

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 MAY 21, 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: April 16, 2019

The Village Board meeting minutes were reviewed. It was moved by Trustee Sheldon and seconded by Trustee Pink that the minutes of the Board Meeting of April 16, 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 \$303,610.98.

Trustee Maier said this month's invoices included a payment for the debt service for the General Obligation Bond interest only in the amount of \$19,503.13. A payment for White Lodging Service Corporation hotel tax is also being made in the amount of \$184,323.82. The hotel tax distribution is at the highest level, the Village receives 70% and the hotel

receives 30%. The Sheriff's office bill for April services has already been paid; therefore, no charge is reflected this month.

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. ADJOURNMENT SINE DIE

It was moved by Trustee Maier and seconded by Trustee Brennan to adjourn this meeting.

All in Favor: All

All Opposed: None

Mayor Urlacher declared the motion carried and the meeting adjourned at 7:33 pm.

F. INAUGURATION OF NEWLY ELECTED VILLAGE OFFICIALS

Trustees Pink, Towne and Sheldon were sworn in by the Village Clerk.

G. CALL OF ORDER

Mayor Urlacher called the meeting to order at 7:38 PM.

Upon a call of the roll, the following were:

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

Absent: None

Mayor Urlacher declared a quorum present.

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

H. TREASURER'S REPORT

Presentation of the Treasurer's Summary Report for the Month of April 2019.

It was moved by Trustee Maier and seconded by Trustee Sheldon that the Board acknowledges receipt of the April 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.

I. PUBLIC HEARING

J. COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

Resident, Tom Heinz (27157 N. St. Marys Road) said he has a brochure for the Des Plaines River Watershed-Based Plan he would like to provide the Board. Mr. Heinz recommended to distribute this information to the residents surrounding the Des Plaines River.

Resident, Miriam Kaufman (14060 W. Old School Road) read her letter to the Village Mayor, Board of Trustees and to the neighbors dated May 17, 2019 regarding the animal violation she received from James Anderson Company. This letter is on file with the Village Clerk.

Mayor Urlacher read the email received from resident, Holly Hirsch (707 N. Bradley Road) regarding the Oasis Park prescribed burn. This email is on file with the Village Clerk.

Trustee Sheldon said she has been on the Board 4 years. During this time, the Committee has completed the trail off of Route 60. This Route 60 trail had been in the works for about 5 to 7 years prior to its completion. The Oasis Park required the trail to be relocated for safety purposes. The trails relocation took a year to accomplish due to the various action items required along with the limiting weather. The grant section was completed by North Branch Chicago River Watershed. A contractor has been hired to seed and create native areas around the park. The goal is to continue to add plants and trees as the budget allows. The Oasis Park will take a few years for it to be fully grown or for the pollinator gardens to get established. Trustee Sheldon said the Committee has been working on the Oasis Park continuously. Village Treasurer Fantus said the Oasis Park is the best trail in the Village and its level. Mayor Urlacher said he will forward the email to Trustee Sheldon and asked her to follow-up with Holly Hirsch.

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

1. Finance Committee

a. Update on the Whistleblowing Policy

Trustee Maier said the Board received the Whistleblowing Policy Ordinance draft with a copy of the Zoning Code Section 1.102. Trustee Maier asked the Trustees to read these two documents to determine if they had any questions prior to adopting this ordinance. The Village is also protected by the State Ethics Act. However, this policy was recommended by the Auditors for the Village's protection.

Trustee Towne asked Village Attorney Ferolo if he drafted the Whistleblowing Policy. Village Attorney Ferolo said yes. This draft was based on the most recent adopted policy by Lincolnshire with some minor changes to address Mettawa not having employees, only contractors.

b. Update on the 2019 Tax Rebate Program and Schedule

Trustee Maier said the Committee is currently working on updating this year's tax rebate documentation. The goal is to have the application mailed to residents by mid-July. Further details will be provided at the June meeting.

c. Update on the FY2018-2019 Audit

Trustee Maier said the Auditors have received all of the required documentation along with a copy of the Trial Balance.

d. Other Matters

Trustee Maier said he will be participating in an annual conference call with Moody's Investors to review the Village's finances due to their general obligations and investments. The Village Administrator Irvin will also be participating in this conference call.

2. Public Works Committee

a. Recommendation to Approve the 2019 Clarke Environmental Mosquito Abatement Agreement

Trustee Towne said the Committee approves the agreement for Clarke in the amount of \$26,304.00. This agreement has a 2.4% increase from last year in the amount of \$618.

Trustee Pink mentioned residents indicated the mosquito treatment is not impactful. Trustee Pink asked if the Village should consider additional sprays. Trustee Towne said last year we had an unusual wet summer which created additional mosquitos. Trustee Sheldon mentioned Clarke will spray residents' long driveways aiming to treat additional areas. Trustee Pink asked if any additional treatments should be added to the agreement. Trustee Bohm said the Village has a number of open water areas which generates additional mosquitos. Trustee Maier added Clarke is one of the better companies that own larger equipment to effectively spray municipalities.

Resident, Dr. Fantus mentioned last year the Board received information of additional applications to help reduce mosquitos.

Village Administrator Irvin added another action the Village can take is to ask Clarke to test different areas for larva sighting. The collection of data is fairly expensive and it takes a year to receive results. The last time data was collected was 2009. Village Administrator Irvin said the housing development layout of the Village has not changed much since 2009. However, the Village Administrator will follow-up with Clarke to determine if any new areas should be considered for larva sighting testing.

b. Other Matters

3. Parks and Recreation Committee

a. Recommendation to Approve the Hay Proposal from Bob Haraden for 701 Riverwoods Road

Trustee Sheldon said Bob Haraden will be haying the 19 acres at 701 Riverwoods Road. The residents will be able to purchase a bale at the discounted price of \$5.50 per bale. The field will be cut after July 15th. Trustee Towne asked Trustee Bohm to let Bob Haraden know if he could cut the field prior to July 15th to ensure the quality of the hay is not compromised.

b. Update on the V3 2018-2019 Contract Regarding Oasis Park Seeding

Trustee Sheldon said V3 has been approved to commence the drill seeding along with adding native plantings.

c. Other Matters

Trustee Sheldon said she would like to acknowledge MOLA's continues support throughout the Village. Special thanks to resident, Keith Gray from ILM who has donated ILM employee time and equipment to seed Whippoorwill Park. Resident, Larry Falbe also continues to develop MOLA and their contribution to the Village. A special recognition also goes to Drew Johnson, a non-resident member who has

provided his landscaping architecture support in the development of the Village's open spaces.

Trustee Bohm added the Oasis Park currently has staked flags marking where the pollinating gardens will be planted. In the wooded areas of the park, some plants have already been added.

4. Safety Commission

a. Status and Activity Update

Trustee Pink said she spoke with Village Administrator and the two speed-trailers should be placed throughout the Village in the next week.

Trustee Pink added Howe Security reported dirt bike riders in the Village. Dirt bike riders were also reported on Alexandra Drive and on Farewell Road. This matter will require the Sheriff's department to apprehend these riders.

Resident, Dr. Fantus asked if Howe Security had a dash camera on the vehicle. Howe Security does not have cameras on their dashboard.

Resident, Rick Philips (14701 IL Route 60) said he too saw the dirt bike riders in Deerpath Farms open areas.

Resident, Mr. Heinz asked if fencing can be placed in areas to discourage the riders.

5. Zoning, Planning and Appeals Commission Report

Mayor Urlacher said the next ZPA meeting will be held on Tuesday, June 25th to review the rewrite of the zoning ordinance. The ZPA Chairman Krusinski said he looks forward to reviewing the final report.

Resident, Liz Leonard asked if the Commissioners could obtain the Camiros report well in advance to the meeting date. Village Administrator Irvin said the documents will be delivered 2 weeks in advance of the meeting.

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

1. Mayor's Report

a. Mayor's Annual Report

Mayor Urlacher said he would like to reflect on the Board's highlights for the last fiscal year. To name a few key projects and accomplishments include; property tax rebate in the amount for \$500,000 resulting in the largest rebate, trees being added to Whippoorwill Park, the relocation of the trail at the Oasis Park, the 5th annual picnic was held, the acceptance of a clean audit report, an approved balanced budget, a maintained property rate at the same amount for the last 21 years and the annexation of Grainger's 114 acres open space in an economical incentive agreement into the Village.

b. Reappointment of the ZPA Commission Members

Mayor Urlacher said he would like to reappoint Liz Leonard, Mark Meluso and Orren Pickell to the Zoning, Planning and Appeals Commission for 3-year terms.

Mayor Urlacher thanked the reappointed Commissioners for all their hard work and contribution to the Commission.

It was moved by Trustee Bohm and seconded by Trustee Brennan to the reappointment of the ZPA Commissions members.

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.

c. Date of the Village Picnic

Mayor Urlacher said the Village picnic will be held on Saturday, August 24th from 11:00-2:00 pm at St. Basil's Church. Corkys Catering will be provided the food. This picnic will mark the 6th year celebration. Mayor Urlacher asked the Trustees to email himself or the Village Clerk on any catering or entertainment ideas they may have.

d. Blackboard Connect Agreement for 2019-202

Mayor Urlacher said the Blackboard Connect agreement is up for renewal in the amount of \$1,627.54. This communication tool will be utilized in case of an emergency.

e. Discuss Establishing A Moratorium on the Issuance of Ordinance Citations for Violations of the Keeping and Raising of Livestock

Mayor Urlacher said his brother Brian Urlacher had animals for 4-years. Upon being electing Mayor, Brian was asked to remove his illegal animals.

Mayor Urlacher said this meeting's goal is to get a consensus to either keep the moratorium or refer this issue to the ZPA. Mayor Urlacher said this matter will have ample amount of time for the residents to voice their opinions at ZPA workshops, public hearings and then this matter will reappear at the Board meeting.

Village Attorney Ferolo said a statement was made from a resident earlier in the meeting about livestock. Village Attorney Ferolo said a few incorrect comments were made by the resident. One comment included; James Anderson had no right to issue the violation notice and that did not follow Village procedures. James Anderson is the Zoning Administrator and within the zoning code Section 15.402 B, the Village Administrator's duty is to enforce the Village's zoning code. The Zoning Administrator is responsible to carry out the notice of violation to the property owner. Village Attorney Ferolo said he reviewed the notice of violation that was issued. In the zoning code within the R-1 district, the agriculture uses are allowed. The definition of agriculture uses excludes the raising and feeding of livestock and poultry. Livestock is defined as animals other than horses, farm animals such as cows, bulls, goats and/or pigs that are kept, raised, and/or used by people. Village Attorney said he reviewed the United States Department of Agriculture's definition of livestock which included lamas, alpacas and sheep. As a result, the notice of violation was issued based on the current zoning code regulations. The Zoning Administrator would not be able to enforce the zoning code if each matter needed to be presented to the Board prior to the issuance of a violation. The Zoning Administrator notice of violation is not a ticket, but a request to remedy the issue with the authority from the Village.

Resident, Joanne Gray (14540 W. Old School Road) asked if James Anderson was implying, he was doing an inspection at 6 pm. Village Attorney Ferolo said a Zoning Administrator has the right to inspect if he has received notification of a violation and ordering a remedy.

Trustee Towne said the nature in which the notice of violation was delivered was upsetting. Trustee Towne said he disagrees with the agriculture use definition under the R-1 and R-2 parcels. The agriculture use definition is outdated from another Village's impact to our ordinance and it should be further reviewed. Trustee Towne said a moratorium is warranted for this matter to be discussed at a ZPA meeting.

Trustee Sheldon requested if a notice of violation is to be served the Trustees should receive an email warning. Village Attorney Ferolo stated this request is a policy change not a legal issue.

Village Attorney Ferolo stated a referral would be needed if this matter requires to be handled by the ZPA. Village Administrator Irvin added a public hearing would also follow when a recommendation to the zoning code is made.

Trustee Maier commented Camiros has been hired to help review our zoning codes. If a moratorium is going to be drafted let us address all the animals that would be impacted at one time. Trustee Towne said he suggested that at a prior meeting to address all farm animals but it wasn't followed through.

Trustee Brennan said her understanding was the resident received a letter of violation after her barn had burned down. Ms. Kaufman said she did not receive any communication from James Anderson. As a matter of fact, James Anderson was present after the fire and nothing was mentioned about the alpaca. Ms. Kaufman stated she was unable to find the zoning code. Village Attorney reminded Ms. Kaufman that the Village code could be accessed through the Village website and provided the tab name.

Trustee Sheldon said if a moratorium is going to be drafted on this matter the period in which it will be completed should be realistic.

Trustee Bohm asked if the code distinguishes between raising livestock for commercial purposes as oppose to raising these animals as pets.

Village Attorney Ferolo said the Board will need to determine which parts of the code should be considered in the moratorium. A motion would than be to refer a portion to the ZPA for consideration of a moratorium.

Trustee Sheldon said her concern surrounds the resident that was given a notice of violation to resolve the issue within 30 days. If the Board, is going to review this matter the resident is still limited to 30 days. Village Attorney Ferolo said the Zoning Administrator would notify the resident in writing of how her matter would be addressed as a result of this meeting.

Village Attorney Ferolo said the Board will need to decide if a moratorium is required to address this issue or if this matter will be referred to the ZPA for review.

Chairman Krusinski said the ZPA met and developed a memorandum dated April 9, 2019 regarding the keeping and raising of chickens. The ZPA did not make any recommendations if chickens should be allowed in the Village. The ZPA instead made a recommendation that this zoning regulation ordinance issue be moved into the animal control section. The final ZPA recommendation included that the Mayor and Board of Trustees vote rather or not the keeping and raising of chickens is allowed. If the vote resulted favorable, the ZPA would develop regulations for keeping and raising of the chickens.

Trustee Bohm said he agreed with Chairman Krusinski comments regarding the Board should decide if chickens need to be considered pets and not livestock.

Village Attorney Ferolo said a consensus can be taken but it will not be a vote. Village Attorney added the procedure is to have this matter discussed at a ZPA meeting to allow a public hearing to be held for a zoning change.

A consensus was taken to determine if a moratorium was needed. The Yes votes included, Trustees Sheldon and Towne. The No votes included, Trustees Bohm, Brennan, Maier and Pink.

Trustee Towne stated a citation will need to be issued to all of the residents that have a violation. Mayor Urlacher said that will not be a problem to complete. Trustee Towne did not agree with this outcome.

Ms. Kaufman asked why didn't the chicken owners receive citations. Mayor Urlacher said they did receive citations.

Trustee Towne asked if the state statute within the Department of Agriculture District stated anything over 200,000 square feet or more can be constituted as a farm; therefore, farm animals would be allowed. Village Attorney Ferolo said at this time he did not agree with Trustee Towne's comment.

Trustee Towne stated the property value will diminish for those property owners who have 5-acres or more and no farm animals being allowed. Mayor Urlacher said the ZPA is working backwards in addressing these issues. Mayor Urlacher added Trustee Towne's interpretation of the ZPA zoning code is not always aligned with the Village Attorney commentary or the way it is written. Trustee Towne disagreed with this comment. Mayor Urlacher said the Board reached a consensus and we are going to move forward with this meeting. Trustee Towne asked the Village Attorney to clarify what the Board's had agreed upon. Trustee Bohm said the livestock will be addressed at a later time.

Village Attorney Ferolo said the Board's consensus result of 4-2 against sending this matter to the ZPA means, there will not be a consideration for a moratorium on the enforcement of livestock regulations in the R-1 district. As a result, livestock is not allowed in an R-1 district. The current violation issued by the Village Administrator will be followed through. Ms. Kaufman said she has not seen other violations be issued. Mayor Urlacher added other chicken violations have been issued and residents are not alerted of these issuances.

f. Building Report

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

g. Other Matters

Trustee Bohm asked how he could go about requesting from the Village to research the issue of livestock to determine if livestock should be allowed.

Village Administrator Irvin said Camiros was not told to develop an ordinance to regulate livestock. The ZPA is reviewing the draft of the rewrite of the zoning code and best practices received during the technical report meeting.

h. Village Administrator's Report

Village Administrator Irvin said the Tollway Authority is completing the Bradley Road bridge landscaping and sign replacements. The Tollway will also be resurfacing the two access roads which will save the Village a significant amount of tax dollars.

Village Administrator Irvin added Trustee Bohm had requested a few months ago if Lake County would reduce the speed limit around Costco. A letter was sent and the Mayor just received approval for the speed reduction from 45 to 40 MPH.

2. UNFINISHED BUSINESS

3. NEW BUSINESS

a. Approval of the 2019 Clarke Environmental Mosquito Abatement Agreement

It was moved by Trustee Towne and seconded by Trustee Pink to approve the 2019 Clarke Environmental Mosquito Abatement agreement.

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 Bob Haraden's Hay Proposal for 701 Riverwoods Road

It was moved by Trustee Towne and seconded by Trustee Sheldon to approve Bob Haraden's hay proposal for 701 Riverwoods Road.

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.

c. Approval of the Blackboard Connect Agreement for 2019-2020

It was moved by Trustee Pink and seconded by Trustee Brennan to approve the Blackboard Connect agreement for 2019-2020.

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.

d. Approval of the Ordinance Amending the Mettawa Code of Ordinances With Respect to the Keeping of Chickens

It was moved by Trustee Maier and seconded by Trustee Sheldon to approve the ordinance amending the Mettawa Code of ordinances with respect to the keeping of chickens.

Trustee Pink requested clarity of this ordinance. Village Attorney Ferolo said this ordinance was drafted based on the ZPA recommendations. Trustee Brennan said a permit should be required but no monetary amount needs to be collected; unannounced inspections are needed to ensure owners are following the Village's regulations. Village Attorney Ferolo said the ordinance does include the permit requirement but it does not state unannounced inspections will be completed. Village Attorney Ferolo said if a property owner does not allow you on his property, you cannot trespass.

Trustee Bohm stated dogs and cats are not inspected.

Resident, Wendie Clark (15409 W. Old School Road) said the ZPA recommended a permit be required to ensure the owner sign the agreement understanding the regulations to owning chickens. The inspection would only be essential if a complaint was received. Trustee Bohm agreed with this recommendation. Village Attorney Ferolo said once a complaint is received an inspection would be required.

Trustee Pink asked if the statement of sale of eggs will not be permitted on the property, be changed to within the Village. Village Attorney Ferolo said that change could not be reinforced.

Trustee Towne said he would like to make a few changes to the ordinance. On page 1 second paragraph, after keeping of the chickens- add and other farm animals. Other farm animals to be discussed. The chicken wire and locks qualification are not necessary. The last change impact the locations of the chickens and the pens. Instead of behind the principle structure, can it be changed to the side of the principle dwelling. Chairman Krusinski said the Commissioners were uncertain of how to draft this section; however, the goal was to not have the coop or pen be visible from the street frontage. Chairman Krusinski said the locks were only suggested to ensure the chickens were safe from predators.

Trustee Brennan suggested this ordinance be tabled to include some of the modifications discussed at today's meeting. Trustee Towne said the Lake County ordinance should also be reviewed during this process. Trustee Towne asked the Village Clerk to send out the electronic Lake County document to all of the Trustees.

A motion was moved by Trustee Brennan and seconded by Trustee Maier to table the ordinance amending the Mettawa Code of ordinance with respect to keeping of chickens.

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.

M. EXECUTIVE SESSION

At 9:05 p.m., it was moved by Trustee Brennan and seconded by Trustee Bohm to adjourn the meeting into Executive Session to discuss potential land sale and review of executive session minutes.

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.

N. CALL TO RECONVENE

At 9:50 p.m., Mayor Urlacher reconvened the public portion of the meeting.

O. ROLL CALL

Upon a call of the roll, the following were:

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

Absent: None

Mayor Urlacher declared a quorum present.

Also, present: Village Administrator, Bob Irvin; Village Clerk, Sandy Gallo; Village Attorney, Jim Ferolo of Klein Thorpe & Jenkins, Ltd;

P. MATTERS REQUIRING ACTION ARISING AS A RESULT OF THE EXECUTIVE SESSION

Q. ITEMS TO BE REFERRED

R. FOR INFORMATION ONLY

S. 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 9:55 p.m.

Sandy Gallo, Village Clerk