

**VILLAGE OF LAKE BARRINGTON
MINUTES OF THE REGULARLY SCHEDULED MEETING
OF THE BOARD OF TRUSTEES HELD DECEMBER 1, 2009**

Approved

1. CALL TO ORDER

A regular meeting of the President and Board of Trustees of the Village of Lake Barrington was held at the Village Municipal Center, 23860 Old Barrington Road, on Tuesday, December 1, 2009, and was called to order by President Richardson at 7:03 p.m. Village Clerk Peterson was appointed Recording Secretary.

2. ROLL CALL OF MEMBERS

Upon the roll being called, the following Trustees were physically present at said location: Trustees Burke, Mitchell, Raclaw, Schaller, Schofield and President Richardson.

Absent: Trustee DeJesu

The following Trustees were allowed by a majority of the members of the President and Board of Trustees in accordance with and to the extent allowed by rules adopted by the President and Board of Trustees to attend the meeting by video or audio conference: None.

No Trustee attended the meeting by video or audio conference.

Staff Present: Village Administrator Martin, Village Treasurer Purcell and Village Clerk Peterson

Others Present: ZBA Member Fortman, Village Attorney Bateman

The meeting was heard out of sequence.

3. PLEDGE OF ALLEGIANCE

4. CONSIDERATION OF MINUTES

A. Minutes of the Regular Meeting Held November 3, 2009

Board Action

A motion was made by Trustee Raclaw and seconded by Trustee Schofield to approve the minutes, item 4A above. The voice vote was unanimous and President Richardson declared the motion carried.

5. PRESIDENT'S REMARKS (President Richardson)

A. Community Health & Wellness Advisory Committee – Sherry Hana, Chairperson

- 1) "Watch Your Back"- Causes and Prevention of Back Pain - Steven Andreano, DC, Andreano Chiropractic

Dr. Steven Andreano, who has a chiropractic clinic located in Lake Barrington, provided information on the importance of chiropractic care for higher quality of life as people age. He provided tips on injury prevention and general care of backs.

- 2) Lake Barrington Family Fun & Fitness Fair – November 8

Sherry Hana was commended by President Richardson and the Board members for her exceptional planning and implementation of the Lake Barrington Family Fun & Fitness Fair.

She reported on the media coverage and gave highlights of the event.

The following was heard following Item 6. President Richardson and Board members individually commended the Lake Barrington Field House staff for their efforts and for hosting the Lake Barrington Family Fun & Fitness Fair. Tom Laue, President, gave highlights of the facility. *The Board proceeded with Item 13B.*

B. Other - none

6. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD-NON AGENDA ITEMS

Don Krebs, resident of Twin Pond Farms and Chairperson of Slocum Lake Drainage District (SLDD), reported the district paid off its debts and that the Village of Wauconda also signed an intergovernmental agreement with the District. The District will be setting up two bank accounts for each village to keep grant matching contributions separate. He reported the grant funds must be used by the end of 2010 and requested a meeting with a village representative to begin planning and implementation of the restoration of Branch A. President Richardson indicated Trustee DeJesu and Mr. Martin will work with Mr. Krebs. Mr. Martin reviewed the Village's agreement with the SLDD and the process to clean and restore Branch A. Restoration of Branch A includes the clean-up of the Tarkowski property. The Village is set to receive \$433,000 in state appropriations towards the clean-up effort.

7. CONSENT AGENDA

A. Approve the Village Board and Plan Commission 2010 Regular Meeting Schedule

Upon inquiry, Clerk Peterson indicated the February, November and June meetings are scheduled for the first Wednesday of the month due to election days and the Lake Barrington Shores annual meeting.

Board Action

A motion was made by Trustee Schaller and seconded by Trustee Raclaw to approve the 2010 Regular Meeting Schedule. The voice vote was unanimous and President Richardson declared the motion carried.

8. TREASURER'S REPORT

Mr. Purcell reported on the following:

A. At the end of the first six months of the fiscal year, the Village experienced its first loss in the amount of \$10,955. The Finance Committee met and will report later in meeting.

B-C. The Accounts Payable Warrants have been reviewed and should be approved.

Discussion

Comments were made about how the Village is in better financial condition compared to other municipalities that are struggling through the economic downturn. The Village Administrator, Accountant and Treasurer were commended for their frugality and the Village's vision for economic development to reduce its dependency on license and permit fees was raised. Trustee Burke noted he attended the Finance Committee meeting where Village finances were examined and stated that while the Village faces fiscal challenges, it has implemented a conservative approach while improving the level of resident services.

Board Action (A-C)

A motion was made by Trustee Raclaw and seconded by Trustee Mitchell to consider by omnibus vote and:

- A. Approve the Financial Statements as of 10/31/09.
- B. Pay Bills in the amount of \$ 161,218.24 as Listed on the Accounts Payable Warrant "A" Dated December 1, 2009.
- C. Pay Bills in the amount of \$ 26,836.72 as Listed on the Accounts Payable Warrant "B" Dated December 1, 2009.

Upon roll call the vote was:

Yeas: Trustees Burke, Mitchell, Raclaw, Schaller, Schofield, and President Richardson
Nays: None
Abstain: None
Absent: Trustee DeJesu

President Richardson declared the motion carried.

9. ADMINISTRATOR'S REPORT

Mr. Martin reported on the following:

- A. Financial Planning Calendar was distributed. The Board will be polled for a Committee of the Whole meeting on January 19, 2010.
- B. Other-None

10. CLERK'S REPORT

Ms. Peterson reported on the following:

- A. Holiday Waste Pick-Up Schedule
- B. Vehicle Stickers expire 12/31/2009. The application for the 2010-2011 stickers will be available on the website and at Village Hall.
- C. Other-None

11. REPORTS OF STANDING COMMITTEES

- A. Communications and Community Relations (C. Mitchell): Trustee Mitchell stated the Village received a high level of earned media for the Lake Barrington Family Fun & Fitness Fair. He met with Village Clerk Peterson regarding further enhancement of the Village website and policy for use of social media as a communication tool. Facebook and Twitter beta sites are set up and will be launched in January.
- B. Environment & Open Space (L. DeJesu): President Richardson stated the report will be deferred to next month's meeting.
- C. Finance, Human Resources and Economic Development (D. Raclaw): Trustee Raclaw reported the Finance Committee met for preliminary examination of the budget to determine where cuts can be made and to prepare for the Committee of the Whole presentation. It is the desire of the Committee to avoid an increase in fees and taxes. Trustee Mitchell and President Richardson reported on economic development efforts in partnership with the Barrington Area Chamber of Commerce, including an economic development summit which is tentatively scheduled for mid-February 2010.
- D. Gated Communities (J. Schaller): Trustee Schaller stated different ideas to enhance services to gated communities are being explored.
- E. Intergovernmental & External Relations (K. Richardson): The proposed BACOG 2010 Legislative Platform was distributed and reviewed by Trustee Raclaw.

Board Action

A motion was made by Trustee Raclaw and seconded by Trustee Schofield to approve the Village's support of the 2010 BACOG Legislative Platform dated November 24, 2009. The voice vote was unanimous and President Richardson declared the motion carried.

- F. Public Safety (J. Schaller): Mr. Martin attended an emergency response session geared towards creating a regional Public Works response.
- G. Roads and Infrastructure (A. Burke): Trustee Burke reviewed the results of the drainage plan resulting from the May drainage workshop with residents and thanked the drainage team. Information regarding the drainage workshop and plan are on the Village website. Mr. Martin reported he and Trustee Burke met with Lake County Department of Transportation (LDOT) officials regarding different design options for the intersection at River and Roberts Road. The work is scheduled for 2013 completion. President Richardson asked Mr. Martin to follow up with Lake County regarding a commitment that was given for wide bituminous shoulders when River and Roberts Roads are repaved.
- H. Village Hall and Grounds (C Schofield): No report.

12. OLD BUSINESS-None

13. ORDINANCES

A. CONSIDERATION OF AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A CERTAIN CONTRACT FOR THE SALE OF REAL ESTATE

The following summary was provided with the Board packet: *The Village has been working with Citizens for Conservation (CFC) to provide for joint ownership of the "Gibbs" parcel located at Route 14 and Cuba Road. The parcel was acquired by the Village in September 2009 as part of the Open Space Initiative. CFC has an interest in acquiring a portion of the property, 6.56 acres (and perhaps more in the future) for conservation purposes. The Board is being asked to consider: 1) the sale of 6.56 acres for \$250,000, 2) an option for CFC to purchase additional acreage over the next 20 years, and 3) a conservation easements over any transferred property. The following materials are provided in the Board folder.*

- (1) Ordinance approving and authorizing execution of the contract,**
- (2) Real Estate Sale and Purchase Agreement,**
- (3) Option Contract, and**
- (4) Declaration of Conservation and Drainage Easements and CCR's**

Discussion

Mr. Martin stated the property was rezoned from Manufacturing to Conservation zoning district last month.

Mr. Bateman reviewed the Board is considering approval of the sales contract, option contract, and the designation of the conservation easement as each parcel is purchased by CFC. These items reflect the desire of the Village to preserve property for open space and to provide funds towards future capital projects.

Public Comment

Alberto Moriando of CFC stated the organization is pleased with the collaboration with Lake Barrington that allowed the small organization to attain its goal of acquiring the property it wanted for many years. It is a win-win situation that provides funds back to the Village, conserves open space, and allows CFC to restore the property. He thanked the Village for its time and vision.

Tom Vanderpoel of CFC indicated the organization was happy with working with the Village. He reported two significant properties that were long term, high priority objectives of CFC were acquired for preservation in recent months: the Gibbs property purchased by the Village, and the Alice Lane property that was acquired by Lake County Forest Preserve District last month.

Discussion

President Richardson reflected on the Open Space Initiative objective to engage other organizations in preserving open space. He and the Board members individually expressed their gratitude for the partnership with CFC.

President Richardson stated the Village's dedication towards open space and enhancement towards quality of life is a unique reason to live in Lake Barrington.

Board Action

A motion was made by Trustee Schofield and seconded by Trustee Mitchell to pass Ordinance No. 2009-O-19, An Ordinance Amending, Approving and Authorizing the Execution of a Certain Contract for the Sale of Real Estate.

Upon roll call the vote was:

Yeas: Trustees Burke, Mitchell, Raclaw, Schaller, Schofield, and President Richardson
Nays: None
Abstain: None
Absent: Trustee DeJesu

President Richardson declared the motion carried.

The Board returned to Item 7A.

B. CONSIDERATION OF AN ORDINANCE AMENDING THE VILLAGE CODE RE: CLASS G LIQUOR LICENSE - LAKE BARRINGTON FIELD HOUSE

The following summary was provided with the Board packet: *The Lake Barrington Field House is requesting a liquor license for its snack bar/restaurant operation. The request is for full liquor with no packaged goods. An amendment to the Village's liquor control code is required to issue this license pending completion of the necessary application materials and background checks. Materials are provided in the Board folder.*

Discussion

Tom Laue, President, Lake Barrington Field House, distributed administrative policy for liquor control. He indicated liquor service would only be available for adult leagues and special events and would not be available during kids' activities. The license will provide opportunity for alcoholic beverage company sponsorship. Romaus Mesa, who would serve as the liquor manager if the license is approved, gave an overview on BASSET training.

Upon inquiry, Mr. Mesa and Mr. Laue provided the following information: food will be available during liquor service, alcoholic beverages will be confined to a roped off area, it is LBFH's intent to only provide alcohol for parties and special events, and during adult leagues which are normally 9 pm to midnight.

It was raised that the license allows for liquor service over a broader period of time than the intent of the business. Mr. Bateman advised the liquor license can be revoked for cause and that alcohol can only be offered while food service is available within a certain time period. He further explained the ordinance is replacing "banquet facility" with authorization for liquor service by a snack bar/restaurant in a sports facility.

Board Action

A motion was made by Trustee Burke and seconded by Trustee Schaller to pass Ordinance No. 2009-O-18, An Ordinance Amending the Village of Lake Barrington Village

Code (Re: Section 1-10-7, "Fees, Charges, and Other Amounts Payable to the Village", and Section 2-3-6, "Classification of Licenses").

Upon roll call the vote was:

Yeas: Trustees Burke, Mitchell, Raclaw, Schaller, Schofield, and President Richardson
Nays: None
Abstain: None
Absent: Trustee DeJesu

President Richardson declared the motion carried.

The Board proceeded with Agenda Item 13A.

C. CONSIDERATION OF DESIGNATION OF FOIA OFFICERS AND AN ORDINANCE REFLECTING AMENDMENTS TO THE FREEDOM OF INFORMATION ACT

The following summary was provided with the Board packet: *Public Act 96-0542, Amendments to Freedom of Information Act (FOIA) and Open Meetings Act, makes significant changes to FOIA law. The Act requires: designation of one or more FOIA Officers by January 1, 2010, a new fee structure for copies, and directs appeals to the Public Access Counselor, a newly created position under the State Attorney General, instead of the head of the public body. This Ordinance amends the Village Code to comply with the Act. Materials are provided in the Board folder.*

Discussion

Mr. Bateman stated the FOIA amendment ordinance replaces rules within the Village Code and the fee ordinance (Item 13E below) replaces FOIA fees to comply with the new FOIA Act. He indicated items 13C and 13E can be voted in block.

Board Action

A motion was made by Trustee Schofield and seconded by Trustee Raclaw to pass in block, the following:

1. Designate Loretta Peterson, Village Clerk, and Erica Rezula, Deputy Village Clerk, as FOIA Officers;
2. Ordinance No. 2009-O-20, An Ordinance Amending the Lake Barrington Village Code (RE: Chapter 9, "Freedom of Information Act ("FOIA") Rules and Regulations", of Title 1)
3. Ordinance No. 2009-O-21, An Ordinance Amending The Village of Lake Barrington Village Code (RE: Section 1-10-7, "Fees, Charges, and Other Amounts Payable to the Village") (*Agenda Item 13E*)

Upon roll call the vote was:

Yeas: Trustees Burke, Mitchell, Raclaw, Schaller, Schofield, and President Richardson
Nays: None
Abstain: None
Absent: Trustee DeJesu

President Richardson declared the motion carried.

D. CONSIDERATION OF AN ORDINANCE FOR THE AMENDMENT OF THE AGREEMENT ESTABLISHING THE SOLID WASTE AGENCY OF LAKE COUNTY, ILLINOIS

The following summary was provided with the Board packet: *A subcommittee of SWALCO investigated requirements for directors and alternate directors after it was discovered appointments were filled by people who did not meet the requirements of the Intergovernmental Agreement. SWALCO is proposing the following:*

- *A full time employee in an executive level position with the member can be appointed as alternate director.*
- *Changes to the Executive Committee to address the increase of towns with a population of more than 30,000 people.*

Materials are provided in the Board folder.

Board Action

A motion was made by Trustee Schaller and seconded by Trustee Burke to pass Ordinance No. 2009-O-22, An Ordinance for the Amendment of the Agreement Establishing the Solid Waste Agency of Lake County, Illinois.

Upon roll call the vote was:

Yeas: Trustees Burke, Mitchell, Raclaw, Schaller, Schofield, and President Richardson
Nays: None
Abstain: None
Absent: Trustee DeJesu

President Richardson declared the motion carried.

E. CONSIDERATION OF AN ORDINANCE AMENDING THE VILLAGE CODE (RE: FEES, CHARGES, AND OTHER AMOUNTS PAYABLE TO THE VILLAGE)

The following summary was provided with the Board packet: *The Ordinance amends Section 1-10-7 of the Village of Lake Barrington Village Code to address changes to the fee structure for FOIA requests pursuant to Public Act 96-0542 and adds a new section for an application fee charged for utility construction in a public Village right-of-way pursuant to Section 6-9-4(F). Materials are provided in the Board folder.*

Item 13E was considered with Item 13C.

14. NEW BUSINESS

A. CONSIDERATION OF A CONTRACT AWARD TRAFFIC SIGNAL AND LANE IMPROVEMENTS ROUTE 14 AND PEPPER ROAD

The following summary was provided with the Board packet: *The Village has been working over the past 18 months to complete the required engineering and design work relative to lane improvements and adding traffic signals to the intersection of US Route 14 and Pepper Road. This project is jointly funded by the Village, the Northpointe developer, and the State of Illinois. Bids were requested and a bid opening was held with the lowest and most responsive bid received from Curran Contracting in the amount of \$528,970.10*

The Village Engineer has reviewed the bid amount and the qualifications of the contractor and found them to be in order and within the Engineer's estimate. Materials are provided in the Board folder.

Discussion

Upon inquiry, Mr. Martin indicated he did not know if the traffic signal would be timed with the trains. Signage for the business park was discussed. President Richardson

noted this significant capital improvement project is located in State right-of-way and he thanked Mr. Martin for coming up with the idea for joint funding between the Lake Barrington Field House, IDOT and the Village.

A motion was made by Trustee Schofield and seconded by Trustee Mitchell to authorize the Village Administrator to enter into a contract with Curran Contracting for lane and signal improvements at Pepper Road and Route 14 in the amount of \$528,970.10.

Upon roll call the vote was:

Yeas: Trustees Burke, Mitchell, Raclaw, Schaller, Schofield, and President Richardson
Nays: None
Abstain: None
Absent: Trustee DeJesu

President Richardson declared the motion carried.

15. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD

None

President Richardson indicated the Board may or may not take action following Closed Session.

16. CLOSED SESSION (Roll Call Vote)

Board Action

At approximately 9:20 p.m., a motion was made by Trustee Schofield and seconded by Trustee Raclaw That A Portion of The Meeting Be Closed To The Public, Effective Immediately, To Discuss Matters of Personnel, and/Or To Discuss Possible Real Estate Acquisitions, and/Or To Discuss Litigation Involving an Action Against This Municipality Which Is Pending in Court Or in an Administrative Tribunal, and/Or To Discuss Such Litigation Which Is Probable Or Imminent, the Board finding that Based Upon Advice of Counsel, Litigation is Probable or Imminent as to those Matters so Identified on the Record in Such Closed Session for the Reasons therein Stated.

Upon roll call the vote was:

Yeas: Trustees Burke, Mitchell, Raclaw, Schaller, Schofield, and President Richardson
Nays: None
Abstain: None
Absent: Trustee DeJesu

President Richardson declared the motion carried.

The Board took a brief recess prior to opening Closed Session. The Village Clerk and Village Administrator were excused from the remainder of the meeting.

The Board reconvened at 10:15 p.m. with all members present as the original roll call.

17. ACTION TO BE TAKEN FROM CLOSED SESSION

None

18. OTHER

None

19. ADJOURNMENT: The meeting was adjourned at approximately 10:15 p.m.

Respectfully submitted,

Loretta Peterson
Village Clerk
Recording Secretary

James P. Bateman
Recording Secretary