

**VILLAGE OF LAKE BARRINGTON
MINUTES OF THE REGULAR MEETING
OF THE BOARD OF TRUSTEES HELD FEBRUARY 4, 2014**
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, February 4, 2014, and was called to order by President Richardson at 7:05 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 Daulton Lange, Mitchell, Schaller, Schofield, and President Richardson.

The following Trustee was allowed by a majority of the members of the President and Board of Trustees in accordance with and to the extent allowed by rules adopted by the President and Board of Trustees to attend the meeting by video or audio conference: None

No Trustee was denied the opportunity to attend the meeting by video or audio conference.

The following Trustees were absent and did not participate in the meeting in any manner or to any extent whatsoever: Trustees Burke and Raclaw.

Staff Present: Village Treasurer Hirsch and Village Clerk Peterson

Others Present: Village Attorney J. Bateman and Zoning Board Member Fortman

The meeting was heard out of sequence.

3. PLEDGE OF ALLEGIANCE

2nd Class Boy Scout John Seagrist led the Pledge of Allegiance.

4. CONSIDERATION OF MINUTES

A. Minutes of the Rescheduled Board of Trustees Meeting – January 9, 2014

Board Action

A motion was made by Trustee Schaller and seconded by Trustee Mitchell to approve the minutes, item 4A above. The voice vote was all ayes. President Richardson declared the motion carried.

5. PRESIDENT'S REMARKS (President Richardson)

A. Other: President Richardson reiterated the importance of checking on neighbors, especially those who live alone and/or are senior citizens, during this period of extreme weather conditions.

6. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD – NON-AGENDA ITEMS

None

7. CONSENT AGENDA-None

8. TREASURER’S REPORT:

Village Treasurer Hirsch reported on the following:

A. Presentation of the Open Space Fund Financials

Ms. Hirsch categorized expenses into a summary of investments under three categories: Freier Farm, Gibbs Property, and Other Expenses, which included the repurposed funds and expenses such as attorney’s fees and insurance. The summary showed the balance in the Open Space Fund as of 12/31/2013 in the amount of \$163,181.92. It was noted that proceeds from the sales of portions of the Gibbs property to CFC were deposited in to the General Fund and that receipt from the OSLAD grant for Freier Farm is pending satisfactory completion of the water system. She also provided a projection of revenues and expenses with a projected 12/31/2014 balance of \$388,175.92.

Board Discussion

President Richardson explained the intention of CFC to continue buying portions of the Gibbs property. The property was desirable, because it contains an oak savanna and groundwater recharge area. The Village partnered with CFC which didn’t have the funds to purchase the property. It was confirmed CFC has purchased two parcels to date.

Comments were made about how the report exhibits accountability for the fund, that the summary shows the amount repurposed for the infrastructure repairs, and that the funds were repurposed following a survey with residents on use of the Open Space Fund. President Richardson and members of the Board thanked Ms. Hirsch for her report.

B. Approve the Financial Statements as of 12/31/2013.

The financial statements were for the first eight months ending December 31, 2013 which comprised of 67% of fiscal year 2014.

The balance sheet was reviewed and noted as appropriately in balance. Equity is at \$1,099,000. General Fund Net Income for Regular Operations was \$272,000 as compared to \$260,000 during the same period last year.

Actual to Budget

As of December 31, 2013, Actual to Budget revenues were 78% of budget with no more real estate taxes to be received until June. Actual to Budget Expenses were 69% of budget which are in line with 8 months of the fiscal year at 67%. There will be an increase in Road Maintenance expenses due to an increase in salt use. Staff will check the intergovernmental agreement regarding overtime for snow removal operations.

She reported on the increases in utility and telecommunication tax revenues. President Richardson explained that when the budget is reviewed taxpayer value and benefit are examined. For instance, residents are provided a savings by having the Village pay for garbage collection services in the aggregate versus each household being billed individually. The Village carefully evaluates and looks for the best value for the taxpayer while trying to balance value between LBS and the single family homes. It was confirmed very few municipalities provide for the garbage collection on behalf of residents. Trustee Schofield indicated that as an LBS resident she is glad that all of the roads in the village are kept up to par so people know Lake Barrington is a good place to live.

Motor Fuel Tax Fund: Ms. Hirsch outlined payments due for the 2013 road work and noted the importance of having cash reserved for 2014 road work.

Water/Sewer Fund: Has \$704,000 for future capital expenditures as needed.

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

Board Action (B-D)

A motion was made by Trustee Daulton Lange and seconded by Trustee Schofield to consider by omnibus vote and:

- B.** Approve the Financial Statements as of 12/31/2013.
- C.** Pay Bills in the amount of \$ 583,760.00 as Listed on the Accounts Payable Warrant "A" Dated February 4, 2014.
- D.** Pay Bills in the amount of \$ 28,005.09 as Listed on the Accounts Payable Warrant "B" Dated February 4, 2014.

Upon roll call the vote was:

Yeas: Trustees Daulton Lange, Mitchell, Schaller, Schofield, and
President Richardson.

Nays: None

Abstain: None

Absent: Trustees Burke and Raclaw

President Richardson declared the motion carried.

9. ADMINISTRATOR'S REPORT

- A.** Chamber of Commerce Award: It was announced the Village was recognized for recruiting businesses.
- B.** Drainage Guidelines: Trustee Daulton Lange presented the guidelines during her Roads and Infrastructure Committee report – refer to Agenda Item 11H.
- C.** Other: None

10. CLERK'S REPORT

Ms. Peterson reported on the following:

- A.** General Primary Election Information: Dates and changes in the early voting site and minimum age to register to vote were announced. More information can be found at lakepowervoter.info

- B. Healthier Barrington Survey: The importance of the survey to the community was highlighted and residents were encouraged to complete the survey.
- C. Other: She announced the Barrington Countryside Fire Protection District smoke detector battery exchange program.

11. REPORTS OF STANDING COMMITTEES

- A. **Communications and Community Relations** (C. Mitchell): Trustee Mitchell reported Village communications are experiencing a farther reach through the sharing of posts from the Village's Facebook site. Trustee Mitchell encouraged residents to take the Healthier Barrington Survey. New this year is the option of completing the survey online and results are being broken down by community. Ms. Peterson will check on providing a link to the Healthier Barrington survey from the Village website.
- B. **Economic Development** (A. Burke): President Richardson addressed rumors regarding the Lake Barrington Field House. Though it has experienced ups and downs due to the challenging economy he sees continued viability at the venue. Trustee Schofield was at the facility yesterday and spoke with an employee who mentioned there was a new director and that the facility was very active after 3 pm. She suggested the new director be invited to introduce himself to the Board. President Richardson commended Trustee Burke who brought key relationships to the Village in support of economic development efforts.
- C. **Environment & Open Space** (C. Schofield): Trustee Schofield shared that kids and adults are having fun at Freier Farm.
- D. **Finance, Human Resources and Village Facilities** (D. Raclaw): No report.
- E. **Gated Communities** (J. Schaller): Trustee Schaller reported LBS is considering a \$3.5 million renovation of the Rec Center at the February Master Board meeting. They may move the LBS management office to the Market Place as part of the plan.
- F. **Public Safety** (J. Schaller): President Richardson noted a Neighborly Awareness meeting led by the Lake County Sheriff was being held in the Community Room and he thanked Trustee Schaller for spearheading the Neighborly Awareness program. Trustee Schaller thanked Ms. Peterson for her support. He reported Wedgewood Trails was meeting this evening with Lake County Sheriff Deputy Buchberger and Deputy Reaves to initiate their Neighborly Awareness program. He reported 25 residents representing 15 neighborhoods signed into the January 25 information meeting. He commented on having extra sets of eyes for public safety and that if residents observe something unusual to contact the Lake County Sheriff. The Sheriff's department has the resources and coverage to respond. He emphasized not to confront anyone or get involved, but to let the Sheriff's officers handle the situation. Ms. Peterson stated that several people indicated they would be proceeding with the program in their respective neighborhoods. The Barrington Countryside Fire Protection District gave authorization to purchase a fire engine and the entity is still working with Barrington on a mutual aid agreement. He noted they have mutual aid agreements with other fire protection entities.
- G. **Intergovernmental & External Relations** (K. Richardson): President Richardson provided information regarding a planning breakfast that Lake County Board Member Nick Sauer is hosting for village and township officials. He shared highlights from last

Saturday's BACOG/LCML legislative breakfast where the dialogue was good and frank. He attended the US Conference of Mayors in Washington D.C. at his expense. He provided information regarding a new USCM law enforcement taskforce which raised the re-emergence of heroin, and human trafficking. President Richardson attends with his main focus on water and he shared how a mayor from Texas is doing a resolution on groundwater protection.

- H. Roads and Infrastructure** (K. Daulton Lange): Trustee Daulton Lange reviewed the draft *Drainage Problem Response-Guidelines* that was developed with Mr. Martin. Creation of the guidelines was prompted by last summer's significant flooding. The document has a prioritization of drainage issues for response and analysis and it outlines a response guideline to help residents understand the scope of assistance the Village can provide. President Richardson thanked her and Mr. Martin for their work in bringing clarity to the issue. Ms. Peterson was directed to place the guidelines on the website. Mr. Bateman recommended the Board adopt the guidelines.

Board Action

A motion was made by Trustee Daulton Lange and seconded by Trustee Mitchell to adopt the *Drainage Problem Response-Guidelines* as put forth by the Committee on Roads and Infrastructure.

Upon roll call the vote was:

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

President Richardson declared the motion carried.

12. OLD BUSINESS-None

13. ORDINANCES

A. CONSIDERATION OF AN ORDINANCE – MEDICAL MARIJUANA

Mr. Bateman reported the State of Illinois enacted the Compassionate Use of Medical Cannabis Pilot Program Act which allows for the cultivation and subsequent dispensing of marijuana/cannabis for various medical conditions by licensed physicians. The Act sunsets after 4 years. He provided information regarding the number of dispensaries and cultivation centers that are provided by the Act. He noted that the Act prohibits municipalities from prohibiting the medical cannabis uses authorized by the Act and that it supersedes home rule authority. It does, however, allow municipalities to establish reasonable zoning restrictions. The Village held a public hearing before the Plan Commission on January 23. He briefed the Board on the regulations recommended by the Plan Commission, as follows:

1. A cultivation center or dispensary shall be located only in the M Zoning District, and only pursuant to a Special Use.

2. Drive-through facilities for a cultivation center or dispensary shall not be permitted.
3. Outdoor, window, and/or on-site media displays of merchandise and/or products related to a cultivation center or dispensary shall not be permitted.
4. All exterior signage shall be in compliance with the Sign Regulation, and, no exterior signage, including window treatments over 8 1/2" x 11" in size, shall use the word "marijuana," "cannabis," or any other word, phrase, or symbol commonly understood to refer to marijuana or cannabis.

He informed the Board that the Act has specific required separations for authorized medical cannabis uses from such things as day care centers and schools.

He recommended the Board pass the Ordinance, because they cannot prohibit such uses and therefore need to impose as much zoning regulation as legally possible.

Board Discussion

President Richardson commented that such operations are not sanctioned by the Village but that the Ordinance is imposing regulations as a reaction to a state mandate that allows these types of operations. Trustees affirmed his comments. The Board is voting under necessity as counsel outlined and is not an endorsement of these type of operations. Upon inquiry, Mr. Bateman confirmed a cultivation center is required to be in a free standing building and that distribution centers are not. An inquiry was made if the Lake Barrington Field House which serves children would be included in the restrictions for separation. He confirmed there are restrictions for schools and day care centers, but, in his opinion, the Village cannot impose additional separation requirements than those provided by the Act. He explained that "pre-existing" school or daycare pertains to those that are established prior to a dispensary or cultivation center submitting application to locate in the Village. Mr. Bateman clarified that "specified distance" refers to the various separation requirements included in the Act. He further explained that the Village's approach will be defensible in a zoning challenge because it strictly complies with the Act.

Mr. Bateman recommended the Board pass the ordinance to protect the Village and cautioned that such action may protect the Village from what these operations could potentially become in the future.

Board Action

A motion was made by Trustee Schofield and seconded by Trustee Schaller to adopt Ordinance 2014-O-02, an Ordinance Amending Title 8, "Zoning," of the Village of Lake Barrington Village Code (RE: Village Response to the Compassionate Use of Medical Cannabis Pilot Program Act, Public Act 98-0122, and Amending Section 8-2-2, "Definitions," and Section 8-4-6, "Special Uses").

Upon roll call the vote was:

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

President Richardson declared the motion carried.

B. CONSIDERATION OF AN ORDINANCE – FENCES & BERMS

Mr. Bateman reported this Ordinance corrects a conflict in fence regulations as it relates to the zoning business districts following the adoption of an ordinance a few months ago that amended fence regulations. The attached ordinance allows fences along lot lines in the business districts consistent with the fence regulations.

Board Action

A motion was made by Trustee Schaller and seconded by Trustee Mitchell to adopt Ordinance 2014-O-03, an Ordinance Amending Title 8, "Zoning," of the Village of Lake Barrington Village Code (RE: Section 8-4-4, "B Business District", Section 8-4-5, "O Office and Research District", and Section 8-4-6, "M Manufacturing and Industrial District")

Upon roll call the vote was:

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

President Richardson declared the motion carried.

C. CONSIDERATION OF AN ORDINANCE – TREES & PLANTS

Mr. Bateman reported Village Code has somewhat differing lists for replacement trees in the Tree Preservation code and for acceptable trees in new subdivisions. The Ordinance creates one tree list for the tree preservation ordinance and regulations for new subdivisions. The list was also expanded after Mr. Martin consulted with several arborists and landscape firms. Trustee Mitchell noted "Blue Ash" should be deleted from the list on page 4 of the Ordinance.

Board Action

A motion was made by Trustee Daulton Lange and seconded by Trustee Mitchell to adopt Ordinance 2014-O-04, an Ordinance Amending Title 9, "Subdivisions," and Title 11, "Trees and Plants," of the Village of Lake Barrington (RE: Section 9-5-3, "Required Improvements", Section 11-1-4, "Protection of Existing Trees," and Section 11-1-5, "Removal of Protected Trees") with the revision suggested by Trustee Mitchell

Upon roll call the vote was:

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

President Richardson declared the motion carried.

14. NEW BUSINESS-None

15. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD

None

16. CLOSED SESSION

The Board did not enter Closed Session.

18. ACTION TO BE TAKEN FROM CLOSED SESSION-None

The Board did not enter Closed Session.

19. OTHER

Second Class Scout Seagrist stated he is about to be advanced to First Class Scout and that he is working towards his Eagle rank. He mentioned he helped his brother, Pitcher, with his Eagle Scout corn crib project.

20. ADJOURNMENT: 2nd Class Scout Seagrist called for the motion for adjournment. A motion was made by Trustee Schofield and seconded by Trustee Schaller to adjourn the meeting. 2nd Class Scout Seagrist declared the motion carried, whereupon the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Loretta Peterson
Village Clerk
Recording Secretary