

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD MONDAY,
JANUARY 27, 2003 AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD

I. Call to Order and Roll Call

At 7:33 P.M. President Starkey called the Meeting to order and the Deputy Clerk the called the roll:

Present: Trustees Forman, Hjertstedt, Kubon, Kudla, Parker (via teleconferencing
per Resolution #1073A) and Roth, President Starkey

Absent: None

Also Present: Kathy Nelander, Deputy Village Clerk
Roberta Svacha, Treasurer
Judy Janus, Administrative Assistant
Al Stefan, Baxter & Woodman

Kelly Rafferty, Building & Zoning Officer

Natalie Karney, Health & Sanitation Officer

Nancy Harbottle, Village Attorney

William Graft, 1900 E. Golf Road, Schaumburg

Patrick Ryan, 404 Concord Lane

Don Ochitwa, 115 Seminole Drive

Brian Thomson, 580 Crooked Lane

John & Angie Batlin, 446 Signal Hill Road

Martin Nowakowski, 152 Kimberly Road

T. H. Seyfarth, 170 Kimberly Road

Fred Nearing, 204 Kimberly Road

Patty Kudla, 286 Kimberly Road

Daniel Saunders, 104 Cherry Hill Road

David & Sara Peterson, 462 Signal Hill Road

Miles & Kim Jackson, 519 Signal Hill Road

Michael R. Grimm, Sr., Biltmore Country Club

Susan Allman, 425 Mockingbird Lane

Charles Smith, 926 Lancaster, Lake Zurich

Don Husted, 422 Kimberly Road

Eric Sigmond, 450 Signal Hill Road

Erik Roos, 268 Brookside Road

Hugo & Valerie Chaviano, 417 Concord Lane

Karen Hunter, 444 Signal Hill Road

Glenn Starkey, 122 Ravine Road

Chris Clifford, 438 Halcyon Lane

Warren Nass, 107 Mohawk Drive

Jim Doessel, 175 Biltmore Drive

Richard Smith, MD, 122 Carriage Road
Gery Herrmann, 257 Kimberly Road
Peder Finnberg, PAF & Assoc.

II. Pledge of Allegiance

The Deputy Clerk led the Pledge of Allegiance.

III. Public Comment

Don Husted, 422 Kimberly Road, expressed his concerns about the abundance of salt used by the snow plow contractor on Village streets.

IV: Add/Remove Items from Agenda

President Starkey asked if any member of the Board wanted to remove any item from the consent agenda. Items A., D.1., D.2., F., G., H. and I. were removed from the consent agenda for further discussion.

V. Consent Agenda

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

- A. 1. Minutes of Special Board Meeting 12/16/02
- B. Approve the Treasurer's Report for the 8th month of F/Y 2003 for file and audit
- C. Approve the January 27, 2003 Vouchers for payment of bills
- E. Extend the Idealease Temporary Occupancy Permit until February 28, 2003
- J. Approve Resolution #2249 Re-Appointing Kenneth A. Peterson Environmental Commission Vice Chairman

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Forman, Hjertstedt, Kudla, Kubon, Parker and Roth,
President Starkey
Nays: None
Absent: None
Abstain: None

President Starkey declared the motion approved.

VI. Presidents Report

The Report was made available to the Board.

VII. Reports by Village Consultants

- A. Building Department Monthly Report (Kelly Rafferty)

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

B. Engineering Project Status Report (Albert Stefan)

The Engineering Project Status Report was made available to the Board.

C. Health & Sanitation Monthly Report (Natalie Karney)

The Health & Sanitation Monthly Report was made available to the Board.

D. Village Attorney's Report (J. William Braithwaite/Nancy Harbottle)

Attorney Nancy Harbottle was present to answer questions.

VIII. Reports by Board of Trustees

Trustee John M. Kudla

A. Waste Management - Update and Rate Adjustment Request

1) Andy Quigley - SWALCO

As Andy Quigley from SWALCO was not present to speak to the Board, Trustee Kudla moved to the next topic.

C. Biltmore County Club Septic Request

William Graft, attorney for Biltmore Country Club, reminded the Board that he had spoke at the December meeting regarding the Club's request to improve the septic system at the pool and bath house. He explained that since the December meeting, Trustee Kudla and President Starkey, with Bill Inglimo from CRI Engineering, had been to the site to become more familiar with the Club's request. Mr. Graft said that all the previously requested information regarding pool and water use had been submitted to the Board for their review. He also noted that the Lake County Health Department had written a full letter of support for the proposed system.

Peder Finnberg, PAF & Associates, addressed the Board and explained that he was asked to design a system to get rid of waste water at the beach house. He explained that the soils at the beach house site were not acceptable for a septic field, but that behind the maintenance shed on the Club grounds, the soils were suitable for a septic field. He explained that permission was needed in order to pump effluent from the current septic holding tank thorough a main running along the Village's Beachview Lane right-of-way and under the Village's Biltmore Drive right-of-way to an area near the maintenance shed on Biltmore's golf course. Mr. Finnberg explained that he had received reviews from Natalie Karney, Health & Sanitation Officer, Baxter and Woodman, Village Engineers and Susan Allman, Village Forester, and that any concern or requested change expressed would be accommodated.

Natalie Karney, Village Health & Sanitation Officer, answered some questions from the Board. She said that the plan for the septic system had changed slightly from the previously submitted

plan. Ms. Karney said that the expansion area had been moved to the east side of the driveway, and that she would ask for some percolation and soil testing to be performed at the new site. She briefly explained some other issues to address, including clean out locations, insulation methods, flood plain areas, anticipated load of the system, as well as others. She also explained that a determination had never been made if the system was considered a "repair" or "new construction". She explained that variances might be required for components of the septic system if they are to be closer to the property lines that the Village Code allows. For repair of systems, components can be placed no closer than 10 feet to the property line and that for new systems or systems being replaced due to upgrades in homes, the 25 foot setback applies. She then outlined the plan's setbacks.

Peder Finnberg of PAF & Associates said that the expansion field could be moved into the golf course and would not be within the 20 foot set back area. He also said that the existing septic system was being modified, and he, as well as the Lake County Health Department, viewed the system as a "repair".

Trustee Forman asked if the neighbors directly affected by the change of location for the expansion field had been notified of the Club's intent. Ms. Karney said that, to her knowledge, they had not been notified.

Al Stefan from Baxter & Woodman, Village Engineers addressed the Board and discussed his review of the septic system plan prepared by PAF & Associates. There was discussion about the location of the force main, air release valves, the discharge of air from the air release valves, and structure of the pipes.

Brian Thomson, in charge of the Grounds Department at Biltmore Country Club, discussed pipe materials and the seven miles of piping already on the Club grounds. He discussed depth of pipes, how leaks are found, and how the pipes are blown out at the end of the season, as well as pressure used and tolerated by the pipes used.

President Starkey thanked everyone for their comments and explained that the public was invited to speak at this portion of the meeting. She reminded everyone to be respectful of different opinions, and asked that any speaker, give his/her name and address before speaking into the microphone.

Views were expressed by:

Patrick Ryan, 404 Concord Lane
Eric Sigmond, 450 Signal Hill Road
Richard Smith, MD, 122 Carriage Road
Karen Hunter, 444 Signal Hill Road
T. H. Seyfarth, 170 Kimberly Road
Martin Nowakowski, 152 Kimberly Road

Don Husted, 422 Kimberly Road
Gery Herrmann, 257 Kimberly Road
John Batlin, 446 Signal Hill Road
Patty Kudla, 286 Kimberly Road

A large portion of the speakers expressed concerns with the topic of public access to Honey Lake that had been reported in a local newspaper. Trustee Kudla explained that the public access issue was only one detail of a much larger issue. William Graft, attorney for Biltmore Country Club, explained that the Club could not convey something they did not own, and that the Club would not consider or offer public access to the lake with regards to the septic request.

There was lengthy discussion about setting a precedent for moving septic from one site to another. Village Attorney Nancy Harbottle explained that not only is the Club in a unique zoning classification within the Village, it is the only entity in the Village with that zoning classification. Village Attorney Nancy Harbottle said that she, with Village Attorney J.W. Braithwaite, did not believe an agreement, either a license agreement or an easement with Biltmore Country Club would set any precedent for any private, residential developer to move sewage from one lot to another. President Starkey explained that the Village had asked for a second opinion from Attorney Kenneth Shepro, Special Counsel to the Village, and that he too did not feel the agreement would be precedent setting. President Starkey said that Special Counsel Kenneth Shepro did suggest that some additional restrictions could be included to effectively guard against any possible precedent setting.

Trustee Kudla addressed the audience and Board. He explained that he had done extensive research on the club, its beach and pool house, and the history of the holding tank. He explained that he had asked for additional information on number of members, usage of site, and pumping data to determine how many people were using the site. He said he did not know if there were any established limits to control use of the site. He explained that since looking into the situation, he had found what he thought to be mismanagement issues at the club, but also some ideas to solve these problems. Trustee Kudla outlined pumping data information. Trustee Kudla said that he felt there was a lack of education or concern to the sensitivity of the site by the summer employees at the beach site. Trustee Kudla said that he had problems with the current "visual" measuring system used for measuring the fullness of the tank, and that this method could introduce human error. He said that the septic proposal deviates from the Village's Comprehensive Plan and that the Club was asking the public to decide a private problem. Trustee Kudla proposed some management ideas for the site including scheduling of pumping, tank measuring instrumentation, rigorous record keeping, employee education and training, water conservation, daily limits, as well as others.

Trustee Kudla also proposed four solutions to the Club's septic issue, including moving the pool, managing the current system consistent with the Village's Comprehensive Plan, a "partnership" or to grant the request with conditions.

There were comments from Michael R. Grimm, Sr., Biltmore Country Club President, Brian Thomson, and Attorney William Graft regarding Trustee Kudla's remarks about the management issues at the Club.

There was lengthy discussion about the term "consideration" and its use in the proposed agreement, Biltmore Drive, and the walking path on the Club's grounds.

Trustee Forman said that all of the residents should be provided the opportunity to be heard at a public hearing. There was further discussion.

After lengthy discussion by the Board and members of the audience, Village Attorney Nancy Harbottle recapped the information presented and explained that the Board would be voting in principle on the request of Biltmore Country Club, and that there were many engineering and legal issues that would need to be worked out and afterwards, and after that time, the issue would come back to the Board for final approval.

Motion: Trustee Kubon moved that the draft Resolution entitled "Resolution Re: Biltmore Country Club Force Main" be approved in principle, provided however, this motion shall not constitute approval of said Resolution (which is now incomplete) and the Village Attorney is directed to undertake the necessary publication and to negotiate with Biltmore Country Club final documents in accordance with such draft Resolution prior to the next Board meeting and that all engineering concerns be addressed by Village consultants Natalie Karney and Al Stefan; seconded by Trustee Hjertstedt.

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Hjertstedt, Kubon, and Parker
	Nays:	Trustees Forman, Kudla and Roth
	Absent:	None
	Abstain:	None

President Starkey declared a tie existed, that she voted "Aye" and motion failed as a five vote majority was required.

Motion: Trustee Forman moved to have a public hearing; there was no second

President Starkey declared the motion died for lack of a second.

Motion: Trustee Kubon moved that the permission be granted to Biltmore Country Club in principle to install a force main sewage line under Biltmore Drive from the beach area on the east side of Biltmore Drive to a septic system to be located on Club property on the west side of Biltmore Drive provided that the Club dedicates to the Village certain property on which Biltmore

Drive is now located and the Village vacates portions of Biltmore Drive not needed for road purposes, provided that this motion is not binding on the Village unless and until subsequent approval by the Village Board of appropriate further documentation including, but not limited to a title commitment approving the documentation and the action taken when such action is finalized meeting and that all engineering concerns be addressed by Village consultants Natalie Karney and Al Stefan; seconded by Trustee Hjertstedt.

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Kubon, and Parker, President Starkey
Nays: Trustees Forman, Hjertstedt, Kudla and Roth
Absent: None
Abstain: None

President Starkey declared the motion failed.

Motion: Trustee Roth moved that the request of Biltmore Country Club for permission to install a force main sewage line under Biltmore Drive from the beach area on the east side of Biltmore to a septic system to be located on Club property on the west side of Biltmore Drive be denied; seconded by Trustee Kudla.

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Forman, Kudla and Roth
Nays: Trustee Hjertstedt, Kubon and Parker
Absent: None
Abstain: None

President Starkey declared a tie existed, that she voted "Nay" and motion failed.

Motion: Trustee Forman moved to have a Public Hearing on Biltmore Country Club's application; seconded by Trustee Hjertstedt.

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Forman, Hjertstedt, Kudla, Parker and Roth
Nays: Trustee Kubon
Absent: None
Abstain: None

President Starkey declared the motion approved. President Starkey said that she would contact the Board regarding dates for the Public Hearing.

Due to the lateness of the meeting and Ordinance #889 stating that regular, special and committee meetings of the Village Board shall not extend beyond 11:00 p.m. (Central Time), except closed sessions, unless authorized by a majority vote of the Board of Trustees or

committee members, the following topics were not discussed:

V. ITEMS REMOVED FROM CONSENT AGENDA*

- A. Motion to approve Minutes of Regular Board Meeting-12/16/02
- D. 1. Motion to repeal Ordinance #910 which provided for dedication of school sites, park, library and fire, lands or payment of cash in lieu thereof
- D. 2. Motion to adopt Ordinance #_____ which provides for dedication of school sites, park, library and fire, lands, or payment of cash in lieu thereof (Impact Fee Ordinance with modifications)
- G. Motion to approve Ordinance #_____ (H&S Variation Ordinance, Section 7-4-3) Re: Oak Hills Subdivision
- H. (Tabled) Motion to adopt Ordinance #_____ Zoning Ordinance Amendment (Definition) Lot Line Front (ZR-1)
- I. Motion to adopt Ordinance #_____ Zoning Ordinance Amendment (Definition) Road or Street (ZR-2- 1)

VIII. REPORTS BY BOARD OF TRUSTEES

Trustee John M. Kudla

- A. Waste Management - Update and Rate Adjustment Request
 - 1) Andy Quigley - SWALCO
- B. H&S Meeting 1/7/03
 - 1) Variance Request - Oak Hills (Ridge) Subdivision (Werd Construction)
- D. SWALCO - Update

Trustee Melissa J. Roth

- A. Plan Commission Public Hearing, Continued Public Hearing and Regular Meeting 1/13/03
- B. Joint Public Hearing with the Zoning Board of Appeals & the Plan Commission
 - 1) Oak Hills (Ridge) Subdivision (Werd Construction)

Trustee Kurt W. Kubon

- A. Submitted written, verbally highlighted at meeting
- B. Environmental Commission Meeting 1/23/03
- C. NPDES (National Pollutant Discharge Elimination System)

Trustee Craig S. Parker

- A. Miscellaneous

Trustee Fred D. Hjertstedt

- A. Miscellaneous

Trustee Kimberly M. Forman

A. Miscellaneous

IX. Adjournment

Trustee Kubon moved for adjournment; seconded by Trustee Forman.

The voice vote was unanimous in favor.

At 11:15 p.m. President Starkey declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held February 24, 2003.

Attest:

Kathy Nelander

Deputy Village Clerk

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