

VILLAGE OF BANNOCKBURN
BOARD OF TRUSTEES
JUNE 24, 2013
MINUTES

1. 01-06/24: **Call to Order.** President Barkemeyer called the meeting of the Board of Trustees to order at 7:00PM.

Chairman: James Barkemeyer

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

Trustees Absent: None

Others Present: Village Clerk Estelle Raimondi, Village Manager Maria Lasday, Finance Director Linda McCulloch, Police Chief Ron Price, Assistant to the Village Manager Ryan Mentkowski, Village Counsel Victor Filippini

Visitors: Yianni Konstantinou (1250 Cedarcrest Lane), Connor Nett (Milieu Design), Mike Ormin (College Park), Dan Cvejic (2640 Telegraph Road), Omar Hernandez (1200 Lakeside), Fred Zimmerman (1638 Wilmot Road), Ron and Pam Worth (Flashcut CNC), Howard Cooper (1 Orchard Lane), Merwin Rosen (4 Dunsinane Lane), Marc and Terri Minkus (11 Lakeside Drive)

2. 02-06/24: **Pledge of Allegiance.** President Barkemeyer led everyone in reciting the Pledge of Allegiance.
3. 03-06/24: **Visitors' Business.** Ron Worth (Flashcut CNC) was present before the Board to discuss Bike-To-Work Day. Mr. Worth explained that his company, Flashcut CNC, started a Bike-To-Work Day to raise money for Deerfield High School scholarships for students interested in engineering. This year, Flashcut CNC Bike-To-Work Day will be raising money for Erika's Lighthouse, a charity dedicated to prevention and awareness of teenage suicide and depression. Manager Lasday expressed to the Board that the request to ride through Bannockburn was received today, and Mr. Worth needed direction from the Board as soon as possible. Manager Lasday suggested placing Mr. Worth's request for approval on the July 8, 2013 agenda. Chief Ron Price added that he met with Mr. Worth to review the bike route and does not foresee a traffic problem. Mr. Worth stated that the ride will begin at 7:00AM and should be completed by 9:30AM. Mr. Worth distributed copies of a letter which maps out the bike route from Deerfield to Lake Forest. For a large part of the route, bikers will ride along Telegraph Road. Mr. Worth stated that he expected 30-50 people to ride. Manager Lasday stated that she will place the item on the next agenda.

4. **04-06/24: Discussion Maintenance and Financial Obligations for Private Culvert Work on Broadleys Court.** Trustee Fisher explained that he will be sending a letter to members of the Broadleys Court homeowner's association to collect fees owed to the Village for completed culvert work. President Barkemeyer stated that if a payment is not received within two weeks, the Village will pursue a 10% administrative fee. If a payment is not received two weeks later, the Village will pursue legal fees. Trustee Fisher stated that some residents of Broadleys Court are willing to pay while others are not. Trustee Korner suggested waiting to the next board meeting while Trustee Fisher requested payment from members of the homeowners association for payment the work completed.

5. **05-06/24: Consider Approval of a Memorandum of Agreement between Sharon Kregel and the Village of Bannockburn and Partial Rain Garden Installation Reimbursement pursuant to the Village of Bannockburn's Rain Garden Participation Program.** Manager Lasday offered background on applicant's original Architectural Review Commission approval which was inclusive of two rain gardens. Manager Lasday stated that the two rain gardens have been installed and approved by the Village Engineer. The applicant is seeking reimbursement of \$2,500 for each rain garden, a \$5,000 total. Trustee Orth moved, seconded by Trustee Fisher, to approve a memorandum of agreement between Sharon Kregel and the Village of Bannockburn and partial rain garden installation reimbursement pursuant to the Village of Bannockburn's rain garden participation program. On a voice vote, the motion was unanimously approved. Ayes: Six (James Boyle, David Ansani, Timothy Fisher, Daniel Orth III, Frank Rothing, David Korner); Nays: None; Absent: None.

6. **06-06/24: Report of the Architectural Review Commission Meeting on June 18, 2013.** Village Manager Lasday summarized the items that the Architectural Review Commission reviewed and approved at the June 18, 2013 meeting as follows: 1) replacement of an existing deck at 2 Dunsinane Lane; 2) replacement of an existing roof, the removal of gutters, and painting at 1250 Cedarcrest Lane, granted subject to removal of non-compliant flood lights; 3) roof replacement at 11 Lakeside Drive; 4) a new generator at 1638 Wilmot Road, subject to screening the installed generator upon completion; 5) a balcony board-up, door replacements, and a fence for a dog run at 2640 Telegraph Road, including the note that the owner will need to come back to the Architectural Review Commission for exterior siding improvements in the future; 5) installation of a handicap entrance ramp subject to the Village Engineer's request for additional handicap parking spots at College Park; 6) Three new door entrances and modifications to building elevation plans at 1200 Lakeside Drive subject to installation of a rain garden; 7) and a new built-in BBQ, fireplace, and modifications to an existing patio, subject to a rain garden being installed and compliant with requirements of the Village Engineer and Forester and also install a rain garden at 1380 Aitken Drive.

7. **07-06/24: Public Hearing Regarding the Fiscal Year 2013-14 Appropriation Ordinances.** President Barkemeyer opened a public hearing for the Fiscal Year 2013-14 Appropriation Ordinance at 7:15PM. President Barkemeyer summarized that the Appropriation Ordinance was published in the Deerfield Review and sets the legal limit

for expenditures under which the Village of Bannockburn can operate. The Appropriations Ordinance can be amended on November 1, 2013. President Barkemeyer commented that the Village has gone through some staffing changes that affect the appropriations ordinance. President Barkemeyer asked for comments from the public and Village Board. Hearing no public comment, President Barkemeyer closed the public hearing regarding the fiscal year 2013-14 Appropriations Ordinance at 7:16PM.

8. **08-06/24: Consider Approval of an Annual Appropriation Ordinance of the Village of Bannockburn, Lake County, Illinois for the Fiscal Year Beginning May 1, 2013 and Ending April 30, 2014.** Trustee Fisher moved, Seconded by Trustee Orth, to approve Ordinance 2013-13, an annual appropriation ordinance of the Village of Bannockburn, Lake County, Illinois for the fiscal year beginning May 1, 2013 and ending April 30, 2014. On a voice vote, Ordinance 2013-13 was unanimously approved. Ayes: Six (James Boyle, David Ansani, Timothy Fisher, Daniel Orth III, Frank Rothing, David Korner); Nays: None; Absent: None.
9. **09-06/24: Consider Approval of an Annual Appropriation Ordinance of the Village of Bannockburn Special Service Area Number One, Lake County, Illinois for the Fiscal Year Beginning May 1, 2013 and Ending April 30, 2014.** Trustee Orth moved, seconded by Trustee Boyle, to approve Ordinance 2013-14, an annual appropriation ordinance of the Village of Bannockburn Special Service Area Number One, Lake County, Illinois for the fiscal year beginning May 1, 2013 and ending April 30, 2014. On a voice vote, Ordinance 2013-14 was unanimously approved. Ayes: Six (James Boyle, David Ansani, Timothy Fisher, Daniel Orth III, Frank Rothing, David Korner); Nays: None; Absent: None.
10. **10-06/24: Consider Approval of an Annual Appropriation Ordinance of the Village of Bannockburn Special Service Area Number Two, Lake County, Illinois for the Fiscal Year Beginning May 1, 2013 and Ending April 30, 2014.** Trustee Boyle moved, seconded by Trustee Korner, to approve Ordinance 2013-15, an annual appropriation ordinance of the Village of Bannockburn Special Service Area Number 2, Lake County, Illinois for the fiscal year beginning May 1, 2013 and ending April 30, 2014. On a voice vote, Ordinance 2013-15 was unanimously approved Ordinance 2013-15. Ayes: Six (James Boyle, David Ansani, Timothy Fisher, Daniel Orth III, Frank Rothing, David Korner); Nays: None; Absent: None.
11. **11-06/24: Consider Approval of an Annual Appropriation Ordinance of the Village of Bannockburn Special Service Area Number Seventeen, Lake County, Illinois for the Fiscal Year Beginning May 1, 2013 and Ending April 30, 2014.** Trustee Orth suggested additional changes regarding the percentage of the tax charged. Trustee Orth moved, seconded by Trustee Rothing, to approve as amended Ordinance 2013-16, an annual appropriation ordinance of the Village of Bannockburn Special Service Area Number Seventeen, Lake County, Illinois for the Fiscal Year Beginning May 1, 2013 and Ending April 30, 2014. On a voice vote, Ordinance 2013-16 was unanimously approved as amended. Ayes: Six (James Boyle, David Ansani, Timothy Fisher, Daniel Orth III, Frank Rothing, David Korner); Nays: None; Absent: None.

12. **12-06/24: Consider Approval of a Resolution Authorizing the Statement and Sources of Estimated Revenues for the Fiscal Year Beginning May 1, 2013 and Ending April 30, 2014.** Trustee Orth moved, seconded by Trustee Boyle, to approve Resolution 2013-R-20, a resolution authorizing the statement and sources of estimated revenues for the fiscal year beginning May 1, 2013 and ending April 30, 2014. On a voice vote, Resolution 2013-R-20 was unanimously approved. Ayes: Six (James Boyle, David Ansani, Timothy Fisher, Daniel Orth III, Frank Rothing, David Koror); Nays: None; Absent: None.
13. **13-06/24: Consider Approval to Update Signers for the First Midwest Bank Motor Fuel Tax Certificate of Deposit Account.** Trustee Fisher moved, seconded by Trustee Orth, to approve updated signers for the First Midwest Bank motor fuel tax certificate of deposit account. On a voice vote, the motion was unanimously approved. Ayes: Six (James Boyle, David Ansani, Timothy Fisher, Daniel Orth III, Frank Rothing, David Koror); Nays: None; Absent: None.
14. **14-06/24: Consider Approval of a Resolution Waiving Village Sewer Connection and User Fees for Certain Properties (1200 Cedarcrest, 1250 Cedarcrest, and 1300 Cedarcrest).** Trustee Orth moved, seconded by Trustee Rothing, to approved Resolution 2013-R-21, a resolution waiving past Village sewer connection and user fees for certain properties (1200 Cedarcrest, 1250 Cedarcrest, and 1300 Cedarcrest). On a voice vote, Resolution 2013-R-21 was unanimously approved. Ayes: Six (James Boyle, David Ansani, Timothy Fisher, Daniel Orth III, Frank Rothing, David Koror); Nays: None; Absent: None.
15. **15-06/24: Consider Approval of an Ordinance Regulating Possession and Ownership of Assault Weapons.** Mr. Cooper (4 Dunsinane Lane) asked for the definition of an assault weapons. President Barkemeyer specified the definition was on page 3 of the ordinance. Trustee Orth stated that the definition was too broad and read the definition aloud. Trustee Fisher asked Police Chief Price if the current and adequate state and federal laws were available to prosecute a person who uses a weapon in an unauthorized way. Police Chief Price reported that there are 26 state laws and have been 5 local violations concerning weapons. Police Chief Price reported that in the last ten years there had been three unauthorized uses of weapons charges in Bannockburn, which were not residents. Trustee Fisher asked Police Chief Price again if current state and federal laws were adequate to prosecute the unlawful use of weapons. Police Chief Price stated that he thought laws were adequate. Trustee Fisher asked Police Chief Price if a local ordinance would deter the unlawful use of weapons. Manager Lasday voiced that questions regarding the matter should be address toward the Village Board, because the ordinance is a matter of policy. Trustee Fisher directed his question to the Board-if a local ordinance would deter a person from using an assault weapon. President Barkemeyer conveyed that the Board has not decided what it would like to do and has three options: 1) ban assault weapons 2) regulated assault weapons and 3) create a safe storage and carrying provision. President Barkemeyer recommended using safe storage provisions. President Barkemeyer opined that guns should be locked up in homes. Trustee Orth opined that these types of

laws put law abiding citizens at risk of becoming criminals. Trustee Orth and Trustee Fisher both expressed concern for potential litigation if a local ordinance is passed. Village Counsel Filippini gave background on the Illinois bill. Village Counsel Filippini stated that the Illinois bill is both an issue of assault weapons and home rule authority. Village Counsel Filippini stated that discussions on the bill have centered on both guns and home rule authority. Mr. Cooper expressed his disagreement with a safe storage provision. If a burglar were to enter Mr. Cooper's home, Mr. Cooper desires to access a gun quickly to protect him. Mr. Cooper, a gun dealer, stated that if his kids needed to protect themselves against an intruder, he would prefer they use an AR-15 rather than a pistol. Trustee Korner asked Village Counsel Filippini if the Board could take no action. Trustee Orth stated that it was an option to be governed by state and federal laws concerning the issue.

Trustee Korner summarized a conversation he had with Trustee Orth and stated that when the constitution, it regulated men of that time. Trustee Orth added that the second amended assured United States citizens to meet their opponents with weapons of the same caliber. Today, Trustee Orth stated that the people look to the second amendment to protect themselves from the infringement of the rights by the government. Trustee Korner stated that he felt his rights were upheld by accessing the police department for potential issues. Discussion ensued regarding second amendment rights. Trustee Orth stated that he thought the \$25 annual fee in the ordinance was a violation of his rights and was the ordinance was generally too broad.

Mr. Cooper offered statistics on gun-related incidents in Illinois and stated that laws should not govern what he does in his home. Mr. Cooper opined that very few people are affected by assault weapons, and the few incidents should not be cause for new laws. Mr. Cooper stated that he was a federally licensed gun dealer and sells guns to police officers and departments. Mr. Cooper stated that more people die from alcohol than firearms. Trustee Orth stated that the drive for the ordinance stems from a time limit at the end of the Illinois bill. The home rule community has a ten day period to take action to limit assault weapons. President Barkemeyer called to attention the Laurie Dann incident in Winnetka. President Barkemeyer stated that the incident may not have happened if the guns had been locked up, and the Mesirov Financial building might still be Dann Brothers Insurance. Mr. Cooper suggested psychiatric evaluations would prevent against another Laurie Dann incident. Village Counsel Filippini stated that the police at the time did know of the troubling situation with Laurie Dann, but did not have authority to take action. Village Counsel expressed that the state has not given thoughtful consideration to the role of municipalities. Village Counsel Filippini replied that if an action is taken, it could be changed or modified or not enforced in the future, but having an ordinance on file gives the municipalities the future opportunity to revisit the ordinance. Trustee Fisher offered that he would be willing to make a motion that regulates storage of guns in home with children less than 18 years of age. Mr. Cooper interjected that there are reports of children protecting their homes against intruders. Trustee Korner asked if Mr. Cooper's arms were locked and stored, and Mr. Cooper refused to reveal what was in his home. Trustees asked Village Counsel Filippini the minimal action they could take to secure home rule authority. Village Counsel Filippini stated that an ordinance has to be

enforceable to protect the home rule authority. Trustee Orth stated that it was his opinion to take no action at all and there was no benefit to passing ordinance. Trustee Korner agreed with Mr. Cooper that it is the ultimate responsibility of the parents to expose and entrust their children with handling guns. Trustee Orth was in favor of doing nothing. President Barkemeyer expressed his regret if no action is taken at all. Ultimately, the Village Board determined not to take action on the ordinance.

16. 16-06/24: **Village Counsel's Report.** Village Counsel Filippini gave no report at this time.

17. 17-06/24: **Village Manager's Report.** **Board Packets* Manager Lasday asked the board if they want to switch from paper to iPad. Board members agreed. Manager Lasday indicated she will try to send the next packet electronically. Trustee Orth and Village Clerk Raimondi expressed their preference for paper packets. **Community Service Day* Manager Lasday commended Police Chief Price on the success of the event. Police Chief Price stated that photos and video of the events are on the Bannockburn Police Facebook page. **July 26, 2013 Special Board Meeting* Manager Lasday indicated that the special meeting needs to be rescheduled. **Stirling Circle* Trustee Korner and Manager Lasday met with Mike Grutza at Stirling Circle and will be trying to develop a plan for Stirling Circle. Trustee Korner affirmed that no action will be taken now, but the project could span over two to three years. **Outstanding Infiltration Issues* Manager Lasday reported major improvements on individual sanitary service lines, and has found more manholes with leaks. A change order will be presented at the next Village Board meeting. **Shared Services* Manager Lasday has made contact with area communities for sharing services such as building department or waste hauling. Lincolnshire is already helping with water billing. **Waukegan Road and Cedarcrest Lane* Manager Lasday reported that the Cedarcrest project is coming to a close. Manager Lasday is working to restore properties that have been affected by the street and landscaping restorations. **Duffy Lane* Trustee Korner stated that Duffy Lane has received IDOT approval. Manager Lasday stated that the residents have been very cooperative of construction work. **Health Insurance* Manager Lasday would like to bring in GCG Financial next meeting to speak to Board members in the future on health care reform and its effects on Bannockburn. **Cedarcrest Lane* Manager Lasday inquired when the Village should start billing the properties on Cedarcrest Lane. It was agreed that billing should start in the October water billing cycle.

18. 18-06/24: **Village Clerk's Report.** Village Clerk Raimondi reported that she attended a workshop on the Open Meetings Act, Freedom of Information Act, and Ethics. Village Clerk Raimondi stated that the workshops were very informative.

19. 19-06/24: **Village Commissioner Reports.**

**Finance Commissioner's Report.* Trustee Ansani reported that he met with Finance Director McCulloch and Manager Lasday, and that he will start reviewing internal finance policies and procedures.

**Water Commissioner's Report.* Trustee Fisher reported a water main break on Telegraph Road.

**Roads/Right-of-ways Commissioner's Report.* Trustee Korner noted good conditions and gave no further report.

**Economic Development Commissioner's Report.* Trustee Rothing reported that opt out notices were sent out from mc², the Village's electrical aggregation program. Discussion ensued regarding the mc² program.

20. 20-06/24: **Other Business.** **Consideration of Approval of the June 10, 2013 Board Meeting Minutes (Subject to Minor Corrections).* Trustee Orth moved, seconded by Trustee Fisher, to approve the June 10, 2013 Board Meeting Minutes as amended. On a voice vote, the motion was unanimously approved. Ayes: Six (James Boyle, David Ansani, Timothy Fisher, Daniel Orth III, Frank Rothing, David Korner); Nays: None; Absent: None. **Consideration of Approval of the June 10, 2013 Executive Session Meeting Minutes (Subject to Minor Corrections).* Trustee Orth moved, seconded by Trustee Boyle, to approve the June 10, 2013 Executive Session meeting minutes as presented. On a voice vote, the motion was unanimously approved. Ayes: Six (James Boyle, David Ansani, Timothy Fisher, Daniel Orth III, Frank Rothing, David Korner); Nays: None; Absent: None.
21. 21-06/24: **Adjournment.** Trustee Orth moved, seconded by Trustee Rothing, to adjourn the meeting of the Village Board at 8:35PM. On a voice vote, the motion was unanimously approved. Ayes: Six (James Boyle, David Ansani, Timothy Fisher, Daniel Orth III, Frank Rothing, David Korner); Nays: None; Absent: None.