

MINUTES OF A MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD MONDAY,
AUGUST 23, 2004 AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD

I. Call to Order and Roll Call

At 7:30 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, Mazeski, Peterson and Sauer,
Trustee Forman (arriving at 7:33 p.m.)

Absent: None

Also Present: Judy Janus, Village Administrator

J. William Braithwaite, Village Attorney

Andrea Pracht, Baxter & Woodman

Bobbie Svacha, Village Treasurer

Jason Hagen, 135 Kimberly Road

Rich Wojck, 1203 Lincoln, Mt. Prospect

L. Kuzkowski, 410 N. Rt. 59, Tower Lakes

T. Pattison, 182 Kimberly Road

M/M Thomas Hellgeth, 578 Golfview Drive

Jim Archer, 145 Kimberly Road

John Matthews, 130 Arboretum Dr.

Bob Sturgis, 211 N. Signal Hill Road

Warren Nass, 107 Mohawk Drive

Barbara Potter, 285 Biltmore Drive

Chuck Jacobs, 571 Chateaux Bourne, Barrington

Deborah Ashen, 217 N. Jefferson, Chicago

Martin Pais, 180 Clover Hill Road

II. Public Comment

Jim Archer, 145 Kimberly Road, addressed the Board. He expressed concerns about safety for pedestrians, joggers, and bicyclists, especially in the Biltmore neighborhood. He asked that safety rules be included in the Village newsletter. Mr. Archer asked if the Village was considering any ordinances regarding motorized scooters. He explained that the scooters, typically driven by children, are difficult to see and pose a safety issue for both the scooters as well as vehicles. Mr. Archer also expressed concerns about speeding in residential neighborhoods.

Acting President Parker thanked Mr. Archer for his comments. He said that the safety information would be included in the Village's next newsletter. Acting President Parker asked

that Trustees Forman and Sauer, as well as the Village Attorney, research the motorized scooter issue.

Trustee Forman said that she would request extra patrols in the Biltmore area, particularly in school bus stop areas, with regard to enforcing the Village's speed limits.

Tim Pattison, 182 Kimberly Road, addressed the Board. He too expressed concerns about construction vehicles, landscape vehicles, and blind corners on Kimberly Road. He asked if the Village could prohibit landscaping and construction trucks from parking on corners, or be required to park on the client's property. Acting President Parker asked that Trustees Forman and Sauer to look into parking restrictions for landscaping and construction trucks, as well as the blind corners on Kimberly Road.

Tim Pattison, 182 Kimberly Road, addressed the Board about an additional issue, 210 Rainbow Road. Mr. Pattison explained that he had previously been before the Board and received approval for a subdivision request for the property at 210 Rainbow Road. Mr. Pattison explained that the property has experienced security problems for years, and a few days earlier, the remaining building on the site, a barn, had burned down, with damage to existing trees. Mr. Pattison expressed concern about security at the property as well as hazardous conditions on the property. He explained that he was the contract purchaser of the property, and was not going to finalize the purchase of the property until the final plat of the subdivision was approved. Mr. Pattison asked what the Village could do to expedite the final plat review process and how to address security issues. Village Attorney J.W. Braithwaite explained that the Board could waive the portion of the subdivision ordinance which states that the Plan Commission is to have the plat 60 days prior to review. Mr. Braithwaite said that the Board could authorize the Plan Commission to review the final plat as soon as possible. He explained that reviews by Village Staff would have to be completed after the submittal of the final plat, before it could be reviewed by the Plan Commission as well as the Board of Trustees.

Acting President Parker said that he would send Village Building Officer Kelly Rafferty to inspect the site for hazardous conditions, and contact the property owner about cleaning up and securing the site.

Trustee Forman said that the Village would provide security, via the Lake County Sheriff's Police, on Friday and Saturday nights in the immediate future, and that the fire was under investigation by the Lake Zurich Fire Department.

III: Consent Agenda

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 Hearings (06/28/04, 07/26/04) Board Meetings (06/28/04,

07/26/04)

- B. Approve the August 23, 2004 Vouchers for payment of bills
- C. Approve the Treasurer's Report for the 3rd month of Fiscal Year 2005
- D. Adopt Resolution #2337 regarding compliance with the Truth in Taxation Act
- E. Adopt Ordinance #1044 amending the Village Code regarding H&S Comm. Alternate
- F. Adopt Resolution #2338 appointing Frank Mattioli as Alternate Member of the Commission
- G. Adopt Resolution #2339 appointing Barbara Cragan as Member of the H&S Commission
- H. Adopt Resolution #2340 appointing Craig Parker as SWALCO Director

Discussion: There was no discussion.

Vote on Motion

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

Acting President Parker declared the motion approved.

IV. Variations/Subdivisions/Code Amendments

- A. Ordinance #1045 Zoning Variation Ordinance Re: Hellgeth, 578 Golfview Drive

Acting President Parker explained the variances to the code requested by Mr. & Mrs. Thomas Hellgeth:

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 is 20,250 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 on account of lot size.

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 variance was requested in order to build a garage addition to the home at 578 Golfview Drive. Chairman Nass explained that the variance was required due to the size of the lot, and that there were no setback variances

required. Chairman Nass noted that the submitted plans were preliminary plans and that final architectural drawings were required for review and approval prior to the issuance of a building permit. 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 #1045, approving the requested variances for Mr. & Mrs. Thomas Hellgeth to construct a 12' x 28'1" garage addition to the home at 578 Golfview Drive, using the preliminary plans prepared by Tinaglia Architects, Inc. dated 6/28/04, and that final architectural drawings would be required for review and permitting purposes; seconded by Trustee Mazeski.

Discussion: There was some discussion.

Vote on Motion

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

Acting President Parker declared Ordinance #1045 approved and put on file.

B. Ordinance #1046 Zoning Variation Ordinance Re: Sturgis, 211 North Signal Hill Road

Acting President Parker invited Zoning Board of Appeals Chairman Warren Nass to address the Board and explain the variance request. Chairman Nass explained that there were three variances requested in this application, and the ZBA looked at the variance requests separately, first the variance to Sections ZR-10-11-2 (A1 and A2) for the proposed fence and entry gates, and then for the variance to Section ZR-10-2-1 for the proposed garden house. Chairman Nass noted that all requirements had been met by the applicants and explained the first two variances to the code requested by Mr. & Mrs. Robert Sturgis.

ZR-10-11-2(A,1): No fence shall be permitted in front yards except ornamental fences. An ornamental fence is one which is for decorative purposes and the primary function of which is not an enclosure, barrier or means of protection or confinement.

The proposed wrought iron driveway entrance gates/monuments are located in the front yard and the primary function is that of a barrier or means of protection.

ZR-10-11-2(A,2): Except as otherwise permitted by this chapter or by the Village code, no fence shall be more than three feet (3') in height.

The proposed wrought iron driveway entrance gates and stone/brick entry monuments will be approximately six (6) feet in height.

Chairman Nass explained that the Village had amended the Village Zoning Ordinance regarding

fence regulations in November of 2002. Chairman Nass explained that although there were many fences located in the front yards on N. Signal Hill Road, each fence could fall under different circumstances. Chairman Nass noted that the ZBA viewed the structure as a gate, and not as a barrier. Chairman Nass said that there were no concerns from any neighbors for either issue, and the variance requests were unanimously approved by the Zoning Board of Appeals.

There were questions for Mr. Robert Sturgis about the fencing, entry monuments and gate. Mr. Sturgis explained they wanted to be able to control access to the property, via the gate, to keep out solicitors, but the fence did not enclose the property. He explained that there would be additional security measures for the home and property. There was lengthy discussion about the purpose of the fence, and the interpretation of the Fence Ordinance and whether or not the fence served as a barrier if it did not enclose the property. Chairman Nass noted that the Plan Commission was currently reviewing certain portions of the Fence Ordinance. There was further discussion. The Board took a straw vote on the approval of the gate and fencing, and the straw vote results were unanimous in favor.

Chairman Nass explained the second portion to the variance request.

ZR-10-2-1: Accessory structures shall not exceed two hundred fifty (250) square feet in area. The proposed Garden House structure has an overall area of 410 square feet (250 s.f. enclosed + 160 s.f. covered porch).

Chairman Nass that the garden house's interior was 250 square feet, and code compliant, but it was the additional covered porch which caused the variance from code. He explained that the roof was to provide shelter from the elements and to prevent snow from accumulating at the doors. He said that the garden house was to be constructed of the same materials used for the house: brick, stone and cedar. There questions from the Board and further discussion. Again, the Board took a straw vote on the approval of the garden house, and the straw vote results were unanimous in favor.

Motion: Trustee Forman moved to adopt Ordinance #1046 approving the requested variances to allow Mr. & Mrs. Robert Sturgis to construct a detached garden house at 211 N. Signal Hill Road using the plans prepared by Mark Elmore Associates Architects, dated 5/5/04, and to construct a fence and entry gates as depicted in the site/landscape/front entry gate plan as prepared by RYCO Landscaping, dated 5/7/04; seconded by Trustee Mazeski.

Discussion: There was lengthy discussion.

Vote on Motion

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

Acting President Parker declared Ordinance #1046 approved and put on file.

V. 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. There were questions from the Board about the home construction at 144 Kimberly Road and the lot. Village Engineer Andrea Pracht explained that the home was conforming and required no variations from Village Ordinances. She also explained that the review process for the home involved a subdivision and has been ongoing with the developer for several years, and the home is properly placed on the lot. It was noted that 144 Kimberly Road was previously part of the property of the existing home at 148 Kimberly, and the property was subdivided in 1999. There was further discussion about setbacks, frontage and driveway location.

B. Building Inspection Report (Ray Donini)

The Building Inspection Report was made available to the Board.

C. Building Inspection Report (B&F Technical Code Services, Inc.)

The Building Inspection Report was made available to the Board.

D. Engineering Project Status Report (Al Stefan - Baxter & Woodman)

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

E. Health & Sanitation Report (Natalie Karney - Land Technology)

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

F. Plan Commission Meeting Minutes (August 2004)

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

G. ZBA Minutes (August 2004)

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

H. Environmental & Health Commission Meeting Minutes (July 2004)

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

I. Staff Meeting Minutes (August 2004)

The Minutes of the Meeting were made available to the Board. Trustee Forman asked about Biltmore Country Club's outstanding bills regarding previously proposed septic work. Acting President Parker explained that the Club has questions about the submitted bills, and that a meeting was going to be set up, hopefully within the next two weeks, to review the bills in question.

There were questions about the fence at the end of East Oxford Drive at the entrance to the Village's nature trail. It was noted that the fence was impeding access to the trail for maintenance purposes, and the Village Attorney had sent a letter to the homeowner pointing out that the homeowner had illegally erected a fence on Village property and that the fence needed to be removed. Acting President Parker explained that the entire area was scheduled for a survey to verify all property lines in the area, and that he would have more information after the survey has been completed.

VI. 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.

C. Ratify Motion (July 26, 2004) Re: Ted Gray – Concord Lane

Acting President Parker explained that at the July Board meeting, a motion was made to approve 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. Votes on the motion included three "aye" votes and two "nay" votes. Acting President Parker explained that he had declared the motion approved, but 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, and a ratification vote was recommended. Acting President Parker explained that he felt, since it was the intent of the Board to approve the motion, ratification, rather than re-discussion of the matter was appropriate. There were some questions from the Board.

Motion: Trustee Peterson moved to ratify the motion previously made 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 some discussion.

Vote on Motion

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

Acting President Parker declared the motion approved.

D. State Mandate Affordable Housing – Update

Acting President Parker explained that the affordable housing issue was very complex. Acting President Parker explained that he with Village Attorneys J.W. Braithwaite and Nancy Harbottle would be attending a seminar hosted by the State on how this should be interpreted. He explained that all villages, especially non-home rule villages, are trying to figure out how to interpret the State's mandate. Acting President Parker explained that a plan is to be developed by April of 2005 outlining how 10% of the village housing could eventually meet the designation as affordable housing. There was lengthy discussion.

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

As discussed in the Public Comment portion of the meeting, Trustee Forman said that the Village would provide security, via the Lake County Sheriff's Police, on Friday and Saturday nights in the immediate future at 210 Rainbow Road. Trustee Forman said that she with Acting President Parker and the Village Attorney would be meeting with the property owner to discuss clean up and security issues.

C. Trustee Kelly Mazeski

Trustee Mazeski had nothing to report.

D. Trustee Dave Peterson

Trustee Peterson had nothing to report.

E. Trustee Bruce Sauer

Trustee Sauer explained that Cuba Township had submitted a proposal for road, snow/ice removal and other services for the Village. Trustee Sauer explained that while the existing providers for the Village had done a good job, the use of Cuba Township offered the Village a unique opportunity. He explained that since the township is a municipality service, it does not have to operate at a profit, but operates to cover costs. He explained that this would allow the Village to maintain control with expanded services at a fixed labor cost, for five years. These services would include snow and ice control, forestry, brush and mowing services, sign manufacturing services, road maintenance services, and animal carcass removal. Trustee Sauer said that additional services such as free mulch, free firewood, and recycling services are also offered, which are additional benefits to residents. There were some questions from the Board about pricing, the length of contract as well as engineering. There was also some discussion about the role of townships in the area. There was lengthy discussion.

Motion: Trustee Sauer moved to accept in principle the proposal from Cuba Township for road services in the Village subject to preparation and approval of a formal contract; seconded by Trustee Bartlett.

Discussion: There was lengthy discussion.

Vote on Motion

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

Acting President Parker declared the motion approved.

Village Attorney J.W. Braithwaite mentioned that Arnstein and Lehr provided legal counsel to Cuba Township, as well as the Village of North Barrington. Mr. Braithwaite explained that the Board could ask that Arnstein & Lehr reclude themselves from either representation, or the Board could have Arnstein and Lehr continue to work with the Village and Trustee Sauer on the contract. Mr. Braithwaite explained that they would not be in a position to negotiate, but in a position to draft the document, subject to scrutiny by Acting President Parker and Trustee Sauer. Mr. Braithwaite explained that the Village also could have another attorney handle this particular matter. It was the consensus of the Board to have Arnstein & Lehr as legal counsel for the Village in this matter, with the Township securing other counsel. Mr. Braithwaite said that he would inform Cuba Township that their office would not represent the township on this particular

matter.

Acting President Parker referred to item VII.E.1 in the Trustee's packets. He explained that bids were secured for the Village's FY2004 Road Program. Acting President Parker explained that Baxter & Woodman's pre-bid opinion of the probable cost for the project was \$136,071.56, and Chicagoland Paving Contractors, Inc. from Lake Zurich was the lowest bidder. Bids received were:

* Chicagoland Paving Contractors, Inc.	\$126,835.50
* Arrow Road construction Company	\$138,070.30
* JA Johnson Paving Co., Inc.	\$151,233.60
* Peter Baker & Son Co.	\$163,580.91
* Callahan Paving, Inc.	\$173,894.24
* Curran Contracting Company	\$203,885.45
* Maneval Construction	\$230,071.56

Motion: Trustee Peterson moved to accept the bid from Chicagoland Paving Contractors, Inc. and award the contract for \$126,835.50, using MFT funds, subject to execution and review of a written contract; seconded by Trustee Bartlett.

Discussion: There was some discussion.

Vote on Motion

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

Acting President Parker declared the motion approved.

There was some discussion about the use of grass verses gravel on road shoulders in the Village. Acting President Parker explained that, in the past, the homeowners were given the choice for either gravel or grass on shoulders of repaved roads. There was lengthy discussion on the merits of both. There was also some discussion of installing a curb and gutter system in certain areas which are prone to washouts. Trustee Sauer explained that some of the wash out areas had been reviewed by himself with Baxter & Woodman and Cuba Township, that there were cost differentials for asphalt and concrete gutters, and the matter was under discussion and review. Village Engineer Andrea Pracht explained that the shoulders in the Village are very inconsistent, and the goal would be to maintain consistency, although there are advantages to both gravel and grass shoulders.

VIII. CLOSED SESSION.

There was no closed session.

IX. OLD BUSINESS

Acting President Parker reminded the Board about submissions for the upcoming newsletter, and asked that any outstanding items be submitted as soon as possible.

X. NEW BUSINESS

Acting President Parker invited Martin Pais to address the Board. Martin Pais, 118 Clover Hill Lane, addressed the Board. He explained that he was before the Board as a resident representing a small group of residents from the Village with a proposal and a request. He said that the proposal involves election education. Mr. Pais explained that the education portion was to encourage residents to become more active in village government. Their group, Citizens for Election Education, wished to send out flyers explaining the election process, including the date of election, duties of elected officials, as well as terms of elected officials. This information would also include eligibility, registering process, and volunteer positions available. He explained that his group would also like to provide forums for candidates in order to distribute information. He said these forums would be non-partisan and the League of Women Voters has volunteered to monitor these forums.

Mr. Pais explained that his request involved three items. One included posting information on the Village's website and the Village newsletter about the positions, terms, and duties that are open for the next election. Mr. Pais said that they wanted to publish their own newsletter, and wanted Village funding for mailings, and funding for refreshments at the forums.

After lengthy discussion, it was determined that the Village Attorney would determine if the group were abiding by State Laws regarding electioneering regarding the Village newsletter and website. With regard to mailings, all content would be reviewed by the Village Attorney. There was discussion on the protocol for the use of Village's resident mailing list. There was further discussion about the logistics of the mailings, including the use of Village's resident mailing list. The submittal for the upcoming newsletter was forwarded to the Village Attorney for review.

Acting President Parker thanked Martin Pais for his comments and for promoting voting and volunteerism in the Village.

XI. ADJOURNMENT

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

The voice vote was unanimous in favor.

At 10:30 p.m. Acting President Parker declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held September 27, 2004.

Attest: _____

Kathy Nelander, Village Clerk

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