

MINUTES OF A MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD MONDAY,
MAY 23, 2005 AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD

I. Call to Order and Roll Call

At 7:30 p.m. President Sauer called the Meeting to order. The Village Clerk led the Pledge of Allegiance, and then called the roll:

Present: President Sauer, Trustees Farrell, Moran, Peterson, Pino, Schnure, and Contorno (arriving at 7:34 p.m.)

Absent: None

Also Present: Judy Janus, Village Administrator
Bobbie Svacha, Village Treasurer

Nancy Harbottle, Village Attorney

Joe Arizzi, Wauconda Fire Department

Andrea Pracht, Village Engineer

Warren Nass, 107 Mohawk Drive

Barb Potter, 285 Biltmore Drive

Susan Allman, 425 Mockingbird Lane

Ray Donini, Deputy Building Officer

David Blumhorst, 221 Liberty, Crystal Lake

Troy Oldham, Sergeant, Lake County Sheriff Department

Robert Knox, 75 Saddle Tree Lane

Sonia and Rob Beranich, 609 Sioux Drive

Anne Leahy, 604 Sioux Drive

Ray and Joyce Best, 114 Mohawk Drive

II. Public Comment

Sonia and Rob Beranich, 609 Sioux Drive, expressed concerns about possible damage to Sioux Drive and the existing trees on the road right of way with regard to a variance request for a home addition at 604 Sioux Drive.

III. Consent Agenda

Items B. Motion to approve the May 23, 2005 Vouchers for payments of bills, and C. Motion to approve the Treasurer's Report for the 12th month of Fiscal year 2005 were removed from the Consent Agenda.

Motion: On motion of Trustee Schnure, seconded by Trustee Peterson, moved approval of the following agenda items by a single omnibus vote:

- A. Minutes of Board Meeting 4/25/05
- D. Resolution #2365 appointing Jackie Andrew as a Member of the Environmental Commission
- E. Adopt Ordinance #1057 amending the Village code regarding check signers

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Contorno, Farrell, Moran, Peterson, Pino, and Schnure
Nays: None
Absent: None
Abstain: None

President Sauer declared the motion approved.

Items removed from the Consent Agenda for further discussion:

- B. Approve the May 23, 2005 Vouchers for payment of bills

Trustee Farrell questioned the first item on Page 1, a payment of \$4000 to Advanced Practical Solutions, LLC for Lobbying Services.

President Sauer explained that it had been discovered that IDOT had submitted a request for funding for the expansion of State Route 22 from Quentin Road to US Route 14. Trustee Sauer explained that previously, the expansion was submitted in two sections, from Quentin Road to US Route 12 and from US Route 12 to US Route 14; and the latter section, US Route 12 to US Route 14, was later removed from the funding request. President Sauer explained that further research had not shown whether this is a maneuver by the State or merely a mistake. President Sauer said that after conversations with the Village of Lake Barrington, the Villages agreed that the hiring of a lobbyist could serve the interests of both Villages with regard to monitoring any plans for Route 22 between US Route 12 and US Route 14 at the State level. President Sauer explained that each Village would pay a monthly fee of \$2000 for these lobbying services, and the Board moved to approve the expenditure of \$24,000 for Fiscal Year 2006, or such lesser amount as may be required, at the March 2005 Board meeting.

There were questions from the Board. Trustee Pino pointed out that that the legislature does not meet during the summer months, and the Village could possibly save money by renegotiating the contract to exclude the summer months. Trustee Pino explained that he had reviewed lobbyist contracts in the past, and that typically a contract with a lobbyist spanned the time frame of the legislative session.

Village Attorney Harbottle suggested that the lobbyist, Milan Petrovic, could either submit a report for the June Board Meeting or be invited to report to the Board in person. The Board

agreed that a monthly report was appropriate and did not want to incur further costs by having Mr. Petrovic meet with the Board. It was noted that a 30 day notice was required to cancel the contract. After some discussion, the Board decided to have the Village Attorney direct a formal notice of term letter, as a means for the Board to be able to secure a report to review the lobbyist's progress and as well as any plans for the future in order to have the option of ending the contract. It was also suggested that President Sauer review the letter before it was sent to Mr. Petrovic.

Motion: Trustee Contorno moved to direct the Village Attorney to prepare a 30 day notice of termination letter to Advanced Practical Solutions, LLC as a means for the Board to be able to secure a report to review the lobbyist's progress and as well as any plans for the future in order to have the option of ending the contract; seconded by Trustee Moran.

Discussion: There was some discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Sauer declared the motion approved.

Motion: Trustee Schnure moved approve the May 23, 2005 Vouchers for payment of bills; seconded by Trustee Peterson.

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: President Sauer, Trustees Contorno, Farrell, Moran, Peterson, Pino, and Schnure

Nays: None

Absent: None

Abstain: None

President Sauer declared the motion approved.

C. Approve the Treasurer's Report for the 12th month of Fiscal Year 2005

Trustee Peterson had some questions about the Treasurer's Report. Village Treasurer Roberta Svacha was available for questions. Trustee Peterson also questioned the amount of money in the Village's checking account and asked if it could be invested differently. President Sauer explained that he, with Trustee Schnure, was exploring options and other banks in order to get the best rate possible. The Board had some questions about previous fiscal year's reports, and trends in the Village's finances. The Village Administrator was directed to assemble financial records and information for later distribution to the Board.

Motion: Trustee Peterson moved approve the Treasurer's Report for the 12th month of Fiscal Year 2005; seconded by Trustee Schnure.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: President Sauer, Trustees Contorno, Farrell, Moran, Peterson, Pino, and Schnure
Nays: None
Absent: None
Abstain: None

President Sauer declared the motion approved.

IV. VARIATIONS/SUBDIVISIONS/CODE AMENDMENTS

A. Adopt Ordinance #____, Zoning Variation regarding Knox, 75 Saddletree Lane

President Sauer invited Zoning Board of Appeals Chair Warren Nass to address the Board and explain the variance request. Chairman Nass noted that all requirements had been met by the applicant and explained the variance to the code requested by Mr. & Mrs. Robert Knox.

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

The proposed fencing is five feet (5') in height.

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.

In accordance with the Village Zoning Ordinance, the front lot line shall be the line which abuts the ingress and egress to your property. The front yard is therefore considered to be the yard extending between side lot lines and between the front lot line and front building line. While the fence brochure submitted in support of the application describes the fencing style as being an "Ornamental Aluminum Picket Fence", the zoning ordinance defines an ornamental fence as one which is for "decorative purposes", where the "primary function" is not an enclosure or barrier. It is clear that the proposed fence, which runs the entire perimeter of the property, is both an enclosure and barrier. Even if, in your eyes, the purpose of the fence is decorative, it cannot meet the primary function test. As such, the proposed fencing in the front yard is not exempted from the regulations of the zoning ordinance as being "ornamental".

ZR-10-11-2(A,7): Except as otherwise permitted by this chapter, no fence that is of the form, shape or structure of a chain link or mesh like or wire fabric, made of any material (including, but not limited to, metal or plastic) is permitted.

Option #2 proposes 1,282 lineal feet of five foot (5') high vinyl coated chain link fencing.

Chairman Nass explained that the variance request was originally heard by the ZBA at their February meeting and the matter was continued for three consecutive months. Chairman Nass explained that the applicant wished to install a five-foot fence around the perimeter of the five-acre parcel at 75 Saddle Tree Lane to keep out neighboring dogs and coyotes. Chairman Nass explained that the ZBA had recommended that Mr. Knox contact Trustee Forman (police liaison) as well as call the Lake County Sheriff's Police with regard to the neighboring dogs at the February 8th Public Hearing. Chairman Nass explained that the matter was continued in order to give Mr. Knox a chance to contact the Lake County Sheriff's Police, Trustee Forman, and his neighbors. Chairman Nass reported that Mr. Knox did not contact Trustee Forman or the Lake County Sheriff's Police, but had spoken with his neighbors about their dogs. Chairman Nass explained that the ZBA had unanimously recommended denying the Zoning Variance Request for the fence for a number of reasons, including that a variance should not be granted based on a neighboring dog, restricting the movement of wildlife on such a large parcel, and the fence was against the Village's ordinances. Chairman Nass explained that Mr. Knox was in attendance to address the Board.

Mr. Knox said that he would not need to install the fence if it were not for the threat of the neighboring dogs, and the fence was to serve as a protective measure for the safety of his mother and children. Mr. Knox said that one neighbor had a pit bull and it had attacked him in the past, although he had not seen the dog in over a year.

Trustee Moran said that he agreed with the Zoning Board of Appeals that the matter was more of an issue for the Sheriff's Police and Animal Control, not a zoning variance matter. Mr. Knox said that he never had contacted the Police to file a complaint about the neighboring dog because he felt it would not accomplish anything.

Trustee Contorno said that he thought it would be difficult to support Mr. Knox's request for a variance with the absence of ongoing evidence that suggested that the neighboring dogs were continuing to come on Mr. Knox's property. Trustee Contorno also said that Mr. Knox had chosen to not follow through with the suggested protocol of contacting the Lake County Sheriff's Police as well as Animal Control, with regard to the neighboring dogs, which also added to the difficulty of supporting the request. Contorno noted that Mr. Knox had said that he had not seen the dog in over a year which could mean that the neighbor did not own the dog anymore.

Motion: Trustee Schnure moved to deny the variance request for Mr. & Mrs. Robert Knox to install a 5-foot high perimeter fence at 75 Saddle Tree Lane; seconded by Trustee Pino.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Contorno, Farrell, Moran, Peterson, Pino, and Schnure
Nays: None
Absent: None
Abstain: None

President Sauer declared the motion approved and the variance request denied.

B. Adopt Ordinance #____, Zoning Variation regarding Leahy, 604 Sioux Drive

Chairman Nass noted that all requirements had been met by the applicants and explained the variance to the code requested by Mr. & Mrs. Matt Leahy.

ZR-10-1-2(B) and

ZR-10-4-2(A1b): A non-conforming building or use shall not be expanded.

The existing house is non-conforming on account of building setback encroachments.

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

Based on the 60 foot right-of-way width established for Sioux Drive, the required front setback shall be 30 feet as measured from the front (south) property line. The existing house is located approximately 27 feet from the front (south) property line. The existing wood deck is located approximately 21 feet from the front property line.

ZR-10-9-2(C): From the rear line, the setback shall not be less than 40 feet or 20% of the depth of the lot, which ever amount is larger.

than Based on a lot depth of 135 feet, the required setback shall not be less than 40 feet from the rear (north). The existing house is located approximately 32 feet from the rear (north) line.

Chairman Nass explained the location of the proposed addition fully complies with the front, side and rear building setbacks required by the Village zoning ordinance. He explained that the location of the existing house on the property does not comply with the required 30 foot front setback off of Sioux Drive and the required 40 foot rear setback, thus would require a zoning variation as the existing house is considered a non-conforming property. Chairman Nass said

that there were no neighbors objecting to the addition, and that the addition would enhance the existing home as well as the neighborhood. He explained that the ZBA had unanimously approved the request.

There was discussion about the roads in the area. The Board suggested a possible increase in the Road Bond based on the Village Engineer's review of the site and building plans.

Dave Blumhorst from Schafer Builders, Inc. addressed the Board. He said due to the concerns previously expressed, every precaution would be taken to protect the roads, drainage culverts, and trees in the building area. Mr. Blumhorst said that they were working closely with the Village Forester on tree protection on the property, and would be installing a temporary wood-chip road to the back of the property for the purpose of moving equipment in and out. Mr. Blumhorst explained that there would be no heavy equipment parked on the roadway and he also outlined equipment that would be used for the addition. He said that he would get the smallest available concrete truck, or make sure it was carrying a light load, for the concrete pour; and that they would be using a small back hoe for the excavation and backfill. He also noted that all building materials would be brought to the site in small, pick up trucks. He also noted that all employees use either a pick up truck or a van and these vehicles would be parked in the home's driveway.

Motion: Trustee Schnure moved to approve Ordinance #1058 allowing Mr. & Mrs. Matt Leahy to construct a two-story addition to the home at 604 Sioux Drive using the architectural plans as prepared by ALA Associates, Inc., last revised 2/28/05 subject to the Village Engineer and the Village President agreeing on an appropriate Road Bond amount; seconded by Trustee Peterson.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Contorno, Farrell, Moran, Peterson, Pino, and Schnure
	Nays:	None
	Absent:	None
	Abstain:	None

President Sauer declared the motion approved.

V. COMMISSION AND STAFF REPORTS

President Sauer 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. 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 (Andrea Pracht - 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. Environmental Commission Meeting Minutes (May 2005)

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

G. Parks & Recreation Commission Meeting Minutes (May 2005)

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

H. Zoning Board of Appeals Meeting Minutes (2) (May, 2005)

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

I. Staff Meeting Minutes (May 2005)

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

VI. ADMINISTRATION – President Bruce Sauer

A. Roads – Update

President Sauer explained that he was working with Trustee Schnure, Cuba Township Highway Commissioner Tom Gooch, and Baxter and Woodman's Mark Dachsteiner to determine this year's road program. He said that there was substantially more work proposed than was proposed last year. He noted that as soon as the program was finalized, bids would go out for the planned work.

B. Flint Creek Partnership – Overview

President Sauer explained that the Flint Creek Partnership was a proposed alliance to involve the Barrington Area Development Council, Citizens for Conservation, Barrington Area Council of Governments, concerned Member Villages and Townships, Home-owner Associations, area Garden Clubs, and individual citizens working together to preserve and improve Flint Creek and its environs. President Sauer said that there were no specifics as of yet, but being member of the alliance would be of benefit to the Village. President Sauer asked the Board to review the proposal and direct any questions to the Barrington Area Development Council. President Sauer explained that when the alliance was formed and the Village was approached to become involved, the Environmental Commission would act as the liaison with the proposed Flint Creek Partnership.

C. Appeal – Watershed Development Ordinance Violation (110 Century Oaks Drive)

President Sauer explained that the matter would not be heard at this time.

VII. Reports by Board of Trustees

A. Trustee Rick Contorno

Trustee Contorno had nothing to report.

B. Trustee Jane Farrell

Trustee Farrell had nothing to report.

C. Trustee Jim Moran

Trustee Moran explained that the Plan Commission had previously submitted a draft fence ordinance to the Board for review. Trustee Moran explained that due to the timing of the submittal, the previous Board did not have a chance to review the draft ordinance. He explained that he was meeting with Building and Zoning Officer Kelly Rafferty, Plan Commission Chairman Martin Pais, and President Sauer to review the draft ordinance in order to facilitate the submittal of a final product for the Board's review. Trustee Moran also noted that the Plan Commission was working on a tear-down ordinance and were getting closer to submitting, for the Board's review, an outline of the proposed ordinance.

D. Trustee Dave Peterson

Trustee Peterson reported that the topic of Flint Creek would be on the agenda for the June Board meeting. For the benefit of new Board members, 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

commissioned a report by Village Engineers Baxter & Woodman, and then to an outside engineer, Ted Gray and Associates, to submit recommendations with regard to flooding and flood management. Trustee Peterson explained that after these reports were reviewed, the Environmental Commission recommended that Village Engineers Baxter & Woodman work with Ted Gray & Associates, to develop a comprehensive, multi-year plan with regard to Flint Creek. He explained that the status of this draft, combined plan would be discussed at the next Environmental Commission meeting.

Trustee Pino suggested that the Village explore securing Federal funding for the Flint Creek project.

E. Trustee Al Pino

Trustee Pino reported that the Zoning Board of Appeals had not only heard the two variance requests as heard earlier by the Board, but also a variance request for signage in Wynstone North Commercial. He noted that the matter would be before the Board at the June meeting, after an appearance review by the Plan Commission.

F. Trustee John Schnure

Trustee Schnure said that he had observed excessive trash on the Village's streets. It was noted that the Environmental Commission did not sponsor its annual Spring Clean Up in the spring. Trustee Schnure suggested that the Village hire someone to clean up the area roadways on a regular basis. President Sauer said that Cuba Township Highway Commissioner Tom Gooch hires summer help and suggested to Trustee Schnure that he contact Mr. Gooch about setting up a program.

VIII. OLD BUSINESS

There was no additional old business to discuss.

IX. NEW BUSINESS

There was no additional new business to discuss.

X. ADJOURNMENT

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

The 8:55 p.m. President Sauer declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held June 27, 2005.

Attest: _____

Kathy Nelander, Village Clerk

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