

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 FEBRUARY 20, 2018 IN THE COTTONWOOD ROOM OF THE HILTON GARDEN HOTEL, 26225 N. RIVERWOODS BOULEVARD, METTAWA, ILLINOIS

A. CALL TO ORDER

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

B. ROLL CALL

Upon a call of the roll, the following were:

Present: Trustees Bohm, Brennan, Maier, Pink, Sheldon, Towne and Mayor Urlacher

Absent: None

Mayor Urlacher declared a quorum present.

Also present: Village Administrator, Bob Irvin; Village Clerk, Sandy Gallo; Representative of the Firm of James Anderson Company, Scott Anderson; Village Attorneys, Jim Ferolo and Greg Smith of Klein Thorpe & Jenkins, Ltd; Financial Consultant, Dorothy O'Mary

C. APPROVAL OF MINUTES:

Board Meeting Minutes: January 16, 2018

The Village Board meeting minutes were reviewed. Trustee Bohm had a word correction on page 6. Trustee Bohm moved and seconded by Trustee Pink that the minutes of the Board Meeting of January 16, 2018 be approved as revised and be placed on file.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne

Nay: None

Absent: None

Mayor Urlacher declared the motion carried.

D. APPROVAL OF BILLS

1. Bills Submitted for Payment

Trustee Brennan reported the total amount for payment is \$111,930.72. Trustee Brennan stated two invoices were added, Daily Herald in the amount of \$463.68 and Forest Builders for the snow removal service in the amount of \$6,879.00.

It was moved by Trustee Maier and seconded by Trustee Bohm to approve payment of the bills.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne

Nay: None

Absent: None

Mayor Urlacher declared the motion carried.

E. TREASURER’S REPORT

Presentation of the Treasurer’s Summary Report for the Month of January 2018

It was moved by Trustee Brennan and seconded by Trustee Bohm that the Board acknowledges receipt of the January 2018 Treasurer’s Summary Report and it be placed on file.

Upon a call of the roll, the following voted:

Aye: Trustee Bohm, Brennan, Maier, Pink, Sheldon and Towne

Nay: None

Absent: None

Mayor Urlacher declared the motion carried.

F. PUBLIC HEARING

G. COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

Mayor Urlacher said he would like to recognize that the Village Board received an electronic letter from resident Bob Price and that all of the Trustees also received a hardcopy.

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

1. Finance Committee

a. Update on Village Budget for FY 2018-19

Village Administrator Irvin said the Village’s annual budget begins May 1, 2018. The Committees reviewed the details of their expenditures at the February 14th meetings. This year’s budget was modeled using prior years’ expenditures. Parks and Recreation has added some additional money to cover the cost of planting some additional trees at Whippoorwill Park and for required maintenance on the trails.

Public Works budget includes capital improvement to replace a few culverts and the resurfacing of Riverwoods Boulevard. Village Administrator Irvin said both Committees will review their budget listings one more time in the March meetings. A public hearing will be held with the final amounts for adoption at the April Village Board meeting. As for the revenue side, the same tax levy will be proposed for this year as it has been unchanged for the last 20 years.

b. Update on Extension of Agreement with Lakes Disposal

Village Administrator Irvin said the Village has been utilizing Lakes Disposal for the last eight years. Lakes Disposal has provided good customer service to the Village. The proposed new contract will be for the next seven years with an increase of 5%. The Village will continue to pay for the resident monthly refuse collection costs. The extra services Lakes Disposal provides for residents such as lawn and dumpster pick-up have also experienced a slight increase.

Village Administrator Irvin said the Finance Committee has made a recommendation to approve the Lakes Disposal proposed contract.

b. Other Matters

2. Public Works Committee

a. Update on Oasis Park Drainage

Trustee Towne said the Tollway has approved the proposed solution addressing the drainage issue at the southside of the Oasis Park service drive.

b. Update on the Potential Water Main Extension

Trustee Towne said the Committee is getting ready to hold a second meeting with the residents south of Route 60 to provide an updated water main extension cost. Village Administrator Irvin said he would like to meet with Lake County Engineers to discuss the St. Marys Road dead-end line and to confirm their buy-in on the designs being proposed by the Gewalt Hamilton. Village Administrator Irvin stated having a meeting with Lake County and the engineers would enable him to solidify the extension costs.

c. Update on Right-of-Way Mowing for 2018

Village Administrator Irvin said the right-of-way mowing program has been sent to 25 contractors. The bid opening will be held on March 7th.

d. Update of Horse Warning Signs

Trustee Towne said the Committee is studying the horse crossing signs to determine what types of signs are needed throughout the Village.

e. Update on Budget Discussion for FY2018-19

Trustee Towne said the budget includes funding for the Oasis Park trail placement. Trustee Towne stated the proposed budget is in good shape for Public Works.

f. Other Matters

3. Parks and Recreation Committee

Trustee Towne provided the Parks and Recreation Committee report since Trustee Sheldon was not available for the Committee meeting.

a. Recommendation to Approve the ILM 2018-19 Maintenance Agreement for Whippoorwill Park With the Village Option for 2019

Trustee Towne said the ILM agreement proposed to continue the natural maintenance for Whippoorwill Park for 2018 in the amount of \$8,160. The Village will be adding to the contract the statement of opting out for 2019, if so desired.

b. Update on Route 60 Island Landscaping

Trustee Towne said the Committee recommendation is to consider the planting to include ground cover and other low growing plants. Forest Builders will make a recommendation on the plantings.

c. Recommendation to Deny the Request to Vacate the Trail Easement in Riverside Preserve Subdivision

Trustee Towne said the Village received a letter from Riverside Preserve subdivision regarding the horse barn. The letter was a request for the Village to vacate the trail easement throughout the subdivision. The barn was originally maintained for the residents within the subdivision. The barn is on part of the trail easement and it encroaches on the forest preserve land by about 2 feet. The developer would like the Village to vacate the trail easement to avoid having to move the wall. The Committee decided they did not want to vacate the trail to the developer. The residents within the Riverside subdivision should decide if they would like the barn to be improved or not be improved given their direct impact of covering the expense.

Trustee Bohm said this trail goes down to the forest preserve on the southside of Route 60. Currently the forest preserve trail goes under Route 60 which is frequently flooded; as a result, this trail access would provide the Village another option to connect to the current trails at a later time.

d. Update on Use of Trail Easement in the Rolling Meadows Subdivision

Trustee Towne said a trail easement exists on the property adjacent to the church which is on Maureen Lane. Village Administration Irvin said the subdivision was created in 1979. Trustee Towne state the 20-foot trail easement goes along the south and west edge of this subdivision. This subdivision consists of 6 lots, only one lot has a built home. The trail could be considered an equestrian connection to the other Village trails.

e. Update on the Budget Discussion for FY 2018-19

Trustee Towne said Public Works largest budget expense is the Riverwoods Boulevard road repair. The bids for resurfacing the road will go out in April.

f. Other Matters

Trustee Sheldon asked when does the Village anticipate the work on the Oasis Park trail will commence. Trustee Towne said it was discussed at the Around the Town meeting and no commencement date was provided.

4. Safety Commission

a. Status and Activity Update

Trustee Pink said Rick from Howe Security reported several times he has found people fishing at the pond located by I94 and Everett Road. Currently this location has no signs limiting any activity. Trustee Pink said she would like to receive the consensus from the Board for a no trespassing sign to be posted by the pond. The Board's consensus was to place a no trespassing and fishing sign at the pond.

Trustee Pink said that Howe Security averages 137 house checks on a monthly basis.

Trustee Pink said she followed up with Chief Carani to ask if the stable fire source had been determined. Chief Carani said the investigation may be closed with no determination due to the intensity of the fire and the stable having already been torn down.

5. Zoning, Planning and Appeals Commission Report

a. Discussion Regarding the Findings of Fact and Recommendation of the Zoning, Planning and Appeals Commission for Docket 17-V-S-1: 14805 Old School Road, Mettawa, Illinois – Application for a variation from the seventy-five-foot (75') front yard setback required in Section 15.1204(B) of the Village of Mettawa Zoning Ordinance, to allow an existing shed to continue to encroach seventeen feet (17') into the front yard setback

Village Attorney Smith said on January 17th, the ZPA held a public hearing for Amy Weiland shed variation. The ZPA heard the testimony and the Commissioners voted 6-0 granting the variation to Ms. Weiland. A copy of the Findings and Facts has been provided to the Board. Counsel would like direction from the Board on the next steps to draw-up the ordinance with approval as recommended or denial.

Trustee Brennan said the ZPA is currently cleaning up the Village's ordinances; therefore, these types of variations need to stop. Trustee Brennan stated in a different case, a resident was building a brick wall on their property and it was in violation of the code. This resident was required to tear down the constructed brick wall and rebuild it according to the code.

Trustee Sheldon said there are ordinances in place for compilation. The Village should not be held responsible to provide a variation due to the construction errors of others.

Mayor Urlacher said to keep in mind this construction was completed three years ago prior to the text amendment that the Board is currently reviewing.

Trustee Bohm said the plat layout did indicate the right location, evidently the stakes were accidentally moved which created the issue. Trustee Bohm said he is in favor of approving the recommendation.

Trustee Towne said due to the shed being located in the front yard, the violation needs to be addressed.

Trustee Pink said she attended the public hearing for Ms. Weiland in January. Trustee Pink said the builder is the responsible party for this violation.

Trustee Maier said Ms. Weiland can sue the builder for this violation.

Resident, Tom Heinz (27157 N. St. Marys Road) said the owner should be held responsible for the builder's action.

Mayor Urlacher said the consensus of the Board is 4-2, to deny the recommendation for the shed variation.

Village Attorney Ferolo said Counsel will draw-up an ordinance rejecting the recommendation of the ZPA and denying the request for the shed variance.

b. Discussion of the Zoning Ordinance Text Amendments Recommended by the Zoning, Planning and Appeals Commission

Mayor Urlacher said at Committee of the Whole meeting consensus was to approve the first seven recommended text amendments at tonight's meeting. Furthermore, Village Attorney has drafted the ordinances based upon the discussion at the COW meeting. Mayor Urlacher said due to the importance of the zoning matters being discussed, the Village Board may wish to consider obtaining the services of a professional zoning consultant to help review the zoning changes occurring within the Village. Mayor Urlacher said the five-text amendment which were set to be approved at tonight's meeting, will be tabled until a zoning consultant has been hired. Mayor Urlacher asked Village Administrator Irvin to provide a list of the zoning consultants to the Trustees for further discussion at the March meeting.

Trustee Sheldon said she would like the professional fees text amendment to be approved tonight.

Mayor Urlacher said when we reach the agenda for New Business the Board will have the option to vote on that text amendment.

Village Administrator Irvin said he would like to receive some direction from the Trustees on the scope of services the professional zoning consultant would be contributing. Mayor Urlacher asked Village Administrator Irvin to obtain the resumes from the consultant and the Board would review their qualifications. Village Administrator Irvin said he will obtain the standard qualification from the various zoning consultants in the Chicago area.

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

1. Mayor's Report

a. Building Report

Mayor Urlacher thanked Village Engineer Scott Anderson for the monthly building report and said it would be placed on file.

b. Other Matters

Mayor Urlacher said two weeks ago when we experienced the heavy snowfall some residents received a separate email from a resident regarding the trash pick-up outside of the Village's communication. The additional residential email created some confusion on which day the trash was going to be picked-up. Mayor Urlacher stated for the record the Village handled their communication effectively.

c. Village Administrator’s Report

Village Administrator Irvin said he would like some direction from the Trustees regarding the request that was made at the December’s Board meeting asking the Sheriff to gather data regarding response times within the Village. Village Administrator Irvin said he reviewed the 2016-2017 data from calls placed and 776 response calls were made. The largest number of calls were car related. The other calls consisted of 106 vehicular accidents, 95 car alarms, 100 disabled vehicles, 70 911 hang-ups, 38 fire and rescue and a few assistants needed. Village Administrator Irvin said he will request the data to be summarized in similar categories.

2. UNFINISHED BUSINESS

a. Discussion Regarding the Findings of Fact and Recommendation of the Zoning, Planning and Appeals Commission for Docket 17-SU-S-4: 15055 and 15141 W. Little St. Marys Road, Mettawa, Illinois – Application for a special use permit for a large stable, to supersede, amend and replace the terms of the court orders entered in the case of *LaSalle National Bank, as Trustee under Trust No. 103542 and High Times Stables, Inc. v. Village of Mettawa*, 88 CH 257 in the Circuit Court for the Nineteenth Judicial Circuit, Lake County, Illinois, to allow for up to twenty two horses to be boarded in an existing large stable, to allow one existing outdoor riding arena and one existing indoor riding arena to be used, and to consolidate two lots into a single lot, among other relief

The Chair made a motion to remove this item from the table. The motion was moved by Trustee Maier and seconded by Trustee Brennan.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne

Nay: None

Absent: None

Mayor Urlacher declared the motion carried.

Attorney, Douglas Wambach from the Law Firm of Burke, Warren, MacKay & Serritella, is representing the applicant Sapphire Farms LLC. One of the owners Hermine Rothman was present and had an interpreter Lisa Coder.

Mr. Wambach said the stable is being used as a horse training facility. Ms. Rothman said she currently has 6 horses at the stable; the remaining horses are traveling. Mr. Wambach said he wanted to address the statement that Sapphire Stables was in

violation of the court order. Mr. Wambach said once Sapphire was alerted of the violation, Sapphire contacted the Village to address the issues. Sapphire followed the path the Village had directed them to address the violations. The delay in the case was due to the surveyors encountering issues in finalizing the subdivision plat of survey. Mr. Wambach added Sapphire Stables has made a great effort to comply with the Village's ordinances.

Village Attorney Smith said Sapphire Farms application indicates they would like to have 22 horses on the property. The ZPA recommended 20 horses on the property. The consolidated land will result in 14.7 acres.

Mr. Wambach said during the deliberation at ZPA public hearing no issues were raised. Sapphire Stables is prepared to accept the ZPA recommendation of 20 horses.

Mayor Urlacher said Doug Boyd also had a violation when he began posting a sign at the end of road. Mayor Urlacher said Mr. Boyd continues to violate the ordinances.

Ms. Rothman said through the interpreter, someone on her staff was moving the sign without my permission. Ms. Rothman said the sign was moved once she was made aware of the issue.

Trustee Brennan said Sapphire only added four acres not five. Trustee Brennan said the special use permit is not assigned to the owners but the property. The Village needs to consider the special use permit approval for future owners and limit the number of horses allowed on that parcel.

Trustee Sheldon asked if the court order indicated 15 horses. Mayor Urlacher confirmed the court order did indicate 15 horses, no evidence of 18 horses was provided.

Trustee Brennan said she would approve 18 horses if inspections were allowed.

Trustee Maier said he would approve 20 horses with random inspections.

Trustee Pink stated the current court order was set for 15 horses. Trustee Pink asked when the additional stalls were built. Trustee Brennan said the stable is considered an 18-stall barn, three stalls are considered storage stalls in the back of the arena. Trustee Pink asked Mr. Wambach why was an additional stall added. Mr. Wambach said when the barn was acquired 22 stalls were available for horses. Trustee Brennan stated the court order always stated 15 horses were only allowed.

Village Administrator Irvin said Mr. Boyd did agree to inspections with a 24-hour notice. Mr. Wambach said he would have to confirm the details and parameters of the inspections with his client.

Trustee Pink said she would like fewer horses at the stable along with random inspections.

Trustee Towne said he would approve 20 horses with some type of inspections.

Trustee Bohm said he would approve 18 horses with inspections along with the lot consolidation.

Trustee Maier asked the Counsel a question, if the current court order could be modified to remain in place and not issue a special use permit. Village Attorney Ferolo said the better plan is to create a special use to ensure compliance to the Village's zoning code.

Mayor Urlacher said the consensus from the Trustees is 2 voted for 20 horses and 24-hour notice for inspections while 4 Trustees voted for 18 horses with the same time period for inspections.

Mr. Wambach and his client left the conference room to deliberate.

Mr. Wambach returned from his deliberation with his client. Mr. Wambach stated Ms. Rothman has agreed to inspections with 48-hour notice, 20 horses as the ZPA had made in their recommendation and inspections should only occur once every three months.

Village Attorney Ferolo said Village is not bound to the conditions the applicant has proposed.

Trustee Pink asked Ms. Rothman what is the maximum number of horses you usually have in the stable. Ms. Rothman stated 16-17 horses. Mr. Wambach stated his client was seeking 22 horses since the stable's capacity is set for 22 horses.

Mayor Urlacher noted the consensus for the Trustees is 2 voted for 20 horses and 24-hour notice for inspections and 4 Trustees voted for 18 horses with the same time period for inspections.

Mr. Heinz stated the number of horses does not matter due to the fact, the horses are contained in the stable for training.

Village Attorney Ferolo suggested a motion to be made.

A motion was made to accept the recommendation of the plan from the ZPA with the following amendments; 18 horses be allowed; inspection language be incorporated with a 24-hour notice; in addition the Attorneys be directed to draft an ordinance to reflect these changes. A motion was made by Trustee Brennan and seconded by Trustee Bohm.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne

Nay: None

Absent: None

Mayor Urlacher declared the motion carried.

3. NEW BUSINESS

- a. Approval of the 2018 ILM Maintenance Proposal for Whippoorwill Park With the Village Option for 2019

It was moved by Trustee Bohm and seconded by Trustee Sheldon to approve the 2018 ILM Maintenance Proposal for Whippoorwill Park with the Village option for 2019.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne

Nay: None

Absent: None

Mayor Urlacher declared the motion carried.

- b. Approval of the Recommendation to Deny the Request to Vacate the Trial Easement in Riverside Preserve Subdivision.

It was moved by Trustee Towne and seconded by Trustee Brennan approval of the recommendation to deny the request to vacate the trial easement in Riverside Preserve subdivision.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne

Nay: None

Absent: None

Mayor Urlacher declared the motion carried.

c. Approval of an Ordinance Amending Chapter 15 of the Mettawa Code of Ordinances Regarding Zoning Application Fees, Rearranging Sections 15.105 And 15.106, Time Limit for Appeal from Zoning Administrator’s Decisions and the Height of Structures in the R-1 and R-2 Zoning Districts

It was moved by Trustee Towne and seconded by Trustee Brennan approval of the ordinance relating to the text amendment I, zoning application fees.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne
Nay: None
Absent: None

Mayor Urlacher declared the motion carried.

It was moved by Trustee Maier and seconded by Trustee Brennan to table the rearranging of sections 15.105 and 15.106, time limit for appeal from Zoning Administrator’s decisions and the height of structures in the R-1 and R-2 zoning districts.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne
Nay: None
Absent: None

Mayor Urlacher declared the motion carried.

d. Approval of an Ordinance Amending Chapter 15 of the Mettawa Code of Ordinances Regarding Short Term Rentals

It was moved by Trustee Maier and seconded by Trustee Brennan to table the approval of the ordinance amending Chapter 15 of the Mettawa code of ordinances regarding short term rentals.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne
Nay: None
Absent: None

Mayor Urlacher declared the motion carried.

e. Approval of an Ordinance Amending Chapter 15 of the Mettawa Code of Ordinances Regarding Special Use Permits

It was moved by Trustee Maier and seconded by Trustee Brennan to table the approval of the ordinance amending Chapter 15 of the Mettawa code of ordinance regarding special use permits.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne
Nay: None
Absent: None

Mayor Urlacher declared the motion carried.

f. Approval of an Ordinance Amending Chapter 15 of the Mettawa Code of Ordinances Regarding Minimum Dwelling Sizes

It was moved by Trustee Maier and seconded by Trustee Brennan to table the approval of the ordinance amending Chapter 15 of the Mettawa code of ordinance regarding minimum dwelling sizes.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne
Nay: None
Absent: None

Mayor Urlacher declared the motion carried.

J. EXECUTIVE SESSION

At 8:53 p.m., it was moved by Trustee Towne, seconded by Trustee Maier to adjourn the meeting to the Executive Session to discuss land acquisition, potential litigation and review of executive session minutes.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne
Nay: None
Absent: None

Mayor Urlacher declared the motion carried.

K. CALL TO RECONVENE

At 9:52 p.m., Mayor Urlacher reconvened the public portion of the meeting.

L. ROLL CALL

Upon a call of the roll, the following were:

Present: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne and Mayor Urlacher

Absent: None

Mayor Urlacher declared a quorum present.

Also present: Village Administrator, Bob Irvin; Village Clerk, Sandy Gallo and Village Attorneys Jim Feroles and Greg Smith of Klein Thorpe and Jenkins

M. MATTERS REQUIRING ACTION ARISING AS A RESULT OF THE EXECUTIVE SESSION

N. ITEMS TO BE REFERRED

O. FOR INFORMATION ONLY

P. ADJOURNMENT

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

Upon a call of the roll, the following voted:

In Favor: Trustee Bohm, Brennan, Maier, Pink, Sheldon and Towne

Opposed: None

Absent: None

Mayor Urlacher declared the motion carried and the meeting adjourned at 9:53 p.m.

Sandy Gallo, Village Clerk