

**VILLAGE OF BANNOCKBURN
BOARD OF TRUSTEES
SEPTEMBER 9, 2013
MEETING MINUTES**

1. **Call to Order.** President Barkemeyer called the meeting to order at 7:00PM.

President: James Barkemeyer

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

Trustees Absent: None

Also Present: Village Clerk Estelle Raimondi, Village Manager Maria Lasday, Village Police Chief Ron Price, Village Engineer David Gewalt, Village Counsel Vic Filippini, Assistant to Village Manager Ryan Mentkowski, Village Intern Cory Poris

Visitors: Susan McCall-Lack (AT&T), Mike Cunningham (AT&T), Jim Leahy (AT&T), Eric Friedmen (Walgreens), Jim Porges (9 Dunsinane), Sara Danielewicz (BSPO)

2. 01-09/09: **Pledge of Allegiance.** President Barkemeyer led everyone in reciting the Pledge of Allegiance.
3. **Visitors' Business.** None.
4. **Consent Agenda Items** - Trustee Fisher moved, seconded by Trustee Korner, to approve all Consent Agenda items, with date of the Fun Walk/Run being amended to October 5th, 2013. On a roll call vote, the motion was unanimously approved. Ayes: Six (Ansani, Boyle, Fisher, Korner, Orth, Rothing), Nays: None; Absent: None.

The consent agenda items approved were as follows:

02-09/09: **Approval of a Bannockburn School Fun Walk/Run on October 5, 2013.**

03-09/09: **Approval of a Request by the Garden Club for the Use of the Village of Bannockburn shelter on October 2, 2013 and Waiver of Fees for Use of the Village Shelter.**

04-09/09: **Approval of an "After Hours" Event Sponsored by the DBR Chamber of Commerce and Tenants at Bannockburn Green Retail Center subject to Liquor Commissioner Approval.**

05-09/09: Acceptance of a Transferee Assumption Agreement between the Village of Bannockburn LFBT- Commercial, LLC an Illinois Limited Liability Company, and Foxford 12, LLC.

06-09/09: Approval Ordinance 2013-18, an Ordinance Adopting by Reference the Lake County Watershed Development Ordinance.

5. **07-09/09: Report of the Architectural Review Commission on Tuesday, August 20, 2013.**

- **Consider Approval of A Non-Illuminated Identification Ground Sign at the Address Commonly Known as 1000 Lakeside Drive, Submitted by Bannockburn Associates LLC.** Village Manager Maria Lasday noted that there were two additional matters reviewed last month, a change to the elevation at 1250 Cedarcrest consists of installing a brick façade and a modification to a previously approved handicapped entrance is for 2223 Half Day Road.

In regards to 1000 Lakeside, Manager Lasday noted that the only reason the non-illuminated identification ground sign at 1000 Lakeside Drive went to the ARC was because it is proposed with four colors, when the zoning ordinance only allows three colors. The ground sign structure is already there and Walgreens is just changing the lettering on it. The ARC saw no issue with the sign as presented and recommended it be approved. The Board deferred its right to appeal this decision, making it effective.

6. **08-09/09: Consider Approval of an Ordinance Approving the Construction of a Driveway and Related Improvements Outside the Building Box on Lot 9 of the Dunsinane Woods Planned Unit Development.**

President Barkemeyer asked Mr. Porges if he would be willing to work with the Village going forward on the issue of the easement, and Mr. Porges stated that he would, 100%. Trustee Orth moved, seconded by Trustee Fisher, to approve Ordinance 2013-19, an Ordinance approving the construction of a driveway and related improvements outside the building box on Lot 9 of the Dunsinane Woods Planned Unit Development, without the easement condition. On a roll call vote, the motion was unanimously approved. Ayes: Six (Ansani, Boyle, Fisher, Korner, Orth, Rothing), Nays: None; Absent: None.

7. **09-09/09: Consider Approval of a Proposal from Woodland Landscape for the Landscape Maintenance of the 319 Grant Projects in the Amount of \$3,300 per Month (September 1, 2013-October 31, 2013 and May 1, 2013-August 31, 2013)**

Village President Barkemeyer clarified that the areas under consideration include the area around Trinity, at 1200 Lakeside, and behind Sears. Trustee Orth asked if the dates should be for 2014 instead of 2013 and Village Manager Lasday stated it should be for 2014. Village Engineer Gewalt stated he had reviewed the quote that it was reasonable as it includes not only mowing but weeding, which includes removal of buckthorn. Trustee Fisher Rothing moved, seconded by Trustee Boyle, to approve the proposal. On a roll call vote, the motion was unanimously approved. Ayes: Six (Ansani, Boyle, Fisher, Korner, Orth, Rothing), Nays: None; Absent: None.

8. 10-09/09: **Report from the Plan Commission/Zoning Board of Appeals on September 3, 2013.**

- **Public Hearing for the Consideration of Various Text Amendments(s) to the Bannockburn Zoning Code, including, without limitation, Amendments Pertaining to Definitions of Terms, Accessory Structures in Rights of Way, Exterior Lighting, and the Keeping of Chickens as an Accessory Use, Submitted by the Village of Bannockburn.**

Village Manager Lasday reported that there was discussion if shielding would be needed for chickens, so that was postponed until the next meeting. The commissioners felt that the amendments regarding coach lighting were necessary, but decided to review it further at the next meeting. The commissioners also felt that the definition of terrace and whether it should be considered a structure was a complex issue, and asked for clarification from Village Attorney Filippini for the next meeting.

Village Manager Lasday noted that regarding the Accessory Structures in Right of Ways they recommended the Village Board attempt to prepare an ordinance for AT&T to have an antennae installed near the Shell station. She also noted that after the meeting AT&T sent a letter and asked the Village not consider the issue of antennas in the residential district at this time, but to focus only on the commercial district. She noted that the commission felt it was a complex issue as screening might be required because some of their installations start at 9 feet and the zoning code says a height of 10 feet is required. Another issue was that the draft language stated that the equipment could be no more than 4 square feet but ATT's equipment is actually 7 square feet, and the ordinance needs to be drafted to be consistent with what AT&T and other cellular carriers would request. She noted the draft language required separation of 500 feet between installations and this was also seen as an issue. She noted that there were questions regarding the definition's definitions in the draft language, specifically whether the Village is restricting only utility poles or if other types of poles are also to be regulated under this definition and the definition of "existing structure".

Trustee Boyle asked if other carriers would also want access to the poles, and Village Manager Lasday affirmed that other carriers will likely want access to the poles and that should be considered with any amendment.

Jim Leahy from AT&T Mobility, explained that what they are proposing is a small cell that is placed on an existing Commonwealth Edison pole. He apologized for putting up electric at the Waukegan and Half Day Road intersection prematurely, and explained they had approval from IDOT but not from the Village so the installation should not have happened. The cells cover areas where coverage is difficult because it is challenging to locate towers. The small cells under discussion provide coverage for the railroad tracks that go through the area, as these cells provide more specific coverage. If there is adequate coverage in the area from the towers except for a few dead spots, these cells provide coverage for those spots without putting in another tower. These cells handle about 1/3 of what a full tower can handle. Cell towers cover a broader area, and can interfere with other towers; therefore they need to be spaced far enough apart to prevent interference. He also noted that in the future there

may be a need for 3 or 4 of the small cells in southern Bannockburn, near North Avenue and Telegraph Road in the residential area. He also noted that there are currently two towers on either side of Half Day; there is a tower that AT&T is on, and there is also a Cricket tower south of Half Day. Neither tower has the coverage needed, and as a result the small cell can be used in this area. The cells will have increased 4G service for cell phones. The railroad stations have “peak and valley” coverage as people travel on the train going to and from work causing the amount of usage to vary as the trains pass. These cells help augment that coverage during peak hours so that people can use their phones. The small cells provide pinpointed coverage in these circumstances and when a train comes through these cell sites will solve that problem by taking some of the capacity off the towers.

Trustee Boyle asked if they would share these cells with other carriers, and AT&T Representative Cunningham stated that cannot do not, that each carrier has different equipment, although it is the same technology.

Trustee Korner asked if there is a way to protect the Village from having equipment everywhere but still being able to have the technology. Village Attorney Filippini advised that there are a variety of regulatory overlaps that exist, including the federal communications act, which provides that the federal government has set a preference for personal wireless service facilities, but that does not trump zoning. Zoning still has vitality, but it has to be reasonable and cannot discriminate against different providers. It also sets time periods during which a municipality can act, and that must be done in a relatively prompt manner. Regarding rights of way, the Illinois general assembly authorized wireless service providers to utilize utility poles without charge; that is under the Illinois commerce commission and their jurisdiction. This gives the companies certain authority without having to pay for the poles. While it does not trump zoning, it does add another layer to it. The village has the ability to regulate the use of the poles through zoning, but not in a manner that prevents wireless service from coming in. Part of the question for the Village is how much we want to allow versus how much we want to regulate under a special use permit, keeping in mind there may be several companies who want to use the poles. Other municipalities that have looked at this have set thresholds, and if it is outside of those thresholds then they must apply for a special use permit. These were the issues thrown at PCZBA and it is a lot to sort through.

Attorney Filippini further explained that because we cannot discriminate against carriers we cannot say that the first company in gets the pole and no one else can have it. We can restrict, but our restrictions have to be in line with reasonable restrictions that allow carriers to operate. He recommended that the Board decide what things the Village wants as a matter of right, and then have anything that does not meet those standards go through a special use permit. He affirmed that we have the ability and right to ask for more information and not just give them the ability to put anything on a pole.

Trustee Korner asked if there could be a minimum height requirement to keep it out of line of sight. AT&T Representative Cunningham stated that if they got approval they would go out with engineers and look at the poles and determine which poles are a suitable height and in the proper area. They have agreements with Commonwealth Edison regarding which poles can be used and there are restrictions on what poles are available.

Trustee Boyle asked if the Village could do anything to shield the equipment. AT&T Representative Cunningham stated that regarding stealthing, the biggest obstacle is requirements in place to make the equipment accessible for repair, but that stealthing is possible. The antennas are mounted on the top, and electrical boxes and other equipment are located further down the pole. Data load is a big issue with the trains and everyone streaming at the same time, and this technology mitigates that. The Board requested that AT&T investigate methods to put the equipment higher than 9 feet. The Board agreed that the issue should be tabled until next session.

AT&T Representative Leahy asked the Board for the ability to install the antenna at Route 22 and Route 43 as a "test". The Board declined, noting that a text amendment was still required.

- **Work Session on Comprehensive Plan Update.** Village Manager Lasday noted that the meeting lasted until 10:00 PM and that they had revised the comprehensive plan to include color copies for the Commissioners to review what the final document could look like. The PCZBA received a revised redlined DRAFT of Chapters 1-8 of the Comprehensive Plan and a clean copy in color of the DRAFT Comprehensive Plan. Due to the volume of the materials, the PCZBA Commissioners did not have a chance to review all of the suggested changes nor the clean color copy of the updated draft Comprehensive Plan. As a result, the PCZBA continued the Comprehensive Plan update review process to the October 7, 2013 PCZBA meeting. Prior to the next PCZBA meeting, Commissioners Peters and Elston will provide some changes to the updated draft Comprehensive Plan to Staff.

9. **11-09/09: Discuss Location of the 2013 Appreciation Dinner.**

Village Manager contacted the restaurant at 2275 Half Day Road but it is not a possibility to utilize the space because even if they are open (due to renovations) they will not be able to accommodate the space needs of the Village for this dinner. Several restaurants were discussed by the Board, and the Board directed staff to check with Lovell's in Lake Forest to see if they are able to do it at a reasonable cost and also check Froggy's. The date was set for December 11th, and the guest list will include spouses, part time employees, and past presidents and spouses. Staff will confirm the previous guest list and invite essentially the same people as last year.

10. **12-09/09: Discuss Reimbursement Policy for Elected Officials.**

Village Attorney Filippini noted that the Village Board has the ability to set a policy, but does not have one now as the current personnel policy does not extend to the Board. Allowing reimbursements can be done according to Illinois Statute and IRS regulations,

and there are two ways to do it: as an accountable or a non-accountable plan. In an accountable plan (such as the employee plan) there is no impact in terms of reimbursement, and the IRS does not look at it. With a non-accountable plan any reimbursements in excess of \$600 must be reported on a 10-99 and then it is up to the individual to deduct the cost from their taxes. What needs to be decided is what types of things should be reimbursable. In terms of documentation polices currently in place for employees should be followed. As all of the Board members have more substantive responsibilities than most municipalities, reimbursement is appropriate. If an allowance is used, it will be treated as income, except the individual can offset it as a deduction.

Trustee Boyle asked if it was possible to have a Village car for use for Village business. Village Police Chief Ron Price advised that they have a new Ford Explorer, and the current Dodge can be adapted for Village use. Further discussion of the disposition of the Dodge is tabled until the next meeting.

The Board discussed that the issue is most relevant for Village President Barkemeyer as he is the one who incurs the most cost for transportation but that it is reasonable for all Board members to be reimbursed for expenses. Village Attorney Filippini recommended that the Board adopt an accountable plan for public officials and make it retroactive. Board members discussed that all expense reports should be submitted with receipts, and that there should be one policy for both employees and public officials. The Board directed Village Attorney Filippini to draft a policy that mirrors employee policy. Village Attorney Filippini clarified that part of the reimbursement cost is for insurance, so the village has no liability if someone is driving their personal vehicle for Village business and is in an accident.

11. 13-09/09: **Village Engineer Report**

- **Top Project List.** The High Terrace and Sunset Lane project will start Wednesday because the contractor is delayed on another job. He will start at High Terrace and then move to Sunset Lane.
- **Consideration of the following invoices:**
 - a. Payment Request #5 to R.A. Mancini in the amount of \$7,357.38 (Del Mar Woods Interconnection Watermain Project).
 - b. Payment Request #9 to R.A. Mancini in the amount of \$42,127.16 (Waukegan Road and Cedarcrest Lane Watermain Project). There are only a few items to be taken care of regarding landscaping, so they have asked to reduce the retention to 5%.
- **Stirling Circle:** Trustee Korer stated that there needs to be plans made for Stirling Circle so that affected residents can see what it will look like and the Village can budget for it and the removal of the buckthorn. He advised that we need to know the sequence and the timeline, and have a landscaper to work with. Village Attorney Filippini suggested that the Village follow a statutory process, although we are not obligated to as a Home Rule community, and interview several landscape architects, select one, and then move forward with plans. Village Manager Lasday advised that it needs to be done soon because the area is being cleared.

- **Change Order for IEPA:** Village Manager Lasday advised that the final change orders for IEPA needs to be done so that we can receive reimbursement

12. 14-09/09: **Village Police Chief Report.**

- Bannockburn BBQ Challenge: Village Police Chief Ron Price reported that Bannockburn won the People’s Choice Award at the Bannockburn BBQ Challenge.
- The offsite review of the files for the accreditation has been done, and now two assessors will come out to the Police Department to do an onsite assessment. They will review our procedures and interview elected officials and staff, and if our documentation is in order then they will submit to their board a recommendation for accreditation. Accreditation is a process that examines our policies and procedures, and confirms that we are following through on our policies when we are dealing with the public. Village Police Chief Price updated policies and procedures and used a template for those policies and procedures to confirm that they are consistent with state standards. Village Attorney Filippini advised that accreditation impacts civil rights cases, as an essential question in a lawsuit is what the polices are express or implied; that changes the degree of exposure. It also helps with our insurance rates; it has protective qualities and also a financial impact. Village Police Chief Price stated that it speaks to others in the law enforcement community about our standards. Village Manager Lasday stated that this accreditation is really important as accreditation and our training are our biggest protections in case of a law suit because it shows our officers are properly trained. Village President Barkemeyer stated that he would like to see our Finance Department certified also.
- Police Officer Lemmer and Dex were called out to an armed robbery. Dex found a glove that contained DNA and that led to the arrest of the subject.
- The Police Department is also trying to update the CTY list so that we have cell phone number available. This is important in case there is an incident such as the boil water order in Deerfield to assist the Village in getting in touch with residents more effectively. A reminder to update information will also be sent to businesses when they update their business licenses.

13. 15-09/09: **Village Counsel Report.**

- Village Attorney Filippini advised that the amicus brief has been filed on behalf of the Village of Bannockburn. This was in regards to a judge in Cook County who effectively ruled in a decision that any change in zoning needs to be challenged in 90 days or it cannot be challenged. Village Attorney Filippini noted this was not the intent of the statute, and the brief sets that out. Village Attorney Filippini stated that he hoped that the appellate court would take notice that it is a bad decision since it is rare to have an amicus brief filed.
- The Richard Kendler Recapture Ordinance is in the name of a land trust and a company that does not exist, and so Mr. Kendler is willing to sign documents to hold the Village of Bannockburn harmless

14. 16-09/09: **Village Clerk Report.** Village Clerk Raimondi reminded the Board that the iPad should only be used for Village business.

15. 17-09/09: **Village Manager Report.** Village Manager Lasday stated the Village received 5 or 6 proposals for waste hauling and several of them looked very good. She will be reviewing the bids and the prices paid by our businesses to evaluate proposals. She will also be giving a presentation at the ICMA conference on sustainability and projects for small towns, and discuss how storm water management plans can reduce costs from major storms.

16. 18-09/09: **Village Commissioner Reports.**

**Finance Commissioner's Report.*

- **Audit:** Finance Commissioner Ansani met with Dan Berg from Sikich while they were doing the audit. He stated they were in favor of the process of all bank statements being opened in front of Finance Commissioner Ansani and that he then takes a copy of the statements to confirm that what was received from the bank is what Linda is presenting to the Board. Trustee Orth suggested that a statement could also be sent directly to Finance Commissioner Ansani by either mail or email. That suggestion will be discussed with Linda McCulloch, Finance Director.
- **S&P Rating:** Our S&P rating has remained the same at AAA, which is good news.
- **Bill Submit List:** Village Manager Lasday discussed the Bill Submit list and advised that some of them were for future bills so they would not be late. Assistant to the Village Manager Mentkowski will be attending a conference to maintain his planning certification. There is a large check requested for the new squad car. Three transfer compliance requests were also completed. Hotel tax did well this month, but we were below budget on sales tax. Village Manager Lasday also stated that Tarns of the Moor has paid the full recapture fee for SSA 6A.

Trustee Ansani moved, seconded by Trustee Orth, to approve August Bill Submit List with the addition of advance payments as Village Manager Lasday outlined and deferral of reimbursement of Village President Barkmeyer until the next meeting. On a roll call vote, the motion was unanimously approved. Ayes: Six (Ansani, Boyle, Fisher, Korner, Orth, Rothing); Nays: None; Absent: None.

**Water/Sewer Commissioner's Report.*

- **Water and Sewer Commissioner Fisher** stated we have been assured that we are not in jeopardy with our water testing as our testing comes from a different source than Highland Park. He has been informed that it takes about 72 hours to test the water completely. The issue in Highland Park appears to have been a problem with chain of custody failure, in addition to open containers. They are trying to correct those issues. The Village uses a different lab to do our testing, (Waukegan) and they perform full spectrum testing.

**Economic Development Commissioner's Report.*

- **Bannockburn Day:** The event was a success, there were approximately 200 people and the TV to show the Bears game was well received. There were lines for the bounce house and balloon person all day, and it seemed that people were coming and going all day. The staff did a great job with setting up and tearing down.

- Golf Scramble: Next weekend is the golf scramble, and 38 golfers have signed up, but a couple more would be welcome. There is a good selection of prizes from local merchants.
- SWALCO: We received our first check from SWALCO for Village resident recycling.
- Trinity: There was a meeting with Trinity International University regarding access to the 12 acre parcel, and there was also discussion of free library cards being available for residents.

17. 19-09/09: **Village President Report.** President Barkemeyer noted that the golf outing for the Lake County Municipal League went well.

18. **Executive Session.** Trustee Orth moved, seconded by Trustee Boyle, to enter executive session for (1) Probable or Imminent Litigation Pursuant to 5 ILCS 120/2(c)(11), (2) Land acquisition, and (3) Executive session minutes. On a roll call vote, the motion was unanimously approved. Ayes: Six (Ansani, Boyle, Fisher, Orth, Rothing); Nays: None; Absent: None. Executive Session was entered into at 9:15.

Trustee Boyle moved, seconded by Trustee Orth, to exit out of Executive Session. On a roll call vote, the motion was unanimously approved. Ayes: Six (Ansani, Boyle, Fisher, Orth, Rothing); Nays: None; Absent: None. Executive Session was adjourned at 9:32 PM.

19. 20-09/09: **Consideration of Approval the August 12, 2013 Board Meeting Minutes.** Trustee Korner moved, seconded by Trustee Ansani, to approve the August 12th, 2013 Board Meeting Minutes as amended. On a voice vote, the motion was unanimously approved. Ayes: Six (Ansani, Boyle, Fisher, Korner, Orth, Rothing); Nays: None; Absent: None.

20. 21-09/09: **Consideration of Approval of the August 12, 2013 Executive Session Meeting Minutes.** Trustee Fisher moved, seconded by Trustee Korner, to approve the August 12th, 2013 Executive Session Meeting Minutes, as amended by the Village Counsel. On a voice vote, the motion was unanimously approved. Ayes: Six (Ansani, Boyle, Fisher, Korner, Orth, Rothing); Nays: None; Absent: None.

21. 22-09/09: **Adjournment.** Trustee Orth moved, seconded by Trustee Ansani, to adjourn the Village Board meeting. On a voice vote, the motion was unanimously approved. Ayes: Six: (Ansani, Boyle, Fisher, Korner, Orth, Rothing); Nays: None; Absent: None. The meeting was adjourned at 9:35 PM.