

**VILLAGE OF BANNOCKBURN
MEETING MINUTES
FEBRUARY 25, 2013**

1. 01-02/25: **Call to Order.** President Barkemeyer called the meeting to order at 7:03 p.m.

President: James Barkemeyer

Trustees Present: Debra Alch, James Boyle, Timothy Fisher, David Korner, Daniel Orth

Trustees Absent: Frank Rothing

Also Present: Village Engineer David Gewalt, Village Counsel Victor Filippini, Village Manager Maria Lasday, Village Finance Director Linda McCulloch, Village Administrative Assistant Blanca Vela-Schneider

Visitors: Village Resident Bruce Nelson (1665 Meadow Lane), Jeff Tigchelaar (POB Bannockburn)

2. 02-02/25: **Pledge of Allegiance.** President Barkemeyer led everyone in reciting the Pledge of Allegiance.
3. 03-02/25: **Visitor's Business.** Village Resident Bruce Nelson expressed his interest in the Comprehensive Plan and in the creation of a new residential zoning district. He stated that Village Counsel provided an update at the February 2013 Plan Commission/Zoning Board of Appeals regarding nonconforming lots and structures. He requested the PCZBA tape from February 4, 2013 so that he could hear what was said in the meeting prior to his arrival. He stated that he was informed that Village Counsel advised staff that the tapes are not local records, that they aid in the preparation of the meeting minutes, and that the tape is destroyed after the preparation of the meeting minutes but prior to their approval. He stated that he spoke with the State's Local Records Board who indicated that the tape is a Local Record. Trustee Alch inquired what Mr. Nelson is seeking. Mr. Nelson replied that he is seeking to hear what is on the tape since the agenda was changed and this issue was discussed prior to his arrival. Upon inquiry from the Board members, Village Manager Lasday indicated that the issue regarding nonconforming lots and structures was moved up on the agenda because Chairman McShane who was not at the January 2013 PCZBA meeting, was confused about the memorandum, and moved this issue up on the agenda. She stated that there was no ill intent in moving the issue up, noting that Mr. Nelson arrived while the issue was still being discussed, that Village Counsel Passman had reiterated what was discussed before Mr. Nelson had arrived, and that the conversation continued for an additional 40 minutes after Mr. Nelson's arrival. Village Counsel Filippini noted that in February 2011 the Board received a similar request and the Board had reconfirmed the historic use of tapes which is that the tape is an instrument in the preparation of the meeting minutes, not a record. Mr. Nelson stated that this is a Freedom of Information Act Request

issue. Village Counsel Filippini stated that Mr. Nelson would still not be entitled to the tape as it would be a draft. He stated that the definition of record in the Local Records Act which says that records are documents that are made, produced, executed, or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer. He stated that the Village has a policy on Executive Session tapes but not for open meetings. Mr. Nelson stated that he would be in contact the Local Records Department regarding this matter. He added that President Barkemeyer had requested public input in his newsletter note. Trustee Alch requested that Mr. Nelson write down the issues of concern to him. President Barkemeyer noted that the Village will be declining Mr. Nelson's FOIA request as the tape is solely used as a tool in the preparation of meeting minutes.

4. 04-02/25: **Discussion a Village of Bannockburn Water System Cross Connection Control Program.** President Barkemeyer continued this issue until later in the meeting.
5. 05-02/25: **Discussion the Village's Business License Policy.** President Barkemeyer continued this issue until later in the meeting.
6. 06-02/25: **Discussion the Village's Electric Aggregation Program.** President Barkemeyer continued this issue until later in the meeting.
7. 07-02/25: **Consider Approval of a Resolution Approving the 2013 Bannockburn Green Retail Center Seasonal Plan for Outdoor Seating and Table Arrangements and Outdoor Uses.** Mr. Jeff Tigchelaar (CBRE) introduced himself to the Board and indicated that he represents POB Bannockburn at the Bannockburn Green Retail Center. He presented his annual seasonal plan for outdoor seating and table arrangements as well as outdoor uses. Village Manager Lasday noted that the Battle of Bannockburn Barbeque event has been moved from August 17, 2013 to August 24, 2013. President Barkemeyer noted that Panera is included in the outdoor seating request but the Village is not interested in approving a request for Panera as the Village has made repeated requests to Panera to install shades to shield its stockroom. Mr. Tigchelaar reported that the management company's lease with Panera indicates that they would be allowed to install outdoor seating and tables. President Barkemeyer stated that outdoor seating is not a right and is only granted by approval of the Village Board. He stated that until Panera takes care of this southeast window, the Board will deny seasonal outdoor seating and tables to Panera. Trustee Fisher stated that Panera installed a shadow box at the northeast window and was going to leave the southeast window exposed to show the baking area. He stated that the interior drawings were changed during the building process and the southeast window now displays the storage area. He stated that the Village has requested that this window be shielded with shades or another shadow box, but Panera has not done anything to resolve this issue. Mr. Tigchelaar noted that the management company even offered to pay for half the cost of the shades and Panera has refused to install the shades. Trustee Korner stated that he is unsure why Panera is resistant to shielding the storage area. Mr. Tigchelaar replied that Panera has conveyed that the Village required that this window remain visible during the Architectural Review Commissioner process. He inquired whether the Village would deny service to a resident if their house was visible to vehicular or pedestrian traffic.

Trustee Fisher stated that landscaping is required to buffer properties and that there is no house in Bannockburn so close to the road or path as Panera. Mr. Tigchelaar inquired whether he would need to return if Panera is amenable to screening the window. The consensus of the Board is to have the proposed screening reviewed and approved by the Building Commissioner and Village Manager. Village Counsel Filippini offered revised language which would indicate that Panera is denied outdoor, seasonal seating and tables until they have presented screening acceptable to the Village and the screening must be installed before any approval by the Village is given. Trustee Korner clarified that Panera would be subject to enforcement of up to \$750 per day per offense if the tables and chairs are put out without complying with the resolution. He inquired about Mr. Tigchelaar's point of contact at Panera. Mr. Tigchelaar replied that he works with the local manager. President Barkemeyer stated that the Village was advised that these matters need to go through corporate and suggested that Mr. Tigchelaar be certain that this information is passed along to the appropriate representatives of Panera. The Board included additional language in the resolution including the fines for violating the Village's approvals. Trustee Fisher moved, seconded by Trustee Korner, to approve a resolution approving the 2013 Bannockburn Green Retail Center season plan for outdoor seating, tables and uses, as amended. On a roll call vote, Resolution 2013-R-05 was unanimously approved. Ayes: Five (Alch, Boyle, Fisher, Korner, Orth), Nays: None, Absent: One (Rothing).

8. **08-02/25: Discussion Regarding a Village of Bannockburn Water System Cross Connection Control Program.** Trustee Fisher stated that the IEPA reviewed Highland Park's cross-connection program, identified that it was not properly established, and cited two deficiencies: 1) that a survey has not been conducted to identify all backflow systems in the Village and 2) the monitoring and tracking of the annual testing of the backflow systems. He stated that the Village will include a survey in the upcoming water/sewer bills requesting information regarding backflows. He stated that this information will be compiled and a record created to reflect all the backflow systems in the Village. He stated that properties that do not have proper backflow systems or potential cross connections (irrigation system, swimming pool, etc.) will be required to install a backflow device(s). He stated that a cross-connection is a connection between a public water system or and any source or system containing nonpotable water or other substances. He stated that those who do not respond will be sent additional notices, will receive follow-up phone calls, and could be subject to enforcement. He stated that the Village will need to receive annual inspection results from everyone who has a backflow device. Trustee Alch inquired how the Village could be impacted if it does not implement a backflow control maintenance program. Village Counsel Filippini stated that the cost could be \$10,000 per day per violation. He noted that the IEPA is a little more lenient if the Village works to comply with the IEPA regulations. He stated that the older homes may not have backflow devices because the house, irrigation system, pool, etc. may have been constructed prior to this requirement becoming state law. He stated that the Village will need to demonstrate its efforts in identifying and curing noncompliant properties. He noted that those who are not on the public water system are not required to install a backflow device. Village Counsel Filippini stated that the Village already has a cross-connection ordinance in place but needs to implement it.

9. 09-02/25: **Discussion the Village's Business License Policy.** Village Manager Lasday stated that several businesses are not obtaining businesses licenses in the Village and inquired whether the Village wishes to enforce its regulations. President Barkemeyer stated that the fee is minimal and that the Village should seek enforcement for those who fail to comply. He suggested that the cost of the business license double if the businesses fail to comply. Village Counsel Filippini stated that the purpose of licensing businesses is to identify what businesses there are and whether they comply with approved uses. Village Finance Director McCulloch stated that the Village's ordinance stipulates a fine of up to \$25 per day. Trustee Orth stated that he does not thinking doubling the cost of the business license is sufficient, particularly when the ordinance stipulates that the Village can charge up to \$25 per day. Village Counsel Filippini stated that the Village could deny any special approvals until the business is in compliance. President Barkemeyer inquired whether there is any way to place a stop work order on the property. Village Counsel Filippini replied that the Village's ordinance does not stipulate this as a way of enforcement. After further discussion, the consensus of the Board is to have Village Finance Director McCulloch send one more notice of the Village's intent to enforce its regulations on April 1, 2013 at a fine of \$25/day retroactive to the date the business license application was due.
10. 10-02/25: **Discussion of the Village's Electric Aggregation Program.** Village Manager Lasday reported that the Village of Bannockburn is pursuing its electric aggregation program with the Village of Kildeer, which is not a home rule community. She inquired whether a formal Request For Proposal (RFP) is required. Village Counsel Filippini stated that the statute is unclear but it would be better to err on the side of caution and to issue an RFP. He stated that the Board could also formally waive competitive bidding with approval of 2/3 of the Board of Trustees. Village Manager Lasday stated that although the Village's contract does not end until September, the Board may wish to expedite its selection process because of pending regulatory changes. She inquired whether the Board wishes to secure a 9 month rate or a 24 month rate, noting that she will obtain quotes for both. President Barkemeyer stated that the Village should attempt to lock in the rate for as long as possible.
11. 11-02/25: **Consideration of a Resolution Approving the Third Amendment to the Police Chief Employment Agreement.** Trustee Fisher moved, seconded by Trustee Koror, to approve a resolution approving the third amendment to the Police Chief Employment Agreement. On a roll call vote, Resolution 2013-R-06 was unanimously approved. Ayes: Five (Alch, Boyle, Fisher, Koror, Orth), Nays: None, Absent: One (Rothing).
12. 12-02/25: **Consideration of a Resolution Approving the Repeal and Replacement of an Employment Agreement for the Position of Finance Director/Assistant Manager.** Trustee Koror moved, seconded by Trustee Alch, to approve a resolution approving the repeal and replacement of an Employment Agreement to the Finance Director/Assistant Manager's position. On a roll call vote, Resolution 2013-R-07 was unanimously approved. Ayes: Five (Alch, Boyle, Fisher, Koror, Orth), Nays: None, Absent: One (Rothing).
13. 13-02/25: **Consider Approval of a Resolution Approving the Fifth Amendment to the Village Manager Employment Agreement.** Trustee Alch moved, seconded by Trustee Koror, to approve a resolution approving the fifth amendment to the Village Manager

Employment Agreement. On a roll call vote, Resolution 2013-R-08 was unanimously approved. Ayes: Five (Alch, Boyle, Fisher, Korner, Orth), Nays: None, Absent: One (Rothing).

14. **14-02/25: Consider Approval of a Waiver of Competitive Bids for Public Works' Maintenance and Repair Projects in the Village's Public Areas and Facilities and Approval of a Resolution Authorizing a Contract between the Village of Bannockburn and Bannockburn Public Works, Inc. For Such Maintenance and Repair Projects.** Trustee Boyle moved, seconded by Trustee Orth, to waive competitive bids for public works' maintenance and repair projects in the Village's public areas and facilities and to approve a resolution authorizing a contract between the Village of Bannockburn and Bannockburn Public Works, Inc. for such maintenance and repair projects. On a roll call vote, Resolution 2013-R-09 was unanimously approved. Ayes: Five (Alch, Boyle, Fisher, Korner, Orth), Nays: None, Absent: One (Rothing).
15. **15-02/25: Consider Approval of an Ordinance Providing for the Licensing and Regulation of Solid Waste Haulers.** Trustee Korner moved, seconded by Trustee Fisher, to approve an ordinance providing for the licensing and regulation of solid waste haulers. On a roll call vote, Ordinance 2013-05 was unanimously approved. Ayes: Five (Alch, Boyle, Fisher, Korner, Orth), Nays: None, Absent: None.
16. **16-02/25: Consider Approval of Accepting a Proposal from the City of Lake Forest for Additional Plan Review and Inspection Services For the Village of Bannockburn.** Village Manager Lasday reported that this issue is tabled until the next meeting.
17. **17-02/25: Village Engineer's Report.** **Smoke Testing Infiltration.* Village Engineer Gewalt reported that notification was sent to 11 homes who have not properly addressed their sanitary sewer infiltration. He stated that he has heard from 4 residents regarding this matter. He stated that he will provide a follow-up report at the next meeting. **Waukegan Road, Half Day Road, and Cedarcrest Lane Water Main Replacement Project.* Village Engineer Gewalt reported that the installation of the Waukegan Road water main is almost complete and that he anticipates that work will begin in the middle of March for the installation of the water main along Cedarcrest Lane. **Lift Station Pump.* Trustee Fisher noted that one of the Village's lift station pumps failed and will need to be replaced. Village Finance Director McCulloch stated that the Route 22 lift station's pump failed and that the anticipated cost is \$2,000 - \$7,000. **Route 22 Widening Project.* Village Engineer Gewalt reported that IDOT has notified its contractor to order the new plant material for Route 22. He stated that he has not received notification that the plant material has been ordered.
18. **18-02/25: Village Counsel's Report.** Village Counsel Filippini had nothing to report.
19. **19-02/25: Village Manager's Report.** **Northwest Municipal Conference.* Village Manager Lasday reported that representatives of the Northwest Municipal League are going to the Board to see if the Village of Bannockburn can join the organization. She stated that if approved, the Village would need to pay \$657.88 in March. **Battle of Bannockburn Barbeque Challenge.* Village Manager Lasday reported that the Village will once again

sign a contract with Déjà vu and will advertise the event via digital media. She also stated that there may be an option to piggyback onto Highland Park's digital media campaign. The consensus of the Board is to find out if this is legal and what would be the cost. Village Manager Lasday noted that the amount budgeted for the event is \$25,000. **ILCMA Conference.* Village Manager Lasday reported on an inspiring speaker at ILCMA conference.

20. 20-02/25: **Village Clerk's Report.** Village Clerk Ansani had nothing to report.

21. 21-02/25: **Village Commissioners' Reports.**

**Water and Sanitary/Storm Sewer Commissioner's Report.* Water and Sanitary/Storm Sewer Commissioner Fisher had nothing to report.

**Roads/Right-of-Way Commissioner's Report. *Stirling Road Circle.* Roads/Right-of-Way Commissioner Korner reported that he and Village Manager Lasday will be meeting with Mr. Donald Wroblewski regarding the Stirling Road Circle. **Lake County Department of Transportation Breakfast Meeting.* Roads/Right-of-Way Commissioner Korner reported that he and Village Manager Lasday will have a breakfast meeting with Bruce Christensen and Paula Trigg of Lake County Department of Transportation. **District 113 Meeting.* Roads/Right-of-Way Commissioner Korner reported that he attended District 113's referendum meeting. **Snow Plowing.* Roads/Right-of-Way Commissioner Korner stated that he, Village Manager Lasday, and Chief Price met with Sciaretta Enterprises' representative to review the Village's plowing process. He stated that pathways will not be plowed until 24 hours after the snow has stopped.

**Building Commissioner's Report.* Building Commissioner Orth reported that he and Village Manager Lasday have changes to the Lake Forest zoning enforcement inspection service agreement. He stated that this issue will be considered at the March 12, 2013 Board of Trustees Meeting.

**Finance Commissioner's Report. *2013-2014 Capital Projects and Budget.* Finance Commissioner Alch reported that she, Village Manager Lasday, and Village Finance Director McCulloch have reviewed the rankings on operational and capital projects. Village Manager Lasday reported that the codification of ordinances has been included in the 2013-2014 Capital Projects and Budget. Finance Commissioner Alch indicated that after discussing the cross-connection program with Village Finance Director McCulloch, she wants to change her ranking of this issue and give it a higher priority. Village Counsel Filippini stated that he has a list of codification service providers that may be able to assist the Village in its codification process.

**Police Commissioner's Report.* Police Commissioner Boyle had nothing to report.

22. 22-02/25: **President's Report.** **Lobby Day.* President Barkemeyer reported that he and Village Manager Lasday will attend Springfield's Lobby Day on April 17, 2013. **IMRF Balance.* President Barkemeyer noted the Village's positive balance in the IMRF account.

23. 23-02/25: **Other Business.** **Consideration of Approval of the February 11, 2013 Board of Trustees Meeting Minutes (Subject to Minor Corrections).* Corrections were provided to the February 11, 2013 Board of Trustees draft meeting minutes. Trustee Fisher moved, seconded by Trustee Boyle, to approve the February 11, 2013 Board of Trustees Meeting Minutes, as amended. On a roll call vote, the motion was unanimously approved. Ayes: Five (Alch, Boyle, Fisher, Korner, Orth), Nays: None, Absent: One (Rothing). **Consideration of Approval of the February 11, 2013 Executive Session Meeting Minutes-19A.* Trustee Boyle moved, seconded by Trustee Korner, to approve but keep confidential the Executive Session Meeting Minutes, as submitted. On a roll call vote, the motion was unanimously approved. Ayes: Five (Alch, Boyle, Fisher, Korner, Orth), Nays: None, Absent: One (Rothing). **Consideration of Approval of the February 11, 2013 Executive Session Meeting Minutes – 19B.* Corrections were provided to the February 11, 2013 Board of Trustees Executive Session Meeting Minutes (second time in Executive Session). Trustee Orth moved, seconded by Trustee Korner, to approve but keep confidential the Executive Session Meeting Minutes, as amended. On a roll call vote, the motion was unanimously approved. Ayes: Five (Alch, Boyle, Fisher, Korner, Orth), Nays: None, Absent: One (Rothing).
24. 24-02/25: **Adjournment.** There being no further business to come before the Board of Trustees, Trustee Orth moved, seconded by Trustee Fisher, to adjourn. On a roll call vote, the motion was unanimously approved. Ayes: Five (Alch, Boyle, Fisher, Korner, Orth), Nays: None, Absent: One (Rothing). The meeting was adjourned at 8:26 p.m.