

**VILLAGE OF BANNOCKBURN
BOARD OF TRUSTEES
JUNE 10, 2013
MINUTES**

1. 01-06/10: **Call to Order.** President Barkemeyer called the meeting to order at 7:02PM.

President: James Barkemeyer

Trustees Present: Daniel Orth III, David Ansani, James Boyle, David Korner, Frank Rothing

Trustees Absent: Timothy Fisher

Also Present: Village Engineer David Gewalt, Village Clerk Estelle Raimondi, Police Chief Ron Price, Finance Director Linda McCulloch, Village Manager Maria Lasday, Village Intern Andrea Litzhoff, Village Counsel Victor Filippini, Police Intern Jonathon Leary

Visitors: Yianni Konstantinou (1250 Cedarcrest Lane), Linda Bisceglia (Carr Realty Inc.), Rick Winegard (1250 Cedarcrest Lane), Drue Wax (1150 Cedarcrest Lane), Bruce Nelson (1665 Meadow Lane), Susan Nelson (1665 Meadow Lane), Matt (Representative for 9 Dunsinane, James Martin and Associates)

2. 02-06/10: **Pledge of Allegiance.** Trustee Rothing led everyone in reciting the Pledge of Allegiance.
3. 03-06/10: **Visitors Business.** Bruce Nelson (1665 Meadow Lane) was present to ask about the destruction of verbatim records. Village Counsel Filippini noted that verbatim records are authorized for destruction under the Open Meetings Act. Mr. Nelson stated that the destruction of verbatim tapes for open meetings is in violation of the Local Records Act. Village Counsel Filippini explained that tapes are not public records. The destruction of the Executive Session minutes will be discussed by the Village Board.

Mr. Nelson indicated that he was still trying to obtain the records from the February 4, 2013 meeting. Village Counsel Filippini stated that only public records need to be maintained and there are no other records of public meetings. Mr. Nelson disapproved of the Village's stance on destroying verbatim records of public meetings and threatened to take legal action against the Village. Village Counsel Filippini stated that the Village has always maintained a written record of meetings, which is required by law. Mr. Nelson stated that the Local Records Act requires the Village to maintain verbatim tapes for 30 days after the meeting. Mr. Nelson suggested maintaining tapes would allow for more transparency, which is similar to the practice of other local governments.

Trustee Korner asked Mr. Nelson how the Village's process of records maintenance was injurious toward him. Mr. Nelson replied that he reads the meeting minutes and finds the minutes to be inaccurate, and he does not have the recourse to address them. Trustee Korner stated he has the right to come back and fix the minutes which would then be amended. Village Counsel Filippini suggested to Mr. Nelson that he write a letter to clarify his changes to the minutes; the letter would then become public record. Noting his time limitations, Mr. Nelson thanked the Village Board for the opportunity to address the matter.

4. **04-06/10: Discuss a Property's Connection to the Village's Sanitary Sewer System (1250 Cedarcrest).** Yianni Konstantinou (1250 Cedarcrest Lane), Rick Weinergard (Son-in-law of Current Owner, 1250 Cedarcrest Lane), and their real estate agent Linda Bisceglia (Carr Realty Inc.) were present before the board to discuss the sanitary sewer system at 1250 Cedarcrest. Mr. Konstantinou plans on purchasing 1250 Cedarcrest in a matter of days. President Barkemeyer stated that Mr. Konstantinou would like to annex 1250 Cedarcrest into the Bannockburn sewer system. The connection was made along the house to the Bannockburn sewer system; however, the sanitary line has been draining into Deerfield's sewer system.

Discussion continued on when the sewer system was built. Village Engineer Gewalt commented that the sewers built in 1982. Village Counsel Filippini noted that 1250 Cedarcrest is part of Special Service Area 3, and members of special service areas paid SSA taxes, which tax payments covered the connection fees due to the Village, but not 1) user fees, or 2) amounts due to Deerfield.

Village Counsel Filippini stated that connection fees would also have been due to the Village of Deerfield. Trustee Ansani inquired if there was a statute of limitation regarding Deerfield's ability to collect user fees from Bannockburn. Village Counsel Filippini explained that Deerfield had not done anything in the past to enforce action, and it would be unlikely that they would enforce action in the future. Manager Lasday stated that Deerfield is investigating what fees may be owed. Village Counsel Filippini suggested that the Board could waive Bannockburn user and connection fees. Trustee Ansani added that if Deerfield wishes to collect on past due amounts, that is Deerfield's choice.

Village Counsel Filippini stated that the only issues Bannockburn can address are the waiver of Bannockburn connection and user fees while leaving open the possibility of Deerfield's desire to collect fees in the future. Trustee Orth moved, seconded by Trustee Rothing, to waive Bannockburn connection and user fees. Trustees unanimously approved the action. Noting that the item was not on the agenda for formal approval, the formal approval will be established at the next Village Board meeting.

Manager Lasday and Village Engineer Gewalt have been in discussion with Deerfield concerning the sanitary sewer system. Trustees asked what the Village should do going forward. Village Engineer Gewalt stated that 1250 Cedarcrest will be receiving Bannockburn sewer and Deerfield water. Trustee Orth welcomed Mr. Konstantinou to Bannockburn. Bannockburn's decision will be kept in the meeting minutes and Deerfield can talk to Manager Lasday if they have any questions.

5. **05-06/10: Discuss a Request to do the Following Improvements Outside of the Building Box at the Property Located at 9 Dunsinane: (i) Expansion of an Existing Driveway, (ii) Installation of New Entry Columns and Gate, and (iii) Installation of Additional Exterior Lighting.** Matt Sokolowski, Representative for 9 Dunsinane and a Landscape Architect from James Martin Associates is working with Mr. Porges (Owner, 9 Dunsinane) who could not be present at the meeting. Manager Lasday asked if applicant reviewed the Village Engineer's report. Mr. Sokolowski indicated that he thought he would be permitted to work within the five foot variance. Manager Lasday was not aware of this clearance. Village Engineer Gewalt indicated that the property has narrow right of ways and many trees. An additional five feet of easement was granted by properties owners abutting the public right of way. Village Engineer Gewalt recommended that the wall and light fixtures be moved outside of the public easement and right of way to allow for maintenance of the public right of way and utilities. Mr. Sokolowski commented that shifting the proposed wall and light fixtures back encroaches on old oak trees the applicant wishes to preserve. Mr. Sokolowski stated that the applicant needs to be closer to the property line in order to preserve the trees. The Village Forester and Engineer should evaluate the root system and trees to figure out the best distance for the building box expansion. Manager Lasday indicated that an ordinance for the expansion could be subject to the Forester and Engineer's final approval. Trustee Orth stated he agreed with the suggestion from Gewalt Hamilton to maintain the easement. Mr. Sokolowski has not discussed the Engineer's review with Mr. Porges. President Barkemeyer recommended delaying the discussion and action until the Village Forester and Mr. Porges are consulted. Manager Lasday will put the item on the June 24, 2013 agenda.

6. **06-06/10: Report of the Plan Commission / Zoning Board of Appeals Meeting on June 3, 2013.** **Work Session on Comprehensive Plan Update.* Manager Lasday stated that the Plan Commission/Zoning Board of Appeals made tremendous progress on the update. Manager Lasday reported that the Plan Commission/Zoning Board of Appeals wanted to remove a section on traffic problems. Trustee Orth inquired about the landscaping and rural nature of southeastern lots in the Village. Village Counsel Filippini offered more clarity on the character types of the lots. He stated that the lot character types (urban, suburban, and rural) identified by the Comprehensive Plan are indicative of the balance between the built and natural environment. Village Counsel Filippini explained that large lots had more of a rural characteristic due to amount of natural environment. Smaller lots had more of a balance of built and natural environment. In the countryside, the natural environment becomes predominant. Trustee Orth recommended it could be a point of discussion in the Comprehensive Plan Update meetings.

Trustee Orth raised discussion on annexation of properties near Bannockburn, in particular Beeson's Nursery. Village Counsel Filippini indicated that if the Village anticipates future development in that location, evidence of preferred development in the Comprehensive Plan could better position the Village in the future. Manager Lasday stated that the utility section will be redone. She also stated that the Plan Commission/Zoning Board of Appeals is not in favor of the traffic gate and sought guidance from the Village Board on the traffic gate. Trustee Korner stated that the gate is not used because Lake-Cook Road has opened up.

Trustee Boyle opined it was best to keep the gate and not use it. Chief Price indicated that the traffic flow of the Village is under control and there were many negative feelings about the gate. Manager Lasday conveyed that the Plan Commission/Zoning Board of Appeals wanted the opinion of the Board on the 25 MPH speed limit on Telegraph Road. Village Counsel Filippini stated many factors go into setting speed limits including schools and population density. **Other Business: Public Hearing for the Consideration of any Necessary Variations, Amendments to an Existing Special Use Permit (Granted Pursuant to Ordinance No. 2006-29), and/or any other Zoning Relief Necessary in Connection with the Proposed Installation of Signage on the Property Located at the Address Noticed as 2529 Waukegan Road and Commonly Known as 2561 Half Day Road, Bannockburn, Illinois, Submitted by AP POB Bannockburn, LLC.* Manager Lasday commented that the public hearing had been delayed because the sign permit application was insufficient. The next Plan Commission/Zoning Board of Appeals meeting is July 16, 2012.

7. **07-06/10: Discuss Maintenance and Financial Obligations for Private Culvert Work on Broadleys Court.** Village Counselor Filippini stated he was trying to locate title documents that might be effective and his analysis was not yet complete. Trustees decided to table the discussion for another two weeks.
8. **08-06/10: Consider Approval of An Ordinance Establishing the Prevailing Rate of Wages in Lake County For Village Public Works Project.** Finance Director McCulloch stated that for the last seven to nine years the Village has adopted Lake County prevailing wages which are submitted to the Department of Labor. Trustee Orth moved, seconded by Trustee Boyle, to approve an ordinance establishing the prevailing rate of wages in Lake County for Village public works projects. Motion approved. Ayes: Five (Daniel Orth III, David Ansani, James Boyle, David Korner, Frank Rothing); Nays: none; Absent: One (Timothy Fisher).
9. **09-06/10: Village Engineer Report.** **Top Project List *Consider Approval of a Pay Request #7 to R.A. Mancini in the amount of \$146,868.08 (Waukegan Road and Cedarcrest Lane Water Main Project).* Village Engineer Gewalt indicated that the water main on Cedarcrest has been installed, tested, and accepted. Roads in the area still need to be fixed. Engineer Gewalt recommended approving pay request #7 in the amount of \$146,868.08 to R.A. Mancini. The project is under budget. Village Engineer Gewalt expected work will be completed by the end of July, but has been stalled by wet soils at the site. **Consider Approval of Pay Request #3 to R. A. Mancini in the amount of \$6,962.04 (Del Mar Woods Interconnection Water Project)* Village Engineer Gewalt asked the Board to approve a pay request for the Del Mar Woods portion in the amount of \$6,692.04. Landscaping was completed and pathways need to be paved from Bannockburn Green to about 100 feet west. Trustee Rothing pointed out that some trees on Route 22 are dead. Village Engineer Gewalt stated that the trees are under warranty and should be replaced. Village Engineer Gewalt stated that sodding the area is on his list to complete. **Status of Smoke Testing* Village Engineer Gewalt stated that two homes remain incomplete for smoke testing. **Status of 319 Grant Projects for Lakeside Drive Restoration Project and the Waukegan Road to Middle Fork of the North Branch Project.* Village Engineer Gewalt commented that contractors have completed tree removal. Contractors are preparing bioswales and asphalt has been

removed along the Sear's property. The project is scheduled to finish on time. **Status of sanitary sewer repairs* Village Engineer Gewalt stated that two homes have not completed the sewer repairs and the homes are listed in the Village Manager's report. One of the homes is vacant. Village Engineer Gewalt stated that all manholes have been sealed. **Duffy Lane Paving* The Duffy Lane paving project is still outstanding and requires final paving and shoulder work. Engineer Gewalt hopes the work will be completed by the July 4, 2013 weekend. **High Terrace and Sunset Lane* Village Engineer Gewalt communicated that the bids should be open before July 3, 2013 for this project.

10. 10-06/10: **Village Police Chief.** Police Chief Price introduced Police Intern Leary who has been working on Police Department Accreditation. Police Intern Leary summarized that his internship has involved ride-alongs, learning the functions of a police department, and making sure Bannockburn policies and procedures are in line with state accreditation program. Police Chief Price received a call from a father of resident who was involved with a crash along Wilmot Road that resulted in a D.U.I. arrest. Police Chief Price summarized that he is working with the family to get the young man back on track. The young man will complete community service work and alcohol treatment. Police Chief Price reported that four adolescent girls from Deerfield were caught smoking cannabis on Wilmot. Police Chief Price reported that a drunk driver was arrested with hydrocodone pills and erratic driving. Police Chief Price stated the he had ordered ammunition and needed \$600. Police Chief Price stated that he has been in the process of redesigning the police patch and it is now ready to be revealed. Trustee Boyle opined that it was an improvement from the last patch. Trustee Rothing opined that the symbol looked good. Police Chief Price stated that the symbol could be shared with Village administration to use for letterhead or other documents. Trustee Boyle asked about seatbelt tickets issued this year compared to the past. Police Chief Price stated that usually 100 tickets are issued and people are using their seatbelts more. Police Chief Price stated that there would be a cook off the next weekend, and Community Safety Day is on June 22, 2013 at Bannockburn Green.

11. 11-06/10: **Village Counsel Report.** Village Counsel Filippini reported on the concealed carry law which is awaiting review by the Governor. Because the Village is home rule, it has the authority to act if the bill is passed, but only within a short time frame. Village Counsel Filippini expressed some uncertainty on what the Village could do if it chose to act and recommended following ordinances created by other regulatory entities like Cook County. He recommended not adopting regulations that exceeded the Cook County Ordinance, which many communities are considering. President Barkemeyer opined that the Village should take action. Manager Lasday added that the bill may be signed on June 19, 2013 and acting at the next Board meeting is within the timeframe. Police Chief Price asked if a shell bill is an option. Village Counsel Filippini replied that the ordinance has to be enforceable. Discussion ensued on creating a registration in the Police Department which could be a minimum standard. Trustee Ansani stated that because the Village has a right and authority to regulate does not mean it should. Trustee Boyle opined that the Village should maintain a low profile on the issue.

Discussion ensued on assault weapons. Village Counsel Filippini suggested creating regulations in case they may need to be enforced in the future. Trustee Rothing asked if a

minimal registration would draw attention to the Village, which Counsel Filippini replied that it would not. Village Trustee Orth gave his thoughts on gun ownership and the right to have a gun. Village Clerk Raimondi stated that an outright ban would be best. Village Counsel Filippini offered to prepare minimal regulations and alternative versions of an ordinance which could be reviewed at the next meeting. Village Clerk Raimondi asked that the ordinances be hand delivered.

Village Counsel Filippini stated that the medical marijuana bill would not go into effect until January 2014. The Village can restrict medical marijuana, but it cannot ban the substance.

12. 11-06/0: **Village Manager Report.** Manager Lasday reported that she is going to an ILCMA conference to discuss healthcare. Manager Lasday reported that she is working with Lincolnshire to provide shared services for water billing. Trustee Orth stated that there is more work that can be done. Discussion ensued on the Manager's Report. **1200 Lakeside* Village Manager Lasday stated that 1200 Lakeside Drive is trying to find a way expand parking. Village Engineer Gewalt stated that the lot is already at maximum impervious surface coverage. **Lake County Municipal League* Village Manager Lasday stated that President Barkemeyer is now the president of the Lake County Municipal League. **EPA Awards* Village Manager Lasday also reported that Lake County Stormwater Management has obliged to submit an application for an award to the USEPA on Bannockburn's behalf. Village Engineer Gewalt is working on an application. **FEMA Reimbursement* Manager Lasday must work with Lake County. Trustee Orth reported damage on a trail that had been washed out. **Commercial Waste Hauling* Manager Lasday reported that an RFP will be drafted soon for commercial waste hauling. The Economic Development Commission wants money to go back to economic development. **IPads* Noting that some commission members have requested electronic packets, Manager Lasday stated that the Village is considering using IPads for Board packets and she will investigate what other communities do. **NWMC* Manager Lasday indicated that Trustee Boyle, Trustee Rothing, Trustee Ansani, President Barkemeyer, and herself are signed up to go to the Northwest Municipal Conference in Hoffman Estates. *Bill Submit* Manager Lasday reported that there is a bill for consultant work in the bill submit list for the IT consortium.

13. 13-06/10: **Village Clerk.** **Notice of Pending Destruction of Verbatim Records.* Village Clerk Raimondi asked if the Village was in compliance with the law to destroy the verbatim records. Village Counsel Filippini stated the Village was in compliance and after 18 months have passed records can be destroyed and it is the discretion of the Village to destroy the records. **Consideration of Approval to not release Executive Session Minutes.* Finance Director McCulloch asked for clarification from Village Counsel Filippini on evaluation of meeting minutes. Village Counsel Filippini stated that the Village Board is required to review Executive Session minutes periodically. Trustee Ansani moved, seconded by Trustee Boyle, to approve destruction of verbatim records and not to release Executive Session minutes. On a roll call vote, motion approved. Ayes: Five (Daniel Orth III, David Ansani, James Boyle, David Korner, Frank Rothing); Nays: none; Absent: One (Timothy Fisher).

14. 14-06/10: **Village Commissioners Reports.**

Economic Development. **Report from the June 5, 2013 Economic Development Commission Meeting.* Trustee Rothing and Manager Lasday had an Economic Development Commission meeting with Bannockburn business and went over events in the Village. Minutes from the meeting are in the Board Packet. Trustee Rothing reported the EDC discussed Community Service Day, the Battle of Bannockburn Barbecue, and commercial waste hauling RFP. The Economic Development Commission discussed signage for entering Bannockburn. Trustee Rothing stated that a storage facility is interested in locating Bannockburn. It was noted by Village Counsel Filippini that storage facilities do generate a small revenue amount for the Village. Trustee Rothing asked Village Counsel Filippini if a special leasing tax could be established. Finance Director McCulloch suggested the creation of a unique business licensing fee. On top of that, Village Counsel Filippini added that Bannockburn has a greater licensing authority to collect fees. Manager Lasday indicated that a storage facility would require a zoning code and comprehensive plan text amendments. Trustee Rothing opined that the storage facility is a suitable use for a property in a tough location.

Sanitary Sewer. **Report from the June 5, 2013 Residential Sanitary Sewer Meeting [Lake County SSA 15 – Hilltop, Thornapple, Wilmot & Duffy (selective parcels)].* Manager Lasday reported that the residents did not express any objection of the transfer to Lake County sanitary sewer and Lake County is not going back to collect user fees.

Finance. **May Monthly Financial Budget Report.* Trustee Ansani stated he has a finance tutorial scheduled with Finance Director McCulloch. **June Bill Submit List* Finance Director McCulloch explained to the Board discrepancies on certain checks to be issued. Trustee Orth moved, seconded by Trustee Korner, to approve the June Bill Submit List. Ayes: Five (Daniel Orth III, David Ansani, James Boyle, David Korner, Frank Rothing); Nays: none; Absent: One (Timothy Fisher).

Village President. President Barkemeyer reported that Village Intern Litzhoff received a job in California and will be leaving the Village. Finance Director McCulloch, Village Intern Litzhoff, and Assistant to the Village Manager Mentkowski will be on vacation or leaving this summer, and President Barkemeyer asked to cancel the second meeting in July. Second meeting in July will be canceled.

15. 15-06/10: **Executive Session.** President Barkemeyer entered into Executive Session at 9:14PM for the discussion of (1) probable or imminent litigation (2) land acquisition and (3) Executive Session meeting minutes. Trustee Orth moved, seconded by Trustee Korner, to enter into Executive Session. Motion approved. Ayes: Five (Daniel Orth III, David Ansani, James Boyle, David Korner, Frank Rothing); Nays: none; Absent: One (Timothy Fisher). At 9:37PM, Trustees unanimously agreed to return back to regular session.

16. 14-06/10: **Other Business.** Finance Director McCulloch stated that she would need more signatures for formal ratification for bank statements at the next meeting. **Consideration of Approval of the May 28, 2013 Board Meeting Minutes (Subject to Minor Corrections).*

Trustee Orth moved, seconded by Trustee Rothing, to approve the May 28, 2013 Board meeting minutes as amended. On a roll call vote, motion approved. Ayes: Five (Daniel Orth III, David Ansani, James Boyle, David Korner, Frank Rothing); Nays: none; Absent: One (Timothy Fisher).

17. 17-06/10: **Adjournment**. Trustee Orth moved, seconded by Trustee Rothing, to adjourn the meeting at 9:43PM. Motion approved. Ayes: Five (Daniel Orth III, David Ansani, James Boyle, David Korner, Frank Rothing); Nays: none; Absent: One (Timothy Fisher).