

MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND THE BOARD OF TRUSTEES OF THE VILLAGE OF METTAWA, LAKE COUNTY, ILLINOIS, HELD AT THE HOUR OF 7:00 P.M. ON TUESDAY, APRIL 14, 2009 IN THE COMMUNITY CENTER OF THE ST. BASIL OF OSTROG SERBIAN ORTHODOX CHURCH, LOCATED AT THE SOUTHWEST CORNER OF OLD SCHOOL AND BRADLEY ROADS, METTAWA, ILLINOIS.

A. CALL TO ORDER

Mayor MacLean called the meeting to order at 7:02 P.M.

B. ROLL CALL

Upon a call of the roll, the following persons were:

Present: Trustees Brennan, Falbe, Merrifield, and Tindall; and Mayor MacLean
Absent: Trustees Nagel

The Mayor declared a quorum present.

Also Present: Attorney Michael Zimmermann of the firm of Raysa & Zimmermann, LLC; Scott Anderson, representative of the firm of James Anderson Co., Village Engineers; and Village Clerk Sandra Shapcott.

C. APPROVAL OF BILLS

1. Bills submitted for payment

It was moved by Trustee Tindall, seconded by Trustee Brennan that the bills be approved as presented.

Upon roll call the following voted:

Aye: Trustees Brennan, Falbe, Merrifield, and Tindall; and Mayor MacLean
Nay: None.

Mayor MacLean declared the motion carried.

2. Other bills paid by the Village Treasurer in anticipation of this meeting.

None.

D. PUBLIC HEARING: Fiscal 2009-2010 Budget

At 7:07 P.M. Mayor MacLean called to order the Public Hearing regarding the Annual Budget 2009-2010, and upon call of the roll, the following persons were:

Present: Trustees Brennan, Falbe, Merrifield, and Tindall; and Mayor MacLean
Absent: Trustees Nagel

The Mayor declared a quorum present.

The Hearing was transcribed by an official shorthand court reporter. Notice of this hearing was published in the Waukegan News-Sun on April 6, 2009, pursuant to the statute. Thereafter, in the absence of Deputy Village Treasurer David Fairman, the Mayor opened the hearing to the Village Board for questions or comments on the proposed budget. Copies of the Annual Budget 2007-2008, which had been available for review in the office of the Village Clerk for the past two (2) weeks, were distributed to all trustees in their information package prior to the meeting. The Mayor opened up the discussion to the public for their comments. The Mayor noted the arrival of David Fairman and Trustee Nagel at 7:30 P.M. Mr. Fairman clarified certain line items of potential interest. At this point, Mayor MacLean asked whether there were any further comments from the Public and/or Board. No one of the public had any questions or comments. After some discussion among the Board of Trustees, the Mayor closed the Public Hearing at 7:52 P.M.

E. COMMISSION AND COMMITTEE REPORTS

1. Plan Commission
None.
2. Zoning Board of Appeals
None.
3. Building Department
Trustee Tindall presented this report.
4. Architectural Review Board
None.

F. BUSINESS FROM THE BOARD FOR DISCUSSION, CONSIDERATION AND, IF SO DETERMEINED, ACTION UPON:

1. Treasurer's Report
It was moved by Trustee Tindall, seconded by Trustee Brennan, that the Board acknowledge receipt of the Treasurer's Report for the period May 1, 2008 through March 31, 2009, and place it on file.
Upon roll call the following voted:
Aye: Trustees Brennan, Falbe, Merrifield, Nagel, Nicholson, and Tindall; and Mayor MacLean
Nay: None.

Mayor MacLean declared the motion carried.

Mayor MacLean asked David Fairman if the Board could get an audit done of the last three years' expenses and reimbursements.

After some discussion, Trustee Tindall moved, and Trustee Falbe seconded, that David Fairman obtain requests for proposal for a new auditor and to bring them to the May meeting.

Upon roll call the following voted:

Aye: Trustees Brennan, Falbe, Merrifield, Nagel, Nicholson, and Tindall; and Mayor MacLean

Nay: None.

Mayor MacLean declared the motion carried.

2. Mayor's Report.

a. A Resolution Commemorating the Public Service of Eva Schwartzman

It was moved by Trustee Brennan, seconded by Trustee Nagel, that the President and Board of Trustees approve **Resolution No. 09-02, A Resolution Commemorating the Public Service of Eva Schwartzman**, the first Village Attorney of Mettawa.

Upon roll call, the following voted:

Aye: Trustees Brennan, Falbe, Merrifield, Nagel, Nicholson, and Tindall; and Mayor MacLean

Nay: None

Mayor MacLean declared the motion carried.

Mayor MacLean presented a plaque to Steve Schwartzman.

b. Oasis Business Park Subdivision Sign [Project Entry Monument Sign]

It was moved by Trustee Brennan, seconded by Trustee Merrifield, that the President and Board of Trustees approve the Oasis Business Park Subdivision Sign as presented.

Upon roll call, the following voted:

Aye: Trustees Brennan, Falbe, Merrifield, Nagel, Nicholson, and Tindall; and Mayor MacLean

Nay: None

Mayor MacLean declared the motion carried.

- c. Consent to the Grant of Easements and easement agreement – Riverside Preserve Subdivision (Riverside Forest) and authorization to sign three plats of easement affecting this subdivision.

Trustee Tindall moved, seconded by Trustee Falbe, that the President and Board of Trustees consent to the Grant of Easements and easement agreement – Riverside Preserve Subdivision (Riverside Forest) and authorize the Mayor to sign and the Village Clerk to attest his signature upon three plats of easement affecting this subdivision as well as the easement agreement.

Upon roll call, the following voted:

Aye: Trustees Falbe, Merrifield, Nagel, Nicholson, and Tindall; and
Mayor MacLean

Nay: None

Mayor MacLean declared the motion carried.

- d. An Ordinance Vacating an Easement within Corporate Subdivision Number One.

Trustee Brennan moved, seconded by Trustee Nagel, that the Board approve **Ordinance No. 620**, being “**An Ordinance Vacating a Certain Easement**”.

Upon roll call, the following voted:

Aye: Trustees Brennan, Falbe, Merrifield, Nagel, and Tindall; and
Mayor MacLean

Nay: Trustee Nicholson

Mayor MacLean declared the motion carried and the ordinance adopted.

- e. Plat of Dedication Riverwoods Road and Additional Rights-of-Way

After some discussion, Trustee Falbe moved, seconded by Trustee Tindall, that the Board approve the Plat of Dedication Riverwoods and Additional Rights-of-Way.

Upon roll call, the following voted:

Aye: Trustees Brennan, Falbe, Merrifield, Nagel, and Tindall; and
Mayor MacLean

Nay: Trustee Nicholson

Mayor MacLean declared the motion carried.

f. An Ordinance Amending the Sign Code

Trustee Falbe moved, seconded by Trustee Brennan; that the Board approve **Ordinance No. 621**, being, “**An Ordinance Amending the Sign Code – Chapter 10 of the Municipal Code of the Village of Mettawa**”.

Upon roll call, the following voted:

Aye: Trustees Brennan, Falbe, Merrifield, Nagel, and Tindall; and
Mayor MacLean

Nay: Trustee Nicholson

Mayor MacLean declared the motion carried and the ordinance adopted.

g. An Ordinance Amending the Dram Shop Code

After some discussion, Trustee Falbe moved, seconded by Trustee Brennan, that the Board approve **Ordinance No. 622**, being “**An Ordinance Amending the Dram Shop Code, Chapter 18 (Alcoholic Beverages) of the Municipal Code of the Village of Mettawa**”.

Upon roll call, the following voted:

Aye: Trustees Brennan, Falbe, Merrifield, Nagel, and Tindall; and
Mayor MacLean

Nay: Trustee Nicholson

Mayor MacLean declared the motion carried and the ordinance adopted.

h. Authorize a Transfer of Funds from Time to Time from the ATG Development Group, Inc. Special Account to the General Fund in order to Reimburse the Village for Costs Advanced.

Trustee Tindall moved, seconded by Trustee Nicholson, that, as necessary to reimburse the Village’s General Fund from time to time for work undertaken by the Village in connection with the Sanctuary Estates Subdivision, the Village Treasurer or the Deputy Village Treasurer is authorized hereby to transfer moneys from the ATG Development Group, Inc. Special Account to the General Fund.

Upon roll call, the following voted:

Aye: Trustees Brennan, Falbe, Merrifield, Nagel, Nicholson, and
Tindall; and Mayor MacLean

Nay: None.

Mayor MacLean declared the motion carried.

- i. Approval of Plat and Grant of Easement for Berms, Detention, and Utilities In, Upon and Through the Village-Owned Land Lying Between Corporate Subdivision Number One and Riverwoods Road.

After much discussion, Trustee Brennan moved, seconded by Trustee Falbe, that the Board approve the Plat and Grant of Easement for Berms, Detention, and Utilities In, Upon and Through the Village-Owned Land Lying Between Corporate Subdivision Number One and Riverwoods Road.

Upon roll call, the following voted:

Aye: Trustees Brennan, Falbe, Merrifield, Nagel, and Tindall; and
Mayor MacLean

Nay: Trustee Nicholson

Mayor MacLean declared the motion carried.

- j. Approval of Plat of Sight Easement Upon and Over a Portion of the Village-Owned Land Lying Between Corporate Subdivision Number One and Riverwoods Road.

It was moved by Trustee Falbe, seconded by Trustee Tindall, that the Board approve the Plat of Sight Easement Upon and Over a Portion of the Village-Owned Land Lying Between Corporate Subdivision Number One and Riverwoods Road.

Upon roll call, the following voted:

Aye: Trustees Brennan, Falbe, Merrifield, Nagel, and Tindall; and
Mayor MacLean

Nay: Trustee Nicholson

Mayor MacLean declared the motion carried.

- k. Other Matters.

None.

3. New Business

- a. An Ordinance Adopting the Annual Budget, Fiscal Year 2009-2010.

Trustee Brennan moved, seconded by Trustee Falbe, that the Board approve **Ordinance No. 624**, being “**An Ordinance Adopting the Annual Budget 2009-2010**” with the two changes in the proposed budget as follows:

1. Add \$200K to income for sales tax from Costco
2. Put \$125K undispersed tax rebate to the income side

Upon roll call, the following voted:

Aye: Trustees Brennan, Falbe, Merrifield, Nagel, Nicholson, and Tindall; and Mayor MacLean

Nay: None.

Mayor MacLean declared the motion carried and the ordinance adopted.

- b. Road Maintenance

Scott Anderson reported that the Stimulus Funding is delegated for “pavement preservation” and the Village mainly needs pavement patching. However, the Illinois Department of Transportation informed him that the Village was not a good candidate for the Stimulus Funding and the Village Engineer’s recommendation is that the Village Board not spend the \$1000.00 - \$2000.00 it would cost to prepare the documents to pursue the funding.

- c. An Ordinance Declaring Surplus Funds and Directing Local Tax Reimbursements Pursuant to the Illinois Fiscal Responsibility Law.

Trustee Brennan moved, seconded by Trustee Tindall, that the Board approve **Ordinance No. 623**, being “**An Ordinance Declaring Surplus Funds and Directing Local Tax Reimbursements Pursuant to the Illinois Fiscal Responsibility Law**”.

Upon roll call, the following voted:

Aye: Trustees Brennan, Falbe, Merrifield, Nagel, Nicholson, and Tindall; and Mayor MacLean

Nay: None.

Mayor MacLean declared the motion carried and the ordinance adopted.

G. COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

One resident brought to the Board's attention that a great job was done cleaning up the access road.

John Maier reported he spoke with the Illinois Tollway Authority and they are hesitant to replace the failing sight wall until they see how far it is going to fail. He will continue in his communications with the Tollway Authority.

H. FOR INFORMATION ONLY

Trustee Falbe spoke on behalf of the Park Planning Committee. He brought to the Board's attention that the Lakeside Stable property may be available and suggested that his committee investigate it.

The Millineum (sic) v Lake County Agreed Order was discussed and it was brought to the Board's attention that the Village's total contribution of \$1, 060,000.00 will need to be paid upon issuance of a permit by Illinois Environmental Protection Agency for the sewer component of the New Facilities, or within 5 business days after receipt of notice from the County that the contract to construct the New Force Main has been awarded by the County Board.

I. EXECUTIVE SESSION

It was moved by Trustee Brennan, seconded by Trustee Nagel that, in accordance with Sections 2(c)(21) of the Open Meetings Act, the Board adjourn to Executive Session for the purposes of discussing Pending Litigation in compliance with the Act.

Upon roll call, the following voted:

Aye: Trustees Brennan, Falbe, Nagel, Nicholson, Merrifield, and Tindall; and Mayor MacLean

Nay: None.

Mayor MacLean declared the motion carried and the meeting recessed to Executive Session at 9:15 P.M.

J. CALL TO ORDER AND ROLL CALL

At 9:43 P.M., the Mayor reconvened and called to order the public portion of the meeting.

Upon roll call, the following were:

Present: Trustees Brennan, Falbe, Nagel, Merrifield, Nicholson, and Tindall; and
Mayor MacLean

Absent: None

Mayor MacLean declared a quorum present.

K. ADJOURNMENT

With no further business to conduct, it was moved by Trustee Brennan, seconded by Trustee Nagel, that the meeting be adjourned.

Upon roll call, the following voted:

Aye: Trustees Brennan, Falbe, Merrifield, Nagel, Nicholson, and Tindall; and Mayor
MacLean

Nay: None.

Mayor MacLean declared the motion carried and the meeting adjourned at 9:46 P.M.

Sandra Shapcott, Village Clerk