

**VILLAGE OF BANNOCKBURN
BOARD OF TRUSTEES
MAY 28, 2014
MEETING MINUTES**

1. **Call to Order.** President Barkemeyer called the meeting to order at 7:33 AM.

President: James Barkemeyer

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

Trustees Absent: Frank Rothing

Also Present: Village Clerk Estelle Raimondi, Village Manager Maria Lasday, Finance Director Linda McCulloch, Village Engineer David Gewalt, Village Counsel Vic Filippini, Village Police Chief Ron Price, Village Intern Cory Poris

Visitors: David Elston (1920 Duffy Lane), Joel Levin (1900 Half Day Road), Frank Deuel (Comcast), Mary Maurer (1800 Half Day Road), George Fenton (2140 Stirling), Sam Kregel (2000 Telegraph Road), Bruce & Susan Nelson (1665 Meadow), Diana Lackner (2475 Telegraph Road), Rich Peters (1715 Telegraph), Sheila Elston (1920 Duffy Lane), Michael and Judith Brostoff (1818 Duffy Lane), Sharon Kregel (2000 Telegraph Road).

2. 01-05/28: **Pledge of Allegiance.** Trustee Orth led everyone in reciting the Pledge of Allegiance.

3. 02-05/28: **Visitors' Business.**

David Elston, Plan Commission/Zoning Board of Appeals ("PCZBA") Commissioner, stated he was concerned about the potential for a high density residential development in Bannockburn. He stated that other PCZBA Commissioners were unable to attend the meeting because of the early morning time but that they were concerned too. He noted that there were changes to the Comprehensive Plan that introduced transitional zoning and expands the use of PUD to include transitional areas, and he stated that makes it easier to have high density housing. He stated there was no community input, except for the survey which did not address high density housing.

Rich Peters, PCZBA Commissioner, stated that the Plan Commission was tasked with modifying the Comprehensive Plan. He said there has historically been continuity in the plan with low density and estate sized lots. He stated the majority of the PCZBA does not want high density housing in the Village, and the transitional concept is ambiguous.

Bruce Nelson stated that he recognizes that PCZBA is advisory in nature and the Board approves the Comprehensive Plan but he thinks that the Board should have gone to the PCZBA to discuss the recommendations. He also stated that if the Comprehensive Plan is being changed then it should go back to the PCZBA for review and additional Public Hearings. He stated he is concerned that this is the first step to change zoning to allow multi-family housing.

Don Wroblewski stated that he was opposed to multi-family housing and recommended a survey of residents to gauge interest in multi-family housing.

Sam Kregel said he moved here because of the large lots and single family character and is opposed to any changes.

Diana Lackner noted that single family homes, wide properties, and paths differentiate Bannockburn, but that the biggest difference is with the schools. Multi-family housing would impact the schools and the property values.

Trustee Korner said that there was a real estate developer that was interested in a property, but that the developer has decided not to pursue the project. Trustee Korner noted that the Village cannot stop property owners from trying to sell property, but that the Board is protective of the Village. The developer understood that the process was likely to be lengthy with an uncertain outcome and decided not to move forward.

Judith Brostoff asked about development on Duffy Lane, and stated concern about the lots being broken into smaller parcels and also construction traffic.

Trustee Korner stated that there was no property being developed at this time, and no development had been proposed for Duffy Lane. He asked that residents call the Village if they want information about proposed developments, and to check the minutes of the meetings online. He noted that the Village cannot deny the rights of property owners to entertain proposals from people who want to buy the property.

President Barkemeyer noted that there is no reference in the revised Comprehensive Plan to multi-family housing. He said the term “transitional” acknowledges that a property is not surrounded by single family property. For example the Black property is surrounded by institutional, commercial, and residential properties.

Mr. Elston stated concern that the transitional areas weaken the Village’s defenses to development, and that changes to the Comprehensive Plan should not be made without a public hearing. He said he sees no reason for a transitional zoning designation and that it is a dangerous prospect.

President Barkemeyer stated that the designation of that area as transitional is acknowledgment that the Beeson lot may become available in the future, and it is unlikely that single family homes would be erected on that property. The property to the west would therefore also be unlikely to have single family homes proposed for that

property. Duffy Lane was acquired as part of a TIF agreement, and has sewer and utility rights. The Village has been viewing that property as a potential development site as a result.

Village Attorney Filippini stated that it is simply a matter of attempting to make the Comprehensive Plan more legitimate. The identified area has been described as countryside, yet there are material differences between the Beeson property and a “countryside” character. The Comprehensive Plan needs to recognize that difference, and set the standard on how it should be developed to maintain the character of the Village. He stated the Village is better served by recognizing those existing conditions than to profess those differences don’t exist.

Michael Brostoff stated concern that properties would be subdivided and one acre lots would be developed. Village Manager Lasday stated that has not been proposed, and is not consistent with the zoning code because it would be more than a 10% variance based on the lot size. Any changes to the zoning code would have to go to the PCZBA for review.

Sheila Elston stated that while she understood the distinction between the Comprehensive Plan and the zoning code, she was unclear why a transitional area needed to be designated if there was a process in place to change the zoning code. She stated concern that changing the Comprehensive Plan would eventually lead to changes in the zoning code, changing the way housing could be built on Half Day Road. She stated that if developers want to propose housing inconsistent with the current code they will come to the Board and there is no need to change the Comprehensive Plan.

Susan Nelson stated that she attended a PCZBA meeting when development of townhouses was discussed for the Beeson Property.

Trustee Korner stated that no zoning laws were changed to allow that type of development, and that developers look at property in a different way than people who live in the Village. The Village cannot prohibit developers from wanting to develop the property, but they can be told they have to go through the process, and the Village told the developer for Half Day Road to go through the process.

Bruce Nelson asked if the properties could be incorporated into the existing PUD.

Village Attorney Filippini stated that it cannot be incorporated into the existing PUD because the Village does not have full control over the property. Homeowners in Lakewood have control over access and other matters.

Trustee Korner noted that residents on Lakewood could come to the Board if they have concerns about a proposed development on the property, and those residents have the right to make decisions within their control impacting the property.

Diana Lackner asked why the language in the Comprehensive Plan needs to be changed to transitional if it is different than the zoning code.

Village Attorney Filippini stated that when a Comprehensive Plan is reviewed, language is changed. The term “transitional” is reflective of comments and concerns regarding two focused areas, and this is a way to address the issue that is consistent with the character of the community. The Comprehensive Plan is a document reflecting the overall character of the Village. It is not zoning regulations, but can help guide zoning as the Village moves forward. If the Comprehensive Plan and the zoning regulations are not in sync, there needs to be an explanation. Bannockburn has an area that is not consistent with a countryside character, and to describe it in that way is erroneous. Transitional recognizes it as being unique because of location, uses, etc. The language used in the Comprehensive Plan clarifies that it is to have an estate character, with landscaping predominant over structure. The area currently does not have that character, and the language in the plan lets potential developers know what would need to be done to keep it in character.

Mary Maurer said that the Beeson property is supposed to be a flower farm but it looks like a mess. She stated it is troubling because a property owner has destroyed the beauty of an area. It should be deemed transitional and he may benefit from it.

Joel Levin stated that even subtle changes will lead to multi-family developments, and a multi-family development will impact property values and schools.

Rich Peters asked why the Comprehensive Plan is being changed when there is a process in place that works. A developer came forward, was told of the process, and decided not to pursue the project. The PCZBA worked on the Comprehensive Plan for many months, and had they been approached with information that multi-family developments were being discussed they may have made different decisions.

4. **03-05/28: Public Hearing on a Proposed Agreement to Renew the Cable Television Franchise Between the Village of Bannockburn and Comcast of California/Illinois LP.**

President Barkemeyer opened the Public Hearing at 8:34 p.m. for the Proposed Agreement to Renew the Cable Television Franchise Between the Village of Bannockburn and Comcast of California/Illinois LP.

Village Attorney Filippini stated that there have been changes at federal and state level since the franchise agreement was last renewed. This agreement allows things to continue as they are but be congruent with state and federal regulations. The franchise fee increases to 5% from 2.5%, but PEG has not been taken advantage of, so that will be taken out and should closely offset the franchise fee. Frank Deuel of Comcast introduced himself to the Board and stated that he had been the cable liaison for the Village for 30 years. The new Agreement allows Comcast to continue serving the Village.

President Barkemeyer asked if there were any comments from the public. No public

spoke and the Public hearing was closed at 8:37 p.m.

5. **04-05/28: Consider Approval of an Ordinance Repealing the Village of Bannockburn Cable Communications Ordinance.** Trustee Ansani moved, seconded by Trustee Korner, to approve Ordinance 2014-12, an Ordinance Repealing the Village of Bannockburn Cable Communications Ordinance. On a roll call vote, the motion was unanimously approved. Ayes: Five (Ansani, Boyle, Fisher, Korner, Orth); Nays: None; Absent: Nothing.

6. **05-05/28: Consider Approval of an Ordinance Granting a Cable Television Franchise to Comcast of California/Illinois, LP, subject to the terms of a Cable Television Franchise Agreement between the Village of Bannockburn and Comcast of California/Illinois, LP.**

Trustee Korner moved, seconded by Trustee Ansani, to approve Ordinance 2014-13, an Ordinance Granting a Cable Television Franchise to Comcast of California/Illinois, LP, subject to the terms of a Cable Television Franchise Agreement between the Village of Bannockburn and Comcast of California/Illinois, LP. On a roll call vote, the motion was unanimously approved. Ayes: Five (Ansani, Boyle, Fisher, Korner, Orth); Nays: None; Absent: Nothing.

7. **06-05/28: Consider Approval of an Ordinance Amending Ordinance No. 2007-36 Repealing PEG Fee for Cable and Video Providers.**

Trustee Fisher moved, seconded by Trustee Ansani, to approve Ordinance 2014-14, an Ordinance Amending Ordinance No. 2007-36 Repealing PEG Fee for Cable and Video Providers. On a roll call vote, the motion was unanimously approved. Ayes: Five (Ansani, Boyle, Fisher, Korner, Orth); Nays: None; Absent: Nothing.

8. **07-05/28: Consider Approval of an Ordinance Adopting an Update to the Comprehensive Plan for the Village of Bannockburn.**

Trustee Korner moved, seconded by Trustee Fisher, to postpone action on the Comprehensive Plan for 6 months and send back to Plan Commission/Zoning Board of Appeals for further consideration. On a roll call vote, the motion was unanimously approved. Ayes: Five (Ansani, Boyle, Fisher, Korner, Orth); Nays: None; Absent: Nothing.

9. **08-05/28: Consider Approval of the Use of Duffy Lane and Wilmot Road as Part of a Bike Route for a Venus de Miles Cycling Event on August 9, 2014.**

Village Manager Maria Lasday stated this was the standard bike event, and there have been no issues in the past. Police Chief Ron Price advised that a part time officer maintains control of the intersection of Wilmot and Duffy.

Trustee Boyle moved, seconded by Trustee Fisher, to Approve the Use of Duffy Lane and Wilmot Road as Part of a Bike Route for a Venus de Miles Cycling Event on August 9, 2014. On a roll call vote, the motion was unanimously approved. Ayes: Five (Ansani, Boyle, Fisher, Korner, Orth); Nays: None; Absent: Nothing.

10. 09-05/28: **Consider Approval of a Resolution Authorizing the Execution of a Law Enforcement Mutual Aid Agreement and the Existence and Formation of the Illinois Law Enforcement Alarm System by Intergovernmental Cooperation.** Village Police Chief Ron Price stated that the ILEAS agreement has been in place 10 years, and there are just a few minor changes. The agreement provides assistance in the event of emergency from other law enforcement agencies in Illinois.

Trustee Orth moved, seconded by Trustee Boyle, to Approve Resolution 2014-R-19 Authorizing the Execution of a Law Enforcement Mutual Aid Agreement and the Existence and Formation of the Illinois Law Enforcement Alarm System by Intergovernmental Cooperation. On a roll call vote, the motion was unanimously approved. Ayes: Five (Ansani, Boyle, Fisher, Korner, Orth); Nays: None; Absent: Nothing.

11. 10-05/28: **Consider Approval of a Resolution Authorizing the Execution of an Agreement with Powerlink Electric, Inc. for the Purchase and Installation of a Natural Gas Generator Cummins Onan 100KW at Village Hall in the amount of \$37,307.00.**

Village Police Chief Ron Price stated he got 3 bids to replace that generator that gives backup power if electricity to the building is disrupted. Powerlink Electric was the lowest out of the three, and it is a company that the Village has done business with and been satisfied with in the past. Village Manager Maria Lasday stated that there is a full contract prepared for this purchase, as contracts protect the Village from prevailing wage concerns, potential insurance liability, and other issues. Using contracts for public works purchases and projects puts the onus on the contractor to make sure they are in compliance with state law.

Trustee Fisher moved, seconded by Trustee Korner, to Approve Resolution 2014-R-20 Authorizing the Execution of an Agreement with Powerlink Electric, Inc. for the Purchase and Installation of a Natural Gas Generator Cummins Onan 100KW at Village Hall in the amount of \$37,307.00. On a roll call vote, the motion was unanimously approved. Ayes: Five (Ansani, Boyle, Fisher, Korner, Orth); Nays: None; Absent: Nothing.

12. 11-05/28: **Village Engineer Report.** No report.

13. 12-05/28: **Village Counsel Report.** No report.

14. 13-05/28: **Village Manager Report.**

Village Manager Maria Lasday stated that the Responsible Bidder bill will be voted on any day. It would be very detrimental to the Village as we would have to go to formal bid process for landscaping, public works, and other services. Many vendors we use will not be able to meet requirements, and it will apply to any public works project over \$20,000. Additionally the Police Ticket Quote bill would impact performance appraisals, and the overall numbers will have to be removed from the police chief's report. The reduction or elimination of the Local Government Distributive Fund bill is also a concern. Village

Attorney Filippini stated that there may be home rule pre-emption in the Responsible Bidder bill, and if so it can trump our home rule authority. Village Manager Lasday noted there was overwhelming support for all three bills.

15. 14-05/28: **Village Clerk Report.** No Report.

16. 15-05/28: **Village Commissioner Reports.**

Finance

- Trustee Ansani noted that there were draft budget and appropriations documents available for review. Village Manager Lasday stated that they will be considered at the June 23, 2014 meeting.

Roads. No report.

Police. No report.

Water/Sewer. No report.

Building. No report.

17. 16-05/28: **Village President Report.**

Village President Barkemeyer noted the upcoming Northwest Municipal Conference banquet. He also noted the 2014-15 Goals had been distributed for review, and asked the Board to advise if any revisions are needed.

18. **EXECUTIVE SESSION.**

Trustee Fisher moved, seconded by Trustee Korner, to enter executive session for the Discussion of (1) Probable or Imminent Litigation Pursuant to 5 ILCS 120/2(c)(11), (2) Personnel, and (3) Executive Session Meeting Minutes. On a roll call vote, the motion was unanimously approved. Ayes: Five (Ansani, Boyle, Fisher, Korner, Orth); Nays: None; Absent: Nothing. Executive Session was entered into at 9:12 AM.

There being no further discussion in Executive Session, Trustee Fisher moved, seconded by Trustee Boyle, to exit out of Executive Session. On a roll call vote, the motion was unanimously approved. Ayes: Five (Ansani, Boyle, Fisher, Korner, Orth); Nays: None; Absent: Nothing. Executive Session was adjourned at 9:20 AM.

19. 17-05/28: **Consideration of Approval of the May 12, 2014 Board Meeting Minutes.**

Trustee Boyle moved, seconded by Trustee Fisher to Approve the May 12, 2014 Board Meeting Minutes. On a voice vote, the motion was unanimously approved. Ayes: Six (Ansani, Boyle, Fisher, Korner, Orth); Nays: None; Absent: Nothing.

20. 18-05/28: **Consideration of Approval of the May 12, 2014 Executive Session Meeting Minutes.**

Trustee Ansani moved, seconded by Trustee Korner to Approve the May 12, 2014 Executive Session Meeting Minutes. On a voice vote, the motion was unanimously approved. Ayes: Five (Ansani, Boyle, Fisher, Korner, Orth); Nays: None; Absent: Nothing.

21. Adjournment.

Trustee Korner moved, seconded by Trustee Ansani, to adjourn the meeting at 9:21 AM. On a voice vote, the motion was unanimously approved. Ayes: Five (Ansani, Boyle, Fisher, Korner, Orth); Nays: None; Absent: Nothing.