

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF METTAWA, ILLINOIS, HELD AT THE HOUR OF 7:30 P.M. ON TUESDAY, JANUARY 15, 2013, IN THE SAVANNAH ROOM OF THE HILTON GARDEN INN HOTEL, 26225 N. RIVERWOODS BOULEVARD, METTAWA, ILLINOIS

A. CALL TO ORDER

Mayor Ray called the meeting to order at 7:30 p.m.

B. ROLL CALL

Upon a call of the roll, the following were:

Present: Trustees, Armstrong, Brennan, Clark, Lane, Maier, Towne and Mayor Ray

Absent: None

Mayor Ray declared a quorum present.

Also present: Scott Anderson, representative of the firm of James Anderson Co., Attorneys James V. Ferolo and Gregory T. Smith of Klein Thorpe & Jenkins, Ltd.; Village Clerk, Cathy Nelson, and Financial Consultant, Dorothy O'Mary

C. APPROVAL OF MINUTES

1. Regular Meeting of the Mayor and Board of Trustees: December 18, 2012

It was moved by Armstrong, seconded by Trustee Clark that the Minutes of the Regular Board Meeting of December 18, 2012 be approved as presented.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Lane, Maier, and Towne

Nay: None

Mayor Ray declared the motion carried and the minutes approved and placed on file.

D. APPROVAL OF BILLS

1. Bills Submitted for Payment

It was moved by Trustee Maier, seconded by Trustee Armstrong to approve bills submitted for payment in the amount of \$1,087,114.96.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Lane, Maier, and Towne

Nay: None

Mayor Ray declared the motion.

2. Other Bills Paid by the Village Treasurer in Anticipation of this Meeting.

It was also moved by Trustee Maier seconded by Trustee Brennan to approve and ratify the actions taken by the Treasurer in paying bills in anticipation of the meeting in the amount of \$101,348.77

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Lane, Maier and Towne

Nay: None

Mayor Ray declared the motion carried

E. TREASURER'S REPORT

Presentation of the Monthly Report for the Month of December, 2012

It was moved by Trustee Armstrong seconded by Trustee Mayer that the Board acknowledge receipt of the monthly Treasurer's Report and place it on file.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Lane, Maier, and Towne

Nay: None

Mayor Ray declared the motion carried.

Mayor Ray informed the Board that the tentative forecast for the fiscal year end is a positive \$630,000.00 with one-time significant expenses for: new roads, trails, culvert repairs, razing of the Korhumel house and barn and a 10-times tax rebate.

F. COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

1. Citizens to be heard on items not listed elsewhere on this agenda
Resident Rick Phillips of the Deerpath Farm Homeowners Association asked it be noted for the record that the Homeowners Association has not approved proceeding with changing the "curb cut" as discussed in the December meeting.
Brief discussion ensued.
2. Written communications of citizens to be read
 - a. Email from residents Denis and Roberta Bohm of 600 Riverwoods Road, Mettawa; regarding Village Land Management, Maintenance and Landscape Design Criteria.

The Clerk read the email from Denis and Roberta Bohm to the Board and the Mayor directed that it be placed on file.

- b. Letter From Ven Hyeji, Representative of the Hanmaum Zen Center Regarding their Application for a Special Use Permit For a Buddhist Zen Center to be located at 854 Riverwoods Road, Mettawa.

The Clerk read the letter from Ven Hyeji and the Mayor directed that it be placed on file.

G. COMMISSION AND COMMITTEE REPORTS FOR DISCUSSION AND CONSIDERATION AND, IF SO DETERMINED, ACTION UPON

1. Finance Committee

- a. Update: Lake Forest Sales Tax Payment

Trustee Maier updated the Board on the continuing issue with the Illinois Department of Revenue, City of Lake Forest and Mettawa regarding Oasis Sales Tax Revenue and payment of a portion of that tax revenue to Lake Forest per agreement. He informed the Board that there has been no movement on the issue.

Village Attorney Ferolo informed the Board that he is waiting for a response to the letter he sent the State of Illinois. Mayor Ray stated that he has had contact with the Mayor of Lake Forest regarding a planned meeting. Discussion continued regarding the possibility of a village sales tax so that the Village can obtain detailed information from the State. Mayor Ray directed the Village Attorney to draft a sales tax ordinance for the next meeting

- b. Other Matters

- i. Trustee Lane questioned the James Anderson Company charges for Around the Town meeting prep of over \$2,000.00 a month. Mr. Anderson of James Anderson Company stated that Village Engineer works almost full time for the Village, and that he would look into the charges.

Discussion ensued regarding invoice review and it was agreed that the James Anderson Company invoices should go to Trustee Town first.

Mayor Ray questioned whether a retainer might be a good option

- ii. Trustee Lane asked how many months does the Village pay for salt. Trustee Armstrong responded five months
- iii. The Finance Committee asked who LifCo was and they were informed that LifCo was the company that put in the Whippoorwill Trail.

- iv. Trustee Maier asked all committees for projections for their next four months output.
- v. Trustee Maier informed the Board that the 2012 audit is complete, but that they need “representation” letters from Klein, Thorpe & Jenkins and Raysa Zimmermann.
- vi. Mayor Ray asked that large projects be reconciled, bid vs. actual.

2. Public Works Committee

- a. Update: Meadowoods Paving and Shoulders

Trustee Armstrong informed the Board that the final invoice from Curran Construction needs final resolution

- b. Trustee Armstrong informed the Board that Ciorba Group is working on estimates for the Bradley Road re-surfacing project.
- c. Trustee Armstrong informed the Board that the committee is working on a Special Service Area, for water in the St. Marys/Little St. Marys/W. Old School area.
In addition he reported that the Sanctuary Lane private water line is progressing.
- d. Trustee Towne informed the Board that estimates for remedial work on the future Village Hall are being put together for the next Board meeting in February.
- e. Trustee Armstrong also noted that there have been street light outages on Riverwoods Road and requested that anyone who sees an outage report it immediately.
- f. Discussion ensued regarding making sure that money billed by James Anderson Company for Special Service Area work, is actually being billed back to the Special Service Area. Trustee Maier stated that the Finance committee would look in to the issue. He agreed also to look into permit in/permit out charges.

3. Parks and Recreation Committee

- a. Presentation by Nick Patera, Senior Vice President, Teska Associates, Inc. Evanston, Illinois on the Everett Pond Park Plan

Mr. Patera made a presentation to the Board on the Everett Park Property and discussion ensued.

Mayor Ray stated that the presentation was to stimulate ideas and thoughts of what the next steps should be.

- b. Recommendation to Approve a Proposal from Teska Associates of Evanston, Illinois to Prepare a Conceptual Oasis Park Plan Landform Berm Options in an Amount Not to Exceed \$2,950.00

It was moved by Trustee Lane, seconded by Trustee Maier to approve a proposal from Teska Associates for a Conceptual Oasis Park Plan Landform Berm Options in an amount not to exceed \$2,950.00 pending legal review.

After discussion and upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Lane, Maier and Towne
Nay: None

Mayor Ray declared the motion carried.

- c. Update: Status on House/Barn demolition at Whippoorwill Park

Trustee Towne reported that the structures are gone and a drive loop remains to be done. He is looking into a joint plan with the Mettawa Open Lands Association. Dirt also needs to be added to the former barn area.

- 4. Safety Commissioner
 - a. Update: Village Security
No report

H. BUSINESS FROM THE BOARD FOR DISCUSSION, CONSIDERATION AND, IF SO DETERMINED, ACTION UPON:

- 1. Mayor's Report
 - a. Proposed State Bill Allowing for Dispensing Facilities of Marijuana Throughout the State.

Discussion ensued regarding the above bill. Attorney Ferolo stated that the Village could not prohibit the facilities if the bill passes. Issue will need to go before the Zoning, Planning and Appeals Commission, if the Village wants to restrict these facilities to area east of the Tollway. Mayor Ray directed the Village Attorney to draft a resolution for the February Board meeting sending the issue to the Zoning, Planning and Appeals Commission for consideration.

- b. Building Report
Mayor Ray thanked Trustee Towne and Mr. Anderson for their report and placed it on file.
 - c. Other Matters: Discussion ensued regarding the upcoming update of the major gas trunk-line along St. Marys Road, and getting installation information to residents.
- 2. Unfinished Business: No items for consideration
 - 3. NEW BUSINESS

- a. Zoning, Planning and Appeals Commission Recommendations

- i. ZPA Case No. 12-SU-S-2, Lutz Schlicht Request for a Special Use Permit to Construct a Four (4) Horse Stable as an Accessory Use Larger than Two Thousand (2,000) Square Feet at 27455 Meadowoods Lane, Mettawa, Illinois, in the R-1 Single Family Residence District: consideration and action on ZPA Findings of Fact and Recommendation

It was moved by Trustee Lane, seconded by Trustee Maier to accept the recommendation from the Zoning, Planning and Appeals Commission regarding Case # 12-SU-S-2, granting a Special Use Permit for the Lutz Schlicht barn

After discussion and upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Lane, Maier and Towne.

Nay: None

Mayor Ray declared the motion carried

It was then moved by Trustee Brennan, seconded by Trustee Lane to direct the Village Attorney to draft an ordinance consistent with the Zoning, Planning and Appeals Commission recommendation for consideration at the February, 2013 Board meeting.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Lane, Maier and Towne

Nay: None

Mayor Ray declared the motion carried.

- ii. ZPA Case No. 12-SU-S-3, Hanmaum Zen Center Request for a Special Use Permit to Construct and Operate a Place of Public Assembly at 854

Riverwoods Road, Mettawa, Illinois, in the R-1 Single Family Residence District: consideration and action on ZPA Findings of Fact and Recommendation

It was moved by Trustee Brennan, seconded by Trustee Maier to accept the recommendation from the Zoning, Planning and Appeals Commission on Case No. 12-SU-S-3 for the Hanmaum Zen Center denying their application for a Special Use Permit

After discussion and comments from Zen Center representatives, Architect Tom Heinz and Attorney John Powen, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Lane, Maier and Towne.
Nay: None

Mayor Ray declared the motion carried.

I. EXECUTIVE SESSION:

At 9:10 p.m., it was moved by Trustee Lane, seconded by Trustee Armstrong to recess to a closed Executive Session for the purpose of discussion of land acquisition, potential litigation, approval of Executive Session minutes and other related topics.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Lane, Maier and Towne
Nay: None

Mayor Ray declared the motion carried and the Board recessed to Executive Session

J. CALL TO RECONVENE

At 10:37p.m. Mayor Ray reconvened the public portion of the meeting

K. ROLL CALL

Upon a call of the roll, the following were:

Present: Trustees Armstrong, Brennan, Clark, Lane, Maier Towne and Mayor Ray
Absent: None

Mayor Ray declared a quorum present.

Also present: Attorneys James V. Ferolo and Gregory T. Smith of Klein, Thorpe & Jenkins and Village Clerk, Cathy Nelson

L. MATTERS REQUIRING ACTION AS A RESULT OF THE EXECUTIVE SESSION

No matters were brought forward

M. ITEMS TO BE REFERRED

- i. Issue of State of Illinois bill requiring Marijuana stores referred to Legal for review
- ii. Finance Committee request for budget projections for next four months referred to all Committees
- iii. Large Barn Zoning Ordinance referred back to Legal for revisions

N. FOR INFORMATION ONLY

P. ADJOURNMENT

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

In Favor: All

Opposed: None

Mayor Ray declared the motion carried and the meeting adjourned at 10:50p.m.

Cathy Nelson, Village Clerk