

**VILLAGE OF BANNOCKBURN
MEETING MINUTES
DECEMBER 10, 2012**

1. 01-12/10: **Call to Order.** President Barkemeyer called the meeting to order at 7:04 p.m.

President: James Barkemeyer

Trustees Present: James Boyle, Timothy Fisher, David Korner, Gene Nordby, Daniel Orth, Frank Rothing

Trustees Absent: None

Also Present: Village Clerk Debra Alch, Village Engineer David Gewalt, Village Counsel Victor Filippini, Village Manager Maria Lasday, Village Finance Director Linda McCulloch, Chief Ronald Price

Visitors: Michael Henschel (Unison), David Walker (Unison)

2. 02-12/10: **Pledge of Allegiance.** President Barkemeyer requested that Trustee Boyle lead everyone in reciting the Pledge of Allegiance.
3. 03-12/10: **Visitor's Business.** President Barkemeyer inquired whether there was any Visitor's Business. Hearing no comments from the audience, President Barkemeyer moved onto the next issue.
4. 04-12/10: **Consideration of Approval of the Annual Tax Levy Ordinance of the Village of Bannockburn, Lake County, Illinois for the Fiscal Year Beginning May 1, 2012 and Ending April 30, 2013.** Trustee Korner moved, seconded by Trustee Orth to approve the annual Tax Levy Ordinance of the Village of Bannockburn, Lake County, Illinois for the Fiscal Year Beginning May 1, 2012 and Ending April 30, 2012. On a roll call vote, Ordinance 2012-28 was unanimously approved. Ayes: Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None.
5. 05-12/10: **Consideration of Approval of the Tax Levy Ordinance of Village of Bannockburn Special Service Area Number One, Lake County, Illinois for the Fiscal Year Beginning May 1, 2012 and Ending April 30, 2013.** Trustee Rothing moved, seconded by Trustee Korner, to approve the Tax Levy Ordinance of the Village of Bannockburn Special Service Area Number One, Lake County, Illinois for the Fiscal Year beginning May 1, 2012 and ending April 30, 2013. On a roll call vote, Ordinance 2012-29 was unanimously approved. Ayes: Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None.
6. 06-12/10: **Consideration of Approval of the Tax Levy Ordinance of Village of Bannockburn Special Service Area Number Two, Lake County, Illinois for the Fiscal Year Beginning May 1, 2012 and Ending April 30, 2013.** Trustee Rothing moved, seconded by Trustee Alch, to approve the Tax Levy Ordinance of the Village of

Bannockburn Special Service Area Number Two, Lake County, Illinois for the Fiscal Year beginning May 1, 2012 and ending April 30, 2013. On a roll call vote, Ordinance 2012-30 was unanimously approved. Ayes: Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None.

7. **07-12/10: Consideration of Approval of the Tax Levy Ordinance of Village of Bannockburn Special Service Area Number Seventeen, Lake County, Illinois for the Fiscal Year Beginning May 1, 2012 and Ending April 30, 2013.** Trustee Orth moved, seconded by Trustee Fisher, to approve the Tax Levy Ordinance of the Village of Bannockburn Special Service Area Number Seventeen, Lake County, Illinois for the Fiscal Year beginning May 1, 2012 and ending April 30, 2013. On a roll call vote, Ordinance 2012-31 was unanimously approved. Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None.
8. **08-12/10: Consideration of Approval of an Ordinance for the Abatement of a 2012 Tax Levy (Series 2006 General Obligation Bonds).** Trustee Korner moved, seconded by Trustee Alch, to approve an ordinance for the abatement of a 2012 Tax Levy (Series 2006 General Obligation Bonds). On a roll call vote, Ordinance 2012-32 was unanimously approved. Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None.
9. **09-12/10: Consideration of Approval of an Ordinance for the Abatement of a 2012 Tax Levy (Series 2010 General Obligation Bonds).** Trustee Rothing moved, seconded by Trustee Boyle, to approve an ordinance for the abatement of a 2012 Tax Levy (Series 2010 General Obligation Bonds). On a roll call vote, Ordinance 2012-33 was unanimously approved. Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None.
10. **10-12/10: Consideration of a Waiver to the Village Board Appeal Process Regarding the Following Architectural Review Commission Applications: 1) November 20, 2012 Meeting Minutes; 2) Lax Wall Mounted Sign; 3) North Shore Yoga Wall Mounted Sign; and 4) Modifications to Exterior Lighting for 27 Aberdeen Court.** Village Manager Lasday stated that she anticipates very little issues with the Lax Wall Mounted Sign and the North Shore Yoga wall Mounted Sign, noting that both are zoning compliant. She expressed concern regarding the 27 Aberdeen Court's request for exterior lighting, noting that none of the lights installed were those that were approved by the Architectural Review Commission. She stated that she would recommend against the Board of Trustees waiving this issue as she has not been able to determine whether the lights installed are zoning compliant. Trustee Orth moved, seconded by Trustee Rothing, to approve a waiver to the Village of Bannockburn appeal process regarding the following Architectural Review Commission Applications for the Lax wall mounted sign and the North Shore Yoga wall mounted sign, but not to waive the appeal process for 27 Aberdeen Court. On a roll call vote, the motion was unanimously approved. Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None.
11. **11-12/10: Consideration of Approving the Village of Bannockburn 2012 Lake Michigan Water Audit Report.** Village Engineer Gewalt presented the 2012 water summary audit from October 1, 2011 through September 30, 2012. He stated that the Village of Bannockburn purchased just over 124,000,000 gallons from Highland Park, over

a 5,000,000 gallon increase from the previous year. He stated that the Village is still under its allocated amount approved by the State. He stated that commercial consumption decreased but that residential usage increased by over 8,000,000 gallons. He stated that this would be attributable to the drought over the summer. He stated that the unaccounted for flow decreased from 4.9% to 4.0%. He stated that progress has been made but that the Village can still improve. He recommended that the Village continue its water meter calibration every few years. He stated that smaller users can be calibrated further apart. Trustee Boyle inquired how much water is lost due to non-calibration. Village Engineer Gewalt stated that it varies depending on the amount of meters. Trustee Fisher stated that it is approximately 3% of loss. Trustee Boyle moved, seconded by Trustee Rothing to accept the Village of Bannockburn 2012 Lake Michigan Water Audit Report. On a roll call vote, the motion was unanimously approved. Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None.

12. **12-12/10: Consideration of Approval of Gewalt Hamilton Associates Preparing a Motor Fuel Tax Resolution and Necessary Bidding Documents for the Village of Bannockburn 2013 Street Resurfacing Program (High Terrace and Sunset Lane).** Village Engineer Gewalt stated that at the last meeting, the Board of Trustees requested that he review other streets that could possibly be paved soon. He stated that looking at the condition of the road and the number of years it has been since the road had been last repaved, he would recommend that Sunset Lane be the first road repaved followed by High Terrace. He stated that Lakewood Drive and Bridle Lane could be deferred, noting that these two roads should be completed at the same time. He stated that Sunset Lane and High Terrace repaving could be funded with MFT monies for approximately \$200,000. Trustee Alch stated that she thought that MFT monies were going to be used for the Duffy Lane Repaving Project. Village Manager Lasday replied that MFT monies will be used for the Duffy Lane Repaving Project. She stated that there is approximately \$500,000 in MFT monies. She stated that she does not know the full costs as of yet for the Duffy Lane Repaving Project but that the balance of the remaining funds could be used to repave Sunset Lane and High Terrace. Village Engineer Gewalt stated that he estimates the cost to repave Duffy Lane at \$200,000 which would still leave enough funds to cover the costs for repaving Sunset Lane and High Terrace. Village Manager Lasday noted that this approval would simply be to have Village Engineer Gewalt prepare a the Motor Fuel Tax resolution and necessary bidding documents for the Village of Bannockburn 2013 Street Resurfacing Program for Sunset Lane and High Terrace. Trustee Korner moved, seconded by Trustee Rothing, to direct Gewalt Hamilton Associates to prepare a Motor Fuel Tax resolution and necessary bidding documents for the Village of Bannockburn 2013 Street Resurfacing Program (Sunset Lane and High Terrace). On a roll call vote, the motion was unanimously approved. Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None.
13. **13-12/10: Consideration of Acceptance of a Service Contract with Metropolitan Pump Company.** Trustee Orth offered a revision to the service contract. Trustee Fisher moved, seconded by Trustee Korner, to accept a service contract with Metropolitan Pump Company, as amended. On a roll call vote, the motion was unanimously approved. Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None.

14. 14-12/10: **Consideration of Approval of a Resolution Regarding Restrictions on Cannabis Dispensaries and Related Facilities.** Village Counsel Filippini briefed the Board regarding the State of Illinois General Assembly consideration of medical marijuana dispensaries. He stated that if the General Assembly approves it, the Village will be prohibited from precluding dispensaries in the Village of Bannockburn. He stated that this resolution would allow the Village to implement restrictions in its Zoning Code. Trustee Boyle moved, seconded by Trustee Korner, to approve a resolution regarding restrictions on cannabis dispensaries and related facilities. On a roll call vote, Resolution 2012-R-45 was unanimously approved. Ayes: Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None.

15. 15-12/10: **Discussion of a Village of Bannockburn Water System Cross Connection Control Program.** Village Engineer Gewalt stated that the Village does some monitoring of cross connection control program. He stated that of the 198 residences, 67 residences turn in their backflow reports on an annual basis. He stated that there are 24 of the 61 nonresidential properties that turn their backflow reports in on an annual basis. He noted that many of the nonresidential properties have several backflow devices. Trustee Fisher stated that the EPA wants to have 90% compliance. Village Engineer Gewalt stated that the Village needs to send a survey requesting information on backflow devices. He stated that the Village can then follow up on with residents. Trustee Rothing stated that backflow devices would be placed on pools, hot tubs, irrigation systems, and any system that pushes out water to ensure that reverse flow does not occur.

16. 16-12/10: **Village Engineer's Report.** **Del Mar Water Project.* Village Engineer Gewalt reported that the Del Mar Water has been switched to the Village of Bannockburn's water main at the end of November. He presented a pay request from R.A. Mancini in the Amount of \$120,564.00 for the Del Mar Water Company Interconnection Project. **Waukegan Road, Half Day Road, and Cedarcrest Lane Water Main Project.* Village Engineer Gewalt presented a pay request in the amount of \$17,550.00 from R.A. Mancini for the mobilization and a portion of the traffic control for the Waukegan Road, Half Day Road, and Cedarcrest Lane Water Main Project. He stated that the pay request does not include the monies for the installation of 1,000 lineal ft. of water main that has been installed. **Smoke Testing/Illegal Sanitary Sewer Infiltration.* Village Engineer Gewalt reported that 24 of the 41 illegal sewer infiltration problems have been repaired. He stated that phone calls have been made to those who have not completed. Trustee Alch inquired whether the Village the excess volume of water per resident can be determined by the smoke testing report. Village Engineer Gewalt replied that the Village could increase their sewer invoices based upon statistics in RJN's report. Trustee Alch inquired whether the Village can be fined by the IEPA. Trustee Fisher stated that he thinks that the IEPA will be enforcing this via fines in 2014. Village Engineer Gewalt stated that he anticipates that approximately 5 people may be problematic. **Wilmot Road Repaving Project.* Village Engineer Gewalt reported that the total cost to repave Wilmot Road was \$467,150.12. He stated that because Wilmot Road is a Federal Assisted Urban road, the Village's share will be \$140,145.04 with the balance being paid by Illinois Department of Transportation. Village Finance Director McCulloch inquired whether the cost is just for paving or if the amount includes engineering. Village Engineer Gewalt replied that the amount only includes paving of the road. Village Manager Lasday noted that a portion of the Village's

costs will be funded with Recovery Zone monies with the balance coming from the General Fund. Trustee Korner inquired whether the Village will be billing Del Mar Water Company for the construction costs. Village Finance Director McCulloch replied that the Village received a deposit that would be equal to 120% of the estimated costs to construct the interconnection. She noted that Del Mar Water Company does have a 30 day window to dispute or seek clarification of the charges. Village Engineer Gewalt stated that Del Mar Water Company has already reviewed the first invoice and agreed with the charges. Trustee Korner inquired when the Village will bill for the first month's water. Village Engineer Gewalt replied that it would be invoiced at the end of December. Village Manager Lasday noted that she received an email from a resident in Del Mar Woods who thought that the Village would be paying for all the charges to connect the residents of Del Mar Woods to the Village's water line. She stated that she responded that the work is being conducted on behalf of Del Mar Water Company and that Del Mar Water Company will be paying for all charges associated with the connection. Chief Price requested that the path be cleaned up before the spring restoration.

17. **17-12/10: Chief of Police's Report.** *Seminar. Chief Price reported on a training seminar "Heroes behind the Badge" he attended. He stated that he purchased a DVD and would like for the Board members to review it which shows how a single moment can change the life of an officer and those around him. *Arrests. Chief Price reported that Officer Sears arrested three individuals for drugs and theft. He noted that the individuals are also suspects of thefts in other surrounding communities. Chief Price also reported on another routine traffic stop with individuals who may have been involved in car burglaries. He stated that the Officer was unaware of the burglaries but that by stopping the, other Police Department now have access to the suspects' information and photos. *Extra Officers. Chief Price reported that additional officers were on duty over the weekend to assist traffic due to a water main break on Waukegan Road. Village Engineer Gewalt stated that because of the officers' assistance, the repair was able to be completed faster than normal.
18. **18-12/10: Village Counsel's Report.** Village Counsel Filippini reported that in June 2012, the Plan Commission/Zoning Board of Appeals recommended approval of modifications to the signage in the Office District. He stated that Village Staff identified that the Board inadvertently omitted any action on this matter. Village Manager Lasday stated that this may be an issue with future applications that are received. Village Counsel Filippini noted that there is a blank but that the PCZBA recommended that a maximum of 300 sq. ft. be allotted in total signage. Village Counsel Filippini stated that the Board can still consider action on this issue. Trustee Fisher moved, seconded by Trustee Korner, to direct Counsel to draft an ordinance for consideration at the January 2013 Board of Trustees Meeting. On a roll call vote, the motion was unanimously approved. Ayes: Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None.
19. **19-12/10: Village Clerk's Report.** Village Clerk Ansani reported on the destruction of verbatim records of the Closed Session Executive Session Meetings in accordance with state standards. *Consideration of Releasing Executive Session Meeting Minutes. Trustee Boyle moved, seconded by Trustee Korner, to not release the Executive Session Meeting Minutes. On a voice vote, the motion was unanimously approved. Ayes: Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None.

20. 20-12/10: Commissioners' Reports.

Finance Commissioner's Report. **IMRF Payment.* Village Manager Lasday reported on a potential payment in the amount of \$424,000 (as determined by the Board of Trustees), a \$25 check fee, and overnight mailing costs contingent upon IMRF reporting a positive balance of at least 7.5% at the end of the year. Trustee Boyle inquired when the money would have to be there. Village Finance Director McCulloch stated that she would like IMRF to receive it by December 28, 2012 to ensure that they receive timely payment. Trustee Korner moved, seconded by Trustee Boyle, to approve a payment in the amount of \$424,000, a \$25 check processing fee, and the overnight mailing costs (to-be-determined) to IMRF contingent upon IMRF reporting a minimum of 7.5% positive increase on December 15, 2012. On a roll call vote, the motion was unanimously approved. Ayes: Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None. **Bill Submit List.* Finance Commissioner Alch presented the December 2012 Bill Submit List. She identified items of note including payments for water main project, health insurance, and the purchase of a new squad car. Village Finance Director McCulloch noted a stop payment and check reissuance was given for the 2006 Water Bonds. She stated that the original payment was lost between 1 of their 3 locations so she is stopping payment on the original check and reissuing the check. Trustee Rothing moved, seconded by Trustee Orth, to approve the Bill Submit List, as submitted. **Budget Report.* Finance Commissioner Alch reported that sales tax revenues are on par with last year but that the hotel tax is higher than what it was for the same time period last year. She stated that she anticipates that expenses will be much higher next month due to the payments for the current projects.

***Economic Development Commissioner's Report.** **Bannockburn Green Retail Center Development.* Economic Development Commissioner Rothing reported that he and Village Manager Lasday met with Phil Montgomery and Mark McCarthy, the owners of the Bannockburn Green Retail Center, and reiterated the need to get sales tax generating tenants in the shopping center. He stated that he feels that the meeting went well and they had expressed their willingness to team up to bring in new tenants at the Retail Center. **Waste Hauling Services.* Economic Development Commissioner Rothing reported that he had a follow-up meeting with the waste haulers who submitted a proposal for waste removal services for residential services. He stated that he hopes to finalize a contract with one of the waste haul removers for residential services with service beginning as early as April 1, 2013. He stated that residential should see a decrease in their fees. Economic Development Commissioner Rothing also noted that a waste hauling survey is being put together for the non-residential district regarding waste hauling services to see what their usage is to determine whether the Village should put together a contract for non-residential use which will be much more difficult.

***Building Commissioner's Report.** Building Commissioner Orth had nothing to report.

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

***Roads/Right-of-Way Commissioner's Report.** Roads/Right-of-Way Commissioner Korner had nothing to report.

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

21. 21-12/10: **President's Report.** President Barkemeyer inquired whether the Board would be interested in earmarking the telecommunications' tax proceeds specifically for employee pensions with IMRF. Village Manager Lasday inquired whether a formal resolution should be considered. Village Counsel Filippini stated that the Village can approve a resolution on an annual basis. Village Finance Director McCulloch stated that the Board can designate the monies from the telecommunications tax to a specific fund. She inquired whether the monies would be used for any retirement related expenditure such as Medicare and/or Social Security or whether the monies would be specific to IMRF pension. Trustee Orth inquired whether the Board has the ability to reverse the designation of the funds if it so chose. Village Finance Director McCulloch stated that the Trustees could take Board action to reverse its decision. She noted that earmarking the monies to a specific fund could impact a bond holder's decision when evaluating the Village's financial ability because those monies would be excluded from their consideration. Village Counsel Filippini stated that this is a relatively new GASB requirement. He stated that the resolution would be to designate those monies to that fund but that the Board of Trustees can decide on an annual basis whether to make a contribution. The consensus of the Board was to earmark telecommunications' tax proceeds for pension. Staff will bring this issue back for Board consideration in January 2013.

22. 22-12/10: **Village Manager's Report.** **Best Management Practices Grant.* Village Manager Lasday reported that she will meet with Trinity International University to discuss issues on Trinity's and the Village's property so that the Village could move forward with the Best Management Practices Grant Project. **Lake County Partners Holiday Party.* Village Manager Lasday reported on the date for Lake County Partners' Holiday Party. She stated that those who wish to attend must RSVP to her. Trustee Rothing, President Barkemeyer, and Village Clerk Ansani will attend. **PCZBA Meeting.* Village Manager Lasday reported that the next PCZBA meeting will be held in January. **Prospective Development.* Village Manager Lasday reported on an upcoming meeting with representatives of the Bannockburn Green Retail Center and a prospective tenant at the Retail Center. **Transferee Assumption Agreement.* Village Manager Lasday noted that the owner of 2151 Waukegan Road is selling the property. She stated that a Transferee Assumption Agreement has been provided to the Seller but it has not been signed yet. Village Counsel Filippini stated that the Transferee Assumption Agreement is needed to release the Seller of its obligations. Village Manager Lasday stated that she hopes to have the Agreement on the January 2013 Board agenda. **Veto Session in Springfield, IL.*

Village Manager Lasday stated that she is on the Legislative Committee for Lake County Municipal League which may require her to go down to Springfield, IL. **Bannockburn Brae Subdivision Requirements*. Village Manager Lasday stated that many of the residents in the Bannockburn Brae Subdivision have expressed their unhappiness with having to comply with the Village's bufferyard requirements. Village Counsel Filippini stated that the Village enacted this regulation in 2005 to enhance screening in the Village. He stated that this regulation is not specific to the residents in the Bannockburn Brae Subdivision but to all residents in the Village of Bannockburn. Trustee Fisher stated that the subdivision covenants indicate that the homeowners are not allowed to install landscaping that will delineate property lines. Village Counsel Filippini stated that the property owner has the right to seek zoning relief from the Village and/or the Homeowner's Association. **OMA Compliance*. Village Manager Lasday reported that all Board members have complied with the Open Meetings Act training.

23. 23-12/10: **EXECUTIVE SESSION MEETING MINUTES.** Trustee Orth moved, seconded by Trustee Rothing, to invite Mr. Michael Henschel and Mr. David Walke of Unison into Executive Session for the purpose of discussing Land Acquisition/Disposition. On a roll call vote, the motion was unanimously approved. Ayes: Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None. Trustee Fisher moved, seconded by Trustee Korner, to enter into Executive Session for the purposes of discussion land acquisition, enforcement, personnel, potential litigation, and Executive Session Meeting Minutes. On a roll call vote, Executive Session was entered into at 8:15 p.m. Ayes: Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None.

There being no further discussion in Executive Session, Trustee Orth moved, seconded by Trustee Korner, to exit out of Executive Session. On a roll call vote, the motion was unanimously approved. Ayes: Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None. Executive Session was adjourned at 10:27 p.m.

24. 24-12/10: **Other Business.** **Tour of the Village.* Trustee Orth recommended that the Board and Commission members take a tour of the Village to see how the evening view differs from the view during the day. President Barkemeyer agreed, but suggested that it be delayed until after the April elections. **Consideration of a Request for Approval of the November 26, 2012 Board of Trustees Meeting Minutes.* Village Counsel Filippini and Village Manager Lasday identified corrections to the November 26, 2012 Board of Trustees Meeting Minutes. **November 26, 2012 Executive Session Meeting Minutes.* Trustee Fisher moved, seconded by Trustee Orth, to approve but keep confidential the November 26, 2012 Executive Session Meeting Minutes, as submitted. On a roll call vote, the motion was unanimously approved. Ayes: Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None.
25. 25-12/10: **Adjournment.** There being no further business of the Board of Trustees, Trustee Korner moved, seconded by Trustee Fisher, to adjourn the Board of Trustees Meeting. On a roll call vote, the motion was unanimously approved. Ayes: Six (Alch, Boyle, Fisher, Korner, Orth, Rothing), Nays: None, Absent: None. The meeting was adjourned at 10:29 p.m.