

**VILLAGE OF LAKE BARRINGTON
MINUTES OF THE REGULARLY SCHEDULED MEETING
OF THE BOARD OF TRUSTEES HELD JANUARY 5, 2010**

Approved

1. CALL TO ORDER

A regular meeting of the President and Board of Trustees of the Village of Lake Barrington was held at the Village Municipal Center, 23860 Old Barrington Road, on Tuesday, January 5, 2010, and was called to order by President Richardson at 7:02 p.m. Village Clerk Peterson was appointed Recording Secretary.

2. ROLL CALL OF MEMBERS

Upon the roll being called, the following Trustees were physically present at said location: Trustees Burke, DeJesu, Mitchell, Raclaw, Schaller, Schofield and President Richardson.

Absent: None

No Trustee attended the meeting by video or audio conference.

Staff Present: Village Administrator Martin, Village Treasurer Purcell and Village Clerk Peterson

Others Present: ZBA Member Fortman, Village Attorney Bateman

3. PLEDGE OF ALLEGIANCE

President Richardson indicated the meeting would be heard out of sequence and proceeded with Agenda Item 8.

4. CONSIDERATION OF MINUTES

A. Minutes of the Regular Meeting Held December 1, 2009

Board Action

A motion was made by Trustee Raclaw and seconded by Trustee Schofield to approve the minutes, item 4A above. The voice vote was unanimous and President Richardson declared the motion carried.

The meeting proceeded to Agenda Item 7.

5. PRESIDENT'S REMARKS (President Richardson)

A. None

The meeting proceeded to Agenda Item 4.

6. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD

None

7. CONSENT AGENDA

A. Approve the Revised 2010 BACOG Legislative Platform

Trustee Raclaw gave an overview of the Platform.

Board Action

A motion was made by Trustee DeJesu and seconded by Trustee Burke to approve the consent agenda approving the revised 2010 BACOG Legislative Platform.

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Mitchell, Raclaw, Schaller, Schofield, and
President Richardson
Nays: None
Abstain: None
Absent: None

President Richardson declared the motion carried.

8. TREASURER'S REPORT:

Mr. Purcell reported on the following:

A. There is a net loss of \$49,000 due to the same contributing factors that have been reported the last few months. He reported on motor fuel tax funds and stated Mr. Martin will report on the forthcoming Finance Committee meeting.

B-C. The Accounts Payable Warrants have been reviewed and should be approved.

Board Action (A-C)

A motion was made by Trustee Burke and seconded by Trustee Schaller to consider by omnibus vote and:

- A. Approve the Financial Statements as of 11/30/09.
- B. Pay Bills in the amount of \$ 201,993.46 as Listed on the Accounts Payable Warrant "A" Dated January 5, 2010.
- C. Pay Bills in the amount of \$ 3,073.41 as Listed on the Accounts Payable Warrant "B" Dated January 5, 2010.

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Mitchell, Raclaw, Schaller, Schofield, and
President Richardson
Nays: None
Abstain: None
Absent: None

President Richardson declared the motion carried.

Board Action (D)

A motion was made by Trustee Schofield and seconded by Trustee DeJesu to pay Bills in the amount of \$235.00 as Listed on the Accounts Payable Warrant "C" Dated January 5, 2010 (office cleaning) and to authorize these payments through 2010.

President Richardson recused himself from voting because ServiceMaster is one of his clients in his public affairs practice and he further stated that he had no involvement in the selection of the Village's cleaning service.

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Mitchell, Raclaw, Schaller, Schofield
Nays: None
Abstain: None

Absent: None
Recuse: President Richardson

President Richardson declared the motion carried.

The meeting proceeded to Agenda Item 13A.

9. ADMINISTRATOR'S REPORT

Mr. Martin reported on the following:

- A. Financial Planning Workshop – The Board will be polled to schedule a financial planning session. He noted it is open to the public and he described the session. Discussion was held on potential dates.
- B. Other-None

10. CLERK'S REPORT

Ms. Peterson reported on the following:

- A. Vehicle Stickers
- B. Other: Ms. Peterson reported on keeping small pets safe from coyotes, a CFC program on coyotes, and the BACOA AARP Tax Assistance program.

11. REPORTS OF STANDING COMMITTEES

- A. Communications and Community Relations (C. Mitchell): No report.
- B. Environment & Open Space (L. DeJesu): Trustee DeJesu reported on the Tree City USA application and Freier Farm planning.

Trustee Burke raised his concern regarding snowmobile use on the Grassy Lake Trail. Mr. Martin stated snowmobile use in Lake Barrington is prohibited by Village Code.
- C. Finance, Human Resources and Economic Development (D. Raclaw): Trustee Raclaw noted the financial planning workshop that is being scheduled and reported on Mr. Martin's performance review. President Richardson indicated an economic development plan will be tied into the financial plan.
- D. Gated Communities (J. Schaller): No report.
- E. Intergovernmental & External Relations (K. Richardson): Trustee Raclaw reported on a meeting between BACOG and neighboring communities with the Chairperson of the Surface Transportation Board (STB) and Federal Railroad Administrator that was arranged by U.S. Congresswoman Bean to allow federal authorities to see and discuss the impacts of the increased train traffic from Canadian National.

President Richardson reported on status of the State's budget appropriations.

- F. Public Safety (J. Schaller): No report.
- G. Roads and Infrastructure (A. Burke): Trustee Burke reported on Cherokee Lane's drainage issue which is scheduled to be resolved in 2010.
- H. Village Hall and Grounds (C Schofield): Trustee Schofield reported staff indicated a few items need to be repaired or replaced.

12. OLD BUSINESS- None

13. ORDINANCES

A. AN ORDINANCE DENYING THE REQUESTS OF INSITE, INC., AS AGENT FOR T-MOBILE CENTRAL, LLC FOR A SPECIAL USE PERMIT RELATIVE TO CONSTRUCTION AND MAINTENANCE OF A WIRELESS ANTENNA AND MONOPOLE TOWER, AND OTHER APPURTENANCES, ON THE PROPERTY LOCATED AT 26744 W. MILLER ROAD, LAKE BARRINGTON, ILLINOIS

The following summary was provided with the Board packet: *T-Mobile Wireless is requesting a special use permit and PUD amendment to permit the installation and operation of a cellular monopole. The proposed monopole would be located north of Miller Road, north of the driving range and west of several maintenance buildings in a wooded area near the maintenance yard of the Lake Barrington Shores golf course. The pole is proposed to be 75 feet high and approximately 30 inches wide with internal antennae (no exterior panels). The pole would be supported by the typical ground equipment within a 20' by 30' foot fenced in area with landscape screening around the fence.*

The Plan Commission held four public hearings relative to this proposal starting in May 2009. At its meeting on November 19, 2009, the Commission voted (4/2) to recommend denial of the special use permit and PUD amendment. Materials are provided in the Board folder.

President Richardson thanked the Plan Commission, staff and audience members who participated in and attended the Public Hearings. He explained the role of the Plan Commission and the Board of Trustees with regards to petitions. He summarized advice given by Mr. Bateman based on a November 18, 2009 FCC ruling, commented on documents made by the attorneys for petitioner and the objectors that were submitted subsequent to the close of the public hearing. He outlined the process and ground rules for the public comment period for this agenda item.

Mr. Martin provided a summary of the proposal and the materials provided to the Board for review.

Mr. Bateman advised the Board members to consider their decision based upon federal and state constitutions and the Federal Telecommunications Act. He reviewed terms and variables from them that provide what a local and state government can and cannot base their decision on. He confirmed President Richardson's statements regarding the late submittals.

Petitioner's Counsel: Kelly Cahill, Attorney for T-Mobile

Ms. Cahill introduced representatives in attendance on behalf of T-Mobile and indicated Mr. Kunkel's report was in response to the McCann report that was submitted and presented at the last public hearing. She gave a presentation summarizing T-Mobile's petition, displayed and explained the propagation maps, alternative locations they examined, photographs of the site, and highlights of Illinois zoning law and the Federal Telecommunications Act. She provided comment regarding Mr. McCann's report and Illinois law. Ms. Cahill distributed a map illustrating a new site at the southwest corner of the property and reviewed its location.

Objectors' Counsel: William Graft

Mr. Graft distributed and read a letter addressed the Board of Trustees including an attachment prepared by Mr. McCann that were submitted to the Village Office earlier in the day and read the letter addressed to President Richardson and the Board further noting the letter and attachment were provided to balance the record in response to Mr. Kunkel's report. He provided comment regarding Mr. Kunkel's report, agents for T-Mobile, and the

LBS Master Board's and LBS residents' response. He distributed articles from the Pioneer Press regarding the petition.

Board Comment

On the advice of Counsel, Trustee Schaller recused himself from commenting on and voting on this matter, because he was the President of the LBS Master Board at the beginning of the public hearing process. Other Board members individually made comments which included appreciation for the attorneys, Plan Commission and residents for their participation; confidence in the Plan Commission and the public process; and comments about the alternative site, testimony and reports.

Upon inquiry, Ms. Cahill confirmed the gap in coverage and explained why the alternative site was proposed at tonight's meeting.

Public Comment

Janet Nietvelt, 221 Timber Ridge Lane, commended the Plan Commission. She commented on a letter from the petitioner's attorney to the Village President and Board of Trustees and requested the Board of Trustees demand an apology from T-Mobile on behalf of the Plan Commission for comments made in their submittal.

Eileen Cairns, 563B Woodview, indicated she is a 25-year resident of Lake Barrington Shores, the Vice President of the LBS Master Board and the President of Condo Board 1. She commented on the issue of public need versus business need and T-Mobile's placement of their cell towers.

Joseph Salemi, 155 Timber Ridge Lane, commented on not receiving documents from the petitioner and commended the Plan Commission, staff and Trustees for their cooperation.

Robert Henehan, 794 Golf Court, stated he worked in the telecommunications field at AT&T for 30 years. He reviewed his examination of transmission maps and tour of area towers and suggested an alternate location for T-Mobile consideration.

Carol Hogan, 77 Waterview Court, indicated she gathered hundreds of LBS resident's signatures for the petition that was submitted to the Plan Commission and that only one person complained about lack of coverage. She commented on statements made during a candidates' forum in the last municipal election, reviewed the LBS Master Board's and LBS residents' response, and noted map presented tonight is different than the map on the company's website.

Paul Nietvelt, 221 Timber Ridge Lane, works from his home. He conducts business using his cell phone from another cell provider and that he has no problems with coverage.

Objectors' Counsel: William Graft

Mr. Graft commented that the Board should rely on the record and commented on the contents of the record.

Petitioner's Counsel: Kelly Cahill, Attorney for T-Mobile

Ms. Cahill commented on existing towers and the coverage gap, the difference between the propagation map shown on the website and in tonight's presentation, and the Telecommunications Act and the recent ruling.

Board Comment

The Trustees had no further comment.

Upon President Richardson's inquiry, T-Mobile's F Engineer, Sanjay Jaisingani, work address located at 8550 W. Bryn Mawr, Suite 100, Chicago, explained how he examines coverage gaps and tower site locations.

President Richardson asked Mr. Graft if he would like to comment on the LaSalle factors. Mr. Graft declined to comment.

Village's Counsel – James P. Bateman

Mr. Bateman commented on the Living Word case and Novak vs. City of Geneva decision outlined in the petitioner's December 29, 2009 letter, the petitioner's counselor's legal opinion, Illinois Municipal Code, Lake Barrington's ordinance relative to special uses, and the Plan Commission's appropriate consideration of the two special use standards and LaSalle factors.

President Richardson commented on the Plan Commission's conduct during the public hearing process and their recommendation, the petitioner's proposal for an alternative location, the LBS Master Board vote and Lake Barrington Shore's history for planned underground utilities.

Discussion followed.

Board Action

A motion was made by Trustee Schofield and seconded by Trustee Mitchell to pass Ordinance No. 2010-O-01, An Ordinance Denying the Requests of Insite, Inc., as Agent For T-Mobile Central, LLC For A Special Use Permit Relative to Construction and Maintenance of a Wireless Antenna and Monopole Tower, and other Appurtenances, on the Property Located at 26744 W. Miller Road, Lake Barrington, Illinois

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Mitchell, Raclaw, Schofield, and
President Richardson
Nays: None
Abstain: None
Absent: None
Recuse: Trustee Schaller

President Richardson declared the motion carried.

The Board recessed for five minutes and reconvened at 8:35 p.m.

B. CONSIDERATION OF A CLASS G LIQUOR LICENSE - FIELD HOUSE FOOD SERVICE CORPORATION

The following summary was provided with the Board packet: *In December 2009, the Lake Barrington Field House (LBFH) requested a liquor license for its snack bar/restaurant operation for full liquor with no packaged goods. An amendment to the Village's liquor control code was passed to issue this license. Tom Laue, President, has since learned that some various liquor control policies prevent the LBFH from receiving sponsorships from certain companies if the liquor license is issued to the LBFH. Therefore, the "Field House Food Service Corporation" has submitted a liquor license application effectively transferring the license to them, and is asking for approval pending completion of the necessary application materials and background checks. Materials are provided in the Board folder.*

Board Discussion

Upon inquiry, Tom Laue, owner of Field House Food Service Corporation, explained the company is a Lake Barrington Field House operation, that under federal law corporate sponsorship cannot be given to liquor license holders, and the only change from the previous plans is the liquor service operation will be moved further away from areas where children will be present.

Board Action

A motion was made by Trustee Schaller and seconded by Trustee Mitchell to approve Field House Food Service Corporation liquor license pending completion of the necessary application materials and background checks.

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Mitchell, Raclaw, Schaller, Schofield, and
President Richardson
Nays: None
Abstain: None
Absent: None

President Richardson declared the motion carried.

The meeting proceeded to Agenda Item 5.

C. CONSIDERATION OF AN ORDINANCE REGARDING THE FORFEITURE OF PERFORMANCE BONDS FOR UNPAID FEES

The following summary was provided with the Board packet: *The ordinance allows the Village to apply building permit performance bonds to cover unpaid plan review, inspection, engineering, and other fees. The ordinance would be effective February 1, 2010 following notice to the State of Illinois. Materials are provided in the Board folder.*

Board Action

A motion was made by Trustee Raclaw and seconded by Trustee DeJesu to Pass Ordinance No. 2010-O-02 , an Ordinance Amending the Village of Lake Barrington Village Code (RE: Amendment to Section 7-2-6, "Building Permit and Inspection Fees", and Section 7-2-7, "Bonds", of Chapter 2, Building Permits", of Title 7, "Building Regulations")

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Mitchell, Raclaw, Schaller, Schofield, and
President Richardson
Nays: None
Abstain: None
Absent: None

President Richardson declared the motion carried.

14. NEW BUSINESS-None

15. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD

None

16. CLOSED SESSION (Roll Call Vote)

The Board did not adjourn to Closed Session

17. ACTION TO BE TAKEN FROM CLOSED SESSION

The Board did not adjourn to Closed Session

18. OTHER

None

19. ADJOURNMENT: A motion was made by Trustee Schaller and seconded by Trustee Burke to adjourn the meeting. The voice vote was unanimous, the motion carried, and the meeting was adjourned at approximately 9:03 p.m.

Respectfully submitted,

Loretta Peterson
Village Clerk
Recording Secretary