

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF METTAWA, ILLINOIS, HELD AT THE HOUR OF 7:30 P.M. ON APRIL 16, 2019 IN THE COTTONWOOD ROOM OF THE HILTON GARDEN INN HOTEL, 26225 N. RIVERWOODS BOULEVARD, METTAWA, ILLINOIS

A. CALL TO ORDER

Mayor Urlacher called the meeting to order at 7:30 p.m.

B. ROLL CALL

Upon a call of the roll, the following were:

Present: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne and Mayor Urlacher

Absent: None

Mayor Urlacher declared a quorum present.

Also, present: Village Administrator, Bob Irvin; Village Clerk, Sandy Gallo; Representative of the Firm of James Anderson Company, Scott Anderson; Village Attorney, Jim Ferolo of Klein Thorpe & Jenkins, Ltd; Financial Consultant, Dorothy O'Mary; Village Treasurer, Pam Fantus

C. APPROVAL OF MINUTES:

Board Meeting Minutes: March 19, 2019

The Village Board meeting minutes were reviewed. It was moved by Trustee Towne and seconded by Trustee Sheldon that the minutes of the Board Meeting of March 19, 2019 be approved and be placed on file.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne

Nay: None

Absent: None

Mayor Urlacher declared the motion carried.

D. APPROVAL OF BILLS

Trustee Maier reported the amount for bills to be paid this month is \$80,645.99.

It was moved by Trustee Maier and seconded by Trustee Brennan to approve payment of the bills.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne

Nay: None
Absent: None

Mayor Urlacher declared the motion carried and the bills will be paid.

E. TREASURER’S REPORT

Presentation of the Treasurer’s Summary Report for the Month of March 2019.

It was moved by Trustee Maier and seconded by Trustee Brennan that the Board acknowledges receipt of the March 2019 Treasurer’s Summary Report and it be placed on file.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne

Nay: None

Absent: None

Mayor Urlacher declared the motion carried.

F. PUBLIC HEARING

1. Proposed Village of Mettawa Budget for FY2019-2020

Mayor Urlacher said the notice of the public hearing regarding the Village budget for FY2019-2020 was published in the Daily Herald on March 25th. The proposed budget has been made available on the Village website for the last month.

Trustee Sheldon said she noticed the budget included the Village’s quarterly newsletter expense. Trustee Sheldon said she did not understand why with the six-digit salary between the Village Administrator and the Village Clerk, they could not cover the newsletter cost of \$3,600. Not to mention, the Village newsletter could be supported by the Village Clerk who already disperses communications to the residents. Mayor Urlacher said six years ago the Village’s editor role switched from Wendy to Linda Philips. Mayor Urlacher said he could inquire from Mrs. Philips if she would consider reducing her fee. Mrs. Philips does a great job in creating the Newsletter. Trustee Brennan said this editor’s expense amount is reasonable and its ideal to have a Village resident perspective writing the newsletter. Trustee Towne asked if the cost included those newsletters that were being mailed. Village Administrator Irvin said an estimated 20 residents are sent the newsletter by mail.

Resident, Tom Heinz (27157 N. St. Marys Road) said the yearly cost for the Village newsletter was very reasonable.

Trustee Maier said he had no further comments.

Village Administrator Irvin said two amounts were changed from the draft budget. One change was approved at the last Board meeting, the tax rebate program amount increased from \$500,000 to \$600,000. The second change was made for the right-of-way maintenance program going from \$32,000 to \$40,000. No further questions were made about the budget.

A motion was made by Trustee Brennan and seconded by Trustee Bohm to close the public hearing.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne

Nay: None

Absent: None

Mayor Urlacher declared the public hearing closed.

G. COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

Resident, Dr. Richard Fantus (14253 W Riteway Road) said he attended the April 2nd 2-hour ZPA meeting. At this meeting the Village Attorney Rhodes provided excellent information regarding the poultry ordinance. Dr. Fantus said in the zoning code under section 15.1203 special uses, sub-section H.3.D. it discussed manure disposal for stables. Dr. Fantus asked the Village Board to define how manure could be spread on the land in a sanitary and healthful manner. Dr. Fantus would also like clarification on where waste products should be located in relation to the drainage water runoff for large stables. Dr. Fantus also commented he would like to address the large stables greater than 5 stalls to be held accountable to remove their waste from their property weekly. Dr. Fantus welcomed the Boards comments regarding these matters.

Mayor Urlacher said the large stables matter will be discussed at the June 4th ZPA meeting.

H. COMMISSION AND COMMITTEE REPORTS FOR DISCUSSION, CONSIDERATION AND, IF SO DETERMINED, ACTION UPON

1. Finance Committee

a. Recommendation to Approve the Village Budget for FY2019-2020

Trustee Maier said the public discussion has already been held regarding the budget. The two amount changes included the real estate tax rebate program from \$500,000 to \$600,000; followed by an increase to the right-of-way mowing program to be \$40,000 instead of \$32,000. No other amount changes were made to the budget. The Finance Committee reviewed the proposed budget and recommends the budget be approved.

b. Update on a Whistleblowing Policy

Trustee Maier said the Committee has begun to review the Whistleblowing Policy relative only to Mettawa. This policy will not supersede any State or Federal policies. The auditors have provided the Village some templates as guidance. Once the policy has been finalized, the Board and the Village Attorney will receive the final draft.

c. Other Matters

Trustee Maier said the audit submittal link is now available to upload all necessary documents by May 15th. The numbers will be posted after the May meeting as a result of closing the FY 2018-2019.

2. Public Works Committee

a. Recommendation Regarding the Peter Baker Invoice for Deerpath Entrance

Trustee Towne said that IDOT is currently reviewing the traffic light timing at the entrance of Deerpath Farm. The Village has requested the left-turning signal arrow to be extended by 3 or 4 seconds. IDOT will be meeting with Village Administrator Irvin and Trustee Towne at Deerpath Farms to discuss the signal timing.

Trustee Towne added Peter Baker is currently not pursuing the Village. In the meantime, Village Engineer Jamie Anderson received another proposal from Curb Cutters Inc., to address the entrance bump. The Committee will need to decide if the entrance in and entrance out should be finished. A discussion will also be held with Deerpath Farms HOA to determine the level of work the new contractor should complete.

b. Recommendation to Waive Sealed Bids and Approve the Proposal from Dunlap Tree Experts for 2019 ROW Maintenance Program in the Amount Not to Exceed \$40,000

Trustee Towne said the ROW budget increase was due to the contractor change. The budget increase is \$8,000. The mowing program includes mowing along the trails and trimming the trees among other maintenance work.

c. Update on Potential Water Main Extension South of Route 60 Along St. Marys Road

Trustee Towne said the Viglione's have indicated somewhat of an agreement with the proposed project. The resident's survey results show 50/50 for the project. Trustee Towne said the Village Board may need to decide the outcome given the current

survey results. We are currently waiting on the residents' final interest for this project before moving forward.

Village Administrator Irvin said one of the issues presented at this time is the Viglione's 6 lots. Only 4 of the Viglione's lots are buildable, 2 lots are in the floodway. The Viglione's are currently looking into re-subdividing their property to 2 lots. If they subdivide their consolidated lots in later years, the SSA would be reconfigured by the number of new lots. Trustee Towne said the final cost amount will not be impacted with the Viglione's lot consolidation.

d. Recommendation Regarding Tree Removal Along Bradley Road by Oasis Park

Trustee Towne said we have several trees growing under the Oasis Park lines continuously. Village Administrator Irvin proposed removing the trees entirely to reduce ComEd ongoing maintenance. Trustee Towne said ComEd has agreed to meet with the Village to discuss the removal of these trees.

e. Other Matters

Trustee Towne said the hay proposal will be discussed in Parks and Recreation Committee level.

3. Parks and Recreation Committee

a. Recommendation to Approve the Three Year ILM Agreement for Whippoorwill Park Maintenance

Trustee Sheldon said ILM has maintained the Whippoorwill Park for the last four years. The Committee recommends the ILM 3-year stewardship program for ongoing maintenance. Trustee Sheldon added that ILM has provided the Village a reasonable agreement for the maintenance they perform.

b. Update on Obtaining Hay Proposal for 701 Riverwoods Road

Trustee Sheldon said 701 Riverwoods Road lot is about 19 acres. Mr. Haraden will harvest the hay and sell a bale for \$5.75 each. Trustee Towne said Mr. Haraden has agreed to provide a bale discount of \$5.50 for the Mettawa residents. Trustee Sheldon added the harvesting will not occur prior to July 15th to ensure no birds are impacted.

c. Update on the Potential OSLAD Grant

Village Administrator Irvin said OSLAD (Open Space Land Acquisition Development) Grant information the Village received related to the budget amounts from last year. The OSLAD program requires a full plan to be set prior to applying

for the funding. The Committee discussed the possible plans completed for the Oasis Park by Jay Womack. The program also states the development can only be completed at one location. Village Administrator Irvin said he will continue to monitor this program and notify the Committee should funds become available.

Mr. Heinz asked if the corner lot of St. Marys Road and Route 60 could be considered for this program. Mayor Urlacher said the Committee is working on building a berm and removing the buckthorn at that location. Village Administrator Irvin said the Committee is working on having that location cleared for free. Trustee Towne added the Village Engineers are currently working on the design for the berm. The cost of clearing the buckthorn and trees at this corner will be offset with the building of the berm.

d. Other Matters

Trustee Sheldon said MOLA will be hosting their first event on Saturday, April 27th to spread some seeds at Whippoorwill Park. Everyone is welcome to attend and learn about the Village's open space areas.

4. Safety Commission

a. Status and Activity Update

Trustee Pink mentioned the speed-trailers are needed on Bradley and Old School Road to discourage the speeding that is occurring. Trustee Pink stated maybe the Lake County Sheriff could also provide some special details to reduce speeding throughout the Village. Mr. Heinz asked if the speed-trailers would record the cars speed. Dr. Fantus said he too has been passed twice from speeders on Bradley Road this month. Trustee Bohm confirmed he saw the Lake County Sheriff on Old Melody Lane today.

Trustee Pink stated the sign replacement and installation is still moving along.

5. Zoning, Planning and Appeals Commission Report

a. Update on the April 2nd Meeting and Recommendations from the ZPA Regarding Chickens

Mayor Urlacher said the Village Board received the April 2nd ZPA meeting summary from the Village Attorney Rhodes listing the recommendations regarding chickens. Tonights discussion will include, if the Board is inclined, to allow the raising of chickens in the Village. Mayor Urlacher said if the Board has no changes to the recommendations presented, the Village Attorney will draft an ordinance to be voted at the May meeting.

Resident, Liz Leonard (27500 N Meadowoods Lane) said the ZPA Commission did not recommend an ordinance. The ZPA recommended the chickens section to be removed from the zoning code and into the animal regulations. Our recommendation to the Board was based on all municipality's information received from the Village Attorney.

Mayor Urlacher commended the ZPA Commissioners for all their work and efforts in reviewing the poultry ordinance. Mayor Urlacher also thanked the residents that participated at the April meeting and those that submitted letters.

Trustee Brennan asked if the amendment would be to the zoning code or an ordinance in the animal control regulations.

Village Attorney Ferolo confirmed the ordinance would be to amend the Village animal code. The motion would be to direct the Village Attorney to draft an ordinance consistent with the ZPA recommendations, relative to any changes the Board deems to make and it would be a change to the code incorporating a system of regulations.

Trustee Brennan said she has been against the raising of chickens from the beginning. After the fact the zoning code has been violated, the solution is to now allow this action to continue. This behavior is not a good example on how matters should be handled within the Village.

Trustee Pink said under the regulations it indicated at least 4-acres are required to have chickens. How was this lot size determined? Mrs. Leonard said a number of lots within Lake Forest Meadows are technically under 5-acres. Several years ago, the Lake Forest Meadows lot owners gave up their land for the surrounding roads to be built. Properties along the trails land had eminent domain. As a result, the 4-acres limitation allows these property owners to be included. Trustee Pink asked how many properties were impacted by the loss of land. Village Administrator Irvin said Lake Forest Meadows is one of the few that were impacted. Village Administrator Irvin said it is a builder's acre for this requirement.

Mrs. Leonard added any subdivisions with PUDs regulations; those regulations will supersede any of the Village's changes if they are more restrictive.

Trustee Bohm stated Lake Bluff did an extensive review regarding chickens and their lots sizes are smaller than 4-acres and they allow it. Western Springs allows chickens and their lots are less than 4 acres too. Trustee Bohm indicated the maximum number of 6 chickens is to low given the lot sizes some of the residents own. Village Administrator Irvin said a good chicken can lay 4 eggs a week.

Mayor Urlacher asked the Board if they would like to make a decision tonight or wait to the next meeting to decide. Village Administrator Irvin said the Commissioners did a great job in reviewing the 37 municipalities regulations and creating a reasonable best practice list. Village Administrator Irvin said he spoke to both Lake

Bluff and Western Springs regarding their chicken programs. Lake Bluff indicated they took a year in reviewing the details for raising chickens before rolling out a pilot program. Lake Bluff received one application; Western Springs received 2 applications for their chicken program. Results showed residents researched the cost of raising chickens and the expenses may have outweighed the benefits.

Trustee Towne added the Commission did a wonderful job sorting out the guidelines. Trustee Towne indicated the limitation of 4-acres required should be reduced to 2-acres instead. The number of chickens could be set at 6-8 instead. Trustee Towne said the Village should not require a permit to raise chickens.

Mrs. Clark said one of the college studies showed that having a larger number of 6 chicken could create a flocking and socializing issue amongst the group.

Mrs. Leonard said the permit is a one-time charge. The permit would allow the Village to be made aware of which residents are raising chickens. In addition, the Village of Mettawa is one of the few communities that do not require dogs to be permitted.

Trustee Sheldon stated dogs are governed through Lake County regulations. The chickens would indeed have no regulations. Trustee Sheldon said a requirement for an application to be completed is one thing but to charge the resident \$25 does not make sense. Trustee Towne said we should not call it a permit.

Mrs. Clark added the permit is to ensure the Village records lists which residents are raising chickens and setbacks regulations are being adhered. Trustee Sheldon questioned who would be confirming the structure setbacks have been followed. No reply was made.

Trustee Sheldon asked how many residents are under the moratorium. Mayor Urlacher said he is aware of 5 residents.

Trustee Brennan asked if the Village should be polling the residents for their perspective on raising chickens. This matter is not a personal opinion but a Village matter. Trustee Brennan said an example of the residents voicing their opinion was the Village Hall. The Board discussed this matter for years and when the postcards were sent to the residents, the final vote was against building a Village Hall.

Trustee Towne said this discussion has been very transparent with holding a public hearing on this matter.

Dr. Fantus asked if the outlined regulations included no roosters. Mayor Urlacher said yes.

Village Administrator Irvin said he suggested to the Commissioners not to reference a permit but a registration. The goal of a registration is to have an acknowledgment form from the resident indicating they have read the Village requirements and will

adhere to all of the rules. If a complaint is received from a chicken owner, the Village will have the form to fall back on and state they signed and agreed to follow the set regulations.

Dr. Fantus mentioned bee keepers also need to register.

Mayor Urlacher asked for a Board consensus on the next steps.

Trustee Bohm said the process should require a registration but no fee should be charged. In addition, the resident should receive a copy of the regulations for their records. Village Administrator Irvin said the signing of the document would be part of the registration. Trustee Towne said we should do some research to determine if there are any 2-3 acres lots that can qualify and not be excluded.

Village Attorney Ferolo said he will draft an ordinance based on the ZPA's recommendations and the Boards comments. At the next Board meeting, the ordinance will not need to be adapted and further amendments could be proposed.

Trustee Bohm asked what PUDs would be restricted from having chickens. Trustee Bohm inquired about Tom Lys property. Village Administrator Irvin said Tom Lys single 37 acres subdivision indicates chickens are allowed until it is turned over into an association. Deerpath Farms is not allowed to have chickens.

Trustee Sheldon said Riverside Preserve is a PUD and it was never turned over. Village Administrator Irvin said Riverside Preserve subdivision follows the Village ordinances and most of those lots are under 4-acres. The Crest prohibits raising of chickens and those are 5-acre lots.

Village Administrator Irvin said he will provide which lots are approximately 4-acres or greater. The prohibition of raising poultry is in the zoning code. The ZPA is recommending to move poultry into the animal control regulations.

Trustee Sheldon said the Board should move forward with the ordinance to get started. Trustee Maier asked how are dead chickens disposed of. Trustee Towne replied they can be bagged and put into the waste bin.

I. BUSINESS FROM THE BOARD FOR DISCUSSION, CONSIDERATION AND, IF SO DETERMINED, ACTION UPON:

1. Mayor's Report

a. Update on the House Bill 270 Regarding Sales Tax Sourcing

Mayor Urlacher said the House Bill 270 goal is to try to change the sales tax from the point-of-sales to the point-of-delivery. The Village would be highly impacted with the recent acquisition of Grainger. The bill is still in the appropriation stage. Mayor

Urlacher added tonight the budget will be approving an increased amount for the tax rebate program; however, the Board will need to be financial equipped if this bill gets approved.

b. Small Wireless Facility Design, Stealth and Concealment Standards

Mayor Urlacher said the Board received a memo from the Village Attorney regarding the need to adopt standards for small wireless facility design, stealth and concealment.

c. Building Report

Mayor Urlacher thanked Village Engineer Scott Anderson for the monthly building report and said it would be placed on file.

d. Other Matters

Mayor Urlacher said he received a communication from the Rondout Superintendent regarding a new truck stop being built off of Route 176 next to the Harley Davidson shop in Green Oaks. Mayor Urlacher said should he receive the Superintendent's email early; the construction update will be included in the Village Newsletter. If not, a separate communication will be sent to the residents.

e. Village Administrator's Report

Village Administrator Irvin said the Village Newsletter will be sent out by the end of next week. The Bradley Road bridge contractors have returned to complete some final work and the surrounding landscaping. The contractors will also be completing the resurfacing of the two Oasis access roads.

Trustee Bohm commented St. Marys Road repaving will commence soon. Trustee Sheldon added she received an email that the hydrant flushing will be completed in the next couple weeks.

2. UNFINISHED BUSINESS

3. NEW BUSINESS

a. Approval of an Ordinance Adopting the Annual Budget for FY2019-2020

It was moved by Trustee Maier and seconded by Trustee Brennan to approve the ordinance adopting the Annual Budget for FY2019-2020.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne

Nay: None

Absent: None

Mayor Urlacher declared the motion carried.

b. Approval of the ZPA Recommendations Regarding the Raising of Chickens and Directing the Village Attorney to Draft an Ordinance to Regulate Chickens in the Village

It was moved by Trustee Maier and seconded by Trustee Bohm to approve the ZPA recommendations regarding the raising of chickens and directing the Village Attorney to draft an ordinance to regulate chickens in the Village.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Maier, Pink, Sheldon and Towne

Nay: Trustee Brennan

Absent: None

Mayor Urlacher declared the motion carried.

c. Approval of the Waiving of Sealed Bids and the Proposal from Dunlap Tree Experts for the 2019 ROW Maintenance Program in the Amount Not to Exceed \$40,000

It was moved by Trustee Bohm and seconded by Trustee Maier to approve the waiving of sealed bids and accepting the proposal from Dunlap Tree Experts for the 2019 ROW maintenance program in the amount not to exceed \$40,000.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne

Nay: None

Absent: None

Mayor Urlacher declared the motion carried.

d. Approval of Three Year ILM Agreement for Whippoorwill Park Maintenance

It was moved by Trustee Bohm and seconded by Trustee Sheldon to approve the three-year ILM agreement for Whippoorwill Park maintenance.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne
Nay: None
Absent: None

Mayor Urlacher declared the motion carried.

e. Approval of the Recommendation for Tree Removal Along Bradley Road by Oasis Park

It was moved by Trustee Pink and seconded by Trustee Sheldon to approve the recommendation for the tree removal along Bradley Road by Oasis Park.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne
Nay: None
Absent: None

Mayor Urlacher declared the motion carried.

f. Approval of the Resolution Ratifying the Adoption of Written Design Standards for Small Wireless Facilities Within the Village

It was moved by Trustee Maier and seconded by Trustee Bohm to approve the resolution ratifying the adoption of written design standards for small wireless facilities within the Village.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne
Nay: None
Absent: None

Mayor Urlacher declared the motion carried.

- J. EXECUTIVE SESSION**
- K. CALL TO RECONVENE**
- L. ROLL CALL**
- M. MATTERS REQUIRING ACTION ARISING AS A RESULT OF THE EXECUTIVE SESSION**
- N. ITEMS TO BE REFERRED**
- O. FOR INFORMATION ONLY**
- P. ADJOURNMENT**

With no further business to conduct, it was moved by Trustee Brennan and seconded by Trustee Sheldon that the meeting be adjourned.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne

Nay: None

Absent: None

Mayor Urlacher declared the motion carried and the meeting adjourned at 8:26 p.m.

Sandy Gallo, Village Clerk