

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

I. Call to Order and Roll Call

At 7:32 P.M. President Starkey called the Meeting to order. The Clerk led the Pledge of Allegiance, and then called the roll:

Present: President Starkey, Trustees Bartlett, McEnroe, Peterson in person and
Trustee Parker (via teleconferencing per Resolution #1073A)
Absent: Trustees Forman and Hjertstedt
Also Present: Kathy Nelander, Village Clerk
Judy Janus, Administrative Assistant
J.W. Braithwaite, Village Attorney
George Dyer, 239 Beachview Lane
Al Stefan, Baxter & Woodman
Robert Nelander, 237 Beachview Lane
Sgt. Troy Oldham, Lake County Sheriff's Police
Mr. & Mrs. Sheldon Van Buren, 490 Eton Drive
Mr. & Mrs. Roy Svacha, 581 Onondaga Drive
Mr. & Mrs. Don Ochitwa, 115 Seminole
Martin Pais, 180 Clover Hill Lane
Joe Arizzi, 109 W. Liberty, Wauconda Fire Department
Robert Best, 70 W. Madison Street, Chicago
Peter Economos, 6 W. Hubbard, Chicago
Evelyn Richer, 135 Mohawk Drive
Natalie Karney, Health Officer
Gery Herrmann, 257 Kimberly Road
Pat Ryan, 404 Concord Lane
Brian Thompson, 580 Crooked Lane
Kelly Rafferty, Building and Zoning Officer
Lou Werderitch, Werd Construction

II. Public Comment

There was no one in the audience who wished to speak.

III: Consent Agenda

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

- A. Approve the Minutes of two Continued Public Hearings, and Regular Board Meeting, December 15, 2003 and Special Board Meeting, December 27, 2003
- B. Approve the Treasurer's Report for the 8th month of F/Y 2004 for file and audit
- C. Approve the January 26, 2004 Vouchers for payment of bills
- D. Motion to adopt Resolution #2293 pertaining to safety at Miler Road and Route 12
- E. Motion to adopt Resolution #2296 regarding pre-emption devices at intersections

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Bartlett, McEnroe, Parker and Peterson, President Starkey
Nays: None
Absent: Trustees Forman and Hjertstedt
Abstain: None

President Starkey declared the motion approved.

IV. Appointments/Resignations

- A. Motion to accept resignation of Trustee Fred Hjertstedt

President Starkey read the letter from Trustee Hjertstedt, which had been made available to the Board in their packets, resigning from his position as Trustee as of the Village of North Barrington.

Motion: Trustee McEnroe moved to accept the resignation of Trustee Fred Hjertstedt; seconded by Trustee Peterson.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved. President Starkey said that Trustee Hjertstedt would try to be in attendance at the February Board meeting so the Board could formally recognize him for his past service. President Starkey noted that there was a vacancy on the Board and that she was looking for any interested individuals.

- B. Resolution #2294 re-appointing Laurie Whitmer as a member of the Parks and Recreation Commission

President Starkey outlined the Resolution which had been made available to the Board in the Agenda packet.

Motion: Trustee Bartlett moved to approve Resolution #2294 seconded by Trustee Peterson.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared Resolution #2294 approved and put on file.

C. Resolution #2295 appointing Gregg Steliga as a member of the Parks and Recreation Commission

President Starkey outlined the Resolution which had been made available to the Board in the Agenda packet.

Motion: Trustee Bartlett moved to approve Resolution #2295 seconded by Trustee Peterson.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared Resolution #2295 approved and put on file.

V. Variations/Subdivisions/Code Amendments

A. Reconsideration of the denial of Ordinance #1021, approving Zoning Variation request for property at 241 Beachview Lane, Mr. & Mrs. Frank Tripicchio

President Starkey said that she had received notice that the applicants had a family emergency, and asked that the pending motion to Reconsider be tabled to the February 23, 2004 Meeting.

Motion: Trustee McEnroe moved to table the pending motion to Reconsider Ordinance #1021; seconded by Trustee Peterson.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved and the matter tabled to the February 23, 2004 Meeting.

B. Resolution #2297 approving the Final Plat of Subdivision for proposed 2-lot subdivision at 490 Eton Drive (Van Buren)

President Starkey outlined the Resolution which had been made available to the Board in the Agenda packet.

Motion: Trustee Peterson moved to approve Resolution #2297, the Final Plat of Subdivision for the Van Buren Subdivision, 490 Eton Drive, North Barrington, prepared by Barrington Engineering Consultants, Ltd., dated January 5, 2004, as directed by court order dated September 22, 2003; seconded by Trustee McEnroe.

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Bartlett, McEnroe, Parker and Peterson, President
Starkey

Nays: None

Absent: Trustee Forman

Abstain: None

President Starkey declared Resolution #2297 approved and put on file.

C. Ordinance #1025 adopting 2004 version of the Village Comprehensive Plan

The Ordinance had been made available to the Board in the Agenda packet, and was the subject of an earlier Public Hearing. President Starkey invited Chairman Pais and Vice Chairman Herrmann to address the Board regarding the Village's Comprehensive Plan.

Chairman Pais explained that work on the amendment to the 1998 Comprehensive Plan was started in July of 2001, and that there had been input from many Commission members, past as well as present, including former chairpersons, Trustee Jack McEnroe and Trustee Sidney Bartlett. Chairman Pais explained that the Commission had solicited input from the Village Staff, the Village Board, and residents via Public Hearings on how the residents would like the Village to look in the next ten years. Chairman Pais explained that the Commission had incorporated a few changes into the Plan based on feedback from residents as well as the Village Board, and that those changes were made during the last meeting held two days earlier, on January 24, 2004. Chairman Pais read the changes to the draft Plan. Chairman Pais said that on behalf of the Plan Commission, he was presenting the amended 2004 Comprehensive Plan to the Village Board.

President Starkey thanked the Plan Commission for all their work on the draft Comprehensive Plan, and that it represented a lot of hard work, devotion and dedication on the part of the Plan Commission.

Village Attorney J.W. Braithwaite explained that in his experience, most Comprehensive Plans are the product of either a hired planner or planning firm. Mr. Braithwaite said that the Village of North Barrington's 2004 amended Comprehensive Plan greatly benefited from being a product of the Plan Commission and provided a much better product than could have been produced by a "planner" alone.

Motion: Trustee Peterson moved to adopt Ordinance #1025; seconded by Trustee McEnroe.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Bartlett, McEnroe, Parker, and Peterson, President Starkey

Nays: None

Absent: Trustee Forman

Abstain: None

President Starkey declared Ordinance #1025 approved and put on file.

D. The Item had previously been removed from the agenda.

E. Ordinance #1027 approving Annexation Agreement of property at 22920 N. Highway 59 (Werd)

All the Ordinances and the Annexation Agreement had been made available to the Board in the Agenda packet. President Starkey explained that Ordinance #1027 was to approve the Annexation Agreement of the property at 22920 N. Highway 59. President Starkey invited Mr. Werd or a representative to address the Board and give a synopsis of the requests.

Mr. Peter Economos, attorney for Mr. Werd, addressed the Board. Mr. Economos said that the Werd property was currently situated in unincorporated Lake County, and zoned Rural Estate Zoning. Mr. Economos said that Mr. Werderitch petitioned the Village for annexation, contingent upon a variation from the Zoning Ordinances of the Village of North Barrington to allow three lots. Under the current Zoning Ordinances, this property, if annexed to the Village, should be zoned per the designation of the Village Comprehensive Plan as R-2 or 2-acre zoning. Mr. Economos noted that as part of the petition, Mr. Werderitch sought a variation of the R-2 classification in order to get 3 lots as opposed to the two lots in the subdivision. He said that these lots would measure 1.4 acres, 1.46 acres, and 1.61 acres. Mr. Economos explained that two of the lots, Lots 2 and 3, would require variations in the width of the lots, as they would both be less than the average lot width of 150 feet. Mr. Economos noted that the Zoning Board of Appeals did approve the petition for the Zoning variations.

Mr. Werderitch addressed the Board, and gave some background information about the initial contact with the Village about the annexation and the building of three homes. He explained that originally, he was going to provide a private drive off Onondaga Drive for access to the homes, as he was unaware of the unimproved Iroquois Drive.

There were comments from Village Staff, including Village Engineer Al Stefan, Village Health Officer Natalie Karney, and Building and Zoning Officer Kelly Rafferty, all reporting that there were no concerns about the proposed annexation and subdivision.

Village Attorney Braithwaite gave an overview of the Annexation Agreement, as well as some changes. He referred to a memo outlining those changes to the Annexation Agreement, as well as an amended Annexation Agreement which were provided to the Trustees on their desktops, and which had been previously faxed to Trustee Parker.

Mr. Braithwaite explained that most of the provisions in the document are standard provisions for the 20 year life of the document. Mr. Braithwaite explained that a 20 year Agreement was the maximum permitted by Illinois Statutes. The Agreement provides that the property will be in the Village of North Barrington; cannot be disconnected from the Village, and will be developed within the Village under Village rules. The Agreement also provides that the property would be developed with the maximum of three single family lots in accordance with the Zoning Board of Appeals hearing, that was held; that there are variations to allow two of the lots to have variation on lot widths, and that the Mound System will be required for all three lots.

Mr. Braithwaite also explained a portion of the Agreement, as located under the heading Iroquois Drive/Potential Vacation/Potential Recapture. He explained that the Village had the right, at any time in the future, to vacate Iroquois Drive as far as the Werd property is concerned. If the Village were to vacate Iroquois, Mr. Werderitch; by the Annexation Agreement waives any objection to that vacation in advance, and the Village could do what it wishes with the road; it could be conveyed in whole, or in part to the developer or adjoining owners. If a part of the road went to the developer, the Village would waive any compensation from the developer. If the Village did not vacate the road, and a development to the south did connect to the road, Mr. Werderitch would have a potential recapture. Mr. Braithwaite explained that this was a partial trade off from the fact that Mr. Werderitch was to install Iroquois Drive all the way to Signal Hill Road, for approximately \$80,000. Mr. Braithwaite explained that if there were to be a recapture of a portion of the costs of installing Iroquois Drive, by reason of subsequent development to the south being permitted to connect there, then that recapture money would go to Mr. Werderitch as the present owner, rather than the future owners of the three lots. Mr. Braithwaite stated that the basic method of apportioning the recapture would be on the number of residential units, but in order to allow flexibility, the Annexation Agreement provides for a possible alternate to another equitable method, but would have to be satisfactory to the Board and to Mr. Werderitch.

Mr. Braithwaite noted another important part of the Annexation Agreement, and that had to do with Outlot 1 going out to Route 59. Mr. Braithwaite said that the Agreement stated that Outlot 1 cannot be used to serve any property other than the one it currently serves at 22910 N. Hwy. 59, Barrington. Mr. Braithwaite said that the Agreement does have a provision that, with the consent of the Village Board, the Outlot could be used for other properties.

Mr. Braithwaite also explained, that as part of the Agreement, the Owner had to comply in all respects with the conditions and requirements of all codes and ordinances of the Village, including obtaining all required permits and the payment of all fees and charges, provided that all fees and charges, including the contributions to the Village and other public bodies required

by Chapter 7 of Title XI of the Village Code, shall not be in excess of those in effect as of the date of the Agreement, provided, however, the moratorium on such fees and charges shall not be binding upon the Village after December 31, 2006.

The Agreement also provides that there would be no further subdivision of the property. There were questions from the Board.

Trustee Peterson said that one of the main concerns of the neighboring residents was about increased traffic to subdivision and that Iroquois Drive be vacated in order to block access to any development to the south. President Starkey explained that any discussions of vacating the portion of Iroquois Drive, south of Onondaga, in the future, would need to consider the Scoville property to the south, if it were to be developed. It was also noted that Outlot 1 could possibly be used for access to the current Scoville property to the south with permission of the Board and Mr. Werderitch. President Starkey said that Mr. Scoville had been informed that the Village does not want traffic to be able to access the Biltmore subdivision, and that access to any development on his property should be via Route 59. President Starkey said that to prevent such access in the future, the Village would consider vacating the south portion of Iroquois Drive, but the Village was leaving its options open at this time. Trustee Peterson said that he understood the reasons why the Village was doing this as a potential vacation instead of an actual vacation, but asked how the Village could protect itself against un-intended results in the future, and to make sure future Boards understood the rationale of the current Board.

Village Attorney Braithwaite explained that the Annexation Agreement would be recorded with the County, as a public record. He said that there was no absolute assurance that a future Board would not agree to allowing the property to the south to use Iroquois Drive, but that public hearings would be held for any annexation and/or development to the south.

The Board agreed that it was their intent that if the property to the south of the Werd Subdivision, currently known as the Scoville property, were to be developed, that the ingress and egress for the property should be from Route 59 and not Iroquois Drive, and at that time, the Village Board would vacate the unimproved portion of Iroquois Drive, south of Onondaga Drive. Also, Exhibit C of the Oak Ridge Subdivision showing Iroquois Drive and the portion labeled "POTENTIAL VACATION" would be attached to the Minutes of the this Village Board Meeting, held January 26, 2004.

Motion: Trustee McEnroe moved to adopt Ordinance #1027; seconded by Trustee Peterson.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Bartlett, McEnroe, Parker, and Peterson, President Starkey

Nays: None

Absent: Trustee Forman

Abstain: None

President Starkey declared Ordinance #1027 approved by the necessary three quarters vote and put on file.

F. Annexation Ordinance #1028 annexing property at 22920 N. Highway 59 (Werd)

The Ordinance had been made available to the Board in the Agenda packet.

Motion: Trustee McEnroe moved to adopt Ordinance #1028; seconded by Trustee Bartlett.

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Bartlett, McEnroe, Parker, and Peterson, President Starkey

Nays: None

Absent: Trustee Forman

Abstain: None

President Starkey declared Ordinance #1028 approved and put on file.

G. Ordinance #1029 rezoning the property at 22920 N. Highway 59 (Werd) to R-2

The Ordinance had been made available to the Board in the Agenda packet.

Motion: Trustee McEnroe moved to adopt Ordinance #1029; seconded by Trustee Peterson.

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Bartlett, McEnroe, Parker, and Peterson, President Starkey

Nays: None

Absent: Trustee Forman

Abstain: None

President Starkey declared Ordinance #1029 approved and put on file.

H. Ordinance #1030 granting zoning variations for property at 22920 N. Route 59 (Werd) for lot size and average width

The Ordinance had been made available to the Board in the Agenda packet.

Motion: Trustee McEnroe moved to adopt Ordinance #1030; seconded by Trustee Peterson.

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: Trustees McEnroe, Parker, and Peterson, President Starkey

Nays: Trustee Bartlett
Absent: Trustee Forman
Abstain: None

President Starkey declared Ordinance #1030 approved and put on file.

I. Resolution #2298 approving the final plat of subdivision for property at 22920 N. Highway 59 (Werd) subject to receipt of Letter of Credit, Signed Impact Fee agreement

The Resolution and Plat had been made available to the Board in the Agenda packet. There were some questions from the Board.

Motion: Trustee McEnroe moved to approve Resolution #2298; seconded by Trustee Peterson.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees McEnroe, Parker, and Peterson, President Starkey
Nays: Trustee Bartlett
Absent: Trustee Forman
Abstain: None

President Starkey declared Resolution #2298 approved and put on file. President Starkey thanked the residents for their comments, that the Board did appreciate the input, but the Board felt that Mr. Werderitch had a reasonable request.

VI. COMMISSION AND STAFF REPORTS

President Starkey 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 from January, 2004

The Minutes of the Meeting were made available to the Board.

E. Staff Meeting Minutes from January, 2004

The Minutes of the Meeting were made available to the Board.

VII. ADMINISTRATION

A. President's report

The President's Report was made available to the Board. President Starkey said that the new Village Code Books had arrived from the codifiers. President Starkey said that the Village Staff still needed to complete their reviews, and asked all the Trustees to review the new Code Book, and report back with any suggested changes in order to get the book approved in the next few months. President Starkey explained that the Village's Budget needed to be drafted and she would be meeting with each of the Commissions to go over their goals for the year, proposed budget, and then the Finance Committee would meet to work on the budget.

Trustee Bartlett asked President Starkey about an item on the January 27, 2004 BACOG meeting agenda indicating that Steve Mountsier was to speak about the March 16th Roads Tax Referendum Question. Trustee Bartlett said that she understood that the sales tax increase was to be used to fund road projects that the State can no longer fund. Trustee Bartlett asked if this tax increase would be used for projects such as Route 22, or more for intersections and turn lanes. President Starkey said that she could ask Steve Mountsier for clarification, or perhaps he could address the Board at the next meeting.

B. Sign Ordinance

President Starkey invited Chairman Pais and Vice Chairman Herrmann to address the Board regarding the proposed Sign Ordinance. Chairman Pais explained that the Plan Commission had been working on the proposed Sign Ordinance for quite some time, to redefine the way signs were defined within the Village. He explained that the Commission looked at what other villages used for standards, and based a lot of the Ordinance on what was outlined in the suggestions by the Route 12 Corridor Council. He explained that the Ordinance outlined what size, height, color and maximum wattage which could be used regarding signs, while trying to maintain a "countryside" look to the Village. There were some questions from the Board and lengthy discussion about illuminated signs and the stated maximum wattage for signs.

Motion: Trustee McEnroe moved to adopt Ordinance #1026, a Zoning Ordinance Amendment to Chapter 9 – Signs; seconded by Trustee Bartlett.

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Bartlett, McEnroe, Parker, and Peterson, President Starkey
Nays: None
Absent: Trustee Forman
Abstain: None

President Starkey declared Ordinance #1026 approved and put on file. President Starkey thanked the Plan Commission on all their hard work on the Sign Ordinance.

C. Ethics Ordinance (from last meeting)

The draft Ordinance had been made available to the Board in the Agenda packet. Trustee McEnroe asked that the Board review the draft document and call either Village Attorney J.W. Braithwaite, or himself, with any questions or concerns before the next, regularly scheduled meeting on February 23, 2004. Trustee McEnroe explained that the Village needed an Ethics Ordinance, and that many municipalities in the area have had this type of ordinance in place for a long time. He explained that the concern for an Ordinance was not directed at the current Board, but that the Ordinance was used to protect the integrity of government and public service, so that the people and those serving them would be guided by objective standards, as well as a system for interpreting and requiring adherence to these standards.

D. The item was previously removed from the Agenda

E. Barrington Area Relay for Life Meeting

President Starkey said that Trustee Forman has expressed an interest in forming a team in the past, and that she would be forwarding the information to her.

VIII. Reports by Board of Trustees

A. Trustee Craig Parker

Trustee Parker said that he had expected to have the Comcast Cable Agreement for Board approval at this meeting, but that a final agreement had not been reached, and he hoped to have the Agreement for February's meeting.

Trustee Parker reported on the Village's snow plowing contractor, the Barn Nursery. He said that the Village staff had reported that they were very happy with the contractor, and that the contractor had been diligently removing messages from the snow plow hotline. Trustee Parker said that overall he was very pleased and had not received an inordinate amount of complaints, including about the use of salt on the roads. He explained that when there have been any issues, property damage, etc., the contractor has been contacting residents and working out results on a timely basis.

B. Trustee Kimberly Forman

Trustee Forman was absent.

D. Trustee Dave Peterson

Trustee Peterson had nothing further to report.

E. Trustee Jack McEnroe

Trustee McEnroe had nothing further to report.

F. Trustee Sidney Bartlett

Trustee Bartlett reported that she had attended a League of Women Voters program on January 20, 2004 which discussed Intergovernmental Cooperation. She said the program was very informative and discussed boundary agreements that are in place to control development in the BACOG area.

Trustee Bartlett asked President Starkey about the proposed tax increase by the Lake Zurich Fire Department. President Starkey said that she could ask the Fire Department for a briefing on the topic at the February Board meeting.

IX. CLOSED SESSION.

The Board did not go into Closed Session.

X. OLD BUSINESS

There was no old business to discuss.

XI. NEW BUSINESS

There was no new business to discuss.

XII. ADJOURNMENT

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

The voice vote was unanimous in favor.

At 8:52 p.m. President Starkey declared the meeting adjourned.

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

Attest: _____

Kathy Nelander, Village Clerk

1/26/04 - Page 12 of 12