

**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 TUESDAY, JUNE 18, 2013, IN THE SAVANNAH 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 7:35 p.m.

**B. ROLL CALL**

Upon a call of the roll, the following were:

Present: Trustees, Brennan, Clark, Lane, Maier, Towne and Mayor Urlacher

Absent: Trustee Armstrong

Mayor Ray declared a quorum present.

Also present: Scott Anderson, representative of the firm of James Anderson Co., Attorneys James V. Ferolo and Gregory T. Smith of Klein Thorpe & Jenkins, Ltd.; Village Clerk, Cathy Nelson, Deputy Treasurer Lisa Dieter and Financial Consultant, Dorothy O'Mary

**C. APPROVAL OF MINUTES**

1. Regular Meeting of the Mayor and Board of Trustees: May 21, 2013
2. Special Meeting of the Mayor and Board of Trustees: June 4, 2013

It was moved by Trustee Towne seconded by Trustee Brennan that the minutes of the Regular Board Meeting of May 21, 2013 and the minutes of the Special Board Meeting of June 4, 2013 be approved as presented.

Upon a call of the roll, the following voted:

Aye: Trustees Brennan, Clark, Lane, Maier, and Towne

Nay: None

Mayor Urlacher declared the motion carried and the minutes approved and placed on file.

**D. APPROVAL OF BILLS**

1. Bills Submitted for Payment
2. Other Bills Paid by the Village treasurer in Anticipation of this meeting.

It was moved by Trustee Maier, seconded by Trustee Lane to approve bills submitted for payment and other bills paid by the Village Treasurer in anticipation of this meeting for a total amount of \$142,067.74

Trustee Lane questioned the bill for Salt in the amount of \$5,000.00 and Village Engineer responded that this bill was for replenishment of the Village Salt inventory stored at Lake Forest and fulfilled the contract thru 2014.

Upon a call of the roll, the following voted:

Aye: Trustees Brennan, Clark, Lane, Maier, and Towne

Nay: None

Mayor Urlacher declared the motion carried.

**E. TREASURER'S REPORT**

Presentation of the Monthly Report for the Month of May, 2013

It was moved by Trustee Maier, seconded by Trustee Brennan that the Board acknowledge receipt of the first monthly Treasurer's Report for the new fiscal year and place it on file.

Upon a call of the roll, the following voted:

Aye: Trustees Brennan, Clark, Lane, Maier, and Towne

Nay: None

Mayor Urlacher declared the motion carried.

Mayor Urlacher informed the Board that in the first month of the new fiscal year, the Village has a surplus of \$76, 700.00

**F. COMMUNICATIONS AND PETITIONS FROM THE PUBLIC**

1. No citizens were heard
2. Written communications of citizens to be read
  - a. A Letter From Resident Thomas Heinz Regarding Zoning, Planning and Appeals Commission Findings of Fact and Recommendation to the Board Regarding Code Amendments.

The Village Clerk read the letter from Mr. Heinz of 27157 N. St. Marys Road, Mettawa and the Mayor referred the letter to item G.5.a, Zoning Planning and Appeals Commission later in the meeting.

- b. A Letter From Resident Rick Phillips Regarding Zoning, Planning and Appeals Commission Findings of Fact and Recommendation to the Board Regarding Minimum Size Requirements.

The Village Clerk read the letter from Mr. Phillips of 36403 N. Farwell Road and the Mayor referred the letter to item G, 5.a; Zoning Planning and Appeals Commission later in the meeting.

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

1. Finance Committee

- a. Update and Recommendation to Approve a Contract with Village Billing Consultant, Dorothy O'Mary, Pending Legal Review

It was moved by Trustee Maier, seconded by Trustee Brennan to approve a contract with Village Billing Consultant Dorothy O'Mary pending legal review

Trustee Maier stated that the Village will buy out Ms. O'Mary's Account Temps contract and that her new contract will be as a part time (20 hours a week) independent contractor at \$3,500.00 a month. The Village will also pay her insurance bond. This will amount to a 25% savings

Upon a call of the roll, the following voted:

Aye: Trustees Brennan, Clark, Lane, Maier and Towne

Nay: None

Mayor Urlacher declared the motion carried.

- b. Update: Oasis Business Tax by Trustee Brennan

Trustee Maier updated the Board that there is only one issue left with the Oasis and thanked Trustee Brennan for her work.

- c. Update: Research of Village Engineering Services by Trustee Lane.

Trustee Maier informed the Board that that Finance Committee will be recommending at the next Board meeting approval to conduct an RFP for Village Engineering work, using a third-party for analysis in the amount of \$1,400.00

- d. Update: Preparation for Rebate Program

Trustee Maier informed the Board that work is beginning on the Tax Rebate and that the Finance Committee will be re-working the application and letter to simplify and make it more user-friendly. The applications will go out the end of July, 2013 with a return deadline of October 1, 2013.

- b. Other Matters: No matters presented for discussion

2. Public Works Committee

- a. Update: Paving Bids for Bradley Road

Trustee Towne informed the Board that bids on this project, which also include Little St. Marys Road, resurfacing are due July 9, 2013

b. Update: Village Hall Work

Trustee Towne informed the Board that the Village Hall Options and costs will be sent to the Finance Committee in July for review and recommendation.

Also, that the Driekosen property has been mowed.

It was agreed that Mayor Urlacher will go thru the house with resident-architect Tom Heinz, to see if any other options are available for making this site the Village Hall.

c. Other Matters: Special Service Area No. 15: Water Update:

Attorney Ferolo stated that that waivers are being sent out so that the waiting time can be shortened and if the response is favorable, an ordinance will be presented to the Board for approval of the Special Service Area No. 15

3. Parks and Recreation Committee

- a. Recommendation to Approve a Proposal From Teska & Associates of Evanston, Illinois to Prepare Conceptual Park Master Plan Options for Whippoorwill Farm Park and Preserve for the Village of Mettawa in an Amount Not to Exceed \$4, 450.00 Pending Legal Review

It was moved by Trustee Towne, seconded by Trustee Lane to Approve a Proposal From Teska & Associates of Evanston, Illinois to Prepare Conceptual Park Master Plan Options for Whippoorwill Farm Park and Preserve for the Village of Mettawa in an Amount Not to Exceed \$4, 450.00 Pending Legal Review

After discussion and a call of the roll, the following voted:

Aye: Trustees Brennan, Clark, Lane, Maier and Towne

Nay: None

Mayor Urlacher declared the motion carried.

- b. Recommendation to Approve the Bid From Ehlers & Juhrend of Park City, Illinois in an Amount to be Paid the Village of \$207,000.00 With a \$31,000.00 Reserve Held for Bradley Road Repairs During Work for Berm Construction at Oasis Park on the South-east Corner of Bradley Road and the Tollway Oasis Access Road, Pending Legal Review.

It was moved by Trustee Towne, seconded by Trustee Brennan to Approve the Bid From Ehlers & Juhrend of Park City, Illinois in an Amount to be Paid the

Village of \$207,000.00 With a \$31,000.00 Reserve Held for Bradley Road Repairs During Work for Berm Construction at Oasis Park on the South-east Corner of Bradley Road and the Tollway Oasis Access Road, Pending Legal Review.

Upon a call of the roll, the following voted:

Aye: Trustees Brennan, Clark, Lane, Maier and Towne  
Nay: None

Mayor Urlacher declared the motion carried.

- c. Other Matters: No other matters presented for discussion
4. Safety Commissioner
    - a. Update: Western Open Gold Classic  
Trustee Clark reminded the Board that the Western Open is being held at Conway Farm September 13<sup>th</sup> through the 15<sup>th</sup> and there is nothing new to report.  
Denis Bohm of 600 Riverwoods Road asked about mail and newspaper delivery and discussion ensued regarding garbage pick-up, event parking, possible amusement tax, and permits allowing local residents access to their properties on Riverwoods Road.
    - b. Other Matters: No other matters were presented for discussion
5. Zoning, Planning and Appeals Commission
    - a. Case No. 13-TA-1: Consideration of Findings of Fact and Recommendation to Approve Text Amendments Regarding: 1) special user penalty provisions, 2) standards in the R-1 Single Family Residence District, 3) the treatment of non-conforming buildings and uses, and 4) notice standards for applications for zoning relief.  
And:
    - b. Consideration of, and action on, request by the Zoning, Planning and Appeals Commission regarding bulk and height regulations for structures in the R-1 and R-1 Single Family Residence Districts.

Mayor Urlacher stated that given the two resident letters read earlier about these ZPA recommendations and the fact that the Board needs more time for review; he will entertain a motion to refer these two items to the Building Department

and Trustee Towne for further investigation and input to the Board at the next regular Board meeting in July, 2013.

It was so moved by Trustee Clark, seconded by Trustee Brennan

Upon a call of the roll, the following voted:

Aye: Trustees Brennan, Clark, Lane, Maier and Towne

Nay: None

Mayor Urlacher declared the motion carried and the matter referred.

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

1. Mayor's Report

- a. Appointment of a Part-Time Village Administrator and Approval of an Independent Contractor Agreement for Village Manager Services.

Mayor Urlacher entertained a motion to approve Bob Irvin of Libertyville, Illinois as Village Administrator and to approve an Independent Contractor Agreement for Village Manager Services.

After discussion of hours, availability to the board and length of contract, it was moved by Trustee Maier, seconded by Trustee Clark to approve Robert Irvin as the Village Administrator in accordance with the consulting agreement presented to the Board.

After further discussion, the motion was amended by Trustee Brennan, seconded by Trustee Maier to approve Robert Irvin as the Village Administrator in accordance with the consulting agreement presented to the Board, with the following revisions:

There shall be a section that provides that the consultant provides weekly reports via email to the Board of the activities undertaken during the week and secondly, section 7b be amended to include that the consultant shall not issue any news releases or make other public statements regarding the work of the administrator without the approval of the Mayor and the Village Board.

Upon a call of the roll, the following voted:

Aye: Trustees Brennan, Clark, Lane, Maier and Towne

Nay: None

Mayor Urlacher declared the motion carried.

- b. Update: county Administrator's Position on a Contract for Sheriff's Patrol in Mettawa

Attorney Ferolo and Mayor Urlacher updated the Board on the Lake County Administrators position on a contract for Sheriff's patrol.

Mr. Ferolo stated that the Village is looking at a second special service area in the community (North-east corner of Old School and St. Marys road) and that he and former Mayor Ray had met with the county administrator and he indicated that he would not allow the county to go forward with providing water to that special service area until the Village entered into some type of contract for Sheriff services. Three Lake County Villages are the only ones that do not have contracts.

Attorney Ferolo and Mayor Urlacher felt that this would be a great issue for the new Village Administrator to address as soon as he begins working for the Village.

Mayor Urlacher updated the Board on his conversations with the Lake County Chairman, and that there has been no progress.

Discussion ensued.

c. Assault Weapons Ban Ordinance

Mayor Urlacher updated the Board on the upcoming state law regarding concealed weapons and the imminent passage of a ban on assault weapons and concealed carry. Attorney Ferolo continued with background the timeline; the Village having 10 days to pass an ordinance. A village ordinance was crafted based upon their research and modeled after the Oak Park, Illinois ordinance.

Discussion ensued and comments from the following residents were presented:

- Tom Heinz of 27157 St. Marys Rd; against the ordinance
- Dr. Richard Fantus of 14253 Riteway Rd; against the ordinance
- Denis Bohm of 600 Riverwoods Rd; against the ordinance
- Mary Widdes of 14080 Old School Rd; for the ordinance
- Pam Fantus of 14253 Riteway Rd; against the ordinance

Mrs. Fantus also stated that the Village should put its focus on local issues like bike helmet safety.

After further discussion it was moved by Trustee Towne, seconded by Trustee Lane to approve "An Ordinance Amending Chapter 7 of the Mettawa Code of Ordinances in Relation to the Regulation of Assault Weapons"

Upon a call of the roll, the following voted:

Aye: None

Nay: Trustees Brennan, Clark, Lane, Maier, and Towne

Mayor Urlacher declared to motion defeated

d. Update: State Law Regarding Distribution of Cannabis

Attorney Ferolo updated the Board on the status of Cannabis law which, if approved, will go into effect January 1, 2014. He explained some specifics of the legislations as it pertains to Village zoning and restrictions and placement of growing and dispensing facilities

e. Discussion Regarding Giving Oak and Other Native Trees to Residents as a Way of Helping Reforest the Village of Mettawa; Possibly through the Village Tax Rebate Program

Mayor Urlacher explained the idea as put forth for preliminary consideration by Trustee Towne. After discussion regarding the ability to grow oaks, the matter was continued to the next Board meeting and resident input.

f. Other Matters: No other matters were presented for discussion

g. Building Report

Mayor Urlacher thanked Trustee Towne and Mr. Anderson for their report and with no questions being asked, placed it on file.

2. **UNFINISHED BUSINESS:** None presented

3. **NEW BUSINESS**

a. Approval of **“An Ordinance Ascertaining the Prevailing Rate of Wages For laborers, Workers and Mechanics Employed on Public Works Projects in the Village of Mettawa”** being **Ordinance No. 741**

Upon a call of the roll, the following voted:

Aye: Trustee Brennan, Clark, Lane, Maier and Towne

Nay: None

Mayor Urlacher declared the motion carried

b. Approval of Recommendation on Village Billing Consultant Dorothy O’Mary: Motion approved under Finance Committee: G.1.a

c. Approve the Bid and Contract From Ehlers & Juhrend of Park City, Illinois in an Amount to be Paid the Village of \$207,000.00 with a \$31,000.00 reserve held for Bradley Road repairs during work; for Berm Construction at Oasis Park on the south-east corner of Bradley Road and the Tollway Oasis Access Road, Mettawa; Pending Legal Review:  
Motion approved under Parks and Recreation: G.3.b



- d. Approval of a Proposal From Teska Associates of Evanston, Illinois to Prepare Conceptual Park Master Plan Options for Whippoorwill Farm Park and Preserve for the Village of Mettawa in an Amount Not to Exceed \$4,450.00 Pending Legal Review  
Motion approved under Parks and Recreation: G.3.a
  
- e. Approval of Finding of Facts and Recommendation from Zoning, Planning and Appeals Commission: Case No. 13-TA-1: Approval of Text Amendments Regarding: 1) special user penalty provisions, 2) area standards in the R-1 Single Family Residence District, 3) the treatment of nonconforming buildings and uses, and 4) notice standards for applications for zoning relief and direction to the Village Attorney to draft an Ordinance consistent with the ZPA recommendation.

AND

- f. Approval of a Request by the Zoning, Planning and Appeals Commission for a referral to the ZPA to consider bulk and height regulations for structures in the R-1 and R-1 Single Family Residence Districts.

It was moved by Trustee Clark, seconded by Trustee Brennan to refer items “e” and “f” to the Building Department and Trustee Towne for further investigation and input to the Board at the July Board meeting.

This motion was approved under the Parks and Recreation Committee, G.3.b.

- g. Approval of an Ordinance Amending Chapter 7 of the Mettawa Code of Ordinances in Relation to the Regulation of Assault Weapons.  
This item was taken up under the Mayor’s Report H.1.b and did not pass.
  
- h. A Resolution Authorizing the Village President and Clerk to Execute a Real Estate Contract for the Purchase of Approximately 19 Acres of Property Located at 701 Riverwoods Road, Mettawa, Illinois.

It was moved by Trustee Brennan, seconded by Trustee Maier to approve “**A Resolution Authorizing the Village President and Clerk to Execute a Real Estate Contract for the Purchase of Approximately 19 Acres of Property Located at 701 Riverwoods Road, Mettawa, Illinois**” being **Resolution No. 13-12**

Upon a call of the roll, the following voted:

Aye: Trustees Brennan, Clark, Lane, Maier and Towne  
Nay: None

Mayor Urlacher declared the motion carried.

**I. EXECUTIVE SESSION:**

At 9:09 PM., it was moved by Trustee Brennan, seconded by Trustee Maier to recess to a closed Executive Session for the purpose of discussion of land acquisition, possible and imminent litigation, and approval of Executive Session minutes

Upon a call of the roll, the following voted:

Aye: Trustees, Brennan, Clark, Lane, Maier and Towne

Nay: None

Mayor Urlacher declared the motion carried and the Board recessed to Executive Session

**J. CALL TO RECONVENE**

At 10:00 PM Mayor Urlacher reconvened the public portion of the meeting.

Upon a Call of the roll, the following were:

Present: Trustees Clark, Lane, Maier, Towne and Mayor Urlacher

Absent: Trustees Brennan and Armstrong

Mayor Urlacher declared a quorum present

**RECESS TO EXECUTIVE SESSION:**

At 10:04PM, it was moved by Trustee Lane, seconded by Trustee Maier to re-recess to Executive Session for the purpose of discussion of personnel

Upon a call of the roll, the following voted:

Aye: Trustees Clark, Lane, Maier and Towne

Nay: None

Mayor Urlacher declared the motion carried and the Board recessed to Executive Session.

**RE- RECONVENE**

At 10:08 PM, Mayor Urlacher re-reconvened the public portion of the meeting.

**K. ROLL CALL**

Upon a call of the roll, the following were:

Present: Trustees Clark, Lane, Maier Towne and Mayor Urlacher

Absent: Trustee Armstrong and Brennan

Mayor Urlacher declared a quorum present.

Also present: Attorneys James V. Ferolo and Gregory T. Smith of Klein, Thorpe & Jenkins and Village Clerk, Cathy Nelson

**L. MATTERS REQUIRING ACTION AS A RESULT OF THE EXECUTIVE SESSION**

No matters presented requiring action

**M. ITEMS TO BE REFERRED:** No items were referred

1. Oak Trees for Reforestation referred to Parks and Recreation Committee
2. Zoning Findings of Fact and Recommendations referred to Building Department
3. Village Hall Options and costs referred to Finance Committee

**N. FOR INFORMATION ONLY:** No items discussed

**O. ADJOURNMENT**

With no further business to conduct, it was moved by Trustee Clark, seconded by Trustee Lane that the meeting be adjourned.

In Favor: All

Opposed: None

Mayor Urlacher declared the motion carried and the meeting adjourned at 10:08 PM

Cathy Nelson, Village Clerk