

**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, NOVEMBER 19, 2013, IN THE COTTONWOOD ROOM OF THE HILTON GARDEN INN HOTEL, 26225 N. RIVERWOODS BOULEVARD, METTAWA, ILLINOIS.**

**A. CALL TO ORDER**

Mayor Urlacher called the meeting to order at 7:35 p.m.

**B. ROLL CALL**

Upon a call of the roll, the following were:

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

Absent: None

Mayor Urlacher declared a quorum present.

Also present: Village Administrator Bob Irvin; 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**

Regular Meeting of the Mayor and Board of Trustees: [October 15, 2013](#)

It was moved by Trustee Maier, seconded by Trustee Lane that the minutes of the Regular Board Meeting of October 15, 2013 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 Urlacher declared the motion carried and the minutes approved and placed on file.

**D. APPROVAL OF BILLS**

1. Bills Submitted for Payment

**And**

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

It was moved by Trustee Maier, seconded by Trustee Brennan to approve bills submitted for payment and other bills paid by the Village Treasurer in anticipation of this meeting for a total amount of \$308,132.01.

Upon a call of the roll, the following voted:

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

Nay: None

Mayor Urlacher declared the motion carried.

**E. TREASURER'S REPORT**

Presentation of the Monthly Report for the Month of October, 2013

It was moved by Trustee Towne, seconded by Trustee Maier that the Board acknowledge receipt of the October, 2013 Treasurer's Report and place it on file.

Upon a call of the roll, the following voted:

Aye: All

Nay: None

Mayor Urlacher declared the motion carried.

Mayor Urlacher informed the Board that at the end of October the Village showed a cash surplus of \$130,000.00

Trustee Maier informed the Board that both the Ciorba and Ehlers & Juhrend Village contract have come in on budget.

**F. COMMUNICATIONS AND PETITIONS FROM THE PUBLIC**

1. Citizens to be Heard Not Listed Elsewhere on This Agenda: No one wished to be heard
2. Written communications of citizens to be read:  
Mayor Urlacher briefly informed the Board of a petition submitted by residents regarding Open Lands Plans for Village-owned property and a request for a Special Commission. He stated that there would be no discussion during this meeting but that since 10% of the residents have signed the petition, he will call for a Committee of The Whole meeting to be held on a Saturday morning in January, 2014. The Board will decide on a date at the next Board meeting. He thanked resident Denis Bohm for his petition and letter.

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

1. Finance Committee
  - a. Update: Village Audit Status  
Trustee Maier informed the Board that the full comprehensive audit for the year ending April 30, 2013 is complete and that there were no issues.
  - b. Recommendation to Approve a Resolution of the Corporate Authorities to Determine the Amount of the Tax Levy for the 2013 Tax Year.

It was moved by Trustee Maier, seconded by Trustee Brennan to approve “**A Resolution of the Corporate Authorities to Determine the Amount of the Tax Levy for the 2013 Tax Year.**” being **Resolution No. 13-15**

Trustee Maier stated that the amount of the levy would remain at \$135,000.00 with no increase.

Upon a call of the roll, the following voted:

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

Nay: None

Mayor Urlacher declared the motion carried

c. Other Matters: Update on the Tax Rebate

Trustee Maier informed the Board that with a few applications not yet complete the estimated tax rebate amount would be \$368,000.00 and that the final amount will be brought before the Board for approval at the December meeting. One check per resident will be issued this year.

2. Public Works Committee

- a. Recommendation to Approve a Resolution Waiving Competitive Bidding and Authorizing the Acceptance of a Proposal From Eagle Biomass, Inc. for the Demolition of the Structure at 25960 St. Marys Road, Mettawa, Illinois in an Amount Not to Exceed \$33,320.00 and Authorizing the Village President and Clerk to Execute a Contract Incorporating the Terms of the Proposal, as Approved by the Village Attorney.

It was moved by Trustee Armstrong, seconded by Trustee Towne to Approve a “**Resolution Waiving Competitive Bidding and Authorizing the Acceptance of a Proposal From Eagle Biomass, Inc. for the Demolition of the Structure at 25960 St. Marys Road, Mettawa, Illinois in an Amount Not to Exceed \$33,320.00 and Authorizing the Village President and Clerk to Execute a Contract Incorporating the Terms of the Proposal, as Approved by the Village Attorney**” being **Resolution No. 13-14**

Upon a call of the roll, the following voted:

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

Nay: None

Mayor Urlacher declared the motion carried

- b. Recommendation to Approve an “Asbestos Abatement Proposal/Revised”. From Environmental Consultant and Compliance Inc. of Chicago, Illinois for Asbestos Abatement at 25960 St. Marys Road, Mettawa; in the Amount of \$9,000.00, Pending Legal Review

It was moved by Trustee Armstrong, seconded by Trustee Towne to approve an “Asbestos Abatement Proposal/Revised, From Environmental Consultant and Compliance Inc. of Chicago, Illinois for Asbestos Abatement at 25960 St. Marys Road, Mettawa; in the Amount of \$9,000.00, Pending Legal Review”

Upon a call of the roll, the following voted:

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

Nay: None

Mayor Urlacher declared the motion carried

- c. Update: Bradley Road Project Status (Ciorba Plans)

Trustee Armstrong informed the Board that Ciorba is just about finished with Phase I engineering and once finished, they can obtain an official written position from the State of Illinois. It was agreed that Ciorba would finish Phase One and obtain an official written statement from the State as to which items they will allow. Also, the committee will be going out for bid to do the project (just resurfacing) next spring without Federal funding, compare the costs and see which way is the best for the Village. All the facts will be in place by spring so a decision can be made. Nothing will be started until the berm at Oasis Park is completed.

- d. Bradley Road Truck Enforcement

Trustee Armstrong updated the Board on the continuing problem with enforcement of truck restrictions, especially on Bradley Road. He stated that the Sheriff’s patrol officers are not enforcing the ordinance and that Administrator Irvin will follow up with the Sheriff to see if they can focus their efforts on solving this problem.

- e. Discussion Regarding the Old School Road Railroad Crossing

Trustee Clark updated the Board on the degrading of the crossing on east Old School Road. He has spoken with the Canadian National Railroad and they will assess the quality of the crossing and fix as necessary. They will report back to Trustee Clark.

f. Discussion Regarding Reduced Signage Along Village Roads

Trustee Armstrong informed the Board that the Committee would be reviewing the necessity of all the signage in the Village

g. Other Matters

i. Village Hall

Trustee Armstrong updated the Board on the ongoing search for options for the Village. He stated that the drawings included in the Board packet are not feasible and that the committee is looking into a one- story option of an estimated 1,500 square feet at cost of less than \$300,000.00. The possible specifications were discussed.

Mayor Urlacher stated that, if time permits, this item could be discussed at the upcoming January Committee of the Whole meeting.

ii. Trustee Towne informed the Board that Riverwoods Road would be repaved from Route 60 south to the Round-a-bout at Everett Road.

3. Parks and Recreation Committee

a. Update: Oasis Park and Whippoorwill Park Projects

Trustee Towne updated the Board that the seeding is finished on the Whippoorwill Berm and that due to some “fly dumping” a gate and possible signage will be erected. Controlled burning will begin November 20<sup>th</sup>

Oasis Park Berm: Trustee Towne stated that the berm is approximately 50% completed and the height will cover trucks and part of the Tollway Oasis buildings. Nothing is happening regarding plantings and landscaping until the Committee of the Whole meeting happens and residents can give their input.

Mayor Urlacher assured the residents that although, at the moment, during construction of the berm, the park looks like a mess, upon completion; it will look very nice and still have a lot of open space.

Discussion ensued regarding the repaving of the Tollway Oasis and the expansion to the east, which has been put on hold. Administrator Irvin reported that the Tollway will be removing the access road, and discussion ensued regarding what property is owned by the Village. Mr. Irvin will investigate.

b. Other Matters

i. Trail over the Tollway: Mr. Irvin updated the Board that Hamilton Partners may give the Village the easement for the trail west of the

Tollway thru their property if the Village pays for the installation and maintenance, and that grant money may be available for the project. The Village will be speaking to the Olesens, residents on Route 60, regarding granting an easement through their property so that the trail can connect with the Forest Preserve at Route 60 and St. Marys Road.

ii. Trustees Armstrong and Towne stated that there will be neither Public Works nor Parks and Recreation meetings in December

iii. It was brought to the attention of the Board that the "Tindall Trail" sign post at the Old School railroad tracks is chewed up. Discussion ensued and it was agreed that it would be repaired

4. Safety Commissioner

- a. Report by Trustee Clark: Trustee Clark reported on his research into a defibrillator for the Howe Security truck will cost less than \$2,000.00 and that Howe has no problem with training and certification. Who pays for the training was not discussed with Howe. The defibrillators will fall under their insurance. Attorney Ferolo stated that it falls under the "Good Samaritan" law.

Mayor Urlacher suggested the village might split the training costs with Howe.

Discussion ensued regarding the Village Fire Protection districts and their coverage and response times.

5. Zoning, Planning and Appeals Commission

- a. Discussion of The Findings of Fact and Recommendation Regarding Case No. 13-TA-1 "Various Text Amendments to the Zoning Ordinance" and Direction to the Village Attorney Regarding the Same

Attorney Smith took the Board thru the recommendations of the Zoning, Planning and Appeals Commission as presented in the Finding of Fact Report from the Commission

1. Special Use Penalty Provisions.

A new Section 15.1104(D): Mr. Smith presented the recommendation as follows: (Note: additions are underlined and deleted text is struck through)

D. All special uses granted by the Zoning, Planning and Appeals Commission or the Board of Trustees of the Village of Mettawa, as the case may be, are hereby amended as a matter of law to include the following text, whether or not such text was included in the special use granted. In the event of any conflict between the terms of a special use and the terms of the following text, the following text shall control and supersede any conflicting term in the special use:

That the failure of any owner of the Subject Property to comply strictly with any one or more of the conditions contained in this Ordinance shall cause, unless cured by the owner upon fourteen (14) days of notice from the Village, or some other greater time period set by the Village in the notice, a revocation of the Special Use Permit issued hereby as well as every other permit and/or license issued by the Village of Mettawa by reason of the adoption of this Ordinance upon expiration of the cure period set forth herein.

After discussion, the Board unanimously agreed with this amendment

2. Area Standards in the R-1 Single Family Residence District.

Section 15.1203(L):

Accessory buildings or structures are limited to a maximum ground floor area of two thousand (2,000) square feet.

Discussion ensued. Trustee Towne recommended changing the language to eliminate “area” and add “gross interior square feet” to eliminate the possibility of builders adding 2<sup>nd</sup> story and below ground area.

Section 15.1204(G):

Mr. Smith presented the amendment from the Commission as follows: One (1) story dwellings shall have a total habitable ground floor area of not less than two thousand five hundred (2,500) three thousand (3,000) square feet. Dwellings having more than one (1) story shall have not less than two thousand (2,000) square feet of habitable ground floor area nor less than three thousand (3,000) square feet of total habitable floor area.”

Discussion ensued regarding eliminating the minimum square footage requirement. Trustee Towne recommended that if the minimum is eliminated in the R-1 district, it should also be eliminated in the R-2 district. Mayor Urlacher stated that all the developments in the Village have their own covenants regarding size restrictions.

Mayor Urlacher summarized the discussion stating that there is a consensus to eliminate the minimum size requirement for both single story and multiple story homes and in regards to accessory buildings, to eliminate “area” and replace it with “gross interior square footage”. He also stated that the minimum area needs to be addressed in both R-1 and R-2 and that this item will be addressed in the December Board meeting as the R-2 requirement is not on this agenda.

3. Treatment of Non-Conforming Buildings and Uses.

Section 15.301(A):

Mr. Smith presented the amendment as follows: Unless otherwise provided for in this Chapter 15, a special use permit, or a variation, a use made nonconforming by reason of a subsequent amendatory ordinance to the provisions of The 1984 Zoning Ordinance may continue in perpetuity provided that the requirements of this Chapter have been met. It is the intent hereof to provide for the amortization of certain nonconformities, to permit some nonconformities to conditionally continue, and to insure that nonconformities shall not be enlarged, increased, expanded or extended, nor to be used as grounds for adding other structures or uses prohibited elsewhere in the same district. None of the provisions of this Chapter, as amended, pertaining to adult uses shall be construed to permit any use or activities that presently are or in the future may be prohibited by law.

Section 15.304 be deleted.

Section 15.310(B):

Furthermore, any stable which existed lawfully but which becomes nonconforming by reason of the transfer, by sale, assignment, leasing, and/or giving away, of a portion but not all of the real estate contiguous to the real estate upon which such stable is located shall be modified forthwith to conform to the standards set forth in this Chapter for allowable uses, including but not limited to the requirement of having no more than one (1) horse stall for each contiguous 40,000 square feet of land.

After discussion, the Board unanimously agreed with the Commissions' recommendation

4. Notice Standards for Applications for Zoning Relief.

The Commission recommended no change to the current code and after discussion, the Board agreed.

It was then moved by Brennan, seconded by Trustee Maier that the Board in the matter of Zoning Case No. 13-TA-1: "Direct the Village Attorney to draft an ordinance incorporating the recommendations of the Zoning, Planning and Appeals Commission with regard to Docket 13-TA-1, with the exception of Section 15.1203(L) which shall read in its entirety "Accessory buildings or structures having a gross interior square footage greater than two thousand (2,000) square feet," and with the exception of Section 15.1204(G) which shall be deleted in its entirety."

Upon a call of the roll, the following voted:

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

Nay: None

Mayor Urlacher declared the motion carried.

- b. Discussion of the Findings of Fact and Recommendation Regarding Case No. 13-TA-2 “Medical Cannabis Text Amendments” and Direction to the Village Attorney Regarding the Same

Attorney Smith presented the recommendation of the Zoning, Planning and Appeals Commission regarding Case No. 13-TA-2 “Medical Cannabis Text Amendments” as follows:

1. That the Village defines medical cannabis cultivation and dispensing facilities by adding the following definitions to Section 15.201 of the Zoning Ordinance:

MEDICAL CANNABIS CULTIVATION FACILITY. A facility authorized by Illinois law and operated by an organization or business registered by the Department of Agriculture to grow, and/or cultivate, and/or perform necessary activities to provide registered medical cannabis dispensing organizations with usable medical cannabis, in accordance with all Illinois and Village statutes, ordinances, and regulations.

MEDICAL CANNABIS DISPENSING FACILITY. A facility authorized by Illinois law and operated by an organization or business registered by the Department of Financial and Professional Regulation to acquire, and/or sell, and/or dispense medical cannabis from a registered medical cannabis cultivation facility, in accordance with all Illinois and Village statutes, ordinances, and regulations.

2. That the Village allows medical cannabis cultivation facilities and medical cannabis dispensing facilities only as special uses in the O/R District, by adding the following text to the end of Section 15.1403, entitled “Special Uses – O/R district.”

E. Medical Cannabis Cultivation Facilities.

F. Medical Cannabis Dispensing Facilities.

After discussion it was moved by Trustee Towne, seconded by Trustee Armstrong to:

“Direct the Village Attorney to draft an ordinance incorporating the recommendations of the Zoning, Planning and Appeals Commission with regard to Docket 13-TA-2.”

Upon a call of the roll, the following voted:

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

Nay: None

Mayor Urlacher declared the motion carried.

Mayor Urlacher and Attorney Smith stated that they would bring a list of potential topics for referral to the Zoning Planning and Appeals Commission for Board review in December including the potential re-zoning of the Village owned property east of the Tollway.

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

1. Mayor's Report

a. Update: Water for the Village

Mayor Urlacher informed the Board that there will be a meeting on December 9, 2013 of the Sheriff and Lake County representatives in an attempt to resolve the issue of water and they will then present a proposal to the Village. Hopefully there will be an answer for the December Board meeting

b. Comments and Discussion Regarding Transparency.

Mayor Urlacher presented to the Board his idea of holding coffees on a regular basis with residents, Administrator Irvin, a trustee and himself. The board agreed that this was a good idea and discussion ensued regarding the frequency of these meetings. It was agreed that every other month was a good idea and the timeframe can be adjusted as necessary

Mayor Urlacher also stated that he would be using surveys to obtain resident feedback on such items as the Village Hall, the use of the Dreikosens property or other properties in the Village. He has a meeting scheduled with resident Bob Hollar who did the last survey and hopefully will have feedback for the Board at the January meeting

c. Discussion Regarding Submitting Reports

After discussion the Board unanimously agreed that the Administrator reports need only be submitted bi-weekly

d. Building Report

Mayor Urlacher thanked Trustee Towne and Mr. Anderson for their report and with no questions being asked, placed it on file.

e. Village Administrator's Report

Village Administrator Bob Irvin updated the Board on an item not already addressed earlier in this meeting:

Mr. Irvin attended meetings with various communities regarding sharing services for cooperative services to lower costs. He will continue to investigate for the benefit for the Village

f. Other Matters: None presented for discussion

**2. UNFINISHED BUSINESS:** None presented for discussion

**3. NEW BUSINESS**

Mayor Urlacher stated that action has been taken on items "a" through "c" earlier in the meeting

**I. EXECUTIVE SESSION:**

At 9:25 p.m. the meeting Mayor Urlacher entertained a motion to adjourn the meeting to Executive Session to discuss pending, probable and imminent litigation; land acquisition, section (c) (5): "The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussion whether a particular parcel should be acquired: and review of Executive Session Minutes. It was so moved by Trustee Armstrong, seconded by Trustee Clark

Upon a call of the roll, the following voted:

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

Nay: None

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

**J. CALL TO RECONVENE**

At 10:32 PM Mayor Urlacher 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 Urlacher

Absent: None

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

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

No matters presented requiring action

**M. ITEMS TO BE REFERRED:** No items to be referred

**N. FOR INFORMATION ONLY:** No items discussed

**O. ADJOURNMENT**

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

In Favor: All

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Opposed: None

Mayor Urlacher declared the motion carried and the meeting adjourned at 10:35 PM.

Cathy Nelson, Village Clerk