

MINUTES OF A MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD MONDAY,
JULY 26, 2004 AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD

I. Call to Order and Roll Call

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

Present: Acting President Parker, Trustees Bartlett, Peterson and Sauer in person,
Trustee Mazeski (via teleconferencing per Res. #1073A)

Absent: Trustee Kim Forman

Also Present: Judy Janus, Village Administrator

Nancy Harbottle, Village Attorney

Al Stefan, Baxter & Woodman

Bobbie Svacha, Village Treasurer

Joseph Arizzi, Wauconda Fire Department

Julie Swano, 405 Concord Lane

David Carlson, Tony Rolante, 283 Kimberly Road

Dean and Jeanne Grant, 466 North Hill Drive

Pat Ryan, 404 Concord Lane

Brian Thomson, 580 Crooked Lane

Ted Gray, 632 Mitchell Ave., Elmhurst

Robert Nelander, 237 Beachview Lane

II. Public Comment

There was no one who wished to speak.

III: Consent Agenda

Acting President Parker explained that he was adding an item to the agenda, Item K, noting that the Resolution could be found on the Trustee's desktops. Acting President Parker explained that he was recommending the appointment of Pete Wesley to the Health and Sanitation Commission.

Motion: On motion of Trustee Peterson, seconded by Trustee Sauer, the following agenda items were unanimously approved by a single omnibus vote:

- A. Approve Minutes of Board Meeting (05/24/04), Special Board Meeting (07/12/04)
- B. Approve the July 26, 2004 Vouchers for payment of bills
- C. Approve the Treasurer's Report for the 2nd month of Fiscal Year 2005

- D. Adopt Ordinance #1041 Annual Appropriation Ordinance
- E. Approve Resolution #2330 appointing Cathy Howes as Member of the Parks & Recreation Commission
- F. Approve Resolution #2331 appointing Ken Peterson as Chairman of the Environmental Commission
- G. Approve Resolution #2232 appointing Terence Banach as Vice Chairman of the Commission
- Plan H. Approve Resolution #2233 appointing Jason Hagen as Member of the Plan Commission
- I. Approve Resolution #2234 Robert Strain as Member of the Health & Sanitation Commission
- J. Approve Resolution #2235 David Wilford as Member of the Health & Sanitation Commission
- K. Approve Resolution #2236 Pete Wesley as Member of the Health & Sanitation Commission

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Bartlett, Mazeski, Sauer and Peterson, Acting President Parker
 Nays: None
 Absent: Trustee Forman
 Abstain: None

Acting President Parker declared the motion approved.

IV. Variations/Subdivisions/Code Amendments

- A. Adopt Ordinance #1042 - Zoning Variation Ordinance Re: Carlson/Rotolante, 283 Kimberly Road

Acting President Parker explained the variances to the code requested by Messrs. Carlson and Rolante:

ZR-10-1-2(B) and

ZR-10-4-2(A1b): A non-conforming building or use shall not be expanded.
 Rugby The existing house is non-conforming on account of its setback off of Road.

ZR-10-9-2(A3): From all other public roads or streets the setback shall not be less than 60 feet.

required Based on the 60 foot right-of-way established for Rugby Road, the setback shall be 30 feet as measured from the property line. The

existing
line representing an

house is located approximately 18 feet from the property
existing encroachment of approximately 12 feet.

Acting President Parker invited Zoning Board of Appeals Chairman Warren Nass to address the Board and explain the variance request. Chairman Nass addressed the Board and noted that there were no objections from neighbors or Village Staff to the proposed additions and alterations to the home. Chairman Nass explained that the proposed garage and dining room additions complied with all setback and other zoning requirements, although other areas of the existing house did not comply with the required setback off Rugby Road; thus the house was considered non-conforming.

Chairman Nass explained that the proposed work would improve the property and would not affect adjacent property owners. Chairman Nass said that the variance request was unanimously approved by the Zoning Board of Appeals. There were some questions from the Board.

Motion: Trustee Peterson moved to adopt Ordinance #1042 allowing Messrs. David S. Carlson & Tony Rotolante to construct additions and alterations to the home at 283 Kimberly Road, using the preliminary plans prepared by Harry Swihart Architype, dated 5/25/04, with the requirement that a site plan showing the location of the septic tank, septic field and well, as well as a Property Alteration Permit from the Lake County Health Department be submitted, and that final architectural drawings would be required for review and permitting purposes; seconded by Trustee Sauer.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Bartlett, Mazeski, Sauer and Peterson, Acting President Parker
	Nays:	None
	Absent:	Trustee Forman
	Abstain:	None

Acting President Parker declared Ordinance #1042 approved and put on file.

B. Ordinance #1043 Zoning Variation Ordinance regarding Grant, 466 North Hill Drive

Acting President Parker explained the variances to the code requested by Mr. and Mrs. Dean Grant:

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 subject property (Lots 12, 13, 14, and 27 in Block 19 in Unit No. 1 of Biltmore Country Estates) has an area of approximately 29,913 square feet.

ZR-10-1-2(B) and

ZR-10-4-2(A1b): A non-conforming building or use shall not be expanded.
The subject property constitutes a legal non-conforming use on account
of its lot area.

ZR-10-9-2(A3): From all other public roads or streets the setback shall not be less
than 60 feet.

Based on the 60 foot right-of-way established for North Hill Drive, the
required setback shall be 30 feet as measured from the front property
line. The proposed covered porch will be located approximately 25 feet
from the front property line, representing an encroachment of
approximately 5 feet.

Acting President Parker invited Zoning Board of Appeals Chairman Warren Nass to address the Board and explain the variance request. Chairman Nass addressed the Board and noted that there were no objections from neighbors or Village Staff to the proposed additions and alterations to the home. Chairman Nass explained that the home was considered non-conforming because of lot area and required a zoning variance for any addition or reconstruction work. Chairman Nass explained that the proposed work would improve the property and would not affect adjacent property owners. Chairman Nass said that the variance request was unanimously approved by the Zoning Board of Appeals. There were some questions from the Board.

Motion: Trustee Peterson moved to adopt Ordinance #1043 allowing Mr. & Mrs. Dean Grant to construct a covered porch addition onto the front of the home at 466 North Hill Drive using the plans prepared by Lynde Anderson & Associates Architects, last dated 5/8/04; seconded by Trustee Sauer.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Bartlett, Mazeski, Sauer and Peterson, Acting President
Parker
Nays: None
Absent: Trustee Forman
Abstain: None

Acting President Parker declared Ordinance #1043 approved and put on file.

V. ENVIRONMENTAL COMMISSION REPORTS

A. Ted Gray – Presentation (N. Flint Creek Study)

Trustee Peterson gave an overview of how the Environmental Commission has been looking at stormwater matters in the Village. He explained that historically, the Village did not have a comprehensive way to deal with stormwater management issues. He explained that the Environmental Commission had recently adopted a formal procedure to study these issues. Initially, a stormwater management complaint is logged with the Village, and then forwarded to the Commission for research. The Commission investigates the problem and tries to determine if the issue is private property problem or a Village problem. Village engineers are consulted for recommendations for solutions and then these issues are reviewed and recommendations are then forwarded to the Board of Trustees.

Trustee Peterson gave some background information regarding the Flint Creek Study. Trustee Peterson explained that Flint Creek has been a recurrent source of flooding over the years to the Village of North Barrington residents living along Flint Creek. In order to reduce the occurrence of flooding, the Village has undertaken a four phase project; of which Phase I, calibrating the original 1982 FEMA Flood Study to existing conditions and, Phase II, model and design alternatives and make recommendations to reduce flooding, have been completed by Village Engineers Baxter & Woodman. The Phase II recommendations included the replacing and upgrading of culverts to reduce flooding at a cost of \$840,000. Trustee Peterson explained that given the size and scope of the project, the Environmental Commission had recommended that an outside expert, in this case Ted Gray and Associates, review the plan as submitted by Baxter & Woodman, for a cost not to exceed \$6500. This review was approved by the Board of Trustees at their September 22, 2003 Board Meeting. Ted Gray completed the review and made a presentation to the Environmental Commission; and copies of the review were made available to the Environmental Commission as well as the Board of Trustees. Trustee Peterson explained that Ted Gray was in the audience to give a presentation to the Board of Trustees.

Trustee Peterson invited Ted Gray to address the Board and give a summary of the review. Ted Gray gave a presentation to the Board, "Environmentally Sound Flood Management for the North Flint Creek Watershed". Mr. Gray explained that his review included 1) Identifying flood storage problems and opportunities, 2) Evaluate entire watershed, 3) Incorporate stream and stormwater suggestions, and 4) Seek multiple benefits for the Village. Mr. Gray then gave a brief overview of the Baxter and Woodman recommendations and his concerns about some of the recommendations. Mr. Gray outlined his short and long term solutions for Flint Creek, including preliminary recommendations, at a cost of approximately \$856,000. There were some questions from the Board and further discussion.

Trustee Peterson thanked Mr. Gray for the presentation. Trustee Peterson noted that the Environmental Commission was still studying the proposal and would make a recommendation to the Board after further study.

B. Concord Lane – Recommendation

Trustee Peterson provided background information on the Concord Lane drainage issue.

Trustee Peterson explained that the topic of drainage on Concord Lane had come before the Commission as a stormwater management issue. He explained that the Commission members had spent a substantial amount of time learning the history of the problem and researching costs for a solution to the complex problem. He said the Commission also discussed whether or not the drainage issues were the Village's responsibility or the property owner's responsibility. Trustee Peterson noted that although proposals for solutions had been recommended in the past, no action had been taken by the Board on the matter. He said that the Commission also considered looking to a third party for different solutions, which led to their recommendation to hire Ted Gray and Associates to research the most feasible solutions to the problem.

Trustee Peterson explained that at the October 27, 2003 Board meeting, the Trustees authorized Village Engineers Baxter & Woodman to research whether or not the work shown on the original plans regarding stormwater management on the four properties in question was completed, if it was completed, was it done properly, and if so, were the measures still working. The scope of the work would also include examining the Lake Zurich detention pond, the detention pond at 421 Concord, culverts, swales and drainage tile. Trustee Peterson explained that Baxter & Woodman completed the study, and it was reviewed by the Environmental Commission. Trustee Peterson said that some members of the Environmental Commission felt that Baxter & Woodman were not impartial with their recommendations, and again recommended the hiring of Ted Gray & Associates to research the most feasible solutions to the drainage problem at Concord Lane.

There was lengthy discussion. Topics included: would Village funded engineering studies on private properties be a policy decision; would the Village or the property owners be responsible for paying for these suggested solutions; the cost of funding additional studies; Lake Zurich's involvement in the cause or solution, and whether or not the property owners had done maintenance on their property to alleviate any of these drainage issues. There were questions for Ted Gray with regard to the scope a proposed study.

Motion: Trustee Peterson moved to authorize the expenditure of not to exceed \$17,000 to have Ted Gray and Associates perform a study to come up with a recommendation for a comprehensive solution to the drainage problem on Concord Lane; seconded by Trustee Bartlett.

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Bartlett, Mazeski, and Peterson
	Nays:	Trustee Sauer, Acting President Parker
	Absent:	Trustee Forman
	Abstain:	None

Acting President Parker declared the motion approved. The report would be reviewed by the Environmental Commission and forwarded with recommendations to the Board.

(NOTE: Subsequent to the meeting, the Village Attorney's office has ruled that since the Village Board now consists of 6 persons rather than the 5 prior to the appointment of Trustee Sauer, four (4) concurring votes are required to authorize expenditures. A ratification vote at the 8/23/04 meeting is recommended.)

C. Stormwater Management Projects

Trustee Peterson explained that there were numerous stormwater management issues before the Environmental Commission. Trustee Peterson said that there were five issues that were recommended for action by the Environmental Commission to the Board. Trustee Peterson explained that each issue would be presented individually, with a vote following each issue.

Tripicchio, 241 Beachview Lane - Trustee Peterson asked Village Engineer Al Stefan to explain the first issue, drainage issues on Beachview and Drury Lanes. Al Stefan explained that the problem occurs because water from Drury Lane drains towards 240 Oxford Road and 239 Beachview Lane. Drainage ditches along Beachview Lane are constantly wet, and the open grate catch basin at the intersection of Beachview Lane and Biltmore Drive has standing water around it. Al Stefan explained that due to the amount of water being discharged into the swales from water runoff and sump pump discharge, during the winter months the homeowner at 241 Beachview Lane, Frank Tripicchio, experiences flooding, and resulting freezing on his driveway due to overtopping from the discharges into the swale. He noted that the homeowner at 241 Beachview has recorded fifteen inches of ice on his driveway, creating a hazardous situation.

Barb Potter said that the Commission unanimously recommended that the work be completed and presented the Commission's recommendation to the Board as outlined in the Baxter Woodman memo dated 7/15/04 to: 1) grade ditch and shoulder at intersection of Oxford Road and Drury Lane (cost estimate \$3000), 2) replace driveway culverts, replace ditch, install underdrain along north side of Beachview Lane (cost estimate \$28,500), 3) grading at catch basin (cost estimate \$600), and 4) lower catch basin at Beachview Lane and Biltmore Drive (cost estimate \$6000). The Commission also recommended that bids should be put out in accordance with Village practice and there was the possibility that the expense of the driveway culvert would be the responsibility of the individual homeowners. There were questions from the Board and further discussion.

Motion: Trustee Peterson moved to authorize the expenditure of not to exceed \$38,100 for the drainage work at Beachview and Drury Lanes as outlined in the Baxter Woodman memo dated 7/15/04; seconded by Trustee Sauer.

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Bartlett, Mazeski, Sauer and Peterson, Acting President Parker
	Nays:	None
	Absent:	Trustee Forman

Abstain: None

Acting President Parker declared the motion approved.

Garvin, 150 Rainbow Road – Barb Potter explained that the second issue involved stormwater drainage at 150 Rainbow Road. She explained that recommendations for a solution were submitted by Baxter & Woodman, where it was noted that mulching placed by the homeowner between the trees and within the ditch could be contributing to the blockage. The Barn Nursery provided an estimate for the work at a cost of approximately \$4523.

Barb Potter said that the Commission unanimously recommended that the work be completed and presented the Commission’s recommendation to the Board to clean out the clogged roadway culvert under Rainbow Road, redefine the swale on the east side, and to repair roadside erosion above the culvert on the east side at a cost not to exceed \$4523. The Commission again recommended that bids should be put out in accordance with Village practice and, in the future, the homeowner at 150 Rainbow Road would be responsible for partial payment of culvert cleaning if an undue amount of woodchips are again present in the area. There were questions from the Board and further discussion.

Motion: Trustee Peterson moved to authorize the expenditure of not to exceed \$4523 for the drainage work at 150 Rainbow Road; seconded by Trustee Sauer.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Bartlett, Mazeski, Sauer and Peterson, Acting President Parker
	Nays:	None
	Absent:	Trustee Forman
	Abstain:	None

Acting President Parker declared the motion approved.

Wilder, 467 Pinewoods - Barb Potter explained that the third issue involved stormwater drainage at 467 Pinewoods Drive. She explained that at the corner of Pinewoods Drive and Pooks Hill Road there is a culvert running underneath Pooks Hill Road which has become silted and clogged at the outlet; also the swale leading into the culvert has become ineffective. She explained that recommendations for a solution were submitted by Baxter & Woodman, and The Barn Nursery provided an estimate for the restoration work at a cost of approximately \$3250.

Barb Potter said that the Commission unanimously recommended that the work be completed and presented the Commission’s recommendation to the Board to clean out the clogged roadway culvert under Pooks Hill Road, and to redefine, re-grade, seed, and retain the drainage swale at a cost not to exceed \$3250. The Commission again recommended that bids should be put out in accordance with Village practice.

Motion: Trustee Peterson moved to authorize the expenditure of not to exceed \$3250 for the drainage work at 467 Pinewoods Drive; seconded by Trustee Bartlett.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Bartlett, Mazeski, Sauer and Peterson, Acting President Parker
	Nays:	None
	Absent:	Trustee Forman
	Abstain:	None

Acting President Parker declared the motion approved.

295 Border Lane, and 294 Lakeview Place - Barb Potter explained that the fourth issue involved stormwater drainage at 295 Border Lane and 294 Lakeview Place. She explained that both properties drain to the ditch on the east side of Border Lane. This ditch drains to a culvert which crosses Border Lane. According to residents, the culvert has been crushed by service trucks when they turn around on the narrow street. She explained that recommendations for a solution were submitted by Baxter & Woodman, with a cost estimate of \$2000.

Trustee Peterson explained that Baxter and Woodman's recommendation had included two parts, A) to repair the culvert for \$1000 and B) field investigation for \$1000, and the Commission recommended moving forward only on Section A, repairing the culvert, at this time.

Barb Potter said that the Commission unanimously recommended that the work be completed and presented the Commission's recommendation to the Board as outlined in the Baxter Woodman memo dated 7/15/04 Section A: to repair the culvert on Border Lane, clean ditch, and repair shoulder work along east side of Border Lane at a cost not to exceed \$1000. The Commission also recommended that bids should be put out in accordance with Village practice.

Motion: Trustee Peterson moved to authorize the expenditure of not to exceed \$1000 for the drainage work at Border Lane as outlined in the Baxter Woodman memo dated 7/15/04, Section A; seconded by Trustee Bartlett.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Bartlett, Mazeski, Sauer and Peterson, Acting President Parker
	Nays:	None
	Absent:	Trustee Forman
	Abstain:	None

Acting President Parker declared the motion approved.

Michelotti, 627 Signal Hill Road - Barb Potter explained that the fifth issue involved stormwater drainage at 627 Signal Hill Road. Barb Potter said that water does not drain on the front of the property. She explained that recommendations to determine a solution were submitted by Baxter & Woodman, with a cost estimate of \$600.

Barb Potter said that the Commission unanimously recommended that the work be completed and presented the Commission's recommendation to the Board as outlined in the Baxter Woodman memo dated 7/15/04 to field investigate the problem area to determine the historic flow path, locate drains, and verify inverts.

Motion: Trustee Peterson moved to authorize the expenditure of not to exceed \$600 for the drainage work at 627 Signal Hill Road as outlined in the Baxter Woodman memo dated 7/15/04; seconded by Trustee Bartlett.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Bartlett, Mazeski, Sauer and Peterson, Acting President Parker
	Nays:	None
	Absent:	Trustee Forman
	Abstain:	None

Acting President Parker declared the motion approved.

Acting President Parker thanked Trustee Peterson and the Environmental Commission for all their work, now and in the future, regarding the Village's stormwater management issues. He also thanked Commission member Barb Potter for putting all the stormwater matters into report form.

D. Mosquito Abatement Report

Trustee Peterson explained that there had been five mosquito abatement applications to the Village, with very few complaints from residents. Trustee Peterson said that there was enough funding in the budget for future applications. There were some questions from the Board about the abatement program.

VI. COMMISSION AND STAFF REPORTS

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

A. Building Department Report (Kelly Rafferty - Rafferty Architects)

The Building and Zoning Department Activity Report was made available to the Board.

B. Engineering Project Status Report (Al Stefan - Baxter & Woodman)
The Engineering Project Status Report was made available to the Board.

C. Health & Sanitation Report (Natalie Karney - Land Technology)
The Health & Sanitation Monthly Report was made available to the Board.

D. Plan Commission Meeting Minutes (July 2004)
The Minutes of the Meeting were made available to the Board.

E. ZBA Minutes (July 2004)
The Minutes of the Meeting were made available to the Board.

F. Environmental & Health Commission Meeting Minutes (June 2004)
The Minutes of the Meeting were made available to the Board.

G. Staff Meeting Minutes (July 2004)
The Minutes of the Meeting were made available to the Board.

VII. ADMINISTRATION

A. Barrington/North Barrington Intergovernmental Agreement (tabled)
Acting President Parker said that the topic would remain tabled.

B. Ordinance #____ Lease Agreement – Biltmore Country Club (tabled)
Acting President Parker said that the topic would remain tabled.

VIII. Reports by Board of Trustees

A. Trustee Sidney Bartlett

Trustee Bartlett reported that the Plan Commission was still working on a tear down ordinance for the Village, as well as reviewing the recently adopted Fence Ordinance.

B. Trustee Kimberly Forman

Trustee Forman was absent.

C. Trustee Kelly Mazeski

Trustee Mazeski mentioned that Acting President Parker had recently assigned her to the position of Trustee liaison to the Parks Commission and that she was looking forward to working with the Commission.

D. Trustee Dave Peterson

Trustee Peterson's area was previously discussed under Agenda Item V.

E. Trustee Bruce Sauer

Trustee Sauer mentioned that Acting President Parker had recently assigned him to the position as Trustee in charge of Roads and Utilities.

IX. CLOSED SESSION.

There was no closed session.

X. OLD BUSINESS

There was no old business to discuss.

XI. NEW BUSINESS

Acting President Parker referred to a request on the Trustee's desktops from North Barrington resident Lawrence Krupa 120 Old Barrington Road. Acting President Parker explained that the resident was having a party on Saturday July 31, 2004 and was requesting that his guests be allowed to park their vehicles at the Village hall from approximately 3:00 p.m. to 8 p.m. Acting President Parker noted that the Village has approved these requests in the past, with the stipulation that the resident provides an insurance rider from the homeowner's insurance company naming the Village as an additional insured.

Motion: Trustee Sauer moved to grant permission to Lawrence Krupa, 120 Old Barrington Road, to allow his guests to park at the Village Hall on Saturday July 31, 2004, from approximately 3:00 to 8:00 p.m. provided the Village receives a letter from the homeowner's insurance carrier naming the Village of North Barrington as an additional insured on the homeowner's insurance policy rider; seconded by Trustee Sauer.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Bartlett, Mazeski, Sauer and Peterson, Acting President Parker
	Nays:	None
	Absent:	Trustee Forman
	Abstain:	None

Acting President Parker declared the motion approved.

XII. ADJOURNMENT

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

The voice vote was unanimous in favor.

At 10:10 p.m. Acting President Parker declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held August 23, 2004.

Attest: _____

Kathy Nelander, Village Clerk

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