

**MINUTES OF A MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD WEDNESDAY,
NOVEMBER 19, 2007 AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD**

I. Call to Order and Roll Call

At 7:33 p.m. President Sauer called the Meeting to order. The Deputy Village Clerk led the pledge of Allegiance, and then called the roll:

Present in Person: President Sauer, Trustees Boland, Farrell, Kolar, Pino and
Weiner

Absent: Trustee Contorno

Also Present: Kathy Nelander, Village Administrator
J.W. Braithwaite, Village Attorney
Kris Lennon, Deputy Village Clerk
Ed Harris, Lake County Sherriff's Department
Walter Willis, SWALCO
Joe Arizzi, Wauconda Fire Department
Joe Schwarz, Wauconda Fire Department
Warren Nass, 107 Mohawk Drive
Barry Altshuler, 211 Biltmore Drive
Gery Herrmann, 257 Kimberly Road
Michael Hayward, 114 Old Oak Road
Guy Trayling, Lake Zurich Fire Department
Bruce Kramper, 178 Pheasant Run Trail

II. Public Comment

There is no one who wished to speak.

III. Consent Agenda

Motion: On motion of Trustee Weiner, seconded by Trustee Pino, moved approval of the consent agenda consisting of the following agenda items:

- A. Approve Minutes of Board Meeting – 10/24/07**
- B. Approve the 11/19/07 Vouchers for payment of bills**
- C. Approve the Treasurer's Report for the 6th month of Fiscal Year 2008**
- D. Approve Resolution #2472 re-appointing Andrew Seagren as Parks and Recreation Commission Member**

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: President Sauer, Trustees Boland, Farrell, Kolar, Pino and Weiner
Nays: None
Absent: Trustee Contorno
Abstain: None

President Sauer declared the motion approved.

IV. VARIATIONS

A. Ordinance # _____ Zoning Variation, Mr. & Mrs. Jeff Ropers, 260 Shady Lane, North Barrington.

The Ordinance had been made available to the Board in their packet materials. President Sauer explained the variance to the code requested by Mr. & Mrs. Jeff Ropers.

Section 10-11-2(A): No fence shall be located in a front yard.

The proposed fencing along the south property line will extend approximately twenty five feet (25') into the front yard.

Section 10-11-2(B): Except as otherwise permitted or required by this chapter or by this code, no fence shall be more than forty two inches (42") in height at any point.

The proposed fencing along the south property line will be six feet (6') in height.

Section 10-11-2(F): Every fence shall be constructed with at least fifty percent (50%) open space between the elements of which the fence is constructed in order that one may see through the fence when viewed in a direction perpendicular to the fence.

The proposed fencing along the south property line will be a solid, privacy type, fence with zero percent (0%) open space between the elements of which the fence is constructed.

Mr. & Mrs. Ropers were not in attendance. President Sauer invited Zoning Board of Appeals Chairman, Warren Nass to address the Board. Chairman Nass stated that the Zoning Board of Appeals (ZBA) on November 13, 2007 recommended denial of Mr. & Mrs. Ropers' variation request. Chairman Nass stated that Ropers are requesting a variance in order to construct a stockade fence on the south side of their property and a shorter picket fence in the front yard. Sections of the Village Code prohibit the construction of stockade fences as well as, fences located in the front yard. The first hardship claimed is that there are dogs living with individuals

who are renting the property located at 254 Shady Lane; the dogs have crossed onto the Ropers' property and the Ropers want to construct a fence to secure the backyard and protect their children. The second hardship is that a teenager lives at the property located at 254 Shady Lane and there have been recurrent parties with continual noise and commotion.

There were questions from the Board about the existing fence located on the Ropers' property. Chairman Nass stated that there is an existing stockade fences as well as, a short picket fence. The existing fences are not new.

It was noted that the police have been out to the property located at 254 Shady Lane.

Chairman Nass stated in his opinion, there are other ways to resolve the issues. The Lake County Sheriff could aid with the dog issue, and bushes could be planted in order to secure privacy between the two houses. Chairman Nass noted that the denial of the variation request by the ZBA was unanimous.

Motion: Trustee Pino moved to deny the variation request as submitted by Mr. & Mrs. Ropers to construct a fence on the property of the existing home located at 260 Shady Lane; seconded by Trustee Boland.

Discussion: There was some discussion.

Vote on Motion

<u>By Roll Call:</u> Ayes:	Trustees Boland, Farrell, Kolar, Pino and Weiner
Nays:	None
Absent:	Trustee Contorno
Abstain:	None

President Sauer declared the motion approved.

B. Ordinance # 1128 Village Code Amendment adding new Section 1-8-8 under Chapter 8, Finances to Provide for Interest charge on Indebtedness to the Village.

The Ordinance had been made available to the Board in advance of the meeting in their packet materials. The Board was asked to consider amending the Village Code to provide for an interest charge on indebtedness where payments are unduly delayed by the debtor. President Sauer asked Trustee Boland for his comments on the proposed ordinance.

Trustee Boland stated that he had an issue with the determination as to when the interest on the indebtedness would begin.

It was noted that Village invoices currently do not include a due date. Village Administrator Kathy Nelander stated typically, she does not have a problem with receiving funds, however; she will begin placing a due date on future invoices to include a 30 day return so that the debtor will have approximately 60 days from the due date of the original invoice to pay the debt prior to accruing interest.

Motion: Trustee Boland moved to approve Ordinance # 1128; seconded by Trustee Kolar.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Boland, Farrell, Kolar, Pino and Weiner
Nays: None
Absent: Trustee Contorno
Abstain: None

President Sauer declared the motion approved.

V. COMMISSION & STAFF REPORTS

President Sauer stated that the following items were contained in the Trustee's packets and if there were any questions, to contact the appropriate Commission Chair or Village Officer.

- A. Building Department Report (Kelly Rafferty – Rafferty Architects)**
- B. Building Inspection Report (B&F Technical Code Services Inc.)**
- C. Engineering Project Status Report (Andrea Pracht – Baxter & Woodman)**
- D. Health & Sanitation Report (Natalie Karney – Land Technology)**
- E. Parks & Recreation Commission Meeting Minutes 11/5/07**
- F. Environmental & Health Commission Meeting Minutes 11/6/07**
- G. Zoning Board of Appeals Public Hearing Minutes 11/13/07**

VI. ADMINISTRATION – President Bruce Sauer

A. Proposed Burning Ordinance

A draft of the ordinance regulating outdoor burning had previously been made available to the Board for review. Additional information submitted to the Board included: a revised draft ordinance by Trustee Farrell as well as information on lot sizes; a memorandum from Cuba Township Highway Commissioner Tom Gooch discussing the need for catch basin cleaning and leaf removal; information about current leaf disposal options offered by Waste Management.

President Sauer asked Trustee Farrell to present her information to the Board and furnish her recommendation on the proposed burning ordinance.

Trustee Farrell stated that while she is not opposed to the proposed ordinance allowing leaf burning during the specified days and hours, she stated that she would like a provision to allow the burning of landscape waste. Trustee Farrell also removed Section 7-10B-4 of the proposed ordinance which allowed any complaint of a fire within the Village to constitute a public nuisance and the fire would automatically be extinguished. Trustee Farrell also submitted information on lot sizes to demonstrate just how many residents own one (1) acre of land or more.

President Sauer stated that he agreed with Trustee Farrell that the leaf burning issue and landscape waste burning issue should be kept separate. He also noted that the fire department and/or safety officer should make the determination if a fire is safe or unsafe.

Gery Herrmann, 257 Kimberly Road, Chairman of the Environmental and Health Commission, spoke from the audience and stated Section 7-10B-4 was added in order to encourage the residents to burn safely and not inappropriately.

There was discussion among the Board about the number of days per year that residents should be allowed to burn leaves and how weather conditions can impact a restricted number of days.

Trustee Boland commented that he was disappointed in the lack of facilities for the disposal of leaves.

Joe Swartz, Deputy Fire Marshall, Wauconda Fire Department, spoke from the audience. He stated for the record that the Wauconda Fire Department would support a ban for the burning of leaves. In the event that the Village does not ban the burning of leaves, Deputy Fire Marshall Swartz stated he would recommend the following changes to the proposed ordinance:

- Define “structure” in Section 7-10B-1 (A) 5
- Change wind speed in Section 7-10b-4 (D) from 20 mile per hour (mph) to 10 mph.

President Sauer asked the Board if they had any problems with reducing the wind speed in Section 7-10b-4 (D) of the proposed ordinance from 20 mph to 10 mph. It was noted that the Board agreed to amend proposed Section 7-10b-4 (D) from 20 mph to 10 mph.

Guy Trayling, Assistant Fire Marshall, Lake Zurich Fire Department stated that fire departments try to reduce the risk of fire spreading into the community. Assistant Fire Marshall Trayling noted that he agreed with Deputy Fire Marshall Swartz regarding Section 7-10B-1 (A) 5 and that the Village should establish a definition(s) for the term “structure” and would provide examples of such language to the Village. President Sauer requested a copy be forwarded to him.

Village Attorney J.W. Braithwaite stated he would forward a copy of the proposed burning ordinance to Fire Marshall Swartz and Assistant Fire Marshall Trayling after the document has been legally reviewed.

B. Walter S. Willis, Executive Director of SWALCO to discuss SWALCO’s new programs and a new Operations and Maintenance Fee.

President Sauer invited Walter S. Willis, Executive Director of Solid Waste Agency of Lake County (SWALCO) to address the Board.

Walter S. Willis introduced himself as the new Executive Director of the SWALCO and thanked Trustee Weiner for the invitation to address the Board. Mr. Willis stated that SWALCO represents the majority of communities within Lake County and that their goal is to address needs of each community as well as needs of the entire region. Mr. Willis discussed many programs that operate under SWALCO and noted that North Barrington is in the top five Villages which generate the most recyclables per household/year. Mr. Willis continued to discuss programs that manage the collection and disposal of waste materials including SWALCO's establishment of an annual Operations and Maintenance (O&M) Fee. After an evaluation of SWALCO's budget, the Board of Directors approved an O&M Fee of \$1.00 per household to provide an increase in revenue. Mr. Willis stated that in order to implement the O&M Fee, the Village must verify the total number of households within the community. Mr. Willis thanked the Board and encouraged the Village to use SWALCO as a viable resource.

There was discussion among the Board about the different programs SWALCO has to offer, including an Electronic Recycles Program and a Florescent Bulb Recycles Program.

President Sauer noted the importance of taking an aggressive approach to implement new waste management programs into the community.

VII. REPORTS BY THE BOARD OF TRUSTEES

A. Trustee Boland

Trustee Boland had nothing to report.

B. Trustee Contorno

Trustee Contorno was absent.

C. Trustee Farrell

Trustee Farrell reported that the Plan Commission discussed Portable on Demand Storage (PODS) units within the Village and the possibility of placing time restrictions for those residents who have them on their property and need to use them for moving or construction purposes.

Village Attorney J.W. Braithwaite stated he would look into the matter.

Village Enforcement Officer, Joe Arizzi, stated that the Village of Buffalo Grove did a survey on PODS within their Village and that he would obtain a copy and send it to Trustee Farrell.

D. Trustee Kolar

Trustee Kolar reported that the sample board for the Woodland Drive Culvert was not picked up. Village Administrator Kathy Nelander stated she would contact Baxter and Woodman Inc.

E. Trustee Pino

Trustee Pino had nothing to report.

F. Trustee Weiner

Trustee Weiner reported on the activities of the Environmental and Health Commission as well as the ongoing Village beautification efforts.

President Sauer commented on the success of the Flint Creek Survey Walk held November 17th and noted that there are many areas along the creek which need attention including large amounts of deadfall. Village Attorney J.W. Braithwaite narrated the walk via tape recorder. President Sauer stated that he would like to obtain a copy of the narration along with the photographs taken by Village Administrator Kathy Nelander in order to create a list of the top five problem areas. President Sauer stated there are grant dollars available to assist with the clean up through agencies such as the Flint Creek Watershed Partnership and/or the Barrington Hills Conservation Trust.

There was continued discussion among the Board about the condition of Flint Creek and the need for improvement.

Gery Herrmann, 257 Kimberly Road, stated that the Flint Creek Watershed-Based Plan is now on the Flint Creek Watershed Partnership's website. The next scheduled meeting for the Flint Creek Watershed Partnership is November 28th. He will not be attending since it will be a duplicate of the last meeting.

VIII. CLOSED SESSION:

There was no closed session.

IX. OLD BUSINESS

There was no old business to discuss.

X. NEW BUSINESS

President Sauer brought up the idea of having a Winter Festival in Eton Park since the Fall Festival was such a success. Trustee Boland stated he would bring up the idea to the Parks and Recreation Commission.

XI. ADJOURNMENT

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

At 8:40 p.m. President Sauer declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held December 17, 2007.

Attest: _____
Kris Lennon, Deputy Village Clerk