

MINUTES OF A SPECIAL MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD THURSDAY,
MARCH 13, 2003 AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD

1. Call to Order and Roll Call

At 8:25 P.M. President Starkey called the Meeting to order and the Deputy Clerk the called the roll:

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

Absent: None

Also Present: Kathy Nelander, Deputy Village Clerk

J.W. Braithwaite, Village Attorney

Joe Herreweyers, 530 Castlevue Court

Sheldon L. Epstein, Attorney for J. Herreweyers, P.O.Box 400, Wilmette

Peder Finnberg, PAF & Assoc., 1207 Algonquin Road, Algonquin

Martin Nowakowski, 152 Kimberly Road

Brian Thomson, 580 Crooked Lane

Kate Freund, 199 Biltmore Drive

Natalie Karney, Health & Sanitation Officer

Patty Kudla, 286 Kimberly Road

Kelly Rafferty, Building and Zoning Officer

Al Stefan, Baxter & Woodman, Village Engineer

Bill & Karen Hunter, 444 Signal Hill Road

Don Klein, 82 E. Timberlake Drive

Eleanor McDonnell, 196 Beachview Lane

William C. Graft, 1900 E. Golf Road, Schaumburg

2. The special meeting was called pursuant to notice as requested by law. Biltmore Country Club Variance Request and Consideration of Long Term Lease or Easement Agreement.

President Starkey asked that the Club briefly outline their request, followed by comments from the Club's engineering representatives. She said that following those comments would be reviews from Village Staff. She invited Mr. William Graft to address the Board.

William Graft, attorney for the Biltmore Country Club, said that the Club was respectfully before the Board with a request to pump septic effluent from the current septic holding tank thorough a two inch low pressure force 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. He said that the system would be in use from Memorial Day to Labor Day. He said that the request was voluntary, and not due to a violation, but to install a better system at the site and to reduce human error.

Peder Finnberg, PAF and Associates, the septic engineer for the system, addressed the Board. He said that previously there were concerns about the future expansion field being too close to property lines, so the expansion field was moved to be in compliance. Other changes to be in compliance with Village Staff requests included removing clean outs, moving the pressure main onto the Biltmore property, to auger underneath the tree near beach house, and changing the sizing on pipes from three inch to four inch.

President Starkey asked what the procedure would be for installation if the request was approved. Mr. Finnberg said there would be no road closure if directional boring were used, the current plans were drawn showing a trench, and with weather permitting there would be four days of construction at beach house site and four days at the Club grounds. Brian Thomson said that the club would prefer to directional bore at four feet. The construction would start in May and be completed by Memorial Day, or May 26, 2003. Mr. Graft outlined the installation process. He explained that a 6000 gallon tank at the beach house would be filled with sand, new tanks would be installed on the beach house grounds, and if used directional boring, which the Club would prefer, there would be no streets closures or equipment parked on the street. He also said that a cast iron sleeve will be installed underneath Biltmore Drive and the line would continue, by directional boring onto the Club grounds.

Village Health Officer Natalie Karney said that she had done several reviews over the last 12 to 15 months, and as of now, all outstanding issues had been addressed. She said that a lift station was added to the plan. She explained the components of the system which would be located by the pool house, included a series of three 1000 gallon tanks, a septic tank, an aerator, and a lift station, and then the effluent would be pumped to a new system behind the maintenance shed. She said that percolation tests were still needed for the new expansion field.

President Starkey asked about the alarms for the system. There was some discussion and the Club agreed to install an automatic dial system and that the audio portion of the alarm be installed in the building. Natalie Karney said that water saving devices were also recommended at the pool and beach house, such as auto shut offs on the showers and faucets. She also recommended that checks be made periodically throughout the day to see that water is not running needlessly. She recommended that these be implemented even if the new system were not installed. The Club agreed to install the auto shut offs on the showers and faucets. Ms. Karney said there should also be some type of controls or monitoring of attendance at the facility to prevent over use of the system.

Trustee Kudla asked what type of maintenance the system needed. Ms. Karney said that the Club should use the auto shut offs devices, that the force main be tested in the beginning and end of the season, and according to Code, that the aeration unit have an ongoing maintenance agreement which would have the unit inspected before the season and at the end of the season. She said that the lift station will have an alarm system, and if the Board wished, they could ask that the lift station be inspected at the same time as the aeration unit. She said that

the one issue that was hard to control was usage, and that there was really no way to control the 1000 gallons a day usage. She said that if the system were to be overused, the overload bed could get seepage. She said that with over usage, the pumps would wear out quicker.

Trustee Kudla asked about food service at the site. Brian Thomson said that there was a grease trap and no garbage disposal at the site.

President Starkey asked if there was a way to monitor or regularly inspect the field. There was discussion about monitoring ports or some type of recording device by the pool house to record gallons used on a daily basis. Village Attorney Braithwaite said that the Agreement specifically provides for such devices to be specified by the Village Engineer and Village Health Officer. Trustee Kudla asked who would pay for the Health Officer's time to monitor the system. Ms. Karney said the applicant would pay for the monitoring.

There was extensive discussion about the current monitoring of the system. Ms. Karney said that currently there was no monitoring system in place to assure that the holding tank was pumped when needed. Trustee Forman suggested the installation of the shut off devices and to implement a stricter monitoring of the site to keep the current system. Trustee Kubon asked about daily pumping. Ms. Karney said daily pumping was not cost effective, nor would one contractor be able to do it. She said that the current tank was probably allowed because the site is for seasonal use, but that it was not an optimal system.

Ms. Karney suggested a stringent testing system of the proposed new system for the first two years. She said that ports could be used for monitoring, that a recording device could be used that would provide hard copies of data and that these reports could be submitted weekly, to determine if the system was being overused. And then if the site was being overused or more than 1000 gallons per day, action would have to be taken in order to regulate the use. President Starkey mentioned that Lake County preferred the proposed system over the existing system and asked Ms. Karney if she agreed with the County's assessment. Ms. Karney said that the proposed system is better than the current system.

Al Stefan, Village Engineer, explained that Baxter & Woodman's review was on the work that is to be done in the Village right-a-way, and were holding the Club to a higher municipal standard than required for a resident. He explained some of the key issues including auguring underneath the tree to minimize root damage to tree, to drop the elevation of the pipe to four feet in order to avoid conflicts with any potential utilities and to avoid problems in the future, and to increase the thickness of the pipe used to LSDR26 which is two times thicker than what was previously submitted. Mr. Stefan said they tried to minimize the length of the force main within the Village right a way and had pipe relocated throughout the parking lot.

President Starkey asked Al Stefan was asked how the system would be checked for leaks, and the procedures for opening and closing the system for the season. He explained that the pipe would be closed off and pressurized to determine if there was leakage. If the pressure were to

drop, that would indicate a leak. How would a leak be located? Water would surface somewhere and that portion would be dug up.

Trustee Parker asked about the flow restrictors on all faucets, showers and toilets and why it was not shown on the plans. Village Engineer Al Stefan said that the Club had agreed to install those devices, but that they were not indicated on the plans. Village Attorney Braithwaite explained that language had been built into the draft documentation to in order to accommodate changes made to the plan by the Village Engineer and Health Officer.

President Starkey invited Plan Commission advisor Don Klein to comment on the issue. Mr. Klein said that exceptions to septic codes have been considered in very rare cases by BACOG including Willow Creek Church, Pepper Road Industrial Park and Good Shepard Hospital, to accommodate environmental concerns. Mr. Klein said that for very sound environmental reasons the Biltmore proposal could be accepted without setting a precedent. He said that he would not like to see a continuation of the present pumping-dependant system with the environmental resource of Honey Lake so close in proximity. He said that Honey Lake is one of the best lakes in the 90 square miles of the BACOG area and worth protecting in any way. He also outlined problems with septic sludge and the problems with local sewer plants not accepting septic sludge from the existing system from the pumping companies, and this is a problem the Village will have to face at some point in the future.

There was lengthy discussion and questions asked of Mr. Klein about contradicting the Village's Comprehensive Plan. Mr. Klein explained that a Comprehensive Plan is a delicate document which states where the Village wants to be in 10 years in the future, but dynamic enough to allow for change. Mr. Klein said that the Village had to be very careful in this decision that the Village is assured by engineers and legal counsel that the project will be done technically well and will not able to be replicated. He suggested firming up the document by including language that this proposal cannot be used as an example of what can be done in the future, and that this is a one time only agreement that cannot be used or abused.

There was lengthy discussion amongst the Board and questions for the Village Attorney. There was discussion about the difference between a Lease Agreement and a License Agreement. Village Attorney Braithwaite also commented on the Comprehensive Plan issue, and said that he did not see it being violated by the Club's proposal. Mr. Braithwaite referred to the section "to encourage individual on-site water supply and waste water systems consistent with sound health standards..." and said it is consistent with the proposed system as the Biltmore site is one site separated by a public street.

President Starkey referred to the Lease Agreement and read a portion to the Board.

Trustee Forman said that she felt to approve the proposal by the Club was not worth the risk.

Trustee Kudla said that he did not want to fix a private matter in a public right of way, that he

believed there was a management issue at the site, that the site for the pool was wrong and that the pool should be moved.

Trustee Kubon said that he had spoken with Mr. Brian Stuart, the neighbor most affected by the proposed force main at 519 Beachview Lane, and that Mr. Stuart's only concern was for the safety of his septic field, which already was in poor condition. Trustee Kubon said that Mr. Stuart said that as long as he was assured that if there was any damage to the property or the septic field, the Club would repair it; he had no problem with the force main installation.

Motion: Trustee Kudla moved to deny the request by Biltmore Country Club to install a force main from the holding tank along a portion on the southerly side of Beachview Lane and under the pavement and along a portion of the westerly side of Biltmore Drive and to deny the variance requests from Property Lines and Flood Plain Line, based upon that moving waste off-site is a deviation from the Comprehensive Plan; seconded by Trustee Forman.

Discussion: There was lengthy discussion.

Vote on Motion

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

President Starkey declared that a tie existed, that she voted "Nay" and the motion to deny did not carry.

There was further discussion amongst the Board.

Motion: Trustee Forman moved to remove the License Agreement from consideration; seconded by Trustee Kudla.

Discussion: There was lengthy discussion.

Vote on Motion

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

President Starkey declared that a tie existed, that she voted "Nay" and the motion to remove the License from consideration did not carry.

Village Attorney J.W. Braithwaite explained some changes to the Lease Agreement which included in the Hold Harmless section, any Owner would extend to "and any adjoining property owners". He explained that some of the other changes were technical and added as consideration an Amendment for the Pedestrian Path would be for 99 years subject to the approval of the Lease Agreement. It was also decided that the amount for Consideration was for

ten dollars (\$10). It was noted that as part of the approval and permit process, a requirement for monitoring and maintenance of the system would be built in to the permit. The recommendations from the Health & Sanitation Commission stating "that the force main be pressure tested every spring prior to the opening of the beach house, that the force main be blown out every fall at the closing of the beach house, that water conservation devices be installed in the beach house, and that a permit be secured from the Village before any expansion to the pool or beach house site was considered" was also discussed.

Motion: Trustee Kubon moved to adopt the Ordinance approving the Biltmore Country Club Sanitary Sewer Force Main Lease Agreement, to include a Consideration of \$10, to add the clause that there is no expansion to the pool or beach house site, and extending the Hold Harmless to apply to any adjacent property owners; 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, Roth
	Absent:	None
	Abstain:	None

President Starkey declared that a tie existed, that she voted "Aye" and the motion to approve the Lease Agreement did not carry as the motion required five votes.

There was further discussion amongst the Board.

Motion: Trustee Kubon moved to adopt Ordinance #1000 approving the Biltmore Country Club Sanitary Sewer Force Main License Agreement, to include a Consideration of \$10, to add the clause that there is no expansion to the pool or beach house site, and extending the Hold Harmless to apply to any adjacent property owners; 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, Roth
	Absent:	None
	Abstain:	None

President Starkey declared that a tie existed, that she voted "Aye" and the motion to approve the License Agreement carried as four votes were required.

Trustee Kubon referenced the variances needed for the Biltmore Country Club septic request as outlined in Natalie Karney's memo of March 4, 2003 and previously approved by the Health & Sanitation Commission.

Location to Property Line - Septic Tank 14 feet from required 25 ft;

Location to Property Line - Aerator 16 feet from required 25 ft;
Location to Property Line - Lift Station 11 feet from required 25 ft;
Location to Property Line - Force Main 0 feet from required 25 ft;
Location to Flood Plain Line - Force Main 0 feet from required 25 ft.

Motion: Trustee Kubon moved to accept the recommendation of the Health & Sanitation Commission to approve the requested variations from the Health & Sanitation Ordinance for Biltmore Country Club to install a septic system modification subject to all Village suggested engineering changes to Septic System Modification Plan (01100-A) prepared by PAF & Assoc. dated 7/20/01, last revised 3/11/03, Plan & Profile dated 2/26/03 (01100-B), and Future Expansion Plan dated 2/26/03 (01100-C), that the force main be pressure tested every spring prior to the opening of the beach house, that the force main be blown out every fall at the closing of the beach house, that water conservation devices be installed in the beach house, and that a permit be secured from the Village before any expansion to the pool or beach house site was considered; seconded by Trustee Parker.

Discussion: There was some discussion.

Vote on Motion

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

President Starkey declared the motion approved.

Trustee Kudla made a statement to the audience, saying that the Village Board had let down the Community. He then left the meeting at 11:05 p.m.

Motion: Trustee Kubon moved to adopt the Amendment to the Lease Agreement relating to a Pedestrian Path to a term of ninety-nine years from May 18, 1998 and the existing bench shall be included as part of the Pedestrian Path and may be maintained or replaced with a similarly sized bench by the Village throughout the term of the Amended Lease Agreement; seconded by Trustee Hjertstedt.

Discussion: There was some discussion.

Vote on Motion

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

President Starkey declared the motion to approve.

Village Attorney Braithwaite recommended that the Village President hold her signature on these documents, particularly on the License Agreement as Biltmore Country Club had not

formally accepted the documents.

The following items were removed from the Agenda due to the lateness of the meeting:

3. Antenna Ordinance
4. Joseph Herweyers, 530 Castlevew Court, Variance Request
5. New Business

6. Appointment of President Pro-Tem

President Starkey said that she would be out of town for the next scheduled Board Meeting.

Motion: Trustee Hjertstedt moved to appoint Trustee Kurt Kubon President Pro-Tem in President Starkey's absence; seconded by Trustee Parker.

Discussion: There was no discussion.

Vote on Motion

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

President Starkey declared the motion approved.

7. Adjournment

Trustee Forman moved to adjourn the Special Meeting; seconded by Trustee Kubon.

The voice vote was unanimous in favor.

At 11:10 p.m. President Starkey declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held June 23, 2003.

Attest: _____

Kathy Nelander, Village Clerk

