

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 JUNE 18, 2019 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 7:30 p.m.

B. 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; Representative of the Firm of James Anderson Company, Scott Anderson; Village Attorneys, Jim Ferolo and Jim Rhodes of Klein Thorpe & Jenkins, Ltd; Financial Consultant, Dorothy O'Mary; Village Treasurer, Pam Fantus

C. APPROVAL OF MINUTES:

Board Meeting Minutes: May 21, 2019

The Village Board meeting minutes were reviewed. It was moved by Trustee Towne and seconded by Trustee Sheldon that the minutes of the Board Meeting of May 21, 2019 be approved 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

Trustee Maier reported the amount for bills to be paid this month is \$93,114.33.

It was moved by Trustee Maier and seconded by Trustee Brennan 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 and the bills will be paid.

E. TREASURER'S REPORT

Presentation of the Treasurer's Summary Report for the Month of June 2019.

It was moved by Trustee Bohm and seconded by Trustee Sheldon that the Board acknowledges receipt of the June 2019 Treasurer's Summary Report and it 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.

F. PUBLIC HEARING

Mayor Urlacher announced a public hearing will be held regarding the amended and restated annexation agreement between the Village of Mettawa and W.W. Grainger with respect to the property located at 100 Grainger Park, Lake Forest, Illinois. Notice of the public hearing was published in the Daily Herald on June 3, 2019.

Village Attorney Rhodes stated the purpose of the amended and restated annexation agreement is to provide revisions to the areas that deal with zoning approvals. The first annexation provided approval from the two public hearings held with Grainger. During this time, Grainger testified at the public hearings to ensure they would receive the zoning approval in order to continue with their current corporate headquarters as it exists. At the public hearings, the Settlement Agreement and the Settlement Stipulation documents were discussed. The two documents were entered between the Village of Mettawa and Grainger in 1994 and certain Declarations of Covenants and Restrictions were recorded by Grainger as a zoning condition approved by Lake County. Grainger received zoning authority from Lake County in 1994 to develop their corporate headquarters. At this time, the Village of Mettawa filed a lawsuit challenging the zoning approval. The lawsuit was settled pursuant to the Settlement Stipulation. The Settlement Stipulation is still in effect. The two provisions made to the Settlement Stipulation include; first, the height of the first office building will not exceed 80 feet and any future buildings can not exceed 90 feet; secondly, Grainger and Mettawa will abide by the provisions of Declarations of Covenants and Restrictions document that were recorded by Grainger. The Declaration of Covenants and Restrictions contain obligations of which Grainger made conditions for zoning approval and provisions. One provision stated that the Grainger property would be limited to office and related uses and it would not be utilized as a warehouse or distribution use. Another

provision indicates no more than 1,500,000 square feet of office floor area shall be developed on the property. All offices buildings shall be screened from view from ground level. Landscaper buffers shall be completed contemporaneously with the construction of the first office building. Tree preservation and private open space areas shall be maintained. At the public hearing, Grainger acknowledged that both the Settlement Stipulation and the Declaration of Covenants and Restrictions documents were binding. After the public hearing, the Zoning, Planning and Appeals Committee decided that the approvals should be conditioned upon Grainger's compliance with the Settlement Stipulation and the Declaration of Covenants and Restrictions. Upon discussion with Grainger, the Village Board decided to amend the annexation agreement that provides the same approvals that were conditioned by the ZPA. Within the amended and restated agreement, paragraph 4 has been revised so that both Grainger and the Village of Mettawa are bound by the Settlement Stipulation and the terms of the Declaration of Covenants and Restrictions. Zoning approvals will be conditioned upon the Settlement Stipulation and the Declaration of Covenants and Restrictions documents. The timing of rezoning was extended to October 15, 2019 from the original document. Village Attorney Rhodes said another change can be found on, paragraph Q; in the original Annexation Agreement it indicated additional terminated zoning approval was needed as follow-ups which was incorrectly stated. The state statue of 20 years was included. Three exhibits have been updated, D-1 revision to the Master Plan Development, D-2 Settlement Agreement, D-3 the Declaration of Covenants and Restrictions.

Resident, Tom Heinz (27157 N. St. Marys Road) said he saw a map in which Grainger's property was to develop a restaurant on their lot. Village Attorney Rhodes said no discussion with this annexation agreement has been held. Grainger's Attorney John Juliana replied Grainger has no plans in the works for a restaurant.

The public hearing was closed at 7:40 pm.

A motion was moved by Trustee Bohm and seconded by Trustee Maier to close the public hearing.

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 public hearing closed.

G. COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

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

1. Finance Committee

- a. Recommendation to Approve an Ordinance Declaring Surplus Funds and Directing Local Tax Reimbursements Pursuant to the Illinois Fiscal Responsibility Law

Trustee Maier said this tax reimbursement ordinance follows the same language as prior years. The one change from last year is the total amount from \$500,000 to \$600,000. The Finance Committee approves of this ordinance. Trustee Maier added the Village has 215 properties. Of those properties, 80% can participate in the rebate program this year.

- b. Update on the Whistleblowing Policy

Trustee Maier said the Committee discussed the Whistleblowing policy and we recommend the adoption of this document into the Village.

- c. Other Matters

Trustee Maier stated he participated in a conference call with Village Administrator Irvin and Moody's Financial Analyst to discuss the Village's rating. The Village has increased their Aa2 to Aa1 rating. In 2011, when the Village purchased the Oasis Park property our rating improved from Aa3 to Aa2. We have increased one additional level thus far. Mettawa is one of the smallest municipalities to have received this designation. The outcome is a testimony that the Trustees and the residents are being good stewards of the Village's funds.

2. Public Works Committee

- a. Update on the Culvert and Drainage Projects

Trustee Towne said the Mettawa Lane culvert work will commence once the rain has stopped. The culverts need to be dry for it to be completed. Trustee Towne said other culverts design work is in progress but have not been finalized.

- b. Update on the Crosswalks Painting

Trustee Towne said some crosswalks have been painted; however, the continuous rain has limited the work on the remaining areas.

c. Other Matters

Mr. Heinz asked if the Little St. Marys Road, west of St. Marys Road culvert was going to be repaired. Trustee Towne said he is aware of this culvert and they will look into it.

3. Parks and Recreation Committee

a. Update on the Plans for the Village Property on St. Marys Road and Route 60

Trustee Sheldon said James Anderson is currently working on the draft design for the berm. The Committee is aiming to complete this project at no cost to the Village. Village Engineer Scott Anderson said most of the designs have been completed. He is currently waiting for Trustee Towne to review the final designs. Bid specifications will be completed after the review process.

b. Update on the Oasis Park Seeding

Trustee Sheldon said she and Trustee Bohm met with V3 to discuss seeding to be placed on the berm and the others areas that require seeding.

Trustee Sheldon and Trustee Towne will be meeting with Stormwater Management to discuss the grant area in July.

Trustee Sheldon added Forest Builders has completed the pollinator gardens at the Oasis Park. Trustee Bohm commented that David Johansson and his wife completed the pollinator gardens on Sunday. Trustee Bohm asked Village Engineer Scott Anderson to relay the message of gratitude to David and his wife for their dedication.

c. Update on the Planting Proposal for Oasis Park

Trustee Sheldon stated at the last Board meeting the Mayor read a letter from a resident regarding the request for trees to be planted at the Oasis Park. Trustee Sheldon said she received a proposal from Poul's Nursery for 37 trees. The tree selection was determined by an arborist, Drew Johnson. The proposal was not approved at the Committee level.

Trustee Bohm stated several years ago our consultant, Jay Womack designed this property to be a prairie with oak grove trees. Trustee Bohm remarked the proposed trees do not follow these plans nor is it beneficial to plant so many trees. The proposal also included non-native trees. Trustee Bohm addressed his concern that the tractor needed to plant these trees, would destroy the progress already made with the land.

Trustee Maier said the park looks more like a prairie with the open grass areas.

Trustee Brennan agreed that the number of trees presented are not necessary.

Trustee Towne said the Trustees had discussed planting trees along the trail and received approval to complete this project. Trustee Bohm commented a few trees were discussed not 37 trees. Trustee Sheldon added the park is 20 acres and the current trees along the road will be removed by ComEd.

Arborist, Drew Johnson stated other trees were considered but the Oasis Park soil also needed to be accessed for success. Mr. Johnson commented another consideration would be that adding trees to the berm could shield the lighting from the Oasis.

Trustee Bohm added a few plans were submitted many years ago for the berm planting but the Board never approved a plan.

Village Treasurer Fantus added she walks the trail every day. The trail does require some trees to be planted to create some shade.

Trustee Towne commented the trail is in need of trees. Trustee Sheldon said the trail is long and sycamore trees would be ideal to be planted along this area.

Mayor Urlacher recommended the Committee continue the tree discussion at their next meeting.

d. Other Matters

4. Safety Commission

a. Status and Activity Update

Trustee Pink said Village Administrator Irvin suggested a study to be completed at the AbbVie's employee parking lots to determine how many cars turn right onto Riverwoods Boulevard. AbbVie has 3 employee exits and each location has a posted sign no right-hand turn is allowed Monday-Friday between 4:00-6:00 pm. Howe Security completed a two-day study. The two days reflected 151 and 89 vehicles made a right-hand turn out of the employee parking lot. Howe Security also noted the heavy traffic coming from Route 60 through the Village.

Village Administrator Irvin said AbbVie had been contacted with a letter requesting they remind their employees of their prohibited right-hand turn from their parking lots. Village Administrator Irvin commented the Sheriff's special detail services specifically targeted speeding and turning vehicular enforcement. The current no right-hand turn signs at the exists of AbbVie employee parking lot, are at regulatory standards.

Trustee Pink said the Village will need to consider obtaining special detail services from the Sheriff's Department to address the increasing number of speeding and turning violations issues.

Mayor Urlacher said we should wait to receive the traffic study results to determine our next steps. Village Administrator Irvin said the right-hand turn violation is difficult to enforce due to the timing.

Resident, Liz Leonard asked if the turning restrictions removal off of St. Marys Road and Old School Road was creating a larger number of vehicles to pass through the Village. Mayor Urlacher said this turn restriction will be discussed next month. Village Administrator Irvin said reinstating the turn restriction can reduce vehicles but reinforcement is necessary to really impact the heavy traffic flow.

5. Zoning, Planning and Appeals Commission Report

Village Attorney Rhodes read the ZPA recommendation Finding and Facts Report results from Grainger's request for rezoning map amendment, special use approval, planned unit development, final development plan and variations for their property at 100 Grainger Parkway, Lake Forest IL. This report is on file with the Village Clerk.

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

1. Mayor's Report

a. 2019 First Review of Executive Sessions Minutes

Mayor Urlacher said it is required by state law that the Village review their Executive Session Minutes two times each year for a possible release. At this time, no minutes will be released.

b. Committee Assignment for 2019-2020

Mayor Urlacher commented due to the start of a new Board; a few Committee member changes are being made. The new Committee members listing is on file with the Village Clerk.

c. Village Picnic

Mayor Urlacher said the Village picnic will be held on Saturday, August 24th from 11:00 am -2:00 pm at St. Basil's Church. Corkys Catering will be providing the food.

d. Building Report

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

e. Other Matters

f. Village Administrator's Report

Village Administrator Irvin said Zoning, Planning and Appeals will be meeting on August 6th in the Cottonwood Room. The ZPA will be discussing the draft of the zoning code rewrite provided by Camiros. A complete copy of the report and a summary memo can be found on the Village website. Once the ZPA has completed their workshops, a public hearing will be held to discuss their recommendations of the zoning code. Residents will be notified of all the ZPA workshop meetings.

2. UNFINISHED BUSINESS

a. Further Discuss the Ordinance Amending the Mettawa Code of Ordinances with Respect to the Keeping of Chickens

Mayor Urlacher said since the last Board meeting comments were received from Trustee Bohm and Trustee Maier and they were sent to the Village Attorney for his review. The two Trustee comments were provided to the Board in their packets regarding this ordinance.

Mayor Urlacher asked the Board members if they had any additional changes to be incorporated to the ordinance. Trustee Bohm said he would like to ensure no slaughter of chickens is included. Village Attorney Ferolo said the ordinance will include no slaughtering is allowed and if such actions do need to occur, they will be done in a sanitary manner and not in public. Village Attorney Ferolo said Trustee Maier's comments addressed how dead chickens should be disposed of to avoid diseases. An updated ordinance will be presented at the next Board meeting for your review.

3. NEW BUSINESS

a. Approval of an Ordinance Declaring Surplus Funds and Directing Local Tax Reimbursements Pursuant to the Illinois Fiscal Responsibility Law

It was moved by Trustee Bohm and seconded by Trustee Brennan to approve the ordinance declaring surplus funds and directing local tax reimbursements pursuant to the Illinois Fiscal Responsibility Law.

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 Resolution Approving the Release of Certain Executive Session Minutes of the President and Board of Trustees of the Village of Mettawa

It was moved by Trustee Maier and seconded by Trustee Towne to approve the resolution approving the release of certain executive session minutes of the President and Board of Trustees of the Village of Mettawa.

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 the Resolution for the Whistleblowing Policy for the Village of Mettawa

It was moved by Trustee Maier and seconded by Trustee Brennan to approve the resolution for the Whistleblowing Policy for the Village of Mettawa.

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 Authorizing the Execution of an Amendment and Restated Annexation Agreement (W.W. Grainger Property located at 100 Grainger Parkway, Lake Forest, Illinois)

It was moved by Trustee Maier and seconded by Trustee Brennan to approve the ordinance authorizing the execution of an Amendment and Restated Annexation Agreement (W.W. Grainger property located a 100 Grainger Parkway, Lake Forest, Illinois).

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 Granting a Zoning Map Amendment, Special Use Permit, Planned Unit Development Final Development Plan Approval, and Variations from Sections 15.1506(A), 15.1703(D) and 15.1705(B) of the Mettawa Zoning Code for the Property Commonly Known as 100 Grainger Parkway, Lake Forest, Illinois

It was moved by Trustee Maier and seconded by Trustee Brennan to approve the ordinance granting a Zoning map Amendment, Special Use Permit, Planned and Unit Development Final Development Plan Approval, and Variations from Sections 15.1506(A), 15.1703(D) and 15.1705(B) of the Mettawa Zoning Code for Property Commonly Known as 100 Grainger Parkway, Lake Forest, Illinois.

Trustee Towne said 15.1704 was included in the variation but not in the ordinance title. Village Attorney Rhodes confirmed this number should be included.

A motion was moved by Trustee Sheldon and seconded by Trustee Brennan to approve the ordinance with the amended title as indicated.

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 8:26 p.m., it was moved by Trustee Bohm and seconded by Trustee Brennan to adjourn the meeting into Executive Session to discuss land sale, land acquisition 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 8:48 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, Towne and Mayor Urlacher
Absent: None

Mayor Urlacher declared a quorum present.

Also, present: Village Administrator, Bob Irvin; Village Clerk, Sandy Gallo; Village Attorneys, Jim Ferolo and Jim Rhodes of Klein Thorpe & Jenkins, Ltd;

- 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:

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

Mayor Urlacher declared the motion carried and the meeting adjourned at 8:49 p.m.
Sandy Gallo, Village Clerk