honey Lake Road at the intersection of Old Oak Road and Honey Lake Road. Trustee Kolar stated that some residents have inquired about placing a stop sign on Honey Lake in order to slow traffic.

Trustee Boland stated that a traffic count should be considered if there is a problem of speeding on Honey Lake Road.

President Sauer stated it would be beneficial to have the West Oaksbury Estates Subdivision completely developed prior to considerations of a stop sign on Honey Lake Road. President Sauer requested that Trustee Kolar research the issue and provide documentation for future consideration.

Further discussion followed about traffic on Honey Lake Road.

Village Attorney Nancy Harbottle stated that the Village's Engineers would be able assist in assimilating traffic information and suggested they frequently do traffic studies and traffic counts.

IV. AMENDMENTS / VARIATIONS

A. Ordinance # 1118 Right of Way Ordinance, as applies to Telecommunication Companies

The Ordinance had been made available to the Board in their packet materials. The ordinance was developed and recommended by the Illinois Municipal League (IML) claiming that relief is needed in order to overcome a monopolistic advantage by Comcast and AT&T sponsored legislation which, in its original form would have allowed AT&T (and others) to put installations, including their new communication "boxes" at any point along rights-of-way of municipalities.

Trustee Boland asked if the Ordinance was for passage or general discussion.

Village Attorney Nancy Harbottle replied that the ordinance was a model ordinance which came from the IML. There is concern about actions taken by AT&T and other telecommunication providers regarding their rights along public right-of-ways. She also noted that Village Attorney J.W. Braithwaite recommended that the Village pass this ordinance soon. The ordinance will benefit the Village.

Trustee Pino asked how many municipalities have adopted the ordinance.

Village Attorney Nancy Harbottle replied she did not know the exact number, however, they are planning to adopt it in all of their villages. Village Administrator Kathy Nelander stated that half of BACOG (Barrington Area Council of Governments) had adopted it.

President Sauer said that he was in favor of the ordinance because it would provide protection on Village right-of ways. He recommended that the Board vote on the issue during the evening's meeting.

Trustee Boland stated that parts of the ordinance were not applicable to the Village. He stated that the ordinance makes reference to the Metropolitan Water Reclamation District on page 10 of the contract; Trustee Boland stated the Village is not involved with that district. Additionally, there were concerns within the ordinance about payment of interest accrued on the amount of the security fund; and there is a typographical error on page 16. Trustee Boland asked if he could review the language of the ordinance with Village Attorney J.W. Braithwaite.

President Sauer recommended that the Board vote on the ordinance subject to legal approval.

Motion: Trustee Weiner moved to adopt Ordinance # 1118 subject to legal review and approval; seconded by Trustee Pino.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Boland, Contorno, Farrell, Kolar, Pino, and Weiner

Nays: None

Absent: None

Abstain: None

President Sauer declared the motion approved.

B. Ordinance #1119, Environmental & Health/Zoning Variation, Allendorfer, 448 Eton Drive

The Ordinance had been made available to the Board in their packet materials. President Sauer explained the variance to the code requested by Mr. & Mrs. Allendorfer.

ZR-10-6-3(A): R-3 Residential Zoning District requires that each lot have an area of at least 40,000 square feet.

The lot area of the subject property is 36,159 square feet.

ZR-10-1-2(B) and ZR-10-4-2(A,1,b): A non-conforming building or use shall not be expanded.

The subject property is non-conforming due to lot size.

President Sauer invited Mr. Allendorfer to address the Board. Mr. Allendorfer explained that his family is growing and that they have outgrown their house; they would like to build an addition. The existing house will be left in place and only the garage and roof will be removed.

Chairman of the Zoning Board of Appeals (ZBA) Commission, Warren Nass, commented that the ZBA Commission voted unanimously in favor of the variance request. He also stated that there were no neighbors who objected to the variance request.

Trustee Kolar wanted to verify that the addition complies with the Lot Coverage Ratio Ordinance as well as the Village's building height requirements. Trustee Kolar asked about the septic system. He inquired if the Village would be setting a precedent by placing a new septic system over an existing septic.

President Sauer replied that this is the first time a new septic system will be placed over an existing septic system, however, the Village's Health Officer, Natalie Karney approved it.

Trustee Kolar asked if the septic system would be sufficient for the addition that is being added.

President Sauer stated that the Village's Building and Zoning Officer, Kelly Rafferty reviewed and approved the addition. Mr. Allendorfer additionally stated that his architect had lengthy discussions with Mr. Rafferty.

There was discussion among the Board about the extended garage. Mr. Allendorfer explained that the extension will allow additional cars to be parked.

Trustee Weiner stated for the record that as a neighbor, that he welcomes the addition. Trustee Weiner asked if Mr. & Mrs. Wayne Onyx, 452 Eton Drive had any objections. Mr. & Mrs. Onyx stated they did not have any objections.

Trustee Boland expressed concern about the language within the ordinance; specifically the relocation of the existing well if a septic expansion field is need in the future. Trustee Boland stated he thought the agreement should be recorded as a covenant against the land for future owners; additionally, the language on the last page of the ordinance should be amended to include his successors and assignees.

Motion: Trustee Boland moved to adopt Ordinance # 1119, granting approval of the variance request for Mr. & Mr. Allendorfer to construct additions and renovations to the existing home at 448 Eton Drive using the plans as prepared by David Forte of Forte Architects Ltd., last dated June 19, 2007 subject to legal review and approval; seconded by Trustee Weiner.

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Boland, Contorno, Farrell, Kolar, Pino,
and Weiner
Nays: None
Absent: None
Abstain: None

President Sauer declared the motion approved.

Mr. Allendorfer asked if he has to apply for a building permit within a certain amount of time once the variance is approved. It was determined that when a variance request is approved, the resident must apply for a building permit within a six month period but can apply for an extension if needed.

C. Ordinance # 1120, Zoning Variation, Pais, 180 Clover Hill Lane

The Ordinance had been made available to the Board in their packet materials. President Sauer explained the variance to the code requested by Mr. Pais.

ZR-10-2-1: Accessory vehicular storage structures shall have a maximum area of seven hundred fifty (750) square feet.

The existing detached garage is approximately 517 square feet in area. The proposed addition will be approximately 522 square feet in area. The total area of the detached garage will be approximately 1,039 square feet.

President Sauer invited ZBA Chairman, Warren Nass to speak on behalf of Mr. Pais who was unable to attend the meeting. Chairman Nass explained that Mr. Pais is seeking a zoning variance in order to build a larger detached garage. Mr. Pais is also cleaning up the property by taking down two existing sheds. The garage will be extended from the rear so that the width and view from the front of the house will remain the same. The house is located in a heavily wooded area.

Chairman Nass explained that the ZBA Commission voted in favor of the variance request.

Motion: Trustee Kolar moved to adopt Ordinance # 1120, granting approval of the variance request for Mr. Pais to construct an addition onto the existing detached garage for the existing home at 180 Clover Hill Lane by using the proposed plans as submitted; seconded by Trustee Weiner.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Boland, Contorno, Farrell, Kolar, Pino, and Weiner
Nays: None
Absent: None
Abstain: None

President Sauer declared the motion approved.

D. Ordinance # 1121, Zoning Variation, Powell, 230 Crooked Lane

The Ordinance had been made available to the Board in their packet materials. President Sauer

explained the variance to the code requested by Mr. & Mrs. Powell:

ZR-10-6-3(A): R-3 Residential Zoning District requires that each lot have an area of at least 40,000 square feet, a width of 115 feet at the front lot line and an average width of at least 130 feet.

The subject property has a lot area of approximately 31,785 square feet, a lot width of 100 feet at the front lot line and an average width of approximately 100 feet. As such, the subject property is non-conforming.

ZR-10-1-2(B) and ZR-10-4-2(A1b): A non-conforming building or use shall not be expanded.

The subject property is non-conforming on account of lot area and lot width.

ZR-10-9-2(B): From each side line the setback shall not be less than ten percent (10%) of the average width of the lot or ten feet (10'), whichever is greater.

The subject property has an average lot width of the approximately 100 feet therefore the required side setback shall be 10 feet. The proposed wood deck will be located approximately 1 foot from the side lot line, representing a side setback encroachment of approximately 9 feet.

President Sauer invited ZBA Chairman, Warren Nass to speak on behalf of Mr. William Powell who was not in attendance at this portion of the meeting (but arrived at a later time). Mr. Powell is seeking a variance request in order to construct a wood deck. The proposed wood deck will located approximately 1 foot from the side lot line, representing a side setback of approximately 9 feet. Chairman Nass explained that the ZBA Commission approved the variance request however, five voted in favor and two voted against the request. The adjacent neighbor located at 234 Crooked Lane, Mr. & Mrs. Lessman, submitted a letter stating that they are not objecting to the Powell's request.

There was discussion among the Board about establishing a precedent by allowing a 1 foot setback. There was also discussion about the unusual side lot line of the property.

Trustee Weiner inquired about legal ramifications of allowing a 1 foot setback.

Village Attorney Nancy Harbottle recommended that if the Board considers granting the variance request, that there needs to be specific conditions distinguishing 234 Crooked Lane from any other property within the Village. The proposed ordinance, as written, does not do that. (Mr. Powell arrived during this portion of the meeting.) Attorney Harbottle also recommended

that an exhibit be submitted that specifically shows that there is no impact to the surrounding properties due to the configuration of the property.

Mr. Powell addressed the Board. President Sauer explained the unusual circumstances surrounding his request. Mr. Powell confirmed. Mr. Powell provided photographs with a view from the Lessman's property, 234 Crooked Lane, toward the proposed deck.

Village Attorney Nancy Harbottle recommended tabling the issue until the next Village Board meeting.

Trustee Pino inquired about a conditional usage for the wood deck. Attorney Harbottle stated there can be a variation with a sunset clause (language to include time limitations).

Village Attorney Nancy Harbottle recommended that Mr. Powell provide an exhibit(s) which includes the location of the adjoining property. Mr. Powell would have to request and pay for the exhibits from the Village Building and Zoning Officer, Kelly Rafferty; an estimate for the exhibits will be provided. The Village Attorney will assist in revising the language of the ordinance.

Motion: Trustee Boland moved to table the matter; seconded by Trustee Kolar.

Discussion: There was some discussion.

Vote on Motion

<u>By Roll Call:</u>	Ayes:	Trustees Boland, Contorno, Farrell, Kolar, Pino, and Weiner
	Nays:	None
	Absent:	None
	Abstain:	None

President Sauer declared the motion approved and the matter tabled until the August Board meeting.

V. COMMISSION AND STAFF REPORTS

President Sauer stated that the following items were contained in the Trustee's packets and if there were any questions, to contact the appropriate Commission Chair or Village Officer.

- A. Building Department Report (Kelly Rafferty – Rafferty Architects)**
- B. Building Inspection Report (B&F Technical Code Services Inc.)**
- C. Engineering Project Status Report (Andrea Pracht – Baxter & Woodman)**
- D. Health & Sanitation Report (Natalie Karney – Land Technology)**
- E. Environmental & Health Commission Meeting Minutes (7/10/07)**
- F. Plan Commission Meeting Minutes (7/9/07)**
- G. Zoning Board of Appeals Public Hearing Minutes (7/10/07)**

VI. ADMINISTRATION – President Bruce Sauer

A. Consulting Proposal

At the previous Board meeting, President Sauer requested that the Trustees review and consider a proposal submitted by Frank Tripicchio to be contracted as North Barrington’s consultant for Public Works. Schedules of engineering rates from Baxter & Woodman, Inc. and Gewalt Hamilton Associates, Inc. were distributed to the Board.

Trustee Weiner stated that Mr. Tripicchio would be a valuable asset to the Village. Trustee Weiner recommended paying Mr. Tripicchio, as a consultant, on an as needed basis, in the amount of \$90.00/hour, as opposed to the monthly retainer plan as Mr. Tripicchio proposed.

Trustee Kolar commented \$90.00/hour is a reasonable amount due to the fact that Mr. Tripicchio is not a licensed engineer.

Trustee Boland asked if the Village uses the Internal Revenue Service’s fixed rate for mileage. It was determined that the fixed rate is .48 cents/mile.

President Sauer stated that the Village currently has (2) engineers working with the Village and Cuba Township. President Sauer stated that he likes the idea of utilizing Mr. Tripicchio on an as needed/project basis.

Trustee Boland stated that the Village may be able to reduce outside engineering costs by using Mr. Tripicchio’s services. Additionally, Mr. Tripicchio may be able to eliminate duplicate work and costs through his knowledge and experience.

Motion: Trustee Weiner moved to retain Frank Tripicchio as an independent consultant for Public Works on an as needed basis at the rate of \$90.00 per hour; seconded by Trustee Boland.

Discussion: There was some discussion.

Vote on Motion

<u>By Roll Call:</u> Ayes:	President Sauer, Trustees Boland, Contorno, Farrell, Kolar, Pino, and Weiner
Nays:	None
Absent:	None
Abstain:	None

President Sauer declared the motion approved.

B. Village of North Barrington joining Village of Lake Zurich Disaster Plan

President Sauer explained that the Village received a letter from Chief Terry Mastandrea of the Lake Zurich Fire Department acknowledging the Village’s desire to be part of the Lake Zurich Disaster Plan. The letter outlined potential challenges. President Sauer met with Chief

Mastandrea and explained that the Village is not looking to tax Lake Zurich's resources but actually add N. Barrington's resources to their plan. The letter has been sent to the Village Attorney for review. The Village will be working in full cooperation with Lake Zurich.

C. Sign Placement Request

President Sauer explained that the Village received a letter from Chapters IM, KF, and MO of the P.E.O. Sisterhood in Barrington requesting permission to place a Rummage Sale sign at the intersection of Routes 59 and 22 from Sunday, August 19 to Saturday August 25th. The sign will be removed on August 25th. The Rummage Sale will be held at Langendorf Park Gym on Friday, August 24th and Saturday, August 25th.

Motion: Trustee Boland moved to approve permission for the P.E.O. Sisterhood of Barrington to place a Rummage Sale sign at the intersection of Routes 59 and 22 from Sunday, August 19 to Saturday August 25th; seconded by Trustee Weiner.

Discussion: There was some discussion.

Vote on Motion

<u>By Roll Call:</u> Ayes:	Trustees Boland, Contorno, Farrell, Kolar, Pino, and Weiner
Nays:	None
Absent:	None
Abstain:	None

President Sauer declared the motion approved.

VII. REPORTS BY BOARD OF TRUSTEES

A. Trustee Boland

Trustee Boland reported that he was unable to attend the Summer Concert, Bopology on July 21st, however reported that there was a nice turnout.

B. Trustee Contorno

Trustee Contorno had nothing to report.

C. Trustee Farrell

Trustee Farrell reported that Plan Commission discussed the possibility installing sprinkler systems in newly constructed single family homes. Guy Trayling of the Lake Zurich Fire and Rescue Department spoke about the necessity of sprinkler systems at the Plan Commission meeting on July 9th. Trustee Farrell reported that at this point, the issue is merely investigative.

Trustee Farrell reported that Pam Tichy, 77 S. Wynstone Drive, approached the Plan Commission and presented her ideas for a possible non-profit community science center on the property located at 566 Miller Road. A subcommittee was formed to assist Ms. Tichy in working through the early stages of the project. There are two members from the Plan Commission, two members from the Environmental & Health Commission, and one resident serving on the subcommittee.

There was discussion among the Board about School District 220 purchasing the property at 566 Miller Road.

President Sauer stated he will be meeting with Tom Leonard and Brian Battle from School District 220; if anyone has questions pertaining to the school district, they should place it in writing and submit it to him.

Trustee Farrell stated that her question for District 220 would be that she had heard that N. Barrington Elementary School, 310 N. Highway 59, has been pressured by the state for the last 4 to 5 years to add another entrance into the school on Miller Road. President Sauer stated that he had not heard that, but would inquire at his meeting with the school district.

President Sauer stated that he spoke with Sam Sinacore, Chief of Police of Tower Lakes. Chief Sinacore will be sending officers to the N. Barrington Elementary School to assist with school traffic at the beginning of the school year. President Sauer stated that the traffic problem is an issue that is still being worked on.

D. Trustee Kolar

Trustee Kolar reported that the Woodland Drive Culvert project looks spectacular.

President Sauer stated that he sent an email to Baxter & Woodman regarding the landscaping design for the Woodland Drive Culvert. President Sauer will forward the designs to Trustee Kolar for review upon receipt. Additionally, the culvert will be stained a natural color. The Village plans to place a test board on site in order for the residents to view the color selections. President Sauer stated the project is ahead of schedule however, the street will not be opened up until the landscaping is complete. The overhead wires over the bridge may need to be raised due to the road being raised an additional 2 feet. The Village will be contacting ComEd to investigate.

Trustee Kolar reported on the Village's 2007 Road Program and that the concrete ribbons on Golfview, Crooked Lane, Drury and Eton are staked out.

President Sauer also stated that Patricia Wadsworth, 267 Woodland Drive, previously addressed the Board with her concerns regarding the Woodland Drive Culvert Replacement Project. She expressed concern that the project may increase the water problem she has been experiencing at

the end of her driveway. The Village approved a plan by Gewalt Hamilton, Inc. to repair her driveway as well as Brookside Drive.

President Sauer briefed the Board on the buckthorn removal within the Village. A complaint was received about buckthorn growing over the street and on the right-of-way of 71 Saddle Tree Lane. Cuba Township addressed the issue and removed the buckthorn.

President Sauer explained that the Village issued a denial letter to 71 Saddle Tree Lane regarding Mr. & Mrs. Boonstra's permit application to construct a flight cage. President Sauer stated that the Boonstras must now go through the Zoning Board of Appeals variation process.

E. Trustee Pino

Trustee Pino explained that the Zoning Board of Appeals met July 10th to consider zoning variation requests.

F. Trustee Weiner

Trustee Weiner reported that Bruce Kramper, Vice Chair of the Environmental & Health (E&H) Commission put together a proposed draft of a leaf burning ordinance for the E&H Commission to review and possibly vote on at the August 7th meeting.

Trustee Weiner reported on Village beautification. The E&H Commission is awaiting possible suggestions and will then discuss the location of where the improvements should be done. The Commission agreed to have Cuba Township do the work, if they are willing to participate.

Trustee Weiner stated that the Deer Study issue has been tabled.

Trustee Weiner commented on mosquito spraying within the Village. He suggested that if the Village should encounter a heavy infestation of mosquitoes then perhaps the Village should spray more frequently. President Sauer mentioned that one of the goals of the Woodland Drive Culvert Project is to clean up the streams in order to reduce the amount of standing water. If the amount of standing water is reduced, there will be fewer mosquitoes.

Trustee Weiner stated that he attended a Solid Waste Agency of Lake County meeting on June 28th.

Trustee Weiner reported that he has yet to receive a proposal from Edward Belmonte of V3 Companies, Ltd regarding the evaluation of the salinity sources and impacts to Honey Lake and Flint Creek. He is interested in obtaining different proposals. Trustee Weiner reported that he is planning to attend an upcoming Flint Creek Watershed Project meeting on August 27th. President Sauer stated that the Village should try to obtain the salinity evaluations before winter and prior to salt being distributed on the streets.

Trustee Weiner requested a copy the Honey Lake Salinity Report submitted by Biltmore Country Club.

VIII. CLOSED SESSION

There was no closed session.

IX. OLD BUSINESS

Trustee Kolar asked if Cuba Township has a schedule for trimming the shoulders of roads within the Village. He has concerns about weeds in Biltmore.

President Sauer explained that there is a schedule, however, the Cuba Township also responds to complaints. President Sauer suggested Trustee Kolar contact Cuba Township.

X. NEW BUSINESS

Carolyn Boyle, 425 Kimberly Road, stated that she would like the Board to consider publishing the agenda material for Village Board meetings on the website or provide actual copies of the agenda material to the residents for their view. She stated it is unclear and hard to understand for those seated in the audience.

President Sauer thanked her for her comment.

XI. ADJOURNMENT

There being no further business to come before the Board, Trustee Weiner moved to adjourn the meeting; seconded by Trustee Contorno.

At 8:55 p.m. President Sauer declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held August 22, 2007.

Attest: _____

Kris Lennon, Deputy Village Clerk